

ARTICLE 5

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

Background

It is quite unusual for a department to seek payment for unpaid bills from a prior fiscal year. But during FY20, the Schools determined that \$51,250 was owed to Simmons University in connection with interns who were assigned to K-8 schools during FY17 and FY 18.

Discussion

The Public Schools of Brookline has up to four (4) interns from Simmons University annually. The interns are paid directly by Simmons College and the district pays Simmons based on received invoices. Due to procedural errors at both Simmnos and in the School Dept., signed contracts with Simmons College and the corresponding purchase orders were not generated in order to safeguard and secure funds for payment in each of the fiscal years of FY 17 and FY 18. The School employees who were receiving the invoices moved from their roles beginning in FY 17 for which proper transfer of institutional procedures did not occur.

In addition, Simmons did not follow up on past due balances until fall of 2019. They also could not produce properly executed contract agreements with the district by an authorized administrator.

Despite the absence of proper documentation, the interns did in fact provide services to Brookline schools. The Deputy Superintendent of Administration & Finance provide the details and explained how the procedural errors were being corrected.

Recommendation

The Advisory Committee voted 27-0-0 to recommend FAVORABLE ACTION to authorize payment of \$51,250 to Simmons University under Article 5.

ARTICLE 7

**SCHOOL COMMITTEE REPORT AND RECOMMENDATION**

On Thursday June 4, 2020 the Brookline School Committee voted to recommend postponing the consideration of Warrant Article #7 until the November 2020 Special Town Meeting.

The Brookline High School Expansion and Renovation project faces unprecedented budget challenges. Despite several rounds of value engineering of scope, externalities including complex and costly negotiations with the MBTA, a rapidly escalating construction market, and unforeseen site construction conditions are driving the need for additional funding to complete the project, projected to be in the \$32 million range (pre-COVID). However, there remain important unknown conditions, specifically the impact of COVID both as a direct cost and as a factor in the competitiveness of the construction market going forward. It would be advantageous to learn more about these unknowns in calculating the additional funds needed. In terms of timing, there are enough funds in the current budget to continue work through the summer, and the Building Department and Owner's Project Manager have assured us that there will not be meaningful delay in the 22 Tappan St. and STEM building projects by waiting until November to secure additional funds. At present there are projected to be sufficient savings due to conservative budgeting on interest rates such that the projected increases will be tax-neutral to the taxpayers. Therefore the School Committee concurs with the Brookline High School Building Advisory Committee's recommendation to defer action until information is known about these impacts.

ARTICLE 8

**AMENDED MOTION TO REDUCE AND REDISTRIBUTE THE POLICE  
BUDGET, OFFERED BY DEBORAH BROWN, TMM10 &  
BONNIE BASTIEN, TMM5**

MOVED: That the FY2021 Brookline Police appropriation for Personnel Services/Benefits be reduced by \$2,115,951 and the following changes be made to other FY2021 appropriations:

- The appropriation for Schools be increased by \$1,269,425, with Town Meeting recommending that the School Committee use these funds as follows:
  - BEEP shortfall: \$110,715,
  - Social workers: 10 FTEs at \$82,765 each, including benefits (total \$827,650), and
  - Enrichment and Challenge Support specialists: 4 FTEs at \$82,765 each, including benefits (total \$331,060);
- The appropriation for the Affordable Housing Trust Fund be increased by \$642,000 with the funds earmarked for the following projects:
  - \$114,000 to negotiate contracts with Internet providers in support of distance learning for Brookline Housing Authority residents,
  - \$350,000 for repairs to kitchens in the High Street Veterans and/or the Egmont Street Veterans properties of the Brookline Housing Authority,
  - \$109,000 for improvements to the High Street Veterans property of the Brookline Housing Authority, and
  - \$69,000 for improvements to the Egmont Street Veterans property of the Brookline Housing Authority;
- An appropriation to the Racial Equity Advancement Fund be made of \$16,195;
- The appropriation for the Office of Diversity, Inclusion, and Community Relations be increased by \$41,500 to support the implementation of the Community Engagement Plan, with \$30,000 for Services and \$11,500 for Supplies;
- The Personnel and Benefits appropriation for the Health Department be increased by \$78,587 to fund a Domestic Violence Advocate; and
- The Personnel and Benefits appropriation for the Economic Development Division of the Planning and Community Development Department be increased by \$68,244 to restore funding for the Economic Development Long Term Planner position.

