



Brookline PAX Recommendations

Special Town Meeting, November 15, 2016

Art. 2 – Fund collective bargaining agreements

SUPPORT

This article includes contracts with the Fire Union and AFSCME’s Library unit. The Library contract reaches forward, covering FY2016-2018, but the Fire contract settlement has been a long time coming. It reaches backward and forward, covering three contract periods: FY2013-15, FY2016-17 and FY1018. So PAX commends the Town and the Fire union for finally bringing this very difficult period of irresolution successfully to an end.

Art. 4 – Amend tobacco control by-law

SUPPORT REFERRAL

PAX strongly supports the intent of Article 4: to reduce the access of young people to tobacco and e-cigarette products. We commend the petitioner for extensive and constructive proposed additions to this by-law, and we support referral to the Selectmen’s Committee on Tobacco as recommended by the BOS and the AC.

Art. 6 – Amend plastic bag reduction by-law

SUPPORT

We (and the Green Caucus) are proud of Brookline’s leadership in reducing the Town’s reliance on fossil fuels to increase sustainability. This has included reducing the use of petrochemical plastics, which in turn reduces plastic waste and litter and the enormous burden on the oceans and marine life. This article takes two small but meaningful steps in updating the by-law to match the best in the state. First, it eliminates slightly thicker single-use bags that are claimed to be reusable but are in fact rarely reused. And second, it addresses a scourge that is fully as numerous as shopping bags: plastic produce bags at supermarkets.

Arts. 7-10 – 25 Washington Street Development

SUPPORT 7, 9 & 10; NO ACTION on 8

PAX (and the Green Caucus) recommends **FAVORABLE ACTION on Articles 7, 9 and 10**, a creative approach to future development on the “industrial island” bordered by Washington Street, Brookline Avenue, and River Road. New uses will include a proposed hotel, and zoning changes address the housing needs of single young professionals and seniors. Passage will also bring substantial new tax revenue. Zoning codifies parking maximums to ensure that the district prioritizes pedestrians over automobiles. A range of public realm improvements will ensure that the streetscape will be more vibrant, attractive, and bicycle- and pedestrian-friendly.

We (and, again, the Green Caucus) recommend **NO ACTION on Article 8**, which is offered as an alternative to Article 7. Article 8 would require sidewalk widths for Washington Street that would jeopardize the well-thought out redevelopment of the industrial island, including, most importantly, the feasibility of the proposed hotel project.

Arts. 13 & 14 – Amend sign by-laws

SUPPORT

Our town hall staff and the selectmen and AC deserve credit for taking the initiative – instead of awaiting a lawsuit – to address the unconstitutionality of our sign by-law, as was proactively done in the 1980’s with our then-existing by-law prohibiting all political signs on private property. In 2015 the Supreme Court, in *Reed v Town of Gilbert*, clarified how municipalities can regulate signs under the Constitution. PAX supports these articles, which strengthen First Amendment free speech rights.

* As always, these recommendations were discussed and voted by our Board ten days before Town Meeting convened – and before mailing of the Supplements to the Combined Reports as well as any late motions and amendments thereto.

Art. 15 – Discontinue prohibition of public solicitation of money**SUPPORT**

For reasons similar to 13 and 14 above, we also support Article 15, which is based on far more than *Reed v Town of Gilbert*. Numerous courts, including the Massachusetts Supreme Judicial Court, have struck down laws banning “panhandling,” e.g., *Benefit v City of Cambridge*, 424 Mass. 918 (1997) (peaceful begging is communicative activity protected by First Amendment, so a law prohibiting it will be subject to “strict scrutiny” as content-based prohibition on communicative activity in a public forum, and the Cambridge law fails to show its purported compelling interest, preventing crime and providing safe streets, absent evidence that peaceful beggars are likely to commit crimes). Police Chief O’Leary has therefore introduced this article to delete language in sec. 8.20 of the Town By-laws that may be problematic under these rulings. Again, we commend Chief O’Leary for his proactive efforts to protect First Amendment rights.

Arts. 17 & 18 – Encourage use of electric vehicles**SUPPORT**

PAX (and the Green Caucus) recommends FAVORABLE ACTION on these related articles, which facilitate and thereby encourage the use of electric vehicles by requiring installation of an underlying electric vehicles charging infrastructure.

Art. 19 – Reduce minimum parking space requirements**SUPPORT PETITIONER’S MOTION**

Art. 19 would reduce the required minimum number of parking spaces per housing unit in all newly constructed buildings within half a mile of an MBTA Green Line stop to more accurately reflect current travel and land use patterns in that part of Brookline that is generally more dense and walkable. Reducing the expense and difficulty of providing excessive parking construction will enable homeowners and developers to create new housing that doesn’t impose unnecessary cost burdens and is more compatible with existing neighborhoods. Developers will remain free to construct parking spaces to meet market demand, possibly adding some additional affordable units.

