

**Town of Brookline  
Advisory Committee Organizational Meeting Minutes  
Thursday, July 6, 2023  
In Person in Room 103, Town Hall and Remote via Zoom**

**Meeting Recording:**

<https://brooklinema.zoomgov.com/rec/share/utjYbM68pkMUfbKU30vdU1f0GgSmFOIUDMb18W0AMNZ8LrJxjZqhRKIkVonzsBxW.jfn1rrUMJu0lmsQD>

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**Present:** Michael Berger, Paul Bernard, Ben Birnbaum, Harry Bohrs, Clifford Brown, John Doggett, Dennis Doughty, Katherine Florio, Harry Friedman, David-Marc Goldstein, Neil Gordon, Perry Grossman, Kelly Hardebeck, Alisa Jonas, Janice Kahn, Pamela Lodish, Carol Levin, Donelle O’Neal, Linda Olson Pehlke, Markus L. Penzel, David Pollak, Stephen Reeders, Carlos Ridruejo, Lee Selwyn, Alok Somani, Carolyn R. Thall, Christine Westphal

**Absent:** Amy Hummel, Joslin Murphy

**Also Attending:** Deputy Town Administrator Melissa Goff, Assistant Town Administrator for Finance Charles Young, Fire Chief John Sullivan, Mark Gray, Alec Lebovitz, Ben Dubin, and other members of the public.

The meeting was called to order at 7:00 PM.

**Public Comment** – Public Comments received from Abby Swaine were shared with members and are linked below. There were no other comments from the public.

**7:15 pm Remarks from the Town Moderator and Election of an Advisory Committee Chairperson, Vice-Chairperson, and Secretary**

Ben Kaufman, Town Clerk swore in three new members and the reappointed members who were there in person. (Those on Zoom will need to make an in-person appointment to be sworn in, as virtual swearing ins are no longer lawful.)

TMM Moderator Kate Poverman gave an overview on the composition of the current Advisory Committee (see list linked to these minutes). She thanked the Advisory Committee for their commitment and the valuable contributions of long-standing members. In selecting members she strives for even balance of genders, strives to have a TMM from each precinct, and strives for diversity of lived experiences and political views. She noted that this was not always possible.

There are multiple criteria she looks for in assessing new and existing AC members. These include whether they have an area of expertise the AC needs. As the financial committee, this sways especially towards people with financial backgrounds. AC also needs members with legal knowledge, land use, architectural, education, etc.

Especially important is collegiality and professionalism and treating each other and those who come before the Committee with respect – staff, petitioners, and other Committees, such as the School Committee. She stressed how important this is. TMMs are not going to listen to the advice the AC has to give if they do not feel like they are respected and have been treated respectfully.

It is also necessary to put in the work. Your fellow AC members rely on you to carry your weight. It is a challenging job, and everyone needs to work as part of a team. This can include things that are as seemingly minor as making sure you are on time for meetings – Quorums needed.

It is necessary to be civil and respectful to everyone, and if, she added, you tend to be very plainspoken like her, you need to rein that in.

She cautioned, there is no room for ideologues on the AC. We need people who are able to engage in discussions, no matter how vehemently they disagree with someone else's position. You are not advocates. If you start preaching, people stop listening. When you present a report to the Committee, you have to present both sides`

One of the most difficult things about being an AC member is that it limits what you can say on the TMMA listserv and, at times, other places. The AC can only deliberate in public. Emails that pertain to things under consideration by the AC reach a quorum of members and can be construed as deliberations. If in doubt, do not send that email, or consult with her, Town Counsel, Dennis or Harry.

Similarly, because the AC is supposed to be neutral, you can belong to advocacy groups, but because of your position on the AC, you cannot be at the head of the group.

The Moderator strongly urged members to attend meetings in person. It is difficult to get to know someone's personality over Zoom. Hard to develop lifelong friendships over Zoom. There is an ability to have back-and-forth exchanges and an ability to ask follow-up questions in real time, which is extremely important. Someone who seems snippy on Zoom may have an incredible, warm sense of humor. Someone who has completely different political views may share a love of sailing or a passion for killing rats. You won't know this if you don't have the opportunity to get to know them in person.

This is an amazing group. Being a member of the AC is a lot of work. The benefit of being on it is that you are working with some of the smartest, most interesting, and dedicated people in Brookline. The depth of knowledge, insight and raw intelligence on the Committee is astounding. Take advantage of that.

