

Town of Brookline Advisory Committee Minutes

Sean Lynn-Jones, Chair

Date: May 19, 2016

Present: Carla Benka, Clifford M. Brown, Carol Caro, Lea Cohen, Dennis Doughty, Harry K. Friedman, David-Marc Goldstein, Neil Gordon, Kelly Hardebeck, Amy F. Hummel, Angela Hyatt, Alisa Jonas, Fred Levitan, Robert Liao, Pamela Lodish, Sean M. Lynn-Jones, Shaari S. Mittel, Mariah Nobrega, Michael Sandman, Lee Selwyn, Charles Swartz, Christine Westphal.

Absent: * Stanley Spiegel, John Doggett, Janet Gelbart, Jennifer Goldsmith, Sytske Humphrey, Janice S. Kahn, Steve Kanes, Bobbie Knable

Also Attending: Bill McGroarty, Veterans Administration, Melissa Goff, Deputy Town Administrator, Sanda Debow-Huang, Director of Human Resources, Neil Wishensky, Chair of the Board of Selectman, Petitioner for WA 20 Peter Miller, and Petitioners for WA 22 Frank Farlow and Nancy Gregg.

Announcements: The Chair asked the Advisory Committee members to hold the 24th for a possible meeting.

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

1. RESERVE FUND TRANSFER REQUEST IN THE AMOUNT OF \$15,000 FOR VETERANS' SERVICES

David-Marc Goldstein of the Human Services subcommittee gave an overview of its hearing. The request is for \$15K which covers the cost of 4 burials and direct benefits to survivors. The budget varies depending on how many veterans need services. Subcommittee voted in favor of the transfer.

Bill McGroarty explained why the funds were needed. Unexpected burial costs. No increase in pensions from the VA but increase in rents or copays. Younger vets suffering from PTSD found themselves unemployed. The Veterans' Services Department helps them with benefits, food, basic essentials, finding work and also addressing their needs. This is somewhat like predicting snow for the DPW insofar as the need and amount of funding are unpredictable. There is a state reimbursement for some of this.

A MOTION was made and seconded to vote favorable action on the \$15,000 Reserve Fund Transfer for Veterans' Services.

Vote: With a vote of 19 in favor, none opposed with 1 abstention, the Advisory Committee approves the \$15,000 Reserve Fund Transfer for Veterans' Services.

2. RESERVE FUND TRANSFER REQUEST IN THE AMOUNT OF \$60,000 FOR WATER AND ELECTRICITY UTILITIES EXPENSES, DIVISION OF PARKS AND OPEN SPACE

The Capital Subcommittee report was given by Carla Benka. The overages in utility expenditures are related to the Parks and Open Space Division of DPW. The focus of the Capital Subcommittee's hearing was trying to determine the sources of increased water usage, what assumptions had been made for coming up with a budget for the current fiscal year and whether where they accurate and useful and

should they be used for budgeting fiscal 2017. AT the time of the Subcommittee hearing, no vote was taken since Subcommittee members had requested additional information regarding the RFT request..

Some reasons for increased water usage were attributed to increased summer programming in the parks, weather, dry summers, underground water pipes and irrigation pipes rupturing, plumbing in comfort stations needing repair, water features in the parks (operated on-demand) etc. Also, new water meters have been installed and are now more accurate so consumption is being recorded more accurately.

Regarding electricity, we negotiate contracts for 2 years for supplier costs, locked in – delivery and pass through costs are not. An increase in the latter as well as two new lighting locations coming on line last November account for the overage.

Deputy Town Administrator Melissa Goff commented that as painful as it is to come for a RFT request, it is a good thing. Before we put water in the general fund, all of these things would be happening but we wouldn't know about these increased expenses.

Q: Do parks have state of the art meters like people have in their homes?

A: No, but we are looking at that.

Q: How difficult it is to estimate water usage?

A: The more current data that we have is the best way to make an estimate. It will help us with seasonal adjustments. Past data is not reliable.

We would like to have more information and background prior to the hearing when a reserve fund transfer is being requested.

A MOTION was made and seconded to recommend favorable action on the \$60,000 Reserve Fund Transfer for utilities expenses.

Vote: By a vote of 20 in favor, none opposed and no abstentions, the Advisory Committee approves \$60,000 Reserve Fund Transfer for utilities expenses.

