

**Town of Brookline  
Advisory Committee Minutes  
Thursday, October 5, 2023**

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

**Absent:** Paul Bernard, Kelly Hardebeck, Carol Levin, Pamela Lodish, Linda Olson Pehlke, Carlos Ridruejo, Carolyn R. Thall

**Also Attending:** Petitioners for WA 14 and WA 15 Shira Fischer TMM 11 and Brookline High School Students Ezra Kleinbaum, Hanna Szelenyi, and Cleo Blanding; Fran Perler, Carla Benka, Leone Seidel, Diana McClure, Kara Holmquist, Town Moderator Kate Poverman, Jenny Lewis and other members of the public.

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.

7:00 pm            Public Comment

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

7:15 pm            Report by the Public Safety Subcommittee followed by discussion, deliberation, and possible vote on Warrant Article 14 Amend the General By-Laws to ban the sale of mammals, birds, reptiles, and amphibians in pet shops within The Town. (Fischer et. al)

David-Marc Goldstein, Chair of the Public Safety Subcommittee gave the Subcommittee report on Article 14 which is a proposed By-Law from Brookline High School students that would prohibit all sales of animals (except fish) from pet stores located in Brookline. It would not apply to breeders or shelters. The petitioners’ main goal is to work towards the passing of statewide legislation, which includes stopping large commercial breeders (“puppy mills”) from selling animals through pet stores. Thirteen communities in Massachusetts have enacted legislation which prohibits the sales of some kinds of animals, and some of Article 14’s language is based on what has already been approved by the Attorney General’s Office. While the subcommittee strongly supports the goals of the petitioners, the Public Safety Subcommittee recommended NO ACTION by a vote of 1-2-1.

Petitioners Ezra Kleinbaum, Hanna Szelenyi, and Cleo Blanding gave a brief presentation.

**QUESTIONS, COMMENTS, AND DISCUSSION**

Harry Friedman: Thanked the petitioners for bringing this forth. Discovered 13 Mass. cities and towns similar legislation. Most limit to cats and dogs and rabbits, and two towns add guinea pigs. Cambridge is as expansive as the Brookline effort. Cambridge wasn’t reviewed by the AGs office because it is a city. Appreciate petitioners may want to look at the scope and limit it. He responded to Janice Kahn’s comment about human pet stores vs inhumane pet stores. Unable to

find a definition of what a “humane” pet store would be. Recommends sending it back to the Subcommittee for further work.

Joslin Murphy: Appreciate everyone putting this Article forward. Has Town Counsel reviewed the language? Yes. Agree to send it back to the Subcommittee for language tweaking.

Katherine Florio: Good to hear we are thinking of banning puppy mills. Concerned that it would still be possible to purchase an animal from a puppy mill over the internet? Yes, it is possible.

Alisa Jonas: Agrees with Ms. Murphy.

Kate Poverman: Massachusetts has laws designed to prevent puppy mills in this state. Exchanging pets in parking lots in other states over the border.

Stephen Reeders: History of animal rights has really changed overtime. Lab animals for example. Make sure there aren’t unintended consequences. Maybe make it illegal for people purchase an animals, that would have been more effective. Doesn’t effectively target just puppy mills alone. Respect the intent, however.

Susan Granoff: Appreciate this warrant article and proposed amendments. Related a story about parakeets to illustrate the point that this is relevant and should include birds. Agree this should be remanded back to the subcommittee to include proposed amended language.

Neil Gordon: Cited a resolution that banned sale of veal. Not a bylaw. The Kahn proposal while agree with the objective, there is no matrix or system in place that determines humane treatment. Not practical solution. We had the same conversation about fur, that people will buy it somewhere else. All breeders aren’t bad. Legitimate breeders care about who gets their puppies. Regarding referring back to the subcommittee, don’t believe the subcommittee will add any value to change the “waterfall” of prohibited animals. To the extent that it could be improved for legal languages, yes that makes sense.

Joslin Murphy: Regarding other Towns that have adopted similar legislation none of them refer to the full listing of animals like this, other than just cats, rabbits and dogs so just want to see it pass.

Lee Selwyn: Agree with the objective but have some concerns. Difference in Article and the presentation of the distinction between pet shops and breeders. Worry about including people who are responsible breeders. Need better definitions.

