Town of Brookline  
Advisory Committee Minutes  

Sean Lynn-Jones, Chair  
Date: April 23, 2019  


Absent: Janet Gelbart, Susan Granoff, Amy Hummel, Kelly Hardebeck, Stanley L. Spiegel, Claire Stampfer  

Also attending: Petitioner for WA 16 Chris Dempsey, Petitioner for WA 21 Kate Silbaugh, Petitioners for WA 23 Jesse Gray and Heather Hamilton, Petitioner for WA 28 Kea van der Ziel  

The Chair called the meeting to order at 7:00 pm.  

MEETING AGENDA  

1. Review and possibly vote on Article 21 Amend Section 8.37.5 of the Town’s General By-Laws pertaining to Host Community Agreements with Marijuana Establishments.  
   (Silbaugh, Wishinsky)  

Lee Selwyn gave an overview of the subcommittee’s discussion and recommendation on Article 21.  

QUESTIONS AND COMMENTS  

Co-petitioner Silbaugh added that the report was an accurate summary but the proposed change to the by-law also allows the Town to ask for additional information from the applicant before signing a Host Community Agreement (HCA). Puts Brookline in the same position as the city of Salem.  

There are 2 ways that Towns have set up the processes – 1) sign HCAs with everyone then send it to the State. In Salem they have 14 applicants and 5 licenses, then they do scrutiny at HCA stage. If there are too many applicants on a particular block, we can control this.  

In favor of anything the Town can do to have who can come in is great. If we have provisions in our bylaws about things like set-backs versus looking at someone’s financial situation. Address this at the beginning of the process, rather than later in the process.  

Q: Reject an applicant before they have a hearing? A: The HCA under State law and described in this opinion, it is a negotiated agreement between the Town and the entity. This will enhance the negotiation. Narrow the process before it gets to Host Agreement.
Vetting will still take place at the special permitting stage.

Q: How does this square with what the State says? A: It doesn’t. There are not many licenses out there for cannabis. Salem was the first to do this with a large number of applicants and only 5 available permits and the court allowed them to choose. This case sets a positive precedent going forward.

Q: What is the shape or scope of information that the Town will have when doing this screening? A: A letter stating they have site control and that they are going to apply for a license and an address. Then we sign HCA.

Multiple applicants than you have licenses. This warrant article would allow the Town to ask for more information – how financed, survey questions, etc.

Two in the pipeline have HCAs – but the State could reject them. The only way we have hit our 4 maximum is if all 4 succeed so this this warrant article won’t impact those.

This would also relate to other types of businesses coming in the future though.

Why did the Town talk to one vendor who has too much space? There may be a plan to subdivide the property. Plan to have an art gallery in the other space.

The Town is giving them a license to operate in the Town. are these licenses issued on an annual basis, like liquor licenses? A: Different things are being considered at different stages. The Town can revoke the license. If the site is the issue, licensing won’t capture it.

Q: Preliminary examination will it be standard for anyone who brings things to the Town and if the Town has full right to choose in the second stage, can someone who is eliminate in first stage come back for second chance? A: No. You are turning away people who don’t have proper space, site restrictions, too close to a school, etc.

Q: Would it be a good idea to add that to the by-law at some point? Discretion. A: Many things will probably need to be tweaked in the future since this is first time around the block.

A MOTION was made and seconded to recommend favorable action on the Warrant Article 21 for May Annual Town Meeting.

By a VOTE of 20 in favor with 0 opposed and 2 abstentions, the motion is approved.

2. Review and possibly vote on Article 16 Establish a Parking Benefits District in Brookline Village (Dempsey)

Steve Kanes offered an overview of the subcommittee’s deliberations on Warrant Article 16, substantial details of which can be found in the subcommittee’s report.

COMMENTS AND QUESTIONS
Chris Dempsey thanked the Subcommittee of their work. Shared some highlights from a survey of Brookline Village businesses about parking. The objective of the district is to create more of a sense of community and help make the village an even more special place.

Q: Has the Select Board voted on this tonight? A: Likely tonight and they do have this language.

Comment: Would like to see more representation from businesses supporting this.

At other times we received lots of letters from businesses that are opposed to something, while not overwhelming, a reasonable amount of businesses responded.

Q: Any question about raising meter rates on the Survey? YA: We asked them to choose between one of two options – rates too high, or too hard to find parking. Response was it was harder to find parking.

Parking Meter rates will continue to be set the same way and recommendation from the Parking District’s Committee would be in an advisory capacity only.

Roughly .25 cent per hour increase will result in $200,000 per year.

Troubled by the vetting process (usual process is Advisory Committee and then the Select Board) – Town Meeting has the power of the purse. What would we do with CIP items that involve the Village? What if other neighborhoods become district-centric, then we lose control over the oversight.

There is legal basis for this type of spending without going through Town Meeting.

Perhaps narrow the purposes for what the funds could be used.

Appreciate and encourage the idea of developing a more robust business community and sense of identity but why is this the proper way of doing this? Planning is doing a Route 9 study which may be another mechanism for creating this sort of business community they are thinking about. Enhance street scape and make it more conducive to shopping – that raising parking revenue will solve parking issues is speculative.

Agree with concern about this being outside the budget process, CIP process for example. Washington Square and Coolidge Corner may follow suit. I worry that we are treating areas of business differently across Town. Just raise parking rates all over to $1.50 and put those funds in the General Fund and let the money be distributed as necessary through the budget process as it stands.

Agree this is discriminatory to other business areas and concern about funds outside of the usual budget process. Need to take a holistic view of our Town to be sure they all receive the resources they need.

Q: Was Presbyterian Church notified about this? A: Possibly but not aware of direct contact.

Q: Was Economic Development involved with this? A: Brookline Chamber took the lead on the survey. Was also an effort also to grow more relationships in that area?
Q: What impact would it have on the business owners themselves if they drive into Town and have to pay higher parking fees? A: Right now they feel the parking policy is done to them rather the parking policy is done with them. This is an effort to balance voices to get to better outcomes.

Q: Do we have data on whether businesses are using commercial permits? A: This group would look at those types of questions and policies.

The Committee would be made up of merchants and residents. No particular expertise required.

Q: Wouldn’t you have someone from Economic Development? And what would be requirements of staff time to this initiative? A: I don’t have an estimate but if and when this is created and grows, the funds could go toward some staff time.

We have conservation and historic districts throughout Town and we treat different neighborhoods based on what the people living there want.

Based on experience of data 10 years ago, raising rates has made a difference in freeing up space – people may opt to stay shorter so more traffic moving in and out.

That cuts both ways. People stay a short period of time – but then potentially less business. Parking spaces included in this district are associated with Town government buildings and Library. There are spaces that are used by people who are doing business with the Town or Library.

By-passing the budgetary process is a concern but sometimes that process is too prolonged. I like the idea of giving local businesses more aid to address concerns and issues rather that to wait for a budgetary process.

What other types of funds do the Select Board have control over?

Q: EDAB taken a look at this and voted on this? A: No, not taking it up and don’t plan to. Planning Department is also remaining neutral.

Merchants coalescing – there is a Chamber of Commerce, Coolidge Corner has a merchant association, other areas have had associations as well – no reason businesses can’t come together around shared issues of concern.

This area has been impacted by construction but once it is done, the area will be a different environment so wouldn’t view this permanent thing as something temporary.

Historic districts are approved by 90%+ of the residents, there is no analog here.

No reason we can’t bring businesses in to meeting when we are reviewing parking policies and fees. We’ve done it in the past and we can do it again.

There will be a domino effect and we may lose more control than we want to.
Benefit for this type of fund, need for pressing budgetary needs, beautification doesn’t get much attention. Good way to carve out some money dedicated to this purpose. Could we do this as a pilot to see how effective it is? Or have a sunset clause?

Doing this in Brookline Village is sort of an experiment and hope other districts would also find it useful and follow suit.

Other communities, Pasadena, CA, Boulder, CO, Austin, TX and credited with rehabilitating Pasadena. Arlington is the best example locally.

Q: Have any communities explicitly rejected these types of districts? A: Not aware of any.

Future iterations of this will also require warrant articles. In terms of Select Board appointees – you have some people are interested and excited about this – Susan Healey, Ann (at White Place) no lack of interested participants.

Cost of staff – paying a staff person – administrative overload as opposed to just raising the rates and channeling those funds through the CIP.

Also saw this as a pilot as it is focused on the Village and others might want to replicate it.

I think it is important to see the link between residents and businesses. Residents in certain areas are in favor of this. Support of precincts 4, 5 and 6.

Caution us to pick a time that is potentially too short if we do set this up as a pilot so we set it up to fail (do not allow sufficient time for funds to be generated).

Petitioner responded with a few last thoughts and addressed concerns raised.

Governance and is this process giving up control of these funds is a concern. The legislation allows for three ways to manage these funds – Town Meeting process, decided by select board, or go to a nonprofit entity where Town has no control and only committee that is created that controls those funds. That is why the Select Board is the ideal place.

How does this scale and will it be all over Town – that would be a good result meaning the program was successful. Each would still need to be brought to Town Meeting.

Using existing processes – many in the business community feel like they don’t have a voice in these decisions and this would be changing that dynamic and build a stakeholder connection. Budget process is opaque and complex and a vast unknown. This would give them a seat at the table and improve communication.

A MOTION was made and seconded to recommend favorable action on Warrant Article 16 as Revised and Amended with revised map to the May Annual Town Meeting.

A MOTION to amend was made and seconded to add, “The original appointment for the remainder and said operative till 1 June 2024”
A MOTION to amend was made and seconded to change to the time frame to “1 June 2022” to allow it to get going.

By a VOTE of 2 in favor, 20 opposed and 1 abstention, the amendment to the amendment fails.

By a VOTE of 6 in favor, 13 opposed and 4 abstentions, the amendment fails.

I don’t think the 5 year period would preclude other districts from going forward sooner.

What happens with money that may have accrued but then the district sunsets? Select Board would spend the money remaining on the district according to the requirements of the bylaw.

