WARRANT ARTICLE EXPLANATIONS
FILED BY PETITIONERS FOR THE
MAY 26, 2015 ANNUAL TOWN MEETING

ARTICLE 1
Submitted by: Board of Selectmen

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

ARTICLE 2
Submitted by: Human Resources

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

ARTICLE 3
Submitted by: Treasurer/Collector

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

ARTICLE 4
Submitted by: Board of Selectmen

Section 2.1.4 of the Town's By-Laws requires that each Annual Town Meeting include a warrant article showing the status of all special appropriations. This article is also used for debt rescissions, of which two are recommended.

ARTICLE 5
Submitted by: Board of Selectmen

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

ARTICLE 6
Submitted by: Board of Assessors

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

proposed increases, which require annual reauthorizations, have been approved by Town Meeting continually since FY1989. The estimated cost for FY2016 is approximately $54,000 and is funded from the tax abatement overlay reserve account.

ARTICLE 7
Submitted by: Board of Selectmen

The purpose of this article is to make any year-end adjustments to the current year (FY15) budget.

ARTICLE 8
Submitted by: Advisory Committee

This is the annual appropriations article for FY2016. 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 17th. The proposed budget has since been reviewed by numerous sub-committees of the Advisory Committee, the full Advisory Committee, and the Board of Selectmen. The vote ultimately recommended to Town Meeting is offered by the Advisory Committee.

ARTICLE 9
Submitted by: Ernest Frey

Section 5 of Chapter 43A of the General Laws of the Commonwealth of Massachusetts says, in relevant part:

> Any representative town meeting . . . shall be limited to the town meeting members elected . . . , together with such town meeting members at large as may be provided for by the by-laws of the town.

Citizens of Brookline who are serving the Commonwealth or the Federal Government should be able, to the extent they wish to do so, participate in the activities of their town, by being included in the distribution of notices or other communications received by other Town Meeting Members.

The current language of this bylaw extends that opportunity to our residents who have been elected to the General Court of Massachusetts. Certainly, that representative assists Town Meeting and Town officials regarding Home Rule petitions, just as any of the representatives for Brookline citizens would do, whether they are Brookline residents or not. Town Meeting Member status was granted in 1915 to General Court representatives because of residency and position, not just position. The importance of these members of the General Court to have access to the citizens of Brookline, and the citizens of Brookline to have access to their neighbors who are also members of the General Court is important and should continue.

This article extends similar privileges and communications opportunities to other elected representatives of Brookline citizens, who retain their Brookline residency. We elect a number of Constitutional Offices for the Commonwealth, and we elect Representatives and Senators, and even higher office at the Federal level. This article would designate the holders of those offices

who still claim Brookline as their residence to be Town Meeting Members. This article would assure those who are successful in their efforts to expand their service beyond Brookline borders, and retain their Brookline residency, direct access to the Town Meeting process of their beloved town.

Under the current configuration of Brookline's representation to the General Court, the current bylaw permits designating up to four as Town Meeting Members, if all three of our Representatives, and our State Senator were to reside in Brookline. Currently, one Representative does reside in Brookline. This proposed warrant article would result in one of seven currently serving Constitutional Officers (Governor, Lieutenant Governor, Member of the Governor's Council, State Secretary, State Treasurer, State Auditor, and Attorney General), and one of three elected representatives to the Federal Government (Two Senators and Representative), to be added as Town Meeting Members. While this would be a dilution of individual votes at Town Meeting, the benefits of communications and access to these individuals, and the opportunities of these individuals to participate in their town government outweigh this dilution.

ARTICLE 10

Submitted by: Recreation Department

Background and Purpose: The Living Wage Bylaw, currently at $13.19 per hour, was adopted in 2001 for the purpose of increasing wages for certain lower paid positions and ensuring wage protection into the future. During the thirteen years since its implementation, the Living Wage Bylaw has served the important purpose of providing wage protection to part-time and temporary employees who are not covered by a collective bargaining agreement, including those who may depend on their wages as their primary source of income. The thirteen years of implementation have also revealed certain inefficiencies that should be addressed to ensure that the Town's program and service offerings are sustainable and do not become cost prohibitive for our citizens.

