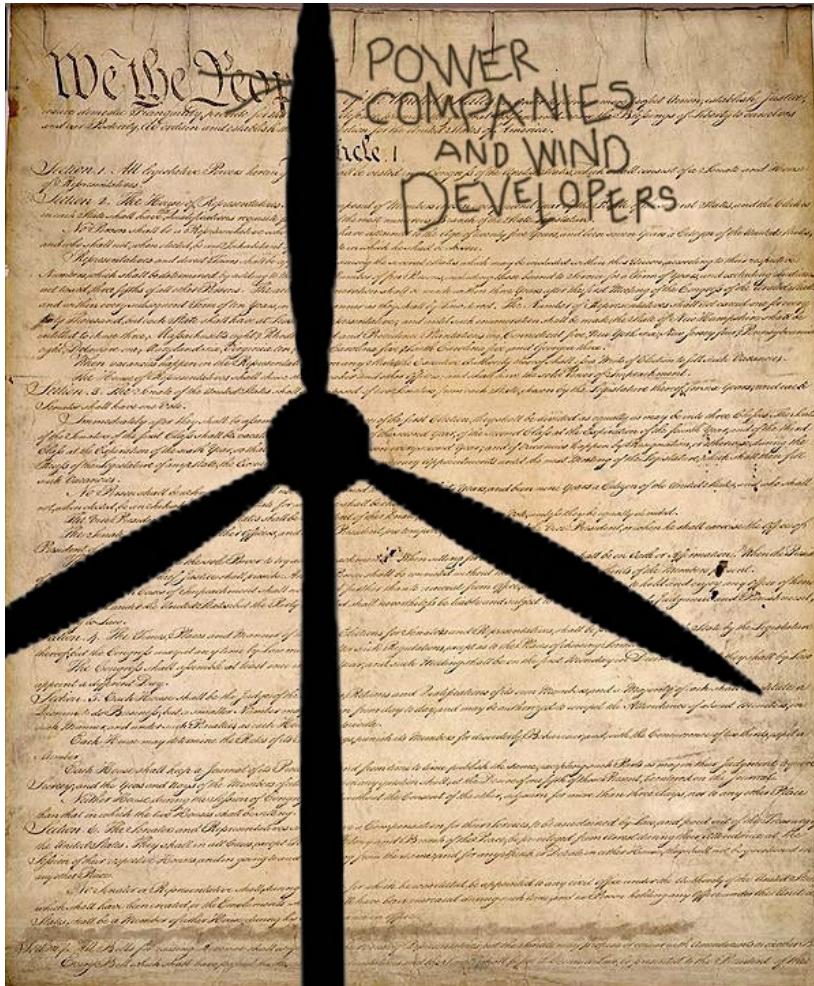


# EMINENT DOMAIN: Do they have what it takes to take what you have?



## Ask the people in Prattsburgh, NY

On May 21, 2008 nearly 150 people attended a public hearing in Prattsburgh on a proposal for the town to seize the roadway owned by seven residents. The properties are needed for a 100-mile underground electrical cable system for the 36-turbine wind farm being developed by UPC (now "First") Wind.

Don't believe it? [Click here](#) to read more. Or [click here](#) to watch a video of residents faced with having their land taken in order to accommodate an industrial wind farm. Or click on each name of those giving testimony to link to video of that testimony.

### [FROM THE TESTIMONY OF RESIDENT RON IOCONO](#)

When you had the eminent domain hearing April 21<sup>st</sup>, [I received] a certified letter that was postmarked on the 17<sup>th</sup>, a Thursday. By the time I received this letter on Monday the 21<sup>st</sup> I would have had to have driven 350 miles in six hours to attend the hearing. Right now what's taking place in this town affects people all across the United States. Eminent domain is a very serious issue – nobody's property is safe.

### [FROM THE TESTIMONY OF EDWARD CERRA](#)

If you think a project of this magnitude is accepted by the residents of Prattsburgh, then why wasn't this put up for a general vote by the residents? The reason is because you all know it never would have passed. A man's land and his home are second only to his family. I hope you realize the Pandora's box you are opening over this eminent domain. The magnitude of the power you are authorizing is beyond expression. Whether you are for the turbines or not, authorizing eminent domain will affect every member of this community.

What's next for eminent domain issues? Gas companies are pounding on our doors as we speak for easement rights. If I say no, they're going to come running to this board and request eminent domain. You do it for one, then the precedent is set for all other corporate giants to hand this board a bauble and get their way.

