

**IN BOARD OF SELECTMEN**

**August 12, 2008**

**Present: Chairman Nancy Daly, Selectmen Robert Allen, Betsy DeWitt, Jesse Mermell, and Richard Benka.**

**The Minutes of July 15, 2008 were held.**

**The Minutes of July 29, 2008 were approved as amended.**

**EXECUTIVE SESSION**

Upon motion duly made and seconded, it was moved that the Board of Selectmen go into EXECUTIVE SESSION.

The Chair then stated the reason(s) for the Executive Session: (SEE THE REASONS CHECKED)

- \_\_\_\_\_ (1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of a particular individual<sup>1</sup>.
- \_\_\_\_\_ (2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual<sup>1</sup>.
- X  (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with non-union personnel, and to conduct collective bargaining sessions or contract negotiations with non-union personnel.
- \_\_\_\_\_ (4) To discuss the deployment of security personnel or devices.
- \_\_\_\_\_ (5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
- \_\_\_\_\_ (6) To consider the purchase, exchange, lease or value of real property, if such discussion may have a detrimental effect on the negotiating position of the governmental body with a person, firm or corporation.
- \_\_\_\_\_ (7) To comply with the provisions of any general or special law or Federal grant-in-aid requirements.

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The individual involved in such Executive Session must be notified in writing at least forty-eight (48) hours prior to such session and is (1) entitled to be present (2) to have counsel or other representative present and (3) to speak in his or her own behalf. Upon the request of the individual involved, no Executive Session shall be held and the meeting shall be held in open session. See G.L.c.39, §§23B(1) and (2).

\_\_\_\_\_ (8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtained qualified applicants: provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

\_\_\_\_\_ (9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a.) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b.) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.

**The Board of Selectmen, during a properly constituted and noticed meeting:**

**VOTED: to go into Executive Session**

**Roll Call Vote:          Voting in the Affirmative: 4  
   Voting in the Negative: 0**

*Selectman Allen absent for roll call into Executive Session*

**The Board of Selectmen (WILL) RECONVENE in Open Meeting after the Executive Session.**

**PUBLIC COMMENT**

**Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.**

**There was no public comment.**

**GRANT**

**The Board considered the question of accepting a grant in the amount of \$14,500 from the Brookline Community Fund for use by the Council on Aging for a Research Study of elders over 85.**

**Director of Council on Aging Ruthann Dobeck stated that this grant will be used to conduct a study on residents 85 years old and above. This will allow the Council to assess the needs and provide assistance if needed to this population. This research has not been done in over ten years, and it will allow a current database. An outreach for volunteers will provide assistance for the study.**

**On motion it unanimously,**

**VOTED: To accept a grant in the amount of \$14,500 from the Brookline Community Fund for use by the Council on Aging for a Research Study of elders over 85.**

**CONTRACT**

**The Board considered the question of awarding and executing a contract with Atlas Contracting Services in the amount of \$23,500 in connection with the Pierce Primary School Painting Project. Said contract to be funded from account 2599WS05 6B0086.**

**Director of Public Buildings Charlie Simmons stated that this contract is for the Pierce Primary Building. It complements the window project done last year. This contractor came under the estimate for the job. Mr. Simmons is happy with their work.**

**On motion, it was unanimously,**

**VOTED: To award and execute a contract with Atlas Contracting Services in the amount of \$23,500 in connection with the Pierce Primary School Painting Project. Said contract to be funded from account 2599WS05 6B0086.**

**CONTRACT**

The Board considered the question of executing Contract #PW/09-06 for the “Repair of cement concrete sidewalks” in the amount of \$204,192.50 with G. R. Construction Corp. Said contract was awarded on July 15, 2008 and is to be funded as follows:

4998WS09 6H0022 \$184,192.50  
4998WS09 6P0044 \$ 20,000.00

On motion, it was unanimously,

**VOTED:** To execute Contract #PW/09-06 for the “Repair of cement concrete sidewalks” in the amount of \$204,192.50 with G. R. Construction Corp. Said contract was awarded on July 15, 2008 and is to be funded as follows:

4998WS09 6H0022 \$184,192.50  
4998WS09 6P0044 \$ 20,000.00

**CONTRACT**

The Board considered the question of awarding Contract No PW/09-09 “Streetlight Maintenance” in the amount of \$83,882.08 to Republic Intelligent Transportation Services of Billerica. Said contract to be funded from account 42004250 522051.

