

Vol. Two
215 pages

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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1 P R O C E E D I N G S

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

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

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

9 [Pause.]

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

13 [Pause.]

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

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

24 Can we cue up the quorum slide and

1 activate the quorum.

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

4 [Pause.]

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

8 [Pause.]

9 THE MODERATOR: By a counted vote of
10 188 members, we have a quorum and I call the
11 Annual Town Meeting back into session.

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

15 [Pause.]

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

18 [Pledge of Allegiance taken.]

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

1 Thank you, Mr. Beale.

2 [Applause.]

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

5 MR. BEALE: It just means I'm getting
6 older.

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

16 THE MODERATOR: We'll remain standing
17 for a moment of silence.

18 [Moment of silence held.]

19 THE MODERATOR: Colors post.

20 [Pause.]

21 THE MODERATOR: Falmouth Sea Scout
22 Ship 40.

23 [Applause.]

24 THE MODERATOR: The young man that was

1 carrying the American flag tonight is also in the
2 traditional Boy Scouting program and he just
3 finished his Eagle Scout Court of Review, so
4 Anthony Fassaro, congratulations on being
5 Falmouth's newest Eagle Scout.

6 [Applause.]

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

9 [Laughter.]

10 THE MODERATOR: Okay, Article 18.
11 Article 18 is to appropriate a sum of money for
12 an all purpose athletic field at Falmouth High
13 School. The recommendation will be made on the
14 floor.

15 Madame Chairman of the Finance Committee
16 for the main motion.

17 CHAIRMAN VOGEL: That the sum of
18 \$3,100,000 is appropriated to pay costs of
19 engineering, design, construction of an all-
20 purpose synthetic athletic field at Falmouth High
21 School, including appurtenant structures and
22 other related costs.

23 And, to meet this appropriation, the
24 Treasurer, with the approval of the Board of

1 Selectmen, is authorized to borrow said amount
2 under and pursuant to Chapter 44, Section 725 of
3 the Massachusetts General Laws, or pursuant to
4 any other enabling authority. And to issue
5 bonds or notes of the Town therefore.

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

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

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

24 THE MODERATOR: Okay, you've all heard

1 the main motion. \$3.1 million for the field and
2 the authorization in exemption of Proposition 2½
3 for the payment of borrowing.

4 Opening presentation.

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

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

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

17 All those in favor, signify by saying
18 Aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [None opposed.]

22 THE MODERATOR: The ayes have it
23 unanimous.

24 MR. LOWELL: Okay, and second of all,

1 we would like more than our ten minutes, and we
2 would request up to 20 minutes if so needed.

3 FROM THE FLOOR: No, no.

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

7 All those in favor, signify by saying
8 Aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

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

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

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

21 [Pause.]

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

24 [Laughter.]

1 THE MODERATOR: Don't worry, I stopped
2 your clock. [Laughs.]

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

6 MR. LOWELL: Can I ask for 15?

7 [Laughter.]

8 MR. LOWELL: In all seriousness, this
9 is -

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

13 All those in favor, signify by saying
14 Aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [No.]

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

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

23 Okay, briefly, here. We'll skip by the
24 introductions. You know the members of the

1 schools.

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

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

19 In 2015, partly as a result of that
20 failed project, we realized there was really a
21 need for a good look at the fields in general for
22 the Town. The Gale Report was commissioned and
23 that led to a detailed study of the condition of
24 all of our fields.

1 In 2016, recall that we voted to move
2 the - build a new Senior Center at the Gus Canty,
3 which impacts the location - obviously impacts
4 the existing field at Gus Canty. And we also
5 convened a Field Task Force by the Chairman of
6 the School Committee to look into the fields in
7 more detail.

8 And then, just this past Town Meeting in
9 November, we passed - Falmouth Town Meeting
10 passed \$72,000 to consider specifically grass and
11 synthetic field options.

12 So, the need. There are very strong
13 needs for moving this field. The biggest one,
14 here, is that it really aligns with the strategic
15 goals of the Town. There is, and the Gale
16 Report really pointed out that if we're going to
17 have fields that we'd like to have -- and we've
18 already heard a lot at this Town Meeting about
19 how the fields aren't what we would like them to
20 have. If we want to have them be what we'd
21 like, we really would need three more artificial
22 fields - three artificial fields or nine natural
23 grass fields. That's simply because we have so
24 many teams playing on them that we cannot - the

1 grass doesn't grow fast enough. We just don't
2 have enough capacity.

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

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

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

23 And it allows for a more competitive
24 environment. Our teams will be playing on - in

1 general, will be playing on better fields. So,
2 when they travel away to other teams, they have a
3 better field, they know what that field is like.

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

16 So it's a very economical choice. We
17 don't have to pay for the property. We don't
18 have to clear the property. It's already
19 cleared. It's not a very usable field in the
20 sense that it's hard packed dirt with some grass
21 on it, but it's largely ready for use as a
22 conversion to a regular field, a playing field.

23 And, most importantly or significantly,
24 there's no interruption to any of the existing

1 sports, because we're not taking away a field
2 that will require a big construction project on
3 it.

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

7 MS. TAYLOR: Thank you very much.
8 Thank you, Nick. I'm Nancy Taylor, Precinct 1,
9 Superintendent of Schools.

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

20 We hosted three community forums,
21 focused specifically on the work of the three
22 individual subcommittees. All are posted on the
23 Falmouth Public School's website and our Facebook
24 page, as well as being run on FCTV.

1 We collected feedback from the community
2 through a survey, which we received over 500
3 responses and we have a live Community Voices
4 page still up on our website. About 50 comments
5 have been collected there.

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

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

20 The purpose of the committee work,
21 you'll see right up here, was really to design a
22 plan to bring the football program back to
23 Falmouth High School, and this evolved into
24 looking at a field that would not only be

1 football, but would expand to other sports, both
2 male and female sports.

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

11 And to address the scope and costs and
12 analysis of this project, I'd like to introduce
13 Scott Landgren, the project manager for CDM
14 Smith.

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

18 So the first slide here is just showing
19 athletic grass growing in Falmouth, in New
20 England, is a challenge. Partially due to when
21 the spring sports season starts and the fall
22 sports season ends. You're basically starting
23 and ending in the worst grass growing conditions.
24 So it's difficult under the best conditions, as

1 you see in some of these slides and some of the
2 slides you saw last night.

3 Just in terms of cool season grasses,
4 your best growing conditions happen in the 65 to
5 75 degree air temperature and 55 to 65 degree
6 soil temperature. So it's a challenge in early
7 April and it's a challenge in later in the fall.

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

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

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

23 Synthetic turf, some of the pros:
24 playable in all seasons, much greater playing

1 time. Not requiring pesticides, fertilizer, or
2 watering. It is a hotter field. There's some
3 limitations in the mid-summer period, and it
4 requires replacement.

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

17 That's just an overview of the final
18 three cost slides. This is basically gives you
19 a breakdown of either grass field or synthetic
20 field project. The costs at the top sort of
21 showing the difference between the grass field
22 construction over the synthetic field
23 construction. The rest of the costs are
24 essentially the same. But it outlines basically

1 the site preparation, the bleachers, the
2 concession stand, all the main project elements
3 equaling the 2.44 million for the grass field and
4 the 3.1 million for the synthetic field.

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

17 And then we were asked to look at annual
18 plays. So, the grass field, limited by rain
19 events and climate, sort of starting later in the
20 spring, basically annual plays at 180, or
21 equating to \$244 per play. And that's
22 basically taking the costs from the previous
23 slide and dividing it by the number of plays.
24 On the bottom, the synthetic turf, 540 plays or

1 \$125 per play.

2 At this point I'm going to return it
3 back to --

4 MR. LOWELL: Okay, so the bottom line
5 here, what some people want to know, is really
6 what does this cost? What does it cost me, as a
7 taxpayer? What does it cost you? So, it's a
8 \$3.1 million project. The proposal would be
9 that this is going to be debt exclusion. So it
10 would be funded, and it would probably be funded
11 over a 15 year bond. So that would work out to
12 approximately 2 ½ cents on the tax rate. So, if
13 you had a \$400,000 home, that would be about ten
14 bucks is the impact in the first year, declining
15 thereafter.

16 Now, there is this so-called window of
17 opportunity that you all heard about, and this
18 project fits within that. So you actually
19 wouldn't see a tax increase in your bill, because
20 it fits into that window. So the - in other
21 words, we don't have to increase the levy beyond
22 the 2 ½ percent and beyond the Selectmen's debt
23 policy.

24 In order for this to pass, it does

1 require a two-thirds vote from us, and a majority
2 vote at the ballot in May.

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

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

22 [Applause.]

23 THE MODERATOR: Okay.

24 Okay, Pamela, I had a note in my pocket

1 that you were going to make an announcement at
2 the beginning. We'll do it in between articles.
3 I just want you to know I didn't forget, but I
4 did forget it. Until I pulled the slip out of
5 my pocket, so.

6 Mr. Latimer. And Peter, you're on the
7 list.

8 MR. LATIMER: Richard Latimer, Precinct
9 1.

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

16 And I'd like to speak to that.
17 Artificial turf makes no sense, really, on any
18 economic or health basis. What the kids really
19 need, as we have seen from the Rec Department's
20 presentation, is an increased budget item for the
21 Parks Division of the DPW, not the School
22 Department, to provide the manpower needed to
23 maintain all of our fields. Which are
24 overwhelmingly grass fields.

1 The kids need fields, including the
2 field at the high school that will be available
3 for off season pick-up games as well as organized
4 games during the season. We need to spend this
5 taxpayer's money in the DPW budget, not to keep
6 up with the Joneses down -- down Cape who have
7 artificial turf fields. Which is really what
8 this is all about.

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

23 What that does, it's bad economic
24 policy. When we have extra employees being paid

1 by our taxpayers to do work here in town, they
2 take those paychecks, they put it in a local
3 bank. They then write checks out to local
4 vendors, paying the excise tax that comes back to
5 this community. They buy their goods in their
6 stores. Those taxes come back here. They pay
7 their excise taxes, coming back into our coffers.
8 They pay their rents to landlords who pay taxes
9 here or they pay their property taxes here.
10 That money get recycled.

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

23 That's what we really need here. We
24 don't need to have a field that the proponents

1 can't even say will be actually safer.

2 What we hear from the proponents, the
3 Committee here, is, "Well, it's inconclusive
4 whether or not there is any adverse health
5 affects from breathing in that dust from crumbled
6 up petroleum, recycled petroleum products." We
7 know, generally, that petroleum products per se
8 have adverse health effects, highly toxic ones,
9 but --

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

13 MR. LATIMER: Well, I'll conclude.
14 What?

15 THE MODERATOR: You've concluded.
16 You've done four minutes. Can I have the
17 written amendment, please?

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

20 THE MODERATOR: I need the amendment in
21 writing.

22 MR. LATIMER: Yeah, I had it here.
23 Here it is.

24 THE MODERATOR: Well, find it and give

1 it to me. And you also want to strike the word
2 "synthetic" from the main motion, 'cause that's
3 in the main motion, synthetic?

4 MR. LATIMER: [No mic:] No.

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

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

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

11 MR. LATIMER: Yes, that's correct.
12 Strike the word synthetic and add that language.
13 Thank you.

14 THE MODERATOR: Okay, Mr. Waasdorp.

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

17 THE MODERATOR: I'll put you back on
18 the list.

19 MR. LATIMER: Thank you.

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

22 I sent a letter to all Town Meeting
23 Members this past week and I'd like to quickly
24 refer to some points I made in that. And that

1 is, we just learned this week, and didn't even
2 learn from the presentation tonight, that the
3 choice of infill for the synthetic field is going
4 to be EPDM rubber pellets.

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

15 We've also seen some of the turf,
16 artificial turf instructions for the fields,
17 including the instructions to children to shower
18 after they've been on the playing field because
19 of the dust.

20 I pointed out in the letter that this is
21 an excellent example of the place where we should
22 call for the precautionary principle. And that
23 states quite simply where there is a social
24 responsibility to proceed with caution before

1 making any decision that might expose the public
2 to harm in matters where extensive scientific
3 knowledge on the matter is lacking. And to drop
4 that caution only when findings emerge that
5 provide solid evidence that no harm will result.

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

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

23 Also not mentioned tonight is the fact
24 that synthetic turf fields on hot summer days

1 reach temperatures of 150 upwards of 200 degrees.
2 They are unusable on those days and the question
3 arises will there be signage? Will there be
4 people patrolling, keeping people off?

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

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

19 Thank you.

20 THE MODERATOR: Mr. Patterson.

21 MR. PATTERSON: I'm a retired school
22 teacher, a hopeful grandparent someday, when my
23 kids finally get around to it. [Laughs.]

24 I ask myself a broader question, and

1 that's our exposure that we subject ourselves to
2 potential carcinogenic gasses and what have you.
3 And I'm reminded of what it's like to buy a new
4 car and get into that car and get that new car
5 smell. And I've ridden in other people's cars,
6 I've willingly loaded my kids into vans, several
7 versions of vans, huge concentration of out-
8 gassing petroleum products in that kind of
9 environment.

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

21 And I think the Board of Health actually
22 did do a study and they have a toxicologist - had
23 a toxicologist on the Board that did the
24 literature research and examined this and found

1 that there was not a substantial indication of a
2 significant amount of risk. And when you put it
3 in perspective to all the other risks that we
4 subject ourselves, including using volatile
5 chemicals for paints, or for cleaning things, I
6 think you'd have to say that in the open air
7 environment this is going to be pretty minimal.

8 And I would say that those who are
9 raising the prospect of a health effect really
10 have not, in my mind, provided us with objective
11 evidence that supports that. It's more of a
12 scare than anything else.