The Bylaw, as originally drafted, contained exemptions to the Living Wage provisions for certain entry level, part-time positions generally filled by high school students, such as junior library pages. This article proposes to further define the exemptions for a small number of entry level positions in the Recreation Department, primarily filled by high-school and college students who work part-time, sporadically throughout the year. Under the proposed By-Law amendments, the Town would still maintain the State Minimum Wage for this group which is currently $9.00 per hour, and is set to increase to $10.00 and $11.00 per hour on Jan. 1, 2016 and Jan. 1, 2017 respectively. It also seeks to clarify the language under the exemptions which requires a burdensome manual tracking system for seasonal employees who work less than six months in any twelve-month cycle.

In 2001, when the state's minimum wage was only $6.75 per hour, a Brookline minimum wage provision, Article 4.8.3, was also adopted with the Living Wage, allowing exempt positions to be paid at one dollar more than the State Minimum Wage. This Warrant Article also proposes to apply the State's minimum wage rate, now one of the nation's highest minimum wages, to the small number of positions that are exempt from the Living Wage without the addition of the extra dollar.

Living Wage: The Living Wage, currently $13.19 per hour, is generally increased each year on July 1, with the same cost of living increase paid to non-union employees. Currently, an estimated $370,000 (40%) of the Recreation Department's annual budget for part-time employees is paid at the Living Wage, covering an estimated 28,000 hours. The Recreation Department employs approximately 250 seasonal and temporary employees in a wide variety of programs serving the Brookline Community. These positions are primarily staffed by high school or college students with an average age of 19. Exempting these student employees in entry level positions who work in a seasonal and/or temporary capacity from the Living Wage rate will help to sustain Recreation programming and to ensure reasonable fees are charged for Recreation programs. It is estimated that these proposed changes will produce a significant cost savings of $40,000 per year for Recreation programs.

The Living Wage exemption for employees under Section 4.8.5 (a) is based solely on six months of service (per payroll records) and is not reflective of the employee's skill set, the position requirements or the duties performed. There is a sizeable group of student employees who work sporadically throughout the year for the Recreation Department who fall under this exemption. Once the individual student works more than six months in a year, the Living Wage is applied regardless of the position. As the Living Wage increases, there is a direct impact on the fees for self-funded Recreation programs. Expanding the exemption to this discrete group of Recreation employees is consistent with rationale for previously exempting these student workers who are obtaining important first job experience. A further concern in 2001, which applies today, is that these student employees' wages bump up against those of their co-workers who are more skilled and/or experienced, creating internal inequity among pay rates that are not skill or experience based, but based solely on 6 months of service.

Providing job opportunities to high school and college students through the Recreation Department is an ideal first job and is an important community priority, as is keeping the fees for Recreation programs affordable. However, providing the higher Living Wage to this group of unskilled, student employees has a direct effect on the Town's ability to deliver programming to the public at a reasonable, cost-effective rate. Increasing program and activity fees as the vehicle to accommodate the payment of Living Wage to all employees, even to youth who often live at home, decreases opportunities for the public to participate in programming due to higher program costs.

Section 4.8.5, Exemptions, subpart (a) (containing a trigger of six (6) months of Town employment), has become a tremendous administrative burden on the Recreation Department as it requires manual tracking of work schedules for hundreds of temporary, part-time employees on a rolling basis throughout the year. Clarifying the language of subpart (a) as proposed will allow the Department to track only those employees scheduled to work consecutively in a single position for 6 months or more on a fiscal-year basis.

Section 4.8.5, Exemptions, subpart (f), as proposed, would create an exemption for part-time junior positions, with examples enumerated. Employees in these types of position are involved in programs at the pool, skating rink, summer camps and other programs where they work as lifeguards, skating guards and junior camp counselors, and are generally high school or college age. This exemption as proposed would be consistent with the exemption for junior library pages, which are also part-time, entry-level positions. In 2002, the Selectmen recommended exempting the junior library page position from the Living Wage due to the potential for wage "compression", a term that refers to the phenomenon when the lowest paid positions in an

organization are increased without a corresponding increase in the higher paid positions and the range of pay becomes smaller. There is also a "ripple" effect where it becomes necessary to make a secondary increase in higher level positions to maintain internal equity.

