Town of Brookline
Advisory Committee Minutes

Sean Lynn-Jones, Chair Date: April 26, 2016

Present: Carla Benka, Clifford M. Brown, Carol Caro, Lea Cohen, John Doggett, Dennis Doughty, Harry K. Friedman, Janet Gelbart, Jennifer Goldsmith, David-Marc Goldstein, Neil Gordon, Amy F. Hummel, Sytske Humphrey, Angela Hyatt, Alisa Jonas, Steve Kanes, Bobbie Knable, Fred Levitan, Robert Liao, Sean M. Lynn-Jones, Shaari S. Mittel, Mariah Nobrega, Lee Selwyn, Christine Westphal

Absent: * Stanley Spiegel, Charles Swartz, Janice S. Kahn, Kelly Hardebeck, Pamela Lodish, Michael Sandman

Also attending Melissa Goff, Deputy Town Administrator; DPW Commissioner Andrew Pappastergion; and Petitioner Dr. John Ross.

The meeting was called to order at 7:00 PM.

1. REVIEW OF WARRANT ARTICLE 9: REVIEW OF WARRANT ARTICLE 9: LONG-TERM PLANNING IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Steve Kanes provided some background on the Article and the Subcommittee's report. The principle purpose of the article is to change the name and responsibilities of the Economic Development Divison of the Planning and Development Department so it aligned with the budget. Subcommittee recommended favorable action by a vote of 3-0.

To whom does this individual report? Kara Brewton and Alison Steinfeld will be involved. Long- term planning will be done by all three. Also, other people in the Planning Department are involved in long-term planning.

A MOTION was made and seconded to recommend favorable action of Warrant Article 9.

Vote: With a vote of 18 in favor, 0 opposed with 4 abstentions, the Advisory Committee votes favorable action on Warrant Article 9.

2. POSSIBLE RECONSIDERATION OF FY 2017 OPERATING BUDGET – DEPARTMENT OF PUBLIC WORKS

Commissioner Andrew Pappastergion gave a brief history and overview of the Semi-Automated, Hybrid Pay-As-You-Throw Solid Waste Collection Program - highlighting recommendations and financial data.

Recommendations for different sized bins and providing plastic overflow bags from a Moderator's Committee. Automated collection was never a controversial issue – cost effective, following industry standards, variety of options both automated and manual collection.

When it became known that the issue was the carts themselves – a task force was created by the Town Administrator to see what could be done regarding storage, maneuverability, etc.

Looking at systems to accommodate the waiver system and went back to our cart manufacturers to look into getting different sizes based on need.

Where we are now: Two trucks have been ordered – in August or September 2015 – 10 month lead time to get these trucks – they are right hand drive and equipped with side-loaders. Asked manufacturer what our options were, if we could cancel but we are at point of no return once they begin making them; very costly penalty for cancelling. Scheduled to be delivered in October but reluctant to implement in the winter months so opting for the following spring which is a year from now.

Q: Can driver who is driving the side-loader designed to pick up bins, get out and pick up bags or other bins and discard trash in the truck?

A: No, but we have other trucks that could be used for smaller spaces, ally-ways, etc. and where we would not be doing automated pick up. Rear loaders and small packer trucks and litter trucks.

Q: A variety of vehicles collecting a variety of different types of solid waste, what percentage of town solid waste will be collected by new automated packers?

A: We can't do whole town automated. Very difficult to know because everyone will be able to choose their own sized containers. We will be in a learning curve for the first 6 months of the program until we can figure out all sizes of containers. Target estimate 75%.

Q: I understand why we are going to automated pickup – assume to help workers from lifting heavy containers and injuring themselves, but why can it just be automated without making it Pay As You Throw.

A: Yes, worker's comp component is a factor. And yes, some it will be inconvenient but for others the conversion will be practically seamless over time. Days of being able to throw out unlimited amounts of trash are over for various environmental reasons.

Q: With expanding sizes of bins, can trucks handle them?

A: Yes, all sizes.

Q: The fleet of trucks – the automated trucks will pick up 75% of town's trash. Walk me through how you will accommodate certain neighborhoods that have varied topography?

A: Other than alleys, the automated trucks can pick up the trash. Part of a street may have different sized carts, then others may be putting out bags of trash – so first the automated truck will go through to pick up what it could, followed by another rear-loading truck.

Q: Trying to separate out efficiency of automated pick up and Pay As You Throw. Why are they linked, why combined?

A: You have to have a cart with automated collection. If we delink the PAYT, you could have as many carts as you wanted, because we will pick up whatever right now. We will base the fee on the cart size. Pricing has yet to be determined. We are trying to limit the amount of solid waste and increase the amount of recycling.

