Town of Brookline
Advisory Committee Minutes
November 7, 2019

Present: Vice-Chair Carla Benka, Harry Bohrs, Clifford Brown, Carol Caro, John Doggett, Dennis Doughty, Harry Friedman, Janet Gelbart, David-Marc Goldstein, Neil Gordon, Susan Granoff, Amy Hummel, Janice Kahn, Steve Kanes, Bobbie Knable, David Leschohier, Carol Levin, Pamela Lodish, Mariah Nobrega, Carlos Ridruejo, Chair Michael Sandman, Lee Selwyn, Claire Stampfer, John VanScoyoc, Christine Westphal, Neil Wishinsky

Absent: Alisa Jonas, Ben Birnbaum

By Phone: Charles Swartz

The chair opened the meeting and made the following announcement: “Pursuant to this Board’s Authority under 940 CMR 29.10 (8), Advisory Committee Member Charles Swartz will be participating remotely via telephone due to geographic distance. I have reviewed the requirements of the regulations. There is a quorum physically present and all votes taken will be recorded by roll call. Advisory Committee member Charles Swartz will be allowed to vote.

AGENDA

7:30 pm Possible motion to amend the Advisory Committee’s previous vote on Article 4 (4-section Driscoll School, Scott Ananian, TMM Precinct 10)

A MOTION was made and seconded to amend the previous vote and delete “to be held no earlier than January 15, 2020 and no later than 90 days after the dissolution of the November First Special Town Meeting”

Context: We added this because we didn’t want a December election; we added this because we didn’t have a date but now we do, so this seems moot. New information shared that there is a possibility that the figure of $108,800,000 will change and go up to $119,000,000.

If January language passes and the election continues there would have to be another Town Meeting within 90 days. What gets passed by Town Meeting is the amount that gets bonded.

Q: What actual authority or opportunity does the Advisory Committee have once the money is voted and override passes to push the Driscoll Building Committee one way or the other? A: Depends on what motions are needed to expend the funds. We have influence but no authority.

We have to be realistic as to whether we have a say after we authorize the bonding.

By a roll call VOTE of 20 in favor, 1 opposed, 5 abstentions the Advisory Committee amends their previous vote on WA 4.

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7:40 pm  Possible motion to amend the Advisory Committee’s previous vote on Article 7 (Pavement Markings Resolution, Christi Electris, TMM Precinct 1 and Robert Miller, TM Precinct 8)

We didn’t have the petitioner’s amended language before us previously but it doesn’t differ significantly. There was no motion to reconsider Article 7.

7:45 pm  Possible motion to amend the Advisory Committee’s previous vote on Article 15 (Transit Parking Overlay District Requirements regarding minimum and maximum parking for storefront uses, Linda Olsen Pehlke, TMM Precinct 2 and Paul Saner TMM, Precinct 13)

Request to reinsert “delivery only” in uses. Add back in 20c.

A MOTION was made and seconded to amend the previous vote to change the language to what is in the handout on page 2.

Q: How does this affect mixed use? A: It impacts just the commercial part of a mixed use.

By a roll call VOTE of 26 in favor, none opposed and 1 abstention the Advisory Committee amended their original vote on WA 15 to accept the language to what is in the handout on page 2.

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7:55 pm  Possible motion to amend the Advisory Committee’s previous vote on Article 17 (Open Air Parking Licenses and Electric Vehicle Charging Resolution, Scott Ananian, TMM Precinct 10)

A MOTION was made and seconded to amend the previous vote to change the language of WA 17 to what is in the handout on page 14.

By a roll call VOTE of 27 in favor, none opposed and no abstentions, the Advisory Committee amended their original vote on WA 17 to change the language to what is in the handout on page 14.

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8:15 pm Possible motion to amend the Advisory Committee’s previous vote on Article 18 (Amend the Zoning By-law to allow certain short term lodging, Scott Gladstone, TMM Precinct 16)

There was no motion to reconsider Article 18.

8:20 pm Possible motion to amend the Advisory Committee’s previous vote on Article 19 (Amend the Zoning By-law to allow Accessory Dwelling Units, Roger Blood)

A MOTION was made and seconded to amend the previous vote to change the language of WA 19 to what is in the handout on page 3 and aligned with the Select Board’s language.

Discussion regarding why a utility would require more meters – to make more money, the current system wouldn’t have capacity, etc. Nothing in this language changes the construction requirement or zoning. If there is a reason, it should be spelled out. This is not a case of the occupant of the accessory dwelling unit or utilities coming to us and saying they want to do this. When you look at other items about exterior appearance, the restrictions were imposed to that it doesn’t appear that the ADU is to be a separate dwelling. Don’t think having an extra utility meter does anything to change those conditions.

By a roll call VOTE of 23 in favor, 1 opposed and 2 abstentions, the Advisory Committee amended their original vote on WA 19.

BENKA Yes GORDON Yes NOBREGA Yes
BIRNBAUM Absent GRANOFF Yes RIDRUEJO Yes
BOHRS Yes HUMMEL Yes SANDMAN ----
BROWN Yes JONAS Absent SELWYN Yes
CARO Yes KAHN Yes SMITH Yes
DOGGETT Yes KANES Yes STAMPFER Yes
DOUGHTY Abstain KNABLE Yes SWARTZ Abstain
FRIEDMAN Yes LESCOHIER Yes VANSCOYOC Yes
GELBART Yes LEVIN Abstain WESTPHAL Yes
GOLDSTEIN Yes LODISH Abstain WISHINSKY Yes

8:30 pm Possible motion to amend the Advisory Committee’s previous vote on Article 26 (Rename the Coolidge Corner School the “Florida Ruffin Ridley School”, School Committee et al)

A MOTION was made and seconded to amend the previous vote on WA 26 and offer Beth Kates motion as an alternative.

Beth Kates stated that she feels her amendment is an effort to heal what has happened in this Town over this issue. Allowing people to name parts of the school to recognize the efforts and contributions of others in the Town and respecting all of the research that had been done. You could recognize Ethel Weiss by naming the Library for her because reading was important to her, for example.

Naming parts of the school is something that the School Committee has the power to do.

How do you think passing this and this process what would you put in place for community healing? Not in agreement that this would heal the community.

Lee Selwyn noted that, given his belief that the naming process was flawed, he will offer a motion at Town Meeting that has been approved by the Moderator. It is somewhat aligned with Ms. Kates motion and
recommends referral to a moderator’s committee with an effort to slow down the process and allowing for more consideration and is aligned with Ms. Kates motion.

Claire Stampfer spoke in favor of the naming process and advocated voting no action on everything other than the Ruffin Ridley article.

No reason to respect this process which was akin to voting in communist Russia. There is no will to compromise in this Town. The Kates motion is a small effort to do some healing, some people just won’t compromise. But as an Advisory Committee, it is good advice and worthy of consideration.

Appropriate for this body not to wade into those shark invested waters, however, this is not the end of school naming and we are letting a flawed process, if we believe it to be such, to continue if we don’t weigh in.

Need to recognize the educational value of the process for the students who were involved.

By a roll call VOTE of 4 in favor, 13 opposed, and 9 abstentions, the motion fails.

BENKA Abstain GORDON No NOBREGA No
BIRNBAUM Absent GRANOFF Abstain RIDRUEJO Abstain
BOHRS No HUMMEL Abstain SANDMAN ----
BROWN No JONAS Absent SELWYN Yes
CARO No KAHN Abstain SMITH No
DOGGETT Abstain KANES Abstain STAMPFER No
DOUGHTY No KNABLE No SWARTZ Yes
FRIEDMAN Yes LESCOHIER No VANSCOYOC Abstain
GELBART No LEVIN Abstain WESTPHAL Yes
GOLDSTEIN Yes LODISH Abstain WISHINSKY No

8:40 pm Possible motion to amend the Advisory Committee’s previous vote on Article 29 (EEAF Resolution, Donelle S. O’Neal Sr., TMM Precinct 4)

- The resolution has been rewritten a number of times. The current version requests a portion of revenue received from the Local Option Tax on marijuana revenue to be used for Racial Equity Advancement, which seems to be a broader intent from the original one.
- Concerns were raised regarding the figure of 35%. Who determines what “up to” is? Suggest a flat figure.
- Overseeing the administration of this is significant. This would require a huge amount of work and it represents a huge amount of money so have some concern about the implementation.
- Dr. Jett and the Health Department is depending on the first 3% (mitigation money) to fund specific positions in the department, and this article relates to the second 3%.
- What does “manage” mean? Will DICR and CDICR be investing funds or just dispensing the funds to specific projects?
- We get into trouble when we have people involved in the budget process who don’t understand the budget process. This proposal is concerning, given the close scrutiny of towns that are managing funds from their agreements with marijuana shops. We need to exercise caution.
- We need to say something like, does not conform with the Town’s budget process.
- This suggests managing the budget – DPW manages its budget (it is sort of semantics).
- Practical observation – A&F Subcommittee – worked with petitioner on this motion which resulted in the referral vote. The petitioner is deeply committed to spending available funds from marijuana revenues
because there is a historical link between African Americans and marijuana. This is a case for restorative justice. Would amend to fix scrivener’s error and change 35% to “a portion of”

- The phrase “a portion of” could take you up to 99%. Slippery slope; this taking a preemptive stab at the budget. Our process is to take a total amount of money and we allocate it. If we start doing this for one thing, we will have to do it for other things. Not good financial practice.
- As a Town, I don’t think we can or should count on that continued revenue.
- If the Select Board wants to do this, let’s have this in the next budget cycle.
- Not aware of any other commission in Town that can spend money this way. DICR has been asked to be a judge and jury and now a budget distributor.
- Brookline Commission of Women does have a fund like this.

A MOTION was made and seconded to amend the Advisory Committee’s previous vote and replace it with

“Resolved, that Town Meeting urges the Select Board to offer an appropriation for Racial-Equity Advancement as part of the Town’s annual operating budget cycle.”

By a roll call VOTE of 23 in favor, none opposed, and 4 abstentions the Advisory Committee votes favorable action on the substitute motion.

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9:05 pm Other possible motions to amend previous votes of the Advisory Committee

WA 14: Zoning for EV READY Parking

A sentence was added to reflect that the Massachusetts State Building Code hasn’t yet included a definition for EV Ready Space.

A concern was raised that we won’t do something until a State Agency acts upon something.

The additional language prevents AG further down the line nit picking this.

Believe that the language goes along with the intent of the article.

When we cross reference something like in Article 21 gross floor area, are we referring to its existence on the date we enacted the bylaw?

Recommend we do this on the night of Town Meeting instead of drafting zoning on the fly.

