Town of Brookline
Advisory Committee Minutes

Sean Lynn-Jones, Chair

Date: January 22, 2019


By Telephone: David Lescohier

Absent: Michael Sandman, Ben Birnbaum, Kelly Hardebeck, Carol Levin, Stanley L. Spiegel, Christine Westphal

Also attending: Neil Wishinsky, Chair of the Select Board, Allison Steinfeld, Director, Planning and Community Development Department and Melissa Goff, Deputy Town Administrator

The Chair called the meeting to order at 7:35pm.

ANNOUNCEMENTS

The Chair noted that one member is attending remotely and we will have a roll call vote.

A new member, John Vanscoyoc, has been appointed and will be joining the Advisory Committee next time.

The Chair noted he will not be running for the Select Board but will remain on the Advisory Committee as Chair.

MEETING AGENDA

1. Discuss and possibly vote to approve a Request for a Transfer of $150,000 from the Reserve Fund in order to study the Town’s interests in the disposition of the Newbury College campus including, but not limited to, the acquisition of all or part of the campus for municipal or school purposes.

2. Discuss and possibly approve a Request for a Transfer of $8,000 from the Reserve Fund to fund a Special Town Meeting called as a result of a citizen petition.

Steve Kanes gave an overview of the subcommittee’s hearing on both of the reserve fund transfer requests.

The Planning and Regulation Subcommittee voted 4 to 0 to recommend that the Advisory Committee approve a Request for a Transfer of $8,000 from the Reserve Fund to fund a Special Town Meeting called as a result of a citizen petition.
There was a lengthy discussion focusing on the charge to the Newbury College Acquisition Advisory Committee. The Planning and Regulation subcommittee felt that the Acquisition Committee should concentrate its efforts on ways for the Town to acquire the site and not get bogged down with such questions as possible municipal and educational uses and other issues. The Committee will need to act quickly.

The Planning and Regulation Subcommittee voted 4 to 0 to recommend that the Advisory Committee approve a Request for a Transfer of $150,000 from the Reserve Fund to support the work of the Newbury College Acquisition Advisory Committee and costs incident to any potential transaction.

Chairman Wishinsky offered a bit of news – the Select Board voted the Warrant for two Special Town Meetings on April 9th, – one will be potentially related to collective bargaining, and the second concerns the Newbury Acquisition so that if we are in a position to ask Town Meeting to approve a purchase, the framework is there. An article to acquire the site will also be added to the May Warrant if the timing isn’t right for the Special Town Meeting on April 9th.

Town Counsel and Moderator Sandy Gadsby have taken the position that if a Town Meeting is called by virtue of 200 signatures on a petition, then the article(s) submitted along with the petition can be the only one(s) on the warrant of the petitioned Special Town Meeting.

In terms of the Charge, Chairman Wishinsky acknowledged that we need to do everything necessary to make a bid and everything else is secondary. The list is long, the time is short and not everything may get done before the Town makes a bid. Not everything is on the critical path to submitting a bid. Many of the tasks will be done by staff.

**QUESTIONS AND COMMENTS**

Q: Who is our competition for the property? A: Under Newbury’s charter, articles of incorporation, should the college dissolve, the assets must be disposed of with an institution of similar mission – or, a court can determine that the assets (money from sale) would need to be used for a like purpose.

The land could be purchased by anyone – current zoning is for single family lots.

Q: Eminent domain less politically problematic than if you were taking houses – is there any risk with the developer being in cahoots with Newbury? A: Ultimately with eminent domain would be determined by a court.

Q: Are we preemptively considering doing eminent domain? A: It is an option and we’d have to identify a public purpose to justify the taking.

Q: If someone buys the property and then we step in with eminent domain, there will be a higher value placed on the property – it would be less expensive to simply win a bid. A: Agreed, but still an option.

Q: Curious to know how you are going to decide and put this in balance with other projects – will you be waiting to do an override? A: That is perhaps one of the reasons we would like to do the test fit for a 9th school and get some ball park numbers. Also, since we are so wedded to
walkable schools, we are thinking in terms of comparing siting a school at Newbury vs. building at Baldwin and expanding Driscoll. If we built a large enough school at Newbury, would we need to expand Driscoll or could we redistrict and have kids intended for Driscoll going to Newbury?

Q: If a developer purchases the entire package and Town says we will take 5 of those acres by eminent domain, what happens to the price? A: There could be an allocation of purchase price by parcel by the seller. Or a buyer may want that for their own purposes as well. If you take some of it will they argue that you have ruined their plan, sure – they will use any argument to make their case in court for a higher price settlement.

There is a concept in eminent domain called severance – if you take a portion of property, the Town is responsible for making up the diminution of the price.

We are giving too much money for this process from today to Town meeting before you get into the bid and closing environment. You are taking on too much from a pure negotiating perspective – if I’m a broker, I will use this against the Town as a marketing and business strategy.

Q: Would meetings be held in executive session to protect the interests of the Town? A: Potentially.

