



**TOWN OF BROOKLINE
MASSACHUSETTS**

**REPORTS OF SELECT BOARD
AND ADVISORY COMMITTEE**

on the

Articles in the Warrant

for the

**SECOND SPECIAL TOWN
MEETING**

to be held remotely via Zoom

Tuesday, November 16, 2021

at

7:30 P.M.

(Please retain this copy for use at the Town Meeting)

Town of Brookline

SELECT BOARD

Heather Hamilton, Chair

Raul A. Fernandez, Vice Chair

Bernard W. Greene

John VanScoyoc

Miriam Aschkenasy

Melvin A. Kleckner, Town Administrator

"The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services or activities. Persons with disabilities who need auxiliary aids and services for effective communication in programs, services and activities of the Town of Brookline are invited to make their needs and preferences known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445, 730-2328 Voice, 730-2327 TDD, or email at lgellineau@brooklinema.gov."

MODERATOR

Kate Poverman

ADVISORY COMMITTEE

Michael Sandman, 115 Sewall Ave., No. 4, Chair, Street.....	232-7125
Carla Benka, Vice-Chair, 26 Circuit Road	277-6102
Dennis Doughty, Co-Vice Chair, 57 Perry Street.....	739-7266
Scott Ananian, 103 Griggs Road	233-1238
Benjamin Birnbaum, 15 Feneno Terrace,	276-5944
Harry Bohrs, 27 Toxeth Street.....	566-3556
Clifford M. Brown, 9 Hyslop Road	232-5626
George Cole, 57 Reservoir Lane.....	504-4025
John Doggett, 8 Penniman Place	566-5474
Harry Friedman, 27 Clafin Road	BE2-0122
David-Marc Goldstein, 22 Osborne Road	232-1943
Neil Gordon, 87 Ivy Street.....	(508)265-1362
Susan Granoff, 52 Vernon Street #1	731-0822
Amy Hummel, 226 Clark Road	731-0549
Alisa G. Jonas, 333 Russett Road	469-3927
Janice Kahn, 63 Craftsland Road.....	739-0606
Steve Kanes, 89 Carlton Street	232-2202
Carol Levin, 61 Blake Road.....	731-0166
Pamela Lodish, 195 Fisher Avenue	566-5533
Donelle S. O'Neal, Sr., 68 Village Way.....	(857)-243-3602
Linda Olson Pehlke, 48 Browne St. #2.....	232-1965
David Pollak, 112 Lancaster Terrace.....	921-4418
Carlos Ridruejo, 16 Holland Road.....	901-5908
Lee L. Selwyn, 285 Reservoir Road	277-3388
Alok Somani, 126 Cottage Street.....	(614)822-8315
Paul Warren, 71 Carlton Street.....	869-5430
Christine M. Westphal, 31 Hurd Road.....	738-7981
Neil Wishinsky, 20 Henry Street, No.2	739-0181
Chi Chi Wu, 14 Marion Terrace.....	359-2916
Lisa Portscher, Executive Assistant, Town Hall.....	730-2115

BROOKLINE TOWN MODERATOR

REQUEST TO CALL REMOTE TOWN MEETING

To the Brookline Select Board:

Pursuant to and as described in section 8(a) of Chapter 92 of the Acts of 2020 of The Commonwealth of Massachusetts, as amended by An Act Extending Certain Covid-19 Measures Adopted During the State of Emergency, I hereby request that the Select Board call for the Special Town Meeting scheduled to be held on November 16, 2021, and any additional Special Town Meeting to be held concurrently, to be held through remote participation. In connection with such request, I submit the following information:

1. I have determined that it is necessary and in the best interests of the Town, in view of the COVID-19 pandemic, that these Town Meetings be held through remote participation of the Town Meeting Members, staff, and other participants rather than as in-person meetings.
2. I have determined that it is not possible to safely assemble the Town Meeting Members, staff and interested members of the public in a common location. I confirm that I have consulted with the Town's Director of Health and Human services, who concurs with this request, and have consulted with the Chair of the Brookline Commission on Disability concerning possible accommodations for persons with disabilities who wish to participate in these meetings.
3. I have determined that the optimum remote participation platform to use for such meetings is a combination of the Zoom video system and telephone conference call. In addition, members of the public who wish to view the proceedings may do so via the video streaming service provided by Brookline Interactive Group in real time at brooklineinteractive.org/live or on RCN Channel 15 or Comcast Channel 23.
4. I hereby certify that we have utilized the aforesaid video and telephone conferencing platforms at the 2020 Annual Town Meeting, the November 2020 Special Town Meetings, and the 2021 Annual Town Meeting, and that their use would satisfactorily enable the November 2021 meeting to be conducted in substantially the same manner as if the meeting occurred in person at the Brookline High School auditorium and in accordance with the operational and functional requirements of Chapter 92, as amended.
5. Registered voters residing in the Town wishing to participate in these virtual meetings will be required to submit a request to participate to the Town Clerk not less than 48 hours in advance of the session in which they wish to participate, and the Town Clerk will verify the requester's voter registration status and provide the requester with instructions for participation. Persons other than resident registered voters will be permitted to participate so long as they comply with the aforesaid notice provision.

Respectfully submitted,

/s/ Kate Poverman

Town Moderator

June 24, 2021



TOWN of BROOKLINE Massachusetts

SELECT BOARD
Melvin A. Kleckner
Town Administrator

In Select Board
July 6, 2021

REMOTE SPECIAL TOWN MEETING REQUEST

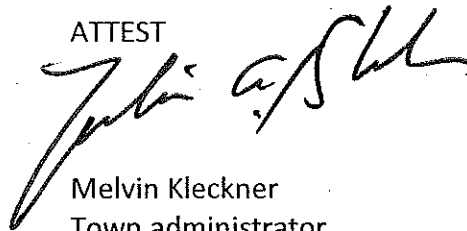
Question of authorizing the remote special town meeting request as submitted by the Town Moderator, Kate Poverman.

On motion it was,

Voted to authorize the remote special town meeting request as submitted by the Town Moderator, Kate Poverman for the Special Town Meeting scheduled to be held on November 16, 2021, and any additional Special Town Meeting to be held concurrently, to be held through remote participation.

Aye: Heather Hamilton, Bernard Greene, Raul Fernandez, John VanScoyoc

ATTEST



Melvin Kleckner
Town administrator



CC: Town Clerk

NOVEMBER 16, 2021
SECOND SPECIAL TOWN MEETING
INDEX

ARTICLE NO.

TITLE

1. FY2022 Budget Amendment (Select Board)

2021 SPECIAL TOWN MEETING WARRANT REPORT

The Select Board and Advisory Committee respectfully submit the following report on Articles in the Warrant to be acted upon at the 2021 Special Town Meeting to be held on Tuesday, November 16, 2021 at 7:30 p.m.

Note: The following pages of this report are numbered consecutively under each article.

ARTICLE 1

FIRST ARTICLE

Submitted by: Select Board

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2022 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 \$81,753.60, to be expended under the direction of the Commissioner of Public Works, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure.

or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the Warrant for any Town Meeting when budget amendments for the current fiscal year are required. For FY2022, the warrant article is necessary to balance the budget based on higher than projected revenue, appropriate ride-share revenue, and transfer funds from the HCA Stabilization Fund to support the Racial Equity program.

SELECT BOARD'S RECOMMENDATION

Article 1 of the Warrant for the Second 2021 Fall Town Meeting proposes amendments to the FY2022 budget. The article is required to address four outstanding items:

- The final State budget contained lower state aid allocations for Brookline than assumed in the budget approved by Town Meeting;
- Increased projections of Local Receipts based on final FY2021 and YTD experience;
- Appropriating annual revenue from the assessment on transportation network companies (TNCs) to fund transportation projects;
- Appropriating \$200,000 from the Host Community Stabilization fund to support the racial equity fund.

