



Town of Medway

FINANCE COMMITTEE

155 Village Street
Medway MA 02053

Tel: (508) 533-3200

Fax: (508) 533-3201

May 18, 2016 – 7:00 PM
Medway High School Library
88 Summer Street

[NOTE: This meeting was videotaped by an unidentified individual not associated with Medway Cable.]

Present: Frank Rossi, Chair; Chris Lagan, Vice Chair; Rohith Ashok, Ellen Hillery, Jeff O'Neill, Michael Schrader.

Absent: Todd Alessandri, Clerk; Meghan Hoffman; Jim Sullivan.

Staff Present: Michael Boynton, Town Administrator; Carol Pratt, Finance Director.

Others Present: Dennis Crowley, Selectman; Maryjane White, Selectman, Glenn Trindade, Selectman, Richard D'Innocenzo, Selectman.

At 7:10 PM Chairman Rossi called the meeting to order.

Review of Special Town Meeting June 9th Citizens' Petition Warrant Article on Turf Fields Moratorium:

Present: Ms. Traci Stewart, representing petitioners.

Ms. Stewart thanked the Finance Committee for inviting them to discuss the Warrant Article. She provided a brief background on herself and the core group of petitioners.

When the vote to install synthetic turf came up in May 2014, there was some concern on the materials being proposed. It was too late to propose changes then. Ms. Stewart alleged that the EPA was starting to back off its earlier statements about the recycled rubber materials that came from tires and may be investigating. The results of the investigation may not be available for a couple of years and the investigation may include a three-year study. We hope to educate people on other forms of filler material.

Regarding the Warrant Article, Chairman Rossi asked the Town Administrator for clarification on procedure regarding a moratorium. Mr. Boynton responded that the Warrant Article is a referendum warrant article

which, for lack of a better description, is a gauge of public opinion. If it were to pass, it may serve as a directive to people designing fields, but it is not, as it is, a bylaw or anything defining action.

Mr. Ashok asked if this will affect Article 2. Ms. Stewart responded that they changed some of the wording to remove the “pour in place” covering. Mr. Boynton stated that, because the article was submitted in one format, it cannot be amended until Town Meeting. The Finance Committee must vote on the article as it is written, not how it is promised to be amended. An opinion from Town Counsel on the impact on existing fields with the current wording was unavailable. Ms. Stewart stated the petitioners are willing to work with the Town to arrive at revised article wording.

Chairman Rossi asked members if they had any questions. Are grass fields treated with pesticides and herbicides? Yes. Ms. Stewart alleged that the danger is the microscopic breakdown of the material and inhalation of the particles as well as the cumulative effects. A child playing on these surfaces for an hour or two a day could suffer effects later on. Playground surfaces are different from fields and tracks in that they are a solid piece with one-piece layer of virgin rubber on the top. This is what provides the “cushion” to prevent injury from falls. She passed around a sample of the pour-in-place covering which resembles a thick brownie. The material is bonded together. Mr. Schrader theorized that the bonding does not mean there is not still gas being emitted.

Mr. O’Neill asked what other options the petitioners propose. Ms. Stewart responded that they are fine with the pour-in-place. Chairman Rossi asked about a replacement material for crumb rubber. Brief discussion followed.

Ms. Stewart stated that their intent is not to stop the Town from moving forward with its projects. Their concern is just to postpone action until the study comes back with results.

Mr. Ashok asked why they come now with an article that has to be amended. How can the Finance Committee vote in favor of an article that may be amended? We have to vote on what was submitted, as it was written. Mr. Boynton suggested that the amended version could be presented at every Town Meeting.

Mr. Alan White, a Skyline Drive resident, theorized that a lot of the health concern has to do with the loose pieces getting stuck in people’s shoes, being knocked off inside houses, etc. He suggested that the incidence of cancer is greater among goalies who are coming into contact with the crumb rubber by diving onto the fields more than regular players do.

