



## WARRANT

### THE COMMONWEALTH OF MASSACHUSETTS TOWN OF BROOKLINE SPECIAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet at the High School Auditorium in said Brookline on TUESDAY, the NINETEENTH day of NOVEMBER, 2019 at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

#### **ARTICLE 1**

Submitted by: Select Board

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of previous fiscal years, which may be legally unenforceable due to the insufficiency of the appropriations therefor, and appropriate from available funds, a sum or sums of money therefor, or act on anything relative thereto.

#### **ARTICLE 2**

Submitted by: Human Resources

To see if the Town will raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town, or act on anything relative thereto.

**ARTICLE 3**

Submitted by: Select Board

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2020 budget or transfer funds between said accounts;
- B) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Select Board, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.
- C) Appropriate \$234,757, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure.

or act on anything relative thereto.

**ARTICLE 4**

Submitted by: C. Scott Ananian, TMM 10, (correspondent), Dave Gacioch, TMM 13, Beth Gilligan, Jesse Gray, TMM 10, Andreas Liu, TMM 10, Kim Loscalzo, A. Nicole McClelland, TMM 11.

To see if the Town will vote to appropriate, borrow or transfer from available funds, \$108,800,000, or any other sum, 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,

or act on anything relative thereto.

**ARTICLE 5**

Submitted by: Mariah Nobrega, TMM4, Neil Wishinsky, TMM5, Ben Franco, Select Board Member

To see if the Town will vote to authorize the Select Board to sell, lease or otherwise dispose of the parcels of land located at 15-19 Oak Street, Brookline, Massachusetts, consisting of approximately 8,209 square feet, including all buildings and structures thereon and all privileges and appurtenances thereto belonging and all interests held pursuant to M.G.L. c. 183A, as well as all trees and shrubs thereon, on such terms and conditions as the Select Board determines to be in the Town's best interest, or take any other action relative thereto.

**Land Description:**

A certain parcel of land with the buildings thereon known as and numbered 15 Oak Street, Brookline, MA, situated in Brookline, Norfolk County, Massachusetts, and bounded and described as follows:

- EASTERLY by Oak Street, sixty-two and 12/100 (62.12) feet;
- SOUTHERLY by Lot 10 on a plan hereinafter referred to, one hundred (100) feet;
- WESTERLY by land of owners unknown, sixty (60) feet;
- NORTHERLY by Lot 8 on said plan, eighty-five and 40/100 (85.40) feet;

Containing approximately 5,709 square feet of land and being Lot 9 on a plan of 18 house lots near Chestnut Hill Station, Brookline, drawn by Whitman and Breck, Surveyors, dated April 18, 1871, and recorded with Norfolk County Registry of Deeds in Book 410, Page 30.

Also, a certain parcel of land lying Southwesterly on Oak Street in said Brookline, bounded and described as follows:

- NORTHEASTERLY by said Oak Street, twenty-five (25) feet
- SOUTHEASTERLY by land formerly of the Rivers School and now of the Town of Brookline, one hundred (100) feet;
- SOUTHWESTERLY by land now or late of Carroll and by land formerly of Daniel F. McGuire, twenty-five (25) feet; and
- NORTHEASTERLY by other land formerly of Daniel F. McGuire, one hundred (100) feet.

Containing about 2,500 square feet of land, or however otherwise said premises may be bounded or described and be all or any of said measurements or contents more or less.

Said premises are shown on a “Plan of Land in Brookline, Mass”, dated September 18, 1941, by Walter A. Devine, Town Engineer, and recorded with Norfolk Registry of Deeds, Book 2369, Page 279.

**Assessor’s Description:**

<u>Address</u>	<u>Block-Lot-Sub lot</u>
15-19 OAK ST, Unit 15	432-18-01
15-19 OAK ST, Unit 17	432-18-02
15-19 OAK ST, Unit 19	432-18-03

**ARTICLE 6**

Submitted by: Nicole McClelland TMM11, Mariah Nobrega TMM4, Neil Wishinsky TMM5

To see if the Town will adopt the following resolution:

**WHEREAS** Select Board members carry heavy, time-demanding responsibilities, particularly the Select Board Chair, and

**WHEREAS** though the stipend increased in 2011 to \$4500 for the Chair and \$3500 for other members, those amounts do not represent the true effort involved, essentially demanding an average of 20+ hours per week of time, and

**WHEREAS** many town residents who might otherwise be interested cannot afford to provide their time to this level and therefore the current system is exclusionary and eliminates potentially excellent candidates, and

**WHEREAS** all Brookline inhabitants and employees will benefit from an inclusive Select Board elected from competitive races.

**THEREFORE BE IT RESOLVED THAT:**

1. The Town is encouraged to raise the annual stipends of the Select Board to \$40,000 (members) and \$60,000 (chair) effective for the Fiscal Year beginning July 1, 2020, and
2. Such stipend should increase annually by an amount equal to the general increase granted to Department Heads pending an affirmative action by Town Meeting to ratify that increase as stated in the budget Conditions of Appropriation.
3. The Town is encouraged to review the compensation status of other committees, with a focus on School Committee.

Or act on anything relative thereto.

**ARTICLE 7**

Submitted by: Christi Electris, TMM7; Robert M. Miller, TMM8

To see if the Town will adopt the following resolution:

A resolution calling for the Town to properly maintain street markings for all modes of travel.

Whereas all markings on a street contribute to safety and clarity for users of the public way, including people walking, bicycling, using mass transit, and driving automobiles and trucks, and

Whereas the Town of Brookline's Complete Streets Policy states that "The Town of Brookline shall plan, construct, and maintain its public ways to enhance safety, access, inclusion, convenience, and comfort for all users, thereby creating complete streets," and

Whereas observations indicate that the maintenance of certain street markings intended for pedestrian and bicycle safety-such as crosswalks and bike lanes-has been inadequate to keep up with wear and tear, and

Whereas users of the public way who walk and bicycle are particularly vulnerable by virtue of their mode of transportation, inadequate maintenance of markings has a disproportionate negative impact on their safety, and

Whereas the Town of Brookline budgets for maintaining pavement markings in its operating budget, including those related to pedestrian and bicycle safety,

Now therefore, be it resolved that the Town evaluate and repaint or refurbish all roadway markings as needed when any markings on a segment of a road are repainted.

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, and pedestrian use, as well as any other markings that are provided on the public way for the safety of users.

### **ARTICLE 8**

Submitted by: Select Board

To see if the Town will vote to authorize and empower the Select Board to file a petition, in substantially the following form, with the General Court:

**AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO OFFER A SENIOR DISCOUNT PROGRAM FOR WATER AND SEWER RATES.**

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. Notwithstanding any general or special law to the contrary, the town of Brookline Select Board may discount fees charged to residents aged 65 and over for the use of the town's water and sewer system.

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

or act on anything relative thereto.

### **ARTICLE 9**

Submitted by: Wendy MacMillan, TMM4; David Lescohier, TMM11; Deborah Brown, TMM1

To see if the Town will authorize and empower the Select Board, on such date and in such manner as required by the House Clerk, to file a petition for legislation to authorize the Town to levy a real estate transfer tax, which will be considered in the legislative session opening on the first Wednesday in January in the year 2020, provided that the

General Court may reasonably vary the form and substance of this requested legislation which shall be within the scope of the general public objectives of this petition.

WHEREAS Brookline is one of the state's wealthiest towns with a median household income, of \$111,289 one of the highest in Boston's inner-core and the median for married couples with dependent children is approximately \$260,756. Elderly women living alone earn \$32,519 per year.

WHEREAS Brookline has the highest median home price of any community in the Commonwealth, at \$892,959 and the average market rent is approximately \$3,435.

WHEREAS affordable housing is further compounded and complicated by a combination of regional housing demand and constrained supply.

WHEREAS in view of limits on Brookline revenue growth, there is likely insufficient funding from existing sources for affordable housing purposes after meeting the Town's existing operational and infrastructure maintenance commitments.

WHEREAS the Town of Brookline's Land Bank Study Committee has researched a real estate transfer fee to expand Brookline affordable housing, among the possible purposes. Since the State House, however, will be considering transfer fee legislation for Somerville and Cambridge beginning in January 2020, it is urgent that the Town file its petition at the beginning of this upcoming legislative session so that Brookline may join this official conversation prior the scheduling of the session's hearings.

WHEREAS the Real Estate Transfer Fee, as recommended, to fund the Brookline affordable housing trust fund is equitable, very low impact, and inexpensive to administer.

WHEREAS a real estate transfer fee would be in line with the direction neighboring communities including Concord, Cambridge and Somerville are moving to employ a Real Estate Transfer Fee to create affordable housing.

WHEREAS this type of fee is appropriate to fund housing and clearly defined, non-recurring purposes.

WHEREAS a real estate transfer fee earmarked for the affordable housing trust is well suited to operate within the Town's organizational structure and financial policies, and is specifically adapted to and compatible with the unique combination of long established urban and suburban neighborhoods and commercial districts in Brookline.