Neil Gordon responded that this article would not allow a breeder to sell to a pet store. A breeder could still breed in Town but would not allow a breeder to sell to a pet store.

Christine Westphal: Abstaining vote on the subcommittee because thought it was too broad. May want to get language about Certified Treatment but that is far off. Even if you get a dog or cat from a shelter, its care is still expensive. Getting a bird is more affordable for others and may be the only option. If this had just prohibited dog and cats it would have a narrower scope and make sense. Consider how you would define “Humane Sales” is important. Complex to get the State to accept this, a lot harder to pass. Recommend No Action and ask petitioners to come back in the spring.

Ben Birnbaum: Anyone who buys a dog at a PetCo or like place is getting it from a puppy mill. Best to go to a breeder but even then, it is buyer beware. Brookline has an ordinance, if you have more than 3 dogs you have to have a kennel

license. There are rules and it is unlikely that people in Brookline will be breeding dogs. This is gestural. Not averse to gestural law and draws a line in the dirt – the bylaw about fur was appropriate. Times when you assert your beliefs and values and let it go. Not favor for mitching around with this, plucking at it over and over until it is plucked completely. If anyone is interested in rabbits, I have a gazebo in my backyard and invite you to come by with a have a heart trap and take one home for free.

Petitioner Ezra Kleinbaum responded: Glad to make following changes, removing redundant double ‘l’, make it mammals only, and change animal control to any duly appointed office of the Town. Do not think there is a certification for humaneness so respectfully disagree with that idea. We can’t restrict online sales, interstate commerce but we can prevent it here in Brookline. Breeders don’t sell to pet shops, but directly to individuals and not 3<sup>rd</sup> parties. We appreciate that birds should be included. Regarding other towns, in Cambridge that banned the full scope of animals, they had a pet shop that did lobby against it and Cambridge enacted the law anyway. It is true that breeders can be expensive but adoption is a great option. Hope it can go forward without having to go back to committee.

Neil Gordon: Would like a motion for Favorable Action with Scrivener’s errors acknowledged and entertain an amendment to limit it mammals and birds prior to a vote to send it back.

Harry Friedman: Want to know why did other cities and towns include or exclude birds, amphibians or reptiles and would like the committee to some research as to why. If a legal reason, that is for Town Counsel.

Donelle O’Neal: Agree language is too broad. Not sure what the subcommittee do to tweak it and when was the last time we had a pet shop in Brookline.

Katherine Florio: Would like to see something passed tonight but it won’t prevent puppy mills from selling dogs and cats to people in Brookline and also penalizes people who may be humane breeders.

Joslin Murphy: Regret petitioners are open to removing all animals. Understand other communities are moving toward including other animal species and would like to refer the article back to whomever would want to make it more perfect and reconsider including all of the animals as previously described.

David-Marc Goldstein: Do you know if the status of state legislation on this topic? It is called State level legislation Act banning sale of dogs and cats in pet shops.

Michael Berger: Too broad to include all mammals. Like it to see more limited.

A **MOTION** was made and seconded to refer the article back to an Ad Hoc Subcommittee Neil Gordon, Joslin Murphy (Chair), Harry Friedman to work with the Petitioners to revise the petitioner’s motion in a manner consistent to our goals and within scope. By a **VOTE** 18 in favor, none opposed and 2 abstentions the Advisory Committee recommends referral back to an Ad Hoc Subcommittee.

7:45 pm Report by the Public Safety Subcommittee followed by discussion, deliberation, and possible vote on Warrant Article 15 Amend the General By-Laws to prohibit the use of certain wild animals including elephants, monkeys, and zebras in traveling animal acts such as circuses and carnivals. (Fischer et. al)

David-Marc Goldstein, Chair of the Public Safety Subcommittee gave the report on their deliberations. The proposed By-Law would ban persons from using “covered animals” (as defined in the By-Law) in traveling animal acts. This ban would include circuses, races, and fairs. The list of animals banned in the By-Law would not apply to animals such as horses,

domestic dogs or cats, snakes or reptiles, petting zoos with goats, sheep, etc. In Massachusetts, fourteen other communities have enacted similar legislation to this proposed By-Law, and Article 15 is modeled after those laws. The Public Safety subcommittee recommended FAVORABLE ACTION by a vote of 3-1-0.

