

Town of Brookline
Advisory Committee Minutes – DRAFT
Tuesday, April 11, 2023

Meeting Recording:

https://brooklinema.zoomgov.com/rec/share/Z9HSs3h_fkLoV16bPWcLp4cpAMfVJwwXqGVNhdxCXQqvNY69ZnbjhfLrbinhp4A.J3snWNG0jhALOUj7

Present: Ben Birnbaum, Clifford Brown, Patricia Correa, John Doggett, Dennis Doughty, Harry Friedman, David-Marc Goldstein, Neil Gordon, Susan Granoff, Kelly Hardebeck, Amy Hummel, Anita Johnson, Alisa Jonas, Janice Kahn, Joslin Murphy, Donelle O’Neal, Linda Olson Pehlke, Markus L. Penzel, David Pollak, Stephen Reeders, Carlos Ridruejo, Lee Selwyn, Alok Somani, Carolyn R. Thall, Christine Westphal

Absent: Carol Levin, Harry Bohrs, Pamela Lodish, Katherine Florio

Also Attending: Assistant Town Administrator for Finance Charlie Young; Council on Aging (COA) Director Ruthann Dobek; COA Chair Yolanda Rodriguez; Building Commissioner Dan Bennett; Chair of the Housing Advisory Board (HAB) Roger Blood; Director of Planning and Community Development Kara Brewton; Department of Planning and Community Development Director of Sustainability Thomas Barrasso; HAB member Jonathan Klein; Lisa Cunningham; Perry Grossman; Wendy Stahl; Laura Knott; Joe Viola; Paul Saner; Regina Frawley; Petitioner for WA 21 Bruce Levin (TMM17) and other members of the public.

The meeting was called to order at 6:30 PM.

Announcements: Pursuant to this Board’s Authority under 940 CMR 29.10 (8), all committee members will be participating remotely via telephone or video conferencing due to emergency regulations regarding the Corona virus. The Chair has reviewed the requirements of the regulations. There is a quorum physically present and all votes taken will be recorded by roll call so all above listed Advisory Committee members will be allowed to vote.

6:30 PM PUBLIC COMMENT

Offered via email from

Diane Sokal - I am writing to you as an architect, a climate action leader with Mothers Out Front in Brookline and as one of the co-petitioners of the original WA-21 promoting fossil fuel free construction. I urge you to vote in support of Warrant Article 15 at the Advisory Committee Meeting tonight.

I am pleased that the Planning Department has submitted WA-15, bringing us one step closer to what our team had imagined in 2019. The reality is that we are now in an even MORE urgent climate situation, and we have made little progress in reducing our greenhouse gas emissions over these past four years. Brookline must move forward with our participation in this DOER demonstration project and remove from the Municipal Opt-In Specialized Energy Code the compliance pathways that allow for installations of new gas-fired equipment in new construction and major renovations.

The all-electric technology is readily available, energy efficient, cost-effective, comfortable, and works well in our climate. It is economic folly to install new fossil fuel systems and equipment that will require a costly retrofit in the near future. Thank you.

Jonathan Davis, Co-Petitioner, Article 21, Town Meeting Member Pct. 17 - I'm unable to attend this evening's hearing, but I hope you will consider the following brief remarks about Article 21.

1 – The underlying purpose of the Article is to incentivize hotels to behave in certain ways that help deter sex trafficking.

2 – Hotels in Brookline are not legally required to behave in these ways. Whether a hotel does, or does not, is a business decision that a hotel can adopt or abandon as it calculates its business interests. This applies to both existing hotels and, also, to new hotels as they may come along. The Article is intended to shape behavior in both existing hotels and also in new hotels in the future. (Hopefully, the Article will also keep this concern on the radar of future Select Boards.)

3 – The Brookline Chamber of Commerce supports the Article: “The Chamber supports this initiative and stands against human trafficking. We applaud our partner hotels that have already taken the steps outlined in this article to keep people safe, educate their employees, and mitigate the risks of human trafficking.” (Letter of 4/5/23). By email (3/22/23) Paul Saner of EDAB has written that EDAB will not be hearing the Article and he believes that the hotels in town have no objections to the Article. By email (2/27/23) Acting Chief Paster has written that the Police Department has no objections to the draft of the Article that she reviewed.

4 – The insights and discussion by the Human Services Subcommittee have been extremely helpful and their suggested amendments are welcome improvements. Thank you for considering this email.

6:45 PM REPORT FROM THE HUMAN SERVICES SUBCOMMITTEE, DISCUSSION AND POSSIBLE VOTE ON FY24 COUNCIL ON AGING BUDGET

Susan Granoff, Chair of the Subcommittee gave the report on the Council on Aging FY 24 Budget. The subcommittee's report is linked below with additional supporting and informational materials. The Subcommittee voted 4-0-0 to recommend favorable action on the full Council on Aging budget request of \$1,067,722. The subcommittee, by a vote of 4-0-0, unanimously recommended that no cuts be made to this budget should the override fail, and therefore does not approve of the proposed base budget of \$1,063,833, which does not provide funding for a \$3,889 contractual increase in building cleaning services for the Senior Center by the company that the Town contracts with to provide cleaning services. In addition, the subcommittee unanimously recommends the approval of the COA's current ARPA requests totaling \$180,040.

