

**Town of Brookline
Advisory Committee Minutes**

Sean Lynn-Jones, Chair

Date: September 6, 2016

Present: Carla Benka, Clifford M. Brown, Carol Caro, Lea Cohen, John Doggett, Dennis Doughty, Harry Friedman, Janet Gelbart, David-Marc Goldstein, Neil Gordon, Kelly A. Hardebeck, Sytske Humphrey, Angela Hyatt, Alisa G. Jonas, Janice S. Kahn, Steve Kanes, Bobbie Knable, David Lescohier, Fred Levitan, Robert Liao, Pamela Lodish, Sean Lynn-Jones, Shaari S. Mittel, Mariah Nobrega, Michael Sandman, Lee L. Selwyn, Stanley L. Spiegel, Charles Swartz, Christine Westphal

Absent: Amy Hummell

The meeting was called to order at 7:40 PM.

1. Swearing in of Advisory Committee Members (Town Clerk Pat Ward)

New member David Lescohier and re-appointed members were sworn in by Pat Ward. Anyone who was absent from this meeting should go to the Town Clerk's office to be sworn in prior to the next Advisory Committee Meeting.

Pat Ward explained the early voting law that necessitates them using Room 103 for early voting on two dates that it would normally be used for Advisory Committee meetings - October 27 and November 3. Committee Members expressed their opinions about this displacement. Some members suggested meeting on a Monday or Wednesday in Room 103 in lieu of the Thursdays. Some others suggested that voting is important, people have a right to vote, and accommodating voters should be the priority and we should move graciously or use it on an alternative night.

Pat said he would be able to accommodate us in any other night during those two weeks.

2. Proposed Executive Session to discuss settlement of litigation and a Liability Fund transfer request (Associate Town Counsel John Buchheit)

Associate Town Counsel John Buchheit explained the purpose for the proposed Executive Session – to discuss settlement of litigation. The Chair, through counsel, declared that deliberating in open session would compromise the Town's litigation position. A **MOTION** was made and seconded to go into Executive Session. By a unanimous roll call **VOTE** the Advisory Committee approved the motion to go into Executive Session.

John explained he is requesting the Liability Fund Transfer to settle an injury claim of Margaret Sablove who was injured in the Town Hall elevator. Ms. Sablove's husband also asserted a loss of consortium claim. Ms. Sablove was in the elevator for 7 minutes and proceeded to go down to the basement, brake failed, it went up rapidly and crashed. She was thrown into the air and fell breaking vertebrae. She waited for help to come. The Town received a request for \$550,000 for damages. A demand was also

made against the elevator company. Parties have agreed on a settlement of a total \$200,000 split between the Town and the elevator company. An expert on these matters recommended settlement because a jury would see the video and most people actually fear elevators and would most likely make a larger award to the plaintiff.

A new process/protocol is in place to avoid future problems and has been communicated to all managers in the Building Department. Firemen are called. Turn off the power. Put a lock on the power box. They assess the condition of the person in the elevator. If necessary, they break open the doors. We have also replaced the elevator company.

Q: How much money is in the Liability Fund?

A: \$2.4 Million is currently in the fund.

Q: Weren't the same procedures in effect prior to this accident? What is to insure that things won't repeat themselves?

A: People have learned from this. Suggest that a notice be posted on the outside of the elevator room.

It was noted that the plaintiff in the matter was very appreciative of the Town's apology for the incident.

A **MOTION** was made and seconded to authorize the expenditure of \$100,000 from the Liability Fund to pay for this settlement.

By a roll call **VOTE** of 28 in favor, none opposed and no abstentions the Advisory Committee votes favorable action of the Liability Fund expenditure of \$100,000.

A **MOTION** was made and seconded to move out of Executive Session back into a regular session.

By a roll call **VOTE** of 26 in favor, 2 opposed and no abstentions, the Advisory Committee voted to return to a regular session.

3. Update on FY2017 Budget (Deputy Town Administration Melissa Goff)

Melissa Goff, Deputy Town Administrator, gave an update on the FY2017 budget. Total + \$ 119,972 split 50/50 between the Town and School. There are other amendments to the budget - going through funding for fire department agreement, not ratified yet by firefighters union; from last budget cycle water and sewer projects that were reviewed by Capital Subcommittee and we need to vote on them; and the School Department has a contingency for health insurance.

