COMMONWEALTH OF MASSACHUSETTS
TOWN OF FALMOUTH

APRIL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:  David T. Vieira
TOWN CLERK:  Michael Palmer

Tuesday, April 10, 2018
7:00 p.m.

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THE MODERATOR: Would all Town Meeting Members please take your seats.

Don’t forget to pick up your electronic voting device and check in in the lobby.

All Town Meeting Members please come forward and take your seats for the establishment of a quorum.

[Pause.]

THE MODERATOR: Okay, all Town Meeting Members, make sure you’ve checked in and picked up your electronic voting device.

[Pause.]

THE MODERATOR: Okay. Last night we got to Article 22, but we skipped Article 18 and 19. So, this evening, when we reestablish our quorum and open the meeting, we’ll be on Article 18.

I want to remind all Town Meeting Members to identify yourself by name and precinct each time you speak for our transcribers, and for the record. We’ll be televised live on FCTV Channel 15.

Can we cue up the quorum slide and
activate the quorum.

All Town Meeting Members present please
press one A for the establishment of a quorum.

[Pause.]

THE MODERATOR:  Okay, ten seconds left.
If you’re a Town Meeting Member and present,
please press one A.

[Pause.]

THE MODERATOR:  By a counted vote of
188 members, we have a quorum and I call the
Annual Town Meeting back into session.

THE MODERATOR:  All present please rise
for the presentation of the colors by Sea Scout
Ship 40.

[Pause.]

THE MODERATOR:  Please follow me in the
Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR:  At this time I’ll
recognize Al Beale, Commodore for the Cape Cod
and Island Council for our invocation, and also
my former scoutmaster who brought me to my first
Town Meeting when I was 12 years old in order to
do my Citizenship In The Community merit badge.
Thank you, Mr. Beale.

[Applause.]

THE MODERATOR: I set him up. He didn’t know that’s why I asked him.

MR. BEALE: It just means I’m getting older.

Heavenly Father, may our meeting this evening be not only an exercise of care and concern for our community and its residents, but also an example of how a community can agree and disagree and still be a community. We ask you to watch over and protect our families, our community, and our nation and our world. May your gift of peace become a reality for all.

Amen.

THE MODERATOR: We’ll remain standing for a moment of silence.

[Moment of silence held.]

THE MODERATOR: Colors post.

[Pause.]


[Applause.]

THE MODERATOR: The young man that was
carrying the American flag tonight is also in the
traditional Boy Scouting program and he just
finished his Eagle Scout Court of Review, so
Anthony Fassaro, congratulations on being
Falmouth’s newest Eagle Scout.

[Applause.]

THE MODERATOR:   Now I’ve got to watch
out for the moderator’s chair.

[Laughter.]

THE MODERATOR:   Okay, Article 18.

Article 18 is to appropriate a sum of money for
an all purpose athletic field at Falmouth High
School.   The recommendation will be made on the
floor.

Madame Chairman of the Finance Committee
for the main motion.

CHAIRMAN VOGEL:   That the sum of
$3,100,000 is appropriated to pay costs of
engineering, design, construction of an all-
purpose synthetic athletic field at Falmouth High
School, including appurtenant structures and
other related costs.

And, to meet this appropriation, the
Treasurer, with the approval of the Board of
Selectmen, is authorized to borrow said amount
under and pursuant to Chapter 44, Section 725 of
the Massachusetts General Laws, or pursuant to
any other enabling authority. And to issue
bonds or notes of the Town therefore.

No sums shall be borrowed or expended
hereunder unless and until that town shall have
voted to exclude the amounts required to repay
any borrowing authorized by this vote from the
limitations of Chapter 59, Section 21C of the
Massachusetts General Laws, also known as
Proposition 2 ½.

Any premium received by the Town upon
the sale of any bonds or notes approved by this
vote, less any such premium applied to the
payment of the costs of issuance of such bonds or
notes, may be applied to the payment of costs
approved by this vote in accordance with
Massachusetts General Laws Chapter 44, Section
20. Thereby reducing the amount authorized to be
borrowed to pay such costs by a like amount.

Said funds to be expended under the
jurisdiction of the School Committee.

THE MODERATOR: Okay, you’ve all heard
the main motion. $3.1 million for the field and
the authorization in exemption of Proposition 2½
for the payment of borrowing.

Opening presentation.

MR. LOWELL: Hello. Nick Lowell from
Precinct 5. I’m also on the Finance Committee.

Mr. Moderator, I’d like to bring up my
fellow presenters at this time, and I do have to
ask for a couple things. First up, I’d like
permission such that our consultants from CDM
Smith, Scott Landgren and David Young, who do not
live in the Town of Falmouth may speak.

THE MODERATOR: Okay. This is a
procedural vote by a majority to allow non-
residents who are consultants of the project to
speak before Town Meeting.

All those in favor, signify by saying
Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

MR. LOWELL: Okay, and second of all,
we would like more than our ten minutes, and we would request up to 20 minutes if so needed.

FROM THE FLOOR: No, no.

THE MODERATOR: Okay, the question will come on authorizing 20 minutes for the opening presentation.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: This requires a two-thirds. Can we get a slide for this. Yeah, you can use the quorum slide.

You can’t use the quorum slide. We never had to do this one, before, here. Want to just use this one for now? Okay.

All those in favor of the 20 minute allocation, signify by pressing 1A. All those opposed press 2B.

[Pause.]

MR. LOWELL: I could get started right now, just in case.

[Laughter.]
THE MODERATOR: Don’t worry, I stopped your clock. [Laughs.]

With 199 individuals voting, the required 133 to make two-thirds did not pass. You have ten minutes.

MR. LOWELL: Can I ask for 15?

[Laughter.]

MR. LOWELL: In all seriousness, this is -

THE MODERATOR: The question will come allotting 15 minutes for the opening presentation.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the chair is that the ayes have it by the two-thirds and I so declare you have 15.

MR. LOWELL: Okay, let’s put up the slides. Thank you. What do you know.

Okay, briefly, here. We’ll skip by the introductions. You know the members of the
schools.

Briefly, here, we’re going to give you the outline, here. We’re going to start with a little bit of a history. Why we need this field. Where exactly it’s going. What the process that the Field Committee went through on. Why we’re choosing synthetic turf over grass. And the costs related to the project.

So, there’s a long history on this project. We’ve been talking about moving the field from Gus Canty to the High School for decades. The more recent history, in 2002, the Town passed a non-binding referendum in support of moving the field to the high school campus. In 2014, we passed a petitioner’s article that would move – that would have moved the field to the high school, Town Meeting did, but it failed at the ballot.

In 2015, partly as a result of that failed project, we realized there was really a need for a good look at the fields in general for the Town. The Gale Report was commissioned and that led to a detailed study of the condition of all of our fields.
In 2016, recall that we voted to move the – build a new Senior Center at the Gus Canty, which impacts the location – obviously impacts the existing field at Gus Canty. And we also convened a Field Task Force by the Chairman of the School Committee to look into the fields in more detail.

And then, just this past Town Meeting in November, we passed – Falmouth Town Meeting passed $72,000 to consider specifically grass and synthetic field options.

So, the need. There are very strong needs for moving this field. The biggest one, here, is that it really aligns with the strategic goals of the Town. There is, and the Gale Report really pointed out that if we’re going to have fields that we’d like to have -- and we’ve already heard a lot at this Town Meeting about how the fields aren’t what we would like them to have. If we want to have them be what we’d like, we really would need three more artificial fields – three artificial fields or nine natural grass fields. That’s simply because we have so many teams playing on them that we cannot – the
grass doesn’t grow fast enough. We just don’t have enough capacity.

So, and the Gale Report identified that three to one use ratio. With an artificial field, you can get a lot more play on it than you can on a natural grass, because the grass isn’t growing. It doesn’t wear out in the same way that a natural field does.

Furthermore, it improves the safety for the athletes, so we can eliminate the transportation down the Gus Canty, and it creates a one site shop - a one place where we can have all of the students play onsite. And, in this day and age, it’s something to think about, that you’d like to know where the kids are. Keep them in a more controlled environment.

And something that hasn’t been talked about a lot is the Title IX compliance. Right now, the football team plays at a stadium. None of the other teams have one. By having an all purpose field at the high school, we would have equity in that.

And it allows for a more competitive environment. Our teams will be playing on - in
general, will be playing on better fields. So, when they travel away to other teams, they have a better field, they know what that field is like.

Okay, so where exactly this is going? I think you recognize the high school and the track. It’s going off to the southwest of the school and there’s a bunch of reasons why we really like this site. I like it from the Finance Committee perspective, in particular. There’s no land swap required. We don’t need any legal action to get this property. We don’t have to pay for the property. The site right now is currently not in use. That site was most recently most actively used as a staging area for the high school renovation.

So it’s a very economical choice. We don’t have to pay for the property. We don’t have to clear the property. It’s already cleared. It’s not a very usable field in the sense that it’s hard packed dirt with some grass on it, but it’s largely ready for use as a conversion to a regular field, a playing field. And, most importantly or significantly, there’s no interruption to any of the existing
sports, because we’re not taking away a field
that will require a big construction project on
it.

Okay, at this point, I want to transfer
this over to Nancy Taylor, Superintendent of
Schools.

MS. TAYLOR: Thank you very much.

Thank you, Nick. I’m Nancy Taylor, Precinct 1,
Superintendent of Schools.

So the next two slides simply outline
the timeline of the work of our committee. Our
committee met several times as a large group and
also as three subcommittees. Each committee –
subcommittee had one focus: one sought to
understand what this community was looking for,
the second group researched the health concerns
and benefits of both grass and synthetic turf,
and the third group reviewed the project’s scope
and the associated costs.

We hosted three community forums,
focused specifically on the work of the three
individual subcommittees. All are posted on the
Falmouth Public School’s website and our Facebook
page, as well as being run on FCTV.
We collected feedback from the community through a survey, which we received over 500 responses and we have a live Community Voices page still up on our website. About 50 comments have been collected there.

And if you look at the what we have received, you will see that 37.2 percent of people who indicated that we need a multi-purpose field preferred grass and 62.8 percent of people who responded – and we had over 527 responses – preferred the turf field.

Additionally, and as suggested by a community member who sat on our committee, we went on site visits. We looked at five synthetic turf fields. We met with athletic directors and employees who are charged with maintaining the turf fields. Those included Barnstable, Marshfield and the Greater New Bedford Vocational School.

The purpose of the committee work, you’ll see right up here, was really to design a plan to bring the football program back to Falmouth High School, and this evolved into looking at a field that would not only be
football, but would expand to other sports, both male and female sports.

We wanted to support the efforts to address the town-wide concerns regarding our fields. We wanted to explore the health and wealth benefits and concerns of the two options presented. We wanted to compare and contrast grass with synthetic turf fields. And we needed to evaluate and estimate the scope of this project and the related costs.

And to address the scope and costs and analysis of this project, I’d like to introduce Scott Landgren, the project manager for CDM Smith.

MR. LANDGREN: Good evening. I’m going to go through these slides quickly in light of the time we have.

So the first slide here is just showing athletic grass growing in Falmouth, in New England, is a challenge. Partially due to when the spring sports season starts and the fall sports season ends. You’re basically starting and ending in the worst grass growing conditions. So it’s difficult under the best conditions, as
you see in some of these slides and some of the 
slides you saw last night.

    Just in terms of cool season grasses,
your best growing conditions happen in the 65 to 
75 degree air temperature and 55 to 65 degree 
soil temperature. So it’s a challenge in early 
April and it’s a challenge in later in the fall.

Some concerns to consider. Obviously 
grass fields attract geese. The Gale Report, 
which was mentioned earlier, basically three 
artificial turf fields or nine grass fields. 
That’s a typical three to one ratio that you see 
in the industry.

Some grass versus synthetic field 
concerns. Sort of pros and cons of both. 
There’s numerous that you could list. You know, 
some of the pros: obviously grass fields absorb 
carbon dioxide, produce oxygen, they’re cooler 
than artificial turf.

Some of the cons: the challenges of 
growing grass, to requiring water, fertilizer, 
frequent mowing to maintain.

Synthetic turf, some of the pros: 
playable in all seasons, much greater playing
time. Not requiring pesticides, fertilizer, or watering. It is a hotter field. There's some limitations in the mid-summer period, and it requires replacement.

The scope of the project, there's a board out in the lobby showing the overall project. In addition to the field surface, there's an 800 plus or minus person bleacher. There's a new press box with a lift. There's fencing around the site to control access for ticketing of games. There's a new concession and rest room building. And there's new field lighting, which allows extended playing time. Fifty foot candles is a sort of industry standard for the smaller ball sports: lacrosse, field hockey. It also allows for cable T.V.

That's just an overview of the final three cost slides. This is basically gives you a breakdown of either grass field or synthetic field project. The costs at the top sort of showing the difference between the grass field construction over the synthetic field construction. The rest of the costs are essentially the same. But it outlines basically
the site preparation, the bleachers, the concession stand, all the main project elements equaling the 2.44 million for the grass field and the 3.1 million for the synthetic field.

And then we were asked to look at maintenance and our replacement costs for both options. And part of our task was actually to look at these as out source costs, not something that would be done in the town, just to make them consistent in comparing them. These costs are gathered from sort of industry standards, some of our clients, some recent bid packages and other vendors to sort of get a broad range of opinion for the cost. Basically showing the average cost for year for the grass field at 44,000; average cost for the synthetic at 68,000.

And then we were asked to look at annual plays. So, the grass field, limited by rain events and climate, sort of starting later in the spring, basically annual plays at 180, or equating to $244 per play. And that’s basically taking the costs from the previous slide and dividing it by the number of plays.

On the bottom, the synthetic turf, 540 plays or
$125 per play.

At this point I’m going to return it back to --

MR. LOWELL: Okay, so the bottom line here, what some people want to know, is really what does this cost? What does it cost me, as a taxpayer? What does it cost you? So, it’s a $3.1 million project. The proposal would be that this is going to be debt exclusion. So it would be funded, and it would probably be funded over a 15 year bond. So that would work out to approximately 2½ cents on the tax rate. So, if you had a $400,000 home, that would be about ten bucks is the impact in the first year, declining thereafter.

Now, there is this so-called window of opportunity that you all heard about, and this project fits within that. So you actually wouldn’t see a tax increase in your bill, because it fits into that window. So the – in other words, we don’t have to increase the levy beyond the 2½ percent and beyond the Selectmen’s debt policy.

In order for this to pass, it does
require a two-thirds vote from us, and a majority
vote at the ballot in May.

How much time do I have left? Three
minutes. I don’t need three minutes. But I
will just say, since I do have a couple minutes
since we burned through this, I remember when
this -- it was only 2014 when the petitioner’s
article came for this. And it was a good idea
then; it was just a little bit ahead of its time,
I think. The whole town hadn’t caught on. But
now, we have the support of the Finance
Committee, we have the support of the School
Committee. We have the Rec Committee on board.

We are not trying to put this up on the
ballot against an entire water filtration plant
and a sewer plant. This is a good time for us
to do this project. If we ever want to move the
field from Gus Canty up to – from Guv Fuller
Field to the high school, I think this is the
time to do it. And I urge your support, thank
you.

[Applause.]

THE MODERATOR: Okay.

Okay, Pamela, I had a note in my pocket
that you were going to make an announcement at the beginning. We’ll do it in between articles.

I just want you to know I didn’t forget, but I did forget it. Until I pulled the slip out of my pocket, so.

Mr. Latimer. And Peter, you’re on the list.

MR. LATIMER: Richard Latimer, Precinct 1.

I want to offer an amendment. Add at the end of this article: it is expressly provided that any such field shall be surfaced with natural grass and sod and in no event shall any artificial or manmade materials be used for the surface or subsurface of said field.

And I’d like to speak to that. Artificial turf makes no sense, really, on any economic or health basis. What the kids really need, as we have seen from the Rec Department’s presentation, is an increased budget item for the Parks Division of the DPW, not the School Department, to provide the manpower needed to maintain all of our fields. Which are overwhelmingly grass fields.
The kids need fields, including the field at the high school that will be available for off season pick-up games as well as organized games during the season. We need to spend this taxpayer’s money in the DPW budget, not to keep up with the Joneses down -- down Cape who have artificial turf fields. Which is really what this is all about.

The annual maintenance cost for phony turf is less when you simply cost out the hours needed, and so forth. But what’s missing in that analysis and what makes it a fallacy is we need to spend the money through the DPW to hire the people to maintain all the grass fields. Once we do that, then it is in the DPW budget. It’s not a separate budget item, as would be a maintenance contract with the vendor of an artificial field. That would be an annual extra cost over and above the DPW budget, which would then require that we appropriate those additional funds specifically for that purpose every year during the lifetime of the contract.

What that does, it’s bad economic policy. When we have extra employees being paid
by our taxpayers to do work here in town, they
take those paychecks, they put it in a local
bank. They then write checks out to local
vendors, paying the excise tax that comes back to
this community. They buy their goods in their
stores. Those taxes come back here. They pay
their excise taxes, coming back into our coffers.
They pay their rents to landlords who pay taxes
here or they pay their property taxes here.
That money get recycled.

So, yes, it may be more than we would be
paying for the maintenance contract, but what
happens when we pay that maintenance contract,
that goes to an out of state corporation. The
money just gets sucked out of our community; it’s
gone forever. We don’t see it again. And what
do we get? All we get for that is oh, we can
say, “We got an artificial field here in
Falmouth.” When what we really need, is we
really need something that will really benefit
all the kids, not just the football field,
football team.

That’s what we really need here. We
don’t need to have a field that the proponents
can’t even say will be actually safer.

What we hear from the proponents, the Committee here, is, “Well, it’s inconclusive whether or not there is any adverse health affects from breathing in that dust from crumbled up petroleum, recycled petroleum products.” We know, generally, that petroleum products per se have adverse health effects, highly toxic ones, but --

THE MODERATOR: Okay, Mr. Latimer, Mr. Latimer, we’re at the four minutes. Can we have your amendment in writing?

MR. LATIMER: Well, I’ll conclude.

What?

THE MODERATOR: You’ve concluded. You’ve done four minutes. Can I have the written amendment, please?

MR. LATIMER: Excuse me, what do you need?

THE MODERATOR: I need the amendment in writing.

MR. LATIMER: Yeah, I had it here.

Here it is.

THE MODERATOR: Well, find it and give
it to me. And you also want to strike the word “synthetic” from the main motion, 'cause that’s in the main motion, synthetic?

MR. LATIMER: [No mic:] No.

THE MODERATOR: So your motion would be to strike the word synthetic and add this at the end?

MR. LATIMER: [No mic:] Yes, yes.

THE MODERATOR: Okay, so discussion is open on the amendment. Mr. Waasdorp.

MR. LATIMER: Yes, that’s correct. Strike the word synthetic and add that language. Thank you.

THE MODERATOR: Okay, Mr. Waasdorp.

MR. LATIMER: May I reserve another two minutes? Put me on the list, please.

THE MODERATOR: I’ll put you back on the list.

MR. LATIMER: Thank you.

MR. Waasdorp: Good evening. Thank you, Mr. Moderator. Peter Waasdorp, Precinct 1.

I sent a letter to all Town Meeting Members this past week and I’d like to quickly refer to some points I made in that. And that
is, we just learned this week, and didn’t even
learn from the presentation tonight, that the
choice of infill for the synthetic field is going
to be EPDM rubber pellets.

I included with my letter a material
safety data sheet that’s required of all chemical
compounds used in industries, and that safety
sheet refers to the possibility of EPDM rubber
being a cancer risk because it causes cancer in
animals. It also refers to the fact that the
dust has to be treated as a harmful material, and
that if you’re going to be handling it in the
industry, you need gloves and possibly a
respirator.

We’ve also seen some of the turf,
artificial turf instructions for the fields,
including the instructions to children to shower
after they’ve been on the playing field because
of the dust.

I pointed out in the letter that this is
an excellent example of the place where we should
call for the precautionary principle. And that
states quite simply where there is a social
responsibility to proceed with caution before
making any decision that might expose the public to harm in matters where extensive scientific knowledge on the matter is lacking. And to drop that caution only when findings emerge that provide solid evidence that no harm will result.

I said in that letter the challenge for the task force tonight would be to present a widely accepted, peer reviewed, scientific study that EPDM rubber pellets on the field are safe for our children and grandchildren. They have not done that.

I’ve pointed out also that a review of the scientific literature shows that there is no such widely accepted study available today, but that the U.S. government and the State of California are undertaking such studies and those results have not yet been turned in. There was a study from Washington State which has been discredited for reasons of improper procedure. And there is a Massachusetts study that I included which raised strong cautionary flags about the use of EPDM rubber.

Also not mentioned tonight is the fact that synthetic turf fields on hot summer days
reach temperatures of 150 upwards of 200 degrees. They are unusable on those days and the question arises will there be signage? Will there be people patrolling, keeping people off?

