

**Town of Brookline
Advisory Committee Minutes**

September 9, 2021

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Present: Scott Ananian, Carla Benka, Ben Birnbaum, Harry Bohrs, Clifford Brown, George Cole, John Doggett, Dennis Doughty, Harry Friedman, David-Marc Goldstein, Neil Gordon, Susan Granoff, Kelly Hardebeck, Amy Hummel, Alisa Jonas, Janice Kahn, Steve Kanos, Carol Levin, Pamela Lodish, Linda Olson Pehlke, Donelle O’Neal, David Pollak, Carlos Ridruejo, Michael Sandman, Lee Selwyn, Alok Somani, Paul Warren, Christine Westphal, Neil Wishinsky, Chi Chi Wu

Absent:

Also Attending: Town Moderator Kate Poverman, Deputy Town Administrator Melissa Goff, Members of CTOS, Ryan Black, Michael Toffel, Michael Zoorob, and other members of the public.

The meeting was called to order at 7:30 PM.

Announcements: Pursuant to this Board’s Authority under 940 CMR 29.10 (8), all Advisory Committee Members will be participating remotely via telephone or video conferencing due to emergency regulations regarding the Corona virus. The Chair has reviewed the requirements of the regulations. There is a quorum physically present and all votes taken will be recorded by roll call so all above listed Advisory Committee members will be allowed to vote.

7:30 pm Public Comment

On Thu, Sep 9, 2021 at 11:56 AM Linda Leary <borghom1917@gmail.com> wrote:

Dear Advisory Committee

Due to a scheduling conflict I cannot attend tonight's meeting but wanted to share with you some observations regarding the distribution of public funds. Given that my father was Town Administrator for over 30 years in Brookline I am quite familiar with the budget process and also with the pension system. I would ask that this e-mail be included in the minutes of the meeting in the Public Comment section. I understand due to time constraints you may not have time to review these comments in detail.

I know that a lot of time and energy has been dedicated to the review of revenue resources, I myself have spent time looking at expenditures in various departments and the workflow associated with the distribution of public funds.

One item that has caught my attention in recent months is the reimbursement of medical expenses associated with police officers and firefighters retired under the Accidental Disability Retirement process. This reimbursement is done with indemnification. This process falls under M.G.L. c. 41 s. 100B and needs to be approved by two-thirds of town meeting in order to be implemented. According to the Town Administrator's office this law was passed in Brookline Town Meeting in 1969.

The reimbursement process takes place in Executive Session in the Town Counsel's office (pre-covid) - one such meeting took place on June 10, 2019 from 11AM to 12PM. There is another taking place (virtually) next week on September 15th.

The meetings are conducted by a "Medical Panel". Who are the members of this medical panel - are they appointed by the Select Board? No individuals are listed on the agendas.

It is standard practice to have medical information discussed in Executive Session, however the amount of funds being distributed and who is receiving them is normally documented so that the public has basic knowledge of the expenditures. I would draw your attention to the Newton Retirement Board agendas that clearly state the individuals receiving retirement related funds and the amounts being provided.

The Town Administrator's office confirmed that the reimbursement funds are paid out of the Accounts Payable Account.

Since these reimbursements are not a known expense, how are they accounted for in the budget process? When this law was implemented in Brookline did the public know that it would be with indemnification?

It is important to note that the medical expenses (physical therapy, pharmaceuticals etc.) would have been covered by the Health Care plan that the town has for all of its employees including retired ones. The taxpayers are paying for the health care plan which would cover these expenses (when submitted via a physician) and are also paying for these reimbursements out of the Accounts Payable process.

I am hoping that the Advisory Committee will take the time to review this process in the near future so that the manner in which public funds are distributed has been reaffirmed to be acceptable to our community.

Thank you,
Linda Leary

7:45 pm Discussion of proposed changes to Advisory Committee procedures and Subcommittee structure

The Chair welcomed new member George Cole who shared a bit of his background: 25 year member of the Building Commission, currently chairing the High School expansion. By training he is an architect, by profession a real estate development developer and development consultant. He has been very engaged with the Town over the years in various developments and looks forward to joining the Advisory Committee.

The Chair gave a statement about the role of the Advisory and noted that he and Carla made subcommittee assignments based on people's interests and skills as they understood them, and with the belief that there should be a range of views on each subcommittee and they tried to provide that balance. He further advised that if you have a particular point of view, as a member of a subcommittee or as a member of Advisory, keep an open mind. And remember that the AC's job is not to set priorities for Town government. Those priorities are set by the people who are elected to do that - Town meeting members, Select Board members and School Committee members. They set the priorities. The Chair emphasized especially to new members, in particular those who joined at the end of last year and haven't been through that process of reviewing articles and so forth but really remind everybody that the Advisory Committee's job is to provide financial and related guidance to facilitate the priorities, whether we agree with them or not.

As you look at the warrant this year, whether you think that we should all have unrestricted access to guns, so that we can go out and hunt mink or you think that the second amendment should be repealed, and that minks should be protected as if they were bald eagles, when you evaluate the Zoning articles for business and gun shops, ask yourself whether the articles reflect the priorities of the Community.

And you really need to do that, independently of your particular point of view. Obviously, you have to apply what's in your conscience. But we asked you to think about the Community as a whole and how it will be affected by any particular article. The same applies to all the other articles including the ones that are a lot more difficult. We're here to give prudent advice and not to advance our own particular agenda, be it moral or more political.

The Chair also reminded everybody to treat petitioners with respect both in subcommittees and at AC meetings and, treating each other with respect, as well.

