



PAX WARRANT ARTICLE RECOMMENDATIONS Brookline Annual Town Meeting, May, 2021

On behalf of PAX Chair Marty Rosenthal, and myself as PAX Secretary:

PAX welcomes new TMMs, and congratulates newly elected townwide officials.

We're pleased to share with you Warrant Article ("WA") recommendations of the Brookline PAX Board, as always, by a super-majority (minimum of 60%) of those voting. We generally limit our recommendations to Articles expressive of PAX principles (e.g., supporting public education, public services, public employees and organized labor, the environment, and diversity, social/racial justice and peace), which are often subjective calls. (See <https://brooklinepax.org/about/> for more.)

Article 6. Accept legislation to increase certain property tax exemptions (Assessors) - An article, routinely passed unanimously, that doubles the property tax exemptions for various residential low-income and/or low asset property owners, e.g., disabled veterans, blind, or elderly. PAX recommends **FAVORABLE ACTION**.

Article 9. Annual (FY22) Budget Appropriations (Advisory Committee ["AC"]) – We appreciate the hard work of the Town Administrator's office, and the Select Board ["SBd"] and AC in holding public hearings and thoroughly vetting our third-of-a-billion annual budget. In that context, our Board primarily discussed two *late-breaking* proposed budget adjustments:

(i) Based on an idea ("Brookline Forward") from the Task Force to Reimagine Policing, then also supported by the Police Reform Committee, this proposal is for \$105,000 to create and fill a "cabinet-level position to lead the groundwork and visioning process for a new social services department." We note that, since Reaganomics, providing far more and sorely-needed social services is a crucial need, and for far broader reasons than public safety; so we are pleased to that this proposal does not target the Police. However, filling a high level -- seemingly permanent -- position without understanding its scope/breadth of responsibility, its relationship with existing departments, or its staffing seems too premature. We're also (generally) concerned with costly amendments seeking to balance the budget by simply [sic] reducing the Reserve Fund that's crucial for fiscal responsibility -- used for extraordinary and unanticipated needs during the fiscal year. We saw a May 10th memo by T/A Kleckner supporting a study, but suggesting instead a more tentative change, \$95,295 for a consultant. Something like that may be included the A/C budget motion, for which we'd urge **FAVORABLE**

ACTION. If the petitioners press their specific proposal for an employee, PAX recommends **NO ACTION** on that, or **referral to the SBd**, for the above reasons.

(ii) Second, there's essentially a 2-part budget amendment, by a petitioned Special TM, proposing \$140,000 for "increased internet access capacity in various locations in Brookline," and \$625,000 "for repairs to low-and-moderate income housing in Brookline." We support the first, for (now crucial) Wi-Fi, a relatively modest amount which seems find-able; but for the second, far larger amount, we find it inadequately studied, including (to our knowledge) by the BHA, and not ready for prime time. We like the concept but -- like (so far) the petitioners -- know little about a funding source. We anticipate that the two questions will be divided for separate votes. PAX recommends **FAVORABLE ACTION** on the appropriation for **Wi-Fi**, and **NO ACTION (or else referral to the SBd)** for the \$625,000 amount. (Note: As there now may be federal funds available for these items, outside of a TM budget appropriation, the Special TM Article may not need to be moved.)

Article 11. Amend Bylaw 2.1 to include a statement in TM procedures acknowledging the history of Indigenous people in Brookline(by Indigenous People Celebration Committee, of which PAX Board Member Kea van der Ziel is a member) - There's little controversy about the reading of a statement; but the debate is (1) whether an actual statement should be included in the bylaw, or merely a reference to a generic statement (petitioners' version), and (2) whether it should be *before* the official start of TM (i.e., immediately following the voluntary Pledge of Allegiance, which was a 1992 PAX-generated compromise -- after an annual, decade-long fight) or after the gavel drops (i.e., immediately following the national anthem). Most recently, the AC voted to recommend a resolution asking the Moderator to allow the reading of a statement, rather than a bylaw change. Due to the significance of this, one of USA's two Original (and still-uncured) Sins, PAX defers to the petitioners, and recommends **NO ACTION** on the A/C's or any other amendment, then **FAVORABLE ACTION on petitioner's motion**, but **NO ACTION should any amended motion become the main motion**.

Article 12. Amend Bylaws 2.5 and 2.2 to require certain roll-call votes in Combined Reports (Toffel, et al) – An expansion of an article passed by TM in November, which required the AC to report its votes. (While not in the early Combined Reports, they're included in the supplemental mailing.) This article requires the same for all bodies making recommendations to TM. Co-petitioned by PAX Board Member Neil Gordon, we recommend **FAVORABLE ACTION**.

Article 13. Amend Bylaw 3.14 to extend the (12/12/19 voted) date to amend the CDICR Bylaw: Without controversy, this housekeeping extension allows the Diversity Commission to continue its homework on the complex subject of a "Citizen Complaint process." PAX recommends **FAVORABLE ACTION**.

