

Town of Brookline Advisory Committee Minutes

Sean Lynn-Jones, Chair

Date: May 10, 2016

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Present: Carla Benka, Carol Caro, Lea Cohen, Dennis Doughty, Harry K. Friedman, David-Marc Goldstein, Neil Gordon, Amy F. Hummel, Sytske Humphrey, Janice S. Kahn, Fred Levitan, Robert Liao, Pamela Lodish, Sean M. Lynn-Jones, Shaari S. Mittel, Mariah Nobrega, , Lee Selwyn, Christine Westphal

Absent: \* Stanley Spiegel, Clifford M. Brown, John Doggett, Janet Gelbart, Jennifer Goldsmith, Kelly Hardebeck, Angela Hyatt, Alisa Jonas, Steve Kanen, Bobbie Knable, Michael Sandman, Charles Swartz

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Also attending was Petitioner for WA 21 John Harris; Petitioners for WA 22 Frank Farlow and Nancy Gregg.

The meeting was called to order at 7:30 PM.

**Announcements:**

**1. REVIEW OF WARRANT ARTICLE 21: RESOLUTION AFFIRMING BROOKLINE'S COMMITMENT TO SOLAR ENERGY**

Amy Hummel gave an overview of the Capital Subcommittee's report on WA 21. This resolution seeks to affirm that Brookline is committed to solar power as part of its energy mix. The subcommittee met twice but had no recommendation.

What this WA asks that Town Meeting send not just the Resolution but also its Explanation to Governor Baker.

The Petitioner provided an explanation of photovoltaic arrays. This is a resolution and not a matter of legislation as energy issues are not decided on a local level. This represents a particular strategy and timing is important. (see bullet points in the Resolution).

Community Shared Solar – 20% of residential rooftops in Massachusetts can't have solar panels on their roofs because of shade issues. Allows people to form a buying group to negotiate for a building rooftop or field where panels can be placed that they either buy or rent space.

**Questions**

Q: Can you explain again why this is important now? We have zoned lands to be solar accepting, there is going to be a whole big set of ground arrays at the transfer station. Brookline has taken a lot of steps already to show our commitment.

A: Some of those steps will be moot if caps are reached. For example, the CSSP project will be moot, the economics won't work out if caps are reached and utilities do not have to take excess production. PV industry and installers were not involved in the negotiation, were not involved in negotiating the April

11<sup>th</sup> bill signed by the Governor. The bullet points in the Resolution address these advocates taking a lead in future legislation.

What is the status of the progress on the ground arrays? We don't have the bird in hand regarding our major solar project; there are Issues about capping landfill, needs of DPW, etc. We are very vulnerable.

**Q:** Let's suppose that I buy as much energy at night as I send back during the day so I end up with a zero bill. Who pays for the distribution? Your premise is based on shifting the fee from PV users to those who are not making the same use of PV? How do you justify claiming this is efficient when you are doing it is offering a free ride on the distribution system?

**A:** 60% of combined energy and distribution – net metering. The points that you are raising are typical of all of the debate around net metering and other forms of energy. Reason we have 8 bullet points instead of two, to try to push the state and policy makers to recognize the very issues you are bringing up. Forcing them to acknowledge the rate should be fair. We didn't say what that is, but want to compel decision makers to look at all of these issues.

The warrant article isn't defining "fair" – I don't think this has been thought through as well as it could have been.

The debate of "fair value" is ongoing even in the industry itself.

**Q:** What communities are affected by the caps?

**A:** Load Zones – Eastern MA, the Cape, the Western part of the state Worcester out to the Berkshires. Cap is determined by peak load and it is allocated to each of those regions based on the load. Any Brookline Community Shared Solar organization would need to find land in our area – to Carlisle down to about Lakewood. In about half of the towns in Massachusetts solar installation was stalled and businesses were going out of business.

A MOTION was made and seconded to vote favorable action on Article 21.

**Vote:** With a vote of 13 in favor, 2 opposed with 2 abstentions, the Advisory Committee votes favorable action on this motion under Warrant Article 21.

## **2. REVIEW OF WARRANT ARTICLE 22: RESOLUTION OPPOSING THE TRANS-PACIFIC PARTNERSHIP & SIMILAR TRADE AGREEMENTS**

Mariah Nobrega gave an overview of the Schools Subcommittee report on the Warrant Article. Article 22 would put Brookline on record as being opposed to favorable Congressional action on the Trans-Pacific Partnership (TPP), a trade agreement between the United States and 11 Pacific Rim countries (but not including the People's Republic of China) that includes an "investor-to-state-dispute settlement" (ISDS) process. ISDS allows a corporation that doesn't like a state or federal law, to appeal to an international tribunal, thereby bypassing state and federal courts and the law of the country with which they are doing business.

