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January 2, 2019

**Via Regular Mail and Email [judith.malkin@ag.ny.gov](mailto:judith.malkin@ag.ny.gov)**

Assistant Attorney General Judith Malkin  
State of New York, Office of the Attorney General - Syracuse, NY  
615 Erie Boulevard West  
Suite 102  
Syracuse, NY 13204

**Re: Conflicts of Interest and Potential Violation of Code of Conduct Agreement  
Between Heritage Wind, LLC, and the New York State Attorney General's Office**

Dear Assistant Attorney General Malkin,

I write on behalf of Clear Skies Above Barre, Inc. ("CSAB"), a citizens' group located in Orleans County, New York. As concerned citizens of the Town of Barre (the "Town"), we write to alert you to Heritage Wind, LLC's ("Heritage Wind") potential violations of a Code of Conduct Agreement it signed with the Attorney General on April 29, 2016 (the "Agreement"). A copy of the Agreement is attached as "Exhibit A".<sup>1</sup> We believe Heritage Wind may have violated numerous provisions of the Agreement by:

1. Failing to properly update a list of Town officials who have a personal or family interest in a wind lease or other agreement with Heritage Wind;
2. Working with conflicted town officials who have failed to recuse themselves from official duties relating to Heritage Wind, and seeking the passage of beneficial legislation by conflicted municipal officers;
3. Improperly offering wind leases to municipal officers or their relatives without prior recusal;

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<sup>1</sup> A copy of the Agreement (Exhibit A) is also *available at* [https://d3n8a8pro7vhmx.cloudfront.net/heritagewindpower/pages/75/attachments/original/1462217277/160429\\_Code\\_of\\_Conduct\\_Agreement.Signed.pdf?1462217277](https://d3n8a8pro7vhmx.cloudfront.net/heritagewindpower/pages/75/attachments/original/1462217277/160429_Code_of_Conduct_Agreement.Signed.pdf?1462217277).

4. Failing to publish or serve a conflict disclosure list in accordance with the Agreement; and
5. Potentially failing to inform the Town Attorney of municipal officer conflicts of interest.

We believe these violations are serious, and request that the Attorney General's Office open an investigation to confirm whether these violations have occurred. We believe Heritage Wind must be held accountable for attempting what amounts to a corporate takeover of the Barre town government. It is our understanding that the Attorney General can collect penalties of up to \$100,000.00 per violation of the Agreement.

### **Background**

As a preliminary matter, a brief background of the Heritage Wind project follows:

- The proposed project (Department of Public Service Case # 16-F-0546) is being sponsored by Heritage Wind (the "Project"), which is owned by Apex Clean Energy ("Apex"). Apex has many other proposed industrial wind energy projects around New York. The Heritage Wind project would convert a large portion of Barre's rural and agricultural community into an industrial facility hosting 600 foot tall wind turbines, power lines, and other industrial facilities.
- On April 29, 2016, Apex signed a Code of Conduct for Wind Farm Development agreement with the New York State Attorney General (Exhibit A). The Agreement prohibits various actions by Apex and Heritage Wind that the Attorney General considers improper or unethical, and requires public disclosure of the conflicts of interest of municipal officials of the Town of Barre.
- Heritage Wind commenced the Article 10 review process for the Project on September 23, 2016. Article 10 is the statewide process for siting large power plants. All documents filed in the case are available on the Department of Public Services' website.<sup>2</sup>
- In March of 2017, the Town of Barre sent me a letter (the "March 2017 Letter") about a public hearing for a Meteorological Evaluation Tower ("MET") associated with Heritage Wind. The Town sent the March 2017 Letter because my property adjoins the property where one of the MET towers is located. Other residents who attended the meeting were assured by the town government there was no need for alarm. Residents were told the

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<sup>2</sup> The Department of Public Service website is *available at* <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-f-0546&submit=Search>.

MET towers were just to gather information to determine whether the Project could move forward.