The Advisory Committee agreed to table this until November 19.
Articles subject to amended votes - 11/7/19

Article 4 (4-section Driscoll School)

Advisory Committee’s motion: That the Town appropriate, borrow, or transfer from available funds up to $108,800,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Select Board and the School Committee, to reconstruct the Driscoll School as a four section school, with the understanding that the final stages of project design, which follow voter and Town Meeting approval, will include efforts to further optimize the project’s design in terms of both program delivery and cost efficiency, including the evaluation of the feasibility of providing office space for district-wide staff of the Brookline Public Schools, provided that such appropriation shall be contingent on the approval by Town voters of a debt exclusion vote to be held no earlier than January 15, 2020 and no later than 90 days after the dissolution of the November First Special Town Meeting to fund the debt service on said borrowing.

Select Board’s motion: That the Town appropriate, borrow, or transfer from available funds up to $108,800,000 to be expended under the direction of the Building Commission, with any necessary contracts over $100,000 to be approved by the Select Board and the School Committee, to reconstruct the Driscoll School as a four section school, with the understanding that the final stages of project design, which follow voter and Town Meeting approval, will include efforts to further optimize the project’s design in terms of both program delivery and cost efficiency, including the evaluation of the feasibility of providing office space for district-wide staff of the Brookline Public Schools, provided that such appropriation shall be contingent on the approval by Town voters of a debt exclusion vote to fund the debt service on said borrowing.

Article 7 (Pavement Markings)

Petitioner’s motion: Now therefore, be it resolved that the Town evaluate and repaint or refurbish all roadway markings as needed.

And further, be it resolved that the Town operating budget shall provide sufficient funds to allow for proper maintenance of street markings for
automobile, bicycle, mass transit, and pedestrian use, as well as any other
markings that are provided on the public way for the safety of users.

Advisory Committee’s Motion: Now therefore be it resolved that Town
Meeting strongly encourages the Town to include sufficient funds in the
operating budget to allow for proper maintenance of street markings for
automobile, bicycle, and pedestrian use, as well as any other markings that
are provided on the public way for the safety of users.

Article 15 (TPOD)

1) Adding the following language to Section 6.02, Paragraph 1, which
exclusively affects non-residential uses:

“e. For storefront uses (which shall include Uses 12 through 14 inclusive,
16 through 18A inclusive, 20, 20a, 20c, 21, 29, 30, 32 through 36A
inclusive, 36C, 37 and 44, as listed in Article IV) on any lot for which any
portion of the lot is within the Transit Parking Overlay District, the parking
ratios specified in the table in 6.02, paragraph 1 shall serve as maximum
allowable parking ratios. These storefront uses are not subject to the
minimum parking space requirements in Section 6.02. The Zoning Board
of Appeals may grant a special permit to exceed the maximum number of
parking spaces allowed.

2) Changing the final footnote to Section 6.02, Paragraph 1, Table of Off-
Street Parking Space Requirements as follows:

“Section 6.02, paragraphs 1.2 through 7. contain additional requirements
by type of use or by location.

Article 17 (Open air parking – EV Charging Resolution)
Information to follow
WA 18 (Short-term Lodging)

Select Board’s motion – referral to Planning staff working on the regulations

Advisory Committee’s motion – No action

Article 19 (Accessory Dwelling Units)
Renumbering and relettering throughout Article

Add the underlined phrase in 4c.

4) Exterior appearance. A building containing an accessory dwelling unit must exhibit no exterior evidence of occupancy by more than one family, including, but not limited to the following:

   a) Having no more than one means of access/egress facing the street upon which the property faces;

   b) Having no more than one street number address; if the accessory dwelling unit has a second mailbox or mail delivery slot, it shall not be visible from the street;

   c) Having no electric, gas, water meters, or sub-meters other than those serving the principal dwelling unit of the building in which it is situated, unless required by the utility service provider, unless required by the utility service provider.

Article 26 (Coolidge Corner School Renaming)

SUBSTITUTE MOTION OFFERED BY BETH KATES, TMM-9

VOTED: to retain the name Coolidge Corner School for the PK-8 school located at 345 Harvard Street, Brookline.

PETITIONER’S ARTICLE DESCRIPTION

The renaming of the Edward Devotion School has polarized our community. It has been a divisive force that has driven us to question our
neighbors’ values. Discussions have become ugly, filled with personal accusations and threats to reputation and even livelihood. We need to reconcile our differences and come together as a community.

This Amendment to Article 26 proposes that the name of the school at 345 Harvard Street be neutral/identified by its location and remain the Coolidge Corner School. It also creates a new opportunity for an inclusive and transparent process be developed to name any number of rooms/areas of the school and grounds to include a number of the many deserving honorees whose contributions to the Coolidge Corner School, Brookline and beyond should be recognized.

**Article 29 (EEAF Resolution)**

**Original Article:**
Submitted by: Donelle S. O’Neal Sr.
Resolution: calling for a creation of an Economic-Equity Advancement Fund to be funded by all marijuana establishments in the Town of Brookline, Massachusetts. To see if the Town will adopt the following Resolution:

Whereas: Town endeavors to bring about equitable opportunities in all aspects of life within the Town of Brookline.

Whereas: Although there is a strong desire by the Brookline citizenship to bring about racial equity in all aspects of Brookline life, a. An essential area identified as a priority is economic equity.

Whereas: A comprehensive and systematic process to achieve economic equity remains in its infancy stage, there are concurrent steps that can be taken to ensure that equity processes have the financial means and community support to be implemented.

Whereas: The Town can use its leverage to request that large businesses seeking to do business in the Town of Brookline, to provide funding for projects, programs and community impact mitigation.

Whereas: Marijuana businesses already established in Brookline have formal commitments to giving back to the Brookline community, but
these commitments do not include funding or support for small minority business entrepreneurs.

Whereas: Creating this fund will help minority business owners get the funding they need that they might not have been able to acquire due systemic barriers in banks and other financial institutions.

Whereas: We need a fund to assure equal and equitable opportunities for all the under-served residents of Brookline Massachusetts.

Whereas: Because Marijuana Corporations such as those that exist or will exist in Brookline have Capital Financial advantages and other businesses do not have such advantages, they are in position to provide financial support to fund a minority-own business program with the Town of Brookline.

Whereas other Towns and Cities have instituted programs to assist MBE Such as: • Happy Valley and the Town of Amherst: Donation to the town in the amount of $75,000 made in 3 payments of $25,000 each. • Apical Inc and City of Easthampton A Payment of $75,000 or 3% of revenue, Whichever is Greater

Payment of $15,000 in 2 payments of $7,500 when Provisional License is approved Also donated $2,500 to 4 different entities • JOLO CAN LLC and City of Chelsea 3% of revenue.$60,000 donation to the City of Chelsea Non-profits

Whereas: The Town, through the Office of Diversity, Inclusion and Community Relations in collaboration with its various committees, should steward the program as they represent the populations that would be eligible for the program.

Whereas: If the program is successful Brookline will have more minority business ownership within its boundaries. It has the potential to increase the Town's commercial tax-base. It has the potential to better the economic status of some of our residents and perhaps lead to home ownership- which leads to more diversity in Brookline's community.

Therefore: The Town requests that all current and future marijuana establishments that conduct business in Brookline, Ma be required to provide funds to the EEAF fund the Town in the amount no less than First
year, $1.5 million dollar first donation to the EEAF fund and years 2-5: 3% of gross revenue during years 2-5. The funds will be placed in a designated Town account and such funds will be used to support Residents who are Under Served, small MBE, WBE, VOB, LGBTQ entrepreneurs seeking to establish businesses within and around the Town of Brookline. We require that these establishments actively support and engage in programs that work to achieve equity for all marginalized groups within the Town and that they report such activities annually to the Select Board.

The Office of Diversity, Inclusion and Community Relations and the Community Planning Department and their corresponding Boards will work with the community to develop policies and procedures for the fund and administer the fund to eligible applicants.

Note Brookline will be the first in the State to implement this sort of Fund. And hopefully Brookline’s EEAF if passed hopefully it will be a Model for other Towns Cities to follow giving Equal Opportunities back into their communities.

Select Board will review boards and commission’s ability to establish and incorporate community engagement plans in its critical work and make necessary personnel changes. Effective Date: January 1, 2020

The Town of Brookline will ensure that the program always provide the funds necessary to sustain the program.

Make an arrangement with BCF to manage the funds, with oversight and program management established by the Town. Or act on anything relative thereto.

October 17th AC vote for Favorable Action (14-3-2)

Article 29 – Neil and Donelle substitute motion

Whereas, the Town of Brookline endeavors to bring about equitable opportunities in all aspects of life within the town; and

Whereas, there is, more specifically, a strong desire by the Town to bring about racial and gender equity, an essential element of which is economic equity; and
Whereas, there are positive steps that can be to begin to bring about such economic equity; and

Whereas, businesses in Brookline may be willing to provide funding for projects and programs to achieve such ends; and

Whereas, commitments made pursuant to host community agreements with marijuana dispensaries do not specifically include funding or support for minority and/or female owned businesses; and

Whereas, a dedicated fund to help minority and women owned businesses establish themselves in Brookline would, at least in part, offset the shortcomings of the host community agreements; and

Whereas, such fund could help assure equal and equitable opportunities for underserved residents of Brookline;

Now, Therefore, be it resolved, that it is the will of Town Meeting that the subject matter of this Warrant Article be referred to the Town’s Small Business Development Committee; and

That such committee explore the feasibility of establishing a fund and soliciting and obtaining donations from, inter alia, Brookline businesses; and

That such committee further explore the feasibility of using such funds to provide grants and/or loans to underserved residents of Brookline to assist them in establishing or expanding minority and/or women owned businesses in Brookline; and

That the Small Business Development Committee work with the Office of Diversity, Inclusion and Community Relations in order to best achieve the objectives of this Warrant Article; and

That the Small Business Development Committee conclude its work and report to Town Meeting
Most Recent Motion
Submitted by: Donelle S. O’Neal Sr. (TMM4), Raul Fernandez (Select Board Member)

Voted: that the Town adopt the following resolution urging the Select Board to support an appropriation for create a Racial-Equity Advancement Fund (REAF) to be funded by up to 35% of the revenue received from the Local Option Tax on marijuana revenue.

WHEREAS Brookline residents are committed to bringing about racial equity in all aspects of life, including educational, health, and economic equity.

WHEREAS the Town can use its marijuana revenue to provide funding for programs that would result in greater racial equity within Brookline.

WHEREAS a funding mechanism is needed to ensure the consistent funding of such programs.

WHEREAS the Office of Diversity, Inclusion and Community Relations in collaboration with the Commission for Diversity, Inclusion and Community Relations can steward this fund as they have close contact with the people and organizations that would be eligible for funding.

THEREFORE, be it resolved that Town Meeting requests that the Select Board establish an appropriation to support Racial-Equity Advancement Fund (REAF) to be funded by up to 35% of the revenue received from the Local Option Tax on marijuana revenue and to be managed by the Office of Diversity, Inclusion and Community Relations in collaboration with the Commission for Diversity, Inclusion and Community Relations, which will jointly develop funding guidelines, and recommend specific projects distribute funds to eligible applicants, and report on their activities annually for approval by the Select Board. The Office of Diversity, Inclusion and Community Relations, with approval from the Commission for Diversity, Inclusion and Community Relations, may also use a portion of these funds for new programs which advance racial equity.

