

**Falmouth Wind Turbine Mitigation Report Review
Report of the Consensus Building Institute
Revised Process Recommendations**

Overview

The Town of Falmouth Board of Selectmen has solicited the input of residents and other stakeholders on the Wind Energy Facility Mitigation Alternatives Analysis, prepared for the town by Weston and Sampson. The Town is now exploring the potential for a collaborative process to seek a medium- and longer-term plan for the operation or removal of the turbines and the impacts of those decisions on the town's budget. The Consensus Building Institute (CBI) was hired by the Town of Falmouth, through a contract with the Massachusetts Clean Energy Center, to assist in collecting initial responses to the mitigation alternatives report, and if appropriate, developing and facilitating a collaborative process.

To do this, CBI conducted confidential interviews and focus groups with 52 stakeholders with a wide range of perspectives to understand their thoughts and concerns on the results of the mitigation report and possible steps forward. Our findings from that assessment were compiled into a draft report, released on March 14, which was then revised and released on March 23, based on comments by interviewees. At that time, we also issued a set of draft recommendations for a process to improve decision-making for the long-term plan, and held a public meeting on April 12 to solicit feedback and input on those recommendations.

Based on that input, as well as other input received by email and phone, we now submit the following final recommendations to the Town of Falmouth Board of Selectmen. We recommend that the Board of Selectmen determine whether and how to move forward with this process within two weeks of receiving this report.

The Consensus Building Institute is a not-for-profit [501 c(3)] organization based in Cambridge, Massachusetts. CBI provides facilitation and mediation services to help public, private, and non-governmental organizations nationally and internationally reach agreement on complex public policy matters. The assessment team consisted of Stacie Nicole Smith, Senior Associate, and Carri Hulet, Associate. Carly Inkpen, CBI Administrative Assistant, helped to compile a summary of the April 12 meeting (attached as Appendix A).

KEY RECOMMENDATION

We recommend that the Town of Falmouth Board of Selectmen, with assistance from a neutral facilitator, convene a *Falmouth Wind Turbine Option Analysis Committee* (the Committee), made up of themselves and representatives of those concerned about adverse affects on neighbors, supporters of Falmouth-based renewable energy, supporters and beneficiaries of fiscal impacts, and relevant town government departments, to meet as needed to clarify the range of potential long-term options, identify the questions for investigation, determine legitimate methods for answering those questions, jointly review the information, and re-evaluate the options given the new information.

We see the most promising opportunity for collaborative engagement to be around recommendations for a long-term decision regarding the turbines. While we cannot say that a collaborative group could reach agreement on the most desirable long-term option, we do believe that the Town would benefit from collaborative exploration of the options and the many questions that need to be answered about each one. These options might include some combination of: moving one or both turbines to another location, in a manner that would maintain environmental and town/taxpayer benefits; implementing technical/mechanical changes to the turbines to reduce their noise and health impacts, possibly in combination with a curtailment plan for certain times or wind conditions, and/or implementing one or more economic options to relocate or compensate impacted neighbors. As detailed in our assessment report findings, the feasibility, cost, and benefits of all of these options remain unknown, and significant additional information is required before it could be determined whether any of these options might address the core underlying concerns of stakeholders. We believe a collaborative process to answer these questions prior to making a long-term decision, using information that is broadly legitimate, credible, and salient, would contribute significantly to effective and informed public decision making.

The core interests at stake include:

- Health, safety and well-being of impacted abutters
- Property rights and economic impacts on property for abutters
- Implementation of Falmouth's climate action protection plan goals to reduce use of fossil fuel
- Fiscal impacts on the town's taxpayers and town services
- An amicable end to a conflict that has divided and challenged the town's relationships and reputation

Any broadly acceptable long-term plan for the turbines will need to respond to some extent to all of these core interests.

The tasks of the Committee would be to:

- Clarify the range of potentially acceptable long-term options
- Identify the questions that would need to be answered about each of those options in order to evaluate their feasibility, costs, and benefits
- Determine legitimate methods for gaining answers to those questions
- Jointly review and interpret the data that comes back, and
- Evaluate the options based on the new information.

