

ARTICLE 9

**AMENDMENT OFFERED BY JANICE S. KAHN, TMM15**

Proposed amendments to article 9, items 39 and 43

VOTED: That Town Meeting amend Article 9, Items #39 so that the \$265,000 allocated for the Woodland Road Traffic Calming Project be reallocated as follows:

\$132,000 be retained for traffic calming elements on Woodland Road; and that

\$133,000 be retained for the crosswalk, curbing, pedestrian refuge island, and rectangular flashing beacons on Heath Street at the intersection of Woodland Road and Heath Street east of Hammond Street, be transferred to CIP item #43 for the rehabilitation of sidewalks.

**PETITIONER'S AMENDMENT DESCRIPTION**

A traffic calming request for the Woodland-Laurel neighborhood was submitted in late November 2013 due to concerns about increasing cut-through traffic bypassing the Route 9 corridor, expected to worsen with the imminent opening of Chestnut Hill Square, a major impact development on the Newton/Brookline border. An initial Traffic Calming Needs Assessment, prepared in June 2016 by the Transportation Division, supported the need for traffic calming measures. The first of two neighborhood meetings, required by the Town's traffic calming procedures, to review plans was held in November 2016, with an intention to take neighborhood feedback and come back a few months later. The second required meeting was postponed when the Baldwin School site was selected. The second meeting was not held until November 2017 and the revised plan for the project received approval from the neighborhood to move forward. That plan was approved by the Transportation Board in March 2018.

In March 2019 traffic calming plans were again presented to the Transportation Board, this time with no neighborhood prior review, and with the addition on Heath Street, at its intersection with Woodland near Pine Manor College, of both a pedestrian refuge island (similar to the one on Washington Street near Gardner Road) and a new crosswalk with rapid flash beacons. Neighborhood residents who attended the Transportation Board meeting were unanimous in their opposition to installing the traffic island, pointing out that there is little foot traffic in the area that would merit such an intrusive element. Residents also pointed out that they had participated in the many-years process of working with the Transportation Division to come up with a traffic calming plan per the Town's own review process, yet, in this case, they had received no advance knowledge of this additional element. Despite numerous requests at that meeting to remove the refuge island from the traffic calming plan, the Transportation Board approved it.

This amendment is being requested to bring the Woodland Road Traffic Calming Project back into alignment with the plan that was thoroughly vetted with the neighborhood that had initiated it.

ARTICLE 9

**MOTION OFFERED BY CLINT RICHMOND, TMM6**

VOTED: To amend Article 9, Table 1 item 13 for \$15,000 to be added to the DPW budget for composting services.

ARTICLE 9

**MOTION TO REFER OFFERED BY DAVID LESCOHIER, TMM11**

VOTED: That Town Meeting refers the subject matter of WA 9 the Ananian motion, “A Resolution 4-Driscoll”, to the School Committee. The School Committee, after further study and review, shall consider revising the Driscoll School Educational Plan requesting an update to the feasibility study and revision of the Driscoll schematic design. These steps to be completed prior to the deadline for the Select Board to consider placing a debt exclusion override question on the May 2020 ballot.

ARTICLE 9

**AMENDMENT TO THE LESCOHIER REFERRAL MOTION  
OFFERED BY STANLEY SPIEGEL, TMM2**

VOTED: That Town Meeting refers the subject matter of WA 9 the Ananian motion, “A Resolution 4-Driscoll”, to the School Committee, with a request that the School Committee, after further study and review, consider revising the Driscoll School Educational Plan requesting an update to the feasibility study and revision of the Driscoll schematic design, and that these steps be completed prior to the deadline for the Select Board to consider placing a debt exclusion override question on the May 2020 ballot.

Marked up version found below with insertions **underlined in bold** and deletions ~~struck~~.

VOTED: That Town Meeting refers the subject matter of WA 9 the Ananian motion, “A Resolution 4-Driscoll”, to the School Committee, **with a request that** ~~the~~ School Committee, after further study and review, ~~shall~~ consider revising the Driscoll School Educational Plan requesting an update to the feasibility study and revision of the Driscoll schematic design, **and that** ~~these steps to~~ be completed prior to the deadline for the Select Board to consider placing a debt exclusion override question on the May 2020 ballot.

