TOWN OF BROOKLINE
MASSACHUSETTS

REPORTS OF SELECTMEN AND ADVISORY COMMITTEE

on the

Articles in the Warrant

for the

ANNUAL TOWN MEETING

SCANNED

I hereby certify that the actions as indicated on the within pages were taken at the Annual Town Meeting called for Tuesday, May 24, 2016, at 7:00 P.M., adjourned to Thursday, May 26, 2016 and dissolved on Tuesday, May 31, 2016 at 9:28 P.M.

ATTEST:

Patrick Joseph Ward
Town Clerk

Town of Brookline

BOARD OF SELECTMEN

Neil A. Wishinsky, Chairman

Nancy A. Daly **Benjamin J. Franco**

Nancy S. Heller **Bernard W. Greene**

Melvin A. Kleckner, Town Administrator

"The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services or activities. Persons with disabilities who need auxiliary aids and services for effective communication in programs, services and activities of the Town of Brookline are invited to make their needs and preferences known to Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445, 730-2328 Voice, 730-2327 TDD, or email at rsneirson@brooklinema.gov."

MODERATOR

Edward N. Gadsby, Jr.

ADVISORY COMMITTEE

Sean M. Lynn-Jones, Chair, 53 Monmouth Street 738-6228
Carla Benka, Vice-Chair, 26 Circuit Road 277-6102
Clifford M. Brown, 9 Hyslop Road 232-5626
Carol Caro, 1264 Beacon Street, #2 739-9228
Lea Cohen, 1060 Beacon Street, #11 947-9713
John Doggett, 8 Penniman Place 739-7266
Dennis Doughty, 57 Perry Street 566-5474
Harry Friedman, 27 Clafin Road 232-0122
Janet Gelbart 216 St. Paul Street #601 566-5616
Jennifer Goldsmith, 148 Jordan Road 734-3404
David-Marc Goldstein, 22 Osborne Road 232-1943
Neil Gordon, 87 Ivy Street ..... (508)265-1362
Kelly Hardebeck, 18 Littell Road 277-2685
Amy Hummel, 226 Clark Road 731-0549
Sytske V. Humphrey, 46 Gardner Road 277-1493
Angela Hyatt, 87 Walnut Street 734-3742
Alisa G. Jonas, 333 Russett Road 469-3927
Janice Kahn, 63 Craftsland Road 739-0606
Steve Kanes, 89 Carlton Street 232-2202
Bobbie M. Knable, 243 Mason Terrace 731-2096
Fred Levitan, 1731 Beacon Street 734-1986
Robert Liao, 55 Meadowbrook Road ..... (530)988-8887
Pamela Lodish, 195 Fisher Avenue 566-5533
Shaari S. Mittel, 309 Buckminster Road 277-0043
Mariah Nobrega, 33 Bowker Street 935-4985
Michael Sandman, 115 Sewall Ave., No. 4 232-7125
Lee L. Selwyn, 285 Reservoir Road 277-3388
Stanley L. Spiegel, 39 Stetson Street 739-0448
Charles Swartz, 69 Centre Street 731-4399
Christine M. Westphal, 31 Hurd Road 738-7981

Lisa Portscher, Executive Assistant, Town Hall 730-2115

MAY 24, 2016
ANNUAL TOWN MEETING
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ARTICLE NO.	TITLE
1.	Appointment of Measurers of Wood and Bark. (Selectmen)
2.	Approval of Collective Bargaining Agreements. (Human Resources)
3.	Annual Authorization of Compensating Balance Agreements. (Treasurer/Collector)
4.	Report on the Close-out of Special Appropriations / Bond Authorization Rescission. (Selectmen)
5.	Approval of Unpaid Bills of a Prior Fiscal Year. (Selectmen)
6.	Acceptance of Legislation to Increase Property Tax Exemptions. (Assessors)
7.	FY16 Budget Amendments. (Selectmen)
8.	Annual (FY17) Appropriations Article. (Advisory Committee)
9.	Amendment to Article 3.12 of the Town's General By-laws – Department of Planning and Community Development (Town Administrator)
10.	Amendment to Article 8.23 of the Town's General By-Laws – seeking ban the sale or distribution of tobacco products. (Petition of John Ross, MD and Megan Sandel, MD)
11.	Adoption of Article 8.37 of the Town's By-Laws – Tree Protection By-law. (Petition of Richard Murphy)
12.	Amendment to Table 5.01 – Table of Dimensional Requirements - of the Town's Zoning By-Law – pertaining to side yard setbacks. (Petition of Robert Murphy)
13.	Amendment to Section 5.09 of the Town's Zoning By-Law – Design Review-requiring timely notice of neighborhood meetings for major impact projects. (Petition of Ernest Frey)
14.	Acceptance of the provisions of Section 148C of Chapter 149 of the Massachusetts General Laws, the Earned Sick Time Law. (Petition of Patricia Connors & Cornelia H.J. van der Ziel)

15. Authorization for the granting and acquisition of permanent easements related to the Carlton Street Footbridge Rehabilitation Project. (Department of Public Works)

16. Authorization for the acquisition of temporary easements related to the Carlton Street Footbridge Rehabilitation Project. (Department of Public Works)

17. Resolution Regarding the Mechanization of Trash Pickup by the Town. (Petition of Harry Friedman)

18. Resolution Regarding the Placement of a historic plaque at the site of the former St. Aidan's Church. (Petition of Patricia Connors)

19. Resolution Honoring former Town resident Roland Hayes. (Hidden Brookline Committee of the Town of Brookline Department of Diversity, Inclusion and Community Relations)

20. Resolution calling for an end to the U.S. Economic, Commercial, and Financial Embargo against Cuba. (Petition of Peter Miller)

21. Resolution Affirming Brookline's Commitment to Solar Electricity (Photovoltaics). (Petition of John Harris)

22. Resolution Opposing the Trans-Pacific Partnership and Any Similar Trade Agreements (Petition of Frank Farlow and Nancy Gregg)

23. Reports of Town Officers and Committees. (Selectmen)

2016 ANNUAL TOWN MEETING WARRANT REPORT

The Board of Selectmen and Advisory Committee respectfully submit the following report on Articles in the Warrant to be acted upon at the 2016 Annual Town Meeting to be held on Tuesday, May, 24, 2016 at 7:00 p.m.

Note: The following pages of this report are numbered consecutively under each article.

ARTICLE 1

FIRST ARTICLE
Submitted by: Board of Selectmen

To see if the Town will establish that the number of Measurers of Wood and Bark be two, to be appointed by the Selectmen, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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.

SELECTMEN'S RECOMMENDATION

The Selectmen recommend FAVORABLE ACTION, by a vote of 4-0 taken on March 29, 2016, on the vote offered by the Advisory Committee.

ROLL CALL VOTE:

Favorable Action	Absent
Wishinsky	Daly
Franco	
Heller	
Greene	

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:
Warrant Article 1 seeks Town Meeting's approval to establish the number of Measurers of Wood and Bark at two and to permit the Board of Selectmen to appoint them.

In 2000, Town Meeting directed that the first Warrant Article of the Annual Town Meeting shall be the proposal to appoint one or more Measurers of Wood and Bark.

State law (Mass. Gen. Laws Ch. 94, §296) requires the Town to "annually choose one or more measurers of wood and bark," with the Board of Selectmen being able to appoint a person(s) to the position(s) after Town Meeting sets the number of measurers.

DISCUSSION:
This Article maintains a tradition reflecting Brookline's colonial past. This year, the Advisory Committee unanimously decided to continue this venerable tradition. The splinter group that had opposed this Article from time to time was unwilling to go out on a limb and advocate No Action.

The positions do not draw a salary, stipend, or other remunerative benefit, and the Town incurs no current financial cost or future pension cost or liability for other post-employment benefits (OPEBs).

There has been at least one instance in recent memory in which a Measurer of Wood and Bark has been called upon to resolve a dispute. There also may be some value to the Measurer in the management of invasive species.

RECOMMENDATION:
The Advisory Committee by a vote of 19–0–0 unanimously recommends FAVORABLE ACTION on the following:

VOTED: That the Town establish that the number of Measurers of Wood and Bark be two, appointed by the Selectmen.

XXX Passed by a Unanimous Vote

ARTICLE 2

TOWN of BROOKLINE

Massachusetts

HUMAN RESOURCES OFFICE
333 Washington Street
Brookline, MA 02445
(617) 730-2120
www.BrooklineMA.gov

Sandra A. DeBow-Huang, Director
Human Resources Office

May 6, 2016

To: Board of Selectmen

From: Sandra DeBow, Director
Human Resources Office

Re: Approval of Collective Bargaining Agreements

1. Local 1358, American Federation of State, County, Municipal Employees, Council 93, AFL-CIO (AFSCME, Main contract)

Summary: The Town of Brookline and AFSCME, Local 1358 came to an Agreement on April 28, 2016 regarding the parties' collective bargaining agreement. The AFSCME membership was ratified by the members of Local 1358 on May 5, 2016 by a vote of 121 (in favor) 12(against).

Description: The contract is a three-year agreement commencing on July 1, 2015 and expiring on June 30, 2018. Under the Agreement, AFSCME agreed to a wage package of:

Wages:	Effective July 1, 2015	2.0%
	Effective July 1, 2016	1.5%
	Effective January 1, 2017	1.0%
	Effective July 1, 2017	1.5%
	Effective March 1, 2018	1.5%

The Town also agree to increase the night shift differential from $9/ shift to $12/shift, effective 7/1/2016 and from $12 to $15 effective 7/1/2017, as well as an increase in longevity by $50 for each step, effective 7/1/2016 and an additional $50 for each longevity steps on 7/1/2017.

Under this Agreement, the parties have agreed to remove eight mid-manager positions from the bargaining unit, Including:

Area Manager/Aquatics
Area Manger/Programs
Administrative Business Manager
General foreman – Park

Administrator/Lead Teacher
Superintendent of Golf

General Foreman – DPW Highway
Division Foreman – DPW Water

The Parties also agreed to extend the probationary period from six months to one year, although the union will continue to have the ability to collect union dues after six months. Other provisions including removing the ineffective boot truck method of providing work boots and granting employees $200 annually for the cost of new boots and making an adjustment to the vacation schedule as to which year an employee obtains the 4 week vacation benefit.

The cost of the three-year contract is approximately 7.0% on wages and 7.8% overall.

ITEM	FY16	FY17	FY18	FY19	TOTAL	
7/1/15 - 2%	210,172	210,172	210,172		630,517	
7/1/16 - 1.5%		160,782	160,782		321,564	
1/1/17 - 1.0%		54,398	108,796		163,194	
7/1/17 - 1.5%			164,010		164,010	
3/1/2018 - 1.5%			55,762	111,524	167,286	1.5% for 4 months tail for 8 months
Longevity		4,850	9,700		14,550	Incr by $50 FY17, $50 FY18
Night Differential		11,635	23,271		34,906	Incr. from $9 to $12 and then $15
One time signing bonus	50,000				50,000	$200
					0	
TOTAL ROLL-OUT COSTS	260,172	441,837	732,492	111,524	1,546,026	

Each 1% =	105,086	107,188	109,340	112,081	
New Wages - $ =	260,172	181,665	290,655	111,524	
New Wages - % =	2.5%	1.7%	2.7%	1.0%	7.8%
Wages on Base - $ =	210,172	165,180	274,169	111,524	
Wages on Base - % =	2.0%	1.5%	2.5%	1.0%	7.0%

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF BROOKLINE

AND

LOCAL 1358, AFSCME, AFL-CIO

April 28, 2016

This Memorandum of Agreement ("Agreement") is made between the Town of Brookline ("Town") and Local 1358, AFSCME, Council 93, AFL-CIO. Except as specifically modified by this Agreement, the terms and provisions of the Parties' July 1, 2012 through June 30, 2015 collective bargaining agreement shall continue in full force and effect.

1. Duration

   July 1, 2015- June 30, 2018

2. Article XIX a) Compensation

	Effective Date	Increase
FY 2016	July 1, 2015	2.0%
FY 2017	July 1, 2016	1.5%
	January 1, 2017	1.0%

FY 2018	July 1, 2017	1.5%
	March 1, 2018	1.5%

3. $200 One-Time Ratification Payment
   Effective after Town Meeting funding of this Memorandum of Agreement ("MOA"), the Town shall make a two hundred dollar ($200) one-time payment (not added to the base) to each full-time employee in this bargaining unit on the date of Town Meeting funding who has worked for the Town in this bargaining unit for the full year prior to the date of funding; such payment shall be prorated for employees in the bargaining unit who have not worked the full year prior to the date of funding of this MOA and for employees who have worked part-time in the bargaining unit for the full year prior to the date of funding.

4. Article XIX c) Longevity
   Effective July 1, 2016, increase the longevity at each level by fifty dollars ($50).
   Effective July 1, 2017, increase the longevity at each level by fifty dollars ($50).

5. Article XIX b) Night Differential
   Insert the following new sentences between the first and second sentences in Article XIX b): "Effective July 1, 2016 the night differential shall be $12 per night. Effective July 1, 2017, the night differential shall be $15 per night.

6. Article IX (Boots)
   Effective starting in fiscal year 2017, the Town will no longer purchase boots from the so-called "boot truck" for employees. The Town shall provide each employee in Unit A with a boot reimbursement and each such employee shall be responsible for purchasing boots that meet standards set by the Town.

   Amend Article IX as follows:
   (i) Delete the 5th paragraph in Article IX.

   (ii) Replace the first two sentences in the 6th paragraph in Article IX with the following: "All employees in Unit A shall receive a boot reimbursement, not to exceed $200 per fiscal year, with the submission of a receipt for boots, and each such employee shall be responsible for purchasing safety boots that meet standards set by the Town. Wearing safety boots is mandatory.

7. Article XIV b) (ii)
   In the table at the bottom of page 9, replace "less than 15 years" with "less than 10 years" and replace "15 full calendar years or more" with "10 full calendar years or more".

8. Article XXVIII Probationary Period
   Amend Article XXVIII by:
   A. Relabeling the article as "Probationary Period"
   B. Label the current language as Section: "B. Probationary Periods – Supervisory Positions"
   C. Insert a new Section "A" before Section B as follows:

      A. Probationary Period
      All employees hired on or after February 3, 2016, shall be subject to a 12-month probationary period upon hire or rehire and may be discharged at any time during such probationary period with or

without cause. Such discharge shall not be subject to grievance and arbitration. (Employees will be required to pay dues/agency service fee after six months of continuous service.)

The parties agree to make the following housekeeping changes to replace the 6-month probationary period with a 12-month probationary period in

- Article XV s) A (p. 14)
- Article XXXIII second paragraph (p. 29)

9. Article I: Recognition

A. Amend Article I by:

(i) Amending the list of positions in Article I by removing the following positions:

- Area Manager/Aquatics (when the incumbent as of February 3, 2016 is no longer in the position)
- Area Manager/Programs (when the incumbent as of February 3, 2016 is no longer in the position)
- Administrator/Lead Teacher (when the incumbent as of February 3, 2016 is no longer in the position)
- Superintendent of Golf
- General Foreman- Park, General Foreman-Highway, Division Foreman-Water; and

(ii) Inserting the following titles at the end of the second paragraph after the list of titles and pay grades (CBA p. 3) after the title "Assistant Assessor/Field Appraiser": Area Manager/Aquatics, Area Manager/Programs, Administrator/Lead Teacher, Superintendent of Golf, General Foreman- Park, General Foreman-Highway, Division Foreman -Water.

B. Insert the following new sentence at the end of the first paragraph after the list of titles and pay grades (CBA p. 3): "The parties recognize and agree that the Business Manager position in the Recreation Department has not been and is not a position represented by any AFSCME bargaining unit."

10. MUP-16-5111

The Union hereby withdraws with prejudice its charge at the Department of Labor Relations (DLR) docket number MUP-16-5111.

11. Ratification, Approval and Funding

This Agreement shall be subject to ratification by the Union membership, approval by the Board of Selectmen, and funding by Town Meeting at the next regularly scheduled Town Meeting.

Agreed to on this 28th day of April 2016 by the negotiating teams for the:

Town of Brookline

Local 1358, AFSCME Council 93

TOWN of BROOKLINE

Massachusetts

HUMAN RESOURCES OFFICE
333 Washington Street
Brookline, MA 02445
(617) 730-2120
www.BrooklineMA.gov

Sandra A. DeBow-Huang, Director
Human Resources Office

May 13, 2016

To: Neil Wishinsky, Chair
Board of Selectmen

Melvin Kleckner, Town Administrator

From: Sandra DeBow, Director
Human Resources Office

Re: Warrant 2, Collective Bargaining Agreement – BEDA (Engineers)

Memorandum of Agreement, Town of Brookline and the Brookline Engineering Division Associates (BEDA).

Summary: The Town of Brookline and the Brookline Engineering Division Associates (BEDA)came to a tentative Memorandum of Agreement on Monday, May 9, 2016. BEDA ratified the Agreement on Wednesday, May 11, 2016.

Description: The contract is a two-year agreement commencing on July 1, 2015 and expiring on June 30, 2017. Under the Agreement, BEDA agreed to a wage package of:

Wages:	Effective July 1, 2015	2%
	Effective July 1, 2016	2%

Under this contract, the parties are agreeing to create an annual Certification stipend for specific certs that, although not required of the Engineering job descriptions, do provide added value to the Town who can use in-house talent rather than hire contractors. The MOA provides a $125 stipend for each certification but no more than $375 in any one year.

- APWA Certified Public Infrastructure Inspector, CPII
- APWA Certified Stormwater Manger, CSM
- CPSC Certified Playground Safety Inspector, CPSI
- ECI Certified Municipal Separate Storm Sewer Specialist, CMS4S

- IMSA Roadway Lighting Level I
- IMSA Signs and Pavement Marking Level I, II, III
- IMSA Traffic Signals Level I, II, III
- NEIWPCC Soil Evaluator Certification
- NETTCP Concrete Inspector Certification
- NETTCP HMA Paving Inspector Certification
- NETTCP Soils & Aggregate Inspector Certification
- OSHA 10 Hour Training Certificate
- OSHA Public Sector Safety and Health Fundamentals Training Certificate
- TPCB Professional Traffic Operations Engineer, PTOE
- UMass Bay State Roads Program Road Scholar and Master Roads Scholar

ITEM	FY16	FY17	**TOTAL**
7/1/2015 - 2%	17,874	17,874	**35,748**
7/1/2016 - 2%		18,231	**18,231**
Certification Stipend		500	**500**
			0
TOTAL ROLL-OUT COSTS	**17,874**	**36,605**	**54,479**

Each 1% =	8,937	9,118	
New Wages - $ =	17,874	18,731	
New Wages - % =	2.0%	2.1%	**4.1%**
Wages on Base - $ =	17,874	18,231	
Wages on Base - % =	2.0%	2.0%	**4.0%**

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF BROOKLINE

AND

TO BROOKLINE ENGINEERING DIVISION ASSOCIATES (BEDA)

MAY 11, 2016

This Memorandum of Agreement ("Agreement") is made between the Town of Brookline ("Town") and Brookline Engineering Division Associates ("BEDA" or "Union"), collectively, the "Parties". Except as specifically modified by this Agreement, the terms and provisions of the "Parties' July 1, 2012-June 30, 2015 collective bargaining agreement shall continue in full force and effect.

1. Duration

July 1, 2015 to June 30, 2017

2. Article XVI Compensation

A. Replace the first sentence and the salary schedule (before the paragraph on Direct Deposit) with the following:

"Compensation for all classifications for the period July 1, 2015 through June 30, 2017 shall be in accordance with the following:

Effective Date	Increase
July 1, 2015	2.0%
July 1, 2016	2.0%"

B. Amend the salary schedules in Appendix A in accordance with Section 2A of this Agreement.

3. Article XVI Compensation – new section (f)

Effective July 1, 2016, add the following new section (f) to Article XVI:

"(f) Certifications. Each employee who has a certification(s) from the list of certifications below will receive a $125 certification stipend per certification provided that the Director has authorized the employee to obtain or maintain such certification(s) for the fiscal year in which the employee is to receive the stipend. No employee shall receive certification stipends in excess of $375 per fiscal year. Certification stipends will be paid on or about the first pay period in July. The Director shall have the authority to amend the Certification List as the Director deems necessary.

Certification List:

APWA Certified Public Infrastructure Inspector, CPII

APWA Certified Stormwater Manager, CSM

CPSC Certified Playground Safety Inspector, CPSI

ECI Certified Municipal Separate Storm Sewer Specialist, CMS4S

IMSA Roadway Lighting Level I

IMSA Signs and Pavement Marking Level I, II, III

IMSA Traffic Signals Level I, II, III

NEIWPCC Soil Evaluator Certification

NETTCP Concrete Inspector Certification

NETTCP HMA Paving Inspector Certification

NETTCP Soils & Aggregate Inspector Certification

OSHA 10 Hour Training Certificate

OSHA Public Sector Safety and Health Fundamentals Training Certificate

TPCB Professional Traffic Operations Engineer, PTOE

UMass Bay State Roads Program Road Scholar and Master Roads Scholar

4. Article XVI Compensation

Add the following new paragraph to the end of Article XVI (a):

"Bi-weekly Pay: The Union agrees that the Town has satisfied its bargaining obligations with respect to paying employees on a bi-weekly basis, and the Town agrees to provide the union and employees with ninety (90) calendar days' notice prior to implementation of bi-weekly pay. The Town will not implement bi-weekly pay for employees in this Union until it implements bi-weekly pay for all other unionized employees in the Town, excluding employees of the School Committee."

5. Article XXVIII Safety Shoes

Effective July 1, 2016, replace the first sentence in Article XXVIIII with the following: "Each employee shall be reimbursed up to a maximum of two hundred ($200) per fiscal year for the purchase of one pair of safety shoes that meet the standards and specifications determined by the Town."

6. Probationary Period

Employees shall serve a 12-month probationary period.

7. Housekeeping (Health Insurance)

Delete Appendix C; delete all paragraphs except the last two paragraphs (life insurance and workers compensation) in Section A of Article XIX.

Add the following new sentence: "Health Insurance benefits are no longer provided through this Agreement; they are provided through the Town's Public Employee Committee ("PEC"). This provision is for informational purposes only and is not subject to the grievance and arbitration provisions in this Agreement."

This Agreement is subject to ratification by the Union membership, approval by the Board of Selectmen, and funding by Town Meeting at the next regularly scheduled Town Meeting.

Town of Brookline

Brookline Engineering Div Assoc

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

Article 2 asks Town Meeting to approve funding for two union contracts, one with Local 1358 Council 93 AFSCME and one with the Brookline Engineers Division Association (BEDA).

AFSCME

The AFSCME contracts calls for a base wage increase of 7.5% over the course of the contract (2% in FY16, a 1.5% 1% split in FY17, and a 1.5% 1.5% split in FY18 with the latter amount adjusted in March of 2018) there are also adjustments to the Longevity Pay schedule and night differential. A key provision in the contract is the removal of eight positions from the bargaining unit which the Town views as advantageous as these employees act as supervisors and should not be in the same bargaining unit as the employees they are responsible for overseeing.

The Selectmen thank the Town's negotiating team and the unions for reaching an agreement

Therefore, the Board recommends FAVORABLE ACTION, by a vote of 5-0 taken on May 10, 2016, on the following:

VOTED: To approve and fund by an appropriation, provided for in the FY2016, (Item 21) FY2017 (Item #20) budgets, for the cost items in the following collective bargaining agreement that commences on July 1, 2015- and expires on June 30, 2018:

AFSCME Council 93, Local 1358 AFL-CIO (AFSCME, Main contract)

all as set forth in the report of Sandra DeBow, Director of Human Resources, dated May 6, 2016, which report is incorporated herein by reference.

Passed by a unanimous vote

BROOKLINE ENGINEERS DIVISION ASSOCIATION

This is a two-year agreement (FY16-FY17) calling for a base wage increase of 4% over the course of the contract (2% in each year). The other monetary change is a new stipend for certain certifications, which costs approx. $500 in FY17.

Again, the Selectmen thank the Town's negotiating team and the union for reaching a fair and equitable settlement. Therefore, the Board recommends FAVORABLE ACTION, by a vote of 5-0 taken on May 17, 2016, on the following:

VOTED: To approve and fund by an appropriation, provided for in the FY2016, (Item #21) FY2017 (Item #20) budgets, for the cost items in the following collective bargaining agreement that commences on July 1, 2015- and expires on June 30, 2017:

Brookline Engineers Division Association (BEDA)

all as set forth in the reports of Sandra DeBow, Director of Human Resources, dated May 13, 2016, which reports are incorporated herein by reference.

Passed by a unanimous vote

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
The Town has negotiated new collective bargaining agreements with the American Federation of State, County, and Municipal Employees (AFSCME) and the Brookline Engineering Division Associates (BEDA). The AFSCME contract is for three years and the BEDA contract is for two years. The increased funding required by each contract is within fiscally prudent limits. The Advisory Committee voted unanimously to recommend Favorable Action for funding these two collective bargaining agreements.

AFSCME Agreement

BACKGROUND:
On April 28, 2016, the Town and Local 1358, AFSCME, Council 93, AFL-CIO, which consists mostly of Department of Public Works (DPW) employees and some clerical employees, reached agreement on a three-year extension and modification of the existing collective bargaining agreement between the parties. The agreement was ratified by the membership on May 5, 2016 by a vote of 121 in favor and 12 opposed, and approved by the Board of Selectmen on May 10, 2016.

DISCUSSION:
The AFSCME agreement runs from July 1, 2015 through June 30, 2018 and includes wage increases of approximately 7% to base wages according to the following schedule:

Effective July 1, 2015	2.0%
Effective July 1, 2016	1.5%
Effective January 1, 2017	1.0%
Effective July 1, 2017	1.5%
Effective March 1, 2018	1.5%

In addition, the night-shift differential will increase from $9/shift to $12/shift effective July 1, 2016 and from $12/shift to $15/shift effective July 1, 2017. Human Resources Director Sandra DeBow indicated the night differential has not increased for many years and applies to approximately 15 employees, such as library custodial staff.

Longevity pay will increase by $50 each step effective July 1, 2016, and another $50 each step on July 1, 2017. Bargaining unit employees will also receive a $200 one-time ratification payment, prorated for employees who worked less than one full year prior to the effective date of the agreement or less than full-time during that year.

Under the agreement, eight Recreation and DPW mid-manager positions will be removed from the bargaining unit:

Area Manager/Aquatics	Administrative Business Manager
Area Manager/Programs	General Foreman - Park
Administrator/Lead Teacher	General Foreman – DPW Highway
Superintendent of Golf	Division Foreman – DPW Water

Reclassifying the mid-management positions gives the Town more flexibility in hiring, work assignments, professional development, and corrective action.

The probationary period for new employees has been extended from six months to one-year. Employees who are required to wear safety boots will receive reimbursement of up to $200 per fiscal year for the cost of the boots; the so called "boot truck" will be eliminated. This change does not result in any additional costs to the Town.

Although the cost of the agreement exceeds the amount held in the collective bargaining reserve, Deputy Town Administrator Melissa Goff is confident the difference can be made up through close budget management. The full cost of the agreement is approximately 7.8% as detailed in the following table.

AFSCME, Main

ITEM	FY16	FY17	FY18	FY19	**TOTAL**
7/1/15 - 2%	210,172	210,172	210,172		**630,517**
7/1/16 - 1.5%		160,782	160,782		**321,564**
1/1/17 - 1.0%		54,398	108,796		**163,194**
7/1/17 - 1.5%			164,010		**164,010**
3/1/2018 - 1.5%			55,762	111,524	**167,286**
Longevity		4,850	9,700		**14,550**
Night Differential		11,635	23,271		**34,906**
One time signing bonus	50,000				**50,000**
					0
TOTAL ROLL-OUT COSTS	**260,172**	**441,837**	**732,492**	**111,524**	**1,546,026**

Each 1% =	105,086	107,188	109,340	112,081	
New Wages - $ =	260,172	181,665	290,655	111,524	
New Wages - % =	2.5%	1.7%	2.7%	1.0%	**7.8%**
Wages on Base - $ =	210,172	165,180	274,169	111,524	
Wages on Base - % =	2.0%	1.5%	2.5%	1.0%	**7.0%**

BEDA Agreement

BACKGROUND:
The Town of Brookline and the Brookline Engineering Division Associates (ten or eleven members) reached agreement on a two-year contract on Monday, May 9, 2016. BEDA ratified the agreement on Wednesday, May 11, 2016 and the Board of Selectmen approved it on May 17, 2016.

DISCUSSION:
The contract is a two-year agreement commencing on July 1, 2015 and expiring on June 30, 2017. Under the Agreement, BEDA agreed to a wage package of:

Wages:	Effective July 1, 2015	2%
	Effective July 1, 2016	2%

The full cost of the agreement is detailed below.

ITEM	FY16	FY17	TOTAL
7/1/2015 - 2%	17,874	17,874	**35,748**
7/1/2016 - 2%		18,231	**18,231**
Certification Stipend		500	**500**
			0
TOTAL ROLL-OUT COSTS	**17,874**	**36,605**	**54,479**

Each 1% =	8,937	9,118	
New Wages - $ =	17,874	18,731	
New Wages - % =	2.0%	2.1%	**4.1%**
Wages on Base - $ =	17,874	18,231	
Wages on Base - % =	2.0%	2.0%	**4.0%**

Under this contract, the parties are agreeing to create an annual Certification stipend for specific certs that, although not required of the Engineering job descriptions, do provide added value to the Town who can use in-house talent rather than hire contractors. The Memorandum of Agreement provides a $125 stipend for each certification but no more than $375 in any one year.

- APWA Cert'd Public Infrastructure Inspector, CPII
- APWA Cert'd StormwaterMgr, CSM
- CPSC Cert'd Playground Safety Inspector, CPSI
- ECI Cert'd Municipal Separate Storm Sewer Specialist, CMS4S
- IMSA Roadway Lighting Level I
- IMSA Signs and Pavement Marking Level I, II, III
- IMSA Traffic Signals Level I, II, III
- NEIWPCC Soil Evaluator Cert
- NETTCP Concrete Inspector Cert
- NETTCP HMA Paving Inspector Cert
- NETTCP Soils & Aggregate Inspector Cert
- OSHA 10 Hour Training Certificate
- OSHA Public Sector Safety and Health Fundamentals Training Certificate
- TPCB Professional Traffic Operations Engineer, PTOE
- UMass Bay State Roads Program Road Scholar and Master Roads Scholar

These certifications take a year or more to obtain and therefore the Town expects to pay out for a total of 4 certifications in the first year. In exchange, the Town will receive the right to implement bi-weekly pay (less costly to process than weekly pay) and to extend the probationary period from 6 months to 1 year (an administrative cost saver).

The boot stipend also applies to BEDA, as it does to AFSCME.

RECOMMENDATION:
By a vote of 21–0–0, the Advisory Committee unanimously recommends FAVORABLE ACTION on the motions offered by the Selectmen.

ARTICLE 2

SECOND ARTICLE
Submitted by: Human Resources

To see if the Town will raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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.

SELECTMEN'S RECOMMENDATION

At the time of their vote there were no Collective Bargaining agreements for Town Meeting authorization. As a result, the Board recommended NO ACTION, by a vote of 5-0 taken on April 19, 2016.

*The Board is reconsidering their motion under this article at their May 10, 2016 meeting and will have a new recommendation in the supplemental mailing.

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 2 will be provided in the Supplemental Mailing.

XXX

ARTICLE 3

THIRD ARTICLE
Submitted by: Treasurer/Collector

To see if the Town will authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2017 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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.

SELECTMEN'S RECOMMENDATION

Compensating balances 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.

Funds have been included in the Treasurer's FY2017 budget to pay for these banking services directly. This authorization, however, will give the Treasurer the flexibility to enter into such agreements if it should be in the best interest of the Town.

The Selectmen recommend FAVORABLE ACTION, by a vote of 4-0 taken March 29, 2016, on the following vote:

VOTED: That the Town authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2016 in accordance with General Laws Chapter 44, Section 53F.

Passed by a unanimous vote

ROLL CALL VOTE:

Favorable Action	Absent
Wishinsky	Daly
Franco	
Heller	
Greene	

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:
Favorable Action on Article 3 would authorize the Town Treasurer, with the approval of the Selectmen, to enter into compensating balance agreements for FY2017 in accordance with Massachusetts General Laws Chapter 44, Section 53F. These agreements would allow the Town to maintain specified amounts of non-interest-bearing deposits, in exchange for the reduction or elimination of cash payments for bank services. 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.

DISCUSSION:

The proposed Town budget assumes that the Town's funds are invested in interest-bearing accounts, and that banking services are paid for in the ordinary course. This authorization gives the Treasurer the authority to negotiate a reduction or elimination of fees for services, in exchange for deposits or Town funds in non-interest-bearing accounts. Compensating balance agreements add value when the savings in fees more than offsets the loss of interest income, as is often the case in low interest rate environments—conditions that exist today. They can be a valuable cash management tool. Town Meeting has authorized these arrangements since the mid-1980s.

Town Meeting must first vote to permit the agreements and note their duration. Thereafter, the Treasurer can solicit banking service providers after complying with a public tender process. Before the agreements can become effective, the Board of Selectmen must approve them.

RECOMMENDATION:
By a vote of 16–0–1, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen.

XXX

ARTICLE 4

FOURTH ARTICLE
Submitted by: Board of Selectmen

To see if the Town will authorize the Comptroller to close out either all or a portion of the unexpended balances in certain Special Appropriations and return said sums to the Surplus Revenue accounts, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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.

SELECTMEN'S RECOMMENDATION

This is an annual article required by Section 2.1.4 of the Town's By-Laws. The tables that appear on the following pages detail the status of capital projects and special appropriations broken out by those that are debt financed and those that are funded with current revenues.

Under state statutes, any revenue funds declared surplus must be closed out to free cash at the end of the fiscal year. No action by Town Meeting is required. Surplus funds from bond-financed projects may be appropriated by Town Meeting for any purpose for which a loan may be taken only under a warrant article calling for an appropriation that meets these requirements.

The Selectmen recommend NO ACTION, by a vote of 4-0 taken on April 12, 2016.

ROLL CALL VOTE:

Favorable Action	Absent
Wishinsky	Daly
Franco	
Heller	
Greene	

a vote of No Action was passed by a unanimous vote

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND
An Article similar to Article 4 is submitted each year by the Board of Selectmen to close out any Special Appropriations and/or rescind any unneeded Bond Authorizations.

Section 2.1.4 of the Town's By-Laws requires that this Article appear on the Annual Town Meeting Warrant whether or not a motion is being offered.

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, and to ensure that surplus funds, if any, are managed in a timely fashion;
- identifying the unused portion of borrowing authorization that require rescission.

DISCUSSION

Under state statutes, surplus funds for revenue-financed capital projects are transferred to free cash at the end of the respective fiscal year. Surplus funds from bond-financed capital projects are also transferred to free cash, unless they are appropriated under a Warrant Article by Town Meeting for a purpose similar to the original borrowing.

This year, there were no bond authorizations that needed to be rescinded. There was, however, one special appropriation that needed to be closed out. The sum of $4,450 had been appropriated for part of the feasibility study of the Fire Department's fleet maintenance and training facility. Of this amount, $500 remained. On April 14, 2016, the Advisory Committee voted by a vote of 18–1–0 Favourable Action on Warrant Article 4, authorizing the Comptroller to close out the account.

Since that vote, two events occurred:

1. The Board of Selectmen voted No Action on Article 4, and
2. The Comptroller, under his statutory authority, closed out the account.

Given the two events outlined above, on April 26, 2016, the Advisory Committee voted to reconsider its previous recommendation.

RECOMMENDATION

The Advisory Committee recommends by a vote of 21–0–0 NO ACTION on Article 4.

XXX

Available Budget Report - Capital Funds (Bond funded) for Fiscal Year 2016 as of 3/18/16

		Revised Budget	YTD Expended	YTD Encumbered	Available	Status
C178	FIRE LADDER TRUCK	650,513	650,513	0	0	Complete
	FIRE CAPITAL	650,513	650,513	0	0	
C142	PUTTERHAM MEADOWS GOLF/CLUBHSE	640,493	437,865	191,584	11,044	Project expected to be complete 07/01/16
C167	FY11 TOWN HALL/LIB GARAGE	4,750	4,750	0	0	Complete
C171	REP/REN UNIFIED ARTS BUILDING	115,676	0	2,820	112,856	Out to bid in June, work completed by October 1, 2016
C173	MUNICIPAL SERVICE CENTER	2,321,995	453,362	1,868,633	0	Ongoing project. Substantial completion expected by the end of the year.
C175	ROOF REPAIRS AND REPLACEMENT	438,928	43,372	24	395,532	Ongoing projects
C176	OLD LINCOLN SCHOOL REPAIRS	1,299,793	1,186,992	112,801	0	Complete
C177	LAWRENCE SCHOOL CLASSROOMS	602,585	602,585	0	0	Complete
C185	DEVOTION SCHOOL RENOVATION	118,400,000	2,276,131	15,928,613	100,195,256	Ongoing project
C189	ENVELOPE FENESTRATION	1,550,000	15,566	0	1,534,434	Bids going out later FY17
C190	ROOF REPAIRS AND REPLACEMENT	1,200,000	15,566	0	1,184,434	Bids going out later FY17
C191	OLD LINCOLN SCHOOL MODIFICATIONS	1,000,000	827,721	137,862	34,417	To be completed by August 1, 2016
	BUILDING CAPITAL	127,574,220	5,863,910	18,242,337	103,467,973	
C150	MUDDY RIVER RESTORATION	745,000	0	0	745,000	Project In Process
C157	NEWTON ST LANDFILL	26,782	5,374	12,627	8,781	Design of rear landfill cap underway
C158	WASTEWATER SYSTEM IMP	4,180,874	281,858	2,293,264	1,605,752	Investigating Infiltration/Inflow in Sargent Estates
C160	RESERVOIR AT FISHER HILL PURCH	31,144	11,870	19,274	0	Project Nearing Completion
C166	CARLTON ST FOOTBRIDGE RESTORAT	1,350,083	33,465	70,970	1,245,648	Project in Design Phase
C169	STORM DRAIN IMPROVEMENTS	207,273	61,736	132,305	13,232	Working towards 75% P.S&E.
C170	WATER MAIN IMPROVEMENTS	23,755	17,108	1,570	5,077	Preparing for NPDES permit
C172	WALDSTEIN PLAYG/WARREN FIELD/P	102,622	4,937	0	97,685	Project Punchlist In Process
C179	NEWTON ST LANDFILL CLOSE	4,600,000	0	332,075	4,267,925	Design of rear landfill cap underway
C180	VILLAGE SQUARE IMPROVEMENTS	1,200,000	0	0	1,200,000	Gateway East @ 25% P.S&E. Scheduling Public Hearing
C186	PIERCE PLAYGROUND	980,000	0	928,135	51,865	Construction Commences April 2016
C187	WASTEWATER SYSTEM IMP	3,000,000	0	0	3,000,000	Undertaking Infiltration/Inflow analysis system wide.
	DPW CAPITAL	16,447,533	416,348	3,790,220	12,240,965	
C188	GOLF COURSE IMPROVEMENTS	1,000,000	117,478	351,379	531,143	Project expected to be complete 07/01/16. Balance to be used for future course improvements.
	RECREATION CAPITAL	1,000,000	117,478	351,379	531,143	

Available Budget Report - Special Warrant Articles (Revenue-Financed) for Fiscal Year 2016 as of 3/18/16

Account	Account Name	Revised Budget	YTD Expended	YTD Encumbered	Available Balance	Comment
K017	TOWN FURNITURE UPGRADES	25,000	1,622		23,378	Ongoing furniture replacement, chairs, tables, workstations. Most funds will be encumbered by end of FY.
K018	SCHOOL FURNITURE UPGRADES	95,105	54,614	424	40,066	Ongoing school furniture replacement program. Most funds will be encumbered by end of FY.
Sub-Total Finance Dept		**120,105**	**56,236**	**424**	**63,444**	
K084	GATEWAY EAST PROJECT	8,881	0	8,881	0	This is active project still in design stage.
K100	COMMERCIAL AREA IMPROVEMENTS	99,379	0	70,885	28,494	Remaining balance to be used for installation of cultural wayfinding signs by Fall 2016.
K122	RIVERWAY BIKE/PED PATH	40,000	0	0	40,000	Construction to Commence Spring 2016
K133	STRATEGIC ASSET PLAN	75,000	0	0	75,000	Study to commence Spring/Summer 2016 following further Planning Board discussion.
K134	CENTRE ST PARKING STUDY	100,000	0	0	100,000	Study to begin Fall 2016, following Large Parcel Study.
Sub-Total Dept of Planning & Community Development		**323,260**	**0**	**79,766**	**243,494**	
K016	IT HARDWARE-SOFTWARE	288,203	264,259	21,680	2,264	On-going projects.
K126	SCHOOL TECHNOLOGY PROJECTS	84,328	47,128	0	37,200	Remaining funds to be spent this summer.
K132	DATAROOM UPGRADES	200,000	192,352	0	7,648	Remaining funds to be spent by the end of the fiscal year.
Sub-Total Information Technology Dept		**572,532**	**503,739**	**21,680**	**47,112**	
K135	PUBLIC SAFETY DISPATCH STUDY	75,000	0	0	75,000	In Progress
Sub-Total Police Department		**75,000**	**0**	**0**	**75,000**	
K095	FIRE APPARATUS REFURBISHMENT	300,000	41,942	107	257,951	In Progress
K095	FIRE ENGINE #5	400,195	384,606	15,589	0	Complete.
Sub-Total Fire Dept		**700,195**	**426,548**	**15,696**	**257,951**	
K002	ENERGY CONSERVATION	165,318	160,464	0	4,854	To be completed by December, 2016
K010	ENERGY MANAGEMENT SYSTEMS	185,000	163,748	21,252	0	To be completed by August 31, 2016
K022	TOWN-SCHOOL SECURITY-LIFE SAFETY	211,558	202,965	4,858	3,736	To be completed by August 31, 2016
K032	RESERVOIR GATEHOUSE	250,000	0	0	250,000	RFQ issued. Design to commence this summer.
K038	PIERCE SCHOOL ELECTRICAL SYSTEM	341,688	257,767	29,590	54,331	To be completed by August 31, 2016
K042	CLASSROOM CAPACITY EXPANSION	2,723,355	2,021,478	138,358	563,519	Ongoing projects/leases
K047	TOWN/SCHOOL FACILITY ROOF REPAIR	335,692	83,722	14,838	237,132	Ongoing projects
K050	ADA RENOVATIONS	70,000	64,454	4,203	1,343	To be completed by December, 2016
K098	FIRE STATION RENOVATIONS	409,740	238,471	25,691	145,578	Ongoing project
K109	TOWN/SCHOOL BUILDINGS ELEVATOR	909,931	348,165	39,093	522,673	Ongoing projects
K110	TOWN/SCHOOL BUILDINGS ENVELOPE REPAIRS	262,879	91,033	52,836	119,010	Ongoing projects
K112	UNIFIED ARTS BUILDING REPAIR/RENOVATION - DESIGN	28,495	28,495	0	0	Completed
K117	EMERGENCY GENERATORS/LIGHTS	160,095	135,765	24,330	0	To be completed by August 31, 2016
K119	DEVOTION SCHOOL RENOVATION	267,698	208,326	58,032	1,340	Ongoing project
K121	GARAGE FLOOR SEALANTS	150,000	0	0	150,000	Ongoing project
K123	DEVOTION HOUSE / PUTTERHAM SCHOOL	85,000	8,000	0	77,000	Ongoing projects
K127	FIRE FLEET MAINT AND TRAINING FACILITY	4,450	3,950	0	500	Completed. Account closed by Comptroller.
K128	COOLIDGE CORNER FEASIBILITY / CONCEPT STUDY	50,000	43,445	4,555	2,000	Ongoing study
K131	DRISCOLL SCHOOL RENOVATION	1,000,000	1,000,000	0	0	Re-appropriated
Sub-Total Building Dept		**7,610,898**	**5,060,247**	**417,636**	**2,133,016**	
K051	TREE MANAGEMENT	306,869	106,663	107,882	92,324	In Process
K052	BICYCLE ACCESS IMPROVEMENTS	135,418	84,407	10,712	40,299	Bike corral remaining to be installed
K054	STREET LIGHTING REPLACEMENT	973,909	375,615	19,762	578,532	Approximately 60% of LED fixtures installed to date.
K055	CARLTON STREET FOOTBRIDGE	85,186	0	0	85,186	Held 25% design public hearing. Moving forward with 75% Plans, Specifications and Engineering.
K056	SIDEWALK IMPROVEMENTS	789,993	594,613	76,676	118,703	On going project. Balance to be applied to FY17 contract.
K058	STREET REHABILITATION	4,017,865	2,217,984	1,509,383	290,498	On going project. Balance to be applied to FY17 contract.
K062	DANE PARK	26,235	2,184	0	24,051	Signage Contract Award Spring 2016
K065	RIVERWAY PARK IMPROVEMENT	86,369	0	0	86,369	On Hold due to Muddy River Restoration Project
K066	PLAYGROUND,FENCE,FIELD, EQUIPMENT	359,881	140,554	152,433	66,894	In Process
K068	OLMSTED PARK IMPROVEMENTS	6,332	0	0	6,332	In Process
K069	TENNIS/BASKETBALL COURT REHAB	230,000	0	0	230,000	Awaiting Design Direction for Baker School Expansion
K070	LARZ ANDERSON PARK	677,411	0	87,000	590,411	Design Review Complete. Commencing Construction Bid Documents.
K071	LOST POND CONSERVATION AREA	23,812	0	0	23,812	Signage Contract Award Spring 2016
K073	TOWN-SCHOOL GROUNDS REHAB	156,415	71,951	19,330	65,135	In Process
K078	MUDDY RIVER REMEDIATION	1,318,495	0	0	1,318,495	Project Underway
K083	TRAFFIC CALMING	60,130	0	0	60,130	Funds to be used in traffic control measures on Heath Street. Contract awarded.
K088	MOUNTFORT ST TRAFFIC SIGNAL	106,438	30,000	0	76,438	Waiting on MADOT to reconst. St. Mary's St. bridge. Town's contribution to be determined
K089	NEWTON ST/W. ROXBURY PKWY TRAFFIC	147,900	0	0	147,900	Submitted plans to DCR for their approval
K090	PEDESTRIAN ACCESS IMPROVEMENTS	45,000	0	45,000	0	Part of Gateway East project
K096	PARKING METERS	2,345	0	0	2,345	Conpleting new single head meter installations.

Available Budget Report - Special Warrant Articles (Revenue-Financed) for Fiscal Year 2016 as of 3/18/16

Account	Account Name	Revised Budget	YTD Expended	YTD Encumbered	Available Balance	Comment
K097	LANDFILL SETTLEMENTS	279,153	7,670	800	270,683	On going project.
K101	MUNICIPAL SERVICE CENTER REPAIRS	974,979	3,990	400,246	570,743	Contract underway for repairs
K102	BILLY WARD PLAYGROUND	20,236	1,440	3,370	15,426	Completing Punchlist for Project.
K103	CLARK PLAYGROUND	5,112	0	0	5,112	Completing Punchlist for Project.
K114	FISHER HILL RESERVOIR	2,136,650	1,681,503	448,836	6,311	Project nearing completion.
K115	OLD BURIAL GROUNDS	100,277	5,900	600	93,777	In Process
K120	PARK COMFORT STATIONS	40,000	19,200	0	20,800	In Process
K124	WOODLAND RD / HAMMOND ST CROSSING STUDY	28,887	5,592	7,695	15,600	Conceptual design complete. Scheduling neighborhood mtg. prior to Trans. Bd. Meeting
K125	BROOKLINE AVE PLAYGROUND	970,841	720	2,634	967,487	Design Review Complete. Commencing Construction Bid Documents.
K129	MBTA TRAFFIC SIGNALIZATION	50,000	0	0	50,000	On hold pending outcome of MBTA trial.
K130	PIERCE PLAYGROUND	69,258	48,042	11,712	9,503	Construction Oversight Underway
K136	COREY HILL PLAYGROUND	40,000	7,500	0	32,500	Design Review Process Underway
K137	EMERSON GARDEN PLAYGROUND	60,000	6,044	2,176	51,780	Design Review Process Underway
Sub-Total DPW		**14,331,395**	**5,411,572**	**2,906,248**	**6,013,575**	
K015	RFID RADIO FREQ IDENT SYSTEM	23,387	0	0	23,387	Will be expended by end of FY16 on RFID gates.
Sub-Total Library		**23,387**	**0**	**0**	**23,387**	
K106	Swimming Pool Showers/Repointing	675,000		55,120	619,880	Design review done and architect chosen. Construction will be delayed due to summer usage. Expected completetion summer of 2017.
Sub-Total Recreation		**675,000**	**0**	**55,120**	**619,880**	
	TOTAL	**24,431,771**	**11,458,341**	**3,496,571**	**9,476,859**	

ARTICLE 5

FIFTH ARTICLE
Submitted by: Board of Selectmen

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of the previous years, which may be legally unenforceable due to the insufficiency of the appropriations therefore, and appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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.

SELECTMEN'S RECOMMENDATION

State statutes provide that unpaid bills from previous fiscal years may not be paid from the current year's appropriations without the specific approval of Town Meeting. As of the writing of this Recommendation, there are no unpaid bills from a previous fiscal year. Therefore, the Board recommends NO ACTION, by a vote of 4-0 taken on March 29, 2016, on Article 5.

ROLL CALL VOTE:

Favorable Action	Absent
Wishinsky	Daly
Franco	
Heller	
Greene	

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:
Massachusetts General Laws, Chapter 44, Section 64, requires the specific appropriation of funds for the payment of bills from a prior fiscal year.

DISCUSSION:
The Town has not identified any unpaid bills from a prior fiscal year.

RECOMMENDATION:
The Advisory Committee by a vote of 17–0–0 unanimously recommends NO ACTION on Article 5.

A Vote of No Action Was Passed by a Unanimous Vote

ARTICLE 6

SIXTH ARTICLE
Submitted by: Board of Assessors

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2017 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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.

SELECTMEN'S RECOMMENDATION

This article provides for an increase in the property tax exemption amounts for certain classes of individuals, including surviving spouses, the elderly, the blind and disabled veterans. The proposed increases, which require annual reauthorizations, have been approved annually since FY1989. The estimated cost for FY2017 is approximately $62,000 and is funded from the tax abatement overlay reserve account. The law allows the Town to increase the exemptions by up to 100% as indicated on the following schedule, which are recommended by the Board of Assessors:

Description	Ch.59, Sec.5 Clause	FY2015 #Granted	Basic Amount Exempted	Proposed Amount Exempted
Surviving Spouse	17D	3	$175	$350
Veteran (10% Disability)	22	57	$400	$800
Veteran (loss of one hand, foot or eye)	22A	1	$750	$1,500
Veteran (loss of two hands, feet or eyes)	22B	0	$1,250	$2,500
Veteran (special housing)	22C	0	$1,500	$3,000
Veteran (certain widows of soldiers)	22D	0	$250	$500
Veteran (100% disability, cannot work)	22E	9	$1,000	$2,000
Blind	37A	42	$500	$1,000
Elderly	41C	14	$500	$1,000

The Selectmen recommend FAVORABLE ACTION, by a vote of 4-0 taken on March 29, 2016, on the following vote:

VOTED: That the Town elect to establish an additional property tax exemption for fiscal year 2017 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended.

Passed by a unanimous Vote

ROLL CALL VOTE:

Favorable Action	Absent
Wishinsky	Daly
Franco	
Heller	
Greene	

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:

Article 6 is an annual Warrant Article to increase a state-mandated local property tax exemption for certain classes of individuals. The Advisory Committee recommends FAVORABLE ACTION on Article 6 by a vote of 23–0–1.

BACKGROUND:

This Article would allow the Town to continue its current practice of increasing state-mandated property tax exemptions for several classes of qualifying taxpayers, including veterans with a 10% or greater disability, surviving spouses, blind taxpayers, and low-income elderly taxpayers. The town is required to give these taxpayers, if eligible, a basic exemption, the amount of which is specified in Chapter 59, Section 5 of the Massachusetts General Laws and which is partially reimbursed by the state. The Town also has the option to increase these exemptions by any amount up to 100%. The increase must be uniform across all the exemptions, and the increased exemption amount, per taxpayer, may be limited by the change in the taxpayer's bill over his or her previous fiscal year's tax liability.

DISCUSSION:

Chapter 59, Section 5 of the Massachusetts General Law provides a basic exemption from local property tax for the taxpayers described in column (A) in the amount specified in column (D), in the table below:

Description (A)	Ch.59, Sec.5 Clause (B)	FY2015 #Granted (C)	Basic Amount Exempted (D)	Proposed Amount Exempted (E)
Surviving Spouse	17D	3	$175	$350

Veteran (10% Disability)	22	57	$400	$800
Veteran (loss of one hand, foot or eye)	22A	1	$750	$1,500
Veteran (loss of two hands, feet or eyes)	22B	0	$1,250	$2,500
Veteran (special housing)	22C	0	$1,500	$3,000
Veteran (certain widows of soldiers)	22D	0	$250	$500
Veteran (100% disability, cannot work)	22E	9	$1,000	$2,000
Blind	37A	42	$500	$1,000
Elderly	41C	14	$500	$1,000

Chapter 74, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, allows the Town to increase this exemption to the amount specified in column (E) in the table above, by a majority vote of Town Meeting. Brookline has approved this increase each year since FY1989. The estimated cost of this increase for FY2017 is approximately $62,000 and is funded from the tax abatement overlay reserve account.

RECOMMENDATION:

By a vote of 23–0–1, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen.

XXX

ARTICLE 7

SEVENTH ARTICLE
Submitted by: Board of Selectmen

To see if the Town will:

(A) Raise and appropriate or appropriate from available funds a sum of money to operate the Golf Enterprise Fund in the fiscal year 2016 budget;

(B) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Board of Selectmen to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

The purpose of this article is to make any year-end adjustments to the current year (FY16) budget for the Golf Enterprise Fund. The Driving Range at the Golf Course is in the process of being constructed and is utilizing bond authorizations from prior Town Meetings. It is anticipated that the Enterprise Fund will have available fund balance and a private donation that will lessen the need to use long-term borrowing to pay for a portion of the project. A Bond Authorization Notice (BAN) was issued in March in order to delay the borrowing on a long-term basis and to have a better understanding of what would be needed. The determination of outside funding and available fund balance should be known by Town Meeting. This article allows the Golf Enterprise Fund to use this identified fund balance to pay for a portion of the obligation in lieu of borrowing long-term for the project or for other outstanding obligations.

SELECTMEN'S RECOMMENDATION

Article 7 of the 2016 Annual Town Meeting Warrant proposes amendments to the FY16 budget for the Golf Enterprise fund. The Driving Range at the Golf Course is in the process of being constructed and is utilizing bond authorizations from prior Town Meetings. The Fund has an available balance which can be used to pay for a portion of the project in lieu of borrowing long-term. Fund balance at the end of FY2015 was $367,849. This amendment seeks to use $200,000 of that fund balance to address this obligation. The Board feels that this is a prudent use of fund balance since it is one-time in nature, and reduces a long-term liability for the Fund.

The Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on April 26, 2016, on the Advisory Committee's motion.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:
The purpose of this annual Warrant Article is to make any year-end adjustments to the current year (FY2016) budget. This year the Article proposes to amend the FY2016 budget as it pertains to the Golf Enterprise Fund. The Driving Range at the Golf Course is in the process of being constructed, financed in part through bonded borrowings authorized by a prior Town Meeting. Article 7 allows the Golf Enterprise Fund to use its fund balance to pay for a portion of the construction of the driving range in lieu of borrowing long-term for the project or to pay for other outstanding obligations.

DISCUSSION:
The Recreation Director is requesting approval to increase the spending authority for the Golf Enterprise Fund by $200,000 to pay for the Driving Range Project. The revenue source for this increase will be a portion of the retained earnings of the fund. Last year's retained earnings balance was $367,849. Approval of the increased spending authority is needed to pay for ongoing construction costs in lieu of borrowing pursuant to the $1,000,000 bond authorization previously approved by Town Meeting. The Committee discussed the transaction and whether this action would result in additional expenditure over and above the approved loan amount, but were assured that this action is entirely contained by the Enterprise fund, would not involve or impact the General Fund and was planned to reduce the ultimate borrowed principal and interest amounts accordingly.

RECOMMENDATION: The Advisory Committee by a vote of 17–0–1 recommends FAVORABLE ACTION on the following:

VOTED: That the Town amend Section 6 (Golf Enterprise Fund) of Article 8 of the 2015 Annual Town Meeting so it reads as follows:

6.) GOLF ENTERPRISE FUND: The following sums, totaling $1,576,312 shall be appropriated into the Golf Enterprise Fund, and may be expended under the direction of the Park and Recreation Commission, for the operation of the Golf Course:

Cont. —

Salaries	$470,099
Purchase of Services	$126,648
Supplies	$193,950
Other	$8,100
Utilities	$103,919
Capital	$276,050
Debt Service	$194,755
Reserve	$25,000
Total Appropriations	$1,398,521
Indirect Costs	$177,791
Total Costs	$1,576,312

Total costs of $1,576,312 to be funded from golf receipts with $177,791 to be reimbursed to the General Fund for indirect costs.

Passed by a Unanimous Vote

XXX

ARTICLE 8

AMENDMENT OFFERED BY THE BOARD OF SELECTMEN

The Board of Selectmen voted on all items in the budget with the exception of item 41, a Special Appropriation for bike access improvements. The Board and Advisory Committee are in agreement on all funding recommendations in Article 8, but the Board has some concerns about the Advisory Committee's recommended language for item 41. While both bodies agree that there should be a trial period of at least six months before the buffered bicycle lane proposed for the westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace can be made permanent, the Board of Selectmen has two specific concerns about the language proposed by the Advisory Committee:

1) The Board believes the language adopted by Town Meeting must make clear a trial of less than six months would be appropriate if it is clear after less than six months that the proposed bicycle lane will not work. This is not clear in the language the Advisory Committee recommends.
2) The Board believes, as the chief elected and executive officers of the Town, it is the appropriate body to oversee the operational details of street design and construction. The language proposed by the Advisory Committee empowers the Advisory Committee with operational authority and design powers, something beyond the scope of the Committee's responsibilities. The Board of Selectmen, with support from the Transportation Board, is the appropriate body to supervise the expenditure of road design funds; Town Meeting annually entrusts the Board with the duty of overseeing the expenditure of all appropriations passed by Town Meeting, and the Board takes this responsibility very seriously.

The Board appreciates the public interest and debate generated by this appropriation and will be mindful of this when considering the outcome of the trial and the recommendations of the Transportation Board and when conducting the public hearing it commits to in its proposed language.

Therefore a unanimous Board of Selectmen Recommends FAVORABLE ACTION on the motion listed below.

VOTED: Insert in the motion of the Advisory Committee under Article 8, special appropriation item 41 so that the item reads (additions in bold, deletions struck):

41.) Raise and appropriate $36,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for bicycle access improvements **Of the total amount 1) $3,700 be expended for bicycle racks; 2) $1,300 be expended for bicycle corral; and (3) $20,512 be expended to cover the cost of a trial of up to six**

months, approved by the State Department of Transportation, during which one westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace shall be reconfigured into a buffered bicycle lane per plans developed by the Transportation Division of the Department of Public Works, provided that if at any time during such six month trial the Transportation Board determines after a public hearing that the trial should be concluded, such buffered bicycle lane shall be removed, said travel lane shall be restored to its original condition, and any unexpended funds shall be transferred to the General Fund. The remaining $10,488 shall be encumbered until such time as the Transportation Board has, after the conclusion of a six month trial, using pre-established criteria determined by it, and a public hearing, recommended in a report to the Board of Selectmen that the buffered bicycle lane should be made permanent. Such report must be accepted by the Board of Selectmen prior to the release of the encumbered funds. ~~provided that any expenditure for the reconfiguration of one westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace into a buffered bicycle lane are subject to the conditions specified in the Advisory Committee's recommendation for Item 41 under Article 8 of the 2016 Annual Town Meeting Warrant.~~

ARTICLE 8

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

The Advisory Committee has voted to amend its motion under Article 8 to include amended conditions regarding special appropriation item 41, Bicycle Access Improvements. That item includes funding for a buffered bicycle lane on Beacon Street. The Advisory Committee had recommended that there be a six-month trial period during which one westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace would be reconfigured into a buffered bicycle lane. The trial period would provide an opportunity for the collection of data on the impact of the bicycle lane. No funds for making the bicycle lane permanent would be released until the Transportation board issued a report on the bicycle lane and that report was accepted by the Board of Selectmen and the Advisory Committee.

The Selectmen have voted a similar set of conditions to item 41. Those conditions include a trial period that could last up to six months but also could be terminated earlier by the Transportation Board. Funds for making the bicycle lane permanent ($10,488) would be encumbered until after the Transportation Board had reported on the trial period, a public hearing had been held, and the Board of Selectmen had accepted the report of the Transportation Board.

The Advisory Committee welcomes the concurrence of the Selectmen with the proposal for a trial period of up to six months and also endorses the requirement that there be a public hearing after the end of the trial period. Recognizing that the Transportation Board is appointed by and generally reports to the Selectmen, the Advisory Committee supports making release of the funds for a permanent bicycle lane conditional on the Board of Selectmen's acceptance of the report of the Transportation Board.

The Advisory Committee's conditions regarding special appropriation item 41 originally were included in its report on the Capital Improvement Program. The amended item 41 now includes the relevant conditions in the special appropriation itself. In addition to voting to amend item 41, the Advisory Committee therefore has updated its report on item 21. The explanation of the background of this item and the rationale for the Advisory Committee's recommendation have not changed, but the conditions stated in the report have been updated so that they are the same as the conditions stated in the amended item 41.

41. BICYCLE ACCESS IMPROVEMENTS
Recommendation: $36,000 with conditions stipulated at the end of this description

A total of $36,000 in FY 2017 CIP funds has been requested for the following

projects:

1. The creation of a protected bicycle lane on the westbound side of Beacon Street from Marion Street to Westbourne Terrace, including pavement markings, signage, and related traffic signal equipment upgrades. ($30,804)
2. The purchase and installation of a bicycle corral including bicycle rack, delineator posts, and protective curbing to maximize and promote bicycle parking in the commercial district, to be used in non-winter months. ($1300)
3. The purchase and installation of bicycle racks for commercial areas, parks, and playgrounds. ($3700)

The buffered bicycle lane was approved by a vote of the Transportation Board on February 4, 2016, after a public hearing on January 7, 2016. Plans call for removing a motor vehicle travel lane starting near Short Street and extending roughly to Westbourne Terrace, and reconfiguring this portion of Beacon Street into a shoulder (one foot), travel lane (11 feet), painted buffer zone (three feet), bicycle lane (five feet), second painted buffer zone (three feet), parking lane (seven feet), tree lawn (five feet), and sidewalk (eight to ten feet). According to the Department of Public Work's report, "This section of Beacon Street is also identified in the Brookline Green Routes Bicycle Network Plan as a particularly dangerous section for cyclists. The steep uphill grade poses particular difficultly for slow moving bicycles to share a lane with cars."

The report's conclusion notes the following in its evaluation of the project:

The most significant impact is at the Beacon Street at Lancaster Terrace intersection, overall intersection level of service in the evening will degrade from an A to a B and vehicle queuing is anticipated to be substantial.

The Beacon Street westbound weekday evening 95th percentile queue at the Lancaster Terrace and Beacon Street intersection will go from 216' feet or approximately 8 cars to 824' or approximately 33 cars. This queue will at times end near Short Street. The anticipated queue is stored within an area without any major intersections mitigating potential conflicts.

During field observations conducted in June 2014 and November 2014 with the proposed travel lane removed 95th percentile queuing did exceed predictions from the Synchro 7 analysis. On a few occasions during the evening peak hour queuing from the Beacon Street at Lancaster Terrace intersection did impact departing vehicles from the Beacon Street at Marion Street signal. This may be attributed to occasional double parked cars on Beacon Street near Marion Street and a curiosity factor as drivers slowed down during the trial period to observe the lane drop and coned off bicycle lane.

To improve signal operations as an effort to mitigate the removal of a travel lane at the Beacon Street at Lancaster Terrace intersection a number of signal modifications are proposed. The signal will be coordinated with the Beacon Street corridor to promote better vehicle progression from Marion Street. Right turn

movements on red from Lancaster Terrace onto Beacon Street will be allowed and a delay of 10 seconds will be added for the Lancaster Terrace approach before a call is put into the signal. The pedestrian crossing for Lancaster Terrace will be changed from an exclusive pedestrian movement to a concurrent pedestrian movement with Beacon Street.

Because the proposed project has the potential to significantly impact traffic on Beacon Street between Coolidge Corner and Washington Square, it is prudent to conduct a trial period that will be longer than that of the Transportation Division of the Department of Public Works that consisted of peak hours on one day in June and peak hours on one day in November 2014. Therefore, the Advisory Committee recommends that the following conditions be attached to the $36,000 appropriation:

Of the total amount 1) $3,700 be expended for bicycle racks; 2) $1,300 be expended for a bicycle corral; and (3) $20,512 be expended to cover the cost of a trial of up to six months, approved by the State Department of Transportation, during which one westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace shall be reconfigured into a buffered bicycle lane per plans developed by the Transportation Division of the Department of Public Works, provided that if at any time during such six month trial the Transportation Board determines after a public hearing that the trial should be concluded, such buffered bicycle lane shall be removed, said travel lane shall be restored to its original condition, and any unexpended funds shall be transferred to the General Fund. The remaining $10,488 shall be encumbered until such time as the Transportation Board has, after the conclusion of a six month trial, using pre-established criteria determined by it, and a public hearing, recommended in a report to the Board of Selectmen that the buffered bicycle lane should be made permanent. Such report must be accepted by the Board of Selectmen prior to the release of the encumbered funds.

RECOMMENDATION:

By a vote of 21–1–0, the Advisory Committee amends its motion under Article 8 as follows.

VOTED: Insert in the motion of the Advisory Committee under Article 8, special appropriation item 41 so that the item reads (additions in bold, deletions struck):

~~41.)~~ Raise and appropriate $36,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for bicycle access improvements **Of the total amount 1) $3,700 be expended for bicycle racks; 2) $1,300 be expended for a bicycle corral; and (3) $20,512 be expended to cover the cost of a trial of up to six**

Cont.—

months, approved by the State Department of Transportation, during which one westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace shall be reconfigured into a buffered bicycle lane per plans developed by the Transportation Division of the Department of Public Works, provided that if at any time during such six month trial the Transportation Board determines after a public hearing that the trial should be concluded, such buffered bicycle lane shall be removed, said travel lane shall be restored to its original condition, and any unexpended funds shall be transferred to the General Fund. The remaining $10,488 shall be encumbered until such time as the Transportation Board has, after the conclusion of a six month trial, using pre-established criteria determined by it, and a public hearing, recommended in a report to the Board of Selectmen that the buffered bicycle lane should be made permanent. Such report must be accepted by the Board of Selectmen prior to the release of the encumbered funds. ~~provided that any expenditure for the reconfiguration of one westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace into a buffered bicycle lane are subject to the conditions specified in the Advisory Committee's recommendation for Item 41 under Article 8 of the 2016 Annual Town Meeting Warrant.~~

Passed by an Electronic Recorded Vote of 197 In Favor, 17 Opposed, and 6 Abstentions

ARTICLE 8

EIGHTH ARTICLE

Submitted by: Advisory Committee

To see if the Town will:

A.) Fiscal Year 2017 Budget

Appropriate the sums requested or proposed by the Selectmen or by any other officer, board or committee, or any other sum or sums, for the fiscal year 2017 budget; without limiting the foregoing, appropriate the sums necessary for all town expenses, including the snow and ice budget, debt and interest, and operating expenses; fix the salaries of all elected officers as provided for in General Laws, Chapter 41, Section 108; authorize the leasing, leasing with an option to purchase or installment purchase of equipment; appropriate to a stabilization fund as provided for in General Laws Chapter 40, Section 5B; authorize the continuation of all revolving funds in accordance with General Laws, Chapter 44, Section 53E½ and all Enterprise Funds in accordance with General Laws, Chapter 44, Section 53F½; allocate available free cash; provide for a reserve fund; and establish the requirements for transfers among appropriations, interfund transfers, transfers for the purposes of salary adjustments, filling vacant positions and budgetary reporting.

B.) Fiscal Year 2017 Special Appropriations

Appropriate sums of money for the following special purposes:

1. Appropriate $300,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for making extraordinary repairs to the garages located on the grounds of the Town Hall complex, including but not limited to the driveway areas between the Pierce School and Town Hall.

2. Appropriate $25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen, for town furniture upgrades.

3. Appropriate $275,000, or any other sum, to be expended under the direction of the Chief Information Officer, with any necessary contracts to be approved by the Board of Selectmen, for the enhancement of town-wide hardware and software.

4. Appropriate $100,000, or any other sum, to be expended under the direction of the Department of Planning and Community Development, with any necessary contracts to be approved by the Board of Selectmen, for a major parcel study.

5. Appropriate $670,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for making extraordinary repairs to Fire Stations.

6. Appropriate $110,000, or any other sum, to be expended under the direction of the Library Trustees, with the approval of the Board of Selectmen, for furnishings at the libraries.

7. Appropriate $110,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Library Trustees, for interior painting at the libraries.

8. Appropriate $36,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for bicycle access improvements.

9. Appropriate $161,040, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the purchase of parking meters.

10. Appropriate $260,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the modernization of the Dean Road / Chestnut Hill Avenue traffic signal.

11. Appropriate $1,630,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of streets.

12. Appropriate $304,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of sidewalks.

13. Appropriate $65,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the rehabilitation of Winthrop Path.

14. Appropriate $140,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the design of the renovation of Brookline Reservoir Park.

15. Appropriate $770,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovation of Emerson Garden Playground.

16. Appropriate $80,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the

Board of Selectmen and the Park and Recreation Commission, for the design of the renovation of Harry Downes Field & Playground.

17. Appropriate $300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.

18. Appropriate $90,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of Town and School grounds.

19. Appropriate $40,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the rehabilitation of comfort stations in parks and playgrounds.

20. Appropriate $225,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.

21. Appropriate $80,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for school furniture upgrades.

22. Appropriate $70,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for ADA renovations to Town and School facilities.

23. Appropriate $275,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for improvements to elevators in Town and School facilities.

24. Appropriate $170,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for energy conservation projects in Town and School facilities.

25. Appropriate $175,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for upgrades to energy management systems in Town and School facilities.

26. Appropriate $175,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.

27. Appropriate $50,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for trash compactors at various schools.

28. Appropriate $800,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for school expansion studies.

29. Appropriate $1,038,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools.

30. Appropriate $350,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for remodeling, reconstructing, or making extraordinary repairs to the Old Lincoln School.

31. Appropriate $800,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of a fire engine.

32. Appropriate $4,500,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the construction of a fleet maintenance facility for the Fire Department and for renovations to the training facility located at Fire Station #6.

33. Appropriate $700,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovation of Corey Hill Playground.

34. Appropriate $2,100,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for building envelope / fenestration repairs to Town and School facilities.

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes noted in this Article, or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This is the annual appropriations article for FY2017. 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 16th. 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.

SELECTMEN'S RECOMMENDATION

The Selectmen would like to thank the Town Administrator and his staff, the Advisory Committee, the Acting School Superintendent and his staff, and the School Committee for all of their efforts and collaboration toward dealing with this FY17 budget,

ACTIONS SINCE THE RELEASE OF THE FINANCIAL PLAN

Since the Financial Plan was released on February 16th, there have been a number of changes made, all of which have been approved by both the Selectmen and the Advisory Committee. The changes are as follows:

BUDGET ADJUSTMENTS POST-GIC			
	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
Planning & Community Development	$813,914	$63,640	$877,554
Building Department	$7,468,481	$55,441	$7,523,922
Collective Bargaining - Town	$2,699,900	$221,446	$2,921,346
School Department	$100,692,256	$366,539	$101,058,795
Group Health	$29,749,122	($707,066)	$29,042,056

The Health Insurance budget has decreased by $707,066. This is due to final GIC rates coming in less than originally budgeted. Of that amount, $408,120 is the School's share and $298,946 is the Town's. The School's share of the savings has been added to their appropriation less a portion of those savings being used to fund a Maintenance Craftsperson in the Building Department ($55,441) which is split 75/25 School/Town. Town savings was used to fund the Town share of the Maintenance Craftsperson, a Long-Term Planning position in the Department of Planning and Community Development Department ($63,640), with the balance of $221,446 going to the Collective Bargaining Reserve.

SELECTMEN'S VOTE vs. ADVISORY COMMITTEE'S BUDGET VOTE:

The Advisory Committee had not offered an omnibus vote in time for this Board to consider before the Combined Reports mailing. The Board of Selectmen's vote is in line with the Advisory Committee's individual votes on appropriations with the exception of holding the vote on the special appropriation of $36,000 for Bike Access improvements pending the outcome of the Capital Subcommittee's public meeting on the proposed project to create a buffered bicycle lane on Beacon Street (roughly between Marion Street and Westbourne Terrace). The Board will take up the Advisory Committee's motion on this item at their 5/10/16 meeting.

BUDGET SUMMARY

As shown in the table on the following page, the General Fund budget proposed by the Board of Selectmen totals $260 million, of which $252.2 million is appropriated, reflecting an increase of $10.2 million (4.2%). The remaining $8.3 million is the so-called "Non-Appropriated" portion of the budget. In total, the $260.5 million reflects a 4% increase. This budget recommendation includes a General Fund Operating Budget of $243.4 million, which represents an increase of $4.3 million (6.4%); revenue-financed capital of $8.9 million; enterprise / revolving funds of $30.5 million (gross); and non-appropriated expenses of $8.3 million.

	FY2016	FY2017	INCREASE/DECREASE $	%
REVENUE				
General Fund Revenue	250,398,058	260,537,877	**10,139,819**	**4.05%**
Water and Sewer Enterprise Fund	27,828,674	28,985,259	**1,156,585**	**4.16%**
(less Water & Sewer Overhead included in General Fund Revenue)	(1,988,729)	(2,057,070)	**(68,341)**	**3.44%**
Golf Enterprise Fund	1,376,311	1,522,831	**146,520**	**10.65%**
(less Golf Overhead included in General Fund Revenue)	(177,791)	(182,097)	**(4,307)**	**2.42%**
Recreation Revolving Fund	2,882,651	2,984,641	**101,990**	**3.5%**
(less Rec. Revolving Fund Overhead included in General Fund Revenue)	(354,124)	(375,900)	**(21,776)**	**6.1%**
TOTAL REVENUE	**279,965,050**	**291,415,542**	**11,450,492**	**4.1%**
APPROPRIATIONS				
General Fund Operating Budget	231,883,166	243,361,666	**11,478,500**	**5.0%**
Non-Appropriated Budget *	8,401,892	8,302,171	**(99,721)**	**-1.2%**
Revenue-Financed CIP Budget**	10,113,000	8,838,040	**(1,274,960)**	**-12.6%**
General Fund Total	250,398,058	260,501,877	**10,103,819**	**4.0%**
Water and Sewer Enterprise Fund	27,828,674	28,985,259	**1,156,585**	**4.2%**
(less Water & Sewer Overhead included in General Fund Revenue)	(1,988,729)	(2,057,070)	**(68,341)**	**3.4%**
Golf Enterprise Fund	1,376,311	1,522,831	**146,520**	**10.6%**
(less Golf Overhead included in General Fund Revenue)	(177,791)	(182,097)	**(4,307)**	**2.4%**
Recreation Revolving Fund	2,882,651	2,984,641	**101,990**	**3.5%**
(less Rec. Revolving Fund Overhead included in General Fund Revenue)	(354,124)	(375,900)	**(21,776)**	**6.1%**
TOTAL APPROPRIATIONS	**279,965,050**	**291,379,542**	**11,414,492**	**4.1%**
BALANCE	**0**	**36,000**	**36,000**	

* State and County Charges/Offsets, Overlay, Deficits/Judgments.

** less $36K not voted on by the Selectmen yet

FY2017 OVERVIEW

In summary, the FY 2017 Budget:

- Allocates the remaining $1,465,000 in additional property tax revenue made available from last year's Proposition 2½ Tax Override referendum to the School Department.
- Allocates $1 million in "budget capacity" made available from non-property tax revenue and operating expenditure efficiencies within Town departments to the School Department.
- Projects $10.1 million in new general revenue, including a 2.5% increase in the tax levy, an additional $2.65 million in taxes resulting from new construction (New Growth), an increase in State Aid of $688,971, and $268,013 in Local Receipts.
- Recommends an increase of 5% in the appropriation to the School Department and an increase of 3% in Town Departments.
- Develops a long range Capital Improvement Plan including the funding of a Capital Budget in FY 2017 of $25.9 million.
- Meets all of the financial policies of the Town with respect to funding reserves and long term financial obligations of the Town.

REVENUES

Taxes: Property taxes represent over two-thirds of the total revenue available to the Town. Under Proposition 2½, a municipality's tax levy is capped to no more than 2.5% greater than the prior year. Periodically, a town may seek an "override" of this limit through a voter referendum. A General Override increases taxes permanently, since the additional taxes become part of the base which future annual 2.5% increases are calculated upon. Last year, voters approved a General Override of $7,665,000. However, as part of this Override plan, it was agreed that $6,200,000 would be levied in FY 2016 with the remaining $1,465,000 to be levied in FY 2017.

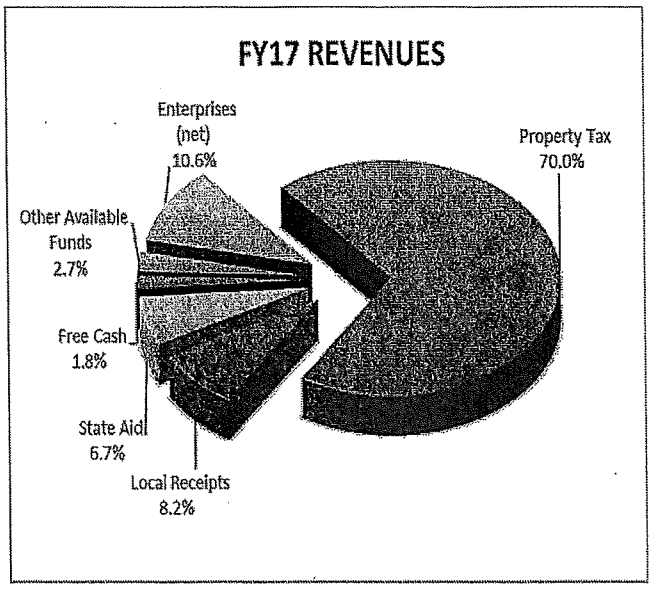
Overall, property taxes are projected to increase by $8.97 million in FY 2017, or 4.6% over FY 2016. The FY 2017 Property Tax Levy is made up of:

PROPERTY TAXES	
FY16 base levy (less yr. 2 funds)	193,973,924
FY17 remaining override funds	1,465,000
Prior Year Levy Limit	195,438,924
2 1/2 % Increase	4,885,973
New Growth	2,650,000
Debt Exclusion (Debt Service Costs)	1,048,400
Annual Levy FY 2017	**204,023,297**

The $1.048 million referenced above is attributable to meet the debt service on the prior High School project that the voters excluded from the Proposition 2½ levy limit. This tax amount will be eliminated in FY 2020. The Debt Exclusion vote passed last year to rebuild and enlarge the Devotion School is projected at $49,576,000 and commences in FY 2019. This debt will be amortized over a 25 year period.

The Town's goal is to increase the relative share of the commercial tax base. In addition to increased taxes from new commercial construction, such development provides relief to residential taxpayers because the Town employs a dual tax rate (classification). In FY 2016, the tax rate for the commercial sector is 171.5% higher than the residential rate. Additional commercial development adds jobs, vitality and residual revenue (e.g. meals taxes and parking meter receipts) for the Town. FY 2017 represents the first year of new taxes of the former Red Cab site, where a new "extended stay" hotel is being built. Progress has also been made on two other major commercial projects that will contribute to this growth, including the development of a hotel and related retail/residential development at the former Circle Cinema site in Cleveland Circle and a major office complex at 2 Brookline Place.

Local Receipts: FY 2017 Local Receipts are projected to increase by $268,013, or 1.1% over FY 2016. This category of revenue includes a variety of sources generated by Town fees and charges. Most prominent are the Motor Vehicle Excise (MVE) tax, Parking and Traffic fines, Building Permit fees, the Trash Collection charge, and Local Option taxes (meals and lodging). The modest increase in Local Receipts is understated due to the conversion of a rental housing project from a special taxing agreement (121A) to a traditional property tax payment. This special tax agreement has expired and the regular tax payment will now be recorded in the Property Tax category of revenue. Local receipts is also understated due to the accounting of the Town's parking meter revenue. State law requires this revenue to be accounted in a special fund that we include in the Other Available Funds category. As part of the three-year Override plan, the Town committed to an increase in the on street parking



meter rate of $.25/hour (for a total rate of $1.25/hour). This increase will generate $850,000 in FY 2017. As part of this revenue increase, we have programmed funding in the CIP to upgrade the remaining coin operated meters to digital units thataccept credit/debit cards. In addition, the Town will be experimenting with pay by cell technology that allows users the ability to pay their meter charge through a mobile phone application.

The Town has been aggressive in negotiating Payment In Lieu of Taxes (PILOT) agreements with non-profit entities that are exempt from paying local property taxes. In FY 2017, several new agreements were reached. The major PILOT agreement is with Boston University, which includes a provision to capture increasing real estate market value. A new revenue source beginning in FY 2017 is a payment to the General Fund from a Host Community Agreement (HCA) negotiated with New England Treatment Access for their operation of a medical marijuana dispensary in Brookline. This agreement provides that NETA will pay 3% of gross revenue split evenly between the Town and to the Brookline Community Foundation. For FY 2017, we have projected $125,000 in revenue will come to the Town from this agreement. The Town's success in developing this revenue source is directly attributable to Steve Cirillo, the Town's Finance Director. Finally, the Town negotiated a new agreement with its Emergency Medical Services provider, Fallon Ambulance. In addition to providing this valuable service at no cost to the Town, the new agreement requires Fallon to make certain payments to the Town.

State Aid: Overall, aid from the Commonwealth of Massachusetts is projected to increase by $688,971, or 3.7% over FY 2016. In recent years, the Town has benefitted from implementation of a state policy guaranteeing a minimum of 17.5% state funding contribution for local education. The Commonwealth has nearly reached this level in FY 2017, meaning the increase in annual aid will be moderate in the future. The increase seen this year is largely driven by an increase in enrollment which is part of the foundation budget formula. Governor Baker has proposed an increase in the Unrestricted General Government Aid category by the same rate of increase in state revenue, meeting his commitment for "revenue sharing" between the state and its municipalities. All other state aid categories are projected to remain level. Each year, revenue from State Aid can be uncertain given the politics of the state budget process. This year, we believe that the Governor's state aid recommendations represent a likely outcome of this process and we have used them without modification.

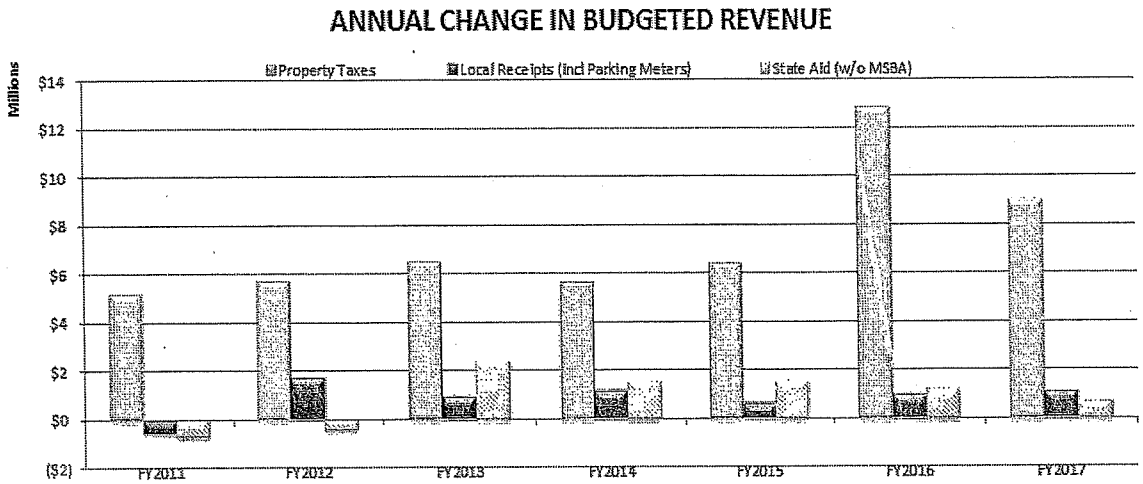
Other Available Funds: The Town will allocate $7,840,067 from a number of revenue sources comprising this category. Mostly, this revenue comes from charges to separate Enterprise or Revolving Funds that are raised to offset general government expenses benefitting those funds. As previously discussed in the Local Receipts section, the Town will realize an additional $850,000 in Parking Meter revenue resulting from a $.25/hour increase. Unlike the last two budget cycles, the Town will not be projecting any surpluses from prior year capital projects to fund the Capital Budget in FY 2017. As a result, Other Available Funds is actually reduced from FY 2016 by $85,576, or a reduction of 1.1%.

Free Cash: Free Cash is a term specific to Massachusetts local government. Essentially, it is the State's approved amount of a municipality's unreserved fund balance from the prior year's Budget. The Town has a very detailed policy on the use of Free Cash. It is used only

for non-recurring purposes such as reserves and capital expenses. The amount of Free Cash to support these purposes in FY 2017 is $5,311,538 (see table to the rights). Please note that the total certified Free Cash available for the Town to appropriate is $7,811,538. In order to meet the Town's policies on maintaining a sufficient level of unrestricted reserves, we will leave $2.5 million unappropriated in FY 2017.

Free Cash Certification	**$7,811,184**
1. Operating Budget Reserve	$587,184
2. Unreserved Fund Balance/Stabilization Fund	$2,500,000
3. Liability Reserve (to get fund to 1% of Prior Yr Net Revenue)	$144,322
4. Capital Improvements (to get to 7.5% of Prior Yr Net Revenue)	$3,523,105
5. Affordable Housing Trust Fund (since Fund Balance below $5M)	$158,539
Sub-Total	$6,913,150
Amt available for Special Use (#6)	$898,034
6. Special Use:	
Additional CIP	$898,034

Enterprises: The Town maintains three special funds to account for its business like activities. These include the Golf Course, the Water and Sewer Utility, and the Recreation Revolving Fund. This revenue is offset 100% on the expenditure side of this Budget. In FY 2017, the revenue (and expenses) of these funds will increase by about $1.3 million, or 4.4% over FY 2016. The Recreation Department believes that it has reached the threshold of what is tolerable for cost recovery in the revolving fund and, as a result, no further shift in general fund expenses to the revolving fund is possible in FY 2017.



EXPENDITURES

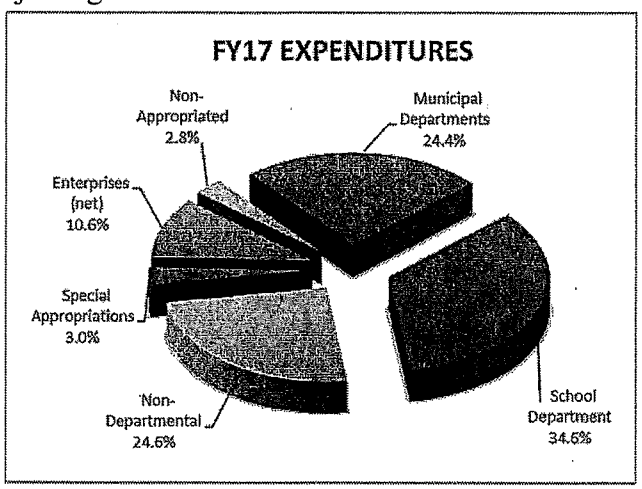
Municipal Departments: For FY 2017, it is proposed that funding for all municipal (non-school) departments be $71,463,405, an increase over FY 2016 of 3%. This amount is inclusive of a reserve for wage and salary increases for municipal employees, conditional upon negotiated settlements. For the most part, increases in municipal departments were limited to funding the fixed costs of contractual step increases for eligible personnel.

As committed to in last year's Override proposal, $500,000 worth of FY 2017 budget capacity otherwise allocated to Municipal Departments was reallocated to the School Budget through the Town School Partnership formula. In order to meet this commitment and to absorb higher than projected health insurance cost increases, equipment replacement in most municipal departments was limited and investments in additional personnel or expenses was not possible.

Please refer to Financial Plan for a more detailed review of changes in individual municipal department budgets. The following highlights some of these changes:

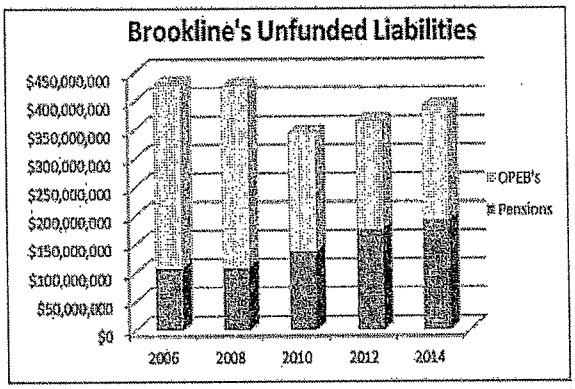
- The Department of Public Works budget reflects savings associated with the implementation an automated Pay as You Throw Program (PAYT) and results in the reduction of three laborer positions.
- The Information Technology budget increases $62,186 (3.41%) and reflects the shift away from Capital needs (servers and software) to operating expenses (software subscription and cloud based services) highlighted in the Preliminary CIP.
- Additional funding has been recommended for Outside Counsel based on higher than projected litigation expenses. This cost center has resulted in consecutive year reserve fund transfer requests. While the funding has been allocated to the Town Counsel budget it will also be used to support the Human Resources Department and allow for improved coordination among these departments on the overall legal strategy exercised by the Town.
- Credit Card Service charges have been consolidated under the Finance Department for FY2017. This recognizes the importance of managing the impacts of microtransactions related to parking meters, over the counter credit card usage, and expanded usage online. This is being done in parallel to the Town's consideration of whether or not it is appropriate to absorb these costs or pass some, or all, of the charge onto the customer.
- Expenses in the Town Clerk are increased based on three elections during FY2017.