Minimum Wage: Section 4.8.3 of Brookline's By-Laws, "Minimum Wage," currently requires that the compensation of a small number of Town positions exempt from the Living Wage be paid one dollar more than the State minimum wage (informally referred to as the Brookline minimum wage). This was adopted in 2001 when the State Minimum Wage had just been increased from $6.00 per hour to $6.75 per hour. Brookline, like all municipalities, is exempt from the requirement to pay the State Minimum Wage. Section 4.8.3 was enacted to ensure that no position fell *below* the State Minimum Wage and to provide a fair wage above the State Minimum Wage in effect at that time. However, since new legislation has increased the State Minimum Wage to $9.00, $10.00 and $11.00 per hour,[1] the Brookline minimum wage must increase to $10, $11 and $12.00 per hour. The Warrant Article does not seek to move away from a minimum wage, rather it seeks to tie itself to the state minimum wage for those small number of positions that are exempt from the Living Wage. To pay exempt employees one dollar above the state minimum wage is no longer sustainable and negatively impacts the ability of the Recreation Department to provide cost-effective, reasonably priced programming.

The Town's Recreation Department provides a wide range of sports, educational and childcare programs to the community. It also provides scholarships to certain families and individuals who cannot afford to pay the current program rates. In order for these programs to remain affordable and to provide scholarships, we must allow the Recreation Department to pay entry-level positions at a rate that is less than the Living Wage but still complies with State minimum wage pursuant to Section 4.8.3 as proposed.

ARTICLE 11

Submitted by: Preservation Commission

At a meeting on January 22, 2015, the Preservation Commission received a petition signed by a large group of neighbors, who live within the area of Crowninshield Road, Elba Street, Adams Street, Copley Street and a section of Pleasant Street, requesting that a new local historic district be established for their neighborhood. The Commission voted to instruct the Commission's staff to work with a neighbors and a consultant to prepare a preliminary study report as required by M.G.L. Chapter 40C

A preliminary study report was prepared by consultant David C. Jack which describes the historical, architectural, and cultural significance of the residential neighborhood that includes parts of Pleasant Street, Crowninshield Road Street, Elba Street, Copley Street and Adams Street. The proposed district includes 95 properties (61 houses and 34 outbuildings/garages). This area represents the development of Brookline from the mid – 19th century exurban estates to the systematic subdivision plat and houses of the early 20th century. The area is defined by the boundaries of the19th century Crowninshield estate (Harriet Sears Crowninshield) and encompasses a variety, but homogeneous group of houses designed by prominent architects in styles of the first decades of the 20th century.

[1] The State's Minimum Wage increased to $9.00 on January 1, 2015, it will increase to $10.00 on January 1, 2016, and to $11.00 on January 1, 2017.

Based on the conclusions in the report, the Brookline Preservation Commission voted at its February 10,, 2015, meeting to accept the preliminary study report for submission to the Massachusetts Historical Commission and the Brookline Planning Board as required by M. G. L. Chapter 40C and to submit a warrant article to spring 2015 Town Meeting. It was accepted by MHC on February 17, 2015.

Under Article 5.6, Preservation Commission and Historic Districts By-law of the Town By-laws, any proposed local historic district must be approved by a 2/3 vote of Town Meeting. There are currently seven local historic districts in Brookline: Cottage Farm, established in 1979; Pill Hill, established in 1983; Graffam-McKay established in 2004; Harvard Avenue established in 2005; and Chestnut Hill North established in 2005; Lawrence established in 2011; and Wild-Sargent established in 2012.

There will be a Public Hearing on the matter on or after April 14, 2015, as per M.G.L. Chapter 40C, after which time the final study report will be completed and reviewed for acceptance.