THEREFORE, the Town of Brookline hereby requests that the Legislature grant the Town of Brookline authority to levy a real estate transfer fee of the portion of the purchase price exceeding \$500,000 upon the transfer of the purchase price of non-exempt real estate transactions, not to exceed 1.0 % is to be paid by the seller and not to exceed 1.0% to be paid by the buyer. Any agreement between the purchaser and the seller or any other person with reference to the allocation of the liability for the fee shall not affect such liability of the purchaser to the Town. The Town may define by bylaw what constitutes a controlling interest and the calculation of the fee.

And that the Town shall authorize certain transfers of real property interests be exempt from the fee including: transfers to the federal government, the Commonwealth, the Town, and any of their instrumentalities, agencies or subdivisions, including the Brookline Housing Authority; transfers to the Brookline Improvement Corporation; transfers of real property subject to an affordable housing restriction; (transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made;; and transfers to a charitable organization, as defined in clause Third of section 5 of chapter 59 of the General Laws, or a religious organization, provided, however, that the real property interests so transferred will be held solely for the production of affordable housing.

And the Town may not, by bylaw or otherwise, eliminate or reduce any exemption set forth in this in this law.

And that the Town may use existing property tax collection and billing methods. The fee shall be paid to the Town. The Town shall have such remedies to collect the fee as provided by law with respect to the collection of real property taxes. The Town may, by by-law, adopt additional requirements, exemptions, and regulations to implement or enforce said fee, consistent with this act.

And that the Town shall through policy, regulation and or by-law require prioritization of projects that employ sustainable practices which focus on increasing the efficiency of resource use — energy, water, and materials — while reducing building impacts on human health and the environment during the building's lifecycle, through better siting, design, construction, and use.

And that the Town shall through policy, regulation and or by-law require prioritization of projects that employ mixed income and mixed-use development as characterized as pedestrian-friendly development that blend two or more residential, commercial, cultural, institutional, and/or industrial uses.

And that the Town shall require a copy of the deed or other instrument evidencing such transfer and shall be accompanied by: (i) an affidavit signed under oath or under the pains and penalties of perjury by the purchaser and seller attesting to the purchase price; (ii) the applicable fee owed or, if applicable, an affidavit of intent to seek one of the permissible exemptions, as described above for that property by the purchaser; and (iii) the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fees. Upon receipt of the transfer fee or satisfactory evidence of exemption, the Town or its designee shall promptly thereafter issue a certificate indicating that the fee has been paid or that the transfer is exempt from the fee. The Norfolk Registrar of Deeds shall not record or register a deed unless the deed is accompanied by such certificate.

And that the Town's appropriation of funds into the Municipal Affordable Housing Trust Fund under the provisions of MGL Chapter 44 Section 55 C, shall be limited to financing affordable housing and reasonable amounts for personnel and other costs.

And that the Town shall prepare and issue an annual report that: (i) identifies fee receipts; (ii) quantifies affordable housing programs funded, including type and purpose; and (iii) evaluates the impact of said affordable housing programs, including but not limited to, to the extent reasonably possible and permitted by applicable law, the number and

demographics of individuals and families served as well as measures of housing stability and wealth generation in the community.

and

And that this Act shall only become effective by a majority vote for a question on a Town election ballot.  
or act on anything relative thereto.

**ARTICLE 10**

Submitted by: Select Board

To see if the Town will vote to amend the Town's General By-laws by deleting Section (G) of Article 4.9 "Committee on Campaigns" in its entirety, thereby dissolving the Committee on Campaigns; or take any other action relative thereto.

**ARTICLE 11**

Submitted by: Department of Public Works, Peter Ditto, Town Engineer

To see if the Town will authorize the Select Board to terminate and relocate two old town sewer and drainage easements (currently not in use) from the 1800's located in Kerrigan Place, a Private Way described as follows:

- 1) Drainage Easement in Kerrigan Avenue (n/k/a Kerrigan Place), a Private Way, by a grant from Patrick Kerrigan to the Town of Brookline in an Instrument dated May 6, 1863, and recorded in Book 329, Page 43 at the Norfolk Registry of Deeds; and
- 2) A 4' wide Sewer Easement in the lands n/f of Catherine Kelly located at 10-12 Kerrigan Place, by a grant from Catherine Kelly to the Town of Brookline in an Instrument dated March 2, 1888, and recorded in Book 793, Page 423 at the Norfolk Registry of Deeds; and

to further authorize the Select Board to accept a grant for the relocation of said drainage easements from Claremont Brookline Suites LLC a limited liability company duly organized and existing under the laws of the Commonwealth of Massachusetts, or one of its successors or assigns, for One Dollar (\$1.00) and other good and valuable consideration and upon terms and conditions that are in the best interest of the town; said grant of easement is for the relocation of the sewer and drainage easement over a portion of land at 111 Boylston Street, Brookline, Massachusetts and is shown as UTILITY EASEMENT 1,010+/- S.F. on a plan entitled "Easement Plan in Brookline, MA dated July 22, 2019 prepared by Precision Land Surveying, Inc., Michael Pustizzi PLS #46505.

Said Plan and Easement Agreement to be recorded at the Norfolk County Registry of Deeds upon acceptance by the Select Board.

Said new Easement Area location is described as follows:

Boundary Description of Utility Easement

A certain easement located in the Commonwealth of Massachusetts, County of Norfolk, Town of Brookline, situated on the northerly sideline of Boylston Street, and is shown as Utility Easement, 1,010± square feet on "#111 Boylston Street, Easement Plan in Brookline, MA (Norfolk County)" by Precision Land Surveying, Inc., Dated July 22, 2019, more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Boylston Street, said point being the most southeasterly corner of the parcel; thence running

WESTERLY	6.90' by the northerly sideline of Boylston Street, by a curve to the left having a radius of 7,674.73' to a point; thence turning and running
N 13°52'40" W	147.06' to a point; thence turning and running
N 86°40'50" E	7.02' to a point; thence turning and running
S 13°52'40" E	145.74' to the POINT OF BEGINNING.

Containing 1,010 square feet or 0.023 acres, more or less.

Or act on anything relative thereto.

**ARTICLE 12**

Submitted by: Select Board

Warrant Article authorizing the Select Board to enter into Solar Power Purchase Agreements (PPAs) with other parties to install, own and operate solar systems on several Brookline properties and sell the power to the Town.

To see if the Town will vote to authorize the Select Board as follows:

a.) Upon terms and conditions in the best interest of the Town, to enter into 20-year solar Power Purchase Agreements (“PPAs”) on or before December 31, 2021 for rooftop solar photovoltaic system installations on Town properties listed by Assessors Parcel ID in Table A below (the “Properties”); and

b.) As part of the PPAs referenced above, to enter into Payment in Lieu of Taxes (PILOT) Agreements in lieu of real and personal property taxes in accordance with General Laws Chapter 59, §38H (Acts of 1997 Chapter 164, Section 71(b)), as amended) and the Massachusetts Department of Revenue (DOR) Guidelines published in connection therewith.

Table A – Town Properties for Rooftop Solar Photovoltaic System Installations

<i>Assessors Parcel ID</i>	<i>Address</i>	<i>Property Name</i>
048-13-00	345 Harvard Street	Coolidge Corner School
245-01-00	50 Druce Street	Runkle School
202-09-00	115 Greenough Street	High School
441-43-00	870 Hammond Street	Municipal Service Center
277-01-00	100 Eliot Street	Heath School
194-10-11	46 Tappan Street	Kirrane Pool/Gym/UAB Building

Or take any other action relative thereto.

**ARTICLE 13**

Submitted by: The Department of Planning & Community Development❖

Co-petitioners: Blake Cady; David Lescohier, TMM11; David Lowe, TMM11; Scott Englander, TMM6; Willy Osborn.

❖Principal petitioner for point-of-contact.

**Zoning By-Law Amendment to permit accessory Ground-Mounted Solar Photovoltaic Installations under certain circumstances.**

To see if the Town will amend the Zoning By-Law by amending Section 4.07 – Table of Use Regulations – to allow small accessory ground-mounted solar infrastructure in a similar manner as sheds, by adding text in the description of Accessory Use 61 in the Use Table, underlined below:

61. Non-commercial greenhouse, tool shed, Ground-Mounted Solar Photovoltaic Installation, or other similar accessory structure.

To be considered an accessory use, the nameplate capacity of Ground-Mounted Solar Photovoltaic Installations may not exceed 50 kW DC and shall be subject to use regulations described in Section 5.06.4.h(3-13). Additionally, Ground-Mounted Solar Photovoltaic Installations with a nameplate capacity greater than 10 kW DC in any district requires a Special Permit.

\* Special permit required if in excess of 150 square feet of gross floor area.

Or act on anything relative thereto.