The Chair first queried if anybody wants to make a motion to revert to the previous years procedures when it comes to the way subcommittees handle warrant articles and reporting? If that passes then we will revert and if it doesn't pass, then the entire package that you've seen will be the new said procedures. There was then discussion and questions around the proposed changes to AC procedures and subcommittee structure.

Harry F: I generally liked it and I just have one question of clarification. On the first table, long-term financial issues, "Finance subcommittee of AC members w/financial expertise & outside ad hoc advisors to deal with long-term financial issues." I just wanted to clarify that the outsiders are not voting members of that Subcommittee, since they are not members of the AC, am I correct? Yes, that is correct.

John D: There are some good really good things in here, and appreciate you listening to the comments that were made earlier this summer. Another clarification – "Articles with little or no financial, operational legal impact..." What constitutes little or no financial, operational or legal impact? After that's been decided, how exactly do you see this working – "Article status to be assigned by vote of AC chair, vice chairs and subcommittee chairs" - does that happen in an AC meeting or is that a separate meeting that occurs and then brought to the AC for ratification and if a majority overrides the chair's vote, then it goes at business as usual?

The Chair replied: The chairs, acting as a separate committee, will sit down and look at the warrant and say that two, three, four or five articles really don't have to be debated or reviewed in any great depth. There will be some things that repeat themselves, year after year that don't need much of a hearing and those are the kinds of things that we'd be coming back and saying to the Advisory as a whole, "This is what we recommend, we do not debate." If the Advisory Committee overrides that recommendation, then we'll have a full review and make a recommendation to Town Meeting.

Carol L: I was just looking for clarification - on the table Capital Budget, you refer to "joint meetings with finance subcommittee" and I'm looking back at the list of Subcommittee assignments and I am not sure if you're talking about the Long Range Financial Planning or the Administration and Finance subcommittee.

The answer is the Long Range Financial Planning subcommittee.

David Marc G: There had been discussions of changing the subcommittees, having fewer subcommittees and I'm not sure if this plan is keeping the existing subcommittee structure, or are you changing the subcommittees to something else?

The Chair replied: We are combining Planning & Regulation with Sustainability into Land Use, Zoning and Sustainability. And we've added a Financial Planning subgroup, a working group basically carved out of the Long Term Planning and Policy subcommittee and that is intended to respond to the BFAC recommendation that we have more analysis as part of our work and that we look longer term at Town finance.

David Marc G: The other thing I wanted to ask about was the Budget Oversight Subcommittee which says that this subcommittee will bring the budget as a whole to the AC with a recommendation. Am I correct that the existing subcommittees such as Public Safety will continue to examine the Fire and Police budget, for example? Yes.

Would we then send it to the Budget Oversight subcommittee and not present to the full AC or would we still do our normal presentation of the budget, and then the subcommittee that you've created takes a holistic view of the entire budget? It seems confusing.

The Chair replied: What we're anticipating is the second example. Public Safety would provide a report to the Budget Oversight committee and then they will then look at budget priorities and determine how to fit it in and make a recommendation for the entire budget to the Advisory Committee, rather than having the Public Safety subcommittee make its report.

Susan G: I think, as you presented it, this is a work in process and it sounds very much that this is an experimental year but the devil is always in the details. And so I think how this actually works out will inform our decisions going forward, and I hope will be subject to modification, as we go through the process. Most of my questions were the ones that David Marc asked. I wasn't certain what consolidation by the Budget Oversight subcommittee meant with respect to the budget. I was concerned about asking the AC to vote on the entire budget at one time and my only concern at this point is I don't want it to be the whole budget gets kind of rubber stamped and that we don't have an opportunity at the full committee level to ask questions as they come up.

The budget is not only about expertise in a specific area I think people from the committee have a lot of different backgrounds perspectives areas of expertise and often very good questions come up at the full committee level that weren't asked or addressed at the subcommittee level, and we all learn a lot. I think it would be great if there were an opportunity to ask questions of department heads, even after the subcommittee public hearing since new questions are always coming up so I hope that could be added in somewhere within the schedules.

My other concern is that we not create a situation where a small part of the Advisory Committee has the real power and a lot of people will be on the periphery, will never have an opportunity to weigh in on the key issues that the Advisory Committee addresses because they will all be addressed at the non-full Advisory Committee level. I think that would be unfortunate – there needs to be a real diversity dealing with the really major questions and it should be a true reflection of the full Committee. That's hard to do but I think that is a concern because, even when we make financial decisions, I think you have to think of the human dimensions, the impact of our financial decisions on the residents of Brookline. We need people who aren't only financial experts, making those decisions and weighing in at a time when that actually matters.

The Chair replied: You are correct, this is a work in progress and after Town Meeting in May, when we gone through a budget cycle, will be able to recalibrate this.

You asked a very sensible question about how to get input from people who are not on let's say the Human Services subcommittee about a budget that the Human Services subcommittee covers or any of the other subcommittees

cover. To be perfectly honest, the answer is we're going to have to figure that out because it's very important for people to be able to ask questions and to be able to bring their perspectives and their skills and, as you say, to think not just about the financial issues, but the human issues. We have to try it and will have time to figure it out. The goal is to streamline the budget process.

The other important point you make is about the importance of making sure that we don't have the Advisory Committee's functions concentrated in the hands of a few people. The warrant articles that are significant, for example, some very serious zoning articles that come up almost every time and that will go to the Land Use subcommittee and each one of those articles, I cannot imagine that we would not debate all of those articles in full Advisory Committee.

So we're trying to streamline the budget piece, and trying to step away from dealing at great length with warrant articles that don't have financial, operational or legal implications and step away from not doing as much with those, giving ourselves more time to do the things.