3. RESERVE FUND TRANSFER REQUEST IN THE AMOUNT OF \$50,000 FOR CONSULTING SERVICES TO SUPPORT THE WORK OF THE 107-111 CYPRESS STREET ACQUISITION STUDY COMMITTEE, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Carla Benka offered the Capital Subcommittee's report on this hearing. This is the first serious step at looking at the possible acquisition of 107-111 Cypress Street for a range of possible uses. A breakdown of the fees was included in the Subcommittee report. They voted 4-0 with one abstention for favorable action. The Board of Selectmen has appointed a committee to study the acquisition of 107-111 Cypress Street, with representatives from the School and Advisory Committees, Town Meeting members from

Precinct 6, and citizens with expertise in this area. Consultant services will assist this committee with its research and deliberations. The Committee is expected to convene shortly after Town Meeting.

The owner has come forward to develop a 7 story apartment building and once that goes forward, we lose the opportunity to get that property. The Selectmen's committee will move quickly to make a decision about possible acquisition.

Q: Is the 40B status or lack thereof have an effect on the price we would have to pay?

A: Some of this funding will help to provide an answer to this question.

Town Meeting will have to authorize the purchase and the financing. The timing will depend on whether we make the buy/no buy decision and what will be the owner's posture. Assuming a buy, we would enter into negotiation with the owner and part of that would have to do with timing which would determine when the issue would go to Town Meeting.

A MOTION was made and seconded for favorable action of the \$50,000 Reserve Fund Transfer for C

Vote: By a vote of 19 in favor, 0 opposed with 2 abstentions, the Advisory Committee approves the transfer of \$50,000 for consulting services to support 107-111 Cypress Street Acquisition Study.

4. REVIEW OF WARRANT ARTICLE 2: COLLECTIVE BARGAINING AGREEMENTS

The Personnel Subcommittee met with Melissa Goff and Sandra Debow to discuss collective bargaining agreements.

Q: On the ASCME, the pay increases are July – July, Jan – Jan and then March.

A: They were looking for more money than we had in our budget, by pushing it out (splits) the union agreed as part of the concession so it would save us some money in the current year.

Q: Mid-level managers being removed from the bargaining unit, why is this good?

A: They will be more aligned with Management rather than their union members. Suggests a level of professionalism and focus on what is good for the town overall.

Q: Will contracts be on the website? How can Town Meeting approve contracts we cannot read them?

A: The current contract that is ending and the Memo of Agreements (MOA) will be on the website. Town Meeting is voting to fund the contract not on the contract itself. The contracts have already been written and agreed upon.

A MOTION was made and seconded for favorable action for approval to fund the AFSCME contract.

Vote: With a vote of 21 in favor, none opposed and no abstentions the Advisory Committee voted to approve and fund by an appropriation, provided for in the FY2016, (Item 21) FY2017 (Item #20) budgets, for the cost items in the following collective bargaining agreement that commences on July 1, 2015- and expires on June 30, 2018: AFSCME Council 93, Local 1358 AFL-CIO (AFSCME, Main contract).

A MOTION was made and seconded for favorable action for approval to fund the BEDA contract.

Vote: With a vote of 21 in favor, none opposed and no abstentions the Advisory Committee voted to approve and fund by an appropriation, provided for in the FY2016, (Item #21) FY2017 (Item #20) budgets, for the cost items in the following collective bargaining agreement that commences on July 1, 2015- and expires on June 30, 2017: Brookline Engineers Division Association (BEDA).

5. POSSIBLE RECONSIDERATION OF WARRANT ARTICLES, INCLUDING ARTICLES 8 (FY2017 BUDGET, INCLUDING BEACON STREET BICYCLE LANE SPECIAL APPROPRIATION), 17 (RESOLUTION ON PAYT AND SOLID WASTE TOTERS), 20 (RESOLUTION ON CUBA EMBARGO), 21 (RESOLUTION ON SOLAR ELECTRICITY), AND 22 (RESOLUTION ON THE TRANS-PACIFIC PARTNERSHIP)

Article 8 Amendment

A MOTION was made and seconded for favorable action on the Amendment to Article 8 as voted on by the Selectmen, which eliminates the Advisory Committee as one of the two entities which must accept the report of the Transportation Board before the bicycle lane on Beacon Street may become permanent.

Vote: With a vote of 20 in favor, 1 opposed and no abstentions to accept favorable action on the Amendment to Article 8, special appropriation item 41.

