



## **PAX WARRANT ARTICLE RECOMMENDATIONS Brookline Special Town Meeting(s), November, 2022**

Now proudly starting our 7<sup>th</sup> decade, the PAX Board has, collectively, over 800 years of progressive activism (albeit more recently poo-pooed by a few as not just irrelevant, but bad).

We're pleased to share our Board's Warrant Article recommendations, as always, by a super-majority (minimum threshold of 60%) of those voting. We generally limit our recommendations to Articles expressive of (albeit broad) PAX values (e.g., supporting public education, public service and unions, climate change activism,, social/racial justice, and peace), often subjective calls. (See the [PAX website](#).)

We offer only very limited descriptions of warrant articles. TMM's are (of course) urged to study the [Combined Reports](#), especially the Advisory Committee's. Whether we agree with their recommendations or not, their reports are invariably the best available resource for detailed explanations of the matters that will come before us, offering a reasonably balanced discussion of pros and cons.

**PLEASE PRINT THESE RECOMMENDATIONS and keep them at hand.**

### **Special Town Meeting (aka "STM1")**

**2. Approval of Collective Bargaining Agreements. (Human Resources) ►► FAVORABLE ACTION if moved:** The Town is close to agreement with a bargaining unit or two. If they get there in time for this Town Meeting, an affirmative vote is required to fund the contract. We support our union workers, who by the time we take this up will have voted to approve the contract.

**4. Appropriation for Fire Station Renovation (Select Board) ►► FAVORABLE ACTION:** Renovation/replacement of our firehouses is necessary for both gender equity and employee safety. PAX endorsed Ballot Question 5, passed overwhelmingly on November 8<sup>th</sup>.

**5. Amend By-Law 2.5 to make 100% discretionary the now mandatory recommendations on "all" Warrant Articles (Select Board): ►► NO ACTION:** This is (i) "much ado about nothing" except gross overreaction to a mushrooming number of Warrant Articles; and (ii) not just "wrong"

and “bad,” but an (albeit unintentional) downright insult to our beloved-by-many, but sometimes messy/annoying, form of government. It evokes Justice Brandeis’ “*The most important office in a democracy is the office of citizen.*” We appreciate that the Select Board has lots to do. So do many others in Town government. But, if an article is important enough for a petitioner to bring, it’s important enough for the petitioner, and the public, to be heard. The current Bylaw mandates a “recommendation” and a public hearing, on –ALL warrant articles. But the current Select Board has recently, wrongfully, decreed that “shall” means “may,” depriving petitioners, and the public, their right to be heard, not only by the Select Board, by the viewing public. We as TMMs also have a right to hear the Select Board’s collective thinking based, at least in part, on “*community input.*” The Bill of Right’s (sacred) “petition the government” is from the Magna Carta, and is the precursor to “free speech.”

Article 5 would also dilute the Advisory Committee’s mandate; and while the current AC chair says he “intends to continue AC’s policy of issuing reports on all Warrant Articles,” their ill-advised (by a vote of 20-5-1) “favorable” recommendation causes a future concern for future AC’s, as well. Our “*much ado ...*” reaction is because (i) the Select Board can easily set varying time limits for aggregate public comment, depending on how many want to speak; and (ii) they could then, hopefully not too often, say: “After a duly noticed public hearing,” the Select Board will not be making a recommendation on Article \_\_\_,” something they, without apparent authority, have said too many times recently -- but with ZERO public comment or debate. A glance at the articles they’ve ignored shows the wrongfulness: WA10 saving trees, WAs 25-29, stunningly, from the Board’s own Zero Emissions Advisory Board, combatting climate change (our worlds’ biggest existential threat), and WAs 34-35, an (OMG!) ethics code that would affect when our legislators (including the Select Board as at large TMMs) can vote. Shouldn’t our so-called “leaders” offer their opinions? And, how much effort would go into pasting the above “no recommendation sentence,” though a 2<sup>nd</sup> half would be more respectful, something like “... because we consider the petitioners to be navel-gazers, AKA “*omphaloskepsis*-types” ☺

