

We need to do what is best for Ohio.



Important items:

The following is written testimony from Ed Rogers, Hardin County, which is to be entered into the hearing for restructuring of the O.P.S.B.'s rules on January 28, 2016. (Pages Contained:11)

Please Note: There is a definite need to insert all of the following rules so we may all do what is best for Ohio.

Humbly Entered for Ratification:

1.The O.P.S.B needs to follow their own rules for the best interest all Ohioans.

Back ground and History:

A. Why only one person spoke out against the Invenergy Wind Farm in January of 2010 at the Hardin County Courthouse during Ohio Power Siting Board Hearing was the following:

1. - Invenergy never sent out letters to residents as required by the OPSB. The letters were never sent by the wind farm nor were they made to be and the project was approved.

2. The O.P.S.B. needs to investigate before approving to double check the facts and information is correct and not simply rubber stamp items.

Back ground and History:

A. - I was the only one who expressed concern over the wind farm at the O.P.S.B.'s hearing and I was listed as a "Co-operating Land Owner" in the finalized approval. This meant the turbine could be within 400' of my house.

B. -My neighbor's house was not even on the wind farm map. The maps need to be reviewed.

C. The electrical co-operative, Mid-Ohio, was not listed within the microwave report filed with the OPSB. It was totally over looked and then Invenergy attempted to blame it on the co-operative instead of making it right. This was very sad and people lost respect and trust for the wind company as a result.

(Each of the above, and more, are documented within my correspondence with the OBSB between 2010-2015)

3. Unanswered problems about the concept of “Private Property” needs to be addressed and defined. (See Attached Definition of Private Property ((A)) and Map ((B))

A. - Private property which will have impacts like shadows or otherwise must be under contract with the wind farm or no ill effects shall befall that property for if they do the property owner will set the price or the turbine is moved.

B. - The proof of the contract will be filed with the OPSB before issuing approval of the project by the O.P.S.B.

4. The wind farm is to have an approved complaint resolution plan on file when the wind company begins seeking lease agreements.

A. The Wind Farm Promises: “We’re looking into that, We are working with them, we’ve never had this before, and we are only following O.P.S.B.’s requirements.” These are the tactics they use to appear to be compliant.

B. The word “timely” will mean within 30 days and the immediate shut down of the problem turbine(s).

5. Sound is to be deemed a pollution and one which should be regulated as both a nuisance and health hazard.

6. A committee of non-cooperating land owners needs to be formed to address infractions by the wind company from within their living area. This would function as a jury and decide on OPSB rule infractions.

A. There does not seem to be a punishment system in place for unprofessionalism nor the breaking of rules by wind corporations.

B. To help alleviate and make sure the wind companies police themselves more closely put their fate in the hands of the people. This jury should be able to determine what should be done and the fines to be paid for the breakage of their property rights.

C. To expedite the resolution of problems, the OPSB will order the wind company to stop production until the matter is resolved.

7. Except for the above presented rules, the only “common sense approach” to restructuring which is need is the following rule:

The company which plans to erect wind turbines with a given neighborhood (footprint) within Ohio is required to obtain contracts from each land owner. If a contractual agreement is not reached than the wind company is required to place a wind turbine 5,000 feet away from the un-contracted land owner and this distance is to be measured from the property boundary to the tip of the blade. If aspects of the wind proposal changes, then the contracts will need amended. This way everyone within the industrial project will be informed and have the opportunity to up-date their contract.

8. Changes to the actual “Draft – Not for Filing” which I received on the 21st of January 2016.

A. 4906-4-08 Health and Safety

1.(d) replace “describe” with “require”

1.(e) replace “describe” with “require”

2. replace “except for wind farms,” with “including wind companies”

9. Any legislation which is passed should be retroactive to include wind projects which are pending. This is especially necessary since some have been on the table for erection since 2010. This is only common sense for our “common sense” approach.

10. All land and estate purchases will require notification from the wind company that there is a wind industrial complex planned so the purchaser of that parcel is informed and can contract with them or not purchase the property. (I have seen houses built and homes bought with the purchaser having no clue there is a turbine close to their property. It has been six years remember.)

11. The Property Owner’s “BILL of Rights” is a common sense approach and needs to be ratified within your rules and then enforced. It is what all just governments would ratify and what any caring wind company would demand.