Director of Engineering Peter Ditto stated that this is an annual contract for the maintenance of street lights. The contractor had the contract a year ago, but was outbid last year. Selectman DeWitt asked if he was pleased with the previous contractor. She had received complaints on slow response to streetlight outages. Mr. Ditto replied that he is happy to see this contractor back, and feels the service will be better.

On motion, it was unanimously,

**VOTED:** To award Contract No PW/09-09 “Streetlight Maintenance” in the amount of \$83,882.08 to Republic Intelligent Transportation Services of Billerica. Said contract to be funded from account 42004250 522051.

**CONTRACT**

The Board considered the question of executing Contract PW/09-07 "Repair of Bituminous Concrete Patches in the amount of \$135,475.00 with Todesca Equipment Company, Inc. of Readville. Said contract was awarded on July 15, 2008 and will be funded from the following accounts:

4998WS08 6H0026	\$115,475.00
4998WS09 6P0044	\$ 20,000.00

On motion, it was unanimously,

**VOTED:** To execute Contract PW/09-07 "Repair of Bituminous Concrete Patches in the amount of \$135,475.00 with Todesca Equipment Company, Inc. of Readville. Said contract was awarded on July 15, 2008 and will be funded from the following accounts:

4998WS08 6H0026	\$115,475.00
4998WS09 6P0044	\$ 20,000.00

**CONTRACT**

The Board considered the question of awarding Contract No. PW/09-10 "Summit Path Repair" in the amount of \$56,320.00 to Ronald A. Marini Corp., of Newton. Said contract to be funded as follows:

4998WS03 6P0021	\$12,656.20
4998WS06 6P0021	\$43,663.80

Director of Engineering Peter Ditto stated that this path is closed now for repairs to the concrete and slate stairs.

On motion, it was unanimously,

**VOTED:** To award Contract No. PW/09-10 "Summit Path Repair" in the amount of \$56,320.00 to Ronald A. Marini Corp., of Newton. Said contract to be funded as follows:

4998WS03 6P0021	\$12,656.20
4998WS06 6P0021	\$43,663.80

**CONTRACT**

The Board considered the question of renewing Contract No. PW/07-13 “Upkeep of Trees and Related Work” in the amount of \$169,555.00 with Lewis Tree Service. Said Contract to be funded as follows:

46004680 523599	\$105,515.00
4998WS09 6C0011	\$ 50,000.00
4998WS09 6P0044	\$ 10,000.00
46004650 523599	\$ 4,040.00

Director of Engineering Peter Ditto stated that this is a fixed price contract, and he is happy with this contractor. The bulk of the work consists of trimming of trees and removal of tree trunks. There has been an increase of dead tree removals, which adds an extra expense.

On motion, it was unanimously,

**VOTED:** To renew Contract No. PW/07-13 “Upkeep of Trees and Related Work” in the amount of \$169,555.00 with Lewis Tree Service. Said Contract to be funded as follows:

46004680 523599	\$105,515.00
4998WS09 6C0011	\$ 50,000.00
4998WS09 6P0044	\$ 10,000.00
46004650 523599	\$ 4,040.00

**CONTRACT**

The Board considered the question of renewing Contract No. PW/07-14 “Repair and Installation of Chain Link Fences” in the amount of \$128,954.66 with Steelco Chain Link Fence Erecting Co., Inc. Said contract to be funded from account 4998WS09 6P0018.

Director of Engineering Peter Ditto stated that this is a multi-year contract that is now in its second year of three. It is a fixed price contract and he is happy with this contractor. Selectman Benka asked if there is a limit negotiated per unit price on work to be provided under this contract. Mr. Ditto replied that there is. There is a list of about 15-20 items that are requested to be serviced. The Department estimates what they think needs to be provided at this time.

