

Exhibit 11

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COMMONWEALTH OF MASSACHUSETTS
COUNTY OF HAMPDEN
CITY OF SPRINGFIELD
DEPARTMENT OF HEALTH & HUMAN SERVICES

IN RE: BIOMASS HEARING

HEARING HELD BEFORE THE
SPRINGFIELD PUBLIC HEALTH COUNCIL
AT SPRINGFIELD CENTRAL HIGH
SCHOOL, 1840 ROOSEVELT AVENUE,
SPRINGFIELD, MASSACHUSETTS ON
WEDNESDAY, JUNE 15, 2016.

APPEARANCES:
(Please, see page two.)

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MS. CAULTON-HARRIS: So the Health Center business has been concluded. We are done with that. That was old business. And we are on to new business-- I'm sorry, another old business item which is the biomass public hearing. And so the question for the Council is: Are you ready to deliberate?

Because this is the time when we will be deliberating based on the evidence that was presented.

Let me just reiterate that we held a public hearing-- I'm sorry. We had a public hearing January 20th, 2016. We closed that public hearing May 19th, 2016. Any testimony that came after that date is not included-- was not included for the Public Health Council's consumption because to do that we would have had to have PRE, as well as others, continue to do that. And we know that PRE and others were in the room when we closed the public hearing. So we closed it May 20th.

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1 BOARD MEMBERS PRESENT:

2 MS. HELEN CAULTON-HARRIS, Chair
3 MR. WILLIAM CARRUTHERS
4 MS. JEANNE CLANCY
5 MS. MARY ANNE BAKER
6 MS. MARIA NAVARRO
7 MS. MATTIE JENKINS
8 MR. PARRIS HOWARD
9 DR. JEFFREY SCAVRON
10 MS. MILTA FRANCO

8 APPEARANCES:

9 MACKIE SHEA, P.C., 20 Park Plaza, Suite
10 1118, Boston, Massachusetts 02116,
11 representing Palmer Renewable Energy,
12 BY: THOMAS A. MACKIE, ESQUIRE.

13 SPRINGFIELD LAW DEPARTMENT, 36 Court
14 Street, Room 210, Springfield,
15 Massachusetts 01103, representing the City
16 of Springfield
17 BY: THOMAS D. MOORE, ESQUIRE,
18 ASSOCIATE CITY SOLICITOR.

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Would that be accurate, Attorney Moore?

ATTORNEY MOORE: Yes.

MS. CAULTON-HARRIS: Okay. So we are in deliberations in terms of the vote. So I guess the question is: Are we ready to deliberate?

And then, after that, we would then take a vote.

Okay?

MR. CARRUTHERS: Take a vote on the deliberations.

So what exactly are we doing in terms of as our body?

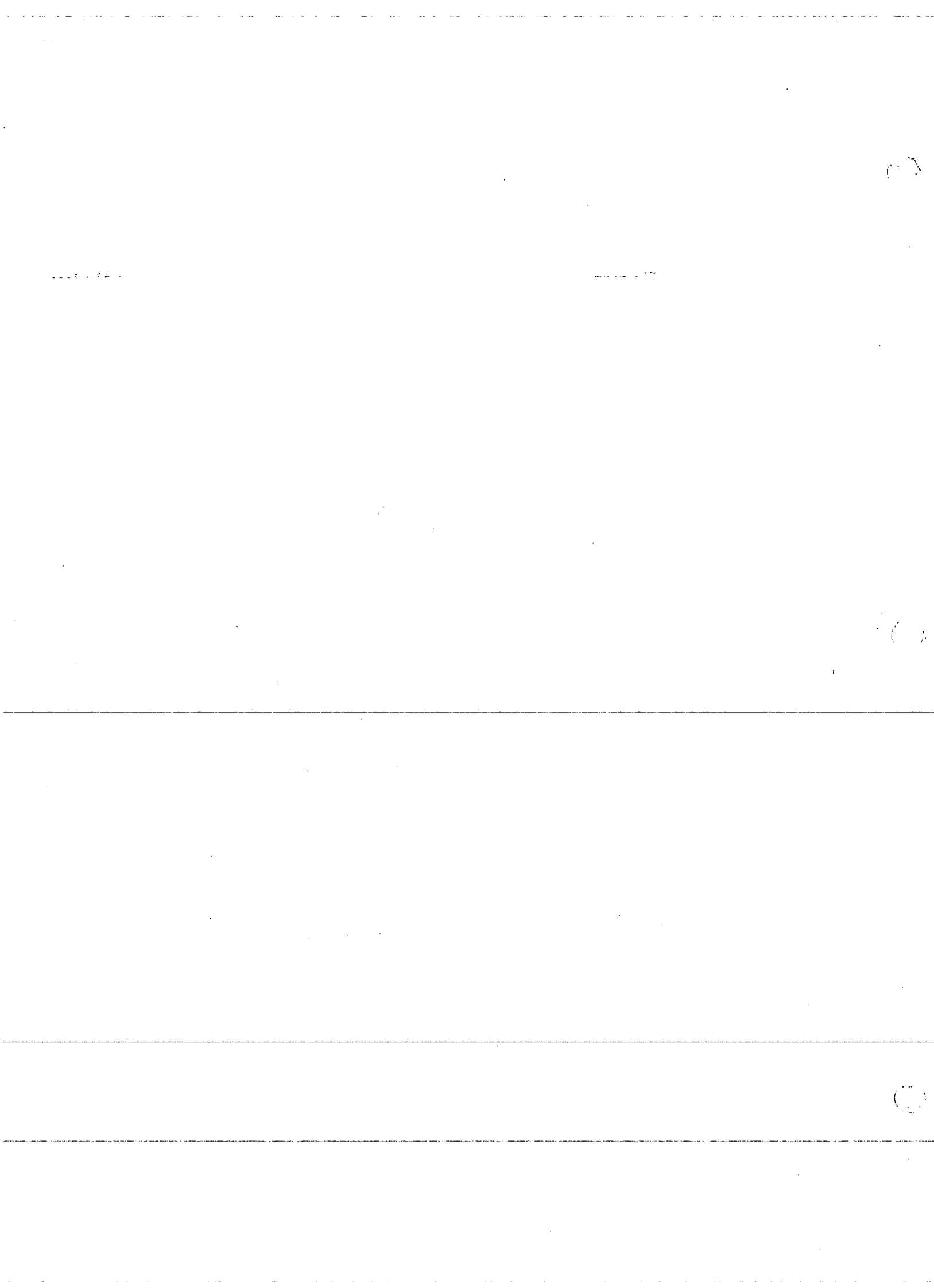
Referring it to you, the counsel.

MS. CAULTON-HARRIS: Why don't you --

MR. CARRUTHERS: Would you explain?

All of that is kind of --

ATTORNEY MOORE: Sure. No problem. So at the conclusion of the deliberations, when the Board feels ready to make a decision, what the Board is deciding on is



1 whether or not to make a recommendation to
2 the Commissioner, the Director, to pursue
3 site assignment for this particular
4 project.

5 So that is the vote that will be taken
6 and the question that is essentially before
7 this body at this time.

8 It would just be done in a procedural
9 fashion where someone would make a motion,
10 would title the motion whether to recommend
11 or not recommend. And you would take a
12 vote. And that would be essentially the
13 conclusion of your hearing.

14 MS. CAULTON-HARRIS: I'm going to
15 ask you to come back and instruct around
16 the vote.

17 You know, yea, nay, abstention,
18 however that is framed.

19 ATTORNEY MOORE: Sure. Absolutely.
20 You can ask me any questions.

21 DOCTOR SCAVRON: So deliberations--
22 not deliberations around the motion,
23 deliberations around--

1 be the information and facts received
2 during the hearing.

3 So that's kind of the limited group of
4 information you are allowed to base your
5 decision on.

6 DOCTOR SCAVRON: Plus, we also said
7 that there's other information that is
8 available such as general knowledge, things
9 that are in the public domain, things that
10 are--

11 Right?

12 ATTORNEY MOORE: Sure.

13 DOCTOR SCAVRON: So the question of
14 whether pollution is good for you, we can
15 take that into account, whether we think
16 it's good for us or not, just general
17 information. You have stated that before.

18 ATTORNEY MOORE: To the extent that
19 there are facts in your possession to
20 address that issue, yes.

21 DOCTOR SCAVRON: Okay. So how do
22 we start this motion?

23 MR. CARRUTHERS: Well, I mean, do

1 MS. CAULTON-HARRIS: The evidence.

2 ATTORNEY MOORE: Right.

3 DOCTOR SCAVRON: That's what we are
4 doing?

5 ATTORNEY MOORE: Right. You are
6 deliberating--

7 DOCTOR SCAVRON: Around the
8 evidence.

9 ATTORNEY MOORE: Yes, based on the
10 evidence you received at the public
11 hearing, everything received at that public
12 hearing, all evidence, all testimony, all
13 information from then, January 20th, to the
14 close of the hearing, which I believe is
15 May 19th, if I remember correctly.

