

**Town of Brookline
Advisory Committee Minutes**

Sean Lynn-Jones, Chair

Date: October 25, 2016

Present: Carla Benka, Clifford M. Brown, Carol Caro, Lea Cohen, John Doggett, Harry Friedman, Janet Gelbart, David-Marc Goldstein, Neil Gordon, Kelly A. Hardebeck, Sytske Humphrey, Angela Hyatt, Alisa G. Jonas, Janice S. Kahn, Bobbie Knable, Steve Kanes , David Lescohier, Fred Levitan, Robert Liao, Sean Lynn-Jones, Shaari S. Mittel, Mariah Nobrega, Michael Sandman, , Lee L. Selwyn, Stanley L. Spiegel , Charles Swartz, Christine Westphal

Absent: Amy Hummell, Dennis Doughty, Pamela Lodish

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

1. Review WA 1 Approval of unpaid bills. (Selectmen)

John Doggett reported that the A&F Subcommittee met and were informed there are no unpaid bills. Subcommittee voted and recommends NO ACTION 3-0.

A **MOTION** was made and seconded to recommend no action on Article 1.

By a **VOTE** of 22 in favor, none opposed with no abstentions the Advisory Committee recommends no action on Warrant Article 1.

2. Review WA 25 Amend Article 8.16 of the Town's By-Laws – Collection and Recycling of Waste materials --to Require Town Meeting Approval for Pay as You Throw. (Petition of Harry Friedman, TMM12)

David-Marc Goldstein gave background on the PAYT effort – its 30 year history and most recently during the spring 2016 Town Meeting's discussion of Article 17. Subcommittee voted unanimously to support the article.

The petitioner explained that WA 25 simply states that the town cannot go to PAYT without expressed approval of Town Meeting. It is neither pro nor con PAYT but rather about the role of Town Meeting regarding policy making in this town. A basic municipal service such as how our trash is handled should be decided by citizens. We are losing our democracy with this. By the BoS simply making a decision on PAYT with no discussion or approval of Town Meeting, all of Town Meeting's previous warrant articles and all of the work of previous study committees is being dismissed. . Limits open discussion – review of Moderator Committee Report. He cited some issues with that report and limits of same.

Q: Where do we stand on funding for this? What is still available to Town Meeting in order to effect this decision?

A: 560K each truck, 3 year lease on trucks, purchase of toters. State may offer some support via a grant if we use 35 gallon toters but now a whole range of size options is available, so not sure of status of state grant.

Comments

There may be a market for reselling these things (toters and trucks) if we decide to go a different route.

We have considered the link between PAYT and single stream recycling and had recommendations for hybrid toter PAYT system back in 2013. Were told they would be working out details and getting costs. We voted on budgets for toters and for this hybrid system. What action was needed after the Moderator's Committee report was submitted so Town Meeting could vote on it? Town Meeting had opportunities since 2013 to intercede at any point in this process. Lots of discussion about this and we are still far last to move on this – much of the south shore has moved to this system.

Boston does not have this, Cambridge does not have this, so we are not “last on this.”

Flat rate or the more you toss, the more you pay? Go through a vetting process to see what people want. It should come before Town Meeting.

A Moderator's Committee report just goes into the combined reports and is just there for people to read.

We have a valid WA brought by a petitioner. Let's do it. Town Meeting doesn't derive its authority from the Board of Selectmen so absent some statute saying it belongs to them, it is fair game.

We have discussed this issue in the context of Capital items and this is relayed to Town Meeting from a budget perspective. What concerns me is the division between executive power and legislative power saying you can do what you want except this and it could then be applied to everything in the warrant. Does this open up something that we aren't anticipating?

Town Meeting has discussed this twice. Once voted no action because not enough support. Second time due to lack of information, further study was requested. Sent to a Moderator's Committee so not exclusive domain of Selectman.

Why didn't Solid Waste Advisory Committee push this further?

Don't like PAYT but this is about just bringing it to Town Meeting. We were very clear that there may be some controversy about this. It wasn't originally clear that trucks were linked to these toters and PAYT. Originally told this was pricing neutral but this isn't the case. And also don't like discriminatory pricing.

If we say we just vote on it, Selectman can still do what they want. However, if we say it has to go to Town Meeting first, it keeps it in the public domain. This says, come and ask for more information (given that so much information is still missing and hasn't been provided by DPW and others) – details about the waiver criteria.

A **MOTION** was made and seconded to recommend favorable action on Article 25.

By a **VOTE** of 18 in favor, 4 opposed with 1 abstentions the Advisory Committee recommends favorable action on Warrant Article 25.

3. Review WA 26 Amend Article 8.16 of the Town's By-Laws – Collection and Recycling of Waste materials -- to prohibit Town from requiring use of Wheeled Toter Carts weighing more than 10 pounds in connection with Town's waste and recyclables collection. (Harry Friedman, TMM12)

Recycling is mandatory in the State. The 10 gallon limit eliminates all wheeled toters. The 65 gallon toter empty weighs 28 lbs but can average 87 lbs when full. Contract with current recycling company runs through 2020 – we would be in violation of contract in 2018 before it expires. It is unclear whether the Town could procure a new recycling contract with a vendor if any resident could opt out of using toters. Not moving this because Selectman said this is premature. There will be an exemption system put in place. Toters haven't come in yet. Will wait to see what they come up with.

The petitioner chose not to move the Article. As a result, the Advisory Committee has no recommendation on WA 26.

4. Possible Reconsideration of WA 28 Miscellaneous Amendments to Article 3.14, 3.15, 5.5 and 10.2 of the Town's ByLaws -- Diversity, Inclusion and Community Relations, Human Resources Program, Board and Office, Fair Housing and 10.2 Prosecutions and Enforcement. (Commission for Diversity Inclusion & Community Relations)

Selectman had a problem with being bound to perform a particular action within a particular span of time; the petitioner changed the language to reflect that if there is no action by the Selectman, the term would continue. If appointments are not terminated they just continue. We want Commissioners to request extensions.

Q: Is there anything that would remind or prompt a Commissioner to know when their term will expire so they know to submit a renewal application? What is someone forgets?

A: They'd have to apply for a whole new term.

If you don't reapply, your term is over.

A **MOTION** was made and seconded to reconsider Article 34.

By a **VOTE** of 13 in favor, 5 opposed and 6 abstentions, the Advisory Committee agrees to reconsider WA 34.

A **MOTION** was made and seconded to accept the Advisory Committee's recommendation and amend it by deleting "by sixty days" from last sentence.

A **MOTION** was made and seconded to AMEND by substitution and accept the proposed language by EAF.

By a **VOTE** of 8 in favor, 14 opposed and 2 abstentions, the AMENDMENT fails.

A **MOTION** was made and seconded to accept the Advisory Committee's language with the deletion of "by sixty days".

By a **VOTE** of 19 in favor, none opposed with 5 abstentions, the Advisory Committee votes favorable action on WA28.

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 8:50pm.

Documents Presented:

- Public Safety Subcommittee report on WA 25 and 26
- Town Administrator Memo to Board of Selectmen regarding WA 25 and 26
- Dept of Public Works Memo to Town Administrator regarding WA 26
- Article 17 AC Supplemental Recommendation from May 24, 2016 Town Meeting
- Advisory Committee Vote on WA 28 and other proposed language