
RECORD OF A MEETING OF THE BROOKLINE SCHOOL COMMITTEE ON **TUESDAY, FEBRUARY 27, 2024** AT 6:00 PM, REMOTE VIA ZOOM. STATUTORY NOTICE OF THIS MEETING WAS FILED WITH THE TOWN CLERK.

School Committee Members Present: David Pearlman (Chair), Andy Liu (Vice Chair), Helen Charlupski, Steven Ehrenberg, Suzanne Federspiel, Valerie Frias, Natalia Linos, Sarah Moghtader, and Mariah Nobrega.

Others present: Joseph Callanan, Town Counsel.

Mr. Pearlman called the meeting to order at 6:00 PM.

- 1. DISCUSSION AND POSSIBLE VOTE for the School Committee to be lead petitioner on a proposed Warrant Article, to be submitted to the 2024 Annual Town Meeting, to allow and support the construction of a geothermal heating/cooling system beneath the Pierce School Playground, as part of the Pierce School Building Project.**

Ms. Charlupski, Co-Chair of the Pierce School Building Committee, provided an overview of the need for the proposed Warrant Article. She noted that Article 97 (of the Massachusetts Public Lands Preservation Act) requires legislative approval – through a Home Rule Petition – to install geothermal wells below the Pierce School Playground. She stated that the park will be fully restored to its current configuration and use after the geothermal wells are installed below ground. The general timeline is for the School Committee to present the Warrant Article to Town Meeting, Town Meeting consideration and vote, and Select Board consideration and vote, after which Representative Vitolo will guide the Home Rule Petition through the Massachusetts Legislature.

Ms. Frias asked about the timeframe for approval of the Home Rule Petition (HRP), and whether we are likely to meet it. Joe Callanan, Town Counsel, explained that this type of Home Rule Petition requires a recorded two-thirds roll call vote of the Massachusetts Legislature, therefore it must be acted upon by July 31 (and not by the end of the legislative session on the first Wednesday in January). This is a very compressed, tight timeline. Ms. Charlupski has notified our entire Legislative Delegation of this pending Home Rule Petition and, with Representative Vitolo's assistance, we believe the HRP will be approved by the deadline.

Mr. Callanan reported that in a land disposition case such as this, approval of the government bodies who have the care, custody and control of the land is required. In this case, in addition to approval from the School Committee, Select Board, and Town Meeting, approval from the Brookline Park and Recreation Commission and the Brookline Conservation Commission is also required. Further, the Warrant Article must be reviewed by Advisory Committee. He further explained that it is a new regulatory decision from the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) that requires a recorded two-thirds roll call vote of the Legislature, and the signature of the Governor, for Article 97 land dispositions, even when the project only changes the subsurface *under* the park or open space, as is the case in our project.

ACTION 24-18

On a motion of Dr. Ehrenberg, and seconded by Ms. Charlupski, the School Committee VOTED UNANIMOUSLY, by roll call, with 9 in favor (Mr. Pearlman, Dr. Liu, Ms. Charlupski, Dr. Ehrenberg, Ms. Federspiel, Ms. Frias, Dr. Linos, Ms. Moghtader, and Ms. Nobrega), 0 opposed, and 0 abstentions, to be the lead petitioner on a proposed Warrant Article, to be submitted to the 2024 Annual Town Meeting, to allow and support the construction of a geothermal heating/cooling system beneath the Pierce School Playground as part of the Pierce School Building Project.

Further, the School Committee agreed to designate Dr. Liu to work with Mr. Callanan to review and approve any minor, non-substantive changes to the draft Warrant Article (attached), as presented this evening, to ensure its timely submission.

Mr. Pearlman asked if there were any additional questions or discussion on this matter. There were none.

2. NEW BUSINESS

There was no new business to report.

3. ADJOURNMENT

Mr. Pearlman adjourned the meeting at 6:12pm.

Respectfully Submitted,
Betsy Fitzpatrick
Executive Assistant, Brookline School Committee

ARTICLE XXX

TH ARTICLE

To see if the Town will vote to authorize the Select Board, the Park and Recreation Commission, and the School Committee, as the respective case may be, to transfer custody and control and dispose of a portion of the subsurface area below the existing playground property, typically described as the Pierce School Playground. The subsurface area below the existing playground to be transferred and disposed of is located on School Street, is approximately 2.37 acres in size, and further described on the plan below. The transfer and disposition shall be for the purposes of constructing geothermal wells for the new Pierce School.

