

FAIR WIND

Your newsletter on industrial wind development in Jackson ME



In mid-November, we were sipping coffee at the kitchen table, wondering if this would be the last Fair Wind.

The Planning Board (PB) had nearly finished its work on the ordinance, with the active participation of many townspeople. The vast majority of public comment on the PB's work was favorable.

All that was left was for the PB to present the draft to the Selectmen, for the Selectmen to schedule a town meeting, and for the townspeople to vote.

But those hoping for an end to the industrial wind turbine debate by year's end will be disappointed. Three Grinches - our Selectmen - have stolen Christmas.

The political maneuverings of the last month have been so contorted, blatantly

self-serving and crass, they read like a stage production. The staging and direction has been superb, even if the acting has been a bit amateurish at times.

It would be a comedy if it weren't dead serious. But it is also not yet a tragedy.

Big Wind, aided by the Selectmen, seems to have cast us as puppets for their interests.



Merry Christmas, Jackson!

But that's not the history of Jackson. Townspeople have shown themselves to be pretty shrewd and independent Yankees. And most of us actually care about our neighbors.

Let's see what happens. Enjoy the show.

A Jackson Christmas Carol starts on Page 5.

Planning Board wind ordinance goes to Selectmen

On November 19, the Jackson Planning Board unanimously approved a final draft of the *Town of Jackson Wind Turbine Ordinance* to present to the Selectmen.

The approval marked the end of an extensive process to craft an ordinance to protect the safety, health and welfare of Jackson residents, while also supporting appropriate wind energy development in town.

The PB raced against the calendar to complete an ordinance before the January 2, 2010 expiration of the town moratorium on industrial wind development.

Thousands of volunteer hours went into developing the ordinance. There were forty PB and subcommittee meetings open to the public, two public information workshops, and one public hearing.

The PB drew on state guidelines, a draft ordinance prepared by

Attorney William Kelly at the request of the Selectmen, and work done by the PB's wind subcommittee.

PB members reviewed hundreds of pages of evidence on health and safety issues. They considered the lessons learned from Mars Hill and other towns, and heard from local wind development consultant Mick Womersley and nationally-certified sound engineer Robert Rand.

Legal counsel at the Bangor firm of Rudman and Winchell reviewed the ordinance. The PB spent a final marathon meeting working past midnight to incorporate the comments from this legal review in preparation for the final public hearing on November 19.

The ordinance is now in the hands of the Selectmen for their review and, we hope, an early town vote.

Fair Wind acknowledges the tremendous work and dedication of Planning Board members Brenda Dennison, Ray St Onge, Cheryl Moore, Richard Johnson, George Faulkner, and alternates Louise Shorette and Debbie Ludden.

Mt Harris Wind LLC Offer to Jackson: All Smoke and Mirrors (and a lot of bad math)

Better read the fine print on the Mt Harris LLC offer to buy Jackson a shiny new wind turbine. If it sounds too good to be true, it's because it is.

On December 15, 2009 the Selectmen received the latest proposal from Mt Harris LLC.

The Mt Harris LLC offer goes something like this: Abandon the Planning Board's Wind Turbine Ordinance. Instead substitute the State Model Ordinance (which effectively has no setback provisions to protect against turbine noise). Allow Mt Harris LLC to build up to nine wind turbines on private property. Allow Mt Harris to use the annual tax money owed to the Town of Jackson for these nine wind turbines to buy Jackson a wind turbine of its very own.

Mt Harris LLC goes on to estimate that at today's current electrical and renewable energy credit rates Jackson will receive \$400,000 in annual revenue from our wind turbine.

Sounds like a great deal, right?

Well, not so fast. Actually it's a pretty lousy deal for the town. Let's read the fine print together and double-check Mt Harris's magic math.

According to Mike Rogers, Supervisor of Municipal Services at Maine Revenue Services, a 1.5 Megawatt (MW) GE Wind Turbine currently should be valued at \$3.6 million dollars for tax purposes. Therefore nine turbines equal \$32.4 million dollars of valuation. Multiplying these nine turbines by our current mill rate of \$ 20.430 per \$1000 would mean that Jackson would be owed \$661,932 per year in taxes from Mt Harris LLC (assuming 100% valuation and no increase in school or county taxes). Mt Harris LLC then proposes that we use part or all of our own \$661,932 of town tax money to buy ourselves a wind turbine so we can then earn \$400,000/year.

