



**WARRANT ARTICLE EXPLANATIONS
FILED BY PETITIONERS FOR THE
MAY 24, 2016 ANNUAL TOWN MEETING**

ARTICLE 1

Submitted by: Board of Selectmen

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

ARTICLE 2

Submitted by: Human Resources

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

ARTICLE 3

Submitted by: Treasurer/Collector

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

ARTICLE 4

Submitted by: Board of Selectmen

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

ARTICLE 5

Submitted by: Board of Selectmen

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

ARTICLE 6

Submitted by: Board of Assessors

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

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

ARTICLE 7

Submitted by: Board of Selectmen

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

ARTICLE 8

Submitted by: Advisory Committee

This is the annual appropriations article for FY2017. Included in this omnibus budget article are operating budgets, special appropriations, enterprise funds, revolving funds, and conditions of appropriation. This is the culmination of work that officially began with the publication of the Town Administrator's Financial Plan on February 16th. The proposed budget has since been reviewed by numerous sub-committees of the Advisory Committee, the full Advisory Committee, and the Board of Selectmen. The vote ultimately recommended to Town Meeting is offered by the Advisory Committee.

ARTICLE 9

Submitted by: Town Administrator

This Warrant Article proposes to amend the Town By-Laws in order to expand the title and responsibilities of the Economic Development Division within the Planning and Community Development Department to incorporate Long Range Planning. Specifically, it is proposed that references to Economic Development within sections 4 and 9 of Article 3.12 of the Town By-Laws be amended by adding the phrase "Long Range Planning".

Article 3.12 of the Town By-Laws established a Planning and Community Development Department and created three distinct divisions; Planning, Housing, and Economic Development. Over the last several years, a number of factors have emerged that confirms the Town's long range planning efforts are either inadequate or diffused. This was initially brought to the Town's attention in 2012 through an organizational study of the Planning Department by the Collins Center of the University of Massachusetts. This concept was further validated as part of last year's Tax Override process, when the Override Study Committee acknowledged the Town's overreliance on the residential property tax base to support municipal and school expenses. The Committee advocated for more long range planning activities and resources, and a Strategic Asset Plan was funded within the Capital Budget at \$75,000. For the FY 2017 Capital Budget, a study of Brookline's major privately owned land parcels is proposed for funding at \$100,000. Finally, the lack of long range planning capacity and resources became very apparent during

efforts at siting a new (9th) elementary school. Ultimately, the Town Administrator determined that the Economic Development Director and Division was best suited to manage the 9th School planning process given the inexorable link between the siting of municipal facilities and opportunities for economic development in a densely populated town as well as the Economic Development Director's understanding of real estate development in general and specific to Brookline.

With the dedication of the Economic Development Director to the school planning process and other Planning staff consumed with responding to Chapter 40B housing projects, a new professional planning position is proposed to be funded with the Economic Development division to support these long range planning activities and to identify and address additional opportunities to proactively address issues confronting the Town. This Article seeks to align this budget decision with the Planning Department's By-Law by expanding the title of the Economic Development Division to Economic Development and Long Range Planning.

ARTICLE 10

Submitted by: John Ross, MD and Megan Sandel, MD

Cigarettes are the number one cause of preventable death in the United States, killing 440,000 people every year. The average smoker lives ten years less than the average nonsmoker. It is estimated that the life-span of the average American would increase by 2.8 years if all tobacco use stopped. Smoking increases the risk of stroke, heart attack, COPD, asthma, diabetes. Smoking causes most lung cancers, and raises the risk of cancer of the bladder, cervix, colon, esophagus, kidney, larynx, oropharynx, pancreas, and stomach. Smoking also causes osteoporosis, tooth loss, cataracts, macular degeneration, and rheumatoid arthritis.

Smokers hurt not only themselves, but those around them, through second-hand smoke, and maybe even third-hand smoke (toxins from cigarette smoke that linger on the bodies and clothes of smokers).

Cigarettes are terrible for the environment. Cigarette smoke releases carbon dioxide and a smorgasbord of toxins and carcinogens, including formaldehyde, carbon monoxide, nitrogen oxides, hydrogen cyanides, and ammonia. 135 million pounds of cigarette butts are dumped into the U.S. environment yearly, leaching lead, arsenic, and nicotine into local water systems. Curing tobacco uses up enormous amounts of fossil fuels and wood charcoal, contributing to both climate change and deforestation. It is estimated that one tree is lost for every 300 cigarettes produced in the United States, and that globally 11 million tons of wood are burnt to cure tobacco every year.

Tobacco bans have already been upheld by the Supreme Court. Fourteen states passed laws banning cigarettes sales between 1895 and 1921. In 1900, the US Supreme Court upheld the right of states to prevent the sale of tobacco, declaring in *Austin v Tennessee* that it was "within the police power of the state" to "declare how far cigarettes may be sold, or to prohibit their sale entirely ... provided ... there be no reason to doubt that the act in question is designed for the protection of the public health."

Tobacco is an ongoing economic disaster that you pay for out of your tax dollars and health-insurance costs. Health care costs for tobacco-related cancers, lung disease, strokes, and heart

attacks, as well as fetal and child harms from exposure to cigarette smoke in the United States are \$170 billion every year. The economic costs of smoking also include disability costs and sick time, estimated at \$151 billion annually.

Tobacco is a deadly and highly addictive drug. Unlike alcohol, which may have health benefits at modest levels of use, even low levels of smoking are bad for you. Nicotine is comparable to heroin in its addictiveness. The average smoker needs ten tries to quit smoking. According to a 2012 Gallup poll, 88% of smokers wished they had never started smoking, and 78% of smokers wanted to quit.

Tobacco products are marketed primarily at minorities, the poor, and the young, vulnerable populations that are unlikely to be fully aware of their health risks and addiction potential. Nine per cent of Brookline High School students reported recent cigarette smoking, according to a 2014 Healthy Brookline report. Kids are at higher risk of starting to smoke when tobacco retailers are located close to schools. A tobacco ban would reduce the risk of Brookline kids smoking.