On top of that, because there is no natural process for getting rid of human sweat, animal waste, bird droppings, the fields have to be treated with biocides. On top of that, the maintenance for synthetic turf fields are very specific and very costly, and we’ve had no figures tonight on what those maintenance costs will be over the years.

We’ve had so much information tonight that wasn’t available before that I’d say there’s another big caution, and that is we cannot discuss all this safely and properly in one Town Meeting. We should have had all this information long before tonight.

Thank you.

THE MODERATOR: Mr. Patterson.

MR. PATTERSON: I’m a retired school teacher, a hopeful grandparent someday, when my kids finally get around to it. [Laughs.] I ask myself a broader question, and
that’s our exposure that we subject ourselves to potential carcinogenic gasses and what have you. And I’m reminded of what it’s like to buy a new car and get into that car and get that new car smell. And I’ve ridden in other people’s cars, I’ve willingly loaded my kids into vans, several versions of vans, huge concentration of out-gassing petroleum products in that kind of environment.

I reminded myself that I, when I moved into my last house, replaced all the carpeting. Put in synthetic fiber carpeting. I mean, we subject ourselves to these kinds of environments in enclosed areas where concentrations far exceed the kind of exposures that athletes might get in an open ball field. So when you think about the level of risk, it is really tiny by comparison to what we do to ourselves in enclosed spaces. And I think we should keep that in perspective when we think about health risks.

And I think the Board of Health actually did do a study and they have a toxicologist – had a toxicologist on the Board that did the literature research and examined this and found
that there was not a substantial indication of a significant amount of risk. And when you put it in perspective to all the other risks that we subject ourselves, including using volatile chemicals for paints, or for cleaning things, I think you’d have to say that in the open air environment this is going to be pretty minimal. And I would say that those who are raising the prospect of a health effect really have not, in my mind, provided us with objective evidence that supports that. It’s more of a scare than anything else.

The last point I want to make is this crumb rubber concern comes from using retired or you know, used tires. I’m reminded of the fact that my tires wear off. I have to replace them about every 50,000 miles. Well, where does all that worn off tire go? On the streets, gets kicked up by automobiles, it gets atomized into tiny particle; we breathe them in when we’re driving along. Our schoolchildren that are waiting for school busses breathe them in as the traffic goes by. The exposure is huge in our environment. These fields are not even going to
come close to what we’re already subjecting our
children to. And I think you need to keep that
in perspective when you’re trading off all of the
cost benefits or the cost of a natural turf
field.

And the fact that if we were to follow
the Gale Report we’d have to find room, property,
land for nine more fields in order to be able to
handle the level of activity both from school
activities and from adult leagues and from all of
the non-school-related recreational activity that
we have in this town. Where are we going to
find space for nine more fields so that we can
lay off our grass so it can recover in those warm
enough months when grass will grow at a
productive level?

Thank you.

THE MODERATOR: Ms. Lichtenstein.

[Applause.]

THE MODERATOR: Let’s go. Microphone
for Ms. Lichtenstein, please.

MS. LICHTENSTEIN: Leslie Lichtenstein,
Precinct 8.

I don’t have a dog in this fight. But
I do have a question because waste and trash is a big thing, and I try to cut down on it.

When we have a grass field, we cut it, we can compost the grass clippings. At the end of ten years, we have a hazardous waste plastic thing that has to be taken away and disposed of. As I said, I don’t have a dog in this fight, it just – I worry about when we create something, we made it, we’re responsible for it, Folks. We can’t just say, “Oh, we’ll put it on a barge and send it somewhere.” That – it doesn’t work anymore. We have to think about when we decide to use synthetic things and when we decide to use plastic, where are they going.

Thank you.

THE MODERATOR: Ms. Putnam.

MR. LOWELL: I’d like to answer that question.

THE MODERATOR: Okay, Mr. Lowell, for a response to the question, there, or.

MR. LOWELL: He can answer that question.

THE MODERATOR: Yes.

MR. LANDGREN: Just in response to your
question, the Synthetic Turf Council, which represents the turf industry, has standards for everything related to artificial synthetic turf fields. But specifically they have a publication about recycling the fields. And the fields that were put in 20 years ago basically were landfilled. In today’s industries, the way that we write the specification when we replace fields is that they’re 100 percent recycled. We require that of the contractor.

There’s a use for the turf. There’s a use for the infill. All the parts that are used, basically, now have a recyclable use, and there’s a market for them to have that life after they’re used in the field.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9.

I don’t have any kids at the high school. I have a daughter who has been playing for years on synthetic surface. Now, I don’t know how many of you are very much aware of what the synthetic surface is like, but I have actually been to games where the air
temperature’s 65 degrees out and that surface is hitting 85 to 90 degrees. It’s 65 degrees outside.

Now, I’ve been to games in Virginia with my daughter, when she was doing recruiting for lacrosse for college. The air temperature was 85 degrees. These kids were sitting in the shade and the temperature was 145 on the field.

Now, granted, we don’t necessarily get those temperatures all the time. But these kids do tend to get heat stroke, you don’t pay attention.

They also have a higher ACL injury. ACL injuries can take your kid out for about six months. Six months for playing ten games of football on an artificial field? Or field hockey? It has ruined some kids’ careers here in Falmouth when they’ve taken an injury like that.

I’ve officiated for years. I’ve done college-level lacrosse. These fields are not what they are meant or cracked up to be. The NFL has, out of 2600 games, they did a study. There’s a 67 percent increase in ACL injuries to

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professional football players. They don’t even
like playing on it. I have a brother-in-law who
has played in the NFL.

So you want to talk about experiences
with these fields? I just stood at a lacrosse
game on Sunday for two hours. Do you know what
kind of a headache you get from standing next to
an artificial field with an infill of rubber?
And these are the newer fields. This is a
Division II college field. The pellets are
everywhere, 50 feet away from the field.
Because they use a brusher system.

Now, we voted here at Town Meeting to
remove plastic bags from our town. Why are we
going to put chemicals back into the community
that we’re trying to remove from the community?

So I would ask you to vote no on this
and I would ask you to - actually, I hate to say
it, I’m agreeing with Mr. Latimer and going with
and striking synthetic field and making it a
grass infield.

We have enough fields; let’s put the
money into the other fields. We’ll save more
money and put more money where it belongs for our
other kids.

Thank you.

THE MODERATOR: Okay, Ms. Cuny.

Mr. Clark, you’re on the list.

MS. CUNY: Sandy Cuny, Precinct 2. I thought the presentation that the School Committee made was very good.

We know that our current fields are in poor condition. We know that we don’t have enough fields in this town to accommodate the rising number of sport activities not only for our youth but for our adults and seniors, too. There are active seniors, now, looking for more recreational opportunities such as shuffleboard, paddle tennis, more pickle ball courts.

The study shows that we need nine fields or three turf fields. Realistically, the Town can’t afford either, to do either one. We can’t afford to build nine fields, we can’t afford to build three turf fields, but we can start with one. One multi-purpose, synthetic field to help alleviate some of the pressure.

I’ve been involved with the Recreation Committee and Department for over 30 years. And
for over 30 years we’ve been talking about moving the football program to the high school so that we can provide more comprehensive, year round outdoor recreation at the Gus Canty. With the new Senior Center being built on the Gus Canty site, it’s imperative now to move the program and allow the Town to re-design Fuller Field with a new playground and senior activities, and to provide for more comprehensive, year round outdoor recreation on this site.

And we need to do it with careful planning, not piecemeal. This is the first step. The first step is to move the program.

Those of us who do not want artificial turf, you can have your say at the ballot. But those of us who support and have recognized the need for a multi sports field, we should also have the opportunity to vote for it. I urge Town Meeting to vote yes on this tonight, place this on the May Town ballot so that all of us can vote on it.

Thank you.

[Applause.]

THE MODERATOR: Okay, Ms. Cuny, I just
want to be clear, we’re discussing the amendment. So you want a no vote on the amendment to limit it to a turf field.

MS. CUNY: [No mic:] I want a no vote on the amendment.

THE MODERATOR: Okay. Let’s - I’m seeing the folks that are all on my list for the main waving their hands. So I want to make sure that, if you’re on this list, you’re going to discuss Mr. Latimer’s amendment and then we’ll take a vote on that and then we’ll go back to the list that is populated already for the main motion.

So, Mr. Clark, you’re on both lists. You want to talk about the amendment?

MR. CLARK: Hello, Peter Clark, Precinct 1.

I want us to look at what’s happened, here. It seems to me that the very important needs for our grass fields have been - this has been attacked to leverage an approach to those grass fields. I want you to know that I will stand here and argue for the report that’s going to come from the Department of Public Works to do
a major work on those fields when the time comes. But that’s not a reason for this amendment to attack this field. Let’s keep those issues separate. The Town needs to invest lots in our grass fields and lots of people to support them. Let’s take that on when it’s presented to us after the study that’s coming. Let’s not attack this in order to get that.

Let’s not attack the process because you don’t like the issue.

All of this was very carefully aired. You saw the process. But let’s not attack the process by saying this is new information. There is not very much new information here. It was all carefully presented and talked about.

And let’s not attack the process with personal anecdotal stories that are scary. Let’s look at the evidence that is presented when the time comes about the health issues.

If you accept this amendment, you’ll lose a major benefit to the senior population and the developments down at the what is now a football field to support the Senior Center and to replace the playground. You’ll lose the
opportunity for our youth of all ages to have the opportunity to try a synthetic surface which they are going to have to use to compete in many, many other communities. They won’t have that opportunity if this synthetic field is replaced by a grass field.

You will lose the benefit to the high school of unifying the activities of their athletic program and their music program, because you can’t do those things if you want to stay with grass. And what you have not seen up here is some evidence that was shown at one of the forums about the costs of trying to provide two or three grass fields on a high school campus if you wanted to have grass instead of a synthetic surface.

So there are lots and lots of reasons not to vote for this and then to talk about the issues, if you want, of health and other things.

Thank you very much.

THE MODERATOR: Okay, Mr. Afonso.

MR. AFONSO: Phil Afonso, Precinct 9. I’d like to speak on the main motion and I’d like to call this to a vote.
THE MODERATOR: Close discussion on the amendment?

MR. AFONSO: On the amendment, right?

That’s what --

THE MODERATOR: Yes.

MR. AFONSO: We’re kind of getting all over the place, no?

THE MODERATOR: Okay, the question is called to close discussion on the amendment. If we close discussion on the amendment, we would take the vote on it and then go back to the main motion. All those in favor of closing discussion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds vote and we’re closing discussion on the amendment. The question will now come on the amendment to strike the word synthetic from the main motion and add the clarifying language at the end that Mr. Latimer provided when he was at the microphone.
MS. LICHTENSTEIN: [No mic:] Mr. Moderator.

THE MODERATOR: Yes, Ms. Lichtenstein?

MS. LICHTENSTEIN: [No mic:] I have a point of clarification.

THE MODERATOR: Yes. Let’s get a microphone so we’re on the record here, please.

MS. LICHTENSTEIN: Am I correct, this amendment allows the football field to move to the high school, but it makes it out of grass, not synthetic?

THE MODERATOR: Yes.

MS. LICHTENSTEIN: Thank you.

FROM THE FLOOR: No, no. The wording.

THE MODERATOR: [Reading:] “It is expressly provided that said field shall be surfaced with natural grass and sod. In no event shall any artificial or manmade materials be used on the surface or subsurface of said field.” So what am I incorrect about?

What am I incorrect about?

MS. WELCH: So I would say – I’m Kelly Welch, Chair of the School Committee – that the School Committee voted on a particular agreement,
a particular language, which did not include
grass. So it would need to come back to the
School Committee for them to vote on that.

THE MODERATOR: This is a vote of the
legislative body of this Town. If Town votes
this, this is the authorization --

MS. WELCH: I don’t want it to be
presumed that that is – that the School Committee
would then want to have --

THE MODERATOR: To move forward with
the project. So then you might have an
authorization of Town Meeting which you choose
not to move forward with the authorization.

MS. WELCH: I just want to be clear on
what we voted on.

THE MODERATOR: So this amendment is to
add this language and to strike the word
synthetic from the main motion. Okay.

FROM THE FLOOR: Could I --

THE MODERATOR: There’s no discussion.

We’ve already closed discussion.

Does everybody know what we’re voting on
or is there confusion?

FROM THE FLOOR: Confusion.
THE MODERATOR: You are confused?

Okay, let me read it again. [Reading:] “It is expressly provided that said field shall be surfaced with natural grass and sod and in no event shall any artificial or manmade materials be used on the surface or subsurface of said field.”

Ms. O’Connell.

MS. O’CONNELL: Mr. Moderator, Maureen O’Connell, Precinct 4.

My issue is I think that there are two issues within this article, the amendment aside. It presumes the movement of the field from downtown onto the high school and I think that – and with the comments made by the chairman of the School Committee, I think that’s adding to this confusion.

THE MODERATOR: So Town Meeting has to decide if you want to make this your authorization and then the executive branch of government, just like when it’s under the purview of the Selectmen, can choose to ignore Town Meeting or to utilize the authorization that you’ve given them.
They could say, “We’re not going to go bond; we’re not going to take 3.1 million, we’re not going to build a grass field.” They could do that. So, Town Meeting is going to decide if you want to risk that by voting something that they didn’t recommend to Town Meeting.

MS. O’CONNELL: Okay, if you will, Mr. Moderator.

THE MODERATOR: Yes.

MS. O’CONNELL: Again, where was the – where was the decision taken that we were moving – just to ask you – from downtown out to the field where this is sort of presumed in this --

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Yeah. So, in the main motion, it says the all purpose synthetic athletic field at Falmouth high school, including appurtenant structures and other related costs.

MS. O’CONNELL: Okay. So it’s within this, it’s decided with this vote.

THE MODERATOR: It’s in the main motion.

MS. O’CONNELL: To position this at the high school?
THE MODERATOR: Yeah, at the high school.

MS. O’CONNELL: Thank you.

THE MODERATOR: Yes. Okay. The question will come on the amendment to strike “synthetic” and add the clarifying language at the end presentd by Mr. Latimer.

All those in favor of the amendment, signify by saying aye.

[AYE.]

THE MODERATOR: All those opposed no.

[NO.]

THE MODERATOR: It’s the opinion of the Chair that the nos have it by a majority and the amendment doesn’t pass.

We go back to discussion on the main motion, and Ms. Cuny, you were next on my list. But did you – you said what you wanted to say? Okay.

Mr. Cook.

MR. COOK: Peter Cook, Precinct 6.

I am thankful to Mr. Waasdorp for sending that email, but I think that the petitioner was negligent by not including the
MSDS within our warrant book.

I, for a period of about ten years, worked for a toxicology lab. I wrote MSDS reports. I wrote reports that indicated how substances reacted with human beings. And in this case of this article, while they’re supporting the synthetic aspect of the turf fields and encouraging that this is a much safer, much more better field for people to work on, we are not presented with evidence. As Mr. Waasdorp mentioned, we are not presented any evidence showing a study, showing anything that indicates that we can make an informed decision based on the chemicals, the synthetic material, and how it reacts to the environment.

And it’s not just the 80-100 degree heat on the actual turf field. You have to consider that this material is lying on the dirt, on the soil underneath. How does that leach into our water? We’re very careful about watching and seeing where the leaching comes from at Camp Edwards. How is this going to leach into our water table? Is there a study on that? I haven’t seen it. I haven’t seen any information
other than saying we should vote this in with no
information.

I spent a lot of time looking at very
nasty chemicals as a technical writer and writing
up reports that said, “Don’t use this, it’s a
carcinogen.” I’m not saying this is a
carcinogen, because I don’t know. I only am
going by what Mr. Waasdorp has said about this
particular rubber. I looked it up and it’s very
serious stuff.

No, we are a very scientific community
here. If there are chemists in this room, they
should speak up. Because this is a serious
thing. This is a serious thing we’re
introducing into our environment. Falmouth is
very careful about its environment, and we should
be very careful about introducing a synthetic
substance that’s going to be here for eight
years, then we remove it, and then we bring more
back and lay it down.

How is this going to impact our
environment? Not just the air, but our land,
our water, everything.

Thank you.

Tinkham Reporting
THE MODERATOR: Okay, Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

First of all, I want to say I’m totally in favor of this project, but I do have a question through you, Mr. Moderator, in regards to the financing of this.

We’re going to do the 3.1 million over 15 years, is what I understood was said. Is this true, and if the field is only good for nine, would you buy – would any bank finance a car or anything else for – for six more years than the life expectancy of the product? Could we change the – the length of loan to ten years so that --

THE MODERATOR: Okay, let’s get an answer to the question. Don’t keep asking the same question.

Go ahead, answer it.

MR. LOWELL: Yeah, Nick Lowell from the Finance Committee.

The proposal right now is a 15 year bond. However, that will be subject to the actual market when we go out to bid on the bonds. So that’s not locked in stone. It would depend
on interest rates and whatnot.

One of the reasons for the 15 years is to fit into the window of opportunity. So, that’s not guaranteed, but it actually – we’ll do whatever makes Jennifer Petit – we’ll do whatever makes the most sense.

Now, with respect to whether you would bond something for 15 years when you have a field life of a projected 8 to 12 years, the issue there is the field replacement cost is only approximately $600,000, out of a $3.1 million project. So you’re really bonding out the two and a half million. Right, there’s two and a half million that isn’t going to be needed to be replaced every 8 to 12 years. So it actually I think it’s pretty reasonable to think you might bond it out over 15 years even though you need to replace the surface of the field in 8 to 12 years.

THE MODERATOR: Okay, Ms. Petit wanted to address that same question.

Ms. Maingay, you’re on the list.

MS. PETIT: I just wanted to clarify that, under Mass. General Law the borrowing
authorization, the useful life of the field under
Mass. General Law is 15 years. And that’s where
the 15 years come from. It’s stated in statute.
It doesn’t mean we have to borrow for 15 years,
but we can.

MR. DONAHUE: Here again, through --

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: - you, Mr. Moderator.

Can we – can you say you’ll do it for
the ten years rather than the 15? I just - I
just have a hangup on this --

THE MODERATOR: No, that was in the
presentation. It’s not in the motion.

MR. DONAHUE: Yeah.

THE MODERATOR: That was in the
presentation. It’s not in the motion. The
treasurer and we’ll go out to the bond market and
figure out where we’re at, and take care of that.

MR. DONAHUE: I have one more question
for the committee on this.

THE MODERATOR: Okay.

MR. DONAHUE: Is, we talked about
virgin rubber being used in this field. Is
there anything in what we’re doing that
guarantees that virgin rubber will be used to do
any repairs for the nine years or eight years or
twelve years, whatever it is, that the field will
be in use? I don’t see anything written down
and I’m afraid that if we’re in a budget
constraint, the temptation might be to go to the
cheaper substance, the recycled tires.

THE MODERATOR: Go ahead, yes, Mr. Lowell.

MR. LOWELL: I’ll try to answer that.
I don’t think there’s a guarantee in the article,
but what you have is a School Committee that is
going to be held accountable if they were to
switch it up with the – you know, after it’s been
approved. So, if somebody wants to – up on the
stage wants to correct me, but it seems very
unlikely.

THE MODERATOR: Okay, Mr. Waasdorp, you
were on the original list. Mr. Waasdorp.

MR. WAASDORP: Thank you, Mr. Moderator.

I referred to the material data safety
sheet and I said that the challenge to the
presenters tonight was to provide a widely
accepted peer reviewed scientific study that EPDM rubber pellets were safe for our children and grandchildren. I haven’t heard an answer to that.

I’ve also said that there are studies undergoing by the U.S. Government, by the State of California that will meet those criteria and give us an answer, but we don’t have those studies in yet and the study we do have from UMass Lowell Toxic Reduction Center raises serious questions about the use of EPDM rubber. Not virgin rubber, by the way, EPDM rubber.

Thank you.

THE MODERATOR: Go ahead, Mr. Lowell.

MR. LOWELL: If you would, we have a couple people that could speak specifically to the safety issues, Mr. Moderator, if you’d allow that at this time.

THE MODERATOR: Okay, yeah.

MR. LANDGREN: Just to clarify, because there was a couple of different mentions of the infill. We’re talking about the infill, basically the material that fills in the blades of grass and becomes the resilient surface on
which the kids are playing.

It was mentioned at some point in the testimony tonight about crumb rubber or recycled tires, and that’s - that’s the industry standard infill. That’s not what’s being proposed here tonight.

What is being proposed is virgin EPDM rubber. That’s something that would be part of the project specifications. There’s a whole bill of lading process that goes with that, from basically source to school, to provide that it is virgin product.

I apologize, I don’t have the MSDS sheet with me tonight, but the product that we would specify for this, it’s called TTII Play-Safe 65 EPDM. I do know some of the testing that it goes through, including what’s called EN71-3. It’s a European heavy metal test for children’s toys. So this is tested against this European test. Basically it’s put through different exposures that a child might have and it does pass that test.

