

# BROOKLINE TOWN MEETING

## NEWSLETTER: Fall 2022 Town Meeting Highlights

by **Jesse Hefter** (Town Meeting Member - Precinct 14)  
December 20, 2022

**Fall Town Meeting** took place over eight (8) nights in November and December 2022. Although there are a variety of files on our Town's website related to this Meeting, you really have to be a dedicated analyst to make sense of the information (for example, the two final documents including all the Warrant Article details extend over 700 pages in length!).

Accordingly, this Newsletter strives to provide you with the high-level results of what was discussed and how your elected representatives voted (the Town website has published a [master file](#) with how each Town Meeting Member voted if you wish to see the nitty-gritty details).

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## Creation of an Opioid Settlement Stabilization Fund (Article 3)

Approved (Yes-245; No-1; Abstain-3)

Dedicate opioid settlement payments to a special purpose stabilization fund. Distribution of settlement funds for municipalities is based on federal data on opioid use disorder, overdose deaths and 2006-2016 opioid shipments into Massachusetts, by region and community. The Town is currently estimated to receive approximately \$1.7M over the next 16 years. The funds are required to be used to supplement and strengthen resources available for substance use disorder prevention, harm reduction, treatment, and recovery efforts. Establishing this fund will allow the funds to accrue in the stabilization fund until there is a recommendation on an appropriation.

## Appropriation for the Fire Station Renovation Project (Article 4)

Approved (Yes-253; No-2; Abstain-2)

To appropriate \$65,000,000 to be expended under the direction of the Building Commission, with any necessary contracts over \$100,000 to be approved by the Select Board, to renovate, remediate, and modernize all the Town fire stations, including the

reconstruction of Station 5, located at 49 Babcock Street. The renovations and reconstruction will be designed to address gender equity and safety issues for firefighters, and the new and renovated fire stations will be constructed to be highly energy efficient and consistent with the fossil-fuel-free-construction policy or practice established by the Select Board. Article 4 follows voter authorization by a 70% to 30% vote at the November 8, 2022 State election of the borrowing necessary to fund the project.

## Amend Article 2.5 of the Town's General By-Laws to reduce the requirement for recommendations on all warrant articles (Article 5)

Approved (Yes-162; No-79; Abstain-11)

Remove the requirement that the Select Board review and report on all articles submitted to Town Meeting to allow the Select Board to review articles directly related to their authority. The approval vote was to REFER this item to the Town Moderator's Committee on Town Organization and Structure for further study and possible revision.

## Acceptance of an easement allowing access to 51 Bartlett Crescent (Article 6)

Approved (Yes-244; No-1; Abstain-4)

Empower the Select Board to enter into an agreement that would provide the Town with easement rights at 51 Bartlett Crescent, a private property in Brookline on which a 130-foot municipal storm drain has recently been reconstructed and rerouted from a neighboring private property (5 Washington Square) in Brighton. The easement rights are sought by the Town so it can access the drain for repairs and maintenance in case of urgent need.

## Amend Town By-Laws to reduce the need to publish and distribute hard copies of certain reports (Article 7)

Approved (Yes-152; No-88; Abstain-7)

The petitioners propose that Town Meeting warrants, combined reports and certain other reports currently mailed to Town Meeting Members be made available online, and that the Town only mail material to those specifically requesting printed material.

## Create a new Article 8.39 of the Town's General By-Laws to create a Tree Preservation By-Law (Article 10)

Approved (Yes-237; No-7; Abstain-2)

The proposed bylaw establishes a revolving fund and set of rules, the purpose of which is to incentivise retention and prevent the destruction of trees on private plots in cases of significant construction and/or demolition. In cases where trees are taken down, mitigation in the form of either replanting or paying into the revolving fund, is required. The proposed bylaw is viewed as a small step to save Brookline's tree canopy.

