Town of Brookline
Advisory Committee Minutes


Absent: Alisa G. Jonas, Bobbie Knable, Kelly Hardebeck, Stanley L. Spiegel

Also attending: Melissa Goff, Deputy Town Administrator; Kevin Stokes, Director of Information Technology; Joslin H. Murphy, Town Counsel.

The Chair called the meeting to order at 7:35 pm.

Announcements: The Library budget will be moved to a later date due to the illness and therefore absence of the department head.

MEETING AGENDA

1. Review and possibly vote on FY20 Operating Budget – Information Technology

John Doggett gave an overview of the subcommittee’s deliberations on the IT budget.

Highlights:

Technology providers are moving toward a business model that is based on charging by the number of users per month, rather than purchasing a software license for a given number of users for a longer period of time. This model has the effect of moving costs from capital to operating, so we are likely to see operating budget pressures increase more than usual in this area over the next few years. Microsoft was given as an example.

The subcommittee discussed alternatives – free or lower cost options – for software.

Aggregating communities to get a better price on various technologies was discussed. A number of communities joined forces to get a grant for a Wombat security product, for example.

Mr. Stokes noted that as technology is changing and purchasing is changing also – buying fewer things and more subscriptions.

QUESTIONS AND COMMENTS

(All answers are from Mr. Stokes unless otherwise indicated.)
Q: Questioning the Microsoft cost increase? A: They are leveraging the value of the cloud – buy one license and have all of your devices use the cloud. Updates happen regularly and you don’t have to purchase a new piece of software each time.

Q: Using Google on the School side – what is your thought about switching? A: Easy to do but more a business challenge getting people up to speed. If you are a power user, someone who knows the software well and uses it frequently, probably want to stick with Microsoft because of how robust it is.

Q: What are the primary security threats to the Town’s data base and what are you doing? A: No one is doing enough and no one is protected. Number one security risk is the people who work there. If you do all of the right stuff, blocking, tackling, and putting in all of the security software in that you can, ultimately the focus will be on people and having awareness of threats.

Q: Does the school department have an info technology person (like at the Library). A: Educational Technology staff (IT runs the infrastructure, the Ed Tech are responsible for the teaching and goals).

Q: IT relationship with public safety? A: I am part of the UASIS conversations and able to bring in more IT influence there. Worked very closely on infrastructure – jointly managed equipment and squeezed savings out of the Public Safety budget over the years. Public safety bandwidth has become more narrow – related to diminishing radio frequencies.

Q: Do you cover election system security? A: It is a separate system run by the state. It is offline from what we have here.

Q: When 911 system went down, is there any fix to that so it doesn’t happen in the future? A: 911 is a separate infrastructure and has nothing to do with our system.

Q: SchoolDude – is it something you review often and compare to other software programs that may be similar but have different functions? How often do we revisit the systems we use? A: SchoolDude is a ticketing system for maintenance requests and also room scheduling program that directs requests to IT and also the Building Department.

Q: How much input does IT Department have on the selection of technology in the classrooms? A: IT advocates for standardization. Whatever we buy, we should buy the same and find one vendor to support them and maintain them.

Q: Verizon shut down parts of its 3G system which had some effect on the MBTA. Notification of next train arrivals was shut down through Newton. Has the Town had any experiences like this? A: Nothing has happened like that but we do receive cryptic messages that suggest that they are discontinuing old technologies (DSL for example). You can’t find people to install phones anymore.

Q: Planning and IT Department—Town Zoning bylaw (2 versions on the Town website)—difficult to find on the Town website and no search feature. Understand you are getting some software to address this. Don’t know how long it will take but need a search feature sooner rather than later. A: We are updating the Zoning bylaws online with a new product that has a search feature, track changes feature, and more intelligence in there. Six to ten months planning and will roll out after that. Town Clerk has also been in all meetings.

We generally keep our own search engine on our website. Using Google you will get too many results.
Q: Pay for workers who work less than 18.5 hours per week. Why doesn’t their accrued vacation time appear on their paycheck? Has anything been done about this? A: Not sure but will follow up.

Q: Open check book – looked for an item and it hadn’t been updated in months? A: Typically updated at the end of the year.

Q: Mass.gov posts regulations in PDF and Word versions. Word more accessible to people with visual impairments. Is the Town planning on doing anything like this? A: We are in the process of planning this. Educating our staff on how to tag documents so they are more compatible with screen readers, bringing in a consultant to support us, and will have someone check our work to make sure we are doing this all correctly.

Q: What is the plan for redesigning the website? Many find it cumbersome. A: We have just upgraded over the summer and made some subtle changes. It has two functions: information and e-commerce. Most people use it for the latter; people visit to pay a bill, perform a transaction and go on about their day.

A MOTION was made and seconded to recommend favorable action on appropriating $2,028,342 for the Information Technology FY 20 budget.

By a VOTE of 24 in favor, none opposed and no abstentions, the Advisory Committee recommends appropriating $2,028,342 for the Information Technology FY 20 budget.

2. Review and possibly vote on whether to recommend that the Advisory Committee approve a request for a transfer of $105,350 from the Reserve Fund to the Legal Services Department to fund extraordinary and unforeseen expenses of ongoing litigation.

Steve Kanes provided an overview of the Planning and Regulation Subcommittee’s deliberations on the matter of the Reserve Fund Transfer.

He reviewed the cases and the corresponding amounts requested for each.

This is an ongoing lawsuit brought against the Town and Town officials by former Fire Department employee Gerald Alston in the United States District Court. Counsel at Louison, Costello, Condon & Pfaff, LLP were engaged by the Town as co-counsel in this matter. Discovery in the federal court case is near completion, and the Town and individual defendants anticipate filing a motion for Summary Judgment in March 2019. Counsel estimates that their costs in this matter through June 30 will reach $20,400.

Gerald Alston v. the Town of Brookline (Civil Service Commission) 
When Town Counsel wrote the following in her Reserve Fund Transfer request, she had not heard that the Civil Service had made a determination in the Gerald Alston case. “In a related case, Mr. Alston challenged his termination from work at the Civil Service Commission. A ten day evidentiary day hearing was conducted and a decision is expected by early March. No additional costs in this matter are expected at this time; however it is anticipated that the non-prevailing party will challenge the decision.”

Juana Baez v. Town of Brookline, et al. (US District Court #1:17-cv-l0661-GAO)
This is an ongoing lawsuit brought by Brookline resident Juana Baez in the United States District Court. Counsel filed a Motion to Dismiss the Complaint in October 2017; however, the Court has not ruled on the motion. Should a ruling be issued, counsel estimate their costs in this matter through June 30 could reach $13,000.