\$661,932 a year for Mt Harris LLC vs. \$400,00 for Jackson. Do they think we are stupid?

But wait, it gets even better. Turns out Mt Harris LLC is playing fast and loose with how they calculated our \$400,000 profit.

In its offer, Mt Harris LLC used the example of a single 1.5-megawatt turbine. It states this turbine will generate 400,000 kilowatt (KW) hours (h) of electricity per year and Jackson will receive \$0.10/MWh for selling electricity and

renewable energy credits from our turbine.

Slow down, Mt Harris. Looks like your assumptions are wrong, your math is wrong, and you are having problems with your basic metric units. Every 7th grade math student in Jackson can do a better job with this easy math problem.



Clip art by OCAL at <http://www.cler.com/clipart-9443.html>

Let's break it down real slow for Mt Harris LLC.

A 1.5 MW turbine has a nameplate wind generating capacity of 1500 KW. To calculate annual electrical generation you multiply this nameplate capacity by the percent of time the wind blows on average per year. ISO-New England, the body that manages our utility grid, uses a 20% adjustment factor, meaning that a turbine is expected to operate at full capacity 20% of the time. You then multiply the result by 365 days in the year and multiply again by 24 hours in the day. This gives us our KW hours of electrical generation per year per turbine.

The formula looks like this: $1500\text{KW} \times 20\% \text{ wind capacity} \times 365 \text{ days} \times 24 \text{ hours} = 2,628,000 \text{ KW hours of electrical generation per year.}$

You then multiply this annual electrical generation by the wholesale rate of electricity selling on the open market. The last step is to add in any available renewable energy credits.

Mt Harris LLC used \$0.10/MWh as its combined wholesale electrical / renewable energy credit rate. Oops! Wrong units, wrong numbers.

According to the ISO New England web site, the most recently published average hourly real time locational marginal price (LMP) for electricity in Maine is \$0.0349/KWh. Energy rates are low and have been trending down for almost a year. They haven't been at or above \$0.10/KWh since August of 2008.

To estimate the current renewable energy credit for a Class 1 renewable energy project in Maine we contacted the New England Power Pool (NEPOOL). NEPOOL officials verified the current credit in Maine is worth \$0.025/KWh.

... continued on page 3

130 Jackson citizens request special meeting to vote on PB ordinance

About one hundred and thirty Jackson voters signed their names to a petition calling for a Special Town Meeting to vote on the wind ordinance presented by the Planning Board to the Selectman.

The petition was delivered to Town Clerk Brenda Dennison on Monday morning, December 14. The Selectmen have 60 days to act on the petition.

The circulation of the petition was prompted by the Selectmen's apparent decision to avoid a simple "Yes" or "No" vote on the ordinance.

Selectmen Work and Greeley are insisting on development of an "alternative" ordinance that would, as Selectman Work put it, "get the project done".

Work and Greeley claim that if the PB ordinance is voted down, the town will be left with no protection from wind development.

But the citizen's petition proposes a solution to this issue. Following the strategy used in Dixmont, the petition asks the Town to vote on three questions (paraphrased here):

First, to see if the town will adopt the PB ordinance;

Second, if the town does not adopt the ordinance, to see if the town will vote to return the ordinance to the Planning



Photo credit:
<http://www.westchesterarchives.com/ht/muni/wca/reapport.html>

Board for further study and revision; and

Third, if the town defeats the ordinance, if the town will extend the current moratorium on industrial wind power development.

This process will allow townspeople to vote on an ordinance that went through the legally mandated and accepted planning process, with ample opportunity for input from everyone.

If the townspeople vote the ordinance down, the ordinance can go back to the PB for revision and further public input. The townspeople can also choose to enact another 180-day moratorium to allow time for this to happen. Greeley and Work's concern is resolved.

