



**WARRANT ARTICLE EXPLANATIONS
FILED BY PETITIONERS FOR THE
MAY 23, 2017 ANNUAL TOWN MEETING**

ARTICLE 1

Submitted by: Board of Selectmen

Article 20 of the November, 2000 Special Town Meeting requires that this be the first article at each Annual Town Meeting. It calls for the Selectmen to appoint two Measurers of Wood and Bark.

ARTICLE 2

Submitted by: Human Resources

This article is inserted in the Warrant for any Town Meeting when there are unsettled labor contracts. Town Meeting must approve the funding for any collective bargaining agreements.

ARTICLE 3

Submitted by: Treasurer/Collector

This article authorizes the Town Treasurer to enter into Compensating Balance Agreements, which are agreements between a depositor and a bank in which the depositor agrees to maintain a specified level of non-interest bearing deposits in return for which the bank agrees to perform certain services for the depositor. In order to incorporate such compensating balance agreements into the local budget process, the Commonwealth passed a law in 1986 mandating that all such arrangements be authorized by Town Meeting on an annual basis.

ARTICLE 4

Submitted by: Board of Selectmen

Section 2.1.4 of the Town's By-Laws requires that each Annual Town Meeting include a warrant article showing the status of all special appropriations.

ARTICLE 5

Submitted by: Board of Selectmen

This article is inserted in the Warrant for every Town Meeting in case there are any unpaid bills from a prior fiscal year that are deemed to be legal obligations of the Town. Per Massachusetts General Law, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting.

ARTICLE 6

Submitted by: Board of Assessors

This article provides for an increase in the property tax exemptions for certain classes of individuals, including surviving spouses, the elderly, and the blind and disabled veterans. The

proposed increases, which require annual reauthorizations, have been approved by Town Meeting continually since FY1989.

ARTICLE 7

Submitted by: Board of Selectmen

The purpose of this article is to make any year-end adjustments to the current year (FY17) budget.

ARTICLE 8

Submitted by: Board of Selectmen

The Municipal Modernization Bill provides communities with the ability to change how to treat bond premiums (net of issuance costs). Prior to the change in law bond premiums that were not related to a debt exclusion were booked as general revenue of the Town and made available in the form of Free Cash after the close of the fiscal year. Bond premiums related to debt exclusions already have the requirement of offsetting the cost of the project, ensuring that the amount raised in taxes for the borrowing reflects the true cost of the project.

Communities can now apply bond premiums (net of issuance costs) to the issuance, thereby reducing the amount needed to borrow. The borrowing authorization would also be reduced by the same amount. This provides the benefit of allowing the Town to benefit from the proceeds immediately instead of waiting for Free Cash to be certified.

ARTICLE 9

Submitted by: Advisory Committee

This is the annual appropriations article for FY2018. Included in this omnibus budget article are operating budgets, special appropriations, enterprise funds, revolving funds, and conditions of appropriation. This is the culmination of work that officially began with the publication of the Town Administrator's Financial Plan on February 14th. The proposed budget has since been reviewed by numerous sub-committees of the Advisory Committee, the full Advisory Committee, and the Board of Selectmen. The vote ultimately recommended to Town Meeting is offered by the Advisory Committee.

ARTICLE 10

Submitted by: Board of Selectmen

M.G.L. c. 39, s. 10 requires that notice of the warrant for every town meeting be given by the Selectmen at least seven days before the annual meeting or an annual or special election and at least fourteen days before any special town meeting. The law also requires that the warrant "shall be directed to the constables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if there are no by-laws, by a vote of the town, or in a manner approved by the attorney general." The warrant for the most recent Special Town Meeting was 135 pages long, covering seven pages of newsprint, and cost over \$6,000 to publish in the local paper. This article attempts to reduce the costs for publishing the

warrant by publishing the index for Town Meeting in the newspaper instead, which will direct the reader to where the articles may be found. This article also attempts to significantly reduce the staff hours required to proof-read multiple drafts of the warrant as provided by the newspaper staff prior to the publication date. Consistent with Section 2.1.5, the warrant will continue to be published on the website, distributed in ten public places, made available in the Selectmen's Office and mailed to Town Meeting Members.

ARTICLE 11

Submitted by: Neil Gordon, TMM1

Brookline's Bylaws currently provide for campaign finance disclosure from Selectmen campaigns which supplements the disclosures mandated by state law. This warrant article proposes (i) extending that supplemental disclosure to include all town-wide offices as well as ballot question committees, and (ii) modifying such supplemental disclosure to simplify the reporting process, with modest reduction in the level of detail required to be reported.

Rationale for expanding the Bylaw's scope:

The purpose of campaign finance disclosures is obvious and does not require explanation here. Worthy of note though is Brookline's current requirement that candidates for Selectman disclose campaign finance information sufficiently in advance of an election, giving opponents, the press, and, importantly, voters, sufficient time to review and analyze the details of campaign receipts and expenditures. The benefit of having information available 15 days in advance of an election (as Brookline currently requires of candidates for Selectman), instead of only 8 days prior (as is required by state law), is also obvious.

Competitive elections extend well beyond Selectman races. Several years ago, we experienced heated campaigns over an operating override, with significant funds raised by each side. We have seen competitive races for School Committee, Library Trustee, and more. We should require additional disclosure for all town-wide races, ballot questions included, and especially in the case of potentially competitive races.

Rationale for reducing the level of detail:

The state mandates disclosure (name, address and amount) of campaign contributors giving in excess of \$50.00 in a calendar year. Above \$200.00, occupation and employer must be disclosed. Brookline's Bylaw requires occupation and employer to the \$50.00 level. Our Bylaw also requires disclosure of the total number of contributors of \$50.00 or less; there is no similar state requirement.

