

Bill Cundiff

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Subject: wind turbines

[Wind Watch: Constitutional protection or town windfall?](#)



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Constitutional protection or town windfall?

The framing of the question in Falmouth reads, commercial wind power production or citizen neighbors basic rights? The Falmouth Selectmen continue comparing detriments to benefits on what has become an expensive town-wide schism. Soon, the board will make mitigative strategy recommendations to fall Town Meeting for which, they believe, should tip the delicate balance.

The Planning board, meanwhile, tries to update current windmill regulations, which were adopted in 1981. Consensus building is being explored as a means to achieve this. One thing is for certain, the only true consensus, where there seems no disagreement whatsoever, is on the extent to which this issue has become so controversial.

Spring Town Meeting's unanimous approval of the wind turbine moratorium certainly indicated a need for a change in the by-law. Many suggest the complexities of wind go beyond the capacities of our local town boards and officials. The Cape Cod Commission (the state authorized regional wind turbine siting regulator) and their recent adoption of land based wind siting standards may have been an instrumental resource for Selectmen at the wind information meetings in June and July. The acting Town Manager rejected requests to introduce the CCC input, and failed to make the official invitation.

Falmouth is in tough economic times. Yet, a basic question hangs in the balance. Let's put it into perspective. 2010 Town Meeting dealt with the 'dirty' water issue, on Siders Pond Road. Selectmen recommended postponement of a water-main 'fix' due to inadequate funds. Town Meeting members instead invoked Article 97 of our state's constitution. "The people will have the right to clean water." Incidentally, it also dictates that the people will have "freedom from excessive and unnecessary noise" as well.

Doesn't anyone else see how simple the answer? All the protocol pleasantries and superficially appropriate ways so far implemented by town hall will not remove this constitutional infraction. Yet Falmouth's Chairman of Selectmen is on record saying that the cost of the Mass Department of Environmental Protection study (mandated to be executed at a further cost of \$18-20k) may affect Falmouth's willingness to appropriate other funds to study mitigation.

Doesn't she and other Selectmen know that funding concerns, wind power savings and revenue, and even the probability of having to pay money back to Mass Clean Energy (MCEC) are incidental to the safety, health and well being of their constituency? The Massachusetts Constitution makes no exceptions.

MCEC by the way, was a co-sponsor of the Falmouth project, assuring Falmouth that all was well with it's municipal project. Wind 1 was the 'flagship', the state symbol of the advent of industrial wind energy production onto the Cape and the Islands.

Then begs the question, if Selectmen are so anxious about the potential payback debts, would Falmouth necessarily be responsible for their \$1million advanced payment for Renewable Energy Credits (REC's) from MCEC if Wind 1 were decommissioned?

It is true that Falmouth signed a contract agreeing to pay the money back if they didn't deliver the REC's to MCEC. It's also true that MCEC was a co-sponsor of the project. It's also true that MCEC assured Falmouth "all was well with the project". It obviously isn't. It's also true Falmouth officials, heavily relying upon MCEC expertise, consultation and assurances, decided to moved ahead with the project, and in-turn, agreed to the repayment clause of the contract.

Falmouth should be angry as hell! Falmouth was used, like a pawn in a chess match, to usher onto the Cape and Islands, the Patrick Administration's wind energy agenda of 2,000 megawatts of wind energy by 2020. The citizens in Falmouth should be urging the Town of Falmouth to decommission the wind turbine. The Town of Falmouth should telling MCEC that there is no intention of paying them back after MCEC got them into this mess. They should deliver the news and then open negotiations, letting MCEC know that they are going to make this their worst public relations nightmare. Is that what MCEC wants? Is that what the Governor wants as a renewable energy legacy?

Bottom-line, being safe, having ones health and being afforded a good nights sleep (with a clear conscience) are basic qualities of life we all have come to expect. These are fundamental, undeniable rights of a citizen of the Commonwealth per the State Constitution.

What pretext then, could exist for risking public health and taking the enjoyments of one's private property in order to promote commercial wind power production?

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