It is as follows:

Property Owner’s BILL of RIGHTS

All property owners have the right to:

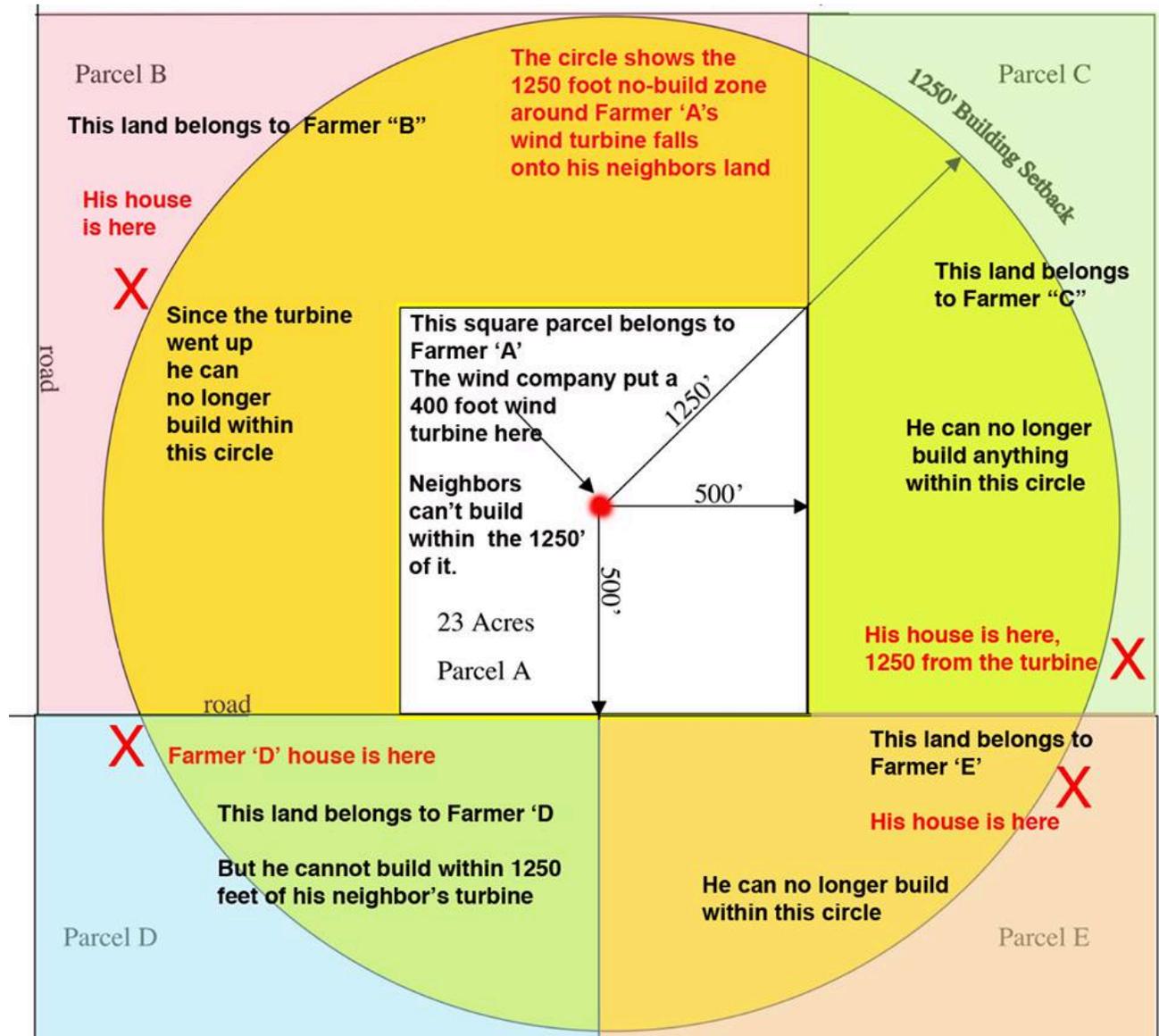
- 1. The right to know that their residential property will not be re-zoned for industrial use without consent of the governed**
- 2. Any determining set back and/or measurement in establishing the placement of a turbine will be measured from the property line of adjacent, non-participating property owner's property line and to the tip of the closest, extended blade tip**
- 3. Peaceful enjoyment of their property free from industrial noise and sweeping shadows will be enforced**
- 4. Peaceful enjoyment of their property free from intrusive high and low frequency sound including sound pressure (infra-sound) will be enforced**
- 5. Assurance that their property values will remain intact and not reduced and appreciate from an industrial intrusion into a residential area. Property value guarantees**
- 6. Reasonable, local recourse for any such intrusion listed above at the township and county level**
- 7. The right to leave and have the county and /or wind developer purchase at FMV the resident's real estate. After all the county will profit from the destruction on property rights, they should allow residents to "cash out"**
- 8. The county should not negotiate any tax abatements without the blessing of all township trustees and majority of the residents inside the project area.**
- 9. Wind developer and county should establish a fund that is both funded by developer dollars and county tax revenues for both #4 and #6 preceeding.**
- 10. Concerns are required to be addressed by a jury made up of local citizens.**
- 11. Local decisions by the county, township, and people of the township or county supersede any Ohio Power Board decision or requirement. (Just like local building codes can add to a more stringent code and surpass the basic Ohio Building Codes.)**