By a VOTE of 13 in favor, 10 opposed and no abstentions, the Advisory Committee recommends favorable action on the motion (as it appears in the subcommittee report and below) for Warrant Article 16

Based on discussions with Petitioner, as detailed above, the text of WA16 would be amended as follows (additions are denoted in **bold**, *italicized* text, deletions are denoted in *stricken* text):

VOTED
To see if the Town will vote pursuant to General Laws Chapter 40, Section 22A½ to establish a Parking Benefit District in Brookline Village as substantially described and shown below in the plan entitled “Brookline Village Parking Benefit District”, in which a portion of parking revenue collected therein may be designated for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A of said Chapter 40; the funds available to the Parking Benefit District shall only be those amounts in excess of revenue that would otherwise be applicable to the general fund through the standard meter-rate-setting process established by the Select Board; said funds shall be deposited into a special revenue fund, to be reported as part of the Department of Public Works annual budget; and further, to establish and designate a Brookline Village Parking Benefit District Advisory Board to make recommendations to the Select Board about said Parking Benefit District to the Select Board, which shall have the final authority on the expenditure of funds; said Advisory Board to be composed of nine members appointed by the Select Board, at least five of whom shall be individuals who own or manage commercial businesses located in the district; said members to be appointed to 3-year staggered terms by the Select Board; a vacancy arising on said Advisory Board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

[A new map would be appended as provided above]

3. Review and possibly vote on Article 23 Resolution regarding electrification of the town’s motorized fleet (Gray, TMM10, Hamilton, TMM10)

Carla Benka gave an overview of the subcommittee’s discussion and deliberations but then shared the amended version of the Article. Because the amended version was received so
recently, the subcommittee was unable to schedule and meeting to learn more about the amendments and make a recommendation on the changes. They did support the original motion but did not have an opinion on the revised language.

A MOTION was made and seconded to refer Article 23 back to the Capital Subcommittee. By a VOTE of 11 in favor, 8 opposed and 3 abstentions, the motion carries.

4. Review and possibly vote on Article 24 Resolution regarding increasing the town supply of green electricity from renewable energy sources (Lescohier, TMM 11)

John Van Scoyoc gave an overview of the subcommittee’s discussion and deliberations on Article 24 which is neatly summarized in their report. Article 24 follows through on the goals of the Brookline Climate Action Plan (CAP). The CAP endorses six strategies for reducing climate-changing greenhouse emissions (mitigation) and preparing for climate-change impacts (adaptation).

The goal of the Brookline CAP is to achieve, by 2050, zero greenhouse emissions (no reliance on fossil fuels) Town- and community-wide.

The case for achieving zero greenhouse emissions by 2050 as a counter to the devastating impacts of climate change is documented in the Paris Climate Agreement https://unfccc.int/sites/default/files/english_paris_agreement.pdf

The intent behind Article 24 is to move the Town beyond its current trajectory of achieving 60% of energy supply from Green/Renewable Sources by 2050. The 60% benchmark will be reached without further action by the Town due to current state laws requiring 2% annual increases in renewable-sourced electricity for retail sale through 2029, followed by 1% increases 2030-2050.

To achieve 100% of energy supply from Green/Renewable Sources by 2050 will require the Town to step up its purchases of Renewable Energy Certificates (REC) from the Town’s current energy supplier. Energy suppliers receive one Renewable Energy Certificate (REC) for each megawatt hour (MWh) of electricity sourced. The Town’s current energy supplier is capable of meeting demand for purchase of additional RECs from the Town of Brookline.

The budgetary impact of purchasing additional RECs annually over FY 2021 - 2050 will be additional yearly increases of approximately $40,000.

The Warrant article calls upon the Select Board to adopt a policy in the Town of Brookline’s Financial Plan to request that the Advisory Committee recommend to Town Meeting year-by-year increases in appropriations for the additional REC purchases.

The directed appropriations to achieve 100% fossil fuel-free energy by 2050 are compared by the sponsor of Article 24 to the town's program of reducing to town's unfunded OPEB liability through increased annual payments. In the words of the sponsor, "The conversion to green energy is another long-term obligation, which, if it the Town doesn’t take steps to begin addressing now, will have growing negative consequences deeply."
Town Hall staff spoke in favor of Article 24, saying that the goal of 100% zero emission energy sourcing is achievable by 2050 but will come at a cost. TMM C. Scott Ananian spoke in favor as did members of the group Mothers Out Front.

Petitioner David Lescohier shared a presentation in support of this article and answered questions.

QUESTIONS AND COMMENTS

Q: What is the impact of a Resolution and what do we accomplish with this? It is not binding however the Select Board is reluctant to ignore the will of Town Meeting. Is this aspirational or does it urge the Board to require it?

A: Select Board has already said that they agreed and committed to this goal. They could have started buying these this year so in this case I feel the use of the term “urging” is sufficient.

These are decisions that will need to be made in the context of our financial situation. It urges the Select Board and Town Administration through their budgetary process to take this into account and consider it.

Town’s energy consultant supported this process and development of this article.

A MOTION was made and seconded to recommend favorable action on the Warrant Article 24 with Scrivener’s errors corrected to the May Annual Town Meeting.

By a VOTE of 19 in favor with 0 opposed and 3 abstentions, the Advisory Committee recommends favorable action on Warrant Article 24.

VOTED:
That the Town adopt the following resolution:

A Resolution Calling for a Procurement Policy to Annually Increase the Town Supply of Green Electricity from Renewable Sources

WHEREAS May 2017 Annual Town Meeting passed Warrant Article 20, which committed Brookline to uphold the Paris Agreement on Climate Change, and Warrant Article 21, which established energy-efficiency goals and minimums for the ninth elementary school and the Brookline High School expansion;

WHEREAS in September 2018, the Select Board by adopting the Climate Action Plan, revised its goal-originally set to conform with the Massachusetts Global Warming Solutions Act goal of 80% reduction of greenhouse gas emissions-to a goal of achieving zero greenhouse gas emissions for the government and the community by 2050;

WHEREAS the Intergovernmental Panel on Climate Change, a group of scientists convened by the United Nations, released its report, which said that to prevent a catastrophic rise of 2.7 degrees Fahrenheit of warming, CO2 emissions must be reduced by 45 percent from 2010 levels by 2030, and 100 percent by 2050, which has galvanized many in town;
WHEREAS the National Climate Assessment report stated that without "substantial and sustained reductions" in greenhouse gas emissions, climate change will hurt people, economies, and resources across the U.S.;

WHEREAS the December 2018 Special Town Meeting passed amendments to Warrant Articles 2 and 3, imposing a condition that no funds be used during schematic design for nonemergency fossil-fuel operated building systems for the ninth elementary school and also the Driscoll School;

WHEREAS in order for the Town to achieve zero greenhouse gas emissions, the Town's electricity must be supplied by 100% green electricity renewable sources;

THEREFORE BE IT RESOLVED that Town Meeting urges the Town to rely on 100% green electricity from renewable sources by the earlier of any future Brookline Climate Action Plan goal or 2050;

BE IT FURTHER RESOLVED that Town Meeting urges the Select Board to adopt a policy to request that Town Meeting appropriate year-by-year increases for the purchase of Renewable Energy Certificates, and that this policy be written into the Town of Brookline Financial Plan;

BE IT FURTHER RESOLVED that Town Meeting urges that these appropriation-increase requests be sufficient to meet the resolution's 100% green electricity goal by 2050, or earlier, if, in the future, the Brookline Climate Action Plan advances this date;

BE IT FURTHER RESOLVED that Town Meeting urges the Select Board to adopt this policy and make it effective beginning in FY 2021.

5. Review and possibly vote on Article 28 Resolution in support of changing the flag and seal of the Commonwealth of Massachusetts (van der Ziel, TMM15)

Michael Sandman gave an overview of the subcommittee’s discussion of Article 28 which supports the adoption of legislation filed by State Senator Jason Lewis (5th Middlesex), State Reps. Nika Elugardo (Jamaica Plain & Brookline) and Lindsay Sabadosa Hatfield/Northampton), and co-sponsored by Rep. Tommy Vitolo (Brookline), among others. The legislation calls for the appointment of a commission to study whether to change the state flag and seal.

The Petitioner explained that this resolution is just an affirmation of legislation that is in the State House. The second paragraph – this commission is to make recommendations for revised seals. This bill has been in 17 sessions and it is in a joint committee this year. There is overwhelming support for this bill among Native American communities and organizations.

She further responded to some of the subcommittee’s objections noting that the article reflects our troublesome history, represents broken promises and it is important to recognize and consider our heritage. She feels the historic clauses should be included. This is not about what we feel about these images but what descendants think about the images. Not inclined to accept the revised version.

QUESTIONS AND COMMENTS
Seal and the motto are in the legislation and therefore it would in fact change the flag since the seal is on the flag.

The Massachusetts flag is symbolic for a reason – subcommittee report goes into great details about all sorts of flag designs and no explanation as to why the whereas clauses are substituted. There is specific legislation and that legislation is under consideration for specific reasons.

Q: Why did you delete many of the petitioner’s whereas clauses?

A: Sometimes many whereas clauses are presented as fact – trade agreement was given as an example. Clauses seemed over the top and not necessary to make the point. We understand the consequences of the settlement of North America to the Indian population but this is not an appropriate set of statements to make in support of the legislation for the establishment of the commission.

A: We can’t present all of those facts in a balanced way but support the legislation.

Q: Did the subcommittee consider not taking a position on this? A: Yes.

Felt that this was an opportunity, for Town Meeting not only to make a statement but an opportunity to provide an education for some people. Not accurate to say this is the same case as others. I will move the original language.

Original language provided context and background which enriched my understanding of the issue and support.

By using the symbol of a Native American on our flag implies a gratitude and respect that we haven’t as a nation or state demonstrated. What we seem to be saying and what our actions actually indicate don’t coincide. I don’t know how to deal with this in its form – its form is a lie.

By editing the resolution you have removed the history - no anchor for that final statement. Part of a goal of a resolution is to make this a teaching opportunity.

I would be willing to set up a commission to look at this but not with all of the blaming whereas clauses.

Leave it up to Town Meeting to decide rather than sanitize it – it is the wrong thing to do. It is good for people to read this and learn about why we want to change the flag.

Regarding the arm and sword and information about Miles Standish and understanding the symbolism – go to a book not whereas clauses to get an understanding of history.