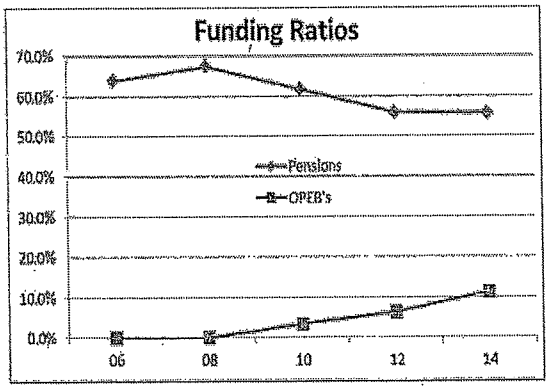
School Department: The Town determines its proposed budget for the School Department through a comprehensive formula established in connection with the Town School Partnership agreement. Essentially, this formula splits general revenue growth equally between Municipal and School budgets, adjusting for certain fixed costs that are difficult to control (enrollment and special education for example). In FY 2017, further adjustments to the formula were made by allocating the remaining Override tax capacity and $500,000 of budget capacity otherwise allocated to Municipal Departments. The overall budget allocation to the School Department in FY 2017 is $100,692,256, representing an increase over FY 2016 of 5%, inclusive of reserve accounts for collective bargaining and personnel benefits. Please refer to the Superintendent's budget proposal for a more detailed review of this



budget. It should be noted that the current budget only includes school enrollment growth of 30 enrollees for year-over-year turnover, and does not include staff growth associated with year 2 of the override plan. Once the GIC rates are announced in March the School Department should have a better understanding of projected employee growth which will inform an update to these budget assumptions.

Non-Departmental: This is a large category of expenses that incorporates personnel benefits for municipal and school employees, debt service on bonds, insurance coverages and special reserve funds. The proposed budget for FY 2017 is $71,546,530, an increase of 7.5% over FY 2016. The largest component of these expenses is the cost of health insurance for the Town's eligible employees and retirees (including employees and retirees of the School Department). After many years of extremely low rate increases from the Group Insurance





Commission, health care inflation has reverted back to its historic levels. We are budgeting for a 7.5% composite rate increase in GIC plans increase for Group Health Insurance. This, combined with a reserve for enrollment changes, represents an overall increase of over $2.2 million. Fortunately, the effect of this increase is partially offset by the remarkable reduction in world oil prices, resulting in cost savings in the Town's diesel, gasoline and heating fuel costs of $121,000.

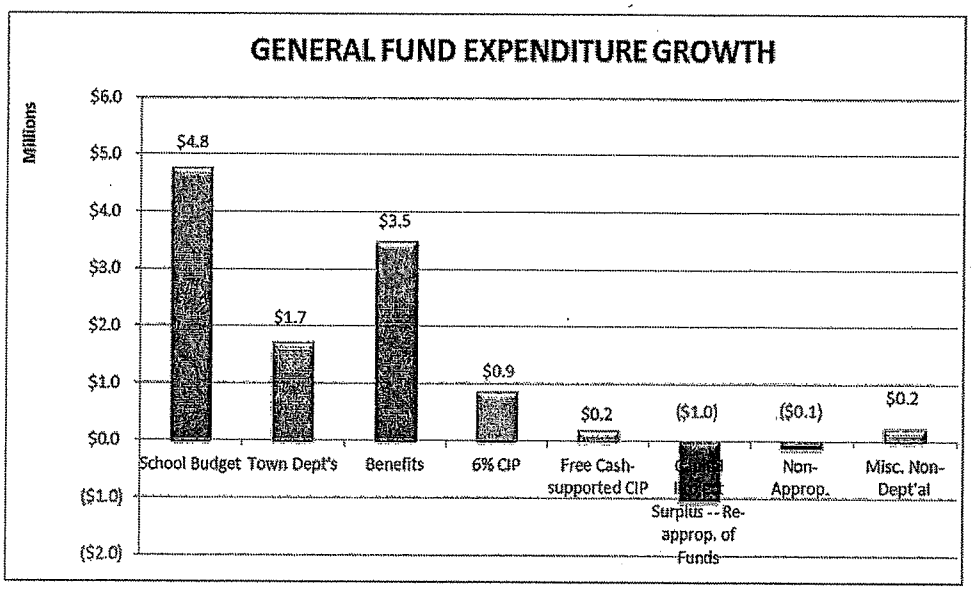
The Town continues to proactively fund its long-term liability for pensions and retiree health care benefits (OPEB). I am particularly pleased to be able to maintain the Town's allocation of revenue to the OPEB Trust Fund. In FY 2017, we are appropriating an additional $275,000 for a total sum of $3,774,838 for this purpose. This will allow the Town to reach the Annual Required Contribution (ARC), which is an actuarially determined long term funding plan similar to the one underway to eliminate our unfunded Pension obligation. The Town of Brookline remains one of a handful of municipalities who are proactively addressing the OPEB problem.

Special Appropriations: The Town funds its Capital Improvement Program (CIP) through a combination of current funding and debt. The current revenue-financed portion of the CIP is $8.9 million in FY 2017. This includes $4.5 million funded by general operating revenue combined with $4.4 million from Free Cash. Together, these funds represent 7.9% of the Town's prior year net revenue. For a more detailed review of the CIP, please see the Capital Improvement Plan section of this Budget Message and Section VII of this Financial Plan.

Non-Appropriated: This category includes required expenses that are raised directly without appropriation by Town Meeting. This includes State Charges, of which the largest sum is the Town's assessment to the MBTA ($5.12 million); the Overlay, which is a reserve for tax

abatements and exemptions issued by the Board of Assessors ($1.8 million); and the Norfolk County assessment ($863K). Overall, the cost of Non-Appropriated items in FY 2017 is $8,296,837 million, representing a slight decrease from FY 2016.

Enterprises: The Town funds its Water/Sewer, Recreation and Golf activities largely through self-supporting revenues. These are accounted for separately from the Town's General Fund through formal enterprise and revolving funds. The net cost of Enterprises in FY 2017 is $30.9 million, an increase over FY 2016 of 4.4%. Increased cost pressures from the new sick leave policy and statewide minimum wage increases have limited the Recreation Department's ability to shift expenses from the General Fund to the Revolving Fund.



FY 2017 POLICY ISSUES AND INITIATIVES

A Budget is intended to be a policy and management tool, not just a collection of numbers that balance. It is with this in mind that we label our Budget document a Financial Plan. This section of my Budget Message relates to some fundamental policy issues impacting the FY 2017 Budget and Town government operations.

Diversity and Inclusion: The confluence of unfortunate employee incidents, the lack of diversity in the ranks of Town management and a growing unrest with race relations nationally has placed the Town in the crosshairs of a controversial and contentious debate about racism. The issue is a very personal and emotional one for all involved. In some cases, the disputes involve legal claims and conflicting laws or regulations. There is no easy answer to address this matter, but it will require the investigation of allegations of discriminatory behavior, the defense/adjudication of claims for damages, the participation of stakeholders and the facilitation of trusted third parties. Funding is available throughout the Town's Budget to support such activities, including programs of the Diversity, Inclusion and Community Relations Commission, the Legal Department, the Human Resources Department and the Selectmen's Office.

Creating a Culture of Performance Management: Over the last few years, Brookline's town government has begun to focus on the use of data to improve performance and set funding priorities. This Financial Plan requires each department to establish objectives and identify ways to measure performance consistent with these objectives. It is not enough to simply count the number of potholes filled or books loaned. Rather, performance management seeks to measure the quality of those services and to benchmark this quality against others in an effort to improve results. Many of our departments have had success in converting output measures to more meaningful performance data that helps improve results and ultimately the quality of municipal services. But it is has not permeated the organization. Greater use of performance management in Brookline's local government is essential to meet increased citizen demands for public services, greater interest on the part of elected leaders and advisory committees to make informed budgetary decisions, and to create accountability in the management of the Town's financial resources.

In FY 2017, I have prioritized discretionary professional services funding under my control to provide practical training and development to the Town's department heads and mid management personnel. It is my goal to create a culture of performance management in Brookline, where the use of data will become the fundamental way in measuring performance, improving results and tracking progress towards meeting goals and objectives. I will also use this funding to create formal mechanisms linking the use of performance management with the budget process and the evaluation of management personnel.

On a related matter, the Town continues to enhance its use of technology and social media applications to make its government data more accessible and transparent.

Finally, in FY 2017 we will be reviewing the result of the second edition of the National Citizen Survey. This survey is a tested instrument designed to survey the opinions of Brookline's residents on a host of questions about municipal policies, programs and services. Last issued in 2014, we look forward to comparing the results of the newer survey and to benchmark this data with hundreds of other municipalities who employ this product.

Building Operations and Maintenance: Last year, I reported on the need to study the operations of the Building Division, which is responsible for the repair, operations and management of most Town and School buildings. A study was completed by Matrix Consulting in January of 2016 that involved a comprehensive evaluation of this organizational unit. They studied the Management, Organization, Staffing and Operations of the division and identified many findings and recommendations, including among them;

- The need to develop a longer term strategic plan
- The value of investing in preventative maintenance
- The enhanced use of technology and the Town's web site
- The need for increased staffing and other resources to meet demands
- The importance of coordinated energy monitoring and reporting

In coordination with the School Department, I will be developing plans to address this important study.

Technology: The adaptation to and use of technology is an ongoing policy priority of the Town. In FY 2017, we will be testing the use of mobile technology in the Town's on street parking meter program. As mentioned previously in the Revenues section of this Budget Message, a general rate increase for on-street parking demands investment into the outdated state of our parking meter equipment. We intend to upgrade as many meters as possible to "smarter" meters that can accommodate multiple forms of payment and communicate wirelessly. An added benefit is the ability for enforcement personnel to employ handheld electronic devices to communicate with the meters to efficiently and effectively monitor and enforce violations. I am personally excited about testing the use of mobile technology to pay for parking. As many have experienced in neighboring Boston and other jurisdictions, the ability to conveniently calculate/pay the meter without getting out of your car is a very pleasant experience.

The cost of using technology and credit card usage to facilitate public services is not cheap. In addition to the upfront investment in equipment, the ongoing cost of wireless service charges, credit card charges and other third party fees is becoming prohibitive. As reported in the Expenditures section of this Message, we have decided to consolidate these costs in the Finance Department's budget in order to keep track of them. It is likely that the Town will be faced with assessing "service fees" in order to retain these convenient services that citizens have come to expect. It is my experience that users will support such a fee if it is reasonable and helps them save time and aggravation.

Long-Range and Strategic Planning: The Town is engaged in several long term planning studies and processes. None is more important than the need to plan to accommodate the increasing enrollment in our public schools. This effort is being led jointly by the Board of Selectmen and School Committee. The two priorities are to find a suitable site to construct a new (9th) elementary school and to develop a solution to expand classroom and related space at the high school level. Siting of a new public school is a complex matter that is complicated by geographic, physical, financial and political challenges. Commencing with a study by Civic Moxie, the two elected boards and staff are committed to using a comprehensive process and public engagement to reach a decision in the fall of 2016.

One of the lasting contributions of the Override Study Committee was its recommendation to engage in a coordinated approach at long term planning of the Town's assets and priorities. A series of sequential studies have been identified beginning with a strategic study of the Town's assets (its buildings, facilities and land). With this information in hand, we will begin to study large parcels of land in the community, both public and private. It is hoped that this information and process will result in ideas to more efficiently use Town resources and assets and to create value and opportunity whenever possible.

Another related study is the Housing Production Plan, an effort to more proactively plan for the provision of affordable housing in Brookline. In addition to the merits of planning this outcome, the study may provide a temporary relief (safe harbor) from the onslaught of Chapter 40B housing developments that are inconsistent with the land use and character of Brookline's neighborhoods.

It should be noted that the diversion of staff resources and focus to the School Expansion and Chapter 40B affordable housing projects necessarily impact the amount of time and progress we can make in other planning initiatives. This is especially the case in the Economic Development and Regulatory Planning divisions with the Planning Department.

Finally, I have identified funding to perform a review of parking capacity and policies at Town facilities and on the streets in the neighborhoods bordering a Town building or School. As a regulator of private land use, the Town has begun to consistently require the use of Transportation Demand Management (TDM). TDM is the application of strategies and policies to reduce travel demand or to redistribute this demand in space or in time. It is my intent to fund a consultant who will employ TDM as part of its solution to address the Town's parking challenges.

Solid Waste Collection: Last year, I reported in detail about plans to implement the automation of solid waste collection and the development of a modified Pay as You Throw (PAYT) program. The automation of solid waste collection is a key component of making Town government more cost efficient and to meet the Board of Selectmen's commitment to reallocate cost savings to support school enrollment needs. PAYT is a method to create incentives and/or disincentives to reduce solid waste disposal and to more equitably assess the costs of the service. While the plans for automation are well underway, the issues in developing a successful PAYT system are challenging. To assist the Board of Selectmen in their consideration of this matter, I am in the process of working with a task force to recommend the default trash bin size and options/costs for additional capacity. The plan is to implement the new system sometime in the fall of 2016.

Succession Planning: Like many organizations of this era, the Town is facing an impending wave of retirements from its top level department personnel. The loss of such deep institutional knowledge, leadership and experience will be impossible to replace immediately. It is essential to create capacity in the Town's lower and mid-level management ranks to help fill this pipeline and/or to step up temporarily during transitions. We look forward to partnering with a team of graduate students from Northeastern University to explore this issue and to seek best practices from other municipalities who are dealing with this issue.

Energy Efficiency and Sustainability: The Department of Public Works' LED Streetlight Replacement Program is underway and the FY2017 budget is reduced by approximately $33,000 as a result. This project meets the Town's goal of saving money by reducing energy while enhancing the effectiveness of the service. Once fully-implemented, the Town's streetlight bill will decrease by approximately $180,000 per year. The payback period is estimated to be less than 10 years.

The Town continues to procure substantial savings in the FY 2017 Budget by acting upon the market downturn of Gasoline and Diesel prices. The result is a reduction of over $121,000 in expenditures. Favorable market conditions also allowed the Town to lock in a supply contract for Gasoline and Diesel that will mitigate potential price increases and market corrections.

Growth in the Cost of Employee Wages and Benefits: As a service oriented business, the Town of Brookline's most valuable asset is its employees. Employee wages and salaries are also the Town's biggest cost driver. The cost of salaries/wages and benefits of the Town's employees is projected to be $198 million in FY 2017 (combined Town and School departments). This represents approximately 81.2% of the General Fund budget and growing. The many fixed costs in the operation of local government and the rate of increases for health insurance creates an unsustainable situation for the Town. This is felt within the current budget but also in a dramatic way in the calculation of our long term liability for health insurance to all municipal retirees (referred to as OPEB). When the public is asked to fund additional taxes (which was done successfully last year), they inevitably compare the benefit packages in municipal government with much different trends in the private sector and demand accountability. From the employee's perspective, the economy appears fragile despite a low inflation factor. Certain sectors of the economy are growing at a much higher rate than inflation, including health care and college expenses. During the most recent recession, wage increases were limited and the Town negotiated hard to switch its health insurance plans to higher deductible products in the state's Group Insurance Commission. All of this has contributed to a collective bargaining environment that results in unmet expectations for both sides. This is especially the case with the Town's public safety unions. Impasses in collective bargaining with public safety unions are ultimately resolved through a third party arbitration procedure called the Joint Labor Management Committee (JLMC). The current labor impasse with the Town's Firefighters union is currently in the JLMC process and the Town is very concerned with its ability to pay an unfavorable arbitration outcome.

In addition, the Town's agreement with its employees over the current health insurance arrangement with the Commonwealth's Group Insurance Commission (GIC) is expiring this year. Despite the rapidly increasing costs in the health care world, the GIC has been a relatively stable option for the Town and it provides employees with flexibility in plan design and their associated risk/cost.

We are hopeful to have meaningful dialogue with our employees and unions about these cost pressures and to find mutually beneficial solutions to create a more financially sustainable path going forward.

LONG RANGE FINANCIAL PLANNING

The cornerstone of the Town's budgeting process is the Long-Range Financial Projection, often referred to as "the Forecast". It is essential that a government have a financial planning process that assesses long-term financial implications of current and proposed policies, programs, and assumptions that develop appropriate strategies to achieve its goals. The

Forecast also acts as a bridge between a municipality's annual operating budget and its CIP, bringing all of the fiscal policy and economic variables together to establish coordinated managerial direction. Revenue and expenditure forecasting, along with capital planning and debt management, are key elements in developing a strong municipal fiscal position.

Prepared annually, the five-year Forecast serves as the starting point for the ensuing budget year and also provides decision makers, taxpayers, and employees with an understanding of the long-term financial challenges the Town faces. In late-November / early-December, the Deputy Town Administrator and the Director of Finance present the Forecast to the Board of Selectmen. This presentation is the culmination of months of work for those two individuals, work involving the analysis of hundreds of revenue and expenditure line-items, making assumptions about economic conditions, and understanding state budget conditions.

The FY 2017 – FY 2021 Long Range Financial Projection for the General Fund makes the following key assumptions:

- New Growth in the Property Tax Levy of $1.8 million per year, augmented by the redevelopment of the former Red Cab Site ($500,000 in FY 2017, and $107,500 in FY 2018) and by the re-development of 2 Brookline Place ($365,000 in FY18, $1.356 million in FY 2019, and $579,000 in FY 2020).

- For State Aid in FY 2017, full use of the Governor's proposal. For FY 2018 - FY 2021, annual 2.5% increases in Ch. 70 and Unrestricted General Government Aid (UGGA).

- For Local Receipts, FY 2017 reflects an increase of $823,460 (3.6%). In FY's 2017-2020, limited growth is expected (approximately $300,000 / yr, or 1.2%), augmented by $325,000 in additional Hotel Excise Taxes from the redevelopment of the former Red Cab Site ($50,000 in FY 2017 and $275,000 in FY 2018).

- Use of Free Cash continues to follow the Town's Free Cash Policy, as recently updated by the Selectmen in 2011.

- A 2% wage increase for all years for all unions.

- Inflation in most Services, Supplies, and Capital Outlay accounts of 1.5% - 2.5% (approximately $240,000 per year for the Schools and $250,000 for Town departments).

- Annual utility increases of $150,000.

- Annual Special Education growth of $775,000 - $800,000.

- Enrollment growth cost increases of $800,000 - $900,000 per year.

- Step increases in the School Department of $750,000 per year and $250,000 per year for Town Departments.

- For FY 2017, a Health Insurance rate increase of 7.5% and an increase in enrollment of 40. For FY's 2018-2020, assume a 4% annual rate increase and 40 new enrollees per year.

- A Pension appropriation based on the most recent funding schedule approved by PERAC for FY 2017 and an additional $200,000 projected in 2018 based on current market conditions in calendar year 2015 that will trigger an increase in the required appropriation.

- Continue to fund OPEB's by increasing the appropriation by at least $250,000 per year from on-going revenues.

- Debt Service and pay-as-you-go CIP that reflects full-funding of the CIP (6% of net revenue plus the use of Free Cash).

These assumptions create an escalating deficit position for FY 2018 and beyond, starting at $2.5 million in FY 2017 and reaching $8.5 million by FY 2020. It should be noted that the deficits in the out years are inflated because they are built upon a deficit in the prior fiscal year. In fact, the Town must balance its budget each year, and that balanced budget will become the base for the following year's projection. Nonetheless, the cumulative deficits in the Long Range Projection are a reminder that the Town must find ways to support a sustainable budget in the long term.

The Long Range Financial Projection is detailed on the following pages:

REVENUE	2017	2018	2019	2020	2021
Property Taxes	**204,023,297**	**211,342,570**	**223,541,553**	**231,459,848**	**237,983,016**
Local Receipts	**23,836,698**	**24,446,093**	**24,981,632**	**25,604,799**	**26,240,131**
Motor Vehicle Excise (MVE)	5,500,000	5,610,000	5,722,200	5,836,644	5,953,377
Local Option Taxes	2,638,500	2,802,410	2,858,458	2,915,627	2,973,940
Licenses & Permits	1,165,775	1,165,775	1,165,775	1,165,775	1,165,775
Parking / Court Fines	4,100,000	4,100,000	4,100,000	4,100,000	4,100,000
General Government	3,932,179	4,190,902	4,485,324	4,862,875	5,255,500
Interest Income	727,250	745,431	764,067	783,169	802,748
PILOT's	890,000	916,800	943,636	970,509	989,919
Refuse Fee	2,650,000	2,650,000	2,650,000	2,650,000	2,650,000
Departmental & Other	2,232,994	2,264,775	2,292,172	2,320,200	2,348,873
State Aid	**19,526,277**	**19,994,204**	**20,473,830**	**20,843,351**	**21,347,257**
General Government Aid	6,213,185	6,365,796	6,522,223	6,682,560	6,846,906
School Aid	13,181,313	13,496,629	13,819,827	14,029,011	14,368,572
Tax Abatement Aid	41,913	41,913	41,913	41,913	41,913
Offset Aid	89,866	89,866	89,866	89,866	89,866
Other Available Funds	**7,840,067**	**7,945,200**	**8,051,181**	**8,162,256**	**8,283,610**
Parking Meter Receipts	5,150,000	5,150,000	5,150,000	5,150,000	5,150,000
Walnut Hill Cemetery Fund	75,000	75,000	75,000	75,000	75,000
Reimb./Pymts from Enterprise Funds	2,239,167	2,323,808	2,411,332	2,502,962	2,600,204
Reimb. from Rec Revolving Fund	375,900	396,392	414,849	434,295	458,406
Free Cash (for Appropriation)	**5,311,538**	**4,200,000**	**4,400,000**	**4,500,000**	**4,650,000**
Capital Improvements/Other Spec Approp.	4,420,965	3,688,217	3,813,199	3,957,696	4,090,469
Operating Budget Reserve	587,184	614,703	635,533	659,616	681,745
Strategic Reserves	303,389	73,134	58,289	58,883	51,299
TOTAL REVENUE	**260,537,877**	**267,928,067**	**281,448,195**	**290,570,254**	**298,504,014**
$$ Increase	10,139,819	7,390,190	13,520,128	9,122,059	7,933,760
% Increase	4.0%	2.8%	5.0%	3.2%	2.7%

EXPENDITURES	2017	2018	2019	2020	2021
Departmental	**69,992,879**	**71,715,148**	**73,378,349**	**75,266,679**	**77,183,343**
Personnel	51,446,374	52,701,374	54,176,374	55,581,374	57,006,374
Services	8,891,449	9,113,735	9,341,578	9,575,118	9,814,496
Supplies	2,159,893	2,213,891	2,269,238	2,325,969	2,384,118
Other	559,132	573,110	587,438	602,124	617,177
Utilities	4,844,463	4,994,463	5,144,463	5,294,463	5,444,463
Capital	2,071,568	2,098,575	1,839,257	1,867,632	1,896,715
Intergovernmental	20,000	20,000	20,000	20,000	20,000
Coll. Barg. - Town	**1,130,000**	**1,150,000**	**1,180,000**	**1,200,000**	**1,230,000**
Schools	**99,012,257**	**104,249,953**	**109,690,852**	**114,098,990**	**118,552,381**
Coll. Barg. - School	**1,680,000**	**1,720,000**	**1,750,000**	**1,790,000**	**1,820,000**
Non-Departmental - Benefits	**57,555,261**	**60,459,442**	**63,980,283**	**67,294,806**	**71,621,804**
Pensions	19,718,677	20,966,624	22,070,558	23,242,132	24,509,795
Group Health	29,749,122	30,921,885	32,873,158	34,516,816	37,105,577
Retiree Group Health Trust Fund (OPEB's)	3,774,838	4,030,080	4,275,543	4,573,651	4,831,338
EAP	28,000	33,000	33,000	33,000	33,000
Group Life	145,000	148,625	152,341	156,149	160,053
Disability Insurance	16,000	16,000	16,000	16,000	16,000
Workers' Compensation	1,450,000	1,500,000	1,537,500	1,575,938	1,615,336
Public Safety IOD Medical Expenses	250,000	275,000	275,000	275,000	275,000
Unemployment Compensation	300,000	300,000	325,000	325,000	325,000
Medical Disabilities	40,000	45,000	50,000	50,000	50,000
Medicare Coverage	2,083,625	2,223,228	2,372,184	2,531,120	2,700,706
Non-Departmental - General	**899,594**	**689,889**	**696,059**	**718,711**	**734,280**
Liability/Catastrophe Fund	144,322	104,203	77,175	89,976	81,919
Affordable Housing	158,539	0	0	0	0
General Insurance	394,148	413,855	434,548	456,276	479,089
Audit/Management Services	137,000	137,000	137,000	137,000	137,000
Misc.	65,585	34,832	47,336	35,460	36,271
Non-Departmental - Debt Service	**10,742,939**	**13,176,649**	**17,330,413**	**18,317,859**	**16,771,440**
General Fund	10,742,939	13,176,649	17,330,413	18,317,859	16,771,440
Non-Departmental - Reserve Fund	**2,348,737**	**2,458,811**	**2,542,133**	**2,638,464**	**2,726,979**
Tax Supported	1,761,553	1,844,108	1,906,600	1,978,848	2,045,234
Free Cash Supported	587,184	614,703	635,533	659,616	681,745
Special Appropriations	**8,879,374**	**6,169,179**	**6,194,301**	**5,823,565**	**7,084,930**
Tax Supported	4,457,881	2,657,017	2,488,122	2,042,063	3,167,973
Free Cash Supported	4,420,965	3,512,163	3,706,178	3,781,502	3,916,957
Other	528	0	0	0	0
Non-Appropriated	**8,296,837**	**8,493,993**	**8,696,078**	**8,903,215**	**9,115,530**
State Assessments	6,381,971	6,534,127	6,690,087	6,849,945	7,013,801
Cherry Sheet Offsets	89,866	89,866	89,866	89,866	89,866
Overlay	1,800,000	1,845,000	1,891,125	1,938,403	1,986,863
Tax Titles - Deficits/Judgements	25,000	25,000	25,000	25,000	25,000
TOTAL EXPENDITURES	**260,537,877**	**270,283,065**	**285,438,466**	**296,052,288**	**306,840,686**
$$ Increase	10,139,820	9,745,188	15,155,401	10,613,821	10,788,399
% Increase	4.0%	3.7%	5.6%	3.7%	3.6%

	2017	2018	2019	2020	2021
CUMULATIVE SURPLUS/(DEFICIT)	0	(2,354,998)	(3,990,271)	(5,482,033)	(8,336,672)
DEFICIT AS A % OF OP REV	0.0%	-0.9%	-1.4%	-1.9%	-2.8%
Surplus / (Deficit) Prior to Collective Bargaining	2,810,000	515,002	(1,060,271)	(2,492,033)	(5,286,671)
Town Share of Surplus / (Deficit)	1,130,000	346,492	591,615	838,923	460,111
Town Collective Bargaining	1,130,000	1,150,000	1,180,000	1,200,000	1,230,000
Total Town Surplus / (Deficit)	(0)	(803,508)	(588,385)	(361,077)	(769,889)
School Share of Surplus / (Deficit)	1,680,000	168,510	(1,651,887)	(3,330,957)	(5,746,782)
School Collective Bargaining	1,680,000	1,720,000	1,750,000	1,790,000	1,820,000
Total School Surplus / (Deficit)	0	(1,551,490)	(3,401,887)	(5,120,957)	(7,566,782)

CAPITAL IMPROVEMENT PROGRAM (CIP)

Capital planning and budgeting is a critical undertaking for all government organizations and is central to the delivery of essential services and the quality of life for its residents. In fact, without a sound plan for long-term investment in infrastructure and equipment, the ability of local government to accomplish its goals is greatly hampered. Since FY 1995, the Town has invested more than $400 million in the CIP. These efforts, which have been supported by the Board of Selectmen, the Advisory Committee, Town Meeting, and, ultimately, the taxpayers of Brookline, have helped address the backlog of capital projects, have dramatically improved the Town's physical assets, and have helped yield savings in the Operating Budget through investment in technology and energy efficiency. However, the overcrowding situation in Brookline's public schools is a major capital issue that cannot be addressed solely within the general revenue available for the CIP. Since the projects necessary to address this issue are so expensive, this CIP assumes future proposals to seek voter approved "debt exclusions", which are temporary tax increases for the life of the debt incurred for these projects. Last year, a debt exclusion was approved for the replacement and enlargement of the Devotion School.

It was a challenge to develop a balanced CIP that continues to reflect the various priorities of the Town while simultaneously addressing the overcrowding issue in the schools. The number of students in Brookline's schools has been growing dramatically over the last 8 years. Over the last 5 years we have added an average of 207 students per year. Recent enrollment projection reports indicate this enrollment growth will continue with the K-8 enrollments projected to increase by 628 students through school year 2020/2021. The grade 9-12 enrollments are projected to increase by 603 students over that same time period. Over the last five years we have dealt with the need to add classrooms by leasing modular classrooms, building new classrooms, converting non-classroom space into classrooms, and renting space. Finding available school space to support this "expand in place" approach is becoming more difficult each year.

The recommended FY2017 – FY2022 CIP calls for an investment of $154.3 million, for an average of approximately $22 million per year and complies with the Town's CIP and Free Cash policies. This continues the Town's commitment to prevent the decline of its infrastructure, upgrade its facilities, improve its physical appearance, and invest in

opportunities that positively impact the Operating Budget. Over the last 10 years (FY06 - FY16), the Town has authorized expenditures of $323 million, for an average of nearly $29 million per year. These efforts have helped address a backlog of capital projects, have allowed for the creation of additional classroom spaces necessitated by the surge in enrollment, have dramatically improved the Town's physical assets, and have helped yield savings in the Operating Budget through investments in technology and energy efficiency.

This proposed $155.8M six-year CIP continues to provide funding for a portion of a High School Project ($35.1M) and includes funding for a feasibility study for a Major K-8 project (likely a 9th elementary school) and the High School. This CIP does not include funding beyond the feasibility study for a Major K-8 Project. Therefore, a Debt Exclusion Override is assumed for the remainder of what would be required at the High School and for the full cost of the K-8 project. In the meantime, this CIP includes $992,000 for various leases to accommodate classroom or related space in private buildings and for modular classroom space at the Baker School. As previously mentioned, these costs create very limited funding to modify smaller spaces within existing buildings.

$3.4 million is also included for major repairs at the Driscoll School. The funding will provide a new HVAC system (equipment, piping, ductwork and controls) and conversion of the boilers from steam to a forced hot water system. The work would be done over two years (primarily in the summer months) with phasing to allow the building to remain occupied.

Additional work has been identified at the Old Lincoln School. Now that the building will be used as a school for the foreseeable future, an upgrade is needed to the electrical system (the system was previously allowed to remain under "temporary use"). The plumbing system is also in need of an upgrade.

The funding plan for the High School has been adjusted after learning that the Town's formal request (Statement of Interest) for MSBA participation in the High School project was deferred for the current year. There is $35.1M of funding in FY2020 for a portion of a High School project. Any amount above the $35.1M Town share will have to be funded via a Debt Exclusion. In addition, $1.1M is included in FY2018 for the feasibility / schematic design portion of the project.

Even with the pressure placed on the CIP by the overcrowding issue, this recommended CIP continues the Town's commitment to public works projects, including upgrading its parks/playgrounds, streets/sidewalks, water/sewer infrastructure, and other areas. There is $25.1M of specific park projects included:

		Total	Prior Year (FY16)	FY2017 Amount	FY2018 Amount	FY2019 Amount	FY2020 Amount	FY2021 Amount	FY2022 Amount	Future Years Amount
Pierce Playground		980,000	980,000							
Brookline Ave Playground		890,000	890,000							
Emerson Garden Playground		830,000	60,000	770,000						
Corey Hill Playground		740,000	40,000	700,000						
Boylston St. Playground		1,180,000								1,180,000
Brookline Reservoir Park		2,340,000		140,000	2,200,000					
Harry Downes Field & Playground		990,000		80,000		910,000				
Murphy Playground		860,000			70,000	790,000				
Schick Playground		1,060,000					1,060,000			
Soule Athletic Fields		705,000					70,000	635,000		
Larz Anderson Park		8,400,000				2,700,000		2,200,000		3,500,000
Kraft Family Athl. Field Turf Repl.		1,070,000					90,000	980,000		
Heath School Playground Accessibility		1,030,000								1,030,000
Griggs Park		970,000								970,000
Robinson Playground		1,175,000					100,000	1,075,000		
Riverway Park		625,000								625,000
Cypress Playground/Athl. Field		1,760,000						140,000	1,620,000	
		25,605,000	1,970,000	1,690,000	2,270,000	4,400,000	1,320,000	5,030,000	1,620,000	7,305,000

There is also funding to replace the remaining 1,320 coin only single head parking meter mechanisms with smart credit card accepting parking meters. The impact on DPW's operating budget for data storage and credit card service charges is quite significant, so the recommendation is to implement over a five-year period. This will give the Town time to evaluate the impact of an anticipated pay-by-cell program and whether or not full implementation is needed given the convenience pay-by-cell technology provides.

The Water and Sewer Division has several major projects scheduled in FY2017. The Deputy Town Administrator met with the Finance Director and the Director of Water and Sewer to discuss the funding plans for improvements to Singletree Tank, the Singletree Gatehouse, the Stormwater system and Netherlands Road. They believe it is prudent to use fund balance to pay for long term liabilities and/or capital projects when above 5% of the budget. Fund balance at the end of last fiscal year was approximately 9%. It is recommended that Stormwater and Netherlands Road improvements ($490K total) be funded with retained earnings and that the work at Singletree Hill be funded via an interest-free MWRA loan.

A few years ago, a study was made of the conditions of the fire stations and what was needed to maintain the integrity of the floors and building in regard to the newer, larger fire equipment. The work outlined in the report included flooring, shoring, beams, columns, and structural work. The report also included recommendations for the HVAC systems, generators, lighting, life safety, and mechanical, electrical, plumbing (MEP), along with other peripheral systems. In FY12, $650,000 was appropriated to undertake the structural component. The next phase for implementation was the life safety component, which was funded between FY13 – FY15 ($890,000). The final phase (mechanical, electrical, plumbing) is included ($1.8 million) in this recommended CIP, starting with $350,000 in FY17.

This recommended CIP also addresses a long-standing need in the Fire Department: a modern fleet maintenance facility. The current maintenance facility is located in Station #1 and the shop is not large enough to allow access to many of the Department's vehicles,

leaving the mechanics no choice but to do repairs out in the street, the drill yard at Station #6, or on occasion inside another fire station. This is obviously unsafe when on the street and inefficient when working in locations away from the shop and all its tools and equipment. The limited size of the shop and its inability to house the apparatus leaves the Fire Department looking to costly outside repair venders more often than would be necessary if the Department had an adequate facility. The plan is to construct a new facility behind Station #6. In addition, the Fire Chief has expressed his desire to modernize the Department's training facility, which is located at Station #6. In FY15, $40,000 was appropriated for feasibility. In FY17, $4.5 million is included for design and construction.

The Town has an excellent fire apparatus rehab/replacement schedule that calls for rehabbing engines every 10 years and ladders every 12 years and for replacing front line engines every 17 years and front line ladder trucks every 20 years. Because of this policy, the Fire Department has an excellent and young stable of engines and ladders. This recommended CIP continues to follow the policy and replaces Tower #1 in FY17 ($800,000) and Engine #6 in FY19 ($660,000). It also includes $700,000 for rehabs.

The Gateway East/ Village Square Circulation Improvements Project is slated for FY2017 and involves reconfiguration of the existing circulation system in Brookline Village at Washington Street, Route 9, Walnut Street, High Street, and Pearl Street. Funding for the project is assumed to come from multiple sources:

	FY2016	FY2017	TOTAL
Federal Grant (via State TIP)		4,818,000	4,818,000
(1% Off-Site Improvements--2 Brookline Place)	750,000		750,000
SAFETEALU earmark		500,000	500,000
CDBG		250,000	250,000
CDBG (Section 108 Loan)		750,000	750,000
	750,000	6,318,000	7,068,000

The right-of-way acquisition costs are preliminary estimates. Under State statute, the Town may not discuss acquisition costs with property owners until we have an approved 25% design. Similarly, construction estimates are being revised since the project has been modified.

It should be noted that the Town previously sought and received Town Meeting authorization to utilize a Section 108 loan, which is a tool that can be used to undertake CDBG-eligible activities when a lump sum is needed to move a project forward. The Town may once again seek authorization from Town Meeting to secure a Section 108 loan as a funding source to pay for the acquisition of needed permanent and temporary right-of-way to accommodate the Gateway East project. Under a Section 108 loan, a community borrows against its future CDBG funds. Like a conventional loan, the Section 108 loan would have an amortization term, but instead of making payments, the Town's loan is paid back once per year off the top of its CDBG entitlement. The loan must be backed by the Town's full faith and credit.

Some of the major projects proposed in the CIP include:

- Parking Meter Technology Upgrade - $805,200 (FY17, FY18, FY20, FY21)
- BHS - $36.2 million of Town funding (FY18, FY20)
- Classroom Capacity - $6.37 million (FY17-22)
- Gateway East/Village Square - $7.1 million (FY17) - - all outside funding
- Larz Anderson - $4.9 million (FY19, FY21)
- Fire Fleet Maintenance / Training Facility - $4.5 million (FY17)
- Fire Sta. Renovations - $2.3 million (FY17-21)
- Brookline Reservoir Park - $2.3 million (FY17-18)
- Robinson Playground - $1.2 million (FY20-FY21)
- Cypress Playground - $1.8 million (FY22)

The CIP is ever evolving. Updates are made each year and new projects typically begin to emerge under the "future years" category. Given the "tightness" of the CIP, described earlier, unforeseen land acquisition opportunities in the near-term may require that the Town re-assess the current five-year funding plan. The Town's CIP process calls for thoughtful long-range planning, but the inherent nature of possible land acquisition timing may necessitate flexibility to act on a desired parcel of land that would serve the Town in the long-term. This could cause the Town to re-prioritize the projects currently programmed in the CIP or even a mid-year adjustment to the CIP.

CONCLUSION AND RECOMMENDATION

The Board would once again like to thank the Town Administrator, his staff and all of the department heads in preparing this Budget. We continue to be grateful for the quality of the Financial Plan, as it provides an outstanding and useful document for the Selectmen, Advisory Committee and Town Meeting, and creates transparency and confidence among the Town's citizenry and other stakeholders. Our independent Auditor has publicly acknowledged the quality of this document and we are proud to announce that the Town was awarded the Government Finance Officers Association's (GFOA) award for Excellence in Budget Presentation for the eleventh consecutive year.

We thank the Advisory Committee again for another excellent job on preparing and reviewing the Town's budget, paying particular attention to applying the Financial Policies that have guided Town budgeting over the past decade. The amount of time the Advisory Committee spent on reviewing the Financial Plan is simply remarkable. The willingness of the Advisory Committee, School Committee, this Board, and, ultimately Town Meeting, to work collaboratively throughout the budget process is a major reason why this community has been able to avoid a number of problems that other communities have had to address.

The Board recommends FAVORABLE ACTION by a vote of 5-0 taken on April 26, 2016 on the following vote:

VOTED: To approve the budget for fiscal year 2017 set forth in the attached Tables I and II; to appropriate the amounts set forth for such fiscal year in the departments and expenditure object classifications within departments, as set forth in Tables I and II, subject to the following conditions; to raise all sums so appropriated, unless other funding is provided herein; and to establish the following authorizations:

1.) TRANSFERS AMONG APPROPRIATIONS: Transfers between the total departmental appropriations separately set forth in Tables I and II shall be permitted by vote of Town Meeting or as otherwise provided by Massachusetts General Laws Chapter 44, Section 33B(b). Within each separate departmental appropriation, expenditures shall be restricted to the expenditure object classifications set forth in the recommendation of the Advisory Committee, and voted by the Town Meeting, for each department, subject to the following exceptions:

A) Expenditures within the appropriation for the School Department shall not be restricted.

B) The following transfers within the appropriations for each department (other than the School Department and the Library Department), shall be permitted only with the prior written approval of the Board of Selectmen and Advisory Committee:

i) Transfers from the appropriation for the capital outlay object classification to any other object classification.

ii) Transfers to the appropriation for the personal services object classification from any other object classification.

iii) Any transfer which has the effect of increasing the number of positions or the compensation for any position, exclusive of adjustments in wages and benefits voted separately by Town Meeting.

v) Transfers within the Department of Public Works from the Parks Division to any other purpose.

vi) Transfers within the Department of Public Works from the Snow and Ice budget to any other purpose.

C) Transfers within the Library Department appropriation shall be permitted with the approval of the Board of Library Trustees, and written notice of such approval shall be submitted promptly to the Advisory Committee, Town Administrator and Town Comptroller.

D) All other transfers within the total appropriation for a particular department shall be permitted with the written approval of the Town Administrator, subject to review and approval of the Board of Selectmen, and upon the condition that written notice of each such approval shall be submitted promptly to the Advisory Committee and Town Comptroller.

2.) PROCUREMENT CONTRACTS AND LEASES: The Chief Procurement Officer is authorized to lease, or lease with an option to purchase, any equipment or capital item funded within the FY2017 budget, and to solicit and award contracts for terms of not more than four years, provided that in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen.

3.) ALLOCATION OF SALARY ADJUSTMENTS: Appropriations for salary and wage adjustments (Item #21) shall be transferred by the Town Comptroller to the various affected departments within (60) days from the beginning of the fiscal year, or in the absence of duly approved collective bargaining agreements, within (60) days of the approval of the collective bargaining agreements by Town Meeting. The Board of Selectmen shall determine the salaries, which may include merit adjustments, for employees not included in any collective bargaining agreement.

Should a balance remain after the Town Comptroller has made the transfers specified herein, said balance shall be transferred by the Town Comptroller to a budget line entitled Personnel Services Reserve (Item #20), which shall be used to fund costs incurred over the course of the fiscal year pursuant to employee contracts and/or established personnel policies. The Town Comptroller shall include an accounting of all transfers made from this reserve in the Annual Financial Report.

4.) STIPENDS / SALARIES OF ELECTED OFFICIALS: The stipends of members of the Board of Selectmen shall be at the rate of $4,500 per year for the Chairman and at the rate of $3,500 per year for each of the other four members. The annual salary of the Town Clerk shall be at the rate of $105,859 effective July 1, 2016, plus any adjustment approved by vote of the Board of Selectmen. The Town Clerk shall pay all fees received by the Town Clerk by virtue of his office into the Town treasury for Town use.

5.) VACANT POSITIONS: No appropriation for salaries, wages, or other compensation shall be expended for any benefit-eligible position which has become vacant during the fiscal year unless the Board of Selectmen, at an official meeting, has determined that the filling of the vacancy is either essential to the proper operation of the Town or is required by law. This condition shall not apply to appropriations of the School Department.

6.) GOLF ENTERPRISE FUND: The following sums, totaling $1,522,831 shall be appropriated into the Golf Enterprise Fund, and may be expended under the direction of the Park and Recreation Commission, for the operation of the Golf Course:

Salaries	$536,311
Purchase of Services	$123,648
Supplies	$223,250
Other	$8,100
Utilities	$109,880
Capital	$86,420
Debt Service	$228,125
Reserve	$25,000
Total Appropriations	$1,340,734
Indirect Costs	$182,097
Total Costs	$1,522,831

Total costs of $1,522,312 to be funded from golf receipts with $182,097 to be reimbursed to the General Fund for indirect costs.

7.) **WATER AND SEWER ENTERPRISE FUND:** The following sums, totaling $28,985,259, shall be appropriated into the Water and Sewer Enterprise Fund, and may be expended under the direction of the Commissioner of Public Works for the Water and Sewer purposes as voted below:

	Water	Sewer	Total
Salaries	2,169,168	401,193	2,570,361
Purchase of Services	190,598	163,200	353,798
Supplies	102,020	21,000	123,020
Other	8,900	1,680	10,580
Utilities	92,054	0	92,054
Capital	774,800	172,000	946,800
Intergovernmental	7,172,743	13,081,960	20,254,703
Debt Service	616,047	1,673,844	2,289,891
Reserve	127,408	159,575	286,983
Total Appropriations	11,253,738	15,674,452	26,928,190
Indirect Costs	1,614,426	442,644	2,057,070
Total Costs	12,868,164	16,117,096	28,985,259

Total costs of $28,985,259 to be funded from water and sewer receipts with $2,057,070 to be reimbursed to the General Fund for indirect costs.

8.) **REVOLVING FUNDS:**

a.) The Park and Recreation Commission is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for special recreation programs and events. All receipts from said programs and events shall be credited to the fund. Annual expenditures from the fund shall not exceed $3,200,000.

b.) The Building Commissioner is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the repair and maintenance of the Town's rental properties, including all those listed in the vote under Article 13 of the Warrant for the 1999 Annual Town Meeting. All receipts from said rental properties shall be credited to the fund. Annual expenditures from the fund shall not exceed $150,000.

c.) The Commissioner of Public Works is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the construction and reconstruction, upkeep,

maintenance, repair and improvement of sidewalks and walkways along public streets and ways over, across and through town owned property. Annual expenditures from the fund shall not exceed $100,000.

d.) The Director of Planning and Community Development is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the Façade Improvement Loan Program. Annual expenditures from the fund shall not exceed $30,000.

9.) SCHOOLHOUSE MAINTENANCE AND REPAIR: The sum of $4,881,702, included within the Building Department appropriation for school building maintenance, shall be expended for School Plant repair and maintenance and not for any other purpose. The listing of work to be accomplished shall be established by the School Department. The feasibility and prioritization of the work to be accomplished under the school plant repair and maintenance budget shall be determined by the Superintendent of Schools and the Building Commissioner, or their designees.

10.) SNOW AND ICE BUDGET: The sum of $482,809, included within the Department of Public Works appropriation for snow and ice operations, shall be expended for snow and ice operations and not for any other purpose, unless transferred per the provisions of Section 1.B.vi of this Article.

11.) INTERFUND TRANSFERS: In order to fund the appropriations voted for the various departments itemized on Table 1, the Town Comptroller is authorized to make the following interfund transfers:

Parking Meter Special Revenue Fund [to the General Fund for the Department of Public Works - $2,575,000] [to the General Fund for the Police Department - $2,575,000]	$5,150,000
Cemetery Sales Special Revenue Fund [to the General Fund for the Department of Public Works]	$ 75,000
Recreation Revolving Fund [to the General Fund for benefits reimbursement]	$ 375,900

12.) BUDGETARY REPORTING: The Town Comptroller shall provide the Advisory Committee with a report on the budgetary condition of the Town as of September 30, December 31, March 31, and June 30, within 45 days of said dates. This financial report shall include a summary of the status of all annual and special appropriations voted in this article; a report on the status of all special appropriations voted in prior years which remain open at the reporting date; and a summary of the status of all revenues and inter-fund transfers which have been estimated to finance the appropriations voted under this article.

13.) SPECIAL APPROPRIATIONS: The appropriations set forth as items 34 through 67, inclusive, in Table 1 shall be specially appropriated for the following purposes. In addition,

with the exception of Items #64 - 67, they shall be transferred from the General Fund to the Revenue-Financed Capital Fund.

35. Raise and appropriate $300,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for making extraordinary repairs to the garages located on the grounds of the Town Hall complex, including but not limited to the driveway areas between the Pierce School and Town Hall.

36. Raise and appropriate $25,000, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen, for town furniture upgrades.

37. Raise and appropriate $275,000, to be expended under the direction of the Chief Information Officer, with any necessary contracts to be approved by the Board of Selectmen, for the enhancement of town-wide hardware and software.

38. Raise and appropriate $100,000, to be expended under the direction of the Department of Planning and Community Development, with any necessary contracts to be approved by the Board of Selectmen, for a major parcel study.

39. Raise and appropriate $670,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for making extraordinary repairs to Fire Stations.

40. Raise and appropriate $110,000, to be expended under the direction of the Library Trustees, with the approval of the Board of Selectmen, for furnishings at the libraries.

41. Raise and appropriate $110,000, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Library Trustees, for interior painting at the libraries.

42. ~~Raise and appropriate $36,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for bicycle access improvements.~~ VOTE HELD BY SELECTMEN

43. Raise and appropriate $161,040, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the purchase of parking meters.

44. Raise and appropriate $260,000, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the modernization of the Dean Road / Chestnut Hill Avenue traffic signal.

45. Raise and appropriate $1,630,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of streets, provided that there is prior

notification to the Board of Selectmen of any changes to pedestrian, bicycle, or motor vehicle traffic patterns or pavement markings.

46. Raise and appropriate $304,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of sidewalks.

47. Raise and appropriate $65,000, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the rehabilitation of Winthrop Path.

48. Raise and appropriate $140,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the design of the renovation of Brookline Reservoir Park.

49. Raise and appropriate $770,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovation of Emerson Garden Playground with the condition that no construction funds be expended before December 1, 2016.

50. Raise and appropriate $80,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the design of the renovation of Harry Downes Field & Playground.

51. Raise and appropriate $300,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.

52. Raise and appropriate $90,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of Town and School grounds.

53. Raise and appropriate $40,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the rehabilitation of comfort stations in parks and playgrounds.

54. Raise and appropriate $225,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.

55. Raise and appropriate $80,000, to be expended under the direction of the Chief Procurement Officer, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for school furniture upgrades.

56. Raise and appropriate $70,000, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for ADA renovations to Town and School facilities.

57. Raise and appropriate $275,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for improvements to elevators in Town and School facilities.

58. Raise and appropriate $170,000, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for energy conservation projects in Town and School facilities.

59. Raise and appropriate $175,000, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for upgrades to energy management systems in Town and School facilities.

60. Raise and appropriate $175,000, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.

61. Raise and appropriate $50,000, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for trash compactors at various schools.

62. Raise and appropriate $800,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for school expansion studies.

63. Raise and appropriate $350,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for remodeling, reconstructing, or making extraordinary repairs to the Old Lincoln School.

64. Raise and appropriate $1,038,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools.

65. Appropriate $800,000, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of a fire engine, and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow $800,000 under General Law, Chapter 44, Section 7 (3A), as amended, or pursuant to any other enabling authority.

66. Appropriate $4,500,000, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the construction of a fleet maintenance facility for the Fire Department and for renovations to the training facility located at Fire Station #6, and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow $4,500,000 under General Law, Chapter 44, Section 7 (3A), as amended, or pursuant to any other enabling authority.

67. Appropriate $700,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovation of Corey Hill Playground with the condition that no construction funds be expended before December 1, 2016, and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow $700,000 under General Law, Chapter 44, Section 7 (25), as amended, or pursuant to any other enabling authority.

68. Appropriate $2,100,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for building envelope / fenestration repairs to Town and School facilities, and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow $2,100,000 under General Law, Chapter 44, Section 7 (3A), as amended, or pursuant to any other enabling authority.

14.) **FREE CASH:** Appropriate and transfer $5,311,538 from free cash for the following purposes:

a.) Operating Budget Reserve Fund (MGL Chapter 40, Section 6) – $587,184;
b.) Liability/Catastrophe Fund (Chapter 66 of the Acts of 1998, as amended) – $144,322;
c.) Reduce the tax rate (Special Appropriations) – $3,523,105;
d.) Housing Trust Fund – $158,539.

FY17 BUDGET - TABLE 1 May, 2016

		FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
	REVENUES						
	Property Taxes	174,869,775	182,239,297	195,049,924	204,023,297	8,973,373	4.6%
	Local Receipts	25,522,496	25,847,019	23,568,685	23,836,698	268,013	1.1%
	State Aid	16,633,741	17,675,450	18,837,306	19,526,277	688,971	3.7%
	Free Cash	7,665,155	5,084,152	5,016,500	5,311,538	295,038	5.9%
	Overlay Surplus	0	2,100,000	0	0	0	-
	Other Available Funds	6,852,688	6,903,508	7,925,643	7,840,067	(85,576)	-1.1%
	TOTAL REVENUE	**231,543,855**	**239,849,426**	**250,398,058**	**260,537,877**	**10,139,819**	**4.0%**
	EXPENDITURES						
	DEPARTMENTAL EXPENDITURES						
	1 . Selectmen	670,358	685,876	675,810	677,893	2,083	0.3%
	2 . Human Resources	615,662	676,217	538,725	544,018	5,293	1.0%
	3 . Information Technology	1,705,110	1,783,823	1,825,979	1,888,165	62,186	3.4%
	4 Diversity, Inclusion, and Community Relations	0	177,539	198,077	201,144	3,067	1.5%
	5 . Finance Department	2,933,343	2,869,580	2,941,627	3,171,822	230,195	7.8%
	a. Comptroller	*536,293*	*551,138*	*574,670*	*582,201*	*7,531*	*1.3%*
	b. Purchasing	*636,616*	*667,116*	*665,955*	*651,983*	*(13,972)*	*-2.1%*
	c. Assessing	*654,772*	*664,015*	*674,651*	*676,454*	*1,803*	*0.3%*
	d. Treasurer	*1,105,661*	*987,311*	*1,026,350*	*1,261,184*	*234,833*	*22.9%*
	6 . Legal Services	888,936	889,316	846,116	955,774	109,658	13.0%
	7 . Advisory Committee	13,129	13,021	25,005	25,230	225	0.9%
	8 . Town Clerk	557,591	645,463	613,064	686,119	73,055	11.9%
	9 . Planning and Community Development	757,716	851,249	813,169	877,554	64,385	7.9%
	10 . Police	15,258,118	16,260,029	16,769,605	16,794,674	25,069	0.1%
	11 . Fire	12,886,490	12,960,394	12,935,851	13,014,196	78,345	0.6%
	12 . Building	7,163,183	7,029,407	7,410,771	7,523,922	113,151	1.5%
(1)	13 . Public Works	15,220,421	16,330,565	14,215,844	14,110,546	(105,298)	-0.7%
	a. Administration	*847,278*	*874,470*	*872,392*	*874,473*	*2,080*	*0.2%*
	b. Engineering/Transportation	*1,191,962*	*1,165,797*	*1,283,424*	*1,222,661*	*(60,763)*	*-4.7%*
	c. Highway	*4,644,618*	*4,872,841*	*4,808,439*	*4,908,444*	*100,004*	*2.1%*
	d. Sanitation	*2,988,704*	*2,858,581*	*3,092,724*	*2,996,227*	*(96,497)*	*-3.1%*
	e. Parks and Open Space	*3,552,206*	*3,322,096*	*3,661,556*	*3,625,933*	*(35,623)*	*-1.0%*
	f. Snow and Ice	*1,995,654*	*3,236,779*	*497,308*	*482,809*	*(14,500)*	*-2.9%*
	14 . Library	3,827,172	3,894,348	3,888,386	3,977,262	88,876	2.3%
	15 . Health and Human Services	1,280,036	1,184,308	1,159,971	1,162,496	2,524	0.2%
	16 . Veterans' Services	327,315	361,218	331,435	331,908	472	0.1%
	17 . Council on Aging	837,172	855,130	880,240	894,573	14,333	1.6%
	18 . Recreation	1,022,391	1,010,362	1,022,334	989,764	(32,570)	-3.2%
(2)	19 . Personnel Services Reserve	715,000	715,000	715,000	715,000	0	0.0%
(2)	20 . Collective Bargaining - Town	1,900,000	2,321,220	1,596,442	2,921,346	1,324,904	83.0%
	Subtotal Town	*68,579,144*	*71,514,067*	*69,403,452*	*71,463,405*	*2,059,953*	*3.0%*
	21 . *Schools*	*82,780,770*	*86,842,575*	*95,916,094*	*101,058,795*	*5,142,701*	*5.4%*
	TOTAL DEPARTMENTAL EXPENDITURES	**151,359,914**	**158,356,642**	**165,319,546**	**172,522,200**	**7,202,654**	
	NON-DEPARTMENTAL EXPENDITURES						
(1)	22 . Employee Benefits	49,570,654	50,474,515	54,064,860	56,848,195	2,783,335	5.1%
(3)	*a. Pensions*	*17,409,988*	*17,882,573*	*18,707,021*	*19,718,677*	*1,011,656*	*5.4%*

		FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
	b. Group Health	*24,090,743*	*25,110,830*	*27,484,720*	*29,042,056*	***1,557,335***	***5.7%***
	c. Health Reimbursement Account (HRA)	*55,880*	*49,478*	*70,000*	*0*	***(70,000)***	***-100.0%***
(3)	*d. Retiree Group Health Trust Fund (OPEB's)*	*3,514,360*	*3,311,860*	*3,499,119*	*3,774,838*	***275,719***	***7.9%***
	e. Employee Assistance Program (EAP)	*24,900*	*24,900*	*28,000*	*28,000*	***0***	***0.0%***
	f. Group Life	*137,555*	*132,666*	*145,000*	*145,000*	***0***	***0.0%***
	g. Disability Insurance	*12,367*	*10,221*	*16,000*	*16,000*	***0***	***0.0%***
(3)	*h. Worker's Compensation*	*1,720,000*	*1,450,000*	*1,550,000*	*1,450,000*	***(100,000)***	***-6.5%***
(3)	*i. Public Safety IOD Medical Expenses*	*400,000*	*300,575*	*250,000*	*250,000*	***0***	***0.0%***
(3)	*j. Unemployment Compensation*	*450,000*	*325,000*	*300,000*	*300,000*	***0***	***0.0%***
	k. Medical Disabilities	*20,543*	*18,565*	*40,000*	*40,000*	***0***	***0.0%***
	l. Medicare Coverage	*1,734,318*	*1,857,847*	*1,975,000*	*2,083,625*	***108,625***	***5.5%***
(2)	23 . Reserve Fund	1,615,626	1,718,000	2,200,198	2,348,737	**148,539**	**6.8%**
	24 Stabilization Fund	250,000	0	0	144,322	**144,322**	
	25 Affordable Housing	555,106	170,390	163,078	158,539	**(4,539)**	**-2.8%**
	26 . Liability/Catastrophe Fund	154,115	234,839	78,969	0	**(78,969)**	**-100.0%**
	27 . General Insurance	325,017	332,137	382,645	394,148	**11,503**	**3.0%**
	28 . Audit/Professional Services	115,649	81,500	130,000	137,000	**7,000**	**5.4%**
	29 . Contingency Fund	13,377	10,528	15,000	15,000	**0**	**0.0%**
	30 . Out-of-State Travel	2,704	2,253	3,000	3,000	**0**	**0.0%**
	31 . Printing of Warrants & Reports	27,190	28,046	35,000	35,000	**0**	**0.0%**
	32 . MMA Dues	11,516	11,746	12,278	12,585	**306**	**2.5%**
	Subtotal General	*3,070,300*	*2,589,439*	*3,020,169*	*3,248,330*	***228,162***	***7.6%***
(1)	33 . Borrowing	9,304,647	9,403,333	9,478,591	10,742,938	**1,264,347**	**13.3%**
	a. Funded Debt - Principal	*7,209,938*	*7,196,544*	*7,183,044*	*7,923,973*	***740,929***	***10.3%***
	b. Funded Debt - Interest	*2,083,707*	*2,193,256*	*2,135,547*	*2,658,965*	***523,418***	***24.5%***
	c. Bond Anticipation Notes	*4,225*	*0*	*100,000*	*100,000*	***0***	***0.0%***
	d. Abatement Interest and Refunds	*6,777*	*13,533*	*60,000*	*60,000*	***0***	***0.0%***
	TOTAL NON-DEPARTMENTAL EXPENDITURES	**61,945,601**	**62,467,287**	**66,563,620**	**70,839,464**	**4,275,844**	**6.4%**
	TOTAL GENERAL APPROPRIATIONS	**213,305,515**	**220,823,929**	**231,883,166**	**243,361,664**	**11,478,500**	**5.0%**
	SPECIAL APPROPRIATIONS						
	34 . Parking Garage Town Hall/Pierce Phase 4 (revenue financed)				300,000		
	35 . Town Building Furniture (revenue financed)				25,000		
	36 . Technology Applications (revenue financed)				275,000		
	37 . Major Parcel Study (revenue financed)				100,000		
	38 . Fire Station Renovations (revenue financed)				670,000		
	39 . Library Furnishings (revenue financed)				110,000		
	40 . Library Interior Painting (revenue financed)				110,000		
	41 . Bicycle Access Improvements (revenue financed)				held		
	42 . Parking Meter Technology Upgrade (revenue financed)				161,040		
	43 . Dean / Chestnut Hill Avenue Signal (revenue financed)				260,000		
	44 . Street Rehabilitation (revenue financed)				1,630,000		
	45 . Sidewalk Repair/Reconstruction (revenue financed)				304,000		
	46 . Winthrop Path Rehabilitation (revenue financed)				65,000		
	47 . Brookline Reservoir Park - Design (revenue financed)				140,000		
	48 . Emerson Garden Playground (revenue financed)				770,000		
	49 . Harry Downes Field & Playground - Design (revenue financed)				80,000		
	50 . Playground Equipment, Fields, Fencing (revenue financed)				300,000		

		FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
	51 . Town/School Grounds Rehab (revenue financed)				90,000		
	52 . Comfort Stations (revenue financed)				40,000		
	53 . Tree Removal and Replacement (revenue financed)				225,000		
	54 . School Furniture Upgrades (revenue financed)				80,000		
	55 . Town/School ADA Renovations (revenue financed)				70,000		
	56 . Town/School Elevator Renovations (revenue financed)				275,000		
	57 . Town/School Energy Conservation Projects (revenue financed)				170,000		
	58 . Town/School Energy Management Systems (revenue financed)				175,000		
	59 . Town/School Building Security / Life Safety (revenue financed)				175,000		
	60 . Town/School Compactor Replacements (revenue financed)				50,000		
	61 . School Feasibility studies - K-8 and High School (revenue financed)				800,000		
	62 . Old Lincoln School Modifications (revenue financed)				350,000		
	63 . Classroom Capacity (revenue financed)				1,038,000		
	64 . Tower #1 Replacement (bond)				800,000		
	65 . Fire Training & Maintenance Facility (bond)				4,500,000		
	66 . Corey Hill Park (bond)				700,000		
	67 . Town/School Bldg Envelope/Fenestration Repairs (bond)				2,100,000		
(4)	**TOTAL REVENUE-FINANCED SPECIAL APPROPRIATIONS**	**8,581,000**	**9,415,000**	**10,113,000**	**8,838,040**	**(1,274,960)**	**-12.6%**
	TOTAL APPROPRIATED EXPENDITURES	**221,886,515**	**230,238,929**	**241,996,166**	**252,199,704**	**10,203,537**	**4.2%**
	NON-APPROPRIATED EXPENDITURES						
	Cherry Sheet Offsets	111,026	126,443	91,451	89,866		
	State & County Charges	6,196,321	6,201,536	6,319,715	6,387,305		
	Overlay	1,726,503	2,080,721	1,965,726	1,800,000		
	Deficits-Judgments-Tax Titles	3,049	25,000	25,000	25,000		
	TOTAL NON-APPROPRIATED EXPEND.	**8,036,899**	**8,433,700**	**8,401,892**	**8,302,171**	**(99,721)**	**-1.2%**
	TOTAL EXPENDITURES	**229,923,414**	**238,672,629**	**250,398,058**	**260,501,875**	**10,103,816**	**4.0%**
	SURPLUS/(DEFICIT)	**1,620,440**	**1,176,796**	**0**	**36,000**		

(1) Breakdown provided for informational purposes.
(2) Figures provided for informational purposes. Funds were transferred to departmental budgets for expenditure.
(3) Funds are transferred to trust funds for expenditure.
(4) Amounts appropriated. Bonded appropriations are not included in the total amount, as the debt and interest costs associated with them are funded in the Borrowing category (item #33).

Department/Board/Commission	Personnel Services/ Benefits	Purchase of Services	Supplies	Other Charges/ Expenses	Utilities	Capital Outlay	Inter-Govt'al	Debt Service	Agency Total
Board of Selectmen (Town Administrator)	647,988	6,100	4,000	17,600		2,205			677,893
Human Resources Department (Human Resources Director)	301,669	200,709	9,000	31,000		1,640			544,018
Information Technology Department (Chief Information Officer)	1,102,893	516,272	10,350	17,550		241,100			1,888,165
Diversity, Inclusion, and Community Relations (Director)	171,122	20,000	9,000	150		873			201,144
Finance Department (Director of Finance)	2,157,620	933,603	50,310	20,957	1,332	8,000			3,171,822
Legal Services (Town Counsel)	606,965	230,309	3,500	112,000		3,000			955,774
Advisory Committee (Chair, Advisory Committee)	22,090		2,275	570		295			25,230
Town Clerk (Town Clerk)	557,692	106,172	18,525	2,450		1,280			686,119
Planning and Community Department (Plan. & Com. Dev. Dir.)	840,898	19,193	9,712	4,550		3,200			877,553
Police Department (Police Chief)	15,220,611	555,403	217,250	69,000	284,766	447,644			16,794,674
Fire Department (Fire Chief)	12,254,575	162,740	167,488	31,350	197,266	200,777			13,014,196
Public Buildings Department (Building Commissioner)	2,326,100	2,308,264	32,250	10,400	2,717,208	129,700			7,523,922
Public Works Department (Commissioner of Public Works)	7,684,138	3,375,098	920,750	53,500	1,065,956	991,104	20,000		14,110,546
Public Library Department (Library Board of Trustees)	2,860,942	185,841	583,490	4,700	316,289	26,000			3,977,262
Health & Human Services Department (Health & Human Svcs Dir)	896,317	202,087	15,100	4,120	40,852	4,020			1,162,496
Veterans' Services (Veterans' Services Director)	164,275	2,538	650	163,935		510			331,908
Council on Aging (Council on Aging Director)	752,155	44,083	19,763	2,900	69,472	6,200			894,573
Recreation Department (Recreation Director)	710,662	23,037	86,480	12,400	153,165	4,020			989,764
School Department (School Committee)									101,058,795
Total Departmental Budgets	**49,278,713**	**8,891,449**	**2,159,893**	**559,132**	**4,846,306**	**2,071,568**	**20,000**		**168,885,855**
DEBT SERVICE									
Debt Service (Director of Finance)								10,742,938	10,742,938
Total Debt Service								**10,742,938**	**10,742,938**
EMPLOYEE BENEFITS									
Contributory Pensions Contribution (Director of Finance)	19,623,677								19,623,677
Non-Contributory Pensions Contribution (Director of Finance)	95,000								95,000
Group Health Insurance (Human Resources Director)	29,042,056								29,042,056
Health Reimbursement Account (HRA) (Human Resources Director)									
Retiree Group Health Insurance - OPEB's (Director of Finance)	3,774,838								3,774,838
Employee Assistance Program (Human Resources Director)	28,000								28,000
Group Life Insurance (Human Resources Director)	145,000								145,000
Disability Insurance	16,000								16,000
Workers' Compensation (Human Resources Director)	1,450,000								1,450,000
Public Safety IOD Medical Expenses (Human Resources Director)	250,000								250,000
Unemployment Insurance (Human Resources Director)	300,000								300,000
Ch. 41, Sec. 100B Medical Benefits (Town Counsel)	40,000								40,000
Medicare Payroll Tax (Director of Finance)	2,083,625								2,083,625
Total Employee Benefits	**53,790,574**								**56,848,195**
GENERAL / UNCLASSIFIED									
Reserve Fund (*) (Chair, Advisory Committee)				2,348,737					2,348,737
Liability/Catastrophe Fund (Director of Finance)				144,322					144,322
Housing Trust Fund (Planning & Community Develpoment Dir.)				158,539					158,539
General Insurance (Town Administrator)		394,148							394,148
Audit/Professional Services (Director of Finance)		137,000							137,000
Contingency (Town Administrator)				15,000					15,000
Out of State Travel (Town Administrator)		3,000							3,000
Printing of Warrants (Town Administrator)	15,000	10,000	10,000						35,000
MMA Dues (Town Administrator)				12,585					12,585
Town Salary Reserve (*) (Director of Finance)	2,921,346								2,921,346
Personnel Services Reserve (*) (Director of Finance)	715,000								715,000
Total General / Unclassified	**3,651,346**	**544,148**	**10,000**	**2,679,182**					**6,884,676**
TOTAL GENERAL APPROPRIATIONS	**106,720,633**	**9,435,597**	**2,169,893**	**3,238,314**	**4,846,306**	**2,071,568**	**20,000**	**10,742,938**	**243,361,664**

(*) NO EXPENDITURES AUTHORIZED DIRECTLY AGAINST THESE APPROPRIATIONS. FUNDS TO BE TRANSFERRED AND EXPENDED IN APPROPRIATE DEPT.

TOWN OF BROOKLINE'S FISCAL POLICIES
Adopted by the Board of Selectmen on June 28, 2011

FREE CASH POLICIES

Free Cash shall not be used for Operating Budget purposes. It shall be utilized in the following manner and order:

1. Appropriated Budget Reserve – an amount equivalent to 0.25% of the prior year's net revenue shall be appropriated as part of the Town's 1% Appropriated Budget Reserve Fund, as allowed for under MGL Chapter 40, Section 6 and as described in the Town's Reserve Policies.

2. Unreserved Fund Balance / Stabilization Fund – Free Cash shall be used to maintain an Unreserved Fund Balance plus Stabilization Fund in an amount equivalent to no less than 10% of revenue, as defined in the Town's Audited Financial Statements, with a goal of 12.5%, as described in the Town's Reserve Policies. If the Stabilization Fund were drawn down in the immediate prior fiscal year, then an allocation shall be made to the Fund in an amount at least equivalent to the draw down of the immediate prior fiscal year.

3. Liability / Catastrophe Fund – to the extent necessary, Free Cash shall be used to reach the funding target of the Town's Liability / Catastrophe Fund, as described in the Town's Reserve Policies.

4. Capital Improvement Program (CIP) – remaining Free Cash shall be dedicated to the CIP so that total CIP funding as a percent of the prior year's net revenue is not less than 7.5%, to the extent made possible by available levels of Free Cash.

5. Affordable Housing Trust Fund (AHTF) – in order to support the Town's efforts toward creating and maintaining affordable housing, 15% of remaining Free Cash shall be appropriated into the AHTF if the unreserved fund balance in the AHTF, as calculated in the Town's financial system, is less than $5 million.

6. Special Use – remaining Free Cash may be used to augment the trust funds related to fringe benefits, unfunded liabilities related to employee benefits, including pensions and Other Post-Employment Benefits (OPEB's), and other one-time uses, including additional funding for the CIP and AHTF.

RESERVE POLICIES

The establishment and maintenance of adequate financial reserves provide the Town of Brookline with financial flexibility and security and is recognized as an important factor considered by bond rating agencies, the underwriting community and other stakeholders. The Town shall maintain the following general, special, and strategic reserve funds:

- **Budget Reserve** – to respond to extraordinary and unforeseen financial obligations, an annual budget reserve shall be established under the provisions of MGL Chapter 40, Section 6. The funding level shall be an amount equivalent to 1% of the prior year's net revenue, maintained in the manner set out below. Any unexpended balance at the end of the fiscal year must go toward the calculation of free cash; no fund balance is maintained.

    - Funding from Property Tax Levy – an amount equivalent to 0.75% of the prior year's net revenue shall be allocated from the Property Tax levy to the Appropriated Budget Reserve.
    - Funding from Free Cash – an amount equivalent to 0.25% of the prior year's net revenue shall be allocated from Free Cash, per the Town's Free Cash Policies, to the Appropriated Budget Reserve.

- **Unreserved Fund Balance / Stabilization Fund** – the Town shall maintain an Unreserved Fund Balance plus Stabilization Fund in an amount equivalent to no less than 10% of revenue, as defined in the Town's Audited Financial Statements, with a goal of 12.5%. If the balance falls below 10% at the end of the fiscal year, then Free Cash shall be used to bring the amount up to 10%, as described in the Free Cash Policy, as part of the ensuing fiscal year's budget. The Stabilization Fund shall be established under the provisions of MGL Chapter 40, Section 5B.

1. The Stabilization Fund may only be used under the following circumstances:
    a. to fund capital projects, on a pay-as-you-go basis, when available Free Cash drops below $2 million in any year; and/or
    b. to support the operating budget when Net Revenue, as defined in the CIP policies, increases less than 3% from the prior fiscal year.

2. The level of use of the Stabilization Fund shall be limited to the following:
    a. when funding capital projects, on a pay-as-you-go basis under #1a. above, no more than $1 million may be drawn down from the fund in any fiscal year. The maximum draw down over any three year period shall not exceed $2.5 million.
    b. when supporting the operating budget under #1b. above, the amount drawn down from the fund shall be equal to the amount necessary to bring the year-over-year increase in the Town's prior year net revenue to 3%, or $1 million, whichever is less. The maximum draw down over any three year period shall not exceed $2.5 million.

3. In order to replenish the Stabilization Fund if used, in the year immediately following any draw down, an amount at least equivalent to the draw down shall be deposited into the fund. Said funding shall come from Free Cash.

- **Liability / Catastrophe Fund** – established by Chapter 66 of the Acts of 1998, and amended by Chapter 137 of the Acts of 2001, this fund shall be maintained in order to protect the community against major facility disaster and/or a substantial negative financial impact of litigation. The uses of and procedures for accessing the fund are described in the above referenced special act. The target fund balance is 1% of the prior year's net revenue and funding shall come from available Free Cash and other one-time revenues.

- **Overlay Reserve** – established per the requirements of MGL Chapter 59, Section 25, the Overlay is used as a reserve, under the direction of the Board of Assessors, to fund property tax exemptions and abatements resulting from adjustments in valuation. The Board of Selectmen shall, at the conclusion of each fiscal year, require the Board of Assessors to submit an update of the Overlay reserve for each fiscal year, including, but not limited to, the current balances, amounts of potential abatements, and any transfers between accounts. If the balance of any fiscal year overlay exceeds the amount of potential abatements, the Board of Selectmen may request the Board of Assessors to declare those balances surplus, for use in the Town's Capital Improvement Plan (CIP) or for any other one-time expense.

CAPITAL IMPROVEMENT PROGRAM (CIP) POLICIES

Planning, budgeting and financing for the replacement, repair and acquisition of capital assets is a critical component of the Town of Brookline's financial system. Prudent planning and funding of its capital infrastructure ensures that the Town can continue to provide quality public services in a financially sound manner. The development of a Capital Improvement Program (CIP) is the mechanism that the Town uses to identify projects, prioritize funding and create a long-term financial plan that can be achieved within the limitations of the Town's budget.

Definition of a CIP Project

A capital improvement project is any project that improves or adds to the Town's infrastructure, has a substantial useful life, and costs $25,000 or more, regardless of funding source. Examples of capital projects include the following:

. Construction of new buildings
. Major renovation of or additions to existing buildings
. Land acquisition or major land improvements
. Street reconstruction and resurfacing

. Sanitary sewer and storm drain construction and rehabilitation
. Water system construction and rehabilitation
. Major equipment acquisition and refurbishment
. Planning, feasibility studies, and design for potential capital projects

Evaluation of CIP Projects

The capital improvement program shall include those projects that will preserve and provide, in the most efficient manner, the infrastructure necessary to achieve the highest level of public services and quality of life possible within the available financial resources.

Only those projects that have gone through the CIP review process shall be included in the CIP. The CIP shall be developed in concert with the operating budget and shall be in conformance with the Board's CIP financing policy. No project, regardless of the funding source, shall be included in the CIP unless it meets an identified capital need of the Town and is in conformance with this policy.

Capital improvement projects shall be thoroughly evaluated and prioritized using the criteria set forth below. Priority will be given to projects that preserve essential infrastructure. Expansion of the capital plan (buildings, facilities, and equipment) must be necessary to meet a critical service. Consideration shall be given to the distributional effects of a project and the qualitative impact on services, as well as the level of disruption and inconvenience.

The evaluation criteria shall include the following:

- Eliminates a proven or obvious hazard to public health and safety
- Required by legislation or action of other governmental jurisdictions
- Supports adopted plans, goals, objectives, and policies
- Reduces or stabilizes operating costs
- Prolongs the functional life of a capital asset of the Town by five years or more
- Replaces a clearly obsolete facility or maintains and makes better use of an existing facility
- Prevents a substantial reduction in an existing standard of service
- Directly benefits the Town's economic base by increasing property values
- Provides new programs having social, cultural, historic, environmental, economic, or aesthetic value
- Utilizes outside financing sources such as grants

CIP Financing Policies

An important commitment is to providing the funds necessary to fully address the Town's capital improvement needs in a fiscally prudent manner. It is recognized that a balance must be maintained between operating and capital budgets so as to meet the needs of both to the maximum extent possible.

For the purposes of these policies, the following definitions apply:

- Net Operating Revenue - Gross revenues, less net debt exclusion funds, enterprise (self-supporting) operations funds, free cash, grants, transfers from other non-recurring non-general funds, and non-appropriated costs.
- Net Direct Debt (and Debt Service) - Gross costs from local debt, less Prop 2 1/2 debt exclusion amounts and amounts from enterprise operations.
- Net Tax-Financed CIP - Gross amount of appropriations for capital improvements from current revenues, less amounts for enterprise operations, grants, free cash, transfers, and non-recurring special revenue funds.

The capital improvements program shall be prepared and financed in accordance with the following policies:

OUTSIDE FUNDING
State and/or federal grant funding shall be pursued and used to finance the capital budget wherever possible.

ENTERPRISE OPERATIONS - SELF SUPPORTING
Capital projects for enterprise operations shall be financed from enterprise revenues solely.

CIP BUDGET ALLOCATIONS - 6% OF NET REVENUES
Total net direct debt service and net tax-financed CIP shall be maintained at a level equivalent to 6% of prior year net operating revenues.

- TAX FINANCED ALLOCATION - 1.5% OF NET REVENUES
  Net tax-financed capital expenditures shall be maintained at a target level equivalent to 1.5% of prior year net operating revenues.

- DEBT-FINANCED ALLOCATION - 4.5% OF NET REVENUES
  Net direct debt service shall be maintained at a target equivalent to 4.5% of prior year net operating revenues.

DEBT MANAGEMENT POLICIES
Debt financing of capital projects shall be utilized in accordance with the following policies:

- Debt financing for projects supported by General Fund revenue shall be reserved for capital projects and expenditures which either cost in excess of $250,000 or have an anticipated life span of five years or more, or are expected to prolong the useful life of a capital asset by five years or more. For projects supported by Enterprise Fund revenue, debt financing shall be reserved for capital projects and expenditures that cost in excess of $100,000.

- Bond maturities shall not exceed the anticipated useful life of the capital project being financed. Except for major buildings and water and sewer

projects, bond maturities shall be limited to no more than ten years.

- Bond maturities shall be maintained so that at least 60% of the outstanding net direct debt (principal) shall mature within 10 years.

- Total outstanding general obligation debt shall not exceed 2.5% of the total assessed value of property.

- Total outstanding general obligation debt per capita shall not exceed $2,385, which reflects $2,000 inflated annually since July 1, 2004. This amount shall continue to be adjusted annually by the consumer price index (CPI) for all urban consumers (northeast region all items).

- Total outstanding general obligation debt per capita shall not exceed 6% of per capita income, as defined by the Census Bureau of the U.S. Department of Commerce.

FREE CASH

After using free cash in accordance with the Town's free cash policy, available free cash shall be used to supplement the CIP so that total CIP funding as a percent of the prior year's net revenue is not less than 7.5%, to the extent made possible by levels of available free cash.

UNFUNDED LIABILITIES POLICY

Defined as "the actuarial calculation of the value of future benefits payable less the net assets of the fund at a given balance date", unfunded liabilities represent a significant financial obligation for all levels of government across the country. In Brookline and other Massachusetts municipalities, the two primary unfunded liabilities are for Pensions and Other Post-Employment Benefits (OPEB's).

- Pensions – the Contributory Retirement System is a defined benefit program that is governed by Massachusetts General Laws, Ch. 32 and is regulated by the Public Employee Retirement Administration Commission (PERAC), a State entity responsible for the oversight, guidance, monitoring, and regulation of Massachusetts' 105 public pension systems. Funding for this system covers the costs of employees who are part of the Town's retirement system, which does not include teachers, as their pensions are funded by the State.

  In accordance with State law, PERAC regulations and government accounting standards, the Town contracts for an actuarial valuation of the retirement system to quantify the unfunded liability on a biennial basis. Under current State law, the Town then establishes a funding schedule to fully-fund this liability by 2040. The Town shall continue to fund this liability in the most fiscally prudent manner, recognizing

the fact that the adoption of a funding schedule is, by law, the responsibility of the local retirement board.

- OPEB's – these consist primarily of the costs associated with providing health insurance for retirees and their spouses. The Government Accounting Standards Board (GASB) issued Statements No. 43 and No. 45 in 2004 to address the OPEB issue. GASB 43 required the accrual of liabilities of OPEB generally over the working career of plan members rather than the recognition of pay-as-you-go contributions, while GASB 45 required the accrual of the OPEB expense over the same period of time. The reporting requirements of GASB 43 and 45 include disclosures and schedules providing actuarially determined values related to the funded status of the OPEB. This requires that the accrued liabilities be determined by a qualified actuary using acceptable actuarial methods.

  While there is currently no legal requirement to fund OPEB's, the Town shall continue to follow its plan to move toward fully-funding the Annual Required Contribution (ARC), ultimately developing a funding schedule that fully-funds OPEB's according to a schedule similar to the pension funding schedule. This plan should continue to include annual increases in the portion of the appropriation supported by General Fund revenues. It should also include using the "run-off" from the pension system once that system is fully-funded. In order to determine the funding schedule, the Town shall continue its current practice of having an independent actuary prepare biennial valuations, which is in compliance with GASB's requirement.

ADVISORY COMMITTEE'S RECOMMENDATION

The Advisory Committee has reviewed the proposed appropriations for FY2017 and has conducted public hearings with the heads of every Town department and with the leadership of the Public Schools of Brookline. We are pleased to present this report to Town Meeting and to unanimously recommend FAVORABLE ACTION on the FY2017 budget for the Town of Brookline. We thank everyone who assisted in this year's budget process, including the Board of Selectmen, Town Administrator, Deputy Town Administrator, School Committee, central administration of the Public Schools of Brookline, and department heads. More detailed thanks appear below, immediately before the Committee's recommended vote.

OVERVIEW

The FY2017 budget represents a continuation of recent trends. With the additional revenues from the May 2015 override, the Public Schools of Brookline are able to increase spending to keep pace with growing enrollment. Most Town departments continue to offer the same level of services without significantly higher budgets, but it has been possible to fund a few new initiatives. Brookline continues to make prudent provision for many of its long-term needs and obligations.

Brookline will, however, face renewed fiscal challenges in the near future. Financing a 9th elementary school and a high school project will require significant borrowing and debt exclusion overrides. School enrollment growth may continue, putting additional pressure on the school budget. Expenditures related to collective bargaining, pension funding, and group health may increase faster than the growth in revenue. The Town may confront a choice between cutting popular and important programs and seeking an additional General Override to fund operating expenses for Town departments and the schools. How we face these challenges and make these choices will be a reflection of what we value as a community.

BUDGET BASICS: FY2017 REVENUES AND EXPENDITURES

Revenues

Projected revenues for FY2017 will increase by 4.0% over FY2016, compared to a projected increase of 6.1% from FY2015 to FY2016. The percentage increase is lower than last year, because most of the higher property tax revenues made possible by the May 2015 override were added to the FY2016 budget. For FY2017, $1,465,000 in remaining override funds are part of the increase in revenues.

Brookline's revenue from property taxes will increase by 4.6% in FY2017, compared to 6.9% in FY2016. Property taxes remain the greatest contributor to our revenues, representing 78% of total revenue. Even without the additional revenue raised by overrides, property tax revenue increases faster than the 2.5% implied by the name of Proposition 2½, because new growth generates additional taxes.

In FY2017, State Aid accounts for $19.5 million of Brookline's revenue, a 3.7% increase over FY2016. After being cut deeply in the years following the 2008 financial crisis and recession, Brookline's state aid has been climbing healthily in recent years.

Local Receipts are projected to increase by 1.1% to $23.8 million. This revenue comes from motor vehicle excise taxes, hotel and meals taxes building permit fees, fees for other licenses and permits, the refuse fee, payments in lieu of taxes (PILOTs), and parking fines. Revenue in most of these categories has been increasing slowly or not at all in recent years, partly because fees (e.g. the refuse fee) have not been increased. A small amount reflects interest income, which remains low due to continued low interest rates.

Free Cash is the result of previous revenues exceeding estimates and/or expenditures coming in below appropriations. For FY2017, State-certified Free Cash is $7.8 million, but the amount available for appropriation is only $5.3 million, a 5.9% increase compared to FY2016. Why is only $5.3 million available for the FY2017 budget? The fiscal policies that Brookline has followed in recent years call for maintaining an unrestricted fund balance of at least 10% of annual revenue, with a goal of 12.5%. Bond-rating agencies have expressed concern about the low levels (as a percentage of annual revenue) of Brookline's undesignated fund balance, although Brookline retains its Aaa/AAA bond rating. To ensure that Brookline's bond rating remains high, $2.5 million of the Free Cash will be left unappropriated, in order to improve the Town's undesignated fund balance. This leaves just over $5.3 million of Free Cash available for appropriation. In accordance with fiscal policies, some of this Free Cash is allocated to the Liability/Catastrophe Fund ($144,322), the Housing Trust Fund ($158,539), and the Operating Budget Reserve Fund ($587,184), and the remaining $4.4M million of Free Cash is available to our Capital Improvements Program.

The Town's revenues also include a category called "Other Available Funds." This category includes parking meter receipts (which are not included in "Local Receipts"), Walnut Hills Cemetery funds, state aid for libraries, Golf Enterprise Fund reimbursement, Recreation Revolving Fund reimbursement, Water and Sewer Enterprise Fund reimbursement, Tax Abatement Reserve surplus, capital project surplus, and the proceeds from the sale of Town-owned land. The reimbursements from the revolving funds are primarily to cover the cost of fringe benefits received by employees whose salaries are charged to those funds.

The FY2017 revenue from Other Available funds will decline slightly compared to FY2016, from $7.9 million to $7.8 million. This decline primarily reflects the fact that there was a large capital project surplus of $1,030,000 in FY2016. This amount represented the unexpended balance from previously appropriate capital projects. It was used to help fund the FY2016 Capital Improvements Program. No such surplus exists this year, but planned increases in parking meter rates—from $1.00/hour to $1.25/hour—are expected to increase revenues by $850,000.

All revenue sources combined produce a total of $260.5 million, a 4.0% increase in total revenue, compared to the 6.1% increase from FY2015 to FY2016, the first year in which revenue was received as a result of the May 2015 override. Some of this General Fund revenue must be deducted for Non-Appropriated Expenses: State/County charges—primarily the Norfolk County and MBTA assessments—of $6.4 million, "Cherry Sheet" offsets of

$89,866, and the Tax Abatement Overlay of $1.8 million. This leaves us with a total of $252 million available for appropriation.

Expenditures

On the expenditure side of the ledger, departmental expenditures (68% of total general expenditures) increase from a budgeted amount of $165.3 million in FY2016 to $172.5 million in FY2017—a 4.4% increase. Most of the increase is in the Schools appropriation, which climbs by 5.4% to $101,058,795, an increase of over $5 million. (As discussed below, total school spending is higher than this amount, because the schools receive additional funding from grants and other sources that are not appropriated by Town Meeting, and some school-related spending is not reflected in the Schools budget.) Spending for Town departments rises approximately 2.5%. Non-Departmental expenditures increase by 6.4% to $70.8 million. Unlike in previous years, this increase is not entirely attributable to the growth in Employee Benefits, which will grow by 5.1% in FY2017. Debt Service will increase from $9.5 million in FY2016 to $10.7 million in FY2017, an increase of 13.3%, which reflects borrowing to finance the Devotion School project. Additionally, there are revenue-financed Special Appropriations (Capital Improvements Program, generally referred to as the CIP) of $8.9 million, down by 12.3% compared to FY2016. (The amount budgeted for the CIP only includes revenue-financed projects. The cost of CIP items funded by borrowing is reflected in the amount budgeted for debt service. These large expenses are spread out over many years, even though they are voted on as part of the annual budget.)

There are also the Non-Appropriated expenses of $8.3 million as mentioned above.

FY2017 Revenues and Expenditures

Revenues

	$	% change
Property Tax	204,023,297	4.6
Local Receipts	23,836,698	1.1
State Aid	19,526,277	3.7
Free Cash	5,311,538	5.9
Other Funds	7,840,067	(1.1)
Total Revenue	$ 260,537,877	4.0 %

Expenditures

	$	% change
Departmental	172,522,200	4.4
Non-Departmental	70,839,464	6.4
Special Appropriations (CIP)	8,874,040	(12.3)
Non-Appropriated Exp.	8,302,171	(1.2)
Total Expenditures	$ 260,537,875	4.0 %

NEW PROGRAMS AND NEW INITIATIVES IN THE FY2017 BUDGET

Most Town departments will essentially be level-funded in FY2017. There is an 11.9% increase in the Town Clerk's budget, but that is because 2016 is a presidential election year.

The apparently large increase in the budget for the Finance Department reflect the consolidation of credit card service charges in that department. The following programs and initiatives were of particular interest to the Advisory Committee.

Solid Waste: Semi-Automated Collection and Pay-As-You-Throw

As it was in FY2016, the implementation of a semi-automated system for trash collection, as well as a new fee schedule based on the principle of Pay-As-You-Throw, is one of the most significant initiatives in this year's budget. Although the FY2016 budget included funds for trucks with mechanical arms to pick up trash toters, the new system has not yet been implemented. The Town Administrator, the Department of Public Works, and the Board of Selectmen have been preparing detailed plans for a semi-automated/PAYT system for trash collection. The Advisory Committee has been informed that details of the proposed system, including the fee schedule, will be released prior to Town Meeting and a public hearing will be held on May 17.

Although complete details of the proposal have not been released, the basic features are fairly clear. Brookline residents whose solid waste is collected by the Town would place their trash in toters. Multiple sizes would be available: 18 gallons, 35 gallons, 65 gallons, and 96 gallons. Residents would most likely pay a higher fee for the larger sizes. The toters would be picked up by new garbage trucks with a mechanical arm, much as single-stream recycling is now collected. Three laborer positions would be eliminated through attrition. Residents who could not fit all of their trash in a toter would be able to buy 30 gallon plastic bags nearing the seal of the Town of Brookline. Only these bags would be collected.

The Advisory Committee is pleased to see that the current proposal apparently will offer Brookline residents a choice of various sizes of toters (also referred to as "carts") into which they would place, we

Warrant Article 17, a resolution that requests that the Town grant exemptions to residents who, for various reasons, cannot use the new toters for solid waste disposal, is supported by a large majority of the Advisory Committee, even though we recognize that offering such exemptions reduces the likely savings from adopting an efficient automated system for trash collection. The Advisory Committee has noted that the projected savings from an automated system have been falling as the proposed system has evolved to include toters of multiple sizes and potential exemptions for some residents for whom using toters would pose hardships. We hope that the principles of Article 17 are reflected in the system that will be presented prior to Town Meeting.

