

ARTICLE 9

AMENDMENT OFFERED BY JOEL FEINGOLD (TMM1)
(shown as strikethroughs; additions shown as **bold underline**.)

VOTED that the Town authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO GRANT ~~35~~ **30** ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES AND 5 ADDITIONAL LICENSES FOR THE SALE OF WINES AND MALTS TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the Town of Brookline may grant ~~35~~ **30** additional licenses for the sale of all alcoholic beverages to be drunk on the premises, and 5 additional licenses for the sale of wines and malt beverages to be drunk on the premises pursuant to section 12 of chapter 138, provided, however, that such licenses are issued to an establishment that holds a Common Victuallers license pursuant to section 2 of chapter 140 of the General Laws. The licenses granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall restrict the licenses authorized by this section in the following manner:

(i) 1 license for the sale of all alcoholic beverages may be granted to an entity located at the parcel depicted on page 59 of the Town of Brookline Assessor's Atlas, as block number 238, lot number 01; ("Map 1")

(ii) 2 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcels depicted on page 29B of the Town of Brookline Assessor's Atlas, as block number 138, parcel numbers 01 and 02. ("Map 2");

(iii) 1 license for the sale of all alcoholic beverages may be granted to an entity located at the parcel depicted on page 29B of the Town of Brookline Assessor's Atlas as block number 135, lot number 01. ("Map 2");

(iv) 4 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcels depicted on page 29B of the Town of Brookline Assessor's Atlas as block 135, lot numbers 10-11, 12-13, 14, 15, 17-18, and 19-22. ("Map 2")

(v) 3 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcels depicted on page 9 of the Town of Brookline Assessor's Atlas as block number 045, lot numbers 01, 11 and 02-01. ("Map 3");

(vi) ~~5~~ 3 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcels depicted on page 122A of the Town of Brookline Assessor's Atlas as block number 425, lot numbers 07, 07-01, 07-09, 10, 10-01, 11 and 12. ("Map 4");

(vii) ~~4~~ 1 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcel depicted on page 8 of the Town of Brookline Assessor's Atlas as block number 042, lot number 11-01. ("Map 5");

(viii) 15 licenses for the sale of all alcoholic beverages may be granted to entities located in any of the "Development Opportunity Areas," the boundaries of which are shown on a map titled "Development Opportunity Areas (Map 6-A, 6-B, and 6-C)" dated August 2017;

(viii) 5 licenses for the sale of wines and malt beverages may be granted to entities located in any of the "Development Opportunity Areas," the boundaries of which are shown on a map titled shown on a map titled "Development Opportunity Areas (Map 6-A, 6-B, and 6-C)" dated August 2017.

(c) A license granted under this section shall only be exercised in the dining room of a Common Victualler and in such other public rooms or areas as may be deemed reasonable and appropriate by the licensing authority as certified in writing.

(d) Once issued, the licensing authority shall not approve the transfer of the licenses to any other location but it may grant the licenses to new applicants at the same time if the applicants file with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the licenses are in good standing with the department and that all applicable taxes, fees, and contributions have been paid.

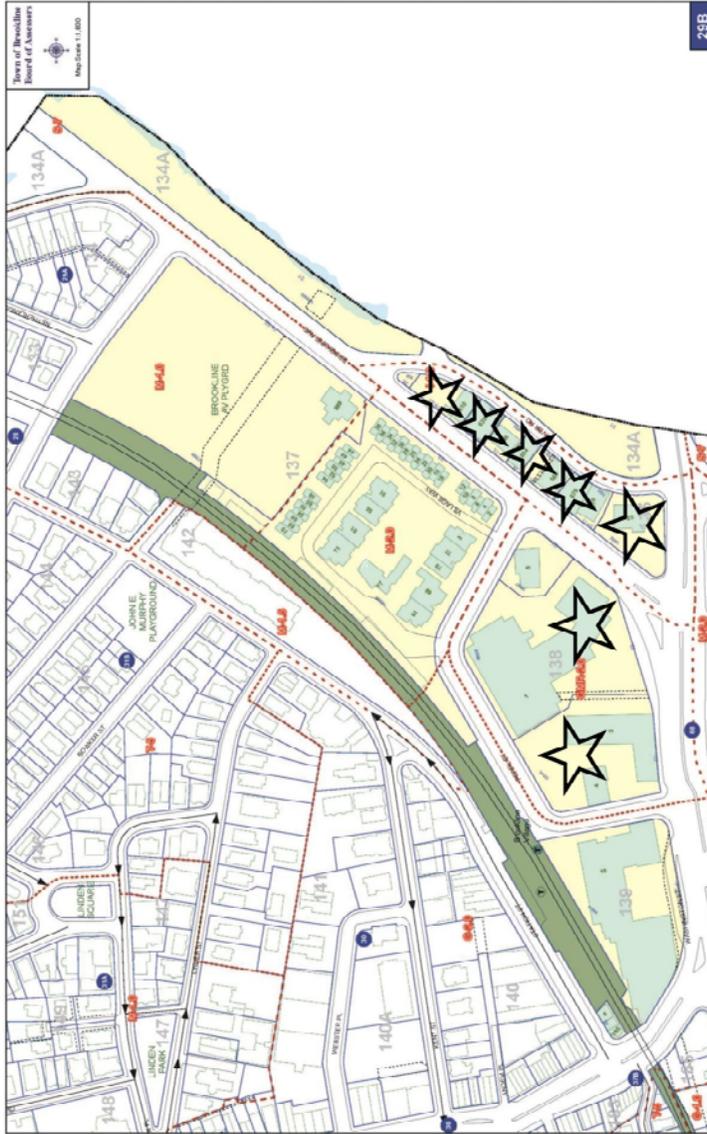
(e) If a licensee terminates or fails to renew a license granted under this section or if any such license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new application at a parcel or within the development opportunity areas under the same conditions as specified in this section.