Two additional Committee goals would be to:

- Improve relationships and effective communication among the Town officials, affected families, and other members of the town
- Provide an arena for public information and input and transparent deliberation and evaluation

The goal of the group would NOT be to reach agreement on a long-term decision for the wind turbines, but rather to provide the Board of Selectmen with a clear, comprehensive, and inclusive analysis of the range of options, their costs and benefits, and their impacts, based on stakeholder input and interests. Participants in the Committee could disagree about the ultimate criteria that

the Board of Selectmen should use to make their decision, but still work together to uncover information that can help inform that decision. In this context, data collection would center around information that will be widely perceived as legitimate in the eyes of stakeholders, credible in technical terms, and (perhaps most importantly) salient to the resolution of the issues.

Representation on the Committee: There are many benefits of developing a representative committee, rather than holding open public forums, to achieve the task described above. Development of a formalized, standing Committee helps facilitate the inclusion and balance of the range of interests – core, underlying concerns – that stakeholders bring to this issue. It also allows for responsibility and accountability of all members to a set of ground rules that can create a safe space for discussion. Nonetheless, while dialogue at meetings would center around the Committee, the process and the meetings should also be open to the public, information about it should be widely publicized, and each meeting should include some time for public comments, questions, and discussion.

In order to balance among the range of concerns on this issue, the Committee should seek to include a diverse set of participants from Falmouth who can represent the following interests:

- 5 residents primarily concerned with adverse impacts on neighbors of the turbines (including health and economic impacts, and residential and commercial abutters)
- 2 residents primarily concerned with implementing Falmouth’s climate action protection plan to reduce use of fossil fuel
- 2 taxpayers primarily concerned with maintaining the fiscal benefits provided by the turbines
- 2 residents with strong empathy for all perspectives primarily concerned with a fair and effective process that can lead to amicable outcome that can reunite the town
- 3 relevant Town Departments

To the extent feasible, representatives of these perspectives should be selected by their constituents. Representatives for the adversely impacted neighbors should be selected directly by those neighbors, and should include both residents and businesses and those who are primarily concerned with health, safety and wellbeing as well as those primarily concerned with economic and property impacts. Adversely impacted neighbors may also want to ensure that the interests of full-year and seasonal residents are both represented. Similarly, representatives for Falmouth’s renewable energy priorities might be selected by Friends of Falmouth Wind, allowing any proponent of wind energy in Falmouth to apply whether or not they are affiliated with that organization. For representatives of Town departments, Town government should make the selection, drawing from any department, program, or committee who will likely be most impacted by the decisions or have a significant role in implementation. These constituent groups may all benefit from using or adapting the sample application form, attached as Appendix B.

For the representatives of fiscal benefits and representatives of fair process, the Board of Selectmen should initiate an open and transparent application process using or adapting from the application form, attached as Appendix B. This process should be initiated by the Board of Selectmen upon approval of establishment of this Committee, and the Board of Selectmen should clearly describe how individuals should apply to represent their constituents, including the

application form they need to complete, to whom it should be submitted, and the deadline for applications. Given the interests in moving forward as swiftly as possible, all constituencies should seek to complete their selection process within 4 weeks of the Selectmen's approval of the process. This might include 2 weeks to submit applications and 2 weeks to select representatives.

No matter what method is used to make selections, all Committee representatives should possess the following qualities that support thoughtful, inquiring, and open-minded discussion:

- Capacity to represent and articulate the diverse range of interests and concerns of the constituencies they represent, seek input from constituents, and keep them informed about the discussions and proceedings of the Committee;
- Willingness and interest in attending all meetings and participating actively in discussions, and;
- Willingness to engage in respectful and constructive dialogue with other stakeholder group representatives, and seek creative resolutions of differences that meet the interests of their own and other groups.

The first Committee meeting should address any public concerns about representation, allowing the group to evaluate the concerns of any members of the public who do not feel that their interests are sufficiently represented, or any concerns about whether the selected representatives possess the three criteria offered above. Members of the Committee would serve as liaisons and ambassadors for the groups they represent, provide detailed input, and help guide the development of the options analysis. The Committee would advise on the analysis as well as be a conduit for information out to, and input back from, their constituencies. One or two members of the Board of Selectmen should participate actively in the discussion and dialogue of the Committee, but refrain from joining in any Committee decision-making, since they will be receiving the final analysis of the group and will have to act on it as part of and with the full authority of their elected position.

Retain a neutral facilitator: We recommend that the Board of Selectmen retain an experienced, neutral facilitator to assist with the work of the Committee. The facilitator should be acceptable to and work equally for all parties, and abide by the Ethical Standards of the Association for Conflict Resolution, attached as Appendix C. The role of the facilitator could include the following:

- Drafting operating protocols & ground rules to ensure clear and effective communication, gaining agreement from the group on these protocols, and ensuring compliance with the agreed protocols.
- Helping to develop and refine the process so that it runs smoothly and effectively, drafting meeting agendas, preparing any presenters, and facilitating meetings to ensure that the agenda is followed and that all participants are able to contribute.