Especially in a local election, where a contributor's name and address is disclosed in any case, disclosure of occupation and employer provide marginal incremental value. Of even less value is the number of contributors of \$50.00 or less. The added disclosure and redundant filing requirements are not without cost, however.

Complicating campaign finance reporting makes it more difficult to find a campaign finance committee treasurer, in effect, making it more difficult to run for office. Potentially, this might discourage some who might otherwise run for office. There is also an added burden on the Town Clerk's office, in monitoring compliance and processing essentially parallel campaign reports.

Each of these would otherwise be compounded by the extension of the Bylaw beyond Selectman candidates.

ARTICLE 12

Submitted by: Brookline Commission on Disability

At its Special Town Meeting in November, 1986, Town Meeting voted in favor of Article 25 to accept the provisions of M.G.L. Chapter 40, Section 8J, to establish a local Handicapped Commission. A Brookline Handicapped, or Disability, Commission has operated continuously since Article 25 was approved (under several different names). Article 25 did not call for the creation of any By-law. Therefore, there is no By-law within the Brookline Town By-laws concerning a handicapped or disability Commission. Furthermore, there is no record of approval of any principles and procedures for the Commission itself.

The purpose of the Brookline Commission on Disability (BCOD) is to coordinate or carry out programs in coordination with programs of the Massachusetts Office on Disability in order to bring about full and equal participation in all aspects of life in the Town of Brookline for people with disabilities. A purpose of this By-law is to establish principles and procedures for the governance of the Commission. The principles and procedures proposed in this Article are based on a Commission on Disability By-law model proposed by the Massachusetts Office on Disability and found on its website, www.mass.gov/mod.

ARTICLE 13

Submitted by: Tobacco Control Committee, contact Nancy Daly

Liquor licenses are tightly regulated in Massachusetts and across the country. By contrast, there are few restrictions on sales permits for tobacco, a highly addictive drug that reduces life expectancy by about ten years and is the leading cause of preventable death in the United States. In fact, tobacco is the only product sold in this country that when used exactly as directed, leads to a shortened life span.

Towns and cities in Massachusetts have begun to restrict tobacco permits. Currently 87 municipalities, with 24% of the state's population, have some form of a cap on tobacco permits. Data suggests that there is a correlation between the number tobacco purveyors in an area and the numbers of new smokers and of quitters.

This warrant would change the by-law such that no new permits could be issued. The existing permit holders (which we believe to be 21 or 22) would be able to keep their permits and continue to apply to renew them when appropriate. These existing businesses could also sell their business one time and the buyers would be presumed to be eligible for the tobacco permit provided that they are maintaining substantially the same business in the same location. Subsequent buyers would not be eligible for the tobacco permit. Thus, over time the number of permits in Town would decrease.

Further Explanation of Proposed Bylaw Change

Summary table:

Effects of new bylaw

- 1. No effect on current tobacco sales permit holders, aside from requirement for timely renewal of permit.

- 2. No new tobacco permits will be issued; businesses currently holding tobacco permits are grandfathered in.

- 3. The ability to apply for a Tobacco sales permit (but not the permit itself) will be transferable to new purchaser of the business currently holding a Tobacco sales permit, through one sale, subject to the rules and requirements of the Health Department, and provided the new Owner is in substantially the same business in the same location as the Seller. Subsequent buyers would not be eligible.

- 4. The new owner would be given up to 60 days from purchase of the business to apply for the Tobacco sales permit

- 5. Gradually the number of Tobacco Sales Permits will decrease.

ARTICLE 14

Submitted by: Department of Planning and Community Development

The Planning and Community Development Department is submitting this article following review and comment by the Brookline Licensing Review Committee. This article provides for a moratorium on the development of recreational marijuana establishments and any related uses until the State has adopted its regulations regarding such uses and the Town has had the opportunity to formulate zoning by-laws consistent with those State regulations. The moratorium contains a sunset provision providing that the moratorium terminates upon the passage of a zoning amendment at Fall 2018 Town Meeting and subsequent approval by the Attorney General or April 15, 2019, whichever occurs earlier.

In November 2016, voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of recreational marijuana, effective on December 15, 2016. The law established a new State agency, the Cannabis Control Commission (CCC), and empowered it to issue regulations regarding implementation of the law by September 15, 2017. Subsequently, Chapter 351 of the Acts of 2016 extended the time period for the issuance of the regulations by six months to March 15, 2018.

The Town enacted a similar temporary moratorium in spring of 2013 relative to medical marijuana facilities in order to allow time to promulgate reasonable local regulations. The Attorney General's Office approved that moratorium. Recently, a six and a half month recreational marijuana moratorium adopted by the Town of West Bridgewater at its Town Meeting on December 14, 2016, was approved by the Attorney General. This occurred prior to the legislature's extension of the deadline for CCC regulation to March 15, 2018.

Brookline's Zoning Bylaw currently allows Registered Medical Marijuana Dispensaries in General Business, Office, and Industrial districts by Special Permit if certain conditions are met.

Regulation of Recreational Marijuana Establishments, however, raises novel and complex legal, planning, and public safety issues. The Town needs time to identify, consider and address those issues, as well as any forthcoming regulations issued by the Cannabis Control Commission. The temporary moratorium proposed in this Article is intended to allow sufficient time for the Town to engage in a comprehensive planning process and adopt appropriate and effective Zoning By-Law and General By-Law provisions using sound land-use planning principles and addressing any public health, safety and welfare issues that could arise from this new law. Those regulations should not be finalized until after the State has adopted its regulations to ensure that the Town's regulations are consistent with what the State regulations allow and/or prohibit. Since the warrant for Spring 2018 Town Meeting typically closes roughly in the middle of March, if State regulations are not issued until March 15, 2018, the Town would not have time to prepare and adequately vet its regulations before the close of the warrant. Therefore, a warrant article proposing a zoning amendment will be submitted to Fall 2018 Town Meeting.

