

**IN BOARD OF SELECTMEN**

**July 15, 2008**

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

**The Minutes of June 24, 2008 were approved as amended.**

## **PUBLIC COMMENT**

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

**Dr. Alan Balsam updated the Board on a recent Public Health Announcement on the West Nile Virus. The virus was found in mosquito traps in Brookline. Dr. Balsam went over prevention efforts that the Town has taken and advised the public on identifying and preventing the virus. Notices were sent out to residents.**

## **FIRE PERSONNEL**

**The Board considered the question of requesting permission to requisition certified lists from the Human Resource Division for 1 permanent Deputy Chief, 1 permanent Fire Captain and 1 permanent Fire Lieutenant.**

**Chief Skerry stated that due to a recent retirement, and promotion the above positions have become available.**

**On motion, it was unanimously,**

**VOTED: To grant permission to requisition certified lists from the Human Resource Division for 1 permanent Deputy Chief, 1 permanent Fire Captain and 1 permanent Fire Lieutenant.**

## **FIRE DEPARTMENT PROMOTIONS**

**The Board considered the question of making the following promotions within the Fire Department.**

- **Lieutenant James Corbett to Captain**
- **Firefighter Peter Hopkins to Lieutenant**

**Chief Skerry was pleased to recommend the above candidates for promotion.**

**Lieutenant Corbett has been in the Department for 21 years. He is an EMT and is presently serving as Temporary Captain at Fire Station 4. The Chief added that Lt. Corbett is well regarded in the Department and he has worked side by side with him over the years, he is very deserving of the promotion.**

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**FIRE DEPARTMENT PROMOTIONS cont'd**

**Firefighter Hopkins has been in the department for 6 years. He is an EMT and is presently serving as a Temporary Lieutenant at Fire Station 1. The Chief added that Firefighter Hopkins has quickly risen through the ranks in the Department; he is very deserving of the promotion.**

**The Board thanked the candidates for their dedication and hard work, and expressed their appreciation for their service to the community. The Board also thanked their families for their support.**

**On motion, it was unanimously,**

**VOTED: To approve the following promotions within the Fire Department.**

- **Lieutenant James Corbett to Captain**
- **Firefighter Peter Hopkins to Lieutenant**

**DONATION**

**The Board considered the question of accepting a donation in the name of Salvatore Arancio of a decorative piece of the Old Town Hall from his daughter Dorothy Bell.**

**Ms. Bell stated that her father Salvatore Arancio purchased a piece of the old Town Hall; he was an antique dealer. She would like to donate a Capital which was one of the decorative supports in the front of the old Town Hall. Ms. Bell would like a plaque of acknowledgment in her father's name by the capital.**

**Selectman DeWitt added that the Town Hall Oversight Committee will identify a spot for it on the ground floor of the renovated Town Hall. She added that this would be a nice connection between the old Town Hall (pre 1960's) and the renovated Town Hall.**

**On motion, it was unanimously,**

**VOTED: To accept a donation in the name of Salvatore Arancio of a decorative piece of the Old Town Hall from his daughter Dorothy Bell.**

**GRANT**

The Board considered the question of voting to accept the Massachusetts Preservation Project Fund grant and the allocation of matching funds of \$10,000 to conduct a conditions study report for the repairs of the Brookline Reservoir Gatehouse.

Director of Planning & Community Development Jeff Levine stated that this grant will be used to assess the condition, make a priority list of needed repairs, and cost estimates for these repairs and plans and specifications for the repairs of the Brookline Reservoir Gatehouse. Staff time cannot be included in this match.

On motion, it was unanimously,

**VOTED:** To accept the Massachusetts Preservation Project Fund grant and the allocation of matching funds of \$10,000 to conduct a conditions study report for the repairs of the Brookline Reservoir Gatehouse.

**CONTRACT**

The Board considered the question of approving and executing Contract #PW/08-23 "Intersection Improvements at Washington Street and Gardner Road" in the amount of \$67,152.00 to Capone Bros., Inc. Said contract to be funded as follows:

4998WS06 6T0014	\$16,556.26
4988WS07 6T0014	\$14,903.31
4998WS08 6T0014	\$35,092.94
4998WS08 6H0026	\$ 599.49

Director of Engineering Peter Ditto stated that this contract had previously been awarded, but not executed. It is for intersection improvements at Washington Street and Gardner Road.

On motion, it was unanimously,

**VOTED:** To approve and execute Contract #PW/08-23 "Intersection Improvements at Washington Street and Gardner Road" in the amount of \$67,152.00 to Capone Bros., Inc. Said contract to be funded as follows:

4998WS06 6T0014	\$16,556.26
4988WS07 6T0014	\$14,903.31
4998WS08 6T0014	\$35,092.94
4998WS08 6H0026	\$ 599.49

**CONTRACT**

The Board considered the question of awarding and executing Contract #PW/08-22 “Renovation and rehabilitation of the interior of the Singletree Hill Water Storage Tank including structural modifications, surface preparation, priming and finish coating” in the amount of \$305,000 to Prime Coatings, Inc. Said contract to be funded as follows:

4997C159	6E0066	\$200,000.00
4999EW40	6E0054	\$105,000.00

Director of Water and Sewer Andy Pappastergion stated that this work is performed about every 12-14 years. The last time it was performed was about 18 years ago. He hopes to begin the project by the end of August. The vendor has excellent references.

Selectman DeWitt asked about any disruptions during this time. Mr. Pappastergion replied that there will be no loss of pressure or service disruption during the project.

On motion, it was unanimously,

**VOTED:** To award and execute Contract #PW/08-22 “Renovation and rehabilitation of the interior of the Singletree Hill Water Storage Tank including structural modifications, surface preparation, priming and finish coating” in the amount of \$305,000 to Prime Coatings, Inc. Said contract to be funded as follows:

4997C159	6E0066	\$200,000.00
4999EW40	6E0054	\$105,000.00

**CONTRACT**

The Board considered the question of awarding Contract #PW/09-06 for the “Repair of cement concrete sidewalks” in the amount of \$204,192.50 to G. R. Construction Corp. Said contract to be funded as follows:

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

Director of Engineering Peter Ditto stated that this is an annual contract. G.R. Construction Corp has not worked with the Town before but received favorable references from the Town of Belmont and Winchester.