Carla B: We will have a budget adjustment article in the fall warrant. We don't know what it looks like because we haven't seen it, but that may be a microcosm or an opportunity to try out what we are discussing and to use it almost as a pilot to see where the gaps are or where the weaknesses are of this process. So I'm hoping that perhaps it presents a good opportunity for us to run a test on the process that we're recommending right now.

C. Scott A: Like to call out the Minority Report recommendations. I think it's been a very positive step. I think normalizing minority reports from the AC in some sense will help reduce the stakes and make it seem that the AC is perhaps less monolithic to people, and I think oddly less adversarial. I think the AC works best if its focus is really trying to work with the petitioners and with the Town to craft a solution which is best for everyone. Having a minority and the majority report on some these issues will help ensure that even if one side or the other doesn't agree with the petitioners or does agree with petitioners, that the other side can still take the opportunity to help advance the discussion and provide helpful input to keep improving the article. I think it will reduce contention between sides and so I just wanted to call that out as something I was pleased to see.

John D: Follow up question – “working group” in connection with chairs, vice chairs, subcommittee chairs – is the group subject to the open meeting law? No reason why that meeting wouldn't be. Strongly make a recommendation that we make them open.

The Chair replied: Not subject to Open Meeting Law because it is not a standing committee. It doesn't mean that we can't have a public meeting but not subject to it. People want to know what the chairs are considering so the point is taken. He further clarified the Open Meeting goes into effect when there is a majority of the public body meeting. So if there are five subcommittee members, three subcommittee members constitute a majority. If they have a meeting that deals with advisory committee matters or town matters, then that meeting is subject to the open meeting law. Advisory Committee has 0 Members. If 14 got together and had a discussion about something, it would not be subject to the open meeting law.

Alisa J: I have a question about the Schools in the chart. Didn't understand the objective “Integrate Town & School budgeting & planning per BFAC recommendations” or the process “reviewed in depth by a single subcommittee; coordination with Finance & Capital subcommittees.” Also want to agree with David and Susan, we tend to rubber stamp budgets. There are very few instances where we actually adjust the budget and that the main benefit that

seems to come out of our meetings with all the Department heads has been discussing more broadly all the issues of the departments. I think that element of what the Advisory Committee can provide will be lost, so I am wondering whether it might make sense to have the subcommittee meetings be held during the time that the normal Advisory Committee would meet so that other Advisory Committee members could more easily attend those meetings if it's just going to be those subcommittees and no other Advisory Committee meetings.

Ben B: Would also like you to elaborate on the second bullet point in that box, "No solution to limits..."

The Chair replied: BFAC made a recommendation that there be far better integration between what the School Committee does when it puts its budget together and what the Town staff and Select Board will do when they put their budget together. The School Committee takes the funds that are allocated by Town Meeting and it then has full authority by State law to use those funds as it sees fit. It has in the past seen fit to underfund maintenance of school buildings. School buildings are Town assets so we are paying for that. There needs to be some additional thinking, consideration, recognition of the fact that if you postpone maintenance on those assets it's going to cost, all of us, in particular the work done by the by the Town Department, more money in the future. So that's one example of a place where the School Committee's budget and the Town's budget really need to be better coordinated. I'm sure there are other aspects of the budget that that similarly needs to be coordinated.

The line in italics relates to the fact that there are institutional barriers to doing that, there are legal barriers that the School Committee quite understandably does not want its authority to be abrogated in any way, but there are also institutional barriers to people talking with each other, never mind having authority over each other. Unless the staff in the Deputy Superintendent's office, Administration, Finance and the Town Administrator's office work recognize the importance of doing some budget integration, it can't happen. We can say it should happen, BFAC can say it should happen, and I'm hoping that it will happen and that the School subcommittee will be in a position to facilitate that but, honestly that's a caveat in that line in italics as we have very limited authority; all we have is influence and hopefully we can influence in that direction.

Amy H: Agree about highlighting minority reports, calling it out is a good thing but this is something we have been doing all along when we write reports. Over time we looked at different ways to simplify and add executive summaries, do different things to make it at least a little bit easier to digest for individuals who may not have the time or the wherewithal to read the entire combined reports which clearly happens. But we have always been putting in this is what the majority felt, but there was always a counterpoint side. I just want to get that on the record that that's not something we've ever purposely left off, and in fact, I thought we were always doing.

Ambivalent about this. Trying new things is good and this has been thoughtfully done. Zoom has made our conversations more linear. See this restricting the quality of the conversation. Some of the best conversations and best decisions I've seen Advisory come up with have been after really long crummy nights of ridiculous, like a dog chasing its tail, and then finally somebody says something and several people have that *Aha* moment. Regarding power and this two-tiered system, we need to be careful about how we talk about that power, I think, as far as a committee goes whoever the people are sitting on the committee, it's important that everybody does feel equally respected and that it's not just the financial people are the heavy hitters and everybody else is there just to make sure that we catch the human side and vice versa. I think that's a real negative and it will disenfranchise and it could have the impact of discouraging people from wanting to serve on Advisory if they're not an architect, if they're not a land use attorney, if they're not an MBA. Maybe they don't belong here, and that they're so that could exacerbate that issue.

In the end, hopefully, our power is in our energy and desire to vet everything fully, not to make a certain something come about. So I think when we use the word power, we have to be really careful. Our power is how well we perform, not in outcomes necessarily. But I appreciate the work that's been put into this.

The Chair replied: Agree it is difficult to do business the way we do on Zoom. It is a credit to our adaptability but it's certainly not the ideal situation.

Amy H: One of the things that's in this table is regarding the long term financial issues and implementing the facts, recommendation. Where's the action in that item? We report to the Select Board and can they look at it, fold it up and put it away or file it in their file? What is the expectation? What happens with that work? What is the goal?

