TOWN OF BROOKLINE
MASSACHUSETTS

REPORTS OF SELECTMEN AND ADVISORY COMMITTEE

on the

Articles in the Warrant

for the

ANNUAL TOWN MEETING

I hereby certify that the actions as indicated on the within pages were taken at the Annual Town Meeting called for Tuesday, May 23, 2017, at 7:00 P.M., adjourned to Wednesday, May 24, 2017 and dissolved on Thursday, May 25, 2017 at ~~9:56~~ 9:28 P.M.

ATTEST:

Patrick Joseph Ward
Town Clerk

Town of Brookline

BOARD OF SELECTMEN

Neil A. Wishinsky, Chairman

Benjamin J. Franco **Nancy S. Heller**

Bernard W. Greene **Heather A. Hamilton**

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 Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445, 730-2328 Voice, 730-2327 TDD, or email at lgellineau@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
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
David Lescohier, 50 Winchester Street 383-5935
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 23, 2017
ANNUAL TOWN MEETING
INDEX

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.	FY17 Budget Amendments. (Selectmen)
8.	Authorization under M.G.L. c. 44, s. 20 to apply bond premiums (less cost of issuance) to project costs and reduce the amount authorized by said reduction. (Board of Selectmen)
9.	Annual (FY18) Appropriations Article. (Advisory Committee)
10.	Amend Article 2.1, Section 2.1.5 (B) of the Town's General By-Laws pertaining to the distribution of articles in the Warrant for Town Meeting. (Board of Selectmen)
11.	Deletion of Article 3.1, Section 3.1.7 of the Town's General By-Laws and adoption of a new Article 4.9 of the Town's General By-Laws – Election Campaigns. (Petition of Neil Gordon, TMM1)
12.	Create a new Article 3.23 in the Town's General By-Laws pertaining to the Brookline Commission on Disability. (Brookline Commission on Disability)
13.	Amend Article 8.23, Section 8.23.5 of the Town's General By-Laws - Limiting the Issuance of Tobacco Sales Permits. (Tobacco Control Committee)
14.	Amend Section 2.18 of the Town's Zoning By-Law – adding Recreational Marijuana Establishment, and amend Section 4.07 of the Town's Zoning By-law – Table of Use Regulations - to establish a moratorium on recreational marijuana establishments and related uses. (Planning and Community Development)

15. Amendment to Section 7.08 of the Town's Zoning By-Law - Signs, Illumination, & Regulated Façade Alterations - to authorize administrative approval of certain signs and awnings. (Planning and Community Development)

16. Authorize a 20 year lease of the Runkle School rooftop to host a Rooftop Solar Photovoltaic Installation. (Board of Selectmen)

17. Acceptance of a permanent easement for pedestrian passage over land located at 1180 Boylston Street. (DPW Commissioner)

18. Accept the provisions of General Laws Chapter 90, Section 17C—to establish speed limits of 25 miles per hour for thickly settled or business districts. (Transportation Board)

19. Accept the provisions of General Laws Chapter 90, Section 18B—to establish speed limits of 20 miles per hour for safety zones. (Transportation Board)

20. Resolution Committing Brookline to Uphold and Adhere to the Paris Agreement on Climate Change. (John Harris and Richard Rosen)

21. Resolution Regarding a Net Zero Energy Ninth Elementary School and the expansion of Brookline High School. (Werner Lohe, Alan Christ, and Kathleen Scanlon)

22. Resolution to Support the Town Of Brookline's participation in the Government Alliance On Race And Equity (GARE). (Stephen Vogel, Abigail Ortiz and Anne Greenwald)

23. Resolution in support of a local option gasoline tax. (Lily Bermel)

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

2017 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 2017 Annual Town Meeting to be held on Tuesday, May, 23, 2017 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 5-0 taken on March 21, 2017, on the vote offered by the Advisory Committee.

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 (Massachusetts General 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 again decided to continue this venerable tradition, although a splinter group consisting of one member branched off from the majority and abstained.

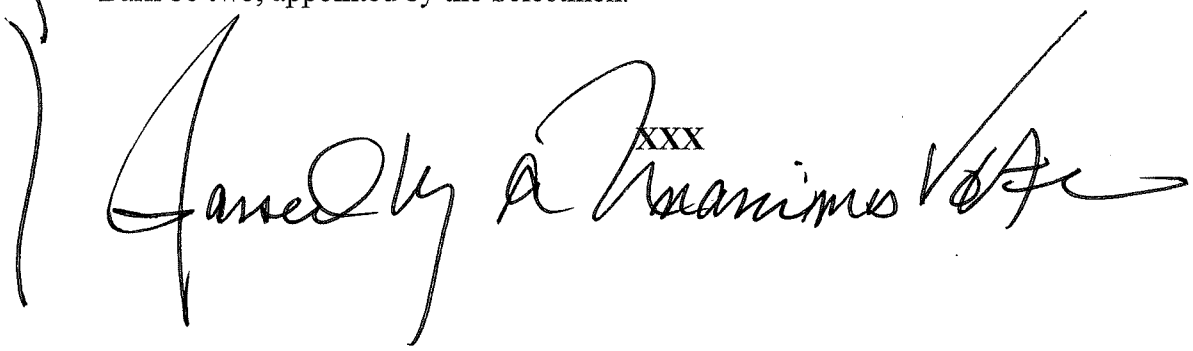
The positions do not draw a salary, stipend, or other remunerative benefit, and the Town incurs no current financial cost or future pension cost or liability for other post-employment benefits (OPEBs).

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 17–0–1 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



ARTICLE 2

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
The Town has negotiated new agreements with two of its collective bargaining units: Local 1358 AFSCME, Council 93, AFL-CIO (School Traffic Supervisors) and the International Brotherhood of Teamsters, Local 25 (Emergency Telecommunications Dispatchers).

The agreement with the School Traffic Supervisors covers a three-year period (FY2016–FY2018) for a total cost of $88,220; the agreement with the Emergency Telecommunications Dispatchers covers the same three-year periods (FY2016–FY2018 for a total cost of $89,457. Terms in both agreements are consistent with recent agreements reached with other bargaining units. The Advisory Committee voted 23–0–1 to recommend Favorable Action to fund the agreement with the School Traffic Supervisors and 22–0–1 to recommend Favorable Action to fund the agreement with the Emergency Telecommunications Dispatchers.

School Traffic Supervisors

BACKGROUND:
The Town of Brookline and Local 1358 AFSCME, Council 93, AFL-CIO, (School Traffic Supervisors) executed a memorandum of agreement on March 28, 2017 covering the period July 1, 2015 through June 30, 2018. The agreement was ratified by the bargaining unit on April 7, 2017 by unanimous vote, and approved by the Board of Selectmen on April 25, 2017.

DISCUSSION:
The agreement calls for a 2% annual wage increase effective July 1, 2015, July 1, 2016, and July 1, 2017, with retroactive pay limited to employees who were in the bargaining unit as of the date of ratification. The wage increase is consistent with other recent collective bargaining agreements as is a one-time ratification bonus of $200. The stipend of a Working Supervisor will increase to $2.50 per hour after the individual has been in the position for three consecutive years, and the monthly mileage allowance increases to $35.00. Vacation benefits have been adjusted to align with other AFSCME contracts. The probationary period for new employees will be extended from six to twelve months. Total cost of the agreement over the three year period is $88,220 or 6.6% as detailed below.

ITEM	FY16	FY17	FY18	**TOTAL**
7/1/15 - 2%	12,607	12,607	12,607	**37,820**

7/1/16 - 2%		12,859	12,859	**25,718**
7/1/17 - 2%			13,116	**13,116**
Supervisor Pay		2,088	2,088	**4,176**
Mileage Allowance		2,023	2,023	**4,046**
$200 Signing Bonus		3,344		**3,344**
TOTAL ROLL-OUT COSTS	**12,607**	**32,921**	**42,693**	**88,220**

Each 1% =	6,303	6,429	6,687	
New Wages - $ =	12,607	20,314	13,116	
New Wages - % =	2.0%	3.2%	2.0%	**7.1%**
Wages on Base - $ =	12,607	16,970	13,116	
Wages on Base - % =	2.0%	2.6%	2.0%	**6.6%**

In addition to crossing and parking enforcement duties, the Working Supervisor has supervisory responsibilities for the other STS employees. The monthly mileage stipend is a travel allowance for those full time employees who use their own cars to move to other assignments after the school crossing time block.

Emergency Telecommunications Dispatchers

BACKGROUND:

The Town of Brookline and the International Brotherhood of Teamsters, Local 25, (Emergency Telecommunications Dispatchers) executed a memorandum of agreement on April 4, 2017 covering the period July 1, 2015 through June 30, 2018. The agreement was ratified by the bargaining unit on April 18, 2017 and approved by the Board of Selectmen on April 25, 2017.

DISCUSSION:

The agreement calls for 2% annual wage increases effective July 1, 2015 and July 1, 2016; a 1.5% increase effective July 1, 2017; and a .5% increase effective January 1, 2018. This is consistent with other collective bargaining agreements negotiated in recent years. The delayed third-year increase is an offset to the addition of a new Senior ETD 10-year step at $24.30 per hour effective July 1, 2017. Adding the additional step is seen as a retention incentive for dispatchers, many of whom transition into positions in the police and fire departments. Training responsibility for new dispatchers is assigned to experienced dispatchers who receive an additional hourly rate while performing those duties. Under the terms of the agreement, the rate increases from $1.00 to $1.50 per hour.

The education incentive for dispatchers who have college degrees rises from $750 to $800 per year. A limited education incentive, which covers only three current employees, will also increase by $50 to $350, but will be phased out when each of them terminates their employment. Total cost of the agreement over the three year period is $89,457 or 6.6% as detailed below.

ITEM	FY16	FY17	FY18	FY19	TOTAL
7/1/15 - 2%	13,968	13,968	13,968		**41,903**
7/1/16 - 2%		14,247	14,247		**28,494**
7/1/17 - 1.5%			10,899		**10,899**
1/1/18 - 0.5%			1,844	1,844	**3,687**
Adjusted Salary tables			3,323		**3,323**
Education incentive			650		**650**
Communications Off Stipend		100	400		**500**
					0
TOTAL ROLL-OUT COSTS	**13,968**	**28,315**	**45,331**	**1,844**	**89,457**

Each 1% =	6,984	7,124	7,266	7,375	
New Wages - $ =	13,968	14,347	17,016	1,844	
New Wages - % =	2.0%	2.0%	2.3%	0.3%	**6.6%**
Wages on Base - $ =	13,968	14,347	17,016	1,844	
Wages on Base - % =	2.0%	2.0%	2.3%	0.3%	**6.6%**

In addition to the wage increases, the parties agreed to extend the probationary period for new employees from six months to nine months and to extend the uniform allowance to the end of the contract period. The union agreed to move to a bi-weekly pay schedule should the town implement this change for all town employees.

RECOMMENDATION:
By a vote of 23–0–1, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen to appropriate the sums of money required to fund the cost items in the agreement between the Town and Local 1358 AFSCME, Council 93, AFL-CIO (School Traffic Supervisors).

By a vote of 22–0–1, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen to appropriate the sums of money required to fund the cost items in the agreement between the Town of Brookline and the International Brotherhood of Teamsters, Local 25, (Emergency Telecommunications Dispatchers).

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.

TOWN of BROOKLINE

Massachusetts

HUMAN RESOURCES OFFICE

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

Sandra A. DeBow-Huang,

Human Resources Office

April 24, 2017

To: Neil Wishinsky, Chair, Board of Selectmen

Melvin Kleckner, Town Administrator

From: Sandra DeBow-Huang, Director
Human Resources Office

Re: **Approval of Collective Bargaining Agreements**

1. Authorization on Agreement: Local 1358, American Federation of State, County, Municipal Employees, Council 93, AFL-CIO (AFSCME, School Traffic Supervisors)

Summary: The Town of Brookline and AFSCME, Local 1358 came to an Agreement on March 28, 2017, regarding the parties' collective bargaining agreement. The agreement was ratified by the members of Local 1358 on April 17, 2017 by unanimous vote. We are seeking approval of that Agreement by the Board of Selectmen on April 25, 2017.

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	2.0%
	Effective July 1, 2017	2.0 %

Retroactive pay is limited to current employees in the School Traffic Supervisor bargaining.

The Town also agreed to a one time ratification payment to each full-time employee in this bargaining and to increase the stipend of the Working Supervisor to $2.50 per hour after the individual serves in position for three consecutive years. Finally, the Town agreed to increase the mileage allowance to $35.00 per month (as employees use their own vehicles), and to adjust the vacation period benefit to align with other AFSCME contracts. The general wage increase of 2% each fiscal year is consistent with the wage increases provided to other collective bargaining agreements across the Town.

Cost of AFSCME, Council 93, AFL-CIO, Local 1358, School Traffic Supervisors

ITEM	FY16	FY17	FY18	**TOTAL**	
7/1/15 - 2%	12,607	12,607	12,607	**37,820**	
7/1/16 - 2%		12,859	12,859	**25,718**	
7/1/17 - 2%			13,116	**13,116**	
Supervisor Pay		2,088	2,088	**4,176**	One ee eligible
Mileage Allowance		2,023	2,023	**4,046**	
$200 Signing Bonus		3,344		**3,344**	
TOTAL ROLL-OUT COSTS	**12,607**	**32,921**	**42,693**	**88,220**	

Each 1% =	6,303	6,429	6,687	
New Wages - $ =	12,607	20,314	13,116	
New Wages - % =	2.0%	3.2%	2.0%	**7.1%**
Wages on Base - $ =	12,607	16,970	13,116	
Wages on Base - % =	2.0%	2.6%	2.0%	**6.6%**

2. Authorization for Agreement: The International Brotherhood of Teamsters, Local 25 (Emergency Telecommunications Dispatchers)

Summary: The Town of Brookline the International Brotherhood of Teamsters, Local 25 (Emergency Telecommunications Dispatchers) came to an agreement on April 4, 2017, regarding the parties' collective bargaining agreement. The membership ratified the agreement on April 18, 2017. We are seeking approval of that Agreement by the Board of Selectmen on April 25, 2017.

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

Wages:	Effective July 1, 2015	2.0%
	Effective July 1, 2016	2.0%
	Effective July 1, 2017	1.5 %
	Effective Jan 1, 2018	0.50%

The Town also agreed to add a new ETD step for employees with 10 years of service as a dispatcher effective July 1, 2017 in the amount of $24.30.,

The Parties agree to increase the Training Officer rate from $1.00 to $1.50 per hour during the assignment period to encourage dispatchers to volunteer to train new employees. The MOA also includes an increase of $50 to the education incentive, increasing it to $800.00 per fiscal year. Likewise, the Town agreed to increase the Limited Education incentive by $50 to $350.00 but agreed to eliminate the limited education once the incumbents attrite out of employment. The Town also agreed to extend the dates on Uniform allowance, and to allow the Town to roll-out bi-weekly pay. Finally, similar to the AFSCME agreements, the Teamsters have agreed to extend the probationary period from six to nine months and to allow the Town.

The general wage increase across fiscal years is consistent with the wage increases provided to other collective bargaining agreements across the Town, with an adjustment to the third year to offset the cost of the new step to their pay schedule.

Cost of the International Brotherhood of Teamsters, Local 25 (Emergency Telecommunications Dispatchers) MOA

ITEM	FY16	FY17	FY18	FY19	TOTAL	
7/1/15 - 2%	13,968	13,968	13,968		**41,903**	
7/1/16 - 2%		14,247	14,247		**28,494**	
7/1/17 - 1.5%			10,899		**10,899**	
1/1/18 - 0.5%			1,844	1,844	**3,687**	
Adjusted Salary tables			3,323		**3,323**	$24.30 rate for 5 Sr
Education incentive			650		**650**	Incr from $750 to $ +$50 for 3 ees grandfathered
Communications Off Stipend		100	400		**500**	
					0	
TOTAL ROLL-OUT COSTS	**13,968**	**28,315**	**45,331**	**1,844**	**89,457**	

Each 1% =	6,984	7,124	7,266	7,375	
New Wages - $ =	13,968	14,347	17,016	1,844	
New Wages - % =	2.0%	2.0%	2.3%	0.3%	**6.6%**

SELECTMEN'S RECOMMENDATION

Article 2 asks Town Meeting to approve funding for two three-year (FY16-FY18) contracts, one with the Town's AFSCME School Traffic Supervisors union and one with Local 25, Teamsters (Emergency Telecommunications Dispatchers).

School Traffic Supervisors:
The contract calls for a base wage increase of 6% over the course of the contract (2% in each FY16, FY17, and FY18), an adjustment to the Working Supervisor's stipend, and an adjustment to the mileage reimbursement. There is also a one-time ratification payment of $200. The package as presented fits within the budgeted Collective Bargaining Reserves for all fiscal years.

Emergency Telecommunications Dispatchers
The contract calls for a base wage increase of 6% over the course of the contract (2% in each in FY16, FY17, and a split of 1.5% on July 1, 2017 and .5% on January 1, 2018 for

FY18.). The pay schedules for senior employees were adjusted to a new hourly rate and the education incentive and training officer stipend were increased in exchange for allowing the Town to roll-out bi-weekly pay and extend the probationary period from six to nine months. The package as presented fits within the budgeted Collective Bargaining Reserves for all fiscal years.

The Selectmen thank the Town's negotiating team and the unions for reaching an agreement that matches the realities of the current economic climate and does not exacerbate the long-term financial challenges the Town faces. Therefore, the Board recommends FAVORABLE ACTION, by a vote of 5-0 taken on April 25, 2017, on the following:

VOTED: To approve and fund by an appropriation, provided for in the FY2016 (Item #21), FY2017 (Item #20), and FY2018 (Item #20) budget, for the cost items in the following collective bargaining agreement that commences on July 1, 2015 and expires on June 30, 2018:

Local 1358, American Federation of State, County, Municipal Employees, Council 93, AFL-CIO (AFSCME, School Traffic Supervisors)

all as set forth in the report of Sandra DeBow, Director of Human Resources, dated April 24, 2017, which report is incorporated herein by reference.

VOTED: To approve and fund by an appropriation, provided for in the FY2016 (Item #21), FY2017 (Item #20), and FY2018 (Item #20) budget, for the cost items in the following collective bargaining agreement that commences on July 1, 2015 and expires on June 30, 2018:

Teamsters, Local 25 (Emergency Telecommunications Dispatchers)

all as set forth in the report of Sandra DeBow, Director of Human Resources, dated April 24, 2017, which report is incorporated herein by reference.

Passed by a Unanimous Vote

ADVISORY COMMITTEE'S RECOMMENDATION

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

XXX

MEMORANDUM OF AGREEMENT
BETWEEN
THE TOWN OF BROOKLINE
AND
SCHOOL TRAFFIC SUPERVISORS, LOCAL 1358
COUNCIL 93, AFSCME, AFL-CIO

March 28, 2017

This Memorandum of Agreement ("Agreement") is made between the Town of Brookline ("Town") and the School Traffic Supervisors, Local 1358, 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 through June 30, 2018.

1. Article XXI: Term of Agreement (p. 22)
   July 1, 2015 – June 30, 2018

   Amend Article XXI by:
   A. Replacing "July 1, 2012" with "July 1, 2015"
   B. Replacing "June 30, 2015" with "June 30, ~~2015~~" 2018

2. Wages Appendix A
   Increase the schedules in Appendix A as follows:

Effective Date	Increase
July 1, 2015	2%*
July 1, 2016	2%*
July 1, 2017	2%

   *Retroactive pay is limited to employees in the School Traffic Supervisor bargaining unit as of April 7, 2017, the anticipated date of ratification. (Former employees are not eligible for retroactive pay.)

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 V: Specialist Assignment (p. 3)
   Effective July 1, 2016 amend the Specialist Assignment section in Article V by:
   A. Deleing "or additional consecutive years" in the second to last sentence; and

B. Inserting the following new sentence before the last sentence: "If the same individual continues to serve in the Working Supervisor assignment for a third consecutive year or additional consecutive years after having completing the two prior consecutive years in such assignment, such stipend shall be $2.50 per hour."

5. Article XIV Probationary Period (p. 15)
   A. Delete Article XIV: Civil Service (housekeeping)
   B. Insert the following new Article XIV:
      Article XIV: Probationary Period.
      The probationary period for employees who commence employment in a position in the bargaining unit on or prior to September 30, 2016 shall be 6 months. The probationary period for employees who commence employment in a position in the bargaining unit on or after October 1, 2016 shall be 12 months. (Nothing in this Article shall change the requirements in Article III for employees with 6 months or more of service.)
   C. Amend Article II a) by adding the following to the end of section a): Just cause shall not be applicable to employees in their probationary period. (housekeeping based on proposal 3A and 3B)
   D. Amend Article XI Section 9) A. Extended Sick Leave Bank (p. 14): by replacing "initial six (6) month probationary period" with "initial six (6) months of employment in the bargaining unit" (housekeeping based on proposal 3A and 3B)

6. Article IX 4) B: Vacation (p. 9)
   In the table in Article IX section 4) B (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".

7. Housekeeping
   Delete Article XX: Grand-fathered Employees (pp. 18-21) and replace with "Article XX: Intentionally left blank."

8. Mileage allowance
   Effective December 2016, the mileage allowance in paragraph #5 of the Shared Work School Traffic Post Agreement dated March 4, 2010 shall increase to thirty-five dollars ($35.00) per month.

This Memorandum of 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 March 2017 by the negotiating teams for the:

Town of Brookline

School Traffic Supervisors, Local 1358, AFSCME, Council 93, AFL-CIO

Myles Murphy
Deputy Superintendent

Marjie Lalli
Labor Relations Specialist

Michael Fallon
President, Local 1358, AFSCME, Council 93

Ed Nastari
Assistant Field Service Director
AFSCME Council 93

AnnMarie MacIssac

Jacqueline Joy

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF BROOKLINE

AND

THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 25

(EMERGENCY TELECOMMUNICATIONS DISPATCHERS)

April 4, 2017

This Memorandum of Agreement ("Agreement") is made between the Town of Brookline ("Town") and the International Brotherhood of Teamsters, Local 25 ("Union"), collectively referred to as the "Parties". Except as specifically modified by this Agreement, the terms and provisions of the Parties' July 1, 2012 – June 30, 2015 collectively bargaining agreement shall continue in full force and effect.

1. Article 25 Duration
   July 1, 2015 – June 30, 2018

2. Appendix B Wages
   A. Increase the hourly rates for ETD Step 1, Step 2, and Step 3 and the Probationary Rate in accordance with the following:

Effective Date	Increase
July 1, 2015	2.0%
July 1, 2016	2.0%
July 1, 2017	1.50%
Jan. 1, 2018	0.50%

   B. Effective July 1, 2017 add the following new Senior ETD 10-year Step at $24.30 per hour
   Add the following to Section I in Appendix B:
   "Each employee who has completed 10 or more years of service as an ETD in the Town of Brookline shall be placed on the 10-year step on the July 1st following such employee's 10th year anniversary."

   C. Delete all references to "Fire Alarm Operator", "FAO", "FAO/ETD" and the wage rate for FAO/ETD. (Housekeeping)

3. Probationary Period

   A. Effective April 1, 2017, amend Section 3 of Article 7 as follows:
   New employees hired on or after April 1, 2017, and those hired after a break in continuity of service will be regarded as probationary employees for their first ~~six (6)~~ nine (9) months of employment or reemployment as the case may be and shall have no seniority status. The ~~six (6)~~ nine (9) month probationary period shall start upon completion of the dispatch academy. The Chief of Police or his designee may extend the ~~six (6)~~ nine (9) month probationary period up to an additional six (6) months on a case-by-case basis. Probationary employees may

be discharged for any reason during their probationary period without recourse to the grievance or any other procedure of this Agreement. If still employed at the end of such probationary period, their seniority shall be effective as of their original date of hire/rehire. Probationary employees will be subject to all of the Town's policies, rules and regulations.

B. Effective April 1, 2017, amend Section 1 of Article 8 by replacing "their 6-month probationary period" with "their probationary period". (housekeeping)

C. Appendix B (hourly wage schedule): Replace the heading "ETD PROBATION" with "ETD AFTER 6 MONTHS" (housekeeping)

4. Article 23 Miscellaneous
Amend Article 23 Section 2 (iv) by inserting the following sentence between the first and second sentences: "Effective July 1, 2016, the rate shall be $1.50 per hour when such ETD is assigned and performs the work of a Communications Training Officer."

5. Article 11 Wages - Education Incentives
   A. Education Incentive (Section 3)
   Effective July 1, 2017, amend paragraph B by replacing "$750.00 per fiscal year" with "$800.00 per fiscal year"

   B. Section 4: Limited Education Incentive
   Amend Section 4 by:
      (i) Adding the following sentence before the last sentence: "Effective July 1, 2017, the limited education incentive shall be three hundred and fifty dollars ($350)."
      (ii) Adding the following sentence after the last sentence: "This section 4 shall be removed from the collective bargaining agreement when each of the three employees who were in the bargaining unit as of September 19, 2013 and who were receiving this benefit have separated from employment or are receiving the Education Incentive in Section 3 of this Article 11."

   C. Amend Article 11 by adding the following new section:
   Bi-weekly pay: The Union agrees that the Town has satisfied its bargaining obligations with respect to paying employees on a bi-weekly basis. The Town agrees to provide the union and employees with ninety (90) calendar days' notice prior to implementation of bi-weekly pay and that the Town will not implement the change to bi-weekly pay until it does so for all other employees in the Town (excluding school department employees).

6. Article 13 Uniform Allowance
Amend Section 3 (Modified Uniform Allowance) of Article 13 as follows:
   A. Replace the phrase "through June 30, 2015" in the first sentence with "through June 30, 2018";
   B. Replace the phrase "re-instituted effective July 1, 2015" with "re-instituted effective July 1, 2018" in the second sentence.

7. MUP -15-4246
The Union has already withdrawn MUP-15-4246 and agrees that the Town has satisfied its impact bargaining obligations with respect to monitoring of the Boston Radio channels by ETDs.

8. Article 4.
   A. Section 1.a.
      Replace "in a form prescribed by the Town" with "on an appropriate form"

   B. Section 2.d.
      Replace "less than six months of service" with "less than one month of service"

   C. Section 2.a.
      Replace "the employees who are in the bargaining unit" with "every employee in the bargaining unit."

   D. Section 2.b.
      Add ", as required by law" to the end of the sentence in Section 2.b.

9. Integrated Contract
   The Parties agree to prepare an integrated collective bargaining agreement (CBA) which integrates their prior signed CBA and subsequent MOAs.

This Memorandum of Agreement shall remain off-the-record for all purposes including but not limited to bargaining history until it is ratified by the Union membership and approved by the Board of Selectmen.

This Memorandum of 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. Subject to the above conditions, this Memorandum of Agreement is agreed to on this 4th day of April 2017 by the bargaining teams for the:

Town of Brookline

Sandra DeBow-Huang, HR Director

Deputy Superintendent Andrew Lipson

Kevin Lessard, Chief ETD

Marjie Lalli, Labor Specialist

International Brotherhood of Teamsters Local 25

4-4-17
Joan Corey, Teamsters Local 25

4/4/17
Elizabeth Williams

4/4/17
Jaclyn Carroll

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 FY2018 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 5-0 taken March 28, 2017, 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 FY2018 in accordance with General Laws Chapter 44, Section 53F.

Passed by a Unanimous Vote

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 FY2018 in accordance with Massachusetts General Laws Chapter 44, Section 53F. These agreements would allow the Town to maintain specified amounts of deposits, which may or may not be interest bearing, in exchange for the reduction or elimination of cash payments for bank services.

DISCUSSION:
The proposed Town budget generally assumes that the Town's available 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, or when services can be bargained for among competing banks. They are a valuable cash management and services procurement tool. Town Meeting has authorized these arrangements since the mid-1980s.

RECOMMENDATION:
By a vote of 17–0–0, 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 5-0 taken on April 4, 2017.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
This Article appears annually. Its purpose is to show the status of every open capital project, whether funded by bonds or by non-bond resources, i.e. financed by the revenues of the town. Those capital projects that have been completed, and still have remaining funds, can be closed out. The Article appears whether or not a motion is offered under the article. The Advisory Committee has chosen not to offer a motion.

BACKGROUND:
Like the swallows returning to San Juan Capistrano, Brookline maintains the ritual, whereby this Article is submitted each year by the Board of Selectmen to close out any Special Appropriations and/or rescind any unneeded Bond Authorisations. 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 authorisation that require rescission.

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.

DISCUSSION:
In reality, the Warrant Article serves as a tool used by the town administrator's office to get department heads to tell which capital projects have money remaining in them, and whether or not these funds are needed to complete the project, or if remaining funds can be closed and make their way to free cash, thus eventually becoming available for other uses.

On the special appropriations side (i.e. projects not funded by bonds), there are five projects with remaining funds that are complete and can be closed out. Totalling approximately $109,000, these projects are:

- Centre Street parking study $100,000
- Public Safety dispatch study $5,160
- Town/school facility roof repair $1,696
- Emergency generators/lights $134
- Coolidge Corner feasibility/concept study $2,000

There are no bonded items with funds remaining that require rescission, i.e. can be closed out.

RECOMMENDATION:
If there are projects funded by bonds that can be closed out, a Town Meeting vote of approval is required. However, no such projects exist, and thus no Town Meeting vote is required for these items.

For the other capital projects, the town's comptroller has the power under his statutory authority to close out the accounts on his own. Just as the sun rises in the east each morning without any ostensible human intervention, the comptroller can, and will, close out these accounts whether or not any action is taken by Town Meeting. Thus, the Advisory Committee does not deem it necessary to offer a motion under the warrant article.

XXX

Available Budget Report - Capital Funds (Bond funded) for Fiscal Year 2017 as of 3/23/17

		Revised Budget	YTD Expended	YTD Encumbered	Available	Status
C192	FIRE ENGINE TOWER #1 REPLACEME	800,000	266,000	524,223	9,777	In Progress
C193	FLEET MAINT FACILITY & TRAINING	4,500,000	62,016	454,608	3,983,376	Ongoing project
	FIRE CAPITAL	800,000	266,000	524,223	9,777	
C142	PUTTERHAM MEADOWS GOLF/CLUBHSE	11,044	7,345	1,198	2,501	Blanace will be spent by 6/30/17
C171	REP/REN UNIFIED ARTS BUILDING	115,676	86,895	2,820	25,961	On hold temporarily until final plan for HS is approved.
C173	MUNICIPAL SERVICE CENTER	1,308,590	1,308,590	0	0	
C175	ROOF REPAIRS AND REPLACEMENT	395,557	165,422	71,938	158,197	Ongoing projects
C176	OLD LINCOLN SCHOOL REPAIRS	1,104	1,104	0	0	Complete
C185	DEVOTION SCHOOL RENOVATION	114,933,455	18,768,451	81,790,215	14,374,789	To be completed September , 2018
C189	ENVELOPE FENESTRATION	1,530,599	979,088	517,766	33,745	Ongoing projects
C190	ROOF REPAIRS AND REPLACEMENT	1,180,599	112,826	72,310	995,463	Ongoing projects
C191	OLD LINCOLN SCHOOL MODIFICATIONS	83,387	77,491	3,330	2,566	To be completed by July 1, 2017.
C195	ENVELOPE FENESTRATION	2,100,000	0	0	2,100,000	Projects to start July , 2017
	BUILDING CAPITAL	121,660,011	21,507,212	82,459,577	17,693,222	
C150	MUDDY RIVER RESTORATION	745,000	0	0	745,000	In Progress. Phase II in Design.
C157	NEWTON ST LANDFILL	19,361	1,528	8,473	9,360	Legal Counsel working on closing out remaining claims related to landfill
C158	WASTEWATER SYSTEM IMP	3,346,018	1,394,533	628,959	1,322,526	Staff putting contract together for next phase of I/I removal
C160	RESERVOIR AT FISHER HILL PURCH	16,974	7,613	9,361	0	Punchlist and Warranty Items
C166	CARLTON ST FOOTBRIDGE RESTORAT	1,295,592	178,241	95,383	1,021,968	Preparing 75% PS &E submission to State. Project funded in FY18 TIP.
C169	STORM DRAIN IMPROVEMENTS	63,681	36,043	15,547	12,091	Working with consultant for compliance with MS4 permit
C170	WATER MAIN IMPROVEMENTS	5,076	0	0	5,076	Used to implement water system asset management
C172	WALDSTEIN PLAYG/WARREN FIELD/P	49,139	20,588	24,240	4,311	Final Park Punchlist and Signage
C179	NEWTON ST LANDFILL CLOSE	4,534,350	72,898	193,560	4,267,892	PS&E at 75% for closure of Rear Landfill. Anticipate summer 2017 construction
C180	VILLAGE SQUARE IMPROVEMENTS	1,200,000	0	0	1,200,000	Gateway East @ 25% P.S&E. Public Hearing scheduled for April 26, 2017
C186	PIERCE PLAYGROUND	739,640	683,139	4,636	51,865	Construction Project Underway - Punchlist Will Follow
C187	WASTEWATER SYSTEM IMP	3,000,000	0	0	3,000,000	Staff putting contract together for next phase of I/I removal
C194	COREY HILL PLAYGROUND	700,000	0	0	700,000	Construction Commences Spring 2017
	DPW CAPITAL	15,714,831	2,394,583	980,159	12,340,089	
C188	GOLF COURSE IMPROVEMENTS	896,447	131,447	0	765,000	Completed driving range project
	RECREATION CAPITAL	896,447	131,447	0	765,000	

Available Budget Report - Special Warrant Articles (Revenue-Financed) for Fiscal Year 2017 as of 3/20/17

Account	Account Name	Revised Budget	YTD Expended	YTD Encumbered	Available Balance	Comment
K017	TOWN FURNITURE UPGRADES	34,696	25,924		8,772	Ongoing furniture replacement, chairs, tables, workstations. Most funds will be encumbered by end of FY.
K018	SCHOOL FURNITURE UPGRADES	96,688	71,494	16,888	8,306	Ongoing school furniture replacement program. Most funds will be encumbered by end of FY.
Sub-Total Finance Dept		**131,384**	**97,419**	**16,888**	**17,078**	
K084	GATEWAY EAST PROJECT	8,881	0	8,881	0	This is active project still in design stage.
K100	COMMERCIAL AREA IMPROVEMENTS	99,379	70,214	0	29,165	To be used for the fabrication and installation of wayfinding signs.
K122	RIVERWAY BIKE/PED PATH	40,000	0	0	40,000	On-going project to be completed this spring.
K133	STRATEGIC ASSET PLAN	75,000	0	0	75,000	Out to bid jointly with Major Parcel Study
K134	CENTRE ST PARKING STUDY	100,000	0	0	100,000	Can be closed out. Will be studied as part of Strategic Asset Plan.
K138	MAJOR PARCEL STUDY	100,000	0	0	100,000	Out to bid jointly with Strategic Asset Plan
Sub-Total Dept of Planning & Community Development		**423,260**	**70,214**	**8,881**	**344,165**	
K016	IT HARDWARE-SOFTWARE	275,000	86,366	170,022	18,612	On-going projects.
K126	SCHOOL TECHNOLOGY PROJECTS	37,200	34,588	2,609	3	remaining balance to be spent by the end of year
K132	DATAROOM UPGRADES	2,001	0	0	2,001	remaining balance to be spent by the end of year
Sub-Total Information Technology Dept		**314,201**	**120,955**	**172,631**	**20,615**	
K135	PUBLIC SAFETY DISPATCH STUDY	75,000	69,840	0	5,160	Project complete account can be closed
Sub-Total Police Department		**75,000**	**69,840**	**0**	**5,160**	
K095	FIRE APPARATUS REFURBISHMENT	258,058	250,647	0	7,411	In Progress
K095	FIRE LADDER TRUCK	870,724	870,724	0	0	Reserve fund transfer request transferred to this account. Project Complete.
Sub-Total Fire Dept		**1,128,782**	**1,121,371**	**0**	**7,411**	
K002	ENERGY CONSERVATION	170,710	126,411	22,897	21,402	Ongoing projects
K010	ENERGY MANAGEMENT SYSTEMS	177,329	137,235	33,840	6,254	Ongoing projects
K022	TOWN-SCHOOL SECURITY-LIFE SAFETY	178,545	82,264	90,796	5,485	Ongoing projects
K032	RESERVOIR GATEHOUSE	250,000	18,715	231,275	10	Project underway, completion 12/30/17
K038	PIERCE SCHOOL ELECTRICAL SYSTEM	72,970	24,262	48,708	0	Project underway, completion 10/1/17
K042	CLASSROOM CAPACITY EXPANSION	1,579,343	1,285,733	171,686	121,924	Ongoing projects
K046	TOWN HALL/MAIN LIBRARY GARAGE IMPROVEMENTS	300,000	7,100	4,700	288,200	On hold until phase 5 budget is approved.
K047	TOWN/SCHOOL FACILITY ROOF REPAIR	48,901	47,205	0	1,696	Complete
K050	ADA RENOVATIONS	70,000	43,835	23,820	2,345	Ongoing projects
K098	FIRE STATION RENOVATIONS	812,233	1,014	3,468	807,752	Project to start July, 2017.
K109	TOWN/SCHOOL BUILDINGS ELEVATOR	833,978	96,073	546,805	191,100	Projects underway
K110	TOWN/SCHOOL BUILDINGS ENVELOPE REPAIRS	162,006	141,204	20,802	0	Ongoing projects
K117	EMERGENCY GENERATORS/LIGHTS	134	0	0	134	Complete
K119	DEVOTION SCHOOL RENOVATION	58,041	0	58,032	9	Complete
K121	GARAGE FLOOR SEALANTS	150,000	0	0	150,000	To be combined with phase 5
K123	DEVOTION HOUSE / PUTTERHAM SCHOOL	77,000	15,000	0	62,000	Ongoing projects
K128	COOLIDGE CORNER FEASIBILITY / CONCEPT STUDY	6,555	4,555	0	2,000	Complete
K145	TOWN/SCHOOL TRASH COMPACTORS	50,000	50,000	0	0	Complete
K146	SCHOOL EXPANSION STUDIES	800,000	287,290	460,735	51,975	Ongoing projects
K147	OLD LINCOLN SCHOOL	350,000	317,077	32,923	0	To be completed by 9/1/2017.
Sub-Total Building Dept		**6,147,745**	**2,684,972**	**1,750,487**	**1,712,286**	
K051	TREE MANAGEMENT	279,488	124,439	89,701	65,348	In progress
K052	BICYCLE ACCESS IMPROVEMENTS	84,216	16,481	9,061	58,674	Ongoing project. Beacon Trial and determination by Transportation Board to be made in Fall 2017
K054	STREET LIGHTING REPLACEMENT	578,993	384,844	2,275	191,874	Approximately 2/3 of the street lights have been replaced with LED fixtures. Expect to finish this calendar year
K055	CARLTON STREET FOOTBRIDGE	85,186	0	0	85,186	Preparing 75% PS & E to sudmit to the State. Project funded in FFY18
K056	SIDEWALK IMPROVEMENTS	360,324	303,780	36,154	20,390	On going project. Balance to be applied to FY18 contract
K058	STREET REHABILITATION	2,690,366	1,318,543	200,347	1,171,476	On going project. Balance to be applied to FY18 contract
K062	DANE PARK	24,051	0	24,051	0	Wayfinding Signage in production final close out Spring/Summer 2017
K065	RIVERWAY PARK IMPROVEMENT	86,369	0	0	86,369	On Hold due to Muddy River Restoration Project
K066	PLAYGROUND,FENCE,FIELD, EQUIPMENT	437,856	92,619	247,824	97,413	In progress
K068	OLMSTED PARK IMPROVEMENTS	6,332	0	0	6,332	Encumbered. Final Close out Spring 2017.
K069	TENNIS/BASKETBALL COURT REHAB	193,385	0	5,000	188,385	Design Development for Baker School courts underway.
K070	LARZ ANDERSON PARK	652,911	0	62,500	590,411	On hold for coordination with upcoming funding cycle.
K071	LOST POND CONSERVATION AREA	23,812	0	23,812	0	Wayfinding Signage in production final close out Spring/Summer 2017
K073	TOWN-SCHOOL GROUNDS REHAB	148,110	113,580	14,053	20,477	In progress
K078	MUDDY RIVER REMEDIATION	1,318,495	0	0	1,318,495	Phase II Portion of the Project in Design/Engineering Phase
K083	TRAFFIC CALMING	60,130	13,168	17,832	29,130	Used to purchase speed zone signs
K088	MOUNTFORT ST TRAFFIC SIGNAL	76,438	0	0	76,438	Waiting on MADOT to reconst. St. Mary's St. bridge.
K089	NEWTON ST/W. ROXBURY PKWY TRAFFIC	147,900	0	0	147,900	To be re-appropriated as part of FY2018 CIP

Available Budget Report - Special Warrant Articles (Revenue-Financed) for Fiscal Year 2017 as of 3/20/17

Account	Account Name	Revised Budget	YTD Expended	YTD Encumbered	Available Balance	Comment
K090	PEDESTRIAN ACCESS IMPROVEMENTS	45,000	0	45,000	0	Part of Gateway East project
K096	PARKING METERS	163,385	154,225	0	9,160	DPW crews continue to change out parking meters. 4 more years until completion
K097	LANDFILL SETTLEMENTS	271,483	45,000	0	226,483	On going project.
K101	MUNICIPAL SERVICE CENTER REPAIRS	955,737	211,719	483,247	260,771	On going project.
K102	BILLY WARD PLAYGROUND	14,445	2,000	2,222	10,223	Community Board, Trash/Recycling and Signage to be Completed.
K103	CLARK PLAYGROUND	5,112	0	0	5,112	Trash/Recycling and Signage to be Completed.
K114	FISHER HILL RESERVOIR	16,255	14,565	1,690	0	
K115	OLD BURIAL GROUNDS	94,377	0	0	94,377	Construction Bid Documents In Process
K120	PARK COMFORT STATIONS	50,319	3,342	0	46,977	In progress
K124	WOODLAND RD / HAMMOND ST CROSSING STUDY	23,295	2,490	5,205	15,600	Conceptual Design complete. Waiting on outcome of 9th school project before moving ahead
K125	BROOKLINE AVE PLAYGROUND	949,999	23,476	0	926,523	Construction to Start Spring 2017
K129	MBTA TRAFFIC SIGNALIZATION	50,000	1,800	0	48,200	Project ongoing with the MBTA. MBTA has funded initial trial at one location. Funds needed for study and report
K130	PIERCE PLAYGROUND	1,276	1,276	0	0	Design Complete
K136	COREY HILL PLAYGROUND	27,532	10,974	0	16,558	Design/Construction Oversight In Progress
K137	EMERSON GARDEN PLAYGROUND	818,628	12,867	1,811	803,950	Engineering Bid Documents In Progress
K141	DEAN RD/CHESTNUT HILL AVE TRAF SIGNAL	260,000	0	0	260,000	Selection of design consultant summer 2017.
K142	WINTHROP PATH REHABILITATION	65,000	0	0	65,000	Repair work to be done summer 2017
K143	BROOKLINE RESERVOIR PARK	140,000	7,318	11,882	120,800	Survey, Site Analysis and Design Process In Progress
K144	HARRY DOWNES FIELD & PLAYGROUND RENOVATION	80,000	0	0	80,000	Design Process to Commence in 2017
Sub-Total DPW		**11,286,204**	**2,858,506**	**1,283,667**	**7,144,031**	
K015	RFID RADIO FREQ IDENT SYSTEM	23,387	0	23,387	0	
K139	LIBRARY FURNISHINGS	110,000	74,105	14,793	21,102	In progress, will be completed by end of FY17
K140	LIBRARY INTERIOR PAINTING	110,000	2,787	11,278	95,935	In progress, a portion will be used in FY18 when CC is closed so paint is fresh after construction.
Sub-Total Library		**243,387**	**76,892**	**49,458**	**117,037**	
K106	Swimming Pool Showers/Repointing	654,805	29,891	590,296	34,618	Project construction will begin April 10 and and scheduled to be completed May 31, 2017
Sub-Total Recreation		**654,805**	**29,891**	**590,296**	**34,618**	
	TOTAL	**20,404,768**	**7,130,060**	**3,872,307**	**9,402,401**	

No Action Was taken

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 5-0 taken on March 28, 2017, on Article 5.

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 recommends NO ACTION on Article 5.

No Action Was taken

XXX

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 2018 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 FY2018 is approximately $61,000 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	FY2016 #Granted	Basic Amount Exempted	Proposed Amount Exempted
Surviving Spouse	17D	5	$175	$350
Veteran (10% Disability)	22	52	$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	10	$1,000	$2,000
Blind	37A	36	$500	$1,000
Elderly	41C	10	$500	$1,000

The Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on March 21, 2017, on the following vote:

VOTED: That the Town elect to establish an additional property tax exemption for fiscal year 2018 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

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 unanimously recommends Favorable Action.

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 included above with the Selectmen's recommendation.

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 FY2018 is approximately $62,000 and is funded from the tax abatement overlay reserve account.

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

ARTICLE 7

SEVENTH ARTICLE
Submitted by: Board of Selectmen

To see if the Town will:

(A) Raise and appropriate or appropriate from available funds additional funds to the various accounts in the fiscal year 2017 budget or transfer funds between said accounts;

(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, 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 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 (FY17) budget.

SELECTMEN'S RECOMMENDATION

Article 7 of the 2017 Annual Town Meeting Warrant proposes amendments to the FY17 budget. This article proposes to appropriate money identified as surplus in the Board of Assessor's Overlay Reserve Account to address a projected shortfall in the Reserve Fund. Currently $1,119,904, or 47.7%, of the Reserve Fund has been transferred by the Advisory Committee to cover extraordinary or unforeseen requests, most notably the $870K purchase of a Fire truck. The current balance as of the writing of this report is $1,228,833. The shortfall for Snow and Ice alone is projected to be approximately $1M. The Assessor's Overlay Reserve Account is a reserve for tax abatements and exemptions approved by the Board of Assessors. If the balance in any fiscal year overlay exceeds the amount of potential abatements, the Board of Selectmen may request the Board of Assessors declare the excess balance surplus. The Board of Assessors has declared $1M as a surplus. The Board recommends transferring the entire amount to the Reserve Fund. Any funds not expended by the close of the fiscal year will close to Free Cash.

Therefore, by a vote of 5-0 taken on April 18, 2017, the Board recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town:

1. Amend the FY2017 budget as shown below and in the attached Amended Tables I and II:

ITEM #	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
23. Reserve Fund	$ 2,348,737	+$1,000,000	$3,348,737

and to meet the appropriation transfer $1,000,000 from the overlay surplus account.

Passed by a unanimous vote

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:
The purpose of this Article is to make any year-end adjustments to the current year (FY2017) budget. This year the Article proposes to amend the FY2017 budget for the Reserve Fund.

DISCUSSION:
The Reserve Fund has been depleted by the purchase of a fire truck earlier this year and an appropriation and transfer of $1,000,000 from the declared surplus in the Overlay Account is proposed as a replenishment, to enable the funding of the anticipated Snow and Ice Removal account and to cover firefighters' overtime expenses.

RECOMMENDATION:
The Advisory Committee by a vote of 21–0–0 recommends FAVORABLE ACTION on the motion offered by the Selectmen.

XXX

FY17 BUDGET - TABLE 1 May, 2017

		FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	PROPOSED AMENDMENTS	FY17 AMENDED BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
	REVENUES								
	Property Taxes	174,869,775	182,239,297	195,049,924	204,023,297		204,023,297	8,973,373	4.6%
	Local Receipts	25,522,496	25,847,019	23,568,685	23,836,029		23,836,029	267,344	1.1%
	State Aid	16,633,741	17,675,450	18,837,306	19,657,920		19,657,920	820,614	4.4%
	Free Cash	7,665,155	5,084,152	5,016,500	5,311,538		5,311,538	295,038	5.9%
	Overlay Surplus	0	2,100,000	0	0	1,000,000	1,000,000	1,000,000	
	Other Available Funds	6,852,688	6,903,508	7,925,643	7,840,067		7,840,067	(85,576)	-1.1%
	TOTAL REVENUE	**231,543,855**	**239,849,426**	**250,398,058**	**260,668,851**	**1,000,000**	**261,668,851**	**11,270,793**	**4.5%**
	EXPENDITURES								
	DEPARTMENTAL EXPENDITURES								
	1 . Selectmen	670,358	685,876	675,810	677,893		677,893	2,083	0.3%
	2 . Human Resources	615,662	676,217	538,725	544,018		544,018	5,293	1.0%
	3 . Information Technology	1,705,110	1,783,823	1,825,979	1,888,165		1,888,165	62,186	3.4%
	4 Diversity, Inclusion, and Community Relations	0	177,539	198,077	201,144		201,144	3,067	1.5%
	5 . Finance Department	2,933,343	2,869,580	2,941,627	3,171,822		3,171,822	230,195	7.8%
	a. Comptroller	*536,293*	*551,138*	*574,670*	*582,201*		*582,201*	*7,531*	*1.3%*
	b. Purchasing	*636,616*	*667,116*	*665,955*	*651,983*		*651,983*	*(13,972)*	*-2.1%*
	c. Assessing	*654,772*	*664,015*	*674,651*	*676,454*		*676,454*	*1,803*	*0.3%*
	d. Treasurer	*1,105,661*	*987,311*	*1,026,350*	*1,261,184*		*1,261,184*	*234,833*	*22.9%*
	6 . Legal Services	888,936	889,316	846,116	955,774		955,774	109,658	13.0%
	7 . Advisory Committee	13,129	13,021	25,005	25,230		25,230	225	0.9%
	8 . Town Clerk	557,591	645,463	613,064	686,119		686,119	73,055	11.9%
	9 . Planning and Community Development	757,716	851,249	813,169	877,554		877,554	64,385	7.9%
	10 . Police	15,258,118	16,260,029	16,769,605	16,794,674		16,794,674	25,069	0.1%
	11 . Fire	12,886,490	12,960,394	12,935,851	12,882,300		12,882,300	(53,551)	-0.4%
	12 . Building	7,163,183	7,029,407	7,410,771	7,523,922		7,523,922	113,151	1.5%
(1)	13 . Public Works	15,220,421	16,330,565	14,215,844	14,110,546		14,110,546	(105,298)	-0.7%
	a. Administration	*847,278*	*874,470*	*872,392*	*874,473*		*874,473*	*2,080*	*0.2%*
	b. Engineering/Transportation	*1,191,962*	*1,165,797*	*1,283,424*	*1,222,661*		*1,222,661*	*(60,763)*	*-4.7%*
	c. Highway	*4,644,618*	*4,872,841*	*4,808,439*	*4,908,444*		*4,908,444*	*100,004*	*2.1%*
	d. Sanitation	*2,988,704*	*2,858,581*	*3,092,724*	*2,996,227*		*2,996,227*	*(96,497)*	*-3.1%*
	e. Parks and Open Space	*3,552,206*	*3,322,096*	*3,661,556*	*3,625,933*		*3,625,933*	*(35,623)*	*-1.0%*
	f. Snow and Ice	*1,995,654*	*3,236,779*	*497,308*	*482,809*		*482,809*	*(14,500)*	*-2.9%*
	14 . Library	3,827,172	3,894,348	3,888,386	3,977,262		3,977,262	88,876	2.3%
	15 . Health and Human Services	1,280,036	1,184,308	1,159,971	1,162,496		1,162,496	2,524	0.2%
	16 . Veterans' Services	327,315	361,218	331,435	331,908		331,908	472	0.1%
	17 . Council on Aging	837,172	855,130	880,240	894,573		894,573	14,333	1.6%
	18 . Recreation	1,022,391	1,010,362	1,022,334	989,764		989,764	(32,570)	-3.2%
(2)	19 . Personnel Services Reserve	715,000	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	3,113,228		3,113,228	1,516,786	95.0%
	Subtotal Town	*68,579,144*	*71,514,067*	*69,403,452*	***71,523,391***	***0***	***71,523,391***	***2,119,939***	***3.1%***
	21 . Schools	82,780,770	86,842,575	95,916,094	101,118,781		101,118,781	5,202,687	5.4%
	TOTAL DEPARTMENTAL EXPENDITURES	**151,359,914**	**158,356,642**	**165,319,546**	**172,642,172**	**0**	**172,642,172**	**7,322,626**	**4.4%**
	NON-DEPARTMENTAL EXPENDITURES								
(1)	22 . Employee Benefits	49,570,654	50,474,515	54,064,860	56,848,195		56,848,195	2,783,335	5.1%
(3)	*a. Pensions*	*17,409,988*	*17,882,573*	*18,707,021*	*19,718,677*		*19,718,677*	*1,011,656*	*5.4%*
	b. Group Health	*24,090,743*	*25,110,830*	*27,484,720*	*29,042,056*		*29,042,056*	*1,557,335*	*5.7%*
	c. Health Reimbursement Account (HRA)	*55,880*	*49,478*	*70,000*	*0*		*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*		*3,774,838*	*275,719*	*7.9%*
	e. Employee Assistance Program (EAP)	*24,900*	*24,900*	*28,000*	*28,000*		*28,000*	*0*	*0.0%*
	f. Group Life	*137,555*	*132,666*	*145,000*	*145,000*		*145,000*	*0*	*0.0%*
	g. Disability Insurance	*12,367*	*10,221*	*16,000*	*16,000*		*16,000*	*0*	*0.0%*
(3)	*h. Worker's Compensation*	*1,720,000*	*1,450,000*	*1,550,000*	*1,450,000*		*1,450,000*	*(100,000)*	*-6.5%*
(3)	*i. Public Safety IOD Medical Expenses*	*400,000*	*300,575*	*250,000*	*250,000*		*250,000*	*0*	*0.0%*
(3)	*j. Unemployment Compensation*	*450,000*	*325,000*	*300,000*	*300,000*		*300,000*	*0*	*0.0%*

		FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	PROPOSED AMENDMENTS	FY17 AMENDED BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
	k. Medical Disabilities	*20,543*	*18,565*	*40,000*	*40,000*		*40,000*	***0***	***0.0%***
	l. Medicare Coverage	*1,734,318*	*1,857,847*	*1,975,000*	*2,083,625*		*2,083,625*	***108,625***	***5.5%***
(2)	23 . Reserve Fund	1,615,626	1,718,000	2,200,198	2,348,737	1,000,000	3,348,737	**1,148,539**	**52.2%**
	24 Stabilization Fund	250,000	0	0	0			**0**	
	25 Affordable Housing	555,106	170,390	163,078	158,539		158,539	(4,539)	**-2.8%**
	26 . Liability/Catastrophe Fund	154,115	234,839	78,969	144,322		144,322	**65,352**	**82.8%**
	27 . General Insurance	325,017	332,137	382,645	394,148		394,148	**11,503**	**3.0%**
	28 . Audit/Professional Services	115,649	81,500	130,000	137,000		137,000	**7,000**	**5.4%**
	29 . Contingency Fund	13,377	10,528	15,000	15,000		15,000	**0**	**0.0%**
	30 . Out-of-State Travel	2,704	2,253	3,000	3,000		3,000	**0**	**0.0%**
	31 . Printing of Warrants & Reports	27,190	28,046	35,000	35,000		35,000	**0**	**0.0%**
	32 . MMA Dues	11,516	11,746	12,278	12,585		12,585	**306**	**2.5%**
	Subtotal General	*3,070,300*	*2,589,439*	*3,020,169*	*3,248,330*	*1,000,000*	*4,248,330*	***1,228,162***	***40.7%***
(1)	33 . Borrowing	9,304,647	9,403,333	9,478,591	10,742,938		10,742,938	**1,264,347**	**13.3%**
	a. Funded Debt - Principal	*7,209,938*	*7,196,544*	*7,183,044*	*7,923,973*		*7,923,973*	***740,929***	***10.3%***
	b. Funded Debt - Interest	*2,083,707*	*2,193,256*	*2,135,547*	*2,658,965*		*2,658,965*	***523,418***	***24.5%***
	c. Bond Anticipation Notes	*4,225*	*0*	*100,000*	*100,000*		*100,000*	***0***	***0.0%***
	d. Abatement Interest and Refunds	*6,777*	*13,533*	*60,000*	*60,000*		*60,000*	***0***	***0.0%***
	TOTAL NON-DEPARTMENTAL EXPENDITURES	**61,945,601**	**62,467,287**	**66,563,620**	**70,839,464**	**1,000,000**	**71,839,464**	**5,275,844**	**7.9%**
	TOTAL GENERAL APPROPRIATIONS	**213,305,515**	**220,823,929**	**231,883,166**	**243,481,636**	**1,000,000**	**244,481,636**	**12,598,469**	**5.4%**
	SPECIAL APPROPRIATIONS								
	34 . Parking Garage Town Hall/Pierce Phase 4 (revenue financed)				300,000		300,000		
	35 . Town Building Furniture (revenue financed)				25,000		25,000		
	36 . Technology Applications (revenue financed)				275,000		275,000		
	37 . Major Parcel Study (revenue financed)				100,000		100,000		
	38 . Fire Station Renovations (revenue financed)				670,000		670,000		
	39 . Library Furnishings (revenue financed)				110,000		110,000		
	40 . Library Interior Painting (revenue financed)				110,000		110,000		
	41 . Bicycle Access Improvements (revenue financed)				36,000		36,000		
	42 . Parking Meter Technology Upgrade (revenue financed)				161,040		161,040		
	43 . Dean / Chestnut Hill Avenue Signal (revenue financed)				260,000		260,000		
	44 . Street Rehabilitation (revenue financed)				1,630,000		1,630,000		
	45 . Sidewalk Repair/Reconstruction (revenue financed)				304,000		304,000		
	46 . Winthrop Path Rehabilitation (revenue financed)				65,000		65,000		
	47 . Brookline Reservoir Park - Design (revenue financed)				140,000		140,000		
	48 . Emerson Garden Playground (revenue financed)				770,000		770,000		
	49 . Harry Downes Field & Playground - Design (revenue financed)				80,000		80,000		
	50 . Playground Equipment, Fields, Fencing (revenue financed)				300,000		300,000		
	51 . Town/School Grounds Rehab (revenue financed)				90,000		90,000		
	52 . Comfort Stations (revenue financed)				40,000		40,000		
	53 . Tree Removal and Replacement (revenue financed)				225,000		225,000		
	54 . School Furniture Upgrades (revenue financed)				80,000		80,000		
	55 . Town/School ADA Renovations (revenue financed)				70,000		70,000		
	56 . Town/School Elevator Renovations (revenue financed)				275,000		275,000		
	57 . Town/School Energy Conservation Projects (revenue financed)				170,000		170,000		
	58 . Town/School Energy Management Systems (revenue financed)				175,000		175,000		
	59 . Town/School Building Security / Life Safety (revenue financed)				175,000		175,000		
	60 . Town/School Compactor Replacements (revenue financed)				50,000		50,000		
	61 . School Feasibility studies - K-8 and High School (revenue financed)				800,000		800,000		
	62 . Old Lincoln School Modifications (revenue financed)				350,000		350,000		
	63 . Classroom Capacity (revenue financed)				1,038,000		1,038,000		
	64 . Tower #1 Replacement (bond)				800,000		800,000		
	65 . Fire Training & Maintenance Facility (bond)				4,500,000		4,500,000		
	66 . Corey Hill Park (bond)				700,000		700,000		
	67 . Town/School Bldg Envelope/Fenestration Repairs (bond)				2,100,000		2,100,000		
(4)	**TOTAL REVENUE-FINANCED SPECIAL APPROPRIATIONS**	**8,581,000**	**9,415,000**	**10,113,000**	**8,874,040**	**0**	**8,874,040**		

	FY14 ACTUAL	FY15 ACTUAL	FY16 BUDGET	FY17 BUDGET	PROPOSED AMENDMENTS	FY17 AMENDED BUDGET	$$ CHANGE FROM FY16	% CHANGE FROM FY16
TOTAL APPROPRIATED EXPENDITURES	**221,886,515**	**230,238,929**	**241,996,166**	**252,355,676**	**1,000,000**	**253,355,676**		
NON-APPROPRIATED EXPENDITURES								
Cherry Sheet Offsets	111,026	126,443	91,451	89,197		89,197		
State & County Charges	6,196,321	6,201,536	6,319,715	6,398,976		6,398,976		
Overlay	1,726,503	2,080,721	1,965,726	1,800,000		1,800,000		
Deficits-Judgments-Tax Titles	3,049	25,000	25,000	25,000		25,000		
TOTAL NON-APPROPRIATED EXPEND.	**8,036,899**	**8,433,700**	**8,401,892**	**8,313,173**	**0**	**8,313,173**		
TOTAL EXPENDITURES	**229,923,414**	**238,672,629**	**250,398,058**	**260,668,849**	**1,000,000**	**261,668,849**		
SURPLUS/(DEFICIT)	**1,620,440**	**1,176,796**	**0**	**0**	**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, 2017

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)	12,190,679	162,740	167,488	31,350	197,266	132,777			12,882,300
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)									101,118,781
Total Departmental Budgets	**49,214,817**	**8,891,449**	**2,159,893**	**559,132**	**4,846,306**	**2,003,568**	**20,000**		**168,813,945**
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	**56,848,195**								**56,848,195**
GENERAL / UNCLASSIFIED									
Reserve Fund (*) (Chair, Advisory Committee)				3,348,737					3,348,737
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)	3,113,228								3,113,228
Personnel Services Reserve (*) (Director of Finance)	715,000								715,000
Total General / Unclassified	**3,843,228**	**544,148**	**10,000**	**3,679,182**					**8,076,558**
TOTAL GENERAL APPROPRIATIONS	**109,906,240**	**9,435,597**	**2,169,893**	**4,238,314**	**4,846,306**	**2,003,568**	**20,000**	**10,742,938**	**244,481,636**

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

ARTICLE 8

EIGHTH ARTICLE
Submitted by: Board of Selectmen

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Or take any other action relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

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

SELECTMEN'S RECOMMENDATION

Article 7 asks governs the treatment of bond premiums received in connection with the sale of bonds or notes. Prior to the Municipal Modernization Act, which took effect on November 7, 2016, a net premium on bonds or notes would be booked as a general fund receipt, which would then be included in the Town's Free Cash and be available for appropriation for any lawful purpose. Net premiums must now be used for capital projects, either the project that generated premium or a current or future capital project.

This article provides the Town with the flexibility to exercise either option at the time of borrowing. The Board supports giving Finance staff the ability to determine the most practical manner in which to deal with the premium at the time of the issuance.

Therefore, by a vote of 5-0 taken on April 4, 2017, the Board recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied

Passed by Unanimous Vote

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:

On November 7, 2016, changes to Massachusetts General Law Chapter 44 Section 20, which governs the use of proceeds from the sale of bonds, as well as restrictions on use and disposition of premiums, went into effect. Article 8 will allow the Town to take any action possible in accordance with these changes. Specifically, when bonds are issued at premium, Article 8 allows the Town to either (1) use such premium (net of issuing costs) to reduce the amount required to be borrowed for a specific project, or (2) maintain the premium in cash for application toward another capital project that requires a borrowing for an equal or longer period of time. If Article 8 does not pass, option (2) will be the default mechanism. By a vote of 18–0–1, the Advisory Committee recommends FAVORABLE ACTION on Article 8.

The Article allows the Town to conform to the new rules in Chapter 44, Section 20 and, though discussed below, a detailed understanding of bonds and the mechanics of underwriting is not necessarily required for one to vote in favor of the Article. The key is to appreciate both the flexibility and the financial efficiency that passing Article 8 affords the Town.

BACKGROUND:

Until November 7, 2016, if a municipality issued bonds at a premium, the premium proceeds (net of the cost of issuance) were typically put into the General Fund. Accordingly, this created a situation where certain proceeds from long-term borrowing for capital projects could be used for short-term operating costs. As part of the Municipal

Modernization Act, the State determined to eliminate this source of potential deficit financing by directing more specifically what such premiums may be used for.

Under the new rules, bond premiums may not be placed into the General Fund. The premiums must be used either to (1) reduce the amount of borrowing required to finance the project for which the borrowing was undertaken, or (2) maintain the premium for future use on a capital project that requires a borrowing for an equal or longer period of time.

As a practical matter and assuming Article 8 passes, unless the Town has an immediate need to fund another capital project for an equal or longer period of time, it is likely that the flexibility offered by the new regulations will result in the premium being applied to the project costs and that smaller borrowings will result. Option 2, which will generally be an inefficient use of capital, will be the default mechanism if Article 8 does not pass.

DISCUSSION:

The Advisory Committee had a wide discussion on the Article, most of which was geared towards understanding the mechanics of bond issuance and how the new rules would work in practice. The following is a broad review of some technical aspects of bonds and includes some details of the topics covered by the Advisory Committee.

Bonds

Bonds are fixed income debt instruments. They represent obligations of the issuer, backed by the full faith and credit of the issuer, and carry a stated interest rate that does not change over the life of the bond. Because of this, when bonds are traded in the marketplace, their price will vary depending on the general interest rate environment. The price of a bond is inversely related to the interest rate an investor demands when buying the bond.

Bonds—Par, Premiums, Discounts

When a new bond is issued, the underwriters will go into the market and determine the optimal structure for the issue that will result in the lowest net cost to the issuer. Bonds can be issued at face value, also known as par (100 cents on the dollar), at a discount to par (interest rate set for the bond is insufficient for buyers to want to pay face value) or at a premium (interest rate is more than required for someone to pay face value). If investors were totally indifferent to the structure of the bond (par, discount, premium), then the net cost to the issuer would be identical under all of those scenarios. Net cost is the stated interest rate divided by the amount of money paid for a bond (see example 1 in the Appendix to this report).

However, generally investors are not indifferent to the structure of a bond. Buyers of municipal bonds are typically looking for tax-exempt income. If they buy at a discount, they are locking themselves into a capital gain which will be taxable. While it is true that by buying at a premium an investor will be locking in a capital loss if they hold a bond to maturity (not necessarily bad as it can offset gains and they are still getting the

yield that they are happy with), buying at a premium also provides an investor with some protection if interest rates go up AND they wish to sell prior to maturity (increases the likelihood that a new buyer will still be able to buy above par and avoid a capital gain).

Because there are preferences as to structure in the marketplace, the underwriters will "auction" the issuance so as to arrive at the optimal combination of interest rate and structure that results in the lowest net cost to the issuer. In the municipal market, this often means that a bond will be issued with a premium (see example 2 in Appendix).

Goals of New Rules
The goals of the new rules are clear: to help ensure that capital projects are funded appropriately and to eliminate the use of one-time capital funds for operating purposes. While there are two options available to a municipality when a bond is issued at a premium, there are some considerations that might suggest it is more likely that one approach will be favored over the other. Using any net bond premium to reduce the borrowing requirements of a specific project will ensure that debt is issued only as needed, that specific borrowings remain identified with specific projects and that cash does not sit idly while bearing a cost of carry (proceeds cannot be used to fund investments and make a profit). It should be noted that while borrowings will be minimized, the overall impact on debt capacity may not be very significant. Unless there are capital projects that need immediate funding having a term equal to or longer than the issuance generating the premium, it would seem inefficient to borrow money and have it sit essentially fallow, particularly for a municipality like Brookline that has a AAA rating and that does not have difficulty accessing the capital markets.

Mechanics of New Rules
Mechanically, when a bond is being offered, the underwriters would determine the optimal structure and, prior to the bond actually being issued, would adjust the size of the offering down by the amount of the premium. This would be an iterative process. Hence, when issued, the bond would be smaller, by the amount of the premium, than it would be if the premium were to be kept in cash, but the total amount of proceeds (bond plus premium) would still be sufficient to fund the specified project. (See example 3 in Appendix.)

RECOMMENDATION:
By a vote of 18–0–1, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen.

APPENDIX TO ADVISORY COMMITTEE REPORT ON ARTICLE 8

Example 1: Required Net Yield of 5%, Investors Indifferent to Structure

Par Bond: Interest rate of 5%. Price of bond will be 100% of face value to yield 5%

Discount Example: Interest rate of 4%. Price of bond will be 80% of face value to yield 5%

Premium Example: Interest rate of 6%. Price of bond will be 120% of face value to yield 5%

Example 2: Investors Care About Structure: Assume Par Bond at 5%; 1% premium bond at 4.95%; 1% discount bond at 5.05%

Par Bond: Need a stated interest rate of 5% to sell at par (100)

Premium Bond: Investor A says: If you let me buy the bond at a 1% premium, I will only require a yield of 4.95%: Stated interest rate of 5%, offered at a price of 101. Cost to borrower is 5/101=4.95%

Discount Bond: Investor A says: If you make me buy the bond at a discount, you need to give me a better yield: Stated interest rate of 5%, offered at a price of 99. Cost to borrower is 5/99=5.05%

Example 3: Example of Mechanics of New Rules:

$20 million of project bonds initially offered at par at 5%. Investor A says, I'll buy at 101 to yield 4.95%. Total proceeds would be $20.2 million ($200,000 premium).

Instead of issuing $20 million and getting $20.2 million in proceeds, Brookline would issue $19.8 million and get the $20 million for the project (actually $19,998,000, but we are rounding up here).

XXX

May 23, 2017

Annual Town Meeting

Article 9 – Supplement No. 4

ARTICLE 9

VOTED: To add $80,000 from the Reserve Fund to the Town Clerk's Budget for the purpose of funding an off-cycle override election.

Passed by an Electronic Secret Vote of 133 In Favor, 64 Opposed and 9 Abstentions.

ARTICLE 9

MOTION OFFERED BY NEIL WISHINSKY

VOTED: To amend Section 13 item 53 so that it read as follows: (New language is in bold.)

VOTED: Raise and appropriate $300,000 to be expended under the direction of the Commissioner of Public Works, with any contracts over $100,000 to be approved by the Board of Selectmen, for improvements to the water system **and to meet the appropriation authorize the Treasurer, with the approval of the Board of Selectmen, to borrow $300,000 under General Laws, Chapter 44, Section 8(3A), or pursuant to any other enabling authority; and authorize the Selectmen to apply for, accept, receive and expend grants, aid, reimbursements, loans and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.**

Passed by a Unanimous Vote

PETITIONER EXPLANATION

Item 53 is a Water and Sewer CIP item that will utilize bond funding to pay for a Water System Asset Management Program and will improve the Water Department's efficiency in operating and maintaining the distribution system and provide valuable information for future capital improvement planning. The original language in the vote for this item neglected to include the bond authorization needed from Town Meeting. This motion simply amends the language of the item in order to allow the Town to fund the project. The budget tables presented earlier already reflect this funding plan and do not need to be amended.

ARTICLE 9

MOTION OFFERED BY NEIL WISHINSKY, DAVID POLLAK AND FRED LEVITAN

Passed by an Electronic Records Vote of 185 In Favor, 32 Opposed and 4 Abstentions

VOTED: To amend Section 13 item 67 so that it read as follows:

VOTED: To raise and appropriate $1,500,000 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 a feasibility study and schematic design services, or any combination of the foregoing, for the construction of a 9th School to be located at 490 Heath Street, with the condition that no funds with the exception of $100,000 for additional design services for the preferred Scheme D to be expended prior to the publishing of the decision of the Massachusetts Supreme Judicial Court in the matter of Smith v Westfield and until the Board of Selectmen, the School Committee and an Ad Hoc Subcommittee of the Advisory Committee receive the opinion of Town Counsel and/or outside counsel hired to review land use limitations and protections on both Baldwin and Soule and until a successive Town Meeting affirmatively releases the funds.

PETITIONER EXPLANATION

There has been much discussion and debate on the decision to move forward with schematic design services for the Baldwin School project. This motion attempts to allow for funding to move forward with $100,000 dedicated to additional feasibility work for Scheme D at the Baldwin School and the remaining balance of $1,400,000 set aside for a future Town Meeting to affirm support of the project's schematic design. The additional feasibility work would allow the Town to respond to design suggestions and concerns raised by the Park and Recreation Commission, will allow for adjustments to Scheme D necessitated by the analysis presented after the outcome of the Westfield case and in response to further analysis of other land use issues. The analysis should include the questions posed in the proposed Advisory Committee motion voted on 5/16/2017. But the ultimate check on the completeness of the analysis will be the requirement to return to Town Meeting to authorize spending money beyond the initial $100,000. It is the petitioner's expectation that an ad hoc subcommittee of the Advisory Committee would participate in executive sessions where analysis of Town Counsel and/or outside counsel would be presented and discussed.

A complete package for the next phase of the project will be presented at a new Special Town Meeting, either in the fall or earlier, if necessary. The petitioners expect the Selectmen to convene a Special Town Meeting for this purpose as soon as they believe we

are at a point a decision can be made probably prior to the normal November Special Town Meeting.

ARTICLE 9

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

At the Board's May 9, 2017 meeting, Article 9 was reconsidered in order to address the language for Item 67, the appropriation to further design the 9th School at Baldwin. Specifically, the Board approved an alternative motion that would allow for additional feasibility work in light of potential restrictions on the property and to clarify the information the Board will seek from Town Counsel and/or outside legal counsel in order to make the decision to proceed with the continuation of design services.

As you know, Brookline has been discussing the need for a ninth school for many years. Up until now, the Town has been executing an effective Expand in Place strategy which has accommodated an additional 1,500 students (40% growth) and carved out 55 new classrooms into our existing K-8 buildings. But more students are coming, and we have nowhere to put them. Students are already eating lunch at 10:30 AM, pull-out teaching happens in hallways. We have created classroom space in every school — closets have become offices; locker rooms are now classrooms. We have already expanded the Heath, Runkle, Lawrence, and Devotion Schools. We've shifted some Pierce, Baker, and BEEP classrooms and offices into rental spaces, at a cost of about $1 million annually. We have run out of space.

Following selection of the Baldwin site for the 9th School, the Building Committee has been working with award winning architect Jonathan Levi Associates to design a school worthy of Brookline for the 21st century. The Committee has also been consulting with our Parks and Recreation Departments to design a series of improvements to the adjacent Soule Recreation Center to include a new larger Soule gymnasium, improved playing fields and pathways, and better site accessibility for persons with disabilities. The intent here is to create a win-win; a school designed for the 21st century AND significant improvements to our recreation and parks infrastructure. As a result of this project, more Brookline families will enjoy our parklands. An image showing the proposed school placement on the site along with changes and improvements to the Soule Recreation Center follows. Additional images are on the project website at:
http://www.brookline.k12.ma.us/Page/1970

This Board appreciates and takes seriously the concerns that have been expressed in recent weeks in response to an extensive letter from attorneys hired by a number of abutters and neighbors to the site calling into question the legality of aspects of the proposed plans. The Board has been aware of the Article 97 implications associated with this site and has been consulting with Town Counsel to understand the restrictions.

Additionally, the Town is in receipt of a recent email exchange between an employee of the National Park Service (NPS) and the Massachusetts Office of Energy and Environmental Affairs stating the employee's belief that use of the Baldwin School Playground is restricted under the terms of a Land and Water Conservation grant received by the Town in 1976. The Town disagrees with this apparently preliminary determination, and expects to challenge it. If this determination were to stand, the unrestricted buildable area of the school would be reduced.

As an added measure, this Board has requested (and was granted) a transfer from the Reserve Fund to provide outside legal support to Town Counsel as we delve further into understanding the outcome of an upcoming Supreme Court Decision in Smith v. City of Westfield and other legal factors. We are confident that, with the advice of an expert in the field, the Board and School Committee will have the information it needs to make the decision on whether to extend the design contract. This Board has agreed that it will not proceed until that analysis has been completed. The Board has further agreed to Advisory Committee participation in the process in order to receive further input on the advice of its legal team as affirmed by the following language discussed during its budget vote:

Four Advisory Committee members will be permitted to attend, receive materials and provide input and advice to the Board of Selectmen and School Committee during public and executive sessions discussions of the legal analysis referred to in the item 67 conditions. While not having a formal vote, the Advisory Committee participants will be able to express opinions individually or collectively that will be duly recorded in the meeting record. The four Advisory Committee personnel participating would be the Committee Chair, the Chair of the Capital Subcommittee, the Chair of the School Subcommittee, and the Advisory Committee Representative to the Baldwin School Building Committee.

This Board asks that Town Meeting support the appropriation of funding so that we can use our authority designated under section 3.1.2 of the Town's By-Laws to "exercise general supervision over all matters affecting the general and financial interest and welfare of the town." While the Board acknowledges that the $1.5 million appropriation is a large sum of money, Town Meeting entrusts this Board with authority over a majority of the Town's $275 million Budget). The Board takes this responsibility very seriously and, in conjunction with the School Committee, will undertake a realistic assessment of the legal risks and potential delays. We will also be enlisting Town Counsel and Advisory Committee members for guidance.

The additional language for feasibility is to allow the Town to adjust the design to address site concerns and potentially make changes to traffic and parking patterns if we were to need to test other options if the legal analysis so demands. If we were to proceed with schematic design, we would only do so for the so-called Option D (shown in the image below) or a variation of this preferred option voted by 9th School Building Committee. The intent is to give us flexibility to adjust the Option D design even if doing so would require the kind of analysis done during the feasibility phase. It is not to design a new project.

Current estimates for that potential work would be $50-$100K, acknowledging that without knowing the outcome of the additional legal analysis it is difficult to project.

The Board supports the appropriation of these funds and will proceed cautiously with its decision to move closer to the opening of a much-needed 9th Elementary School.

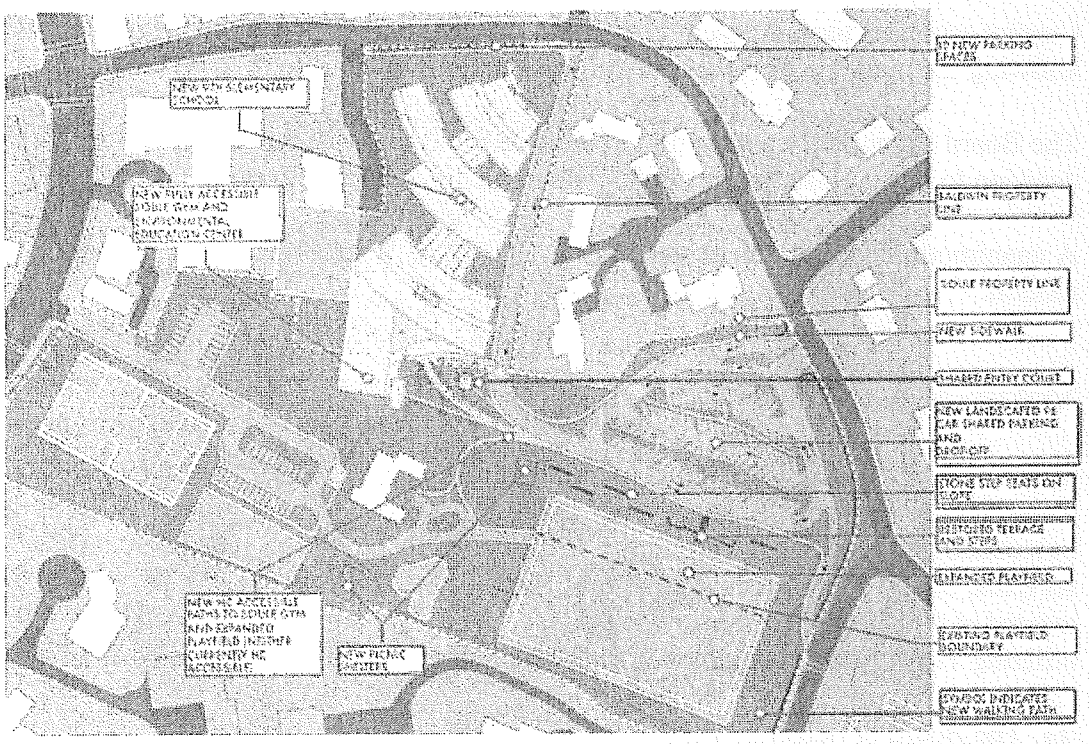
A unanimous Board of Selectmen votes FAVORABLE ACTION on the following motion:

VOTED: To amend the Board's language for Section 13 item 67 as follows:

Raise and appropriate $1,500,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for a feasibility study and schematic design services, or any combination of the foregoing, for the construction of a 9th School to be located at 490 Heath Street, provided that the following conditions are satisfied before utilizing Town funds to commence such feasibility study and schematic design services:

1) The Board of Selectmen and School Committee receive and consider an analysis from Town Counsel and/or outside counsel regarding the impact of the anticipated Supreme Judicial Court decision in Smith v. City of Westfield;

2) The Board of Selectmen and the School Committee receive and consider further analysis from Town Counsel and/or outside counsel regarding the impact of the Town's past acceptance of a federal Land and Water Conservation Fund grant to improve the Baldwin School Playground site and any Article 97 or other land use restrictions imposed on the parcels of land comprising the sites of the Baldwin School, the Baldwin School Playground, and the Soule Recreation Area.



SOULE RECREATIONIMPROVEMENTS

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

The Selectmen and Advisory Committee have the following differences in their budget votes. Please refer to the table at the end of this supplement labeled TMTABLES AC 051617 vote:

1. General Fund Appropriations

	Board of Selectmen	Advisory Committee	VARIANCE FROM AC VOTE
#8 Town Clerk	$632,331	$552,331	$80,000
#24 Reserve Fund	$2,460,011	$2,540,011	-$80,000

2. Special Appropriations:

Board of Selectmen language for item #67

VOTED: To amend the Board's language for Section 13 item 67 as follows:

Raise and appropriate $1,500,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for a feasibility study and schematic design services, or any combination of the foregoing, for the construction of a 9th School to be located at 490 Heath Street, provided that the following conditions are satisfied before utilizing Town funds to commence such feasibility study and schematic design services:

1) The Board of Selectmen and School Committee receive and consider an analysis from Town Counsel and/or outside counsel regarding the impact of the anticipated Supreme Judicial Court decision in Smith v. City of Westfield;

2) The Board of Selectmen and the School Committee receive and consider further analysis from Town Counsel and/or outside counsel regarding the impact of the Town's past acceptance of a federal Land and Water Conservation Fund grant to improve the Baldwin School Playground site and any Article 97 or other land use restrictions imposed on the parcels of land comprising the sites of the Baldwin School, the Baldwin School Playground, and the Soule Recreation Area.

Advisory Committee language for item #67

Raise and appropriate $1,500,000 for a feasibility study and schematic design services, or any combination of the foregoing, for the construction of a 9th School to be located at 490 Heath Street, to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be executed after approval by the Board of

Selectmen and the School Committee and after approval of the expenditure of such funds by a vote of Town Meeting at either the Fall (November 2017) Special Town Meeting or at a Special Town Meeting at another date, provided that the following conditions are satisfied before utilizing any Town funds to commence such feasibility study and schematic design services:

(1) The Board of Selectmen, the School Committee and the Advisory Committee's Ad Hoc Subcommittee on the 9th School at Baldwin, as appointed by the Chair of the Advisory Committee, shall receive and consider in executive session an analysis from Town Counsel and an opinion letter from outside counsel as to the impact of the Town's past acceptance of a Federal Land and Water Conservation Fund grant and state Urban Self-Help grant for improvements to the Baldwin School Playground and the Soule Recreation area and the impact of the anticipated Supreme Judicial Court decision in *Smith v. City of Westfield* with respect to Article 97 of the Massachusetts Constitution on the proposal to construct a 9th school at 490 Heath Street as well as an estimate of a realistic time frame and cost estimates to resolve any of the aforementioned identified impediments as well as the anticipated delays and costs of potential administrative processes and litigation, through either negotiation or court action in both Federal and State Courts, that may be required for the Town to address these and other matters raised in the April 3, 2017 letter from Attorney Stephen Wald and that are to be included in the report from outside counsel to be engaged by Town Counsel pursuant to the $50,000 Reserve Fund Transfer approved by the Advisory Committee on May 11, 2017.

(2) A report and recommendation from the Advisory Committee on such matters as referenced above shall be provided to the Town Meeting called to consider such expenditure at least seven days before such Town Meeting convenes.

Marked up version of the BOS motion amending the Advisory Committee motion for item #67

Raise and appropriate $1,500,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be executed after approval by the Board of Selectmen and the School Committee for a feasibility study and schematic design services, or any combination of the foregoing, for the construction of a 9th School to be located at 490 Heath Street, ~~to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be executed after approval by the Board of Selectmen and the School Committee and after approval of the expenditure of such funds by a vote of Town Meeting at either the Fall (November 2017) Special Town Meeting or at a Special Town Meeting at another date~~, provided that the following conditions are satisfied before utilizing any Town funds to commence such feasibility study and schematic design services:

~~(1) The Board of Selectmen, the School Committee and the Advisory Committee's Ad Hoc Subcommittee on the 9th School at Baldwin, as appointed by the Chair of the Advisory Committee, shall receive and consider in executive session an analysis from Town Counsel and an opinion letter from outside counsel as to the impact of the Town's past acceptance of a Federal Land and Water Conservation Fund grant and state Urban Self Help grant for improvements to the Baldwin School Playground and the Soule Recreation area and the impact of the anticipated Supreme Judicial Court decision in *Smith v. City of Westfield* with respect to Article 97 of the Massachusetts Constitution on the proposal to construct a 9th school at 490 Heath Street as well as an estimate of a realistic time frame and cost estimates to resolve any of the aforementioned identified impediments as well as the anticipated delays and costs of potential administrative processes and litigation, through either negotiation or court action in both Federal and State Courts, that may be required for the Town to address these and other matters raised in the April 3, 2017 letter from Attorney Stephen Wald and that are to be included in the report from outside counsel to be engaged by Town Counsel pursuant to the $50,000 Reserve Fund Transfer approved by the Advisory Committee on May 11, 2017.~~

~~(2) A report and recommendation from the Advisory Committee on such matters as referenced above shall be provided to the Town Meeting called to consider such expenditure at least seven days before such Town Meeting convenes.~~

1) The Board of Selectmen and School Committee receive and consider an analysis from Town Counsel and/or outside counsel regarding the impact of the anticipated Supreme Judicial Court decision in Smith v. City of Westfield;

2) The Board of Selectmen and the School Committee receive and consider further analysis from Town Counsel and/or outside counsel regarding the impact of the Town's past acceptance of a federal Land and Water Conservation Fund grant to improve the Baldwin School Playground site and any Article 97 or other land use restrictions imposed on the parcels of land comprising the sites of the Baldwin School, the Baldwin School Playground, and the Soule Recreation Area.

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

As the deadline for submitting supplemental reports approached on Thursday, May 18, the chair, vice chair, and other members of the Advisory Committee learned of at least one potential new amendment to Item 67 in the FY2018 budget—the $1.5 million special appropriation for the Ninth School at 490 Heath Street. The following report is as current as possible, but the Advisory Committee may present additional information and recommendations at the Annual Town Meeting.