There’s also a standard ASTM test called 31-88-16, which is the standard specification for
extracted hazardous metals in synthetic infill materials. That test has been around for a long time, going back 20 years when the industry was started. This material passes that test, as well.

There are other tests that it goes through, basically, where it’s heated up to see if it deforms under heat. It passes that test. There’s numerous tests, basically, that this goes through to know that it’s safe.

And, again, it’s a virgin product specifically made for infill for synthetic turf fields.

Thank you.

THE MODERATOR: Okay, Mr. Netto was next on the list.

MR. NETTO: Joe Netto, Precinct 9.

Fellow Town Meeting Members I would just like to remind you of what your vote, yes or no, means here tonight, because there seems to be because we didn’t have the recommendation done by the time the warrant book was published, we’ve had to look up and see a slide. But we have no control of that.
But what are we voting for and what does a yes vote or a no vote mean? And, Mr. Moderator, if I err in this presentation, you’ll please correct me.

Whether you are for this synthetic turf field, whether you are against it and believe it should be a grass field, that’s not what you’re voting on here, tonight. You’re voting, by a two-thirds affirmative vote, to put this in front of the taxpayers of the Town of Falmouth.

In my time here at Town Meeting, I’ve been here for 100 percent of every Proposition 2 1/2 capital override and one true override that we’ve had. And I’ve voted 100 percent to give it to the voters and let them decide. That’s what our function here is tonight.

All this discussion I don’t think is going to change one person’s mind, but that’s not what the yes or no vote means. The discussion is to educate, the presentation is to educate those people that are watching this on T.V., that are going to read about this in the newspaper.

And I think we have never not put a Proposition 2 1/2 override question on the ballot.
I think that’s correct. We’ve always – not every one has passed. And that’s really what your yes or no vote is for.

I would hope that, as a duly elected Town Meeting Member, that you look at your responsibility: what is best for the Town of Falmouth. And maybe set aside your individual opinions on this article and let the taxpayers of the Town of Falmouth decide whether they want this or not.

Thank you.

THE MODERATOR: Okay, just to clarify – you’re on the list, Mr. Heath.

Just to clarify. In essence, that’s what the vote is. In reality, the Selectmen have voted to place the question on the ballot a week ago yesterday, and they have the ability to remove the question from the ballot up until this Thursday. What Town Meeting votes to do, you don’t have the statutory authority to put something on the ballot. You are authorizing the appropriation and the borrowing. The question going to the ballot is only under the purview of the Board of Selectmen.
So, functionally, it’s already been voted on. If you vote no tonight, the Selectmen will remove it from the ballot. But because of the 35 day deadline required by law before the Town election, after the vote, they had to vote it last week to meet the window and then they have until Thursday to remove it.

So, functionally you’re correct, but technically you are voting to authorize borrowing and appropriating for the project. The Selectmen are the only ones that can place the question on the ballot.

So, Mr. Heath, you’re on the list.

This is a very long list. So, Mr. Antonucci.

Mr. Crotty, you’ve been on the list, as well, yes. When I look at you and I shake my head, you’re on the list, but it’s getting to be a long list.

Mr. Antonucci.


I speak in favor of this article, but my experience as a college university president and superintendent is the basis of my thoughts.
tonight.

When I was president of Fitchburg State University for 12 years, we built an exact replica of what we’re voting on tonight. We’ve had an artificial turf field with a stadium. We have 16 athletic teams. And I will tell you in the 12 years I was president we had very few problems with that field.

In midsummer, when it was really hot, we had no use for the field. But we had 16 teams that used that field from 6:00 in the morning until 11:00 at night. Our injuries were down. Our coaches loved it. Our athletes loved it. And our maintenance costs were minimal.

You have to hygienically clean it twice a year. You have to refill the rubber occasionally. But it allowed us, in a small – we were a small campus on a tight footprint. Without that field, we would not have been able to have a Division 3 athletic program.

I also have five grand kids. Two in Falmouth high school, two in Westwood, one in Falmouth, one at Phillips and one in college. They all have played on athletic fields for over
15 years. They are still healthy, they are walking, they’re talking and they’re breathing, all right? And they’re outstanding athletes. And they have played on these rubber fields.

The only downside is that my daughter and my daughter-in-law have to wash the clothes and deal with the pellets. Well, I would rather deal with the rubber pellets than a broken leg and a broken wrist or a sprained ankle.

So I ask you tonight, for the students of Falmouth, for the coaches in Falmouth, for those that will play, vote this article, let’s get it on the ballot.

But one other thing: when we leave here tonight, and I hope we have an affirmative vote, we have to be ambassadors to this field. This will not pass on the ballot unless our senior citizens get out there and vote. We voted for you; you need to vote for us. We need to get parents out there --

[Applause.]

THE MODERATOR: Okay, folks.

MR. ANTONUCCI: We have to get athletic teams out there. We have to get everybody out
there to get to the ballot.

So, we leave here tonight feeling good, but I won’t feel good if I don’t see you at the polls in May.

Have a good night. Thanks a lot.

[Applause.]

THE MODERATOR: Okay, here we go.

Folks, let’s go. Mr. Brown.

FROM THE FLOOR: Mr. Moderator.

THE MODERATOR: I’ll add you to the list. Yeah, okay.

Mr. Brown, anything new?

SELECTMAN BROWN: Good evening. So, a few weeks ago these gentlemen and the School Committee had a question and answer period at the Morse Pond School and one of the important things that came out of that when I asked the question — they don’t have the capacity, if they put a grass field there and just your one field, they won’t have the capacity to move the — stop using the Gus Canty field. So we’re effectively killing the moving the football program, you know, and actually freeing up that space at the Rec Center unless we use the turf field, because
you got three plays to one.

So, if we don’t want to vote for the
turf field, then we’re going to have to vote for
two fields and add money to this budget. So,
just a point.

THE MODERATOR: Okay, the next thing I
had was “consultants”. I think — were you going
to address a question that we had or are you —
you got — okay.

MR. LOWELL: Sorry, we just — Judd
Goldstone’s not a consultant but he’s no longer a
Town Meeting Member and he would like to address
the toxicology issues. Can we —

THE MODERATOR: Quickly. Yeah, you’re
a town resident so you don’t need a vote, yeah,
go ahead.

MR. HEATH: [No mic: inaudible.]

THE MODERATOR: Mr. Heath?

MR. HEATH: [No mic: inaudible.]

THE MODERATOR: With a microphone.

Let’s do a microphone. This is a point of
order, so tell me the Parliamentary procedure
that I messed up.

MR. HEATH: We have already held a vote
on whether it’s going to be grass or synthetic.

The amendment by Mr. Latimer was to make it grass. It was overwhelmingly defeated at that time –

THE MODERATOR: Mr. Heath, with all due respect, a point of order means I made a parliamentary error. What parliamentary error did I make?

MR. HEATH: Basically we should not be discussing this, Mr. Moderator. It was voted on.

THE MODERATOR: Okay I think that whether or not you vote yes or no on the entire project is subject to some of these questions that have been raised in the meeting, and so it’s appropriate to address the question as to whether or not you’re going to vote yes or no on the main motion.

Mr. Goldstone.

MR. GOLDSTONE: Good evening, my name is Judd Goldstone. I’m a former Town Meeting Member for Precinct 4. I’m a former member of the Board of Health; I was vice chair and chair of the Board of Health. I am a toxicologist.
I’ve been a toxicologist at WHOI for the last 15 years. And we at the Board of Health, at the request last year, at the request of the then chair of the School Committee took a look at the various health effects of artificial turf as compared to grass.

I had to step down as chair of the Board of Health for term limits, but the School Committee asked me again to refresh this study, and so I’ve been acting as an unpaid consultant on this project.

In short, there is no strong statistical evidence for an increased injury rate on artificial turf relative to grass. There is an – although you can get turf burns from slide tackles on it, for example in soccer, in fact there is not an increased rate of turf burns that is observed. Again, these are published studies from the literature.

The main question of or whether – sort of the significant question of the actual health effects of the artificial infill, the rubber infill, most of the studies have looked at recycled tires. That which is the SMR, or
styrene butadiene rubber, that was not considered. That was not – that was immediately taken off the table based on the toxicology and the environmental toxicology of that material.

EPDM, in this case, these are different formulations than the ones that are used on roofs. They have much, much less extractable metal. They have ten – 20 to a hundredfold less what are called PAHs, or polycyclic aromatic hydrocarbons, which are the primary cancer-causing compounds, than in particular than the SBR that were studied.

The studies of artificial playing fields have looked at volatile aromatic hydrocarbons above those fields, and unless you are in an enclosed space, there is no – they have not found significantly elevated gas – gaseous PAHs above those fields. Especially relative to the fact that there are roads, typically, near playing fields.

So, yes, it is right to be – to think about the various environmental effects of and putting a big plastic thing down is something that we need to look at and think about hard, but
the alternative is the grass - two or three grass fields, with the attendant pesticides and the attendant nutrient loading underneath those fields. And the gas use of mowing.

So, they are - it’s a balance and it’s something that the School Committee in my opinion, the School Committee looked at very hard. There were multiple public forums and many ways of addressing these issues in those venues that were looked at very carefully.

THE MODERATOR: Okay, I’m into my new information mode, because I’ve got ten people on this list and we’ve been doing this for an hour and ten minutes.

Ms. Maingay, any new information?

With a microphone, please.

MS. MAINGAY: Hilda Maingay, Precinct 8.

I haven’t heard what the carbon footprint is of the artificial turf.

[Pause.]

THE MODERATOR: Do we have a quantifiable number for that? Mr. Goldstone.

MR. GOLDSTONE: So, a full - again, as
part of this I did look at the – a carbon
footprint. It’s no full analysis has been done,
either for grass field or an artificial field.
Grass does typically absorb CO2, but you have to
balance that out with the mowing. So, the
problem is it also comes into how you – whether
or not you recycle an artificial turf field and
what that is.

So, the problem is is that a full
analysis of this has not really been done in the
literature that I’ve been able to find.

THE MODERATOR: Ms. Murphy, next on the
list.

MS. MURPHY: Thank you, Mr. Moderator.
Carol Murphy, Precinct 9.

I am going to repeat what I said four
years ago in this room. Does everyone realize
we have 72 playing fields in this town? Does
everyone realize $3.1 million will go a long way
to repairing those playing fields?

I say you’re right, Mr. Moderator, we’ll
take it to the ballot, because it did fail four
years ago at the ballot by quite a large margin.

Thank you.
THE MODERATOR: Ms. Putnam, anything new?

MS. PUTNAM: Rebecca Putnam, Precinct 9.

Could you please put up the slide that shows the comparison of maintenance between the two styles of fields that were being compared, please?

[Pause.]

MS. PUTNAM: So, through you, Mr. Moderator, in ten years some of us may still be here; some of us may still not be here; some of us could still be around. 600,000, how is that going to be filtered into our annual budget for repair, replacement, refill, whatever is needed? How will that be -

THE MODERATOR: Mr. Murphy, do you want to answer the question?

MR. MURPHY: Sure. Pat Murphy, Director of Finance and Operations for the Falmouth Public Schools.

We did have that discussion with the Town Manager’s Office and the CFO, and the recommendation, which is a very good one, is that
in the annual capital plan that the schools put together – and we have effectively, it’s getting to be a ten year plan. It’s about an eight year plan, now – we would allocate approximately $60,000 a year in that, and the Town CFO would then set that aside and that would accumulate over the next ten years.

MS. PUTNAM: And, I’m sorry, one other question: how is the hundred thousand over six years, how is that allocated? Is it done the same way?

MR. MURPHY: So, since we were asked to focus on the artificial turf here, we didn’t have that conversation, but I would assume something similar, a similar plan could be created.

MS. PUTNAM: Okay. I understand that we’re going to ask the people of this town to approve something. I think it’s an easier pill sometimes to swallow when you really look at what the numbers are and going to be. And we have to think about what everybody else’s budgets are in this town. Yeah, ten dollars a house become $20 a household when we approve something else, like seats. Becomes $30 more when we start doing
projects in town.

When we go to repair the many fields that need addressing, we are going to be asking people to take more money out of their pockets, out of their household expenses, because they have to pay the property taxes.

If you could please go back to the recommendation for the actual ballot. There are several other items that are missing from that. What’s missing in there, for the ballot: what is the size of the field? What is the exact size of the stadium? How many seats is this stadium going to have?

FROM THE FLOOR: [Inaudible.]

MS. PUTNAM: We really —

THE MODERATOR: Okay, the question placed on the ballot is regulated by statute.

MS. PUTNAM: So we can’t give all — we can’t have that information?

THE MODERATOR: It’s very strict in what language can actually be placed on the ballot.

MS. PUTNAM: Well, I would say that those are important items that should be
addressed and we should also know before we’re voting to put it out there for the Town to approve.

THE MODERATOR: Okay, Mr. Shearer, junior.

MR. SHEARER: Douglas Shearer, Precinct 6.

Not as much new information. She took a little bit of thunder.

The question is: $75,000 a year needs to go into the budget every eight years to pay for this field. We just heard we have 72 other fields; how is that hundred thousand –

FROM THE FLOOR: We don’t. 31. 21.

FROM THE FLOOR: 21.

MR. SHEARER: How many other fields are there in the Town of Falmouth?

FROM THE FLOOR: 32.

MR. SHEARER: 72.

FROM THE FLOOR: No. No.

[Inaudible.]

THE MODERATOR: Parks Department, how many fields do we have in Falmouth?

MR. MCCONARTY: Peter McConarty, I
don’t want to confuse this completely, but actually we maintain 31. There’s 21 under the Gale Report that we maintain for all the ball fields and the football fields, but there’s actually 31 that the Parks Department does cut.

THE MODERATOR: Okay, Mr. Shearer.

MR. SHEARER: I’ll take it down to 31. That’s a hundred thousand dollars for 31 fields that we are not up-keeping, as our report last night showed us very evidently. We need to budget, Selectmen, to maintain our fields.

Before we add another one.

I am all for moving the field. We need a field at the high school; I could care less, at this point, what it’s made out of. It would be a great thing to have it there, but we need to budget for it.

We need to be responsible and upkeep and maintain our capital. Why can’t we put that up there? It’s not 3,100,000. It’s 3,100,000 plus 75,000 every year for the lifetime of the field. We need to inform the voters when they come.

We do need to inform them –
THE MODERATOR: Mr. Shearer -

MR. SHEARER: – of what we’re actually building.

THE MODERATOR: Mr. Shearer, the reason why it’s not up there is because you’re voting to authorize borrowing under a statute. And, as the School Department said, maintenance will be allocated in the Operational Budget as set-aside; it will not be authorized for borrowing. So it would be inappropriate to put it in this motion.

MR. SHEARER: I agree with you.

However, we need to maintain our fields, which we are currently not doing. There is a cost for that.

Thank you, Mr. Moderator.

THE MODERATOR: Okay, Mr. Crotty.

MR. CROTNY: Thank you, Mr. Moderator.

Walter Crotty, Precinct 3.

I find it astounding and aggravating that people will come up with antiquated information to keep something from happening that benefits the Town. The antiquated information is the health aspects came from recycled tires, tires that had been used on the roads, where
chemicals were used to, you know, deplete ice and so forth, and that was the health concern.

The EPDM rubber, I worked for a company that made EPDM rubber, and that is virgin rubber that they can make. There are no health aspects to that. And this piece of paper that was put together is totally inaccurate. It says that they use it for automobiles and hoses, which is not true. They use it primarily for roof systems. And it is a virgin material which will not cause health problems.

So I would ask you to do two things. Number one, there’s a million and one reasons to vote for this field and artificial turf field for the benefit of the Town and the schools. And number two, there is no reason to vote it down because of this sheet of paper which is totally inaccurate.

And they have tested this infill for years, so this is not something that just came up last week and I think the previous person spoke to it. There are no health aspects in the EPDM rubber, so don’t put that as a factor in your vote. It shouldn’t even be there.
You’ve got a million reasons to vote for it, to do it. You’ve got zero reasons to vote against it.

Thank you.

THE MODERATOR: Ms. Taylor.

[Applause.]

THE MODERATOR: Let’s go, let’s go.

Ms. Taylor.

MS. TAYLOR: [No mic:] Actually, I was just making sure that Dr. Goldstone had an opportunity to address –

THE MODERATOR: Okay.

MS. TAYLOR: [No mic:] – health [inaudible.]

THE MODERATOR: Okay. Mr. Afonso.

MR. AFONSO: Phil Afonso, Precinct 9.

Mr. Connerty, is it? Probably should have gone with the 21 number. I was the Chairman of the Recreation Committee; does anyone know how many permanent field employees we have with the DPW? One. The answer is one.

We have a lot of people tonight that have been speaking as though when a kid is going to go outside and play football or soccer or
lacrosse their skin is going to be dripping
because of the toxicity. I’m absolutely blown
out of the water.

Our current fields are disgusting.
Selectman Braga, Selectman Brown had joined
myself and the rest of the Recreation Committee
last June on a field tour; it’s done every year.
They’ve never passed, I think, in the last five
or more years. Selectman Braga, actually, when
we were at the Trotting Park Soccer Field, was
ankle deep in mud, while Tyrone Croom was giving
a soccer course lesson about 50 feet away.

When we went to the Sandwich Road
fields, the baseball field, the diamond has about
- I mean, I’m six feet tall, so probably a little
over my ankle worth of water.

My son Gavin, who was the starting
center for Falmouth High School football last
year, freshman, on Gov Fuller field my son got a
fracture on his leg. My son also got a scrape
on his arm. Goose feces was introduced into his
blood stream. My son was brought to Boston
Medical Center, his leg had to be drilled open, a
PICC line had to be installed for a little over a
month. We gave my son - which looked like little hand grenades, I.V. medicine right into his heart, three times a day. Fourteen.

So my son’s most favorite playing time has been on synthetic turf. I enjoy seeing those little pellets. It reminds me that my son is still a boy. In a couple years I’m not going to see that.

I’d also like to make one last point. Hockey goalies. Can anybody explain to me why they have the highest rate of cancer? Neither can the American Cancer Society.

Thank you.

THE MODERATOR: Okay, Ms. Connolly, you’re on the list; you can put your hand down.

Mr. Heath, Mr. Heath. No, you’re off the list. Mr. Vieira.

MR. VIEIRA: Hi, Jim Vieira, Precinct 6, and I’m speaking tonight on behalf of the Council on Aging.

We voted unanimously to support this article and it has nothing to do with because you voted for us, we’re going to vote for you.

[Laughter.]
MR. VIEIRA: It has everything to do with we believe that the movement of the football program to the high school from Fuller Field will enhance our options in the future for how our Council on Aging uses the outdoor space at Guv Fuller Field. So we hope that you will support the article.

THE MODERATOR: Mr. Clark.

MR. CLARK: My additional information is just one small comment about health issues, and that is that the average athlete at the high school is going to spend most of their life still on grass, not on synthetic surface. This is going to be used part-time for lots of teams, not full time for any team. So, they’ll have to cope with those issues.

My second hope is that we’ll vote for this and we’ll ask the Selectmen and the DPW to model this process to study how to help us understand the investment necessary both in capital costs and in personnel costs to help those fields.

Thank you.

THE MODERATOR: Mr. Heylin.

I am here to ask you all to support this article. I’m a member of the Recreation Committee and last year, when the Town voted to approve the Senior Center at the Gus Canty site, we lost a playground. And included in the article last year was 300,000 for a new playground, but there is no place to put the playground.

So, the Rec Committee has worked hard and we have talked to different contractors to build an all-inclusive playground for people of all ages and ability levels on the Gus Canty site. So, to speak to Mr. Vieira’s point, this will help the youth at the Gus Canty have a playground, this will help the seniors at the Council on Aging building to have a place for outdoor activity, and this is a win-win for everyone in town and I urge you all to support this.

Thank you.

THE MODERATOR: Ms. Shephard.

MS. SHEPHARD: Susan Shephard, Precinct
It disturbs me that we are once again
doing what we do so often. We have terrific
committees who have spent enormous amounts of
time looking into this and making
recommendations, and we sit here in the audience
second-guessing everything. Vote this article.

[Applause.]

THE MODERATOR: Okay, we have a
recommendation from—we’re going to do that.
We’re going to do that here. The Selectmen want
to weigh in on their recommendation.

SELECTMAN JONES: The Board of
Selectmen took a vote on this article last week,
also. And, as we expressed a year ago, we would
be in support of this and unanimously voted our
support for this article.

And, Mr. Moderator, I’d also like to
make a motion this be a roll call vote.

THE MODERATOR: A recorded roll call?

SELECTMAN JONES: Yes.