The Moderator then requested nominations for the Advisory Committee officers.

#### Requested nominations for Vice-Chair of AC for 2024

Nomination: Harry Friedman

A **MOTION** was made and seconded to nominate Harry Friedman as Vice-Chair of AC. By a roll-call **VOTE** of 21 in favor, none opposed and no abstentions, the Advisory Committee approved the election of Harry Friedman Vice-Chairman of the AC.

#### Requested nominations for a Chair for AC for 2024

Nomination: Dennis Doughty

By a roll-call **VOTE** of 21 in favor, none opposed and no abstention, the Advisory Committee approved the election of Dennis Doughty as Chair of the AC.

#### Requested nominations for Secretary of AC for 2024

Nomination: Lisa Portscher

A **MOTION** was made and seconded to nominate Lisa Portscher as Secretary of the AC.

By a roll-call **VOTE** of 21 in favor, none opposed, and no abstentions, the Advisory Committee approved the election of Lisa Portscher as the Secretary of the AC.

**7:30 pm Review, Discussion, and Possible Vote on Reserve Fund Transfer Request for \$816,000 to address a shortfall in the FY2023 Fire Department Personnel Budget**

Assistant Town Administrator for Finance Charles Young gave an overview of the departmental deficits and currently approved transfers (see chart).

<b>FY23 APPROPRIATION</b>	<b>2,930,043</b>
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<b>APPROVED</b>	
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DPW Snow and Ice	447,141
Town Clerk VOTES Act and Special Election	90,000
Town Meeting	25,000
Building School Utilities	743,000
Library Utilities	25,200
<b>TOTAL APPROVED</b>	<b>1,330,341</b>
<b>TOTAL BALANCE (\$\$)</b>	<b>1,599,702</b>
<b>TOTAL BALANCE (%)</b>	<b>54.6%</b>

<b>REQUESTS</b>	
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Fire Overtime	816,000
<b>TOTAL REQUESTS</b>	<b>816,000</b>

<b>BALANCE (\$) IF APPROVED</b>	<b>783,702</b>
<b>BALANCE (%) IF APPROVED</b>	<b>26.7%</b>

<b>TOTAL POTENTIAL REMAINING</b>	<b>0</b>
<b>BALANCE (\$) IF APPROVED</b>	<b>783,702</b>

As you may recall from previous discussions, the Fire Department has been experiencing an unprecedented number of injured-on-duty (IOD) cases that have resulted in significant leave usage, which has a direct correlation with overtime costs. FY2022 leave due to IOD was up 56% compared to prior years, then nearly doubled in FY2023. We are requesting a reserve fund transfer in the amount of \$816,000 to address a shortfall in the FY2023 Fire Department personnel budget. This shortfall is almost \$700K lower than the deficit presented to Advisory in FY22, but still notably out of line with expected leave and OT utilization. The actual overtime deficit is ~\$1.2M, though it is being partly offset by \$355K in other personnel budget surpluses due to starting the fiscal year with vacancies in five firefighter positions.

The recently settled collective bargaining agreement with the Fire union includes measures to combat the significant overuse of leave time particularly as it relates to firefighters out on IOD. One such measure gives the Fire Chief the ability to designate an employee out on injured-on-duty to return to a daytime schedule called “modified duty” when their doctor determines they are fit to return in such a limited capacity. IOD leave peaked during the winter of FY23, but has decreased in the months since then, suggesting the newly enacted measures have started to have an impact. We, the 6<sup>th</sup> floor, have set a quarterly meeting schedule with the Fire Chief in FY24 to more closely monitor overtime costs and leave utilization in order to follow-up on the success of these measures.

Fire Chief Sullivan talked about what is being done to mitigate this impact in coming years. Working with HR and legal on strategies on how to bring numbers down and get more management capability to bring firefighters back sooner from modified duty. Working with doctors and getting tests done earlier, appointments as quickly as possible and a significant change in the new contract around modified duty which will allow the Chief to bring folks back sooner and put them to work in day positions to get some productivity from them and get them back to work sooner. Increase in FML (Family Medical Leave) usage in last six months due to decisions from DLR which is stressing our daily count. Currently have 14 members in injured on duty status down from 21 last year. 3 from 2022 and one is in the process of returning next year, one retiring and one recovering from surgery. Of the 14 so far this year, 5 will be returning in the next week or so. Previously had difficulty getting forms from doctors to bring people back, changes to contract have helped to streamline this.