13 The last point I want to make is this
14 crumb rubber concern comes from using retired or
15 you know, used tires. I'm reminded of the fact
16 that my tires wear off. I have to replace them
17 about every 50,000 miles. Well, where does all
18 that worn off tire go? On the streets, gets
19 kicked up by automobiles, it gets atomized into
20 tiny particle; we breathe them in when we're
21 driving along. Our schoolchildren that are
22 waiting for school busses breathe them in as the
23 traffic goes by. The exposure is huge in our
24 environment. These fields are not even going to

1 come close to what we're already subjecting our
2 children to. And I think you need to keep that
3 in perspective when you're trading off all of the
4 cost benefits or the cost of a natural turf
5 field.

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

17 Thank you.

18 THE MODERATOR: Ms. Lichtenstein.

19 [Applause.]

20 THE MODERATOR: Let's go. Microphone
21 for Ms. Lichtenstein, please.

22 MS. LICHTENSTEIN: Leslie Lichtenstein,
23 Precinct 8.

24 I don't have a dog in this fight. But

1 I do have a question because waste and trash is a
2 big thing, and I try to cut down on it.

3 When we have a grass field, we cut it,
4 we can compost the grass clippings. At the end
5 of ten years, we have a hazardous waste plastic
6 thing that has to be taken away and disposed of.
7 As I said, I don't have a dog in this fight, it
8 just - I worry about when we create something, we
9 made it, we're responsible for it, Folks. We
10 can't just say, "Oh, we'll put it on a barge and
11 send it somewhere." That - it doesn't work
12 anymore. We have to think about when we decide
13 to use synthetic things and when we decide to use
14 plastic, where are they going.

15 Thank you.

16 THE MODERATOR: Ms. Putnam.

17 MR. LOWELL: I'd like to answer that
18 question.

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

21 MR. LOWELL: He can answer that
22 question.

23 THE MODERATOR: Yes.

24 MR. LANDGREN: Just in response to your

1 question, the Synthetic Turf Council, which
2 represents the turf industry, has standards for
3 everything related to artificial synthetic turf
4 fields. But specifically they have a
5 publication about recycling the fields. And the
6 fields that were put in 20 years ago basically
7 were landfilled. In today's industries, the way
8 that we write the specification when we replace
9 fields is that they're 100 percent recycled. We
10 require that of the contractor.

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

16 THE MODERATOR: Okay, Ms. Putnam.

17 MS. PUTNAM: Rebecca Putnam, Precinct
18 9.

19 I don't have any kids at the high
20 school. I have a daughter who has been playing
21 for years on synthetic surface. Now, I don't
22 know how many of you are very much aware of what
23 the synthetic surface is like, but I have
24 actually been to games where the air

1 temperature's 65 degrees out and that surface is
2 hitting 85 to 90 degrees. It's 65 degrees
3 outside.

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

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

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

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

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

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

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

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

22 We have enough fields; let's put the
23 money into the other fields. We'll save more
24 money and put more money where it belongs for our

1 other kids.

2 Thank you.

3 THE MODERATOR: Okay, Ms. Cuny.

4 Mr. Clark, you're on the list.

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

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

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

23 I've been involved with the Recreation
24 Committee and Department for over 30 years. And

1 for over 30 years we've been talking about moving
2 the football program to the high school so that
3 we can provide more comprehensive, year round
4 outdoor recreation at the Gus Canty. With the
5 new Senior Center being built on the Gus Canty
6 site, it's imperative now to move the program and
7 allow the Town to re-design Fuller Field with a
8 new playground and senior activities, and to
9 provide for more comprehensive, year round
10 outdoor recreation on this site.

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

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

22 Thank you.

23 [Applause.]

24 THE MODERATOR: Okay, Ms. Cuny, I just

1 want to be clear, we're discussing the amendment.
2 So you want a no vote on the amendment to limit
3 it to a turf field.

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

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

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

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

18 I want us to look at what's happened,
19 here. It seems to me that the very important
20 needs for our grass fields have been - this has
21 been attacked to leverage an approach to those
22 grass fields. I want you to know that I will
23 stand here and argue for the report that's going
24 to come from the Department of Public Works to do

1 a major work on those fields when the time comes.
2 But that's not a reason for this amendment to
3 attack this field. Let's keep those issues
4 separate. The Town needs to invest lots in our
5 grass fields and lots of people to support them.
6 Let's take that on when it's presented to us
7 after the study that's coming. Let's not attack
8 this in order to get that.

9 Let's not attack the process because you
10 don't like the issue.

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

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

20 If you accept this amendment, you'll
21 lose a major benefit to the senior population and
22 the developments down at the what is now a
23 football field to support the Senior Center and
24 to replace the playground. You'll lose the

1 opportunity for our youth of all ages to have the
2 opportunity to try a synthetic surface which they
3 are going to have to use to compete in many, many
4 other communities. They won't have that
5 opportunity if this synthetic field is replaced
6 by a grass field.

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

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

20 Thank you very much.

21 THE MODERATOR: Okay, Mr. Afonso.

22 MR. AFONSO: Phil Afonso, Precinct 9.
23 I'd like to speak on the main motion and I'd like
24 to call this to a vote.

1 THE MODERATOR: Close discussion on the
2 amendment?

3 MR. AFONSO: On the amendment, right?
4 That's what --

5 THE MODERATOR: Yes.

6 MR. AFONOSO: We're kind of getting all
7 over the place, no?

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

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [No.]

17 THE MODERATOR: It's the opinion of the
18 chair that the ayes have it by a two-thirds vote
19 and we're closing discussion on the amendment.

20 The question will now come on the
21 amendment to strike the word synthetic from the
22 main motion and add the clarifying language at
23 the end that Mr. Latimer provided when he was at
24 the microphone.

1 MS. LICHTENSTEIN: [No mic:] Mr.
2 Moderator.

3 THE MODERATOR: Yes, Ms. Lichtenstein?

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

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

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

12 THE MODERATOR: Yes.

13 MS. LICHTENSTEIN: Thank you.

14 FROM THE FLOOR: No, no. The wording.

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

21 What am I incorrect about?

22 MS. WELCH: So I would say - I'm Kelly
23 Welch, Chair of the School Committee - that the
24 School Committee voted on a particular agreement,

1 a particular language, which did not include
2 grass. So it would need to come back to the
3 School Committee for them to vote on that.

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

7 MS. WELCH: I don't want it to be
8 presumed that that is - that the School Committee
9 would then want to have --

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

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

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

19 FROM THE FLOOR: Could I --

20 THE MODERATOR: There's no discussion.
21 We've already closed discussion.

22 Does everybody know what we're voting on
23 or is there confusion?

24 FROM THE FLOOR: Confusion.

1 THE MODERATOR: You are confused?
2 Okay, let me read it again. [Reading:] "It is
3 expressly provided that said field shall be
4 surfaced with natural grass and sod and in no
5 event shall any artificial or manmade materials
6 be used on the surface or subsurface of said
7 field."

8 Ms. O'Connell.

9 MS. O'CONNELL: Mr. Moderator, Maureen
10 O'Connell, Precinct 4.

11 My issue is I think that there are two
12 issues within this article, the amendment aside.
13 It presumes the movement of the field from
14 downtown onto the high school and I think that -
15 and with the comments made by the chairman of the
16 School Committee, I think that's adding to this
17 confusion.

18 THE MODERATOR: So Town Meeting has to
19 decide if you want to make this your
20 authorization and then the executive branch of
21 government, just like when it's under the purview
22 of the Selectmen, can choose to ignore Town
23 Meeting or to utilize the authorization that
24 you've given them.

1 They could say, "We're not going to go
2 bond; we're not going to take 3.1 million, we're
3 not going to build a grass field." They could
4 do that. So, Town Meeting is going to decide if
5 you want to risk that by voting something that
6 they didn't recommend to Town Meeting.

7 MS. O'CONNELL: Okay, if you will, Mr.
8 Moderator.

9 THE MODERATOR: Yes.

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

14 FROM THE FLOOR: [Inaudible.]

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

19 MS. O'CONNELL: Okay. So it's within
20 this, it's decided with this vote.

21 THE MODERATOR: It's in the main
22 motion.

23 MS. O'CONNELL: To position this at the
24 high school?

1 THE MODERATOR: Yeah, at the high
2 school.

3 MS. O'CONNELL: Thank you.

4 THE MODERATOR: Yes. Okay. The
5 question will come on the amendment to strike
6 "synthetic" and add the clarifying language at
7 the end presentd by Mr. Latimer.

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

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [No.]

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

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

20 Mr. Cook.

21 MR. COOK: Peter Cook, Precinct 6.

22 I am thankful to Mr. Waasdorp for
23 sending that email, but I think that the
24 petitioner was negligent by not including the

1 MSDS within our warrant book.

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

16 And it's not just the 80-100 degree heat
17 on the actual turf field. You have to consider
18 that this material is lying on the dirt, on the
19 soil underneath. How does that leach into our
20 water? We're very careful about watching and
21 seeing where the leaching comes from at Camp
22 Edwards. How is this going to leach into our
23 water table? Is there a study on that? I
24 haven't seen it. I haven't seen any information

1 other than saying we should vote this in with no
2 information.

3 I spent a lot of time looking at very
4 nasty chemicals as a technical writer and writing
5 up reports that said, "Don't use this, it's a
6 carcinogen." I'm not saying this is a
7 carcinogen, because I don't know. I only am
8 going by what Mr. Waasdorp has said about this
9 particular rubber. I looked it up and it's very
10 serious stuff.

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

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

24 Thank you.

1 THE MODERATOR: Okay, Mr. Donahue.

2 MR. DONAHUE: Bob Donahue, Precinct 3.
3 First of all, I want to say I'm totally in favor
4 of this project, but I do have a question through
5 you, Mr. Moderator, in regards to the financing
6 of this.

7 We're going to do the 3.1 million over
8 15 years, is what I understood was said. Is
9 this true, and if the field is only good for
10 nine, would you buy - would any bank finance a
11 car or anything else for - for six more years
12 than the life expectancy of the product? Could
13 we change the - the length of loan to ten years
14 so that --

15 THE MODERATOR: Okay, let's get an
16 answer to the question. Don't keep asking the
17 same question.

18 Go ahead, answer it.

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

21 The proposal right now is a 15 year
22 bond. However, that will be subject to the
23 actual market when we go out to bid on the bonds.
24 So that's not locked in stone. It would depend

1 on interest rates and whatnot.

2 One of the reasons for the 15 years is
3 to fit into the window of opportunity. So,
4 that's not guaranteed, but it actually - we'll do
5 whatever makes Jennifer Petit - we'll do whatever
6 makes the most sense.

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

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

22 Ms. Maingay, you're on the list.

23 MS. PETIT: I just wanted to clarify
24 that, under Mass. General Law the borrowing

1 authorization, the useful life of the field under
2 Mass. General Law is 15 years. And that's where
3 the 15 years come from. It's stated in statute.
4 It doesn't mean we have to borrow for 15 years,
5 but we can.

6 MR. DONAHUE: Here again, through --

7 THE MODERATOR: Mr. Donahue.

8 MR. DONAHUE: - you, Mr. Moderator.

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

12 THE MODERATOR: No, that was in the
13 presentation. It's not in the motion.

14 MR. DONAHUE: Yeah.

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

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

21 THE MODERATOR: Okay.

22 MR. DONAHUE: Is, we talked about
23 virgin rubber being used in this field. Is
24 there anything in what we're doing that

1 guarantees that virgin rubber will be used to do
2 any repairs for the nine years or eight years or
3 twelve years, whatever it is, that the field will
4 be in use? I don't see anything written down
5 and I'm afraid that if we're in a budget
6 constraint, the temptation might be to go to the
7 cheaper substance, the recycled tires.

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

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

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

20 MR. WAASDORP: Thank you, Mr.
21 Moderator.

22 I referred to the material data safety
23 sheet and I said that the challenge to the
24 presenters tonight was to provide a widely

1 accepted peer reviewed scientific study that EPDM
2 rubber pellets were safe for our children and
3 grandchildren. I haven't heard an answer to
4 that.

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

13 Thank you.

14 THE MODERATOR: Go ahead, Mr. Lowell.

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

19 THE MODERATOR: Okay, yeah.

20 MR. LANDGREN: Just to clarify, because
21 there was a couple of different mentions of the
22 infill. We're talking about the infill,
23 basically the material that fills in the blades
24 of grass and becomes the resilient surface on

1 which the kids are playing.

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

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

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

23 There's also a standard ASTM test called
24 31-88-16, which is the standard specification for

1 extracted hazardous metals in synthetic infill
2 materials. That test has been around for a long
3 time, going back 20 years when the industry was
4 started. This material passes that test, as
5 well.

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

11 And, again, it's a virgin product
12 specifically made for infill for synthetic turf
13 fields.

14 Thank you.

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

17 MR. NETTO: Joe Netto, Precinct 9.

18 Fellow Town Meeting Members I would just
19 like to remind you of what your vote, yes or no,
20 means here tonight, because there seems to be
21 because we didn't have the recommendation done by
22 the time the warrant book was published, we've
23 had to look up and see a slide. But we have no
24 control of that.

1 But what are we voting for and what does
2 a yes vote or a no vote mean? And, Mr.
3 Moderator, if I err in this presentation, you'll
4 please correct me.

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

11 In my time here at Town Meeting, I've
12 been here for 100 percent of every Proposition 2
13 ½ capital override and one true override that
14 we've had. And I've voted 100 percent to give
15 it to the voters and let them decide. That's
16 what our function here is tonight.

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

23 And I think we have never not put a
24 Proposition 2 ½ override question on the ballot.

1 I think that's correct. We've always - not
2 every one has passed. And that's really what
3 your yes or no vote is for.