In addition to review of the budget, other issues highlighted included Continuing Impact of COVID-19 in Post-Pandemic Times, Need for Better Ventilation at Senior Center, Need for Revised Middle Management Payment Structure, Need for Sustained Funding for Transportation, Proposal for New Town-wide Local Micro-transit Transportation Service, and Need for Town Funding to Refurbish the Senior Center Interior. Details on each of these issues can be found in the subcommittee report.

Council on Aging (COA) Director Ruthann Dobek thanked Susan and the subcommittee for the presentation. The infusion of ARPA funds which we are proud to receive are going toward essential services, transportation, food insecurity, technology, mental health and social work needs. When ARPA funds end in 2026, we need to insure we have funding to operate those essential services.

Yolanda Rodriguez also thanked the subcommittee for their attention and time drafting the report. It reflected the meeting beautifully.

QUESTIONS, COMMENTS, DISCUSSION

Q from Stephen Reeders: The amount of money we provide for seniors is very low than we provide to other areas, especially given the difficulties caused by the pandemic. Puzzled as to why we don't do more? Where is the advocacy for seniors? At some point we have to address this imbalance. We can put an expensive floor in a school but we can't paint the Senior Center? I will make an amendment. A from Susan Granoff: It seems that seniors do not seem to be a priority at this point given all other issues facing the Town. No one from the 6th floor attended the COA hearing. I don't have an explanation for it.

Comment from Neil Gordon: We all know that absent an override the Town side budget continued to be squeezed in all departments but for the Schools, all received a lower percentage. I will support advocacy for the Seniors. Years ago, there was a proposal to reorganize Senior Services, Veterans' Services and ODICR. Hard enough maintaining status quo without fighting for more money and against reorganization.

Comment: Thanks to Susan for the sobering report. Thanks to Stephen for his comments, well stated and in agreement. Suggestion that old furniture from Driscoll School could go to the Senior Center. Open in 2001 and no paint and no new furniture since then? In favor of adding more funding.

Comment: Also agree with what Stephen said. Worked for the Town for 30 years and for 30 years, seniors have been at the end of the budget list. Will support a motion to support seniors in our community.

Susan noted that there are quite a few advocates within the senior population who attended the hearing and came with statements and ideas. Community Aging Network is also an advocacy group. There are many efforts to advocate for seniors but there has been the sense that has been noted here that seniors are at the bottom of Town priorities. Would like to begin with the Select Board and the Town Administrator. Will require advocacy from non-senior members of the community.

A **MOTION** was made for Favorable Action on the COA FY 24 proposed base budget of \$1,063,833.

An **AMENDMENT** was made to add \$3,889 to cover a contractual increase for COA building cleaning services for a total budget of \$1,067,722. By a **VOTE** of 18 in favor, none opposed and 5 abstentions, the **AMENDMENT** passes.

An **AMENDMENT** was made and seconded add \$100,000 to 'base' budget to fund the development of a strategic plan (\$65,000), investigate transportation issues (\$35,000), move \$100,000 from override proposal (full-time geriatric social worker (from part-time), and transportation for current programs) — totaling \$1,267,722.

Comment from David Pollak: We are looking at a long-term structural deficit and the BFAC study said we have to figure a way out of this and one way is to pass overrides and not constrain ourselves to 2.5%. Appropriate to pay for psychiatric social worker and other things we need by asking the Town and ourselves to tax ourselves to meet these needs.

Comment from Harry Friedman: I have no problem with an override if it is municipal side override since the municipality has been short changed over the year.

Comment from Janice Kahn: The demographic effected most negatively by an override is this group. Seniors on fixed incomes, paying taxes on assessed values that are now mindboggling. Forcing seniors to leave Brookline doesn't seem to be the best approach.

Comment: I agree with Janice and Harry and want to add that normally overrides have study committees and for some reason this one didn't have one. Somehow \$5K made it into the override to pay for supplies for the Fire Department. Was that put in there to suggest that they wouldn't get those supplies if an override did not pass? The current material scheduled to be sent out to voters doesn't include numbers and lack of transparency and clear communication with this override and debt exclusion and wish it was done a different way.

By a **VOTE** of 16 in favor, 1 opposed and 6 abstentions the Amendment carries.

A **MOTION** was made and seconded for favorable action on FY24 'base' budget as amended for Council on Aging \$1,267,722. By a **VOTE** of 18 in favor, none opposed and 5 abstentions the Advisory Committee recommends a base budget \$1,267,722.