The moratorium will be effective through the Attorney General's approval of any amendment passed at Fall 2018 Town Meeting or April 15, 2019, whichever is earlier.

ARTICLE 15

Submitted by: Planning and Community Development Department

The Planning Board has determined that some Design Review applications for new and replacement signs and awnings may be more appropriately handled at a staff level. The Board currently reviews all Design Review applications for signs and awnings, including applications to reface/replace existing signs and awnings. The final design of such applications often does not change as a result of the Planning Board's review; however, they are subject to the same review process as more substantial proposals. With the support of the Planning Board, the Planning and Community Development Department is proposing to amend Section 7.08 Design Review Procedures of the Zoning By-Law to allow the Assistant Director for Regulatory Planning or designee to administratively approve some Design Review applications following guidelines adopted by the Planning Board. If adopted by Town Meeting, the amendment would streamline the review process for straightforward Design Review applications that include in-kind replacement and/or substantially similar replacement of the existing signs and awnings, as well as applications that are deemed by the Assistant Director for Regulatory Planning or designee to be appropriate for the site and neighborhood. The change would also reduce the number of morning meetings currently held by the Planning Board to review Design Review applications.

ARTICLE 16

Submitted by: Board of Selectmen

The Town has been in contract negotiations with developer BlueWave Capital, LLC, Boston, Massachusetts, to install solar photovoltaic arrays on several municipal buildings, including the Runkle School.

As of late 2016, BlueWave Capital partnered with a new installer, IGS Solar LLC, which requires an easement or roof lease agreement to install the panels. Once a lease agreement is in

place, the Town can resume negotiations with BlueWave to execute the contract. At this time, the Board is seeking permission to grant a lease agreement for rooftop space on the Runkle School, which would be the first site available for installation by summer 2017.

ARTICLE 17

Submitted by: Commissioner of Public Works

1180 Boylston Street is the site of a proposed mixed-use development seeking approval by way of a Comprehensive Permit pursuant to M.G.L. c.40B. The proposed plan includes a loading zone on Hammond Street to serve both the 1180 Boylston Street project and other commercial properties on Hammond Street. As proposed, the loading zone would cut into the Hammond Street sidewalk and reduce it to a width of 4 feet. The Department of Public Works and the Transportation Board have recommended that the loading zone be constructed only if the owner grants the Town an easement to ensure adequate pedestrian access. The easement would allow the sidewalk to remain at 10 feet along the 60 foot length of the loading zone. The property owner has entered testimony before the Zoning Board of Appeals into the public record supporting the grant of an easement to the Town.

Therefore, the petitioner is submitting this warrant article as a means to ensure public safety should the ZBA grant approval of the project with conditions, including the construction of the loading zone on Hammond Street. Please note that this warrant article does not pertain to whether or not the loading zone is appropriate, nor whether the 40B project should be approved, as these are matters under the purview of the Zoning Board of Appeals. It is submitted to ensure that the Town has a permanent, non-revocable mechanism to ensure sufficient pedestrian access.

ARTICLE 18

Submitted by: Transportation Board

Motor vehicle crashes have become the leading cause of unintentional injury deaths in the United States, killing over 30,000 people in 2010 alone. Many public health professionals have recently studied the correlation between motor vehicle speeds and death rates in order to highlight the danger this poses to the public. Several studies have demonstrated that the risk of death to a pedestrian struck by an automobile traveling at 20 mph is 6%. This increases to 19% at 30 mph (3 time greater than the risk at 20 mph) and further jumps to 65% (11 times the greater than the risk at 20 mph) for motor vehicles traveling at 45 mph. Furthermore these studies have shown that multiple factors contribute to the problem of unsafe traffic speed including roadway designs that encourage higher speeds, speed limits that are set too high, and speeding (people driving faster than the speed limit or too fast for road conditions) and have concluded that small traffic speed reductions can lead to fewer motor vehicle crashes, injuries, and deaths. In fact in 2014, a study by the Metropolitan Area Planning Council and the Massachusetts Department of Public Health predicted that lowering the default speed limit on local roads from 30 to 25 miles per hour could prevent about 18 fatalities and 1,200 serious injuries each year in Massachusetts, as well as save about \$62 million annually.

In recognition of the danger speeding vehicles pose to all roadway users, and in support of the Board's goal to create a multi-modal transportation network that encourages safe alternatives including walking and cycling for commuting and recreational purposes, the Transportation Board has implemented a Traffic Calming Policy and overseen several neighborhood traffic calming projects to increase safety and reduce motor vehicle speed. Since 1999 this has resulted

in the installation of traffic calming devices including roadway narrowing, raised crosswalks, raised intersections, speed humps, neighborhood traffic circles, curb extensions, chicanes, enhanced crosswalk signage, and pavement markings throughout the Town.

However, localized roadway modifications are only one of the needed solutions to address the dangers presented by speeding motor vehicles. In order to achieve a safer roadway network for all users throughout the Town we must also have the ability to reduce and enforce speed limits in our dense residential neighborhoods and business districts. Currently Chapter 90, Section 17 establishes the statutory speed limit of 30 mph on roadways within thickly settled or business districts and in order for the Town of Brookline to establish a posted speed limit different from this it must comply with Chapter 90, Section 18 which requires town staff to conduct a multi-step speed study in accordance with the “MassDOT Procedures for Speed Zoning on State and Municipal Roadways” 2012 manual to determine to appropriate and allowable speed limit, receive a positive vote from the Transportation Board for a petition seeking approval from MassDOT to post the speed limit, and then submit the request to the Massachusetts Department of Transportation for permission to post. This is a time consuming process which restricts the Transportation Board and Town staff’s ability to respond to the needs of our residents by taking time sensitive action to increase the safety of motor vehicle drivers, cyclists, and pedestrians in these areas.