Interesting what people read into various symbols.

The whereas clauses diminish and distract from what this warrant is trying to accomplish. The time we are spending on this now is proof of that. No point to have people debate whereas clauses and draw attention away from what we want – to support the bill.
We are discouraging people from bringing what they want Town Meeting to discuss. If I agree with the whereas clauses I will vote for this, and if not, I won’t. Add something like “Those of us who vote in favor thereby state our view” the position of the majority that passes it. We should never presume to speak for the Town or Town Meeting as a whole when what we are bringing is an interpretation.

To merely support the legislation doesn’t inform our legislators. If the petitioner is offended by the flag in its current form then let her resolution stand. We are only being asked to change this, we are not changing everything.

Town Meeting is enriched by having an amendment.

To dismiss the history is to minimize our own role in it.

We have taken a great deal out but left in significant elements of history and acknowledged what the problem is.

Our role is to advise Town Meeting and to the extent we can improve a Warrant Article that is good, but not to offer Town Meeting choices.

Our recommendations should reflect what we think Town Meeting should vote.

Suggest that we don’t take a position on this warrant article – we have no special knowledge that Town Meeting itself would not have.

The petitioner added that the symbol of the warrior was removed from Brookline’s teams already. One of the pieces of legislation has to do with the appropriation of symbols. I hope you will be persuaded by what I have said and will vote in favor of my resolution.

A MOTION was made and seconded that the Advisory Committee not take a position on this Article. By a VOTE of 8 in favor, 9 opposed and 3 abstentions and the motion fails.

A MOTION was made and seconded to recommend favorable action on the Subcommittee version of Warrant Article 28 page 4 with the addition of the last resolve on the petitioner’s motion to May Annual Town Meeting. By a VOTE of 8 in favor with 7 opposed and 5 abstentions, the Advisory Committee recommends favorable action on the subcommittee motion.

A MOTION was made and seconded to recommend favorable action on the petitioner’s motion. By a VOTE of 7 in favor with 11 opposed and 2 abstentions, the Advisory Committee recommends favorable action on Warrant Article 28.

A MOTION was made and seconded to adjourn; there being no further business, the meeting adjourned at 10:30 p.m.

Documents Distributed at Meeting

- Planning and Regulation Subcommittee Report on WA 16
- Public Comment on WA 16
- Planning and Regulation Subcommittee Report on WA 21
- Capital Subcommittee Report on WA 23
- Article 28 Motion and Substitute Motion
- Supporting Documents WA 28
- Capital Subcommittee Report on WA 24
- School Subcommittee Report on WA 28
- Amended Article 23
The Planning and Regulation Subcommittee of the Advisory Committee held a public hearing on April 3, 2019, at Town Hall, in the School Conference Room (5th floor), to discuss and possibly vote upon Warrant Article 16, submitted by Chris Dempsey, TMM Precinct 6. Attending were P&R Subcommittee members Steve Kanes, Chair, Lee Selwyn, and Carol Levin; Petitioner, Chris Dempsey; Kara Brewton, Economic Development Director; also attending were members of the public (see attached sign-in sheet).

The Planning and Regulation Subcommittee held a subsequent public meeting on April 9, 2019, at the High School, Room 208, to discuss further and possibly vote upon Warrant Article 16. Attending were P&R Subcommittee members Steve Kanes, Chair, Lee Selwyn, and Carol Levin; Petitioner, Chris Dempsey; also attending were members of the public (see attached sign-in sheet).

SUMMARY

Warrant Article 16 seeks the creation of Parking Benefit District in Brookline Village (whose boundaries are defined by Petitioner’s map contained in WA16) pursuant to recent State enabling legislation (the “BV Parking District”).

Warrant Article 16 provides that a portion of the parking revenue collected in the BV Parking District may be designated for use in that District through a dedicated fund; and designates a BV Parking Benefit District Advisory Board (the “BV Advisory Board) to make recommendations to the Select Board. The warrant article provides that the BV Advisory Board will be appointed by the Select Board and shall consist of nine members, at least five of whom shall be individuals who own or manage commercial businesses located in the BV Parking District.

The Subcommittee is of the view that Warrant Article 16 represents a worthy goal of enhancing the Brookline Village business district but believes that the proposal needs further development and clarification. To that end, a number of amendments to WA16 were adopted at the public hearing and at a subsequent public meeting, which Petitioner has accepted. On that basis, the Subcommittee recommends FAVORABLE ACTION on Warrant Article 16, as provided below.

BACKGROUND

Petitioner’s warrant article provides in full as follows:

Establishment of a Parking Benefit District in Brookline Village

To see if the Town will vote pursuant to General Laws Chapter 40, Section 22A½ to establish a Parking Benefit District in Brookline Village as substantially described and shown below in the
plan entitled “Brookline Village Parking Benefit District”, in which a portion of parking revenue collected therein may be designated for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A of said Chapter 40; and further, to establish and designate a Brookline Village Parking Benefit District Advisory Board to make recommendations to the Select Board about said Parking Benefit District; said Advisory Board to be composed of nine members appointed by the Select Board, at least five of whom shall be individuals who own or manage commercial businesses located in the district.

Brookline Village Parking Benefit District

Brookline Avenue
Pearl Street
Station Street
Cypress Street from Washington Street to Searle Avenue
Kent Street
Washington Street from Pearl Street to Greenough Circle
Harvard Street from Harvard Square to School Street/Aspinwall Avenue
Webster Place
Holden Street
Pierce Street
Town lots on Holden/Pierce (Town Hall), Kent Street, Webster Place, and School Street, or take any other action relative thereto.

WA16, is being proposed pursuant to General Laws Chapter 40, Section 22A½, which was added in 2016, and provides as follows:

“A city or town may establish 1 or more parking benefit districts, as a geographically defined area, in which parking revenue collected therein may be designated in whole or in part for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A. A parking benefit district may be managed by a body designated by the municipality, including, but not limited to, a business improvement district or main streets organization.”
With respect to the purposes and uses listed in Section 22A, Section 22A provides in relevant part, as follows:

“…acquisition, installation, maintenance and operation of parking meters and other parking payment and enforcement technology, the regulation of parking, salaries of parking management personnel, improvements to the public realm, and transportation improvements, including, but not limited to, the operations of mass transit and facilities for biking and walking.”

PUBLIC COMMENT

Following the presentation by Petitioner, there was input from members of the public, which included the following comments:

Concern expressed about another government structure without clarity regarding its authority and how funds will be spent, and that the process should be slowed down so that there can be a more thoughtful discussion regarding what should be accomplished.

There was concern raised about contractors using 10-hour meters on Brookline Avenue that needed to be addressed.

One member thought that the map should be increased to include Route 9 up to Cypress Street in order to revitalize Route 9.

The BV Parking District could have benefits that will make Brookline Village a more special place, and a gateway to the Town.

BV is looking for an organizing principle to unite merchants and give BV businesses a voice.

This proposal would give neighbors a forum to discuss parking issues

DISCUSSION

The Subcommittee raised the following issues:

Scope of the BV Parking District

The Subcommittee raised questions about the perceived boundaries of BV for purposes of establishing the BV Parking District pursuant to WA16. Petitioner agreed that metered parking spaces on the northern end of Brookline Avenue were being used almost exclusively by contractors or other persons accessing the medical area. The Subcommittee expressed the view that these spaces were not legitimately within what is generally considered to be BV and that, in any case, they were not being utilized by persons accessing the BV commercial area. In response, Petitioner has agreed to amend the map to remove some of the metered spaces from the BV Parking District that are located on the northern end of Brookline Avenue, i.e., those spaces north of Aspinwall Avenue.
Furthermore, it was noted that there are certain parking areas within the proposed BV Parking District that the Subcommittee believed should be excluded. In that regard, there was a general consensus that the metered spaces in the Town Hall parking lot should be excluded because they were used principally for Town-wide business and not for parking to shop in or otherwise access BV. For similar reasons, some members of the Subcommittee also questioned including metered spaces located in front of the Library and on Cypress Street. In response, Petitioner has agreed to exclude the metered spaces in the Town Hall parking lot from the BV Parking District.

While the map submitted as part of the WA16 may be legally sufficient, it was the consensus of the Subcommittee that it did not provide adequate disclosure and permit a meaningful understanding of exactly what parking meters were being included in the proposed BV Parking District. In response, Petitioner agreed to amend WA16 to substitute a new map, provided below, detailing the parking meters in the proposed BV Parking District, which now excludes certain spaces on Brookline Avenue and those in the Town Hall parking lot.

**BROOKLINE VILLAGE PARKING BENEFIT DISTRICT - Article 16**

![Map of BV Parking District](image)

Brookline Avenue from Washington Street to Aspinwall Avenue
Pearl Street
Station Street
Cypress Street from Washington Street to Searle Avenue
Kent Street
Washington Street from Pearl Street to Greenough Circle
Harvard Street from Harvard Square to School Street/Aspinwall Avenue
Webster Place
Holden Street
Pierce Street
Town lots on Kent Street, Webster Place, and School Street, but not including the Town Hall Lot on Holden/Pierce Street.

BV Parking District Revenue

The explanation for WA16 contains the following description of what parking revenue is intended to be subject to the BV Parking District dedicated fund:

“Not all of the parking meter receipts collected in a PBD have to be returned to the PBD. The warrant article’s proponents are proposing only that incremental increases in parking revenues be dedicated in this way. All existing parking revenues would flow to the town’s general fund, as they do today. For example: today’s parking meter rate in Brookline Village is $1.25 per hour. The BVPBDAB could recommend an increase in rates to $1.50 per hour. In this case, $1.25 would flow to the town’s general fund, as it does today, and $0.25 would flow to the Brookline Village PBD account.”

The Subcommittee noted that the language in WA16, as proposed, could encompass substantially all of the revenue from the meters in the BV Parking District, which would be inconsistent with Petitioner’s intent as articulated in the explanation. In response, Petitioner provided clarifying language to WA16 that only the incremental amount charged in excess of the general parking rate that would otherwise be charged would be deposited in the dedicated fund. Petitioner also agreed that if the general rate structure were subsequently increased to the level of the BV Parking District, the District would need to request a new rate increase in order to continue to share in revenue from the BV Parking District.