On motion, it was unanimously,

**CONTRACT cont'd**

**VOTED: To renew Contract No. PW/07-14 "Repair and Installation of Chain Link Fences" in the amount of \$128,954.66 with Steelco Chain Link Fence Erecting Co., Inc. Said contract to be funded from account 4998WS09 6P0018.**

**CONTRACT**

**The Board considered the question of awarding Contract No. PW/09-08 "Various Sewer and Drainage Improvements" in the amount of \$36,500 to G.R. Construction Corp. of Fitchburg. Said contract to be funded from account 4997C144 6C0005.**

**Chairman Daly asked about any problems with the recent heavy rains. Director of Engineering Peter Ditto replied that they are aware of some issues, and will be addressing them. This is a new contractor that has good references and has worked well with other municipalities.**

**On motion, it was unanimously,**

**VOTED: To award Contract No. PW/09-08 "Various Sewer and Drainage Improvements" in the amount of \$36,500 to G.R. Construction Corp. of Fitchburg. Said contract to be funded from account 4997C144 6C0005.**

**EXTRA WORK ORDER**

**The Board considered the question of approving Extra Work Order No. 1 in the amount of \$19,956.70 for work to be completed by Leroy Jones Corp. d/b/a Fredrickson Jones Contracting in connection with Contract No. PW/08-12 "Construct Cart Paths @ Putterham Golf Course". Said work order to be funded as follows:**

<b>2594C142 6G0006</b>	<b>\$16,083.95</b>
<b>2594C142 6G0007</b>	<b>\$ 3, 872.75</b>

**Director of Engineering Peter Ditto stated that this is the final accounting of this project. There was a cut in the original scope of the project, but was determined that it would be beneficial to put it back in, resulting in this extra work order. This work included an upgrade at the tenth hole at the golf course which allows patrons better access to the hole and much needed improvements.**

**Selectman Allen acknowledged the improvements.**



**EXTRA WORK ORDER cont'd**

On motion, it was unanimously,

**VOTED: To approve Extra Work Order No. 1 in the amount of \$19,956.70 for work to be completed by Leroy Jones Corp. d/b/a Fredrickson Jones Contracting in connection with Contract No. PW/08-12 "Construct Cart Paths @ Putterham Golf Course". Said work order to be funded as follows:**

2594C142 6G0006	\$16,083.95
2594C142 6G0007	\$ 3,872.75

**RELEASE OF FUNDS**

The Board considered the question of signing the Request For Release of Funds (RROF) and Certification for FY 2009 CDBG funding.

Director of Planning & Community Development Jeff Levine stated that this pertains to the CDBG 2009 funding. It certifies to HUD that the Town has undertaken an environmental review process and that the projects requesting release of funds are in compliance with regulations.

On motion, it was unanimously,

**VOTED: To sign the Request For Release of Funds (RROF) and Certification for FY 2009 CDBG funding.**

**EXECUTE AGREEMENTS**

The Board considered the question of approving and authorizing the Chairman to execute the following FY 2009 CDBG Subrecipient Agreements:

Brookline Elder Taxi System  
Home and Escort Linkage Program  
Job Opportunities for Brookline Elders

Director of Planning & Community Development Jeff Levine stated that these projects are with the Council on Aging.

On motion, it was unanimously,

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**EXECUTE AGREEMENTS cont'd**

**VOTED: To approve and authorize the Chairman to execute the following FY 2009 CDBG Subrecipient Agreements:**

**Brookline Elder Taxi System  
Home and Escort Linkage Program  
Job Opportunities for Brookline Elders**

**AGREEMENT**

**The Board considered the question of authorizing the Chairman to execute the Consolidated Plan Grant Agreement between the Town and the Department of Housing and Urban Development (HUD) for FFY2088 Community Development Block Grant Funds.**

**Director of Planning & Community Development Jeff Levine stated that this is to authorize Chairman Daly to execute a contract with the Department of Housing and Urban Development (HUD) as a formal agreement for the fiscal year.**

**On motion, it was unanimously,**

**VOTED: To authorize the Chairman to execute the Consolidated Plan Grant Agreement between the Town and the Department of Housing and Urban Development (HUD) for FFY2088 Community Development Block Grant Funds.**