A **MOTION** was made to **AMEND** override budget to \$1,267,722 to conform to base budget recommendation. By a **VOTE** of 18 in favor, 1 opposed and 4 abstentions, the motion carries.

In the event of an override, the Advisory Committee recommends FAVORABLE ACTION on amended override budget of \$1,267,722. By a **VOTE** of 16 in favor, 1 opposed and 5 abstentions, the AC recommends favorable action on an amended override budget of \$1,267,722.

7:15 PM Reports from the Land Use Zoning and Sustainability Subcommittee, Discussion and Possible Votes on

WARRANT ARTICLE 14 - AMEND ARTICLE 4.08 OF THE TOWN'S ZONING BY-LAWS (INCLUSIONARY ZONING) TO LOWER THE UNIT THRESHOLD FOR DEVELOPMENTS THAT MUST INCLUDE ONSITE AFFORDABLE HOUSING UNITS (BLOOD)

Anita Johnson, a member of the Subcommittee, gave the report on WA 14. The subcommittee's report is linked below. The Land Use, Zoning and Sustainability Subcommittee voted 4-0 with two abstentions to recommend FAVORABLE ACTION on Warrant Article 14. This Article seeks to amend Brookline's Inclusionary Zoning By-Law, Section 4.08, lowering the maximum size of private housing projects that may make cash payments to the Brookline Affordable Housing Trust Fund (AHTF) in lieu of providing affordable housing units in their developments. Currently, developers may opt to pay the Town fees in lieu of including affordable housing units in their buildings for buildings of four to nineteen units. This Warrant Article would reduce the upper unit limit for this option from nineteen to ten. Voting in favor would require private housing developments to meet the Town's requirement of including 15% affordable housing units on site in their building or buildings if their developments contain more than ten units, reducing the maximum size of housing developments that may opt for payments to the Town.

Petitioner Roger Blood noted the report was very thorough and thanked the subcommittee for their efforts.

A **MOTION** was made for favorable action on Warrant Article 14. By a **VOTE** of 23-0-0 the AC recommends favorable action on Warrant Article 14.

PLANNING AND COMMUNITY DEVELOPMENT FY24 BUDGET

David Pollak, Chair of the Subcommittee gave the report on the Planning and Community Development Department FY24 Budget. The subcommittee's report is linked below and offers FY23 highlights, FY24 objectives and several additional longer-term objectives and initiatives. The subcommittee voted 2 to 2 on the motion to recommend approval of the departmental budget as submitted: Anita Johnson and David Pollak in favor, Linda Olson Pehlke and Lee Selwyn against. Patty Correa and Carlos Ridruejo were unable to stay until the end of the meeting and were not present for the vote.

The subcommittee voted 3 to 1 in favor of the override budget: Anita Johnson, Linda Olson Pehlke and David Pollak in favor; Lee Selwyn against.

The work of the department is accomplished through four divisions:

1. Planning and Administration oversees and supports land use related functions including zoning, preservation, and regulation;
2. Housing works to increase and preserve affordable housing in town;
3. Economic Development includes long-term planning initiatives, and focuses on appropriate economic growth, business prosperity, design excellence and neighborhood character;
4. Sustainability works toward zero emissions within the town.

Director Kara Brewton thanked the subcommittee and David for his report.

QUESTIONS, COMMENTS, DISCUSSION

Q: Any trends about commercial vacancies? A: The trend we are seeing is a lot of ways to eat food or work it off through trends. Regional restaurant groups are post COVID looking at spaces for specialty food stores. Plethora of French Bakeries.

Comment: Notices that are put on people's lawns about pending construction and meetings are very helpful. Hope we do this in Brookline.

Comment: Question about the action item of implementing Housing Production Plan. Reviewed it and there are no clear objectives. Need to be refined if we are to make them operational. I was a no vote also because I felt it necessary to register my disappointment at threatening the Comp Plan work by putting it in the override.

Q: In the base budget is it true there is slightly over \$1.5M for the Comp Plan? A: Funding is in the CIP. It is a 2-year comp plan project.

A **MOTION** was made and seconded for favorable action Planning Department FY24 Base Budget: \$1,525,640. By a **VOTE** of 9 in favor, 10 opposed and 4 abstentions, the Advisory Committee has no recommendation.