Tobacco is an unsafe consumer product that should be taken off the market. We don't allow the sales of cars with exploding gas tanks or malfunctioning brakes, or cribs that collapse. However, we allow the sales of cigarettes, which kill 440,000 people every year in the U.S. Pharmacies in America once sold strychnine, cocaine, and Mrs. Winslow's Soothing Syrup, a morphine-laced sleep aid for babies. Eventually, these were all recognized as prohibitively dangerous, and taken off the market, as tobacco should be. Tobacco could not possibly be approved for sale in the United States today, if it was a new product coming on the market.

ARTICLE 11

Submitted by: Richard Murphy

Mature trees have aesthetic appeal, contribute to the distinct character of the community, improve air quality, provide glare and heat protection, reduce noise, aid in the stabilization of soil, provide natural flood- and climate-control, create habitats for wildlife, enhance property values and provide natural privacy to neighbors. This by-law is proposed for the purpose of preserving and protecting both Public Shade Trees pursuant to General Law Chapter 87 and certain designated trees on private property. It is desirable to plant more trees than are removed to compensate for tree losses and the length of time to maturity.

ARTICLE 12

Submitted by: Robert Murphy

The purpose of Town of Brookline Zoning By-law, in part, is to prevent overcrowding of land, provide for adequate light and air, and provide for adequate open space, including landscaped and useable open space, public shade trees and other landscape and natural features.

The purpose of yard setbacks is "to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, and to serve as filtration areas for storm water run-off."

This Article proposes to increase the minimum side yard setback in all S and SC districts as described, in efforts to meet the foregoing purposes and reduce the impact of oversized residential structures.

ARTICLE 13

Submitted by: Ernest Frey

This Warrant Article will improve the ability of neighbors, Town Meeting Members, Neighborhood Associations and others to be aware of proposed property improvements that may impact their public health, safety, convenience and welfare of Brookline citizens.

While this Warrant Article grew out of a recent neighborhood meeting request arranged for a particular property improvement proposal, the recommendations are general, and are intended to apply to any improvement defined as a Major Impact Project by either the Building Commissioner or the Planning Director, according to Section 5.09 3. b. of the current Zoning By-law.

The specific neighborhood meeting requirement came about when a 29 unit residential apartment building was proposed for an existing parking lot at 54 Auburn Street. As this proposal was for a residence building of 16 units or more, it qualified for treatment as a Major Impact Project. Accordingly, the applicant was required to schedule and hold at least one neighborhood meeting with a good faith effort to notify abutters, Town Meeting Members and others, of that meeting.

The applicant did provide proper notification to all abutters, as defined by the Zoning By-law. However, that notification was received by abutters through normal postal mail delivery on the Friday or Saturday prior to the meeting planned for the following Monday. This is insufficient time for abutters to place this meeting on their schedules, or to gather any materials or other information to prepare for the meeting.

The Zoning By-law requires such notification to be sent to Town Meeting Members and Neighborhood Associations that may have an interest in the improvements. The listing of abutters produced by the Town's so called Abutters App accessible through the Brookline Maps icon on the Town website identified some Town Meeting Members who were also abutters, but not all Town Meeting Members for the Precinct in which the improvement was proposed. The Neighborhood Association which included the intended property improvement was never officially notified of the meeting.

The abutters listing for this proposed property improvement included properties in an adjacent precinct. This Warrant Article would require notification of the Town Meeting Members for properties of all abutters. The abutters list for this proposed improvement for a Precinct 7 property included Precinct 10 properties. If this Warrant Article were in effect for this particular improvement proposal, all Precinct 10 Town Meeting Members, as well as all Precinct 7 Town Meeting Members would need to be notified.

The Abutters App was recently updated by IT so that Precinct ID of abutters is clearly identified. IT staff has also been contacted regarding an easy way of is looking into the possibility of showing also Neighborhood Associations and Local Historic Districts in the Abutters App.

Timely reporting to all abutters and affected organizations is very important to providing sufficient time to prepare for the neighborhood meeting. While the petitioner would have preferred four or two weeks for the noticing, the Department of Planning and Community Development and the Building Department suggested language requiring the notices to be mailed or delivered at least seven days prior to the scheduled meeting. The petitioner assented to that suggestion as sufficient for the purpose of this Warrant Article.

The applicants for a Major Impact Project should be little affected by these changes proposed to the Zoning By-law. They must insure that the notices are mailed at least seven days prior to the meeting, using the mailing labels provided as part of the Abutters App used by the Planning Department.

Passing this Warrant Article will go a long way to insuring that more Brookline citizens are aware of proposed property improvements so that they may decide for themselves on whether or not to lend support to those proposals. This Article is not anti-development; it lifts the curtain on development projects so that developers and citizens may engage in a cooperative effort to mutually agree on those property improvements which are most beneficial to the property owners and to the neighbors of the property being improved.

ARTICLE 14

Submitted by: Patricia Connors and Cornelia H.J. van der Ziel

At last Town Meeting in November, 2015, the principal petitioners moved Town Meeting to adopt the state Earned Sick Time Law for the town of Brookline. As you may recall, voters approved ballot initiative Question 4 entitled, “Earned Sick Time for Employees,” on November 4th, 2014, allowing employees to earn and use sick time. Recognizing the importance of providing earned sick time to employees in order to safeguard the public health, keep the cost of health care down, and allow workers to take care of themselves and their families, Brookline voters approved Question 4 by a large majority. The law allows employees to use earned sick time to look after their own medical needs or the needs of family members, or to address issues related to domestic violence. It requires an employer of eleven or more employees to provide a minimum of one hour of earned paid sick time for every thirty hours worked by an employee up to 40 hours of earned paid sick time in a calendar year. Workers employed by cities and towns are not included under this law unless the municipal legislative body votes to accept the law as required by Article CXV of the Amendments to the Constitution of the Commonwealth. To learn more about this law, go to:

<http://www.mass.gov/ago/docs/government/earned-sick-time-law.pdf>

At the November, 2015 Town Meeting, the Human Resources Director stated that the Board of Selectmen had voted to adopt amendments to the town’s Classification and Pay Plan (CPP) in September, 2015 such that less than half-time and temporary/seasonal employees would earn sick leave. Also, a member of the School Committee presented that the Public Schools of Brookline would amend its employee benefits policy such that certain employees ineligible for sick time; e.g., long term substitute teachers, would earn sick time benefits. Based in part on these representations, Town Meeting declined to adopt the state law last November.