Marked up against the Schools and Housing Amendment. **Boldface** for additions, *italics* for deletions.

**MOVED by Deborah Brown, TMM1; seconded by Bonnie Bastien, TMM5:**

That the FY2021 Brookline Police appropriation for Personnel Services/Benefits be reduced by ~~\$1,198,560~~ **\$2,115,951** and the following changes be made to other FY2021 appropriations:

- The appropriation for Schools be increased by ~~\$938,365~~ **\$1,269,425**, with Town Meeting recommending that the School Committee use these funds as follows:
  - BEEP shortfall: \$110,715,
  - Social workers: 10 FTEs at \$82,765 each, including benefits (total \$827,650), and
  - **Enrichment and Challenge Support specialists: 4 FTEs at \$82,765 each, including benefits (total \$331,060);**
- The appropriation for the Affordable Housing Trust Fund be increased by ~~\$244,000~~ **\$642,000** with the funds earmarked for the following projects:
  - \$114,000 to negotiate contracts with Internet providers in support of distance learning for Brookline Housing Authority residents,
  - ~~\$130,000~~ **\$350,000** for repairs to kitchens in the High Street Veterans and/or the Egmont Street Veterans properties of the Brookline Housing Authority,
  - **\$109,000 for improvements to the High Street Veterans property of the Brookline Housing Authority, and**
  - **\$69,000 for improvements to the Egmont Street Veterans property of the Brookline Housing Authority;**
- An appropriation to the Racial Equity Advancement Fund be made of \$16,195;
- **The appropriation for the Office of Diversity, Inclusion, and Community Relations be increased by \$41,500 to support the implementation of the Community Engagement Plan, with \$30,000 for Services and \$11,500 for Supplies;**
- **The Personnel and Benefits appropriation for the Health Department be increased by \$78,587 to fund a Domestic Violence Advocate; and**
- **The Personnel and Benefits appropriation for the Economic Development Division of the Planning and Community Development Department be increased by \$68,244 to restore funding for the Economic Development Long Term Planner position.**

ARTICLE 8

**AMENDED MOTION TO REDUCE AND REDISTRIBUTE  
THE POLICE BUDGET, OFFERED BY C. SCOTT ANANIAN, TMM10;  
AND DONELLE S. O’NEAL SR., TMM4/AC:**

MOVED: That the FY2021 Brookline Police appropriation for Personnel Services/Benefits be reduced by \$1,198,560 and the following changes be made to other FY2021 appropriations:

- The appropriation for Schools be increased by \$938,365, with Town Meeting recommending that the School Committee use these funds as follows:
  - BEEP shortfall: \$110,715, and
  - Social workers: 10 FTEs at \$82,765 each, including benefits (total \$827,650),
- The appropriation for the Affordable Housing Trust Fund be increased by \$244,000 with the funds earmarked for the following projects:
  - \$114,000 to negotiate contracts with Internet providers in support of distance learning for Brookline Housing Authority residents, and
  - \$130,000 for repairs to kitchens in the High Street Veterans and/or the Egmont Street Veteran’s properties of the Brookline Housing Authority; and
- An appropriation to the Racial Equity Advancement Fund be made of \$16,195.