SUMMARY:

As originally voted, the Advisory Committee recommended appropriating the requested Special Appropriation of $1.5 million in schematic design funds for the ninth school at 490 Heath Street and "parking" these funds in the Special Appropriation for Classroom Capacity (Item 66), with the condition that $1.5 million of the now $2,495,000 in Item 66 not be encumbered or expended until after December 1, 2017. The rationale behind the vote was to ensure that the decision to proceed with schematic design for the ninth school would rest with Town Meeting and that by December 1 the November Town Meeting would have made its determination with full knowledge of the Massachusetts Supreme Judicial Court's decision in the critical *Smith vs. the City of Westfield* case. A majority of the Advisory Committee was firm in its belief that the expenditure of such large amounts of money should rest with Town Meeting, and not the executive branch of Town government, and that a decision should not be made before the Town had taken into account the implications of the *Westfield* case for the proposed 9th school.

Upon further consideration—at both its May 11th and May 16th meetings—of its initial recommendation, the Advisory Committee voted to amend its earlier recommendation regarding the special appropriations for Classroom Capacity (Item 66) and the ninth school at 490 Heath Street (now Item 67). The Advisory Committee then voted unanimously for its amended overall Article 9 motion, as described at the end of this report.

To summarize, the Advisory Committee now recommends appropriating $995,000 (the original request of the School Department) for Classroom Capacity funds. It also recommends appropriating $1.5 million for both feasibility and schematic design purposes for the ninth school at 490 Heath Street, with the condition that those funds be expended only (1) after the Board of Selectmen and School Committee have given careful consideration to guidance from outside counsel on various legal issues that have arisen and on anticipated delays and costs of potential administrative processes and litigation, and (2) after a Special Town Meeting votes to approve expenditure of the $1.5 million.

The amendment voted by the Advisory Committee on May 16 and incorporated into its Article 9 (budget) motion reflects the need to clearly appropriate funds for the proposed 9th school, but to expend those funds only when the Town has more information on legal issues related to the proposed school. The Advisory Committee took into account the fact that

Town Counsel is seeking advice from outside counsel on legal issues related to the proposed 9th school site, including the *Westfield* case but also other issues, such as restrictions that may have been imposed by the use of a federal grant to improve part of the Baldwin Playground. Instead of waiting until November, release of the $1.5 million can now be tied to when the Town receives more information and analysis from Town Counsel and outside counsel.

BACKGROUND:
Please refer to pp. 9-84 to 9-94 of the Combined Reports for general background information on the proposed ninth school at the Baldwin site, recent and ongoing studies, issues, and remaining questions. The following summary covers recent developments related to the proposed school.

On May 15, JLA was asked to produce sketches to show the possibility of reducing parking on the Soule Recreation site, in response to Park and Recreation Commission and Article 97 concerns, and also the possibility of building the school on the "front parcel" of the Baldwin site, i.e. that portion that apparently would not be subject to either Article 97 or Land and Water Conservation Fund (LWCF) restrictions. These sketches were shown to and discussed by members of the 9th School at Baldwin Building Committee at its May 16th meeting. Recognizing that further investigation of some–or all–of these options might be needed, the Board of Selectmen on May 16 voted to add language to the Selectmen's recommendation for Item 67 of Special Appropriations so that the $1.5 million in that appropriation could be spent for feasibility studies, as well as schematic design, for the proposed 9th school at 490 Heath Street. The Selectmen's revised motion was approved by the Moderator and appears below in this report.

DISCUSSION:
At its May 11 meeting, having moved and approved reconsideration of its initial Article 9 motion, including the recommendation regarding the 9th school, the Advisory Committee continued to discuss possible amendments to its original recommendation. The Committee examined three options:

1) The Advisory original motion to defer voting on the $1.5 million until November, as it appears in the Combined Reports.

2) The motion of the Board of Selectmen, as voted on May 16 and communicated to the Advisory Committee during its simultaneous May 16 meeting.

3) An amendment to the Advisory Committee's previous motion, calling for Town Meeting to vote on the expenditure of the $1.5 appropriation at a Special Town Meeting, convened by the Board of Selectmen after more information is available on legal issues related to propose the 9th school site.

Proposing a Special Town Meeting, as opposed to the November Town Meeting addressed the concern that waiting until November could slow down the process. It was noted that

the Board of Selectmen is empowered to convene a Special Town Meeting (STM) quickly: 14 days after posting the warrant. Several years ago a STM was convened in August to vote on a local option meals tax and there were no difficulties in reaching a quorum. Town Meeting members might be even more likely to attend a Special Town Meeting devoted to the 9th school, given the considerable interest in this issue.

There was no support expressed for returning to the Committee's original recommendation regarding the $1.5 million 9th school appropriation. The Advisory Committee focused on the other two options.

The Selectmen's Motion of May 16, 2017

The Advisory Committee was informed that the Selectmen would consider the following motion at their May 16 meeting (**bold** insertions are new language added since the previous voted of the Selectmen on Item 67):

> VOTED: To raise and appropriate $1,500,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for **a feasibility study and schematic design services, or any combination of the foregoing, for the construction of** a 9th School to be located at 490 Heath Street, provided that the following conditions are satisfied before utilizing Town funds to commence such **feasibility study and** schematic design services:
>
> > 1) The Board of Selectmen and School Committee receive and consider an analysis from Town Counsel and/or outside counsel regarding the impact of the anticipated Supreme Judicial Court decision in Smith v. City of Westfield;
> >
> > 2) The Board of Selectmen and the School Committee receive and consider further analysis from Town Counsel and/or outside counsel regarding the impact of the Town's past acceptance of a federal Land and Water Conservation Fund grant to improve the Baldwin School Playground site and any Article 97 or other land use restrictions imposed on the parcels of land comprising the sites of the Baldwin School, the Baldwin School Playground, and the Soule Recreation Area.

A few members initially indicated their preference for the Selectmen's motion as the one that would enable the process of building the school to move forward as quickly as possible. In the end, however, the Advisory Committee recognized that there were too many uncertainties regarding the Baldwin School to delegate to the Selectmen and School Committee responsibility for releasing the $1.5 million. Would the report from outside counsel conclude that a school should only be built on the "front parcel" of the Baldwin site—a radically different proposal than the current Option D? Would legal concerns delay construction of a school for many years? Would Eminent Domain be necessary to acquire

an adequate site? Under what, if any, conditions would the Town re-open the site selection process? The decision one week before Town Meeting to request funds for feasibility studies to the special appropriation indicated continuing uncertainty on how the appropriated funds would be spent.

By a vote of two in favor, eighteen opposed, and five abstentions, the Advisory Committee voted against the Selectmen's May 16 motion on Item 67.

The Advisory Committee's Recommended Option

Regarding the third option, some members offered their support based on their belief that voting on budgetary matters is an extremely important function of the legislative branch of town government. Others noted that there was great uncertainty about how the appropriated funds would be spent. The apportionment of the $1.5 million allocation between feasibility and schematic design is not included in the requested special appropriation, which was modified very late in the budget process. In addition, the scope of additional feasibility studies are currently unknown. The Advisory Committee was given an estimate from Building Department staff that tentatively places the feasibility cost between $200,000 and $300,000. (The next day, the Chair of the Board of Selectmen said that only $50,000 might be needed, suggesting that there was still much uncertainty.) If the cost of the feasibility studies were to reach $300,000, additional funding might then be needed to proceed with schematic design for Option D, should that be the chosen course. There were no suggestions as to the source of additional funding. Furthermore, as the Selectmen's vote is written, money could be spent on the feasibility of building a school on just the "front parcel" of the Baldwin site without any further consideration or discussion. When the Advisory Committee met on May 16, it was not clear which plan will be investigated for further feasibility.

In addition, the possibility of taking one or more houses for eminent domain, although not contemplated at this time, was mentioned at the Baldwin Building Committee meeting on May 16th. A number of Advisory Committee members stated their firm belief that before any such step was "officially" contemplated, it should be done so only with the support of Town Meeting. There was also the perspective that bringing the matter back to Town Meeting, as opposed to leaving it up to the School Committee and Selectmen, would provide an opportunity to ensure that there was greater community-wide support for the next step, whatever it may be,

Finally, it was noted that whatever guidance is offered by Town Counsel and outside counsel regarding legal issues and the risks of time delays and financial expenditures, the Board of Selectmen and School Committee, having voted for the Baldwin site and having worked so long and hard on reaching this point in the process, might have a difficult time responding in a dispassionate manner to such guidance and advice. This observation was not made in a disparaging manner, but rather to take note of fundamental human nature.

All of these considerations persuaded the Advisory Committee that the best course would be to appropriate the $1.5 million for feasibility studies and schematic design of the proposed 9th school, but to have a Special Town Meeting decide whether to approve utilization of these funds after receiving reports on the legal issues related to the proposed school and the implications of such issues for the Town's options for designing and building a 9th school. As of May 16, the Board of Selectmen agreed with the need for a delay, but the Selectmen's motion would allow the Selectmen and School Committee to authorize expenditure of the $1.5 million without further action by Town Meeting.

Before voting its recommendation, the Advisory Committee took up an amendment to the third option, which gave greater specificity as to the legal and other issues to be considered by Town Counsel and outside counsel before making their required reports to the Board of Selectmen and School Committee. This secondary amendment was approved and incorporated into the amendment voted by the Advisory Committee and shown below.

Amendment to The Advisory Committee's Previous Recommend Motion under Article 9

By a vote of 23–0–2, the Advisory Committee amended its previous recommended motion under Article 9 (see pp. 9-95 – 9-103 of the Combined Reports) by making the following changes, which are also reflected in the attached Table 1 (FY18 Budget). The remainder of the Advisory Committee's motion is unchanged. The amendment only changes special appropriations, and the principal substantive changes are to items that appear on page 9-102 and page 9-103.

VOTED: To Amend the Advisory Committee's recommended motion under Article 9, as it appears on pages 9-95 to 9-103 of the Combined Reports, by making the following changes and retaining the existing language that is not subject to these changes.

- Substitute the following for the previously recommended special appropriation 66 [p. 9-102]:

66.) Raise and appropriate $995,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools.

- Insert new special appropriation 67 [p. 9-103]:

67.) Raise and appropriate $1,500,000 for a feasibility study and schematic design services, or any combination of the foregoing, for the construction of a 9th School to be located at 490 Heath Street, to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be executed after approval by the Board of Selectmen and the School Committee and after approval of the expenditure of such funds by a vote of Town Meeting at either the Fall (November 2017) Special Town Meeting or

at a Special Town Meeting at another date, provided that the following conditions are satisfied before utilizing any Town funds to commence such feasibility study and schematic design services:

(1) The Board of Selectmen, the School Committee and the Advisory Committee's Ad Hoc Subcommittee on the 9th School at Baldwin, as appointed by the Chair of the Advisory Committee, shall receive and consider in executive session an analysis from Town Counsel and an opinion letter from outside counsel as to the impact of the Town's past acceptance of a Federal Land and Water Conservation Fund grant and state Urban Self-Help grant for improvements to the Baldwin School Playground and the Soule Recreation area and the impact of the anticipated Supreme Judicial Court decision in *Smith v. City of Westfield* with respect to Article 97 of the Massachusetts Constitution on the proposal to construct a 9th school at 490 Heath Street as well as an estimate of a realistic time frame and cost estimates to resolve any of the aforementioned identified impediments as well as the anticipated delays and costs of potential administrative processes and litigation, through either negotiation or court action in both Federal and State Courts, that may be required for the Town to address these and other matters raised in the April 3, 2017 letter from Attorney Stephen Wald and that are to be included in the report from outside counsel to be engaged by Town Counsel pursuant to the $50,000 Reserve Fund Transfer approved by the Advisory Committee on May 11, 2017.

(2) A report and recommendation from the Advisory Committee on such matters as referenced above shall be provided to the Town Meeting called to consider such expenditure at least seven days before such Town Meeting convenes.

- Renumber existing special appropriation 67 (Brookline Reservoir) as special appropriation 68 (p. 9-103 of the Combined Reports).

- In paragraph 13 "Special Appropriations" change "Items #67 – 68" to "Item #68" (p. 9-99 of the Combined Reports).

RECOMMENDATION:
The Advisory Committee, by a vote of 25-0-0, recommends FAVORABLE ACTION on its Article 9 motion, as amended. The changes to the motion in the Combined Reports are shown below (additions in **bold**; deletions in ~~strikethrough~~). All other parts of that motion remain unchanged.

13.) SPECIAL APPROPRIATIONS: The appropriations set forth as items 35 through 68, inclusive, in Table 1 shall be specially appropriated for the following purposes. In addition, with the exception of Items ~~#67 –~~ 68, they shall be transferred from the General Fund to the Revenue-Financed Capital Fund.

66.) Raise and appropriate ~~$2,495,000~~ **$995,000** to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools~~, provided that $1,500,000 of this total not be expended or encumbered before December 1, 2017~~.

67.) Raise and appropriate $1,500,000 for a feasibility study and schematic design services, or any combination of the foregoing, for the construction of a 9th School to be located at 490 Heath Street, to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be executed after approval by the Board of Selectmen and the School Committee and after approval of the expenditure of such funds by a vote of Town Meeting at either the Fall (November 2017) Special Town Meeting or at a Special Town Meeting at another date, provided that the following conditions are satisfied before utilizing any Town funds to commence such feasibility study and schematic design services:

> **(1) The Board of Selectmen, the School Committee and the Advisory Committee's Ad Hoc Subcommittee on the 9th School at Baldwin, as appointed by the Chair of the Advisory Committee, shall receive and consider in executive session an analysis from Town Counsel and an opinion letter from outside counsel as to the impact of the Town's past acceptance of a Federal Land and Water Conservation Fund grant and state Urban Self-Help grant for improvements to the Baldwin School Playground and the Soule Recreation area and the impact of the anticipated Supreme Judicial Court decision in *Smith v. City of Westfield* with respect to Article 97 of the Massachusetts Constitution on the proposal to construct a 9th school at 490 Heath Street as well as an estimate of a realistic time frame and cost estimates to resolve any of the aforementioned identified impediments as well as the anticipated delays and costs of potential administrative processes and litigation, through either negotiation or court action in both Federal and State Courts, that may be required for the Town to address these and other matters raised in the April 3, 2017 letter from Attorney Stephen Wald and that are to be included in the report from outside counsel to be engaged by Town Counsel pursuant to the $50,000 Reserve Fund Transfer approved by the Advisory Committee on May 11, 2017.**
>
> **(2) A report and recommendation from the Advisory Committee on such matters as referenced above shall be provided to the Town Meeting called to consider such expenditure at least seven days before such Town Meeting convenes.**

~~67~~ **68.**) Appropriate $2,200,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the renovation of Brookline Reservoir Park; and to meet the appropriation

authorize the Treasurer, with the approval of the Board of Selectmen, to borrow $2,200,000, under General Laws, Chapter 44, Section 7, Clause 25.

FY18 BUDGET - TABLE 1 May, 2017 AC 051617 vote

		FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
	REVENUES						
	Property Taxes	182,239,297	195,049,924	204,064,199	211,298,230	7,234,031	3.5%
	Local Receipts	25,847,019	29,377,154	23,836,698	29,556,650	5,719,952	24.0%
	State Aid	17,675,450	18,837,306	19,657,251	20,273,713	616,462	3.1%
	Free Cash	5,084,152	5,016,501	5,311,538	8,354,017	3,042,479	57.3%
	Overlay Surplus	2,100,000	0	0	0	0	-
	Other Available Funds	6,903,508	6,895,644	7,840,067	3,485,110	(4,354,956)	-55.5%
	TOTAL REVENUE	**239,849,426**	**255,176,529**	**260,709,753**	**272,967,720**	**12,257,968**	**4.7%**
	EXPENDITURES						
	DEPARTMENTAL EXPENDITURES						
	1 . Selectmen	685,876	684,191	688,622	697,169	8,547	1.2%
	2 . Human Resources	676,217	728,432	548,060	686,579	138,519	25.3%
	3 . Information Technology	1,783,823	1,843,320	1,908,580	1,896,399	(12,181)	-0.6%
	4 Diversity, Inclusion, and Community Relations	177,539	202,210	239,050	243,101	4,051	1.7%
	5 . Finance Department	2,869,580	2,985,840	3,216,609	3,262,446	45,837	1.4%
	a. Comptroller	*551,138*	*571,910*	*589,139*	*597,669*	*8,530*	*1.4%*
	b. Purchasing	*667,116*	*681,950*	*661,456*	*665,782*	*4,326*	*0.7%*
	c. Assessing	*664,015*	*685,044*	*689,132*	*690,060*	*928*	*0.1%*
	d. Treasurer	*987,311*	*1,046,936*	*1,276,882*	*1,308,935*	*32,053*	*2.5%*
	6 . Legal Services	889,316	989,752	967,934	972,934	5,000	0.5%
	7 . Advisory Committee	13,021	13,704	25,672	25,779	107	0.4%
	8 . Town Clerk	645,463	613,440	696,935	552,331	(144,604)	-20.7%
	9 . Planning and Community Development	851,249	874,057	958,875	982,599	23,724	2.5%
	10 . Police	16,260,029	16,732,901	16,738,565	16,829,005	90,440	0.5%
	11 . Fire	12,960,394	12,961,446	14,607,589	14,980,571	372,982	2.6%
	12 . Building	7,029,407	7,321,190	7,600,286	7,699,954	99,668	1.3%
(1)	13 . Public Works	16,330,565	14,970,796	14,387,630	14,457,331	69,701	0.5%
	a. Administration	*874,470*	*908,138*	*890,192*	*891,296*	*1,104*	*0.1%*
	b. Engineering/Transportation	*1,165,797*	*1,255,638*	*1,260,195*	*1,216,151*	*(44,044)*	*-3.5%*
	c. Highway	*4,872,841*	*4,574,473*	*5,027,423*	*4,957,738*	*(69,685)*	*-1.4%*
	d. Sanitation	*2,858,581*	*3,340,207*	*3,020,670*	*3,080,034*	*59,364*	*2.0%*
	e. Parks and Open Space	*3,322,096*	*3,701,159*	*3,701,557*	*3,826,815*	*125,258*	*3.4%*
	f. Snow and Ice	*3,236,779*	*1,191,182*	*487,593*	*485,297*	*(2,296)*	*-0.5%*
	14 . Library	3,894,348	3,993,162	3,992,157	3,974,583	(17,574)	-0.4%
	15 . Health and Human Services	1,184,308	1,193,045	1,189,084	1,193,753	4,669	0.4%
	16 . Veterans' Services	361,218	326,172	335,631	335,531	(100)	0.0%
	17 . Council on Aging	855,130	883,926	912,543	917,628	5,085	0.6%
	18 . Recreation	1,010,362	1,124,759	1,011,042	1,000,208	(10,834)	-1.1%
(2)	19 . Personnel Services Reserve	715,000	715,000	715,000	715,000	0	0.0%
(2)	20 . Collective Bargaining - Town	2,321,220	1,596,442	783,529	1,500,000	716,471	91.4%
	Subtotal Town	*68,477,847*	*68,442,343*	*71,523,393*	*72,922,901*	*1,399,508*	*2.0%*
	21 . *Schools*	*86,842,575*	*95,916,094*	*101,118,783*	*104,710,912*	*3,592,129*	*3.6%*
	22. . *Vocational Euducation Assessments*	*0*	*0*	*0*	*92,895*	*92,895*	*-*
	Subtotal Education	*86,842,575*	*95,916,094*	*101,118,783*	*104,803,807*	*3,685,024*	*3.6%*
	TOTAL DEPARTMENTAL EXPENDITURES	**155,320,422**	**164,358,438**	**172,642,176**	**177,726,708**	**4,991,637**	
	NON-DEPARTMENTAL EXPENDITURES						

		FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
(1)	23 . Employee Benefits	50,474,515	54,064,860	56,848,194	60,454,518	**3,606,324**	**6.3%**
(3)	*a. Pensions*	*17,882,573*	*18,707,021*	*19,718,677*	*21,499,185*	***1,780,508***	***9.0%***
	b. Group Health	*25,110,830*	*27,484,720*	*29,042,055*	*30,173,026*	***1,130,971***	***3.9%***
	c. Health Reimbursement Account (HRA)	*49,478*	*70,000*	*0*	*0*	***0***	
(3)	*d. Retiree Group Health Trust Fund (OPEB's)*	*3,311,860*	*3,499,119*	*3,774,837*	*4,480,080*	***705,243***	***18.7%***
	e. Employee Assistance Program (EAP)	*24,900*	*28,000*	*28,000*	*28,000*	***0***	***0.0%***
	f. Group Life	*132,666*	*145,000*	*145,000*	*145,000*	***0***	***0.0%***
	g. Disability Insurance	*10,221*	*16,000*	*16,000*	*16,000*	***0***	***0.0%***
(3)	*h. Worker's Compensation*	*1,450,000*	*1,550,000*	*1,450,000*	*1,450,000*	***0***	***0.0%***
(3)	*i. Public Safety IOD Medical Expenses*	*300,575*	*250,000*	*250,000*	*200,000*	***(50,000)***	***-20.0%***
(3)	*j. Unemployment Compensation*	*325,000*	*300,000*	*300,000*	*200,000*	***(100,000)***	***-33.3%***
	k. Medical Disabilities	*18,565*	*40,000*	*40,000*	*40,000*	***0***	***0.0%***
	l. Medicare Coverage	*1,857,847*	*1,975,000*	*2,083,625*	*2,223,228*	***139,603***	***6.7%***
(2)	24 . Reserve Fund	1,718,000	2,200,198	2,348,736	2,540,011	**191,275**	**8.1%**
	25 Stabilization Fund	0	0	0	0	**0**	
	26 Affordable Housing	170,390	163,078	158,539	576,803	**418,264**	**263.8%**
	27 . Liability/Catastrophe Fund	234,839	78,969	144,322	203,644	**59,322**	
	28 . General Insurance	332,137	382,645	394,148	405,972	**11,824**	**3.0%**
	29 . Audit/Professional Services	81,500	130,000	137,000	137,000	**0**	**0.0%**
	30 . Contingency Fund	10,528	15,000	15,000	15,000	**0**	**0.0%**
	31 . Out-of-State Travel	2,253	3,000	3,000	3,000	**0**	**0.0%**
	32 . Printing of Warrants & Reports	28,046	35,000	35,000	35,000	**0**	**0.0%**
	33 . MMA Dues	11,746	12,278	12,585	12,900	**315**	**2.5%**
	Subtotal General	*2,589,439*	*3,020,169*	*3,248,330*	*3,929,329*	***680,999***	***21.0%***
(1)	34 . Borrowing	9,403,333	9,276,014	10,742,938	12,766,192	**2,023,254**	**18.8%**
	a. Funded Debt - Principal	*7,196,544*	*7,188,044*	*7,923,973*	*9,031,750*	***1,107,777***	***14.0%***
	b. Funded Debt - Interest	*2,193,256*	*2,082,502*	*2,658,965*	*3,574,442*	***915,477***	***34.4%***
	c. Bond Anticipation Notes	*0*	*0*	*100,000*	*100,000*	***0***	***0.0%***
	d. Abatement Interest and Refunds	*13,533*	*5,468*	*60,000*	*60,000*	***0***	***0.0%***
	TOTAL NON-DEPARTMENTAL EXPENDITURES	**62,467,287**	**66,361,043**	**70,839,462**	**77,150,040**	**6,310,578**	**8.9%**
	TOTAL GENERAL APPROPRIATIONS	**217,787,709**	**230,719,481**	**243,481,638**	**254,876,747**	**11,302,217**	**4.6%**
	SPECIAL APPROPRIATIONS						
	35 . Town Building Furniture (revenue financed)				50,000		
	36 . Town Building Rehab/Upgrade (revenue financed)				50,000		
	37 . Data Room Improvements (Re-appropriation)				120,000		
	38 . Technology Applications (revenue financed)				175,000		
	39 . Fire Apparatus Rehab (revenue financed)				50,000		
	40 . Engine #6 Replacement (revenue financed)				625,000		
	41 . Fire Station Renovations (revenue financed)				280,000		
	42 . PPE Washers and Dryers (revenue Financed)				71,000		
	43 . Coolidge Corner Library - Elev./Rear Windows /Carpet (revenue financed)				646,500		
	44 . Traffic Calming / Safety Improvements (revenue financed)				58,659		
	45 . Bicycle Access Improvements (re-appropriation $27,900, + revenue financed)				33,000		
	46 . Parking Meter Technology Upgrade (revenue financed from Parking Meter Fund)				161,040		
	47 Carlton St /Monmouth Traffic Signal (revenue financed)				333,663		
	48 . Street Rehabilitation (revenue financed)				1,670,000		
	49 . Sidewalk Repair/Reconstruction (revenue financed)				312,000		

		FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
	50 Municipal Service Center Site Improvements (revenue financed)				240,000		
	51 Davis Path Footbridge Study (revenue financed)				40,000		
	52 . Stormwater Improvements (revenue financed Water and Sewer fund)				300,000		
	53 Water System Improvements (Utility bond)				300,000		
	54 Murphy Playground (revenue financed)				70,000		
	55 . Playground Equipment, Fields, Fencing (revenue financed)				305,000		
	56 . Town/School Grounds Rehab (revenue financed)				150,000		
	57 . Tree Removal and Replacement (revenue financed)				230,000		
	58 . School Furniture Upgrades (revenue financed)				90,000		
	59 . Town/School ADA Renovations (revenue financed)				75,000		
	60 . Town/School Elevator Renovations (revenue financed)				475,000		
	61 . Town/School Energy Conservation Projects (revenue financed)				75,000		
	62 . Town/School Energy Management Systems (revenue financed)				125,000		
	63 . Town/School Building Security / Life Safety (revenue financed)				215,000		
	64 . School Building Rehab/Upgrade (revenue financed)				100,000		
	65 . Driscoll School Rehabilitation (re-appropriation $282,724 + revenue financed)				400,000		
	66 . Classroom Capacity (revenue financed)				995,000		
	67 . 9th School at Baldwin Feasibility/ Schematic Design (revenue financed)				1,500,000		
	68 . Brookline Reservoir Park - Construction (bond)				2,200,000		
(4)	69 . High School Schematic Design (bond)				1,850,000		
(5)	**TOTAL REVENUE-FINANCED SPECIAL APPROPRIATIONS**	**9,415,000**	**10,113,000**	**8,879,374**	**9,720,862**	**841,488**	**9.5%**
	TOTAL APPROPRIATED EXPENDITURES	**227,202,709**	**240,832,481**	**252,361,012**	**264,597,609**	**12,236,597**	**4.8%**
	NON-APPROPRIATED EXPENDITURES						
	Cherry Sheet Offsets	126,443	91,451	89,197	86,983		
	State & County Charges	6,201,536	6,319,715	6,393,642	6,508,126		
	Overlay	2,080,721	1,965,726	1,840,902	1,750,000		
	Deficits-Judgments-Tax Titles	25,000	25,000	25,000	25,000		
	TOTAL NON-APPROPRIATED EXPEND.	**8,433,700**	**8,401,892**	**8,348,741**	**8,370,109**	**21,368**	**0.3%**
	TOTAL EXPENDITURES	**235,636,409**	**249,234,373**	**260,709,753**	**272,967,718**	**12,257,965**	**4.7%**
	SURPLUS/(DEFICIT)	**4,213,017**	**5,942,156**	**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) Article 1 of the Second Special Town Meeting
(5) 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 #34).

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)	666,784	6,580	4,000	17,600		2,205			697,169
Human Resources Department (Human Resources Director)	309,230	325,709	19,000	31,000		1,640			686,579
Information Technology Department (Chief Information Officer)	1,131,127	469,272	10,350	17,550		268,100			1,896,399
Diversity, Inclusion, and Community Relations (Director)	213,076	20,000	9,000	150		875			243,100
Finance Department (Director of Finance)	2,215,168	967,836	48,760	22,057	1,375	7,250			3,262,446
Legal Services (Town Counsel)	625,425	230,309	3,500	112,000		1,700			972,934
Advisory Committee (Chair, Advisory Committee)	22,639		2,275	570		295			25,779
Town Clerk (Town Clerk)	524,379	89,672	14,550	2,450		1,280			632,331
Planning and Community Department (Plan. & Com. Dev. Dir.)	946,264	18,633	9,712	4,550		3,440			982,599
Police Department (Police Chief)	15,246,124	574,743	219,900	74,000	281,611	432,627			16,829,005
Fire Department (Fire Chief)	14,299,208	166,240	167,488	31,350	193,809	122,476			14,980,571
Public Buildings Department (Building Commissioner)	2,444,025	2,361,802	29,750	10,400	2,731,607	122,370			7,699,954
Public Works Department (Commissioner of Public Works)	8,019,901	3,336,525	960,750	53,500	1,073,453	993,202	20,000		14,457,331
Public Library Department (Library Board of Trustees)	2,876,169	186,559	594,250	4,700	286,905	26,000			3,974,583
Health & Human Services Department (Health & Human Svcs Dir)	926,337	205,490	15,100	4,120	38,686	4,020			1,193,753
Veterans' Services (Veterans' Services Director)	168,448	1,988	650	163,935		510			335,531
Council on Aging (Council on Aging Director)	774,288	43,583	19,763	2,900	71,394	5,700			917,628
Recreation Department (Recreation Director)	734,358	23,037	86,480	12,400	139,913	4,020			1,000,208
School Department (School Committee)									104,710,912
Total Departmental Budgets	**52,142,950**	**9,027,978**	**2,215,278**	**565,232**	**4,818,753**	**1,997,710**	**20,000**		**175,498,812**
DEBT SERVICE									
Debt Service (Director of Finance)								12,766,192	12,766,192
Total Debt Service								**12,766,192**	**12,766,192**
EMPLOYEE BENEFITS									
Contributory Pensions Contribution (Director of Finance)	21,434,185								21,434,185
Non-Contributory Pensions Contribution (Director of Finance)	65,000								65,000
Group Health Insurance (Human Resources Director)	30,173,026								30,173,026
Retiree Group Health Insurance - OPEB's (Director of Finance)	4,480,080								4,480,080
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)	200,000								200,000
Unemployment Insurance (Human Resources Director)	200,000								200,000
Ch. 41, Sec. 100B Medical Benefits (Town Counsel)	40,000								40,000
Medicare Payroll Tax (Director of Finance)	2,223,228								2,223,228
Total Employee Benefits	**60,454,518**								**60,454,518**
GENERAL / UNCLASSIFIED									
Vocational Euducation Assessments									92,895
Reserve Fund (*) (Chair, Advisory Committee)				2,460,011					2,460,011
Liability/Catastrophe Fund (Director of Finance)				203,644					203,644
Housing Trust Fund (Planning & Community Develpoment Dir.)				576,803					576,803
General Insurance (Town Administrator)		405,972							405,972
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)				12,900					12,900
Town Salary Reserve (*) (Director of Finance)	1,500,000								1,500,000
Personnel Services Reserve (*) (Director of Finance)	715,000								715,000
Total General / Unclassified	**2,230,000**	**555,972**	**10,000**	**3,268,358**					**6,157,225**
TOTAL GENERAL APPROPRIATIONS	**114,827,468**	**9,583,950**	**2,225,278**	**3,833,590**	**4,818,753**	**1,997,710**	**20,000**	**12,766,192**	**254,876,747**

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

ARTICLE 9

NINTH ARTICLE
Submitted by: Advisory Committee

To see if the Town will:

A.) Fiscal Year 2018 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 2018 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 2018 Special Appropriations

Appropriate sums of money for the following special purposes:

1. Appropriate $50,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for town furniture upgrades.

2. Appropriate $50,000, or any other sum, to be expended under the direction of the Building Commissioner for the rehabilitation of Town buildings.

3. Appropriate $120,000, or any other sum, to be expended under the direction of the Chief Information Officer and Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for improvements to the Data Room at Town Hall.

4. Appropriate $175,000, or any other sum, to be expended under the direction of the Chief Information Officer, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the enhancement of town-wide hardware and software.

5. Appropriate $50,000, or any other sum, to be expended under the direction of the Fire Chief for the rehabilitation of Fire Department apparatus.

6. Appropriate $625,000, or any other sum, to be expended under the direction of the Fire Chief, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the replacement of Fire Engine #6.

7. Appropriate $280,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for making extraordinary repairs to Fire Stations.

8. Appropriate $71,000, or any other sum, to be expended under the direction of the Fire Chief for the purchase and installation of Personal Protective Equipment (PPE) washers and dryers.

9. Appropriate $646,500, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and Library Trustees, for extraordinary repairs/improvements at the Coolidge Corner Library.

10. Appropriate $58,659, 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 traffic calming studies and improvements; provided that the Department of Public Works and Transportation Board provide status reports to the Board of Selectmen on a semi-annual basis.

11. Appropriate $33,000, 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.

12. Appropriate $161,040, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the purchase of parking meters.

13. Appropriate $333,663, 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 Carlton Street / Monmouth Street traffic signal.

14. Appropriate $1,670,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of streets.

15. Appropriate $312,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of sidewalks.

16. Appropriate $240,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the Municipal Service Center site improvements.

17. Appropriate $40,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, for the structural evaluation of the Davis Path Footbridge.

18. Appropriate $300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any contracts over $100,000 to be approved by the Board of Selectmen, for stormwater improvements.

19. Appropriate $300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any contracts over $100,000 to be approved by the Board of Selectmen, for improvements to the water system.

20. Appropriate $70,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, for the design of the renovation of Murphy Playground.

21. Appropriate $305,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.

22. Appropriate $150,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of Town and School grounds.

23. Appropriate $230,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.

24. Appropriate $90,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.

25. Appropriate $75,000, or any other sum, to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.

26. Appropriate $475,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 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.

27. Appropriate $75,000, or any other sum, to be expended under the direction of the Building Commissioner, for energy conservation projects in Town and School facilities.

28. Appropriate $125,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for upgrades to energy management systems in Town and School facilities.

29. Appropriate $215,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 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.

30. Appropriate $100,000 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 the School Committee, for minor renovations / upgrades to school buildings.

31. Appropriate $400,000 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 the School Committee, for HVAC system improvements at the Driscoll School.

32. Appropriate $995,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools.

33. Appropriate $1,500,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for the schematic design services to construct a 9th School to be located at 490 Heath Street.

34. Appropriate $1,500,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for the schematic design related to the remodeling, renovating, reconstruction or making extraordinary repairs to the High School.

35. Appropriate $2,200,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the renovation of Brookline Reservoir Park.

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

SELECTMEN'S RECOMMENDATION

The Selectmen would like to thank the Town Administrator and his staff, the Advisory Committee, the School Superintendent and his staff, and the School Committee for all of their efforts and collaboration toward dealing with this FY2018 budget,

ACTIONS SINCE THE RELEASE OF THE FINANCIAL PLAN

Since the Financial Plan was released on February 14th, 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			
	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
Group Health	$30,758,441	$(585,415)	$30,173,026
Debt and Interest	$12,322,428	$443,764	$12,766,192
School Department	$104,500,312	$210,600	$104,710,912
Vocational Education Assessments	$0	$92,895	$92895
Fire Department	$14,698,652	$281,919	$14,980,571

The Health Insurance budget has decreased by $585,414. This is due to final GIC rates coming in less than originally budgeted. Of that amount, $303,495 is the School's share and $281,919 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 new line item for Vocational Education. Town savings was used to fund the Fire Department's Overtime shortfall brought on by a change in leave provision under the new contract.

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 three items.

1. The Board still needs to take action on the **Special Appropriation for the High School** now that the $1,850,000 requested appropriation has been adjusted to allow for consideration of "Option 4", the 111 Cypress acquisition. The Board's public hearing for the second Special Town Meeting will be May 9th. The enrollment growth that Brookline's Elementary 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. .

   This Feasibility Phase of this project began in December 2016 with the formation of the Building Committee for Brookline High School Expansion Project by the Board of Selectmen. Between December 2016 and May 2017, the Building Committee has been working with HMFH Architects to consider design alternatives, review preliminary costs associated with the design alternatives, and identify a preferred design. The outcome of this phase will be the BHS School Building Committee's recommendation of a preferred design concept that will then move the project forward into the Schematic Design phase. Costs for Schematic Design are typically estimated to be 1.5% of anticipated construction costs.

   On May 3, the High School Building Committee selected an option which includes use of 111 Cypress Street as its preferred design alternative. 111 Cypress Street is a parcel at the corner of Brington Road and Cypress St which is currently occupied by a two story office building and an associated parking lot. The parcel will need to be acquired by the Town and may require use of the Town's eminent domain authority. Town Meeting must approve any acquisition (or disposal) of real estate. This will occur at a future Town Meeting.

2. The Board voted to fund the **9th School at Baldwin** Schematic Design appropriation with the following condition:

   > "that before utilizing Town funds to commence the schematic design services the Board of Selectmen, and School Committee shall receive and consider an analysis from Town Counsel or designee describing the impact of the SJC decision under Smith v. City of Westfield."

On October 13, 2016, after a process that began more than four years ago, and included more than 20 public meetings over the past year, the Board of Selectmen and the Brookline School Committee voted to select the Baldwin School site as the location for the town's new elementary school. In December 2016 this project entered the Feasibility Phase with the appointment of the Building Committee for the 9th Elementary School at Baldwin by the Board of Selectmen. During the Feasibility Phase, Jonathan Levi Architects (JLA) has been working with town departments and the Building Committee to do a full evaluation of the existing site conditions and surrounding area, including studies of traffic, site access, the environment, hazardous materials, and geotechnical conditions. JLA and the Building Committee are also evaluating the ability of the site and the new school to support the vision outlined in the 9th School Educational Plan. JLA is developing site design alternatives that are being reviewed publicly. The Board acknowledges the challenges that this site faces, but given the reality that every site examined as part of this process posed difficulties, opposition and we have effectively run out of time, the Board will continue to evaluate the obstacles and mitigation strategies needed to move this project forward. We have known from the outset of this process that there were Article 97 considerations, and we are ready to take the necessary steps to comply with the conversion process, if necessary. We continue to work with the School Committee and Town Counsel to understand the implications of the site plan on the Town's ability to construct the school in the near term.

3. The Board chose to include $80,000 of funding in the **Town Clerk's** budget in anticipation of an off-cycle election in order to consider a debt exclusion question or one or both of these projects. While the Advisory Committee chose to allocate this amount to the Reserve Fund, the Board felt it was better to have the flexibility to be prepared for a debt exclusion should either the High School or the 9th School at Baldwin be ready to move beyond schematic design.

BUDGET SUMMARY

As shown in the table on the following page, the General Fund budget proposed by the Board of Selectmen totals $273 million, of which $264.6 million is appropriated, reflecting an increase of $12.2 million (4.8%). The remaining $8.4 million is the so-called "Non-Appropriated" portion of the budget. In total, the $273 million reflects a 4.7% increase. This budget recommendation includes a General Fund Operating Budget of $254.9 million, which represents an increase of $12.3 million (4.7%); revenue-financed capital of $9.7 million; enterprise / revolving funds of $33.5 million (gross); and non-appropriated expenses of $8.4 million.

FY2018 FINANCIAL PLAN SUMMARY

	FY2017	FY2018	INCREASE/DECREASE $	INCREASE/DECREASE %
REVENUE				
General Fund Revenue	260,709,753	272,967,720	**12,257,967**	**4.70%**
Water and Sewer Enterprise Fund	28,985,259	29,271,308	**286,049**	**0.99%**
(less Water & Sewer Overhead included in General Fund Revenue)	(2,057,070)	(2,233,725)	(176,656)	**8.59%**
Golf Enterprise Fund	1,522,831	1,647,098	**124,267**	**8.16%**
(less Golf Overhead included in General Fund Revenue)	(182,097)	(179,992)	**2,105**	**-1.16%**
Recreation Revolving Fund	2,984,642	3,108,529	**123,887**	**4.2%**
(less Rec. Revolving Fund Overhead included in General Fund Revenue)	(375,900)	(383,770)	(7,870)	**2.1%**
TOTAL REVENUE	**291,587,419**	**304,197,165**	**12,609,746**	**4.3%**
APPROPRIATIONS				
General Fund Operating Budget	243,481,638	254,876,747	**11,395,109**	**4.7%**
Non-Appropriated Budget *	8,348,741	8,370,109	**21,368**	**0.3%**
Revenue-Financed CIP Budget	8,879,374	9,720,862	**841,488**	**9.5%**
General Fund Total	260,709,753	272,967,718	**12,257,965**	**4.7%**
Water and Sewer Enterprise Fund	28,985,259	29,271,308	**286,049**	**1.0%**
(less Water & Sewer Overhead included in General Fund Revenue)	(2,057,070)	(2,233,725)	(176,656)	**8.6%**
Golf Enterprise Fund	1,522,831	1,647,098	**124,267**	**8.2%**
(less Golf Overhead included in General Fund Revenue)	(182,097)	(179,992)	**2,105**	**-1.2%**
Recreation Revolving Fund	2,984,642	3,108,529	**123,887**	**4.2%**
(less Rec. Revolving Fund Overhead included in General Fund Revenue)	(375,900)	(383,770)	(7,870)	**2.1%**
TOTAL APPROPRIATIONS	**291,587,419**	**304,197,165**	**12,609,747**	**4.3%**
BALANCE	**0**	**0**	**0**	

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

FY2018 OVERVIEW

In summary, the FY 2018 Budget:

- Meets the commitment to use $2.3 million in non-tax revenue or municipal department efficiencies to fund the 3-year Override Plan to meet school enrollment needs.

- Funds $20.8 million in capital expenditures, meeting the Town's policy of allocating at least 7.5% of prior year's operating revenue for this purpose.

- Retains $2.5 million in Free Cash, ensuring that the Town's unreserved fund balance will remain at least 10% of general fund revenue. This is a key factor in maintaining the Town's Aaa bond rating.

- Continues to appropriate additional funds to meet the Town's funding schedule to eliminate the unfunded liability in the pension system and to address the major unfunded liability in Other Post Employment Benefits (OPEB), which is mostly the future cost of retiree health insurance.

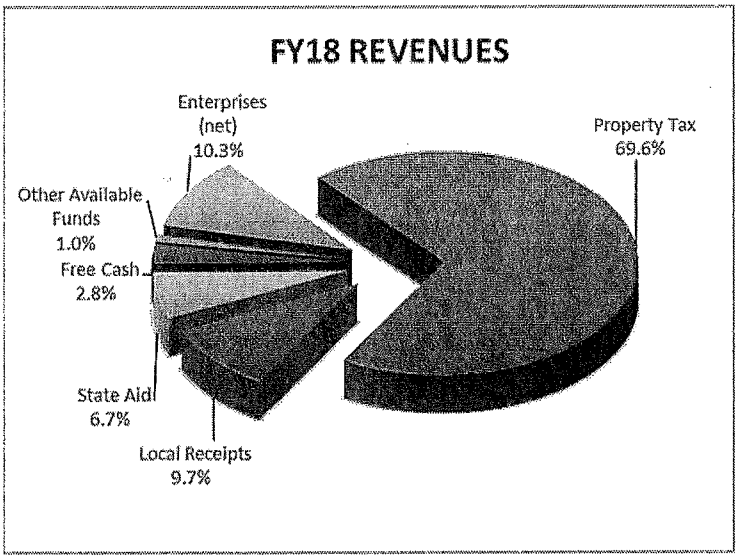
- Meets all other financial policies of the Town, including the appropriation of Free Cash for reserves or capital expenses.

- Funds the cost of a special municipal election in the fall of 2017 to vote on a debt exclusion(s) for the new 9th Elementary School at Baldwin and the expansion of Brookline High School.

REVENUES

Taxes: The property tax levy represents the Town's most prominent (and stable) source of revenue. For FY 2018, property taxes are projected to total $211.3 million, representing nearly 70% of the Town's total revenue. Traditionally, the Town collects 99% of its property tax bills within the fiscal year they are assessed. For FY 2018, the property tax will increase by the allowed 2.5% increment of $5,075,913, plus $2,165,000 in taxes resulting from the increased property value from new construction (referred to as New Growth). Finally, $1,020,800 is added to the tax levy from prior approved "Debt Exclusion" overrides to fund school construction. The table below shows a breakdown of property taxes.

PROPERTY TAXES	
Prior Year Levy Limit	203,036,517
2 1/2 % Increase	5,075,913
New Growth	2,165,000
Debt Exclusion (Debt Service Costs)	1;020,800
Annual Levy FY 2018	**211,298,230**



Proposition 2½ allows the Town to levy additional taxes from new construction or development. In FY 2018, the major project contributing to this New Growth is the new hotel at the former Red Cab site. This development will generate $200,000 in property taxes and an additional $143,000 in the municipal share of the state room tax (accounted in the local receipts category). There are several other major developments in Brookline that are in the planning or construction phase. The Town is counting on these developments to create new taxes and budget relief, and we have incorporated them into our long range budget forecast.

There are other Town revenues that are tax related, including the Motor Vehicle Excise Tax and the Payment in Lieu of Tax (PILOT) program. However, this revenue is accounted for in the Local Receipts revenue category and will be discussed further in that section.

Local Receipts: This is the category of Town revenue that is generated through licenses, permits, and other fees for municipal services. In FY 2018, we project that $29.5 million will be generated from this category, representing a 24% increase from FY 2017. The major increase over FY 2017 is attributable to an accounting shift enacted under the Municipal Modernization Act, a bill initiated by Governor Baker and passed by the Legislature in 2016. Specifically, the Act modified the accounting of parking meter receipts from a special fund to general revenue. As a result, about $5.15 million in parking meter receipts will now be accounted for in the Local Receipts category. This represents no overall net increase in revenue since an equivalent amount has been eliminated from the Other Available Funds revenue category. It should be noted that the timing of this accounting shift will create a one time "windfall" of revenue from the prior Parking Meter Fund.

As previously mentioned, the motor vehicle excise taxes and the PILOT revenue are accounted for in the Local Receipts category, despite the tax nature of these receipts. In general, the Town has assumed the same level of revenue from Local Receipts as the prior year. One major source of local receipts is the Refuse Fee, an annual fee that is charged to

residents using the Town's collection of trash. FY 2018 will represent the first full year of a new Pay as You Throw (PAYT) fee system. This new system will change the uniform $200 fee for unlimited trash collection to one that employs a variable fee depending upon the volume of trash generated by the household. This is accomplished through the use of a wheeled trash cart (bin) similar to that used for disposal of recycled material. The trash carts come in different sizes, thus the variable fee schedule. Overflow trash that does not fit in the selected cart may be disposed of in special plastic bags that are sold for a fee. In general, we have assumed the same amount of revenue will be generated from the new PAYT system that was generated with the former flat fee, except for an assumption of some residual revenue from the overflow bag system. Any decision to modify the fee schedule, including the goal to reduce the property tax subsidy for trash collection, will be deferred until a full year of experience under the new PAYT system can be evaluated.

State Aid: Despite a relatively modest state revenue picture, the Baker administration has committed to grow general state aid to cities and towns at the same rate of increase as general state tax revenue. This concept of revenue sharing is embraced by cities and towns as an appropriate partnership between the Commonwealth of Massachusetts and local government. In FY 2018, the Governor has proposed that Brookline's unrestricted general government aid will grow by $222,478, or equivalent to the 3.6% increase in general state revenue. The major Chapter 70 Education Aid program will grow at a lower rate of 3.1%, or an increase of $398,381. The Town believes the Chapter 70 state formula for education does not adequately reflect the costs incurred by cities and towns in public education. We support reforms proposed by the Foundation Budget Review Commission and hope that the House or Senate will reflect some of these reforms in the FY 2018 Budget it will submit shortly. However, to be prudent we have assumed the Governor's proposed state aid numbers in this Budget.

Other Available Funds: This category of revenue mainly accounts for receipts from the Town's Enterprise Funds or other self-supporting funds, including the Water/Sewer program, the Lynch Golf Course and the Recreation Revolving Fund. All revenue generated under this category is offset through related expenses in these funds, including indirect charges for their share of Pension and OPEB funding. As previously mentioned, receipts from the Parking Meter Fund will no longer be accounted for in this category, instead shifting to Local Receipts. As a result, the overall amount from Other Available Funds will be decreased from FY 2017 by $5,190,394. Again, this represents no net increase or decrease in the overall Budget. The transfer from the Cemetery Trust Fund will increase $25,000, based off of the recommendation of the Override Study Committee. This increase will help support the Parks and Open Space Division of the Department of Public Works, and is much appreciated.

Free Cash:
Free Cash represents the State approved amount of the prior year's fund balance available for appropriation. The Town of Brookline maintains a very rigorous financial policy for the use of Free Cash, essentially precluding its use for ongoing, recurring expenses of the Town. Following the conclusion of FY 2017, the State certified $10,854,017 in Free Cash that was available for appropriation. Of this amount, the Town will leave $2,500,000 unappropriated to meet our Unreserved Fund Balance policy, ensuring that at least 10% of general revenue will be maintained in reserve. $3,960,016 will be used to meet the 7.5% CIP policy and the

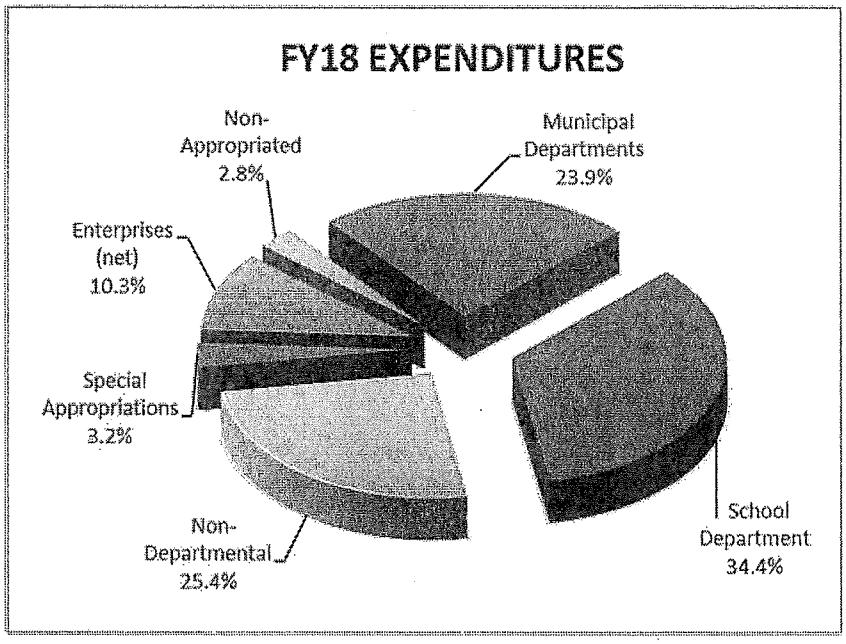
remainder will be used to fund various special reserve accounts of the Town, including additional CIP projects. A breakdown of the use of Free Cash is found below.

Free Cash Certification	**$10,854,017**
1. Operating Budget Reserve (25% of Operating Budget Reserve)	$615,003
2. Fund Balance	$2,500,000
a. Unreserved Fund Balance (left unappropriated)	$2,500,000
b. Stabilization Fund (appropriated)	$0
3. Liability Reserve (to get fund to 1% of Prior Yr Net Revenue)	$203,644
4. Capital Improvements (to get to 7.5% of Prior Yr Net Revenue)	$3,690,016
5. Affordable Housing Trust Fund (since Fund Balance below $5M)	$576,803
Sub-Total	$7,585,466
Amount available for Special Use (#6)	$3,268,551
6. Special Use:	
Additional CIP	$2,368,551
OPEB's	$600,000
Pension Fund	$300,000

EXPENDITURES

Municipal Departments: The total amount of all municipal department budgets is recommended to be $72,720,983 in FY 2018, or an increase of 1.7% over FY 2017. This amount includes a reserve for collective bargaining with the various municipal unions. With few exceptions, funding in municipal departments is flat, maintaining existing staffing levels and expenses. For the most part, increases reflect the step increases and impacts of prior collective bargaining agreements on municipal wages and a small inflation factor for some expense accounts. As previously mentioned, the cumulative impact of Town Meeting actions mandating new regulations or encouraging stricter enforcement of existing regulations is having an effect upon the departments' ability to meet current service levels. This includes restrictions on tobacco, the use of plastic bags and styrofoam in retail establishments, sidewalk snow removal, the use of leaf blowers and the provision of paid sick leave for part-time employees. In addition, the commitment to fund the Override Plan for the School Budget, despite our inability to meet the non-tax revenue/municipal efficiencies target, has had an impact on our capacity to initiate investments in municipal departments. Some modest changes to municipal departments include:

- Funding of a special municipal election
- Increased funding of legal expenses resulting from complex employment claims and lawsuits
- Funding to study the classification and compensation of management employees
- Funding to acquire a Human Resources applicant tracking system
- Funding to upgrade a DPW position to support the new PAYT program
- Funding to upgrade an IT position to work with departments on new initiatives
- Reduction in expenses during the temporary shutdown of the Coolidge Corner Library branch for renovations



School Department: The School Department's Budget is recommended to be funded at $104,500,311 in FY 2018, an increase of 3.3% over FY 2017. This amount is inclusive of all salary and wage adjustments for teachers and other school employees. The total enrollment for the current school year is 7,417. Less than ten years ago, the enrollment was 5,919, an increase of 1,498 students. Continued enrollment growth has had, and will continue to have, both operating and capital implications on the School Department. This historic trend and steep enrollment increase of over 28% since 2005 has not allowed the district to keep pace despite the infusion of $10 million in new revenue over the past three years from the 2016 Override.

Non-Departmental: This category of Expenditures is a large component of the Town's Budget, including pensions, health insurance, other insurances and debt service. Overall, this category of expenditures is recommended at $77,211,691 in FY 2018, an increase over FY 2017 of 9.0%. This category includes many of the Town's "budget busters", which are those expenses that rise much higher than the general rate of inflation. They include; Pensions and OPEB- Eligible employees of the Town and School departments are part of the Massachusetts Contributory Retirement System and receive a defined benefit upon retirement. The Town of Brookline is responsible for funding this expense, and does so through a multi-year funding schedule. Funds appropriated to meet this schedule are invested for the long term to derive a reasonable rate of return. An actuarial analysis is completed every other year to evaluate the multiple assumptions associated with the funding schedule, including rate of investment return, rate of increase in salaries and wages, life expectancy, etc. The analysis completed in January 2016, showed an increase in the unfunded liability of the Pension Fund, requiring the Town to increase its funding schedule. In addition to making up for losses in CY 2015, the Retirement Board decreased the rate of return assumption from 7.6% to 7.4%. The funding schedule previously increased 5.6% annually. The new funding schedule will require an annual appropriation increase of 7.85%. For FY 2018, the $1,780,508 increase over FY 2107 includes an additional $300,000 added from Free Cash. Similarly, the unfunded liability for OPEB has increased, but the Town is not yet on a formal funding schedule. We are able to allocate $4,480,080 to the OPEB Fund

in FY 2018 as a multi-year goal of reaching the annual required contribution of a formal funding schedule. Similar to Pensions, we are using $600,000 in Free Cash to support this appropriation.

The Town is obligated to provide health insurance to permanent employees (and their families) who work more than 18.5 hours per week. The Town also covers retirees and their spouse/survivor. The Town procures its insurance coverage through the Massachusetts Group Insurance Commission (GIC), a governmental entity that manages the health care benefit for employees of all state agencies and dozens of cities and towns. The decision in FY 2011 to move the Town's health insurance to the GIC has been a financial success for both the Town and its employees. But the GIC is not insulated from the economic and political forces that are contributing to rate increases in the double digits.

Last year, the GIC employed some creative measures to keep the rate increase down without impacting benefits or out of pocket expenses. FY 2018 will not be as easy. Faced with a 10.5% rate increase, the GIC is in the process of taking action to reduce the rate of increase by about half. However, this is being accomplished through difficult decisions that will increase deductibles and copayments and restrict employees from joining certain high cost plans. The high costs of the Boston hospitals, the outrageously expensive pharmaceutical market and a volatile political environment that has placed the federal affordable care law in jeopardy all contribute to a system that cannot be sustained. The Town will assume a composite rate increase of 5.0% for GIC plans and also create an assumption for new subscribers that may initiate coverage during the annual open enrollment period. The total health insurance budget for FY 2018 is $30,758,441.

The cost of health insurance for future retirees and their spouse/survivor is staggering. This future cost represents an unfunded liability that could cripple budgets when those costs come due. This liability is referred to as OPEB. A recent actuarial study pegged the unfunded OPEB liability at $280.7 million! The Town is setting aside funds to cover this liability, including appropriating an additional $600K in Free Cash, as has been discussed previously in this message. Currently, the OPEB Fund has assets of about $30 million.

Another expense within the Non-Departmental category is Debt Service. This is the cost of principal and interest charges on debt (usually issued in municipal bonds). Incurring debt as a way to spread the cost of major capital purchases or projects is a major strategy in the Town's financial system. In FY 2018, the Town will fund $12,322,428 in debt service. Of this amount, $1,020,800 is debt service that the voters have excluded in the calculation of the Town's Proposition 2½ tax levy limit. As discussed in the CIP section of this document, the Town will seek to exclude the debt service costs for the new 9th Elementary School at Baldwin and the expansion of Brookline High School sometime late in 2017.

Special Appropriations: This category of expense is mainly the annual appropriations for projects within the Capital Improvement Plan (CIP). The CIP is funded through a combination of direct appropriations and the issuance of debt. In FY 2018, the direct appropriations to fund capital projects is $9,724,903. This level of appropriation is bolstered through the use of over $6 million in Free Cash. A much more detailed review of projects funded through special appropriation is discussed in the CIP Section of the Financial Plan.

Non-Appropriated: This category of expenses relates to state and county assessments that are directly deducted from the state aid the Town receives. While these costs are not appropriated by Town Meeting, they nonetheless must be accounted for in the Town's Budget. The largest of these assessments are for the MBTA ($5,146,859) and Norfolk County ($948,309). Another expense that is covered in the Non-Appropriated category is the Tax Overlay account ($1.75 million). This is an account that is under the control of the Board of Assessors and is used to fund the cost of property tax abatements and exemptions. Overall, the costs added to the FY 2018 Budget for non-appropriated expenses is $8,370,109.

FY 2018 POLICY ISSUES AND INITIATIVES

The Financial Plan should not simply be a document of numbers. Rather, the Plan should be a management tool, linked to overall Town goals and policies. This section addresses a number of policy issues and initiatives that are relevant to the FY 2018 budget process.

Land Use and Chapter 40B Developments: As the rental housing market peaks and the Town edges closer to complying with the state's 10% affordable housing goal, developers are aggressively pursuing Chapter 40B housing developments. Chapter 40B is a state law that prioritizes affordable housing over local land use regulations (zoning). If a project includes a 20-25% affordable housing component, the Town is subject to large market rate housing developments that are not required to meet typical zoning restrictions such a building height, density, setbacks and the like. If the Town, through its Zoning Board of Appeals, denies the development or places conditions that the developer considers uneconomic, it may be appealed to the Housing Appeals Committee (HAC), a special state agency with the power to overrule the local community. The likelihood of prevailing before the HAC is not good, forcing the Town to attempt to negotiate the developments and/or impose conditions on the projects that can be upheld in an appeal.

Over the last couple of years, the Town has faced 12 separate Chapter 40B housing development proposals that could add over 1,000 units of housing. Most are concentrated in the Coolidge Corner area but a very significant development has been submitted at Hancock Village in South Brookline. The budget implications of Chapter 40B development are substantial. More housing will undoubtedly bring more students to Brookline schools, which have already reached their breaking point. The Planning Department's focus on the intensive and contentious 40B process has limited staff attention to other projects and programs, including more appropriate commercial or mixed development. The Town has met a temporary "safe harbor" provision in the Chapter 40B law that gives the Town the ability to deny new applications for a maximum of one year. If, during that period, the Town reaches its 10% affordable housing goal, new applications for Chapter 40B developments can be denied beyond the temporary safe harbor period. However if by the end of the safe harbor year the Town doesn't create additional affordable units to meet the 10% goal, we could be in the same position as before.

Uncertain Federal Landscape: With the election of Donald Trump as President in November, a new era of federal/state/local relations has emerged. It is unclear what direction this relationship will go, but it would appear that the Town of Brookline has much to lose. As a large municipality, Brookline is entitled to receive $1.4 million in Community Development Block Grants directly from the federal government each year. These funds are critical to provide essential programs for low and moderate income individuals living in Brookline. In particular, public housing and the elderly are major beneficiaries of this funding. The Town of Brookline also receives about $3.1 million in direct federal education aid (Title 1, Title 3 and IDEA).

In addition, many grants the Town receives are federal funds that "pass through" state agencies. When including these grants, the total amount of federal aid at risk is $6.4 million. President Trump has signaled that he intends to restrict federal funding to cities and towns who will not actively work with the federal customs and immigration agencies to enforce illegal immigration. With prior Town Meeting resolutions proclaiming Brookline as a "sanctuary city", we are exposed to this political risk.

The risk associated with the fate of the CDBG program is limiting the Town's willingness to borrow against future grant entitlements for large capital projects. A plan to take out a "Section 108" loan for the Town's share of the Gateway East transportation project to be repaid using future grant proceeds is now being reconsidered.

Finally, the Town will indirectly suffer if the federal government reduces aid or somehow modifies the formula for distribution of aid to the states. The Town relies on the Commonwealth of Massachusetts to share its revenue in the form of local aid. To the extent that the federal government reduces the federal dollars to Massachusetts, all cities and towns will suffer.

Trash Collection and PAYT: FY 2018 will be the first full year of the new trash collection system. By modifying the fee schedule to account for how much trash a household generates, we believe the new system will incentivize less trash and more recycling, thereby saving the Town from costly and environmentally unfriendly means of solid waste disposal. Combining PAYT with automated collection will also save labor costs. The Town has already reduced the DPW workforce through attrition in anticipation of this change. It was a recommendation of the Override Study Committee to modify the trash fee in a way that would reduce the subsidy the Town's general fund contributes to the service. The delay in implementing PAYT will also delay this fee review. The DPW intends to carefully document all costs and savings generated through the PAYT system in Year 1 before making recommendations to modify the fee schedule and reduce the subsidy.

Diversity and Inclusion: The Town continues to focus its efforts on proactively increasing the diversity of the Town's workforce, especially in its management ranks. The ability to effectively measure the Town's efforts in this area are essential. This budget contains funds for the acquisition of an automated applicant tracking system that will allow the Human Resources department to document the Town's recruitment and hiring activities. The budget also includes a study of the classification and

compensation system for management employees of the Town. The goal of this study is to ensure there is equity within the organization and that our compensation system is adequate to attract and retain quality managers. This study will also assure that the Town's systems do not discriminate against women or minority employees/applicants.

Shifting Nature of Information Technology: Previously, IT departments have been focused on building hardware and software capacity for organizations. More recently, the focus has shifted to developing robust Internet access and networks that allow users to effectively share information and reduce manual and repetitive tasks. The use of web based applications will shift costs from hardware/software acquisitions to fee based service agreements. IT staff are also focusing more efforts on the security of its data, which can be attacked in a number of direct or indirect ways. Finally, the explosion in the use of social media to communicate to our residents has created a new challenge and capacity for IT professionals. For FY 2018, the Budget has approved the reorganization of staff to include a Business and Administrative Manager who will assume a proactive role in working with Town staff to promote technology comfort, confidence and responsibility to better serve the community.

Performance Management: The Town has embraced the use of performance management in its budgeting and service delivery processes. In my FY 2017 Budget proposal, I identified training for performance management capacity as a priority. I am pleased to report that, on Wednesday October 26, forty-one department heads and upper level management of the Town participated in a several hour training program provided by the Government Finance Officers Association (GFOA). The training focused on the background and method of performance management, including ways to align the measurement of data with a department's or community's goals. We also discussed how one department's performance data is useful to other departments, especially when that data relates to a town wide goal.

This training has been reinforced during regular management meetings and in the FY 2018 budget process. While GFOA did not discourage us from documenting existing workload or output indicators within the Budget, they did challenge us to identify other measures that relate more closely to the Town's overall goals and can be more relevant to improving service levels or reducing costs. Overall, the training was very valuable as both a learning experience and to enhance team building among the Town's management staff.

Employee Wages and Benefits: The ability to provide reasonable wages and benefits to municipal employees within the structural gap that Proposition 2½ creates is a challenge. In addition to normal step increases and general wage increases, collective bargaining with municipal employee unions also involves costly benefits such as sick leave, vacation leave, longevity payments and specialty pay for nighttime assignments or hazardous duty. Bargaining with public safety unions that results in impasse move to a state controlled process under the Joint Labor Management Committee (JLMC). While the JLMC attempts to resolve disputes through mediation, they maintain the ability to engage in an arbitration process through a

"neutral" party. This arbitration procedure is not effectively coordinated or consistently applied and as a result, tends to favor labor. The Town supports reform of the JLMC process that would compel the parties to work out their differences at the bargaining table like all other municipal unions.

Unlike Massachusetts state government, health insurance is a mandated subject of collective bargaining for municipal employment. In an effort to facilitate necessary changes in health insurance programs, the Town adopted a separate collective bargaining process referred to as Coalition Bargaining. This is a consolidated process involving weighted representation from all town and school unions and retirees that comprise a Public Employee Committee (PEC). This process was essential in moving the Town to the GIC a few years ago. We are currently engaged in a comprehensive review of the Town's health insurance program in order to develop cost effective and adequate benefits for the Town's employees and retirees.

School Expansion: The decision to pursue the construction of a 9th elementary school at the Town owned Baldwin site and the expansion of Brookline High School to accommodate the unprecedented enrollment increase are well underway. Both projects are in the feasibility stage and will develop clearer options and costs for future consideration. Due to the timing of these projects and the participation of the current Devotion School project with the Massachusetts School Building Authority (MSBA), state reimbursement is not an option for these new projects. It is expected that the Town will seek funding for schematic level design this spring in order to facilitate Town Meeting and voter approval as early as the fall of 2017. Both sites are very challenging given the space constraints and the traffic/parking challenges that exist in their neighborhoods.

Focus on Townwide Obligations and Mandates: The ability of staff to focus on their own departmental priorities has been challenged by a series of Townwide obligations and mandates. One area is the school expansion challenge, which has required the Administration, Legal, Planning, DPW, Recreation and Building departments to devote sufficient time and energy to help resolve the school space challenge. Similarly, the overabundance of Chapter 40B applications has required these same departments to help manage this process, which is a very time consuming and public procedure requiring multiple public hearings for each project. The negotiation of a possible settlement of the Hancock Village projects also took a great deal of effort which will be considered at a future Town Meeting. Finally, the use of non-binding resolutions at Town Meeting to compel changes in Town policy creates many challenges for Town management. Taken individually, the resolutions can appear to compel a modest increase in staff involvement. However, when viewed in a cumulative manner, the burdens imposed by these resolutions can be very costly or time consuming. We ask all Town Meeting members to be judicious in their review and approval of non-binding resolutions and to be cognizant of the administrative and financial burdens these actions can create.

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 year the Comptroller was able to provide this assist). This presentation is the culmination of months of work involving the analysis of hundreds of revenue and expenditure line-items, making assumptions about economic conditions, and understanding state budget conditions.

The FY 2018 – FY 2023 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 ($200,000 in FY 2018), re-development at the former Circle Cinema site ($25K in FY 2018, $350K in FY 2019 and $25K in FY 2020), the new hotel proposed at 25 Washington Street ($250K in FY 2020 and FY2021), by the re-development of 2 Brookline Place ($1,356,000 in FY19, $579K in FY 2020, and $579,000 in FY 2020) and by the re-development of the Holiday Inn/Waldo Durgin site ($1.65 million in FY21 and $500K in FY 2022).

- For State Aid in FY 2018, full use of the Governor's proposal. For FY 2019 - FY 2022, annual 2.5% increases in Ch. 70 and Unrestricted General Government Aid (UGGA).

- For Local Receipts, excluding parking meter receipts, FY 2018 reflects an increase of $566,952 (2.4%). In FY's 2019-2022, limited growth is expected (approximately $300,000 / yr, or 1.2%), augmented by $166,500 in additional Hotel Excise Taxes from the redevelopment of the former Red Cab Site and Circle Cinema sites, in FY 2021 $250K from 25 Washington St. and $150K from Holiday Inn/Waldo Durgin and $150K from Holiday Inn/Waldo Durgin in FY2022.

- 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 $400,000 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.

- For FY 2018, a Health Insurance rate increase of 5.0% and an increase in enrollment of 40. For FY's 2018-2020, assume a 5.0% annual rate increase and 40 new enrollees per year.

- A Pension appropriation based on the most recent funding schedule approved by PERAC (for FY's 2018 and 2019).

- 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 to get to 7.5%).

These assumptions create an escalating deficit position for FY 2019 primarily for the Schools, starting at $2.3 million in FY 2019 and reaching $9 million by FY 2021. 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:

	2018	2019	2020	2021	2022
REVENUE					
Property Taxes	**211,298,230**	**223,746,105**	**231,844,514**	**240,277,299**	**248,496,293**
Local Receipts	**29,556,650**	**29,864,146**	**30,182,689**	**30,889,056**	**31,334,028**
Motor Vehicle Excise (MVE)	5,610,000	5,722,200	5,836,644	5,953,377	6,072,444
Local Option Taxes	2,805,910	2,993,738	3,053,613	3,514,685	3,734,979
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	4,001,902	3,897,084	3,967,903	4,028,616	4,064,839
Interest Income	732,875	751,197	769,977	789,226	808,957
PILOT's	916,800	983,636	1,010,509	1,030,719	1,051,333
Refuse Fee	2,800,000	2,800,000	2,800,000	2,800,000	2,800,000
Departmental & Other	7,423,388	7,450,517	7,478,269	7,506,658	7,535,700
State Aid	**20,273,713**	**20,760,968**	**21,138,310**	**21,650,233**	**22,174,954**
General Government Aid	6,437,816	6,596,379	6,758,907	6,925,497	7,096,252
School Aid	13,709,194	14,037,886	14,252,701	14,598,033	14,951,998
Tax Abatement Aid	39,720	39,720	39,720	39,720	39,720
Offset Aid	86,983	86,983	86,983	86,983	86,983
Other Available Funds	**3,045,386**	**3,000,729**	**3,110,815**	**3,230,855**	**3,357,023**
Walnut Hill Cemetery Fund	100,000	100,000	100,000	100,000	100,000
Reimb./Pymts from Enterprise Funds	2,413,716	2,504,263	2,595,694	2,692,727	2,794,426
Reimb. from Rec Revolving Fund	383,770	396,466	415,121	438,127	462,597
Capital Project Surplus	147,900	0	0	0	0
Free Cash (for Appropriation)	**8,354,017**	**4,400,000**	**4,500,000**	**4,650,000**	**4,775,000**
Capital Improvements/Other Spec Approp.	6,058,567	3,819,528	3,964,477	4,095,552	4,253,278
Operating Budget Reserve	615,003	636,588	660,746	682,592	708,880
Strategic Reserves	1,680,447	(56,115)	(125,223)	(128,145)	(187,158)
TOTAL REVENUE	**272,527,996**	**281,771,949**	**290,776,328**	**300,697,442**	**310,137,297**
$$ Increase	11,818,243	9,243,952	9,004,379	9,921,114	9,439,854
% Increase	4.5%	3.4%	3.2%	3.4%	3.1%

	2018	2019	2020	2021	2022
EXPENDITURES					
Departmental	**71,570,981**	**73,366,245**	**75,180,004**	**77,021,982**	**78,902,384**
Personnel	52,909,231	54,510,755	55,845,755	57,200,755	58,585,755
Services	9,027,977	9,253,676	9,485,018	9,722,144	9,965,197
Supplies	2,215,278	2,270,660	2,327,426	2,385,612	2,445,252
Other	565,232	579,363	593,847	608,693	623,910
Utilities	4,818,753	4,978,753	5,128,753	5,278,753	5,428,753
Capital	2,014,510	1,753,038	1,779,205	1,806,025	1,833,516
Intergovernmental	20,000	20,000	20,000	20,000	20,000
Coll. Barg. - Town	**1,150,000**	**1,110,000**	**1,130,000**	**1,160,000**	**1,180,000**
Schools	**102,712,330**	**108,139,948**	**113,927,990**	**120,008,901**	**126,170,612**
Coll. Barg. - School	**1,787,982**	**1,898,881**	**1,898,881**	**1,898,881**	**1,980,000**
Non-Departmental - Benefits	**61,039,934**	**64,098,089**	**68,423,683**	**73,415,451**	**78,766,154**
Pensions	21,499,185	22,823,218	24,582,486	26,512,211	28,593,420
Group Health	30,758,441	32,598,269	34,674,180	37,274,743	40,070,349
Retiree Group Health Trust Fund (OPEB's)	4,480,080	3,975,543	4,266,151	4,516,151	4,766,151
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	1,486,250	1,523,406	1,561,491	1,600,529
Public Safety IOD Medical Expenses	200,000	275,000	275,000	275,000	275,000
Unemployment Compensation	200,000	325,000	325,000	325,000	325,000
Medical Disabilities	40,000	45,000	45,000	45,000	45,000
Medicare Coverage	2,223,228	2,372,184	2,531,121	2,700,706	2,881,653
Non-Departmental - General	**1,389,319**	**707,027**	**741,404**	**754,631**	**801,025**
Liability/Catastrophe Fund	203,644	77,535	90,267	80,776	98,325
Affordable Housing	576,803	0	0	0	0
General Insurance	405,972	426,271	447,584	469,963	493,462
Audit/Management Services	137,000	137,000	137,000	137,000	142,000
Misc.	65,900	66,222	66,553	66,891	67,239
Non-Departmental - Debt Service	**12,322,428**	**16,628,464**	**17,188,358**	**15,844,846**	**16,403,098**
General Fund	12,322,428	16,628,464	17,188,358	15,844,846	16,403,098
Non-Departmental - Reserve Fund	**2,460,011**	**2,546,352**	**2,642,984**	**2,730,368**	**2,835,519**
Tax Supported	1,845,008	1,909,764	1,982,238	2,047,776	2,126,639
Free Cash Supported	615,003	636,588	660,746	682,592	708,880
Special Appropriations	**9,724,903**	**6,901,263**	**6,947,674**	**8,000,534**	**8,155,349**
Tax Supported	3,518,436	3,215,385	3,198,687	4,114,903	4,187,554
Free Cash Supported	6,058,567	3,685,878	3,748,987	3,885,631	3,967,795
Other	147,900	0	0	0	0
Non-Appropriated	**8,370,109**	**8,567,763**	**8,770,359**	**8,978,019**	**9,190,871**
State Assessments	6,508,126	6,662,030	6,819,782	6,981,478	7,147,216
Cherry Sheet Offsets	86,983	86,983	86,983	86,983	86,983
Overlay	1,750,000	1,793,750	1,838,594	1,884,559	1,931,673
Tax Titles - Deficits/Judgements	25,000	25,000	25,000	25,000	25,000
TOTAL EXPENDITURES	**272,527,997**	**283,964,032**	**296,851,338**	**309,813,614**	**324,385,012**
$$ Increase	11,818,243	11,436,035	12,887,306	12,962,276	14,571,399
% Increase	4.5%	4.2%	4.5%	4.4%	4.7%

	2018	2019	2020	2021	2022
CUMULATIVE SURPLUS/(DEFICIT)	**0**	**(2,192,083)**	**(6,075,010)**	**(9,116,171)**	**(14,247,716)**
DEFICIT AS A % OF OP REV	**0.0%**	**-0.8%**	**-2.1%**	**-3.0%**	**-4.6%**
Surplus / (Deficit) Prior to Collective Bargaining	2,937,982	515,002	(1,060,271)	(2,492,033)	(5,286,671)
Town Share of Surplus / (Deficit)	1,150,000	1,251,310	728,862	1,005,496	2,137,782
Town Collective Bargaining	1,150,000	1,110,000	1,130,000	1,160,000	1,180,000
Total Town Surplus / (Deficit)	**0**	**141,310**	**(401,138)**	**(154,504)**	**957,782**
School Share of Surplus / (Deficit)	1,680,000	1,787,982	(434,511)	(3,774,992)	(7,063,787)
School Collective Bargaining	1,680,000	1,787,982	1,898,881	1,898,881	1,898,881
Total School Surplus / (Deficit)	**0**	**(2,333,392)**	**(5,673,873)**	**(8,962,668)**	**(15,205,498)**

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. In 2015, such 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 overcrowding issue in the schools continues to be the most urgent CIP need, consuming more of the CIP and necessitating additional Debt Exclusion Overrides. Our K-12 student population has grown by 28.6% since FY 2006 from 5,766 students to 7,412. While the increase in size of Brookline's kindergarten enrollment has driven the growth these larger elementary grades will soon begin to enter the high school. Brookline High School has grown 4.1% in the last ten years, with a five-year growth of 12.7%. Currently, grades Kindergarten through 4th average 651 students this year, while grades 8-12 are still averaging only 490 students. The School Department projects that there will be more than 2,400 students attending Brookline High School in grades 9-12 by the school year 2020-2021.

As a result the Town is in the midst of two feasibility studies for the High School renovation and expansion project as well as the 9th School at the Baldwin site. This CIP is only able to provide minimal funding for additional classroom capacity in the interim years prior to the High School and K-8 projects coming online. This CIP also alters the plan for the High School due to an accelerated timetable proposed by the School Committee combined with the decision to proceed with the project without partnering with the Massachusetts School Building Authority (MSBA). The debt plan for this project now assumes that debt exclusion funding source will be accessed prior to using CIP capacity. We will seek authorization for the entire amount in FY2019 once a project has been defined by the schematic design process.

As presented, this proposed $115.8M six-year CIP continues to provide funding for a portion of a High School Project ($35M) no capacity exists beyond the schematic design phase for the 9th School at Baldwin project. The Soule Athletic Field renovation is also included as part of this project. Therefore, a Debt Exclusion Override is assumed for the remainder of what would be required at the High School and 9th School at Baldwin Project.

The recommended FY2018 – FY2023 CIP calls for an investment of $115.8 million, for an average of approximately $19.3 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 (FY08 - FY17), the Town has authorized expenditures of $337 million, for an average of nearly $31

million per year. 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 a backlog of capital projects. This has allowed for the creation of additional classroom spaces necessitated by the surge in enrollment, dramatically improved the Town's physical assets, and have helped yield savings in the Operating Budget through investments in technology and energy efficiency.

This CIP adjusts for the projected timetables for the High School and 9th School at Baldwin Projects and reflects the decision to proceed without MSBA partnership. The current plan calls for Feasibility to conclude sometime this spring with funding for Schematic Design Planned for FY2018. For the High School this is estimated at $1.5M which is planned for bond financing while the $1.5M for the 9th School at Baldwin will be funded with cash.

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 $25.6M of specific park projects included, as shown in the table below:

			Prior Year	FY2018		FY2019		FY2020		FY2021		FY2022		FY2023		Future Years	
CC		Total	(FY17)	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC
	Parks and Playgrounds																
3	Brookline Reservoir Park	2,340,000	140,000	2,200,000	B												
3	Corey Hill Park	700,000	700,000														
3	Cypress Playground/Athl. Field	2,640,000				240,000	A	2,400,000	B								
3	Emerson Garden Playground	770,000	770,000														
3	Harry Downes Field & Playground	1,070,000	80,000			990,000	B										
3	Heath School Playground Accessibility	1,050,000														1,050,000	A
3	Kraft Family Athl. Field Turf Repl.	1,078,000						98,000	A	980,000	A						
3	Larz Anderson Park	9,000,000				2,700,000	B	600,000	A	2,200,000	B					3,500,000	B
3	Murphy Playground	890,000		70,000	A	820,000	B										
3	Riverway Park	625,000														625,000	A
3	Robinson Playground	1,190,000						100,000	A	1,090,000	B						
3	Schick Playground	1,060,000								90,000	A	970,000	B				
3	Boylston St. Playground	1,180,000														1,180,000	A
3	Griggs Park	970,000														970,000	A
3	Soule Athletic Fields	1,110,000				90,000	K	1,020,000	K								

It should be noted that the projected timeframe for both the 9th School at Baldwin and the High School have necessitated an accelerated schedule for both Cypress Playground/Athletic Field Renovations and the Soule Athletic Field Renovation. In order to meet that timetable within the constraints of the CIP it is recommended that the funding for the Soule project be part of what will be requested as part of the Debt Exclusion for the 9th School at Baldwin Project.

There is also funding allocated in FY2018 for a Traffic Calming/Safety Improvement project that calls for a Pedestrian Crossing LED Warning System at various locations. Flashing warning lights will be installed at either end of the existing cross walks. Lights will be activated by pushing a pedestrian button. These lights are similar to the flashing stop lights at High Street and Allerton Road. There is also funding for improvements to the Carlton Street / Monmouth Street Traffic Signal. The Fire Alarm Call box System project is

currently in "future years". This was a project that had previously been in the CIP, but subsequently removed. The DPW commissioned a study in partnership with the Fire Department. The recommendations of the study need to be prioritized under the current CIP constraints and a larger conversation on reinvestment in this system needs to be had considering that a project this large would likely result in the deferment of several significant projects.

This CIP makes some changes to the Town's apparatus replacement program. 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. While it was thought that Ladder #12 could be rehabbed for approximately $200,000 attempting a rehab is not recommended based on extensive rust and corrosion that currently exists and would only be worse in two years from now. This condition combined with the need to replace Tower 1 during FY2017 left the Town in a less than desirable position while waiting for the arrival of a new ladder truck (expected around January, 2018) and necessitated the purchase of a lightly used ladder truck funded via a reserve fund transfer. We will be working with the Department to reassess the replacement and refurbishment schedule based on this experience. The Department has also requested the acceleration of the Engine 6 Replacement by one fiscal year so a minimal rehab can be performed on the engine it is replacing to be a quality reserve.

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 FY2012, $650K was appropriated to undertake the Structural component. The next phase for implementation was the Life Safety component, which was funded between FY2013 – FY2015 ($890K). Given the 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. MEP work for the remaining stations is as follows:

Sta 5 (Babcock Street)	$220,000 (FY18)
Sta 4 (Rt. 9/Reservoir Road)	$445,000 ($60K FY18, $385K FY19)
Sta 1 (Brookline Village)	$450,000 (FY21)
Sta 7 (Washington Square)	$620,000 ($350K FY21, $270K FY23)

Work at Station 7 also includes a second means of egress and work on the second floor living area.

Some of the major projects proposed in the CIP include:

- Larz Anderson - $4.9 million (FY19, FY21)
- Fire Sta. Renovations - $2.4 million (FY18-22)
- Brookline Reservoir Park - $2.3 million (FY17-18)
- Robinson Playground - $1.2 million (FY20-FY21)
- Larz Anderson Park - $9.0 million (FY19-21)

- Cypress Playground - $2.6 million (FY19-20)

Continued major investments include:

- Street and Sidewalk Rehab - $21.3 million
- Parks and Open Space - $19.8 million
- Town/School Bldg Envelope/Fenestration Repairs - $3.2 million
- Town/School Roofs - $3.1 million
- Water & Sewer Infrastructure - $5.8 million -- enterprise fund
- Town/School Energy Mgmt/Conservation - $1.8 million
- Information Technology - $1.1 million
- Tree Replacement - $1.4 million

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 twelfth 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 25, 2017 on the following vote:

> VOTED: To approve the budget for fiscal year 2018 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.) <u>PROCUREMENT CONTRACTS AND LEASES:</u> The Chief Procurement Officer is authorized to lease, or lease with an option to purchase, any equipment or capital item funded within the FY2018 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.) <u>ALLOCATION OF SALARY ADJUSTMENTS:</u> 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 $107,976 effective July 1, 2017, 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 $1,647,098 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	$622,774
Purchase of Services	$135,271
Supplies	$313,868
Other	$10,300
Utilities	$120,348
Capital	$86,420
Debt Service	$153,125
Reserve	$25,000
Total Appropriations	$1,467,106
Indirect Costs	$179,992
Total Costs	$1,647,098

Total costs of $1,647,098 to be funded from golf receipts with $179,992 to be reimbursed to the General Fund for indirect costs.

7.) WATER AND SEWER ENTERPRISE FUND: The following sums, totaling $29,271,307, 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	2,213,688	418,141	2,631,829
Purchase of Services	190,598	163,200	353,798
Supplies	102,020	21,000	123,020
Other	8,900	1,680	10,580
Utilities	93,891	0	93,891
Capital	358,800	203,000	561,800
Intergovernmental	7,423,089	13,539,829	20,962,918
Debt Service	442,597	1,567,334	2,009,931
Reserve	126,086	163,729	289,815
Total Appropriations	10,959,669	16,077,913	27,037,582
Indirect Costs	1,775,045	458,680	2,233,725
Total Costs	12,734,714	16,536,593	29,271,306

Total costs of $29,271,307 to be funded from water and sewer receipts with $2,233,725 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 $3,300,000.

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 $4,943,558, 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:

Cemetery Sales Special Revenue Fund [to the General Fund for the Department of Public Works]	$ 100,000
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 35 through 68, inclusive, in Table 1 shall be specially appropriated for the following purposes. In addition, with the exception of Items #67 - 68, they shall be transferred from the General Fund to the Revenue-Financed Capital Fund.

Appropriate sums of money for the following special purposes:

35. Raise and appropriate $50,000 to be expended under the direction of the Chief Procurement Officer for town furniture upgrades.

36. Raise and appropriate $50,000 to be expended under the direction of the Building Commissioner for the rehabilitation of Town buildings.

37. Raise and appropriate $120,000 to be expended under the direction of the Chief Information Officer and Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for improvements to the Data Room at Town Hall; and to meet the appropriation transfer $120,000 from the balance remaining in the appropriation voted under Article 8, Section 12 Item 54 of the 2004 Annual Town Meeting.

38. Raise and appropriate $175,000 to be expended under the direction of the Chief Information Officer, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the enhancement of town-wide hardware and software.

39. Raise and appropriate $50,000 to be expended under the direction of the Fire Chief for the rehabilitation of Fire Department apparatus.

40. Raise and appropriate $625,000 to be expended under the direction of the Fire Chief, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the replacement of Fire Engine #6.

41. Raise and appropriate $280,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for making extraordinary repairs to Fire Stations.

42. Raise and appropriate $71,000 to be expended under the direction of the Fire Chief for the purchase and installation of Personal Protective Equipment (PPE) washers and dryers.

43. Raise and appropriate $646,500 to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and Library Trustees, for extraordinary repairs/improvements at the Coolidge Corner Library.

44. Raise and appropriate $58,659 to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for traffic calming studies and improvements; provided that the Department of Public Works and Transportation Board provide status reports to the Board of Selectmen on a semi-annual basis.

45. Raise and appropriate $33,000 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 and to meet the appropriation transfer from the balance remaining in the appropriation voted under Article 8, Section 12 Item 54 of the 2004 Annual Town Meeting.

46. Raise and appropriate $161,040 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the

Board of Selectmen, for the purchase of parking meters and to meet the appropriation transfer $161,040 from the Parking Meter Fund.

47. Raise and appropriate $333,663 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 Carlton Street / Monmouth Street traffic signal.

48. Raise and appropriate $1,670,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of streets.

49. Raise and appropriate $312,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of sidewalks.

50. Raise and appropriate $240,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the Municipal Service Center site improvements.