- A short time later, on March 29, 2018 I received another letter stating that (1) Heritage Wind had submitted its Preliminary Scoping Statement (the “PSS”) for the Project and (2) the public had until April 6, 2018 (just over a week, with Easter in between) to review and reply to the PSS, which was over 188 pages long. At that point my neighbors and I started asking questions and learning as much as we could about the Project, the Article 10 process, and what role we could play.
- On April 12, 2018 I joined forces with other concerned citizens and formed CSAB to help raise public awareness and concerns about the proposed Heritage Wind Project. CSAB currently has 63 members, and hopes to attract new members during an open house scheduled for January 12, 2019.

Since forming, CSAB has identified several different areas of concern with respect to the Heritage Wind / Apex Project. One of our primary concerns is the uncomfortably close relationship between Heritage Wind and many members of the Barre town government. However, we lack the resources to investigate these issues effectively, and therefore ask the Attorney General’s Office to help the residents of Barre by investigating the conduct described in this letter. CSAB is concerned the conduct of Heritage Wind, Apex, and various Barre town officials violates the Code of Conduct Agreement and other state laws.

**Factual Basis for CSAB’s Concerns about Conflicts of Interest and Potential Violations of the Code of Conduct Agreement.**

CSAB is concerned the following conduct may represent violations of the Agreement or state law. The potential violations are organized by reference to applicable sections of the Code of conduct Agreement.

***1. Failure to update Conflict of Interest Disclosure List.***

Section I.1 of the Agreement (Conflict of Interest- Prohibited), provides:

The Wind Company shall not knowingly, directly or indirectly offer to, or confer on, a Municipal Officer, his or her Relative, or any third party on behalf of such Municipal Officer, during the Municipal Officer's public service or for a period of two years after termination of such Municipal Officer's service, any benefit,

including gifts<sup>3</sup>, employment, compensation for services, or honorariums exceeding more than \$15 in aggregate in any one year period, unless such Municipal Officer recuses him- or herself from any official duties in connection with the Wind Company's Wind Farm Development. Accordingly, any compensation provided by the Wind Company to such Municipal Officer, his or her Relative, or third party on behalf of such Municipal Officer or Relative, shall be contingent on such prior recusal and the Wind Company shall disclose in writing to the NYAG any agreement that is contingent on such recusal. For the purpose of this paragraph only, "official duties in connection with the Wind Company's Wind Farm Development" do not include the non-discretionary duties of a Town Clerk or Tax Assessor.

*See Agreement (Exhibit A) at §I.1, at page 2.*

On June 19, 2017, Apex filed a disclosure list in accordance with § I.1. *See New York State Attorney General Code of Conduct Disclosure List, dated June 19, 2017 (the “Disclosure List”), which is attached as “Exhibit B.”*<sup>4</sup> According to the Disclosure List, at least six Municipal Officers of the Town of Barre have a conflict of interest with respect to this project (the “Conflicted Municipal Officers”). These officers include:

- Sean Pogue (Town Supervisor, Town of Barre);
- Larry J. Gaylard (Town Board Member, Town of Barre);
- Kirk L. Mathes (Planning Board Member, Town of Barre);
- Jean C. Peglow (Planning Board Member, Town of Barre);
- Paul Gillette (Planning Board Member, Town of Barre); and
- Richard S. Miller (Zoning Board of Appeals Member, Town of Barre).

Exhibit B.

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<sup>3</sup> For purposes of the Agreement, the term “Gift” is defined as “anything having more than a nominal value, whether in the form of money, service, loan, investment, travel, entertainment, hospitality, or in any other form, and includes an offer to a charitable organization at the designation of the Municipal Officer or at the designation of his or her Relative. ‘Gift’ does not include educational materials provided to Municipal Officers by the Wind Company in connection with Wind Farm Development in New York State.” Agreement at §V.5, at page 8.