16 Anything received during that period,
17 that is what you are basing your decision
18 on.

19 Items received before then that
20 weren't incorporated specifically or items
21 after that should not be the basis for the
22 decision.

23 You know, and my recommendation would

1 we want to deliberate? Are we ready to
2 deliberate? I mean, we have been --

3 DOCTOR SCAVRON: We said we were
4 going to.

5 MR. CARRUTHERS: Let's do it.

6 DOCTOR SCAVRON: So let's go.

7 MR. CARRUTHERS: I'll start. Do we
8 want to go around and discuss our thoughts
9 about it?

10 DOCTOR SCAVRON: That's starting,
11 please.

12 MR. CARRUTHERS: Okay. You know,
13 we've had this hearing --

14 AUDIENCE MEMBER: Would you use the
15 microphone, please?

16 MR. CARRUTHERS: Sure. Sorry. Is
17 it on?

18 Okay. So we've had this hearing to
19 decide or, you know, so that we get
20 information to decide whether to call this
21 question to Helen to send out a site
22 assessment assignment review or to specify
23 one.

1 In my estimation we are required to do
2 that. I don't see anything that says that
3 we don't have that responsibility.

4 I think that we are responsible to the
5 public, you know, for their health and that
6 requires us to actually call forward the
7 site assessment review.

8 We've gotten a lot of information on
9 the specifics about, you know, pollution
10 and DEQ and all that kind of stuff.

11 But we haven't gotten a lot of
12 information--

13 For me at least I didn't see it.

14 --on specific life quality issues that
15 I think are really important for a person's
16 health.

17 And I'll just quickly say that as a
18 mental health professional one of the
19 things that I don't have any information or
20 very little in terms of what we have gotten
21 so far is on mental health and how that is
22 going to be impacted by having this, you
23 know, in our community and certainly

1 specifically in that community.

2 And, believe me, you know, mental
3 health is important, obviously.

4 But I was struck by half a dozen,
5 eight letters, that talked about-- that
6 were sent to us during the hearing time
7 that specified, that talked about, the fear
8 of having something like this in the
9 community.

10 And fear clearly is related to
11 anxiety. Anxiety is clearly related to
12 physical problems. So this is an
13 assessment that, as far as I can see, we
14 haven't done.

15 I think the site assignment review,
16 you know, should take that into
17 consideration.

18 Who wants to go next?

19 Nobody?

20 DOCTOR SCAVRON: So unfortunately I
21 have been doing this stint for many years
22 as a member of the Public Health Council.

23 And I have had-- this is not the first

1 hearing. We've had hearings before.

2 And they have-- this whole thing has
3 been a developing and evolving question.

4 And my only way to think about this is
5 to take the data and the information that
6 we have been given to understand it and to
7 make a bit of a narrative about it.

8 And, if you don't mind --

9 And I needed to write it because I
10 didn't want to forget things. So I am
11 really happy to read what I have and to
12 recognize that this is a presentation of
13 how this issue comes to me.

14 And I certainly want to hear from
15 other people who may have a different
16 interpretation, which could help me
17 develop, alter, change, what I have thought
18 on my own because, unfortunately, we have
19 been thinking on our own about this.

20 So does anybody mind, if I read?

21 MR. CARRUTHERS: Not at all.

22 DOCTOR SCAVRON: It's only two
23 hundred and twenty pages.

1 MR. CARRUTHERS: Send out for the
2 coffee.

3 DOCTOR SCAVRON: And there's a
4 narrative quality about it. It's not legal
5 thinking.

6 So it's important to note that when
7 PRE started this project the social needs
8 that they presented to us as the Public
9 Health Council included reducing dependence
10 on foreign oil, finding renewable energy
11 sources, which at that time included
12 biomass, and help ease a lull in the
13 construction industry.

14 And those things are important.

15 There's social reasons to do things.
16 And you might even give up some health
17 benefits for other social values.

18 And those were the presented social
19 reasons.

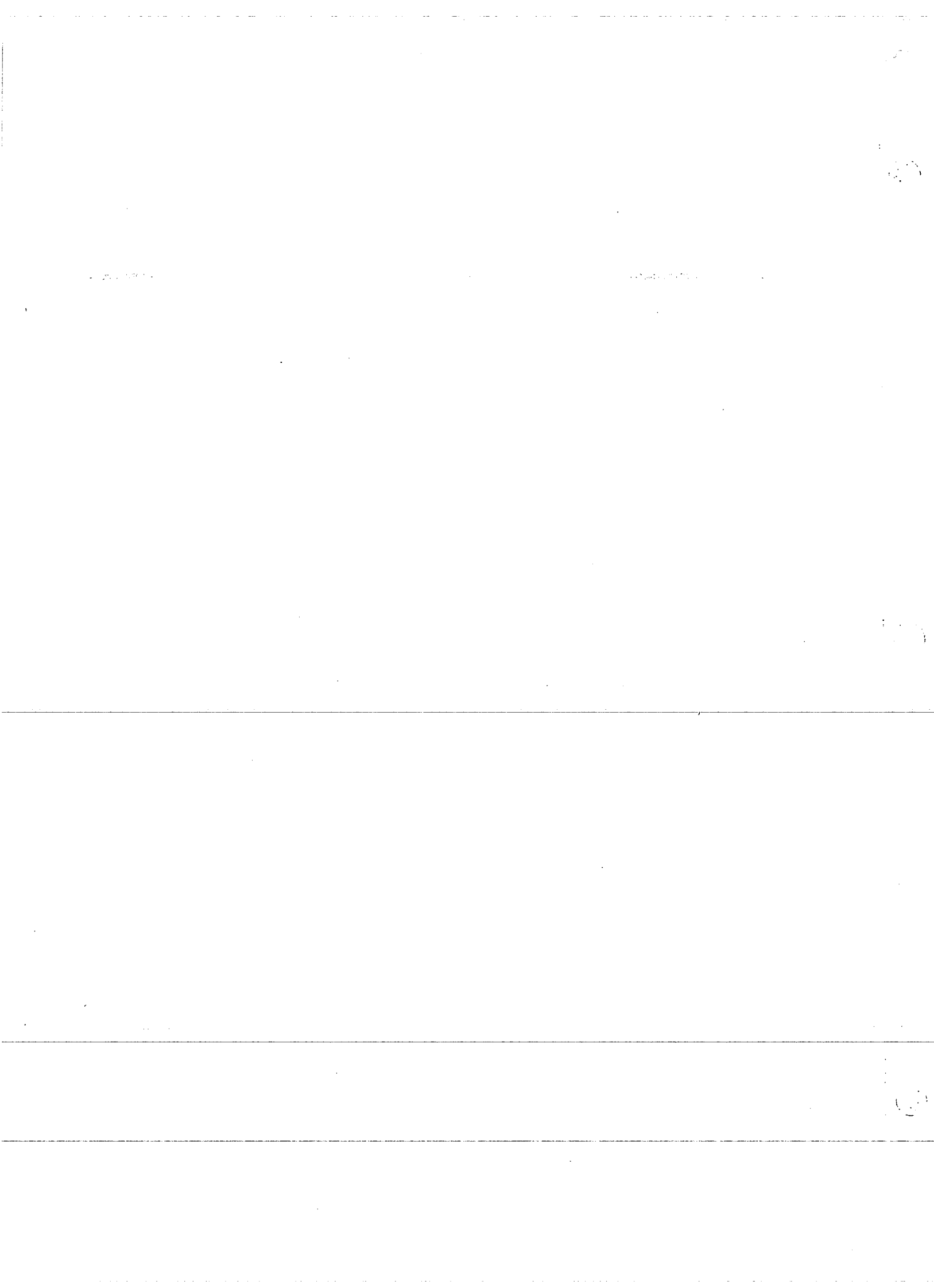
20 It was thought by many that
21 environmental limits on pollution-- if
22 environmental limits on pollution were
23 below an acknowledged level, the health