A **MOTION** was made by the subcommittee for favorable action on the Planning Department FY24 Override Budget: \$1,550,640. By a **VOTE** of 8 in favor, 9 opposed and 6 abstentions, the Advisory Committee has no recommendation. (Comp plan in the override included in CIP)

WARRANT ARTICLE 15 - AMEND ARTICLE 5.9 OF THE TOWN'S GENERAL BY-LAWS TO CLARIFY AND UPDATE VOTES PREVIOUSLY TAKEN REGARDING THE STRETCH CODE AND SPECIALIZED ENERGY CODE, AND ADD FOSSIL FUEL FREE RESTRICTIONS IN ACCORDANCE WITH THE MA DOER DEMONSTRATION PROJECT (DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT)

David Pollok, Chair of the Subcommittee gave the report on WA 15 which is linked below with supplemental materials. The Subcommittee voted Favorable Action by a vote of 4-0 with one abstention (Pehlke). He noted that this Article would simply involve taking what was previously passed and truncating it to only have all-electric pathway. Article 15 has two parts: Part 1 amends Article 5.9 of the General Bylaw so that it is consistent with Town Meetings adoption of the Specialized Energy Code on January 10, 2023. Part 2 amends Article 5.9 to enable Brookline's participation in the Massachusetts Department of Energy Resources (DOER) ten community Fossil Free (FFF) Building Construction and Renovation Demonstration Project. Voting in favor of this article will allow Brookline to participate in the FFF Demonstration Project.

Building Commissioner Dan Bennett explained how they are currently enforcing codes and how they would enforce the new code. Pile of codes, energy code, stretch code, specialized code on top of that. He answered additional questions from the subcommittee for further clarification.

1. What concerns do you have about the reporting requirements under 225 CMR 24.00? It appears that the town must report building data to the utility providers, and that this data can be found on building permits/applications. *We are not sure how this will affect operational or administrative cost and yes, this data can be found on building permit applications. The Accela program we use captures most of the reporting requirements DOER would like. There will be some possible modifications to the system that may be needed, we will collaborate with IT to ensure our systems are prepared to gather this information. IT Dept staff to finalize the data. All requirements will be addressed with the help of appropriate staff. Please be aware that the information is entered in by the applicant at building permit application.* Furthermore, we are being told that DOER will not insist on the town's submissions having any particular formatting. Based on these assumptions, it appears that the building department will be able to (annually) aggregate already collected information and submit it in the format/software that the department already uses. However, we are interested in hearing from the Commissioner on this topic. *Yes, since there are no guidelines or funds to comprehensively examine data we would provide an aggregate raw data sheet in format/software.*
2. Subcommittee members articulated uncertainty and concern about how the defined term "Major Renovation. A level 3 alteration as defined in 225 CMR 22.00 and 23.00." is being/will be interpreted and applied to condominium buildings. This was reviewed in relation to related articles brought to previous Town Meetings, but we would appreciate a refresher. As an example, if two units in a three-family undertake level 3 alteration projects what is the impact in relation to the requirements of 225 CMR 24.00? *Great question, first let us clarify that a condominium is:*
 - (a) individual ownership of a unit in a multiunit structure (such as an apartment building) or on land owned in common (such as a town house complex)*
 - (b) a unit so owned*
 - (c) a building containing condominiums*

Webster's Dictionary

Major renovation as defined in 225 CMR 24.00 directs the user to 225 CMR 22.00 and 23.00. The definitions in 225 CMR 22.00 and 23.00 direct the user to the Stretch Energy Code referenced in the IRC and IIEBC. Here the IEBC indicates Major Renovation as a Level 3 alteration where the work area exceeds 50% of the building area. This applies to all commercial building projects. The IRC defines Extensive Alteration a/k/a Major Renovation where the total area of the works areas included in an alteration exceeds more than 50% of the area of the dwelling unit. In addition, the energy code clearly says mixed uses are considered separately.

For example: A two- or three-unit condominium is the same as a two or three family dwelling being leased to tenants for rental.

If two units in a three family undertake a Level 3 Alteration both dwelling units will have to comply with 225 CMR 24.00 and be *all-electric*.

- a. Would it matter if they have separate building permits? **No**
- b. Would it matter if the permits are separated chronologically? **No – Key is 50% of dwelling unit not building**
- c. If such a building did fall under the requirements of the Demonstration Project and the elimination of the mixed-fuel pathway, under what circumstances would existing fossil fuel infrastructure need to be taken out of service? **50% of a dwelling unit. For commercial it would be 50% of the building area related to space.** If the gas piping to the boiler were not moved, could it still be used? **Yes, if only the boiler is being replaced.** If the boiler were replaced with the same connections, would that be okay? **Yes, if the existing fixtures in good order as approved by the Plumbing and Gas Inspector.** If the Major Renovation threshold is reached, via dwelling unit renovation, the boiler cannot be replaced to serve that unit. The unit will be required to be all-electric (all-electric appliance and mechanical equipment) Could a gas stove be retained if it weren't replaced? **Yes. If Major Renovation is not triggered all-electric replacement is not required.** What if it were replaced in the same location with the same connection? **If Major Renovation is not triggered all-electric replacement is not required.**

Example 1: 1, 2, 3+ Family dwelling - Full gut reno (100%) in dwelling unit. Dwelling unit will have be all electric.

Example 2: 1, 2, 3+ Family dwelling - 2000sq.ft dwelling unit with 1020sqft being altered (51%). Dwelling unit will have be all electric.