**TEMPORARY WINE AND MALT BEVERAGE LICENSE**

**The Board considered the question of granting a temporary Wine and Malt beverages license to Pine Manor College in connection with a Reception to be held by the Association of Bridal Consultants on August 21, 2008 from 5:00 p.m. to 9:00 p.m. at 400 Heath Street.**

**On motion, it was unanimously,**

**VOTED: To grant a temporary Wine and Malt beverages license to Pine Manor College in connection with a Reception to be held by the Association of Bridal Consultants on August 21, 2008 from 5:00 p.m. to 9:00 p.m. at 400 Heath Street.**

**TEMPORARY WINE AND MALT BEVERAGE LICENSE**

The Board considered the question of granting a temporary Wine and Malt beverages license to the College of Fine Arts –School of Visual Arts in connection with a Reception to be held on September 5, 2008 from 4:00 p.m. to 7:00 p.m. at 808 Commonwealth Avenue.

On motion, it was unanimously,

**VOTED:** To grant a temporary Wine and Malt beverages license to the College of Fine Arts –School of Visual Arts in connection with a Reception to be held on September 5, 2008 from 4:00 p.m. to 7:00 p.m. at 808 Commonwealth Avenue.

**RESOLUTION**

The Board considered the question of adopting a Resolution honoring Chief Justice Thomas May.

Selectman Allen stated that the Board would like to honor Judge May's career and acknowledge his retirement. He read the following resolution:

*WHEREAS, on August 26, 2008 Judge Thomas J. May will retire from the Brookline District Court where he served as the Chief Justice since June 3, 2002; and*

*WHEREAS, Judge May is a graduate of Boston College with degrees in psychology and law, was an officer the U.S. Marine Corps, served with valor in the Brookline Police Department; was an Assistant to Dean Robert F. Drinan, S.J., and an Associate Justice in the East Boston District Court after a distinguished private practice focusing on civil and criminal litigation; and*

*WHEREAS, Judge May is a universally respected member of the legal community widely admired for his inspirational leadership abilities and his sense of fairness in dealing with all parties with whom he came in contact; and*

*WHEREAS, he is a life long resident of Brookline who has given back to the community in innumerable ways: as a Selectman from 1978 – 1981, active member in parent/teacher organizations; and coach of hockey, soccer and baseball; and*

*WHEREAS, despite his demanding career he was first and foremost a loving husband, devoted father to his six children and adoring grandfather of eight grandchildren;*

*BE IT THEREFORE RESOLVED, that we, the Board of Selectmen, as the Town of Brookline's governing body extend to Judge Thomas May, a sincere thank you for his*

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*extraordinary public service given to country and community, together with best wishes for many years of happiness and good health in retirement.*

**On motion, it was unanimously,**

**VOTED: To adopt the above resolution honoring Judge Thomas J. May.**

### **FINANCE DEPARTMENT – PERSONNEL**

The Board considered the question of authorizing the filling of a vacancy in the position of Assistant Treasurer in the Treasurer/Collectors Office.

Director of Finance Steve Cirillo stated that Assistant Treasurer John Mulhane will retire on November 28, 2008 after forty-two years of service. He added that John's historic knowledge and dedication will be a loss to the Town, and he would like to move forward on filling this key position. Mr. Mulhane will be available for training. The Board acknowledged Mr. Mulhane's long career, and hopes it is a reflection on the Town treating its employees well, and its dedicated employees.

**On motion, it was unanimously,**

**VOTED: To authorize the filling of a vacancy in the position of Assistant Treasurer in the Treasurer/Collectors Office.**

### **GRANT OF LOCATION**

Public Hearing on the question of approving the petition of Boston Edison Company d/b/a/ NSTAR Electric for permission to construct, and a location for, such a line of conduit and manholes with the necessary cables therein under the following public way:

**Pleasant Street – Southwesterly, approximately 120 feet north of Freeman Street a distance of 20 feet – conduit @manhole (MH21318).  
(New Service)**

**Ivy Street – Southerly @ Carlton Street, a distance of 22 feet conduit @manhole (MH16436). (Area Upgrade)**

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**GRANT OF LOCATION (cont'd)**

**Carlton Street – Southerly @ Ivy Street, a distance of 322 feet conduit @manhole (MH3254) (Area Upgrade)**

Director of Engineering Peter Ditto stated that NSTAR will be working in three locations. One is for a new service, and two locations are for service upgrades.