#### [FROM THE TESTIMONY OF CARL RAYMOND](#)

Was it proper to threaten property owners with eminent domain before the April 22 meeting? Because two of my neighbors were threatened, and eventually did sign easements. One of my neighbors did not cave in, but she was also threatened with eminent domain before it was even discussed in a public hearing. It's a question of ethics, and what's right and what's wrong. And for foreign owned companies to come into this community and tell people they're going to take their land, U.S. property, because of eminent domain, is not right.

#### [FROM THE TESTIMONY OF STEPHANIE LIPP](#)

Prattsburgh is indeed economically and socially depressed. It has been for many years. It's clear that's one of the main reasons members of the board have signed host agreements with industrial wind turbine corporations that promise to bring such growth and positive changes.

If the wind farms are allowed to come here based on eminent domain, it will truly be a miscarriage of justice. The streets of this village will be paved with gold if what [developer] First Wind is promising is true. You have only to look at other communities where they have built, and then left, to know that will not be the case.

I urge everyone who believes this power is clean or green to do your own research. You really don't have to dig very far to see the truth. It's important for all of you to know that many who oppose industrial wind turbines are very committed to the earth and trying to reduce our personal carbon footprints, reducing our consumption, using solar, or photo voltaics, which doesn't hurt your neighbors.

#### [FROM THE TESTIMONY OF JUDITH HALL](#)

This is not about turbines or no turbines this is about fundamental rights of all property owners. ....The night you passed the resolution [for eminent domain] the entire presentation by UPC was about eight properties along Fisher Road. When the resolution was read, it encompassed the whole project area.

#### [FROM THE TESTIMONY OF CARL WAHLSTROM](#)

There are just three Prattsburgh residents [who will benefit from the wind farm] – Mr. Taylor, the Jensions, and the Smiths. Ms. Jenson made a statement at a public hearing and she mentioned she had lived around wind turbines and it wasn't bad, that you get used to them. After the hearing my wife and I approached her and asked how close she had lived to the turbines. She replied, "Around twenty miles away."

#### [FROM THE TESTIMONY OF NANCY WAHLSTROM](#)

Taking land from individuals to push through this project is disgraceful.... we know that only

three people with wind turbines actually live in Prattsburgh. We know all 170 adjacent landowners whose property will be devalued will result in harm to the entire tax base of this town...

We need confirmation that any insurance that is provided through UPC project is aware of the setbacks of this project and that they are within what has been determined to be a hardhat area for Vestas turbines, 1300 feet, and does not meet GE manufacturers specifications for safety.

#### FROM THE TESTIMONY OF BROOKE PREVEAR

Last month I was informed of the town boards intent to use eminent domain in order to complete UPC's wind farm project. I attended the April 21<sup>st</sup> town board meeting. The main focus of this meeting was on eight parcels of land in which eminent domain would be used in order complete UPC's project. It was stated that the owners of these properties had been sent certified letters informing them of the vote to be held that evening. The eight properties discussed are positioned on Rosie Hill, Block School, Fisher and Cook School Roads. Those are four roads.

Just prior to voting, the resolution was read. Rather than listing the eight properties discussed during the meeting, the resolution gave approval for eminent domain to be used on any property positioned along those four roads as well as four additional roads that were not mentioned once during the meeting. I find this exclusion of information very deceiving. My property happens to be located on one of those roads. I am directly affected by the town boards vote to use eminent domain but I've received no notification regarding this matter. No certified letter inviting me to attend a meeting in which a vote was held to condemn my land. It concerns me that the town board would or could pass a resolution of such magnitude without contacting all the landowners who would be directly affected by it. It also concerns me that a resolution of this magnitude is being passed in favor of UPC, a private corporation, not a public utility. In fact at the April 21<sup>st</sup> meeting, UPC was asked, and refused to reveal their wind data. How can we consider this project a benefit to the community when UPC won't disclose their supporting data?

#### FROM TESTIMONY OF STEVE TRUDE

What's really surprising about eminent domain is what it's doing to your community – it's ripping you apart. What it's also doing, which is not listed in any of the studies is people's health or welfare, or any health effects from emotional stress due to an eminent domain situation.... What we're doing here is setting a precedent for the rest of the state. All these wind farms, which you know are coming in all over the state now, are going to use anything possible to get the job done. ... Is any amount of money worth it?

#### FROM THE TESTIMONY OF ALAN ISSELHARD

The beneficiaries of Prattsburgh's eminent domain actions are not the general public, as required by eminent domain laws, the fundamental justification for exercising property condemnation and acquisition has not been met. ...This eminent domain action will benefit only the wind developer and not the community at large.