## Amend the Town's General By-Laws to provide an alternative to publishing in a newspaper of general circulation (Article 8)

Approved (Yes-219; No-8; Abstain-18)

Amend the Town's general by-laws to replace references to "a newspaper of general circulation throughout Brookline" and with "in compliance with the Select Board's policy on public communication." Brookline's general by-laws call for the Town to make public notifications of the following: (1) Opening dates for the Town Meeting warrant, (2) All warrant articles being considered at Town Meeting, (3) Substantial alteration or repair of Town parks, (4) Changes to the Town's waste removal or recycling program, and (6) Notice of a water supply emergency and water usage restrictions. The Brookline Tab ceased publication on May 5, 2022 leaving the Town without a local newspaper where such notices can be published. The Select Board's policy on public communication calls for these notices to be posted on the Town's website and public calendar as well as at Town Hall and 3 branches of the Public Library. If a newspaper specializing in Brookline news was to exist with a circulation of not less than 3,000 readers, then notices would again be made in such a publication.

## Amend Article 7.7 of the Town's General By-Laws to strengthen and increase enforcement of by-law providing for removal of snow and ice (Article 9)

Approved (Yes-224; No-19; Abstain-8)

Amend Town By-law Article 7.7 to (1) reduce the existing 30 hours to 24 hours for single- and two-four family residences to clear their sidewalks and portions of driveways crossing the sidewalk (except when the snow ends between 4 PM Friday and 12 PM Saturday); (2) keep fines for violations unchanged; (3) add discretion for the DPW Commission for a first violation; (4) add a 6-hour extension for re-clearing corner and mid-block curb ramps that have been blocked by snow from DPW plows; (5) remove harsher penalties for longer uncleared sidewalks.

## Amend Article 4.2.7 of the Town's General By-Law to require annual reporting on the Town's Payment in Lieu of Tax (PILOT) program (Article 14)

Approved (Yes-154; No-72; Abstain-21)

Amend the Town's General By-Laws to include a reporting requirement of the assessed value of tax-exempt properties in town, (excluding government owned properties). The reporting requirement would include public information that is already collected by the Town such as: the proposed or applied tax rate for that property; the amount the Town has requested that entity pay; the amount, if any, those entities have agreed to pay the town (in lieu of taxes); when and what portion of those amounts have been paid; and the date of the latest agreement between the Town and the tax-exempt entity. The goal is to improve reporting and transparency of PILOTs, without overburdening Town staff. The hope is that such reporting will incentivize tax-exempt entities who do not have these agreements to do so.

## Petition for a special act regarding Community Choice Aggregation (Article 23)

Approved (Yes-180; No-55; Abstain-13)

Authorize the Select Board to petition the state legislature for special legislation that would empower Brookline to petition the Department of Public Utilities (DPU) for the following: Amend the Community Choice Aggregation Program to add a surcharge of up to \$0.02 per kWh for all ratepayers of Brookline Green Electricity to fund investments in solar generation, energy storage, or electric energy infrastructure and a surcharge of up to \$0.13 per kWh for all ratepayers of Brookline Green Energy to fund or enable demand-response programs or investments in renewable energy or energy storage.

## Petition for a special act regarding betterment loans for residential electrification (Article 21)

Approved (Yes-190; No-38; Abstain-9)

Enable Brookline, via a home-rule petition, to ask the legislature for special legislation that would authorize the Town to establish and administer low interest loans for qualifying homeowners seeking to transition their homes from fossil fuel energy sources to electricity.

## Petition for a special act regarding Green Zoning (Article 25)

Approved (Yes-161; No-72; Abstain-8)

Propose a Home Rule Petition (“HRP”, i.e., a bill filed with the State legislature asking for local legal authority to act) filed by the Town’s Zero Emissions Advisory Board (ZEAB). This HRP asks the State legislature for authority to create zoning bylaws targeted to reduce the Town’s greenhouse gas emissions. The HRP seeks to extend beyond that afforded by the Town’s expected participation in a small fossil fuel free (FFF) demonstration project authorized by the 2022 State climate bill. Potential new zoning measures that would be authorized by the proposed HRP should help the Town in meeting its local 2040 and the State’s 2050 emissions targets. The HRP would allow local zoning inconsistent with the State Building Code, Department of Public Utilities regulations, or Department of Energy Resources air emissions regulations.