The Chair replied: The Advisory Committee has the ability by written report to make recommendations to the Select Board which is certainly one mechanism. The other is to pass a resolution asking them to do something; we have done this in the past. Asked the Select Board to set up an override study committee In 2018 I believe. It's through that mechanism that we would report the work of that group, however It would be with the voice of the whole Advisory Committee.

Kelly Hardebeck is working on a template that will hopefully make what we say to Town Meeting more structured and useful to Town Meeting members.

Chi Chi W: Initial impression is I really like it because it addresses 2 of my concerns about this committee 1) it takes a lot of time, and 2) a lot of that time is spent on things that aren't financial in nature. The thing is that life is always a trade-off and I understand the desire to bring all the department heads before the Advisory Committee and to be able to question them. I appreciate that opportunity too, but the trade-off is it means we have a lot of meetings and, frankly, what I've observed is whether it's the overall budget, or whether it's departmental budgets, we pretty much end up rubber stamping things with some exceptions. I think Senior Services we added some money for a janitor but besides that we pretty much agree to whatever the department head says, but not without putting them through this questioning process which, again, I appreciate. I do think it's useful. I think it brings insight and that discussion is valuable, but it takes a lot of time. As one of the folks here who has a day job, I really struggle to stay on this committee because of the time commitment. I know, Kate had a lot of trouble recruiting people because of the amount of time this takes. The more we can reduce the amount of time the more possibility we will get newer Advisory Committee members with diverse viewpoints. Remember the whole goal of the exercise was to address some of these issues about the workload and time.

Linda P: I just have a couple of questions and I think it's going to reveal that I'm a new member. Could someone explain to me the type of issues or warrant articles that do get reviewed by the Long Term Planning and Policy subcommittee?

The Chair replied: Long Term Planning and Policy subcommittee looks longer term at policies and planning. It has met sporadically, has tended to meet when something comes up the request that was made to set up BFAC came out of that Subcommittee, I believe, and the request to set up and override study committee a few years ago came out of that committee. The intention is really for it to remain a think tank.

Linda P: My other question is around the recommendation for the budget subcommittee. In reading that it seems to me that it means that these Members, all of the chairs of the subcommittees are going to be involved much earlier in the budgeting process. Is that the goal?

The Chair replied: What we what we would like to do is get a meeting early in the budget cycle with the Town Administrator and staff to look at how they're interpreting priorities as they put a budget together. One of the ways to do that is that they get requests for increases in funding for something or other from department heads. Some of those increases make it into the budget and some of them don't. We would like to see how all of those increases are being dealt with. That is sort of the initial understanding of the thinking of the people who put the budget together that we would like to plug into much earlier.

So a number of people made the comment that we rubber stamp the budget and there's a fair amount of unfortunate truth to that. What happens is that we can very often influence the next year's budget by raising a lot of questions, but there's a fixed amount of money by the time the budget gets to us and it's very difficult to move things around. What we're hoping is that by having a discussion about priorities and how those priorities are affecting the budget much earlier there'll be more opportunity to shift funding from one activity to another, at least to some extent, something that we can't easily do now.

Steve K: Mike, Carla and Dennis thank you for doing this. It is a major effort on your part and I'm really excited about it. I think it is time we made some adjustments. I want to just stress to everyone that this is an evolving document and open to modifications. It has to do with a two thirds vote. I just wanted to know if you had considered the fact that many votes that we take there are an unusually large number of abstentions. Sometimes the number of abstentions can exceed the number of votes taken and I was wondering whether in making this two thirds vote computation you are planning to include these abstentions or exclude them?

The Chair replied: Abstentions are excluded. If the vote is 3 to 2 with 24 abstentions with the chair not voting, then, that does not represent the two thirds majority and the two who voted no, will have an opportunity if they choose to put a minority report into the combined reports.

Carlos R: Minority report feels that the group is much more adversarial then it really is. Our job should be to include both sides of the story, report what was commented at hearing level and meeting level, not our opinion but what happened.

The Chair replied: There has always been the opportunity for somebody to request to speak in Town Meeting in opposition to the Advisory Committee's vote. And the idea of having minority report is if one third or more of the membership votes opposite to the way the majority votes, it conveys to Town Meeting that we had a robust discussion and that there's a substantial group of members of the Advisory Committee who don't endorse the majority opinion and they have an opportunity to explain themselves. What I'm hoping is that it will actually enlighten Town Meeting. That's the purpose of those reports.

Harry F replied to Chi Chi's comment: She noted the fact in reviewing budgets, we rarely make major changes, we even more rarely make minor changes, and it does take up a lot of time. But somebody has to do it, you can't have a multi-hundred million dollar budget prepared for Town Meeting, where the only people who look at it are the people who prepared it in the Town Administrator's office, so what we do is, I think we perform an audit function, and unfortunately it's kind of boring and one could argue it's not the best use of time and one could say that we never make changes, but until somebody else comes up who's going to do it, some other committee or something like that, somebody has to do it, and right now, we are the somebody.

Neil G: I like the structure and I don't know where I would tweak it. I think we should try it.

It was generally agreed that a conversation of minority reports would be taken offline.

Ben B: I do want to say, as some others have said, I'm thankful for the work that went into this. I don't know all the characters involved, so I'm not going to name some people at the risk of not mentioning others, but this is a hell of a piece of good work and a very good start on a project that really needed doing, so thank you.