ARTICLE 8

**AMENDED MOTION OFFERED BY NEIL GORDON, TMM-1  
& MARTIN ROSENTHAL, TMM-9,**

**MOVED: to amend the Advisory Committee’s main motion under Article 8 by adding the following additional Condition of Appropriations, appropriately**

**numbered:** Except for a seeming emergency, no Town or outside grant funds shall be expended, including to pay staff, for purchase or acquisition of “Riot Gear,” including from a non-Brookline agency, except by vote of the Select Board (“S/Bd”) as Police Commissioners, after a public hearing with no less than 14 days prior public notice -- with early and broad dissemination of the proposed vote, including related documents. If either (A) the Chief foresees an emergency meriting immediate need of acquiring a new specific riot gear item, if and to the extent practicable she/he/they shall consult with the S/Bd Chair as to immediately doing so, or (B) previously-acquired riot gear item is actually and visibly (to 1 or more civilians) used in Brookline (including by a coordinated non-Brookline agency); then the S/Bd shall soon thereafter get a report, and docket a vote deciding whether to schedule a later hearing, as stated above (including as to possible modification of the below list, as stated below).

“Riot Gear” is generally defined as “special clothes and equipment that the police use when they dealing with a large violent group of people”; here including but not limited to, body armor, tactical vests, riot helmets, gas masks, riot shields, tactical goggles, chest protectors, tactical hoods, riot suits, rappelling equipment, forced entry tools, night vision, thermal imaging, dogs, and assault weapons, all terms as generally understood, as well as similar equipment, but excluding traditionally carried protective vests and service weapons, and community service dogs. Such list may be modified by vote of the S/Bd, following a public hearing (as stated above).

**EXPLANATION**<sup>1</sup>

As to the overall “Police Commissioner” role, including *well-publicized public hearings on “policy” issues*, see 1987’s “Police & Community Relations Report”<sup>2</sup> (adopted by a unanimous S/Bd), linked on [www.brooklinepolice.com/147/Annual-Reports](http://www.brooklinepolice.com/147/Annual-Reports). Since 1988, S/Bds occasionally have -- more often have *not* -- embraced their role as “Police Commissioners.” Some examples:

- The 1987 Report’s Complaint process was, in 2009, thoroughly reviewed by a large Citizen Complaint Review Committee, (“CCRC”), with a public hearing, then another one by the S/Bd. Then, however, TM passed a PAX resolution supporting CCRC’s dissenting/minority stance.<sup>3</sup> Nonetheless, the S/Bd ignored that, rubber-

<sup>1</sup> For the above definition, see <https://dictionary.cambridge.org/us/dictionary/english/riot-gear>.

<sup>2</sup> (MR was co-author) “Policy issues should be decided only after a public hearing. Broad community input should be solicited, particularly from groups, agencies, or individuals known to have interest or knowledge in such issues.”

<sup>3</sup>both, again, by MR.

stamping CCRC's majority's report.<sup>4</sup>

- The S/Bd resisted Pax's 2014 WA making official the decades-long title, "Police Commissioner," 1<sup>st</sup> (unanimously/successfully) recommending referral to CTOS, then after CTOS unanimously endorsed it, voting 4-0-1 (the 1, the Chair saying, she "d[id] not agree with this Article") to amend/dilute it -- but overwhelmingly rejected by TM, adopting Pax's version;
- In 2013, revisions were made to all the BPD *Policies-Procedures*, including the 2009 Disciplinary process -- but with minimal, if any, public input.
- More recently, and basically chaotically, in 2017 another review of the Disciplinary process was done by Bobbie Knable and Kelly Race. After now three years, with two poorly noticed and then aborted public hearings, those proposed changes remain confused and in limbo.
- Last November, for TM WA 24 giving the Diversity Commission complaint investigation power, CTOS, Advisory Committee, and PAX all urged a broad study of *all* complaint procedures. The SBd, however, urged a narrow study -- by the Commission, which had already professed their lack of expertise. While the SBd motion failed, it helped prevent (by two votes) a sorely-needed *broader* study; and even the Commission now reiterates, it's a mess.<sup>5</sup>
- As per PAX's May Newsletter, both Chiefs O'Leary and Lipson have, in answering ATM budget questions, endorsed *body and cruiser cameras*; but we have none. While there are financial, union, and rules (e.g. privacy) issues, they've been widely resolved, e.g. Boston. See -- now ~ four years outdated -- [www.bjs.gov/content/pub/pdf/bwclea16.pdf](http://www.bjs.gov/content/pub/pdf/bwclea16.pdf), DoJ's *Body-Worn Cameras in Law Enforcement Agencies, 2016* (47% of US's 15,328 law enforcement agencies had body cameras, 69% dashboard cameras, 38% personal audio recorders; "The main reasons (about 80% each) were to improve officer safety, increase evidence quality, reduce complaints, and reduce agency liability.")
- The FY-21 *Financial Plan* for BPD is shockingly silent on some crucial "OBJECTIVES" for "Patrol," e.g., no mention of cameras -- or, by the way *any* issues for improving BPD's (yes, existing, but always improve-able) efforts to keep reducing unconscious, insidious "racial profiling," to improve 2017's sanctuary policy, or generally to improve BPD's crucial -- and often negatively exaggerated<sup>6</sup> -- "image." In fact, even "Community Relations" Objectives have some good, specific