SECTION 2. This act shall take effect upon its passage.

The General Court may make such amendments as are within the scope of the general public objectives of this petition.

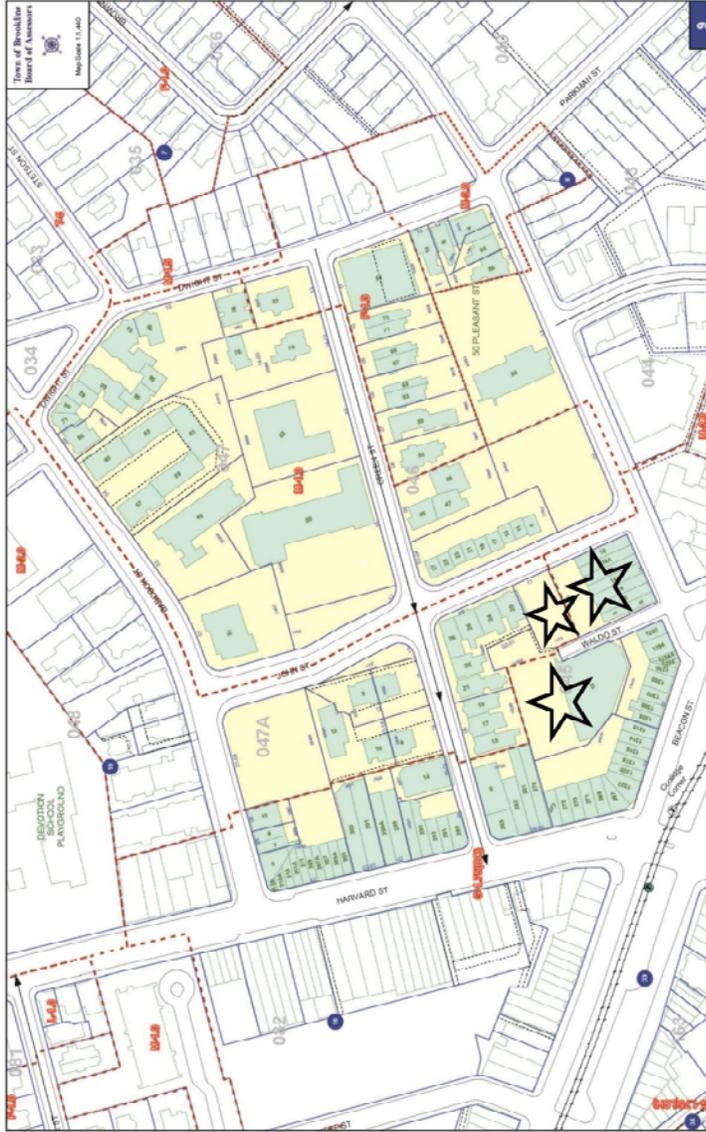
MAP 2

★ Denotes lots receiving additional licenses



MAP 3

★ Denotes lots receiving additional licenses



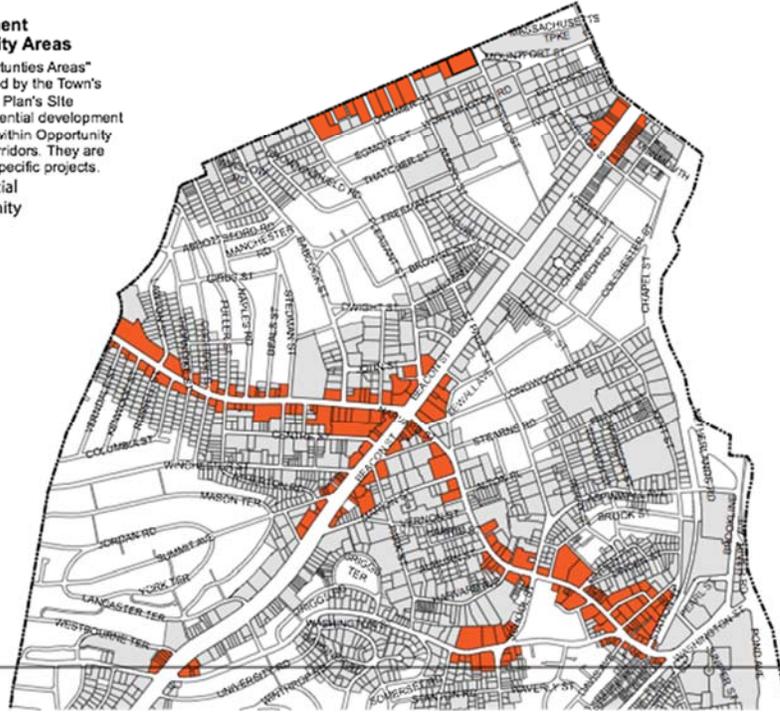
MAP 6-A AMEND

Date: November 2017
 Sources: Town of Brookline GIS,

 **Development Opportunity Areas**
 The "Development Opportunities Areas" shown here were identified by the Town's 2016 Housing Production Plan's Site Suitability Analysis as potential development sites. These parcels are within Opportunity Nodes or Opportunity Corridors. They are not intended to suggest specific projects.