**Deon Fincher v. Town of Brookline, et al. (US District Court #1:18-cv-10929-GAO)**
This is an ongoing lawsuit brought by a former Town of Brookline Department of Public Works employee in the United States District Court. Counsel filed a Motion to Strike in July 2018; however the Court has not ruled on the motion to date. Should a ruling be issued, counsel estimate their costs in this matter through June 30 could reach $13,000.

**McGregor & Legere, P.C.**
**Hancock Village I, LLC v. Town of Brookline /NCD Matter (Land Court #18-PS-000192)**
This is an ongoing lawsuit brought by the owner of Hancock Village in the Land Court, challenging the establishment of the Hancock Village Neighborhood Conservation District. Plaintiff’s Motion for Summary Judgment is expected to be argued in March or April and the matter is expected to remain active through June 30. Outside counsel estimate their costs in this matter through June 30 will reach approximately $42,000.

Town Counsel Joslin Murphy acknowledged Steve Kanes on conducting a very robust and open public hearing. When a RFT is requested the funds will not necessarily be expended on the cases outlined in the request. This information was provided in order to give this committee as accurate a figure as possible.

She also disclosed that she is a named defendant in the US District Court case that has been brought by Gerald Alston against the Town and certain town officials. She therefore has a financial interest in this case and has filed a disclosure that she has a financial interest in the case.

**QUESTIONS AND COMMENTS**

*(All answers are from Town Counsel Joslin Murphy unless otherwise indicated.)*

**Q:** Why did the court order Mr. Alston’s attorney to amend the complaint 4 times? 
**A:** The original complaint was extraordinarily long and reached back to the history of Brookline in the 1800s as well as the year of the original incident.

**Q:** What is being sought in the federal case that wasn’t satisfied by the civil case? 
**A:** The federal court case is a discrimination case that alleges that Mr. Alston was discriminated against in his employment.

**Q:** Baldwin is going to be an expensive case – does it concern environmental issues or neighborhood issues? 
**A:** The Town accepted a grant from the Land and Water Conservation Fund in 1976 – the question to be answered is does allowing children in a larger school to use the playground violate the terms of that grant? The other issue is a taxpayer lawsuit put forth by some citizens who allege that the project for many reasons should not go forward.

**Q:** What is your assessment as to the time frame for the resolution of Baldwin case? 
**A:** Couldn’t speculate. The National Park Service is determining if it is a conversion of use; the public may challenge
— 1 to 2 year process. If determined it is a conversion, the Town may appeal — 1 to 2 year process. On the taxpayer lawsuit, possibly longer—3-4 years.

**Q:** In the Alston matter, what is the status of Stanley Spiegel’s case? **A:** Claims against him were determined to be frivolous and he prevailed and was awarded attorney’s fees (which are being challenged).

**Q:** What would happen if the Advisory Committee didn’t vote in favor of the RFT? **A:** The Town would not have funds to pay outside counsel for any one or more of these cases and we would have to pick and choose, and this would be at great risk to the Town.

An Advisory Committee member pointed out that another implication might be if we were not to defend the Town officials that were named, it would affect our ability to recruit and retain people.

**Q:** Is there any way to tag the RFT funds so that they cannot be used for the Alston case? **A:** No this group (the Advisory Committee) doesn’t have this authority, you are limited to just voting up or down.

Ms. Nobrega offered that she thinks Mr. Alston has been treated poorly. Perhaps we shouldn’t appeal this case.

Town Counsel noted that if the Town appeals, it would be an administrative appeal so very limited work—just a gathering of data and delivering to the superior court so very little money would be spent.

The Select Board ultimately will decide whether to appeal. You need to trust the instincts of the Select Board who are sensitive to Mr. Alston’s case.

**Q:** Didn’t we allocate funds for an in-house labor attorney? **A:** We haven’t filled the position yet.

**Q:** If we cannot attach conditions, could we attach a recommendation? The chair said that would go beyond the scope of the agenda item as posted. We could vote a resolution on whether or not to appeal the Civil Service Commission decision, but it is not on the agenda for tonight.

Mr. Kane suggested if you don’t appeal the civil service case, there would be very little incentive for Mr. Alston’s counsel to go forward with a settlement on the federal case. He believes Town Counsel is well positioned through settlement discussions to resolve these issues. We are here to vote a Reserve Fund transfer, not delay or hinder the work of Town Counsel; let them follow whatever strategy the Select Board determines. If you have thoughts on whether the Town should appeal the Civil Service Commission decision, make your thoughts known to the Select Board.

**Q:** Can Mr. Alston return to work and be on the Town payroll? **A:** It is unclear.

A **VOTE** to call the question failed for lack of a two-thirds majority (14–10).

**Q:** Does the Town have a policy that use of the language such as was used in this case cause grounds for immediate dismissal? **A:** Not a written policy. The Town has a robust anti-discrimination policy designed to stop the conduct. Today if such language was used, perhaps the Town might move for dismissal. In 2010 the person who uttered the words had a perfect disciplinary record, no prior problems. He received an award from the White House, and received many accolades. He was suspended after the incident, and went to training. He was required to go to mediation with Mr. Alston and that session
ended with a handshake. The goal always was to stop the behavior, the conduct. If you have concerns about this policy, they should be raised with the Select Board.

A Committee member recommended we write to the Select Board to let them know how we feel about what we know about this case. But our legal services need more cash at this point and we should move forward. We are not poised to decide if these cases should go forward or not.

If you want to get involved in setting legal priorities, you should do it at the Select Board level.

A second VOTE to call the question: 22 – 2 the motion carries.

A MOTION was made and seconded to recommend favorable action on appropriating $105,350 from the Reserve Fund ($77,400 to the General Counsel Fund and $27,950 to the Litigation Account) to meet the unforeseen or extraordinary expenses expected to be incurred for ongoing litigation through June 30, 2019.

By a VOTE of 20 in favor, 4 opposed and no abstentions, the Advisory Committee recommends appropriating $105,350 from the Reserve Fund ($77,400 to the General Counsel Fund and $27,950 to the Litigation Account) to meet the unforeseen or extraordinary expenses expected to be incurred for ongoing litigation through June 30, 2019.

3. Review and possibly vote on FY20 Operating Budget – Legal Services Department

Lee Selwyn gave an overview of the subcommittee’s deliberations on the Legal Services budget.

The principal change is the cost of one attorney, an Associate Town Counsel focused on labor issues. Much of what this person will bring has previously been in the purview of Human Resources. The Town Legal Department is relatively small compared to nearby communities like Newton, Waltham, Somerville and Cambridge. We have the smallest ratio of attorneys per capita compared to these other communities.

Ms. Murphy offered some highlights and accomplishments of the department with the Advisory Committee noting our success in satisfying public records requests and responding to and winning open meeting law complaints.

QUESTIONS AND COMMENTS

(All answers are from Town Counsel Joslin Murphy unless otherwise indicated.)