In late February, 2016, the principal petitioners received an anonymous letter, dated February 28, 2016 which provided the following:

“I am a part-time employee of the town of Brookline. I followed the warrant article and state law debate very carefully last spring and was disappointed to see the warrant fail.

I do not know if you are aware that the town has not implemented their version of the sick-leave policy for part-time employees at all. It was supposed to go into effect on October 1 of 2015. I and my other part-time colleagues have received no accrual of sick-time nor have we been paid for valid sick leave that we have requested.

I do not know what the problem is, but there has been absolutely no communication from the Town to us about this matter.

I believe some outside pressure needs to be applied.

Unfortunately, I am forced to write this letter anonymously out of concern for a backlash.

Thank you very much for caring about this very important issue.

Signed,
A concerned part-time town employee”

Additionally, the Public Schools of Brookline recently responded to petitioner Connors’ public records request and indicated that numerous School employees, including long term substitute teachers, remain ineligible for earned sick time.

Given the above information, we believe that the best way to insure that our town is complying with the intent and spirit of the state Earned Sick Time Law is for Town Meeting to adopt it, thereby insuring that the Commonwealth of Massachusetts will enforce it.

ARTICLE 15

Submitted by: Department of Public Works

The Carlton Street Footbridge Rehabilitation project is scheduled in Federal Fiscal Year 2016, by the Boston Metropolitan Planning Organization (MPO), to receive largely Federal Transportation funding, with a smaller State Transportation match, dedicated to reconstruction costs. In order to secure these construction dollars, the Town of Brookline is obligated to follow the Design Development Process managed by the Massachusetts Department of Transportation (MassDOT), Highway Division, currently at the 75% submittal level. The Town must comply with the property dedication requirements of both MassDOT and the United States Department of Transportation. The permanent easements and temporary construction easements described in this Warrant Article and in the following Warrant Article have been recommended by MassDOT. The granting and acquisition of these easements requires the authorization of Town Meeting.

MassDOT, per Federal guidelines, is requiring the Town to place permanent easements on Brookline land that will accommodate the footbridge footings, stairs, accessible ramps and pathways to the footbridge. The reason for the easement on the pathways is to assure pedestrian access to the footbridge. These permanent easements are effectively a dedication of Town property for the purpose of accommodating and providing access to the footbridge. In addition, for Town land needed to perform the construction activities, MassDOT has recommended the

use of temporary construction easements. While the Town typically allows access to its land using an access license and the Town may ultimately be able to grant a contractor this license rather than a temporary construction easement, because MassDOT has suggested using a temporary construction easement, authorization for these easements is being sought. A temporary construction easement would be granted for three years, after which it would automatically extinguish.

A Town Meeting vote to secure these easements will successfully clear the footbridge project of any outstanding right-of-way encumbrances as identified by MassDOT, and in turn accelerate the project's ability to move efficiently through the remaining steps in the MassDOT Design Development Process while sustaining the project's strong position for outside funding on the State's Transportation Improvement Program (TIP).

ARTICLE 16

Submitted by: Department of Public Works

Please see the explanation provided for the preceding Warrant Article.

The Town will need access to MBTA property and Boston property to conduct the necessary construction activities to rehabilitate the footbridge. This includes space within the MBTA "D" Line right-of-way around the footbridge, and permission from the City of Boston to travel across Boston parkland to bring machinery and materials to and from the job site. Typically, the Town has received access to MBTA and Boston property via an access license. However, in the event temporary construction easements are required by MassDOT, the MBTA or the City of Boston, the Town seeks to have the approval of Town Meeting in place so that it may acquire these easements and not risk losing funding in this fiscal year for the project.

Furthermore, this Warrant Article seeks authorization to raise and appropriate funds in the event any of the project easements must be purchased from the MBTA or the City of Boston. The Department of Public Works with the assistance of other Town departments and MassDOT ROW, will use all means necessary to acquire these easements as gifts. But if any must be purchased, Town Meeting authorization is necessary. Funds for the purchase would be drawn from project bond funding that was previously authorized at the 2009 Special Town Meeting. While this previous Town Meeting vote authorized spending for "any and all costs incidental and related ... [to the restoration and reconstruction of the Carleton Street Footbridge]," because the vote did not explicitly authorize funding for easement acquisition, the Department of Public Works now seeks Town Meeting approval for this.

ARTICLE 17

Submitted by: Harry Friedman

Toter Carts are perfectly designed for homes that have outside or garage space in which to store them, which is adjacent to a driveway down which the cart can be easily rolled to the street or curbside. If Brookline were composed of only single-family homes, each with a wide driveway and a garage able to contain at least two cars plus additional storage space, the use of Toter Carts would not be an issue.

However, this is not an accurate description of Brookline. We are not a one-size-fits-all community. My Aspinwall Hill neighborhood has many streets like mine. My street is composed of attached row houses. We have no driveways. We have no accessible backyards. We are three to four-multiunit buildings with limited basement storage. This storage is reached either by interior steps going down into the basement or by exterior steps going from the sidewalk to the basement entrance.

As a result, many residents now store their recycling carts in front of their homes. This is unsightly. Upon entering the street, one is greeted by a sea of blue carts.