Susan G: Will we have, or do we have any procedure in place for modifying these procedures over time. Instead of having a meeting like this will we have some kind of subcommittee, an advisory procedure oversight committee or something like that that could actually work on the nitty gritty aspects that, as we are doing these things we may say, well, no this isn't quite right let's tweak this or let's tweak that. Or are we going to only have to do this at you know, once a year at these full meetings, seems to me, since it's a work in progress, we should be able to make changes periodically as needed, and based on our experience with these processes. Have any thoughts been given to creating that kind of structure?

The Chair replied: This has been very much an ad hoc process. I don't want to turn this into an extra thing that people have concerns, or if you're not happy with the way some of this is going, I'm quite sure it will come to the fore very quickly and we'll deal with that as things come up. I would encourage you to not think in terms of formalizing the way we look at our navel.

The remainder of the discussion regarding proposed changes to Advisory Committee procedures and Subcommittee structure among Advisory Committee members can be viewed and heard on the recording shared above.

8:30 pm Review of the Index of the 30 Articles that have been submitted to the Warrant for the November Town Meeting and Subcommittee article assignments

Melissa Goff joined the meeting to answer questions about the warrant.

A question was raised about WA 4 legislation to delegate the licensing authority to the Select Board. Presumably there will be a licensing board appointment, is that correct.

Melissa Goff: We are going to have CTOS is to take a look at this so the thought is that we would work on getting the authority and then part two, would be another a warrant article, probably in the spring, that would kind of set up the structure.

The Chair asked: And it would be a licensing board..

Melissa Goff: Well, I know I think there were certain things that could probably be delegated to administrative staff and other things that probably would be better for licensing board, there are definitely some things that the board approves that we (staff) could easily approve, the run of the mill type of things. So CTOS can look at that and tell us what they think.

The Chair asked: Tell us what the easement is for 60-64 Harvard Street, WA 5.

Melissa Goff: I called Erin about this, and she was telling me that, the building is about to be sold and when they were doing the title search they discovered that there was an easement that was supposed to be done 30 years ago, when the road was closed off to provide the circle for the Pierce School, so that is what the easement is for.

The Chair commented: Okay, so this is fixing somebody defective title. Regarding WA 6, what sidewalk and street obstructions are we talking about?

Melissa Goff: This is more around kind of shrubbery and other things that impede the public way, making sure that those things are clear, so that people can walk around on the sidewalk.

The Chair asked: Articles 7 and 8 diametrically opposed to each other philosophically. Do you plan to take these 2 together at Town Meeting?

Kate Poverman: That is a decision yet to be made.

Neil W: Looking at the distribution of warrant articles Land Use has a lot, so I would suggest that 7 and 8 be considered together with 9 by a different subcommittee.

It was agreed this would be discussed further with the Chair of the Land Use subcommittee.

The Chair noted that 10 and 11 would require going to the legislature for home rule petition. 11 is an extension of what we already do, 12 provides the mechanism and technology for running hybrid meetings.

Linda: Regarding WA 14 questioned the assignment to Schools. Seems like an ethics question.

Chi Chi explained WA 15 for Language Access would fulfill requirements of Title VI Civil Rights Act that requires recipients of Federal funding to ensure that services funded by Federal funds are accessible to Limited English proficient speakers if there's a certain threshold crossed, which Brookline probably crosses. It would add an article to the bylaws to require the Town to establish a language access plan and appoint a language access coordinator and have each public facing department have a line item for language access.

It was noted that Schools have their own current language access programs.

Regarding WA 16 Ground Source Heat Pumps for Driscoll School, **Carla** had a question: Has the mechanism for this additional funding been identified? Are we talking about bonding or coming out of the CIP or is the article just very broadly worded?

Melissa Goff: It is broadly worded, but I believe that they're anticipating that it will be bond funded. I think there's an assumption there that it can be attached to the debt exclusion. I don't know if that's the case. Alternatively, it would be general fund if making it part of debt exclusion weren't an option.

Carla Benka: So if it's attached to the debt exclusion, then we need permission from DOR.

Carol L: Why Schools and not sustainability joining us on Capital?

Carla suggested: Capital and Schools plus 2 and we will borrow sustainability folks from Land Use, but we may not need the entire subcommittee for this.

Janice: Regarding WA 18 it addresses environmental impact and new technologies that could lower carbon footprint and get us to our climate goals sooner.

Article 19 relates to outdoor dining and noise on public ways.

Article 20 establishes a local historic district.

Melissa Goff: Article 21 is a housekeeping issue correcting something that probably could have been deemed as scrivener's error. They need to clean it up; one thing on the table of use that needs to be corrected to comply with the change from the last Town Meeting.

Janice: Article 22 this is really Zoning but the Police Department does have to do a security analysis.

Melissa Goff: Articles 23 and 24 are trying to do the same thing.

Petitioner for Article 23 Michael Zoorob, gave a brief overview: Broadly the article is about reducing residential parking requirements particularly in the TPOD which is near the Green Line but there's some other provisions about for Brookline Housing Authority properties and so on. One detail is that a lot of what I submitted includes the Planning Board's proposal (WA 24) a subsection of it with the with the hope, that maybe there would be some way we could work together so that there's a single warrant article.

Carla noted that the Zoning Bylaw Committee looked at both articles and encouraged Mr. Zoorob and the Planning Board to come together on this. A consensus article is strongly encouraged.

The Chair noted: For WA 26 (transform planning and zoning in the age of COVID) we are going to have an ad hoc subcommittee review it. Encourage people to volunteer.