LESS NET STATE AID

The final cherry sheet resulted in \$12,342 less of Net State Aid (without Offsets¹), adjusting the total FY2022 Net State Aid (without Offsets) figure to \$15,350,689, an increase of \$290,563 (1.9%) over FY2022. The table on the following page shows how the final State budget results in \$12,342 less in Net State Aid (without Offsets):

	FY21 FINAL CHERRY SHEET	FY22 MAY TM BUDGET	FY22 FINAL CHERRY SHEET	VARIANCE FROM FY22 BUDGET	% CHANGE FROM FY22 BUDGET (H1)	VARIANCE FROM FY21	% CHANGE FROM FY21
<i>RECEIPTS</i>							
Ch. 70	15,006,787	15,212,527	15,212,527	0	0.0%	205,740	1.4%
Unrestricted General Gov't Aid	6,741,760	6,977,722	6,977,722	0	0.0%	235,962	3.5%
Vets Benefits	66,228	72,642	72,642	0	0.0%	6,414	9.7%
Exemptions	30,028	23,633	23,633	0	0.0%	(6,395)	-21.3%
Charter School Reimbursements	25,662	11,221	2,814	(8,407)	-74.9%	(22,848)	-89.0%
TOTAL RECEIPTS	21,870,465	22,297,745	22,289,338	(8,407)	0.0%	418,873	1.9%
<i>CHARGES</i>							
County	1,068,712	1,116,294	1,116,294	0	0.0%	47,582	4.5%
Air Pollution Dist.	34,088	35,140	35,140	0	0.0%	1,052	3.1%
MAPC	31,837	32,571	32,571	0	0.0%	734	2.3%
RMV Surcharge	189,020	189,020	189,020	0	0.0%	0	0.0%
MBTA	5,315,442	5,357,582	5,357,582	0	0.0%	42,140	0.8%
SPED	33,614	62,598	64,770	2,172	3.5%	31,156	92.7%
School Choice Sending Tuition	66,171	66,171	76,456	10,285	15.5%	10,285	15.5%
Charter School Sending Tuition	71,455	75,338	66,816	(8,522)	-11.3%	(4,639)	-6.5%
				0			
TOTAL CHARGES	6,810,339	6,934,714	6,938,649	3,935	0.1%	115,752	1.7%
<i>OFFSETS</i>							
Libraries	103,231	103,231	101,559	(1,672)	-1.6%	(1,672)	-1.6%
TOTAL OFFSETS	103,231	103,231	101,559	(1,672)	-1.6%	0	0.0%
NET LOCAL AID	15,163,357	15,466,262	15,452,248	(14,014)	-0.1%	288,891	1.9%
NET LOCAL AID W/O OFFSETS	15,060,126	15,363,031	15,350,689	(12,342)	-0.1%	290,563	1.9%
GROSS LOCAL AID	21,973,696	22,400,976	22,390,897	(10,079)	0.0%	417,201	1.9%

We also examined Local Receipts at the close of FY21. Based on this experience further adjustments can be made to provide additional support for Town and School Services. The following adjustments were made to local receipts:

¹ Offset Aid consists of Library aid which goes directly to the Library, without appropriation. The Library will have \$1,672 less available in FY22.

REVENUE SOURCE	FY2019	FY2020	FY2021	FY2022	ADJUSTED FY2022	VARIANCE	NOTE
	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		
Motor Vehicle Excise	6,583,651	6,277,980	6,040,964	6,071,266	6,071,266	0	
Local Option Taxes	3,883,867	5,274,692	2,539,514	2,125,000	2,725,000	600,000	MJ excise, lodging
Licenses and Permits	1,270,918	1,015,703	966,958	646,108	646,108	0	
Parking and Court Fines	3,325,989	2,441,943	1,991,875	1,550,000	1,850,000	300,000	
General Government	6,364,462	9,123,443	7,496,635	3,804,458	3,804,458	0	Building Permits, HCA not in 22
Interest Income	2,109,380	1,732,705	674,690	768,251	768,251	0	
In Lieu of Tax Payments	1,029,485	1,590,248	2,023,502	1,295,200	1,795,200	500,000	
Refuse Fees	3,035,152	3,026,916	3,392,884	3,574,327	3,574,327	0	
Departmental and Other	8,122,404	6,743,670	5,352,913	4,116,776	4,416,776	600,000	Parking Meters, Parking permits
Total	35,725,309	37,227,300	30,479,935	23,951,385	25,451,385	2,000,000	

The net result is additional revenue of \$1,987,658 available for appropriation. Pursuant to the Town/School Partnership, this translates to \$791,587 available for the Town budget and \$1,196,071 available for the School budget.

Recommendation for the Town appropriation is as follows

Collective Bargaining: \$791,587 The FY 2022 Budget has revenue assumptions based upon uncertain impacts from the continuing COVID pandemic. This led to reductions in certain departmental staffing and programs, and contributed to a very restrictive collective bargaining environment. As revenue recovery from the pandemic has improved, I recommend that we dedicate all of these enhanced revenue to the Collective Bargaining Reserve account.

APPROPRIATION OF RIDE SHARE REVENUE

The Town has received \$81,753.60 in funds from the State assessment on transportation network companies (TNCs), such as Uber and Lyft. One half of the \$0.20 per ride assessment was distributed to the Town and can be appropriated “to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in [G.L. c. 90I, § 1] and other programs that support alternative modes of transportation.” St. 2016, c. 187, § 8(c)(i). In addition, the Police Department was unable to fully expend FY2019 funds which means \$18,101.15 is available for reallocation.

The recommendations for \$99,854.75 as voted by the Transportation Board are as follows:

Brookline Elder Transportation (Council on Aging): Normally the TNC funds are used to support 3 different programs geared toward increasing access to transportation services for Brookline seniors in support of the Town’s goal of Aging in Place and our designation as a World Health Organization Age Friendly Community. However, based on the fact that there is 2019 funds remaining to support several of the Senior Transportation subsidy programs, the Council on Aging has reduced their request for the 2020 funds, for this year only, to just cover the staffing costs. TOTAL FUNDING \$48,898

Brookline Friendly Community Public Bench Project (BCAN): Purchase and install up to 10 benches at designated locations identified by Brookline Community Aging Network and the Pedestrian Advisory Committee to continue to promote walkability for all ages by providing locations of rest along main sidewalk walking routes. TOTAL FUNIDNG \$22,000

Town Hall Sheltered Bike Rack with Green Roof: The DPW has recently reconstructed the Town Hall plaza to provide a welcoming space for residents to interact. Unfortunately, there was no budget to provide the long requested sheltered bike rack from the Green Routes Master Network Plan. The idea is combine this structure with a green roof to help meet the Town’s Climate Action & Urban Forestry Master Plan goals. TOTAL FUNDING \$15,000

Gateway East Bus Shelter: In order to improve service and maximize usage, as part of the Gateway East Project, the bus stops on the inbound and outbound sides of Washington Street were combined and constructed as floating bus stops. As part of the 2021 MassDOT Shared Streets & Spaces grant program the Town was a secondary applicant with the MBTA to purchase and install a shelter at the combined eastbound stop for the 60, 65, and 66 buses. However, there was no funds allocated in neither the project nor the grant to purchase and install a bus shelter on the outbound stop for the 65 & 66 buses. Staff is proposing the use of the remaining fund balance to cover a large percentage of the cost to purchase and install a bus shelter at this priority location. TOTAL FUNDING \$13,956.75

APPROPRIATION OF HOST COMMUNITY FUNDS

At the end of FY21 the Town was able to execute a MOA with the Brookline Community Foundation (BCF) for a Racial Equity Fund as contemplated by Town Meeting. At the time there was \$300,000 of Host Community Agreement funding available to transmit to BCF. The stabilization fund has since accrued enough funding for \$200,000 to be appropriated in order to meet the \$500,000 commitment recommended by the Town Administrator.