This proposal makes a lot of sense to us. The Selectmen should allow the process to be completed by calling a special meeting to allow townspeople to vote.

Smoke and Mirrors ... continued

Adding \$0.0349/KWh for wholesale electricity plus \$0.025/KWh for renewable energy credits equals \$0.06KWh, not the \$0.10/MWh quoted by Mt Harris LLC (we'll ignore for the moment its incorrect metric units). Seems Mt Harris's math is off by a factor of 66%.

The final step in our 7th grade math problem is to multiply the 2,628,000 KW hours by \$0.06/KWh. This equals an annual profit to the town of only \$157,680.

Hey, what happened to our \$400,000 profit??? And what happened to our \$661,932 in annual tax revenue???

If you don't believe the math, check with any seven-grade math student in Jackson. Then ask your third-grade children, "Would you trade \$661,932 for \$157,680?"

Of course, the fine print of the MT Harris LLC offer also states the town is responsible for all of the up-keep and

maintenance of our turbine – so we can keep it all shiny. Sure hope that doesn't cost more than our \$157,680 in annual profit. But, I'm sure Mt Harris has a plan for helping us with that too.

Like we said... an offer too good to be true. All smoke and mirrors. We can't wait to see the details. Neither can our children.

Sources:

1. http://www.iso-ne.com/markets/hstdata/znl_info/monthly/index.html
2. Personal conversation with James Webb, NEPOOL.
<https://www.nepoolgis.com/mymodule/mysignInHelp.asp>

Graphic: <http://blog.homegain.com/2009/06/>



The Selectmen Invent the Need for a Second Ordinance Out of Whole Cloth, Then Cover Their Tracks

Selectmen's meeting, November 16, 2009

It is three days before the Planning Board's final public hearing on its draft wind ordinance.

Yet Selectmen Work and Greeley are already talking about an alternative ordinance. No explanation is provided. It seems the fix is already in.

Selectman Work: *"We need a back-up ordinance better suited to make the project happen."*

Selectman Greeley: *"It's time to put together an alternative ordinance."*

The four townspeople observing the meeting leave thoroughly stunned.

The minutes are doctored to not mention Work's comment about getting the project to happen, and to put his comments in a favorable light.

Selectmen Delay Town Vote, Buy Time to Craft Second Ordinance with Wind Developers

Selectmen's meeting, December 1, 2009

It is now 12 days since the Jackson PB approved a final draft ordinance following its public hearing. It is also 12 days after Dixmont passed its wind ordinance by an extraordinary margin: 229 for, 78 against.

Fifteen or so residents have showed up hoping that the Selectmen will set a date for a vote on the ordinance. They hope it will be before the moratorium expires on Jan 2, 2010.

Both Greeley and Work seemed disinterested in the moratorium deadline. Instead, Greeley, backed up by Work, unexpectedly tosses out a barrage of confusing arguments as to why the process of taking the ordinance to a town vote must be placed on hold. Greeley attributes most of these arguments to an undocumented phone conversation he had with Attorney Bill Kelly.

What follows from Greeley is either one of the worst presentations of a series of legal arguments by a town official; or, a brilliant political manipulation to foist an alternative "Greeley/Work/Wind Developer" ordinance onto the town of Jackson.

At times even Greeley seems confused by his own

arguments.

Greeley's litany begins by calling into question whether the Planning Board's wind turbine ordinance is a zoning ordinance or a regulatory ordinance. Left hanging in the air is his accusation that if it is a zoning ordinance, the Planning Board has not followed the correct set of procedural rules and would have to start its hearing process all over.

This accusation, carelessly thrown out, explodes like a bombshell in the room. But Greeley's sensational accusation is false. The ordinance has no zoning restrictions. Wind turbines are regulated by the ordinance, but not by zoning.

Greeley continues his disjointed legal summation, claiming that the legal review of the ordinance conducted by the law firm of Rudman and Winchell was invalid. He claimed this despite the fact the Planning Board had formally asked and received permission a few weeks earlier from the Selectmen to conduct the review.