On motion, it was unanimously,

**VOTED: To award Contract #PW/09-06 for the “Repair of cement concrete sidewalks” in the amount of \$204,192.50 to G. R. Construction Corp. Said contract to be funded as follows:**

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

**CONTRACT**

The Board considered the question of awarding Contract #PW/09-07 for the “Repair of Bituminous Concrete Patches” in the amount of \$135,475.00 to Todesca Equipment Co., Inc. Said contract to be funded as follows:

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

Director of Engineering Peter Ditto stated that this is an annual contract and the scope is to repair patches, sidewalks, and adjust manhole covers.

On motion, it was unanimously,

**VOTED: To award Contract #PW/09-07 for the “Repair of Bituminous Concrete Patches” in the amount of \$135,475.00 to Todesca Equipment Co., Inc. Said contract to be funded as follows:**

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

**EXTRA WORK ORDER**

The Board considered the question of approving extra work order # 1 for Ledgewood Construction Co., in the amount of \$3,015.98 for “Work done in conjunction with Contract # PW/08-25, Rawson Path Repair”. This cost increase will be funded from account: 4998WS03 6P0021.

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**EXTRA WORK ORDER cont'd**

Director of Engineering Peter Ditto stated that this work is for replacing the catch basin. It was originally not in the plan, but after examination, it was decided to replace it. The work includes grating the frame and resizing stair treads.

Selectman DeWitt asked about the overall conditions of the Town's paths. Mr. Ditto replied that they are currently checking the paths for safety. A survey on Summit Path is now being looked at, and they will move forward on it.

On motion, it was unanimously,

**VOTED: To approve extra work order # 1 for Ledgewood Construction Co., in the amount of \$3,015.98 for "Work done in conjunction with Contract # PW/08-25, Rawson Path Repair". This cost increase will be funded from account: 4998WS03 6P0021.**

*Selectman Allen arrived*

**EXTRA WORK ORDER**

The Board considered the question of approving extra work order EWO #1 for Whitney Trucking, Inc. in the amount of \$7,791.83 for final adjustments in recyclable materials volume for June, 2008. Said work order to be funded from account 400043200 534593.

Director of Engineering Peter Ditto stated that the funds were estimated lower than recorded. The account was looked at in June to determine any adjustments. This would be the final adjustment in this account for FY08.

On motion, it was unanimously,

**VOTED: To approve extra work order EWO #1 for Whitney Trucking, Inc. in the amount of \$7,791.83 for final adjustments in recyclable materials volume for June, 2008. Said work order to be funded from account 400043200 534593.**

**EXTRA WORK ORDER**

The Board considered the question of approving extra work order EWO #1 for Whitney Trucking, Inc. in the amount of \$11,116 for final adjustment in solid

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waste volume for June, 2008. Said work order to be funded from account 40004300 534593.

On motion, it was unanimously,

**VOTED:** To approve extra work order EWO #1 for Whitney Trucking, Inc. in the amount of \$11,116 for final adjustment in solid waste volume for June, 2008. Said work order to be funded from account 40004300 534593.

### CONTRACT

The Board considered the question of approving the renewal of Contract #PW/07-11 "Collection and Processing of Solid Waste" in the amount of \$1,016,502.22 for Whitney Trucking, Inc. Said contract to be funded from account 40004300 523599.

Director of Engineering Peter Ditto stated that this is the second year of a seven year contract for this service, at a fixed unit price. The contract is for loading, hauling and disposing of municipal solid waste and curbside collection of metal and white goods.

On motion, it was unanimously,

**VOTED:** To approve the renewal of Contract #PW/07-11 "Collection and Processing of Solid Waste" in the amount of \$1,016,502.22 for Whitney Trucking, Inc. Said contract to be funded from account 40004300 523599.

### CONTRACT

The Board considered the question of approving the renewal of Contract #PW/05-23 "Curbside Collection of Recyclable Materials" in the amount of \$628,462.30 for Whitney Trucking, Inc. Said contract to be funded from account 40004300 523599.

Selectman Benka asked if these contracts that are for more than one year were negotiated at fixed unit prices. Director of Engineering Peter Ditto replied that the solid waste contract is at a fixed price with a 2% increase, and the recycling contract price is based on an the consumer price index which was at 4% this year. This is the fourth year of a five year contract.

On motion, it was unanimously,



**VOTED: To approve the renewal of Contract #PW/05-23 “Curbside Collection of Recyclable Materials” in the amount of \$628,462.30 for Whitney Trucking, Inc. Said contract to be funded from account 40004300 523599.**

**CONTRACT**

**The Board considered the question of approving the renewal of Contract # PW/06-29 “Disposing of Leaves and Related Work” in the amount of \$91,000.00 for Lorusso Corporation. Said contract to be funded as follows:**

<b>40004300 523593</b>	<b>\$51,000.00</b>
<b>40004300 523593</b>	<b>\$40,000.00</b>

**Director of Engineering Peter Ditto stated that this contract is for the removal of materials stockpiled at the transfer station. It consists of removal and off-site disposal of leaves, yard waste, roadway materials, and catch basin sediments. This is the third year of a three year contract.**

**On motion, it was unanimously,**

**VOTED: To approve the renewal of Contract # PW/06-29 “Disposing of Leaves and Related Work” in the amount of \$91,000.00 for Lorusso Corporation. Said contract to be funded as follows:**

<b>40004300 523593</b>	<b>\$51,000.00</b>
<b>40004300 523593</b>	<b>\$40,000.00</b>

**CONTRACT**

**The Board considered the question of approving the renewal of Contract #PW/08-02 “Landfill Park Maintenance (Name TBD) Grounds Maintenance” in the amount of \$17,333.00 for D. Muzzioli Associates, Inc. Said contract to be funded from account 46004650 523599.**