14-17 Short-Term Rentals: NO POSITION: WA14, a zoning article, permits (presently prohibited) STR's. WA15, moved by the A/C, was introduced by the Moderator's Committee on STR's, and establishes regulations, as does competing WA17, a substitute motion. WA17 is

generally less restrictive than WA15. One major difference is that WA15 now includes the “Pehlke/Karon Amendment” (the latter a PAX Board Member) which would prohibit STR’s in condominium buildings unless expressly permitted in the condo documents. WA17, however, permits STR’s in condo buildings unless expressly prohibited by the condo documents. Proponents of the Pehlke/Karon Amendment say it will allow condo owners a meaningful opportunity to decide whether to permit this use, given various potential issues. Since it generally requires a super-majority to amend condo documents, they say that, if the default is to permit STR’s, then a small number of owners could inflict their wishes on the majority. Those opposing the P/K amendment contend that many condo associations have such restrictions, and that, though many condo associations pre-date the internet, STR’s already existed in some form, therefore condo associations had fair warning of the need to amend their documents. Another significant difference is that WA15 limits to 90 days the number of days an owner can offer their unit for STR’s; WA17 allows 180 days. The PAX Board believes that these articles raise multiple issues, at least some being unclearly answered by core PAX values; and that the language of various amendments, as well as ongoing -- and prolific -- listserv dialogue and attempts to seek compromises, are still in flux. So, the PAX Board had no 60% vote for any specific version of these articles, but nonetheless recognizes and appreciates these important (and conflicting) issues.

Article 18. Amend the Preservation Commission and Historic Districts Bylaws to extend Lawrence Local Historic District (Preservation Commission) – Extension of the LHD would preserve local streetscape while still allowing properties to be converted to multi-family use. While rejecting NIMBYism, PAX has a long history of deferring to local, neighbor, and neighborhood interests in matters such as this -- barring significant countervailing town needs. Here, we do not see a significant negative impact on our affordable housing stock, otherwise a very serious issue since TM ended rent control in 1990. We recommend **FAVORABLE ACTION**.

Article 19-20, Amend Bylaw 8.37 as to Marijuana Establishments; 20: Amend Zoning Bylaws to conform to state regulations as to licensing and regulation of Couriers and Delivery Operators. (Planning & Community Development Department) – Marijuana delivery is already contemplated in our bylaws. This makes amendments to conform with state regulations. PAX recommends **FAVORABLE ACTION** on both Articles.

Article 21. Amend Zoning Bylaws as to micro unit dwellings and age restricted units in Emerald Island Special District (Planning & Community Development Department) – These restrictions resulted from inadvertent TM action in a broader zoning bylaw change, as the Emerald Island plan was specific in allowing micro units and age restrictions. This is a technical correction. PAX recommends **FAVORABLE ACTION**.

Article 22. Amend Bylaw 3.21 to require posting of agenda packets on Town website. (Toffel et al., co-petitioned with PAX Board Member Neil Gordon) - In a phased manner that will not overly burden Town staff or the IT department, approval of this article -- a follow-up to a PAX article in 2017, which was deferred for more study but never implemented -- will give the public

access to meeting materials at about the same time that members of boards, committees and commissions receive them. Passage is a win for transparency, as well as public participation, at modest cost to the Town and a pretty modest extra effort on the part of our committees. Those lacking staff support may need extra guidance, and maybe some help. An idea whose time came in 2017, PAX recommends **FAVORABLE ACTION**.

Article 23. Amend Zoning Bylaw 4.08 as to Affordable Housing Requirements (Roger Blood) – Passage will allow leveraging maximum benefits from residential developments that Housing Advisory Board recommends, both on-site units and payments to support Brookline’s affordable housing goals. PAX recommends **FAVORABLE ACTION**

Article 24. Amend Bylaw 3.12 to establish a Sustainability Division within the Department of Planning and Community Development (SBd) – This article defines organization specifics relating to positions and activities already taking place within the Planning Department. There are no incremental associated costs. PAX recommends **FAVORABLE ACTION**.

Article 25-26. Amend Zoning By-laws 5.06 and 2.06: WA25 (Scanlon et al.) requires new buildings in Emerald Island Special District to be Fossil Fuel Free (FFF), and **WA 26** (Cunningham et. al) incentivizes FFF infrastructure in new construction and significant rehabilitation of buildings. Both are good, green initiatives, co-sponsored by PAX Board Member Michael Zoorob. PAX recommends **FAVORABLE ACTION on both 25 and 26**.

Article 27. Petition for an act exempting BHA from certain bidding requirements for the construction and development of affordable housing at 32 Marion St. (Scanlon, et al) – Complex bidding requirements will delay and make more difficult an environmentally friendly rehabilitation and development of senior housing (overwhelmingly approved by TM). PAX recommends **FAVORABLE ACTION**.