**7. Amend our By-Laws to reduce published hard copies of certain reports. (Wang, TMM8 &Lebovitz, TMM8) ►► NO ACTION:** Petitioners could instead have achieved their objective by reaching out directly to TMM’s and lobbying them to opt out of receiving paper copies of reports. We don’t make light of cost savings, but we also don’t make light of the prospect our TMM’s might be less well informed than they might otherwise be, having missed an important document for an inadvertent failure to opt in

**8. Amend By-Laws to allow an alternative to publishing warrants-etc. “in a newspaper of general circulation.” (Select Board) ►► FAVORABLE ACTION:** PAX was vocal in opposing past efforts to eliminate publication of the warrant; but that presumed a local newspaper. Very sadly that’s not the case now (and *an issue screaming out for Select Board leadership, study, & action!* The expense (and minimal visibility) of publishing in the Globe drastically changed the cost/benefit balance. We’re mourning the end of an era.

**9. Amend By-Laws to strengthen enforcement of snow removal by-law (Swaine, Vogt, TMM6, & Tester) ►► FAVORABLE ACTION on A/C motion:** Petitioners, in an attempted quasi-compromise, are now suggesting that residential sidewalks be cleared within 12 hours after a storm. We see that as aspirational, but still impossible to comply with. There are insufficient contractors, insufficient parking, insufficient daylight, and other insufficiencies for the public to comply, whether it be by self, contracted, or volunteer labor. PAX leaders (Stanley Spiegel & then Selectman [sic] Marty R. created this by-law after Prop. 2½ ended most DPW residential sidewalk plowing. We've ever since pushed for better enforcement But, when mandates are hard/impossible to comply with, we get only unnecessary stress, harder enforcement, and diminished respect for the rule of law. The AC motion sets a reasonable time, 24 hours after a storm, reduced from the current 30. That makes sense to us.

**10. Create a new Preserve Trees By-Law. (J.Murphy, TMM16, JHarris TMM8 (& Pax Bd. Member, et. al.) ►► FAVORABLE ACTION:** The proposed bylaw is a good green initiative, and a small but meaningful step to protect our tree canopy. PAX has long supported caution when development reduces grass or trees, the latter finally getting recognition for not only neighborhood character but also climate protection. (See our website's 2003 "Housing & Development: 'Friendly' 40Bs"-- by Marty R. and former Selectman [sic] and PAX Board member Don Weitzman, e.g. "It's time to declare trees, leaves, grass, air, sky, and light as "endangered species" in North Brookline."

**11. Amend By-Laws to extend demolition delay (NHeller, Pax Bd. Member, TMM8, frmr Select Board Member ►► FAVORABLE ACTION:** Tearing down more affordable housing while releasing sequestered carbon, and replacing it with less affordable housing whose construction releases even more carbon, makes little sense to us. We have a process for determining which buildings deserve demolition delay; Article 11 improves that process.

**12. Resolution Urging Planning Dept. to Study Ways to Reduce Demolitions (NHeller (above), SLynn-Jones, TMM1) ►► FAVORABLE ACTION:** Lets study ways to both preserve what's worth saving and optimize affordability at the same time.

**13. Amend Zoning By-Laws to require design review after expiration of demolition stays (Roberts, TMM17, Elperin, DeWitt) ►► FAVORABLE ACTION:** – We all hear the complaint: "And it's ugly!" Article 13 gives neighbors a say (but not a vote) in what they'll be living with, maybe even right next door. It's an opportunity to find common ground, and might mitigate local opposition to much needed increases in density.

**15. Amend By-Laws to limit allowed Storefront Marijuana Retailers to four. (Park TMM17, Levin TMM17 et.al) ►► NO ACTION:** How many times will Town Meeting be asked to whack at the same weed? Petitioners say, "Let the voters decide." Well, the voters have decided. So have

the voters' elected representatives. We label this latest effort to stem the sale and use of marijuana as "[Reefer Madness](#) 3.0." We recognize that marijuana is risky for young brains; but let's all recognize that youngsters have ZERO trouble getting black-market (and perhaps contaminated) pot. Lastly, a potential 5<sup>th</sup> license might go to an equity applicant, to which we'll say, "about time," and look forward to keeping more marijuana tax revenue right here in Brookline.