A unanimous Select Board voted FAVORABLE ACTION on the following motion:

VOTED: That the Town:

- 1) Amend the FY2022 budget as shown below and in the attached Amended Tables I and II:

ITEM #	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
21. Schools	\$119,870,476	\$1,196,071	\$121,066,547
24. Collective Bargaining Reserve	\$415,000	\$791,587	\$1,206,587

- 2) Appropriate \$99,854.75 to be expended under the direction of the Commissioner of Public Works to address the impact of transportation

network services on municipal roads, bridges and other transportation infrastructure and to meet the appropriation transfer \$81,753.60 from the Transportation Network Company (TNC) special revenue account and transfer \$18,101.15 from the Police Department’s FY2019 TNC fund balance found under account 4919K167.

- 3) Appropriate \$200,000 to be expended under the direction of the Town Administrator, for the racial equity fund as established through the MOA with the Brookline Community Foundation dated 6/29/21 and to meet the appropriation transfer \$200,000 from the HCA stabilization fund.

ADVISORY COMMITTEE’S RECOMMENDATION

Recommendation: The Advisory Committee voted 26-0-2 to recommend Favorable Action on the routine reallocations of funds and 21-3-4 to recommend Favorable Action on the transfer to the Racial Equity Fund. It voted 26-3-0 to approve the amendment regarding the transfer of fund from the Reserve Account to the Claims and Settlements Account maintained by Town Counsel’s Office

Executive Summary:	<p>Each year a budget amendment is offered at our November Special Town Meeting by the Town Administrator’s office. The amendment takes into account known changes in state funding and other forms of revenue and known changes in expenditures. Any increase in net revenue is typically distributed across the line items that are specified in the amendment.</p> <p>An additional amendment to the FY 22 budget was made by the Advisory Committee to shift funds from the Reserve Account to Town Counsel’s office in anticipation of possible action by the Select Board for indemnification for legal expenses.</p>
Voting Yes will...	<p>Amend the current (FY22) budget by balancing known changes in revenue with known changes in expenditures in accordance with the Town Administrator’s recommendations and shift funds within accounts in accordance with the Advisory Committee amendment.</p>
Voting No will...	<p>Leave the FY 22 budget unchanged, with the result that increases in revenue will not be available to support increases in services or other aspects of Town operations, and leave the Reserve Account unchanged</p>
Financial impact	<p>Approval of the amendments will increase the amount of funding available for the DPW, add funds t the Collective Bargaining Reserve, and provide funding for the Racial Equity Fund.</p>
Legal implications	<p>Approval of the Advisory Committee’s amendment will provide funding to offset a possible claim for indemnification for legal fees.</p>

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Introduction

The following changes in the FY 22 budget were proposed by the Town Administrator:

ITEM #	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
21. Schools	\$119,870,476	\$1,196,071	\$121,066,547
24. Collective Bargaining Reserve	\$415,000	\$791,587	\$1,206,587

- 4) Appropriate \$99,854.75 to be expended under the direction of the Commissioner of Public Works to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure and to meet the appropriation transfer \$81,753.60 from the Transportation Network Company (TNC) special revenue account and transfer \$18,101.15 from the Police Department’s FY2019 TNC fund balance found under account 4919K167.
- 5) Appropriate \$200,000 to be expended under the direction of the Town Administrator, for the racial equity fund as established through the MOA with the Brookline Community Foundation dated 6/29/21 and to meet the appropriation transfer \$200,000 from the HCA stabilization fund.

The following amendment to the FY22 budget was passed by the Advisory Committee:

Voted: To reduce the Reserve Fund by \$198,050 and to transfer the amount of such reduction to the Claims and Settlements Account maintained by Town Counsel’s Office (“Town Counsel”), with said appropriation to be used as payment of a sum not to exceed \$169,050 for an indemnification payment to Stanley Spiegel ("the Indemnification Payment") and of a sum not to exceed \$29,000 for payment to Mr. Spiegel or his counsel as a contingent fee for obtaining the Spiegel indemnification ("the Contingent Fee Payment"), provided that payment of the Indemnification Payment and the Contingent Fee Payment shall be conditioned on (a) the execution of a settlement agreement and release satisfactory to Mr. Spiegel, and the Town; (b)(i) the determination by a neutral third party, who shall be retained by Town Counsel and who shall be mutually acceptable to Mr. Spiegel, his counsel and Town Counsel, of the reasonableness of the amount of the Indemnification Payment and the determination by said third party that the Contingent Fee Payment is fair and consistent with normal contingent fee practices, or (ii) authorization by the Select Board.

Discussion

The Advisory Committee split its vote on the Town Administrator’s proposal into three parts: (1) the \$1,196,071 increase in the School budget, (2) the \$791,587 increase in the

Collective Bargaining Reserve and the \$99,854.75 allocated to the Department of Public Works; and (3) the \$200,000 allocated to the Racial Equity Fund.

The allocations of revenue to the Schools, the Collective Bargaining Reserve and the DPW was viewed as routine and appropriate. Discussion centered on the transfer of \$200,000 to the Racial Equity Fund and the nature of the Town's agreement with the Brookline Community Foundation (BCF).

The Town sought out the BCF because it is a non-political charitable entity with a long track record in both grant giving and fund raising. BCF has administered Town funds on the past, including block fund grants and COVID-19 funds to support, for example, food pantries in Brookline. Brookline entered into a Memorandum of Understand with the BCF to administer the Racial Equity Fund that was been established at Town Meeting's direction, with the intent to fund it from the community impact taxes paid by marijuana businesses in Brookline. The Memorandum calls for a committee of three BCF board members, three Town representatives, and six residents to assess how to use the funds. The committee is just getting organized, and no grant applications have been requested thus far.

The transfer of funds from the Reserve Account relates to a claim for indemnification of legal fees by Stanley Spiegel, who was drawn in as a defendant in the federal lawsuit by Gerald Alston against the Town, the then-current members of the Select Board, and others. Mr. Spiegel was a member of the Advisory Committee at the time as well as a member of Town Meeting, and he still is a Town Meeting member. A federal magistrate dismissed Mr. Spiegel from the case and ultimately awarded him \$20,000 in damages payable by Mr. Alston's attorney for frivolously including Mr. Spiegel in the first place.

Mr. Spiegel incurred substantial legal fees in the course of seek to be released from the lawsuit, and he has made a claim for reimbursement under the provisions of State law that provide for indemnification of "employees" – which case law has defined as including volunteers - by the municipality they serve. Mr. Spiegel's attorney pointed out that any volunteer serving Brookline, whether a Town Meeting Member or a member of a board or commission, could be sued in connection with their service to the Town, and that all of us are at risk, even if the suits are ultimately determined to be frivolous.

The primary focus of the Advisory Committee's discussion was whether the \$198,050 claimed by Mr. Spiegel was reasonable. The Advisory Committee included language in the budget amendment that requires a third-party review, in detail, of the claim.