**Director of Engineering Peter Ditto stated that the original contract was to trim the pathways at Skyline Park; however it was determined that that was not what they were looking for at the field. The contract has been amended to include two full cuttings and additional landscaping.**

**On motion, it was unanimously,**

**VOTED: To approve the renewal of Contract #PW/08-02 “Landfill Park Maintenance (Name TBD) Grounds Maintenance” in the amount of \$17,333.00 for D. Muzzioli Associates, Inc. Said contract to be funded from account 46004650 523599.**

**CONTRACT**

**The Board considered the question of approving the renewal of Contract #PW/08-01 “School Grounds Maintenance” in the amount of \$127,458.50 for Park Landscape Associates. Said contract to be funded as follows:**

<b>46004651</b>	<b>523599</b>	<b>\$86,400.00</b>
<b>46004650</b>	<b>523599</b>	<b>\$15,458.50</b>
<b>42004230</b>	<b>524058</b>	<b>\$25,600.00</b>

**Director of Engineering Peter Ditto stated that this is a landscape maintenance and snow removal contract for the school grounds.**

**Selectman DeWitt asked who is responsible for clearing snow from the steps at the schools. This seems to not be clearly assigned.**

**Public Works Commissioner DeMaio replied that in the event that the DPW staff can not do it, the contractor will assist. The DPW is responsible for clearing the steps. The Snow Committee did look at this task and discussed the possibility if the custodians taking this responsibility because the DPW staff has to make multiply trips to clear the stairs.**

**On motion, it was unanimously,**

**VOTED: To approve the renewal of Contract #PW/08-01 “School Grounds Maintenance” in the amount of \$127,458.50 for Park Landscape Associates. Said contract to be funded as follows:**

<b>46004651</b>	<b>523599</b>	<b>\$86,400.00</b>
<b>46004650</b>	<b>523599</b>	<b>\$15,458.50</b>
<b>42004230</b>	<b>524058</b>	<b>\$25,600.00</b>

**CONTRACT**

**The Board considered the question of approving the renewal of Contract #PW/05-13 “Processing of Recyclable Material” in the amount of \$27,875.00 for**

**KTI Recycling New England. Said contract to be funded from account 40004300-`  
523593.**

**Director of Engineering Peter Ditto stated that this is the fourth year of a five year contract. The contract has been working out well. The Town will continue to receive a rebate from KTI Recycling for the recycling of white paper.**

**On motion, it was unanimously,**

**VOTED: To approve the renewal of Contract #PW/05-13 “Processing of Recyclable Material” in the amount of \$27,875.00 for KTI Recycling New England. Said contract to be funded from account 40004300` 523593.**

### **ENVIRONMENTAL REVIEW RECORD**

**The Board considered the question of signing the Environmental Review Record for the use of FY 2009 Community Development Block Grant (CDBG) Funds.**

**Director of Planning & Community Development Jeff Levine stated that this is an annual process requiring the Town to review all projects from an environmental viewpoint, and document any negative impacts.**

**On motion, it was unanimously,**

**VOTED: To sign the Environmental Review Record for the use of FY 2009 Community Development Block Grant (CDBG) Funds.**

### **CDBG SUBRECIPIENT AGREEMENTS**

**The Board considered the question of approving and authorizing the Chairman to execute the following FY 2009 CDBG sub-recipient Agreements:**

- **Brookline Recreation Dept (Youth Employment Program)**
- **Dept of Planning and Community Development**

**CDBG SUBRECIPIENT AGREEMENTS cont'd**

On motion, it was unanimously,

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

- **Brookline Recreation Dept (Youth Employment Program)**
- **Dept of Planning and Community Development**

**TEMPORARY WINES AND MALT BEVERAGES LICENSE**

The Board considered the question of granting a temporary Wines and Malt beverages license to Boston University College of Fine Arts in connection with a Reception to be held on July 18, 2008 from 6:00 p.m. -9:00 p.m. at 808 Commonwealth Avenue.

On motion, it was unanimously,

**VOTED: To grant a temporary Wines and Malt beverages license to Boston University College of Fine Arts in connection with a Reception to be held on July 18, 2008 from 6:00 p.m. -9:00 p.m. at 808 Commonwealth Avenue.**

**PERSONNEL – TREASURER/COLLECTOR**

The Board considered the question of authorizing the filling of a vacancy in the position of Senior Accounts Receivable Clerk in the Treasurer/Collector Division.

Director of Finance Steve Cirillo stated that due to a recent reappointment in the Department, this position has become available.

On motion, it was unanimously,

**VOTED: To authorize the filling of a vacancy in the position of Senior Accounts Receivable Clerk in the Treasurer/Collector Division.**

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**PERSONNEL – DEPT OF PUBLIC WORKS**

**The Board considered the question of authorizing the filling of a vacancy in the position of Motor Equipment Operator–Grade 2, LN-3 in the Public Works Department.**

**DPW Commissioner Tom DeMaio stated that the department is down 13 positions, with 6 in the Water Department. It has been taking awhile to fill the positions. This position is the result of a promotion within the Sanitation Department.**

**On motion, it was unanimously,**

**VOTED: To authorize the filling of a vacancy in the position of Motor Equipment Operator–Grade 2, LN-3 in the Public Works Department.**

**PERSONNEL – RECREATION**

**The Board considered the question of authorizing the filling of a vacancy in the position of Recreation Leader (GN-07) in the Recreation Department.**

**Director of Recreation Lisa Paradis stated that this position is for a Recreation Leader at the Soule Center. It has been vacant for awhile because they wanted to wait until a new Director was hired for the center.**

**On motion, it was unanimously,**

**VOTED: To authorize the filling of a vacancy in the position of Recreation Leader (GN-07) in the Recreation Department.**

**FISHER HILL PROJECT**

**Selectman Betsy DeWitt and Planning and Community Development Director Jeff Levine appeared to present a draft Request for Proposals (RFP) for discussion purposes only.**