 **Commercial Opportunity Areas**

0 500 1,000 Feet



MAP 6-A
 MAP 6-B

Date: November 2017
 Sources: Town of Brookline GIS,

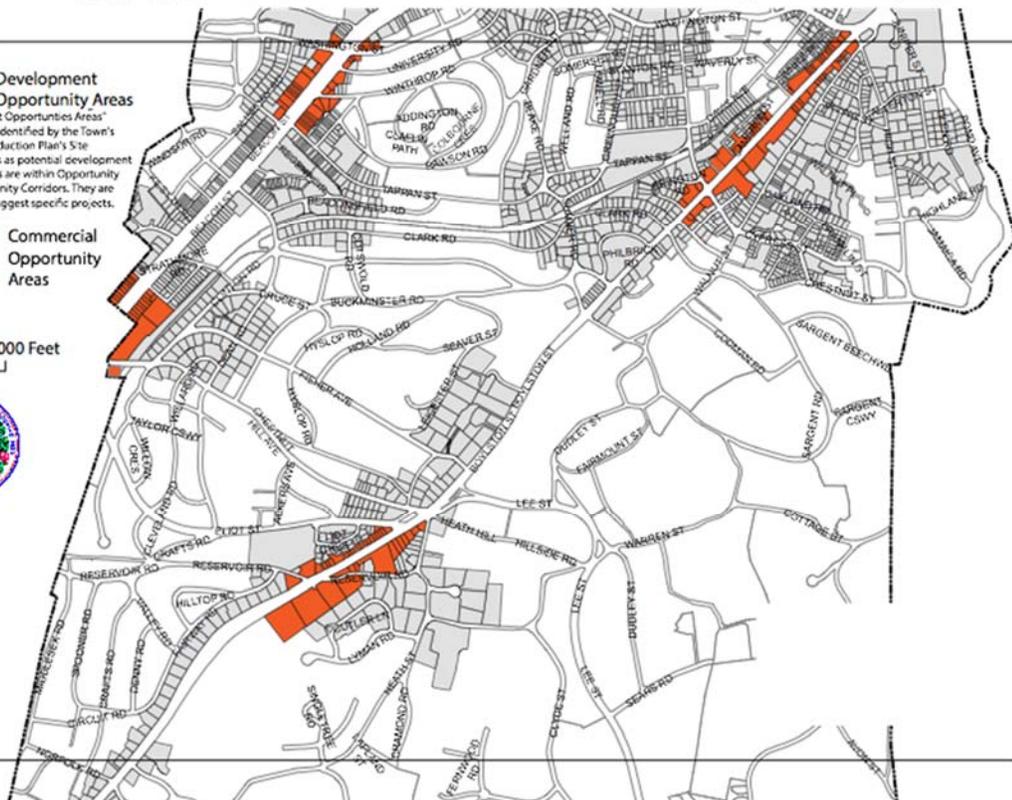
MAP 6 B AMEND

MAP 6-A
 MAP 6-B

 **Development Opportunity Areas**
 The "Development Opportunities Areas" shown here were identified by the Town's 2016 Housing Production Plan's Site Suitability Analysis as potential development sites. These parcels are within Opportunity Nodes or Opportunity Corridors. They are not intended to suggest specific projects.

 **Commercial Opportunity Areas**

0 500 1,000 Feet



MAP 6-B
 MAP 6-C

areas to which licenses might be assigned. Taking each local set of proposed licenses in turn:

- * Item (b) (i), a parcel in Cleveland Circle, formerly the site of the Circle Cinema; (Map 1); this is retained as in the original. 1 additional license.
 - * Item (b) (ii) (iii) & (iv) certain parcels on Brookline Place; a parcel formerly the site of a Gulf station and multiple parcels currently occupied by industrial uses in Brookline Village; (Map 2); this is retained as in the original. 7 additional licenses.
 - * Item (b) (v), certain parcels in Coolidge Corner in the vicinity of Waldo Street; (Map 3); this is retained as in the original. 3 additional licenses.
 - * Item (b) (vi), certain parcels in Chestnut Hill in the vicinity of Tully Street (Map 4); responding to neighborhood input, the number of additional licenses is reduced from 5 to 3.
 - * Item (b) (vii), 1200 Beacon Street, currently the Holiday Inn. The original article proposed 4 additional licenses. The Save Beacon Street Neighborhood Association is strongly opposed to increased commercial activity in this location. With the exception of the hotel and its restaurant, and Takusan Sushi, on the inbound side of Beacon Street opposite, there is no other retail type business in the immediate vicinity. The neighborhood is otherwise all residential. Coolidge Corner and the St Mary’s business district are 1/4 mile in each direction. A redeveloped hotel only requires one license for its restaurant and bar which is has now. One additional license is proposed for a leased out restaurant.