Some members of the Advisory Committee continue to question whether the projected savings from the implementation of the automated collection/PAYT system (now approximately $100,000 per year) justify the inconvenience it may cause Brookline residents. Others disagree with the basic principle of PAYT—that residents should be charged for trash collection and disposal on the basis of the volume of trash that they generate. Some were concerned that PATY would create incentives for illegal dumping. Nevertheless, the Committee decided to retain funding for new trucks and other expenses associated with the proposed new system in the FY2017 Department of Public Works budget. Most members felt

strongly that the proposal should be publicized and discussed more completely prior to implementation.

Other New Positions or and Increased Appropriations

- Long-Term Planning Position in the Planning and Community Development Department

The FY2017 funds a new position for a long-term planner in the Economic Development Division of the Department of Planning and Community Development. There is likely to be a need for multiple planning studies for the "Industrial Island" (River Road to Brookline Avenue), Waldo Street and the Durgin Garage, and more. There is a clear need to identify more opportunities for commercial development.

If Town Meeting votes Favorable Action on Article 9, the Economic Development Division will be renamed the Economic and Long-Term Planning Division to reflect the creation of the new position for long-term planning.

- Increased Town Counsel Funding for Outside Counsel

The FY2017 budget includes an increase of $100,000 for outside counsel in the Legal Services (Town Counsel) budget. This increase reflects the fact that Town Counsel has needed to request multiple Reserve Fund transfers for outside counsel in recent years. These expenditures can no longer be regarded as extraordinary or unforeseen and therefore should be appropriate in the departmental budget.

- Maintenance Craftsman in the Building Department

Because group health costs came in below the initial estimates, it has been possible to add a Maintenance Craftsman position to the Building Department. This new position in the Public Buildings Division will help to meet needs that have been identified by an outside consultant. The position will be funded jointly by the schools (75%) and Town (25%), because a high proportion of the public buildings are school buildings.

GROUP HEALTH AND BENEFITS

Every year, Employee Benefits (including Pensions, Workers' Compensation, Unemployment, Life Insurance and Health Insurance) are one of Brookline's largest expenses. In FY2017, these costs represent about 23% of our General Appropriation, roughly the same percentage as in FY2016.

- Group Health

The growth in health insurance costs has been one of the major challenges to Brookline's budget in recent years. Health insurance now represents about 11% of the budget. The recommended appropriation for FY2017 is $29 million, an increase of 5.7% over FY2016's $27.5 million appropriated. The good news is that the rate of increase is lower than expected,

because the state's Group Insurance Commission (GIC) set lower rates for health insurance this year. The lower rates saved over $700,000 compared to the initial budget projections.

Total group health enrollment is estimated at 3,114 for FY2017, up from the estimated 3,082 in FY2016, divided almost evenly between active employees and retirees. Of the total, 1,753 (56.3%) are or were school employees, while 1,361 are or were Town employees. As enrollment grows and more teachers are hired, school employees are becoming a larger proportion of group health enrollees.

Healthcare benefits have been a primary source of increases in Brookline's budget since FY2000. Joining the GIC in 2010 caused a sharp drop in healthcare spending, but costs have risen steadily since. This year's relatively small increase may not be repeated. As the number of active and retired enrollees increases, the group health appropriation will consume a larger and larger share of Brookline's budget.

Some savings in healthcare costs may be possible if Brookline can reduce the share of premium costs it pays on behalf of our employees. Under the current (expiring) negotiated agreement, the Town covers 83% of the cost, while employees cover 17%. The state-wide average is closer to 70% municipality/30% employee. Each 1% reduction in the Town's share saves about $290,000. Any change in these percentages would have to be negotiated with the Town's unions.

- Retiree Health: OPEBs

Brookline has a significant obligation to provide healthcare benefits for its current and future retirees. As employees in the Baby Boomer cohort retire and live longer than previous generations, the number of retirees receiving healthcare benefits will continue to grow. These benefits are referred to as Other Post Retirement Benefits (OPEBs). According to the Segal Group, the unfunded liability for Brookline's retiree health obligation was $198.3 million as of June 30, 2014. The next calculation of the liability will be updated on June 30, 2016. Note, however, that this unfunded liability would be much higher if the expected rate of return on the fund's investments were lower than current estimates.

After doing little to fund its OPEB obligations for many years, Brookline has been extremely proactive in controlling and funding this obligation. The Town has taken several steps to manage its OPEB obligations. Entering the GIC in FY2010 reduced the overall cost of healthcare benefits and also substantially reduced the unfunded OPEB liability. In the early 1990s, the Town adopted of Chapter 32B Section 18, enabling Brookline to reduce costs by moving retirees into a Medicare coverage.

Brookline has established a post-retirement benefits trust fund to defray OPEB costs. As of January 1, 2015, the fund balance was $25.4 million. Under Brookline's plan for funding its OPEB liabilities, annual trust fund contributions are appropriated from General Fund revenues, assessments on grants and special revenue funds, Medicare Part D revenue, savings redirected from the non-contributory retirement health plan, and one-time revenues. Brookline's OPEB funding plan adds $250,000 each year to the base contribution. The FY2017 contribution will be almost $3.8 million.

After FY2030, when the pension fund is scheduled to be fully funded, Brookline will be able to accelerate OPEB funding by redirecting its pension fund contributions to OPEBs. Those contributions are expected to exceed $30 million per year by then.

By following its current plan, the Town may reach the Annually Required Contribution (ARC) level by FY2024. By then, the annual OPEB contribution will be approximately $6 million.

Brookline is among the few communities in Massachusetts that sets aside funds to cover its OPEB liability. We should congratulate ourselves for being fiscally responsible, but we also should bear in mind that Brookline's OPEC obligations are exceptionally large in both absolute and relative terms. Brookline's unfunded OPEC liability represents approximately 80% of annual revenue. Only disciplined adherence to the current funding plan will reduce our unfunded liability.

- Pensions

Brookline maintains a defined benefit pension system for Town and School employees, with the exception of teachers, who are covered by a state pension system. Many newer positions in the Schools tend to be aides, and therefore may be eligible for the Town pension system. Currently, there are 3,530 employees (active, inactive, and retired) and their survivors in the Town pension system.

Brookline maintains a pension fund that was valued at $260 million on December 31, 2014. The next valuation and calculation of the unfunded liability will be available shortly, and will provide a basis for determining future pension fund contributions. Because returns on the fund's investments have been inconsistent in recent years, the unfunded liability has been increasing in recent years. After a 28% loss due to poor investment returns in 2008, the Town increased its annual contributions and extended the funding schedule so that Brookline will reach full funding in 2030 instead of the previous target date of 2028. The Retirement Board, which controls the pension fund, voted to reduce the assumed annual rate of return on investments from 8.15% to 7.75% and then to 7.6%. If the assumed rate is reduced further, Brookline will need to appropriate more for pension fund contributions, which will increase pressure on other areas of the budget.

Brookline's FY2017 pension fund contribution will be $19.7 million, a 5.4% increase over FY2016.

THE SCHOOL BUDGET

In FY2017, the General Fund appropriation for the Public Schools of Brookline will be $101,058,795, a 5.4% increase over the FY2016 appropriation of $95,916,094. Spending on the Schools, whether in the Schools budget or for school-related expenses in the Town budget, is actually considerably higher and accounts for almost 60% of Brookline's appropriations. The Advisory Committee's report on the school budget (see below) discusses this topic in greater detail and offers an analysis of the FY2017 school budget.

The Advisory Committee and its Schools Subcommittee have discussed many aspects of the school budget with members of the School Committee and the central administration of the Public Schools of Brookline. As explained in detail below, the Advisory Committee commends the leadership of the Public Schools of Brookline for revising the annual school budget to make it more transparent and understandable.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

The Capital Improvements Program (CIP) is an ongoing success story of Brookline's government and finance. Setting aside a percentage of the annual revenues and free cash for capital projects has enabled Brookline to renovate or expand a large percentage of its public buildings, schools, parks, and other facilities in recent years. We no longer talk of the "shabbification" of Brookline's public facilities.

Until recently, setting aside funds to finance the CIP has enabled Brookline to maintain a level of bonded debt per capita that is far lower than almost all of the other Massachusetts communities with Aaa/AAA bond ratings. In the coming years, however, our debt per capita will increase dramatically as we borrow to finance the Devotion School project, a 9th elementary school, and a high school project. Brookline's debt per capita will come closer to the levels of its peer communities.

The FY2017 CIP funds (via borrowing) construction of a $4.5 million fire training and maintenance facility that will address serious shortcomings in the Fire Department's existing facilities. The CIP also includes over $1 million for initiatives to address overcrowding in the schools, including leasing space in buildings other than schools and leasing modular classrooms at the Baker School.

Many CIP items are intended to maintain and improve the Town's physical plant, including street rehabilitation, repairs to the exterior and windows of Town and school buildings, repairs to the Town Hall/Pierce School garage, fire station renovations, and rehabilitation and improvements to many parks and playgrounds.

The CIP also funds some of Brookline's important efforts to engage in long-term planning, including studies related to the proposed 9th elementary school and a high school project. Another significant study will examine the future of major parcels, particularly those that are privately owned. That study will complement the Strategic Asset Plan financed by the FY2016 CIP.

The FY2017 CIP includes funds to being upgrading Brookline's parking meters with new "smart" meters than can accept credit cards and can be configured for payments via cell phones.

Although it is one of the smallest of the special appropriations in the CIP, Brookline residents will no doubt welcome the expenditure of $40,000 to improve comfort stations in parks and playgrounds.

One of the most controversial CIP items has been the proposed buffered bicycle lane on the westbound side of Beacon Street from Marion Street to Westbourne Terrace. The Advisory Committee received much public comment on this item and its Capital Subcommittee met several times to receive information and discuss whether to recommend funding for the proposed bicycle lane. After much discussion, the Advisory Committee voted to create the bicycle lane on a trial basis so that information could be gathered on its effects before a decision is made on whether to make the bicycle lane permanent. A complete explanation appears below in the Advisory Committee's recommendations on CIP items (see item 41).

The Advisory Committee has provided detailed descriptions of each of the many projects in the FY2017 CIP later in this budget summary.

FUTURE FISCAL CHALLENGES

Although the FY2017 budget has been balanced without significant cuts to Town or school programs, Brookline will face multiple fiscal challenges in the coming years.

Collective Bargaining

Many contracts with Town and school employees are being negotiated through the collective bargaining process. The negotiations with teachers represented by the Brookline Educators Union (BEU) have received the most attention. The Brookline Fire Fighters union (Local 950 IAFF) and the Town have been unable to reach an agreement after protracted negotiations. The state's Joint Labor-Management Committee (JLMC) will begin a contract arbitration process with hearings scheduled for May 31 and June 27. The JLMC process is likely to lead to an arbitration award of a new contract prior to the November 2016 Town Meeting. It will be up to Town Meeting to decide whether to ratify the contract and to vote for any necessary budget amendments to fund the contract.

New contracts negotiated with other unions also could have a significant impact on Brookline's budget in FY2017 and beyond.

Pension Funding Schedule

Brookline has made annual contributions to its pension fund in order to fully fund its pension obligations prior to the mandatory date of 2040. Although the state has set 2040 as the date for full funding, Brookline has adopted a contribution schedule that will fully fund the pension fund by 2030. In FY2018 and future years, the Town may need to increase its annual pension fund contributions by $1 million or more if the required annual contribution is recalculated to take into account lower-than-expected returns on the pension fund's investments. When investment returns do not meet expectations, the balance in the pension fund grows more slowly than expected and additional contributions are necessary to enable

the fund to reach full funding. When pension fund contributions are larger than expected, there is less money available to fund the rest of the budget.

Increases in the annual pension fund contribution may become more frequent if anticipated returns need to be adjusted downward in future years. In recent years Brookline has reduced the assumed rate of return from 8.15% to 7.75% and then to 7.6%. In 2014 (calendar year), the actual rate of return was 6.5%. Some observers question whether it is realistic to assume that investment returns will exceed 7%. At the end of 2014, Brookline's unfunded pension liability was $192.6 million. If the expected rate of return were 3.75% (a low estimate), the liability would be $427 million.

Brookline could mitigate the impact of being required to make larger pension fund contributions by extending its planned schedule for fully funding the pension fund. State law would allow Brookline to take until 2040 to fully fund the pension fund. That strategy, however, would mean that the Town would have to make OPEB contributions for longer than expected. The current fiscal strategy assumes that after Brookline fully funds its pension fund in 2030, the amount annually contributed to the pension fund would be instead be contributed to the Post-Retirement Benefits Trust Fund. At that point, annual pension fund contributions are expected to be approximately $30 million. Redirecting these contributions toward OPEBs would enable Brookline to rapidly fund its OPEB liability.

New School Construction or Expansion

Brookline will need to add more classroom capacity in its schools as enrollment continues to grow. (See this report's discussion of the FY2017 budget for the Public Schools of Brookline.) Although enrollment projections are rarely precise, all trends point to continued large kindergarten enrollments. Brookline High School enrollment also will increase as the large K-8 classes reach 9th grade in the coming years. Construction of five or more potential 40B housing developments would increase enrollment beyond what is currently expected.

Most of the discussion about a potential 9th elementary (preK-8) school has focused on the selection of a site for that school. Discussion of how to add more high school classrooms is likely to focus on whether sufficient capacity can be added at the current Brookline High School site or if some classrooms should be added at another location. The various elementary and high school options will be analyzed in the coming months by the two studies that are funded in the FY2017 CIP.

Regardless of the site(s) that are selected for the construction of additional school capacity, adding that capacity will require large expenditures. It is premature to estimate the costs of a new elementary school and additional high school space. The cost will vary significantly, depending on the size and location of a new school, as well as whether the Town will need to pay to acquire the site(s). It is possible, however, to estimate the likely impact of a debt exclusion of, for example, $100 million. Assuming that the Town could borrow that sum for 25 years at a 5% interest rate, the annual debt service costs would be slightly more than $7 million. A debt exclusion override to finance the $100 million would increase tax bills by approximately 3.5%. Borrowing a larger amount would, of course, require a larger debt exclusion override and a larger increase in tax bills. The CIP contains $35 million for a major school project.

In the past, Brookline has built or renovated schools with financial assistance from the Massachusetts School Building Authority (MSBA). Such state assistance will not be available for the potential new elementary school and any high school project. The Advisory Committee, Board of Selectmen, and School Committee have agreed that it would not make sense to seek MSBA funding for either project. In the case of the 9th elementary school, the MSBA process would move too slowly to enable Brookline to open such a school when it is needed. Although Brookline submitted a Statement of Interest (SOI) to the MSBA in 2015 for a high school project, it decided not to resubmit that SOI in 2016 after the MSBA did not act favorable. The reasons for Brookline's decision include the following.

First, it is very unlikely that Brookline would receive any MSBA funds.

- The Town has received a lot of MSBA assistance; the chances of receiving more are thus lower.
- The MSBA allows communities to designate only one priority project at a time. Devotion is Brookline's priority project. Brookline High School thus could not be designated a priority project and the chances of assistance are reduced.
- The fact that the MSBA in 2015 did not invite Brookline to participate in the MSBA process for a high school project is not a good sign. The Town was told that it would have to resubmit its Statement of Interest in 2016 for further consideration, which would take many months.
- MSBA assistance often covers only a small fraction (approximately 25%) of a school project's costs, as shown by the Devotion School project. The MSBA can no longer afford to finance a large percentage of project costs, and some categories of costs (e.g., parking) are not eligible.

Second, not resubmitting the Statement of Interest to MSBA will allow Brookline to start studying high school options sooner.

- The Town would not have to wait until the MSBA makes a decision on the SOI. We could start discussing and studying high school options sooner.
- The MSBA requires collaborative studies and joint planning, which would delay the process.
- Starting Brookline's process of studying and discussing high school options now makes it possible to (a) coordinate that discussion with the discussion of selecting a site for a 9th elementary (this probably pertains to Baldwin); (b) estimate the overall cost of the two school projects and the size of the necessary debt exclusions; and (c) to act sooner rather than later to acquire any necessary properties for a new school or school expansion.
- If we can start the process of studying and planning high school options sooner, we reduce the risk that we will not add the necessary capacity in time. (Note that this risk isn't very high, because Old Lincoln can accommodate up to 400–500 high school students, starting in 2018, but one should never assume that a school construction project will move rapidly. Delays are always possible.)

Third, not resubmitting the SOI to MSBA may enable Brookline to choose the most cost-effective option for addressing high school needs

- Even if the MSBA does not dictate a solution to the high school's needs, Brookline will still have more flexibility and autonomy if it does not enter the MSBA process.
- Without partnering with MSBA, it is somewhat more likely that Brookline will be able to make an unconstrained choice of the option that focuses on the high school's most pressing needs and addresses them in the most cost-effective manner—a key concern of the Advisory Committee and Brookline's taxpayers.

The two studies, one of a 9th elementary school and one of a high school project, that are funded in the FY2017 CIP represent a good start toward planning for school construction to accommodate likely enrollment growth. (See the Advisory Committee report on the FY2017 CIP for background on these questions and a description of the anticipated studies.) Now that not participating in the MSBA process has created an opportunity for flexible, autonomous, and rapid planning, the Town will need to act quickly to take advantage of the opportunity and to ensure that the needed additional classrooms are available in time.

School Operating Expenses

In May 2015, Brookline's voters approved an override that has enabled the Public Schools of Brookline to fund the costs associated with increased enrollment and to improve or maintain the quality of Brookline's educational programs. The revenues from that override will enable the schools to cover necessary expenses for several more years, but if enrollment continues to increase, the schools will have to choose between cutting staff and programs or seeking additional revenues. Some of these budgetary strains already have emerged in the FY2017 budget process. Current long-range projections (see the FY-2017 Financial Plan, p. I-19, indicate that there will be a school budget deficit in FY2018 and subsequent years. Such early projections are inherently tentative and uncertain, and there is time to adjust revenues and expenditures to reduce or at least defer the predicted deficits.

Construction of a 9th elementary school and expansion of high school capacity will create further increases in operating costs, as well as capital expenses, because buildings require staff, maintenance, etc.

Funding Town Programs and Departmental Needs

Because of increased enrollment, adjustments to the Town/School Partnership, and the May 2015 override, school spending has increased more rapidly that Town spending in Brookline's recent budgets. Brookline's elected leadership, senior administration, department heads, and staff have done a commendable job of finding ways to deliver a high level of services while Town departmental budgets are essentially level-funded.

At some point, it will become increasingly difficult to maintain services without additional funding.

For example, in the 2016 an outside consultant's draft report on the Building Department's Public Buildings Division recommended that the division hire nine additional Senior Maintenance Craftspersons and an Energy Systems Operator. Further internal analysis will be necessary to determine the precise level of any increase in the Public Building Division's staffing. Some of the potential needs could be met by contracting out for services. The

general need for more staff in the Building Department was recognized in the FY2017 budget by the addition of one Senior Craftsperson. As the number and complexity of Town-owned buildings grows—and older buildings continue to age—demands on the Public Buildings Division are likely to increase.

The question about a future general (operating) override is not if, but when. The size and composition of any future general override should be determined by a careful study process, similar to those that have preceded previous overrides. There is a significant risk that Brookline voters will be asked to approve an operating override and debt exclusions for a 9th elementary school and a high school in short succession.

The Need for Long-Term Planning

In last year's report on the FY2016 budget, the Advisory Committee emphasized the need for long-term planning. The Committee is gratified by the steps that the Town has taken to address this concern. The Department of Planning and Community Development has created a new position with specific responsibility for long-term planning. Warrant Article 9 would add "Long-Term Planning" to the title of the Planning Department's Economic Development Division. CIP-funded studies will examine Brookline's strategic assets and major parcels. The process of studying options for a 9th elementary school and a high school expansion project is underway. A Housing Production Plan is being prepared. These are all steps in the right direction.

The Advisory Committee itself has established a new Subcommittee on Long-Term Planning and Policies, with members who also serve on the Capital, Schools, Personnel, and Administration and Finance Subcommittee. This subcommittee will not generally consider Warrant Articles or departmental budgets. Instead, it will have three functions: (1) to consider the broader long-term planning issues that Brookline faces; (2) to review, as necessary, any potential changes to the fiscal policies that the Town has followed; and (3) to review the Advisory Committee's own policies and procedures. The new subcommittee immediately found that the issues related to a 9th elementary school and a high school project were at the top of Brookline's long-term planning agenda. The subcommittee had many productive and informative discussions of these issues, including meetings with members of the Board of Selectmen and School Committee. The subcommittee was able to inform the full Advisory Committee of the status of these proposals and to make recommendations for moving forward rapidly.

The Advisory Committee hopes that the Town will continue to focus on the long-term planning issues that will shape what kind of community Brookline will be in the coming years.

Advisory Committee Report to Town Meeting on the Public Schools of Brookline FY2017 Budget

1. Overview

The total FY2017 operating budget for the Public Schools of Brookline (PSB) is $101,058,795, up from $95,916,094 budgeted for FY2016, a 5.4% increase. Given that the

school population increased by 3% and there are increases in staff as a result of the May 2015 override, this increase is in line with the overall rise of about 2% annually in Brookline's costs.

To fully understand the amount of the overall Town of Brookline budget that is devoted to the PSB, it is necessary to take into account other school-related expenditures that are not part of the school budget.

Other costs of operating the schools include:

- The $7,434,601 from revolving funds
- Grants expected to be on the order of $6,021,062
- School-related Building Department costs of $1,334,493 (per Town Financial Plan)
- Employee benefits of$32,497,276 (per Town Financial Plan)

The total including the requested allocation by Town Meeting is $151,965,570, or 57.6% of the total for all municipal operations (per Town Financial Plan). The pie chart, "Fully Allocated FY2017 General Fund Operating Budget," on p. II-5 of the FY-2017 Financial Plan shows how school-related General Fund expenditures compare to other types of spending, including Public Safety (13.2%), Public Works (5.1%), and Non-School Benefits (13.4%).

Calculating the full impact of the PSB on the overall budget is complicated. Many Town departments spend some time performing functions that are related to the schools. To illustrate, here are estimates for FY2015 (the most recent year for which final, actual spending figures are available) of the value of services that various Town departments provide to the PSB.

	FY15	Note
Legal	$42,665	Estimate of TC time on Schools
Recreation	$207,882	Value of facility utilization
Health	$90,883	Inspectors, Substance Abuse Counselor, Public Health Nurse
Personnel	$107,170	Estimate of Town HR time for Schools
Comptroller	$288,351	Estimate of Comptroller Office Personnel and non-personnel
Audit	$65,000	50% of Audit
Treasurer	$470,960	Estimate of Department's time and non-personnel
General	$98,000	Postage and printing

Services

Info Services	$880,402	50% of IT actual expenditures
Purchasing	$188,271	Estimate of Department's time spent on School procurement
DPW	$1,713,441	Primarily Park & Open Space Division expenses
Police	$488,517	Community Relations Officers, School Traffic, etc.
Fire	$15,994	Emergency Calls and Fire Drills
Building	$4,541,833	School Plant program in Building Department

These estimates were used in calculating the amount that is reported to the Commonwealth of Massachusetts as the total that Brookline spends on its schools. The School Committee's annual report to the state for FY2015 included the PSB General Fund budget of $88,842,575, other Town appropriations related to schools amounting to $36,228,776, grants and special funds of $15,872,102 (note that grants are not expenditures of taxes, fees, and other revenue sources), for a total of $140,943,453. The equivalent figure eventually reported for FY2017 will be higher, reflecting the growth of the school budget and school-related spending.

In sum, the total amount of resources that Brookline devotes to education is not fully reflected in the school budget that is analyzed in this report, but any calculation of the "true" level of school spending is a complicated and arcane process.

A Recommendation for Improving the Presentation of the PSB Budget

Despite the complexity of attempting to account for all school-related expenditures, there is one relatively simple step that could be taken to include the cost of employee benefits (e.g., health insurance) and building maintenance—two significant expenditures that are attributable to the schools. The PSB operating budget should show all major sources of revenue (i.e., the sources of the funds that it expends), including Town budget appropriations for employee benefits and building maintenance. This was recommended by the Advisory Committee's School Subcommittee in its May 2015 report on the FY2016 PSB budget along with other format changes. While the FY2017 PSB budget format is significantly improved we suggest that the table on Page 14 of the School Budget should be modified as follows in the FY2018 version:

Version as presented in the FY2017 Budget

Program	Exp. Type	FY15 Actual Expended	FY16 Budget Budgeted	FY17 Preliminary Budgeted	FY17 Bud-FY16 Bud Variance Budgeted	
School Dept. Revenues						
General Fund Appropriation		$86,842,575	$95,916,094	$101,100,377	5.41 %	$5,184,283
Tuition and Fees		$675,744	$675,744	$675,744		$0
Facility Rental		$150,000	$225,000	$225,000		$0
Health Insurance Supplement		$0	$0	$0		$0
Circuit Breaker Funding		$1,637,136	$1,556,509	$2,167,657		$611,148
Revolving Fund Reimbursement		$150,680	$150,680	$150,680		$0
Other Revenue		$358,680	$358,680	$358,680		$0
Total Revenue:		**$89,814,815**	**$98,882,707**	**$104,678,138**	**5.86 %**	**$5,795,431**

Recommended format for FY2018 (using FY2017 as an example)

Program	Exp. Type	FY15 Actual Expended	FY16 Budget Budgeted	FY17 Preliminary Budgeted	FY17 Bud-FY16 Bud Variance Budgeted	
School Dept. Revenues						
General Fund Appropriation		$86,842,575	$95,916,094	$101,100,377	5.41 %	$5,184,283
Tuition and Fees		$675,744	$675,744	$675,744		$0
Facility Rental		$150,000	$225,000	$225,000		$0
Health Insurance Supplement		$0	$0	$0		$0
Circuit Breaker Funding		$1,637,136	$1,556,509	$2,167,657		$611,148
Revolving Fund Reimbursement		$150,680	$150,680	$150,680		$0
Other Revenue		$358,680	$358,680	$358,680		$0
Revolving Funds				$7,434,601		
Grants				$6,021,062		
Total from School Sources:		**$89,814,815**	**$98,882,707**	**$118,133,801**	**5.86 %**	**$5,795,431**
Town Appropriations						
Employee Benefits				$32,497,276		
Building Maintenance				$1,334,493		
Total from Town Sources				**$33,831,769**		
Total Revenue – All Sources				**$151,965,570**		

(Note that the illustrative tables used above to compare the two approaches include preliminary FY2017 budget figures that differ slightly from the final budget that Town Meeting will vote on.)

2. Budget format and transparency

The FY2017 format has been changed to group related programs together. For example, all the programs related to K-8 instruction are listed together, rather than being scattered through

the document as in previous years. This change makes it far easier to see the costs of related programs. The Interim Superintendent and the Deputy Superintendent for Administration and Finance have worked assiduously to provide transparency for both the numbers and their thinking, as has the School Committee's Finance Subcommittee. As a result, the school budget document provides a comprehensive and comprehensible view of the Public Schools of Brookline. The Advisory Committee greatly appreciates these changes.

The FY2017 PSB budget also has been put together with more precision. For example, salary lines for each program have been built up employee by employee, rather than by making an estimate of the aggregate salaries of each category of employee and then inserting a reserve into the budget to accommodate missed estimates. As a result, more than $1 million that would previously have been set aside as reserves has been allocated to the appropriate line items. The costs for all programs are more accurate, so the budget is more transparent and less likely to attract complaints about it being salted with reserves used as "slush funds."

In addition, some staff have been reclassified to better reflect what they do, so full-time-equivalent (FTE) accounts for each program are more accurate.

Taken together, these changes mean that the FY2017 PSB budget is more precise and more accurately represents the PSB's overall operating plans, in a document that is about 130 pages shorter than the FY2016 budget.

The Advisory Committee, however, is still looking for the cost of employee benefits to be allocated on a program-by-program basis. Currently, the salary line for all programs reflects exactly that–the salary, without accounting for the 30%-plus cost of benefits that should be clearly shown as part of each program's cost. As noted in the recommendation above, we hope to see this change implemented in the FY2018 budget along with a summary of other costs carried in the Town budget, at the very least as an aggregate number in the overview of the School budget as recommended above. Ideally there should be a line item for benefits below the salary line for each program, information that is already provided in the Town budget.

3. How are operating override funds being spent?

In FY2016, the Public Schools of Brookline added 69.1 FTEs using override funds, including classroom teachers, professional support staff such as guidance counselors and nurses, and technology support staff. Funds also were used to increase the availability of psychological services, as well as instructional materials and a range of other programs.

The FY17 budget proposes to add a further 55.67 FTEs as follows:

- 12.00 FTE unallocated positions for anticipated enrollment growth
    - 5.00 FTE Elementary,
    - 2.00 FTE Elementary Specialists
    - 5,.00 FTE High School level teachers
- 17.20 FTE Program Support Growth
    - 3.50 FTE Literacy Specialists,
    - 3.10 FTE Math Specialists,

- 1.60 FTE World Language Teacher,
- 2.00 FTE Technology Support positions,
- 1.00 TE Building Aide–Lower Devotion,
- 1.00 FTE Craftsman – Transfer to Building Department
- Reorganization (Year 2; unfunded until recurring funds identified)
  - FTE Teaching & Learning Senior Director,
  - FTE Pre-K-12 Senior Director for Special Education,
  - FTE Data Clerk – Office of Strategy and Performance, and
  - FTE Special Revenue Funds Manager, Administration and Finance.
- Funding Identification Pending:
  - FTE Transportation Coordinator – Succession Planning

- 18.22 FTE positions for Student Services and Special Education
  - Student Services:
    - 1.00 FTE Registration and Enrollment Specialist,
    - 0.50 FTE School Nurse, and
    - 1.00 FTE Psychologist.
  - Special Education:
    - 1.50 FTE for Elementary Team Facilitators,
    - 1.00 FTE Speech and Language Pathologist – District wide,
    - 4.00 FTE Learning Center Teacher positions - Lincoln (2.0 FTE), Pierce and Runkle
    - 4.00 FTE Unallocated Special Education positions,
    - 1.69 FTE Special Education Positive Behavior Support Paraprofessionals for Runkle RISE program
    - 2.53 FTE Paraprofessionals - Coverage and Classroom Support Brookline High
    - 1.00 FTE Occupational Therapist – District wide.
- 8.25 FTE positions are budget-to-budget reconciliations. The processes reconciled payroll to budget by each program area. A complete listing of FTE changes by program area is located in the Program Detail section of the budget document.

These positions align with the budget's pie charts on staffing as follows: 28.18 FTE teachers, 23.01 FTE support staff, and 4.48 FTE administrators/staff.

4. Technology update

All funding for technology promised in the FY2016 override budget was placed in the Educational Technology and Libraries section of the FY2017 budget. The resources are allocated across three departments—Strategy and Performance, which uses technology for data collection and analysis; Information Technology, which provides hardware and software along with help desk services; and Educational Technology and Libraries, which oversees the use of technology in the classroom.

Educational Technology and Libraries represents the heart of the program that was widely discussed and debated prior to the override. New FY2017 allocations for this segment of the Schools' broad information technology are listed below.

Purpose	Amount
Digital Tools: E-books, Audio Books, digital subscription content, software/apps	$30,000
Integration of portfolio tools throughout the grade levels	$10,000
Innovation Funds: support and partnering with teachers on innovation with the use of technology in the classroom	$25,000
Scheduled Devices: $200,000 for equity (moving towards 1:1 environment for students) and $45,000 for 1 iPad per Classroom initiative.	$245,000
Fileware: Replaces current system which enables Help Desk to remotely manage and update desktops, laptops, and mobile devices	$8,500
Mounted Projectors: Continue to mount projectors in classrooms. 45 planned for Grades 4 & 5	$25,000
Help Desk Supplies Strategy and Performance	$12,000
Student Information System contract increase due to enrollment (per student license costs)	$2,500
Analytics Environment: Begin the building of an environment to warehouse and create data dashboards for leadership and teachers showing assessment results and trends	$35,000
Total	**$393,000**

The list of objectives in the budget for Educational Technology and Libraries in FY2017 is largely limited to technical issues.

Objectives (*verbatim* from the FY2017 PSB budget, p. 45)

1. Continue build up inventory to meet access needs
2. Continue to support lifecycle on existing inventory
3. Continue to build portfolio of databases, apps, and tools to support student learning
4. Extend mounted projection into the elementary grade classrooms
5. Expand a learning management system into the middle grades
6. Develop and define roles and responsibilities within the town-school partnership
7. Review proposed changes to both state and national technology standards in order to update technology learning expectations.
8. Collaborate on migration of school email.

Recommendation: The objectives listed in the budget are largely administrative rather than programmatic, as are many of the accomplishments for FY2016 listed on pp. 45 and 46. The Advisory Committee recommends that the PSB provide an overview of its plans to implement technology in the classroom, especially with regard to ensuring that teachers are trained in and comfortable with the use of the tools that are being acquired.

5. Enrollment and sustainability

Pages 5–8 of the FY2017 PSB budget summarize the impact of enrollment on the schools. The impact of growth of the sort Brookline has experienced is sometimes compared to a snake swallowing a soccer ball, but the better analogy would be so say that the snake has swallowed a pipe. Starting with the B-SPACE process in 2013, the PSB assumed that the "new normal" for incoming kindergarten classes would be 600 students instead of the 500

students that were typical until 2005/2007. This was boosted to 650 per class in the FY2016 budget.

Enrollments through mid-March 2016 were running slightly behind last's year's total of 633 kindergarten students, but there has been discussion that the more accurate long-term projection is for kindergarten classes averaging 670 once the Phase I project at Hancock Village is completed, since that project takes anywhere from 20 to 50 units offline during renovations. The estimate does not include impact from a potential Phase II at Hancock Village or from other Chapter 40B projects that continue to be proposed as Brookline gets closer to the 10% affordable housing threshold. When 10% of Brookline's housing units are classified as affordable, developers will no longer be able to use 40B to override local zoning. We can anticipate a rapid movement toward the 10% threshold if Hancock Village goes forward and other affordable units are built. And it is important to note that the end of 40B applicability in Brookline will not mean the end of residential development, since there is still a substantial amount of open land in private hands south of Route 9 and property available for redevelopment north of that line.

Obviously there are operating cost implications for the PSB if the incoming class size rises to 670 or 700 students per year, but the immediate concern is the impact on the capital needs of the Schools. The construction of a three-section ninth elementary school probably would not be adequate, and there might be a need for a tenth elementary school.

If class size reaches 670 students per grade, there would be 2,680 students in the High School; if it ultimately reaches 700 children per grade, there would be 2,800 students, up from 1,802 in 2013. Apart from the impact on borrowing needs and the concomitant need for a debt exclusion override, running a single school that large would be a challenge and there is some concern about the burden that school-related traffic and parking would impose on the surrounding area.

While many support services have been expanded to keep up with enrollment growth, not all programs have been equally treated; School Within a School (SWS) at the high school is a case in point. And the outstandingly successful initiative to reduce the number of out-of-district Special Education placements has probably reached its maximum, with just 56 students being sent out of Brookline as of March 2016. While staff lines were increased with the override funds, as described earlier, supply budgets in most programs were level-funded in spite of increasing enrollment, which is indicative of the continued funding pressure.

Beyond its useful and graphic description of Brookline's enrollment growth, the FY2017 budget does not address these long-term structural and sustainability issues.

6. **A $1.5 million gap in the initial draft of the budget has been closed, but FY17 and FY18 will not offer any relief from tight budgets**

At the Town-School Partnership meeting on February 23, Superintendent Connelly said that there was a $1.5 million budget gap in the PSB operating budget. There were no funds available on the "Town Side" to close that gap.

Subsequently, PSB staff identified $1,169,149 in reductions that closed the budget gap without cutting classroom staff or backing away from commitments made for the use of the May 2015 override funds. (See table, below.) In addition, it was discovered that the $400,000 cost for transporting Devotion School students to their temporary space at Old Lincoln is in the Devotion project budget, and so was not an unfunded operating cost.

Fortunately, when the state's Group Insurance Commission (GIC) set health insurance rates for FY2017, the rates produced a lower-than-estimated increase in Brookline's group health expenditures. These savings released $408,120 in additional funds for the FY2017 PSB budget. The closure of a costly Harvard Pilgrim plan to new employees generated $54,756 in additional savings. Beyond the change in health insurance rates, the most significant contribution to closing the gap comes from more precise budgeting and the consequent elimination of reserves. This is a moderate-risk procedure, because it means there is very little slack in the FY2017 PSB budget. There is, however, a reserve for Special Education to cover the potential costs if students eligible for out-of-district placement move into the district during the school year.

The following table enumerates how the Public Schools of Brookline have closed the projected FY2017 budget gap.

Description	Change
Reduction in insurance for new FTEs due to HPHC's closing off a more costly plan that prior new hires had been able to join.	($54,756)
GIC rates for FY 17 are lower than expected, and the School's proportionate share of the savings has been used to reduce the budget gap.	($408,120)
Craftsman – an added cost – new position shared w/Town 75/25	41,581
This is previously money that would have been dumped into reserves, but the FY17 budget is intended to be "on the button"	($198,376)
Suspended filling of positions due to leadership change	($125,000)
Suspended filling of Special Revenue Funds Manager; this was the position that was meant to improve revenue collection, which the SC finance committee will take up separately	($75,000)
Suspended filling position for Digital Learning Specialist; Mary Ellen Dunn discussed with Town IT (Kevin Stokes) on how to fill this gap; Kevin says the cost for help desk staff will be $50,000, not $120,000	($70,000)
Benefits calculations for reduction of new FTEs	($44,160)
Reduction in district postage accounts; postage has been over-funded because the central office was distributing stamped envelopes to the schools; bulk mailing materials will come to Town Hall electronically and be produced and stuffed more efficiently	($33,000)
Reduction of one-time expenses	($71,121)
Adjustments in one-time expenses related to personnel – an increase	$56,197
Total change	**($1,169,149)**

The reduction of reserves is a one-time event. The incoming superintendent also may want to fill some of the positions that have been left vacant to bridge the FY2017 budget gap. Despite

the increase in funds from the May 2015 override, if current trends continue the operating costs of Brookline's schools are likely to continue to grow beyond the growth in revenue available to the Schools.

7. Summary and recommendation to Town Meeting

The FY2017 PSB budget is precise and detailed in terms of how staff are utilized across the full breadth of PSB programs. The Advisory Committee applauds the substantial effort that was required to increase the budget's clarity and precision. We also applaud the high level of cooperation extended to us by the School Committee, Interim Superintendent Dr. Joseph Connelly, and Deputy Superintendent for Administration and Finance Mary Ellen Dunn.

Future PSB budgets should include the costs of benefits attributable to the schools as a whole and to each program. The budget should recognize other significant School costs that are nominally carried in the Town budget. The Advisory Committee accepts that the effort needed to introduce a higher level of precision into the budget precluded those changes in FY2017, but we look forward to seeing them in FY2018.

The budget provides a useful accounting of the way override funds have been applied. The Advisory Committee would like to see more specificity around the use of technology in the classroom.

Looking forward, there are significant decisions that the School Committee and central administration need to make during the current fiscal year. Beyond the obvious need to select a site for a ninth elementary school and decide on the future structure of Brookline High School, the School Committee and the Selectmen will need to begin public discussion of future operating and debt exclusion overrides.

Meanwhile, the Public Schools of Brookline has a comprehensive plan for the coming year. The Advisory Committee supports approval of the $101,058,795 appropriation for schools in Brookline's overall FY2017 budget.

Advisory Committee Report on the FY2017
Capital Improvement Program (CIP)
Recommendations and Project Descriptions

34. GARAGE REPAIRS / TOWN HALL/PIERCE SCHOOL PHASE 4
Recommendation: $300,000

Addressing the water infiltration and drainage problems of the underground parking garages serving the Pierce School, main branch of the Public Library, and Town Hall, and establishing a protocol to maintain the integrity of the garages' concrete floors has been a multi-year undertaking supported with over $3 million in CIP funding.

Using CBI Consulting's comprehensive study (requisitioned in FY 09) of existing

conditions of the structures, including water intrusion, accessibility, fire protection, mechanical, electrical and plumbing concerns, the Building Department addressed identified deficiencies in three discrete phases. In addition, water/oil separators have either been added or modified to meet DEP and EPA standards and a schedule to clean and seal coat the garages' floors has been established.

A few remaining issues need to be addressed: eliminating a leak in the Pierce garage originating from the area outside the school's main office; eliminating the leak in the structure overhanging the Pierce driveway and repairing its masonry; re-piping the existing drain pipes in Town Hall's lower garage, repairing the main drain in Town Hall's upper garage, and correcting a drainage problem originating behind the Main Library.

35. TOWN FURNITURE UPGRADES
Recommendation: $25,000

On occasion, furniture in Town Hall and in other non-School buildings needs to be replaced. An allocation of $25,000 is requested for this purpose.

36. TECHNOLOGY APPLICATIONS
Recommendation: $275,000

CIP requests from the Information Technology Department focus on projects in IT's Long-Term Strategic Plan, which serves as the framework for the selection and management of technology expenditures and is updated periodically by the Chief Information Officer. Requests may also include projects that meet the short-term objectives set by the CIO and the appropriate committees that provide guidance for the Town's approach to technology management.

Primary focus areas for IT investments include Infrastructure lifecycle replacement, Enterprise Applications/Better Government initiatives, School Technology, and Public Safety enhancements. Special consideration is given to projects that reduce operating expenses and/or create efficiencies.

In FY 16 funds were sought to support a range of potential projects: new permitting system, electronic records in the Building Department, upgrades for document management, PSB infrastructure, upgrades for the Fire Department's intercom system and the Town's telephone system, Firewall replacement, and additional technology to support handheld requirements of field personnel.

In FY 17 funds are requested for a variety of purposes, including document management upgrades, scanning and digitizing Building Department records, applicant tracking/onboarding for HR, Enterprise Permitting System deployment, upgrade of communications in the Fire Department, single sign-on appliance for the Pubic Schools, and for network infrastructure: backup and hyperconvergence appliance. Funds might also be used for additional technology to support the

handheld computing requirements of field personnel (Health, Building, etc.).

It should be noted that as currently projected, CIP funds for IT in FY 2018 would decrease by $100,000.

37. MAJOR PARCEL STUDY
Recommendation: $100,000

As a highly desirable community in which to live and invest, Brookline is subject to intense residential development pressure. While the Town is essentially built-up, there are a number of large, privately owned parcels, most of which are currently in institutional and/or non-profit use and most of which are zoned for one-acre, single family residential use. As such, they could eventually succumb to development pressure and be subdivided essentially as-of-right or under Definitive or Approval Not Required procedures. Development of these parcels has the potential to not only dramatically reduce the amount of green space in the community but also significantly affect public facilities, thereby generating major fiscal impacts.

The vision articulated in the 2005 Comprehensive Plan, combined with long-term needs identified in the Strategic Asset Plan (FY 16 CIP item) and the findings of proposed Major Parcel Study, will offer the community an opportunity to shape the future use of these large parcels.

While the preponderance of the study will focus on privately-held property, it will also address any municipally-owned property that the Strategic Asset Plan may have identified as underutilized or unneeded.

There should not be any preconceived notions about the best reuse options for any of the sites, be they housing (single-family, senior housing, affordable housing, multi-family, etc.), green space, mixed use or commercial use. Consulting services are necessary to take a comprehensive approach to identifying the optimum use for each of these properties and how best to encourage those uses. This requires extensive work with both the property owners and the public to determine what is both desirable and achievable and then to balance those needs.

38. FIRE STATION RENOVATIONS
Recommendation: $670,000

A study was made of the conditions of the fire stations and what was needed to maintain the integrity of the floors and building in regard to the newer, larger fire equipment. The work outlined in the report included flooring, shoring, beams, columns, and structural work. The report also included recommendations for the HVAC systems, generators, lighting, life safety, and mechanical, electrical, plumbing (MEP), along with other peripheral systems.

The report broke the work into three categories: (1) structural, (2) life safety systems,

and (3) MEP. The recommended approach was to fund all required structural work in the first year ($625,000 was approved in FY12), then fund life safety systems by stations as prioritized by the Fire Chief (FY13–FY15), and finally, undertake the MEP work (starting in FY17). Given the other work planned for Station 6, the funding schedule for Station 6 MEP work was moved from FY2021 to FY2017 in order to allow efficiencies with bids and project schedules. Funds for additional structural work are also included in this request.

39. LIBRARY FURNISHINGS
Recommendation: $110,000

The furnishings at the Main Library will be 15 years old in 2018, and while the tables are expected to last 25 years or more, a number of the chairs have reached the point of needing to be replaced or in some cases, reupholstered. An allocation of $110,000 is requested with the understanding that the funds would be used across the system and directed at those furnishings in the poorest condition.

40. LIBRARY INTERIOR PAINTING
Recommendation: $110,000

The more heavily used areas of the libraries are in need of painting and other cosmetic improvements. A request for $110,000 would be used for painting portions of the main library (in sections in order to avoid closing the facility) and possibly for undertaking light painting at the Coolidge Corner branch, depending on the timeline for a major renovation or the replacement of that facility. No new carpeting is contemplated for the libraries at this time.

41. BICYCLE ACCESS IMPROVEMENTS
Recommendation: $36,000 with conditions stipulated at the end of this description

A total of $36,000 in FY 2017 CIP funds has been requested for the following projects:

1. The creation of a protected bicycle lane on the westbound side of Beacon Street from Marion Street to Westbourne Terrace, including pavement markings, signage, and related traffic signal equipment upgrades. ($30,804)
2. The purchase and installation of a bicycle corral including bicycle rack, delineator posts, and protective curbing to maximize and promote bicycle parking in the commercial district, to be used in non-winter months. ($1300)
3. The purchase and installation of bicycle racks for commercial areas, parks, and playgrounds. ($3700)

The buffered bicycle lane was approved by a vote of the Transportation Board on February 4, 2016, after a public hearing on January 7, 2016. Plans call for removing a

motor vehicle travel lane starting near Short Street and extending roughly to Westbourne Terrace, and reconfiguring this portion of Beacon Street into a shoulder (one foot), travel lane (11 feet), painted buffer zone (three feet), bicycle lane (five feet), second painted buffer zone (three feet), parking lane (seven feet), tree lawn (five feet), and sidewalk (eight to ten feet). According to the Department of Public Work's report, "This section of Beacon Street is also identified in the Brookline Green Routes Bicycle Network Plan as a particularly dangerous section for cyclists. The steep uphill grade poses particular difficultly for slow moving bicycles to share a lane with cars."

The report's conclusion notes the following in its evaluation of the project:

The most significant impact is at the Beacon Street at Lancaster Terrace intersection, overall intersection level of service in the evening will degrade from an A to a B and vehicle queuing is anticipated to be substantial.

The Beacon Street westbound weekday evening 95th percentile queue at the Lancaster Terrace and Beacon Street intersection will go from 216' feet or approximately 8 cars to 824' or approximately 33 cars. This queue will at times end near Short Street. The anticipated queue is stored within an area without any major intersections mitigating potential conflicts.

During field observations conducted in June 2014 and November 2014 with the proposed travel lane removed 95th percentile queuing did exceed predictions from the Synchro 7 analysis. On a few occasions during the evening peak hour queuing from the Beacon Street at Lancaster Terrace intersection did impact departing vehicles from the Beacon Street at Marion Street signal. This may be attributed to occasional double parked cars on Beacon Street near Marion Street and a curiosity factor as drivers slowed down during the trial period to observe the lane drop and coned off bicycle lane.

To improve signal operations as an effort to mitigate the removal of a travel lane at the Beacon Street at Lancaster Terrace intersection a number of signal modifications are proposed. The signal will be coordinated with the Beacon Street corridor to promote better vehicle progression from Marion Street. Right turn movements on red from Lancaster Terrace onto Beacon Street will be allowed and a delay of 10 seconds will be added for the Lancaster Terrace approach before a call is put into the signal. The pedestrian crossing for Lancaster Terrace will be changed from an exclusive pedestrian movement to a concurrent pedestrian movement with Beacon Street.

Because the proposed project has the potential to significantly impact traffic on Beacon Street between Coolidge Corner and Washington Square, it is prudent to conduct a trial period that will be longer than that of the Transportation Division of the Department of Public Works that consisted of peak hours on one day in June and peak hours on one day in November 2014. Therefore, the Advisory Committee recommends that the following conditions be attached to the $36,000 appropriation:

Of the total amount, 1) $3700 be expended for bicycle racks; 2) $1300 be expended for a bicycle corral and $20,512 be expended for cover the cost of a six-month trial, approved by the State Department of Transportation, during which

one westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace will be reconfigured into a buffered bicycle lane per plans developed by the Transportation Division of the Department of Public Works. The remaining $10,488 shall be encumbered until such time as the Transportation Board issues a report on the 6-month trial, using pre-established criteria determined by it, recommending whether or not the buffered bicycle lane should be made permanent. Such report must be accepted by the Board of Selectmen and the Advisory Committee prior to the release of the encumbered funds.

In this instance, the Advisory Committee will act as Town Meeting's surrogate since it is likely that Town Meeting will not be in session when the report containing an analysis of the buffered bicycle lane is submitted.

42. PARKING METER TECHNOLOGY UPGRADE
Recommendation: $161,040

As parking meter rates increase and fewer people carry sufficient coins to feed the meters, the Town has taken advantage of new parking meter technologies that offer alternative forms of payment. In 2013, the Town upgraded the metered public parking supply to provide improved customer convenience, ensure a regular turnover of spaces in high demand areas, and improve municipal maintenance and collection operations. This deployment included the installation of Digital Luke multi-space parking meters in public parking lots and over 500 on-street IPS ("Smart Meter") single-space, credit card-accepting parking meters in high use districts along portions of Beacon Street, Harvard Street, Kent Street, and Brookline Avenue. Use of these single-space parking meters has been widely accepted and supported by the general public, merchants, and others.

The Brookline Chamber of Commerce, businesses, and other interested parties continue to encourage the Town to replace the remaining 1,320 POM coin-only, single head parking meter mechanisms with IPS credit card-accepting parking meters. The per-unit price of $610 per mechanism includes meter mechanism, installation and commissioning, as well as an extended 12-month warranty. Because of the cost involved, this project will be undertaken over a 5- year period.

Introduced over a four-year period, the project is budgeted at $805,200. The impact on the Department of Public Works' operating budget for data storage and credit card service charges is significant. During the rollout, there will be time to evaluate the impact of an anticipated pay-by-cell program and whether or not full implementation is needed given the convenience pay-by-cell technology provides.

43. DEAN ROAD/CHESTNUT HILL AVE TRAFFIC SIGNAL UPGRADE
Recommendation: $260,000

The traffic signal at the intersection of Dean Road and Chestnut Hill Avenue is the last of the older electronic traffic signals and needs to be upgraded. Of the $260,000 requested, $35,000 is for design while the $225,000 is for the signal upgrades.

44. STREET REHABILITATION - TOWN
Recommendation: $1,630,000 provided that there be prior notification to the Board of Selectmen of any changes to pedestrian, bicycle, or motor vehicle traffic patterns or pavement markings.

In 1992, the Department of Public Works undertook a comprehensive study of roads and implemented a pavement management system. The system was designed to bring Town-owned streets to a sufficient level of repair such that the roads could be maintained without undertaking more costly full reconstruction. From 1992 to 1997, the Town made some progress in this regard, but funding was inconsistent. Starting in 1997, the Town began allocating $1 million per year to streets. These funds are used

along with Chapter 90 funding from the State.

Based on the recommendations of the 2007/2008 Override Study Committee (OSC), the 2008 Override approved by the voters included $750,000 for streets and sidewalks, to be increased annually by 2.5%. In FY17, the appropriation is recommended at $1.63 million.

A subsequent Pavement Management Assessment, indexing roadways according to their condition, was completed three years ago. Roadways with a 75 rating can be kept in good repair with maintenance instead of needing more expensive and time-consuming reconstruction.

FY 16 CIP funds in this category were directed to Addington Road; Tappan Street from Blake Road to Beacon Street; Rawson Road; and Woodland Road from Hammond Street to Heath Street.

The current schedule, with the caveat that National Grid's schedule may necessitate changes, calls for FY 17 funds to be directed to Lowell Road from Stanton Road to Greenough Street; Davis Avenue from Cypress Street to Tappan Street; Cameron Street from Leverett Street to Boylston Street; Greenough Street/Blake Road from Washington Street to Davis Avenue; and Holland Road from Seaver Street to Buckminster Road.

45. SIDEWALK REPAIR
Recommendation: $304,000

The sidewalk management plan of the Department of Public Works determined that sidewalks not reconstructed as part of the street reconstruction program will be reconstructed with funds from this program. Based on the recommendations of the 2007/2008 Override Study Committee, the 2008 Override approved by the voters included $750,000 for streets and sidewalks, to be increased annually by 2.5%. Of the FY09 override amount, $50,000 was appropriated for sidewalks. In FY17, the appropriation is recommended to be $304,000.

46. WINTHROP PATH REHABILITATION
Recommendation: $65,000

Winthrop Path is a 380-foot long pedestrian footpath. It is the third longest path in the Town (only Summit and Rawson Paths are longer) and runs from Washington Street to Winthrop Road. The path was constructed in 1933 and like the other paths on Aspinwall Hill, it makes travel by foot convenient and efficient. Winthrop Path underwent major reconstruction in 1965, but in the 50 years since, it has seen only minor maintenance. Its steps have deteriorated to the point where they are not safe to use. In addition to permanent patching, waterproofing treatment is also indicated. FY 17 funds would be used to for such improvements.

47. BROOKLINE RESERVOIR PARK
Recommendation: $140,000

Brookline Reservoir Park is a multigenerational resource located along Route 9 between Lee and Warren Streets. Both the reservoir and its gatehouse are listed on the State and National Registers of Historic Places and were designated National Historic Landmarks in 2015. The Reservoir itself is approximately one mile in circumference with a walking/jogging stone dust track encircling it. The crest of the embankment is planted with Kwanza cherry trees, open lawn areas abut the Dudley Road side of the park, and significant tree plantings surround the perimeter of the park. It is a well-used recreational resource for walking, running and fishing, but is also a destination for sitting, reading and picnicking.

Man-made, the reservoir was constructed in 1848 by the City of Boston to meet the increasing drinking water demands of the growing metropolis. It is classified as a dam and regulated under the Department of Conservation and Recreation, Office of Dam Safety (ODS). Unlike most dams, the Brookline Reservoir was not constructed on an existing river to create an impoundment. The horseshoe- shaped dam is approximately 1400 feet long and makes up the southeast, east and a portion of the reservoir's north perimeter. The highest section of the dam is in the immediate vicinity of the reservoir's granite gatehouse at the corner of Warren Street and Boylston Street (Route 9). Because the dam crest is level with the rest of the perimeter walkway and because of the gradual surrounding grade changes, the dam is not noticeable to the average visitor walking around the reservoir.

ODS notified the Town that it needed to complete a Phase 1 inspection report, hydrologic and hydraulic study and Emergency Action Plan. The Town has completed the required studies and reports, but in the most recent inspection the dam was found to be deficient due to the presence of trees and brush growing on the downstream slope, along the downstream edge of the crest, on the abutments and within 20 feet of the embankment. The Town has submitted a phased Tree Management Plan for review and approval by the Commonwealth. The concept plan, as it relates to the dam and facility compliance, will be reviewed with the Commonwealth prior to implementation.

Preliminary plans for the renovation of the park and the reservoir call for vegetation removal from and grouting/mortar replacement for the interior stone basin/revetment. In addition, the retaining walls are in need of repointing, and the stone steps need to be reset. All access points will be rebuilt for accessibility accommodations and the stonedust path will be repaired, for both accessibility and safety. In addition to repairing the stone basin, the design review process and restoration project will include consideration of plantings, park furniture, and screening from Route 9, the installation of a comfort station in the 1848 Gatehouse, and an evaluation of pathway/access/entry/overlook points. Compliance with the Office of Dam Safety will be reviewed and tree removals and embankment stabilization completed as part of the project.

Funding for this undertaking is currently estimated at $2.34 million, with $140,000 in FY17 for design and $2.2 million in FY18 for construction.

48. EMERSON GARDEN PLAYGROUND
Recommendation: $770,000, provided that no construction funds be expended before December 1, 2016

Last year, $60,000 in FY 16 funds was allocated to undertake an evaluation and design review of Emerson Garden. Located along Davis Avenue and Emerson Street, the park features a perimeter walking path, seating, waterplay, picnic area, playground, and lawn area. The need for both accessibility improvements and the replacement of the 1995 play equipment for tots and older children had already been identified. Included in the evaluation process, which will involve public input, will be an examination of current layout, grading, accessibility, picnic/passive areas, spray pool utilities, park furniture, and functionality of the park. FY 17 funds in the amount of $770,000 (an increase over last year's $700,000 estimate) are now requested. Final designs are not expected be ready until after the May 2016 Town Meeting; construction will likely start in the spring of 2017.

49. HARRY DOWNES FIELD & PLAYGROUND
Recommendation: $80,000

While the oval and track at Harry Downes Field, located at Pond Avenue and Jamaica Road, were renovated in 2006, the play area, picnic area and softball field are in need of renovation. The playground area was last renovated in 1993. FY 17 funds are sought to evaluate the site in terms of function, safety, and accessibility. The design phase will also focus specifically on the replacement of play equipment and park furniture, the possible installation of a water play/spray pool, the renovation of the athletic/softball field (which is also used for lacrosse, soccer youth baseball and football), and the installation of exercise equipment.

Funding for the project is estimated to total $990,000, with $80,000 in FY17 for design and $910,000 in FY19 for construction.

50. PARKS AND PLAYGROUNDS REHABILITATION & UPGRADE
Recommendation: $300,000

This is an on-going town-wide program for the repair and replacement of unsafe and deteriorating playground, fence, and field facilities or components. Items funded under this program include fences, backstops, retaining walls, picnic furniture, turf restoration, bench replacements, play structures, safety surfacing, and drainage improvements.

Allowing for year-to-year shifts in specific amounts, the breakdown of funds generally falls into the following categories:

- Fencing (fabric, posts, rails, backstops, barricades, related services and supplies): +/- $100,000
- Playground parts/repair/replacement: +/- $30,000
- Playground safety surfacing: +/- $30,000-$45,000
- Athletic fields and infields: +/- $60,000 - $75,000
- Park Furniture replacement (picnic furniture, benches): +/- $10,000
- General site repairs: +/- $25,000

51. TOWN/SCHOOL GROUNDS REHABILITATION
Recommendation: $90,000

Town and School grounds require on-going structural improvements and repair. These funds will be used for plantings, regrading, reseeding, tree work, new concrete or asphalt walkways, trash receptacles, bike racks, drainage improvements, retaining walls, and repairs to stairs, treads, railings, benches, or other exterior structures.

This funding does not include capital replacement of areas over building structures or directly connected to the buildings, such as entrance stairways and ramps into the building that are under the Building Department's jurisdiction.

52. COMFORT STATIONS
Recommendation: $40,000

FY 17 CIP funds are requested for undertaking repairs and improvements in public restroom facilities at four parks/playgrounds (Amory, Skyline, Soule, and Downes). A portion of previously allocated FY 14 funds will be combined with the FY 17 request to provide new flooring and lighting, interior painting, replacement of hardware and locks, and interior equipment upgrades.

53. TREE REMOVAL AND REPLACEMENT / URBAN FORESTRY MANAGEMENT
Recommendation: $225,000

The tree removal and replacement program represents the Town's effort to balance street tree removals with plantings. It is critical to remove trees that have matured or have been impacted by storm damage or disease before they become public safety hazards. New tree plantings are also critical since they directly impact the tree-lined character of the community, improve storm water quality, provide oxygen, and reduce heat impact in the summer.

This line item also includes funding for Urban Forestry Management in the Town's parks and open spaces, including four conservation properties (Hall's Pond Sanctuary, Amory Woods Sanctuary, D. Blakely Hoar Sanctuary, and the Lost Pond Sanctuary). Storm damage, disease, and old age continue to reduce tree canopies. The funds will be utilized to address such needs as tree removal, crown thinning, soil amendments,

woodland canopy gap management, removal of invasives, pest management, health and structural pruning and planting. Such measures have been developed with the goals of supporting resistance to disease, pests, and the rapid decline of trees unmanaged in an urban environment.

Priority work in this regard will be performed in collaboration with the Emerald Necklace Conservancy (ENC), a not-for-profit organization that has worked with the Town, the City of Boston, and the Commonwealth of Massachusetts to develop an Urban Forestry Management Plan for the Emerald Necklace. The protocol outlined in the Management Plan will be used to guide and address urban forestry management priorities throughout the Town and will provide information on "best practices."

54. SCHOOL FURNITURE
Recommendation: $80,000

Furniture in all school buildings absorbs significant wear and tear annually. FY 17 CIP funds will be used to replace the most outdated and worn items. In past years, funding in the School Department's operating budget was also earmarked for this purpose, but that is not the case for the coming fiscal year. The FY 18–FY 22 CIP schedule anticipates the allocation increasing by $10,000 annually.

55. TOWN/SCHOOL BUILDING - ADA RENOVATIONS
Recommendation: $70,000

Support for this annual program of improvements is requested in order to bring Town and School buildings into compliance with the Americans with Disabilities Act (ADA), which requires that the Town make public buildings accessible to all.

As the disabilities of students have become increasing complex, this money has become increasingly important to carry out appropriate accommodations in school buildings. For example, in the past few years a new lift has been installed for the High School auditorium, the rear entrance ramp at the Pierce School has been replaced, and a new lift has been installed at the Heath School. Work has taken place in non-school buildings as well such the Main Library whose rear entrance has recently been made ADA compliant.

In FY 17, these funds are intended to be used to address accessibility issues (particularly regarding the use of wheelchair lifts) at the High School and at the Baldwin School, and, as always, to respond to periodic requests for ADA access made throughout the year.

56. TOWN/SCHOOL BUILDING - ELEVATOR RENOVATIONS
Recommendation: $275,000

When a building is renovated, most elevators are upgraded (new controls, motors, cables, refurbishment of the car, etc.). Some elevators are also partially upgraded to meet the requirements of the existing building codes. The buildings that have not been renovated have elevators that are close to 40 years old. Maintenance becomes increasingly difficult since replacement parts are hard to find.

Funds requested for FY 2017 would be used for motor, controller, and computer operator replacements at both Town Hall and the physical education building at the High School. In the past two years, elevator renovation funding has been directed to the Pierce and Lawrence Schools as well as the High School.

57. TOWN/SCHOOL BUILDING - ENERGY CONSERVATION
Recommendation: $170,000

With the Town's ongoing commitment to reducing its carbon footprint and decreasing energy consumption in Town and School buildings, capital dollars in this program, in combination with financial incentives from gas and electric companies, are directed to lighting retrofit and controls, energy efficient motors, insulation, and heating and cooling equipment. In addition, water conservation efforts are explored.

A continued area of focus is building commissioning. Many years ago, a building's HVAC system was set up by multiple contractors and then signed off by the design engineer. Sometimes there would be control issues, leading to complaints or high energy usage. The Building Department, for all new projects, hires a Commissioning Agent. Recommissioning of certain buildings is suggested in order to confirm that the equipment was designed, installed and set up properly.

FY 16 CIP Energy Conservation funds were directed to the installation of LED lighting at 62 Harvard Street (the Pierce School annex) and Old Lincoln School; condensing/jockey boilers (to be used during "shoulder" seasons) at the Senior Center, Municipal Services Center, Unified Arts Building, and Kirrane Aquatics Center (to heat water for the pool); variable frequency drives for heating systems at approximately ten municipal buildings; and variable frequency drives for domestic hot water systems in a number of buildings.

Plans for FY 17 CIP Energy Conservation funds focus on the installation of LED lighting at the High School, the Pierce School, and the Eliot Recreation Center and, depending on final numbers from Eversource, possibly the Baker and Driscoll Schools.

58. TOWN/SCHOOL BUILDING - ENERGY MANAGEMENT SYSTEM
Recommendation: $175,000

This program upgrades energy management systems in Town and School buildings. A few of the larger buildings have older (30+ years) energy management systems that have exceeded their life expectancy and for which replacement parts are no longer available. These systems are to be replaced and upgraded with new web-based systems integrated into the Town's existing computer network. Other systems would be upgraded with newer software or firmware. The Building Department will continue to work with the Information Technology Department on these projects.

In FY 16 upgrades were anticipated at Pierce, Pierce Primary, Lawrence, Baker and the High School; the Coolidge Corner Library, the Water Division building on Netherlands Road, and Soule Recreation. In FY 17, blade servers will be upgraded, unitary controllers (and software) will be replaced at Town Hall and the Lynch Recreation Center, and front ends will be replaced at the comfort stations at Waldstein Playground, Harry Downes Field, and Amory and Skyline Parks.

59. TOWN/SCHOOL BUILDING - SECURITY/LIFE SAFETY SYSTEMS
Recommendation: $175,000

For a number of years, several large capital projects that included security improvements in Town and School buildings have been undertaken. The CIP Security and Life Safety Systems Program will extend the effort and improve areas where security may be lacking. In general, the plan calls for making all doors around the perimeter of a building more secure by replacing the doors, frames, door handles, and locks with electronic locks that may only be opened with a keypad and/or on a specific schedule. Only the front main entrance of the building will allow for general access. At the front door, a speaker and doorbell will be added to connect to the building's existing intercom or phone system for use by visitors. The lighting around each building will be improved and placed on a timer. A small camera system connected to a computer will be added at the main entrance to monitor access to the building.

These funds are also used to continue the on-going process of replacement and installation of new and upgraded burglar alarms, fire alarm systems, sprinkler systems, emergency lighting, and egress signs.

School buildings continue to be a priority. Most schools are reasonably secure, but based on an assessment by the Police Department, security can and should be improved. FY 16 funds were allocated for safety and security measures at the Soule Early Childhood Center and Eliot Recreation Center; for door locks and a burglar alarm upgrade at the Old Lincoln School; for sprinkler modifications at the Pierce School, and for security cameras at Lawrence and Pierce.

In FY 17, funds will be directed to continuing work on the sprinkler system modifications at Pierce, replacing the electrical transfer switch for Town Hall, and

undertaking a number of smaller projects.

60. TOWN/SCHOOL TRASH COMPACTOR REPLACEMENTS
Recommendation: $50,000

Trash compactors are located at public school buildings, the Health Department, and the Municipal Services Center. Existing compactors need to be replaced at the Health Center, Baldwin School, High School, Unified Arts Building, and all K-8 school buildings with the exception of Runkle and Devotion. The current plan is to use FY 17 monies to replace trash compactors at Lawrence and Baker Schools.

61. SCHOOL EXPANSION STUDIES
Recommendation: $800,000

Two feasibility studies are proposed for the coming fiscal year: one for the expansion of the High School and one for a new K-8 school. A total of $800,000, a portion of which would be set aside for project management, has been requested.

High School Expansion

The enrollment growth that Brookline's K-8 Schools have experienced over the past number of years began to affect Brookline High School (BHS) during school year 2014/2015. BHS enrollment is expected to grow by approximately 100 students per year from 1,900 students to 2,500 students by 2022—a growth of more than 600 students in seven years. This enrollment level presents a capacity challenge because the High School was renovated to accommodate 2,100–2,200 students and enrollment will reach approximately 2,200 by 2018/2019 and approximately 2,500 - 2,600 by 2021/2022.

In 2013, $50,000 from the "Classroom Capacity" allocation was used to hire HMFH Architects to undertake a concept study (http://www.brooklinema.gov/documentcenter/view/4317), which assumed a student enrollment of 2,500 students by 2022, and to review possible options for addressing the capacity needs of the High School. An additional $100,000 in "Classroom Capacity" funding was used to hire Symmes, Maini & McKee Associates (SMMA) to further study options for expansion of the High School. Its report (http://www.brooklinema.gov/DocumentCenter/Home/View/7175) was released in March 2015. Based on a projected student population of 2600, SMMA's study identified the need for 24 additional classrooms for the core curriculum, 23 appropriately sized science labs, and a library and cafeteria increased by 47% and 100%, respectively. In order to accommodate these increases, SMMA offered one-campus and two-campus scenarios with pros and cons for each.

In March 2016, the Interim Superintendent and the High School Headmaster convened a leadership working group to review and evaluate the SMMA study and to identify expansion options that would maximize education opportunities and

"incorporate best practices in curriculum, instruction, and pedagogy for secondary schools" while correcting identified deficiencies in the existing buildings on the High School campus. The working group will also examine the options presented in the HMFH High School Concept Study. A public presentation of the SMMA study and an opportunity to solicit input from the broader community regarding BHS's expansion is being considered for April or May 2016.

The dollar amounts and funding schedule for the High School expansion have undergone some changes since the printing of the FY 2017 Financial Plan. First, there will not be state funding for the project due to the decision, made in February by the School Committee and supported by the Advisory Committee, not to pursue Massachusetts School Building Authority (MSBA) assistance. Second, the Town may be able to pursue a faster schedule for the project because it will not be limited by the highly structured MSBA process that could have added a year to the project's timeline. Finally, the phasing of the project will be determined by Article 3.7 of the Town's By-laws and not by MSBA regulations.

The feasibility study for the High School is intended to address such issues as number of sites, costs, zoning, traffic impacts, and parking needs. A very preliminary and aspirational schedule envisions a schematic design phase beginning in FY 18, with a debt exclusion vote in November 2017, groundbreaking in January 2019, and project completion in September 2021.

According to the current CIP schedule, bonding capacity for $1,137,000 for design work will become available in FY 18, with an additional $35,100,000 available in FY 2020. Any project cost in excess of $35.1M would have to be funded via a debt exclusion.

Ninth K-8 School

In October 2014, a study was commissioned by the Selectmen and School Committee to focus on identifying and evaluating sites throughout Brookline that could accommodate a new or expanded elementary school in order to address the rapidly escalating pre K-8 school population. In December 2014 a contract was awarded to CivicMoxie. Portions of its report were made public in October 2015, followed by public meetings, hearings and presentations.

Applying specific criteria, CivicMoxie selected six sites from an initial list of 26 as "finalists"; of the six, two were deemed "best suited" for a 9th elementary school by Town Hall staff: a small portion of Larz Anderson Park, chiefly used for maintenance operations by the Parks and Open Space Division of DPW, and several Amory Street parcels. Further deliberation and discussion by the Board of Selectmen and School Committee led to a consensus to further explore the potential of three sites: the Stop and Shop property on Harvard Street, the Baker School campus, and the Baldwin School site on Heath Street. There was also consensus that concurrent with undertaking in-depth studies of these three sites, legal analyses of other sites, including the Putterham Meadows Golf Course, enrollment projections, and meetings with other Town boards as well as community groups should proceed.

School Department staff, Economic Development Director Kara Brewton, and Building Commission staff were subsequently directed to develop an RFQ (Request for Qualifications) from architects for services related to Site Selection for the Construction of a 9th pre-K through 8 Elementary School. Three sites–Stop and Shop, Baker School and Baldwin School–were identified for concept studies which would include, among other components, a "Concept-level" site plan, building massing and organization at a diagrammatic level of development that addresses fundamental site considerations, simplified school building program, traffic and parking analysis, cost analysis, and scheduling analysis. Funds (not to exceed $300,000) in the current Classroom Capacity account were identified to support the studies. The RFQ was advertised on March 23rd, with responses due on April 13th and a selection to be made by April 29th.

If the concept studies are completed by September (2016), the selection of a site is anticipated by October. A draft schedule calls for the posting of an RFQ for architectural and engineering services for the 9th School in August, with a Feasibility Study to begin in November.

There are no funds identified at this time for potential site acquisition, further design work, development of construction documents, or construction costs

Studies for the High School Expansion and a new Elementary School
FY 2017 -- $800,000 Property Tax/Free Cash

62. OLD LINCOLN SCHOOL IMPROVEMENTS
Recommendation: $350,000

Part of the comprehensive plan to address school overcrowding includes modifying the Old Lincoln School. This building has served the Town in many ways over the last 20 years, including temporarily housing K-8 Schools, the High School (Freshman Campus), Police/Fire Operations, Town Hall, and the Health Center while those buildings were being renovated. For each of these types of use, the building was modified to meet the specific needs of the using agency. More than $5 million has been spent on the building since 2004.

In 2014, $3 million was appropriated to renovate the bathrooms, upgrade the electrical system, replace the 1934 ventilators, replace the boiler/burner, and undertake necessary roof repairs. Funds were also budgeted for interior work. Due to bids in excess of the allocation, some of the work was not undertaken. Consequently, in FY 16, an additional $1 million was requested to address the unfinished HVAC work ($387,000). The remaining funds were to be used for classroom and office furnishings ($365,000); library shelving and equipment ($42,000); security/phones, cameras, locks ($54,000); classroom equipment including whiteboards and bulletin boards ($12,500); flooring ($25,000); cafeteria equipment ($12,000), shades/blinds ($25,000), and air quality monitoring ($20,000).

During the course of renovation, inadequate wiring was discovered. The FY 17 request of $350,000 would be used to upgrade both the electrical system and portions of the plumbing system.

63. CLASSROOM CAPACITY
Recommendation: $1,038,000

The Public Schools of Brookline has experienced K-8 Elementary enrollment increases for the last decade, growing from fewer than 3900 students in FY 05 to 5,466 students as of October 2015.

Beginning in 2009, representatives from the Board of Selectmen, Planning Board, School Committee, Advisory Committee, and Building Commission started a series of meetings to discuss options for addressing the space needs of the elementary schools. This School Facilities Committee was replaced in January 2013 by the Brookline School Population and Capacity Exploration (B-SPACE) Committee, a joint committee of the Selectmen and the School Committee that included members of the Board of Selectmen, Advisory Committee, Building Commission, and School Committee, two school parents, and two community representatives.

B-SPACE was charged with "gathering and analyzing data, and guiding a community discussion on programming and space planning that will accommodate rapid and unabated enrollment growth and support the educational goals of the Public Schools of Brookline." The B-SPACE Committee submitted its final report to the School Committee in September 2013.

In accordance with the School Committee's decision at that time to "Expand in Place," different measures were taken to address the growing school population. Both the Runkle and Heath Schools were expanded (these projects were already underway before the formation of B-SPACE), while four additional classrooms at the Lawrence School were ready for occupancy in September 2015. According to current plans, once Devotion is renovated and expanded, there will be a net gain of five new classrooms at that school.

In addition to new construction, remodeling, renovating, and repurposing existing spaces took place at all K-8 school. Some of the newly created spaces have since been labeled "substandard" classrooms or offices. The repurposed spaces at the Lawrence School were to revert back to their original layout once the construction of the four additional classrooms was completed. Likewise, Devotion's repurposed spaces are to be reconfigured through the renovation and construction of that school.

A third approach has been to rent space in private buildings. Currently pre-school and pre-K classrooms are located at Temple Emeth in South Brookline and at Temple Ohabei Shalom just outside Coolidge Corner. In addition, 4800 square feet of space at 62 Harvard Street has been leased for the "Pierce School Annex" and space at 24 Webster Place has been leased for administrative offices. In some instances, custodial services and utility costs are not included in the lease and are paid from accounts

other than Classroom Capacity.

Lastly, two modular classrooms have been installed on a lease/purchase basis at the Baker School to address space needs at that facility. Taken together, all of these measures represent a total of over $9 million in expenditures ($400,000 in FY08 and FY10; $530,000 in FY 11; $1,750,000 in FY13, FY14, and FY15; and $2,500,000 in FY16).

The FY 17 Classroom Capacity request of $1,038,000 would fund the leased spaces at the temples, 62 Harvard, 24 Webster Place as well as the Baker modulars. These expenses would leave a modest balance in the Classroom Capacity account to address other needs that may arise in the coming year.

64. TOWER #1 REPLACEMENT
Recommendation: $800,000 (General Fund Bond)

Tower 1 was purchased in 2006 and would have been 12 years old in 2018, the point at which Town policy recommends refurbishment of ladder trucks. Unfortunately, Tower 1 did not serve the Department or the Town well, either operationally or mechanically. Its repeated repair needs made it an essentially unreliable piece of equipment, and its unusual design and complicated operation were problematic. Furthermore, its size made its operation in the Coolidge Corner area difficult. Based on all these factors, a decision was made to de-accession Tower #1. Chief Ford was able to trade it in, resulting in a replacement cost that was reduced from the original $1 million to the $800,000.

Current plans call for ordering a "twin" to the well-performing Ladder 2, thus creating consistency in use, operation and maintenance for the Department's apparatus. Traditionally designed ladder trucks serve for approximately 20 years.

65. FIRE DEPARTMENT FLEET MAINTENANCE AND TRAINING BUILDING
Recommendation: $4,500,000 (General Fund Bond)
with the understanding that Fire Department staff will meet with Pct. 15 TMMs and neighbors to review schematic designs for the new facility before Town Meeting convenes.

In 2014, $40,000 in FY 15 CIP funds were requested and approved to undertake a feasibility study to create both a repair and maintenance facility for the Fire Department's apparatus and an updated training facility on Hammond Street, adjacent to Station 6. The maintenance facility located at Station #1 had been found to be inadequate and inefficient, creating unsafe working conditions when repairing vehicles took place on the street. Its deficiencies had budgetary implications because outside vendors for repair work were needed with increasing frequency.

It was also determined that the current training facility at Station #6 was in need of

modernization, e.g. a classroom with the technology necessary for the delivery of essential training and a new drill yard with a fully NFPA-compliant, live-fire training building. Additionally, related to for the training facility, would be with a new Self Contained Breathing Apparatus (SCAB) filling station, to be utilized not only for the filling of air depleted while training, but also for air used during the course of regular firefighting activities. Locating the filling station at Station 6 would eliminate the need for Engine #6's crew to travel outside their first due response area in order to fill cylinders. The Training Division would acquire appropriate and sufficient equipment to aid in the administration of hands-on training programs without depleting the equipment from front line companies. This will leave companies fully complemented and better able to return to service and respond to emergencies while at the Training Facility.

A total of $4.5 million in FY 17 CIP funds is now requested for design and construction,

66. COREY HILL PARK
Recommendation: $700,000 (General Fund Bond), provided that no construction funds be expended before December 1, 2016

Corey Hill Park is located at the crest of Summit Avenue. The southern parcel, last renovated in 1989, contains play equipment and a lawn area, while the northern parcel provides an attractive view of Boston, lawn area, and seating. Play equipment, some of which has been removed due to safety concerns, is in need of replacement, while the site itself is in need of regrading and accessibility improvements.

FY 16 funds have been used to support planning activities, such as reviewing the layout and design of the playground portion of the site, redesigning as appropriate, and selecting new play equipment, benches, and other site amenities. Also included in renovation plans are masonry work, walkways, and plantings.

FY 17 construction funds in the amount of $700,000 are now requested. Final designs are not expected be ready until after the May 2016 Town Meeting; construction will likely start in the spring of 2017.

67. TOWN/SCHOOL BUILDING - ENVELOPE /FENESTRATION REPAIRS
Recommendation: $2,100,000 (General Fund Bond)

In FY12-13, a consultant undertook a visual inspection of the exterior of all Town and School buildings, developed cost estimates for needed repairs to the buildings' outside envelope, and developed a priority list and schedule. The resultant Master Plan called for the expenditure of $27,450,000 over a 30-year period, with $12.65 million called for between FY 17 and FY 22.

The outside envelope of these buildings is considered to include masonry, bricks and mortar, flashing, dental work, coping stones, metal shelves, and tower work as well as

window and door openings and windows themselves. Also included in this program are required chimney inspections and repairs, if appropriate, or the installation of new metal liners to connect to the gas burning equipment in the building.

For FY 17, repointing the brick of the Coolidge Corner Library, Unified Arts Building, and Fire Station 1 is proposed. FY 16's program included work at the Harry Downs Field House, the carpenter shop and comfort station at Larz Anderson Park, and Pierce Primary and Baker Schools.

CONCLUSION AND RECOMMENDATION

The Advisory Committee thanks the many individuals, boards, committees, and commissions that have participated in the FY2017 budget process. Town Administrator Melvin Kleckner deserves our gratitude for his work in overseeing the production of the Financial Plan, which provides an outstanding and informative basis for developing each year's budget. We particularly thank Deputy Town Administrator Melissa Goff, who has worked most closely with the Advisory Committee during its consideration of departmental budgets. We thank all the department heads for their cooperation during the Advisory Committee's review of each departmental budget.

We thank the Board of Selectmen and the School Committee, particularly for their constructive and proactive attempts to address the need for additional classroom capacity and facilities for an ever-increasing school enrollment. Members of the Selectmen and the School Committee have held fruitful discussions of these issues with the Advisory Committee, and we appreciate their time and engagement.

We thank the School Committee and the staff of the Public Schools of Brookline for their impressive efforts to improve the school budget process and the presentation of the information in the budget itself. We thank Interim Superintendent Dr. Joseph Connelly for his exceptional service this year and we wish him well in his future endeavors. The Committee is especially grateful to Deputy Superintendent for Administration and Finance Mary Ellen Dunn for her improvements to the format of the school budget and her efforts to revise the school budget process.

Finally, we sadly say farewell, with much admiration and appreciation, to Finance Director Stephen Cirillo, who served the Town with distinction until his retirement this spring. We will miss his wise counsel.

By a vote of 21–0–0, the Advisory Committee submits the FY2017 Town Budget with a recommendation of FAVORABLE ACTION on the following vote:

VOTED: To approve the budget for fiscal year 2017 set forth in the attached Tables I and II; to appropriate the amounts set forth for such fiscal year in the departments and expenditure object classifications within departments, as set forth in Tables I and II, subject to the following conditions; to raise all sums so appropriated, unless other funding is provided herein; and to establish the following authorizations:

1.) TRANSFERS AMONG APPROPRIATIONS: Transfers between the total departmental appropriations separately set forth in Tables I and II shall be permitted by vote of Town Meeting or as otherwise provided by Massachusetts General Laws Chapter 44, Section 33B(b). Within each separate departmental appropriation, expenditures shall be restricted to the expenditure object classifications set forth in the recommendation of the Advisory Committee, and voted by the Town Meeting, for each department, subject to the following exceptions:

A) Expenditures within the appropriation for the School Department shall not be restricted.

B) The following transfers within the appropriations for each department (other than the School Department and the Library Department), shall be permitted only with the prior written approval of the Board of Selectmen and Advisory Committee:

i) Transfers from the appropriation for the capital outlay object classification to any other object classification.

ii) Transfers to the appropriation for the personal services object classification from any other object classification.

iii) Any transfer which has the effect of increasing the number of positions or the compensation for any position, exclusive of adjustments in wages and benefits voted separately by Town Meeting.

v) Transfers within the Department of Public Works from the Parks Division to any other purpose.

vi) Transfers within the Department of Public Works from the Snow and Ice budget to any other purpose.

C) Transfers within the Library Department appropriation shall be permitted with the approval of the Board of Library Trustees, and written notice of such approval shall be submitted promptly to the Advisory Committee, Town Administrator and Town Comptroller.

D) All other transfers within the total appropriation for a particular department shall be permitted with the written approval of the Town Administrator, subject to review and approval of the Board of Selectmen, and upon the condition that written notice of each such approval shall be submitted promptly to the Advisory Committee and Town Comptroller.

2.) PROCUREMENT CONTRACTS AND LEASES: The Chief Procurement Officer is authorized to lease, or lease with an option to purchase, any equipment or capital item funded within the FY2017 budget, and to solicit and award contracts for terms of not more than four years, provided that in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen.

3.) ALLOCATION OF SALARY ADJUSTMENTS: Appropriations for salary and wage adjustments (Item #21) shall be transferred by the Town Comptroller to the various affected departments within (60) days from the beginning of the fiscal year, or in the absence of duly approved collective bargaining agreements, within (60) days of the approval of the collective bargaining agreements by Town Meeting. The Board of Selectmen shall determine the salaries, which may include merit adjustments, for employees not included in any collective bargaining agreement.

Should a balance remain after the Town Comptroller has made the transfers specified herein, said balance shall be transferred by the Town Comptroller to a budget line entitled Personnel Services Reserve (Item #20), which shall be used to fund costs incurred over the course of the fiscal year pursuant to employee contracts and/or established personnel policies. The Town Comptroller shall include an accounting of all transfers made from this reserve in the Annual Financial Report.

4.) STIPENDS / SALARIES OF ELECTED OFFICIALS: The stipends of members of the Board of Selectmen shall be at the rate of $4,500 per year for the Chairman and at the rate of $3,500 per year for each of the other four members. The annual salary of the Town Clerk shall be at the rate of $105,859 effective July 1, 2016, plus any adjustment approved by vote of the Board of Selectmen. The Town Clerk shall pay all fees received by the Town Clerk by virtue of his office into the Town treasury for Town use.

5.) VACANT POSITIONS: No appropriation for salaries, wages, or other compensation shall be expended for any benefit-eligible position which has become vacant during the fiscal year unless the Board of Selectmen, at an official meeting, has determined that the filling of the vacancy is either essential to the proper operation of the Town or is required by law. This condition shall not apply to appropriations of the School Department.

6.) GOLF ENTERPRISE FUND: The following sums, totaling $1,522,831 shall be appropriated into the Golf Enterprise Fund, and may be expended under the direction of the Park and Recreation Commission, for the operation of the Golf Course:

Salaries	$536,311
Purchase of Services	$123,648
Supplies	$223,250
Other	$8,100
Utilities	$109,880
Capital	$86,420
Debt Service	$228,125
Reserve	$25,000
Total Appropriations	$1,340,734
Indirect Costs	$182,097
Total Costs	$1,522,831

Total costs of $1,522,831 to be funded from golf receipts with $182,097 to be reimbursed to the General Fund for indirect costs.

7.) **WATER AND SEWER ENTERPRISE FUND:** The following sums, totaling $28,985,259, shall be appropriated into the Water and Sewer Enterprise Fund, and may be expended under the direction of the Commissioner of Public Works for the Water and Sewer purposes as voted below:

	Water	Sewer	Total
Salaries	2,169,168	401,193	2,570,361
Purchase of Services	190,598	163,200	353,798
Supplies	102,020	21,000	123,020
Other	8,900	1,680	10,580
Utilities	92,054	0	92,054
Capital	774,800	172,000	946,800
Intergovernmental	7,172,743	13,081,960	20,254,703
Debt Service	616,047	1,673,844	2,289,891
Reserve	127,408	159,575	286,983
Total Appropriations	11,253,738	15,674,452	26,928,190
Indirect Costs	1,614,426	442,644	2,057,070
Total Costs	12,868,164	16,117,096	28,985,259

Total costs of $28,985,259 to be funded from water and sewer receipts with $2,057,070 to be reimbursed to the General Fund for indirect costs.

8.) **REVOLVING FUNDS:**

a.) The Park and Recreation Commission is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for special recreation programs and events. All receipts from said programs and events shall be credited to the fund. Annual expenditures from the fund shall not exceed $3,200,000.

b.) The Building Commissioner is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the repair and maintenance of the Town's rental properties, including all those listed in the vote under Article 13 of the Warrant for the 1999 Annual Town Meeting. All receipts from said rental properties shall be credited to the fund. Annual expenditures from the fund shall not exceed $150,000.

c.) The Commissioner of Public Works is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the construction and reconstruction, upkeep,

maintenance, repair and improvement of sidewalks and walkways along public streets and ways over, across and through town owned property. Annual expenditures from the fund shall not exceed $100,000.

d.) The Director of Planning and Community Development is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the Façade Improvement Loan Program. Annual expenditures from the fund shall not exceed $30,000.

9.) SCHOOLHOUSE MAINTENANCE AND REPAIR: The sum of $4,881,702, included within the Building Department appropriation for school building maintenance, shall be expended for School Plant repair and maintenance and not for any other purpose. The listing of work to be accomplished shall be established by the School Department. The feasibility and prioritization of the work to be accomplished under the school plant repair and maintenance budget shall be determined by the Superintendent of Schools and the Building Commissioner, or their designees.

10.) SNOW AND ICE BUDGET: The sum of $482,809, included within the Department of Public Works appropriation for snow and ice operations, shall be expended for snow and ice operations and not for any other purpose, unless transferred per the provisions of Section 1.B.vi of this Article.

11.) INTERFUND TRANSFERS: In order to fund the appropriations voted for the various departments itemized on Table 1, the Town Comptroller is authorized to make the following interfund transfers:

Parking Meter Special Revenue Fund [to the General Fund for the Department of Public Works - $2,575,000] [to the General Fund for the Police Department - $2,575,000]	$5,150,000
Cemetery Sales Special Revenue Fund [to the General Fund for the Department of Public Works]	$ 75,000
Recreation Revolving Fund [to the General Fund for benefits reimbursement]	$ 375,900

12.) BUDGETARY REPORTING: The Town Comptroller shall provide the Advisory Committee with a report on the budgetary condition of the Town as of September 30, December 31, March 31, and June 30, within 45 days of said dates. This financial report shall include a summary of the status of all annual and special appropriations voted in this article; a report on the status of all special appropriations voted in prior years which remain open at the reporting date; and a summary of the status of all revenues and inter-fund transfers which have been estimated to finance the appropriations voted under this article.

13.) SPECIAL APPROPRIATIONS: The appropriations set forth as items 34 through 67, inclusive, in Table 1 shall be specially appropriated for the following purposes. In addition,

with the exception of Items #64 - 67, they shall be transferred from the General Fund to the Revenue-Financed Capital Fund.

34.) Raise and appropriate $300,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for making extraordinary repairs to the garages located on the grounds of the Town Hall complex, including but not limited to the driveway areas between the Pierce School and Town Hall.

35.) Raise and appropriate $25,000, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen, for town furniture upgrades.

36.) Raise and appropriate $275,000, to be expended under the direction of the Chief Information Officer, with any necessary contracts to be approved by the Board of Selectmen, for the enhancement of town-wide hardware and software.

37.) Raise and appropriate $100,000, to be expended under the direction of the Department of Planning and Community Development, with any necessary contracts to be approved by the Board of Selectmen, for a major parcel study.

38.) Raise and appropriate $670,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for making extraordinary repairs to Fire Stations.

39.) Raise and appropriate $110,000, to be expended under the direction of the Library Trustees, with the approval of the Board of Selectmen, for furnishings at the libraries.

40.) Raise and appropriate $110,000, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Library Trustees, for interior painting at the libraries.

See Amendment on Final Motion

41.) Raise and appropriate $36,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for bicycle access improvements , provided that any expenditure for the reconfiguration of one westbound travel lane of Beacon Street between Marion Street and Westbourne Terrace into a buffered bicycle lane are subject to the conditions specified in the Advisory Committee's recommendation for Item 41 under Article 8 of the 2016 Annual Town Meeting Warrant.