Budgetary Concerns

The Subcommittee noted that WA16 as proposed took the approval process out of the normal budgetary process and put it in the hands of the Select Board. The Subcommittee raised concerns about coordination of the uses of the funds with the Town’s normal budgetary process. Petitioner believes that coordination should not pose a significant problem.

Clarifying language was also added to confirm Petitioner’s intent that the Select Board would have final authority on the expenditure of funds.

Accounting Matters

While the explanation provided detail on how the BV Parking District fund would operate, there was concern that WA16 did not provide sufficient detail. Upon advice from the Deputy Town Administrator, it was suggested that Petitioner amend the language to provide that incremental
parking meter funds resulting from an increase in parking meter rates based upon a recommendation from the BV Advisory Board would be deposited into a “special revenue fund”, which would be reported as a line item in the DPW annual budget. The use of a special revenue fund is in keeping with the intended administration of a dedicated fund, which would not go through the normal budgetary process.

**BV Advisory Board**

The Subcommittee suggested that Petitioner might want to reduce the size of the BV Advisory Board, which may be too unwieldy with nine members, of which five are required to be business owners. The Subcommittee also suggested that the terms of the members should be specified. Petitioner has decided not to reduce the size or composition of the BV Advisory Board but has provided language specifying staggered three-year terms for its members.

**Cost of Administration**

The Subcommittee also discussed the cost to the Town to administer the BV Parking District as well as other parking benefit districts that may subsequently be formed. The administration would be principally through the Transportation Department. The Subcommittee concluded that it was unlikely that these costs would be excessive, provided that there was only one parking benefit district. Petitioner agreed that if administrative costs escalate significantly, it may be necessary under such circumstances to require parking benefit districts to provide funding for Town administrative costs.

**Support of Local Businesses**

The Subcommittee raised the question of just how many businesses located in the proposed BV Parking District actually have voiced support for WA16. Petitioner said there has been extensive outreach to local businesses, but the Subcommittee noted that the website supporting the BV Parking District only states that 7 businesses have signed a letter of support. The Subcommittee told Petitioner that if it votes to support WA16, such support will be premised on Petitioner being able to establish that there is significant support for WA16 among the businesses in the proposed BV Parking District when WA16 comes before the full Advisory Committee for consideration.

**WARRANT ARTICLE 16, AS AMENDED**

Based on discussions with Petitioner, as detailed above, the text of WA16 would be amended as follows (additions are denoted in **bold**, italicized text, deletions are denoted in *stricken* text):

To see if the Town will vote pursuant to General Laws Chapter 40, Section 22A½ to establish a Parking Benefit District in Brookline Village as substantially described and shown below in the plan entitled “Brookline Village Parking Benefit District”, in which a portion of parking revenue collected therein may be designated for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A of said Chapter 40; the funds available to the Parking Benefit District shall only be those amounts in excess of revenue that
would otherwise be applicable to the general fund through the standard meter-rate-setting process established by the Select Board; said funds shall be deposited into a special revenue fund, to be reported as part of the Department of Public Works annual budget; and further, to establish and designate a Brookline Village Parking Benefit District Advisory Board to make recommendations to the Select Board about said Parking Benefit District to the Select Board, which shall have the final authority on the expenditure of funds; said Advisory Board to be composed of nine members appointed by the Select Board, at least five of whom shall be individuals who own or manage commercial businesses located in the district; said members to be appointed to 3-year staggered terms by the Select Board; a vacancy arising on said Advisory Board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

[A new map would be appended as provided above]

RECOMMENDATION

Despite some remaining concern about the coordination of expenditures outside the normal budget process, the Subcommittee was of the view Petitioner had made a persuasive case for adoption of W16, subject to the amendments discussed above and evidence of significant support from local businesses.

By a vote of 3-0-0, the Planning and Regulation Subcommittee recommends FAVORABLE action on Warrant Article 16, as amended, subject to evidence of significant support from local businesses.
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<td>Hugh Mattison</td>
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<td>From:</td>
<td>John Bassett <a href="mailto:baswolfe@aol.com">baswolfe@aol.com</a></td>
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<td>Sent:</td>
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<td>To:</td>
<td>Lisa Portscher</td>
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<td>Subject:</td>
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Please share with the AC my strong support for the Brookline Village Parking Benefit District.

John Bassett  
26 Searle Ave, 02445  
TMM p6
For your review regarding WA 16 which the AC will review on April 23rd.

From: Steve Kanes [mailto:stevenkanes@gmail.com]
Sent: Wednesday, April 10, 2019 10:24 AM
To: Lisa Portscher
Subject: Fwd: Brookline Parking Benefit

Begin forwarded message:

From: HC Studio <office@hcstudioinc.com>
Date: April 10, 2019 at 9:33:46 AM EDT
To: carolslevin@mac.com, stevenkanes@gmail.com, kelly@hardebeck.us, lselwyn@econtech.com
Subject: Brookline Parking Benefit

To Whom It May Concern:

I wanted to take a moment and introduce myself to you, my name is Susan Healy, owner of HC Studio, and I have been a business owner in the village for 19 years. I have seen our community grow and change over the years. The idea of a PBD was proposed to me a few months back and it was like a breath of fresh air! The very frustrating parking situation is real and it is most likely not going away unless the town builds a parking garage or tares down a building to create more lots. If there is not plan in place to create more parking the idea of a PBD is amazing! Looking into the future of what the funds would be able to provide to preserve the charm of Brookline village will make it a destination that people want to visit and shop and eat and live. This is an opportunity to make its natural charm and beauty out way the lack of parking and if more people want to come to the village then more business will want to make Brookline village their home and the village will thrive! It’s a full circle of positive reaction!

I have lost business because of the lack of parking, I am creating strong initiatives to reach new clients from the train, I have purchased promotion codes from lyft to help get my clients to my business, I give loyalty points for those who walk, ride a bike or take the train, I am investing in
creating a little curb appeal at my store front. all initiatives to keep my business thriving, and they are working! Just imagine if the entire district could create initiatives to generate excitement about the Brookline village experience!

Thank you for taking the time to consider the many benefits that this Article will provide for everybody in the village. I am happy to set up a meeting or phone call for further conversation about this Article.

Sincerely,

Susan Healy

HC Studio

617-713-3636
Lisa Portscher

From: Brothers & Sisters Co. <brothersandsisterscompany@gmail.com>
Sent: Friday, April 12, 2019 4:22 PM
To: Lisa Portscher
Subject: Parking Benefit District

Lisa,

This is Jamie from KooKoo Cafe! I just wanted to reach out and say I am in support of the Parking Benefit District! Please let me know if you need any other information from me!

Best,

Jamie
BROOKLINE ADVISORY COMMITTEE
Subcommittee on Planning and Regulation

Report on Warrant Article 21

To Amend Section 8.37.5 of the Town’s General By-Laws Pertaining to Host Community Agreements with Marijuana Establishments

The Planning and Regulation Subcommittee held a public hearing on Wednesday, April 3, 2019, to discuss Warrant Article 21 of the May 2019 Annual Town Meeting. In attendance were Subcommittee members Steven Kanes (chair), Lee Selwyn, and Carol Levin; Janet Gelbart, ad hoc Subcommittee member; petitioner Kate Silbaugh (TMM 1); and members of the general public (see attached sign in sheet). Steve Kanes did not participate in the discussion or vote.

SUMMARY

WA 21 seeks to amend Section 8.37.5 of the Town’s General By-Laws to specifically grant the Select Board discretion to begin evaluating proposals for marijuana establishments prior to executing a Host Community Agreement (HCA). Further, the proposed changes specify that the Town is under no obligation to enter an HCA if it determines the proposed establishment may violate applicable state or local law. The Town retains the ability to require additional information subsequent to entering into an HCA and to exercise its full discretion during the permitting and licensing process under the Town’s General and Zoning By-Laws. By a vote of 3-0-1, the Subcommittee recommends favorable action on WA 21.

DISCUSSION

To open a recreational or medical marijuana establishment, an applicant must identify a site, enter into a Host Community Agreement with the municipality where the site is located, receive approval from the State Cannabis Control Commission (CCC), and, finally, submit to the licensing and permitting procedures defined in the municipality’s general and zoning by-laws. The HCA sets forth conditions, such as payments and other concessions and commitments, that the establishment will be subject to if the license is approved and the establishment is permitted to open for business.

A recent lawsuit filed by a recreational marijuana applicant against the City of Salem involved the interpretation of the enabling legislation, M. G. L. c. 94G, § 3(d). Section 3(d), with respect to a municipality’s obligation to enter into an HCA with a prospective applicant.

Mass. Gen. Laws M. G. L. c. 94G, § 3(d). Section 3(d) of chapter 94G, states, in relevant part:
A marijuana establishment or a medical marijuana treatment center seeking to operate or continue to operate in a municipality which permits such operation shall execute an agreement with the host community setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center.

The Plaintiff, Mederi, Inc., asserted that the statute *obligates* municipalities to enter into HCAs and that the Plaintiff had an expectation of a right to an agreement. In a pre-trial ruling, Essex Superior Court determined that while the statute requires an applicant to have executed an HCA with a municipality, it does not require a municipality to execute an HCA with any particular applicant. The Court found that the statute contemplates a negotiation, not a “ministerial act” by the municipality.

In its by-law, Salem had explicitly reserved its discretion to refrain from entering into an HCA with any given applicant and to select among competing applicants before proceeding to enter into an HCA or issue a license. The Brookline by-law contains no such reservation.

The purpose of this warrant article is to provide similar clarity in the Brookline By-Law and give the Select Board the specific ability to gather information prior to entering into an HCA. The petitioners believe that the new language would strengthen the Town’s negotiating position and afford it with discretion to select among competing applicants. Because the siting of a marijuana establishment is such a lengthy process, it is to the Town’s advantage to eliminate patently unqualified applicants quickly so potential sites are not kept in limbo unnecessarily.