**Selectman DeWitt started by saying that she would like to hold this vote tonight due to the fact that a number of Fisher Hill Town Reservoir Planning Committee members would like to speak but were unable to attend tonight's meeting. Selectman DeWitt thanked everyone who has worked hard to get to this point of a draft request for proposal for a mixed income housing development on the Town Reservoir site at Fisher Hill. The common goal of the Committee has been to**

**FISHER HILL PROJECT cont'd**

ensure a development of the highest quality that is respectful of the neighborhood and fulfills the Town's affordable housing goals. Ms. DeWitt stated that in December 2007, eleven developers submitted responses to the Request for Information to the Planning Department. Some of the concerns and comments from the developers were: the unknowns and cost of demolishing underground reservoirs, the substantial public funding required to meet affordability goals, partly because ownership of affordable units limits access to public funds, the site plan may be too restrictive and therefore limits potential solutions to provide the desired housing mix and amenities, and the permitting and approvals process for the project. The Committee has benefited from many lessons learned from previous developments. An innovative 3-part project review, permitting and oversight process draws on the Town's well-established procedures for major municipal construction projects, and includes members of the Building Commission.

Assistant Director of Community Planning & Community Development Joe Viola made a brief Powerpoint presentation of the Request for Proposal. The presentation included a plan of the site.

Chairman Daly stated to Town Counsel Jennifer Dopazo that it seems that it is extremely tightly proscribed as to what can happen there. Town Counsel replied it is more like a bid specification than a RFP. She added that under the present RFP it would not be possible to buy separate lots 3 & 4 as requested by an abutter because the RFP states that single family homes must be built specifically on those lots, and the developer cannot decide which lots may or may not have homes built on them. The developer could only sell the lots with required single family homes. Selectman Benka asked about a section in the RFP that mentions a single family home that abuts the property and their desire to purchase lots 3 and 4 at fair market value from the developer to create a buffer zone for their property. He asked what the intent of that is. Ms. Dopazo replied that she does not know the intent of that. She thinks that it may provide the developer with an option to provide a different conceptual plan. Then that would have to be read in conjunction within section 4.2 which states that other concepts can be submitted but, within the Town's guidelines and goals and substantially benefit the Town.

Selectman Benka added that there is clearly an inconsistency about a sale to the abutters if that was pursued by the developer under section 4.2.3. The sale could occur as a result under the provisions that allow modification. Ms. Dopazo replied that they would have to show that it would create a benefit to the Town.

Selectman Allen added that he agrees with Selectman Benka about the inconsistencies. He asked how the process would work after the fact. The developer would have to come in and say under this provision I feel it would be beneficial to the Town and neighborhood to actually sell the land to the abutters;

**FISHER HILL PROJECT cont'd**

therefore I opt not to comply with this provision. Town Counsel replied that it would have to be a completely different conceptual design and demonstrate that it would be beneficial to the town.

A discussion ensued about the outcome of using “shall” or “should” and as to how restrictive the Town would like to be. A standard more common in RFP’s allows developers to submit their conceptual design and would allow the Town to consider an alternative concept as an option.

Selectman Mermell asked about emergency access. Selectman DeWitt replied that the turnaround has been incorporated.

Chairman Daly noted that the developer should be able to sell a couple of lots to the abutters although there could be some hurdles.

Selectman Benka added that in response to the RFP, a developer would have to show plans for single family homes in lot 3, 4 , and then subsequently negotiate a change to allow a sale of these lots. Ms. Dopazo replied that this would change the terms and there would be bidding problems with other bidders that were not allowed that option.

Attorney Jeffrey Allen representing Lauri Union of 30 Hayden Rd stated to the Board that the packet includes proposed abutter protection that will allow the sale of lots 3 and 4. If this language were adopted, the sale of the lots would be allowed. He added that this is a momentous occasion because the proposal put affordable multiple family housing in a single family area. This had received a lot of support. Ms Union supports the project. Ms. Union has been involved in this process and the plan he presented is a plan that Ms. Union had hired an architectural firm to draft as a way to move this project forward. The plan became the focal point for discussion and modification. In the plan there is adequate protection of streetscape for a lot of abutters. This proposed buffer would simply allow protection for Ms. Union’s property. He added that the cost for this protection is far less than the underground parking that was required at the Longyear project. The property owner is requesting two rows of trees to protect the esthetics and the value of the Union property. Attorney added that this would be the only single family house in an S district that would be surrounded by multi families, they are only asking for a buffer zone.

Chairman Daly stated that the cost for the extra trees is estimated at \$200k, and a deed restriction on the lots would be a \$200k value. Mr. Allen added that they are not asking for a deed restriction only that the trees there will be taken care of.

Paula Friedman, 170 Hyslop Rd stated that this has been a long and difficult process, but the outcome is one that everyone could live with. She thanked former

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**Selectmen Joe Geller, and Michael Sher for their involvement. Ms. Friedman expressed concern on the growing number of seniors in the community and requested that 50% of the affordable units be reserved for the elderly. She added that the elderly do not have the capacity to expand their earning potential. Ms. Friedman added that the abutters on Holland Road have not been involved or consulted in this process, and suggested that they may be.**

**Catherine Donaher from the Site Planning Committee stated that she feels that this is a highly risky project. The reason for the rigid proposal is because of mistrust due to unfortunate developments that have happened in the past. Trust needs to be regained. She feels there will be significant developer interest for this highly desirable site. She hopes to see the RFP with a bit more flexibility that would allow the process to continue expeditiously.**

**Roger Tackeff, 86 Dean Road stated that a diverse group of concerned citizens have worked for years to negotiate the Fisher Hill Reservoir site. They all unanimously support the RPF the only issue remaining is the buffer zone at the Union property. The concern is that her family protection will cost about \$400k of the project. and undermine the financial feasibility. He added that they all want her house to be protected and that all abutters to be treated fairly. It is a tightly scripted RPF that allows creativity and creative input and needs to fit into the neighborhood.**