42.) Raise and appropriate $161,040, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the purchase of parking meters.

43.) Raise and appropriate $260,000, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the modernization of the Dean Road / Chestnut Hill Avenue traffic signal.

44.) Raise and appropriate $1,630,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of streets, provided that there is prior notification to the Board of Selectmen of any changes to pedestrian, bicycle, or motor vehicle traffic patterns or pavement markings.

45.) Raise and appropriate $304,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of sidewalks.

46.) Raise and appropriate $65,000, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the rehabilitation of Winthrop Path.

47.) Raise and appropriate $140,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the design of the renovation of Brookline Reservoir Park.

48.) Raise and appropriate $770,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovation of Emerson Garden Playground with the condition that no construction funds be expended before December 1, 2016.

49.) Raise and appropriate $80,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the design of the renovation of Harry Downes Field & Playground.

50.) Raise and appropriate $300,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.

51.) Raise and appropriate $90,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of Town and School grounds.

52.) Raise and appropriate $40,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the rehabilitation of comfort stations in parks and playgrounds.

53.) Raise and appropriate $225,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.

54.) Raise and appropriate $80,000, to be expended under the direction of the Chief Procurement Officer, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for school furniture upgrades.

55.) Raise and appropriate $70,000, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for ADA renovations to Town and School facilities.

56.) Raise and appropriate $275,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for improvements to elevators in Town and School facilities.

57.) Raise and appropriate $170,000, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for energy conservation projects in Town and School facilities.

58.) Raise and appropriate $175,000, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for upgrades to energy management systems in Town and School facilities.

59.) Raise and appropriate $175,000, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.

60.) Raise and appropriate $50,000, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for trash compactors at various schools.

61.) Raise and appropriate $800,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for school expansion studies.

62.) Raise and appropriate $350,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for remodeling, reconstructing, or making extraordinary repairs to the Old Lincoln School.

63.) Raise and appropriate $1,038,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools.

Passed By A Unanimous Vote

64.) Appropriate $800,000, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of a fire engine, and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow $800,000 under General Law, Chapter 44, Section 7 (3A), as amended, or pursuant to any other enabling authority.

Passed By A Two-Thirds Vote

65.) Appropriate $4,500,000, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the construction of a fleet maintenance facility for the Fire Department and for renovations to the training facility located at Fire Station #6, and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow $4,500,000 under General Law, Chapter 44, Section 7 (3A), as amended, or pursuant to any other enabling authority.

Passed By A Majority Vote of 214 In Favor And 1 Opposed

66.) Appropriate $700,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovation of Corey Hill Playground with the condition that no construction funds be expended before December 1, 2016, and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow $700,000 under General Law, Chapter 44, Section 7 (25), as amended, or pursuant to any other enabling authority.

Passed By A Unanimous Vote

67.) Appropriate $2,100,000, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and, with respect to School Buildings, by the School Committee, for building envelope / fenestration repairs to Town and School facilities, and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow $2,100,000 under General Law, Chapter 44, Section 7 (3A), as amended, or pursuant to any other enabling authority.

14.) **FREE CASH:** Appropriate and transfer $5,311,538 from free cash for the following purposes:

a.) Operating Budget Reserve Fund (MGL Chapter 40, Section 6) – $587,184;
b.) Liability/Catastrophe Fund (Chapter 66 of the Acts of 1998, as amended) – $144,322;
c.) Reduce the tax rate (Special Appropriations) – $3,523,105;
d.) Housing Trust Fund – $158,539.

Passed as separately voted and amended, including Votes 1 and 2, by a Counted Vote of 214 In Favor and 1 Opposed.

FY17 BUDGET - TABLE 1 May, 2016

		FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
	REVENUES						
	Property Taxes	174,869,775	182,239,297	195,049,924	204,023,297	**8,973,373**	**4.6%**
	Local Receipts	25,522,496	25,847,019	23,568,685	23,836,698	**268,013**	**1.1%**
	State Aid	16,633,741	17,675,450	18,837,306	19,526,277	**688,971**	**3.7%**
	Free Cash	7,665,155	5,084,152	5,016,500	5,311,538	**295,038**	**5.9%**
	Overlay Surplus	0	2,100,000	0	0	**0**	**-**
	Other Available Funds	6,852,688	6,903,508	7,925,643	7,840,067	**(85,576)**	**-1.1%**
	TOTAL REVENUE	**231,543,855**	**239,849,426**	**250,398,058**	**260,537,877**	**10,139,819**	**4.0%**
	EXPENDITURES						
	DEPARTMENTAL EXPENDITURES						
	1 . Selectmen	670,358	685,876	675,810	677,893	**2,083**	**0.3%**
	2 . Human Resources	615,662	676,217	538,725	544,018	**5,293**	**1.0%**
	3 . Information Technology	1,705,110	1,783,823	1,825,979	1,888,165	**62,186**	**3.4%**
	4 Diversity, Inclusion, and Community Relations	0	177,539	198,077	201,144	**3,067**	**1.5%**
	5 . Finance Department	2,933,343	2,869,580	2,941,627	3,171,822	**230,195**	**7.8%**
	a. Comptroller	*536,293*	*551,138*	*574,670*	*582,201*	***7,531***	***1.3%***
	b. Purchasing	*636,616*	*667,116*	*665,955*	*651,983*	***(13,972)***	***-2.1%***
	c. Assessing	*654,772*	*664,015*	*674,651*	*676,454*	***1,803***	***0.3%***
	d. Treasurer	*1,105,661*	*987,311*	*1,026,350*	*1,261,184*	***234,833***	***22.9%***
	6 . Legal Services	888,936	889,316	846,116	955,774	**109,658**	**13.0%**
	7 . Advisory Committee	13,129	13,021	25,005	25,230	**225**	**0.9%**
	8 . Town Clerk	557,591	645,463	613,064	686,119	**73,055**	**11.9%**
	9 . Planning and Community Development	757,716	851,249	813,169	877,554	**64,385**	**7.9%**
	10 . Police	15,258,118	16,260,029	16,769,605	16,794,674	**25,069**	**0.1%**
	11 . Fire	12,886,490	12,960,394	12,935,851	13,014,196	**78,345**	**0.6%**
	12 . Building	7,163,183	7,029,407	7,410,771	7,523,922	**113,151**	**1.5%**
(1)	13 . Public Works	15,220,421	16,330,565	14,215,844	14,110,546	**(105,298)**	**-0.7%**
	a. Administration	*847,278*	*874,470*	*872,392*	*874,473*	***2,080***	***0.2%***
	b. Engineering/Transportation	*1,191,962*	*1,165,797*	*1,283,424*	*1,222,661*	***(60,763)***	***-4.7%***
	c. Highway	*4,644,618*	*4,872,841*	*4,808,439*	*4,908,444*	***100,004***	***2.1%***
	d. Sanitation	*2,988,704*	*2,858,581*	*3,092,724*	*2,996,227*	***(96,497)***	***-3.1%***
	e. Parks and Open Space	*3,552,206*	*3,322,096*	*3,661,556*	*3,625,933*	***(35,623)***	***-1.0%***
	f. Snow and Ice	*1,995,654*	*3,236,779*	*497,308*	*482,809*	***(14,500)***	***-2.9%***
	14 . Library	3,827,172	3,894,348	3,888,386	3,977,262	**88,876**	**2.3%**
	15 . Health and Human Services	1,280,036	1,184,308	1,159,971	1,162,496	**2,524**	**0.2%**
	16 . Veterans' Services	327,315	361,218	331,435	331,908	**472**	**0.1%**
	17 . Council on Aging	837,172	855,130	880,240	894,573	**14,333**	**1.6%**
	18 . Recreation	1,022,391	1,010,362	1,022,334	989,764	**(32,570)**	**-3.2%**
(2)	19 . Personnel Services Reserve	715,000	715,000	715,000	715,000	**0**	**0.0%**
(2)	20 . Collective Bargaining - Town	1,900,000	2,321,220	1,596,442	2,921,346	**1,324,904**	**83.0%**
	Subtotal Town	*68,579,144*	*71,514,067*	*69,403,452*	***71,463,405***	***2,059,953***	***3.0%***
	21 . *Schools*	*82,780,770*	*86,842,575*	*95,916,094*	*101,058,795*	***5,142,701***	***5.4%***
	TOTAL DEPARTMENTAL EXPENDITURES	**151,359,914**	**158,356,642**	**165,319,546**	**172,522,200**	**7,202,654**	
	NON-DEPARTMENTAL EXPENDITURES						
(1)	22 . Employee Benefits	49,570,654	50,474,515	54,064,860	56,848,195	**2,783,335**	**5.1%**
(3)	*a. Pensions*	*17,409,988*	*17,882,573*	*18,707,021*	*19,718,677*	***1,011,656***	***5.4%***

		FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
	b. Group Health	*24,090,743*	*25,110,830*	*27,484,720*	*29,042,056*	***1,557,335***	***5.7%***
	c. Health Reimbursement Account (HRA)	*55,880*	*49,478*	*70,000*	*0*	***(70,000)***	***-100.0%***
(3)	*d. Retiree Group Health Trust Fund (OPEB's)*	*3,514,360*	*3,311,860*	*3,499,119*	*3,774,838*	***275,719***	***7.9%***
	e. Employee Assistance Program (EAP)	*24,900*	*24,900*	*28,000*	*28,000*	***0***	***0.0%***
	f. Group Life	*137,555*	*132,666*	*145,000*	*145,000*	***0***	***0.0%***
	g. Disability Insurance	*12,367*	*10,221*	*16,000*	*16,000*	***0***	***0.0%***
(3)	*h. Worker's Compensation*	*1,720,000*	*1,450,000*	*1,550,000*	*1,450,000*	***(100,000)***	***-6.5%***
(3)	*i. Public Safety IOD Medical Expenses*	*400,000*	*300,575*	*250,000*	*250,000*	***0***	***0.0%***
(3)	*j. Unemployment Compensation*	*450,000*	*325,000*	*300,000*	*300,000*	***0***	***0.0%***
	k. Medical Disabilities	*20,543*	*18,565*	*40,000*	*40,000*	***0***	***0.0%***
	l. Medicare Coverage	*1,734,318*	*1,857,847*	*1,975,000*	*2,083,625*	***108,625***	***5.5%***
(2)	23 . Reserve Fund	1,615,626	1,718,000	2,200,198	2,348,737	**148,539**	**6.8%**
	24 Stabilization Fund	250,000	0	0	144,322	**144,322**	
	25 Affordable Housing	555,106	170,390	163,078	158,539	**(4,539)**	**-2.8%**
	26 . Liability/Catastrophe Fund	154,115	234,839	78,969	0	**(78,969)**	**-100.0%**
	27 . General Insurance	325,017	332,137	382,645	394,148	**11,503**	**3.0%**
	28 . Audit/Professional Services	115,649	81,500	130,000	137,000	**7,000**	**5.4%**
	29 . Contingency Fund	13,377	10,528	15,000	15,000	**0**	**0.0%**
	30 . Out-of-State Travel	2,704	2,253	3,000	3,000	**0**	**0.0%**
	31 . Printing of Warrants & Reports	27,190	28,046	35,000	35,000	**0**	**0.0%**
	32 . MMA Dues	11,516	11,746	12,278	12,585	**306**	**2.5%**
	Subtotal General	*3,070,300*	*2,589,439*	*3,020,169*	*3,248,330*	***228,162***	***7.6%***
(1)	33 . Borrowing	9,304,647	9,403,333	9,478,591	10,742,938	**1,264,347**	**13.3%**
	a. Funded Debt - Principal	*7,209,938*	*7,196,544*	*7,183,044*	*7,923,973*	***740,929***	***10.3%***
	b. Funded Debt - Interest	*2,083,707*	*2,193,256*	*2,135,547*	*2,658,965*	***523,418***	***24.5%***
	c. Bond Anticipation Notes	*4,225*	*0*	*100,000*	*100,000*	***0***	***0.0%***
	d. Abatement Interest and Refunds	*6,777*	*13,533*	*60,000*	*60,000*	***0***	***0.0%***
	TOTAL NON-DEPARTMENTAL EXPENDITURES	**61,945,601**	**62,467,287**	**66,563,620**	**70,839,464**	**4,275,844**	**6.4%**
	TOTAL GENERAL APPROPRIATIONS	**213,305,515**	**220,823,929**	**231,883,166**	**243,361,664**	**11,478,500**	**5.0%**
	SPECIAL APPROPRIATIONS						
	34 . Parking Garage Town Hall/Pierce Phase 4 (revenue financed)				300,000		
	35 . Town Building Furniture (revenue financed)				25,000		
	36 . Technology Applications (revenue financed)				275,000		
	37 . Major Parcel Study (revenue financed)				100,000		
	38 . Fire Station Renovations (revenue financed)				670,000		
	39 . Library Furnishings (revenue financed)				110,000		
	40 . Library Interior Painting (revenue financed)				110,000		
	41 . Bicycle Access Improvements (revenue financed)				36,000		
	42 . Parking Meter Technology Upgrade (revenue financed)				161,040		
	43 . Dean / Chestnut Hill Avenue Signal (revenue financed)				260,000		
	44 . Street Rehabilitation (revenue financed)				1,630,000		
	45 . Sidewalk Repair/Reconstruction (revenue financed)				304,000		
	46 . Winthrop Path Rehabilitation (revenue financed)				65,000		
	47 . Brookline Reservoir Park - Design (revenue financed)				140,000		
	48 . Emerson Garden Playground (revenue financed)				770,000		
	49 . Harry Downes Field & Playground - Design (revenue financed)				80,000		
	50 . Playground Equipment, Fields, Fencing (revenue financed)				300,000		

		FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
	51 . Town/School Grounds Rehab (revenue financed)				90,000		
	52 . Comfort Stations (revenue financed)				40,000		
	53 . Tree Removal and Replacement (revenue financed)				225,000		
	54 . School Furniture Upgrades (revenue financed)				80,000		
	55 . Town/School ADA Renovations (revenue financed)				70,000		
	56 . Town/School Elevator Renovations (revenue financed)				275,000		
	57 . Town/School Energy Conservation Projects (revenue financed)				170,000		
	58 . Town/School Energy Management Systems (revenue financed)				175,000		
	59 . Town/School Building Security / Life Safety (revenue financed)				175,000		
	60 . Town/School Compactor Replacements (revenue financed)				50,000		
	61 . School Feasibility studies - K-8 and High School (revenue financed)				800,000		
	62 . Old Lincoln School Modifications (revenue financed)				350,000		
	63 . Classroom Capacity (revenue financed)				1,038,000		
	64 . Tower #1 Replacement (bond)				800,000		
	65 . Fire Training & Maintenance Facility (bond)				4,500,000		
	66 . Corey Hill Park (bond)				700,000		
	67 . Town/School Bldg Envelope/Fenestration Repairs (bond)				2,100,000		
(4)	**TOTAL REVENUE-FINANCED SPECIAL APPROPRIATIONS**	**8,581,000**	**9,415,000**	**10,113,000**	**8,874,040**	**(1,238,960)**	**-12.3%**
	TOTAL APPROPRIATED EXPENDITURES	**221,886,515**	**230,238,929**	**241,996,166**	**252,235,704**	**10,239,537**	**4.2%**
	NON-APPROPRIATED EXPENDITURES						
	Cherry Sheet Offsets	111,026	126,443	91,451	89,866		
	State & County Charges	6,196,321	6,201,536	6,319,715	6,387,305		
	Overlay	1,726,503	2,080,721	1,965,726	1,800,000		
	Deficits-Judgments-Tax Titles	3,049	25,000	25,000	25,000		
	TOTAL NON-APPROPRIATED EXPEND.	**8,036,899**	**8,433,700**	**8,401,892**	**8,302,171**	**(99,721)**	**-1.2%**
	TOTAL EXPENDITURES	**229,923,414**	**238,672,629**	**250,398,058**	**260,537,875**	**10,139,816**	**4.0%**
	SURPLUS/(DEFICIT)	**1,620,440**	**1,176,796**	**0**	**0**		

(1) Breakdown provided for informational purposes.
(2) Figures provided for informational purposes. Funds were transferred to departmental budgets for expenditure.
(3) Funds are transferred to trust funds for expenditure.
(4) Amounts appropriated. Bonded appropriations are not included in the total amount, as the debt and interest costs associated with them are funded in the Borrowing category (item #33).

FY17 BUDGET - TABLE 2 May, 2016

Department/Board/Commission	Personnel Services/ Benefits	Purchase of Services	Supplies	Other Charges/ Expenses	Utilities	Capital Outlay	Inter-Govt'al	Debt Service	Agency Total
Board of Selectmen (Town Administrator)	647,988	6,100	4,000	17,600		2,205			677,893
Human Resources Department (Human Resources Director)	301,669	200,709	9,000	31,000		1,640			544,018
Information Technology Department (Chief Information Officer)	1,102,893	516,272	10,350	17,550		241,100			1,888,165
Diversity, Inclusion, and Community Relations (Director)	171,122	20,000	9,000	150		873			201,144
Finance Department (Director of Finance)	2,157,620	933,603	50,310	20,957	1,332	8,000			3,171,822
Legal Services (Town Counsel)	606,965	230,309	3,500	112,000		3,000			955,774
Advisory Committee (Chair, Advisory Committee)	22,090		2,275	570		295			25,230
Town Clerk (Town Clerk)	557,692	106,172	18,525	2,450		1,280			686,119
Planning and Community Department (Plan. & Com. Dev. Dir.)	840,898	19,193	9,712	4,550		3,200			877,553
Police Department (Police Chief)	15,220,611	555,403	217,250	69,000	284,766	447,644			16,794,674
Fire Department (Fire Chief)	12,254,575	162,740	167,488	31,350	197,266	200,777			13,014,196
Public Buildings Department (Building Commissioner)	2,326,100	2,308,264	32,250	10,400	2,717,208	129,700			7,523,922
Public Works Department (Commissioner of Public Works)	7,684,138	3,375,098	920,750	53,500	1,065,956	991,104	20,000		14,110,546
Public Library Department (Library Board of Trustees)	2,860,942	185,841	583,490	4,700	316,289	26,000			3,977,262
Health & Human Services Department (Health & Human Svcs Dir)	896,317	202,087	15,100	4,120	40,852	4,020			1,162,496
Veterans' Services (Veterans' Services Director)	164,275	2,538	650	163,935		510			331,908
Council on Aging (Council on Aging Director)	752,155	44,083	19,763	2,900	69,472	6,200			894,573
Recreation Department (Recreation Director)	710,662	23,037	86,480	12,400	153,165	4,020			989,764
School Department (School Committee)									101,058,795
Total Departmental Budgets	**49,278,713**	**8,891,449**	**2,159,893**	**559,132**	**4,846,306**	**2,071,568**	**20,000**		**168,885,855**
DEBT SERVICE									
Debt Service (Director of Finance)								10,742,938	10,742,938
Total Debt Service								**10,742,938**	**10,742,938**
EMPLOYEE BENEFITS									
Contributory Pensions Contribution (Director of Finance)	19,623,677								19,623,677
Non-Contributory Pensions Contribution (Director of Finance)	95,000								95,000
Group Health Insurance (Human Resources Director)	29,042,056								29,042,056
Health Reimbursement Account (HRA) (Human Resources Director)									
Retiree Group Health Insurance - OPEB's (Director of Finance)	3,774,838								3,774,838
Employee Assistance Program (Human Resources Director)	28,000								28,000
Group Life Insurance (Human Resources Director)	145,000								145,000
Disability Insurance	16,000								16,000
Workers' Compensation (Human Resources Director)	1,450,000								1,450,000
Public Safety IOD Medical Expenses (Human Resources Director)	250,000								250,000
Unemployment Insurance (Human Resources Director)	300,000								300,000
Ch. 41, Sec. 100B Medical Benefits (Town Counsel)	40,000								40,000
Medicare Payroll Tax (Director of Finance)	2,083,625								2,083,625
Total Employee Benefits	**53,790,574**								**56,848,195**
GENERAL / UNCLASSIFIED									
Reserve Fund (*) (Chair, Advisory Committee)				2,348,737					2,348,737
Liability/Catastrophe Fund (Director of Finance)				144,322					144,322
Housing Trust Fund (Planning & Community Develpoment Dir.)				158,539					158,539
General Insurance (Town Administrator)		394,148							394,148
Audit/Professional Services (Director of Finance)		137,000							137,000
Contingency (Town Administrator)				15,000					15,000
Out of State Travel (Town Administrator)		3,000							3,000
Printing of Warrants (Town Administrator)	15,000	10,000	10,000						35,000
MMA Dues (Town Administrator)				12,585					12,585
Town Salary Reserve (*) (Director of Finance)	2,921,346								2,921,346
Personnel Services Reserve (*) (Director of Finance)	715,000								715,000
Total General / Unclassified	**3,651,346**	**544,148**	**10,000**	**2,679,182**					**6,884,676**
TOTAL GENERAL APPROPRIATIONS	**106,720,633**	**9,435,597**	**2,169,893**	**3,238,314**	**4,846,306**	**2,071,568**	**20,000**	**10,742,938**	**243,361,664**

(*) NO EXPENDITURES AUTHORIZED DIRECTLY AGAINST THESE APPROPRIATIONS. FUNDS TO BE TRANSFERRED AND EXPENDED IN APPROPRIATE DEPT.

ARTICLE 9

NINETH ARTICLE
Submitted by: Town Administrator

To see if the Town will amend Article 3.12, Sections 3.12.4 and 3.12.9 of the Town's General By-laws, as follows (additions appear in underlined text):

ARTICLE 3.12
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

SECTION 3.12.4 DIVISIONS WITHIN THE DEPARTMENT
The Department shall ~~initially~~ consist of the following divisions: the Division of Planning, ~~and~~ the Division of Housing, and the Division of Economic Development and Long-Term Planning.~~. A Division for Economic Development, as hereinafter described, shall be established by vote of the Board of Selectmen, upon the recommendation of the Town Administrator.~~ Each Division shall be under the general management and control of an Assistant Director. The Assistant Directors shall be subject to the authority and direction of the Director. They shall render reports to the Director on a regular basis, including in such reports a summary of current activities, a list of both current and long-range issues being reviewed or worked on by the Division and a summary of the objectives and programs being implemented by the Division. Each Division shall perform the duties prescribed by law, the town's By-Laws and assigned to it by the Director.

SECTION 3.12.9 DIVISION OF ECONOMIC DEVELOPMENT AND LONG-TERM PLANNING

The Division of Economic Development and Long-term Planning shall, from time to time, recommend modifications and amendments to the economic development, redevelopment, renewal and long-term planning policies of the town. The Division shall initiate policies and programs for the promotion and enhancement of existing business and commercial areas, subject to the approval thereof by the Director, the Economic Development Advisory Board (EDAB) and the Board of Selectmen. The Division shall assist in the implementation of such policies and programs. The Division shall maintain a current Economic Development and Long-term Planning portfolio and a list of all completed projects, all projects in process and all projects awaiting implementation. The Division shall provide administrative and professional assistance to EDAB.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This Warrant Article proposes to amend the Town By-Laws in order to expand the title and responsibilities of the Economic Development Division within the Planning and Community Development Department to incorporate Long Range Planning. Specifically, it is proposed that references to Economic Development within sections 4 and 9 of

Article 3.12 of the Town By-Laws be amended by adding the phrase "Long Range Planning".

Article 3.12 of the Town By-Laws established a Planning and Community Development Department and created three distinct divisions; Planning, Housing, and Economic Development. Over the last several years, a number of factors have emerged that confirms the Town's long range planning efforts are either inadequate or diffused. This was initially brought to the Town's attention in 2012 through an organizational study of the Planning Department by the Collins Center of the University of Massachusetts. This concept was further validated as part of last year's Tax Override process, when the Override Study Committee acknowledged the Town's overreliance on the residential property tax base to support municipal and school expenses. The Committee advocated for more long range planning activities and resources, and a Strategic Asset Plan was funded within the Capital Budget at $75,000. For the FY 2017 Capital Budget, a study of Brookline's major privately owned land parcels is proposed for funding at $100,000. Finally, the lack of long range planning capacity and resources became very apparent during efforts at siting a new (9th) elementary school. Ultimately, the Town Administrator determined that the Economic Development Director and Division was best suited to manage the 9th School planning process given the inexorable link between the siting of municipal facilities and opportunities for economic development in a densely populated town as well as the Economic Development Director's understanding of real estate development in general and specific to Brookline.

With the dedication of the Economic Development Director to the school planning process and other Planning staff consumed with responding to Chapter 40B housing projects, a new professional planning position is proposed to be funded with the Economic Development division to support these long range planning activities and to identify and address additional opportunities to proactively address issues confronting the Town. This Article seeks to align this budget decision with the Planning Department's By-Law by expanding the title of the Economic Development Division to Economic Development and Long Range Planning.

SELECTMEN'S RECOMMENDATION

This amendment proposes to revise Article 3.12, Department of Planning and Community Development, of the Town's General By-Law by renaming the "Division of Economic Development" to the "Division of Economic Development and Long-term Planning" in order to align the Department's By-Law with the proposed budget which creates an new long term planner position with the intention of increasing the focus and commitment of the Town to long-range planning efforts.

The Planning Board and Planning Department share a commitment to addressing the need for long range planning. Several planning initiatives are already underway and programmed. Specifically, the Planning Department is engaged in the Strategic Asset

Plan, which will identify municipal needs, the capacity to accommodate those needs within existing facilities, and capital needs that cannot be addressed by the existing inventory. The Department will then undertake the Major Parcel Study, subject to Town Meeting funding, in order to 1) explore the preferred uses for property held by private institutions if and when they are developed for alternative uses, and 2) identify approaches to accommodate the unmet municipal needs identified in the Strategic Asset Plan. Further, the Planning Department—specifically the Director of Economic Development—has been instrumental in facilitating and coordinating the Town's search for a ninth school site and will continue to do so given her professional background and expertise in real estate and construction.

Accordingly, the Town Administrator has sponsored this warrant article to expand the responsibilities of the Economic Development Division to undertake long term planning and has proposed the creation of a new planner position within the proposed "Economic Development and Long-Term Planning Division." The Board of Selectmen supports the Town's commitment to long-term planning and looks forward to continue working with the Department of Planning and Community Development to proactively plan for the future of our town.

The Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on April 19, 2016, on the following vote:

VOTED: That the Town amend Article 3.12, Sections 3.12.4 and 3.12.9 of the Town's General By-laws, as follows (additions appear in underlined text):

ARTICLE 3.12
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

SECTION 3.12.4 DIVISIONS WITHIN THE DEPARTMENT

The Department shall ~~initially~~ consist of the following divisions: the Division of Planning, ~~and~~ the Division of Housing, <u>and the Division of Economic Development and Long-Term Planning</u>.~~. A Division for Economic Development, as hereinafter described, shall be established by vote of the Board of Selectmen, upon the recommendation of the Town Administrator.~~ Each Division shall be under the general management and control of an Assistant Director. The Assistant Directors shall be subject to the authority and direction of the Director. They shall render reports to the Director on a regular basis, including in such reports a summary of current activities, a list of both current and long-range issues being reviewed or worked on by the Division and a summary of the objectives and programs being implemented by the Division. Each Division shall perform the duties prescribed by law, the town's By-Laws and assigned to it by the Director.

SECTION 3.12.9 DIVISION OF ECONOMIC DEVELOPMENT <u>AND LONG-TERM PLANNING</u>

The Division of Economic Development <u>and Long-term Planning</u> shall, from time to time, recommend modifications and amendments to the economic development, redevelopment, renewal <u>and long-term planning</u> policies of the town. The Division shall initiate policies and programs for the promotion and enhancement of existing business

and commercial areas, subject to the approval thereof by the Director, the Economic Development Advisory Board (EDAB) and the Board of Selectmen. The Division shall assist in the implementation of such policies and programs. The Division shall maintain a current Economic Development and Long-term Planning portfolio and a list of all completed projects, all projects in process and all projects awaiting implementation. The Division shall provide administrative and professional assistance to EDAB.

Passed by a Counted Vote of
183 In Favor and 10 Opposed

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
Warrant Article 9 proposes to amend the Town's By-Laws to expand the title and responsibilities of the Economic Development Division within the Planning and Community Development Department to incorporate Long-Term Planning. Specifically, it is proposed that references to Economic Development within Sections 4 and 9 of Article 3.12 of the Town's By-Laws be amended by adding the phrase "Long-Term Planning" where necessary and appropriate.

BACKGROUND:
Article 3.12 of the Town's By-Laws established a Planning and Community Development Department and created three distinct divisions: Planning, Housing, and Economic Development. Over the last several years, it has become apparent that the Town's long-term planning efforts are both inadequate and diffused, with the lack of long term-planning capacity and resources becoming very apparent during recent efforts at siting a new (9th) elementary school.

DISCUSSION:
With the dedication of the Economic Development Director to the school planning process and other Planning staff consumed responding to Chapter 40B housing projects, a new professional planning position has been proposed by the Town Administrator to be funded within the Economic Development Division. This new position, which has been included within the FY2017 Budget, will support these long-term planning activities, identify new economic development opportunities and address other long-term planning issues confronting the Town. This Article seeks to align this budget decision with the Planning and Community Development Department's By-Law by expanding the title of the Economic Development Division to Economic Development and Long-Term Planning.

RECOMMENDATION:
By a vote of 18–0–4, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen.

ARTICLE 10

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

The recommendations of the Selectmen and the Advisory Committee as contained in the Combined Reports had slightly different referral language. In order to address the difference, the Board revised their language. By a vote of 5-0 taken on May 10, 2016 meeting, the Board recommends FAVORABLE ACTION on motion offered by the Advisory Committee.

ARTICLE 10

TENTH ARTICLE
Submitted by: John Ross, MD and Megan Sandel, MD

To see if the Town will vote to amend Article 8.23 of the Town By-laws to ban the sale or distribution of tobacco products within the Town, or take any other action relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Cigarettes are the number one cause of preventable death in the United States, killing 440,000 people every year. The average smoker lives ten years less than the average nonsmoker. It is estimated that the life-span of the average An1erican would increase by 2.8 years if all tobacco use stopped. Smoking increases the risk of stroke, heart attack, COPD, asthma, diabetes. Smoking causes most lung cancers, and raises the risk of cancer of the bladder, cervix, colon, esophagus, kidney, larynx, oropharynx, pancreas, and stomach. Smoking also causes osteoporosis, tooth loss, cataracts, macular degeneration, and rheumatoid arthritis.

Smokers hurt not only themselves, but those around them, through second-hand smoke, and maybe even third-hand smoke (toxins from cigarette smoke that linger on the bodies and clothes of smokers).

Cigarettes are terrible for the environment. Cigarette smoke releases carbon dioxide and a smorgasbord of toxins and carcinogens, including formaldehyde, carbon monoxide, nitrogen oxides, hydrogen cyanides, and ammonia. 135 million pounds of cigarette butts are dumped into the U.S. environment yearly, leaching lead, arsenic, and nicotine into local water systems. Curing tobacco uses up enormous amounts of fossil fuels and wood charcoal, contributing to both climate change and deforestation. It is estimated that one tree is lost for every 300 cigarettes produced in the United States, and that globally 11 million tons of wood are burnt to cure tobacco every year.

Tobacco bans have already been upheld by the Supreme Court. Fourteen states passed laws banning cigarettes sales between 1895 and 1921. In 1900, the US Supreme Court upheld the right of states to prevent the sale of tobacco, declaring in Austin v Tennessee that it was "within the police power of the state" to "declare how far cigarettes may be sold, or to prohibit their sale entirely ... provided ... there be no reason to doubt that the act in question is designed for the protection of the public health."

Tobacco is an ongoing economic disaster that you pay for out of your tax dollars and health- insurance costs. Health care costs for tobacco-related cancers, lung disease, strokes, and heart attacks, as well as fetal and child harms from exposure to cigarette smoke in the United States are $170 billion every year. The economic costs of smoking also include disability costs and sick time, estimated at $151 billion annually.

Tobacco is a deadly and highly addictive drug. Unlike alcohol, which may have health benefits at modest levels of use, even low levels of smoking are bad for you. Nicotine is

comparable to heroin in its addictiveness. The average smoker needs ten tries to quit smoking. According to a 2012 Gallup poll, 88% of smokers wished they had never started smoking, and 78% of smokers wanted to quit.

Tobacco products are marketed primarily at minorities, the poor, and the young, vulnerable populations that are unlikely to be fully aware of their health risks and addiction potential. Nine per cent of Brookline High School students reported recent cigarette smoking, according to a 2014 Healthy Brookline report. Kids are at higher risk of starting to smoke when tobacco retailers are located close to schools. A tobacco ban would reduce the risk of Brookline kids smoking.

Tobacco is an unsafe consumer product that should be taken off the market. We don't allow the sales of cars with exploding gas tanks or malfunctioning brakes, or cribs that collapse. However, we allow the sales of cigarettes, which kill 440,000 people every year in the U.S. Pharmacies in America once sold strychnine, cocaine, and Mrs. Winslow's Soothing Syrup, a morphine-laced sleep aid for babies. Eventually, these were all recognized as prohibitively dangerous, and taken off the market, as tobacco should be. Tobacco could not possibly be approved for sale in the United States today, if it was a new product coming on the market.

—

ADVISORY COUNCIL ON PUBLIC HEALTH REPORT AND RECOMMENDATION

The hearing was held in the Denny Room, Brookline Department of Public Health, on Thursday, April 14, 2016

Committee Members in Attendance:
- Cheryl Lefman, MA
- Patricia Maher, RN/NP, MA/MS
- Nalina Narain, Ph.D.
- Anthony L. Schlaff, MD, MPH (Chair)
- Gretchen Stoddard, MPH

Also in attendance: Alan Balsam Ph.D., MPH, (Public Health Department Director)

Petitioner John Ross, MD presented the proposed warrant article, with an amendment that the ban on sale of tobacco products occur over time, by banning the sale of tobacco products to anyone born after the year 1995. This would allow anyone who can currently purchase tobacco able to do so, but permanently restrict access to tobacco to those currently underage even as and after they turn 21. This would restrict access to tobacco to roughly 2% of the population per year and would eventually phase out legal sales altogether.

Testimony both in favor and against the motion was offered by Brookline citizens, public health experts, and business owners who currently plan or plan to sell tobacco products in Brookline. By and large public health experts testified in favor of the measure, noting the

potential to significantly affect initiation rates among Brookline youth, but one expert testified against the measure, noting that bans tend not to work and that there is an ethical problem with interfering with choices made by adults if these choices do not harm others. The most pressing concern for those testifying against the ban was the concern for the impact on businesses, particularly convenience stores and gas stations. A secondary concern was the potential for a black market on cigarette sales. It was noted that the economic impact on business would be much greater than the loss of revenue from tobacco sales, because the sale of so much else depends on customers who come in for "one stop shopping" and would go to stores outside of Brookline to get all the other items they currently purchase. Citizens testified both in favor and against the ban. Those in favor stressed the importance of preventing youth from initiating smoking and the public health benefit of reducing tobacco use in the town over time. Those against the ban stressed the overreach by government in interfering with choices made by adults.

Each member of the committee spoke briefly. Members uniformly supported the public health goal of the measure but also expressed varying degrees of concern about the effect on businesses and of potential overreach. A motion was moved; seconded and passed that suggested that the town refer the proposal to a committee for further study.

In the motion, the committee members noted the potential public health benefit of the measure but also that the committee could not support the motion unless a) there was evidence that the public at large would be in support of such a measure and not perceive it as overreach by local government; and b) more study was done on options to support and ameliorate the impact on local business, including but not limited to considering the possibility of a sunset provision if neighboring towns did not adopt similar measures in the near future. The committee thanked the petitioner for his for his efforts to limit tobacco dependence among young people

Motion to ban sale of tobacco products in Brookline (original article) – vote 5 – 0 for no action.

Motion to refer amended (to restrict sales to those born after 1995) to a study committee (passed 5 – 0).

Submitted, 4/29/2016, Anthony L. Schlaff

SELECTMEN'S RECOMMENDATION

Article 10 would entirely ban the sale or distribution of tobacco products within the Town through an amendment to Article 8.23 of the Town's By-Laws. As stated in the Petitioner's article description, tobacco is a deadly and highly addictive drug and is an unsafe consumer product. The Town has a strong interest in the collective public health, and there are potential public health benefits of the original article. However, as originally written, the article could have a large economic impact on local independent

businesses. During the public hearing for the article, many business owners stated concern about the ban would impact the viability of their businesses. Due to the availability of the same products in nearby municipalities, the business owners felt that their customers would shop elsewhere.

Since there are a number of potential interventions, including a ban on tobacco sales to people born after a certain date or the limiting of tobacco sales permits, the Board saw fit to recommend this article to further study in a Selectmen's Committee. This recommendation was also made by the Advisory Committee and the Advisory Council on Public Health.

The Board recommends FAVORABLE ACTION, by a vote of 5-0 taken on April 26, 2016, on the following vote:

To refer the subject matter of Article 10 to a Selectmen's Committee to examine the impact and feasibility of stronger anti-tobacco measures. The Committee's examination may include but not necessarily be limited to tobacco-free generation proposal (a ban on the sale of cigarettes to persons born after 1995) and a ban on the sale of tobacco permits to businesses that do not currently hold a tobacco permit in Brookline.

*It should be noted that since the Advisory Committee's vote which was taken the same evening is slightly different from the Board's vote (the AC vote is the first sentence only). The Board will be reconsidering their current vote on May 10, 2016.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:

Warrant Article 10 would amend Article 8.23 of the Town's By-Laws, which limits and restricts the sale of and exposure to tobacco and e-cigarettes within the Town of Brookline. Currently, Article 8.23.5 prohibits vending machines that dispense tobacco or e-cigarette products, prohibits the sale of such products to minors, prohibits the sale of such products by health care and educational institutions, and imposes additional regulations. The sale and distribution of tobacco and e-cigarettes are regulated under the direction of the Health Department. Article 10 would entirely ban the sale or distribution of tobacco products within the Town. The Advisory Committee recommends that the subject matter of Warrant Article 10 be referred to a Selectmen's Committee.

BACKGROUND:

The experience of petitioner John Ross, M.D. with cancer patients, addicted to nicotine, motivates him to work tirelessly towards reducing this leading cause of preventable death. If this unsafe consumer product (the cigarette), which causes more than 440,000 deaths annually in the United States, would come to market now, it would not be approved. Tobacco products are a disaster both economically (health care costs) and

morally (trafficked to needy people). The petitioner points out that of those using tobacco products 88% wish they had never started and 79% wish to quit smoking. The petitioner encourages us to move towards a healthier society and to take additional measures to eradicate smoking, since current regulations have not eradicated the use of tobacco products. Dr. Ross has indicated that he might support an alternative approach that does not totally and immediately ban the sale of tobacco products in Brookline. Because of the potentially severe economic impact on local merchants, Dr. Ross suggests it might be possible to "advance the tobacco endgame" in a way that is less divisive to the community and mitigates the economic impact to Brookline merchants by regulations that lead to a slow but steady decline in tobacco sales over time: a By-Law amendment that would ban the sale of tobacco products to any person born after 1995. Dr. Ross argues that this would result in the first tobacco-free generation in Brookline.

DISCUSSION:

Many of Brookline's 25 permitted tobacco vendors—in particular liquor store and convenience store owners—expressed concern about the impact of a tobacco ban on their small businesses due to the ease with which customers could buy tobacco products at nearby locations in Allston, Brighton, and other areas in Boston. They also feel that a ban on purchasing tobacco would not have the desired effect since smokers would buy tobacco online or across or down the street. Smokers also could ask a friend to buy cigarettes for them, and an underground market might develop. Many store owners claimed that up to 75% of their store revenue comes from the sale of tobacco products. A large loss of revenue (estimates are about $4.3 million) is expected, because customers who buy cigarettes usually buy many other items such as milk, bread, fuel, cereal, wine, beer, etc. when they are in a store. When Massachusetts raised the sales tax on cigarettes to almost $4.00 per pack it did not deter smokers; people went instead to New Hampshire to buy cartons of cigarettes. The loss of revenue would probably cause many small stores to close and continue to increase the proliferation of empty storefronts. The 7-Eleven stores on Beacon Street closed the year after the age of purchasing tobacco was increased to 21. Closings may have been partly due to loss of sales from college students in the area (and possibly high rents). Merchants commend regulations to keep tobacco out of the hands of 21-year-olds, as well as educational efforts to reduce tobacco use. According to the merchants there has been a noticeable decrease in smoking. It appears to be less cool to smoke. There has been a decrease in tobacco advertising and there may also be some public shaming.

The majority of our permitted tobacco retailers are immigrants, working hard to provide for their families and send their kids through college. Their stores often are important in the neighborhoods where they are located. If Brookline institutes a ban it would have a devastating impact on their livelihood and the petitioner's proposed gradual ban might affect the future resale value of their business.

The Advisory Committee received an extraordinary amount of comments and other input on Article 10. In addition to the statements from Brookline merchants, the Chamber of Commerce informed the Advisory Committee that it supports referring Article 10 to a study committee and plans to continue its discussion on this Article at future board meetings.

Brookline's Advisory Council on Public Health also recommends referral of Warrant Article 10 to a study committee. Brookline has been in the vanguard of tobacco control and was first to ban smoking in restaurants and first in forbidding the sale of tobacco products in pharmacies. Brookline increased the age of purchasing tobacco and e-cigarettes to 21 and created a buffer zone that prevents smoking around the High School. Brookline's constituency supports health and wellbeing. The Advisory Council on Public Health finds Article 10 thoughtful and intriguing but is concerned that a black market would develop if there is a total ban and that the ban would impose a severe burden on local businesses.

The Case for Referral and Further Study

For many reasons, the Advisory Committee concluded that the subject matter of Article 10 should be referred to a study committee.

EDUCATION AND OTHER OPTIONS FOR REDUCING SMOKING: In considering Article 10, the Advisory Committee was aware that the demand and supply side of tobacco products are affected by tobacco control education and regulation. Brookline has made a lot of progress in this area and further steps are possible. The recent Massachusetts State Senate vote to ban the sale of cigarettes to persons under 21 state-wide, and expected passage of this bill in the House of Representatives, will have a positive economic effect since it imposes the same burdens for all small businesses, regardless of location. Both regulation and education will further the move towards eradicating the use of tobacco products. State funds provide for some of the education in Brookline; starting this education at an earlier age may be more effective. Brookline High School's peer leaders continue to study ways to decrease smoking. A ban for flavored tobacco and vaporizing fluid for the Fall Town Meeting is their current focus. Brookline has a low rate of lung cancer, showing that the combination of education and increased regulation is lowering the percentage of smokers in our town. Further study might identify other initiatives for reducing smoking.

POTENTIAL ENFORCEMENT DIFFICULTIES: The Advisory Committee also recognized that enforcement of any ban on the sale of tobacco products would be challenging. Delivery services and black markets would be hard to regulate if there is a total ban, since it is the buying and not the actual use of tobacco that would be prohibited. Enforcement of the gradual ban also might be difficult. These issues regarding enforcement provided a further rationale for referring Article 10 to a Selectmen's Committee.

ECONOMIC AND COMMERCIAL IMPACT: As noted above, Brookline merchants are concerned that banning the sale of tobacco products would have a catastrophic effect on their businesses. Although not all Advisory Committee members agreed with this argument, many felt it would be unwise to immediately ban tobacco products without studying the question fully and taking into account the economic and commercial consequences.

The petitioner is also concerned about the economic impact and supports further study. He suggests that a study committee examine proposals that would ban the sale of tobacco products to any person born after 1995 (Tobacco Free Generation initiative), as well as initiatives that would enable tobacco vendors to rely less on the income of tobacco sales and increase sales of other products.

Although an overwhelming majority of the Advisory Committee supported referral of the subject matter of Article 10 to a Selectmen's Committee, some members supported a total ban on the sale of tobacco products in Brookline. A motion under Article 10 for such a ban, as envisaged by the Warrant Article, failed by a vote of 7–12–0. Members who supported a total ban argued that it was hard to sympathize with merchants who sold a harmful product, and that their eventual support for referral did not necessarily reflect sympathy for the merchants, but a desire to study effective means of reducing smoking by limiting the sale of tobacco products.

In sum, the Advisory Committee is concerned about the health and economic well-being of all in our community. The Committee is also concerned about any unintended consequences of a total ban on tobacco sales and finds it advisable to study the impact of a ban and/or gradual ban, as well as the enforcement and legal status of any ban.

RECOMMENDATION:
By a vote of 16–3–0 the Advisory Committee recommends FAVORABLE ACTION on the following:

VOTED: To refer the subject matter of Article 10 to a Selectmen's Committee to examine the impact and feasibility of stronger anti-tobacco measures.

XXX

ARTICLE 11

CLIMATE ACTION COMMITTEE REPORT AND RECOMMENDATION

Warrant Article 11 is a citizen petition that proposes a tree protection by-law to preserve public shade trees and trees on privately owned property meeting certain criteria with the objective of protecting Brookline's urban forest.

The Advisory Committee recommended referral of this article to a Selectmen's Committee for further consideration of a tree protection by-law or zoning by-law after some concern was expressed about unintended consequences of the proposal. The Selectmen's Climate Action Subcommittee (SCAC) held a public hearing on May 16 to hear from the citizen petitioner and members of the community, and to discuss the Advisory Committee's recommendation.

DISCUSSION

The protection of community trees is consistent with the goals of the SCAC's 2012 policy document, the Brookline Climate Action Plan (CAP). Protecting and increasing the number of trees in urban areas serves to buffer our environment from strong winds, heavy rains, drought, and excessive heat; to reduce the urban heat island effect due to climate change; and to offset greenhouse gas emissions. Because of the value trees provide in adapting to and mitigating the impacts of climate change, one of the action items in the CAP is adding 1,000 trees to Brookline's urban forest by 2021.

The SCAC recognizes that to be effective, tree protection regulations must balance the rights of private property owners with the overall goal of preserving, protecting, and enhancing the value of Brookline's urban forest. Therefore, the SCAC is in favoring of studying this proposal further to better achieve this balance and recommends that a member of the SCAC be appointed to serve on a Selectmen's Committee.

RECOMMENDATION

The Selectmen's Climate Action Committee by a vote of 8-0-0 recommends FAVORABLE ACTION on the Advisory Committee's recommendation that follows:

> To refer the subject matter of Article 11 to the Selectmen for appointment of a committee, with members to be chosen from the public, and appropriate Town Committees and Boards, having the necessary skills and expertise to evaluate the best way to provide tree protection in the Town, including whether this should be a zoning and/or general by-law amendment and make a report back to the 2017 Annual Town Meeting.

ARTICLE 11

CONSERVATION COMMISSION REPORT AND RECOMMENDATION

Town of Brookline

Conservation Commission

Marcus Quigley, Chair
Matthew Garvey, Vice Chair
Gail Fenton
Werner Lohe
Pallavi Kalia Mande
Deborah Myers
Roberta Schnoor

Associates
Pamela Harvey
Marian Lazar

May 16, 2016

RE: Warrant Article 11 Tree Protection By-Law

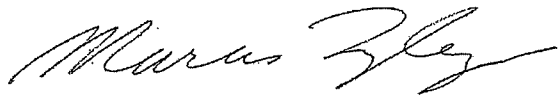
Trees make Brookline Brookline. Check out an aerial view of the greater Boston area in summer and Brookline stands out like a verdant oasis. It's this rich green canopy that creates a wonderful sense of open space amongst the urban bustle, with cool clean air in summer, striking colors in fall, natural architectural gems in winter, invigorating buds and flowers in spring. Wildlife needs these trees to thrive--indeed, to survive. Brookline's rich diversity of birds, bees, butterflies and other creatures is utterly dependent on Brookline's bountiful assortment of trees. Moreover, this ecosystem depends on variety for survival--a diversity of native tree species, of various vintages and maturity levels, is crucial for it to support wildlife and withstand pressures from development, invasive species, overgrazing deer, climate change and a host of threats both natural and man-made.

Because much of this rich arboreal resource exists on private lands, and because the threats to it are only increasing, careful and creative regulation is needed to protect this unique and precious resource for future generations.

For this reason, after hearing from petitioner Richard Murphy at a duly noticed Public Hearing held April 15, 2016 and again at two continued Public Hearings on April 19th and May 9th, the Conservation Commission finds there is substantial merit to the goals proposed in Article 11, Tree Protection By-Law, and fully supports sending Article 11 to Selectmen's Committee. Moreover, Conservation Commission members look forward to

participating in the Selectmen's Committee to help craft an effective method of conserving this most valuable living resource.

Sincerely,



Marcus Quigley
Chair

ARTICLE 11

TREE PLANTING COMMITTEE REPORT AND RECOMMENDATION

TOWN of BROOKLINE
Massachusetts

Tree Planting Committee
Hugh Mattison, Chair
Nadine Gerdts
Elizabeth Erdman

May 16, 2016

RE: Warrant Article 11 Tree Protection By-Law

On April 19th, 2016 the Tree Planting Committee held a Public Hearing which was continued on May 9, 2016, to discuss Warrant Article 11, with the petitioner, Richard Murphy. The Committee heard from the petitioner about his goals for the protection of Brookline's trees and the great value him and many other Brookline citizens place on our exemplary urban forest, consisting of the public shade trees lining our streets, trees in our parks and other open spaces and trees on private residential and commercial property throughout the Town.

Brookline's trees, on both public and private property, contribute to the Town's distinct character, and provide significant health, environmental and social benefits to the community. The article currently before Town Meeting was first proposed 15 years ago and has been re-introduced by the petitioner, as development and increased density in the community have had a visible impact on the Town's tree canopy spanning land parcels both large and small. Brookline has the opportunity to develop a thoughtfully-constructed bylaw to create policy that will protect the existing tree canopy whenever possible and to mitigate the environmental impact of tree loss. Many cities and towns across the country and state, including neighboring Wellesley, Wayland and Newton, have implemented tree protection bylaws and policies. There are many models for such policies that vary according to the character and intentions of each Town.

The Tree Planting Committee finds:

- There is substantial merit to the goals proposed in Article 11, Tree Protection By-Law.
- Any new protective bylaw will likely require oversight by Town staff, therefore potential additional staffing and the source of funding for an added position or positions should be carefully studied before consideration of new regulations.
- As written, Article 11 might allow the possibility of clear-cutting a site prior to obtaining a building permit. Ideally, it would be a building permit that would trigger submittal of an existing conditions tree plan, leading to protecting tree resources. This and other potential loopholes in the warrant article may allow unintended consequences and should be considered before Town Meeting.

- Article 11 could be stronger and more effective if it developed more clarity in defining protected or desirable size and species of trees and if it distinguished the differences between protection of Town trees and those on private property.

The Tree Planting Committee supports sending Article 11 to Selectmen's Committee which includes broad representation including Conservation and Zoning advocates. Tree Planting Committee members look forward to participating in the Selectmen's Committee.

Hugh Mattison

Hugh Mattison, Chairman
Tree Planting Committee

ARTICLE 11

ELEVENTH ARTICLE
Submitted by: Richard Murphy

To see if the Town will adopt the following Article 8.32 of the Town's General By-laws:

Article 8.32: TREE PROTECTION BY-LAW

Section 8.32.1: Preamble The Town of Brookline finds that mature trees have aesthetic appeal, contribute to the distinct character of the community, improve air quality, provide glare and heat protection, reduce noise, aid in the stabilization of soil, provide natural flood- and climate-control, create habitats for wildlife, enhance property values and provide natural privacy to neighbors.

Section 8.32.2: Intent and Purpose This by-law is enacted for the purpose of preserving and protecting both Public Shade Trees pursuant to General Law Chapter 87 and certain designated trees on private property. It is desirable to plant more public shade trees than are removed to compensate for tree losses and the length of time to maturity.

Section 8.32. 3: Definitions: When used in this by-law, the following definitions shall apply:

3.1 Demolition: Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

3.2 Caliper: Diameter of a tree trunk (in inches) measured 6 inches above the ground for trees up to and including 4-inch diameter, and 12 inches above the ground for larger trees.

3.3 DBH ("Diameter at Breast Height"): The diameter (in inches) of the trunk of a tree (or, for multiple trunk trees, the aggregate diameters of the multiple trunks) measured 4 ½ feet from the existing grade at the base of the tree.

3.4 Person: Any person, firm, partnership, association, corporation, company or organization of any kind including public utility and municipal department.

3.5 Public Shade Tree: Any tree within the public right-of-way except for state highways that, as determined by the Tree Warden, has any portion of the stem between 6 inches and 4 ½ feet above grade actively growing into the public right-of-way.

3.6 Tree Removal: Any act that will cause a tree to die within a three (3) year period.

3.7 Protected Tree: A protected tree is any tree that is greater than eight inches in diameter measured at 4.5' off the ground.

3.8 Structure: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context allows as though followed by the words "or part or parts thereof".

Section 8.32.4: Applicability of the By-law

4.1 Applicability: The circumstances under which the tree removal and replacement regulatory process delineated in this by-law shall apply are as follows: (a) the proposed demolition of an existing residential structure and its replacement with a new dwelling/structure. (b) the proposed construction of an addition to the existing residential structure that constitutes a 10% or greater increase in the building footprint (c) the proposed demolition of an existing non-residential structure and its replacement with a new dwelling/structure. (d) the proposed construction of an addition to the existing non-residential structure that constitutes a 10% or greater increase in the building footprint. (e) the proposed new construction of a residential or non-residential structure on any lot. (f) the proposed removal and replacement of existing public shade trees by the town or their agents or contractors. (g) Land-disturbing activities of significance as defined in Article 8.26 Section 8.26.2(3) of the Town's General By-laws.

Section 8.32.5: Tree Warden The duties or responsibilities of the Tree Warden shall conform to General Law Chapter 87 and shall include, but not be limited to the following: management of all trees within public rights-of-way and adjacent to public buildings and commons; care and control of trees on Town property if so requested by the Commissioner of Public Works or the Director of Parks and Open Space (a) expending funds, in coordination with the Tree Planting Committee, appropriated for planting trees on Town land under the jurisdiction of the Tree Warden; (b) enforcement of this by-law; (c) work with the Building Commissioner his or her designee to review proposed tree removals as regulated by this by-law. Moreover, the Commissioner of Public Works or the Director of Parks and Open Space may authorize the Tree Warden to undertake other responsibilities consistent with the intent of this by-law.

Section 8.32.6: Regulation of Public Shade Trees

6.1 Scope: A Public Shade Tree may not be cut, pruned, removed or damaged by any person other than the Tree Warden or his or her designee until and unless the Tree Warden issues a written permit pursuant to this section.

6.2 Procedures: Any person seeking to remove a Public Shade Tree shall submit an application to the Tree Planting Committee in accordance with any application requirements issued by the Warden. The Tree Planting Committee shall hold a public hearing on applications for removal, at the expense of the applicant, in accordance with the provisions outlined within General Law Chapter 87. The permit issued by the Tree Planting Committee may specify schedules, terms, and conditions, including requiring the planting of replacement trees.

6.3 Planting of Trees on Public Land Any person seeking to plant a Public Shade Tree on Town land under the jurisdiction of the Tree Warden must obtain written permission from the Tree Warden. Such permission may specify schedules, terms, and conditions as deemed appropriate by the Tree Warden.

Section 8.32.7: Regulation of Protected Trees

7.1 Scope The removal of Protected Trees is prohibited unless authorized by the Tree Warden or the Tree Planting Committee as set forth below.

7.2 Procedures In connection with Major Construction or Demolition, the owner of the property shall submit a proposal for tree removal and mitigation to the Building Commissioner with the application for a demolition or building permit. As part of the permit process, the property owner shall submit to the building commissioner a site plan drawn and stamped by a registered land surveyor showing all existing trees 8" DBH or greater. The Building Commissioner shall refer the tree proposal to the Tree Warden. The Tree Warden shall conduct a site visit. If the applicant's proposal is consistent with the mitigation requirements herein, the Tree Warden will issue a permit within twenty (20) business days of receipt to authorize the tree work. If the proposal does not meet or satisfy these requirements, the Tree Warden shall so notify the applicant and deny the permit. An applicant may appeal the denial or grant of a tree permit to the Tree Planting Committee. The Tree Planting Committee shall conduct a public hearing on the appeal and shall give the public notice thereof, at the expense of the applicant. Public notice shall include all persons owning land within 300 feet of any part of applicant's land at least fourteen (14) days before said hearing. The Tree Planting Committee shall rule within twenty business (20) days of the public hearing. Appeals of final decisions of the Tree Planting Committee shall be to the Board of Selectmen.

7.3 Mitigation A Protected Tree shall not be removed unless at least one of the following provisions is satisfied: (a) Replanting of trees: such replanting shall be on the basis of ½ inch caliper of new tree(s) for each inch of DBH of tree(s) removed, and each replanted tree must have a minimum caliper of 3 inches. The replanting shall occur no later than 12 months after completion of the construction work, either on applicant's land or on land abutting applicant's land with express approval of the owner of such abutting land; or other site as approved by the Tree Warden (b) Contribution into the Tree Replacement Fund: such contribution shall be $50 per DBH inch of Protected Tree removed not already mitigated as per section 7.3 (a); or (c) The applicant demonstrates that the removal of a Protected Tree does not adversely impact the interests identified in section one of this by-law.

7.4 Tree Replacement Fund The Director of Parks and Open Space with input from the Tree Warden, shall have sole discretion concerning the use of funds from the Tree Replacement Fund which shall be disbursed by the Tree Warden for the planting (and maintenance, as necessary) of trees on public land or private property with express approval of the owner of such private property.

Section 8.32.8: Emergencies and Exemptions Provisions of this by-law shall not apply to: (a) emergency projects necessary for public safety, health and welfare as determined by

the Commissioner of Public Works or the Director of Parks and Open Space; and (b) trees that are hazardous (threat to life and/or property) as determined in writing by the Tree Warden and/or the Town Arborist; and (c) trees identified by the Commonwealth that pose a risk due to insect/disease infestation.

Section 8.32.9: Enforcement/Penalties

9.1 Enforcement: Any person violating this by-law is subject to the penalties under Article I, Section 6 as amended in this warrant article; General Laws Chapter 87; (for violating Section 6 of this by-law); and other legal enforcement action by the Town. The Tree Warden is authorized to enforce the provisions of Article 1 of the General By-laws and the provisions of General Law Chapter 87. Any other legal enforcement action shall be determined by the Board of Selectmen in consultation with the Tree Planting Committee, the Tree Warden and Town Counsel.

9.2 Penalties: Any person who removes or trims a public shade tree without a permit or hearing as required by law shall be subject to cumulative fines as follows: up to $500 as provided by Massachusetts General Laws Chapter 87, § 6. – Triple damages as set forth in Massachusetts General Laws Chapter 242, § 7. Each instance in which a Protected Tree is removed without a Tree Permit shall constitute a violation of this by-law and shall be subject to a fine of $300 and $50 per caliper inch. A violation of the provisions of this by-law shall result in the revocation of a building permit.

Section 8.32.10: Rules and Regulations The Selectmen may promulgate, after public notice and hearing, Rules and Regulations to effectuate the purposes and intent of this By-law. Failure by the Selectmen to promulgate such Rules and Regulations shall not act to suspend or invalidate the effect of this By-law.

Section 8.32.11: Severability If any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force.

Section 8.32.12: Relationship to Other By-laws Nothing in this by-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of existing Town of Brookline by-laws or Commonwealth of Massachusetts laws.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Mature trees have aesthetic appeal, contribute to the distinct character of the community, improve air quality, provide glare and heat protection, reduce noise, aid in the stabilization of soil, provide natural flood- and climate-control, create habitats for wildlife, enhance property values and provide natural privacy to neighbors. This by-law is proposed for the purpose of preserving and protecting both Public Shade Trees pursuant to General Law Chapter 87 and certain designated trees on private property. It

is desirable to plant more trees than are removed to compensate for tree losses and the length of time to maturity.

PLANNING BOARD REPORT AND RECOMMENDATION

This amendment proposes to create new regulations to protect both private and public trees by adding a new subsection to the Town's General By-Law under Part VIII – Public Health and Safety, Section 8.32 Tree Protection By-Law. It would place restrictions on the removal of protected trees on private property in connection with demolition or new construction, either residential or commercial. Construction could include a new structure or any addition that increases a building footprint by 10% or more. A protected tree would include any tree greater than eight inches in diameter, as measured at 4.5' off the ground, or "Diameter at Breast Height" (DBH). The amendment would also regulate the removal and/or planting of trees on public property and expand on the provisions under MGL Chapter 87, Shade Trees.

Under this proposed by-law, anyone wanting to remove a protected tree on private property in connection with construction or demolition would have to submit a site plan showing all trees at least eight inches DBH or greater, along with a proposal for tree removal and mitigation, when submitting an application for a building permit. The Building Commissioner would then refer the request to the Tree Warden, who would make a site visit and determine if an applicant's proposal to replace the tree or make a contribution to a Tree Replacement Fund was satisfactory. Should the Tree Warden find the applicant's tree removal and mitigation proposal consistent with the by-law's requirements, then a permit would be issued within 20 days. If the Tree Warden denies the proposal, then the applicant could appeal the denial to the Tree Planting Committee; a decision of that committee could be appealed to the Board of Selectmen.

The proposed amendment prohibits removing a protected tree unless it is replaced by planting other trees or a contribution is made to a Tree Replacement Fund. The funds in the Tree Replacement Fund would be used by the Tree Warden for the planting and maintenance of public trees. There are exceptions to these tree removal requirements: if it is part of an emergency project necessary for public safety, health and welfare; if a tree is hazardous and a threat to life and/or property; or if the tree has been identified by the Commonwealth as a risk due to insect or disease infestation.

This proposed by-law is nearly identical to a previous draft by-law developed by a Moderator's Committee formed in response to a Town Meeting warrant article in the fall of 2000. At that time, the committee acknowledged the Town did not have sufficient staff resources to effectively implement a tree protection by-law, but it prepared the language with the goal that it could be proposed at a later date if staff resources become available. Instead, the committee recommended that the various town boards and commissions that review development work together and consider the value of trees when considering policies and projects.

There are significant doubts that the Town has sufficient resources now to implement the proposed by-law; it is not clear that circumstances are vastly different than when the by-

law was first drafted a number of years ago. It would add significantly to the workload of not only the Tree Warden, but also the Building Commissioner. Over time, the Departments of Public Works, Building, and Planning and Community Development have developed strong working relationships and work together on development and landscaping plans, particularly for significant or controversial projects. These relationships have helped address concerns regarding private trees and construction, and through the permitting process developers are encouraged to preserve significant trees and install new landscaping. "Preservation of trees and landscape" is now a key design standard that is considered for all projects that require design review.

The Planning Board has concerns about the negative impacts this by-law could have on development. The cost for all projects, including smaller ones by homeowners, would increase not only because of the mitigation payments or tree replacement costs, but also because an instrument survey by a registered land surveyor would be required to document existing trees. Additionally, the Board is concerned that some properties would be "clear cut" in advance of applying for a building permit, ensuring maximum development flexibility, similar to how demolition permits are often applied for prior to a home's sale. The proposed by-law could discourage the general planting of trees on private property since the trees may not be able to be removed in the future without penalty.

The Planning Board strongly values trees and the many benefits they bring to our community. The Board, however, is not convinced this proposed by-law could be effectively implemented as proposed. There are some significant loopholes, including that where construction is not proposed, a property owner could cut down significant trees on his/her property without review. There could also be unintended consequences, including a property owner not planting additional trees on a property for fear that they could not be removed in the future. Most importantly, staff dedicated to the effective implementation and enforcement of a Tree Protection By-law would need to be added. Further research should be done on tree protection by-laws in other towns, the standard guidelines from the American Nursery Association, and the state lists of invasive plants. This could result in a tree protection by-law that protects a specific list of preferred trees. The Board would encourage the petitioner and others to examine these issues prior to proceeding with the proposed by-law.

Therefore, the Planning Board recommends NO ACTION on Article XI as submitted.

SELECTMEN'S RECOMMENDATION

This amendment was submitted by citizen petition and is nearly identical to a warrant article drafted by a Moderator's Committee in the early 2000s. It proposes a new subsection to the Town's General By-Law under Part VIII – Public Health and Safety, Section 8.32 Tree Protection By-Law and would require that any removal of a significant healthy tree (greater than 8" in diameter at 4.5' from the ground) related to demolition, or new construction increasing a building footprint by 10% or more, receive approval from the tree warden, who would require replacement tree(s) or a contribution to a public tree

fund as mitigation. The amendment also expands on MGL Chapter 87, which protects public shade trees. The amendment from the Moderator's Committee was not adopted by Town Meeting, because it was felt that there was not enough staff to implement and enforce it.

Because this by-law would affect every property owner in town, it is paramount that it is the right approach to preserving trees, while respecting the rights of property owners. The by-law has significant loop holes and possible unintended consequences. For example, a property owner could clear cut his/her property without approval if no construction is proposed at that time, or not plant new trees because they might limit a future addition. Some of the requirements seem to have been chosen arbitrarily, such as designating 8 inch trees as significant, rather than 10 inch trees, or requiring $50 per inch replacement costs. Other methods, such as making existing by-laws stronger or limiting tree removal restrictions to specific species of trees need to be evaluated.

Given the various issues that emerged during this warrant article's review the Board felt that further study was needed. Therefore, on April 19, 2016 a unanimous Board of Selectmen recommended FAVORABLE ACTION on the motion made by the Advisory Committee.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:

Warrant Article 11 is a citizen petition that asks Town Meeting to adopt a tree protection by-law that would protect and preserve both public shade trees and designated trees on privately-owned properties that meet certain criteria. The petitioner seeks to protect the "urban community forest" in Brookline. Although the Town already manages and maintains over 11,500 street trees, and a total of more than 50,000 on streets and other public lands, the vast majority of trees are on private property, and this Article would require the Town to also regulate protected trees on land that is privately-owned. This proposed by-law would put into place procedures for the removal of trees at least 8" in diameter, and enforcement and penalties for violations. There is some concern that the by-law in its current form might lead to unanticipated consequences and therefore the Advisory Committee recommends referral of this article to a Selectmen's Committee for further consideration of a tree protection by-law or zoning by-law.

BACKGROUND:

The petitioner brought this Warrant Article to Town Meeting after the property next door to his home was clearcut – with all trees removed by a developer. This is not the first time the idea of a tree protection by-law has come before Town Meeting. Article 24 of the Fall 2000 Special Town Meeting urged a Moderator's Committee be formed to evaluate the feasibility, effectiveness and community benefits of such a by-law in Brookline. The current Article 11 is nearly identical to a tree protection by-law proposed by that Moderator's Committee and included as part of its report to the Annual Town Meeting in 2003. The Committee concluded that: "The Town should not implement a tree protection by-law until there is appropriate staffing in place that can ensure the process is

fair, equitable, performed within a realistic time period and adds value to the community." The Moderator's Committee estimated that it would need at least a ¾ full-time-equivalent (FTE) position to enforce the by-law, and recommended that a by-law be adopted as soon as the Town had the financial resources to afford the personnel costs. It also prepared a draft of a tree protection by-law that it felt would fairly balance the trees' value to the community with other community needs and concerns. It further recommended that various Town boards (including the Planning Board, Conservation Commission, Zoning Board of Appeals, and Preservation Commission) consider the value of trees during their reviews. Since the Moderator's Committee report was completed in 2003, additional language has been added to Section 5.09 of the Town's design review guidelines to consider preservation of trees and landscape in the review of all projects requiring design review. Public shade trees are protected from removal under M.G.L. Chapter 87.

DISCUSSION:

Street trees are protected through State statute, but the vast majority of trees within a municipality rely on local statutes for protection. Trees are acknowledged to be a valuable community resource offering many benefits, both environmental and social. Trees positively affect climate change by absorbing carbon dioxide. They provide oxygen and absorb pollutants, thereby improving the quality of our air. They help prevent soil erosion and reduce runoff, which, through our stormwater system, may carry pollutants to the ocean. Shade trees help to keep homes and streets cooler and provide privacy and screening. They also provide a habitat and are a source of food for people and wildlife.

Many municipalities in Massachusetts have tree protection by-laws, including Lexington, Newton, Wellesley, Canton, Cambridge, and Springfield. Tom Brady, the Town's Tree Warden, reported that he spoke to many of his colleagues in other towns and inquired about their respective by-laws and the amount of time it takes to enforce them. Each municipality has taken a very different approach to tree protection. For example, Cambridge's ordinance only applies to lots of at least 25,000 square feet, and so there are perhaps only two or three projects to review. In Newton, residences (1, 2, 3, 4s) which are occupied for 18 months before and 90 days after trees are removed are exempted from the tree protection ordinance, and there are up to 200 reviews annually. In Wellesley, the by-law is triggered when there is a 50% increase in the footprint of a residence or there is a rebuild, and only for trees greater than 10". Wellesley's 2011 by-law is administered through zoning, not as a general by-law, and was specifically designed "to encourage the preservation and protection of sizeable trees on portions of private property during significant demolition and/or development activity." Lexington also uses a zoning by-law which is triggered when there is a 50% teardown or replacement and for trees greater than 6"; the zone that reviewed is 30' off the front and 15' off the back and side. Each site requires 3 visits and there are about 100 properties per year that are reviewed.

The proposed by-law's provisions would be triggered by any of the following: (1) a proposed addition that would increase the structure's footprint by 10% or more; (2) the proposed demolition of an existing residential structure and its replacement with a new residential structure; (3) the proposed demolition of a nonresidential structure; (4) any proposed new construction (residential or nonresidential); (5) proposed removal and

replacement of existing public shade trees; (5) any land-disturbing activities as defined in the Town's Stormwater Management by-law Article 8.26 Section 8.26.2(3), which deals with erosion and sediment control.

The draft by-law defines a protected tree as "any tree that is greater than eight inches 'Diameter at Breast Height' (DBH) measured at 4.5' off the ground." Any removal of protected trees would be prohibited without the authorization of the Tree Warden or the Tree Planting Committee. For any protected tree that is removed, a replacement tree would have to be planted that is ½ inch caliper for each inch of DBH of trees removed with a minimum caliper of 3". The draft by-law also sets up a Tree Replacement Fund of $50 per DBH of protected tree removed if not already mitigated through replanting. The by-law further sets out policies for enforcement and penalties for removal of protected trees.

The proposed 10% threshold (for increasing a structure's footprint) set in the Warrant Article means construction would frequently trigger a review. The Department of Public Works estimates that the by-law would result in close to 650 Building Department reviews and 50 instances when the Engineering Department would be called in to look at land disturbance activities. These reviews would lead to an estimated 2100 additional hours of staff time for the Tree Warden or another 1.0 FTE.

The Advisory Committee discussion focused on the financial implications of passing this Warrant Article in its current form, understanding that the workload for the Tree Warden and for the Building Department would significantly increase and the Town would need to hire additional staff. It was proposed that rather than a general by-law, a zoning by-law might be a way to solve this problem by focusing the Town's tree protection efforts on projects that require special permits and/or variances. Such projects often trigger reviews by the Planning Board, Conservation Commission, and Zoning Board of Appeals and their associated staff. The Planning Board, for example, requires plot plans for projects that need to go through a review process, on which the number and size of existing trees can be noted. Nevertheless, an evaluation of the condition of the trees would require the expertise of an arborist, and thus there would still be a need for additional staff time to implement a by-law similar to Article 11.

The Advisory Committee was persuaded that the Town would benefit from a tree protection by-law, but the proposed by-law in Article 11 required further study. By a large majority the Committee initially voted that the subject of Warrant Article 11 be referred to the Zoning By-Law Committee for further evaluation. Article 11, however, was not submitted as a zoning by-law amendment. Thus the Zoning By-Law Committee suggested that a Selectmen's Committee would be the more appropriate way to proceed and that the study committee be directed to determine what level of tree protection on private property would be beneficial and whether such protection should be part of the Zoning By-Law or Town By-Laws. The Advisory Committee concurs and therefore amended its original recommendation. The Advisory Committee notes that the recommended motion explicitly asks the Selectman's Committee to consider whether an amendment to the Town's zoning by-law should be considered as part of Brookline's efforts to protect trees.

May 24, 2016 Annual Town Meeting

11-10

RECOMMENDATION:

The Advisory Committee by a vote of 18–0–0 recommends FAVORABLE ACTION on the following:

VOTED: To refer the subject matter of Article 11 to the Selectmen for appointment of a committee, with members to be chosen from the public, and appropriate Town Committees and Boards, having the necessary skills and expertise to evaluate the best way to provide tree protection in the Town, including whether this should be a zoning and/or general by-law amendment and make a report back to the 2017 Annual Town Meeting.

Passed by a Majority Vote

XXX

ARTICLE 12

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

The Board of Selectmen reconsidered Article 12 at their May 10, 2016 meeting after learning that the petitioner would like to withdraw this article. The Selectmen offer no motion under Article 12.

ARTICLE 12

TWELVTH ARTICLE
Submitted by: Richard Murphy

To see if the Town will amend Table 5.01 -Table of Dimensional Requirements - of the Town of Brookline Zoning By-law as follows: "*New dimensions appearing in bold underline, old dimensions struck out on the attached table 5.01*"

Table 5.01 – Table of Dimensional Requirements:

S-40 District: Increase 1-family detached dwelling minimum side yard from 20 to 30 feet.

S-25 District: Increase 1-family detached dwelling minimum side yard from 20 to 30 feet.

S-15 District: Increase 1-family detached dwelling minimum side yard from 15 to 20 feet.

S-10 District: Increase 1-family detached dwelling minimum side yard from 10 to 15 feet.

S-7 District: Increase 1-family detached dwelling minimum side yard from 7.5 to 10 feet.

S-0.5P District: Increase 1-family detached dwelling minimum side yard from 15 to 20 feet.

S-0.75P District: Increase 1-family detached dwelling minimum side yard from 7.5 to 10 feet.

SC-7 District: Increase 1-family detached dwelling minimum side yard from 7.5 to 10 feet.

SC-10 District: Increase 1-family detached dwelling minimum side yard from 7.5 to 10 feet.

S-4 District: Increase 1-family detached dwelling minimum side yard from 7.5 to 10 feet.

Table 5.01 – Table of Dimensional Requirements		LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	LOT WIDTH MINIMUM (feet)	HEIGHT [9] MAXIMUM (feet)	MINIMUM YARD [3, 10] (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE					Front [1,6]	Side [2]	Rear	Landsc.	Usable
S-40	1-family detached dwelling subject to Section 5.11(a) Cluster	20,000	0.20	110	35	30	~~20~~ **30**	50	10%	80%
	1-family detached dwelling not subject to Section 5.11	40,000	0.15	150	35	30	~~20~~ **30**	50	10%	100%
	Any other structure or principal use [15]	40,000	0.15	150	35	40	30	60	100%	none
S-25	1-family detached dwelling subject to Section 5.11(a) Cluster	12,500	0.25	90	35	30	~~20~~ **30**	50	10%	60%
	1-family detached dwelling not subject to Section 5.11	25,000	0.20	120	35	30	~~20~~ **30**	50	10%	80%
	Any other structure or principal use [14, 15]	25,000	0.20	120	35	40	30	60	80%	none
S-15	1-family detached dwelling subject to Section 5.11(a) Cluster	7,500	0.30	75	35	25	~~15~~ **20**	40	10%	60%
	1-family detached dwelling not subject to Section 5.11	15,000	0.25	100	35	25	~~15~~ **20**	40	10%	60%
	Any other structure or principal use [15]	15,000	0.25	100	35	35	25	50	60%	none
S-10	1-family detached dwelling	10,000	0.30	85	35	20	~~10~~ **15**	30	10%	40%

Table 5.01 – Table of Dimensional Requirements		LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	LOT WIDTH MINIMUM (feet)	HEIGHT [9] MAXIMUM (feet)	MINIMUM YARD [3, 10] (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE					Front [1,6]	Side [2]	Rear	Landsc.	Usable
	Any other structure or principal use [15]	10,000	0.30	85	35	30	20	40	40%	none
S-7	1-family detached dwelling	7,000	0.35	65	35	20	~~7.5~~ **10**	30	10%	30%
	Any other structure or principal use [15]	7,000	0.35	65	35	30	20	40	30%	none
S-0.5P	1-family detached dwelling subject to Section 5.11(a) Cluster	7,500	0.30	75	35	25	~~15~~ **20**	40	10%	40%
	1-family detached dwelling not subject to Section 5.11	15,000	0.25	100	35	25	~~15~~ **20**	40	10%	60%
	Other dwelling structure		0.50	75	40	25	15	40	10%	40%
	First dwelling unit	300,000								
	Each additional dwelling unit	1,000								
	Any other structure or principal use [15]	15,000	0.25	100	35	35	25	50	60%	none
S-0.75P	1-family detached dwelling	7,000	0.35	65	35	20	~~7.5~~ **10**	30	10%	30%
	Other dwelling structure		0.75	65	40	20	10	30	10%	30%
	First dwelling unit	140,000								
	Each	1,000								

Table 5.01 – Table of Dimensional Requirements		LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	LOT WIDTH MINIMUM (feet)	HEIGHT [9] MAXIMUM (feet)	MINIMUM YARD [3, 10] (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE					Front [1,6]	Side [2]	Rear	Landsc.	Usable
	additional dwelling unit									
	Any other structure or principal use [15]	7,000	0.35	65	35	30	20	40	30%	none
SC-7	1-family detached dwelling	7,000	0.35	65	35	20	~~7.5~~ **10**	30	10%	30%
	Converted 1-family detached dwelling	7,000	0.50	65	35	20	~~7.5~~ **10**	30	10%	30%
	Any other structure or principal use [15]	7,000	0.35	65	35	30	20	40	30%	none
SC-10	1-family detached dwelling	10,000	0.35	65	35	20	~~7.5~~ **10**	30	10%	30%
	Converted 1-family detached dwelling	10,000	0.50	65	35	20	~~7.5~~ **10**	30	10%	30%
	Any other structure or principal use [15]	10,000	0.35	65	35	30	20	40	30%	none
S-4	1-family detached dwelling	4,000	1.0	40	35	15	~~7.5~~ **10**	30	10%	30%
	Any other structure or principal use	5,000	1.0	50	35	25	20	40	30%	none
(Additional regulations are contained in the text of Article 5.00) Required Lot Frontage: 25' in S and SC districts and 20' in all other districts										
T-6	1-family detached dwelling	5,000	0.75	45	35	15	7.5	30	10%	30%
	2-family dwelling	6,000	0.75	55	35	15	10	30	10%	30%
	1-family	3,000	0.75	25	35	15	none	30	10%	30%

Table 5.01 – Table of Dimensional Requirements		LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	LOT WIDTH MINIMUM (feet)	HEIGHT [9] MAXIMUM (feet)	MINIMUM YARD [3, 10] (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE					Front [1,6]	Side [2]	Rear	Landsc.	Usable
	attached dwelling						[2]			
	Any other structure or principal use	6,000	0.75	55	35	25	20	40	30%	none
T-5	1-family detached dwelling	4,000	1.0	40	35	15	7.5	30	10%	30%
	2-family dwelling	5,000	1.0	45	35	15	10	30	10%	30%
	1-family attached dwelling	2,500	1.0	20	35	15	none [2]	30	10%	30%
	Any other structure or principal use	5,000	1.0	50	35	25	20	40	30%	none
F-1.0	1–family dwelling	4,000	1.0	40	35	15	7.5	30	10%	30%
	2–family dwelling	5,000	1.0	45	35	15	10	30	10%	30%
	3–family dwelling	5,000	1.0	45	40	15	10	30	10%	30%
	1-family attached dwelling	2,500	1.0	20	35	15	none [2]	30	10%	30%
	Any other structure or principal use	5,000	1.0	60	40	25	20	40	30%	none

(Additional regulations are contained in the text of Article 5.00) Required Lot Frontage: 25' in S and SC districts and 20' in all other districts

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

The purpose of Town of Brookline Zoning By-law, in part, is to prevent overcrowding of land, provide for adequate light and air, and provide for adequate open space, including landscaped and useable open space, public shade trees and other landscape and natural features.

The purpose of yard setbacks is "to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, and to serve as filtration areas for storm water run-off."

This Article proposes to increase the minimum side yard setback in all S and SC districts as described, in efforts to meet the foregoing purposes and reduce the impact of oversized residential structures.

PLANNING BOARD REPORT AND RECOMMENDATION

This zoning amendment proposes to increase the side yard requirements for single-family and converted single-family dwellings in all S and SC zoning districts (single-family and single-family converted for two-family districts). The changes to Table 5.01, Table of Dimensional Requirements, in the Brookline Zoning By-Law are as follows:

Zoning District	Existing Single-family Side Yard Requirement	Proposed Single-family Side Yard Requirement
S-40 and S-25	20'	30'
S-15 and S-0.5P	15'	20'
S-10	10'	15'
S-7, S-4, SC-7, SC-10, S-0.75P	7.5'	10'

Essentially, this proposed amendment would add up to 10 feet to side yard setback requirements for single-family dwellings, or single-family dwellings that have been converted to two-family dwellings, but only in S or SC districts. Single-family dwellings in other districts, such as two-family (T) or three-family (F) districts, would retain a 7.5' side yard setback requirement despite having much higher allowed floor-to-area (FAR) ratios.

The explanation accompanying the warrant article describes the motivation underlying the amendment as an effort to meet the purposes of the Zoning By-law, including preventing the overcrowding of land and providing for adequate light, air and open space. The explanation also quotes purposes of not infringing on the rights of neighbors and to allow room for lawns and trees, but it is not clear where this language is drawn from – this is not language from the Zoning By-law.

The Planning Board feels the proposed amendment, which would change a setback requirement that has been in place since the early 1960s, is not advisable because no

study or analysis of the need for or impact from such a change has been provided. Increasing the side yard setback requirement, in some districts by 10 feet, would create a number of new non-conforming single-family dwellings, thereby limiting the renovation or expansion options for these homes, including for new dormers, enclosed porches, and other such projects. A non-conforming status could also have an adverse impact on the value of a property.

Creation of additional non-conforming structures will also add to the caseload of the Planning staff, the Planning Board and the Zoning Board of Appeals who are already significantly burdened by the current caseload. It would likely require the hiring of additional planning staff.

The Board is not aware of broad complaints from residents in single-family districts that side yard setback requirements are too small. Additionally, since the amendment retains the existing side yard requirements for single-family homes in all of the other districts, which typically have higher allowed floor-to-area ratios, the proposed warrant article seems inconsistent. Adding to the confusion, the side yard requirements for non-conforming uses in S and SC districts would also stay the same. For example, this amendment would create the same side yard requirement for single-family dwellings as for non-conforming uses in S-40 and S-25 districts. If there is a lack of side yard space in single-family districts, then typically there would be a greater side yard requirement for non-conforming uses than for single-family dwellings.

Finally, all single-family properties also have landscaped and usable open space requirements, as well as limits on allowed floor area, to ensure that there is room for recreation and plantings and to prevent lot overcrowding. If the purpose of this amendment is to ensure adequate usable open space and prevent oversized residential structures, then the Board would recommend examining not only setback requirements but also usable open space and floor-to-area ratio requirements. As currently presented, the need for this amendment is not clear, and its impacts on properties in single-family districts would be broad. The Board does not support making such a significant change in the Zoning By-law unless there is a clear need.

Therefore, the Planning Board unanimously recommends NO ACTION on Article XII as submitted.

SELECTMEN'S RECOMMENDATION

This zoning amendment was submitted by citizen petition. It proposes to increase the side yard requirements for single-family and converted single-family dwellings in all S and SC zoning districts (single-family and single-family converted for two-family districts). Although new homes would be required to have larger side yards, homeowners of existing dwelling might now be limited from making changes to their homes by-right. Many existing homes would not meet the new side yard setback requirement and would become non-conforming. This could limit a property owner from being able to construct a dormer, deck or addition without going through a lengthy special permit approval

process. It would also significantly increase the workload of the Planning Board and Board of Appeals.

This zoning by-law amendment looks narrowly at side yard setbacks for single-family homes and does not address side yard setbacks for non-conforming uses in a single family district, nor side yard setbacks for two family or multi-family homes. Nor does it take into account that floor area ratio, usable open space and landscaped open space requirements also limit the size of a home.

The Board of Selectmen does not support this proposed change to the Zoning By-law because of its impact to the many existing homes in Brookline that would be made non-conforming. The petitioner has since indicated his preference to withdraw the article.

Therefore, by a unanimous vote taken on April 19, 2015, the Board of Selectmen recommends NO ACTION on Article 12.

*The Board will be reconsidering this motion at their May 10, 2016 meeting given that a no action motion under this article may preclude Town Meeting consideration of the zoning amendment related to Article 12 for two years.

ADVISORY COMMITTEE'S RECOMMENDATION

The Advisory Committee has been informed that no motion will be offered under Article 12. The Advisory Committee therefore makes no recommendation on this Warrant Article.

XXX

ARTICLE 13

THIRTEENTH ARTICLE
Submitted by: Ernest Frey

To see if the Town will amend the Brookline Zoning By-law as follows: (new language in bold and bold underline):

Section 5.09 – Design Review

3. Procedure

a. General

2) Preapplication — Prior to a formal submission to the Building Commissioner, the applicant is strongly encouraged to take the following steps, and in the case of a Major Impact Project as defined in Section 5.09 3. b. such preliminary steps are required:

a) consult with the Building Commissioner and Planning Director or their designees for technical advice relative to the community and environmental impact and design review standards of this section; and

b) schedule and hold at least one neighborhood meeting and make good faith effort to notify **in a timely manner** abutters, tenants of abutters, Town Meeting Members **for the precincts of all abutters**, neighborhood associations, and other interested citizen groups to review the project plans, and the applicant should actively promote citizen involvement throughout the review process. **Timely notification requires notices to be mailed or delivered at least seven days prior to the scheduled neighborhood meeting. Failure to provide timely notice for a Major Impact Project shall require scheduling of another meeting with timely notice.** In the case of Major Impact Projects, the meeting shall be convened prior to the Planning Board's preliminary meeting as required by Section 5.09 3. b. 4). The Department of Planning and Community Development will assist the applicant in identifying the parties to be notified; and

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This Warrant Article will improve the ability of neighbors, Town Meeting Members, Neighborhood Associations and others to be aware of proposed property improvements that may impact their public health, safety, convenience and welfare of Brookline citizens.

While this Warrant Article grew out of a recent neighborhood meeting request arranged for a particular property improvement proposal, the recommendations are general, and are intended to apply to any improvement defined as a Major Impact Project by either the Building Commissioner or the Planning Director, according to Section 5.09 3. b. of the current Zoning By-law.

The specific neighborhood meeting requirement came about when a 29 unit residential apartment building was proposed for an existing parking lot at 54 Auburn Street. As this proposal was for a residence building of 16 units or more, it qualified for treatment as a Major Impact Project. Accordingly, the applicant was required to schedule and hold at least one neighborhood meeting with a good faith effort to notify abutters, Town Meeting Members and others, of that meeting.

The applicant did provide proper notification to all abutters, as defined by the Zoning By-law. However, that notification was received by abutters through normal postal mail delivery on the Friday or Saturday prior to the meeting planned for the following Monday. This is insufficient time for abutters to place this meeting on their schedules, or to gather any materials or other information to prepare for the meeting.

The Zoning By-law requires such notification to be sent to Town Meeting Members and Neighborhood Associations that may have an interest in the improvements. The listing of abutters produced by the Town's so called Abutters App accessible through the Brookline Maps icon on the Town website identified some Town Meeting Members who were also abutters, but not all Town Meeting Members for the Precinct in which the improvement was proposed. The Neighborhood Association which included the intended property improvement was never officially notified of the meeting.

The abutters listing for this proposed property improvement included properties in an adjacent precinct. This Warrant Article would require notification of the Town Meeting Members for properties of all abutters. The abutters list for this proposed improvement for a Precinct 7 property included Precinct 10 properties. If this Warrant Article were in effect for this particular improvement proposal, all Precinct 10 Town Meeting Members, as well as all Precinct 7 Town Meeting Members would need to be notified.

The Abutters App was recently updated by IT so that Precinct ID of abutters is clearly identified. IT staff has also been contacted regarding an easy way of is looking into the possibility of showing also Neighborhood Associations and Local Historic Districts in the Abutters App.

Timely reporting to all abutters and affected organizations is very important to providing sufficient time to prepare for the neighborhood meeting. While the petitioner would have preferred four or two weeks for the noticing, the Department of Planning and Community Development and the Building Department suggested language requiring the notices to be mailed or delivered at least seven days prior to the scheduled meeting. The petitioner assented to that suggestion as sufficient for the purpose of this Warrant Article.

The applicants for a Major Impact Project should be little affected by these changes proposed to the Zoning By-law. They must insure that the notices are mailed at least

seven days prior to the meeting, using the mailing labels provided as part of the Abutters App used by the Planning Department.
Passing this Warrant Article will go a long way to insuring that more Brookline citizens are aware of proposed property improvements so that they may decide for themselves on whether or not to lend support to those proposals. This Article is not anti-development; it lifts the curtain on development projects so that developers and citizens may engage in a cooperative effort to mutually agree on those property improvements which are most beneficial to the property owners and to the neighbors of the property being improved.

PLANNING BOARD REPORT AND RECOMMENDATION

This zoning amendment proposes to amend the pre-application requirements under Section 5.09, Design Review, of the Brookline Zoning By-Law. Currently, the Zoning By-Law requires a developer to hold a neighborhood meeting for a proposed Major Impact Project. However, the By-Law doesn't specify what constitutes timely notice of a neighborhood meeting. This amendment would require the developer to mail or deliver the notice at least seven days prior to the neighborhood meeting.

Currently, notice of the neighborhood meeting requires notice to abutters, tenants of abutters, Town Meeting members, neighborhood associations, and other interested citizen groups. Since notice is typically sent to Town Meeting members in the precinct where the project is located, this amendment also requires that notice should be sent to Town Meeting members from the precinct of any abutter, which could be different than the precinct where the project is located. The amendment also specifies that if timely notice of the neighborhood meeting is not given, the developer would be required to schedule another meeting complying with the timely notice requirement.

The Planning Board is comfortable with the notice specifications in this proposed amendment. Adding these specifications gives direction to potential developers and ensures that residents and Town Meeting members will be notified of a meeting in a timely manner.

Therefore, the Planning Board unanimously recommends FAVORABLE ACTION on Article XIII as submitted.