Q: Re the Alston case, struck by lack of formal procedures and policies in place at the time that had they been in place and enforced could have mitigated some of this. Every department should have clear-cut procedures and policies regarding complaints around diversity issues. Will the new labor counsel be charged with correcting this or just focused on litigation? A: Where this may have unraveled, it was reported to a superior officer in the Fire Station. The Police and Fire Department workplace is unlike any other, employees are more like families than coworkers. Probably believed it could be resolved at ground level because they are like family, so it didn’t get reported right away, but rather 4 weeks later. No discrimination policy existed then, but there was a sexual harassment policy and those practices were followed. There is a quite robust policy now that encourages people to report incidents to HR.
Q: Status of the proposed marijuana store in the St. Mary’s area and the buffer zone? A: Concern has been raised about whether the location is within 500 feet of a school.

The Committee chair noted that an Italian restaurant reportedly will soon apply for the permits and licenses to operate in the former Waxy’s space.

Q: What happened with the Fire Statement gas easement? A: The conversations with the utilities have stalled so nothing has moved forward from the Counsel’s office.

Q: Settle two claims against the Town of discrimination with funds stated. Is this your listing of what was paid out as was previously agreed upon? A: It is.

Q: Legal demands on School development and effect on case load? A: School engages outside counsel primarily for contract negotiation. More recently has been using outside counsel for other matters. In practice Town Counsel triages such things as discipline matters, residency questions, special ed matters, etc. If the matter is going to a hearing, it goes to an outside counsel but the School Department has autonomy in this area. They do not have in house counsel. Town Counsel has limited visibility on their activity unless services are requested.

Can Advisory Committee offer a condition of appropriation on the Services line of the budget? The Committee chair noted that it could be voted tonight or when we vote conditions of appropriation anon, but any such condition would be complicated and the Committee would have to consult with the Deputy Town Administrator. Most previous conditions voted by the Advisory Committee only limited when appropriated funds could be spent, not on what they could be spent.

A MOTION was made and seconded to recommend favorable action for appropriating $1,142,204 for the Legal Department FY 20 budget.

By a VOTE of 23 in favor, none opposed and 1 abstention, the Advisory Committee recommends appropriating $1,142,204 for the Legal Department FY 20 budget.

A MOTION was made and seconded to adjourn; there being no further business, the meeting adjourned at 9:45 p.m.

Documents Distributed at Meeting

- Planning and Regulation Subcommittee Report on FY 20 Operating Budget –Legal Services
- Planning and Regulation Subcommittee Report on FY 20 Operating Budget –Reserve Fund Transfer to Legal Services
- Administration & Finance Subcommittee Report on FY 20 Operating Budget –IT Department
TOWN OF BROOKLINE, MASSACHUSETTS

ADVISORY COMMITTEE MEETING NOTICE

Thursday, February 28, 2019 at 7:30 pm, Room 103

AGENDA

1. Review and possibly vote on FY20 Operating Budget – Information Technology
2. Review and possibly vote on FY20 Operating Budget – Library (to be rescheduled)
3. Review and possibly vote on FY20 Operating Budget – Legal Services
4. Review and possibly vote on whether to recommend that the Advisory Committee approve a request for a transfer of $105,350 from the Reserve Fund to the Legal Services Department to fund extraordinary and unforeseen expenses of ongoing litigation.
5. Other business

The public is invited to attend however this meeting is not a public hearing so public comments will not be taken at the meeting. The Advisory Committee welcomes written comments, which will be circulated to members of the Committee if they are sent to lportscher@brooklinema.gov no later than 12:00 noon on the day of the meeting. Subcommittees of the Advisory Committee hold public hearings on any matter on which the Advisory Committee makes a recommendation to Town Meeting. Members of the public are encouraged to attend subcommittee public hearings if they wish to comment on any item under deliberation by the subcommittee.

Sean M. Lynn-Jones, Chair H: 617-738-6228, W: 617-495-1463, slynn-jones@brooklinema.gov
Carla Benka, Vice-Chair H: 617-277-6102, rcvben@earthlink.net
BROOKLINE ADVISORY COMMITTEE
Administration and Finance Subcommittee
Report on FY2020 IT Department Budget

The Administration and Finance Subcommittee held a public hearing on Tuesday, February 26th, 2019, to review the Information Department budget. In attendance were John Doggett, Dennis Doughty, and Neil Gordon for the subcommittee, and Kevin Stokes, Director of the Information Technology Department, and Justin Casanova-Davis, Assistant Town Administrator.

The Advisory Committee’s proposed operating budget information appears in summary form at II-7 and in detail at pp. IV-11 to IV-15 in the FY2020 Financial Plan.

RECOMMENDATION
By a vote of 3-0-0, the Administration & Finance Subcommittee recommends that the budget the Advisory Committee includes funding of $2,032,347 for the Information Technology department in the fiscal year 2020 budget.

Discussion
The proposed 2020 budget totals $2,032,347 an increase of $4,005 (0.2%) over FY19 budget of $2,028,342. The Budget details as follows:

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<tr>
<th>PROGRAM COSTS - INFORMATION TECHNOLOGY DEPARTMENT</th>
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<tr>
<td>CLASS OF EXPENDITURES</td>
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<td>BENEFITS</td>
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Mr. Stokes, the Director of Information Technology (DIT), reviewed the IT Department budget which, other than a modest increase in personnel STEPS costs, is flat.

The DIT noted that technology providers are moving toward a business model which is based on charging by the number of users per month, rather than purchasing a software license for a given number of users for a longer period of time. This model has the effect of moving costs from capital to operating, so we are likely to see operating budget pressures increase more than usual in this area over the next few years.

For example, Microsoft office (750 users overall) is currently purchased for $149 as part of a PC package. That total cost is amortized over the 4-year life of the host computer. Microsoft announced a proposed change to switch to a monthly per user fee, but pressure from many large users resulted in postponing of that change for a year or maybe two. The
proposed monthly fee was $10, a significant increase over $149 amortized over 4 years.
Note: The non-administrative Schools side mainly uses Google, which currently is free.

The Subcommittee asked about possibly changing to either Google, or OpenOffice, a free open source product that emulates the Microsoft Office products could be considered.

The DIT said there were support issues concerning both products that need to be looked into before any change could be made. He agreed that these options should be looked at if Microsoft makes a definitive change announcement.

The Subcommittee also inquired as to whether the Town was part of any organization that either because of its aggregate clout, could either exert pressure on Microsoft, or other suppliers, or even do bulk licensing. The DIT said that we already try to use leverage wherever possible, but efforts have had mixed results.

For example, the state has a model where they try to aggregate communities for the Accela software product. This attempt did not work out as it was taking too long to get agreement, so Brookline eventually chose to sign its own contract. On the positive side, 13 other communities around Boston via UASI, representing (about 13,000 seats in total, were able to combine forces for a grant for the Wombat security product.