Petitioners thanked the committee on the close read of fines. We are thinking of amending it to one fee per animal, making a distinction between traveling acts and nontraveling acts but open to amending.

## QUESTIONS, COMMENTS, AND DISCUSSION

Joslin Murphy: Why do you use the Latin terms instead of the more commonly recognized names and seems kind of awkward. See this as an opportunity to clean up the language, as well. A: Language approved by the AG's office and scientific terms.

Katherine Florio: Strongly support anything we can do to prevent mistreatment of animals. Consider adding the permanent circuses. Frustrated with this, it doesn't do what it is attempting to. Would like to see something that includes cruelty to animals in traveling and nontraveling scenarios. Support bringing it back next spring.

Harry Friedman noted it would be beyond scope.

Lee Selwyn: Reference to a mobile act. What would be permitted? A: A zoo. An elephant racetrack would be a nonmobile act.

What about animals brought to an elementary school for education purposes and they are performative (shake hands, or walk on back legs, etc.). A: Only applies to a list of covered exhibits so petting zoos or things that might come to a birthday party are not included.

Joslin Murphy: Concerned about certain marsupials – I can do this, but I can do that. Doesn't make sense but suggest either "all marsupials" unless out of scope. This isn't happening in Brookline but promote referring it to an ad hoc committee or back to next Town Meeting. List is not making sense.

Michael Berger: What were the criteria for the animals that were in the article? A: This is standard language that has been enacted in other Towns.

Petitioners added that they have homework and would appreciate wrapping up quickly. What amendments might you want to see?

Shira Fischer asked what concrete changes the Committee wants. This is legislation that has passed countless other Towns, was reviewed by Town Counsel and the Town Moderator.

Alisa Jonas: Suggest we just support it.

A **MOTION** was made and seconded to refer to an Ad Hoc Subcommittee (Murphy, Gordon, Friedman) for clarification. By a **VOTE** of 9 in favor, 7 opposed and 3 abstentions, the Advisory Committee recommends referral to the Ad Hoc Subcommittee on WA 15.

8:15 pm Presentation from the Ad Hoc Budget Practices Review Subcommittee followed by discussion on departmental budget review preparation.

Amy Hummel shared the meeting minutes of the previous meeting of the Budget Practices Reviews Ad Hoc subcommittee and provided background. The purpose of the Budget Practices Review ad-hoc subcommittee is to explore how the Advisory Committee might engage in the budgeting process earlier in the cycle in order to:

- more effectively and efficiently carry out its duties;
- better serve the Town; and
- better serve Town Meeting, without improperly overstepping the Advisory Committee's charge.

The Ad Hoc Committee came up with guidelines "Advisory Committee Budget Process Review, Pilot 2.0" on how to conduct these budget meetings. Last year Kelly Hardebeck piloted the effort and noted it was a very helpful.

The Guide was shared with the full AC and is linked to these minutes. Amy noted that these are our own administrative practices and suggestions for preparation and meeting format, who will participate, etc.

These are informal meetings, play with different formats and share what works best.

Meet in person whenever possible. Highly productive meetings. Shouldn't be recorded if held on Zoom.

What are the takeaways and concerns? Capture what is important without focusing on verbatim language and who said what when and how, will help build good relationships with Town staff.

Know what to ask for to help you prepare for the meeting – expansion requests, breakdown of grant funding outside of budget, etc.

The Guide offers recommended questions that should or could be asked but don't ask for written responses, these are supposed to be initial conversations which will help with the eventual budget hearings and facilitate the format, discussion, and recommendations/votes.

Come up with a way to track progress, record findings, and communication plan.

## **QUESTIONS, COMMENTS, AND DISCUSSION**

Mark Penzel: Tension regarding how you like to keep these meeting informal but won't they have to be noticed and publicly attended? A: Yes, the meetings will need to be noticed.

Suggestion to limit what the minutes say. Don't report on what Department Heads say, but does anyone know what is possible with minutes requirements? A: We have done this for years, it was never this person said this, this person said that. Only because we have become so process focused, we have gotten to this other format about personalities rather than the ideas, the concerns, the issue at hand and what needs to be done. Don't focus on personalities and sound bites, but content. No problem there.

