

**Town of Brookline  
Advisory Committee Minutes  
Tuesday, October 3, 2023**

**Present in Person or on Zoom:** Michael Berger, Paul Bernard, Ben Birnbaum, Clifford Brown, John Doggett, Dennis Doughty, Katherine Florio, Harry Friedman, David-Marc Goldstein, Neil Gordon, Susan Granoff, Perry Grossman, Joslin Murphy, Donelle O’Neal, Linda Olson Pehlke, Markus L. Penzel, David Pollak, Stephen Reeders, Lee Selwyn, Alok Somani, Christine Westphal

**Absent:** Harry Bohrs, Kelly Hardebeck, Amy Hummel, Alisa Jonas, Carol Levin, Pamela Lodish, Carlos Ridruejo, Carolyn R. Thall

**Also Attending:** Administrator for Finance Charlie Young, Director of Finance Lincoln Heineman, [other members of the public] WERE THERE ANY? I DON’T REMEMBER LETTING ANY IN OR SEEING THEM ON THE PARTICIPANT LIST.

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

**Announcements:** Pursuant to this Board’s Authority under 940 CMR 29.10 (8), all of the committee members will be participating remotely via telephone or video conferencing due to emergency regulations regarding the Corona virus. The Chairman has reviewed the requirements of the regulations. There is a quorum physically present and all votes taken will be recorded by roll call so all above listed Advisory Committee members will be allowed to vote.

**PUBLIC HEARING**

7:00 pm            Public Comment

Seeing no questions from the public, the Chairman closed the Public Comment portion of the agenda.

7:15 pm            Discussion, deliberation, and possible vote on Warrant Article 1 Unpaid Bills (Select Board)

Assistant Town Administrator for Finance Charlie Young reported there are no unpaid bills to put before Town Meeting. AC Member Murphy gave a shout out to the Town for paying its bills.

A **MOTION** was made and seconded for Favorable Action on WA 1. By a **VOTE** of none in favor, 20 opposed and no abstentions, the Advisory Committee recommends No Action on WA 1.

7:30 pm            Discussion, deliberation, and possible vote on Warrant Article 11 Amend Article 3.25 “Community Preservation Committee” to add the word “Act” to the Committee name. (Select Board)

The Committee reviewed the Warrant Article and heard again from Charlie Young regarding the request to add the word “Act” to the title of the Community Preservation Committee to read, “Community Preservation Act Committee.”

Joslin Murphy questioned whether the warrant article language was appropriate. Charlie Young opined that the Committee may want to distinguish themselves from the Preservation Commission. Just adding the word “Act” should cause no conflict.

A **MOTION** was made and seconded for favorable action on WA 11. By a **VOTE** of 16 in favor, 3 opposed and 1 abstention, the Advisory Committee recommends favorable action on **WA 11**.

## **PUBLIC MEETING**

8:00 pm Report by the Administration and Finance Subcommittee, discussion, deliberation, and possible vote on Warrant Article 9 Amend Article 3.11A of the General By-Laws in order to create a Payroll Division in the Finance Department. (Deputy TA and Finance Director)

Stephen Reeders, chair of the Admin and Finance Subcommittee delivered the report for the Subcommittee which is linked below to these minutes. WA 9 seeks to create a new Payroll Division within the Finance Department to be headed by a new position, the Payroll Director. The Subcommittee recommended favorable action 3-0-0 in principle. Joslin Murphy offered an amendment.

It was noted that in the second paragraph of explanation, all of which was added by the Murphy amendment, the word on line 8, "former" should be deleted.

Regarding her amendment, Joslin noted that the original language was not in the usual format for bylaw language and had awkward references. She reviewed it with Town Counsel's office and they said they were trying to show the history of the acts which inform the bylaw.

Finance Director Heineman had nothing more to add other than he appreciated Joslin's friendly amendment to make it more understandable.

Michael Berger asked what the budget impact would be for this? And what would other benefits add up to? A: Small change in salary for a Director level position. The position is currently called Payroll Director and this would make the position a Division Head. Someone is actually starting next Tuesday, hired at the maximum salary for fiscal year 2024. The max difference is \$10,610.84 – not a real impact in 2024 but the maximum differential in the future. In terms of benefits, Division heads are eligible every 5 years for a sabbatical time and that would be the only difference. No direct cost. During that time the Assistant Payroll Director and the Finance Director would be filling in for that period.

Linda Olson-Pehlke sought clarification that there is no new employee being added. Not a new position being created? But you just hired a Payroll Director? A: They are coming in at existing levels within the existing T14 mid management pay structure. Longer term in their employment they would have access to higher level of pay over time based on service to the Town. They will have 3 people working for them. The bylaw change allows the Town to add this division.

Joslin Murphy suggested that the cleanest way to do this would be with a new Act but the special act does allow the Town to change the structure and composition as Lincoln Heineman suggested. The case for this change, noting that the management of payroll for about 3700 Town employees is a major task and merits its own division. In order to accomplish this, a by-law amendment is required.

There would be no change to the job responsibilities of the 3 staff people who would be moved into the new division.