To further see if the Town will vote to authorize and empower the Select Board to petition the General Court for a special act, in substantially the following form, and authorize the General Court to make any revisions that are necessary or appropriate to the form of such bill:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO USE A PORTION OF THE SUBSURFACE AREA BELOW AN EXISTING PLAYGROUND FOR PURPOSES OF GEOTHERMAL WELLS RELATED TO AN ADJACENT SCHOOL BUILDING

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline may transfer the care, custody, management and control of a portion of the subsurface area below the existing playground property, typically described as the Pierce School Playground having an area of _____ square feet and shown as “feature of the plan” on a plan of land entitled “name of plan” from the park and recreation commission for playground purposes, temporarily to the pierce school building committee for the purposes of constructing geothermal wells for the new Pierce School, then back to the park and recreation commission for playground purposes, including the temporary construction impacts on the surface of the playground during the period of construction. The land is identified on the town’s assessor’s maps as parcel Town’s parcel id and is part of the lands acquired by the town of Brookline for playground and for other municipal purposes pursuant to deeds recorded in the Norfolk district registry of deeds in book book numbers, page page numbers.

SECTION 2. This act shall take effect upon its passage.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

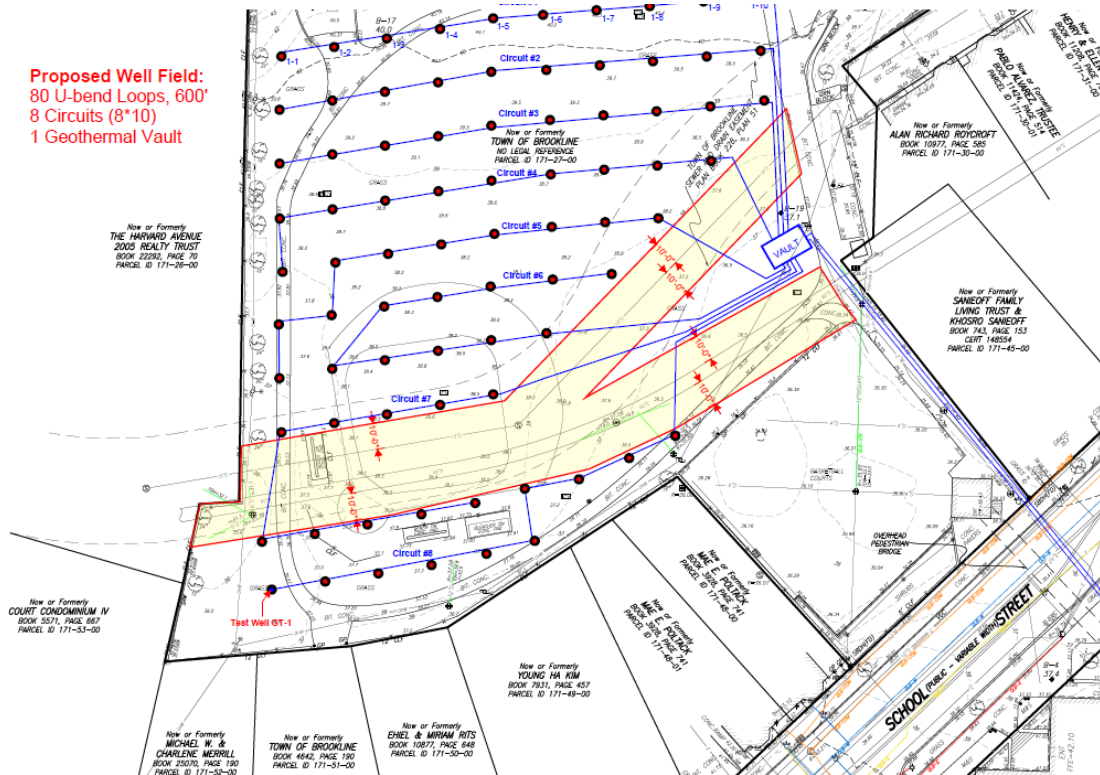
This warrant article would authorize the Town of Brookline to transfer or otherwise dispose of a portion of the subsurface area below the existing property, typically known as the Pierce School Playground. This disposition would allow for the construction of geothermal wells for the new John Pierce School that the Town previously authorized. After the temporary construction impacts of the geothermal wells' installation, the Pierce School Playground will be restored consistent with its existing conditions.

The Town acquired the Pierce School Playground for recreational purposes and Article 97 of the Constitution of the Commonwealth of Massachusetts protects the property. Because of this Article 97 protection, an act of the Legislature is necessary to change the use of the property, and in this case, even a change in only the subsurface area of the property.

The subsurface areas of the playground are already burdened by sewer and drain utility easements. This warrant article will allow the Town to seek Legislative authorization to encumber the property with an additional subsurface utility easement for the purposes of the Pierce School geothermal wells.

The warrant article, and subsequent home-rule petition, would authorize the Town to transfer and dispose of the subsurface area below the existing playground property under any terms and conditions that the Town deems appropriate.

[more t/k]



SELECTMEN'S RECOMMENDATION

ADVISORY COMMITTEE'S RECOMMENDATION

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