Automobiles contribute to climate change, and their emissions harm public health. By subsidizing car ownership, the current, artificially high parking requirement creates an incentive to travel by car when healthier and more environmentally responsible travel options (public transportation, cycling or walking) are available.

PAX endorses the petitioner’s motion, or another possible motion if supported by the petitioner.

Art. 20 – Authorize BOS to enter into 10-year contract with Hubway bike share program**SUPPORT**

The Hubway program provides one-way, station-to-station, short-term bicycle rentals, making spontaneous bike travel much more convenient, and therefore much more likely that any given trip will be by bicycle. And every trip taken by bike is a trip not taken by a fossil fuel-powered car. Brookline’s current agreement with Hubway expires in 2017, and approval of Town Meeting is required for the Town to sign contracts for a period greater than three years. PAX enthusiastically urges support of FAVORABLE ACTION.

Art. 23 – Amend leaf blower by-law**NO ACTION (but encourage further study/improvement)**

PAX board members had a variety of reasons for recommending NO ACTION on this amendment, but the overarching one was motivated by a sentiment similar to the recent one concerning the Town’s inadequate response to sidewalk snow shoveling: TOO WEAK. Why give a warning each year for the first violation by a given violator?! Why are two blowers still permitted to operate simultaneously, again particularly in dense neighborhoods? Some TMM’s have previously stated that, for various reasons, leaf blowers don’t bother them. We urge them to consider and support the interest of those Brookline residents who are hugely bothered, by psychological or medical (e.g., asthma) reasons, by the noise and/or noxious petrochemical fumes (and particulate matter), especially in some dense neighborhoods. Ideally, this can be further studied – and improved (in conjunction with Article 24, below).

Art. 24 – Resolution: appoint leaf blower code enforcement officer**SUPPORT**

The proposed shift from police to civilian enforcement of leaf blower use is intended to increase compliance with the Town’s by-laws, in large part through property owner education. The change can be effected with minimal cost and is worthy of consideration by the Board of Selectmen.

Art. 25 – Prohibit adoption of Pay As You Throw system without approval of Town Meeting

NO ACTION _____

A pay as you throw (PAYT) trash removal system is both sound for the environment and will save the Town money in waste removal, as it provides a financial incentive to reduce the amount of waste we throw away. Town Meeting approved PAYT about a decade ago, but it still has not been implemented. The time to start is long overdue. This article would further delay implementation, and for this reason we recommend NO ACTION on Article 25.

Art. 28 – Amend articles in Town By-laws pertaining to Diversity Commission

SUPPORT BOS MOTION

As with Arts. 13-15, our Diversity Commission and town hall officials (especially TMM Ernest Frey) deserve credit for taking the initiative to address the leftover work from the 2012-2013 committee chaired by selectman Daly which proposed the revamped by-law for the since rejuvenated Commission – which we applaud.

Arts. 29 & 30 – Town's response to recent violent dog attack

SUPPORT AC MOTIONS

Both articles as revised would establish 7-member study committees to prepare recommendations for the 2017 Annual Town Meeting – Art. 29 on improvements in the current training of animal control officers and police officers in handling dangerous dog and animal attacks, and Art 30 on the feasibility of posting all police incident reports on the Town website as some other communities do. The latter has some tricky legal and policy issues that need to be discussed and addressed.

Art. 31 – Require Open Meeting Law to apply to committees established by Town Meeting

SUPPORT AC MOTION

PAX recommends favorable action on the amendment to be offered by the Advisory Committee, which would mandate the intended transparency, without the onerous enforcement provisions included in the petitioner’s proposal.

Art. 32 – Resolution: support Town Counsel's funding to defend Town on 40B's

SUPPORT AC MOTION

For the reasons outlined by the petitioners in their *Whereas* clauses and explanation, we support the AC version of this Resolution. Citizen/neighborhood activists, of whom we are blessed with many, are simply ill-equipped to match the resources of greedy developers. The Town needs to step up and help the neighborhoods – more frequently and more aggressively.

Art. 33 – Resolution: establish committee to study property relief for low-income senior homeowners

SUPPORT

A study committee will ensure that the Town is well informed as to available programs, so the Selectmen and Town Meeting can best make informed decisions regarding available tax relief measures.

Art. 34 – Resolution: pursue air rights development of affordable, mixed-income housing for seniors over the Town-owned parking lot across Station Street from T stop in Brookline Village

SUPPORT BOS MOTION

Although the AC by a closely divided vote has recommended NO ACTION, we join a unanimous BOS in recommending support for this resolution. The proposal as envisioned by the petitioners would maintain Town ownership of the land and the existing Town parking spaces, would add numerous affordable units of housing for lower-income seniors, would add two stories of underground parking for the residents, and would largely fit into the existing scale of surrounding buildings (although no suggestive drawings have yet been provided by the petitioners).

Marty Rosenthal (TMM-9) and Frank Farlow (TMM-4), Co-chairs

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