ARTICLE 12
Submitted by: Board of Selectmen

This article is submitted by the Board of Selectmen at the request of the Town Administrator, who convened a Sidewalk Snow Removal Task Force over the past year. The Task Force was in response to a Town Meeting Resolution passed in May of 2014 that encouraged the Town to pursue a more proactive and aggressive strategy to enforce the by-law requiring property owners to clear snow and ice from the public sidewalks abutting their property. This article amends the existing by-law, Article 7.7- Removal of Snow and Ice from Sidewalks, as well as companion by-laws, Article 10.2 and 10.3. The main focus of this article is to amend the schedule of fines for violation of the by-law requirements. The proposal would establish an increasing schedule of fines for subsequent violations of the by-law. The proposed amendments would also;

1.) Clarify that commencement of the enforcement period will be determined by the Commissioner of Public Works and that such determination will be posted on the Town's Internet home page.

2.) Permits the Commissioner of Public Works to defer the commencement of the default enforcement period based on weather conditions and other factors. Any such deferment must be posted on the Internet home page.

3.) Eliminates the requirement to issue a Warning to residential violators for a first offense pursuant to Section 7.7.3

4.) Imposes a fine for violations of Section 7.7.4.

5.) Authorizes discretion in the enforcement of the By-Law including the issuance of warnings.

6.) Establishes an administrative appeal mechanism

ARTICLE 13
Submitted by: Clint Richmond and Jane Gilman

Drinking water is nature's original beverage and serves a basic human need. Brookline is privileged to be a member of the Massachusetts Water Resources Authority (MWRA), a state governmental agency. The MWRA has some of the finest water in the United States. For example, MWRA water was voted the best tasting in a blind test at the 2014 annual conference of the American Waterworks Association. This clean, renewable source of water is provided at minimal cost to residences and businesses. This warrant article seeks to make that water available in all licensed Brookline restaurants.

This warrant article requires restaurants to make tap water available to patrons only. As is customary, restaurants may charge for this service in order to offset the cost of providing a container, and realize a profit if they want.

Tap water is already available at eating establishments so we do not expect this change to have a large impact on the restaurants in town. This bylaw will formalize the practice so that members of the public will not hesitate to ask for water if they so desire.

One benefit of this bylaw should be a small reduction in the use of bottled water. Bottled water consumes significant resources and generates significant unnecessary waste (which today is typically petrochemical plastic). Recycling rates on plastic water bottles are much lower than for valuable, natural materials such as aluminum or paper. However, this article makes no changes in the availability of bottled water in restaurants. More information on the topic of bottled water is presented in another warrant article from the same petitioners.

ARTICLE 14
Submitted by: Clint Richmond and Jane Gilman

Background:

Bottled water may be convenient, but the tremendous growth of the industry since the 1980's has caused many problems:

1. **The production of Single-use plastic containers made from fossil fuels is not sustainable**

Single-use containers are not the highest and best use of non-renewable fossil fuels. Our goal is to reduce unnecessary plastic packaging, and this article is similar to the recent ones for polystyrene and plastic shopping bags.

2. **The carbon footprint of bottled water is much larger than for tap water**

The carbon footprint is represented by the energy required for manufacture and transportation, which is between 11 and 31 times that of tap water. (The larger footprint figure is for more distant product sources, with Fiji Water as an extreme example). This article is consistent with the goal of the Brookline Climate Action Plan to reduce Brookline's carbon footprint.

3. **Solid waste problems**

The enormous number of bottles (30-50 billion per year in the U.S.) creates other problems. Nearly all of these bottles are single-use containers of 1 liter or less. Brookline's share of this volume is on the order of 500 thousand per month.

Even if only a small percentage of the volume becomes litter, this causes a large amount of visual blight and animal harm.

Bottles are light, but occupy disproportionate space in recycling trucks and landfills.

These problems are compounded since bottles do not biodegrade. Such plastics can persist for 1000 years. However, they are subject to fragmentation, and may enter our human food chain.

Bottles suffer from low recycling rates compared to valuable natural materials like paper or aluminum. Plastic bottles are hard to process, which contributes to their low value. Bottles are composed of three different plastic materials bound together:

- PETE (polyester) bottle
- Polypropylene (or polyethylene) cap and ring
- Polyethylene film label.