**21-29 by Gray, TMM10 for ZEAB**

- 21 Petition for special act re betterment loans for residential electrification.**
- 23. Petition for special act re Community Choice Aggregation.**
- 25. Petition for special act re Green Zoning. (Gray, TMM10)**
- 26. Petition for special act re a methane emissions surcharge. (Gray, TMM10)**
- 28. Petition for special act re an emissions reduction fund. (Gray, TMM10)**
- 29. Petition for special act re a gasoline vehicle excise surcharge. (Gray, TMM10)**

This series of Articles seeks a "tool kit" of fossil fuel free initiatives. Written originally as home rule petitions, petitioners' expectation is not that the legislature will necessarily make these exceptions for Brookline, but that the collective lobbying of cities and towns will move the legislature to adopt these (or similar/related) initiatives statewide. PAX supports the general objectives of these Articles, and we recognize the urgency of dealing aggressively with emissions, but the details of these Articles, including which ones may be better crafted as resolutions rather than home rule petitions, are coming too late for us to weigh in with a recommendation. Read the Combined Reports, listen to the debate, and do the right thing -- for our climate crisis.

**31. Amend CDICR By-Laws emphasize community relations and to clarify Town complaint processes. (Greene, Rosenthal, Daly Cavanaugh) ►► FAVORABLE ACTION, and if REFERRAL is proposed, vote NO on referral:** From 2014 until six months ago, we had a discrimination complaint process with relatively clear guidelines. Then in 2019, and again last Spring, we muddied those waters, giving the Diversity Commission (non-exclusive!) authority to investigate complaints and issue findings. In the 2019 words of the Commission, before the Bylaw amendment was (ill-advisedly) voted by Town Meeting, "[Commissioners] expressed the view that they *did not have the necessary background* to effectively carry out the proposed changes." A proposal by the Diversity Commission to "improve" the 2019 changes was rejected by Town Meeting last May, and referred back to the Diversity Commission for review and revision. The Commission, again in the words of some Commissioners, has vowed to "*double down,*" and bring essentially the same proposal back to Town Meeting in May '23.

We need a viable, workable discrimination complaint process. With respect to Town/School employees (including volunteer officials), (i) unionized ones would object to CDICR jurisdiction and (ii) for all employees/officials we already have complaint procedures; and if they're imperfect, let's improve them, as the reform Committee just did for Police -- creating the PCAC and making our Diversity Director a complainant liaison. With respect to complaints *not* involving Town/School employees, Article 31 establishes a meaningful role for the Town's (well trained and capable)

Diversity Director to receive, review, and mediate not only discrimination complaints, but also non-discrimination issues of significant community concern.

Finally, first, someone has to say it: Many in Town, including many TMM's, see the CDICR as having an atmosphere that's not open-minded, impartial, or bridge-building.

Credibility/fairness/reputation must be earned, and aren't bestowed on anyone/anything. Second, three years, three Town Meeting debates, and innumerable hearings and studies; it's time to settle this appropriately -- and move forward.

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

►► **FAVORABLE ACTION:** PAX supports the environmental benefits of urban agriculture. So do honeybees, as they pollinate local flowers, fruits and vegetables. Bees are not chickens or goats, and our soon-to-be beekeepers will be subject to Department of Public Health oversight.

**34. Create new By-Laws requiring abstentions from TMM's with "a financial interest" in a**

**WA (Vogt, TMM6, Toffel TMM8) ►► NO ACTION:** Again, this is like Article 5 (i) "much ado about nothing" ... but another gross overreaction (here) to three 800-pound gorillas that petitioners profess not to be their motivators-- Marty R, and Stanley & Diana Spiegel, all PAX Board Members." Especially for those not yet then present, Marty will (very briefly) at Town Meeting explain a 6-year history and why he as the Spiegel's lawyer decided that he should not abstain -- due to (a) the Zoom format that forecloses any clue as to the likely vote outcome, (b) the vehement opposition by some G. Alston acolytes, and (c) six years of unjust suffering for then aged 87 Stanley. Correctly anticipating the new era's ad hominem-isms, like this WA, it was time to (legally) throw ethics caution & optics to the wind. Sometimes -- if legal -- so-called "justice" is the highest priority.