 - * Item (b) (viii) & (ix), were explained in the original article as follows: “In addition, given the impending unavailability of liquor licenses, the petition is intended to request several additional liquor licenses restricted to locations within “development opportunity areas.” But the maps used were the result of the Town’s 2016 Housing Production Plan Site Suitability Analysis for HOUSING development, not commercial activities. As such, this allocation is inappropriate. At the least, it is the first step toward commercial development which would, in nearly all cases, be adverse to the residential neighborhoods. In this Amendment, “Commercial Opportunity Areas” are created and shown on the maps titled Map 6-A Amend, 6-B Amend, and 6-C Amend.” These are carefully curated so that the increased commercial development takes place in areas which are either already commercial or immediately adjacent to commercial and make sense within the overall structure of the immediate neighborhood.
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ARTICLE 16

MOTION OFFERED BY BETSY DEWITT (TMM5)
(APPLICABLE ONLY IN THE EVENT ARTICLE 16
IS NOT REFERRED IN ITS ENTIRETY)

FIRST VOTE:

(Deletions from existing General By-Law Article 3.21 shown as ~~striketroughs~~; additions shown as **bold underline**.) (Further additions to original CTO&S and Select Board Motion shown in **bold underlined italics**).

VOTED: To amend Article 3.21 of the Town's general by-laws as follows:

ARTICLE 3.21 READILY ACCESSIBLE ELECTRONIC MEETING NOTICES,
AGENDAS, **INFORMATION** 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. ~~3930A~~, §§~~23A et seq.~~ **18-25** (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 in the business of Town governmental bodies.

Section 3.21.2 Electronic Notification List(s) & Calendar

The Information Technology Department ("ITD") shall maintain one or more broadly available list(s) for the purpose of providing electronic notifications (such as by email) to Town Meeting Members and other Town residents who request to be included, prominently promoted on the Town website's Homepage, along with a link to a readily available and current Calendar of upcoming meetings.