Article 28. Petition for an act authorizing expenditure of a certain sum from the Town’s Marijuana Mitigation Stabilization Fund to advance racial equity (Select Board) – Use of Stabilization Fund revenues are restricted by law. This Home Rule petition asks for specific relief from those restrictions, consistent with the overall objectives of the law to support communities unfairly impacted by historical drug enforcement policies. PAX recommends **FAVORABLE ACTION**.

Article 29-30. WA29 Amends Bylaw 8.10 to permit use of sidewalks and outdoor premises for year-round outdoor restaurant seating (Planning and Community Development Department); **WA30 Amends our Zoning Bylaws to authorize that.** (Planning and Community Development Department) – Our business community has suffered through COVID and continues to do so. These changes eliminate arbitrary restrictions, and leave the SBd, as licensing authority, control over specific applications. PAX recommends **FAVORABLE ACTION** on both.

Article 31. Petition for an act pertaining to speed regulations (Transportation Board) – TM voted several years ago to reduce the town wide speed limit. Due to a quirk in state

law/regulations, the town cannot do so on some streets, leaving them as higher speed outliers. This home rule petition asks the legislature to eliminate burdensome regulatory requirements and just let the Transportation Board “do the right thing.” Very legitimate national “racial profiling” concerns about traffic violations which are less safety-relevant and more discretionary are under discussion, including here -- but are less worrisome for speeding, almost always a stop based on radar. PAX recommends **FAVORABLE ACTION**.

Article 32. Amend Bylaws to establish a Community Preservation Committee (SBd) – Establishing this committee is the next step in implementing the Town’s adoption of the CPA, recently approved by the voters as Ballot Q2. There’s discussion about the right balance of committee membership and amendments on that subject may be likely. If TM is faced with a choice, PAX **recommends having a HAB seat** on the committee, but, in any case, recommends **FAVORABLE ACTION** on whatever becomes the “main motion.”

Article 33. Amend Bylaws to require public notification of Town eligibility for certain emergency, disaster or stimulus funds, and for public hearings on their use (Sweitzer, et al) – It’s all about transparency and an opportunity for the public to weigh in. PAX recommends **FAVORABLE ACTION**.

Article 34. Resolution urging a voluntary Payment in Addition to Tax (“PIATT”) Program (Paul Harris et. al) –Much as MA has a voluntary, higher income tax rate, this would URGE a voluntary real estate surcharge, a recommended, voluntary wealth “tax.” Petitioners have been committed to privately soliciting participants willing to donate to their Town. There’s little downside. Petitioned by PAX Board Members Paul Harris, Jane Gilman, Bob Weintraub, and Bob Miller. PAX recommends **FAVORABLE ACTION**.

Article 35. Resolution to encourage Brookline voting (Ishak, et. al) – This well-intentioned resolution is a laundry list of unstudied and unvetted ideas that might increase participation in local elections, but might not. We have a newly elected Town Clerk. let him get his feet wet and establish his priorities before we pushing on him “the will” of TM. Co-petitioned by PAX Board Members Michael Zoorob and Amanda Zimmerman. PAX recommends **referral to a Select Board committee**, to work with new Clerk Kaufman to seek practical, impactful measures to increase participation in our local elections, otherwise of course a very worthy goal.

Article 37. Resolution as to declaring a Climate Emergency and adoption of a Climate Crisis Action Plan (Norton, et al) – Yes, Virginia, “there’s gambling in Casablanca,” and we have a climate emergency -- and we need a plan. PAX recommends **FAVORABLE ACTION**.

Article 38. Resolution to create a Fisher Hill Study Committee (Brown et. al) – This well-intentioned article seeks study of the former Newbury College west parcel -- solely for affordable housing. Acquisition of this site was approved by a coalition of TMM’s , then by the voters -- both premised on a host of possible uses. This article sidesteps study of those other uses -- and TM’s promise to the voters. PAX recommends **NO ACTION**, but urges the timely

study of potential uses of the site, including sorely-needed affordable housing in that area, as PAX has long urged.

Article 39. Resolution for a Babcock Street Parking Lot Study Committee (Brown et. al) – There are few Town-owned sites available for building affordable housing (or any other use). The Babcock St. lot may be suited for a (needed) replacement site for the fire station, but that could free up the current fire station site. A study committee would consider whichever site could be best repurposed. PAX recommends **FAVORABLE ACTION**.

Article 40. Resolution to provide additional funding and explore future partnerships with Brookline Interactive Group ("BIG") and form a committee to reexamine current and future grants of location and cable benefits to the Town (Saltzman, et al) - BIG has been a great community resource, but is under fiscal pressure as cable subscriptions have fallen. There may be competing motions; PAX recommends **FAVORABLE ACTION** on whichever becomes the main motion.