51. Raise and appropriate $40,000 to be expended under the direction of the Commissioner of Public Works, for the structural evaluation of the Davis Path Footbridge.

52. Appropriate $300,000 to be expended under the direction of the Commissioner of Public Works, with any contracts over $100,000 to be approved by the Board of Selectmen, for stormwater improvements and to meet the appropriation transfer $300,000 from retained earnings of the Water and Sewer Fund.

53. Raise and appropriate $300,000 to be expended under the direction of the Commissioner of Public Works, with any contracts over $100,000 to be approved by the Board of Selectmen, for improvements to the water system.

54. Raise and appropriate $70,000 to be expended under the direction of the Commissioner of Public Works, for the design of the renovation of Murphy Playground.

55. Raise and appropriate $305,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.

56. Raise and appropriate $150,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of Town and School grounds.

57. Raise and appropriate $230,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.

58. Raise and appropriate $90,000 to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.

59. Raise and appropriate $75,000 to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.

60. Raise and appropriate $475,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 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.

61. Raise and appropriate $75,000 to be expended under the direction of the Building Commissioner, for energy conservation projects in Town and School facilities.

62. Raise and appropriate $125,000 to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for upgrades to energy management systems in Town and School facilities.

63. Raise and appropriate $215,000 to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 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.

64. Raise and appropriate $100,00 to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for minor renovations / upgrades to school buildings.

65. Raise and appropriate $400,000 to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for HVAC system improvements at the Driscoll School, and to meet the appropriation transfer. from the balance remaining in the appropriation voted under Article 3, Section 2 Item 68 of the 2012 Special Town Meeting

66. Raise and appropriate $995,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools.

67. Raise and appropriate $1,500,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for the schematic design services to construct a 9th School to be located at 490 Heath Street under the following condition:

    that before utilizing Town funds to commence the schematic design services the Board of Selectmen, and School Committee shall receive and consider an analysis from Town Counsel or designee describing the impact of the SJC decision under Smith v. City of Westfield.

68. Appropriate $2,200,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the renovation of Brookline Reservoir Park; and to meet the appropriation authorize the Treasurer, with the approval of the Board of Selectmen, to borrow $2,200,000, under General Laws, Chapter 44, Section 7, Clause 25.

14.) **FREE CASH:** Appropriate and transfer $8,354,017 from free cash for the following purposes:

a.) Operating Budget Reserve Fund (MGL Chapter 40, Section 6) – $615,003;
b.) Liability/Catastrophe Fund (Chapter 66 of the Acts of 1998, as amended) – $203,644;
c.) Reduce the tax rate (Special Appropriations) – $6,058,567;
d.) Housing Trust Fund – $576,803;
e.) Retiree Healthcare Liability Trust Fund (Chapter 472 of the Acts of 1998, as amended) - $600,000;
f.) Contributory Retirement Pension Fund (MGL Chapter 32, Section 22) – $300,000.

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.

FY18 BUDGET - TABLE 1 May, 2017

		FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
	REVENUES						
	Property Taxes	182,239,297	195,049,924	204,064,199	211,298,230	7,234,031	3.5%
	Local Receipts	25,847,019	29,377,154	23,836,698	29,556,650	5,719,952	24.0%
	State Aid	17,675,450	18,837,306	19,657,251	20,273,713	616,462	3.1%
	Free Cash	5,084,152	5,016,501	5,311,538	8,354,017	3,042,479	57.3%
	Overlay Surplus	2,100,000	0	0	0	0	-
	Other Available Funds	6,903,508	6,895,644	7,840,067	3,485,110	(4,354,956)	-55.5%
	TOTAL REVENUE	**239,849,426**	**255,176,529**	**260,709,753**	**272,967,720**	**12,257,968**	**4.7%**
	EXPENDITURES						
	DEPARTMENTAL EXPENDITURES						
	1 . Selectmen	685,876	684,191	688,622	697,169	8,547	1.2%
	2 . Human Resources	676,217	728,432	548,060	686,579	138,519	25.3%
	3 . Information Technology	1,783,823	1,843,320	1,908,580	1,896,399	(12,181)	-0.6%
	4 . Diversity, Inclusion, and Community Relations	177,539	202,210	239,050	243,101	4,051	1.7%
	5 . Finance Department	2,869,580	2,985,840	3,216,609	3,262,446	45,837	1.4%
	a. Comptroller	*551,138*	*571,910*	*589,139*	*597,669*	*8,530*	*1.4%*
	b. Purchasing	*667,116*	*681,950*	*661,456*	*665,782*	*4,326*	*0.7%*
	c. Assessing	*664,015*	*685,044*	*689,132*	*690,060*	*928*	*0.1%*
	d. Treasurer	*987,311*	*1,046,936*	*1,276,882*	*1,308,935*	*32,053*	*2.5%*
	6 . Legal Services	889,316	989,752	967,934	972,934	5,000	0.5%
	7 . Advisory Committee	13,021	13,704	25,672	25,779	107	0.4%
	8 . Town Clerk	645,463	613,440	696,935	632,331	(64,604)	-9.3%
	9 . Planning and Community Development	851,249	874,057	958,875	982,599	23,724	2.5%
	10 . Police	16,260,029	16,732,901	16,738,565	16,829,005	90,440	0.5%
	11 . Fire	12,960,394	12,961,446	14,607,589	14,980,571	372,982	2.6%
	12 . Building	7,029,407	7,321,190	7,600,286	7,699,954	99,668	1.3%
(1)	13 . Public Works	16,330,565	14,970,796	14,387,630	14,457,331	69,701	0.5%
	a. Administration	*874,470*	*908,138*	*890,192*	*891,296*	*1,104*	*0.1%*
	b. Engineering/Transportation	*1,165,797*	*1,255,638*	*1,260,195*	*1,216,151*	*(44,044)*	*-3.5%*
	c. Highway	*4,872,841*	*4,574,473*	*5,027,423*	*4,957,738*	*(69,685)*	*-1.4%*
	d. Sanitation	*2,858,581*	*3,340,207*	*3,020,670*	*3,080,034*	*59,364*	*2.0%*
	e. Parks and Open Space	*3,322,096*	*3,701,159*	*3,701,557*	*3,826,815*	*125,258*	*3.4%*
	f. Snow and Ice	*3,236,779*	*1,191,182*	*487,593*	*485,297*	*(2,296)*	*-0.5%*
	14 . Library	3,894,348	3,993,162	3,992,157	3,974,583	(17,574)	-0.4%
	15 . Health and Human Services	1,184,308	1,193,045	1,189,084	1,193,753	4,669	0.4%
	16 . Veterans' Services	361,218	326,172	335,631	335,531	(100)	0.0%
	17 . Council on Aging	855,130	883,926	912,543	917,628	5,085	0.6%
	18 . Recreation	1,010,362	1,124,759	1,011,042	1,000,208	(10,834)	-1.1%
(2)	19 . Personnel Services Reserve	715,000	715,000	715,000	715,000	0	0.0%
(2)	20 . Collective Bargaining - Town	2,321,220	1,596,442	783,529	1,500,000	716,471	91.4%
	Subtotal Town	*68,477,847*	*68,442,343*	*71,523,393*	*73,002,901*	*1,479,508*	*2.1%*
	21 . *Schools*	*86,842,575*	*95,916,094*	*101,118,783*	*104,710,912*	*3,592,129*	*3.6%*
	22. . *Vocational Euducation Assessments*	*0*	*0*	*0*	*92,895*	*92,895*	*-*
	Subtotal Education	*86,842,575*	*95,916,094*	*101,118,783*	*104,803,807*	*3,685,024*	*3.6%*
	TOTAL DEPARTMENTAL EXPENDITURES	**155,320,422**	**164,358,438**	**172,642,176**	**177,806,708**	**5,071,637**	
	NON-DEPARTMENTAL EXPENDITURES						

		FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
(1)	23 . Employee Benefits	50,474,515	54,064,860	56,848,194	60,454,518	**3,606,324**	**6.3%**
(3)	*a. Pensions*	*17,882,573*	*18,707,021*	*19,718,677*	*21,499,185*	***1,780,508***	***9.0%***
	b. Group Health	*25,110,830*	*27,484,720*	*29,042,055*	*30,173,026*	***1,130,971***	***3.9%***
	c. Health Reimbursement Account (HRA)	*49,478*	*70,000*	*0*	*0*	***0***	
(3)	*d. Retiree Group Health Trust Fund (OPEB's)*	*3,311,860*	*3,499,119*	*3,774,837*	*4,480,080*	***705,243***	***18.7%***
	e. Employee Assistance Program (EAP)	*24,900*	*28,000*	*28,000*	*28,000*	***0***	***0.0%***
	f. Group Life	*132,666*	*145,000*	*145,000*	*145,000*	***0***	***0.0%***
	g. Disability Insurance	*10,221*	*16,000*	*16,000*	*16,000*	***0***	***0.0%***
(3)	*h. Worker's Compensation*	*1,450,000*	*1,550,000*	*1,450,000*	*1,450,000*	***0***	***0.0%***
(3)	*i. Public Safety IOD Medical Expenses*	*300,575*	*250,000*	*250,000*	*200,000*	***(50,000)***	***-20.0%***
(3)	*j. Unemployment Compensation*	*325,000*	*300,000*	*300,000*	*200,000*	***(100,000)***	***-33.3%***
	k. Medical Disabilities	*18,565*	*40,000*	*40,000*	*40,000*	***0***	***0.0%***
	l. Medicare Coverage	*1,857,847*	*1,975,000*	*2,083,625*	*2,223,228*	***139,603***	***6.7%***
(2)	24 . Reserve Fund	1,718,000	2,200,198	2,348,736	2,460,011	**111,275**	**4.7%**
	25 Stabilization Fund	0	0	0	0	**0**	
	26 Affordable Housing	170,390	163,078	158,539	576,803	**418,264**	**263.8%**
	27 . Liability/Catastrophe Fund	234,839	78,969	144,322	203,644	**59,322**	
	28 . General Insurance	332,137	382,645	394,148	405,972	**11,824**	**3.0%**
	29 . Audit/Professional Services	81,500	130,000	137,000	137,000	**0**	**0.0%**
	30 . Contingency Fund	10,528	15,000	15,000	15,000	**0**	**0.0%**
	31 . Out-of-State Travel	2,253	3,000	3,000	3,000	**0**	**0.0%**
	32 . Printing of Warrants & Reports	28,046	35,000	35,000	35,000	**0**	**0.0%**
	33 . MMA Dues	11,746	12,278	12,585	12,900	**315**	**2.5%**
	Subtotal General	*2,589,439*	*3,020,169*	*3,248,330*	*3,849,329*	***600,999***	***18.5%***
(1)	34 . Borrowing	9,403,333	9,276,014	10,742,938	12,766,192	**2,023,254**	**18.8%**
	a. Funded Debt - Principal	*7,196,544*	*7,188,044*	*7,923,973*	*9,031,750*	***1,107,777***	***14.0%***
	b. Funded Debt - Interest	*2,193,256*	*2,082,502*	*2,658,965*	*3,574,442*	***915,477***	***34.4%***
	c. Bond Anticipation Notes	*0*	*0*	*100,000*	*100,000*	***0***	***0.0%***
	d. Abatement Interest and Refunds	*13,533*	*5,468*	*60,000*	*60,000*	***0***	***0.0%***
	TOTAL NON-DEPARTMENTAL EXPENDITURES	**62,467,287**	**66,361,043**	**70,839,462**	**77,070,040**	**6,230,578**	**8.8%**
	TOTAL GENERAL APPROPRIATIONS	**217,787,709**	**230,719,481**	**243,481,638**	**254,876,747**	**11,302,217**	**4.6%**
	SPECIAL APPROPRIATIONS						
	35 . Town Building Furniture (revenue financed)				50,000		
	36 . Town Building Rehab/Upgrade (revenue financed)				50,000		
	37 . Data Room Improvements (Re-appropriation)				120,000		
	38 . Technology Applications (revenue financed)				175,000		
	39 . Fire Apparatus Rehab (revenue financed)				50,000		
	40 . Engine #6 Replacement (revenue financed)				625,000		
	41 . Fire Station Renovations (revenue financed)				280,000		
	42 . PPE Washers and Dryers (revenue Financed)				71,000		
	43 . Coolidge Corner Library - Elev./Rear Windows /Carpet				646,500		
	44 . Traffic Calming / Safety Improvements				58,659		
	45 . Bicycle Access Improvements (re-appropriation $27,900, revenue financed $5,100)				33,000		
	46 . Parking Meter Technology Upgrade (revenue financed from Parking Meter Fund)				161,040		
	47 Carlton St /Monmouth Traffic Signal (revenue financed)				333,663		
	48 . Street Rehabilitation (revenue financed)				1,670,000		
	49 . Sidewalk Repair/Reconstruction (revenue financed)				312,000		

		FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
	50 Municipal Service Center Site Improvements (revenue financed)				240,000		
	51 Davis Path Footbridge Study (revenue financed)				40,000		
	52 . Stormwater Improvements (revenue financed Water and Sewer fund)				300,000		
	53 Water System Improvements (Utility bond)				300,000		
	54 Murphy Playground (revenue financed)				70,000		
	55 . Playground Equipment, Fields, Fencing (revenue financed)				305,000		
	56 . Town/School Grounds Rehab (revenue financed)				150,000		
	57 . Tree Removal and Replacement (revenue financed)				230,000		
	58 . School Furniture Upgrades (revenue financed)				90,000		
	59 . Town/School ADA Renovations (revenue financed)				75,000		
	60 . Town/School Elevator Renovations (revenue financed)				475,000		
	61 . Town/School Energy Conservation Projects (revenue financed)				75,000		
	62 . Town/School Energy Management Systems (revenue financed)				125,000		
	63 . Town/School Building Security / Life Safety (revenue financed)				215,000		
	64 . School Building Rehab/Upgrade (revenue financed)				100,000		
	65 . Driscoll School Rehabilitation (revenue financed)				400,000		
	66 . Classroom Capacity (revenue financed)				995,000		
	67 . 9th School at Baldwin Schematic Design (revenue financed)				1,500,000		
	68 . Brookline Reservoir Park - Construction (bond)				2,200,000		
(4)	69 . High School Schematic Design (bond)				1,850,000		
(5)	**TOTAL REVENUE-FINANCED SPECIAL APPROPRIATIONS**	**9,415,000**	**10,113,000**	**8,879,374**	**9,720,862**	**841,488**	**9.5%**
	TOTAL APPROPRIATED EXPENDITURES	**227,202,709**	**240,832,481**	**252,361,012**	**264,597,609**	**12,236,597**	**4.8%**
	NON-APPROPRIATED EXPENDITURES						
	Cherry Sheet Offsets	126,443	91,451	89,197	86,983		
	State & County Charges	6,201,536	6,319,715	6,393,642	6,508,126		
	Overlay	2,080,721	1,965,726	1,840,902	1,750,000		
	Deficits-Judgments-Tax Titles	25,000	25,000	25,000	25,000		
	TOTAL NON-APPROPRIATED EXPEND.	**8,433,700**	**8,401,892**	**8,348,741**	**8,370,109**	**21,368**	**0.3%**
	TOTAL EXPENDITURES	**235,636,409**	**249,234,373**	**260,709,753**	**272,967,718**	**12,257,965**	**4.7%**
	SURPLUS/(DEFICIT)	**4,213,017**	**5,942,156**	**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) Article 1 of the Second Special Town Meeting to be voted on May 9, 2017
(5) 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 #34).

FY18 BUDGET - TABLE 2 May, 2017

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)	666,784	6,580	4,000	17,600		2,205			697,169
Human Resources Department (Human Resources Director)	309,230	325,709	19,000	31,000		1,640			686,579
Information Technology Department (Chief Information Officer)	1,131,127	469,272	10,350	17,550		268,100			1,896,399
Diversity, Inclusion, and Community Relations (Director)	213,076	20,000	9,000	150		875			243,100
Finance Department (Director of Finance)	2,215,168	967,836	48,760	22,057	1,375	7,250			3,262,446
Legal Services (Town Counsel)	625,425	230,309	3,500	112,000		1,700			972,934
Advisory Committee (Chair, Advisory Committee)	22,639		2,275	570		295			25,779
Town Clerk (Town Clerk)	524,379	89,672	14,550	2,450		1,280			632,331
Planning and Community Department (Plan. & Com. Dev. Dir.)	946,264	18,633	9,712	4,550		3,440			982,599
Police Department (Police Chief)	15,246,124	574,743	219,900	74,000	281,611	432,627			16,829,005
Fire Department (Fire Chief)	14,299,208	166,240	167,488	31,350	193,809	122,476			14,980,571
Public Buildings Department (Building Commissioner)	2,444,025	2,361,802	29,750	10,400	2,731,607	122,370			7,699,954
Public Works Department (Commissioner of Public Works)	8,019,901	3,336,525	960,750	53,500	1,073,453	993,202	20,000		14,457,331
Public Library Department (Library Board of Trustees)	2,876,169	186,559	594,250	4,700	286,905	26,000			3,974,583
Health & Human Services Department (Health & Human Svcs Dir)	926,337	205,490	15,100	4,120	38,686	4,020			1,193,753
Veterans' Services (Veterans' Services Director)	168,448	1,988	650	163,935		510			335,531
Council on Aging (Council on Aging Director)	774,288	43,583	19,763	2,900	71,394	5,700			917,628
Recreation Department (Recreation Director)	734,358	23,037	86,480	12,400	139,913	4,020			1,000,208
School Department (School Committee)									104,710,912
Total Departmental Budgets	**52,142,950**	**9,027,978**	**2,215,278**	**565,232**	**4,818,753**	**1,997,710**	**20,000**		**175,498,812**
DEBT SERVICE									
Debt Service (Director of Finance)								12,766,192	12,766,192
Total Debt Service								**12,766,192**	**12,766,192**
EMPLOYEE BENEFITS									
Contributory Pensions Contribution (Director of Finance)	21,434,185								21,434,185
Non-Contributory Pensions Contribution (Director of Finance)	65,000								65,000
Group Health Insurance (Human Resources Director)	30,173,026								30,173,026
Retiree Group Health Insurance - OPEB's (Director of Finance)	4,480,080								4,480,080
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)	200,000								200,000
Unemployment Insurance (Human Resources Director)	200,000								200,000
Ch. 41, Sec. 100B Medical Benefits (Town Counsel)	40,000								40,000
Medicare Payroll Tax (Director of Finance)	2,223,228								2,223,228
Total Employee Benefits	**60,454,518**								**60,454,518**
GENERAL / UNCLASSIFIED									
Vocational Euducation Assessments									92,895
Reserve Fund (*) (Chair, Advisory Committee)				2,460,011					2,460,011
Liability/Catastrophe Fund (Director of Finance)				203,644					203,644
Housing Trust Fund (Planning & Community Develpoment Dir.)				576,803					576,803
General Insurance (Town Administrator)		405,972							405,972
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)				12,900					12,900
Town Salary Reserve (*) (Director of Finance)	1,500,000								1,500,000
Personnel Services Reserve (*) (Director of Finance)	715,000								715,000
Total General / Unclassified	**2,230,000**	**555,972**	**10,000**	**3,268,358**					**6,157,225**
TOTAL GENERAL APPROPRIATIONS	**114,827,468**	**9,583,950**	**2,225,278**	**3,833,590**	**4,818,753**	**1,997,710**	**20,000**	**12,766,192**	**254,876,747**

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

ADVISORY COMMITTEE'S RECOMMENDATION

The Advisory Committee has reviewed the proposed appropriations for FY2018 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 FY2018 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 FY2018 budget represents a continuation of recent trends. Most Town departments continue to offer the same level of services without significantly higher budgets. The budget for Brookline's schools will increase at a faster rate than the Town budget, but Brookline continues to make prudent provision for many of its long-term needs and obligations. Significant fiscal challenges will emerge as soon as FY2019, however, and current fiscal trends are not sustainable. During FY2018, Brookline will need to make important choices and to consider the need for debt exclusion and operating budget overrides.

FISCAL CHALLENGES AND COMING OVERRIDES: THE FUTURE IS NOW

In recent reports on Brookline's annual budget, the Advisory Committee has emphasized that Brookline will face renewed fiscal challenges in the near future. In FY2018, the future is now.

Financing a 9th elementary school and a high school project will require significant borrowing and debt exclusion overrides. Long-term budget projections see deficits emerging and expanding after FY2019. 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.

The 2015 Override and Its Aftermath: Temporary Stability, Emerging Shortfalls

In May 2015, Brookline's voters approved a $7,665,000 operating override. Although they were not on the ballot, other revenues and increased efficiencies of almost $2.3 million were associated with the override. These non-property tax revenues and efficiencies included funds from an increase in parking meter rates and savings associated with the implementation of a pay-as-you-throw system for solid waste disposal.

The override and associated revenues were expected to provide three years of fiscal stability for Brookline, although there was some hope that the plan would support four or five years of

budgets without a further operating override. Current budget projections suggest that, without cuts to existing programs, the Town budget and, especially, the school budget will show a deficit starting in FY2019. As always, these projections are uncertain and they are generally based on conservative assumptions. Over the years, the Town has done an exceptional job of averting projected deficits by, for example, reducing health insurance costs by entering the GIC and setting 2% as the target for collective bargaining increases. In FY2019 and beyond, however, the fiscal challenges facing Brookline will become more intense. Now is the time to begin facing these challenges.

Overall, Brookline faces fiscal challenges because many of its expenditures—health insurance, pensions, post-retiree health benefits—invariably increase more rapidly than the annual growth in property taxes allowed under Proposition 2½. For FY2018, spending in those categories is expected to increase by 3.9%, 9.0%, and 18.7%, respectively. In recent years, increasing school enrollment has caused rapid growth in the school budget. That enrollment growth also has led to increased capital costs for school renovation and expansion. For FY2018, Brookline's borrowing costs will increase by 18.8%. After completion of a new K-8 school and expansion of Brookline High School, borrowing costs will increase further—and operating costs may also increase due to the staffing needs of the new buildings.

The needs of Town departments also are likely to grow in the relatively near future. In FY2018 and recent years, most Town departments have been essentially level-funded. There have been few resources to support new programs and initiatives. At some point, it will become increasingly difficult to maintain services without additional funding. Many departments would like to undertake new initiatives, as indicated in the 2016 document, "Town of Brookline Municipal Facility Needs: Department Head Interviews." Some departments face expanding demands. For example, as more buildings are added to the Town's inventory (e.g., by expansion and construction of schools) and older buildings continue to age, the Building Department's Public Buildings Division is being asked to do more. A 2016 report by a consultant recommended that the division hire nine additional Senior Maintenance Craftspersons and an Energy Systems Operator. The FY2017 budget added one Senior Craftsperson. The Parks and Open Space Division may face similar challenges as Brookline (laudably) continues to create new parks. If the senior population increases, the Council on Aging will be asked to do more. Further examples could be found in other Town departments.

In addition, revenues associated with the override—although not revenues from increased property taxes—have been slightly lower than expected. For FY2018, the third fiscal year since the 2015 override, the overall funds from the override "package" fell $770,430 short of the projected target ($9,183,570 versus $9,954,000). In February 2017, the Town/School Partnership Committee allocated an additional $770,430 to the Public Schools of Brookline so that the school budget for FY2018 would remain at the expected post-override level. Nevertheless, the school budget initially projected a deficit that was closed only after some cuts and deferred expenditures, as well as fortuitously low increases in health insurance costs.

Finally, Brookline may lose federal funding if Congress cuts or eliminates programs such as Community Development Block Grant (CDBG) program or restricts funding for cities and

towns that adopt "sanctuary" status, as Brookline has. Brookline annually receives $1.4 million in CBDG funds and approximately $3.1 million in federal education aid. If Brookline loses federal funds, the Town would have to choose to eliminate those programs or to finance them without outside assistance. Reduced federal aid to states such as Massachusetts also could negatively affect Brookline. All told, about $6.4 million in direct and indirect (via state agencies) in federal aid to Brookline is at risk.

Preliminary Estimates of the Size of Debt Exclusion and Operating Budget Overrides

Any discussion of how Brookline should respond to impending fiscal challenges needs to consider how much revenue might be required for future capital and operating expenses—and what might be asked of Brookline's taxpayers. Although precise estimates of the cost of a 9th K-8 school and the expansion of Brookline High School are not available, it is possible to make preliminary calculations of the size of debt exclusion and operating overrides.

Debt Exclusion for a 9th K-8 school: If the Town needs to borrow $100,000,000 to finance construction of a 9th school (a round figure that is in line with current estimates), the annual cost (tax increase) would be $7,095,246. This estimate assumes that the interest rate would be 5% and that the Town would make level payments over a 25-year term. The annual cost could be higher or lower if interest rates change, if the Town elects to borrow for a shorter or longer term, or if the Town opts to pay level principal and declining interest.

If any property tax increases associated with a $100,000,000 debt exclusion go into effect in FY2019, the $7,095,246 increase would translate into an average increase of approximately 3.24% in the tax bills paid by Brookline property-owners. (This assumes that taxes will be about 3.5% higher in FY2019 compared to FY2018, even without any overrides.) The actual dollar amount of the increase would depend on the assessed value of the property and whether the property was residential or commercial.

Debt Exclusion for Brookline High School Expansion: If the Town needs to borrow $150,000,000 to finance Brookline High School expansion and improvements (again, a round figure that is in line with current estimates), the annual cost (tax increase) would be $10,642,869. This estimate is based on the same assumptions as the preceding examples. In FY2019, the $10,642,869 would mean that tax bills would go up by about 4.87% on average.

Operating Budget Override; At this point, there are no estimates for the size of an operating budget override, and it is not clear whether one or two operating overrides will be necessary in the next few years. If, for example an operating override were the same size as the 2015 override—$7,665,000—the resulting tax increase would be about 3.5%. (Note that the 2015 override resulted in an increase of 4.2%, because pre-override tax bills were lower then.) If an operating override raised an additional $5,000,000 in property-tax revenue (probably a conservative estimate), the consequent tax increase would be about 2.29%.

These very preliminary tax calculations suggest that the combination of two debt exclusion overrides and an operating override would increase Brookline's property taxes by about 10–12%. (The precise range produced by these calculations is 10.4% to 11.61%.) The increase could be higher if a future operating override (or multiple overrides within a short span of time) exceeds the 2015 operating override.

These calculations are simplified and the actual property tax increase paid by each taxpayer would vary. In addition, all of the preceding cases, the new taxes associated with the override would generally be a smaller percentage of each taxpayer's tax burden in future years (FY2020, FY2021, etc.), because the taxes associated with the debt exclusion or operating override would remain constant while the overall tax levy would increase each year. Note that the percentage increases calculated above would be slightly higher if FY2018 had been used as a base year instead of FY2019.

This report takes no position on whether Brookline should approve or disapprove any or all potential debt exclusion or operating overrides. These numbers are presented only to make clear the magnitude of tax increases associated with proposed school construction and expansion projects and revenue needed to fund projected Town and school operating budgets.

Next Steps: Appoint a Committee to Study Potential Future Overrides

On February 14, 2017, by a vote of 16–1–0, the Advisory Committee adopted the following resolution:

Recommendation that the Board of Selectmen Appoint a Committee to Study the Need for Potential Future Overrides

WHEREAS the long-term budget outlook indicates that the Town of Brookline and the Public Schools of Brookline may face significant budget deficits in Fiscal Year 2019 and subsequent years; and

WHEREAS demographic and other trends suggest that the Town of Brookline and the Public Schools of Brookline will face increasing public demands for services in the coming years; and

WHEREAS many Town departments have been essentially level-funded in recent years; and

WHEREAS the May 2015 override was generally regarded as providing adequate funding for no more than three to five fiscal years; and

WHEREAS the operation of a 9th elementary school and an expanded Brookline High School will increase operating costs for the Public Schools of Brookline; and

WHEREAS debt exclusion overrides will be necessary to finance construction of a 9th elementary (pre-kindergarten–8th grade) school and the expansion of Brookline High School; and

WHEREAS Brookline has a tradition of relatively infrequent and relatively large operating budget overrides and of not asking voters to approve an override until it is clear that other fiscal options have been exhausted; and

WHEREAS the 2014 Override Study Committee produced extensive analyses that could facilitate the work of any committee that studies the need for future overrides;

THEREFORE, BE IT RESOLVED that the Advisory Committee recommends that the Board of Selectmen appoint a committee to consider the need for future operating and debt exclusion overrides to meet the budgetary needs of Town departments and the Public Schools of Brookline through Fiscal Year 2025; and

BE IT FURTHER RESOLVED that the Advisory Committee recommends that any such committee should build on the analysis and recommendations of the 2014 Override Study Committee.

The Advisory Committee communicated this resolution to the Selectmen on February 16, 2017. The Selectmen have not yet appointed a committee, although there are indications that they plan to do so. (See p. I-4 of the *FY-2018 Financial Plan.*)

Brookline has a tradition of convening override study committees that include experienced participants in Town government as well as residents who have not been deeply involved in the governmental process but have relevant expertise. Similar committees also have examined the Town's fiscal policies and overall efficiency. A new committee to study the need for future overrides could make a valuable contribution to the discussion of Brookline's fiscal future.

Fortunately, the 2014 Override Study Committee performed many comprehensive analyses of Brookline's finances, needs, and tax burden. The impressive work of the 2014 committee will ease the task of a new committee.

The mandate for a new committee to study future overrides should include:

- Assess the likely need for additional revenue to finance the Town and school budgets in FY2019 and future years;
- Determine the appropriate balance between new revenue for Town operations and for the Schools budget;
- Consider the overall impact of debt exclusions and one or more operating overrides on the property tax burden on Brookline taxpayers;
- Revisit previous recommendations for more increased efficiency to identify practices and policies that should be implemented to control the growth of future budgets.

TIMING OF AN OVERRIDE VOTE (AND THE FY2018 TOWN CLERK'S BUDGET)

Brookline will probably need to hold two debt exclusion override votes during FY2018, one for a 9th K-8 school and one for expansion of Brookline High School. These votes need to be held to ensure that the school construction is completed in time to handle the projected increased enrollment. Depending on the recommendations of any committee appointed to study the need for an operating override, there also could be vote on an operating budget override during the coming fiscal year, possibly at the May 2018 Town Election.

There has been discussion of holding one or more debt exclusion override votes in November, December, or the winter more generally. The precise timing of these votes remains uncertain, however, for two reasons.

First, it is not clear when the schematic designs for the 9th K-8 school and Brookline High School expansion will be complete. One purpose of those designs is to provide Brookline's voters a clear idea of the cost and essential features of the proposed new school so that voters are fully informed when they cast their ballots for or against a debt exclusion override. The High School project recently embraced a new option, which may slow the schematic design process. The feasibility study for the 9th K-8 school is still not complete, although it appears to be entering its final stages. Other issues, as discussed in this report's analysis of the relevant special appropriation, also may delay the 9th K-8 school project. Without the expected schematic designs, it may be necessary to defer a vote on the debt exclusion overrides.

Second, there is the question of whether holding an override vote in, for example, December would depress voter turnout even below the recent low levels for Town Elections. Proponents of maximizing voter turnout argue that more voters tend to go to the polls for Town Elections in May than for special elections in other months. Turnout has been relatively high (e.g., in 2008 and 2015) when an override has been on the ballot. Town Meeting may wish to debate the merits of holding a debt exclusion override vote in May instead of December.

The Advisory Committee's recommended budget, therefore has reduced the FY2018 appropriation for the Town Clerk's office by $80,000—the estimated cost of a special election—below the level in *FY-2018 Financial Plan* and instead recommends that the $80,000 be appropriated for the Reserve Fund. The Town Clerk's budget would therefore be $552,331 instead of $632,331. The Advisory Committee felt that funds should not be appropriated for a special election that may not be held. If the debt exclusion override votes—and a potential operating override vote—are scheduled for the May 2019 Town Election, it would not be necessary to spend the $80,000 required for a special election.

The November 2017 Town Meeting—or any earlier Special Town Meeting that considers amendments to the FY2018 budget—could vote to re-appropriate the $80,000 from the Reserve Fund to fund a winter or early spring special election for which one or more debt exclusion overrides would be on the ballot. If Town Meeting did not regard a winter special election as necessary or desirable, it could re-appropriate the $80,000 for another purpose or leave it in the Reserve Fund, where those funds might help to cover the cost of snow and ice removal or other extraordinary or unforeseen expenses.

BUDGET BASICS: FY2018 REVENUES AND EXPENDITURES

Revenues

Projected total revenue for FY2018 will increase by 4.7% over FY2017, compared to an increase of 4.0% from FY2016 to FY2017. The higher percentage increase reflects an increase in Free Cash. This increase is welcome, but it represents one-time funds that are largely allocated according to the Town's fiscal policies (Reserve Fund, CIP, etc.), not

funding for ongoing operating expenses. Other categories of revenues are growing at a slower rate.

Brookline's revenue from property taxes will increase by 3.5% in FY2018, compared to 4.6% in FY2017. Property taxes remain the greatest contributor to our revenues, representing 77% of total revenue. Property tax revenue increases annually faster than the 2.5% implied by the name of Proposition 2½, because new growth generates additional taxes. New growth, however, is projected to be about $2.2 million in FY2018, compared to $2.7 million in FY2017.

In FY2018, projected State Aid accounts for $20.3 million of Brookline's revenue, a 3.1% increase over FY2017. The final total will depend on the state budget, which is in its final legislative stages. After being cut deeply in the years following the 2008 financial crisis and recession, Brookline's state aid has been climbing in recent years, but this revenue is vulnerable to general economic trends and the health of the state budget.

Local Receipts are projected to increase by 24.0% to $29.6 million. This large increase is misleading, however, because it primarily represents a reclassification of parking meter revenue (projected at $5.15 million) from Other Available Funds to Local Receipts. Other revenue in the Local Receipts category 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. For FY2018, the budget projects a 6.4% in local option taxes, reflecting recent experience with meals and lodging taxes, the opening of the Homewood Suites hotel, and the expected opening of the hotel at Cleveland Circle.

Free Cash is the result of previous revenues exceeding estimates and/or expenditures coming in below appropriations. For FY2018, State-certified Free Cash (i.e. Free Cash as of July 1, 2015) is $10.9 million, but the amount available for appropriation is only $8.4 million, a 57.3% increase compared to FY2017. Under the fiscal policies that Brookline has followed in recent years, $2.5 million of the Free Cash will remain unappropriated so Brookline can maintain an unrestricted fund balance of at least 10% of annual revenue, with a goal of 12.5%. In recent years, bond-rating agencies have expressed concern about the low levels (as a percentage of annual revenue) of Brookline's undesignated fund balance. The Town does not want to jeopardize its Aaa/AAA bond rating, which was recently reaffirmed. 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 under $8.4 million of Free Cash available for appropriation. In accordance with fiscal policies, some of this Free Cash is allocated to the Liability/Catastrophe Fund ($203,644), and the Operating Budget Reserve Fund ($615,003), the Capital Improvements Program ($6,058,567), and the Affordable Housing Trust Fund ($576,803). The allocation to the Housing Trust Fund represents an eye-popping 263.8% increase over FY2017, but that increase reflects the application of the formula in the Town's fiscal policies. The Housing Trust Fund is somewhat depleted, and the large amounts of Free Cash available in FY2018 drive up the amount devoted to the Housing Trust Fund. In other years, the formula yields much smaller allocations to this fund. (If Brookline reaches the 10% "safe harbor" threshold

to be able to deny 40B applications, the Town may want to review its policies regarding the Housing Trust Fund.) Because a relatively large amount of Free Cash is available in FY2018, the budget provides for appropriating $600,000 in Free Cash to post-retiree group health (OPEBs) and $300,000 to the Pension Fund. In each case, the appropriation is intended to somewhat reduce the Town's long-term financial obligations to fully fund these two funds.

The Town's revenues also include a category called "Other Available Funds." This category includes 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 FY2018 revenue from Other Available funds will decline 55.5% compared to FY2017, from $7.8 million to $3.5 million. This decline primarily reflects the fact that parking meter revenue is now included as Local Receipts, as noted above.

All revenue sources combined produce a projected total of $272.97 million in FY2018, a 4.7% increase in total revenue, compared to the 4.0% increase from FY2016 to FY2017. Some of this General Fund revenue must be deducted for Non-Appropriated Expenses: State/County charges—primarily the Norfolk County and MBTA assessments—of $6.5 million, "Cherry Sheet" offsets of $86,983, and the Tax Abatement Overlay of $1.8 million. This leaves us with a total of $264.6 million available for appropriation.

Expenditures

On the expenditure side, departmental expenditures (65% of total general expenditures) increase from a budgeted amount of $172.6 million in FY2017 to $177.7 million in FY2018—a 2.9% increase. Almost three-quarters of the increase is in the Schools appropriation, which climbs by 3.6% to $104,803,807, an increase of over $3.7 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 by approximately 2.0%.

Non-Departmental expenditures increase by 8.8% to $77 million, compared to $71 million in FY2017. Of the increase, about $3.6 million reflects the growth in Employee Benefits, which will grow by 6.3 % in FY2018. Most of the rest of the increase is attributable to higher debt service costs, which will increase by just over $2 million from FY2017 to FY2018, reaching a total of $12.77 million, which reflects higher borrowing to finance the capital projects, such as the Devotion School. Additionally, there are revenue-financed Special Appropriations (Capital Improvements Program, generally referred to as the CIP) of $9.72 million, up by 9.5% compared to FY2017. (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 $8.4 million as mentioned above.

FY2018 Revenues and Expenditures

Revenues

	$	% change
Property Tax	211,298,230	3.5
Local Receipts	29,556,650	24.0*
State Aid	20,273,713	3.1
Free Cash	8,354,017	57.3
Other Funds	3,485,110	(55.5)*
Total Revenue	$ 260,537,877	4.7 %

Expenditures

	$	% change
Departmental	177,726,708	2.9
Non-Departmental	77,070,040	8.8
Special Appropriations (CIP)	9,720,862	9.5
Non-Appropriated Exp.	8,370,109	0.3
Total Expenditures	$ 260,537,875	4.7 %

*Reflects reclassification of parking meter revenue as Local Receipts instead of Other Available Funds.

NEW PROGRAMS AND NEW INITIATIVES IN THE FY2018 BUDGET

These annual reports on the budget usually enumerate new programs and initiatives. For FY2018, however, there are very few. The primary achievement of the FY2018 budget on the Town side is that the Town Administrator and staff have avoided having to make substantial reductions in programs and service. Most Town departments will essentially be level-funded in FY2018. There is a 25.3% increase in the Human Resources budget, but that largely reflects budgeting for legal expenses that have been funded by Reserve Fund transfers in recent years. The Advisory Committee has noted that such annual expenses can no longer be regarded as extraordinary or unforeseen and should be included in the departmental budget. The Human Resources department budget also reflects the addition of a new automated applicant tracking system that will help the department to document its recruitment efforts.

In FY2018, Brookline residents will continue to experience the implementation of the hybrid pay-as-you-throw system, but that program actually will be initiated before the end of FY2017, after several years of discussion and refinement.

The Advisory Committee is pleased to note that the new (funded in FY2017) long-term planner in the Economic Development Division of the Department of Planning and Community Development made important contributions to the process that culminated in the rezoning of the "Industrial Island" (River Road to Brookline Avenue) that we now refer to as the "Emerald Island."

GROUP HEALTH AND BENEFITS

In FY2018, as in previous years, Employee Benefits (including Pensions, Workers' Compensation, Unemployment, Life Insurance and Health Insurance) are one of Brookline's largest expenses. In FY2018, these costs represent about 23% of our General Appropriation, roughly the same percentage as in FY2017, even though group health costs increased at a relatively slow rate (3.9%) this year.

- Group Health

Health insurance now represents about 11% of the budget. For FY2018, the recommended appropriation is $30.2 million, an increase of 3.9% over FY2017's $29 million. This year's rate of increase is lower than expected, which means that more funds are available for Town and School programs.

Total group health enrollment is estimated at 3,236 for FY2018, up from the estimated 3,114 in FY2017, divided almost evenly between active employees and retirees. Of the total, 1,827 (56.5%) are or were school employees, while 1,409 are or were Town employees. As enrollment grows and more teachers are hired, school employees are gradually becoming a larger proportion of group health enrollees.

Healthcare benefits have been a primary source of increases in Brookline's budget since FY2000. For the second year in a row, Brookline has been fortunate to have a relatively small increase in group health costs. 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 $300,000. Any change in these percentages would have to be negotiated with the Town's unions. The Advisory Committee hopes that those negotiations can lead to savings.

- 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 $280.7 million as of June 30, 2016, a significant increase since June 30, 2014, when it was $198.3 million. The calculation of the liability will be updated on June 30, 2018. The increase partly reflects the fact that the actual rate of return on the fund's investments was lower than previous 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 ($3.57 million in FY2018), assessments on grants and special revenue funds ($311,988), 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 FY2018 contribution will be almost $4.5 million, including an additional contribution of $600,000 from Free Cash, which offsets the end of availability of Medicare Part D revenue.

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.

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 103% of annual revenue, up from about $80% last year. Only disciplined adherence to the current funding plan will reduce our unfunded liability.

- <u>Pensions</u>

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 3,578 employees (active, inactive, and retired) and their survivors in the Town pension system.

Brookline maintains a pension fund that was valued at approximately $256 million on December 31, 2015, down from $260 million on December 31, 2014. The next valuation and calculation of the unfunded liability will be available in 2018. Because returns on the fund's investments have been inconsistent in recent years, the unfunded liability has been increasing. 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%, to 7.6%, and most recently to 7.4%. As the assumed rate is reduced, Brookline will need to appropriate more for pension fund contributions, which will increase pressure on other areas of the budget.

Brookline's FY2018 pension fund contribution will be $21.5 million, a 9.0% increase over FY2017. This includes $300,000 from Free Cash—an addition to the required contribution.

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.

THE SCHOOL BUDGET

In FY2018, the General Fund appropriation for the Public Schools of Brookline will be $104,710,912, a 3.6% increase over the FY2017 appropriation of $101,118,783. For the first time, in order to comply with state law, the Town budget includes a separate appropriation of $92,895 for vocational education assessments. This appropriation funds the cost of Brookline students' enrollment in out-of-district vocational schools. Combining it with the Schools budget brings the total Public Schools of Brookline appropriation to $104,803,807. 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) offers an analysis of the FY2018 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. The Advisory Committee commends the leadership of the Public Schools of Brookline for continuing to revise the annual school budget document to make it more transparent and understandable.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

The Capital Improvements Program (CIP) is funded by setting aside a percentage of the annual revenues and free cash for capital projects. Over the years, the CIP has enabled Brookline to renovate or expand a large percentage of its public buildings, schools, parks, and other facilities in recent years.

The most prominent items in the FY2018 are the appropriations for further studies of the proposed expansion of Brookline High School and the construction of a new K-8 school at the Baldwin site. Detailed reports on these special appropriations appear below.

Other school-related CIP appropriations include $400,000 to fund the long-overdue replacement of the HVAC system at the Driscoll School, and funds for improving classroom capacity, e.g., by renting space.

The largest single item in the CIP is $2.2 million for an extensive renovation of Brookline Reservoir Park, including a comfort station in the historic gatehouse and new plantings.

Another large item will replace Fire Engine #6 at a cost of $625,000.

The FY2018 CIP funds many special appropriations that 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, fire station renovations, sidewalk repairs, traffic safety and traffic calming, renovation of the Coolidge Corner Library, including an elevator, and rehabilitation and improvements to the Murphy Playground.

The FY2018 CIP includes $161,400 for continuing to upgrade Brookline's parking meters with new "smart" meters than can accept credit cards and can be configured for payments via cell phones.

The Advisory Committee has provided detailed descriptions of each of the many projects in the FY2018 CIP later in this budget summary.

Advisory Committee Report to Town Meeting on the Public Schools of Brookline FY2018 Budget

1. Overview

The total Public Schools of Brookline (PSB) operating budget appropriation requested from Town Meeting is $104,803,807 compared to $101,058,785 in FY2017.

We estimate that the annual appropriation from Town Meeting covers about 69% of the total operating costs of the school district, not including shared services whose costs are included in the Town budget and are not allocated back to the Schools. The other sources of funding are:

Tuition and fees	$696,016
Facility rental	$225,000
Circuit breaker funding	$2,700,000
Revolving fund reimbursements	$358,680
Other revenues	$150,680
Voc Tech tuition	($92,895)
Revolving funds	$7,873,194
Grants	$5,736,859
Building & related support services included in the Town budget	$3,443,020
The cost of benefits such as group health and pensions, which are funded through the Town's operating budget	$26,018,833[1]
Total other sources of funds allocated to the Schools	$47,109,387[2]

[1]The budget notes that the average cost of health insurance benefits per FTE employee is $10,980. (p. 28), and the average cost per FTE including benefits is $80,000. The costs of other benefits such as sick time and vacation time are not stated.

Total, all sources	$151,913,194

That amount is a reasonable approximation of what it costs to run the school district.

2. Budget format and transparency

The format and transparency of the School budget has improved significantly over the last two years. The purpose of each program is described in logical order rather than by account code, and there is detailed information on the costs of each program, broken down into personnel, services, supplies, other, and capital.

Our report on the FY2017 budget included a recommendation that the cost of benefits and building services be included in the table that lists Revenue Sources (p. 13 of the budget). We still want to see this breakdown by program. But we also note that the cost of benefits is fully described in the PSB budget, beginning on Page 160. This is an enhancement that the Advisory Committee asked for last year, and we are very pleased to see in the FY2018 document. The description was prepared for the Town operating budget, and we are pleased to see it there as well.

Benefits costs vary by employee. Nonetheless, we would still like to see benefits broken out by program and included as a line item, recognizing that data for individual programs would be approximate.

Note that the FY2018 budget reclassifies numerous individual employees and places their salaries into different line items. The reclassifications allocate staff to line item descriptions that more accurately reflect what they do.[3] For example, secretarial support staff for the ECS program were reclassified from "Elementary" to "Enrichment and Challenge Support." This change results in more accurate information about the costs of each program.

The FY18 budget also provides cost breakdowns by function from the most recent annual report the Town provided to the State. The table on p. 30 provides very useful insight into the costs of administration, teaching, and various types of student support services.

3. Likely need for an operating override in FY2019

Despite the $104,803,807 appropriation requested from Town Meeting and the additional $47,109,387 in revenue sources that are identified in the PSB budget, the initial FY2018 budget had a gap of $877,587 between available sources of revenue and expenses. The gap would have been larger but for an increased request for circuit breaker funding that the budget predicts will bring in $600,000 in additional funds to offset in-district special education costs.

---

[2] The PSB budget lists six sources of additional revenue on p. 13, which are the first six items in the list above. They total $4,037,481. The total for revolving funds and grants are listed in the Summary at the end of the budget document (pp. 284-290 of the PDF).

[3] See pp. 20-22 of the FY2018 budget for details.

The FY2018 gap has been closed by a combination of reducing and postponing expenses in a way that does not appear to directly impact educational programming. But even if enrollment was not increasing, the cost for educating the current number of students is rising faster than revenue. The pressure of increased enrollment adds to that structural deficit. Looking forward to FY2019, the budget gap will be substantially larger—probably on the order of $4 million—and will not be amenable to short-term management of the sort that has closed the FY2018 gap.

It seems likely that an operating override will be necessary for FY2019. In February 2017, the Advisory Committee recommended to the Selectmen that the process for developing an override proposal for the voters should begin promptly. Nothing has changed to alter that recommendation.

There are also potential risks to both the School and Town budgets if federal support programs to states and municipalities are cut. Even in the current budget, Brookline has had to make up for the loss of a $278,000 state grant that funded kindergarten aides. While it is far too soon to know what the impact of changes in the federal budget will be, it is important for all parties to be aware of the risk.

4. Administrative Costs

The central administrative function, including all district-wide management and support staff and School Committee support staff, account for $6,384,073 of costs charged to the General fund, plus another $111,324 of costs that are covered by grants.[4] Thus the central administrative function absorbs 6.2% of the funds provided by Town Meeting, or about 4.3% of the $152 million in total operating costs for the school district. Whatever solutions there may be to closing the structural budget gap that looms in FY2019 and beyond, it seem unlikely that the necessary funds could be found by cutting the 4.3% spent on the central administrative function.

There was net increase in the administrative staff in FY2018 of one FTE, and that person is listed under the Office of Strategy and Performance. The position was funded by the 2015 override and it is a response to increase in the enrollment. However, five employees who had been listed in other categories were re-classified and grouped into the Office of Strategy and Performance. Those are not new hires — they are simply reclassifications following a review of the responsibilities of those staff members. Previously there were carried under three separate line items.

5. Cross-department cooperation and cost reduction

One very encouraging development that is the increasing level of cooperation and collaboration between PSB and Town departments. Both the PSB administration and Town department heads independently note that all parties are acting as a single Brookline-wide organization.

---

[4] See the table on Page 30.

For example, the town-wide Information Technology (IT) program is being managed centrally under Kevin Stokes, the Town's IT director, with the support of a cross-departmental committee that includes the Schools' IT head, Scott Moore. Messrs. Stokes and Moore issued a joint report on the use of technology in eth schools, something that would have been anomalous under the previous superintendent. The collaboration has resulted in technology being acquired with more lead time, and the network infrastructure is being managed under one roof. The Schools have switched from buying conventional laptops to buying Chromebooks, which are 1/3rd to 1/5th the cost.

6. SPED programs

The savings from PSB's multi-year initiative to bring SPED programs in house to reduce the number of out-of-district placements achieved about $1 million in annual savings, but that process has gone as far as it can. We are unlikely to see more than limited additional savings in the future.

Four unfilled SPED positions established in the FY2017 budget as a reserve to cover unforeseen move-ins of special education students have been eliminated in the FY2018 budget. Removing this reserve carries some risk, which is offset to some extent by the results from an ongoing review to avoid duplication of resources in the programs for students who have IEPs.

7. Use of technology in the classroom

PSB's internal study shows that student technology literacy has improved to the point where 80% of 6th grade student meet the proficiency standards for 8th graders.[5]

One of the questions the Advisory Committee has asked in the past about the acquisition and use of technology for classroom instruction is whether teachers are fully comfortable with the tools they are being given. Similarly, teacher use of technology in the classroom has increased substantially, indicating greater comfort with the tools that the 2015 override funded. The percentage of teachers reporting that they use technology for instruction every day (as distinct from record-keeping) has risen from approximately 41% in 2012-13 to about 56% in 2015-16. Another 30% are using technology at least weekly. The number of teachers who rarely or never use technology in instruction has dropped to nearly zero. Those numbers indicate progress toward making teachers fully comfortable with technology tools.

8. Resources for Closing the Achievement Gap

In 2015, the Superintendent's office compiled a study that defined the achievement gap between minority students and non-minority students. The current Superintendent has recognized both the significance of that gap and the complexity of eliminating it. We would like to see future budgets explain what the Schools are doing in this regard, and what resources have been allocated to it.

---

[5] *Tech Update* – Presentation by Scott Moore & Kevin Stokes to School Committee (undated; presented in February 2017)

9. Enrollment and enrollment projections

Brookline is in the midst of a substantial and expensive expansion of classroom capacity at the K-8 and high school levels. Having a reliable estimate for the growth of enrollment in the future is key to adding enough capacity but not too much, and to adding the right kind of capacity. Past enrollment projections have been imperfect, although realistically, no forecast is going to be spot on. Although the growth pattern since 2008 is quite clear, it has not been clear whether the increase in the size of incoming kindergarten classes will continue.

The budget includes a summary of the process PSB's administration is going through to produce an enrollment forecast that will be based on data rather than on long-held assumptions. For example, PSB is working with Planning and the Assessor's Office to look at the various categories of rental and condo buildings to estimate the number of students from each category and unit size that attend public schools now. Armed with that data, PSB hopes to have a reliable way to predict how many students will attend from residential buildings constructed in the future. From there, PSB can look at the projects that have been announced for, say, 8-unit buildings with four two-bedroom units and four one-bedroom units and make a reasonable estimate of the number of new children that will enter the schools when those units come on the market.

There are additional details in producing a projection. For example, the Schools have not had access to information about the number of children born to single mothers, because that data is classified as confidential by the State. PSB asked for the overall data (not the individual data), and learned that 7% of the children born in Brookline are born to single mothers [about 40 each year]. That information resulted in an increase in the enrollment projection.

Another key source of data is the annual Town census, which provides information on the number of children "in the pipeline" who are too young for kindergarten. This data is very important for estimating the size of future kindergarten classes, and of course that through to the later grades.

Putting all this together is a tedious process, but it has three key outputs: (1) an overall estimate of the impact new housing construction will have on enrollment and (2) a reasonable estimate of the geographic impact, so PSB can work out a redistricting plan for Baldwin that won't have to be heavily revised in a couple of years. And (3) once the database of apartments is set up, it will be relatively easy to maintain and re-use for future iterations of the enrollment forecast. Thus the investment of time and effort is not just for a single report but rather to set up a more accurate projection process.

The most recent draft projection issued by the Schools shows that the total enrollment curve flattens in 2022 and then declines slightly. The decline is temporary and is due to the relatively small size of the 2016 kindergarten class – 582 students. The 2017 class is expected to be larger[6], so there will be a moving notch in the curve as the 2016 class moves through the grades and graduates in 2027.

10. Classroom capacity

[6]Apparently in the range of 630 based on the PSB draft budget dated 1/27/2017, Page 7

PSB has been renting space for the Brookline Early Education Program (BEEP), for students displaced by the renovation of Devotion School, and for administrative space. The budget for those leases in FY2018 is $1,038,000.

Although it is not noted in detail in the budget, the Building Department and the Schools are compiling a detailed inventory of classroom and common space to determine the actual capacity of each school. The inventory will update the information on how each building is being used. The various alternations in buildings made by the Building Department in the last 10 years will be included. Having a clear picture of each school's capacity will inform the redistricting work that needs to be done when the 9th K-8 school comes on line.

11. The Ninth K-8 School

Planning for the ninth elementary school is not covered in the FY2018 operating budget, but it seems important to provide a brief overview as it has been presented to the Advisory Committee.

If the school is built at the site of the Baldwin School, the plan is to build 36 classrooms, which is the functional equivalent of a 4-section school. But only three sections of students will be assigned to the school. The remaining classrooms will be occupied by one ELL program that will relieve pressure on one or more of the existing K-8 schools, and by a second section of the Reaching for Independence through Structured Education (RISE) program for children on the autism spectrum. The current RISE program has 50 children in it at Runkle and the projection is that as many as 25 new seats are needed. The result is that the ninth school's district will not have to extend far into North Brookline, but the site will still add 750 or so seats rather than the 550 of a 3-section school.

The Advisory Committee supports approval of the $104,803,807 appropriation for schools in Brookline's overall FY2018 budget. This total includes $104,710,912 for the school budget and an additional $92,895 for vocational education assessments that is required to be listed separately from the school budget. The PSB informed the Town of this requirement this year. This accounting change does not change the overall expenditure on schools.

==========

Advisory Committee Report on the FY2018
Capital Improvement Program (CIP)
Recommendations and Project Descriptions

35. TOWN BUILDING FURNITURE

Recommendation: $50,000 (revenue financed)

This item allows for the replacement of worn out or damaged furniture in Town Hall and in other non-school buildings.

36. TOWN REHABILITATION/UPGRADES

Recommendation: $50,000 (revenue financed)

This new, town-wide program proposes to use CIP funds for the repair and upgrade of Town facilities in between major renovation projects. Items funded under the program include large-scale painting programs, new flooring, ceilings, window treatments and toilet upgrades. As with the annual CIP appropriation for Parks and Playgrounds Rehabilitation and Upgrade, modest amounts of money are requested to prevent larger expenditures that would be needed if such items were unaddressed. FY2018 funds would be spent on such projects as painting, wiring updates, valve and gauge replacement at the pool, and replacement of some of the failing windows at the Main Library.

37. DATA ROOM IMPROVEMENTS
Recommendation: $120,000 (re-appropriation)

The Town's utilization of technology to operate, educate and communicate requires stability and reliability in its information technology's infrastructure. The current system relies upon four primary data centers whose consistent and efficient operation is dependent on adequate power and cooling, twenty-four hours a day, seven days a week.

Two years ago, Town Meeting approved a joint request of $200,000 from the IT and Building departments to implement recommendations of an outside consultant's study to ensure proper power and cooling capabilities in the data centers in Town Hall and the Public Safety building. That amount proved insufficient to complete the needed work due, in part, to unanticipated problems in the Public Safety building. An additional $120,000 is now requested by the IT and Building departments to complete upgrades to the power and cooling systems. The breakdown of the request is $70,000 for HVAC upgrades, $30,000 for electrical upgrades, and $20,000 for as-built documentation

38. TECHNOLOGY APPLICATIONS
Recommendation: $175,000 (revenue financed)

This annual appropriation funds projects in the Information Technology Department'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 (CIO). The appropriation may also support additional projects that meet the short-term objectives set by the CIO and the committees that provide guidance for the Town's approach to technology management.

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

The FY2018 request for $175,000 would fund projects in three of the four categories. Within the first area, funds would be expended for the second phase of the deployment of the Enterprise Permitting System; an upgrade to electronic voting in Town Meeting; an upgrade to the program that makes Board of Selectmen's meeting agendas and documents available to the public; and improvements to Town employee time and attendance infrastructure. Regarding the other categories, CIP funds would be used to support a single sign-on appliance for the Schools and additional technology for the handheld mechanisms of Town field personnel.

39. FIRE APPARATUS REHAB

Recommendation: $50,000 (revenue financed)

The Town's policy calls for the replacement of front-line fire engines every 17 years and front-line ladder trucks every 20 years and for the refurbishment of engines every 10 years and ladder trucks every 12 years.

For reasons that remain unclear, Engine #6 was not included in the refurbishment schedule for 2012; funds are now requested to undertake its rehab in the coming fiscal year and subsequently designate it as a reserve engine.

40. ENGINE #6 REPLACEMENT

Recommendation: $625,000 (revenue financed)

Keeping with the current policy of engine replacement after 17 years, Engine #6 would have needed replacement in FY2019. Because Engine #6 was not rehabbed five years ago, the department now recommends a minimal rehab of Engine #6 (see Item 10) and its replacement one year earlier than originally anticipated at a cost of $625,000. It will take approximately ten months after the order is placed for this piece of equipment to be placed into service.

41. FIRE STATION RENOVATIONS

Recommendation: $280,000 (revenue financed)

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 light of new, larger and heavier fire equipment. The work outlined in the report addressed 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 FY2012), then fund life safety systems by station as prioritized by the Fire Chief (in FY2013 – FY2015), and then undertake the MEP work (starting in FY2017). Given the other work planned for Station 6 (Hammond Street) and the opportunity to create efficiencies with bids and scheduling, MEP work was scheduled to begin with Station 6 in FY2017.

The FY2018 CIP request totals $280,000. Of that amount, $220,000 will be added to funds remaining from previous Fire Station projects to now finance new boilers and a new HVAC system for Station 5 (Babcock Street). The remaining $60,000 in FY 18 funds would provide a portion of the funds necessary to undertake MEP work at Station 4 (Route 9/Reservoir Road) in FY 019.

42. WASHERS AND DRYERS FOR PERSONAL PROTECTIVE EQUIPMENT (PPE)
Recommendation: $71,000 (revenue financed)

The National Fire Protection Agency (NFPA) standard 1851 details the care of Personal Protective Equipment (AKA Turnout Gear) including the cleaning or "decontaminating" of such equipment. In summary, the standard recommends routine cleaning as well as immediate cleaning after being soiled due to exposure in fires or other medical emergencies.

In recent years, it has been identified that:

- Turnout gear worn on previous fire-related calls, without cleanings in between, diminishes in ability to protect the wearer.
- Over the long term, turnout gear that is always dirty doesn't last as long.
- Turnout gear worn on previous calls presents other kinds of hazards. While on the job, firefighters come in contact with carcinogenic materials, toxins and communicable disease found in blood or other body fluids. These hazards can then be carried away to potentially cause harm later by

ingestion, inhalation or absorption from touch. The firefighter, or anyone else who has contact with the turnout gear, is then at risk.

For these reasons, the Fire Department is seeking $71,000 in funding to purchase three extractors (washers) and five dryers so every fire station in town is equipped to properly handle cleaning of their Personal Protective Equipment.

43. COOLIDGE CORNER LIBRARY
Recommendation: $646,500 (revenue financed)
Installation of elevator - $285,500
Replacement of windows at the rear of the building - $180,500
Replacement of existing carpeting - $163,000
Relocating, renting or moving of space and materials during construction - $17,500

The Coolidge Corner Library was built in 1956–7 and expanded in 1969. The library is the 47th busiest in the Commonwealth and has the highest circulation of any branch library in the state, with 336,218 items in circulation during FY2016. A very conservative estimate indicates that at least 74 people come through the gate for every hour that the library is open.

In 2005 the library's HVAC system was renovated and some modifications were undertaken to comply with the Americans with Disabilities Act (ADA). Other improvements included a newly painted interior, new carpeting, and a new front façade and entryway.

Accessibility- Main Floor
The building's current layout provides full accessibility via a ramp from the sidewalk to the main entrance, but the two interior ramps that were installed on either side of a central seating area to provide accessibility to the rear portion of the building no longer meet code. (No statutory requirement to replace the two ramps would be triggered by the work that is now being proposed.) The bathrooms on the first floor are fully accessible. The only way to reach the mezzanine level, currently used exclusively for archival purposes, is via stairs.

Accessibility and Use – Lower Level
The library's lower level includes additional bathrooms and a large multi-purpose room, which seats about 100 people. From outside the library, this level is accessible through a door at the rear of the building, which backs onto a small parking lot. There is a second door on the lower level that permits exiting the building but is kept locked so entering is not possible. From the inside, access from the first floor to the lower level is offered either by stairs or by exiting the front door and using an exterior ramp that leads to the rear door next to the parking area. The ramp is not covered.

According to Library records, the multi-purpose room was used 586 times in FY2016. It accommodated 347 Library programs for children and 96 Library programs for adults. Attendance totaled 10,443 for the former and 2724 for the latter. In addition, outside groups sponsored 143 programs; non-profits were charged $45.00 and for-profits, $90.00. There is currently no method to track exactly how much money was generated by renting this room, since all checks for room rental at all three libraries are combined each month into one deposit with the Town.

FY 2018 CIP Request - Elevator

The CIP request as presented in the FY2018 Financial Plan called for building a structure at the rear of the library to house a permanent lift outside the building. A more recent proposal resurrects the 2008 plans by Powers and Co. to construct a "limited use/limited application" elevator in the rear section of the building. (The cabs of these elevators are usually about 18 square feet and have a capacity to carry 1400 pounds). Powers and Co. offered three different options for a location. Regardless of where it is installed, there will be a loss of shelving or another space use due not only to the installation of the new equipment but also to the need to comply with code requirements. The elevator is expected to be used by individuals with mobility difficulties, including those who use walkers or wheelchairs, as well as by parents or other adults with children in strollers. The current estimate for the elevator and its installation is $285,500.

Other Work

— Windows. Current plans also call for replacing nine single-pane windows in the rear portion of the library. The new windows are to be energy-efficient, operable, and able to be locked "for security purposes." The cost of this work is budgeted at $180,500 ($17,500 for plans and specs and $163,000 for new windows).

— Carpet Replacement. Some of the carpeting dates from 2005, while the rest dates from 1997. Approximately 15,000 square feet of rolled carpet will be replaced with carpet squares at a budgeted cost of $163,000.

— Painting. Funds from a FY2017 CIP allocation for all three libraries ($110,000) could allow for some interior painting.

— Furnishings. Funds from a FY2017 CIP allocation for all three libraries ($110,000) could allow for the replacement of furniture in the poorest condition.

— Roof. In FY2016, $1,200,000 was approved by Town Meeting for roof repair or replacement at a number of Town and School buildings. The roof of the Coolidge Corner Library was scheduled to be replaced that year, but the work was postponed until a decision could be reached as to whether the existing facility should be adapted to meet the current and projected needs of the community or whether it should be replaced. Since, according to the Town's financial projections, it is not likely that a new or significantly expanded facility could be built before 2026 at the earliest, Town and Library staff now intend to move forward with the replacement of the existing roof with an EPDM roof at a budgeted cost of $430,267.

— Outside Envelope. In FY2016, $1,550,000 was approved by Town Meeting for repairs to the outside envelope, including masonry, bricks and mortar, flashing, and coping, of Town and School buildings. As with the roof replacement, repairs to the library's exterior were postponed until a decision was made concerning the future of the building. Repointing and other masonry work are now scheduled to go forward in FY2018 at a budgeted cost of $643,042.

Total cost of improvements: $1,719,809

44. TRAFFIC CALMING/SAFETY IMPROVEMENTS
Recommendation: $58,659 (revenue financed)

FY2018 funds for Traffic Calming/ Safety Improvements would be used to install LED flashing sign systems at three pedestrian crossing locations: 1) Chestnut Hill Avenue at Hyslop Road, 2) Chestnut Hill Avenue at Ackers Avenue, and 3) Warren Street at Dudley Street. Flashing warning lights located at either end of the existing cross walks would be pedestrian-activated by pushing a button. A similar installation can be seen at a pedestrian crossing at High Street and Allerton Road.

45. BICYCLE ACCESS IMPROVEMENTS
Recommendation: $33,000 ($27,900 in re-appropriated funds and $5100 revenue financed)

The proposed bicycle accommodations on Centre Street (from Fuller Street to Beacon Street) are designed to provide a north/south alternative to Harvard Street as well as to provide a piece of a proposed route between Brookline High School (and other destination points south of Beacon Street) and the North Brookline neighborhood. The proposed route is outlined in the Town of Brookline's Green Routes Master Bicycle Network Plan. The proposed Centre Street accommodations, as designed by Transportation Division staff, would create a cross section of a 5' southbound street level bicycle lane along the curb, a 2' roadway buffer, a 10' southbound travel lane, a 10' northbound travel lane with shared lane markings, and a 7' northbound parking lane. As part of this proposal, the traffic signal at the intersection of Beacon Street and Centre Street will be upgraded to include bicycle detection. This request does not call for the removal of any parking spaces, travel lanes, or loading zones and is contained within the existing street's curb-to-curb layout. It was approved by the Bicycle Advisory Committee at its March 6, 2017 meeting and by the Transportation Board at its March 16, 2017 meeting. Plans can be viewed at http://www.brooklinema.gov/DocumentCenter/Home/View/11216.

46. PARKING METER TECHNOLOGY UPGRADE
Recommendation: $161,040 (revenue financed from Parking Meter Fund)

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. Lack of complaints indicates that these single space parking meters have been accepted and are supported by the general public and merchants.

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 has been undertaken over a 5-year period.

It should be noted that the impact on the Department of Public Works operating budget for data storage and credit card service charges is significant. For the IPS meters, data storage per meter per month is $7.00; over the past eight months, the cost to the town totaled $74,860.75. Credit card fees per transaction are $0.22; over the past nine months, the cost to the town totaled $120,200.48.

During the rollout, there will also be time to evaluate the impact of an anticipated pay-by-cell program and whether or not full implementation is warranted, given the convenience pay-by-cell technology provides. The pay-by-cell application, which allows participants to both pay for parking using a cell phone without having to go to the meter and to extend parking time remotely, can be used with any meter including Digital Multi-Space, IPS credit card-accepting single space meters, and POM coin-only single space meters. Pay-by-cell was launched on two streets and in one parking lot on March 13th. After staff is assured that both the Passport pay-by-cell application and the handheld devices for enforcement are working, pay-by-cell will be introduced for all metered spaces. Transportation staff will monitor the use of pay-by-cell as compared to other payment methods to determine whether the installation of IPS meters should continue. The transaction fee for using pay-by-cell technology will be passed on to the consumer.

47. CARLTON STREET/MONMOUTH STREET TRAFFIC SIGNALS
Recommendation: $333,663 (revenue financed)

In response to complaints concerning the traffic signals at the intersection of Carlton Street and Monmouth Street, specifically the lack of appropriate pedestrian crossing signals, the DPW's Engineering/Transportation Division has requested funding to evaluate the existing condition of the traffic signals and to upgrade equipment to meet current standards, replace sidewalks, repave the intersection, and install pavement markings. Approximately 50% of the cost of the project is attributable to the upgrading of the traffic signal.

48. STREET REHABILITATION – TOWN
Recommendation: $1,670,000 (revenue financed), 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 (DPW) 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 FY2018, the appropriation is recommended at $1.67 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.

FY2017 CIP funds in this category were 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. Work on these streets has either been completed or will be undertaken this spring or will go out to bid this summer,

The current schedule calls for FY2018 funds to be directed to Wallis Road from Independence Drive to Shaw Road; Walnut Hill Road from Goodnough Road to Shaw Road; Shaw Road from Walnut Hill Road to Wallis Road; and Wolcott Road Extension from Wolcott Road to Wallis Road.

Chapter 90 (State) funds, for which Town Meeting's approval is not required, will be used to rehabilitate Babcock Street from John Street to the Boston city line.

49. SIDEWALK REPAIR
Recommendation: $312,000 (revenue financed)

Sidewalks not reconstructed as part of the street reconstruction program will be reconstructed with funds from DPW's Sidewalk Management Plan. Using the formula recommended by the 2007/2008 Override Study Committee and approved by voters in the 2008 Override, DPW has requested $312,000 for sidewalk repair in FY2018.

50. MUNICIPAL SERVICE CENTER SITE IMPROVEMENTS
Recommendation: $240,000 (revenue financed)

The 10 foot high, 830 foot long cedar fence bordering the 2nd fairway of Putterham Meadows Golf Course is 20 years old and in deteriorating condition. Funds in the amount of $94,240 are requested to remove the existing fence and to replace it with a new cedar fence with metal posts and custom base.

The new fence will installed on top of a concrete retaining wall now planned to be built along the fence line. The retaining wall, approximately 300 feet long and three and one-half feet high, is needed to optimize parking and traffic flow through the site. It will increase the width of the paved area by about ten feet. $127,500 is requested for the construction costs and materials, while the remaining $18,250 is requested for contingency purposes.

51. DAVIS PATH FOOTBRIDGE
Recommendation: $40,000 (revenue financed)

The concrete Davis Path footbridge spans the MBTA D line at the Boylston Playground. It has seen only cosmetic maintenance for the last several years, but the surface is now

delaminating and treads have started to separate from the risers. CIP funding is requested to undertake a structural analysis that will result in recommendations for repair and rehabilitation measures.

52. STORMWATER IMPROVEMENTS AND PERMIT COMPLIANCE
Recommendation: $300,000 (revenue financed Water & Sewer Enterprise Fund)

The Environmental Protection Agency (EPA)'s Stormwater Phase II Rule establishes an MS4 stormwater management program that is intended to improve the Town's waterways by reducing the quantity of pollutants that stormwater picks up and carries into storm sewer systems during storm events. This project includes consulting services required for compliance with the EPA's Phase II MS4 Permit and for the installation of structural lining in existing drain crossings along the MBTA C Line and D Line.

53. WATER SYSTEM IMPROVEMENTS
Recommendation: $300,000 (Utility bond)

Funds are requested for the purchase of hardware, software and professional services to implement a Water System Asset Management Program that will improve the water department's efficiency in operating and maintaining the distribution system and provide valuable information for future capital improvement planning. The Asset Management Program is also intended to promote water system reliability, resilience and sustainability.

54. JOHN E. MURPHY PLAYGROUND
Recommendation: $70,000 (revenue financed)

The John E. Murphy Playground, located at Kent and Brook Streets, is a bowl-shaped park with retaining walls on three sides, play areas, and grassy slopes. Its features currently include a basketball key, tot lot, and spray pool. The park was last renovated in 1993 and now is in need of renovation, including new play equipment for tots and older children, new perimeter fencing, improved accessibility, field restoration, pathway rehabilitation, and landscape improvements. Reviewing the picnic/passive areas and spray pool utilities as well as evaluating the park's overall layout, accessibility, safety and functionality will be part of the design process for which $70,000 in CIP funds is now being requested. The current estimate for construction work, planned for FY2019, is $820,000.

55. PARKS AND PLAYGROUNDS REHABILITATION AND UPGRADE
Recommendation: $305,000 (revenue financed)

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.

56. TOWN/SCHOOL GROUNDS REHABILITATION
Recommendation: $150,000 (revenue financed)

CIP funds are used to support a range of undertakings on Town or School grounds, including

the installation of plantings, regrading, reseeding, tree work, construction of new retaining walls or concrete or asphalt walkways, purchase of trash receptacles and bike racks, drainage improvements, and repairs to such exterior features as stairs, treads, railings, and benches. These funds are not used for the replacement of such structures as entrance stairways or ramps, which are under the Building Department's jurisdiction.

57. TREE REMOVAL AND REPLACEMENT/URBAN FORESTRY MANAGEMENT
Recommendation: $230,000 (revenue financed)

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 invasive species, pest management, health and structural pruning, and planting. Such measures have been developed with the goals of supporting resistance to disease and pests and countering the rapid decline of trees left 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."

58. SCHOOL FURNITURE UPGRADES

Recommendation: $90,000 (revenue financed)

CIP funds are requested to purchase furniture for various schools. After consulting with principals and curriculum coordinators, School Department staff expends funds primarily to replace outdated and worn items but will also consider purchasing different types of furniture such as standing desks, if warranted. Staff also makes every effort to place orders in January when furniture prices tend to be lower.

59. TOWN/SCHOOL BUILDING - ADA RENOVATIONS

Recommendation: $75,000 (revenue financed)

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 become increasing complex, this money becomes increasingly important to carry out appropriate accommodations in school buildings. Funds are used on buildings that are not part of currently planned major renovations.

Recently such funding was used to address accessibility issues at the Baldwin School and to respond to requests for ADA access as they were submitted. In FY2018, ADA funds will be used to create an accessible bathroom at the Pierce School and to address requests that arrive throughout the year.

60. TOWN/SCHOOL BUILDING - ELEVATOR RENOVATIONS

Recommendation: $475,000 (revenue financed)

When a building is renovated, most elevators are upgraded with new controls, motors, cables, refurbishment of the car, etc. Some elevators are also partially upgraded to meet the requirements of the existing building code. The buildings that have not been renovated have elevators that are close to 40 years old. Maintenance is an issue and parts are increasingly difficult to find. This project would upgrade those cars and lifts with new equipment.

Funds requested for FY2017 were used for motor, controller, and computer operator replacements at both Town Hall and the physical education building at the High School. In the coming year, similar work will be performed on the elevators at the High School's Unified Arts Building and at the Lynch Recreation Center. Forty-two percent of the funds (approximately $200,000) would be used on the new Lincoln School's elevator, now 24 years old, whose cylinder/piston has shown signs of failure. While the situation is being monitored closely, plans are being developed to replace the jack/controls over the summer of 2017.

61. TOWN/SCHOOL BUILDING - ENERGY CONSERVATION PROJECTS

Recommendation: $75,000 (revenue financed)

With continuing volatility in utility costs and the Town's ongoing commitment to reducing its carbon footprint, CIP funds in this category are intended to decrease energy consumption in Town and School buildings. Programs include, but are not limited to, lighting retrofit and controls, energy efficient motors, insulation, and heating and cooling equipment. In addition, water conservation efforts are considered. This program augments existing gas and electric utility conservation programs.

FY2017 CIP Energy Conservation funds were directed to the installation of LED lighting at the High School, the Pierce School, and the Eliot Recreation Center. FY2018 funds (significantly fewer than the previous year's but scheduled to grow in FY 19) will be used to install variable frequency drives (VFDs) for school kitchens, VFDs for the pumps and motors of HVAC systems, and the continuation of the LED lighting and the jockey boiler installation programs. The Building Department aggressively pursues reimbursement when appropriate from the utility companies and from State-funded energy conservation programs for such work. From FY2015 to date, the Town has received $76,600.

62. TOWN/SCHOOL BUILDING - ENERGY MANAGEMENT SYSTEM
Recommendation: $125,000 (revenue financed)

This program focuses on upgrading the 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 replacement parts are no longer available. These systems will be replaced and upgraded with new web-based systems integrated into the Town's existing computer network. Other systems will be upgraded with newer software or firmware. The Building Department will continue to work with the Information Technology Department on these projects.

In FY2017, funds were allocated to upgrade blade servers and replace unitary controllers (and software) at Town Hall and the Lynch Recreation Center, and to replace front ends at the comfort stations at Waldstein Playground, Harry Downes Field, and Amory and Skyline Parks. In the coming fiscal year, funds would be used for software changes in all buildings that have energy management systems and for software and controller upgrades at the High School.

63. TOWN/SCHOOL BUILDING - SECURITY/LIFE SAFETY SYSTEMS
Recommendation: $215,000 (revenue financed)

Funds from this program are intended to continue implementing security and life safety improvements in Town and School buildings. In the first category, such improvements include making entrances to 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 is designed to allow general access. Other measures include lighting placed on a timer around each building and a small camera system connected to a computer at main entrances to monitor access to the building.

Life safety improvements include upgrading or replacement of fire alarm systems, sprinkler systems, burglar alarms, emergency lighting, and egress signs.

In FY2017, funds were allocated to continue work on sprinkler system modifications at the Pierce School, replacing the electrical transfer switch for Town Hall, and undertaking a number of smaller projects. In FY2018 CIP funds would be used to purchase walkie-talkies for school staff in thirteen buildings, cameras and keycards for the Municipal Service Center, walk-in freezer alarms, and keycard upgrades for the library.

64. SCHOOL BUILDING REHAB/UPGRADE

Recommendation: $100,000 (revenue financed)

Like Item 2 (Town Rehab and Upgrades), School Rehab and Upgrades is a new program that would invest CIP funds in large scale painting programs, new flooring, ceilings, window treatments and toilet upgrades. Such work is not be significant enough to justify a major renovation project, yet if left unaddressed, could lead to more costly undertakings later. Items that would be funded under this program include alterations to the Nurse's Office at the Baker School; painting at Baldwin, Heath, Lawrence, New Lincoln, and the High School; carpeting at Pierce; installing new flooring and soundproofing in classrooms at Old Lincoln; a roll-up curtain for the Driscoll gym; and ceiling fans for the Lawrence cafeteria.

65. DRISCOLL SCHOOL REHABILITATION – HVAC SYSTEM

Recommendation: $400,000 ($282,724 re-appropriated and $117,276 revenue financed)

The heating system at the Driscoll School relies on steam and dates back to 1910 in the main building and to 1928 and 1953 in the building's additions. It is extremely difficult to find parts to maintain the system, which sometimes overheats or under-heats parts of the school. In order to address this situation and the need for proper ventilation and cooling air, the replacement of the HVAC system has been proposed.

Because the school's boilers (installed in 1995) are fully functional, there is no need to replace them, but converting them from a steam to a forced hot water system would permit better heating control and would save energy. In addition to converting the boilers, the new system would require new equipment, ductwork, piping and controls. Plans call for the work to be undertaken over two years, primarily in the summer months. Such phasing would allow the building to remain occupied while the work is being done.

The FY2018 CIP request of $400,000 would pay for the cost of plans and specifications for the proposed project.

66. CLASSROOM CAPACITY
Recommendation: $2,495,000 (revenue financed), provided that $1,500,000 of this total not be expended or encumbered before December 1, 2017.

Brookline's preK-12 student population has grown by 33% between FY2005 and FY2017. On October 1, 2017 there were 5,445 preK-8 students compared with less than 4,095 twelve years ago.

While the increase in size of Brookline's kindergarten enrollment has driven the majority of the growth, larger classes have moved through the elementary grades, consistent with the district's decades-long pattern of near 100% number-of-students retention. At the High School, students have grown in number from 1726 in FY2013 to 2001 in FY2017.

In order to create the classroom space necessary to accommodate the preK-8 enrollment increase, a series of larger-scale renovation projects and smaller-scale space conversion projects have been completed over the past decade. A total of 55 preK-8 Classrooms were added through the use of an "Expand-in-Place" strategy since 2008 including:

- 6 classrooms built at Heath;
- 4 classrooms built at Lawrence;
- 2 modular classrooms added at Baker;
- 11 Brookline Early Education Program (BEEP) classes moved out of K-8 buildings into leased commercial space;
- 4 classrooms in leased commercial space for Pierce;
- A renovated and expanded Devotion School; and
- Expanded use of the buffer zones to maintain class size at desired levels.

In FY2018 four classroom conversions from existing spaces at Driscoll, Lawrence, Pierce, and Upper Devotion [Old Lincoln] are planned.

The work of adapting the High School to accommodate the growing enrollment is underway with a plan to create five classrooms or small group teaching spaces in FY2018. Since FY2016, existing space has been converted to teaching space by moving more than forty staff members from Brookline Early Education Program (BEEP), Office of Student Affairs, METCO, English Language Learners (ELL), Operations (Custodians, Transportation, & Food Service), Brookline Adult and Community Education (BACE), Office of Strategy and Performance, and Steps to Success Inc. to leased space at 24 Webster Place. In FY2017, the Help Desk was moved to the Health Building to join the Town IT Department.

FY2017 Classroom Capacity funds were used to pay for the leased space at Temple Ohabei Shalom, Temple Emeth, 62 Harvard Street, 24 Webster Place, and for the Baker modules, with a small amount of money used to modify smaller spaces in existing buildings.

In FY2018, $100,000 would be used for classroom conversion at Driscoll, Lawrence, Pierce, Upper Devotion, and the High School, and $895,000 would be added to remaining FY2017 CIP funds and used to cover the cost of leased space, as outlined above. The remaining $1,500,000 represents funds that were requested for the Schematic Design phase of the 9th School at Baldwin project. (See the Report on the Baldwin Project that follows the report on the Special Appropriation for expansion of Brookline High School.) "Parking" this money in the Classroom Capacity line items at this time retains the funds for a Public School-related purpose. Once the issues regarding the 9th School at Baldwin have been resolved, these funds could then be reallocated for Schematic Design at the November Town Meeting (or at any Special Town Meeting that considers amendments to the FY2018 budget), should that be the agreed-upon next step.

67. BROOKLINE RESERVOIR PARK
Recommendation: $2,200,000 (bonded) provided that no construction funds be encumbered or expended before December 1, 2017.

Brookline Reservoir Park, located along Route 9 between Lee and Warren Streets, is approximately 32 acres in size. 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 its embankment is planted with Kwanza cherry trees, while 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 such activities as walking, running and fishing and is also a popular spot for sitting, reading and picnicking.

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, regulated under the Department of Conservation and Recreation, Office of Dam Safety (ODS), and inspected on a regular basis. In order to comply with state regulations and to sustain the structural integrity of the dam, significant trees and vegetation must be removed from the berm; although no specific plans have been developed, as many as one-third of the trees may need to be removed.

The interior basin of the reservoir is a stone riprap that it needs to be repointed and regrouted. The stone dust path around the reservoir is in need of reconstruction for both accessibility and safety. In addition to repairing the stone basin, stabilizing the dam/embankment, improving accessibility to and around the reservoir, and removing invasive aquatic vegetation, the scope of the proposed project includes new plantings, screening from Route 9, park furniture, enhancement of entry and overlook points, and the installation of a comfort station in the historic gatehouse whose roof will be replaced in the near future, using CIP funds from a different account.

Design funds in the amount of $140,000 were appropriated in FY2017; authorization to bond and expend up to $2,200,000 for construction is now being requested.

BROOKLINE HIGH SCHOOL EXPANSION (Article 1 of Special Town Meeting #2)
Recommendation: $1,850,000 for Feasibility Study2/Schematic Design (bond)

REPORT ON SPECIAL APPROPRIATION: ARTICLE 1 OF SPECIAL TOWN MEETING-2: EXPANSION OF BROOKLINE HIGH SCHOOL

SUMMARY:
FY2018 CIP funds in the amount of $1,850,000 have been requested to complete the Feasibility Study for the Expansion of Brookline High School and to fund the Schematic Design phase of the project. The latter will conclude with a document that includes further analyses for Traffic, Siting, and Environmental and Geotechnical issues, as well as a project schedule, site development plan, construction cost estimate, and schematic floor plans and exterior building elevations.

By a vote of 26–1–0, the Advisory Committee recommends FAVORABLE ACTION on appropriating $1,850,000 for Feasibility 2/Schematic Design services.

BACKGROUND:

1. *Ongoing Feasibility Study*

The first phase of the Brookline High School (BHS) Expansion Project, as discussed further below, has been a Feasibility Study, undertaken by HMFH Architects, Inc. and financed with FY2017 CIP funds. It had been scheduled to be completed in April, but is now not expected to be completed until early June.

HMFH's work produced a range of options, eventually reduced to three and presented to the Building Committee for the Brookline High School Expansion Project (BHS Building Committee) in mid-March. A fourth option emerged in mid-April, but it needs more investigation of parking and traffic issues as well as further assessment of environmental issues and additional survey work. An additional $350,000 for further study of these matters ("Feasibility 2") is being requested as part of the FY2018 CIP proposal in order to complete the Feasibility Study phase of this project.

2. *School Department Projection of Increased BHS Capacity Need*

School department studies show that Brookline High School (BHS) is at the beginning of rapid enrollment growth that will see an increase from 1,800 students in 2015 to at least 2,600 or more students by 2023. This growth has already resulted in a shortage of classrooms and a significant number of classes larger than the size that best promotes learning. Science laboratories are too small to accommodate laboratory demonstrations by faculty and do not meet the square footage requirements under Massachusetts State High School standards. Overcrowded dining facilities have resulted in dividing some classes into two parts to allow students to eat. The growth in the school population is expected to reach 2,700 in less than a decade, increasing the effects of space shortages on the quality of education.

3. *Preliminary Steps*

Four years ago, recognizing the coming increase in High School enrollment, the B-SPACE Committee recommended maximizing BHS's use via efficiency and/or expansion. As a result, the School Committee requested School Department staff to begin a process of analyzing the pedagogical and administrative implications of serving up to 2,500 high school students, with a resultant plan and educational program for an expanded school that could include "new or revamped programs, staffing and administrative structures, and facilities use."

Increasing the number of general education classrooms and special education and support spaces, addressing the limited capacity of existing "common spaces" such as the library/media center, cafeteria, and athletic facilities, and reconfiguring existing or building 24 new science labs were identified as necessary steps to serve a larger student body. Options and recommendations offered in three studies—the HMFH Architects, Inc. High School Concept Study, the B-SPACE Committee Report, and the Symmes Maini & McKee Associates (SMMA) study from 2015—were to be considered, along with other possibilities for expansion.

In 2014, community visioning sessions were held and included BHS teachers, district administrators, BHS administrators, BHS students and parents, members of the School Committee, Building Commission, Planning Board, Board of Selectmen, and business community. Additional visioning sessions were held for BHS faculty. At the end of the visioning process, BHS Culture and Core Values had been better defined and clarified and guiding principles for the design of the expansion project had been laid out. These included the concept of "Big School, Small Feel" in a facility that would be green and sustainable, conducive to the collaboration between departments and disciplines, and finally, supportive of both experiential learning and independent and group study and learning. Three programmatic options–expanding the current campus, one high school on two campuses, and two self-contained high schools–also emerged from these sessions.