John D: For WA 27 we're adding maybe 14 words to the Town bylaw which governs the Warrant Article over the State Law which demands that citizens should be heard on a petition. That's an important point, because we have wanted to go much further in terms of stipulating what might be in that financial impact statement. Our answer is that has to be up to the petitioner and also the reviewing bodies. The goal here is to raise awareness of the financial impact of the warrant article being proposed. It is also for bodies like the AC to take into account the fact that Town Meeting might pass this, there is an expectation they can't demand it just like they can't demand that explanation, after all, one could write this is an explanation and that will satisfy the goal and the goal here is no undue burden on the petitioner, yet we feel it's important that we bring this to the attention of the financial issue of the warrant article has oftentimes been overlooked in many cases, and I think that this is also supports BFAC recommendation number three which actually goes much further. We don't believe you can go much further in this process, but we certainly we feel this is a good start.

David Marc: A question on if this passes with the requirement fall on the Town Department that would deal with it like Planning or whatever or would fall on the petitioner?

Neil G: It would fall to the petitioner. Fiscal impact is defined just as that, fiscal impact.

Melissa Goff: Regarding Article 28 there are definitions about fur products and there are also exclusions. A high school student is involved in the development of this article among others.

Neil G: Regarding WA 29 we have an existing bylaw that's called the right of the public to be heard that's why we hold public hearings before we take positions on recommendations on warrant articles. This as an additional section that says before changes are made in election-related matters, which are listed generally in the proposed bylaw that the authority making that decision (the Select Board or Town Clerk) would have to hold a public hearing to provide the public notice.

Melissa Goff: I should also add that in addition to these articles, the Select Board will be calling a Special for the budget amendment so that we can segregate it like we did last year. Potentially 3 Special Town Meetings this fall.. Also, we're looking to appropriate TMC funds, which is what we always do in the fall. Additional HCA funds around fulfilling the rest of the racial equity commitment to go to fund administered by BCF. Mel and I are also trying to find some capacity for some collective bargaining so we can actually kind of move forward with these negotiations. Potentially three adjustments at this point.

Carla: Do we have any idea when we will have a format or structure for Federal Recovery Funds?

Melissa Goff: We want to go through a community engagement process before we talk about allocating funds, except for things that are specific to COVID. That process would take a few months to unfold, and then we would have a Needs Assessment provided by BCF that then would allow the Board to take whatever has been submitted for projects and take that kind of report from BCF under consideration as they contemplate projects.

Carla: Is BCF being compensated for this Needs Assessment?

Melissa Goff: We're working on an agreement that the Board will be able to approve as well, so we're working on that currently.

Neil W: Are they doing Capital needs as well as what they are hearing from the public?

Melissa Goff: They are looking for the community to tell the Town where to use ARPA funding. There are specific goals that ARPA has in terms of addressing disparities in communities and things that are tied to COVID, once we have plan for things that can be tied to COVID to review, other uses may be considered. We are using OpenGOV to facilitate project requests so Department Heads have been trained how to use it. They have a separate module and the Community module is different so we'll have two different buckets to sort through with requests. What I'm trying to do is use the current budget process to do the reviews of what's coming in the door. In another couple of weeks I'll be talking with departments about their CIP requests at the same time, if they have opposition and I'm going to be covering that together, so that they're likely would be overlap, because the department head may not know if they are qualified under ARPA and I've told them, put it down and we'll talk about it.

Carol L: Is there going to be anything coming from you and Mel regarding priorities that you would like to see above or beyond what the department heads are offering?

Melissa Goff: It's really the Select Board that has the approval authority here so we're really kind of asking for them to help us with the priorities and they're relying on the work that BCF is doing to understand where the needs are and then we'll go from there. Advisory will be part of the engagement process. Plus you will be going through the budget process with the departments and it will be organic. We will talk about ARPA and what potential synergies there will be.

9:00 pm Other business

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 9:32 pm.

Documents Presented:

- November 16, 2021 Special Town Meeting INDEX

- Advisory Committee Process Revisions, September 2021
- Subcommittee Assignments - November 2021 Articles

VOTES – No votes were taken at this meeting.

AC Process Revisions

9/9/2021

We (the chair and two vice chairs) have modified the proposal we circulated to the AC over the summer to take into account a number of comments and suggestions made by various AC members. Many of the changes we are proposing reflect recommendations by BFAC, set into the context of AC process. The details of the process are laid out in the table below.

Unless there is a motion offered and approved not to adopt these procedures, we will implement them for the AC's work on the November 2021 and May 2022 warrants. If the procedures outlined below are rejected by a majority, we will operate as we have in the past.

Following November Town Meeting, we will ask the AC to vote again on the processes related to the way warrant articles are reviewed, and following the May 2022 Town Meeting, we will ask the AC to vote again on the way departmental budgets are handled. So in effect, the procedures below are subject to a "sunset clause". And in any case, procedures are always subject to change unless they are encoded in a bylaw.

There are three notable changes in the subcommittee structure, and you will see these referenced in the table.

1. The Planning & Regulatory and Sustainability subcommittees have been combined into a new Land Use subcommittee. The rationale is that issues of zoning are frequently tied closing to issues reacted to sustainability, and a combined committee with expertise in both areas will be better equipped to review both bylaw changes and resolutions related to the broad topic of land use.
2. A new Finance subcommittee has been formed to consider long-term financial trends and to do financial analysis, something that was recommended by BFAC.
3. A Budget Oversight subcommittee has been formed to review budget priorities and revue projections with the Town Administrator and his staff early in the budget cycle (probably in November), and then integrate the recommendations made by the various subcommittee that review departmental budgets. The Budget Oversight committee will bring the budget as a whole to the AC with a recommendation for action, based on its view of how the departmental budget match up against the priorities stated at the start of the budget cycle. The Budget Oversight subcommittee may include recommendations to deviate from the staff's budget proposal. The rationale for creating this subcommittee is that the AC does not currently have a way to view the overall budget through the lens of the stated priorities and objectives of Town government.