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

11 Thank you.

12 THE MODERATOR: Okay, just to clarify
13 - you're on the list, Mr. Heath.

14 Just to clarify. In essence, that's
15 what the vote is. In reality, the Selectmen
16 have voted to place the question on the ballot a
17 week ago yesterday, and they have the ability to
18 remove the question from the ballot up until this
19 Thursday. What Town Meeting votes to do, you
20 don't have the statutory authority to put
21 something on the ballot. You are authorizing the
22 appropriation and the borrowing. The question
23 going to the ballot is only under the purview of
24 the Board of Selectmen.

1 So, functionally, it's already been
2 voted on. If you vote no tonight, the Selectmen
3 will remove it from the ballot. But because of
4 the 35 day deadline required by law before the
5 Town election, after the vote, they had to vote
6 it last week to meet the window and then they
7 have until Thursday to remove it.

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

13 So, Mr. Heath, you're on the list.
14 This is a very long list. So, Mr. Antonucci.
15 Mr. Crotty, you've been on the list, as
16 well, yes. When I look at you and I shake my
17 head, you're on the list, but it's getting to be
18 a long list.

19 Mr. Antonucci.

20 MR. ANTONUCCI: Bob Antonucci, Precinct
21 6.

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

1 tonight.

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

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

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

21 I also have five grand kids. Two in
22 Falmouth high school, two in Westwood, one in
23 Falmouth, one at Phillips and one in college.
24 They all have played on athletic fields for over

1 15 years. They are still healthy, they are
2 walking, they're talking and they're breathing,
3 all right? And they're outstanding athletes.
4 And they have played on these rubber fields.

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

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

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

21 [Applause.]

22 THE MODERATOR: Okay, folks.

23 MR. ANTONUCCI: We have to get athletic
24 teams out there. We have to get everybody out

1 there to get to the ballot.

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

5 Have a good night. Thanks a lot.

6 [Applause.]

7 THE MODERATOR: Okay, here we go.
8 Folks, let's go. Mr. Brown.

9 FROM THE FLOOR: Mr. Moderator.

10 THE MODERATOR: I'll add you to the
11 list. Yeah, okay.

12 Mr. Brown, anything new?

13 SELECTMAN BROWN: Good evening. So, a
14 few weeks ago these gentlemen and the School
15 Committee had a question and answer period at the
16 Morse Pond School and one of the important things
17 that came out of that when I asked the question -
18 - they don't have the capacity, if they put a
19 grass field there and just your one field, they
20 won't have the capacity to move the - stop using
21 the Gus Canty field. So we're effectively
22 killing the moving the football program, you
23 know, and actually freeing up that space at the
24 Rec Center unless we use the turf field, because

1 you got three plays to one.

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

6 THE MODERATOR: Okay, the next thing I
7 had was "consultants". I think - were you going
8 to address a question that we had or are you -
9 you got - okay.

10 MR. LOWELL: Sorry, we just - Judd
11 Goldstone's not a consultant but he's no longer a
12 Town Meeting Member and he would like to address
13 the toxicology issues. Can we -

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

17 MR. HEATH: [No mic: inaudible.]

18 THE MODERATOR: Mr. Heath?

19 MR. HEATH: [No mic: inaudible.]

20 THE MODERATOR: With a microphone.

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

24 MR. HEATH: We have already held a vote

1 on whether it's going to be grass or synthetic.
2 The amendment by Mr. Latimer was to make it
3 grass. It was overwhelmingly defeated at that
4 time -

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

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

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

19 Mr. Goldstone.

20 MR. GOLDSTONE: Good evening, my name
21 is Judd Goldstone. I'm a former Town Meeting
22 Member for Precinct 4. I'm a former member of
23 the Board of Health; I was vice chair and chair
24 of the Board of Health. I am a toxicologist.

1 I've been a toxicologist at WHOI for the last 15
2 years. And we at the Board of Health, at the
3 request last year, at the request of the then
4 chair of the School Committee took a look at the
5 various health effects of artificial turf as
6 compared to grass.

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

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

20 The main question of or whether - sort
21 of the significant question of the actual health
22 effects of the artificial infill, the rubber
23 infill, most of the studies have looked at
24 recycled tires. That which is the SMR, or

1 styrene butadiene rubber, that was not
2 considered. That was not - that was immediately
3 taken off the table based on the toxicology and
4 the environmental toxicology of that material.

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

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

21 So, yes, it is right to be - to think
22 about the various environmental effects of and
23 putting a big plastic thing down is something
24 that we need to look at and think about hard, but

1 the alternative is the grass - two or three grass
2 fields, with the attendant pesticides and the
3 attendant nutrient loading underneath those
4 fields. And the gas use of mowing.

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

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

15 Ms. Maingay, any new information?
16 With a microphone, please.

17 MS. MAINGAY: Hilda Maingay, Precinct
18 8.

19 I haven't heard what the carbon
20 footprint is of the artificial turf.

21 [Pause.]

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

24 MR. GOLDSTONE: So, a full - again, as

1 part of this I did look at the - a carbon
2 footprint. It's no full analysis has been done,
3 either for grass field or an artificial field.
4 Grass does typically absorb CO2, but you have to
5 balance that out with the mowing. So, the
6 problem is it also comes into how you - whether
7 or not you recycle an artificial turf field and
8 what that is.

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

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

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

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

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

24 Thank you.

1 THE MODERATOR: Ms. Putnam, anything
2 new?

3 MS. PUTNAM: Rebecca Putnam, Precinct
4 9.

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

9 [Pause.]

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

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

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

22 We did have that discussion with the
23 Town Manager's Office and the CFO, and the
24 recommendation, which is a very good one, is that

1 in the annual capital plan that the schools put
2 together - and we have effectively, it's getting
3 to be a ten year plan. It's about an eight year
4 plan, now - we would allocate approximately
5 \$60,000 a year in that, and the Town CFO would
6 then set that aside and that would accumulate
7 over the next ten years.

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

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

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

1 projects in town.

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

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

14 FROM THE FLOOR: [Inaudible.]

15 MS. PUTNAM: We really -

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

18 MS. PUTNAM: So we can't give all - we
19 can't have that information?

20 THE MODERATOR: It's very strict in
21 what language can actually be placed on the
22 ballot.

23 MS. PUTNAM: Well, I would say that
24 those are important items that should be

1 addressed and we should also know before we're
2 voting to put it out there for the Town to
3 approve.

4 THE MODERATOR: Okay, Mr. Shearer,
5 junior.

6 MR. SHEARER: Douglas Shearer, Precinct
7 6.

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

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

14 FROM THE FLOOR: We don't. 31. 21.
15 21.

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

18 FROM THE FLOOR: 32.

19 MR. SHEARER: 72.

20 FROM THE FLOOR: No. No.

21 [Inaudible.]

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

24 MR. MCCONARTY: Peter McConarty, I

1 don't want to confuse this completely, but
2 actually we maintain 31. There's 21 under the
3 Gale Report that we maintain for all the ball
4 fields and the football fields, but there's
5 actually 31 that the Parks Department does cut.

6 THE MODERATOR: Okay, Mr. Shearer.

7 MR. SHEARER: I'll take it down to 31.
8 That's a hundred thousand dollars for 31 fields
9 that we are not up-keeping, as our report last
10 night showed us very evidently. We need to
11 budget, Selectmen, to maintain our fields.
12 Before we add another one.

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

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

24 We do need to inform them -

1 THE MODERATOR: Mr. Shearer -

2 MR. SHEARER: - of what we're actually
3 building.

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

11 MR. SHEARER: I agree with you.
12 However, we need to maintain our fields, which we
13 are currently not doing. There is a cost for
14 that.

15 Thank you, Mr. Moderator.

16 THE MODERATOR: Okay, Mr. Crotty.

17 MR. CROTTY: Thank you, Mr. Moderator.
18 Walter Crotty, Precinct 3.

19 I find it astounding and aggravating
20 that people will come up with antiquated
21 information to keep something from happening that
22 benefits the Town. The antiquated information
23 is the health aspects came from recycled tires,
24 tires that had been used on the roads, where

1 chemicals were used to, you know, deplete ice and
2 so forth, and that was the health concern.

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

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

19 And they have tested this infill for
20 years, so this is not something that just came up
21 last week and I think the previous person spoke
22 to it. There are no health aspects in the EPDM
23 rubber, so don't put that as a factor in your
24 vote. It shouldn't even be there.

1 You've got a million reasons to vote for
2 it, to do it. You've got zero reasons to vote
3 against it.

4 Thank you.

5 THE MODERATOR: Ms. Taylor.

6 [Applause.]

7 THE MODERATOR: Let's go, let's go.
8 Ms. Taylor.

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

12 THE MODERATOR: Okay.

13 MS. TAYLOR: [No mic:] - health
14 [inaudible.]

15 THE MODERATOR: Okay. Mr. Afonso.

16 MR. AFONSO: Phil Afonso, Precinct 9.

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

22 We have a lot of people tonight that
23 have been speaking as though when a kid is going
24 to go outside and play football or soccer or

1 lacrosse their skin is going to be dripping
2 because of the toxicity. I'm absolutely blown
3 out of the water.

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

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

17 My son Gavin, who was the starting
18 center for Falmouth High School football last
19 year, freshman, on Gov Fuller field my son got a
20 fracture on his leg. My son also got a scrape
21 on his arm. Goose feces was introduced into his
22 blood stream. My son was brought to Boston
23 Medical Center, his leg had to be drilled open, a
24 PICC line had to be installed for a little over a

1 month. We gave my son - which looked like
2 little hand grenades, I.V. medicine right into
3 his heart, three times a day. Fourteen.

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

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

13 Thank you.

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

16 Mr. Heath, Mr. Heath. No, you're off
17 the list. Mr. Vieira.

18 MR. VIEIRA: Hi, Jim Vieira, Precinct
19 6, and I'm speaking tonight on behalf of the
20 Council on Aging.

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

24 [Laughter.]

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

8 THE MODERATOR: Mr. Clark.

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

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

23 Thank you.

24 THE MODERATOR: Mr. Heylin.

1 MR. HEYLIN: Hello, everyone. Michael
2 Heylin.

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

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

22 Thank you.

23 THE MODERATOR: Ms. Shephard.

24 MS. SHEPHARD: Susan Shephard, Precinct

1 1.

2 It disturbs me that we are once again
3 doing what we do so often. We have terrific
4 committees who have spent enormous amounts of
5 time looking into this and making
6 recommendations, and we sit here in the audience
7 second-guessing everything. Vote this article.

8 [Applause.]

9 THE MODERATOR: Okay, we have a
10 recommendation from - we're going to do that.
11 We're going to do that here. The Selectmen want
12 to weigh in on their recommendation.

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

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

20 THE MODERATOR: A recorded roll call?

21 SELECTMAN JONES: Yes.

22 THE MODERATOR: Okay. Those that
23 want a recorded roll call vote, where a record
24 would be kept of yes and no votes of each

1 individual Town Meeting Member, please stand.
2 If you want a recorded roll call vote, stand.
3 One, two, three, four - yeah, you've got 20; you
4 can sit down.

5 So, when we do the recorded - when we do
6 the slide, it's going to be a recorded roll call;
7 preserve the record, okay.

8 Okay, I've got three more; hopefully
9 it's new. Ms. Connolly. Ms. Connolly,
10 something new?

11 MS. CONNOLLY: Annie Connolly, Precinct
12 6.

13 So, it's not really new. I lied, to
14 get up here, but -

15 THE MODERATOR: Then you can sit down.

16 MS. CONNOLLY: No, I'm gonna -

17 THE MODERATOR: Ms. Braga, anything
18 new?

19 MS. CONNOLLY: David Vieira.

20 So, what's new is that we haven't talked
21 about the kids in this town and that we're in an
22 opioid crisis and we should be doing everything
23 in our power to give them something healthy and
24 great to do with their time. Instead of being

1 persnickety, and poking holes in peoples' due
2 diligence and research. It makes me ill. So I
3 hope you will support this.

4 Thank you.

5 THE MODERATOR: Ms. Braga.

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

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

24 So I hope that we honor the work that

1 they've done, take their recommendation and vote
2 on this article.

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

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

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

23 If we don't have this field, I fear for
24 the 482 children in the spring who have no place

1 to play because Trotting Park's going to be shot
2 in no time, once it gets fixed, if we don't have
3 an all purpose field. Sandwich Road will be
4 shot in no time, if we don't have an all purpose
5 field and 482 children are using these fields.
6 And right now they're using Lawrence and Morse
7 Pond, and take a look at those fields after it's
8 all done and you're going to see that they're
9 going to need to be fixed, too.

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

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

19 Thank you.

20 [Applause.]

21 THE MODERATOR: Mr. Cook. Let's go,
22 Folks. I've got the last couple, here, and then
23 we're gonna - Mr. Cook.

24 MR. COOK: Thank you. I have one new

1 thing that I would like to mention. And, Mr.
2 Netto, I do agree with you that the public should
3 have the full information before they vote. I
4 completely agree. Everybody should. But,
5 gentleman right there - what was your name, sir?
6 Consultant?

7 THE MODERATOR: "The consultant",
8 that's fine.

9 MR. COOK: Yeah. I forgot your name,
10 I'm sorry.

11 Here's my point. In order for the
12 public, and I think the public should vote on
13 this, in order for the public to vote on this,
14 and you said, "I'm sorry I didn't present the
15 material safety data sheet tonight", I would like
16 to see that material safety data sheet from the
17 committee published in the Falmouth Enterprise
18 prior to the vote because the public needs to
19 know exactly what they're voting for to put in
20 the ground.

21 And if it's great stuff, if it works
22 great, that's fine. But you neglecting to
23 present that material safety data sheet makes us
24 - gives us an uninformed vote. That's my only

1 point.