Recommendations

The Advisory Committee voted 26-0-2 to recommend Favorable Action on the routine reallocations of funds and 21-3-4 to recommend Favorable Action on the transfer to the Racial Equity Fund. It voted 26-3-0 to approve the amendment regarding the transfer of fund from the Reserve Account to the Claims and Settlements Account maintained by Town Counsel's Office

# Votes Yes	26	21	26
# Votes No	0	3	3
# Votes Abstain	2	4	0
Vote Description:	Favorable action on items 1 & 2, Article 1, STM 2	Favorable action on item 3	Advisory Committee motion
	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>
Scott Ananian	Y	Y	N
Carla Benka	Y	Y	Y
Ben Birnbaum	Y	Y	Y
Harry Bohrs	Y	A	Y
Cliff Brown	Y	Y	Y
George Cole	Y	Y	Y
John Doggett	Y	A	Y
Dennis Doughty	Y	Y	Y
Harry Friedman	Y	N	Y
David-Marc Goldstein	Y	Y	Y
Neil Gordon	Y	A	Y
Susan Granoff	Y	Y	Y
Kelly Hardebeck	A	Y	Y
Amy Hummel	Y	Y	Y
Alisa Jonas	Y	Y	Y
Janice Kahn	Y	Y	Y
Steve Kanes	Y	N	N
Carol Levin	Y	Y	Y
Pam Lodish	Y	Y	Y
Linda Olson Pelhke			Y
Donelle O'Neal	Y	A	Y
David Pollak	Y	Y	Y
Carlos Ridruejo	Y	Y	Y
Lee Selwyn	A	N	Y
Alok Somani	Y	Y	Y
Paul Warren	Y	Y	Y
Christine Westphal	Y	Y	Y
Neil Wishinsky	Y	Y	Y
Chi Chi Wu	Y	Y	N
Mike Sandman			

ARTICLE 1

SELECT BOARD’S SUPPLEMENTAL RECOMMENDATION

The Select Board reconsidered their vote on Article 1 in order to address the amendments proposed by the Advisory Committee. The Board discussed whether it was needed to transfer funds to the Town Counsel budget to settle the Spiegel claim given that there was support from the Advisory Committee on the indemnification. The Select Board could seek a Reserve Fund or Liability Fund request from the AC once a settlement agreement was reached. Ultimately a majority of the Board felt that supporting the AC motion would indicate a desire to reach a conclusion for this claim.

On November 9, 2021, the Select Board recommended FAVORABLE ACTION on the motion offered by the Advisory Committee.

ROLL CALL VOTE:

<u>Aye:</u>	<u>No:</u>
Greene	Fernandez
Hamilton	Aschkenasy
Van Scoyoc	

ADVISORY COMMITTEE’S SUPPLEMENTAL RECOMMENDATION

Recommendation: The Advisory Committee voted 26-0-2 to recommend Favorable Action on the routine reallocations of funds and 21-3-4 to recommend Favorable Action on the transfer to the Racial Equity Fund. It voted 26-3-0 to approve the amendment regarding the transfer of fund from the Reserve Account to the Claims and Settlements Account maintained by Town Counsel’s Office

Executive Summary:	<p>Each year a budget amendment is offered at our November Special Town Meeting by the Town Administrator’s office. The amendment takes into account known changes in state funding and other forms of revenue and known changes in expenditures. Any increase in net revenue is typically distributed across the line items that are specified in the amendment.</p> <p>An additional amendment to the FY 22 budget was made by the Advisory Committee to shift funds from the Reserve Account to Town Counsel’s office in anticipation of possible action by the Select Board for indemnification for legal expenses.</p>
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Voting Yes will...	Amend the current (FY22) budget by balancing known changes in revenue with known changes in expenditures in accordance with the Town Administrator’s recommendations and shift funds within accounts in accordance with the Advisory Committee amendment.
Voting No will...	Leave the FY 22 budget unchanged, with the result that increases in revenue will not be available to support increases in services or other aspects of Town operations, and leave the Reserve Account unchanged
Financial impact	Approval of the amendments will increase the amount of funding available for the DPW, add funds t the Collective Bargaining Reserve, and provide funding for the Racial Equity Fund.
Legal implications	Approval of the Advisory Committee’s amendment will provide funding to offset a possible claim for indemnification for legal fees.

Introduction

The following changes in the FY 22 budget were proposed by the Town Administrator:

ITEM #	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
21. Schools	\$119,870,476	\$1,196,071	\$121,066,547
24. Collective Bargaining Reserve	\$415,000	\$791,587	\$1,206,587

- 1) Appropriate \$99,854.75 to be expended under the direction of the Commissioner of Public Works to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure and to meet the appropriation transfer \$81,753.60 from the Transportation Network Company (TNC) special revenue account and transfer \$18,101.15 from the Police Department’s FY2019 TNC fund balance.
- 2) Appropriate \$200,000 to be expended under the direction of the Town Administrator, for the racial equity fund as established through the MOA with the Brookline Community Foundation dated 6/29/21 and to meet the appropriation transfer \$200,000 from the HCA stabilization fund.

The following amendment to the FY22 budget was passed by the Advisory Committee:

Voted: To reduce the Reserve Fund by \$198,050 and to transfer the amount of such reduction to the Claims and Settlements Account maintained by Town Counsel’s Office (“Town Counsel”), with said appropriation to be used as payment of a sum not to exceed \$169,050 for an indemnification payment to Stanley Spiegel ("the Indemnification Payment") and of a sum not to exceed \$29,000 for payment to Mr.

Spiegel or his counsel as a contingent fee for obtaining the Spiegel indemnification ("the Contingent Fee Payment"), provided that payment of the Indemnification Payment and the Contingent Fee Payment shall be conditioned on (a) the execution of a settlement agreement and release satisfactory to Mr. Spiegel, and the Town; (b) the determination by a neutral third party, who shall be retained by Town Counsel and who shall be mutually acceptable to Mr. Spiegel, his counsel and Town Counsel, of the reasonableness of the amount of the Indemnification Payment and the determination by said third party that the Contingent Fee Payment is fair and consistent with normal contingent fee practices, or (ii) authorization by the Select Board.

Discussion

The Advisory Committee split its vote on the Town Administrator's proposal into three parts: (1) the \$1,196,071 increase in the School budget, (2) the \$791,587 increase in the Collective Bargaining Reserve and the \$99,854.75 allocated to the Department of Public Works; and (3) the \$200,000 allocated to the Racial Equity Fund.

The allocations of revenue to the Schools, the Collective Bargaining Reserve and the DPW was viewed as routine and appropriate. Discussion centered on the transfer of \$200,000 to the Racial Equity Fund and the nature of the Town's agreement with the Brookline Community Foundation (BCF).

The Town sought out the BCF because it is a non-political charitable entity with a long track record in both grant giving and fund raising. BCF has administered Town funds on the past, including block fund grants and COVID-19 funds to support, for example, food pantries in Brookline. Brookline entered into a Memorandum of Understand with the BCF to administer the Racial Equity Fund that was been established at Town Meeting's direction, with the intent to fund it from the community impact taxes paid by marijuana businesses in Brookline. The Memorandum calls for a committee of three BCF board members, three Town representatives, and six residents to assess how to use the funds. The committee is just getting organized, and no grant applications have been requested thus far.

The transfer of funds from the Reserve Account relates to a claim for indemnification of legal fees by Stanley Spiegel, who was drawn in as a defendant in the federal lawsuit by Gerald Alston against the Town, the then-current members of the Select Board, and others. Mr. Spiegel was a member of the Advisory Committee at the time as well as a member of Town Meeting, and he still is a Town Meeting member. A federal magistrate dismissed Mr. Spiegel from the case and ultimately awarded him \$20,000 in damages payable by Mr. Alston's attorney for frivolously including Mr. Spiegel in the first place.

Mr. Spiegel incurred substantial legal fees in the course of seek to be released from the lawsuit, and he has made a claim for reimbursement under the provisions of State law that provide for indemnification of "employees" – which case law has defined as

including volunteers - by the municipality they serve. Mr. Spiegel’s attorney pointed out that any volunteer serving Brookline, whether a Town Meeting Member or a member of a board or commission, could be sued in connection with their service to the Town, and that all of us are at risk, even if the suits are ultimately determined to be frivolous.

The primary focus of the Advisory Committee’s discussion was whether the \$198,050 claimed by Mr. Spiegel was reasonable. The Advisory Committee included language in the budget amendment that requires a third-party review, in detail, of the claim.