**By a vote of 3-0-1, the Planning and Regulation Subcommittee recommends FAVORABLE ACTION on Warrant Article 21.**
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Article 23

The Capital Subcommittee held a hearing on April 4, 2019 on Warrant Article 23: A resolution calling for the electrification of the Town’s motorized fleet. In attendance were Harry Friedman, Pam Lodish, John VanScoyoc, Carla Benka - AC members; Justin Casanova-Davis – Assistant Town Administrator; David Geanakakis – Chief Procurement Officer; Zoe Lynn - Town Sustainability Planner; Jesse Gray, David Lescohier, Janice Kahn, Kathleen Scanlon, C. Scott Ananian, Jules Milner-Brage - Town Meeting members; and the following members of the public – Karyn Wergland, John Schachter, John Mannix, Wendy Murphy, Deane Coady, Diane Sokal, Elizabeth Rourke.

Summary

ARTICLE 23 Submitted by: Jesse M. Gray, TMM10, and Heather Hamilton

To see if the Town will adopt the following resolution:

RESOLUTION CALLING FOR THE ELECTRIFICATION OF THE TOWN’S MOTORIZED FLEET

Whereas, Brookline has a strong desire to assist the rest of the world in stopping climate change; and

Whereas, the Town must dramatically reduce its emissions via implementation of “strong and immediate” policies if it wishes to assist in keeping global warming below 1.5°C, per the December 2018 Intergovernmental Panel on Climate Change report; and

Whereas, fossil fuels for the Town’s own motorized vehicles are a significant source of atmospheric carbon emissions, and all Town vehicles burn fossil fuels (although many sedans are hybrids); and

Whereas, a variety of all-electric vehicles (and sources of 100% clean electricity) are now available, with more becoming available every year;

NOW THEREFORE, BE IT RESOLVED that the Town Meeting calls upon the Town to fully electrify the Town's motorized vehicle fleet.

BE IT FURTHER RESOLVED THAT the Town Meeting calls upon the Town, as of July 1, 2019 or using funds allocated in the budget for FY2020 and fiscal years thereafter, to no longer acquire via purchase, lease, or otherwise, fossil fuel-consuming vehicles, including cars, trucks, buses, emergency vehicles, street sweepers, lawn mowers, snow blowers, skid-steers, or any other motorized portable equipment for which a practical alternative is already acquirable or can reasonably be expected to become acquirable within the needed time frame via purchase or lease. For purposes of this resolution, a practical alternative shall be defined as one or more non-motorized or electrified device(s) that singly or in combination can reasonably be expected to (1) meet the
required needs with equivalent utility for the intended use (as determined by the
department head requesting the vehicle) once an appropriate charger (or outlet) is
installed, and (2) cost no more than 25% greater, in their initial purchase or total lease
price, than an otherwise suitable fossil fuel-consuming vehicle, inclusive of obtainable
federal, state, and vendor purchase or lease incentives but exclusive of one-time costs of
installing infrastructure and equipment needed to provide electrical power for charging
or operation. A fossil fuel-consuming vehicle, when electrified post-market (but prior to
use), shall be considered as a potential practical alternative with total purchase cost
equal to the sum of the initial purchase cost and post-market electrification cost.

BE IT FURTHER RESOLVED THAT when a higher ranked practical alternative on the
following list is obtainable, the Town Meeting calls upon the Town to choose that higher
ranked item over lower ranked ones, in the following order:

1. Fully electric equipment (e.g., Battery Electric Vehicles [BEVs])
2. Partially electric plug-in hybrid equipment (e.g., Plug-in Hybrid EVs [PHEVs])
3. Partially electric non-plug-in hybrid equipment (e.g., conventional hybrids).

BE IT FURTHER RESOLVED THAT the Town Meeting requests the Town to note the
energy source(s) of vehicles and powered devices in budget requests (e.g., fossil fuel,
plug-in hybrid, non-plug-in hybrid, or fully electric).

BE IT FURTHER RESOLVED THAT although much of the Town’s school bus and school
van transport is currently provided by contract, such that vehicles are not owned or
leased by the Town, the Town Meeting nevertheless encourages the Town and Schools to
explore electrification of the contracted fleet and, as soon as is practical, to transition the
contracted fleet to fully electric vehicles, by modifying or switching the contract and/or
by acquiring some or all of the Town’s own fleet via purchase or lease.

By a vote of 4-0-0, the Capital Subcommittee recommends Favorable Action on the
Article, as amended.

Discussion

The petitioner is to be commended for his very thorough presentation and Warrant
Article Explanation. The information, which he provided to the Capital Subcommittee,
requires very little – if any – elaboration.

The Subcommittee’s sole recommendation is to change July 1, 2019 to July 1, 2020 and
to change FY2020 to FY 2021 in the second “Resolve” clause. All present agreed that
the change of dates would lead to a more realistic timeline.
The resolution calls upon the Town to fully electrify the Town’s vehicle fleet by imposition of a moratorium on the purchase of new fossil fuel-consuming vehicles in instances where a practical and affordable electrified alternative is obtainable. The petitioner explained that the resolution is immediately relevant for many of the Town’s passenger cars, such as inspector cars, which can now be fully electrified practically and affordably as defined by the resolution. Full electrification may not be immediately practical or affordable for many other vehicles including garbage trucks, patrol cars, and SUVs, for which fully Electric Vehicle (EV) alternatives may not yet be available, practical, or cost-competitive.

The petitioner is looking for the Town to directly reduce its own carbon emissions by starting to electrify the Town’s fleet of more than 300 vehicles. The electrification of transport accounts for 25 percent of the Town’s carbon emissions. At the hearing, the petitioner pointed out that an electric car purchased today and powered by the Town’s existing municipal electrical power reduces total carbon emissions by 60%-70% compared to an efficient hybrid car. As the grid gets cleaner by at least 2% per year through 2029 and 1% per year thereafter, and as Brookline potentially also buys even cleaner municipal power, (as advocated in Article 24) that same electric car could eventually drive its first mile without any additional carbon emissions beyond those required for manufacturing.

While electrifying the fleet is a climate necessity, there is no perfect way to proceed. If it turns out that this particular electrification strategy ends up delaying vehicle purchases due to budget constraints that delay by modifying the electrification strategy. Electrification could be slowed to save money, or it could be accelerated with additional funding.

The petitioner told the Subcommittee that Newton has been taking advantage of the Mass EVIP program ($7,500 discount on each EV) to buy 25 electric vehicles and has plans to electrify its entire passenger car fleet of 42 vehicles. He believes that a Brookline fleet electrification policy that is ambitious, clear and practical could inspire residents and staff to buy their own EVs.

Budgetary impact: Transitioning the Town fleet to EVs should be roughly budget-neutral, with potentially higher costs in the near term and lower ones in the longer term. There may possibly be higher short-term costs in the first few years due to charger installation and higher purchase prices of (some) EVs. There may also be lower costs in the medium to long-term due to savings on maintenance. Whether the Town will save on fuel costs depends on a number of variables, including the model of vehicle being replaced; the price the Town pays for gasoline; and the cost of municipal power.

Currently it costs slightly more to ‘fuel’ an electric car than a Toyota Prius hybrid but less to fuel a hybrid cargo van than a standard one. Since the Town has some flexibility in deciding when to replace fleet vehicles, it could slow the vehicle replacement rate with a goal of maintaining budget neutrality. Alternatively, it could choose instead to accelerate replacement to achieve economies of scale and maximize capture of state incentives.
**Maintenance costs**: EVs have very few moving parts. They can be driven for tens or hundreds of thousands of miles with nothing other than air filter replacements, fluid replacements, tire rotations, tire alignments, and tire replacements. EV brakes last longer because of powerful regenerative braking, which uses the motor to slow the vehicle and charge the battery. Electric motors require no maintenance, and at a cost of about $1,000, they are less expensive than a catalytic converter. The costs of training DPW mechanics are unknown at this time but thought to be small.

**Charger installation costs**: In a fleet transition to electric, the Town will incur a one-time per parking spot cost for installing chargers. The Town has experience in charger installation, having installed chargers in public Town lots and having plans to install chargers on Beacon St. It is hard to estimate charger installation costs without a quote from an electrician for a specific project, but a reasonable range for Town Hall upper garage is $2,500 to $5,000 per electrified parking spot, inclusive of Mass EVIP incentives of $2,500 (per vehicle, for charger hardware only). To enable EVs to be purchased and used while awaiting charger installation, vehicles could on a temporary basis (weeks to months) potentially be charged overnight in Town public lots, charged overnight at other Town-owned locations at which charger installation may be more expedient, fast-charged at existing publicly available fast chargers, or charged overnight from a conventional outlet.

Just as there are less expensive and more expensive EVs, there are also less expensive and more expensive charging solutions. The least expensive charging solution, in the near term, would be to add standard outlets to the upper parking garage under Town Hall. A new Nissan Leaf plus a standard outlet installation is likely to be less expensive than buying a new Prius.

**Q: What if the Town ends up not being able to capture federal or state incentives.**

The 25% price premium built into this resolution is intended to protect the financial interest of the Town. It will function as a safety mechanism that kicks in when the cost to purchase an EV begins to outweigh the potential maintenance savings. If an incentive turns out to be (or becomes) inaccessible, rendering the cost of suitable EVs greater than 125% of that of a fossil fuel-consuming option, the Town would be able, even under the proposed policy, to purchase fossil fuel-consuming vehicles.

**Q: What if maintenance savings aren’t realized, and/or the cost of battery replacement makes maintenance savings a wash?**

There is risk with the status quo, as well as with electrification. The risk with the status quo is that the Town could miss out on much lower maintenance costs of EVs. This status quo risk may be a greater risk than the electrification risk.

**Q: Police vehicles operate 24/7 and follow Michigan State Police standards. Would this result in a need to increase the fleet and/or not be practical?**
This resolution would leave the decision of whether an Electric Vehicle (EV) is a practical alternative to the appropriate department head, in this case the Police Chief. If the Chief were to determine that obtainable Battery Electric Vehicles (BEVs), Plug-in Hybrid Electric Vehicles (PHEVs), and non-plug-in hybrids were not practical, then under the proposed policy the department would be free to purchase non-EVs. If the Chief were to deem non-plug-in hybrids practical but BEVs/PHEVs not practical, the Town would be compelled, if operating under the suggested policy, to purchase the hybrids, assuming they added no more than 25% to the purchase price.

