

CAPITAL SUBCOMMITTEE REPORT ON FALL 2019 WARRANT
ARTICLE 11

The Capital Subcommittee met at 5:30 p.m., Wednesday, September 18, 2019, in room 308 of Town Hall.

The following were present:

Subcommittee members Carla Benka (Chairman, pct. 13), John Doggett (pct. 13), Harry Friedman (pct. 12), Amy Hummel (pct. 12), and Pam Lodish (pct. 14).

Representing the Town on this matter was Peter Ditto, D.P.W. Director of Engineering and Transportation.

Other town staff, town meeting members, and members of the public were: Todd Kirrane, Kara Brewton, Zoe Lynn, Justin Casanova-Davis, Scott Englander, Christi Electris, Bob Miller, David Lescohier, Willy Osborn, John Bowman, David Trevvett, Jan Preheim

Summary:

Warrant article 11 seeks authorisation to terminate two old town sewer and drainage easements, no longer in use, on Kerrigan Place, a private way, no longer in existence. In addition, it authorises the Town to obtain an easement for a new sewage and drainage system installed at 111 Boylston Street, adjacent to Davis Path. No money, other than \$1, is changing hands.

The subcommittee voted in favour of the warrant article by a vote of 5-0.

The Lay of the Land

On the north side of Boylston Street, between Cypress and Washington Streets, opposite the old Lincoln School, there is the

Boylston Street Playground. The Playground runs from Boylston Street to the former Boston and Albany tracks, now the Riverside Line of the MBTA's Green Line. The town acquired this property in 1854 (or 1867). It was originally the site of the new South Primary School, later called the Boylston School. The building was used as a school until 1922. From 1931, until it was torn down in 1971, it was used as the Stephen F. Rutledge Post of the Veterans of Foreign Wars. Once demolished, the land was converted into playground space.

The northern end of the playground lot also held the Town's first public bathhouse, which was used from 1883 or 1884, until a newer one was built on Tappan Street in 1897.

Just to the east of the Playground, is Davis Path, a public way. It was called Walnut Path until sometime between 1919 and 1927. It too starts at Boylston Street, but actually goes over the B&A tracks, via a bridge, and ends at White Place.

Just east of Davis Path, was Kerrigan Place, a private way. The street itself was only 12 feet wide. Like the Playground, it extended from Boylston Street to the B&A tracks. As late as 1927, there were two to three houses on the Davis Path or west side of Kerrigan Place, and three on the east side.

Note: at the end of Kerrigan Place, just to its east and adjacent to the B&A tracks, was a 502 square foot parcel of land owned by the Town, hereafter referred to as "Town Parcel." The Town acquired the parcel via a taking in 1905, when a grade crossing over the tracks was eliminated. It allowed carriages at the end of Kerrigan Place to turn around, and was later used by Kerrigan Place residents as a parking/storage area.

Just east of Davis Path was the former Red Cab site, which is now the Homewood Suites hotel.

Old Easements History

The town built drainage and sewage pipes under Kerrigan Place. Because Kerrigan Place was private, easements had to be granted to the town to construct these pipes. The drainage easement was granted to the town on May 6, 1863, by Patrick Kerrigan, and the sewage easement was granted to the town on March 2, 1888, by Catherine Kelly.

Sale of the Town Parcel

Sometime between 1927 and the redevelopment of the Red Cab site at 111 Boylston Street, all but one of the homes on Kerrigan Place were demolished. As part of the redevelopment of the site into a hotel, the remaining home, on the west side of the street nearest to the B&A tracks, was to be acquired by the developer and demolished. (A deed registered on March 25, 2014, indicates the home was sold for \$1,418,888.88. A deed registered April 25, 2014, indicates the Red Cab site was sold to the developer for \$3,875,000.) The Town had no use for the Town Parcel, and at the 2007 November Town Meeting, warrant article 15 proposed to authorise the Board of Selectmen to sell the Town Parcel for not less than \$85,000. The article passed Town Meeting by a two-thirds vote.

The Board of Selectmen did not actually authorise the sale until December 3, 2013. At that time, the Kerrigan Place Town Parcel was conveyed to Claremont Brookline Suites, the developer of the yet-to-be-built hotel. It appears the full \$85,000 was paid to the Town.

New Drain and Sewer

The old Kerrigan Place sewer and drain, dating to the 19th century, was not very good, and required a lot of maintenance. As part of the sale of the Town Parcel, the Town requested the developer to relocate the sewer and drainage system, and grant an easement

back to the Town. The construction of the new drain/sewer was completed when the hotel was built. The developer paid for the design and installation of the new drainage system in accordance with plans and specifications approved by the Town. The new drainage system is in a better location, and the upgraded design and plastic pipes are an improvement over the original.

What Does the Warrant Article Do?