<sup>4</sup> A copy of the Disclosure List (Exhibit B) is also *available at* [https://d3n8a8pro7vhmx.cloudfront.net/heritagewindpower/pages/75/attachments/original/1518382621/Heritage\\_NYAG\\_Code\\_DisclosureList\\_20180108\\_Co.pdf?1518382621](https://d3n8a8pro7vhmx.cloudfront.net/heritagewindpower/pages/75/attachments/original/1518382621/Heritage_NYAG_Code_DisclosureList_20180108_Co.pdf?1518382621).

In addition, we believe that Planning Board Member Kurt Dudley has an undisclosed conflict of interest because his sister (Kerry Panek) and brother-in-law (Jim Panek) own Panek Farms and/or Panek Family LLC, which entered into a lease agreement with Heritage Wind. The basis of this belief is a lease agreement between Panek Family LLC and Heritage Wind LLC, signed March 6, 2018, and filed in the Orleans County Clerk’s Office on August 7, 2018 at Liber 00858 of Deeds at page 2839 (filing number 99188) (the “Panek Agreement”). To our knowledge Heritage Wind has not updated the Disclosure List to identify Kurt Dudley as a Conflicted Municipal Officer.

Heritage Wind’s failure to update the Disclosure List to identify Planning Board Member Dudley as a Conflicted Municipal Officer demonstrates that Heritage Wind has not complied with its obligations under the Agreement to report conflicts of interest. Accordingly, we ask the Attorney General’s Office to further investigate: (1) whether the failure to report conflicts of interest violates the Agreement; and (2) whether there are any other undisclosed conflicts of interest that may violate the Agreement.

**2. *Failure of Conflicted Municipal Officers to recuse themselves from official duties in connection with Heritage Wind.***

Multiple Barre officials have repeatedly failed to recuse themselves from official duties (including votes) connected to Heritage Wind. For example, Supervisor Pogue is listed as a Conflicted Municipal Officer, but he has repeatedly denied having a conflict of interest, and has refused to recuse himself from official proceedings related to the Heritage Wind project. CSAB requests the Attorney General investigate whether Supervisor Pogue’s actions violate the law, or the additional actions by Conflicted Municipal Officers listed below, violate the Agreement or other applicable state laws.

**Table 1: Catalogue of Official Duties Connected to Heritage Wind Carried Out by Conflicted Municipal Officers**

<b>Date</b>	<b>Meeting Type</b>	<b>Conflicted Municipal Officer(s) Involved</b>	<b>Nature of Violation</b>
November 14, 2016	Planning Board Meeting <sup>5</sup>	(1) Planning Board Member Kirk Mathes	Planning Board Member Mathes participated in discussions regarding the MET towers for Heritage Wind.

<sup>5</sup> The Minutes from the Town Planning Board Meeting of the Town of Barre on November 14, 2016 are attached as Exhibit “I.”

December 12, 2016	Planning Board Meeting <sup>6</sup>	(1) Planning Board Member Kirk Mathes	Planning Board Member Mathes participated in discussions regarding the MET tower applications for Heritage Wind
February 8, 2017	Town Board Meeting <sup>7</sup>	(1) Councilman Larry Gaylard	Councilman Gaylard voted in favor of a motion to approve the MET tower application for Heritage Wind. The vote was 3-0. If Councilman Gaylard had recused himself then the Town Board would not have had a quorum and would have been unable to pass the resolution (Resolution #13).
June 12, 2017	Planning Board Meeting <sup>8</sup>	(1) Planning Board Member Kirk Mathes	Planning Board Member Kirk Mathes participated in discussions regarding Heritage wind and detailed his discussions with Mr. Yasman (a representative of Apex), other members of Apex, and the Town Board regarding the process for siting the wind turbines under Article 10.
February 14, 2018	Town Board Meeting <sup>9</sup>	(1) Councilman Larry Gaylard	Councilman Gaylard seconded a motion to hold 2 special board workshops to discuss, among other things, Heritage Wind. Councilman Gaylard also voted in favor of that motion.
April 9, 2018	Special Town Board Meetings <sup>10</sup>	(1) Supervisor Sean Pogue; and	Supervisor Pogue and Councilman Gaylard attended executive session convened by the board to have discussions with Jim Whipple from the Orleans

<sup>6</sup> The Minutes from the Town Planning Board Meeting of the Town of Barre on December 12, 2016 are attached as Exhibit “J.”