The subcommittee met twice with the petitioners. There was a lot of extra language in the article. The subcommittee asked the petitioners to make some changes, using more factual and less incendiary language. Specifically the changes brought it more closely in focus on ISDS which is something that people are more uniformly questioning the value of.

The question is always raised whether it is appropriate to bring these types of resolutions to Town Meeting. The petitioners thought it was a good time to bring this up, what with the issue (the TPP) coming up in front of Congress this summer.

Frank Farlow and Nancy Gregg gave statements regarding the Article.

Main objection is it removes procedural protections of the legal system and uses a system of adjudication with limited accountability and review.

### **Comments**

First three WHEREAS statements seem somewhat conspiratorial and give the feeling that this agreement has been drafted by the Cruz Administration and not the Obama Administration. I'm bothered by the tone.

Would like to make a MOTION to eliminate the WHEREAS clauses 1 through 3.

This is the type of the resolution that bothers most of us because as it states in the article, our senators are already against the TPP. It doesn't seem very constructive to engage in debate and discussion here. I also have the same reservations about the first three clauses. I have faith in my representatives in Washington.

Unalterably opposed to what I consider an abuse of Town Meeting which should be used to address town issues. While I support the idea of the Article, it is an abuse that takes our attention away from Town government. I would vote NO Action on this because of that procedural reason and not the article's substance.

**Q:** What is the position of the other TPP partners – where do the governments of those partners?

**A:** Canada and Australia may be having some concerns. I don't know the substance of their concerns.

**Q:** What would happen if this wasn't passed? Would we not have any trade?

**A:** Go back to the drawing board to create a new treaty. The particular agreements – bilateral and regional agreements – have been designed to eliminate tariff barriers and establish environmental, labor or currency regulations that would impede the free functioning of companies in other states. If no agreement, we would be just where we are not. No agreement, just general trade agreements.

**Q:** Who is dissatisfied with the status quo?

**A:** You could have a long political economy discussion, but the simplest way to understand it, not

specifically countries that benefit or don't benefit but sectors allied with the ruling elites with a financial stake in total globalization despite human costs.

True that our senators are against this, but the Resolution would be going to the President and the rest of our delegation so it has broader impact. Regarding the first three WHEREAS clauses, would agree first and second but not third which introduces the concept.

Agree ISDS is a bad plan, but not a great use of Town Meeting time. In terms of overall TPP the reason for US participation was to provide some structure and balance in the region which is why China was not included.

Any number of cities, towns in the Commonwealth and other states are taking a stand on this.

No problem with Brookline Town meeting taking this up since Congress is looking at it.

Reduced the number of WHEREAS clauses, from 16 to 11. If you opt to take 1-3 out, we will move to have Town Meeting consider the article in its original form.

A MOTION was made and seconded to recommend favorable action on the Revised Article 22.

A MOTION was made and seconded to amend the Article to eliminate the first and second WHEREAS and everything after the word "economy" in the third WHEREAS.

**Vote:** By a vote of 13 in favor, 2 opposed and 2 abstentions, the Advisory Committee votes favorable action on the Amendment to the Resolution.

A MOTION was made and seconded to vote favorable action on the Amended resolution under Article 22.

**Vote:** By a vote of 10 in favor, 2 opposed and 5 abstentions, the Advisory Committee votes favorable action on the Amended Resolution under Article 22.

### **3. AMENDMENT OF WARRANT ARTICLES 15 & 16**

A MOTION was made and seconded to Amend WA15 by referencing a new and more legible version of the map originally filed with the article.

**Vote:** By a vote of 17 in favor, 0 opposed with no abstentions, the Amended article was approved.

A MOTION was made and seconded to vote favorable action on Article 15 as amended.

**Vote:** By a vote of 17 in favor, 0 opposed with no abstentions, the Advisory Committee recommended favorable action on the amended Article 15.

A MOTION was made and seconded to Amend WA16 By referencing a new and more legible version of the map originally filed with the article

**Vote:** By a vote of 16 in favor, 0 opposed and 1 abstention, the Amended article was approved.

A MOTION was made and seconded, to vote favorable action on Article 16 as amended,

**Vote:** By a vote of 17 in favor, 0 opposed and no abstentions, the Advisory Committee recommended favorable action on the amended Article 15.

**Next Meeting:** The next meeting of the Advisory Committee will be on May 19 at 7:30pm.  
Upon a MOTION made and seconded and voted unanimously, the meeting adjourned at 9:15pm.

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**Documents Presented at Advisory Committee Meeting:**

- Email from Ben Lummis Regarding Upcoming Community Meetings on the School Building Projects
- Capital Subcommittee Report on WA 21
- Supporting information regarding WA 21
- Schools Subcommittee Report on WA 22
- Revisions to Article 22 with Quotes of Support
- Proposed Selectmen Votes Articles 15 and 16