Q: What is the basis for the $150,000 and what happens with funds not used? A: Rolls back to free cash. The basis includes engagement of an architectural consultant, perhaps outside legal advice, the cost of an appraisal, etc. All of these tasks are premature until we get direction from the Committee.

Concern was raised about timing. If we look at extrinsic issues, unnecessary and irrelevant to any negotiation (which also might hurt the negotiation) this needs to be done quickly. We might wake up at the beginning of March and find out that Newbury has made a deal privately or otherwise. We are interested in the land, not the buildings so the cost of an architectural study is pointless.

Speed makes sense but wouldn’t draw the Mt. Ida parallel.

If there is an institution of higher education that decides that it wants to acquire this school that will be the way they will go as it is an issue of mission as opposed to finance. If no other schools are interested, and if they are going to liquidate, there will have to be a more public process. Eminent domain can happen at any time so spending money on things you don’t need to do it seems pointless.

Q: How is the Select Board planning on juggling all of these projects? This is a “once in a lifetime opportunity” but maybe we don’t have to go for something we can’t afford? How is this all going to be paid for, considering our responsibility to maintain our current facilities and not overextend ourselves on things that would be nice to have but we don’t need to have? A: Agree but no good answer. In the end, the voters will have to decide whether this is an opportunity to jump on and don’t see any other way to pay for it than with an override.
Bid is what would be put in front of Town Meeting on April 9th and/or in May. If there is a motion, there will be a number. If the process hasn’t gone forward enough for a number, the motion will not be ready.

Q: How does this come to the Town for us to be able to participate? A: The process begins with Newbury engaging a broker, broker will put together a bid package with a deadline (say 2nd week of March). We submit a bid by deadline. Newbury sits on the bids. April 9th comes and goes and we have nothing to vote on. OR we could also ask Town Meeting to approve a contingent bid.

We will come to Town Meeting when the bid is accepted. We do not need Town Meeting’s vote to make a bid. We need Town Meeting to approve and accept the bid and the purchase. We do not necessarily need to expend all of the requested funds.

You are making the amount of your bid publically known so someone could conceivably outbid you.

How are you going to show the voters that you have done due diligence on all of these various parts by March 20?

Q: How would $150K be spent and what are the priorities? How was this figure arrived at? A: I will be relying on the Committee to advise how to spend and how to prioritize. We don’t have all the details yet. We know we have to do an appraisal, conduct a test fit for a school, title search, etc. We need an appraisal to help us get to a number. The high end of that is maybe about $40m for the six parcels.

Q: What are we evaluating the property for? A: There will be a list of possible uses from the strategic assets plan, input from schools, what we are currently renting that could be moved over there.

Is there a restriction that we have to use it all, or can we use some and sell off the rest? Why not just say we are going to buy it even if we don’t fully know what we are going to do with it. What we could rezone it and sell it off and recoup our investment. I would not support buying the property to put a school there if the total cost is more than the current three site solution. Reduce the investment for the three site solution on the table, then ok.

The Chairman agreed.

We would be irresponsible not to pursue this. How can things be structured on the ballot? Put all of the issues and if it is legal to have contingencies based on other outcomes.

It was an eye opener to people across town that suddenly Newbury was up there. Over 300 people signed the petition from every precinct. There is broad interest in evaluating and acquiring the site.

Recognize voter fatigue, increasing taxes, etc. but this property is available now. After now, it won’t be available. The test is that people 100 years from now will look at this decision and say it was a good one. We are being asked to transfer some money so a Committee can study it so that all of the questions we are asking can be uncovered and resolved.
We frequently talk about what we could do if we had more land; this seems like an opportunity with less risk than you might expect (if we find we have too much land, we can sell off parcels) and we are fortunate to pursue this and trust that the Committee will be cautious with how they spend the money.

Hope that there is an understanding that not all the parts of the Charge need to be done and hope the Committee will simplify it before going forward. Also seriously look at implications, projects that might be put in flux, should Newbury be acquired.

We also have a member of the Advisory Committee on the Newbury Committee and we can be sure that she will keep the group mindful of costs.

A MOTION was made and seconded to approve a Request for a Transfer of $8,000 from the Reserve Fund to fund a Special Town Meeting called as a result of a citizen petition.

By a roll call VOTE of 22 in favor, opposed, and abstentions, the motion carries

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A MOTION was made and seconded to approve a Request for a Transfer of $150,000 from the Reserve Fund to support the work of the Newbury College Acquisition Advisory Committee and costs incident to any potential transaction.

By a roll call VOTE of 21 in favor, 1 opposed, and no abstentions, the motion to carries.

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3. Review, discuss and possibly vote on the Administration and Finance Subcommittee’s report and recommendations regarding FY19 YTD Budget Period 3 and Period 6 reports.
John Doggett gave an overview of the Admin and Finance Subcommittee report on their budget versus Year to Date review of expenses, which they felt was a valuable exercise. He shared the subcommittee’s recommendations.