Then, Greeley pulls the pin on his final grenade. He admits he is also in discussions with Kelly about developing what he calls a "Selectmen's version, a second ordinance, and the process of how that gets



voted on." When asked whether he has the Selectboard's authority to pursue this option, he evades a direct answer. But he ominously declares that he is investigating how a second ordinance would be negotiated "with an attorney and with the developer". Observers can only surmise that he is prepared to work directly with a wind developer to write a second town ordinance.

An exasperated townspeople asks if there is any reason why the Selectmen couldn't extend the moratorium. Selectman Ludden says no, there isn't. The townspeople asks if this could be put forward.

Selectman Ludden *"Not right yet."*

Townsperson: *"When is the time to do that?"*

Selectman Ludden: *"We'll let you know. I know that's not what you want to hear but let it get to Bill Kelly and get an answer from Bill. Please, just have faith. Have faith."*

Townsperson: *"As long as there's an option that it can be done before this other one runs out."*

Greeley proceeds to blame the Planning Board for not finishing its work earlier.

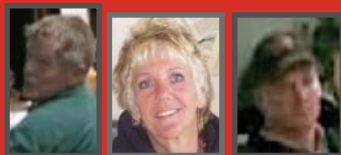
The fifteen townspeople leave the meeting thoroughly stunned, but also very, very angry. Faith is in short supply.



A *Jackson* CHRISTMAS PLAY

Featuring

David Greeley, Cindy Ludden, & John Work
as themselves



With supporting cast

State Representative Mike Thibodeau



and

Various Jackson residents
as themselves

With grateful thanks to our generous potential sponsor, Mt.
Harris Wind, LLC

Ostensibly, Thibodeau is there to lecture the Town about the state budget crisis. But he leads with wind power. Still, the budget talk will help by scaring the be-jeezus out of everyone about the State's dire financial straits and, making Big Wind's money look *pretty darned attractive*.

Thibodeau: I'm glad you all came out to hear me discuss the State budget, but before I get going on that, John.....

I do serve on the Energies and Utilities Committee, and because of that I have quite a number of contacts with people in that field. And John Kerry, who is in the Governor's cabinet, and is the Governor's lead man, he runs the Governor's Office of Energy Independence.

John, I spoke to him, he would be willing to come up to Jackson and speak to the group at any point and provide information if you're interested. And I want to say... I am not trying to interject myself into a local issue or manipulate the outcome of that."

But, with that being said, information is always good when you make really big decisions, and this is a big decision for the Town of Jackson."

What, Mike? What's a big decision? What the hell are you talking about? Aren't you here to talk about the budget? Oh, wait a minute. You're John Work's buddy and he's asked you to lean heavy on Jackson about wind development. Is *that* what you're talking about? OK, now we get it.

John Kerry's official title: Director for the Governor's Office of Energy Independence and Security. Unofficially, he's the Governor's water boy for industrial wind turbines.

Selectman Work: *Well, that seems reasonable. The more information the better, I guess.*

(Except when it comes to hearing about wind turbine noise or other inconvenient facts.)

Thibodeau: I'd be glad to set something up, see if he could come up to a meeting if that's.... you guys have to let me know. I don't want to say....

Selectman Work: *What harm can it do?*

(Why, none at all, John. Especially not for our sponsors, Mt. Harris Wind!)

Selectman Ludden (looking at Greeley): *Your thought?*

Selectman Greeley, who gets the award for worst actor, slips up, adding an unscripted line, *I thought he was coming tonight!*

Oops. Seems the fix is already in (again).

.... continued on page 6

FW Editors' Note: The events of December 15 are true-to-life, with minor embellishments in the telling, for effect. We think you'll figure them out. All dialogue in quotes is verbatim. It's on video.

<http://www.youtube.com/watch?v=Fehikfdqyus&feature=related>

Selectmen's meeting, December 15, 2009

ACT 1

THE GOVERNOR'S WATER BOY.

The stage is well set with about a dozen of the Selectmen's closest supporters in the audience. They are there for dramatic effect and to nail those applause lines.

As the curtain rises, State Representative Mike Thibodeau (and good friend of Selectman Work) magically appears at the little ole Jackson Selectmen meeting.