- Working with participants during and between meetings, as necessary, to clarify interests and concerns, identify and synthesize points of agreement and disagreement, and elicit and clarify potential options that might “bridge” those differences.
- After each meeting, prepare a summary of meeting proceedings and outcomes, without attribution, for the Committee and wide public distribution.
- When appropriate, prepare a single text draft on the deliberations to date, including areas of agreement and disagreement, and circulate it for review and discussion.

Enlist support from one or more Technical Advisors: Given the technical nature of some of the questions, the Board of Selectmen should retain one or more technical advisors to the Committee who could attend Committee meetings, prepare and deliver educational presentations to the Committee members and public on technical issues, and respond to questions, concerns, and ideas of the group. This may include MassCEC, DNV/KEMA and Acentech, each of whom has technical skills to offer the Committee, provided they can be acceptable to the Committee as a whole. It may also include other technical advisors or experts with knowledge or skills needed by the Committee who can be acceptable to the Committee as a whole, including those with economics or health expertise. The Committee will seek consensus on any technical experts asked to work on behalf of the Committee, as well as on the work that these technical experts are asked to do.

Committee Work Plan: We suggest the need for six meetings, each three hours in length. The first 2-3 meetings could take place weekly, in order to move the process forward as swiftly as possible. The meetings would take place on weekday evenings. It may make also sense to include one or more public forum within this schedule. One possible structure for meetings could be:

Meeting one: Establish operating protocols, overview of process goals and workplan, clarify options for analysis, member and public Q&A

Meeting two: Identify questions to answer about the options, explore methodologies for collecting information, public comment

Meeting three: Finalize information-gathering protocols, public comment

BREAK FOR DATA COLLECTION

Meeting four: Mid-point evaluation of information gathering and initial findings, public Q&A and comment

BREAK TO FINALIZE DATA COLLECTION

Meeting five: Review, evaluate, and interpret new information, public comment

Meeting six: Finalize analysis of feasibility, cost, and benefit of options, public comment

Caucusing and Open Meeting Law: The Committee would conduct all of its deliberations in accordance with Massachusetts Open Meeting Laws. At the same time, stakeholder representatives would be encouraged to meet with their constituents in confidential meetings throughout the process. As no stakeholder constituency constitutes a quorum as defined by

Massachusetts Law (“a simple majority”), our understanding is that such stakeholder caucuses would not violate Open Meeting Law. However, the Town of Falmouth should request a written opinion from their attorney to clarify their legal position on this issue in advance of the first meeting.

Publicize Committee meetings broadly and invite all interested citizens: Press releases, flyers in newspapers, and announcements in public places should all be used to get the word out. Local newspapers and radio should be strongly encouraged to attend. Meetings should be recorded and distribution by public access television in order to increase visibility and transparency. All materials from the discussions should be made available on a website accessible from the Town’s Wind webpage. Updates should be made at all relevant town events and town Selectmen meetings, as appropriate. Representatives should also make themselves available to provide updates and receive input from the people they represent.

CBI believes that applying the actions above will provide the Falmouth Board of Selectmen a thorough and inclusive evaluation of long-term options, to greatly improve their decision-making about this highly contentious and challenging issue.

Appendix A
Falmouth Wind Turbine Mitigation
Developing a Long-Term Plan: Public Meeting
on CBI's draft Process Recommendations
April 12, 2012

Draft Meeting Summary

Stacie Smith opened the meeting and welcomed all participants. She introduced herself, and reviewed the goal of the meeting: to refine recommendations for a process to inform the long-term plan for Falmouth's Wind I and Wind II. She explained that the meeting was being filmed by CCTV and that CBI would produce a summary of public input. The slides presented at the meeting would be posted on the Town website's wind page.

An attendee asked whether presentation of the reports developed by the consultants from DNV and Acentech would be included in this meeting. Stacie responded that the consultants are in attendance but will not present at this meeting, which will be solely focused on refining the collaborative process recommendations. She stated that DNV and Acentech would work with the Town and possibly a collaborative Committee to determine a forum to present their report.

An attendee asked why there was no one present to answer participant questions. Stacie responded that this meeting was designed to hear input from the participants, rather than to provide information from experts or community leaders.