Q: Does it become more expensive if a household buys more than one cart?

A: No. We are limiting each household with one cart, trying to be environmentally conscious.

Comment: We should implement this only if we negotiate a new contract with our recycling vendor that does not allow incineration of recyclables. When pricing isn't favorable, recycling is incinerated. If we are concerned about the environment, we can't logically sign up with a vendor that incinerates. People will just use their recycling bins for trash.

Q: Truck with two people that takes everything. Now you need a second truck you need three people, does that wipe out the efficiency?

A: That is the premium we have to pay if we want to accommodate elderly folks or people who want a different sized bins.

Comment: Cost structure or pricing doubtful to change people's behavior, not enough incentive.

If you use more water, you pay more than others for that water; if you live in a bigger house, you pay more property taxes. So if using more of a town service, even if it is marginally more, perhaps people should pay more. While it may not mean much from a wallet perspective, from a psychological perspective, there may be an impact.

How can you enforce a contract that says a vendor can't burn recyclables?

What is coming down the road is separate food waste pick up. The State in the next few years will be mandating the separation of food waste, and it has to be disposed of separately.

It exists now if you want drop off your food waste at the Brookline Teen Center.

Q: Will I be able to change my bin size if I need a smaller or larger one?

A: Yes. Learning curve for the public as well. People will be able to change out their cart/bin size if they find it isn't suitable.

Comment: Very much in favor of this system, as someone who doesn't throw out a lot of trash, very happy not to have to pay $200 for other people's trash pickup.

Q: How will the waiver system be designed and implemented?

A: Of the 38 communities in Massachusetts that do this, very few offer exceptions. We are in favor but it is too early in the process to work out the criteria yet – ability to store the container, the ability to move the container, the amount of trash…we haven't worked it all out yet. We will work out the details and if that is the system the Town wants, that is the one we will use.

Q: Fixed rate paid to the recycler, what is the variable rate?

A: The collection fee is a fixed rate for the contractor to do curbside collection. The processing fee is set by bid $75 per ton is the base. There is an average commodity value. If ACV equals processing fee, the town pays nothing. If price goes up, the town would recover 60% of the bonus – difference in price – it would paid to us by the recycler.

Comments:

I don't have kids, but I pay to educate other people's kids so I have no problem paying to pay for other people's trash.

We should think very carefully about this. Carla put together a document that connects the dots. But as a member of Town Meeting since 2002, I do not recall a time when anyone has said to me, if you approve the 2016 DPW budget it includes a truck which will do automated pick up and it is linked to PAYT. Without blaming anyone for it, the way this is structured Town Meeting is sleepwalking their way into PAYT and an automated system. People in Town Meeting will be properly surprised. BOS is not bringing this to Town Meeting and what the budget implications are. Can't see how I should have been expected to connect these dots. We need Town Meeting buy in because this is a major cultural change.

Eliminating three jobs which are decent paying jobs with benefits which will allow three families to lift themselves out of poverty and make it into the middle class. That is worth it. That is why we are a commonwealth, we are a society and we look out for others.

Consider having a floor and a ceiling so the population can know what they may be dealing with. It is the fault of Town Meeting Members who don't read information that is shared with them and to pay attention and not at the last minute suddenly become focused on something that has been going on for the past 2-3 years. An excuse used to go against or for something, not appropriate.

These committees that were studying this subject issued reports but these reports didn't result in a Warrant Article. Open Meeting law wasn't followed with the Town Administrator's Task Force.

The committees were charged with how to figure out how to implement standards butdecisions had already been madeand the Town Administrator's Task Force was making recommendations on pricing, sizes of bins, etc. There is a legitimate argument to be made that the administration exercise its own discretion.

Is there an administrative right on the part of the Selectmen to put implement programs, or does everything need to come to Town Meeting? If you don't like something, submit a warrant article and get rid of it.

No small thing not to know what the pricing will be or what the waiver criteria will be. There are some big holes and I think it is ok to stop and say I need that information before I can go forward.

Refer to memo shared from the Commissioner on April 7th.

We are assuming we will achieve a 10% reduction of solid waste (comparable to all other communities running this program).

On the capital cost on the new trucks, are we replacing trucks – we will be getting rid of trucks as we go forward, specifically one in 2019.

Q: Does cost analysis include assumption of going down each street with second truck to pick up bags?

A: We didn't have that in the mix when I ran the initial numbers.

Q: When will you begin to get answers to the questions about how much the bins will cost, what the exception criteria will be? Can you give a timeline, best guess? When will the proposal be available for all of this?