**ARTICLE 14**

Submitted by: C. Scott Ananian, TMM 10, (correspondent) Jesse Gray, TMM 10

To see if the Town will amend Section 6.04 of the Zoning By-law (“Design of All Off-Street Parking Facilities”) by amending paragraph 11, as follows (new language appearing in bold/italics, deleted language appearing in strikeout):

11. Parking lots for six vehicles or fewer shall conform to the regulations of this section, with the exception of paragraphs 2., 3., 4., (subparagraphs a. and b.), ~~and 7.,~~ **and 15.**

And adding a new paragraph 15, to read:

**§6.04.15 – ELECTRIC VEHICLES**

15. At least 15% of parking spaces, and not less than a single parking space, must be EV READY, as defined in Section C405.10 of 780 CMR 13, the Massachusetts Building Code. If a charger is provided, users may be charged a reasonable fee for time the equipment is in use and/or electricity consumed. The count of EV READY spaces may include spaces designated for visitors or tradespeople, and need not be reserved for the use of Electric Vehicles. Changes in the requirements of this section, consistent with the intent of encouraging electric vehicle adoption, may be approved by the Board of Appeals for an individual building by special permit.

or act on anything relative thereto.

**ARTICLE 15**

Submitted by: Linda Olson Pehlke, TMM Pct. 2, and Paul Saner, TMM Pct. 13

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

1) Adding the following language to Section 6.02, Paragraph 1:

“e. For storefront uses (which shall include Uses 12 through 14 inclusive, 16 through 18A inclusive, 20 through 21 inclusive, 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.

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 and by location.

Or act on anything relative thereto.

**ARTICLE 16**

Submitted by: Paul Warren, TMM1 and Heather Hamilton, Select Board Member

To see if the Town will vote to adopt the following resolution:

BE IT RESOLVED, that Town Meeting urges the Select Board not to adopt any further or extend any existing shared E-Scooter or other micro-mobility pilot programs or implement any permanent shared E-Scooter or other micro-mobility services, until such time as: (1) the State updates and clarifies existing laws governing the use and operation of E-Scooters and other micro-mobility devices, and (2) the Transportation Board holds public hearings and adopts rules and regulations regarding the operation and parking of E-Scooters and other micro mobility devices upon public sidewalks, public paths and in parks; and,

BE IT FURTHER RESOLVED, that Town Meeting urges Brookline's State legislative delegation to work with the State Legislature to ensure that in any legislation involving E-Scooters and other micro-mobility devices that Brookline retains local control to regulate its sidewalks with respect to the use and operation of such devices.

Or act on anything relative thereto.

### **ARTICLE 17**

**Submitted by:** C. Scott Ananian, TMM 10, (correspondent) Jesse Gray, TMM 10

Resolution regarding Open-Air Parking Licenses and Electric Vehicle Charging

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 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; (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 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.

or act on anything relative thereto.

### **ARTICLE 18**

Submitted by: Scott Gladstone and Isaac Silberberg

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

1. By amending Section 2.12.3 – the definition of “Lodger” – by adding the additional language underlined below:

A person who rents space for living or sleeping purposes, for a period of 30 consecutive days or longer, and who is not within the second degree of kinship to the lessor.

2. By Amending Section 2.12 – “L” Definitions – to add a new item known as “Lodger, short term” after the term “Lodger,” as follows:

Lodger, short term: A person who rents space for living or sleeping purposes, for a period of fewer than 30 consecutive days, and who is not within the second degree of kinship to the lessor.

3. By amending Section 4.07 – Table of Use Regulations – to allow short term lodgers in certain restricted situations by adding a new use 51C as follows:

51C Within a dwelling unit, which is owner occupied and registered under M.G.L. c. 62C §7 and under any additional registration required by the Town By-Law as it may be amended from time to time, the renting of not more than two rooms as a lodging to a short term lodger, without separate cooking facilities and for not more than two short term lodgers. In the case of a dwelling unit occupied by unrelated persons, the sum of short term lodgers and other unrelated persons shall not exceed the limit defined for a family in Section 2.06, paragraph 1. The owner of the dwelling unit, or a Lodger living in the dwelling unit, or a designated property manager must sleep in the dwelling unit being rented to a short term lodger for all but one night of such short term lodger’s rental.

S-YES

SC-YES

T-YES

F-YES

M-YES

L-YES

G-YES

O-YES

I-YES

or act upon anything else relative thereto

**ARTICLE 19**

**Submitted by:** Roger Blood

To see if the Town will amend the Brookline Zoning By-Law as follows.

Add, a new subsection c. to §2.01 - “A” DEFINITIONS, 1. ACCESSORY

- c. Accessory dwelling unit “ADU”: A separate and self-contained dwelling unit located in a single family detached building, or in a detached building located on the same lot as a single family building as an accessory and subordinate use to the primary residential use of the property, provided that such separate dwelling unit has been established pursuant to the provisions of Brookline Zoning By-Law, Section 4.05 Paragraph 3.2.

**Add a new sub section 5. to §2.15 - “O” DEFINITIONS**

- 5. OWNER-OCCUPIED – Serving as the principal or year-round residence of the property owner of record as defined by the Town Assessor and as further documented in §4.05, Paragraph 3.2.

Add at the end of the sentence in sub section 1. of §4.04 - LIMITATION OF AREA OF ACCESSORY USES

, except that an accessory dwelling unit may occupy up to the lesser of 750 square feet of habitable space or 30 per cent of the floor area of the principal building by right or, by Special Permit, up to the lesser of 950 square feet of habitable space or 30 percent of the floor area of the principal building.

After “No accessory use” in sub section 3. of §4.04 – LIMITATION OF AREA OF ACCESSORY USES, add

, except accessory dwelling units,

To change the title of §4.05 to ACCESSORY USES IN RESIDENCE DISTRICTS;  
ACCESSORY DWELLING UNITS

To add the following new Section 3 to §4.05 – ACCESSORY DWELLING UNITS

3.1 Intent: Accessory dwelling units are an allowed accessory use where they are, by design,

clearly subordinate to the principal dwelling unit and meeting the requirements of this Section. Accessory dwelling units are intended to advance the following:

1. To provide flexibility for families as their needs change over time and, in particular, provide options for older adults to be able to stay in their homes and for households with disabled persons;
2. To increase the diversity of housing choices in the Town while respecting the residential character and scale of existing neighborhoods;
3. To provide a non-subsidized form of housing that is generally less costly and more affordable than similar units in multifamily buildings;
4. To add housing units to Brookline's total housing stock with minimal adverse effects on Brookline's neighborhoods.

3.2. Accessory dwelling units in single family owner-occupied buildings shall conform to all

the following provisions:

1. Maximum square footage. An accessory dwelling unit shall occupy up to 30 per cent of the floor area of the principal building or 750 square feet of habitable space, whichever is less.

An accessory dwelling unit which exceeds 750 sq. ft. but does not exceed 950 sq. ft. of habitable space or 30 percent of the floor area of the principal building, whichever is less, may be approved by Special Permit. Criteria for issuance of this Special Permit shall include documentation that a permanent household member with a handicap or illness, not of a temporary nature, requires the aid of a resident caregiver to aid a family member. This Special Permit may require an additional off-street parking space.

2. Owner-occupancy. A building containing an accessory dwelling unit shall be owner-occupied, which requirement may be met via either the principal or the accessory dwelling unit. Qualifying owner-occupancy must be certified as a precondition for receiving a Certificate of Occupancy for the accessory dwelling unit and not less than once per calendar year thereafter, by an affidavit, in a form to be provided by the Building Department and signed by the owner-applicant. Copies of the completed Affidavits of Owner-Occupancy shall be retained by the Building Department.

Owner-occupancy shall be further certified by inclusion of the subject property in the listing of residential property tax exemptions as maintained by the Town Assessor, beginning not more than 24 months following, as applicable, the issuance of a Certificate of Occupancy for a new accessory dwelling unit or the

transfer of ownership for a pre-existing accessory dwelling unit, and continuing for each Fiscal Year thereafter.

3. Building envelope. An accessory dwelling unit may be created in an existing building or accessory building if the building envelope is not expanded and any increase in FAR stemming from the conversion of non-habitable space to habitable space does not produce a resultant FAR greater than 120% of the allowed FAR in the current Zoning By-Law. An expansion of the building envelope to create an accessory dwelling unit shall be allowed by Special Permit if the resultant FAR is no greater than 120% of the allowed FAR in the current Zoning By-Law and all other dimensional requirements are met. The provisions of subsection 1.a. and e. of Section 5.22 shall not apply to the creation of accessory dwelling units.

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:

(1) Having no more than one means of access/egress visible from the street upon which the property faces;

(2) 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;

(3) Having no electric, gas, or water meters other than those serving the principal dwelling unit of the building in which it is situated;

5. Exterior alterations are permitted, provided they are in keeping with the architectural integrity of the structure, including but not limited to:

(1) The exterior finish material should be the same or visually consistent with the exterior finish material of the remainder of the building;

(2) The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;

(3) Trim should be consistent with the trim used on the remainder of the building;

(4) Windows should be consistent with those of the remainder of the building in proportion and orientation.

6. Parking. A single family property with a by right accessory dwelling unit will conform to parking requirements as applicable to single-family homes with no accessory dwelling unit. An accessory dwelling unit which exceeds 750 sq. ft. of habitable space and which requires a Special Permit may, as a condition of the Special Permit, require one additional off-street parking space. Existing setback requirements will apply to all parking.

If additional parking is required, including surface parking replacing existing garage space, in addition to meeting setback requirements, screening is required sufficient to minimize the visual impact on abutters, such as evergreen or dense deciduous plantings, walls, fences or a combination.