**Gill Fishman, 79 Holland Rd. an abutter of the site, added that there has been a significant amount of site planning and he supports the RFP. Since day one the buffer zone has been part of the deal, at a minimum of 15-18'. The Committee will choose the right developer and continues to give the project the attention and care that it deserves.**

**Kevin Lang Site Planning Committee member stated that it was clear that there was very little room for agreement at the beginning. With a lot of work an agreement was reached that was not loved by everybody, but acceptable to all sides. He added that Ms. Union has been a positive force on this project; however, he is concerned that her request could cost about \$400-\$500k. He is also concerned that as a potential buyer she would not be restrained by requirements that apply to everyone else. She could hold on to the property and develop it at a greater profit than anyone got, even though he feels this is not her intention.**

**Lauri Union stated that she has been involved in this project and has worked very hard on it. The Longyear abutters were protected from not seeing any cars as a result of underground parking. She feels that the single family home owner is receiving less protection than others. She supports the project; her request results in an addition of ten trees. She now has a view of trees and an open field which she feels she will be giving up. Ms. Union wants the same protection as others will receive.**



**Chairman Daly held the vote on this. She is concerned that the RFP is worded too tightly. She has concerns that since the Longyear site was not built as proposed, it has resulted in an RFP with little flexibility on this site.**

**Selectman DeWitt replied that the Committee has tried to design a process that would address people's concerns. The Longyear project has been a substantial influence on drafting the RFP.**

**Building Commissioner Mike Shepard added that the Longyear site was not built as proposed. The Building Department will be working closely with the developer to be reassured that the project will be as it should be.**

**Selectman Benka added that he will not be here at the next meeting, he would like to submit some comments in writing for the July 29<sup>th</sup> meeting where this issue will be taken up again.**

**Selectman Allen added that he has concerns about the project. It is public land and the Town is obligated to look at the neighborhood and decide what will fit best in that neighborhood. He feels that a neighbor, particularly one that will be impacted by the project has the right to protect their property, and purchase something to protect their property, but the benefit needs to be consistent with the overall project. He would like to add some thoughts over the next couple of weeks after some research. He feels that there are some inconsistencies need to be adjusted.**

**Selectman Mermell added that this is not any easy project. She would like to look over the materials in more depth. She acknowledged the hours and work put into this project.**

## **BOARDS AND COMMISSIONS**

**The following candidates for appointment/reappointment to Boards and Commissions appeared for interview:**

### **Conservation Commission**

**Marcus Quigley**

**Jennifer L. Smith**

**Marcus Quigley is a Professional Engineer (CA) and a Certified Professional of Sediment and Erosion Control. He works in water resources engineering and policy**

**development and works with Federal, Local and State agencies. He has an expertise in hydrology, hydraulics and water quality analysis and design. He has also**

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**published many national guidance manuals on urban stormwater best management practices.**

**Jennifer L. Smith is a Project Manager for Vineyard Engineering & Environmental Services, Inc., where she develops proposals and scopes of work for various investigations, performs field samplings, land survey services, manages and conducts emergency response and remediation projects in accordance with Massachusetts Contingency Plan.**

**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: 5  
                                 Voting in the Negative:      0**

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

In Board of Selectmen

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**NOISE BYLAW WAIVER**

**The Board considered the question of approving the request of Golden Temple, Eric Hornfeldt, Manager for a Noise Bylaw Waiver in connection with the cleaning of kitchen air ducts at 1651 Beacon Street.**

**Eric Hornfeldt, Manager stated that this cleaning is done quarterly and it has been about 5 months since the last cleaning of the ducts. He added that the last time the ducts were cleaned in the overnight hours, there were no complaints.**

**Town Administrator Richard J. Kelliher added that the neighborhood association expressed concern on the noise before the last cleaning, but it turned out ok, so they have no problem with the noise waiver being granted for the one year, as long as notices are sent out as to when it will be done. Selectman DeWitt requested that the Board receive a copy of the notices as well.**

**Selectman Benka asked why the cleaning had to be done during the overnight hours. Mr. Hornfeldt replied that the grease is still warm making it easier to clean.**

**On motion, it was unanimously,**

**VOTED: To approve the request of Golden Temple, Eric Hornfeldt, Manager for a Noise Bylaw Waiver in connection with the cleaning of kitchen air ducts at 1651 Beacon Street.**

**NOISE BYLAW WAIVER**

**Hearing on the request of S&R Construction Enterprises of Newton in connection with work to be performed for the MBTA at the Longwood Greenline Station July 19<sup>th</sup> and 20<sup>th</sup> between the hours of 1:30 a.m. and 5:00 a.m.**

**Director of Engineering Peter Ditto stated that the work will improve platform safety, and make the area handicap accessible.**

**A representative from S&R added that the contract will consist of cutting down trees.**

**Tom Vitolo, TMM#1 stated that he has spoken to his neighbors about this and although the tree cutting will be loud, it will greatly improve the station, and make it handicap accessible. Those he spoke with are in favor of the project.**

**On motion, it was unanimously,**

**VOTED: To grant the request of S&R Construction Enterprises of Newton in connection with work to be performed for the MBTA at the Longwood Greenline Station July 19<sup>th</sup> and 20<sup>th</sup> between the hours of 1:30 a.m. and 5:00 a.m.**

**NOISE BYLAW WAIVER**

**Further consideration of the request of the Massachusetts Highway Department (MHD) for a Noise Bylaw Waiver in connection with reconstruction work along Route 9 to be performed by Aggregate Industries from 8:00 p.m. to 5:00 a.m. April 6<sup>th</sup> to September 1<sup>st</sup>, 2008.**

**Mike Howe from Aggregate Industries stated that there have been no complaints as far as he knows. He is happy with the progress of the project. The road is producing less noise due to the improvements.**