Example 3: Commercial tenant space (restaurants, retail, etc.) on Beacon St (1 out of 4 = 25% commercial building area) being renovated. Exempt from FFF but will have to comply with 225-CMR 9.00 ~~APPLIANCE-ENERGY-EFFICIENCY-STANDARDS, TESTING AND CERTIFICATION PROGRAM*~~.

Example 4: Commercial tenant spaces (restaurants, retail, etc.) on Beacon St (2 out of 4 = 50% commercial building area) being renovated. Exempt from FFF but may have to comply with 225-CMR 9.00*.

Example 5: Commercial tenant spaces (restaurants, retail, etc.) on Beacon St (2 out of 4 and Common Area = 51% of commercial building area) being renovated. Has to be all electric if submitted under one permit

Where a building includes both residential building and commercial building portions, **each portion shall be separately considered** and meet the applicable provisions of IECC—Commercial Provisions or IECC—Residential Provisions.

Deputy Building Commissioner Paul R. Campbell also answered some follow up questions (responses in red):

A single dwelling unit in a large building is undergoing a major renovation, just one unit. This could be either a condo or a rental unit. This might be on the sixth floor of a 12-story building. It is served by hydronic baseboard heat from a gas boiler. Will that unit have to switch to all electric heat? **No, only because the building is over 3 stories.** Remove its gas stove? **No.**

I follow your logic tracing from 225 CMR 24.00 and the definition of Major Renovation. A level 3 alteration as defined in 225 CMR 22.00 and 23.00.

Which leads us to 225 CMR 23.00 for multi-family buildings and Table C407.4 MAXIMUM ENERGY RATING INDEX. This table establishes maximum HERS ratings for Major Alterations under the commercial stretch code that goes into effect on July 1. And it footnotes as follows:

Major alterations, additions, or Change of use^b

b Alterations, Additions or Change of use covered by Section R503.1.5 are subject to this maximum HERS rating.

Section R503.1.5 is in the one- and two- family Stretch Code. So why, where and how would a residential unit in a 3+ residential building be subject to R503.1.5? **The Residential section of the Energy Code applies to all residential Uses including detached 1 and two-family dwellings and multiple single-family dwellings (townhouses) and Group R-2, R-3 and R-4 per definition of residential building in Chapter 2 of 2021 IECC, and 225 CMR 22 R401.1 Scope. The only Group R use that is not included in this definition is Group R-1 which is your Hotels (Transient) Motels (Transient).**

RESIDENTIAL BUILDING. For this code, includes detached one- and two-family dwellings and multiple single-family dwellings (townhouses) and Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane. (2021 IECC definitions reference)

R401.1 Scope. This chapter applies to residential buildings. Municipalities which have adopted the Stretch Energy Code shall use the energy efficiency requirements of this chapter, or Chapter 51 where applicable for existing buildings. Municipalities which have adopted the Municipal Opt-in Specialized Stretch energy code shall comply with R401.2.4 including both the requirements of Appendix RC and this chapter. (225 CMR 22 Scope reference)

COMMERCIAL BUILDING. For this code, all buildings that are not included in the definition of “Residential building.” (2021 IECC definitions reference)

C401.2 Application. Commercial buildings shall comply with either Section C401.2.1 or C401.2.2. When constructed for the first time, all requirements imposed on the building housing a tenant space fit out zone shall also apply to the tenant space fit out zone. Commercial buildings containing multiple use type classifications (mixed-use buildings) shall comply with C401.2.4 (225 CMR 23 Application reference)

For completeness, here is the reference:

R503.1.5 Level 3 Alterations, or Change of Use. Alterations that meet the IEBC definition for Level 3 Alteration or the IRC definition for Extensive Alteration, exceeding 1,000 sq ft or exceeding 100% of the existing conditioned floor area, shall require the dwelling unit to comply with the maximum HERS ratings for alterations, additions or change of use shown in Table R406.5.

Note that Table R406.5 is similar to Table C407.4 in the commercial code, and only references within the one- and two-family code.

In summary, I don't think the reference from 225 CMR 23.00 back to 225 CMR 22.00 makes a lot of sense, but I also don't see that it subjects all multi-family dwelling units to the requirements of the one- and two-family code. 225 CMR 22.00 “covers low-rise residential buildings.” However, this appears to be your conclusion if I am following your example.

Please see exceptions included in the Model Code which may provide relief for large Multi-family buildings.

exceptions:

- (i) Research laboratories for scientific or medical research,
- (ii) Hospitals regulated by the department of public health as a health care facility,
- (iii) Medical offices regulated by the department of public health as a health care facility, and
- (iv) Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027 may utilize gas or propane for domestic water heating as the only combustion equipment.

QUESTIONS, COMMENTS, DISCUSSION

Q: If I renovated a unit in a 6 unit building in North Brookline and did a major renovation, I would need to comply with the HERS rating in the one unit? A: Yes.