1 impact of pollution was little.
 2 PRE adjusted and complied with each
 3 requirement that they were presented with.
 4 That has to do with the kind of wood
 5 they were going to burn and other things.
 6 However, our knowledge of
 7 environmental and health risks of pollution
 8 has changed dramatically since that time.
 9 The mandated pollution limits are now
 10 lower and heading even lower in the future.
 11 The adverse effects on incremental
 12 pollution, the adverse effects on people of
 13 incremental pollution even at levels much
 14 lower than the mandated limits, is becoming
 15 ever more clear that people get sick just
 16 from increased levels of pollution.
 17 Our knowledge of climate change has
 18 continued to progress and the dangers it
 19 poses to the world or nation,
 20 Massachusetts, and the people of
 21 Springfield are more obvious than ever.
 22 Biomass is no longer eligible for
 23 renewable energy credits because of the low

1 efficiency at which it produces electrical
 2 power.
 3 The number of construction jobs --
 4 And that is one change.
 5 And another change is that the number
 6 of construction jobs has rebounded.
 7 The role of the Public Health Council
 8 in regards to site assignment is to advise
 9 the Health Commissioner, who acts as the
 10 Board of Health, as to whether the proposed
 11 site poses any risk to the health of the
 12 people of Springfield.
 13 In the General Laws--
 14 And I won't read them again.
 15 --it basically says no trade or
 16 employment may result in a nuisance or be
 17 harmful to the inhabitants, injurious to
 18 their estate, dangerous to the public
 19 health or attended by noise, similar
 20 injuries odors.
 21 It shall be established in the city or
 22 town except in such a location as may be
 23 assigned by the Board of Health.

1 That is not us, by the way. We are
 2 advisory on this issue to the Board of
 3 Health, which is the Commissioner.
 4 The Board of Health then would hold a
 5 site assignment hearing. And, if after
 6 such a hearing, permit, deny or set
 7 conditions on said trade.
 8 I'm going to say in my description I
 9 am planning, unless more information comes,
 10 to make a motion to advise the Commissioner
 11 to institute a site assignment process.
 12 This needs to include a rigorous
 13 health impact analysis to cast added light
 14 on the health effects of the proposed plan
 15 in the proposed location.
 16 The Health Department should fully
 17 address the following areas of concern.
 18 The following areas of concern are
 19 things that I believe are unanswered at
 20 this moment based on everything I read.
 21 I read all the stuff from PRE. I read
 22 all the stuff from you folks, from the
 23 citizens, from the health authorities, from

1 the activists.
 2 And there are plenty of unanswered
 3 questions.
 4 The location of the plant in a
 5 populous environmental justice community,
 6 that is a serious question.
 7 Few, if any, biomass plants are
 8 located in EJ communities or where there is
 9 a high concentration of people especially
 10 with such a high concentration of asthma
 11 and other health disparities.
 12 It has been hard to systematically
 13 investigate the real problems found in the
 14 communities surrounding other biomass
 15 plants.
 16 And I have tried. I have called. I
 17 have talked to people. I've talked to
 18 people who have been health centers where
 19 there are biomass plants. I have read
 20 stuff.
 21 And I have found a large number of
 22 anecdotal incidents, but no systematic
 23 evaluation of what is going on, whether it



17

1 be noise, whether it be debris on the
 2 roads, whether it be pollution, whether it
 3 be smells, whether it be accidents.
 4 This needs to be done.
 5 We need to know what we are letting
 6 people in for in my estimation so far.
 7 Change my mind, sir.
 8 AUDIENCE MEMBER: I have a
 9 question.
 10 DOCTOR SCAVRON: I would like to
 11 finish, please. I need to do this.
 12 The site assignment process,
 13 especially (inaudible), should thoroughly
 14 address concerns that have been raised by
 15 members of the area-- by members of
 16 communities near other biomass plants.
 17 This would include local trucks, truck
 18 pollution likelihood and liability from
 19 unplanned events such as accidents and
 20 fires, smells, noises, debris, traffic.
 21 Number two, the need by our state and
 22 nation to reduce pollution, especially
 23 greenhouse gases.

18

1 The Massachusetts Supreme Judicial
 2 Court recently unanimously ruled that we
 3 are going to be required to reduce
 4 greenhouse gases by fixed amounts to meet
 5 fixed reductions by 2020.
 6 Not just let's reduce it, but by fixed
 7 amounts.
 8 We would be remiss if we do not study
 9 the effect of this proposed plant on that
 10 legal requirement.
 11 What will be the effect of this plant
 12 on greenhouse gases?
 13 This is a subject that was not taken
 14 up or well documented by the Mass. DEP
 15 permitting process.
 16 And nobody actually looked at it in
 17 particular on how it will affect the limits
 18 that need to be set by 2020.
 19 The greenhouse gas emissions, carbon
 20 pollution and the climate-change effect of
 21 the plant need to be studied to the best of
 22 our ability.
 23 So we have the community, the

19

1 greenhouse gases.
 2 Number three, the evolving science
 3 about incremental changes in air pollution
 4 and its adverse effects on health.
 5 A full health impact analysis would
 6 allow us to understand what current
 7 knowledge tells us about the health risks
 8 of then our neighbors in this community
 9 face and the people around the area.
 10 Number four, there remains a
 11 considerable number of unanswered questions
 12 about fuel and transportation, areas that
 13 are not covered by the DEP and the Mass.
 14 DEP ruling.
 15 Mass. DEP in a meeting that
 16 Ms. Caulton and I had with them as part of
 17 the hearing investigation told us--
 18 And I will tell you what they told us.
 19 They told us that this permit is a
 20 very tight permit and they believe that the
 21 plan is as good as the plan could be. And
 22 they were proud of the permit that they
 23 issued.

20

1 And that permit is based on fixed-site
 2 pollution.
 3 Fixed-site pollution means the stuff
 4 coming out of the smoke stack.
 5 Okay?
 6 The stuff that you can measure, the
 7 air pollution that you can measure, coming
 8 out of the stack, the dust and debris from
 9 the wood that is stored in the yard, which
 10 like our folks from Plainfield told us and
 11 Connecticut told us, was a big hazard.
 12 And in response I believe that Palmer
 13 said we are going to enclose all of this
 14 stuff, and that would eliminate that dust
 15 and debris problem.
 16 Those are the fixed pollutants.
 17 There are mobile pollutants. There
 18 are mobile pollutants particularly in the
 19 trucks, particularly in the numerous large
 20 trucks that are going to be traveling in
 21 and out of the plant.
 22 And in-- well, let me read it.
 23 So the full health impact analysis for