Stacie also reminded the attendees that the focus of this meeting would not be on the medium/short term operation of the turbines, and provided an e-mail that she was asked to provide for sharing comments or questions with Selectmen on that issue. (Since then, the town manager has asked her to clarify that falwind@gmail.com should continue to be used for any complaints about operations.

Stacie provided a brief background about CBI and then offered some suggested ground rules for the meeting. Participants had no questions or suggestions on the ground rules.

An attendee asked whether Stacie and CBI have experience facilitating conflict management in situations similar to Falmouth, where turbines have already been erected and are now posing problems, and what sort of success had been achieved with CBI methods. Stacie responded that she and CBI have significant experience in situations where a building or infrastructure has been sited and is under dispute, and provided some examples. She then stated that, while all situations are unique and the process she recommended is specifically tailored to respond to this context, the core dynamics of this situation are certainly familiar. She also clarified that she thought her presentation would help to answer this question more fully, and reiterated that she would not recommend this process if she didn't think it could be helpful.

Stacie gave an overview of the process to date and reviewed her draft process recommendations. She then requested questions and comments.

An attendee asked Stacie to please explain acronyms, such as MassCEC. Nils Bolgen of MassCEC explained that the Massachusetts Clean Energy Center was a State agency committed to accelerating clean energy goals.

In response to Stacie's definition of "stakeholder," an attendee asked who would not be considered a stakeholder. Stacie responded that there are a lot of people who would not be included, for example, people who are opposed to wind generally, (or in favor of wind generally) but don't live in Falmouth and are not affected by these particular turbines..

An attendee asked how Stacie would define Falmouth's problem. Stacie responded that different stakeholders define the problem differently, contributing to the challenge in resolving it. Everyone in the town agrees that something is wrong, but they don't necessarily agree about the root causes or a common description of the situation.

An attendee mentioned that the options put forth by Weston & Sampson's Mitigation Alternatives Analysis were meant to protect the residents' well-being. Why can't the problem just be defined as protection issue? Stacie responded that people's opinions differ about whether the options analyzed in that report are viable/desirable. Further, that that report analyzed those options primarily with respect to their impacts on costs, rather than their impacts on neighbor's health and safety or renewable energy. CBI's assessment suggested that these things were seen by many people as weaknesses of that report.

In response, an attendee asked whether Stacie had heard from people in the town who think that money is more important than people's health. Stacie clarified that what she did hear was that, in the quest to address health and safety concerns, different people gave different levels of priority to fiscal concerns and/or alternative energy goals.

An attendee stated that, in their opinion, the town has a failed wind project. They asked how we get MassCEC to work with the town to take the turbines down; maybe we can trade them for solar panels, or something else. Stacie reminded participants that this was not the time to discuss specific proposals, but that these were the kinds of discussions she envisioned could take place during a collaborative process.

An attendee stated that they were impressed with the proposed process. However, they raised a concern that there was a conflict of interest because CBI is being funded by MassCEC. He asked Stacie to explain how the citizens will be protected in this situation.

Stacie explained that she could understand concerns about a conflict of interest, but clarified CBI's role and commitment as accountable to the group as a whole, in accordance with a set of ethical standards for professional neutrals. She asked the group, if she were to facilitate a collaborative process for them, to hold her to her neutrality commitment; that if they see something inconsistent, they should address it with her. She also explained that CBI has used other funding arrangements on past projects, for example where various parties pay a share. She is open to looking into other options if the participants decide that is important.

An attendee read a statement about how Brown County in Wisconsin is addressing a similar situation by requesting emergency financial assistance from the state. Stacie reiterated the ground rules, asking participants not to read statements or advocate for specific outcomes during this meeting lest they miss their opportunity to help her refine the collaborative process.

An attendee asked Stacie to clarify the point that she is not here to find the solution or make decisions; she is here to help create a process to find the solution among us. Stacie agreed that, at no point during any process, will she tell the group what the answer is or what they should do regarding the substance of the issue. Only the people around the table get to make decisions.

An attendee stated that they think the town is lacking science and many more studies need to be done, including having people stay in the houses of those affected, changing the blades, etc.

Stacie covered more details about her process recommendations, the goals of the recommended process, and the initial potential option elements for exploration, then took additional questions and comments.

An attendee asked where the information will go once the process is completed? Stacie responded that it goes back to the Board of Selectmen to make any ultimate decisions.