The Town actually loses money on plastic bottles. Contamination makes them unsuitable for food or medical applications. Contaminants include the synthetic non-degradable adhesive (also made from petrochemicals) used to attach the label; and additives and dyes. The polyester is downcycled into non-recyclable products such as fleece. The other rigid plastics from the bottle have even lower value. The label is printed extensively with ink reducing its already extremely low value.

4. The plastic container is bad for human health

Satisfying the demand for the raw materials of plastics is one of the causes of the growth of fracking. Concerns around fracking include the exposure to toxic fracking chemicals, water use and pollution, and the generation of huge volumes of toxic liquid waste.

The plastic that comprises most of the weight of a bottle, PETE, is a more dangerous chemical than for instance polyethylene, and creates greater potential occupational and environmental hazards (including accidental releases).

A further compromise to our health begins once the water is placed in the plastic container. The industry is not required to list additives to plastics, which can migrate from the container into the liquids and be ingested by consumers. These include:

- Phthalates - a class of plasticizer added to increase flexibility, which is also a hormonal disrupter.
- Benzophenone - an ultraviolet blocker to prevent photo-degradation especially of clear plastics such as water bottles.

In addition, there are:

- impurities and contaminants from the manufacturing process such as antimony (a polymerization catalyst), and
- degradation products such as acetaldehyde (the fruity off-taste you might recognize from the degradation of PETE by heat or the sun's ultraviolet rays).

Scientific studies have detected all of these chemicals in bottled water.

5. Bottled water is not inspected like public water

Tap water is regulated by the EPA. Large municipal systems (such as the MWRA) are tested nearly continuously. Bottled water is regulated by the Food & Drug Administration. The mandated frequency of testing of bottled water is less than for tap water and the results of bottled

water tests are not public. Bottled water has been subject to safety recalls for contamination such as algae, yeast, mold, sand, coliform bacteria, arsenic and benzene.

6. The industry is undermining consumer confidence in public water

Most bottled water is merely processed tap water. Yet the mass advertising campaigns boost bottled water to make it seem somehow superior to tap water. In some cases, it is promoted as a luxury good, especially for those brands that come from proprietary sources:

- "Earth's Finest Water"™ (Fiji Water)
- "Born Better" (Poland Spring)
- "Experience the Treasure of the Volcano" (Volvic)

The industry targets children, with products such as the "Aquapod" brand of mini-bottles from Nestlé in the shape of youth sports equipment like baseballs and soccer balls.

7. High cost relative to tap

The price of bottled water can be 1500 times that of tap water. This figure does not include the cost of electricity often used to chill and dispense the water. Town spending to provide bottled water is an unnecessary expense. Passage of this bylaw will also support Massachusetts bill H2817, which is similarly attempting again this session to stop spending state funds on bottled water.

8. Drinking water is a human right

With limited water supplies remaining for our growing population, bottled water competes with other uses. Furthermore, the production of bottled water wastes water (manufacturing requires three gallons of water for every gallon of product). When a company bottles water and sells it at a profit, it is privatizing water sources. Bottled water is profitable because it is mostly subsidized, low-cost public water. In general, a mass market for bottled water reduces investment in public supplies, because the affluent always have access to bottled water, and so they may not be inclined to adequately support public water. The leading bottled water companies in the United States such as Nestlé (the Swiss company that owns Poland Springs, Deer Park, etc.), Coca-Cola (Dasani) or Pepsi (Aquafina), also sell bottled water around the world creating a global problem.

9. Bottled water tastes worse than tap

Tap water wins in numerous blind taste tests, including those conducted by the independent *Consumer Reports*. Perhaps this is because of the plastic container and looser regulation of bottled water.

Summary

This bylaw is based on a successful ordinance in San Francisco that has been in effect for over one year. This bylaw does not affect seltzers or flavored waters. This bylaw does not affect drinking water in better container materials such as glass or biodegradable plastic. The bylaw does not restrict bulk containers of water (outside of Town funds), because one way to reduce waste is to reduce the ratio of packaging to product. The bylaw does not apply to emergency situations that involve public or employee health and safety.