**James Bales, 769 Boylston St. stated that the cold planning has already been done; he asked if the loudest portion of the project has past. Mr. Howe replied that there is still some jack hammering to be done by the utility companies. Mr. Bales added that at least he knows what to expect noise-wise since it has already been done.**

**Helga Felleisen, 487 Boylston St. stated that there were no damages done to the Norcross building, however she had expected the Town to put up precautions on Sumner Road. She had expected Sumner Road to be closed off during construction. Director of Engineering Peter Ditto replied that he was aware there were some concerns; however he was unaware of an agreement to close Sumner Road. Selectman Allen added that the engineer was to look at health and safety issues, he does not recall any agreement to close the road unless there were would have been safety concerns. Chairman Daly agreed with Selectman Allen and stated that she was sorry for the miscommunication.**

**Selectman Benka stated that he had requested information on sound barriers in the staging area from MassHighway. MassHighway had stated that they would provide this information to Mr. Ditto. This was not provided which prompts him to vote against the Noise Bylaw waiver.**

**Brian Kenny, Project Engineer for MassHighway stated that he went back to his District Supervisor after the last meeting. She provided him with a letter sent to the Town from MassHighway at the beginning of the project. The letter states that MassHighway is an agency with authorization from the Commonwealth therefore are not subject by local regulations, a position that is supported by a number of court decisions, most recently by the Supreme Judicial Court which states that municipalities are prohibited from regulating entities or agencies created by the legislature in mater that interfere with the legislative purpose, notwithstanding**

In Board of Selectmen

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**MassHighway is willing to work cooperatively with the Town of Brookline in a cost effective and efficient manner to an extent feasible. They welcome the opportunity to hear from the community as an opportunity which provides them with input to help with planning to implement the work. MassHighway can not agree that they are subject to any conditions of waivers associated with the local by-laws.**

**Selectman Allen added that it is his understanding that the noise barriers will result in a negative effect due to limited space for it. He added the road is improving, and there have been some positive changes in the staging area. He is not saying that Selectman Benka's request should have been ignored. Selectman Benka replied that there are some instances where the sound barrier could be a benefit and MassHighway did not provide a response. Ms. Felleisen added that the noise level in this area has been better.**

**On motion, it was,**

**VOTED: 3-2**

<b>Allen</b>	<b>aye</b>
<b>Mermell</b>	<b>aye</b>
<b>DeWitt</b>	<b>no</b>
<b>Benka</b>	<b>no</b>
<b>Daly</b>	<b>aye</b>

**To grant the request of the Massachusetts Highway Department (MHD) for a Noise Bylaw Waiver in connection with reconstruction work along Route 9 to be performed by Aggregate Industries from 8:00 p.m. to 5:00 a.m. April 6<sup>th</sup> to September 1<sup>st</sup>, 2008.**

### **LIQUOR LICENSE HEARING**

**Public Hearing pursuant to General Laws Chapter 138, Section 64, on the question of modifying, suspending, revoking or canceling the All Kinds of Alcoholic Beverages license as a Package Street held by Brookline Food Center Liquors, Inc., Raj Patel, Manager at 8-10 Harvard Street.**

**Attorney Jake Walters representing Brookline Food Center stated that his client had surrendered their license today, regrettably. Chairman Daly added that she is sorry that it had to come to this. Selectman Allen added that Mr. Patel is an overall good guy but unfortunately made some bad decisions, he too is sorry that it came to this.**

**There was no vote.**

### **PAY AS YOU THROW COMMITTEE**

The Board considered the question of appointing a Pay As You Throw Committee (PAYT).

Selectman Mermell stated that there still an opening for a large family representative. A member of a large family expressed concerns awhile ago that the cost of a PAYT would be a burden for them. John Dempsey of the Solid Waste Committee replied that he has been unable to find such representative, after reaching out to different communities.

Selectman DeWitt expressed concern of the committee just addressing a PAYT program and not including a broader recycling program. Mr. Dempsey replied that the charge will be expanded.

The recommend committee members are:

Representative from the Board of Selectman- Jesse Mermell  
Representative from DPW-Tom DeMaio  
Representative from the Advisory Committee- Don Weitzman  
Representative from Council on Aging-Peter Ames  
Representative from the homeowners- Robin MacIlroy  
Representative from the Brookline Neighborhood Alliance- Sean Lynn-Jones  
Representative from multi buildings (owner) - Ron Brown  
Representative from multi buildings (tenant)-Tom Vitolo  
Representative from the recycling industry/SWAC- Adam Mitchell  
Representative from large family- open

On motion, it was unanimously,

**VOTED:** To appoint a Pay As You Throw Committee (PAYT) as recommended.

Selectman Benka is interested in seeing actual analysis on collection costs as opposed to the disposal cost. Before imposing this cost to residents as a fee they should be looked at very carefully.

### **PARKING COMMITTEE**

The Board considered the question of establishing and appointing a Parking Study Committee

Selectman Mermell stated that the committee is going to take a look at parking in a broad view by combining all the issues together. This committee is



In Board of Selectmen

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**charged with conducting a comprehensive review of policies and regulations related to parking, with the exception of the year-round ban on overnight parking. A twelve month time frame is envisioned.**

**The recommended committee members are:**

**1 representative from the Board of Selectman- Jesse Mermell  
1 representative of the Advisory Committee –Sean Lynn-Jones  
2 representatives of the Transportation Board- Michael Sandman, Peter Furth  
2 representatives of the Zoning By-Law Committee- Myra Trachetenberg, Paul Saner  
1 representative of the Planning Board - Jerry Kampler  
1 representative of the Economic Development Advisory Board- Al Raine  
1 representative of the Housing Advisory Board- Steve Heikin  
1 representative of the Conservation Commission- Werner Lohe  
1 representative of the business community- Hsiu-Lan Chang  
1 representative of the Police Department – Cpt. Michael Gropman  
Three at-large members- Bill Swartz, Hugh Mattison, Linda Pehlke**