12. An established and agreed upon time requirement for answering and solving complaints locally.

13. No one has the right to use property without the consent of the owner to establish distance requirements or “set-backs.”

14. Any property right not specifically mentioned within this list of property rights are still retained by the owner and cannot be infringed unless with that property owner’s consent in writing.

((B))This map is visual example of how neighboring, private property owners can be adversely affected and deprived of their property rights. Although a family could build within this setback, one has to wonder why they would risk it or could they get a loan to do so?



((A)) Attachment for the definition of Private Property

James Madison, Property

29 Mar. 1792 Papers 14:266--68

This term in its particular application means "that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual."

In its larger and juster meaning, it embraces every thing to which a man may attach a value and have a right; and which leaves to every one else the like advantage.

In the former sense, a man's land, or merchandize, or money is called his property.

In the latter sense, a man has a property in his opinions and the free communication of them.

He has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them.

He has a property very dear to him in the safety and liberty of his person.

He has an equal property in the free use of his faculties and free choice of the objects on which to employ them.

In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights.

Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.

Where there is an excess of liberty, the effect is the same, tho' from an opposite cause.

Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own.

According to this standard of merit, the praise of affording a just securing to property, should be sparingly bestowed on a government which, however scrupulously guarding the possessions of individuals, does not protect them in the enjoyment and communication of their opinions, in which they have an equal, and in the estimation of some, a more valuable property.

More sparingly should this praise be allowed to a government, where a man's religious rights are violated by penalties, or fettered by tests, or taxed by a hierarchy. Conscience is the most sacred of all property; other property depending in part on positive law, the exercise of that, being a natural and unalienable right. To guard a man's house as his castle, to pay public and enforce private debts with the most exact faith, can give no title to invade a man's conscience which is more sacred than his castle, or to withhold from it that debt of protection, for which the public faith is pledged, by the very nature and original conditions of the social pact.

That is not a just government, nor is property secure under it, where the property which a man has in his personal safety and personal liberty, is violated by arbitrary seizures of one class of citizens for the service of the rest. A magistrate

issuing his warrants to a press gang, would be in his proper functions in Turkey or Indostan, under appellations proverbial of the most compleat despotism.

That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word; but are the means of acquiring property strictly so called. What must be the spirit of legislation where a manufacturer of linen cloth is forbidden to bury his own child in a linen shroud, in order to favour his neighbour who manufactures woolen cloth; where the manufacturer and wearer of woolen cloth are again forbidden the oeconomical use of buttons of that material, in favor of the manufacturer of buttons of other materials!

A just security to property is not afforded by that government, under which unequal taxes oppress one species of property and reward another species: where arbitrary taxes invade the domestic sanctuaries of the rich, and excessive taxes grind the faces of the poor; where the keenness and competitions of want are deemed an insufficient spur to labor, and taxes are again applied, by an unfeeling policy, as another spur; in violation of that sacred property, which Heaven, in decreeing man to earn his bread by the sweat of his brow, kindly reserved to him, in the small repose that could be spared from the supply of his necessities.

If there be a government then which prides itself in maintaining the inviolability of property; which provides that none shall be taken directly even for public use without indemnification to the owner, and yet directly violates the property which individuals have in their opinions, their religion, their persons, and their faculties; nay more, which indirectly violates their property, in their actual possessions, in the labor that acquires their daily subsistence, and in the hallowed remnant of time which ought to relieve their fatigues and soothe their cares, the influence [inference?] will have been anticipated, that such a government is not a pattern for the United States.

If the United States mean to obtain or deserve the full praise due to wise and just governments, they will equally respect the rights of property, and the property in rights: they will rival the government that most sacredly guards the former; and by repelling its example in violating the latter, will make themselves a pattern to that and all other governments.

The Founders' Constitution

Volume 1, Chapter 16, Document 23

<http://press-pubs.uchicago.edu/founders/documents/v1ch16s23.html>

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