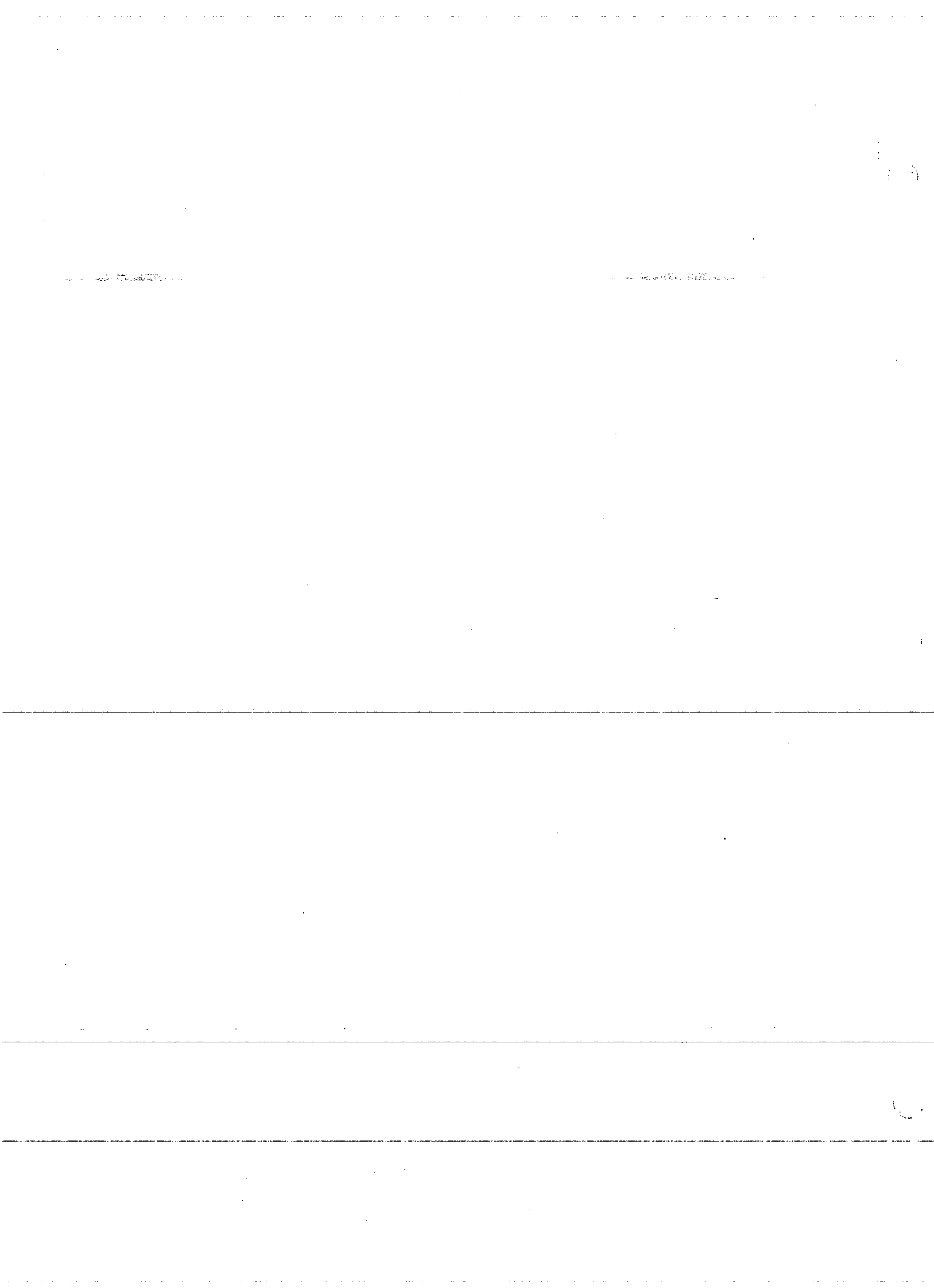


1 our neighbors related to mobile stuff.
 2 A, the distance fuel and
 3 transportation, the distance from fuel
 4 sources and the problems in getting the
 5 fuel to our town.
 6 There's going to be a lot of trucks.
 7 And with that pipeline that is not going to
 8 be built through there is going to be less
 9 wood available at a near distance, so it
 10 would be a lot of trucks traveling a longer
 11 distance to bring fuel to it.
 12 That is one issue.
 13 The truck traffic, the vehicle
 14 pollution including serious idling
 15 problems.
 16 Despite the fact that we have no
 17 idling for diesel for trucks and buses,
 18 I've never passed a bus that wasn't idling.
 19 I've never. It just doesn't happen.
 20 And, indeed, though the trucks are
 21 supposed to be modern and retrofitted for
 22 pollution, we all know a couple of things.
 23 Number one, what Volkswagen has done

1 in relation to diesel emissions just lets
 2 us know that there's a big fraud movement
 3 going on in trying to get diesel vehicles
 4 to pass emissions tests.
 5 I'm not saying anybody is planning to
 6 do it. I just know that this is out there
 7 and this is very serious.
 8 So I actually looked on the Internet
 9 about how can I beat the diesel emission
 10 laws.
 11 And there were pages of YouTube stuff
 12 about saying take your truck and fill the
 13 stuff that is supposed to be-- this new
 14 stuff, this ether, fill that tank with
 15 water and you'll pass the pollution test
 16 and your truck will run better.
 17 What we learned from Volkswagen is
 18 that, if your truck or if your car needs to
 19 have good performance, it can't pass the
 20 emissions standards.
 21 But if you let it pass the emissions
 22 standards--
 23 If you don't let it pass the emissions

1 standards, if you keep it from passing it
 2 by increasing the pollution, there will be
 3 better performance and people will buy your
 4 cars.
 5 This is widespread. This is
 6 widespread in the trucking industry. It's
 7 widespread in the car industry.
 8 And we need before we go forward to
 9 answer this question:
 10 What will really be the effect on air
 11 pollution?
 12 Not what will it say we are going to
 13 put stuff on the trucks, but what really
 14 will happen to air pollution from this
 15 enormous traffic increase?
 16 And, as you know, that the truck and
 17 the diesel traffic is not only particular
 18 pollution and all other things, it is also
 19 greenhouse gases, which are not really
 20 dealt with in this proposal.
 21 And my final thought on this was we
 22 might need energy. I don't know why it
 23 would need to be in this populous

1 environmental justice neighborhood.
 2 But why now in 2016 is biomass the
 3 fuel of choice for producing energy, if we
 4 need it?
 5 If everywhere you look it is renewable
 6 energy, wind and solar and geothermal and
 7 hydro, all of these things are the things
 8 that everybody is looking for.
 9 Nobody any longer is looking at
 10 biomass, not around here. Not around here.
 11 In other places they are, but not around
 12 here where Massachusetts has said, no, this
 13 isn't-- this isn't what we need.
 14 So these are the factors that make
 15 me--
 16 And I do want to say that in 2009,
 17 when we needed to reduce dependency on
 18 foreign oil and we needed more energy and
 19 all that was a question, this was not such
 20 a bad response to that question.
 21 But this is seven years later and I
 22 think our knowledge is different. Our
 23 needs are different. The cost of energy is



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1 way down.

2 And why would we then build a

3 thirty-five mega-- a thirty-five kilowatt

4 plant on Page Boulevard in the middle of

5 our neighborhood that we will be stuck with

6 forever at this time when everybody is

7 moving away from this form of energy to

8 produce-- or this form of fuel to produce

9 energy?

10 So that is how I put it together

11 through all this stuff.

12 The smoke stack that they are going to

13 build, that they propose to build,

14 according to Mass. DEP does not create a

15 large amount of --

16 Large amount is the question.

17 But it doesn't really change the

18 numbers of measurable pollutants.

19 It changes them, but not that greatly.

20 And it is a very advanced model that

21 they said.

22 But it only answers that question of

23 the smoke coming out of the stack and then

26

1 the storage question.

2 There's a lot of things that go on.

3 And we've gotten a lot of information about

4 practices that different companies have

5 used once they got their permits and built

6 their plants that seemed to be underhanded.

7 I don't think we need at all to lay

8 that on Palmer, which has not done that.

9 Other than trying to bankrupt the

10 City, they are not trying to do anything

11 else.

12 But really I don't think that we need

13 to lay that stuff on them.

14 But we need to find out what are the

15 issues in other plants around the country

16 and particularly plants in communities that

17 might resemble ours?

18 So that's what I've got so far.

19 So knock me down, guys.

20 (Applause.)

21 AUDIENCE MEMBER: I just want to

22 ask a question.

23 DOCTOR SCAVRON: I'm sorry.

27

1 MS. CAULTON-HARRIS: No. No. I'm

2 sorry.

3 DOCTOR SCAVRON: I'm not sure that

4 we can do questions during our

5 deliberations.

6 MS. CLANCY: Okay. I only have one

7 question, really, because I don't disagree

8 with anything that Doctor Scavron has said.

9 But I'm confused on the role of the Council

10 based on we need the information and I

11 thought our decisions were based on

12 evidence already presented.

13 So can someone explain that to me,

14 please?

15 DOCTOR SCAVRON: I would start-- or

16 our attorney could help us. But I would

17 start by saying the information that we got

18 answered a bunch of questions and left a

19 lot unanswered.

20 And if we are to-- if we would like to

21 fulfill our responsibilities to the City,

22 we should get the answers to those

23 questions just as we did at Gerena.

28

1 MS. CLANCY: Right. Again, I don't

2 disagree. I need to hear from the attorney

3 that that's our role.

4 Because everything that both of you

5 have said I don't disagree with, but

6 there's no evidence.

7 ATTORNEY MOORE: I think the

8 question is about the role of the Public

9 Health Council.

10 MS. CLANCY: That's what I would

11 like explained, please.

12 ATTORNEY MOORE: What you can and

13 can not take into account in this

14 particular vote? Is that right? Is that

15 the question?

16 MS. CLANCY: No. I'm confused.

17 DOCTOR SCAVRON: What is our role

18 in trying to advise the Commissioner?

19 How do we advise the Commissioner on

20 what?

21 And when we say, yes, you should or,

22 no, we don't advise you to go forward, do

23 we have to say, yes, because, you know,

1. Introduction

2. Methodology

3. Results

1 seven people are going to have asthma?
2 Or can we say there are many
3 unanswered questions that will greatly
4 affect the health of the people in the
5 City?

6 MS. CLANCY: That's what we want to
7 know.

8 ATTORNEY MOORE: Well, ultimately I
9 can't tell you what to base your decision
10 on. I'm just the lawyer.

11 I'm giving you what legally you are
12 allowed to do, which you are allowed to
13 make a decision to recommend or not
14 recommend the site assignment go forward.

15 You are allowed to base that decision
16 on any and all evidence you receive during
17 the public hearing.

18 And, if you interpret the evidence as
19 I think Doctor Scavron is saying he's
20 interpreting the evidence, and that's your
21 basis for decision, that's your prerogative
22 as a member sitting in the quasi-judicial
23 capacity that this Board is at the moment.