Because current state law makes a reduction in the speed limit difficult to achieve, for the past several legislative sessions, the Transportation Board has joined with other local authorities and advocacy groups throughout the state to lobby in favor of various proposals to amend Chapter 90, Section 17 and reduce the statutory speed limit in these areas to 25 mph. On August 9, 2016, the Governor signed House No. 4565, inserting into Chapter 90 of the Massachusetts General Laws the above-quoted local option law as a new Section 17C. While the statutory speed limit would remain 30 mph, the new provision provides the ability to local authorities to either establish and post a speed limit of 25 miles per hour on specified roadways within thickly settled residential areas or business districts OR establish and post a speed limit of 25 miles per hour Town-wide on all thickly settled residential areas or business districts without having to comply with the provisions of Chapter 90, Section 18. The second option would require signage being posted at the Town boundaries.

The adoption of this local option law by Town Meeting would authorize this step, but not require it. By adopting this local option the Transportation Board, following at least one public meeting at which testimony from the public would be taken, could consider resident or other requests to install a speed limit sign of 25 mph Town wide or on specific roadway types as part of their authority to “adopt, alter or repeal rules and regulations, not inconsistent with general law as modified by this act, relative to pedestrian movement, vehicular and bicycle traffic in the streets and in the town-controlled public off-street parking areas in the town, and to the movement, stopping, standing or parking of vehicles and bicycles on, and their exclusion from, all or any streets, ways, highways, roads, parkways and public off-street parking areas under the control of the town” as part of their enabling legislation.

ARTICLE 19

Submitted by: Transportation Board

Currently Chapter 90, Section 17 establishes the statutory speed limit of 20 mph on roadways within a school district only. Furthermore the Massachusetts amended Manual on Uniform

Traffic Control Devices restricts the 20 mph school zone speed limit to K through 8 schools and does not include High Schools or schools without a crosswalk leading to their property. In order for the Town of Brookline to establish a 20mph speed limit in any other area it must comply with Chapter 90, Section 18 which requires town staff to conduct a multi-step speed study in accordance with the “MassDOT Procedures for Speed Zoning on State and Municipal Roadways” 2012 manual to determine to appropriate and allowable speed limit, receive a positive vote from the Transportation Board for a petition seeking approval from MassDOT to post the speed limit, and then submit the request to the Massachusetts Department of Transportation for permission to post.

Municipalities in other states have had success in increasing safety by creating zones where the speed limit is reduced to 20 mph in a defined area with high pedestrian demand. Examples include New York City’s Neighborhood Slow Zone Program which is a community-based program that reduces the speed limit from 25 mph to 20 mph and adds safety measures within a select area in order to change driver behavior and enhance quality of life by reducing cut-through traffic and traffic noise in residential neighborhoods. Similarly the City of Chicago instituted the Children’s Safety Zone Program which seeks to protect children and other pedestrians by creating 20 mph safety zones, 1/8th of a mile boundary, around any Chicago park or school.

While the adoption of Warrant Article ____ will allow the Transportation Board and Town staff to increase the safety of all roadway users with the ability to post a 25 mph speed limit on designated streets or a statutory 25 mph speed limit townwide, there are certain areas within the Town where a further reduction in speed to 20 mph is more appropriate. These may include areas around Brookline High School, the Brookline Senior Center, the Brookline Teen Center, areas around private schools which do not meet the requirements for a school zone, around large senior housing complexes, and areas of high pedestrian activity including neighborhood parks and playgrounds.

On August 9, 2016, the Governor signed House No. 4565, inserting into Chapter 90 of the Massachusetts General Laws the above-quoted local option law as a new Section 18B. While the statutory speed limit would remain 30 mph, the new provision provides the ability to local authorities to establish designated safety zones and post a speed limit of 20 mph on specified roadways within that zone without having to comply with the other provisions of Chapter 90, Section 18.

The adoption of this local option law by Town Meeting would authorize this step, but not require it. By adopting this local option the Transportation Board, following at least one public meeting at which testimony from the public would be taken, could consider resident or other requests to create a designated safety zone and install a speed limit sign of 20 mph on roadways within this zone as part of their authority to “adopt, alter or repeal rules and regulations, not inconsistent with general law as modified by this act, relative to pedestrian movement, vehicular and bicycle traffic in the streets and in the town-controlled public off-street parking areas in the town, and to the movement, stopping, standing or parking of vehicles and bicycles on, and their exclusion from, all or any streets, ways, highways, roads, parkways and public off-street parking areas under the control of the town” as part of their enabling legislation.

ARTICLE 20

Submitted by: John Harris and Richard Rosen

Brookline residents are familiar with human-induced climate change to some extent or other. Yet, in spite of both imminent and drastic long-term danger posed by climate change to human, animal, and biological life and happiness, not enough has been done in the town to help mitigate and adapt to climate change. Of course, mitigation should be the first priority in order to minimize the impact of climate change in the long run, and, therefore, to minimize the need to adapt to climate change.

Since the United States is now an official Party to the 2015 Paris Agreement, and since the Agreement has now come into force for all the Parties to it, it is only logical that Brookline, with its diverse, well-educated and well-informed citizenry, should play a leading role in facilitating its implementation.

