

Councilman must comply

with subpoena

JOSH JOCK
The Telegram

State of New York Supreme Court Judge David Demarest has returned a written verdict denying the attempt to quash a subpoena issued to Burke Town Councilman David Vincent.

"The petitioner is, in all respects, denied," Demarest wrote, in

a decision released Wednesday.

The subpoena issued to him by a Franklin County Court grand jury seeking "any and all correspondence, e-mails, contracts, receipts, leases, easements, purchase agreements, options or communications between David Vincent and Noble Chateaugay Windpark, Noble Energy, Jericho Rise Wind Farm,

Burke Wind Power for 2006, 2007, and 2008," according to the court documents.

"The Grand Jury is apparently investigating allegations of possible criminal conduct in the siting of wind farms in Franklin County," Demarest wrote.

Vincent's attorney, Brian Barrett had requested that the

subpoena be quashed because it "was made in bad faith and is requesting evidence which is tantamount to a fishing expedition." Barrett said the subpoena was issued by Franklin County District Attorney Derek Champagne in "bad faith for an inquisitorial purpose," according to court documents.

Demarest wrote that grand jury subpoenas are presumptively valid and can only be quashed by proving an act of impropriety or bad faith. The party seeking to quash such a subpoena must demonstrate the documents sought have no conceivable relevance to any legiti-

mate object of investigation.

"Other than bald assertions by the petitioner that the production of these documents might tend to incriminate him, there is nothing

before me now to support that assertion, or that any other constitutional right will be violated. The documents sought involve negotiations leading to a public conveyance of a property right," Demarest wrote.

"They are legitimate business records."

Demarest had reserved his decision pending submission of a memorandum of law on the motion supporting the arguments made by Barrett.

Because Champagne was a named party in the proceedings, Chief Assistant District Attorney Jack Delehanty represented him in court. Delehanty said he expected the decision.

"We anticipated such and

now the grand jury will hopefully be able to proceed with its business," Delehanty said.

He also said he anticipates the issue of a new subpoena to Vincent.

"The last subpoena was

for a date on May first," Delehanty said. "We hope his attorney will advise his client to comply with subpoena."

The grand jury is scheduled to meet on May 15.

Noble provides \$50,000 for NCCC program

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Noble Environmental Power will provide \$50,000 to North Country Community College (NCCC) to design a two-year degree and training program in Alternative Energy, the college announced Wednesday.

Franklin County Industrial Development Agency (IDA) Executive Director Brad Jackson said the \$50,000 allocation resulted from Payment In Lieu Taxes (PILOT) negotiations between Noble and Franklin County legislators last year.

When the agreement was made, it was suggested that a portion of the funds be devoted to supporting a degree program in renewable energy and a training program devoted to wind power technology at NCCC.

According to a news release issued by the college Wednesday, the main focus of the degree and training program will at first be wind power, addressing the growing demand in Franklin County's job market.

"With an estimated 500 wind turbines to be on line over the next few years, properly trained technicians in this highly specialized field will be needed to meet the growing demand and to ensure continued economic development of this fast-growing regional industry," according to the release.

Low-end hydro power and solar energy will be the focus of a future expansion in the program.

"Public-private and industry-academic partnerships such as this are essential to position any region into the innovation economy," said Jackson in a prepared statement. "The agency's comprehensive strategy speaks to several industry opportunities throughout the county in alternative energy, wood products and bio-technology."

Through this new program, the IDA and NCCC have partnered to position the region as an industry leader in the area of alternative energy; in reaching that goal, both have committed extensive resources to provide long and short-term economic benefits to the county.

"We are excited to be working with Noble Power, a national leader in alternative energy," said NCCC President Dr. Gail Rogers Rice. "NCCC has an exceptional reputation in the development of degree and training programs that offer area residents professional education in fields that are appropriate to the area job market."

"I hope the county leadership will join us in financing these essential economic development initiatives. The lesson learned from the St. Lawrence Natural Gas line project is that a relatively little amount of local capital can leverage a substantial amount of private and (state and federal) public funding. It is these types of investments that will position Franklin County in the long run for sustained job creation," Jackson said.

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