In June 2016, the BHS Expansion Working Group, made up of BHS teachers, staff, coordinators, district administrators, and School Committee members, held a community meeting to share its two-year's worth of research, its conclusions, a potential timeline for the expansion process, and next steps. Included in its proposed schedule was site selection/feasibility beginning in the early fall of 2016, a debt exclusion vote in November 2017, ground breaking for 19 months of construction in January 2019, and school opening in early September 2021.

4. *Feasibility Study Process*

At the end of June 2016, a Request for Qualifications (RFQ) for the preparation of a Feasibility Study for a new High School or additions/renovations to the existing High School was issued. HMFH Architects, Inc. was selected and with input the BHS Building Committee and administrative support from Town Hall staff, began its work in November 2016. HMFH has met on a monthly basis with the BHS Building Committee, consisting of representatives from the Board of Selectmen, School Committee, Building Commission and Department, Park and Recreation Commission, and Advisory Committee as well as from the High School parent community and greater BHS community, along with the High School Headmaster,

Town Administrator, and Superintendent of Schools. It has also sponsored two well-attended community meetings.

At the Committee's March 2017 meeting, three program levels with accompanying cost estimates were presented. The projected costs ranged from **$181,572,560** for Option 1 to **$348,352,647** for Option 3, but none contemplated renovating Cypress Field/Playground or providing additional parking accommodations.

5. *Options*

Information on Options 1-4 is based upon the HMFH presentation made at the April 26th public hearing, which can be accessed at http://www.brookline.k12.ma.us/cms/lib8/MA01907509/Centricity/Domain/722/BHS%20-%20Sch.Bldg.Comm.Mtg.%202017%2004.27.pdf.

Option 1, at **$181,572,560**, responds only to the need to accommodate 2,700 students at BHS and to improve the Science Department's facilities. Under Option 1, 62 existing classrooms remain and 30 new classrooms, along with 24 new science classrooms/labs, would be added. This scheme also proposes to renovate and expanded the cafeteria, relocate and renovate the library, make minor additions to the collaborative learning commons, and create both a new Black Box performance space and a new Chorus space. For an additional $13,290,000, minimal renovation of the Tappan Street gym could take place with this option.

Option 2, guided by general conformance to standards used for other Massachusetts high schools, is estimated to cost **$212,261,728** with no improvements to the Tappan Street Gym, and **$271,178,244** with the Tappan Street gym renovated and expanded. This option would retain 38 existing classrooms and adds 57 new classrooms and 24 new science classrooms/labs. It would renovate and expand the cafeteria, create a new and larger library, add 16 small group rooms, replace the Black and White Box theatres, and create new Band and Chorus space. It also would eliminate the Schluntz Gym and add a Competition Gym to a moderately renovated Tappan Street gym.

Option 3, projected to cost **$348,352,647**, would implement the goals set forth by the community during visioning sessions and set out in the Education Plan. (http://www.brookline.k12.ma.us/cms/lib8/MA01907509/Centricity/Domain/722/EdPlan_v5-10Feb17-SCReview.docx.pdf) It provides for 40 existing classrooms, 58 new classrooms, and 24 science classrooms/labs. Option 3 also would create both a new and larger cafeteria and library and make significant additions to the learning commons. Finally, it would replace the White and Black Box theatres, add a 400-seat theatre, renovate the Tappan Street gym, and expand that facility through the addition of a Competition Gym and a Field House.

It should be noted that a significant portion of the costs for Options 1, 2, and 3 relate to code compliance, triggered by investing more than $21 million in the existing structure(s). The level of investment means that current building code standards are retroactively applied to older structures, even if those structures complied with the existing code when they were built.

Option 4, which proposes a new building at 111 Cypress Street (see below for discussion of this property), with four variations ranging in price from **$105,342,903 to $136,612,807, exclusive of land acquisition cost**, emerged after the projected costs of Options 1–3 had been evaluated by the BHS Expansion Committee. Option 4's different schemes were presented by HMFH to the BHS Building Committee on April 13. All of the variants of Option 4 include both construction of an academic building at 111 Cypress Street as well as renovations and some new construction at the main academic building on Greenough Street.

One proposed use for the 111 Cypress Street building, which has been very well received, is a 9th Grade Academy. It would include classrooms for all subjects, art and music classrooms, a cafeteria and a library as well as collaborative learning spaces. Construction at the existing Greenough Street building would consist of creating new or renovating existing classrooms and creating 24 new science classrooms/labs. The range of prices is mostly attributable to renovating the existing science facilities and building a new five-classroom addition to the Tappan Street wing as opposed to building a new "STEM" wing and repurposing the current third floor for core academics.

6. *111 Cypress Street*

The property at 111 Cypress Street was considered for High School expansion over a year ago, but was not pursued at that time. The February 10, 2016 report to the Advisory Committee from the Capital Subcommittee+2 noted:

One possible location for such expansion is 111 Cypress Street, a site currently used for office space, assessed for approximately $10 million, and with development potential for 40B housing. A number of committee members thought that the Town should start to explore an eminent domain taking immediately. The Chair of the School Committee questioned whether a 2700 student high school was an educationally sound idea, whether 111 Cypress Street could provide the square footage necessary to accommodate an additional 600-800 students (changes to existing zoning would be required or the Dover Amendment utilized as it was at Runkle), and whether the traffic and parking problems accompanying a 2700 student campus could be satisfactorily addressed.

If some version of Option 4 were approved, additional investigation of how to access the 111 Cypress Street site from the main campus would be needed. One possibility would be to build a platform or plaza over the MBTA tracks. The T has been approached about the possibility of building over the tracks and more conversations are anticipated, should Option 4 be deemed the "Preferred Option." If building over the tracks were deemed too complicated or expensive, students would have a somewhat longer walk, approaching the site via Cypress Street.

It should be noted that one other nearby parcel of land was considered for expansion. A Town-owned parcel of approximately three-quarters of an acre, on the other (south) side of the MBTA tracks behind the Tappan Street athletic facility, was considered early in the work of the BHS Building Committee. However, certain characteristics of this site, including its slope and limited vehicular access via a ten-foot easement via Brington Road, were viewed as significantly reducing its utility for the High School's academic expansion in a practical

and cost-effective manner. The site could hold potential for the expansion of the Tappan Street gym complex, providing new construction could span the MBTA tracks.

7. *Next Steps – Schematic Design*

On May 3, the BHS Building Committee voted to make Option 4D its "Preferred Option," favoring the addition of a new wing with 24 science classrooms/labs in the Greenough Street building and the construction of a new building at 111 Cypress Street that extends over the MBTA tracks to Tappan Street. These concepts will be explored more fully in the next phase of the project, after further environmental site assessments, scope and schedule for geotechnical exploration, and additional traffic analysis, all part of "Feasibility 2," are completed.

The second phase of the BHS Expansion Project is Schematic Design, projected to cost $1,500,000. The Schematic Design phase will conclude with a document that includes Traffic, Environmental, Geotechnical, Program, Code, Accessibility, Siting, and Utility analyses, a massing study, a MA-CHPS or LEED-S Scorecard, a description of building systems, project schedule, site development plan, construction cost estimate, and schematic floor plans and exterior building elevations.

DISCUSSION:
Expanding the High School at 111 Cypress Street would result in the removal of the property from the commercial tax base and the loss of $168,000 in tax revenue from that property. The Town would still be able to collect that revenue, but it would require incremental increases in the tax revenue from other properties. Despite these downsides, Advisory Committee members view the development of this site favorably. It is close enough to be considered a part of the campus and offers the additional benefit of avoiding phased construction and reducing disruption to classes since construction there could precede work on current classroom space. Furthermore, the construction of an entire building on the site will reduce the scope of the work to be done in the main building of the High School, thereby avoiding very costly code compliance work in the main building and making this option cost-effective. Among the advantages of specifically building a Ninth Grade Academy on the site is the alignment of the Academy concept with the BHS Education Plan. Based on comments submitted at various meetings, it appears these plans are supported by nearby neighbors, one of whom suggested that the platform or plaza that might be built across the MBTA tracks as part of the project "could provide access to the Brookline Hills T stop from Brington Road for all users, not just BHS students."

Advisory Committee members, like two of the BHS Building Committee Co-Chairs, are keenly aware that this project is on a very fast track. Several members expressed the concern that working within an extremely tight timeline is more likely to lead to oversights and mistakes. While recognizing the importance of being ready to use the renovated and new buildings at the start of the 2021–22 academic year, nonetheless all agreed that "getting it right" is more important than meeting a schedule that was devised in March 2016.

Advisory Committee members also note that at this time, it is difficult to know what the total projected cost of Option 4 will be since portions of the Feasibility Study have yet to be completed and existing information on such issues as transportation, structured parking, and

improvements to the Tappan Street gym require further research and analysis. Currently, estimates for parking below Cypress Field range from $21,051,500 for 100 cars to $46,806,000 for 300 cars. There might also be an option to build a parking facility below 111 Cypress Street. Preliminary estimates for improvements to the Tappan Street gym begin at $13,290,000 for minimal renovations, and projected costs for the renovation of Cypress Field and Cypress Playground total $13,335,500

Finally, there is the question of acquiring the Cypress Street property. Assuming the BHS Building Committee and the School Committee support an option that uses 111 Cypress Street, the means by which the parcel would be acquired will need to be more fully explored. Ultimately, it will be up to Town Meeting to approve the acquisition of the property and to appropriate the funds necessary to do so. In the case of an "unfriendly" taking, an initial pro tanto award allows the Town to take possession of the land and begin using it, but the ultimate cost of acquisition would likely be determined through litigation.

RECOMMENDATION:
Recognizing that additional work on the feasibility of this project, such as the utilization of the site at 111 Cypress Street and a parking needs assessment, needs to be undertaken before the Schematic Design phase can start, and supporting the work that has been done to date on the BHS Expansion Project, by a vote of 26-1-0, the Advisory Committee recommends FAVORABLE ACTION on the appropriation of $1,850,000 to fund Feasibility 2/Schematic Design for the High School Expansion project.

REPORT ON THE SPECIAL APPROPRIATION REQUEST FOR SCHEMATIC DESIGN SERVICES FOR THE 9TH SCHOOL AT BALDWIN.

SUMMARY:
The Public Schools of Brookline have requested $1,500,000 in FY2018 CIP funding for Schematic Design services for the 9th School at Baldwin project. The Advisory Committee recommends deferring the vote on this request until the Fall Town Meeting and allocating the funds to Classroom Capacity, with conditions.

BACKGROUND:
Since 2005, the Brookline public schools have witnessed an enrollment growth of 28% district-wide. The total K-12 enrollment for 2016-17 is 7,417. (See enrollment information at the end of this report.) Preliminary PSB projections anticipate additional growth of more than 10% from FY2018 through FY2022. These enrollment increases, coupled with School Committee policies, have led to the need to expand educational facilities at both the K-8 and high school levels. The "expand-in-place" approach, recommended by the B-SPACE Committee in 2013, has added 55 classrooms for the elementary schools. Private space has been leased for pre-K programs and the Pierce School as well as for administrative purposes. Additionally, Lawrence, Runkle and Heath have been expanded, modular classrooms have been added to Baker, and 16 new classrooms have been created from existing spaces within the eight K-8 schools. Finally a major capital project at Devotion is creating additional classrooms.

Notwithstanding these actions, the School Committee and Board of Selectmen commissioned a 9th elementary school site identification study in December 2014. Civic Moxie, a consulting firm, was selected and asked to research both public and private parcels between three and one-half and six acres in size that would accommodate a K-8 school of approximately 100,000 square feet for 550 students and 100 school staff with onsite parking for 60 vehicles. Civic Moxie's research resulted in an initial list and matrix of 26 properties. That list was eventually reduced to the six sites considered to be the most promising. After further investigation and a series of public meetings, three sites were chosen to be the focus of a 2016 Site Selection Study: Stop and Shop on Harvard Street, the Baker School, and the Baldwin School. Jonathan Levy Architects (JLA) was selected to undertake this study. The sites were to be evaluated in terms of location and access, physical characteristics, legal and regulatory issues, project complexity, and cost. The Board of Selectmen and School Committee met on October 13, 2016, and the Baldwin site, although not either group's first choice, was eventually chosen to be the location of the Town's 9th K-8 school.

1. *The Baldwin School Site and Soule Recreation Area*

The Baldwin School Site and the adjacent Soule Recreation Area are both contributing properties to the Chestnut Hill National Register District. The school was constructed in 1927 in the Georgian Revival style by the prominent Boston architectural firm of Kilham, Hopkins, and Greeley. The Augustus Soule Recreation Area was once the John G. Wright estate, originally landscaped by Frederick Law Olmsted, Sr. and his son, John Charles Olmsted. Two remaining estate buildings, the gatehouse and the carriage house (now the Soule Recreation Center), date from 1908 and 1897, respectively. Both were designed by Chapman and Frazer, also a prominent Boston architectural firm. Vestiges of the mansion, also designed by Chapman and Frazer in 1897, and walls from the estate can be found on the property.

The Baldwin School site was described in the Request For Qualifications (RFQ) for the 2016 Site Selection Study as follows:

> The Baldwin School is a small facility on a 2.7-acre parcel on Heath Street in South Brookline adjacent to Soule Recreation Center, a 9.6 acre Park and Recreation facility. Baldwin currently houses a staff day care center and Winthrop House, which is a substantially separate program of Brookline High School. New school use would require extensive coordination and collaboration with the Parks and Recreation Commission and Department.

The Town's website (http://www.brooklinema.gov/Facilities/Facility/Details/Baldwin-School-Playground-11) includes additional information:

> This park, associated with Baldwin School, shares one entrance and a parking lot with the Soule Recreation Center. The property is defined by its rolling topography, mature oaks over expansive lawn, and considerable variation between highest and lowest elevation. The playground includes 2 fenced tot lots, sand boxes, and swings.
>
> Category: School Playground
> Size: 1.25 acres

Protection: Article 97, NR, SR
Manager: Brookline DPW, Parks and Open Space Division
Location: Heath Street
Precinct: 15
Inventory Date: October 26, 2004, revised February 1, 2005
Vicinity: Abuts Soule Recreation Center at the back of Baldwin School

The Town's website (http://www.brooklinema.gov/Facilities/Facility/Details/Soule-Recreation-Center-105) includes the following information about the Soule Recreation Center:

> The site has a wooded area, a specimen beech tree (which played a deciding role in the location of the rear soccer field), an isolated land area subject to flooding, and an interesting geological history. In addition to puddingstone and other rock outcroppings, the soil content is unique with 11 feet of peat found in one of the fields. Robinson Field, located near the site of the original main house, has 1 soccer field. The property also houses the newly renovated Environmental Education Center. The center has seasonal public restrooms and holds environmental education programs, including our summer and school vacation nature camps. The entire recreation area includes 2 soccer fields, tennis courts, expanded play equipment for both toddlers and school age children, and
> a splash pad water play area.
>
> In 1961, the town bought this property for recreational purposes. The main house burned in 1963. The carriage house continues to be used as the Soule Recreation Center. The Baldwin School playground is contiguous with the recreation area. The area was renovated in 1995–1996 with Urban Self-Help State funds. A design review process began in 2005 to replace the play equipment. In 2007, construction was completed on the new equipment, providing exciting new play opportunities for all ages, as well as a new water play area. In 2011, there was a complete renovation of Lower Soule Field, including the installation of a new synthetic turf soccer field, improved drainage, a new handicap accessible entrance plaza, seating areas, improved site plantings, and replacement of sidewalks and fencing. This renovation was thanks to a generous donation by the Brookline Soccer Club.

Size: 9.49 acres
Protection: Article 97, NR, SR, LHD
Precinct: 15
Inventory Date: October 26, 2004, revised May 1, 2011
Vicinity: Surrounded by Hammond, Heath and Woodland Streets and wooded area

2. *Feasibility Study Process: October 2016–Present*

The Feasibility Study for the Ninth School at Baldwin was undertaken by JLA in October 2016, financed with FY2017 CIP funds. JLA's contract stipulated that the study was to be completed by May 2017 and was to culminate with a "Preferred Schematic Report" on the

preferred design. The report would include existing conditions, building plan, site plan, educational program, space summary, budgets (estimates of total construction costs, project costs, operational costs, and the "not-to-exceed" total project budget), as well as sustainability documents and the project schedule.

Since JLA had been the consultant for the Site Selection Study, it was able to immediately build upon its earlier investigation and preliminary analysis of the Baldwin site. In these efforts, the consultant has been guided and advised by the appointed 15-member 9th School at Baldwin Building Committee (9th SBC), made up of a member of the School Committee, Board of Selectmen, Building Commission and Advisory Committee, as well as Town and School staff members and neighborhood and Heath School community representatives. Town boards and commissions have also been involved in the study process. Town Hall staff has provided administrative support.
According to the Town's website, the 9th SBC's charge was to "advise and support the Building Commission, Board of Selectmen and School Committee in connection with their authority and responsibilities for the construction and alteration of town buildings and structures under Article 3.7 of the General By-Laws of the Town of Brookline." The 9th SBC was also to "be the main body responsible for engaging and informing the public on the project" and "be concerned with all aspects of the project including budget, schedule, safety, public relations, coordination of town agencies, logistics, and contract compliance."
As of April 30th, the Committee had met eight times and had sponsored two community meetings and one "open house" during which members of the public have been able to express their views and concerns on various aspects of the project, including traffic, and have been able to ask questions of JLA and the Committee. The 9th School project has also been discussed at meetings of the School Committee, School Capital subcommittee, Building Commission, Advisory Committee, and Park and Recreation Commission and has been the subject of public hearings held by the Park and Recreation Commission, Preservation Commission, and Capital Subcommittee of the Advisory Committee.

Starting with the assignment of designing both a 4-section, approximately 155,000 square foot K-8 school for 800 students and a 3-section, approximately 135,000 square foot K-8 school for 600 students, JLA developed five conceptual massing options, which were narrowed down to three options in early January. At the end of January, a draft of the 9th Elementary School Education Program was released, and by mid-February, the School Committee voted to approve a space plan for the 9th School that would include a three-section school assigned geographically totaling 27 K-8 classrooms, with three additional classrooms for BEEP/early education (45–51 students), three additional classrooms for district-wide special education classes (25–35 students), and additional space for a town-wide ELL program (40–50 students), which would be the equivalent of three classrooms. (The March 29, 2017 announcement of a gift of an Early Childhood Center to the Public Schools of Brookline has raised the question in the minds of some as to whether three BEEP classrooms will still be part of the 9th School or whether that space will be used for other purposes.)

Also in mid-February 2017, Vanasse and Associates, Inc. (VAI), JLA's transportation consultant, gave a summary of its Transportation Impact Assessment of the proposed school to the 9th SBC. A 63-page draft report followed in which VAI identified and analyzed existing and future traffic conditions with and without the proposed school and recommended access requirements and off-site improvements to create a safe environment for students and staff and "traffic conditions maintained at manageable levels." The report assumed an 800-student elementary school that would operate on Monday-Thursday from 8:00 a.m. to 2:30 p.m. and on Friday from 8:00 a.m. to 1:40 pm. It also assumed 125 staff members, 130 onsite parking spaces, no staff use of public transportation, 25 METCO students arriving by bus, 50 students walking, 200 resident students arriving in buses or vans, and 1.45 students per car arriving at and leaving school via 250+ private cars. VAI's report was subsequently reviewed by a privately engaged transportation consultant, VHB, which asserted that the VAI's conclusions were not backed up with sufficient data and that more research was needed.

VAI's initial assumptions were later changed to 645 students, 100–110 staff members and 114–116 onsite parking spaces, with 106 spaces in an expanded parking lot at Soule.

"Option D," with a modification to the orientation of the gym wing along the Baldwin/Soule boundary, was selected as the preferred design by the 9th SBC. It does not retain any of the existing Baldwin School and, like all the other proposed designs, has an impact on the Soule Recreation Area, particularly in the enlargement of the existing parking area off Heath Street with the removal of puddingstone ledge, the widening of the driveway off Heath to accommodate three lanes of traffic, a "spur" off Woodland Road leading to the parking area, and the demolition of the existing gym and environmental classroom. The most recent (March 10, 2017) cost estimate is $83,454,000, with an additional $1,257,000 for sidewalk remediation.

3. *Schematic Design*

The second phase of the 9th School project is Schematic Design; $1,500,000 in FY2018 CIP funds is requested to support this undertaking. The Schematic Design phase will conclude with a document that includes Traffic, Environmental, Geotechnical, Program, Code, Siting, and Accessibility, and Utility analyses, a massing study, a MA-CHPS or LEED-S Scorecard, a description of building systems, project schedule, site development plan, construction cost estimate, and schematic floor plans and exterior building elevations.

DISCUSSION:

The proposal to build the Town's 9th elementary school on the Baldwin site has not been without controversy. At each of the two public hearings held by the Capital Subcommittee as well as at other meetings and public hearings, members of the public stated that the site is

inappropriate and unworkable, noting that it is not in the heart of or even close to primary areas of student population growth. Opponents believe that the Town is creating a de facto commuter school that will deprive its families of the benefits of a walkable neighborhood school, a long-held and cherished tradition in Brookline. One member of the public quoted from a 2015 "Yes in South Brookline" petition which advocated that the 9th school be built in South Brookline to avoid having to drive or bus South Brookline children from their homes. "Neighborhood schools are not just about convenience, they're about community connection. Neighborhood schools allow students and families to join activities and access resources."

Other objections expressed by the public fall into two main categories: traffic and loss of greenspace. The 9th SBC, Park and Recreation Commission, and JLA continue to study these issues.

1. *Traffic*

Some members of the public are concerned about the impact on existing traffic, particularly during the early morning, in the Hammond/Heath area, and about the back-ups that could occur as far south as Horace James Circle and the West Roxbury Parkway, both managed by the Department of Conservation and Recreation, as well as on Lagrange Street. They question the lack of onsite parking for the school, particular for school-wide/special events, and voice concerns about cut-through traffic on side streets and parking on narrow neighborhood streets, such as Woodland Road and Heath Street.

There are also those who worry about the fuel that will be wasted while vehicles are stopped in traffic approaching the school site and the environmental impact of idling cars, buses, and other vehicles. Finally, residents have pointed out that Baldwin's traffic implications were considered to be "very disadvantageous" or "disadvantageous" during the Site Selection Study, but the same traffic consultant later determined that they would be "manageable," making it difficult to reconcile the two positions.

It should be mentioned that members of the 9th SBC as well as the Advisory Committee have asked about redistricting plans in order to determine whether the traffic consultant's assumptions about modes of transportation to get to the site are realistic. That information has not yet been provided, although the Public Schools of Brookline have explained how complex and time-consuming it is to prepare comprehensive redistricting plans, as explained below.

It should also be mentioned that a small committee of the 9th SBC has analyzed the traffic issues and offers the following comments:

A dynamic traffic simulation of the VAI study data of the school peak traffic hours shows that there are modest tailbacks at the Woodland/Heath and Hammond/Heath intersections during the 7:15-8:15 peak period. The new design of the parking lot drop-off has greatly increased the internal queuing capacity which prevents major tailbacks into Heath or Woodland from occurring. Also, the [recommended] retiming of the Heath/Hammond intersection traffic signal, as well as the addition of a Woodland/Hammond St intersection traffic signal [will] make traffic flow more even and much less prone to lengthy queues. Horace James Circle remains the major traffic bottleneck to which the school traffic adds. The main challenge of the modeled traffic simulation is the length of time taken to get all 250+ student carrying vehicles into school by 8:00 a.m. The model suggests that parents will need to start leaving 20-30 minutes prior to [the] leave times that might be experienced currently at Driscoll, say, where over 50% of the vehicles arrive 10 minutes before school starts.

2. *Open Space*

A second major category of objections to siting the school at Baldwin is the loss of greenspace, the compromising of the only public park for the neighborhood, and the loss of public access to Soule's fields and other recreational spaces during school hours. A December 14, 2015 letter from the Park and Recreation Commission to Selectmen Chair Neil Wishinsky and School Committee Chair Susan Wolf Ditkoff states: "As the demand for school space increases so too does the need for parks and open spaces for every age and ability. Overburdened playgrounds and parks have created conflicts among users including Day Care use regulated by law, our model Green Dog program, passive recreation, sports programming and several therapeutic and educational programs sponsored by the Recreation department."

In addition, in stating its position on the proposed Baldwin School, the Brookline GreenSpace Alliance noted:

> The choice of the Baldwin School and its schoolyard and playground for the site of a new school and the paving of green areas of Soule Park for school parking are at odds with… declared Town policies. A No Net Loss of Open Space policy does not allow parks and open space to be viewed as a "land bank," to be drawn on whenever the need arises. Instead, parks and open spaces are a vital community resource that affects the quality of life in the Town.

(http://www.brooklinegreenspace.org/html/Advocacy/BGSA%20Position%20on%20Baldwin%20School.html)

Related to the loss of public access is the concern of some with the installation of artificial turf on the enlarged upper field and the elimination of its Green Dog Park status. Soule's upper parking area, enlarged and redesigned to accommodate 106 vehicles according to current plans (see "Current Thinking" at the end of this report, as well as added road and walkways and loss of ledge, puddingstone outcroppings and mature trees are all viewed as the sacrifice of greenspace to build the school.

3. *Responses*

In response, Baldwin advocates have argued that none of the three sites were without opponents or criticisms and point to the need to build a 9th school to avoid overcrowding at the other K-8 schools in the Town, noting that in some schools, because of limited cafeteria space, lunch is served beginning at 10:30 a.m. Supporters of the Baldwin project view a new state-of-the-art school as a significant asset to the immediate area and believe that, over time, more students will be walking to this school as more families will school-age children move into the houses now owned by older residents.

With regard to traffic concerns, they contend that residential neighborhoods around the other schools in Town also have to deal with traffic issues as well as on-street parking by school staff, and that the traffic back-ups will be momentary and predominantly during drop-off time in the morning. Baldwin advocates further point out that the Soule Recreation Area stands to benefit from approximately $7,000,000 worth of benefits, including an enlarged, regulation size soccer field that can be converted into three smaller fields, additional parking for park users, a new gymnasium and environmental classroom that will be shared with the school, multi-generational walkways, and two new picnic shelters. Furthermore, the existing roadway extending from the upper parking lot to Hammond Street will be eliminated. However, a closer look at the cost estimates, prepared by Daedalus, as presented in the Preferred Schematic Report shows that a considerable portion of the $7,000,000 will be spent on such work as rock excavation-$1,125,000; new parking and drop-off $1,032,577; and site prep/selective demo $1,620,000.

Regarding making the redistricting plan available to the public now, school officials point out that redistricting is a complex process that typically takes 18 months to two years in order to include a robust public process. They state that it is particularly complex in the case of an elementary school because of the need to make sure of the locations of the residences in

which the 1-3 year olds are living, the need to account for conversations with families to query where their children will go, and "the need to plan for welcoming and saying good-bye transitions."

Finally, School officials state that the results of not building a 9th school include a shortage of 27–30 classrooms across the district and increased class size with an average and range of students per class of 24 and 18-30, respectively, by 2020–21. Additionally, short-term, expensive solutions to meet the growing demand for classrooms, such as modular classrooms and rented space, would have to be pursued, and School Committee policies might need to change.

4. *Legal Challenges*

An April 3, 2017 letter from attorney Stephen Wald, whose firm is acting jointly with others to represent a group of Brookline citizens and taxpayers, was received by members of the Building Commission, 9th SBC, School Committee, Board of Selectmen, Advisory Committee, Parks and Recreation Commission, and Preservation Commission. Attorney Wald has asserted that the current site has "fatal flaws" and that numerous legal obligations on both the Baldwin and Soule sites and encumbrances arising from Article 97 of the State Constitution and previous state and federal grants, will subject the Town to multiple legal challenges. He further has noted that the Town has neglected its own by-law (Section 3.7.2) in pursuing the construction of the school.

In subsequent communications with Town Counsel, members of the Advisory Committee learned that the Town had recently received information that may increase and complicate any land conversion requirements (e.g., a land swap that would substitute new recreational land for existing recreational land that is affected by the proposed school) of the project, and that the Massachusetts Supreme Judicial Court's decision in the Smith v. City of Westfield case is expected to offer guidance on what Town-owned parcels may be used for conversion purposes if such conversion is necessary.

5. *Remaining Questions*

Because the Feasibility Study has not yet been completed, it is difficult to know how many of the questions raised by members of the public, the 9th SBC, the Advisory Committee, and others will be answered by the study and how many are likely to be answered by refining existing designs, undertaking further design work, and requiring additional consultant studies, all of which could be part of the Schematic Design process.

Some of the currently outstanding questions include:

Costs

- What are the projected operating costs of the facility (maintenance, utilities, cleaning) and outside spaces (landscape maintenance, snow removal)?
- What is the projected cost of the preparations and the planning time required to open the school?
- What is the projected operating cost of the 9th School (staff, programs, materials, supplies)?
- What is the life-cycle cost of the building?
- What are the ancillary costs of siting the school in this location, including additional staff time to monitor morning traffic, police/crossing guards, improvements to the surrounding area (sidewalks,

bicycle lanes, crosswalk at Heath and Hammond, traffic control devices, sidewalk snow removal, etc.)?

Site

- What are the environmental consequences for the site and its abutting properties as well as other properties in the neighborhood of removing ledge (both above and below ground), removing substantial amounts of vegetation and replacing porous surfaces with hardscape and what is the potential cost of remediation?

Transportation

- What will the earliest bus pick-up time be in order for buses to arrive at the site by 7:40 a.m., as stated in the VAI Report?
- What will early arriving students do before school starts and what will be the additional cost of supervising them?
- How many buses and/or vans will be needed to transport students to the site and what will be their annual cost?
- Will the possibility of idling cars waiting in traffic near or on the school site be taken into account when determining the carbon footprint of this project?
- When will the Transportation Management Plan referred to in the VAI Report be available?
- What comments have the Brookline Police and Fire Departments offered regarding the plans for the school, specifically regarding emergency response time?

Shared Facilities

- How will the recreational facilities at Soule be used during school hours?
- How will time in the gym and environmental classroom be allocated between the Recreation Department's programs and School programs?

Lawsuits/Regulatory Hurdles

- The Town decided to forego a possible partnership with the MSBA in order to fast-track this project. If the construction of the school were delayed by 4–5 years because of legal action, would that decision be reconsidered?
- How can voters be asked to vote on a debt exclusion question this fall or winter not knowing whether the project might be delayed by legal action or whether the plans will be outdated in terms of materials, pedagogy, types of learning spaces, or costs by the time the legal issues are resolved?
- If the school can't open by 2020–21, how long a delay would the Public Schools of Brookline be willing to tolerate?

Other

- Is the School Department willing to provide sometime in the near future information related to redistricting, i.e. which school districts and precincts are likely to be affected by the 9th School and to what extent?

6. *Proposed Vote and Amendments*

On April 24th, the Advisory Committee's Capital Subcommittee, noting the pending Smith v. City of Westfield court case that may influence how the Town proceeds in the anticipated Article 97 conversion process, unanimously recommended that Town Meeting's vote on $1,500,000 for schematic design services for the 9th School at Baldwin be deferred until the Fall Town Meeting. At the April 27th meeting of the Advisory Committee, members debated

whether to support the subcommittee's motion or the Selectmen's motion, as amended by the Advisory Committee, with deletions (strikeouts) and additions (bolded):

"Raise and appropriate $1,500,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, ~~and~~ the School Committee, and **the Advisory Committee,** for the schematic design services to construct a 9th School to be located at 490 Heath Street under the following condition:

1) That before utilizing funds to commence the schematic design services, the Board of Selectmen, ~~and~~ School Committee, **and the Advisory Committee** shall receive and consider an analysis from Town Counsel or designee describing the impact of the SJC decision under Smith v. City of Westfield **and other issues that may arise related to land use."**

The amended motion of the Selectmen failed by a vote of 12–13, and the subcommittee's motion was approved by a vote of 17–2–6.

It should also be noted that consistent with this vote, the Advisory Committee unanimously voted to recommend that Special Appropriation #66 (Classroom Capacity) be increased to $2,495,000 provided that $1,500,000 of this total not be expended or encumbered before December 1, 2017. These funds could be re-appropriated for Schematic Design at the November 2017 Special Town Meeting or any other Town Meeting that considers amendments to the FY2018 budget.

RECOMMENDATION
By a vote of 17-2-6, the Advisory Committee recommends **FAVORABLE ACTION** on the following:

VOTED: That Town Meeting's vote on $1,500,000 for schematic design services for the 9th School at Baldwin be deferred until the Fall Town Meeting.

==========

CONCLUSION AND RECOMMENDATION

The Advisory Committee thanks the many individuals, boards, committees, and commissions that have participated in the FY2018 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 and is absolutely invaluable. We thank all of the Town's department heads for their cooperation during the Advisory Committee's review of each departmental budget, including their attendance at subcommittee hearings and meetings of the full Advisory Committee. We also thank the department heads and the Town's employees for all they do to deliver services to Brookline under the current budgetary constraints.

We thank the Board of Selectmen, particularly its chair, Neil Wishinsky, for their time and engagement with the Advisory Committee as the Town copes with the challenges of ever-

increasing school enrollment. We also bid a sad farewell to Nancy Daly, a former chair of the Advisory Committee, who will conclude twelve years of service on the Board of Selectmen this year.

We also thank the School Committee and Superintendent Andrew Bott for their determined efforts to address the need for additional classroom capacity and facilities and for their willingness to hold extensive discussions of these issues with the Advisory Committee.

We thank the School Committee and the staff of the Public Schools of Brookline for their impressive ongoing efforts to improve the school budget process and the presentation of the information in the budget itself. The Committee is especially grateful to Deputy Superintendent for Administration and Finance Mary Ellen Dunn for her continuing improvements to the format of the school budget and her efforts to revise the school budget process. Her innovations and tireless willingness to explain the school budget and policies have increased our understanding of the school budget and our confidence in the PSB budget process.

By a vote of 22–0–0 the Advisory Committee submits the FY2018 Town Budget with a recommendation of FAVORABLE ACTION on the following vote:

VOTED: To approve the budget for fiscal year 2018 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 FY2018 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 $107,976 effective July 1, 2017, 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 $1,647,098 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	$622,774
Purchase of Services	$135,271
Supplies	$313,868
Other	$10,300
Utilities	$120,348
Capital	$86,420
Debt Service	$153,125
Reserve	$25,000
Total Appropriations	$1,467,106
Indirect Costs	$179,992
Total Costs	$1,647,098

Total costs of $1,647,098 to be funded from golf receipts with $179,992 to be reimbursed to the General Fund for indirect costs.

7.) **WATER AND SEWER ENTERPRISE FUND:** The following sums, totaling $29,271,307, 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	2,213,688	418,141	2,631,829
Purchase of Services	190,598	163,200	353,798
Supplies	102,020	21,000	123,020
Other	8,900	1,680	10,580
Utilities	93,891	0	93,891
Capital	358,800	203,000	561,800
Intergovernmental	7,423,089	13,539,829	20,962,918
Debt Service	442,597	1,567,334	2,009,931
Reserve	126,086	163,729	289,815
Total Appropriations	10,959,669	16,077,913	27,037,582
Indirect Costs	1,775,045	458,680	2,233,725
Total Costs	12,734,714	16,536,593	29,271,306

Total costs of $29,271,307 to be funded from water and sewer receipts with $2,233,725 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 $3,300,000.

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 $4,943,558, 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:

Cemetery Sales Special Revenue Fund [to the General Fund for the Department of Public Works]	$ 100,000
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 35 through 68, inclusive, in Table 1 shall be specially appropriated for the following purposes. In addition, with the exception of Items #67 - 68, they shall be transferred from the General Fund to the Revenue-Financed Capital Fund.

Appropriate sums of money for the following special purposes:

35.) Raise and appropriate $50,000 to be expended under the direction of the Chief Procurement Officer for town furniture upgrades.

36.) Raise and appropriate $50,000 to be expended under the direction of the Building Commissioner for the rehabilitation of Town buildings.

37.) Raise and appropriate $120,000 to be expended under the direction of the Chief Information Officer and Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for improvements to the Data Room at Town Hall; and to meet the appropriation transfer $120,000 from the balance remaining in the appropriation voted under Article 8, Section 12 Item 54 of the 2004 Annual Town Meeting.

38.) Raise and appropriate $175,000 to be expended under the direction of the Chief Information Officer, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the enhancement of town-wide hardware and software.

39.) Raise and appropriate $50,000 to be expended under the direction of the Fire Chief for the rehabilitation of Fire Department apparatus.

40.) Raise and appropriate $625,000 to be expended under the direction of the Fire Chief, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the replacement of Fire Engine #6.

41.) Raise and appropriate $280,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for making extraordinary repairs to Fire Stations.

42.) Raise and appropriate $71,000 to be expended under the direction of the Fire Chief for the purchase and installation of Personal Protective Equipment (PPE) washers and dryers.

43.) Raise and appropriate $646,500 to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and Library Trustees, for extraordinary repairs/improvements at the Coolidge Corner Library.

44.) Raise and appropriate $58,659 to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for traffic calming studies and improvements; provided that the Department of Public Works and Transportation Board provide status reports to the Board of Selectmen on a semi-annual basis.

45.) Raise and appropriate $33,000 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 and to meet the appropriation transfer from the balance remaining in the appropriation voted under Article 8, Section 12 Item 54 of the 2004 Annual Town Meeting.

46.) Raise and appropriate $161,040 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be

approved by the Board of Selectmen, for the purchase of parking meters and to meet the appropriation transfer $161,040 from the Parking Meter Fund.

47.) Raise and appropriate $333,663 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 Carlton Street / Monmouth Street traffic signal.

48.) Raise and appropriate $1,670,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of streets.

49.) Raise and appropriate $312,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of sidewalks.

50.) Raise and appropriate $240,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the Municipal Service Center site improvements.

51.) Raise and appropriate $40,000 to be expended under the direction of the Commissioner of Public Works, for the structural evaluation of the Davis Path Footbridge.

52.) Appropriate $300,000 to be expended under the direction of the Commissioner of Public Works, with any contracts over $100,000 to be approved by the Board of Selectmen, for stormwater improvements and to meet the appropriation transfer $300,000 from retained earnings of the Water and Sewer Fund.

See Amended Vote in Supplement #3

53.) Raise and appropriate $300,000 to be expended under the direction of the Commissioner of Public Works, with any contracts over $100,000 to be approved by the Board of Selectmen, for improvements to the water system.

54.) Raise and appropriate $70,000 to be expended under the direction of the Commissioner of Public Works, for the design of the renovation of Murphy Playground.

55.) Raise and appropriate $305,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.

56.) Raise and appropriate $150,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the rehabilitation of Town and School grounds.

57.) Raise and appropriate $230,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.

58.) Raise and appropriate $90,000 to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.

59.) Raise and appropriate $75,000 to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.

60.) Raise and appropriate $475,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 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.

61.) Raise and appropriate $75,000 to be expended under the direction of the Building Commissioner, for energy conservation projects in Town and School facilities.

62.) Raise and appropriate $125,000 to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for upgrades to energy management systems in Town and School facilities.

63.) Raise and appropriate $215,000 to be expended under the direction of the Building Commissioner, with any necessary contracts over $100,000 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.

64.) Raise and appropriate $100,000 to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for minor renovations / upgrades to school buildings.

65.) Raise and appropriate $400,000 to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for HVAC system improvements at the Driscoll School, and to meet the appropriation transfer. from the balance remaining in the appropriation voted under Article 3, Section 2 Item 68 of the 2012 Special Town Meeting

66.) Raise and appropriate $~~2,495,000~~ 995,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various

#67 See Change Amendment #2

schools, pr~~ovided that $1,500,000 of this total not be expended or encumbered~~ before December 1, 2017.

~~67.~~ 68) Appropriate $2,200,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over $100,000 to be approved by the Board of Selectmen, for the renovation of Brookline Reservoir Park; and to meet the appropriation authorize the Treasurer, with the approval of the Board of Selectmen, to borrow $2,200,000, under General Laws, Chapter 44, Section 7, Clause 25.

Passed by a Unanimous Vote

14.) **FREE CASH:** Appropriate and transfer $8,354,017 from free cash for the following purposes:

a.) Operating Budget Reserve Fund (MGL Chapter 40, Section 6) – $615,003;
b.) Liability/Catastrophe Fund (Chapter 66 of the Acts of 1998, as amended) – $203,644;
c.) Reduce the tax rate (Special Appropriations) – $6,058,567;
d.) Housing Trust Fund – $576,803;
e.) Retiree Healthcare Liability Trust Fund (Chapter 472 of the Acts of 1998, as amended) - $600,000;
f.) Contributory Retirement Pension Fund (MGL Chapter 32, Section 22) – $300,000.

XXX

FY18 BUDGET - TABLE 1 May, 2017

		FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
	REVENUES						
	Property Taxes	182,239,297	195,049,924	204,064,199	211,298,230	7,234,031	3.5%
	Local Receipts	25,847,019	29,377,154	23,836,698	29,556,650	5,719,952	24.0%
	State Aid	17,675,450	18,837,306	19,657,251	20,273,713	616,462	3.1%
	Free Cash	5,084,152	5,016,501	5,311,538	8,354,017	3,042,479	57.3%
	Overlay Surplus	2,100,000	0	0	0	0	-
	Other Available Funds	6,903,508	6,895,644	7,840,067	3,485,110	(4,354,956)	-55.5%
	TOTAL REVENUE	**239,849,426**	**255,176,529**	**260,709,753**	**272,967,720**	**12,257,968**	**4.7%**
	EXPENDITURES						
	DEPARTMENTAL EXPENDITURES						
	1 . Selectmen	685,876	684,191	688,622	697,169	8,547	1.2%
	2 . Human Resources	676,217	728,432	548,060	686,579	138,519	25.3%
	3 . Information Technology	1,783,823	1,843,320	1,908,580	1,896,399	(12,181)	-0.6%
	4 Diversity, Inclusion, and Community Relations	177,539	202,210	239,050	243,101	4,051	1.7%
	5 . Finance Department	2,869,580	2,985,840	3,216,609	3,262,446	45,837	1.4%
	a. Comptroller	*551,138*	*571,910*	*589,139*	*597,669*	*8,530*	*1.4%*
	b. Purchasing	*667,116*	*681,950*	*661,456*	*665,782*	*4,326*	*0.7%*
	c. Assessing	*664,015*	*685,044*	*689,132*	*690,060*	*928*	*0.1%*
	d. Treasurer	*987,311*	*1,046,936*	*1,276,882*	*1,308,935*	*32,053*	*2.5%*
	6 . Legal Services	889,316	989,752	967,934	972,934	5,000	0.5%
	7 . Advisory Committee	13,021	13,704	25,672	25,779	107	0.4%
	8 . Town Clerk	645,463	613,440	696,935	633,331 ~~[illegible]~~	(144,604)	-20.7%
	9 . Planning and Community Development	851,249	874,057	958,875	982,599	23,724	2.5%
	10 . Police	16,260,029	16,732,901	16,738,565	16,829,005	90,440	0.5%
	11 . Fire	12,960,394	12,961,446	14,607,589	14,980,571	372,982	2.6%
	12 . Building	7,029,407	7,321,190	7,600,286	7,699,954	99,668	1.3%
(1)	13 . Public Works	16,330,565	14,970,796	14,387,630	14,457,331	69,701	0.5%
	a. Administration	*874,470*	*908,138*	*890,192*	*891,296*	*1,104*	*0.1%*
	b. Engineering/Transportation	*1,165,797*	*1,255,638*	*1,260,195*	*1,216,151*	*(44,044)*	*-3.5%*
	c. Highway	*4,872,841*	*4,574,473*	*5,027,423*	*4,957,738*	*(69,685)*	*-1.4%*
	d. Sanitation	*2,858,581*	*3,340,207*	*3,020,670*	*3,080,034*	*59,364*	*2.0%*
	e. Parks and Open Space	*3,322,096*	*3,701,159*	*3,701,557*	*3,826,815*	*125,258*	*3.4%*
	f. Snow and Ice	*3,236,779*	*1,191,182*	*487,593*	*485,297*	*(2,296)*	*-0.5%*
	14 . Library	3,894,348	3,993,162	3,992,157	3,974,583	(17,574)	-0.4%
	15 . Health and Human Services	1,184,308	1,193,045	1,189,084	1,193,753	4,669	0.4%
	16 . Veterans' Services	361,218	326,172	335,631	335,531	(100)	0.0%
	17 . Council on Aging	855,130	883,926	912,543	917,628	5,085	0.6%
	18 . Recreation	1,010,362	1,124,759	1,011,042	1,000,208	(10,834)	-1.1%
(2)	19 . Personnel Services Reserve	715,000	715,000	715,000	715,000	0	0.0%
(2)	20 . Collective Bargaining - Town	2,321,220	1,596,442	783,529	1,500,000	716,471	91.4%
	Subtotal Town	*68,477,847*	*68,442,343*	*71,523,393*	~~*72,922,901*~~ 73,002,901	*1,399,508*	*2.0%*
	21 . Schools	*86,842,575*	*95,916,094*	*101,118,783*	*104,710,912*	*3,592,129*	*3.6%*
	22. . Vocational Euducation Assessments	*0*	*0*	*0*	*92,895*	*92,895*	-
	Subtotal Education	*86,842,575*	*95,916,094*	*101,118,783*	*104,803,807*	*3,685,024*	*3.6%*
	TOTAL DEPARTMENTAL EXPENDITURES	**155,320,422**	**164,358,438**	**172,642,176**	~~**177,726,708**~~ 177,806,708	**4,991,637**	
	NON-DEPARTMENTAL EXPENDITURES						

		FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
(1)	23 . Employee Benefits	50,474,515	54,064,860	56,848,194	60,454,518	**3,606,324**	**6.3%**
(3)	*a. Pensions*	*17,882,573*	*18,707,021*	*19,718,677*	*21,499,185*	***1,780,508***	***9.0%***
	b. Group Health	*25,110,830*	*27,484,720*	*29,042,055*	*30,173,026*	***1,130,971***	***3.9%***
	c. Health Reimbursement Account (HRA)	*49,478*	*70,000*	*0*	*0*	***0***	
(3)	*d. Retiree Group Health Trust Fund (OPEB's)*	*3,311,860*	*3,499,119*	*3,774,837*	*4,480,080*	***705,243***	***18.7%***
	e. Employee Assistance Program (EAP)	*24,900*	*28,000*	*28,000*	*28,000*	***0***	***0.0%***
	f. Group Life	*132,666*	*145,000*	*145,000*	*145,000*	***0***	***0.0%***
	g. Disability Insurance	*10,221*	*16,000*	*16,000*	*16,000*	***0***	***0.0%***
(3)	*h. Worker's Compensation*	*1,450,000*	*1,550,000*	*1,450,000*	*1,450,000*	***0***	***0.0%***
(3)	*i. Public Safety IOD Medical Expenses*	*300,575*	*250,000*	*250,000*	*200,000*	***(50,000)***	***-20.0%***
(3)	*j. Unemployment Compensation*	*325,000*	*300,000*	*300,000*	*200,000*	***(100,000)***	***-33.3%***
	k. Medical Disabilities	*18,565*	*40,000*	*40,000*	*40,000*	***0***	***0.0%***
	l. Medicare Coverage	*1,857,847*	*1,975,000*	*2,083,625*	*2,223,228*	***139,603***	***6.7%***
(2)	24 . Reserve Fund	1,718,000	2,200,198	2,348,736	~~2,540,011~~ 2,460,011	**191,275**	**8.1%**
	25 Stabilization Fund	0	0	0	0	**0**	
	26 Affordable Housing	170,390	163,078	158,539	576,803	**418,264**	**263.8%**
	27 . Liability/Catastrophe Fund	234,839	78,969	144,322	203,644	**59,322**	
	28 . General Insurance	332,137	382,645	394,148	405,972	**11,824**	**3.0%**
	29 . Audit/Professional Services	81,500	130,000	137,000	137,000	**0**	**0.0%**
	30 . Contingency Fund	10,528	15,000	15,000	15,000	**0**	**0.0%**
	31 . Out-of-State Travel	2,253	3,000	3,000	3,000	**0**	**0.0%**
	32 . Printing of Warrants & Reports	28,046	35,000	35,000	35,000	**0**	**0.0%**
	33 . MMA Dues	11,746	12,278	12,585	12,900	**315**	**2.5%**
	Subtotal General	*2,589,439*	*3,020,169*	*3,248,330*	~~3,929,329~~ 3,849,329	***680,999***	***21.0%***
(1)	34 . Borrowing	9,403,333	9,276,014	10,742,938	~~12,766,192~~	**2,023,254**	**18.8%**
	a. Funded Debt - Principal	*7,196,544*	*7,188,044*	*7,923,973*	*9,031,750*	***1,107,777***	***14.0%***
	b. Funded Debt - Interest	*2,193,256*	*2,082,502*	*2,658,965*	*3,574,442*	***915,477***	***34.4%***
	c. Bond Anticipation Notes	*0*	*0*	*100,000*	*100,000*	***0***	***0.0%***
	d. Abatement Interest and Refunds	*13,533*	*5,468*	*60,000*	*60,000*	***0***	***0.0%***
	TOTAL NON-DEPARTMENTAL EXPENDITURES	**62,467,287**	**66,361,043**	**70,839,462**	**77,150,040**	**6,310,578**	**8.9%**
	TOTAL GENERAL APPROPRIATIONS	**217,787,709**	**230,719,481**	**243,481,638**	**254,876,747**	**11,302,217**	**4.6%**
	SPECIAL APPROPRIATIONS						
	35 . Town Building Furniture (revenue financed)				50,000		
	36 . Town Building Rehab/Upgrade (revenue financed)				50,000		
	37 . Data Room Improvements (Re-appropriation)				120,000		
	38 . Technology Applications (revenue financed)				175,000		
	39 . Fire Apparatus Rehab (revenue financed)				50,000		
	40 . Engine #6 Replacement (revenue financed)				625,000		
	41 . Fire Station Renovations (revenue financed)				280,000		
	42 . PPE Washers and Dryers (revenue Financed)				71,000		
	43 . Coolidge Corner Library - Elev./Rear Windows /Carpet (revenue financed)				646,500		
	44 . Traffic Calming / Safety Improvements (revenue financed)				58,659		
	45 . Bicycle Access Improvements (re-appropriation $27,900, + revenue financed)				33,000		
	46 . Parking Meter Technology Upgrade (revenue financed from Parking Meter Fund)				161,040		
	47 Carlton St /Monmouth Traffic Signal (revenue financed)				333,663		
	48 . Street Rehabilitation (revenue financed)				1,670,000		
	49 . Sidewalk Repair/Reconstruction (revenue financed)				312,000		

			FY15 ACTUAL	FY16 ACTUAL	FY17 BUDGET	FY18 BUDGET	$$ CHANGE FROM FY17	% CHANGE FROM FY17
	50	Municipal Service Center Site Improvements (revenue financed)				240,000		
	51	Davis Path Footbridge Study (revenue financed)				40,000		
	52 .	Stormwater Improvements (revenue financed Water and Sewer fund)				300,000		
	53	Water System Improvements (Utility bond)				300,000		
	54	Murphy Playground (revenue financed)				70,000		
	55 .	Playground Equipment, Fields, Fencing (revenue financed)				305,000		
	56 .	Town/School Grounds Rehab (revenue financed)				150,000		
	57 .	Tree Removal and Replacement (revenue financed)				230,000		
	58 .	School Furniture Upgrades (revenue financed)				90,000		
	59 .	Town/School ADA Renovations (revenue financed)				75,000		
	60 .	Town/School Elevator Renovations (revenue financed)				475,000		
	61 .	Town/School Energy Conservation Projects (revenue financed)				75,000		
	62 .	Town/School Energy Management Systems (revenue financed)				125,000		
	63 .	Town/School Building Security / Life Safety (revenue financed)				215,000		
	64 .	School Building Rehab/Upgrade (revenue financed)				100,000		
	65 .	Driscoll School Rehabilitation (re-appropriation $282,724 + revenue financed)				400,000		
	66 .	Classroom Capacity (revenue financed)				2,495,000		
	67 .	Brookline Reservoir Park - Construction (bond)				2,200,000		
(4)	68 .	High School Schematic Design (bond)				1,850,000		
(5)		**TOTAL REVENUE-FINANCED SPECIAL APPROPRIATIONS**	**9,415,000**	**10,113,000**	**8,879,374**	**9,720,862**	**841,488**	**9.5%**
		TOTAL APPROPRIATED EXPENDITURES	**227,202,709**	**240,832,481**	**252,361,012**	**264,597,609**	**12,236,597**	**4.8%**
		NON-APPROPRIATED EXPENDITURES						
		Cherry Sheet Offsets	126,443	91,451	89,197	86,983		
		State & County Charges	6,201,536	6,319,715	6,393,642	6,508,126		
		Overlay	2,080,721	1,965,726	1,840,902	1,750,000		
		Deficits-Judgments-Tax Titles	25,000	25,000	25,000	25,000		
		TOTAL NON-APPROPRIATED EXPEND.	**8,433,700**	**8,401,892**	**8,348,741**	**8,370,109**	**21,368**	**0.3%**
		TOTAL EXPENDITURES	**235,636,409**	**249,234,373**	**260,709,753**	**272,967,718**	**12,257,965**	**4.7%**
		SURPLUS/(DEFICIT)	**4,213,017**	**5,942,156**	**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) Article 1 of the Second Special Town Meeting
(5) 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 #34).

FY18 BUDGET - TABLE 2 May, 2017

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)	666,784	6,580	4,000	17,600		2,205			697,169
Human Resources Department (Human Resources Director)	309,230	325,709	19,000	31,000		1,640			686,579
Information Technology Department (Chief Information Officer)	1,131,127	469,272	10,350	17,550		268,100			1,896,399
Diversity, Inclusion, and Community Relations (Director)	213,076	20,000	9,000	150		875			243,100
Finance Department (Director of Finance)	2,215,168	967,836	48,760	22,057	1,375	7,250			3,262,446
Legal Services (Town Counsel)	625,425	230,309	3,500	112,000		1,700			972,934
Advisory Committee (Chair, Advisory Committee)	22,639		2,275	570		295			25,779
Town Clerk (Town Clerk)	524,379	89,672	14,550	2,450		1,280			632,331
Planning and Community Department (Plan. & Com. Dev. Dir.)	946,264	18,633	9,712	4,550		3,440			982,599
Police Department (Police Chief)	15,246,124	574,743	219,900	74,000	281,611	432,627			16,829,005
Fire Department (Fire Chief)	14,299,208	166,240	167,488	31,350	193,809	122,476			14,980,571
Public Buildings Department (Building Commissioner)	2,444,025	2,361,802	29,750	10,400	2,731,607	122,370			7,699,954
Public Works Department (Commissioner of Public Works)	8,019,901	3,336,525	960,750	53,500	1,073,453	993,202	20,000		14,457,331
Public Library Department (Library Board of Trustees)	2,876,169	186,559	594,250	4,700	286,905	26,000			3,974,583
Health & Human Services Department (Health & Human Svcs Dir)	926,337	205,490	15,100	4,120	38,686	4,020			1,193,753
Veterans' Services (Veterans' Services Director)	168,448	1,988	650	163,935		510			335,531
Council on Aging (Council on Aging Director)	774,288	43,583	19,763	2,900	71,394	5,700			917,628
Recreation Department (Recreation Director)	734,358	23,037	86,480	12,400	139,913	4,020			1,000,208
School Department (School Committee)									104,710,912
Total Departmental Budgets	**52,142,950**	**9,027,978**	**2,215,278**	**565,232**	**4,818,753**	**1,997,710**	**20,000**		**175,498,812**
DEBT SERVICE									
Debt Service (Director of Finance)								12,766,192	12,766,192
Total Debt Service								**12,766,192**	**12,766,192**
EMPLOYEE BENEFITS									
Contributory Pensions Contribution (Director of Finance)	21,434,185								21,434,185
Non-Contributory Pensions Contribution (Director of Finance)	65,000								65,000
Group Health Insurance (Human Resources Director)	30,173,026								30,173,026
Retiree Group Health Insurance - OPEB's (Director of Finance)	4,480,080								4,480,080
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)	200,000								200,000
Unemployment Insurance (Human Resources Director)	200,000								200,000
Ch. 41, Sec. 100B Medical Benefits (Town Counsel)	40,000								40,000
Medicare Payroll Tax (Director of Finance)	2,223,228								2,223,228
Total Employee Benefits	**60,454,518**								**60,454,518**
GENERAL / UNCLASSIFIED									
Vocational Euducation Assessments									92,895
Reserve Fund (*) (Chair, Advisory Committee)				2,460,011					2,460,011
Liability/Catastrophe Fund (Director of Finance)				203,644					203,644
Housing Trust Fund (Planning & Community Develpoment Dir.)				576,803					576,803
General Insurance (Town Administrator)		405,972							405,972
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)				12,900					12,900
Town Salary Reserve (*) (Director of Finance)	1,500,000								1,500,000
Personnel Services Reserve (*) (Director of Finance)	715,000								715,000
Total General / Unclassified	**2,230,000**	**555,972**	**10,000**	**3,268,358**					**6,157,225**
TOTAL GENERAL APPROPRIATIONS	**114,827,468**	**9,583,950**	**2,225,278**	**3,833,590**	**4,818,753**	**1,997,710**	**20,000**	**12,766,192**	**154,876,747**

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

Passed, as amended and separately voted, by a unanimous vote

THE PUBLIC SCHOOLS OF BROOKLINE
MAY 1, 2017

	K	1	2	3	4	5	6	7	8	PS	PK	PM	Total*	15-16	14-15	13-14
Baker	20 22 20 21	19 19 20 19	21 21 22 21 21	19 18 18 18	21 21 21 21 20	19 20 20 21	19 19 18 19	19 16 18 19 20	20 20 22 19				**771**	**791**	**823**	**751**
Devotion	18 18 18 18 18	21 20 19 19 20	18 19 19 19 19	18 20 20 19 20	18 20 18 17 20	19 19 17 19 19	20 18 18 20	18 20 18 15	18 18 18 18				**785**	**860**	**818**	**844**
Driscoll	21 20 21	21 21 20	26 25 26	22 21 20	24 24 23	24 24 23	19 24 25	21 21 22	20 23 20		13		**601**	**594**	**573**	**551**
Heath	15 16 16	22 22 22	24 25 25	22 22 23	24 23 24	18 18 18	22 20 22	17 19 16	19 19 19		17 16		**552**	**555**	**536**	**524**
Lawrence	20 19 20 18	21 23 22 22	22 21 22 21	21 18 19 20	21 22 22 24	20 21 21 20	20 20 22	17 18 21 22	22 20 19				**701**	**683**	**671**	**659**
Lincoln	22 23 23	22 20 21	23 24 24	22 21 20	21 21 21 22	22 22 21	17 18 18	20 21 20	19 21 19				**588**	**579**	**574**	**566**
Pierce	19 20 20 19 20	23 23 23 23 23	21 23 23 23 23	23 24 21 24 23	20 24 22 22	19 20 19 19	21 21 23 21	21 21 22 21	21 19 20 21				**858**	**821**	**820**	**784**
Runkle	20 21 20	22 21 21	24 23 23	25 26 26	23 23 23	21 22 22	24 21 21	24 21 26	19 21 21		15		**604**	**588**	**562**	**559**
Elem Total	**586**	**634**	**691**	**633**	**670**	**587**	**550**	**574**	**535**	**0**	**61**	**0**	**5460**	**5471**	**5377**	**5238**

Early Childhood Sites							PS	PK	PM
BEACON-PK	16	16	13	15				60	
BEACON-PS	**13**						**13**		
BHS-PK	17							17	
LYNCH-PK/RISE/	17	17	15	8				57	10
LYNCH-PS	**12**						**12**		
PUTTERHAM-PK/I	14	15	14	14	9			66	
PUTTERHAM-PS	**10**						**10**		
Total Early Childhood Sites							**35**	**200**	**10**

Total Early Childhood Programs

Elem. Schools	**61**
EC Sites	**245**

PK/PS TOTALS = 306

PK = Pre-Kindergarten
PS = Pre-school
PM = Afternoon

ELEM/HS
7444

Out of District Students **66**

HIGH SCHOOL	*13-14*	*14-15*	*15-16*	**16-17**
Grade 9	*467*	*493*	*502*	**502**
Grade 10	*445*	*481*	*511*	**499**
Grade 11	*477*	*433*	*482*	**490**
Grade 12	*401*	*476*	*443*	**477**
PG	*13*	*8*	*13*	**16**
HS Totals	***1803***	***1891***	***1951***	**1984**

TOTAL STUDENTS
7816

(Upper Devotion: 312 Lower Devotion: 473)

Current Thinking

PUBLIC SCHOOLS of BROOKLINE

- 106 total parking spaces
- 75-80 reserved for staff
- 25-31 spaces reserved for:
  - K-2 live parking to drop off students at school building
  - Soule users during the school day
  - Event parking during the school day
- Additional 10-15 spaces available in drop off lane during school day for:
  - Soule users
  - Event parking during the school day

Event Parking

PUBLIC SCHOOLS of BROOKLINE

- Event Parking during school day
  - Typically single class events or grade level events
  - 35-45 designated day use and drop off lane spaces available
- Event Parking during evenings
  - Full school events – 10-15 events per year (e.g. middle school plays, back to school events, etc)
  - Total of 80+ parking spots available (fewer staff present at these events plus 35-45 day use and drop-off lane spaces)
- Soule Events on weekends and nights
  - New joint parking area allows for 120+ parking spaces
  - 106 spaces plus parking in curb-side drop off lanes

Staff Parking

PUBLIC SCHOOLS of BROOKLINE

- 115 total staff
  - Parking for 75-80 in parking lot
  - Require town and schools to identify up to 30 additional parking spots for school employees during school day

ARTICLE 10

MOTION OFFERED BY STANLEY SPIEGEL, TMM2

VOTED: To refer the subject matter of Article 10 to the Board of Selectmen with a request that they explore the costs and other practicalities of publishing Town Meeting warrants in the TAB in a more legible manner than as currently published in the legal services section, such as in an insert similar to the League of Women Voters Voter's Guide, and ask that they report their findings and, if relevant, prepare an appropriate warrant article for consideration at the next Town Meeting.

Passed by an Electronic Recorded Vote of 123 In Favor and 36 Opposed with 3 abstentions

PETITIONER EXPLANATION

The cost of the most recent 24 page Voter's Guide, published in a legible font as a TAB insert, was only $1650, which is less than the Town has commonly been paying for printing the warrant in the TAB's legal services section.

If the Town could obtain a similar publication rate, and if the necessary formatting and layout of the warrant could be accomplished without requiring excessive staff time, publication of the warrant as a TAB insert could be an effective and affordable way of bringing to residents an increased awareness of and involvement in Town government.

This option, and possibly others, should be thoroughly explored by the Board of Selectmen before we alter our by-laws.

ARTICLE 10

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

The Board of Selectmen reconsidered Article 10 at their May 9, 2017 meeting in order to consider the Advisory Committee motion. The Board struck the word prominently from the Advisory Committee motion because they felt that it was too vague and was open to a variety of interpretations. This Board understands the desire for transparency and accessibility of information related to the warrant and index, and feels that they will be able to accomplish that goal under their current motion.

A unanimous Board of Selectmen voted FAVORABLE ACTION on the following motion:

VOTED: That the Town amend Article 2.1, Section 2.1.5 (B) of the Town's General By-Laws as follows:

(Note: Language to be deleted from Section 2.1.5 appearing in ~~strikethrough~~, and new language appearing in **bold**);

Article 2.1, Section 2.1.5

(B) Distribution. The Board of Selectmen shall cause a copy of the articles in the warrant for each Town Meeting to be ~~published in a newspaper of general circulation within the Town,~~ posted on the Town website, and to be delivered in hand, or mailed, either separately or as a part of the Combined Reports, to the Moderator and to the representative Town Meeting members, and shall cause the posting of copies of the same in ten public places in the Town, **and shall further cause a copy of the index of such articles and the means by which the full warrant and explanations may be accessed electronically to be published in a newspaper of general circulation within the Town,** at least seven (7) days before a Special Town Meeting is to convene and at least fifteen (15) days before an Annual Town Meeting is to convene. The requirements provided in this subsection (B) shall not be deemed to be a part of the legal notification of such meeting or the legal service of such warrant and the failure to comply with the provisions of this subsection (B) shall not serve to invalidate the proceedings of any Town Meeting.

ARTICLE 10

TENTH ARTICLE
Submitted by: Board of Selectmen

To see if the Town will vote to amend Article 2.1, Section 2.1.5 (B) of the Town's General By-Laws as follows:
(**bold language** is new; ~~strike-out language~~ is deletion)

SECTION 2.1.5 NOTICE OF MEETINGS

(B) Distribution. The Board of Selectmen shall cause a copy of the articles in the warrant for each Town Meeting to be ~~published in a newspaper of general circulation within the Town,~~ posted on the Town website, and to be delivered in hand, or mailed, either separately or as a part of the Combined Reports, to the Moderator and to the representative Town Meeting members, and shall cause the posting of copies of the same in ten public places in the Town, **and shall further cause a copy of the index of such articles to be published in a newspaper of general circulation within the Town**, at least seven (7) days before a Special Town Meeting is to convene and at least fifteen (15) days before an Annual Town Meeting is to convene. The requirements provided in this subsection (B) shall not be deemed to be a part of the legal notification of such meeting or the legal service of such warrant and the failure to comply with the provisions of this subsection (B) shall not serve to invalidate the proceedings of any Town Meeting.

Or take any other action relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

M.G.L. c. 39, s. 10 requires that notice of the warrant for every town meeting be given by the Selectmen at least seven days before the annual meeting or an annual or special election and at least fourteen days before any special town meeting. The law also requires that the warrant "shall be directed to the constables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if there are no by-laws, by a vote of the town, or in a manner approved by the attorney general." The warrant for the most recent Special Town Meeting was 135 pages long, covering seven pages of newsprint, and cost over $6,000 to publish in the local paper. This article attempts to reduce the costs for publishing the warrant by publishing the index for Town Meeting in the newspaper instead, which will direct the reader to where the articles may be found. This article also attempts to significantly reduce the staff hours required to proof-read multiple drafts of the warrant as provided by the newspaper staff prior to the publication date. Consistent with Section 2.1.5, the warrant will continue

to be published on the website, distributed in ten public places, made available in the Selectmen's Office and mailed to Town Meeting Members.

SELECTMEN'S RECOMMENDATION

Article 10 is a by-law amendment that changes one aspect of the distribution of the warrant. Instead of publishing its entirety in the newspaper the index of the warrant, which lists the articles on the warrant and a short description will be published instead. The Selectmen acknowledge that the warrant as published in the paper is difficult to read, and may not communicate the intent of an article effectively. In some cases, the index provides more information to the reader about what is actually being proposed. The warrant for the November, 2016 Town Meeting was extremely large and exceeded $6,000 to publish in the Tab. It was seven pages long and utilized extremely small font. Publishing the index will also alleviate staff time used to create and proofread drafts of the warrant as provided by the newspaper. The warrant will still be distributed in all other required and non-required methods. The Town uses a constable to post the warrant in ten public places as required by Town by-law, posts the warrant on the website (utilizing the TMM, Board of Selectmen and What's New listservs to announce its availability), mails the warrant to all Town Meeting members, and makes copies available at Town Hall.

Therefore, on March 28, 2017 the Board of Selectmen unanimously voted FAVORABLE ACTION on the following motion:

VOTED: To amend Article 2.1, Section 2.1.5 (B) of the Town's General By-Laws as follows:
(**bold language** is new; ~~strike-out language~~ is deletion)

SECTION 2.1.5 NOTICE OF MEETINGS

(B) Distribution. The Board of Selectmen shall cause a copy of the articles in the warrant for each Town Meeting to be ~~published in a newspaper of general circulation within the Town,~~ posted on the Town website, and to be delivered in hand, or mailed, either separately or as a part of the Combined Reports, to the Moderator and to the representative Town Meeting members, and shall cause the posting of copies of the same in ten public places in the Town, **and shall further cause a copy of the index of such articles to be published in a newspaper of general circulation within the Town**, at least seven (7) days before a Special Town Meeting is to convene and at least fifteen (15) days before an Annual Town Meeting is to convene. The requirements provided in this subsection (B) shall not be deemed to be a part of the legal notification of such meeting or the legal service of such warrant and the failure to comply with the provisions of this subsection (B) shall not serve to invalidate the proceedings of any Town Meeting.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:

Warrant Article 10 would amend Article 2.1, Section 2.1.5 (B) of the Town's General By-Laws pertaining to the distribution of Articles in the Warrant for Town Meeting. The Article as submitted by the Board of Selectmen would allow the Town to publish only the index to the Warrant in lieu of the entire Warrant. The Advisory Committee voted to amend the language of the Warrant Article to require that the means by which the the full Warrant and explanations of such Articles may be electronically accessed be published along with the index. The new language in the Advisory Committee's motion would further require that the index be published in a more prominent location within the newspaper, rather than among the legal notices at the end. By a vote of 18 in favor, 5 opposed and 2 abstentions, the Advisory Committee recommends Favorable Action on Warrant Article 10, as amended.

BACKGROUND:

Article 2.1, Section 2.1.5 of the Town's General By-Laws deals with how Town Meetings are posted throughout Brookline. Each Warrant is published in the *Brookline Tab*. That is a local requirement, not a state statutory requirement. In addition to being published in the *Tab*, where it is put in the legal section near the end of the paper, the Warrant is printed online, and constables are required by local statute to post it in 10 places, although it is traditionally posted in all 16 precincts. (See the table below) Under Article 2.1, Section 2.1.5 (A) of the Town's By-Laws, the only specific place that the Town is legally required to physically post the Warrant is outside the Town Clerk's office, on the Town's "principal bulletin board."

The impetus for submitting Warrant Article 10 was a large bill ($6,396) for printing the Warrant for the Fall 2016 Special Town Meeting, which ran 7 pages long in the *Tab*. The Warrant itself, which included many zoning by-law amendments, was 135 pages long. The Selectmen's office would like to publish only the index to the Warrant Articles instead of the full text. The Warrant is submitted to the Brookline *Tab* as a Word document, and it is up to the Town staff to proofread each draft in its entirety, taking up significant staff hours. The petitioners claim that publishing only the index would be less expensive to the Town, and be less burdensome to the staff. The cost of publishing each warrant from FY2010–2017 is printed below. Note that last fall's Special Town Meeting was an "outlier" event.

YEARLY COST OF PRINTING THE WARRANT IN THE TAB

FY	Annual TM	Special TM	TOTAL
2010	$1,378	$1,053	$2,431
2011	$1,321	$1,158	$2,479
2012	$2,217	$1,540	$3,757
2013	$1,506	$1,421	$2,927
2014	$2,504	$1,912	$4,416
2015	$2,176	$2,013	$4,190
2016	$1,585	$739	$2,324
2017	*	$6,396	$6,396

*bill has not been processed/received (Source: Deputy Town Administrator Melissa Goff)

DISCUSSION:
Although the explanation provided by the Board of Selectmen centered on cost and time, the Advisory Committee focused on the larger issue of outreach to citizens regarding issues that could affect them. The argument from the petitioners for publishing only the index, is that it still describes what each Article is about and what it is trying to do. Publishing only the index also would take up less space, enabling the index to be published in a larger, more easily readable font, while still saving the Town money. The counter argument is that in the interests of transparency, it is worth publishing the Warrant in its entirety even if just one person sees it. The question of whether an index can capture the Article and its intent was debated. Discussion focused on how to do a better job of bringing attention to the subject matter of the Warrant to the people of the Town. Debate centered on how much outreach the Town (and Town Meeting members) should do to reach out to constituents, and how much is the responsibility of the citizen to be well-informed. Most people get their information through the Internet today. More visibility of the Town's website and the information available on it, while outside the scope of the Article, was seen as a goal to be further explored.

If the Town is going to rely on the Internet for distribution of information, it is important to consider how many people are currently signed up for Town notices sent via email. Deputy Town Administrator Melissa Goff provided the following information regarding listservs that are used for distribution of the warrant (2,099 total subscribers):

TMM	373 subscribers
Selectmen	362 subscribers
What's New Blog	1,364 subscribers

Alternative suggestions included: placing the index as an ad in the front of the newspaper, in larger font (¼ of a page is approx. $800); placing a short explanation of each Article along with the index; adding the information necessary to access the full Article and explanations submitted by each petitioner on the Town website. Ms. Goff

indicated that the Selectmen's Office wanted some flexibility to see what works best. Their intent is to make the index more legible and easier to find in the newspaper. The Advisory Committee agrees that readability and accessibility are the highest priority.

RECOMMENDATION:
By a vote of 18 in favor, 5 opposed and 2 abstentions, the Advisory Committee recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town amend Article 2.1, Section 2.1.5 (B) of the Town's General By-Laws as follows:

(Note: Language to be deleted from Section 2.1.5 appearing in ~~strikethrough~~, and new language appearing in **bold**); Advisory Committee's additions to the Warrant Article as filed appearing in ***underlined bold italics***)
Article 2.1, Section 2.1.5

(B) Distribution. The Board of Selectmen shall cause a copy of the articles in the warrant for each Town Meeting to be ~~published in a newspaper of general circulation within the Town,~~ posted on the Town website, and to be delivered in hand, or mailed, either separately or as a part of the Combined Reports, to the Moderator and to the representative Town Meeting members, and shall cause the posting of copies of the same in ten public places in the Town, **and shall further cause a copy of the index of such articles *and the means by which the full warrant and explanations may be accessed electronically* to be published *prominently* in a newspaper of general circulation within the Town,** at least seven (7) days before a Special Town Meeting is to convene and at least fifteen (15) days before an Annual Town Meeting is to convene. The requirements provided in this subsection (B) shall not be deemed to be a part of the legal notification of such meeting or the legal service of such warrant and the failure to comply with the provisions of this subsection (B) shall not serve to invalidate the proceedings of any Town Meeting.

XXX

ARTICLE 11

ELEVENTH ARTICLE
Submitted by: Neil Gordon, TMM1

To see if the Town will vote to delete Section 3.1.7 of the Town's General by-laws - Campaigns for Office, and create a new Section 4.9 of the Town's By-laws, amended as follows:

(language to be deleted from Section 3.1.7 appearing in ~~strikethrough~~, and new language appearing in **bold underline**):

~~SECTION 3.1.7~~ **ARTICLE 4.9** **ELECTION** CAMPAIGNS ~~FOR OFFICE~~

(A) Definitions

(1) As used herein, the term "person" shall refer to any natural person, firm, corporation, partnership, union, association, organization, political committee or campaign, governmental entity, trust, educational institution, financial institution, or any other entity, however constituted.

(2) As used herein, the term "Chapter 55" shall refer to Chapter 55 of the Massachusetts General Laws and those regulations promulgated pursuant thereto, as the same may be amended from time to time.

(3) As used herein, the terms **"ballot question committee,"** "candidate," "candidate's committee," "contribution," and "expenditure" shall have the same meanings ascribed to said terms in Chapter 55, unless the context in which such term is used indicates otherwise.

(4) As used herein, the term "State Campaign Finance Report" shall refer to a report required to be filed by a **ballot question committee,** candidate or candidate's committee under Chapter 55.

(5) Should any ambiguity arise regarding any term not expressly defined herein, that term shall be construed consistently with the manner in which it is used in Chapter 55, unless the context in which it is used herein indicates otherwise.

(B) Campaign Finance Reports

On or before the fifteenth day preceding the Annual Town Election **and in the case of a ballot question committee any Town election for which an applicable ballot question appears on the ballot**, ~~and at the time of filing of any State Campaign Finance Report~~, each **ballot question committee and each** candidate for the office of Selectman**, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk and Constable** shall file with the Town Clerk a Town Campaign Finance Report on a form prescribed by and made available to candidates by the Town Clerk. The reporting periods for the Town Campaign Finance Report shall be**gin (i) in the case of ballot question committees and candidates that have not previously filed a Massachusetts Campaign Finance Report as of the date of their first receipt, expenditure or "in-kind" contribution and end 25 days preceding the Annual Town Election and in the case of a ballot question committee any election for which an applicable ballot question appears on the ballot.** ~~as indicated in the following table.~~ [TABLE DELETED]

The Town Campaign Finance Report shall be substantially in the same format and require the same information as that required by **(i) Schedule A – Receipts, (ii) Schedule B – Expenditures, (iii) Schedule C – "In-kind" Contributions, and (iv) Schedule D – Liabilities of** the State Campaign Finance Report. ~~It shall also require the following information:~~

~~(1) the full name, listed alphabetically, of each person whose contribution or aggregate contributions within the reporting period equal an amount or value greater than $50 but less than $200, together with the aggregate amount of each such person's contributions and the occupation and the name of the employer or employers of each such person; provided, however, that no candidate shall be required to include such occupation and employer if said candidate or a candidate's committee organized on his or her behalf has been unable to obtain such information after requesting it when soliciting a contribution.~~

~~(2)the total number of contributors of $50 or less.~~

(C) Publication of Campaign Finance Reports

Each campaign finance report filed with the Town Clerk pursuant to Chapter 55 and this By-Law shall be posted by the Town Clerk on the Town website within two business days of its filing. Any failure to file such a report on a timely basis shall likewise be posted by the Town Clerk on the Town website within one business day of the date by which it should have been filed.

(D) Provision of Information to Candidates by Town Clerk

The Town Clerk shall provide each **ballot question committee and each** candidate for the office of Selectman**, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk and Constable** with a copy or written summary of the requirements and restrictions pertaining to **such** campaigns ~~for the office of Selectman~~ prescribed by Chapter 55 and this By-Law. Said copy or written summary shall state that the requirements, restrictions, and other provisions of this By-Law are additional to those of Chapter 55. It shall be provided by the Town Clerk to incumbents and known

challengers within thirty days of the effective date of this Article and, thereafter, within fourteen days of the filing of a statement of organization by a **ballot question committee or a** candidate's committee organized on behalf of new candidates pursuant to Chapter 55.

(E) Interpretation

(1) The requirements, restrictions, and other provisions set forth in this By-Law are intended to be in addition to all requirements, restrictions, and other provisions set forth in Chapter 55 and other applicable provisions of the constitutions, laws, and regulations of the United States and of the Commonwealth.

(2) The provisions of this By-Law are intended to be interpreted in such a way as to make them conformable to the constitutions and laws of the United States and of the Commonwealth and enforceable to the maximum extent permitted by law.

(F) Severability

Each provision of this By-Law shall be construed as separate to the extent that if any section, sentence, clause, or phrase is held to be invalid for any reason, the remainder of the By-Law shall continue in full force and effect.

(**G**~~E~~) Committee on Campaigns

(1) There shall be a Committee on Campaigns consisting of **not less than five nor more than** seven members: the Town Clerk or his designee; an appointee of the Board of Selectmen who may be a member of the Board; and **not less than three nor more than** five Brookline residents appointed by the Moderator for three-year staggered terms. No holder of or candidate for the office of Selectman**, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk or Constable** shall be eligible for appointment by the Moderator to the committee. Should any individual vacate his office as committee member, the applicable appointing authority shall appoint another individual to fill his or her unexpired term.

(2) The responsibilities of said committee shall include the following:

(a) analyzing information provided on campaign finance reports filed by candidates for Town office pursuant to Chapter 55 and this By-Law;

(b) publicly reporting such information and the results of such analysis;

(c) considering and recommending to Town Meeting measures that may be taken by the Town to improve upon this ByLaw and ensure its effective implementation, and to establish a system of electronic reporting and accessible electronic posting of campaign finance information;

(d) considering additional measures that may be taken by the Town to improve the process by which Town officials are elected; (e) examining the feasibility and potential parameters of a system of public financing with respect to campaigns for Town office.

(3) Additional activities that may be undertaken by the Committee include, but are not limited to, the following: receiving public comment and conducting public forums concerning the process by which Town officials are elected; providing vehicles for publicizing, and working with local media to publicize, information concerning elections and candidates for Town office; and examining the relationship between campaign finance and appointments to Town boards and commissions.

Or take any other action relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

Rationale for expanding the Bylaw's scope:

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

Competitive elections extend well beyond Selectman races. Several years ago, we experienced heated campaigns over an operating override, with significant funds raised by each side. We have seen competitive races for School Committee, Library Trustee,

and more. We should require additional disclosure for all town-wide races, ballot questions included, and especially in the case of potentially competitive races.

Rationale for reducing the level of detail:

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

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

Complicating campaign finance reporting makes it more difficult to find a campaign finance committee treasurer, in effect, making it more difficult to run for office. Potentially, this might discourage some who might otherwise run for office. There is also an added burden on the Town Clerk's office, in monitoring compliance and processing essentially parallel campaign reports. Each of these would otherwise be compounded by the extension of the Bylaw beyond Selectman candidates.

SELECTMEN'S RECOMMENDATION

Article 11 is a by-law amendment concerning Campaigns for Office. The proposed by-law changes would expand campaign finance reporting and it would revise the timeline of the submission of information. The article would delete Section 3.1.7 of the Town's General by-laws, Campaigns for Office, and would create a new Section 4.9 of the Town's General by-laws, Election Campaigns.

The expanded campaign finance reporting would grow from the Selectmen, to all town-wide offices: Selectmen, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk, and Constable; and it would include all ballot question campaigns. There would be a reduction in the detail level of the information provided by candidates, but this would be in an effort to bring the Town's requirements in line with the State's. The timelines for submission of materials would become standardized to 15 days in advance of an election. The Selectmen endorse the synchronization of the information required of candidates and timelines.

The Selectmen entertained a brief discussion concerning the level of detail needed for contributions between $50 and $200, specifically the employer and occupation

information. The petitioner felt that this information was redundant when names and addresses are required.

Selectmen voted 5-0 Favorable Action on Article 11 as recommended by the Advisory Committee.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
Article 11 would amend the campaign finance reporting requirements for Brookline political campaigns. In brief, the amendments extend Brookline's campaign finance reporting requirements from just candidates for Selectman to all seven town-wide offices—Selectman, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk, and Constable—and to ballot question campaigns. The amendments also reduce the detail required by those reports to the level required by the Commonwealth of Massachusetts, to synchronize State and Town reporting requirements. The Advisory Committee recommends Favorable Action on Article 11, as amended, by a vote of 21 in favor and 0 opposed, with 3 abstentions.

BACKGROUND:
Chapter 55, Section 18 of Massachusetts General Laws requires that candidates and political campaign committees file campaign finance reports as defined in the law. Reports, which are available to the public, disclose the total amount of contributions, expenses, cash assets, and liabilities as of specific dates. The purpose of the law is to ensure that the public is aware of who is financing political campaigns and how campaign funds are spent. The law states that:

- The occupations and employers of people who contribute $200 or more must be requested and be listed if they are provided;
- The addresses of people who contribute more than $50 be listed;
- Contributions of $50 or less can be aggregated and listed as a single total.

The State requires candidates and campaign committees to file reports eight days before an election, 30 days after, and at the end of the year. Candidates in Brookline file their reports with the Town Clerk.

Brookline requires an additional report 15 days before an election, but only for candidates for selectman. Brookline also extends the $200 threshold for listing the occupations and employers of people down to contributions over $50. If the contributor does not provide them, campaign committees are required to make two written requests for that information. Brookline also requires that the total number of people who contribute $50 or less be provided.

DISCUSSION:
Requiring a report 15 days before an election gives opposing campaigns an extra week during which they can adjust their strategies in response to the amount of money an opponent's campaign has raised, spent or has on hand. Reports also list the major supporters and vendors of a campaign, information that both opponents and the public may want to know sooner rather than later.

Article 11 expands Brookline's reporting requirements from just Selectmen to all seven Town-wide offices, and to ballot question campaign committees. Those campaigns are already required to file all reports that are required by the State. The rationale for expanding the 15-day-in-advance requirement is that there are often competitive races for Town-wide offices other than Selectman, and there are contests over ballot questions.

For example, the recent May Town 2017 election had competitive races for Selectman, School Committee, and Library Trustee. The May 2015 election had competitive races for Selectman and School Committee, and an override on the ballot that was the subject of active pro and con campaign committees. These campaigns raised and spent substantial sums.

Article 11 proposes to eliminate two requirements imposed by Brookline that are not required by the State. The occupations and employers of people who contribute more than $50 but less than $200 would no longer have to be requested or listed, and the total number of people who contribute $50 or less would no longer have to be reported. These amounts echo State reporting requirements that were originally enacted in 1973.

The rationale for imposing the requirement to report the occupations and employers of people who contribute substantial amounts to a campaign is that the public should know whether, for example, significant support comes from property developers, or restaurant owners, or operators of day care facilities. The petitioner contends that contributions of less than $200 are unlikely to buy much influence, and that reporting the number of people who contribute $50 or less may satisfy curiousity but is otherwise meaningless. (By a vote of 2 in favor, 18 opposed and 4 abstentions, the Advisory Committee rejected an amendment to restore the requirement to request employer and occupation information for contributions of $50 or less.) Eliminating those two requirements will make it easier for campaign committee treasurers to comply with the overlapping State and Town requirements.

That rationale is important if the Brookline requirements are extended to all seven Town-wide offices and to ballot question campaigns. Candidates for selectman, in particular, find it difficult to recruit campaign committee treasurers, and that difficulty is compounded by the overlapping reporting requirements the treasurers must comply with.

If the two requirements for detail that are imposed by Brookline are removed, Brookline's requirements will match the State's, except that Brookline campaigns will need to file one additional report, 15 days in advance of an election. The petitioner, who

has substantial experience as a campaign treasurer, believes that extending the campaign finance reporting bylaw to all Town wide candidates and committees is of value to the public. That would be important whenever there is a contested race for a town-wide office, or a contentious ballot question. He hopes that synchronizing the reporting detail required by the Town with the detail required by the State will make it be easier for campaign to find treasurers.

Article 11 Changes

	State requirements for filing with Town Clerk	Brookline requirements for filing with Town Clerk	
		Today	If Article 11 is approved
Offices included	Town-wide	Candidates for Selectmen	***Candidates for [all] seven town-wide offices; ballot question campaign committees***
Filing requirements	• 8 days before an election • 30 days after an election • At year-end	• 15 days before an election; cutoff date 25 days before an election • 30 days after an election • At year-end	
Contributions of $50.00 or less	Aggregated into a total amount	Aggregated into a total amount	
		Number of contributors must be reported	***No longer required; will match State requirement***
Contributions over $50 but less than $200	Names & addresses of contributors reported	Names & addresses of contributors reported	
		Employer & ocupations must be requested in writing and reported if provided	***No longer required; will match State requirement***
Contributions of $200 or more	Name & address of contributors must be reported; occupation & employer must be requested in writing & reported if provided		

RECOMMENDATION:
By a vote of 21 to 0 with 3 abstentions, the Advisory Committee recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town delete Section 3.1.7 of the Town's General by-laws—Campaigns for Office, and create a new Section 4.9 of the Town's By-laws, amended as follows:

(Note: Language to be deleted from Section 3.1.7 appearing in ~~strikethrough~~, and new language appearing in **bold underline**); deletions from the Warrant Article as filed appearing in ~~**bold double strikethrough**~~, and new language appearing in ***underlined bold italics***)

~~SECTION 3.1.7~~ **ARTICLE 4.9** **ELECTION** CAMPAIGNS ~~FOR OFFICE~~

(A) Definitions

(1) As used herein, the term "person" shall refer to any natural person, firm, corporation, partnership, union, association, organization, political committee or campaign, governmental entity, trust, educational institution, financial institution, or any other entity, however constituted.