Effective Date: January 1, 2020

Article 33 – See separate document
Article 34 – See separate document
Good afternoon Carla,

I wanted to get the language on what the Board approved because there were edits. Sara is working on the minutes.

WA 17 - FA 4-0-1(Abstain)
Board Member Franco stated Warrant Article 17 contains two separate issues: EV Charging stations and Open Air Parking. Board Member Franco request edits be made to focus on Electric Vehicle Charging improvements. Suggested to strike the following from Article 17: open air clause:
Whereas, the current open air parking license process administered by the Select Board is cumbersome, and enforcement against those renting out open-air parking spots without a licenses is practically-speaking non-existent;
And then in the next paragraph: strike all of (2) reform the licensing process…AND (3) to more effectively enforce licensing requirements.

WA 29 - FA 3-2-0
It was moved to approve Warrant Article 29, as amended by Board Member Fernandez, to include the Select Board Statement that the programs and projects applied to the Equity Advancement Fund will be carefully reviewed by the Select Board within the overall context of the Town’s budgetary needs.

STM#2, WA 1 - FA 3-1-1
ARTICLE 15

To see if the Town will amend the Zoning By-Law by:

1) Adding the following language to Section 6.02, Paragraph 1, which exclusively affects non-residential uses:

“e. For storefront uses (which shall include Uses 12 through 14 inclusive, 16 through 18A inclusive, 20, 20a, 20c, 21, 29, 30, 32 through 36A inclusive, 36C, 37 and 44, as listed in Article IV on any lot for which any portion of the lot is within the Transit Parking Overlay District, the parking ratios specified in the table in 6.02, paragraph 1 shall serve as maximum allowable parking ratios. These storefront uses are not subject to the minimum parking space requirements in Section 6.02. The Zoning Board of Appeals may grant a special permit to exceed the maximum number of parking spaces allowed.

2) Changing the final footnote to Section 6.02, Paragraph 1, Table of Off-Street Parking Space Requirements as follows:

“Section 6.02, paragraphs 1 through 7 contain additional requirements by type of use or by location.

Or act on anything relative thereto.
To: Advisory Committee  
From: Linda Olson Pehlke, TMM Pct. 2  
Re: Article 15 Updates  
Date: November 7, 2019

What is new in the version of Article 15 presented tonight?

1) The updated version of Article 15 contains the Moderator-approved special permit language for exceeding the parking maximums: (both EDAB and the Planning Board prefer a version that retains a special permit provision).

The Zoning Board of Appeals may grant a special permit to exceed the maximum number of parking spaces allowed.

2) At the October 29, 2019 Advisory Committee meeting Use #20b, Medical marijuana dispensaries was removed, (therefore leaving the parking requirement in place for this use). Unfortunately Use #20c, Marijuana delivery only businesses was also inadvertently removed as well. In consult with the AC Sub-Committee on Planning and Regulation, this use was put back in, (therefore, eliminating the parking requirement for marijuana delivery-only businesses).

3) The previously corrected “scrivener’s error” in the footnote to the Table 6.02 has been retained to maintain consistency with the published Zoning By-Law. The footnote now reads: “Section 6.02, paragraphs 1 through 7, contain additional requirements by type of use or by location.”
A Comparison Between Industry Standard Parking Requirements & Brookline’s Parking Minimums/Maximums

Supplemental Information for the Advisory Committee Concerning Article 15
Linda Olson Pehlke, TMM Pct. 2

Standard Parking Ratios from Industry Standard Resources:
*Parking Generation, Institute of Transportation Engineers, 3rd edition*
*Urban Land Institute: Base Parking Ratios from “Shared Parking”2nd edition*

<table>
<thead>
<tr>
<th>Source</th>
<th>Use</th>
<th>Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Generation ITE</td>
<td>Medical/Dental Office</td>
<td>4/1,000 sf</td>
</tr>
<tr>
<td>Parking Generation ITE</td>
<td>Retail (convenience)</td>
<td>4/1,000 sf</td>
</tr>
<tr>
<td>Urban Land Institute</td>
<td>Medical/Dental Office</td>
<td>4.5/1,000 sf</td>
</tr>
<tr>
<td>Urban Land Institute</td>
<td>Office</td>
<td>4/1,000 sf</td>
</tr>
<tr>
<td>Urban Land Institute</td>
<td>Retail</td>
<td>3.5/1,000 sf</td>
</tr>
</tbody>
</table>

* Ratios based on peak parking spaces required with virtually 100% auto use and typical car sharing for suburban conditions.

Brookline’s Zoning By-Law Minimum Parking Requirements

<table>
<thead>
<tr>
<th>Use</th>
<th>Floor Area Ratio</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office/Retail</td>
<td>1.5 – 2.5</td>
<td>3/1,000 sf</td>
</tr>
<tr>
<td>Office/Retail</td>
<td>1.0</td>
<td>5/1,000 sf</td>
</tr>
<tr>
<td>Medical/Dental</td>
<td>1.5-2.5</td>
<td>4/1,000 sf</td>
</tr>
<tr>
<td>Medical/Dental</td>
<td>1.0</td>
<td>5/1,000 sf</td>
</tr>
</tbody>
</table>
Resolutions regarding Open-Air Parking Licenses and Electric Vehicle Charging (2019-11-05)

Motion by AC Public Safety Subcommittee 2019-09-10; amended by petitioner 2019-10-3 and further amended by Select Board 2019-11-05. Differences shown against the 2019-09-10 AC subcommittee motion.

Deletions in strikeout, additions bold underline.

To see if the Town will adopt the following Resolution:

WHEREAS, according to the 2017 report to Annual Town Meeting of the Electric Vehicle Charging Study Committee, 50% of Brookline properties are rental, not owner-occupied, and residents living in rented dwellings who wish to transition from a fossil-fuel burning vehicle are not in a position to invest in or adapt their home for an Electric Vehicle; and

WHEREAS, although reducing reliance on single-owner vehicles has a number of beneficial effects in addition to reducing greenhouse gas emissions, the electrification of the remaining motorized transport is necessary to meet the goals of the Commonwealth and Brookline's commitments under the Paris agreement; and

WHEREAS, lack of a self-owned parking spot can make charging an electric vehicle logistically difficult, discouraging Town citizens from switching to an emission-free vehicle; and

WHEREAS, the current open-air parking license process administered by the Select Board is cumbersome, and enforcement against those renting out open-air parking spots without a license is practically speaking non-existent;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Select Board appoint a committee or direct their designee(s) to study the process of administering open-air parking licenses, with the following goals: (1) to fund consider a pilot program no later than FY22 to provide incentives, including rebates on acquisition and installation costs, for some open-air parking license holders who provide EV Ready parking spots, as defined in Section C405.10 of 780 CMR 13, the Massachusetts Building Code, and (2) to consider requiring EV Ready parking spots as a condition of obtaining or renewing some open-air parking licenses, (2) to reform the license process to make it less burdensome to comply with the law in good faith and acquire and renew an open-air parking license, and (3) to more effectively enforce licensing requirements.

BE IT FURTHER RESOLVED that the Town endeavor to add multiple charging outlets (possibly including L1 as well as L2) to all Overnight Resident Parking Lots, and establish a program to facilitate their use for overnight charging of battery electric vehicles and plug-in hybrids.
or act on anything relative thereto.

**Petitioner's article description:**

One of the surprising findings of the Electric Vehicle Charging study committee was the large percentage of "garage orphans": Brookline residents who face obstacles switching to an electric vehicle because of the lack of a dedicated charger. The solution to the garage orphan challenge in our town must be multifold, including ensuring that Major Impact Projects in town provide sufficient charging capacity in parking structures, supporting a renters/condo-owners "bill of rights" to ensure they are able to install chargers at their own expense, and providing public chargers, for example in town lots and in town-provided overnight parking, to accommodate those without their own dedicated charger. This article addresses one additional piece of that challenge, in attempting to increase the number of rented parking spaces that provide electric vehicle charging facilities. A small pilot program of, for example, $10,000 could provide $500 rebates to the first 20 small-lot open-air parking license holder applicants, and would provide feedback on whether this incentive would be effective in increasing EV charger availability in our town. Large parking lots bring in significant revenue, and so requiring the addition of EV Ready parking spots can reasonably be made a requirement for license holders.

It is worth noting that EV charging infrastructure is especially needed in the transition to fully-electric vehicles, when plug-in hybrids are expected to be the most common and cost-effective zero-emission option for many owners. Plug-in hybrid electric vehicles typically have very small batteries, and are only "zero emission" if that battery is kept charged! Once you drive past the limited range of the battery, a plug-in hybrid is just a plain polluting greenhouse-gas-emitting internal combustion engine car. So widespread charging infrastructure is even more important for plug-in hybrids, which might need to be topped off after every trip to keep them driving clean, than it is for a modern long-range fully battery-electric vehicle, which might need to be charged only once a week.

Many plug-in hybrids can fully charge their small batteries overnight from an ordinary 15A household outlet, which is what’s called a "level one" charger. The "low speed charging" language in the resolution is intended to allow the provision of such "level one" options as well as or in addition to the more typical "level two" chargers used for fully battery-electric vehicles.

As part of the Multi-State ZEV Task Force (zevstates.us) Massachusetts has committed to putting 300,000 ZEVs on the road by 2025. In 2016, we had 2.3 million vehicles registered in Massachusetts. Simple math indicates that 13% of our statewide fleet will need to be electric in the next six years to meet the state goal. Our Brookline goal, as proposed in another article in the warrant for this Town Meeting, is for 30% of our Town vehicles to be electric by 2030. **We need to begin addressing the needs of those members of our community who rent or who cannot afford to own property with dedicated parking.**
Advisory Committee
Article 17 – Possible amendment of previous vote
November 7, 2019

Advisory Committee’s Motion:

Retains the first three “Whereas” clauses and removes the second and third stipulations in the second “Resolve” clause:

“NOW, THEREFORE, BE IT HEREBY RESOLVED that the Select Board appoint a committee to study the process of administering open-air parking licenses, with the following goals: (1) to fund a pilot program to provide incentives, including rebates on acquisition and installation costs, for open-air parking license holders who provide EV Ready parking spots, as defined in Section C405.10 of 780 CMR 13, the Massachusetts Building Code; BE IT FURTHER RESOLVED that the Town endeavors to add multiple low-speed charging outlets to all Overnight Resident Parking Lots, and establish a program to facilitate their use for overnight charging of battery electric vehicles and plug-in hybrids.”

Select Board’s Motion:
See separate document
Dear Lisa,

Mike Sandman asked me to send you the text of my article. I have been corresponding with Sandy Gadsby and Carla Benka. Per her request, I sent it to Carla earlier today. Mike said I needed to send it to you, too.

**SUBSTITUTE MOTION OFFERED BY BETH KATES, TMM-9, UNDER ARTICLE 26**

VOTED: to retain the name Coolidge Corner School for the PK-8 school located at 345 Harvard Street, Brookline.