Recommendations

The Advisory Committee voted 26-0-2 to recommend Favorable Action on the routine reallocations of funds and 21-3-4 to recommend Favorable Action on the transfer to the Racial Equity Fund. It voted 26-3-0 to approve the amendment regarding the transfer of fund from the Reserve Account to the Claims and Settlements Account maintained by Town Counsel’s Office

# Votes Yes	26	21	26
# Votes No	0	3	3
# Votes Abstain	2	4	0
Vote Description:	Favorable action on items 1 & 2, Article 1, STM 2	Favorable action on item 3	Advisory Committee motion
	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>	<i>Enter Y, N or A</i>
Scott Ananian	Y	Y	N
Carla Benka	Y	Y	Y
Ben Birnbaum	Y	Y	Y
Harry Bohrs	Y	A	Y
Cliff Brown	Y	Y	Y
George Cole	Y	Y	Y
John Doggett	Y	A	Y
Dennis Doughty	Y	Y	Y
Harry Friedman	Y	N	Y
David-Marc Goldstein	Y	Y	Y
Neil Gordon	Y	A	Y
Susan Granoff	Y	Y	Y
Kelly Hardebeck	A	Y	Y
Amy Hummel	Y	Y	Y
Alisa Jonas	Y	Y	Y
Janice Kahn	Y	Y	Y
Steve Kanes	Y	N	N
Carol Levin	Y	Y	Y
Pam Lodish	Y	Y	Y

# Votes Yes	26	21	26
# Votes No	0	3	3
# Votes Abstain	2	4	0
Vote Description:	Favorable action on items 1 & 2, Article 1, STM 2	Favorable action on item 3	Advisory Committee motion
Linda Olson Pelhke			Y
Donelle O'Neal	Y	A	Y
David Pollak	Y	Y	Y
Carlos Ridruejo	Y	Y	Y
Lee Selwyn	A	N	Y
Alok Somani	Y	Y	Y
Paul Warren	Y	Y	Y
Christine Westphal	Y	Y	Y
Neil Wishinsky	Y	Y	Y
Chi Chi Wu	Y	Y	N
Mike Sandman			

ARTICLE 1

WA30 PETITIONERS' JOINDER IN A/C MOTION and SUPPLEMENT (to WA30'S) EXPLANATION

Since WA30 will be debated for this STM2 (budget article) *the first night (Nov. 16th)* of the Fall Town Meeting, the WA30 Petitioners -- incorporating, but not repeating, the STM WA30 Explanation submitted Nov. 4th and with WA30 in the earlier Combined Reports -- now answer some recent questions by some (frankly, generally baffling) WA30 skeptics.

First, we unequivocally/enthusiastically appreciate/join the A/C's motion (voted 26Y-3N!, now also 3-2 by the Select Board) under STM2, which more clearly and more timely makes the appropriation sought in WA30.

Second, we note and appreciate that -- after six lloonnngg years -- nobody disagrees with the unassailable legal facts that (1) Stanley (& ACMs' & TMM's) are "officials," and (2) it's "within the scope of [TMM's/ACM's] ... official employment" to discuss with people, here another TMM and an activist, something like the Alston matter -- even if he/she/they say something "dumb" (an allegation highly disputed, but legally irrelevant to the court). For now 59 months, a 2 vote SBM plurality ruled otherwise, so thanks for the new consensus -- at long last.

Then, some recent (supposed) issues:

Q1: *What are the numbers behind the \$198k proposed "settlement"?*

A1: Slightly amplifying the A/C's Motion's excellent STM2 Explanation, the \$169,050 ("the Indemnification Payment" for Stanley) is his *out-of-pocket* loss, \$137,564 paid -- solely for the federal case) since 2015 and a balance due of \$25,486. The \$29,000 ("the Contingent Fee Payment") is a greatly discounted amount from what Stanley *would owe* his lawyers as a "contingency fee" for pursuing the indemnity, as per *Dugan v. [Dartmouth]*, 413 Mass. 641 (1992)("save harmless" means also reimbursing an official's legal fees for successfully suing for wrongly denied indemnity)]

Q2: *A/C's (small) minority: (1) deduct the \$20k sanctions & (2) "detailed" scrutiny of billings?*

A2: (1) The Rule 11 \$20k sanctions (still sitting in a court escrow account) was -- as explained by Magistrate Kelley -- not "compensatory," let alone for legal fees. It was *punitive*, with the main purpose, as she concluded (too optimistically): "I find that the sum of \$20,000 ... would serve as *an effective deterrent*." One ACM, ignoring that legalistic fact, instead misleadingly cited Kelley's (highly disputable) "dictum" about our legal fees that had been submitted at "market rates" almost double the rates Stanley was charged and paid. Another ACM called Stanley's keeping the \$20k "double-dipping." In

fact and fairness, there's no arguably decent, fair, legal reason the Town should get a c. 258, §13 "save harmless" *windfall* from the sanctions -- obtained by Stanley's lawyers, whom the Town has refused to pay for.

(2) (A) We've all along assumed we'd submit our invoices for some scrutiny, but not "*detailed*" scrutiny -- like for every task that's been done for 6 years -- which would be more complex, time-consuming, and expensive (for all) than the A/C's motion. (B) Had the S-Bd appropriately granted 2015 indemnity, financial terms could easily have been agreed; but now the Town should not retroactively micro-manage the billings -- and the representation (which we're proud of). (C) If the \$169,050 is not indemnified, *Stanley will still pay it*; that ain't c. 258 §13's "save harmless," so it would be yet another court case. And (D) we can't help but notice the (at best) irony that leading proponents of distrusting Stanley's lawyers' billings were strong advocates of at most minimal scrutiny of the absolute need for \$11 million to "settle" the Alston matter, which I, Stanley, and Diana voted for.

[Re the *contingency fee*, see below, Q4, alleged Petitioner's "conflict"]

Q3: *Why didn't Stanley use the Town's lawyers?*

A3: Aside from the Town never offering that, but only informally floating a similar idea *after denying the indemnity* -- but only at Stanley's own expense; it was a no-brainer from the 12/1/15 Complaint that Stanley & the Town defendants would each mutually disavow each other's alleged "co-conspirator" mis-deeds, e.g. Stanley's disdain for the promotions of Lt. Pender, etc. Joint representation would have been clearly unethical for the lawyers. See *Mass. Bar Association Ethics Opinion #1986-2* (barring defending both a cop and a town in a §1983 action when the town may say the officer was not acting within the scope of his official duties)

Q4: *Does Petitioner (MR) (1) have a conflict of interest and (2) "get paid for now" advocating?*

A4: Aside from WA30 clearly stating, "Submitted by: Martin Rosenthal, TMM-9, *also counsel for Stanley Spiegel*," sure I (MR) have a stake in this, and would share with the Zalkind firm the \$29k -- 17% of the \$169,050. And, (A) as a *contingency fee* (1) I'm *not* now being paid for indemnity efforts. (2) I haven't been paid (for this) over the 6 years. And (3) 17% is far below either a normal contingency rate or Stanley's fee agreement. If we have to go to court, he's likely to get far more for the (above) *Dugan* fees. Even better would be hourly fees, e.g. *at least* 200 hours -- at a "market rate" of \$500/hr. You do the math.

Ironically the proposed "settlement" would harm only me, the Petitioner (MR) -- who'd however welcome the \$29,000, but more so the recently much-touted *FINALITY*. Why not that have the latter also for now 86-year-old *Stanley*, who's been punished (both by the lawsuit *and* by the Town) for decades of Herculean and unpaid Town service?

Q5: *Are Petitioners “circumventing” or “working around” the “process,” as 2 SBM’s assert?*

A5: Presumably they mean the S-Bd “process” that’s abjectly failed for six years. And, their own inexplicable disregard for (flouting of) c. 258, §13 (“save harmless”) for Stanley -- and of the important community role of TMM’s and ACM’s -- shows why T/Mtg needs to now/finally decide this. Ironically again, those 2 SBM’s felt a year ago that T/Mtg should intervene and in its whim and S-Bd control of (any) litigation. As the law sometimes says, “sauce for the goose ...” -- and “fair is fair.”