THE MODERATOR: Okay. Those that
want a recorded roll call vote, where a record
would be kept of yes and no votes of each
individual Town Meeting Member, please stand.
If you want a recorded roll call vote, stand.
One, two, three, four – yeah, you’ve got 20; you can sit down.

So, when we do the recorded – when we do the slide, it’s going to be a recorded roll call; preserve the record, okay.

Okay, I’ve got three more; hopefully it’s new. Ms. Connolly. Ms. Connolly, something new?

MS. CONNOLLY: Annie Connolly, Precinct 6.

So, it’s not really new. I lied, to get up here, but –

THE MODERATOR: Then you can sit down.

MS. CONNOLLY: No, I’m gonna –

THE MODERATOR: Ms. Braga, anything new?

MS. CONNOLLY: David Vieira.

So, what’s new is that we haven’t talked about the kids in this town and that we’re in an opioid crisis and we should be doing everything in our power to give them something healthy and great to do with their time. Instead of being
persnickety, and poking holes in peoples’ due
diligence and research. It makes me ill. So I
hope you will support this.

Thank you.

THE MODERATOR: Ms. Braga.

MS. BRAGA: Just a quick point for
those folks here who are rightfully concerned
about the state of affairs of the rest of the
fields. This is a key component to
rehabilitating and figuring out how to make those
fields usable in the way they need to be. For
anyone who read the Gale Report, we cannot
function at the level we are at; we need a field
of this nature.

And I second what Ms. Shephard said: we
have individuals in the School Committee and the
Rec Department whose job it is and whose record
is clear that they care about the youth in this
Town -- and folks of all ages, for that matter.
They did the homework; this work has gone on for
years. The research and the information that is
available has been presented at a number of
public forums, again over several years.

So I hope that we honor the work that
they’ve done, take their recommendation and vote
on this article.

THE MODERATOR: Can you just use this
one down here? Yeah, go ahead.

CHAIRMAN BROWN: Thank you, Mr.
Moderator. My name is Robert Brown; I’m the
Chairman of the Recreation Committee.

Everything I was going to say tonight
has pretty much been said, but I want to drive
home the point this is the spring season, this is
the spring growing season. We have 482 children
who would be using the spring fields. And they
can’t play at Trotting Park and be safe. They
can’t play at Sandwich Road and be safe. Right
now, the lacrosse is about ready to - they’re
playing all over town right now. They’re
playing at Lawrence, they’re playing at Morse
Pond, and in two weeks Sandwich Road’s going to
be dug up and hopefully some sod will be put
down. And that our fields are in dire need of
some relief. This all purpose field will give
them relief.

If we don’t have this field, I fear for
the 482 children in the spring who have no place
to play because Trotting Park’s going to be shot
in no time, once it gets fixed, if we don’t have
an all purpose field. Sandwich Road will be
shot in no time, if we don’t have an all purpose
field and 482 children are using these fields.
And right now they’re using Lawrence and Morse
Pond, and take a look at those fields after it’s
all done and you’re going to see that they’re
going to need to be fixed, too.

This all purpose field can be used on
Saturdays and Sundays, hopefully, and — and the
artificial turf, you heard what people said, it
can be used from 6:00 a.m. to 11:00 p.m.

I think that what we need to do is trust
the School. We trust our children to them;
they’re in the caring business of taking care of
children. I don’t think they’d put our children
in a toxic waste dump to play ball.

Thank you.

[Applause.]

THE MODERATOR: Mr. Cook. Let’s go,
Folks. I’ve got the last couple, here, and then
we’re gonna — Mr. Cook.

MR. COOK: Thank you. I have one new
thing that I would like to mention. And, Mr. Netto, I do agree with you that the public should have the full information before they vote. I completely agree. Everybody should. But, gentleman right there – what was your name, sir?

Consultant?

THE MODERATOR: “The consultant”, that’s fine.

MR. COOK: Yeah. I forgot your name, I’m sorry.

Here’s my point. In order for the public, and I think the public should vote on this, in order for the public to vote on this, and you said, “I’m sorry I didn’t present the material safety data sheet tonight”, I would like to see that material safety data sheet from the committee published in the Falmouth Enterprise prior to the vote because the public needs to know exactly what they’re voting for to put in the ground.

And if it’s great stuff, if it works great, that’s fine. But you neglecting to present that material safety data sheet makes us – gives us an uninformed vote. That’s my only
THE MODERATOR: Okay. Yeah, anything new?
Microphone to my right, yeah.


I don’t have a dog in the fight, either, but in a previous life I spent 12 years on a School Committee, I watched two of my sons play football on what started as a grass field and by the third or fourth game or one rainstorm, was totaled.

My daughter did get to play one field hockey game on that field and one never knew where the ball was going to go.

They have subsequently, 10 or 12 years ago, and it’s a small town, they have put in a synthetic field and it is exceeding the life expectancy and they still haven’t had to replace it. They have done maintenance on it.

Now, however, men and women’s soccer plays one game at night every week. Lacrosse boys and girls play one game at night per week. Field Hockey gets to play on it, and the football team plays on it. More parents get to go
because the games are at night. It has worked out much – even better than they expected.

Also in another life – I know it may be hard to believe, but I was a Division III lacrosse player, and again, played on grass fields. Very, very few of those schools play on grass fields. Matter of fact, I’m going to a game Saturday, a college game, and it will be on a turf field. It seems like virtually every college and every year, more and more high schools have the synthetic fields.

I – and, I’m wondering if we will ever, ever have full information. I tried to get as much as I could on this, and I went online and I must have had ten or 12 articles one way and ten or 12 articles another way. And, you know, one thing seemed to contradict another thing, and it was waiting for another study, and another study and another study, and I wondered if we were ever going to have the full information we need.

I do know that I’ve had one of my sons has torn three ACLs, all in grass. So, I’m not so sure about which field is safer than the other. And I really do laugh at the comparison
of our kids to professional athletes.

I think that though a couple of points that were made about, you know, there's an awful lot of things to be concerned about. You know, we pave roads around here all the time, and yet, but that's oil products. I wonder, you know, are we that concerned about that? We're going to have a break and we're going to sell Diet Coke, which contains an item that causes cancer, if you drink enough of it.

You know, we have — use plastic everything. And I don’t know how good plastic is. I mean, so I buy that point from — from Sam. And I think I’m done.

Thank you very much.

THE MODERATOR: Okay. Anything new?

Mr. Waasdorp, anything new?

I’ve only got two left on this list.

MR. WAASDORP: Thank you, Mr. Moderator.

To address the question that the industry advisor and the toxics person talked to. Committees work hard. Those of us who have been on committees, there’s no question they put a lot
of effort into it. I do find it interesting that, despite the fact that I sent a product safety sheet to those members, no one saw fit to bring one tonight. And so I want the two gentlemen who talked specifically to the health hazards: do you agree that the warning at the top of the product data safety sheet said Warning -- cancer warning based on tests on animals?

Secondly, do you agree that, just a paragraph or two down, serious questions were raised about dust and no one has talked about whether these pellets after ten years of being pounded on by athletes running up and down do in fact turn to dust?

And thirdly, there was some discussion of the European studies and heavy metal, which had nothing to do with the points I raised. Again, is there a study, widely accepted, peer-reviewed, that says that our kids and grandchildren will not be exposed to a carcinogen in EPDM rubber?

Thank you.

MR. GESSEN: Point of –

THE MODERATOR: Mister – who’s talking?
MR. GESSEN: I am.

THE MODERATOR: Who’s I am?

FROM THE FLOOR: The mic carrier.

THE MODERATOR: Oh, the mic carrier.

MR. GESSEN: [No mic:] May I speak?

THE MODERATOR: If I recognize you, but I’ll put you on the list, then.

We have a question that needs to be answered. Yes.

MR. GOLDSTONE: There is not a study that I know of that says that EPDM does not cause cancer. However, that’s – that’s also because there’s not a study on a lot of things that we know that don’t cause cancer. So, the problem is, is that yes, there is less information than we would wish on many, many, many, many compounds.

There are something on the order of 90,000 compounds made by high production, more than a million pounds per year in the United States, and we have information on about a thousand of them. So, this is why the National Institute of Environmental Health Sciences exists.
However, to focus on this question, I did not receive the MSDS. I’m not currently a member of Town Meeting. I have looked in the last ten or fifteen minutes at MSDS’s for different EPDMs, and none of them show a state cancer risk. That doesn’t mean there isn’t one. They don’t show one.

The Massachusetts Department of Environmental Protection, which has looked at this particular question, has stated that they – in their opinion there is not a significant health risk for artificial turf fields. So this is something that has been formally written to several different towns which have asked this question of the DEP. That doesn’t – that’s their particular – you know, that’s their professional opinion of the State of Massachusetts.

Now, they may not be looking at EPDM. I don’t know exactly what fields they were looking at, because it’s a – I need to review the letter again, to double-check that. But that’s currently the information that we have.

THE MODERATOR: Mr. Gessen.
MR. GESSEN: It is my understanding that this committee was formed in the beginning not - before the question was raised about whether or not to have natural field or turf field. The idea was to bring the football program and all other programs back to the high school.

So, a field - this doesn't just add a turf field. It also adds a stadium to the high school, and it gives students an opportunity -- no matter what sport you play, the all purpose field will give the students an opportunity to play under those lights and play in front of the entire community. And, as we've seen from the hockey games, from the football games in the past, that these events do bring the community together and they're a major part of what defines Falmouth.

So, I believe that, for the students, for the parents, for the community in general, I urge all of you to please vote for this amendment.

Thank you.

[Applause and cheers.]
THE MODERATOR: The question will come on the main motion as recommended.

If we have a slide for that. We’re going to need to keep the – this is a recorded roll call vote, so we’re going to retain the slide. 1A for yes, 2B for no.

All those in favor of the main motion as recommended will press 1A for yes, 2B for no, and the poll is open.

[Pause.]

THE MODERATOR: Ten seconds left in the poll. 1A yes, 2B no. As recommended.

[Pause.]

[Applause.]

THE MODERATOR: By a counted vote of 178 in favor and 22 opposed, the necessary two-thirds is reached and the article passes.

We spent almost two hours and the margin was that great; I’m quite surprised, actually.

At this point I’ll recognize Ms. Rothstein for an announcement and then we will move on to Article 19.

This was my mistake. We were supposed to do this right at the beginning, I’m sorry.
MS. ROTHSTEIN: That’s okay, but because I’m going now, you have to listen to me for one minute. I know you’re tired.

Thank you, Mr. Moderator, for allowing me to speak. Pamela Rothstein, Precinct 6. I’m here on behalf of No Place For Hate Falmouth. I serve on the steering committee.

We are holding a community anti-bias workshop, to be facilitated by the Anti-Defamation League on Thursday, April 26th from 6:00 to 8:00 p.m. in the Hermann Foundation Room at Falmouth Public Library. I urge you to come and participate in that conversation, a much needed conversation person to person on issues of bias and prejudice in this town.

If you think we don’t have problems, we do, and you need to come and hear from people who have experienced bias. And if you don’t think that you harbor bias yourself, or this community does, then you need to come and hear about that. The ADL will — has a lot of experience in this, working with communities, and will help us recognize and identify these issues. Not just racial but bias of all sorts. And to strategize
about how as a community we can come together to 
make our community stronger and respectful of one 
another.

So, I please ask you to think about this 
in your own neighborhood, yourself, and the 
institutions in which you work and to encourage 
people to attend because this workshop is really 
only as successful as is the group that appears 
there, diverse and large.

Thank you.

[Applause.]

THE MODERATOR: Okay. Can you do the 
dates again? Yeah, just -

MS. ROTHSTEIN: April - Thursday, April 
26 from 6:00 to 8:00; they will open doors about 
an hour early for people who want to bring their 
dinner in the Hermann Foundation Room.

I have handouts, the flyers and the 
press release if you’d like to take one.

Madame Chairman of the Finance Committee for the 
main motion. No, he held the article, so he’s 
waiting for the main motion. Thank you.

CHAIRMAN VOGEL: Mr. Moderator, I move
Article 19 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of $178,070 from Certified Free Cash to pay for the Town’s obligation pursuant to the Mass. CEC agreement related to the wind turbines.

This was held by Mr. Walker.

Mr. Walker.

MR. WALKER: Thank you, Mr. Moderator, do I have ten minutes? My time.

THE MODERATOR: Presentation of an amendment, you’ve got four minutes.

MR. WALKER: Four minutes.

THE MODERATOR: Yeah, it’s the opening presentation on the article.

MR. WALKER: Could I have an extra 30 –

THE MODERATOR: No, that’s –

MR. WALKER: – seconds?

THE MODERATOR: No, that’s the regular rule, is four minutes.

MR. WALKER: No 30 seconds?

THE MODERATOR: If you expire it, then we can go and vote to give you additional time.

MR. WALKER: Well. I, Charles Grant
Walker, I’m from Precinct 3.

I move to amend the main motion of Article 19 as follows: the Town shall defer — let me put it up, if I can, in the screen. Yes.

The Town shall defer payment of the $178,070 to the Massachusetts Clean Energy Center until such time as the Massachusetts Court of Appeals has ruled on the Green Center appeal of the decision that required that Falmouth Wind I and Wind II turbines be shut down.

Dr. George Woodwell and the Green Center, an educational institute here in Falmouth, have filed an appeal of the decision that shut the turbines down. That appeal is now awaiting action in the Massachusetts Court of Appeals, and a brief of that appeal has been sent to the Board of Selectmen and to the Town Manager.

The appeal is based — not entirely but in part — on the November 29th, 2007 Act of the Massachusetts legislature. Section one of that 2007 Act states, “Notwithstanding any general or special law to the contrary, the Town of Falmouth may design and install wind energy facilities at
its wastewater facility at Blacksmith Shop Road."

The Green Center appeal is important, because it would give the Town the opportunity to enter a new world. Or, if you like to think of it this way, it would take us back to the future, where we were at one point in time. It will give us the opportunity to operate the turbines where they are now. It would put Falmouth in control, instead of a judge, and that would allow Falmouth, our own town, to explore mitigation options as needed.

It would make it possible to negotiate payment to the Massachusetts Clean Energy Center using renewable energy credits instead of taxpayer dollars. Why do I say that? Because the Clean Energy Center is not a revenue collecting department, it is a division of the state government that is supposed to, as its mission, promote, encourage, facilitate, and support renewable energy.

So, this new era, or going back to the future, as I’ve called it, could save the taxpayers of Falmouth a lot of money. First, the $178,070 could conceivably, depending upon
negotiations, be paid back with renewable energy credits. Perhaps other, future payments to the Clean Energy Center could be paid back that way, as well.

Secondly, millions of dollars would not have to be spent to dismantle and remove the turbines. Third, we would save on electricity for the wastewater treatment facility.

$120,000 had to be approved in a special way in our November Town Meeting for the cost of electricity that was not, quotes, free to the Town because the turbines weren’t operating because they were not operating.

Now, if electricity to operate the wastewater treatment facility were to cost 125,000 or more per year, which is what the Town Manager’s Fiscal 2019 budget message says in our booklet, page 41 –

THE MODERATOR: Okay, we’re at four minutes.

MR. WALKER: I’m sorry.

THE MODERATOR: We’re at the four minutes.

MR. WALKER: Four minutes.
THE MODERATOR: So we – I can put you back on the list for another two after. Yeah, so I’ve got Mr. Duffy and then I’ve got Mr. Putnam and then we can come back.

MR. WALKER: Okay, thank you very much, Mr. Moderator.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Frank Duffy, Town Counsel. I’ve been asked to respond by the Board of Selectmen.

Just to give you a little bit of background. As you know, about a year or so ago a Superior Court judge ruled that Wind I and Wind II were – constituted a nuisance under the Falmouth Zoning Bylaw and he ordered the Town to shut down both Wind I and Wind II. The Selectmen elected not to appeal that decision and Wind I and Wind II are shut down.

Now, after the implementation of the court judgment, the Green Center and Mr. Walker’s friends filed a motion with the Superior Court to intervene in the case even though the case was over. That motion was presented to the Superior Court and it was argued in part by some of the
parties and it was denied.

Now, the Board of Selectmen had an option if they wanted to to participate in this case. They elected not to do it. So, the Town is not participating in this motion to intervene. The only people who are responding to it are some of the neighbors up in Blacksmith Shop Road.

Not unexpectedly, the Superior Court denied the motion to intervene on a couple of grounds. One, they said it was late, you should have participated while the case was going on. They also questioned whether or not there was standing of the people who intended to intervene.

It is now pending before the Appeals Court. That does not mean the Appeals Court is going to even hold an oral hearing. They may decide the case on the basis of briefs and, in my judgment, based upon cases I’ve seen of this nature, they’ve got a longshot to succeed in this appeal.

One other thing I’d like to point out is the argument that is raised about the Chapter 2 – well, whatever the number was – of the Acts of 2007. Back in 2007, Town Meeting passed an
article which authorized the Board of Selectmen
to petition the legislature for special
legislation. That special legislation begins
with sort of the magic words “notwithstanding any
general or special law to the contrary, the Town
may erect wind turbines”. That legislation, if
you read the whole thing not just the first
sentence, deals with financing. The whole
purpose of the special legislation was to allow
the Town to finance the construction of the wind
turbines; it was not to allow the Town to build
wind turbines in violation of its own zoning
bylaws or to build a wind turbine that would
create a nuisance. This was presented to a
Superior Court judge back in 2013 when we had the
first wind turbine trial and he didn’t buy that
argument then; I don’t think it’s going to be
bought again.

The other thing I’d like to point out:
Wind I is dead, gone. You’ll never see it
again; it’ll be out of town. Wind II has some
life, possibly, but not where it’s located.
It’s going to have to be moved somewhere else.

Finally, if Mr. Walker’s group
successfully intervenes, and the court agrees
with them, the Selectmen are under no obligation
to turn the turbines back on because we’re not a
party to this intervention.

[Applause.]

THE MODERATOR: Okay, Mr. Putnam. Mr. Putnam. Mr. Putnam. Microphone for Mr. Putnam, please.

MR. PUTNAM: Thank you, Mr. Moderator, Brent Putnam, Precinct 9.

Mr. Duffy answered my questions so I’m going to ask that we move the question. Or the amendment that’s been proposed.

THE MODERATOR: Okay, there’s a motion to close discussion on the amendment.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds majority and the question will come on the amendment to add the language that the Town shall
defer payment of the $178,070 to the
Massachusetts Clean Energy Center until such time
as the Massachusetts Court of Appeals has ruled
on the Green Center appeal of the decision that
required that the Falmouth’s Wind I and Wind I
turbines be shut down.

MR. WALKER: Point of privilege, Mr.
Moderator, is it possible at this time?

THE MODERATOR: Point of privilege
means you need an accommodation at the meeting.
You can’t speak anymore.

MR. WALKER: I didn’t understand you,
I’m sorry.

THE MODERATOR: A point of privilege
means you need an accommodation at this meeting.

MR. WALKER: I want to just ask a
question.

THE MODERATOR: That’s not a point of
privilege.

MR. WALKER: A procedural question.

THE MODERATOR: Okay, so you have a
point of order.

MR. WALKER: Yeah.

THE MODERATOR: Okay.
MR. WALKER: And in so doing, I’m not questioning anything that you have –

THE MODERATOR: No, that’s fine.

That’s a point of order, not a point of privilege.

MR. WALKER: Thank you. So the question on the amendment has been called.

THE MODERATOR: Yes.

MR. WALKER: Are we – before we vote on whether we are going to call the question on the amendment, may we discuss that?

THE MODERATOR: No, it’s a non-debatable motion.

MR. WALKER: It’s non-debatable?

THE MODERATOR: It’s non-debatable.

MR. WALKER: Oh, thank you.

THE MODERATOR: So the question will come on the amendment to add the language. All in favor of the amendment signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the no’s have it by a majority.
So, discussion is now opened on the main motion. Mr. Walker.

MR. WALKER: Do I still get those two minutes?

THE MODERATOR: You actually get four minutes, now, because we’re on the main motion.

MR. WALKER: Okay.

THE MODERATOR: Do you want to utilize them or not?

MR. WALKER: I don’t think so.

THE MODERATOR: Okay.

Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1. I was interested in hearing what Mr. Duffy had to say about the issue that is now on appeal at the Appeals Court.

Now, I’m a lawyer and I’ve done quite a few appeals. You win some, you lose some. And Superior Court judges are not always right. So, I’m not going to – I don’t have enough knowledge to know about the merits of this particular appeal. But one thing that bothered me was Mr. Duffy’s comment that since the Town isn’t part of the appeal, if the Appeals Court upholds the
appeal, in other words reverses the Superior Court’s judge – which does happen. Superior Court judges are after all just as fallible as anyone else. It bothers me that Mr. Duffy would say the Selectmen are under no obligation to carry forth with the appeal and to then just reinstate those turbines. Why not? Is that something that’s in the interest of the Town’s energy needs or is that a political decision?