While both the State of Massachusetts and the United States have begun to implement different climate change mitigation plans, neither plan is sufficiently strong to achieve the appropriate pro-rata share for either the state or the country to achieve the overall goals established by Article 2 of the Paris Agreement. There is a large technical literature on this issue, but a consensus has emerged that the total impact of all the nationally determined contributions to reduce greenhouse gas emissions in the future will not even come close to keeping the human-induced global average temperature increase to at most 2.0 degrees Celsius by the year 2100.

Thus, more must be done to mitigate climate change by all the parties, and their political subdivisions such as the Town of Brookline, just to meet the current commitment of the U.S. to the Paris Agreement, and even more to meet the 1.5 – 2.0 degree targets. This, then, requires immediate action and commitment by the Town of Brookline to ensure that it both intends to and actually achieves its fair share of global mitigation efforts. Thus, while the Board of Selectmen had drafted a plan in the past to help mitigate climate change, this plan clearly needs to be reviewed and reconsidered, and, probably, greatly strengthened.

Once this is done, this revised plan for mitigating and adapting to climate change should be filed with the appropriate mechanism for accumulating and publicizing such plans for towns and cities, which is the NON-STATE ACTOR ZONE platform maintained by the UNFCCC (the United Nations Framework Convention on Climate Change). This is appropriate, of course, since Brookline is not a nation state, which are the formal Parties to the Paris Agreement.

ARTICLE 21

Submitted by: Werner Lohe, Alan Christ, and Kathleen Scanlon

Brookline was one of the first communities in Massachusetts to address climate change, adopting its first Climate Action Plan in 2002. In 2012, it accepted Massachusetts' target for greenhouse gas emissions—the reduction in emissions to 80% below 1990 levels by 2050. See “2012 Climate Action Plan,” p. 9 (<http://www.brooklinema.gov/DocumentCenter/View/2402>). In part in response to this statement of our community's environmental values, recent school construction (i.e., the Runkle School and the Devotion School) has achieved high standards of energy efficiency. Similarly, in the Educational Plan for the Ninth Elementary School at

Baldwin, the School Committee has stated its strong commitment to a state-of-the-art school.¹ Nevertheless, overall town-wide progress toward reduced emissions has been slow, not yet approaching the rate needed to reach our goal. See, generally, “Selectmen’s Climate Action Committee Report to Town Meeting, Spring 2015,” p. 2 (<http://www.brooklinema.gov/DocumentCenter/View/8158>).

New construction of any sort inevitably leads to a slight increases in emissions. Therefore, communities throughout Massachusetts and New England have begun to address that reality by designing “Net Zero Energy” (NZE) schools, that is, schools that minimize on-site energy use as much as possible, and offset that energy use with renewable energy generated on site, with the goal of equalizing, on an annual basis, energy consumed and renewable energy generated on site. (Examples of such schools are the Martin Luther King School, Cambridge, MA, the King Open School, Cambridge, MA, and the Pell Elementary School,² Newport, RI.) Schools such as this not only address climate change, but typically save money by reducing energy costs. See below. Brookline now has an opportunity to design its own NZE school.

About ten years ago, Brookline improved its design process for municipal buildings by including consideration of “environmental and sustainability goals and objectives, includ[ing] design and construction practices that explicitly consider Green technologies.” Bylaws, § 7.3.2(a). Because of the Town’s sound design practices and the Massachusetts School Building Authority’s (MSBA) standards, the Runkle and Devotion projects have good energy performance, though they are not NZE. The Ninth Elementary School at Baldwin, however, is not subject to MSBA requirements, and no specific standards for energy performance have been set. This resolution provides direction to the design architects, under the supervision of the School Committee, the Building Commission, and the Board of Selectmen, by establishing Net Zero Energy as the community’s goal for its new school. This goal encourages energy efficient building design, places a major focus on energy, and encourages building users to reduce their energy needs without compromising building programs or mission.

¹. “ “Building a new school in the early 21st century when our community and society are more conscious than ever of the delicate balance between environmental sustainability and ongoing development provides an opportunity to have the physical plant itself play a significant role in the culture, educational approach and daily lives of students and teachers. Whether it’s through monitoring waste water, understanding the science behind passive and active solar power, or studying conservation measures built into the new building, the physical plant can be used to help students learn about science, sustainability, and taking care of the environment. For example, signs and working exhibitions created by students could identify design elements that demonstrate architectural, structural, mechanical, and green building strategies. Student tour guides could be trained to introduce visitors to the building’s features. Back-of-the-house spaces could be used as instructional spaces for students and staff, and could be used by town building and maintenance staff for hands-on training. ***Brookline’s new elementary school could stand as a physical demonstration of environmental stewardship and innovation, providing a local case study for sustainable school construction.***” 9th Elementary School Educational Program (11/29/16 draft), p. 13 (emphasis added). <http://www.brookline.k12.ma.us/cms/lib8/MA01907509/Centricity/Domain/722/Draft%209th%20School%20Ed%20Plan%20-%2011.29.2016.pdf>

². “The Pell School is... considered a net-zero-ready building. With the addition of a 1,100-kW photovoltaic system in the future, the school will be an actual net-zero building.” <https://webspm.com/Articles/2014/08/01/Net-Zero-in-School-Design.aspx>. Binghamton, NY designed a NZE school, the MacArthur Elementary School, that is not only NZE, but also “fossil-fuel-free.” Building Energy, vol. 36, no. 1 (2017), p. 12,

Mechanism for Assuring a NZE Design

The most widely used and accepted rating system in the United States and in the world for green buildings is LEED v4 (Leadership in Energy and Environmental Design, version 4). See <http://www.usgbc.org/LEED>. Building performance is measured by awarding up to a total of 110 checklist points in eight categories and 57 sub-categories. The single sub-category in which the most points are available—with 16 points—is Energy and Atmosphere: Optimize Energy Performance. Consultation with architects and energy efficiency consultants familiar with schools, NZE principles, and LEED indicates that the realistic goal for achieving NZE for the Ninth Elementary School at Baldwin is 16 Optimize-Energy-Performance points with certification at the Platinum rating level with Energy Use Intensity (EUI) of 25 kBtu/sq.ft.