Various scenarios were presented and how the code would impact those renovations was discussed.

Comment from Linda Olson Pehlke: I live in one unit in a 50 unit building that is 3 stories tall. 2 heating systems. Condo fee pays for utilities and we use shared utilities. This seems unworkable. I can't put a hole in a façade of a building just because I want to renovate my unit for an electric heat pump. How much to charge someone who wants to make such a change? We have a communal model so this won't work. Fine with new buildings meeting these requirements but less so for renovations.

Dan Bennett: If there were specific triggers in a building like yours it might be a perfect example for a variance. Don't know where the appeal would go at this time. The issue is that they are trying to make this happen, however. DOER wants to impact existing buildings. Some kinks need to be worked out.

Q: We have to accept the entire thing as written and we have no wriggle room? Would be good to know before we vote.
A: Not sure. This may be a draft because DOER has not come out with their final version but not sure how much it can be changed.

Thomas Barrasso responded, that the department stuck to what DOER had recommended, only eliminated biomass as an alternative fuel. Intent was to stick closely to what was provided by DOER. Don't know anyone else who is altering the language.

Q from Harry Friedman: If enough buildings did this, for those Town residents who are stuck with some sort of fossil fuel for whatever reason, what happens to our gas bill as more fixed costs rest upon a smaller base of people who continue to use gas as others get off the network and go electric? A: Eventually the state will have to jump in.

Q: What some of the more progressive communities around the country are doing getting homes off of fossil fuel. Existing buildings are among the biggest tasks ahead of us. It is not neat but it is necessary and communities are beginning this process and issues will need to be figure out.

Q: About changing utilities and triggers and reiterated the issue of shared utilities and how this would not work. A: Dan responded individual appliances and systems can be modified without full compliance. You can renovate a portion of your dwelling unit will not trigger a full compliance.

Comment: Stephen Reeders noted that there is an insufficient amount of renewable energy to make any of this a reality. Electricity prices will sky rocket. We need a state or regional energy policy.

Comment: We have a road map to address the climate crisis which is only worsening and the roadmap with years of study concluded that electric is most economically and technologically feasible path. Greening of the grid is occurring but problem is lack of time getting homes and automobiles ready.

Q from Janice Kahn: is there any relationship between this article and the Town's participation in the 10 Communities Project? A: Yes, this is our Town Meeting commitment that we want to be part of this. Hold our place at the head of the line of the 10 Communities and if we don't vote for it, some other community will take our place. This was brought forth because votes were taken laying the ground work for this over many years. Climate Action, Mother's Out Front. This was something the community wanted to do and included testimony at the State House.

A **MOTION** was made by the Subcommittee for Favorable Action on WA 15. By a **VOTE** of 8 in favor, 4 opposed, and 9 abstentions the Advisory Committee recommends favorable action on WA 15.

8:15 PM REPORT FROM THE ADMINISTRATION & FINANCE SUBCOMMITTEE, DISCUSSION AND POSSIBLE VOTES ON NON-APPROPRIATED EXPENSES

Neil Gordon, a member of the Subcommittee gave the report on Non-Appropriated Expenses. The subcommittee's report is linked below.

Note that this category consists of mandated expenditures and assessments that are automatically added to the budget, without appropriation. As these assessments are not appropriated by Town Meeting, neither the subcommittee nor the full Advisory Committee need make any recommendation. Individual line items are listed and summarized from the Financial Plan in the report.

8:30 PM REPORT FROM THE HUMAN SERVICES SUBCOMMITTEE, DISCUSSION AND POSSIBLE VOTES ON WA 21: CREATE A NEW ARTICLE 8.XX.1 OF THE TOWN'S GENERAL BY-LAWS TO ESTABLISH TRAINING, NOTICE AND REPORTING REQUIREMENTS FOR INNOLDERS TO PREVENT HUMAN TRAFFICKING. (DAVIS, LEVIN, MARGOLIS)

Marcus Penzel, a member of the Subcommittee, gave the report on WA 21. The subcommittee's report is linked below.

This Warrant Article asks that Article 8 of the Town General By-Laws be amended by adding a new Section 8.xx. This new section, which revises an article submitted for and withdrawn from the Fall 2022 Town Meeting, would impose requirements on hotels to deter sex trafficking at hotels. These requirements are fourfold: 1) Training of certain hotel staff to recognize the signs of sex trafficking; 2) Posting notices in various locations in the hotel to remind workers of their training and obligations; 3) Reporting on when employees are required to enter a guest's room other than when requested by the guest; and 4) Reporting information to the Select Board or its designee regarding each of the three preceding categories.

Voting yes would amend the Town General By-Laws by adding a new section to Article 8 that would require 1) Training of certain hotel staff to recognize that sex trafficking is occurring within their hotel; 2) Posting notices in at least six prominent "back of house" hotel locations to remind workers of their training and obligations; 3) Reporting on when

employees are required to enter a guest's room other than when requested by the guest; and 4) Reporting information to the Select Board or its designee regarding each of the three preceding categories.