**PETITIONER’S ARTICLE DESCRIPTION**

The renaming of the Edward Devotion School has polarized our community. It has been a divisive force that has driven us to question our neighbors’ values. Discussions have become ugly, filled with personal accusations and threats to reputation and even livelihood. We need to reconcile our differences and come together as a community.

This Amendment to Article 26 proposes that the name of the school at 345 Harvard Street be neutral/identified by its location and remain the Coolidge Corner School. It also creates a new opportunity for an inclusive and transparent process be developed to name any number of rooms/areas of the school and grounds to include a number of the many deserving honorees whose contributions to the Coolidge Corner School, Brookline and beyond should be recognized.

Thank you,

Beth Kates, TMM9
WA 28 and Proposed Motion re WAs 26-28
3 messages

Lee Selwyn <lselwyn@econtech.com> Tue, Nov 5, 2019 at 5:22 PM
To: "Gadsby, Sandy" <sgadsby@foleyhoag.com>

Sandy,

In its report on Warrant Articles 26 through 28 as published in the Combined Reports, the Naming Committee makes
the following statement:

"In fact, according to the guidelines of the Naming Committee, a candidate who is employed by the Town can only be
ominated if he/she was employed for 25 years or more. Dr. Sperber was Superintendent of Schools for 18 years,
which appeared to disqualify him automatically."

On November 4, I had the following e-mail exchange with Joslin Murphy, Town Counsel, on this matter:

=====================================================================
Lee Selwyn <lselwyn@econtech.com> Mon, Nov 4, 12:49 PM

From: Lee Selwyn [mailto:lselwyn@econtech.com]
Sent: Monday, November 04, 2019 12:49 PM
To: Joslin Murphy
Subject: Naming Committee action re WA 28 (Robert Sperber)

Ms. Murphy,

As you may be aware, I am the Petitioner on Warrant Article 28, which calls for the Coolidge Corner School to be
renamed "The Robert I. Sperber School" in honor of Dr. Sperber who had served the Town and the Brookline
Schools for some 18 years as Superintendent.

I was out of the country on October 16 when the Naming Committee held its hearing on the three Warrant Articles
(26, 27 and 28) that propose alternative names for the school. I have been informed that, when WA 28 came up for
discussion, the Chair of the Naming Committee advised the members that in order for a building to be named for a
Town employee, that individual had to have been employed by the Town for at least 25 years. Since Dr. Sperber had
been a Town employee for only 18 years, the Chair indicated that his name was therefore not eligible for
consideration, and as a result Dr. Sperber received no votes supporting his nomination pursuant to WA 28.

I have carefully reviewed the "General Naming Committee Procedures" upon which the Chair had relied for her
opinion that Dr. Sperber’s name could not be considered. Rule 4 therein states as follows: "Any applicant who is an
employee of the town, must have had at least twenty five years employment and must wait two years from the time
an application is received to have the Naming Committee recommend naming a Public Facility in his or her honor."

Economics and Technology, Inc. Mail - WA 28 and Proposed Motion re... https://mail.google.com/mail/u/0?ik=ef445a3f8a&view=pt&search=all&...
As written, this rule applies specifically and only to "Any applicant who is an employee of the town." It does not apply to an individual nominee who may have been a Town employee for less than 25 years but who is not the Applicant for the proposed name. Dr. Sperber, who is deceased, is clearly not the "Applicant" in this situation. As Petitioner of WA 28, I would be the "Applicant," and since I am not now and have never been a Town Employee and, in any event, have not asked for any Public Facility to be named "in my honor," I do not believe that Rule 4 is applicable in this situation and, for that reason, I believe that the Naming Committee Chair's opinion to the contrary is incorrect.

I would appreciate it if you would examine the Naming Committee's Rule 4 and advise as to whether the Naming Committee's apparent reliance upon it as a basis for disqualifying Dr. Sperber was proper.

Thanks very much.

Lee L. Selwyn
TMM/13

Joslin Murphy Mon, Nov 4, 2:00 PM (19 hours ago)

to ruthlenorekaplan@gmail.com, me

Mr. Selwyn: The Brookline Naming Committee “General Naming Committee Procedures” ("Procedures") require all proposals to name or rename a public facility to be in writing and to be sent or referred to the Naming Committee. Procedures, at 2. Naming proposals must include the name of the person to be honored or memorialized, along with the background information and rationale for the proposal. Procedures, at 2. The Procedures refer to additional requirements that pertain to proposals by an applicant to commemorate or honor a Veteran. Procedures, at 2. They also state, in relevant part, that "[a]ny applicant who is an employee of the town, must have had at least twenty five years employment and must wait two years from the time an application is received to have the Naming Committee recommend naming a Public Facility in his or her honor.” (emphasis added) Procedures, at 2. An “Applicant” is defined in the Procedures as a “person or organization who has submitted a proposal for the naming of a public facility.” Procedures, at 9. Therefore, a strict reading of this language leads me to conclude that the referenced time requirements apply only to applicants who are employees of the town, and not to proposals by an applicant to commemorate or honor a town employee. Regards, Joslin

===============================================

As Town Counsel has now opined, the Naming Committee's decision to automatically disqualify Robert Sperber was improper and was based upon a clear misreading of the Naming Committee's own Procedures.

The Naming Committee's action to disqualify Robert Sperber from consideration is clearly prejudicial and may well have improperly influenced its discussions and actions with respect to the other two names that were under examination. Moreover, since the Naming Committee's Report is now included in the Combined Reports, it may well be difficult to reverse the negative impact that this unjustified action may have had on support for Article 28. I am not sure how this might be addressed procedurally, but one possible solution would be to preclude the Naming Committee's Report from being presented at or considered by Town Meeting.

As you may also be aware, I and several others have expressed serious concerns as to the entire process by which the name being recommended in Article 26 was selected. I have submitted an Open Meeting Law Complaint to the Attorney General pertaining to this process, but it is unlikely that the AG will issue a ruling prior to Town Meeting.

The process that has been utilized by the School Committee and by others in the name selection is seriously flawed, and any name that is adopted by Town Meeting (other than retention of the existing Coolidge Corner School name) will forever taint the School and the adopted name. Accordingly, I would like to offer the following MOTION with respect to all three of the Naming Articles (26, 27 and 28):

VOTED: That Warrant Articles 26, 27 and 28 shall be REFERRED to a Moderator's Committee whose membership
shall include, but not be limited to, one (1) Petitioner or the Petitioner’s designee for each of the three Articles, one member of the School Committee, one member of the Naming Committee, one member of the Advisory Committee, and such other members as the Moderator may at his discretion appoint. The Committee shall develop an open public process to solicit nominations from the entire Brookline community, hold public hearings and meetings all of which are duly noticed and open to the public, and shall issue a Report and Recommendation to Town Meeting for consideration at the November 2020 Special Town Meeting. The Coolidge Corner School shall continue to bear that name until such time as Town Meeting, in consideration of the Moderator’s Committee Report and Recommendation, adopts an alternate name.

Please let me know if I should also draft some supporting text in connection with this Motion, or if this is sufficient.

Thanks very much.

Lee

Lee L. Selwyn
TMM/13
+1-617-598-2222

THIS MESSAGE MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, COPYING OR COMMUNICATION OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY ME IMMEDIATELY BY TELEPHONE AND DELETE THE MESSAGE.

---

Gadsby, Sandy <SGadsby@foleyhoag.com>  Tue, Nov 5, 2019 at 5:48 PM
To: Lee Selwyn <lselwyn@econtech.com>

Lee:

I will allow that motion. It will of course be the first motion that we consider when we reach the voting process for these articles.

You should submit it to the SB, AC and Town Clerk, styled as “Motion offered by Lee Selwyn, TMM-13, under articles 26-28.” You can accompany it with whatever explanation you consider appropriate.

Regards, Sandy

[Quoted text hidden]

Any tax advice included in this document and its attachments was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.
Lee Selwyn <lselwyn@econtech.com>

To: "Gadsby, Sandy" <SGadsby@foleyhoag.com>

Sandy, thanks.

Lee

Lee L. Selwyn
TMM/13

+1 (617) 598-2222

[Quoted text hidden]
ARTICLE 33 - Amend the General By-laws to remove references to “inhabitants” and “citizens,” and replace with more appropriate terms

Amended Motion to be offered by the primary petitioner, incorporating recommendations of the Committee on Town Organization and Structure

Primary petitioner – Neil Gordon, TMM1 (phone: 508 265 1362 email: neil@nrgordon.com)

VOTED: That the Town amend its General By-laws, by removing references to “inhabitants” and “citizens,” and replacing such words with more appropriate terms, and making other such changes as will clarify the intent of the By-laws, as follows (deletions in strike through; additions in bold underline):

SECTION 1.1.4 DEFINITIONS:

In construing these by-laws the following words shall have the meanings herein given, unless a contrary intention clearly applies:

a. “Appointing authority”, unless otherwise specifically provided by law, shall be the Select Board.

b. “By-laws” shall mean these by-laws, that do not include the zoning by-laws and the classification and pay plan, as amended from time to time.

c. “Committee” shall include an elected or appointed board, commission, council and trustees.

d. “Inhabitant” “Resident” shall mean a resident of the town of Brookline.

e. “Legislative body” shall mean the Town Meeting.

f. “Law”, “General Laws” Or “Chapter” shall mean the law, statute or act referred to, as amended from time to time.

g. “Municipal officer” shall mean an elected or appointed official or member of a committee and a department head but shall not include Town Meeting Members and Town employees.

SECTION 2.1.10 TOWN MEETING MEMBERS AT LARGE:

Pursuant to the authority contained in Section 5 of Chapter 43A of the General Laws (Ter. Ed.) the following officers are designated as Town meeting members-at-large: (1) the members, inhabitants residents of the Town, who are the elected representatives of the Town or any part thereof in the
General Court of the Commonwealth of Massachusetts, (2) the moderator, (3) the town clerk, and (4) the Select Board members.

ARTICLE 3.12 DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT - SECTION 3.12.3 DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT -subsection (C), item 10 and 21:

10. to provide the town Town with and, from time to time, amend Comprehensive Plans for land use, public and private transportation and parking, open space, recreation, urban renewal, telecommunications and utility services, economic development, housing, historic preservation and also for the future development and preservation of town resources consistent with its physical, social and economic requirements and the health, safety and welfare of its inhabitants the public.

21. to facilitate and maximize meaningful input to town Town boards and officials to the extent reasonably practical from Brookline citizens Residents and other interested parties, including civic associations and neighborhood organizations.