He is hopeful that they will be able to bring the number down again next year.

Charlie added that there is a schedule of meetings for this coming year to keep them on track.

### **Comments, Questions, Discussion**

Harry Bohrs: How much is injured on duty, people calling in sick or FML? Is there any discernable pattern as to what is causing these injuries? A: Looking closely at patterns and there have been some that have emerged. Getting on and off the trucks. Steps to the truck are not normal. More like climbing a ladder. Corrugated and have sharp edges. We had had training division and went over proper entrance and exit of a vehicle and emphasize how to do this safely. Other patterns are more in terms of twisted knees. Mostly orthopedic. We do have two members are in treatment for cancers. You can find patterns in some places and in others, mostly slip and falls on ice.

Charlie added FML was 6% of leave taken, injured on duty about 32% and is significantly higher than previous years. Would need to look at historical FML to know more. Regular sick days are about 18%.

Carolyn Thall: Interesting to hear about injured on duty. Is it fair to say that if you are paying overtime if people are out it doesn't particularly matter why? What if someone is injured trick or treating on Halloween? A: Overtime comes from all variables Charlie highlighted in those percentages. In order to maintain minimum staffing contractually, you need to keep numbers between 35 and 29. Contractually obligated to allow 5 members of bargaining unit to take vacation or personal days outside of all other types of leave (FML, sick leave, jury duty, military leave, etc.). It is a numbers game and we are constantly trying to keep in a good place. Some of the variables are beyond our control. Try to make sure no more than 5 are off at one time.

Charlie added that this is a new issue/problem for us. If we didn't act to bring people back, we could be in a perpetual situation. So we are taking steps to find out why a person is not returning when out because of being injured on duty. We are making reasonable responsible actions to mitigate the situation.

Stephen Reeders: How much is this over what we budgeted? A: Charlie replied that it over by double. Other departments in other communities are experiencing the same issue and they don't have minimum staffing. The goal isn't to spend more on overtime but it is to spend less.

Lee Selwyn: How does Family Medical Leave work? A: Cost incurred is not covered anywhere in any fund.

Q: Have you examined the potential efficiency of adding FTEs to pick up some of the need you currently use overtime for. If we have a permanent need for people to fill in (like substitute teachers in the school systems) should we just be increasing the staff? A: We looked at it and the gains for adding an individual including benefits was more significant than paying out overtime. Not a linear reduction in overtime. We can look at it again and continue to think about it.

The Chief added that this is not a model that is sustained within the industry but only in the largest departments in country. NYC for example will have floaters but that is not sustainable elsewhere.

Why aren't we including this in the budget rather than doing a RFT at the end of the year? A: Charlie responded that this is a fairly significant reduction from the overtime from last year. This year \$1.2 million deficit. Not a perpetual issue as though we should expect this. There has been a lot of variation over the years.

Paul Bernard: What would we do if we didn't have the money in the reserve fund, if snow and ice was not low this year? A: Charlie and Melissa scrape the bottom of the personnel reserve. Save as much as we can that will go back to free cash, look at other department budgets, at some time we have looked at overlay, we would try to find funding elsewhere but options are limited. Some departments have a surplus but it would only make a small dent. If we didn't have the funds, it would be a problem. Keep ideas in our back pocket in emergency cases.

Harry Friedman: Are we expecting any more RFT requests for FY23? A: No.

Pam Lodish: More information about FML? A: FML is a federal benefit up to 12 weeks. It doesn't need to be paid, but the Town policy has been that if you have accrued leave you can use that within the constructs of the contract – use paid time wherever possible.

Q: When you talk about injuries, is there a specific age group? A: They are across age groups. Of course, in the 50s, there is a propensity for more injury but not significant.

Q: Is there a limit someone can stay in that status without coming back to work? A: Based on medical issues they are dealing with and their treatment plans. There is nothing between IOD status and retirement. Disability is not part of this. Only when they get to medical end that we can move them to disability retirement.

Susan Granoff: Any changes made to training to help minimize the IODs? A: Yes. We look at categories that we see cause and effect and we take remedial action when we can.

Q: In larger municipalities they can afford floaters, any thought to having regional floaters? A: Not allowed under context of civil service.

