

**Town of Brookline  
Advisory Committee Minutes**

Sean Lynn-Jones, Chair

Date: May 23, 2019

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**Present:** Carla Benka, Cliff Brown, Carol Caro, John Doggett, Dennis Doughty, Harry Friedman, Janet Gelbart, David-Marc Goldstein, Neil Gordon, Susan Granoff, Kelly Hardebeck, Amy Hummel, Alisa G. Jonas, Janice S. Kahn, Bobbie Knable, Carol Levin, David Lescohier, Pamela Lodish, Sean Lynn-Jones, Mariah Nobrega, Michael Sandman, Lee L. Selwyn, Kim Smith, Claire Stampfer, Charles Swartz, John VanScoyoc

**Absent:** Ben Birnbaum, Christine Westphal, Steve Kanes, Stanley L. Spiegel

**Also attending:** Melissa Goff, Deputy Town Administrator; Kathleen Silbaugh, Petitioner for Article 19; Michael Offner, Petitioner for Article 27; Kea van der Ziel, Petitioner for Article 28; Petitioner for Article 29, DPW Commissioner Andrew Papperstagon

The Advisory Committee met in Room 208 in the main building of Brookline High School. The Chair called the meeting to order at 6:00 pm.

**AGENDA**

1. Review and possible vote on Article 10: Newbury College. No news. No discussions or action.
2. Possible reconsideration, further review, and vote on Article 19: Tobacco Control By-Laws.  
No one is recommending reconsideration. No Action.
3. Possible reconsideration, further review, and vote on Article 27: Alston Apology

A **MOTION** was made and seconded for reconsideration.

Amy Hummel advocated against reconsidering the Article, noting that litigation was ongoing and that Town Meeting should not do anything that would undermine the Town's position. She urged Town Meeting to wait until after the case is settled.

John VanScoyoc note that Sandman/VanScoyoc version with Bernard Green's edits is the version the Select Board voted.

The wording was driven by concern that we not step over the line and do anything that could have an impact on ongoing litigation. It was properly vetted with all concerned parties.

David-Marc Goldstein wasn't in favor because the motion is badly written and we should not reconsider.

Chuck Swartz disagreed that the Advisory Committee should sit on their hands.

Harry Friedman said that unless it was run past Mr. Alston and his attorney, and the court and judge, it doesn't really require reconsideration.

Kim Smith suggested this is so watered down doubt it would have an impact on the case.

Janice Kahn noted that the petitioner's motion is the one before Town Meeting and in this case that the petitioner's motion should succeed or fail on its own.

Both the petitioner's motion and the Select Board's motion will be before Town Meeting.

Susan Granoff noted it is inappropriate for a Town that is party to the litigation to be short circuiting the process and taking a stance which in the interest of being carefully worded no one is satisfied with the final product and still has the chance of making things difficult in our negotiations and legal matters.

By a **VOTE** of 7 in favor, 16 opposed and 2 abstentions, the motion to reconsider fails. The recommendation for No Action stands.

4. Possible reconsideration, further review, and vote Article 28: MA Flag and Seal

Do we want to reconcile our recommendation with the Select Board's option? No motion to reconsider was made.

5. Possible reconsideration, further review, and vote on Article 29: Town Meeting Diversity

This is on the agenda again due to minor differences between our version and the Select Board version regarding inclusivity.

Janet Gelbart made a **MOTION** that was seconded to reconsider to allow us to adopt the Select Board language. By a **VOTE** of 0 in favor, 19 opposed, and 4 abstentions, the motion to reconsider fails.

Amy Hummel noted that the provision in the resolution regarding the Moderator's order of speakers at Town Meeting - giving him instruction – is important. You cannot get any fairer than first come, first served. Voting some other way usurps something that we don't need to do and suggests things are going badly and I disagree that they are.

Harry Friedman noted that he finds this the most paternalistic thing imaginable – that a member of a protected group cannot get their act together to sign up in time to get on the list and the Moderator needs to consider their status as a protected class.

Most Advisory Committee members seemed to agree that the Advisory Committee's motion was broader and satisfactory.

6. Possible reconsideration, further review, and votes on the Committee's recommendations on other Warrant Articles for the 2019 Annual Town Meeting

Arthur Conquest's motion regarding Article 26 was raised but given the absence of the petitioner and lack of time, it will be covered on Tuesday, May 28.

7. Discussion and vote on a Department of Public Works Reserve Fund Transfer request for \$275,000 to cover the increase cost of Curbside Collection and Processing of Single Stream Recycling

8. Discussion and vote on a Department of Public Works Reserve Fund Transfer request for \$1,007,050 to cover the deficit for Snow and Ice Control

Carla Benka gave an overview of the Capital Subcommittee's deliberations regarding the two Reserve Fund Transfer requests from DPW.

The Commissioner noted that the Town has been running snow deficits since at least 1996 every year except 2. Most of the time the department can take funds from the surplus in the DPW's personnel account or from sanitation. This year, DPW has very close to a full complement of employees and surplus funds in the Sanitation budget have been directed to offset the additional costs of recycling.

A **MOTION** was made and seconded to recommend favorable action the Reserve Fund Transfer \$1,007,050 to cover the deficit for Snow and Ice Control; by a **VOTE** of 22 in favor, none opposed and 1 abstention, the Advisory Committee recommends favorable action on the Reserve Fund Transfer.

A **MOTION** was made and seconded to recommend favorable action the Reserve Fund Transfer \$275,000 to cover the increase cost of Curbside Collection and Processing of Single Stream Recycling; by a **VOTE** of 23 in favor, none opposed and no abstentions, the Advisory Committee recommends favorable action on the Reserve Fund Transfer.

There being no further business, the meeting ADJOURNED at 7:00 p.m.