I think – I think – that just bothers me. I just wanted to say that.

I’m not saying that they’re going to win the appeal. They probably won’t. But if they do, I think we should have the right to expect the Selectmen to support the energy needs of this Town as opposed to some kind of political acquiescence to some people who object to the turbines. That’s just the only point I wanted to make.

THE MODERATOR: Okay. So the motion here is to transfer the sum of $18,070 from Certified Free Cash to pay for the obligation pursuant to the agreement with CEC. All in favor of the monetary transfer signify by saying
aye.  

[Aye.]  

THE MODERATOR: All those opposed no.  

[No.]  

THE MODERATOR: The ayes have it by the majority.  

We’ll stand in a 15 minute recess.  

[Whereupon, recess held.]  

THE MODERATOR: We’ll come back on Article 24.  

Okay, can we just do an open poll, without a time limit, just start running the poll?  

Okay, Town Meeting Members present please press 1A for the establishment of a quorum. 1A for the establishment of a quorum.  

[Pause.]  

THE MODERATOR: Okay, the polling is open for the establishment of the quorum. 1A.  

[Pause.]  

THE MODERATOR: Don’t forget at the end of the evening to drop off your electronic voting devices in the bins at the door on the way out.  

Whoa, whoa, I asked to keep it rolling.  

Tinkham Reporting
No timer, I said? Okay, we’re going to do it again, okay.

The timer was still running on the roll call device, so it ran out. We’re going to reopen the roll call. So you need to vote again if you already voted. All Town Meeting Members present please press 1A for the establishment of a quorum.

[Fade-in.]

THE MODERATOR: 1A if you’re present and you’re a Town Meeting Member.

[Fade-in.]

THE MODERATOR: By a counted vote of 131, we have a quorum and we’re in session. I know there’s still a lot of folks walking in the back, so we have a lot more than 131, but we have the legally established quorum so we’re going to begin on Article 24.

Madame Chairman of the Board of Selectmen for the main motion.

CHAIRWOMAN MORAN: Mr. Moderator, I move the article as recommended.

THE MODERATOR: As recommended. This is to authorize the Board of Selectmen to submit
to the General Court a petition for a special act
to authorize the Town of Falmouth to continue the
employment of Police Chief Edward Dunne.
Calling your attention to the recommendation,
there’s additional language added after Section
one of the article: Edward Dunne will continue to
be a member in service under Chapter 32, Section
1 for the purposes of eligibility for benefits
under Chapter 32, Section 7, 9, or 100 – should
that be ten?

Is that supposed to be 100 or is that
ten? Section 7, 9, or 100?

MR. SUSO: No, 100 is correct.

THE MODERATOR: It is 100.

MR. SUSO: Yes.

THE MODERATOR: Okay. During any
period after his 65th birthday while serving as
Chief of Police.

So, wait a minute, we’re going to have a

FROM THE FLOOR: Mr. Moderator.

THE MODERATOR: Yeah, wait a minute,

Ms. Murphy held it. Yes, Ms. Murphy.

Oh-oh, we lost a mic carrier?
Okay, Ms. Murphy, go ahead, you got the mic. Just turn the button on, yeah. Yes, just flip the switch up. Is that the one with the switch on the side, or is it the one with the button on the bottom?

MS. MURPHY: It’s a button and it says on. Now?

THE MODERATOR: Yeah.

MS. MURPHY: Okay. I’m Carol Murphy, Precinct 9. I would like to make some points as far as Chief Dunne’s length of tenure to be extended.

Chief Dunne knew 37 years ago, when he became a police officer, that the mandated retirement age in the Commonwealth of Massachusetts is 65 years old. To stay on past the mandated retirement of 65 would prevent those serving under Chief Dunne from advancing. To allow this article sets a very bad precedent for those Town employees approaching 65 to petition Town Meeting to stay years beyond their mandatory retirement age.

Thank you.

THE MODERATOR: Okay, Mr. Afonso.
MR. AFONSO: Mr. Moderator, is there going to be an opening -

THE MODERATOR: Presentation? I was told no.

MR. AFONSO: I would like to speak in direct opposition to this article.

THE MODERATOR: Go ahead, I recognize you.

MR. AFONSO: How long do I have?

THE MODERATOR: Four minutes.

MR. AFONSO: Thanks.

So, when you speak in opposition of a chief of police, it’s not always the easiest thing to do. I sorta tripped on this article. I have a Facebook page, as most all of you know, and somebody put a post. I met with the Chief, asked some questions, started to learn more and more and more.

What really got me involved with this was the fact that our retired men and women of the Falmouth Police Department are not permitted to continue to do details. The Enterprise would have you believe that this was an age discrimination issue, which it wasn’t.
I got involved with this to fight for
the men and women who’ve given to all of our
families in this town for 30 plus years. Some
of them now have to go to Walmart. Some of them
have to work at funeral homes. They should be
able to make detail money.

That’s all the time I’m going to take
but I am going to ask for a Falmouth residents,
non Town Meeting Members to join me down here so
one could speak. And I’d like to ask for a
couple more minutes.

THE MODERATOR: That’s not in the
rules, sir. That’s for the opening presentation
motion, is ten minutes.

MR. AFONSO: So?

THE MODERATOR: So each of them can
speak individually, and they’ll each have the
allotted time of four minutes of a speaker.

MR. AFONSO: I’d like to introduce to
the –

THE MODERATOR: Whoa, whoa, whoa.

You’re not controlling the meeting. If they
want to speak, they stand up, I put them on the
list and I’ll recognize them to speak. So
you’ve got four minutes, and they would each have
four minutes; I can add you all to the list.

MR. AFONSO: That’s really – that’s
really all I’ve got at this point. A lot of
people probably expected me to come up and do
something shocking and say something
controversial, but I wanted to let them speak. I
wanted everybody here to know what it’s like
firsthand to not be allowed to work after you’ve
given most of your life. And this article is –
sets a horrible precedent because it only
benefits the chief of police, while these men and
women, for many years, have gone without.

THE MODERATOR: Okay, Mr. Walker.

MR. WALKER: Thank you, Mr. Moderator,
I speak in favor of this motion.

I’ve had one encounter with the Chief
last December in the Christmas Day parade. I
was walking along, carrying a sign, looking for a
group of people that I was supposed to join in
that parade; couldn’t find them. I asked him a
question; he knew exactly what I wanted, which
was how to get from point A to point B in the
Town, helped me right away in spite of all the
responsibility he had that day. That little personal touch meant a lot to me.

And anyway, I speak in favor of the motion. I think he is capable and I think anybody who is capable of doing a job ought to be able to continue regardless of age. And I’m going to ask all of the members here of our Town Meeting in your discussion of this article, I hope that you will be like you were in the discussion of the move the athletic field to the high school location.

THE MODERATOR: Just a little shorter, that’s all.

MR. WALKER: That discussion was really nice. Everybody, on every side, got a chance to say what they wanted to say and everybody said it very nicely. I think that was great; I was glad to be here to see that.

Thank you.

THE MODERATOR: Mr. Dufresne. Mr. Dufresne.

Yeah, I’ll put the both of you on the list, yeah. Andy.

MR. DUFRESNE: Fellow Town Meeting
Members, Adriene Dufresne, Precinct 2.

I’ve been very familiar with the Police Department for probably about 50 years. We have one of the finest Police Departments that I – I think in the Commonwealth. Chief Dunne has brought a new level of professionalism. He wants to go beyond 65 because Falmouth has some serious criminal problems. He has programs in effect right now that those of us in this auditorium probably don’t know what the hell is going on with the boys that are in blue or in their civilian clothes out on the street.

He has several programs going on for which he would like to go beyond 65. When I talked to him and he said that, I said, “I think you’re nuts. Huh? I think you’re nuts.” But, if he was an enforcement officer and had to go out on – to fight crime, I would say no, 65 is old enough. But he’s an administrator, and right now he is administering, in my opinion, one of the most professional Police Departments in the Commonwealth of Massachusetts. These guys know their job. You don’t have any problems with the Police Department unless you’re a
problem within the community.

So I’m asking that you support this request and allow him to go – again, I’m going to say I think he’s nuts – beyond 65. I’ve gone beyond 65 a long time ago –

[Laughter.]

MR. DUFRESNE: – and but I still like to come here and deal with what in my opinion we have 250 reasonably intelligent citizens of the Town.

I think Eddie has done a hell of a job and I hope we can support this request so that he can complete some of the actions that he has in place that not many of us in this room know about.

Thank you for listening to me.

THE MODERATOR: Okay, Mr. Antonucci. I’ll add you to the list.


I also stand in support of this article. Remember, this article gives the option of extending his contract to the Town Manager assuming the Police Chief can carry on his
duties. He’s done a great job. I’m sure he’ll continue to do a good job. But administratively, I think, for the Town it’s a good move. It really doesn’t give us the opportunity to have to go out and look for a new chief. We have a chief that’s worked, it’s worked well.

Many of you sitting here know the history of the Police Department; we’ve had our good chiefs and we had some chiefs that haven’t been so good. And now we have one that works. He works well with the Town Manager, he works well with the Selectmen, he’s an honest individual.

But what does disturb me is a lot of misinformation that’s out there. Since when does Facebook become the rule of law? And there’s a lot of things on Facebook that are not true. And I feel bad for the Chief. And so, Chief, I hope you know that most of the people here support you and what you’ve done. I know Facebook’s a good media, but at the same time, let’s get the facts, let’s get them right. This is about the Town Manager having the ability to
reappoint the Chief to a new contract for the
good of the Town.

Thank you.

[Applause.]

THE MODERATOR: Okay, Chief, did you
want the - okay.

All right, Mr. Kinsella.

Mr. Putnam, I’ll add you to the list.

Mr. Kinsella, you were next on the list.

MR. KINSELLA: [No mic: inaudible.]

THE MODERATOR: No, no, Mr. Putnam’s
way down on this list. [Laughs.]

[Applause.]

MR. KINSELLA: Can I go down to the
podium?

THE MODERATOR: Go ahead. Yeah, you
can come down front if you like, yes.

MR. KINSELLA: [No mic:] Thank you very
much. How many minutes do I have?

THE MODERATOR: Four.

Ms. Connolly, you’re on the list.

MR. KINSELLA: Good evening, everybody.

My name is Kevin Kinsella, Precinct 9.

I think I’m going to keep this very
narrow. Chapter 415 of the Acts of 1987 set the retirement age for people only in public safety. When people talk about ages pertaining to other professions, they’re giving an erroneous presentation as to what we’re dealing with, here. Police, Fire: we are different profession from every other profession. 65.

I retired twelve days short of my 65th birthday, a little over a month short of 36 years. I saw nothing wrong with that. People disagree in this day and age about age because, face it, we live in an aging population. Our life spans are increasing. But you have to look at what is called upon in public safety. Police and Fire are completely different from any other profession, and as a result of that you have to look at it in that unique light.

What is going to happen today is that you’re going to be asked to go in two different directions. Each one is going to affect the future of this community. If this article is voted for, you have set that famous precedent. You have opened the door. And if you open the door, you better expect that in the future other
people are going to take advantage and they’re going to come through that door. So, if that’s the way it’s going to go, that’s the way it’s going to be.

If you vote the other way, then the decision that was made by the Executive branch of the government that is now being presented to our legislative body, you the members of Town Meeting, they will take control.

There’s been a lot said that I disagree with. One of them is this talk about civil service. I stood in that spot right over there back in 1983 and I argued on this floor in front of this body as to why we should keep the chief’s position in civil service. It was taken out by a majority vote. Since then, it’s been the subject of Home Rule. Why do people talk about let’s have a national search? We don’t have to have a national search. We are not held to that level anymore because he’s not in civil service. That body over there, with consulting with Mr. Duffy, make that decision. Why do we not stay within Falmouth? Anyone in this room want to tell me how many Fire Chiefs have been hired
outside of the Town of Falmouth Fire Department? How many?

Who was?

MR. DUFRESNE: [No mic:] George Packish.

MR. KINSELLA: George Packish. One.

In a hundred years?

MR. DUFRESNE: [No mic:] Yeah.

MR. KINSELLA: Thank you, Andy.

[Applause.]

MR. KINSELLA: The distinguished Mr. Dufresne.

This is not about one man; it’s not about one position. If you read that chapter, it says everybody, from patrolman to chief, from firefighter to chief, and it covers just about everything you can think of when it comes to public safety.

I had no problem because, to me, yesterday is just that. You can’t hold onto it; why try? What is wrong with looking until tomorrow? That day waits for all of us and we all have an opportunity to find out what’s going to happen to us when that day comes –

THE MODERATOR: Okay, Mr. Kinsella.
MR. KINSELLA: - tomorrow.

THE MODERATOR: We’re at four minutes.

MR. KINSELLA: Okay, thank you very much, sir.

THE MODERATOR: Okay.

MR. KINSELLA: Ladies and gentlemen, thank you very much for your kind attention.

THE MODERATOR: Ms. Atherton.

[Applause.]

MS. ATHERTON: Cheryl Atherton, Precinct 3.

I have no problem at all with Chief Dunne, none at all. What I’d like to see – I’m retired six and a half years – almost six and a half years, now – is I want to see the fellow officers that I worked with, male and female, start to move upward. If Chief Dunne stays, they don’t move; they don’t go anywhere.

We have to, like Kevin said, we don’t have to go outside our beautiful town to seek a great chief. We have so much talent right inside the Falmouth Police Department, that one little building on Main Street, that we don’t need to go anywhere else. And I want to see
those people move.

If Chief Dunne stays, they don’t move for a long, long time. And I just want to see them make some progress. They’ve made — they’ve made their homes here and they want to see things — they’re raising their families here, and I just want to see them move and, you know, get up to chief. And the torches, he’s lit a lot of torches, there’s no question about that. Let the people below him and the people coming up carry those torches and then light their own.

Thank you very much.

THE MODERATOR: Okay, the next gentleman that was in the back. The next gentleman in the back.

No? Mr. Gonsalves? No. Okay.

Mr. Kasparian.

MR. KASPARIAN: Thank you. Michael Kasparian, Precinct 5 and I’m speaking tonight as a Town Meeting Member, not as President of the Falmouth Chamber.

Like many of you, I didn’t grow up in Falmouth but I had the good fortune, probably the best decision I ever made was to move here when I
married my wife and to raise my children here.

And I grew up in Providence and I can tell you
the Police Department there was very different
than the Police Department here.

[Laughter.]

MR. KASPARIAN: I’ve had several
opportunities to work with Chief Dunne and I’ve
gotten to know him personally. And I can tell
you that in my opinion he is the epitome of
professionalism. And I think that the Police
Department enjoys the reputation in this
community that many communities don’t have in
regard with their Police Departments.

Everywhere I go, I’m reminded, you know,
that there’s a true partnership with the Police
Department and I think we’re living in a time
right now where the collaboration and cooperation
between all the different organizations in town
is really at an all-time high. And a lot of
that has to do with the leadership of these
organizations; in this particular case, in
particular, Chief Dunne.

Chief Dunne has been here for 37 years,
my understanding is, I don’t know if as a part
time police officer, and I understand that this is something that is extraordinary. However, what this article is asking is for the General Court to be petitioned, and that is not a precedent. That has happened in numerous towns throughout the Commonwealth. And we’re not talking about extending his tenure for 10 or 12 years. He’s looking to go on for a few more years beyond the age of 65.

He has started a lot of good initiatives in this town and I think we’re all under the benefit of his leadership.

When I see police officers in this town, they smile, they seem very happy. I’ve never had a problem with a police officer in this town. When I go to my schools and I see the resource officers there with my children, I’m proud and happy to know they’re there, and that comes from the leadership and the direction of Chief Dunne.

So I’m not really sure why we’d be in a rush to throw the baby out with the bath water. And I understand the points I think that Cheryl Atherton made are good points and some people should have the opportunity to advance. But all
in good time.

And I think that it also provides an opportunity for the Chief to work within the department to provide a succession plan where one of the deserving members of his staff could assume that role and there would be a smooth transition.

So, I stand here tonight and ask you please to support this article. I’m not really sure why we would consider getting rid of a leader like Chief Dunne when we have someone like this right now in control of this department and that we’re in an all-time high of cooperation in this town. I just think it’s a great thing.

So, please support this article.

THE MODERATOR: Mr. Clark.

MR. CLARK: Peter Clark, Precinct 1.

The Charter does not give me, as a Town Meeting Member, or us as a Town Meeting, the responsibility of evaluating personnel. That belongs up there. And so I’m not speaking in any way about that assessment. But I am speaking about a system that has been in place and has its purposes. I think we should be very
careful about changing that system.  

The language in our booklet, in the explanation, would lead one to believe that this is not an unusual event. I think it reads, “This article is similar to those approved by other towns in the Commonwealth”. I asked at the precinct meeting if anybody knew how often it was used in this way, and I haven’t gotten an answer. I hope someone has one.

My informal research is that it has been used only two or three times in recent memory, and those were by smaller departments that had limited personnel.

I think we have a strong department.

By my count, there are two to three years for a transition plan to preserve what is underway and to select someone, from within or without, who could be the next chief of police. Does anybody have the answer about how many times this –

THE MODERATOR: Yes, we do.

MR. CLARK: – has been requested and what the sizes of the departments were?

THE MODERATOR: Ms. Moran.

CHAIRWOMAN MORAN: I do, Mr. Clark.
The statistics which I received from Senator DeMacedo’s office on that question, from 2012 to 2017, there have been 30 extensions. Of these extensions, 17 were for chiefs of police or fire.

MR. CLARK: [No mic:] So seven --

CHAIRMAN MORAN: Seventeen were chiefs. Others were for officers within departments. And we did one just a few weeks ago.

MR. CLARK: And you didn’t get any information about what types of communities those were, whether they were large, small, tiny?

CHAIRWOMAN MORAN: I didn’t bring the chart. They’re all over the scope. For example, in 2012, it was Scituate was, you know, I just kind of, when I was looking at the chart, I noticed that was one of the closest ones.

MR. CLARK: [No mic:] Thank you.

CHAIRWOMAN MORAN: You’re welcome.

THE MODERATOR: Mr. Bidwell. Mr. Bidwell.

MR. BIDWELL: Good evening. Todd Bidwell, Precinct 4.

I do stand in support of Chief Dunne, as well as Captain Reed, Captain Smith, and all of
the other incredible officers of Falmouth Police Department. I have to say that, after discussing this article with several members in our community, and different industries, I’m uncomfortable that this article is before Town Meeting. And I’ve had a yellow flag for the last few days because I have felt that it puts us in an awkward position.

I did reach out to our Chairman of the Board to express also that I felt as though this was truly a personnel issue and that this should be something that the body up on the stage, which I appreciate what Mr. Clark said, this should be something that you folks should be discussing and making decisions on.

I realize it’s a law, Mr. Moderator, and obviously that’s why it’s being brought to us. But I do want, for the record, to say that it’s very awkward.

And I know that as a leader in the business community I’ve had the good fortune of working with our chief. And he’s been incredible for every opportunity that we’ve been brought together and other law enforcement
agencies such as the Coast Guard, et cetera.

And but I’m not in a position to discuss anything related to leadership of a department or personnel, opportunities for leadership succession or anything.

And I just want to state that, whether or not this becomes a precedent, I would ask that this process be revisited, and if there is another process to be looked at, even if it’s – I would rather in this Town Meeting discuss whether we wish to approach the state and actually raise the age of retirement and have that debate for in general purposes. But to sit here and discuss one individual and whether or not he should stay or – or – or leave at the end of his contract, I just want to make it noted that I’m very awkward with this.

Thank you.


MS. TAYLOR: Thank you. Nancy Taylor, Precinct 1 and Superintendent of Schools. And I speak from my role at the Superintendent.

Over the past couple of years, I’ve faced several challenges in the School Committee
- I mean in the school community. Whether it was an accident with two of our students, or asbestos issues, any kinds of challenges that I faced, and I have to say that Chief Dunne was an incredible partner through all of my challenges here.

He has created programs with the Falmouth Public Schools. We have more officers in our buildings more frequently than ever. And I think his commitment to creating a positive relationship between the school district and the Falmouth Police Department has been absolutely remarkable.

I strongly suggest that you support Chief Dunne and pass this article.

Thank you.

THE MODERATOR: Okay, Ms. Moran.

CHAIRWOMAN MORAN: Well, a lot of what I was going to mention has already been said. I mean, whether it’s, you know, Coffee with a Cop, or being in the schools or the Opioid Summit, I mean, certainly we’ve had excellent leadership.

With respect to the Board of Selectmen, I spoke a little bit about the challenges going
forward in my opening report, and the opioid problem is huge. There are going to be more challenges on the way. Don’t have to tell you that. This really will, if granted by Town Meeting, allow the Town Manager to continue the contract for the Chief, you know, extend it one year, two years, three years, from our perspective. And that brings stability and allows us to focus on the many other important tasks we have at hand and, I think as well said by Mr. Kasparian, also really allows that mentorship and successor plan to occur so that, you know, the next chief can really hit the ground running.