Q: Businesses will have long term disability insurance on their employees, do we have anything comparable to that? A: Not aware of anything that would take the place in the municipal setting. We are essentially self-insuring and taking all the risk. It would be a very high premium if we did have such insurance.

Stephen Reeders: In answer to the question what would you do if we went through the reserve fund, you said we would go to other departments and scrape them, but the year has gone by when these requests reach us; so how can you get funds unless they have funds that have not been spent? A: We didn't run out of reserve fund money but if we did, we would have a conversation with the Schools to see what they had left. When the Schools have money left we don't flow it back into the Reserve Fund. The amount in the Reserve Fund is set by policy. It is a level number that goes in there every year. Both sides can access it. One pool of funds. Both sides would be looking forward to refill the Reserve Fund.

Q: Do you have a tally of what all departments have left over at the end of the year? A: We oversee the Town budget and expenses are still being booked but until the year is closed, their budget people are the folks to ask. Leftover money goes to free cash which is the Reserve Fund.

Charlie provided a historical accounting of Reserve Fund budgets:

FY18: \$2,460,011

FY19: \$2,547,870

FY20: \$2,689,494

FY21: \$4,620,855

FY22: \$3,829,013

FY23: \$2,930,043

FY24: \$3,069,471

A **MOTION** was made and seconded to approve the Reserve Fund Transfer of \$816,000 as submitted in the memo.

By a **VOTE** of 23 in favor, none opposed, and no abstentions, the Advisory Committee approves the Reserve Fund Transfer of \$816,000 as submitted in the memo.

Cliff Brown commented that it would be useful to have a meeting dedicated to municipal budgeting and how the Town operates to educate the Advisory Committee especially for new members.

8:00 pm Other Business:

- **Official Delegation of Authority to Respond to OML Complaint**

A **MOTION** was made and seconded to delegate authority to Dennis Doughty, the Chair to respond to the OML Complaint. By a **VOTE** of 21 in favor, none opposed and no abstentions, the Advisory Committee grants authority to Dennis Doughty to respond to the OML complaint.

## Questions and Comments

David-Marc Goldstein: Will you be speaking on our behalf at the case? A: It could go many different ways. They could speak to Dennis only or reach out to individuals named in the complaint.

Harry Friedman: If the AGs office goes to each individual, will they have legal representation? Suggest no individual answer any questions in writing without advice of counsel. A: Don't know but the Chair will find out and communicate to the full AC. The reply will be sent before July 10. Final draft coming from Town Counsel.

The Chair invited new members to introduce themselves.

Michael Berger became a Town Meeting Member in 1989. Chemistry Professor at Northeastern. Interested in Open Space, part of the Green Space Alliance and Climate Committee. Was Parks and Rec Commissioner for 6 years. Formerly an AC Member and on Capital Subcommittee.

Paul Bernard lives in Brookline just under 2 years from Singapore. Worked at Goldman Sachs for 20 years in Asia doing various things finance-related.

Perry Grossman has lived in Brookline since 2000. He has a background in sociology and business, telecom, energy efficiency, a few start-ups and now in an administrative role at Boston University. Member of the Bicycle Advisory Committee.

- **Possible Discussion on Best Practices for (Hybrid) Meetings**

The Chair commented on the Advisory Committee's deliberative process and how the AC may be more efficient. Is the question I'm asking in service to the issue at hand. We have a right to reach out to Departments on our own. Encourage people not to repeat what others have said. Welcome suggestions on how to improve our communication more efficiently other than just cutting people off. Sometimes it is just a matter of math. If everyone speaks three minutes on a certain topic, that means a minimum discussion of 90 minutes.

Ben Birnbaum: Looked up best practices for hybrid meetings. Every communication consultant is on the web telling you how to use this technology. There are certain practices or habits that may be useful. If we did our own research to put together some best practices and agreements, it might be useful.

Paul Bernard: Observed that if the Chief and Charlie had provided more detail and background ahead of time, the conversation could have been shorter.

The Chair noted that many questions would have been resolved at the subcommittee level but Reserve Fund Transfers are handled differently, heard by the full AC.

Stephen Reeder: Once a point has been raised, take questions on that point and then end it and move on.