A question was raised about sabbaticals which have absolutely nothing to do with this warrant article. One member noted that it is a great benefit, voted years ago by the Select Board because Department heads had 4 weeks of vacation, but most people sometimes use it as an extra week of vacation.

A **MOTION** was made and seconded for favorable action on WA 9.

A **MOTION** was made and seconded to **AMEND** by substituting language for original motion. By a **VOTE** of 19 in favor, none opposed and 1 abstention, the **AMENDMENT** passed.

By a **VOTE** of 19 in favor, none opposed and 1 abstention, the Advisory Committee recommended favorable action on the **AMENDED** version of WA 9.

8:30 pm Other Business

There was a brief discussion about WA 12 and of the role of A&F in supporting developing a process and proposal for how this work can be done. Stephen Reeder noted that the petitioner decided not to move the article but he will bring it back next year. He asked if the AC could contribute to the discussion to address and correct mistakes, scrivener errors, and good comma versus bad commas to change the meaning substantially.

A group was hired to do some clean up on the bylaws. That group is working on codification and in the process, they are discovering some anomalies. What is a reasonable non-substantive change? Need to agree on that.

Not in favor of editing by committee in final analysis. How many hands involved and having been an editor there needs to be an editor in chief on this who will make final or semi-final decisions on this, what comes out and what goes in, create a style sheet addressing what changes are needed. Editing by committee is fine as long as there is someone at the top of the period deciding what edits get in and which don't.

A&F is not going to make decisions but come up with a workable proposal of how it can be done. Original motion was for the Town Clerk to be the final editor. Then it was the Select Board, but we need to work toward a proposal.

Susan Granoff noted that the bylaws have not been updated for over 3 years now and there is a list of bylaw changes that hasn't be integrated. Very confusing. Why can't this be done in a timely fashion. Leads to errors.

An instance of petitioners drafting an article based on out dated bylaws was cited which required them to start over.

Recommendation to involve CTO&S.

This article was referenced: "Oxford comma" oops <https://www.nytimes.com/2018/02/09/us/oxford-comma-maine.html>

Concerns were raised about any one individual or committee changing bylaws and there was a recommendation that changes should be brought to Town Meeting for a vote much like other legislative bodies do.

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 8:05 p.m.

**Meeting recording link:**

[https://brooklinema.zoomgov.com/rec/share/93tPf2ZVgEEpbi0ZARFX32qX17PRSzu1v8MP07x6S\\_k2RaK1Kjr5CP6P3G94g9i6.vGJCp-EBSuOIUqAw](https://brooklinema.zoomgov.com/rec/share/93tPf2ZVgEEpbi0ZARFX32qX17PRSzu1v8MP07x6S_k2RaK1Kjr5CP6P3G94g9i6.vGJCp-EBSuOIUqAw)

**Documents Presented** <https://www.brooklinema.gov/DocumentCenter/Index/4660>

- ARTICLE 01 - Unpaid bills
- ARTICLE 09 - Payroll Division
- ARTICLE 11 - CPA Committee
- 1993acts0025 and 2004acts0029

- 2023 09 27 Ad Hoc Subcommittee Report on WA12
- 2023 09 27 AF Subcommittee Report on WA9
- Proposed Amendment to Article 9 - 9.29.23

## VOTES

	Vote 1	Vote 2	Vote 3	Vote 4	Vote 5
<b># Votes Yes</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>19</b>	<b>19</b>
<b># Votes No</b>	<b>20</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b># Votes Abstain</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Vote Description:</b>	<b>MAIN MOTION: FAVORABLE ACTION WA 1</b>	<b>MAIN MOTION: FAVORABLE ACTION WA 11</b>	<b>MAIN MOTION: FAVORABLE ACTION WA 9</b>	<b>MURPHY AMENDMENT: SUBSTITUTE SUPPLIED LANGUAGE FOR THE ORIGINAL MOTION</b>	<b>MOTION AS AMENDED</b>
Michael Berger	N	Y		A	A
Paul Bernard	N	Y		Y	Y
Ben Birnbaum	N	Y		Y	Y
Harry Bohrs					
Cliff Brown	N	Y		Y	Y
John Doggett	N	Y		Y	Y
Katherine Florio	N	Y		Y	Y
Harry Friedman	N	N		Y	Y
David-Marc Goldstein	N	Y		Y	Y
Neil Gordon	N	Y		Y	Y
Susan Granoff	N	Y		Y	Y
Perry Grossman	N	Y		Y	Y
Kelly Hardebeck					
Amy Hummel					
Alisa Jonas					
Janice Kahn					
Carol Levin					
Pam Lodish					
Joslin Murphy	N	N		Y	Y
Donelle O'Neal, Sr.	N	A		Y	Y
Linda Olson Pehlke	N	Y		Y	Y
Markus Penzel	N	Y		Y	Y
David Pollak	N	Y		Y	Y
Stephen Reeders	N	Y		Y	Y
Carlos Ridruejo					
Lee Selwyn	N	N		Y	Y
Alok Somani	N	Y		Y	Y
Carolyn Thall					

Christine Westphal	N	Y		Y	Y
Dennis Doughty					