On motion, it was unanimously,

**VOTED: To approve the petition of Boston Edison Company d/b/a/ NSTAR Electric for permission to construct, and a location for, such a line of conduit and manholes with the necessary cables therein under the following public way:**

**Pleasant Street – Southwesterly, approximately 120 feet north of Freeman Street a distance of 20 feet – conduit @manhole (MH21318). (New Service)**

**Ivy Street – Southerly @ Carlton Street, a distance of 22 feet conduit @manhole (MH16436). (Area Upgrade)**

**Carlton Street – Southerly @ Ivy Street, a distance of 322 feet conduit @manhole (MH3254) (Area Upgrade)**

**BROOKLINE ACCESS TELEVISION**

Executive Director Peter Zawadzki appeared to update the Board on the proposed Town Hall equipment list for Brookline Access Television. He stated that with the remodeling of Town Hall, BAT will upgrade its capabilities. The Selectmen's Hearing Room as well as the Conference Room will be upgraded. The largest amount of funds will be used to purchase a Broadcast Pix Video Switcher, 9 Sony Remote Cameras, and a TBC Console. Selectman DeWitt made note of the main lobby housing a monitor. Mr. Zawadzki replied that the Main Lobby will house a monitor that will provide continuous information such as announcements, postings, agendas, and meeting information. He also hopes to incorporate grade-schoolers art work etc. The Selectmen's meeting will also be posted live via the Town's website. Town Administrator Richard Kelliher added that as part of their licensing agreement, the cable companies have provided funding for cable related activities.

**BROOKLINE ACCESS TELEVISION cont'd**

**The Board thanked him for the update and looks forward to the upgraded capabilities.**

**FISHER HILL PROJECT**

**The Board considered the question of voting on the issuance of the proposed RFP for the Fisher Hill Town-Owned Reservoir Redevelopment Project.**

**Director of Planning & Community Development Jeff Levine stated that this is a revised RFP based on previous discussions. He pointed out some technical language changes where the word “shall” was changed to “should”.**

**Chairman Daly stated that her intent for these changes was to loosen up the language allowing the ability for an abutter to purchase two single family home lots for market rate homes. She added that she understands that there are neighborhood concerns following the previous Longyear Project, but stated that the Board is committed to this project.**

**Alan Einhorn, Fisher Hill sub-committee member, stated that he opposes the changes from “shall to should”. He feels strongly that an effort should be made to have it the way everyone agreed upon. There was a desire for flexibility for an abutter to purchase the lots. Keep the “shall” and add an option to provide this. He also recommend language to address the reduction of GFA (gross floor area) if a house or houses are not built, and to make a corresponding adjustment to the FAR (floor area ratio).**

**Selectman Benka inquired about the FAR on the two lots in question.**

**Selectman DeWitt added that the zoning portion of the project will have to go before Town Meeting. The details will have to be specified between the RFP announcement and Town Meeting.**

**David Trietch, Fisher Hill sub-committee member, expressed concern that if you have a certain size lot and there is an FAR agreement, and then you shrink the lot, does this shrink the building? The affordable units have a standard square footage. It will no longer be part of the calculation of the whole project.**

**A discussion ensued about the square footage on the parcels and the zoning effects that may occur. Chairman Daly added that it was not her intention to shrink the size of any parcels or the site as a whole.**

**FISHER HILL PROJECT cont'd**

**Gill Fishman, 79 Holland Rd, stated the intent of the Committee was that if the two lots are sold, the buildable square footage drops by 9,000 s.f. Selectman DeWitt added she would like to hold the vote on this tonight, there are clearly some implications to address.**

**Fran Price added that the plan now has 9,000 s.f. on separate parcels. What remains is only the calculation of the FAR which is higher. There is no increase to density only a higher FAR number.**