SELECTMEN'S RECOMMENDATION

This zoning amendment was submitted by citizen petition. It would amend the pre-application regulations of the Brookline Zoning By-Law, Section 5.09, Design Review, to require that for a Major Impact Project a developer hold a meeting prior to making an application to the Town in order to inform the neighbors about what is being proposed. This amendment is in response to a developer who gave only two days' notice before the neighborhood meeting that he scheduled. Since the By-Law doesn't specify what adequate notice is, this amendment addresses that by requiring a developer to mail or deliver notice at least seven days prior to neighborhood meeting. Furthermore, in

addition to abutters and others, notice must go to Town Meeting members where the project is located, and the petitioner has added Town Meeting members of abutters as well because the abutter could be in a different precinct than where the development is located. If the developer does not meet this notice requirement, he would be required to schedule another neighborhood meeting before he can apply to the Town.

The Board of Selectmen supports this amendment and believes it is a straightforward, positive change.

By a vote of 5-0 taken on April 19, 2016, the Board recommends FAVORABLE ACTION on the vote offered by the Advisory Committee.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
Article 13 proposes to amend the pre-application requirements under Section 5.09, Design Review of the Brookline Zoning By-Law in two ways:

1. It requires the developer to mail or deliver the notice at least seven days prior to the neighborhood meeting for a proposed Major Impact Project. (Current zoning language requires a developer to hold a neighborhood meeting, but does provide any time constraints on the notice.)
2. It requires the developer to notify Town Meeting Members for the precincts of all abutters, as some projects may be located so that abutters are in a different precinct than the project. (Current zoning language does not stipulate which Town Meeting Members are to be notified.)

The Advisory Committee agrees with the findings of the Planning Board and **recommends FAVORABLE ACTION on Article 13**.

BACKGROUND:
Article 13 was submitted as a citizen petition by Ernest Frey. It seeks to clarify the notification procedures for Major Impact Projects so that Town Meeting Members, neighborhood associations, abutters and other interested parties can be made more aware of proposed property developments that may impact the health, safety and welfare of Brookline citizens. Section 5.09 of the Zoning By-Law defines a Major Impact Project as:

- any residential development of 16 units or more,
- any nonresidential development containing more than 25,000 square feet, or
- any other project with the potential for substantial environmental impact on the community

Currently, prior to formalizing their application to the Town, developers of Major Impact Projects are required to hold at least one neighborhood meeting, with notification sent to

abutters, tenants of abutters, Town Meeting members, neighborhood associations, and other interested citizen groups. This amendment requires that this notification be done in a "timely manner," and goes on to define timely notification as "mailed or delivered at least seven days prior to the scheduled neighborhood meeting." Moreover, since currently only Town Meeting members in the precinct where the project is located receive notice, this amendment would also require that notice be sent to Town Meeting members from the precinct of any abutter, since these may be different. Finally, the amendment also specifies that if timely notice of the neighborhood meeting is not given, the developer would be required to schedule another meeting after complying with the timely notice requirement.

DISCUSSION:

Because there are differences between notification procedures for Brookline's various boards and commissions, the Advisory Committee suggests that a future Town Meeting address the notification procedures described in the Zoning By-Law in a more consistent, universal manner. For now, however, the Advisory Committee believes the amendments proposed in Article 13 are an important step forward. Article 13 is not anti-development, but rather it improves the ability of Brookline's citizens to be informed about projects that may affect their health, safety and welfare, so that, ultimately, potential projects can benefit from neighborhood feedback early in the design process.

The Advisory Committee is comfortable with the notice clarifications in this proposed amendment.

RECOMMENDATION:

By a vote of 19–0–3, the Advisory Committee recommends FAVORABLE ACTION on the following:

VOTED: That the Town amend the Brookline Zoning By-law as follows: (new language in bold and bold underline):

Section 5.09 – Design Review

3. Procedure

a. General

2) Preapplication— Prior to a formal submission to the Building Commissioner, the applicant is strongly encouraged to take the following steps, and in the case of a Major Impact Project as defined in Section 5.09 3.b. such preliminary steps are required:

a) consult with the Building Commissioner and Planning Director or their designees for technical advice relative to the community and environmental impact and design review standards of this section; and

b) schedule and hold at least one neighborhood meeting and make good faith effort to notify **in a timely manner** abutters, tenants of abutters, Town Meeting Members **for the precincts of all abutters**, neighborhood associations, and other interested citizen groups to review the project plans, and the applicant should actively promote citizen involvement throughout the review process. **Timely notification requires notices to be mailed or delivered at least seven days prior to the scheduled neighborhood meeting. Failure to provide timely notice for a Major Impact Project shall require scheduling of another meeting with timely notice**. In the case of Major Impact Projects, the meeting shall be convened prior to the Planning Board's preliminary meeting as required by Section 5.09 3. b. 4). The Department of Planning and Community Development will assist the applicant in identifying the parties to be notified; and

XXX

Passed by a unanimous
Vote / with 1 Abstention

Defeated By A Standing Recorded Vote of 89 In Favor, 94 Opposed and 7 Abstentions.

ARTICLE 14

MOTION TO BE OFFERED BY THE PETITIONERS

MOVED: ~~VOTED:~~ That the Town accept the provisions of Section 148C of Chapter 149 of the Massachusetts General Laws, the Earned Sick Time Law, pursuant to Article CXV of the Amendments to the Constitution of the Commonwealth.

Explanation

Under the state Earned Sick Time Law, employees may use up to 40 hours of accrued sick time per year for preventative medical care (screening, check-ups, counseling) for themselves or immediate family members. Under the town and school sick time policies for part time, temporary and seasonal employees, this use is prohibited.

Under the state Earned Sick Time Law, employees may (with some exceptions) use sick time in hourly increments. Under the town and school sick time policies for part time, temporary and seasonal employees, workers may use sick time only in increments of no less than half of a regularly scheduled day unless otherwise allowed by individual departments.

Under the state Earned Sick Time Law, employers are required to post notices about employees' sick time rights. They are prohibited from retaliating against employees for using sick time or filing a complaint for alleged violations of the sick time law. The Attorney General has the authority to go to court to stop violations and to issue civil citations against employers. The town and school policies provide none of these employee protections. Further, per the Classification and Pay Plan, the town's grievance procedure is not available to temporary and seasonal employees.

In November 2015, Town Counsel represented to Town Meeting that a favorable vote on the Earned Sick Time Law Warrant Article would bind the schools. See https://www.youtube.com/watch?v=AUZGUn2wXVA about 1:30 (one hour and thirty minutes into the YouTube). Presently, Town Counsel is taking the position that a favorable vote by Town Meeting would not bind the schools. However, at the Advisory Committee (AC) review of this warrant article on April 28, 2016, the subcommittee chair informed the AC that the schools had been advised by labor counsel that favorable action by Town Meeting would bind the schools.

On April 19, 2016, at the Selectmen's public hearing re Warrant Article 14, the Town Administrator reported that a payroll systems "glitch" was responsible for part time, temporary and seasonal town employees' not receiving notice of the accrual of their sick time since October 1, 2015.

As of April 26, 2016, the date of the Advisory Committee subcommittee public hearing re Warrant Article 14, the Human Resources Office had yet to directly notify town employees of the town's sick time policy for part time, temporary and seasonal workers, which policy had been in effect since October 1, 2015.

AFSCME Local 1358, Brookline Firefighters Local 950 IAFF and the Brookline Educators Union support Warrant Article 14.

We believe that the state Earned Sick Time Law offers benefits superior to those of town and school policies and that our town and school employees merit the same earned sick time benefits which most of us approved on November 4, 2014 for other employees throughout the Commonwealth.

ARTICLE 14

FOURTEENTH ARTICLE
Submitted by: Patricia Connors and Cornelia H.J. van der Ziel

To see if the Town will accept the provisions of Section 148C of Chapter 149 of the Massachusetts General Laws, the Earned Sick Time Law, pursuant to Article CXV of the Amendments to the Constitution of the Commonwealth.

or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

At last Town Meeting in November, 2015, the principal petitioners moved Town Meeting to adopt the state Earned Sick Time Law for the town of Brookline. As you may recall, voters approved ballot initiative Question 4 entitled, "Earned Sick Time for Employees," on November 4th, 2014, allowing employees to earn and use sick time. Recognizing the importance of providing earned sick time to employees in order to safeguard the public health, keep the cost of health care down, and allow workers to take care of themselves and their families, Brookline voters approved Question 4 by a large majority. The law allows employees to use earned sick time to look after their own medical needs or the needs of family members, or to address issues related to domestic violence. It requires an employer of eleven or more employees to provide a minimum of one hour of earned paid sick time for every thirty hours worked by an employee up to 40 hours of earned paid sick time in a calendar year. Workers employed by cities and towns are not included under this law unless the municipal legislative body votes to accept the law as required by Article CXV of the Amendments to the Constitution of the Commonwealth. To learn more about this law, go to:
http://www.mass.gov/ago/docs/government/earned-sick-time-law.pdf

At the November, 2015 Town Meeting, the Human Resources Director stated that the Board of Selectmen had voted to adopt amendments to the town's Classification and Pay Plan (CPP) in September, 2015 such that less than half-time and temporary/seasonal employees would earn sick leave. Also, a member of the School Committee presented that the Public Schools of Brookline would amend its employee benefits policy such that certain employees ineligible for sick time; e.g., long term substitute teachers, would earn sick time benefits. Based in part on these representations, Town Meeting declined to adopt the state law last November.

In late February, 2016, the principal petitioners received an anonymous letter, dated February 28, 2016 which provided the following:

"I am a part-time employee of the town of Brookline. I followed the warrant article and state law debate very carefully last spring and was disappointed to see the warrant fail.

I do not know if you are aware that the town has not implemented their version of the sick-leave policy for part-time employees at all. It was supposed to go into effect on October 1 of 2015. I and my other part-time colleagues have received no accrual of sick-time nor have we been paid for valid sick leave that we have requested.

I do not know what the problem is, but there has been absolutely no communication from the Town to us about this matter.

I believe some outside pressure needs to be applied.

Unfortunately, I am forced to write this letter anonymously out of concern for a backlash.

Thank you very much for caring about this very important issue.

Signed,
A concerned part-time town employee"

Additionally, the Public Schools of Brookline recently responded to petitioner Connors' public records request and indicated that numerous School employees, including long term substitute teachers, remain ineligible for earned sick time.

Given the above information, we believe that the best way to insure that our town is complying with the intent and spirit of the state Earned Sick Time Law is for Town Meeting to adopt it, thereby insuring that the Commonwealth of Massachusetts will enforce it.

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SELECTMEN'S RECOMMENDATION

Article 14 regarding adoption of the Sick Leave Law, MGL as Ch. 149, sec. 148, is the same matter that was put forward for a vote in November 2015 wherein Town Meeting voted no action[1]. Article 14 seeks to have Town Meeting adopt the Earned Sick Leave Law despite the fact that the Town's Board of Selectmen adopted a similar, if not more generous, policy for its employees who formerly did not accrue such sick leave. The new sick leave benefit was promptly published in the Classification and Pay Plan, in September, 2015 (Referred to as the 2015 CPP), and became effective in October, 2015.

Consistent with the new policy, part-time and temporary employees began accruing sick leave in October 2015 and were able to use such accrued sick time ninety days thereafter (January 2016). To date about 250 part-time and temporary employees have accrued sick time. We anticipate that an additional 75 to 100 part-time and temporary employees will

[1] The law, which mandates employers to provide earned sick time to employees, applies to both private and public employers. However, cities and towns are considered "employers" for the purpose of the law only if the municipal legislative body votes to accept the law. The Sick Leave Law , MGL as ch. 149, sec. 148 C was effective July 1, 2015 and the Attorney General's Office published final regulations on June 19, 2015 (940 CMR 33.00).

begin accrue sick time throughout the calendar year as these temporary and less than part-time employees are hired during the various hiring cycles.

The 2015 CPP has been widely circulated and is located on both the Town's website and the Town's intranet. The Human Resources Department held trainings for employees covered by the Classification and Pay Plan, including the new sick leave benefit. Multiple trainings were held for the key departments (Recreation, Council on Aging and Library) who hire the majority of the temporary and "Less than Half-time" employees regarding both training on benefit details and benefit administration of benefit)[2].

Prior to recommending the amendment to the 2015 Classification and Pay Plan for non-union employees, the Human Resources Director and Town Administrator considered the adoption of the state law and its impact on the Town's various employee groups, current practices, procedures and union contracts. Their analysis revealed that a wholesale adoption of the new state law would be too disruptive to the Town's workplace. That still holds true today. To ensure consistency with the Town's established work rules and procedures, rules that have been bargained extensively with the various unions, the provisions of the law were incorporated in the CPP to ensure efficiency by treating the non-benefited group within the same work rules as union employees. Therefore, the CPP provides these non-benefited employees with paid personal as well as paid sick leave.

The Board of Selectmen recommends NO ACTION under this article because we believe the amendment to the 2015 CPP, coupled with our various collective bargaining agreements, meets, if not exceeds, the mandate of the state providing important new benefits to temporary, seasonal and Less than Half-time employees; and, does so in a manner that is consistent with the current sick leave provisions secured by other unionized employees. The application of the Earned Sick Leave law to employees who are covered by collective bargaining agreements is fraught with challenges and potential litigation over the interpretation of the contract and statutory overlap. Instead, the more appropriate vehicle for changes to the leave provisions of the collective bargaining agreements is at the bargaining table where change are carefully reviewed, discussed and negotiated by both sides.

The Town of Brookline's Board of Selectmen, the HR Board, the Town Administrator and the Human Resources Director have taken the new state law mandate seriously and have instituted paid sick leave for those part-time and temporary employees who formerly did not receive sick time. To date, no other municipality in the Commonwealth, that we are aware of, has instituted similar provisions for this group of employees and certainly not as quickly. The new law has yet to be tested and challenged and as such we

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[2] There has been a technical issue in automatically applying the accruals in the payroll system for any employee who has multiple positions and different rates of pay, e.g., life guard, swim coach. This is a particularly significant problem for our Recreation employees and the automatic accrual function has been delayed as HR works with the vendor and our IT department to resolve this issue. However, the departments were told that such tracking is manual until the payroll system was addressed. Further, if any department was not sure how much time had been accrued under the policy the HR department would work with them. The HR Office, having queried the key departments, is not aware of any employee being denied sick leave under the new policy.

strongly urge Town Meeting to vote "No Action" in 2016, as it did in 2015, and to maintain the integrity of the Town and Schools' labor relations and well established work rules.

By a vote of 5-0 taken on April 26, 2016, the Board recommends NO ACTION on Article 14.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
By a vote of 20 in favor, 3 opposed, and no abstentions, the Advisory Committee voted to recommend NO ACTION on Article 14.

The Article seeks to have the Town accept the provisions of state law, Section 148C of Chapter 149 of the Massachusetts General Laws (the Earned Sick Time Law), which does not cover employees of municipalities unless specifically voted by a municipality's legislative body. The majority of the Advisory Committee felt that the Town now provides benefits as close to the law as possible while still being consistent with the Town's collective bargaining agreements and general employment policies.

BACKGROUND:
The petitioners submitted this Article to Town Meeting in November, 2015 (Warrant Article 7). While most Brookline employees receive sick leave benefits under collective bargaining agreements, temporary and part-time employees working less than 18.75 hours per week had not been covered. In September 2015, the Town amended its policies to provide benefits for those employees. This policy appears beginning on page 23 of the Classification and Pay Plan dated September, 2015, and is included in Appendix 1 below. It differs in minor respects from state law so as to be consistent with the Town's collective bargaining agreements and general employment policies. The School Committee indicated that they also planned to revise their policies to extend sick leave to part-time and temporary school employees. Consequently, the November 2015 Town Meeting voted No Action on the Warrant Article.

In February, 2016, the petitioners received an anonymous letter from a part-time Town employee claiming that the Town had not yet implemented the new policy. Additionally, the Public Schools of Brookline had not yet extended earned sick time to employees not covered by collective bargaining agreements. As a result, the petitioners have re-submitted their Warrant Article to ensure compliance with the letter and spirit of the state law.

DISCUSSION:
Both the state law and Town policy provide a minimum of one hour of earned paid sick time for every thirty hours worked by an employee to a maximum of 40 hours of earned paid sick time in a calendar year. The petitioners believe that the state law provides a superior benefit because it includes an appeals process through the Attorney General's office. They also stated that the state law is more flexible because it allows up to 40 hours of accrued sick time to be used for "well care" or preventive care (doctor's appointments

for check-ups and pharmacy visits, etc.) and allows sick time to be used in one-hour increments. Town policy requires sick time to be used in half-day increments and requires the use of personal time, limited to 8 hours per year, for well care/preventive care visits.

Subsequent to the filing of the Warrant Article, the School Committee voted on April 28, 2016 to approve an earned sick time policy similar to the Town policy (see Appendix 2 below) to take effect on July 1, 2016. The school policy specifically exempts student interns, co-op students, per diem substitutes and individuals receiving a stipend such as coaches not employed as staff. Long-term substitutes generally employed for 30 days or more are hired on a contractual basis with the details of their sick leave tailored to and included in the terms of their individual contracts. The petitioners expressed concern that the policy does not provide sick leave for per diem substitutes who may work regularly in short-term assignments not covered by a contract.

Human Resources Director Sandra DeBow remains concerned that adoption of the state law would supersede the work rules that the Town has established through its collective bargaining agreements and established policies. Differences between the Town's present policies and the policies outlined in the state law would include such things as when doctors' notes would be needed, what might constitute an abuse of sick time, how much sick time can be accrued, and the purposes for which sick leave can be used.

Differences between Town policy and state law have been addressed to the extent possible. Since employees covered by collective bargaining agreements are required to use personal time for well care, the Town policy allows employees not covered by these agreements to convert up to 8 hours of their sick leave into personal time. This is an extra benefit which can be used for well care or any other reason at the employee's discretion. The half-day requirement for use of sick leave refers to a half day of the employee's regular work schedule, (e.g., an employee working 3 hours per day would have to use 1.5 hours of sick leave at a time) and department heads have wide discretion in enforcing this rule in order to accommodate employees' needs. An employee who believes this policy is not being properly implemented can seek redress through the Town's established grievance procedures.

Ms. DeBow informed the Advisory Committee that the Town policy has been in effect since October 1, 2015 but that she could not address an anonymous complaint because she did not know whom to speak with. The Classification and Pay Plan is posted on the Town website, and all Town department heads have been trained in its administration. At this time, sick leave accruals cannot be printed on employee pay stubs, but employees can find out their balances through their departmental pay clerk or directly from Human Resources staff. After being advised of the anonymous letter, Ms. DeBow spoke with each department head and each one assured her that they understood the policy and are in compliance with it.

School Committee member Rebecca Stone conceded that it is possible for a substitute to work on a regular basis for a series of short-term assignments, and accumulate more than the 30 hours which triggers the benefit under state law, but remain uncovered by the new PSB policy. However, the School Committee felt that the low probability that this will

happen does not justify the administrative cost of tracking some 200 substitutes, or of potentially paying three people—the regular teacher, the substitute who is out sick, and the substitute covering the original substitute—for the same class.

The Advisory Committee concluded that the Town and School Committee have done their best to create policies which comply with the spirit of the state law without compromising existing employment agreements. While it is not possible to fix everything for everyone all of the time, the policies have struck a balance between concern for and ethical treatment of individuals and the Town's and Schools' fiduciary responsibilities. While it is regrettable that an employee felt that Town policy had not been adhered to, and improved communication is called for, the policy has been in effect for a relatively short period of time and it is still too soon to tell if it is addressing the needs of part-time and temporary staff adequately. Finally, in the opinion of Town Counsel, a vote of Town Meeting would not be binding on the School Committee unless also accepted separately by a vote of the School Committee. Absent this separate consent, adopting the state law would not affect the leave benefits of per diem substitutes.

RECOMMENDATION:
By a vote of 20–3–0, the Advisory Committee recommends NO ACTION on Article 14.

Appendix 1: Town Policy on Earned Sick Time

Sick Accrual, Less Than Half-time, Temporary, Certified Seasonal Employees

Effective October 1, 2015, part-time employees who work less than 18.75 hrs/week, certified seasonal and temporary employees shall earn one (1) hour of paid sick leave for every 30 hours of time actually worked and shall be eligible to use their earned sick time 90 days after their first date of actual work, should a qualifying need arise. This provision does not apply to poll-workers, student interns, co-op students and members of boards and commissions or individuals receiving a stipend.

Hours Worked and Rate of Pay

When computing hours to determine the accrual rate all hours actually worked by the employee are counted, regardless of location or department. Further, if the employee receives a different wage rate for different work (e.g., recreation school), when using a paid sick time, the employee shall be paid the rate the employee would have been paid if the employee had worked during the time in which the employee used accrued sick time.

Earned Sick Time
Less than half-time, temporary and seasonal employees shall accrue paid sick leave, no earlier than 90 days following employment, in accordance with the following schedule. For employees who are working an average of or where hired to work a schedule with an average of:

Average Hours/week	**Hours earned each calendar year**	**Accrual rate**
Less than Half Time		
5-9 hours per week	10 hours	.83 hours/month
10-15 hours per week	20 hours	1.66 hours/month
16-19 hours per week	30 Hours	2.5 hours/month
Temp Part-time and Full Time		

20-40 hours	40 hours	3.33 hours/month

Cap on Earned Time
Once an employee possesses a bank of 40 hours of unused earned sick time, the employee shall not continue to accrue more hours of earned sick time regardless of the additional hours worked. Once the employee draws down on the bank, below 40 hours the employee may accrue additional hours consistent with this policy.

Carry over
Such hours may be carried over from year to year up to a maximum of 40 hours.

Use of Hours
An employee may use earned sick use for a qualifying purpose in accordance with the rules described herein. In addition, less than half□time, temporary and seasonal employees may also use up to a maximum of 8 hours of the employee's accrued sick time, during each calendar year, as personal time for purposes of:

- professional medical diagnosis or care, or preventative medical care;
- attend a routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse;
- address the psychological, physical or legal effects of domestic violence; or
- travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

When personal time is used, as described herein, it shall not be regarded as use of sick time for purposes of analyzing sick time abuse. Such personal time is also available for personal matters, consistent with personal time described herein, Section 11, Other Leave.

Non-regular part-time, temporary and seasonal employees may use accrued sick time for Leave for Victims and Family Members of Abuse, as provided herein, and the use of such time shall not be regarded as use of sick time for purposes of analyzing sick time abuse.

Sick leave, for any authorized purpose may be used in increments of no less than half (1/2) of a regularly scheduled work day or as otherwise allowed by the Department, based on its operational needs. Further, an employee may not use earned sick time if the employee is not scheduled to be at work during the period of use.

Break in service

Following a break in service of up to four months, an employee shall maintain the right to use any unused earned sick time accrued before the break in service.

Following a break in service of between four (4) and twelve (12) months, an employee shall maintain the right to use earned sick time accrued before the break in service if the employee's unused bank of earned sick time equals or exceeds 10 hours.

Following a break in service of up to twelve months, employees maintain their vesting days from the employer and do not need to restart the 90-day vesting period.

Appendix 2: School Policy on Earned Sick Time

Earned Sick time Policy for Less Than Half-time, Temporary, and Certified Seasonal Employees

Effective July 1, 2016, beginning immediately upon hire, non-union part-time employees who work less than 18.75 hours/week, certified seasonal and temporary employees shall earn one (1) hour of paid sick

leave for every thirty (30) hours of time actually worked and shall be eligible to use their earned sick time ninety (90) days after their first date of actual work, should a qualifying need arise. This policy does not apply to student interns, co-op students, per diem substitutes (except that long-term substitutes shall be covered by this policy) and individuals receiving a stipend.

Hours Worked and Rate of Pay

When computing hours to determine the accrual rate all hours actually worked by the employee are counted, regardless of location or department. Further, if the employee receives a different wage rate for different work (e.g., recreation school), when using paid sick leave, the employee shall be paid the rate the employee would have been paid if the employee had worked during the time in which the employee used accrued sick leave.

Less than half-time, temporary and seasonal employees shall accrue paid sick leave, no earlier than 90 days following employment, in accordance with the following schedule. For employees who are working an average of or hired to work a schedule with an average of:

Average Hours/week	**Hours earned each calendar year***	**Accrual rate**
Less than Half Time		
5-9 hours per week	10 hours	.83 hours/month
10-15 hours per week	20 hours	1.66 hours/month
16-19 hours per week	30 Hours	2.5 hours/month
Temp Part-time and Full Time		
20-40 hours	40 hours	3.33 hours/month

*prorated for a less-than-12-month schedule

Cap on Earned Time
Once an employee possesses a bank of 40 hours of unused earned sick time, the employee shall not continue to accrue more hours of earned sick time regardless of the additional hours worked. Once the employee draws down on the bank, below 40 hours the employee may accrue additional hours consistent with this policy.

Carry over
Such hours may be carried over from year to year up to a maximum of 40 hours.

Use of Hours
An employee may use earned sick time for a qualifying purpose in accordance with the rules described herein. In addition, less than half□time, temporary and seasonal employees may also use up to a maximum of 8 hours of the employee's accrued sick time, during each calendar year, as personal time for purposes of:

- professional medical diagnosis or care, or preventative medical care;
- attend a routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse;
- address the psychological, physical or legal effects of domestic violence; or
- travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

When personal time is used, as described herein, it shall not be regarded as use of sick time for purposes of analyzing sick time abuse. Such personal time is also available for personal matters, consistent with personal time described herein, Section 11, Other Leave.

Non-regular part-time, temporary and seasonal employees may use accrued sick time to address the psychological, physical or legal effects of domestic violence, as provided herein, and the use of such time shall not be regarded as use of sick time for purposes of analyzing sick time abuse.

Sick leave, for any authorized purpose may be used in increments of no less than half (1/2) of a regularly scheduled work day or as otherwise allowed by the Department, based on its operational needs. Further, an employee may not use earned sick time if the employee is not scheduled to be at work during the period of use.

Break in service

Following a break in service of up to four months, an employee shall maintain the right to use any unused earned sick time accrued before the break in service provided the employee holds a position covered by this policy.

Following a break in service of between four (4) and twelve (12) months, an employee shall maintain the right to use earned sick time accrued before the break in service if the employee's unused bank of earned sick time equals or exceeds 10 hours provided the employee holds a position covered by this policy.

Following a break in service of up to twelve months, employees maintain their vesting days from the employer and do not need to restart the 90-day vesting period.

Following a break in service of more than twelve (12) months, any earned but unused sick leave shall be vacated.

This policy does not apply to employees who are member of unions. Employees who are member of unions should refer to their collective bargaining agreement for specific terms governing their sick leave benefit.

XXX

The Combined Reports were originally published with an incomplete report on Article 15. The entire report has been re-published as a supplement along with revised votes found on pages 10-14 which are intended to reference revised maps which provide a greater level of detail on the easements.

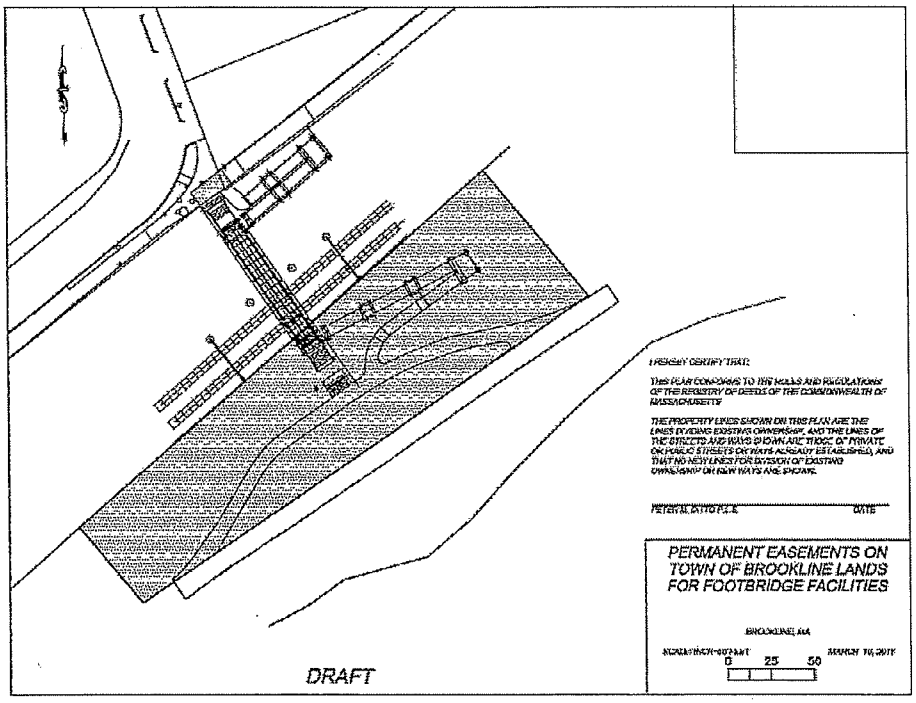
ARTICLE 15

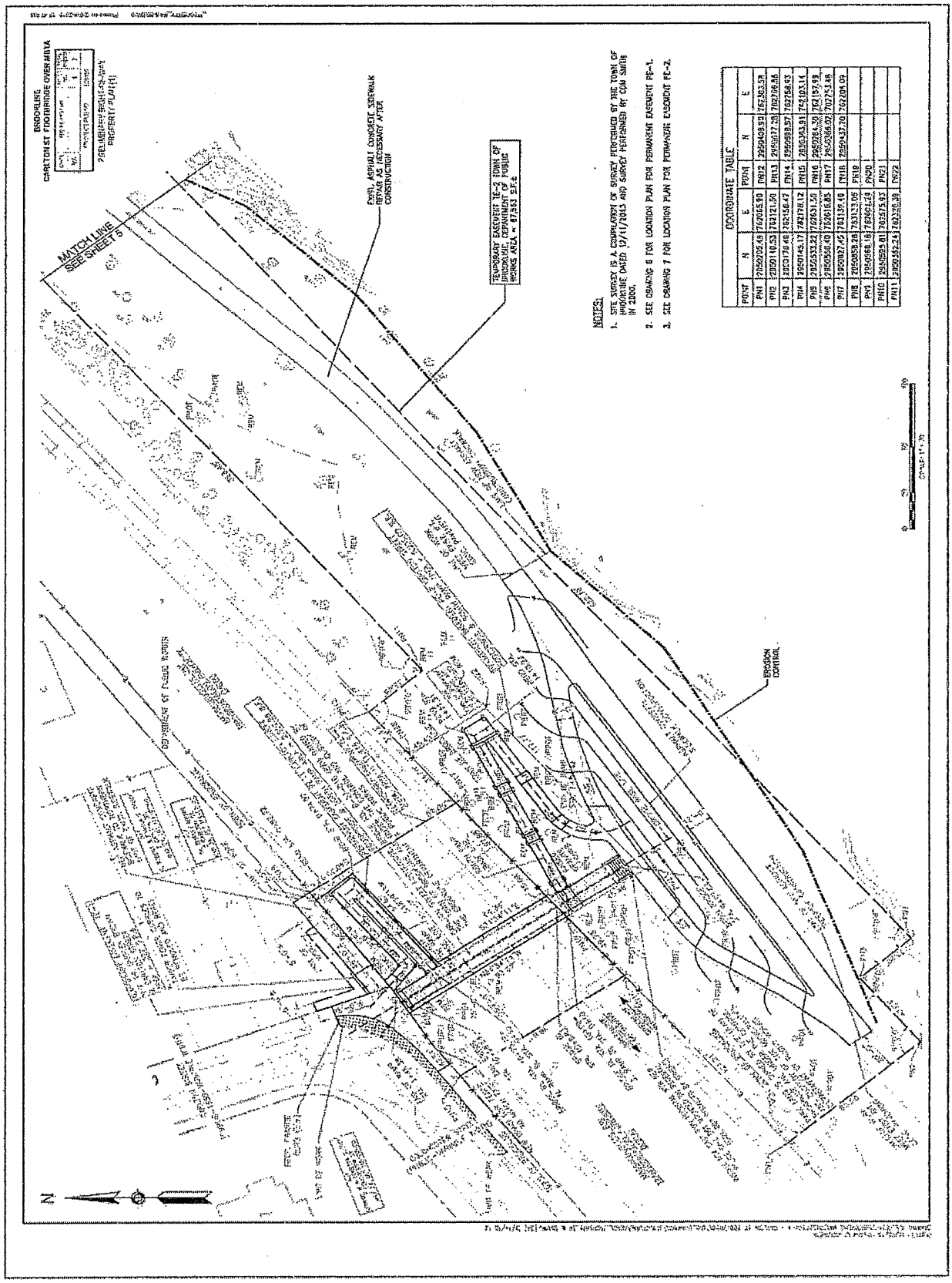
FIFTEENTH ARTICLE

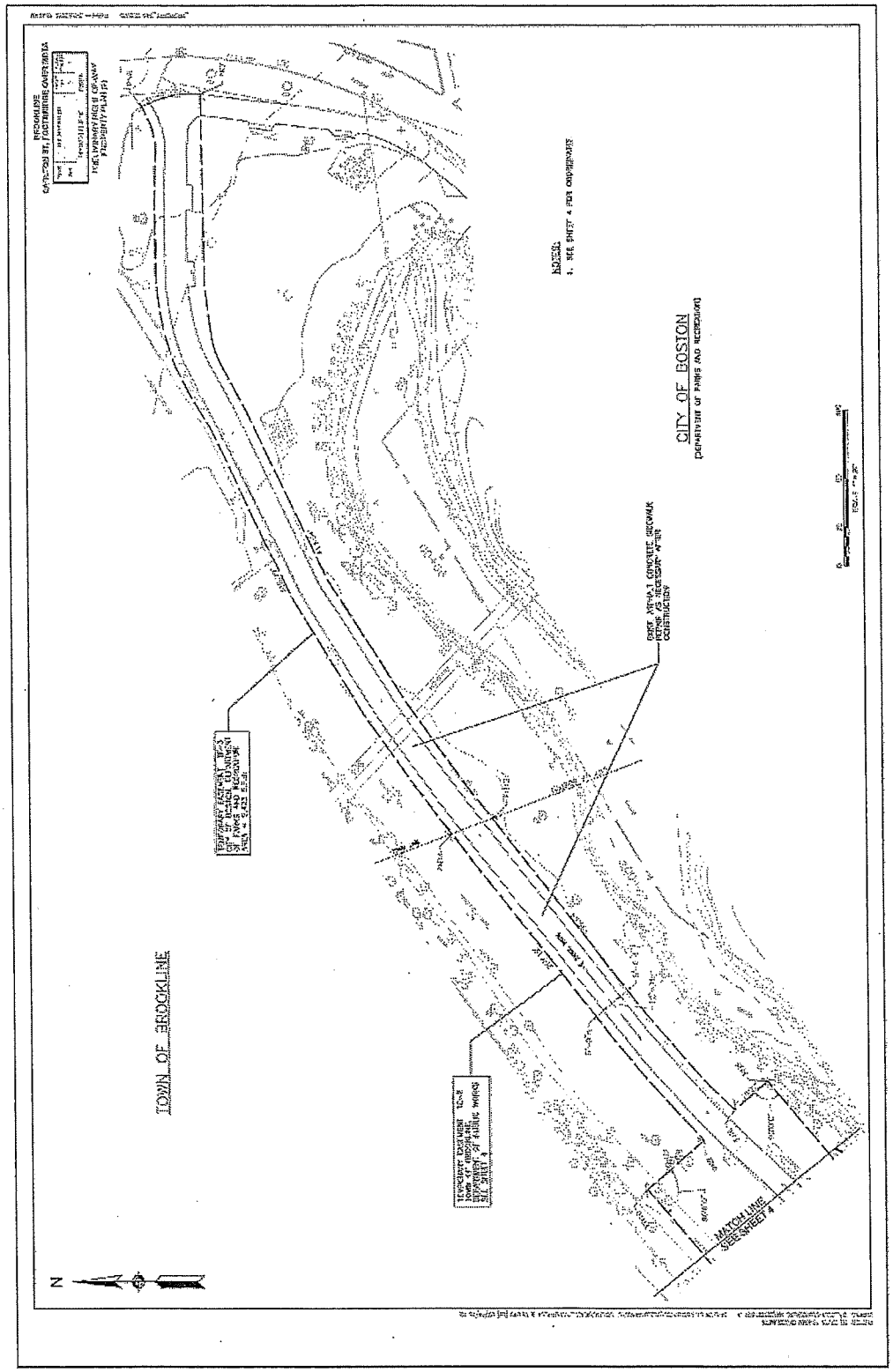
Submitted by: Department of Public Works

To see if the Town will vote to authorize the Board of Selectmen to grant and acquire, as necessary, permanent easements on Town of Brookline property for structural footings, stairs, accessible ramps, pedestrian walkways and other components of the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled "PERMANENT EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE FACILITIES."

To see if the Town will vote to authorize the Board of Selectmen to grant and acquire, as necessary, temporary construction easements on Town of Brookline property for construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled "TEMPORARY CONSTRUCTION EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE REHABILITATION."




BROOKLINE
CARLTON ST FOOTBRIDGE OVER MBTA
PRELIMINARY RIGHT-OF-WAY PROPERTY PLAN (1)
MATCH LINE SEE SHEET 5
EXIST. ASPHALT CONCRETE SIDEWALK REPAIR AS NECESSARY AFTER CONSTRUCTION
TEMPORARY EASEMENT TE-2 TOWN OF BROOKLINE, DEPARTMENT OF PUBLIC WORKS AREA = 87,563 S.F.±
EROSION CONTROL
NOTES:
1. SITE SURVEY IS A COMPILATION OF SURVEY PERFORMED BY THE TOWN OF BROOKLINE DATED 12/11/2013 AND SURVEY PERFORMED BY COM SMITH IN 2000.
2. SEE DRAWING 6 FOR LOCATION PLAN FOR PERMANENT EASEMENT PE-1.
3. SEE DRAWING 7 FOR LOCATION PLAN FOR PERMANENT EASEMENT PE-2.
COORDINATE TABLE
POINT N E POINT N E
PN1 2950205.49 762065.90 PN12 2950408.93 762303.58
PN2 2950140.53 762121.50 PN13 2950377.28 762266.85
PN3 2950170.46 762156.47 PN14 2950999.57 762758.63
PN4 2950145.17 762178.12 PN15 2950303.91 762103.14
PN5 2950533.22 762631.50 PN16 2950284.30 762157.49
PN6 2950560.40 762616.85 PN17 2950366.02 762253.48
PN7 2950027.45 763139.40 PN18 2950437.70 762204.09
PN8 2950058.28 763133.05 PN19
PN9 2950568.16 762001.29 PN20
PN10 2950595.81 762575.93 PN21
PN11 2950552.24 762326.39 PN22
N



Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

The Carlton Street Footbridge Rehabilitation project is scheduled in Federal Fiscal Year 2016, by the Boston Metropolitan Planning Organization (MPO), to receive largely Federal Transportation funding, with a smaller State Transportation match, dedicated to reconstruction costs. In order to secure these construction dollars, the Town of Brookline is obligated to follow the Design Development Process managed by the Massachusetts Department of Transportation (MassDOT), Highway Division, currently at the 75% submittal level. The Town must comply with the property dedication requirements of both MassDOT and the United States Department of Transportation. The permanent easements and temporary construction easements described in this Warrant Article and in the following Warrant Article have been recommended by MassDOT. The granting and acquisition of these easements requires the authorization of Town Meeting.

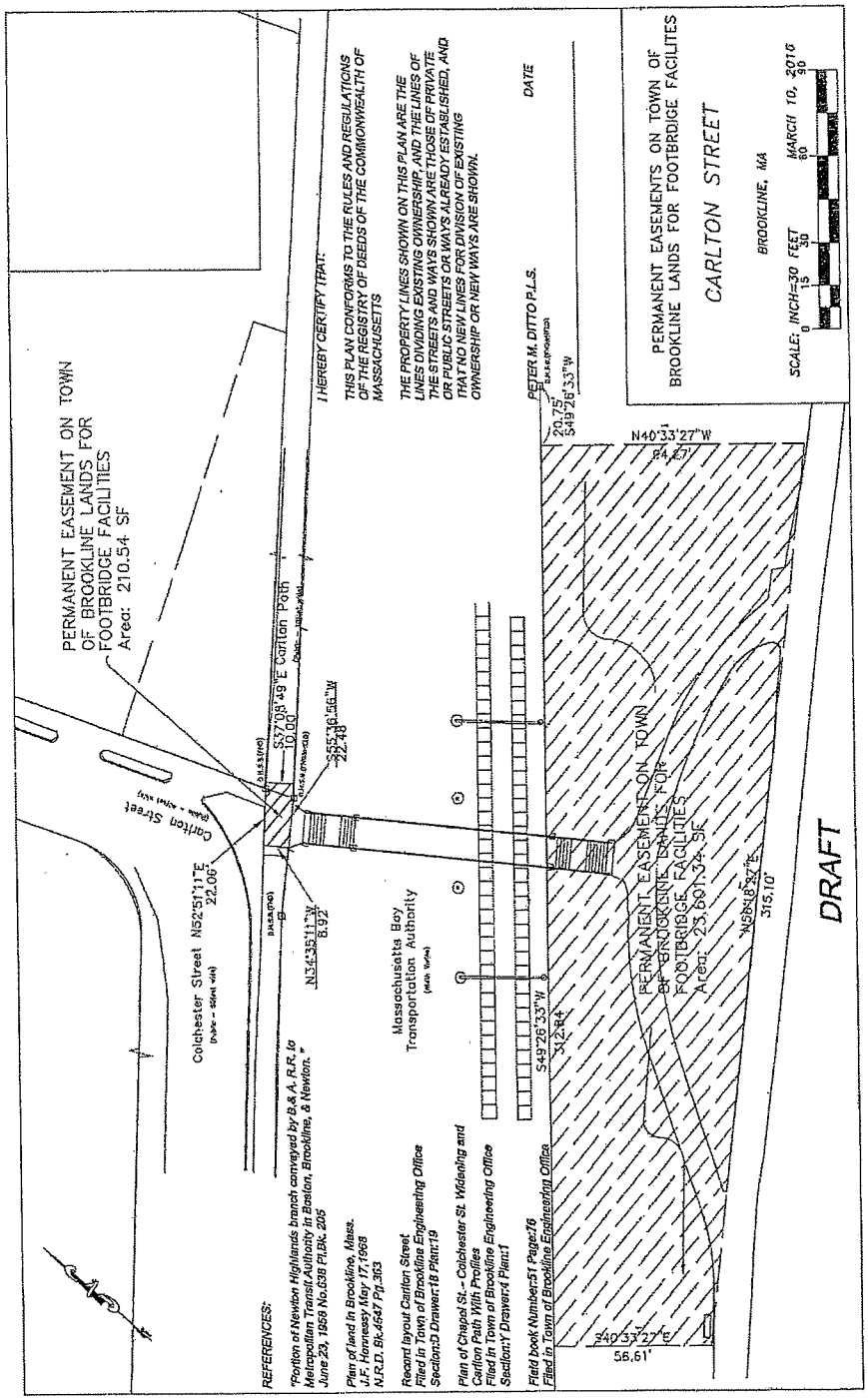
MassDOT, per Federal guidelines, is requiring the Town to place permanent easements on Brookline land that will accommodate the footbridge footings, stairs, accessible ramps and pathways to the footbridge. The reason for the easement on the pathways is to assure pedestrian access to the footbridge. These permanent easements are effectively a dedication of Town property for the purpose of accommodating and providing access to the footbridge. In addition, for Town land needed to perform the construction activities, MassDOT has recommended the use of temporary construction easements. While the Town typically allows access to its land using an access license and the Town may ultimately be able to grant a contractor this license rather than a temporary construction easement, because MassDOT has suggested using a temporary construction easement, authorization for these easements is being sought. A temporary construction easement would be granted for three years, after which it would automatically extinguish.

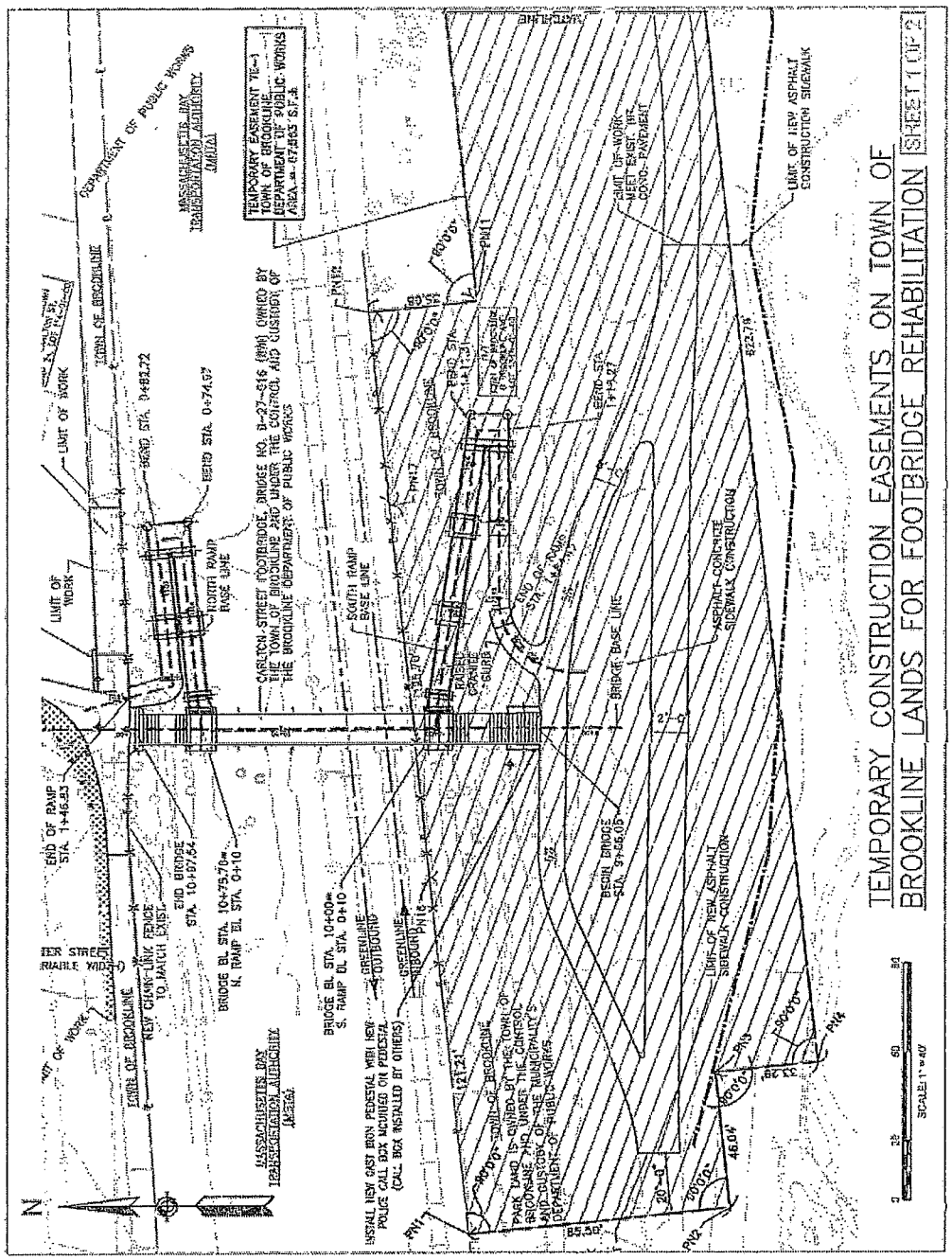
A Town Meeting vote to secure these easements will successfully clear the footbridge project of any outstanding right-of-way encumbrances as identified by MassDOT, and in turn accelerate the project's ability to move efficiently through the remaining steps in the MassDOT Design Development Process while sustaining the project's strong position for outside funding on the State's Transportation Improvement Program (TIP).

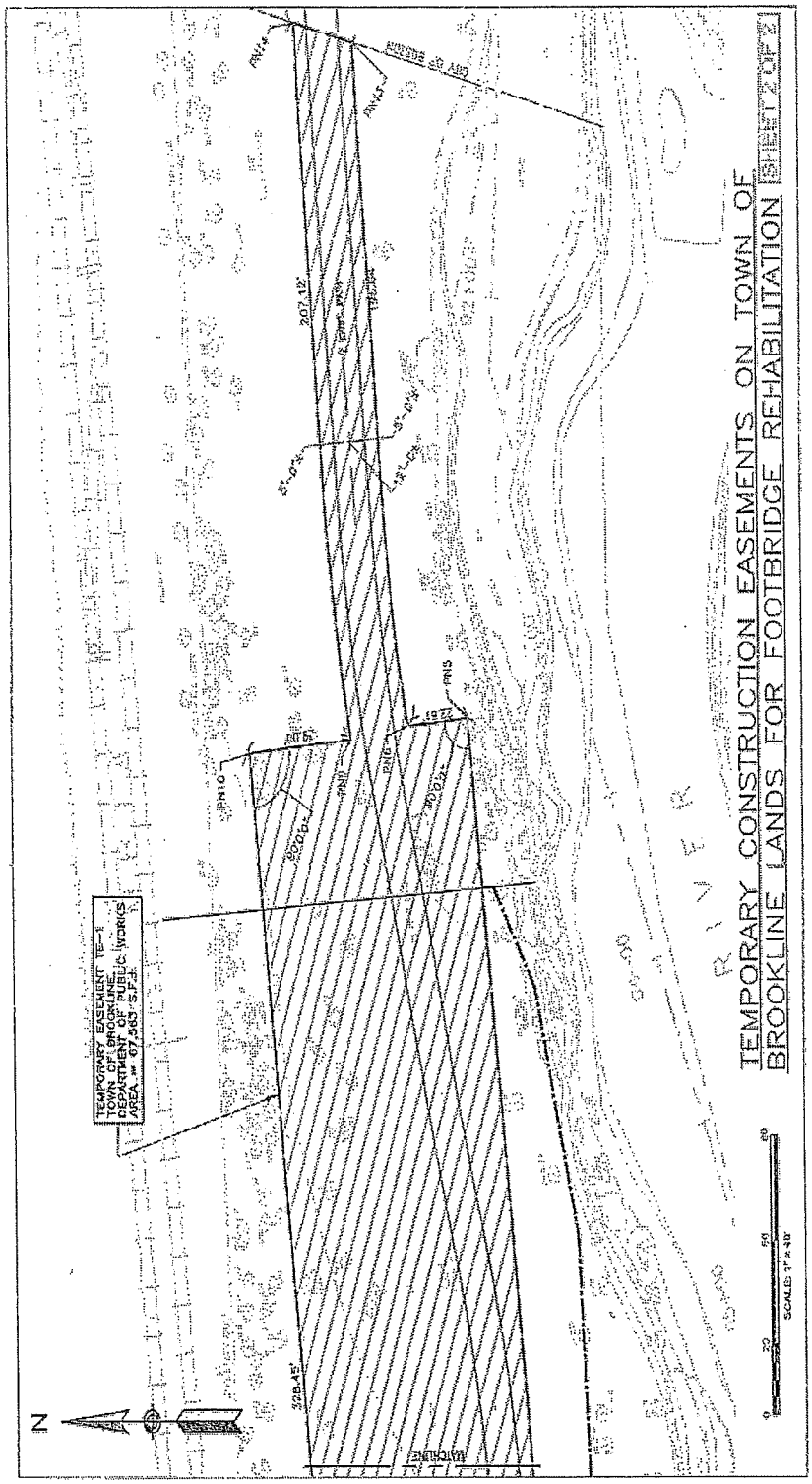
SELECTMEN'S RECOMMENDATION

Article 15 asks Town Meeting to authorize the Board of Selectmen to grant and acquire permanent and temporary easements on Town of Brookline property. These easements are necessary to secure both Massachusetts Department of Transportation and United States Department of Transportation funding for the Rehabilitation of the Carlton Street Footbridge project which is scheduled to commence in Federal Fiscal Year 2016. The permanent easements will accommodate the footbridge footings, stairs, accessible ramps and pathways to the footbridge. The reason for the easements on the pathways is to assure

pedestrian access to the footbridge. The Town land needed to perform the construction activities will be secured by use of a temporary easement.




TEMPORARY CONSTRUCTION EASEMENTS ON TOWN OF
BROOKLINE LANDS FOR FOOTBRIDGE REHABILITATION
SHEET 1 OF 2
SCALE 1" = 40'
TEMPORARY EASEMENT TIE-1
TOWN OF BROOKLINE
DEPARTMENT OF PUBLIC WORKS
AREA = 67,863 S.F.±
CARLTON STREET FOOTBRIDGE, BRIDGE NO. B-27-016 (MHD) OWNED BY THE TOWN OF BROOKLINE AND UNDER THE CONTROL AND CUSTODY OF THE BROOKLINE DEPARTMENT OF PUBLIC WORKS
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY (MBTA)
TOWN OF BROOKLINE
DEPARTMENT OF PUBLIC WORKS
LIMIT OF WORK
NORTH RAMP BASE LINE
SOUTH RAMP BASE LINE
BRIDGE BASE LINE
ASPHALT CONCRETE SIDEWALK CONSTRUCTION
LIMIT OF NEW ASPHALT CONSTRUCTION SIDEWALK
END OF RAMP STA. 1+46.83
END BRIDGE STA. 10+97.54
BEGIN BRIDGE STA. 3+46.05
BEND STA. 0+74.07
BEND STA. 1+83.72
BEND STA. 14+31.
END STA. 14+19.27
BRIDGE BL STA. 10+75.70 = N. RAMP BL STA. 0+10
BRIDGE BL STA. 10+00 = S. RAMP BL STA. 0+10
INSTALL NEW CAST IRON PEDESTAL WITH NEW POLICE CALL BOX MOUNTED ON PEDESTAL (CALL BOX INSTALLED BY OTHERS)
NEW CHAIN-LINK FENCE TO MATCH EXIST.
GREENLINE NUMBOUND
GREENLINE OUTBOUND
PN1
PN2
PN3
PN4
PN5
PN6
PN7
PN8
PN9
PN10
PN11
PN12
PN13
PN14
PN15
PN16
PN17
PN18
85.50'
46.04'
20'-0"
2'-0"
N


TEMPORARY CONSTRUCTION EASEMENTS ON TOWN OF
BROOKLINE LANDS FOR FOOTBRIDGE REHABILITATION
SHEET 2 OF 2
TEMPORARY EASEMENT TE-1
TOWN OF BROOKLINE
DEPARTMENT OF PUBLIC WORKS
AREA = 67,563 S.F.±
RIVER
N

A Town Meeting vote to secure these easements will successfully clear the footbridge project of any outstanding right-of-way encumbrances as identified by MassDOT, and in turn accelerate the project's ability to move efficiently through the remaining steps in the MassDOT Design Development Process while sustaining the project's strong position for outside funding on the State's Transportation Improvement Program (TIP).

Therefore, on April 26, 2016 a unanimous Board of Selectmen voted FAVORABLE ACTION, on the following:

VOTED That the Town take the following actions: (1) authorize the Board of Selectmen to grant and acquire, as necessary, permanent easements on Town of Brookline property for structural footings, stairs, accessible ramps, pedestrian walkways and other components of the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted for inclusion in the 2016 Annual Town Meeting Warrant signed by the Board of Selectmen on March 15, 2016 and entitled "PERMANENT EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE FACILITIES."; and (2) authorize the Board of Selectmen to grant and acquire, as necessary, temporary construction easements on Town of Brookline property for construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted for inclusion in the 2016 Annual Town Meeting Warrant signed by the Board of Selectmen on March 15, 2016 and entitled "TEMPORARY CONSTRUCTION EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE REHABILITATION."

***This vote was superseded by the vote set forth on page 10 of this supplement.**

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:

By a vote of 21–0–2, the Advisory Committee recommends FAVORABLE ACTION on Article 15. This Article seeks to have the Town authorize and/or acquire permanent easements on Town of Brookline property for structural footings, stairs, accessible ramps, pedestrian walkways and other components of the Carlton Street Footbridge Rehabilitation Project as well as temporary construction easements on Town of Brookline property for construction activities associated with the Carlton Street Footbridge Rehabilitation Project. The Committee understood that both types of easements are being required of the Town by the Massachusetts Department of Transportation in order to both comply with obligations the Town agreed to in 2009 and to ensure that Federal grants requirements are heeded.

BACKGROUND:

The Carlton Street Footbridge rehabilitation project has been anticipated since 2009. The project is in the Massachusetts Department of Transportation's 2016 Transportation

Improvement Program ("TIP"). Town Meeting voted in 2009 to authorize borrowing up to $1.4 million for the cost of restoration and reconstruction of the Carlton Street Footbridge, but that entire sum would not necessarily be spent if Brookline received grants or gifts to pay for restoration and reconstruction of the bridge. The project in the TIP is expected to be funded 80% by the Federal Government and 20% by the Commonwealth. The Town is responsible for delivering, via license, grant or acquisition, temporary construction easements on Town of Brookline land and, to satisfy the requirements of the Federal grant, permanent easements on certain Brookline owned land. Both of these actions must be approved by Town Meeting.

DISCUSSION:

The acquisition and/or obtaining temporary construction easements is a normal requirement in situations such as this. The requirement by the Federal Government to provide a permanent easement is somewhat unusual but is viewed as representing an effort by the Federal government to "protect their investment" and to ensure that the money they grant is perpetually used for the purpose covered by the grant. This is similar to requirements seen when the Federal Government provides grants for, say, park rehabilitations.

Because the easement is given to ourselves (i.e. the Town of Brookline), there technically is nothing stopping a future Town Meeting from rescinding the easement. However, to do so would likely mean a violation of the grant agreement for which there may be consequences as the Federal Government is looking to the Town to provide, in good faith, a permanent easement for the use of property to provide access to the bridge. Any such decision by a future Town Meeting would need to be evaluated and should be discussed with the Federal Government.

There was unanimous support for this Article with no statements offered in opposition at either the subcommittee's public hearing or the full Advisory Committee meeting.

RECOMMENDATION:

By a vote of 21–0–2 the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Board of Selectmen.

***This vote was superseded by the vote set forth on page 14 of this supplement.**

XXX

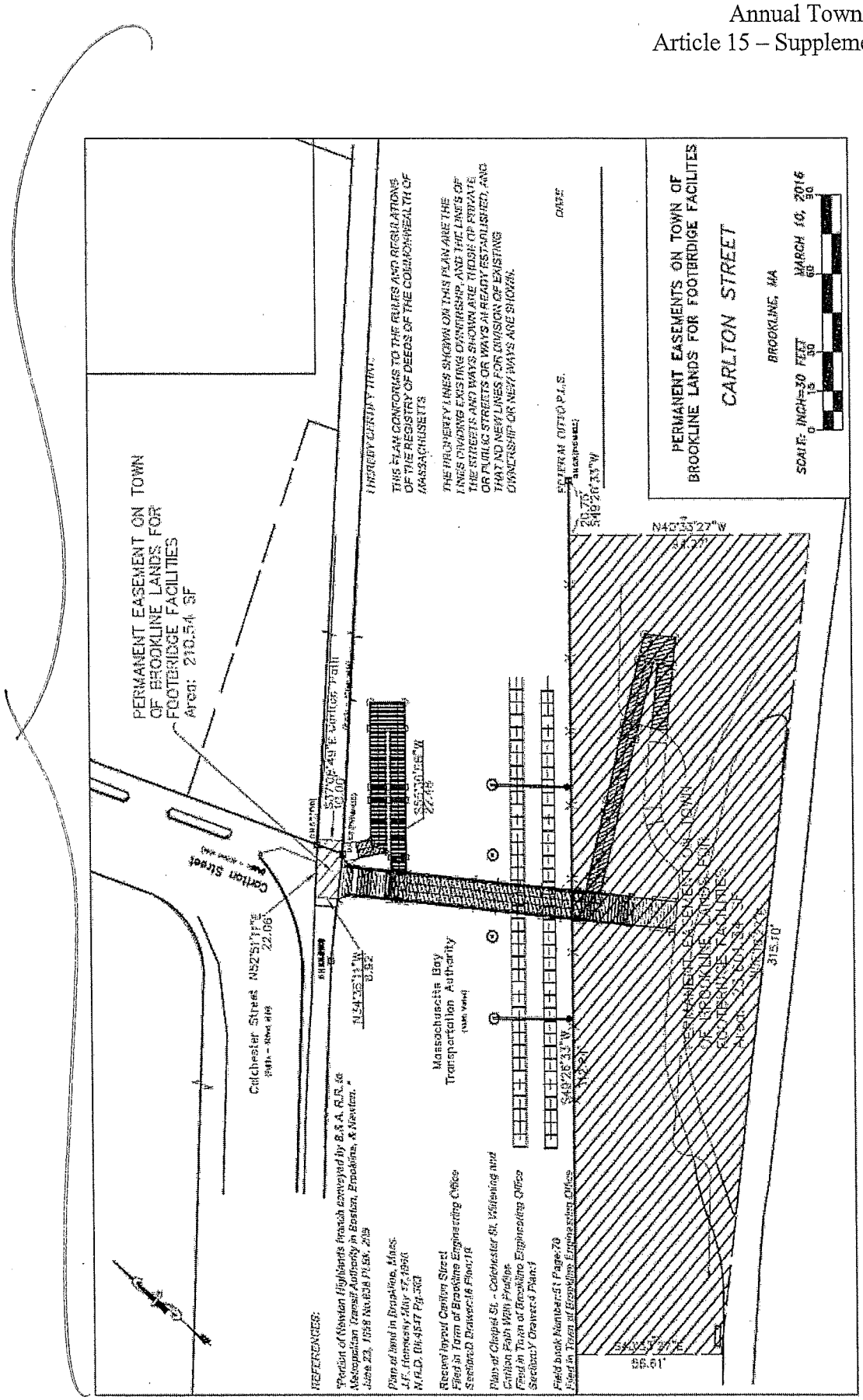
BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

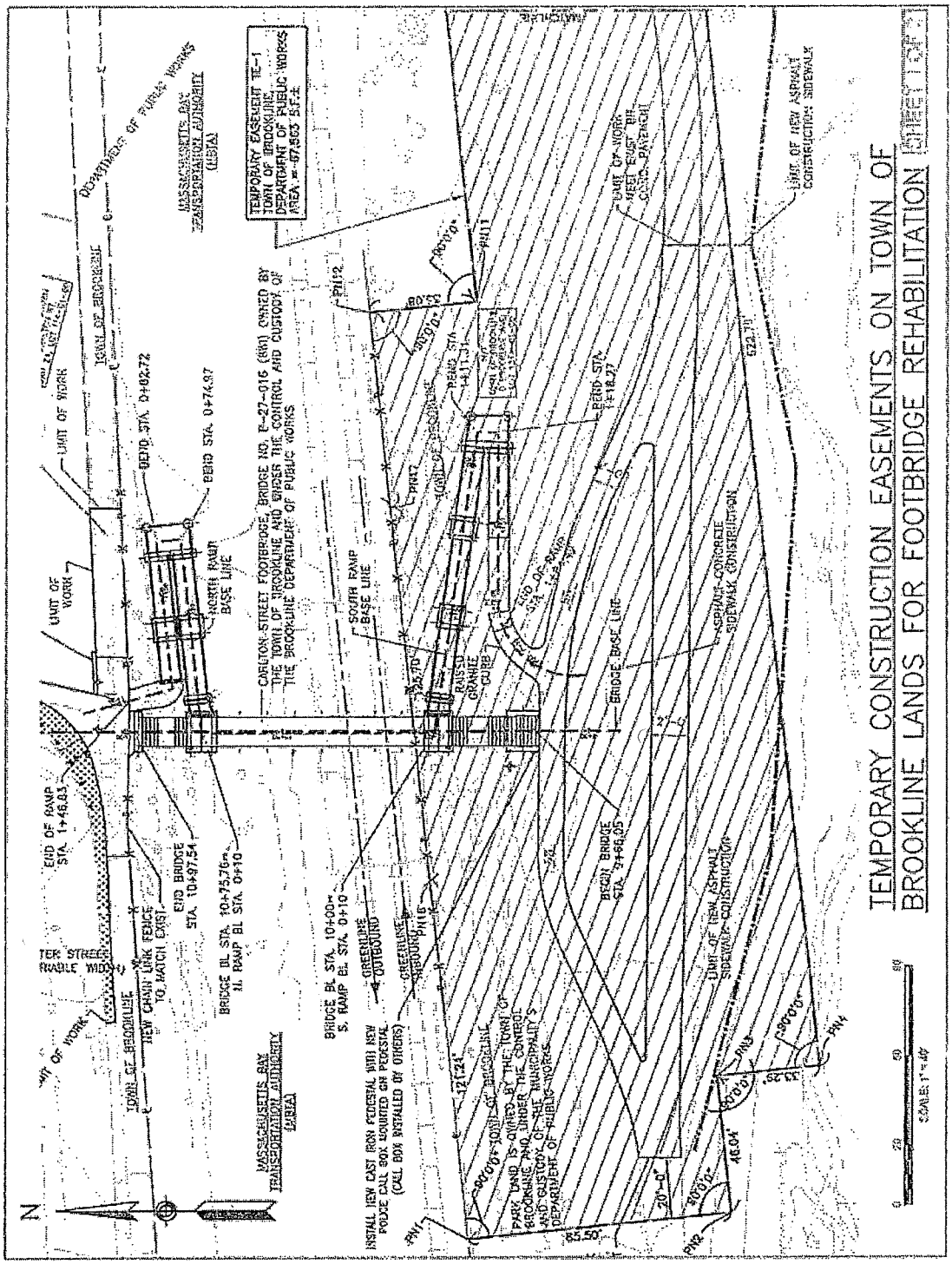
At the Board's May 17, 2016 meeting Article 15 was reconsidered in order to incorporate revised, more detailed maps into the vote. The original recommendation related to this article remains the same.

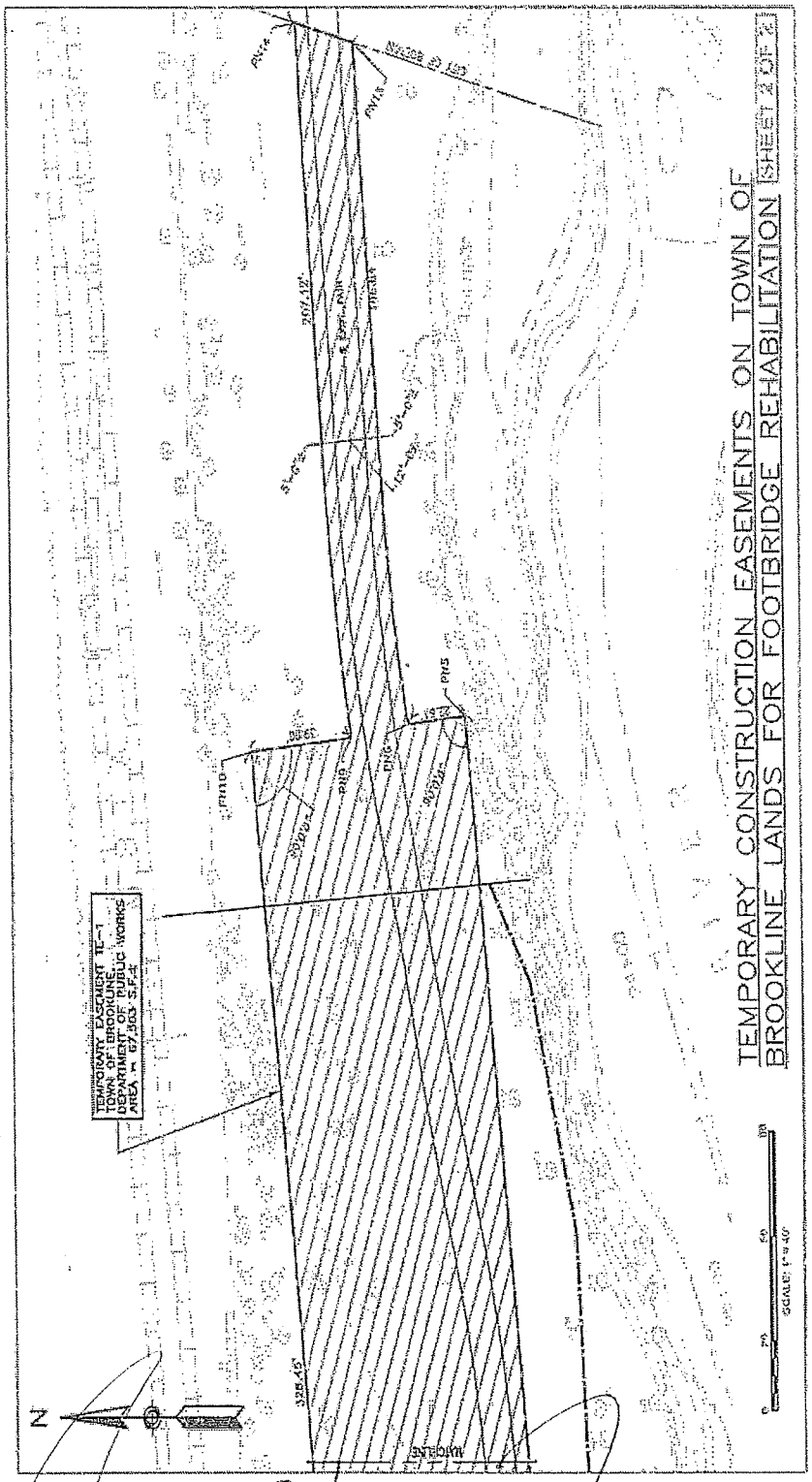
Therefore a unanimous Board of Selectmen recommends FAVORABLE ACTION on the following revised motion:
Move that the Board of Selectmen amend its April 26, 2016 vote of FAVORABLE ACTION as follows:

VOTED That the Town: (1) authorize the Board of Selectmen to grant and acquire, as necessary, permanent easements on Town of Brookline property for structural footings, stairs, accessible ramps, pedestrian walkways and other components of the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan set forth below, said plan to replace the plan submitted for inclusion in the 2016 Annual Town Meeting Warrant and said new plan entitled "PERMANENT EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE FACILITIES."; and (2) authorize the Board of Selectmen to grant and acquire, as necessary, temporary construction easements on Town of Brookline property for construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan included in the Selectmen's Recommendation and set forth below, said plan to replace the plan submitted for inclusion in the 2016 Annual Town Meeting Warrant and said new plan entitled "TEMPORARY CONSTRUCTION EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE REHABILITATION."

Cont. –


PERMANENT EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE FACILITIES
CARLTON STREET
BROOKLINE, MA
SCALE: INCH=30 FEET
MARCH 10, 2016
PERMANENT EASEMENT ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE FACILITIES
Area: 210.54 SF
Carlton Street
Colchester Street
Massachusetts Bay Transportation Authority
THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS
THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PRIVATE OR PUBLIC STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR NEW WAYS ARE SHOWN.
REFERENCES:
"Portion of Newton Highlands branch conveyed by B.&A. R.R. to Metropolitan Transit Authority in Boston, Brookline, & Newton."
Plan of land in Brookline, Mass.
Recorded layout Carlton Street
Plan of Chapel St. - Colchester St. Widening and Carlton Path With Profiles
Field book Number: 51 Page: 70


TEMPORARY CONSTRUCTION EASEMENTS ON TOWN OF
BROOKLINE LANDS FOR FOOTBRIDGE REHABILITATION
SHEET 1 OF 2
TEMPORARY EASEMENT TE-1
TOWN OF BROOKLINE
DEPARTMENT OF PUBLIC WORKS
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY (MBTA)
CARLTON STREET FOOTBRIDGE, BRIDGE NO. B-27-016 (BRI) OWNED BY THE TOWN OF BROOKLINE AND UNDER THE CONTROL AND CUSTODY OF THE BROOKLINE DEPARTMENT OF PUBLIC WORKS
NORTH RAMP BASE LINE
SOUTH RAMP BASE LINE
BRIDGE BASE LINE
LIMIT OF WORK
LIMIT OF NEW ASPHALT CONSTRUCTION SIDEWALK
ASPHALT CONCRETE SIDEWALK CONSTRUCTION
END OF RAMP STA. 1+46.83
END BRIDGE STA. 10+97.54
BRIDGE BL STA. 10+75.76= N. RAMP BL STA. 0+10
BRIDGE BL STA. 10+00= S. RAMP BL STA. 0+10
BEGIN BRIDGE STA. 9+66.05
NEW CHAIN LINK FENCE TO MATCH EXIST.
INSTALL NEW CAST IRON PEDESTAL WITH NEW FOUCE CALL BOX MOUNTED ON PEDESTAL (CALL BOX INSTALLED BY OTHERS)
GREENLINE OUTBOUND
GREENLINE INBOUND
PARK LAND IS OWNED BY THE TOWN OF BROOKLINE AND UNDER THE CONTROL AND CUSTODY OF THE MUNICIPALITY'S DEPARTMENT OF PUBLIC WORKS
SCALE: 1" = 40'



Passed by a Unanimous Vote

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

The motion under Article 15 has been amended to include appropriate references to the plans that are now included in the motion and Selectmen's recommendation. These plans replace the plans included in the Warrant for this Town Meeting. The current plans are easier to read and are labeled appropriately. Including the plans in the motion and recommendation will make them more readily available for future reference. There is no substantive change to the authorized easements.

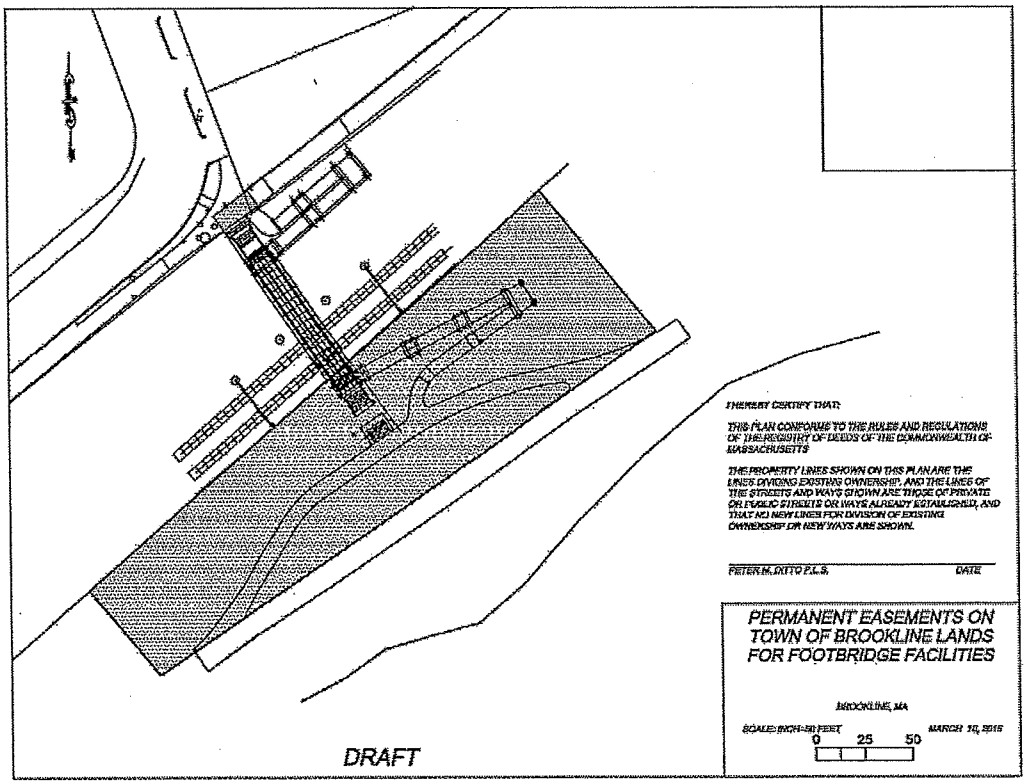
RECOMMENDATION:
By a vote of 17–0–0 the Advisory Committee unanimously recommends FAVORABLE ACTION on the amended motion offered by the Board of Selectmen.

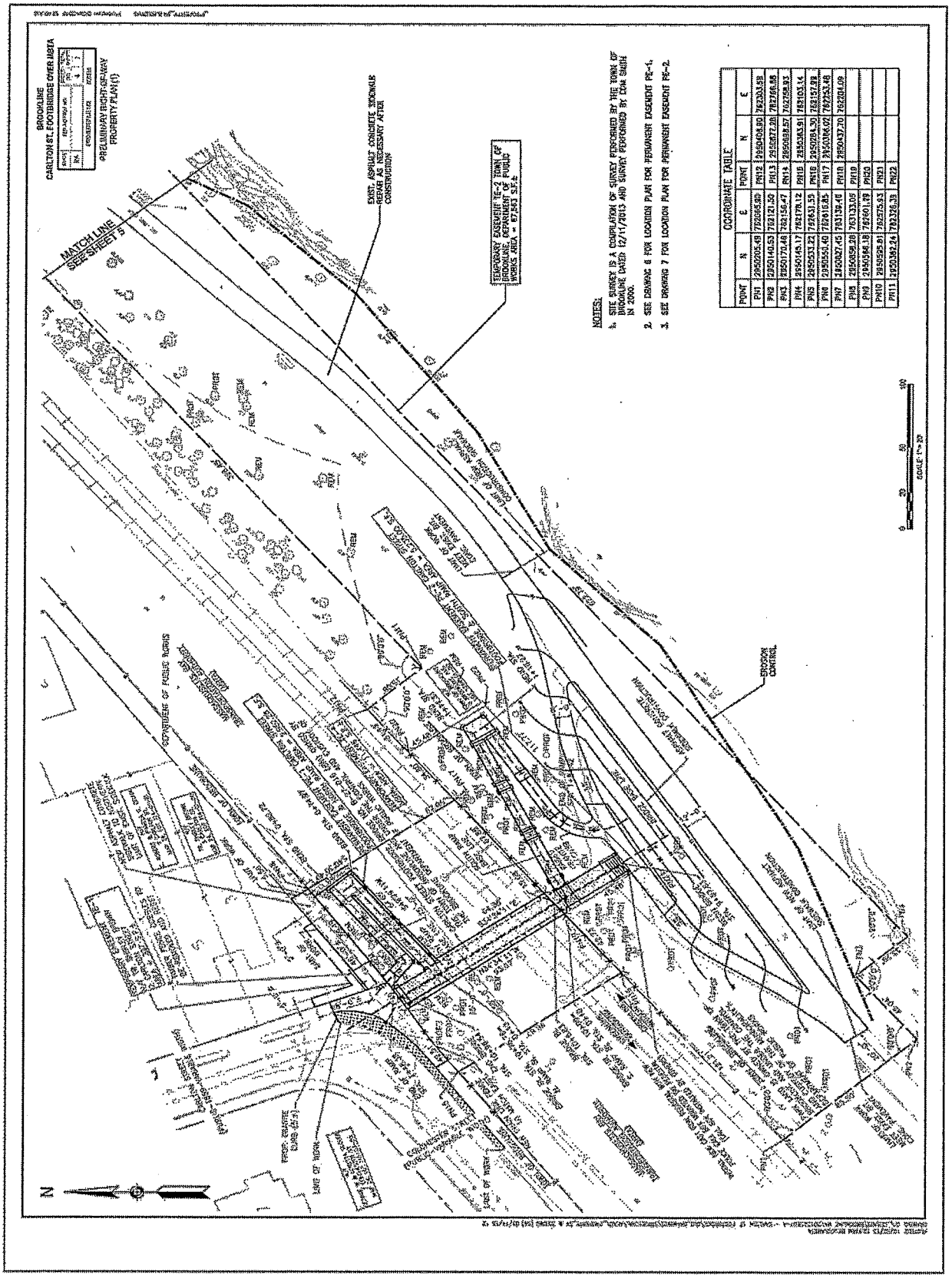
ARTICLE 15

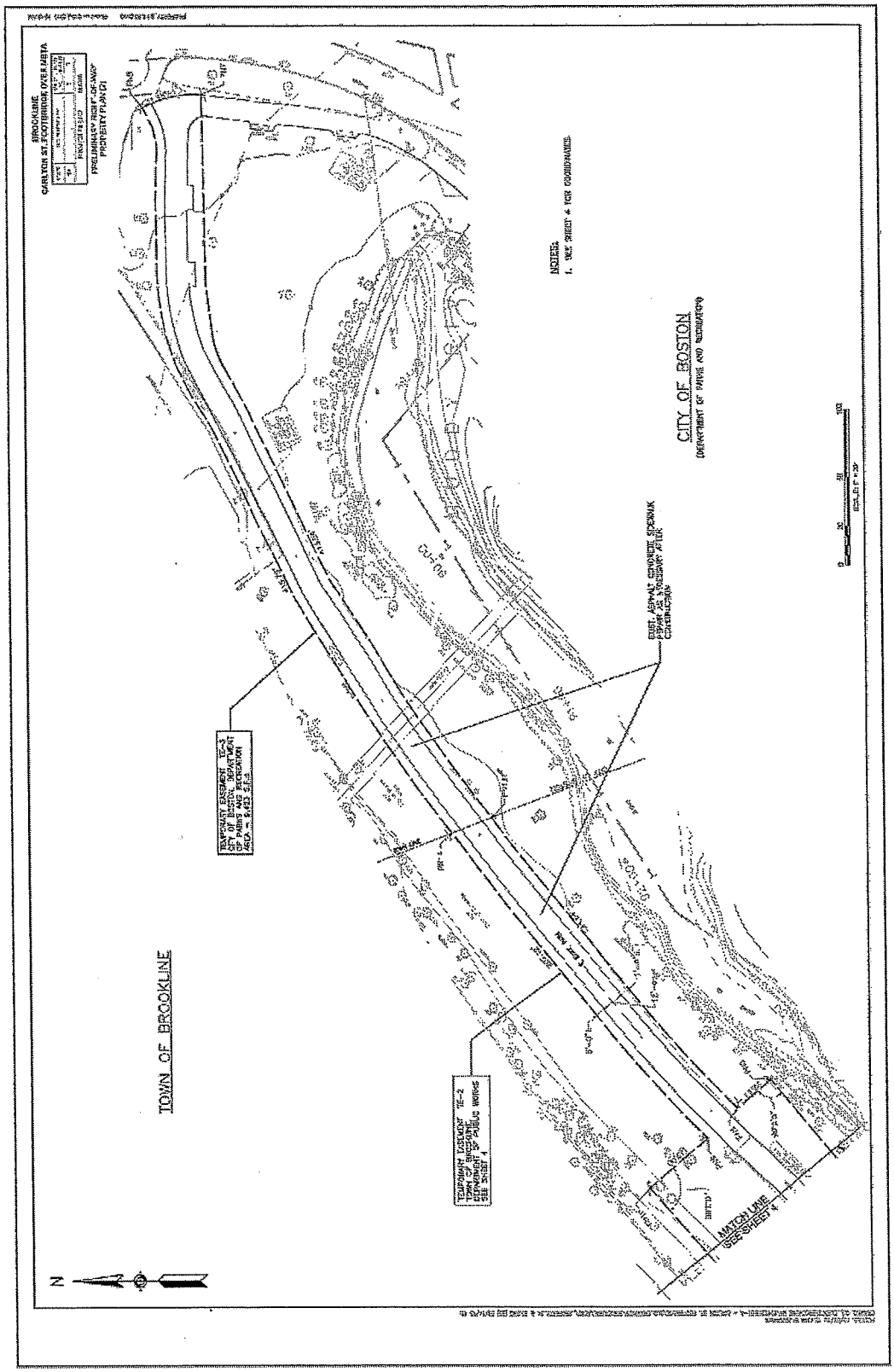
FIFTEENTH ARTICLE
Submitted by: Department of Public Works

To see if the Town will vote to authorize the Board of Selectmen to grant and acquire, as necessary, permanent easements on Town of Brookline property for structural footings, stairs, accessible ramps, pedestrian walkways and other components of the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled "PERMANENT EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE FACILITIES."

To see if the Town will vote to authorize the Board of Selectmen to grant and acquire, as necessary, temporary construction easements on Town of Brookline property for construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled "TEMPORARY CONSTRUCTION EASEMENTS ON TOWN OF BROOKLINE LANDS FOR FOOTBRIDGE REHABILITATION."




BROOKLINE
CARLTON ST. FOOTBRIDGE OVER MBTA
PRELIMINARY RIGHT-OF-WAY PROPERTY PLAN (1)
MATCH LINE SEE SHEET 5
EXIST. ASPHALT CONCRETE SIDEWALK REPAIR AS NECESSARY AFTER CONSTRUCTION
TEMPORARY EASEMENT TE-2 TOWN OF BROOKLINE, DEPARTMENT OF PUBLIC WORKS AREA = 67,563 S.F.±
NOTES:
1. SITE SURVEY IS A COMPILATION OF SURVEY PERFORMED BY THE TOWN OF BROOKLINE DATED 12/11/2013 AND SURVEY PERFORMED BY COM SMITH IN 2000.
2. SEE DRAWING 6 FOR LOCATION PLAN FOR PERMANENT EASEMENT PE-1.
3. SEE DRAWING 7 FOR LOCATION PLAN FOR PERMANENT EASEMENT PE-2.
COORDINATE TABLE
POINT N E POINT N E
PN1 2950205.49 762065.90 PN12 2950408.90 762303.58
PN2 2950140.53 762121.50 PN13 2950877.28 762766.88
PN3 2950170.48 762156.47 PN14 2950898.57 762758.93
PN4 2950145.17 762178.12 PN15 2950363.91 762103.14
PN5 2950533.22 762631.59 PN16 2950288.30 762157.92
PN6 2950550.40 762615.85 PN17 2950366.02 762253.48
PN7 2950027.45 763139.40 PN18 2950437.70 762204.09
PN8 2950658.28 763133.05 PN19
PN9 2950566.18 762601.79 PN20
PN10 2950525.81 762575.93 PN21
PN11 2950362.24 762326.39 PN22
BROOKLINE CONSERVATION
DEPARTMENT OF PUBLIC WORKS
LINE OF WORK
N



Or act on anything relative thereto.

ARTICLE 16

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

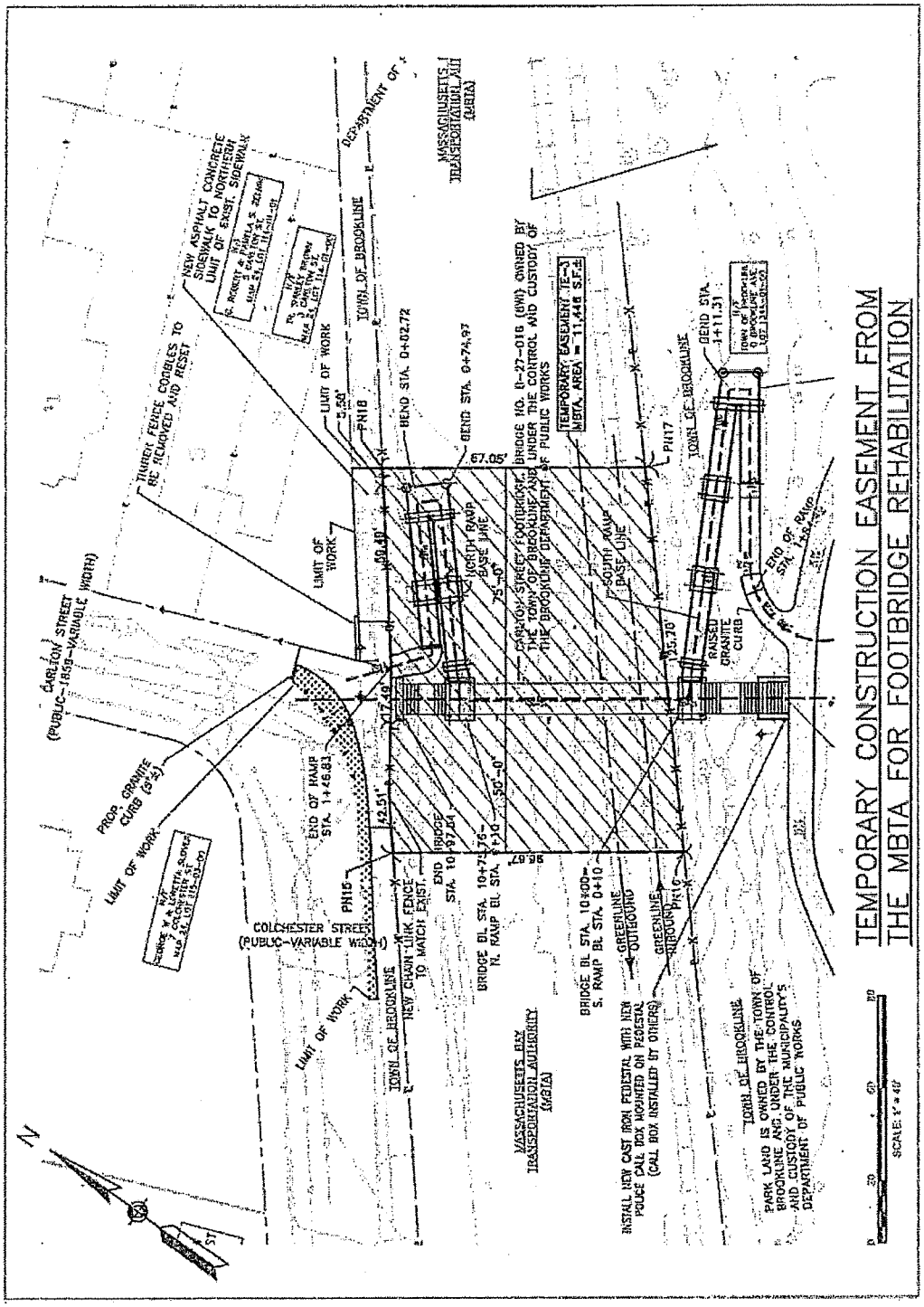
At the Board's May 17, 2016 meeting Article 16 was reconsidered in order to incorporate revised, more detailed maps into the vote. The original recommendation related to this article remains the same.