## Amend Article 8.37.4 of the Town’s General By-Laws to limit the allowed number of Storefront Marijuana Retailers to four (Article 15)

Approved (Yes-137; No-105; Abstain-7)

Amend Section 8.37.4 of the General By-Laws to cap the number of Storefront Marijuana Establishment licenses in Brookline at four (4), 20% of the current number of outstanding off-premises liquor licenses. Massachusetts law states that the baseline number can only be lowered through a Town-wide ballot question. The vote at Town Meeting is a procedural step required to get the question on the ballot in May 2023. A negative vote has Town Meeting decide; a favorable vote lets a Town-wide vote decide

## Amend Article 5.3.9 of the Town's General By-Law to extend demolition delay (Article 11)

Approved (Yes-172; No-77; Abstain-4)

Amend the Demolition Delay By-Law (Article 5.3 of the Town's General By-Law) to increase the length of a demolition delay to 24 months for buildings found by the Preservation Commission to be significant. Currently, the demolition delay lasts for 12 months; in the case of buildings on the National Historic Register the delay is 18 months. During this time, the Building Commissioner may not grant a demolition permit, and it is hoped that the developer would work with Town Staff and others to explore development options that would save the structure.

## A Resolution to urge the Department of Planning and Community Development to study proposals to reduce the number of demolitions in Brookline (Article 12)

Approved (Yes-187; No-61; Abstain-6)

Resolve that the Department of Planning and Community Development shall study proposals to reduce the number of demolitions in Brookline. The key reasons to study demolition events include:

- contribution of demolitions to carbon emissions;
- potential elimination of moderately-priced housing;
- removal of trees and overall reduction in open/green space;
- impact upon the look and feel of our streetscapes.

A desired outcome of the study would be changes to the General By-Laws and Zoning By-Laws (via future Warrant Articles) to foster sound land use planning and reduce the number of buildings that are demolished.

## Amend Section 5.09 of the Town's Zoning By-Law to require design review after the expiration of a stay of demolition (Article 13)

Approved (Yes-168; No-71; Abstain-8)

Require a Design Review for property owners/developers when they plan on demolishing structures found to be significant by the Preservation Commission in cases where design review is not already required under our Zoning By-Law. The goal of the Article is to reduce the number of full demolitions and/or to improve the design and neighborhood fit of any replacement structure.

## Resolution regarding the study and use of the Golf Course (Article 39)

**Failed** (Yes-84; No-146; Abstain-15)

Expand the scope of the currently underway Golf Course Landscape Master Plan (GCLMP) to consider other feasible recreational and open space needs, including reducing the golf course to a nine-hole layout, and to use a portion of the existing \$475k Master Plan funds or other Golf Course Enterprise funds to pay for the scope expansion. According to the Town's Chief Procurement Officer, the scope of the existing RFP (Request for Proposal) cannot be changed. Per the existing RFP: "This Master Plan will guide the Park & Recreation Commission's Infrastructure Investment Strategy for the Golf Course for the next 10 years and possibly beyond."

## Petition for a special act regarding a methane emissions surcharge (Article 26)

Approved (Yes-134; No-112; Abstain-7)

Support a resolution urging the Massachusetts Legislature to enact statewide legislation to allow towns and cities to add a gas utility surcharge to the bills of gas utility customers. The surcharge is designed to incentivize demand reduction and help fund local decarbonization efforts. The resolution also calls for lower income exemptions for a household's primary residence. As proposed, the surcharge could be as high as 25% of a customer's total gas bill and implementation of the surcharge would require voter approval in a city or town before implementation.

## Approval of Collective Bargaining Agreements (Article 2)

Approved (Yes-217; No-1; Abstain-2)

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

## Petition for a special act regarding an emissions reduction fund (Article 28)

**Failed** (Yes-119; No-121; Abstain-8)

Provide Home Rule authorization for the Town to implement a property tax surcharge of up to 3% on real property that is occupied by fossil-fueled buildings; and to establish an Emissions Reduction Fund to further support the reduction of greenhouse gas emissions in Brookline. Under the proposed legislation, qualifying residential property owners and fossil fuel free properties and condominium units would have been exempt from the surcharge. If approved, the proposed legislation would have been subject to further action by Town Meeting and acceptance by the voters by way of a ballot question.