In an email from the Deputy Town Administrator to the petitioner, comments on and suggestions for Article 23 were offered, a number of which were incorporated into the Petitioner’s final version of the Article.

Subcommittee’s Comments: This is a program that’s worth trying. The safety net of “Practical alternative” gives a sufficient level of comfort that the Town won’t be backed into having to look for electric fire trucks. Furthermore, it’s a resolution, consequently if some tweaking is necessary after implementation starts, we won’t be tied up in bureaucratic knots trying to amend it. The subcommittee acknowledged that it’s a different approach from the far more incremental one from years ago of purchasing a few hybrid vehicles at a time for the “fleet” but the subcommittee has confidence in the feedback from the three Town Hall staff members attending the hearing, all of who indicated that they thought the resolution was reasonable. It is assumed that costs of implementation and other expenditures will be monitored and since the article does not lock the Town into any permanent commitments, cost-effective adjustments can be made as needed.

The subcommittee by a vote of 4 – 0 – 0 supports Article 23, with the following amendment in the second “Resolve” clause:

BE IT FURTHER RESOLVED THAT the Town Meeting calls upon the Town, as of July 1, 2019 or 2020 or using funds allocated in the budget for FY 2020 and fiscal years thereafter, to no longer acquire via purchase, lease, or otherwise, fossil fuel-consuming vehicles, including cars, trucks, buses, emergency vehicles, street sweepers, lawn mowers, snow blowers, skid-steers, or any other motorized portable equipment for which a practical alternative is already acquirable or can reasonably be expected to become acquirable within the needed time frame via purchase or lease. For purposes of this resolution, a practical alternative shall be defined as one or more non-motorized or electrified device(s) that singly or in combination can reasonably be expected to (1) meet the required needs with equivalent utility for the intended use (as determined by the department head requesting the vehicle) once an appropriate charger (or outlet) is installed, and (2) cost no more than 25% greater, in their initial purchase or total lease price, than an otherwise suitable fossil fuel-consuming vehicle, inclusive of obtainable federal, state, and vendor purchase or lease incentives but exclusive of one-time costs of installing infrastructure and equipment needed to provide electrical power for charging or operation. A fossil fuel-consuming vehicle, when electrified post-market (but prior to
use), shall be considered as a potential practical alternative with total purchase cost equal to the sum of the initial purchase cost and post-market electrification cost.
TWENTY-THIRD ARTICLE

Submitted by: Jesse M. Gray, TMM10, Heather Hamilton, TMM3

To see if the Town will adopt the following resolution:

RESOLUTION CALLING FOR THE ELECTRIFICATION OF THE TOWN’S MOTORIZED FLEET

Whereas, Brookline has a strong desire to assist the rest of the world in stopping climate change; and

Whereas, the Town must dramatically reduce its emissions via implementation of “strong and immediate” policies if it wishes to assist in keeping global warming below 1.5°C, per the December 2018 Intergovernmental Panel on Climate Change report; and

Whereas, fossil fuels for the Town’s own motorized vehicles are a significant source of atmospheric carbon emissions, and all Town vehicles burn fossil fuels (although many sedans are hybrids);

Whereas, a variety of all-electric vehicles (and sources of 100% clean electricity) are now available, with more becoming available every year;

Whereas the Town and its fleet are an important and visible model to the public, shaping culture and belief in collective climate action; and

Whereas transportation and transportation-related emissions are primarily a function of (1) vehicle fuel efficiency; (2) the carbon content/global warming potential associated with the fuel use; (3) vehicle miles traveled (VMT); (4) and other factors related to vehicle use and a vehicle culture (e.g. transportation demand; size of vehicle selected for various tasks).

NOW THEREFORE, BE IT RESOLVED that the Town Meeting calls upon the Town to electrify the Town's motorized vehicle fleet, create a comprehensive vehicle policy (fleet and business/operational travel policy), and to reduce greenhouse gas (GHG) emissions from motorized vehicles/equipment to zero by 2050.

BE IT FURTHER RESOLVED THAT when a higher ranked practical alternative on the following list is obtainable, the Town Meeting calls upon the Town to choose that higher ranked item over lower ranked ones, in the following order:

A. To create a policy to prioritize the higher ranked alternative over lower ranked ones, in the following order:
1. Fully electric equipment (e.g., Battery Electric Vehicles [BEVs]);
2. Partially electric plug-in hybrid equipment (e.g., Plug-in Hybrid EVs [PHEVs]);
3. Partially electric non-plug-in hybrid equipment (e.g., conventional hybrids).

B. Amend the vehicle policy within the next year to address fleet management, vehicle purchases, and greenhouse gas (GHG) emissions by integrating practices that advance zero-emission vehicles and infrastructure, fleet management and optimization, reductions in vehicle miles traveled (VMT), and other relevant considerations that are needed for a stable climate, environmental stewardship, equity, sustainable budgets, and community health.

C. As of July 1, 2020 or using funds allocated in the budget for FY2021 and fiscal years thereafter, no longer acquire, when practical, via purchase, lease, or otherwise, fossil fuel-consuming vehicles, including cars, trucks, buses, emergency vehicles, street sweepers, lawn mowers, snow blowers, skid-steers, or any other motorized portable equipment for which a practical alternative is already acquirable, via a contract or procurement process that complies with MGL Ch. 30B.

For purposes of this resolution, a practical alternative shall be defined as one or more non-motorized or electrified device(s) that singly or in combination can reasonably be expected to (1) meet the required needs with equivalent utility for the intended use (as determined by the department head requesting the vehicle) once an appropriate charger (or outlet) is installed, and (2) cost no more than 25% greater, in their initial purchase or total lease price, than an otherwise suitable fossil fuel-consuming vehicle, inclusive of obtainable federal, state, and vendor purchase or lease incentives but exclusive of one-time costs of installing infrastructure and equipment needed to provide electrical power for charging or operation. A fossil fuel-consuming vehicle, when electrified post-market (but prior to use), shall be considered a potential practical alternative with total purchase cost equal to the sum of the initial purchase cost and post-market electrification cost, determined by the Chief Procurement Officer and Fleet Manager, and defined as a commercially available non-motorized or electrified device(s) that singly can reasonably be expected to meet the required needs with equivalent utility for the intended use, as determined by the department head requesting the vehicle, after consultation with the Chief Procurement Officer and Fleet Manager, once an appropriate charger (or outlet) is installed.

D. BE IT FURTHER RESOLVED THAT the Town Meeting Requests the Town to note the energy source(s) of vehicles and powered devices in budget requests (e.g., fossil fuel, plug-in hybrid, non-plug-in hybrid, or fully electric).
BE IT FURTHER RESOLVED THAT for the purchase of Public Safety vehicles, the following standards must continue to be complied with, as set forth in the following:

A. For Police Department vehicles, Michigan State Police Vehicle Test results for the current model year police vehicles, and;


BE IT FURTHER RESOLVED THAT although much of the Town’s school bus and school van transport is currently provided by contract, such that vehicles are not owned or leased by the Town, the Town Meeting nevertheless encourages the Town and Schools to explore electrification of the contracted fleet and, as soon as is practical and cost effective, to transition the contracted fleet to fully electric vehicles, by modifying or switching the contract and/or by acquiring some or all of the Town’s own fleet via purchase or lease.

Or act on anything relative thereto.
Advisory Committee Capital Subcommittee Report on Article 24 for May 2019 Annual Town Meeting

The Advisory Committee Capital Subcommittee held a public hearing on Article 24 on 4/04/2019. Attendance is given at the conclusion of this report.

ARTICLE 24 is Submitted by: David Lescohier TMM 11. It follows through on the goals of the Brookline Climate Action Plan (CAP). The CAP endorses six strategies for reducing climate-changing greenhouse emissions (mitigation) and preparing for climate-change impacts (adaptation).

The goal of the Brookline CAP is to achieve, by 2050, zero greenhouse emissions (no reliance on fossil fuels) Town- and community-wide.

The case for achieving zero greenhouse emissions by 2050 as a counter to the devastating impacts of climate change is documented in the Paris Climate Agreement (https://unfccc.int/sites/default/files/english_paris_agreement.pdf).

The intent behind Article 24 is to move the Town beyond its current trajectory of achieving 60% of energy supply from Green/Renewable Sources by 2050. The 60% benchmark will be reached without further action by the Town due to current state laws requiring 2% annual increases in renewable-sourced electricity for retail sale through 2029, followed by 1% increases 2030-2050.

To achieve 100% of energy supply from Green/Renewable Sources by 2050 will require the Town to step up its purchases of Renewable Energy Certificates (REC) from the Town's current energy supplier. Energy suppliers receive one Renewable Energy Certificate (REC) for each megawatt hour (MWh) of electricity sourced. The Town's current energy supplier is capable of meeting demand for purchase of additional RECs from the Town of Brookline.

The budgetary impact of purchasing additional RECs annually over FY 2021 - 2050 will be additional yearly increases of approximately $40,000.

The Warrant article calls upon the Select Board to adopt a policy in the Town of Brookline Financial Plan to request that the Advisory Committee recommend to Town Meeting year-by-year increases in appropriations for the additional REC purchases.

The directed appropriations to achieve 100% fossil fuel-free energy by 2050 are compared by the sponsor of Article 24 to the town's program of reducing to town's unfunded OPEB liability through increased annual payments. In the words of the sponsor, "The conversion to green energy is another long-term obligation, which, if it the Town doesn't take steps to begin addressing now, will have growing negative consequences deeply."

Town Hall staff (see attendance) spoke in favor of Article 24, saying that the goal of 100% zero emission energy sourcing is achievable by 2050 but will come at a cost.
TMM C. Scott Ananian spoke in favor as did members of the group Mothers Out Front (see attendance).

The Subcommittee Vote to Recommend Favorable Action on Article 24 was 4-0.

ATTENDANCE: Harry Friedman, Pam Lodish, John VanScoyoc, Carla Benka - AC members; Justin Casanova-Davis – Assistant Town Administrator; David Geanakakis – Chief Procurement Officer; Zoe Lynn - Town Sustainability Planner; Jesse Gray, David Lescohier, Janice Kahn, Kathleen Scanlon, C. Scott Ananian, Jules Milner-Brage - Town Meeting members; and the following members of the public – Karyn Wergland, John Schachter, John Mannix, Wendy Murphy, Deane Coady, Diane Sokal, Elizabeth Rourke.