Chairman Doughty noted that later in the meeting we will discuss what minutes should say. Minutes are thematic, not transcripts.

If I were to oversimplify this, there are three themes –1) how to go about having a meeting, most effective way of engaging Dept Heads; 2) what types of things would be discussed. Agree with the flexible framework for subcommittee chairs to try and report back; 3) what to do with that information? How do we go about including notes from these smaller discussions in the larger reports.

Michael Berger: Thank you for the outline. Most of the meeting seems that it was focused around operational budget items and not Capital items? A: Not meant to supplant line item review we begin in February. We hope to talk more operationally how are things going, what is going on in your department, what are your concerns. Focus on operations versus how much do you need for this.

For Town Meeting most operational budget items have been passed routinely. Most discussion comes around Capital Items and get a last-minute group advocating for a capital project. In the past we engaged the capital projects to see how they were going. Amy explained, that these discussions are not about items, operating or capital budgets, the point is to come away from talking about budget items in particular and instead get a sense where the department is struggling perhaps, or what their priorities are, etc. and may need something going forward. Don't get into line items and get that granular.

Capital projects flagging, new initiatives, maybe it is one of the questions – anything we should be aware of so they don't come on unexpectedly. Amy replied, that is what we don't want to do – suggests they are lobbying us and we become a wedge. So we don't want to get into this. Get a sense of things but absolutely avoid this.

David Pollock: Brief comment, hope that Capital Subcommittee is doing what you are talking about all the time. This is a different initiative to understand how things are going on a departmental level. Get ahead of this. With the focus on understanding what is happening within the small bubble of each department and the assigned subcommittee, we don't want a shuffle deck of departmental budgets, we want a strategy developed by the Select Board and shared with us early and managed by Melissa and Charles – where do they come in during all of this work so we are less likely to be the wedge, or pawn, or patsy? A: We collect data and can share it with them. We don't wait for them to tell us what is going on. Not our concern if they don't like what we observe. It is good information and us doing our job. Share it because we want to be effective not so they can position themselves against Department Heads or that we are advocating on behalf Dept Heads against them.

Katherine Florio: Department budgets aren't questioned at Town Meeting and there are times we may want to, and if we do question, this process would support that and Town Meeting could be informed in advance and get a broader view of what is happening in Town Departments.

Harry Friedman: David-Marc had written in the chat that we should try to be more holistic in our approach.

Stephen Reeders: Start to get a process in place to begin to understand where and why departments may not be getting things done that they perceive as the Town's mandates for them. Set priorities and decide how you are going to spend money. The Town misses the first part of this and so we witness ridiculous compromises.

Neil Gordon: Agree with Stephen and David summed up the budget process of the Advisory Committee. We get the budget fully baked and iced and maybe we get a chance to pick the color of the candles. Melissa and Chas are working on it but we haven't been informed along the way; this is an effort to provide holistic feedback to the 6<sup>th</sup> floor to inform and guide them. We'll get better at this but goal is to consolidate information around this time of year and get feedback to the 6<sup>th</sup> floor as they begin to mix the cake.

Amy Hummel: Who do you want to meet with? What should the marching orders be? These things need to get scheduled.

Dennis Doughty: Not reasonable to do every Department Head in the next few weeks but reasonable for each of the Subcommittee's to pick one and let the existing standing subcommittees nominate one of the departments under their purview as that worked well for A&F in the spring. Sometime by next week if people don't want to send recommendations, we can just assign department heads. By next week we should be able to identify department heads. This is what this body has been talking about for years and makes sense to push forward.

David Pollock: Subcommittee chairs would be advised to take as a rule to limit this to 60 minutes as a courtesy to the department heads. If your committee can do it, it still has to be noticed. Do it during the day, maybe during lunch and achieves goal of being minimally burdensome.

Harry Friedman gave a brief overview of how to take subcommittee minutes and the process for approving them. A document was shared that also provided a template.

David-Marc Goldstein: When you talk about appending, do you have to attach them or link them? A: Just list them.

Amy Hummel: Recommend approving minutes for defunct committees (once they have completed their work). If subcommittees have to keep meeting, a continuation, can they just use one set of minutes? A: Joslin will look into this more closely.