(v) Receive Complaints Against the Town, directly or through the CDO, against the Town, its employees, agencies, or officials concerning allegations of discrimination or bias from all persons who come in contact with the Town, except Town employees (see Section 3.14.2), and after notifying the Town Administrator, review and summarize the complaint and issues of concern to the Commission, without investigating or making determinations of fact, or drawing any legal conclusions, concerning allegations of discrimination or bias against a member of a Brookline Protected Class, by any Town agency, Town official or employee. The Commission/CDO, may in addition (1) present its summary and concerns to the Town Administrator and the Select Board for consideration of further action and/or (2) provide the complainant with information on complainant’s options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agencies. This By-law does not preclude any complainant from alternatively or additionally using other complaint procedures, such as the Police Department’s Citizen Civilian Complaint Procedure or the Human Resources Office’s procedures;

ARTICLE 3.15 HUMAN RESOURCES PROGRAM, BOARD AND OFFICE SECTION 3.15.1 PURPOSE AND INTENT

The purpose of this bylaw is to ensure the establishment of fair and equitable Human Resources policies for the Town of Brookline and its employees; and to provide a system of Human Resources
administration that is uniform, fair, and efficient and which represents the mutual interests of the citizens of the Town public and the employees of the Town.

SECTION 3.15.2 HUMAN RESOURCES PROGRAM TO BE CONSISTENT WITH ACCEPTED MERIT PRINCIPLES AND APPLICABLE STATE AND FEDERAL LAWS – item (e):

(e) assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, gender, gender identity or gender expression, sexual orientation, marital status, handicap or religion and with proper regard for privacy, basic rights outlined in this chapter and their constitutional rights as citizens, and;

ARTICLE 3.21 READILY ACCESSIBLE ELECTRONIC MEETING NOTICES, AGENDAS AND RECORDS -

Section 3.21.1 Purpose and Applicability:

This by-law applies to the meetings of all Brookline governmental bodies subject to the Open Meeting Law, now G.L. c. 39, §§23A et seq. (hereinafter, respectively, "meetings" and "OML"), and is intended (a) to take advantage of the internet and its increasing use; (b) to better implement the spirit of the OML; and (c) to the extent reasonably practical, to improve opportunities for broader and more meaningful citizen participation by Residents and other interested parties in the business of Town governmental bodies.

Section 3.21.3 Meeting Notices and Agendas – item (b):

(b) With the assistance and direction of the Town Clerk and ITD, the information specified above shall be disseminated in a timely manner to citizens members of the public who join the aforementioned notification list(s).

ARTICLE 4.1 ACCOUNTS AND AUDITS SECTION - SECTION 4.1.3 AUDIT REPORTS

All reports by the independent auditor shall be available for inspection by citizens of the Town the public during regular business hours at the Town’s offices. The audit report shall also be made available at the Main Library.

ARTICLE 4.6 PUBLIC RELATIONS AND INFORMATION

The Town may appropriate a sum not to exceed $1,500.00 in any year to be expended by the Personnel Board, with the approval of the Select Board, for the purpose of furnishing information including, without limitation, the results of its investigations, its opinions and recommendations, to the inhabitants of the Town public or to Town Meeting members, pertaining to an article or articles in the Warrant for a
town meeting which relate to wages, hours or other conditions of employment of town employees.

ARTICLE 4.8 LIVING WAGE BY-LAW - SECTION 4.8.6, item (c), first paragraph:

c. Enforcement Grievance procedures and nondiscrimination. Any covered employee who believes that his or her employer is not complying with requirements of this article applicable to the employer has the right to file a complaint with the town’s Chief Procurement Officer or Select Board. Complaints of alleged violations may also be filed by concerned citizens members of the public or by a town official or employee. Complaints of alleged violations may be made at any time and shall be investigated promptly by or for the officer or board that received the Complaint. To the extent allowed under the Public Records Law, G.L.c.66, statements, written or oral, made by a covered employee, shall be treated as confidential and shall not be disclosed to the covered employer without the consent of the covered employee.

ARTICLE 6.6 DISCHARGING FIREARMS:

No person shall fire or discharge any gun, fowling-piece, or firearm within two hundred feet of any street in the town of Brookline or on any private grounds, except with the consent of the owner thereof; provided, however, that this by-law shall not apply to the use of such weapons at any military exercise, in law enforcement or in the lawful defense of the person, family, or property of any citizen.

ARTICLE 7.9 SNOW PARKING BAN:

No person shall allow any vehicle to remain in or within a street or way when a snow emergency parking ban has been declared by the Chairman of the Select Board, or in the absence of the Chairman, by a Select Board member.

A Snow Emergency Parking Ban may be declared by the Chairman of the Select Board, or in the absence of the Chairman, by a Select Board member, whenever there are indications that the threat of substantial snow is imminent, whenever there has been a substantial snow and snow removal operations are underway or are about to commence, or whenever a substantial snow creates conditions that require a vehicular driving or parking ban throughout the town. Upon the declaration of a Snow Emergency Parking Ban notice thereof shall be given to the Town Clerk's office, the Police Department, the Fire Department and the Department of Public Works. Reasonable action shall also be taken to notify and warn the inhabitants of the Town public of the ban.

ARTICLE 8.12 HAWKERS AND PEDDLERS - SECTION 8.12.4 NO DISTURBING THE PEACE:
No person hawking, peddling, or carrying or exposing any article for sale shall cry his wares to the 
disturbance of the peace and comfort of the inhabitants of the Town public, nor shall carry or convey 
such articles (in any manner that will tend to injure or disturb the public health or comfort nor) 
otherwise than in vehicles and receptacles which are neat and clean and do not leak.

ARTICLE 8.12 HAWKERS AND PEDDLERS - SECTION 8.12.2 LICENSING

The Town Administrator shall have authority to grant such license to any person of good repute for 
morals and integrity who is or has declared his intentions to become a citizen of the United States. Said 
license, unless sooner revoked by the board or officer granting the same, shall expire one year from the 
date of issue, and each person so licensed shall pay therefore a fee of twenty-five dollars.

ARTICLE 8.15 NOISE CONTROL:

SECTION 8.15.2 DECLARATION OF FINDINGS, POLICY AND SCOPE, item (a):

(a) Whereas excessive Noise is a serious hazard to the public health and welfare, safety, and the 
quality of life; and whereas a substantial body of science and technology exists by which 
excessive Noise may be substantially abated; and whereas the people have a right to and should 
be ensured an environment free from excessive Noise that may jeopardize their health or 
welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of 
Brookline to prevent excessive Noise which may jeopardize the health and welfare or safety of 
its citizens the public or degrade the quality of life.

SECTION 8.15.7 PERMITS FOR EXEMPTIONS FROM THIS BY-LAW, item (b):

(b) The applications required by (a) shall be on appropriate forms available at the office of the 
Select Board. The Select Board, or designee, may issue guidelines defining the procedures to be 
followed in applying for a special permit. The following criteria and conditions shall be 
considered: (1) the cost of compliance will not cause the applicant excessive financial hardship; 
(2) additional Noise will not have an excessive impact on neighboring citizens the public.

ARTICLE 8.16.1 COLLECTION AND RECYCLING OF WASTE MATERIALS - PURPOSE:

Article 8.16 is enacted to maintain and expand the Town’s solid waste collection and recycling programs 
under its Home Rule powers, its police powers to protect the health, safety and welfare of its 
inhabitants the public and General Laws, Chapter 40, Section 21; Chapter 21A, Sections 2 and 8; Chapter 
111, Sections 31, 31A and 31B and to comply with the Massachusetts Waste Ban, 310 CMR 19.
ARTICLE 8.23 TOBACCO CONTROL - SECTION 8.23.1 – PURPOSE:

In order to protect the health, safety and welfare of the inhabitants of the Town public, including but not limited to its younger population, by restricting the sale of and public exposure to tobacco and e-cigarette products known to be related to various and serious health conditions such as cancer, this by-law shall limit and restrict the sale of and public exposure to tobacco and e-cigarette products within the Town of Brookline.

ARTICLE 8.29 NUISANCE CONTROL - SECTION 8.29.1 PURPOSE:

In order to protect the health, safety, and welfare of the inhabitants of the Town public, this bylaw shall permit the Town to impose liability on Property Owners and other responsible persons for the nuisances and harm caused by loud and unruly Gatherings on private property and shall prohibit the consumption of alcoholic beverages by under-age persons at such Gatherings.

ARTICLE 8.30 FINGERPRINT-BASED CRIMINAL RECORD BACKGROUND CHECKS - SECTION 8.30.1 PURPOSE/AUTHORIZATION:

In order to protect the health, safety, and welfare of the inhabitants of the Town of Brookline public, and as authorized by chapter 256 of the Acts of 2010, this by-law shall require a) applicants for certain Town licenses permitting the engagement in specific occupational activities within the Town as enumerated in Section 8.30.2 below to submit to fingerprinting by the Brookline Police Department, b) the Police Department to conduct criminal record background checks based on such fingerprints, and c) the Town to consider the results of such background checks in determining whether or not to grant a license. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI) as may be applicable to conduct on the behalf of the Town and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize FBI records in connection with such background checks, consistent with this by-law.

Article 8.31 Leaf Blower Control – SECTION 8.31.6: PERMITS FOR EXEMPTIONS FROM THIS BY-LAW, item (b):

(b) The Select Board, or designee, may issue guidelines defining the procedures to be followed in applying for a special permit. The following criteria and conditions shall be considered: (1) the cost of compliance will not cause the applicant excessive financial hardship; (2) additional noise will not have an excessive impact on neighboring citizens the public. (3) the permit may require portable acoustic barriers during night use. (4) the guidelines shall include reasonable deadlines for compliance or
extension of non-compliance. (5) the number of days a person seeking a special permit shall have to make written application after receiving notification from the Town that (s)he is in violation of the provisions of this By-law. (6) If the Select Board, or its designee, finds that sufficient controversy exists regarding the application, a public hearing may be held. A person who claims that any special permit granted under (a) would have adverse effects may file a statement with the Select Board, or designee, to support this claim.
ARTICLE 34 - Amend the General By-laws regarding qualifications to serve on boards, commissions and committees

Amended Motion to be offered by the primary petitioner, incorporating recommendations of the Committee on Town Organization and Structure

Primary petitioner – Neil Gordon, TMM1 (phone: 508 265 1362 email: neil@nrgordon.com)

VOTED: That the Town amend its General By-laws, as follows (deletions in strike through; additions in **bold underline**):

ARTICLE 2.2 ADVISORY COMMITTEE - SECTION 2.2.1 APPOINTMENT OF MEMBERS

The Moderator shall, in June of each year, appoint citizens **members to serve on** of the Advisory Committee (herein the Committee) established under G.L.c. 39, Section 16, and this Bylaw. Members of the Committee shall serve without compensation. The Committee shall consist of not fewer than twenty nor more than thirty registered voters **residents** of the Town. At least sixteen Committee members shall be elected Town Meeting Members at the time of their appointment. At least one elected Town Meeting Member shall be appointed from each precinct, **to the extent practicable**. No more than eight members shall be appointed who are not elected Town Meeting Members at the time of their appointment. No more than four members of the Committee shall reside in the same precinct. No member of the Committee shall be an employee of the Town or a member of any standing Board or Committee having charge of the expenditure of money; but, this restriction shall not disqualify from appointment to the Committee, members of special committees, which may be created from time to time by Town Meeting, the Moderator or the Select Board to report on specific matters.