The DIT discussed with the Subcommittee the School Department’s IT needs which are increasingly complex. We have more “smart” buildings, which require increased monitoring and maintenance. The Town has 22,000 “things that beep and blink”, which not only includes computers and phones, but smart “chalk” boards and loudspeakers. Already the IT Department’s budget has absorbed a $9,500 increase as a result of the building automation for the CC School.

There was a discussion of the School Department’s technology needs and the ability of the IT Department to meet them. One Subcommittee member noted that we hear at AC all the time "What does it really cost to run the schools?" It’s complicated. Hardware belongs to the Town; software belongs to the schools. The IT Department has standards and controls in place to enable it to provide a continuous utility service. The School Department has different standards and implementations at different school sites. This sometimes raises a conflict between user needs and utility needs. The IT Department would like to centrally manage any device on the network from its central location, with full access and full control, to provide the expected level of service and support. We are not there yet on the school side.

A discussion of technology oversight ensued. On the financial side we have the Town/School partnership Committee; there is no Town/School partnership for infrastructure. Perhaps this should be addressed. The Information Technology Advisory Committee has no members appointed and (perhaps because it has no members) hasn’t met in four years. It was noted that the IT department has a written objective to convene meetings of ITAC and that the Subcommittee would be looking for progress in achieving that objective.
On a vote of 3-0-0 the Subcommittee recommends FAVORABLE ACTION on the budget as printed.
The Planning and Regulation Subcommittee of the Advisory Committee held a public hearing in Room 111 of Town Hall, at 7:30 pm on February 25, 2019, to review the FY20 Legal Services budget. In attendance were Planning and Regulation Subcommittee members Steven Kanes, Chair, Lee Selwyn, Kelly Hardebeck and Carol Levin; Joslin H. Murphy, Town Counsel, Melissa Goff, Deputy Town Administrator, and Alison Steinfeld, Director, Planning and Community Development Department; as well as several members of the public (see attached sign-in sheet).

**Budget Summary**
The FY20 Legal Services budget request is $1,142,204 and represents a 6.1% increase over FY19. The $66,708 increase includes continued funding for an Associate Town Counsel position to provide labor counsel services and was initially approved by the November 2018 Town Meeting. The remaining personnel increase is due to an increase hours for part-time salaries and Steps. The additional monies are requested for services, supplies and capital to cover the increased cost for professional subscriptions, office supplies, membership dues and leased equipment.

**TOWN OF BROOKLINE PROGRAM BUDGET - FY2020**

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<th>BUDGET FY2019</th>
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**REVENUE**

| BENEFITS | 358,422 |
| REVENUE  | 1,908   |

**Budget Discussion**
The requested budget for Legal Services has a modest 6.1% increase and was described by Joslin Murphy, Town Counsel, as “trim.” The team will grow to 5 lawyers with the addition of an Associate Town Counsel focused on labor issues, but is small compared to nearby communities like Newton, Waltham, Somerville and Cambridge. Ms. Murphy reviewed some of the Legal Services accomplishments from FY19 and highlighted the large volume of work done in support of the School Department and Select Board and the regulatory scheme for recreational marijuana.
which is considered a model for other towns.

In the fall of 2018, the vacancy of the HR Director position prompted the continuation of the discussion on the model for Labor Counsel Services and the recommendation to bring a labor attorney in-house. The budget amendment for $50,813 was approved by the Special Town Meeting in November 2018 and the FY20 increase in personnel costs will continue to fund the position. While the position is funded, no job description has been created yet. Ms. Murphy assured the subcommittee that should the resource not be fully utilized on labor matters, they will be used in other areas.

Subcommittee member Lee Selwyn asked Ms. Murphy if the work Legal Services does for the School Department is reported as part of the Town/School Partnership agreement. Ms. Murphy said while Legal Services provides needed support to the Schools, it does not get reported as part of the Town/School partnership and is difficult to calculate the total number of hours spent. She added that legal work done on school building projects like Baldwin is not considered work for the School Department as the Town owns the properties and the Schools are the using agency.

The subcommittee voted 4-0-0 to recommend approval of the requested Legal Services budget of $1,142,204.00 for FY2020.
BROOKLINE ADVISORY COMMITTEE
Subcommittee on Planning and Regulation
February 25, 2019 Meeting

Report on Request for Reserve Fund Transfer Relating to Ongoing Litigation

The Planning and Regulation Subcommittee of the Advisory Committee held a public hearing in Room 111 of Town Hall, at 7:30 pm on Monday, February 25, 2019, to discuss, take public comment and vote upon a request for a Reserve Fund Transfer. Attending were P&R Subcommittee members Steven Kanes, Chair, Lee Selwyn, Kelly Hardebeck and Carol Levin; Joslin H. Murphy, Town Counsel, Melissa Goff, Deputy Town Administrator, and Alison Steinfeld, Director, Planning and Community Development Department; as well as several members of the public (see attached sign-in sheet).

Mr. Kanes made an initial presentation concerning the role of this Subcommittee and the Advisory Committee regarding Reserve Fund Transfer (RFT) requests, noting that the Advisory Committee was the finance committee of the Town and that bringing, defending and settling litigation, which involves analyzing the merits of a case, is the role of the Select Board.

Town Counsel next made a presentation of the Legal Services Department’s request for a RFT in the amount of $105,350 ($77,400 to the General Counsel Fund and $27,950 to the Litigation Account) to meet the unforeseen or extraordinary expenses expected to be incurred for ongoing litigation through June 30, 2019.

Ms. Murphy first disclosed that she is one of the named defendants in the US District Court case that has been brought by Gerald Alston against the Town and certain Town officials, which is one of the cases for which funds are identified in the RFT request. She then discussed the RFT request which is the subject of her Memorandum, dated February 15, 2019 (posted on the Town website), which preceded her receiving the Civil Service Commission (CSC) decision in the matter of Gerald Alston (posted on the Town website).

Ms. Murphy noted that the Memorandum does not identify any funding request for a possible appeal of the CSC decision. She stated that she did not believe that the RFT would need to be supplemented by a further RFT should the Select Board determine to appeal the CSC decision.

Ms. Murphy next reviewed how RFTs fit within the budget process, reviewed the costs anticipated for outside counsel for the various matters identified in RFT Memorandum, and stated that she had consulted with outside counsel concerning their anticipated costs through June 30, 2019. She stated that she believed the estimated costs were reasonable and trim, and that the total amount was not out of line with prior requests.

Ms. Murphy answered a number of questions from the public concerning the two cases involving Gerald Alston. She stated that to date in this fiscal year, the Town had expended $54,621 on the Alston federal case and $83,476 on the CSC case. Ms. Murphy also stated that
Associate Town Counsel Patty Corea has spent approximately 75% to 85% of her time on the two cases involving Mr. Alston and on other pending civil rights litigation. She further stated that from December 2015 through January 2019, the Town had spent $277,418 for outside counsel on all litigation involving Gerald Alston. Ms. Murphy next discussed and answered questions relating to the other litigation identified in the RFT Memorandum (not involving Mr. Alston).