Those who currently are able to store the blue carts in their basements have run out of room and are unable to store additional garbage Toter Carts. In addition, the steps one must navigate to get into and out of the basements are a physical impediment for those aging or physically challenged residents, especially given the bulky, weighty, design of the Toter Carts, which makes maneuverability an issue.

Given that we are not a homogeneous housing community, we ask and anticipate that the DPW will devise a system that provides exceptions to the use of Toter Carts. We suggest that DPW do some kind of survey or analysis that will determine which residences can come under this exception.

We also ask that the exception system be fair, from a financial point of view, to the residents covered by it. For example, if we were allowed to continue to use bags, but the Town, due to the introduction of Pay As You Throw ("PAYT"), limited the amount of bags one could put out to the approximate number of bags that could fit in the Toter Cart, we would not expect to be charged an additional fee for being able to use the bags.

ARTICLE 18

Submitted by: Patricia Connors

Please see the WHEREAS clauses for an explanation of this warrant article.

ARTICLE 19

Submitted by: Hidden Brookline Committee of the Town of Brookline Department of Diversity, Inclusion and Community Relations

"From the red hills of Gordon County Georgia... Roland Hayes rose up to be one of the world's great singers and carried his melodious voice into the palaces and mansions of kings and queens."

--- Reverend Dr. Martin Luther King, Jr., from his speech "What Is Your Life's Blueprint?" delivered to students at Barratt Junior High School, South Philadelphia, on October 26, 1967.

Roland Hayes was a giant in the history of American music yet here in the town where he lived for most of his life and was once revered, there are no permanent memorials to honor him. The aim of this resolution is to announce the installation of a commemorative plaque at Roland

Hayes' former home and to honor the life and legacy of one of Brookline's most important residents.

1. *The Life of Roland Hayes*
2. *Brookline's Place in Hayes' Life*
3. *A Plaque to be Placed in Front of His Home*

1. The Life of Roland Hayes

In 1887 Roland Hayes was born in rural Georgia to parents who were tenant farmers on the plantation where his mother was once enslaved. He first learned singing from his father and then from his church. One day a visiting pianist introduced him to a phonograph recording of the great Enrico Caruso. Roland said, "that opened the heavens for me. The beauty of what could be done with the voice just overwhelmed me." At the age of 18, despite the disapproval of his mother, who was convinced he couldn't make a living out of singing, he was invited to enroll at Fisk University and join their renowned Jubilee Singers.

In 1911, when the Jubilee Singers performed in Boston, Hayes saw opportunity in the "Athens of America" and stayed to develop a classical career. By 1917 he had mastered the European composers but had also developed his own artistic identity by embracing his racial heritage through Spirituals. He was now ready to be a professional classical singer, but Boston wasn't. Confident of his talent and refusing to be denied, Hayes gambled all he had and spent \$400 to rent Symphony Hall, post advertisements and print and sell tickets himself. On the night of November 17, 1917, every seat was taken and reportedly 200 more were turned away at the door. His success proved he had arrived but when he later went to William Brennan, the manager of the BSO, for help in promoting and managing further concerts, he was told, "It will never happen here." Like other African American artists of his time, Hayes decided to escape American racism and seek renown in Europe.

In the cities of Europe his fame grew, culminating in a "command performance" before King George and Queen Mary. And in 1923, with his reputation firmly established, Hayes returned to the U.S. and became the first African American to be featured with the Boston Symphony Orchestra. He hired none other than William Brennan, who had earlier discouraged him, as his manager. Over the next few years he traveled throughout the United States and returned to Europe frequently, including an extensive tour of Russia.

His success, however, did not preclude facing bigotry and he was truly tested in 1924 in Berlin. Hayes described that evening:

"When I entered the concert chamber at the Beethovensaal, I found myself standing in a flood of light; in front of me, a black-out audience sat unquietly. From the rear there rolled out a great volley of hisses, which seemed to fill the hall entirely. I was terribly apprehensive, but I took my place in the curve of the piano, closed my eyes, lifted my head into singing position, and stood still as a statue. I waited moment after moment, perhaps for five or ten minutes altogether, listening to the ebb and flow of antagonistic sound. I tried to match the determination of my adversaries with quiet invincibility, and after a time I seemed actually to impress them. No one came to my defense on this occasion, so far as I could hear, but presently the attack upon me petered out.

When the silence came, as it absolutely did at length, the hall was more still than any I had ever sung in. It was so quiet that the hush began to hurt. I conveyed my readiness to my accompanist with the slightest movement of my lips, without turning my head or my body, and began to sing Schubert's *Du bist die Ruh*, which otherwise would have occurred later in the program. The entry to that song is almost as silent as silence itself. The German text, stealing out of my mouth in sustained pianissimo, seemed to win my hostile audience over."

In the United States he broke the color barrier in many American cities, north as well as south, cutting a pathway for other African American classical singers, including Marion Anderson and Paul Robeson. And in 1924 the NAACP awarded him their highest honor, the Springarn Medal. Over the next decades his concert schedule lessened but he continued to influence the next generation of African American concert singers by corresponding, giving advice, teaching and coaching. A multiculturalist on and off the stage, Roland Hayes counted among his friends George Washington Carver, Eleanor Roosevelt, Pearl Buck, Dwight Eisenhower and Langston Hughes.

Roland Hayes was one of the world's greatest tenors but he made another signal contribution to music: bringing African American Spirituals into the classical repertoire. He included one or more Spirituals in all his concerts, believing they belonged to the world. Even today, the beauty of songs like *Steal Away* and *Swing Low, Sweet Chariot* are often sung according to Hayes' own arrangements.

"Not only an artist, but an institution and a name, the magic of which has spread his fame across nations and continents." –Boston Globe

Roland Hayes' life's work in music and against prejudice continues to enrich our lives.