**On motion, it was unanimously,**

**VOTED: To establishing and appoint a Parking Study Committee as recommended.**

### **FALL TOWN MEETING**

**The Board considered the question of setting the opening and closing dates for the Fall Town Meeting.**

**Deputy Town Administrator Sean Cronin went over the schedule for 2008 Fall Town Meeting.**

**August 7, 2008 OPENING OF WARRANT  
September 4, 2008 CLOSING OF WARRANT  
November 18, 2008 TOWN MEETING**

**On motion, it was unanimously,**

**VOTED: To approve the opening and closing dates for the Fall Town Meeting.**

**There being no further business, the Chair adjourned the meeting at 8:50 p.m.**

**ATTEST**

**IN BOARD OF SELECTMEN**

**July 29, 2008**

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

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

**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.**

**BOARDS AND COMMISSIONS**

**The following candidate for re-appointment to Boards and Commissions appeared for interview:**

**Trustees of Walnut Hills**

**Joslin Murphy**

**Ms. Murphy is seeking re-appointment. She has been a Trustee for many years, and would like to continue her work on policies and procedures. She enjoys her position on the Trustees of Walnut Hills.**

**The Board thanked Ms. Murphy for her interest.**

**FIREFIGHTER COMMENDATIONS**

**Fire Chief Peter Skerry presented commendations for the heroic actions of the following three members of the Brookline Fire Department in the April 16<sup>th</sup> fire on Harrison Street:**

**Lt. Paul Pender  
Acting Lt. Gerald Murphy  
FF Frederick Johnston**

**Chief Skerry outlined the events of the April 16, 2008 fire on Harrison Street, where heroic actions took place. While the Chief was handing out the Commendation for Valor, Chief of Operations Michael O'Reilly read the following:**

***“Let it be known that Lieutenant Paul R. Pender, Acting Lieutenant Gerald J. Murphy, and Firefighter Frederick C. Johnson did perform in a manner that far exceeded department standards, without regard for personal safety and prevented an eminent loss of life or serious injury. Therefore, as Chief of the Department, I commend you for this heroic action”.***

**FIREFIGHTER COMMENDATIONS cont'd**

The Board expressed their gratitude and commended these men on their heroic acts and bravery.

**CHANGE ORDER**

The Board considered the question of approving Change Order #8 in connection with the Town Hall Project in the amount of \$23,143.86 for work to be completed by Colantonio, Inc. Said change order to be funded from account 2594C161 6C0002.

Program Manager Tony Guigli stated that this change order consists of data and wiring changes, new motor starters and disconnection switches at the garage, raised light fixtures, B.A.T. cabling, added sliding window in payroll office, and additional feeders for fuel oil line leak detection. There was some credits applied for temporary power backcharges, doors and relates frames and hardware.

On motion, it was unanimously,

**VOTED:** To approve Change Order #8 in connection with the Town Hall Project in the amount of \$23,143.86 for work to be completed by Colantonio, Inc. Said change order to be funded from account 2594C161 6C0002.

**TRANSFER**

The Board considered the question of approving the following appropriation transfer within the Building Department budget:

<b>From:</b>	<b>25002510 522400</b>	<b>\$25,000</b>
	<b>Building Maintenance</b>	
<b>To:</b>	<b>25002510 532030</b>	<b>\$25,000</b>
	<b>Building Supplies</b>	
<b>From:</b>	<b>25003430 522400</b>	<b>\$50,000</b>
	<b>School Maintenance</b>	
<b>To:</b>	<b>25003430 532030</b>	
	<b>School Supplies</b>	<b>\$50,000</b>

Director of Public Buildings Charlie Simmons stated that this transfer is from the maintenance account to the supply account.

On motion, it was unanimously,

**VOTED: To approve the following appropriation transfer within the Building Department budget:**

<b>From:</b>	<b>25002510 522400</b>	<b>\$25,000</b>
	<b>Building Maintenance</b>	
<b>To:</b>	<b>25002510 532030</b>	<b>\$25,000</b>
	<b>Building Supplies</b>	
<b>From:</b>	<b>25003430 522400</b>	<b>\$50,000</b>
	<b>School Maintenance</b>	
<b>To:</b>	<b>25003430 532030</b>	
	<b>School Supplies</b>	<b>\$50,000</b>

**CONTRACT**

**The Board considered the question of approving and executing a contract with J.T. Haffey in the amount of \$94,490 for Fire Station No. 5 Window Replacements. Said contract to be funded from account 2599WS07 6B0004.**

**Director of Public Buildings Charlie Simmons stated that this window replacement will allow the fire department to observe the trucks coming in and out of the station.**

**On motion, it was unanimously,**

**VOTED: To approve and execute a contract with J.T. Haffey in the amount of \$94,490 for Fire Station No. 5 Window Replacements. Said contract to be funded from account 2599WS07 6B0004.**

**EXECUTE CONTRACT**

**The Board considered the question of authorizing the Town Administrator to execute contracts in relation to the School Building Natural Gas Conversion Project.**

**Director of Public Buildings Charlie Simmons stated that since the Board will not be meeting until after the date that the bids are to come in, he is requesting that Town Administrator Richard Kelliher be authorized to sign the contracts.**

**On motion, it was unanimously,**

**VOTED: To authorize the Town Administrator to execute contracts in relation to the School Building Natural Gas Conversion Project.**

**CDBG AGREEMENTS**

**The Board considered the question of approving and authorizing the Chairman to execute the following FY 2009 CDBG Sub-recipient Agreements:**

**Parent Child Home Program/Brookline  
Next Steps  
Affordable Housing Program  
BCMHC Comprehensive Services for Children &  
Families  
BCMHC Adolescent Outreach Program**

**Assistant Director of Planning & Community Development Joe Viola stated that there are five contracts for FY2009 CDBG. Four of the contracts are for public services and one is for affordable housing. Authorization will allow the Planning Department to start drawing down on these CDBG funds.**

**On motion, it was unanimously,**

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

**Parent Child Home Program/Brookline  
Next Steps  
Affordable Housing Program  
BCMHC Comprehensive Services for Children &  
Families  
BCMHC Adolescent Outreach Program**

**GRANT**

**The Board considered the question of accepting a grant in the amount of \$17,652.00 from the Massachusetts Statewide Telecommunication Board. Said grant funds to be used to further train public safety personnel and to cover overtime cost in connection with dispatcher training.**

**Chief O'Leary stated that this grant would provide training for the public safety dispatch personnel. This is the third year in a row that the Department has received this grant, and the funding has increased each year.**

**On motion, it was unanimously,**

**VOTED: To accept a grant in the amount of \$17,652.00 from the Massachusetts Statewide Telecommunication Board. Said grant funds to be used to**

further train public safety personnel and to cover overtime cost in connection with dispatcher training.