The Subcommittee voted 5-0-0 favorable action on the Article as amended by two friendly amendments. The two amendments offered to the current Article 21 concerned 1) the number of notices a hotel must post; and 2) the privacy of employee names and data. A copy of the amended article is contained in the subcommittee report, linked below.

Petitioner Bruce Levin noted the subcommittee report did an excellent job of summarizing the issues.

QUESTIONS, COMMENTS, DISCUSSION

Q: Appreciate depth of work you have put into this. Is there any evidence that this an issue in Brookline? Any cases that have been reported to Police or elsewhere? A: In Brookline, no, but yes in surrounding communities.

Q: Does it have to be a bylaw? Couldn't it just be a requirement of Licensing? A: Don't know. Defer to Town Counsel. Bylaw may seem simpler way to do it.

Comment: Have difficulty with the signage requirements. A: Signage would be in employee lounge, staff areas only.

A member of the subcommittee noted that the original article raised those same concerns because signs would be posted publicly but hotels didn't like it, so petitioners addressed the concern by putting signs to the back of the house. Also, don't think we need to wait to have a problem before training people to look for

Q: Is there a hotel in Brookline now that does this well, the training? A: The Marriott and Hilton have multipage instructions on this topic.

Q: Finding contractors to do this training will be relatively easy? A: Yes, some hotels doing it already and some have said that they would share their trainings.

The Petitioner was invited to explain the impetus for this article. Bruce Levin responded 30 Webster, hotel with no onsite employees, and several committees have forced them have them operate more as a traditional hotel. Details in the subcommittee report.

Comment by Amy Hummel: Cleaner ways to achieve the goals rather than create a bylaw. Also concern about mandating reporting on people. And believing it would actually take care of a program. Not a good practice to codify reporting on people. Turning to a society that assumes the worst when something is completely normal.

Comment: As someone who travels alone frequently, keeps odd hours, doesn't always want housekeeping – concern about the reporting requirements, also.

A member of the subcommittee clarified that noted that the Article requires the hotel to report the hotel's policy, who is taking the training, it does not require to report anything about people who appear suspicious.

Comment: Still concerned about dystopian changes.

Q: Have you seen the content of the training? Also, is there a victim profile? A: Have not seen the training.

Comment: In favor of online trainings.

Q: Can this be implemented through a hotel association voluntary system, or through regulations issued by Police Department or Public Health rather than a bylaw? No legal bar for reporting suspicious behavior. A: Having a bylaw on the books would have people think twice (hotels) about cutting back on safety issues.

Q: What is the penalty for not complying with the bylaw? A: Be reported to the Police Department or Select Board to hopefully take further action. There is a base penalty of about \$50. Not necessarily a loss of license. Police Liaison to licensing so hopefully they would know about it and there would be licensing repercussions.

Comment: Brookline Community Foundation Member for 7 years, we had a grant applicant for an organization (My Body My Choice ?) run by a mother of a high schooler and it was a program to help women who get into these abusive situations. Whether or not it is a bylaw or not, if we have it on the books they have to do it.

A **MOTION** was made for favorable action on WA 21 as amended. By a **VOTE** of 15 in favor, 5 opposed, and 3 abstentions the Advisory Committee recommends favorable action on WA 21.

8:45 PM Other business

The Vice Chair gave an overview of the agenda for Thursday's meeting which will begin at 6:30 pm.

David Pollak gave an update on his subcommittee's activities.

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 10:09 p.m.

Documents Presented

<https://www.brooklinema.gov/DocumentCenter/Index/4054>

- 3.1.23 Meeting FY24 Issues and Budget Requests for Council on Aging
- Answers to Questions for COA Director about FY24 budget
- DRAFT Proposal Transportation Services
- NYTimes Article- 10.17.22 An Uptick in Elder Poverty
- Public Comment COA Budget 3 1 23
- Public Comment COA Budget Ventilation System 3.1.23
- 2023CombinedReportsARTICLE21 and Explanation 3-2-23 Human Trafficking
- WA 21 Human Trafficking Petitioner Questionnaire - 2022.3-19-23R3-20-23pdf
- 2023 03 01 Human Services Subcommittee Report on COA FY24 Budget
- 2023 03 15 Land Use Subcommittee Report on Planning Department FY24 budget hearing final
- 2023 03 24 Admin and Finance Subcommittee Report on FY24 Non Appropriated
- 2023 03 28 Human Services Subcommittee Report WA 21 Trafficking final version
- I.Z. History
- 230323 Petitioner Questionnaire WA14
- WA 14 Explanation 2023 ATM
- 2023 03 27 WA 14 2023 ATM AC Land Use Subcommittee Report and Recommendation
- WA 14 2023 ATM
- 2022 Mass. Acts ch. 179 - Section 84
- 2022_DOER Stretch Code Summary of Analysis
- Supplemental Information on WA 15 (DOER FFF Demonstration Program) (1)