<sup>7</sup> The Minutes from the Town Board Meeting of the Town of Barre on February 8, 2017 are attached as Exhibit “C.”

<sup>8</sup> The Minutes from the Town Planning Board Meeting of the Town of Barre on June 12, 2017 are attached as Exhibit “K.”

<sup>9</sup> The Minutes from the Town Board Meeting of the Town of Barre on February 14, 2018 are attached as Exhibit “D.”

<sup>10</sup> The Minutes from the Special Town Board Meeting of the Town of Barre on April 9, 2018 are attached as Exhibit “E.”

		(2) Town Board Member Larry Gaylard	<p>County Economic Development Agency regarding the Heritage Wind Project.</p> <p>Supervisor Pogue called and attended the special meeting, and voted to enter and exit executive session.</p> <p>Councilman Gaylard both seconded the motion to enter executive session and voted to do so. Councilman Gaylard made the motion to leave executive session and voted to do so.</p>
April 11, 2018	Town Board Meeting <sup>11</sup>	(1) Supervisor Sean Pogue; and (2) Town Board Member Larry Gaylard	<p>Supervisor Pogue and Councilman Gaylard both voted to hold a public hearing on Heritage Wind’s application for Special Use Permits and Site Plan Review for MET towers associated with Heritage Wind.</p> <p>Supervisor Pogue also discussed his role in submitting local nominations for ad hoc appointments to the State Siting Board, the body that will ultimate approve or deny a Certificate for Heritage Wind.</p> <p>Supervisor Pogue and Councilman Gaylard also voted to enter executive session to discuss which board members may be conflicted in actions involving Apex or Heritage Wind. However, the board had previously announced that Councilman Gaylard had a conflict. Supervisor Pogue and Councilman Gaylard also voted to leave that executive session.</p>

<sup>11</sup> The Minutes from the Town Board Meeting of the Town of Barre on April 11, 2018 are attached as Exhibit “F.”

April 16, 2018	Special Town Board Meeting <sup>12</sup>	(1) Supervisor Sean Pogue; and (2) Town Board Member Larry Gaylard	<p>Attended executive session of town board meeting convened specifically to complete and sign the SEQR review for MET towers for Heritage Wind.</p> <p>Supervisor Pogue called and attended the special meeting.</p> <p>Councilman Gaylard seconded the motion to allow Supervisor Pogue to sign the SEQR report, which represents a negative declaration of environmental significance, for two MET towers for Heritage Wind. Both Councilman Gaylard and Supervisor Pogue voted in favor of the motion.</p> <p>Councilman Gaylard made a motion to hold a public hearing on the MET towers special use permit. Both Councilman Gaylard and Supervisor Pogue voted in favor of the motion.</p>
May 9, 2018	Town Board Meeting <sup>13</sup>	(1) Planning Board Member Kirk Mathes; and (2) Planning Board Member Jean C. Peglow	<p>Planning Board Members Jean C. Peglow and Kirk Mathes participated in discussions regarding the MET towers for the wind Projects.</p>
June 13, 2018	Town Board Meeting <sup>14</sup>	(1) Supervisor Sean Pogue	<p>Supervisor Pogue voted in favor of a motion to approve the Special Use Permit Applications submitted by Apex/Heritage Wind for meteorological towers at 5140 Angevine Road and on Root Road.</p>

<sup>12</sup> The Minutes from the Special Town Board Meeting of the Town of Barre on April 16, 2018 are attached as Exhibit “G.”