**Town Counsel Jennifer Dopazo stated that there are many details that will be incorporated in the land disposition agreement drafted by Town Counsel and don't necessarily have to be included in the RFP.**

**Lori Union 30 Hayden Road and abutter stated that she is requesting two changes. She originally proposed 49 trees added as a buffer zone, and now the number is at 30 trees. This is after taking into account some comments and concerns that were made. She also added that she is willing to sign a release if the Town is willing to provide landscape protection, allowing the project to move forward without constraints.**

**Chairman Daly asked if she is requesting that the trees be irrigated. Ms. Union replied yes they would require that. Selectman Allen asked if the release was contingent upon her purchasing the two lots. Ms. Union replied that the release would relate to the project design as the Committee came up with. Selectman Allen added, so if there were to be a buffer put up consistent with the plan you provided, you would sign a release so long as the development was consistent with the overall plan? Ms. Union replied it would be worded as advised by counsel.**

**Pam Lodish, 195 Fisher Ave asked if they are talking about Ms. Union having the option of buying the two lots and a buffer zone, or are we saying that if she buys the lots, there is no need for a buffer zone? Chairman Daly replied that she believes Ms. Union wants the two alternatives in the RFP. Selectman Allen added that if the buffer were part of the vote there would be an obligation on the developer that would most likely run with the land, therefore if Ms. Union were to eventually sell those lots off those people would need a buffer zone. The question is would she herself have to put in a buffer zone if she were to sell the lots as single family lots. Town Counsel added that a buffer would be required if a single family home were to be put in.**

**David Trietch asked what the release is. How much would her plan cost, and who is expected to pay for it? Selectman DeWitt replied that there is no evaluation of the parcels as yet. The obligation would be associated with a deed restriction.**

**FISHER HILL PROJECT cont'd**

Selectman Allen stated that the release is that Ms. Union has standing to file suit against this project, but would waive her right to do so as long as the developer has a plan that is consistent with this plan. The one thing he has a question on is the actual cost of the buffer. A developer may have a different price.

Mr. Treitch added that in trying to be supportive of the conditions, he is concerned about the cost of a buffer along the Longyear Condominiums and Newbury College. He anticipates other abutters will be requesting the same conditions that Ms. Union is requesting. He added that it is a difficult and costly site, and now with the consideration of asking a developer to add additional trees only adds to it. He asked if the trees could come out of the DPW budget. Selectman DeWitt stated that Longyear has expressed interest in having a buffer zone as well.

Stan Davis, 120 Seaver St., a Longyear resident, stated that he agrees with Mr. Treitch. He is most interested in who is going to pay for it, if in fact it is either the Town or the developer. He noted Selectman DeWitt stating that they have not yet put a price on the parcels. He asked about the tax implications on the parcels. Chairman Daly replied that being Town-owned land it receives no tax revenue. Should they be built on, it would produce tax revenue, if used as a buffer it would produce lower tax revenue. Chairman Daly added that the developer would be buying the entire package and potentially sells off the two lots. There could be a stipulation that the two lots could be used only as open space or single family homes.

Selectman DeWitt added that when the RFP had the "shalls" the only option for a developer would be to build single family homes, there was no option to sell off the lots. Mr. Davis added that major decisions regarding the tax revenues are at stake.

Lori Union stated that the RFP does require a buffer, her proposal calls for a landscape for the abutters. Selectman Benka asked if the committee thought about what the word densely vegetated in the RFP meant. Ms. Union had defined what she would like to see around her property line. Should it be specified on the property as a whole what the density means. This type of specification is not in the RFP. The parking lot at Newbury College may not need as much buffer as a single family home.

Selectman Allen replied that there is something to look at regarding the buffers as outlined. In section 4.2.5, He is not convinced that the "shalls" should be changed to "shoulds", they are substantial enough. In section 4.2.3 he would like to see it say there should be 24 affordable units.

*Selectman Allen left the meeting at 8:45 p.m.*



**FISHER HILL PROJECT cont'd**

Selectman DeWitt responded that densely vegetated was imagined to be a richly planted strip, but there was no discussion on the number of plantings or plant types.