1. That the Year to Date budget should continue to be reviewed at about the six-month mark;

2. The focus should be mainly on the operating budgets, and that each AC Subcommittee should review results for departments assigned to them;

3. The “Outside Services” category is overly broad and should be broken down into subcategories for greater efficiency and ease of analysis;

4. There should be clarification between those services which are brought in to a department (i.e. contractors brought in to perform a departmental job) vs. services which are contracted out (i.e. software security audit);

5. There should be differentiation between outside advice (consultants) and contract services;

6. For capital accounts, the Finance Department should, unless it is inappropriate to do so, apply charges to oldest account first, unless specifically and appropriately directed otherwise by the submitting department.

QUESTIONS AND COMMENTS

Q: Do they only have the budgets broken down annually? A: Not aware of any other segmentation (YTD or quarterly or monthly) of the budget. Personnel costs in each department are highest and most consistent. If you contract services say to maintain elevators, on the day you have that 100% of that is encumbered.

It is up to the Advisory Committee to work with Department Heads – if money is not fully spent, and they agree to close the account, then the funds can get reallocated in the budget article or budget adjustment article at Town Meeting.

There was a suggestion to send link when reports are posted in the Document Center or ask Melissa Goff for a report for a particular point in time.

In terms of action items, it is up to subcommittee chairs to use the data in their budget deliberations.

Regarding the recommendations, did the Deputy Town Administrator Goff agree that these are possible? Yes and further she didn’t see any issue with this process or any of the recommendations.

John Doggett will review the recommendations and recraft them for a proposed recommendation with official vote from the Advisory Committee at the next meeting.
4. Review and discussion of the Advisory Committee’s potential schedule for February, April, and May.

If the two Special Town Meetings are the 9th of April, the reports for the Combined Reports have to be to Sean 10 days before they get mailed out. Don’t know how much time we have to make up until we see the warrant.

One subcommittee hearing on all Articles related to Newbury with perhaps continuation hearing and then one Advisory Committee meeting to vote all.

Suggest that timeframe may be pretty tight for a major real estate transaction.

Subcommittees can meet during school vacation times even though the Advisory Committee doesn’t meet. But be cautioned that people do leave town and travel during those weeks so attendance at hearings might be light.

Consider holding Wednesdays in March (6th and 13th) to consider the STM articles.

Chapter 44 was invoked by Public Works to incur a deficit in the FY 19 Snow and Ice budget. They have already gone through their budget.

There being no further business, the meeting adjourned at 9:40 pm.

Documents Distributed at Meeting

- Planning & Regulation Subcommittee Report on RFTs
- Admin & Finance Subcommittee Six Month Budget Review Report
- Request for Reserve Fund Transfer $8,000
- Request for Reserve Fund Transfer $150,000
- Select Board Votes on Reserve Fund Transfers January 15, 2019
- Newbury College Acquisition Advisory Committee Charge and Revisions
- Letter of Support from Parks & Recreation Commission for Newbury College acquisition
- Public Comments from Sergio Modigliani regarding Newbury College acquisition
- Advisory Committee Draft Meeting Schedule
- Memo RE: Authorization to Incur FY2019 Snow and Ice Deficit
The Advisory Committee will hold a public meeting on Tuesday, January 22, 2019, at 7:30 pm, in Room 103 of Town Hall.

AGENDA

1. Discuss and possibly vote to approve a Request for a Transfer of $150,000 from the Reserve Fund in order to study the Town's interests in the disposition of the Newbury College campus including, but not limited to, the acquisition of all or part of the campus for municipal or school purposes.

2. Discuss and possibly approve a Request for a Transfer of $8,000 from the Reserve Fund to fund a Special Town Meeting called as a result of a citizen petition.

3. Review, discuss and possibly vote on the Administration and Finance Subcommittee’s report and recommendations regarding FY19 YTD Budget Period 3 and Period 6 reports.

4. Review and discussion of the Advisory Committee's potential schedule for February, April, and May.

5. Other business

The public is invited to attend however this meeting is not a public hearing so public comments will not be taken at the meeting. The Advisory Committee welcomes written comments, which will be circulated to members of the Committee if they are sent to lportscher@brooklinema.gov no later than 12:00 noon on the day of the meeting. Subcommittees of the Advisory Committee hold public hearings on any matter on which the Advisory Committee makes a recommendation to Town Meeting. Members of the public are encouraged to attend subcommittee public hearings if they wish to comment on any item under deliberation by the subcommittee.

Sean M. Lynn-Jones, Chair H: 617-738-6228, W: 617-495-1463, slynn-jones@brooklinema.gov
Carla Benka, Vice-Chair H: 617-277-6102, rcvben@earthlink.net
BROOKLINE ADVISORY COMMITTEE
Subcommittee on Planning and Regulation
January 17, 2019 Meeting

Report on Requests for Reserve Fund Transfers Relating to Newbury College

The Planning and Regulation Subcommittee of the Advisory Committee held a public hearing in Room 103 of Town Hall, at 6:00 pm on January 17, 2019, to discuss, take public comment and vote upon two requests for Reserve Fund Transfers. Attending were P&R Subcommittee members Steven Kanes, Chair, Lee Selwyn and Carol Levin, and Advisory Committee member John Doggett, who was added to the Subcommittee for consideration of these requests; Neil Wishinsky, Chair of the Select Board, Allison Steinfeld, Director, Planning and Community Development Department and Melissa Goff, Deputy Town Administrator; as well as several members of the public (see attached sign-in sheet).