An attendee asked who would do the research about, e.g. relocating the turbines, or more info about curtailments. They noted that there is a lot of fatigue about this issue among the town members; and that we might need to find someone from outside. Stacie responded that figuring this out would be part of the Committee's task. There is technical expertise being offered (wind expertise, sound expertise, MassCEC, etc.). Beyond that, the Committee would have to agree together on reliable and legitimate experts who could be trusted by all to answer technical questions.

An attendee asked if Stacie envisions the committee having a representative from all stakeholder groups. Referring to the four core interests Stacie listed in her presentation, an attendee points out that renewable energy seems to be an issue that is bigger than the other three local interests, so it doesn't seem to fit in. Stacie agreed that she had probably phrased that group's interests insufficiently, since she is referring to people in Falmouth who are concerned about renewable energy locally. She agreed to change the phrasing to make that clearer. The attendee noted that the state's goals for renewable energy may not be the same as the town's.

An attendee said that if the state requires renewable energy, then the state should be at the table as a stakeholder. Stacie responded that the group could certainly talk about that. Because the state did not explicitly require Falmouth to purchase the turbines, she had not initially suggested that they be included as a decision-making stakeholder.

An attendee made a suggestion about how to localize the renewable energy issue: the town has an energy committee and about ten years ago the town voted to become a green community. With that, there were some mandates/requirements to reduce fossil fuels.

An attendee suggested that there should be people on the committee who are abutters but who are not negatively impacted. Stacie responded that they can be included; they may not fall into the health/safety interest-category, but fall into one of the other categories, such as local renewable energy, or town fiscal well-being.

Questions and comments about who should be involved in the proposed committee:

An attendee suggested that Stacie change the phrase “1-2 supporters of renewable energy” to "supporters of wind energy". Another attendee pointed out that even the people who are adversely affected are in support of renewable energy. Stacie responded that she will clarify this interest-category to encompass people who are particularly focused on Falmouth’s green energy goals.

An attendee pointed out that there are townspeople who are not adversely affected, nor concerned primarily about fiscal issues, but who are mainly concerned with other residents' well-being.

An attendee asked if the group would be limited to a certain number. Stacie responded that size limits should be based on the number of people who can work well together; she stated that a group of up to 20 could be manageable.

An attendee asked how the group would reach conclusions if there is no voting. Stacie responded that they will not agree by voting, but by consensus. The group will decide the decision rule.

An attendee asked Stacie to describe who the relevant town departments are, and raised concerns about the fact that the town departments would be biased. Stacie responded that it would be up to the town to decide which departments were most relevant, and acknowledged that the departments clearly had a point of view, as did all other stakeholders at the table.

The attendee also pointed out that all residents are concerned about the fiscal well-being of the town so perhaps it should not be a standalone category. Stacie reiterated that she meant this category to include those for whom this is a primary concern in the context of this situation.

Regarding the proposed makeup of the group, an attendee stated that 50% of the proposed members primarily have a fiscal stake. Another attendee said that it appears to be weighted so that 75% of the proposed members are pro-wind.

An attendee suggested that there are other communities undergoing similar difficulties and that some of the town's questions have likely already been answered by other communities. They cautioned against wasting time and resources by redoing studies that have been done elsewhere. Stacie responded that the Committee could certainly draw knowledge from other examples, to the extent that those examples can be seen as legitimate by all, otherwise they would not be accepted.

An attendee suggested that the category of "2-3 taxpayers who are not adversely affected" should be changed to "taxpayers who are positively affected".

Since a lot of the questions the town has are about health issues, an attendee asked whether or not a doctor/the health department should be on the committee. Stacie agreed that the group will need a lot of technical expertise, including health expertise. She clarified that technical advisers don't need to sit on the committee, but the group can reach out to them for assistance.

An attendee raised a concern that all of these things have been done in the past without producing results. Stacie shared her sense that this is different because, in the past, there have been studies and expertise from only one side or the other. This process will collaboratively generate information that everyone can value and view as legitimate.

An attendee stated that having 3-4 relevant town departments on the committee seems weighted against the abutters. Another participant pointed out that the weight of each group is less important; the most important thing is to have all of the groups at the table. Stacie acknowledged that people are concerned about the overall balance of voices, and that she hoped to make changes to the proposal such that everyone can live with the distribution.

An attendee asked, given the fact that there are a lot of biased people in the town, how will open minded people be chosen for the committee. Stacie responded by presenting her next set of slides, about representative selection and criteria.