A Jackson Christmas Play

...continued

Selectman Ludden: *Would you see if he can attend in two weeks?*

Thibodeau: *I absolutely will make that call. Yep.*

The other Selectmen deliver their lines on cue, trying to sound nonchalant... "oh good, thanks Mike, that would be great." Well-rehearsed.

So the Selectman have invited the governor's 90-pound gorilla Kerry to town to read the little Town of Jackson the riot act.

Oh, remembers Thibodeau, I'm here to talk about the budget. Pie charts, desperate situation and whatnot. Yeah, that's why I'm here!

ACT II

THE COURT JESTER AND THE ESQUIRE.

Selectman Greeley continues to push a second ordinance. He tries to make the case that Town Attorney Kelly is valiantly researching ways to put two competing ordinances to the town for a vote. But Greeley again flubs his lines.

Greeley admits Kelly is scratching his head, because this has never been done before in municipal government. Of course not. It's ludicrous and it's a crass political ploy. Lost in Greeley's rambling monologue is Kelly's "discovery" that the ordinance is not a Zoning Ordinance after all.

Flashback to December 1: That was Greeley's number one accusation at the last selectmen's meeting, used to delay a town vote on the ordinance.

ACT III

THE MIRACULOUS CONVERSION ON THE ROAD TO PROFITS.

Despite the fact that Selectmen Work, Greeley and Ludden have resisted all previous moratoriums, they all decide miraculously and spontaneously to extend the moratorium. No discussion. No debate. Turns out the decision was made privately long before this meeting. (By the way, under State law, it is illegal for municipal officials to make policy decisions like this in private. No exceptions, no excuses.)



Everyone is happy. Especially the Selectmen. Because now they need time. Time to prepare an alternative Selectmen's ordinance and time to allow Mt Harris LLC to crank up its corporate propaganda machine.

ACT IV

THE PETITION SHELL GAME.

Town Clerk Dennison presents the citizens' petition handed to her on Monday morning. But she hasn't confirmed the signatures. No time in the past 30 hours. She's so busy. Petitions with 130 signatures are just your everyday, routine, put in the bottom of the pile, type of town business.

But wait...what's this? Another petition. Magically appearing at 6:29 PM. Selectman Ludden breathlessly reads the new petition. Forgets to read the previous petition...oops. Time stands still as she waits for the crowd to cheer.

Seems that 33 residents (most of them employees, appointees, spouses or relatives of the Selectmen, as we've since found out) are extremely frustrated with only having one ordinance to vote on and are petitioning the selectmen to write a second selectmen's ordinance to bring to the townspeople. Selectmen to the rescue. Yay!!!!

ACT V

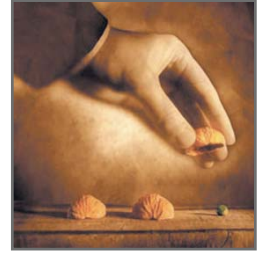
THE GOLDEN (AND COMPLETELY UNEXPECTED) LETTER.

But wait, there's more. At the eleventh hour, in the eleventh minute, on the eleventh second, Town Clerk Dennison hands the selectmen a shining, glowing letter delivered by FedEx. Its edges are shimmering in gold and it illuminates the room with a radiant light. Mt Harris Wind LLC is here to deliver the grand finale. The town is saved. Or so townspeople must believe.

Selectman Ludden reads the entire letter! It seems the friendly company is not happy with Dixmont voters or the Jackson Planning Board. Mt Harris falsely claims both ordinances will kill any wind project. So they offer a bribe: If Jackson adopts the State Model Ordinance and lets them build their industrial wind plant on our ridges they will take Jackson's tax money and use it to buy Jackson a shiny new wind turbine of its very own.

Andy Price writes a personalized note to "John, Cindy and Dave". He offers some confusing and inaccurate numbers. But that's ok. Those townspeople won't find out the fine print until it's too late.

... NOT THE END.... (see back page)



News Bites



Opening of Vinalhaven's wind project turns from celebration to noise nightmare

Big Wind has claimed that people who complain about wind turbine noise are often just after money. If they were getting a benefit from the turbines, they would not complain about noise.

Vinalhaven has proved this to be one more of many false claims by wind companies.