Neil Wishinsky made a presentation regarding the request for a Reserve Fund Transfer for $8,000 to fund a Special Town Meeting called as a result of a citizen petition requesting that a Special Town Meeting be held to consider the acquisition of the Newbury College site for an elementary school. Mr. Wishinsky stated that there would be a Second Special Town Meeting on the same date called by the Select Board because the Select Board believes that the scope of the citizen petition request was too narrow as it only focused upon a vote for an elementary school at the Newbury College site. The Second Special Town Meeting would likely encompass two warrant articles: one containing a broad authorization to purchase the Newbury College campus property and a second warrant article relative to a collective bargaining contract.

Melissa Goff reviewed the costs related to the holding of the Special Town Meeting, tentatively scheduled for April 9, 2019, which are estimated to be $8,000.

Following discussion, the Planning and Regulation Subcommittee voted 4 to 0 to recommend that the Advisory Committee approve a Request for a Transfer of $8,000 from the Reserve Fund to fund a Special Town Meeting called as a result of a citizen petition.

The discussion next turned to the request for a Reserve Fund Transfer of $150,000 to fund the work of the newly formed Newbury College Acquisition Advisory Committee (the “Newbury Committee”) to study and report back to the Select Board concerning the possible acquisition by the Town of all or part of the Newbury College site.

Mr. Wishinsky made a presentation of the estimated cost components of the $150,000 request, including costs relating to an appraisal, a title search, a Phase One environmental study, architectural planning services, a test fit for a school and outside legal services.

Following a discussion of the cost components, a discussion next ensued regarding the Charge of the Newbury Committee that had been approved by the Select Board (Attached). During that discussion, Mr. Wishinsky reported that Newbury College was in the process of selecting a
broker for a sale of the campus. He said that he expected that a broker would be selected by the end of January and that a bid package would go out sometime thereafter.

A lengthy discussion and debate ensued as to whether the Charge was too broad in scope to make it possible for the Newbury Committee to react quickly to a bid opportunity from the Trustees of Newbury College. In particular, there was concern expressed that the part of the Charge requiring a preliminary assessment of possible uses could result in a lengthy analysis of all possible uses of the site that could delay the Newbury Committee from quickly responding to a fast-moving bidding process. Some members of the Committee and some members of the public expressed the view that the Newbury Committee should focus centrally on how to accomplish an acquisition with the view that determining a precise purpose in advance was not necessary because the site was so valuable and unique and that its value could be further enhanced by the Town’s ability, unlike another purchaser, to implement any necessary zoning.

Mr. Wishinsky responded to a number of questions and comments, including an email from Sergio Modigliani, which was read into the record. Mr. Wishinsky stated that he understood the concerns raised as to scope but that the process could be delayed by two weeks if the Advisory Committee were to suggest revisions to the Charge at its meeting scheduled for Tuesday, January 22, and that the Newbury Committee has already scheduled its first meeting on Wednesday, January 23. He also noted that the existing Charge, while requiring a preliminary assessment of possible uses, explicitly states that the Newbury Committee will not be advising the Select Board on the ultimate use of the property, which will be determined through a future planning process should there be a successful acquisition.

The Subcommittee considered a number of suggestions, including the suggestion of Mr. Modigliani that the project be separated into phases, with funding to be released in tranches upon completion of each phase. The Subcommittee concluded that such restraints would hamper the flexibility of the Newbury Committee and could actually cause delay when speed and nimbleness were required. The Subcommittee also believed that Mr. Wishinsky clearly heard the concerns expressed at the meeting with regard to the scope of the Charge and, in fact, he said he would request that the Select Board clarify the Charge accordingly at its meeting on January 22, including changing the phrase “Preliminary Assessment of Possible Uses” to “Preliminary Identification of Possible Uses”. On that basis, and given existing time constraints, the Subcommittee concluded that it would not recommend any revisions to the Charge for consideration by the Advisory Committee.

There was also a discussion on financing a potential acquisition and how the Town could fashion a bid to be an effective bidder. It was concluded that the Newbury Committee and the negotiating team would need to find those solutions based on how events proceeded.

**Following further discussion, the Planning and Regulation Subcommittee voted 4 to 0 to recommend that the Advisory Committee approve a Request for a Transfer of $150,000 from the Reserve Fund to support the work of the Newbury College Acquisition Advisory Committee and costs incident to any potential transaction.**
Newbury College Acquisition Advisory Committee Charge

The Select Board shall establish a Newbury College Acquisition Advisory Committee. As advisory to the Select Board, the Committee’s purpose is to examine, analyze and report on the legal, procedural, and financial issues, as well as provide strategic advice and a preliminary use analysis, for the possible acquisition of some or all of the Newbury College property on Fisher Hill. This committee will support the acquisition phase for the property. The Committee will not be advising the Select Board on the ultimate use of the property. That would be determined through a future planning process should the Town successfully acquire the property. Additionally, should the Town not successfully purchase the property a future planning process will consider land use regulation strategies.