Paula Friedman, 170 Hyslop Rd, stated that she spoke at an earlier meeting on affordable housing for senior citizens. She feels that this issue should not be delegated to a developer, and a portion of the affordable units should be allocated for senior citizens.

David Treitch added that the abutters need to pay attention to the process. He does not want to do one piece at a time, and not treat everybody equal.

Selectman Mermell stated that there were many concerns presented on this issue, and she is in favor of holding the vote. She feels that all the neighbors should benefit from a buffer, and they should look at the entire plan in this regard. She feels that the language should be more specific on this.

Chairman Daly thanked everyone for their comments and this will be before the Board sometime in September.

**GRANT OF LOCATION**

Public Hearing on the question of approving the petition of NextG Networks of New York, Inc., for permission to construct, and locations for, lines of conduit and manholes with the necessary cables in various locations throughout the Town.

Peter Heimdahl of NextG Networks outlined a PowerPoint presentation. NextG was funded in 2001, their purpose is to provide service to their clients that are communication carriers. They assist their customer's carrier's coverage by fiber optic cables in the public right of way. Certain locations in the public way exits on current locations and Town owned properties. Their intent to enhance the telecommunications platform in the Town of Brookline. They are a registered common carrier in the Massachusetts Department of Telecommunication and Cable. They consider themselves a wire line telecommunication company in direct competition with the major companies. They are actively building in Boston now. They submitted the initial application in September 2007. The Planning Board voted to recommend approval with a preference for location on Town streetlights. They are looking at 65 node locations, 39 of them would be with antenna pole top. There are some difficulties with the concrete poles that the Town now has with drilling these poles. They are working with the DPW on this issue; in Boston they are replacing them with some metal concrete look-alike poles. There is also an issue of excavation. They can perform this in a way that is different from traditional trenching and is less intrusive, using "microtrenching".

**NextG is promoting new competition into the market. Companies are trying to eliminate the need for landlines. NextG is currently in discussion with Town Counsel on compensation for the poles and conduit access.**

**Chairman Daly stated that she has received a letter suggesting that they are not regulated under Chapter 166, and she has concerns about revenue amounts. Town Counsel replied that this is a point of contention between both parties, she is not sure at this time about the compensation under and tax abatements, this is under negotiation. Also under discussion is the issue of trenching and excavating.**

**Judy Solar lives in a historic district and would like a review of the structures being attached to the poles. She also has concerns about using a public way for the equipment. She feels that this should go through the Historic Commission.**

**Janice Kahn TMM#15 stated that NextG considers themselves a carrier which is regulated under the Telecommunication Act. The Town can negotiate site and esthetics. She had looked at the model nodes and feels that they look good and is less obtrusive. It will allow coverage for both North and South Brookline.**

**Lee Selwyn, 285 Reservoir Road stated that NextG is presenting themselves as a common carrier. They have one customer that was referred to as a client. He feels they are really a contractor and not the carrier. He is not sure where this falls under Chapter 166. Mr. Selwyn expressed concern that the installation is custom and it is unclear if other carriers that may come along will be able to use this infrastructure. What will happen then?**

**Peter Heimdahl replied by reading Chapter 166 section 21 stating that any common carrier has to be on file with the BBC and submit a statement of business operations to be considered a registered common carrier. As for tax exemptions, under M.G.L. Chapter 59 section 39 they do not see an exemption for them so far.**

**Selectman DeWitt asked if there will be interference with internet connection. Mr. Heimdahl replied that they can co-exist with internet providers. Selectman DeWitt asked if they have more than one carrier at other locations. Mr. Heimdahl replied not in this part of the country.**

**Selectman Benka asked if service will be available to the major carriers at the same terms. He is concerned about additional wires from other systems coming in. Mr. Heimdahl is not sure on the contract end of it, the carriers will be paying rent, and he feels that any future carriers will have a similar rate structure.**

**Selectman DeWitt added that there is a provider in South Brookline, what if that provider wanted to go on your pole? Mr. Heimdahl replied, if the technology is compatible, and there is clearance, it could depend on physical space.**

**Mr. Selwyn added that he is interested in how many additional cables there could be. Mr. Heimdahl replied that one fiber can carry four carriers, and there would be additional fibers to allow for any back up.**