To aid subcommittees in their review of departmental budgets, we will produce a set of standard questions that will be provided to each department head well in advance of their meeting with the subcommittee charged with reviewing their budget. We will also ask the Deputy Town Administrator to provide subcommittees with the expansion requests made by each department, whether or not the request has been included in the budget.

Similarly, we will provide warrant article petitioners with a standard set of question in advance of their presentations to the various subcommittees reviewing their articles.

AC Process Revision Objectives & Details – 9/9/2021

	<i>Objective</i>	Process for 11/21 & 5/22
Departmental budgets	<ul style="list-style-type: none"> • <i>Provide a common basis for evaluating dept. budgets & goals vs. overall priorities</i> • <i>Reduce duplication of effort by AC</i> • <i>Reduce burden on dept. heads</i> • <i>Provide for earlier AC input into the budget process</i> 	<ul style="list-style-type: none"> • Initial discussion by budget oversight subcommittee with Town Admin re budget priorities • Dept. budgets reviewed in depth by subject-focused subcommittees • Consolidation by budget oversight subcommittee w/reference to overall priorities • Review & vote by AC
Articles with financial, operational or legal impact	<ul style="list-style-type: none"> • <i>Provide additional time for AC to understand both short-term & long-term implications</i> • <i>Coordinate Planning & Reg and Sustainability considerations</i> 	<ul style="list-style-type: none"> • Reviewed in depth by subject-focused subcommittee • Combine Planning & Reg and Sustainability subcommittees • Reviewed individually and voted by AC • Review guided by standard set of questions provided in advance to petitioners and focused on financial & operational issues
Articles with little or no financial, operational or legal impact	<ul style="list-style-type: none"> • <i>Reduce the substantial amount of time spent by the AC on articles that are largely a matter of opinion or conscience</i> • <i>Step away from non-financial, non-operational social & political issues</i> 	<ul style="list-style-type: none"> • Article status to be assigned by vote of AC chair, vice chairs & subcommittee chairs • Reviewed by AC or an hoc subcommittee, as needed • Review by AC only if a majority overrides the chairs' vote • If no AC review, subcommittee report to TM without a specific recommendation
Long-term financial issues	<ul style="list-style-type: none"> • <i>Implement BFAC's recommendation to engage in long-term financial analysis & planning</i> 	<ul style="list-style-type: none"> • Finance subcommittee of AC members w/financial expertise & outside ad hoc advisors to deal with long-term finance issues • Meet on a regular basis in conjunction with regularly scheduled "financial summits"
Capital budget	<ul style="list-style-type: none"> • <i>Improve the integration of budgeting & capital planning and the integration of annual budgeting with financial planning</i> 	<ul style="list-style-type: none"> • Subcommittee review of capital budget and DPW operational budgets • Joint meetings with finance subcommittee • Focus on protecting assets through appropriate levels of

	<i>Objective</i>	Process for 11/21 & 5/22
		maintenance spending by both Town and Schools
Schools	<ul style="list-style-type: none"> • <i>Integrate Town & School budgeting & planning per BFAC recommendations</i> 	<ul style="list-style-type: none"> • Reviewed in depth by a single subcommittee; coordination with Finance & Capital subcommittees • <i>No solution to limits on integration unless there is a change in institutional attitudes at Town, PSB & SC</i>
Combined Reports	<ul style="list-style-type: none"> • <i>Simplified template that will help TMMs understand the implications of favorable vote vs. no action</i> 	<ul style="list-style-type: none"> • Template to explain “what happens if it passes vs. what happens if it doesn’t” • Appendix with more detailed supporting info, if needed • If there is less than a two-thirds vote in favor of a recommendation, the minority will be asked to provide a minority report to Town Meeting. <p>[With or without minority report, individual AC members are always entitled to speak at Town Meeting, whether in favor of or in opposition to a recommendations made by the AC.]</p>

NOVEMBER 16, 2021
SPECIAL TOWN MEETING
INDEX

ARTICLE NO.

TITLE

1. Unpaid Bills (Select Board)
2. Approval of Collective Bargaining Agreements. (Human Resources)
3. Legislation to remove the Police Department from Civil Service (Select Board)
4. Legislation to delegate the licensing authority of the Select Board. (Select Board)
5. Grant of an easement allowing access to the 60-64 Harvard Street parking lot to the lot's owner (DPW Commissioner)
6. Amend Article 7.5.11 of the Town's General By-Laws to provide for the removal of sidewalk and street obstructions. (DPW Commissioner, ADA Coordinator)
7. Amend Article 8.37.3 of the Town's General By-Laws to increase the cap on Marijuana Retailers by two (2) for Equity Applicants. (Select Board)
8. Amend Article 8.37.4 of the Town's General By-Laws to round down when calculating the allowed number of Marijuana Retailers. (Park, Somani, Frawley, et. al)
9. Resolution to Establish a Study Committee to Consider Policy Goals to Guide Town's Approach to the Recreational Marijuana Industry. (Somani, Park)
10. Legislation to authorize the Town to hold Hybrid Town Meetings (Select Board)
11. Legislation to exempt the Town from in-person quorums. (Bastien, Toffel, et. al)
12. Resolution to encourage the Select Board to provide equipment and mandates to allow for the Town to hold Hybrid Meetings for all public bodies (Bastien, Toffel, et. al)
13. Amend Article 2.1.15 of the Town's General By-Law to require roll-call votes for Town Committees (Toffel)
14. Amend Article 3.12 of the Town's General By-Law to require EDAB members to disclose affiliations with organized non-government groups when voting. (Davis)
15. Create a new Article 3.__ of the Town's General By-Law to provide language access services (Wu, Fernandez, Nobrega)