The Committee’s work will form the basis for a report and/or recommendation to the Select Board. The Committee will have access to staff and professional services which will be funded by a request for a Reserve Fund Transfer of $150,000. The Committee will help determine which professional services will be required.

The Committee shall hold at least one public hearing prior to delivering its report to the Select Board.

The Committee’s report should include:

- Legal Analysis
  - Assessment of known restrictions and impacts on possible future uses. Including,
    - National/State Historic Register
    - Wetlands jurisdiction
    - Restrictions in Newbury College’s land
    - Easements - Water/Sewer, Path of Travel, Utility
  - General acquisition questions and assessment of the mechanisms that could be used to acquire the property
    - Can we acquire the property without a specific use identified – for “general municipal use”?
    - Can/should the Town partner with another organization to purchase? Advantages/disadvantages?
    - Restrictions or other considerations of potentially selling off unused sections of land after acquisition
    - Acquisition structure options
      - Fee Simple
      - Eminent Domain
      - Other
  - Assessment of site condition
    - Are buildings adaptable, i.e. can they be reused? Size appropriate? Condition?
    - Research of past use and;
      - Environmental conditions
o Preliminary Assessment of Possible Uses
  - Can the site be used for a critical mass of the municipal uses identified in the Strategic Asset Plan? Including,
    - Additional elementary and high school facilities to support Brookline Public Schools
      - Test fit and high level price estimate for 2 and 3 section elementary schools
    - Facilities for BEEP, substantially separate special education programs
    - Town/School office space
      - Relocation of existing rentals
    - Open Space/Recreation use
    - Affordable Housing
    - Senior Housing
    - Municipal facility, including satellite Senior Center
    - Other

o Acquisition Strategy
  - Consider how to best engage with the Newbury acquisition process
    - Bid strategy
    - Preparation of a bid recommendation
      - Consideration of other potential bidders and how to best compete
      - Consideration of reasons not to purchase property
      - Consideration of partnership opportunities

o Cost and Financing Options
  - Oversee a value assessment of the property
  - Assistance in preparation of an offer or bid package
  - Examine finance options
    - Capital Improvements Program financed
      - Effect on other CIP priorities
    - Debt Exclusion Override
    - Redirection of existing rental payments
    - Other

Composition of Committee
- Neil Wishinsky (Select Board Chair)
- Nancy Heller, Alternate, (Select Board Member)
- Steve Heiken (Planning Board)
- Ranch Kimball (Non-Profit and Higher Education expertise)
- Janet Fierman (Building Commission)
- Paul Saner (Economic Development Advisory Board)
- Kathy Spiegelman (Planning and Real Estate- Higher Education)
- Helen Charlupski (School Committee)
- Georgia Johnson (Fisher Hill Neighborhood)
- Bobbie Knable (Advisory Committee)
Advisory Committee Meeting

01/22/2019

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Advisory Committee Meeting

TOWN OF BROOKLINE

Request for Reserve Fund Transfer

To the Select Board: ________________________________ Date: 1/11/19

It is hereby requested that you approve and transmit to the Advisory Committee the following Reserve Fund Transfer:

Department: Planning Total Transfer Requested: $150,000

Org #: 17201720 Object #: 524010 AMOUNT: $150,000

Description (or attach memorandum): See attached memo

________________________

Approved: Nancy J. Heller "Department Head"

________________________

Select Board
TOWN OF BROOKLINE

Request for Reserve Fund Transfer

To the Select Board: Date: 1/11/19

It is hereby requested that you approve and transmit to the Advisory Committee the following Reserve Fund Transfer:

Department__Select Board______________ Total Transfer Requested $____$8,000_____

Org #_98909850____ Object #_510300____ AMOUNT $____7,000_____

Org #_98909850____ Object #_525060____ AMOUNT $____500_____

Org #_98909850____ Object #_53210____ AMOUNT $____500_____

Description (or attach memorandum): See attached memo

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Approved:

Department Head

Select Board
Subject: FW: Select Board RFT 1.15.19
Attachments: 1.15.19 signed reserve fund transfers 2.pdf

From: Kate MacGillivray
Sent: Wednesday, January 16, 2019 12:10 PM
To: Lisa Portscher; Jan LaVoie; Alison Steinfeld
Cc: Melissa Goff
Subject: Select Board RFT 1.15.19

In Select Board
January 15, 2019

SPECIAL TOWN MEETING

On motion it was,

Voted to authorize a Request for Transfer to fund a Special Town Meeting in the amount of $8,000.00.


NEWBURY COLLEGE COMMITTEE

On motion it was,

Voted to appoint a Committee to study acquisition of all or part of Newbury College, and approve the charge as amended and the proposed committee members.

Voted to authorize a Request for Transfer from the Reserve Fund in order to study the Town’s interests in the disposition of the Newbury College campus including, but not limited to, the acquisition of all or part of the campus for municipal or school purposes, in the amount of $150,000.00.