<sup>13</sup> The Minutes from the Town Board Meeting of the Town of Barre on May 9, 2018 are attached as Exhibit “L.”

<sup>14</sup> The Minutes from the Town Board Meeting of the Town of Barre on June 13, 2018 are attached as Exhibit “H.”



June 13, 2018	Town Board Meeting <sup>15</sup>	(1) Planning Board Member Kirk Mathes	Planning Board Member Kirk Mathes participated in discussions regarding the MET towers for the wind Projects.
December 11, 2018	Special Town Board Meeting <sup>16</sup>	(1) Councilman Larry Gaylard (2) Supervisor Sean Pogue	A special Barre Town Board meeting was held with minimum notice to public. During the meeting, only three Board Members were present, two of which are Conflicted Municipal Officers. Supervisor Pogue and Councilman Gaylard voted to enter confidential executive session to conduct “contract negotiations” with a representative of Apex. CSAB believes Apex’s request to modify the Town’s wind zoning law was discussed during this illegally convened executive session, but cannot confirm this because the public was illegally excluded from conversations between the town and an private party concerning changes to the Barre Zoning Law.

Moreover, during the August 1, 2018 Town Board Workshop, Supervisor Pogue asked the other Town Board Members if they would be attending a dinner sponsored by Heritage Wind on Tuesday, August 7, 2018.<sup>17</sup> Supervisor Pogue encouraged all Town Board Members to attend, and stressed that each of them should have received invitations in the mail, like he did. We cannot confirm which Municipal Officers actually attended this dinner because we were not present, and are unsure whether the Town Board members paid for their dinner and drinks, or whether Board Members were given any other thing having more than a nominal value, whether in the form of money, service, loan, investment, travel, entertainment, hospitality, or any other form.

Based on the circumstances described above and in the attached exhibits, we request the Attorney General investigate: (1) whether the conduct of municipal officials described above violates state law; (2) whether the conduct described above reveals violations of the Agreement

<sup>15</sup> See Minutes from the Town Board Meeting of the Town of Barre on June 13, 2018 (Exhibit H).

<sup>16</sup> The Town has not provided a copy of the minutes for this meeting, and the minutes are not available on the town website.

<sup>17</sup> This request was witnessed by at least two members of CSAB.

that could result in payment of a monetary penalty by Heritage Wind; (3) whether Supervisor Pogue’s conflict of interest and refusal to recuse himself from various official duties relating to Heritage Wind constitutes a violation of the Agreement or applicable law by Heritage Wind or Supervisor Pogue; (4) whether Heritage Wind’s August 7, 2018 Dinner constituted impermissible gifts to Municipal Officers; and (5) whether further recusals are required as a result of the conduct described above and the August 7, 2018 Dinner.

**3. *Improper offers to enter land leases with Municipal Officers or their relatives without prior recusal.***

The Code of Conduct Agreement prohibits Heritage Wind or Apex from either offering or executing agreements with Municipal Officers or their relatives. *See* Agreement (Exhibit A) at §I.1, page 2 (stating that Heritage Wind “**shall not** knowingly, directly or indirectly **offer to**, or confer on, **a Municipal Officer ...[or] his or her Relative ... any benefit**, including gifts, employment, compensation for services, or honorariums ... unless such Municipal Officer recuses him- or herself from any official duties in connection with the Wind Company's Wind Farm Development.”)

We have learned that representatives of Heritage Wind approached Tom McCabe, a Town Councilman, with a land lease for use of his property. Mr. McCabe has informed CSAB he has not signed the offered lease. But even if Mr. McCabe does not have a personal conflict of interest preventing him from engaging in official duties related to Heritage Wind, the mere fact that Apex offered him this lease without his prior recusal clearly violates the Agreement’s prohibition against the mere offering of leases to public officials. *See* Agreement (Exhibit A) at §I.1, page 2.