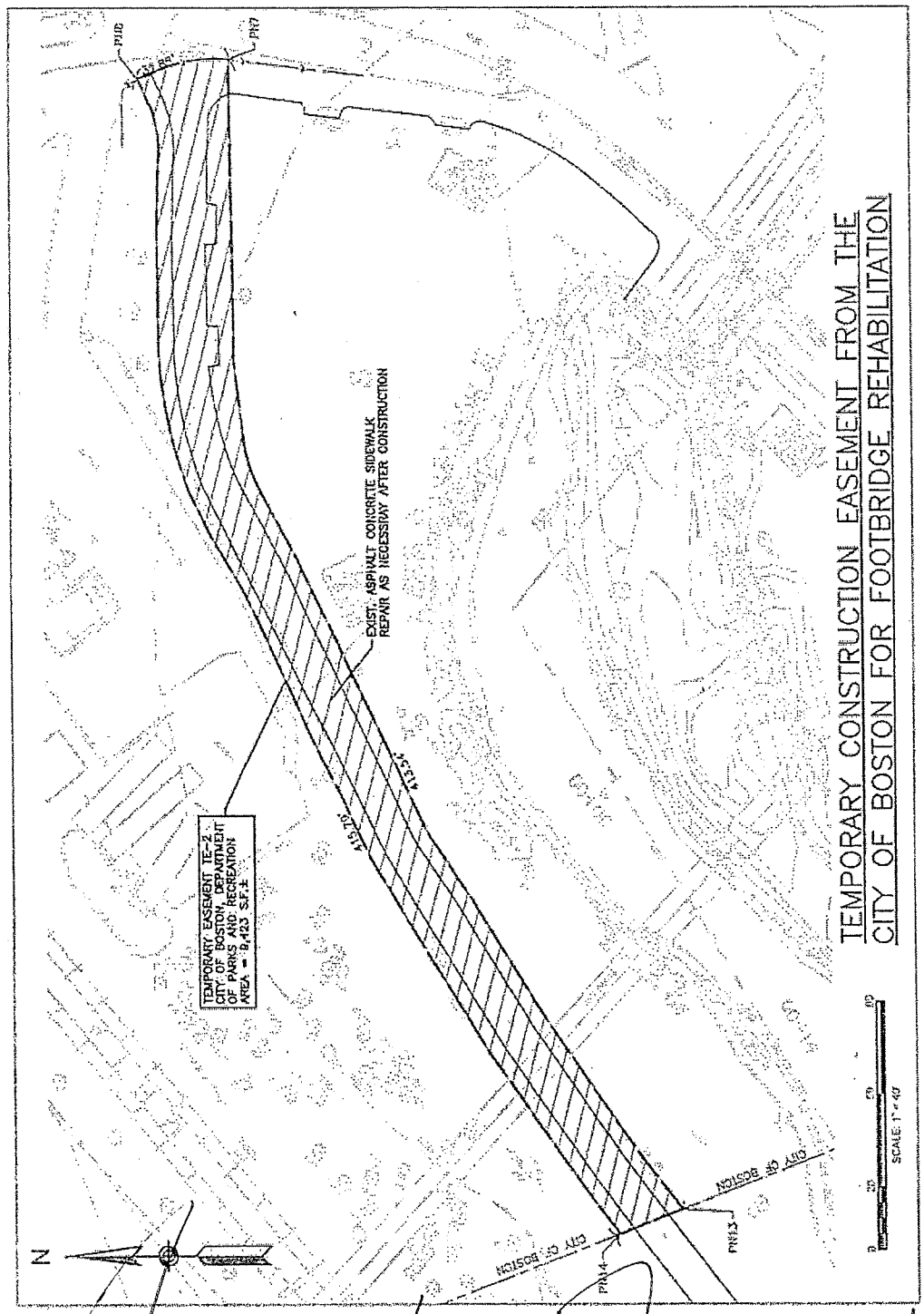
Therefore a unanimous Board of Selectmen recommends FAVORABLE ACTION on the following revised motion:

Move that the Board of Selectmen amend its April 26, 2016 vote recommending FAVORABLE ACTION, as follows:

VOTED: that the Town: 1. authorize the Board of Selectmen to acquire, if necessary, temporary construction easements from the City of Boston and the Massachusetts Department of Transportation, Rail and Transit Division, under which the Massachusetts Bay Transportation Authority (MBTA) operates, to conduct construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plans included in the Selectmen's Recommendation and set forth below, said plans to replace the plans submitted for inclusion in the 2016 Annual Town Meeting Warrant and said new plans entitled "TEMPORARY CONSTRUCTION EASEMENT FROM THE MBTA FOR FOOTBRIDGE REHABILITATION" and "TEMPORARY CONSTRUCTION EASEMENT FROM THE CITY OF BOSTON FOR FOOTBRIDGE REHABILITATION." and 2. authorize the Selectmen to raise and appropriate, if necessary, funds for the acquisition of all easements required for the project, said funding to be drawn from the Town's bond funding previously authorized for the Carlton Street Footbridge project.

Art. –


TEMPORARY CONSTRUCTION EASEMENT FROM
THE MBTA FOR FOOTBRIDGE REHABILITATION
SCALE: 1" = 40'
CARLTON STREET
(PUBLIC–1859–VARIABLE WIDTH)
COLCHESTER STREET
(PUBLIC–VARIABLE WIDTH)
LIMIT OF WORK
PROP. GRANITE CURB (5"x5")
TIMBER FENCE COBBLES TO BE REMOVED AND RESET
NEW ASPHALT CONCRETE SIDEWALK TO NORTHSTAR LIMIT OF EXIST. SIDEWALK
END OF RAMP STA. 1+46.83
PN15
PN16
PN17
BEND STA. 0+02.72
BEND STA. 0+74.97
BEND STA. 1+11.31
END STA. 10+97.64
BRIDGE BL STA. 10+71.76 – N. RAMP BL STA. 1+10
BRIDGE BL STA. 10+00 – S. RAMP BL STA. 0+10
67.05'
69.49'
72.51'
96.67'
95.70'
50'-0"
75'-0"
NORTH RAMP BASE LINE
SOUTH RAMP BASE LINE
CARLTON STREET FOOTBRIDGE
BRIDGE NO. B-27-016 (BW) OWNED BY THE TOWN OF BROOKLINE AND UNDER THE CONTROL AND CUSTODY OF THE BROOKLINE DEPARTMENT OF PUBLIC WORKS
TEMPORARY EASEMENT TE-3
MBTA AREA = 11,446 S.F.±
MASSACHUSETTS BAY TRANSPORTATION AUTHORITY (MBTA)
TOWN OF BROOKLINE
NEW CHAIN LINK FENCE TO MATCH EXIST.
GREENLINE INBOUND
GREENLINE OUTBOUND
INSTALL NEW CAST IRON PEDESTAL WITH NEW POLICE CALL BOX MOUNTED ON PEDESTAL (CALL BOX INSTALLED BY OTHERS)
RAISED GRANITE CURB
END OF RAMP STA. 1+58.42
PARK LAND IS OWNED BY THE TOWN OF BROOKLINE AND UNDER THE CONTROL AND CUSTODY OF THE MUNICIPALITY'S DEPARTMENT OF PUBLIC WORKS


TEMPORARY CONSTRUCTION EASEMENT FROM THE
CITY OF BOSTON FOR FOOTBRIDGE REHABILITATION
TEMPORARY EASEMENT TE-2
CITY OF BOSTON, DEPARTMENT
OF PARKS AND RECREATION
AREA = 9,423 S.F.±
EXIST. ASPHALT CONCRETE SIDEWALK
REPAIR AS NECESSARY AFTER CONSTRUCTION
N 13°34'
N 15°10'14"
CITY OF BOSTON
CITY OF BOSTON
PN13
PN14
PN7
PN8
SCALE: 1" = 40'

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

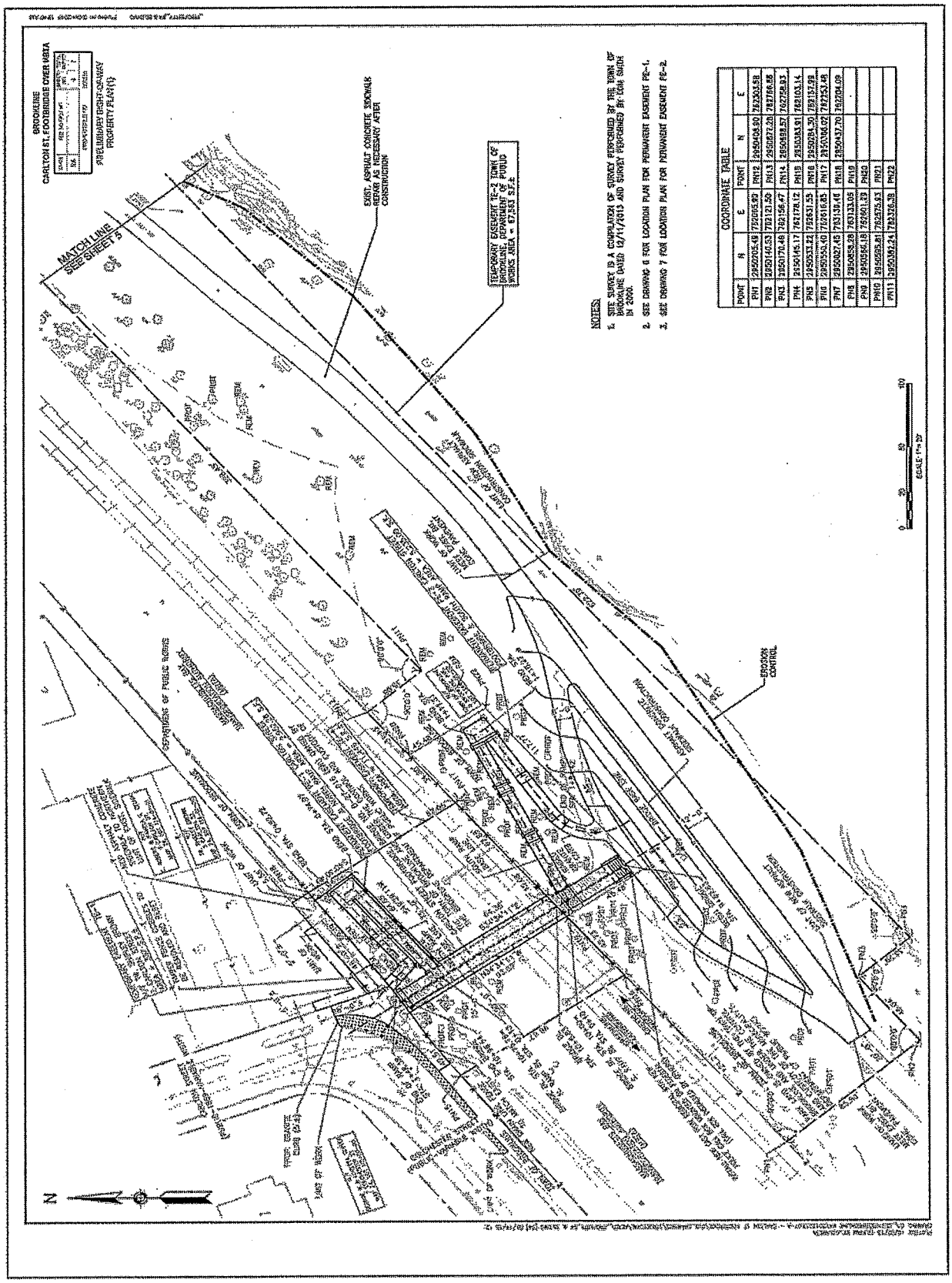
The motion under Article 16 has been amended to include appropriate references to the plans that are now included in the motion and Selectmen's recommendation. These plans replace the plans included in the Warrant for this Town Meeting. The current plans are labeled appropriately and will be more readily available for future reference. There is no substantive change to the authorized easements.

RECOMMENDATION:
By a vote of 17–0–0 the Advisory Committee unanimously recommends FAVORABLE ACTION on the amended motion offered by the Board of Selectmen.

ARTICLE 16

SIXTEENTH ARTICLE
Submitted by: Department of Public Works

To see if the Town will vote to authorize the Board of Selectmen to acquire, if necessary, temporary construction easements from the City of Boston and the Massachusetts Department of Transportation, Rail and Transit Division, under which the Massachusetts Bay Transportation Authority (MBTA) operates, to conduct construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plans submitted herewith entitled "TEMPORARY CONSTRUCTION EASEMENT FROM THE MBTA FOR FOOTBRIDGE REHABILITATION" and "TEMPORARY CONSTRUCTION EASEMENT FROM THE CITY OF BOSTON FOR FOOTBRIDGE REHABILITATION." Further, to authorize the Selectmen to raise and appropriate, if necessary, funds for the acquisition of all easements required for the project, said funding to be drawn from the Town's bond funding previously authorized for the Carlton Street Footbridge project by vote of Town Meeting on Article #5 of the Special Town Meeting called for Tuesday, November 17, 2009 at 7:00 P.M.


BROOKLINE
CARLTON ST. FOOTBRIDGE OVER MBTA
PRELIMINARY RIGHT-OF-WAY PROPERTY PLAN(1)
MATCH LINE SEE SHEET 5
EXIST. ASPHALT CONCRETE SIDEWALK REPAIR AS NECESSARY AFTER CONSTRUCTION
TEMPORARY EASEMENT TE-2 TOWN OF BROOKLINE, DEPARTMENT OF PUBLIC WORKS AREA = 67,563 S.F.±
EROSION CONTROL
NOTES:
1. SITE SURVEY IS A COMPILATION OF SURVEY PERFORMED BY THE TOWN OF BROOKLINE DATED 12/11/2013 AND SURVEY PERFORMED BY COM SMITH IN 2000.
2. SEE DRAWING 6 FOR LOCATION PLAN FOR PERMANENT EASEMENT PE-1.
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COORDINATE TABLE
POINT N E POINT N E
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PN2 2950140.53 782121.50 PN13 2950877.28 782766.88
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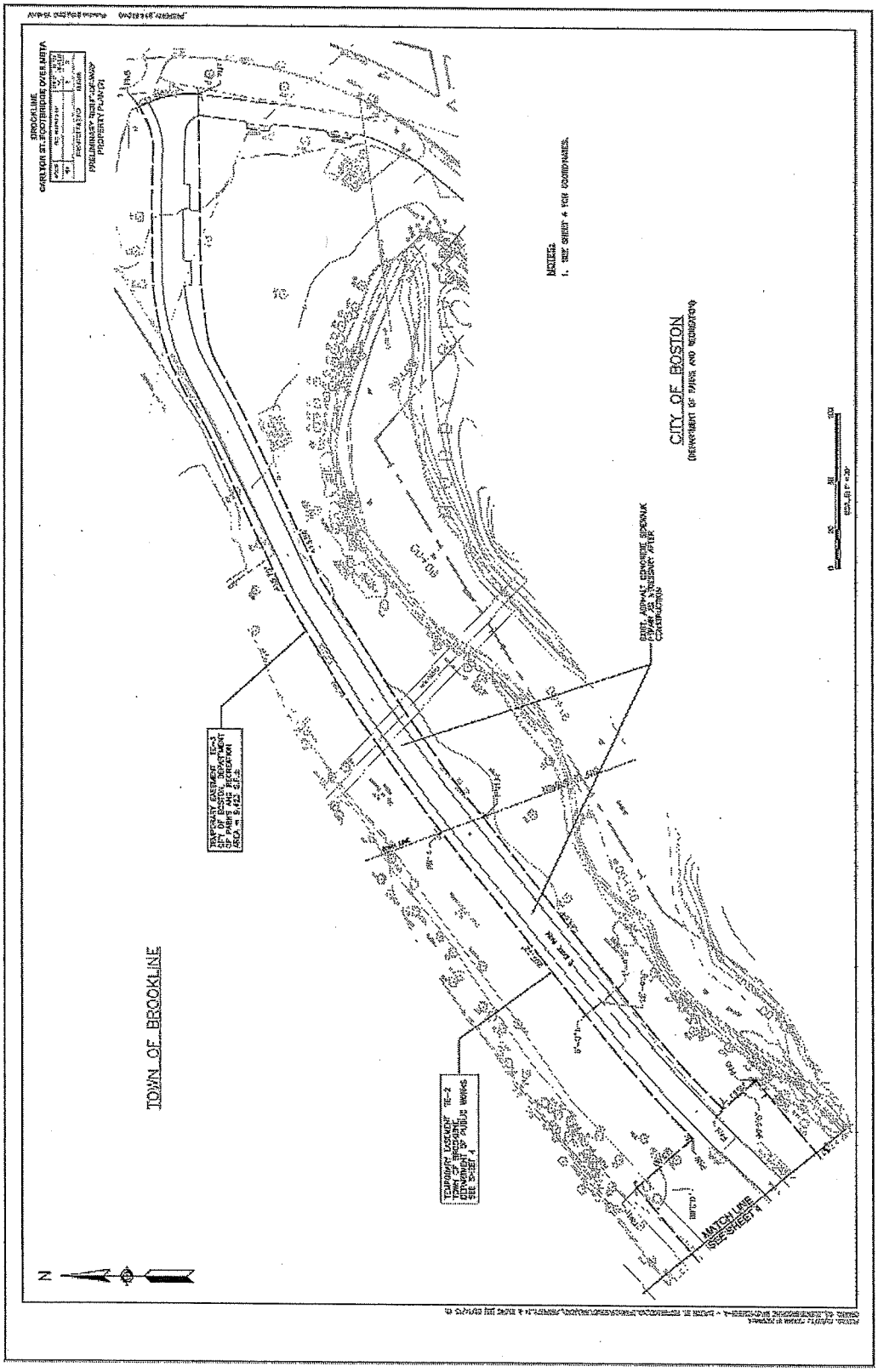
PN4 2950145.17 782178.12 PN15 2950383.91 782103.14
PN5 2950533.22 782631.55 PN16 2950284.30 782157.99
PN6 2950550.40 782616.85 PN17 2950306.02 782253.48
PN7 2950027.45 783136.46 PN18 2950437.70 782204.09
PN8 2950858.28 783133.05 PN19
PN9 2950566.18 782601.29 PN20
PN10 2950595.81 782575.93 PN21
PN11 2950362.24 782326.38 PN22
N



Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Please see the explanation provided for the preceding Warrant Article.
The Town will need access to MBTA property and Boston property to conduct the necessary construction activities to rehabilitate the footbridge. This includes space within the MBTA "D" Line right-of-way around the footbridge, and permission from the City of Boston to travel across Boston parkland to bring machinery and materials to and from the job site. Typically, the Town has received access to MBTA and Boston property via an access license. However, in the event temporary construction easements are required by MassDOT, the MBTA or the City of Boston, the Town seeks to have the approval of Town Meeting in place so that it may acquire these easements and not risk losing funding in this fiscal year for the project.

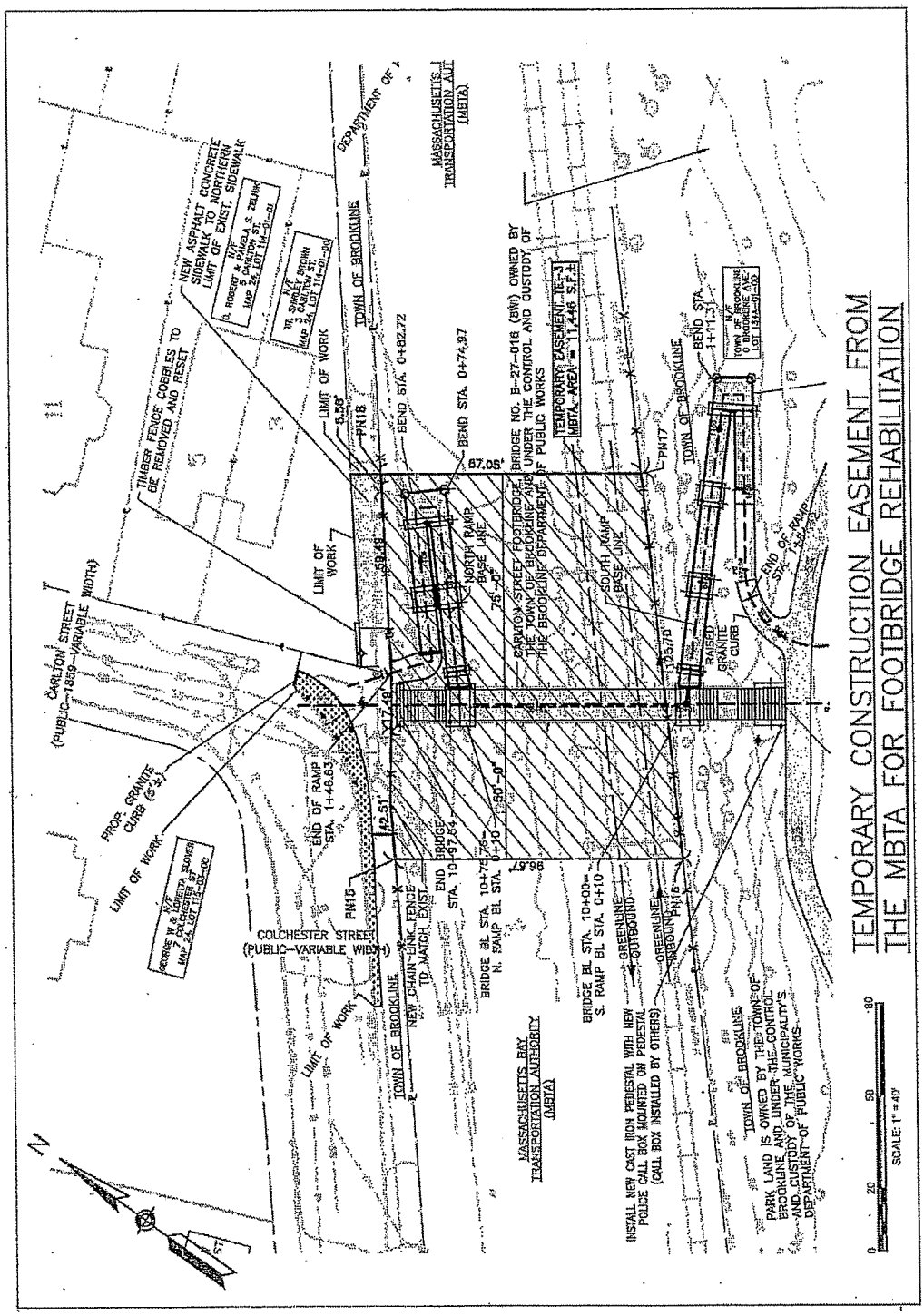
Furthermore, this Warrant Article seeks authorization to raise and appropriate funds in the event any of the project easements must be purchased from the MBTA or the City of Boston. The Department of Public Works with the assistance of other Town departments and MassDOT ROW, will use all means necessary to acquire these easements as gifts. But if any must be purchased, Town Meeting authorization is necessary. Funds for the purchase would be drawn from project bond funding that was previously authorized at the 2009 Special Town Meeting. While this previous Town Meeting vote authorized spending for "any and all costs incidental and related ... [to the restoration and reconstruction of the Carleton Street Footbridge]," because the vote did not explicitly authorize funding for easement acquisition, the Department of Public Works now seeks Town Meeting approval for this.

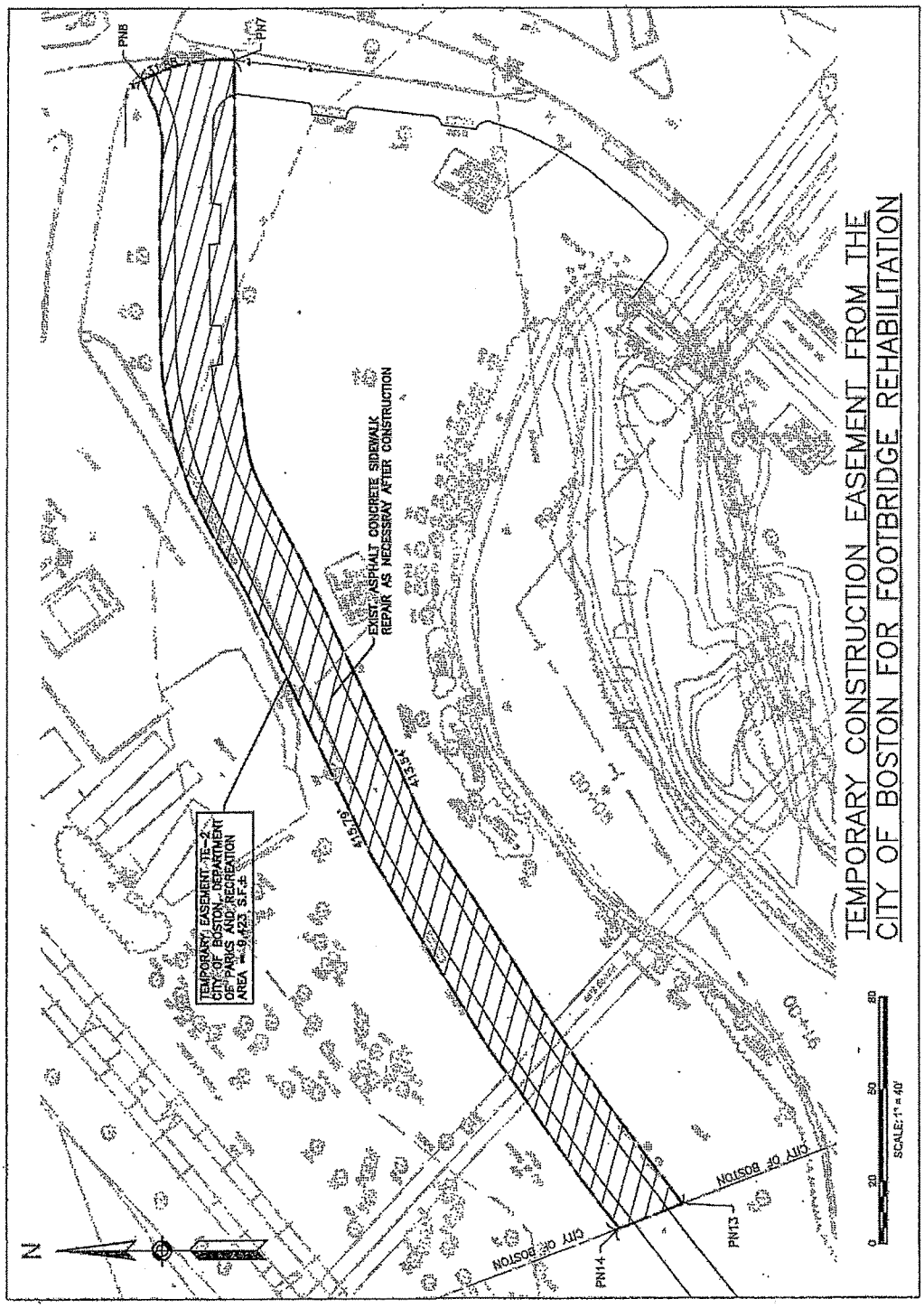
SELECTMEN'S RECOMMENDATION

Article 16 asks Town Meeting to authorize the Board of Selectmen to acquire, if necessary, construction easements from the City of Boston and the Massachusetts Bay Transportation Authority. The Town will likely need access to MBTA and City of Boston property to conduct the construction activities necessary to rehabilitate the footbridge. The required access will include space within the MBTA "D" Line right-of-way around the footbridge and City of Boston parkland in order to to bring machinery and materials to and from the job site. Previously, the Town has received access to MBTA and Boston property via an access license. However, in the event temporary construction easements are required by MassDOT, the MBTA or the City of Boston, the Town seeks to have the approval of Town meeting in place so that it may acquire these easements and not risk losing funding in this fiscal year for the project.

This Warrant Article also seeks authorization to raise and appropriate funds in the event any of the project easements must be purchased from the MBTA or the City of Boston. The Department of Public Works will use all means available to acquire these easements

as gifts. However, if an easement must be purchased Town Meeting authorization is necessary. Funds for the purchase would be drawn from project bond funding that was previously authorized at the 2009 Special Town Meeting.





Therefore, by a vote of 5-0 taken on April 26, 2016 the Board of Selectmen recommend FAVORABLE ACTION, on the following:

VOTED: that the Town take the following action: 1. authorize the Board of Selectmen to acquire, if necessary, temporary construction easements from the City of Boston and the Massachusetts Department of Transportation, Rail and Transit Division, under which the Massachusetts Bay Transportation Authority (MBTA) operates, to conduct construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plans submitted for inclusion in the 2016 Annual Town Meeting Warrant signed by the Board of Selectmen on March 15, 2016 and entitled "TEMPORARY CONSTRUCTION EASEMENT FROM THE MBTA FOR FOOTBRIDGE REHABILITATION" and "TEMPORARY CONSTRUCTION EASEMENT FROM THE CITY OF BOSTON FOR FOOTBRIDGE REHABILITATION." and 2. authorize the Selectmen to raise and appropriate, if necessary, funds for the acquisition of all easements required for the project, said funding to be drawn from the Town's bond funding previously authorized for the Carlton Street Footbridge project.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:

By a vote of 21–0–2, the Advisory Committee recommends FAVORABLE ACTION on Article 16. This Article seeks to have the Town authorize and/or acquire temporary construction easements from the City of Boston and the Massachusetts Department of Transportation, Rail and Transit Division, under which the Massachusetts Bay Transportation Authority (MBTA) operates, to conduct construction activities associated with the Carlton Street Footbridge Rehabilitation Project as well as to authorize the Selectmen to raise and appropriate, if necessary, funds for the acquisition of all easements required for the project, said funding to be drawn from the Town's bond funding previously authorized for the Carlton Street Footbridge project. by vote of Town Meeting. The Committee understood that these activities are both types of easements are being required of the Town by the Massachusetts Department of Transportation in order to both comply with obligations the Town agreed to in 2009 and authorized the funding of via approval of Warrant Article 5 of the Special Town Meeting of November 2009 .

BACKGROUND:

The Carlton Street Footbridge rehabilitation project has been anticipated since 2009. The project is in the Massachusetts Department of Transportation's 2016 Transportation Improvement Program ("TIP"). Town Meeting voted in 2009 to authorize borrowing up to $1.4 million for the cost of restoration and reconstruction of the Carlton Street Footbridge, but that entire sum would not necessarily be spent if Brookline received grants or gifts to pay for restoration and reconstruction of the bridge. The project in the TIP is expected to be funded 80% by the Federal Government and 20% by the Commonwealth. The Town is responsible for delivering, via license, grant or acquisition, temporary construction easements temporary construction easements on land owned by the City of Boston and the MBTA. Both actions must be approved by Town Meeting.

DISCUSSION:
The acquisition and/or obtaining temporary construction easements is a normal requirement in situations such as this. It is possible that the Town will not be able to obtain these easements via a license from Boston and the MBTA and must instead acquire the easements. The cost, if any, of acquiring easements from Boston and the MBTA is unknown but will, assuming passage of Article 16, come out of the $1.4 million in debt capacity that has already been reserved for this project. It is highly unlikely that the actual cost will require any substantial portion of those funds.

There was unanimous support for this Article with no statements offered in opposition at either the subcommittee's public hearing or the full Advisory Committee meeting.

RECOMMENDATION:
By a vote of 21–0–2 the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Board of Selectmen.

XXX

ARTICLE 17

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

The Advisory Committee's supplemental report on Article 17 included a resolution that differed slightly from what the Committee voted to recommend. The differences between what was previously distributed and what was actually voted are relatively minor and may not be regarded as substantive. The differences are shown below. Insertions are in **bold**; deletions are shown by ~~strikethrough~~. This is the correct resolution as voted by the Advisory Committee by the indicated vote tally on May 19, 2016.

RECOMMENDATION:
By a vote of 17–2–0, the Advisory Committee recommends FAVORABLE ACTION on the following:

VOTED: That the Town of Brookline adopt the following resolution:

WHEREAS, the Town is seeking efficiencies in the way in which the DPW picks up curbside trash from Brookline residences; and

WHEREAS, the way in which it is anticipated to effect these efficiencies is by having residents deposit trash in variable sized Toter Carts similar in design to those currently used for recycling in order to accommodate mechanized pick up; and

WHEREAS, these Toter Carts may present a burden for households with limited or unsightly storage areas, inaccessible areas or whose occupants are unable to transport them to the curb;

THEREFORE, BE IT RESOLVED, that Town Meeting urges the adoption of accommodations or exceptions for those households where the use of the Toter Carts presents a burden; and

BE IT FURTHER RESOLVED, that the Board of Selectmen will **decide** ~~make a determination~~, after a public hearing, ~~of~~ the objective criteria to be used in determining which residences are entitled to be covered by an exception system, and;

BE IT FURTHER RESOLVED that ~~the option of~~ using official town plastic bags at curbside without a **Toter Cart** ~~toter~~ be available as an option for households or residences granted an exception, and;

BE IT FURTHER RESOLVED that at least three months in advance of the implementation of the automated system, mailings informing residents will be sent to all residences of the Town, and neighborhood meetings shall take place in each precinct to publicize and inform residents of the changes in trash pickup and the ways in which one might request exceptions.

Passed By an Electronic Recorded Vote of 192 In Favor, 7 Opposed and 3 Abstentions

ARTICLE 17

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

On May 19, 2016, the Advisory Committee voted to reconsider its previous recommendation under Article 17 and by a large majority voted FAVORABLE ACTION on the resolution that appears below. The resolution has been revised significantly, and it would be confusing to try to use strikethroughs and bold type to show all the deletions and additions from the original language of the Warrant or the Advisory Committee's previous recommendation. Nevertheless, the resolution now recommended by the Advisory Committee is consistent with the general goals and principles of Article 17 and the Advisory Committee's previous recommendation.

The Advisory Committee decided to reconsider Article 17 because the issues related to the proposed new system for semi-automated trash collection have come into focus recently. More information is now available. On May 10, the Department of Public Works (DPW) released details of the proposal, including the fees for the various sizes of Toter Carts. On May 17, the Board of Selectmen held a public hearing at which Brookline residents raised questions and concerns.

At the hearing, it was announced that 18 gallon Toter Carts will be available to all residents who request them. Previously, it was unclear whether that size of Toter Cart would only be offered to residents who had requested an exemption from using one of the larger-sized Toter Carts—35, 65, or 96 gallons. The DPW proposal also provides for two solid waste "amnesty" days on which unlimited amounts of trash will be picked up. Free removal of bulky waste items would continue.

The May 17 public hearing highlighted concerns about whether accommodations or exceptions would only be offered to residents with a physical handicap that prevent them from moving Toter Carts. Some residents urged a more flexible approach. At the conclusion of the hearing, the Selectmen decided to defer a vote on Article 17.

The resolution offered by the Advisory Committee reflects input and comments from the petitioner and the Town Administrator. It does not specify all the details of accommodations and exceptions that may be offered to Brookline residents for whom the new solid waste Toter Carts may present a burden, but it endorses the principle that there should be accommodations and exceptions and that they will be determined after a public hearing. It also notes that Toter Carts may present various types of burdens and that residents should be allowed the option of using plastic garbage bags when Toters would present a burden.

The Advisory Committee continues to believe that accommodations or exceptions should be offered in all types of cases in which use of the new solid waste Toter Carts might impose a burden on Brookline residents, including:

- Limited or nonexistent storage areas for Toter Carts
- The need to store Toter Carts in unsightly and prominent locations
- Difficulty in maneuvering Toter Carts from storage areas to the curb
- Physical limitations that make it difficult or impossible for residents to move Toter Carts

The Advisory Committee recognizes that Brookline residents will need to be fully informed on the new solid waste collection system and that many residents remain unaware of the proposed changes. The final "Resolved" clause addresses this concern.

During the coming months, Brookline residents will be able to learn more about the new solid-waste collection system and offer their input. If there are further concerns about the implementation of the new system, including provisions for accommodations and exceptions, the November 2016 Town Meeting could consider one or more Warrant Articles on this topic, as necessary.

RECOMMENDATION:
By a vote of 17–2–0, the Advisory Committee recommends FAVORABLE ACTION on the following:

VOTED: That the Town of Brookline adopt the following resolution:

WHEREAS, the Town is seeking efficiencies in the way in which the DPW picks up curbside trash from Brookline residences; and

WHEREAS, the way in which it is anticipated to effect these efficiencies is by having residents deposit trash in variable-sized Toter Carts similar in design to those currently used for recycling in order to accommodate mechanized pick up; and

WHEREAS, these Toter Carts may present a burden for households with limited or unsightly storage areas, inaccessible areas or whose occupants are unable to transport them to the curb;

THEREFORE, BE IT RESOLVED, that Town Meeting urges the adoption of accommodations or exceptions for those households where the use of the Toter Carts presents a burden; and

BE IT FURTHER RESOLVED, that the Board of Selectmen will make a determination, after a public hearing, of the objective criteria to be used in determining which residences are entitled to be covered by an exception system, and;

BE IT FURTHER RESOLVED that the option of using official town plastic bags at curbside without a toter be available as an option for households or residences granted an exception, and;

BE IT FURTHER RESOLVED that at least three months in advance of the implementation of the automated system, mailings informing residents will be sent to all residences of the Town, and neighborhood meetings shall take place in each precinct to publicize and inform residents of the changes in trash pickup and the ways in which one might request exceptions.

ARTICLE 17

SEVENTEENTH ARTICLE
Submitted by: Harry Friedman

Resolution Regarding the Mechanization of Trash Pickup by the Town

TO SEE IF THE TOWN WILL ADOPT THE FOLLOWING RESOLUTION:

Whereas, the Town, through its Department of Public Works ("DPW") is seeking efficiencies in the way in which it picks up curbside trash from Brookline residences; and

Whereas, the way in which it is anticipated to effect these efficiencies is by having residents deposit trash in Toter Carts (of a size yet to be determined), similar to those currently used for recycling; and

Whereas, these carts are not designed for use by those who have storage issues, and/or are unable to easily maneuver the carts due to where they will be located and/or because of physical limitations;

THEREFORE, be it resolved, that Town Meeting urges the adoption of an exception system for those residences where the use of the Toter Carts is impractical. This exception system could involve, for example, the use of garbage bags instead of Toter Carts; and

Be it further resolved, that the DPW will make a determination of which residences are entitled to be covered by the exception system, using criteria which shall include, but not be limited to, the following:

- Availability of places in which to store the Toter Carts other than in front of residences, and thus visible from the street
- Ease of getting the Toter Carts from the storage location to and from the curb; and

Be it further resolved, that the exception system will not impose an unfair financial burden on the participants,

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Toter Carts are perfectly designed for homes that have outside or garage space in which to store them, which is adjacent to a driveway down which the cart can be easily rolled to the street or curbside. If Brookline were composed of only single-family homes, each with a wide driveway and a garage able to contain at least two cars plus additional storage space, the use of Toter Carts would not be an issue.

However, this is not an accurate description of Brookline. We are not a one-size-fits-all community. My Aspinwall Hill neighborhood has many streets like mine. My street is composed of attached row houses. We have no driveways. We have no accessible backyards. We are three to four-multiunit buildings with limited basement storage. This storage is reached either by interior steps going down into the basement or by exterior steps going from the sidewalk to the basement entrance.

As a result, many residents now store their recycling carts in front of their homes. This is unsightly. Upon entering the street, one is greeted by a sea of blue carts.

Those who currently are able to store the blue carts in their basements have run out of room and are unable to store additional garbage Toter Carts. In addition, the steps one must navigate to get into and out of the basements are a physical impediment for those aging or physically challenged residents, especially given the bulky, weighty, design of the Toter Carts, which makes maneuverability an issue.

Given that we are not a homogeneous housing community, we ask and anticipate that the DPW will devise a system that provides exceptions to the use of Toter Carts. We suggest that DPW do some kind of survey or analysis that will determine which residences can come under this exception.

We also ask that the exception system be fair, from a financial point of view, to the residents covered by it. For example, if we were allowed to continue to use bags, but the Town, due to the introduction of Pay As You Throw ("PAYT"), limited the amount of bags one could put out to the approximate number of bags that could fit in the Toter Cart, we would not expect to be charged an additional fee for being able to use the bags.

SELECTMEN'S RECOMMENDATION

The Selectmen will be voting on Article 17 at their May 17, 2016 meeting. A supplemental report detailing their recommendation will be provided prior to the start of Town Meeting.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
By a vote of 22–0–2, the Advisory Committee recommends FAVORABLE ACTION on Article 17, as amended. The Article is a resolution that urges implementation of an exception system for the partially automated and hybrid pay-as-you-throw (PAYT) curbside solid waste pick-up that the Department of Public Works (DPW) plans to implement. Under the proposed method of solid waste pick-up, most waste will be placed

in wheeled toters, similar to the blue toters already used for single-stream recycling, for automated pickup. The resolution would allow exceptions to the use of toters for households for which toters would be impractical or a hardship. The petitioner filed Article 17 to address the difficulties of using toters, which are larger and heavier than regular trash receptacles, by residents who lack adequate storage room, are elderly or physically disabled, or who otherwise would have difficulty bringing toters to curbside from their storage locations.

The Advisory Committee considered Article 17 prior to being informed that the Selectmen will convene a May 17 public hearing to solicit input on the most recent version of the proposal for semi-automated trash collection and PAYT. That proposal will include the fee schedule and exceptions for residents who may experience hardship using toters. The Advisory Committee will monitor any relevant developments and issue a supplemental report to Town Meeting on Article 17 or the DPW budget, if necessary.

BACKGROUND:

Solid waste pick-up has been a topic of discussion and debate in Brookline for years. The main issue in contention has been whether to implement some form of PAYT for the purpose of encouraging reduction in the volume of solid waste disposed of by residents. A PAYT system was proposed to Town Meeting in the 1990s but was withdrawn prior to a vote due to apparent lack of support. In 2008, the Selectmen formed a committee to reconsider PAYT as a means to reduce solid waste. The Committee recommended a bag system that was rejected by Town Meeting in 2009. A Moderator's Committee on Waste Disposal was formed at that time to again reassess PAYT options. In 2013 that Committee proposed a semi□automated collection system in which trucks with mechanical arms would pick up solid waste from variable sized wheeled carts (toters), much as similar trucks now collect recycling from the blue toters. Brookline households would pay trash collection fees based on variable annual pricing, depending on the size of the toter used by the household. The fee would be higher for larger toters. If households could not fit all of their solid waste in a toter, pre□paid plastic bags would be available for disposal of overflow trash. This system has been referred to as a "Hybrid PAYT" system because it is not a pure PAYT system, whereby each household pays for the amount of waste it disposes each week. Earlier this year, the Town Administrator convened a Task Force to obtain additional input from residents with differing interests on the implementation of this type of waste pick-up program.

The DPW has been in the process of planning to implement a semi-automated system for trash pick-up. Originally the system was primarily intended as a cost-saving measure, since automated trash pick-up reduces the amount of manpower needed to only one person per truck. The DPW estimates that three laborer positions could be eliminated under the proposed system. This reduction in labor is projected to reduce the average annual cost of solid waste pick-up by approximately $100,000 over the next ten years. The amount saved would depend on several factors, including the size(s) of the toters and the number and type of any exceptions allowed. The cost would be greater in the first few years (FY17-FY21) due to the initial cost of leasing new trucks and toters, with increasing savings during the later years. The semi-automated system also would reduce injuries that workers may suffer due to lifting heavy trash bags and barrels.

In an early version of the proposed system, a toter size of 65 gallons was to be the default, because that size was projected to cover the needs of close to 100% of Brookline's population, thereby minimizing the need for extra bags. The proposed program has now been modified to increase toter size options to include a 35 gallon toter, which would provide more of an incentive to limit waste, and a 96 gallon toter, primarily intended for multi-family apartment buildings that would prefer fewer, but larger toters. Different pricing options would be assigned for each size. As a result of public input—including the filing of this Warrant Article, the DPW is now also considering adding the option of an 18 gallon toter that would be easier to store and maneuver, given that toters are heavier and more bulky than regular garbage cans: a 65 gallon toter weighs close to 30 pounds and a 35 gallon toter weighs 20 pounds.

Whereas the proposed plan combines a modified version of PAYT with mechanized trash pick-up, Article 17's proposed exception system would exempt households from the required use of toters, which is integral to mechanized trash pick-up, but would not exempt those households from PAYT. It would offer Brookline residents an alternate way of setting out their solid waste for removal under a PAYT system. The article does not specify the particulars of the exception system, on the assumption that the DPW would be in the best position to determine the best way to carry out the intent of the resolution, such as deciding which households would qualify, what types of receptacles could be placed curbside by those households, and how to determine the cost per unit under PAYT for those households. Three amendments were made to the original article by the petitioner. The first amendment adds guidance as to the types of residences and households that should be considered for exception. The second amendment removes the clause that prohibits "unfair financial burdens" on the excepted properties because of the lack of clarity about the intent of the clause, i.e., that households not using toters should not incur greater costs than those who do use toters. The petitioner decided that it was unnecessary to include that provision since he trusted that the Town would not implement such a policy in any case. The third amendment requires notice provisions and neighborhood meetings to ensure that residents are aware of the upcoming changes.

DISCUSSION:

The petitioner noted that although the current recycling system, which uses toters, has worked well for residents who live in single-family houses, it has not worked so well for residents who live in row houses or other forms of multi-family residences that lack driveways and side yards. While the larger apartment buildings tend to use private trash collectors, smaller multi-family buildings tend to use the Town's services. According to the petitioner, households in these types of residences have had three options for storing and using recycling toters:

1) Some households leave the toters in the front yards, which is unsightly.
2) Some households keep the toters in the basement, but this requires taking the toters up and down stairs on trash days, which is difficult, given that the toters by themselves weigh up to 30 lbs. and then there is the added weight of the trash. This problem would be compounded for solid waste, which is heavier than recycling materials.
3) Some households find themselves in the position of having to put recycling in the regular trash receptacles, since they have no front yards and do not have the

strength to transfer the toters to and from curbside to distant and/or inconvenient storage locations.

The petitioner notes that these issues will be exacerbated with the introduction of toters for solid waste. His view was supported by several residents who attended the subcommittee hearing to testify about the difficulties they and other residents in their buildings have had with the recycling toters. One resident lives in a 3-floor, 12-unit building with no basement and no driveway and very little room on the sidewalk. Especially in the snow, she and the other residents have found it a challenge to set out the 12 recycling toters and still provide room for people to walk. The addition of 12 toters for solid waste would exacerbate this problem. Another resident described how residents of his building currently negotiate solid waste disposal, given that they must use stairs to bring trash to curbside from the basement. Households keep their trash barrels in the basement, with the barrels placed on top of each other. On trash day, they bring the empty barrels to the street and then place the bags of garbage into the barrels. Toters are much heavier and would be difficult, and for some, not physically possible, to bring up and down the stairs. A member of the PAYT Task Force pointed out that many multi-family buildings do not have elevators, so that many residents do not even use trash barrels. Instead, they use bags, which they take curbside. She also noted that recycling toters have been a hardship for some elderly residents of single family homes who find it too hard to maneuver the toters. She noted that a community has the responsibility to be sensitive to residents with diverse needs, which in this case are the elderly and those with physical disabilities.

The petitioner filed Article 17 to make sure that residents who are elderly or disabled and those who live in housing that makes the use of toters burdensome are given an alternate system of waste disposal, which nonetheless would include a PAYT component. He expressed concern that residents had not been notified of the impending changes, so that households for whom such a system will be a burden have not been aware of the hardships of the new system. To address that issue, he amended the article to include a clause to require that notice of the proposed changes be given to all residents.

The Advisory Committee appreciated the concerns highlighted by the petitioner and other residents who testified. When the Commissioner of Public Works was questioned about the cost implications of an exception system, he expressed the belief that the DPW could accommodate some separate trash pick-up for non-toter units without significantly increasing staffing needs. He also noted that he was already considering allowing exceptions, even without the passage of Article 17.

The Advisory Committee supported Article 17, but the resolution may not address all the issues raised by the proposed changes in solid waste collection. The Committee expressed more general concerns about the proposed system. One major concern is that a form of PAYT is being introduced without having been explicitly voted on by Town Meeting, especially in light of the fact that PAYT has twice been rejected by Town Meeting. Also of concern was the possibility of dumping trash in other locations, and of providing some incentive for residents to use their recycling toters for overflow garbage, thereby contaminating them. Another more general question was whether the currently proposed modified system of PAYT would provide enough incentive to reduce waste.

None of these concerns, however, provided any justification for supporting or not supporting the warrant article.

RECOMMENDATION:
By a vote of 22–0–2 the Advisory Committee recommends FAVORABLE ACTION on the following (amendments by deletion are indication in italics; amendments by addition are in boldface):

VOTED: That the Town of Brookline adopt the following resolution:

WHEREAS, the Town, through its Department of Public Works ("DPW") is seeking efficiencies in the way in which it picks up curbside trash from Brookline residences; and

WHEREAS, the way in which it is anticipated to effect these efficiencies is by having residents deposit trash in Toter Carts (of a size yet to be determined), similar to those currently used for recycling; and

WHEREAS, these carts are not designed for use by those who have storage issues, and/or are unable to easily maneuver the carts due to where they will be located **(example- up or down stairs)** and/or because *[delete: of]* **the person using the cart is elderly or has** physical limitations;

THEREFORE, BE IT RESOLVED, that Town Meeting urges the adoption of an exception system for those residences where the use of the Toter Carts is impractical. This exception system could involve, for example, the use of garbage bags instead of Toter Carts; and

BE IT FURTHER RESOLVED, that the DPW will make a determination of which residences are entitled to be covered by the exception system, using criteria which shall include, but not be limited to, the following:

- Availability of places in which to store the Toter Carts other than in front of residences, and thus visible from the street

- Ease of getting the Toter Carts from the storage location to and from the curb; and

[Delete: Be it further resolved, that the exception system will not impose an unfair financial burden on the participants,]

BE IT FURTHER RESOLVED that at least three months in advance of the implementation of mechanization, mailings informing residents will be sent to all residents on Town trash pickup, and neighborhood meetings shall take place in each neighborhood to publicize and inform residents of the changes in trash pickup.

XXX

ARTICLE 18

EIGHTEENTH ARTICLE
Submitted by: Patricia Connors

To see if the Town will adopt the following resolution:

A Resolution to Urge the Board of Selectmen to Put in Place an Historic Plaque at the Site of the Former St. Aidan's Church

WHEREAS, St. Aidan's Church, dedicated in 1912, served as the religious, educational, social justice and cultural center of Brookline's third Roman Catholic parish, until it was closed and merged with St. Mary of the Assumption Parish in 1999;

WHEREAS, St. Aidan's was the home parish of the family of John Fitzgerald Kennedy, the 35th President of the United States;

WHEREAS, President Kennedy, his brother U.S. Senator Robert F. Kennedy and four Kennedy sisters were baptized at St. Aidan's;

WHEREAS, St. Aidan's was designed by award-winning architect Charles D. Maginnis of the nationally prominent architectural firm Maginnis and Walsh in 1911, the church's medieval revival style being evocative of an English village church;

WHEREAS, the St. Aidan's Church building, listed in the National Register of Historic Places for both its architectural and historical significance, was adaptively redesigned as housing while preserving many original architectural elements;

WHEREAS, a centenary copper beech tree on the property of the former St. Aidan's Church continues to be nurtured for continued public enjoyment;

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting urges the Board of Selectmen to cause to erect an historic plaque at the site of the former St. Aidan's Church.

or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Please see the WHEREAS clauses for an explanation of this warrant article.

MOTION TO BE OFFERED BY THE PETITIONER

VOTED: That Town Meeting adopts the following resolution:

A Resolution That Town Meeting Affirms the Historic Significance of the St. Aidan's Site And Supports the Recent Installment There of a Historic Plaque

WHEREAS, St. Aidan's Church, dedicated in 1912, served as the religious, educational, social justice and cultural center of Brookline's third Roman Catholic parish, until it was closed and merged with St. Mary of the Assumption Parish in 1999;

WHEREAS, St. Aidan's was the home parish of the family of John Fitzgerald Kennedy, the 35th President of the United States;

WHEREAS, President Kennedy, his brother U.S. Senator Robert F. Kennedy and four Kennedy sisters were baptized at St. Aidan's;

WHEREAS, St. Aidan's was designed by the award-winning architect Charles D. Maginnis of the nationally prominent architectural firm Maginnis and Walsh in 1911 and the church building has a medieval revival style evocative of an English village church;

WHEREAS, the St. Aidan's Church building, listed in the National Register of Historic Places for both its architectural and historical significance, was adaptively redesigned as housing while preserving many original architectural elements; and,

WHEREAS, a centenary copper beech tree on the property of the former St. Aidan's Church has been nurtured for continued public enjoyment;

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting affirms the historic significance of the St. Aidan's site and supports the recent installment there of a historic plaque.

Passed by a unanimous vote

SELECTMEN'S RECOMMENDATION

Article 16 is a petitioned resolution that urges the Selectmen to erect an historic plaque at the site of the former St. Aidan's Church. The Town had been working continuously to encourage the Planning Office of Urban Affairs of the Archdiocese of Boston (POUA—is the Archdiocese's real estate arm) to install the plaque and had worked with POUA to get the local approvals needed to complete the installation. POUA had hoped to have the plaque and stone base fabricated and installed prior to this winter but neither was completed in time. The Board is happy to report that the plaque was installed in April making the original resolution language obsolete. The petitioner would like a revised resolution to move forward that would have the town recognize the historical significance of the site.

The Board agrees that the St. Aidan's site is both an architecturally and historically significant site that should be acknowledged by the Town.

By a vote of 5-0 taken on April 26, 2016, the Board recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town adopts the following resolution:

A Resolution That Town Meeting Affirms the Historic Significance of the St. Aidan's Site And Supports the Recent Installment There of a Historic Plaque

WHEREAS, St. Aidan's Church, dedicated in 1912, served as the religious, educational, social justice and cultural center of Brookline's third Roman Catholic parish, until it was closed and merged with St. Mary of the Assumption Parish in 1999;

WHEREAS, St. Aidan's was the home parish of the family of John Fitzgerald Kennedy, the 35th President of the United States;

WHEREAS, President Kennedy, his brother U.S. Senator Robert F. Kennedy and four Kennedy sisters were baptized at St. Aidan's;

WHEREAS, St. Aidan's was designed by the award-winning architect Charles D. Maginnis of the nationally prominent architectural firm Maginnis and Walsh in 1911 and the church building has a medieval revival style evocative of an English village church;

WHEREAS, the St. Aidan's Church building, listed in the National Register of Historic Places for both its architectural and historical significance, was adaptively redesigned as housing while preserving many original architectural elements; and,

WHEREAS, a centenary copper beech tree on the property of the former St. Aidan's Church has been nurtured for continued public enjoyment;

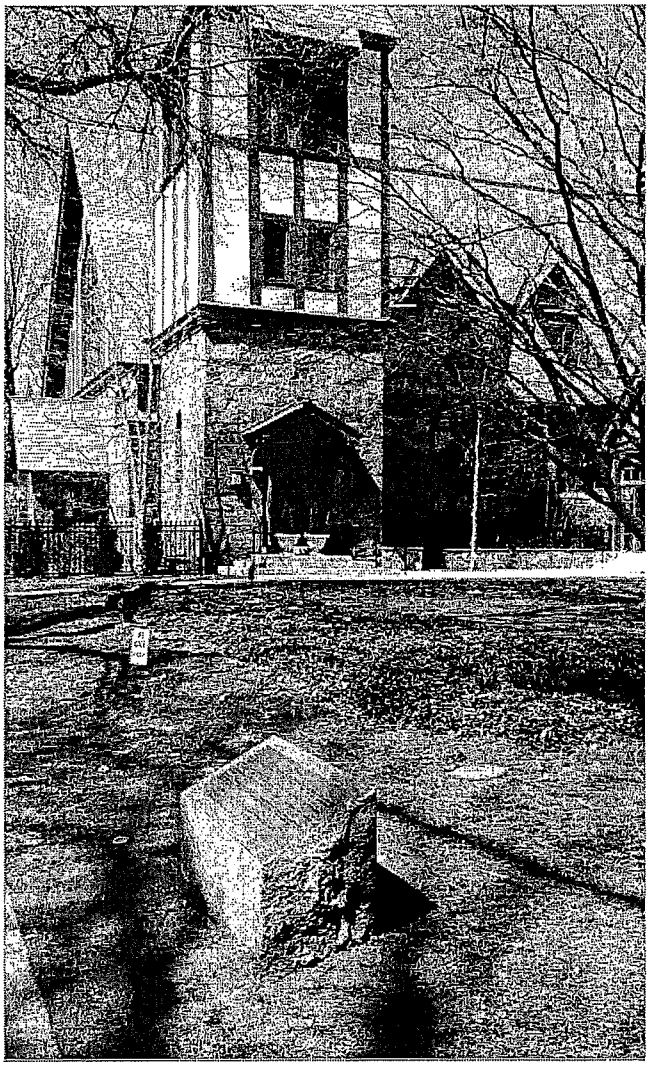
NOW, THEREFORE, BE IT RESOLVED, that Town Meeting affirms the historic significance of the St. Aidan's site and supports the recent installment there of a historic plaque.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:
Article 18, a petitioned article, is a resolution that originally called for Town Meeting to "urge the Board of Selectmen to put in place an historic plaque at the site of the former St. Aidan's Church."

When the article was filed, no plaque had been installed. However, on April 13, the Planning Office of Urban Affairs, having received the necessary permits and approvals,

installed a plaque on the property. (See accompanying photo, courtesy of Jean Stringham.) The plaque's inscription notes that St. Aidan's once served as the religious, educational, social justice, and cultural center of Brookline's third Roman Catholic parish and also highlights both its association with the Joseph Kennedy family and its architectural significance.



Consequently, when the original Article 18 was discussed and voted upon by the Advisory Committee on April 14, the vote was for NO ACTION, because there was no longer any need for the Selectmen to take action.

Later in April, the petitioner submitted an amended article that called for Town Meeting to affirm the historic significance of the St. Aidan's Site and to support the recent installment of a historic plaque.

DISCUSSION:

On April 28, the Advisory Committee voted to reconsider Article 18 and discussed the amended resolution offered by the petitioner. Some members questioned why the amended resolution was being put forward, given that the primary objective of the original article was to encourage the installation of a commemorative plaque. In their

opinion, that objective has been met, and hence there is no need for the amended resolution. Other members noted that the resolution was harmless, expressed an opinion, and merely asked Town Meeting to affirm the historical and architectural significance of St. Aidan's.

RECOMMENDATION:
By a vote of 12–9–2, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen.

XXX

ARTICLE 19

NINETEENTH ARTICLE
Submitted by: Hidden Brookline Committee of the Town of Brookline Department of Diversity, Inclusion and Community Relations

A Resolution to Honor Roland Hayes

TO SEE IF THE TOWN WILL ADOPT THE FOLLOWING RESOLUTION:

WHEREAS, the mission of the Hidden Brookline Committee of the Diversity, Inclusion and Community Relations Department is to bring to light the hidden history of slavery and freedom in our Town.

WHEREAS, Roland Hayes (1887-1977) was one of the world's greatest classical tenors, celebrated throughout Europe and the United States, "not only as an artist, but as an institution and a name, the magic of which has spread his fame across nations and continents" (*Boston Globe*).

WHEREAS, he was born in rural Georgia to tenant famers on a plantation where his mother had been enslaved.

WHEREAS, he sang with the Fisk Jubilee Singers and came to Boston to develop his talent and further his career.

WHEREAS, he refused to be diminished or denied in a country rife with racism.

WHEREAS, in 1920, when he was informed by the manager of the Boston Symphony Orchestra that, because of his color, he would never succeed, he went to Europe, like many African American artists before and since.

WHEREAS, after his "command performance" for King George and Queen Mary of England and concerts across Europe, he returned in fame to Boston and became the first African American artist to solo with the Boston Symphony Orchestra in 1923.

WHEREAS, proud of his heritage, he introduced African American Spirituals into his concerts, enriching the previously Eurocentric classical repertoire.

WHEREAS, Reverend Dr. Martin Luther King, Jr. spoke of him, inspiring audiences with Hayes' story and fame, saying, "Roland Hayes rose up to be one of the world's great singers and carried his melodious voice into the palaces and mansions of kings and queens."

WHEREAS, he blazed a trail for others to follow, including Marian Anderson and Paul Robeson.

WHEREAS, despite Brookline's past pattern of racial exclusion, Hayes was able to buy a home at 58 Allerton St, where he lived happily with his family for almost 50 years.

NOW, THEREFORE, BE IT

RESOLVED, that Town Meeting call upon the people of Brookline to honor the life and legacy of this extraordinary man.

RESOLVED, that the School Committee is encouraged to include the music and story of Roland Hayes where appropriate in its curriculum.

RESOLVED, that the people of Town of Brookline honor Roland Hayes as one of its most important and prominent citizens by endorsing the installation of a bronze plaque in front of his former home at 58 Allerton Street with the inscription:

Roland Hayes
1887-1977

One of the world's great tenors, Roland Hayes sang throughout Europe and the United States. Born in rural Georgia to parents who had known slavery, he became the first African American to perform with the Boston Symphony Orchestra. He was a trailblazer in classical music, breaking color barriers across the world. Proud of his heritage, Hayes always included Spirituals in his concerts. He lived here with his family for almost 50 years.

Presented by the people of Brookline
June 2016

RESOLVED, that Town Meeting encourages the citizens of Brookline to join a dedication ceremony at 58 Allerton Street to dedicate the plaque on June 12, 2016.

Or take any other action relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

"From the red hills of Gordon County Georgia... Roland Hayes rose up to be one of the world's great singers and carried his melodious voice into the palaces and mansions of kings and queens."

--- Reverend Dr. Martin Luther King, Jr., from his speech "What Is Your Life's Blueprint?" delivered to students at Barratt Junior High School, South Philadelphia, on October 26, 1967.

Roland Hayes was a giant in the history of American music yet here in the town were he lived for most of his life and was once revered, there are no permanent memorials to honor him. The aim of this resolution is to announce the installation of a commemorative

plaque at Roland Hayes' former home and to honor the life and legacy of one of Brookline's most important residents.

1. *The Life of Roland Hayes*
2. *Brookline's Place in Hayes' Life*
3. *A Plaque to be Placed in Front of His Home*

1. The Life of Roland Hayes

In 1887 Roland Hayes was born in rural Georgia to parents who were tenant farmers on the plantation where his mother was once enslaved. He first learned singing from his father and then from his church. One day a visiting pianist introduced him to a phonograph recording of the great Enrico Caruso. Roland said, "that opened the heavens for me. The beauty of what could be done with the voice just overwhelmed me." At the age of 18, despite the disapproval of his mother, who was convinced he couldn't make a living out of singing, he was invited to enroll at Fisk University and join their renowned Jubilee Singers.

In 1911, when the Jubilee Singers performed in Boston, Hayes saw opportunity in the "Athens of America" and stayed to develop a classical career. By 1917 he had mastered the European composers but had also developed his own artistic identity by embracing his racial heritage through Spirituals. He was now ready to be a professional classical singer, but Boston wasn't. Confident of his talent and refusing to be denied, Hayes gambled all he had and spent $400 to rent Symphony Hall, post advertisements and print and sell tickets himself. On the night of November 17, 1917, every seat was taken and reportedly 200 more were turned away at the door. His success proved he had arrived but when he later went to William Brennan, the manager of the BSO, for help in promoting and managing further concerts, he was told, "It will never happen here." Like other African American artists of his time, Hayes decided to escape American racism and seek renown in Europe.

In the cities of Europe his fame grew, culminating in a "command performance" before King George and Queen Mary. And in 1923, with his reputation firmly established, Hayes returned to the U.S. and became the first African American to be featured with the Boston Symphony Orchestra. He hired none other than William Brennan, who had earlier discouraged him, as his manager. Over the next few years he traveled throughout the United States and returned to Europe frequently, including an extensive tour of Russia.

His success, however, did not preclude facing bigotry and he was truly tested in 1924 in Berlin. Hayes described that evening:

> "When I entered the concert chamber at the Beethovensaal, I found myself standing in a flood of light; in front of me, a black-out audience sat unquietly. From the rear there rolled out a great volley of hisses, which seemed to fill the hall entirely. I was terribly apprehensive, but I took my place in the curve of the piano, closed my eyes, lifted my head into singing position, and stood still as a statue. I waited moment after moment, perhaps for five or ten minutes altogether, listening to the ebb and flow of antagonistic sound. I tried to match the determination of my adversaries with quiet invincibility,

> and after a time I seemed actually to impress them. No one came to my defense on this occasion, so far as I could hear, but presently the attack upon me petered out.
>
> When the silence came, as it absolutely did at length, the hall was more still than any I had ever sung in. It was so quiet that the hush began to hurt. I conveyed my readiness to my accompanist with the slightest movement of my lips, without turning my head or my body, and began to sing Schubert's *Du bist die Ruh*, which otherwise would have occurred later in the program. The entry to that song is almost as silent as silence itself. The German text, stealing out of my mouth in sustained pianissimo, seemed to win my hostile audience over."

In the United States he broke the color barrier in many American cities, north as well as south, cutting a pathway for other African American classical singers, including Marion Anderson and Paul Robeson. And in 1924 the NAACP awarded him their highest honor, the Springarn Medal. Over the next decades his concert schedule lessened but he continued to influence the next generation of African American concert singers by corresponding, giving advice, teaching and coaching. A multiculturalist on and off the stage, Roland Hayes counted among his friends George Washington Carver, Eleanor Roosevelt, Pearl Buck, Dwight Eisenhower and Langston Hughes.

Roland Hayes was one of the world's greatest tenors but he made another signal contribution to music: bringing African American Spirituals into the classical repertoire. He included one or more Spirituals in all his concerts, believing they belonged to the world. Even today, the beauty of songs like *Steal Away* and *Swing Low, Sweet Chariot* are often sung according to Hayes' own arrangements.

> *"Not only an artist, but and institution and a name, the magic of which has spread his fame across nations and continents."* –Boston Globe

Roland Hayes' life's work in music and against prejudice continues to enrich our lives.

2. Brookline's Place in Hayes' Life

Roland Hayes lived at 58 Allerton Street in Brookline for almost fifty years. But in 1925 patterns of racial exclusion could make it difficult for even one of the highest paid singers in the world to purchase a home. Fortunately, Hayes had been the guest of Russell family who were very pleased to sell him their home. Hayes' biographer, Robert Hayden, stated, "He adopted Brookline and Brookline adopted him." It was his primary residence for the rest of his life. Proud of their heritage, he and his wife Alzada took the unusual step at the time of giving his daughter the name Afrika. She grew up as one of a handful of African American students in Brookline.

Pill Hill residents who attended Lincoln School in the 1960's fondly remember that in June children would walk with their teachers from the school to Roland Hayes' house where he would come out onto his porch to hear the children sing "Happy Birthday" to him. In 1962, Roland Hayes returned to Carnegie Hall for a concert to mark his 75th birthday. Letters poured in from around the world—from Langston Hughes, Jackie Robinson, teachers and friends. The High Street Hill Association, his neighbors on Pill Hill, sent a large bouquet of flowers and a note of congratulations.

For Hayes' 80th birthday, Brookline declared June 3, 1967 "Roland Hayes Day." Over one hundred people gathered in the Brookline Town Hall to honor their illustrious, world-renowned citizen and artist. Town officials, his neighbors, members of the Boston Symphony Orchestra and his Boston and Brookline friends gathered to pay tribute. Brookline presented him with a silver tray. After the reading of proclamations from the mayors of Boston and Atlanta, in a quiet voice, Hayes responded:

> ".... My career has demanded a great deal of travel. When I look at a map of the world, certain cities have significance—Nashville, Chattanooga, Louisville, Boston, London, Paris, Moscow. I was making interesting discoveries about these places and their people. Then in 1925 I discovered Brookline... No other place in the world has been so happy for me..."

Roland Hayes gave his last concert at the Longy School of Music in Cambridge at the age of 85. He died 5 years later in 1977.

3. A Plaque to be Placed in Front of His Home

Over the years Roland Hayes has been honored in various. In 1981, the Boston School Committee named its new arts facility at Madison Park High School "The Roland Hayes Division of Music." A play about Hayes by Daniel Beatty, "Breath and Imagination," was presented at Emerson College. And, in recent years, there have been various concerts in his honor, including several in Brookline hosted by the Roland Hayes Committee.

Last March, the Hidden Brookline Committee organized an inspirational "A Tribute to Roland Hayes" at the historic Longwood Church of Christ. Emceed by Reverend Liz Walker, the offerings expressed Hayes' life and music. Robert Honeysucker, who has inherited Hayes' mantle with the BSO, sand Hayes' favorite classical songs. Michael and Kitty Dukakis contributed a short video of their memories of him, a clip from a PBS Hayes biography was shown and brief remarks were made by the authors of the just published authoritative biography, *Roland Hayes, The Legacy of an American Tenor.* The concert's emotional and musical highlights came when his descendants performed. His granddaughter Zaida Lambe soloed with the Joyful Voices of Inspiration Choir. Closing out the concert was great grandson Wenceslas Bogdanoff, himself a classical singer, accompanied on piano by Roland Hayes' daughter Afrika. A video of the event is available on DVD or online from Brookline Interactive Group.

In 1990 a historic marker about Hayes was dedicated in Calhoun, Georgia, *but there is no permanent mention of him in the town where he spent most of his life.* The Hidden Brookline Committee will install a bronze plaque on a granite post in front of his former home. The post will be modeled after vintage stone corner posts found in the neighborhood, and mounted in the edge of the sidewalk nearest the house. The Committee has worked closely with the following to develop support for this project: the Department of Diversity, Inclusion and Community Relations, the DPW's Engineering Division, the Preservation Commission staff, the family of Roland Hayes and the current owners of 58 Allerton Street. A cast bronze plaque, will feature a bas relief bust of Roland Hayes sculpted by world-renowned sculptor Robert Shure (one of his pieces is

the large plaque of George Washington for the recently renovated Washington Monument). Costs will be covered by private funds. A dedication ceremony and celebration will take place on June 12, 2016.

Roland Hayes
1887-1977

One of the world's great tenors, Roland Hayes sang throughout Europe and the United States. Born in rural Georgia to parents who had known slavery, he became the first African American to perform with the Boston Symphony Orchestra. He was a trailblazer in classical music, breaking color barriers across the world. Proud of his heritage, Hayes always included Spirituals in his concerts. He lived here with his family for almost 50 years.

Presented by the people of Brookline
June 2016

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Sources and suggested further reading:

Roland Hayes, The Legacy of an American Tenor by Christopher Brooks and Robert Sims (2015), published by the Indiana University Press and

Singing For All People, Roland Hayes, A Biography by Robert C. Hayden (1989), published by Select Publications. (for young people)

Angel Mo and Her Son Roland Hayes by MacKinley Helm (1942) Little, Brown and Company

Hidden Brookline website: www.hiddenbrookline.org

SELECTMEN'S RECOMMENDATION

Article 19 is a resolution seeking the memorialization of Roland Hayes, through the installation of a bronze plaque in front of his former home at 58 Allerton Street. This warrant article is proposed by Hidden Brookline, which is a standing Committee of the Office of Diversity, Inclusion and Community Relations. It is a continuation of efforts to inform the people of Brookline about the history of the Town. Roland Hayes was a classical tenor and was celebrated in the United States and abroad.

The Selectmen commend Hidden Brookline for bringing this resolution forward. It is of the utmost importance to the Board to celebrate the history of one of Brookline's most accomplished residents. Born to tenant farmers in Georgia, Mr. Hayes influenced the direction of the Fisk Jubilee Singers and set the table for singers such as Paul Robeson

and William Caesar Warfield. His story trumpets the struggles of African-American performers on national and international stages, but through perseverance he became one of the most respected and honored members of his field. Dr. Martin Luther King, Jr. spoke of him, saying, "Roland Hayes rose up to be one of the world's great singers and carried his melodious voice into the palaces and mansions of kings and queens."

The design of the plaque will go through the design review process. The current owners of 58 Allerton, Hank and Janet Goddard, support the placement of the plaque in front of their house.

The Selectmen recommend FAVORABLE ACTION, by a vote of 4-0 taken on April 5, 2016, on the motion offered by the Advisory Committee.

ROLL CALL VOTE:

Favorable Action	Absent
Wishinsky	Franco
Daly	
Heller	
Greene	

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
Warrant Article 19 is a resolution that was submitted by the Hidden Brookline Committee. Hidden Brookline is a standing committee of the Office of Diversity, Inclusion, and Community Relations, and has a mission to bring light to the history of slavery and freedom in Brookline. Ronald Hayes was a revered forerunner of the civil rights movement, world famous in his time, honored locally and throughout the United States. In Brookline June 3 was declared Ronald Hayes Day, and for many years Brookline schoolchildren walked to his house to sing him a Happy Birthday. After his death in 1977 he was almost completely forgotten. The resolution to honor Roland Hayes will bring back the history of this internationally celebrated classical tenor and honored citizen of Brookline through dedicating a plaque at 58 Allerton Street on June 12, 2016. The Advisory Committee unanimously recommends Favorable Action on this resolution.

BACKGROUND:
Hidden Brookline developed a walking tour of important Brookline sites related to slavery, freedom, and African-American history; installed a plaque at the Walnut Street Burying Ground honoring enslaved people buried there, and a plaque at 182 Walnut Street (underground railroad stop); and researched the lives of three enslaved men listed on the Revolutionary War Plaque in Town Hall. Hidden Brookline remains committed to its mission of uncovering our Brookline history. The resolution to honor Roland Hayes is a prime example of how Hidden Brookline carries out its mission. Possible future topics to be addressed by Hidden Brookline include: Town land that used to belong to the Algonquin; the story of how Walnut Street used to be an old Indian Path; and oral history of a Native American cemetery and the Sagamores who lived here feeling protected.

DISCUSSION:
The Office of Diversity, Inclusion, and Community Relations acts as the fiscal agent for Hidden Brookline; all donations made towards the Ronald Hayes plaque are therefore tax deductible. The project is privately funded with no costs to the Town. The Roland Hayes plaque is a relief bronze, designed by Robert Shure, who also designed the Ted Williams plaque at the entrances to the Ted Williams Tunnel. The plaque will go through the Preservation Commission review process; so far all are pleased with the beauty of the design. Hank and Janet Goddard, the owners of 58 Allerton Street, are the second family to live in the Hayes home since 1977. They are very excited and supportive of the placement of the plaque in front of their house.

The Advisory Committee welcomed this resolution as an opportunity for Town Meeting and the people of Brookline to learn more about the extraordinary life and musical career of Roland Hayes. The Committee enthusiastically supports the resolution, with only a few minor amendments for the purposes of clarity and to respect the role of the School Committee in determining the curriculum in Brookline's schools.

VOTED: By a vote of 24–0–0, the Advisory Committee unanimously recommends FAVORABLE ACTION on the following amended resolution (deletions indicated by strikethrough; additions in bold):

WHEREAS, the mission of the Hidden Brookline Committee of the Diversity, Inclusion, and Community Relations Department is to bring to light the hidden history of slavery and freedom in our Town; and

WHEREAS, Roland Hayes (1887–1977) was one of the world's greatest classical tenors, celebrated throughout Europe and the United States, "not only as an artist, but as an institution and a name, the magic of which has spread his fame across nations and continents" (*Boston Globe*); and

WHEREAS, he was born in rural Georgia to tenant farmers on a plantation where his mother had been enslaved; and

WHEREAS, he sang with the Fisk Jubilee Singers and came to Boston to develop his talent and further his career; and

~~WHEREAS, he refused to be diminished or denied in a country rife with racism.~~

WHEREAS, in 1920, when he was informed by the manager of the Boston Symphony Orchestra that, because of his color, he would never succeed, he went to Europe, like many African American artists before and since; and

WHEREAS, he refused to be diminished or denied in a country rife with racism; and

WHEREAS, after his "command performance" for King George and Queen Mary of England and concerts across Europe, he returned in fame to Boston and became the first African American artist to solo with the Boston Symphony Orchestra in 1923; and

WHEREAS, proud of his heritage, he introduced African American Spirituals into his concerts, enriching the previously Eurocentric classical repertoire; and

WHEREAS, Reverend Dr. Martin Luther King, Jr. spoke of him, inspiring audiences with Hayes' story and fame, saying, "Roland Hayes rose up to be one of the world's great singers and carried his melodious voice into the palaces and mansions of kings and queens."; and

WHEREAS, he blazed a trail for others to follow, including Marian Anderson and Paul Robeson; and

WHEREAS, despite Brookline's past ~~pattern~~ **history** of racial exclusion, Hayes was able to buy a home at 58 Allerton St, where he lived happily with his family for almost 50 years.

NOW, THEREFORE, BE IT

RESOLVED, that Town Meeting ~~call upon~~ **encourages** the people of Brookline to honor the life and legacy of this extraordinary man; and

RESOLVED, that ~~the School Committee is encouraged to include the music and story~~ **Town Meeting encourages the teaching of the music and legacy of Roland Hayes; and** ~~where appropriate in its curriculum.~~

RESOLVED, that the ~~people of~~ Town of Brookline **encourages the people of Brookline to** honor Roland Hayes as one of its most important and prominent citizens by endorsing the installation of a bronze plaque in front of his former home at 58 Allerton Street with the inscription:

Roland Hayes
1887–1977

One of the world's great tenors, Roland Hayes sang throughout Europe and the United States. Born in rural Georgia to parents who had known slavery, he became the first African American to perform with the Boston Symphony Orchestra. He was a trailblazer in classical music, breaking color barriers across the world. Proud of his heritage, Hayes always included Spirituals in his concerts. He lived here with his family for almost 50 years.

Presented by the people of Brookline
June 2016

RESOLVED, that Town Meeting encourages the ~~citizens~~ **people** of Brookline to join a dedication ceremony at 58 Allerton Street to dedicate the plaque on June 12, 2016.

~~XXX~~

ARTICLE 20

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

Article 20 is a resolution seeking the end to the United States' economic, commercial and financial embargo against Cuba and respect for Cuba's sovereignty. This article would put Town Meeting on record as being against the embargo and U.S. covert activities in Cuba. The embargo has been in place since 1960. The Board supports the notion of lifting of the embargo, but questions if it is appropriate to support specific bills and legislation at the national level without having more information on the content contained in the legislation. Since the bills can evolve and be amended, the Board did not think it was wise to blindly endorse them, but did amend the final whereas clause to encourage Representative Kennedy to support measures that are aligned with this resolution.

A unanimous Board of Selectmen recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town adopt the following resolution:

WHEREAS, in 1960, the United States government imposed an economic, commercial and financial blockade against Cuba; and

WHEREAS, the U.S. embargo against Cuba — what the Cubans call *el bloqueo*, "the blockade" — continues to inflict hardship on the men, women and children of Cuba by creating shortages of food, medicines and financial and trade opportunities; and

WHEREAS the 1996 Helms-Burton Act extended the territorial application of the initial embargo to apply to foreign companies trading with Cuba; and

WHEREAS, on December 17, 2014, U.S. President Barack Obama and Cuban President Raul Castro announced a new era of relations and agreed to re-establish diplomatic relations; and

WHEREAS, Cuba and the United States re-opened their respective embassies in 2015; and

WHEREAS, despite the changes made by President Obama the embargo continues to be in place; and

WHEREAS, 191 countries voted at the United Nations General Assembly in October 2015 in favor of lifting the U.S. blockade against Cuba, with only two countries — the U.S. and Israel — opposed; and

WHEREAS the majority of the people of the United States believe this embargo is ineffective and

WHEREAS the blockade denies U.S. citizens access to Cuban medical technology such as the diabetes drug Heberpot-P, vaccines for meningitis B and hepatitis B, monoclonal antibodies for kidney transplants, as well as the only therapeutic vaccine in the world against advanced lung cancer, CIMAVAX-EGF;

THEREFORE, BE IT RESOLVED that the Brookline Town Meeting calls for an immediate end to the United States' economic, commercial and financial embargo against Cuba; and strongly encourages Representative Joseph P. Kennedy III to support measures that achieve these goals.

(1.) SUBSTITUTE AS THE MAIN MOTION WAS PASSED BY A MAJORITY VOTE

(2.) MAIN MOTION WAS PASSED BY A MAJORITY VOTE

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

On May 19, 2016, the Advisory Committee reconsidered its recommendation regarding Article 20. After hearing the petitioner's arguments for his motion and also reviewing the recommendation of the Board of Selectmen, the Advisory Committee decided to recommend FAVORABLE ACTION on the Selectmen's motion. A motion for Favorable Action on the petitioner's motion failed by a vote of 5–10–1.

A key issue in the Advisory Committee's discussion was whether to include in the resolution a call for "an end to any and all funding of and support for covert USAID 'regime change' operations and programs" in Cuba. The petitioner supports including such language in the resolution. When the Advisory Committee initially considered Article 20, some members whether sufficient information was available about such "covert" programs.

As the petitioner pointed out, U.S. efforts to promote "regime change" in Cuba are hardly a secret. These efforts—and their numerous failures and setbacks—have been reported in the news media and it is something of a misnomer to call them "covert" operations.

Nevertheless, the Advisory Committee continued to oppose using the Article 20 resolution to call for an end to U.S. "regime change" operations intended to topple the Castro government in Cuba. Above all, most Advisory Committee members thought that the resolution should focus on ending the embargo, because that goal seemed to have the most support and is the subject of almost all the "Whereas" clauses in the petitioner's motion. In addition, these "covert" operations are primarily attempts to bring greater democracy to Cuba, even if many of them are misguided or unsuccessful. "Regime change" in this context is nothing like violent "regime change" as it was practiced by the

United States in Iraq. In Cuba, U.S. programs have attempted to promote democracy and human rights, however ineptly. Much assistance has been sent to families of Cuban political prisoners.

The Advisory Committee thus voted against the petitioner's motion and instead voted FAVORABLE ACTION on the motion offered by the Board of Selectmen. That motion does not include any clauses that call for an end to U.S. "regime change" operations in Cuba. The Selectmen's motion also does not offer Town Meeting's support for proposed federal legislation that most members of Town Meeting probably have not read. The Advisory Committee felt that if Town Meeting could unite to support one motion under Article 20 it should be the Selectmen's motion. An overwhelming vote for that motion would send a clear signal that it is time to end the embargo against Cuba.

RECOMMENDATION:

By a vote of 10–4–2, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen.

ARTICLE 20

MOTION TO BE OFFERED BY THE PETITIONER

VOTED: That the Town adopt the following resolution:

Resolution Calling for an End to the United States' Economic, Commercial and Financial Embargo against Cuba and Respect for Cuba's Sovereignty

WHEREAS, in 1960, the United States government imposed an economic, commercial and financial blockade against Cuba; and

WHEREAS, the U.S. embargo against Cuba — what the Cubans call *el bloqueo*, "the blockade" — continues to inflict hardship on the men, women and children of Cuba by creating shortages of food, medicines and financial and trade opportunities; and

WHEREAS the 1996 Helms Burton Act extended the territorial application of the initial embargo to apply to foreign companies trading with Cuba; and

WHEREAS, on December 17, 2014, U.S. President Barack Obama and Cuban President Raul Castro announced a new era of relations and agreed to re-establish diplomatic relations; and

WHEREAS, Cuba and the United States re-opened their respective embassies in 2015; and

WHEREAS, despite the changes made by President Obama the embargo continues to be in place; and

WHEREAS, 191 countries voted at the United Nations General Assembly in October 2015 in favor of lifting the U.S. blockade against Cuba, with only two countries — the U.S. and Israel — opposed; and

WHEREAS the majority of the people of the United States believe this embargo is ineffective, ~~inhumane and in violation of international conventions~~; and

WHEREAS the blockade denies U.S. citizens access to Cuban medical technology such as the diabetes drug Heberpot-P, vaccines for meningitis B and hepatitis B, monoclonal antibodies for kidney transplants, as well as the only therapeutic vaccine in the world against advanced lung cancer, CIMAVAX-EGF; and

WHEREAS the U.S. through its Agency for International Development (USAID) has supported and has not disavowed continuing ~~embarrassing~~ covert "regime change" operations;

THEREFORE, BE IT RESOLVED that the Brookline Town Meeting calls for an immediate end to the United States' economic, commercial and financial embargo against Cuba; and with respect for Cuba's sovereignty, an end to any and all ~~illegal~~ **funding of**

and support for covert **USAID** "regime change" operations and programs and affirmation thereof; and

BE IT FURTHER RESOLVED that the Brookline Town Meeting supports the following Bills in Congress: 1) the Freedom to Travel to Cuba Act of 2015 (HR664), introduced by Rep. Mark Sanford (R-SC 1st) and Rep. James McGovern (D-MA 2nd), 2) The Cuba Trade Act of 2015 (HR3238), introduced by Rep. Tom Emmer (R-MN 6th) and Rep. Kathy Castor (D-FL 14th), and strongly encourages Representative Joseph P. Kennedy III to join the list of co-sponsors of both bills; and

BE IT FURTHER RESOLVED that the Brookline Town Meetings supports the following Bills in the Senate: 1) The Freedom to Travel to Cuba Act of 2015 (S299), introduced by Senator Jeff Flake (R-AZ) and Senator Patrick Leahy (D-VT), language of which is identical to HR664, 2) The Freedom to Export to Cuba Act (S491), introduced by Senator Amy Klobuchar (D-MN), both of which are supported by our Senators Edward Markey and Elizabeth Warren.

ARTICLE 20

TWENTIETH ARTICLE
Submitted by: Peter Miller

To see if the Town will adopt the following resolution:

Resolution Calling for an End to the United States' Economic, Commercial and Financial Embargo against Cuba and Respect for Cuba's Sovereignty

WHEREAS, in 1960, the United States government imposed an economic, commercial and financial blockade against Cuba; and

WHEREAS, the U.S. embargo against Cuba — what the Cubans call *el bloqueo*, "the blockade" — continues to inflict hardship on the men, women and children of Cuba by creating shortages of food, medicines and financial and trade opportunities; and

WHEREAS the 1996 Helms Burton Act extended the territorial application of the initial embargo to apply to foreign companies trading with Cuba; and

WHEREAS, on December 17, 2014, U.S. President Barack Obama and Cuban President Raul Castro announced a new era of relations and agreed to re-establish diplomatic relations; and

WHEREAS, Cuba and the United States re-opened their respective embassies in 2015; and

WHEREAS, despite the changes made by President Obama the embargo continues to be in place; and

WHEREAS, 191 countries voted at the United Nations General Assembly in October 2015 in favor of lifting the U.S. blockade against Cuba, with only two countries — the U.S. and Israel — opposed; and

WHEREAS the majority of the people of the United States believe this embargo is ineffective, inhumane and in violation of international conventions; and

WHEREAS the blockade denies U.S. citizens access to Cuban medical technology such as the diabetes drug Heberpot-P, vaccines for meningitis B and hepatitis B, monoclonal antibodies for kidney transplants, as well as the only therapeutic vaccine in the world against advanced lung cancer, CIMAVAX-EGF; and

WHEREAS the U.S. through its Agency for International Development (USAID) has supported and has not disavowed continuing embarrassing covert "regime change" operations;

THEREFORE, BE IT RESOLVED that the Brookline Town Meeting calls for an immediate end to the United States' economic, commercial and financial embargo against Cuba; and with respect for Cuba's sovereignty, an end to any and all illegal covert "regime change" operations and programs and affirmation thereof; and

BE IT FURTHER RESOLVED that the Brookline Town Meeting supports the following Bills in Congress: 1) the Freedom to Travel to Cuba Act of 2015 (HR664), introduced by Rep. Mark Sanford (R-SC 1st) and Rep. James McGovern (D-MA 2nd), 2) The Cuba Trade Act of 2015 (HR3238), introduced by Rep. Tom Emmer (R-MN 6th) and Rep. Kathy Castor (D-FL 14th), and strongly encourages Representative Joseph P. Kennedy III to join the list of co-sponsors of both bills; and

BE IT FURTHER RESOLVED that the Brookline Town Meetings supports the following Bills in the Senate: 1) The Freedom to Travel to Cuba Act of 2015 (S299), introduced by Senator Jeff Flake (R-AZ) and Senator Patrick Leahy (D-VT), language of which is identical to HR664, 2) The Freedom to Export to Cuba Act (S491), introduced by Senator Amy Klobuchar (D-MN), both of which are supported by our Senators Edward Markey and Elizabeth Warren;

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Please see the WHEREAS clauses for an explanation of this warrant article.

SELECTMEN'S RECOMMENDATION

The Selectmen will be voting on Article 20 at their May 10, 2016 meeting. A supplemental report detailing their recommendation will be provided prior to the start of Town Meeting.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Article 20, a petitioned Article, is a resolution that would put Brookline's Town Meeting on record as being opposed to the continuation of the embargo on trade with Cuba. The resolution also asks for an end to U.S. government efforts to undermine the Cuban government through covert action.

The embargo was imposed 56 years ago, in October 1960, by the outgoing Eisenhower Administration in an effort to undermine the Castro regime. For many decades, the Soviet Union mitigated the effects of the embargo by providing subsidies to the Cuban economy. That ended with the dissolution of the Soviet Union, but subsequently the leftist government of Venezuela stepped into the role of benefactor. Now Venezuela has encountered serious economic problems, and it is no longer capable of supporting Cuba.

DISCUSSION:

Ultimately the embargo has failed in its purpose, which was to bring about the end of the Castro regime. The Castro regime is still in place, and there is ample evidence that it is the Cuban people who have paid the price of the embargo, rather than the regime. In the meantime, through executive action, holes have been created in the embargo. For example, people outside of Cuba can now send funds to family members in Cuba relatively easily, something that was very difficult during the first several decades of the embargo.

A recent Gallup poll showed that 59% of the American public is in favor of ending the embargo. The main question is whether lifting the embargo would be giving tacit approval to the Castro regime for its oppression of internal dissent, but if we hold to that standard, we would need to impose embargoes on several other countries, including China and Saudi Arabia, respectively our second-largest trading partner and our largest supplier of oil.

The Advisory Committee made two amendments to the resolution. First, the Committee voted to delete "inhumane and in violation of international conventions" from one of the WHEREAS clauses. The clause suggested that the American public believes that this description applies to the U.S. embargo against Cuba. Polls, however, apparently show majority support for lifting the embargo and/or for the belief that the embargo is ineffective. It is doubtful that most Americans have considered whether the embargo should be described as "inhumane" or a violation of international law.

Second, the Committee voted to delete the WHEREAS clause that refers to cover operations and the clause in the first RESOLVED clause that makes a similar reference. Members felt that covert operations, whether they exist or not, are necessarily secret and cannot be evaluated or condemned. Deleting these references also keeps the resolution focused on the U.S. embargo against Cuba.

One other issue was raised in the Advisory Committee: whether Town Meeting should be debating matters of national policy. Some members argued that resolutions such as Article 20 are not directly relevant to the governance of Brookline. Proponents of the resolution noted that there are currently bills in both the House and Senate to end both trade and travel restrictions with Cuba. Thus by adopting the proposed resolution, we would be conveying our views to our congressional representatives on a current legislative initiative.