Section 3.21.3 Meeting Notices, ~~and~~ Agendas **and Information**

- (a) Each meeting "notice" required by OML shall not only be "posted" under the OML at least forty-eight hours before the meeting but, additionally, shall be posted in electronic format as soon as is practicable on the Town website Calendar after said meeting has been scheduled. To the extent possible, each posting shall include (i) an agenda that is reasonably descriptive of the intended business of the meeting, subject to later revisions as needed, ~~and~~ (ii) the name **and contact information** of a **primary** contact person ~~along with contact information~~ for further inquiries, for forwarding messages to the relevant governmental body, for obtaining background information to the

extent readily available, and for obtaining contact information (or a website link containing such information) for all of members of the governmental body, **and (iii) such documents or portions thereof, or a website link thereto, pertinent, in the opinion of the chair of the relevant governmental body or designee, to the intended business of the meeting that have been provided electronically to the relevant governmental body. In the case of governmental bodies chaired by volunteer citizens, the person responsible for the posting of notices and documents under this section shall be the Town or School Department employee assigned as staff to the governmental body.**

- (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 who join the aforementioned notification list(s).

Section 3.21.4 Records

Records of meetings of all Town governmental bodies shall be reasonably descriptive of the business conducted, and shall include a summary of discussions **and any documents (e.g., plans, policies and procedures) that were voted upon** in addition to indicating actions taken and other requirements of the OML, and **said records and summaries, and said documents that were provided electronically to the governmental body,** shall be accessible electronically from the Town website as soon as is practicable following the meeting at issue. **In the case of governmental bodies chaired by volunteer citizens, the person responsible for the recording, retention and accessibility of records and documents under this section shall be the Town or School Department employee assigned as staff to the governmental body.**

Section 3.21.5 Enforcement

As to mandates of this by-law that exceed those of state laws, including the OML, all officials, boards and committees responsible for appointing members of committees subject to this by-law shall periodically notify their appointees in writing of the requirements of this by-law. No additional enforcement powers are hereby conferred upon the ~~Norfolk County District~~ Attorney ***General*** beyond the responsibility of such office with respect to state law, including the OML, nor shall actions taken at any meeting be held invalid due to failure to comply with any requirements of this bylaw that exceed those of state laws, including the OML. **This Article 3.21 shall not require the posting of, accessibility to, or other disclosure of documents exempt from disclosure under the OML, attorney-client or other privilege or immunity from discovery, or the Public Records law, nor shall this Article be subject to penalty under Article 10.3, Non-Criminal Disposition.**

Section 3.21.6 Effective Date

~~The requirements of this by-law shall become effective on July 01, 2008.~~

SECOND VOTE:

VOTED: To refer to a committee determined by the Moderator the issue of electronic distribution (including website posting) of documents that were not provided in electronic format to a governmental body, for reporting back to the Fall 2018 Town Meeting.

ARTICLE 20

SCHOOL COMMITTEE RECOMMENDATION

The School Committee supports the spirit of Warrant Article 20, a Resolution to Support the Establishment of Indigenous Peoples Day. We believe the spirit of Warrant Article 20 is consistent with the long established efforts of the Public Schools of Brookline (PSB) to ensure that our curriculum and learning expectations are more inclusive of the multiple perspectives and experiences that have typically been underrepresented in American education. Specifically, the School Committee sees alignment between the aims of Warrant Article 20 and the PSB's ongoing work to include a more complete and accurate representation of the history, culture, and accomplishments of indigenous peoples and a more complete representation of European exploration and exploitation of North America and other continents.

The Brookline School Committee values community members' support for curriculum and instruction that represents and values many different perspectives and continues to fulfill the PSB's mission to develop students' knowledge and ability to pursue a productive and fulfilling life, to participate thoughtfully in a democracy, and succeed in a diverse and evolving global society.

BACKGROUND

In 2009, the PSB's social studies department began rewriting the district's learning expectations for social studies. At that time, curriculum teams began developing new units about Indigenous Peoples for 2nd, 3rd, 4th, 5th and 8th grades which are now in use. Subsequently, in the spring of 2016, the Deputy Superintendent for Teaching and Learning directed the district's Curriculum Coordinators to assess curriculum materials for hidden bias or dubious inferences. At that time our PK-8 Social Studies Coordinator, Dr. Geoff Tegnell, worked with teachers at each grade level to review our grade-level texts, atlases, and teacher resources in order to assess these materials for: 1) accuracy of information; 2) inclusion of multiple perspectives; and 3) stereotypes, bias, and questionable inferences. Dr. Tegnell submitted these reviews to Superintendent Bott in the fall of 2016.