2 THE MODERATOR: Okay. Yeah, anything
3 new?

4 Microphone to my right, yeah.

5 MR. BAKER: Bob Baker, Precinct 4.

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

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

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

20 Now, however, men and women's soccer
21 plays one game at night every week. Lacrosse
22 boys and girls play one game at night per week.
23 Field Hockey gets to play on it, and the football
24 team plays on it. More parents get to go

1 because the games are at night. It has worked
2 out much - even better than they expected.

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

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

21 I do know that I've had one of my sons
22 has torn three ACLs, all in grass. So, I'm not
23 so sure about which field is safer than the
24 other. And I really do laugh at the comparison

1 of our kids to professional athletes.

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

11 You know, we have - use plastic
12 everything. And I don't know how good plastic
13 is. I mean, so I buy that point from - from Sam.
14 And I think I'm done.

15 Thank you very much.

16 THE MODERATOR: Okay. Anything new?
17 Mr. Waasdorp, anything new?

18 I've only got two left on this list.

19 MR. WAASDORP: Thank you, Mr.
20 Moderator.

21 To address the question that the
22 industry advisor and the toxics person talked to.
23 Committees work hard. Those of us who have been
24 on committees, there's no question they put a lot

1 of effort into it. I do find it interesting
2 that, despite the fact that I sent a product
3 safety sheet to those members, no one saw fit to
4 bring one tonight. And so I want the two
5 gentlemen who talked specifically to the health
6 hazards: do you agree that the warning at the top
7 of the product data safety sheet said Warning --
8 cancer warning based on tests on animals?

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

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

22 Thank you.

23 MR. GESSEN: Point of -

24 THE MODERATOR: Mister - who's talking?

1 MR. GESSEN: I am.

2 THE MODERATOR: Who's I am?

3 FROM THE FLOOR: The mic carrier.

4 THE MODERATOR: Oh, the mic carrier.

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

6 THE MODERATOR: If I recognize you, but

7 I'll put you on the list, then.

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

10 MR. GOLDSTONE: There is not a study
11 that I know of that says that EPDM does not cause
12 cancer. However, that's - that's also because
13 there's not a study on a lot of things that we
14 know that don't cause cancer. So, the problem
15 is, is that yes, there is less information than
16 we would wish on many, many, many, many
17 compounds.

18 There are something on the order of
19 90,000 compounds made by high production, more
20 than a million pounds per year in the United
21 States, and we have information on about a
22 thousand of them. So, this is why the National
23 Institute of Environmental Health Sciences
24 exists.

1 However, to focus on this question, I
2 did not receive the MSDS. I'm not currently a
3 member of Town Meeting. I have looked in the
4 last ten or fifteen minutes at MSDS's for
5 different EPDMs, and none of them show a - state
6 a cancer risk. That doesn't mean there isn't
7 one. They don't show one.

8 The Massachusetts Department of
9 Environmental Protection, which has looked at
10 this particular question, has stated that they -
11 in their opinion there is not a significant
12 health risk for artificial turf fields. So this
13 is something that has been formally written to
14 several different towns which have asked this
15 question of the DEP. That doesn't - that's
16 their particular - you know, that's their
17 professional opinion of the State of
18 Massachusetts.

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

24 THE MODERATOR: Mr. Gessen.

1 MR. GESSEN: It is my understanding
2 that this committee was formed in the beginning
3 not - before the question was raised about
4 whether or not to have natural field or turf
5 field. The idea was to bring the football
6 program and all other programs back to the high
7 school.

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

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

23 Thank you.

24 [Applause and cheers.]

1 THE MODERATOR: The question will come
2 on the main motion as recommended.

3 If we have a slide for that. We're
4 going to need to keep the - this is a recorded
5 roll call vote, so we're going to retain the
6 slide. 1A for yes, 2B for no.

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

10 [Pause.]

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

13 [Pause.]

14 [Applause.]

15 THE MODERATOR: By a counted vote of
16 178 in favor and 22 opposed, the necessary two-
17 thirds is reached and the article passes.

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

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

23 This was my mistake. We were supposed
24 to do this right at the beginning, I'm sorry.

1 MS. ROTHSTEIN: That's okay, but
2 because I'm going now, you have to listen to me
3 for one minute. I know you're tired.

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

8 We are holding a community anti-bias
9 workshop, to be facilitated by the Anti
10 Defamation League on Thursday, April 26th from
11 6:00 to 8:00 p.m. in the Hermann Foundation Room
12 at Falmouth Public Library. I urge you to come
13 and participate in that conversation, a much
14 needed conversation person to person on issues of
15 bias and prejudice in this town.

16 If you think we don't have problems, we
17 do, and you need to come and hear from people who
18 have experienced bias. And if you don't think
19 that you harbor bias yourself, or this community
20 does, then you need to come and hear about that.
21 The ADL will - has a lot of experience in this,
22 working with communities, and will help us
23 recognize and identify these issues. Not just
24 racial but bias of all sorts. And to strategize

1 about how as a community we can come together to
2 make our community stronger and respectful of one
3 another.

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

10 Thank you.

11 [Applause.]

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

14 MS. ROTHSTEIN: April - Thursday, April
15 26 from 6:00 to 8:00; they will open doors about
16 an hour early for people who want to bring their
17 dinner in the Hermann Foundation Room.

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

20 THE MODERATOR: Okay. Article 19.
21 Madame Chairman of the Finance Committee for the
22 main motion. No, he held the article, so he's
23 waiting for the main motion. Thank you.

24 CHAIRMAN VOGEL: Mr. Moderator, I move

1 Article 19 as recommended.

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

7 This was held by Mr. Walker.

8 Mr. Walker.

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

11 THE MODERATOR: Presentation of an
12 amendment, you've got four minutes.

13 MR. WALKER: Four minutes.

14 THE MODERATOR: Yeah, it's the opening
15 presentation on the article.

16 MR. WALKER: Could I have an extra 30 -

17 THE MODERATOR: No, that's -

18 MR. WALKER: - seconds?

19 THE MODERATOR: No, that's the regular
20 rule, is four minutes.

21 MR. WALKER: No 30 seconds?

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

24 MR. WALKER: Well. I, Charles Grant

1 Walker, I'm from Precinct 3.

2 I move to amend the main motion of
3 Article 19 as follows: the Town shall defer - let
4 me put it up, if I can, in the screen. Yes.
5 The Town shall defer payment of the \$178,070 to
6 the Massachusetts Clean Energy Center until such
7 time as the Massachusetts Court of Appeals has
8 ruled on the Green Center appeal of the decision
9 that required that Falmouth Wind I and Wind II
10 turbines be shut down.

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

19 The appeal is based - not entirely but
20 in part - on the November 29th, 2007 Act of the
21 Massachusetts legislature. Section one of that
22 2007 Act states, "Notwithstanding any general or
23 special law to the contrary, the Town of Falmouth
24 may design and install wind energy facilities at

1 its wastewater facility at Blacksmith Shop Road.”

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

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

21 So, this new era, or going back to the
22 future, as I've called it, could save the
23 taxpayers of Falmouth a lot of money. First,
24 the \$178,070 could conceivably, depending upon

1 negotiations, be paid back with renewable energy
2 credits. Perhaps other, future payments to the
3 Clean Energy Center could be paid back that way,
4 as well.

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

9 \$120,000 had to be approved in a special
10 way in our November Town Meeting for the cost of
11 electricity that was not, quotes, free to the
12 Town because the turbines weren't operating
13 because they were not operating.

14 Now, if electricity to operate the
15 wastewater treatment facility were to cost
16 125,000 or more per year, which is what the Town
17 Manager's Fiscal 2019 budget message says in our
18 booklet, page 41 -

19 THE MODERATOR: Okay, we're at four
20 minutes.

21 MR. WALKER: I'm sorry.

22 THE MODERATOR: We're at the four
23 minutes.

24 MR. WLAKER: Four minutes.

1 THE MODERATOR: So we - I can put you
2 back on the list for another two after. Yeah,
3 so I've got Mr. Duffy and then I've got Mr.
4 Putnam and then we can come back.

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

7 THE MODERATOR: Mr. Duffy.

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

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

19 Now, after the implementation of the
20 court judgment, the Green Center and Mr. Walker's
21 friends filed a motion with the Superior Court to
22 intervene in the case even though the case was
23 over. That motion was presented to the Superior
24 Court and it was argued in part by some of the

1 parties and it was denied.

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

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

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

21 One other thing I'd like to point out is
22 the argument that is raised about the Chapter 2 -
23 well, whatever the number was - of the Acts of
24 2007. Back in 2007, Town Meeting passed an

1 article which authorized the Board of Selectmen
2 to petition the legislature for special
3 legislation. That special legislation begins
4 with sort of the magic words "notwithstanding any
5 general or special law to the contrary, the Town
6 may erect wind turbines". That legislation, if
7 you read the whole thing not just the first
8 sentence, deals with financing. The whole
9 purpose of the special legislation was to allow
10 the Town to finance the construction of the wind
11 turbines; it was not to allow the Town to build
12 wind turbines in violation of its own zoning
13 bylaws or to build a wind turbine that would
14 create a nuisance. This was presented to a
15 Superior Court judge back in 2013 when we had the
16 first wind turbine trial and he didn't buy that
17 argument then; I don't think it's going to be
18 bought again.

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

24 Finally, if Mr. Walker's group

1 successfully intervenes, and the court agrees
2 with them, the Selectmen are under no obligation
3 to turn the turbines back on because we're not a
4 party to this intervention.

5 [Applause.]

6 THE MODERATOR: Okay, Mr. Putnam. Mr.
7 Putnam. Mr. Putnam. Microphone for Mr.
8 Putnam, please.

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

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

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

16 All those in favor, signify by saying
17 Aye.

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [No.]

21 THE MODERATOR: It's the opinion of the
22 chair that the ayes have it by a two-thirds
23 majority and the question will come on the
24 amendment to add the language that the Town shall

1 defer payment of the \$178,070 to the
2 Massachusetts Clean Energy Center until such time
3 as the Massachusetts Court of Appeals has ruled
4 on the Green Center appeal of the decision that
5 required that the Falmouth's Wind I and Wind I
6 turbines be shut down.

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

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

12 MR. WALKER: I didn't understand you,
13 I'm sorry.

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

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

18 THE MODERATOR: That's not a point of
19 privilege.

20 MR. WALKER: A procedural question.

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

23 MR. WALKER: Yeah.

24 THE MODERATOR: Okay.

1 MR. WALKER: And in so doing, I'm not
2 questioning anything that you have -

3 THE MODERATOR: No, that's fine.
4 That's a point of order, not a point of
5 privilege.

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

8 THE MODERATOR: Yes.

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

12 THE MODERATOR: No, it's a non-
13 debatable motion.

14 MR. WALKER: It's non-debatable?

15 THE MODERATOR: It's non-debatable.

16 MR. WALKER: Oh, thank you.

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

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It's the opinion of the
24 Chair that the no's have it by a majority.

1 So, discussion is now opened on the main
2 motion. Mr. Walker.

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

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

7 MR. WALKER: Okay.

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

10 MR. WALKER: I don't think so.

11 THE MODERATOR: Okay.

12 Mr. Latimer.

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

17 Now, I'm a lawyer and I've done quite a
18 few appeals. You win some, you lose some. And
19 Superior Court judges are not always right. So,
20 I'm not going to - I don't have enough knowledge
21 to know about the merits of this particular
22 appeal. But one thing that bothered me was Mr.
23 Duffy's comment that since the Town isn't part of
24 the appeal, if the Appeals Court upholds the

1 appeal, in other words reverses the Superior
2 Court's judge - which does happen. Superior
3 Court judges are after all just as fallible as
4 anyone else. It bothers me that Mr. Duffy would
5 say the Selectmen are under no obligation to
6 carry forth with the appeal and to then just
7 reinstate those turbines. Why not? Is that
8 something that's in the interest of the Town's
9 energy needs or is that a political decision?

10 I think - I think - that just bothers
11 me. I just wanted to say that.

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

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

1 aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: The ayes have it by the
6 majority.

7 We'll stand in a 15 minute recess.

8 [Whereupon, recess held.]

9 THE MODERATOR: We'll come back on
10 Article 24.

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

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

17 [Pause.]

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

20 [Pause.]

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

24 Whoa, whoa, I asked to keep it rolling.

1 No timer, I said? Okay, we're going to do it
2 again, okay.

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

9 [Pause.]

10 THE MODERATOR: 1A if you're present
11 and you're a Town Meeting Member.

12 [Pause.]

13 THE MODERATOR: By a counted vote of
14 131, we have a quorum and we're in session. I
15 know there's still a lot of folks walking in the
16 back, so we have a lot more than 131, but we have
17 the legally established quorum so we're going to
18 begin on Article 24.

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

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

23 THE MODERATOR: As recommended. This
24 is to authorize the Board of Selectmen to submit

1 to the General Court a petition for a special act
2 to authorize the Town of Falmouth to continue the
3 employment of Police Chief Edward Dunne.
4 Calling your attention to the recommendation,
5 there's additional language added after Section
6 one of the article: Edward Dunne will continue to
7 be a member in service under Chapter 32, Section
8 1 for the purposes of eligibility for benefits
9 under Chapter 32, Section 7, 9, or 100 - should
10 that be ten?

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

13 MR. SUSO: No, 100 is correct.

14 THE MODERATOR: It is 100.

15 MR. SUSO: Yes.

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

19 So, wait a minute, we're going to have a
20 -

21 FROM THE FLOOR: Mr. Moderator.

22 THE MODERATOR: Yeah, wait a minute,
23 Ms. Murphy held it. Yes, Ms. Murphy.

24 Oh-oh, we lost a mic carrier?

1 Okay, Ms. Murphy, go ahead, you got the
2 mic. Just turn the button on, yeah. Yes, just
3 flip the switch up. Is that the one with the
4 switch on the side, or is it the one with the
5 button on the bottom?