1 So each one of you may have a
2 different version of what Doctor Scavron is
3 referring to.

4 So it's not uncommon when you have a
5 eight-person deliberation that, you know,
6 seven different interpretations of the data
7 are kind of incorporated into the ultimate
8 vote.

9 There's no requirement that all eight
10 of you have the exact same reasons for
11 voting the way you vote or that you will
12 all interpret the data the same way.

13 Ultimately the vote is going to be an
14 up or down vote as to whether to recommend
15 the site assignment go forward.

16 You can certainly include in that vote
17 if the body so agrees a whole list of
18 reasons why you voted the way you did.

19 Ultimately, the decision being made by
20 the director is going to be, as I mentioned
21 to this Board in many meetings, and people
22 who have been here probably heard me say
23 this, there will be written findings and a

1 decision that comes out of the whole
2 process, whether it goes forward or does
3 not go forward.

4 So I can't really tell you what to
5 base it on. I can tell you that you really
6 can only base it on what you received in
7 evidence in hearing in a procedural sense.
8 That's what you are allowed to evaluate.

9 And if you conclude based on evidence
10 either up or down, you can kind of base
11 your own reasons for that within your vote.

12 So I hope I answered--

13 Does that answer your question?

14 MS. CLANCY: Not really.

15 ATTORNEY MOORE: I'm sorry. I
16 would say it would be based on the evidence
17 you received.

18 Any vote that is taking into account
19 information outside of what you received in
20 the public hearing suggests that the
21 ultimate decision is bore to a legal
22 challenge because there could be an
23 argument made that you took in data that

1 you didn't really receive during the
2 hearing.

3 So what you received in the hearing is
4 what you base your decision upon one way or
5 the other.

6 MS. CLANCY: But we can base an
7 opinion on--

8 ATTORNEY MOORE: On the information
9 received you can form an opinion as to
10 whether you should be going forward or not.

11 In fact, that is what you are doing
12 right now.

13 It is, based on what we received --

14 MS. CLANCY: Okay. And that we
15 need facts to make decisions so we need
16 more studies.

17 ATTORNEY MOORE: It may well be
18 that that is--

19 MS. CLANCY: Right?

20 ATTORNEY MOORE: --what individual
21 members have concluded. That may well be
22 your conclusion.

23 Again, I can't tell you what the

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1 conclusion is.

2 But, if that's what you look at when
3 you see the facts and that's ultimately
4 what you base your vote on, then, in fact,
5 you are allowed to do that certainly.

6 Although I can't tell you if that
7 means you vote yes or no. That's certainly
8 your decision.

9 MS. CLANCY: No. I agree. Okay.

10 ATTORNEY MOORE: So.

11 MR. CARRUTHERS: I just wanted to
12 say thank you a lot, Doctor Scavron. You
13 put a lot of effort into that.

14 And I perceive that personally and as
15 a public citizen because this is a non-paid
16 job that we are doing --

17 DOCTOR SCAVRON: What?

18 MR. CARRUTHERS: You didn't get the
19 memo?

20 But substantially I want to say that I
21 agree with you so much with, you know, your
22 list of things that need to be answered.

23 And I think, Jeanne, in terms of that

1 I think there's a lot of questions we don't
2 have the answers to.

3 And there's no way-- I mean, we didn't
4 get them. And by voting for a site
5 assignment review, we are asking for those
6 answers.

7 Okay?

8 Does that help at all in terms of your
9 understanding of it?

10 DOCTOR SCAVRON: We are voting to
11 recommend.

12 MR. CARRUTHERS: Right, we are
13 voting to recommend. Exactly.

14 DOCTOR SCAVRON: If that's what we
15 vote.

16 MR. CARRUTHERS: Exactly. And I
17 would just add to your list of unanswered
18 questions the mental health issue, which
19 personally it's important to me to examine
20 that, as well.

21 So I think there are a bunch of
22 unanswered questions. And by calling forth
23 the assignment review, that idea is to get

1 those answers.

2 MS. FRANCO: I think that we have
3 been talking for a long time about this
4 site assignment. And we have been going
5 back and forth, and back and forth. And--

6 AUDIENCE: Use the microphone,
7 please.

8 MS. FRANCO: Oh. I thought my
9 voice carried. Sorry.

10 I was saying that I feel that we have
11 been talking about this site assignment.
12 We have been talking about this biomass for
13 quite a few years.

14 And I think to get out of this hole
15 and to move forward, we need to have a site
16 assignment so that we can get all these
17 answers, these questions answered, and we
18 can move on to stop what we need to do or
19 to just really have the questions answered.

20 MR. CARRUTHERS: Anybody else?

21 MS. BAKER: I do agree with what
22 Doctor Scavron said.

23 AUDIENCE: We can't hear you.

1 MS. BAKER: I do agree with what
2 they say. My question would be: For the
3 site assignment, are we going to get these
4 answers?

5 I mean, this is a unique facility that
6 is not around in our local area or anywhere
7 place nearby.

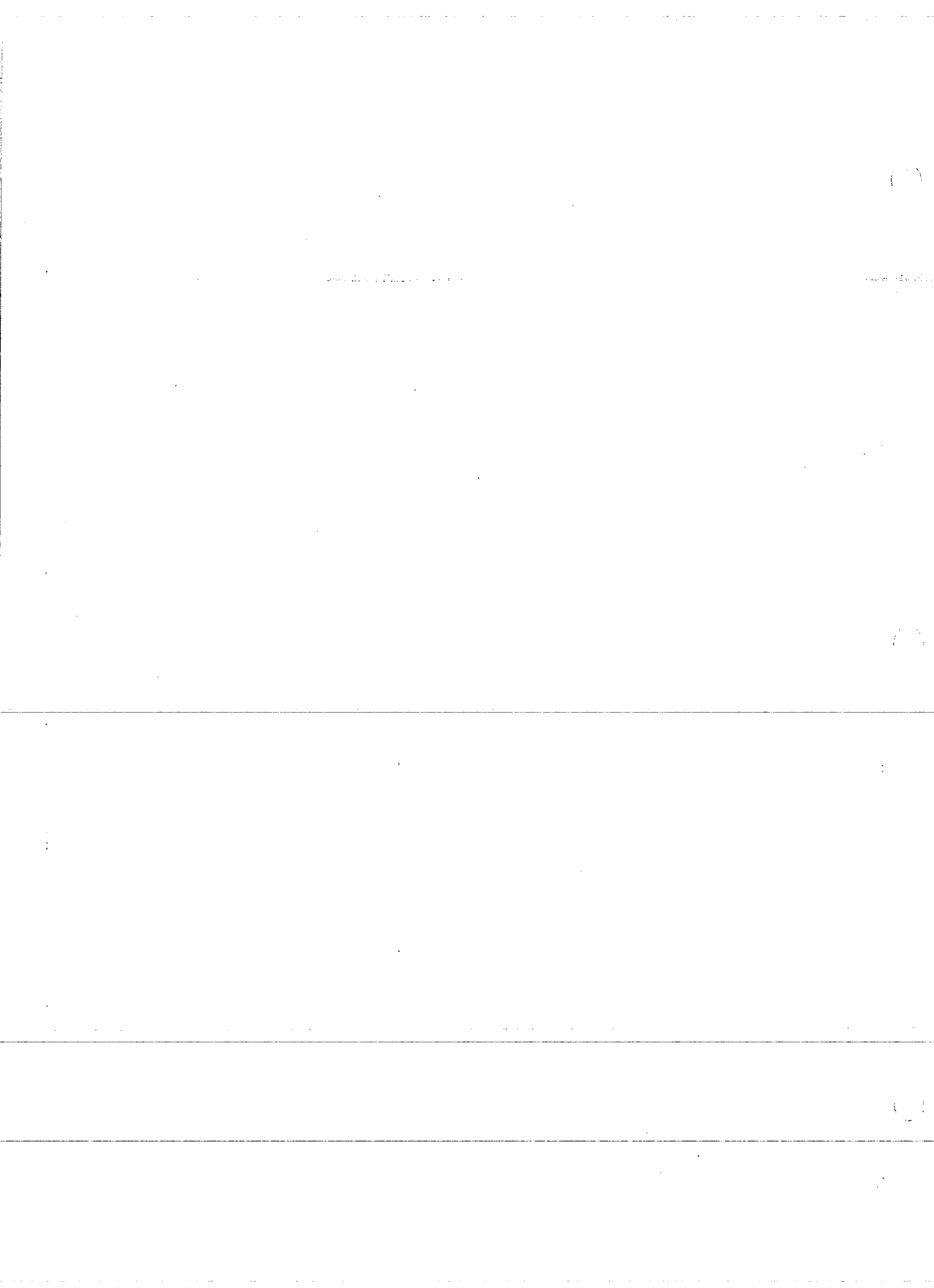
8 Are we going to get answers to those
9 questions by doing the site assignment?