And I think it, you know, certainly from my research, there have only been three chiefs hired from outside the Department. So Falmouth, very definitely, prefers to hire inside if that’s, you know, if there are equal qualifications. So that’s something that I think is definitely favored.

But, from our perspective, we really appreciate the opportunity to extend the contract if granted by Town Meeting for all those reasons.
and to, you know, and to the Chief in particular
I do think this was a nice opportunity for him to
have, you know, a little feedback - even though
that’s not quite the subject of the article.

I do want to mention a little bit of
misinformation, though. With respect to the
idea of the details, I mean, that’s kind of not
exactly the subject, but since it was mentioned,
I just want to clarify that a little bit.

The Chief has had on his desk and has
now moved to legal counsel a policy for details
to be employed -- for retired cops to work as
details. And it’s been, as is always the case
with the Chief, a thoughtful process, an analysis
of various communities, what works, what doesn’t
work. The policy was put together and now is
with - you know, is being analyzed for any other
suggestions in terms of the legal effect.

So you - and, you know, the financing
effects, who’s going to pay for training, all
those kind of things. These, you know, these
things are a little bit time consuming in terms
of the process, but that’s coming as well and I
just wanted to mention that.
Thank you.

THE MODERATOR: Okay. Chief?

CHIEF DUNNE: Thank you, Mr. Moderator.

Town Meeting Members and Falmouth community.

Edward Dunne Precinct 8, your Police Chief. I just want to say a few things.

I’m very proud to have served this community for over 38 years; the last five years as your police chief, leading some of the finest men and women in law enforcement. I’m very proud of my staff and all their accomplishments.

There has been many posts written on social media, anonymous letters this past week, much of it non-factual. While these individuals have that right to free speech, however ill-informed, I have not let these minor distractions detour the real mission of the Falmouth Police Department, which is to keep this community safe.

Let me clarify my only reason for asking to stay beyond the mandatory age of 65 retirement, and that is I have one year left on my current contract and I would much like to negotiate another three year contract, which would bring me beyond the mandatory 65 age.
retirement. This will allow me to complete several important innovative projects currently underway in the Police Department.

Should you pass this article, it will not change any of my retirement benefits. They would remain the same as if I retired on my 65th birthday. It’s part of the law. This request can be made by any police officer or firefighter, regardless of their rank as they approach the age of 65. Historically, members of the Falmouth Police Department retire in their mid to late 50s. As you just heard, one officer recently retired at his 65th birthday.

The following projects are currently being developed in a team approach with the men and women of the Police Department, and the reason for Article 24 is that I would remain—I would like to remain as an extension of my contract to get these to the point where they’re self-sustaining in this community and the Department.

Number one, you’ve heard tonight we have some major issues. We do. We have an opioid crisis which we’ve been working on since 2012,
and made some progress.

I would like to continue to develop innovative, collaborate outreach initiatives. One example that I do plan on rolling out within the next couple of months is a mobile education trailer to help educate parents on the effects of drug, such as was just recently held at the high school, the Hiding in Plain Sight. It would be a mobile unit that we’ll take to the ball games, the soccer fields and the schools.

One Mind program. This is our next crisis and is already a crisis, which has to do with mental illness, and that is getting the whole Police Department trained to deal with mental illness.

I’d like to form a community action team. That’s a program with the police and health professionals that would go out, proactively, in the community to seek the homeless, those suffering from addiction, and people with mental health, and deal with it proactively, instead of reactively.

I would like to continue to build the Police Department staffing levels pre-2009 budget
cuts. Today we are 58 sworn. With the passing
of the budget last night, we’re 59 sworn.
Before the budget cuts, we were at 66. Calls
for service in 2009 were 28,926. For 2017, we’re
at 36,926, which is an additional 7,494 calls.
We are handling more calls with less people.

THE MODERATOR: Okay, Chief, we’re at
four minutes.

CHIEF DUNNE: Just two more lines?

THE MODERATOR: Quickly.

CHIEF DUNNE: Okay. It is my hope
that these programs, once completed, will be
embedded a lasting tool in the Department which
will continue long after I’m gone to keep this
community safe.

Thank you.

THE MODERATOR: Ms. Connolly.

MS. CONNOLLY: Annie Connolly,

Precinct 6.

Chief just mentioned some of the items I
was going to reference, and I was actually hoping
– she’s rolling her eyes – Suzie Hoffman {sp?}
would get up and address some of the partnerships
that’s happening with the Falmouth Human Services

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Department and the Falmouth Police Department because they’re very important to public safety.

THE MODERATOR: Okay, I don’t think we need to get into every program that’s running. This is whether or not we want to authorize the Selectmen to seek –

MS. CONNOLLY: Well –

THE MODERATOR: – the exemption. So that’s –

MS. CONNOLLY: – hmm, that’s two times, Dave.

Um, I would say that I hope you support this, please, thanks.

THE MODERATOR: Okay. Mr. Latimer.

MR. LATIMER: Thank you. I’m Rich Latimer, Precinct 1 and I don’t really have an axe to grind, here.

I have not always agreed with Chief Dunne, but I recognize him as a competent professional of a certain age, which I have gone past and I’m still an active professional. And I therefore will support this motion on the merits.

But I have a question for Town Counsel.
Specifically, what general or special laws are to the contrary and how will this allow the Selectmen to not observe those general or special laws and go ahead and extend his contract, which I would support, supposing that we can do it?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: What you have has been referenced previously at this meeting, a mandatory retirement age, 65. It’s my understanding the Chief is not there yet and but he would ask for an extension or a new contract that would carry him past that date.

The Selectmen, if this - if this - excuse me. What will happen following this meeting, assuming this article passes, the Selectmen will submit a petition to the legislature, asking it to enact the legislation which will allow the Chief to go beyond 65 and allow them to confirm his appointment.

Now, it just so happens that the language that leads off, “Notwithstanding any general or special law to the contrary” is just generic language. It’s the way you start off almost any special act. Remember I referred to
the Special Act of 2007 to finance the wind
turbines; it began with the exact same language.
So I look at that as — as generic language.
It’s just the way we introduce a special act.

THE MODERATOR: Yeah, Mr. Latimer with
a microphone, please.

MR. LATIMER: There is or are general
or special laws to the contrary which this vote
bypasses, are there not?

MR. DUFFY: The only one I’m aware of
is the age restriction.

MR. LATIMER: And what is that law?

MR. DUFFY: I don’t know the chapter
and verse, but it’s 65 years.

MR. LATIMER: It’s a state statute.

THE MODERATOR: Yes, it’s a
Massachusetts General Law.

MR. LATIMER: Are there procedures that
the Town has to follow to obey or comply with
that statute?

MR. DUFFY: Yes, a special act will
allow you to exceed the age of 65.

MR. LATIMER: No —

MR. DUFFY: If you don’t —
MR. LATIMER: - in terms of the statute, are there not procedures that the Town has to follow?

THE MODERATOR: This is the procedure. If you want to go past 65 -

MR. DUFFY: That's right, this is it.

THE MODERATOR: - you petition the Court for -

MR. LATIMER: No, to comply with it, the Town must -

THE MODERATOR: Yeah, you end his contract at his 65th birthday.

MR. DUFFY: And tell him to go home.

MR. LATIMER: The Town must do that, but this allows the Town to bypass that, right?

MR. DUFFY: Yes.

MR. LATIMER: Thank you.

THE MODERATOR: That was really weird. Mr. Donahue.

[Laughter.]

THE MODERATOR: Mr. Donahue, no?

Okay.

Ms. Braga.

SELECTMAN BRAGA: Thank you. It's an
awkward position to be in to speak in favor of
the police. As a defense attorney, I’m usually
trying to pick them apart, but I will say we – we
really do have an amazing Police Department.
Every department has its challenges, but for the
most part you do not see our Police Department in
the paper, you do not see issues with officers
and the public the way that you do in some other
towns and communities.

And I think, you know, we have – we’ve
mentioned it tonight and the Selectmen have
talked about and we’ve expressed support and I’ve
expressed personal support for retirees being
able to work details.

And I think you can’t really have it
both ways. If we’re saying that folks that have
retired, officers have retired, should
individually be able to submit an application to
work a detail, for the Chief to decide if they
are competent and able and if they are so able
that they’d be able to pick those shifts, that’s
what this article is asking Town Meeting to allow
the Town Manager and the Board of Selectmen to
do, simply give the option for an assessment of
Chief Dunne past the age of retirement.

So, this dichotomy that’s been set up, where it’s one or the other, it’s really false. We can honor the fact that some folks at age 65 are fully qualified, fully able to carry on in their position. It’s why there is a possibility for this exact type of article to be put before Town Meeting, because there’s a recognition that in certain instances it’s appropriate for the statute to be waived. And that’s what we’re asking to do, here.

And I think it is appropriate for the Chief, it’s appropriate for our Fire Chief, for our personnel in both the Fire Department and the Police Department, to have this option.

It’s – some folks are ready to retire at 65 and others are not. And they’re capable of performing for some period of time beyond that in a manner that is to the benefit of their community.

So I hope that we would support that for Chief Dunne in the way that I hope we will ultimately support that opportunity for our retired officers and details.
THE MODERATOR: Mr. Murphy, next on the list.

MR. MURPHY: Yes, thank you, Mr. Moderator, Town Meeting Members.

First of all, I’d like to start out by saying we’re very fortunate to have Chief Dunne and have Chief Dunne want to stay past him maximizing his benefits. He’s not doing this to merely get a couple of more years in service to increase his pension.

But, that being said, I want to bring a lot of people back up to speed. I was elected a Selectman in 2003. At that point in time, this town had a very dysfunctional Department. We had more MCAD claims that we seemed to have every two months. We paid off those MCAD claims. I must say that we learned from our mistakes.

Chief Riello came in, he also helped groom Chief Dunne, and I think Chief Dunne is doing the same thing to his command staff.

Keep in mind, everyone’s saying that we need to make way for the next command. Those folks have only been - the captains have only been captains for three to four years. They
need to learn and they need to gather the information. Because we are a community that has a $137 million budget. We’d be shortsighted to not do an assessment center when in fact a new chief comes up. And I want to make sure that those captains that are lieutenants, whoever they are, have an opportunity to prove themself at that assessment center. We’re going to give them the chance to be able to become our next chief.

But I will say that we need to be fortunate to have someone who wants to stay. Who wants to help the rank and file in his command staff achieve the next level.

It’s not making way for the next level, it’s just not going to happen just because the next guy down is a captain. We’re not a civil service department, and with all due respect to Mr. Kinsella, that really gives us the opportunity to have the best for our police.

And so I would ask you to approve this and I would say that you have a great value for your dollar.

Thank you.
MR. HERBST: Ralph Herbst, Precinct 8.

This article is on the request of the Town Manager and in the explanation it says that the – that Chief Dunne is interested in continuing his service beyond age 65. So I wondered: who approached who on that? Did the Town Manager ask him to consider this or did he consider it on his own?

MR. WALKER: [No mic:] Mr. Moderator, I believe that’s an inappropriate question.

CHAIRWOMAN MORAN: I would agree.

MR. HERBST: Well, I feel as – excuse me, but I feel, like Mr. Bidwell, that this places all of us in a difficult position because it’s dealing with one person in our Town who has a very responsible position and has done a great job. I would like to remind Town Meeting that when people are appointed to committees they are required to terminate their participation after
three terms. So that applies to a lot of people who served this town besides just the employees. So, there’s a policy there that says three times and then give somebody else a chance.

I can understand the police officers that are looking to advance. I myself was forced to retire as an airline pilot when I was age 60. Later, they changed the retirement age to age 65.

I think that Chief Dunne has probably got some great – or does have some great programs in place. Hopefully there are people that work with him that would be able to carry those on.

So this is just a tough, tough question for me as a Town Meeting Member because I have the greatest respect for Chief Dunne, but I also realize that there are younger officers that want to move up and they’re, I’m sure, I’m absolutely positive that they’re capable of being the chief of police.

Thank you.

THE MODERATOR: Okay, Ms. Szuplat. And we’re almost ready to take a vote, here.

MS. SZUPLAT: Hi, Peggy Szuplat,
Precinct 7.

I was just wondering as we talk about extending the contract, is this a one time extension, or if we pass it beyond 65, does Chief Dunne get to maybe do it again if he’s still healthy and well at 68 or 69?

THE MODERATOR: This petition would end on June 30th, 2024, the way it’s written.

MS. SZUPLAT: Yeah, but, no offense Chief Dunne, how old are you going to be in 2024?

THE MODERATOR: Yeah, I don’t know.

Mr. Patterson. Or, Chief?

MR. PATTERSON: If another -

THE MODERATOR: Mr. Patterson, I’m sorry, the Chief --

MR. PATTERSON: Oh, I’m sorry.

THE MODERATOR: - wanted to address the question.

MR. PATTERSON: Sure.

CHIEF DUNNE: I’m 62 right now. I’ll be 63 in June.

THE MODERATOR: Mr. Patterson.

MR. PATTERSON: What I wanted to say is I, with all respect for, you know, concerns that
Mr. Bidwell has raised about this being a personal issue, I think we should be looking at it from the standpoint of the quality of the Town, and the quality services that we’re giving to our citizens. You know, age is a different factor these days, and I know from talking to Chief Dunne personally, he’s out riding bicycle rides of something like 50 miles a day. So his health is very much in good shape.

Another critical issue in my mind, having been a manager myself, is the whole leadership issue, that ability to basically motivate a group of people to work together as a team for a common good. That’s not a skill or an aptitude that you see in everybody in the population. I think most of you in business around here – I was talking to Mr. Brown; I don’t want to put words in his mouth – know that some people can rise to the point of supervising and leading teams and other people have to be coddled and pushed and supplemented all the way.

When you have a gentleman like Chief Dunne who has the ability to organize a very complicated department of 50 people or more, who
are all individually using a fair amount of
discretion about how they respond to every
situation, to get that kind of performance out of
a group of more than 50 people is a very
challenging job and requires a lot of experience,
a lot of knowledge, a lot of communication
skills, a lot of empathy, and I don’t think we
should underestimate what it takes to really
perform at the level that we see our Police
Department performing in this town.

So, I think we should be looking at the
quality of the services that the Town is getting
and not make this an individual personnel
managing.

I can tell you, I’ve changed jobs five
times in my life because I didn’t see a
succession role - a promotion role or opportunity
within the organizations I was a part of.
Everybody has that opportunity. It’s not easy
today because of the cost of housing, but it is
everybody’s right to find a job somewhere else if
you feel like your skills and experience and
aptitudes allow you to perform at a higher level
than the job that you’re performing at the time.
Thank you.

THE MODERATOR: Mr. Peck, then Mr. Hargraves.

MR. PECK: Thank you, Mr. Moderator.

Bill Peck, Precinct 9.

I used to be in the civil service works. The Fire Department. And that’s how civil service is, you go in, it’s a career. You stay, you advance if you want. If you don’t, you don’t.

I asked a question the other night at my precinct meeting and Mr. Suso gave me an answer. The question was, I said, if the Chief were to retire at 65, which he knew was the retirement age when he took the job, if he retired at 65, the Chief would move out, a lieutenant would move up, a captain would move up, a sergeant would move up, and then they would have a new patrolman.

So, with the Chief retiring – I’m not saying that he should get out – but when his time comes at 65, there’s five people that are going to move in those positions at that job at 750 Main Street.

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So that’s just something to think about.

When you take a career in civil service and you’re doing public safety work,
firefighters, police officer, court officers,
jail guards, you’re there; some people want to move up through the ranks, as Chief Dunne did. He ended up at the top. My father ended up at the top, at the Fire Department. He was chief for 21 years. It broke his heart when he turned 65; at the end of August, when he turned 65, he had to retire. He was chief for 21 years. And it bothered him.

And I know Chief Brodeur, rest his soul, would probably still be the chief if he had thought about this. He probably would have still been a chief in the Fire Department. But Chief Small wouldn’t be chief right now. Okay? So, he’d still be there.

So, I’d just ask you to consider that:
65 is the retirement age in public safety. And it’s that way for a reason. So I’d just like you to consider that.

THE MODERATOR: Mr. Hargraves, anything new?
MR. HARGRAVES: Thank you, Peter Hargraves, Precinct 9.

I think we’ve drifted quite a bit from the question on the floor, here, and I’m starting to share the discomfort of my colleague who expressed a concern about the nature of the personnel aspects. I don’t want us to leave this meeting thinking that this is a referendum on Chief Dunne or that he won or lost. I could put logs on the fire about my positive experiences with Chief Dunne, and I think if any of you have more to add, his boss would like to hear him for his next performance appraisal.

The way I’m thinking about this question on the floor is that our paid Town Administrator who leads the personnel aspect and defines the leadership of these different departments, has asked for permission to do his job and operate within the law by -- because he believes it’s in the best interests of the Town to retain the option of continuing Chief Dunne’s exemplary professional service. And I think we’re here to enable the person we pay to make these decisions and provide that leadership to do his job, and
I’m really not wanting to further discuss Chief Dunne’s performance, and so I --

THE MODERATOR: Okay, let’s - let’s not further discuss anymore. We’ve had an hour.

You all know where you’re going to vote.

I’m going to go directly by a call of the chair to a slide and we’ll use the electronic votes for an aggregate count, because multiple expression of everything about feel uncomfortable and everything. So we’ll just use the clickers on this one to get a majority vote.

All those in favor of Article 24 as recommended, signify by pressing 1A for yes, 2B for no. The polls are now open. 1A for yes, 2B for no.

[Pause.]

THE MODERATOR: Ten seconds remaining in the poll. 1A yes, 2B, no.

[Pause.]

[Applause.]

THE MODERATOR: By a counted vote of 130 in favor and 65 opposed, the article passes.

Article 26, Madame Chairman of the Board of Selectmen for the main motion.
CHAIRMAN MORAN: Mr. Moderator, I move Article 26 as printed.

THE MODERATOR: As printed. This is to accept the provisions of the Massachusetts General Law Chapter 39, Section 23D, which permits local board members who miss a single session of an adjudicatory hearing before their board to be able to vote on the matter provided they review the evidence submitted at the missed hearing session and file a certificate to said effect.

Said provision is to be applicable to all types of local adjudicatory hearings. This was held by Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9.

Very quickly. People that are on these boards make a commitment, but people who come before these boards with their issues, with their applications, with their whatever they need, a lot of times are paying attorneys, they’re paying engineers. They’re presenting a case before these boards with information, sometimes with feelings, and if you have one person missing for
that one meeting, they also don’t get the
opportunity to ask the applicant, the attorney,
the engineers questions that may help in making a
proper decision on whatever they are applying
for.

If you think about it, it is like going
to court, you have a jury trial, you have 12
jurors, one gets sick, there’s no alternates.
But they get to review the information and make a
judgment upon you and your case. This is
essentially doing the same thing.

A lot of the boards have alternates for
a reason and that makes it so that that alternate
can actually vote if they are there for all of
the presentations of the information. That
person gets to hear the questions in person.
They get to see what is actually happening for
this application or applicant and they get the
full story.

Reviewing information on a piece of
paper is not always giving you the full picture.
And not all the boards are televised or recorded.
So that person that’s missing the meeting is
missing everything other than seeing what is
written down by somebody who is recording what is said at that presentation.

So I would respectfully ask that you vote it down for that reason alone, that people deserve the right to be questioned and get the full information as presented at the time and then be able to make decisions on someone’s application.

THE MODERATOR: Mr. Donahue. Then Mr. Putnam, I’ll put you on the list.

MR. DONAHUE: Bob Donahue, Precinct 3.

It says this is by the Board of Selectmen. Could someone from the Board of Selectmen explain to us why you feel we need an absent person to vote on something?

Thank you.

THE MODERATOR: Okay, Mr. Duffy.

MR. DUFFY: This Article was put on the warrant by the Board of Selectmen, likely at the request of my office. We have a situation in town where a number of hearings -- and we’re talking about adjudicatory hearings in this situation. And an adjudicatory hearing is where a board which grants a permit or a license or
some special permit or something like that, hears
evidence presented by the applicant and then it
decides, based upon the evidence presented,
whether or not to grant the license or the
permit.

Typically we’re talking about the Board
of Appeals granting special permits or variances,
the Planning Board approving subdivision plans,
the Board of Health perhaps on a septic issue,
the Conservation Commission certainly on an order
of condition, and the Board of Selectmen largely
on their alcoholic beverages control authority.

There is a problem that commonly occurs in that
many of these hearings get stretched out over
several nights. Not everything is wrapped up the
first night.

Particularly in the Conservation
Commission these hearings can go on for multiple
nights, maybe half a dozen. And over the course
of that time, people come and go and you drop
out.