This review found that some of our curriculum resources understated the consequences of exploration, settlement, and westward expansion on Indigenous Peoples. In addition, some of our materials provided inadequate information about modern Indigenous Peoples and about Indigenous Peoples of distinction. In response to these concerns, teacher teams revised curricula and identified instructional materials that are more equitable and inclusive. For example, PSB purchased texts for our 4th grade Exploration and Colonization unit that better convey the negative impact of European conquest of the Americas on Indigenous Peoples. Dr. Tegnell and Heath School teacher Karen Shashoua received a National Endowment for the Humanities grant to study the origins of Hopi culture at Mesa Verde, access artifacts, and develop curricular materials about modern Hopi life for 2nd grade teachers. The social studies department also added texts about Indigenous Peoples

of distinction for our 5th grade curriculum, such as The Life of Joseph Brant by Ryan Nagelhout.

Further, recent social studies department's actions are instructive of the type of efforts that will be continued whether or not Warrant Article 20 is adopted. In September of 2017, the Office of Teaching and Learning shared resources with all social studies teachers on how to better include the perspectives of Indigenous Peoples in relation to Columbus' exploration and exploitation. These resources included June Sark Heinrich's pedagogical guidelines, "What Not to Teach about Native Americans," suggestions for books that represent the Indigenous Peoples perspective on Columbus, and Online lessons about Columbus' actions in the Caribbean as they relate to Indigenous Peoples. This outreach to social studies teachers also reminded them to approach teaching about Columbus and the Indigenous Peoples he encountered with developmentally appropriate pedagogy, an appreciation for the complexity of historical events, and by including the Indigenous Peoples experience of Columbus' "discovery" of the Americas and the consequences it had for them.

In addition, in preparation for providing Indigenous Peoples-focused professional development opportunities, the Brookline's social studies department has reached out to experts such as Northeastern University's Chris Parsons and Tufts University's Joan Lester, a small group of teachers is attending an EDCO-sponsored workshop "Teaching about Native Americans", and Dr. Tegnell is collaborating with Barbara Brown, the Director of Hidden Brookline, to investigate the history of Indigenous Peoples in Brookline.

Brookline High School (BHS) regularly teaches about Indigenous Peoples in two of the required courses: 9th Grade Pre-Modern World History and 11th Grade United States History. Educators teach about Columbus in a unit on European Colonization of the Americas in the 9th-grade course. BHS continues to progress in refining their social studies curriculum to ensure all aspects of American history are equally included in class instruction.

Students are educated to understand difficult choices, opportunities and challenges people of all backgrounds faced during the history of America, and the impact of their actions. Students are taught about the trials people faced throughout history, as well as the moments of recognition, reconciliation, and aspirations toward equal justice.

ARTICLE 1

BOARD OF SELECTMEN’S SUPPLEMENTAL RECOMMENDATION

The Leichtner/Shpritz amendment to Special Town Meeting 2 – Article 1 attempts to keep the current Neighborhood Conservation District in place while carving out elements of the Hancock Village Master Plan for review. Due to the potential for significant undesirable consequences if the amendment succeeds, the Board of Selectmen is recommending NO ACTION on the amendment.

Special Town Meeting 2 – Article 1, as voted by the Board of Selectmen, is part of the Hancock Village package. Section 1.2 of the Development Agreement states:

If all of the Town Meeting Articles are not adopted as set forth in the Warrant for such Articles (or the same are adopted with such changes as are not accepted by both the Town and the Owner in writing), then this Agreement shall be null and void and of no further force and effect, and the Owner shall retain all of its rights to develop the Site...”

CHR has stated that it does not agree to the amendment offered to Special Town Meeting 2 – Article 1. Therefore, passing a package of Hancock Village warrant articles that includes an amended Article 1 presents a substantial risk of killing the deal and leaving the Town in the same position as a negative vote. There is even a risk that such a course of action would leave the Town in a worse position than a negative vote, since the Town would have changed certain aspects of its zoning while simultaneously acting in a manner that potentially voided the Development Agreement and all of its attendant benefits. Should Article 10 pass and the Leichtner/Shpritz Amendment to Special Town Meeting 2 – Article 1 also pass, we could be left with a so-called nightmare scenario where the zoning allows the development to occur but the Development Agreement which contains mitigation and other benefits and safeguard is void.

The Board of Selectmen recommends NO ACTION on the Leichtner/Shpritz amendment and FAVORABLE ACTION on the Selectmen’s motion on page 2 of Special Town Meeting 2 – Article 1 Supplement 1, contingent on favorable votes on Articles 10, 11, 12 and 14.