

WNBZ
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Silver Lake Property Owner to Sue Adirondack Council

A lawsuit was filed Monday against the regional green group, the Adirondack Council, by a property owner who alleges that the organization attempted to illegally influence the Adirondack Park Agency while the two parties were in negotiations over a proposed development.

According to Attorney Matt Norfolk, Leroy Douglas – the owner of the Douglas Corporation of Silver Lake – has filed a \$2.1 million lawsuit against the council and is seeking legal fees and damages.

Adirondack Council Chairman Brian Ruder – who owns property that abuts the Douglas parcel – is specifically named in the suit.

“It’s basically one claim. It’s tortious interference with a contract,” Norfolk said. “Under New York law it is actionable to file a claim against a party who essentially induces another to breach or ignore an agreement.”

Douglas and the APA were in negotiations to avoid enforcement proceedings, and Norfolk alleges that those negotiations stopped when the council became involved.

The APA had begun enforcement actions against Douglas last year, but after secret correspondences from the council to certain agency commissioners were recently discovered and allegations of collusion by several media outlets followed, the enforcement case was dropped last month.

As part of the 2005 agreement with the APA, Douglas was required to legally affirm that remediation of the alleged violations had taken place.

The council counters that it has done nothing illegal and that the emails and faxes were simply reminders of the wetlands violations that had taken place on the Douglas property.

Norfolk said that Douglas spent between \$50,000 and \$75,000 on legal fees defending himself and that the case stonewalled the sale of eight parcels he was seeking to subdivide.

“Whether you call it ex parte or improper, in this case we feel we have more than enough based on what we have from Mr. Ruder,” he said. “They knew a settlement agreement was in place and they took steps to induce the Adirondack Park Agency to breach that contract.”

APA spokesman Keith McKeever said that the correspondences in question were never received by APA Commissioner and former Adirondack Council board member Cecil Wray, to whom they were addressed, because staff recognized that they were inappropriate.

Wray is Chairman of the APA Enforcement Committee and is one of three former Adirondack Council Board members who now sit on the APA Board of Commissioners.

Adirondack Council executive director Brian Houseal said that although the correspondences may have appeared inappropriate on the surface, they were not illegal or collusive.

Although the name on some the correspondences are blacked-out, Norfolk is almost certain that Ruder was the author.

Council Legislative Director Scott Lorey also wrote Wray, imploring him to level hefty fines against Douglas.

-Jon Alexander, 11-24-09