CSAB has also learned that Apex contacted Cindy Burnside, a Zoning Board of Appeals (“ZBA”) member<sup>18</sup>, on multiple occasions. Apex sought to discuss Ms. Burnside’s interest in participating in a wind lease, and even provided her with a proposed lease. Exhibit N is a letter from Jake Monacelli, a land agent with Apex (the “Apex Letter”) to Ms. Burnside, and Exhibit M is the envelope that transmitted the Apex Letter, which is postmarked February 10, 2017 and addressed to ZBA Member Burnside’s home address, with Apex’s office listed as the return address (the “Envelope”). The handwritten Apex Letter was signed by Mr. Monacelli, and includes several pieces of information specifically identifying Apex / Heritage Wind as the sender. The letter reads:

Dear Mr. and Mrs., Burnside,

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<sup>18</sup> Mrs. Burnside was previously a ZBA alternate member, and is now a full ZBA member.

I'm writing to request the opportunity to meet with you to discuss the Heritage Wind turbine project. Apex Clean Energy is working with the town of Barre to develop a 200 megawatt wind energy project and we would like to gauge your interest in participating through a wind lease. So far I have been unable to contact you and wanted to send a greeting in the mail in the hopes that you will grant me 30 minutes of your time to discuss this proposition via phone or in person. I live locally and am happy to meet you at your home, our office in Albion at 49 North Main St, or wherever is most convenient for your. I hope to hear from you soon!

Regard, Jake Monacelli

*See Apex Letter (Exhibit M). The proposed wind lease itself is visible in the background of Exhibit N.*

Apex's solicitation of Ms. Burnside is troubling because, under the Town of Barre Town Code (the "Town Code"), the ZBA has appellate jurisdiction over several issues related to the Heritage Wind project. For example, the ZBA may for grant variances from requirements that wind turbines only be constructed in the special wind overlay district, or grant variances from other substantive requirements related to the siting of turbines in Barre.

We do not know if other Municipal Officers other than those discussed in this letter have received similar offers, but we suspect that they have. CSAB is concerned that additional offers or leases may exist, and cannot rule out the possibility that some officials intend to accept land lease offers after taking additional municipal actions, in an attempt to skirt conflict of interest recusal requirements. CSAB therefore requests the Attorney General investigate whether the Developer: (1) approached Councilman McCabe or ZBA Member Burnside with an impermissible contingent compensation proposal; (2) contacted Councilman McCabe or ZBA Member Burnside with a wind lease offer that would confer a benefit on a municipal officer without prior recusal of that officer from matters involving Heritage Wind, in violation of the conflict of interest provision of the Agreement; and (3) made any other similar proposals to other Municipal Officers that would require recusal or disclosure, or otherwise violated the Agreement.

***4. Apex's failure to publish or serve conflict disclosures in accordance with the Agreement.***

Section II.1 (public disclosure) of the Agreement provides that:

**Prior to pursuing**, either formally or informally, **any approvals before any Municipal Board**, including a Town Board, and/or **submitting a Public Involvement Plan (“PIP”) to the Article 10 Siting Board**, which is sooner (hereinafter the “Disclosure Date”), **the Wind Company shall make public disclosures** as defined in paragraph 3 below (hereinafter the “Disclosure List”), in the following manner:

- a. **Submit the Disclosure List in writing for public inspection** to the Clerk of such Municipality.
- b. **Publish Notice of the Disclosure List in a newspaper** having a general circulation in such Municipality.

*See Agreement (Exhibit A) at §II.1 — §II.1.b, at page 3 (emphasis added).*

Here, based on conversations with the Town Clerk for the Town of Barre and the County Clerk for the County of Orleans, it does not appear that the Disclosure List was provided to them. This suggests that Apex has not complied with §II.1.a of the Agreement. We therefore request you use your subpoena power to determine whether the list was submitted to the County Clerk in accordance with Section II.1 of the Agreement.