(2) As used herein, the term "Chapter 55" shall refer to Chapter 55 of the Massachusetts General Laws and those regulations promulgated pursuant thereto, as the same may be amended from time to time.

(3) As used herein, the terms **"ballot question committee,"** "candidate," "candidate's committee," "contribution," and "expenditure" shall have the same meanings ascribed to said terms in Chapter 55, unless the context in which such term is used indicates otherwise.

(4) As used herein, the term "State Campaign Finance Report" shall refer to a report required to be filed by a **ballot question committee,** candidate or candidate's committee under Chapter 55.

(5) Should any ambiguity arise regarding any term not expressly defined herein, that term shall be construed consistently with the manner in which it is used in Chapter 55, unless the context in which it is used herein indicates otherwise.

(B) Campaign Finance Reports

On or before the fifteenth day preceding the Annual Town Election **and in the case of a ballot question committee any Town election for which an applicable ballot question appears on the ballot**, ~~and at the time of filing of any State Campaign Finance Report~~, each **ballot question committee and each** candidate for the office of Selectman**, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk and Constable** shall file with the Town Clerk a Town Campaign Finance Report on a form prescribed by and made available to candidates by the Town Clerk. The reporting periods for the Town Campaign Finance Report shall be**gin (i) in the case of ballot question committees and candidates that have not previously filed a Massachusetts Campaign Finance Report as of the date of their first receipt, expenditure or "in-kind" contribution and end 25 days preceding the** ~~**Annual Town Election and in the case of a ballot question committee any**~~ ***relevant*** **election** ~~**for which an applicable**~~

~~**ballot question appears on the ballot.**~~ ~~as indicated in the following table.~~ [TABLE DELETED]

The Town Campaign Finance Report shall be substantially in the same format and require the same information as that required by **(i) Schedule A – Receipts, (ii) Schedule B – Expenditures, (iii) Schedule C – "In-kind" Contributions, and (iv) Schedule D – Liabilities of** the State Campaign Finance Report. ~~It shall also require the following information:~~

~~(1) the full name, listed alphabetically, of each person whose contribution or aggregate contributions within the reporting period equal an amount or value greater than $50 but less than $200, together with the aggregate amount of each such person's contributions and the occupation and the name of the employer or employers of each such person; provided, however, that no candidate shall be required to include such occupation and employer if said candidate or a candidate's committee organized on his or her behalf has been unable to obtain such information after requesting it when soliciting a contribution.~~
~~(2)the total number of contributors of $50 or less.~~

(C) Publication of Campaign Finance Reports

Each campaign finance report filed with the Town Clerk pursuant to Chapter 55 and this By-Law shall be posted by the Town Clerk on the Town website within two business days of its filing. Any failure to file such a report on a timely basis shall likewise be posted by the Town Clerk on the Town website within one business day of the date by which it should have been filed.

(D) Provision of Information to Candidates by Town Clerk

The Town Clerk shall provide each **ballot question committee and each** candidate for the office of Selectman**, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk and Constable** with a copy or written summary of the requirements and restrictions pertaining to **such** campaigns ~~for the office of Selectman~~ prescribed by Chapter 55 and this By-Law. Said copy or written summary shall state that the requirements, restrictions, and other provisions of this By-Law are additional to those of Chapter 55. It shall be provided by the Town Clerk to incumbents and known challengers within thirty days of the effective date of this Article and, thereafter, within fourteen days of the filing of a statement of organization by a **ballot question committee or a** candidate's committee organized on behalf of new candidates pursuant to Chapter 55.

(E) Interpretation

(1) The requirements, restrictions, and other provisions set forth in this By-Law are intended to be in addition to all requirements, restrictions, and other provisions set forth

in Chapter 55 and other applicable provisions of the constitutions, laws, and regulations of the United States and of the Commonwealth.

(2) The provisions of this By-Law are intended to be interpreted in such a way as to make them conformable to the constitutions and laws of the United States and of the Commonwealth and enforceable to the maximum extent permitted by law.

(F) Severability

Each provision of this By-Law shall be construed as separate to the extent that if any section, sentence, clause, or phrase is held to be invalid for any reason, the remainder of the By-Law shall continue in full force and effect.

(**G**~~E~~) Committee on Campaigns

(1) There shall be a Committee on Campaigns consisting of **not less than five nor more than** seven members: the Town Clerk or his designee; an appointee of the Board of Selectmen who may be a member of the Board; and **not less than three nor more than** five Brookline residents appointed by the Moderator for three-year staggered terms. No holder of or candidate for the office of Selectman**, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk or Constable** shall be eligible for appointment by the Moderator to the committee. Should any individual vacate his office as committee member, the applicable appointing authority shall appoint another individual to fill his or her unexpired term.

(2) The responsibilities of said committee shall include the following:

(a) analyzing information provided on campaign finance reports filed by candidates for Town office pursuant to Chapter 55 and this By-Law;

(b) publicly reporting such information and the results of such analysis;

(c) considering and recommending to Town Meeting measures that may be taken by the Town to improve upon this ByLaw and ensure its effective implementation, and to establish a system of electronic reporting and accessible electronic posting of campaign finance information;

(d) considering additional measures that may be taken by the Town to improve the process by which Town officials are elected;

(e) examining the feasibility and potential parameters of a system of public financing with respect to campaigns for Town office.

(3) Additional activities that may be undertaken by the Committee include, but are not limited to, the following: receiving public comment and conducting public forums

concerning the process by which Town officials are elected; providing vehicles for publicizing, and working with local media to publicize, information concerning elections and candidates for Town office; and examining the relationship between campaign finance and appointments to Town boards and commissions.

XXX

Passed by a Counted Vote of 192 In favor and 4 Opposed.

ARTICLE 12

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

The recommendations of the Selectmen and the Advisory Committee as contained in the Combined Reports had slightly different language. In order to address the difference, the Board revised their language. By a vote of 5-0 taken on May 9, 2017 meeting, the Board recommends FAVORABLE ACTION on motion offered by the Advisory Committee.

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:

Warrant Article 12 proposes to create a new Article 3.23 in the Town's General By-laws to provide revised and updated guidelines for the Brookline Commission on Disability. The Advisory Committee voted 21–0–3 to recommend Favorable Action on Warrant Article 12 as amended.

BACKGROUND:

In 1986 Town Meeting, with unanimous support from the Board of Selectmen and Advisory Committee, voted to accept the provisions of M.G.L. Chapter 40, Section 8J, to establish a local Handicapped (or Disability) Commission. The Commission has operated under different names since then, and is now known as the Brookline Commission on Disability. The Commission receives professional and administrative support from the Office of Diversity, Inclusion and Community Relations (DICR). The provisions and principles or procedures for the governance of the Commission were established in Warrant Article 25 of the 1986 Town Meeting. In August 2016 the Commission was re-energized, grew from four members to nine, and reached its full complement of Commission members. The Commission carries out its programs in coordination with programs of the Massachusetts Office on Disability to bring about full and equal participation in all aspects of life in Brookline, for all of its citizens. The Commission realized this fall that the 31-year-old body still had the1986 outdated guidelines on the books. Adoption of the new By-Law 3.23 would clarify and update the role of the Commission and bring it in line with the current M.G.L. Chapter 40, using 2017 terminology.

DISCUSSION:

The recommended principles and procedures in Warrant Article 12 are based on the model proposed by the Massachusetts Office on Disability. This website (www.mass.gov/mod) provides by-laws for a Commission on Disability. These by-laws also clarify roles for Commission members, the Commission's role in our community, and beyond, and the process for membership in the Commission. Among others, the Commission has worked closely with Town Counsel, DICR, and Selectman Ben Franco to establish guidelines that work in our community and are in line with Massachusetts General Laws.

M.G.L. Chapter 40, Section 22G clarifies the creation of a fund through pooling handicapped parking fines ($25,000 annually in Brookline) to support the work of the Brookline Commission on Disability. The Commission on Disability is funded by the Handicapped Parking Fines Fund. The ADA position in the Department of Inclusion and Community Relations is funded through this fund ($15,860 for FY2018). Funds are listed in the budget book under the special revenue section (page V-I 10). These funds also pay for interpreters at meetings, Braille printings, and other unexpected needs.

The Commission, like other commissions in Brookline, is able to receive gifts through the Selectmen's office. The amended Section 3.23.5 clarifies the handling of funds received by the Commission in accordance with M.G.L. 40, Section 8J. Town Counsel and DICR support these changes. Requests made for expenditures will come under the oversight of the Health Department and DICR. An example of an expenditure is funding for interpreter services at community events.

Members of the Commission, the Board of Selectmen, and the Advisory Committee worked closely to revise and refine the language of the new by-law, resulting in the many changes shown below. This was a cooperative "housekeeping" effort to create the best possible statutory basis for one of Brookline's most important commissions.

How the Advisory Committee Motion Differs from the Article as it appears in the Warrant

For informational purposes, the changes to the original language of Article 12, as it appeared in the Warrant are indicated below. Additions are in **bold**; deletions in ~~strikethrough~~.

Article 3.23: BROOKLINE COMMISSION ON DISABILITY

SECTION 3.23.1: ESTABLISHMENT AND PURPOSE

The purpose of this Article is to establish the Brookline Commission on Disability (the "Commission") under the Town of Brookline's General By-laws, and to establish principles and procedures for the governance of the Commission. The purpose of the

Commission is to **bring about the integration and participation of people with disabilities in the Town of Brookline in coordination** ~~coordinate and/or carry out programs in coordination~~ with programs of the Massachusetts Office on Disability. ~~in order to bring about full and equal participation in all aspects of life in the Town of Brookline for people with disabilities~~. The Commission shall ~~be located within the~~ **work in conjunction with the** Office of Diversity, Inclusion and Community Relations for **purposes of resource allocation and administrative support**. The Town's ADA Coordinator, a staff position located within the Office of Diversity, Inclusion and Community Relations, shall be an *ex officio* member of the Commission, **shall** attend Commission meetings and **shall** serve as the primary conduit of communication with the Town of Brookline's Chief Diversity Officer.

SECTION 3.23.2: DEFINITIONS

Person with a disability shall mean ~~as defined under Title II of the Americans with Disabilities Act of 1990 (28 CFR Part 35).~~ a**ny** person who has a physical or mental impairment that substantially limits a major life activity; has a record of such an impairment; or is regarded as having such an impairment.

People with disabilities shall for the purpose of this by-law mean the plural of "person with a disability".

SECTION 3.23.3: POWERS AND DUTIES

The Commission on Disability is established under **M.**G.L. **Chapter** 40, **Section** 8J **and** shall perform and discharge all of the powers and duties set forth in **said section** 8J. These powers and duties include:

(1) Research local problems of people with disabilities;

(2) Advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;

(3) Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability;

(4) Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities;

(5) Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;

(6) Coordinate activities of other local groups organized for similar purposes.

~~In addition to the aforementioned powers and duties, the Commission shall also:~~

(7) ~~(1)~~ Work in cooperation with the departments and agencies of the Town of Brookline to bring about maximum participation of people with disabilities;

(8) ~~(2)~~ Initiate, monitor, and promote legislation at the city, state and federal level which advances the equal status of people with disabilities and ensure that appropriate regulations are adopted and enforced pursuant to such legislation;

(9) ~~(3)~~ Encourage public awareness of disability issues;

~~(4) Provide information, referral, guidance and advice to individuals, businesses, organizations and public agencies in all matters pertaining to disability;~~

(10) Compose a mission statement for the Commission and review the statement every five (5) years; post the statement on the Commission's Web page;

(11) **Prepare written long term goals that are specific, measurable and relevant to the** Commission's mission. Review these goals every five (5) years and revise as needed. Prepare written short term goals annually;

(12) File an annual report, which shall be printed in the Town's annual report, listing current members and summarizing Commission accomplishments;

~~Receive gifts of property, both real and personal, in the name of the Town subject to the approval of the Board of Selectmen; such gifts to be managed and controlled by the Commission for the purposes of said section 8J~~

(13) ~~(8)~~ **When needed and to aid the Board of Selectmen, the Commission may recommend prospective Commission Members for appointment by the Board of Selectmen. The Commission shall endeavor especially to solicit nominations that reflect diversity in type of disability** ~~community~~ **to the greatest extent possible. Members of the public are welcome to apply directly to the Board of Selectmen for appointment. A recommendation for appointment from the Commission shall only be advisory and not necessary to receive appointment to the Commission on Disability;**

~~Recruit and recommend prospective Commission members for appointment by the Board of Selectmen when needed. At least one month prior to making such recommendations, the Commission shall solicit nominations that reflect the diversity of disabled community, to the greatest extent possible.~~

(14) ~~(7)~~ Take such action as the Commission considers appropriate to ensure the purposes of this By-law are met.

SECTION 3.23.4: MEMBERSHIP

The Commission shall consist of seven (7) ~~to~~ **or** nine (9) volunteer members appointed by the Board of Selectmen. The majority of members shall consist of people with disabilities. One member shall be a member of the immediate family of a person with a disability. One member shall be either an ~~elected or appointed~~ **a member of the Board of Selectmen or a Department Head.** All members shall serve three-year terms. Terms shall be staggered to preserve continuity. Resignations shall be made by notifying the Board of Selectmen and Town Clerk in writing. If any member is absent from three or more regularly scheduled meetings in any one calendar year, a recommendation shall be made by the chairperson to the Board of Selectmen that such member be removed from the Commission, unless any or all absences are excused for good cause by the chairperson. Good cause shall include, but not be limited to: illness, a death in the family, severe weather, and professional responsibilities. The Board of Selectmen shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment. Any members of said Commission may, after a public hearing if so requested, be removed for cause by the Board of Selectmen. No member shall undertake to speak or act on behalf of the Commission without the approval of the Commission. All members, with the exception of the Town's ADA Coordinator, shall have full voting rights.

SECTION 3.23.5: OFFICERS

Officers of the Commission shall include a chairperson, deputy chairperson, secretary and treasurer. Officers shall be elected annually by a majority vote of the Commission. One member may hold more than one office. The chairperson shall: develop meeting agendas in coordination with the other officers and staff; preside over all meetings; appoint subcommittees as needed; and authorize expenditures as needed. The deputy chairperson shall: perform all the functions of the chairperson in the chairperson's absence. The secretary shall: create and maintain minutes of all meetings; maintain copies of correspondence; and **make sure all meetings are posted.** ~~post notice of all meetings in compliance with the Open Meeting law and send notice of meetings and minutes of the prior meeting to members at least fourteen (14) days prior to the meeting.~~ In absence of a secretary, **other Commission Members or** the ADA Coordinator shall undertake these duties. The treasurer shall: **regularly inform the Commission of the status of any funds from gifts received by the Commission (and approved by the Board of Selectmen), as well as the status of any other funding to which the Commission may have access, The Treasurer shall** ~~keep records of any financial matters pertaining to the Commission; develop a budget in coordination with the Commission as needed;~~ and prepare a financial ~~statement~~ **report** for inclusion in the annual report, as needed.

SECTION 3.23.6: MEETINGS

Regular meetings of the Commission shall be held at least ten (10) times a year. A quorum for a ~~an 8 or~~ nine (9) member Commission shall consist of five (5) members; a seven (7) member Commission quorum shall consist of four (4) members. Meeting minutes shall be reviewed**,** ~~and~~ approved**, and posted** in a timely manner. Special meetings may be called by the chairperson or by any three (3) members. Votes on all matters concerning the Commission shall be made by a majority of those members present. ~~Notice of meetings shall be sent to members at least fourteen (14) days prior to the meeting. Meetings shall be conducted under Robert's Rules of Order.~~

~~SECTION 3.23.7: AMENDMENTS TO COMMISSION PROCEDURES~~

~~Commission procedures may be amended at any duly constituted meeting of the Commission by a two-thirds vote of the appointed members of the commission provided written notice of the proposed amendment has been distributed to each member at least fourteen (14) days prior to the meeting.~~

RECOMMENDATION:

The Advisory Committee by a vote of 21–0–3 recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town create a new Article 3.23 in the Town's General By-laws, as follows:

Article 3.23: BROOKLINE COMMISSION ON DISABILITY

SECTION 3.23.1: ESTABLISHMENT AND PURPOSE

The purpose of this Article is to establish the Brookline Commission on Disability (the "Commission") under the Town of Brookline's General By-laws, and to establish principles and procedures for the governance of the Commission. The purpose of the Commission is to bring about the integration and participation of people with disabilities in the Town of Brookline in coordination with programs of the Massachusetts Office on Disability. The Commission shall work in conjunction with the Office of Diversity, Inclusion and Community Relations for purposes of resource allocation and administrative support. The Town's ADA Coordinator, a staff position located within the Office of Diversity, Inclusion and Community Relations, shall be an *ex officio* member of the Commission, shall attend Commission meetings and shall serve as the primary conduit of communication with the Town of Brookline's Chief Diversity Officer.

SECTION 3.23.2: DEFINITIONS

Person with a disability shall mean any person who has a physical or mental impairment that substantially limits a major life activity; has a record of such an impairment; or is regarded as having such an impairment.

People with disabilities shall for the purpose of this by-law mean the plural of "person with a disability."

SECTION 3.23.3: POWERS AND DUTIES

The Commission on Disability as established under M.G.L. Chapter 40, Section 8J, and shall perform and discharge all of the powers and duties set forth in said Section 8J. These powers and duties include:

(1) Research local problems of people with disabilities;

(2) Advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;

(3) Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability;

(4) Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities;

(5) Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;

(6) Coordinate activities of other local groups organized for similar purposes;

(7) Work in cooperation with the departments and agencies of the Town of Brookline to bring about maximum participation of people with disabilities;

(8) Initiate, monitor, and promote legislation at the city, state and federal level which advances the equal status of people with disabilities and ensure that appropriate regulations are adopted and enforced pursuant to such legislation;

(9) Encourage public awareness of disability issues;

(10) Compose a mission statement for the Commission. Review the statement every five (5) years, and revise it as needed. Post the statement on the Commission's web site;

(11) Prepare written long term goals that are specific, measurable and relevant to the Commission's mission. Review these goals every five (5) years and revise as needed. Prepare written short term goals annually;

(12) File an annual report which shall be printed in the Town's annual report, listing current members and summarizing Commission accomplishments;

(13) When needed, and as an aid to the Board of Selectmen, the Commission may recommend prospective Commission members for appointment by the Board of Selectmen. The Commission shall endeavor especially to solicit nominations that reflect diversity in type of disability to the greatest extent possible. Members of the public are welcome to apply directly to the Board of Selectmen for appointment. A recommendation for appointment from the Commission shall only be advisory and not necessary to receive appointment to the Commission on Disability;

(14) Take such action as the Commission considers appropriate to ensure the purposes of this By-law are met.

SECTION 3.23.4: MEMBERSHIP

The Commission shall consist of seven (7) or nine (9) volunteer members appointed by the Board of Selectmen. The majority of members shall consist of people with disabilities. One member shall be a member of the immediate family of a person with a disability. One member shall be a member of the Board of Selectmen or a Department Head. All members shall serve three-year terms. Terms shall be staggered to preserve continuity. Resignations shall be made by notifying the Board of Selectmen and Town Clerk in writing. If any member is absent from three or more regularly scheduled meetings in any one calendar year, a recommendation shall be made by the chairperson to the Board of Selectmen that such member be removed from the Commission, unless any or all absences are excused for good cause by the chairperson. Good cause shall include, but not be limited to: illness, a death in the family, severe weather, and professional responsibilities. The Board of Selectmen shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment. Any members of said Commission may, after a public hearing if so requested, be removed for cause by the Board of Selectmen. No member shall undertake to speak or act on behalf of the Commission without the approval of the Commission. All members, with the exception of the Town's ADA Coordinator, shall have full voting rights.

SECTION 3.23.5: OFFICERS

Officers of the Commission shall include a chairperson, deputy chairperson, secretary and treasurer. Officers shall be elected annually by a majority vote of the Commission. One member may hold more than one office. The chairperson shall: develop meeting agendas in coordination with the other officers and staff; preside over all meetings; appoint subcommittees as needed; and authorize expenditures as needed. The deputy chairperson

shall: perform all the functions of the chairperson in the chairperson's absence. The secretary shall: create and maintain minutes of all meetings; maintain copies of correspondence; and make sure all meetings are posted. In absence of a secretary, other Commission members or the ADA Coordinator shall undertake these duties. The treasurer shall: regularly inform the Commission of the status of any funds from gifts received by the Commission (and approved by the Board of Selectmen), as well as the status of any other funding to which the Commission may have access, and prepare a financial report for inclusion in the annual report, as needed.

SECTION 3.23.6: MEETINGS

Regular meetings of the Commission shall be held at least ten (10) times a year. A quorum for a nine (9) member Commission shall consist of five (5) members; a seven (7) member Commission quorum shall consist of four (4) members. Meeting minutes shall be reviewed approved, and posted in a timely manner. Special meetings may be called by the chairperson or by any three (3) members. Votes on all matters concerning the Commission shall be made by a majority of those members present.

Passed by a Unanimous Vote

ARTICLE 12

TWELFTH ARTICLE
Submitted by: Brookline Commission on Disability

To see if the Town will vote to create a new Article 3.23 in the Town's General By-laws, as follows:

Article 3.23: BROOKLINE COMMISSION ON DISABILITY

SECTION 3.23.1: ESTABLISHMENT AND PURPOSE

The purpose of this Article is to establish the Brookline Commission on Disability (the "Commission") under the Town of Brookline's General By-laws, and to establish principles and procedures for the governance of the Commission. The purpose of the Commission is to coordinate and/or carry out programs in coordination with programs of the Massachusetts Office on Disability in order to bring about full and equal participation in all aspects of life in the Town of Brookline for people with disabilities. The Commission shall be located within the Office of Diversity, Inclusion and Community Relations. The Town's ADA Coordinator, a staff position located within the Office of Diversity, Inclusion and Community Relations, shall be an *ex officio* member of the Commission, attend Commission meetings and serve as the primary conduit of communication with the Town of Brookline's Chief Diversity Officer.

SECTION 3.23.2: DEFINITIONS

Person with a disability shall mean, as defined under Title II of the Americans with Disabilities Act of 1990 (28 CFR Part 35), a person who has a physical or mental impairment that substantially limits a "major life activity"; has a record of such an impairment; or is regarded as having such an impairment.

People with disabilities shall for the purpose of this by-law mean the plural of "person with a disability".

SECTION 3.23.3: POWERS AND DUTIES

The Commission on Disability as established under G.L. c. 40, §8J, shall perform and discharge all of the powers and duties set forth in §8J. These powers and duties include:

(1) Research local problems of people with disabilities;

(2) Advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;
(3) Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability;
(4) Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities;
(5) Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;
(6) Coordinate activities of other local groups organized for similar purposes.

In addition to the aforementioned powers and duties, the Commission shall also:

(1) Work in cooperation with the departments and agencies of the Town of Brookline to bring about maximum participation of people with disabilities;
(2) Initiate, monitor, and promote legislation at the city, state and federal level which advances the equal status of people with disabilities and ensure that appropriate regulations are adopted and enforced pursuant to such legislation;
(3) Encourage public awareness of disability issues;
(4) Provide information, referral, guidance and advice to individuals, businesses, organizations and public agencies in all matters pertaining to disability;
(5) File an annual report which shall be printed in the Town's annual report, listing current members and summarizing Commission accomplishments;
(6) Receive gifts of property, both real and personal, in the name of the Town subject to the approval of the Board of Selectmen; such gifts to be managed and controlled by the Commission for the purposes in this By-law;
(7) Take such action as the Commission considers appropriate to ensure the purposes of this By-law are met;
(8) Recruit and recommend prospective Commission members for appointment by the Board of Selectmen when needed. At least one month prior to making such recommendations, the Commission shall solicit nominations that reflect the diversity of disabled community, to the greatest extent possible.

SECTION 3.23.4: MEMBERSHIP

The Commission shall consist of seven to nine volunteer members appointed by the Board of Selectmen. The majority of members shall consist of people with disabilities. One member shall be a member of the immediate family of a person with a disability. One member shall be either an elected or appointed official of the Town. All members shall serve three-year terms. Terms shall be staggered to preserve continuity. Resignations shall be made by notifying the Board of Selectmen and Town Clerk in writing. If any member is absent from three or more regularly scheduled meetings in any one calendar year, a recommendation shall be made by the chairperson to the Board of Selectmen that such member be removed from the Commission, unless any or all absences are excused for good cause by the chairperson. Good cause shall include, but

not be limited to: illness, a death in the family, severe weather, and professional responsibilities. The Board of Selectmen shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment. Any members of said Commission may, after a public hearing if so requested, be removed for cause by the Board of Selectmen. No member shall undertake to speak or act on behalf of the Commission without the approval of the Commission. All members, with the exception of the Town's ADA Coordinator, shall have full voting rights.

SECTION 3.23.5: OFFICERS

Officers of the Commission shall include a chairperson, deputy chairperson, secretary and treasurer. Officers shall be elected annually by a majority vote of the Commission. One member may hold more than one office. The chairperson shall: develop meeting agendas in coordination with the other officers and staff; preside over all meetings; appoint subcommittees as needed; and authorize expenditures as needed. The deputy chairperson shall: perform all the functions of the chairperson in the chairperson's absence. The secretary shall: create and maintain minutes of all meetings; maintain copies of correspondence; post notice of all meetings in compliance with the Open Meeting law; and send notice of meetings and minutes of the prior meeting to members at least fourteen (14) days prior to the meeting. In absence of a secretary, the ADA Coordinator or other Commission members shall undertake these duties. The treasurer shall: keep records of any financial matters pertaining to the Commission; develop a budget in coordination with the Commission as needed; and prepare a financial statement for inclusion in the annual report, as needed.

SECTION 3.23.6: MEETINGS

Regular meetings of the Commission shall be held at least ten (10) times a year. A quorum for an 8 or 9 member Commission shall consist of five (5) members; a 7 member Commission quorum shall consist of four (4) members. Meeting minutes shall be reviewed and approved in a timely manner. Special meetings may be called by the chairperson or by any three (3) members. Votes on all matters concerning the Commission shall be made by a majority of those members present. Notice of meetings shall be sent to members at least fourteen (14) days prior to the meeting. Meetings shall be conducted under Robert's Rules of Order.

SECTION 3.23.7: AMENDMENTS TO COMMISSION PROCEDURES

Commission procedures may be amended at any duly constituted meeting of the Commission by a two-thirds vote of the appointed members of the commission provided written notice of the proposed amendment has been distributed to each member at least fourteen (14) days prior to the meeting.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

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

SELECTMEN'S RECOMMENDATION

Article 12 was submitted by the Commission on Disability in order to document and clarify the Commission's status within the Town of Brookline's General By-Laws. Heretofore, the Commission has existed by virtue a vote of Town Meeting in November 1986 to accept the provisions of M.G.L. Chapter 40, Section 8J, to establish a local Handicapped Commission. Section 8J provides the framework for commissions on disability but leaves some details to the individual city or town. For example, the state law allows a commission to consist of not less than 5 and not more than 13 members. The proposed by-law under Article 12 would fix the membership between 7 and 9 and clarify other operating standards of the Commission, not unlike many other municipal committees covered under the Town's By-Laws (like the Commission on Women).

In summary, passage of Article 12 would formally establish the name and manner of operation of the Commission consistent with the framework of the state law. At their meeting on April 25, 2017 and following a public hearing, the Board of Selectmen voted unanimously to recommend FAVORABLE ACTION on the following motion:

VOTED: to create a new Article 3.23 in the Town's General By-laws, as follows:

Article 3.23: BROOKLINE COMMISSION ON DISABILITY

SECTION 3.23.1: ESTABLISHMENT AND PURPOSE

The purpose of this Article is to establish the Brookline Commission on Disability (the "Commission") under the Town of Brookline's General By-laws, and to establish principles and procedures for the governance of the Commission. The purpose of the Commission is to bring about the integration and participation of people with disabilities in the Town of Brookline coordination with programs of the Massachusetts Office on Disability. The Commission shall work in conjunction with the Office of Diversity, Inclusion and Community Relations for purposes of resource allocation and administrative support. The Town's ADA Coordinator, a staff position located within the Office of Diversity, Inclusion and Community Relations, shall be an *ex officio* member of the Commission, attend Commission meetings and serve as the primary conduit of communication with the Town of Brookline's Chief Diversity Officer.

SECTION 3.23.2: DEFINITIONS

Person with a disability shall mean any person who has a physical or mental impairment that substantially limits a major life activity; has a record of such an impairment; or is regarded as having such an impairment.

People with disabilities shall for the purpose of this by-law mean the plural of "person with a disability".

SECTION 3.23.3: POWERS AND DUTIES

The Commission on Disability as established under M.G.L. Chapter 40, Section 8J, shall perform and discharge all of the powers and duties set forth in said Section 8J. These powers and duties include:

(1) Research local problems of people with disabilities;
(2) Advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;
(3) Coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability;
(4) Review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities;
(5) Provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;
(6) Coordinate activities of other local groups organized for similar purposes.

In addition to the aforementioned powers and duties, the Commission shall also:

(7) Work in cooperation with the departments and agencies of the Town of Brookline to bring about maximum participation of people with disabilities;
(8) Initiate, monitor, and promote legislation at the city, state and federal level which advances the equal status of people with disabilities and ensure that appropriate regulations are adopted and enforced pursuant to such legislation;(9) Encourage public awareness of disability issues;
(10) Compose a mission statement for the Commission. Review the statement every five (5) years, and revise it as needed. Post the statement on the Commission's web site.
(11) Prepare written long term goals for the Commission that are (i) specific, (ii) measureable, (iii) attainable with the resources and personnel of the Commission, and (iv) relevant to its mission. Review these goals every five (5) years, and post them on the Commission web site. Prepare written short terms goals on an annual basis.
(12) File an annual report which shall be printed in the Town's annual report, listing current members and summarizing Commission accomplishments;
(13) When needed, and as an aid to the Board of Selectmen, the Commission may recommend prospective Commission members for appointment by the Board of Selectmen. The Commission shall work especially to solicit nominations that reflect diversity in type of Disability to the greatest extent possible. Members of the public are welcome to apply directly to the Board of Selectmen for appointment. A recommendation for appointment from the Commission shall only be advisory and not necessary to receive appointment to the Commission on Disability;
(14) Take such action as the Commission considers appropriate to ensure the purposes of this By-law are met.

SECTION 3.23.4: MEMBERSHIP

The Commission shall consist of seven (7) or nine (9) volunteer members appointed by the Board of Selectmen. The majority of members shall consist of people with disabilities. One member shall be a member of the immediate family of a person with a disability. One member shall be either an elected or appointed official of the Town. All members shall serve three-year terms. Terms shall be staggered to preserve continuity. Resignations shall be made by notifying the Board of Selectmen and Town Clerk in writing. If any member is absent from three or more regularly scheduled meetings in any one calendar year, a recommendation shall be made by the chairperson to the Board of Selectmen that such member be removed from the Commission, unless any or all absences are excused for good cause by the chairperson. Good cause shall include, but not be limited to: illness, a death in the family, severe weather, and professional responsibilities. The Board of Selectmen shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment. Any members of said Commission may, after a public hearing if so requested, be removed for cause by the Board of Selectmen. No member shall undertake to speak or act on behalf of the Commission without the approval of the Commission. All members, with the exception of the Town's ADA Coordinator, shall have full voting rights.

SECTION 3.23.5: OFFICERS

Officers of the Commission shall include a chairperson, deputy chairperson, secretary and treasurer. Officers shall be elected annually by a majority vote of the Commission. One member may hold more than one office. The chairperson shall: develop meeting agendas in coordination with the other officers and staff; preside over all meetings; appoint subcommittees as needed; and authorize expenditures as needed. The deputy chairperson shall: perform all the functions of the chairperson in the chairperson's absence. The secretary shall: create and maintain minutes of all meetings; maintain copies of correspondence; and make sure all meetings are posted. In absence of a secretary, other Commission members or the ADA Coordinator shall undertake these duties. The treasurer shall: regularly inform the Commission of the status of any funds from gifts received by the Commission (and approved by the Board of Selectmen), as well as the status of any other funding to which the Commission may have access, and prepare a financial report for inclusion in the annual report, as needed.

SECTION 3.23.6: MEETINGS

Regular meetings of the Commission shall be held at least ten (10) times a year. A quorum for a nine (9) member Commission shall consist of five (5) members; a seven (7) member Commission quorum shall consist of four (4) members. Meeting minutes shall be reviewed approved, and posted in a timely manner. Special meetings may be called by the chairperson or by any three (3) members. Votes on all matters concerning the Commission shall be made by a majority of those members present. Notice of meetings shall be in accordance with the Open Meeting Law.

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 12 will be provided in the Supplemental Mailing.

XXX

ARTICLE 13

ADVISORY COMMITTEE'S SUPPLEMENTAL COMPARISON HANDOUT

The Board of Selectmen and the Advisory Committee may move separate motions on Article 13. A comparison of the two motions follows:

New language (as compared with the current By-Law) in the Selectmen's motion in **bold print**.

Additional new language in the Advisory Committee's motion in ***bold print italicized***.

Deletions (from the Selectmen's motion) in the Advisory Committee's motion in ~~strike-through~~.

VOTED: That the Town will amend Article 8.23, Section 8.23.5 a. of the Town's General By-Laws as follows:

SECTION 8.23.5 SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit – No Entity otherwise permitted to sell tobacco products shall sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department's Schedule of Fees and Charges. **<u>Effective</u> September 1, 2017 or upon the Approval of the Attorney General if later, the Director of Public Health shall not issue any *new* tobacco sales permits to permit applicants with ~~new~~ businesses not currently licensed. Holders of tobacco sales permits on the effective date of this section may continue to use such permits. All such holders must apply for renewal of their permits according to the procedures of the Department. Those who fail to apply for renewal in a timely manner will receive written notification from the Department and then those permits may be revoked or fines imposed after such procedure as set forth in the procedures of the Department. *Any such action may be appealed to the Board of Selectmen within thirty (30) days.* However, applicants who acquire a business that is the holder of a tobacco sales permit on the effective date of this section may apply, within sixty (60) days of such ~~purchase~~ *acquisition*, for a tobacco sales permit such as that held by the previous owner of the business, only if the buyer intends to sell tobacco products and will be operating a substantially similar business ~~in the same location~~, and subject to rules and requirements of the Health Department. ~~Subsequent sales of such businesses will render them ineligible for future tobacco sales permits.~~**

ARTICLE 13

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
Due to a number of concerns, the Advisory Committee initially voted to refer the subject matter of Article 13 back to the Tobacco Control Committee. On May 16, 2017, the Committee reconsidered its recommendation and decided by a vote of 22–2–0 to recommend Favorable Action on a motion that would amend Article 13 as printed in the Warrant.

As would the Article as printed in the Warrant, the Advisory Committee motion would amend Article 8.23 of the Town's General By-Laws–Tobacco Control, and more specifically, section 8.23.5, Sale and Distribution of Tobacco Products. The Advisory Committee's motion would limit the issuance of new permits for the sale of tobacco products to current holders of such permits, as proposed in the original Article, but would not limit the number of times that a permitted business could be transferred to a subsequent owner. The Advisory Committee motion also retains restrictions on such transfers, except with respect to the relocation of a business holding a tobacco sales permit by an acquirer. The Advisory Committee motion also provides for a thirty (30) day period in which a loss of permit, or fine, imposed by the Health Department, may be appealed to the Board of Selectmen.

BACKGROUND:
Article 13 is the latest in a series of tobacco control Warrant Articles that have come before Town Meeting in recent years. Brookline has adjusted the age of sale of tobacco products to 21, incorporated reference to e-cigarettes in its By-Laws, developed a tobacco-free zone around the High School, banned the sale of flavored tobacco products, and set a minimum price for cigars. These measures were focused on preventing teenagers from starting to smoke, and to limit their access to tobacco products that are especially appealing to young people.

Article 13, as amended by the Advisory Committee attempts to regulate tobacco sales more broadly, by limiting the sale of tobacco products to existing permit holders, and, by limiting the issue of a new permit to subsequent acquirers of the permit holder's business only when such business continues to operate in substantially the same manner. Over time, the number of tobacco sales permits will decline and, eventually, the sale of tobacco products in Brookline will cease.

DISCUSSION:
Advisory Committee members did not raise a specific objection to limiting the number of permits to sell tobacco. However, a majority had reservations or objections specific to

Article 13 as printed in the Warrant, centered on (i) opposition to the Article in principle, and/or (ii) opposition to language in the Article they felt was ambiguous or unworkable.

More specifically:

Unlike the By-Law changes noted above, Article 13 focuses not on preventing teenagers from starting to smoke, but rather is intended to ban adults from purchasing, in Brookline, an otherwise legal (albeit harmful) product. Several members of the Committee felt that this was an overreach by Town government.

Restricting the transfer of tobacco permits to just one subsequent business owner was felt by several members of the Committee to be an unfair, targeted restriction on private businesses, and one that would, presumably, unfairly decrease the value of those businesses. This objection is overcome in the Advisory Committee motion, which does not restrict the number of times a permit can be transferred.

Similarly, several Committee members felt that restricting the transfer of tobacco permits would adversely impact the owners of gasoline stations, in particular. These businesses rely on tobacco sales to supplement modest profit or offset losses on the sale of gasoline. An unintended consequence of Article 13 as printed in the Warrant is the potential further closure of gasoline stations in Brookline. This objection is substantially overcome in the Advisory Committee motion, which does not restrict the number of times a permit can be transferred or the relocation of any existing tobacco permitted business.

Several Committee members noted that the language of the proposed By-Law amendment would treat sole proprietors differently from corporate or similar entities. An individual owner would be limited to a single transfer of ownership. Shares in a corporation, on the other hand, could be sold and resold, without limit, without any transfer of ownership of the business. Some Committee members felt that legally sophisticated holders of permits would skirt the By-Law, while less sophisticated holders of permits would suffer its consequences. This objection is overcome in the Advisory Committee motion, which does not restrict the number of times a permit can be transferred.

Some Committee members felt that language in the proposed bylaw that would require subsequent owners to express their intent to operate in the same location as the prior owner to be overly restrictive and/or ambiguous. For example, in the case of a fire, or loss of lease, an existing permit holder could presumably relocate their business. Combined with a transfer of ownership, however, a new permit for the sale of tobacco products could not be issued except perhaps for the location that was no longer available. This objection is overcome in the Advisory Committee motion, which would not restrict the relocation of any existing tobacco permitted business.

The permitting process is currently subject only to procedures established by the Department of Public Health. Some Committee members expressed concern that a zealous Director might impose rules that could cause a loss of a permit to sell tobacco (e.g., due to

an owner's inadvertent failure to apply for renewal in a timely manner), and that under the proposed By-Law, such permit could not then be renewed. This objection is substantially overcome in the Advisory Committee amendment through the addition of a thirty (30) day period in which a loss of permit or fine imposed by the Health Department may be appealed to the Board of Selectmen.

The expressed concerns initially motivated the Advisory Committee to recommend referral of Article 13 back to the Tobacco Control Committee. On May 16, however, the Advisory Committee reconsidered its previous vote so that it could consider a revised motion that addresses many members' concerns.

RECOMMENDATION:
By a vote of 22–2–0 taken on May 16, 2017, the Advisory Committee recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town amend Article 8.23, Section 8.23.5 a. of the Town's General By-Laws as follows:

(New By-Law language in Article 13 as printed in the Warrant is in **bold print**. New language added to Article 13 as printed in the Warrant by the Advisory Committee motion is in ***bold print italicized***. Deletions from Article 13 as printed in the Warrant are in ~~strike through~~.)

SECTION 8.23.5 SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit – No Entity otherwise permitted to sell tobacco products shall sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department's Schedule of Fees and Charges. **Effective September 1, 2017** ***or upon the approval of the Attorney General if later*****, the Director of Public Health shall not issue any** ***new*** **tobacco sales permits to first-time permit applicants with** ~~**new**~~ **businesses not currently licensed. Holders of tobacco sales permits on the effective date of this section may continue to use such permits. All such holders must apply for renewal of their permits** ~~**within thirty (30) days of the renewal date**~~ ***according to the procedures of the Department.*** ~~**Failure to apply for renewal within thirty (30) days will deem them ineligible for a permit.**~~ ***Those who fail to apply for renewal in a timely manner will receive written notification from the Department and then those permits may be revoked or fines imposed after such procedure as set forth in the procedures of the Department. Any such action may be appealed to the Board of Selectmen within thirty (30) days.*** **However, applicants who** ~~**purchase**~~ ***acquire*** **a business that is the holder of a tobacco sales permit on the effective date of this section may apply, within sixty (60) days of such** ~~**purchase**~~ ***acquisition*****, for a tobacco sales permit such as that held by the** ~~**seller**~~

***previous owner* of the business, only if the buyer intends to sell tobacco products and will be operating a substantially similar business ~~in the same location~~, and subject to rules and requirements of the Health Department. ~~Subsequent sales of such businesses will render them ineligible for future tobacco sales permits.~~**

The amended By-Law would thus read as follows:
SECTION 8.23.5 SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit – No Entity otherwise permitted to sell tobacco products shall sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department's Schedule of Fees and Charges. Effective September 1, 2017 or upon the approval of the Attorney General if later, the Director of Public Health shall not issue any new tobacco sales permits to first-time permit applicants with ~~new~~ businesses not currently licensed. Holders of tobacco sales permits on the effective date of this section may continue to use such permits. All such holders must apply for renewal of their permits according to the procedures of the Department. Those who fail to apply for renewal in a timely manner will receive written notification from the Department and then those permits may be revoked or fines imposed after such procedure as set forth in the procedures of the Department. Any such action may be appealed to the Board of Selectmen within thirty (30) days. However, applicants who acquire a business that is the holder of a tobacco sales permit on the effective date of this section may apply, within sixty (60) days of such acquisition, for a tobacco sales permit such as that held by the previous owner of the business, only if the buyer intends to sell tobacco products and will be operating a substantially similar business, and subject to rules and requirements of the Health Department.

Passed by a Majority Vote

ARTICLE 13

THIRTEENTH ARTICLE
Submitted by: Tobacco Control Committee, contact Nancy Daly

Warrant Article to Limit the Issuance of New Tobacco Sales Permits

To see if the Town will vote to amend Article 8.23, Section 8.23.5 a. of the Town's General By-Laws as follows: (new language in **bold print**)

SECTION 8.23.5 SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit – No Entity otherwise permitted to sell tobacco products shall sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department's Schedule of Fees and Charges. **Effective September 1, 2017, the Director of Public Health shall not issue any tobacco sales permits to first-time permit applicants with new businesses. Holders of tobacco sales permits on the effective date of this section may continue to use such permits. All such holders must apply for renewal of their permits within thirty (30) days of the renewal date. Failure to apply for renewal within thirty (30) days will deem them ineligible for a permit. However, applicants who purchase a business that is the holder of a tobacco sales permit on the effective date of this section may apply, within sixty (60) days of such purchase, for a tobacco sales permit such as that held by the seller of the business, only if the buyer intends to sell tobacco products and will be operating a substantially similar business in the same location, and subject to rules and requirements of the Health Department. Subsequent sales of such businesses will render them ineligible for future tobacco sales permits.**

Or take any other action relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

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

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

Further Explanation of Proposed Bylaw Change

Summary table:

Effects of new bylaw

- 1. No effect on current tobacco sales permit holders, aside from requirement for timely renewal of permit.
- 2. No new tobacco permits will be issued; businesses currently holding tobacco permits are grandfathered in.
- ~~There will be~~ 3. The ability to apply for a ~~presumption that~~ Tobacco ~~permits~~ sales permit (but not the permit itself) will be ~~available~~transferable to new ~~Buyers with the sale~~purchaser of ~~a~~the business currently holding a ~~tobacco~~Tobacco sales permit, through one sale, subject to the rules and requirements of the Health Department, and provided the new Owner is in substantially the same business in the same location as the Seller. Subsequent buyers would not be eligible.

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

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

SELECTMEN'S RECOMMENDATION

Article 9 would amend Article 8.23 of the Town's By-Laws, which pertains to the sale of and exposure to tobacco products within the Town of Brookline. This Article is the result of the work of the Selectmen's Tobacco Control Committee, which was charged to examine the impact and feasibility of stronger anti-tobacco measures. This article seeks to eliminate the issuance of new tobacco permits and limit the transfer of existing permits

which would then reduce the total number of permits in Town. The Board feels that this phasing out of permits recognizes the current business holders concerns while addressing the goal of decreasing access to tobacco products in the Town.

The Board thanks the Tobacco Control Committee and Selectman Daly for their work. Tobacco is a deadly and highly addictive drug and this article acknowledges that there is a need to limit the sale of this consumer product.

The Board of Selectmen unanimously recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town will amend Article 8.23, Section 8.23.5 a. of the Town's General By-Laws as follows: (new language in **bold print**)

SECTION 8.23.5 , SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit – No Entity otherwise permitted to sell tobacco products shall sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department's Schedule of Fees and Charges. **Effective September 1, 2017 or upon the Approval of the Attorney General if later, the Director of Public Health shall not issue any tobacco sales permits to permit applicants with new businesses not currently licensed. Holders of tobacco sales permits on the effective date of this section may continue to use such permits. All such holders must apply for renewal of their permits according to the procedures of the Department. Those who fail to apply for renewal in a timely manner will receive written notification from the Department and then those permits may be revoked or fines imposed after such procedure as set forth in the procedures of the Department. However, applicants who acquire a business that is the holder of a tobacco sales permit on the effective date of this section may apply, within sixty (60) days of such purchase, for a tobacco sales permit such as that held by the previous owner of the business, only if the buyer intends to sell tobacco products and will be operating a substantially similar business in the same location, and subject to rules and requirements of the Health Department. Subsequent sales of such businesses will render them ineligible for future tobacco sales permits.**

Defeated by an Electronic Recorded Vote of 50 In Favor, 142 Opposed and 2 Abstentions.

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 13 will be provided in the Supplemental Mailing.

XXX

ARTICLE 14

LICENSING REVIEW COMMITTEE RECOMMENDATION

In 2015, the Licensing Review Committee (LRC), the Town body responsible for reviewing and making recommendations regarding Board of Selectmen licensing regulations, made detailed recommendations regarding Town medical marijuana by-laws, regulations, and license conditions following passage of the medical marijuana ballot initiative in 2012.

The LRC met in January and February 2017 to discuss next steps following the successful ballot initiative to legalize recreational marijuana in November 2016 (now codified as 2016 Mass. Legis. Serv. Ch. 334, "The Regulation and Taxation of Marijuana Act", hereinafter "Act"). The LRC supported a temporary moratorium on recreational marijuana establishments as the Town's next step, pending issuance by the State of its own regulations (now due by March 15, 2018) and further legislative amendments to the Act expected to come in 2017. The LRC believes that once the Statewide legislative and regulatory scheme has been further determined, the Town will be poised to identify what, if any, reasonable regulation is needed locally, including possible general and zoning by-law amendments. The considerations supporting the concept of a moratorium are further detailed in the Explanation that follows Warrant Article 14. The moratorium's sunset date that was proposed in Warrant Article 14 as filed is April 15, 2019, which was intended to permit time for the November 2018 Town Meeting (which may be the first opportunity, depending on the timing of regulatory measures at the State level) to vote a proposed general and/or zoning by-law and the Attorney General's Office to approve it.

Since the filing of the Warrant Article, the Director of the Attorney General's Municipal Law Unit has stated publicly that it is unclear whether the Attorney General's Office will approve a moratorium on recreational marijuana establishments past December 31, 2018. The Director suggests that municipalities that wish to propose a moratorium into 2019 divide the moratorium time periods into two, one through the end of 2018 and the second for any period after that. She states that this approach will afford the Attorney General's Office the ability to strike a 2019 portion without affecting the balance of a by-law, in the event that it determines to disapprove any portion after December 31, 2018. Based on this advice, the LRC recommends amending Warrant Article 14 as follows (changes shown in redlining):

ARTICLE 14

Submitted by: Department of Planning and Community Development

To see if the Town will add to the Zoning By-Law in Section 2.18, "R" Definitions, a #3 for "Recreational Marijuana Establishment" as follows, and change the current #3 to #4 :

3. **RECREATIONAL MARIJUANA ESTABLISHMENT** — a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business as is subject to regulation under Chapter 94G of the Massachusetts General Laws.

To further see if the Town will amend Sec. 4.07, Table of Use Regulations, by adding a new use, Use #20C:

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
20C.Recreational Marijuana Establishment *** It is the intent of the Department of Planning and Community Development to submit to Town Meeting an amendment to this use category at or before the Fall 2018 Town Meeting in order to regulate this use in accordance with State regulations. The restrictions on use contained herein are effective only until the EARLIER OF 1. when such amendments to this use are approved by the Attorney General ~~or until~~OR 2. the following:** a) the expiration of the first moratorium period, which shall be effective through December 31, 2018; or b) the expiration of the second moratorium period, which shall be effective from January 1, 2019 through **April 15, 2019**~~, whichever is earlier,~~ should such second moratorium be approved by the Attorney General.	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
Temporarily restricting this use will allow the Town to review the State-promulgated regulations governing these facilities and allow the Town to enact zoning provisions, consistent with State law and regulations, setting forth the allowed locations, dimensional, parking and other requirements applicable to Recreational Marijuana Establishments. Chapter 351 of the Acts of 2016 establishes March 15, 2018 as the deadline for the State to generate regulations.									

Or act on anything relative thereto.

ARTICLE 14

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
Brookline, like other cities and towns in Massachusetts, will ultimately need to adopt zoning and other by-law changes to accommodate the introduction of recreational marijuana establishments resulting from the successful November 2016 statewide ballot initiative. However, because final Massachusetts regulations applicable to such establishments are not expected to be issued prior to March 15, 2018, the Town cannot realistically adopt zoning and other measures at this time. The Department of Planning and Community Development submitted Warrant Article 14 in order to place a moratorium upon the creation of any recreational marijuana establishment in Brookline prior to April 15, 2019, by adopting two successive moratoria, one expiring on December 31, 2018 and a second commencing on January 1, 2019 and sunsetting on April 15, 2019. The rationale is explained below.

By a vote of 14–4–7 The Advisory Committee recommends FAVORABLE ACTION on Article 14 as amended by the Planning Board and the Board of Selectmen.

BACKGROUND:
In November 2016, Massachusetts voters approved a statewide ballot initiative to legalize recreational marijuana (now codified as 2016 Mass. Legis. Serv. Ch. 334, "The Regulation and Taxation of Marijuana Act," hereinafter "Act"). The Massachusetts Legislature is currently in the process of reviewing and revising certain provisions of the Act as adopted by the voters, after which the executive agency to which responsibility for regulating recreational marijuana is assigned will propose and adopt specific regulations regarding the manner in which commercial enterprises will be authorized to sell and distribute recreational marijuana in the Commonwealth.

DISCUSSION:
Article 14 creates a new definition in the Zoning By-Law of a "RECREATIONAL MARIJUANA ESTABLISHMENT" as applying to "a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business as is subject to regulation under Chapter 94G of the Massachusetts General Laws," and establishes a new "Use Code," designated as 20C, in the Brookline Zoning By-Law for such Recreational Marijuana Establishments. Defining this product-specific Use category will enable the Town to limit the locations at which recreational marijuana may be produced and/or sold, subject to the provisions that are ultimately adopted in state legislation and by regulation. However, because the details of such state actions are not known at this time and are not expected to become final any sooner than March 15, 2018, we do not know what flexibility will ultimately be available to the Town with respect to zoning of any such recreational marijuana establishments.

As originally submitted in the Warrant, Article 14 proposed a zoning moratorium with a sunset date of April 15, 2019. This was intended to permit time for the November 2018 Town Meeting (which may be the first opportunity, depending on the timing of regulatory measures at the State level) to vote a proposed general and/or zoning by-law amendment and for the Attorney General's Office to review and approve it. However, subsequent to the filing of Article 14, the director of the Attorney General's Municipal Law Unit has stated publicly that it is unclear whether the Attorney General's Office will approve a moratorium on recreational marijuana establishments past December 31, 2018. The director suggested that municipalities that wish to propose a moratorium into 2019 divide the moratorium time periods into two, one through the end of 2018 and the second for any period after that. She stated that, in the event that the Attorney General determines to disapprove any portion of a moratorium extending beyond December 31, 2018, this approach will afford the Attorney General's Office the ability to strike a 2019 portion without affecting the balance of a by-law. Based on this advice, Article 14 was amended to provide for two (2) successive moratoria, one ending on December 31, 2018, and a second commencing on January 1, 2019 and extending through April 15, 2019. The Board of Selectmen and the Planning Board both recommend Article 14 with these two moratoria. The Advisory Committee concurs.

RECOMMENDATION:

By a vote of 14–4–7 the Advisory Committee recommends FAVORABLE ACTION the motion offered by the Selectmen.

ARTICLE 14

FOURTEENTH ARTICLE
Submitted by: Department of Planning and Community Development

To see if the Town will add to the Zoning By-Law in Section 2.18, "R" Definitions, a #3 for "Recreational Marijuana Establishment" as follows, and change the current #3 to #4 :

3. **RECREATIONAL MARIJUANA ESTABLISHMENT** — a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business as is subject to regulation under Chapter 94G of the Massachusetts General Laws.

To further see if the Town will amend Sec. 4.07, Table of Use Regulations, by adding a new use, Use #20C:

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
20C.Recreational Marijuana Establishment *** It is the intent of the Department of Planning and Community Development to submit to Town Meeting an amendment to this use category at or before the Fall 2018 Town Meeting in order to regulate this use in accordance with State regulations. The restrictions on use contained herein are effective only until such amendments to this use are approved by the Attorney General or until April 15, 2019, whichever is earlier. Temporarily restricting this use will allow the Town to review the State-promulgated regulations governing**	No	No	No	No	No	No	No	No	No

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
these facilities and allow the Town to enact zoning provisions, consistent with State law and regulations, setting forth the allowed locations, dimensional, parking and other requirements applicable to Recreational Marijuana Establishments. Chapter 351 of the Acts of 2016 establishes March 15, 2018 as the deadline for the State to generate regulations.									

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

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

The Town enacted a similar temporary moratorium in spring of 2013 relative to medical marijuana facilities in order to allow time to promulgate reasonable local regulations. The Attorney General's Office approved that moratorium. Recently, a six and a half month recreational marijuana moratorium adopted by the Town of West Bridgewater at its Town Meeting on December 14, 2016, was approved by the Attorney General. This occurred prior to the legislature's extension of the deadline for CCC regulation to March 15, 2018. Brookline's Zoning Bylaw currently allows Registered Medical Marijuana Dispensaries in General Business, Office, and Industrial districts by Special Permit if certain conditions are met. Regulation of Recreational Marijuana Establishments, however, raises novel and complex legal, planning, and public safety issues. The Town needs time to identify, consider and address those issues, as well as any forthcoming regulations issued by the Cannabis Control Commission. The temporary moratorium proposed in this Article is intended to allow sufficient time for the Town to engage in a comprehensive planning process and adopt appropriate and effective Zoning By-Law and General By-Law provisions using sound land-use planning principles and addressing any public health, safety and welfare issues that could arise from this new law. Those regulations should not be finalized until after the State has adopted its regulations to ensure that the Town's regulations are consistent with what the State regulations allow and/or prohibit. Since the warrant for Spring 2018 Town Meeting typically closes roughly in the middle of March, if State regulations are not issued until March 15, 2018, the Town would not have time to prepare and adequately vet its regulations before the close of the warrant. Therefore, a warrant article proposing a zoning amendment will be submitted to Fall 2018 Town Meeting.

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

PLANNING BOARD REPORT AND RECOMMENDATION

This zoning amendment proposes to establish a moratorium on recreational marijuana in the Town until the state has adopted its own regulations. This would ensure that any Brookline Zoning By-law warrant articles approved by Town Meeting would be consistent with those of the State, and the Town would regulate only those aspects of recreational marijuana delegated to municipalities. The State has extended its time period for formulating its regulations until March 15, 2018, and the legislature may be amending "The Regulation and Taxation of Marijuana Act" before the end of the year. In 2012, when medical marijuana was approved by ballot initiative, a similar moratorium was imposed by Brookline, and the moratorium was upheld by the Attorney General.

After the State decides what jurisdiction will be granted to municipalities, the Brookline Planning, Building, and Health Departments, along with the Selectmen's Licensing Committee, will undertake a comprehensive planning process, as we did for medical marijuana, to address issues of appropriate locations, parking requirements, and health and safety issues.

Subsequent to the filing of Article 14 for Spring 2017 Town Meeting, the Director of the Attorney General's Municipal Law Office has advised municipalities that a moratorium continuing past December 31st, 2018 may not be approved, and it was advised that any proposed moratoriums establish two consecutive time periods. This way if the later date is struck down by the Attorney General, the shorter one would still be effective. Therefore, the Planning Board recommends an amendment to the proposed warrant article, adding a shorter time period for a moratorium through December 31, 2018, to the lengthier one running through April 15, 2019.

Therefore, the Planning Board unanimously recommends FAVORABLE ACTION on Article XIV as amended:

ARTICLE XIV

To see if the Town will add to the Zoning By-Law in Section 2.18, "R" Definitions, a #3 for "Recreational Marijuana Establishment" as follows, and change the current #3 to #4 :

3. **RECREATIONAL MARIJUANA ESTABLISHMENT** — a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business as is subject to regulation under Chapter 94G of the Massachusetts General Laws.

To further see if the Town will amend Sec. 4.07, Table of Use Regulations, by adding a new use, Use #20C:

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
20C. Recreational Marijuana Establishment * It is the intent of the Department of Planning and Community Development to submit to Town Meeting an amendment to this use category at or before the Fall 2018 Town Meeting in order to regulate this use in accordance with State regulations. The restrictions on use contained herein are effective only **until the earlier of when** such amendments to this use are approved by the Attorney General **or the following:**	No	No	No	No	No	No	No	No	No

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
a) the first moratorium period shall be effective through December 31, 2018; **b) the second moratorium period shall be effective from January 1, 2019 through April 15, 2019,** ~~whichever is earlier.~~ Temporarily restricting this use will allow the Town to review the State-promulgated regulations governing these facilities and allow the Town to enact zoning provisions, consistent with State law and regulations, setting forth the allowed locations, dimensional, parking and other requirements applicable to Recreational Marijuana Establishments. Chapter 351 of the Acts of 2016 establishes March 15, 2018 as the deadline for the State to generate regulations.									

SELECTMEN'S RECOMMENDATION

The Board of Selectmen supports imposing a moratorium on allowing commercial activity in the town for recreational marijuana until the state has finalized its regulations. Before the Town can adopt by-laws and procedures regulating retail and grow facilities, it needs to know exactly what the state's regulations will be and what jurisdiction will be allocated to municipalities. Since a three member Cannabis Control Commission is to be appointed by the Office of the State Treasurer, and its regulations for issuing recreational marijuana business licenses is not due until July, 2018, a moratorium on town regulations is appropriate. There is also a possibility that the State Legislature will amend the Act allowing recreational marijuana. Medical marijuana is under the Department of Public Health, and many other states have put recreational marijuana under Liquor or Gambling Commissions. Because of all these uncertainties, five communities in Massachusetts have

already approved moratoriums for recreational marijuana, and seventy others are considering moratoriums for spring town meeting or city council vote.

As it did during the moratorium for recreational marijuana, the Selectmen's Committee on Licensing and Regulation and the relevant Town departments, including Planning, Building, Traffic and Engineering, and Health will convene meetings to discuss appropriate regulations that would address issues related to locations, traffic and parking, product safety, security and signage. A thorough review will be done analyzing the safeguards that can be attached to any approvals to prevent negative impacts from this new use.

At a recent Massachusetts Municipal Association meeting, the Attorney General's representative stressed that its office might not approve moratoriums running past 2018, thus the Selectmen are supportive of an amendment to the original warrant article by the Planning Board which adds a shorter moratorium time period, in case the longer one is struck down by the Attorney General as unreasonable.

Therefore, the Board of Selectmen unanimously recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town will add to the Zoning By-Law in Section 2.18, "R" Definitions, a #3 for "Recreational Marijuana Establishment" as follows, and change the current #3 to #4 :

3. **RECREATIONAL MARIJUANA ESTABLISHMENT** — a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business as is subject to regulation under Chapter 94G of the Massachusetts General Laws.

To further see if the Town will amend Sec. 4.07, Table of Use Regulations, by adding a new use, Use #20C:

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
20C. Recreational Marijuana Establishment * It is the intent of the Department of Planning and Community Development to submit to Town Meeting an amendment to this use category at or before the Fall 2018 Town Meeting in order to regulate this use in accordance with State	No	No	No	No	No	No	No	No	No

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
regulations. The restrictions on use contained herein are effective only **until the earlier of when** such amendments to this use are approved by the Attorney General **or the following:** **a) the first moratorium period shall be effective through December 31, 2018;** **b) the second moratorium period shall be effective from January 1, 2019 through April 15, 2019,** ~~whichever is earlier.~~ Temporarily restricting this use will allow the Town to review the State-promulgated regulations governing these facilities and allow the Town to enact zoning provisions, consistent with State law and regulations, setting forth the allowed locations, dimensional, parking and other requirements applicable to Recreational Marijuana Establishments. Chapter 351 of the Acts of 2016 establishes March 15, 2018 as the deadline for the State to generate regulations.									

Passed by a Hand Held Vote

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 14 will be provided in the Supplemental Mailing.

XXX

ARTICLE 15

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
Article 15, as placed on the Warrant, was intended to amend Section 7.08, Design Review Procedures of the Brookline Zoning By-Law, in order to permit the Assistant Director of Regulatory Planning or designee, on delegated authority, to administratively approve an application for a proposed sign following specific design guidelines adopted by the Planning Board.

After incorporating new language to ensure that the Article effectively serves its intended purpose and also to provide proper notice and appeal provisions for administrative review, the Advisory Committee by a vote of 24–0–1 recommends Favorable Action on a significantly revised motion under Article 15.

BACKGROUND:
The Planning Board, in addition to its regular zoning work, also reviews applications for signs. The final design of these signs often does not change as a result of the Planning Board's review; however, they are subject to the same review process as other, more complex applications. This work has proven to be a burden on the Planning Board. From time to time, the Planning Board has tried various ways to reduce this burden and to separate the sign review process from its other zoning work, such as assigning review of signs to morning meetings as opposed to its regularly scheduled evening meetings. With the support of the Planning Board, the Planning and Community Development Department is proposing to amend Section 7.08 to delegate to the Assistant Director for Regulatory Planning or designee the authority to administratively approve sign applications following guidelines adopted by the Planning Board.

DISCUSSION:
The Advisory Committee was sympathetic to the concerns raised by the Planning Board and Department of Planning and Community Development, but raised several concerns with respect to Article 15 as it appears in the Warrant:

- Excessive Grant of Authority. Article 15 in its original form grants authority to the Assistant Director for Regulatory Planning or designee to approve applications for all new or replacement signs, subject to guidelines that are adopted by the Planning Board. While the petitioner's description of the Warrant Article focuses upon in-kind replacement or substantially similar signs, there is no such limitation in the original language of Article 15. The Advisory Committee believes the By-Law change should be limited to the stated need of the Planning Board to delegate to the Assistant Director for Regulatory Planning or designee only the authority to administratively approve in-kind replacement or substantially similar replacement

signs, subject to specific and identified guidelines adopted by the Planning Board.

- Lack of Notice. Under the existing procedure, when an application for a new or replacement sign is submitted to the Planning Board, it is treated in the same manner as other applications that may come before the Board, including the mailing or e-mailing of notices to Town Meeting Members in the affected precincts and in certain cases to Town Meeting Members in abutting precincts, and the item is then published on the agenda for the Planning Board's meeting at which the application will be considered. An aggrieved party may then appear at the Planning Board to oppose or otherwise address the proposed sign. However, as originally submitted, Article 15 contains no requirement for, or even a mechanism whereby, notice of any application that would be subject to administrative approval would be sent to Town Meeting Members or published on the Planning Board's agenda. Indeed, as originally submitted, the first time that an abutter or other interested party would most likely become aware of the administrative action is after the sign is physically installed. Furthermore, there is also no notice required to be given for any administrative action taken by the Assistant Director for Regulatory Planning in connection with the approval of sign applications. The Advisory Committee believes that notice of any administrative approval of a proposed sign should be given to Town Meeting Members in the precinct in which the sign is to be located and in some cases to Town Meeting Members in abutting precincts, in the same manner that notice is given of meetings of the Planning Board.

- Lack of an Appeal Process. As submitted, Article 15 provides that "If the applicant or other aggrieved party does not agree with the recommendations of the Planning Board … he may appeal to the Board of Appeals within 30 days through the special permit procedure in Article IX." However, under the delegated authority contemplated in Article 15 as originally submitted, there will be no "recommendations of the Planning Board" that would be subject to appeal. While an application for a sign that is administratively denied automatically goes to the Planning Board and is also subject to appeal by the applicant to the Board of Appeals, there is no similar Planning Board appeal process for an aggrieved party (for example, a neighbor) for sign applications that would be administratively approved. The Advisory Committee believes that an aggrieved party should be able to appeal any administrative approval to the Planning Board with ultimate appeal rights to the Board of Appeals. Even if one were to argue that approvals by the Assistant Director for Regulatory Planning on delegated authority are equivalent to "recommendations of the Planning Board," as contemplated in Article 15 as submitted, any appeal of the administrative action would then be to the ZBA, but only if it is submitted within thirty (30) days of the administrative action. Without the requirement for any notice to be published, a sign that is not installed until after the expiration of that 30-day period would not be subject to appeal.

The petitioner agreed that these concerns were in fact oversights in the original language and were not intentional omissions, and revised Article 15 accordingly. The Advisory

Committee had initially voted to recommend NO ACTION on Article 15 as submitted. However, in light of the revised language submitted by the petitioner that explicitly addressed the Committee's concerns, the Advisory Committee on May 16 voted to reconsider its previous recommendation on Article 15.

RECOMMENDATION:
The Advisory Committee is comfortable that the revised language provided by the petitioner addresses the Committee's concerns and, upon reconsideration on May 16, 2017, now recommends FAVORABLE ACTION on the following motion by a vote of 24–0–1:

bold underlined italics: language added to the by-law by the original Warrant Article
~~strikethrough~~: language deleted from the current by-law by the original Warrant Article
bold italics: language added by the Advisory Committee to the original Warrant Article
~~double strikethrough~~: language deleted by the Advisory Committee from both the original Warrant Article and the existing by-law

For clarity, deleted and replaced letters for paragraphs a, b, c are not denoted; paragraphs are lettered as they would appear in the by-law as amended. See also the "clean" version below.

VOTED: That the Town amend the Brookline Zoning By-Law related to Signs, Illumination, & Regulated Façade Alterations, by:

Amending Section 7.08 of the Zoning By-Law as follows:

§7.08 – DESIGN REVIEW PROCEDURES

All permanent signs permitted in §7.02, 7.03 and 7.04, except signs permitted in paragraph 7.02(a) shall be subject to the following design review process:

1. ALL APPLICATIONS

The applicant shall submit to the Planning ***and Community Development*** Department an application form, plans of the proposed sign, facade alterations, if any, and photographs showing the existing building or site, and such other material as may be required by the ***Assistant Director for Regulatory Planning or designee,*** Building Commissioner or Planning Board.

2. ADMINISTRATIVE APPROVAL

a. Within 10 working days, the ***Assistant Director for Regulatory Planning or designee*** ~~Planning Department~~ ***may administratively approve an application only if it solely relates to either an in-kind or substantially similar replacement of an***

existing sign following the guidelines of the Planning Board with respect to size, color, number, style, location and illumination. All administratively approved applications shall be subject to the notice and appeals procedures described in subparagraphs b, c, d, e and 3.b below. ~~shall ***either administratively approve the application following guidelines adopted by the Planning Board*** or shall refer the application, its recommendations and accompanying materials to the Planning Board ***for review***~~.

b. Within 5 working days of any administrative approval, notice shall be provided to the Building Commissioner and those Town Meeting Members set forth in subparagraph 3.b below.

c. The address and a description of all administratively approved signs shall be noticed in the next Planning Board Design Review Meeting agenda.

d. Upon receipt of the notice of administrative approval, the Building Commissioner may issue a permit for a sign which conforms to the administrative approval; regulations of the Zoning By-Law and such other technical requirements as are within the Building Commissioner's jurisdiction.

e. An aggrieved party may appeal the administrative approval to the Planning Board within 15 days of the date of publication of the next Planning Board Design Review Meeting agenda containing the notice of approval by submitting a written request for Planning Board review of the application to the Assistant Director for Regulatory Planning.

3. PLANNING BOARD APPROVAL

a. Within 10 working days, all applications not subject to administrative approval as described above as well as those for which an aggrieved party has requested Planning Board review, shall be referred to the Planning Board along with recommendations, and accompanying materials for review and approval and shall be subject to the notice and appeals procedures described in subparagraphs b, c and d below.

b. After its receipt of the application and all required materials, the Planning Board shall review the application at its next public meeting for which legal notice can be given. At least seven days before such meeting, the Planning Board shall mail or deliver a notice of the meeting, with a description of such application or a copy thereof, to each elected Town Meeting Member for the precinct in which the property is located, and to those Town Meeting Members of a precinct which is within 200 feet of such property as to which such application has been made. The notice requirements of this section shall be deemed satisfied if such notices are mailed and/or emailed to those individuals whose names appear as Town Meeting Members in the records of the Town Clerk at the addresses as they appear in such

records. The Planning Board shall submit its recommendations in writing to the applicant, ***aggrieved part(ies)*** and the Building Commissioner. The recommendations shall be based on the provisions of this Section of the Zoning By-law, the community and Environmental Impact and Design Standards in §5.09 and such design guidelines as the Planning Board may adopt.

c. Upon receipt of the Planning Board's report or the lapse of thirty days from ~~his~~ referral to the Board without such report, the Building Commissioner may issue a permit for a sign which conforms to the Planning Board's recommendations, if any, the regulations in the Zoning By-law, and such other technical requirements as are within the Building Commissioner's jurisdiction.

d. If the applicant or other aggrieved party does not agree with the ***staff administrative approval,*** recommendations of the Planning Board, or other requirements imposed by the Building Commissioner, he may appeal to the Board of Appeals within 30 days through the special permit procedure in Article IX.

A "clean" version of the amended Section 7.08 of the Zoning By-Law would read as follows:

§7.08 – DESIGN REVIEW PROCEDURES

All permanent signs permitted in §7.02, 7.03 and 7.04, except signs permitted in paragraph 7.02(a) shall be subject to the following design review process:

1. ALL APPLICATIONS

a. The applicant shall submit to the Planning and Community Development Department an application form, plans of the proposed sign, facade alterations, if any, and photographs showing the existing building or site, and such other material as may be required by the Assistant Director for Regulatory Planning or designee, Building Commissioner or Planning Board.

2. ADMINISTRATIVE APPROVAL

a. Within 10 working days, the Assistant Director for Regulatory Planning or designee may administratively approve an application only if it solely relates to either an in-kind or substantially similar replacement of an existing sign following the guidelines of the Planning Board with respect to size, color, number, style, location and illumination. All administratively approved applications shall be subject to the notice and appeals procedures described in subparagraphs b, c, d, e and 3.b below.

b. Within 5 working days of any administrative approval, notice shall be provided to the Building Commissioner and those Town Meeting Members set forth in subparagraph 3.b below.

c. The address and a description of all administratively approved signs shall be noticed in the next Planning Board Design Review Meeting agenda.

d. Upon receipt of the notice of administrative approval, the Building Commissioner may issue a permit for a sign which conforms to the administrative approval; regulations of the Zoning By-Law and such other technical requirements as are within the Building Commissioner's jurisdiction.

e. An aggrieved party may appeal the administrative approval to the Planning Board within 15 days of the date of publication of the next Planning Board Design Review Meeting agenda containing the notice of approval by submitting a written request for Planning Board review of the application to the Assistant Director for Regulatory Planning.

3. PLANNING BOARD APPROVAL

a. Within 10 working days, all applications not subject to administrative approval as described above as well as those for which an aggrieved party has requested Planning Board review, shall be referred to the Planning Board along with recommendations, and accompanying materials for review and approval and shall be subject to the notice and appeals procedures described in subparagraphs b, c and d below.

b. After its receipt of the application and all required materials, the Planning Board shall review the application at its next public meeting for which legal notice can be given. At least seven days before such meeting, the Planning Board shall mail or deliver a notice of the meeting, with a description of such application or a copy thereof, to each elected Town Meeting Member for the precinct in which the property is located, and to those Town Meeting Members of a precinct which is within 200 feet of such property as to which such application has been made. The notice requirements of this section shall be deemed satisfied if such notices are mailed and/or emailed to those individuals whose names appear as Town Meeting Members in the records of the Town Clerk at the addresses as they appear in such records. The Planning Board shall submit its recommendations in writing to the applicant, aggrieved part(ies) and the Building Commissioner. The recommendations shall be based on the provisions of this Section of the Zoning By-law, the community and Environmental Impact and Design Standards in §5.09 and such design guidelines as the Planning Board may adopt.

c. Upon receipt of the Planning Board's report or the lapse of thirty days from referral to the Board without such report, the Building Commissioner may issue a permit for a sign which conforms to the Planning Board's recommendations, if any, the regulations in the

Zoning By-law, and such other technical requirements as are within the Building Commissioner's jurisdiction.

d. If the applicant or other aggrieved party does not agree with the staff administrative approval, recommendations of the Planning Board or other requirements imposed by the Building Commissioner, he may appeal to the Board of Appeals within 30 days through the special permit procedure in Article IX.

Passed by a Unanimous Vote

ARTICLE 15

FIFTEENTH ARTICLE
Submitted by: Planning and Community Development Department

To see if the Town will amend the Brookline Zoning By-Law related to Signs, Illumination, & Regulated Façade Alterations, by:

Amending Section 7.08 of the Zoning By-Law as follows: (new language in bold):

§7.08 – DESIGN REVIEW PROCEDURES

All permanent signs permitted in §7.02, 7.03 and 7.04, except signs permitted in paragraph 7.02(a) shall be subject to the following design review process:

a. *The applicant shall submit to the Planning* ***and Community Development*** *Department an application form, plans of the proposed sign, facade alterations, if any, and photographs showing the existing building or site, and such other material as may be required by the* ***Assistant Director for Regulatory Planning or Designee,*** *Building Commissioner or Planning Board.*

b. *Within 10 working days, the* ***Assistant Director for Regulatory Planning or designee*** ~~*Planning Department*~~ *shall* ***either administratively approve the application following guidelines adopted by the Planning Board*** *or shall refer the application,* ~~*its*~~ *recommendations and accompanying materials to the Planning Board* ***for review.***

c. *After its receipt of the application and all required materials, the Planning Board shall review the application at its next public meeting for which legal notice can be given. At least seven days before such meeting, the Planning Board shall mail or deliver a notice of the meeting, with a description of such application or a copy thereof, to each elected Town Meeting Member for the precinct in which the property is located, and to those Town Meeting Members of a precinct which is within 200 feet of such property as to which such application has been made. The notice requirements of this section shall be deemed satisfied if such notices are mailed and/or emailed to those individuals whose names appear as Town Meeting Members in the records of the Town Clerk at the addresses as they appear in such records. The Planning Board shall submit its recommendations in writing to the applicant and the Building Commissioner. The recommendations shall be based on the provisions of this Section of the Zoning By-law, the community and Environmental Impact and Design Standards in §5.09 and such design guidelines as the Planning Board may adopt.*

d. *Upon receipt of the Planning Board's report or the lapse of thirty days from ~~his~~ referral to the Board without such report, the Building Commissioner may issue a permit for a sign which conforms to the Planning Board's recommendations, if any, the regulations in the Zoning By-law, and such other technical requirements as are within the Building Commissioner's jurisdiction.*
e. *If the applicant or other aggrieved party does not agree with the recommendations of the Planning Board or other requirements imposed by the Building Commissioner, he may appeal to the Board of Appeals within 30 days through the special permit procedure in Article IX.*

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

PLANNING BOARD REPORT AND RECOMMENDATION

This zoning amendment was submitted by the Planning and Community Development Department with the unanimous support of the Planning Board. The article seeks to amend section 7.08 – DESIGN REVIEW PROCEDURES of the Zoning By-Law to allow the Assistant Director for Regulatory Planning or designee to administratively approve certain sign and awning applications following guidelines adopted by the Planning Board. The range of applications reviewed by the Board includes proposals for signs and awnings,

which are often substantially similar in design and placement to what was there before, as well as proposals that are completely different from the previous commercial tenant.

Currently, all Design Review applications are reviewed at a staff level for compliance with the dimensional and locational requirements of the Zoning By-law, as well as for general aesthetics prior to being scheduled for a Design Review meeting. Staff often suggests modifications to proposals so they meet the requirements of the By-Law and to improve the design so the proposal is appropriate for the site and neighborhood. As a result of staff-level review, many proposals for a sign or awning often do not change following the Planning Board's review because many of the zoning and design related concerns have been resolved prior to the meeting. There are occasional proposals that require a more thorough review either because the applicant did not incorporate staff's suggestions and/or because the proposal is a significant departure from what the previous tenant had for signs. However, the Planning Board is confident that many applications could be approved administratively by staff following guidelines adopted by the Board. Moreover, the Planning Board is confident that Planning Department staff is capable of exercising sound judgment when deciding whether to approve a proposal administratively or to refer it to the Board for Design Review.

If passed by Town Meeting, the Planning Board anticipates that the proposed amendment would accomplish the following:

1. Streamline the review process for straightforward sign and awning proposals
2. Reduce the number and length of Design Review meetings required by the Board to review simple applications
3. Reduce the amount of staff time dedicated to scheduling, planning and staffing Design Review meetings for straightforward applications.

Planning Board members are regularly asked to serve on an increasing number of ad-hoc committees related to various town and school studies, private development proposals and strategic planning initiatives. The Board views this amendment as an opportunity to improve the Town's Design Review process while giving Planning Board members and staff more flexibility to focus on more pressing needs of the Town.

Therefore, the Planning Board unanimously recommends FAVORABLE ACTION on Article XV as submitted.

SELECTMEN'S RECOMMENDATION

This zoning amendment was submitted with the unanimous support of the Planning Board by the Planning and Community Development Department. The article seeks to amend section 7.08 – DESIGN REVIEW PROCEDURES of the Zoning By-Law to allow the

Assistant Director for Regulatory Planning or designee to administratively approve certain sign and awning applications following guidelines adopted by the Planning Board. The Planning Board currently reviews all Design Review applications for signs and awnings, even those that are effectively an in-kind or substantially similar replacement of an existing sign with respect to size, type, number, location and illumination.

All Design Review applications are reviewed at a staff level for compliance with the dimensional and locational requirements of the Zoning By-law, as well as for general aesthetics prior to being scheduled for a Design Review meeting with the Planning Board. Staff often suggests modifications to proposals so they meet the requirements of the By-Law and to improve the design so the proposal is appropriate for the site and neighborhood. As a result of staff-level review, many proposals for signs and awning often do not change following the Planning Board's review because many of the concerns that would have been raised by the Planning Board during a Design Review meeting have already been resolved. On occasion, there are proposals that required a more thorough review and the Selectmen anticipate those cases would continue to be reviewed by the Planning Board. However, the Selectmen agree that there are a number of applications that could be better handled at a staff level and could be approved administratively by staff following guidelines adopted by the Planning Board. The Selectmen expect that the Planning Board will be kept informed by staff about administratively approved applications and emerging sign and awning trends.

The Selectmen recognize that Planning Board members and Planning Department Staff are regularly asked to serve and staff ad-hoc committees, which is a trend that is anticipated to continue for the foreseeable future based on the evolving needs of the Town. The Selectmen view this amendment as an opportunity to improve the Town's Design Review process while giving Planning Board members and Planning Department staff more flexibility to focus on more pressing needs of the Town.

Therefore, the Board of Selectmen unanimously recommends FAVORABLE ACTION on the following motion:

> VOTED: To amend the Brookline Zoning By-Law related to Signs, Illumination, & Regulated Façade Alterations, by:

Amending Section 7.08 of the Zoning By-Law as follows: (new language in bold):

§7.08 – DESIGN REVIEW PROCEDURES

All permanent signs permitted in §7.02, 7.03 and 7.04, except signs permitted in paragraph 7.02(a) shall be subject to the following design review process:

a. *The applicant shall submit to the Planning* ***and Community Development*** *Department an application form, plans of the proposed sign, facade alterations, if*

any, and photographs showing the existing building or site, and such other material as may be required by the ***Assistant Director for Regulatory Planning or Designee,*** *Building Commissioner or Planning Board.*

b. *Within 10 working days, the* ***Assistant Director for Regulatory Planning or designee*** ~~*Planning Department*~~ *shall* ***either administratively approve the application following guidelines adopted by the Planning Board*** *or shall refer the application,* ~~*its*~~ *recommendations and accompanying materials to the Planning Board* ***for review.***

c. *After its receipt of the application and all required materials, the Planning Board shall review the application at its next public meeting for which legal notice can be given. At least seven days before such meeting, the Planning Board shall mail or deliver a notice of the meeting, with a description of such application or a copy thereof, to each elected Town Meeting Member for the precinct in which the property is located, and to those Town Meeting Members of a precinct which is within 200 feet of such property as to which such application has been made. The notice requirements of this section shall be deemed satisfied if such notices are mailed and/or emailed to those individuals whose names appear as Town Meeting Members in the records of the Town Clerk at the addresses as they appear in such records. The Planning Board shall submit its recommendations in writing to the applicant and the Building Commissioner. The recommendations shall be based on the provisions of this Section of the Zoning By-law, the community and Environmental Impact and Design Standards in §5.09 and such design guidelines as the Planning Board may adopt.*

d. *Upon receipt of the Planning Board's report or the lapse of thirty days from* ~~*his*~~ *referral to the Board without such report, the Building Commissioner may issue a permit for a sign which conforms to the Planning Board's recommendations, if any, the regulations in the Zoning By-law, and such other technical requirements as are within the Building Commissioner's jurisdiction.*

e. *If the applicant or other aggrieved party does not agree with the recommendations of the Planning Board or other requirements imposed by the Building Commissioner, he may appeal to the Board of Appeals within 30 days through the special permit procedure in Article IX.*

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 15 will be provided in the Supplemental Mailing.

Planning Board Sign/Façade Administrative Approval Guidelines
Adopted 3/1/17

The Planning Board has determined that some Design Review applications for new and replacement signs and awnings may be more appropriately handled at a staff level. The Planning Board has adopted the following guidelines to be used by the Assistant Director for Regulatory Planning or designee to determine if a Design Review application may be approved administratively.

Administrative Approval of Any Signs/Awnings:

- The requirements in Section 7.00 of the Zoning By-Law shall be applied when determining if any Design Review application for a sign or awning may be approved administratively.

Administrative Approval for Replacement Signs and Awnings:

- Design Review applications for replacement signs and/or awnings may be approved administratively, if the design includes either in-kind or substantially similar replacement of the existing signs/awnings with respect to size, color, number, style, location and illumination.

Administrative Approval for New Signs and Awnings:

- Design Review applications for signs and/or awnings may be approved administratively, if the design is substantially similar to that of the previous tenant or in the determination of the Assistant Director for Regulatory Planning or designee, is deemed to be appropriate for the site and neighborhood. In determining if a design is appropriate, the proposed size, color, number, style, location, and illumination along with the building's architectural features; historical significance, and the context of the surrounding buildings shall be considered.

ARTICLE 16

SIXTEENTH ARTICLE
Submitted by: Board of Selectmen

To see if the Town will authorize and empower the Board of Selectmen to lease for a term not to exceed twenty (20) years rooftop space on the Runkle School building for the purpose of hosting a rooftop solar photovoltaic installation (solar panels and appurtenant equipment), subject to any authorizations, approvals and reviews, on such terms and conditions determined by the Board of Selectmen to be in the best interest of the Town.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

As of late 2016, BlueWave Capital partnered with a new installer, IGS Solar LLC, which requires an easement or roof lease agreement to install the panels. Once a lease agreement is in place, the Town can resume negotiations with BlueWave to execute the contract. At this time, the Board is seeking permission to grant a lease agreement for rooftop space on the Runkle School, which would be the first site available for installation by summer 2017.

SELECTMEN'S RECOMMENDATION

Article 16 asks Town Meeting to authorize the Selectmen to enter into a lease for rooftop space on the Runkle School building for the purpose of installing solar panels. The Town has been working for quite some time via the MAPC led procurement for solar energy management services. The Runkle School has been deemed most viable and the Town has been reviewing contract language with our developer BlueWave Capital, LLC. Bluewave's new partners, IGS Solar, and Advanced Solar are in the process of finalizing the system design and anticipate construction this summer. The preferred mechanism to execute the agreement is via a lease, which requires Town Meeting approval. The Board is supportive of this project and looks forward to continuing to work with Bluewave on this and other viable sites.

Therefore, on April 18, 2017 a unanimous Board of Selectmen voted FAVORABLE ACTION on the following:

Voted: To authorize and empower the Board of Selectmen to lease for a term not to exceed twenty (20) years rooftop space on the Runkle School building for the purpose of hosting a rooftop solar photovoltaic installation (solar panels and appurtenant equipment), subject to any authorizations, approvals and reviews, on such terms and conditions determined by the Board of Selectmen to be in the best interest of the Town.

Passed by a Unanimous Vote

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
Article 16 would authorize the Selectmen to lease space for solar panels on the roof of the Runkle School. A lease enables a private company to take advantage of tax credits, which the Town cannot use. The installation will generate $30,000 in annual income for the Town. The Advisory Committee unanimously recommends Favorable Action.

BACKGROUND:
The Town has been in contract negotiations for many months with developer BlueWave Capital, LLC, Boston, Massachusetts, to install solar photovoltaic arrays on several municipal buildings, including the Runkle School. Initially, Blue Wave was operating under the premise that they had to get a licensing agreement, but their newly acquired financial partner and installer, IGS Solar -LLC, has required a 20-year roof lease or easement to install the panels.

Once a lease agreement is in place, the Town can resume negotiations with BlueWave to execute the contract. At this time, the Board of Selectmen is seeking permission from Town Meeting to negotiate and enter into a lease agreement for rooftop space on the Runkle School, which would be the first site in Brookline available for installation by summer 2017.