10 That would be one of my major
11 questions.

12 MR. CARRUTHERS: We can never
13 guarantee if we will get the right answers
14 and full answers, and all that. There's
15 always going to be a little speculation.
16 But I don't think that that negates the
17 idea for calling for it.

18 DOCTOR SCAVRON: And I think that
19 in the regulations that we passed several
20 years ago about filing for a site
21 assignment, we asked the company to pay, if
22 there's a certain-- there's a certain

23 formula that allows us to have some funds



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1 to actually-- or allows the Health
 2 Department to have some funds that would at
 3 least go a ways in answering some of the
 4 most critical questions.
 5 We did vote on that. The City Council
 6 supported that and voted in the regulations
 7 on how you pay for the site assignment
 8 evaluations.
 9 So, you know, you can't answer every
 10 question.
 11 And we are in a changing world.
 12 There's no doubt about that.
 13 So there's no saying, that if we found
 14 something out this year, that next year it
 15 might have holes in it.
 16 So I certainly think that's true.
 17 But I don't know what else our
 18 obligation is but to try to find it out.
 19 MS. CAULTON-HARRIS: Doctor
 20 Scavron, I heard you make a motion. I
 21 guess the question is: Are there any more
 22 comments from the members of the Public
 23 Health Council before we make the--

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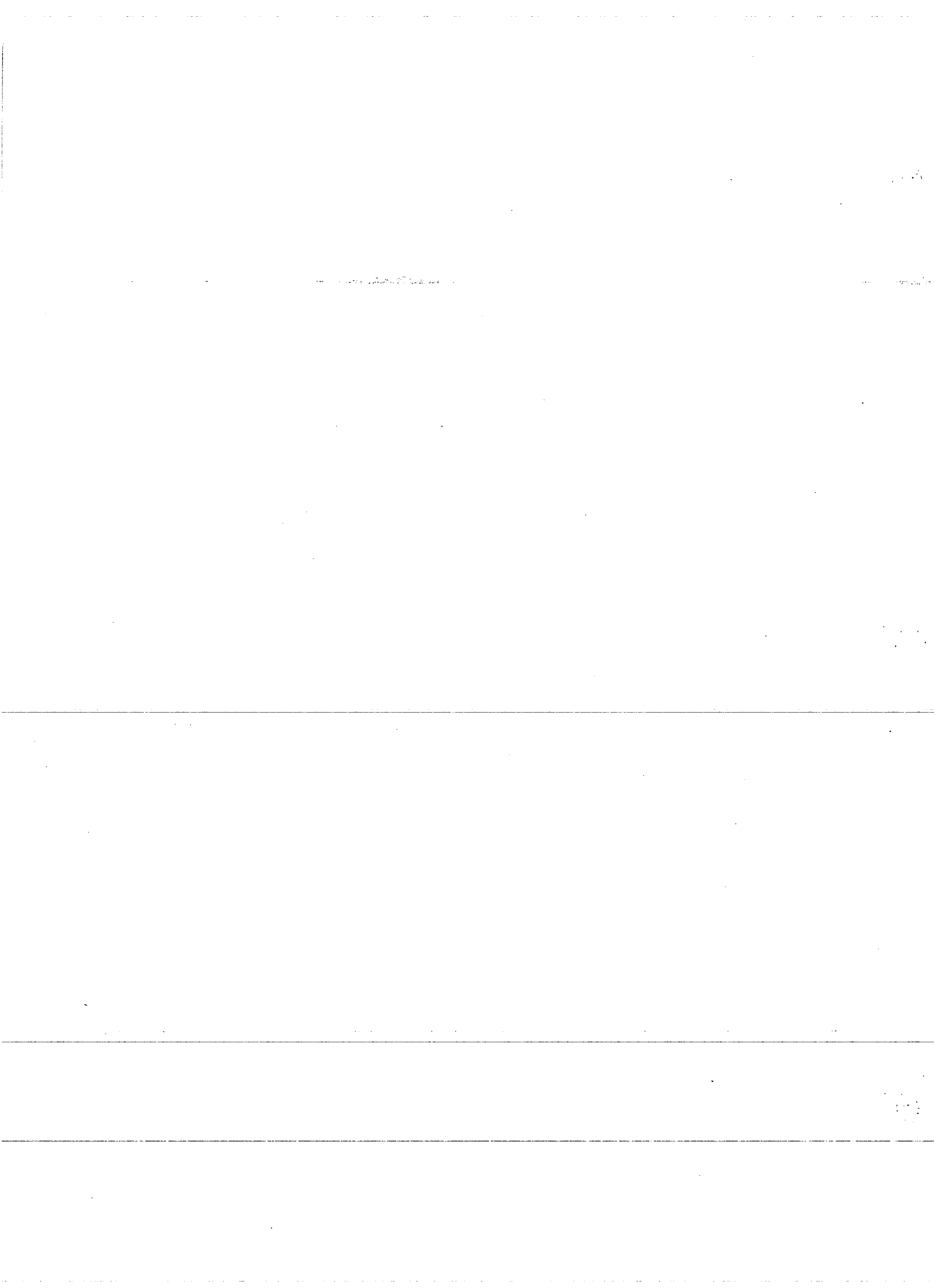
1 The motion was made, I thought.
 2 DOCTOR SCAVRON: I don't think I
 3 really made the motion.
 4 MS. CAULTON-HARRIS: Okay. So then
 5 I guess -- -
 6 DOCTOR SCAVRON: We are still in--
 7 MS. CAULTON-HARRIS: --we are still
 8 in deliberations.
 9 DOCTOR SCAVRON: Correct.
 10 MS. CAULTON-HARRIS: So if there's
 11 any other comments that need to be made,
 12 then we need to hear those and factor those
 13 into the testimony.
 14 DOCTOR SCAVRON: Anyone else?
 15 Anything else?
 16 MR. CARRUTHERS: I've got nothing
 17 else, per se.
 18 DOCTOR SCAVRON: So the other thing
 19 that we know is that we are advisory.
 20 We are--
 21 If we make such a motion, it would be
 22 to ask the director, who is the Board of
 23 Health for these purposes, to-- we would

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1 advise her to initiate a site-assignment
 2 study.
 3 She would be able to use our
 4 deliberations, our information and other
 5 information that she receives from
 6 wherever, including the City attorney, to
 7 either go ahead with the site assignment
 8 process or not.
 9 As a matter of fact, if we vote no and
 10 she wants to go ahead, she also could go
 11 ahead.
 12 MR. CARRUTHERS: Right.
 13 DOCTOR SCAVRON: So we are
 14 advisory. We are--
 15 I certainly feel that what I proposed
 16 is based on a careful reading of the stuff
 17 that was presented to us and that we as
 18 citizen representatives for the public
 19 health of the City are obliged to go ahead
 20 and try to get all these other questions
 21 answered.
 22 If Ms. Caulton feels, if her
 23 attorneys, if the City attorney, whatever

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1 it is, if they feel that we are not on
 2 solid legal grounds for whatever reason,
 3 you know, that is in her purview.
 4 Our purview is to advise on the
 5 health, to protect the health of the people
 6 of the City.
 7 And that is why I think--
 8 Well, why don't I make a motion
 9 because --
 10 MR. CARRUTHERS: Why don't you make
 11 a motion? Yes. Let's go for it.
 12 DOCTOR SCAVRON: I move that the
 13 Public Health Council recommend that the
 14 Springfield Board of Health initiate a site
 15 assignment process including a rigorous
 16 health-impact analysis to cast added light
 17 on the health effects of the proposed plan
 18 in the proposed location.
 19 The Health Department should fully
 20 address the following areas of concern.
 21 And I won't say them again.
 22 The location, the cars, the changing
 23 state of environmental knowledge, the



1 greenhouse gasses, etcetera, the things
2 that I mentioned.

3 And to the extent we can, that those
4 things be addressed so that by going ahead
5 or not going ahead we really have the best
6 handle we can on what the effects on the
7 people of the City would be.