ARTICLE 2.3 COMMITTEE ON TOWN ORGANIZATION AND STRUCTURE - SECTION 2.3.1 APPOINTMENT OF MEMBERS

There shall be a Committee on Town Organization and Structure (CTO&S) to consist of seven **members residents**, appointed by the moderator for three year staggered terms.

ARTICLE 3.2 SCHOOL COMMITTEE

There shall be a School Committee, comprised of nine **residents members** elected for three year staggered terms.
ARTICLE 3.5 AUDIT COMMITTEE SECTION - 3.5.1 APPOINTMENT

There shall be an Audit Committee consisting of six resident voting members, with appointment not restricted to the ranks of the appointing bodies. The Select Board shall appoint one member, the Advisory Committee shall appoint one member, the School Committee shall appoint one member and the Town Moderator shall appoint three members. The membership shall elect a chairperson annually from among their number. Appointments shall be for a term of three years. All terms shall expire on August 31. Any vacancy occurring in the Committee shall be filled by the appropriate appointing body for the balance of the unexpired term.

ARTICLE 3.6 BOARD OF APPEALS

There shall be a Board of Appeals, as provided in General Laws Chapter 40A, Section 12, to consist of three members residents who shall be appointed by the Select Board, for terms of such length and so arranged that the term of one member shall expire each year. One member shall be an attorney and at least one of the remaining members shall be a registered architect, professional civil engineer or master builder. The Zoning By-laws may provide for the appointment of associate members.

ARTICLE 3.7 BUILDING COMMISSION; PROCEDURE FOR THE CONSTRUCTION AND ALTERATION OF TOWN BUILDINGS AND STRUCTURES SECTION - 3.7.1 APPOINTMENT OF MEMBERS

The Select Board shall appoint five citizens residents to serve as members of the Building Commission (the Commission), which shall have charge and direction of the construction, repair and alteration of all town buildings and all buildings and structures placed on town land. So long as they remain residents, the members of said Commission shall hold office from the 1st of September following his or her appointment for three year staggered terms, and until a successor is appointed. Commission appointments shall be made to preserve three year staggered terms, with two members appointed one year, two members appointed the following year and one member appointed the third year. They shall serve without compensation. The Commission shall comprise a registered architect, a registered engineer, a licensed builder, and two other citizens residents. The Building Commissioners shall act as Secretary of the Commission. The Select Board shall have the power to fill any vacancy in the Commission. With respect to the selection of an architect, engineer, or other consultant (the consultant) for building projects, the Commission shall by regulation, adopt procedures, by regulation which conform to the requirements of the laws of Massachusetts.

ARTICLE 3.9 BROOKLINE COMMISSION FOR WOMEN - SECTION 3.9.4 MEMBERSHIP, APPOINTMENT, TERM, item (a):
(a) The Commission shall consist of eleven residents, all of whom shall be appointed by the Select Board to serve for a term of three years.

[NO CHANGES ARE BEING MADE TO THIS SECTION OF THE BYLAW]

ARTICLE 3.10 COUNCIL ON AGING SECTION 3.10.1 ESTABLISHMENT - SECTION 3.10.2 MEMBERSHIP

The Council on Aging shall consist of the Chair of the Select Board, Chair of the Park and Recreation Commission, Chair of the Housing Authority, Director of Public Health, Superintendent of Schools, Head Librarian, or their respective representatives, and, in addition, fifteen citizen residents reflecting the general composition of the citizenry of Brookline town. The citizen resident members shall be appointed by the Select Board after receiving recommendations from public and private agencies concerned with the welfare of older persons. Fifty-one percent of the members of the Council on Aging shall be composed of persons 60 years of age or over. The terms of office expire on August 31, unless otherwise specified by the Select Board or unless such appointment is for an indefinite term.

SECTION 3.10.3 TERMS AND CHAIR

Length of term of citizen resident Members shall be determined in the following manner: Initial citizen resident Membership shall be split as evenly as possible into thirds. One-third of the citizen resident Members shall be initially appointed for a one-year term. One-third of the citizen resident Members shall be initially appointed for a two-year term. One-third of the citizen resident Members shall be initially appointed for a three-year term. All subsequent citizen resident Members shall be appointed for a three-year term.

ARTICLE 3.11B INFORMATION TECHNOLOGY DEPARTMENT - SECTION 3.11B.4 INFORMATION TECHNOLOGY ADVISORY COMMITTEE

The Select Board shall appoint five residents to serve on the Information Technology Advisory Committee, hereafter referred to as the “ITAC”, for three-year staggered terms and so long as they remain residents. The ITAC shall be responsible for providing community input to IT decision making, periodically reviewing the IT Strategic Plan including annual updates, and evaluating lessons learned from major IT initiatives. The ITAC shall meet quarterly, and at other times deemed necessary by the CIO and / or the Chairman of the ITAC.

ARTICLE 3.12 DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT - SECTION 3.12.6 PLANNING BOARD:
The Select Board shall appoint seven residents to serve on the Planning Board for five year staggered terms and so long as they remain residents. At least one of the appointees must be qualified for such appointment by virtue or relevant and significant experience or training in the field of environmental or urban planning. The Planning Board is established under G.L.c. 41, §81A, and shall perform and discharge all of the statutory powers and duties required by law, including those set forth in The Zoning Act, G.L.c. 40A, in the Subdivision Control Act and other relevant sections in G.L.c. 41, Sections 81A to 81GG, inclusive, in Chapter 270 of the Acts of 1985 and in G.L.c. 41.

ARTICLE 3.13 HOUSING ADVISORY BOARD - SECTION 3.13.2 MEMBERSHIP:

The Housing Advisory Board shall consist of seven residents of the town, five appointed by the Select Board for three year staggered terms, and a member each of the Planning Board and Brookline Housing Authority. Vacancies shall be filled for unexpired terms. Of the Select Board’s appointees, one should be a low or moderate income tenant who demonstrates a knowledge of tenant issues. The other Select Board's appointees should have knowledge or experience in one or more of the following areas: government housing programs, housing or real estate finances, affordable housing development, design or urban planning, real estate law. The Select Board should ensure that all of these areas of expertise are represented on the Housing Advisory Board.

ARTICLE 3.14 COMMISSION FOR DIVERSITY, INCLUSION AND COMMUNITY RELATIONS AND OFFICE OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS – SECTION 3.14.1 ESTABLISHMENT AND PURPOSE:

The Commission shall consist of fifteen (15) residents of the Town, who shall be called Commissioners.

ARTICLE 3.16 PARK AND RECREATION COMMISSION

There shall be a Park and Recreation Commission to consist of seven residents, appointed by the Select Board for three year staggered terms.

ARTICLE 3.23 BROOKLINE COMMISSION ON DISABILITY - SECTION 3.23.4 MEMBERSHIP

The Commission shall consist of seven (7) or nine (9) residents appointed by the Select Board. The majority of members shall consist of people with disabilities. One member shall be a member of the immediate family of a person with a disability. One member shall be a member of the Select Board or a Department Head. All members shall serve three-year terms. Terms shall be staggered to preserve continuity. Resignations shall be made by notifying the Select Board and Town Clerk in writing. If any member is absent from three or more regularly scheduled meetings in any one calendar year, a
recommendation shall be made by the chairperson to the Select Board that such member be removed from the Commission, unless any or all absences are excused for good cause by the chairperson. Good cause shall include, but not be limited to: illness, a death in the family, severe weather, and professional responsibilities. The Select Board shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment. Any members of said Commission may, after a public hearing if so requested, be removed for cause by the Select Board. No member shall undertake to speak or act on behalf of the Commission without the approval of the Commission. All members, with the exception of the Town’s ADA Coordinator, shall have full voting rights.

[NO CHANGES ARE BEING MADE TO THIS SECTION OF THE BYLAW]

ARTICLE 4.9 ELECTION CAMPAIGNS – item (G):

(G) Committee on Campaigns (1) There shall be a Committee on Campaigns consisting of not less than five nor more than seven members: the Town Clerk or his designee; an appointee of the Board of Selectmen who may be a member of the Board; and not less than three nor more than five Brookline residents appointed by the Moderator for three-year staggered terms. No holder of or candidate for the office of Selectman, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk or Constable shall be eligible for appointment by the Moderator to the committee. Should any individual vacate his office as committee member, the applicable appointing authority shall appoint another individual to fill his or her unexpired term.

[NO CHANGES ARE BEING MADE TO THIS SECTION OF THE BYLAW]

SECTION 5.6.4 MEMBERSHIP OF THE PRESERVATION COMMISSION

The Brookline Preservation Commission, hereinafter referred to as the Preservation Commission, shall consist of seven (7) members appointed by the Select Board. The terms of office expire on August 31, unless otherwise specified by the Select Board or unless such appointment is for an indefinite term.

ARTICLE 6.8 NAMING PUBLIC FACILITIES - SECTION 6.8.2 REVIEW COMMITTEE

(A) Appointment - The Select Board shall appoint a Committee of not less than five nor more than seven members for staggered three year terms and as long as they remain residents to review all proposals for naming public facilities except rooms and associated spaces under the jurisdiction of the School Committee and Library Trustees as specified above
in Section 6.8.1. The Committee shall include one member of each of the Advisory Committee, the Park and Recreation Commission, the Preservation Commission, the Commission for Diversity, Inclusion and Community Relations and the School Committee. In addition, the Board of Selectmen may appoint one alternate member to the Committee. Such alternate shall be appointed for a three year term and shall be designated by the Chair of the Committee from time to time to take the place of any member who is absent or unable or unwilling to act for any reason.
ARTICLE 34 - Amend the General By-laws regarding qualifications to serve on boards, commissions and committees

Amended Motion to be offered by the primary petitioner, incorporating recommendations of the Committee on Town Organization and Structure

Primary petitioner – Neil Gordon, TMM1 (phone: 508 265 1362  email: neil@nrgordon.com)

VOTED: That the Town amend its General By-laws, as follows (deletions in strike through; additions in bold underline as compared to Article 34 as printed in the Warrant):

ARTICLE 2.2 ADVISORY COMMITTEE - SECTION 2.2.1 APPOINTMENT OF MEMBERS

The Moderator shall, in June of each year, appoint members of the Advisory Committee (herein the Committee) established under G.L.c. 39, Section 16, and this Bylaw. Members of the Committee shall serve without compensation. The Committee shall consist of not fewer than twenty nor more than thirty residents of the Town. At least sixteen Committee members shall be elected Town Meeting Members at the time of their appointment. At least one elected Town Meeting Member shall be appointed from each precinct, to the extent practicable. No more than eight members shall be appointed who are not elected Town Meeting Members at the time of their appointment. No more than four members of the Committee shall reside in the same precinct. No member of the Committee shall be an employee of the Town or a member of any standing Board or Committee having charge of the expenditure of money; but, this restriction shall not disqualify from appointment to the Committee, members of special committees, which may be created from time to time by Town Meeting, the Moderator or the Select Board to report on specific matters.