Questions and comments about participant criteria:

An attendee asked what should be done if some stakeholders object to those selected for the committee? Stacie responded that the group would have to figure that out together. She suggested that, if someone objects, they should focus on the criteria: if you are really incredulous that someone can meet all of the criteria, then raise the issue with the facilitator or the group. Stacie also pointed out that there may be challenges about stakeholder groups and representation throughout the process; the group needs to be flexible and self-correct as needed.

An attendee asked how many meetings it would take to find out if it's a balanced committee. Stacie responded that, hopefully, we would know before beginning the process whether people can live with the distribution.

Stacie asked whether everyone in the room can live with the number of "adversely affected neighbors" increasing to 4-6. Nobody in the room disagreed.

An attendee asked whether Stacie would consider including the health department and planning department? Stacie responded that the town would need to decide.

An attendee stated that they felt that the people on the Committee would need to have technical knowledge in order to understand the proposed solutions. Stacie responded that there would clearly be a range of technical knowledge among members of the Committee, and therefore that expertise was not a core criteria. She reminded the group that the Committee would be trying to solve a community problem, not just a technical problem.

An attendee asked whether the Committee would have complete access to all financial information that has been involved in this process? The townspeople realize that it's an expensive project. But it's important for the committee/stakeholders to understand all aspects of that. Stacie agreed that the Committee would need to know the potential costs of options in order to evaluate them, and that the details of this would be resolved by the Committee.

An attendee asked where the Committee will get the money needed to answer question/get expertise? Stacie responded that there are some technical experts who have already been brought on board by MassCEC, and that, beyond that, the group would have to figure out where to find additional resources if needed.

An attendee stated that, earlier that day, the neighbors gave the Selectmen a statement of principles, which stated that in order to move forward in good faith, the turbines must be turned off immediately and kept off until consensus is reached. The attendee explained that they realize that some people in the town do not understand how adversely affected some of the neighbors are and they realize that it is a leap of faith to trust what the neighbors are saying. The attendee stated that it is very important that the town stop harming the neighbors during this process in order for it to work.

Stacie reviewed the role of the facilitator and the potential work plan in her draft recommendations. She then took more questions and comments:

An attendee asked if this would all happen under the open meeting law. Stacie responded that, yes, it will all be open, posted, transparent, and hopefully televised.

An attendee made a suggestion that the Committee meetings should be held at the library.

An attendee asked Stacie to clarify what is meant by public comment. Stacie responded that she suggests that the Committee include time in every meeting for stakeholders who are not at the table to be able to speak; there will also be other ways for people to weigh in.

An attendee asked if someone would take the minutes at every meeting. Stacie responded that, yes, the facilitator will provide summaries, which typically do not include attribution. Stacie offered to share past CBI meeting summaries and to tailor them to meet the group's needs.

An attendee asked how the process will be communicated beyond minutes and television? Stacie responded that they want this to be as broadly available and public as possible, and pointed to her slide on transparency and inclusion. Stacie suggested that the Committee provide updates at Selectmen and other town board meetings,.

Stacie asked for input on whether people felt this process should go forward. An attendee responded that it would only be beneficial if the turbines were shut down during this process; anything short of this would be a waste of time. Another attendee stated that there were a set of agreements that needed to be worked out before the meetings happen.

An attendee stated that they hoped this recommended process would work; however, they had reservations because all decisions still need to be made by the Board of Selectmen.

An attendee pointed out that, for data collection, the turbines might need to be on. In response, an attendee said that their house has been studied extensively already; they had to close their business because they now have too many migraines to work. The town can continue studying their house if they need to, but the town should pay for them to live somewhere else during the study.

An attendee stated that they have been a physician in Falmouth for 20 years and the people who are symptomatic are the most sensitive instruments available; the physician would like to see this addressed.

An attendee who has worked as a mediator spoke up to recommend this process to the group. They felt that it could be powerful; it may not solve all problems, but it may go a long way. The town needs a place where people can feel safe talking about these issues; we need people to come in with their individual points of view but also an open mind that there may be a solution that you have not yet thought about.

An attendee asked how to make the process go forward. Stacie responded that this is a good chance for her and the Selectmen to hear anything people have say about the process. Stacie will revise her recommendations and get them to the Selectmen (and all others) early next week. Any other thoughts about how the selection should work should be sent directly to the Selectmen. At the next possible meeting they can make a decision about whether to go forward with this process. Stacie stated that, if the Selectmen can act within two weeks of getting my report, the townspeople would appreciate that.