Vinalhaven is one of the few communities in Maine that wholeheartedly invited industrial wind development into its town.

The project was developed as a community cooperative, with the idea that the turbines would increase Vinalhaven's energy independence and decrease the island's notoriously high electricity rates. Islanders were overwhelmingly supportive of the project when it was proposed.

But when the turbines were turned on in November, neighbors living up to half a mile away saw the dream of energy independence turn into a noise nightmare.

"I feel the pulse from the turbines. I've never before encountered anything in my life like this. If I had been told, I would have been less likely to open-heartedly accept them as the sustainable future of Vinalhaven," said Ethan Hall, whose family goes back generations on the island.

"Last night, it was just throbbing. Whump, whump, whump. It makes your ears ring. It's like having a cement mixer in your dooryard, combined with a helicopter on your roof," said David Wylie, who lives half a mile from the turbines.

Both Hall and Wylie were initially supportive of the project.

Quotes from Bangor Daily News, Nov. 18, 2009, "Islanders flock to unveiling of wind turbines."

<http://www.bangordailynews.com/detail/129959.html>

Read and hear stories from Vinalhaven residents at www.jacksonwind.org.

Or, link directly to a recent interview with residents at <http://archives.weru.org/?s=vinalhaven>

Dixmont voters reject Competitive Energy's aggressive tactics

On November 19, Dixmont voters overwhelmingly approved the wind ordinance developed by the Dixmont planning board by 229 - 78.

The ordinance protects townspeople's health by requiring large industrial wind turbines to be placed at least one mile from homes, and 2500 feet from property lines. At the same time, the ordinance permits affected property owners to give up these setbacks through mitigation waivers with the developer, thereby allowing wind development if the neighbors want it.

Prior to the vote, Competitive Energy Services, aka Mt Harris Wind aka Beaver Ridge Wind, had resorted to aggressive tactics.

On October 19, Dixmont Selectmen, presumably prompted by Competitive Energy Services, aka Mt Harris Wind, etc., held a "public information" meeting.

The panelists consisted of Ron Price, a wind leaseholder in Freedom, Andy Price, partner in Mt Harris Wind aka Beaver Ridge Wind, and Mick Womersley, a local wind power consultant who holds that wind turbine noise is not a significant problem. Residents of Dixmont could only submit questions in writing, on file cards,

to a moderator.

But even this stifled debate failed to produce a positive result for the company. Comment at the meeting was favorable to a significant setback, and the panelists were unable to keep a lid on the discussion of noise problems.

Next, Mt Harris Wind, LLC aka etc., sent a letter to all Dixmont residents on Oct. 29, making ludicrous claims. These included that the proposed ordinance was "nothing short of a ban on wind power development," and that it was a "substantial taking of landowner rights".

Dixmont voters proved resistant to the corporate scare tactics and false threats. The passage of the ordinance was a victory for local democracy.



Ethan Hall, Vinalhaven resident

Photo: Bridget Brown, Bangor Daily News

A Jackson Christmas Play ... *The Final Act*

How did you like the play?

Our elected officials were slick and well rehearsed, don't you think? But the play seems headed for a tragic ending, and that makes us sad.

We like happy endings, don't you? Even the Grinch found redemption at the end of the Dr. Seuss fable.

So we are asking that we, the townspeople, be allowed to write a happy ending. Let us vote!

Our choice is simple. We can follow the Selectmen's script, and vote for corporate greed. Or, we can write a happy ending and vote for the health, safety and welfare of all of our friends and neighbors. The choice is ours.

Have a wonderful holiday season.



We wish you a merry Christmas
We wish you a merry Christmas
We wish you a merry Christmas
And a Happy New Year.

Good tidings we bring
To you and your kin
Good tidings for Christmas
And a Happy New Year!

Thank you to our generous anonymous donor this month.

Fair Wind is produced by Bill & Kathleen Maseychik, Heather Selin, and David McDaniel.

(Welcome, Dave, to your first issue!)

If you would you like to receive Fair Wind only in PDF form, at your email address, please write us at: heatherselin@mac.com.

FAIR WIND

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