16. Appropriation for Driscoll School Ground-Source Heat Pumps. (Gacioch, Fischer)
17. Resolution regarding a Town-wide composting program. (Hsieh, Plante)
18. Resolution regarding a the Town's use of low carbon concrete. (Krepchin)
19. Amend Article 8.29 of the Town's General By-Laws - Nuisance control (Davis)
20. Amend the Town's Preservation Commission and Historic Districts Bylaw to establish the Olmsted-Richardson Local Historic District. (Preservation Commission)
21. Amend Section 4.08 of the Town's Zoning Bylaw pertaining to Affordable Housing Requirements (Planning Department)
22. Add a new Section 4.14 to the Town's Zoning By-Law to provide for siting of firearm business uses. (Bignami, Kahn, et. al)
23. Amend Article VI of the Town's Zoning By-Laws to amend off-street residential parking requirements. (Zoorob, et. al)
24. Amend Article VI of the Town's Zoning By-Laws to amend off-street residential parking requirements. (Planning Board)
25. Amend Article VI of the Town's Zoning By-Laws to increase the requirements for EV ready parking spaces. (Zoorob, et. al)
26. Resolution to Transform Our Planning and Zoning in the Age of COVID (Pehlke, Warren)
27. Amend Article 2.1.4 of the Town's General By-Laws to require that fiscal impact be included in all warrant article submissions. (Doggett, Gordon)
28. Create a new Article 8.40 of the Town's General By-Laws to regulate trade in fur products (Fisher, Klein, Davis)
29. Amend Article 3.22 of the Town's General By-Laws to require public hearings for changes in polling and other election related matters (Gordon,TMM1)
30. Reports of Town Officers and Committees. (Select Board)

2021 SPECIAL TOWN MEETING WARRANT REPORT

The Select Board and Advisory Committee respectfully submit the following report on Articles in the Warrant to be acted upon at the 2021 Special Town Meeting to be held on Tuesday, November 16, 2021 at 7:00 p.m.

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

Subcommittee Assignments - November 2021 Articles

Article	Topic	Subcommittee
1	Unpaid Bills (Select Board)	AC
2	Approval of Collective Bargaining Agreements. (Human Resources)	Personnel
3	Legislation to remove the Police Department from Civil Service (Select Board)	Public Safety
4	Legislation to delegate the licensing authority of the Select Board. (Select Board)	A&F
5	Grant of an easement allowing access to the 60-64 Harvard Street parking lot to the lot's owner (DPW Commissioner)	Land Use
6	Amend Article 7.5.11 of the Town's General By-Laws to provide for the removal of sidewalk and street obstructions. (DPW Commissioner, ADA Coordinator)	Public Safety
7	Amend Article 8.37.3 of the Town's General By-Laws to increase the cap on Marijuana Retailers by two (2) for Equity Applicants. (Select Board)	Land Use
8	Amend Article 8.37.4 of the Town's General By-Laws to round down when calculating the allowed number of Marijuana Retailers. (Park, Somani, Frawley, et. al)	Land Use
9	Resolution to Establish a Study Committee to Consider Policy Goals to Guide Town's Approach to the Recreational Marijuana Industry. (Somani, Park)	Human Services
10	Legislation to authorize the Town to hold Hybrid Town Meetings (Select Board)	A&F
11	Legislation to exempt the Town from in-person quorums. (Bastien, Toffel, et. al)	A&F
12	Resolution to encourage the Select Board to provide equipment and mandates to allow for the Town to hold Hybrid Meetings for all public bodies (Bastien, Toffel, et. al)	A&F
13	Amend Article 2.1.15 of the Town's General By-Law to require roll-call votes for Town Committees (Toffel)	Schools
14	Amend Article 3.12 of the Town's General By-Law to require EDAB members to disclose affiliations with organized non-government groups when voting. (Davis)	Schools
15	Create a new Article 3. __ of the Town's General By-Law to provide language access services (Wu, Fernandez, Nobrega)	Human Services
16	Appropriation for Driscoll School Ground-Source Heat Pumps. (Gacioch, Fischer)	Capital & School
17	Resolution regarding a Town-wide composting program. (Hsieh, Plante)	Capital
18	Resolution regarding a [sic] the Town's use of low carbon concrete. (Krepchin)	Capital
19	Amend Article 8.29 of the Town's General By-Laws - Nuisance control (Davis)	Public Safety
20	Amend the Town's Preservation Commission and Historic Districts Bylaw to establish the Olmsted-Richardson Local Historic District.	Land Use

Article	Topic	Subcommittee
	(Preservation Commission)	
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22	Add a new Section 4.14 to the Town's Zoning By-Law to provide for siting of firearm business uses. (Bignami, Kahn, et. al)	Public Safety
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25	Amend Article VI of the Town's Zoning By-Laws to increase the requirements for EV ready parking spaces. (Zoorob, et. al)	Land Use
26	Resolution to Transform Our Planning and Zoning in the Age of COVID (Pehlke, Warren)	Ad Hoc
27	Amend Article 2.1.4 of the Town's General By-Laws to require that fiscal impact be included in all warrant article submissions. (Doggett, Gordon)	Budget Oversight
28	Create a new Article 8.40 of the Town's General By-Laws to regulate trade in fur products (Fisher, Klein, Davis)	Personnel
29	Amend Article 3.22 of the Town's General By-Laws to require public hearings for changes in polling and other election related matters (Gordon,TMM1)	A&F
30	Reports of Town Officers and Committees. (Select Board)	