7. Maximum number of occupants. The total number of individuals residing in the principal and accessory dwelling units combined may not exceed the number allowed in the principal dwelling unit alone, under Section 2.06 “F” definitions for family.

8. Minimum age of principal dwelling unit. The principal dwelling unit must have been constructed five or more years prior to the date of application for a permit to construct an accessory apartment as evidenced by a certificate of occupancy for the original construction of the dwelling; where no such certificate is available, the property owner will provide other evidence of lawful occupancy of the existing dwelling on or before a date at least five years prior to the date of application satisfactory to the Building Department, or if by Special Permit, satisfactory to the Board of Appeals.

9. Conversion of garage space. An accessory dwelling unit that is created by conversion of a pre-existing garage, including an existing garage in a separate structure from the primary residential building, may be approved only by Special Permit. No separate structure, other than conversion of an existing garage, may be approved as an accessory dwelling unit. Garage space eligible for conversion to an accessory dwelling unit must have been constructed five or more years prior to the date of application for a permit to construct an accessory apartment as evidenced by an original building permit or other documentation satisfactory to the Board of Appeals. The provisions of Section 5.22, Exceptions to Maximum Floor Area Ratio Regulations for Residential Units 1.e prohibiting replacement of garage parking to a location exterior to the house does not apply to this subsection.)

10. Allowable means of egress. An accessory dwelling unit must have two means of egress that conform to the applicable requirements of the Building Code. If the second means of egress requires an exterior stairway, any such stairway will require a Special Permit and may not exceed more than one story in height nor be visible from a public way.

11. One accessory dwelling unit per lot. No more than one accessory dwelling unit shall be allowed per lot.

12. No separate ownership. No accessory dwelling unit shall be held in separate ownership from the principal structure/dwelling unit; at no time shall an accessory dwelling unit, or the building of which it is a part, be deeded as a condominium unit.

13. Curb cut limit. Accessory dwelling units may not be located on any lot which is accessed from any public or private street by more than one curb cut, except for lots having more than one pre-existing curb cut for a period of at least five years.

14. Minimum rental period. Rental of either the accessory dwelling unit or its associated primary dwelling unit shall be for a term of not less than six (6) months and shall be subject to a written rental or lease agreement.

15. Historic districts. Where a building is located within a local historic district and therefore subject to the procedures required under Article 5.6 of the General By-Law, any decisions of the Brookline Preservation Commission shall take precedence over the criteria and procedures set forth above, but the Preservation Commission may be guided by the provisions of this Section in addition to its own criteria and procedures.

16. Recording at Registry of Deeds. Before a Certificate of Occupancy is issued, the property owner of any accessory apartment shall record with the Norfolk County Registry of Deeds or with the Land Court a certified copy of the approval, in a form prescribed by the Building Commissioner or, if required, the Special Permit. Certified copies of the recorded documents shall be filed with the Building Department.

17. Change of ownership. When ownership of any residential property containing an existing accessory dwelling unit changes, the new property owner shall within 30 days of the title transfer, file with the Building Commissioner a sworn affidavit attesting to continued compliance with the requirements of this section and all applicable public safety codes, at which time the Building Commissioner shall conduct a determination of compliance with this Section.

The new property owner shall certify annually thereafter on the first business day of January, or upon transfer to a new owner as provided above, continued compliance with the requirements of this section in a form acceptable to the Building Commissioner.

18. Termination. A property owner who chooses to discontinue an accessory dwelling unit shall notify the Building Commissioner in writing within 30 days following such action.

19. Enforcement. A property owner who fails to recertify as required an accessory dwelling unit or otherwise comply with all provisions of this section shall be subject to regulatory enforcement by the Building Commissioner.

The Building Commissioner shall seek advice and counsel from the Director of Planning and Community Development when there is any question in the application of the criteria contained in this Section and in the approval of any special permit for accessory dwelling unit approval.

The Building Commissioner may re-inspect the property for compliance with the Zoning ByLaw and health and safety regulations, including but not limited to when there is a change of ownership.

20. Public listing of approved units. A listing of all accessory dwelling units shall be maintained by the Town in such a manner as to be accessible on the Town of Brookline website.

3.3. Pre-existing unauthorized accessory dwelling units may be approved by the Building Commissioner subject to the following requirements:

- (1) The property owner shall submit an application request in a form prescribed by the Building Commissioner;
- (2) The property owner must provide evidence, in a form satisfactory to the Building Commissioner, that the accessory dwelling unit was constructed five or more years prior to the date of adoption of this Bylaw section.
- (3) The pre-existing accessory dwelling unit must comply with all requirements of the accessory dwelling unit section of the Zoning Bylaw; however, the Building Commissioner may approve an accessory dwelling unit with habitable space exceeding 950 sq. ft., but not exceeding 30 percent of the floor area of the principal building.
- (4) Before approval of an existing accessory dwelling unit, the Building Department shall conduct an onsite inspection for compliance with all applicable Building Code requirements and other applicable provisions of this Section.

To add the following to §4.07 – TABLE OF USE REGULATIONS , following Accessory Uses 51A:

Accessory Uses	Residence				Business			Industry
	S	SC	T F	M	L	G	0	I
<i>51B. Within a detached single-family owner-occupied dwelling in all zones or within an existing garage accessory to that dwelling, an Accessory Dwelling Unit as further defined and limited in Section 4.05, paragraph 2.</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>No</i>	<i>No</i>

To add, to §5.22- EXCEPTIONS TO MAXIMUM FLOOR AREA RATIO (FAR) REGULATIONS FOR RESIDENTIAL UNITS,

at the end of Section 1. General Provisions, a, before “.”

, except for accessory dwelling units per Section 4.05(2)

at the end of 2 b.,

For purposes of this subsection only, an accessory dwelling unit, as per Section 4.05 paragraph 2 shall not be considered a separate unit.

Or act on anything relative thereto.

**ARTICLE 20**

Submitted by: Robert Zuker

To see if the Town will amend the Zoning By-Law as follows (proposed new language is underlined and deletions are noted with a strike through):

1. By amending the Table of Use Regulations, Section 4.07, Principal Uses, Section 6D. Dwelling, Micro Unit as follows:

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
<b>RESIDENCE USES</b>									
6D. Dwelling, Micro Unit *Permitted by Special Permit in the I-(EISD) District in accordance with 5.06.4.j. <u>**Permitted by Special Permit in the G-1.75(CC) in accordance with 5.06.4.b.</u>	No	No	No	No	No	No	No**	No	No*

2. By amending Section 5.01 – Table of Dimensional Requirements and the Footnotes to the Table by adding a footnote 21 as follows (new language is underlined):

DISTRICT	USE	LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	PBI NB ONLY	LOT WIDTH MINIMUM (feet)	MAXIMUM HEIGHT	PBI		MINIMUM YARD			OPEN SPACE (% of gross floor area)	
							B	NB	Front	Side	Rear	Landsc.	Usable
G-1.75 <sup>21</sup>	Any structure or principal use (dwelling – footnote 5)	None <sup>4</sup>	1.75	2.25	none	45	NA	70 (CC)**	none	none	10+ L/10	none	none <sup>5</sup>

**FOOTNOTES:**

21. For property in the G-1.75 (CC) see also Section 5.06.4.b.

3. By amending Section 5.06.4.b Coolidge Corner General Business District paragraph 2 as follows (new language is underlined):

- 2) For such applications, the Board of Appeals may grant by special permit an increase in gross floor area subject to the procedures, limitations, and conditions of Table 5.01 and §5.21-, however, in the case of an application for a building that contains seventy-five percent (75%) or more Micro Unit Dwellings, the requirement set forth in §5.21.2.b requiring that the lot or part of the lot be 20,000 square feet or more in order to qualify for Public Benefit Incentives shall not apply.
4. By amending Section 5.06.4.b Coolidge Corner General Business District paragraph 5 as follows (new language is underlined):
- 5) For such applications, residential development shall be permitted above the first floor. Notwithstanding anything to the contrary in this By-Law, common areas, lobby or amenity space for a building that contains seventy-five percent (75%) or more Micro Unit Dwellings shall be considered non-residential space for the purposes of complying with Section 4.07.6 with respect to the requirement that in L and G districts no more than 40% of frontage may be devoted to residential use, so long as such space does not front on Harvard or Beacon Street.
5. By amending Section 5.32.2(b)(1) by adding the following language (new language underlined):
- Section 5.32.2(b)(1):
- In M-1.5, M-2.0, M-2.5, G-1.75, and O-2.0(CH) Districts, the setback requirement from any street lot line on which the lot fronts shall be one-half of the width of the street right-of-way, up to a maximum requirement of 50 feet. Notwithstanding the foregoing, this setback requirement shall not apply to Public Benefit Incentives for Micro Unit Dwellings in the G-1.75 (CC) district.
6. By amending Section 6.02, Paragraph 1, TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS by adding another paragraph as Note #3 after Note #2 below the Table as follows (new language is underlined):
3. For Use 6D (Micro Unit Dwellings) the maximum number of spaces for each Micro Unit Dwelling shall be 0.5, and no additional spaces shall be required for floor areas used for common areas, lobby or amenity space.
7. By amending Section 6.02.2.i by adding language as follows:
- i. Residential uses on any lot for which any portion of the lot is within the Transit Parking Overlay District, notwithstanding the requirements of §3.02 paragraph 4, must provide no fewer off-street parking spaces per dwelling unit than 1 for studio units, 1.4 for one-bedroom units, 2 for two bedroom units, 2 for dwelling units of three or more bedrooms. For Micro Unit Dwellings no parking is required.

or act upon anything else relative thereto.