Kate MacGillivray
Select Board’s Office
617 730-2202
Newbury College Acquisition Advisory Committee Charge

The Select Board shall establish a Newbury College Acquisition Advisory Committee. As advisory to the Select Board, the Committee’s purpose is to examine, analyze and report on the legal, procedural, and financial issues, as well as provide strategic advice and a preliminary use analysis, for the possible acquisition of some or all of the Newbury College property on Fisher Hill. This committee will support the acquisition phase for the property and as such, the tasks listed in the charge should be prioritized to ensure that appropriate due diligence is conducted to make a timely bid for the property. The Committee will not be advising the Select Board on the ultimate use of the property. That would be determined through a future planning process should the Town successfully acquire the property. Additionally, should the Town not successfully purchase the property a future planning process will consider land use regulation strategies.

The Committee’s work will form the basis for a report and/or recommendation to the Select Board. The Committee will have access to staff and professional services which will be funded by a request for a Reserve Fund Transfer of $150,000. The Committee will help determine which professional services will be required.

The Committee shall hold at least one public hearing prior to delivering its report/recommendation to the Select Board.

The Committee’s report/recommendation should may include:

- Legal Analysis
  - Assessment of known restrictions and impacts on possible future uses. Including,
    - National/State Historic Register
    - Wetlands jurisdiction
    - Restrictions in Newbury College’s land
    - Easements - Water/Sewer, Path of Travel, Utility
  - General acquisition questions and assessment of the mechanisms that could be used to acquire the property
    - Can we acquire the property without a specific use identified – for “general municipal use”?
    - Can/should the Town partner with another organization to purchase? Advantages/disadvantages?
    - Restrictions or other considerations of potentially selling off unused sections of land after acquisition
    - Acquisition structure options
      o Fee Simple
      o Eminent Domain
      o Other
  - Are tools such as a ground lease available after acquisition

- Assessment of site condition
  - Are buildings adaptable, i.e. can they be reused? Size appropriate? Condition?
Research of past use and;
- Environmental conditions
  - Preliminary Assessment Identification of Possible Uses
    - Can the site be used for a critical mass of the municipal uses identified in the Strategic Asset Plan? Including,
      - Additional elementary and high school facilities to support Brookline Public Schools
        - Test fit and high level price estimate for 2 and 3 section elementary schools
      - Facilities for BEEP, substantially separate special education programs
      - Town/School office space
        - Relocation of existing rentals
      - Open Space/Recreation use
      - Affordable Housing
      - Senior Housing
      - Municipal facility, including satellite Senior Center
      - Other
  - Acquisition Strategy
    - Consider how to best engage with the Newbury acquisition process
      - Bid strategy
      - Preparation of a bid recommendation
    - Consideration of other potential bidders and how to best compete
    - Consideration of reasons not to purchase property
    - Consideration of partnership opportunities
  - Cost and Financing Options
    - Oversee a value assessment of the property
    - Assistance in preparation of an offer or bid package
    - Examine finance options
      - Capital Improvements Program financed
        - Effect on other CIP priorities
      - Debt Exclusion Override
      - Direction of existing rental payments
      - Other

Composition of Committee
- Neil Wishinsky (Select Board Chair)
- Nancy Heller, Alternate, (Select Board Member)
- Steve Heiken (Planning Board)
- Ranch Kimball (Non-Profit and Higher Education expertise)
- Janet Fierman (Building Commission)
- Paul Saner (Economic Development Advisory Board)
- Kathy Spiegelman (Planning and Real Estate- Higher Education)
- Helen Charlupski (School Committee)
- Georgia Johnson (Fisher Hill Neighborhood)
Select Board  
333 Washington Street, 6th Floor  
Brookline, MA 02445

Dear Members of the Select Board,

On behalf of the Park & Recreation Commission, I am writing to advocate and voice support for the acquisition of a portion, if not all, of the available land at the Newbury College site. We understand that there are multiple Town priorities, however request serious consideration of active park and recreation purposes that will serve the entire community. We must actively pursue this land acquisition to help offset significant deficiencies in our current Town assets.

According to the Town of Brookline’s Parks, Open Space and Recreation Strategic Master Plan (https://www.brooklinema.gov/DocumentCenter/View/2631/Parks-Open-Space-and-Recreation-Strategic-Master-Plan-PDF?bidId=) dated June 2006 (almost 13 years ago) it was determined that Brookline needs a significant amount of additional facilities and open spaces for both active and passive users. The report found that:

“Based on national standards included in the Level of Service (LOS) analysis, a target goal for Brookline should be 10 acres per 1,000 residents. Therefore, Brookline needs an additional 36 acres, split evenly between active uses, such as fields, and passive recreation or conservation land. For example, acquisition of the 10-acre MWRA Fisher Hill Reservoir site, currently undergoing public review, supports multiple needs identified in the Master Plan. An additional 36 acres will meet the target acres per population of open space; however, given the deficit of active recreation facilities, particularly fields and indoor recreation amenities, 36-58 acres will be required to meet all of the programmatic needs identified in this Plan.”
We understand the acquisition of Newbury College will be an incredible financial and urban planning undertaking for our Town, but it is also a once in a lifetime opportunity that we do not want to miss. We request a formal role on the Newbury College Acquisition Advisory Committee to discuss opportunities for recreation along with other Town needs. We look forward to supporting you in your efforts to evaluate the Newbury College site.