ARTICLE 2.3 COMMITTEE ON TOWN ORGANIZATION AND STRUCTURE - SECTION 2.3.1 APPOINTMENT OF MEMBERS

There shall be a Committee on Town Organization and Structure (CTO&S) to consist of seven residents, appointed by the moderator for three year staggered terms.

ARTICLE 3.2 SCHOOL COMMITTEE

There shall be a School Committee, comprised of nine members elected for three year staggered terms.
ARTICLE 3.5 AUDIT COMMITTEE SECTION - 3.5.1 APPOINTMENT

There shall be an Audit Committee consisting of six resident voting members, with appointment not restricted to the ranks of the appointing bodies. The Select Board shall appoint one member, the Advisory Committee shall appoint one member, the School Committee shall appoint one member and the Town Moderator shall appoint three members. The membership shall elect a chairperson annually from among their number. Appointments shall be for a term of three years. All terms shall expire on August 31. Any vacancy occurring in the Committee shall be filled by the appropriate appointing body for the balance of the unexpired term.

ARTICLE 3.6 BOARD OF APPEALS

There shall be a Board of Appeals, as provided in General Laws Chapter 40A, Section 12, to consist of three residents who shall be appointed by the Select Board, for terms of such length and so arranged that the term of one member shall expire each year. One member shall be an attorney and at least one of the remaining members shall be a registered architect, professional civil engineer or master builder. The Zoning By-laws may provide for the appointment of associate members.

ARTICLE 3.7 BUILDING COMMISSION; PROCEDURE FOR THE CONSTRUCTION AND ALTERATION OF TOWN BUILDINGS AND STRUCTURES SECTION - 3.7.1 APPOINTMENT OF MEMBERS

The Select Board shall appoint five residents to serve as members of the Building Commission (the Commission), which shall have charge and direction of the construction, repair and alteration of all town buildings and all buildings and structures placed on town land. So long as they remain residents, the members of said Commission shall hold office from the 1st of September following his or her appointment for three year staggered terms, and until a successor is appointed. Commission appointments shall be made to preserve three year staggered terms, with two members appointed one year, two members appointed the following year and one member appointed the third year. They shall serve without compensation. The Commission shall comprise a registered architect, a registered engineer, a licensed builder, and two other residents. The Building Commissioners shall act as Secretary of the Commission. The Select Board shall have the power to fill any vacancy in the Commission. With respect to the selection of an architect, engineer, or other consultant (the consultant) for building projects, the Commission shall by regulation, adopt procedures, by regulation which conform to the requirements of the laws of Massachusetts.

ARTICLE 3.9 BROOKLINE COMMISSION FOR WOMEN - SECTION 3.9.4 MEMBERSHIP, APPOINTMENT, TERM, item (a):
(a) The Commission shall consist of eleven members residents, all of whom shall be appointed by the Select Board to serve for a term of three years.

[NO CHANGES ARE BEING MADE TO THIS SECTION OF THE BYLAW]

ARTICLE 3.10 COUNCIL ON AGING SECTION 3.10.1 ESTABLISHMENT - SECTION 3.10.2 MEMBERSHIP

The Council on Aging shall consist of the Chair of the Select Board, Chair of the Park and Recreation Commission, Chair of the Housing Authority, Director of Public Health, Superintendent of Schools, Head Librarian, or their respective representatives, and, in addition, fifteen residents reflecting the general composition of the town. The resident members shall be appointed by the Select Board after receiving recommendations from public and private agencies concerned with the welfare of older persons. Fifty-one percent of the members of the Council on Aging shall be composed of persons 60 years of age or over. The terms of office expire on August 31, unless otherwise specified by the Select Board or unless such appointment is for an indefinite term.

SECTION 3.10.3 TERMS AND CHAIR

Length of term of resident Members shall be determined in the following manner: Initial resident Membership shall be split as evenly as possible into thirds. One-third of the resident Members shall be initially appointed for a one-year term. One-third of the resident Members shall be initially appointed for a two-year term. One-third of the resident Members shall be initially appointed for a three-year term. All subsequent resident Members shall be appointed for a three-year term.

ARTICLE 3.11B INFORMATION TECHNOLOGY DEPARTMENT - SECTION 3.11B.4 INFORMATION TECHNOLOGY ADVISORY COMMITTEE

The Select Board shall appoint five residents to serve on the Information Technology Advisory Committee, hereafter referred to as the “ITAC”, for three-year staggered terms and so long as they remain residents. The ITAC shall be responsible for providing community input to IT decision making, periodically reviewing the IT Strategic Plan including annual updates, and evaluating lessons learned from major IT initiatives. The ITAC shall meet quarterly, and at other times deemed necessary by the CIO and / or the Chairman of the ITAC.

ARTICLE 3.12 DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT - SECTION 3.12.6 PLANNING BOARD:

The Select Board shall appoint seven residents to serve on the Planning Board for five year staggered terms and so long as they remain residents. At least one of the appointees must be qualified for such
appointment by virtue or relevant and significant experience or training in the field of environmental or urban planning. The Planning Board is established under G.L.c. 41, §81A, and shall perform and discharge all of the statutory powers and duties required by law, including those set forth in The Zoning Act, G.L.c. 40A, in the Subdivision Control Act and other relevant sections in G.L.c. 41, Sections 81A to 81GG, inclusive, in Chapter 270 of the Acts of 1985 and in G.L.c. 41.

ARTICLE 3.13 HOUSING ADVISORY BOARD - SECTION 3.13.2 MEMBERSHIP:

The Housing Advisory Board shall consist of seven residents, five appointed by the Select Board for three year staggered terms, and a member each of the Planning Board and Brookline Housing Authority. Vacancies shall be filled for unexpired terms. Of the Select Board's appointees, one should be a low or moderate income tenant who demonstrates a knowledge of tenant issues. The other Select Board's appointees should have knowledge or experience in one or more of the following areas: government housing programs, housing or real estate finances, affordable housing development, design or urban planning, real estate law. The Select Board should ensure that all of these areas of expertise are represented on the Housing Advisory Board.

ARTICLE 3.14 COMMISSION FOR DIVERSITY, INCLUSION AND COMMUNITY RELATIONS AND OFFICE OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS – SECTION 3.14.1 ESTABLISHMENT AND PURPOSE:

The Commission shall consist of fifteen (15) residents, who shall be called Commissioners.

ARTICLE 3.16 PARK AND RECREATION COMMISSION

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ARTICLE 3.23 BROOKLINE COMMISSION ON DISABILITY - SECTION 3.23.4 MEMBERSHIP

The Commission shall consist of seven (7) or nine (9) volunteer members residents appointed by the Select Board. The majority of members shall consist of people with disabilities. One member shall be a member of the immediate family of a person with a disability. One member shall be a member of the Select Board or a Department Head. All members shall serve three-year terms. Terms shall be staggered to preserve continuity. Resignations shall be made by notifying the Select Board and Town Clerk in writing. If any member is absent from three or more regularly scheduled meetings in any one calendar year, a recommendation shall be made by the chairperson to the Select Board that such member be removed from the Commission, unless any or all absences are excused for good cause by the chairperson. Good cause shall include, but not be limited to: illness, a death in the family, severe
weather, and professional responsibilities. The Select Board shall fill any vacancy for the remainder of the unexpired term in the same manner as an original appointment. Any members of said Commission may, after a public hearing if so requested, be removed for cause by the Select Board. No member shall undertake to speak or act on behalf of the Commission without the approval of the Commission. All members, with the exception of the Town’s ADA Coordinator, shall have full voting rights.

[NO CHANGES ARE BEING MADE TO THIS SECTION OF THE BYLAW]

ARTICLE 4.9 ELECTION CAMPAIGNS – item (G):

(G) Committee on Campaigns (1) There shall be a Committee on Campaigns consisting of not less than five nor more than seven members: the Town Clerk or his designee; an appointee of the Board of Selectmen who may be a member of the Board; and not less than three nor more than five Brookline residents appointed by the Moderator for three-year staggered terms. No holder of or candidate for the office of Selectman, School Committee, Library Trustee, Housing Authority, Moderator, Town Clerk or Constable shall be eligible for appointment by the Moderator to the committee. Should any individual vacate his office as committee member, the applicable appointing authority shall appoint another individual to fill his or her unexpired term.

[NO CHANGES ARE BEING MADE TO THIS SECTION OF THE BYLAW]

SECTION 5.6.4 MEMBERSHIP OF THE PRESERVATION COMMISSION

The Brookline Preservation Commission, hereinafter referred to as the Preservation Commission, shall consist of seven (7) residents appointed by the Select Board. The terms of office expire on August 31, unless otherwise specified by the Select Board or unless such appointment is for an indefinite term.

ARTICLE 6.8 NAMING PUBLIC FACILITIES - SECTION 6.8.2 REVIEW COMMITTEE

(A) Appointment - The Select Board shall appoint a Committee of not less than five nor more than seven residents for staggered three year terms and so long as they remain residents to review all proposals for naming public facilities except rooms and associated spaces under the jurisdiction of the School Committee and Library Trustees as specified above in Section 6.8.1. The Committee shall include one member of each of the Advisory Committee, the Park and Recreation Commission, the Preservation Commission, the Commission for Diversity, Inclusion
and Community Relations and the School Committee. In addition, the Board of Selectmen may appoint one alternate member to the Committee. Such alternate shall be appointed for a three year term and shall be designated by the Chair of the Committee from time to time to take the place of any member who is absent or unable or unwilling to act for any reason.
ARTICLE 33 - Amend the General By-laws to remove references to “inhabitants” and “citizens,” and replace with more appropriate terms

Amended Motion to be offered by the primary petitioner, incorporating recommendations of the Committee on Town Organization and Structure

VOTED: That the Town amend its General By-laws, by removing references to “inhabitants” and “citizens,” and replacing such words with more appropriate terms, and making other such changes as will clarify the intent of the By-laws, as follows (deletions in strike through; additions in bold underline, as compared to Article 33 as printed in the Warrant):

SECTION 1.1.4 DEFINITIONS:

In construing these by-laws the following words shall have the meanings herein given, unless a contrary intention clearly applies:

a. “Appointing authority”, unless otherwise specifically provided by law, shall be the Select Board.

b. “By-laws” shall mean these by-laws, that do not include the zoning by-laws and the classification and pay plan, as amended from time to time.

c. “Committee” shall include an elected or appointed board, commission, council and trustees.

d. “Resident” shall mean a resident of the town of Brookline.

e. “Legislative body” shall mean the Town Meeting.

f. “Law”, “General Laws” Or “Chapter” shall mean the law, statute or act referred to, as amended from time to time.

g. “Municipal officer” shall mean an elected or appointed official or member of a committee and a department head but shall not include Town Meeting Members and Town employees.