## **ARTICLE 21**

Submitted by: Jesse Gray<sup>1</sup> (TMM-10), Werner Lohe (TMM-13), Alan Leviton, Lisa Cunningham (TMM-15), Diane Sokal, Daria Mark, Cora Weissbourd, Kathleen Scanlon (TMM-3), Heather Hamilton (SB), Raul Fernandez (SB), and Nancy Heller (SB)

To see if the town will amend the General By-Laws by adopting a new article 8.39 entitled “Prohibition on New Fossil Fuel Infrastructure in Major Construction” as set forth below.

### 8.39.1 Purpose

This By-Law is adopted by the Town of Brookline, under its home rule powers and its police powers under Massachusetts General Laws, Chapter 40, Sections 21 (clauses 1, 18) and 21D, and Chapter 43B, Section 13, to protect the health, safety and welfare of the inhabitants of the town from fuel leaks and explosions and from air pollution, including that which is causing climate change and thereby threatens the Town and its inhabitants.

### 8.39.2 Definitions

“On-Site Fossil Fuel Infrastructure” is defined as fuel gas or fuel oil piping that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter.

“New Building” is defined as a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the effective date of this article.

“Significant Rehabilitation” is defined as a renovation in which the work area, not including any added space, is more than 50% of the building floor area prior to the project, and that is associated with a valid building permit application on or after the effective date of this article.

### 8.39.3 Applicability

A. The requirements of this article shall apply to all permit applications for New Buildings and Significant Rehabilitations proposed to be located in whole or in part within the Town.

B. The requirements of this article shall not apply to the use of portable propane appliances for outdoor cooking and heating, or to fuel pipes whose exclusive purpose is to fuel backup electrical generators.

C. The requirements of this article shall not apply to utility service pipe connecting the grid to a meter, or to a gas meter itself.

D. The requirements of this article shall not apply to any building being constructed subject to a Waldo-Durgin Overlay District Special Permit, as described in Section 5.06.4.k of the Zoning By-Law.

---

<sup>1</sup> Point of contact

#### 8.39.4 Effective Date and Enforcement

Effective June 1, 2020, no permits shall be issued by the Town for the construction of New Buildings or Significant Rehabilitations that include the installation of On-Site Fossil Fuel Infrastructure, except as otherwise provided in section 8.39.3.

#### 8.39.5 - Severability

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

Or act on anything relative thereto.

### **ARTICLE 22**

Submitted by: Donald Warner

To see if the Town will vote to amend Section 8.31.3.a of Article 8.31 of the Town's General By-laws (Leaf Blower Control - Limitations on Use), as follows (language to be deleted in ~~strike through~~):

#### SECTION 8.31.3: LIMITATIONS ON USE

a. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property under their control, or on the sidewalks or ways contiguous to such property, nor shall any person operate a leaf blower, ~~except between March 15th and May 15th and between October 1st and December 31st in each year, and~~ except for leaf blowers powered by electricity which are exempt from this ~~seasonal~~ usage limitation. The provisions of this Section 3.a. shall not apply to nonresidential property owners but only with respect to parcels of land that contain at least five acres of open space.

Or act on anything relative thereto

### **ARTICLE 23**

Submitted by: Donald Warner

To see if the Town will vote to amend Section 8.31.3 of Article 8.31 of the Town's the General By-laws (Leaf Blower Control- Limitations on Use), as follows (additions in **bold underline**, deletions in ~~strike through~~):

SECTION 8.31.3: LIMITATIONS ON USE a. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property under their control, ~~or on the sidewalks or ways contiguous to such property,~~ **or** nor shall any person operate a leaf blower, except between March 15th and May 15th and between October 1st and December 31st in each year, and except for leaf blowers powered by electricity which are exempt from this seasonal usage limitation. The provisions of this Section 3.a. shall not apply to nonresidential property owners but only with respect to parcels of land that contain at least five acres of open space.

b. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property under their control, ~~or on the sidewalks or ways contiguous to such property,~~ nor shall any person operate a leaf blower, except between the hours of 8 (eight) A.M. to 8(eight) P.M. Monday through Friday, and from 9 (nine) A.M. to 6 (six) P.M. on Saturdays, Sundays and legal holidays.

c. On land parcels equal to or less than 7,500 (seven thousand five hundred) square feet in size, no Property Owner or Property Manager or User shall operate or authorize the operation of more than 2 (two) leaf blowers on such property simultaneously. This limitation shall also apply to sidewalks and roadways contiguous to such parcel.

d. No Property Owner or Manager shall authorize the operation of any leaf blower and no person shall operate a leaf blower which does not bear an affixed manufacturer's label or a label from the Town indicating the model number of the leaf blower and designating a noise level not in excess of sixty-seven (67) dBA when measured from a distance of fifty feet utilizing American National Standard Institute (ANSI) methodology on their property. Any leaf blower bearing such a manufacturer's label or Town label shall be presumed to comply with the approved ANSI Noise Level limit under this By-law. However, Leaf Blowers must be operated as per the operating instructions provided by the manufacturer. Any modifications to the equipment or label are prohibited. However, any leaf blower(s) that have been modified or damaged, as determined visually by anyone who has enforcement authority for this By-law, may be required to have the unit tested by the Town as provided for in this section, even if the unit has an affixed manufacturer's ANSI or Town label. The Controller of any leaf blower without a manufacturer's ANSI label on such equipment may obtain a label from the Town by bringing the equipment to the town's municipal vehicle service center or such other facility designated by the Town for testing. Such testing will be provided by the Town's designated person for no more than a nominal fee (which shall be nonrefundable) and by appointment only at the Town's discretion. If the equipment passes, a Town label will be affixed to the equipment indicating Decibel Level. In the event that the label has been destroyed, the Town may replace it after verifying the specifications listed in the Controller's manual that it meets the requirements of this By-law.

**e. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property not under their control, including but not limited to the sidewalks or ways contiguous to such property, nor shall any person operate a leaf blower on private property without the authorization or permission of the Property Owner or Property Manager.**

**f. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers in a manner that intentionally blows leaves or other debris onto public or private property not under their control, without the express consent of the owner or manager of such property.**

The provisions of this Article 8.31.3 shall not apply to the use of leaf blowers by the Town, its employees or contractors while performing work for the Town  
Or act on anything relative thereto.

## **ARTICLE 24**

Submitted by: Arthur Wellington Conquest III, TMM6

To see if the Town will amend the General by-laws to provide for a citizen complaint procedure as follows (the added language is underlined deleted language is ~~struck~~):

### **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**

This By-law establishes the Commission for Diversity, Inclusion, and Community Relations (“Commission” or “CDICR”) and the Office of Diversity, Inclusion, and Community Relations (“Office” or “ODICR”). Valuing diversity and inclusion in and for the Brookline community, the Commission, in coordination with the Office, aims to support a welcoming environment by encouraging cooperation, tolerance, and respect among and by all persons who come in contact with the Town of Brookline (“Town”), including residents, visitors, persons passing through the Town, employers, employees, and job applicants, and by advancing, promoting and advocating for the human and civil rights of all through education, awareness, outreach and advocacy. The Purpose of the Commission and the goal of the Town shall be to strive for a community characterized by the values of inclusion. The Town believes that inclusion will provide opportunities and incentives to all who touch Brookline to offer their energy, creativity, knowledge, and experiences to the community and to all civic engagements, including town government; and that inclusion is, therefore, a critically important government interest of the Town. Inclusion is defined as actively pursuing goals of including, integrating, engaging, and welcoming into the community all persons who come in contact with the Town regardless of their race, color, ethnicity, gender, sexual orientation, gender identity or expression, disability, age, religion, creed, ancestry, national origin, military or veteran status, genetic information, marital status, receipt of public benefits (including housing subsidies), or family status (e.g. because one has or doesn't have children) (herein, “Brookline Protected Classes”). In striving to achieve the goal of inclusion, the Commission shall be guided by the following general principles: (1) the foundation of community is strong and positive community relations among and between all groups and individuals in the community, regardless of their membership in a Brookline Protected Class; (2) the substance of community is the recognition of human rights principles as applicable to all persons who come in contact with the Town; (3) justice in a community requires, at a minimum, monitoring and enforcing civil rights laws as they apply to all persons who come in contact with the Town; and (4) the commitment of the Town to these principles requires vigorous affirmative steps to carry out the word and spirit of the foregoing. The Commission shall consist of fifteen (15) residents of the Town, who shall be called Commissioners. Commissioners shall be appointed by the Select Board and shall hold office for a period of not more than three (3) years with terms of office expiring on August 31 of an appropriate year in a staggered manner so that approximately one-third (1/3) of the terms of the Commissioners will expire each year. A Commissioner whose term is expiring is expected to submit their renewal application to the Select Board not later than August 1 of the expiration year. The term of a Commissioner who does not submit a renewal application in a timely manner shall expire on August 31 of that year. The term of a Commissioner who submits a timely renewal application shall then be extended until notified by the Town Administrator that the renewal application has been acted upon. If the application is denied, the term of that Commissioner shall expire five