Because the old sewer and drain under Kerrigan Place have been abandoned, the easements held by the Town are no longer necessary, and the article authorises the Select Board to terminate them.

Because the new sewer and drain are on private property, the article authorises the Select Board to acquire a new easement of approximately 1,010 square feet on the westerly portion of the property at 111 Boylston Street, adjacent to Davis Path.

Subcommittee Action

The Capital Subcommittee voted in favour of recommending favourable action of the motion offered under warrant article 11 by a vote of 5-0.

Article 12
Capital Subcommittee Hearing
September 18, 2019

Attending were Subcommittee members Pam Lodish, Carla Benka, John Doggett, Amy Hummel, Harry Friedman; Town Hall Staff Peter Ditto, Todd Kirrane, Kara Brewton, Zoe Lynn, Justin Casanova-Davis; TMMs/Petitioners Scott Englander, Christi Electris, Bob Miller, David Lescohier; members of the public Willy Osborn, John Bowman, David Trevvett, Jan Preheim

The Town of Brookline has committed to prioritize planning to achieve zero greenhouse gas emissions by 2050, Town- and community-wide. This Warrant Article seeks authorization for the Select Board to enter into solar Power Purchase Agreements (PPAs) on six properties. Over the next several years, the Town anticipates potentially installing solar systems via PPAs on the following roofs:

<i>Proposed Roof Locations for the Solar Systems</i>	<i>Size (Estimated DC kW)</i>
Coolidge Corner School	292
Runkle School	174
High School	146
Municipal Service Center	292
Heath School	217
Kirrane Pool & Gym	263
TOTAL	1,384

Municipalities can go solar by installing photovoltaic (PV) panels on a single site or a fleet of buildings. They also can choose from two models of ownership: direct ownership and third-party ownership.

Under direct ownership, the municipality pays for and owns all solar PV equipment. It reaps the full financial value of the electricity produced by its panels. With third-party ownership, a separate entity owns the solar panels installed on the municipal property, and the municipality pays the third party for the electricity produced by the panels. Municipalities pay two separate electric bills under third-party ownership: one to the utility company and one to the third-party solar owner.

The most common third-party arrangement is called a Power Purchase Agreement (PPA). This is the route the Select Board is asking Town Meeting to empower the Board to take.

Brookline is not eligible to apply the 30% federal tax credit to its solar installations because it does not pay taxes. That said, Brookline could install the systems through third parties which will monetize the tax credit on their behalf. These third party investors will incorporate their tax credit savings into the cost they charge the municipality.

If Brookline contracts with a third party under the PPAs, the Town will enter a Payment In Lieu Of Taxes (PILOT) agreement with the Provider. This provides cost certainty over the term while capturing a fair value that reflects comparably to personal property tax.

This article is asking Town Meeting to authorize the Select Board to enter into PILOT solar agreements (20 years is a common length of time for an agreement).

The Town is working with Solect Energy that is based in Hopkinton, MA. They advertise that they offer smart solutions and proven expertise in solar development, technology, construction, policy, and incentives, as well as individualized financial guidance. Solect Energy has 70 employees, manages 600 solar facilities, and has installed 500, 60 of which were under the Power Options program. Their website lists recent municipal installations in Medford, Haverhill, Holliston, and Worcester.

The envisioned agreement would allow the solar company to receive Federal tax credits and use accelerated depreciation and the Town will know what its costs of electric reduction will be. Brookline can either get cash or receive a reduction in its electric bill.

Please refer to the 2-page enclosure (Comparison of Brookline PV Options – Town vs. 3rd party ownership) to view how the solar panel installation might work for any of the roof locations – in other words, how will this benefit the town. Net meter credits will appear on the bill we receive. Dave Geanakakis, the chief procurement officer in Brookline will be involved. Solect Energy has already been chosen by PowerOptions, a non-profit energy-buying consortium, through a procurement process so Brookline will not have to engage in an open bidding process to select a provider.

As the attached shows, the Town could purchase solar panels and install them with the goal to reduce the cost of electricity.

The subcommittee was assured that the risk for potential damage to roofs is accounted for in any contract that Select Board will sign. It was told that the installer has to be certified with the roofer the Town used for the original roof installation and original warranty on the roof.

Subcommittee members heard from member of the public, Jan Preheim, about her homeowner success with solar panels and from Advisory Committee member David Lescohier about the success of solar panels on his condo complex.

If Town Meeting approves this article, this is phase one. Time is of the essence.

The Town would have the option to purchase the equipment from Solect Energy after seven years. The equipment is expected to last about 20 years. There is a real need to educate people about solar and the various components and implications.

Attached are answers to frequently asked questions that more fully explain each of the terms used in the discussion.

The Subcommittee by a vote of 5-0 voted to continue discussion of Article 12 to Tuesday Sept. 29 at 7:20 p.m. We expect to take a vote on a recommendation at that time.