The discussion next turned to further questions regarding the CSC decision and the cost of outside counsel if there were an appeal, the cost of which Ms. Murphy believed would not be significant. Ms. Murphy also discussed the possible cost of the CSC decision to the Town if the Town did not appeal, including the possibility of approximately 27 months of back pay. She did not want to speculate on the cost to the Town going forward under the terms of the CSC decision, which found Mr. Alston to be disabled and also required that he be reinstated. Ms. Murphy stated that the Town over the years had tried but was unable to negotiate Mr. Alston’s return to work, despite repeated efforts to engage his counsel.

The Subcommittee next heard statements from the public in support of Mr. Alston, with many urging the that the Town not appeal the decision of the CSC. Following these statements, the Subcommittee deliberated the RFT request, noting that while being sympathetic to the concerns expressed by members of the public, no funding for an appeal is identified in the RFT request. With regard to the Alston federal case and other federal litigation referred to in the RFT Memorandum, it was noted that the Town and named Town officials were defendants, and that denying funding for anticipated expenses in these cases would not only supplant the role of the Select Board, but it would also prejudice the Town’s ability in those cases to fully defend itself and the named Town officials, whom the Town may legally be obligated to indemnify under state law, thereby putting the Town at extreme financial risk.

Following that discussion, the Planning and Regulation Subcommittee voted 4 to 0 to recommend that the Advisory Committee approve a request to transfer $105,350 from the Town’s Reserve Fund, as follows: $77,400 to the Legal Services Department’s General Counsel Fund, and $27,950 to the Legal Services Department’s Litigation Account, to meet the extraordinary and unforeseen expenses of ongoing litigation through June 30, 2019.
MEMORANDUM

TO: Select Board
Advisory Committee

FROM: Joslin H. Murphy, Town Counsel

RE: RESERVE FUND TRANSFER REQUEST

DATE: February 15, 2019

A Reserve Fund transfer to the Legal Department’s General Counsel Services account ($77,400) and Litigation account ($27,950) in order to meet the extraordinary and unforeseen expenses of ongoing litigation is respectfully requested. This request is based upon outside counsel and litigation expenses that are expected to be incurred through June 30, 2019, as follows:

**GENERAL COUNSEL**: Account No. 524008

*Louison, Costello, Condon & Pfaff, LLP*

*Gerald Alston v. Town of Brookline, et al (US District Court CA #1:15-cv-13987-GAO)*

This is an ongoing lawsuit brought against the Town and Town officials by former Fire Department employee Gerald Alston in the United States District Court. Counsel at Louison, Costello, Condon & Pfaff, LLP were engaged by the Town as co-counsel in this matter. Discovery in the federal court case is near completion, and the Town and individual defendants anticipate filing a motion for Summary Judgment in March 2019. Counsel estimates that their costs in this matter through June 30 will reach $20,400.

*Gerald Alston v. the Town of Brookline (Civil Service Commission)*

In a related case, Mr. Alston challenged his termination from work at the Civil Service Commission. A ten day evidentiary day hearing was conducted and a decision is expected by early March. No additional costs in this matter are expected at this time; however it is anticipated that the non-prevailing party will challenge the decision.

*Juana Baez v. Town of Brookline, et al. (US District Court #1:17-cv-10661-GAO)*

This is an ongoing lawsuit brought by Brookline resident Juana Baez in the United States District Court. Counsel filed a Motion to Dismiss the Complaint in October 2017; however, the Court has not ruled on the motion. Should a ruling be issued, counsel estimate their costs in this matter through June 30 could reach $13,000.

*Deon Fincher v. Town of Brookline, et al. (US District Court #1:18-cv-10929-GAO)*

This is an ongoing lawsuit brought by a former Town of Brookline Department of Public Works employee in the United States District Court. Counsel filed a Motion to Strike in
July 2018; however the Court has not ruled on the motion to date. Should a ruling be issued, counsel estimate their costs in this matter through June 30 could reach $13,000.

**McGregor & Legere, P.C.**

*Hancock Village I, LLC v. Town of Brookline /NCD Matter* (Land Court #18-PS-000192)

This is an ongoing lawsuit brought by the owner of Hancock Village in the Land Court, challenging the establishment of the Hancock Village Neighborhood Conservation District. Plaintiff’s Motion for Summary Judgment is expected to be argued in March or April and the matter is expected to remain active through June 30. Outside counsel estimate their costs in this matter through June 30 will reach approximately $42,000.

<table>
<thead>
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<tr>
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<tr>
<td><strong>Funds Needed:</strong></td>
<td><strong>$77,400.00</strong></td>
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</table>

**LITIGATION: Account No. 528040**

This account is accessed for litigation related costs including deposition transcripts and expert witness fees. The Legal Department is currently managing several matters in litigation in addition to the matters listed herein. Counsel estimates that these litigation costs will reach approximately $23,500.00 through June 30.

<table>
<thead>
<tr>
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<tr>
<td><strong>Funds Needed:</strong></td>
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Neil –

Out of pure curiosity, I attended the Gerald Alston v. Town of Brookline Civil Service Commission hearing Monday past, 6 August 2018 in the McCormack Federal Building One Ashburton Place, 5th floor. I arrived at approximately 8:50 a.m. – to an 8:30 hearing – because I didn’t bring a photo ID and was detained by security in the lobby of the building.

When I entered the hearing room, the Civil Service Commissioner, the presiding officer, was seated in the middle of a raised desk, with a female stenographer to his left. Brooks Ames, Scott Huggins and Gerald were seated on one side of a long table in front of the Commissioner; Doug Lewiston, Patty Correa, and another White male representing the Town were seated on the other side of this same table. Also, there was a Black female, a psychiatrist (as in, “Dr. . . .”) whose name I didn’t get, seated to the left of the Commissioner, and was being questioned (cross examined?) by Doug Lewiston. The peanut gallery, seated on benches behind the aforementioned, consisted of Cruz Sanabria, a Brookline resident, and myself.

As you’re well aware, I am not a lawyer, and know almost nothing about the specifics of the law. However, I do know this: Doug Lewiston’s performance, presentation, cross examination, call it whatever you want, was utterly disgraceful during the time he interacted with the psychiatrist. (Nothing to do with her race, I’m also certain.) Now maybe Lewiston had a bad/off day. But from 8:50 a.m. when I entered the hearing room ’til, say, 12:30 when I departed, Lewiston peppered this woman with question after question that made absolutely no sense, and went nowhere. I even thought the Commissioner at times was publicly ridiculing Lewiston: How much more time will you need? Or, he might have said, Are you going to use the entire four hours (time allotment)?