Sincerely,

John Bain
Park and Recreation Commission Chair

c: Mel Kleckner, Town Administrator
   Advisory Committee
   Economic Development Advisory Board
   Planning Board
   Conservation Commission
Please read in advance of the Advisory Committee meeting this Tuesday, public comments regarding Newbury College possible acquisition below.

From: Sergio Modigliani <smodig@rcn.com>
Subject: Your Subcomittee Hearing
Date: January 17, 2019 at 5:06:58 PM EST
To: "Steve Kanes (stevenkanes@gmail.com)" <stevenkanes@gmail.com>
Cc: Carla Benka <rcvben@earthlink.com>

Mr. Steve Kanes, Chair
Advisory Committee’s Planning and Regulation Subcommittee

As I am unable to attend this evening’s consideration for the reserve fund transfer, I write instead and request my comments be read into the Record and hopefully may be useful to you and your sub-committee colleagues:

While I am strongly supportive of the Town’s investigating its options concerning the Newbury College campus, the Sum requested for a Consultant seems very large for an initial determination of the Town’s interest, potential uses, legal considerations (bidding, eminent domain, or a friendly taking), Zoning and strategic planning.

**Recommendation No. 1:** If the entire Sum of $150,000 is in consideration, that its expenditure be structured into Phases, with the understanding that negative results in the earlier ones may result in abandoning the effort; this type of phasing would be the expected contractual structure if administered through the Building Commission;

**Recommendation No. 2:** Time is of the essence. It is likely that a Bid, if forthcoming, would be required within two months. Other interested Parties, especially private ones, are likely capable of far more rapid mobilization that the Town. The Town’s initial expenditures would therefore appear to need to be directed toward legal and real estate specialists who can quickly give the Executive and Advisory branches the lay of the land and a realistic understanding our the Town’s ability to be a Player or not. A critical part of that is understanding the cards the Town holds from Zoning control, as the existing use is non-conforming and could...
be repeated only by a Dover-qualified user. Matters such as determination of the conditions of the Buildings appears secondary to the primary question of whether the Town can and should be a Player and seek to acquire, or control, the site.

**Recommendation No. 3**: Prior to approval of a Reserve Fund Transfer, that there be a clearer statement of purpose that the Town’s interests in the Newbury site extends well beyond the initial reaction of “Wow, a replacement site for a K-8 school so we do not need to pursue Baldwin”; note that preliminary investigations by the Building Commissioner and the Superintendent of Schools have already cast significant doubt on the use of the site as a K-8 facility with the current buildings. Mr. Blood, in his presentation to EDAB on January 7, 2019, laid out a 3 part framework for the Town’s interests which should be carefully considered and made a part of the charge to the Committee.

**Recommendation No. 4**: While the BOS appears to have already appointed members to the special Committee charged with overseeing this process, I would note that in my opinion this group appears:

a. too large to be nimble, which is requirement of this exercise; at minimum, an Executive group of the larger group seems necessary;

b. lacking in affordable housing, real estate, business and legal knowledge, skills necessary to oversee the Consultant(s);

c. weighted toward School personnel.

Thank you for your consideration,

Sergio Modigliani, AIA
C: 617.823.3384
smodig@rcn.com
The Administration and Finance subcommittee of the Advisory Committee met on January 8th, 2019, for a meeting, review and possible vote on the Six Month YTD Budget Report.

Attending were A&F subcommittee members John Doggett, Dennis Doughty, Neil Gordon, and joined by Janet Gelbart; and Melissa Goff, Deputy Town Administrator.

RECOMMENDATIONS:
The Subcommittee felt that Budget v. Year to Date review was a valuable exercise, and recommends:

1. That the Year to Date budget should continue to be reviewed at about the six-month mark;
2. The focus should be mainly on the operating budgets, and that each AC Subcommittee should review results for departments assigned to them;
3. The “Outside Services” category is overly broad and should be broken down into subcategories for greater efficiency and ease of analysis;
4. There should be clarification between those services which are brought in to a department (i.e. contractors brought in to perform a departmental job) vs. services which are contracted out (i.e. software security audit);
5. There should be differentiation between outside advice (consultants) and contract services;
6. For capital accounts, the Finance Department should, unless it is inappropriate to do so, apply charges to oldest account first, unless specifically and appropriately directed otherwise by the submitting department.

BACKGROUND:
There are two budget reports that are produced to show financial year to date budget appropriation, transfers, a revised budget, YTD expenditures, encumbrances, available budget and percentage of the budget that has been used. One report shows all General Fund accounts, and the other the “K” reports which show capital accounts, using the same format.