DISCUSSION:
BlueWave can take advantage of tax credits, which the Town cannot. It is anticipated that this installation will return about $30,000 per year to the Town and there are no costs to the Town for the installation of the solar panels. The $30,000 represents almost 25% of the annual cost of electricity of the Runkle School. BlueWave focuses on bringing local, low-cost solar power to communities and consumers.

The abutters have been notified and did not express any concerns and that the roof can handle the installation of solar panels. Runkle is one of very few options in Brookline. It

has a new roof, which is a requirement for the installation of solar panels. The solar photovoltaic modules will be mounted on ballasted systems with a tilt of 10 degrees. Construction of the Runkle School system can proceed after the final agreements are executed—most likely in summer 2017—if all goes according to plan.

The Devotion School may be a future project. Other Town buildings that may be able to accommodate solar panels were the Babcock Street Fire Station and the Coolidge Corner Library.

RECOMMENDATION:
The Advisory Committee, by a vote of 24–0–0 voted to recommend FAVORABLE ACTION on the motion offered by the Selectmen.

XXX

ARTICLE 17

SEVENTEENTH ARTICLE
Submitted by: Commissioner of Public Works

To see if the Town will vote to accept a grant of easement from Chestnut Hill Investments LLC, a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, or one of its successors or assigns, over a portion of land located at 1180 Boylston Street, Brookline, Massachusetts and shown as 360 SF Pedestrian Easement on a plan entitled "Plan to Accompany an Easement for Pedestrian Passage Through Land of 1180 Boylston Street, Brookline, Mass." dated February 22, 2017 prepared by Peter M. Ditto, P.L.S. for the purposes of providing safe and continuous pedestrian access along Hammond Street necessitated by the planned construction of an adjacent non-exclusive loading zone on Hammond Street, as will be further described in the Easement Agreement that will be on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town. Said easement is situated in Norfolk County and contains approximately 360 square feet as shown on said plan. Said Plan and Easement Agreement to be recorded at the Norfolk Registry of Deeds upon acceptance by the Town.

Said Easement Area is described as follows:

Beginning at a point 5.18 feet S37-30-19E from a stone bound (SB) on Hammond Street at the southeasterly corner of the intersection of Hammond Street and Boylston Street, thence

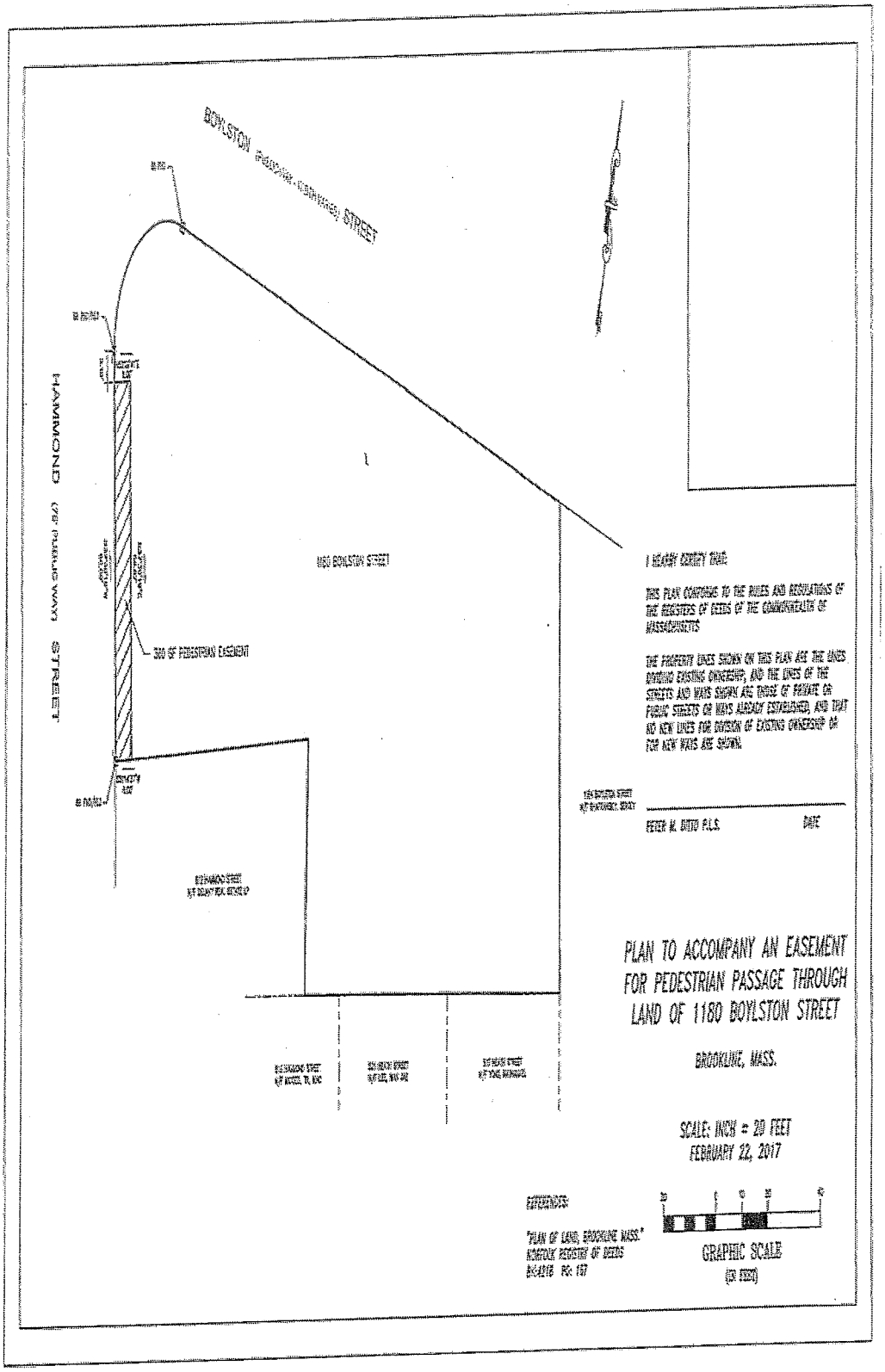
Running six and 00/100 feet (6.00′) N52-29-41E, thence

Running fifty nine and 87/100 feet (59.87′) S37-30-19E to land N/F Delany Real Estate, thence

Running six and 00/100 feet (6.00’) to Hammond Street, thence

Running sixty and 00/100 (60.00′) N37-30-19W to the point of beginning.

Said parcel being shown as parcel labeled "360 SF Pedestrian Easement" on a plan by Peter M. Ditto, P.E., dated February 22, 2017.



Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

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

SELECTMEN'S RECOMMENDATION

Article 17 will allow the Town to accept an easement over a portion of land located at 1180 Boylston Street. A Comprehensive Permit pursuant to M.G.L. c.40B was approved by the ZBA to construct a mixed-use development that includes a loading zone, which will reduce the width of the sidewalk on Hammond Street to four feet wide. If accepted by Town Meeting, this easement will allow the Town to restore pedestrian access to a minimum of ten feet wide.

The Selectmen appreciate the work of the Transportation Board and DPW staff in finding a way to restore pedestrian access to the sidewalk. While Town Meeting is only being asked to accept the easement this Board notes that the Comprehensive Permit grants permission to construct the loading zone on the condition that the easement was granted by the owner and accepted by Town Meeting.

On April 12, 2017 a unanimous Board voted FAVORABLE ACTION on the following motion:

VOTED: That the Town accept a grant of easement from Chestnut Hill Investments LLC, a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, or one of its successors or assigns, over a portion of land located at 1180 Boylston Street, Brookline, Massachusetts and shown as 360 SF Pedestrian Easement on a plan entitled "Plan to Accompany an Easement for Pedestrian Passage Through Land of 1180 Boylston Street, Brookline, Mass." dated February 22, 2017 prepared by Peter M. Ditto, P.L.S. for the purposes of providing safe and continuous pedestrian access along Hammond Street necessitated by the planned construction of an adjacent non-exclusive loading zone on Hammond Street, as will be further described in the Easement Agreement that will be on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town. Said easement is situated in Norfolk County and contains approximately 360 square feet as shown on said plan. Said Plan and Easement Agreement to be recorded at the Norfolk Registry of Deeds upon acceptance by the Town.

Said Easement Area is described as follows:

Beginning at a point 5.18 feet S37-30-19E from a stone bound (SB) on Hammond Street at the southeasterly corner of the intersection of Hammond Street and Boylston Street, thence

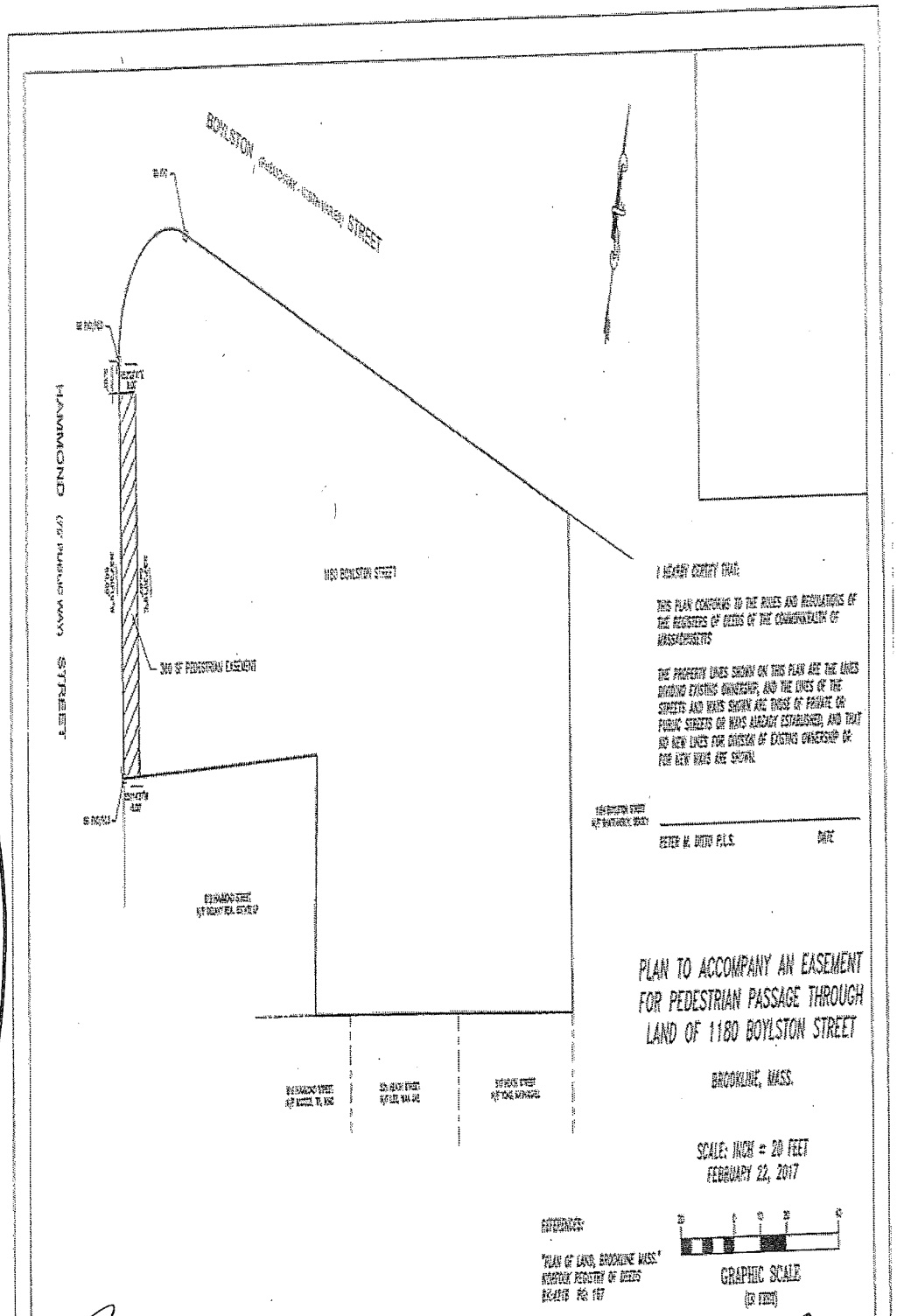
Running six and 00/100 feet (6.00′) N52-29-41E, thence

Running fifty nine and 87/100 feet (59.87′) S37-30-19E to land N/F Delany Real Estate, thence

Running six and 00/100 feet (6.00’) to Hammond Street, thence

Running sixty and 00/100 (60.00′) N37-30-19W to the point of beginning.

Said parcel being shown as parcel labeled "360 SF Pedestrian Easement" on a plan by Peter M. Ditto, P.E., dated February 22, 2017.



Passed by a Unanimous Vote with 1 Abstention.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
The property owner of 1180 Boylston Street, Chestnut Hill Investments LLC, has applied for a 40B mixed-use development and wishes to construct a 60-foot-long and seven-foot-wide loading zone along the property. The Town, concerned about maintaining proper sidewalk width has negotiated a Grant of Easement of land from the property owner so that the public sidewalk width of eleven feet will not be reduced by the installation of this loading zone. The purpose of Article 17 is to vote to accept this grant of easement for the applicable land. The Advisory Committee unanimously recommends Favorable Action.

BACKGROUND:
The construction of a loading zone on Hammond Street along the side of this property would assist the area businesses with a much needed parking area for the loading and unloading of trucks. Through negotiations with the property owner, the Town has obtained a proposed Grant of Easement as shown on the attached plan. The loading zone will start at the property line on Hammond Street and run to a distance of ten feet from the stop line at Route 9. The permanent easement of land will allow the Town to maintain the current pedestrian sidewalk width of eleven feet along the entire Hammond Street property line. There will be the loss of one tree and one parking meter in front of the Oishii restaurant, the abutter to this site.

DISCUSSION:
Questions have been asked about the sufficiency of the length and width of the proposed loading zone. It is necessary that the loading zone be of sufficient length so that a thirty-foot box truck is able to pull straight into the loading zone and is also able to exit the loading zone by pulling straight out. The loading zone is planned to be a sixty-foot length allowing proper truck access. The width of the loading zone is proposed at seven feet, allowing a box truck to fit entirely within the loading zone.

The loading zone will be time-restricted as determined by the Transportation Board. The zone will exist in perpetuity. Questions have been raised about pedestrian safety, and it was noted that Peter Ditto, director of engineering and transportation for the Department of Public Works, assured the Advisory Committee's Capital Subcommittee that the sidewalk resulting from this easement would be a proper sidewalk, safe of defects.

The proposed Warrant Article is limited to the acceptance of the easement and should not be interpreted as an endorsement of or acceptance of the proposed 40B project. The review of the feasibility and impact of the project at 1180 Boylston Street is the responsibility of the Zoning Board of Appeals. There will be a normal design review through the Planning Department. The loading zone must be approved and sanctioned by the Transportation Board. Under this Warrant Article, all Town Meeting is being asked to vote on is the acceptance of this Grant of Easement.

RECOMMENDATION:
The Advisory Committee, by a vote of 24–0–0 recommends FAVORABLE ACTION on the motion offered by the Selectmen.

XXX

ARTICLE 18

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
Warrant Article 18 would authorize the Transportation Board to lower the default speed limit from 30 mph to 25 mph in thickly settled residential and business districts, either town-wide or by neighborhood or roadway. Reduced speed is associated with increased safety, particularly for pedestrians. By a vote of 20–4–1, the Advisory Committee recommends Favorable Action.

BACKGROUND:
National studies of the relationship between driving speeds and injuries and fatalities have shown that fatality rates of pedestrians struck by a car driving 20 mph is only 6%, increasing to 19% at 30 mph, and is 65% at 45 mph. These studies suggest that reducing speed limits by small increments can have a significant impact on injuries and fatalities. For this reason, legislation to lower default speed limits in the State's residential and business areas had been filed in each of the past five legislative sessions. Although these legislative initiatives were supported by numerous municipal transportation authorities, including Brookline's Transportation Board, the bills languished in committee at the state legislature.

In August 1996, the Legislature passed the Municipal Modernization Act (MMA), a compilation of over 253 reforms intended to improve municipal governance. The MMA is a product of the Baker administration, based largely on input solicited from towns and cities regarding their own wish lists. Most of the reforms streamline and increase flexibility in the areas of municipal finance and administration, but several other reforms are also included. Two of these provide municipalities with the authority to lower speed limits within their borders. Passage of Warrant Articles 18 and 19 would enable the Town to implement these two reforms.

The reform addressed by this warrant article is provided for in Section 193 of the MMA. Section 193 added section 17C to MGL Chapter 90, which, if accepted by a municipality, allows the appropriate municipal authority (the Transportation Board in Brookline) "in the interests of public safety and without further authority, [to] establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district…that is not a state highway." Currently the speed limit may not be set below 30 mph. The municipality may implement the lower speed limit town-wide or by specific roads and neighborhoods.

Passage of Warrant Article 18 by Town Meeting would constitute Town acceptance of the provisions of MGL Ch. 90, section 17C, thereby empowering the Transportation Board to implement the default speed reductions.

DISCUSSION:

One of the most consistent requests by residents to the Transportation Board is for traffic calming. As more cars are on the road, commuters are increasingly driving through the Town's residential neighborhoods—often directed by GPS—to avoid the main clogged arteries. At the same time, more persons are using bicycles as a means of transportation. These two factors have further increased neighborhood concerns about driving speed and pedestrian and bicycle safety.

In response, the Town has taken measures on its own to reduce traffic speeds, with the Transportation Board implementing a Traffic Calming Policy, which has included constructing rotaries, bump-outs and curb extensions. The Transportation Board also has wanted to reduce the default speed limit in Town from 30 mph to 25 mph. Prior to passage of the MMA, this could only be accomplished upon approval from the Massachusetts Department of Transportation (DOT) based on engineering studies carried out by the Town. That approach was not pursued because it would have been time-consuming and costly. For this reason, the Town joined the coalition of municipalities that supported and lobbied for the passage of the speed limit legislation that the legislature repeatedly failed to vote on for each of five consecutive sessions. Now we have the opportunity to reduce speed limits without the cumbersome procedures required to obtain DOT approval. Lowering speed limits is also a less costly tool for traffic calming than other approaches that have been taken by the Town.

Brookline would not be in the forefront of implementing the default reductions made possible by the Municipal Modernization Act. Somerville implemented the reductions on November 7, 2016, the day the Act went into effect throughout Massachusetts. According to Somerville officials, the reductions have worked well. Other cities and towns that already have implemented the reductions include Boston, Newton, Cambridge, Arlington, Swampscott, Danvers, Beverly and Chelsea.

If Town Meeting were to pass Article 18, the Transportation Board likely would want to make the speed reduction the default town-wide rather than by street or neighborhood. The former approach would be less confusing to drivers and posted signs would only be required at the Town borders. If reductions were to be done by street, signs would need to be posted on each such street. Most of the municipalities that have implemented the speed reductions have done so town-wide. (Danvers has implemented the reductions by neighborhoods.) The Transportation Board nonetheless would make its decision only following one or more public hearings; and if the public did not support town-wide implementation, the Board could take the neighborhood by neighborhood approach, which likely would be request-based.

Under the law, the town-wide implementation is limited to areas that are thickly settled residential districts and business districts, with "thickly settled" defined as having structures on average less than 200 feet apart for ¼ mile. It appears that all of the Town's neighborhoods meet this criterion, so that almost all of Brookline would have the 25 mph

speed limit. The exceptions would be Boylston Street, the Horace James Circle, and the Hammond Pond and West Roxbury Parkways, which are State highways.

There was some concern expressed about how slowly cars would have to drive to abide by the 25 mph limit, thereby potentially encouraging people to go faster than the speed limit. Todd Kirrane, Brookline's Transportation Administrator, explained that police enforcement in practice is such that only drivers going faster than 10 mph above the posted speed limit are ticketed. With the reduction in the speed limit to 25 mph, the police would stop cars driving at 35 mph rather than 40 mph, which could result in significantly lower fatality and injury rates when accidents occur.

Another concern was that as speeds are reduced on neighborhood streets, drivers might instead choose to drive on main arteries such as Route 9 or the Parkways. Todd Kirrane noted that Brookline's main arteries are already congested, which has led drivers to drive onto neighborhood streets, a trend that residents would like to see reversed.

Finally, there was a concern about the cost involved in posting new signs with the reduced speed limits, but Mr. Kirrane pointed out that the cost would be minimal if the speed reduction is implemented town wide, in which case signs need to be posted only at the borders of the Town, just as is currently done with the posting of the 30 mph speed limit.

RECOMMENDATION:
The Advisory Committee, by a vote of 20–4–1, recommends FAVORABLE ACTION on the motion offered by the Selectmen.

ARTICLE 18

EIGHTEENTH ARTICLE
Submitted by: Transportation Board

To see if the Town will accept the provisions of General Laws Chapter 90, Section 17C which states:

17C "(a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city of town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway."

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

In recognition of the danger speeding vehicles pose to all roadway users, and in support of the Board's goal to create a multi-modal transportation network that encourages safe alternatives including walking and cycling for commuting and recreational purposes, the Transportation Board has implemented a Traffic Calming Policy and overseen several

neighborhood traffic calming projects to increase safety and reduce motor vehicle speed. Since 1999 this has resulted in the installation of traffic calming devices including roadway narrowing, raised crosswalks, raised intersections, speed humps, neighborhood traffic circles, curb extensions, chicanes, enhanced crosswalk signage, and pavement markings throughout the Town.

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

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

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

of vehicles and bicycles on, and their exclusion from, all or any streets, ways, highways, roads, parkways and public off-street parking areas under the control of the town" as part of their enabling legislation.

SELECTMEN'S RECOMMENDATION

Article 18 is an Act to accept the provisions of Massachusetts General Laws Chapter 90, Section 17C. This provision is part of the Governor's Municipal Modernization Bill, which revised many State laws that impacted municipal level government. This specific provision, Section 17C, allows municipalities to establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the Town that is not a state highway.

The Selectmen were unanimous that the current 30 miles per hour speed limit for residential streets is high. This provision would allow the Transportation Board to have the authority to go street by street to implement the lower speed limits, or the Board could decide to implement this Town-wide. The Selectmen had a brief discussion on signage, in the event that the decision is made to enforce a lower speed limit town wide.

A unanimous Board of Selectmen voted FAVORABLE ACTION on the following motion:

VOTED: To accept the provisions of General Laws Chapter 90, Section 17C which states:

17C "(a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city of town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway."

Passed by an Electronic Recorded Vote of 176 In Favor, 18 Opposed with 4 Abstentions

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 18 will be provided in the Supplemental Mailing.

XXX

ARTICLE 19

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
Warrant Article 19 would authorize the Transportation Board to designate safety zones around areas near locations where greater driving precautions are appropriate. The zones would have posted 20 mph speed limits for designated time periods, as is currently done for areas near our elementary schools. A majority of the Advisory Committee supported granting such authorization, but some members were concerned that creating too many safety zones could adversely affect the flow of traffic. By a vote of 12–10–2, the Advisory Committee recommends Favorable Action.

BACKGROUND:
Under current State law, municipalities have the authority to designate school zones in the vicinity of public elementary schools, at which locations speeds are limited to 20 mph. The option to establish safety zones for other locations was newly granted to municipalities in 2016 when the State Legislature enacted the Municipal Modernization Act. (See background discussion of Warrant Article 18 for more details.)

Section 194 of the Act added section 18B to MGL Chapter 90. Acceptance of this new Section 18B by a municipality allows the appropriate municipal authority (the Transportation Board in Brookline) to create designated safety zones on roads that are not a state highway without the need to obtain approval from the Massachusetts Department of Transportation (DOT), and to designate safety zones on state highways upon DOT approval. Such safety zones would have a posted speed limit of 20 MPH.

Passage of Warrant Article 19 by Town Meeting would constitute Town acceptance of the provisions of MGL Ch. 90, section 18B, thereby empowering the Transportation Board to designate safety zones.

DISCUSSION:
Absent implementation of the new Section 18B of MGL c. 90, municipalities are allowed to establish safety zones of 20 mph only near schools, with "schools" limited to public schools having grades K-8. Private schools with K-8 grades may request the slower speed limit and some of Brookline's private schools, including Park, Brimmer & May and Maimonides, have received DOT approval to do so. Brookline had requested a waiver from the State to make the area around Brookline High School a safety zone, but DOT will not provide waivers for high schools or preschools, and therefore the waiver was denied, which is why the Town took other approaches to slow traffic near the high school.

If Town Meeting votes for Article 19, the Transportation Board would have the authority to determine which locations in town would benefit from being designated as safety zones.

Appropriate locations might include the areas near parks, the Senior Center, Brookline High School, and playgrounds. The 20 mph speed limit in those designated safety zones would be required only at appropriate times, for example, the area around the Senior Center would have the reduced speed limit during those times when the Center is open.

Some members of the Advisory Committee pointed out that the Article could have negative consequences. A key area of concern was that the Town might end up with an excessive amount of safety zones, particularly if safety zones were to be designated for areas surrounding all of the many day care centers in Town, and especially on Harvard Street, where there already are traffic problems. In addition to the sheer number of safety zones, there would be a patchwork of speed zones, with the limit increasing and then decreasing as cars moved from one zone to another. There also was concern about the number of new signs, their aesthetic impact, and their cost.

The Town's Transportation Administrator, Todd Kirrane, noted that Harvard Street traffic is already so slow during the day that the slower speed limits likely would not have much of an impact. He also pointed out that the Transportation Board has the discretion to determine which locations should be designated as safety zones, and the Board will take this factor, among any other relevant factors, into consideration.

RECOMMENDATION:
The Advisory Committee, by a vote of 12–10–2, recommends FAVORABLE ACTION on the motion offered by the Selectmen.

ARTICLE 19

NINETEENTH ARTICLE
Submitted by: Transportation Board

To see if the Town will accept the provisions of General Laws Chapter 90, Section 18B which states:

18B "(a) Notwithstanding section 18 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour."

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Currently Chapter 90, Section 17 establishes the statutory speed limit of 20 mph on roadways within a school district only. Furthermore the Massachusetts amended Manual on Uniform Traffic Control Devices restricts the 20 mph school zone speed limit to K through 8 schools and does not include High Schools or schools without a crosswalk leading to their property. In order for the Town of Brookline to establish a 20mph speed limit in any other area it must comply with Chapter 90, Section 18 which requires town staff to conduct a multi-step speed study in accordance with the "MassDOT Procedures for Speed Zoning on State and Municipal Roadways" 2012 manual to determine to appropriate and allowable speed limit, receive a positive vote from the Transportation Board for a petition seeking approval from MassDOT to post the speed limit, and then submit the request to the Massachusetts Department of Transportation for permission to post.

Municipalities in other states have had success in increasing safety by creating zones where the speed limit is reduced to 20 mph in a defined area with high pedestrian demand. Examples include New York City's Neighborhood Slow Zone Program which is a community-based program that reduces the speed limit from 25 mph to 20 mph and adds safety measures within a select area in order to change driver behavior and enhance quality of life by reducing cut-through traffic and traffic noise in residential

neighborhoods. Similarly the City of Chicago instituted the Children's Safety Zone Program which seeks to protect children and other pedestrians by creating 20 mph safety zones, 1/8th of a mile boundary, around any Chicago park or school.

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

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

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

SELECTMEN'S RECOMMENDATION

Article 19 is an Act to accept the provisions of Massachusetts General Laws Chapter 90, Section 18B. This provision is part of the Governor's Municipal Modernization Bill, which revised many State laws that impacted municipal level government. This specific provision, Section 18B, allows municipalities to establish designated safety zones which will be posted as having a speed limit of 20 miles per hour.

The Selectmen were supportive of safety zones, which would work similarly to school zones. There was a consensus that there is a need to identify safety zones, where a 20 mile per hour speed limit would be enforced. The Selectmen expressed the desire to

designate the High School as a safety zone, and agreed with the Transportation Board to designate similar areas such as parks and playgrounds, senior centers and other high traffic areas.

Therefore, on April 4, 2017 a unanimous Board of Selectmen voted FAVORABLE ACTION on the following motion:

VOTED: To accept the provisions of General Laws Chapter 90, Section 18B which states:

18B "(a) Notwithstanding section 18 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour."

Passed by an Electronic Recorded Vote of 159 In Favor, 28 Opposed and 6 Abstentions

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 19 will be provided in the Supplemental Mailing.

XXX

ARTICLE 20

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

At the Board's May 9, 2017 meeting, Article 20 was reconsidered in order to contemplate the Advisory Committee's version of this article. The Board accepted the Advisory Committee language as well as some scrivener edits made by the petitioner. The Board of Selectmen unanimously submits the following motion under Article 20:

VOTED: That the Town adopt the following resolution:

A RESOLUTION REGARDING THE PARIS CLIMATE AGREEMENT

WHEREAS the Paris Agreement[1] is now in force under the United Nations Framework Convention on Climate Change (UNFCCC), and the United States of America is an official Party to the Paris Agreement as of 2016; [2]

WHEREAS climate change has already imposed economic and ecological hardships on various people across the world and it poses ever-increasing hardships on the peoples of the world in the future, including the loss of livelihood and possible death;

WHEREAS the Paris Agreement states "the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge;"[3]

WHEREAS the Paris Agreement states "the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement;"[4]

WHEREAS the UNFCCC has established a NON-STATE ACTOR ZONE for Climate Action,[5] which provides a process that states, municipalities and other entities can use as "a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner";[6]

WHEREAS as of April 2017, at least 2,508 cities, towns, and communities worldwide have registered their support for the Paris Agreement on the Non-State Zone platform. This includes American cities as diverse as Anchorage, Baltimore, Berkeley, Cleveland, Dallas, Las Vegas, Pittsburgh, Sacramento and Savannah; and locally Boston, Cambridge, Medford and Somerville;[7]

WHEREAS each country signing the Paris Climate Agreement (UNFCCC) sets its own aspirational climate goals, which encourages each Non-State Actor to do the same, to be evaluated every 5 years;[8] The Town of Brookline should set its own aspirational climate action goals for recurring evaluation;

WHEREAS, as a town of diverse and well-educated and informed citizens, Brookline is able to play a leading role relative to other cities and towns within Massachusetts and the U.S. in both mitigating and adapting to climate change;

WHEREAS the Paris Agreement requires that all parties should pursue efforts to help keep the global increase in average temperature due to human-caused climate change to no more than 2.0 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels, and to 1.5 degrees Celsius if possible;[9]

BE IT RESOLVED THAT the Town of Brookline:

1. Understands it to be a moral and political obligation of the Town to commit to pursue upholding and adhering to the Paris Agreement of 2015.

2. Commits to register its support for implementing the Paris Agreement on the Non-State Zone platform, as other U.S. cities and towns have done.

3. Commits to file its existing 2012 Climate Action Plan as amended in 2015,[10] which was intended to meet the objectives of the Massachusetts Global Warming Solutions Act of 2008, on the Non-State Platform, as other U.S cities and towns have done.

4. Commits to a goal of developing a revised town plan during 2018 to mitigate and adapt to human-caused climate change that may take a leading role above and beyond those plans of the State of Massachusetts and the "nationally determined contribution"[11] of the U.S. government, in order to help insure that those state and federal plans are achieved faster and more thoroughly due to Brookline's actions.

5. Continue educating the citizens of Brookline about the dangers that climate change pose in both the short and long run to the world, in general, and to Massachusetts in particular. This enhanced education will, presumably, facilitate and accelerate both the voluntary and mandatory actions that the citizens of Brookline will take to help slow the rate of climate change.

[1]Paris Agreement.
http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf. Accessed 041117.

[2]"Paris Agreement - Status of Ratification." http://unfccc.int/paris_agreement/items/9444.php. Accessed 041117.

[3]Paris Agreement, 1.

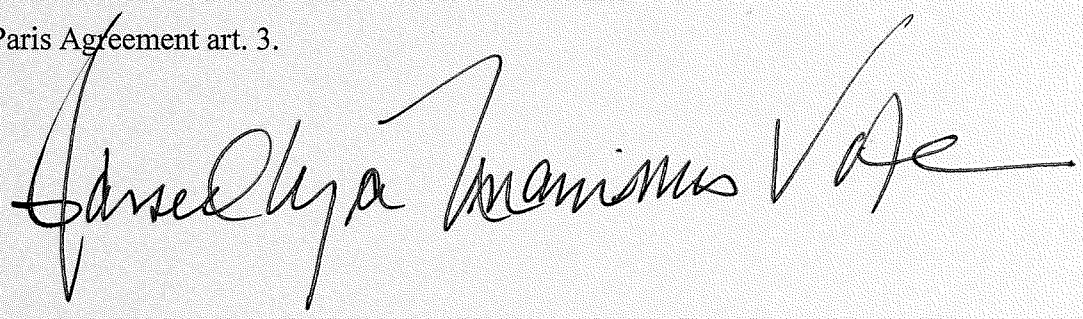
[4]Paris Agreement, 2. [5]http://climateaction.unfccc.int/about. Accessed 041117.

[6]http://newsroom.unfccc.int/paris-agreement/new-un-platform-to-boost-indigenous-peoples-and-local-communities-climate-action/. Accessed 041117.

[7]Paris Agreement art. 2 § 1a.

[8]Paris Agreement art. 4 § 9, art. 14 § 2.
[9]Paris Agreement art. 2 § 1a.
[10]http://www.brooklinema.gov/DocumentCenter/View/2402. Accessed 041117[11]Paris Agreement art 3.
[10]http://www.brooklinema.gov/702/Climate-Action-Plan

[11]Paris Agreement art. 3.



ARTICLE 20

TWENTIETH ARTICLE
Submitted by: John Harris and Richard Rosen

To see if the Town will vote to adopt the following resolution:

WHEREAS, the Paris Agreement is now in force under the United Nations Framework Convention on Climate Change (UNFCCC);

WHEREAS, the United States of America is an official Party to the Paris Agreement as of 2016;

WHEREAS, the Town of Brookline is a town in the State of Massachusetts, which is a state within the United States of America;

WHEREAS, climate change has already imposed economic and ecological hardships on various people across the world and it poses ever-increasing hardships on the peoples of the world in the future, including death and the loss of their livelihood;

WHEREAS, the Paris Agreement recognizes "the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge";

WHEREAS, the Paris Agreement recognizes "the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement";

WHEREAS, the UNFCC has established a **NON-STATE ACTOR ZONE** for Climate Action which provides a process that cities and communities can use as "a platform for the exchange of experiences and sharing of best practices on mitigation [prevention] and adaptation in a holistic and integrated manner";

WHEREAS, as of today, at least 2508 cities, towns, and communities worldwide have registered their support for the Paris Agreement on the Non-State Zone platform. This includes American cities as diverse as Anchorage, Baltimore, Berkeley, Cleveland, Dallas, Las Vegas, Pittsburgh, Sacramento and Savannah; and locally Boston, Cambridge, Medford and Somerville.

WHEREAS, it should be the moral and political obligation of the Town of Brookline to develop and file its intended mitigation and adaptation plans on the Non-State Zone platform;

WHEREAS, as a town of diverse and well-educated and informed citizens, Brookline should play a leading role relative to other cities and towns within Massachusetts, the U.S., and the world in both mitigating and adapting to climate change.

WHEREAS, the Paris Agreement requires that all parties should pursue efforts to help keep the global increase in average temperature due to human-caused climate change to 2.0 degrees Celsius (3.6 degrees Fahrenheit) at a maximum below pre-industrial levels, and to 1.5 degrees Celsius if possible;

BE IT RESOLVED THAT the Town of Brookline:

1. Commits to upholding and adhering to the Paris Agreement of 2015.
2. Agrees to file its commitments for implementing the Paris Agreement on the Non-State Zone platform, as other U.S. cities and towns have done, as those commitments evolve.
3. Agrees to develop a revised town plan during 2018 to mitigate and adapt to human-caused climate change that will take a leading role above and beyond those plans of the State of Massachusetts and the "nationally determined contribution" of the U.S. government, in order to help insure that those state and federal plans are achieved faster and more thoroughly due to Brookline's actions.
4. Commits to educating the citizens of Brookline about the dangers that climate change pose in both the short and long-run to the world, in general, and to Brookline in particular. This enhanced education will, presumably, facilitate and accelerate both the voluntary and mandatory actions that the citizens of Brookline will take to help slow the rate of climate change.

PETITIONER'S ARTICLE DESCRIPTION

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

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

While both the State of Massachusetts and the United States have begun to implement different climate change mitigation plans, neither plan is sufficiently strong to achieve the appropriate pro-rata share for either the state or the country to achieve the overall goals established by Article 2 of the Paris Agreement. There is a large technical literature on this

issue, but a consensus has emerged that the total impact of all the nationally determined contributions to reduce greenhouse gas emissions in the future will not even come close to keeping the human-induces global average temperature increase to at most 2.0 degrees Celsius by the year 2100.

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

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

SELECTMEN'S CLIMATE ACTION COMMITTEE RECOMMENDATION

At its April 24, 2017 public hearing, the Selectmen's Climate Action Committee (SCAC) voted unanimously to support Warrant Article 20 (Paris Climate Agreement) with amendments in addition to those recommended by the Board of Selectmen.

The Committee agrees that it is appropriate for the Town of Brookline to sign the Paris Climate Agreement via the Non-State Actor Zone platform provided by the United Nations Framework Convention on Climate Change (UNFCCC). By joining the ranks of numerous cities and towns across the United States, this action would emphasize the Town's commitment to taking active, measurable steps toward reducing greenhouse gas emissions that cause climate change.

The Committee plans to update its 2012 Climate Action Plan (CAP), as amended in 2015, reflecting the accomplishments the Town has achieved to mitigate and adapt to climate change, including progress it has made beyond the action items in the latest CAP. The CAP is based on the robust objectives of the Massachusetts Global Warming Solutions Act of 2008. In July2017, the SCAC will be completing its first vulnerability assessment to predict climate change impacts in 2030 and 2070, and a data-driven preliminary mitigation plan based on this assessment, which will be presented at Town Meeting in Fall 2017. This process will greatly inform our planned revision of the CAP.

Furthermore, the SCAC is committed to measuring the Town's progress toward meeting the mitigation/adaptions goals and sharing these achievements and resources with the Brookline community to slow the rate of climate change.

SELECTMEN'S RECOMMENDATION

Article 20 is a petitioned resolution urging the Town to commit to adhering to the Paris Agreement of 2015, which addresses climate change. The article asks that the Town develop a revised climate change plan, and educate citizens about the danger of climate change.

The Selectmen are supportive of this resolution as much of the work of the Selectmen's Climate Action committee aligns with the goals of the Agreement. At the end of these Combined Reports, you will find the Climate Action Committee's annual report to Town Meeting detailing the efforts of this group to mitigate climate change. In partnership with the State via the Community Compact the Town has worked on a vulnerability assessment which will then lead the Town to address a mitigation and adaptation plan. This Board was concerned about the prescriptive nature of the fourth "whereas" clause and changed the wording to "Commits to a goal of developing a revised town plan during 2018" in order to acknowledge potential staffing constraints and other CAC goals which may conflict with a hard deadline in the original resolution.

**It should be noted that since the Advisory Committee's vote, which was taken after the Board's vote, is slightly different from the Board's vote the Board will be reconsidering their current vote on May 9 2017.*

On April 18, 2017 a unanimous Board of Selectmen voted FAVORABLE ACTION on the following resolution:

VOTED: That the Town adopt the following resolution:

WHEREAS the Paris Agreement[1] is now in force under the United Nations Framework Convention on Climate Change (UNFCCC), and the United States of America is an official Party to the Paris Agreement as of 2016; [2]

WHEREAS climate change has already imposed economic and ecological hardships on various people across the world and it poses ever-increasing hardships on the peoples of the world in the future, the loss of livelihood and possible death;

WHEREAS the Paris Agreement states "the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge;"[3]

WHEREAS, the Paris Agreement states "the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement;"[4]

WHEREAS the UNFCCC has established a NON-STATE ACTOR ZONE for Climate Action,[5] which provides a process that states, municipalities and other entities can use as "a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner";[6]

WHEREAS as of April 2017, at least 2,508 cities, towns, and communities worldwide have registered their support for the Paris Agreement on the Non-State Zone platform. This includes American cities as diverse as Anchorage, Baltimore, Berkeley, Cleveland, Dallas, Las Vegas, Pittsburgh, Sacramento and Savannah; and locally Boston, Cambridge, Medford and Somerville;[7]

WHEREAS each country signing the Paris Climate Agreement (UNFCCC) sets its own aspirational climate goals, which encourages each Non-State Actor to do the same, to be evaluated every 5 years;[8] The Town of Brookline should set its own aspirational climate action goals for recurring evaluation;

WHEREAS, as a town of diverse and well-educated and informed citizens, Brookline should play a leading role relative to other cities and towns within Massachusetts and the U.S. in both mitigating and adapting to climate change;

WHEREAS the Paris Agreement requires that all parties should pursue efforts to help keep the global increase in average temperature due to human-caused climate change to no more than 2.0 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels, and to 1.5 degrees Celsius if possible;[9]

BE IT RESOLVED THAT the Town of Brookline:

1. Understands it to be a moral and political obligation of the Town to commit to upholding and adhering to the Paris Agreement of 2015.

2. Commits to register its support for implementing the Paris Agreement on the Non-State Zone platform, as other U.S. cities and towns have done.

3. Commits to file its existing 2012 Climate Action Plan,[10] which was intended to meet the objectives of the Massachusetts Global Warming Solutions Act of 2008, on the Non-State Platform, as other U.S cities and towns have done.

4. Commits to a goal of developing a revised town plan during 2018 to mitigate and adapt to human-caused climate change that may take a leading role above and beyond those plans of the State of Massachusetts and the "nationally determined contribution"[11] of the U.S. government, in order to help insure that those state and federal plans are achieved faster and more thoroughly due to Brookline's actions.

5. Commits to educating the citizens of Brookline about the dangers that climate change pose in both the short and long run to the world, in general, and to Massachusetts in particular. This enhanced education will, presumably, facilitate and accelerate both the voluntary and mandatory actions that the citizens of Brookline will take to help slow the rate of climate change.

[1]Paris Agreement. http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf. Accessed 041117.
[2]"Paris Agreement - Status of Ratification." http://unfccc.int/paris_agreement/items/9444.php. Accessed 041117.
[3]Paris Agreement, 1.
[4]Paris Agreement, 2. [5]http://climateaction.unfccc.int/about. Accessed 041117.
[6]http://newsroom.unfccc.int/paris-agreement/new-un-platform-to-boost-indigenous-peoples-and-local-communities-climate-action/. Accessed 041117.
[7]Paris Agreement art. 2 § 1a.
[8]Paris Agreement art. 4 § 9, art. 14 § 2.
[9]Paris Agreement art. 2 § 1a.
[10]http://www.brooklinema.gov/DocumentCenter/View/2402. Accessed 041117[11]Paris Agreement art 3.
[10]http://www.brooklinema.gov/702/Climate-Action-Plan
[11]Paris Agreement art. 3.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
Warrant Article 20 seeks to reaffirm Brookline's commitment at a time when the United States commitment to the Paris Accord is diminishing greatly and may be broken. It also seeks to continue to enhance voluntary and mandatory actions of Brookline citizens to slow down the rate of climate change. Finally, it seeks to file the existing 2012 Climate Action Plan on the Non-State Zone Platform and to revise the 2012 plan in 2018, so as to adhere to the global cycle of Non-State Actors filing action plans to be reviewed every 5 years. The Advisory Committee recommends Favorable Action.

BACKGROUND:
The Selectmen's Climate Action Committee was established at the May 2008 Annual Town Meeting.

Among others, the committee's charge was (and remains): "To promote a goal of achieving 80% reduction in greenhouse gas (GHG) emissions by 2050 in alignment with the Massachusetts' Global Warming Solutions Act" and "To develop a ***comprehensive strategic plan*** that includes, but is not limited to, reducing greenhouse gas emissions and promoting sustainable practices for home, school and businesses."

The Brookline Climate Action Plan, adopted in 2012 and revised in 2015, is a direct result of the Climate Action Committee's efforts (See climateactionbrookline.org to down load the full action plan.) Many aspects of the Action Plan are implemented or in the process of being implemented. The Action Plan developed a full time Senior Planner to support the design of green buildings. The Department of Public Works has implemented many of the carbon reduction actions, such as permeable pavement, hybrid pay as you throw, additional pink bag "soft" recycling, installing LED lights, and more. The Parks and Open Space Division seeks to maintain as much open space as possible and to add 1,000 trees by 2022. The Bicycle Advisory Committee seeks to increase low-carbon transportation and increased use of Public Transportation. The Climate Action Plan is extensive and addresses many ways to involve all Brookline Citizens through a variety of educational activities.

The Paris Agreement is an international agreement and is intended to commit nations to work toward a "near zero net emissions" in the second half of this century and to support means to transition to a low carbon society. The Paris Agreement was signed by 198 nations (referred to as states in the agreement). The United Nations Framework Convention on Climate Change (UNFCCC) also maintains a platform for entities other than a nation, such as municipalities, groups, states and even individuals (referred to as Non-State Actors). Currently 2,508 municipalities and other groups have registered their support on the Non-State platform.

DISCUSSION:
Massachusetts and the United States have begun to implement climate change mitigation plans. Massachusetts has a solid plan for GHG emissions reductions which are also part of the Brookline Plan. The petitioners feel strongly that, in addition to these plans, more must be done to meet the 1.5-2.0 degree Celsius human-induced temperature increase target, set by the Paris accord.

Elements of the Brookline Plan may be controversial; developing a new school requiring increased car trips to get there is seen as disingenuous by some Advisory Committee members, as the Town tries to decrease car use. Concerns raised about the timeframe required to post a revised Climate Action Plan have been addressed through amendments that state the goals in more flexible terms. It should also be noted that the 2012 Climate Action Plan (currently on the web) will be replaced with the revised 2015 plan.

RECOMMENDATION:
Recognizing the importance of the problem of climate change, the Advisory Committee voted 16–0–8 to recommend FAVORABLE ACTION on the following:

VOTED: That the Town adopt the following resolution:

WHEREAS the Paris Agreement[1] is now in force under the United Nations Framework Convention on Climate Change (UNFCCC), and the United States of America is an official Party to the Paris Agreement as of 2016; [2]

WHEREAS climate change has already imposed economic and ecological hardships on various people across the world and it poses ever-increasing hardships on the peoples of the world in the future, the loss of livelihood and possible death;

WHEREAS the Paris Agreement states "the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge;"[3]

WHEREAS, the Paris Agreement states "the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement;"[4]

WHEREAS the UNFCCC has established a NON-STATE ACTOR ZONE for Climate Action,[5] which provides a process that states, municipalities and other entities can use as "a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner";[6]

WHEREAS as of April 2017, at least 2,508 cities, towns, and communities worldwide have registered their support for the Paris Agreement on the Non-State Zone platform. This includes American cities as diverse as Anchorage, Baltimore, Berkeley, Cleveland, Dallas, Las Vegas, Pittsburgh, Sacramento and Savannah; and locally Boston, Cambridge, Medford and Somerville;[7]

WHEREAS each country signing the Paris Climate Agreement (UNFCCC) sets its own aspirational climate goals, which encourages each Non-State Actor to do the same, to be evaluated every 5 years;[8] The Town of Brookline should set its own aspirational climate action goals for recurring evaluation;

WHEREAS, as a town of diverse and well-educated and informed citizens, Brookline is able to play a leading role relative to other cities and towns within Massachusetts and the U.S. in both mitigating and adapting to climate change;

WHEREAS the Paris Agreement requires that all parties should pursue efforts to help keep

the global increase in average temperature due to human-caused climate change to no more than 2.0 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels, and to 1.5 degrees Celsius if possible;[9]

BE IT RESOLVED THAT the Town of Brookline:

1. Understands it to be a moral and political obligation of the Town to commit to pursue upholding and adhering to the Paris Agreement of 2015.

2. Commits to register its support for implementing the Paris Agreement on the Non-State Zone platform, as other U.S. cities and towns have done.

3. Commits to file its existing 2012 Climate Action Plan as amended in 2015,[10] which was intended to meet the objectives of the Massachusetts Global Warming Solutions Act of 2008, on the Non-State Platform, as other U.S cities and towns have done.

4. Commits to a goal of developing a revised town plan during 2018 to mitigate and adapt to human-caused climate change that may take a leading role above and beyond those plans of the State of Massachusetts and the "nationally determined contribution"[11] of the U.S. government, in order to help insure that those state and federal plans are achieved faster and more thoroughly due to Brookline's actions.

5. Continue educating the citizens of Brookline about the dangers that climate change pose in both the short and long run to the world, in general, and to Massachusetts in particular. This enhanced education will, presumably, facilitate and accelerate both the voluntary and mandatory actions that the citizens of Brookline will take to help slow the rate of climate change.

[1]Paris Agreement. http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf. Accessed 041117.
[2]"Paris Agreement - Status of Ratification." http://unfccc.int/paris_agreement/items/9444.php. Accessed 041117.
[3]Paris Agreement, 1.
[4]Paris Agreement, 2. [5]http://climateaction.unfccc.int/about. Accessed 041117.
[6]http://newsroom.unfccc.int/paris-agreement/new-un-platform-to-boost-indigenous-peoples-and-local-communities-climate-action/. Accessed 041117.
[7]Paris Agreement art. 2 § 1a.
[8]Paris Agreement art. 4 § 9, art. 14 § 2.
[9]Paris Agreement art. 2 § 1a.
[10]http://www.brooklinema.gov/DocumentCenter/View/2402. Accessed 041117[11]Paris Agreement art 3.
[10]http://www.brooklinema.gov/702/Climate-Action-Plan
[11]Paris Agreement art. 3.

For informational purposes, changes to the original language of the resolution as it was filed in the Warrant appear below. Additions are in **bold** and deletions are indicated by ~~strikethrough~~. The petitioners agree to all changes and would like to move the Advisory Committee version.

WHEREAS the Paris Agreement[1] is now in force under the United Nations Framework Convention on Climate Change (UNFCCC), ~~WHEREAS,~~ **and** the United States of America is an official Party to the Paris Agreement as of 2016; [2]

WHEREAS climate change has already imposed economic and ecological hardships on various people across the world and it poses ever-increasing hardships on the peoples of the world in the future, ~~including death and~~ the loss of ~~their~~ livelihood **and possible death;**

WHEREAS the Paris Agreement ~~recognizes~~ **states** "the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge;"[3]

WHEREAS, the Paris Agreement ~~recognizes~~ **states** "the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement;"[4]

WHEREAS the UNFCCC has established a NON-STATE ACTOR ZONE for Climate Action,[5] which provides a process that **states, municipalities and other entities** ~~cities and communities~~ can use as "a platform for the exchange of experiences and sharing of best practices on mitigation ~~[prevention]~~ and adaptation in a holistic and integrated manner";[6]

WHEREAS as of ~~today~~ **April 2017,** at least 2,508 cities, towns, and communities worldwide have registered their support for the Paris Agreement on the Non-State Zone platform. This includes American cities as diverse as Anchorage, Baltimore, Berkeley, Cleveland, Dallas, Las Vegas, Pittsburgh, Sacramento and Savannah; and locally Boston, Cambridge, Medford and Somerville;[7]

WHEREAS **each country signing the Paris Climate Agreement (UNFCCC) sets its own aspirational climate goals, which encourages each Non-State Actor to do the same, to be evaluated every 5 years;**[8] **The Town of Brookline should set its own aspirational climate action goals for recurring evaluation;** ~~, it should be the moral and political obligation of the Town of Brookline to develop and file its intended mitigation and adaptation plans on the Non-State Zone platform;~~

WHEREAS, as a town of diverse and well-educated and informed citizens, Brookline ~~should~~ **is able to** play a leading role relative to other cities and towns within Massachusetts **and** the U.S. ~~and the world~~ in both mitigating and adapting to climate change;

WHEREAS the Paris Agreement requires that all parties should pursue efforts to help keep the global increase in average temperature due to human-caused climate change to **no more than** 2.0 degrees Celsius (3.6 degrees Fahrenheit) ~~at~~ ~~a maximum below~~ **above** pre-industrial levels, and to 1.5 degrees Celsius if possible;[9]

BE IT RESOLVED THAT the Town of Brookline:

1. **Understands it to be a moral and political obligation of the Town to** commit~~s~~ to **pursue** upholding and adhering to the Paris Agreement of 2015.

2. **Commits** ~~Agrees to file its commitments~~ **to register its support** for implementing the Paris Agreement on the Non-State Zone platform, as other U.S. cities and towns have done ~~as those commitments evolve~~.

3. Commits to file its existing 2012 Climate Action Plan as amended in 2015,[10] which was intended to meet the objectives of the Massachusetts Global Warming Solutions Act of 2008, on the Non-State Platform, as other U.S cities and towns have done.

4. ~~3.~~ **Commits** ~~Agrees~~ to **a goal of** develop**ing** a revised town plan during 2018 to mitigate and adapt to human-caused climate change that ~~will~~ **may** take a leading role above and beyond those plans of the State of Massachusetts and the "nationally determined contribution"[11] of the U.S. government, in order to help insure that those state and federal plans are achieved faster and more thoroughly due to Brookline's actions.

5. ~~4.~~ ~~Commits to~~ **Continue** educating the citizens of Brookline about the dangers that climate change pose in both the short and long run to the world, in general, and to ~~Brookline~~ **Massachusetts** in particular. This enhanced education will, presumably, facilitate and accelerate both the voluntary and mandatory actions that the citizens of Brookline will take to help slow the rate of climate change.

[1]Paris Agreement. http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf. Accessed 041117.
[2]"Paris Agreement - Status of Ratification." http://unfccc.int/paris_agreement/items/9444.php. Accessed 041117.
[3]Paris Agreement, 1.
[4]Paris Agreement, 2. [5]http://climateaction.unfccc.int/about. Accessed 041117.
[6]http://newsroom.unfccc.int/paris-agreement/new-un-platform-to-boost-indigenous-peoples-and-local-communities-climate-action/. Accessed 041117.
[7]Paris Agreement art. 2 § 1a.

[8]Paris Agreement art. 4 § 9, art. 14 § 2.
[9]Paris Agreement art. 2 § 1a.
[10]http://www.brooklinema.gov/DocumentCenter/View/2402. Accessed 041117[11]Paris Agreement art 3.
[10]http://www.brooklinema.gov/702/Climate-Action-Plan
[11]Paris Agreement art. 3.

XXX

ARTICLE 21

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

At the Board's May 9, 2017 meeting, Article 21 was reconsidered in order to contemplate the Advisory Committee's version of this article. A unanimous Board of Selectmen voted FAVORABLE ACTION on the motion offered by the Advisory Committee.

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:
Warrant Article 21 sets out energy efficiency goals and minimum standards for constructing the Ninth Elementary School and the expansion of Brookline High School. Adopting NetZero energy principles, LEED standards, and high EUI performance seeks to promote a significant advance toward "net zero energy" for Brookline's schools. By a vote of 24–1–0, the Advisory Committee recommends Favorable Action with amendments.

BACKGROUND:
LEED stands for "Leadership in Energy Efficiency Design." This standard has been developed by the United States Green Building Council. LEED has evolved as building science technology has advanced. Version four is the current version. Buildings can be qualified at four levels: Certified, Silver, Gold or Platinum. The level depends on the number of points earned by the building design in each category. A minimum of 40 points are required for the lowest level, "Certified." With additional points, the building can earn Silver, Gold, or Platinum levels up to a possible 110 points.

The categories are:

- Location and Transportation
- Sustainable Sites
- Water Efficiency
- Energy and Atmosphere
- Materials and Resources
- Indoor Environmental Quality
- Innovation, and Regional Priority

The Energy and Atmosphere category offers the most points, and the Optimize Energy Performance subcategory offers the most points within the Energy and Atmosphere category, a maximum of 16 points.

LEED uses a modeling method to determine the LEED Optimize Performance score. It works somewhat like Turbo Tax software or an accreditation manual. As the designer answers building characteristics and energy optimization questions, the modelling software or the accreditation worksheet forms assign points as appropriate.

EUI stands for "Energy Use Intensity." It is commonly expressed in thousand British Thermal Units (kBTU) per square foot per year. "Thousand British Thermal Units" measures energy just like kilowatt hours (kWh). However, engineers prefer kBTU because it is understood to represent any form of energy, not just electrical energy.

Net zero energy schools are schools for which the energy delivered to the building for heating, ventilation, cooling, and plug-in loads, all the energy the building uses, is less than the amount of offsetting energy produced (exported) by the building. Net zero energy buildings typically employ a solar Photovoltaic (PV) array as a means of providing an offsetting energy source.

There are a wide range of understandings and definitions for how to calculate the actual net zero energy budget of a building. The term net zero energy building does not yet have a clearly established, universally accepted meaning even though the U.S. Department of Energy, through the National Institute of Building Sciences has published "A Common Definition for Zero Energy Buildings" in September 2015.

Therefore, comparing the performance of buildings that claim to be net zero energy buildings is currently not straightforward. In view of this uncertainty, unlike LEED and EUI, the Warrant Article does not identify an explicit minimum or goal for net zero energy performance.

Regardless, the Warrant Article seeks to set in motion the use of net zero energy building principles, thereby aiming to decrease the carbon footprint of Brookline's schools as much as feasible.

Brookline's most recent Climate Action Plan, as updated in 2015, accepted Massachusetts' Green Communities Act target for greenhouse gas emissions, i.e. a reduction in emissions to 80% below 1990 levels by 2050. However, the overall town-wide progress toward reduced emissions has been slow, not yet approaching the rate needed to reach this goal.

While all efforts to achieve reductions in greenhouse gas emissions are important, the emissions under the direct control of the Town are a small part of the whole (about 3%) and offer only limited scope for achieving the overall town-wide reduction goal.

However the actions of the Town–leading by example, demonstrating what is possible, and acting on the Town's environmental stewardship values–will likely have an impact beyond the specific reductions or avoided increases associated with the construction of the Ninth Elementary School and the expansion of Brookline High School.

In addition, there are clearly extremely significant but less measurable benefits, such as these school buildings serving as teaching assets, particularly for the science, social studies, and environmental aspects of the curriculum.

Today's students are likely to be very aware and concerned about future climate change since, in view of their age, they are more vulnerable to the expected consequences. Aiming for net zero energy schools is consistent with Brookline's educational and environmental stewardship values.
The Public Schools of Brookline Education Plan for the Ninth Elementary School says: "Building a new school…when our community and society are more conscious than ever of the delicate balance between environmental sustainability and ongoing development provides an opportunity to have the physical plant itself play a significant role in the culture, educational approach, and daily lives of students and teachers."

DISCUSSCION:
A lengthy and wide ranging discussion among the Committee and the petitioners touched on a number of points.

Within this discussion, it was agreed that this Warrant Article:

- Is relevant regardless of the siting of the Ninth School or the expansion of Brookline High School decisions;
- Is consistent with the design processes required by Town Bylaw Article 3.7, the role of the Board of Selectmen, the Building Commission, and the School Committee;
- Respects applicable building codes or other requirements;
- Is consistent with established methods for cost-benefit analysis;
- Will not have any bearing on fiscal decisions ultimately requiring Town Meeting approval.

The Warrant Article is timely because it was widely recognized that in order to most cost-effectively implement these LEED/EUI/NetZero principles, high performance environmental and sustainability goals must be incorporated into the planning at the beginning of the design process.

Ultimately, there was interest in the suggestion that these principles could possibly be applied to all appropriate future Town building construction projects. This Warrant Article is a good beginning.

Other key points:

While the environmental impact reduction goals should definitely be supported, would the impact of the original wording of this Warrant Article create the impression that we are imposing costs that future Town Meetings would be forced to accept? This was addressed through amendments to the original language of the Article that were accepted by the

petitioners to change instances of "be designed" to "seek" in the first "resolved" clause. This recommended change is intended to make it plain that the Warrant Article is not to be implemented in a manner that would create a cost burden for a future Town Meeting.

How do these standards compare to the new Devotion building, which, along with Runkle, are high performance buildings? How much additional performance would this Warrant Article require? Are the goals and minimums feasible, or would meeting them be a stretch? How certain are we that the Warrant Article 21 minimums are practical? The minimums specified in the Warrant Article have been aligned to be consistent with the expected energy efficiency performance of the new Devotion School, and therefore the Building Department feels confident they can be achieved.

Does the net zero energy principle consider the carbon emission impact of the transportation of students to and from the building by automobile? While the LEED standards include a Location and Transportation category which could earn, or not earn points, as the case may be, this Warrant Article is limited to the Energy Optimization subcategory that can award up to 16 points.

How does Massachusetts School Building Authority (MSBA) interact with net zero principles? The MSBA practice counters any incentives that the Town may receive by deducting incentive earned funds from the award. The Massachusetts Department of Energy is advocating that the MSBA change this practice. (Neither the Ninth Elementary School nor the Brookline High School expansion are funded through MSBA, however.)

If the Town were to embark on adapting an existing building for use as a school, would the energy savings embedded in the materials of the current building provide significant environmental benefit?

The performance of newly constructed buildings based on current standards and technology is so much better than existing buildings constructed years ago, that over the service life of a retrofitted building, any saving in this regard is likely of little consequence compared to the performance of a newly constructed building. However, it is likely that, to some extent, the Brookline High School expansion will involve retrofitting. As this Warrant Article indicates in the second "resolved" clause, retrofitting rather than new construction is likely to impact the potential for using net zero energy principles, but nevertheless the Warrant Article says that net zero energy principles should be kept in mind at every stage in design so that all opportunities for energy efficiency are identified and considered.

Is there an attractive the payback for the additional cost of buildings using net zero principles, considering additional capital cost versus savings in operating cost? There are buildings where the user/owner claims a worthwhile payback, but each project must be examined based on the context and specifics of that building.

With respect to net zero principles, is the level of carbon emissions of the materials and construction factored? The LEED standard does calculate this and awards more or less points depending on the specific project, the impact of the manufacture of the materials used, and their transportation to the site.

Specifically the Advisory Committee recommends the following changes to the Warrant Article as originally filed:

1. Changing "Platinum" to "Silver" for the LEED minimum standard. While Devotion is very, very close to Gold, it is slightly short of the points needed to be Gold. Therefore, to be cautious and guard against over promising, the committee recommends that the Warrant Article should set Silver rather than Gold or Platinum as the minimum, while "Platinum" is still the goal. (With respect to new Devotion, only one additional point would raise it to the Gold level.)

2. Changing the minimum energy optimization points from 16 to 13, while keeping a goal of 16.

3. Change the minimum EUI standard to at least 30 kBTU/sq. ft. /yr. with a goal of 25 kBTU/sq. ft./yr.

Finally, the Advisory Committee recommends:

1. Moving the "whereas" clause that defines LEED to second place, before other whereas clauses that reference this term.

2. Deleting "at Baldwin" throughout so that the Ninth School is not specific to any site for the purposes of this Warrant Article.

These changes are incorporated into the following recommended Advisory Committee motion.

Recommendation:
The Advisory Committee, by a vote of 24–1–0 recommends FAVORABLE ACTION on the following:
(~~Strikethrough~~ signifies deletions from the Warrant Article as filed; **bold** signifies additions.):

VOTED: That the Town adopt the following resolution:

A RESOLUTION REGARDING A NET ZERO ENERGY NINTH ELEMENTARY SCHOOL AND THE EXPANSION OF BROOKLINE HIGH SCHOOL

Whereas our town, the nation, and the world are increasingly aware of the need to address climate change and of the importance of better protection of the environment in general, and

***Whereas* an international standard known as LEED (Leadership in Energy and Environmental Design of the United States Green Building Council) allows for a building's environmental and energy performance to be accurately measured and provides a benchmark to assist in designing a net zero energy building, and**

Whereas net zero energy LEED Platinum schools create an environment that supports student learning and health through improvements in daylighting, indoor air quality, thermal comfort, acoustics, and classroom design, all of which have an impact on a child's ability to learn and a teacher's ability to teach, while saving energy, resources, and money, and

Whereas net zero energy LEED Platinum schools increase energy efficiency, thereby reducing greenhouse gas emissions, cost less to operate, utilize durable materials, reduce water and energy use, and provide other benefits, while providing an educational experience that transcends the classroom by creating opportunities for curriculum innovation and hands-on, project-based learning in which the building itself becomes an interactive teaching tool, and

Whereas decisions made now about the design of the Ninth Elementary School and the expansion of Brookline High School will determine each school's environmental footprint, particularly greenhouse gas emissions, for decades to come, and

Whereas the technical ability to create energy-efficient, high performing buildings has increased significantly by incorporating systems thinking into design processes, and

Whereas construction of new schools in Massachusetts and around the nation during the past five years has shown the feasibility and desirability of net zero energy schools, that is, schools in which the amount of energy delivered on an annual basis is less than or equal to the amount of renewable energy exported from the site, and

~~*Whereas* an international standard known as LEED (Leadership in Energy and Environmental Design of the United States Green Building Council) allows for a building's environmental and energy performance to be accurately measured and provides a benchmark to assist in designing a net zero energy building, and~~

Whereas the most accurate measure of energy efficiency for a building is EUI (Energy Use Intensity), calculated by dividing total energy consumed annually by the gross floor area of the building,

Now therefore be it Resolved that in order for the Ninth Elementary School ~~at Baldwin~~ to be a **significant advance toward** a net zero energy school **and consistent with the**

projected energy efficiency results at the new Devotion School, it shall ~~be designed to~~ **seek** ~~to obtain~~ **a minimum of** LEED v4 certification at the ~~Platinum~~ **Silver** rating level, **with a goal of achieving the Platinum rating level**; and in addition ~~specifically to achieve 16 of the possible 16 points available in the optimize energy performance category and to achieve an EUI of 25 kBTU/ sq. ft.~~ **it shall prioritize achieving points in the Optimize Energy Performance category and shall seek to achieve a minimum of 13 of the possible 16 points available in that category, with the goal of achieving 16 of the possible 16 points available in that category; and, finally, it shall seek to achieve at least an EUI of 30 kBTU/sq. ft./yr., with the goal of achieving an EUI of 25 kBTU/sq. ft./yr.,**

And, be it further Resolved that while overall net zero energy is unlikely to be achieved for Brookline High School and even the degree to which the as-of-yet-undefined, expanded portion of the school can approach net zero energy design is currently uncertain, nevertheless, net zero energy principles shall be **appropriately** applied, to the extent feasible, during all design phases of Brookline High School.

Passed by an Electronic Recorded Vote of 183 In Favor, 0 Opposed and 6 Abstentions.

ARTICLE 21

TWENTY-FIRST ARTICLE
Submitted by: Werner Lohe, Alan Christ, and Kathleen Scanlon

A RESOLUTION REGARDING A NET ZERO ENERGY NINTH ELEMENTARY SCHOOL AND THE EXPANSION OF BROOKLINE HIGH SCHOOL

To see if the Town will vote to adopt the following resolution:

Whereas our town, the nation, and the world are increasingly aware of the need to address climate change and of the importance of better protection of the environment in general, and

Whereas Net Zero Energy LEED Platinum schools create an environment that supports student learning and health through improvements in daylighting, indoor air quality, thermal comfort, acoustics, and classroom design, all of which have an impact on a child's ability to learn and a teacher's ability to teach, while saving energy, resources, and money, and

Whereas Net Zero Energy LEED Platinum schools increase energy efficiency, thereby reducing greenhouse gas emissions, cost less to operate, utilize durable materials, reduce water and energy use, and provide other benefits; while providing an educational experience that transcends the classroom by creating opportunities for curriculum innovation and hands-on, project-based learning in which the building itself becomes an interactive teaching tool, and

Whereas decisions made now about the design of the Ninth Elementary School at Baldwin and the expansion of Brookline High School will determine each school's environmental footprint, particularly greenhouse gas emissions, for decades to come, and

Whereas the technical ability to create energy-efficient, high performing buildings has increased significantly by incorporating systems thinking into design processes, and

Whereas construction of new schools in Massachusetts and around the nation during the past five years has shown the feasibility and desirability of Net Zero Energy schools, that is, schools in which the amount of energy used on an annual basis is equal to the amount of renewable energy created on the site, and

Whereas an international standard known as LEED (Leadership in Energy and Environmental Design) allows for a building's environmental and energy performance to be accurately measured and provides a benchmark to assist in designing a Net Zero Energy building,

Whereas the most accurate measure of energy efficiency for a building is EUI (Energy Use Intensity), calculated by dividing total energy consumed annually by the gross floor area of the building,

Now therefore be it Resolved that in order for the Ninth Elementary School at Baldwin to be a Net Zero Energy school, it shall be designed to obtain LEED v4 certification at the Platinum rating level, and in addition, specifically, to achieve 16 of the possible 16 points available in the Optimize Energy Performance category and to achieve an EUI of 25 kBTU/sq.ft.,

And, be it further Resolved that while overall net zero energy consumption is unlikely to be achieved for Brookline High School and even the degree to which the as-of-yet-undefined, expanded portion of the school can approach Net Zero Energy is currently uncertain, nevertheless, Net Zero Energy principles shall be applied, to the extent feasible, during all design phases of Brookline High School,

or act upon anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Brookline was one of the first communities in Massachusetts to address climate change, adopting its first Climate Action Plan in 2002. In 2012, it accepted Massachusetts' target for greenhouse gas emissions—the reduction in emissions to 80% below 1990 levels by 2050. See "2012 Climate Action Plan," p. 9 (http://www.brooklinema.gov/DocumentCenter/View/2402). In part in response to this statement of our community's environmental values, recent school construction (i.e., the Runkle School and the Devotion School) has achieved high standards of energy efficiency. Similarly, in the Educational Plan for the Ninth Elementary School at Baldwin, the School Committee has stated its strong commitment to a state-of-the-art school.[1] Nevertheless, overall town-wide progress toward reduced emissions has been

---

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

slow, not yet approaching the rate needed to reach our goal. See, generally, "Selectmen's Climate Action Committee Report to Town Meeting, Spring 2015," p. 2 (http://www.brooklinema.gov/DocumentCenter/View/8158).

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

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

Mechanism for Assuring a NZE Design

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

---

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

Cost

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

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

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

---

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

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

SELECTMEN'S CLIMATE ACTION COMMITTEE RECOMMENDATION

At its April 24, 2017 public hearing, the Selectmen's Climate Action Committee (SCAC) voted unanimously to support Warrant Article 21 proposed by citizen petitioners Werner Lohe, Kathleen Scanlon, and Alan Christ with amendments recommended by the Advisory Committee's Schools Subcommittee.

The first step toward achieving a Zero Energy Building is designing for the lowest possible Energy Use Intensity, a ratio of energy consumption divided by building gross floor area. Because major School Department construction projects involve evaluating a wide range of objectives by several stakeholders, the range of metrics set forth in the resolution will ensure that ambitious but achievable energy efficiency standards are considered among the priorities communicated to all stakeholders.

SELECTMEN'S RECOMMENDATION

Article 21 is a Resolution regarding the pursuit of Net Zero Energy LEED Platinum designation in a Ninth K-8 School and in the expansion of Brookline High School. Net zero energy schools are buildings for which all of the energy the building uses is less than the amount of offsetting energy produced by the building. Net Zero energy buildings typically employ a solar PV array as a means of providing an offsetting energy source. There are a wide range of understandings and definitions for how to calculate the actual net zero energy budget of a building.

The Selectmen understand the pursuit of sustainability goals and lessening the energy usage of our public facilities, but were hesitant to vote in "requirements" for the construction of the buildings. The uncertainty was associated with the potential increase in building costs due to energy efficiencies, with no clear funding source. The original resolution presented multiple requirements, which the petitioner felt were necessary to set real energy efficiency goals. However, the petitioner revised the resolution, along with School Department and Building Department staff, to change the requirements to goals to be sought after.

The Selectmen were enthusiastic about pursuing a minimum of LEED Silver rating level, with a goal of achieving the LEED Platinum rating level, and will seek 13 of the possible 16 points in the Optimize Energy Performance category at the Ninth Elementary School.

Selectmen voted 5-0 Favorable Action on the following motion:

VOTED: That the Town adopt the following resolution:

A RESOLUTION REGARDING A NET ZERO ENERGY NINTH ELEMENTARY SCHOOL AND THE EXPANSION OF BROOKLINE HIGH SCHOOL

Whereas our town, the nation, and the world are increasingly aware of the need to address climate change and of the importance of better protection of the environment in general, and

Whereas an international standard known as LEED (Leadership in Energy and Environmental Design of the United States Green Building Council) allows for a building's environmental and energy performance to be accurately measured and provides a benchmark to assist in designing a net zero energy building, and

Whereas net zero energy LEED Platinum schools create an environment that supports student learning and health through improvements in daylighting, indoor air quality, thermal comfort, acoustics, and classroom design, all of which have an impact on a child's ability to learn and a teacher's ability to teach, while saving energy, resources, and money, and

Whereas net zero energy LEED Platinum schools increase energy efficiency, thereby reducing greenhouse gas emissions, cost less to operate, utilize durable materials, reduce water and energy use, and provide other benefits; while providing an educational experience that transcends the classroom by creating opportunities for curriculum innovation and hands-on, project-based learning in which the building itself becomes an interactive teaching tool, and

Whereas decisions made now about the design of the Ninth Elementary School and the expansion of Brookline High School will determine each school's environmental footprint, particularly greenhouse gas emissions, for decades to come, and

Whereas the technical ability to create energy-efficient, high performing buildings has increased significantly by incorporating systems thinking into design processes, and

Whereas construction of new schools in Massachusetts and around the nation during the past five years has shown the feasibility and desirability of net zero energy schools, that is, schools in which the amount of energy delivered on an annual basis is less than or equal to the amount of renewable energy exported from the site, and Whereas the most accurate measure of energy efficiency for a building is EUI (Energy Use Intensity), calculated by dividing total energy consumed annually by the gross floor area of the building,

Now therefore be it Resolved that, in order for the Ninth Elementary School be a significant advance toward a net zero energy school and consistent with the projected energy efficiency results at the new Devotion School, the Ninth

Elementary School shall seek to obtain LEED v4 certification at the Silver rating level, with a goal of achieving the Platinum rating level; and in addition it shall prioritize achieving points in the Optimize Energy Performance category, with a goal of 13 of the possible 16 points available in the that category, with the goal of achieving 16 of the possible 16 points available in that category; and, finally, it shall seek to achieve a minimum EUI of 30 kBTU/sq.ft., with the goal of achieving an EUI of 25 kBTU/sq. ft./yr.

And, be it further Resolved that while overall net zero energy is unlikely to be achieved for Brookline High School and, even the degree to which the as-of-yet-undefined, expanded portion of the school can approach net zero energy design is currently uncertain, nevertheless, net zero energy principles shall be appropriately applied, to the extent feasible, during all design phases of Brookline High School,

---

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 TO SUPPORT THE TOWN OF BROOKLINE TO PARTICIPATE IN THE GOVERNMENT ALLIANCE ON RACE AND EQUITY (GARE)

WHEREAS, the Town of Brookline, Massachusetts (the Town) has a proclaimed public policy to improve diversity, inclusion, and community relations within its territory; and

WHEREAS, the Town has in its General By-laws many parts of the framework for achieving racial justice; and

WHEREAS, those are found in the goals of diversity and inclusion in the Town's General By-laws pertaining to the Office of Diversity, Inclusion and Community Relations (ODICR) and the Commission for Diversity, Inclusion and Community Relations (CDICR), including in the powers, duties, responsibilities, and authorizations given to CDICR and ODICR, along with the requirement that that all departments and agencies of the Town cooperate, share information and have a dialogue with CDICR and ODICR on relevant matters; and

WHEREAS, those powers, duties, responsibilities, and authorizations and requirements are found in Articles 3.14, 3.15, 5.5, and 10.2 of the Town's General By-laws, as most recently amended, along with the Equal Employment Opportunity policy promulgated by the Human Relations Department, and approved by CDICR September 21, 2016, approved by the Human Resources Board December 13, 2016, and by The Board of Selectmen February 7, 2017; and

WHEREAS, the Town is committed to work for racial equity in the Town's employment practices, business practices, allocation and handling of its services, and in its treatment of all people within its environs; and

WHEREAS, The Government Alliance on Race and Equity (GARE) is a national network of local governments working to achieve racial equity and advance opportunity for all. GARE works with government jurisdictions to assess the impact of public policies and procedures on racial equity and opportunity. The GARE approach is data driven and includes community engagement, setting and evaluating progress toward measurable goals and consultation with all levels of government employees, community members, and decision-makers; and

WHEREAS, in keeping with the above, through the work of the ODICR, the Town of Brookline has become a core member of the Government Alliance on Race and Equity (GARE), a joint project of the Center for Social Inclusion (CSI) and the Haas Institute for a Fair and Inclusive Society, which is itself a non-profit organization that catalyzes community, government and other institutions to dismantle structural racial inequity and create equitable outcomes for all; and

WHEREAS, we believe the Town's goals and policies promoting racial justice will be augmented by maintaining the core membership benefits offered by GARE, and will be enhanced by contracts with the GARE-related Center for Social Inclusion (CSI) to give trainings to designated Town employees and relevant Town Departments, on topics deemed fit by ODICR and CDICR.

NOW THEREFORE, BE IT HEREBY RESOLVED, THAT TOWN MEETING

URGES:

1. The Board of Selectmen and the Town Administrator, in conjunction with the ODICR, to support and facilitate participation by Town departments in the GARE implementation process. This includes but is not limited to using racial equity tools in a data driven process to integrate explicit consideration of racial equity into creating and evaluating Town policies, procedures, and department budgeting.

2. The Board of Selectmen, the Town Administrator, the School Committee and the Superintendent of Schools to work with the ODICR to identify one or more departments (in addition to the ODICR itself) that will fully engage in GARE's implementation process during fiscal year 2018.

3. The Town to allocate financial support and other resources to support successful implementation of the GARE implementation process, including enrollment of department administrators and leaders in trainings provided by GARE, and that future budgets consider the funding requirements of this resolution.

4. That the Board of Selectmen and the Town Administrator, in conjunction with the ODICR, actively work to develop trust and accountability by seeking input and participation from the community in the GARE implementation process, prioritizing voices of residents of color, and that the Town's Chief Diversity Officer report on GARE progress in the CDICR monthly meeting and in a comprehensive annual report to the Board of Selectmen and Town Meeting.

ARTICLE 22

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

Article 22 is a resolution to support the Town of Brookline to participate in a national network of local governments that work to achieve racial equity and advance opportunity for all; said network is The Government Alliance on Race and Equity (GARE). Currently, the Office of Diversity, Inclusion and Community Relations (ODICR) has become a core member of GARE, and the resolution urges the Town to support the implementation process and eventual reporting from the relationship.

GARE presents the Town with the unique opportunity to use racial equity tools in a data driven process, to ultimately take racial equity into consideration when evaluating policies, procedures and budgeting. This resolution would ensure that one or more departments, other than ODICR, would participate in the implementation process and work in conjunction with the GARE model. Also, there is strong integration of community input and participation in the implementation process.

The Board is supportive of the proposed process and felt that it is a worthwhile program, specifically the assessment of racial equity in consideration of policies and procedures. There was an appreciation for the revision in the Advisory Committee language that allowed for the evaluation of the effectiveness of the program, because the Town should gauge the utilization of the tools available through the membership. In addition, the Board supposed that there is very little downside to working with GARE and the membership should provide benefits to the Town.

Selectmen voted 5-0 FAVORABLE ACTION on the Advisory Committee's motion on Article 22.

ARTICLE 22

TWENTY-SECOND ARTICLE
Submitted by: Stephen Vogel, Abigail Ortiz, and Anne Greenwald

To see if the Town will vote to adopt the following Resolution:

RESOLUTION TO SUPPORT THE TOWN OF BROOKLINE TO PARTICIPATE IN THE GOVERNMENT ALLIANCE ON RACE AND EQUITY (GARE)

WHEREAS, the Town of Brookline, Massachusetts (the Town) has a proclaimed public policy to improve diversity, inclusion, and community relations within its territory; and
WHEREAS, the Town has in its General By-laws many parts of the framework for achieving racial justice; and

WHEREAS, those are found in the goals of diversity and inclusion in the Town's General By-laws pertaining to the Office of Diversity, Inclusion and Community Relations (ODICR) and the Commission for Diversity, Inclusion and Community Relations (CDICR), including in the powers, duties, responsibilities, and authorizations given to CDICR and ODICR, along with the requirement that that all departments and agencies of the Town cooperate, share information and have a dialogue with CDICR and ODICR on relevant matters; and

WHEREAS, those powers, duties, responsibilities, and authorizations and requirements are found in Articles 3.14, 3.15, 5.5, and 10.2 of the Town's General By-laws, as most recently amended, along with the Equal Employment Opportunity policy promulgated by the Human Relations Department, and approved by CDICR September 21, 2016, approved by the Human Resources Board December 13, 2016, and by The Board of Selectmen February 7, 2017; and

WHEREAS, the Town is committed to work for racial equity in the Town's employment practices, business practices, allocation and handling of its services, and in its treatment of all people within its environs; and

WHEREAS, The Government Alliance on Race and Equity (GARE) is a national network of local governments working to achieve racial equity and advance opportunity for all. GARE works with government jurisdictions to assess the impact of public policies and procedures on racial equity and opportunity. The GARE approach is data driven and includes community engagement, setting and evaluating progress toward measurable goals and consultation with all levels of government employees, community members, and decision-makers; and

WHEREAS, in keeping with the above, through the work of the ODICR, the Town of Brookline has become a core member of the Government Alliance on Race and Equity (GARE), a joint project of the Center for Social Inclusion (CSI) and the Haas Institute for a Fair and Inclusive Society, which is itself a non-profit organization that catalyzes community, government and other institutions to dismantle structural racial inequity and create equitable outcomes for all; and

WHEREAS, we believe the Town's goals and policies promoting racial justice will be augmented by maintaining the core membership benefits offered by GARE, and will be enhanced by contracts with the GARE-related Center for Social Inclusion (CSI) to give trainings to designated Town employees and relevant Town Departments, on topics deemed fit by ODICR and CDICR.

NOW THEREFORE, BE IT HEREBY RESOLVED, THAT TOWN MEETING URGES:

1. The Board of Selectmen and the Town Administrator, in conjunction with the ODICR, to support and facilitate participation by Town departments in the GARE implementation process. This includes but is not limited to using racial equity tools in a data driven process to integrate explicit consideration of racial equity into creating and evaluating Town policies, procedures, and department budgeting.

2. The Board of Selectmen, the Town Administrator, the School Committee and the Superintendent of Schools to work with the ODICR to identify one or more departments (in addition to the ODICR itself) that will fully engage in GARE's implementation process during fiscal year 2017-2018.

3. The Town to allocate financial support and other resources to support successful implementation of the GARE implementation process, including enrollment of department administrators and leaders in trainings provided by GARE, and that future budgets consider the funding requirements of this resolution.

4. That the Board of Selectmen and the Town Administrator, in conjunction with the ODICR, actively work to develop trust and accountability by seeking input and participation from the community in the GARE implementation process, prioritizing voices of residents of color, and that the Town Administrator report on GARE progress in the CDICR monthly meeting and in a comprehensive annual report to the Board of Selectman and Town Meeting.

5. BE IT FURTHER RESOLVED: That the provisions of this resolution take effect immediately.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

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

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

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

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

From the inception of our country, government at the local, regional, state and federal level has played a role in creating and maintaining racial inequity. Many current inequities are sustained by historical legacies and structures and systems that repeat patterns of exclusion. To achieve long-term impact, changes must be sustainable. Working for racial equity at the local level can allow for meaningful education with community and other institutions that will ensure sustainability.
Communities who take a "color-blind" approach might simply allow racial inequities to continue. Explicitly addressing racial inequities, while maintaining a class-conscious approach, will maximize impacts on both racial and income inequities. Local government has the ability to implement policy change at multiple levels and across multiple sectors to drive larger systemic change impacting other institutions with the aim of dismantling structural racial inequity and creating equitable outcomes for all.

The implementation, for the Town, would best be done by continuing financial and allocation of other resources for support of GARE membership and dedication and concerted efforts by the Town Administrator, ODICR, CDICR, Human Resources department, Town department heads, School Department leadership. Wisdom from GARE membership municipalities, also indicates that an unofficial steering committee of Town based residents and partners interested in the makeup of the workforce, public schools' outcomes, delivery of services, police and fire department relations, housing, or business relations, be constituted and recognized by the Town to promote community support, trust and cooperation to raise the level of success for this endeavor, and to advise ODICR, CDICR in that regard.

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

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

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

SELECTMEN'S RECOMMENDATION

A report and recommendation by the Board of Selectmen under Article 22 will be provided in the Supplemental Mailing.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
Article 22 proposes that the Town of Brookline participate more fully in the Government Alliance on Race and Equity (GARE). Participating in GARE is intended to advance racial equity The Advisory Committee voted Favorable Action on Article 22 as amended by a vote of 25 in favor, 0 opposed, and 0 abstentions.

BACKGROUND:
In the spring of 2016 the petitioners alerted Chief Diversity Officer Lloyd Gellineau to a conference at Northeastern University on racial equity presented by the Government Alliance on Race and Equity (GARE). Dr. Gellineau and Sandra DeBow (Human Resources) attended the conference. Both Dr. Gellineau and Ms. DeBow were impressed.

In March 2017, the Town, through the Office of Diversity, Inclusion, and Community Relations, joined GARE as a Core Member. Core members are jurisdictions that have made a commitment to advancing racial equity across the breadth (all functions) and depth (from frontline staff to appointed and elected leadership) of their jurisdiction. This commitment is demonstrated by development and implementation of a Racial Equity Work Plan or Strategic Plan, integration of racial equity into other strategic or operational plans, use of a Racial Equity Tool in routine decision making, and/or adoption of legislation that describes the jurisdiction's commitment.
The petitioners are urging Town Meeting to support and encourage Town government to make maximum use of the training, tools, and webinars available through membership in GARE. Further, the petitioners urge the Town to join with other towns and cities that are GARE members to work for racial equity.

DISCUSSION:
The Advisory Committee sought information about GARE and the reasons for its selection by the Town. The petitioners stated that GARE is a joint project of the Center for Social Inclusion (CSI) founded in New York City in 2002 and the Haas Institute for a Fair and Inclusive Society at UC Berkeley. The petitioners believe this is the best group to work with municipalities on issues of racial equity.

Advisory Committee members asked about cost of GARE membership. In FY2017 the $3,000 annual core membership was paid for from the training budget of the budget of the Office of Diversity, Inclusion and Community Relations. Two workshops are planned at a cost of $5,000 each. The Town Administrator indicated that there was money in the Town budget to cover the cost of the two workshops. The annual cost to continue membership will be $3,000.

The Advisory Committee believes that the fifth resolved clause "BE IT FURTHER RESOLVED: That the provisions of this resolution take effect immediately." is not

necessary. The petitioner stated it was there at the advice of Town Counsel but had no objection to its removal.
An amendment to the resolved clause to insert the Department of Human Resources as sharing responsibility for reporting on the progress of GARE failed by a vote of 8 in favor, 17 opposed and 0 abstentions.