SECTION 2.1.10 TOWN MEETING MEMBERS AT LARGE:

Pursuant to the authority contained in Section 5 of Chapter 43A of the General Laws (Ter. Ed.) the following officers are designated as Town meeting members at large: (1) residents who are the elected representatives of the Town or any part thereof in the General Court of the Commonwealth of Massachusetts, (2) the moderator, (3) the town clerk, and (4) Select Board members.

ARTICLE 3.12 DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT - SECTION 3.12.3 DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT - subsection (C), item 10 and 21:
10. to provide the Town with and, from time to time, amend Comprehensive Plans for land use, public and private transportation and parking, open space, recreation, urban renewal, telecommunications and utility services, economic development, housing, historic preservation and also for the future development and preservation of town resources consistent with its physical, social and economic requirements and the health, safety and welfare of the public.

21. to facilitate and maximize meaningful input to Town boards and officials to the extent reasonably practical from residents and other interested parties, including civic associations and neighborhood organizations from the public.


(v) Receive Complaints Against the Town, directly or through the CDO, against the Town, its employees, agencies, or officials concerning allegations of discrimination or bias from any person who comes in contact with the Town, except Town employees (see Section 3.14.2), and after notifying the Town Administrator, review and summarize the complaint and issues of concern to the Commission, without investigating or making determinations of fact, or drawing any legal conclusions, concerning allegations of discrimination or bias against a member of a Brookline Protected Class, by any Town agency, Town official or employee. The Commission/CDO, may in addition (1) present its summary and concerns to the Town Administrator and the Select Board for consideration of further action and/or (2) provide the complainant with information on complainant’s options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agencies. This By-law does not preclude any complainant from alternatively or additionally using other complaint procedures, such as the Police Department’s Civilian Complaint Procedure or the Human Resources Office’s procedures;

ARTICLE 3.15 HUMAN RESOURCES PROGRAM, BOARD AND OFFICE SECTION 3.15.1 PURPOSE AND INTENT

The purpose of this bylaw is to ensure the establishment of fair and equitable Human Resources policies for the Town of Brookline and its employees; and to provide a system of Human Resources administration that is uniform, fair, and efficient and which represents the mutual interests of the public and the employees of the Town.

SECTION 3.15.2 HUMAN RESOURCES PROGRAM TO BE CONSISTENT WITH ACCEPTED MERIT PRINCIPLES AND APPLICABLE STATE AND FEDERAL LAWS – item (e):

(e) assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, gender, gender identity or gender
expression, sexual orientation, marital status, handicap or religion and with proper regard for privacy, basic rights outlined in this chapter and their constitutional rights, and;

ARTICLE 3.21 READILY ACCESSIBLE ELECTRONIC MEETING NOTICES, AGENDAS AND RECORDS -

Section 3.21.1 Purpose and Applicability:

This by-law applies to the meetings of all Brookline governmental bodies subject to the Open Meeting Law, now G.L. c. 39, §§23A et seq. (hereinafter, respectively, "meetings" and "OML"), and is intended (a) to take advantage of the internet and its increasing use; (b) to better implement the spirit of the OML; and (c) to the extent reasonably practical, to improve opportunities for broader and more meaningful public participation by residents and other interested parties in the business of Town governmental bodies.

Section 3.21.3 Meeting Notices and Agendas – item (b):

(b) With the assistance and direction of the Town Clerk and ITD, the information specified above shall be disseminated in a timely manner to members of the public who join the aforementioned notification list(s).

ARTICLE 4.1 ACCOUNTS AND AUDITS SECTION - SECTION 4.1.3 AUDIT REPORTS

All reports by the independent auditor shall be available for inspection by the public during regular business hours at the Town’s offices. The audit report shall also be made available at the Main Library.

ARTICLE 4.6 PUBLIC RELATIONS AND INFORMATION

The Town may appropriate a sum not to exceed $1,500.00 in any year to be expended by the Personnel Board, with the approval of the Select Board, for the purpose of furnishing information including, without limitation, the results of its investigations, its opinions and recommendations, to the public or to Town Meeting members, pertaining to an article or articles in the Warrant for a town meeting which relate to wages, hours or other conditions of employment of Town employees.

ARTICLE 4.8 LIVING WAGE BY-LAW - SECTION 4.8.6, item (c), first paragraph:

c. Enforcement Grievance procedures and nondiscrimination. Any covered employee who believes that his or her employer is not complying with requirements of this article applicable to the employer has the right to file a complaint with the town’s Chief Procurement Officer or Select Board. Complaints of alleged violations may also be filed by concerned members of the public or by a town official or
employee. Complaints of alleged violations may be made at any time and shall be investigated promptly by or for the officer or board that received the Complaint. To the extent allowed under the Public Records Law, G.L.c.66, statements, written or oral, made by a covered employee, shall be treated as confidential and shall not be disclosed to the covered employer without the consent of the covered employee.

ARTICLE 6.6 DISCHARGING FIREARMS:

No person shall fire or discharge any gun, fowling-piece, or firearm within two hundred feet of any street in the town of Brookline or on any private grounds, except with the consent of the owner thereof; provided, however, that this by-law shall not apply to the use of such weapons at any military exercise, in law enforcement or in the lawful defense of the person, family, or property of any person.

ARTICLE 7.9 SNOW PARKING BAN:

No person shall allow any vehicle to remain in or within a street or way when a snow emergency parking ban has been declared by the Chairman of the Select Board, or in the absence of the Chairman, by a Select Board member.

A Snow Emergency Parking Ban may be declared by the Chairman of the Select Board, or in the absence of the Chairman, by a Select Board member, whenever there are indications that the threat of substantial snow is imminent, whenever there has been a substantial snow and snow removal operations are underway or are about to commence, or whenever a substantial snow creates conditions that require a vehicular driving or parking ban throughout the town. Upon the declaration of a Snow Emergency Parking Ban notice thereof shall be given to the Town Clerk's office, the Police Department, the Fire Department and the Department of Public Works. Reasonable action shall also be taken to notify and warn the public of the ban.

ARTICLE 8.12 HAWKERS AND PEDDLERS - SECTION 8.12.4 NO DISTURBING THE PEACE:

No person hawking, peddling, or carrying or exposing any article for sale shall cry his wares to the disturbance of the peace and comfort of the public, nor shall carry or convey such articles (in any manner that will tend to injure or disturb the public health or comfort nor) otherwise than in vehicles and receptacles which are neat and clean and do not leak.

ARTICLE 8.12 HAWKERS AND PEDDLERS - SECTION 8.12.2 LICENSING
The Town Administrator shall have authority to grant such license to any person of good repute for morals and integrity. Said license, unless sooner revoked by the board or officer granting the same, shall expire one year from the date of issue, and each person so licensed shall pay therefore a fee of twenty-five dollars.

ARTICLE 8.15 NOISE CONTROL:

SECTION 8.15.2 DECLARATION OF FINDINGS, POLICY AND SCOPE , item (a):

(a) Whereas excessive Noise is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive Noise may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive Noise that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Brookline to prevent excessive Noise which may jeopardize the health and welfare or safety of the public or degrade the quality of life.

SECTION 8.15.7 PERMITS FOR EXEMPTIONS FROM THIS BY-LAW, item (b):

(b) The applications required by (a) shall be on appropriate forms available at the office of the Select Board. The Select Board, or designee, may issue guidelines defining the procedures to be followed in applying for a special permit. The following criteria and conditions shall be considered: (1) the cost of compliance will not cause the applicant excessive financial hardship; (2) additional Noise will not have an excessive impact on the public.

ARTICLE 8.16.1 COLLECTION AND RECYCLING OF WASTE MATERIALS - PURPOSE:

Article 8.16 is enacted to maintain and expand the Town’s solid waste collection and recycling programs under its Home Rule powers, its police powers to protect the health, safety and welfare of the public and General Laws, Chapter 40, Section 21; Chapter 21A, Sections 2 and 8; Chapter 111, Sections 31, 31A and 31B and to comply with the Massachusetts Waste Ban, 310 CMR 19.

ARTICLE 8.23 TOBACCO CONTROL - SECTION 8.23.1 – PURPOSE:

In order to protect the health, safety and welfare of the public, including but not limited to its younger population, by restricting the sale of and public exposure to tobacco and e-cigarette products known to be related to various and serious health conditions such as cancer, this by-law shall limit and restrict the sale of and public exposure to tobacco and e-cigarette products within the Town of Brookline.
ARTICLE 8.29 NUISANCE CONTROL - SECTION 8.29.1 PURPOSE:
In order to protect the health, safety, and welfare of the public, this bylaw shall permit the Town to impose liability on Property Owners and other responsible persons for the nuisances and harm caused by loud and unruly Gatherings on private property and shall prohibit the consumption of alcoholic beverages by underage persons at such Gatherings.

ARTICLE 8.30 FINGERPRINT-BASED CRIMINAL RECORD BACKGROUND CHECKS - SECTION 8.30.1 PURPOSE.AUTHORIZATION:
In order to protect the health, safety, and welfare of the public, and as authorized by chapter 256 of the Acts of 2010, this by-law shall require a) applicants for certain Town licenses permitting the engagement in specific occupational activities within the Town as enumerated in Section 8.30.2 below to submit to fingerprinting by the Brookline Police Department, b) the Police Department to conduct criminal record background checks based on such fingerprints, and c) the Town to consider the results of such background checks in determining whether or not to grant a license. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI) as may be applicable to conduct on the behalf of the Town and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize FBI records in connection with such background checks, consistent with this by-law.

Article 8.31 Leaf Blower Control – SECTION 8.31.6: PERMITS FOR EXEMPTIONS FROM THIS BY-LAW, item (b):
(b) The Select Board, or designee, may issue guidelines defining the procedures to be followed in applying for a special permit. The following criteria and conditions shall be considered: (1) the cost of compliance will not cause the applicant excessive financial hardship; (2) additional noise will not have an excessive impact on the public. (3) the permit may require portable acoustic barriers during night use. (4) the guidelines shall include reasonable deadlines for compliance or extension of non-compliance. (5) the number of days a person seeking a special permit shall have to make written application after receiving notification from the Town that (s)he is in violation of the provisions of this By-law. (6) If the Select Board, or its designee, finds that sufficient controversy exists regarding the application, a public hearing may be held. A person who claims that any special permit granted under (a) would have adverse effects may file a statement with the Select Board, or designee, to support this claim.
9:15 pm  Other business - Announcements

Volunteer needed to discuss the Advisory Committee’s vote on WA 6 (opposed) at a public forum about all of the Warrant Articles. Dennis will be attending to discuss WA 9 and will also speak to WA 6.

Please get Combined Reports to Michael by Friday, November 8.

Next Meeting: November 19th at the High School, Room 235

Upon a MOTION made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 9:45 pm.

Documents Presented:
• AC Possible Reconsideration 11 7 19 - An annotated list of Warrant Articles that may be considered
• Motions on WA 33 and WA 34, which could be taken up under “Other possible motions to amend previous votes of the Advisory Committee”
• Amended versions of WA17, WA15, WA26, WA14
• Select Board votes on WA 29, WA 17 and STM2 WA1