days after the date of the denial letter. If the application is approved, the term shall expire on August 31 of the year specified in the approval letter. The Select Board may appoint additional non-voting associate members (Section 3.1.5) as it determines to be necessary, which may include youth or persons who do not reside in Brookline but have a substantial connection to Brookline or to the Brookline Public Schools. The Select Board shall select one of its members to serve ex officio as a nonvoting member of the Commission. A quorum of the Commission shall consist of a majority of the serving members on the Commission, with a minimum of six. The Select Board shall seek a diverse and inclusive group of candidates for the Commission, which may include youth. Candidates for Commissioner shall be qualified for such appointment by virtue of demonstrated relevant and significant knowledge, life experience, or training. The composition of the Commission shall include persons with the types of such knowledge, experience, or training necessary to enable the Commission to perform the duties assigned to it by this By-law. All Commissioners shall serve without compensation. In the event of discontinuance of the service of a Commissioner due to death or resignation, such Commissioner's successor shall be appointed to serve the unexpired period of the term of said Commissioner. The Commission may recommend to the Select Board candidates to fill such vacancies.

#### SECTION 3.14.2 APPOINTMENT, ROLES AND RESPONSIBILITIES OF THE DIRECTOR AND CHIEF DIVERSITY OFFICER

There shall be an Office of Diversity, Inclusion and Community Relations ("Office"), which shall be a unit of the Select Board's Office, and led by a professional in the field of human relations or similar relevant field of knowledge, who shall be known as the Director of the Office of Diversity, Inclusion and Community Relations ("Director"), and that person shall also serve as the Chief Diversity Officer ("CDO") for the Town. In the event of a vacancy in the position of Director, the Town Administrator, after consultation with the Commission, shall recommend to the Select Board a replacement with appropriate qualifications. The Director shall offer professional and administrative support to the Commission in the administration of its functions and policies under this By-law or any other Bylaw giving the Commission responsibilities. If needed, the Director shall ask for additional assistance to carry out the Director's duties. The Office shall be physically situated in whatever department the Town Administrator determines would most easily provide the Director any such assistance. The Director shall be a Department Head/Senior Administrator and shall report to the Town Administrator. The Director/CDO may bring a matter directly to the attention of the Select Board in the event that person believes, in their professional judgment, that a particular situation so warrants. The CDO work with the Human Resources Office to promote diversity and inclusion. The CDO shall serve in the role of ombudsperson to provide information and guidance and dispute resolution services to all persons who come in contact with the Town who feel that they have been discriminated against or treated unfairly due to their membership in a Brookline Protected Class, or in relation to Fair Housing or Contracting issues, interactions with businesses or institutions in the Town, or interactions with the Town and/or employees of the Town. The CDO shall be responsible, with the advice and counsel of the Commission, the Human Resources Director, and the Human Resources Board, for the preparation and submission to the Select Board of a recommended diversity and inclusion policy for the Town, including equal employment opportunity and affirmative action, and recommended implementation procedures. The diversity and inclusion policy shall address hiring, retention and promotion, and steps to ensure a work

environment that is friendly to diversity and inclusion. The CDO shall respect the rights to privacy and confidentiality of all individuals to the fullest extent required by law. The CDO may attempt to mediate disputes/complaints and/or to refer such complainants to the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, the Office of Town Counsel, or such other body as the CDO deems appropriate. The Director/CDO shall report on these incidents to the Commission in terms of issues and trends but shall show full respect for the rights to privacy and confidentiality of the individuals involved to the fullest extent required by law. In the event that a person who comes in contact with the Town, except for employees of the Town, chooses to bring a complaint to the Commission after seeking the services of the CDO in said officer's role as an ombudsperson, the Director/CDO may discuss the case in general terms with the Commission (see Section 3.14.3(A)(v)). The CDO shall also serve as an ombudsperson for employees of the Town if they feel they have been discriminated against or treated unfairly on the basis of membership in a Brookline Protected Class. The CDO may attempt to mediate such disputes or refer such employees to the Human Resources Office, the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, their union representative, and/or such other body that the CDO deems appropriate. The Director/CDO shall hold all such Town employee matters in confidence and shall respect the privacy rights of any such individuals but may discuss with the Commission, in general terms, the problems or issues that such individual cases, provided, however, doing so does not violate any person's rights to privacy.

#### SECTION 3.14.3 POWERS AND DUTIES OF THE COMMISSION

(A) To implement the Mission of the Commission and the Office, the Commission, with the assistance of the Director and the Director's staff, shall have the following responsibilities:

- (i) Strive to eliminate discriminatory barriers to jobs, education, and housing opportunities within the Town and work to increase the capacity of public and private institutions to respond to discrimination against individuals in the Town based on their membership in a Brookline Protected Class;
- (ii) Enhance communications across and among the community to promote awareness, understanding and the value of cultural differences, and create common ground for efforts toward public order and social justice;
- (iii) Work with the Select Board, the Town's Human Resources Office, the School Committee, and other Town departments, commissions, boards, and committees to develop commitments and meaningful steps to increase diversity and inclusion, and awareness of and sensitivity to civil and human rights in all departments and agencies of Town government;
- (iv) Provide advice and counsel to the CDO on the preparation of a diversity and inclusion policy for recommendation to the Select Board, including equal employment opportunity and affirmative action procedures, or amendments or revisions thereto; and make suggestions, through the CDO to the Human Resources Director, the Human Resources Board, and the School Committee on the implementation of the diversity and inclusion policy;

(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 shall (1) investigate the complaint by interviewing the complainant and any witnesses, (2) prepare written findings, and (3) recommend appropriate action to the Select Board, Library Trustees or Moderator as appropriate within 90 days of receipt of the complaint. 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 Complaint Procedure or the Human Resources Office's procedures;

(vi) Receive Complaints Against the Public Schools of Brookline, directly or through the CDO, against the Public Schools of Brookline, its employees, agencies, or officials concerning allegations of discrimination or bias from all persons who come in contact with the Schools, except school employees, and, after notifying the Superintendent of Schools, the Assistant Superintendent for Human Resources, and/or the School Committee of the complaint, ~~review and summarize the complaint and any 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 School official or employee.~~ the Commission shall (1) investigate the complaint by interviewing the complainant and any witnesses, (2) prepare written findings, and (3) recommend appropriate action to the Superintendent and/or School Committee as appropriate within 90 days of receipt of the complaint. The Commission/CDO, may in addition (1) ~~present its summary and concerns to the School Superintendent and/or the School Committee for consideration of further action and/or~~ (2) provide the complainant with information on complainant's options regarding dispute resolution and the boards, agencies, or courts to which the complainant may file a complaint. The Public Schools of Brookline are encouraged to engage the expertise and/or resources of the CDO/Commission when pursuing resolution of any such complaints and/or when revising policies and procedures relative to diversity and inclusion.

(vii) ~~Receive Other Complaints, according to procedures developed by the Commission and as approved by the Select Board, and initiate preliminary review of the facts, without drawing any legal conclusions, from any person who comes in contact with the Town, concerning allegations of discrimination or bias against a member of a Brookline Protected Class. The Commission shall also have the authority, in its discretion, to take one or more of the following actions: (1) Provide the complainant with information about complainant's options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agency; (2) Refer the complainant and any other parties to the complaint to the CDO acting as ombudsperson~~

~~or to a local or regional mediation service; (3) Present any results of preliminary review of the alleged facts to the Town Administrator and/or the Select Board, in an appropriate case, for action;~~

(viii) The Commission shall develop, to the extent permissible by law, a log for the complaints referred to in subsections (v), (vi) ~~and (vii)~~ above, provided that such publication contains public record information only and does not violate anyone's right to privacy, and the Commission shall compile and maintain statistical records regarding the nature of complaints, types of incidents, number and types of complaints, and other pertinent information, without identifying specific individuals, and include such information in the annual report filed with the Board pursuant to Section 3.14.6 of this By-law.

~~(viii)~~ Develop official forms for the filing of complaints under paragraphs (v) and (vi) above and also procedures for the receipt of such complaints and follow-up by the Commission to the extent not inconsistent with the procedures set forth in paragraphs (v) and (vi);

(ix) Carry out the responsibilities and duties given to the Commission by rules or regulations, if any, promulgated under Section 3.14.4 of this Bylaw in relation to its Fair Housing responsibilities, as authorized by law, under Bylaw 5.5;

(xi) With respect to any complaints or patterns of complaints involving the civil or human rights of any persons who come in contact with the Town, work with the CDO, in such officer's role as ombudsperson, to facilitate changes that will reduce and eliminate violations of rights;

(xii) Institute and assist in the development of educational programs to further community relations and understanding among all persons in the Town, including Town employees;

(xiii) Serve as an advocate for youth on issues arising in the schools and the community, concerning diversity and inclusion, and encourage public and private agencies to respond to those youth needs.