A: All of this is in motion now and currently looking at 3 criteria for the exceptions. Have to make a lot of assumptions about how many people want which cart size, etc.

Q: Look at cost per household – an additional $20/year fwhould pay for the level of convenience we presently have.

A: The current refuse fee doesn't cover the cost either.

Comment: A little late in the process to say we didn't know. Decide whether to reconsider and let Andy go home.

Do we want to recommend some kind of stipulation that Town Meeting should have to vote on some variable pricing?

Only legitimate way would be to take this out of the budget, only way to get this in front of Town Meeting.

Given amount of confusion and complexity of removing this from the budget, and the implementation schedule we have heard, suggest having someone bring something to Fall Town Meeting. While impulse to pull the trucks out the budget is understandable, not cost efficient. After all of this wheel spinning, suggest we just adjust at fall town meeting.

A MOTION was made and seconded to reconsider FY17 DPW Operating Budget.

Vote: By a vote of 4 in favor, 14 opposed with 3 abstentions the motion to reconsider FY17 DPW Operating Budget failed.

There was the suggestion to urge Board of Selectmen to quickly notify the public about the hearing regarding this issue.

3. REVIEW OF WARRANT ARTICLE 3: COMPENSATING BALANCE AGREEMENTS

Neil Gordon gave an overview of the Subcommittee's recommendations. Authorize Town Treasurer to enter into compensating balance agreements – useful tool, approved before, win-win between Town and the bank if both sides agree.

A MOTION was made and seconded to recommend favorable action to on Warrant Article 3.

Vote: By a vote of 16 in favor, 0 opposed and 1 abstention, the Advisory Committee votes favorable action on the motion under Warrant Article 3.

4. REVIEW OF WARRANT ARTICLE 5: UNPAID BILLS OF THE PRIOR FISCAL YEAR

Neil Gordon gave an overview of the Subcommittee's recommendations.

A MOTION was made and seconded to recommend no action on Warrant Article 5.

Vote: With a vote of 17 in favor, 0 opposed with 0 abstentions, the Advisory Committee votes no action on Warrant Article 5.

5. REVIEW OF WARRANT ARTICLE 7: FY 2016 BUDGET AMENDMENTS

John Doggett offered background on the article. To see if the Town will:

(A) Raise and appropriate or appropriate from available funds a sum of money to operate the Golf Enterprise Fund in the fiscal year 2016 budget; (B) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Board of Selectmen to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

A MOTION was made and seconded

VOTED: That the Town:

Amend Section 6 (Golf Enterprise Fund) of Article 8 of the 2015 Annual Town Meeting so it reads as follows:

6.) GOLF ENTERPRISE FUND: The following sums, totaling $1,576,312 shall be appropriated into the Golf Enterprise Fund, and may be expended under the direction of the Park and Recreation Commission, for the operation of the Golf Course:

Salaries	$470,099
Purchase of Services	$126,648
Supplies	$193,950
Other	$8,100
Utilities	$103,919
Capital	$276,050
Debt Service	$194,755
Reserve	$25,000
Total Appropriations	$1,398,521
Indirect Costs	$177,791
Total Costs	$1,576,312

Total costs of $1,576,312 to be funded from golf receipts with $177,791 to be reimbursed to the General Fund for indirect costs.

A MOTION was made and seconded to recommend favorable action on Warrant Article 7.

Vote: With a vote of 17 in favor, 0 opposed with 1 abstention, the Advisory Committee votes favorable action on Warrant Article 7.

6. POSSIBLE RECONSIDERATION OF WARRANT ARTICLE 4: CLOSE OUT OF SPECIAL APPROPRIATIONS

Harry Friedman addressed the possible reconsideration of Warrant Article 4. This article is presented on an annual basis and ask Town Meeting to close out the accounts of capital projects that have been completed. The remaining funds, if any, are declared surplus cash and eventually are transferred to Free Cash. When the Advisory Committee took up this article a few weeks ago, there was one special appropriations account with a positive balance so the Advisory Committee voted to recommend that Town Meeting authorize the Comptroller to close down the account. The AC voted favorable action.

Selectman then voted no action on the Article. Turns out the Comptroller doesn't need our authorization, always had the power so our vote was superfluous. The Comptroller has already closed out the account. Therefore the Warrant Article is mute.

A MOTION was made and seconded for reconsideration of Warrant Article 4.

Vote: With a vote of 17, 4 opposed and no abstentions, the Advisory Committee votes to reconsider.

A MOTION was made and seconded to recommend no action on Warrant Article 4.

Vote: With a vote of 21 in favor, 0 opposed and no abstentions, the Advisory Committee voted no action on Warrant Article 4.