Under the existing law, if a person who
is on the board hearing the case misses a
meeting, they technically cannot vote at the end.
So sometimes you run up against quorum problems.

Now, as Mrs. Putnam referenced, there are alternates and that does help. But this also is another solution to the problem.

The law is contained in the Open Meeting Law. It is authorized by state law, and I’ve referenced in the article that Chapter 39, 23D, which is the Open Meeting Law. The provision provides that the person who missed only one meeting -- and they only allow one to miss one meeting. If you missed two meetings, this law doesn’t apply. But if you missed one and you review the evidence and you look at the tape, whether it be audio or video, you review the documents that are presented, you review the exhibits that are presented, and you file a certificate with the clerk of your board, you can then vote.

This is a procedural issue. It’s really designed to promote fairness and also the efficiency of the board. It’s local option. You have to accept this provision. We’re asking you to do so tonight.

THE MODERATOR: Okay, Mr. Putnam.
MR. PUTNAM: Thank you Mr. Moderator.

Brent Putnam, Precinct 9.

Can anyone answer a question for me: how many communities in Massachusetts have elected to adopt this option?

MR. DUFFY: Mr. Putnam, I don’t know how many, but I know quite a few have. I attend on a regular basis meetings of the Massachusetts Municipal Law Association, and it’s often discussed and it’s recommended and in fact endorsed by the Association that communities adopt this. It’s a very useful law.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: “An awful lot” is not really a number. The last article was mentioned 17 communities and that sounds like an awful lot, but there are 351 communities in Massachusetts, so I would have liked something a little bit more concrete to work with.

THE MODERATOR: Yeah, Mr. Duffy.

MR. DUFFY: I’m sorry, I can’t give a specific number, but it’s an awful lot.

[Laughter.]

MR. PUTNAM: Okay, well, you’ve
answered or tried to answer my question. Thank you, sir, I appreciate that.

A few comments. Many of you may remember I was a member of the Board of Selectmen. Prior to that, I was a member of the Conservation Commission. I spent ten years on the two boards. We had alternates. Not necessarily on the Board of Selectmen, obviously. But I don’t ever recall a situation where we couldn’t work our way through a hearing and having a quorum problem that really was a show-stopper. There are alternates for a reason, and when we sign up for these positions we understand the responsibility that goes along with it.

I’m going to echo what Rebecca, my wife, said a few moments ago about these hearings, and I’m going to echo it from the perspective of being up there, behind the table. Because when you have these hearings, yeah, you can read the minutes -- and I’ve missed some hearings and I was not part of the votes for some of those situations -- and you read the minutes and maybe watch the videotape, and you can sign a document, saying, “Oh, yeah, I read all the evidence,” but
you weren’t there. You didn’t see how the applicant reacted when you asked a question. You didn’t see how the audience reacted when questions were asked.

I mean, that’s one of the things you don’t see on these tapes or in the minutes, are how the audience reacts to the questions. Because that’s sometimes a very good indicator as to whether there’s something not there, something that more information is needed.

Sometimes somebody makes a face in the audience when the applicant says something, so it causes you to ask a question in a different way or you ask a different question to get more to the root of what’s going on.

I appreciate that this is an option and maybe some communities use it; maybe a lot. And maybe it is valuable in some cases, but I think it does us a disservice to the applicants and a disservice to the community at large when we allow folks who are not present, not physically present. Because our communication, ladies and gentlemen, very little of it is spoken. Most of it is through the tone of our voice and even more
is through just our - our face to face impression
of one another.

They say that something like 80 percent
of communication is non-verbal. You can’t
capture that on the Minutes.

I’d ask you to vote against this.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1.

This is the usual situation where I must
disagree with Mr. Putnam. I’ve had more
experience than he has. Three two year terms on
the Con Comm, six years. Over 20 years on the
Planning Board. I can tell you: with competent
staff to bring you up to date and make a record,
there is nothing that you get at the hearing that
is legally going to make any difference to how
you vote on it. As long as you know what the
evidence was presented. The records, the
application that was presented, that’s what the
decision is based on, that’s what goes up on
appeal.

It can’t be, “Well, I would have decided
it differently if I saw that guy in the audience
winking at me.” That doesn’t get into the
record.

It’s not a court trial, where demeanor
of the witnesses makes a difference. When you
are on a board, you are bound by the law and you
are bound to take the evidence as it’s presented.
So I would definitely support this article.

I can say that there are meetings that I
would have missed; I would generally take two,
maybe, extended out of state visits, vacation
trips, and I might miss an important vote. And
that could be important, when it’s a close
decision and somebody’s rights are involved.
And so I would vote yes on this article.

Thank you.

THE MODERATOR: Okay, Mr. Hargraves.

MR. HARGRAVES: Peter Hargraves,

Precinct 9.

I’m rising to share an anecdote that
supports strongly your vote in favor of this
article. In fact, some of what we heard about
the members of a board looking for a tells and
the possibility of discomfort with someone in a
public speaking occasion to see how they look and
act, and use that as a basis for decision, to me that speaks to an opportunity for improvement in the process.

And personally, a group that I was involved with was in front of one of the Town boards and one person recused themselves because of conflict, and the most experienced and capable person was not able to be there on that one night. And, of the other three people who heard the case, the least experienced person had less than one year on the board and was not capable of assembling data into a coherent and logical conclusion, and the other two people each had one and a half years experience on the board. And we had spent a lot of money and time and this case is now in Superior Court.

This was a miscarriage of justice by an incompetent board that heard our case. And I think we would have felt a lot better had the experienced person who’s broadly demonstrated on many occasions the opportunity to look at data and reach a fair and balanced conclusion, if that person had reviewed the information which was very extensive, a foot worth of information and a
pile of papers that the least experienced person 
didn’t even understand and had not read. 

And so, I would strongly urge you to 
support this and count on the fact that it’s 
going to be - bring us better decisions, because 
it’ll only bring experienced people into the 
decision-making. 

Thank you. 

THE MODERATOR: Mr. Shearer. Do you 
want to use that one, down there? The mic down 
here, yeah. 

MR. SHEARER: Douglas Shearer, Precinct 
6. 

Don’t know how many is how many, but 
Bourne would be one of the communities that’s 
taken advantage of this. This was placed in 
while I was still a Planning Board member there, 
and several times we had potential issues of 
reaching a quorum with recusals or sicknesses or 
other events that kept people from being there. 
Some of those are - and the problem that arose 
and the reason it was pushed forward in Bourne 
was due to time constraints on when hearings had 
to be voted upon.
I think it’s very important, missing one meeting. No one’s looking – no one should be looking into the audience for a reaction. It’s a simple: look at your bylaws, ask questions, how does it apply, make your vote. You should be able to come back, review the minutes, and the questions that have been asked. You will have an opportunity before you vote to ask the questions yourself if you had missed a meeting.

Very rarely had it ever been used, but the opportunity was there and it served both the Town as a benefit and the applicant as a benefit, that the applicant didn’t have to come back for multiple meetings and the Town did not lose out on time constraints and was able to make a judgment that should have been done.

Thank you, Mr. Moderator.

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: Marc Finneran, Precinct 6.

I’ve been to a lot of meetings, mostly the Selectmen’s meetings, and I’ve watched a lot on T.V., and I can say honestly that when you attend the meeting, you do pick up more.
Whether it’s enough to make this vote – or make you vote against this article, I don’t know.

Would you rather go to the movie, or have someone who went explain it to you? Would you rather read the novel or read the Cliff Notes? I think there is a difference, and I just want to add that.

THE MODERATOR: Okay, Mr. Putnam.

No? You’re all set.

Mr. Walker.

MR. WALKER: Thank you, Mr. Moderator, I have a question and two comments.

My question is, if this is voted favorably, will this be as I believe Mr. Duffy suggested, such that a member of a board would only be granted this privilege one time? Is that – do I understand that correctly?

THE MODERATOR: No, they can only miss one of the hearings.

MR. DUFFY: They can only miss one meeting.

MR. WALKER: One meeting, is that -- MR. DUFFY: Yes.

MR. WALKER: – one meeting in a year or
in the --

MR. DUFFY: No, one meeting per subject. Per – in other words, if there’s an application for a special permit, you can only miss one meeting when that application is discussed.

MR. WALKER: Thank you very much.

So, even if this is adopted, there wouldn’t be a whole lot of missing people, but my comment – I have two comments. I like what was said about getting the most experienced and qualified and competent people to have a chance, in spite of schedule conflicts or whatever, to weigh in.

But I also agree with Mr. Putnam. It’s good to be there. It’s good to hear what other people have to say. It’s good to listen. And I think that should be considered.

THE MODERATOR: Okay, Mr. Oppenheim, and then we’re ready to take a vote.

MR. OPPENHEIM: Thank you. Jeff Oppenheim, Precinct 2.

I had some concerns, as well, about this article. And then I read the statute, after
speaking with Town Counsel, and I would like to
bring to my fellow Members’ attention a sentence
in the statute. It reads: “Before any such
vote” – and this is for the member who was unable
to attend all the meetings – “the member shall
certify in writing that he has examined all
evidence received at the missed session.”

And then the following language which is
not included in our warrant book, which is in the
statute which you should all be aware of: “Which
evidence shall include an audio or video
recording of the missed session or a transcript
thereof.”

So, my interpretation of this, and I
would hope that if there’s a difference of
opinion of Town Counsel that he shares it with
us, that anyone who misses a meeting who’s voting
has to affirm in writing that he or she reviewed
any missed information, be it in the form of a
written transcript or a recording. And if they
don’t do that, they shouldn’t be voting. And I
think if they miss enough meetings, I would hope
that they would not get reappointed to that
board.
So I’m going to be voting in favor.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Yes, Mr. Oppenheim, I concur. The statute is as you have read it, word for word. I believe I mentioned that in my earlier remarks, but you’ve covered it.

THE MODERATOR: Okay, the question will come on the main motion as recommended. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a majority and the article passes.

Article 27. This is the fingerprint background checks. Madame Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MORAN: Mr. Moderator, I move Article 27 as printed.

THE MODERATOR: As printed. This was held by Ms. Murphy. We’re going to do a presentation on the article with the Chief and then Ms. Murphy will make her counter-
presentation.

CHIEF DUNNE: Good evening. Edward Dunne, Precinct 8, Chief of Police.

We have a short presentation that Lieutenant DeCosta will be doing.

We brought this bylaw – just real quick, we brought this bylaw to Town Meeting. It’s a model policy that we were looking at in relation to communities around us who have enacted this, and by enacting this, here, this will allow us to properly vet people who come to us for licenses.

So, I’m going to have the lieutenant go through the PowerPoint for you.

LIEUTENANT DECOSTA: Thank you, Chief.

I’m Lieutenant Douglas DeCosta with the Falmouth Police Department.

Okay, just to quickly summarize our fingerprint-based background checks. The proposed bylaw, it’s a model policy that ensures that those individuals who apply for certain licenses – and I’ll go over those licenses – from the Town to serve, interact with the public, are fully and properly vetted in advance through a national fingerprint-based system, and present no
documentable safety or security risk to the Falmouth citizens, both adult and children. That’s all of you and our visitors, also, as you see which licenses it applies to.

So, we’ve been authorized to do this, 2012, the state authorized us to go to our legislative body and ask you to put this bylaw into effect.

So, the purpose, as we’ve discussed, to conduct a local, state and national – because we have not been doing national. And fingerprint based – right now we do it in name and date of birth. So your fingerprints are much better. And this will determine the suitability of an applicant for a license.

All right, so which licenses apply? The alcohol beverage license, the manager. So one person there.

Hawker and peddler, so anyone, hawker and peddler. So if we have 100 hawkers, each one of them would have to go through it because that individual is actually an operation.

A solicitor, so somebody coming door to door, that person. So if we have a hundred of
those, they would have to come in.

Operator of a public conveyance. This

is your taxi and livery. We’d also ask those

folks to come in.

The dealer of secondhand articles. One

person, that’s the dealer. So, the question

came up on thrift shops: no. The dealer. Just

one person. We hope that the thrift shops are
doing some type of background check on their own;

I know a few of them are. But we’re interested

in just the dealer. And that applies to your

secondhand, junk, cars, pawn dealers, et cetera.

The final one is already in operation

required by law, and that’s the ice cream truck

vendor.

So the pros of the new bylaw: obviously

it will increase safety for the citizens and

visitors, expand the applicant background check

from a local and state level to a national level.

Again, we’re only doing a state level check right

now. So that will include a Massachusetts

criminal records check and as well as an FBI

national criminal records check.

It’ll increase the limited criminal
records look back. So, right now, for example, a taxi operator, we’re only going back five years. So we’d like to take a look at the rest of that.

It’ll determine suitability, as we’ve stated before.

And we’d like to reflect upon the other municipalities that are operating. In our area: Barnstable, Yarmouth, Dennis, Harwich, Brewster and Plymouth have similar programs.

Now the cons. There is a $30 fee and that goes to the state, because they’re the ones that are going to do the fingerprint background check for us and give us the report back. So that $30 fee goes to the state.

It will increase the application approval wait time. So if an applicant comes in, obviously we have to wait for the state. And it’s also going to increase our processing time for the employees. Not by much, because we just have to fingerprint you; before, we’d be running you through the database. So we’ll still look at the database, but we’ll spend probably about 15 minutes, you know, going with
the applicant to have his fingerprints done.

So, our current bylaw, as you probably already learned, is we’re doing a Massachusetts criminal records check only: name and date of birth. No fingerprints. Massachusetts does not have a fingerprint system. And there’s no limit on the look back.

So, I’d like to also give you an example. If someone comes in with a name and date of birth, it could be fake. We may not know, depending on the documents they have. If they’re coming from another state, if we’re doing only a Massachusetts check right now and they do, let’s say, a violent crime or even a fraud crime, we’ll say in Illinois, we may not know about it. This new bylaw will help us with that.

So, I’ve pretty much gone over that. We’re going to do these checks as proposed by the bylaw to ensure the safety.

All right, now, with these different licensing, the Police Department doesn’t handle all these licensing. So if we didn’t find through a fingerprint background check we’ll say on a licensee for a liquor license, that would go
to the Board and we would be able to give them a report so that they could determine the suitability and they could deny or approve on the report that they see.

And that’s it.

THE MODERATOR: Okay, Ms. Murphy.

MR. MURPHY: Let’s see, how do we do this? Is this on? My name is Carol Murphy, I’m from Precinct 9.

I ask Article 27 to be brought back to Town Meeting in November because this article cannot be presented legally tonight with a fee attached.

The Police Chief and Selectmen cannot set fees for an article until the article has passed and a separate hearing be held on such fee, therefore Chief Dunne’s article presented is null and void because it includes a fee. Chief Dunne does not have the authority to determine and set his own fees for the Town.

I would ask that Chief Dunne reconsider his bylaw and resubmit correctly as suggested above in November with no fee attached. Perhaps by doing this, it would show he is at least
professional, and if not professional, at least courteous.

FROM THE FLOOR:  [General uproar. Inaudible.]

MS. MURPHY:  Please. Would you call order?  Let me finish?

THE MODERATOR:  Yeah, I want a point of order.  Mr. Duffy, is it illegal to set a fee in a general bylaw approved by a legislative body?

MR. DUFFY:  [No mic:] Not that I’m aware of.

THE MODERATOR:  Okay, not that he’s aware of.  So where do you make this accusation?

MS. MURPHY:  What --

THE MODERATOR:  You say it’s illegal; under what law is it illegal?  Because your lawyer and your moderator don’t know the law.

MS. MURPHY:  I believe they have to have a hearing before the fee can be set.

THE MODERATOR:  On a -- on a --

MS. MURPHY:  [Inaudible] on a Town. On a Town.

THE MODERATOR:  You’re going to let me speak now.  Or you’re not going to speak anymore
tonight.

MS. MURPHY: Excuse me?

THE MODERATOR: The fee schedule after a hearing is when the bylaw says that the fee shall be established by the Board of Selectmen; then they have to have that hearing annually.

This is a general bylaw that is being proposed to be set in statute for the Code of Falmouth by the legislative body to include a specific fee, which would be set by the legislative body, not by the executive body. That’s the difference.

You’re right on a fee schedule that has to have a hearing. This is coming to Town Meeting as a general bylaw with a fee in it. So it’s not illegal.

MS. MURPHY: Okay, I didn’t --

THE MODERATOR: We make the laws.

We’re the legislature.

MS. MURPHY: That’s fine. May I continue?

CHAIRMAN MORAN: Point of order: could you take that slide down?

THE MODERATOR: Yeah. We’ll go to the next slide. Go ahead.
MS. MURPHY: By law, with narrow selective targets instead of all employees in the Town of Falmouth, demonstrates a disregard for small business and non-profits and sadly an ice cream vendor, who has only six weeks in the summer to make money.

This is my letter to Chief Dunne, my email. “Dear Chief Dunne, I’m Carol Murphy, Falmouth Town Meeting Member from Precinct 9. I attended my precinct meeting last night and was quite alarmed at Article 27, Article 9, requiring full sets of fingerprints from every dealer of secondhand articles, et al, and charging one hundred dollars as a fee. Nowhere in this proposed article of yours does it mention what happens to those who already have a full set of fingerprints on file via federal arms I.D. card or military service. Are those business owners still charged the $100 fee? Years ago, we secondhand dealers met with then Chief Riello, who had a much kinder approach to introduce Town bylaws. Why couldn’t you have asked us all to meet with you in the meeting room at the police station before launching this insulting bylaw?
This bylaw does not improve police relations with small business retail community. Please respond at your earliest convenience as this is an unreasonable measure by you, and shows your disdain for the small business given the amount of excessive financial burdens we currently face. I’m certain in keeping with the Falmouth Service Center Brenda Swain’s set of fingerprints in your database goes far to protecting Falmouth citizens. Sincerely, Carol Ann Murphy,

Bittersweet Road, East Falmouth, Precinct 9 Town Meeting Member.”

Chief Dunne’s response: “Dear Carol Murphy, First, let me say the Falmouth Police Department is not against small businesses. This bylaw that is being proposed would help protect citizens - business owners and citizens of Falmouth. Article 27 is being presented to Town Meeting as a model policy that is currently being used by several communities around us. That being said, I’m just presenting the model policy at Town Meeting. Of course it will be up to Town Meeting to decide on whether to move forward or not with a proposed bylaw on
fingerprinting to ensure the safety of the community. I plan on having a presentation at Town Meeting and welcome a discussion on this subject. I look forward to speaking further on the article. Thank you, Chief Dunne”.

These are the secondhand dealers; there are only 12 of us. Among those is the Falmouth Service Center with Brenda Swain as the license holder, and the St. Vincent de Paul’s Society with Mary Ann Waygan as the license holder.

This is an article from the Cape Cod Times dated January 23rd, 2018. This is an excerpt from the Article. “Some Barnstable towns haven’t considered adopting these bylaws. ‘It hasn’t been brought up’, Wellfleet Police Chief Ronald Fisette said. ‘Bourne hasn’t adopted the provisions and I see no desire to do so at this time’, said the Town’s Police Chief Dennis Woodside. According to the minutes of the March 29th, 2016 meeting of the Truro Selectmen an article for the fingerprint-based background had been put on the draft warrant but the Board unanimously voted to remove it. An official with the American Civil Liberties Union of
Massachusetts called a bylaw requiring
fingerprint based checks for certain vendors a
bad idea. ‘The FBI database is notoriously
inaccurate and in some cases databases are under
inconclusive, which would give cities a false
sense of security,’ said Kate Crockford, Director
of Technology for the ACLU Liberty Project.
Regarding privacy, Crockford said, ‘The FBI says
it keeps different databases for civil and
criminal, but an important data privacy principle
is that this information collected for one
purpose shouldn’t be used for another.’ Some
disagree that privacy issues should trump the
public safety. ‘When protecting the public I
don’t think there’s anything – I don’t think
anything is too much.’”

Amendment to Article 27. Amendment to
Article 27 to include category of all Town
employees elected and non-elected, to submit to
fingerprinting by the Falmouth Police Department.
Any employee in the Town engaging in occupation
activities within the Town shall submit to a full
set of fingerprints taken within ten days of the
date of application for employment for the
purpose of conducting a state and national
criminal background check to determine the
suitability of the applicant for the position.

Fingerprint based checks using the same
bylaw, same laws and procedure required under
Mass. General Law Chapter 6, Subsection 172 B ½.

Adding this amendment bears a rational
relationship to the stated goal below. This
action ensures that those individuals who apply
for positions with the Town of Falmouth to serve
and interact with the public are fully and
properly vetted in advance through a national
fingerprint based system and present no
documentable safety or security risk to Falmouth
citizens, both adult and children.

D.P.W. workers have extensive contact
with our citizens, both adults and children.

FROM THE FLOOR: [Inaudible.] Isn’t she
over time?