8 That's my motion.

9 MR. CARRUTHERS: And I'll second
10 it.

11 MR. HOWARD: Second it.

12 MR. CARRUTHERS: We have discussion
13 again?

14 DOCTOR SCAVRON: Anybody calling
15 the cops? Are the lawyers calling the cops
16 right now?

17 ATTORNEY MOORE: I'm sorry? What
18 was the question?

19 MS. CAULTON-HARRIS: I had a
20 question. I'm sorry. I didn't mean to
21 distract him.

22 ATTORNEY MOORE: I'm good.

23 MS. CLANCY: I thought Helen had a

1 question.

2 MR. CARRUTHERS: Somebody has to
3 run the meeting and call a vote. And I
4 don't know who that is.

5 ATTORNEY MOORE: So were there any
6 questions as to the voting, what the vote
7 means? Feel free to ask me.

8 I know there's an issue as to how
9 abstentions affect the voting.

10 Abstentions essentially have the
11 effect of no vote. So even though they
12 don't really count in the overall voting,
13 they have the effect of a not voting. So
14 people abstaining, it's not a vote of no.
15 It doesn't count on the record that way.
16 It counts as an abstention. But it does
17 have legal effects on the vote, so in case
18 that comes up.

19 DOCTOR SCAVRON: We have nine
20 people on the Board. We are advising the
21 Commissioner. And it is not appropriate, I
22 don't believe, that she vote on that.

23 ATTORNEY MOORE: She has recused

1 herself.

2 DOCTOR SCAVRON: So, therefore, it
3 is a question-- it is a question of eight
4 of us appointed on the Council.

5 The quorum question is yet to be
6 answered, but we will proceed with whatever
7 vote we have and present it to the
8 Commissioner as however the vote is.

9 If it's eight votes in any direction,
10 it is a quorum of our supposed-- our
11 supposed-to-be fifteen members.

12 If it's less than eight, it will be--
13 whatever that vote would be, would be a
14 quorum of our appointed members.

15 And that's the way it is. And those
16 questions, I guess, have yet to be answered
17 to everybody's satisfaction.

18 MS. CLANCY: Yes. I'm still not
19 comfortable.

20 DOCTOR SCAVRON: So discussion on
21 the --

22 MS. CLANCY: We are not a Council
23 of fifteen.

1 DOCTOR SCAVRON: Correct. That
2 question is yet to be answered. It's a
3 legal question.

4 MS. CLANCY: That's absolutely--

5 DOCTOR SCAVRON: Some people answer
6 it some way, and others another.

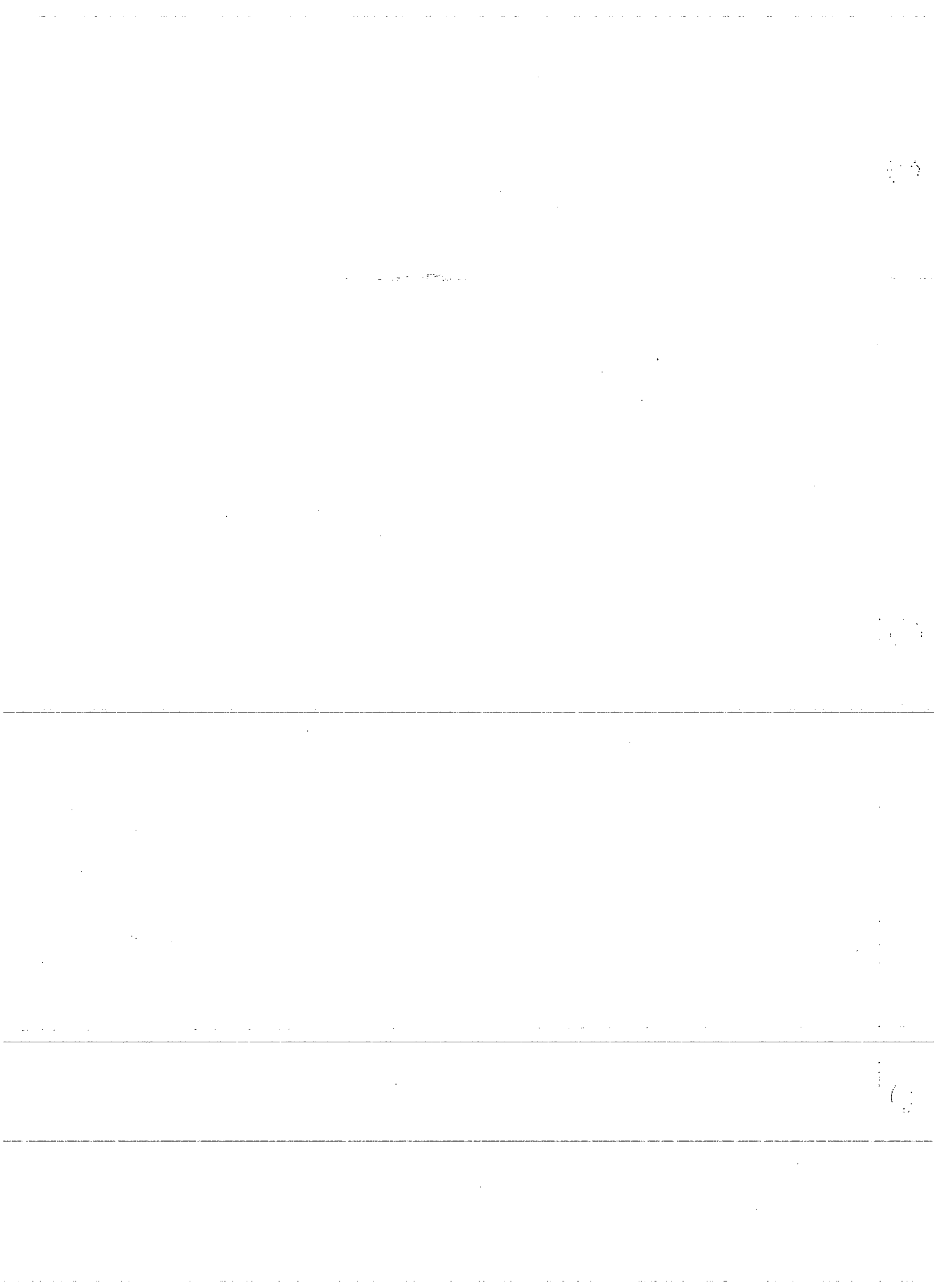
7 ATTORNEY MOORE: I'll tell you that
8 to the extent that the Public Health
9 Council by its incorporating acts is
10 constituted as a fifteen-member board.

11 So although we have less than fifteen
12 members appointed, the Public Health
13 Council through a special act of
14 legislation is fifteen members.

15 So I don't know if that helps answer
16 that question.

17 But how many people are technically on
18 the Council, there are members who are
19 actually appointed and there are chairs yet
20 to be filled.

21 That still counts as Public Health
22 Council members, just no actual appointment
23 to sitting on it.



1 So there are fifteen members of the
2 Council. There are only, I think, ten at
3 this point appointed.

4 So I don't know if that helps answer
5 the question about how many total.

6 MS. CAULTON-HARRIS: Let me just
7 say we had four resignations within the
8 last three months.

9 And Doctor Hetzel resigned prior to
10 that.

11 So it was at least a thirteen member
12 counsel at one point.

13 ATTORNEY MOORE: That is my
14 understanding, as well.

15 MS. CAULTON-HARRIS: Thank you.

16 ATTORNEY MOORE: So the issue and
17 the question that I guess the written legal
18 opinion would be best to address is more
19 around what happens to the quorum and what
20 happens to what is called a simple majority
21 body when the members aren't as
22 constituted?

23 In other words, when you don't have

1 anything--

2 MS. CLANCY: Facts that we don't
3 have.

4 But you said a fact; that we don't
5 have the facts is a fact.

6 ATTORNEY MOORE: The key part that
7 maybe you are struggling with is people
8 would interpret that fact in different ways
9 to mean maybe two different things.

10 One might interpret that to mean we
11 then go forward.

12 And one might interpret that to mean:
13 How can we go forward? If we don't have
14 that, we need to go back and get that
15 before we go forward.

16 And that ultimately maybe is what is
17 being grappled with with the Board. I can
18 not--

19 MS. CLANCY: Well, it's pretty
20 clear that we are basing it on that we
21 need--

22 DOCTOR SCAVRON: More information.

23 MS. CLANCY: --more evidence; that

1 full fifteen sitting and you have less than
2 that, does that allow you to take an
3 approval vote, with less than your normal
4 simple majority, which would be eight
5 members?

6 So that is a question that again has
7 yet to be fully answered.

8 I think the recommendation would be
9 made essentially that the Board go forward
10 and make a vote, and that a written opinion
11 come out from the Law Department to address
12 that specific issue.