But here’s my point: How much is Doug Lewiston charging Brookline tax payers to represent them at these hearings? Why not shovel the money into a burning furnace? And then you can add the cost of Corea and the other White male assistant who were feeding Doug Lewiston questions on yellow slips of paper as he cross examined the (Black) doctor. It all amounted to three and a half hours of shameless nothingness, with even the Commissioner sort of rolling his eyes at the buffoonery being exhibited. And if you don’t believe me you and or your colleagues on the Board can check with the transcripts that were recorded by the stenographer. From my perspective, Lewiston is doing nothing more than bilking Brookline taxpayers out of their (hard earned) monies.

Truth/Justice,

Arthur Wellington Conquest III

Town Meeting Member, Precinct 6
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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<tbody>
<tr>
<td>Anne Greenwald</td>
<td>6 Gibbs St.</td>
</tr>
<tr>
<td>Deborah Brown</td>
<td>26 Parkman, #1</td>
</tr>
<tr>
<td>Raul Fernandez</td>
<td>5 Winchester St.</td>
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<tr>
<td>Kathy Seidman</td>
<td>18 GIBA St.</td>
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<tr>
<td>Debbie Katz</td>
<td>125 Sumner Rd. #1</td>
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<tr>
<td>Scott Murphy</td>
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<tr>
<td>Kelly Race</td>
<td>58 Marshall St.</td>
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<tr>
<td>Sean Lynn-Jones</td>
<td>53 Monmouth St.</td>
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<tr>
<td>Barbara Brown</td>
<td>44 Waverly St.</td>
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<tr>
<td>Ben Poroz</td>
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<tr>
<td>Neil Gordon</td>
<td>1731 Beacon St.</td>
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<tr>
<td>Fred Leuten</td>
<td>231 Rausen Rd.</td>
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<td>Jules Wilner-Brage</td>
<td>115 Thompson St.</td>
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<tr>
<td>Azly White &amp; Company</td>
<td>306 Roswell Rd.</td>
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<tr>
<td>David Tedesco</td>
<td>1258 Beacon St.</td>
</tr>
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<td>Susan Houston</td>
<td>29 Green St. #1</td>
</tr>
<tr>
<td>Keith Grove</td>
<td>1824 Green Beacon St. #4</td>
</tr>
<tr>
<td>Joanna Baker</td>
<td>SB</td>
</tr>
<tr>
<td>Melissa Gaff</td>
<td></td>
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</tbody>
</table>
Subject: FW: [BrooklineTMMA] Litigation Expenses

Begin forwarded message:

From: Arthur Conquest <awciii@yahoo.com>
Date: February 23, 2019 at 1:58:40 AM EST
To: "jcgilman3@gmail.com" <jcgilman3@gmail.com>, "stevenkanes@gmail.com" <stevenkanes@gmail.com>, Mark <marklevy001@yahoo.com>
Cc: 'BrooklineTMMA' <BrooklineTMMA@yahoogroups.com>
Subject: Re: [BrooklineTMMA] Litigation Expenses

And what may I kindly ask about the sick, racist behavior of elected officials (from Brookline) like the Select Board, the School Committee, the Housing Authority, etc., from yesteryear, as well as today, who have, unlike "the Town's work" force taken an oath of office to uphold the Constitution of this country which says "all (wo)men are created equal, that they are endowed by their creator with certain unalienable Rights...among these are Life, Liberty and the pursuit of Happiness...."?

This "(i)ngrained, unrecognized biases that seem to exist within the town" are condoned by the (wo)men at the very top of the government. Do you think for a nanosecond that Brookline firefighter Gerald Alston's case stands alone? What about the horrible acts being committed against Black and Latinx children in the public schools that have been routinely had a blind eye turned on by the leaders, including, sadly, the Town's White Negro leaders?

Truth/Justice,
AWCIII

On Friday, February 22, 2019, 7:27:01 PM EST, Mark marklevy001@yahoo.com [BrooklineTMMA] <BrooklineTMMA-noreply@yahoogroups.com> wrote:

Please remember that complying with the Civil Service decision, etc. will likely cost the Town more than the price of litigation. In particular, the current reserve fund requests will make no observable dent in the Town's financial pictures.

It seems to me the most important issue is not the cost of litigation nor the cost of ponying up the money needed to meet Mr. Alston's various complaints and lawsuits. The controlling factor has to be what Brookline needs to do to correct the engrained, unrecognized biases that still seem to exist within the Town's work place culture.

Mark Levy Precinct 7

On February 22, 2019, at 4:43 PM, "Jane Gilman jcgilman3@gmail.com [BrooklineTMMA]" <BrooklineTMMA-noreply@yahoogroups.com> wrote:
Given the impending tax overrides, to be followed by others, I think the Town can put our money to better use. I oppose this expenditure and urge the Town to comply with the MCAD ruling. Best, Jane Gilman
Pct 3

Posted by: Mark <marklevy001@yahoo.com>
Lisa Portscher

Subject: FW: February 25, 2019 meeting to request reserve funds

From: Joslin Murphy
Sent: Friday, February 22, 2019 2:06 PM
To: Julia Halevy
Cc: Steven Kanes; Lisa Portscher
Subject: RE: February 25, 2019 meeting to request reserve funds

Certainly. Please don’t hesitate to contact me if you have any further questions that I may answer within the bounds of my professional responsibility. Regards, Joslin

From: Julia Halevy [mailto:julia.halevy@gmail.com]
Sent: Friday, February 22, 2019 1:55 PM
To: Joslin Murphy
Cc: Steven Kanes; Lisa Portscher
Subject: RE: February 25, 2019 meeting to request reserve funds

Thanks so much, Joslin, for your thoughtful and thorough reply. May I share this with the FB group?
Best,
Julia

Julia Halevy

From: Joslin Murphy
Sent: Friday, February 22, 2019 11:27 AM
To: julia.halevy@gmail.com
Cc: Steven Kanes; Lisa Portscher
Subject: RE: February 25, 2019 meeting to request reserve funds

Hello Ms. Halevy:

This responds, in part, to your inquiry to Subcommittee Chair Kanes appearing immediately below. We certainly agree that the public is entitled to transparency in this matter, and although I am unable to share the Town’s litigation strategy with you as a matter of professional responsibility, I will answer your questions pertaining to the Legal Department’s request for a reserve fund transfer to the best of my ability.