Selectman Trindade stated that he started a project to try to build a brand new playground. He and Selectman White, along with Town staff, met with the Park and Recreation Director for the Town of Norfolk. We noticed that people were driving from Medway to playgrounds in Norfolk. She explained that the surface is composed of crumb rubber, bonded with epoxy, and over the top a rubber material is poured and cured in place. This was done because there was a wheelchair-bound child who was having a difficult time maneuvering over the wood chips originally at the playground area.

Continuing, Selectman Trindade stated he also serves on the Affordable Housing Trust, and shared a story of a young man in a wheelchair and he was able to observe what it was like for this young man. We want all playgrounds to be accessible to all residents. These kinds of surfaces drive the price of the playground up by thousands of dollars but it is worth it for the safety and accessibility of it. We never considered using crumb rubber as a surface material, only wood chips or the pour-in-place material.

Selectman Trindade stated that his concern over this Warrant Article is that it asks for a moratorium for something we are not even planning to do. There have been no discussions with any Town board or group about the development of another turf field in Medway. There was a question on whether the

Town could have maintained existing fields under the original Warrant Article. Mr. Trindade suggested that this was really more of a political statement for Ms. Stewart and her organization and less about protecting children in Town. It would take us over a year to get to the point where the Town would need to vote on getting the money for design services, so the earliest this would get started might be a couple of years out. Are the fields we have already unsafe? Should we age-restrict the use of the fields? In December 2014 we spoke with our legislative delegation about supporting further investigation. Letters were written to the EPA and other groups. Health professionals do not believe there is a health risk, and there are no published reports. Football players are on the ground more than goalies. What about lacrosse players? What about soccer? He asked that the Finance Committee not, even in an amended form, support this article.

Mr. Schrader asked where the Board of Health figures into this. Doesn't this fall into their purview? Ms. Stewart responded that she has contacted them, and we have placed signs that encourage people to not have open containers on the field so that particles could not get into drinks that would be ingested. The signage also encourages users to pick up their trash and not leave it on the fields.

Mr. White stated he signed the petition and has discussed it with a lot of people. He guaranteed that it is not a political movement, but a movement by mothers and fathers, athletes, etc. Why not have a moratorium even if nothing is planned? It will postpone things until more data is available. It was noted that some moratoriums are permanent, and not for only several years.

Ms. Stewart reported that, for the past two years, her daughter is on one of the travel teams. She has missed practices this season. If her daughter becomes seriously ill twenty years from now, she does not want to believe it's her fault by not stopping use of this material.

Getting back to the article, Ms. Hillery stated that the Finance Committee has to consider the financial impact of a positive recommendation. Will that mean that we have to find money to suck up the crumb rubber already on the fields?

Mr. David Blackwood, a Milford Street resident, theorized that failure to act and place a moratorium could present a liability claim. Mr. Boynton pointed out that nothing prevents an individual or entity from being sued, but the Town has yet to receive an opinion from Town Counsel.

Selectman Crowley pointed out that 260 people signed the petition based on what the article would read, the way it was written at the time. When you come in with an amendment, it changes the petition. Would you still have had the 260 signatures with the new wording? What are the legal ramifications? Mr. Boynton clarified that the petition is the vehicle that gets the matter on the Warrant for Town Meeting. A signatory could object to the amendment.

Selectman Crowley asked why this matter wasn't brought forward for the Annual Town Meeting. Since the Town is not planning any new fields, why call a Special Town Meeting? Just bring it forward in November for the Fall Town Meeting. Doing it this way costs money, and a lot of people have to do a lot of work to prepare for a Special Town Meeting. Ms. Stewart responded that it was a matter of timing. The federal announcement of a potential investigation did not come out until February, and the deadline for Annual Town Meeting articles had passed.

It was noted Article 2 was originally Article 21 from Annual Town Meeting. The Finance Committee did not have enough information to consider for a recommendation so it was pulled off the Warrant.