The bylaw does three things:

1. Limits unnecessary use of Town funds to purchase bottled water for general office use,
2. Limits bottled water at large public events in Town,
3. Limits the sale of bottled water on Town properties.

In general, the limits do not apply if public water is not available.

We urge Town Meeting to take this limited step in controlling runaway bottled water risks and problems. We can take easy, positive steps now that will benefit the Town and its residents by combining this initiative with efforts to educate the Town about the numerous benefits of our excellent MWRA tap water; and to support access to tap water in our public spaces and restaurants and at public events.

ARTICLE 15
Submitted by: Department of Planning and Community Development

The Department of Planning and Community Development would like to extend the existing Renewable Energy Overlay (SOL) District to include the municipally-owned parcel at 813-817 Newton Street, which serves as both Brookline's Transfer Station, managed by the Department of Public Works, and the Lost Pond Conservation Area.
The SOL overlay, first adopted by Town Meeting in 2010, allows for the construction of ground-mounted solar facilities that meet the requirements of the overlay district, subject to site plan review by the Planning Board. One of the principal reasons for originally adopting the SOL Overlay is that it satisfies a required condition to become a "Green Community," a status offered by the Massachusetts Department of Energy Resources that also enables the town to apply for grant funding. The SOL overlay currently exists only over the municipally-owned Singletree Hill Reservoir at 990 Boylston Street, parcel ID #437-04-01.

The Department of Planning and Community Development, Building Department, Selectmen's Office and the Department of Public Works have been working with a solar developer to find appropriate municipal sites on which to install solar photovoltaic (PV) facilities. Specifically, Brookline has been working with Blue Wave Capital, who is the lead of a solar development team selected through a regional RFQ process managed by the Metropolitan Area Planning Council (MAPC). Town staff is working with Blue Wave to find as many appropriate municipally-owned locations as possible to install solar; the solar facilities installed by Blue Wave will not be owned or managed by the town, but the town will agree to purchase the electricity generated by the panels at a specific rate, through what is often referred to as a Power Purchase Agreement or PPA. The addition of this site increases the potential that the overall PPA rate being negotiated with the developer will be lower due to a larger overall portfolio.

During the process of evaluating municipal sites for solar feasibility, the Transfer Station property at 813-817 Newton Street became evident as having the space and orientation for a large-scale ground-mounted solar installation over already-paved portions of the DPW-managed site. There is the strong possibility that a carport-like solar facility could be constructed that would allow for enough clearance for DPW vehicles. A solar PV facility on this site would need to ensure the DPW could continue to use the site as needed, but it could also provide shelter for their equipment and materials and provide for a renewable source of electricity for the town. A solar installation on this property would likely generate the most energy of all the sites the town is currently considering.

Although this parcel is close to Lost Pond, and encompasses some of the Lost Pond Conservation area, the town is only interested in installing a solar facility on that portion of the transfer station site that is already used for DPW industrial purposes, such as the storage of equipment and

materials. Town staff will not consider any solar installation on the site that infringes on the Lost Pond open space.

A companion warrant article has been submitted in conjunction with this one to enable the Board of Selectmen to enter into an agreement to lease a portion of the Transfer Station property for a ground-mounted solar installation. A similar warrant article for Singletree Hill Reservoir was adopted by Town Meeting in the fall of 2013. Additionally, the SOL Overlay requires that any ground-mounted solar facility be reviewed by the Planning Board prior to issuance of a building permit. Extension of the SOL Overlay District to include the Transfer Station property is one step of many still needed to move Brookline towards the development of renewable energy facilities on municipal property.