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<sup>4</sup> Pax's 2001 by-law requires SBds to annually summarize for all *Resolutions* the actions taken, in *Annual Reports*. 2009's A/R at best exaggerated and at worst mis-stated the SBd (*non-*)action -- again, BTWay, after minimal (if any) further debate or public input -- on *all five* of the resolution's proposals, saying, "[7/28/09] the [SBd] and Chief adopted a revised disciplinary procedure which *included many of the recommendations urged in the resolution.*"

<sup>5</sup> For the current chaos, see the Civil Service Commission's recent *Hall v. Town of Brookline*, # D-19-209.

<sup>6</sup> Ptls. Zerai-Misgun's and Pilot's settlements had, respectively, a disavowal ("would not have been in danger by returning") and a clear diluting of each's 2016 (inflammatory) allegations -- ones that most citizens (sadly) swallowed.

*trees*, but neither the foregoing needs nor any *forest*.

- Our recent “riot gear” incident highlights this entire issue, apparent miscommunication between our Chief and the Norfolk Sheriff -- also seeming *non-communication* with the S/Bd. This amendment would check/balance not just that, but the overall, bigger SBd role issue.
- We’ve been urged to refer this to the Military-Surveillance Committee. Respectfully, its (SBd-appointed!!) majority doesn’t reflect the values of TM or the community. Their attempt to dilute TM’s 2019 proposed ban on face-surveillance-recognition was rejected 170-13, then petitioner Amy Hummel’s ban passed 178-9. Those were also “no [MSC] confidence” votes.

We endorse a TASK FORCE with diversity and expertise for many Police/complaint issues -- some crucial, *e.g., cameras (above); hiring and promotion diversity; Use of Force (e.g., for mere “noncompliance,” a duty to report misconduct, etc.); criteria for the most pretext-prone traffic stops and for less serious arrests*. But we’re very doubtful about some “popular” ideas, like:

(a) “*defund*” Police? Yes, look for (scalpel) budget changes. But our (yes) excellent BPD, needs to (yes, armed) investigate domestic disputes and mental health events, make traffic stops, etc. -- all sometimes turning violent. BPD is too small for big sledgehammer cuts.

(b) “*Civilian Review Board*”? As discussed in 1987’s Report, and again 2009’s CCRC, our “*de novo*” appeal to SBd hearings -- *e.g.* subpoena power and both rule-making and disciplinary power -- while needing (*supra*) its biennial improvements, along with *all* Town complaint procedures -- is still far better than most, maybe all, CRB’s.<sup>7</sup> Then, for under 10 complaints a year, there’s budget issue-- making a new office an unnecessary pipe-dream!

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<sup>7</sup> See Terrill, *Citizen Complaints Against Police* (2015)[[www.researchgate.net/publication/283784920](http://www.researchgate.net/publication/283784920)].