Cost

NZE schools, in addition to addressing climate change, typically save money by reducing energy costs. See <https://www.districtadministration.com/article/net-zero-schools-save-big-energy-costs>. Further, the Town and its architect are committed to “integrated design,” which is the most effective process for ensuring not only energy efficiency, but also cost savings. See <http://www.facilitiesnet.com/facilitiesmanagement/article/When-talk-is-cheaper-Integrated-design-and-better-buildings-Facilities-Management-Facilities-Management-Feature--2138>.

Integrated design relies on careful planning and goal setting early in the design process. Project costs and savings are evaluated during the schematic design phase of the project. Thus, the savings (or costs) that may be realized by designing an NZE school cannot be accurately assessed at present since schematic design has not yet been authorized by Town Meeting. But, consistent with best practices, an important provision in the Town’s bylaw requires that “the consultant [(the architect) prepare] a cost estimate for the project (including life-cycle costs) [and] consider the investigation, cost-benefit analysis, and recommendation of appropriate options that address the environmental and sustainability goals and objectives....” Bylaw, § 3.7.2(b).

The bylaw does not specify the methodology to be used in the cost-benefit analysis. The Town has frequently used “simple payback period” methodology. But, because of the complexity of the design of a large project such as the Ninth Elementary School at Baldwin and the desire to achieve the goal of NZE, financial analysis of energy-related features such as geothermal HVAC, solar PV panels, triple-glazed windows, and the like should include a Discounted Cash Flow (DCF) analysis, considering Internal Rate of Return (IRR) or Net Present Value (NPV) or both, based upon the life of the features,³ and should also consider the Social Cost of Carbon.⁴

³. Funding for the Ninth Elementary School at Baldwin will be provided by the issuance of municipal bonds. Energy-related features whose nominal rate of return, as compared to baseline conventional features, are projected to exceed the Town’s cost of capital in the municipal bond market should be chosen because they are the more fiscally responsible alternative.

⁴. See “Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866” published by the Interagency Working Group on Social Cost of Carbon, United States Government, in May 2013, and revised in November 2013 and July 2015.

ARTICLE 22

Submitted by: Stephen Vogel, Abigail Ortiz, and Anne Greenwald

The Office of Diversity, Inclusion and Community Relations (ODICR) has enrolled the Town in GARE as a core member. The Town's ability to achieve its goals of promoting racial justice will be enhanced by participating in GARE as a core member. GARE membership benefits include access to workshops for Town employees on how to implement a racial equity based approach to Town governance.

The Town of Brookline has in its By-laws many parts of the framework for achieving racial justice. Those are found, for example, in the goals of diversity and inclusion in the Town's provisions for CDICR and for ODICR, and in the powers, duties, responsibilities, and authorizations given to CDICR and ODICR, combined with the requirement that that all departments and agencies of the Town cooperate, share information and have a dialogue with CDICR and ODICR on relevant matters. (Articles 3.14, 3.15, 5.5, and 10.2 of the General By-laws, as most recently amended, plus the new EEO policy promulgated by the Human Relations Department, recently approved by ODICR, CDICR, the Board of Selectmen.) But there are certainly additional things we can do to reach unequivocal racial and ethnic respect, fairness, justice and harmony in the Town's employment practices, and in its treatment of all people within its environs.

One proven way is to maintain continuing core membership (akin to the Town's continuing membership in the Massachusetts Municipal Association) with and utilize the services, expertise and other resources provided by GARE.

GARE works to advance racial equity and increase opportunities for communities within and through government. GARE provides assistance with racial equity training, racial equity tools, communications coaching, and assistance with particular topic areas, such as criminal justice, jobs, housing, development, health and education. GARE helps to normalize and internalize conversations about race and racial inequities, and it helps its members find ways to achieve equity among municipal officials and employees, even for those who may not believe that racism or racial inequities exists in the municipality.

From the inception of our country, government at the local, regional, state and federal level has played a role in creating and maintaining racial inequity. Many current inequities are sustained by historical legacies and structures and systems that repeat patterns of exclusion. To achieve long-term impact, changes must be sustainable. Working for racial equity at the local level can allow for meaningful education with community and other institutions that will ensure sustainability.

Communities who take a "color-blind" approach might simply allow racial inequities to continue. Explicitly addressing racial inequities, while maintaining a class-conscious approach, will maximize impacts on both racial and income inequities. Local government has the ability to implement policy change at multiple levels and across multiple sectors to drive larger systemic change impacting other institutions with the aim of dismantling structural racial inequity and creating equitable outcomes for all.

The implementation, for the Town, would best be done by continuing financial and allocation of other resources for support of GARE membership and dedication and concerted efforts by the Town Administrator, ODICR, CDICR, Human Resources department, Town department heads,

School Department leadership. Wisdom from GARE membership municipalities, also indicates that an unofficial steering committee of Town based residents and partners interested in the makeup of the workforce, public schools' outcomes, delivery of services, police and fire department relations, housing, or business relations, be constituted and recognized by the Town to promote community support, trust and cooperation to raise the level of success for this endeavor, and to advise ODICR, CDICR in that regard.