2. Brookline's Place in Hayes' Life

Roland Hayes lived at 58 Allerton Street in Brookline for almost fifty years. But in 1925 patterns of racial exclusion could make it difficult for even one of the highest paid singers in the world to purchase a home. Fortunately, Hayes had been the guest of Russell family who were very pleased to sell him their home. Hayes' biographer, Robert Hayden, stated, "He adopted Brookline and Brookline adopted him." It was his primary residence for the rest of his life. Proud of their heritage, he and his wife Alzada took the unusual step at the time of giving his daughter the name Afrika. She grew up as one of a handful of African American students in Brookline.

Pill Hill residents who attended Lincoln School in the 1960's fondly remember that in June children would walk with their teachers from the school to Roland Hayes' house where he would come out onto his porch to hear the children sing "Happy Birthday" to him. In 1962, Roland Hayes returned to Carnegie Hall for a concert to mark his 75th birthday. Letters poured in from around the world—from Langston Hughes, Jackie Robinson, teachers and friends. The High Street Hill Association, his neighbors on Pill Hill, sent a large bouquet of flowers and a note of congratulations.

For Hayes' 80th birthday, Brookline declared June 3, 1967 "Roland Hayes Day." Over one hundred people gathered in the Brookline Town Hall to honor their illustrious, world-renowned citizen and artist. Town officials, his neighbors, members of the Boston Symphony Orchestra and his Boston and Brookline friends gathered to pay tribute. Brookline presented him with a

silver tray. After the reading of proclamations from the mayors of Boston and Atlanta, in a quiet voice, Hayes responded:

“... My career has demanded a great deal of travel. When I look at a map of the world, certain cities have significance—Nashville, Chattanooga, Louisville, Boston, London, Paris, Moscow. I was making interesting discoveries about these places and their people. Then in 1925 I discovered Brookline... No other place in the world has been so happy for me...”

Roland Hayes gave his last concert at the Longy School of Music in Cambridge at the age of 85. He died 5 years later in 1977.

3. A Plaque to be Placed in Front of His Home

Over the years Roland Hayes has been honored in various. In 1981, the Boston School Committee named its new arts facility at Madison Park High School “The Roland Hayes Division of Music.” A play about Hayes by Daniel Beatty, “Breath and Imagination,” was presented at Emerson College. And, in recent years, there have been various concerts in his honor, including several in Brookline hosted by the Roland Hayes Committee.

Last March, the Hidden Brookline Committee organized an inspirational “A Tribute to Roland Hayes” at the historic Longwood Church of Christ. Emceed by Reverend Liz Walker, the offerings expressed Hayes’ life and music. Robert Honeysucker, who has inherited Hayes’ mantle with the BSO, sang Hayes’ favorite classical songs. Michael and Kitty Dukakis contributed a short video of their memories of him, a clip from a PBS Hayes biography was shown and brief remarks were made by the authors of the just published authoritative biography, *Roland Hayes, The Legacy of an American Tenor*. The concert’s emotional and musical highlights came when his descendants performed. His granddaughter Zaida Lambe soloed with the Joyful Voices of Inspiration Choir. Closing out the concert was great grandson Wenceslas Bogdanoff, himself a classical singer, accompanied on piano by Roland Hayes’ daughter Afrika. A video of the event is available on DVD or online from Brookline Interactive Group.

In 1990 a historic marker about Hayes was dedicated in Calhoun, Georgia, *but there is no permanent mention of him in the town where he spent most of his life*. The Hidden Brookline Committee will install a bronze plaque on a granite post in front of his former home. The post will be modeled after vintage stone corner posts found in the neighborhood, and mounted in the edge of the sidewalk nearest the house. The Committee has worked closely with the following to develop support for this project: the Department of Diversity, Inclusion and Community Relations, the DPW’s Engineering Division, the Preservation Commission staff, the family of Roland Hayes and the current owners of 58 Allerton Street. A cast bronze plaque, will feature a bas relief bust of Roland Hayes sculpted by world-renowned sculptor Robert Shure (one of his pieces is the large plaque of George Washington for the recently renovated Washington Monument). Costs will be covered by private funds. A dedication ceremony and celebration will take place on June 12, 2016.

**Roland Hayes
1887-1977**

One of the world’s great tenors, Roland Hayes sang throughout Europe and the United States. Born in rural Georgia to parents who had known slavery, he became the first

African American to perform with the Boston Symphony Orchestra. He was a trailblazer in classical music, breaking color barriers across the world. Proud of his heritage, Hayes always included Spirituals in his concerts. He lived here with his family for almost 50 years.

**Presented by the people of Brookline
June 2016**

Sources and suggested further reading:

Roland Hayes, The Legacy of an American Tenor by Christopher Brooks and Robert Sims (2015), published by the Indiana University Press and

Singing For All People, Roland Hayes, A Biography by Robert C. Hayden (1989), published by Select Publications. (for young people)

Angel Mo and Her Son Roland Hayes by MacKinley Helm (1942) Little, Brown and Company

Hidden Brookline website: www.hiddenbrookline.org

ARTICLE 20

Submitted by: Peter Miller

Please see the WHEREAS clauses for an explanation of this warrant article.

ARTICLE 21

Submitted by: John Harris

THE PHOTOVOLTAIC INDUSTRY IN MASSACHUSETTS IS IN CRISIS

A strong program of NET METERING of solar electricity would return
Massachusetts to a program of rapid growth.

By John Harris and David Lescohier (with special thanks to the ad hoc Net Metering Working Group of the Selectman's Climate Action Committee)

Since its invention late in the 19th century, the electrical grid has worked as a system of "centralized production." A small number of large generating plants, powered by oil, coal, natural gas, hydropower or nuclear power, send enormous amounts of electricity into huge trunk lines, which transmit it vast distances to millions of users: households, office buildings, factories, etc., spread out over thousands of square miles.

Photovoltaic (PV) panels, invented in the mid-20th century, directly convert the sun's energy into electricity. They make it possible to generate electricity literally anywhere the sun shines. In the last decade or so, technological improvements and economies of scale made possible by large-factory-scale production have greatly reduced the cost of manufacturing PV panels.