-- SUBMITTED BY JOHN VANSCOYOC
On April 10, 2019 at 6:30 PM, the School Subcommittee held a public hearing in Room 308 on Article 28. Subcommittee members – Dennis Doughty, Bobbie Knable, David Lescohier and Michael Sandman heard from the petitioner, Cornelia Van Der Ziel (TMM 16) and from one member of the public, Patricia Connor, former TMM 3 and former Brookline resident.

SUMMARY

Article 28 supports the adoption of legislation filed by State Senator Jason Lewis (5th Middlesex), State Reps. Nika Elugardo (Jamaica Plain & Brookline) and Lindsay Sabadosa Hatfield/Northampton), and co-sponsored by Rep. Tommy Vitolo (Brookline), among others. The legislation calls for the appointment of a commission to study whether to change the state flag and seal. The commission would be appointed:

(1) for the purpose of investigating the features of the official seal and motto of the Commonwealth including those which potentially have been unwittingly harmful to or misunderstood by the citizens of the Commonwealth and (2) for the purpose of examining the seal and motto of the Commonwealth to ensure that they faithfully reflect and embody the historic and contemporary commitments of the commonwealth to peace, justice, liberty and equality and to spreading the opportunities and advantages of education.

The commission would be comprised by a broadly representative group including:

…the Executive Director of the Commission on Indian Affairs [as chair]; 5 members appointed by the Commission on Indian affairs who are of lineal descent from tribes with government to government relations [in Massachusetts]; the Secretary of the Commonwealth or a designee; the Executive Director of the Massachusetts Historical Commission or a designee; the Executive Director of the Council on Arts and Humanities or a designee; the chair of the Massachusetts Arts Commission or a designee; the Chair of the Mass Cultural Council, the House and Senate chairs of the Joint Committee on State Administration and Regulatory Authority, and 2 persons who shall be appointed by the governor. ¹

DISCUSSION

Legislation to the same effect had been introduces in 17 previous sessions by former Rep. Byron Rushing without getting much traction. There is more interest this year, and six Massachusetts municipalities have adopted resolutions supporting the bill. The petitioner focused on the symbolism of the many elements of the seal, including the representation of Massasoit, chief of the Wampanoag tribe that helped the Plymouth Colony and

later allied with the settlers against another tribe. One criticism of the image purported to be Massasoit is that it is a composite rather than an accurate depiction of Massasoit. Is the depiction of Massasoit accurate? Does it matter? The statue “Appeal to the Great Spirit” stands in front of the Museum of Fine Arts. Mass. College of Art librarian Paul Dobbs, writing about the statue, said, “Unless making a portrait of a model, artists rarely try to ‘replicate’ the model. They usually employ models as reference points, as approximate stand-ins for what they imagine in their mind’s eye. Ask any figurative sculptor.”

Among other things, the petitioner pointed to the down-pointing arrow, which she said represented a “peaceful or pacified” Native American, with the emphasis on pacification; on the state motto, which apparently can be translated in various ways; and on the arm and sword above the shield, which is modeled on that of Myles Standish.

Mr. Lescohier researched the process the used by the artist who design the seal, Edmund Henry Garrett was an American illustrator, bookplate-maker and author – as well as a highly respected painter – renowned for his illustrations of the legends of King Arthur. Mr. Lescohier took issue with some petitioner’s imputations regarding Garrett’s intent with his symbols.

Mr. Sandman said there is nothing intrinsically derogatory about using the image of a Native American on the seal. We do not put the images of people or the composite representations on a seal or on currency to dishonor them. The image of an Indian has been used on the US penny and the nickel, and so have the images of Jefferson and Lincoln. Massasoit helped the English settlers to his fellow Native Americans’ ultimate detriment. But if the image of Massasoit is removed, we will lose a reminder of his importance – and that of Native Americans as a whole - in our history.

Nonetheless, the subcommittee recognized that some of the symbolism on the seal and flag may no longer be appropriate. And the proposed legislation does not suggest the deletion of Massasoit; it focuses on assessing all of the symbology. There was general agreement that a properly qualified commission should be appointed. However, subcommittee members were unhappy to varying degrees with some of the petitioner’s Whereas clauses.

**RECOMMENDATION**

The subcommittee voted 4-0-0 to delete the first six “Whereas” clauses, retain the last two, and add them to an alternative drafted by Mr. Lescohier. At the time of the meeting, the petitioner declined to accept the subcommittee’s changes.

**Petitioner’s version**

WHEREAS, the history of State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of

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friendship to the Colonists in 1620 and helped them survive during the settlers’ first winter on their land; and

WHEREAS, members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April 1623, barely two years after the Pilgrims arrived on their shores; and

WHEREAS, the symbols in the current flag and seal of the Commonwealth are a composite of appropriated symbols that do not reflect the true history; and

WHEREAS, since colonial times, the history of relations between what is now the State of Massachusetts and the Native Nations include forced internment leading to the death of hundreds in 1675 on Deer Island and their subsequent enslavement in Boston, Bermuda and the Caribbean islands; and

WHEREAS, the Native Nations within current State of Massachusetts were kept in a state of serfdom, and their members were legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 which led to the granting of Native self-rule by the Massachusetts legislature in 1834, as if it were the right of the Massachusetts legislature to grant such rights; and

WHEREAS, Native Americans were legally prohibited from setting foot into Boston from 1675 until 2004, when the law was repealed; and

WHEREAS, the 400th anniversary of the landing of the European Colonists at Plymouth Plantation is approaching in 2020, giving every citizen of the Commonwealth a chance to reflect on this history and to come to a new awareness of the possibility of a better relationship between the heirs of the European conquest and the Native Nations of the Commonwealth; and

WHEREAS, Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the confiscation and pollution of their ancestral lands and the encroachment on their cultures;

Now, therefore, BE IT RESOLVED that Town Meeting of Brookline adopts this resolution in support of H.2776 and S.1877, entitled “Resolve providing for the creation of a special commission relative to the seal and motto of the Commonwealth” and commends Representative Nika Elugardo as a sponsor and Representative Tommy Vitolo as a cosponsor of this resolution and further urges Representatives Edward Coppinger and Michael Moran and Senator Cynthia Creem to support and vote in favor of the aforementioned Resolve (H.2776 and S.1877) in the General Court and that the Joint Committee on State Administration and Regulatory Oversight (or all other legislative committees which may hear the bill), after holding a public hearing, report it out favorably and if the legislation shall pass, that Governor Charles Baker shall sign it and work with members of the General Court to ensure its enactment.

BE IT FURTHER RESOLVED that Brookline Town Meeting instructs the Town Clerk shall cause a copy of this resolution to be sent to State Representatives Elugardo, Vitolo, Coppinger and Moran, to Senator Creem and to Governor Charles Baker.

Or act on anything relative thereto.

April 23, 2019  Article 28 – state flag & seal
Subcommittee’s recommendation

WHEREAS Representative Lindsay N. Sabadosa of Northampton and Nika Elugardo of Jamaica Plan and Brookline have filed a Resolve providing for the creation of a special commission relative to the seal and motto of the Commonwealth;

WHEREAS the purpose of this resolve is to investigate features of the official seal and motto of the Commonwealth including those which potentially have been unwittingly harmful to or misunderstood by the citizens of the Commonwealth;

WHEREAS the aim of the resolve is to ensure that the seal and motto of the Commonwealth faithfully reflect and embody the historic and contemporary commitments of the Commonwealth to peace, justice, liberty, and equality and to spreading the opportunities and advantages of education;

[Inserted from Petitioner’s version]:

WHEREAS, the 400th anniversary of the landing of the European Colonists at Plymouth Plantation is approaching in 2020, giving every citizen of the Commonwealth a chance to reflect on this history and to come to a new awareness of the possibility of a better relationship between the heirs of the European conquest and the Native Nations of the Commonwealth; and

WHEREAS, Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the confiscation and pollution of their ancestral lands and the encroachment on their cultures;

Now, therefore, BE IT RESOLVED that Town Meeting of Brookline adopts this resolution in support of the resolve offered by Representative Sabadosa of Northampton in the 191st General Court entitled “Resolve providing for the creation of a special commission relative to the seal and motto of the Commonwealth” and commends Representative Nika Elugardo as a sponsor and Representative Tommy Vitolo as a cosponsor of this resolution and further urges representatives Edward Coppinger and Michael Moran and Senator Cynthia Creem to support and vote in favor of the aforementioned Resolve in the General Court and that the Joint Committee on State Administration and Regulatory Oversight (or all other legislative committees which may hear the bill), after holding a public hearing, report it out favorably and if the legislation shall pass, that Governor Charles Baker shall sign it and work with members of the General Court to ensure its enactment.

APPENDIX

Vexillology is the study of flags. In 2001, the North America Vexillological Association asked respondents to rate 72 flags of US states, Canadian provinces, and associated. The lowest rated flags had round state seals and were hard to distinguish from a distance. They were particularly disparaging of flags that spelled out the name of the state (Kansas, Montana).
so undifferentiated that it requires the state’s name flies (pun intended) in the face of why we have flags in the first place.\(^3\) After all, would anyone think this is necessary?

The flag of Massachusetts ranked 38\(^{th}\) out of 72. It has a seal on it, which was not viewed favorably by the vexillology experts, but it’s a shield rather than a circle, and the images are larger and more visible than on most other flags that incorporate a seal.

Presumably, a commission that included experts in art would use some of the same criteria as the vexillologists.