The City of Boston, "signed up" as a GARE core member in mid-2016. The Town and Boston join such municipalities as, for example, Alameda County, California (county seat, Oakland), Dane County & the City of Madison, Wisconsin, Portland, Oregon, Fairfax County, Virginia, Seattle, Washington, and St. Paul, Minnesota.

One of this article's supporters had a conversation regarding the benefits of GARE membership with the Dane County-City of Madison "go to" government official for that jurisdiction's GARE program, after that jurisdiction had been enrolled as a core member and worked with GARE for a little over a year. To quote from his notes of that conversation held on 8/22/16:

"Now, racial equity is considered in overall decision-making, in the allocation of the budget, in the delivery of services-benefits, in agreements made by City and County with outside entities, [and with] improved outreach to the public, on employment matters — the recruitment, hiring, promotion, and firing processes, resulting in an increase of diversity in the workforce, including police and fire departments. Most important improvements thus far: More inclusive hiring process; more people of color and more women employed by City and County; institutionalization of racial equity in the workings and fabric of City and County govt.; racial equity implementation also favorably affected overall community trust, the lowering of domestic abuse, delivery of health care, early and public schooling outcomes, private development, routing for public transportation, trash pick-up, location of police and fire stations and how those stations function, and the issuing of pet licenses."

ARTICLE 23

Submitted by: Lily Bermel

Executive Summary

This Resolution calls for two distinct actions to be taken. The first action is for Brookline to indicate its support of *An Act Relevant to Regional Transportation Ballot Initiatives* to the appropriate state legislators in Massachusetts' General Court. The second action is for Brookline to implement a three cent local-options gasoline tax allowable by the bill, and to spend the approximately \$200,000 of annual revenue exclusively on projects that improve safety or convenience for people walking, riding a bicycle, or using mass transit in Town. Doing so would provide the funding and guidance necessary to implement a long list of sidewalk, bike lane, and mass transit projects already identified and unfunded, thereby improving transportation safety for residents of all ages and abilities.

About An Act Relevant to Regional Transportation Ballot Initiatives

Filed by Senator Eric Lesser (S. 1551) and Representative Chris Walsh (HD. 174), *An Act Relevant to Regional Transportation Ballot Initiatives* will allow any city or town in the state of

Massachusetts to raise taxes in order to fund transportation projects. The Metropolitan Area Planning Council describes the bill as follows:

In Massachusetts, more funding is needed to meet our transportation needs. Regional ballot initiatives are regularly used to finance transportation investments in states all across the country (including California, Colorado, Georgia, Michigan, Missouri, Idaho, Ohio, South Carolina, and Louisiana). These initiatives have high rates of passage (70 - 80%) and can be a key mechanism to fund both operations and capital projects for transportation. This legislation would enable a municipality or a group of municipalities to raise additional local money for transportation projects via ballot initiatives, giving voters a more direct role in the process and also showing a clearer correlation between funds being raised and the project(s) for which those funds are used. While dollars raised for regional projects via ballot initiative would not by itself close our transportation infrastructure funding gap, this framework could be an important tool. It would give municipalities both more control of and more of a stake in the projects in their region.

WHAT THIS LEGISLATION DOES

- Enables a municipality to place a question on the ballot to raise revenue for local and regional transportation projects.
- Enables two or more municipalities to form a regional district to coordinate the spending of revenue raised by a ballot question in each member municipality for regional transportation projects.
- Creates procedures for the adoption and implementation of the new tax and enables communities to define the types of projects or specific projects eligible for funding with the revenues raised.
- Authorizes communities to determine the type of tax to be raised (sales, property, payroll, vehicle excise, etc.), set the maximum amount the new tax can raise, and set the term of the tax.
- Creates a lockbox to ensure that revenue raised for transportation is spent on transportation.

This resolution has specific implementation recommendations for Brookline. It calls for a three cent local-option increase on the gasoline tax for all sales within Brookline. Estimation of the revenue from a three cent local-option gasoline tax is difficult, as the Commonwealth doesn't make annual gasoline sales information available by city or town. However, a rough estimate of \$200,000 per year can be made by considering the revenue generated by a twenty six cent per gallon tax in all of Massachusetts, the population of Brookline, non-resident gasoline use, and the limited use of cars by Brookline residents.⁵

⁵ In FY 2015, the state gasoline tax revenue was \$756 million, assessed at \$0.24/gallon on all sales within the Commonwealth. Brookline's population is 0.9% of that of Massachusetts, suggesting a per-capita per-cent share of $\$756,000,000 \times 1/24 \times 0.9\% = \$283,500$, and a \$0.03 tax value of \$850,500. However, if a simplifying assumption that Brookline has half the cars per capita as Massachusetts as a whole is made, and that residents in Brookline consume half as much gasoline per car due to higher efficiency autos and shorter distances, a rough estimate of a revenue \$200,000/year for a \$0.03 gasoline tax in Brookline can be made.