6 MS. MURPHY: It's a button and it says
7 on. Now?

8 THE MODERATOR: Yeah.

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

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

23 Thank you.

24 THE MODERATOR: Okay, Mr. Afonso.

1 MR. AFONSO: Mr. Moderator, is there
2 going to be an opening -

3 THE MODERATOR: Presentation? I was
4 told no.

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

7 THE MODERATOR: Go ahead, I recognize
8 you.

9 MR. AFONSO: How long do I have?

10 THE MODERATOR: Four minutes.

11 MR. AFONSO: Thanks.

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

19 What really got me involved with this
20 was the fact that our retired men and women of
21 the Falmouth Police Department are not permitted
22 to continue to do details. The Enterprise would
23 have you believe that this was an age
24 discrimination issue, which it wasn't.

1 I got involved with this to fight for
2 the men and women who've given to all of our
3 families in this town for 30 plus years. Some
4 of them now have to go to Walmart. Some of them
5 have to work at funeral homes. They should be
6 able to make detail money.

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

12 THE MODERATOR: That's not in the
13 rules, sir. That's for the opening presentation
14 motion, is ten minutes.

15 MR. AFONSO: So?

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

19 MR. AFONSO: I'd like to introduce to
20 the -

21 THE MODERATOR: Whoa, whoa, whoa.
22 You're not controlling the meeting. If they
23 want to speak, they stand up, I put them on the
24 list and I'll recognize them to speak. So

1 you've got four minutes, and they would each have
2 four minutes; I can add you all to the list.

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

14 THE MODERATOR: Okay, Mr. Walker.

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

17 I've had one encounter with the Chief
18 last December in the Christmas Day parade. I
19 was walking along, carrying a sign, looking for a
20 group of people that I was supposed to join in
21 that parade; couldn't find them. I asked him a
22 question; he knew exactly what I wanted, which
23 was how to get from point A to point B in the
24 Town, helped me right away in spite of all the

1 responsibility he had that day. That little
2 personal touch meant a lot to me.

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

12 THE MODERATOR: Just a little shorter,
13 that's all.

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

19 Thank you.

20 THE MODERATOR: Mr. Dufresne. Mr.
21 Dufresne.

22 Yeah, I'll put the both of you on the
23 list, yeah. Andy.

24 MR. DUFRESNE: Fellow Town Meeting

1 Members, Adriene Dufresne, Precinct 2.

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

13 He has several programs going on for
14 which he would like to go beyond 65. When I
15 talked to him and he said that, I said, "I think
16 you're nuts. Huh? I think you're nuts." But,
17 if he was an enforcement officer and had to go
18 out on - to fight crime, I would say no, 65 is
19 old enough. But he's an administrator, and
20 right now he is administrating, in my opinion,
21 one of the most professional Police Departments
22 in the Commonwealth of Massachusetts. These
23 guys know their job. You don't have any problems
24 with the Police Department unless you're a

1 problem within the community.

2 So I'm asking that you support this
3 request and allow him to go - again, I'm going to
4 say I think he's nuts - beyond 65. I've gone
5 beyond 65 a long time ago -

6 [Laughter.]

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

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

16 Thank you for listening to me.

17 THE MODERATOR: Okay, Mr. Antonucci.

18 I'll add you to the list.

19 MR. ANTONUCCI: Bob Antonucci, Precinct
20 6.

21 I also stand in support of this article.
22 Remember, this article gives the option of
23 extending his contract to the Town Manager
24 assuming the Police Chief can carry on his

1 duties. He's done a great job. I'm sure he'll
2 continue to do a good job. But
3 administratively, I think, for the Town it's a
4 good move. It really doesn't give us the
5 opportunity to have to go out and look for a new
6 chief. We have a chief that's worked, it's
7 worked well.

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

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

1 reappoint the Chief to a new contract for the
2 good of the Town.

3 Thank you.

4 [Applause.]

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

7 All right, Mr. Kinsella.

8 Mr. Putnam, I'll add you to the list.

9 Mr. Kinsella, you were next on the list.

10 MR. KINSELLA: [No mic: inaudible.]

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

13 [Applause.]

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

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

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

20 THE MODERATOR: Four.

21 Ms. Connolly, you're on the list.

22 MR. KINSELLA: Good evening, everybody.

23 My name is Kevin Kinsella, Precinct 9.

24 I think I'm going to keep this very

1 narrow. Chapter 415 of the Acts of 1987 set the
2 retirement age for people only in public safety.
3 When people talk about ages pertaining to other
4 professions, they're giving an erroneous
5 presentation as to what we're dealing with, here.
6 Police, Fire: we are different profession from
7 every other profession. 65.

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

18 What is going to happen today is that
19 you're going to be asked to go in two different
20 directions. Each one is going to affect the
21 future of this community. If this article is
22 voted for, you have set that famous precedent.
23 You have opened the door. And if you open the
24 door, you better expect that in the future other

1 people are going to take advantage and they're
2 going to come through that door. So, if that's
3 the way it's going to go, that's the way it's
4 going to be.

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

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

1 outside of the Town of Falmouth Fire Department?

2 How many?

3 Who was?

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

5 MR. KINSELLA: George Packish. One.

6 In a hundred years?

7 MR. DUFRESNE: [No mic:] Yeah.

8 MR. KINSELLA: Thank you, Andy.

9 [Applause.]

10 MR. KINSELLA: The distinguished Mr.

11 Dufresne.

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

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

24 THE MODERATOR: Okay, Mr. Kinsella.

1 MR. KINSELLA: - tomorrow.

2 THE MODERATOR: We're at four minutes.

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

5 THE MODERATOR: Okay.

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

8 THE MODERATOR: Ms. Atherton.

9 [Applause.]

10 MS. ATHERTON: Cheryl Atherton,
11 Precinct 3.

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

19 We have to, like Kevin said, we don't
20 have to go outside our beautiful town to seek a
21 great chief. We have so much talent right
22 inside the Falmouth Police Department, that one
23 little building on Main Street, that we don't
24 need to go anywhere else. And I want to see

1 those people move.

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

12 Thank you very much.

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

16 No? Mr. Gonsalves? No. Okay.

17 Mr. Kasparian.

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

22 Like many of you, I didn't grow up in
23 Falmouth but I had the good fortune, probably the
24 best decision I ever made was to move here when I

1 married my wife and to raise my children here.
2 And I grew up in Providence and I can tell you
3 the Police Department there was very different
4 than the Police Department here.

5 [Laughter.]

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

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

23 Chief Dunne has been here for 37 years,
24 my understanding is, I don't know if as a part

1 time police officer, and I understand that this
2 is something that is extraordinary. However,
3 what this article is asking is for the General
4 Court to be petitioned, and that is not a
5 precedent. That has happened in numerous towns
6 throughout the Commonwealth. And we're not
7 talking about extending his tenure for 10 or 12
8 years. He's looking to go on for a few more
9 years beyond the age of 65.

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

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

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

1 in good time.

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

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

16 THE MODERATOR: Mr. Clark.

17 MR. CLARK: Peter Clark, Precinct 1.

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

1 careful about changing that system.

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

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

14 I think we have a strong department.
15 By my count, there are two to three years for a
16 transition plan to preserve what is underway and
17 to select someone, from within or without, who
18 could be the next chief of police. Does anybody
19 have the answer about how many times this -

20 THE MODERATOR: Yes, we do.

21 MR. CLARK: - has been requested and
22 what the sizes of the departments were?

23 THE MODERATOR: Ms. Moran.

24 CHAIRWOMAN MORAN: I do, Mr. Clark.

1 The statistics which I received from Senator
2 DeMacedo's office on that question, from 2012 to
3 2017, there have been 30 extensions. Of these
4 extensions, 17 were for chiefs of police or fire.

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

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

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

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

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

18 CHAIRWOMAN MORAN: You're welcome.

19 THE MODERATOR: Mr. Bidwell. Mr.
20 Bidwell.

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

23 I do stand in support of Chief Dunne, as
24 well as Captain Reed, Captain Smith, and all of

1 the other incredible officers of Falmouth Police
2 Department. I have to say that, after
3 discussing this article with several members in
4 our community, and different industries, I'm
5 uncomfortable that this article is before Town
6 Meeting. And I've had a yellow flag for the
7 last few days because I have felt that it puts us
8 in an awkward position.

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

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

20 And I know that as a leader in the
21 business community I've had the good fortune of
22 working with our chief. And he's been
23 incredible for every opportunity that we've been
24 brought together and other law enforcement

1 agencies such as the Coast Guard, et cetera.
2 And but I'm not in a position to discuss anything
3 related to leadership of a department or
4 personnel, opportunities for leadership
5 succession or anything.

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

18 Thank you.

19 THE MODERATOR: Okay. Ms. Taylor.

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

23 Over the past couple of years, I've
24 faced several challenges in the School Committee

1 - I mean in the school community. Whether it
2 was an accident with two of our students, or
3 asbestos issues, any kinds of challenges that I
4 faced, and I have to say that Chief Dunne was an
5 incredible partner through all of my challenges
6 here.

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

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

16 Thank you.

17 THE MODERATOR: Okay, Ms. Moran.

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

23 With respect to the Board of Selectmen,
24 I spoke a little bit about the challenges going

1 forward in my opening report, and the opioid
2 problem is huge. There are going to be more
3 challenges on the way. Don't have to tell you
4 that. This really will, if granted by Town
5 Meeting, allow the Town Manager to continue the
6 contract for the Chief, you know, extend it one
7 year, two years, three years, from our
8 perspective. And that brings stability and
9 allows us to focus on the many other important
10 tasks we have at hand and, I think as well said
11 by Mr. Kasparian, also really allows that
12 mentorship and successor plan to occur so that,
13 you know, the next chief can really hit the
14 ground running.

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

22 But, from our perspective, we really
23 appreciate the opportunity to extend the contract
24 if granted by Town Meeting for all those reasons

1 and to, you know, and to the Chief in particular
2 I do think this was a nice opportunity for him to
3 have, you know, a little feedback - even though
4 that's not quite the subject of the article.

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

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

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

1 Thank you.

2 THE MODERATOR: Okay. Chief?

3 CHIEF DUNNE: Thank you, Mr. Moderator.
4 Town Meeting Members and Falmouth community.
5 Edward Dunne Precinct 8, your Police Chief. I
6 just want to say a few things.

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

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

19 Let me clarify my only reason for asking
20 to stay beyond the mandatory age of 65
21 retirement, and that is I have one year left on
22 my current contract and I would much like to
23 negotiate another three year contract, which
24 would bring me beyond the mandatory 65 age

1 retirement. This will allow me to complete
2 several important innovative projects currently
3 underway in the Police Department.

4 Should you pass this article, it will
5 not change any of my retirement benefits. They
6 would remain the same as if I retired on my 65th
7 birthday. It's part of the law. This request
8 can be made by any police officer or firefighter,
9 regardless of their rank as they approach the age
10 of 65. Historically, members of the Falmouth
11 Police Department retire in their mid to late
12 50s. As you just heard, one officer recently
13 retired at his 65th birthday.

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

22 Number one, you've heard tonight we have
23 some major issues. We do. We have an opioid
24 crisis which we've been working on since 2012,

1 and made some progress.

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

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

16 I'd like to form a community action
17 team. That's a program with the police and
18 health professionals that would go out, pro-
19 actively, in the community to seek the homeless,
20 those suffering from addiction, and people with
21 mental health, and deal with it proactively,
22 instead of reactively.

23 I would like to continue to build the
24 Police Department staffing levels pre-2009 budget

1 cuts. Today we are 58 sworn. With the passing
2 of the budget last night, we're 59 sworn.
3 Before the budget cuts, we were at 66. Calls
4 for service in 2009 were 28,926. For 2017, we're
5 at 36,926, which is an additional 7,494 calls.
6 We are handling more calls with less people.

7 THE MODERATOR: Okay, Chief, we're at
8 four minutes.

9 CHIEF DUNNE: Just two more lines?

10 THE MODERATOR: Quickly.

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

16 Thank you.

17 THE MODERATOR: Ms. Connolly.

18 MS. CONNOLLY: Annie Connolly,
19 Precinct 6.

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

1 Department and the Falmouth Police Department
2 because they're very important to public safety.

3 THE MODERATOR: Okay, I don't think we
4 need to get into every program that's running.
5 This is whether or not we want to authorize the
6 Selectmen to seek -

7 MS. CONNOLLY: Well -

8 THE MODERATOR: - the exemption. So
9 that's -

10 MS. CONNOLLY: - hmm, that's two times,
11 Dave.

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

14 THE MODERATOR: Okay. Mr. Latimer.

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

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

24 But I have a question for Town Counsel.

1 Specifically, what general or special laws are to
2 the contrary and how will this allow the
3 Selectmen to not observe those general or special
4 laws and go ahead and extend his contract, which
5 I would support, supposing that we can do it?

6 THE MODERATOR: Mr. Duffy.

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

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

20 Now, it just so happens that the
21 language that leads off, "Notwithstanding any
22 general or special law to the contrary" is just
23 generic language. It's the way you start off
24 almost any special act. Remember I referred to

1 the Special Act of 2007 to finance the wind
2 turbines; it began with the exact same language.
3 So I look at that as - as generic language.
4 It's just the way we introduce a special act.

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

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

10 MR. DUFFY: The only one I'm aware of
11 is the age restriction.

12 MR. LATIMER: And what is that law?

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

15 MR. LATIMER: It's a state statute.

16 THE MODERATOR: Yes, it's a
17 Massachusetts General Law.

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

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

23 MR. LATIMER: No -

24 MR. DUFFY: If you don't -

1 MR. LATIMER: - in terms of the
2 statute, are there not procedures that the Town
3 has to follow?

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

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

7 THE MODERATOR: - you petition the
8 Court for -

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

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

13 MR. DUFFY: And tell him to go home.

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

16 MR. DUFFY: Yes.

17 MR. LATIMER: Thank you.

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

20 [Laughter.]