RECOMMENDATION:

By a vote of 13–3–3, the Advisory Committee recommends FAVORABLE ACTION on the following amended resolution (deletions indicated by strikethrough, additions in bold):

VOTED: That the Town adopt the following resolution:

WHEREAS, in 1960, the United States government imposed an economic, commercial and financial blockade against Cuba; and

WHEREAS, the U.S. embargo against Cuba — what the Cubans call *el bloqueo*, "the blockade" — continues to inflict hardship on the men, women and children of Cuba by creating shortages of food, medicines and financial and trade opportunities; and

WHEREAS the 1996 Helms-Burton Act extended the territorial application of the initial embargo to apply to foreign companies trading with Cuba; and

WHEREAS, on December 17, 2014, U.S. President Barack Obama and Cuban President Raul Castro announced a new era of relations and agreed to re-establish diplomatic relations; and

WHEREAS, Cuba and the United States re-opened their respective embassies in 2015; and

WHEREAS, despite the changes made by President Obama the embargo continues to be in place; and

WHEREAS, 191 countries voted at the United Nations General Assembly in October 2015 in favor of lifting the U.S. blockade against Cuba, with only two countries — the U.S. and Israel — opposed; and

WHEREAS the majority of the people of the United States believe this embargo is ineffective~~, inhumane and in violation of international conventions~~; and

WHEREAS the blockade denies U.S. citizens access to Cuban medical technology such as the diabetes drug Heberpot-P, vaccines for meningitis B and hepatitis B, monoclonal antibodies for kidney transplants, as well as the only therapeutic vaccine in the world against advanced lung cancer, CIMAVAX-EGF; ~~and~~

~~WHEREAS the U.S. through its Agency for International Development (USAID) has supported and has not disavowed continuing embarrassing covert "regime change" operations;~~

THEREFORE, BE IT RESOLVED that the Brookline Town Meeting calls for an immediate end to the United States' economic, commercial and financial embargo against Cuba; ~~and with respect for Cuba's sovereignty, an end to any and all illegal covert "regime change" operations and programs and affirmation thereof;~~ and

BE IT FURTHER RESOLVED that the Brookline Town Meeting supports the following Bills in Congress: 1) the Freedom to Travel to Cuba Act of 2015 (HR664), introduced by Rep. Mark Sanford (R-SC 1st) and Rep. James McGovern (D-MA 2nd), 2) The Cuba Trade Act of 2015 (HR3238), introduced by Rep. Tom Emmer (R-MN 6th) and Rep. Kathy Castor (D-FL 14th), and strongly encourages Representative Joseph P. Kennedy III to join the list of co-sponsors of both bills; and

BE IT FURTHER RESOLVED that the Brookline Town Meeting supports the following Bills in the Senate: 1) The Freedom to Travel to Cuba Act of 2015 (S299), introduced by Senator Jeff Flake (R-AZ) and Senator Patrick Leahy (D-VT), language of which is identical to HR664, 2) The Freedom to Export to Cuba Act (S491), introduced by Senator Amy Klobuchar (D-MN), both of which are supported by our Senators Edward Markey and Elizabeth Warren.

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ARTICLE 21

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

Article 21 is a petitioned resolution that asks Town Meeting to encourage that photovoltaics (solar energy) be part of Brookline's energy mix and for the General Court to enact legislation to support a robust program of solar energy in Massachusetts. There is a need to revisit the net metering caps, because the new legislation that Governor Baker is not comprehensive.

The Board is quite receptive to the need for more photovoltaic systems in the Town. Selectmen have PV systems on their own houses and are very supportive of this resolution. The Town is already in the process of citing and installing PV systems on Town buildings and properties. The Board also notes that this warrant article, and supporting documentation, will educate the public concerning the potential impacts of PV systems, community shared solar, and net metering.

By a vote of 5-0 taken on May 17, 2016, the Board recommends FAVORABLE ACTION on the motion offered by the Advisory Committee.

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:

By a vote of 13–2–2 the Advisory Committee voted to recommend FAVORABLE ACTION on Article 21, as amended. This resolution seeks to affirm Brookline's commitment to solar power as part of its effort to reduce greenhouse gases. It also asks the Town to press the Massachusetts State Legislature for more comprehensive solar legislation by sending the Warrant Article and its companion explanation to specific political and energy officials.

BACKGROUND:

The petitioner, John Harris, submitted Warrant Article 21 in an effort to raise awareness about what constitutes a comprehensive solar photovoltaic (PV) plan, and to encourage the Massachusetts State Legislature to create such a plan. Citing recent changes in related legislation that falls short, the Warrant Article proposes action on the following (abbreviated) ideas in order to construct a sustainable and fair solar PV program:

- Net metering;
- Elimination of net metering caps;
- Community Shared Solar and Virtual Net Metering;

- Fair value for solar PV supplied power;
- A solar PV renewable energy credit program;
- Increased access to tax credits and financial incentives;
- Investment in local transmission and distribution generation capacity; and
- Grid modernization technology enhancements.

The goal is to encourage regulations that preserve and create more credits and incentives for solar PV owners and investors, including long-term contracts, access, fair pricing, and grid infrastructure improvements.

Net metering: Recent changes and local action
Net metering enables homeowners, businesses and municipalities to sell excess power they generate back to utilities in exchange for credit. There are caps to net metering, which limits the amount of solar PV utilities are required to buy back. Some caps were met earlier this year.

This past February, the Selectmen's Climate Action Committee drafted a letter on behalf of the Board of Selectmen formally requesting increased net metering caps. The letter was sent to the Brookline delegation, members of the Conference Committee, and the Massachusetts House and Senate this past February. Other municipalities in Massachusetts followed suit appealing for an increase in net metering caps.

On April 11, 2016, Governor Baker signed Chapter 75 of the Acts of 2016, which raised the caps of the state's solar energy net metering program; however, there is general agreement that these caps will also soon be met, stalling or derailing future solar projects (with the exception of residential participants, for whom there is no cap.)

Utilities continue to push back on higher net metering caps. Their primary concerns are related to both the additional complexity of managing a growing and decentralized power-base compared to their previous, generally centralized base, and their bottom line.

Beyond net metering
Net metering is one practice that has helped Brookline and Massachusetts increase renewable energy use, but it is a first step. There needs to be lengthy discussion at the state level about what constitutes fair value for net metering credits in order to encourage continued solar PV growth that is balanced for all. Per the resolution, next steps should also include informed discussion to identify workable incentives, infrastructure investment, improvements and changes.

DISCUSSION:
There was concern among some Advisory Committee members that under the current net metering program, homeowners, businesses, and municipalities with solar PV that send power and receive credits for unused power they send to the grid may not pay a distribution charge if there is a net surplus of energy; however, those without solar PV pay a distribution charge. In effect that charge includes the cost of the distribution the

solar PV host did not pay, even though the host used the distribution channels to exchange energy.

The petitioners noted that this is indeed an issue, and that with comprehensive solar regulations the state ought to devise a fair rate system taking this current shortcoming into consideration. The resolution calls for such a fair system, although it does not specify exactly what it would be.

There was also the question about why this Article is timely, particularly in light of the legislation the Governor recently signed, and Brookline's many, continuing climate conscious efforts. Members again heard that the new caps the Governor approved are likely insufficient in the long term, and that net metering alone is insufficient and this article is intended to map out a path forward.

Members also noted that the Warrant Article as amended by the petitioner now contains whereas clauses that directly relate to the Town's own Climate Action Plan goals, where initially it did not. It also more clearly addresses the purpose of the majority of the many bulleted points: the need to address important infrastructure and policy issues beyond net metering.

Conclusion
The Town's own Climate Action Plan goal includes a 25% reduction in greenhouse gas emissions from 1990 levels by 2020 and an 80% reduction by 2050 based on the Massachusetts Global Warming Solutions Act of 2008.

Solar power is one means of reducing greenhouse gases as Brookline and Massachusetts slowly move away from dependence on fossil fuels. Working to build a regulatory system and infrastructure that supports a fair and accessible use of solar PV seems like a logical progression forward.

RECOMMENDATION:

By a vote of 13–2–2 the Advisory Committee voted to recommend FAVORABLE ACTION on the following:

VOTED: That the Town adopt the following resolution:

Whereas Brookline's Climate Action Plan goal is a 25% reduction in Green House Gas (GHG) emissions from 1990 levels by 2020 and 80% by 2050;

Whereas Solar photovoltaic (solar PV) is one of the ways the Town of Brookline and Town residents are employing to reduce GHG emissions;

Whereas, the need for solar PV legislation remains urgent because the legislation Governor Baker recently signed falls short of enacting a robust solar PV program;

Whereas a discussion of net metering that merely advocates for extension of existing net metering policy and removal of caps does not address the long term inadequacies of the traditional physical and institutional system of fossil fuel-based centralized electricity production and distribution;

Whereas failure to enact a robust solar PV program risks future projects;

Whereas a robust program of solar PV in Massachusetts requires:

- Net Metering (See Explanation, Item 1);
- Community Shared Solar and Virtual Net Metering (2);
- Elimination of Net Metering Caps (3);
- Fair Value for Solar PV Supplied Power taking into account Utility Avoided Cost, Time of Use, and Daily Load Cycles (4);
- New Solar PV Renewable Energy Credit Program (5);
- Increased access for Municipalities, non-profit institutions, and Low Income individuals to refundable Tax Credits and Financial Incentives (6);
- Local Transmission and Distribution Grid Capacity Investment (7);
- Grid Modernization Technology Enhancements such as Smart Meters, Enhanced Security, and Support for Distributed Generation and Micro-Grids Investment (8);

Now, therefore, be it hereby Resolved:

That Brookline Town Meeting, representing the Town of Brookline, urges the General Court to enact legislation supporting a robust solar PV program in Massachusetts; and

That the Brookline Town Meeting requests that the Brookline Town Clerk send copies of this Resolution with the Explanation of the article to Governor Charles Baker, Attorney General Maura Healey, Massachusetts Senate President Stanley Rosenberg, Speaker of the Massachusetts House Robert DeLeo, Secretary of Energy and Environmental Affairs Matthew Beaton, Commissioners of Public Utilities Angela O'Connor, Jolette Westbrook and Robert Hayden, Secretary of the Department of Public Utilities Mark D. Marini, Energy Facilities Siting Board

Director Andrew Greene, Senator Cynthia Creem, Representatives Edward Coppinger, Michael Moran, Jeffrey Sanchez and Frank Smizik.

Passed by a Counted Vote of 185 In Favor, 1 Opposed and 1 Abstention

ARTICLE 21

REVISED EXPLANATION PROVIDED BY THE PETITIONER

A robust, sustainable solar electricity (photovoltaics, or PV) legislative and regulatory strategy must include:

1. **Net Metering** to enable a photovoltaic array of rooftop or ground-mounted solar panels connected to the utility grid, using a meter that measures and records the flow of solar PV supplied power into the utility grid as well as utility supplied power flowing from the grid, thus measuring the cumulative net difference of power flowing to and from the utility grid.

2. **Community Shared Solar (CSS)** programs, to enable Massachusetts residents and businesses that cannot install solar on their own properties or live in rented property to invest in solar photovoltaic installations located elsewhere. CSS programs require **Virtual Net Metering,** where the value of electricity produced by a Community Shared Solar generating facility is credited to the accounts of individual Massachusetts residents or businesses situated at other locations. In addition, Community Shared Solar participants must qualify for solar incentives.

3. **Elimination of the Caps** on net metered solar PV, so that development can proceed without arbitrary hindrance.

4. Ascertaining a **Fair Value** for net metering credits that accommodates both small and large projects and takes into account each project's impact on local, site specific utility costs, the time of day of electricity generation and consumption, and daily and seasonal variations in load cycles.

5. A **Solar Production Credit Incentive Policy** that attracts investment to renewable industries such as photovoltaics, to counter the extensive subsidies and tax breaks given to the fossil fuel and nuclear power industries.

6. For reasons of social equity, increasing the access of municipalities, tax-exempt institutions, and **low-income** individuals to state and federal financial incentives, including refundable tax credits.

7. That appropriate investment be made to upgrade local **Distribution** Line Capacity in locations suitable for a high density of photovoltaic arrays. In some instances, this may obviate or reduce the need for long-distance **Transmission** line capacity to import electricity from distant plants.

8. **Grid Modernization** and technology enhancements that leverage technology, in particular the use of **Smart Meters** that enable all customers to take advantage of the significantly reduced rates possible during non-peak hours (irrespective of whether they are generating electricity themselves), and allow customers who generate electricity to receive fair credit for any excess generation.

9. Investment to address **Security Concerns** as the grid evolves from top-down centralized generation of electricity to a system of **Distributed Generation** and **Micro-Grids**, to build resiliency into the grid so local areas can operate independently should service from the long-distance transmission lines be interrupted, whether by accidents, terrorists, hackers, storms, or any other reason.

REQUIREMENTS FOR A STRONG PROGRAM OF SOLAR ELECTRICITY (PHOTOVOLTAICS) IN MASSACHUSETTS

By John Harris and David Lescohier (with special thanks to the ad hoc Net Metering Working Group of the Selectman's Climate Action Committee)

Since its inception late in the 19th century, electrical utilities have been structured as a system of **centralized production**. A small number of large generating plants, powered by coal, oil, natural gas, hydropower, or nuclear power, send enormous amounts of electricity into huge transmission lines and distribution facilities that collectively are known as 'the grid'. The grid transmits the power to millions of users: households, office buildings, factories, etc., spread out over thousands of square miles.

Photovoltaic (PV) panels, invented in the mid-20th century, directly convert the sun's energy into electricity. They make it possible to generate electricity literally anywhere the sun shines. In the last decade, technological improvements and economies of scale have greatly reduced the cost of manufacturing PV panels.

With a favorable legislative and regulatory structure, we now have the potential to create a truly stable and sustainable system of **Distributed Generation**, where a substantial percentage of our electricity is generated by many widely-dispersed solar PV suppliers, producing small or medium quantities of electricity, close to where it is needed. We are now on the cusp be being able to offer everyone–all individuals, families, businesses and public entities–access to solar electricity, whether they can site solar on their own roof or not.

This is possible due to a system of **Net Metering**. You could connect your PV array to the grid. When you need electricity, the grid provides it. When the sun shines brightly and your PV panels produce more electricity than you need, you feed the surplus to the grid. **Virtual Net Metering** (described below by Werner Lohe) extends the net metering concept because it allows accounts linked to other meters to share a percentage of the net metering credit.

In Massachusetts, the **Green Communities Act of 2008** codified a very strong program of net metering. As a result, PV arrays have been constructed on residential, commercial and municipal property throughout the state. Massachusetts currently has over 900 megawatts of installed solar capacity--well on the way to the proclaimed goal of 1600 megawatts by 2020. Massachusetts solar PV installation companies employ some 12,000-15,000 people, as solar engineers, system installers, etc. Massachusetts has become a leader in solar development, even surpassing states with much more abundant sunshine.

Brookline has made a great deal of progress. The Town has issued permits for more than 600 kilowatts of privately-owned residential solar construction. In May 2015, Brookline Town Meeting voted unanimously to approve a 1.4–megawatt solar plant at the DPW transfer station. A citizen-led Community Shared Solar group [described below] is seeking sites where individuals who own roofs that may not be appropriate for solar can band together to purchase or lease off-site PV panel space. Clearly, the policy framework established by the Green Communities Act in 2008 has been good for Brookline.

However, some proposed changes in the net metering policy could risk future projects. Under utility company pressure, the legislature periodically imposes caps: limits on the amount of solar electricity the utility companies are required to accept from municipal, commercial, and community suppliers (projects on the rooftops of single-family homes remain exempt from the caps). But demand is so high that the caps are reached well before the intended timeline, forcing PV installers (many of whom are small mom-and-pop businesses) to frequently interrupt their very important work to lobby the state legislature for yet another temporary increase.

Photovoltaics, or solar electricity will continue to be financially viable only if future policy and regulations ensure adequate Net Metering revenue and provide sufficient incentives and credits.

A strong program of photovoltaics, or solar electricity is instrumental in allowing Brookline, and Massachusetts as a whole, to meet our ambitious fossil fuel-reduction goals.

John Harris is a Town Meeting Member from Precinct 8, a member of the Board of Climate Action Brookline, and an Event Coordinator for Climate Week 2016.

David Lescohier is a Town Meeting Member from Precinct 11, a member of the Selectmen's Climate Action Committee, and a Member of the Board of Climate Action Brookline

The contribution of Mr. Harris and Mr. Lescohier is adapted from the Brookline PAX 2016 Annual Newsletter.

NET METERING POLICY, FAIR VALUE, AND GRID MODERNIZATION

By David Pantalone

The transition from large scale centralized generation based on fossil fuel to distributed generation based on renewable sources is an important part of the movement to mitigate climate change. This transition requires an evolution in the physical design of the power grid and the business model of utility sector. It also requires that public policy create business incentives for use of renewable energy industries and disincentives for use of fossil fuel.

The policy of Net Metering, that was codified in Massachusetts in the Green Communities Act of 2008, was the first step in fostering the growth of renewable sources such as solar. This policy allows electricity customers to connect PV arrays on a continuous basis to their own electrical circuits on the customer side of the meter that demarks the interface between them and the local electric utility grid. (Connection of a source on this side of the customer meter is referred to as "**behind the meter**.") Net metering requires that a **bidirectional meter** be installed. This kind of meter allows power to flow and be measured at any one instant in either one of two directions, i.e. from the grid to the customer or from the customer to the grid. Thus, at times when the sun is not shining strongly enough to supply all the energy that the customer is consuming, the grid supplies the needed balance. At other times when the sun is generating more energy than the customer is consuming, the meter allows the excess generation to flow in the opposite direction onto the grid where other customers instantaneously consume it.

The measurement of flow in both directions is accumulated over a billing time period (a month). At the end of the billing period, a single algebraic sum – or the "net" of these energy flows in both directions over time, is recorded and read from the meter. Because of bidirectionality in the meter and the nature of sunshine and energy consumption, the algebraic sum at the end of a billing period may be

positive or negative, and the customer will be either charged or credited for net energy flow. Net metering policy also allows, over the course of a year, energy credits accrued on a given account during given months to be applied against energy debits accrued on the same account during other months. Thus, a customer account receives a net annual gain from the solar generation that has been installed behind the meter.

The net metering policy that currently exists in Massachusetts was deliberately designed with simplicity and compromise in mind so as to stimulate a newborn renewable energy industry to fight climate change. Because net metering projects have the potential for decreasing utility operating revenues, the policy was originally established with caps on the total amount of solar generating capacity that utility companies would be required to accept. While the size of the solar market remained below these caps, it was not expected to significantly impair the traditional business model or operation of the utility grid. Furthermore, it was not expected that these caps would be reached in the near term. Nonetheless, the **rapid growth** in solar penetration has caused the caps to be reached very quickly and the issues that motivated them in the first place are being debated again. These issues involve the sustainability of both the renewable energy and utility industries, and the equity and fairness of rate structures set by regulators and charged to customers.

The dynamic nature of electricity use over time and the fact that different customers at different locations on the grid have different load profiles over time requires that capital expenditures on transmission and distribution facilities be distributed accordingly to accommodate this heterogeneity. Grid capacity then is distributed to match the **peak load** that is served locally, even though that magnitude of load only exists for a few hours over the course of each year. The time of peak load is driven by seasonal weather variations and can occur in different seasons in different parts of the grid.

In determining a fair value for customer energy flow either in or out of the grid, a relevant concept is **whether cost is incurred or avoided**. New solar installations shift the local pattern of flow within the distribution grid. This shift may in some situations require the utility to incur new capital expenditure for network capacity or other operational equipment not previously needed, while in other situations the shift may actually allow the utility to avoid upgrade costs that would have otherwise been needed in the future. Whether costs are incurred or avoided depends on the aggregated effect of multiple solar installations and their aggregate profile over time compared to other electricity consumption.

Simple net metering policy, which merely accumulates over a billing period the net bidirectional flow through a given meter, implicitly credits the amount of energy that a customer feeds at any time into the grid at the same dollar value (rate) as the amount of energy that that customer receives at any time from the grid. This

method of accounting ignores the specific impact of time of use of energy flow (in either direction) relative to the local grid over the course of the billing period. It also shifts the pattern by which the utility receives revenue from customers since the impact of net metering is to lower the net customer payment to the utility.

Ideal resolution of the issue of **fair value** requires the gathering of customer data at a more granulated level over time and determination of the true impact on the delivery network of shifts in delivery patterns. An **interval meter** is a more sophisticated **"smart meter"** that has the ability to measure and store separately in defined intervals (e.g. 15 minutes) the flow of energy in each direction. The data separation and accumulation allowed by interval metering would allow the energy that a customer feeds into the grid to be valued independently of the energy that is taken from the grid. This granulation would facilitate more accurate measuring of value, and consequently would give customers more control over their energy consumption. This would create more opportunity to maximize true value for customers.

The combination of flexibility on the part of the customer together with investment by utilities in other modernization features in the grid itself creates further opportunity for efficiencies, resiliency, and climate mitigation. A **microgrid**, for example, is a small subset of the distribution grid containing its own generation resources and customer loads that is designed to be able to operate either as part of the widespread connected grid or as an independent self-contained subgrid that is disconnected from the rest of the utility grid. The realization of such flexibility culminates the transition from a 20th century centralized energy system to a **21st century distributed energy system**.

Simple net metering policy has been successful in stimulating the solar energy industry. Because a robust and sustainable solar industry is essential to the transition from fossil fuels, it is not advisable to continue to periodically impose caps that jeopardize the continued health of the industry. However, the questions raised by current simplified net metering policy must nonetheless be addressed at the state level as soon as possible by development of new long-term policy. This restructured policy should provide sustainable incentives for all stakeholders – utilities, investors, customers, and renewable energy providers. This warrant article defines the level of scope that the Town of Brookline wishes this restructuring effort to include.

David Pantalone is a newly-elected Town Meeting Member from Precinct 7, Co-Chair of Climate Action Brookline (CAB), Chair of the Climate Week 2016 Planning Committee, and a recently-retired electric utility Senior Transmission and Distribution Planning Engineer.

COMMUNITY SHARED SOLAR: MAKING THE FINANCIAL AND ENVIRONMENTAL BENEFITS OF SOLAR ENERGY AVAILABLE TO EVERYONE

By Werner Lohe

Installing solar panels on the roof of a home or business is an excellent investment—one for which the annual rate of return is usually greater than 10%. And the cost of panels and installation continues to drop. During the Town's recent Solarize Brookline campaign, over 100 households took advantage of the benefits of converting sunlight into 100% fossil-free electricity. But going solar isn't always easy in Brookline. Many of us live either in single-family homes surrounded by trees, in apartments, or in condominiums where the board of trustees is resistant to the idea. Recently, however, an approach called **"Community Shared Solar" (CSS)** has made the financial and environmental benefits of solar energy available to anyone who pays an electric bill.

CSS, in its most basic form, enables electric utility customers to purchase subscriptions that entitle them to claim part of the electricity generated from a solar installation in a different location. The electricity generated by that installation is fed into the grid, and subscribers receive credits on their monthly electric bills just as they would if the solar panels were on their own roofs.

CSS is not an entirely new concept; the basic enabling structure was put into place by the **Green Communities Act in 2008.** But only recently has it begun to grow dramatically. Massachusetts is one of the leaders—along with California, Colorado, and Minnesota—among 24 states that have some community shared solar facilities in operation. A recent industry study predicts that in 2015 and 2016, 600% more community shared solar capacity will be installed than was installed from 2011 to 2014.

What makes CSS work is a combination of regulatory policy and government subsidies. Most critical is **Virtual Net Metering**. Massachusetts is one of over 40 states that permit net metering. This permits generators of electricity to feed the power generated by CSS back into the utility grid and receive fair compensation. But more important, Massachusetts allows Virtual Net Metering. That is, credit for the power fed into the grid may be transferred to an account for a meter at a distant location. So, for example, Brookline apartment dwellers or owners of tree- shaded homes who are CSS participants could receive credits on their utility bills for electricity generated on a large commercial roof. Subsidies that help in financing the project include **Solar Renewable Energy Certificates (SREC's)** issued by the state Department of Energy Resources and a federal tax

credit—recently renewed through 2019 by the Obama administration and Congress—that equals 30% of the costs of building the solar facility.

There are dozens of variations in the mechanisms that can be used to finance a CSS installation and to structure financial participation by individuals in the community. As with all investments, financial benefits are proportional to risk. On one hand, the greatest financial rewards will be available to individual participants if we can locate a site and structure the financing. On the other hand, both risks and benefits will be lower if individuals simply take advantage of retail CSS products already on the market.

Ideally, we in **Brookline** would develop our own CSS project, because in doing so we would maximize the financial benefits and keep them within the community. But finding a site that is suitable and large enough is difficult. A town-owned site could be considered—for example, the new Devotion School's roof will be capable of accepting solar panels—but it may well be to the Town's advantage to capture all of the financial advantages for itself, as it is currently doing by installing solar panels at the DPW facility behind Skyline Park. A more likely scenario would be taking advantage of the provision in the state's virtual net metering rules that permits us to develop a project on a site in any of about three dozen surrounding communities. Alternatively, individual Brookline residents could sign up for any of a number of retail offerings. These would result in smaller cost savings, but if chosen carefully could provide similar or identical environmental benefits.

A year ago, members of the selectmen's Climate Action Committee and of Climate Action Brookline formed an ad hoc group that has been studying these various options available to Brookline residents. All residents of Brookline are invited to get involved.

It is essential to understand that once the net metering caps have been reached in an area, all pending photovoltaic projects cannot anticipate getting fair credit if they connect to the electric grid. The very existence of Community Shared Solar projects requires a robust program of solar electricity in Massachusetts.

Werner Lohe is a a Town Meeting Member from Precinct 13, a co-founder of Climate Action Brookline (CAB), and a member of the Selectmen's Climate Action Committee.

Mr. Lohe's contribution is adapted from the Brookline PAX 2016 Annual Newsletter.

ARTICLE 21

SELECTMEN'S CLIMATE ACTION COMMITTEE RECOMMENDATION

Warrant Article 21, a resolution, seeks Brookline Town Meeting affirmation urging the Massachusetts General Court to enact legislation supporting a robust solar energy program in Massachusetts. The resolution enumerates eight items.

Six of the items concern preserving credits and incentives aimed at assuring an adequate return on investment for solar photovoltaic (PV) investors and owners, including municipalities, homeowners, non-profit organizations, persons with low income, and others. The objective is that future policy should provide smart, appropriate incentives such as long term contracts, fair, appropriate rates, production credits, and the like.

Two of the items address the need for utilities to make smart investments in the electrical grid infrastructure. Utilities must incorporate twenty-first century technology into the electrical distribution system to assure that in the future the grid will become increasingly more compatible for renewable energy suppliers.

The Selectmen's Climate Action Committee (SCAC) supports this warrant article because it is consistent with the Town's Climate Action Plan goal of a 25% reduction in GHG emissions from 1990 levels by 2020; 80% reduction by 2050 based on the Massachusetts Global Warming Solutions Act of 2008.

RECOMMENDATION

The SCAC, after holding a public hearing and subsequent vote of 10-0 on April 4, 2016, recommends FAVORABLE ACTION on Warrant Article 21.

BACKGROUND

Members of the Brookline Community Shared Solar Working group recommended that this topic be put on the agenda of the December 2015 SCAC. The SCAC felt it was important to act expediently while the Conference Committee was still deliberating. Subsequently, Selectman Nancy Heller appointed a subcommittee to draft a letter on behalf of the Brookline Board of Selectmen, which formally submitted their recommendation to increase net metering caps to the Brookline delegation, members of the Conference Committee, and the House and Senate leadership on February 16, 2016.

The Massachusetts Climate Action Network circulated the Selectmen's February 16, 2016 letter, as a template, throughout its statewide advocacy network, recommending that other municipalities follow Brookline's lead. The City of Newton followed suit, and Mayor Setti Warren urged other municipalities to appeal to the state.

At least 32 cities and an unknown number of towns responded and acted. As a result of this advocacy, Governor Charlies Baker recently signed a compromise bill that accomplished many important objectives.

Although there is currently a state law that will allow solar PV growth to continue, like the prior legislation this law will also sunset. Because the law also leaves some concerning gaps, continued advocacy is crucial. To further this campaign, the petitioner offered to submit a warrant article for the 2016 Annual Town Meeting. Because the Massachusetts General Court is currently considering the Omnibus Energy Bill, which affects the state's energy future, Warrant Article 21 is both timely and relevant.

ARTICLE 21

TWENTY-FIRST ARTICLE
Submitted by: John Harris

A RESOLUTION AFFIRMING BROOKLINE'S COMMITMENT TO SOLAR ELECTRICITY (PHOTOVOLTAICS)

To see if the Town will adopt the following Resolution:

Whereas a robust program of **photovoltaics** (solar electricity) in Massachusetts requires:

1. Bidirectional **Net Metering** capability, whereby a small or medium-scale photovoltaic array of rooftop or ground-mounted solar panels is connected to the electric grid, such that when the facility needs electricity, the grid provides it, and when the sun shines brightly and the PV panels produce more electricity than needed onsite, the surplus is fed back to the grid.

2. **Eliminating the Caps** on net metered projects, so that their development can proceed without bureaucratic hindrance.

3. Maintaining a **Fair Value** for net metering credits that accommodates both small and large projects, that takes into account each project's impact on local (site specific) utility costs, the time of day of energy use and energy generation (**Time of Use**), and daily and seasonal variations in load cycles.

4. Creating a new **Solar Incentive Program** that perpetuates renewable industries, to counter the extensive subsidies and tax breaks given to the fossil fuel and nuclear power industries.

5. Permitting **Community Shared Solar** programs, which enable Massachusetts residents and businesses that cannot install solar on their own properties or live in rented property to invest in solar photovoltaic installations located elsewhere. CSS programs are not possible without Virtual Net Metering, a mechanism by which the value of electricity produced by a solar generating facility is credited to the accounts of individual Massachusetts residents or businesses located in other locations.

6. For reasons of social equity, increasing the access of municipalities, tax-exempt institutions and **low-income** individuals to federal and state **Tax Credits** and refunds.

7. That appropriate investment be made to upgrade local **Distribution Line Capacity** in locations suitable for a high density of photovoltaic arrays. In some

instances, this may obviate or reduce the need for long-distance **Transmission** line capacity to import electricity from distant plants.

8. **Modernization of the Grid** that leverages technology, in particular the use of **Smart Meters**, to enable **all** customers, irrespective of whether they are generating electricity themselves, to take advantage of the significantly reduced rates possible during non-peak hours, and allows customers who generate electricity to receive fair credit for any excess generation.

9. Addressing the **Security Concerns** of our brittle and over-extended grid. **Locally-generated electricity** reduces our vulnerability to disruption.

10. As we evolve from top-down centralized generation of electricity to a system of dispersed, **Distributed Generation** and **Micro-Grids**, we need to build resiliency into the system, so local areas can operate independently should service from the long-distance transmission lines be interrupted, whether by accidents, terrorists, hackers, climate-related storms, or any other reason.

Now, therefore, be it hereby Resolved:

That the People of Brookline insist that **photovoltaics** (solar electricity) be an integral part of Brookline's energy mix,

That the General Court should expeditiously enact legislation to support a robust program of solar energy in Massachusetts, and

The Brookline Town Meeting asks the Brookline town administration to send copies of this Resolution with the Explanation of the article to Governor Charles Baker, to Attorney General Maura Healey, to Massachusetts Senate President Stanley Rosenberg, to Speaker of the Massachusetts House Robert DeLeo, to Secretary of Energy and Environmental Affairs Matthew Beaton, to Commissioners of Public Utilities Angela O'Connor, Jolette Westbrook and Robert Hayden, to Secretary of the Department of Public Utilities Mark D. Marini, to Energy Facilities Siting Board Director Andrew Greene, to state Senator Cynthia Creem, to state Representatives Edward Coppinger, Michael Moran, Jeffrey Sanchez and Frank Smizik, to President Barack Obama, to Secretary of Energy Ernest Moniz, to Federal Energy Regulatory Commissioners Norman Bay, Tony Clark, Colette Honorable, Cheryl LaFleur and Philip Moeller, to Secretary of the Federal Energy Regulatory Commission Kimberly Bose, to U.S. Senators Edward Markey and Elizabeth Warren and to U.S. Representative Joseph Kennedy, III.

or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION
THE PHOTOVOLTAIC INDUSTRY IN MASSACHUSETTS IS IN CRISIS

A strong program of NET METERING of solar electricity would return Massachusetts to a program of rapid growth.

By John Harris and David Lescohier (with special thanks to the ad hoc Net Metering Working Group of the Selectman's Climate Action Committee)

Since its invention late in the 19th century, the electrical grid has worked as a system of "centralized production." A small number of large generating plants, powered by oil, coal, natural gas, hydropower or nuclear power, send enormous amounts of electricity into huge trunk lines, which transmit it vast distances to millions of users: households, office buildings, factories, etc., spread out over thousands of square miles.

Photovoltaic (PV) panels, invented in the mid-20th century, directly convert the sun's energy into electricity. They make it possible to generate electricity literally anywhere the sun shines. In the last decade or so, technological improvements and economies of scale made possible by large-factory-scale production have greatly reduced the cost of manufacturing PV panels.

With a favorable regulatory structure, we now have the potential to create a truly stable and sustainable system of Distributed Generation, where a substantial percentage of our electricity is generated by many widely-distributed generators, producing small or medium quantities of electricity, very close to where it is needed. The goal, as Nathan Phelps, Boston-based representative of the advocacy group Vote Solar says, "to allow every individual, family, business and public entity to access solar power, whether they can site solar on their own roof or not."

This is possible due to a system of Net Metering. You would connect your PV array to the electric grid. When you need electricity, the grid provides it. When the sun shines brightly and your PV panels produce more electricity than you need, you feed the surplus back to the grid. Under the fairest and best arrangement, the utility company would credit your surplus at the same rate they charge you when they send you electricity, perhaps minus a modest servicing fee. Massachusetts has had great success with net metering ever since the world's first net metered solar project was installed in Carlisle MA in 1979, designed by pioneering solar engineer Steven Strong.

In Massachusetts, the Green Communities Act of 2008 codified a very strong program of net metering. As a result, PV arrays have sprouted on residential, commercial and municipal property throughout the state. Massachusetts currently has over 900 megawatts of installed solar capacity--well on the way to the proclaimed goal of 1600 megawatts by 2020. The Massachusetts solar economy employs 12,000 people, as solar engineers, system installers, etc. Massachusetts has become a leader in solar development, surpassing even states with much stronger sunshine.

Brookline has stepped up to the plate. The Town has issued permits for more than 600 kilowatts of privately-owned residential solar. In May 2015, Brookline Town Meeting voted unanimously to approve a 1.4–megawatt solar plant at the DPW transfer station. A citizen-led Community Shared Solar group is seeking sites where individuals whose own roofs may not be appropriate for solar can band together to purchase or lease off-site PV

panel space. Is it clear that the policy framework established by the Green Communities Act in 2008 has served us well.

However, proposed changes in the net metering policy could risk future projects. Under utility company pressure, the legislature imposed caps--limits--on the amount of electricity the utility companies are required to accept from small providers, such as photovoltaic installations (projects the size of the rooftop of a single-family home are exempt from the caps--but experience has shown that comparatively few Massachusetts rooftops are appropriate for solar, due to an incorrect roof angle, blockage by trees or other obstructions to the south, etc.).

The caps have already been reached in the parts of the state serviced by National Grid and Unitil. So projects in 175 of the 351 cities and towns in Massachusetts have been canceled or put on hold. Solar installation companies, many of which are mom-and-pop operations, have been forced to lay off skilled employees, and are at risk of going out of business. Soon projects in other areas, including Brookline, will hit their cap limits as well.

In addition, the value of net metering credits must be kept at a reasonable level. As mentioned above, current policy credits solar generators for the electricity they contribute to the grid at the same rate they are charged when they draw from the grid. Several of the bills under consideration by the state legislature would seriously decrease the amount credited, thus greatly reducing the incentive that small-scale producers would have to generate electricity at all.

Also, the Solar Renewable Energy Credit (SREC) II incentive program has reached its limit for most categories of projects. It is essential that a comparable or improved program be extended, so the solar industry in Massachusetts can resume its fast rate of growth.

It is imperative that we (1) eliminate the caps on net metering, (2) require the utility companies to credit locally-generated solar electricity at a fair value, and (3) create a new Solar Renewable Energy Credit program.

Net Metering is a critical part of solar development financing. A strong policy of Net Metering is the best way to ensure that Brookline, and Massachusetts as a whole, will be able to meet our ambitious solar energy goals.

John Harris is a Town Meeting Member from Precinct 8, a Member of the Board of Climate Action Brookline, and an Event Coordinator for Climate Week 2016.

David Lescohier is a Precinct 11 Town Meeting Member, a member of the Selectmen's Climate Action Committee, and a Member of the Board of Climate Action Brookline

COMMUNITY SHARED SOLAR:
MAKING THE FINANCIAL AND ENVIRONMENTAL BENEFITS
OF SOLAR ENERGY AVAILABLE TO EVERYONE

By Werner Lohe

Installing solar panels on the roof of a home or business is an excellent investment—one for which the annual rate of return is usually greater than 10%. And the cost of panels and installation continues to drop. During the Town's recent Solarize Brookline campaign, over 100 households took advantage of the benefits of converting sunlight into 100% fossil-free electricity. But going solar isn't always easy in Brookline. Many of us live either in single-family homes surrounded by trees, in apartments, or in condominiums where the board of trustees is resistant to the idea. Recently, however, an approach called "Community Shared Solar" (CSS) has made the financial and environmental benefits of solar energy available to anyone who pays an electric bill.

CSS, in its most basic form, enables electric utility customers to purchase subscriptions that entitle them to claim part of the electricity generated from a solar installation in a different location. The electricity generated by that installation is fed into the grid, and subscribers receive credits on their monthly electric bills just as they would if the solar panels were on their own roofs.

CSS is not an entirely new concept; the basic enabling structure was put into place by the Green Communities Act in 2008. But only recently has it begun to grow dramatically. Massachusetts is one of the leaders—along with California, Colorado, and Minnesota—among 24 states that have some community shared solar facilities in operation. A recent industry study predicts that in 2015 and 2016, 600% more community shared solar capacity will be installed than was installed from 2011 to 2014.

What makes CSS work is a combination of regulatory policy and government subsidies. Most critical is Virtual Net Metering. Massachusetts is one of over 40 states that permit net metering. This permits generators of electricity to feed the power generated by CSS back into the utility grid and receive fair compensation. But more important, Massachusetts allows Virtual Net Metering. That is, credit for the power fed into the grid may be transferred to an account for a meter at a distant location. So, for example, Brookline apartment dwellers or owners of tree-shaded homes who are CSS participants could receive credits on their utility bills for electricity generated on a large commercial roof. Subsidies that help in financing the project include Solar Renewable Energy Certificates (SREC's) issued by the state Department of Energy Resources and a federal tax credit—recently renewed through 2019 by the Obama administration and Congress—that equals 30% of the costs of building the solar facility.

There are dozens of variations in the mechanisms that can be used to finance a CSS installation and to structure financial participation by individuals in the community. As with all investments, financial benefits are proportional to risk. On one hand, the greatest financial rewards will be available to individual participants if we can locate a site and structure the financing. On the other hand, both risks and benefits will be lower if individuals simply take advantage of retail CSS products already on the market.

Ideally, we in Brookline would develop our own CSS project, because in doing so we would maximize the financial benefits and keep them within the community. But finding a site that is suitable and large enough is difficult. A town-owned site could be

considered—for example, the new Devotion School's roof will be capable of accepting solar panels—but it may well be to the Town's advantage to capture all of the financial advantages for itself, as it is currently doing by installing solar panels at the DPW facility behind Skyline Park. A more likely scenario would be taking advantage of the provision in the state's virtual net metering rules that permits us to develop a project on a site in any of about three dozen surrounding communities. Alternatively, individual Brookline residents could sign up for any of a number of retail offerings. These would result in smaller cost savings, but if chosen carefully could provide similar or identical environmental benefits.

A year ago, members of the selectmen's Climate Action Committee and of Climate Action Brookline formed an ad hoc group that has been studying these various options available to Brookline residents. All residents of Brookline are invited to get involved.

It is essential to understand that once the net metering caps have been reached in an area, all pending photovoltaic projects cannot anticipate getting fair credit if they connect to the electric grid. The very existence of Community Shared Solar projects requires a robust program of solar electricity in Massachusetts.

Werner Lohe is a co-founder of Climate Action Brookline (CAB), a Precinct 13 Town Meeting Member and a member of the Selectmen's Climate Action Committee

The material in the Explanation is adapted from the Brookline PAX 2016 Annual Newsletter.

SELECTMEN'S RECOMMENDATION

A report and recommendation by the Selectmen under Article 21 will be provided in the Supplemental Mailing.

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 21 will be provided in the Supplemental Mailing.

XXX

ARTICLE 22

MOTION TO BE OFFERED BY THE PETITIONER

VOTED: That the Town adopt the following resolution:

Resolution Urging Rejection of Free Trade Deals Containing ISDS

WHEREAS U.S. trade deals over the past 25 years have been corporate-driven, incorporating rules that skew the benefits of their results to **corporations and** individuals with great wealth and influence while requiring working families **and society at large** to bear the brunt of their costs**, such as job loss and spiraling income and wealth disparities**;

~~**WHEREAS the North American Free Trade Agreement (NAFTA) has displaced approximately 680,000 U.S. jobs, the Chinese Trade Agreement 2.7 million jobs, and the U.S. Korea Free Trade Agreement 75,000 jobs, devastating communities across the nation and depriving municipalities and states of sorely needed tax revenues;**~~

~~**WHEREAS the Trans-Pacific Partnership (TPP) would be the largest trade deal in history, including countries representing 792 million people and accounting for 40% of the world's economy, yet it was devised in a process involving lobbyists from the world's largest corporations and Wall Street's biggest banks, but not Congress or the American public;**~~

WHEREAS the North American Free Trade Agreement (NAFTA) and all but two of the U.S. trade deals that followed it provide special legal rights to foreign investors, known as the "investor-to-state dispute settlement" (ISDS) system, which allows foreign firms to challenge our state and federal laws and regulations in international tribunals, completely bypassing state and federal courts;

WHEREAS an April 2015 letter signed by leading legal experts, including eminent Harvard constitutional law professor Laurence Tribe, strongly criticizes the proposed **inclusion of ISDS in the Trans-Pacific Partnership (TPP)**, warning: "ISDS weakens the rule of law by removing the procedural protections of the legal system and using a system of adjudication with limited accountability and review. It is antithetical to the fair, public, and effective legal system that all Americans expect and deserve."

WHEREAS recent ISDS cases include Eli Lilly's attack on Canada's cost-saving medicine patent system, Lone Pine's attack on a fracking moratorium in Canada, Chevron's attack on an Ecuadorian court ruling ordering payment for mass toxic contamination in the Amazon, and Vattenfall's attack on Germany's phase-out of nuclear power;

WHEREAS the TPP would nevertheless not only continue to contain the current ISDS system, but further expand it, giving multinational corporations extraordinary new powers that would expose U.S. taxpayers to billions of dollars in new liability by empowering thousands of foreign firms operating in the United States to seek cash compensation from taxpayers by challenging U.S. government actions, laws and court rulings before foreign tribunals whose rulings cannot be appealed on the merits;

WHEREAS, although just 50 known ISDS cases were launched worldwide in the system's first three decades, from 2011 through 2013 foreign investors launched at least 50 claims *each year*;

WHEREAS under ISDS provisions of the TPP, foreign corporations could demand compensation for capital controls and other prudent financial regulations that promote financial stability, thus restricting the government's ability to make use of capitol controls or financial transaction taxes to ward off financial crises, and they could likewise initiate cases to undermine government policies to fight environmental degradation and climate change;

WHEREAS, although the Obama administration says the TPP would boost U.S. exports, it would also make it easier for American corporations to outsource still more jobs to low-wage countries abroad; and

WHEREAS, as a result of Congress's enactment of fast-track trade negotiating authority in 2015, states, municipalities and their citizens will have no opportunity to correct shortcomings in the TPP since its text was not made public until it was final and amendments will no longer be permitted; now, therefore, be it

RESOLVED: that the Town Meeting of Brookline, Massachusetts, calls upon our elected officials in the U.S. Senate and House of Representatives to oppose the Trans-Pacific Partnership and any similar trade deals that incorporate ISDS; and be it further

RESOLVED: Town Meeting requests that the Town Clerk forward copies of this resolution to the President of the United States; the Massachusetts delegation to the U.S. Senate and House of Representatives; and the Brookline delegation to the Massachusetts Legislature on behalf of the entire Town Meeting.

Passed by a majority vote

DIFFERENCES FROM THE ADVISORY COMMITTEE MOTION ***(shown as if petitioners' position were an amendment of AC motion)***

Resolution Urging Rejection of Free Trade Deals Containing ISDS

[AC deletes entire 1st Whereas; petitioners, instead, add some wording]
WHEREAS U.S. trade deals over the past 25 years have been corporate-driven, incorporating rules that skew the benefits of their results to corporations and individuals with great wealth and influence while requiring working families and society at large to bear the brunt of their costs, such as job loss and spiraling income and wealth disparities;

~~WHEREAS the North American Free Trade Agreement (NAFTA) has displaced approximately 680,000 U.S. jobs, the Chinese Trade Agreement 2.7 million jobs, and the U.S. Korea Free Trade Agreement 75,000 jobs, devastating communities across the nation and depriving municipalities and states of sorely needed tax revenues;~~

~~WHEREAS the Trans-Pacific Partnership (TPP) would be the largest trade deal in history, including countries representing 792 million people and accounting for 40% of the world's economy, yet it was devised in a process involving lobbyists from the world's largest corporations and Wall Street's biggest banks, but not Congress or the American public;~~

WHEREAS the North American Free Trade Act (NAFTA) and all but two of the U.S. trade deals that followed it provide special legal rights to foreign investors, known as the "investor-to-state dispute settlement" (ISDS) system, which allows foreign firms to challenge our state and federal laws and regulations in international tribunals, completely bypassing state and federal courts;

[the rest is the same]

ARTICLE 22

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

Article 22 is a resolution concerning the Trans-Pacific Partnership (TPP) trade agreement. It would put the Town Meeting on record as being opposed to the trade agreement, and would call on the Town's elected officials in the U.S. Senate and House of Representatives to oppose the TPP.

The Board of Selectmen discussed the differing viewpoints on the topic. The major negative impact of the TPP would be the "investor-to-state dispute settlement" (ISDS) system, which is covered in the language of the warrant article. The shift from state and federal laws to a system that would utilize international tribunals would be dramatic, and it would not offer the same legal parameters. There is also the mindset that it would lack fairness and procedural protections. However, that system has been in place dating back to the North American Free Trade Agreement (NAFTA), and it has not always had a negative outcome for the United States. In addition, the TPP covers significantly more than the ISDS system; such as: intellectual property, worker protections, and human rights. The Board also noted that it would be difficult to define the local impacts of the TPP.

By a vote of 3-1-1, the Board of Selectmen recommends FAVORABLE ACTION on the following motion offered by the petitioner.

VOTED: That the Town adopt the following resolution:

Resolution Urging Rejection of Free Trade Deals Containing ISDS

WHEREAS U.S. trade deals over the past 25 years have been corporate-driven, incorporating rules that skew the benefits of their results to **corporations and** individuals with great wealth and influence while requiring working families **and society at large** to bear the brunt of their costs**, such as job loss and spiraling income and wealth disparities**;

~~**WHEREAS the North American Free Trade Agreement (NAFTA) has displaced approximately 680,000 U.S. jobs, the Chinese Trade Agreement 2.7 million jobs, and the U.S. Korea Free Trade Agreement 75,000 jobs, devastating communities across the nation and depriving municipalities and states of sorely needed tax revenues;**~~

~~**WHEREAS the Trans-Pacific Partnership (TPP) would be the largest trade deal in history, including countries representing 792 million people and accounting for 40% of the world's economy, yet it was devised in a process involving lobbyists from the world's largest corporations and Wall Street's biggest banks, but not Congress or the American public;**~~

WHEREAS the North American Free Trade Act (NAFTA) and all but two of the U.S. trade deals that followed it provide special legal rights to foreign investors, known as the "investor-to-state dispute settlement" (ISDS) system, which allows foreign firms to challenge our state and federal laws and regulations in international tribunals, completely bypassing state and federal courts;

WHEREAS an April 2015 letter signed by leading legal experts, including eminent Harvard constitutional law professor Laurence Tribe, strongly criticizes the proposed **inclusion of ISDS in the Trans-Pacific Partnership (TPP)**, warning: "ISDS weakens the rule of law by removing the procedural protections of the legal system and using a system of adjudication with limited accountability and review. It is antithetical to the fair, public, and effective legal system that all Americans expect and deserve."

WHEREAS recent ISDS cases include Eli Lilly's attack on Canada's cost-saving medicine patent system, Lone Pine's attack on a fracking moratorium in Canada, Chevron's attack on an Ecuadorian court ruling ordering payment for mass toxic contamination in the Amazon, and Vattenfall's attack on Germany's phase-out of nuclear power;

WHEREAS the TPP would nevertheless not only continue to contain the current ISDS system, but further expand it, giving multinational corporations extraordinary new powers that would expose U.S. taxpayers to billions of dollars in new liability by empowering thousands of foreign firms operating in the United States to seek cash compensation from taxpayers by challenging U.S. government actions, laws and court rulings before foreign tribunals whose rulings cannot be appealed on the merits;

WHEREAS, although just 50 known ISDS cases were launched worldwide in the system's first three decades, from 2011 through 2013 foreign investors launched at least 50 claims *each year*;

WHEREAS under ISDS provisions of the TPP, foreign corporations could demand compensation for capital controls and other prudent financial regulations that promote financial stability, thus restricting the government's ability to make use of capitol controls or financial transaction taxes to ward off financial crises, and they could likewise initiate cases to undermine government policies to fight environmental degradation and climate change;

WHEREAS, although the Obama administration says the TPP would boost U.S. exports, it would also make it easier for American corporations to outsource still more jobs to low-wage countries abroad; and

WHEREAS, as a result of Congress's enactment of fast-track trade negotiating authority in 2015, states, municipalities and their citizens will have no opportunity to correct

shortcomings in the TPP since its text was not made public until it was final and amendments will no longer be permitted; now, therefore, be it

RESOLVED: that the Town Meeting of Brookline, Massachusetts, calls upon our elected officials in the U.S. Senate and House of Representatives to oppose the Trans-Pacific Partnership and any similar trade deals that incorporate ISDS; and be it further

RESOLVED: Town Meeting requests that the Town Clerk forward copies of this resolution to the President of the United States; the Massachusetts delegation to the U.S. Senate and House of Representatives; and the Brookline delegation to the Massachusetts Legislature on behalf of the entire Town Meeting.

ROLL CALL VOTE:

Favorable Action	No Action	Abstention
Daly	Greene	Wishinsky
Franco		
Heller		

Selectman Greene offers the following comments to the vote (3-1-1) on Warrant Article 22 at the May 17 meeting of the Board of Selectmen.

Warrant Article 22 urges Town Meeting to ask elected officials to oppose the recently negotiated Trans Pacific Partnership ("TPP") trade agreement. The proponents of the warrant article assert that trade agreements, in general, burden working families and society at large with job losses and income and wealth disparities. They focus on Investor State Dispute Settlement ("ISDS") provisions in the TPP and other trade agreements. And to persuade Town Meeting to agree with their arguments, they cite the opposition to ISDS of progressive authorities, such as Law Professor Lawrence Tribe, who criticized ISDS in an April 2015 letter signed by Tribe and four other legal scholars. ISDS and trade agreements generally present very complex issues. Few people have a clue as to what is involved or even what the terminology used means. Therefore, people bringing such issues before Town Meeting have a responsibility to present their case in a clear and forthright manner and with current information. Especially since the final TPP agreement reached in October 2015 is now before Congress with a backdrop of the Presidential election and trade agreement demagoguery from both the right and the left and from both proponents and opponents. If we are going to go on record taking a position on the TPP and its ISDS provisions, we should do so judiciously and after more careful study than is afforded by Town Meeting's usual schedule.

Warrant Article 22 claims that TPP and its ISDS provisions are tilted in favor of corporations and could result in a host of calamities, including invalidating prudent financial regulation and government policies to fight environmental degradation and climate change. The proponents of the warrant article also cite cases argued under ISDS

provisions that are alleged to undermine government regulation of the environment and health, among other things. Upon closer inspection, the cases are more complex than the "talking points" version suggests and the TPP, as finally negotiated in October 2015, specifically addressed and claimed to protect financial, environmental, and health and safety concerns. Town meeting members interested in how those issues have been addressed can read the agreement at the website of the US Trade Representative (USTR.gov), specifically Chapter 29 (Exceptions) and Annex 1 (Schedule of the United States of non-conforming measures not covered by the agreement) and make their own judgments as to whether they are sufficient. You can also perform an internet search for the cases cited to make your own judgment on them also.

I voted to oppose Warrant Article 22 because I support trade agreements that bring innumerable benefits to American workers (as well as the workers of foreign countries), while acknowledging that future agreements should be greatly improved. And the claims against ISDS and cases under ISDS provisions in many trade agreements do not hold up under closer scrutiny, in my opinion. Using as an analogy, the elimination of coal from our energy mix, such a positive development also includes very negative consequences for coal mine workers. Instead of fighting against trade agreements, or in my analogy, ceasing efforts to eliminate the use of coal in power plants in order to protect coal miners, progressives should spend time and energy fighting for robust government spending for income supports, retraining, relocation assistance, or outright grants to protect family home ownership to mitigate the impact on those workers who are left behind by the expansion of trade opportunities or, in my analogy, by the elimination of coal.

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
By a vote of 10–2–5, the Advisory Committee recommends FAVORABLE ACTION on Article 22 as amended. The key amendments were to remove the first two "Whereas" clauses, which raise issues that go beyond the Trans-Pacific Partnership trade agreement, and the second half of the third "Whereas" clause, which also raised issues that were tangential to the resolution's main focus on the disadvantages of the investor-to-state-dispute settlement process—a key element of the Trans-Pacific Partnership and a major reason to oppose that agreement.

The Article as originally submitted was first amended by petitioners at the suggestion of the Advisory Committee's School Subcommittee in order to clarify its intent; subsequently, the Advisory Committee amended it further and adopted the proposed changes, which have been incorporated into the version of Article 22 that is being recommended by the Advisory Committee.

The Advisory Committee's recommended resolution differs from the main motion under Article 22. The Advisory Committee reviewed the motion that will be offered by the petitioners and supported by the Selectmen, but decided not to reconsider its recommendation. No member of the Advisory Committee offered a motion to reconsider. The Advisory Committee felt that the first "Whereas" clause in the petitioners' motion includes too many general criticisms of trade agreements and does not take into account how freer trade can reduce the prices that American consumers pay. That "Whereas" clause detracts from the resolution's focus on the problems associated with investor-to-state-dispute settlement. The Advisory Committee agreed that those problems were serious and that that Brookline should thus oppose the Trans-Pacific Partnership.

BACKGROUND:
Article 22, which was placed on the Warrant by citizen petition, would put Brookline on record as being opposed to favorable Congressional action on the Trans-Pacific Partnership (TPP), a trade agreement between the United States and eleven Pacific Rim countries (but not including the People's Republic of China) that includes an "investor-to-state-dispute settlement" (ISDS) process.

The absence of China is notable. Supporters of the TPP point out that it is as much a diplomatic play as an economic one, signaling that the United States will support its partners in the western Pacific as a counterbalance to Chinese ambitions in the region. But the TPP will create a large free trade zone, and whatever the diplomatic effects, the primary near-term impact on Americans will be economic.

Background on Free Trade
Trade agreements and other free trade policies lower cross-border tariff barriers that tend to protect inefficient producers and raise prices for consumers. The United States itself and the European Union have been prime examples of the advantages of free trade across broad geographic regions. The US has supported free trade since the end of World War II, and free-trade advocates often point to the high tariffs imposed by the Smoot-Hawley Tariff Act of 1930 as being one of the factors that exacerbated the Great Depression.

Led by the presidential campaign, much of the current national political discussion has focused on the impact of trade agreements various presidential candidates try to channel the anger of voters who feel that the economic system is rigged against the middle class. Defenders of free trade say that the loss of manufacturing jobs in the United States has been a worldwide phenomenon that is a result of shifting technology, and that it would have occurred even without free trade deals like the North American Free Trade Agreement (NAFTA).

Background on ISDS
Investor-state dispute settlement (ISDS) is "an instrument of public international law that grants an investor the right to use dispute settlement proceedings against a foreign

government."[1] On the one hand, ISDS could help U.S. companies in their disputes with foreign governments, but on the other hand it also gives foreign companies a way to challenge U.S. laws and regulatory rulings. The footnoted Wikipedia link also quotes a 2014 article[2] from the generally pro-business *Economist*:

> *If you wanted to convince the public that international trade agreements are a way to let multinational companies get rich at the expense of ordinary people, this is what you would do: give foreign firms a special right to apply to a secretive tribunal of highly paid corporate lawyers for compensation whenever a government passes a law to, say, discourage smoking, protect the environment or prevent a nuclear catastrophe. Yet that is precisely what thousands of trade and investment treaties over the past half century have done, through a process known as "investor-state dispute settlement", or ISDS.*

There is a stark contrast between the way that ISDS is portrayed by the petitioners and the position of the Office of the U.S. Trade Representative, which categorically states that no foreign company has ever successfully challenged U.S. laws or regulations under one of the many ISDS agreements to which the United States is a party.[3] But the petitioners cite examples of successful arbitration, and warn that U.S. environmental, health and labor laws could similarly be challenged.

DISCUSSION:

There was general agreement that the case that the petitioners made against inclusion of ISDS in the TPP is considerable; there are genuine, significant concerns raised about the potential impact of ISDS tribunals to subvert the law–particularly those laws that maintain the integrity of our environment, our economy, and our health–in favor of corporate profit. Indeed, several governments, including Australia and South Africa, have backed away from the use of ISDS in free-trade agreements. Alternative mechanisms to ISDS are being pursued that, among other solutions, would require local legal actions before advancing to ISDS tribunals.

Discussion also focused on the scope and overall tone of the resolution. The initial resolution was written in a way that some Advisory Committee members felt was very opinionated and inflammatory, as well as being very broad. Free trade is not always bad for the United States. It may, for example, reduce the prices American consumers pay. The resolution need not cast aspersions on free trade in general in order to make its key argument that using ISDS is a bad idea and that the United States therefore should reject the TPP. In response to subcommittee points, the petitioner made some revisions, and the resolution was further amended in full Advisory Committee. With the full Committee's

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[1] Definition from Wikipedia article en.m.wikipedia.org/wiki/Investor-state_dispute_settlement which also includes a useful overview of ISDS.

[2] www.economist.com/news/finance-and-economics/21623756-governments-are-souring-treaties-protect-foreign-investors-arbitration

[3] ustr.gov/about-us/policy-offices/press-office/fact-sheets/2015/march/investor-state-dispute-settlement-isds.

amendments, the resolution is still expressing a strong opinion, but the revisions shift the resolution toward a more concise focus on the unacceptability of the inclusion of ISDS in the TPP.

Last, the Advisory Committee discussed the appropriateness and relevance of this resolution for considerations at Brookline Town Meeting. Some Committee members agreed with the sentiment of the resolution but objected as a matter of principle to taking time in Town Meeting to debate matters of national or international interest rather than focusing on issues that come under the jurisdiction of local government. However, there is a long tradition of using Town Meeting resolutions to express local sentiment to our Congressional representatives and beyond, and the Article is intended to do just that.

Conclusion

Committee members approached the issue of free trade with very different experiences with, and opinions on, the merits of free-trade agreements; those differences were not reconciled during the discussion. However, given the common concern about the risks inherent in giving foreign corporations an opportunity to challenge U.S. environmental, health and labor laws using the ISDS procedure, the Advisory Committee voted Favorable Action on a motion that focuses on the problems associated with ISDS and the concomitant need to oppose the TPP.

RECOMMENDATION:

By a vote of 10–2–5 the Advisory Committee recommends FAVORABLE ACTION on the following motion under Article 22 (deletions from the petitioners' motion are indicated by strikethrough; additions are in bold):

~~WHEREAS U.S. trade deals over the past 25 years have been corporate-driven, incorporating rules that skew the benefits of their results to corporations and individuals with great wealth and influence while requiring working families and society at large to bear the brunt of their costs, such as job loss and spiraling income and wealth disparities;~~

~~WHEREAS the North American Free Trade Agreement (NAFTA) has displaced approximately 680,000 U.S. jobs, the Chinese Trade Agreement 2.7 million jobs, and the U.S. Korea Free Trade Agreement 75,000 jobs, devastating communities across the nation and depriving municipalities and states of sorely needed tax revenues;~~

WHEREAS the Trans-Pacific Partnership (TPP) would be the largest trade deal in history, including countries representing 792 million people and accounting for 40% of the world's economy; ~~yet it was devised in a process involving lobbyists from the world's largest corporations and Wall Street's biggest banks, but not Congress or the American public;~~

WHEREAS the North American Free Trade Agreement (NAFTA) and all but two of the U.S. trade deals that followed it provide special legal rights to foreign investors, known

as the "investor-to-state dispute settlement" (ISDS) system, which allows foreign firms to challenge our state and federal laws and regulations in international tribunals, completely bypassing state and federal courts;

WHEREAS an April 2015 letter signed by leading legal experts, including eminent Harvard constitutional law professor Laurence Tribe, strongly criticizes the **TPP's proposed inclusion of ISDS** ~~inclusion of ISDS in the Trans-Pacific Partnership (TPP)~~, warning: "ISDS weakens the rule of law by removing the procedural protections of the legal system and using a system of adjudication with limited accountability and review. It is antithetical to the fair, public, and effective legal system that all Americans expect and deserve."

WHEREAS recent ISDS cases include Eli Lilly's attack on Canada's cost-saving medicine patent system, Lone Pine's attack on a fracking moratorium in Canada, Chevron's attack on an Ecuadorian court ruling ordering payment for mass toxic contamination in the Amazon, and Vattenfall's attack on Germany's phase-out of nuclear power;

WHEREAS the TPP would nevertheless not only continue to contain the current ISDS system, but further expand it, giving multinational corporations extraordinary new powers that would expose U.S. taxpayers to billions of dollars in new liability by empowering thousands of foreign firms operating in the United States to seek cash compensation from taxpayers by challenging U.S. government actions, laws and court rulings before foreign tribunals whose rulings cannot be appealed on the merits;

WHEREAS, although just 50 known ISDS cases were launched worldwide in the system's first three decades, from 2011 through 2013 foreign investors launched at least 50 claims *each year*;

WHEREAS under ISDS provisions of the TPP, foreign corporations could demand compensation for capital controls and other prudent financial regulations that promote financial stability, thus restricting the government's ability to make use of capital controls or financial transaction taxes to ward off financial crises, and they could likewise initiate cases to undermine government policies to fight environmental degradation and climate change;

WHEREAS, although the Obama administration says the TPP would boost U.S. exports, it would also make it easier for American corporations to outsource still more jobs to low-wage countries abroad; and

WHEREAS, as a result of Congress's enactment of fast-track trade negotiating authority in 2015, states, municipalities and their citizens will have no opportunity to correct shortcomings in the TPP since its text was not made public until it was final and amendments will no longer be permitted; now, therefore, be it

RESOLVED: that the Town Meeting of Brookline, Massachusetts, calls upon our elected officials in the U.S. Senate and House of Representatives to oppose the Trans-Pacific Partnership and any similar trade deals that incorporate ISDS; and be it further

RESOLVED: Town Meeting requests that the Town Clerk forward copies of this resolution to the President of the United States; the Massachusetts delegation to the U.S. Senate and House of Representatives; and the Brookline delegation to the Massachusetts Legislature on behalf of the entire Town Meeting.

ARTICLE 22

TWENTY-SECOND ARTICLE
Submitted by: Frank Farlow, TMM4 and Nancy Gregg

To see whether the Town will adopt the following resolution:

WHEREAS U.S. trade deals over the past 25 years have been corporate-driven, incorporating rules that skew the benefits of their results to individuals with great wealth and influence while requiring working families to bear the brunt of their costs;

WHEREAS the North American Free Trade Agreement (NAFTA) has displaced 680,000 jobs, the Chinese Trade Agreement 2.7 million jobs, and the U.S.-Korea Free Trade Agreement 75,000 jobs, devastating communities across the nation, depriving municipalities and states of sorely needed tax revenues, and posing a major threat to our national well-being;

WHEREAS under NAFTA-style trade rules, the U.S. annual trade deficit has increased dramatically from $70 billion in 1993, the year before NAFTA went into effect, to $540 billion in 2015;

WHEREAS the most recent trade deal of this type, the Trans-Pacific Partnership (TPP), is a proposed "free trade" agreement among the United States and 11 other Pacific Rim countries—Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam;

WHEREAS the TPP would be the largest trade deal in history, including countries representing 792 million people and accounting for 40% of the world's economy, yet it's been devised in secret, in a process involving lobbyists from the world's largest corporations and Wall Street's biggest banks, but not the American public;

WHEREAS, although the Obama administration says the TPP would boost U.S. exports, it would also make it easier for American corporations to outsource still more jobs to low-wage countries abroad;

WHEREAS NAFTA and all but two of the U.S. trade deals that followed it provide special legal rights to foreign investors, known as the "investor-to-state dispute settlement" (ISDS) system, which allows foreign firms to challenge our state and federal laws, regulations, and administrative and judicial decisions in international tribunals, completely bypassing state and federal courts;

WHEREAS the TPP would expand the current ISDS system, giving multinational corporations extraordinary new powers that would undermine our sovereignty and expose U.S. taxpayers to billions in new liability by empowering thousands of foreign firms operating in the United States to seek cash compensation from taxpayers by challenging

U.S. government actions, laws and court rulings before foreign tribunals whose rulings cannot be appealed on the merits;

WHEREAS foreign investors have already used NAFTA's ISDS provisions to challenge decisions regarding local building permits, environmental regulations, state bans on toxic chemicals and decisions of state courts;

WHEREAS, although just 50 known ISDS cases were launched worldwide in the system's first three decades, from 2011 through 2013 foreign investors launched at least 50 claims each year;

WHEREAS recent ISDS cases include Eli Lilly's attack on Canada's cost-saving medicine patent system, Philip Morris's attack on Australia's public health policies regulating tobacco, Lone Pine's attack on a fracking moratorium in Canada, Chevron's attack on an Ecuadorian court ruling ordering payment for mass toxic contamination in the Amazon, and Vattenfall's attack on Germany's phase-out of nuclear power;

WHEREAS under ISDS provisions of the TPP, foreign corporations could demand compensation for capital controls and other prudent financial regulations that promote financial stability, thus restricting the government's ability to make use of capitol controls or financial transaction taxes, including such standard forms of capital controls as those used by TPP governments in the past to ward off financial crises:

WHEREAS climate change and environmental degradation threaten communities across the globe, and ISDS provisions in the TPP will expose nations carrying out policies to fight climate change to the risk of ISDS cases that undermine these efforts;

WHEREAS, as a result of Congress's enactment of fast-track trade negotiating authority in 2015, states, municipalities and their citizens would have no opportunity to correct shortcomings in the TPP since its text would not be made public until it was final and could no longer be improved;

WHEREAS, although the Obama administration has claimed that the problems with past agreements would be remedied in the TPP, the current version of the text no longer contains various safeguard proposals that were included in a leaked 2012 version of the text; and

WHEREAS the disproportionately powerful voice of global corporations in the formulation of U.S. "free trade" agreements has consistently advanced an agenda that undermines the public interest and threatens democracy; now, therefore, be it

RESOLVED: that the Town Meeting of Brookline, Massachusetts, formally goes on record in calling upon our elected officials in the U.S. Senate and House of Representatives to oppose the Trans-Pacific Partnership and any similar trade deals that fail to restructure the misguided and failed policies of the past; and be it further

RESOLVED: that the Town Clerk be requested to forward copies of this resolution to the President of the United States; the Massachusetts delegation to the U.S. Senate and

House of Representatives; and the Brookline delegation to the Massachusetts Legislature on behalf of the entire Town Meeting.
Or act on anything relative thereto.

Or take any other action relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Following are sources and/or explanatory information for each whereas clause (except the 4th) .

1st Whereas ("corporate driven") – All the major "free trade" agreements have been drafted by secretive working groups involving administration officials and staffers and corporate CEO's and lobbyists, with little or no input permitted from civil society or representatives of particular segments of the public.

2nd Whereas (job loss figures) – The source of the job loss figures is the Economic Policy Institute, cited by Sen. Bernie Sanders in a presentation to the Senate on 6.25.15. EPI is a Washington, DC, think tank that assesses current economic policies and proposes new policies to protect and improve the living standards of working families. Its founders include former Secretary of Labor Robert Reich, co-founder and co-editor of *The American Prospect* Robert Kuttner; and Barry Bluestone, founding dean of the School of Public Policy & Urban Affairs at Northeastern University and recent keynote speaker at the Brookline Foundation's presentation of its study, "Poverty in Brookline."

3rd Whereas (trade deficit figures) – Source is "U.S. Trade in Goods and Services - Balance of Payments (BOP) Basis," U.S. Census Bureau, 3.4.16 (https://www.census.gov/foreign-trade/statistics/historical/gands.pdf)

5th Whereas (largest trade deal in history) – Source of figures: Robert Reich: https://www.youtube.com/watch?v=3O_Sbbeqfdw

6th Whereas (outsourcing of more jobs) – A *Public Citizen* press release of 3.25.15 titled "TPP Leak Reveals Extraordinary New Powers for Thousands of Foreign Firms to Challenge U.S. Policies and Demand Taxpayer Compensation." Its first paragraph reads:

> *WASHINGTON, D.C.– The Trans-Pacific Partnership's (TPP) Investment Chapter, leaked today, reveals how the pact would make it easier for U.S. firms to offshore American jobs to low-wage countries while newly empowering thousands of foreign firms to seek cash compensation from U.S. taxpayers by challenging U.S. government actions, laws and court rulings before unaccountable foreign tribunals. After five years of secretive TPP negotiations, the text—leaked by WikiLeaks—proves that growing concerns about the controversial "investor-state dispute settlement" (ISDS) system that the TPP would extend are well justified, Public Citizen said." (http://www.citizen.org/TPP)*

Public Citizen is a non-profit, consumer rights advocacy group and think tank based in Washington, DC. Founded in 1971 by Ralph Nader but no longer associated with him, it advocates before all three branches of the federal government. It has five divisions:

Congress Watch, Energy, Global Trade Watch, the Health Research Group, and Public Citizen Litigation Group, a nationally prominent public interest law firm known for its Supreme Court and appellate practice.

7th Whereas (the ISDS system) – The following is excerpted from an article of 2.17.16 from *Eyes on Trade*, Public Citizen's Blog on Globalization and Trade: "Foreign corporations have used these [ISDS] claims to attack tobacco, climate, financial, mining, medicine, energy, pollution, water, labor, toxins, development and other non-trade domestic policies. Under U.S. "free trade" agreements (FTAs) alone, foreign firms have already pocketed more than $440 million in taxpayer money via investor-state cases. This includes cases against natural resource policies, environmental protections, health and safety measures, economic development policies and more. ISDS tribunals have ordered more than $3.6 billion in compensation to investors under all U.S. FTAs and Bilateral Investment Treaties (BITs). More than $34 billion remains in pending ISDS claims under these pacts, nearly all of which relate to environmental, energy, financial regulation, public health, land use and transportation policies. Even when governments win cases, they are often ordered to pay for a share of the tribunal's costs. Given that the costs just for defending a challenged policy in an ISDS case total $8 million on average, the mere filing of a case can create a chilling effect on government policymaking, even if the government expects to win."

8th Whereas (the ISDS system would be expanded by the TPP) – Source: Paragraphs 1 and 4 of the Public Citizen press release cited under 6th Whereas above. On the occasion of WikiLeaks' expose of the Investment Chapter of the TPP, Lori Wallach, director of Public Citizen's Global Trade Watch, stated: "This leak is a disaster for the corporate lobbyists and administration officials trying to persuade Congress to delegate Fast Track authority to railroad the TPP through Congress." Unfortunately, she failed by the narrowest of margins to dissuade the Senate, where 60 votes were needed to prevent a filibuster. *THE HILL*, a Washington, D.C., newspaper that covers Congress and the White House, then reported (emphasis added):

> *The Senate voted Wednesday to approve fast-track authority, securing a big second-term legislative win for President Obama after a months-long struggle. The 60-38 Senate vote capped weeks of fighting over the trade bill, which pitted Obama against most of his party—including Senate Democratic Leader Harry Reid (Nev.) and House Minority Leader Nancy Pelosi (D-Calif.).*
>
> *Passage of the bill is also a big victory for GOP leaders in Congress, including Senate Majority Leader Mitch McConnell (R-Ky.) and Speaker John Boehner (R-Ohio). The Republican leaders worked closely with an administration they have more frequently opposed to nudge the trade bill over the goal line.*
>
> *Labor unions and liberal Democrats had fought hard against the authority and are likely to now turn their attention toward stopping the Trans-Pacific Partnership (TPP), a trade deal Obama is negotiating with 11 other Pacific Rim nations.*
>
> *Fast-track, or trade promotion authority, will allow the White House to send trade deals to Congress for up-or-down votes. The Senate will not be able to filibuster them, and lawmakers will not have the power to amend them.*

The expedited process, which lasts until 2018 and can be extended until 2021, greatly increases Obama's chances of concluding negotiations on the TPP, which is a top goal of the president's.
Regarding "foreign tribunals whose rulings are not reviewable on the merits," the following is excerpted from a *Washington Post* article of 10.6.15 titled "The TPP has a provision many will love to hate: ISDS. What is it, and why does it matter?": "[ISDS is] unusually powerful for international law. Arbitrators can order governments to pay cash to the investor, who can then enforce arbitrators' decisions with the full force of domestic courts. As the U.S. Supreme Court determined last year, domestic courts must defer to their decisions and not review their merits."

9th Whereas – Regarding the use of NAFTA's ISDS provisions to challenge decisions concerning environmental regulations, see "U.S. Corporations Launch Wave of NAFTA Attacks on Canada's Energy, Fracking, and Medicines Policies," *Public Citizen*, 12.14.12; and regarding their use to challenge decisions regarding local building permits, see "Trading Human Rights for Corporate Profits: Global trade policy weakens protections for health, the environment," Martin Wagner, *RP&E Journal*, Summer 2004.

10th Whereas (number of ISDS cases launched worldwide) – Source: Paragraph 6 of Public Citizen press release cited under 6th Whereas above.

11th Whereas (examples of recent ISDS cases) – The article "U.S. Corporations Launch Wave of NAFTA Attacks on Canada's Energy, Fracking, and Medicines Policies" (*Public Citizen*, 12.14.12) contains information on U.S. corporate ISDS attack on Quebec's moratorium on hydraulic fracturing of natural gas, and on Eli Lilly's against the decision of Canadian courts to invalidate the company's patent for the company's ADHD drug, which a federal court and court of appeals had both ruled did not deliver the benefits that Eli Lilly had promised when applying for the patent.

12th Whereas (foreign corporations could demand compensation for capital controls and other prudent financial regulations that promote financial stability) – "In July 2015, the four Democrats in the House of Representatives with the highest authority on matters of trade and finance—the ranking members of the House Financial Services Committee, the House Ways and Means Committee and the trade subcommittees of both—sent a letter to the Obama administration to warn against the TPP's threat to capital controls. They concluded, 'With what we know today about the dangers of volatile, short-term capital movements, we hope the Administration will avoid showing the world that there are times when those who remember the past are also bound to relive it, especially when it is likely to come at enormous economic and human cost.' In a December 2014 letter to the administration, Senator Elizabeth Warren (D- Mass.), member of the Senate Banking Committee, and Sens. Tammy Baldwin (D-Wis.) and Edward Markey (D-Mass.) urged the administration to not replicate in the TPP terms from past U.S. FTAs 'that could limit the ability of the government to use capital controls.'" ("Secret Chapter Unveiled: It's Worse than We Thought," *Eyes on Trade*, Public Citizen's Blog on Globalization and Trade, 2.17.16)

13th Whereas (TPP would expose efforts to fight climate change to ISDS cases challenging these efforts) – As an example of future challenges that could undermine our efforts to control climate change. the 1.9.16 *Washington Post* article "TransCanada is

suing the U.S. over Obama's rejection of the Keystone XL pipeline. The U.S. might lose" describes Canadian firm TransCanada's ISDS challenge to the Obama administration's rejection of the Keystone XL pipeline based on its potential contribution to climate change,

14th Whereas (text won't be made public until it's finalized) – When the member nations of the TPP reached final agreement last October, *The New York Times* noted in an article of 10.5.15 that even at that late date, "the agreement's 30-chapter text will not be available for perhaps a month" to "key members of Congress in both parties and interest groups influential in Washington." ("Trans-Pacific Partnership Is Reached, but Faces Scrutiny in Congress," by Jackie Calmes)

15th Whereas (problems in previous agreements still present in TPP) – Paragraph 3 of the Public Citizen press release cited under 6th Whereas above states: "[W]hile the Obama administration has sought to quell growing concerns about the ISDS threat with claims that past pacts' problems would be remedied in the TPP, the [WikiLeaks-]leaked text does not include new safeguards relative to past U.S. ISDS-enforced pacts. Indeed, this version of the text, which shows very few remaining areas of disagreement, eliminates various safeguard proposals that were included in a 2012 leaked TPP Investment Chapter text."

SELECTMEN'S RECOMMENDATION

A report and recommendation by the Board of Selectmen will be provided in the Supplemental Mailing.

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 22 will be provided in the Supplemental Mailing.

XXX

ARTICLE 23

TWENTY_THIRD ARTICLE

Reports of Town Officers and Committees

Town of Brookline
Massachusetts

HOUSING ADVISORY BOARD

Roger F. Blood, Chair
Steven A. Heikin
Michael H. Jacobs
Bill Madsen Hardy
Rita K. McNally
Karen J. Kepler
Kathy A. Spiegelman

AFFORDABLE HOUSING UPDATE

May 2016
Annual Town Meeting

Pursuant to a Warrant Article adopted by Town Meeting, the Housing Advisory Board has, since 1997, provided Town Meeting with an annual progress report on Brookline's work in support of affordable housing for income-eligible owners and renters.

Through its housing policies and programs, the Town seeks:

- to preserve existing affordable housing;
- to increase the supply of housing affordable to low- and moderate-income households town-wide by encouraging the creation of affordable units in existing rental buildings and appropriately sited and scaled mixed-income new development;
- to apply Town-controlled resources to leverage other public and private resources;
- to assure that housing so created is kept affordable for as long as possible.

Since the 2015 Annual Town Meeting, the Housing Advisory Board (seven citizen appointees) and Housing Division staff have undertaken the following actions to achieve these objectives:

1. **Worked with the Brookline Housing Authority to complete a new 32-unit low income rental project at 86 Dummer Street on an underutilized portion of the site of the BHA's existing Trustman Apartments.** The Town committed $4.3 million in funding—about one quarter of the total project cost—from its affordable housing sources, including approximately $2 million from the Town's Affordable Housing Trust, $1.7 million in federal HOME funds, and $600,000 in federal CDBG funds for a long-term ground lease on the property.

   The project also received support from the Federal Home Loan Bank's Affordable Housing Program, the Commonwealth of Massachusetts and private lenders, and was awarded federal and state tax credits and gap financing from the Commonwealth. The project, which began construction in June of 2014 was completed and fully occupied by December of 2015. The project received applications from over 1,900 eligible households. Over 2/3 of the selected households were minorities. Over 2/3 of all occupants benefitted from "local preference".

2. **Worked with Pine Street Inn to purchase and rehabilitate two adjacent lodging houses on Beals Street into 31 "Enhanced SRO" (single-room occupancy) units with private kitchens, bathrooms and supportive services.** In 2014, the Town committed over $1.9 million from the Town's Affordable Housing Trust and locally controlled HOME and CDBG funding. The project also received funds from the Commonwealth of Massachusetts and private lenders as well as being awarded federal and state tax credits.

   Public funding support enable Pine Street Inn to significantly upgrade the exteriors and to redesign the interiors of this important source of affordable single person housing. These new "enhanced lodging house" units include kitchenettes to better meet the needs of today's residents, including senior citizens. The first building is complete and the second building will be complete and fully occupied by July of 2016.

3. **Initiated an Affordable Housing Production Plan for the Town.** The 2015 Annual Town Meeting in May, 2015 voted to refer Article 17 – A Resolution pertaining to affordable housing and Chapter 40B—to the HAB and the Planning Board for follow-up. With funding from the Commonwealth and the Town's Affordable Housing Trust, the Town engaged a qualified consulting team to develop a Chapter 40B Housing Production Plan for approval by the State's Department of Housing and Community Development.

   The Housing Production Plan's dual objectives are: (1) to chart suitable pathways to reach the Town's 10 percent affordable housing goal; and (2) to help guide Chapter 40B projects toward sites that do not unreasonably intrude into the Town's established residential neighborhoods. The final report will be presented to the Board of Selectmen for approval in early July prior to its submission to the Commonwealth.

4. **Continued to support affordable homeownership for those seeking or already owning an affordable home in Brookline**, including the following:

   - Worked with owners of five deed-restricted units seeking to reduce ownership costs through refinancing.
   - Completed the resale of five deed-restricted units to new income-eligible purchasers and initiated the resale of three additional affordable condominiums.

5. **Worked with nonprofit owners to preserve existing affordable housing through capital improvements funded by the federal Community Development Block Grant (CDBG):**

   - Monitored contracts with the Brookline Housing Authority totaling over $350,000 resulting in much-needed capital improvements to four public housing developments.

6. **Worked to assure continued affordability through annual monitoring of almost 160 affordable homeownership units for continued owner occupancy and an estimated 450 affordable rental units at 16 Brookline properties for continued tenant eligibility.**

For ongoing information about the Town's affordable housing programs and opportunities, please visit www.brooklinema.gov/housing.

SELECTMEN'S COMMITTEE TO STUDY BOTTLED DRINKING WATER

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I. INTRODUCTION

Warrant Article 14 of the May, 2015 Annual Town meeting ("WA14") proposed adding a new Town bylaw, Article 8.35. This Article would impose a ban on the sale or distribution of bottled drinking water, as defined in the Warrant Article, at events of more than 100 people in Brookline (§8.35.2) or on any property receiving a lease or other license to operate on Town property (§8.35.3) and prohibit the use of Town funds to purchase bottled water for use in Town buildings (§8.35.4). Only proposed bylaw §8.35.4 was approved by Town Meeting. The remainder of WA14 was referred to a committee of the Board of Selectmen for study and to report back to Town Meeting in May, 2016.

To carry out the wishes of Town Meeting, the Board of Selectmen established the Selectmen's Bottled Water Committee (the "Committee") to study bottled drinking water, as defined in WA14 and to prepare this report (this "Report") to the May Town Meeting. This report is organized to provide background data and information relative to Bottled Water, including (1) environmental concerns, (2) health related issues, (3) the experiences and views of other governmental and private bodies that have addressed bottled water, and (4) surveys of the views of the Brookline community, and (5) action steps that are ideas, recommendations, and suggestions of the Committee. The action steps are divided into (a) steps that can be implemented relatively easily, with minimal required approvals and at low or no cost, (b) steps that will require approval by the Selectmen or Town departments, but without Town Meeting legislation, and (c) those that will require action by Town Meeting. They are designed to provide ideas for reducing the use of Bottled Water by means of educational initiatives and steps that could make the use of alternatives to bottled water reasonable and practical for Town residents and visitors. At its first meeting on March 11, 2016, the Committee agreed to expand the scope of its work to include other plastic beverage containers in addition to bottled water.

For the complete Charge to the Committee of the Board of Selectmen, see Appendix A.

NOTE – Appendices are not included in this document. Appendices including a Transcript from the Public Hearing on Bottled Drinking Water are available for review at http://www.brooklinema.gov/1310/Bottled-Water-Study-Committee.

Members of the Committee

The Committee was comprised of Selectman Bernard Greene, who chaired the Committee and Dr. Alan Balsam, Director of Public Health and Human Services, who co-chaired the Committee.

The Board of Selectmen appointed seven public members to the Committee:

1) Lea Cohen, Advisory Committee member
2) Andrew Fischer, Town Meeting Member 13
3) Jane Gilman, Town Meeting Member 3
4) John Harris, Town Meeting Member 8
5) Crystal Johnson
6) Patrick Kessock
7) Nate Tucker

Town Commissions designated two members:

1) Dan Lyons, Parks and Recreation Commission
2) Clint Richmond, Solid Waste Advisory Commission; Town Meeting Member 6

The School Committee designated:

Ben Chang

The department/division directors who assisted the Committee, in addition to Dr. Balsam, included:

1) Robert Auffrey, Public Health Specialist
2) Michael Bartlett, Operations Manager - Parks & Open Space
3) Austin Faison, Assistant Town Administrator
4) Erin Gallentine, Director of Parks and Open Space
5) David Geanakakis, Chief Procurement Officer - Purchasing
6) Edward Gilbert, Environmental Health Supervisor - DPW
7) Wendy Machmuller, Special Projects Coordinator
8) Andy Martineau, Economic Development Planner
9) Frederick Russell, Director of Water & Sewers
10) Charlie Simmons, Director of Public Buildings

II. PREFACE

The process of Town Meeting decision-making is often as important as the decisions themselves. For a decision to adopt a Warrant Article to be defensible it must be based on good information. This Committee was charged by the Board of Selectmen, based on the vote of the May 2015 Town Meeting on WA14, to study the issues raised by WA14 and present to the spring 2016 Town Meeting good information for future decisions on bottled water in Brookline.

In response to Town Meeting discussion, this Committee set as its goals, to reduce the need for water packaged in single-use plastic bottles, to increase the availability of good drinkable public water, to reduce the use of plastic beverage containers generally, and to avoid the unintended consequence of people shifting their drinking habits from bottled water to sugary drinks in plastic bottles or other containers.

In preparing the data in Part III of this report, the Committee sought to gather and present information that was balanced, complete, and took into account the views and interests of all stake-holders. This allowed the Committee to identify potential unintended consequences of any decision. It also allowed the Committee to identify alternative actions to a ban on bottled water that would achieve the goals of Town Meeting in ways that were sustainable and defensible. A non-exclusive list of such alternatives is included in Part IV (Action Steps).

III. REVIEW OF THE LITERATURE AND BACKGROUND DATA

1. ENVIRONMENTAL

a. Solid Waste

In 2013, Americans produced about 254 million tons of trash. Of that, over 34 percent was recycled or composted equaling 87 million tons. That number breaks down to about 1.5 pounds per person per day. Approximately 13 percent of that is plastics (EPA, 2016). Recycling of present-day synthetic plastics is challenging, but not impossible as illustrated by the fact that many municipalities in the U.S. accept only plastics from the Society of the Plastics Industry (SPI) #1 and #2 categories. To address this problem, some commentators have suggested that the widely accepted concept of the 3 Rs – reduce, reuse, recycle (Bell, 1970) – will not suffice. Rather, building on previously proposed efforts, they propose a fourth R, to *rethink* at the systems level, and a fifth R, to *restrain,* with measures at the policy and governance level.

The enormous number of single use plastic water bottles creates other problems. Estimates range from 30 to 50 billion per year in the US, and that number is rising, as evidenced by a nearly 8% increase in bottled water sales in 2015 (Beverage marketing Corporation, 2016). Nearly all of these bottles are single-use containers of 1 liter or less. Brookline's share of this volume is on the order of 500 thousand per month.

Even if only a small percentage of the volume becomes litter, this causes a large amount of visual blight and animal harm (Derraik, 2002).

Plastic bottles are light, but compared to some other typical household solid waste occupy disproportionate space in recycling trucks and landfills.

These problems are compounded since plastic bottles do not biodegrade. Such plastics can persist for thousands of years. However, they are subject to fragmentation, and have entered our human food chain (Seltenrich, 2015, Wright, Thompson, & Galloway, 2013).

Plastic bottles suffer from low recycling rates compared to valuable natural materials like paper or aluminum. Plastic bottles are hard to process, which contributes to their low value. Plastic bottles are composed of three different materials bound together:

- PETE (polyester) bottle
- Polypropylene (or polyethylene) cap and ring
- Polyethylene film label

The Town actually loses money on plastic bottles. Contamination makes them unsuitable for food or medical applications. Contaminants include the synthetic non-degradable adhesive (also made from petrochemicals) used to attach the label; and additives and dyes. The polyester is down-cycled into non-recyclable products such as fleece. The other rigid plastics from the bottle have even lower value. The label is printed extensively with ink, reducing its already extremely low value.

Data for plastic bottles purchased Town-wide is not available, nor is the amount of plastic bottles in the garbage stream or otherwise discarded, calculable. Primary research on recycling of plastic bottles can be done via observation however, and statistics on recycling tonnage are available via

Casella, Brookline's contracted hauler. Thus plastic bottle recycling data is used here as a proxy for all plastic bottle consumption, in addition to its original intent; that of indicating what savings the Town may incur as a result of banning bottled water. It is important to note that these data represent only the percentage of plastic bottles that make their way into the recycling stream. The Container Recycling Institute (2013) estimates that 29% of PET plastic bottles are recycled, a rate that is lower than that for other materials such as aluminum and paper.

Casella, was able to provide data on plastic bottles only at the level of their Charlestown facility, which serves the entire Greater Boston area: Plastic bottles amount to 2.5% of the total recycling stream. This accounts for residential, municipal, and commercial recycling. It is based primarily on weight, as plastic bottles are light.

- Based on Casella's figures and the current cost of recycling, banning all types of plastic bottles would have an impact on savings:
  - 2.5% of 5,271 (FY 2015 recycling tonnage in Brookline) = 131.76
  - Recycling processing fee for 1 ton = $230 (cost for Brookline)
  - 131.76 x $230 = $30,305
  - $30,305 annual estimated savings if we completely eliminate the 2.5% from the recycling stream (this includes residential, commercial, and municipal)
- However, this number does not reflect what Brookline would actually save because it is based on the entire facility's tonnages.
  - Visual observations aboard Casella recycling trucks on Brookline's recycling routes found that the amount of plastic bottles in the Town's recycling stream is minimal (less than 1%). The majority of the recycling is either cardboard or paper.
  - "Door to door" inspection of multiple household recycling carts, on various routes within Brookline, certifies these findings. Many carts did not have plastic bottles and if they did, the amount was very low.
  - Based on the small amount of plastic water bottles in Brookline's recycling stream, the cost savings would be minimal, if any.

b. Sustainability

Single-use packaging is generally less sustainable than reusable containers. Sustainable materials are natural and rapidly renewable or recycled content. In particular, plastics such as PETE, polyethylene and polycarbonate are made from oil and natural gas. Fossil fuels need millions of years to create, so turning them into single-use packaging is not sustainable. The amount of fossil fuels is limited. The amount of easily available fossil fuels is even more limited. Today, we rely on hydro-fracked natural gas and oil, and oil from undersea sources, which are more damaging and riskier in terms of accidents and spills. All petrochemicals require pipelines, which add to the fire and spill risk of this class of materials (Hopewell, Dvorak & Kosior, 2009).