Other comments and ideas were shared:

- ✓ Maybe we should take moments at the start of the debate and get questions prioritized.
- ✓ Incorporate the two finger more effectively in the Zoom environment.
- ✓ Go around the table and take questions or comments and then allow people to comment after. Difficult to go around the table on a Zoom screen. Use the same method as voting and calling names.
- ✓ Can you encourage people to come to these meetings in person unless they are out of Town. Expect people to come in person.
- ✓ Encouraging everyone in a room in a hybrid setting to have their own device (phone, laptop, tablet) on but audio turned off so everyone appears in the Zoom room as well and can use the chat function.

- ✓ Order speakers in the chat if all are on Zoom especially for more complicated issues.
- ✓ Pacing of the agenda is key. This past year we rushed through some things and spent more time on other things that should take less time. May need additional meetings. Maybe the Chair can formalize timing for items. Chair offered that he still thinks whoever is presenting the topic, subcommittee chair or delegate – don't just read the report but provide a cheat sheet to help understand what was and wasn't controversial to help drive the conversation in the right directions.
- ✓ Introduce ourselves before speaking and have name plates again.
- ✓ What is required about physical quorum or just a quorum? Hybrid can be any combination of people.

Members discussed their experiences with hybrid meetings pro and con.

There was further discussion about whether subcommittee hearings and meetings will be fully virtual, fully in person or hybrid. For members of the committee best to have people be in person.

- **Possible Discussion on Next Steps in Budget Review Planning**

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 9:03 p.m.

**Documents Presented** <https://www.brooklinema.gov/DocumentCenter/Index/4382>

- Reserve Fund Balance projection sheet (updated since last transfer)
- Fire OT Request Form
- Fire OT Request Memo
- Public Comment from Abby Swaine
- Advisory Committee Members List 2023-2024
- 2023-05-18 OML Complaint Emails AC Elizabeth Schafer
- 2023-05-18 OML Complaint Form AC Elizabeth Schafer

**VOTES**

	<b>Attendance</b>	<b>Vote 1</b>	<b>Vote 2</b>	<b>Vote 3</b>	<b>Vote 4</b>	<b>Vote 5</b>
<b># Votes Yes</b>	<b>28</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>23</b>	<b>21</b>
<b># Votes No</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b># Votes Abstain</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Vote Description:</b>		<b>Dennis Doughty, Chair for Advisory Committee 2024</b>	<b>Harry Friedman, Vice Chair for Advisory Committee 2024</b>	<b>Lisa Portscher, Secretary for Advisory Committee 2024</b>	<b>MAIN MOTION: Approve RFT for \$816,000 to address a shortfall in the FY 2023 Fire Department Personnel Budget</b>	<b>MAIN MOTION: Delegate authority for responding to Ms. Schaefer's OML request to Dennis Doughty.</b>
Michael Berger	P	Y	Y	Y	Y	Y
Paul Bernard	P	Y	Y	Y	Y	Y
Ben Birnbaum	P	Y	Y	Y	Y	Y
Harry Bohrs	P	Y	Y	Y	Y	Y
Cliff Brown	P	Y	Y	Y	Y	Y



John Doggett	P	Y	Y	Y	Y	Y
Katherine Florio	P				Y	
Harry Friedman	P	Y	Y	Y	Y	Y
David-Marc Goldstein	P	Y	Y	Y	Y	Y
Neil Gordon	P					
Susan Granoff	P	Y	Y	Y	Y	Y
Perry Grossman	P	Y	Y	Y	Y	Y
Kelly Hardebeck	P	Y	Y	Y	Y	Y
Amy Hummel						
Alisa Jonas	P	Y	Y	Y	Y	Y
Janice Kahn	P	Y	Y	Y	Y	Y
Carol Levin	P	Y	Y	Y	Y	Y
Pam Lodish	P	Y	Y	Y	Y	Y
Joslin Murphy						
Donelle O'Neal, Sr.	P				Y	Y
Linda Olson Pehlke	P	Y	Y	Y	Y	Y
Markus Penzel	P					
David Pollak	P	Y	Y	Y	Y	Y
Stephen Reeders	P	Y	Y	Y	Y	Y
Carlos Ridruejo	P					
Lee Selwyn	P					
Alok Somani	P	Y	Y	Y	Y	Y
Carolyn Thall	P	Y	Y	Y	Y	
Christine Westphal	P	Y	Y	Y	Y	Y
Dennis Doughty	P					