Mr. Liam McDermott admitted they learned the deadline had passed and tried to insert language into an existing article. We continued to get signatures for our petition. We wanted to prevent the work outlined in Article 21 from going forward.

Mr. Eric Lindstrom asked the proponents if there is any data on outreach or information on any incidences from school nurses or trainers on respiratory problems or rashes in this community. No, we do not have the resources to do that.

Chairman Rossi, noting he is the parent of a student athlete, asked if anyone present could tell him if this material will make his child sick. There was no substantive response.

Mr. O'Neill emphasized that the Finance Committee has to decide on the article as it stands today. What about the current fields? Ms. Stewart responded that she has a PowerPoint presentation that declares that the current fields are not affected. "Intent" cannot be placed in the article. Mr. O'Neill expressed concern that, if the Town has to shut down the existing fields, a source of revenue is lost. Brief discussion followed during which it was suggested that the language could refer to changing the composition of new fields without stating crumb rubber itself. Or add "no new fields". It could remove the issue of liability.

Mr. Boynton stated he needed to correct some statements. The first Town officials heard of this effort was after the Warrant was closed and after the Finance Committee's required public hearing. That prevented any additions to any existing article.

Brief discussion followed on the reasons distributors stopped using crumb rubber, mainly because it got hot in the summer and therefore was not selling well. There was also brief discussion on materials that would be ADA compliant.

Mr. Boynton suggested that any proposed new wording of the article must be at the discretion of the Town Meeting Moderator. Would the new wording be within the scope of the original article? We would also need to get an interpretation from Town Counsel.

Mr. Schrader pointed out that construction materials cannot be ADA compliant, only the design and construction. As for declaring that no new fields would be constructed, what happens if we need to replace a field for some other reason? Mr. Boynton theorized that, if there became a need to replace any field composition material, it could be addressed at the next Town Meeting.

Discussion followed on Town Meeting protocol. The available options are to vote yes or no now, and if it is "no", there would not be a positive motion or there could be a motion to dismiss if that's the case. At that point, someone can present a motion from Town Meeting floor and the process goes from there.

Mr. O'Neill asked, if Town Meeting votes something neither the Board of Selectmen nor the Finance Committee support, is there any liability to the Town? Mr. Boynton responded it is difficult to answer and would likely need to be researched by Town Counsel.

Ms. Stewart noted that she needs to provide the petitioners with a synopsis of this discussion.

Ms. Hillery reported that the Community Preservation Committee (CPC) has not voted on the Article 21 on the Annual Town Meeting Warrant because they believed it would be pulled from the Warrant. The article then became Article 2 on the Special Town Meeting Warrant. She clarified that the CPC was not necessarily opposed to the spirit of the article, but wanted more details. Mr. Boynton stated he has asked the CPC chair to schedule a meeting of the committee prior to Town Meeting.

Selectman Trindade reiterated that the Gale Associates study makes no mention of use of this material.

Selectman Crowley suggested that the CPC hold its meeting, and then arrange to meet with the Town Administrator. It was noted that, as defined by the Town's Charter, the Finance Committee has to hold a public hearing for any warrant articles that have a financial impact. The Board of Selectmen is not bound by the same rule.

At 8:30 PM discussion on the Citizens' Petition Warrant Article ended.

Miscellaneous Discussion:

Ms. Carol Pratt, Finance Director, distributed audit documents for FY15. She summarized the auditor's presentation noting she could give the Finance Committee a more formal presentation if one was requested. She pointed out that the Finance Committee did not need to take any action as these documents were for informational purposes only.

Discussion followed on components of the public hearing. Concern was expressed on securing an opinion from Town Counsel on liability issues.

At 8:38 PM Mr. Sullivan moved to adjourn; Mr. Ashok seconded. No discussion. VOTE: 6-0-0.

Respectfully submitted,
Jeanette Galliardt
Night Board Secretary