My formal request for a reserve fund transfer of $105,350 to the Legal Department’s General Counsel Account was submitted to Advisory Subcommittee Chair Kanes on February 15, 2019, prior to my receipt (or knowledge) of the Civil Service Commission decision concerning Mr. Alston. Requests for such transfers are made from time to time by Town Departments, including the Legal Department, in order to provide for “extraordinary or unforeseen expenditures” as provided in the authorizing statute. As you can imagine, the costs of litigation are dynamic. Currently, outside counsel are engaged by the Town to participate in the following matters in litigation:

Gerald Alston v. Town of Brookline (United States District Court)
Gerald Alston v. the Town of Brookline (Civil Service Commission)
Juana Baez v. the Town of Brookline (United States District Court)
Deon Fincher v. the Town of Brookline (United States District Court)
Hancock Village I, LLC v. the Town of Brookline (Land Court)
Taxpayers Concerned for Baldwin v. the Town of Brookline (Norfolk Superior Court)

Because my calculation of the estimated costs of outside counsel that are needed to close out the fiscal year preceded the issuance of the Civil Service Commission’s decision concerning Mr. Alston, my February 15, 2019 request for a reserve fund transfer in the amount of $105,350 does not include the estimated costs of an appeal of that decision, should an appeal be taken. However, if an appeal should be taken, the costs of participating outside counsel, if any, shall be paid from the Legal Department’s General Counsel Account. Of course, the decision to appeal rests with the Select Board, and not the Advisory Committee.

Please let me know if you have any further questions concerning this matter. Should you decide to share this correspondence with others, please share it in its entirety.

Regards, Joslin Murphy

________________________

From: Julia Halevy <julia.halevy@gmail.com>
Sent: Thursday, February 21, 2019 6:16 PM
To: stevenkanes@gmail.com; Lisa Portscher
Subject: February 25, 2019 meeting to request reserve funds

Dear Members of the Subcommittee:

As a member of the Facebook group, Brookline United Against Racism, I understand a meeting has been scheduled to request $105,350 be transferred from the Reserve Fund to the Legal Services Department. I am writing to request further clarification of this upcoming meeting and to add comments related to current legal issues facing the Town.

First, please provide public notice of exactly for what purpose the aforementioned amount is being requested. Given the pending question related to the Town’s response to the Massachusetts Civil Service Commission’s decision that Gerald Alston did experience discrimination and should be reinstated, as a citizen of Brookline, I would recommend that this matter be made entirely transparent to us, the public. I understand from the Facebook thread that the funds were requested before the Civil Service Commission’s decision was received by the Town, so it would be important to know what litigation is pending that necessitates further funds.

Further, while I also understand it was quite useful for public commentary to be heard before a decision to (or not to) appeal the Commission’s decision, the sudden change in time of that meeting left me and others who arrived for public commentary at and around 6:30 wondering why protocol was not followed in this case. The usefulness of public commentary is not in question; the meetings should have been scheduled appropriately in the first place. Otherwise, a logical sense of mistrust has been fostered by this unilateral action.

Finally, it is clear, given the Commission’s decision, that no further legal action should follow. Brookline does have a history of poor race relations, and our public officials, as well as our general citizenry, need to be educated and held accountable for poor behavior – especially that results in terrible outcomes for victims. Mr. Alston must be reinstated with full back pay, and processes to educate his colleagues and to protect him and other people of color from such future incidents need to be put in place immediately. It is simply not tolerable in our town, one that prides itself on liberal and just thinking and action, to allow the sort of behavior to which Mr. Alston was subjected.

The Town of Brookline has demonstrated its lack of sophistication related to issues of race on more than one occasion. Just a few months ago, a White Brookline off-duty policeman stopped two black men and drew his gun on them. I
understand he was disciplined, but I heard many comments that supported the actions of the policeman and that denied the fact that race played a major role in this incident. Have our public officials, members of the police force and our firefighters received education/training on race relations? Have we done a careful audit of all Town policies and procedures to make sure these do not discriminate? These processes have been in place in educational institutions for decades. How can a town like Brookline be so far behind the times?

I understand this letter will be made publicly available. Should you wish to converse further about these matters, please do not hesitate to contact me.

Thank you in advance for your thoughtfulness related to these matters.

Best,
Julia Halevy
403 Washington Street, Unit 5
Brookline, MA 02446

The substance of this message, including any attachments, may be confidential, legally privileged and/or exempt from disclosure pursuant to Massachusetts law. It is intended solely for the addressee. If you received this in error, please contact the sender and delete the material from any computer.
To the Advisory Committee and the Select Board,

- As a voting neighbor and 35 year + resident of Brookline, I am writing to voice my deep concerns about the Alston case.
- This Town blamed Mr. Alston, the victim, for nine years.
- Proceeding with and appealing the Alston case perpetuates the wrong that has been done during this protracted case.
- It is long past time for the town to acknowledge the harm it has caused the people of this town, most especially people of color and Mr. Alston, with its refusal to name and accept responsibility for racism and racist actions.
- The town should settle the case and accept responsibility for the pain it has caused. It is the moral and right thing to do.

Thank you,
Deborah Chassler
Mr. Steve Kanes,
Sub-Committee Chair,
Advisory Committee
Town of Brookline MA

Dear Mr. Kanes,

I will appreciate your circulating this letter to your fellow Planning and Regulation subcommittee members and your thoughtful deliberation at this evening’s hearing, scheduled for 7:30 PM at Town Hall, room 111, at which a funds transfer will be discussed for legal services and on which a recommendation will be voted to present at Thursday’s full Advisory Committee meeting.

I am a town meeting member.

I am first and foremost a citizen, a resident of 15 years on Beacon St. in Brookline. I worship in Brookline. I volunteer in Brookline. I walk my dog all over Brookline. I attend meetings at town hall and elsewhere pertaining to the operation and finances of our community. I am a former member of the MLK Celebration Committee and have successfully recruited heretofore uninvolved citizens to apply and serve on Town Boards and Committees.

As an engaged resident of Brookline I recognize that the Advisory Committee is often in the position of reviewing recommendations from town departments for the transfer of funds to cover routine expenses, such as snow removal, the unforeseen additional cost of a renovation to a municipal building or school or a contract for planning, study or design.

This evening you are asked to approve a funds transfer request that was submitted by the Town’s Legal Department, a department whose judgment has been called into question by the 2/14/19 decision against the Town of Brookline and in favor of the reinstatement of an African American employee whom the Civil Service Commission determined, based on evidence presented over numerous sessions, was wrongfully terminated.

The evidence revealed by the Civil Service Commission’s decision suggests that our community was advised by several professionals on our staff (HR Director and Legal Counsel) and by handsomely paid, specialized outside counsel, to pursue a path that allowed a racially hostile work environment to exist and that the Select Board refused at every opportunity to listen to ‘nay sayers’ who suggested the promotion of Paul Pender was a moral failure. I was among the citizens who said it showed poor judgment and would bring shame to the Select Board and to our community.

During the unfolding of this many-year process with Mr. Alston, Advisory Committee members stated in public ‘you don’t have all the information. We do. If you had the information we have, you would understand why we take this action’. Finally, the public has access to the same information the Advisory Committee and the various incumbents on Select Board had during this process.