With a favorable regulatory structure, we now have the potential to create a truly stable and sustainable system of Distributed Generation, where a substantial percentage of our electricity is generated by many widely-distributed generators, producing small or medium quantities of electricity, very close to where it is needed. The goal, as Nathan Phelps, Boston-based representative of the advocacy group Vote Solar says, "to allow every individual, family, business and public entity to access solar power, whether they can site solar on their own roof or not."

This is possible due to a system of Net Metering. You would connect your PV array to the electric grid. When you need electricity, the grid provides it. When the sun shines brightly and your PV panels produce more electricity than you need, you feed the surplus back to the grid. Under the fairest and best arrangement, the utility company would credit your surplus at the same rate they charge you when they send you electricity, perhaps minus a modest servicing fee. Massachusetts has had great success with net metering ever since the world's first net metered solar project was installed in Carlisle MA in 1979, designed by pioneering solar engineer Steven Strong.

In Massachusetts, the Green Communities Act of 2008 codified a very strong program of net metering. As a result, PV arrays have sprouted on residential, commercial and municipal property throughout the state. Massachusetts currently has over 900 megawatts of installed solar capacity--well on the way to the proclaimed goal of 1600 megawatts by 2020. The Massachusetts solar economy employs 12,000 people, as solar engineers, system installers, etc. Massachusetts has become a leader in solar development, surpassing even states with much stronger sunshine.

Brookline has stepped up to the plate. The Town has issued permits for more than 600 kilowatts of privately-owned residential solar. In May 2015, Brookline Town Meeting voted unanimously to approve a 1.4-megawatt solar plant at the DPW transfer station. A citizen-led Community Shared Solar group is seeking sites where individuals whose own roofs may not be appropriate for solar can band together to purchase or lease off-site PV panel space. Is it clear that the policy framework established by the Green Communities Act in 2008 has served us well.

However, proposed changes in the net metering policy could risk future projects. Under utility company pressure, the legislature imposed caps--limits--on the amount of electricity the utility companies are required to accept from small providers, such as photovoltaic installations (projects the size of the rooftop of a single-family home are exempt from the caps--but experience has shown that comparatively few Massachusetts rooftops are appropriate for solar, due to an incorrect roof angle, blockage by trees or other obstructions to the south, etc.).

The caps have already been reached in the parts of the state serviced by National Grid and Unitil. So projects in 175 of the 351 cities and towns in Massachusetts have been canceled or put on hold. Solar installation companies, many of which are mom-and-pop operations, have been forced to lay off skilled employees, and are at risk of going out of business. Soon projects in other areas, including Brookline, will hit their cap limits as well.

In addition, the value of net metering credits must be kept at a reasonable level. As mentioned above, current policy credits solar generators for the electricity they contribute to the grid at the same rate they are charged when they draw from the grid. Several of the bills under

consideration by the state legislature would seriously decrease the amount credited, thus greatly reducing the incentive that small-scale producers would have to generate electricity at all.

Also, the Solar Renewable Energy Credit (SREC) II incentive program has reached its limit for most categories of projects. It is essential that a comparable or improved program be extended, so the solar industry in Massachusetts can resume its fast rate of growth.

It is imperative that we (1) eliminate the caps on net metering, (2) require the utility companies to credit locally-generated solar electricity at a fair value, and (3) create a new Solar Renewable Energy Credit program.

Net Metering is a critical part of solar development financing. A strong policy of Net Metering is the best way to ensure that Brookline, and Massachusetts as a whole, will be able to meet our ambitious solar energy goals.

John Harris is a Town Meeting Member from Precinct 8, a Member of the Board of Climate Action Brookline, and an Event Coordinator for Climate Week 2016.

David Lescohier is a Precinct 11 Town Meeting Member, a member of the Selectmen's Climate Action Committee, and a Member of the Board of Climate Action Brookline

**COMMUNITY SHARED SOLAR:
MAKING THE FINANCIAL AND ENVIRONMENTAL BENEFITS
OF SOLAR ENERGY AVAILABLE TO EVERYONE**

By Werner Lohe

Installing solar panels on the roof of a home or business is an excellent investment—one for which the annual rate of return is usually greater than 10%. And the cost of panels and installation continues to drop. During the Town's recent Solarize Brookline campaign, over 100 households took advantage of the benefits of converting sunlight into 100% fossil-free electricity. But going solar isn't always easy in Brookline. Many of us live either in single-family homes surrounded by trees, in apartments, or in condominiums where the board of trustees is resistant to the idea. Recently, however, an approach called "Community Shared Solar" (CSS) has made the financial and environmental benefits of solar energy available to anyone who pays an electric bill.

CSS, in its most basic form, enables electric utility customers to purchase subscriptions that entitle them to claim part of the electricity generated from a solar installation in a different location. The electricity generated by that installation is fed into the grid, and subscribers receive credits on their monthly electric bills just as they would if the solar panels were on their own roofs.

CSS is not an entirely new concept; the basic enabling structure was put into place by the Green Communities Act in 2008. But only recently has it begun to grow dramatically. Massachusetts is one of the leaders—along with California, Colorado, and Minnesota—among 24 states that have some community shared solar facilities in operation. A recent industry study predicts that in 2015 and 2016, 600% more community shared solar capacity will be installed than was installed from 2011 to 2014.

What makes CSS work is a combination of regulatory policy and government subsidies. Most critical is Virtual Net Metering. Massachusetts is one of over 40 states that permit net metering. This permits generators of electricity to feed the power generated by CSS back into the utility grid and receive fair compensation. But more important, Massachusetts allows Virtual Net Metering. That is, credit for the power fed into the grid may be transferred to an account for a meter at a distant location. So, for example, Brookline apartment dwellers or owners of tree-shaded homes who are CSS participants could receive credits on their utility bills for electricity generated on a large commercial roof. Subsidies that help in financing the project include Solar Renewable Energy Certificates (SREC's) issued by the state Department of Energy Resources and a federal tax credit—recently renewed through 2019 by the Obama administration and Congress—that equals 30% of the costs of building the solar facility.