(B) To carry out the foregoing responsibilities, the Commission is authorized to work with community organizations, government and nonprofit agencies, educational institutions, persons with relevant expertise, and others to:

(i) Develop educational programs and campaigns to increase awareness of human and civil rights, advance diversity and inclusion, eliminate discrimination, and ensure that the human and civil rights of all persons are protected and assist in the development of educational programs to further community relations and understanding among all people, including employees of all departments and agencies within the Town;

(ii) Conduct or receive research in the field of human relations and issue reports and publications on its findings or, where appropriate, submit local or state-wide proposed legislation, after approval by the Select Board and review by Town Counsel, to further human and civil rights of all persons who come in contact with the Town, provided that

the Commission shall evaluate all such research conducted or received for its relevance and validity and for its openness to diverse viewpoints and perspectives;

(iii) Receive and review information on trends and developments in youth research, services, and programs, both generally and as they relate to youth who are members of a Brookline Protected Class, and consider the applicability of such research, services, or programs to Brookline, provided that the Commission shall evaluate all such research conducted or received for its relevance and validity and for its openness to diverse viewpoints and perspectives;

(iv) Do anything else deemed appropriate in the furtherance of its general duties and that are not inconsistent with its Mission, the State Constitution and laws, or the Town By-laws.

(C) At least every two years, prepare written organizational goals for the Commission ("Commission's Goals") that are (i) specific, (ii) measurable, (iii) attainable with the resources and personnel of the Commission, (iv) relevant to the mission of the Commission, (v) designated as either short term or long term, and (vi) capable of being evaluated on a continuing basis and at the next goal setting point. The Commission's Goals shall be submitted to the Select Board at a public meeting and posted on the Town's website. The Commission shall receive and consider the comments of the Select Board at the public meeting and shall also receive and consider written comments from the community on the Commission's Goals.

#### SECTION 3.14.4 RULES AND REGULATIONS

In order to carry out the purposes and provisions of this By-law, the Commission, with the approval of the Select Board, after review by the Town Counsel, shall adopt procedural rules and regulations as necessary to guide it in carrying out its responsibilities. Such rules and regulations shall require that actions by the Commission be taken by a quorum or larger vote of the Commissioners and shall include procedures for holding regular public meetings, including at least one public hearing annually to apprise the public on the status of civil rights, diversity, inclusion and community relations in the Town and to hear the concerns of the public on those issues. The Commission may also establish procedures and rules and regulations to carry out its responsibilities with respect to Fair Housing, with the approval of the Select Board, after review by Town Counsel. Such rules and regulations may further provide for the governance of the Commission with respect to matters such as the appointments of committees as necessary to deal with specific community issues or concerns.

#### SECTION 3.14.5 INFORMATION, COOPERATION, AND DIALOGUE

The Commission shall notify the Town Administrator of all complaints it records. In the event that such complaints fall within the purview of the Superintendent of Schools, the Superintendent shall also be notified. All departments and agencies in the Town shall cooperate fully with the Commission's reasonable requests for information concerning such complaints and when appropriate engage with the Commission in a dialogue on them. All such requests and dialogue shall respect and protect, to the fullest extent possible, the privacy of all involved and shall comply with all local, state and federal laws. The Director of Human Resources shall annually present a report to the Commission concerning the Town's statistics on employment diversity in Town departments and staff, as well as the efforts of the Town to increase the employment

diversity of Town departments and staff. The School Superintendent and the Library Director, or their designees, shall annually provide a report to the Commission on their statistics on employment diversity, including but not limited to the most recently completed EEO-5 form. The Police Chief shall annually present a report to the Commission on other police matters that touch on the Commission's mission. The Commission may respond to such reports through dialogue and/or through written reports; and all Town departments, including the Brookline Public Schools, are encouraged to cooperate with the Commission as it reasonably requests.

#### SECTION 3.14.6 REPORT

With the assistance of the Director, the Commission shall submit an annual report to the Select Board, the School Committee, and the Board of Library Trustees, detailing its activities and the results thereof. This report shall include (i) a review of the implementation of the diversity and inclusion policy by the Town, (ii) the Commission's Goals and a report on the extent to which the goals have been achieved to that point, (iii) a review of reports received by the Commission from the Director of Human Resources, the School Superintendent, the Library Director, and other Town departments or agencies, (iv) a narrative discussion of any impediments to the implementation and achievement of the Commission's Goals and its diversity and inclusion policy, and (v) recommendations of ways that such impediments could be removed. A synopsis of such report shall be published as part of the Annual Report of the Town.

#### SECTION 3.14.7 FIVE YEAR REVIEW

Beginning no later than July 1, 2019 and at least every five years thereafter, the Commission shall review this Bylaw and any other related Town by-laws, in consultation with other pertinent departments, and propose changes if necessary, by preparation of appropriate Warrant Articles for consideration by Town Meeting. The Commission shall prepare a written report summarizing its review and proposing any changes no later than February 1, 2020.

### **ARTICLE 25**

Submitted by: Amy Hummel, TMM12

To see if the Town will adopt the following version of a new Article 8.39 of the Town By-Laws,

#### ARTICLE 8.39

#### BAN ON TOWN USE OF FACE SURVEILLANCE

##### SECTION 8.39.1 DEFINITIONS

1. "Face surveillance" shall mean an automated or semi-automated process that assists in identifying an individual, or in capturing information about an individual, based on the physical characteristics of an individual's face.
2. "Face surveillance system" shall mean any computer software or application that performs face surveillance.
3. "Brookline" shall mean any department, agency, bureau, and/or subordinate division of the Town of Brookline.

4. "Brookline official" shall mean any person or entity acting on behalf of Brookline, including any officer, employee, agent, contractor, subcontractor, or vendor.

#### **SECTION 8.39.2 BAN ON TOWN USE OF FACE SURVEILLANCE**

1. It shall be unlawful for Brookline or any Brookline official to:
  - a. obtain, possess, access, or use (i) any face surveillance system, or (ii) information derived from a face surveillance system;
  - b. enter into a contract or other agreement with any third party for the purpose of obtaining, possessing, accessing, or using, by or on behalf of Brookline or any Brookline official, (i) any face surveillance system, or (ii) data derived from a face surveillance system; or
  - c. issue any permit or enter into a contract or other agreement that authorizes any third party to obtain, possess, access, or use (i) any face surveillance system, or (ii) information derived from a face surveillance system.

#### **SECTION 8.39.3 ENFORCEMENT**

1. Face surveillance data collected or derived in violation of this By-Law shall be considered unlawfully obtained and shall be deleted upon discovery, subject to applicable law.
2. No data collected or derived from any use of face surveillance in violation of this By-Law and no evidence derived therefrom may be received in evidence in any Town proceeding.
3. Any violation of this By-Law constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this By-Law. An action instituted under this paragraph shall be brought against the respective Town department, and the Town and, if necessary to effectuate compliance with this By-Law, any other governmental agency with possession, custody, or control of data subject to this By-Law.
4. Violations of this By-Law by a Town employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and provisions of collective bargaining agreements.
5. Nothing in this Article shall be construed to limit any individual's rights under state or federal law.

or act on anything relative thereto.

#### **ARTICLE 26**

**Submitted by:** School Committee; Deborah Brown, TMM1; Anne Greenwald, TMM8; Maya Norton

To see if the Town will vote to name the PK-8 school located at 345 Harvard St., Brookline, MA 02446 the "Florida Ruffin Ridley School", effective September 1, 2020, or act on anything relative thereto.

**ARTICLE 27**

Submitted by: Larry Ruttman

“To see if the Town will change the name of the Coolidge Corner School, formerly known as The Edward Devotion School, to The Ethel Weiss School, or to act on anything related thereto as Town Meeting shall decide.

**ARTICLE 28**

Submitted by: Lee L. Selwyn, TMM13

To see if the Town will change the name of the former Edward Devotion School, now known as the Coolidge Corner School, to the “Robert I. Sperber School.” or act on anything relative thereto.

**ARTICLE 29**

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.

### **ARTICLE 30**

Submitted by: Deborah Brown, TMM1, Mariah Nobrega, TMM4, and Samuel Botsford

### **To see if the Town will vote to create a new Article 3.XX in the Town's General By-laws, as follows:**

#### **Article 3.XX: BROOKLINE COMMUNITY ENGAGEMENT PLAN**

##### **SECTION 3.XX.1: ESTABLISHMENT AND PURPOSE**

The purpose of this article is to complement Articles 3.21 (Readily Accessible Electronic Meeting Notices, Agendas and Records) and 3.22 (the Public's Right to Be Heard on Warrant Articles) with a formal Community Engagement Plan (CEP) for the Town of Brookline.

Community engagement is essential for a robust and transparent community because it fosters more meaningful interactions between the Town and its inhabitants; frequently enables greater agreement among all stakeholders; and creates true ownership across the Town.

The Town of Brookline has a responsibility to engage its inhabitants in a robust and equitable manner in order to effectively carry out the key functions of government, such as crafting and implementing laws, budgets, plans, directives, and strategic visions.