21 THE MODERATOR: Mr. Donahue, no?

22 Okay.

23 Ms. Braga.

24 SELECTMAN BRAGA: Thank you. It's an

1 awkward position to be in to speak in favor of
2 the police. As a defense attorney, I'm usually
3 trying to pick them apart, but I will say we - we
4 really do have an amazing Police Department.
5 Every department has its challenges, but for the
6 most part you do not see our Police Department in
7 the paper, you do not see issues with officers
8 and the public the way that you do in some other
9 towns and communities.

10 And I think, you know, we have - we've
11 mentioned it tonight and the Selectmen have
12 talked about and we've expressed support and I've
13 expressed personal support for retirees being
14 able to work details.

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

1 Chief Dunne past the age of retirement.

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

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

16 It's - some folks are ready to retire at
17 65 and others are not. And they're capable of
18 performing for some period of time beyond that in
19 a manner that is to the benefit of their
20 community.

21 So I hope that we would support that for
22 Chief Dunne in the way that I hope we will
23 ultimately support that opportunity for our
24 retired officers and details.

1 THE MODERATOR: Mr. Murphy, next on the
2 list.

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

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

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

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

21 Keep in mind, everyone's saying that we
22 need to make way for the next command. Those
23 folks have only been - the captains have only
24 been captains for three to four years. They

1 need to learn and they need to gather the
2 information. Because we are a community that
3 has a \$137 million budget. We'd be shortsighted
4 to not do an assessment center when in fact a new
5 chief comes up. And I want to make sure that
6 those captains that are lieutenants, whoever they
7 are, have an opportunity to prove themselves at
8 that assessment center. We're going to give
9 them the chance to be able to become our next
10 chief.

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

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

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

24 Thank you.

1 THE MODERATOR: Mr. Herbst.

2 MR. HERBST: Ralph Herbst, Precinct 8.

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

10 THE MODERATOR: Mr. Suso.

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

13 THE MODERATOR: I -

14 MR. WALKER: [No mic:] [Inaudible]
15 personnel negotiation [inaudible.]

16 CHAIRWOMAN MORAN: I would agree.

17 MR. HERBST: Well, I feel as - excuse
18 me, but I feel, like Mr. Bidwell, that this
19 places all of us in a difficult position because
20 it's dealing with one person in our Town who has
21 a very responsible position and has done a great
22 job. I would like to remind Town Meeting that
23 when people are appointed to committees they are
24 required to terminate their participation after

1 three terms. So that applies to a lot of people
2 who served this town besides just the employees.
3 So, there's a policy there that says three times
4 and then give somebody else a chance.

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

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

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

21 Thank you.

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

24 MS. SZUPLAT: Hi, Peggy Szuplat,

1 Precinct 7.

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

7 THE MODERATOR: This petition would end
8 on June 30th, 2024, the way its written.

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

11 THE MODERATOR: Yeah, I don't know.
12 Mr. Patterson. Or, Chief?

13 MR. PATTERSON: If another -

14 THE MODERATOR: Mr. Patterson, I'm
15 sorry, the Chief --

16 MR. PATTERSON: Oh, I'm sorry.

17 THE MODERATOR: - wanted to address the
18 question.

19 MR. PATTERSON: Sure.

20 CHIEF DUNNE: I'm 62 right now. I'll
21 be 63 in June.

22 THE MODERATOR: Mr. Patterson.

23 MR. PATTERSON: What I wanted to say is
24 I, with all respect for, you know, concerns that

1 Mr. Bidwell has raised about this being a
2 personal issue, I think we should be looking at
3 it from the standpoint of the quality of the
4 Town, and the quality services that we're giving
5 to our citizens. You know, age is a different
6 factor these days, and I know from talking to
7 Chief Dunne personally, he's out riding bicycle
8 rides of something like 50 miles a day. So his
9 health is very much in good shape.

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

22 When you have a gentleman like Chief
23 Dunne who has the ability to organize a very
24 complicated department of 50 people or more, who

1 are all individually using a fair amount of
2 discretion about how they respond to every
3 situation, to get that kind of performance out of
4 a group of more than 50 people is a very
5 challenging job and requires a lot of experience,
6 a lot of knowledge, a lot of communication
7 skills, a lot of empathy, and I don't think we
8 should underestimate what it takes to really
9 perform at the level that we see our Police
10 Department performing in this town.

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

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

1 Thank you.

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

4 MR. PECK: Thank you, Mr. Moderator.
5 Bill Peck, Precinct 9.

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

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

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

1 So that's just something to think about.
2 When you take a career in civil service
3 and you're doing public safety work,
4 firefighters, police officer, court officers,
5 jail guards, you're there; some people want to
6 move up through the ranks, as Chief Dunne did.
7 He ended up at the top. My father ended up at
8 the top, at the Fire Department. He was chief
9 for 21 years. It broke his heart when he turned
10 65; at the end of August, when he turned 65, he
11 had to retire. He was chief for 21 years. And
12 it bothered him.

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

19 So, I'd just ask you to consider that:
20 65 is the retirement age in public safety. And
21 it's that way for a reason. So I'd just like
22 you to consider that.

23 THE MODERATOR: Mr. Hargraves, anything
24 new?

1 MR. HARGRAVES: Thank you, Peter
2 Hargraves, Precinct 9.

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

14 The way I'm thinking about this question
15 on the floor is that our paid Town Administrator
16 who leads the personnel aspect and defines the
17 leadership of these different departments, has
18 asked for permission to do his job and operate
19 within the law by -- because he believes it's in
20 the best interests of the Town to retain the
21 option of continuing Chief Dunne's exemplary
22 professional service. And I think we're here to
23 enable the person we pay to make these decisions
24 and provide that leadership to do his job, and

1 I'm really not wanting to further discuss Chief
2 Dunne's performance, and so I --

3 THE MODERATOR: Okay, let's - let's not
4 further discuss anymore. We've had an hour.
5 You all know where you're going to vote.

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

12 All those in favor of Article 24 as
13 recommended, signify by pressing 1A for yes, 2B
14 for no. The polls are now open. 1A for yes,
15 2B for no.

16 [Pause.]

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

19 [Pause.]

20 [Applause.]

21 THE MODERATOR: By a counted vote of
22 130 in favor and 65 opposed, the article passes.

23 Article 26, Madame Chairman of the Board
24 of Selectmen for the main motion.

1 CHAIRMAN MORAN: Mr. Moderator, I move
2 Article 26 as printed.

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

12 Said provision is to be applicable to
13 all types of local adjudicatory hearings.

14 This was held by Ms. Putnam.

15 MS. PUTNAM: Rebecca Putnam, Precinct
16 9.

17 Very quickly. People that are on these
18 boards make a commitment, but people who come
19 before these boards with their issues, with their
20 applications, with their whatever they need, a
21 lot of times are paying attorneys, they're paying
22 engineers. They're presenting a case before
23 these boards with information, sometimes with
24 feelings, and if you have one person missing for

1 that one meeting, they also don't get the
2 opportunity to ask the applicant, the attorney,
3 the engineers questions that may help in making a
4 proper decision on whatever they are applying
5 for.

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

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

20 Reviewing information on a piece of
21 paper is not always giving you the full picture.
22 And not all the boards are televised or recorded.
23 So that person that's missing the meeting is
24 missing everything other than seeing what is

1 written down by somebody who is recording what is
2 said at that presentation.

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

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

11 MR. DONAHUE: Bob Donahue, Precinct 3.

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

16 Thank you.

17 THE MODERATOR: Okay, Mr. Duffy.

18 MR. DUFFY: This Article was put on the
19 warrant by the Board of Selectmen, likely at the
20 request of my office. We have a situation in
21 town where a number of hearings -- and we're
22 talking about adjudicatory hearings in this
23 situation. And an adjudicatory hearing is where
24 a board which grants a permit or a license or

1 some special permit or something like that, hears
2 evidence presented by the applicant and then it
3 decides, based upon the evidence presented,
4 whether or not to grant the license or the
5 permit.

6 Typically we're talking about the Board
7 of Appeals granting special permits or variances,
8 the Planning Board approving subdivision plans,
9 the Board of Health perhaps on a septic issue,
10 the Conservation Commission certainly on an order
11 of condition, and the Board of Selectmen largely
12 on their alcoholic beverages control authority.
13 There is a problem that commonly occurs in that
14 many of these hearings get stretched out over
15 several nights. Not everything is wrapped up the
16 first night.

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

22 Under the existing law, if a person who
23 is on the board hearing the case misses a
24 meeting, they technically cannot vote at the end.

1 So sometimes you run up against quorum problems.

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

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

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

24 THE MODERATOR: Okay, Mr. Putnam.

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

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

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

13 THE MODERATOR: Mr. Putnam.

14 MR. PUTNAM: "An awful lot" is not
15 really a number. The last article was mentioned
16 17 communities and that sounds like an awful lot,
17 but there are 351 communities in Massachusetts,
18 so I would have liked something a little bit more
19 concrete to work with.

20 THE MODERATOR: Yeah, Mr. Duffy.

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

23 [Laughter.]

24 MR. PUTNAM: Okay, well, you've

1 answered or tried to answer my question. Thank
2 you, sir, I appreciate that.

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

15 I'm going to echo what Rebecca, my wife,
16 said a few moments ago about these hearings, and
17 I'm going to echo it from the perspective of
18 being up there, behind the table. Because when
19 you have these hearings, yeah, you can read the
20 minutes -- and I've missed some hearings and I
21 was not part of the votes for some of those
22 situations - and you read the minutes and maybe
23 watch the videotape, and you can sign a document,
24 saying, "Oh, yeah, I read all the evidence," but

1 you weren't there. You didn't see how the
2 applicant reacted when you asked a question.
3 You didn't see how the audience reacted when
4 questions were asked.

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

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

16 I appreciate that this is an option and
17 maybe some communities use it; maybe a lot. And
18 maybe it is valuable in some cases, but I think
19 it does us a disservice to the applicants and a
20 disservice to the community at large when we
21 allow folks who are not present, not physically
22 present. Because our communication, ladies and
23 gentlemen, very little of it is spoken. Most of
24 it is through the tone of our voice and even more

1 is through just our - our face to face impression
2 of one another.

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

6 I'd ask you to vote against this.

7 THE MODERATOR: Okay, Mr. Latimer.

8 MR. LATIMER: Richard Latimer,
9 Precinct 1.

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

23 It can't be, "Well, I would have decided
24 it differently if I saw that guy in the audience

1 winking at me." That doesn't get into the
2 record.

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

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

15 Thank you.

16 THE MODERATOR: Okay, Mr. Hargraves.

17 MR. HARGRAVES: Peter Hargraves,
18 Precinct 9.

19 I'm rising to share an anecdote that
20 supports strongly your vote in favor of this
21 article. In fact, some of what we heard about
22 the members of a board looking for a tells and
23 the possibility of discomfort with someone in a
24 public speaking occasion to see how they look and

1 act, and use that as a basis for decision, to me
2 that speaks to an opportunity for improvement in
3 the process.

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

17 This was a miscarriage of justice by an
18 incompetent board that heard our case. And I
19 think we would have felt a lot better had the
20 experienced person who's broadly demonstrated on
21 many occasions the opportunity to look at data
22 and reach a fair and balanced conclusion, if that
23 person had reviewed the information which was
24 very extensive, a foot worth of information and a

1 pile of papers that the least experienced person
2 didn't even understand and had not read.

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

8 Thank you.

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

12 MR. SHEARER: Douglas Shearer, Precinct
13 6.

14 Don't know how many is how many, but
15 Bourne would be one of the communities that's
16 taken advantage of this. This was placed in
17 while I was still a Planning Board member there,
18 and several times we had potential issues of
19 reaching a quorum with recusals or sicknesses or
20 other events that kept people from being there.
21 Some of those are - and the problem that arose
22 and the reason it was pushed forward in Bourne
23 was due to time constraints on when hearings had
24 to be voted upon.

1 I think it's very important, missing one
2 meeting. No one's looking - no one should be
3 looking into the audience for a reaction. It's
4 a simple: look at your bylaws, ask questions, how
5 does it apply, make your vote. You should be
6 able to come back, review the minutes, and the
7 questions that have been asked. You will have
8 an opportunity before you vote to ask the
9 questions yourself if you had missed a meeting.

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

17 Thank you, Mr. Moderator.

18 THE MODERATOR: Mr. Finneran.

19 MR. FINNERAN: Marc Finneran, Precinct
20 6.

21 I've been to a lot of meetings, mostly
22 the Selectmen's meetings, and I've watched a lot
23 on T.V., and I can say honestly that when you
24 attend the meeting, you do pick up more.

1 Whether it's enough to make this vote - or make
2 you vote against this article, I don't know.

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

8 THE MODERATOR: Okay, Mr. Putnam.
9 No? You're all set.

10 Mr. Walker.

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

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

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

20 MR. DUFFY: They can only miss one
21 meeting.

22 MR. WALKER: One meeting, is that --

23 MR. DUFFY: Yes.

24 MR. WALKER: - one meeting in a year or

1 in the --

2 MR. DUFFY: No, one meeting per
3 subject. Per - in other words, if there's an
4 application for a special permit, you can only
5 miss one meeting when that application is
6 discussed.

7 MR. WALKER: Thank you very much.

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

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

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

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

23 I had some concerns, as well, about this
24 article. And then I read the statute, after

1 speaking with Town Counsel, and I would like to
2 bring to my fellow Members' attention a sentence
3 in the statute. It reads: "Before any such
4 vote" - and this is for the member who was unable
5 to attend all the meetings - "the member shall
6 certify in writing that he has examined all
7 evidence received at the missed session."