There are dozens of variations in the mechanisms that can be used to finance a CSS installation and to structure financial participation by individuals in the community. As with all investments, financial benefits are proportional to risk. On one hand, the greatest financial rewards will be available to individual participants if we can locate a site and structure the financing. On the other hand, both risks and benefits will be lower if individuals simply take advantage of retail CSS products already on the market.

Ideally, we in Brookline would develop our own CSS project, because in doing so we would maximize the financial benefits and keep them within the community. But finding a site that is suitable and large enough is difficult. A town-owned site could be considered—for example, the new Devotion School's roof will be capable of accepting solar panels—but it may well be to the Town's advantage to capture all of the financial advantages for itself, as it is currently doing by installing solar panels at the DPW facility behind Skyline Park. A more likely scenario would be taking advantage of the provision in the state's virtual net metering rules that permits us to develop a project on a site in any of about three dozen surrounding communities. Alternatively, individual Brookline residents could sign up for any of a number of retail offerings. These would result in smaller cost savings, but if chosen carefully could provide similar or identical environmental benefits.

A year ago, members of the selectmen's Climate Action Committee and of Climate Action Brookline formed an ad hoc group that has been studying these various options available to Brookline residents. All residents of Brookline are invited to get involved.

It is essential to understand that once the net metering caps have been reached in an area, all pending photovoltaic projects cannot anticipate getting fair credit if they connect to the electric grid. The very existence of Community Shared Solar projects requires a robust program of solar electricity in Massachusetts.

Werner Lohe is a co-founder of Climate Action Brookline (CAB), a Precinct 13 Town Meeting Member and a member of the Selectmen's Climate Action Committee

The material in the Explanation is adapted from the Brookline PAX 2016 Annual Newsletter.

ARTICLE 22

Submitted by: Frank Farlow, TMM4 and Nancy Gregg

Following are sources and/or explanatory information for each whereas clause (except the 4th).

1st Whereas (“corporate driven”) – All the major “free trade” agreements have been drafted by secretive working groups involving administration officials and staffers and corporate CEO’s and lobbyists, with little or no input permitted from civil society or representatives of particular segments of the public.

2nd Whereas (job loss figures) – The source of the job loss figures is the Economic Policy Institute, cited by Sen. Bernie Sanders in a presentation to the Senate on 6.25.15. EPI is a Washington, DC, think tank that assesses current economic policies and proposes new policies to protect and improve the living standards of working families. Its founders include former Secretary of Labor Robert Reich, co-founder and co-editor of *The American Prospect* Robert Kuttner, and Barry Bluestone, founding dean of the School of Public Policy & Urban Affairs at Northeastern University and recent keynote speaker at the Brookline Foundation’s presentation of its study, “Poverty in Brookline.”

3rd Whereas (trade deficit figures) – Source is “U.S. Trade in Goods and Services - Balance of Payments (BOP) Basis,” U.S. Census Bureau, 3.4.16 (<https://www.census.gov/foreign-trade/statistics/historical/gands.pdf>)

5th Whereas (largest trade deal in history) – Source of figures: Robert Reich: https://www.youtube.com/watch?v=3O_Sbbeqfdw

6th Whereas (outsourcing of more jobs) – A *Public Citizen* press release of 3.25.15 titled “TPP Leak Reveals Extraordinary New Powers for Thousands of Foreign Firms to Challenge U.S. Policies and Demand Taxpayer Compensation.” Its first paragraph reads:

WASHINGTON, D.C.- The Trans-Pacific Partnership’s (TPP) Investment Chapter, leaked today, reveals how the pact would make it easier for U.S. firms to offshore American jobs to low-wage countries while newly empowering thousands of foreign firms to seek cash compensation from U.S. taxpayers by challenging U.S. government actions, laws and court rulings before unaccountable foreign tribunals. After five years of secretive TPP negotiations, the text—leaked by WikiLeaks—proves that growing concerns about the controversial “investor-state dispute settlement” (ISDS) system that the TPP would extend are well justified, Public Citizen said.” (<http://www.citizen.org/TPP>)

Public Citizen is a non-profit, consumer rights advocacy group and think tank based in Washington, DC. Founded in 1971 by Ralph Nader but no longer associated with him, it advocates before all three branches of the federal government. It has five divisions: Congress Watch, Energy, Global Trade Watch, the Health Research Group, and Public Citizen Litigation Group, a nationally prominent public interest law firm known for its Supreme Court and appellate practice.

7th Whereas (the ISDS system) – The following is excerpted from an article of 2.17.16 from *Eyes on Trade*, Public Citizen’s Blog on Globalization and Trade: “Foreign corporations have used these [ISDS] claims to attack tobacco, climate, financial, mining, medicine, energy, pollution, water, labor, toxins, development and other non-trade domestic policies. Under U.S. “free trade” agreements (FTAs) alone, foreign firms have already pocketed more than \$440 million in taxpayer money via investor-state cases. This includes cases against natural resource policies,

environmental protections, health and safety measures, economic development policies and more. ISDS tribunals have ordered more than \$3.6 billion in compensation to investors under all U.S. FTAs and Bilateral Investment Treaties (BITs). More than \$34 billion remains in pending ISDS claims under these pacts, nearly all of which relate to environmental, energy, financial regulation, public health, land use and transportation policies. Even when governments win cases, they are often ordered to pay for a share of the tribunal's costs. Given that the costs just for defending a challenged policy in an ISDS case total \$8 million on average, the mere filing of a case can create a chilling effect on government policymaking, even if the government expects to win.”