FY2022 BUDGET - TABLE 1 NOV, 2021

		FY19 ACTUAL	FY20 ACTUAL	FY21 BUDGET	FY22 BUDGET	PROPOSED AMENDMENT	FY22 ADJUSTED BUDGET	\$\$ CHANGE FROM FY21	% CHANGE FROM FY21
	REVENUES								
	Property Taxes	224,490,569	234,846,238	254,898,615	270,104,696		270,104,696	15,206,081	6.0%
	Local Receipts	35,725,309	36,878,485	25,183,825	23,951,386	2,000,000	25,951,386	767,561	3.0%
	State Aid	22,112,759	22,259,149	22,371,084	22,835,638	(14,014)	22,821,624	450,540	2.0%
	Free Cash	8,427,936	9,081,257	11,065,720	10,401,890		10,401,890	(663,830)	-6.0%
	Other Available Funds	4,872,678	3,188,731	4,390,037	3,329,073		3,329,073	(1,060,964)	-24.2%
	TOTAL REVENUE	295,629,251	306,253,860	317,909,281	330,622,683	1,985,986	332,608,669	14,699,388	4.6%
	EXPENDITURES								
	DEPARTMENTAL EXPENDITURES								
	1 . Select Board	708,050	752,179	841,662	968,105		968,105	126,443	15.0%
	2 . Human Resources	498,780	459,435	594,485	604,195		604,195	9,710	1.6%
	3 . Information Technology	2,077,848	1,993,949	2,080,259	2,212,246		2,212,246	131,987	6.3%
	4 . Diversity, Inclusion, and Community Relations	301,017	257,180	327,515	331,266		331,266	3,751	1.1%
	5 . Finance Department	3,280,214	3,276,686	3,316,233	3,368,197		3,368,197	51,964	1.6%
	<i>a. Comptroller</i>	650,453	704,846	686,819	715,461		715,461	28,642	4.2%
	<i>b. Purchasing</i>	724,872	715,553	727,235	709,756		709,756	(17,479)	-2.4%
	<i>c. Assessing</i>	735,490	660,690	738,659	752,421		752,421	13,762	1.9%
	<i>d. Treasurer</i>	1,169,399	1,195,597	1,163,520	1,190,559		1,190,559	27,039	2.3%
	6 . Legal Services	1,166,351	1,149,170	1,057,022	1,081,333	169,050	1,250,383	193,361	18.3%
	7 . Advisory Committee	23,805	19,693	28,520	29,007		29,007	487	1.7%
	8 . Town Clerk	758,640	798,563	750,024	617,240		617,240	(132,784)	-17.7%
	9 . Planning and Community Development	1,184,050	1,230,257	1,153,926	1,272,086		1,272,086	118,160	10.2%
	10 . Police	18,578,613	17,742,983	17,386,626	17,493,030		17,493,030	106,404	0.6%
	11 . Fire	15,586,571	16,105,142	15,951,670	16,481,472		16,481,472	529,802	3.3%
	12 . Building	5,511,493	8,158,293	8,831,246	9,587,404		9,587,404	756,158	8.6%
(1)	13 . Public Works	16,069,996	16,360,644	16,008,198	16,668,234		16,668,234	660,036	4.1%
	<i>a. Administration</i>	911,556	966,214	950,304	959,616		959,616	9,312	1.0%
	<i>b. Engineering/Transportation</i>	1,306,949	1,316,971	1,350,119	1,392,568		1,392,568	42,449	3.1%
	<i>c. Highway</i>	5,532,652	6,062,296	5,103,753	5,233,854		5,233,854	130,101	2.5%
	<i>d. Sanitation</i>	3,246,937	3,413,212	4,030,333	4,310,136		4,310,136	279,803	6.9%
	<i>e. Parks and Open Space</i>	3,912,389	3,650,776	3,988,879	4,188,729		4,188,729	199,850	5.0%
	<i>f. Snow and Ice</i>	1,159,513	951,175	584,810	583,331		583,331	(1,479)	-0.3%
	14 . Library	4,249,242	4,241,330	4,000,760	4,262,381		4,262,381	261,621	6.5%
	15 . Health and Human Services	1,408,011	1,324,313	1,568,639	1,595,761		1,595,761	27,122	1.7%
	16 . Veterans' Services	201,513	270,108	312,087	316,384		316,384	4,297	1.4%
	17 . Council on Aging	954,436	966,717	913,379	1,027,656		1,027,656	114,277	12.5%
	18 . Recreation	983,211	1,117,436	1,034,617	1,058,391		1,058,391	23,774	2.3%
(2)	19 . Personnel Services Reserve	715,000	715,000	715,000	715,000		715,000	0	0.0%
(2)	20 . Collective Bargaining - Town	1,400,693	1,505,081	1,910,000	415,000	791,587	1,206,587	(703,413)	-36.8%
	<i>Subtotal Town</i>	<i>73,541,840</i>	<i>76,224,078</i>	<i>78,781,868</i>	<i>80,104,388</i>	<i>960,637</i>	<i>81,065,025</i>	<i>2,283,157</i>	<i>2.9%</i>
	21 . Schools	110,918,206	116,978,533	120,748,990	119,870,476	1,196,071	121,066,547	317,557	0.3%
	22 . Vocational Education Assessments	13,878	26,113	92,895	92,895		92,895	0	-
	<i>Subtotal Education</i>	<i>110,932,084</i>	<i>117,004,646</i>	<i>120,841,885</i>	<i>119,963,371</i>	<i>1,196,071</i>	<i>121,159,442</i>	<i>317,557</i>	<i>0.3%</i>
	TOTAL DEPARTMENTAL EXPENDITURES	184,473,924	193,228,724	199,623,752	200,067,759	2,156,708	202,224,467	2,600,714	1.3%
	NON-DEPARTMENTAL EXPENDITURES								
(1)	23 . Employee Benefits	62,487,155	65,149,336	68,518,848	71,554,793		71,554,793	3,035,945	4.4%
(3)	<i>a. Pensions</i>	23,785,769	24,917,372	26,569,845	28,490,221		28,490,221	1,920,376	7.2%
	<i>b. Group Health</i>	29,632,981	30,539,855	32,701,792	33,305,817		33,305,817	604,025	1.8%
(3)	<i>c. Retiree Group Health Trust Fund (OPEB's)</i>	4,570,465	4,781,980	4,181,979	4,181,979		4,181,979	0	0.0%
	<i>d. Group Life</i>	132,351	127,452	145,000	145,000		145,000	0	0.0%
	<i>e. Disability Insurance</i>	43,808	48,480	46,000	46,000		46,000	0	0.0%
(3)	<i>f. Worker's Compensation</i>	1,450,000	2,050,000	1,850,000	1,850,000		1,850,000	0	0.0%
(3)	<i>g. Public Safety IOD Medical Expenses</i>	200,000	200,000	0	0		0	0	-
(3)	<i>h. Unemployment Compensation</i>	200,000	200,000	200,000	525,000		525,000	325,000	162.5%

