

AFFIDAVIT OF JAMES LAMOUNTAIN

- 1) My name is James LaMountain and I live at 41 Lake Ridge Drive, Holland, MA 01521.
- 2) The Town of Holland Fire Department has filed suit against me alleging that that I conducted burns at the property located at 168 Mashapaug Road, Holland on June 8, 2009, June 22nd 2009, August 31st 2009 and September 9, 2009.
- 3) I did not authorize any of these fires and did not know of any of these fires before they were lighted. The only fire which I actually saw was the fire on August 31st, 2009 and this was after the fire was substantially out and was mainly embers. This was the day I was arrested for conducting illegal burning.
- 4) I was also arrested for the possession of wild turkeys on that day when I did not imprison them. The environmental police took three turkeys which were orphans and were being fed by the children of the farm hands along with the chickens.
- 5) The property in question is operated as a farm, USDA registration number 1577.
- 6) We have seven to nine farm hands there at any given time. They cut brush, cut firewood, clear fields, tend to the chickens and the pigs and plant grass. We are clearing land in order to plant grass for live stock and hope to have fodder for cattle within the next two years. We currently have cattle at other locations.
- 7) The farm hands periodically have camp fires and cook food. My son Michael has instructed the farm hands that they must have a burning permit for any burning or else they must be using the fire for cooking pursuant to MGL 48 section 13. They understand that the cooking must be conducted on sandy or gravelly land free from living or dead vegetation or on beach property.
- 8) Whatever fires were conducted on these days they were not started by me or supervised by me.
- 9) I have been informed by some of the farm hands that there was a party and a graduation fire conducted on the property in June and that they cooked food at the party. I did not attend and I don't know how many people were there or how many ate. I would assume this was the alleged burn on June 8th, 2009.
- 10) On August 31st, the day I was arrested, I arrived at the farm and intended to fuel the excavator and start digging a foundation hole for the proposed barn.
- 11) I observed two ember piles which were smoking and a police officer in his green pickup truck parked on the property about 300 feet from the ember pile.
- 12) Jared was operating a skid steer loader in the pasture near the ember pile. I saw a State Police Officer enter the property and I went to talk to the officer. Before I had a chance to ask the officer why he was there I was immediately arrested. He told me I was charged for burning without a permit and possessing wild turkeys.
- 13) I have no knowledge of any other fires which may have occurred on the property in 2009.

- 14) I suggest to the court that elements of the Holland police department and fire department are hostile to me as a result of previous and pending litigation. Further the former Holland Police Chief has been sentenced to two years in jail because of complaints which were initiated as a result of a blog Peter Frei and I started which located witnesses against the Police Chief.
- 15) Various officials in the town of Holland have a vendetta against me as a result of litigation between myself and the Town of Holland and my efforts to expose town officials.
- 16) Peter Frei has filed a lawsuit against 14 town officials alleging a fraudulent conveyance of 12 acres of landlocked town property and I hired an engineer to evaluate and confirm the illegality of the subdivision. Town officials became aware that I paid for the engineer.
- 17) Various people in the town of Holland government have been seeking opportunity to charge me with crimes as a result of my whistle blowing. Currently I must appear in Palmer Court October 5th to answer criminal charges for the burn on August 31st.
- 18) There is a court decision from the Housing Court dated June 5th, 2007 concerning procedures to be followed when burns are conducted at the farm. This procedure requires a permit be requested from the Fire Chief and mandates the Fire chief to grant the permit based solely on whether or not meteorological conditions are appropriate. Thus far this year neither my son, Chad, or I have conducted any agricultural burns. We have been collecting debris for most of the summer and it needs to be burnt. We currently have in excess of 3500 cubic feet of organic debris from agricultural land clearing operations that needs to be burnt. Our intent is to wait for the debris to dry out some more and then burn it after the first snowfall. We will obtain a permit before conducting the burn pursuant to the court decision. See attached decision of Judge Dina Fein.
- 19) If the town is concerned about preventing a burn from being conducted at the farm it is our intention to wait to conduct the burn until there is no question about the appropriateness of the meteorological conditions and until a permit is obtained. For this reason there is no need for the Court to enjoin any activity at the farm.

Signed under the pains and penalties of perjury this 3rd day of October, 2009

James LaMountain