THE MODERATOR: No, she’s – she’s got
time. She’s at 7:40.

Do you have the amendment in writing for
the clerk?

MS. MURPHY: I just – I have one more
thing to add --

THE MODERATOR: Okay, but do you have the amendment for the clerk?

MS. MURPHY: Excuse me?

THE MODERATOR: Do you have the amendment for the clerk?

MS. MURPHY: Oh, do I have it, yes, I do.

[Pause.]


MS. MURPHY: Chapter 459 of the Acts of 2012, Civil Fingerprinting for Educators and Other Individuals working with and around children. If a city or town were to draft an ordinance allowing local police to fingerprint school employees and others under Chapter 459, the FBI would not accept the fingerprint submissions because the statute for fingerprinting school employees does not allow for fingerprint based checks using the same laws and procedures required under MGL C. 6, S. 172 B ½.

All Falmouth School employees are...
fingerprinted, but their fingerprints are not in
the FBI data base, the same way Chief Dunne’s
Article 27 would require asking all Town
employees to be fingerprinted under MGL C. 6,
S. 172B ½.

THE MODERATOR: Okay. Mr. Dufresne.

MR. DUFRESNE: [No mic:] Motion to go
beyond 11:00.

THE MODERATOR: We have a motion to
extend beyond eleven o’clock. All those in
favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: For real?

[Laughter.]

THE MODERATOR: Can we cue a slide?

We’re going to do a slide here. All those in
favor of exceeding past 11:00 to finish up this
article will vote 1A, or 2 no.

We’ll get there when we get there. To
exceed past 11:00, 1A; 2 no. It’s a majority
vote.

[Pause.]
THE MODERATOR: By a counted vote of 130 in favor and 55 opposed, we’re going to exceed past 11:00 o’clock.

We are asking the petitioner to give us a placement of where this language would go in the bylaw, because this is a bylaw. So it’s not just a motion.

MS. MURPHY: [No mic: inaudible.]

THE MODERATOR: Okay. So, the language, can we get the slide up? PowerPoint folks, can we get the – PowerPoint guys? Can we get the slide up with that motion, just the motion slide?

MR. LOWELL: Point of order. Nick Lowell, Precinct 5.

I question whether this amendment is within the scope of the article. Can I get a clarification?

THE MODERATOR: Yeah, it is, because it’s just adding applicants that are necessary for fingerprints by the Police Department, so. And so she’s recommending that the language goes in the second – or actually it’s the third – well, no, it’s the second section. 156-15.2
Applicants submission to fingerprinting by the Falmouth Police Department. So that’s where we’ll put that.

Okay, discussion on the amendment?

FROM THE FLOOR: Mr. Moderator, could you just clarify: is she substituting?

THE MODERATOR: No, she’s adding this to – so it would be the five folks there or six – one, two, three four – the five folks there.

FROM THE FLOOR: And all Town employees, thank you.


MR. LOWELL: Nick Lowell, Precinct 5. I call the question on the amendment.

THE MODERATOR: Okay. There’s a motion to close discussion on the amendment. All those in favor, signify by saying aye.

[AYE.]

THE MODERATOR: All those opposed no.

[NO.]

THE MODERATOR: The ayes have it by a two-thirds.

The question will come on the amendment.
All those in favor of the amendment, signify by saying aye.

[aye.]

THE MODERATOR: All those opposed no.

[no.]

THE MODERATOR: It's the opinion of the Chair that the nos have it by a majority and we're back to the Article 27 as printed.

Further discussion, Mr. Latimer.

MS. MURPHY: I would like to ask one point that wasn't --

THE MODERATOR: I'll add you to the list. Mr. Latimer's on the list. Yes, Ms. Swain you're on the list, Putnam's on the list.

MR. LATIMER: Richard Latimer, Precinct 1.

I have a few issues with this. First of all, dealers in secondhand goods. I suppose that means somebody that applies for a license. But we have thrift shops here, and I'm wondering to what extent, you know, the thrift shop at my church --

THE MODERATOR: Okay, we're going to answer that question real quick. Mr. Duffy.
MR. DUFFY: We have a bylaw that regulates secondhand dealers and secondhand collectors. It was passed a number of years ago. Chief Dunne referred to it I think as during Chief Riello’s tenure. It has a definition of secondhand dealers. And they’re people who deal in the following property: precious metals, precious gems, watches and jewelry, electronics, audio and video devices, power tools and equipment, musical instruments, sporting goods, bicycles, boats, planes, motorcycles, art, coins, currency and antiques. If the thrift shop is not dealing in any of those items, this bylaw doesn’t apply to them.

MR. LATIMER: Well, the thrift shop at our church just might have somebody’s secondhand bicycle for sale, for example. So that means the church ladies that work there, they’re going to have to be fingerprinted?

MR. DUFFY: Apparently that would mean that, yes.

MR. LATIMER: Okay, that’s one problem that I have.

I have another problem, here. Exactly
what constitutes a documentable security or
safety risk? And I realize that question,
because a few years back I had the privilege of
representing some upstanding Falmouth citizens
who were arrested and convicted for criminal
trespass while they were protesting the operation
of the nuclear plant up there at Pilgrim. They
were convicted. The judge recognized the
seriousness of that offense by sentencing them
all to one day in the House of Correction deemed
served. But that was a conviction and they were
fingerprinted when they were arrested.

So, my question is: would that be a –
would that constitute a documentable security or
safety risk, according to the Falmouth Police
Department?

THE MODERATOR: Mr. DeCosta.

LIEUTENANT DECOSTA: Currently the
bylaw states certain crimes that we can look at,
and anything that would be unsuitable would be in
the violent crime area, sex offenders and so
forth. And if you’re looking at someone that
had a license – in your particular case you’re
referring to secondhand – if they had fraud,
theft, and so forth, we would take an eye upon
that, and then make a decision on whether it’d be
appropriate for us to approve or not approve
their license.

MR. LATIMER: What about criminal
trespass and what about disorderly conduct?

LIEUTENANT DECOSTA: Those wouldn’t
count.

MR. LATIMER: They won’t be?

LIEUTENANT DECOSTA: No. They don’t
have anything to do with running a business.

MR. LATIMER: The final thing that
bothers me about this, I appreciate the fact that
it says, “This information will be used only to
determine the suitability of the person for the
position in question,” however, something just
bothers me about this that this isn’t maybe a way
of getting information to the FBI or the criminal
justice system about people who may be
undocumented aliens who may have just done
something innocuous like trespass or something
like that, who’s fingerprints are on file. And
now, even though the Town isn’t using that
information for any type of purpose related to
deportation, certainly that gives a red flag to
the FBI and or perhaps to Homeland Security and
leads to that kind of thing. And it just
bothers me.

It’s just something that I don’t think
the Town needs to do and I think that’s a risk
that I would think many people in this town would
agree with the principle of, you know, security
or sanctuary for non-criminal aliens. But now
these people might be identified to the FBI just
simply for having applied for a license.

Just a concern. Thank you.

THE MODERATOR: Okay. The gentleman
in the far back left. Yeah.

Mr. Thrasher, you’re on the list.

MR. SACCHETTI: Dick Sacchetti,

Precinct 4.

I have two questions. One, I realize
this is dealing with people who are dealing with
the public --

FROM THE FLOOR: Can’t hear you.

MR. SACCHETTI: Oh --

THE MODERATOR: Just got to get a
little closer to the mic, yeah.
MR. SACCHETTI: Okay. When someone gets a gun license, do they get fingerprinted when the Falmouth Police Department issues that license?

THE MODERATOR: Yes.

LIEUTENANT DECOSTA: Yes, they do. Matter of fact, we're going to be using the same database.

MR. SACCHETTI: Okay. The second question I have is, and this relates to Mr. Latimer. I'm a little uncomfortable with your answer regarding what constitutes a person not being upstanding enough to get the license.

Criminal trespass you said wouldn't be a problem, but what if the criminal trespass was going onto the White House lawn? I mean, as though you're allowing the determination of the results that you get without having known all the background of what the issue was that the person got arrested for, which may have been frivolous, but that could prevent them from getting a license based on what you feel the severity of the crime was.

How would you handle that?
LIEUTENANT DECOSTA: We do the same thing with farms licensing. We look at the overall package, just as you’ve given an example, and folks are also allowed to, so, appeal with us, and they also have a right of appeal later. In this particular case, you’re framing it around a criminal trespass. If it’s just a criminal trespass of someone’s yard or you’re talking about a White House, there is a difference.

MR. SACCHETTI: Okay, so you --

LIEUTENANT DECOSTA: And this is where we’re allowed to look at the broad picture.

MR. SACCHETTI: Okay, so you get all the information about the adjudication of whatever the crime was?

LIEUTENANT DECOSTA: That’s correct. And if the hit does not show any type of conclusion or a disposition, we wouldn’t use it or we would look further. If it says “murder”, we would probably look further.

[Laughter.]

THE MODERATOR: Good idea.

MR. SACCHETTI: Oh, yeah. All right, thank you very much.
THE MODERATOR: Okay, Ms. Swain.

MS. SWAIN: Hi, Brenda Swain, Precinct 6. And the Director of Falmouth Service Center and the Emerald House Thrift Shop, for which we hold a junk dealer’s license, as Carol Murphy showed on the screen.

If Chief Dunne thinks it’s a good idea for fingerprinting to occur in this manner, then you can take my fingerprints. I think that there are reasons why this is being presented to us and we should trust the Chief and his department to do their business.

[Applause.]

THE MODERATOR: Mr. Thrasher.

Folks, let’s go, let’s go.

Mr. Thrasher.

MR. THRASHER: Scott Thrasher, Precinct 4.

I didn’t see it in the warrant booklet, but did I see on the slide presentation it said door to door sales?

LIEUTENANT DECOSTA: Yes, the solicitors. Most folks would probably like those to be vetted.
MR. THRASHER: So, I hope I’m not reading into this like: Boy Scouts selling popcorn door to door with parents?

LIEUTENANT DECOSTA: No, there’s a provision in the law that doesn’t apply to those certain things.

MR. THRASHER: Thank you.

THE MODERATOR: Okay, Ms. Williams.

MS. WILLIAMS: Cheryl Williams, Precinct 3.

Just to add onto what Scott just mentioned. I did have a question about that solicitors are included, because in the summertime I know in the past we have had problems in this town and in surrounding communities whereby a clearinghouse from a — you know, in the — the middle part of the country will bring in people, some of them very troubled, to the town. So are all of those people going to be included in this and would it be $100 per individual?

LIEUTENANT DECOSTA: Yes. The point there -- and we see a lot of folks come in. You’ll see the Christmas Parade and so forth, or
the fireworks, you’ll see people come in from
other states, particularly Rhode Island. Right
now we’re not even checking them in Rhode Island.

MS. WILLIAMS: Yeah, but the --

LIEUTENANT DECOSTA: It comes up
nothing in Massachusetts.

MS. WILLIAMS: But specifically what
I’m talking about in the summertime, oftentimes
young people are brought in by the van loads,
they’re put up in local hotels and then they’re
dropped off into a given neighborhood and they go
door to door.

LIEUTENANT DECOSTA: That’s correct,
they would be --

MS. WILLIAMS: So they would be
included?

LIEUTENANT DECOSTA: Yes.

MS. WILLIAMS: Thank you.

THE MODERATOR: Okay, let’s see who I
have here. Oh, Ms. Murphy, Ms. Murphy. With a
mic, please.

MS. MURPHY: May I have an answer to my
question, as to those people who already have
their fingerprints on file with the FBI and
federal firearms I.D. card, are they still being subjected to this fee and this process?

LIEUTENANT DECOSTA: Yes. What will happen is, is just like a renewal of a firearms license. The first time you go in for a firearms license, just like this license, you’ll have your fingerprints taken. When you come back for your renewal, we won’t have to take your fingerprints again, but we must ask the state to look at the database.

The $30 is going to the state; it’s not going to us. We’re using their database.

MS. MURPHY: But the other $70 is going into the Police Department for administration, is my understanding.

LIEUTENANT DECOSTA: That would be up to the Board to make that determination.

MS. MURPHY: It – it --

LIEUTENANT DECOSTA: We have different fees.

MS. MURPHY: I’m sorry, but it says so in the article, I think. There’s wording in the article to that effect.

And I just wanted to ask: if there is a
current license holder who has their fingerprints on file with the FBI and a firearms I.D., are they still going to have to pay that $100 fee and submit their fingerprints?

LIEUTENANT DECOSTA: I believe I’ve answered that question: yes.

FROM THE FLOOR: Yes.

MS. MURPHY: So, current holders who still – who have their fingerprints on file – I just want to understand this –

FROM THE FLOOR: Yes.

LIEUTENANT DECOSTA: Yes.

MS. MURPHY: They are still going to submit to their fingerprinting and pay the $100 fee. Thank you very much.

THE MODERATOR: Okay, Ms. Mace.

MS. MACE: Rose Mace, Precinct 3.

I never speak. So I’m really nervous.

My question – I have a couple questions. One of them is are – who’s here in Town now, like the secondhand dealers, is there any way that they can just be grandfathered in? And it’s people coming in? Or no? Like, would you still have to take her fingerprints?
LIEUTENANT DECOSTA: It would be current and future. So, when you come up for renewal, even if you’ve had a secondhand dealer’s license for ten years or if you’ve just opened your shop up, you will be subject to this bylaw.

MS. MACE: So my second thing is, is the secondhand dealers. That was when, like, six years ago, five years ago, when I was first introduced to all this, I remember the second-hand dealer bylaw. I was actually at the meeting that created that whole bylaw, was because out in West Falmouth and East Falmouth everybody’s cars were getting broken into and they wanted to do something about this. So, because people’s cars and homes were being broken into, they, you know, reacted to that and made this bylaw.

Now we’re all saying, “Well, we don’t want to do this,” but they want us to do this to be proactive, instead of waiting for something to happen, which is the reason why we have the secondhand dealer’s bylaw in the first place.

And my third thing is, is that previously in the last few articles, we just all
voted to allow Chief Dunne to go beyond his 65
year retirement, or to allow the Mr. Suso to make
that determination, because we believe that what
he does is right, and we believe that he has the
best interests of the Town. But now we’re going
to sit here and say we don’t really think that,
though. So we’re in a way contradicting what we
just did if we vote this down.

So, that’s all you’re going to hear from
me for tonight.

THE MODERATOR: Okay, Mr. Putnam.

MR. PUTNAM: Thank you, Mr. Moderator.

Brent Putnam, Precinct 9.

I was actually in favor of Ms. Murphy’s
amendment because I was looking forward to the
idea of fingerprinting politicians. I think
that’s probably something that’s long overdue.

And, that said, could the Chief or the Lieutenant
please answer how many licensees have slipped
through the cracks. We’re presumably passing
this because we’ve had some problems with
background checks that we’re trying to fix?

LIEUTENANT DECOSTA: I’m sorry, I
wouldn’t be able to give you a number. But I
like the example better of stating that if you
run a Massachusetts check, like the example of
the solicitor going door to door, I know for a
fact they come in from Rhode Island. They have
a Rhode Island address, everything. I look,
they don't have a Massachusetts license, they
don't have a Massachusetts background. Do they
have a criminal background? We don't know
because we’re not allowed to go further. But we
know they've just come in from Rhode Island, with
all Rhode Island documentation.

So that - that is where it is
predictable as being slipped through the cracks.
Whether they all 100 percent would be fine, I - I
wouldn’t be able to tell you either way. I
can’t give you a number of who has slipped
through the cracks, but I can use that example to
show you that someone may.

MR. PUTNAM: I appreciate where you’re
coming with that, but I guess I have a problem
with this from a civil liberties perspective,
because this sounds more like a solution in
search of a problem. If we don’t know how many
people are really slipping through the cracks,
are we just creating more paperwork and
subjecting people to more background checks
unnecessarily, is my concern.

We have to give some thought, folks, to
the concept of liberty in general. And it might
be a little difficult, because of course, you
know, there’s a good example up here: ice cream
trucks. They deal with kids all the time. We
obviously don’t want to have pedophiles coming
from other parts of the country and operating an
ice cream truck in Falmouth. Very reasonable.

But, on the other hand, when we’re
starting to fingerprint everybody for everything
that we’re doing, we have to ask ourselves: have
we gone too far? And this is maybe not too far
this time, but then what’s next? What’s the
next step? It’s real easy to say this sounds
reasonable now, but are we really willing to take
that first step and then go down the road another
step a little bit later?

The second-hand dealers bylaw is being
mentioned. Well, that was the first step. Now
we’re going to start fingerprinting people. Ms.
Murphy suggested we expand it to all Town
employees, and that sounds like a really good idea, but is it going a step too far?

I really think we should have some more public discussion about this. I think Ms. Murphy had the right idea in that, that there should be some more vetting about this bylaw before we really start going down this road. I’m really uncomfortable with this.

Thank you.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

Through you, Mr. Moderator, I’d like to ask could we with the Police Department be willing to exempt churches and church-related organizations from the $100 fee?

LIEUTENANT DECOSTA: The Chief and I have discussed this and he’s the boss and we don’t mind – you’re the legislative body. We’ve presented you with a model policy. If you wish to amend it, that’s up to you, sir.

MR. DONAHUE: And I would like to amend this, Mr. Moderator.

FROM THE FLOOR: No.

MR. DONAHUE: Well, think about it,
it’s all our churches that have thrift shops, sales, all that stuff is going to fall into this. So we should exempt them from the $100 charge. Some organizations, a hundred dollars is a lot of money.

So --

THE MODERATOR: I’m going to be honest with you, I’m not writing your amendment tonight. So, if you have it in writing, you can submit it to the clerk --

MR. DONAHUE: No, I --

THE MODERATOR: I --

MR. DONAHUE: Okay.

THE MODERATOR: I’m not going there tonight. You’ve got to do your homework before you get here.

Okay, the lady in the aisle, over here. I saw a hand somewhere. I don’t know where it is, yeah, sorry.

MS. LONG: Sarah Long, Precinct 7.

I just want to make sure we understand that, whether you like this or not, it should not be viewed as a referendum on Chief Dunne.

Now, I have sort of a problem with this
law for a – this proposal for a variety of
reasons, but I don’t feel that if I vote no, that
I’m somehow saying, “Well, my vote yes for Police
Dunne before is contradicted.” It isn’t.
We’re here to vote.

If you like something and it’s been
proposed by our – our leaders or the other
bodies, you listen, you debate, you vote for it.
If you don’t like it, you vote against it.

We don’t rubber stamp here.

So, I just felt like it was becoming
very personal, and I don’t think it should be.

You know, my concerns with this law
overlap with what Mr. Putnam said, somewhat. I
think it kind of goes too far. I have a general
concern that we’re trying to protect ourselves
from everything, and where does it stop. But,
that’s just a personal opinion.

Chief Dunne, I respect what you’ve
proposed and I – and this is not about you.

THE MODERATOR: Mr. Swain.

MR. SWAIN: [No mic: inaudible.]

THE MODERATOR: With a microphone,

please.
MR. SWAIN: Charlie Swain from Precinct 1.

Who is saying that that solicitor from Rhode Island, who we don’t have fingerprints on, was a gun dealer? We don’t know. And this is what this bylaw would take care of.

Anyway, I move the question, Mr. Moderator.

THE MODERATOR: Okay. You know my rule, though, you can’t speak and then move the question.

So, okay, Mr. Haddad.

MR. HADDAD: David Haddad, Precinct 9, I’d like to move the question, Mr. Moderator.

[Cheers and applause.]

THE MODERATOR: Okay. That’s the way you do it.

[Laughter.]

THE MODERATOR: Where were you an hour ago? No.

The question will come on moving the previous question. This requires a two-thirds vote.

All those in favor, signify by saying
ay. 

[Aye.]

THE MODERATOR: All those opposed no. 

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds majority and the question has been called.

The question now comes on the main motion. This is Article 27 as printed.

All those in favor, signify by saying aye. 

[Aye.]

THE MODERATOR: All those opposed no. 

[No.]

THE MODERATOR: All those in favor will - bring the slide up.

All those in favor will press 1A. All those opposed will press 2B. It’s a general bylaw; it’s just a majority vote.

All those in favor of adoption of the bylaw, signify by pressing 1A. All those opposed, 2B.

[Pause.]

THE MODERATOR: Okay, by a counted vote
of 120 in favor and 62 opposed, the article passes.

And this meeting will stand adjourned until seven o’clock tomorrow night.

[11:25 p.m., whereupon meeting adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night Two of the Falmouth Annual Town Meeting, taken by me on Tuesday, April 10, 2018. To the best of my ability the within transcript is a complete, true and accurate record.

In witness whereof, I have hereunto set my hand and Notary Seal this 10th Day of May, 2018.

__________________________________________
Carol P. Tinkham, Notary Public

My Commission Expires:
April 5, 2024

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