Nils Bolgen commented that MassCEC has a strong interest in seeing a process like this go forward and be successful.

Regarding the frequency of meetings, attendees suggested once every two weeks, twice a week, and numerous people suggested once a week. In general, the group felt that the early meetings, in particular, should happen very quickly and as frequently as possible. Stacie said that evening meetings would most likely be necessary because many people work. She also cautioned that the meetings can be very tiring and can take time away from people's families.

Questions and comments about the process for selecting committee members:

An attendee stated that, before committee members are chosen, the Selectmen should make some sort of commitment to cooperate with the committee's end-result. Stacie agreed that this would be helpful, though reiterated that the Committee would not seek to make a decision but rather to offer an analysis of options.

The group considered the possibility of an application process to select representatives for the Committee, with the Board of Selectmen making the decisions. Some attendees felt that there

should be an application process for all stakeholder groups, as it levels the playing field. Others felt that this would be unnecessary and unfair, as many groups know who they would select to represent them. Participants agreed that the stakeholder groups that can self-select should do so, and those groups for whom self-selection is impractical (such as taxpayers who are not adversely affected) should have an application process. Attendees stated that the Selectmen should have the applications available at the next meeting. Stacie offered to help draft an application form if people would like her to. All representatives then may or may not be officially appointed by the town.

An attendee stated that they would like to see the town ask the state to provide compensation for the revenue lost while the turbines are turned off during this process.

Mary Pat Flynn, Chair of the Board of Selectmen, stated that the Board wants to see this process happen. The Board has put in a lot of time and energy into it. She appreciated that everyone said what they really feel at this meeting, and felt that the Selectmen are committed to making this work and coming together with a resolution as quickly possible.

Appendix B

Sample Application Form for Stakeholder Representatives

Name:

Address:

Stakeholder group you represent:

- Residents primarily concerned with adverse impacts on neighbors of the turbines (including health and economic impacts, and residential and commercial abutters)
- Residents primarily concerned with implementing Falmouth's climate action protection plan to reduce use of fossil fuel
- Taxpayers primarily concerned with maintaining the fiscal benefits provided by the turbines
- Residents with strong empathy for all perspectives primarily concerned with a fair and effective process that can lead to amicable outcome that can reunite the town
- Relevant Town Departments

Please describe your primary interests in the long-term plan for Wind I and Wind II?

Please provide a brief statement of qualifications, addressing how you meet each of the following criteria (total of no more than 1 page)

- Capacity to represent and articulate the diverse range of interests and concerns of the constituencies you would represent, seek input from constituents, and keep them informed about the discussions and proceedings of the Committee
- Willingness and interest in attending all meetings and participating actively in discussions
- Willingness to engage in respectful and constructive dialogue with other stakeholder group representatives, and seek creative resolutions of differences that meet the interests of your own as well as other groups.

Appendix C **Association of Conflict Resolution Code of Ethics**

Staff of the Consensus Building Institute, a not-for-profit, located in Cambridge, Massachusetts, adhere to the following ethical standards to ensure the delivery of the highest quality and fairly and impartially conducted professional services.

The Association for Conflict Resolution (ACR) was established in 1972 to promote the peaceful resolution of disputes (formerly known as the Society of Professionals in Dispute Resolution – SPIDR). Members of ACR believe that resolving disputes through negotiation, mediation, arbitration and other neutral interventions can be of great benefit to disputing parties and to society. In 1983, the ACR Board of Directors charged the ACR Ethics Committee with the task of developing ethical standards of professional responsibility. The Committee membership represented all the various sectors and disciplines within ACR. This document, adopted by the Board on June 2, 1986, is the result of that charge.

The purpose of this document is to promote among ACR Members and Associates ethical conduct and a high level of competency, including honesty, integrity, impartiality and the exercise of good judgment in their dispute resolution efforts. It is hoped that this document also will help to **(1)** define the profession of dispute resolution, **(2)** educate the public, and **(3)** inform users of dispute resolution services.

Application of Standards

Adherence to these ethical standards by ACR Members and Associates is basic to professional responsibility. ACR Members and Associates commit themselves to be guided in their professional conduct by these standards. The ACR Board of Directors or its designee is available to advise Members and Associates about the interpretation of these standards. Other neutral practitioners and organizations are welcome to follow these standards.