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Flag rating by members of the North American Vexillological Association –

Best flags:

1. New Mexico

2. Texas

3. Quebec

4. Maryland

5. Alaska

Worst flags:

68. South Dakota

69. Kansas

70. Montana

71. Nebraska

72. Georgia
VOTED: THAT THE TOWN OF BROOKLINE ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION IN SUPPORT OF CHANGING THE FLAG AND SEAL OF THE COMMONWEALTH OF MASSACHUSETTS

WHEREAS, the history of State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists in 1620 and helped them survive during the settlers’ first winter on their land; and

WHEREAS, members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April 1623, barely two years after the Pilgrims arrived on their shores; and

WHEREAS, the symbols in the current flag and seal of the Commonwealth are a composite of appropriated symbols that do not reflect the true history; and

WHEREAS, since colonial times, the history of relations between what is now the State of Massachusetts and the Native Nations include forced internment leading to the death of hundreds in 1675 on Deer Island and their subsequent enslavement in Boston, Bermuda and the Caribbean islands; and

WHEREAS, the Native Nations within current State of Massachusetts were kept in a state of serfdom, and their members were legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 which led to the granting of Native self-rule by the Massachusetts legislature in 1834, as if it were the right of the Massachusetts legislature to grant such rights; and

WHEREAS, Native Americans were legally prohibited from setting foot into Boston from 1675 until 2004, when the law was repealed; and

WHEREAS, the 400th anniversary of the landing of the European Colonists at Plymouth Plantation is approaching in 2020, giving every citizen of the Commonwealth a chance to reflect on this history and to come to a new awareness of the possibility of a better relationship between the heirs of the European conquest and the Native Nations of the Commonwealth; and

WHEREAS, Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the confiscation and pollution of their ancestral lands and the encroachment on their cultures;

Now, therefore, BE IT RESOLVED that Town Meeting of Brookline adopts this resolution in support of H.2776 and S.1877, entitled “Resolve providing for the creation of a special commission relative to the seal and motto of the Commonwealth” and commends Representative Nika Elugardo as a sponsor and Representative Tommy Vitolo as a cosponsor of this resolution.
and further urges Representatives Edward Coppinger and Michael Moran and Senator Cynthia Creem to support and vote in favor of the aforementioned Resolve (H.2776 and S.1877) in the General Court and that the Joint Committee on State Administration and Regulatory Oversight (or all other legislative committees which may hear the bill), after holding a public hearing, report it out favorably and if the legislation shall pass, that Governor Charles Baker shall sign it and work with members of the General Court to ensure its enactment.

BE IT FURTHER RESOLVED that Brookline Town Meeting instructs the Town Clerk shall cause a copy of this resolution to be sent to State Representatives Elugardo, Vitolo, Coppinger and Moran, to Senator Creem and to Governor Charles Baker.

Or act on anything relative thereto.

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Proposed substitute (David Lescohier):

WHEREAS Representative Lindsay N. Sabadosa of Northampton has filed a Resolve providing for the creation of a special commission relative to the seal and motto of the Commonwealth;

WHEREAS the purpose of this resolve is to investigate features of the official seal and motto of the Commonwealth including those which potentially have been unwittingly harmful to or misunderstood by the citizens of the Commonwealth;

WHEREAS the aim of the resolve is to ensure that the seal and motto of the Commonwealth faithfully reflect and embody the historic and contemporary commitments of the Commonwealth to peace, justice, liberty, and equality and to spreading the opportunities and advantages of education;

Now, therefore, BE IT RESOLVED that Town Meeting of Brookline adopts this resolution in support of the resolve offered by Representative Sabadosa of Northampton in the 191st General Court entitled “Resolve providing for the creation of a special commission relative to the seal and motto of the Commonwealth” and commends Representative Nika Elugardo as a sponsor and Representative Tommy Vitolo as a cosponsor of this resolution and further urges representatives Edward Coppinger and Michael Moran and Senator Cynthia Creem to support and vote in favor of the aforementioned Resolve in the General Court and that the Joint Committee on State Administration and Regulatory Oversight (or all other legislative committees which may hear the bill), after holding a public hearing, report it out favorably and if the legislation shall pass, that Governor Charles Baker shall sign it and work with members of the General Court to ensure its enactment.
**Artwork**

**Appeal to the Great Spirit**

1909  
Cyrus E. Dallin (American, 1861–1944)  

**Place of Creation:** Arlington or Boston, Massachusetts, Place of Manufacture: Paris, France  

**Dimensions:**  
305.88 x 111.13 x 56.35 cm (120 3/4 x 43 3/4 x 22 1/2 in.)  

**Accession Number:**  13.280  

**Medium or Technique:**  
Bronze, green, patina  

**On View:**  
Bank of America Plaza on the Avenue of the Arts (EX07)  

**Collections:**  
Americas  

**Classifications:**  
Sculpture  

**Signed:**  
Signed on base at right side: “C. E. Dallin 1908. [copyright symbol]”  

**Markings:**  
Foundry mark on base at left side: “JAROEUF & ROUARD. FONDEURS. PARIS”  

**Provenance:**  
1909, cast in Paris. 1911, brought to the United States by the artist [see note 1]; 1912, sold by the artist to the MFA. (Accession Date: January 2, 1913)  

**Notes:**  
[1] The artist exhibited this at the 1911 winter exhibition of the National Academy of Design and lent it to the MFA in 1912. It was purchased the next year by subscription, largely through a gift by Peter C. Brooks.  

**Credit Line:**  
Gift of Peter C. Brooks and others.
Response to a column in the Salt Lake City newspaper about a cast of the statue being on exhibit in Utah:

1. Remarks like “Uh-oh, an expert. Am I in trouble here?” are bullying and have no legitimate place in journalism or scholarship. Are you trying to discern the truth or are you just trying to win?

2. Unless making a portrait of a model, artists rarely try to “replicate” the model. They usually employ models as reference points, as approximate stand-ins for what they imagine in their mind’s eye. Ask any figurative sculptor. And get real. Consider economic realities. Figurative art would never take place if artists had to wait for the perfectly appropriate, "racially correct" model. Plus it’s a well established fact is that Dallin had previously done extensive work from Native American models. He had earned his chops.

2. You attempt to challenge Sweet-Hart’s assertion that the Algonquin’s appointed Dallin to represent him in the Massachusetts Legislature by saying, “Curiously, non of Dallin’s pro-Indian efforts made it into his Wikipedia entry. Or into any entry in the Google search I did.” Any reference librarian in America would kindly counsel you that Wikipedia and a Google search are interesting places to start research, to maybe get a lead onto something, but they should never should be considered trustworthy resources in themselves. And certainly not regarding political matters. They only reflect the “colonization” (to take a cue from Russell Means) of the collective American, or I should say "Euro-American" mind. Relying on Wikipedia and Google searches for details of historical truth is like expecting nutrition from Wonder bread and Hersey’s bars. There are two carefully researched biographies of Dallin by Rell Francis and Wendel Johnson. I recommend looking for them in a library.

3. I don’t agree that Dallin’s Massasoit is stereotypical, but even if it were, you miss the key point. Getting it erected in Plymouth was a subversive act. By donating it Dallin essentially tricked the town of Plymouth into erecting a monument to the ally and savior they ruthlessly betrayed, to the man whose son’s head they exhibited on a stick for 20 years.

Paul Dobbs,
Library Director
Massachusetts College of Art and Design
Change the State Flag and Seal

Resolve Providing for the Creation of a Special Commission Relative to the Seal and Motto of the Commonwealth

HD. 2968 (Rep. Sabadosa), SD.1495 (Sen. Lewis) • malegislature.gov/Bills/191/SD1495

Help to Change the Massachusetts Flag and Seal
An image of white supremacy since 1629.

In 2018, four Franklin County towns: Orange, New Salem, Wendell, and Gill, voted at June town meeting to support a bill to create a commission of Native American representatives and state legislators to recommend changes to the state flag and seal. The Mass Commission on Indian Affairs has been supporting this bill for the last 34 years.

Take a closer look at the symbols in the current state flag and seal.

Illustrator Edmund Garrett used a Frankenstein approach to designing the “ideal Native American” image for the Massachusetts flag and seal. His design was formally adopted by the legislature on June 14, 1898.

Original Massachusetts seal (above) from 1629 depicts a Native American saying: “Come over and help us”

The bow is an accurate representation of one taken from an Indian shot and killed in Sudbury in 1665.
-Edmund Garrett

The sword is modelled on Myles Standish’s broadsword, borrowed from the Pilgrim Hall in Plymouth. Standish was the military commander for Plymouth Colony, known for killing Native Americans.

The face came from a photograph of Thomas Little Shell, a Chippewa chief from Montana. Garrett called him “a fine specimen of an Indian”.

Proportions for the body were taken from a Native skeleton dug up in Winthrop.

The downward pointed arrow indicates a ‘pacified’ Native American.

The Latin motto begins: “By the sword we seek peace…”

Garrett patterned the belt after the red flannel belt of Metacomet (King Philip), housed in the Peabody Museum in Boston. Metacomet was a leader in the first Native war of resistance against English colonization. His severed head was impaled on a pike and displayed in Plymouth for more than 20 years as a war trophy.

The resolve would appoint a commission to redesign the State Flag, Seal and Motto. Info: changethemassflag.com
The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa and Nika C. Elugardo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying resolve:

Resolve providing for the creation of a special commission relative to the seal and motto of the Commonwealth.

PETITION OF:

<table>
<thead>
<tr>
<th>NAME</th>
<th>DISTRICT/ADDRESS</th>
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<tbody>
<tr>
<td>Lindsay N. Sabadosa</td>
<td>1st Hampshire</td>
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<td>Nika C. Elugardo</td>
<td>15th Suffolk</td>
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<td>Jason M. Lewis</td>
<td>Fifth Middlesex</td>
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<td>Jack Patrick Lewis</td>
<td>7th Middlesex</td>
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<td>Maria Duaine Robinson</td>
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<td>Ruth B. Balser</td>
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<td>Michael J. Barrett</td>
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<td>Jennifer E. Benson</td>
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<td>Natalie M. Blais</td>
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<td>Paul Brodeur</td>
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<td>Michelle L. Ciccolo</td>
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<td>Mike Connolly</td>
<td>26th Middlesex</td>
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<tr>
<td>Daniel R. Cullinane</td>
<td>12th Suffolk</td>
</tr>
<tr>
<td>Marjorie C. Decker</td>
<td>25th Middlesex</td>
</tr>
<tr>
<td>Mindy Domb</td>
<td>3rd Hampshire</td>
</tr>
<tr>
<td>Carmine Lawrence Gentile</td>
<td>13th Middlesex</td>
</tr>
</tbody>
</table>