

WIND TURBINE ALTERNATIVES

Summary or Report #3
September 13, 2013



Wind Turbine Alternatives

Report #3 – September 13, 2013

- Whatever decision is made about the Town's two wind turbines, the Board will have to take the lead, with assistance as required, to advance the decision with the community and the neighbors.
- This is clearly in the community's best interest.
- The time to act has arrived.

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- This Public Policy decision will factor:
 - broad ranging community interests
 - the potential liability of
 - claims and litigation
 - existing contracts.

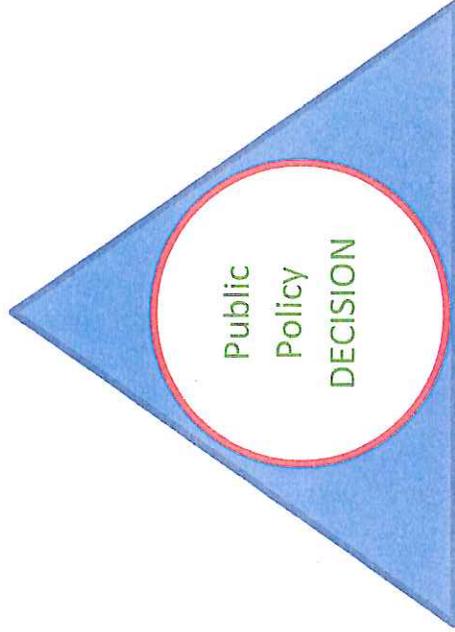
 - Given these challenges and the Town's desire to explore potential resolutions with concerned neighbors, Town Counsel has advised that any responsible resolution should include a component to reasonably respond to those concerns, in part, through the Town's acquiring certain sound easements and working toward a resolution of pending litigation.

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The figure below sets all community interests at the apex of this policy decision grounded by measures to limit both litigation and contractual risk.

Community Interests



Litigation Liability -\$1.5M+

Contract Liability -\$7M+

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- o **Community Interests** – Include tax payers and voters, neighbors, some are claimants, some that are not, renewable energy advocates, Board of Health and other policy leaders, varied constituencies.

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- o **Litigation Liability** – \$1.5 Million potential claims exposure. Recent court decisions have resulted in a reduction in the monetized risk of ongoing litigation. However risk remains. The Town has three lawsuits pending with others on the horizon. There is an expanding risk that a court order will potentially take control of the matter and the Town will be left with no reasonable and effective options.

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- o **Contract Liability** –\$7 Million potential exposure. The Town also has contract liability described in detail in the first alternatives report 1. We have received favorable response from the MassCEC on the potential forgiveness of REC's for the four alternatives reviewed in Report #2. We do not have any guidance on the Wind 2 obligations beyond the initial letter we received from the state.



Recommended Motion

Following public comments on the alternatives This evening, we recommend that the Board adopt a motion to include the following components:

- Select Operating Scenario including total hours of operation for each turbine (exact times of curtailment could wait)
- Authorize the Town Manager to engage a Facilitator
- Vote to Create a Fund for the acquisition of acoustic easements and exploration of settlement of existing claims
- Request a Special Town Meeting for November 14, 2013
- Direct the Town Manager to develop the necessary articles and procedures to implement the adopted alternative
- Authorize the Town Manager to continue negotiating relief from all contracts and to seek additional financial assistance, if feasible