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

14 So, my interpretation of this, and I
15 would hope that if there's a difference of
16 opinion of Town Counsel that he shares it with
17 us, that anyone who misses a meeting who's voting
18 has to affirm in writing that he or she reviewed
19 any missed information, be it in the form of a
20 written transcript or a recording. And if they
21 don't do that, they shouldn't be voting. And I
22 think if they miss enough meetings, I would hope
23 that they would not get reappointed to that
24 board.

1 So I'm going to be voting in favor.

2 THE MODERATOR: Mr. Duffy.

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

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

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [No.]

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

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

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

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

1 presentation.

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

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

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

12 So, I'm going to have the lieutenant go
13 through the PowerPoint for you.

14 LIEUTENANT DECOSTA: Thank you, Chief.

15 I'm Lieutenant Douglas DeCosta with the
16 Falmouth Police Department.

17 Okay, just to quickly summarize our
18 fingerprint-based background checks. The
19 proposed bylaw, it's a model policy that ensures
20 that those individuals who apply for certain
21 licenses – and I'll go over those licenses – from
22 the Town to serve, interact with the public, are
23 fully and properly vetted in advance through a
24 national fingerprint-based system, and present no

1 documentable safety or security risk to the
2 Falmouth citizens, both adult and children.
3 That's all of you and our visitors, also, as you
4 see which licenses it applies to.

5 So, we've been authorized to do this,
6 2012, the state authorized us to go to our
7 legislative body and ask you to put this bylaw
8 into effect.

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

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

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

23 A solicitor, so somebody coming door to
24 door, that person. So if we have a hundred of

1 those, they would have to come in.

2 Operator of a public conveyance. This
3 is your taxi and livery. We'd also ask those
4 folks to come in.

5 The dealer of secondhand articles. One
6 person, that's the dealer. So, the question
7 came up on thrift shops: no. The dealer. Just
8 one person. We hope that the thrift shops are
9 doing some type of background check on their own;
10 I know a few of them are. But we're interested
11 in just the dealer. And that applies to your
12 secondhand, junk, cars, pawn dealers, et cetera.

13 The final one is already in operation
14 required by law, and that's the ice cream truck
15 vendor.

16 So the pros of the new bylaw: obviously
17 it will increase safety for the citizens and
18 visitors, expand the applicant background check
19 from a local and state level to a national level.
20 Again, we're only doing a state level check right
21 now. So that will include a Massachusetts
22 criminal records check and as well as an FBI
23 national criminal records check.

24 It'll increase the limited criminal

1 records look back. So, right now, for example,
2 a taxi operator, we're only going back five
3 years. So we'd like to take a look at the rest
4 of that.

5 It'll determine suitability, as we've
6 stated before.

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

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

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

1 the applicant to have his fingerprints done.

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

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

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

20 All right, now, with these different
21 licensing, the Police Department doesn't handle
22 all these licensing. So if we didn't find
23 through a fingerprint background check we'll say
24 on a licensee for a liquor license, that would go

1 to the Board and we would be able to give them a
2 report so that they could determine the
3 suitability and they could deny or approve on the
4 report that they see.

5 And that's it.

6 THE MODERATOR: Okay, Ms. Murphy.

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

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

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

21 I would ask that Chief Dunne reconsider
22 his bylaw and resubmit correctly as suggested
23 above in November with no fee attached. Perhaps
24 by doing this, it would show he is at least

1 professional, and if not professional, at least
2 courteous.

3 FROM THE FLOOR: [General uproar.
4 Inaudible.]

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

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

10 MR. DUFFY: [No mic:] Not that I'm aware
11 of.

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

14 MS. MURPHY: What --

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

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

20 THE MODERATOR: On a - on a --

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

23 THE MODERATOR: You're going to let me
24 speak now. Or you're not going to speak anymore

1 tonight.

2 MS. MURPHY: Excuse me?

3 THE MODERATOR: The fee schedule after
4 a hearing is when the bylaw says that the fee
5 shall be established by the Board of Selectmen;
6 then they have to have that hearing annually.
7 This is a general bylaw that is being proposed to
8 be set in statute for the Code of Falmouth by the
9 legislative body to include a specific fee, which
10 would be set by the legislative body, not by the
11 executive body. That's the difference.

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

16 MS. MURPHY: Okay, I didn't --

17 THE MODERATOR: We make the laws.
18 We're the legislature.

19 MS. MURPHY: That's fine. May I
20 continue?

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

23 THE MODERATOR: Yeah. We'll go to the
24 next slide. Go ahead.

1 MS. MURPHY: By law, with narrow
2 selective targets instead of all employees in the
3 Town of Falmouth, demonstrates a disregard for
4 small business and non-profits and sadly an ice
5 cream vendor, who has only six weeks in the
6 summer to make money.

7 This is my letter to Chief Dunne, my
8 email. "Dear Chief Dunne, I'm Carol Murphy,
9 Falmouth Town Meeting Member from Precinct 9. I
10 attended my precinct meeting last night and was
11 quite alarmed at Article 27, Article 9, requiring
12 full sets of fingerprints from every dealer of
13 secondhand articles, et al, and charging one
14 hundred dollars as a fee. Nowhere in this
15 proposed article of yours does it mention what
16 happens to those who already have a full set of
17 fingerprints on file via federal arms I.D. card
18 or military service. Are those business owners
19 still charged the \$100 fee? Years ago, we
20 secondhand dealers met with then Chief Riello,
21 who had a much kinder approach to introduce Town
22 bylaws. Why couldn't you have asked us all to
23 meet with you in the meeting room at the police
24 station before launching this insulting bylaw?

1 This bylaw does not improve police relations with
2 small business retail community. Please respond
3 at your earliest convenience as this is an
4 unreasonable measure by you, and shows your
5 disdain for the small business given the amount
6 of excessive financial burdens we currently face.
7 I'm certain in keeping with the Falmouth Service
8 Center Brenda Swain's set of fingerprints in your
9 database goes far to protecting Falmouth
10 citizens. Sincerely, Carol Ann Murphy,
11 Bittersweet Road, East Falmouth, Precinct 9 Town
12 Meeting Member."

13 Chief Dunne's response: "Dear Carol
14 Murphy, First, let me say the Falmouth Police
15 Department is not against small businesses. This
16 bylaw that is being proposed would help protect
17 citizens - business owners and citizens of
18 Falmouth. Article 27 is being presented to
19 Town Meeting as a model policy that is currently
20 being used by several communities around us.
21 That being said, I'm just presenting the model
22 policy at Town Meeting. Of course it will be up
23 to Town Meeting to decide on whether to move
24 forward or not with a proposed bylaw on

1 fingerprinting to ensure the safety of the
2 community. I plan on having a presentation at
3 Town Meeting and welcome a discussion on this
4 subject. I look forward to speaking further on
5 the article. Thank you, Chief Dunne".

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

11 This is an article from the Cape Cod
12 Times dated January 23rd, 2018. This is an
13 excerpt from the Article. "Some Barnstable towns
14 haven't considered adopting these bylaws. 'It
15 hasn't been brought up', Wellfleet Police Chief
16 Ronald Fisetete said. 'Bourne hasn't adopted the
17 provisions and I see no desire to do so at this
18 time', said the Town's Police Chief Dennis
19 Woodside. According to the minutes of the March
20 29th, 2016 meeting of the Truro Selectmen an
21 article for the fingerprint-based background had
22 been put on the draft warrant but the Board
23 unanimously voted to remove it. An official
24 with the American Civil Liberties Union of

1 Massachusetts called a bylaw requiring
2 fingerprint based checks for certain vendors a
3 bad idea. 'The FBI database is notoriously
4 inaccurate and in some cases databases are under
5 inconclusive, which would give cities a false
6 sense of security,' said Kate Crockford, Director
7 of Technology for the ACLU Liberty Project.
8 Regarding privacy, Crockford said, 'The FBI says
9 it keeps different databases for civil and
10 criminal, but an important data privacy principle
11 is that this information collected for one
12 purpose shouldn't be used for another.' Some
13 disagree that privacy issues should trump the
14 public safety. 'When protecting the public I
15 don't think there's anything - I don't think
16 anything is too much.'"

17 Amendment to Article 27. Amendment to
18 Article 27 to include category of all Town
19 employees elected and non-elected, to submit to
20 fingerprinting by the Falmouth Police Department.
21 Any employee in the Town engaging in occupation
22 activities within the Town shall submit to a full
23 set of fingerprints taken within ten days of the
24 date of application for employment for the

1 purpose of conducting a state and national
2 criminal background check to determine the
3 suitability of the applicant for the position.

4 Fingerprint based checks using the same
5 bylaw, same laws and procedure required under
6 Mass. General Law Chapter 6, Subsection 172 B ½.
7 Adding this amendment bears a rational
8 relationship to the stated goal below. This
9 action ensures that those individuals who apply
10 for positions with the Town of Falmouth to serve
11 and interact with the public are fully and
12 properly vetted in advance through a national
13 fingerprint based system and present no
14 documentable safety or security risk to Falmouth
15 citizens, both adult and children.

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

18 FROM THE FLOOR: [Inaudible.] Isn't she
19 over time?

20 THE MODERATOR: No, she's - she's got
21 time. She's at 7:40.

22 Do you have the amendment in writing for
23 the clerk?

24 MS. MURPHY: I just - I have one more

1 thing to add --

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

4 MS. MURPHY: Excuse me?

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

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

9 [Pause.]

10 THE MODERATOR: Okay, go ahead.

11 You're still on the clock.

12 MS. MURPHY: Chapter 459 of the Acts of
13 2012, Civil Fingerprinting for Educators and
14 Other Individuals working with and around
15 children. If a city or town were to draft an
16 ordinance allowing local police to fingerprint
17 school employees and others under Chapter 459,
18 the FBI would not accept the fingerprint
19 submissions because the statute for
20 fingerprinting school employees does not allow
21 for fingerprint based checks using the same laws
22 and procedures required under MGL C. 6, S. 172 B
23 $\frac{1}{2}$.

24 All Falmouth School employees are

1 fingerprinted, but their fingerprints are not in
2 the FBI data base, the same way Chief Dunne's
3 Article 27 would require asking all Town
4 employees to be fingerprinted under MGL C. 6,
5 S. 172B ½.

6 THE MODERATOR: Okay. Mr. Dufresne.

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

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

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: For real?

16 [Laughter.]

17 THE MODERATOR: Can we cue a slide?
18 We're going to do a slide here. All those in
19 favor of exceeding past 11:00 to finish up this
20 article will vote 1A, or 2 no.

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

24 [Pause.]

1 THE MODERATOR: By a counted vote of
2 130 in favor and 55 opposed, we're going to
3 exceed past 11:00 o'clock.

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

8 MS. MURPHY: [No mic: inaudible.]

9 THE MODERATOR: Okay. So, the
10 language, can we get the slide up? PowerPoint
11 folks, can we get the - PowerPoint guys? Can we
12 get the slide up with that motion, just the
13 motion slide?

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

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

19 THE MODERATOR: Yeah, it is, because
20 it's just adding applicants that are necessary
21 for fingerprints by the Police Department, so.
22 And so she's recommending that the language goes
23 in the second - or actually it's the third -
24 well, no, it's the second section. 156-15.2

1 Applicants submission to fingerprinting by the
2 Falmouth Police Department. So that's where
3 we'll put that.

4 Okay, discussion on the amendment?

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

7 THE MODERATOR: No, she's adding this
8 to - so it would be the five folks there or six -
9 one, two, three four - the five folks there.

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

12 THE MODERATOR: Yeah. Okay. So, any
13 discussion on the amendment? Mr. Lowell.

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

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

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

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

24 The question will come on the amendment.

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

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

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

9 Further discussion, Mr. Latimer.

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

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

15 MR. LATIMER: Richard Latimer, Precinct
16 1.

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

23 THE MODERATOR: Okay, we're going to
24 answer that question real quick. Mr. Duffy.

1 MR. DUFFY: We have a bylaw that
2 regulates secondhand dealers and secondhand
3 collectors. It was passed a number of years
4 ago. Chief Dunne referred to it I think as
5 during Chief Riello's tenure. It has a
6 definition of secondhand dealers. And they're
7 people who deal in the following property:
8 precious metals, precious gems, watches and
9 jewelry, electronics, audio and video devices,
10 power tools and equipment, musical instruments,
11 sporting goods, bicycles, boats, planes,
12 motorcycles, art, coins, currency and antiques.
13 If the thrift shop is not dealing in any of those
14 items, this bylaw doesn't apply to them.

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

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

22 MR. LATIMER: Okay, that's one problem
23 that I have.

24 I have another problem, here. Exactly

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

13 So, my question is: would that be a -
14 would that constitute a documentable security or
15 safety risk, according to the Falmouth Police
16 Department?

17 THE MODERATOR: Mr. DeCosta.

18 LIEUTENANT DECOSTA: Currently the
19 bylaw states certain crimes that we can look at,
20 and anything that would be unsuitable would be in
21 the violent crime area, sex offenders and so
22 forth. And if you're looking at someone that
23 had a license - in your particular case you're
24 referring to secondhand - if they had fraud,

1 theft, and so forth, we would take an eye upon
2 that, and then make a decision on whether it'd be
3 appropriate for us to approve or not approve
4 their license.

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

7 LIEUTENANT DECOSTA: Those wouldn't
8 count.

9 MR. LATIMER: They won't be?

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

12 MR. LATIMER: The final thing that
13 bothers me about this, I appreciate the fact that
14 it says, "This information will be used only to
15 determine the suitability of the person for the
16 position in question," however, something just
17 bothers me about this that this isn't maybe a way
18 of getting information to the FBI or the criminal
19 justice system about people who may be
20 undocumented aliens who may have just done
21 something innocuous like trespass or something
22 like that, who's fingerprints are on file. And
23 now, even though the Town isn't using that
24 information for any type of purpose related to

1 deportation, certainly that gives a red flag to
2 the FBI and or perhaps to Homeland Security and
3 leads to that kind of thing. And it just
4 bothers me.