## Petition for a special act regarding a gasoline vehicle excise surcharge (Article 29)

**Failed** (Yes-118; No-125; Abstain-8)

Provide Home Rule authorization to add an excise tax surcharge on gasoline-powered motor vehicles that are valued over \$30,000; and to establish an Emissions Reduction Fund to provide funding for future emissions reduction efforts. Because Massachusetts has banned the sales of new gasoline powered vehicles by 2035, this surcharge would have been temporary. This Article was being offered to discourage the purchase of new gasoline powered vehicles by residents and to encourage the transition to electric vehicles (“EVs”).

## Amend Article 3.14 of the Town’s General By-Laws to revise the discrimination complaint process (Article 31)

**Approved** (Yes-151; No-82; Abstain-10)

Amend Bylaw Article 3.14 to reverse the complaint process authority of the Commission on Diversity, Inclusion and Community Relations and the related Diversity Office, established by vote of Town Meeting in 2019, and which became effective in 2022. Complaints involving Town or School employees would no longer be investigated by the Commission on Diversity, Inclusion and Community Relations or the Diversity Office. Instead, complaints involving Town and School employees would be investigated through existing Town and School procedures, including the Human Relations Department, the Police Complaint Procedure, and the Schools’ Human Resources Office. The Town’s Director of the Office of Diversity, Inclusion and Community Relations would investigate and seek to mediate other complaints.



## Amend Article 4.07 of the Town's Zoning By-Laws to allow for bee keeping (Article 33)

Approved (Yes-185; No-36; Abstain-18)

Simplify the process for residents to obtain Town permits for beekeeping in residential neighborhoods by separating it from other animal husbandry accessory uses in the Zoning By-Law. The proposed change would reduce the required distance for beehives from 100 feet from any existing residence on other premises to a distance of "no less than 20 feet from any window, door, or other opening in any structure on any other lot". Additional requirements include that beehives be six feet or more away from any lot line, not visible from the street, and have a current permit issued by the Director of the Department of Public Health.

## Create a new Article 2.1.16 of the Town's General By-Laws to require abstentions from Town Meeting Members with a financial interest in a warrant article (Article 34)

**Failed** (Yes-63; No-169; Abstain-8)

Require Town Meeting Members to abstain from voting at Town Meeting when they or an immediate family member have a "financial interest". An exception would occur when such financial interest is shared with a substantial segment of the population of the Town or a Town precinct.

## Amend Article 2.1.11 of the Town's General By-Laws to require speakers at Town Meeting to disclose financial interests in a warrant article (Article 35)

Approved (Yes-148; No-83; Abstain-9)

Create a new bylaw requiring Town Meeting Members (TMM), and anyone else speaking before Town Meeting, to disclose any potential conflict before speaking at Town Meeting when they or a direct family member have a financial interest in a Warrant Article.

## Resolution regarding the Town's Payment in Lieu of Tax (PILOT) program (Article 36)

Approved (Yes-186; No-43; Abstain-7)

Support a resolution that proposes the creation of a Moderator's committee to review the Town's PILOT policies and suggest improvements. Said committee would report to the Select Board, Advisory Committee, and Town Meeting by August 1, 2023 – early enough to prepare possible warrant articles for the Special Town Meeting in the Fall. The goal of the Article is to encourage the Town to actively and effectively pursue PILOTS and in doing so, increase Town revenue.

## Resolution regarding a budget review for the School Department (Article 37)

**Failed** (Yes-59; No-178; Abstain-8)

Have the Advisory Committee develop a proposed scope of work for a consultant and create a proposed budget for a budget review of the school department. Such a budget (currently estimated to range from \$200,000 to \$500,000) would be presented to the May 2023 Town Meeting for inclusion in the FY24 budget. The Advisory Committee would have retained and overseen the consultant, and could have incorporated any recommendations into the Advisory committee's review of the proposed FY25 School Department budget.