		FY19 ACTUAL	FY20 ACTUAL	FY21 BUDGET	FY22 BUDGET	PROPOSED AMENDMENT	FY22 ADJUSTED BUDGET	\$\$ CHANGE FROM FY21	% CHANGE FROM FY21
	<i>i. Medical Disabilities</i>	18,846	13,694	40,000	40,000		40,000	0	0.0%
	<i>j. Medicare Coverage</i>	2,452,935	2,470,503	2,784,233	2,970,776		2,970,776	186,544	6.7%
(2)	24 . Reserve Fund	1,785,722	2,521,043	3,620,855	3,829,013	(169,050)	3,659,963	39,108	1.1%
	25 . HCA Reserve Fund	0	0	701,485	0		0	(701,485)	-100.0%
	26 . Stabilization Fund	0	0	1,000,000	2,829,788		2,829,788	1,829,788	183.0%
	27 . Affordable Housing	545,112	200,000	726,549	80,737		80,737	(645,812)	-88.9%
	28 . Liability/Catastrophe Fund	456,762	389,700	49,729	81,223		81,223	31,494	63.3%
	29 . General Insurance	416,563	506,914	703,507	883,358		883,358	179,851	25.6%
	30 . Audit/Professional Services	131,994	122,128	142,000	147,000		147,000	5,000	3.5%
(5)	31 . Contingency Fund	14,754	61,069	10,000	10,000		10,000	0	0.0%
	32 . Out-of-State Travel	1,677	1,276	0	0		0	0	-
	33 . Printing of Warrants & Reports	54,633	49,666	45,000	45,000		45,000	0	0.0%
	34 . MMA Dues	13,121	13,226	13,891	14,239		14,239	348	2.5%
	<i>Subtotal General</i>	<i>3,420,338</i>	<i>3,865,022</i>	<i>7,013,016</i>	<i>7,920,358</i>	<i>(169,050)</i>	<i>7,751,308</i>	<i>738,292</i>	<i>10.5%</i>
(1)	35 . Borrowing	15,631,273	17,976,346	25,204,625	34,516,793		34,516,793	9,312,168	36.9%
	<i>a. Funded Debt - Principal</i>	<i>10,195,000</i>	<i>11,333,360</i>	<i>13,674,000</i>	<i>19,377,067</i>		<i>19,377,067</i>	<i>5,703,067</i>	<i>41.7%</i>
	<i>b. Funded Debt - Interest</i>	<i>4,977,927</i>	<i>6,468,027</i>	<i>11,237,370</i>	<i>14,879,226</i>		<i>14,879,226</i>	<i>3,641,856</i>	<i>32.4%</i>
	<i>c. Bond Anticipation Notes</i>	<i>456,250</i>	<i>140,217</i>	<i>233,256</i>	<i>200,500</i>		<i>200,500</i>	<i>(32,756)</i>	<i>-14.0%</i>
	<i>d. Abatement Interest and Refunds</i>	<i>2,095</i>	<i>34,742</i>	<i>60,000</i>	<i>60,000</i>		<i>60,000</i>	<i>0</i>	<i>0.0%</i>
	TOTAL NON-DEPARTMENTAL EXPENDITURES	81,538,766	86,990,704	100,736,489	113,991,944	(169,050)	113,822,894	13,086,404	13.0%
	TOTAL GENERAL APPROPRIATIONS	266,012,690	280,219,428	300,360,242	314,059,703	1,987,658	316,047,361	15,687,119	5.2%
	SPECIAL APPROPRIATIONS								
	36 . Voting Machines (revenue financed)				130,000		130,000		
	37 . Police/Fire Radio Infrastructure (revenue financed)				900,000		900,000		
	38 . Parking Meters (revenue financed)				140,000		140,000		
	39 . Wash/Harv/Kent/Davis Traffic Signal Upgrade (revenue financed)				140,000		140,000		
	40 . Accessible Pedestrian Signal Conversion (revenue financed)				50,000		50,000		
	41 . Street Rehab. (revenue financed)				2,072,224		2,072,224		
	42 . Sidewalk Repair/Reconstruction (revenue financed)				344,000		344,000		
	43 . Washington St. Rehab and Complete Streets (revenue financed)				600,000		600,000		
	44 . Stormwater Improvements (revenue financed Water and Sewer fund)				400,000		400,000		
	45 . Water Meter MTU Replacement (revenue financed Water and Sewer fund)				280,000		280,000		
	46 . Willow Pond Environmental Restoration (revenue financed Water and Sewer fund)				280,000		280,000		
	47 . Playground Equipment, Fields, Fencing (revenue financed)				260,000		260,000		
	48 . Town/School Grounds Rehab (revenue financed)				165,000		165,000		
	49 . Tree Removal and Replacement (revenue financed)				482,224		482,224		
	50 . Town/School ADA Renovations (revenue financed)				85,000		85,000		
	51 . Town/School Energy Conservation Projects (revenue financed)				165,000		165,000		
	52 . Public Building Fire Alarm upgrades (revenue financed)				175,000		175,000		
	53 . Town/School Bldg Security / Life Safety Systems (revenue financed)				170,000		170,000		
	54 . Classroom Capacity (revenue financed)				1,738,600		1,738,600		
	55 . Water System Improvements (utility bond)				2,000,000		2,000,000		
	56 . Wastewater System Improvements (utility bond)				3,000,000		3,000,000		
	57 . Murphy Playground (bond)				915,000		915,000		
	58 . Robinson Playground (bond)				1,150,000		1,150,000		
	59 . Town/School Bldg Envelope/Fenestration Repairs (bond)				750,000		750,000		
							0		
(4)	TOTAL REVENUE-FINANCED SPECIAL APPROPRIATIONS	10,979,868	9,949,094	8,828,250	7,617,048	0	7,617,048	(1,211,202)	-13.7%
	TOTAL APPROPRIATED EXPENDITURES	276,992,558	290,168,522	309,188,492	321,676,751	1,987,658	323,664,409	14,475,917	4.7%
	NON-APPROPRIATED EXPENDITURES								
	Cherry Sheet Offsets	88,500	89,070	86,027	103,231	(1,672)	101,559		
	State & County Charges	6,672,137	6,826,231	6,779,677	6,934,714		6,934,714		
	Overlay	1,762,675	1,785,140	1,830,085	1,882,988		1,882,988		

	FY19 ACTUAL	FY20 ACTUAL	FY21 BUDGET	FY22 BUDGET	PROPOSED AMENDMENT	FY22 ADJUSTED BUDGET	\$\$ CHANGE FROM FY21	% CHANGE FROM FY21
Deficits-Judgments-Tax Titles	25,000	25,000	25,000	25,000		25,000		
TOTAL NON-APPROPRIATED EXPEND.	8,548,312	8,725,441	8,720,789	8,945,932	(1,672)	8,944,260	223,472	2.6%
TOTAL EXPENDITURES	285,540,869	298,893,963	317,909,280	330,622,683	1,985,986	332,608,669	14,699,389	4.6%
SURPLUS/(DEFICIT)	10,088,382	7,359,897	0	0	0	0	0	

(1) Breakdown provided for informational purposes.

(2) Figures provided for informational purposes. Funds were transferred to departmental budgets for expenditure.

(3) Funds are transferred to trust funds for expenditure.

(4) Amounts appropriated. Bonded appropriations are not included in the total amount, as the debt and interest costs associated with them are funded in the Borrowing category (item #35).

