



## **Brookline PAX Recommendations**

### **Special Town Meeting, November 18, 2014**

#### **Art. 3 – Amend FY2015 budget**

**SUPPORT**

We commend the selectmen for proposing the use of \$23.5K of the recently received \$38.9K in additional State Aid to fund the Diversity, Inclusion and Community Relations Department; and the School Committee for agreeing to deviate from the longstanding (but flexible) guideline of a 50/50 Town-Schools split for new funds.

#### **Art. 7 – Prohibit discrimination regarding gender identity and gender expression**

**SUPPORT**

Petitioner Alex Coleman, a member of the Human Relations Commission, proposes that gender identity and gender expression (one's internal experience of gender—who you know yourself to be—and how you present your gender identity to the world) be added to the antidiscrimination “protected classes” currently listed in five different by-laws. We're pleased to add our support to that of the selectmen and the Advisory Committee.

#### **Art. 8 – Amend Disorderly Behavior by-law by revising provision regarding disturbing the peace**

**SUPPORT**

In 2013 a Heller/Spiegel article proposed amending this by-law to also permit *non-criminal treatment*. While strongly supporting that change, we also stressed that “PAX believes, with the ACLU, that the existing by-law contains considerable vagueness and is overly broad and should be reviewed by Town Counsel for revision at a future Town Meeting.” We now commend Town Counsel and Chief O’Leary for doing just that, and doing it very well (including consulting with us and the ACLU). Article 8 very closely tracks a minefield of complex and tricky constitutional law from the U.S. Supreme Court and the Mass. Supreme Judicial Court.

We also repeat what something else we said in 2013: “We urge the Police and Selectmen to develop flexible *guidelines and criteria* to help officers decide when to proceed criminally or noncriminally in individual cases.”

#### **Art. 9 – Amend noise control by-law**

**NO ACTION**

Article 9 is a word-for-word repeat of the leafblower noise article (with a new explanation) that was soundly defeated at the last town meeting. It was wrong then and it is no less so now. It would weaken enforcement not just of the leafblower restrictions, but of the ordinance as a whole, by muddying the standards of what constitutes acceptable noise levels and how to measure them. There is no need for any study committee, since nothing in the proposal would clarify or add to the ordinance in its current form. PAX recommends no action and opposes referral.

#### **Art. 10 – Amend Town's recycling requirements to add commercial properties to current residential**

**SUPPORT**

This article aims to increase recycling among Brookline businesses by requiring on-site separation of recyclables, and does so by a minor modification of the town's existing recycling by-law to include commercial establishments. Many towns both larger and smaller than Brookline have commercial recycling programs similar to the changes proposed, and a survey of Brookline businesses showed that our current recycling rate is low. The changes would not take effect for a year, to allow the Departments of Public Works and Public Health time to tailor the program to business needs. We oppose referral to a study committee, since the issue has been discussed for several years and is part of the Climate Action Plan. It's time to make a commitment and move forward.

#### **Art. 11 – Expand proscriptions of tobacco control by-law**

**SUPPORT**

This proposal does five things: (1) places age restrictions on sales of e-cigarettes and restrictions on their use; (2) increases the percentage of smoke-free hotel rooms from 90% to 100%; (3) expands the prohibition of tobacco use by staff or students within 400' of BHS from cigarettes to all tobacco and e-cigarette products; (4) requires that stores keep all tobacco products out of reach of customers (to make theft by minors more difficult); and (5) aligns technical language with state law. We commend petitioner Tommy Vitolo for his diligent persistence.

#### **Art. 12 – Prohibit registered marijuana dispensaries within 500 feet of daycare centers**

**NO ACTION**

Article 12 would amend the Registered Marijuana Dispensary (RMD) By-Law, passed by an overwhelming majority of Town Meeting last spring after 70% of our voters had favored RMD's. The current by-law states that an

RMD "shall ... be located more than 500 feet from an elementary and secondary school, public or private..." This article would extend the 500 foot buffer zone to also include daycare centers, and playgrounds and parks that include play structures, preventing nearly all sites in Brookline from housing such a facility. The PAX board unanimously opposes Article 12 and feels that any restrictions of RMDs should be handled by regulations and licensing, not zoning. The perfect—and maybe impossible—can be the enemy of the medically necessary.

**Art. 13 – Require notice to abutters and neighbors of activities of Planning Board & Board of Appeals      **NO ACTION****

This proposal was intended to address the need for more uniform communication between the Zoning Board of Appeals and those interested in and potentially affected by the decisions the Board renders. After the article was filed, the Planning Department began putting precinct numbers in on-line notices of ZBA hearings (to alert precinct TMMs), and posting within five days of the hearing on-line summaries including decisions, withdrawals or continuances to a date certain. Minutes of hearings will usually be made available online within 21 days of the hearing, but until they are posted, copies of draft minutes will be available upon request from the Planning office. Attendance sheets at hearings will allow interested parties in addition to direct abutters to sign up for e-mail notification of subsequent hearing dates. Since these various changes fulfill the intent of the petitioners, they recommend a NO ACTION vote by Town Meeting, and PAX is happy to join them.

However, discussions with various groups concerning this article have revealed other areas of communication between Planning and ZBA, TMMs and residents that could still be improved, e.g., online posting of proposed plans before Planning Board hearings, and Planning Board reports before ZBA hearings.

**Arts. 15 & 16 – Taxi medallions – nay or yea?      *(no recommendation)***

The PAX board commends fellow member and TMM-9 John Harris for his insightful and persistent work on this important matter. While we share his significant concerns, we also find that this issue is multifaceted and frustratingly difficult to grapple with. Moreover, it was not yet clear at the time of our November 9 meeting what form Article 15 would ultimately take before Town Meeting. Thus, we were not able to reach agreement on a recommendation on Article 15. (PAX recommendations require 60% votes by our board.) And since our position on Article 16 would depend heavily on the outcome of Article 15, we have no recommendation here either. We trust that considered debate, informed by the report of the moderator's committee, will lead Town Meeting to act in a way that best serves the public interest, the welfare of the entire taxi industry (*including its drivers*), and the Town.

**Art. 17 – Resolution regarding Town use of LED lighting      **SUPPORT****

This resolution urges the Town to ensure that in the process of converting public interior and exterior lighting to LED or other energy-saving lighting, substantial consideration be given to the effects of different wavelengths of light. The Town is already adopting highly efficient LED lighting. This proposal is a reasonable one that would encourage it to go further and consider health effects by comparing particular forms of this or other technologies.

**Art. 18 – Resolution in support of Mass. Domestic Workers Bill of Rights Act      **SUPPORT****

Early this summer the state legislature passed the Domestic Workers Bill of Rights (which appears on page 18.5 of the Combined Reports). The purpose of Steve Vogel of Workmen's Circle's Economic Justice Committee in introducing this proposal is to demonstrate official Town support for the legislation, raising local awareness as has been accomplished through the adoption of similar resolutions in other Massachusetts towns. We're pleased to join again with a united BoS and AC in strong support.

**Art. 19 – Resolution opposing the Tennessee Gas Pipeline      **SUPPORT****

This resolution encourages the Commonwealth to move away from climate-polluting fossil fuels like natural gas and toward energy efficiency and renewable energy. Hydraulic fracturing, or fracking, is an energy production method that pollutes drinking water and can cause earthquakes and severe health issues. Article 19 opposes all fracking operations in Massachusetts as well as the construction of major new gas pipelines—including, specifically, the Kinder Morgan Northeast Energy Direct Project, which would pass through conservation lands and wetlands.

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

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