- WA15 Supplemental Material Links
- WA 15 Petitioner Questionnaire - 2022TB2FINAL
- WA 15 Fossil Free PILOTS BTown Meeting Over View Presentation
- WA 15 Article Explanation
- WA 15 2023 ATM
- 2023 04 04 WA 15 2023 ATM AC Land Use Subcommittee Report and Recommendation
- Changes to specialized code Wendy S.pptx
- 10 comm demo and Spec. Code update for Brookline TM 4.11.23.pptx
- Supplemental Information on WA 15 (DOER FFF Demonstration Program) (1)
- Bankers and Tradesman April 102023 Tenants Decarbonization

Vote Tally Sheet - 04/11/2023												
	Vote 1	Vote 2	Vote 3	Vote 4	Vote 5	Vote 6	Vote 7	Vote 8	Vote 9	Vote 10	Vote 11	Vote 12
# Votes Yes	8	0	18	16	18	0	18	16	23	9	8	15
# Votes No	4	0	0	1	0	0	1	1	0	10	9	5
# Votes Abstain	9	0	5	6	5	0	4	5	0	4	6	3
Vote Description:	MAIN MOTION FA on WA 15	MAIN MOTION FA on FY24 'base' budget for Council on Aging \$1,063,833	SUB COMMITTEE AMEND add \$3,889 to 'base' budget for cleaning services contract increase (to \$1,067,722)	REEDERS/ GRANOFF AMEND add \$100,000 to 'base' budget to fund the development of a strategic plan (\$65,000), investigate traffic (\$35,000), move \$100,000 from override proposal (full-time geriatric social worker (from part-time), and transportation for current programs) — totaling \$1,267,722	MAIN MOTION FAVORABLE ACTION on FY24 'base' budget as amended for Council on Aging \$1,267,722	MAIN MOTION in the event of an override, FA on override \$1,092,722	REEDERS/ GRANOFF AMENDMENT amend override budget to \$1,267,722 to conform to base budget recommendation	MAIN MOTION in the event of an override, FA on amended override budget of \$1,267,722	MAIN MOTION FA on Warrant Article 14	MAIN MOTION FA on FY24 'base' operating budget for Planning Department \$1,525,640	MAIN MOTION FA on FY24 'override' operating budget for Planning Department \$1,550,640	MAIN MOTION: FA on WA 21 as amended
Ben Birnbaum			Y	Y	Y		Y	Y	Y	Y	Y	Y
Harry Bohrs												
Cliff Brown	A		A	A	A		A	A	Y	Y	Y	A
Patty Correa	Y		A	A	A		A	A	Y	Y	Y	Y
John Doggett	A		Y	Y	Y		Y	Y	Y	N	N	Y
Katherine Florio												
Harry Friedman	N		Y	Y	Y		Y	N	Y	A	N	A

David-Marc Goldstein	A		A	A	A		A	A	Y	N	N	Y
Neil Gordon	Y		Y	Y	Y		Y	Y	Y	Y	Y	Y
Susan Granoff	A		Y	Y	Y		Y	Y	Y	A	A	Y
Kelly Hardebeck	A		Y	A	A		A	A	Y	Y	Y	N
Amy Hummel			A	A	Y		Y	Y	Y	N	A	N
Anita Johnson	A		Y	Y	Y		Y	Y	Y	A	A	N
Alisa Jonas										A	A	Y
Janice Kahn	Y		Y	Y	Y		Y	Y	Y	Y	A	Y
Pam Lodish												
Joslin Murphy	Y		Y	Y	Y		Y	Y	Y	N	N	N
Donelle O'Neal, Sr.	Y		Y	Y	Y		Y	Y	Y			
Linda Olson Pehlke	N		Y	Y	Y		Y	Y	Y	N	N	Y
Markus Penzel	Y		Y	Y	Y		Y	Y	Y	Y	Y	Y
David Pollak	Y		A	N	A		N	A	Y	Y	Y	Y
Stephen Reeders	N		Y	Y	Y		Y	Y	Y	N	N	Y
Carlos Ridruejo	A		Y	Y	Y		Y	Y	Y	N	N	A
Lee Selwyn	A		Y	Y	Y		Y	Y	Y	N	N	Y
Alok Somani	N		Y	Y	Y		Y	Y	Y	N	N	N
Carolyn Thall	A		Y	Y	Y		Y		Y	N	A	Y
Christine Westphal	Y		Y	A	Y		Y	Y	Y	Y	Y	Y
Dennis Doughty												

LINK Excel.Sheet.12 "C:\\Users\\lportscher\\Documents\\04 2023 Apr\\04 11\\2023-04-11Advisory Committee Vote Tally.xlsx" "Data!R1:R1048576" \\a \\f 5 \\h * MERGEFORMAT