8th Whereas (the ISDS system would be expanded by the TPP) – Source: Paragraphs 1 and 4 of the Public Citizen press release cited under 6th Whereas above. On the occasion of WikiLeaks' expose of the Investment Chapter of the TPP, Lori Wallach, director of Public Citizen's Global Trade Watch, stated: “This leak is a disaster for the corporate lobbyists and administration officials trying to persuade Congress to delegate Fast Track authority to railroad the TPP through Congress.” Unfortunately, she failed by the narrowest of margins to dissuade the Senate, where 60 votes were needed to prevent a filibuster. *THE HILL*, a Washington, D.C., newspaper that covers Congress and the White House, then reported (emphasis added):

The Senate voted Wednesday to approve fast-track authority, securing a big second-term legislative win for President Obama after a months-long struggle. The 60-38 Senate vote capped weeks of fighting over the trade bill, which pitted Obama against most of his party—including Senate Democratic Leader Harry Reid (Nev.) and House Minority Leader Nancy Pelosi (D-Calif.).

Passage of the bill is also a big victory for GOP leaders in Congress, including Senate Majority Leader Mitch McConnell (R-Ky.) and Speaker John Boehner (R-Ohio). The Republican leaders worked closely with an administration they have more frequently opposed to nudge the trade bill over the goal line.

Labor unions and liberal Democrats had fought hard against the authority and are likely to now turn their attention toward stopping the Trans-Pacific Partnership (TPP), a trade deal Obama is negotiating with 11 other Pacific Rim nations.

Fast-track, or trade promotion authority, will allow the White House to send trade deals to Congress for up-or-down votes. The Senate will not be able to filibuster them, and lawmakers will not have the power to amend them.

The expedited process, which lasts until 2018 and can be extended until 2021, greatly increases Obama's chances of concluding negotiations on the TPP, which is a top goal of the president's.

Regarding “foreign tribunals whose rulings are not reviewable on the merits,” the following is excerpted from a *Washington Post* article of 10.6.15 titled “The TPP has a provision many will love to hate: ISDS. What is it, and why does it matter?”: “[ISDS is] unusually powerful for international law. Arbitrators can order governments to pay cash to the investor, who can then enforce arbitrators' decisions with the full force of domestic courts. As the U.S. Supreme Court determined last year, domestic courts must defer to their decisions and not review their merits.”

9th Whereas – Regarding the use of NAFTA's ISDS provisions to challenge decisions concerning environmental regulations, see “U.S. Corporations Launch Wave of NAFTA Attacks on Canada's Energy, Fracking, and Medicines Policies,” *Public Citizen*, 12.14.12; and regarding their use to challenge decisions regarding local building permits, see “Trading Human Rights for

Corporate Profits: Global trade policy weakens protections for health, the environment,” Martin Wagner, *RP&E Journal*, Summer 2004.

10th Whereas (number of ISDS cases launched worldwide) – Source: Paragraph 6 of Public Citizen press release cited under 6th Whereas above.

11th Whereas (examples of recent ISDS cases) – The article “U.S. Corporations Launch Wave of NAFTA Attacks on Canada's Energy, Fracking, and Medicines Policies” (*Public Citizen*, 12.14.12) contains information on U.S. corporate ISDS attack on Quebec’s moratorium on hydraulic fracturing of natural gas, and on Eli Lilly’s against the decision of Canadian courts to invalidate the company’s patent for the company’s ADHD drug, which a federal court and court of appeals had both ruled did not deliver the benefits that Eli Lilly had promised when applying for the patent.

12th Whereas (foreign corporations could demand compensation for capital controls and other prudent financial regulations that promote financial stability) – “In July 2015, the four Democrats in the House of Representatives with the highest authority on matters of trade and finance—the ranking members of the House Financial Services Committee, the House Ways and Means Committee and the trade subcommittees of both—sent a letter to the Obama administration to warn against the TPP’s threat to capital controls. They concluded, ‘With what we know today about the dangers of volatile, short-term capital movements, we hope the Administration will avoid showing the world that there are times when those who remember the past are also bound to relive it, especially when it is likely to come at enormous economic and human cost.’ In a December 2014 letter to the administration, Senator Elizabeth Warren (D-Mass.), member of the Senate Banking Committee, and Sens. Tammy Baldwin (D-Wis.) and Edward Markey (D-Mass.) urged the administration to not replicate in the TPP terms from past U.S. FTAs ‘that could limit the ability of the government to use capital controls.’” (“Secret Chapter Unveiled: It’s Worse than We Thought,” *Eyes on Trade*, Public Citizen’s Blog on Globalization and Trade, 2.17.16)

13th Whereas (TPP would expose efforts to fight climate change to ISDS cases challenging these efforts) – As an example of future challenges that could undermine our efforts to control climate change. the 1.9.16 *Washington Post* article “TransCanada is suing the U.S. over Obama’s rejection of the Keystone XL pipeline. The U.S. might lose” describes Canadian firm TransCanada’s ISDS challenge to the Obama administration’s rejection of the Keystone XL pipeline based on its potential contribution to climate change,

14th Whereas (text won’t be made public until it’s finalized) – When the member nations of the TPP reached final agreement last October, *The New York Times* noted in an article of 10.5.15 that even at that late date, “the agreement’s 30-chapter text will not be available for perhaps a month” to “key members of Congress in both parties and interest groups influential in Washington.” (“Trans-Pacific Partnership Is Reached, but Faces Scrutiny in Congress,” by Jackie Calmes)

15th Whereas (problems in previous agreements still present in TPP) – Paragraph 3 of the Public Citizen press release cited under 6th Whereas above states: “[W]hile the Obama administration has sought to quell growing concerns about the ISDS threat with claims that past pacts’ problems would be remedied in the TPP, the [WikiLeaks]-leaked text does not include new safeguards relative to past U.S. ISDS-enforced pacts. Indeed, this version of the text, which shows very few

remaining areas of disagreement, eliminates various safeguard proposals that were included in a 2012 leaked TPP Investment Chapter text.”

ARTICLE 23

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.