Scope

It is recognized that ACR Members and Associates resolve disputes in various sectors within the disciplines of dispute resolution and have their own codes of professional conduct. These standards have been developed as general guidelines of practice for neutral disciplines represented in the ACR membership. Ethical considerations relevant to some, but not to all, of these disciplines are not covered by these standards.

General Responsibilities

Neutrals have a duty to the parties, to the professions, and to themselves. They should be honest and unbiased, act in good faith, be diligent, and not seek to advance their own interests at the expense of their parties'.

Neutrals must act fairly in dealing with the parties, have no personal interest in the terms of the settlement, show no bias towards individuals and institutions involved in the dispute, be reasonably available as requested by the parties, and be certain that the parties are informed of the process in which they are involved.

Responsibilities to the Parties

1. **Impartiality.** The neutral must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action, and a commitment to serve all parties as opposed to a single party.
2. **Informed Consent.** The neutral has an obligation to assure that all parties understand the nature of the process, the procedures, the particular role of the neutral, and the parties' relationship to the neutral.
3. **Confidentiality.** Maintaining confidentiality is critical to the dispute resolution process. Confidentiality encourages candor, a full exploration of the issues, and a neutral's acceptability. There may be some types of cases, however, in which confidentiality is not protected. In such cases, the neutral must advise the parties, when appropriate in the dispute resolution process, that the confidentiality of the proceedings cannot necessarily be maintained. Except in such instances, the neutral must resist all attempts to cause him or her to reveal any information outside the process. A commitment by the neutral to hold information in confidence within the process also must be honored.
4. **Conflict of Interest.** The neutral must refrain from entering or continuing in any dispute if he or she believes or perceives that participation as a neutral would be a clear conflict of interest and any circumstances that may reasonably raise a question as to the neutral's impartiality. The duty to disclose is a continuing obligation throughout the process.
5. **Promptness.** The neutral shall exert every reasonable effort to expedite the process.
6. **The Settlement and its Consequences.** The dispute resolution process belongs to the parties. The neutral has no vested interest in the terms of a settlement, but must be satisfied that agreements in which he or she has participated will not impugn the integrity of the process. The neutral has a responsibility to see that the parties consider the terms of a settlement. If the neutral is concerned about the possible consequences of a proposed agreement, and the needs of the parties dictate, the neutral must inform the parties of that concern. In adhering to this standard, the neutral may find it advisable to educate the parties, to refer one or more parties for specialized advice, or to withdraw from the case. In no case, however, shall the neutral violate section 3, Confidentiality, of these standards.

Unrepresented Interests

The neutral must consider circumstances where interests are not represented in the process. The neutral has an obligation, where in his or her judgment the needs of parties dictate, to assure that such interests have been considered by the principal parties.

Use of Multiple Procedures

The use of more than one dispute resolution procedure by the same neutral involves additional responsibilities. Where the use of more than one procedure is initially contemplated, the neutral must take care at the outset to advise the parties of the nature of the procedures and the consequences of revealing information during any one procedure which the neutral may later use for decision making or share with another decision maker. Where the use of more than one

procedure is contemplated after the initiation of the dispute resolution process, the neutral must explain the consequences and afford the parties an opportunity to select another neutral for the subsequent procedures. It is also incumbent upon the neutral to advise the parties of the transition from one dispute resolution process to another.

Background and Qualifications

A neutral should accept responsibility only in cases where the neutral has sufficient knowledge regarding the appropriate process and subject matter to be effective. A neutral has a responsibility to maintain and improve his or her professional skills.

Disclosure of Fees

It is the duty of the neutral to explain to the parties at the outset of the process the basis of compensation, fees, and charges, if any.

Support of the Profession

The experienced neutral should participate in the development of new practitioners in the field and engage in efforts to educate the public about the value and use of neutral dispute resolution procedures. The neutral should provide pro bono services, where appropriate.

Responsibilities of Neutrals Working on the Same Case

In the event that more than one neutral is involved in the resolution of a dispute, each has an obligation to inform the others regarding his or her entry in the case. Neutrals working with the same parties should maintain an open and professional relationship with each other.

Advertising and Solicitation

A neutral must be aware that some forms of advertising and solicitations are inappropriate and in some conflict resolution disciplines, such as labor arbitration, are impermissible. All advertising must honestly represent the services to be rendered. No claims of specific results or promises, which imply favor of one side over another for the purpose of obtaining business, should be made. No commissions, rebates, or other similar forms of remuneration should be given or received by a neutral for the referral of clients.