2. HEALTH

a. Health Risks of Plastic Bottles

Over 300 million tons of plastic are produced globally, on an annual basis; this includes millions of tons of plastic bottles (Halden, 2010) While some plastic products are a boon to public health (e.g. disposable syringes, intravenous bags), plastics also pose risks to human health (Rustagi, Pradhan, & Singh, 2011)

These threats vary based on the manufacturing methods and the constituents of various plastic products. In the following, we focus on the specific risks posed by plastic bottles.

(i) Bisphenyl (BPA). Bisphenyl (BPA) is a chemical widely used in the production of polycarbonate plastics, including plastic bottles (especially hard bottles). BPA can leach into food/beverages from plastic bottles, and this leaching is accelerated at higher temperatures (Thayer, Heindel, Bucher, & Gallo, 2012), such as when food is heated in a plastic container or when water bottles are left in an automobile.

BPA exhibits hormone-like properties. While the Food and Drug Administration (FDA) has stated that BPA is safe at current levels in foods, both the European Union and Canada have banned BPA use in baby bottles (Edge & Eyles, 2013). A Harvard School of Public Health study (Carwile et al. 2009) found that participants who drank for a week from hard plastic bottles (polycarbonate) showed a two-thirds increase of BPA in their urine. Human exposure to BPA and other endocrine disruptors may result in lowered fertility and increased incidence of endometriosis and some cancers, and may pose the greatest risk during pre-natal and early post-natal development when organ and neural systems are forming (NIEHS, 2016). Some manufacturers are replacing BPA in plastic products with an epoxy containing bisphenyl S (BPS) or other compounds. The risk of these alternatives is currently under review.

(ii) Phthalates. Phthalates are chemicals used in many plastic products, including bottles, to make them soft and flexible. A number of studies have shown that phthalates are hormone disruptors with estrogenic and/or anti-androgenic actions (Hauser & Calafat, 2005). Evidence linking obesity to plastics derived endocrine disruptors such as diethylhexyl phthalate (DEHP) and di-n-butyl phthalate (DBP) (Gray, et al., 2000) has also been found (Manikkam, Tracey, Guerrero-Bosagna, & Skinner, 2013, Heindel, Newbold, & Schug, 2015).

It should be noted that there are numerous other sources of these problematic chemicals in our foods and beverages, cosmetics, and a host of other consumer products. Conversely, although not produced in the US since 1976 – but possibly used in plastic bottles procured from outside the US - flame retardant poly-brominated diphenyl ethers (PBDEs) have been found to leach into liquids from PET plastic bottles at rates that increase over time and with exposure to heat (EPA, 2014), Studies have found that antimony, a regulated heavy metal similar to lead, can leach trace amounts in high heat environments (Fan et al., 2014; Andra, Makris, Shine & Lu, 2012).

(iii) Plastics in the Ocean Food Chain. Another public health concern with the proliferation of plastic, including plastic bottles and plastic bags in the environment, is the potential for broad accumulation up the food chain. Fish and other marine animals can become contaminated by chemicals from plastic, as well as minute plastic particles. Eventually, these contaminants end up in our food supply (Seltenrich, 2015, Andrews, 2015).

(iv) Manufacture of Plastic Bottles. Consumers are exposed to these as trace materials but workers are exposed to a wide range of chemicals at much higher levels (Fong, Lee, Lu, Uang, & Lee, 2014). All manufacturing processes involve exposure to dangerous chemicals and other risks, but focusing on the manufacture of plastic bottles, these risks include chemicals, including additives, solvents, lubricants, precursors (such as benzene),

and catalysts (such as antimony). Many of these are found in liquid or gaseous form, which increase exposure risk. Also, accidental releases of these chemicals can occur at fatal levels and petrochemical facilities are subject to higher fire and explosion risk than many other manufacturing processes. Finally, the range of chemicals from petrochemical packaging is much broader than for other forms of beverage containers such as glass or aluminum (ElMasry, Salem, El-Dermadash & Hassan, 2013).

b. Bottled Water Contamination

(i) Commercial Recalls. From 1990 to 2006 there were over 100 contamination recalls and "field corrections" (Gleik, 2010) of bottled water products. Bottled water bottlers who recalled product were located across the US; from California to Maine and from Washington to Florida. Bottlers from Canada, Puerto Rico, the Virgin Islands, Armenia, and Germany were included as well. Reasons for recall were high levels of arsenic, bromate, mold, undefined particulate matter, chlorine, fecal coliform bacteria, and other contaminants, as well as bad odors and tastes and for such mislabeling violations as municipal water being marketed as spring water (Pacific Institute, 2010).

c. Regulation of Bottled Water

(i) FDA Regulation. Bottled water sold in interstate commerce is regulated by the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act. FDA has established specific regulations for bottled water in Title 21 of the Code of Federal Regulations, including standards of quality regulations (21 CFR §165.110[b]) that establish allowable levels for contaminants (chemical, physical, microbial and radiological) in bottled water and safety regulations that require that bottled water be processed, bottled, held, and transported under sanitary conditions (21 CFR §129). Processing practices addressed in the regulations include protection of the water source from contamination, sanitation at the bottling facility, quality control to assure the bacteriological and chemical safety of the water, and sampling and testing of source water and the final product for microbiological, chemical, and radiological contaminants. Bottlers are required to maintain source approval and testing records to show to government inspectors.

(ii) Massachusetts Regulation. In addition, Massachusetts is one of many states that have developed regulations for bottled water manufactured within the state and bottled water imported from outside the state (105 CMR 570). Bottled water suppliers must apply for a permit to manufacture bottled water (G.L., Ch. 94 §10A) and submit both source water test results and test results from the water as bottled to the Department of Health. Those reports are public records and by statute are available to the public upon request (G.L., Ch. 94, §10D.5) to the Department of Public Health's Food Protection Program. They are not, however, currently available on the Department's website due to limited resources and infrequent use of the information when it was posted online. For discussion of the Massachusetts regulation of source water and finished product, see "Quality Standards for Bottled Water" (MA Dept. of Public Health, Food Protection Program) at Appendix B.

d. Health Issues in Public Water Supply Systems

(i) Brookline's Water Supply. Brookline is fortunate to have an outstanding public water supply from the Massachusetts Water Resources Authority (MWRA). The following details Federal and State testing requirements of the Town of Brookline Department of Public Works:

Under the Massachusetts Department of Environmental Protection's Drinking Water Regulations, each municipality must collect total coliform samples[1] at sites that are representative of water throughout the distribution system. The number of samples taken is relative to the municipality's population. In Brookline's case, a minimum of 60 samples per month, or approximately 17 per week, are taken and delivered to MWRA's lab in Chelsea for testing.

Public water is regulated and inspected under EPA guidelines, which also indirectly regulate bottled water through regulation of the source waters from which bottled water is obtained. Each year MWRA and every fully-supplied community must collect and test tap water in a sample of homes that are likely to have high lead levels. These are usually homes with lead service lines or lead solder. EPA requires that nine out of ten of the sampled homes must have lead levels at or below the Action Level of 15 ppb. Brookline has been below the Action level since 2010 in 24 out of 25 sampling rounds. Over the last five years, 90 out of 92 samples have been below Action Level (97.8%).

Finally, public water supply test results are made available. The MWRA sends each community a "WATER QUALITY UPDATE" each month, which provides information on water quality at four locations in the MWRA transmission system. A sample of the data from a Water Quality Update is attached as Appendix C. Previous Water Quality Updates can be viewed using the following link:

http://www.mwra.com/monthly/wqupdate/qual3wq.htm

In addition to quality, MWRA water is generally free of unpleasant tastes and odors. In June of 2014 MWRA tap water was awarded the title "Best Water in the Country" by the American Water Works Association (AWWA). At the AWWA's Annual Conference and Exhibition, the Boston Water and Sewer Commission (BWSC) won first place in the tenth annual Best of the Best Tap Water Taste Test. Second place in the competition went to MWRA water, which shares its source and treatment facility with BWSC water. Third place was awarded to the City of Kalama WA tap water. The winners edged out competitors from pristine places as far away as Alaska, Utah, and Puerto Rico (Convery, 2014).

[1] Coliforms are a group of related bacteria that are (with few exceptions) not harmful to humans. A variety of bacteria, parasites, and viruses, known as pathogens, can potentially cause health problems if humans ingest them. EPA considers total coliforms a useful indicator of other pathogens for drinking water. Total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system. See EPA, Revised Total Coliform Rule.

How water tastes, is largely due to the minerals it contains. MWRA's, and by extension Brookline's, water is soft - having low levels of minerals such as calcium. MWRA's water comes from the Quabbin Reservoir, about 65 miles west of Boston, and the Wachusett Reservoir, about 35 miles west of Boston. The two reservoirs combined supply an average of 200 million gallons per day to consumers. The Quabbin alone can hold a 4-year supply of water.

The reservoirs are filled naturally. Rain and snow fall onto watersheds (protected land around reservoirs) and eventually turn into streams that flow into reservoirs. This water comes into contact with soil, rock, plants and other material as it follows its path. This process helps to clean the water, and it can also dissolve and carry very small amounts of material into the reservoir.

The Quabbin and Wachusett Reservoirs are protected. Over 85% of the watershed lands that surround the reservoirs are covered in forest and wetlands. About 75% of the total watershed land cannot be built on. The natural undeveloped watersheds help to keep MWRA water clean and clear. Also, to ensure safety, the streams and the reservoirs are tested often and patrolled daily by the Massachusetts Department of Conservation and Recreation (DCR). Because they are well-protected, the water in the Quabbin and Wachusett Reservoirs is considered to be of very high quality. MWRA's licensed treatment operators treat drinking water according to strict state and federal regulations.

MWRA's Water Treatment Steps can be viewed at:

http://www.mwra.state.ma.us/04water/html/watsys.htm

(ii) Disruption due to facility failures. In 2010, water service to all MWRA customer communities east of Weston was interrupted by a major water break in Weston. Due to this break, a boil water order was issued for drinking water for all MWRA communities east of Weston. MWRA activated its emergency water supplies such as the Sudbury Aqueduct, Chestnut Hill Reservoir, and Spot Pond Reservoir. This water was not suitable for drinking, but could be used for bathing, flushing and fire protection. The leak was located at the site where the Metrowest Water Supply Tunnel meets the City Tunnel on Recreation Road. This 120-inch diameter pipe transports water to communities east of Weston – as far north as Wilmington and south to Stoughton. Water was leaking into the Charles River at rate of over 8 million gallons an hour.

When the MWRA experienced this major breech discussed above, the Town mobilized its Community Emergency Response Team and the Medical Reserve Corps to distribute thousands of bottles of water supplied by the Massachusetts Emergency Management Agency to Brookline residents.

(iii) Lead and Copper. MWRA reservoirs are lead free, but lead can get into tap water from lead pipes in a home. Lead can also enter tap water from lead solder or brass

fixtures in a home. Corrosion or wearing-away of lead-based materials can add lead to tap water, especially if water sits for a long time in the pipes before use. Lead can also leach into tap water if the service line that connects your home to the water mains in the street is made of lead. This is particularly a problem in older homes (usually built before 1940).

When the Town identified elevated lead levels at the Old Lincoln School (Upper Devotion School), all drinking fountains were removed, and bottled water was deployed for drinking and food preparation. This response continues to this day, until funding becomes available in July for a permanent solution.

(iv) Circumstances Requiring Use of Commercially Sourced Water. Commercially sourced water may be necessary under various circumstances. As indicated above, water disruption is an occasional problem due to many causes. There are also occasional non-emergency situations when commercially sourced water may be necessary.

School field trips and outside work by Town employees in the heat use commercially sourced water for convenience and when there are no other practical alternatives.

In some of these cases, there may be other possible options including water packaged in cans and/or cartons or large bulk water containers. Initial research indicates that these other options are typically impractical or more costly. The added cost would have to be factored into future budget estimates for these activities.

Bulk water containers are often made of plastic materials, but plastic that is thick and durable so they are stronger, longer lasting, and available for reuse multiple times. And there are many situations where bulk water is practical and would be the preferred option.

Other than large plastic containers, the most common means of providing bulk water in emergency situations is the use of water trucks. Commercial water trucks have recently been widely used to deliver water to drought afflicted areas of California (Daniels, 2015) (because this water must be taken from somewhere else, there are opportunities in such situations for unscrupulous private water trucks to load up from hydrants in municipalities with ample water and then resell the water after trucking it to drought afflicted areas).

e. Water Filters

(i) Water Filter Types. Water filters vary widely in quality. Most water filters available at discount retail stores, superstores, pharmacies, or grocery stores use lower quality filter technologies, such as carbon blocks and pour through pitchers that cannot remove many contaminants. When looking for filters, certification by NSF International can provide some quality assurance. Among the services of NSF International for water filters is certifying the

ability of water filters to achieve the results advertised.[2] Searches can be performed by brand or filter type, such as the most commonly used types for residential water filtering:

- Reverse osmosis
- Ceramic filtration
- Carbon filters
- Ultraviolet
- A combination of technologies

The main contaminants that may be found in older buildings in Brookline are lead and copper. Consumers concerned with those contaminants should make sure that their filters in fact filter them out.

(ii) Filter maintenance and concerns. All filters require regular cartridge replacement, cleaning, and/or other maintenance in order to remain effective. Filter contamination is a concern if not maintained properly. In addition, water filters that filter water into holding tanks can develop biofilm[3] if the disinfecting agent used in the water supply is filtered out.

f. Sugary Beverages as Alternatives to Water in Plastic Bottles

(i) Unintended Consequences. Unintended consequences of bans on bottled water could include unnecessary increases in consumption of sugar-sweetened soft drinks, sports drinks,[4] energy drinks and other high calorie beverages. These consequences can occur when consumers are not provided with practical alternatives to the banned bottled water or when such bans or restrictions are not accompanied with useful informational materials or educational programs. The experiences of certain college campuses and national parks are notable examples (Rocheleau, 2012, Berman, & Johnson, 2015, Schatz, 2015).

(ii) Health Impacts of Sugary Drinks. Obesity, adult onset type 2 diabetes, and heart disease have all been linked to high caloric intake (Lavie, McAuley, Church, Milani, & Blair, 2014, Fung et al., 2009; de Koning et al., 2012). In addition, consumption of sugary beverages has been linked to pediatric diabetes (Ludwig, Peterson & Gortmaker, 2001). In fact, people who drink 1-2 servings of soda per day have a 26% higher risk of developing type 2 diabetes than those who rarely consume soda (Malik et al., 2010). According to the National Center for Health Statistics, in 2010 every day at least half the US population consumed at least one sugary drink, 1 in 4 took in 200 calories or more from sugary drinks, and 5% consumed nearly 600 calories per day from soda (Ogden, Kit, Carroll & Park, 2011). This is one fifth to one quarter the USDA recommended daily caloric intake of many adults, and one third to half the calories recommended for children to consume in an entire day (USDA, n.d.). More

[2] The NSF International website has a page where consumers can list the impurities that they are concerned with in their water and be linked to a listing of NSF International certified products that will remove those impurities: http://info.nsf.org/Certified/DWTU/

[3] Biofilm is a layer of bacteria and their secretions and waste products that accumulates on any surface that is exposed to water containing the appropriate nutrients to support bacterial life.

[4] This is not to suggest that there are not situations where certain sports drinks that are inappropriate for casual drinking would have value. Such situations would include long distance running or intense periods of physical activity when one's body loses critical salts and minerals through perspiration.

recent studies have found that while sugar sweetened beverage (SSB) consumption decreased in adolescents significantly and young adults – from 22% to 16% and 29% to 20% respectively, it increased by a small margin of 1% in children aged 2-11. Among Adolescents soda consumption decreased while sports drink consumption tripled. Lower socioeconomic status correlated with higher SSB consumption, as did a lower education level of parents. Overall, prevalence of soda consumption is down, yet beverage companies are successful in replacing soda with nontraditional SSBs, consumption of which is up (Han & Powell, 2013).

Sugar consumption aside, there is also danger of ingesting carcinogens such as dyes (enduropacks, 2016), and benzyne (Ahmad & Bajahlan, 2007). As discussed above, developmental detriments in the form of endocrine disruptors such as BPA (Markey, Rubin, Soto & Sonnenschein, 2002) and phthalates have been found to leach into liquids (Sax, 2010) and have harmful effects on liver and kidneys and been linked to testicular cancer (Astorino, n.d.).

Energy drinks often contain high levels of sugar combined with caffeine and other chemicals (Smith, 2013). Unlike sports drinks these have the effect of dehydrating the user. Heart palpitations, seizures and cardiac arrest have been linked to overdoses of these chemical combinations (Seifert, 2011). Gunja and Brown (2012) found these symptoms in adolescent consumers of energy drinks as well as neurological toxicity, hallucinations, and gastrointestinal upset. The poorly regulated nature of energy drinks and ingredients therein, coupled with their attractiveness to adolescents has led to increased reports of poisoning (Babu, Church & Lewander, 2008).

(iii) Boston Public Schools. Because the consumption of sugary beverages has been strongly linked to obesity and diabetes, the Boston public schools undertook an effort to restrict availability of those products. In 2004 the district enacted a policy banning sugary drinks, which applies not only to school meals programs, but to vending machines, school stores, and a la carte services. The policy restricts beverage sales to only water in elementary schools, but middle and high schoolers have access to 100 percent fruit juice in certain sizes, and milk with fat content and flavoring constraints.

- As a result, only 4% of all Boston students and about 10% of high schoolers have access to sugar sweetened drinks, while nationally, the average is nearly 90%. A national survey in 2013 discovered that, compared to 27% of students nationwide, only 17% of Boston students had one or more servings of sugar sweetened drinks. These results follow a trend that began with the 2004 policy, as a 2006 study found that Boston high school students had reduced sugary beverage consumption, compared to no change nationally.
- To meet the restrictions some schools sell no beverages at all. Compliant schools sell only non-sweetened bottled water, 100% fruit juice and low fat, non-flavored milk. Boston has been able to sustain 90% adherence to the ban through a public health approach. The city provides an educational tool kit with posters and other materials, conducted training events, and mandates refresher training for non-compliant schools (Freyer, 2016).

f. Hydration Options Other than Water.

Good hydration can be obtained from other sources than water or sugary drinks. Fruits and vegetables with high water content can provide hydration on a warm day as well as providing other nutrients and electrolytes that are present in the fruit and get absorbed by the body, thus hydrating and maintaining water balance in cells of the body. Fruits and vegetables that can easily be made available during warm weather events in Town to supplement water for hydration purposes are:

- cucumbers (96% water)
- celery (95% water)
- red tomatoes (94% water)
- watermelon and strawberries (92% water)
- grapefruit (91% water)
- peaches (88% water)
- pineapples and oranges (87% water)
- Plums (85% water)
- pears and apples (84% water) (RRTC, 2011)

3. BROOKLINE WATER SUPPLY AND DEMAND DATA

Water professionals have observed that water fountains in our cities and towns have been disappearing rapidly (Stoner, 2012). Many cities and towns, however, are seeking to reverse that trend, including Brookline. This report is in-part designed to help the Town of Brookline increase the availability of public water, including drinking fountains, for its residents. The following discussion describes where Brookline is in that process and some of what needs to be done to move forward. A copy of the blog entry: *Bring Back the Water Fountain* by Assistant Administrator for the EPA's Office of Water Nancy Stoner is included in Appendix D.

a. Parks and Open Spaces

(i) Capital Expenditures and Infrastructure. The Department maintains over 117 parks, open spaces, school and town grounds, and small green open spaces. Of those, 50 are multi-use parks, open spaces or schools grounds and only 28 have drinking water fountains available for public use. Five of those 28 locations with standard drinking water fountains will have a water bottle refill station installed in 2016-2017.

Reliable on-site drinking water fountains or hydration stations need to meet ADA requirements. The effort to meet those accommodations will vary from site to site due to terrain, funding, and water source. The cost of a standard accessible drinking water fountain installed under contract is approximately $4300. The cost of a hydration station with water bottle refill and an accessible water bubbler costs approximately $3200 for the unit and $3800 for installation based upon recent contract bid prices for a total of $7000. The cost for a new water bottle refill station with installation under contract includes the drain line, stone drainage, water line and concrete apron. The Department of Public Works would be able to complete the installation portion of the work at a location with an existing water fountain for approximately $1200, reducing the overall cost to $4400.

Replacement- Drinking Water Fountain Installed by Contractor $4300

Replacement Water Bottle Refill Station Installed by Contractor	$7000
Replacement Water Bottle Refill Station Installed by Town	$4400
New Water Bottle Refill Station Installed by Town or Contractor	Varies

The cost to install a water bottle refill station as described above in a park with access to a water source within 50 feet completed by in-house staffing would be approximately $3000 for Town labor and supplies plus the cost of the unit ($3200) for a total of $6200. A contractor's price would likely be closer to $10,000 total. The cost to install the same in an area where there is a greater distance to a water source would vary significantly depending upon the distance, disturbance to public way/park and utility infrastructure needed to provide water service. Replacement of approximately 28 drinking water fountains with water bottle refill stations at an average of $7000 will cost an estimated $196,000. The addition of drinking water fountains at new locations would vary greatly depending upon conditions.

Active Recreation Parks and Open Spaces with Drinking Water Fountains

Amory Playground
Baker School Grounds
Boylston Playground
Billy Ward Playground
Brookline Avenue Playground*
Clark Playground
Coolidge Playground
Corey Hill Playground*
Cypress Playground
Devotion School Grounds

Driscoll Playground
Emerson Garden*
Fisher Hill Reservoir Park*
Griggs Park
Harry Downes Field
Larz Anderson Park
Lawrence Playground
Lawton Playground
Murphy Playground
Pierce Playground*

Reservoir Park
Robinson Playground
Schick Park
Soule Recreation Center
Skyline Park
Waldstein Playground
Eliot Playground
Winthrop Square

*Parks that will have a water bottle refill station in 2016-2017.

Active Recreation Parks and Open Spaces without Drinking Water Fountain

Olmsted Park
Juniper Street Playground
Heath School Playground

Lincoln School Playground
Runkle School Playground

Monmouth Street Playground
Riverway Park
Baldwin School Grounds

(ii) Impact to User Groups. It should be noted that the location of a drinking water fountain within a park may or may not be located close to where a permitted event is scheduled. Nor do all parks or playgrounds have access to water bottle refill units. The High School, Youth and Adult recreational leagues, school grounds, neighborhood groups, and community programs must be sure that participants and spectators are well-hydrated. Access to a sufficient and convenient water supply is critical. It is also important to note that during late fall and early spring (when athletic teams are using the outdoor facilities) the water supplies are shut off to prevent water breaks due to evening freezing temperatures/fluctuations.

(iii) Damage, Repair and Maintenance. Drinking water fountains are closed for service several times throughout each season due to clogged drains, malfunctioning hardware or tampering. The time required to complete repairs depends upon availability of repair parts and staff scheduling. There must be reasonable expectations that water may not always be available on site.

b. Public Works Employees

Remote Worksites. Employees often refill water bottles in the mornings and at lunch during their regular shift. However, during emergency events there are unusual shifts, extremely long hours, and designated rest or eating times with over a hundred employees trying to recharge at the same time. During these events it is important that we are able to provide water to many people at the facilities at the same time, as water is critical to their well-being. Water is not available off site during all hours of the evening and it is inefficient to expect crews to come across town to refill at odd hours of the evening during, for example, snow emergency events. There are no supplies available in the parks during these times and public buildings are often closed.

A GIS display of drinking water fountain locations at public parks and school grounds in Brookline is included in Appendix E.

c. Public Buildings

Requirements. All public buildings, pursuant to the Massachusetts State Plumbing Code are required to have a water fountain/bubbler for public use. The number of fountains varies on the size of the building's occupant load. As all public buildings in Brookline have water fountains already, there would be no need to add anymore at this time, incurring no costs.

Two years ago, Public Buildings began a pilot study to install water container fillers at each of its buildings that would be part of an existing water fountain installation already in place. A number of pilot modifications were done at selected sights. These automatic bottle fillers were part of a modification kit from the water fountain manufacturer. The cost to install these fillers ranged from $800 to $1200 depending on the type of pre-existing water fountain and if the labor was performed by outside contractors or Town staff. These costs were covered either through donations of materials by the Parent Teacher Organization at a few schools or as part of a larger renovation project. Four sites were completed.

Town employees have devised an effective option that would allow simple installation of bottle fillers at water fountain locations (approximately one hour of installation time) at a substantially reduced material costs ($50-$150).

The result of these specific pilots led to a program/policy to install container fillers at all public buildings at locations where their use would be warranted – auditoriums, cafeterias, gymnasiums, and in hallways near these locations. If the using agency requested an additional location(s) this was addressed as needed. Approximately 90% of these fillers have been installed to date. The remainder will be installed in the next 2-3 months, depending on existing workloads.

As these simple installations were included as part of the Town plumber's work orders, costs were relatively low. Future installation cost estimates are not in excess of $75/fountain, including labor and materials. Maintenance costs are generally low as the fillers require no preventative maintenance. In the event of failure, one would be replaced, not repaired.

A complete inventory of drinking fountains appears in Appendix F. Photos of drinking fountain replacements and upgrades in Brookline Town buildings appear in Appendix G. An inventory of bottle filling stations appears in Appendix H.

d. New Town Regulations for Restaurants

Drinking Water Access. On January 1, 2016 Bylaw Article 8.35, Drinking Water Access, took effect. This bylaw requires Common Victuallers (commonly defined as restaurants with seating) doing business in Brookline to provide access to water from the tap. On July 1, 2016, a Public Health Regulation will expand this requirement to Food Vendors, which are largely take-out providers lacking seating in their establishments. Neither regulation stipulates that purveyors provide cups free of charge, nor does either state what amount may be charged.

e. Public Events

Events Requiring Water Supply and/or Other Forms of Hydration. There are numerous public events on Town property where access to hydration is important. A partial list of these events appears in Appendix I. Any restriction on the availability of bottled water, especially at locations where there are no alternative sources of water, would have to be carefully considered and accompanied by measures that ensure the availability of water for participants.

f. Relative Costs

Bottled Water versus Tap Water. Although public water treatment plants, pipes and reservoir maintenance are not free, the consumer does not pay for the water at the point it is used. Rather, taxes, water and sewer payments, and other state and municipal monies pay for the services and product provided by the MWRA and Brookline's delivery system. While public water is estimated to cost less than 1 cent per gallon, bottled water can cost many times more (Boesler, nd; Diffen, nd).

4. EXPERIENCES OF OTHER GOVERNMENTAL AND PRIVATE ENTITIES

The Committee researched the approaches that other North American municipalities and private entities have taken concerning the reduction in use of bottled water in plastic bottles. The following are the results of that research.

a. Governmental Bodies and Agencies

(i) Concord, Massachusetts. Concord passed a bylaw on April 25, 2012 concerning the "Sale of Drinking Water in Single-Serve PET Bottles." This made it "unlawful to sell non-sparkling, unflavored drinking water in single-serving polyethylene terephthalate (PET) bottles of 1 liter (34 ounces) or less in the Town of Concord..." The bylaw was put into effect on January 1, 2013. The bylaw lists exemptions (emergency circumstances) and the enforcement process (Town Manager). The penalties are a warning, a $25 fine, and a $50 fine, in the order of offense. Lastly, there is a provision in the bylaw for a suspension of the bylaw if the costs become too high.

A conversation with Susan Rask, Concord's Public Health Director clarified how the bylaw has affected the Town.

- The bylaw states that no business can sell one liter or smaller bottles of water. Due to this restriction, retailers have started selling 1.5 liter and larger bottles. Ms. Rask explained that when the shelves were emptied of 1 liter and smaller bottles, the retailers found other drinks in those sizes to substitute.
- Enforcement has been consistent and it is now primarily complaint driven. There have not been many issues and businesses know one liter or less goes against the language in the bylaw.
- According to Ms. Rask, one thing that Concord did that has been a success has been providing more hydration stations. However, this has not affected the average consumer and does not affect how local businesses stock their shelves.
- Rod Robison, Concord's Recycling & Disposal Program Coordinator, reported that DPW did not see a significant change in recycling tonnage and there was no cost saving to the Town.

(ii) San Francisco, California. San Francisco passed an ordinance on March 3, 2014 to amend the City Environment Code to ban "the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water..." This ordinance was put into effect on October 1, 2014. There are multiple exceptions: any City officer, department, or agency having the ability to waive the requirements if the requirement would not be feasible; waiving restrictions when they conflict with a state or federal grant; when water is necessary to protect public health when no reasonable alternative is available. Penalties for violations are $500, $750, and $1,000, in the order of offense. There is also a strong emphasis on increasing the City's commitment to providing public water (Timm, 2014).

(iii) Montreal, Quebec. The Mayor of Montreal has announced that the City is looking into banning plastic water bottles (after passage of a plastic bag ban that will go into effect in 2018). They are looking at a total prohibition, similar to Concord (Banerjee, 2016).

(iv) Department of the Interior – National Park Service. The National Park Service issued Policy Memorandum 11-03 on December 14, 2011 regarding the reduction of disposable plastic water bottles in parks. This memo gave regional directors the ability to review and approve "a disposable plastic water bottle recycling and reduction policy, with an option to eliminate sales

on a park-by-park basis." To date, there are at least 18 national parks that have already banned, or plan to ban, the sale of bottled water. Some of the parks that have already banned bottled water sales are Arches, Bryce Canyon, Grand Canyon, Mount Rushmore, and Zion. Soda, sports drinks, and fruit juices are still sold. To augment the lack of bottled water, parks have increased water filling stations (Grand Canyon installed ten for $289,000 and Zion installed three for $447,000) (US Department of the Interior, 2011; Schatz, 2015).

(v) Toronto, Ontario. Toronto banned the sale and distribution of bottled water in all Civic Centers, City facilities and parks. The 2008 Parks Waste Audit indicated that recyclables composed approximately 14% of the litter stream, making the disposal of waste difficult and potentially costly Plastic materials comprised the largest amount of recyclables at roughly 7%. The Audit concluded that reduction of plastic bottles in Toronto's parks would reduce contamination of the litter stream, and reduce the cost of dealing with contaminated loads that are not accepted at transfer stations (City of Toronto, n.d.).

(vi) University of Vermont. A report in the American Journal of Public Health (Berman & Johnson, 2015) described the effect of banning plastics water bottles at the University of Vermont:

- With shipment data as a proxy, the researchers "estimated bottle beverage consumption over three consecutive semesters: baseline (spring 2012), when a 30% healthy beverage ratio was enacted (fall 2012), and when bottled water was removed (spring 2013) at the University of Vermont. They assessed changes in the number and type of beverages and per capita calories, total sugars, and added sugars shipped" (Berman & Johnson, 2015).
- *The Results*: "Per capita shipments of bottles, calories, sugars, and added sugars increased significantly when bottled water was removed. Shipments of healthy beverages declined significantly, whereas shipments of less healthy beverages increased significantly. As bottled water sales dropped to zero, sales of sugar-free beverages and sugar-sweetened beverages increased" (Berman & Johnson, 2015).
- *Reverse Effect*: "The bottled water ban did not reduce the number of bottles entering the waste stream from the university campus, the ultimate goal of the ban. With the removal of bottled water, consumers increased their consumption of less healthy bottled beverages" (Berman & Johnson, 2015).

b. Private Businesses

(i) Trader Joes and Whole Foods, San Francisco, California. Although the San Francisco ban would not apply to the sale by private businesses, local food stores are adjusting to a civic mood that wants to reduce the use of plastic water bottles. In informal and unscientific surveys of Trader Joes and Whole Foods stores in San Francisco, a member of the Committee called the stores to ask about their experience with the single serving plastic water bottle ban. Store sales would not be impacted until October 2018 when the ban will fully take effect and will affect only bottles under 21 ounces. Trader Joe's currently carries a 16.9 ounce size which was described as "a very popular item." A manager at a Trader Joes store opined that even if they "take a hit" and lose sales, he expects they'll sell the larger size with a net effect of "probably no impact." A

Whole Foods store manager commented that at this time the store is still exploring the possible impacts of the ban. In the meantime, their vendors have started to use other, "sustainable packaging" in the form of boxes, which he said "are selling well" (J. Gilman, personal communication, April 2016).

5. NON PLASTIC WATER BOTTLE OPTIONS

a. Community Distribution of Reusable Bottles

Increasing the availability of reusable water bottles could decrease the demand for single-use bottled water. People could then bring water when leaving home or fill them at public fountains and water stations. Such bottles would include glass and metal bottles or sustainable non-toxic plastic containers

(i) Bottle Types. Plastic bottles are lightweight and the least expensive option. Glass is an option but can be heavier and can break. Stainless steel should literally last a lifetime, and is recyclable if damaged. These come standard with a polypropylene top, but bamboo is a more sustainable option, although more expensive. Many companies have bulk buying-programs that include a custom logo as part of the price.

(ii) Community Distribution. Reusable bottles are already available in Brookline at places such as Whole Foods (metal and glass) and Stop & Shop (plastic for $7-9). Concord did not distribute free bottles as part of their ban. They did sell logo bottles at a local store. Originally steel and plastic were offered, now only plastic is.

http://concordontap.org/take-action/purchase

Sample retail prices for the plastic bottles were $15.99 for smaller 0.6 liters and $16.99 for 0.75l liters.

In addition to making bottles available at retail locations, they could be distributed to low-income populations. This has been done in other communities with reusable bags in the context of bag bans. Newburyport distributed 7 thousand plastic reusable bags that were donated by a retailer that were surplus from a promotion. The City also bought some bags with a logo from a public contest. These were distributed to a dozen sites such as schools, public housing, food pantries and other non-profits. Cambridge is distributing 10 thousand bags in similar fashion. (They are even collecting surplus reusable bags, cleaning them and re-distributing them).

b. Bulk Water and Water Carts

As previously mentioned, bulk water containers are often made of thick and durable plastic so they are strong, long lasting, and reusable. Bulk water may be the best solution for emergency preparedness storage and other situations where portability and volume are of equal importance. Other than large plastic containers, the most common means of providing bulk water in emergency situations is the use of water carts or trucks. Often these trucks are filled from hydrants or other access points to public water.

6. COMMUNITY AND BUSINESS VIEWS

a. Website Survey

The Plastic Bottle Ban in Brookline survey asked respondents nine questions about plastic bottled beverages and tap water. Questions inquired about how many and what type of drinks were consumed, where plastic bottled beverages were purchased and how they were disposed of, if respondents drank or would be willing to drink tap water, and if they would be in favor of a Town-wide ban on plastic bottles. This survey should not be considered scientific or comprehensive, as it represents a convenience sample.

Approximately 550 people responded to the survey. Ninety percent of respondents said that they drink tap water. If there were more filling stations, 52% replied that they would not buy a reusable bottle whereas 48% would. More than half replied "No" that they would not support a ban on plastic bottles in Brookline. Almost 40% would, and the remainder was indifferent.

Approximately 80% replied that they drank beverages out of plastic bottles. As to what type and how many, the largest category chosen was water, followed by juice/sports drinks and soda, both at around half that of water. Dairy products and iced coffee/tea were consumed at around one quarter the rate of bottled water. The "Other (please specify)" option generated 83 comments, many of which mentioned seltzer or sparkling water. Several other comments were to the effect of "none at all". Most consumed one or zero plastic bottles per day. The majority of respondents who purchase plastic bottled beverages did so from grocery and smaller stores. A small minority (10%) obtained them from their employer, delivered from Poland Springs, or at events and while traveling. Nearly all respondents either recycle or reuse plastic bottles.

The final question solicited comments. A total of 260 were logged. The anecdotal message derived from them is that many Brookline residents support a ban for its public health benefits. More respondents however, feel that such a measure takes "Nanny State" actions too far, and that Brookline has bigger issues to tackle, such as obesity. Some supportive comments spoke to the relative success of the Concord MA ban. Many comments pointed out that there was no option to choose fewer than one plastic bottled beverage consumed per day in question 3 (E. Gilbert, personal communication. April 2016).The complete web-site survey results may be found in Appendix J.

b. Business Survey

Beginning on March 18, an online survey was distributed to non-food establishment businesses. To date, the survey has only yielded 15 responses, not a large enough sample size to support any conclusions that might be drawn from the data. In addition to asking businesses about their willingness to provide free or low cost tap water to customers and to estimate the percentage of customers that request a drink of water, the survey also included a comments section.

A majority of the respondents indicated that they would be willing to offer free or low cost tap water to customers and that less than 25% of customers ask for a drink of water while shopping. In the open comments section of the survey, several respondents suggested that providing access to tap water would be impractical and may present some public health and safety concerns with respect to

how the water would be accessed. For some businesses, customers would only be able to access tap water via the basement employee bathroom.

Related to the access issues mentioned above, Economic Development Staff is expressed their concerns that an effort to mandate offering free or low cost tap water by non-food businesses to customers in a clean and sanitary manner would result in infrastructure requirements and associated costs that would be overly burdensome. Costly new infrastructure would likely displace merchandise to make way for access to a resource that is already abundantly available via the town's 147 restaurants that are required to make tap water available to customers (Bylaw Article 8.35). Thus the Economic Development staff strongly recommended against imposing additional requirements on non-food businesses because of the financial impact on those businesses.

The complete business survey results may be found in Appendix K.

Maps showing food service permit holders by commercial area may be found in Appendix L. (residential food permit holders are not required to make tap water available to their residents).

(c) Bottled Water Industry

On May 24, 2015, the International Bottled Water Association (IBWA), a trade association for the bottled water industry, circulated a letter to Town Meeting in opposition to WA14. The IBWA argued that WA14 was not in the public interest because (1) efforts to restrict access to bottled water hinder individuals searching for a healthier beverage alternative, (2) bottled water has the lowest environmental footprint of any packaged beverage, and (3) bottled water is strictly regulated by the U.S. Food and Drug Administration as a food product, which makes bottled water a safe choice for consumers.

The letter made a number of specific statements that speak to some of the concerns of this Committee. They stated that since 1998, approximately 73% of the growth in bottled water consumption has come from people switching from carbonated soft drinks, juices, and milk to bottled water. They also stated that most of what people drink comes in convenient packaging and that if bottled water wasn't available 52% of people would choose soda or another sugared drink in convenient packaging – not tap water. Of course, the goal of this Committee is to reduce that percentage by providing greater access to public water. The letter also argued that bottled water has the lowest environmental footprint of any packaged drinks, citing a study by the environmental consulting firm Quantis[5] and that bottled water is regulated strictly by the FDA. The letter is attached to this Report at Appendix M.

[5] Quantis is an international environmental consulting firm. Their website says that they use a Life Cycle Assessment approach to understanding the environmental impact of their clients' operations, products, services, or technology.

IV. ACTION STEPS

Relatively Easy Steps - Requiring Minimal Approval; Low to No Cost

1) Appoint a task force to develop an education campaign to encourage people to decrease use of bottled water and increase use of public water; task force to partner with Department of Public Health, Department of Public Works, Planning and Community Development Department, Brookline Public Schools, and private agencies.

2) Design a promotion with Chamber of Commerce for a bottle give-away.

3) Communicate (from Dr. Balsam or other Town official) with the MA Department of Public Health on whether it would be feasible for laboratory results of testing of source water and bottled water of private bottlers to be posted on the department's website.

4) Organize a task force (possibly composed of high school students concerned with environmental issues) to plan fun promotional events at town events to distribute reusable water bottles partnering with radio stations or other entities.

5) Engage elementary, secondary, and college students to devise initiatives to reduce the use of bottled water among their peers and others.

6) Develop a "Youth Water Challenge" – in collaboration with schools and PTOs – to educate and engage youth and their parents.

7) Register all public drinking water sources on Blue W, a free website platform.

8) Develop map of local food establishments with drinking water availability.

9) Prohibit plastic bottles in Town beverage machines (cans and cartons are acceptable? AF), food trucks, restaurants or other businesses on Town property.

10) Continue with drinking fountain retrofits in all public buildings.

11) Borrow water station cart from MWRA for use at town events and consider purchasing a Town water station cart.

12) Research and consider endorsing select "bottle bills" currently pending in MA legislation (e.g. H.2875 "An Act to increase recycling in the Commonwealth" and S.1223 "An Act prohibiting the use of bisphenol-A in consumer products," etc.).

13) Urge schools and event sponsors to make available high water-content fruits and vegetables and promote their hydration benefits.

14) Discuss with food stores the possibility of making water available for people to fill their reusable bottles.

15) Discuss with food stores stocking water in cardboard containers and other sustainable materials *Note: At least one Committee member disagrees with this suggestion.

16) Discuss with food stores whether they would be willing to sell reusable water bottles at cost as a civic gesture; figure out how to incentivize such a gesture.

17) Sponsor public showings of the movie "Tapped".

18) Submit op-ed to Tab with overview of Report & guidance re: safety of Quabbin water; SSBs; bottled water, hydration stations, etc.

19) Reach out to elementary schools' Green Teams to educate on the importance of avoiding plastic water bottles & to promote water fountain use.

Steps Requiring Approval or Other Action by Town departments

1) Impose reasonable restrictions on sale of plastic beverage containers at Town-sponsored events and large events on Town property.

2) Deploy public water hydration options at such Town-sponsored events.

3) Use CIP funds to purchase water station cart(s) or water truck(s) to have available at town events; allocate money and staff resources to maintain it.

4) Use CIP funds to put water fountain in parks where there are nearby water lines; dedicate money to maintain the fountains.

5) Use CIP funds or other appropriated money to install service lines from nearby water mains where needed.

6) Use CIP funds or other moneys to provide hydration options for Brookline portions of Muddy River paths used by runners and cyclists.

7) Use CIP funds to purchase water trucks or bulk water hydration facilities for use by Town workers at job sites where such facilities are practical and convenient.

8) Work with School Committee to enact a policy restricting sugary drinks at school meals and vending machines and investigate providing 100 percent fruit juice in certain sizes and healthy milk products. (See Boston Public School policy).

Steps Requiring Action by Town Meeting

1) Appropriate money to fund a task force and private consultants to perform detailed study of infrastructure needs and costs of improvements to make public water available widely.

2) Appoint a task force to submit warrant article for appropriation of funds to complete the infrastructure improvements.

NOTE – Appendices are not attached to this document. Appendices including a Transcript from the Public Hearing on Bottled Drinking Water are available for review at http://www.brooklinema.gov/1310/Bottled-Water-Study-Committee.

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Report to town meeting from the Eminent Domain Committee

April, 2016

Executive summary

The Eminent Domain Committee was formed to review the potential taking of strips of land in Hancock Village, behind houses on Russett and Beverly Roads, for town recreation and park space. This report refers to the strips as the "buffer areas," unless other terminology is used in a quoted source.

Background on the Hancock Village property can be found in the Appendix. Designed by the Olmsted brothers' landscape architectural firm, the buffer areas were purposely left undeveloped when the Hancock Village apartments were built in the late 1940s. They have served as informal recreation space for both Hancock Village dwellers and nearby neighborhoods that had been left without readily available, public, active recreation space. On February 4, 2015, Brookline's Zoning Board of Appeals approved partly subsidized housing under Chapter 40B of the General Laws, to be built on them. Afterward, residents sought review of a land taking by eminent domain to continue providing active recreation space.

Such a taking would introduce a new, financially large, municipal priority that would need consideration in town planning, including projections for capital and operating expenditures and availability of funding sources, before an acquisition effort could be undertaken. Brookline is currently involved in a lawsuit, filed by the Board of Selectmen, seeking to overturn the Zoning Board of Appeals decision. Under these circumstances, the committee found significant economic and legal issues in taking land in the Hancock Village buffer areas by eminent domain.

The committee believes that the most promising approach to providing active, public recreation space near the Putterham neighborhoods is good-faith negotiation, provided the Hancock Village owner would designate some or all of the buffer areas, or adjacent land, for the purpose. The committee recommends, prior to pursuing eminent domain and as soon as possible, that Brookline approach the Hancock Village owner to commence such an effort. If such an effort does not result in a negotiated resolution, the committee recommends that the town promptly resume consideration of an eminent-domain taking.

Background of the Eminent Domain Committee

The Eminent Domain Committee was organized as an outcome of a town meeting resolution approved November 18, 2015, under Article 15, in an electronically recorded vote of 139-42-11, with all the members of the Board of Selectmen voting against the motion. By a vote of 18-4-0, The Advisory Committee had recommended adoption of the resolution. Article 15 had been submitted by petitioners organized by Regina Frawley, a Precinct 16 town meeting member.

A related article, also organized by Ms. Frawley, had won previous approval at the 2015 annual town meeting, asking the Board of Selectmen to study the proposed taking. The resulting study, coordinated by the town administrator, was published in the Warrant Report for the November, 2015, town meeting under the last article, Reports of Town Boards and Committees.

The Eminent Domain Committee was appointed during the following month, as asked in the Article 15 resolution: four members by the town meeting moderator and three by the Advisory Committee. The resolution asked the committee "to study the possible taking by eminent domain

of the two buffer strips behind Russett and Beverly Roads [in the Hancock Village property] for use as publicly-accessible recreation and park spaces."

Work by the Eminent Domain Committee
Following an approach outlined in Article 15, the moderator of town meeting appointed four members, and the Advisory Committee appointed three members of the Eminent Domain Committee. The committee members were Brookline residents Craig Bolon, serving as chair, Clifford M. Brown, Catherine Donaher, Thomas J. Gallitano, Jean Stringham, Leonard A. Weiss and Christine Westphal. As the main record of its work, this document presents findings and recommendations of the committee. The committee held an organizing meeting December 16, 2015. After that, the committee met seven more times, as follows:

January 6, 2016, public meeting at Brookline Town Hall
Hancock Village buffer areas, background and neighborhood concerns
Hancock Village buffer areas, potential as recreation and park spaces

January 20, 2016, public hearing at Putterham Branch Library
Potential of the Hancock Village buffer areas for public recreation and park uses

March 2, 2016, public meeting at Brookline Town Hall
Executive session for the purpose of discussing strategy with respect to potential litigation

March 16, 2016, public meeting at Brookline Public Library
Options and alternatives for public recreation and parks in Putterham neighborhoods

March 30, 2016, public meeting at Brookline Town Hall
Easement issues for Hancock Village buffer areas
Negotiation issues for Hancock Village buffer areas

April 20, 2016, public meeting at Brookline Town Hall
Hancock Village buffer areas: background, issues and strategy

April 25, 2016, public meeting at Brookline Town Hall
Composing and editing a report to town meeting

Neighborhood interest in the Hancock Village buffer areas
In the Putterham neighborhoods, the committee found substantial interest in the Hancock Village buffer areas as town recreation and park space. A public hearing held at the Putterham Branch Library attracted an overflow crowd, and the committee heard from more than thirty neighborhood residents. They recounted informal uses of the buffer areas by residents for recreation going back many years, which were allowed by Hancock Village owners and management. The majority of residents speaking at the hearing did not ask for major investments to be made to the buffer areas. They assigned highest priority to preserving the buffer areas as a neighborhood resource.

There is a substantial amount of recreation space in southern parts of Brookline, including the Putterham Meadows Golf Course and Larz Anderson Park, the largest municipally owned open spaces. However little such space serves Putterham neighborhoods as well as the buffer areas. Brookline's standard for acceptable level of service is a half-mile or 10 minute walk to a park.

Residents confirmed that Putterham neighborhoods lack generally useful public recreation and park space. The nearest substantial spaces are the Baker School playground and the Hynes Playground, located across the VFW Parkway in West Roxbury. For families living south of Independence Drive but north of the VFW Parkway, the Baker School playground can be a hike, up to 3/4 of a mile, and it is not available most of the time on school days. To get to the Hynes Playground means crossing the hazardous VFW Parkway, probably at either South Street or Independence Drive, neither one pedestrian-friendly.

Remedying a deficiency of public recreation and park space for Putterham neighborhoods has not been a town priority during more than 60 years since the Hancock Village buffer areas have been configured. The lack of active initiative to protect the buffer areas as open space left the neighborhoods vulnerable to losing a major, although informal, element of open space—now threatened by the Chapter 40B housing project that has been awarded a comprehensive permit.

Brookline's most recent open space plan, published in May, 2011, includes Hancock Village as one of eleven sites called "unprotected open space." [Table 5 on page 138] That plan recommends for Brookline to "establish a protocol for reaching out to property owners" [page 139] and invites review of a "conservation restriction placed on part of the land." However, the plan does not rank priorities for the eleven sites it lists and does not call for any action specific to Hancock Village.

According to Erin Gallentine, Brookline's director of parks and open space, improving the Hancock Village buffer areas for recreation and park uses need not involve a major project. Options vary from new fencing, at several thousand dollars, to extensive park and playground development with professional design and new walks, benches, fixtures, play equipment, landscaping, fountains and lighting, at up to two million dollars. The extent of improvement could be limited by the neighborhood conservation district bylaw.

Hazards of taking the buffer areas by eminent domain

The committee found that Brookline could be exposed to substantial hazards in trying to take the Hancock Village buffer areas by eminent domain, notwithstanding its consistent rejection of the longstanding pursuit of added development on this land. Part of the risk arises from commencing a taking after approval of a comprehensive permit for a Chapter 40B housing project sited on the land.

Some petitioners for the two articles leading to setting up the committee seemed to think they could take those issues out of play through review by a citizen committee not connected with the Board of Selectmen. However, what they proposed was a conventional land taking by the town. The committee believes such an approach probably connects with Brookline's historic and recent activities, including the lawsuit seeing to invalidate a comprehensive permit.

The committee considered Chelmsford v. DiBiase, a case decided by the Massachusetts Supreme Judicial Court in 1976, which supported a municipal taking by eminent domain in the face of a Chapter 40B housing development. However, this case did not appear to be a good match to Brookline's situation. There had been agreement among the parties that Chelmsford's taking was done in good faith. Moreover, according to the opinion in the case, for ten years before a Chapter 40B housing development was proposed, the community had been reviewing acquisition of the land at issue for a municipal purpose.

In Brookline, the committee did not find documented evidence of an official initiative to acquire land in Hancock Village buffer areas as town-owned space until after Brookline's Zoning Board of Appeals had approved a comprehensive permit for a Chapter 40B housing project, much of it to be built on that land. The committee heard anecdotal statements from residents that over the course of many years they received assurances from town employees and officials that the buffer areas would remain open space.

The prior approval of a comprehensive permit could add substantial hazards when facing the potential costs of a land taking. The permit might be held to add large amounts of additional value to an already large acquisition cost. In a likely legal dispute over value of land taken, the committee has been advised by expert counsel that a very large range of outcomes is possible.

Findings

Based on resident comments at a public hearing and the observations and analyses presented by Erin Gallentine, Brookline's director of parks and open space, the committee finds that Precinct 16 and the Putterham neighborhoods suffer from lack of readily available, public, active recreation space.

Based on its understanding of law as described by Brookline's town counsel, the committee finds that taking land by eminent domain for public, active recreation space appears to serve a valid public purpose.

Based on its understanding of law as described by Brookline's town counsel, the committee finds that historic uses of land in the Hancock Village buffer areas by neighborhood residents do not appear to qualify as a prescriptive easement—meaning, under state common law, open, continuous, exclusive, adverse and notorious use of land for 20 or more years.

The committee finds that Brookline would face significant legal and economic issues in taking land in the Hancock Village buffer areas by eminent domain. Among those issues are: (1) the longstanding pursuit of added development on Hancock Village land, (2) the town's multiple efforts to deny, delay and regulate such development, and (3) the approval of a comprehensive permit for a Chapter 40B housing project, prior to an initiative for acquiring public, active recreation space in the Hancock Village buffer areas.

The committee finds that if Brookline were to take land in Hancock Village buffer areas by eminent domain, costs of acquisition would include (1) the fair value of the land, assuming the highest and best use that could be reasonably anticipated, (2) the possible diminution of land

value experienced with adjacent property, and (3) costs of litigation. Additionally, there would be costs of improvements and ongoing maintenance.

As stated earlier, such a taking would introduce a new municipal priority that would need consideration in town planning, including projections for capital and operating expenditures and availability of funding sources. The committee finds that an appraisal of the buffer areas at this time would be premature. Absent state funding, the initial investment and ongoing operating costs would be large. The appropriate time to appraise value will be when acquisition becomes an actionable priority.

The committee finds that its review as an independent citizen committee, not connected with the Board of Selectmen, may not act to insulate Brookline from the legal and economic issues that have been described.

Recommendations to the Brookline town meeting

The committee believes the most promising approach to providing public, active recreation space near the Putterham neighborhoods is good-faith negotiation, provided the Hancock Village owner is willing to designate some or all of the buffer areas or adjacent land for the purpose. The committee recommends, prior to pursuing eminent domain and as soon as possible, that the town approach the Hancock Village owner to begin such an effort.

If negotiations between the town and the Hancock Village owner are not successful, the committee recommends that the town promptly resume consideration of an eminent domain taking. This should include consulting with experienced eminent-domain attorneys on the legal issues presented by a taking, as well as an analysis of the financial impact on the town. The committee recommends that the town determine a reasonable range of value for the buffer areas, based upon generally accepted appraisal methodologies.

References

Warrant Report for the 2015 Fall Town Meeting, starting November 17,
http://www.brooklinema.gov/DocumentCenter/Home/View/8372

Warrant Report for the 2015 Annual Town Meeting, starting May 26,
http://www.brooklinema.gov/DocumentCenter/Home/View/7589

Chapter 40B Housing Project at Hancock Village, begun November, 2013,
http://www.brooklinema.gov/649/Hancock-Village

Warrant Report for the 2011 Fall Town Meeting, starting November 15,
http://www.brooklinema.gov/DocumentCenter/Home/View/4591

Report of the Hancock Village Planning Committee, June, 2011,
http://www.brooklinema.gov/DocumentCenter/View/4106

Town of Brookline Open Space Plan, May, 2011,
http://www.brooklinema.gov/DocumentCenter/Home/View/2513

Chelmsford v. DiBiase, Massachusetts Supreme Judicial Court, 370 Mass 90, 1976,
http://masscases.com/cases/sjc/370/370mass90.html

Appendix
Background of Hancock Village

History of the development

The John Hancock Mutual Life Insurance Co. of Boston developed the property now called Hancock Village in the late 1940s. The company built 530 apartment units on the Brookline part and 259 units on the West Roxbury part of the former private, 9-hole Weld Golf Course.

Through written commitments advertised to Brookline's 1946 annual town meeting, in return for apartment zoning for most of the Brookline part, the Hancock Co. promised "high-grade garden village" development at a fairly low density, with no structure over 2-1/2 stories.

The Hancock Co. provided easements to continue Grove Street down the middle of the property as Independence Drive, extending to the VFW Parkway. Along the northern and eastern borders of the property on either side, strips of land, ranging from approximately 70 to 150 feet wide, were retained as part of an existing Brookline single-family zone. The Hancock Co. did not build on them. The buffer areas are roughly parallel to Beverly Road and to Russett Road. They were not mentioned in the 1946 commitments to Brookline's town meeting.

In 1950 and 1958, the Hancock Co. proposed to build parking lots on the buffer areas, and in 1967 the subsequent owner, the Niles Co. of Boston, also made such a proposal. The 1950 proposal sought to change Brookline zoning so as to allow parking lots in single-family zones. It was reviewed by the Planning Board, which opposed the change. Minutes of a Planning Board meeting on January 18, 1950, mention an "agreement" that the "buffer zone was to be used solely for single houses." The proposed zoning change was not enacted.

The 1958 and 1967 proposals were reviewed by the (Zoning) Board of Appeals. In each case, the Board of Appeals confirmed that parking lots were not allowed under single-family zoning and denied a variance from zoning, on grounds that the applicant had failed to show a hardship to the property owner, as required by state law. The 1958 Board of Appeals decision did not describe the buffer areas. The 1967 decision called the one behind Russett Road a "large landscaped area." Neither Board of Appeals decision mentioned commitments made by the Hancock Co.

Brookline never institutionalized unique aspects of the Hancock Village development in its zoning. When changing its zoning in 1962 to classifications based mainly on floor-area ratio limits, Brookline provided the M-0.5 zoning class that was used only for the apartment portions of Hancock Village. Although that became the town's lowest density of apartment zoning, it allowed more development than the Hancock Co. had built, and it did not describe or require the unique "garden village" style of development. Brookline left the buffer areas part of the single-family zone in the adjacent neighborhoods, then redesignated as S-7. It did not provide a zoning class that might have restricted the buffer areas against development, to maintain them as open space.

Hancock Village under current ownership

The Hancock Village property was purchased in 1986 by the Chestnut Hill Realty Co. (CHR) of West Roxbury from the intermediate owner, the Niles Co. of Boston, while it was subject to local

rent control. When under Niles management, the property was called Westbrook Village, but CHR revived the Hancock Village name. In 1994, Massachusetts voters approved a state initiative ending authorization for local rent control, which lapsed at the end of 1995. CHR began to manage Hancock Village as conventional private housing.

Starting in 2008, CHR began to promote added development, proposing to build at least 450 new apartments in the Brookline part of Hancock Village plus parking lots, including development of the buffer areas. Under almost any approach, that amount of development would have exceeded limits of zoning. The Board of Selectmen appointed a 14-member Hancock Village Planning Committee (HVPC) to investigate.

After several public reviews, in June, 2011, HVPC reported that "the proposed use would adversely affect the neighborhood." The committee's report cited problems with traffic, drainage, open space and school impacts. In the buffer areas, HVPC found "there is not enough room to include a necessary access road to accommodate S-7 sized lots," asserting, "CHR should not be seeking to build parking or housing in this space."

Hancock Village regulation

A November, 2011, town meeting authorized neighborhood conservation districts (NCDs) in a new general bylaw [Article 5.10 of Brookline bylaws] and designated Hancock Village as the first such district. [Section 5.10.3.d] According to the November, 2011, warrant report, the NCD concept had been investigated in a study that was funded by the Massachusetts Historical Commission, completed in 2005, but it was not implemented until six years later, during pressure for Hancock Village development.

Brookline's NCD bylaw describes development of Hancock Village in "the 'garden village' style, meaning that each dwelling unit had a separate entrance." It also describes "a 'greenbelt' serving as a buffer between the development and adjacent single-family homes." These were the first mentions in Brookline laws and regulations of unique aspects of the Hancock Village development. NCD guidelines for the district call for "architectural design and building materials" to be "compatible with the existing garden-village town-house architecture."

Hancock Village guidelines provide that added development "shall maintain the spatial organization of the district and shall not have a significant negative impact." Potential negative impacts cited include "loss of the 'greenbelt' now serving as a buffer to the abutting single-family detached homes." This was the first requirement in Brookline laws and regulations treating the Hancock Village buffer areas as open space rather than as potential single-family house lots.

Proposed new Hancock Village housing, using Chapter 40B

In August, 2012, a CHR subsidiary filed a proposal with the Massachusetts Development Finance Agency to build 271 new apartment units at Hancock Village, using powers under Chapter 40B, Sections 20-23, of the General Laws to override local regulations of all sorts, in return for building partly subsidized housing. The proposal included 11 3-story buildings plus parking lots, covering the buffer areas, and a 5-story apartment tower over two parking levels, to be built at the site of a large rock outcrop near the extension of Asheville Road.

CHR abruptly withdrew its first proposal later in the year, after it apparently learned that staff of its state sponsor had recommended against approval. In September, 2013, a CHR subsidiary returned to the Massachusetts Development Finance Agency with a somewhat smaller proposal, calling for 192 total new apartment units and 345 total new parking spaces. That December, the state agency issued a project eligibility letter for the second proposal, allowing an application to Brookline's Zoning Board of Appeals for a comprehensive permit, in lieu of all other local permits, including NCD approval.

The Brookline Board of Selectmen filed a lawsuit in Norfolk Superior Court challenging the project eligibility letter. The defendants prevailed when the court awarded summary judgment, agreeing with CHR and the state agency that state law does not provide for such a challenge until an application for a comprehensive permit has been reviewed by a local board of appeals. The Massachusetts Court of Appeals upheld the superior court. Because the 1946 commitments by the Hancock Co. had not been institutionalized as zoning bylaw provisions or in special permit requirements, the Court of Appeals said they had the standing of deed restrictions, expiring after 30 years. The Supreme Judicial Court denied further appellate review.

The CHR subsidiary submitted a comprehensive permit application to Brookline's Zoning Board of Appeals on November 26, 2013. Local reviews and hearings for the Chapter 40B Hancock Village housing proposal extended over more than a year. On February 4, 2015, the three regular members of the Brookline Zoning Board of Appeals voted to approve a comprehensive permit for the proposed project, with 70 conditions. The permit limited development to 161 total new apartment units and 292 total new parking spaces. Of those, 52 apartment units in 11 buildings and 193 parking spaces were to be located in the buffer areas. As approved, the project would have 16 percent fewer new apartment units than the 2013 application sought and 15 percent fewer new parking spaces.

During the reviews and hearings, members of the Board of Selectmen expressed objections to the Chapter 40B project at Hancock Village. On March 11, 2015, the Board of Selectmen filed a lawsuit in the Massachusetts Land Court challenging several aspects of the comprehensive permit, its project eligibility letter and the review process. Named as defendants were the CHR subsidiary awarded the permit and the three members of the Board of Appeals who had approved it, in their official capacities.

When approving a comprehensive permit, the Board of Appeals largely ignored Brookline's NCD bylaw, allowing total "loss of the 'greenbelt' now serving as a buffer to the abutting single-family detached homes," in the words of the bylaw. The complaint initiating the lawsuit stated that the comprehensive permit approval was "inconsistent with law" and was "arbitrary, whimsical and capricious." The Land Court denied preliminary motions and as of April, 2016, was moving toward trying the case.

To: Sandy Gadsby, Moderator

From: Moderator's Committee on Leaf Blowers

Date: 5/4/2016

Preliminary Report to Town Meeting Spring 2016

Executive Summary

The Committee was organized by the Moderator and sworn in by the Town Clerk in December 2015. It adopted the following charge:

> To review and evaluate the provisions of the Town's By-laws, Article 8.15 – Noise Control (with respect to Leaf Blowers), and Article 8.31 - Leaf Blowers. The Committee will consider the Selectman's Noise By-Law Committee report, leaf blower abuses, inappropriate uses, best practices, provisions used in other towns, property owners' responsibilities, landscaping service provider responsibilities, Town responsibilities, enforcement issues, and other relevant matters. The Committee expects to make a preliminary report to Spring Town Meeting 2016 and a final report with recommendations, and, if indicated, a warrant article amending the current By-laws, to the Fall 2016 Town Meeting.

The Committee developed a three phased strategy – Data Gathering phase; Analysis and Solutions phase; and Recommendations and Report phase – to achieve its goal of a Final Report and, if indicated, a warrant article for the Fall Town Meeting in November, 2016.

The Committee, to date, has:

- Reviewed the Selectman's Leaf Blower By-law Committee's findings;
- Held a public hearing on the current Noise and leaf blower by-laws;
- Examined annual leaf blower complaint data and complaint "hot spots";
- Conducted an online survey, with some 1,300 responses and over 3,600 comments;
- Surveyed and considered some 21 other municipalities' leaf blower regulations;
- Evaluated noise levels and leaf clearing efficiency of different machines (both gas and electric) in a live trial;
- Learned about future technology developments for noise and battery improvements;

The Committee intends to continue its Data Gathering phase until June. The Analysis and Solutions phase is planned from June to September, and the Final Recommendation and Report phase slated for August through October.

A warrant article, if indicated, would be considered in the August to September time-frame, and would meet Warrant Article filing deadlines.

Committee

The Fall 2015 Town Meeting referred the subject matter of Article 10, which as drafted would have banned the use of leaf blowers, to a Moderator's Committee. The Committee first met in December, 2015. The Committee consists of:

John Doggett	TMM P13, Chair
Dennis Doughty	TMM P3, Secretary
Neil Gordon	TMM P1
Benedicte Hallowell	TMM P15
Faith Michaels	TMM P5
Jonathan Margolis	TMM P7
Maura Toomey	TMM P8

Strategy

The Committee is currently in its Data Gathering phase, which will continue until May/June, 2016. From June through August 2016, the Committee plans to analyze the data it has gathered and deliberate on both potential solutions and, accordingly, recommendations. The Committee will then produce a Final Report for Fall 2016 Town Meeting. If indicated, the Committee will prepare a warrant article for the Fall 2016 Town Meeting.

Data Gathering Phase

The Committee met 6 times in the January/May period. The Committee reviewed the Selectmen's Noise Bylaw Committee findings and recommendations, including the status of recommendations, with Selectman Franco. The Committee held a well-attended Public Hearing in February in which Lt. Harrington from the BPD commenced with a presentation on leaf blower noise complaints for the year with maps of "hot spots". This was followed by public comment, including from several TMMs and landscape contractors, speaking to the issues and finishing with a constructive general discussion among all participants.

The Committee, working with BenVivante (Town IT Dept. staff) produced an on-line survey, using Survey Monkey. The Committee reached out to all TMMs, many neighborhood associations, the Tab, and used the home page of the Town web site to bring this survey to the attention of as many as possible. The Committee received over 1,300 responses and more than 3,600 comments.

The Committee understands that this is not a statistically valid survey, in that it was self-selecting and not randomized. However, it does represent the views of 1300 respondents and can be thought of as an extension to the public hearing. The Committee was able to analyze the data by precinct for over 1,000 responses that gave street names. This input will be used to guide the Committee through its solutions and recommendations phase. (A summary of response data analyzed will be published in the Committee's Final Report.)

Future topics planned for the Data Gathering Phase include: Town leaf blower usage; enforcement of regulations; homeowner and contractor responsibilities; best practices and techniques; emissions and health; and legal guidance on recommendations and any proposed regulations.

The Data Gathering phase will transition to the Analysis and Solution phase in June, although there will likely be some overlap between these two phases.

Analysis and Solution Consideration Phase

This phase will build on ideas generated in the Data Gathering phase and is anticipated to start in June and continue into September.

Recommendation and Final Report Phase
This final phase is anticipated to start in August and likely continue through October.

The Committee anticipates at least one public hearing during these phases.

Warrant Article
The Committee has not yet determined if a warrant article for the Fall Town Meeting is indicated, but, if a warrant is indicated the Committee is aware of the filing deadline.

Learned to Date
Brookline has a significant issue in removing leaves in the Fall, and, to a lesser extent, in the Spring. This is unlike west coast municipalities, some of which have been most aggressive in controlling leaf blower use. Brookline residents expect to clean their yards, and expect the Town to clean its parks, public open spaces, school yards, etc., and the public ways.

Regarding leaf blowers, there are many different stakeholders with both legitimate complaints and legitimate considerations. Stakeholder issues both conflict and overlap.

Through its data gathering to date, the Committee has learned that the use of leaf blowers is more complex and multifaceted than we might have initially realized. As isolated examples: Is a more powerful machine more annoying than a less powerful machine used for a longer period of time? What factors other than dB make the sound of leaf blowers annoying and how might these be regulated?

The Committee's main, but not exclusive, focus is on sound and its minimization. At least on a preliminary basis, the Committee believes that education, training and the reduction in unnecessary use will be key components in combating sound nuisance levels. While additional regulation may be needed, the Committee believes that behavioral changes can be successful to achieve sound nuisance reduction, and that regulation enforcement, while needed, should be a last resort.

Although the Committee's work is not complete, we would like to thank all residents who have participated in the public hearing and the on-line survey, concerned citizens who have phoned or emailed, members of the landscaping community, the Brookline Police Department, the Department of Public Works, particularly the Parks and Open Space Division and the Selectmen, all of whom have helped the Committee in its deliberations so far. We look forward to continued help and advice as we move forward to fulfill our charge in the Fall.

REPORT OF THE MODERATOR'S COMMITTEE ON ZONING FAR TO THE MAY, 2016 TOWN MEETING

I. Appointment and Charge of the Committee

The Moderator's Committee on Zoning FAR was appointed by the Moderator as a result of the vote referring Article 12 at the November, 2015 Town Meeting to a Moderator's Committee.

The Committee members are Richard Benka (former Selectman, former chair Selectmen's Zoning By-Law Committee ("ZBLC")), chair; Jesse Geller (Chair, Zoning Board of Appeals; ZBLC); Linda Hamlin (Chair, Planning Board; ZBLC); Marian Lazar (Conservation Commission; ZBLC); M.K. Merelice (TMM Pct. 6; ZBLC); and Lee Selwyn (TMM Pct. 13 and the Article 12 petitioner). The Committee has received particularly useful assistance from Michael Yanovitch, Deputy Building Commissioner; Gary McCabe, Chief Assessor; Jed Fehrenbach, GIS Administrator/Developer; and Lara Curtis Hayes, former Senior Planner.

The Committee's charge is:

> The Moderator's Committee on Zoning-FAR was created in response to Warrant Article 12 at the November 2015 Town Meeting. Article 12 sought to modify the definition of "habitable space" in the Zoning By-Law to restrict the construction of out-sized homes. The potential impact of the proposed change on existing homes was noted and alternative approaches were suggested. Town Meeting voted that "the subject matter of Article 12 be referred to a Moderator's Committee with the request that a preliminary report be presented at [the] Spring 2016 Town Meeting with the goal that a new Warrant Article be presented to the Fall 2016 Town Meeting."

This report is submitted in response to Town Meeting's request for a preliminary report at the Spring 2016 Town Meeting. **The Committee would appreciate input from Town Meeting Members and residents as it proceeds with its work toward a potential Warrant Article for the Fall 2016 Town Meeting**. Comments can be emailed to the Committee's chair at rcvben@verizon.net or offered to the Committee at one of its meetings.

II. Background -- The FAR Issue Presented in November 2015 by TM Article 12

A. Definitions. The Brookline Zoning By-Law controls the density and bulk of structures in our neighborhoods through a number of constraints, including minimum lot size and width requirements; front yard, back yard and side yard setbacks; open space and landscaped open space requirements; height limitations and, last but not least, "**Floor Area Ratio**" or **FAR**. The permissible Floor Area Ratio of a structure is essentially defined as the "**Gross Floor Area**" or **GFA** (in square feet) of a building divided by the square footage of a lot. Thus, for example, the permissible FAR in an S-10 Zone (Single Family; minimum lot size of 10,000 square feet) is 0.30, meaning that a house with 3,000 square feet of GFA could be built on a 10,000 square foot lot, or a house with 3,600 square feet of GFA on a 12,000 square foot lot, and so on.

The foregoing is relatively straightforward, but the devil is in the details:

Under Brookline's Zoning By-Law, **Gross Floor Area** includes "the areas of all floors of all principal and accessory buildings whether or not habitable except as excluded." Thus, the spaces on the first

and second floors of a typical two-story house would be counted as part of GFA (and thus when measuring FAR) even if they were not "habitable" (e.g., even if they had no windows and were totally unfinished, having no floor boards, no wallboard, no heat, no electricity, no plumbing, etc.). However, a different rule applies to "cellars, basements, attics, [and] penthouses," which are excluded from the calculation of GFA if they are "not habitable."

This takes us to the definition of "**Habitable Space**" in the By-Law. Under the current definition, "Habitable Space" is defined, in relevant part, as "[s]pace in a structure for living, sleeping, eating, or cooking; otherwise used for human occupancy; or finished or built out and meeting the State Building Code requirements for height, light, ventilation and egress for human habitation or occupancy."

As a result of this cascading series of definitions, **"unfinished" basement or attic space (unlike first or second floor space) has not been counted when calculating GFA, even if it meets all State Building Code requirements for habitability.**

B. Allowing Extra GFA Under Section 5.22. In 1985, Town Meeting created exemptions to the otherwise-allowable GFA by adding Section 5.22 to the Zoning By-Law. As explained by the Planning Board to the January, 1985 Town Meeting, the new section allowed exemptions to GFA limits only by special permit and was intended to apply "only to existing residences":

> The section would allow a limited increase in floor area in order to accommodate families who need additional space in an existing dwelling unit or house. ... A valid policy of the town would be to provide modest flexibility for Brookline families to enhance the livability of existing units, thus promoting the stabilization of residential neighborhoods in the Town.

Section 5.22, as originally drafted in 1985 and as amended through 2002, allowed increases of floor area only by special permit in various zoning districts for one-unit to four-unit buildings. In S and SC districts up to **30%** of the allowable GFA could be added by the conversion of interior spaces (e.g., attics and basements) from non-habitable to habitable space, or up to **20%** of the allowable GFA could be added by exterior additions. In T, M-05, M-1.0 and M-1.5 districts up to **20%** of the allowable GFA could be added.[1]

Because the exemptions were by special permit, they all required both notice to abutters and approval by the Zoning Board of Appeals. Among other provisions, the special permit process required that "the impact ... on abutting properties" be considered, that additional GFA be "located and designed so as to minimize the adverse impact on abutting properties and ways," and that the ZBA find that the "specific site is an appropriate location for such a ... structure" and that the "use as developed will not adversely affect the neighborhood." *See* Zoning By-Law §§ 5.22, 9.05. **These pre-2002 exemptions form the basis of Section 5.22.3 of the current Zoning By-Law.**

Then, in **November 2002**, the Department of Planning and Community Development proposed and Town Meeting approved a warrant article that **liberalized** in at least three ways the exemptions for **the**

[1] The pre-2002 By-Law amendments created other exemptions, allowing, for example, a combination of interior conversions and exterior additions up to 30% of FAR if the exterior construction was limited to 35% of the additional floor area, and creating an "escape valve" for additions of less than 350 square feet if the end result was less than 150% of FAR (which could allow a small addition, such as a kitchen expansion, for homes already over 120%). The various pre-2002 options are applicable in various zoning districts and are subject to various conditions.

conversion of basement and attic space: (a) the conversion of non-habitable basement and attic space to habitable space was no longer limited to 20% or 30% of the allowable GFA; the **resulting GFA was now capped at 150%** of what would otherwise be permitted; (b) the conversion could be done **"as-of-right,"** that is, without a special permit requiring notice to abutters and findings of no adverse impact on the neighborhood; design review would be required only for required exterior changes; and (c) the new provisions applied to any single- or two-family home **regardless of zoning district**. This exemption **forms the basis of Section 5.22.2 of the current Zoning By-Law.**

A stated purpose was "[t]o be an incentive to retain existing structures that fit the scale of the neighborhood and minimize the demolition of existing homes and the building of new larger homes that are out-of-scale with the neighborhood." November 2002 Combined Reports, Planning Board Report, p. 10-5. The premise was that, since the basements and attics of existing homes were already part of the fabric of the neighborhood, simply "finishing" their interiors would not add to the bulk of the building and therefore create out-of-scale buildings. Moreover, basements in older, existing buildings not designed with an eye to future conversion would be largely underground and would thus not add to visible building bulk, while attics in older buildings likewise would not add excessively to building bulk because they would have been designed to be architecturally pleasing rather than built with the bulk to provide sufficient headroom for later conversion.

It was recognized that the foregoing November 2002 change, if not somehow limited, exacerbated the potential for "gaming" our Zoning By-Law: because unfinished basement and attic spaces are excluded from the calculation of GFA, new single- and two-family residences could be constructed as-of-right with no limit on such unfinished spaces, and then, shortly after receipt of the Certificate of Occupancy, those spaces could be "finished," also as-of-right, under the new Section 5.22 with no further approval from the Board of Appeals. This would therefore amount to the creation of a house that, *de facto,* was 50% greater than the Zoning By-Law otherwise allowed.

The November 2002 warrant article therefore also incorporated a provision designed to limit opportunities for developers to build new oversize houses while providing the desired flexibility to owners of existing homes to make use of basement and attic space: the exemptions in Section 5.22 were expressly limited to homes "**erected and configured prior to the adoption of this section.**"

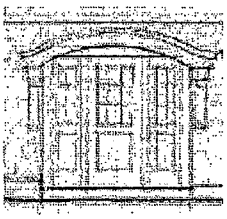
Unfortunately, the Massachusetts **Attorney General struck down the 2002 language limiting exemptions to existing homes** because, according to the Attorney General, it had the impermissible effect of treating homes built prior to 2002 differently from those built after 2002, in violation of the Attorney General's interpretation of State zoning law.

As described by the Advisory Committee in May, 2005, the **Attorney General's ruling created** an "enormous" problem, **the "McMansion loophole."** May 2005 Combined Reports, Advisory Committee Recommendation, p. 11-5. Developers were able to build oversized buildings with large "basement" and "attic" spaces that could be immediately "finished" after the certificate of occupancy was issued, to take advantage of the 50% basement/attic exemption. The problem was exacerbated by the fact that a "basement" under the Brookline Zoning By-Law is defined as any "portion of a building which is partly or completely below grade." Zoning By-Law, § 2.02.1. Thus, even if the vast majority of the "basement" is well above grade with windows and ground level access, it is still considered a

"basement."[2] In addition, there is no limit on the bulk of an "attic," which is simply defined as the "[s]pace between the ceiling beams, or similar structural elements, of the top story of a building and the roof rafters." *Id.* § 2.01.3. Thus, an "attic" or "basement" under the Zoning By-Law could have such elements as eight-foot ceiling heights, full windows, full stairway access, and, in the case of a "basement," ground level access.

The May 2005 Town Meeting responded with a second amendment to §5.22. Under the **May 2005** amendment, the expansion of space for habitable use, including the as-of-right 50% basement/attic exemption, could still be done but **only after ten years had elapsed since the issuance of the original Certificate of Occupancy**. It was thought that if attic or basement space beyond the allowable FAR had to be left vacant for ten years, there would be no incentive for developers of new homes to overbuild additional space.

Although the 2005 amendment was approved by the Attorney General, **the 10-year waiting period has not proven to be the disincentive that was intended**. It failed to close the "McMansion loophole" or otherwise achieve its stated goals of preventing the demolition of smaller homes or the building of new out-of-scale homes that are ready for build outs. "Square footage sells," and the Deputy Building Commissioner estimates that about 90% of new one- and two-family homes are therefore built with "attic" and/or "basement" spaces that could take advantage of the 50% basement/attic expansion, either legally after 10 years or illegally prior to that time.[3] Because the space is shown on plans as "unfinished" and thus excluded from the calculation of GFA, abutters are not able to challenge the inclusion of the space or the resulting bulk of the building, or, indeed, even notified of the plans at the time of initial construction. A number of new houses were identified that were advertised with square footage exceeding the allowable FAR, including one where the developer told Town Meeting Members looking at the property that he would "finish" the attic immediately after the house was sold, and another where a new house was originally designed with "unfinished" space in the "basement" identified as "storage" space, despite the fact that it was largely above grade, had a formal doorway exiting to grade (see illustration), a fireplace, and full-height double windows, and where there was an 1800 square foot "unfinished" "attic" with eleven full-height double windows and 8-foot ceiling clearance.



[2] In contrast, the state Building Code states that a basement is considered a "story above grade plane" if, for example, the floor above the "basement" is more than 6 feet above "grade plane" (basically, the average finished ground level adjoining the building's exterior walls), more than 12 feet above the finished ground level at any point, or more than 6 feet above the finished ground level for more than 50% of the building perimeter. See International Building Code Sec. 202; 780 CMR 202 ("Story Above Grade Plane"). The broad "basement" definition in Brookline's Zoning By-Law follows an outdated definition of "basement" and has not been updated to conform to changes in the International Building Code or the state Building Code.

[3] On-site review by Committee members of new single-family homes built within the last three years indicated that there is not always a visual impact of developable attics or basements or that, particularly on large lots with large setbacks, the building size is not necessarily inconsistent with neighboring properties.

C. The Proposed Article 12 Approach. When Article 12 was proposed at the November 2015 Town Meeting, its stated goal was to stem the demolition of existing FAR-compliant houses and the construction of new out-of-scale houses that effectively capitalize on FAR 50% greater than that shown in the By-Law, thus wasting resources, making Brookline less affordable for young families, and threatening the character of our neighborhoods. Article 12 attempted to limit developers' opportunities to "game" the existing Zoning By-Law.

Article 12 took the approach of redefining "Habitable Space" to include not just space "used" for human occupancy (as in the current definition), but also space "intended for use, now or in the future" or "usable" for human occupancy. It would also have included not just "finished or built out" attic or basement space meeting State Building Code requirements for occupancy (as is now the case), but also attic or basement space that "could without significant alterations to the exterior of the building be modified to meet" such Code requirements, regardless of "whether or not" the space was now "finished or built out."

The Planning Board recognized the problem that Article 12 was designed to address, noting that there have been a number of instances where new homes have been built with unfinished attics and basements, often with windows or dormers and adequate ceiling heights to allow for future conversion, resulting in homes that feel too large for the neighborhood. It noted, however, that Article 12 as drafted would have included unfinished space in the calculated GFA of **all** homes, including existing homes. This would have increased the non-conformity of many existing homes, thereby increasing the number of homeowners who would not be able to take advantage of the existing FAR exemptions allowable under Section 5.22. This, in the view of the Planning Board, would have required homeowners to seek variances in order to expand a kitchen, add a mudroom, or enclose a back deck.[4] The Planning Board also believed that Article 12 would have introduced uncertainty into the zoning process by requiring the Building Commissioner to determine if there was "intent" to modify unfinished space into finished living area in the future.

The Planning Board, Selectmen and Advisory Committee thus recommended referral of Article 12 for further consideration, and suggested some other alternatives to more "directly address" the "root of the problem: exceedingly large new homes." These included modifying the overall allowed FAR in zoning districts; requiring a special permit for attic/basement conversions similar to what is required for exterior additions; requiring design review of new buildings; lowering the allowed 150 percent FAR exemption for attics and basements to 130 percent, in line with what is currently allowed for other interior conversions and what was allowed prior to 2002; increasing the time required prior to

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[4] The Committee notes that the Planning Board's analysis may not be legally correct. As interpreted in recent Massachusetts Court of Appeals decisions, state law would allow a non-conformity created by a zoning change (such as an FAR non-conformity) in a one- or two-family structure to be extended (e.g., by expanding a kitchen) as long as the Zoning Board of Appeals, as a special permit granting authority, determined that the extension of the non-conformity was "not substantially more detrimental than the existing non-conforming use to the neighborhood."

In addition, the Planning Board assumed that "any new regulations are required to apply equally to existing and new structures." While that was the apparent conclusion of the Attorney General in striking down the Town's 2002 amendment to Section 5.22, the Committee has discovered that that Attorney General subsequently allowed a 2004 zoning change in the Town of Falmouth that was "date-based," in that it allowed conversions where the number of bedrooms was not increased "above the number in existence in the dwelling as of January 1, 1980" and where the conversion did not "increase the gross floor area of the dwelling, as it existed on January 1, 1980." The Committee intends to further investigate the Falmouth decision.

conversion; and restricting the extent of other existing FAR exceptions, e.g., the provisions of Section 5.22 beyond the basement/attic exemption.[5]

The Planning Board "support[ed] further discussion of the 'McMansion loophole' issue, especially in the context of how much floor area is reasonable on a property, and how the Zoning By-law can best regulate floor area and still offer clear incentives for preserving a home."

The Moderator's Committee on Zoning FAR, as requested by Town Meeting, will continue its work towards Zoning By-Law changes to address these issues, with the goal of a proposed warrant article for the Fall 2016 Town Meeting.

III. The T-District FAR Issue

In the course of the Committee's discussion of FAR issues, Deputy Building Commissioner Michael Yanovitch identified an additional FAR issue that had become a "nightmare" in the Town: the fact that the potential FAR allowed in "T" (2-Family) districts is substantially greater than the actual existing FAR in those districts, allowing substantial "as-of-right" expansions. Moreover, T districts allow two-family and attached single-family houses to be built as of right. There are currently more than 850 single-family houses in T districts. Our Zoning By-Law potentially allows the demolition (or conversion) of many of these houses and the creation, in the place of one single-family house, of either two attached single-family houses or a two-family house at a much higher FAR. These districts have already seen new structures that are inconsistent with the existing neighborhood fabric, and there could be many more in the future.

Specifically, the allowable basic FAR in T-6 districts (minimum lot size of 6,000 square feet for a two-family residence) is 0.75; the allowable basic FAR in T-5 districts (minimum lot size of 5,000 square feet for a two-family residence) is 1.0. These FAR figures do not even include the additional FAR exemptions allowed under Section 5.22 (*see* pp. 2 to 4 above).

The Committee has utilized the Assessor's database to test this issue. The database includes lot area and the Assessor's figures for finished floor area, allowing the calculation of the actual FAR for each property in the Town.[6] The Committee, working with the Assessor's Office and Jed Fehrenbach, the Town's GIS Administrator/Developer, had zoning district information added to the Assessor's database, thus allowing the calculation of the potential GFA for each property (both excluding and including additional expansions permitted under Section 5.22). The potential "build out" in T districts appears to justify the "nightmare" characterization. As shown on the attached table, more than half of the structures in these districts (856 of 1635) are still single-family: there are 697 single-family structures in T-5 districts and 159 single-family structures in T-6 districts, in both of which zoning would allow two-family or attached single-family houses as of right. Of these, 473 (391 in T-5; 82 in

[5] It should be noted that a number of the suggestions (e.g., requiring a special permit for conversions or increasing the required waiting period before conversions) would not, without further By-Law revisions, restrict the ability to add substantial basement and attic bulk at the time of new construction, since basements and attics could still include unlimited "unfinished" space without having it counted as part of GFA. Even if a special permit were required for *conversions*, the additional bulk could have already been added at the time of construction.

[6] The Assessor's figures for FAR are sometimes more or sometimes less than the FAR that would be calculated from a survey of lot size and precise architectural measurements of a structure in connection with the application for a building permit. Nevertheless, the Assessor's figures provide a useful picture of the potential "build out" in T districts.

T-6) are on lots potentially large enough to permit two-family or attached single-family development.[7] The average single-family and even two-family structures are, moreover, only about 40% of the currently allowable FAR including the potential Section 5.22 exemptions. Stated otherwise, our current Zoning By-Law could allow the construction of two-family dwellings or attached single-family dwellings, or the expansion of single-family dwellings, with a **potential density approaching two or two and one-half times the existing density**. The increased physical density could not only have visual impacts on neighborhoods, but could also have impacts on population density, transportation needs, and demands on Town and School services.

Zone and Existing Use[8]	**No. of lots**	**Basic Allowable FAR (without Sec. 5.22 exemptions)**	**Allowable FAR with max. 50% 5.22 exemptions**	**Average Existing FAR**	**Avg. Existing FAR as % of Basic Allowable FAR**	**Avg. Existing FAR as % of Allowable FAR w/ Sec. 5.22**	**No. of current SF lots w/ min. sf for 2-fam. or two attached SF**
T-5 Single-Family	697	1.0	1.5	0.55	55%	37%	391
T-5 Two-Family	480	1.0	1.5	0.61	61%	41%	
T-6 Single-Family	159	0.75	1.125	0.44	59%	39%	82
T-6 Two-Family	192	0.75	1.125	0.51	68%	46%	

Neighborhood concerns are evidenced by the number of actions recently taken, on a piecemeal basis, in T-5 and T-6 neighborhoods: the creation of the Greater Toxteth Neighborhood Conservation District in May, 2014; the downzoning of properties near Meadowbrook Road from T-5 to S-4 in May, 2014; and the earnest attempt to create the Settlement Neighborhood Conservation District in the residential area across from the Heath School in November, 2012. The first two actions, both of which involved substantial effort, have extended some protection to only about 85 out of the more than 1,600 structures in T-5 and T-6 districts.

[7] Some lots might not permit as-of-right two-family or attached single-family development because of other constraints such as lot width. On the other hand, some of the current single-family lots are double or triple the size necessary for such development and could potentially be subdivided.

[8] In addition to the single-family and two-family structures, there are 92 non-conforming three-family and larger structures in T-5 districts, and 15 in T-6 districts, for a total of 1,635 structures in T districts.

Every precinct in Town, with the exception of Precinct 16, contains one or more T districts.[9] Any change in T-district zoning would raise the political questions of neighborhood protection and density vs. the expectations of private property owners. The Planning and Community Development Department or the Selectmen's Zoning By-Law Committee may consider taking up this issue.

IV. Potential Next Steps

A variety of options, including changes to the Zoning By-law, have been discussed by the Committee, including

- Doing nothing; continuing with the status quo
- Adopting Article 12 as originally proposed, so that "habitable space" includes "unfinished" attic and basement space that could be converted to meet Building Code requirements for occupancy
- Requiring a special permit for conversion of attics and basements to habitable space
- Without going as far as Article 12, requiring a special permit and/or design review for the construction of unfinished space where that space, when added to space counted in the GFA, would exceed 100% of the allowable basic FAR, with the special permit process including explicit conditions that the resulting structure be consistent with existing scale, massing and siting of other houses in the neighborhood.
- Deleting the 150% basement/attic exemption provision of Section 5.22.2
- Limiting the 150% exemption provision to basements
- Reducing the basement/attic exemption provision to 130%.
- Amending the definition of "basements" and "attics" in the Zoning By-Law
- Increasing the 10-year waiting period under Section 5.22
- Explicitly "resetting the clock" for the 10-year waiting period under Section 5.22 in the case of substantial teardowns or changes in the number of units, reflecting Building Department policy.
- Reducing the allowable FAR or limiting the application of the Section 5.22 exemptions in various zoning districts, particularly T districts
- Without (or in addition to) changing FAR and FAR exemption provisions, requiring design review or site plan review (e.g., buffers, siting) for new structures in certain zoning districts (e.g., S, SC and T districts), with such review potentially limited to "large residences" over a defined square footage, including unfinished basement and attic space
- Creating new dimensional restrictions, such as lot coverage maximums, a limit to the number of stories (e.g., allowing only a half-story above the first two stories), comparability to neighboring structures in terms of building size, siting and setbacks, and/or building envelope "planes."
- Taking the opportunity to deal with setback issues (e.g., tying the permissible building height to the side-yard setback of a building, such that, for example, if the side-yard setback of a building were 10 feet, the building could be 20 feet high; if the side-yard setback were 20 feet,

[9] F-1.0 districts (which allow as-of-right two-family and three-family dwellings) present the same issue of a high 1.0 allowable FAR compared to the existing density. Individual neighborhoods could be affected by build-out, although the Town-wide magnitude of the issue is much less than in T districts. For example, there are only 13 single-family dwellings in F-1 districts on lots with sufficient square footage (5,000 square feet) for the creation of two-family or three-family dwellings.

the building could be 30 feet high, and so on; and dealing with exceptions to setbacks, such as bays, balconies and so on).[10]

As noted above, the Committee looks forward to suggestions and comments from Town Meeting Members and citizens as it proceeds with its work.

The Moderator's Committee on Zoning FAR

Richard Benka, chair
Jesse Geller
Linda Hamlin
Marian Lazar
M.K. Merelice
Lee Selwyn

[10] Mr. Yanovitch noted that oversize lots allowing large houses in S-7 districts could pose significant problems, since such districts require only a 7.5 foot side-yard setback.

Proposed Warrant Article 12 for the May 2016 Town Meeting would increase side-yard setbacks in all S and SC districts.

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