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

12 Just a concern. Thank you.

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

15 Mr. Thrasher, you're on the list.

16 MR. SACCHETTI: Dick Sacchetti,
17 Precinct 4.

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

21 FROM THE FLOOR: Can't hear you.

22 MR. SACCHETTI: Oh --

23 THE MODERATOR: Just got to get a
24 little closer to the mic, yeah.

1 MR. SACCHETTI: Okay. When someone
2 gets a gun license, do they get fingerprinted
3 when the Falmouth Police Department issues that
4 license?

5 THE MODERATOR: Yes.

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

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

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

24 How would you handle that?

1 LIEUTENANT DECOSTA: We do the same
2 thing with farms licensing. We look at the
3 overall package, just as you've given an example,
4 and folks are also allowed to, so, appeal with
5 us, and they also have a right of appeal later.
6 In this particular case, you're framing it around
7 a criminal trespass. If it's just a criminal
8 trespass of someone's yard or you're talking
9 about a White House, there is a difference.

10 MR. SACCHETTI: Okay, so you --

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

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

16 LIEUTENANT DECOSTA: That's correct.
17 And if the hit does not show any type of
18 conclusion or a disposition, we wouldn't use it
19 or we would look further. If it says "murder",
20 we would probably look further.

21 [Laughter.]

22 THE MODERATOR: Good idea.

23 MR. SACCHETTI: Oh, yeah. All right,
24 thank you very much.

1 THE MODERATOR: Okay, Ms. Swain.

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

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

13 [Applause.]

14 THE MODERATOR: Mr. Thrasher.

15 Folks, let's go, let's go.

16 Mr. Thrasher.

17 MR. THRASHER: Scott Thrasher, Precinct
18 4.

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

22 LIEUTENANT DECOSTA: Yes, the
23 solicitors. Most folks would probably like
24 those to be vetted.

1 MR. THRASHER: So, I hope I'm not
2 reading into this like: Boy Scouts selling
3 popcorn door to door with parents?

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

7 MR. THRASHER: Thank you.

8 THE MODERATOR: Okay, Ms. Williams.

9 MS. WILLIAMS: Cheryl Williams,
10 Precinct 3.

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

22 LIEUTENANT DECOSTA: Yes. The point
23 there -- and we see a lot of folks come in.
24 You'll see the Christmas Parade and so forth, or

1 the fireworks, you'll see people come in from
2 other states, particularly Rhode Island. Right
3 now we're not even checking them in Rhode Island.

4 MS. WILLIAMS: Yeah, but the --

5 LIEUTENANT DECOSTA: It comes up
6 nothing in Massachusetts.

7 MS. WILLIAMS: But specifically what
8 I'm talking about in the summertime, oftentimes
9 young people are brought in by the van loads,
10 they're put up in local hotels and then they're
11 dropped off into a given neighborhood and they go
12 door to door.

13 LIEUTENANT DECOSTA: That's correct,
14 they would be --

15 MS. WILLIAMS: So they would be
16 included?

17 LIEUTENANT DECOSTA: Yes.

18 MS. WILLIAMS: Thank you.

19 THE MODERATOR: Okay, let's see who I
20 have here. Oh, Ms. Murphy, Ms. Murphy. With a
21 mic, please.

22 MS. MURPHY: May I have an answer to my
23 question, as to those people who already have
24 their fingerprints on file with the FBI and

1 federal firearms I.D. card, are they still being
2 subjected to this fee and this process?

3 LIEUTENANT DECOSTA: Yes. What will
4 happen is, is just like a renewal of a firearms
5 license. The first time you go in for a
6 firearms license, just like this license, you'll
7 have your fingerprints taken. When you come
8 back for your renewal, we won't have to take your
9 fingerprints again, but we must ask the state to
10 look at the database.

11 The \$30 is going to the state; it's not
12 going to us. We're using their database.

13 MS. MURPHY: But the other \$70 is going
14 into the Police Department for administration, is
15 my understanding.

16 LIEUTENANT DECOSTA: That would be up
17 to the Board to make that determination.

18 MS. MURPHY: It - it --

19 LIEUTENANT DECOSTA: We have different
20 fees.

21 MS. MURPHY: I'm sorry, but it says so
22 in the article, I think. There's wording in the
23 article to that effect.

24 And I just wanted to ask: if there is a

1 current license holder who has their fingerprints
2 on file with the FBI and a firearms I.D., are
3 they still going to have to pay that \$100 fee and
4 submit their fingerprints?

5 LIEUTENANT DECOSTA: I believe I've
6 answered that question: yes.

7 FROM THE FLOOR: Yes.

8 MS. MURPHY: So, current holders who
9 still - who have their fingerprints on file - I
10 just want to understand this -

11 FROM THE FLOOR: Yes.

12 LIEUTENANT DECOSTA: Yes.

13 MS. MURPHY: They are still going to
14 submit to their fingerprinting and pay the \$100
15 fee. Thank you very much.

16 THE MODERATOR: Okay, Ms. Mace.

17 MS. MACE: Rose Mace, Precinct 3.

18 I never speak. So I'm really nervous.

19 My question - I have a couple questions.
20 One of them is are - who's here in Town now, like
21 the secondhand dealers, is there any way that
22 they can just be grandfathered in? And it's
23 people coming in? Or no? Like, would you
24 still have to take her fingerprints?

1 LIEUTENANT DECOSTA: It would be
2 current and future. So, when you come up for
3 renewal, even if you've had a secondhand dealer's
4 license for ten years or if you've just opened
5 your shop up, you will be subject to this bylaw.

6 MS. MACE: So my second thing is, is
7 the secondhand dealers. That was when, like,
8 six years ago, five years ago, when I was first
9 introduced to all this, I remember the second-
10 hand dealer bylaw. I was actually at the
11 meeting that created that whole bylaw, was
12 because out in West Falmouth and East Falmouth
13 everybody's cars were getting broken into and
14 they wanted to do something about this. So,
15 because people's cars and homes were being broken
16 into, they, you know, reacted to that and made
17 this bylaw.

18 Now we're all saying, "Well, we don't
19 want to do this," but they want us to do this to
20 be proactive, instead of waiting for something to
21 happen, which is the reason why we have the
22 secondhand dealer's bylaw in the first place.

23 And my third thing is, is that
24 previously in the last few articles, we just all

1 voted to allow Chief Dunne to go beyond his 65
2 year retirement, or to allow the Mr. Suso to make
3 that determination, because we believe that what
4 he does is right, and we believe that he has the
5 best interests of the Town. But now we're going
6 to sit here and say we don't really think that,
7 though. So we're in a way contradicting what we
8 just did if we vote this down.

9 So, that's all you're going to hear from
10 me for tonight.

11 THE MODERATOR: Okay, Mr. Putnam.

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

14 I was actually in favor of Ms. Murphy's
15 amendment because I was looking forward to the
16 idea of fingerprinting politicians. I think
17 that's probably something that's long overdue.
18 And, that said, could the Chief or the Lieutenant
19 please answer how many licensees have slipped
20 through the cracks. We're presumably passing
21 this because we've had some problems with
22 background checks that we're trying to fix?

23 LIEUTENANT DECOSTA: I'm sorry, I
24 wouldn't be able to give you a number. But I

1 like the example better of stating that if you
2 run a Massachusetts check, like the example of
3 the solicitor going door to door, I know for a
4 fact they come in from Rhode Island. They have
5 a Rhode Island address, everything. I look,
6 they don't have a Massachusetts license, they
7 don't have a Massachusetts background. Do they
8 have a criminal background? We don't know
9 because we're not allowed to go further. But we
10 know they've just come in from Rhode Island, with
11 all Rhode Island documentation.

12 So that - that is where it is
13 predictable as being slipped through the cracks.
14 Whether they all 100 percent would be fine, I - I
15 wouldn't be able to tell you either way. I
16 can't give you a number of who has slipped
17 through the cracks, but I can use that example to
18 show you that someone may.

19 MR. PUTNAM: I appreciate where you're
20 coming with that, but I guess I have a problem
21 with this from a civil liberties perspective,
22 because this sounds more like a solution in
23 search of a problem. If we don't know how many
24 people are really slipping through the cracks,

1 are we just creating more paperwork and
2 subjecting people to more background checks
3 unnecessarily, is my concern.

4 We have to give some thought, folks, to
5 the concept of liberty in general. And it might
6 be a little difficult, because of course, you
7 know, there's a good example up here: ice cream
8 trucks. They deal with kids all the time. We
9 obviously don't want to have pedophiles coming
10 from other parts of the country and operating an
11 ice cream truck in Falmouth. Very reasonable.

12 But, on the other hand, when we're
13 starting to fingerprint everybody for everything
14 that we're doing, we have to ask ourselves: have
15 we gone too far? And this is maybe not too far
16 this time, but then what's next? What's the
17 next step? It's real easy to say this sounds
18 reasonable now, but are we really willing to take
19 that first step and then go down the road another
20 step a little bit later?

21 The second-hand dealers bylaw is being
22 mentioned. Well, that was the first step. Now
23 we're going to start fingerprinting people. Ms.
24 Murphy suggested we expand it to all Town

1 employees, and that sounds like a really good
2 idea, but is it going a step too far?

3 I really think we should have some more
4 public discussion about this. I think Ms.
5 Murphy had the right idea in that, that there
6 should be some more vetting about this bylaw
7 before we really start going down this road.
8 I'm really uncomfortable with this.

9 Thank you.

10 THE MODERATOR: Mr. Donahue.

11 MR. DONAHUE: Bob Donahue, Precinct 3.

12 Through you, Mr. Moderator, I'd like to
13 ask could we with the Police Department be willing
14 to exempt churches and church-related
15 organizations from the \$100 fee?

16 LIEUTENANT DECOSTA: The Chief and I
17 have discussed this and he's the boss and we
18 don't mind - you're the legislative body. We've
19 presented you with a model policy. If you wish
20 to amend it, that's up to you, sir.

21 MR. DONAHUE: And I would like to amend
22 this, Mr. Moderator.

23 FROM THE FLOOR: No.

24 MR. DONAHUE: Well, think about it,

1 it's all our churches that have thrift shops,
2 sales, all that stuff is going to fall into this.
3 So we should exempt them from the \$100 charge.
4 Some organizations, a hundred dollars is a lot of
5 money.

6 So --

7 THE MODERATOR: I'm going to be honest
8 with you, I'm not writing your amendment tonight.
9 So, if you have it in writing, you can submit it
10 to the clerk --

11 MR. DONAHUE: No, I --

12 THE MODERATOR: I --

13 MR. DONAHUE: Okay.

14 THE MODERATOR: I'm not going there
15 tonight. You've got to do your homework before
16 you get here.

17 Okay, the lady in the aisle, over here.
18 I saw a hand somewhere. I don't know where it
19 is, yeah, sorry.

20 MS. LONG: Sarah Long, Precinct 7.

21 I just want to make sure we understand
22 that, whether you like this or not, it should not
23 be viewed as a referendum on Chief Dunne.

24 Now, I have sort of a problem with this

1 law for a - this proposal for a variety of
2 reasons, but I don't feel that if I vote no, that
3 I'm somehow saying, "Well, my vote yes for Police
4 Dunne before is contradicted." It isn't.
5 We're here to vote.

6 If you like something and it's been
7 proposed by our - our leaders or the other
8 bodies, you listen, you debate, you vote for it.
9 If you don't like it, you vote against it.

10 We don't rubber stamp here.

11 So, I just felt like it was becoming
12 very personal, and I don't think it should be.

13 You know, my concerns with this law
14 overlap with what Mr. Putnam said, somewhat. I
15 think it kind of goes too far. I have a general
16 concern that we're trying to protect ourselves
17 from everything, and where does it stop. But,
18 that's just a personal opinion.

19 Chief Dunne, I respect what you've
20 proposed and I - and this is not about you.

21 THE MODERATOR: Mr. Swain.

22 MR. SWAIN: [No mic: inaudible.]

23 THE MODERATOR: With a microphone,
24 please.

1 MR. SWAIN: Charlie Swain from Precinct

2 1.

3 Who is saying that that solicitor from
4 Rhode Island, who we don't have fingerprints on,
5 was a gun dealer? We don't know. And this is
6 what this bylaw would take care of.

7 Anyway, I move the question, Mr.
8 Moderator.

9 THE MODERATOR: Okay. You know my
10 rule, though, you can't speak and then move the
11 question.

12 So, okay, Mr. Haddad.

13 MR. HADDAD: David Haddad, Precinct 9,
14 I'd like to move the question, Mr. Moderator.

15 [Cheers and applause.]

16 THE MODERATOR: Okay. That's the way
17 you do it.

18 [Laughter.]

19 THE MODERATOR: Where were you an hour
20 ago? No.

21 The question will come on moving the
22 previous question. This requires a two-thirds
23 vote.

24 All those in favor, signify by saying

1 aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: It's the opinion of the
6 chair that the ayes have it by a two-thirds
7 majority and the question has been called.

8 The question now comes on the main
9 motion. This is Article 27 as printed.

10 All those in favor, signify by saying
11 aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: All those in favor will
16 - bring the slide up.

17 All those in favor will press 1A. All
18 those opposed will press 2B. It's a general
19 bylaw; it's just a majority vote.

20 All those in favor of adoption of the
21 bylaw, signify by pressing 1A. All those
22 opposed, 2B.

23 [Pause.]

24 THE MODERATOR: Okay, by a counted vote

1 of 120 in favor and 62 opposed, the article
2 passes.

3 And this meeting will stand adjourned
4 until seven o'clock tomorrow night.

5 [11:25 p.m., whereupon meeting adjourned.]

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C E R T I F I C A T E

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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