Article 17

Discussion

Know more about size and cost of toters and cost of bags, moving closer to clarity on exceptions. Information is now on the website. The Selectman decided not to take any action on this resolution but will consider it at their meeting immediately before Town Meeting on May 24th..

After the Selectmen's hearing on WA 17, the way in which exemptions will be approached is not clear. There was discussion about using subjective versus objective guidelines in determining exceptions but it isn't evident that the resolution of this issue is in the Resolution that is Article 17. The petitioner consulted with an attorney from Harvard Law School. A few changes have been made, but ultimately

we are being asked to trust that the BOS and the DPW are going to be somewhat liberal in granting exemptions. I think we have the summer to find out.

Suggest that we remove “physically unable” from the third clause.

Physically could also mean not just disability, but doors, steps, curbs, etc.

Don’t need to be explicit about what is considered a “burden” in the fourth clause. Inclination is to leave it.

Does concept of “burden” provide enough of a prompt to address the issue of people leaving the toters in plain view? If you have to keep it in your front yard that is a “limited storage area” (third whereas clause).

This is a resolution and we can be here all night if we want to draft specific rules, if we try to begin to think of everything that has to go into every one of these clauses.

Make it “limited or unsightly storage areas” would cover both of those bases if there was any doubt.

Was there any discussion about the weight of the bags themselves – 30 gallon bag? This could also be prohibitive for people to carry.

A MOTION was made and seconded to reconsider Article 17.

Vote: By a vote of 17 in favor, 2 opposed and no abstentions the Advisory Committee voted to reconsider Article 17.

A MOTION was made to insert “or unsightly” between limited and storage in the third whereas clause and change “as” to “to” in the second whereas clause.

A MOTION was made and seconded to amend the motion and to delete the word “physically” in the third clause.

Vote: With a vote of 13 in favor, 4 opposed with 2 abstentions, the amendment passed.

Vote: By a vote 17 in favor, 2 opposed and no abstentions the AC recommends the resolution as amended.

Article 20

The petitioner explained how he took into consideration the Selectmen's suggestion not include specific legislation in the article even though he believes it is helpful to have the information as points of reference.

Other suggestions to delete language suggesting the illegality of actions were also agreed to by the petitioner. A point of contention however, concerns removing the clause regarding "regime change" and the negation of the idea of covert operations. Offered three examples of embarrassing covert regime change operations. AP stories revealed these so there is evidence.

A MOTION was made and seconded to reconsider the Advisory Committee's recommendation.

Vote: By a vote of 11 in favor, 1 opposed, with 3 abstentions the Advisory Committee

A MOTION was made and seconded to vote favorable action the petitioner's language.

Vote: By a vote of 5 in favor, 10 opposed, with 1 abstention, the Motion fails.

A MOTION was made and seconded to vote the Selectman's motion on Article 20.

Vote: By a vote of 10 in favor, 4 opposed with 2 abstentions the Advisory Committee recommends favorable action on the Board of Selectmen's motion on Article 20.

Article 22

The petitioners reviewed the changes to their motion which now corresponds to the Selectmen's motion.

There was no motion to reconsider.

Next Meeting: The next meeting of the Advisory Committee will be on Tuesday, May 24 at 6pm.

Upon a MOTION made and seconded and voted unanimously, the meeting adjourned at 9:55pm.

Documents Presented at Advisory Committee Meeting:

- FY16 Reserve Fund Transfer Status
- Capital Subcommittee Report on RFT Requests
- Memo re: Reserve Fund Transfers for Utility Accounts
- May 13 Memo re: Reserve Fund Transfer Request for 107-111 Cypress Street Acquisition Study Committee
- May 5 Memo re: 107-111 Cypress Street Acquisition Study
- Town of Brookline request for Reserve Fund Transfer
- Personnel Subcommittee Report on WA 2: AFSCME

- Personnel Subcommittee Executive Session on WA 2: BEDA
- Article 2 Motion voted by the Board of Selectmen
- Amended Article 8
- Current draft of petitioner's motion (and potential BOS motion) Article 17
- Petitioner's Motion under Article 20 (Cuba Embargo)
- Article 20 Motion voted by the Board of Selectmen
- Three attached documents that attempt to explain what the BOS and petitioner are no recommending under Article 22 (TPP), how it differs from the original Article, and how it differs from the AC motion.
- Town Meeting Speakers List