13 And that way it fully informs the
14 decision that gets made ultimately as to
15 the site assignment factor, if that helps.

16 MS. CAULTON-HARRIS: Okay.

17 ATTORNEY MOORE: I'm sorry. I'm
18 not being very helpful for you tonight.

19 MS. CLANCY: I know it's really
20 hard because part of it you are saying we
21 are supposed to be basing this on fact.

22 ATTORNEY MOORE: Yes. Really, it's
23 all supposed to be based on facts, not

1 we don't have it.

2 But when you were presenting to us in
3 executive session --

4 ATTORNEY MOORE: I think we should
5 limit this to not what we discussed in
6 executive session.

7 MS. CLANCY: Oh, okay. Then I'm
8 done.

9 It's confusing.

10 MS. FRANCO: I'm good.

11 MR. CARRUTHERS: Ready to vote?

12 DOCTOR SCAVRON: Any further
13 discussion?

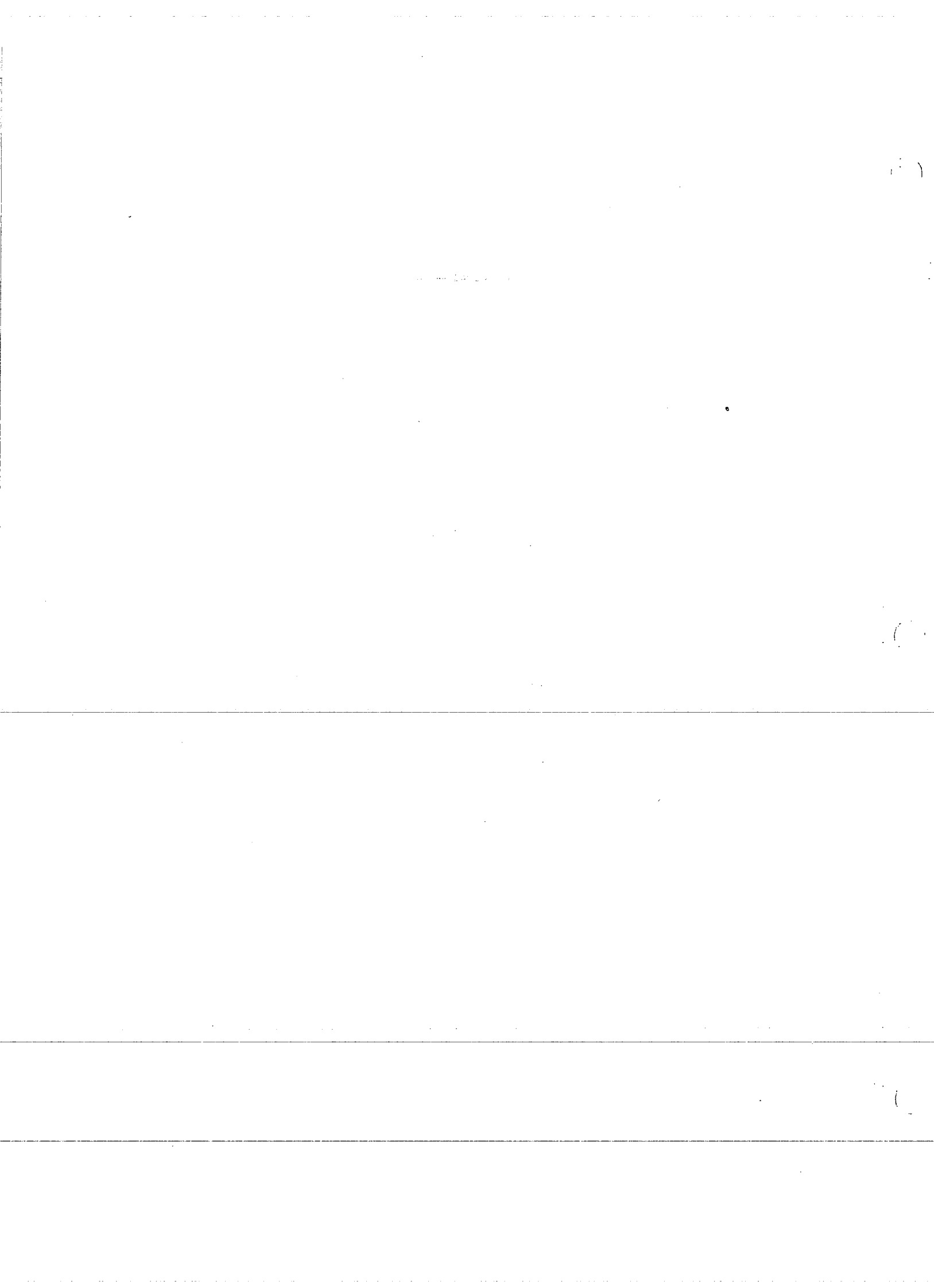
14 I'm going to ask Jeanne to call the
15 question because I made the motion.

16 Just call the question whether to vote
17 yes or no to the motion that I made.

18 MS. CLANCY: Is everyone ready for
19 that?

20 Okay. We are going to call the vote
21 on Doctor Scavron's motion.

22 MS. CAULTON-HARRIS: Let me help
23 you. Rollcall would be in order.



1 MS. CLANCY: It will be rollcall.
 2 MS. CAULTON-HARRIS: The signup
 3 sheet someone has.
 4 Thank you.
 5 So can you repeat the motion again.
 6 I know that-- maybe it doesn't need
 7 repeating because you have it written, so
 8 we can write it into the --
 9 DOCTOR SCAVRON: You got it back.
 10 So the question has been called?
 11 MS. CAULTON-HARRIS: So the
 12 question has been called. And I heard the
 13 attorney say the options are yes, no,
 14 abstention.
 15 Doctor Scavron?
 16 DOCTOR SCAVRON: I vote yes.
 17 MS. CLANCY: I'm going to abstain.
 18 MS. CAULTON-HARRIS: Jeanne Clancy?
 19 Wait a minute.
 20 Doctor Scavron?
 21 DOCTOR SCAVRON: Yes.
 22 MS. CAULTON-HARRIS: Where is your
 23 name, Doctor Scavron?

1 MS. CAULTON-HARRIS: I thought the
 2 abstention counted. It doesn't count at
 3 all?
 4 ATTORNEY MOORE: Effectively, no.
 5 It doesn't actually count in the vote.
 6 MS. CAULTON-HARRIS: So the vote is
 7 six to one.
 8 And so I am not--
 9 Again, I'm not sure whether the motion
 10 carries or it doesn't based on your quorum
 11 definition.
 12 ATTORNEY MOORE: I think what we
 13 say is the motion is voted on six to one in
 14 favor, and that, you know, ultimately as to
 15 whether that constitutes a valid vote is
 16 going to be something that comes out.
 17 DOCTOR SCAVRON: And that is the
 18 advice-- six to one is the advice of the
 19 Public Health Council to the Commissioner.
 20 ATTORNEY MOORE: I think that's the
 21 way you procedurally mark this vote.
 22 (Applause.)
 23 MS. CAULTON-HARRIS: Milta, I'm

1 I know it's here.
 2 DOCTOR SCAVRON: On my driver's
 3 license.
 4 MS. CAULTON-HARRIS: Okay. So
 5 Milta Franco?
 6 MS. FRANCO: Yes.
 7 MS. CAULTON-HARRIS: Parris Howard?
 8 MR. HOWARD: Yes.
 9 MS. CAULTON-HARRIS: Mattie
 10 Jenkins?
 11 MS. JENKINS: Yes.
 12 MS. CAULTON-HARRIS: Maria Navarro?
 13 MS. NARARRO: Yes.
 14 MS. CAULTON-HARRIS: Mr.
 15 Carruthers?
 16 MR. CARRUTHERS: Yes.
 17 MS. CAULTON-HARRIS: Mary Anne
 18 Baker.
 19 MS. BAKER: No.
 20 MS. CAULTON-HARRIS: So at this
 21 point the vote is six-two.
 22 DOCTOR SCAVRON: Six-one and one
 23 abstention.

1 going to ask that you and Maria sign in.
 2 Here you go, just so we will have you.
 3 So that vote ends the biomass
 4 discussion. I do need to move under new
 5 business.
 6 (Matter concluded before
 the Council at 6:50 p.m.)

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COMMONWEALTH OF MASSACHUSETTS
COUNTY OF HAMPDEN
I, JULIA A. McLEOD, Shorthand
Reporter, hereby certify that the foregoing
is a true and accurate transcript of my
stenographic notes to the best of my
knowledge and ability.

Julia A. McLeod
Julia A. McLeod
Shorthand Reporter
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