Questions and Comments

What is the deadline for the union's ratification for the Firefighter's contract? Close to the end of September.

Tentative schedule would put collective bargaining on October 8th and the budget on October 25th – but we could combine these on the same night.

We have this recent hit to the Liability Fund but also received some money from insurance company due to snow storms.

On water and sewer, are those the two capital projects? Yes, they will be paid for with an interest free loan from the MWRA.

4. Update on State Legislation: An Act to Modernize Municipal Finance and Government (Deputy Town Administration Melissa Goff)

Refer to the memo from Town Administrator regarding interim operation of the Finance Department.

Questions and Comments

What is the status of hiring a new Finance Director? It has been slow going. No feeder system to draw from. Now that summer is over, hopeful that we can cast the net wider and get some results. One applicant came close to the end but pulled out.

With Austin spending so much time on oversight, how will the work load be affected? It would have been preferable to have had candidates 6 months before Steve left.

5. Review of Warrant for November 2016 Special Town Meeting and assignment of Articles to subcommittees.

Sean reminded members to reach out to petitioners, citizens and others who may have an interest in the article. Always treat people courteously. Assignments of the articles to subcommittees are as follows

ADVISORY COMMITTEE SUBCOMMITTEE WARRANT ARTICLE ASSIGNMENTS, NOV 2016 TOWN MEETING

1. Unpaid Bills: Administration & Finance
2. Collective Bargaining: Personnel
3. Budget Amendments: Administration & Finance
4. Tobacco Control: Human Services
5. Polystyrene Food Containers: Personnel
6. Plastic Bags: Personnel
7. Emerald Island Special District: Planning & Regulation plus Mariah Nobrega and Neil Gordon
8. Emerald Island Special District Alternative: Planning & Regulation plus Mariah Nobrega and Neil Gordon
9. PILOT—25 Washington Street: Planning & Regulation plus Mariah Nobrega and Neil Gordon

10. Future Agreements—25 Washington Street: Planning & Regulation plus Mariah Nobrega and Neil Gordon
11. Sidewalk Restoration—25 Washington Street: Planning & Regulation plus Mariah Nobrega and Neil Gordon
12. DAS Lease: Capital
13. Sign By-Law Content Neutrality: Schools
14. Zoning By-Law Content Neutrality: Schools
15. Panhandling: Public Safety
16. Resolution—Town Responsibility EV Charging Stations: Capital
17. Zoning By-Law EV Charging Stations: Capital
18. Resolution—State Code EV Charging Stations: Capital
19. Transit Parking Overlay District: Planning & Regulation
20. Hubway Contract: Capital
21. Manned Aircraft—Zoning Change: Capital
22. Zoning—FAR: Planning & Regulation
23. Consolidated Leaf Blower By-Law: Ad Hoc Subcommittee*
24. Resolution—Leaf Blower Control: Ad Hoc Subcommittee*
25. PAYT Town Meeting Approval: Public Safety plus Dennis Doughty
26. Wheeled Toter Carts: Public Safety plus Dennis Doughty
27. Brookings Square: Human Services
28. DICR Amendments: Human Services plus Michael Sandman
29. Police Officers, Dogs and Dangerous Animals: Public Safety
30. Online Posting of Police Reports: Public Safety
31. TM Committees and Open Meeting Law: Schools
32. Resolution—Town Counsel/40B Funding: Administration & Finance
33. Resolution—Senior Tax Relief Study Committee: Human Services
34. Resolution—Affordable Senior Housing (Station/Kent St.): Schools

*Carla Benka, Janet Gelbart, David-Marc Goldstein, Robert Liao, Pam Lodish

No meeting on September 8th.

Architect will release recommendations on where to site the 9th school on the 13th of September. Deadline for deciding on a site is October 13th.

There was the suggestion to tap additional Advisory Committee members for subcommittee work.

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 9:00pm.

Documents Presented:

- Memo from John Buchheit, Associate Town Counsel RE: Request for Liability Fund Transfer to Settle Injury Claim
- Memo from Melvin A. Kleckner, Town Administrator RE: Interim Management of Finance Department

- Index of Warrant Articles
- Advisory Committee Membership List for Fiscal Year 2017
- Draft Advisory Committee Fall Schedule