RECOMMENDATION:
The Advisory Committee unanimously recommends FAVORABLE ACTION on the following motion:

(Changes to the language of the resolution as it was filed in the Warrant are included for information purposes: insertions are underlined; deletions indicated by ~~strikethrough~~.)

VOTED: That the Town Adopt the Following Resolution:

RESOLUTION TO SUPPORT THE TOWN OF BROOKLINE TO PARTICIPATE IN THE GOVERNMENT ALLIANCE ON RACE AND EQUITY (GARE)

WHEREAS, the Town of Brookline, Massachusetts (the Town) has a proclaimed public policy to improve diversity, inclusion, and community relations within its territory; and

WHEREAS, the Town has in its General By-laws many parts of the framework for achieving racial justice; and

WHEREAS, those are found in the goals of diversity and inclusion in the Town's General By-laws pertaining to the Office of Diversity, Inclusion and Community Relations (ODICR) and the Commission for Diversity, Inclusion and Community Relations (CDICR), including in the powers, duties, responsibilities, and authorizations given to CDICR and ODICR, along with the requirement that that all departments and agencies of the Town cooperate, share information and have a dialogue with CDICR and ODICR on relevant matters; and

WHEREAS, those powers, duties, responsibilities, and authorizations and requirements are found in Articles 3.14, 3.15, 5.5, and 10.2 of the Town's General By-laws, as most recently amended, along with the Equal Employment Opportunity policy promulgated by the Human Relations Department, and approved by CDICR September 21, 2016, approved by the Human Resources Board December 13, 2016, and by The Board of Selectmen February 7, 2017; and

WHEREAS, the Town is committed to work for racial equity in the Town's employment practices, business practices, allocation and handling of its services, and in its treatment of all people within its environs; and

WHEREAS, The Government Alliance on Race and Equity (GARE) is a national network of local governments working to achieve racial equity and advance opportunity

for all. GARE works with government jurisdictions to assess the impact of public policies and procedures on racial equity and opportunity. The GARE approach is data driven and includes community engagement, setting and evaluating progress toward measurable goals and consultation with all levels of government employees, community members, and decision-makers; and

WHEREAS, in keeping with the above, through the work of the ODICR, the Town of Brookline has become a core member of the Government Alliance on Race and Equity (GARE), a joint project of the Center for Social Inclusion (CSI) and the Haas Institute for a Fair and Inclusive Society, which is itself a non-profit organization that catalyzes community, government and other institutions to dismantle structural racial inequity and create equitable outcomes for all; and

WHEREAS, we believe the Town's goals and policies promoting racial justice will be augmented by maintaining the core membership benefits offered by GARE, and will be enhanced by contracts with the GARE-related Center for Social Inclusion (CSI) to give trainings to designated Town employees and relevant Town Departments, on topics deemed fit by ODICR and CDICR.

NOW THEREFORE, BE IT HEREBY RESOLVED, THAT TOWN MEETING URGES:

1. The Board of Selectmen and the Town Administrator, in conjunction with the ODICR, to support and facilitate participation by Town departments in the GARE implementation process. This includes but is not limited to using racial equity tools in a data driven process to integrate explicit consideration of racial equity into creating and evaluating Town policies, procedures, and department budgeting.

2. The Board of Selectmen, the Town Administrator, the School Committee and the Superintendent of Schools to work with the ODICR to identify one or more departments (in addition to the ODICR itself) that will fully engage in GARE's implementation process during fiscal year ~~2017~~–2018.

3. The Town to allocate financial support and other resources to support successful implementation of the GARE implementation process, including enrollment of department administrators and leaders in trainings provided by GARE, and that future budgets consider the funding requirements of this resolution.

4. That the Board of Selectmen and the Town Administrator, in conjunction with the ODICR, actively work to develop trust and accountability by seeking input and participation from the community in the GARE implementation process, prioritizing voices of residents of color, and that the ~~Town Administrator~~ Town's Chief Diversity Officer report on GARE progress in the CDICR monthly meeting and in a comprehensive annual report to the Board of Selectman and Town Meeting.

Passed by a Unanimous Vote

~~5. BE IT FURTHER RESOLVED: That the provisions of this resolution take effect immediately.~~

XXX

ARTICLE 23

MOTION OFFERED BY TOMMY VITOLO, TMM6

That the Town Adopt the following Resolution:

VOTED: T~~o amend the Advisory Committee motion as follows:~~

The full text is below, where plain text is the AC motion, and changes to the AC motion are in strikethrough (eliminate) or underlined (new text).

Whereas, the ability to move around on foot, bike, or with mass transit is an important value to citizens of Brookline;

Whereas, the infrastructure that enables pedestrians, bicyclists, and mass transit users can be made safer, more accessible, and more comfortable;

Whereas, Brookline is currently committed to the upgrades necessary to improve safety and comfort for pedestrians, bicyclists, and mass transit users but is constrained by available revenue and other important budgetary considerations;

Whereas, according to The League of American Bicyclists, Massachusetts has seen more than a one hundred percent growth in the share of those who commute by bike and it is important to accommodate these growing numbers by installing safer biking infrastructure;

Whereas, bike lanes in Brookline are expensive, costing up to fifty thousand dollars, and such projects have been funded with the Brookline Capital Improvements program;

Whereas, Brookline Town Meeting's willingness to administer local-option taxes has been demonstrated by its swift implementation of local-option taxes both on meals and room occupancy in the past decade;

Whereas, the passage of S.1551 "An Act Relevant to Regional Transportation Ballot Initiatives" would give Brookline the ability to impose any tax surcharge on a single subject of taxation including a payroll, sales, property, fuel or vehicle excise tax, creating a new local-option tax to fund transportation upgrades;

Now, therefore, be it hereby Resolved, that

1. Town Meeting supports the passage of S.1551, "An Act Relevant to Regional Transportation Ballot Initiatives". A message of Brookline's support will be sent to the State House sponsors of the Bill, to Brookline's representatives in the Massachusetts House and Senate, and to relevant committee chairs.

2. That upon passage of "An Act Relevant to Regional Transportation Ballot Initiatives," Town Meeting supports the use of any and all incremental Brookline revenue associated with the Act to fund additional pedestrian, bicycle, and mass transportation infrastructure, so that Brookline may become more pedestrian, bicycle, and mass transportation friendly. Funding will be used to supplement, not supplant, funding on current local pedestrian, bicycle, and mass transport infrastructure.

Passed by an Electronic Recorded Vote by 175 In Favor, 26 Opposed and 11 Abstentions.

The summary of changes is:

WHEREAS… (same as AC motion on 23-9 and 23-10)
RESOLVED…

1. (same as AC motion on 23-10)

2. **That upon passage of An Act Relevant To Regional Transportation Ballot Initiatives, Town Meeting supports the use of any and all incremental Brookline revenue associated with the Act to fund additional pedestrian, bicycle, and mass transportation infrastructure, so that Brookline may become more pedestrian, bicycle, and mass transportation friendly. Funding will be used to supplement, not supplant, funding on current local pedestrian, bicycle, and mass transport infrastructure.**

ARTICLE 23

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

Article 23 is a Resolution concerning support of the passage of Massachusetts Senate Bill 1551 (S.1551) "An Act Relevant to Regional Transportation Ballot Initiatives" and the potential actions that could be taken after passage. S.1551 is a comprehensive bill that would allow the Town to raise additional local money for transportation projects via ballot initiatives. The Bill also sets standards on the levy and collection, the establishment of a local transportation committee, the establishment of local transportation trust funds, and the disbursement of said funds.

The Board supports the intent of the Article, and is very supportive of S.1551, but there were concerns about the proscriptive nature of the additional actions set forth in the original warrant article, specifically about the singular focus on a potential gas tax. The revised language recommended by the Advisory Committee, which follows the intent of the State Bill, alleviates these concerns and allows for a menu of potential options for the Town to adopt that could be used for transportation improvements. The Board did not find it necessary to detail the potential implementation of S.1551, but is looking forward to working through the issues if the legislation is ultimately passed at the State level.

On May 9, 2017 a unanimous Board of Selectmen voted FAVORABLE ACTION on the Advisory Committee's motion.

ARTICLE 23

TWENTY-THIRD ARTICLE
Submitted by: Lily Bermel

Gas Tax Resolution

To see if the Town will adopt the following Resolution:

Whereas, *the ability to move around on foot, bike, or with mass transit is an important value to citizens of Brookline;*

Whereas, *the infrastructure that enables pedestrians, bicyclists, and mass transit users can be made safer, more accessible, and more comfortable;*

Whereas, *Brookline is currently committed to the upgrades necessary to improve safety and comfort for pedestrians, bicyclists, and mass transit users but is constrained by available revenue and other important budgetary considerations;*

Whereas, *according to The League of American Bicyclists, Massachusetts has seen more than a one hundred percent growth in the share of those who commute by bike and it is important to accommodate these growing numbers by installing safer biking infrastructure;*

Whereas, *bike lanes in Brookline are expensive, costing up to fifty thousand dollars, and such projects have been funded with the Brookline Capital Improvements program;*

Whereas, *Brookline Town Meeting's willingness to administer local-option taxes has been demonstrated by its swift implementation of local-option taxes both on meals and room occupancy in the past decade;*

Whereas, *the passage of S.1551 "An Act Relevant to Regional Transportation Ballot Initiatives" would give Brookline the ability to create a new local-option tax to fund transportation upgrades;*

Now, therefore, be it hereby Resolved, *that*

1. Town Meeting explicitly supports *An Act Relevant To Regional Transportation Ballot Initiatives*, which will permit cities and towns to implement a local-option gasoline tax to support transportation. A message of Brookline's support will be sent to the State House sponsors of the Bill, to Brookline's representatives in the Massachusetts House and Senate, and to relevant committee chairs, and

2. That upon passage of *An Act Relevant To Regional Transportation Ballot Initiatives*, Town Meeting supports the implementation of a local-option gasoline tax of $0.03 per gallon, on all gasoline sold by vendors in Brookline, in order to support additional pedestrian, bicycle, and mass transportation infrastructure so that Brookline may become more pedestrian, bicycle, and mass transportation friendly. Funding from the gas tax will be used to supplement, not supplant, funding on current local pedestrian, bicycle, and mass transport infrastructure.

PETITIONER'S ARTICLE DESCRIPTION

Executive Summary

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

About An Act Relevant to Regional Transportation Ballot Initiatives

Filed by Senator Eric Lesser (S. 1551) and Representative Chris Walsh (HD. 174), *An Act Relevant to Regional Transportation Ballot Initiatives* will allow any city or town in the state of Massachusetts to raise taxes in order to fund transportation projects. The Metropolitan Area Planning Council describes the bill as follows:

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

WHAT THIS LEGISLATION DOES

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

This resolution has specific implementation recommendations for Brookline. It calls for a three cent local-option increase on the gasoline tax for all sales within Brookline. Estimation of the revenue from a three cent local-option gasoline tax is difficult, as the Commonwealth doesn't make annual gasoline sales information available by city or town. However, a rough estimate of $200,000 per year can be made by considering the revenue generated by a twenty six cent per gallon tax in all of Massachusetts, the population of Brookline, non-resident gasoline use, and the limited use of cars by Brookline residents.[1]

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

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

1. Raised gasoline prices are associated with increase in recreational walking, biking, and running,[2] activities which contribute to declining obesity rates. Additionally, a study measuring the effect of gas prices on obesity across the

---

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

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

United States claims that "8% of the rise in obesity between 1979 and 2004 can be attributed to the concurrent drop in real gas prices."[3]

2. Raised gasoline prices have been found to decrease the frequency and severity of car crashes due to drunk driving. These findings do not vary among different demographics.[4] In fact, studies have shown that an increase in the gasoline prices can decrease the amount of total road fatalities, "the average reduction in road fatalities resulting from a 10% increase in the gasoline pump price is in the order of 3% to 6%."[5]

3. According to the Asthma and Allergy Foundation of America, subjects in a study were "40 percent more likely to have acute asthma episodes on high pollution summer days than on days with average pollution levels."[6]

4. According to the Environmental Protection Agency, breathing air in Boston is equivalent to smoking five cigarettes a year.[7]

5. Increased walking and biking by Brookline residents would be beneficial to local merchants. New York City found up to 49% increase in retail sales when the city installed the first protected bicycle lane in the US on 8th and 9th Avenues in Manhattan.[8]

6. Many Brookline High School students are not allowed to bike to school because their parents fear for their safety. Bike lanes create distance between the biker and a vehicle, and make it less likely for a collision to occur. Ultimately, parents would allow more students to bike to school if more bike lanes existed on busy roads.

7. The risk of lung cancer increases from exposure to car pollution. A study has found that exposure to traffic-related pollution for 20 years is associated with a relative risk (RR) for lung cancer of 1.2, corresponding to a 20% increase in risk.[9]

8. Walking, biking, and the T are often more attractive options for Brookline youth. Without having to arrange for car rides or worry about safety, young

---

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

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

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

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

7 Kristin Toussaint, "Breathing Boston air is like smoking 5 cigarettes a year," *Boston Globe.* August 28, 2015.

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

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

students will have more opportunities to participate in sports, spend time with friends, or join other extracurriculars.

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

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

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

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

Conclusion

If Brookline enacts a local-option gas tax to support transportation initiatives, it may set a precedent. Nearby cities and towns may be more likely to implement a similar local-option tax. In doing so, not only will their communities gain the benefits described above, but Brookline residents will benefit as well, both from cleaner air in the region and from the improved infrastructure whenever traveling in that city or town.

All Brookline residents rely on our transportation network, and all transportation users – drivers, walkers, bicycle riders, streetcar and bus riders – benefit from sidewalks and

streets with safer infrastructure. A three cent local-option tax will be successful given the Complete Streets policy requirement, backlog of specific projects already identified, and a revenue source. This resolution will help ensure that Brookline pursues needed transportation revenue and that its budget reflects its values.

SELECTMEN'S RECOMMENDATION

A report and recommendation by the Board of Selectmen under Article 23 will be provided in the Supplemental Mailing.

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:
Warrant Article 23 is a citizen's petition resolution which has two parts (in two "Resolved" clauses), one urging Town Meeting to support the passage of a bill S.1551, in the State legislature, *An Act Relevant To Regional Transportation Ballot Initiatives*, which, if passed, will give an option to the Town to impose a tax surcharge on an existing levied tax, including payroll, sales, property, fuel, or vehicle excise tax, specifically for use for expenditure on transportation related purposes only. The second part of the resolution comes into play if S.1551 passes. It urges the Board of Selectmen levy an additional three cents ($0.03) per gallon of fuel sold in gas stations located in Brookline. To levy this tax surcharge, the Board of Selectmen are required to approve a question for Town voters to be placed on the ballot, to approve of the tax surcharge subject, the amount and the proposed use purposes.

By a vote of 18–3–5, the Advisory Committee recommends Favorable Action on an amended resolution, which includes a new final "Whereas" clause and an amended version of the first "Resolved" clause of the resolution as filed in the Warrant. The Advisory Committee's motion deletes the second "Resolved" clause.

BACKGROUND:
An Act Relevant to Regional Transportation Ballot Initiatives has been filed by Senator Eric Lesser (S. 1551) and Representative Chris Walsh (HD. 174) which will allow any city or town in the state of Massachusetts to raise taxes in order to fund transportation projects. The Metropolitan Area Planning Council describes the bill as follows:

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

What this legislation does:

- Requires the Board of Selectmen to select a tax subject area (e.g. gas tax), specify an amount to be surcharged and place the initiative on the ballot for voters' approval by a simple majority;
- Enables a municipality to place a question on the ballot to raise revenue for local and regional transportation projects;
- Enables two or more municipalities to form a regional district to coordinate the spending of revenue raised by a ballot question in each member municipality for regional transportation projects;
- Creates procedures for the adoption and implementation of the new tax and enables communities to define the types of projects or specific projects eligible for funding with the revenues raised;
- Authorizes communities to determine the type of tax to be raised (sales, property, payroll, vehicle excise, etc.), set the maximum amount the new tax can raise, and set the term of the tax;
- Creates a lockbox to ensure that revenue raised for transportation is spent on transportation.

DISCUSSION:

The petitioner believes that a $0.03 surcharge on the fuel tax, if implemented, would raise about $200,000 for currently unfunded transportation projects, such as improved sidewalks and better and more bicycle lanes. Passage of the bill in the State legislature is necessary for this to happen. Thus the petitioner is asking for Town Meeting to support the passage of S.1551 in this resolution.

The Advisory Committee, in general, felt that a local tax surcharge option for transportation projects, would benefit the Town. Concern was expressed as to why the petitioner had selected fuel tax as the tax surcharge subject, as opposed to, for example, placing a surcharge on Motor Vehicle excise or even property taxes. The Petitioner and

some felt this was a small proposed increase that did not put gas stations at too much of a disadvantage, since Brookline gas prices seemed generally at least 3 cents lower than surrounding stations in other communities.

One member of the public, who owns two gas stations in Brookline, was concerned about the undue burden of the small number of gas stations in Town (seven in total) shouldering this funding. He detailed the economics of gas retailing, pointing out that he gets $485,000 of revenue from sales of gas yet the costs associated with those revenues are $600,000. Other activities such as repair and convenience store sales subsidize the cost. His concern is that increased costs will fall on the consumer and that he will lose customers as a consequence, thus reducing revenues and, of course, any tax collected.

It was pointed out that in terms of competition, other surrounding communities could raise revenue similarly so it is hard to predict the eventual price disparities across the region. In response, it was pointed out that S.1551 permits municipalities to raise tax surcharges using other subject areas, such as motor vehicle excise tax. Implementation in Brookline of a direct fuel increase therefore may well put our local gas station businesses at a disadvantage.

The petitioner produced a price survey which had been done on seven Brookline gas stations, which were compared to some stations in surrounding Towns. There was some question raised as to the methodology of the survey of gas stations in surrounding communities and as to whether it was sufficiently comprehensive or reliable. Gas prices vary daily, and some nearby gas stations apparently were not included in the survey.

Other public comment in favor of the resolution pointed out that taxing gasoline and reducing its use would help to achieve the Town's climate change goals. Some argued that maybe local drivers would be willing to pay more for gas in Town stations, if they knew that the revenue was for sidewalks and bicycle lanes. Speaking against the resolution, others cited concerns about the adverse pressure on the small business community that over time reduces the desirability of small business enterprises to come to locate in Town. In addition, we have seen one gas station site recently being converted to a Chapter 40B project, and that there is legitimate concern about increasing pressure on gas stations economics to sell the business and make way for more profitable projects, which could be disadvantageous for the Town.

In general, Advisory Committee members lauded the goal of providing more and better facilities for pedestrians, cyclists and mass transit users. Those in favor of the resolution, including the petitioner, felt that the goal was the important thing and that this goal could be supported by other subject area tax surcharges.

The Advisory Committee had two key concerns about the second "Resolved" paragraph (the gas tax surcharge) in that the Committee felt that much more work was needed to identify which tax subject area for a surcharge is right for the Town and how much should be collected and for what projects. A motor vehicle excise tax surcharge was

thought to be more reliable and predictable for a source of revenue. Since S.1551 has not yet passed the legislature, the second "Resolved" paragraph was felt to be premature. If S.1551 is enacted into State law, a future Town Meeting might want to consider whether Brookline should take any action.

An amended resolution was proposed and the Advisory Committee voted to divide the question, so that each of the "Resolved" paragraphs would have a separate vote.

By a vote of 4–19–3, the Advisory Committee opposed inclusion of the following amended second "Resolved" paragraph:

That upon passage of ~~*An Act Relevant to Regional Transportation Ballot Initiatives*~~ "An Act Relevant to Regional Transportation Ballot Initiatives", Town Meeting ~~supports~~ urges the Board of Selectmen to support the implementation of a local-option gasoline tax of $0.03 per gallon, on all gasoline sold by vendors in Brookline, in order to support additional pedestrian, bicycle, and mass transportation infrastructure so that Brookline may become more pedestrian, bicycle, and mass transportation friendly. Funding from the gas tax will be used to supplement, not supplant, funding on current local pedestrian, bicycle, and mass transport infrastructure.

(Note that the motion for this "Resolved" paragraph that the Advisory Committee considered includes deletions indicated by ~~strikethrough~~ and additions are denoted by underline.)

The Advisory Committee voted in favor of the other part of the divided motion, and thus makes the following recommendation.

RECOMMENDATION:
The Advisory Committee, by a vote of 18–3–5, recommends FAVORABLE ACTION on the following:

VOTED: That the Town Adopt the Following Resolution:

(Note: Language to be deleted from the language of Article 23 as filed is indicated by ~~strikethrough~~, and new language inserted by the Advisory Committee appears in underline);

GAS TAX RESOLUTION

Whereas, the ability to move around on foot, bike, or with mass transit is an important value to citizens of Brookline;

Whereas, the infrastructure that enables pedestrians, bicyclists, and mass transit users can be made safer, more accessible, and more comfortable;

Whereas, Brookline is currently committed to the upgrades necessary to improve safety and comfort for pedestrians, bicyclists, and mass transit users but is constrained by available revenue and other important budgetary considerations;

Whereas, according to The League of American Bicyclists, Massachusetts has seen more than a one hundred percent growth in the share of those who commute by bike and it is important to accommodate these growing numbers by installing safer biking infrastructure;

Whereas, bike lanes in Brookline are expensive, costing up to fifty thousand dollars, and such projects have been funded with the Brookline Capital Improvements program;

Whereas, Brookline Town Meeting's willingness to administer local-option taxes has been demonstrated by its swift implementation of local-option taxes both on meals and room occupancy in the past decade;

~~**Whereas**, the passage of S.1551 "An Act Relevant to Regional Transportation Ballot Initiatives" would give Brookline the ability to create a new local-option tax to fund transportation upgrades;~~

Whereas, the passage of S.1551 "An Act Relevant to Regional Transportation Ballot Initiatives" would give Brookline the ability to impose any tax surcharge on a single subject of taxation including a payroll, sales, property, fuel or vehicle excise tax, creating a new local-option tax to fund transportation upgrades;

Now, therefore, be it hereby Resolved, that

1. Town Meeting ~~explicitly~~ supports the passage of S.1551, "An Act Relevant to Regional Transportation Ballot Initiatives" ~~*An Act Relevant to Regional Transportation Ballot Initiatives,* which will permit cities and towns to implement a local-option gasoline tax to support transportation~~. A message of Brookline's support will be sent to the State House sponsors of the Bill, to Brookline's representatives in the Massachusetts House and Senate, and to relevant committee chairs.

   ~~2. That upon passage of *An Act Relevant To Regional Transportation Ballot Initiatives*, Town Meeting supports the implementation of a local-option gasoline tax of $0.03 per gallon, on all gasoline sold by vendors in Brookline, in order to support additional pedestrian, bicycle, and mass transportation infrastructure so that Brookline may become more pedestrian, bicycle, and mass transportation friendly. Funding from the gas tax will be used to supplement, not supplant, funding on current local pedestrian, bicycle, and mass transport infrastructure.~~

Defeated by an Electronic Recorded Vote of 48 In Favor, 157 Opposed and 10 Abstentions.

XXX

ARTICLE 24

TWENTY_FOURTH ARTICLE

Reports of Town Officers and Committees

ADDENDUM TO SELECTMEN'S CLIMATE ACTION COMMITTEE REPORT TO TOWN MEETING - May 23, 2017

Community Electricity Aggregation Program Rolls Out Summer 2017

Brookline Green Electricity
brooklinegreen.com
Town of Brookline | Community Choice Aggregation

The Selectmen's Climate Action Committee (SCAC) is pleased to announce that after a competitive bidding process in May, the Town selected Dynegy, Inc. to supply the community's electricity, with a 30-month contract term from the July 2017 meter reading to the December 2019 meter reading. Approved by the Massachusetts Department of Public Utilities in April, the Town's electricity aggregation program, **BROOKLINE GREEN ELECTRICITY**, uses bulk purchasing to offer competitive electricity supply rates and rate stability for residents and businesses. In addition, it provides renewable energy options to reduce the Town's reliance on carbon-polluting fossil fuels. Eversource remains the utility that will deliver the electricity, handle billing, and respond to emergencies and outages. Customers will see changes to electricity supply rates in their August bill (see chart on page 2). Delivery rates will not change.

"In November 2015, Town Meeting passed both a warrant article authorizing the Town to commence a community electricity aggregation program and, unanimously, a resolution urging the Board of Selectmen to increase the use of renewable sources of energy by 25% of retail sales using an aggregation plan," notes SCAC Co-Chair and aggregation subcommittee Chair Werner Lohe. "Through the hard work of the subcommittee and staff, we were able to develop a plan that is both more ambitious than that of most communities and also flexible enough to offer the most choice to consumers. The plan was comprehensively vetted by the State to ensure that consumer protections are maintained."

By Memorial Day, a 30-day Opt-Out letter with the Town seal will be mailed to all Eversource account holders announcing the new electricity supplier, the program's three products and rates, and consumer options. Customers will automatically be enrolled in the program's standard product, **Brookline Green**, which adds 25% local renewable energy to the amount the State requires. To offer consumers maximum choice, the program also offers two alternative products that customers can select by calling Dynegy directly: **Brookline All Green** provides 100% additional renewable energy, and **Brookline Basic** provides no additional renewable energy beyond what the State requires. Customers who don't want to be enrolled in any of the three program options can opt out by signing and returning an enclosed card in the pre-paid envelope within 30 days of the Opt-Out letter's postmark.

The Town's energy expert, Good Energy, was able to obtain a highly competitive rate of 10.398 cents per kilowatt hour for traditional energy for <u>all</u> rate classes (excluding additional renewable energy), which the Town locked in for 30 months, beating Eversource's rate of 10.75 cents per kilowatt hour for the July to December period. Considering that Eversource has been increasing its supply rates every six months, the Town's offering a fixed, competitive price for this duration will provide consumers with rate stability in a volatile market and possible savings.

The Town was also able to take advantage of declining prices in the renewable energy market. When Town Meeting unanimously passed a resolution in November 2015 to increase participants' use of renewable energy, the price for renewables was at a historic high. The resolution recommended a cap at $7.00 per month on the incremental cost an average household would pay for the additional renewable energy. Through Good Energy's skillful efforts, the incremental cost for the Brookline Green (25%) product is estimated to be about $2.03 per month for a typical household consuming about 600 kilowatt hours when the plan rolls out. Furthermore, consumers can be assured that the renewable energy

(Over, please)

Dynegy obtains from Mass Energy are Massachusetts Class I Renewable Energy Certificates (RECs), guaranteed to add new renewable energy to the ISO-New England power grid and offset additional emissions from fossil fuels.

"There's room for everyone in this program," states Selectman Nancy Heller, co-chair of the SCAC. "If you are seeking an option that beats Eversource's pricing, we have the Brookline Basic product for you. If you want to have a measurable impact on the environment, your participation in the standard Brookline Green product will help Brookline displace almost 34 million pounds of carbon dioxide emissions annually. And for the growing number of consumers who want a reliable way to purchase 100% renewable energy, you can select Brookline All Green, which meets that gold standard."

Federal tax deductions are provided for the products offering additional renewable energy, offsetting costs consumer pay for additional renewable energy in the Brookline Green and Brookline All Green products.

The Town is making community outreach and clear information accessible to all constituency groups, especially the community's more vulnerable populations. The Town will schedule information sessions throughout the opt-out period in June. Consumers can visit the Town website www.brooklinegreen.com for resources and a calendar of events, call the Good Energy call-center at 800-931-6221 for inquiries about the opt-out period, or contact Senior Planner Maria Morelli at mmorelli@brooklinema.gov for assistance. On June 6 at 8 pm the Board of Selectmen will host a public meeting to present the program and answer questions from the public. Please see the chart below comparing the new program with Eversource's Current Service.

Comparison of New Program with Eversource's Current Service

	CURRENT SERVICE **Eversource Basic Service** Electricity Supply Only	**New Community Aggregation Program: BROOKLINE GREEN ELECTRICITY**		
		Alternative Option 1 **Brookline Basic**	**Standard Product** **Brookline Green**	Alternative Option 2 **Brookline All Green**
AMOUNT OF RENEWABLE ENERGY	State Requirement is 12% of electricity purchased, increasing 1% every year	0% added to State Requirement	25% added to State Requirement	100% added to State Requirement
RESIDENTIAL	$0.10759/kWh	$0.10398/kWh	$0.11098/kWh	$0.13198/kWh
SMALL COMMERCIAL & INDUSTRIAL & STREETLIGHTING	$0.10764/kWh			
LARGE COMMERCIAL & INDUSTRIAL &	$0.10834/kWh NEMA			
DURATION Prices are fixed for the indicated duration, starting with the customer's first meter read in July, 2017.	See footnote*.	30 months	30 months	30 months
CONSUMER ACTION NEEDED	To opt out of the new program and remain with current service, return enclosed postcard **within 30 days** of postmark on Opt-Out letter.	Call Dynegy to select this option.	No action required; automatic enrollment	Call Dynegy to select this option.

* Residential, Small Commercial, Industrial & Street Lighting rates change **July 1 and Jan 1.**
Large Commercial & Industrial rates change **July 1, Oct 1, Jan 1, and April 1.**

NOTE: Refer to the official Opt-Out Letter for program details, consumer options, and administrative fees.

SELECTMEN'S COMMITTEE UPDATE

FEASIBILITY AND APPLICABILITY OF TREE ORDINANCE IN BROOKLINE

May 2017 Town Meeting

As a result of the Fall Town Meeting 2016 a Selectmen's Committee was established to study the possible benefits of a tree protection ordinance. The intent of the tree protection by-law would be to preserve mature trees that have aesthetic appeal, contribute to the distinct character of the community, improve air quality, provide glare and heat protection, reduce noise, aid in stabilization of soil, provide natural flood- and climate-control, create habitats for wildlife, enhance property values, and provide natural privacy to neighbors.

The Committee has held six meetings to consider the purpose and intent of a tree protection ordinance in Brookline, the respective applicability and jurisdiction, implementation and enforcement. The Committee is considering various regulatory mechanisms which could be utilized in a draft tree protection ordinance.

In order to provide consideration and protection of trees considered significant to the health and character of the community, the Committee is considering the experience and viability of existing tree ordinances in both the Commonwealth of Massachusetts and the Nation. To better understand the implications and effectiveness of any proposed bylaw the Committee met with representatives from Cambridge, Newton, Springfield, Wellesley, and Lexington to discuss the implementation strategies they have used when enforcing private tree protection measures in their respective communities. The Committee is also evaluating the possible avenues for implementation, including the use of existing permitting and by-law mechanisms within the Town. The Committee intends to present a final report to Town Meeting in the Fall of 2017.

Members of the Committee
Nancy Heller, Board of Selectmen
Thomas Brady, Town Arborist/Tree Warden
Ken Goldstein, Zoning Bylaw Committee & Former Selectmen
Harry Bohrs, Brookline GreenSpace Alliance & Former Chair of Advisory Committee
Clara Batchelor, Park & Recreation Commission
Bob Cook, Planning Board
Roberta Schnoor, Conservation Commission
Elizabeth Erdman, Tree Planting Committee
Richard Murphy, Citizen Petitioner of Tree Protection Article

SELECTMEN'S CLIMATE ACTION COMMITTEE
REPORT TO TOWN MEETING SPRING 2017

The Selectmen's Climate Action Committee (SCAC) reports annually to Town Meeting on its activities of the past year and its goals and initiatives for the upcoming year. In formulating its plans for future committee activities, the SCAC welcomes input from Brookline residents and businesses. Please direct comments and ideas to Senior Planner, Maria Morelli, Department of Planning & Community Development, at mmorelli@brooklinema.gov or 617-730-2670.

I. INTRODUCTION

The Selectmen's Climate Action Committee (SCAC) was established in 2008 by the Board of Selectmen, in conjunction with a Resolution passed by Town Meeting that May (Appendix 1). The SCAC has fifteen members: twelve representatives of various boards and commissions and three citizens appointed by the Selectmen (Appendix 2). The SCAC has been reporting to Town Meeting annually since November 2009. This year's report builds upon the content of previous years' reports, presenting a summary of the committee's activities over the past year and identifying new goals and priorities.

The SCAC meets monthly, and organizes itself into working subcommittees on an as-needed basis, in response to evolving goals and projects.

In February 2015, the SCAC proposed a revised committee charge to the Board of Selectmen to better reflect the committee's efforts to be proactive and encouraging of actions that reduce greenhouse gas emissions and enable to the Town to adapt to the effects of climate change. The Board of Selectmen approved the new charge, which is as follows:

"The responsibilities of the committee shall include:

- To promote a goal of achieving 80% reduction in greenhouse gas (GHG) emissions by 2050 in alignment with the Massachusetts' Global Warming Solutions Act;
- To promote and implement resiliency measures to better prepare the Brookline community to adapt to climate change;
- To develop a comprehensive strategic plan that includes, but is not limited to, reducing greenhouse gas emissions and promoting sustainable practices for home, school and businesses;
- To advance Brookline as a leader in diverse sustainable practices that contribute to environmental health and positive social impact and economic development;
- To promote greater awareness about sustainability and the need to reduce GHG emissions through citizen choices;
- To recommend and, where appropriate, implement programs that reduce the net production of GHG emissions in Brookline;
- To measure, assess and/or monitor the efforts of the Town to reduce net GHG emissions;

- To serve as liaison between the Town and the public with regard to information and programs related to reducing net production of greenhouse gases;
- To report annually to the Annual Town Meeting and to report from time to time to the Board of Selectmen, the Town of Administrator, and the public; and,
- Such other responsibilities as may be determined from time to time by the Board of Selectmen."

II. ACCOMPLISHMENTS

In April, Senior Planner Maria Morelli, AICP, assumed the responsibility of working with the Selectmen's Climate Action Committee when Lara Curtis-Hayes, AICP, left the Town of Brookline after ten years of service to work as a consultant.

1. Implemented Climate Action Plan

The SCAC continued to refine and implement the Climate Action Plan, which sets a greenhouse gas reduction goal of 25% below 1990 levels by 2020, and 80% by 2050.

2. Awarded $145,000 Green Communities Grant

The Town attained "Green Community" status in 2011, which affirmed the Town's commitment to sustainability. The Department secured a grant from the Massachusetts Department of Energy Resources for $145,000 for the installation of LED lights in several municipal buildings (Driscoll School, Eliot Recreation Center, and the Senior Center) and on street poles on the new Emerald Necklace Crossing.

Town staff submitted a final grant report to the Green Communities Division in February 2017 and an application for competitive grant funding was submitted in March 2017. Green Community designation must be maintained by continuing to satisfy the Green Community requirements (Appendix 3), including ensuring the town's fuel efficient vehicle purchasing policy is followed and that progress is made on the adopted Municipal Energy Reduction Plan. Annual reporting on the Town's Green Community status to the state is therefore required and was submitted in December 2016.

3. Completed Brookline Green Electricity Plan

Working with a subcommittee, the Town contracted with energy broker Good Energy to submit a community choice aggregation plan to the Massachusetts Department of Public Utilities for approval. The Town expects to roll out the plan in spring 2017 to purchase electricity on behalf of residents and businesses, pending the State's approval of the plan. The program, Brookline Green Electricity, will not only offer competitive pricing but more options for consumers to purchase electricity from renewable resources.

4. Participated on Greater Boston Climate Preparedness Taskforce

The SCAC and Town staff also represented the Town at meetings of the Climate Preparedness Taskforce, a newly-formed coalition of municipalities in the Greater Boston region, which, with the assistance of MAPC, have agreed to work together to address the likely regional impacts of climate change. This taskforce is encouraging municipalities to develop individual climate vulnerability assessments.

5. Completed Brookline's First Vulnerability Assessment

Through a partnership made possible by the American Geophysical Union, SCAC members and Town staff worked with Northeastern University scientists to project extreme heat temperatures and the location of urban heat islands in 2030 and 2070 so that the Town can begin work on a mitigation and adaptation action plan. With the help of a $20,000 State Community Compact grant, the Town is working with Metropolitan Area Planning Council (MAPC) to incorporate Northeastern's research into resources that will be used to educate the public and policy makers. The second phase of the project, in 2017, will focus on precipitation and flooding.

6. Spearheaded Zero Energy Building Study for Ninth School

In collaboration with Climate Action Brookline, an SCAC subcommittee was formed to explore best practices, financial models, and challenges associated with Zero Energy Buildings (ZEB). The subcommittee has worked with the Building Department and Building Commission to guide future policies around net zero initiatives. In spring 2017 the subcommittee will participate in an energy charrette for the new elementary school, coordinated by environmental engineer and project manager, Ray Masak, of the Building Department to explore energy efficiencies and possible methods of energy generation for the project.

7. Installing Solar Photovoltaic Panels

In conjunction with the Deputy Town Administrator and Town Counsel's Office, staff, with SCAC oversight, is working to finalize contracts with Blue Wave Capital for solar photovoltaic panel installations on several municipal properties with the goal of installing the panels in 2017.

8. Promoting Installation of Electric Vehicle Charging Stations

Following a vote to refer several EV Charging Warrant Articles at the Fall 2016 Town Meeting, the SCAC formed a study committee to work with citizen petitioner Scott Ananian to make recommendations to Annual Town Meeting 2017 on how best to encourage the installation of Level 2 charging stations for electric vehicles.

9. Hosting Public Hearings on Warrant Articles Related to Sustainability

The SCAC members hosted public hearings and make recommendations to Town Meeting on warrant articles that address issues impacting sustainability. Recently these recommendations have dealt with, electric vehicle charging stations, minimum parking requirements, plastic bags, and tree conservation on private property.

10. Updating Open Space Plan

SCAC members have been serving on the Climate Change subcommittee for the Open Space Plan update during 2016. The focus of this subcommittee has been to bring greater awareness of the potential impacts of climate change on the Town and the role that parks and open space can play in the mitigation of greenhouse gas emissions and adaptation to the effects of climate change. Specific topics include heat island effect, storm water management, and the effect of methane leaks on trees.

III. WORK PLAN

The SCAC has identified the following tasks for the coming year:

1. Continue to provide support to groups and residents working on activities listed in the Climate Action Plan, including community shared solar (CSS), bicycle sharing and complete streets, and adaptation. As implementation of the plan proceeds, refine greenhouse gas reduction estimates. The actions listed in the plan provide a road map and policy framework for the committee as it moves forward.
2. Assist as needed in the town's efforts to install solar PV facilities on municipal buildings and properties.
3. Lead and assist in developing community shared solar (CSS) opportunities in Brookline.
4. Work with community and municipal partners to identify and implement climate change adaptation strategies. Pool resources with neighboring municipalities to build support for adaptation initiatives and develop best practices.
5. Collaborate with CAB on community education and engagement activities to promote lifestyle changes that lead to greenhouse gas reduction.
6. Provide support for the town's efforts to implement the Green Communities Act criteria and objectives, including the execution of the municipal energy reduction plan, and encouraging the pursuit of renewable energy generation alternatives.
7. Complete Brookline Green Electricity and schedule community outreach sessions, as needed, during opt-out period.
8. Work with Northeastern University and MAPC on a Vulnerability Assessment for precipitation and flooding projections in 2030 and 2070. Schedule outreach sessions

with Town officials and citizens to report findings on areas vulnerable to the impacts of extreme temperatures, urban heat islands, and precipitation and flooding. Begin work on an action plan to mitigate these impacts.

9. Participate in an energy charrette to explore Zero Energy Building measures for the ninth elementary school. Formulate best practices to ensure that Net Zero measures are explored on future projects and to guide decision makers on future projects.
10. Obtain funding to prepare a best practices guide to encourage the installation of Level 2 charging stations for electric vehicles.
11. Pursue the installation of additional publicly accessible Level 2 charging stations for electric vehicles.

IV. APPENDICES

1. Town Meeting Resolution (Article 29, May 27, 2008, Annual Town Meeting)

VOTED: That the Selectmen establish a committee, the purpose of which is to reduce the total emission of greenhouse gases by the Brookline community, including Town government. The name of the committee shall be the Selectmen's Climate Action Committee. The responsibilities of the committee shall include:

1. To recommend programs that reduce the net production of greenhouse gases in Brookline, such as energy efficiency measures, green energy sources, and additional greenspace;
2. To monitor, measure, and assess efforts of the Town to reduce net greenhouse gas emissions;
3. To monitor promising relevant programs in other municipalities;
4. To monitor relevant technological developments;
5. To serve as liaison between the Town and the public with regard to information and programs related to reducing net production of greenhouse gases;
6. To report annually to the Annual Town Meeting and to report from time to time to the Board of Selectmen, the Town Administrator, and the public; and
7. Such other responsibilities as may be determined from time to time by the Board of Selectmen.

The committee shall consist of the following members appointed by the Board of Selectmen:

1. A member of the Board of Selectmen
2. The Chair of the Advisory Committee or her/his nominee
3. The Chair of the School Committee or her/his nominee
4. The Chair of the Transportation Board or her/his nominee
5. The Chair of the Conservation Commission, or her/his nominee
6. The Chair of the Planning Board, or her/his nominee
7. The Chair of the Building Commission, or her/his nominee
8. The Chair of the Advisory Council on Public Health, or her/his nominee
9. A Co-Chair of Climate Action Brookline, or their nominee
10. The President of the Brookline GreenSpace Alliance, or her/his nominee
11. A Co-Chair of the Brookline Neighborhood Alliance, or their nominee
12. The President of the Brookline Chamber of Commerce, or her/his nominee
13. Three members at large with special consideration given to people with the following skills:
    - Relevant scientific and/or academic expertise
    - Relevant engineering expertise
    - Knowledge of and/or experience with green businesses
    - Relevant public health expertise.

All members shall serve three-year terms, which may be renewed. Initial appointments shall be for terms of one, two, and three years so that terms will expire at staggered intervals. No member shall be disqualified because she or he is not a resident of the Town. The committee shall have two co-chairpersons, one of whom shall be the selectman member and one of whom shall be elected annually by the committee. The staffing of the committee shall be determined by the Selectmen and the Town Administrator. The committee shall be established by November 30, 2008, and shall be evaluated by the Board of Selectmen before December 31, 2011 to determine whether it should be made permanent or dissolved.

2. SCAC Membership

Dan Bennett	Building Commission
Michael Berger	At-large
Ben Chang	School Committee
Nancy Heller, Co-chair	Board of Selectmen
David Lescohier	At-large
Alan Leviton	Climate Action Brookline
Werner Lohe, Co-Chair	Conservation Commission
Patricia Maher	Department of Public Health
Linda Pehlke	Brookline Neighborhood Alliance
Deborah Rivers	Brookline GreenSpace Alliance
Kathleen Scanlon	At-large
Ali Tali	Transportation Board
Don Weitzman	Advisory Committee
Open	Planning Board
Open	Chamber of Commerce
Maria Morelli, Staff	Senior Planner, Department of Planning and Community Development

3. Green Communities Act

To qualify as a Green Community, a municipality must meet all five of the following criteria:

- Provide for the as-of-right siting of renewable or alternative energy generating facilities, renewable or alternative energy research and development (R&D) facilities, or renewable or alternative energy manufacturing facilities in designated locations.
- Adopt an expedited application and permitting process under which these energy facilities may be sited within the municipality and which shall not exceed 1 year from the date of initial application to the date of final approval.

- Establish an energy use baseline inventory for municipal buildings, vehicles, street and traffic lighting, and put in place a comprehensive program designed to reduce this baseline by 20 percent within 5 years of initial participation in the program.
- Purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.
- Require all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.

4. Municipal Energy Reduction Plan

In June 2011, the Board of Selectmen adopted a Municipal Energy Reduction Plan with the goal of reducing municipal energy use by 20 percent over a 5-year period. Below is an excerpt from the plan's Introduction and Summary, as well as tables showing the town's energy use baseline and the energy efficiency measures that had already been implemented at the time of the plan's adoption. The Municipal Energy Reduction Plan is available on the Climate Action Committee's website.

The Town of Brookline serves a population of approximately 57,107 residents, as measured by the 2000 U.S. Census. It is primarily a well-developed suburban residential community, with commercial hubs located along major transportation routes, such as Coolidge Corner, Brookline Village and Washington Square. The town manages 42 municipal buildings, 11 of which are school buildings. The town's municipal fleet includes approximately 276 vehicles. The town's public infrastructure includes approximately 4,085 streetlights (312 of which are ornamental), 354 traffic lights, and 182 park lights. The town's buildings are supplied electricity by NSTAR and heated with natural gas, although a majority of the buildings are powered by dual-fuel boilers, allowing them to be powered by heating oil if ever needed.

Energy efficiency and conservation is a priority of the town, and funding has been dedicated to improving the energy efficiency of the town's buildings and facilities for several years, reflecting this commitment. The town's Capital Improvements Program (CIP) has regularly included funding for energy efficiency measures on an annual basis, spending more than $750,000 on energy conservation measures alone since 2004, with another $1 million proposed as part of the Town's FY12-FY17 CIP. The town regularly partners with and participates in utility programs that subsidize energy efficiency improvements in order to leverage these funds. Therefore, several of the town's buildings and facilities are already extremely energy efficient.

A state audit in 2010 indicated that of the 17 town buildings selected by the Building Department for independent review because of their likelihood to benefit from energy efficiency measures, only three had estimated EPA rankings of 40 or below, and two of those buildings are small and contribute only a fraction to the town's total energy costs. Six buildings had estimated EPA rankings of 75 or higher, qualifying them for EPA Energy

Star certification should the Town wish to pursue official recognition. Such results can be credited towards the Building Department's efficient and diligent building management as well as the town's continued financial commitment to improving the energy efficiency of its facilities.

Table 3. Summary of Municipal Energy Use Baseline FY2009

Category	Fiscal Year 2009 MMBtu	% of Total MMBtu Baseline Energy Consumption	MMBtu Savings Already Implemented	Projected Planned MMBtu Savings	Total MMBtu Savings	Savings as % of Total MMBtu Baseline Energy Consumption
Buildings*	135,328	70.2%	10,307	19,580	29,887	15.5%
Vehicles	46,402	24.1%	782	1,377	2,159	1.1%
Street/ Traffic/ Park Lights	10,989	5.7%	0	7,936	7,936	4.1%
TOTAL	192,718	100%	11,089	28,893	39,981	20.7%

Table 5. Energy Efficiency Measures Already Implemented

	Energy Conservation Measure	Estimated Annual Savings (kWh)	Estimated Annual Savings (therms)	Estimated Annual Savings (unleaded gallons)	Estimated Annual Savings (MMBtu)	Source for Estimated Savings
Town Hall	Complete renovation, incl. replacement windows, new HVAC systems, lighting, switch from heating oil to natural gas, etc. (completed FY09)	589,109	12,510	0	3,261	Actual bill savings
	Occupancy sensors for lighting (installed FY10)	6,552			22	AECOM (vendor for project)
Brookline High School	HVAC occupancy sensors (installed FY10)	17,690	10,200		1,080	Building Commissioner Estimate
	Demand management ventilation system for gym (installed FY10)	23,551			80	AECOM (vendor for project)

	Energy Conservation Measure	Estimated Annual Savings (kWh)	Estimated Annual Savings (therms)	Estimated Annual Savings (unleaded gallons)	Estimated Annual Savings (MMBtu)	Source for Estimated Savings
	Occupancy sensors for lighting (installed FY10)	18,275			62	AECOM (vendor for project)
Baker School	Replace bulbs and ballasts (installed FY10)	34,114			116	AECOM (vendor for project)
	Lighting (installed FY10)	57,268			195	
	HVAC occupancy sensors (installed FY10-11)		5780		578	Building Commissioner Estimate
Driscoll School	Replace bulbs and ballasts (installed FY10)	61,911			211	AECOM (vendor for project)
Heath School	HVAC occupancy sensors (installed FY11)		1,200		120	Building Commissioner Estimate
Lynch Recreation Center	Occupancy sensors for lights (installed FY10)	6,271			21	AECOM (vendor for project)
New Lincoln School	lighting upgrade (installed FY10)	47,806			163	AECOM (vendor for project)
	CO2 sensors/demand ventilation equipment (installed FY10)				0	
Old Lincoln	CO2 sensors/demand ventilation equipment (installed FY10)				0	AECOM (vendor for project)
	Pipe Insulation (installed FY10)		6,335		634	
	Install new high efficiency boiler		3,674		367	Building Commissioner Estimate (10% reduction in gas usage)
Devotion School	Occupancy sensors for lights (installed FY10)	97,416			332	AECOM (vendor for project)
Lawrence School	new lighting, fixtures, controls (installed FY10)	52,696.60			180	AECOM (vendor for project)

	Energy Conservation Measure	Estimated Annual Savings (kWh)	Estimated Annual Savings (therms)	Estimated Annual Savings (unleaded gallons)	Estimated Annual Savings (MMBtu)	Source for Estimated Savings
	Occupancy sensors for HVAC (installed FY11)		7,460		746	Building Commissioner Estimate
UAB/Physical Ed Building	Occupancy sensors for lights (installed FY11)	10,532			36	AECOM (vendor for project)
Soule Gym	new lighting/fixtures (installed FY10)	9,239			32	AECOM (vendor for project)
Senior Center	Install new high efficiency boiler		1,215		122	Building Commissioner Estimate
11 Newton Street DPW	new lighting/fixtures (installed FY10)	26,719			91	AECOM (vendor for project)
Take Home Vehicle Reductions	The number of vehicles driven home by town staff has been sharply reduced. (implemented FY10)			5,448	676	Fuel savings from mileage estimates
Town PCs PowerSave Policy	All town computers have been equipped with a Powersave feature that automatically shuts off computers after a period of idleness. (implemented FY10)	543,899			1,856	7.5% savings assumed (first 3 mos of project have yielded 10% savings)
	TOTAL SAVINGS	1,603,048	48,374	5,448	10,983	

5. Town of Brookline Greenhouse Gas Inventory Overview

History and Purpose

In May 2000, the Town of Brookline elected to participate in the Cities for Climate Protection Campaign, a program of the International Council of Local Environmental Initiatives (ICLEI). The Cities for Climate Protection Campaign follows a 'Five Milestone' process:

- Milestone One: Conduct a Greenhouse Gas Emissions Inventory and Report
- Milestone Two: Set a Greenhouse Gas Emissions Reduction Target

- Milestone Three: Develop a Local Climate Action Plan
- Milestone Four: Implement the Local Climate Action Plan
- Milestone Five: Monitor Emissions Reductions

The Town completed the first three milestones in the ICLEI program, publishing a greenhouse gas inventory in August 2000 and a Greenhouse Gas Emissions Reduction Target and Climate Action Plan in February 2002.

The August 2000 Greenhouse Gas Inventory reported emissions for calendar years 1995 and 1998. The following summary updates those initial findings to include information for calendar years 2003 and 2008. The goal of the Greenhouse Gas Inventory is to guide Brookline's process of writing and implementing a plan to reduce the emissions contributing to climate change.

Brookline's Community Greenhouse Gas Emissions Totaled 520,000 Tons CO_2 for CY2008

Brookline's community greenhouse gas emissions (Table 1 and Figure 1) have been steady at roughly 520,000 tons of CO_2 per year for, at least, the five year period from 2003 through 2008. Community emissions comprise the residential, commercial, and government sectors.

Brookline's 2008 community greenhouse gas emissions were about eight percent below the annual emissions rate of 560,000 tons previously reported for 1995 (August 2000 Greenhouse Gas Inventory Report). Adjusting for possible inconsistencies in electricity and natural gas usage and vehicle emissions described below, Brookline's 1995 greenhouse gas emissions may have been as low as 515,000 tons per year. In either case, Brookline has done better than the United States, as a whole. Greenhouse gas emissions increased about ten percent nationally from 1995 through 2007.

Greenhouse gas emissions from Brookline's government operations (Figure 2) for 2008 are relatively unchanged from those previously reported for 1995 (August 2000 Greenhouse Gas Inventory Report). Government operations are responsible for about three percent of Brookline's total community emissions.

Emissions from MBTA trolleys and buses were not included in this analysis. Emissions from these sources are likely about one percent of the reported total community emissions, based on the August 2000 Greenhouse Gas Inventory Report.

Brookline's Climate Action Plan Base Year Should be Changed from 1995 to 2003

The ICLEI Local Government Protocol (September 2008) states: "It is good practice to compile an emissions inventory for the earliest year for which complete and accurate data can be gathered. The base year for the UNFCCC and subsequent Kyoto Protocol is calendar year 1990. However, required data from 1990 is often prohibitively difficult or impossible to collect. Given that the priority for a greenhouse gas management program

should be on practical results, it is more important that the base year be documented with enough detail to provide a good basis for local action planning than it is that all local governments produce an inventory with the same, stipulated base year."

Graphs of electricity usage (Figure 3) and natural gas usage (Figure 4) from 1995 through 2008 indicate anomalies in trends for both utilities. Values for 1995 and 1998 were reported in the August 2000 Greenhouse Gas Inventory report based on information provided by Boston Edison and Boston Gas. Usage information for 2002 through 2008 was obtained from NSTAR and National Grid. The significant drop in usage of gas and electricity from 1998 to 2002 is inconsistent with both population growth in Brookline and national trends in residential energy consumption during that period.

CO_2 emissions from vehicles traveling in Brookline may also have been overstated, based on a November 2009 report from the United States Environmental Protection Agency. Vehicle emission factors generated for 1995 by the ICLEI software (SCAC2009) were based on projections that predated the recent EPA report.

Due to the above inconsistencies, it is recommended that 2003 be used as the base year for Brookline's Greenhouse Gas Reduction Target and Climate Action Plan.

Brookline's Residential Carbon Footprint is Much Lower than the U.S. Average

In 2008, Brookline's average residential carbon footprint was about 31,000 pounds of CO_2 per year. The average US household had a carbon footprint of 46,000 pounds of CO_2 per year, according to data from the US Energy Information Agency's (EIA) 2005 Residential Energy Consumption Survey and a household vehicle use survey for 2009 published by the National Highway Transportation Survey (NHTS). In both cases, CO_2 emissions from personal air travel were not included.

Brookline's average commercial carbon footprint was 162,000 pounds of CO_2 per year in 2008, excluding air travel.

Table 1 **Greenhouse Gas Emissions CO_2e, Tons/Year**

	1995	2003	2008
Electricity	140,920	130,384	137,125
Natural Gas	120,369	104,223	126,643
Heating Oil	126,267	112,366	103,678
Cars and Trucks	151,315	152,194	128,992
Solid Waste	21,129	21,129	21,264
Total	559,999	520,295	517,702

Table 2 **2008 GHG Emissions By Sector CO_2e, Tons/Year**

	Residential	Commercial	Municipal	Total
Electricity	75,688	54,106	7,331	137,125
Natural Gas	89,812	34,474	2,357	126,643
Heating Oil	81,070	19,980	2,629	103,679
Cars and Trucks				128,992
Solid Waste	14,176	6,998	90	21,264
Total				517,702

Table 3 **Greenhouse Gas Sources**

		1995	2003	2008
Electricity	kwh	311,702,637	288,397,640	293,386,860
Natural Gas	Therms	20,445,394	17,702,807	21,511,045
Heating Oil	Gallons	11,283,499	10,041,279	9,264,891
Cars and Trucks	Miles	232,094,937	242,992,126	210,333,390
Solid Waste	Tons	21,000	21,000	21,135

Table 4 **Brookline's Residential Carbon Footprint - 2008**

	CO_2e, Tons/Year
Electricity	75,688
Natural Gas	89,812
Heating Oil	81,071
Gasoline/Diesel	139,156
Solid Waste	14,176
Total	399,901
Number of Households	25,573
Pounds CO_2/Household/Year	31,275

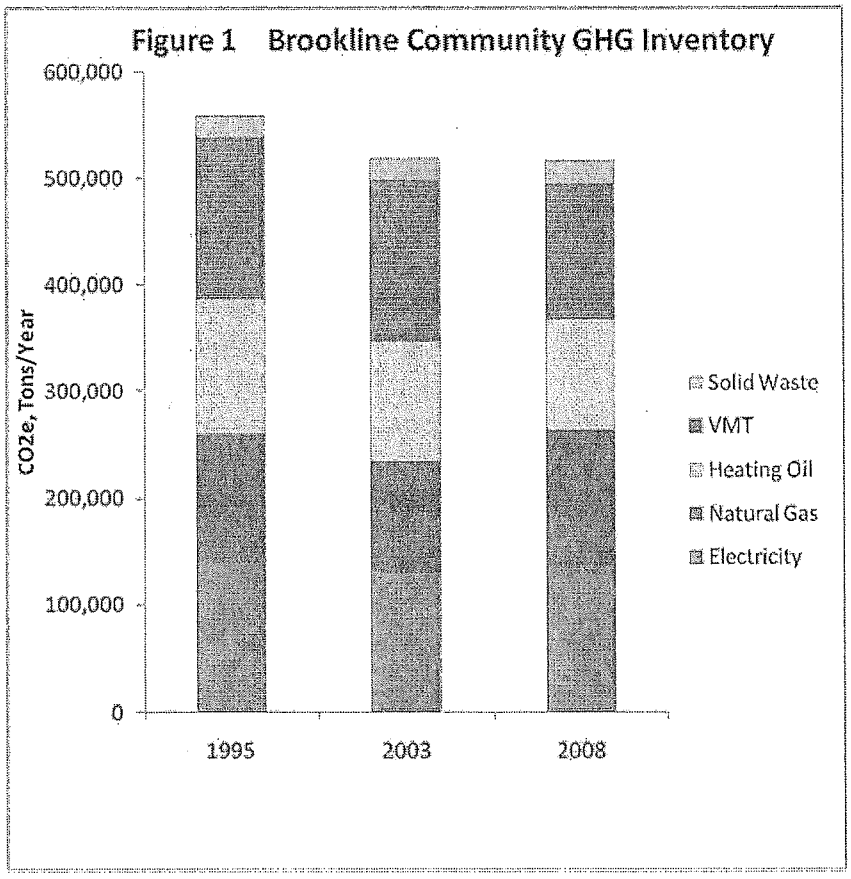
Table 5 **Brookline's Commercial Carbon Footprint - 2008**

	CO_2e, Tons/Year
Electricity	52,536
Natural Gas	34,474
Heating Oil	19,980
Gasoline/Diesel	7,576
Solid Waste	6,998
	121,564
Number of Businesses	1,500

Pounds CO_2/Business/Year	162,086

Table 6 Brookline's Municipal Carbon Footprint - 2008

	CO_2e, Tons/Year
Electricity	8,901
Natural Gas	2,357
Heating Oil	2,629
Gasoline/Diesel	2,305
Solid Waste	90
	16,282



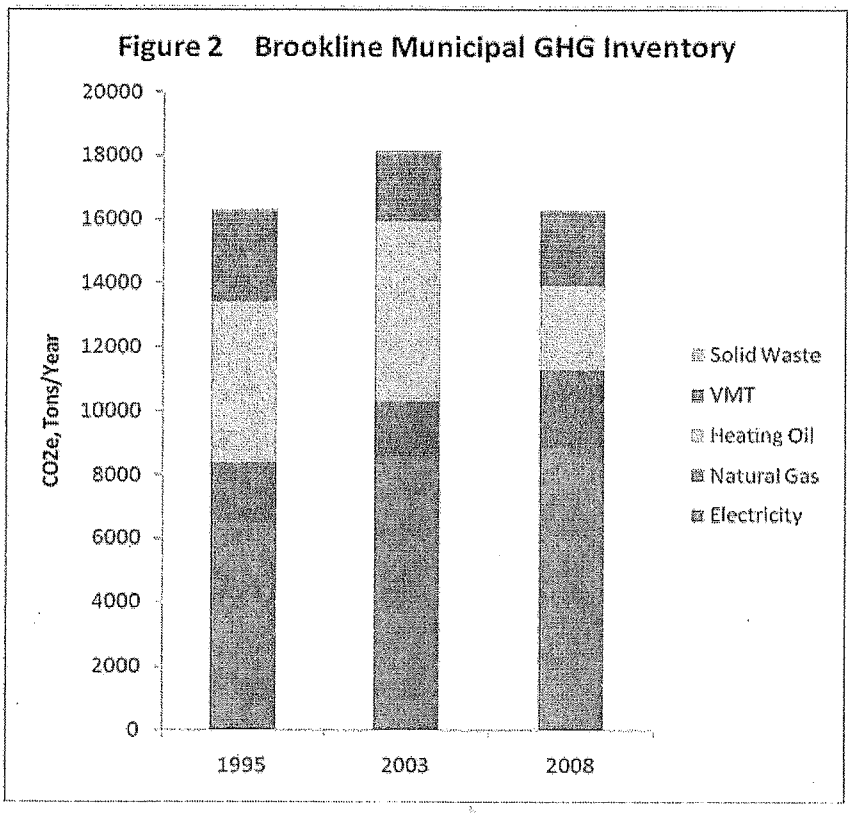


Figure 2 Brookline Municipal GHG Inventory
CO2e, Tons/Year
20000
18000
16000
14000
12000
10000
8000
6000
4000
2000
0
1995
2003
2008
Solid Waste
VMT
Heating Oil
Natural Gas
Electricity

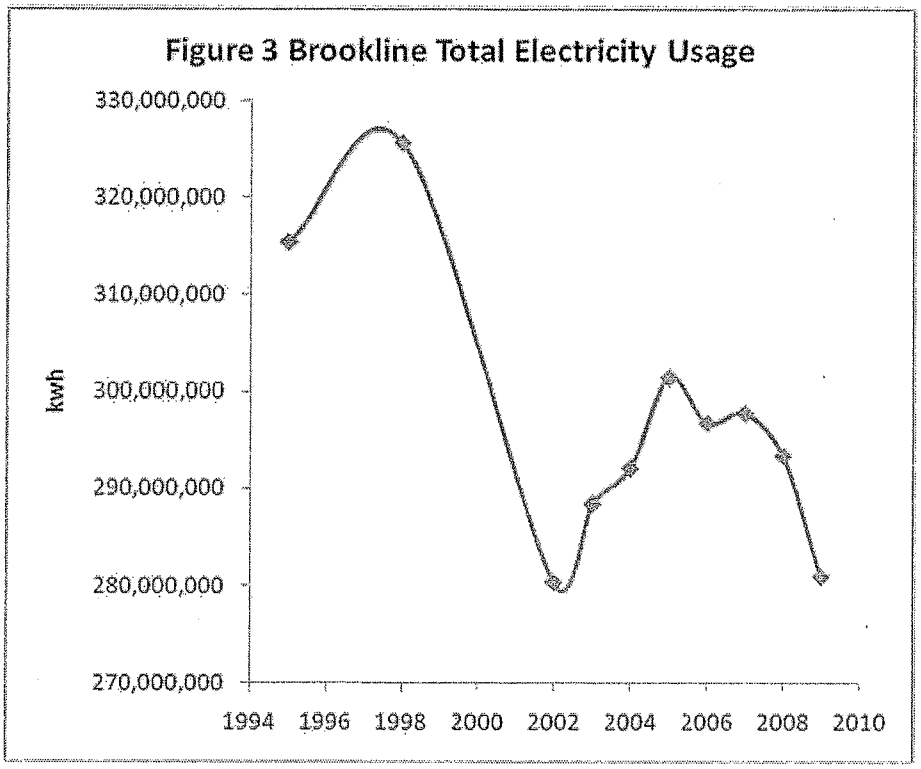


Figure 3 Brookline Total Electricity Usage
kwh
330,000,000
320,000,000
310,000,000
300,000,000
290,000,000
280,000,000
270,000,000
1994
1996
1998
2000
2002
2004
2006
2008
2010

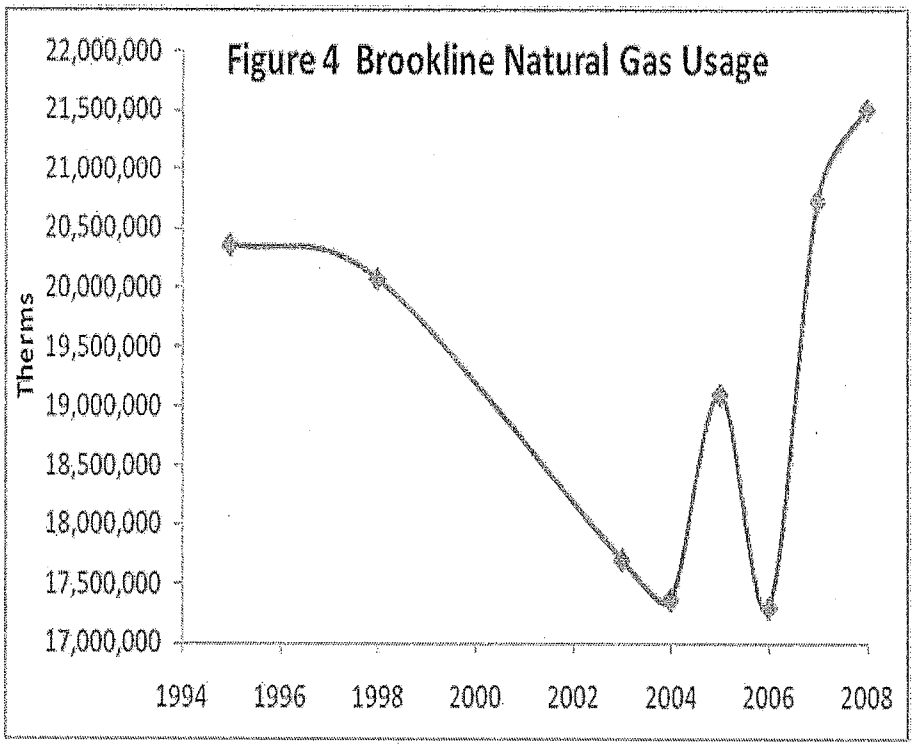


Figure 4 Brookline Natural Gas Usage
Therms
22,000,000
21,500,000
21,000,000
20,500,000
20,000,000
19,500,000
19,000,000
18,500,000
18,000,000
17,500,000
17,000,000
1994
1996
1998
2000
2002
2004
2006
2008

Report to Annual Town Meeting 2017
Electric Vehicle Charging Station Sub-Committee
Selectmen's Climate Action Committee
April 20, 2017

1) Introduction

Electric vehicles are gaining in popularity and represent a significant environmental improvement over internal combustion engines. A Union of Concerned Scientists study[1] published in 2015 concluded that a car running on electricity, even when factoring in the power plant emissions for the electricity used and the manufacture of the vehicle, produces emissions equivalent to a gas-powered car getting 87 mpg. This environmental performance advantage will only grow as renewable energy becomes a larger portion of our energy portfolio. In Massachusetts, we've seen growth in the availability of EV charging infrastructure, as reported in the Boston Globe [2] there are over 600 alternative fueling stations in Massachusetts, the majority of which provide EV charging today. In 2010 there were only 10 such stations. A common acronym, EVSE, (electric vehicle supply equipment), refers to the charging stations necessary to "fuel" both BEV's (Battery-electric vehicles) and PHEV's (plug-in hybrid electric vehicles), both of which can use the same charging equipment.

Brookline's Special Town Meeting in Fall 2016 considered three Warrant Articles (#16, 17 & 18), relating to electric vehicle charging stations in the Town of Brookline. These three articles were submitted by C. Scott Ananian, TMM pct. 10, via citizen petition.

- Article 16, a resolution regarding responsibility for Town-owned charging stations was withdrawn prior to Town Meeting, as the issue it addressed was resolved prior to Town Meeting.
- Article 17 sought to amend the Town's Zoning By-law to require a certain number of parking spaces to be "EV-ready", meaning the wiring and electrical capacity necessary for EV charging would be required, but the proposal did not require the installation of the charging station itself.
- Article 18, a resolution urging the Selectmen to petition for a change to the State Electrical Building Code to include EV-ready requirements.

Both Article 17 and 18 were referred to the Selectmen's Climate Action Committee by vote of Town Meeting. In response to this referral, the SCAC established a Sub-Committee, chaired by Linda Olson Pehlke to study the question of how best to expand the availability of EV charging stations or EVSE in Brookline. Fellow SCAC member David Lescohier was appointed to the committee as well. The committee meetings were also attended by SCAC co-chairs Werner Lohe and Nancy Heller, Town staff, and persons with professional expertise and interest in EV's and EV charging. Please see Appendix A for a full list of the committee's contributors and

---

[1] http://www.ucsusa.org/clean-vehicles/electric-vehicles/life-cycle-ev-emissions#.WOat4Y61uRs

[2] "Alternative Fuel Stations on the Rise", Boston Globe, by Matt Rocheleau, March 28, 2017 pg. B2

participants. This report outlines the work product and recommendations of this committee to date.

Prior to the Fall 2016 Town Meeting, concerns were raised about the broad applicability of the EV-ready zoning requirements proposed in Article 17, which were seen as being potentially onerous for home owners or small businesses making small repairs or changes to their properties. Review revealed one problem with using zoning to proliferate EV charging infrastructure, namely, that zoning must apply uniformly to both existing and new development.

The Committee soon became aware of the multi-faceted and complex nature of seeking to expand the availability of EVSE (Electric Vehicle Supply Equipment) in Brookline. The Committee examined the following topics:

1. Current status and future plans for town-owned EVSE.
2. Private ownership of EV's and EVSE.
3. Evaluation of existing parking facilities for EVSE deployment.
4. Availability of grants and incentives for purchasing EV and EVSE.
5. Current Brookline EV permitting and regulatory mechanisms.
6. State and Federal level regulatory environment, including: legislation, potential Building Code amendments, Eversource programs, fees and incentives.
7. Examples of other municipal by-laws and codes related to EVSE.
8. Potential regulatory mechanisms within Brookline's Zoning By-law and permitting process for incentivizing or requiring EVSE.
9. Identifying challenges unique to Brookline, such as the high proportion of rental and multi-family housing as well as a large number of residents who rent parking off-site, a group we identified as the "garage orphans" and the overnight parking ban.
10. Analyzed the Parking Survey data collected by the Moderator's Parking Committee to determine approximate location of off-site overnight parking demand, (garage orphans).

2) Conclusions and Recommendations

Time constraints did not allow the Sub-Committee to be in a position to advance a Warrant Article for the Spring 2017 Town Meeting. However, we have developed a fairly detailed set of recommendations for further consideration and implementation.

1) Amend Transportation Access Plan guidelines to encourage EVSE installation so that major impact projects better meet the parking needs of users and occupants. **Action: DPW would update TAP guidelines with provisions under parking management to encourage the installation of EVSE.**

2) Amend Zoning By-Law utilizing one of several possible alternative approaches, (See Section 8 for a more detailed discussion of a variety of regulatory approaches). One such approach would be to amend Article 6 – relating to off-street parking facilities, to require or encourage EVSE installation or EVSE-ready wiring for projects of a certain threshold size. **Action: Fall 2017 Warrant Article.**

3) Create a "Best Practices" resource to give employers and project developers with the following information:

a) Description of the variety of potential billing & user management systems available for EVSE.

b) Identifies potential sources for funding, tax incentives and grants for EV charging stations.
c) Examples of successful EV infrastructure installations.
d) Sample survey mechanisms for determining demand for EVSE.

Action: Survey existing "best-practices" resources, or possibly hire a consultant to create Brookline-specific resource.

4) Pursue all available funding sources and mechanisms for expanding Brookline's public and private EV charging infrastructure. **Action: Include new public EV Charging stations in the Town's 2017 Green Communities Grant Request (completed). Identify additional suitable locations for EVSE, especially keeping our "garage orphan" situation in mind.**

5) Encourage Building Department and Planning Department staff to ask for EV charging infrastructure within their review of building plans and permits. **Action: Building Commissioner has made requests for EV charging infrastructure for recent new commercial developments, encourage this practice to continue.**

6) Pursue an assessment of Brookline's need for additional EV charging and make recommendations for location, type, and funding sources for future EV charging expansion. **Action: Sub-Committee in discussion with a State-recommended EVSE consulting firm.**

7) Advocate for adding a detailed definition of EV charging readiness to the State Building Code. This would aid local government's efforts to add this requirement to local by-laws by standardizing the definition and specifications. **Action: Testify at BBRS hearings and send letter from the SCAC stating Brookline's support for EV ready definition.** See Appendix B for letter from SCAC and detailed proposed edit from C. Scott Ananian.

8) Advocate for robust funding and support for EVSE in Eversource's 17-05 rate filling. Encourage Eversource EVSE programs to take into account the unique challenges of rental, multi-family and "garage orphan" parking in Brookline. **Action: Testify at DPU hearings and send letter from SCAC stating Brookline's support for robust funding for EV charging infrastructure in Eversource's DPU rate filing.** See Appendix C for letter from SCAC.

9) Advocate for EV charging infrastructure funding and Zero-Emission vehicle standards at the State legislative level. **Action: Advocate for State level solutions suitable for multi-family, rental and condominium properties.** California has adopted legislation explicitly permitting EVSE installation in condominiums and rental properties. https://www.driveclean.ca.gov/pev/Charging/Home_Charging/Multi-unit_Dwellings.php

10) Further analyze the potential for EV charging at open air parking facilities licensed by the Board of Selectmen. **Action: Continue studying whether there are opportunities to incentivize EVSE installation in the open air parking licensing process.**

3) Status of EV Charging in Brookline

Town Parking Lots: In the summer of 2011, the Town of Brookline utilized an Eversource rebate to purchase a total of three (3) EV charging stations, each capable of charging 2 vehicles. One of these EV charging stations was installed in the Town hall parking lot, and another was

installed in the Babcock public parking lot. The third EV charger was located in the Town hall garage to charge the Building Departments' electric vehicle. Unfortunately, no one staff person was assigned to maintain the EV stations and the grant funding did not include a maintenance contract. The originally installed ChargePoint stations used AT&T's 2G service for connectivity. AT&T began turning off this service in 2016, rendering these stations inoperable. In response to Article 16 at Fall 2016 Town Meeting, Brookline's Department of Public Works assumed responsibility for maintaining the EV charging stations. The Transportation Department is in the process of replacing the two public charging stations, which have been purchased with Eversource rebate funds and the MassEVIP grant program which includes a five-year maintenance contract. (See Section 5 for further information on this grant program).

The Town of Brookline was granted Green Community status in 2011, which made the Town eligible for grant funding from the Commonwealth to fund projects designed to reduce the Town's green house gas emissions. Funding for an additional three EV charging stations is currently being sought as part of the Town's 2017 Green Communities grant request. These three EV charging stations are planned for installation at the following parking lot locations: Centre St. East, Fuller St. and Kent/Webster.

Private Commercial & Academic Charging Stations: EV charging infrastructure is most beneficial when located where parkers remain for a sufficiently long period of time, which for a full charge with a Level II charging station is approximately 4 – 6 hours. Therefore, the best locations for EVSE (electric vehicle service equipment) are places of work and residence. Mr. Ted Steverman, the electrical inspector for the Town of Brookline estimates that approximately 50 homeowners have installed EVSE at their place of residence.

Many retail, hotel and academic locations in our area have EVSE, such as Trilogy in the Fenway, 333 Longwood garage, the Prudential Center, MIT campus, Residence Inn Fenway, Landmark Center 401 Park Dr., etc. There are plans for EVSE to be installed in the new garage being built for the Brookline Place development, as well as the new hotel at 25 Washington St. and the new B.U. theater at 800 Commonwealth Ave. The latter two installations are the result of a request from Mr. Daniel Bennett, the Town of Brookline's Building Commissioner.

4) Assessing Potential for EVSE Expansion in Brookline

To assess the potential for expanding access to EVSE in Brookline, the committee began by trying to get a better understanding of where and how Brookline residents stored their vehicles, especially overnight. That effort produced a partial inventory of available parking facilities in Brookline. We were able to get data on the number of town-owned public parking spaces, parking parcels and the number of spaces contained therein, as identified by the Assessor's database, and the number of rental parking spaces permitted through the Open Air parking licensing process. Privately owned commercial parking facilities that are accessory to a particular use are not included. Also, rental parking in the private market which is not licensed are not included. Because of our "garage orphan" situation, providing EVSE for on-street or other public parking spaces are a good place to start. There are some interesting domestic and international examples of on-street charging infrastructure, such as these street lamps in the UK which were converted to charging stations, https://techcrunch.com/2017/04/10/char-gy-zaps-the-street-furniture-for-super-powers/.

Inventory of Parking Facilities in Brookline

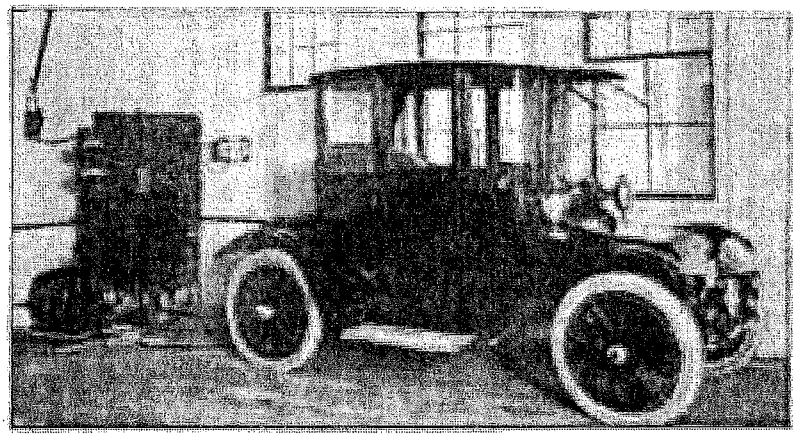
Historical Background

In 1896, Brookline Town Meeting voted to forbid parking on public streets: "No person shall occupy any part of any public street as storage room for carriages or other vehicles." While Brookline was still relatively undeveloped and quite rural, and well before the widespread use of internal combustion and electric powered automobiles, there were already policies about the use of public streets for the storage of vehicles.

In the twenties, as Brookline became more developed, with more streets, more residents, and more vehicles; Town Meeting expanded the bylaw to say that: "No person shall repair, wash, or clean carriages or motor vehicles or cause them to be repaired, washed or cleaned in or on any public way of the town, nor shall any person occupy any part of any public way as storage room for a vehicle of any kind; except in an emergency, temporary repairs may be made."

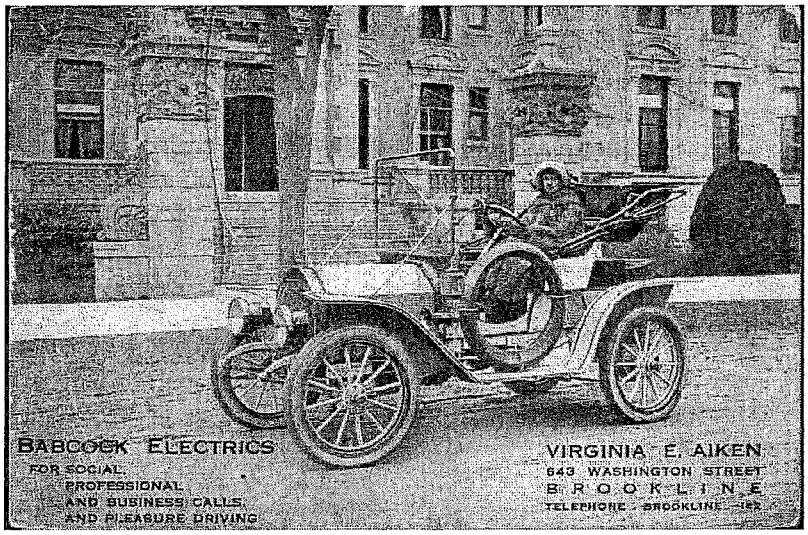
Electric vehicles were very much part of the mix of available vehicles in the early 1900's as seen by these two examples from Brookline's history.

An EV charging station and electric vehicle in the Corey Hill Garage on Winchester Street, 1915



Corey Hill Garage.

Virginia Aiken, promoting her electric vehicle company "Babcock Electrics" in 1912. See Ken Liss's Muddy River Musings for the story of Brookline's very own electric car company. http://brooklinehistory.blogspot.com/2016/08/virginia-aiken-teenage-dealer-of.html



After WW II into the fifties, ownership of vehicles came to be considered a necessity. This led to more regulation of parking and the construction of additional public parking. During this period, several cycles of study committee recommendations, town meeting articles, and home rule petitions seeking additional authority extended the town's capacity and authority to address the growing complexity of managing parking in Brookline. Responding to the demands of Brookline businesses, Brookline took steps to acquire additional land to construct parking lots. The Town converted the Olmsted designed Beacon Street Reservation bridle path into an angled parking area from St. Mary's, through Coolidge Corner and Washington Square, to Cleveland Circle. Arrangements for the regulation of parking continued to evolve until about 1975. Since 1975, the Transportation Board has been the primary agency formulating the evolving parking rules, regulations, and policies as the Town continues to respond to many trends, pressures, changing values, continuing growth, and greater expectations.
(For a detailed history, see "Vehicle Parking in Brookline"; Craig Bolon, August 2000.)
http://www.brooklinema.gov/documentcenter/view/2348
Among the factors that are today shaping the management of our public ways, parking, and transportation infrastructure is the need to reduce carbon emissions impacting the climate and global warming and an awareness of the harmful health impacts of pollution from vehicle emissions.
In order to transition from a fossil fuel powered transportation infrastructure to one using renewable energy, all motor vehicles must become electric. As the Town continues to manage, regulate, and plan for the public, as well as private, transportation and parking infrastructure the Town will likely encourage and construct additional public and private electric vehicle charging facilities, in response to the changing needs of Brookline's residents and visitors.

Parking Inventory
There are three principal types of parking facilities in Brookline:

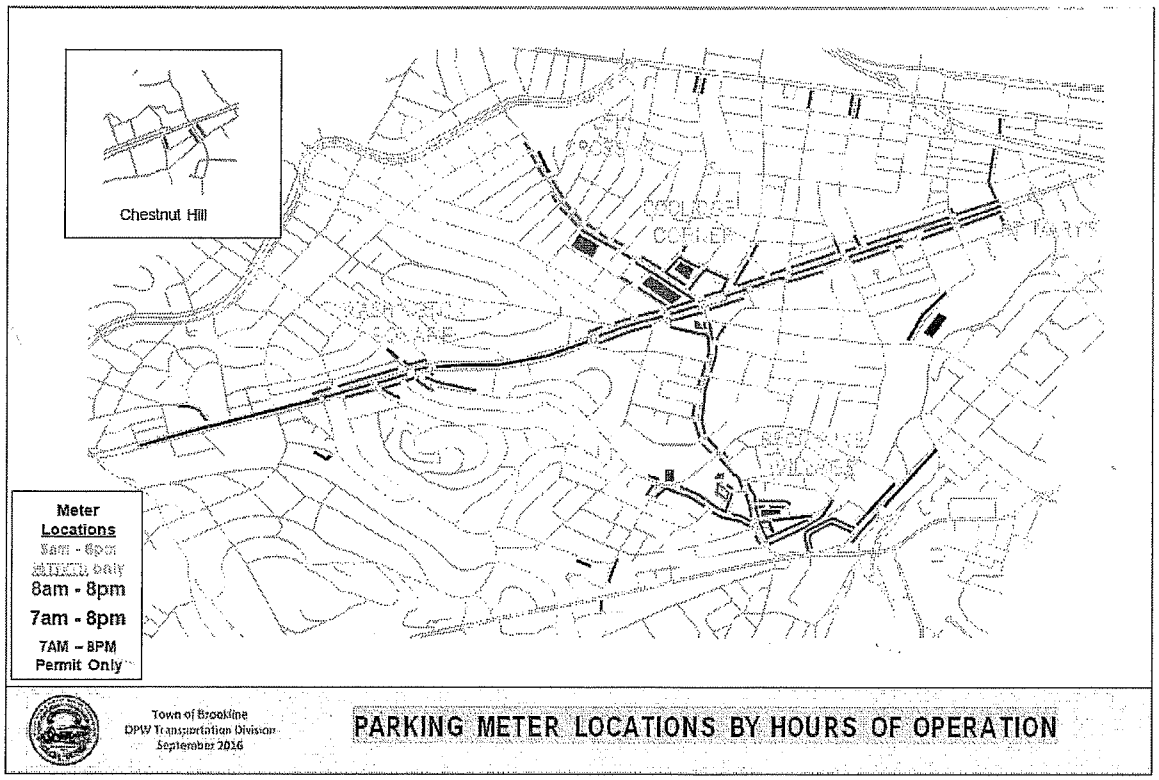
- Public Parking
- Licensed Open Air Parking
- Private Parking, Assessor's Data

Public Parking
All of Brookline's parking regulations and policies stem from the 1896 street parking restriction bylaw. However, as each decade has meant more economic, demographic, and social change; the Town has added provisions that could not be imagined in 1896. These provisions have been adopted in recognition of the need to accommodate emerging concerns of residents and businesses. As the number of electric vehicles grows, there may be a growing demand for allocation of public parking resources to EV charging station use. From an environmental impact benefit standpoint, the Transportation Board may determine that installation of EV charging facilities on public ways or in public parking lots, particularly for those who would not have access otherwise (garage orphans) merits appropriate accommodation. Here is a concise review of the current public parking regulation regime in Brookline.