These reports can be produced on demand; the Advisory Committee (AC) generally receives them on a quarterly basis.

DISCUSSION:
There was a discussion as to how budget transfers work, and of the nature of encumbrances.

The Deputy Town Administrator, Melissa Goff (MG) noted that no transfers occur between department budgets, just within or with designated fund accounts (Reserve Fund transfer, for example). Moving funds out of salary budget to services requires Select Board (SB) authorization; moving funds into a salary budget requires both SB and AC authorization. Encumbrances typically are expenditures that have not yet occurred but have been contracted.

The Subcommittee reviewed each department in turn, focusing on those budgets that had usage greater than 50% (since we are half way through the year) with questions and responses from the Deputy Town Administrator:
Personnel:
Why budget hasn't dropped? Outside services?
 * MG: Legal will take some time to transition over with the Personnel budget

Finance department:
Outside services are up significantly. Why?
 * MG: Credit card charges are higher than expected. This may continue as more IPS meters will be installed over the next 2 years

Town Clerk:
Reserve fund transfer for next election?
 * Maybe needed

Building dept:
Outside services are running high
 * MG: Issue around Coolidge Corner school, systems not functioning correctly

Public works dept:
Outside services are running high
 * MG: Sanitation - Recycling is becoming more expensive and will probably go up $300K next year

Health dept:
Again, outside services are running high
 * MG: Concerns about keeping up with grant funding

Library:
 * MG: we've been monitoring the library budget for the past few years, the Chief Librarian is concerned about using volunteers with respect to library database and this increases outside services.

Recreation dept:
 * MG: Vacancy is providing some salary relief

Personnel Benefits:
Is there a problem here with 64% expended or encumbered?
 * MG: No, we are expecting an overall surplus

The Subcommittee reviewed each capital account in turn, focusing in particular on those items that had little or no activity. The Subcommittee did note that the AC Capital Subcommittee monitors the detail of all capital items on a regular basis and so the focus was on more general concerns:

General Observation: There are a lot of small older accounts that should be cleaned up. Can the finance department do that automatically?

 * MG: Yes, we can ask the Department heads as well as enabling Finance Dept to apply by default charges to the oldest accounts first, unless the Department says otherwise.

The Subcommittee, lastly, discussed what had been learned and whether this review had been
valuable.

MG thought that we were at the right level of detail on the operating side. On the capital side, it is quite department specific and that the Capital subcommittee has a good handle on the detailed accounts, so the focus on broader issues was valuable.

In conclusion, the Subcommittee felt that this was a valuable exercise and that we recommend:

- That the Year to Date budget should be reviewed, annually, at about the six-month mark;
- The focus should be on the operating budgets;
- Each subcommittee should review applicable FY to date actuals v. budget;
- The Outside services category should be broken down into appropriate subcategories for greater efficiency and ease of analysis
- There should be a greater clarification between those services which are brought in to a department (i.e. contractors brought in to perform a departmental job) vs. services which are contracted out (i.e. software security audit); also, differentiation of advice vs. contract services
ADVISORY COMMITTEE MEETING SCHEDULE
as of Wednesday, January 16, 2019

All meetings will start at 7:30 p.m. and take place in Room 103 unless otherwise noted.

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| 22  Advisory Committee Meeting – RFT Requests  
|   Subcommittee Chairs Meeting (8:30 pm) |

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<td>5  Capital Subcommittee Meeting – CIP preview</td>
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<td>7  Warrant Opens</td>
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<td>12 FY20 Financial Plan presentation by Select Board</td>
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<td>19 No Meeting School Vacation</td>
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<td>26 Budget Review</td>
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|   Administration & Finance Subcommittee:  
| Town Clerk, Finance Department, Debt and Interest,  
| Unclassified, Select Board, Advisory Committee |
| 28 Budget Review |
|   Administration & Finance Subcommittee:  
| Information Technology |
| Human Services Subcommittee: Library |
| Planning & Regulation Subcommittee: Legal Services |

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<td>7  Warrant Closes</td>
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<td>Budget Review</td>
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<td>Personnel Subcommittee: Human Resources, Personnel Benefits</td>
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<td>Public Safety Subcommittee: Fire (Operating &amp; CIP)</td>
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<td>Warrant Article Preview, Subcommittee Assignments: Article Review Schedule or 3/12</td>
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<td>Capital Subcommittee: Building, Recreation, Golf Course Enterprise Fund, Recreation Revolving Fund (Operating &amp; CIP)</td>
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<td>Human Services Subcommittee: Council on Aging, Veterans’ Services, Health Department, Office of Diversity, Inclusion, &amp; Community Relations</td>
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<tr>
<td>Capital Subcommittee: Department of Public Works, Water and Sewer Enterprise Fund (CIP)</td>
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<td>Preview – Schools Subcommittee: School Budget</td>
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<td>Schools Subcommittee: School Budget (Operating &amp; Capital)</td>
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<td>2  Advisory Committee Meeting - If Necessary</td>
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<td>3  Combined Reports to printers</td>
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<td>Town Meeting 7:00</td>
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