FY22 BUDGET - TABLE 2 NOV 2021 FINAL MOTION

Department/Board/Commission	Personnel Services/ Benefits	Purchase of Services	Supplies	Other Charges/ Expenses	Utilities	Capital Outlay	Inter-Govt'al	Debt Service	Agency Total
Select Board (Town Administrator)	894,122	60,880	3,048	7,900		2,155			968,105
Human Resources Department (Human Resources Director)	321,796	239,359	14,900	26,500		1,640			604,195
Information Technology Department (Chief Information Officer)	1,242,973	675,773	10,350	15,050		268,100			2,212,246
Diversity, Inclusion, and Community Relations (Director)	304,391	20,000	3,000	3,000		875			331,266
Finance Department (Director of Finance)	2,459,347	824,334	46,960	28,707	1,219	7,630			3,368,197
Legal Services (Town Counsel)	812,449	183,269	2,500	250,550		1,615			1,250,383
Advisory Committee (Chair, Advisory Committee)	24,867		3,275	570		295			29,007
Town Clerk (Town Clerk)	490,288	110,172	15,250	500		1,030			617,240
Planning and Community Department (Plan. & Com. Dev. Dir.)	1,163,790	91,034	9,712	4,550		3,000			1,272,086
Police Department (Police Chief)	16,137,780	516,731	122,857	28,300	291,193	396,169			17,493,030
Fire Department (Fire Chief)	15,865,351	168,426	126,952	27,100	225,037	68,606			16,481,472
Public Buildings Department (Building Commissioner)	2,930,001	3,745,951	24,575	5,248	2,825,759	55,870			9,587,404
Public Works Department (Commissioner of Public Works)	8,710,724	5,121,628	970,261	45,500	1,132,392	687,730			16,668,233
Public Library Department (Library Board of Trustees)	3,136,179	236,861	583,525	4,700	257,992	43,124			4,262,381
Health & Human Services Department (Health & Human Svcs Dir)	1,282,613	221,514	35,100	4,120	47,629	4,785			1,595,761
Veterans' Services (Veterans' Services Director)	154,997	2,388	1,150	157,339		510			316,384
Council on Aging (Council on Aging Director)	890,566	48,418	18,846	4,250	59,876	5,700			1,027,656
Recreation Department (Recreation Director)	758,855	23,037	86,480	12,400	174,619	3,000			1,058,391
School Department (School Committee)									121,066,547
Total Departmental Budgets	57,581,089	12,289,775	2,078,741	626,284	5,015,716	1,551,834			200,209,984
DEBT SERVICE									
Debt Service (Director of Finance)								34,516,793	34,516,793
Total Debt Service								34,516,793	34,516,793
EMPLOYEE BENEFITS									
Contributory Pensions Contribution (Director of Finance)	28,490,221								28,490,221
Group Health Insurance (Human Resources Director)	33,305,817								33,305,817
Retiree Group Health Insurance - OPEB's (Director of Finance)	4,181,979								4,181,979
Group Life Insurance (Human Resources Director)	145,000								145,000
Disability Insurance	46,000								46,000
Workers' Compensation (Human Resources Director)	1,850,000								1,850,000
Unemployment Insurance (Human Resources Director)	525,000								525,000
Ch. 41, Sec. 100B Medical Benefits (Town Counsel)	40,000								40,000
Medicare Payroll Tax (Director of Finance)	2,970,776								2,970,776
Total Employee Benefits	71,554,793								71,554,793
GENERAL / UNCLASSIFIED									
Vocational Education Assessments									92,895
Reserve Fund (*) (Chair, Advisory Committee)				3,659,963					3,659,963
Stabilization Fund (Director of Finance)				2,829,788					2,829,788
Liability/Catastrophe Fund (Director of Finance)				81,223					81,223
Housing Trust Fund (Planning & Community Development Dir.)				80,737					80,737
General Insurance (Town Administrator)		883,358							883,358
Audit/Professional Services (Director of Finance)		147,000							147,000
Contingency (Town Administrator)				10,000					10,000
Out of State Travel (Town Administrator)									
Printing of Warrants (Town Administrator)	15,000	20,000	10,000						45,000
MMA Dues (Town Administrator)				14,239					14,239
Town Salary Reserve (*) (Director of Finance)	1,206,587								1,206,587
Personnel Services Reserve (*) (Director of Finance)	715,000								715,000
Total General / Unclassified	1,936,587	1,050,358	10,000	6,675,950					9,765,790
TOTAL GENERAL APPROPRIATIONS	131,072,469	13,340,133	2,088,741	7,302,234	5,015,716	1,551,834		34,516,793	316,047,361

(*) NO EXPENDITURES AUTHORIZED DIRECTLY AGAINST THESE APPROPRIATIONS. FUNDS TO BE TRANSFERRED AND EXPENDED IN APPROPRIATE DEPT.

ARTICLE 1

POSSIBLE AMENDMENT TO THE ADVISORY COMMITTEE MOTION

Voted: To reduce the Reserve Fund by \$198,050 and to transfer the amount of such reduction to the Claims and Settlements Account maintained by Town Counsel's Office ("Town Counsel"), with said appropriation to be used as payment of a sum not to exceed \$169,050 for an indemnification payment to Stanley Spiegel ("the Indemnification Payment") and of a sum not to exceed \$29,000 for payment to Mr. Spiegel or his counsel as a contingent fee for obtaining the Spiegel indemnification ("the Contingent Fee Payment"), provided that payment of the Indemnification Payment and the Contingent Fee Payment shall be conditioned on (a) the execution of a settlement agreement and release satisfactory to Mr. Spiegel, and the Town; (b) (i) the determination by a neutral third party, who shall be retained by Town Counsel and who shall report to the Advisory Committee at a public hearing, which will be expressly noticed to all Town Meeting Members no less than one week prior, and to the Select Board, and who shall be mutually acceptable to Mr. Spiegel, his counsel and Town Counsel, of the reasonableness of the amount of the Indemnification Payment and the determination by said third party that the Contingent Fee Payment is fair and consistent with normal contingent fee practices, or (ii) authorization by the Select Board.

ARTICLE 1

MOTION OFFERED BY THE ADVISORY COMMITTEE

Voted: To reduce the Reserve Fund by \$198,050 and to transfer the amount of such reduction to the Claims and Settlements Account maintained by Town Counsel's Office ("Town Counsel"), with said appropriation to be used as payment of a sum not to exceed \$169,050 for an indemnification payment to Stanley Spiegel ("the Indemnification Payment") and of a sum not to exceed \$29,000 for payment to Mr. Spiegel or his counsel as a contingent fee for obtaining the Spiegel indemnification ("the Contingent Fee Payment"), provided that payment of the Indemnification Payment and the Contingent Fee Payment shall be conditioned on (a) the execution of a settlement agreement and release satisfactory to Mr. Spiegel, and the Town; and (b) and as soon as practicable but preferably no later than February 15, 2022 (i) the determination by a neutral third party, who shall be retained by Town Counsel and who shall report to the Advisory Committee at a public hearing, which will be expressly noticed to all Town Meeting Members no less than one week prior, and to the Select Board, and who shall be mutually acceptable to Mr. Spiegel, his counsel and Town Counsel, of the reasonableness of the amount of the Indemnification Payment and the determination by said third party that the Contingent Fee Payment is fair and consistent with normal contingent fee practices, or (ii) authorization by the Select Board.

Advisory Committee Amendment (Final - Redline)

Voted: To reduce the Reserve Fund by \$198,050 and to transfer the amount of such reduction to the Claims and Settlements Account maintained by Town Counsel's Office ("Town Counsel"), with said appropriation to be used as payment of a sum not to exceed \$169,050 for an indemnification payment to Stanley Spiegel ("the Indemnification Payment") and of a sum not to exceed \$29,000 for payment to Mr. Spiegel or his counsel as a contingent fee for obtaining the Spiegel indemnification ("the Contingent Fee Payment"), provided that payment of the Indemnification Payment and the Contingent Fee Payment shall be conditioned on (a) the execution of a settlement agreement and release satisfactory to Mr. Spiegel, and the Town; and (b) and as soon as practicable but preferably no later than February 15, 2022 (i) the determination by a neutral third party, who shall be retained by Town Counsel and who shall report to the Advisory Committee at a public hearing, which will be expressly noticed to all Town Meeting Members no less than one week prior, and to the Select Board, and who shall be mutually acceptable to Mr. Spiegel, his counsel and Town Counsel, of the reasonableness of the amount of the Indemnification Payment and the determination by said third party that the Contingent Fee Payment is fair and consistent with normal contingent fee practices, or (ii) authorization by the Select Board.

SELECT BOARD

Heather Hamilton, Chair
Raul A. Fernandez, Vice Chair
Bernard W. Greene
John VanScoyoc
Miriam Aschkenasy

ADVISORY COMMITTEE

Michael Sandman, Chair