ARTICLE 18

SELECT BOARD'S SUPPLEMENTAL RECOMMENDATION

On page 18-6 the disability language voted reads "reasonable modifications" rather than "reasonable accommodations. The added language was also not marked as new (**bold and underlined**). The corrected motion under Article 18 is found below:

VOTED: That the Town amend the General By-Laws, Article 8.6, Dog Control, Section 8.6.7 thereof (Restraint of Dogs) and Article 10.2, Prosecutions and Enforcement, as follows (additions appear in underlined bold text, and deletions appear in stricken bold text):

SECTION 8.6.7(a) RESTRAINT OF DOGS

Any person owning or harboring a dog shall not suffer or allow it to run at large in any of the streets or public ways, or places in the Town of Brookline, or upon the premises of any one other than the owner or keeper, unless the owner or occupant of such premises grants permission. Under no circumstances shall a dog, even on a leash, be allowed on private property, unless specific permission has been granted. No dog shall be permitted in any public place or street within the Town of Brookline unless it is effectively restrained by a chain or leash not exceeding 7 feet in length.

However, in areas officially designated as designated off leash area by the Park and Recreation Commission, or its designee, a dog shall be allowed to be off the leash under the following conditions:

1. the dog must at all times be accompanied by and under the control of a person;
2. any dog left unattended may be impounded,
3. the person in charge of a dog inside a designated off leash area must remove any fecal material deposited by that dog in the designated off leash area, before taking the dog from the designated off leash area; and
4. the person in charge of a dog inside a designated off leash area must control the animal so that it does not disturb the surrounding area by barking or other action and so that it does not disturb or threaten others using the designated off leash area and the area surrounding the designated off leash area.

5. no area adjacent to a school shall be used as an off leash area without approval of the School Committee.
6. the Director of Parks and Open Space or his/her designee shall place a sign, in a conspicuous place, in all designated off leash areas which shall state the authorized hour(s) when such area may be used for such purpose and any other conditions of such use.
- 7. the dog must be registered with and accompanied by proof of current registration in the Town’s off leash program in order to participate, which participation shall be subject to compliance with publicly available rules established by the Director of Parks and Open Space.**

**This section is subject to the Town’s legal obligations to make reasonable accommodations for people with disabilities.**

ARTICLE 10.2  
PROSECUTIONS AND ENFORCEMENT

The provisions in Parts V, VI, VII and VIII of the by-laws of the Town of Brookline shall be enforced and violations prosecuted by any police officer of the town. In addition, enforcement and prosecution of the following bylaws and articles shall be by the following department head or their designees:

<u>DEPARTMENT HEAD</u>	<u>ARTICLE</u>
...	
COMMISSIONER OF PUBLIC WORKS	
Part VI-Public Property	Articles 5.7, 6.1, 6.2, 6.3, 6.4, 6.5, 6.9
Part VII-Streets & Ways	Articles 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10,7.11
Part VIII-Public Health & Safety	Articles 8.2, <b><u>8.6.7</u></b> , 8.8, 8.14, 8.15,8.16, 8.18,8.24, 8.25,8.26

ARTICLE 19

**ADVISORY COUNCIL ON PUBLIC HEALTH RECOMMENDATION**

ACPH voted 4-1 voted to support Warrant Article 19 with the following caveats:

1. Advancing public health by banning the sale to adults of otherwise legal products should be done only when there is clear public health benefit, as such actions can be perceived as overreach that in turn can limit public acceptance of other public health action.
2. This action could burden long-term and committed smokers of menthol cigarettes who might not be able or willing to quit.
3. New regulations require compliance checking which requires funding. Brookline should fully fund tobacco control.
4. No specific data are available, but are needed, regarding African American, LGBTQ, and low-income resident rates of tobacco and flavored tobacco use in Brookline.
5. Youth still have the ability to purchase flavored tobacco products on the internet or the black market.

As one that will improve the health of Brookline by further reducing youth access to flavored nicotine products. Reducing such access should result in a lower burden of lifetime addiction for the next generation. The council also notes the symbolic and political importance of joining the regional and national efforts to rid the nation of flavored tobacco products and the marketing of such products to children. In supporting the article, the advisory council issues two cautions. First, that advancing public health by banning the sale to adults of otherwise legal products should be done only when there is clear public health benefit, as such actions can be perceived as an overreach that in turn can limit public acceptance of other public health action. Second, that this action will burden long-term and committed adult users of menthol cigarettes who may not be able or willing to quit. These products are more frequently used by African-American and low income residents who may not be represented in the political process to the extent that they should. Some may have limited access to transportation and to the internet and may be truly burdened by the lack of local retail access.