**Chairman Daly would like to hold the vote until there is further information from Town Counsel on the current negotiations. She feels it is not clear on the compensation to the Town, the roadwork and repair and regulation concerns.**

### **COMMON VICTUALLER LICENSE**

**The Board considered the question of approving the application of DeNo's Pizza, LLC, d/b/a DeNo's Pizza and Subs, George A. DeFina, Owner, for a Common Victualler license at 293 Cypress Street.**

**The Board considered the question of granting an Entertainment License to DeNo's Pizza, LLC, d/b/a DeNo's Pizza and Subs, George A. DeFina, Owner, holder of a Common Victualler license at 293 Cypress Street to include: Radio, TV and Taped Music.**

**George DiFina stated that this is a family owned and operated business with a current location in West Roxbury for 25 years, where the family is involved in the local community and supports community events.**

**Neil Wishinsky, 20 Henry St, spoke in favor of this establishment.**

**Selectman DeWitt noted the Town's sign bylaw regulations. Chairman Daly noted the conditions.**

**On motion, it was unanimously,**

**VOTED: To approve the application of DeNo's Pizza, LLC, d/b/a DeNo's Pizza and Subs, George A. DeFina, Owner, for a Common Victualler license at 293 Cypress Street.**

**VOTED: To grant an Entertainment License to DeNo's Pizza, LLC, d/b/a DeNo's Pizza and Subs, George A. DeFina, Owner, holder of a Common Victualler license at 293 Cypress Street to include: Radio, TV and Taped Music.**

### **WINE AND MALT COMMON VICTUALLER**

**Public Hearing on the application of Jerusalem Pita, LLC, Rada Roda, Manager for a Wine and Malt Beverages license as a Common Victualler at 10 Pleasant Street.**

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**WINE AND MALT COMMON VICTUALLER cont'd**

The Board considered the question of granting an Entertainment License to Jerusalem Pita, LLC, Rada Roda, Manager holder of a Wine and Malt Beverages license as a Common Victualler at 10 Pleasant Street to include: Radio, TV and Taped Music.

Ms. Rada Roda stated that she would like to open a kosher restaurant. She feels this would be a welcome addition in Coolidge Corner.

Chairman Daly went over the conditions and reminded her of the Town's liquor regulations.

On motion, it was unanimously,

**VOTED: To grant the the application of Jerusalem Pita, LLC, Rada Roda, Manager for a Wine and Malt Beverages license as a Common Victualler at 10 Pleasant Street, contingent on the Police Department's approval.**

**VOTED: To grant an Entertainment License to Jerusalem Pita, LLC, Rada Roda, Manager holder of a Wine and Malt Beverages license as a Common Victualler at 10 Pleasant Street to include: Radio, TV and Taped Music, contingent on the Police Department's approval.**

*(Police Department did approve, retrieved after meeting)*

**ALL KINDS PACKAGE STORE TRANSFER OF STOCK**

Public Hearing on the application of I.V.A. Foods, Inc. d/b/a Bazaar International Gourmet, Alexander Zelfond, President, Manger holder of an All Kinds of Liquor License as a Package Store at 1432 Beacon Street for a transfer of stock as follows:

<b>FROM:</b>	<b>Inna Agron</b>	<b>37.5% shares</b>
<b>TO:</b>	<b>Yuriy Blyakhman</b>	<b>18.75% shares</b>
	<b>Alla Antonov</b>	<b>18.75% shares</b>

Attorney Patricia Farnsworth stated that this has been a Russian grocery store for the last 14 years. There have been no violations in the past 7 years.

On motion, it was unanimously,

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**VOTED: To grant the application of I.V.A. Foods, Inc. d/b/a Bazaar International Gourmet, Alexander Zelfond, President, Manger holder of an All Kinds of Liquor License as a Package Store at 1432 Beacon Street for a transfer of stock as follows:**

**FROM: Inna Agron 37.5% shares**

**TO: Yuriy Blyakhman 18.75% shares  
Alla Antonov 18.75% shares**

**There being no further business, the Chair adjourned the meeting at 10:05 p.m.**

**ATTEST**