## Resolution regarding the celebration of Asian American & Pacific Islander Heritage Month (Article 38)

Approved (Yes-236; No-0; Abstain-3)

Make the Town's current annual May celebration of AAPI Heritage Month an official, Town-sponsored event, with Town funding. It will also be a sign of recognition and respect to Brookline's 12,000+ AAPI residents who comprise over 19% of Brookline's entire population.

## Resolution regarding a feasibility study for an outdoor pool (Article 40)

Approved (Yes-212; No-24; Abstain-6)

Ask Town Meeting to initiate a Feasibility Study Committee for a net-zero emissions outdoor community swimming facility to be led by either the Parks and Open Space or Recreation Departments and allocate funds in FY25 or FY 26 to support that Committee.

## Resolution regarding an affordable housing overlay district (AHOD) study committee (Article 41)

Approved (Yes-206; No-19; Abstain-9)

Pass a resolution urging the Brookline Housing Advisory Board (HAB) to create and charge an Affordable Housing Overlay District (AHOD) Study Subcommittee composed of a mix of HAB members and non-members. “The Subcommittee should issue a report that draws conclusions as to the potential relevance, requirements and effectiveness of an AHOD to create more affordable housing in Brookline.” AHODs are zoning overlays that typically offer incentives such as density bonuses and expedited or “by right” permitting in return for increases in affordability. They can apply to limited geographic areas or the whole town, and they can have different incentives for different areas or types of projects. They have been implemented in neighboring communities. This resolution asks for study of projects that would be permanently 100% affordable at a range of income levels from below 30% up to 120% of Area Median Income (AMI).

## FY2023 Budget Amendment (Article 1: 2nd Special Town Meeting)

Approved (Yes-247; No-0; Abstain-4)

The article is required to address several outstanding items in the FY2023 budget:

1. The final State budget contained higher state aid allocations for Brookline than assumed in the budget approved by Town Meeting. This allocation will be used to address the unbalanced budget from the Annual Town Meeting;
2. Increased projections of Local Receipts based on final FY2022 and YTD experience;
3. Resolving the \$147,000 FY2023 imbalance left outstanding at the 2022 Annual Town Meeting (Town Meeting voted in Spring 2022 to add these monies for addressing more of the needed sidewalk repairs that directly affect many residents);
4. Appropriating \$60,216.11 of Opioid Settlement funds to support the development of a community substance use prevention coalition;
5. Appropriating fees voted by the Board to address the newspaper cost escalation associated with shifting to the Boston Globe for statutory required Planning Department legal notices (\$66,000 in additional funds);
6. Appropriating annual revenue from the assessment on transportation network companies (TNCs) to fund transportation projects (\$84,060 appropriation);

7. Appropriating Community Preservation funds as voted by the Community Preservation Act Committee (\$86,000 additional);
8. Increasing the bond authorization for two existing park projects (Murphy Playground (\$355,000 needed) and Robinson Playground (\$275,000 needed));
9. Accelerating the bond authorization for Fire Engine Engine #4 ( \$800,000 needed).

## A Resolution to Urge that the Town of Brookline Devote More Resources to Trash Management and Rodent Control (Article 3: 2nd Special Town Meeting)

Approved (Yes-241; No-4; Abstain-6)

Put Town Meeting on record as recognizing the severity of Brookline's rat infestation problem (reports in Brookline of rat sightings have increased by 300% since 2019) and as supporting a robust and comprehensive effort to combat it, including increased funding for Town departments on the front lines of this fight, tougher regulations and penalties, and improved compliance by businesses, restaurants, property owners/managers, and residents with the Town's sanitation regulations.

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Jesse Hefter  
 653 Chestnut Hill Ave  
 Brookline, MA 02445  
 Email: [jesse.hefter@gmail.com](mailto:jesse.hefter@gmail.com)  
 Web: [jessehefter.com](http://jessehefter.com)