General Benefits of Improved Infrastructure for People Walking, Riding a Bicycle, or Using Mass Transit

Well chosen infrastructure projects improve the safety and accessibility of sidewalks, roads and mass transit. Walking, bicycling, and mass transit should be a safe option for residents of all abilities. Not only does walking, bicycling, and mass transit use yield health and financial benefits to the user, but a decrease in car use reduces traffic congestion and increases air quality for everyone. The risks of not implementing safe infrastructure and the advantages of doing so are highlighted by the following research:

1. Raised gasoline prices are associated with increase in recreational walking, biking, and running,⁶ activities which contribute to declining obesity rates. Additionally, a study measuring the effect of gas prices on obesity across the United States claims that “8% of the rise in obesity between 1979 and 2004 can be attributed to the concurrent drop in real gas prices.”⁷
2. Raised gasoline prices have been found to decrease the frequency and severity of car crashes due to drunk driving. These findings do not vary among different demographics.⁸ In fact, studies have shown that an increase in the gasoline prices can decrease the amount of total road fatalities, “the average reduction in road fatalities resulting from a 10% increase in the gasoline pump price is in the order of 3% to 6%.”⁹
3. According to the Asthma and Allergy Foundation of America, subjects in a study were “40 percent more likely to have acute asthma episodes on high pollution summer days than on days with average pollution levels.”¹⁰
4. According to the Environmental Protection Agency, breathing air in Boston is equivalent to smoking five cigarettes a year.¹¹
5. Increased walking and biking by Brookline residents would be beneficial to local merchants. New York City found up to 49% increase in retail sales when the city installed the first protected bicycle lane in the US on 8th and 9th Avenues in Manhattan.¹²
6. Many Brookline High School students are not allowed to bike to school because their parents fear for their safety. Bike lanes create distance between the biker and a vehicle, and make it less likely for a collision to occur. Ultimately, parents would allow more students to bike to school if more bike lanes existed on busy roads.

⁶ Bisakha Sen. *Journal of Policy Analysis and Management*, 2012, Vol. 31, No. 2, 338-366.

⁷ Charles Courtemanche. *Economic Inquiry*, Vol. 49, No. 3, July 2011, 935-957.

⁸ Guangqing Chi, Xuan Zhou, Timothy E. McClure, Paul A. Gilbert, Arthur G. Cosby, Li Zhang, Angela A. Robertson, David Levinson. *Accident Analysis and Prevention*, 2011, Vol. 43, 194-203.

⁹ Paul J. Burke; Shuhei Nishitateno. *Economic Inquiry*, 2014.

¹⁰ Ko, F. W. S., W. Tam, T. W. Wong, C. K. W. Lai, G. W. K. Wong, T. F. Leung, S. S. S. Ng, D. S. C. Hui, *Effects of higher levels of pollution* First published: 6 August 2007.

¹¹ Kristin Toussaint, “Breathing Boston air is like smoking 5 cigarettes a year,” *Boston Globe*. August 28, 2015.

¹² *Measuring the Street: New Metrics for 21st Century Streets*. Rep. New York City DOT, Web.

7. The risk of lung cancer increases from exposure to car pollution. A study has found that exposure to traffic-related pollution for 20 years is associated with a relative risk (RR) for lung cancer of 1.2, corresponding to a 20% increase in risk.¹³

8. Walking, biking, and the T are often more attractive options for Brookline youth. Without having to arrange for car rides or worry about safety, young students will have more opportunities to participate in sports, spend time with friends, or join other extracurriculars.

Brookline's Need for Improved Infrastructure for People Walking, Riding a Bicycle, or Using Mass Transit

There is an evident need for additional revenue to implement safer and more comfortable infrastructure for people who are walking, riding a bicycle, or using mass transit. This revenue will support pedestrian, bike, and transit infrastructure that are either lacking or in need of repair, despite some significant effort. There is much that can be done with the revenue. Brookline's Complete Streets initiative calls for all neighborhood streets in Brookline to have complete sidewalks on both sides of the street and safe crossings. Busier streets must also have safe bicycle infrastructure. As discussed in the Advisory Committee's Capital Subcommittee meeting on March 7, 2017, every road scheduled for repaving by the Town must undergo a Complete Streets policy review, resulting in not-insignificant added cost for some repaving projects. Members of both the Advisory Committee Capital Subcommittee and DPW leadership expressed concern that these additional costs are currently unfunded, challenging the Town's ability to repave as many streets each summer as it has in the past. Revenue from a local-option tax on gasoline could be used to address this funding challenge.

Brookline's Complete Streets initiative has plans to work on these issues, but they lack funding. The Brookline Community Aging Network (BCAN)'s BrooklineCAN Pedestrian Safety project team continues to identify sidewalk upgrade needs. The Brookline Bicycle Advisory Committee's Green Routes Plan has also envisioned many projects to make biking safer in Brookline. Additionally, much needs to be done to improve many of the bus stops that lack shelter or even seating which deter possible users.

These projects can be costly. Brookline currently spends over \$300,000 per year on sidewalk repairs, yet sidewalk heaves and other hazards remain, as do gaps in sidewalk connectivity and a lack of curb ramps. Bicycle infrastructure costs on the order of \$100,000 per mile. A bench for a bus stop only costs about three thousand dollars, but integrating awnings with commercial buildings, creating safer and more comfortable C Line stations, and continuing progress toward transit signal prioritization may require considerably more funding.

Conclusion

If Brookline enacts a local-option gas tax to support transportation initiatives, it may set a precedent. Nearby cities and towns may be more likely to implement a similar local-option tax. In doing so, not only will their communities gain the benefits described above, but Brookline

¹³ Nyberg, Fredrik, Tom Bellander, Göran Pershagen, and Per Gustavsson. "Urban Air Pollution and Lung Cancer in Stockholm." *Epidemiology* 12.5 (2001): 591-92

residents will benefit as well, both from cleaner air in the region and from the improved infrastructure whenever traveling in that city or town.

All Brookline residents rely on our transportation network, and all transportation users – drivers, walkers, bicycle riders, streetcar and bus riders – benefit from sidewalks and streets with safer infrastructure. A three cent local-option tax will be successful given the Complete Streets policy requirement, backlog of specific projects already identified, and a revenue source. This resolution will help ensure that Brookline pursues needed transportation revenue and that its budget reflects its values.

ARTICLE 24

Any reports from Town Officers and Committees are included under this article in the Combined Reports. Town Meeting action is not required on any of the reports.