ARTICLE 16
Submitted by: Board of Selectmen

The Town of Brookline has been exploring opportunities to install solar photovoltaic (PV) systems on municipal buildings and properties in an effort to support the generation of renewable energy and to reduce spending on energy costs. M.G.L. Ch. 25A §11i allows public agencies seeking to generate local renewable energy to issue a Request for Qualifications (RFQ) for solar developers that are qualified in Massachusetts to provide comprehensive solar energy management services (EMS). A solar EMS contract is a long-term (up to 20 years) service agreement that includes PV system design, financing, and installation; operations, maintenance and PV system removal; long-term lease of public space; electricity generated by a PV system; and a system performance guarantee. A community entering into a solar EMS contract will be responsible for hosting the PV system on a municipally-owned site, and purchasing all the electricity generated by the PV system per a price schedule agreed upon in the solar EMS contract. The developer owns the PV system and generates revenue by selling electricity to the community and monetizing the tax incentives and Solar Renewable Energy Credits (SRECs) associated with solar electricity generation. The community benefits from a long-term guarantee for solar energy production without the risks of ownership. In November, 2010 Town Meeting created a new overlay zoning district to allow large-scale ground-based solar panels on the Town-owned Singletree Hill Reservoir, located off of Boylston Street behind the Chestnut Hill Benevolent Association. A warrant article accompanying this seeks permission from Town Meeting to extend this overlay district to the Transfer Station Site. The current plan is to install PV Panels over the existing DPW parking area. In addition to generating electricity, the PV Panels would provide a cover under which DPW vehicles could be stored. The installation of these panels will be designed to have minimal impact on the DPW's use of the site. Approval of this warrant article would give the Selectmen the authority to lease the site to a solar electricity developer on terms and conditions determined by the Selectmen to be in the best interest of the Town.

ARTICLE 17
Submitted by: Nancy Heller and John F. Sherman

This Article is a resolution, asking that Town Meeting request our legislators to work with legislators from other cities and town to propose changes to Mass. G.L. c 40 B (40B)

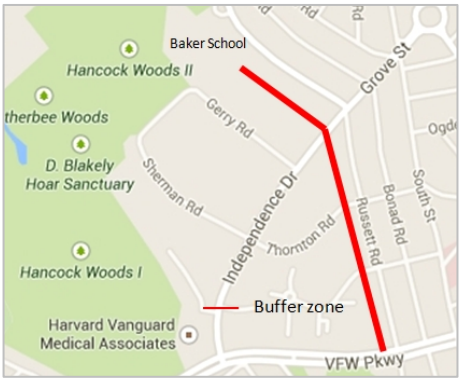
While 40B has laudable goals to increase affordable housing across the Commonwealth, Brookline faces huge increases in school enrollment, but lacks the infrastructure to accommodate

such increased enrollment. The problem is very complex because our schools are limited by size, expansion beyond current capacity is very difficult, and Brookline does not have available, free space to build additional school facilities.

One solution for Brookline could be to limit 40B projects to senior affordable housing, which would allow the expansion of affordable housing, but would not impose undue burdens on an already overburdened school system. Other communities may have different ideas about solutions to solve strained infrastructure and municipal service issues.

Petitioners have worded the resolution in a broad manner. The purpose is to give our legislators as much latitude as they need to work with other legislators to amend 40B, not only to address the infrastructure problems that face the Brookline Public Schools, but also to propose amendments to 40B that will bring relief to other communities whose infrastructure and municipal services may be overburdened by 40B, and that will address the serious issues of open space, climate change and historic preservation.

ARTICLE 18
Submitted by: Regina Frawley



Google map showing approximate locations of the two Buffer Zones.

In 1968, I purchased my Russett Road home from family members, who built my home and who were active in the negotiations with the John Hancock Insurance Company, the original builders/owners of Hancock Village. In the wide-spread patriotism of the times, the neighborhood agreed to the multi-unit development on the previous golf course, for returning veterans and their families. As we were looking at homes in other suburban towns, my family used this argument to persuade us to reconsider, and move to South Brookline.

In consideration of neighborhood cooperation of this change-in-use, in turn, John Hancock reasonably agreed to leave a wide swath of green buffers on both Russett Road and Beverly Road to indicate the separation in use between multi-unit Garden Apartment
-use, and the already-existing neighborhood single-family housing along Russett and Beverly Roads, most of which were built 10 years earlier.

At some point, the State required all privately-owned apace to have some zoning designation, exempting only publicly-owned space from this requirement. Thus, the two buffers were ascribed S-7 zoning. However, it was assumed this was a "paper" designation, only, and would not affect any prior understandings that the space would remain green.

