



# Prattsburgh wind deal

## New info calls statements into question

*By Mary Perham, October 18, 2008*

BATH - New court documents appear to contradict sworn statements by Prattsburgh Supervisor Harold McConnell about his involvement in a windfarm land deal. Kevin Bernstein, attorney for Windfarm Prattsburgh, submitted additional information about the transaction Monday to state Supreme Court Justice Marianne Furfure.

McConnell, a real estate agent, is under fire for voting on issues involving the wind developer after he received payments for his role in selling property to Windfarm Prattsburgh. McConnell has maintained the payments were for token assistance and should not have prevented him from voting twice in favor of eminent domain proceedings on behalf of the energy company.

Bernstein's report indicates McConnell was actively involved in the sale, but still maintains McConnell's votes were proper. The transaction is at the heart of the on going lawsuit charging McConnell with violating codes of ethics. McConnell was paid \$1,900 for his role in the transaction late last year, several months before the town board began to consider eminent domain proceedings.

Windfarm Prattsburgh's parent company, First Wind, requested the board consider seizing sections of road owned by eight property owners needed to lay underground transmission lines for the 36-turbine project. But board members deadlocked on both the proposal to hold a public hearing on eminent domain in April, and a second proposal in June to begin the proceedings. McConnell's votes broke 2-2 ties, despite requests by board members he abstain because he received money for the earlier land sale. According to McConnell's sworn affidavit Aug. 21, he "had little or nothing to do with the transaction at all."

In the affidavit, Mc-Connell said he was approached by a Windfarm Prattsburgh representative and asked for advice on how to acquire the land. Mc-Connell said he recommended the Nothnagle agency in Naples and acted largely as a messenger after that. But Bernstein's report says McConnell completed the initial purchase agreement form for \$65,000, then prepared, delivered, and reviewed a revised offer, acted as an intermediary between First Wind, then known as UPC Wind, and Nothnagle. McConnell is listed on the Oct. 26, 2007 final offer as the "selling agent" along with Nothnagle, according to Bernstein's document.

The new report confirms McConnell's statement he was first told he would not receive a commission, then later received money for his work. Bernstein said the windfarm developer did not have formal agreements with Mc-Connell and did not pay him to influence his votes. Mc-Connell's consistent support of the project shows there was no conflict, Bernstein said. First Wind spokesman John LaMontagne said the firm had no comment on ongoing litigation.

McConnell claimed he was unaware of the new report, adding: "To the best of my knowledge, I stand by what I said." But McConnell could face new legal charges, ranging from a misdemeanor count of filing a false written statement to first-degree perjury, a Class D felony.

Town Councilman Chuck Shick said he has written to county District Attorney John Tunney asking for an investigation into Mc-Connell's sworn affidavit, and may also consult with state police. Shick said Bernstein's move was "extraordinary."

The new submission also could affect other litigation pending against First Wind and other agencies. Last July, the state Attorney General's office announced an investigation into alleged improprieties by two wind developers, including First Wind and its dealings in Prattsburgh.

"I just talked to the (attorney general's office)," Shick said. "And they are absolutely interested in this. Absolutely."