Some residents are shocked by advice given and actions taken that dug our town’s leadership into a position that now appears to have been excruciating and impossible to withstand for the aggrieved person, Mr. Alston, and which left the town culpable for having: (from the report):

"Acted in bad faith and in a manner prohibited by basic merit principles which requires, in relevant part,

“fair treatment of. . .employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, sex, marital status, handicap, or religion and with proper regard for. . .basic rights outlined in this [civil service]chapter and constitutional rights as citizens...”When a municipality’s own violation of a tenured employee’s rights has prevented the employee from returning to work, as here, the Town cannot use that inability to work as just cause for discharging the employee from his tenured position.”

It is unlikely that any court will overturn the conclusions reached after ten days of hearing, 14 witnesses and 280 exhibits.

I believe our community is facing a morally damning and financially disastrous case of ‘sunk cost’. I encourage the Advisory Committee Sub-committee to examine the report carefully and consider whether spending any additional money to fight the Alston decision is a defensible position.
Brookline’s advisory committee members make decisions on the data before them to advise the other arms of the Town’s government to prevent the town from wasting our precious, limited resources. Unfortunately no-one who opposed the actions taken over many years prevailed in persuading any department whose actions are condemned by the Civil Service Commission to quit defending the town’s position.

Please recognize the inflection point at which the town now stands in this case. Take the sensible and, yes, courageous step of accepting the judgment of the Civil Service Commission as definitive, one unlikely to be reversed, and therefore approve a funds transfer with the provision that none of it should be expended on the Alston case except to negotiate a settlement.

Expenses may come before you in the future to engage experts to train the Select Board members to better recognize racism and the leadership of the Fire Department to ‘undo’ the racist culture cultivated by the actions described in the Civil Service Commission decision. Pay those expenses. Welcome them. By fulfilling the terms of the settlement, as damaging as it may feel in the moment to pay the legal fees and compensate Mr. Alston for the pain and suffering Brookline caused him, by paying to end this odyssey, and investing in learning to do better, you will help Brookline avoid any future decisions that expose it to similar expensive settlements.

Thank you for reading and sharing my remarks with your fellow subcommittee members and with the full Advisory Committee.

I look forward to participating in tonight's hearing and listening to everyone's remarks.

Regards,

Joanna Baker
Town Meeting, precinct 13
Beacon St.

From: "Steven Kanes stevenkanes@gmail.com [BrooklineTMMA]" <BrooklineTMMA-noreply@yahooogroups.com>
To: brooklinetmma@yahooogroups.com
Sent: Friday, February 22, 2019 1:50:58 PM
Subject: [BrooklineTMMA] Reserve Fund Transfer Request

Dear Town Meeting Members. There have been a number of inquiries and expressions of interest regarding the Reserve Fund Transfer request by Town Counsel for $105,350 for ongoing litigation expenses through June 30. As previously noticed, the Planning & Regulation Subcommittee will consider the request on Monday, February 25, 2019, in order to make a recommendation to the full Advisory Committee. In the interest of providing as much information as possible in advance of the Subcommittee hearing, I have attached a copy of Town Counsel’s Memorandum, which was issued prior to receiving the decision of the Civil Service Commission in the matter of Gerald Alston.

Respectfully, Steven Kanes, Chair, Planning & Regulation Subcommittee of the Advisory Committee
Lisa Portscher

**From:**  Lynn-Jones, Sean M. <sean_lynn-jones@hks.harvard.edu>
**Sent:**  Monday, February 25, 2019 4:16 PM
**To:**  Andrew Leong
**Cc:**  Lisa Portscher
**Subject:**  RE: Alston v. Town of Brookline

Dear Mr. Leong,

Thank you for your email. I will share it with the Advisory Committee.

Sincerely yours,

Sean M. Lynn‐Jones  
Chair  
Brookline Advisory Committee

-----Original Message-----
From: Andrew Leong [mailto:Andrew.Leong@umb.edu]  
Sent: Monday, February 25, 2019 4:08 PM  
To: Lynn‐Jones, Sean M. <sean_lynn‐jones@hks.harvard.edu>  
Subject: Alston v. Town of Brookline

Dear Mr. Lynn‐Jones:

Being unable to attend tonight’s meeting at Town Hall, I write, as a property owner and tax payer in Brookline, to advice the Advisory Committee to not approve of any and all continued funding for supporting the legal retainer for the Town of Brookline in the appeal of the case of Gerald Alston v. Brookline. I make this conclusion as a lawyer and having completely read the Civil Service Commission’s findings dated 2-14-19.

I believe any and all appeal of this matter will not only be futile but a total waste of tax dollars. As detailed in the CSC’s decision, the town has done a great injustice to Mr. Alston and it’s time to end this protracted litigation which will only prolong the negative reputation of the town as well as digging a deeper hole financially to support the town’s systematic treatment against Mr. Alston. Any and all funds targeted towards litigation might be best spent towards future discussions relating to settlement in this case.

Thank you.

Andrew Leong
Subject: FW: Alston v Town of Brookline

-----Original Message-----
From: Lynn-Jones, Sean M. [mailto:sean_lynn-jones@hks.harvard.edu]
Sent: Tuesday, February 26, 2019 11:30 AM
To: Ramsay Liem
Cc: Lisa Portscher
Subject: RE: Alston v Town of Brookline

Dear Mr. Liem,

Thank you for your email. I will circulate it to the entire Advisory Committee.

Sincerely yours,

Sean M. Lynn-Jones
Chair
Brookline Advisory Committee

-----Original Message-----
From: Ramsay Liem [mailto:liem@bc.edu]
Sent: Monday, February 25, 2019 7:15 PM
To: Lynn-Jones, Sean M. <sean_lynn-jones@hks.harvard.edu>
Subject: Alston v Town of Brookline

Dear Mr. Lynn-Jones:

While I cannot claim detailed knowledge of the case of Gerald Alston v. Brookline, I am aware of compelling arguments that Mr. Alston was indeed the object a racist workplace encounter and that the Town of Brookline has made significant efforts to contest his claims. But I have been informed that a Massachusetts Commission recently ruled definitively in Mr Alston's favor. It would be appalling if the Town did not abide that ruling and furthermore invested additional funds to continue litigation.

As a town resident for nearly 40 years, I would be embarrassed to say that my neighbors via the town's governing bodies failed to acknowledge that we, like other municipalities, share in marginalizing of people of color. How hypocritical for a town that presents itself as a bastion of progressive-minded thinking and commitment to invest badly needed dollars to continue a fight that should never have gotten this far.

Please consider my note a strong vote of opposition to any further financial commitment to this matter.

Sincerely,

Ramsay Liem

--

Ramsay Liem
Professor Emeritus of Psychology and Visiting Scholar Center for Human Rights and International Justice Boston College,
Chestnut Hill, MA 02467