Until recent years, it was always assumed that the "perpetual green buffer zone" (the language used by family and realtors traditionally when showing homes here) would remain intact. It was only recently discovered that this common understanding and assumption, supported in some documents at the time, was never formally recorded in the deed, perhaps due to a scrivener's error, or the mere fact it was assumed such a provision was understood widely, and thus it was

unnecessary to record in the deed . We are now painfully aware this was an unfortunate oversight.

During the 5-year Comprehensive Plan study (2000-2005), additional development at Hancock Village was mentioned, and I quote, "for the garage". Hancock Village has 2 garages, one in heavy use on Independence Drive, and another, rarely used to the rear on the Beverly Road side. Acknowledged to be rarely used, this was a reasonable assumption that it might be developed into additional housing. There were no objections raised to additional housing at Hancock Village on the Brookline side.

However, we now know it is the two buffers that are proposed for development, not the garage (at this time) and the 1949 understanding between the owner and the Town is no longer an "understanding," that the 2 buffers will be permanent green space. They called it a "buffer zone" for a reason: Now, the owners prefer to refer to it as "green belts". But "Buffer" is the original designation, and that fact should be understood and respected.

The petitioner, in good faith, is concerned *exclusively* with the reality that if *any* housing is built on these buffers, it will remove all possibility for recreational space for the public, that was not only assumed, but will never again become available within the precinct, or in any walkable distance.

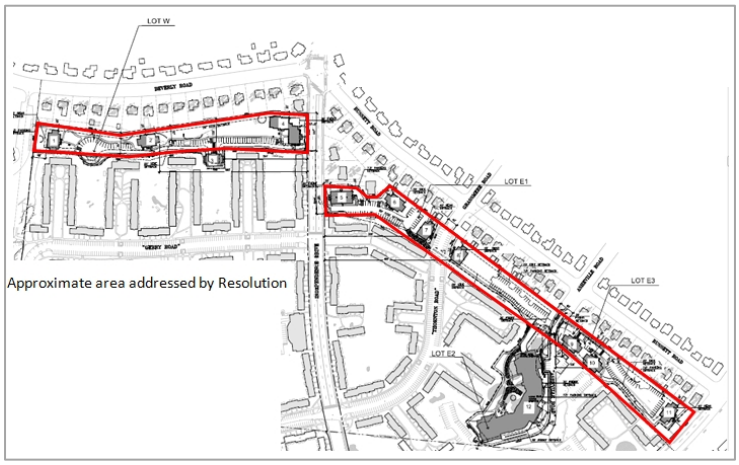
Thus this request represents an actual "chance of a lifetime," one which geographically, realistically will never come this way again. Never.

Some have asked about Bournewood Hospital which has large open space. Unfortunately, the petitioner has been assured by Town officials that the hospital wishes to keep its patients separate from any close contact with the neighbors, and the neighbors concur. Indeed, since the hospital is profit-making, further growth is likely (they have doubled in recent years). Thus, Bournewood appears to be a closed door for active recreational space for the public to enjoy.

The petitioner has looked at every lovely green space within Precinct 16, ***in a good faith effort*** to find alternatives to the buffer zones for publicly-accessible active recreational use. Each parcel had either conservation, school, and/or safety limitations.

Thus, quite literally, the two buffers are "it", if we are ever to enjoy with our families the kind of recreational space so widely enjoyed across town, even in the most densely populated sections.

As one who has supported every precinct neighborhood across town in whatever it deemed best for its quality of life, and had been recognized as having been instrumental in preserving open space at Saint Aidan's development, the Petitioner and the undersigned ask Town Meeting Members to support Precinct 16 in attempting to provide its residents a once-in-a-lifetime chance to use walkable, publicly-accessible active recreational space within safe distance for the majority of its residents.



Approximate area addressed by resolution

Lot “W” in winter

ARTICLE 19
Submitted by: Lee Biernbaum

Hopefully the “WHEREAS:” clauses are either self-explanatory as reasons, and where necessary can be documented for any requested background data.

ARTICLE 20
Any reports from Town Officers and Committees are included under this article in the Combined Reports. Town Meeting action is not required on any of the reports.