Susan Granoff: Will we be providing both reports and minutes for the same meeting? The template we use for our subcommittee reports doesn't include all the information required by open meeting law. More reporting seems to be involved. Can the minutes look like what we have in our regular report? A: You can take the subcommittee report and edit it down to minutes. In most cases the reports are very good and include most components that are required under the open meeting law. The report could be more it just can't be less.

The Chairman noted that not all reports will enumerate that a particular member of the committee wasn't there, for example. Minutes and reports can do double duty if composed correctly. Approve your subcommittee minutes/report at your next subcommittee hearing or meeting.

Stephen Reeder: If we are going to meet as a subcommittee ahead of the AC meeting to approve minutes, will that require notice? A: Yes.

Neil Gordon: Caution trimming down report to make up minutes. The report can still stand as the minutes if they contain all the required details. Add "approval of prior meeting minutes" to the regular agenda for each subcommittee meeting/hearing and/or for the full AC meeting since we know already what reports will be given on which articles.

Harry Friedman: The OML regulations require that minutes be approved, and this needs to occur by 3 meetings later or within 30 days, whichever is later, except where there is good cause.

We can embed this in every notice / agenda - approval of minutes from prior meeting/hearing. Or have the chair of each subcommittee approve the minutes. This just needs the approval of the deliberating body.

8:45 pm          Other Business

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 9:58 p.m.

**Meeting recording link:**

[https://brooklinema.zoomgov.com/rec/share/gg3trWoylJplwxSKoc8RKEKSzLKMWXgNqgn4a8XvWzWF8YFPI7UhmOVK0GiEagLx.\\_Kyr8J0NmsaGLf2g](https://brooklinema.zoomgov.com/rec/share/gg3trWoylJplwxSKoc8RKEKSzLKMWXgNqgn4a8XvWzWF8YFPI7UhmOVK0GiEagLx._Kyr8J0NmsaGLf2g)

**Documents Presented** <https://www.brooklinema.gov/DocumentCenter/Index/4662>

- ARTICLE 14 - humane pet shops
- ARTICLE 15 - traveling animals
- Public Comment Articles 14 and 15
- 2023 10 02 Public Safety Subcommittee Report on STM Article 14
- 2023 10 02 Public Safety Subcommittee Report on STM Article 15
- Public Comment Articles 14 and 15 JKahn
- PROPOSED AMENDMENTS TO WA 14 Humane Pet Shops (pending Town Moderator approval)
- 6\_2023\_Sept\_18\_BPR Meeting Minutes
- F23\_BPR\_Subcommittee Guide
- Subcommittee Reports and Minutes
- Petitioner Presentations on WA 14 and WA 15



VOTES

	Vote 1	Vote 2	Vote 3	Vote 4
# Votes Yes	0	17	0	9
# Votes No	0	0	0	7
# Votes Abstain	0	2	0	3
Vote Description:	MAIN MOTION: FAVORABLE ACTION ON WA 14 as projected by Ms. FISCHER	MURPHY: REFER SUBJECT MATTER TO AD HOC SUBCOMMITTEE COMPRISED OF Murphy, Gordon Friedman	MAIN MOTION: FAVORABLE ACTION ON WA 15	MURPHY: REFER SUBJECT MATTER TO AD HOC SUBCOMMITTEE COMPRISED OF Murphy, Gordon Friedman
Michael Berger		Y		N
Paul Bernard				
Ben Birnbaum		Y		Y
Harry Bohrs				
Cliff Brown				Y
John Doggett		Y		Y
Katherine Florio		Y		A
Harry Friedman		Y		A
David-Marc Goldstein		Y		Y
Neil Gordon		Y		N
Susan Granoff		Y		N
Perry Grossman		Y		N
Kelly Hardebeck				
Amy Hummel		A		P
Alisa Jonas		Y		N
Janice Kahn				
Carol Levin				
Pam Lodish				
Joslin Murphy		Y		Y
Donelle O'Neal, Sr.		Y		A
Linda Olson Pehlke				
Markus Penzel		Y		N
David Pollak		Y		N
Stephen Reeders		Y		Y
Carlos Ridruejo				
Lee Selwyn		Y		Y
Alok Somani		Y		Y
Carolyn Thall				
Christine Westphal		A		Y
Dennis Doughty				