But, even re-ignoring the three gorillas, this week's very slightly modified proposal remains far far too indecipherable to deviate from state ethics law -- which for very obvious reasons exempts TMM's from conflict laws: (i) there are innumerable local conflicts (only a few mentioned in the Advisory Committee write-up) that not only could easily be "a financial interest," but surely are one, even by the new & minimally improved language; (ii) referring to state law for that criterion -- one that's officially recognized and emphasized by courts as lacking a definition of that-- suggests getting a personal lawyer to advise on the many examples cited by the AC (voting 19-3-1 for No Action), and (iii) TMM's are "elected voters" (*infra*); should our constituents be limited in their representation - like many in Stanley/Diana's precinct 2 and Marty's precinct 8, who saw the huge injustice to not only Stanley but also to our precious form of grass roots government?

Finally petitioners cite a Lexington by-law that's NOT about TMM votes; but ignore something different from Lexington's TMMA about another of their town meeting's *Resolutions* (i.e. *non-binding*), basically suggesting consideration of abstaining when having "an economic interest," but saying:

Ethics — Conflict of Interest: Elected Town Meeting Members are not covered by the Massachusetts Conflict of Interest Laws in G. L. Chapter 268A, which covers all other

municipal employees and elected officials. The exclusion of elected Town Meeting Members is because of their *special status as elected “voters”* rather than elected officials. They have been elected to exercise *the right to vote on* Town matters.

Let's not suppress our TMMs' votes!

**35. Amend By-Laws to require T/M to disclose financial interests in a WA. (Vogt, TMM6, Toffel, TMM8) –► FAVORABLE ACTION:** We're unable to identify a significant conflict of interest that's not been appropriately disclosed by a speaker at any Town Meeting in (for some, not so) recent memory. Surely the poster children for this Article, Marty R and Stanley S, made their interests clear at every step. That said, the Article, without penalty, embodies civility and reasonable behavior. If you're speaking at Town Meeting and you have a conflict, say so. If you think you might have one, say so. It's no big deal, even if we all know about it, anyway. It takes 10 seconds to say, and we're sure the Moderator will grant the extra time on request.

**37. Resolution regarding a budget review for the School Department (Selwyn) ►► FAVORABLE ACTION:** The School Department has been appropriated an ever-increasing percentage of the Town's overall spending budget, while the Town side departments have been mostly level funded (but for increases in compensation). We have no authority over how the Schools spend what we appropriate but we have a responsibility to understand whether what they spend is best practice, good practice, or something less than that. If a study tells us all is well, so be it. If it identifies areas of improvement, great. If it identifies areas of fat/waste, we can have a later conversation of when, where and how we redeploy the potential savings.

**38. Resolution regarding the celebration of Asian American & Pacific Islander Heritage Month (Wu, TMM7, Chanyasulkit, et. al) ►► FAVORABLE ACTION:** PAX enthusiastically agrees the Town should celebrates this Asian American & Pacific Islander Heritage Month,

**39. Resolution regarding the study and use of the Golf Course. (Wholey, TMM11, Goldsmith, TMM11 et. al) ►► NO ACTION:** Petitioners seriously understate the benefits of the Putterham facility, and overstate the benefits of their suggested changes. Not everyone plays golf, just as not everyone has a “green” dog, skates, swims, plays youth soccer or baseball, or shoots hoop. And given the underlying geology and hydrology of the site, it's never going to be suited for (much needed) soccer fields or the like. Important to PAX, a majority of players are from neighborhoods outside of Brookline's borders, many not being country clubbers (pun intended), which we think affirms the -- by some -- priority that we be a welcoming and inclusive town.

**41. Resolution regarding an affordable housing overlay district (AHOD) study committee (Mac Millan, Richardson, Brown) ►► FAVORABLE ACTION:** – As amended, the review called for by this Article will be taken up by the Town’s Housing Advisory Board. We trust that in the capable hands of HAB, petitioners’ objectives will be given serious and fair consideration.

**And finally:**

## **Special Town Meeting 2**

**3 – (Now a) Resolution re: rats (Ishak, et. al.) ►► FAVORABLE ACTION:** We don’t need to explain why fewer rats are better than more rats, and we’re fairly certain that Town Meeting believes that those living, working or visiting here deserve to do so as rat free a way as is practicable.