On-Street Meters
Parking meters are located on-street and off-street in the vicinity of the following commercial areas:

- Brookline Village
- Cleveland Circle

- Coolidge Corner
- JFK Crossing
- Washington Square
- St. Mary's / Lower Beacon Street



Relaxing the On-Street Two-Hour Rule with Special Permits

The Transportation Board has adopted rules and procedures to issue permits that waive the two-hour parking limit under certain circumstances such as the following:

- Guests or Visitors
- In-Home Childcare Providers
- In-Home Healthcare Providers
- Residents with Construction-Related Activities
- Seasonal Tradesmen
- Tradesmen
- Residents on high-parking demand streets
- Employees

Town Owned Parking Lots

LOCATION	Spaces	Time Limit	Resident Overnight	Guest Overnight
FULLER ST	50	4hr	3	10
JOHN ST	14	Commercial Employee Permits	14	0
BABCOCK ST	65	3hr	47	18
CENTRE ST EAST	143	4hr	10	20

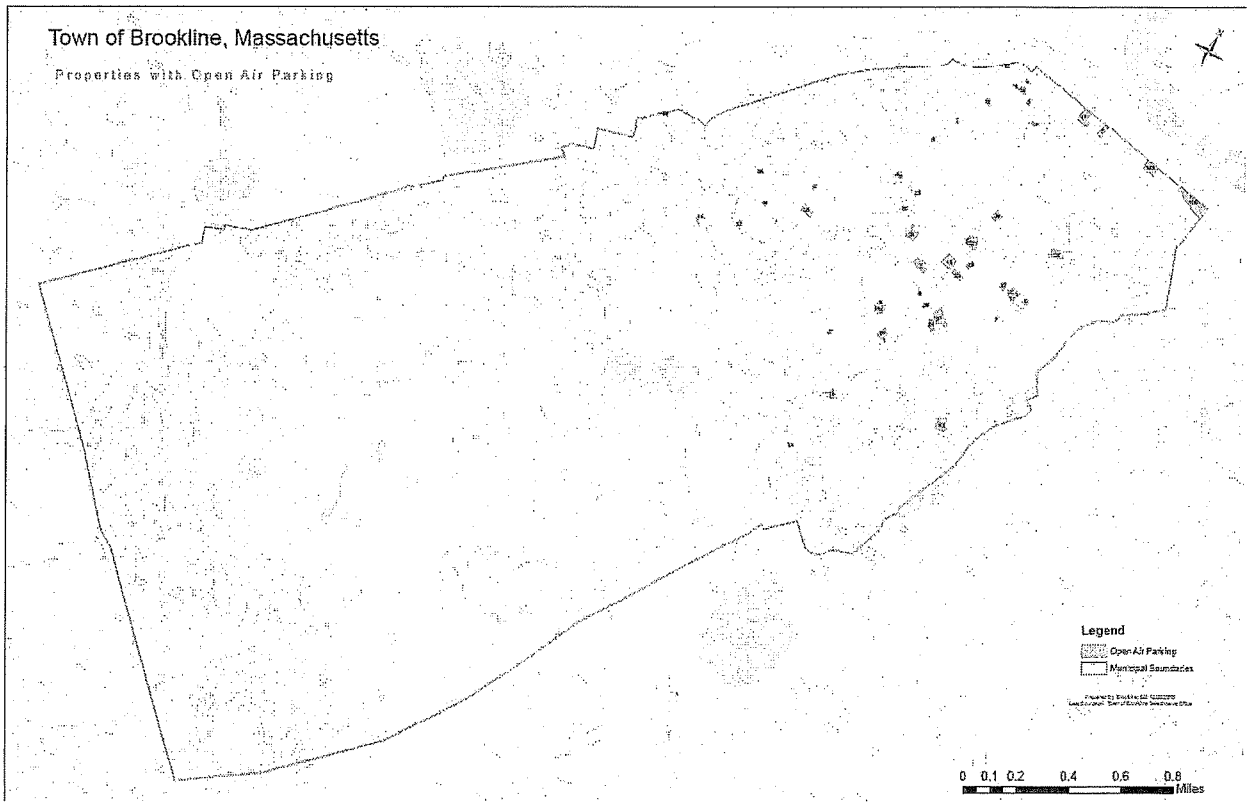
CENTRE ST WEST	56	Commercial Employee Permits, Farmer's Market	56	0
WEBSTER ST EAST	13	3hr	0	13
BEACON ST.MEDIAN/ MARION&FAIRBANKS ST	60	13hr	60	0
SCHOOL ST	24	5hr	14	0
333 WASHINGTON ST	42	2hr	0	0
KENT & WEBSTER ST	39	3hr	23	16
KENT & STATION ST	45	10hr meter with Commercial Employee Permits	60	0
40 WEBSTER ST (Marriot Hotel)	60	3hr	60	0
BEACON ST.MEDIAN\ COREY&WARWICK RD	38	13r	16	22
Total	649		363	99

Licensed Open Air Parking

Massachusetts General Law, Chapter 148, Section 56:

"In any city or town which accepts the provisions of this section, no person shall engage in the business of conducting or maintaining an open-air parking space without a license therefor granted, in the city of Boston, by its commissioner of transportation, and in any other city or town, by the local licensing authority, approved in all cases by the head of the fire department. Each license granted under this section and the application therefor shall specify all the premises to be occupied by the licensee for the purpose of conducting the licensed business, the total area of the space therein to be actually used for parking or storing vehicles, and the maximum number of vehicles to be parked or stored in such area."

In Brookline, there are 1,050 licensed open air parking spaces at 53 sites:



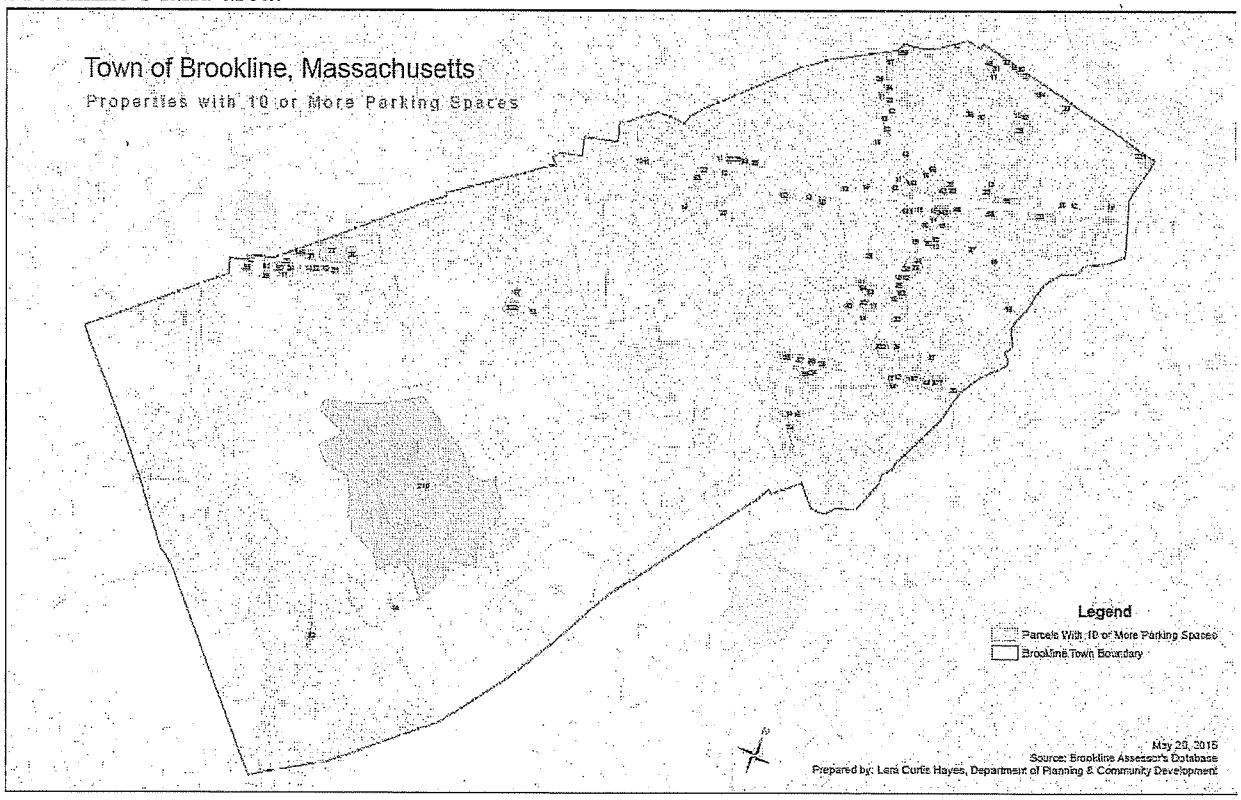
Thirty-Three Licensed Open Air Parking Lots, More than 10 Spaces		
Address	**Sq. Ft.**	**#Spaces**
808 Commonwealth Ave.	72,460	143
766 Commonwealth Ave.	31,657	106
2 Brookline Place	19,275	48
Rear of 397 Washington St.	16,127	39
12 St. Paul St.	14,862	37
32 Pleasant St.	15,000	36
1309 Beacon St	15,000	29
83 Longwood Ave.	10,000	27
1646 Beacon St.	10,000	25
209 Harvard St.	20,000	25
637 Washington St.	7,000	25
40 Aspinwall Ave.	13,728	24
137 Harvard St	12,800	24
28 Pleasant St.	10,395	24
1187 Beacon St	7,489	20
101 Longwood Ave.	6,000	20
195 Rawson St.	10,240	20
41 Winslow Rd	23,020	20
108 Naples Rd.	7,000	19

12 Stearns Rd.	8,474	18
135 Dummer St.	2,300	17
173 Babcock St.	6,400	16
265 Boylston St.	2,500	16
0-9 Summit Ave.	5,750	16
1319 Beacon St.	8,369	15
94 Beaconsfield Rd.	7,500	15
210 Harvard St.	3,200	15
43 Winchester St.	2,190	15
227 Cypress St	9,799	14
56 Harvard Ave.	4,500	14
60 Kilsyth Rd	4,600	14
224 Fuller St.	4,100	13
105 Longwood Ave.	1,500	13

It is a commonly held belief that there are many more parking spaces that are privately rented which do not apply for an open-air parking license. The potential for encouraging the owners of these facilities to provide EV charging station(s) is a possible topic for further investigation. The map shows that these facilities are predominantly in the densely developed parts of Brookline where overnight parking is scarcer.

Private Parking, Assessor's Data

According to the Assessor's database, there are 229 parcels containing 6,231 parking spaces on 15 million square feet of land, which is .54 square miles or approximately one-twelfth of Brookline's land area.



The potential for encouraging the owners of these facilities to provide EV charging stations is a possible topic for further investigation. The map shows that these facilities are predominantly in the densely developed part of Brookline where overnight parking is commonly rented. An outlier is the Country Club property which is a private golf club but assessed for property tax purposes as a parking lot with parking for 210 vehicles.

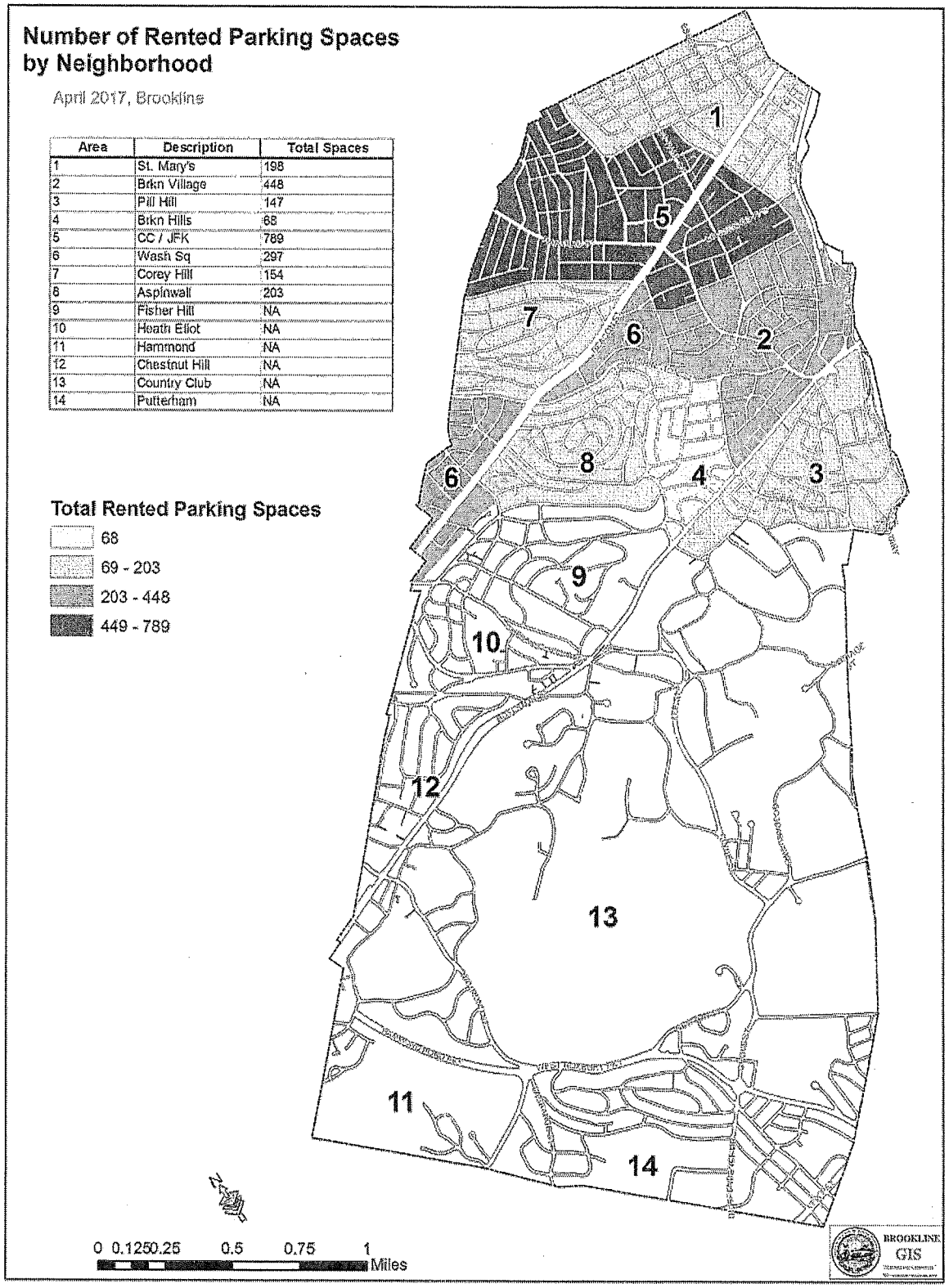
Potential for Residential EVSE: Indicators of the Prevalence of "Garage Orphans" by Neighborhood

The Electric Vehicle Charging Study Committee has adopted the term "EV garage orphan". EV garage orphans are Brookline residents who do not own and control private, off-street overnight parking suitable for EV charger use. Overnight parking that lacks a power outlet suitable for EV charging is a disincentive to purchasing an electric vehicle. Without convenient overnight access to an EV charger, owning and operating an EV may not be practical.
The EV garage orphan phenomenon is widespread in Brookline. There are four factors contributing to this circumstance in Brookline:

- Because there are densely developed neighborhoods in Brookline that were built prior to widespread reliance on automobiles, many properties simply do not have on-site, private, off-street parking;
- In addition, 50% of Brookline properties are rental, not owner-occupied, and prospective EV purchasers living in rented dwellings are not in a position to invest in or adapt their home for EV;
- Properties that have been converted to condominiums may allow somewhat more control over parking facilities, but there are still many barriers for a prospective EV purchasers specific to the circumstances of each condominium;
- The Brookline overnight on-street parking ban and dense development are reasons why available land is scarce, expensive, and in great demand in many parts of Brookline. In many parts of Brookline there are open air lots and other off-street properties dedicated to parking for hire, however, these parking facilities are not necessarily available to prospective EV purchasers, and the owners of the lots may have little incentive to provide EV charging facilities to their customers.

An Analysis of Available Data

In order to understand and explore the number and location of Brookline residents who currently rent parking for the vehicles they own, we have analyzed recent, available data which quantifies the number of Brookline residents who report the lack of parking for vehicles they own. As the interest in and prevalence of EV ownership expands, this data helps us understand the possible neighborhood by neighborhood risk of Brookline residents having to solve a Garage Orphan problem. The pattern observed is consistent with the expected result. Analysis of this data, however, means we do not need to rely on guess work. We can be more confident that our assumptions about the distribution of garage orphan risk are sound.



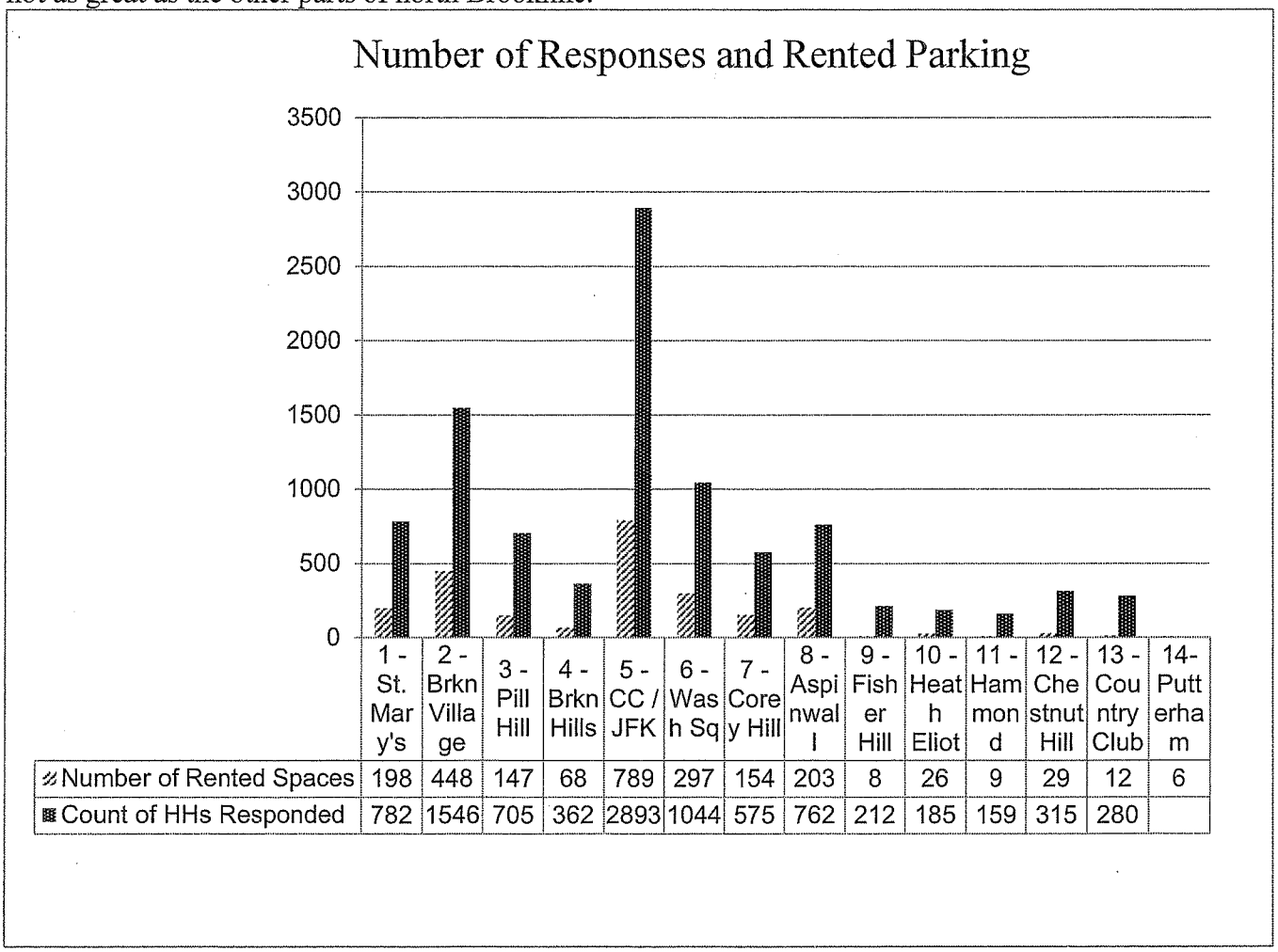
Area	Description	Total Spaces
1	St. Mary's	198
2	Brkn Village	448
3	Pill Hill	147
4	Brkn Hills	68
5	CC / JFK	789
6	Wash Sq	297
7	Corey Hill	154
8	Aspinwall	203
9	Fisher Hill	NA
10	Heath Eliot	NA
11	Hammond	NA
12	Chestnut Hill	NA
13	Country Club	NA
14	Putterham	NA

In January 2012, with the assistance of Brookline Town Clerk Patrick Ward and Brookline Assessor Gary McCabe, the Moderator's Committee on Parking developed a survey questionnaire that was mailed to all Brookline households together with the annual Town Census. The Town Clerk's office advises that approximately 24,000 Census Forms were returned. A

total of 12,015 Parking Survey forms were also returned – i.e., representing a response rate of approximately 50% relative to the (mandatory) Census Forms.
With the assistance of the Assessor's Office, 14 specific "parking neighborhoods" were defined, and respondents were asked to identify their neighborhood.
Question 8 on this survey asked: "How many parking spaces do you rent at another location because your residence lacks sufficient parking?"

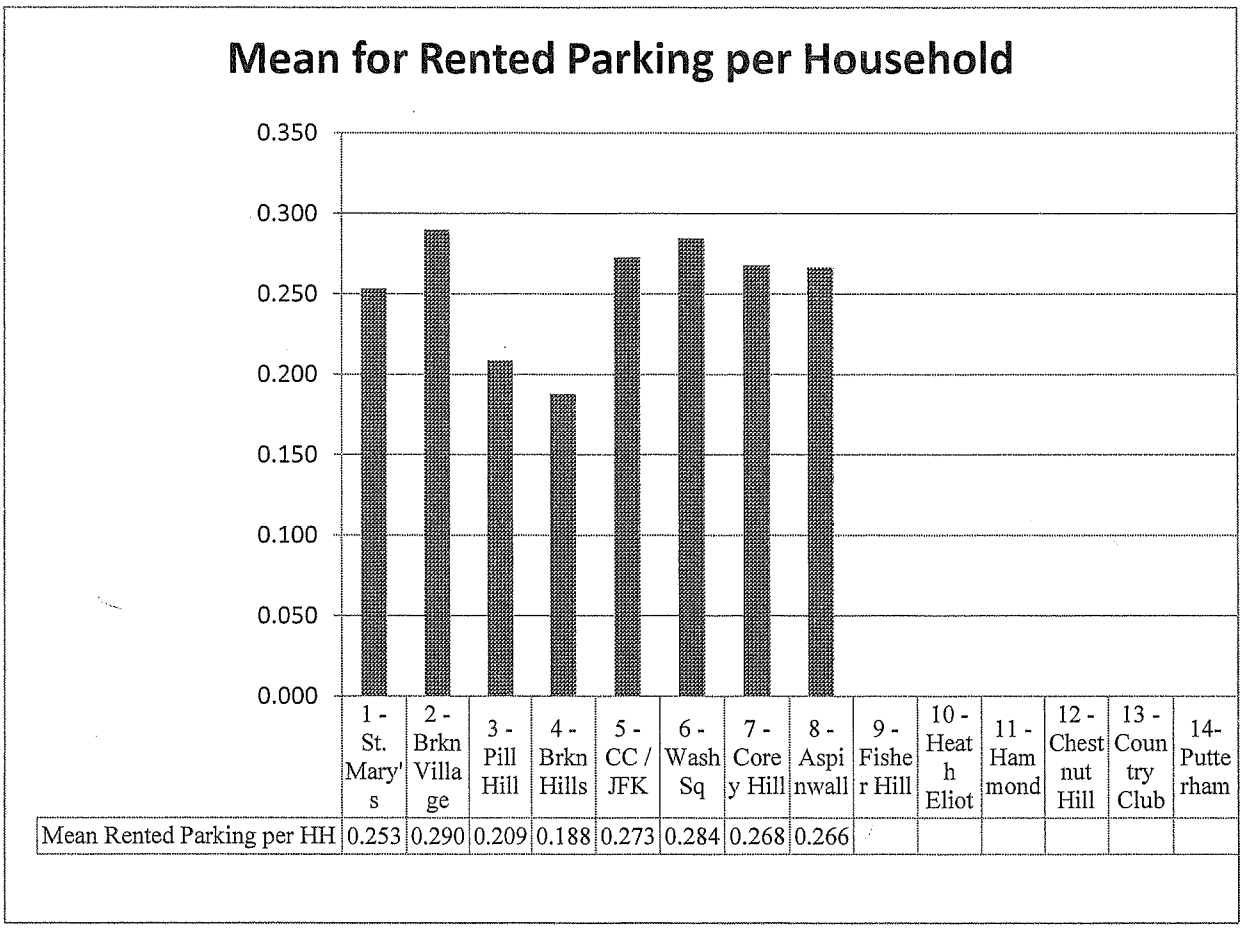
Discussion

The number of respondents reporting rental of one (or more) rented parking spaces is a useful indicator of the relative prevalence of off-site parking demand, or the number of "Garage Orphans" by neighborhood. We calculated the number of rented parking spaces respondents reported by neighborhood and the mean number of parking spaces per household rented by neighborhood.
The residents in neighborhoods 9 – 14 reported using very few rental parking spaces. Therefore, these neighborhoods are white on the maps and coded as "NA", not applicable on the "Number of Rented Parking Spaces by Neighborhood" map. Neighborhoods 1 – 8 ranged from 68 to 789 reported rented spaces. Coolidge Corner / JFK Crossing (5) respondents reported the most rentals, 789 spaces. Brookline Village (2), Washington Square (6), and Aspinwall Hill (8) respondents reported a substantial amount of parking rental, ranging from 203 to 448. St. Mary's (1), Corey Hill (7), and Brookline Hills (4) ranged from 198 – 68, still a significant number of rentals, but not as great as the other parts of north Brookline.



	1 - St. Mary's	2 - Brkn Village	3 - Pill Hill	4 - Brkn Hills	5 - CC / JFK	6 - Wash Sq	7 - Corey Hill	8 - Aspinwall	9 - Fisher Hill	10 - Heath Eliot	11 - Hammond	12 - Chestnut Hill	13 - Country Club	14- Putterham
Number of Rented Spaces	198	448	147	68	789	297	154	203	8	26	9	29	12	6
Count of HHs Responded	782	1546	705	362	2893	1044	575	762	212	185	159	315	280	

This table, "Number of Responses and Rented Parking", compares the number of rented parking spaces reported with the number of survey responses by neighborhood. Of note, the Coolidge Corners / JFK Crossing (5) neighborhood that reported the most rented spaces had the most responses.



	1 - St. Mary's	2 - Brkn Village	3 - Pill Hill	4 - Brkn Hills	5 - CC / JFK	6 - Wash Sq	7 - Corey Hill	8 - Aspinwall	9 - Fisher Hill	10 - Heath Eliot	11 - Hammond	12 - Chestnut Hill	13 - Country Club	14- Putterham
Mean Rented Parking per HH	0.253	0.290	0.209	0.188	0.273	0.284	0.268	0.266						

The means for neighborhoods 9 – 14 show little need and are white on the "Average Number of Renter Parking Spaces per Responding Household by Neighborhood" map. The table above, "Mean for Rented Parking per Household" displays the values for Neighborhoods 1 – 8, which range from 0.188 to 0.290. For St. Mary's (1), Brookline Village (2), Coolidge Corner / JFK Crossing (5), For Washington Square (6), Corey Hill (7), and Aspinwall Hill (8), the means are quite similar, ranging from 0.253 to 0.290. Pill Hill (3) and Brookline Hills, which respondents reported the least number of rented spaces, have lower means, ranging from 0.188 to 0.209.

Average Number of Rented Parking Spaces per Responding Household by Neighborhood

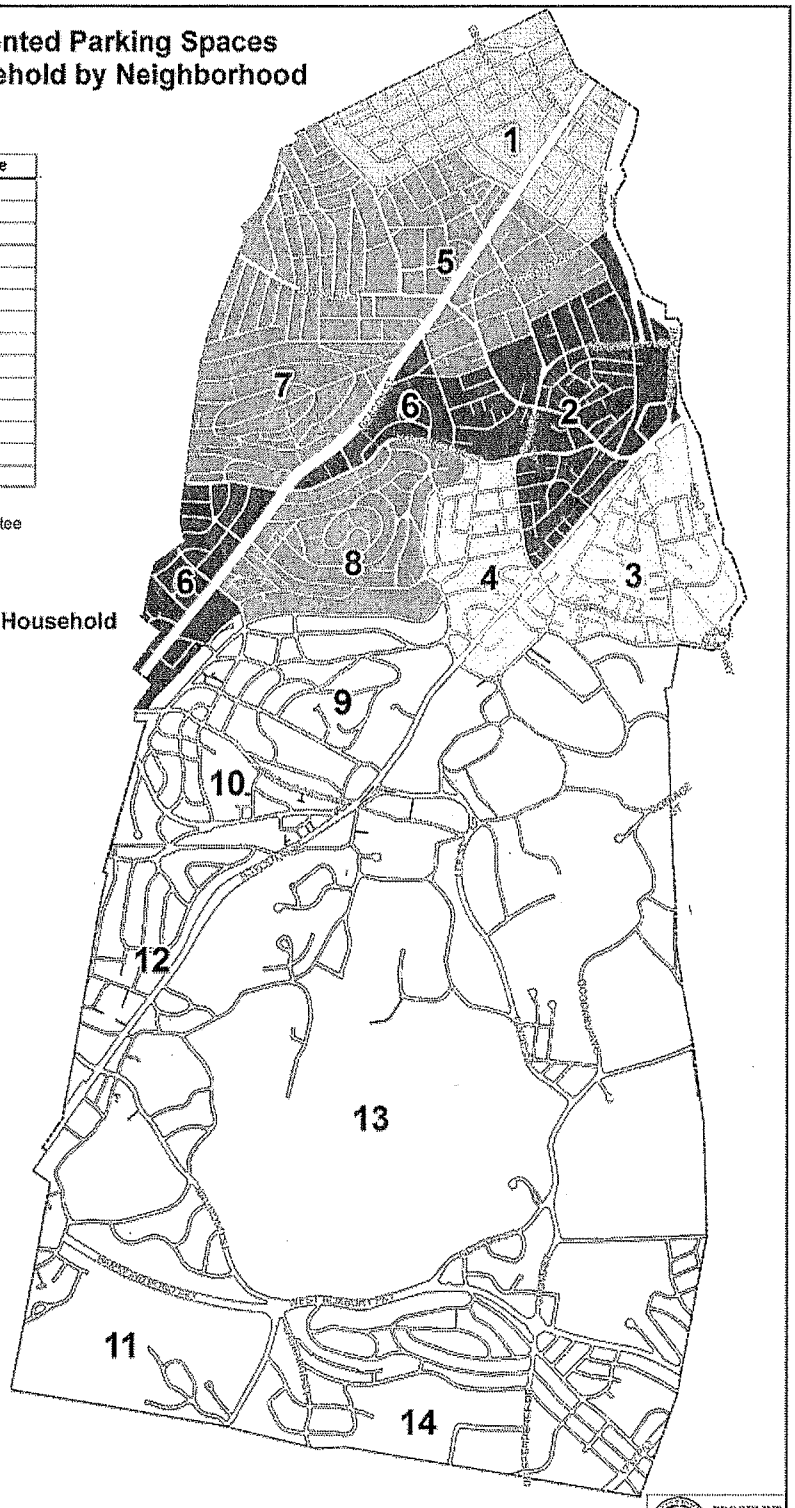
April 2017, Brookline

Area	Description	Average
1	St. Mary's	0.253
2	Brkn Village	0.290
3	Pill Hill	0.209
4	Brkn Hills	0.188
5	CC / JFK	0.273
6	Wash Sq	0.284
7	Corey Hill	0.268
8	Aspinwall	0.266
9	Fisher Hill	Little Need
10	Heath Eliot	Little Need
11	Hammond	Little Need
12	Chestnut Hill	Little Need
13	Country Club	Little Need
14	Putterham	Little Need

Source: Report of the Moderator's Committee on Parking, August 30, 2013 (12,016 responses)

Average Rented Spaces per Household

- Little Need
- 0.188 - 0.209
- 0.210 - 0.253
- 0.254 - 0.273
- 0.274 - 0.290



0 0.125 0.25 0.5 0.75 1 Miles

BROOKLINE GIS

Conclusion

These data indicate that (or suggest) in a general way that St. Mary's, Brookline Village, Coolidge Corner / JFK Crossing, Washington Square, Corey Hill, and Aspinwall Hill are neighborhoods where the Garage Orphan risk is most prevalent. Any initiative to provide overnight EV charging facilities in public parking lots, in on-street areas, or in private open air parking properties should give priority to the residents of these neighborhoods.

5) Potential Funding & Incentives for EVSE

Electric vehicles need to be charged. This is true for both electric-only EVs (BEVs) as well as for plug-in hybrids (PHEVs).
There are three classes of EV chargers based on power level.

- Level 1 chargers use low amp (15-20A) household current at household line voltage (120V) to deliver a slow charge to the vehicle. It might take 10 hours to fully charge an EV with a 25 kWh battery. Most EVs come with a portable Level 1 charger. Level 1 charging is at a rate of approximately 4 miles of range for an hour of charging.
- Level 2 chargers use 16 to 32amps of power with 240V on the equivalent of a household dryer circuit. At 16 amps the charger delivers 3.8 kW of charge power; at 32 amps it delivers 7.7kW of power. At the higher level, the 60 kWh battery in the new Chevy Bolt will take about 8 hours to fully charge. Level 2 charging is at a rate of about 20 miles of range for an hour of charging.
- Level 3 or DC Fast chargers. These chargers (like Tesla's public highway fast chargers) supply DC power directly to the battery pack without inverting the power to AC through a special plug increasingly offered as a standard, or at least an optional feature on new EVs. Typically rated at 50kW or above these chargers can deliver many miles of charge in a relatively short time (for example, Chevy claims that its Bolt can get a 90 mile charge by a 50 kW DC fast charger in 30 minutes). However, these chargers are expensive and usually not necessary for vehicles that have more than a few hours available for charging. They also require major delivery capacity in the local grid that supplies them. Level 3 charging is at a rate of about 200 miles of range for an hour of charging.

Most Level 1 and Level 2 chargers come with a standard SAE J1772 plug (the standard format blessed by the Society of Automotive Engineers). Most EV owners have a Level 2 charger at home. They will expect a Level 2 charger in a public or "orphan" parking spot overnight as well as in employer or public places for charging while at work or "topping off" while doing errands or attending social events.
Overnight charging – or day-long workplace charging at a Level 2 rate will provide a full charge for most EVs. The following table shows the most popular EVs and PHEVs along with their kWh battery size, estimated range at full charge and time to full charge using a Level 2 charger.

Battery, Range and Charging Times for Most Popular EVs					
	Battery	Range at		Level 2 Full Chrg	US units sold
Make and model	Size (kWh)	full chrg	mi/kWh	Hrs @ 7.5 kW	1Q2017
Pure EV					
Tesla S	90	294	3.27	12.0	6100
Nissan LEAF	30	107	3.57	4.0	3287
Chevy Bolt	60	238	3.97	8.0	3092
BMW i3	33	97	2.94	4.4	1403
Plug-in Hybrid					
Chevy Volt PHEV	18.4	53	2.88	2.5	5563
Prius Prime PHEV	8.8	25	2.84	1.2	4346
Ford Fusion Energi PHEV	7.6	21	2.76	1.0	2445
				sub-total	26,236
			Est total US EV sales 1Q2017		40,000

Level 2 chargers

There are over a dozen Level 2 chargers in the market, many made by large companies. Prices range from $400 to over $1500 depending on the power levels (higher power = more expensive) and the features (internet connectivity and remote controllability = more expensive). Among the most popular chargers are the following:

Bosch Power Max
AeroVironment TurboCord
Schneider Electric EVlink
ChargePoint Home
GE Durastation
Siemens Versicharge
Leviton Evr-Green

We have listed some informational websites at the end of this report that provide additional information on chargers.

Government Incentives

Federal Tax Incentives

Federal Tax Credit

A Federal Tax credit of 30% of alternative vehicle refueling property, including the installed cost of EV charging equipment, was available to individuals and in some cases businesses through December 31, 2016 under the Fixing America's Surface Transportation (FAST) Act. It is possible but highly unlikely that this incentive could be re-instated in future years.

Depreciation for Business

A business may use rapid depreciation rules for the installed cost of an EV charging station. Some have argued that the Modified Accelerated Cost Recovery System (MACRS) and the Bonus Depreciation rules may apply, allowing the business owner to depreciate charging stations over a short period of time (check with your tax advisor).

State Incentives

The Massachusetts Electric Vehicle Incentive Program (MassEVIP) provides 50% or up to $25,000 for hardware costs to employers installing Level 2 charging stations. The MassEVIP Fleets Program offers financial assistance to eligible entities for Level 2 dual-head charging stations with the acquisition of at least one battery electric vehicle (BEV). Charging station incentives are based on the number of BEVs acquired; $7,500 for one to two BEVs acquired, $10,500 for three to four BEVs acquired, and $13,500 for five or more BEVs acquired. MassEVIP's funding is subject to availability.
http://www.mass.gov/eea/agencies/massdep/air/grants/massevip.html

Private Sources of Funding

While we haven't searched extensively, there may be several sources of private funding available to help with the purchase and installation of EV chargers.

First, several foundations do fund clean transportation projects and might be approached for assistance in procuring chargers. Most likely a foundation would be more interested in funding a demonstration project or pilot program that might have replicability in other communities rather than simply purchasing chargers. Foundations typically fund non-profits or government entities rather than private businesses, so the town or an apartment or owners association might assemble a charger initiative that could be circulated to foundations for support. Here are three foundations that support clean transportation programs:

Blue Planet: https://blueplanetfoundation.org/team/lidia-henderson/
Barr Foundation:
https://www.barrfoundation.org/grantmaking/grants?query=&program_areas%5B%5D=climate
Energy Foundation: http://www.ef.org/programs/transportation/

Second, the utility companies themselves have a very strong interest in the rational and planned introduction of EV charging stations, as they represent a significant new load and opportunity for additional revenue. An approach to Eversource for funding for an EV charging initiative would be entirely reasonable. Making Eversource our partner in such a project could be fruitful for all parties. (See Section 5 "Current Regulatory Environment" for information on Eversource's rate setting petition currently under review by the Department of Public Utilities, which contains an EV charging infrastructure component.)

Third, the charger manufacturers and EV manufacturers themselves, as well as the auto dealers offering EVs should be sources of funding help. There may be financing programs available from these sources that would allow for greater purchase and installation of EV chargers.

Fourth, the VW Settlement Fund, created when VW settled with the US and State governments over its air pollution controls cheating scandal, which allocated $2.7 billion to the states under an Environmental Mitigation Trust ($69mm to Massachusetts) for Nox emissions reduction and an additional $2.0 billion to the US for Zero Emission Vehicle investments. There may be ways that an innovative EV charger program in Brookline could qualify for some of these funds under the subject of clean vehicle infrastructure support.
https://content.sierraclub.org/evguide/sites/content.sierraclub.org.evguide/files/THE%20VW%20SETTLEMENT%20GUIDE%20-%20for%20Advocates.pdf

6) Current Regulatory Environment

State Building Code

On February 8, 2016, Ian Finlayson, from the Massachusetts Department of Energy Resources (DOER), and Linda Benevides, from the Executive Office of Energy and Environmental Affairs (EEA), presented a proposal to the state Board of Building Regulations and Services (BBRS) and Department of Public Safety (DPS) staff to include solar-ready provisions; electric vehicle charging provisions; and updates to the stretch code in the forthcoming 9th Edition of the State building code (780 CMR). This proposal was supported by Emily Norton of the Sierra Club.

The 9th edition of the state building code updates the Massachusetts building code to the 2015 edition of the International Building Code (IBC), with amendments. The proposed electric vehicle provisions would be Massachusetts-specific amendments, and were provisionally numbered R404.2 in the Residential Code and C405.10 in the Commercial Code. For residential buildings R404.2 states "at least one minimum 40-ampere branch circuit shall be provided to garages and/or the exterior of the building to accommodate a future dedicated Society of Automotive Engineers (SAE) standard J1772-approved Level 2 EVSE." and provides that 1 "EV READY" parking space be identified for single-family and two-family dwellings, and 1 per two units for 3 or more unit buildings.

For commercial buildings, C405.10 proposed that "Group A-1, B, E, I, M and R buildings with more than 3 dedicated parking spaces shall provide sufficient electrical capacity and physical capacity at the service panel to accommodate future simultaneous vehicle charging at a minimum of 4% of parking spaces and in no case less than one space. Calculated spaces shall be rounded up to the nearest whole number."

In Spring 2016 the state BBRS declined to take up these amendments in order to defer to the legislature, which was then debating bills (H3085 and S1824) which would require specific action by the BBRS regarding electric vehicle infrastructure. For example, S1824 (presented by Frank I. Smizik of Brookline and Jonathan Hecht of Cambridge) stated, "In consultation with the Department of Energy Resources, to develop requirements and promulgate regulations as part of the state building code within one year of the effective date of this act, for electric vehicle charging. Such regulations may include separate requirements for capability to install electric vehicle charging stations in the future and direct requirements for electric vehicle charging stations." The BBRS elected to defer action until the specific directive of the legislature was known.

The original bills were revised in May 2016 (H4282/S2266) and again in November/December 2016 (S2505/H4781). Titled "An Act Promoting Zero Emission Vehicle Adoption" S.2505 was finally passed and signed by the Governor on January 13, 2017. See https://malegislature.gov/Bills/189/S2505 for complete text of S2505.

The final text of the act states:

> SECTION 3. Notwithstanding any general or special law to the contrary, the state board of building regulations and standards established pursuant to section 93 of chapter 143 of the General Laws, in consultation with the department of energy resources, may include

> requirements for electric vehicle charging for residential and appropriate commercial buildings as amendments to the state building and electric code. The requirements may include separate specifications for installed electric vehicle charging stations and for maintaining the capability to install electric vehicle charging stations.

Crucially, the final text states that the BBRS "may include requirements for electric vehicle charging", not that they "must".

The DOER and EEA reintroduced their proposed 'EV ready" amendments (R404.2 and C405.10) to the state BBRS after passage of S2505. However, in the February 14, 2017 meeting of the BBRS, the board voted to again remove these requirements from the 9th edition draft.

The BBRS conducted public hearings on the proposed 9th Edition building code on March 7, 2017 in Boston and March 28, 2017 in Springfield. At the March 7 hearing six attendees offered comments strongly encouraging the restoration of the EV ready amendments: Emily Norton (MA director of the Sierra Club), MA State Representative Jonathan Hecht (Watertown/Cambridge), Kevin Miller (ChargePoint), Kathleen Conners (Voltrek), Megan Herzog (Conservation Law Foundation), and C. Scott Ananian (Brookline Town Meeting member, precinct 10).

In particular, Representative Hecht expressed his disappointment that the BBRS removed the EV ready requirements even after the successful passage of S2505. He stated that he had a petition signed by 10 legislators (and counting) expressing their belief that the passage of S2505 was a directive to the BBRS to draft appropriate EV ready requirements for the building code.

Town Meeting member C. Scott Ananian had an informal conversation with BBRS Vice Chair John Couture after the hearing (chair Richard Crowley did not attend). The Vice Chair indicated that the BBRS felt that "the problem was [DOER and EEA] went for a home run" on the EV-ready requirements, setting the bar too high in the first introduction of EV support to the building code. He mentioned the 4% parking space number as an example. He indicated that the BBRS felt they represented "three parts of Massachusetts" (West, South, and greater Boston) and that the EV-ready provisions would be a significant burden for the non-urban areas. He cited his property as an example: 12 acres, in a rural area, with a significant setback from the road. He claimed the EV-ready requirement of an additional 40A service from the road would add $7,000 to the cost of providing electrical service, due to the voltage drop and distance from the road. Vice Chair Couture was very supportive of towns using zoning (instead of the building code) to implement EV requirements, and indicated the BBRS would feel more comfortable adding statewide requirements after a number of towns had "taken the first step". There was some inconclusive discussion of state law limitations on local zoning bylaws, and using the G.L. c. 143, § 98 process to allow EV requirements not possible through zoning.

The state BBRS met on April 11, 2017 and referred comments on the EV ready provision to their Energy Advisory Committee, which will meet and offer recommendations prior to the next meeting of the BBRS on May 16, 2017. At their May meeting, the BBRS will vote on the final amendments to the 9th edition building code. The Selectmen's Climate Action Committee has requested that the BBRS at least define "EV ready" in the building code, even if no requirements are set, in order to facilitate future zoning action by the Town. See Appendix B for a copy of the SCAC letter to the BBRS and a proposed edit submitted by C. Scott Ananian.

Eversource Distribution Rate Setting

On January 17, 2017, Eversource energy filed a petition with the Massachusetts Department of Public Utilities (DPU) seeking approval of increases in base distribution rates for electric service pursuant to G.L. c. 164, § 94. This case is DPU docket number DPU 17-05. The proposed rate plan includes a performance-based ratemaking mechanism (PBR) that would allow Eversource to adjust its distribution rates on an annual basis. Within the PBR mechanism, Eversource proposes to undertake $400 million in incremental capital investments over the next five years on projects intended to integrate distributed energy resources and improve service reliability, including projects to develop electric vehicle infrastructure and electric-storage capabilities.

Some of these investments were previously included in a Grid Modernization Plan, filed as DPU 15-122/15-123. Eversource intends to move the investments from the Grid Modernization Plan to their new PBR mechanism, as part of a "Grid Modernization Base Commitment" (GMBC).

The Electric Vehicle Charging Infrastructure component of the GMBC, as described in DPU 17-05 Exhibit ES-GMBC-1, proposes the "construction of make-ready EV charging infrastructure necessary to expand the network of charging stations":

> The make-ready infrastructure the Company is proposing to install will include the following electrical equipment and connections:
>
> - The distribution primary lateral service feed;
> - The necessary transformer and transformer pad;
> - The new service meter;
> - The new service panel; and
> - The associated conduit and conductor necessary to connect each piece of equipment. [page 91]

Eversource will construct the electrical supply, but program participants will purchase, own, and operate the charging stations, be responsible for energy costs, and agree to maintain the charging station in working order for ten years following installation. [page 122]
Phase I of the program will support customer deployment of up to 30 DC fast charging stations and approximately 1,000 Level II charging stations at various sites throughout the company's service territories. Phase II of the program will support customer deployment of approximately 36 additional DC fast charging stations and approximately 3,100 Level II charging stations at customer sites. [page 115]

In particular:

> The Company intends to target three types of charging locations. Each of these three charging locations provides opportunities to increase EV ownership and use, while also facing barriers to infrastructure investment. [...]
>
> The first type of location the Company will target is multi-unit dwellings, including apartment complexes. These multiunit dwellings present a particular challenge for at-home EV charging infrastructure because at-home charging access is essential to EV ownership. Unlike EV drivers in single family detached homes, residents of apartments and other multi-unit dwellings often lack the ability install EV charging infrastructure in these locations because these drivers may not have ownership or control of the space where the charging station will be installed. [...] In Massachusetts, about 62.1 of households are owner-occupied housing. The remaining households face a difficult EV

ownership experience if they are unable to secure reliable access to EV charging. Installing charging stations at apartment buildings and other multifamily dwellings could unlock a broader and larger market for EVs.

The second type of location is places of employment and other long-dwell-time locations such as universities or hospitals, which are another important segment where charging stations would spur additional vehicle sales. [...] Adding charging stations in these locations can extend the daily range achievable with a EV and create a "showroom effect" to increase EV visibility. Nissan credits a workplace charging initiative with a fivefold increase in monthly EV purchases by employees at Cisco Systems, Coca-Cola, Google, Microsoft, and Oracle. Likewise, the U.S. Department of Energy ("DOE") recently concluded that employees of companies participating in its Workplace Charging Challenge were 20 times more likely to drive a EV than the average worker. [...]

The third type of location is public parking spaces, which represent another important segment where additional charging stations are expected to drive increased EV adoption by allowing flexible charging station opportunities for EV owners. [...] Consumer research shows that the lack of "robust DC fast charging infrastructure is seriously inhibiting the value, utility, and sales potential" of typical battery electric vehicles. [page 107-109]

Specifically, for Level II charging infrastructure:

Level II charging takes approximately four hours. Therefore, the program will target installation of Level II charging infrastructure at sites where EV drivers typically park for durations of at least four hours. Eversource has identified the following types of sites for Level II charging infrastructure:

- Workplaces,
- Colleges and Universities,
- Fleet parking facilities,
- Public parking garages, parks, stadiums, beaches, airports, train stations,
- Hotels, hospitals, and clinics,
- Federal, State & Municipal properties,
- Select dining, entertainment and shopping venues, and
- Apartment buildings. [page 120-121]

Eversource will target deploying up to 10 percent of the EV charging infrastructure in environmental justice communities and will provide rebates for the cost of the EV chargers located in these communities. The proposed program also includes "market education outreach and transportation electrification advisory services to increase overall customer awareness" [page 113] and may spend any unallocated funds each year on partial electrification of its bucket truck fleet. Eversource proposes the following budget for the program: [page 114]

EV Program Cost (million $)						
	2018	2019	2020	2021	2022	Total
Capital	5.7	7.2	10.7	10.7	10.7	45.0

O&M plus Marketing	1.2	1.7	2.1	2.3	2.6	9.9

A representative of Attorney General Maura Healy vigorously objected to Eversource's proposal in a March 30, 2017 public hearing in Cambridge. As relates to the EV infrastructure component, the Office of the Attorney General (AGO) objected to the PBR mechanism which includes these investments. Although the AGO supported the infrastructure investments, it stated the public should decide how infrastructure funds were spent and it was "not Eversource's place to make those investment decisions;" Eversource shouldn't "get a blank check". In a motion on February 8, 2017, the AGO formally requested that the Grid Modernization, EV infrastructure, and grid-scale storage infrastructure components be split from the PBR and the rate setting case. This motion was denied on February 23, 2017.

DPU held ten public hearings across the state between March 22, 2017 and April 26, 2017. Evidentiary Hearings are scheduled for June 2 - June 30, 2017. DPU will make a decision by November 30, 2017 for new rates which will become effective January 1, 2018.

The Selectmen's Climate Action Committee submitted testimony in the Eversource case encouraging that pilot programs be selected which addressed the "garage orphan" problem as well as the special challenges to rental and multi-family housing. (See Appendix C to see the SCAC letter to DPU.)

Fees for EV ownership in lieu of Gas Tax Revenue

Maintenance of roads and vehicle infrastructure in Massachusetts is partially funded by a tax on gasoline. Since electric vehicles consume much less gas (for plug-in hybrids) or no gas (battery electric vehicles), as the vehicle fleet is electrified these funds must be drawn from other sources. When S2505 was passed in January 2017, it commissioned a study of this issue.

Section 6 of S2505, "An Act Promoting Zero Emission Vehicle Adoption" states the following:

> "The secretary of the Massachusetts Department of Transportation, in consultation with the secretary of energy and environmental affairs, shall conduct a study examining the advisability and feasibility of assessing surcharges, levies or other assessments to offset projected gas tax revenue loss from the purchase or operation of zero emission vehicles. The study shall examine practices in other states and shall include input from electric vehicle manufacturers, dealers and trade associations, the zero emission vehicle commission, electric vehicle and fuel cell vehicle manufacturers, electric vehicle charging station manufacturers and hydrogen providers, as well as transportation, environmental and clean energy advocacy groups. For the purposes of this section, "zero emissions vehicle", shall mean a battery electric vehicle, a plug-in hybrid electric vehicle or a fuel cell vehicle. The report shall be filed with the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means and the senate and house chairs of the joint committee on transportation not later than December 1, 2017."

Annual fees in lieu of gas tax have been levied on EV owners in 10 states. The Sierra Club considers these a harmful disincentive to the adoption of electric vehicles and prefers alternative solutions such as the "vehicles miles traveled" tax program implemented in

Oregon. (https://content.sierraclub.org/evguide/blog/2017/02/flurry-state-bills-introduced-likely-backed-oil-industry-penalize-electric-car-drivers)

7) Possible Local Regulatory Support for EVSE

The following section was compiled by Brookline Planning and Community Development staff, in consultation with the EV study committee and additional Town staff. While the committee does not necessarily endorse all of these options, we are open to exploring the variety of ways the Town might achieve our goal of improving access to electric vehicle supply equipment (EVSE) for Town residents and employees.

Path 1 Require that major impact projects be wired to be EV-ready (Zoning By-law Art 6.00)
Path 2 Require installation of EVSE on major impact projects (Zoning By-law Art 6.00)
Path 3 Update the Transportation Access Plan guidelines (TAP guidelines referenced in Zoning By-law 5.09)
Path 4 Expand Public Benefits provisions which grant greater height or FAR in exchange (Zoning By-law Sec. 5.21 and 5.32)
Path 5 Update zoning by-law to require residential conversions and non-residential renovations to install EVSE (Zoning By-law Sec. 6.01.2a and Sec. 6.02)
Path 6 Update Energy Efficiency section of the Community and Environmental Impact and Design Standards in Design Review guidelines (Zoning By-law Section 5.09.4m

Path 1: Require EV-ready infrastructure in new, major impact projects [16+ residential units or 25,000 sf non-residential space] or some other threshold

Proposed By-Law Section: In Article 6, between 6.05 and 6.06

Likelihood of amending bylaw: Low. Zoning regulations are not the place for wiring requirements according to the Building Department. Furthermore, updating the local building code, though legally possible, is not recommended because State Building Code provides no definition of EV-ready to guide Town's Building Department. Interestingly, the BBRS contends that local zoning would be the preferred route for implementing EVSE requirements.

Commentary:

One of the barriers to requiring electric-vehicle charging stations on existing structures is the expense of installing or retrofitting the infrastructure to accommodate the equipment. Requiring that new projects be "EV-ready" would ensure that construction costs are not prohibitive when the property owner decides to install equipment to meet occupant/consumer/employee need.

According to Deputy Building Commissioner, it is not advisable to require wiring standards through zoning regulations without guidance in the State Building Code. At this time, the State Building Code does not provide a definition of EV-ready and it appears that it will not do so in the near future. If the State Building Code provided this guidance, the most pragmatic approach would be to require that new large projects and major renovations have infrastructure installed to accommodate Level 2 EVSEs in the future, because (a) it reduces construction costs involved with retrofits and (b) it allows the property owners to install EVSE when and if demand at the facility requires it.

Models in other municipalities: Boston, MA requires EV charging for developments that trigger either a Transportation Access Plan Agreement or Parking Freeze Permit. The policy calls for a minimum of 5% of total parking spaces with sufficient infrastructure capacity such that the installation of future EVSE does not require an upgrade to service or panels for future accommodation of at least 15% of total parking spaces. Fremont, Oakland, and most recently San Francisco passed ordinances to requiring that parking spaces in new construction be EV-ready. For example, the San Francisco's building code ordinance stipulates that for new residential and commercial buildings, all the parking spaces constructed will meet the following criteria:

- 10% will be "turnkey ready" for EV charger installation
- 10% will be "EV flexible" (i.e. have the potential for charging and upgrades)
- 80% will be "EV capable" (during construction, conduit must be laid in difficult to access areas, hence reducing the cost of running electrical cables in the future)

Source: February 28, 2017 Press Release from the Office of the Mayor of San Francisco, Edwin M. Lee

According to the San Francisco Department of the Environment: "By taking an innovative approach that combines distributed panels and load management, staff's proposal will provide flexible charging access to vehicles in 100% of parking spaces while minimizing development costs. By utilizing a separate electrical service for EVs, this proposal also supports future zero net energy building goals by isolating transportation load from loads related to building operations."

It should be noted that the 2013 California Building Standards Code requires 3 percent of parking spaces to be designed to serve electric vehicles.

Accordingly, the Committee and the Building Department do not advise updating our local building code unless the State Building Code is revised.

Path 2: Require installation electric-vehicle charging stations in projects that meet whatever threshold Committee discerns [sites that are suitable for longer charging stations, such as multifamily and workplace facilities]

Proposed By-Law Section: In Article 6, between 6.05 and 6.06; using language analogous to installation of bike spaces.

Likelihood of amending bylaw: Low. Amending the by-law could be complicated. It may not be practical to require EVSE installation in multifamily condos, where parking spaces are deeded, for example, although individual condominium associations may find creative ways of allocating this resource. Providing a mechanism for making EVSE installation a priority on suitable new projects on a case by case basis may be more practical.

Commentary: Michael Yanovitch recommends this path with thresholds identified. However, Maria Morelli foresees complications with requiring installation of EVSE through the zoning by-law. Encouraging installation rather than requiring it is more likely to ensure that regulations do not unfairly burden property owners.

Path 3: Amend Transportation Access Plan guidelines to include installation of electric vehicle charging stations among guidelines for Transportation Demand Management (TDM) Plans or Transportation Access Plan Agreements for individual projects [see chart for thresholds]

Likelihood of amending the TAP: Very good. Jurisdiction is Department of Public Works. Although the TAP guidelines are ready for modernization in regard to access and mobility; it should be noted that DPW does provide robust conditions that are memorialized in the Zoning Board of Appeals decisions and developer agreements. Updating the TAP guidelines would expand the menu of provisions that project teams can consider, with staff's encouragement. DPW's Todd Kirrane and Peter Ditto are very supportive of updating TAP guidelines to encourage EVSE installation, as is the Planning Department.

Commentary: According to Section 5.09 Design Review, projects with more than 25,000 sf of non-residential space or 25 dwelling units require the preparation of a traffic impact study in accordance with the TAP guidelines. This threshold would target a wide range of projects in which installation of EVSE would be practical (office facilities, mixed use projects, rental housing developments). Utilizing the TAP process for EVSE and EV-ready requirements has been implemented in Boston, as outlined under the commentary for Path 1.

Conditions drawn from TAP guidelines, or its subset TDMs, are integral conditions in ZBA decisions or developer agreements for major impact projects. Staff and boards may be involved directly in the negotiations with the developer, unless the ZBA has jurisdiction instead of local boards (as in the case of 40B comprehensive permit projects). Even in the case of comprehensive permit projects, the ZBA relies heavily on the recommendations of the Transportation Board and staff.

Updating the TAP with this provision creates awareness of the Town's priorities to mitigate greenhouse gas emissions. Furthermore, it gives the Transportation Board and staff traction in negotiations because the provision is explicitly listed in the guidelines. Moreover, modernizing the TAP guidelines, specifically the parking management section, would ensure that new facilities are constructed to meet the parking needs of the occupants, employees and tenants of those projects.

Senior Planner Maria Morelli highly recommends this path. Requiring installation of EVSE in TAP Agreements is the mechanism that the City of Boston uses for projects that trigger Article 80 Large Project Review (adding 50,000 sf or more).

Although the TAP guidelines are not regulations, conditions based on the TAP guidelines that are incorporated in ZBA decisions and developer agreements travel with the deed on the property and are enforceable by the Town.

Although it is not critical, Maria Morelli recommends updating references in the Zoning By-law to TAP guidelines (under Section 5.09.6b) so that the threshold triggering traffic impact studies is the same as the definition for major impact projects (compare 25 residential units in Section 5.09.6.b with 16 residential units in Section 5.09.3.3.b).

Path 4 Providing EVSE installation as one of the public benefits that could be provided in exchange for granting additional height or FAR (floor-area ratio).

Proposed By-Law Sections: Sec. 5.21 and Sec. 5.32

Likelihood of amending by-law: Practical in a legal sense but not advised as it may send the wrong message to developers that exceptions to FAR and height are permissible if a modest provision is offered.

Commentary: "Public benefits" does not mean access to the general public, according to Polly Selkoe, Assistant Director for Regulator Planning. The Planning Department does not advise amending this Section of the By-law to enable EVSE installation to be offered as public benefits allowing increased height and/or floor-area ration. Furthermore, the public benefits provision of the By-law is not typically invoked in decisions for most projects that would trigger it.

Path 5: Providing waivers for residential conversion projects that do not meet the minimum parking requirement, if EVSE are provided

Proposed By-Law Sections: Sec. 6.01.2a and Sec. 6.02

Likelihood: It is possible but the committee questions how effective it would be.

Commentary: This would be a way to include retrofit projects for installation of EVSE, if the developer deems it possible, but amending this by-law would not address a wide range of projects and therefore would have limited impact.

Path 6: Update Energy Efficiency section of the Community and Environmental Impact and Design Standards in the Zoning By-law Section 5.09, Design Review guidelines.

Proposed Zoning By-Law Sections: Sec. 5.09.4.m

Likelihood: Very good.

Commentary: By adding this provision to the Energy Efficiency section, the Town would create greater awareness among developers, the Planning Department, and the Planning Board (which makes recommendations to the Zoning Board of Appeals) that EVSE installation is a meaningful mitigation tool. Updating this section on its own, without Path 3, would not necessarily have a great impact, as Section 5.09.4 are guidelines only, not regulations. However, providing specific suggestions for energy efficiency measures or references to the Climate Action Plan creates valuable awareness of the Town's energy efficiency and sustainability goals.

CONCLUSION: Path 3 would have the greatest impact and the least burden on property owners. In addition, Path 6 would be viable but only if incorporated with Path 3.

For a survey of local regulatory measures taken elsewhere, see Appendix D.

List of Appendices:

Appendix A: Names of EV Charger Study Sub-Committee members and contributors.

Appendix B: SCAC letter to BBRS & Proposed Edit to State Building Code from C. Scott Ananian.
Appendix C: SCAC letter to Department of Public Utilities on Eversource rate filing 17-05
Appendix D: Information from Sarah Olexsak, U.S. Department of Energy and DOE Clean Cities Technical Response Service on local EVSE regulations.
Appendix E: Other Information Sources

Appendix A – EV Charging Station Study Sub-Committee Members & Contributors:

Linda Olson Pehlke – Chair, SCAC member
David Lescohier – SCAC member
Nancy Heller – SCAC co-chair, member Board of Selectmen
Werner Lohe – SCAC co-chair
C. Scott Ananian – Original WA petitioner
Daniel Bennett – Town of Brookline Building Commissioner
Maria Morelli – Town of Brookline Senior Planner
Michael Yanovitch – Town of Brookline Deputy Building Commissioner
Francis T. Steverman – Town of Brookline Electrical Inspector
Peter Ditto – Town of Brookline Director of Engineering and Transportation
Todd Kirrane – Town of Brookline Transportation Administrator
Polly Selkoe – Town of Brookline Assistant Director for Regulatory Planning
Kara Brewton – Town of Brookline Director of Economic Development and Long-Range Planning
Joslin Ham Murphy – Town of Brookline Town Counsel
Scott Englander – Transportation Board
John Helveston – B.U. Postdoctoral Associate, Institute for Sustainable Energy
Willy Osborn – Brookline resident and consultant on relevant topics

Appendix B

TOWN OF BROOKLINE
Massachusetts

DEPARTMENT OF PLANNING
AND COMMUNITY DEVELOPMENT

ALISON C. STEINFELD
Planning Director

April 7, 2017

Department of Public Safety
Board of Building Regulations and Standards
One Ashburton Place, Room 1301
Boston, MA 02108-1618

Attn: Robert Anderson

Dear Mr. Anderson:

Re: Proposed Ninth Edition Building Code (780 CMR)

On behalf of the Selectmen's Climate Action Committee of the Town of Brookline, we wish to urge the reintroduction of the "EV ready" requirements (R404.2 and C405.10) to the ninth edition building code (780 CMR). Encouraging the adoption of Electric Vehicles in our town is a key part of our efforts to address climate change, and an EV ready building code removes key barriers to adoption and ensures that vehicle charging is performed safely.

The BBRS is the appropriate body designated by the state to standardize and enact EV ready requirements. Towns are generally prohibited from amending the building code except under the "special conditions" provision of Chapter 143 Section 98, which has not been used since 1975, and zoning bylaws are generally prohibited from attempts to "regulate or restrict the interior area of a single family residential building" under Chapter 40A Section 3.

If the EV-ready requirements are seen as too burdensome, especially in rural areas or for single family residences, they should be codified but made optional, so that towns like Brookline can easily opt-in to the EV requirements without imposing the burden of drafting appropriate Ch 143 s 98 language or zoning workarounds on our town building officials. At a minimum, BBRS definition of the term "EV ready" would aid local efforts and reduce confusion and enhance safety by ensuring that the details of such provisions do not unnecessarily vary from town to town.

Sincerely,

Werner Lohe
CO-Chair, Selectmen's Climate Action Committee

Brookline Town Hall · 333 Washington Street Third Floor · Brookline, MA 02445 · 617-730-2130 · Fax 617-260-2442

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards
One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618

Phone (617) 727-3200
Fax (617) 727-5732
www.mass.gov/dps

Matthew Moran
Commissioner

Richard Crowley
Chairman

Robert Anderson
Administrator

MASSACHUSETTS STATE BUILDING CODE – CODE AMENDMENT FORM

Impacted code:	☒ 9th Edition Base Code ☒ 9th Edition Residential Code	State Use Only	
Date Submitted:	**April 5, 2017**	Date Received:	
Code Section:	**Energy Efficiency**	Code Change Number:	
Name of proponent:	**Clifford Scott Ananian**		
Company / Organization represented, if any:		Check ☒ if representing self	
Address (number, street, city, state, ZIP:		**103 Griggs Road, Brookline, MA 02446**	
Telephone number:	**617-233-1238**		
Email address:	**brookline@cscott.net**		

PLEASE CHECK OFF THE TYPE OF AMENDMENT PROPOSED

☒ Change existing section language ☒ Add new section ☐ Delete existing section and substitute
☐ Delete existing section, no substitute ☐ Other, Explain: _____

PLEASE TYPE THE PROPOSED AMENDMENT BELOW. If you propose to change a section, please copy the original text from either the relevant model code and/or MA amendment. Indicate, with a strikethrough, the text that you propose to delete. Please also indicate any new text in both *italic* and red font. Finally, for each proposal submitted, please provide the justification items requested below. Completed code amendment forms may be emailed to Felix Zemel, Director of Code Development and Manufactured Buildings at felix.zemel@state.ma.us. Please attach additional pages as necessary.

Existing language:

None (but compare to the original proposal from DOER/EEA, removed from draft on February 14, 2017)

Proposed changes:

MA 9th edition: Draft EV-Ready Regulations

Residential

ELECTRIC VEHICLE SERVICE EQUIPMENT (EVSE) Level -2 (220 - 240V). Equipment expressly designed for the safe charging of battery electric and plug-in hybrid electric vehicles.

N1101.13 Revise the section as follows:

N1101.13 (R401.2) Compliance. Projects shall comply with one of the following:

1. Sections N1101.14 through N1104 *except N1104.2.*
2. Section N1105 and the provisions of Sections N1101.14 through N1104 labeled "Mandatory."
3. An energy rating index (ERI) approach, or approved alternative energy performance rating method in Section N1106.

Qualifying approaches include the following:

a. Certified RESNET HERS rating with MA amendments.
b. Certified Energy Star Homes, Version 3.1.
c. Certified Passivehaus performance method

N1104.2 Add new section:

N1104.2 (R404.2) Electric Vehicle Service Equipment (EVSE) Ready. *Garages and/or the exterior of the building may provide "EV READY" parking spaces, which must meet the requirements of this section. In accordance with 527 CMR 210.17 and this section, at least one minimum 50-ampere branch circuit for each "EV READY" parking space. The branch circuit may terminate in a NEMA 14-50 or NEMA 6-50 outlet or a dedicated Society of Automotive Engineers (SAE) standard J1772-approved Level 2 EVSE. The circuit must terminate in a location which would allow EVSE installed on that circuit, whether hard-wired or cord-connected to the installed outlet, to be compliant with 527 CMR 627.17(A)(3) and 527 CMR 625.50. The circuits shall have no other outlets. The service panel shall provide sufficient capacity and space to accommodate the circuit and over-current protective device. A permanent and visible label stating "EV READY" shall be posted in a conspicuous place at both the service panel and the circuit termination point. The location and number of "EV READY" parking spaces shall be identified on construction documents.*

Commercial

ELECTRIC VEHICLE SERVICE EQUIPMENT (EVSE) Level -2 (220 - 240V). Equipment expressly designed for the safe charging of battery electric and plug-in hybrid electric vehicles.

C401.2 Revise the section as follows:

C401.2 Application.

Commercial buildings shall comply with one of the following:

1. The requirements of ANSI/ASHRAE/IESNA 90.1.

2. The requirements of Sections C402 through C405 *except C405.10*. In addition, commercial buildings shall comply with Section C406 and tenant spaces shall comply with Section C406.1.1.

3. The requirements of Sections C402.5, C403.2, C404, C405.2, C405.3, C405.5, C405.6 and C407. The building energy cost shall be equal to or less than 85 percent of the standard reference design building.

C405.10 Add new section:

C405.10 Electric Vehicle Service Equipment (EVSE) Ready.

Buildings may provide "EV READY" parking spaces, which must meet the requirements of this section. In accordance with 527 CMR 210.17 and this section, at least one minimum 50-ampere branch circuit for each "EV READY" parking space. The branch circuit may terminate in a NEMA 14-50 or NEMA 6-50 outlet or a dedicated Society of Automotive Engineers (SAE) standard J1772-approved Level 2 EVSE, although the outlet may be inside a locked enclosure or the branch circuit de-energized to prevent unauthorized use. The circuit must terminate in a location which would allow EVSE installed on that circuit, whether hard-wired or cord-connected, to be compliant with 527 CMR 627.17(A) and 527 CMR 625.50. The circuits shall have no other outlets. The service panel shall provide sufficient capacity and space to accommodate the circuit and over-current protective device. A permanent and visible label stating "EV READY" shall be posted in a conspicuous place at both the service panel and the circuit termination point. The location and number of "EV READY" parking spaces shall be identified on construction documents

Background and rationale:

The "EV READY" provisions of the 9th edition building code were removed from the draft in the February 14 meeting of the BBRS over concerns about compliance cost, especially in non-urban areas. The BBRS expressed a desire to see towns "take the first step" before imposing new requirements. However, cities and towns generally lack the expertise to define appropriate electrical standards for EV infrastructure. The present proposal eliminates the mandatory requirements from the DOER/EEA "EV READY" proposal while retaining the definition. In addition, some technical improvements to the DOER/EEA definition are made.

On April 3, 2017, the Selectmen's Climate Action Committee for the Town of Brookline approved a formal comment on the 9th edition building code requesting reinstatement of the original "EV READY" amendments or, lacking that, the inclusion of a state-wide "EV READY" definition. This amendment is intended to be responsive to that request.

Pros of the proposed change:

This amendment will allow cities and towns to more easily introduce Electric Vehicle infrastructure requirements via zoning and other local measures by reference to a state "EV

READY" standard. This reduces the burden of drafting appropriate electrical specifications from the local cities and towns and promotes consistency across the state. The BBRS is the appropriate qualified body to promulgate this definition; local zoning review and other boards are generally ill-equipped to evaluate appropriate electrical standards when considering Electric Vehicle Infrastructure requirements. Another concern from local zoning boards is how to "future-proof" their local bylaws. Centralizing the "EV READY" definition in the state building code allows it to be more easily updated by the BBRS as technology evolves, for example if the J1772 standard becomes obsolete.

The original DOER/EEA proposal seemed to imply that "EV READY" requirements required "accommodat[ing] a future dedicated [...] Level 2 EVSE" but disallowed present installation of EVSE on that circuit. The technical requirements have been clarified to ensure that presently-installed as well as future EVSE is compliant.

Finally, the service requirement has been raised to 50A with the option of installing a NEMA 14-50 or NEMA 6-50 outlet on the EVSE circuit. This accommodates current commercially available plug-in EVSE, such as those available from ClipperCreek (HCS-40P), ChargePoint (ChargePoint Home), eMotorWerks (JuiceBox 40), Tesla (Mobile Connector), Nissan (Home Charging Dock), General Motors (AeroVironment EVSE-RS), and others. Installing an outlet on the "EV READY" circuit ensures "day 1" availability of charging for new EV owners, as well as the ability to provide occasional charging for visitors and guests.

Cons of the proposed change:

By limiting the scope of the code amendment to definition and not imposing new requirements, the state misses the opportunity to ensure that buildings constructed today meet the needs of future vehicles. Homeowners without mandatory EV READY wiring in their homes may create a risk to public safety by attempting to charge their vehicles, or vehicles of visitors and guests, from inappropriate circuits.

The requirement to add an outlet on the EV READY circuit adds an additional cost, although this is small.

Commercial buildings may be concerned that an outlet on the EV READY circuit may allow visitors or customers to "steal" electricity, despite the language clarifying that the outlet may be locked or de-energized.

Estimated impact on life safety:
By facilitating local government's efforts to add EV READY requirements in their local jurisdictions, safety risks of inappropriate vehicle charging may be reduced in cities and towns which choose to implement these requirements.

Estimated impact on cost:
None. The proposed code amendment imposes no requirements.

Appendix C

TOWN OF BROOKLINE
Massachusetts

DEPARTMENT OF PLANNING
AND COMMUNITY DEVELOPMENT

ALISON C. STEINFELD
Planning Director

April 7, 2017

Mark D. Marini, Secretary
Massachusetts Department of Public Works
One South Station, 5th Floor
Boston, MA 02110

Dear Mr. Marini:

Re: Docket No. 17-05

On behalf of the Selectmen's Climate Action Committee of the Town of Brookline, we would like to express our appreciation of and support for the Electric Vehicle Charging Infrastructure as a component of the Eversource Grid Modernization Base Commitment. Brookline recognizes its responsibility to encourage Electric Vehicle adoption as a necessary component of our actions to combat climate change, and we appreciate the actions proposed by Eversource to address key barriers to EV ownership.

As detailed by Eversource in their proposal, "[i]n Massachusetts, about 62.1% of households are owner-occupied housing. In Brookline, owner-occupied housing accounts for approximately 50% of households. In addition, only 24% of Brookline housing units are single-family homes, with the remaining units being multi-family housing. Renters and those living in multi-family units face unique challenges to accessing EV charging infrastructure. Thus, many households face a difficult EV ownership experience if they are unable to secure reliable access to EV charging." (Exhibit ES-GMBC-1, page 108).

In selecting sites for make-ready EV charging infrastructure, we urge Eversource to concentrate Level 2 infrastructure on the "parking orphan" problem, which we define as individuals who own vehicles but do not own a corresponding parking space. The proposal mentions multi-unit dwellings, but in Brookline, due to the fact that many housing units were built without parking and our overnight on-street parking ban, many residents also use town-owned overnight parking, and rentals from private holders of Open Air Parking licenses. We urge the consideration of pilot projects which address the issues unique to multi-family housing, rental occupancy and "garage orphans" in order to facilitate EV adoption.

Sincerely,

Werner Lohe
Co-Chair, Selectmen's Climate Action Committee

Copies via email to dpu.efiling@state.ma.us and Marc.Tassone@state.ma.us and via postal mail to:

Brookline Town Hall · 333 Washington Street Third Floor · Brookline, MA 02445 · 617-730-2130 · Fax 617-260-2442

Appendix D:

Sarah Olexsak
Energy Efficiency & Renewable Energy | U.S. Department of Energy
1000 Independence Avenue, SW | Washington, DC 20585
P 202.586.2149 | sarah.olexsak@ee.doe.gov

==========

Provisions for electric vehicle charging infrastructure. The *building project* shall comply with one of the following:
1. Two or more electric vehicle charging stations shall be available to the building occupants and shall be located not more than 1/4 mile (400 m) from the *building project.*
2. Electrical raceways shall be installed and extend from one or more of the building's electrical power distribution panels to not less than the number of parking spaces specified in the table below, to facilitate the future installation of vehicle charging stations. Electrical power distribution panels serving such raceways shall be sized to supply the future charging stations based on a design load of not less than 40 amperes per required parking space at a supply voltage of not less than 208/240 VAC.

Total number of parking spaces provided	**Number of spaces required to have raceways**
1-25	1
26-50	2
51-75	4
76-100	5
101-150	7
151-200	10
201 and over	5% of total

This email is from the U.S. Department of Energy's Clean Cities Technical Response Service in response to your inquiry regarding examples of local legislation that focus on plug-in electric vehicle (PEV) readiness and require electric vehicle supply equipment (EVSE) infrastructure in new and residential construction.

For information on current laws and regulations pertaining to PEV deployment, please refer to the Alternative Fuels Data Center (AFDC) Laws and Incentives database (http://www.afdc.energy.gov/laws). You may view local examples of laws and regulations here:

http://www.afdc.energy.gov/laws/local_examples. Additionally, for state-level examples, the Advanced Search options (http://www.afdc.energy.gov/laws/search) allow you to identify specific incentives by jurisdiction, technology/fuel type (e.g., all-electric vehicles (EVs), plug-in hybrid electric vehicles (PHEVs)), incentive/regulation type, and user type.

While there is no "ideal" or one-size-fits-all PEV readiness strategy, parking requirements, zoning, and codes (including permitting) are three particularly powerful tools to encourage PEV and EVSE adoption. We have provided you with a number of case studies and examples of PEV and EVSE requirements below:

Parking Requirements
State and local jurisdictions can implement mandatory minimum requirements for multi-family dwellings and public parking garages in order to ensure that the infrastructure is in place to encourage PEV deployment. Below are a few examples from regions across the country:

Hawaii Plug-In PEV Parking Requirement (http://www.afdc.energy.gov/laws/6566)
All parking facilities that are available for use by the general public and include at least 100 parking spaces must designate at least one parking space specifically for PEVs, provided that no parking spaces required by the Americans with Disabilities Act Accessibility Guidelines are reduced or displaced. Spaces must be clearly marked and equipped with EVSE. An owner of multiple parking lots may designate and install EVSE in fewer parking spaces than required in one or more parking lots, as long as the owner meets the requirement for total number of aggregate spaces for all parking lots. A fee of $50-100 applies for non-PEVs that park in spaces designated for PEVs. (Reference Hawaii Revised Statutes 291-71 and 291-72)

New York City, NY PEV Ready Parking Facility Requirements
(http://www.afdc.energy.gov/laws/local_examples#9)
The New York City Department of City Planning requires that all newly constructed and upgraded parking garages and open lots include the necessary hardware for EVSE in at least 20% of each facility's parking spaces. For more information, see the New York City General Administrative Provisions for Construction Codes, Section 28-101.4.3, as well as the New York City Building Code, Sections 406.2.11 and 406.7.11.

Zoning
Zoning ordinances are also useful tools for state and local governments to indicate where EVSE are allowed or prohibited. Planners and other officials can also use zoning to incentivize or require EVSE throughout a municipality's zoning districts or in specific areas. Officials can leverage zoning ordinances to formally define EVSE and ensure that installation is permissible at the state and local levels. See below for examples of local zoning ordinances that facilitate the advancement of PEVs:

Los Angeles, CA PEV Ready Building Requirements
(http://www.afdc.energy.gov/laws/local_examples#9)
Newly constructed buildings in Los Angeles must provide the necessary hardware for PEV

charging. One- and two-family dwellings and townhouses must be equipped with at least one PEV charging outlet, which is a 208/240 volt, 40 ampere, grounded alternating current outlet, or panel capacity and conduit for such outlet installation for each dwelling unit. Other residential buildings that have a common parking area must be equipped with PEV charging outlets in at least 5% of the total parking spaces or panel capacity and conduit for these upgrades in the future. The parking area of new high-rise residential and non-residential buildings must include PEV charging outlets in at least 5% of the total parking spaces. For more information, see the 2011 Los Angeles Amendment Green Building Code.

Washington Local Government PEV Infrastructure Requirements

Jurisdictions must develop regulations to allow the use of PEV infrastructure and battery charging stations in all areas except critical areas or areas zoned for residential or resource use. The Washington Department of Commerce included a model ordinance, development regulations, and guidance for local governments for site assessment and installing PEV infrastructure in Electric Vehicle Infrastructure: A Guide for Local Governments in Washington State (PDF). This requirement applies to jurisdictions that meet specific location criteria and is contingent upon federal funding. Additionally, cities or municipalities may adopt incentive programs to encourage retrofitting of existing structures capable of charging PEVs. (Reference Revised Code of Washington 35.63.126, 35.63.127, 35A.63.107, 36.70.695, 36.70A.695, and 43.31.970)

Methuen, Massachusetts EVSE Zoning Ordinance

The city of Methuen, MA has adopted an addendum to a pre-existing zoning ordinance to specify permissible use of EVSE in single- and multi-family dwellings as well as commercial or industrial zones. This addendum is included in Section V-T (PDF) of the Zoning Ordinance.

Codes and Permitting

Lastly, codes can be particularly effective tools to specify requirements, goals, or limits for new construction features. They can also provide new permitting or inspection protocols and remove barriers to EVSE installation.

See below for examples of codes that have expedited the *permitting and installation* process for EVSE:

Houston's EVSE Permitting and Installation Process

To facilitate Houston's electric vehicle adoption, the Public Works and Engineering department's permitting office created a 24-hour permitting process. The EVSE customer's electrician applies for a permit via the Houston Code Enforcement Group's Online Permits system. Approval is automatic and instantaneous for standard installations that provide load analysis and, on a case-by-case basis, a one-line diagram. The fee is currently $83.01 for Level 2 EVSE. More complex installations have different permitting requirements. The city also applied its existing online express permitting process to EVSE installations. With

this process, online permits from Houston's Code Enforcement Group are issued automatically and instantaneously for standard EVSE, and an inspection can be performed on the same day as installation. Thus, the entire assessment, permitting, installation, and inspection process for a simple EVSE project can be completed in one day. You may find more information here: http://www.afdc.energy.gov/case/1003.

Los Angeles' EVSE Permitting and Installation Process

The city of Los Angeles, California has streamlined its permitting and installation process similarly. For standard installations, the EVSE customer's electrician applies for a permit online via the Los Angeles Department of Building and Safety (LADBS) Express Permit system. Issuance of a permit is automatic and instantaneous for standard installations. The fee is generally $75. More complex installations, such as commercial EVSE over 600 amps, may have additional requirements. Similar to the city of Houston, LADBS applied its existing online Express Permit system to EVSE installations. The system enables customers installing standard EVSE to receive a permit instantaneously and start using their EVSE immediately after inspection, which occurs within 24 hours of notification that EVSE is installed. LADBS created a separate EVSE inspection division to help ensure this rapid turnaround. The entire city falls under LADBS' jurisdiction, which gives customers and their contractors a consistent process. Please refer to the AFDC case study, *Los Angeles Sets the Stage for Plug-In Electric Vehicles* (http://www.afdc.energy.gov/case/1002) for more details.

Raleigh's EVSE Permitting and Installation Process

The licensed electrician or EVSE customer/homeowner visits one of two City of Raleigh inspection centers to obtain a permit. The process to apply for and receive a permit takes approximately one hour and costs $81. Raleigh also applied its existing "stand alone" permitting and inspection process to EVSE installations. This is also called a "walk through" process because the permit is completed as the applicant is walked through the process by permitting personnel. Getting a permit takes about one hour, and inspections can be performed the day after installation. As a result, the entire assessment, permitting, installation, and inspection process for a simple home-based EVSE project can be completed in as few as two days. Raleigh views the process as an opportunity to train permitting staff and electricians about EVSE. The city also has an e-fax number so paperwork may be submitted electronically. You may learn more about the success of PEV deployment in Raleigh here: http://www.afdc.energy.gov/case/1001.

The state of California has implemented a policy that strives to *remove barriers* to EVSE installations in multi-unit dwellings:

EVSE Policies for Multi-Unit Dwellings (http://www.afdc.energy.gov/laws/9579)

A common interest development, including a community apartment, condominium, and cooperative development, may not prohibit or restrict the installation or use of EVSE in a homeowner's designated parking space. These entities may put reasonable restrictions on EVSE,

but the policies may not significantly increase the cost of the EVSE or significantly decrease its efficiency or performance. If installation in the homeowner's designated parking space is not possible, with authorization, the homeowner may add EVSE in a common area for their use. The homeowner must obtain appropriate approvals from the common interest development association and agree in writing to comply with applicable architectural standards, engage a licensed installation contractor, provide a certificate of insurance, and pay for the electricity usage associated with the EVSE. Any application for approval should be processed by the common interest development association without willful avoidance or delay. The homeowner and each successive homeowner of the parking space equipped with EVSE is responsible for the cost of the installation, maintenance, repair, removal, or replacement of the station, as well as any resulting damage to the EVSE or surrounding area. The homeowner must also maintain a $1 million umbrella liability coverage policy and name the common interest development as an additional insured entity under the policy. If EVSE is installed in a common area for use by all members of the association, the common interest development must develop terms for use of the EVSE. (Reference California Civil Code 4745 and 6713)

For more information about EVSE requirements across the country, please see the AFDC PEV Deployment Policy Tools: Zoning, Codes, and Parking Ordinances page (http://www.afdc.energy.gov/bulletins/technology-bulletin-2015-08.html).

You may also be interested in the following resources for guidance on PEV readiness and best policy practices:

- *Title 24 – Building Codes for PEVS* presentation (http://www.pevcollaborative.org/sites/all/themes/pev/files/combined_title24_presentation.pdf): This PEV Collaborative webinar covers the main components of California's building code as it relates to PEV readiness. Note that requirements for EVSE installation fall into the "Green Building Standards Code" section.
- *Assessment of Leading Electric Vehicle Promotion Activities in United States Cities* (http://www.theicct.org/sites/default/files/publications/ICCT_EV-promotion-US-cities_20150729.pdf): Published by the International Council on Clean Transportation, this study analyzes the success of various PEV and EVSE incentives and requirements in cities across the country and their impact on PEV adoption. In particular, pages 14-15 discuss local EVSE deployment efforts.
- *Residential EVSE Permit Process Best Practices* (http://www.nyserda.ny.gov/-/media/Files/Programs/ChargeNY/Permit-Process-Streamlining.pdf): This report details best practices for state-wide and city-wide residential EVSE permitting processes, providing specific examples from pages 3 to 4. The end of the report also includes sample permitting applications for guidance.

Please do not hesitate to follow up if you have additional questions.

* * * * *

Clean Cities advances the nation's economic, environmental, and energy security by supporting local actions to cut petroleum use in transportation. Clean Cities carries out this mission through a network of nearly 100 coalitions, which bring together stakeholders in the public and private sectors to deploy alternative and renewable fuels, idle-reduction measures, fuel economy improvements, and emerging transportation technologies. Stay connected through the Clean Cities blog and News and Events subscriptions, including webinar alerts and Clean Cities Now, a biannual newsletter.

The Vehicle Technologies Office works with industry leaders, national laboratories, universities, and state and local governments to develop and accelerate the deployment of advanced vehicle technologies and renewable fuels.

To order the Model Year 2017 Fuel Economy Guide, please refer to the online order form. You may also view fuel economy ratings directly at FuelEconomy.gov.

Thank you,
Lindsay Kirschner, ICF Supporting the U.S. Department of Energy
and National Renewable Energy Laboratory -
Clean Cities Technical Response Service
technicalresponse@icf.com
800-254-6735

www.cleancities.energy.gov/
www.afdc.energy.gov/
www.fueleconomy.gov/

Appendix E: Further EV and Charger Information

www.greencarreports.com
www.pluginamerica.org
http://www.ucsusa.org/clean-vehicles#.WORSvzd1qAg
https://energy.gov/public-services/vehicles
http://insideevs.com/

http://www.mass.gov/eea/docs/doer/clean-cities/ev-charging-infrastructure-manual.pdf

INSTALLATION GUIDE FOR ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) An Introduction to EVSE Prepared by: The Massachusetts Department of Energy Resources June, 2014

http://www.calstart.org/Libraries/Publications/Best_Practices_for_Workplace_Charging.sflb.ashx

BEST PRACTICES FOR WORKPLACE CHARGING. Employer EV Initiative Supporting solutions for workplace charging. CALSTART is a non-profit organization that works with the public and private sectors to develop advanced transportation technologies and foster companies that will help clean the air, lessen our dependence on foreign oil, reduce global warming, and create jobs. Published: September 2013

https://avt.inl.gov/sites/default/files/pdf/reports/MassachusettsCaseStudyDec2016.pdf

Massachusetts Plug-in Electric Vehicle and Charging Infrastructure Case Study Fred Wagner Jim Francfort Sera White December 2016, Idaho National Laboratory, a U.S. Department of Energy National Laboratory operated by Battelle Energy Alliance

BOARD OF SELECTMEN

Neil A. Wishinsky, Chair
Benjamin J. Franco
Nancy S. Heller
Bernard W. Greene
Heather A. Hamilton

ADVISORY COMMITTEE

Sean Lynn-Jones, Chair

TOWN CLERK