At a minimum, the purpose of the community engagement plan is to:

1. Engage community inhabitants and community resources as part of the solution.
2. Engage the broader diversity of the community—especially inhabitants who have not been engaged in the past including, without limitation, the poor, people of color, disabled and other politically disenfranchised groups.
3. Increase public understanding of and support for public policies and programs.
4. Increase the legitimacy and accountability of government actions.
5. Ensure that the Town proactively and more effectively responds to the needs and priorities of its inhabitants.

##### **Section 3.XX.2 Definitions**

For purposes of this By-law, the definitions set forth in Article 1.1, Section 1.1.4 of the Town's General By-laws shall apply, the most relevant being the definitions of "Committee", "Inhabitant", and "Municipal officer."

##### **Section 3.XX.3 Development**

The Office of Diversity, Inclusion and Community Relations will develop the initial CEP and prepare it for public use, with input from the Commission for Diversity, Inclusion and Community Relations and other departments and entities as appropriate.

### **Section 3.XX.4 Design of Plan**

The Community Engagement Plan shall include, at minimum:

1. Guidelines that are consistent with the best practices for municipal community engagement.
2. Indicators that provide qualitative and/or quantitative information that can be used to determine if the Town is implementing community engagement practices improving over time. Indicators shall be:
  - a. ‘SMART’: Specific, Measurable, Attainable, Relevant, and Timely,
  - b. developed for each department and committee,
  - c. reported on at least annually in the budget report for departments, and on the respective webpage for departments and committees.
3. A formal CEP evaluation process. On an annual basis, the Office of Diversity, Inclusion and Community Relations shall submit to Select Board, Town Meeting Members and the general public an analysis of the previous year’s community engagement programming and outcomes and provide recommendations for improving the CEP itself, as well as the programming. The relevant results of said evaluation shall be included in the performance/reappointment review for each municipal officer.

The CEP shall be structured so as to not conflict with Massachusetts Open Meeting Law.

### **Section 3.XX.5 Applicability**

The CEP will apply to all municipal officers, Town employees, and Town departments and committees.

### **Section 3.XX.6 Effective Date**

Barring an extension to this effective date by Town Meeting through subsequent action, the community engagement plan shall take effect by June 1, 2020.

Or act on anything relative thereto.

## **ARTICLE 31**

Submitted by: Jules Milner-Brage\*, TMM12; Susan Helms Daley\*; Scott Englander\*, TMM6; Heather Hamilton, Select Board Member; Blake Cady; C. Scott Ananian, TMM10; Eileen Berger, TMM15; John Bowman; John Harris, TMM8; Linda Olson Pehlke, TMM2; Willy Osborn.

*\*Co-petitioners’ point-of-contact.*

To see if the Town will adopt the following resolution:

WHEREAS climate change is a major existential threat to humanity and other life on our planet, with impacts felt especially by the poor and powerless;

WHEREAS greenhouse gas emissions are causing climate change, and transportation contributes 43% of these emissions in Massachusetts;

WHEREAS there are many negative health impacts from automobile use, such as serious injuries, air pollution and physical inactivity;

WHEREAS low-occupancy travel via automobile and parking of private automobiles require a disproportionate quantity of space relative to the quantity of people and goods

moved;

WHEREAS Brookline public ways currently provide only limited accessibility to non-automobile uses;

WHEREAS traffic congestion and a lack of safe, accessible, reliable alternatives to automobile transportation impose substantial time burdens and costs on individuals;

WHEREAS the Town of Brookline has adopted a Climate Action Plan to prioritize planning to achieve zero greenhouse gas emissions by 2050, Town- and community-wide;

WHEREAS the Town of Brookline has adopted a Complete Streets Policy that seeks to shift use to more healthful and sustainable transportation modes by accommodating them equitably in public ways;

WHEREAS replacement of internal combustion-powered transportation with human- and/or electric-powered transportation (and supporting electric charging infrastructure) stands to reduce greenhouse gas emissions, especially when supplied with energy produced via non-fossil-fuel-combustion means; and

WHEREAS Brookline historically developed with a pattern of land use and public ways that are amenable to the use of public transit, walking, biking and other space- and energy-efficient modes of transportation and has limited space for personal vehicle use and parking.

NOW, THEREFORE, BE IT RESOLVED that Town Meeting calls upon the Town of Brookline to *leverage its preexisting strengths*, to:

- 1) **Prioritize** safe, space-efficient, and energy-efficient movement of people and goods over the movement and parking of private vehicles when designing and improving our public ways, with particular focus on high-traffic routes, connectivity and directness. This should be accomplished in a manner that gives particular consideration to equity of access and safety for (i) people of a broad range of ages, abilities and financial means, and (ii) use of healthful and sustainable transportation modes.
- 2) **Demonstrate, pilot, and evaluate** new public way configurations that improve travel conditions to enable everyone to use healthful and sustainable transportation modes. Reconfigure street usage for temporary events (such as “open streets” and “Park(ing) Day”) to demonstrate the community benefits of utilizing road space for people.
- 3) **Align** our planning and zoning regulations with our historical streetcar-, biking-, and walking-centric (less automobile-dependent) development pattern. Implement “transportation demand management” policies to realign incentives towards utilization of healthful and sustainable transportation modes.
- 4) **Encourage transition** of motorized travel to electric vehicles and operating behaviors that eliminate local greenhouse gas emissions, including support for increased electric vehicle charging. This should be accomplished with particular consideration for avoiding any conflicts or interference with healthful and sustainable transportation modes, or with improved travel facilities for these modes.

AND BE IT FURTHER RESOLVED that Town Meeting calls upon the Select Board, in consultation with the Advisory Committee and any other appropriate Boards, Commissions and Committees, to determine a course of action, applying the aforementioned four strategies, to:

- 5) Work towards a 2050 goal of a “75/25” sustainable transportation mode split, where approximately:
- 75% of trips are by human power (e.g. foot, bike, wheelchair), electric micro-mobility (e.g. e-scooters, e-bikes, e-wheelchairs), or electric shared rides (e.g. electric public transit, electric car-pools), and
  - 25% of trips are by single-occupant or single-passenger electric cars or trucks;

Work towards a 2030 “30 + 30” interim goal, where approximately:

- 30% of the progress needed to meet our 2050 mode split goal is achieved, and
- 30% of motor vehicles registered in Brookline are electric;

For the 2050 goal, ‘electric’ excludes vehicles that can use internal combustion engines, but for the 2030 goal ‘electric’ includes plug-in hybrids.

- 6) Develop and implement a strategic infrastructure network to realize these goals (e.g. safe routes to schools; inclusive, protected bike lanes for a diversity of users; electric vehicle charging facilities);
- 7) Measure and report progress towards these goals; and
- 8) Establish a Sustainable Transportation Engineer or Planner position to support the advancement of these goals.

AND BE IT FURTHER RESOLVED that Town Meeting calls upon the Select Board, et al., to report the details of this course of action no later than the 2020 Annual (May) Town Meeting.

Or act on anything relative thereto.

### **ARTICLE 32**

**Submitted by:** Neil Gordon, TMM1, and Hadassah Margolis, TMM8

To see if the Town will vote to amend the Town’s General Bylaws by substituting, in every case, "Chair" for “Chairman” and “Chairperson.”

Or act on anything relative thereto.

### **ARTICLE 33**

**Submitted by:** Neil Gordon, TMM1

To see if the Town will vote to 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 ~~in~~ **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 from ~~Brookline citizens~~ **the public** ~~civic associations and neighborhood organizations~~.

#### ARTICLE 3.14 COMMISSION FOR DIVERSITY, INCLUSION AND COMMUNITY RELATIONS AND OFFICE OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS – SECTION 3.14.3 POWERS AND DUTIES OF THE COMMISSION – item (v):

(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~~ **public** participation 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~~ **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~~ **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 ~~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 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 ~~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.

Or act on anything relative thereto.

**ARTICLE 34**

Submitted by: Neil Gordon, TMM1

To see if the Town will vote to 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~~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 ~~members~~ **residents**, all of whom shall be appointed by the Select Board to serve for a term of three years.

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 ~~citizens~~ **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) ~~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.

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.

#### 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~~ **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 ~~members~~ **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.

Or act on anything relative thereto.

#### **ARTICLE 35**

Reports of Town Officers and Committees

AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

HEREOF FAIL NOT, and make due return of this WARRANT, with your doings thereon, to the Selectmen at least FOURTEEN DAYS before the day of said meeting.

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 3rd day of September 2019.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELECT BOARD



**BY VIRTUE OF THIS WARRANT, I THIS DAY NOTIFIED AND WARNED THE INHABITANTS OF SAID TOWN TO MEET AT THE HIGH SCHOOL AUDITORIUM IN SAID TOWN ON TUESDAY, November 19, 2019 AT 7:00 P.M. BY POSTING TRUE AND ATTESTED COPIES OF THE WITHIN WARRANT IN TEN (10) PUBLIC PLACES. ALL OF THIS WAS DONE AT LEAST FOURTEEN (14) DAYS BEFORE SAID MEETING.**

\_\_\_\_\_  
CONSTABLE

\_\_\_\_\_  
DATE