Furthermore, the local newspaper (The Batavia Daily) checked its records and was unable to find any Disclosure List published by Heritage Wind. We do not know if the Developer has published any Disclosure List in another Newspaper, but we have been unable to locate such a notice in a paper of general circulation. Accordingly, it appears that the Developer is in violation of §II.1.b of the Agreement. We therefore also ask that the Attorney General’s Office investigate to determine if the Developer is in compliance with §II.1.b of the Agreement.

***5. Potential failure to inform Town Attorney of municipal officer conflicts of interest.***

Section III.6 (education and training) of the Agreement states:

Upon discovery by the Wind Company that a Municipal Officer or his or her Relative has entered into a lease or easement with the Wind Company, the Wind Company shall (i) notify the attorney for the Municipality and (ii) recommend to such Municipal Officer that he or she consult with the Municipality's attorney concerning his or her legal obligations, including any obligation to recuse him- or herself.

*See Agreement (Exhibit A) at §III.6, at page 6.*

Here, at the Town of Barre Town Board's January 13, 2018 meeting, Councilman Larry Gaylord properly recused himself from voting on two proposed meteorological towers, but none of the other affected Municipal Officers identified on the Disclosure List recused themselves.<sup>19</sup> Moreover, we have observed that the Town Attorney has failed to encourage Municipal Officers on the Disclosure List to recuse themselves from matters for which they have a conflict of interest. Accordingly, it is unclear to CSAB whether Heritage Wind has complied with its duty to notify the Town Attorney of municipal officer conflicts, or recommended to the Town Attorney that he counsel conflicted municipal officers about recusal from any official duties related to Heritage Wind.

### **Conclusion**

As concerned citizens of the Town of Barre, we hope that you will investigate whether Heritage Wind violated the Code of Conduct Agreement or any other applicable laws. It is my understanding that Heritage Wind is liable for penalties up to \$100,000.00 per violation of the Code of Conduct Agreement with the Attorney General.<sup>20</sup> Ultimately, CSAB is gravely concerned that our municipal officials are acting on the basis of personal financial interest, and not in what is in the best interest of all residents of the Town of Barre. We are saddened by the level of influence a private corporation appears to have over our town government, and only seek the Attorney General's intervention as a last resort. Should you investigate our concerns and find them credible, we hope the Attorney General holds both Apex and our town officials accountable for what appears to be a gross pattern of ethical misconduct.

If you have any additional questions or would like further information or clarification, please contact our attorney Benjamin E. Wisniewski of The Zoghlin Group, PLLC, at 585-434-0790.

Sincerely,



Kerri Richardson  
President, Clear Skies Above Barre, Inc.

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<sup>19</sup> *See Minutes from the Town Board Meeting of the Town of Barre on June 13, 2018 (Exhibit H).*

<sup>20</sup> *See Agreement (Exhibit A).*

**EXHIBITS:**

- A. Code of Conduct Agreement between Heritage Wind and the New York State Attorney General, signed April 29, 2016.
- B. New York State Attorney General Code of Conduct Disclosure List for Heritage Wind, dated June 19, 2017.
- C. Minutes of the Town Board Meeting of the Town of Barre on February 8, 2017.
- D. Minutes of the Town Board Meeting of the Town of Barre on February 14, 2018.
- E. Minutes of Special Town Board Meeting of the Town of Barre on April 9, 2018.
- F. Minutes of the Town Board Meeting of the Town of Barre on April 11, 2018.
- G. Minutes of Special Town Board Meeting of the Town of Barre on April 16, 2018.
- H. Minutes of the Town Board Meeting of the Town of Barre on June 13, 2018.
- I. Minutes of the Town Planning Board Meeting of the Town of Barre on November 14, 2016.
- J. Minutes of the Town Planning Board Meeting of the Town of Barre on December 12, 2016.
- K. Minutes of the Town Planning Board Meeting of the Town of Barre on June 12, 2017.
- L. Minutes of the Town Board Meeting of the Town of Barre on May 9, 2018.