7. REVIEW OF WARRANT ARTICLE 10: BAN ON THE SALE OR DISTRIBUTION OF TOBACCO PRODUCTS

Sytske Humphrey gave a summary of the Subcommittee's report. The subcommittee recommended referring the issue to a study committee "To refer the subject matter of Article 10 to a Selectmen's Committee to examine the impact and feasibility of stronger anti-tobacco measures."

Asks to support an amended Warrant Article to consider alternatives – ban on issuing new permits to sell tobacco products, reduce licenses to tobacco outlets; novice smokers and those trying to quit. Dr. Alan Balsam noted that the Advisory Council of Public Health voted 5-1 against this because of unintended consequences and problems with enforcement, etc. and voted in favor of study committee.

Would a Moderator's Committee be a more open process? A Selectmen's Committee would allow for Public Health Department to provide support. Both types of committees are required to hold open meetings.

Thank you for bringing this forward. Regardless of how this plays out, it has already raised the level of discussion. Think of the macro public health impact, rather than the micro economic impact. Imagining what is unimaginable is important when it comes to public health.

Important not to disregard the serious, direct impact to small Mom and Pop stores and the families that are harmed by a ban.

What about suggesting options for diversifying their sales, suggest alternatives? Include an encouragement to retailers to diversify merchandise.

A merchant looks at the real estate in his or her store – each foot of shelf space needs to turn a profit. It is consumer-driven, it is about supply and demand. Other than lottery tickets, nothing will have that much impact.

A MOTION was made and seconded to vote on the original article 8.23.5d

Vote: By a vote of 7 in favor, 12 opposed with no abstentions, the motion failed.

A MOTION was made and seconded to refer the subject matter of Article 10 to a Selectmen's Committee to examine the impact and feasibility on stronger anti-tobacco measures.

Vote: By a vote of 16 in favor, 3 opposed, with no abstentions the Advisory Committee recommended favorable action to refer the subject matter of Article 10 to a Selectmen's Committee to examine the impact and feasibility on stronger anti-tobacco measures.

After the vote, the discussion continued.

The subcommittee determined that the ban would not convince anyone to stop smoking by instituting a ban and unwilling to throw retailers under the bus.

Anyone who makes a living doing something that actively harms someone else, doesn't deserve to continue to make a living this way. So entrenched in so many interests that are bad for us, smoking is just one example. Don't want to come across as defending this practice.

We have to be very careful about being judgmental about whatever businesses sell. Businesses sell whatever the people ask for in this town. Be careful how we judge people who are making a living in this town using the abilities they have, selling a product people want to buy. This town needs merchants and we have far too many empty storefronts, and when we have the right type of education, that will decrease demand so people don't want to buy the products, so they won't sell them anymore.

The merchants are not making their living on the cigarettes but the cigarettes are drawing people in and they purchase other stuff. We are becoming the town that bans. But it is not going to keep people from smoking, they will just walk another six blocks and purchase things elsewhere.

Do we assume that the banning of cigarettes will stop people from smoking here in Brookline?

Why did the Public Health Advisory Group voted against the – no evidence it would have reduced smoking; people felt uncomfortable being in the vanguard of something that it would definitely effect people in town – public health means more than exposure to toxins. Convenience stores run by people of color and immigrants, what they contribute to the community, goes beyond what they sell. Also here in Brookline we have lowest rates of smokers and teen smokers, and lowest rate of associated cancers. People would rather study the issue rather than immediately go with a ban.

Dr. Ross replies – the one thing I would say there is now a fairly valid public health experience with tobacco regulation. Anything you do – reductions in advertising, cutting smoking in restaurants, etc. – contribute to lowering rates of smoking in communities. When price of gas fell, people smoked more – they didn't need to spend so much on gas, so they could buy cigarettes, suggesting that purchasing cigarettes is an impulse buy.

Next Meeting: The next meeting of the Advisory Committee will be on April 28 at 7pm.
Upon a MOTION made and seconded and voted unanimously, the meeting adjourned at 9:45pm.

Documents Presented at Advisory Committee Meeting:

- Planning & Regulation Subcommittee Report on WA 9
- Partial Chronology & Selected Documents Regarding the Semi-Automated, Hybrid Pay-As-You-Throw Solid Waste Collection Program
- Administration & Finance Subcommittee Report on WA 3
- Administration & Finance Subcommittee Report on WA 5
- Administration & Finance Subcommittee Report on WA 7
- Memo to BOS Regarding WA 7
- Brookline Chamber of Commerce Letter Regarding WA 10

- Coalition for Responsible Retailing Statement Regarding WA 10
- Human Services Subcommittee Report on WA 10
- Updated Advisory Committee Meeting Schedule