**TEMPORARY WINE AND MALT BEVERAGE LICENSE**

The Board considered the question of a granting three (3) temporary All Kinds of Alcoholic Beverages Licenses to the Annunciation Greek Orthodox Cathedral in connection with a Church Festival to be held on September 5, 6, and 7<sup>th</sup> from 11:00 a.m. to 11:00 p.m. at 162 Goddard Avenue.

On motion, it was unanimously,

**VOTED:** To grant three (3) temporary All Kinds of Alcoholic Beverages Licenses to the Annunciation Greek Orthodox Cathedral in connection with a Church Festival to be held on September 5, 6, and 7<sup>th</sup> from 11:00 a.m. to 11:00 p.m. at 162 Goddard Avenue.

**TEMPORARY WINE AND MALT BEVERAGE LICENSE**

The Board considered the question of granting a temporary Wine and Malt Beverages License to the Runkle School PTO in connection with a Poetry Night for Adults to be held on October 23, 2008 from 6:00 p.m. to 10:00 p.m. at the Runkle School Library, 50 Druce Street.

On motion, it was unanimously,

**VOTED:** To grant a temporary Wine and Malt Beverages License to the Runkle School PTO in connection with a Poetry Night for Adults to be held on October 23, 2008 from 6:00 p.m. to 10:00 p.m. at the Runkle School Library, 50 Druce Street.

**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 the following events to be held at 400 Heath Street

Barbecue	August 5 <sup>th</sup>
Beth Israel/Deaconess	5:00 p.m.- 9:00 p.m.

**TEMPORARY WINE AND MALT BEVERAGE LICENSE cont'd**

Barbecue	August 22 <sup>nd</sup>
Mass General Hospital	5:00 p.m. - 9:00 p.m.

On motion, it was unanimously,

**VOTED: To grant a temporary Wine and Malt Beverages License to Pine Manor College in connection with the following events to be held at 400 Heath Street**

Barbecue	August 5 <sup>th</sup>
Beth Israel/Deaconess	5:00 p.m.- 9:00 p.m.

Barbecue	August 22 <sup>nd</sup>
Mass General Hospital	5:00 p.m. - 9:00 p.m.

**NEXTG NETWORKS PRESENTATION**

Representatives of NextG Networks appeared to present their application for the use of Town conduit and poles in preparation for a Public Hearing on August 12<sup>th</sup>.

Peter Heimdahl from NextG Networks stated that NextG Networks is registered with the MA Department of Telecommunications and Cable as a common carrier, a utility with the same regulatory rights and responsibilities as the incumbent telephone company, Verizon. As a common carrier registered with the MA Department of Telecommunications and Cable, NextG has applied to the Town under a process defined under Massachusetts General Laws and is asking for similar and non-discriminatory treatment afforded other utility applicants.

NextG has installed mock-ups of the three respective antenna node types at different locations in town. The Board expressed concerns on the appearance of the poles to be used, the potential of additional poles, as well as excavating roads to place cables underground if needed. Selectman Allen added that there is the issue of when does the Town have the right to stop carriers from coming in, which may result in an overload on the town's utility poles.

Town Counsel Jennifer Dopazo stated that under certain circumstances, the Town can deny entry into the conduits, such as safety concerns, or if construction demands are not met. Mr. Heimdahl replied that NextG is working with DPW on the usage of poles and construction demands.



**NEXTG NETWORKS PRESENTATION cont'd**

**TMM#16 Regna Frawley stated that when the issue of the proposed cell tower at the cemetery came up to provide services in South Brookline, the DAS system was a welcome compromise. She seems to recall that the Federal Communication Act states that there is not anything the town can do stop providers from coming in. If there were not enough coverage they had a right to provide it. She asked if this is just a commercial venture trying to get a piece of the pie, and does the FCC not cover only that which is necessary. Given which, if we don't have that right, when will it stop, until the next provider comes along?**

**Chairman Daly replied that the FCC encourages competition. We have to provide access if they are a carrier unless there are public safety issues.**

**Town Counsel Jennifer Dopazo added that if the provider has different technology from existing providers the Town should consider that in the application.**

**FISHER HILL PROJECT**

**Further discussion on the RFP for the Fisher Hill Town-Owned Reservoir Redevelopment Project in anticipation of a Board vote on August 12, 2008.**

**Chairman Daly stated that she would be suggesting some language changes in the RFP. She would consider changing some "shall to should" to allow more lead way for a developer to negotiate with an abutter.**

**David Trietch, Fisher Hill sub-committee member, and Chairman of the Brookline Housing Authority, stated that this has been a long and difficult challenge. There was a recommendation which was a comprise made out of clear goals and performance criteria. There was another perspective that had to do with the history and lack of confidence in the Town's ability to oversee what it is trying to accomplish. Chairman Daly replied that she appreciates his concerns on what happened on the Longyear Project in the neighborhood, however, both the Building Commissioner, and the Board will be following the project very closely.**

**Alan Einhorn, Fisher Hill sub-committee member expressed concern about the process and the trust. The project was divided between those who did not want anything built, and those who wanted to keep it in the character of the neighborhood with single family homes. He feels that the RFP is a compromise after a long process. The committee came up with something that was written intentionally because there had been some issues with past projects. He feels that the RFP is not too restrictive and hopes that it remains as written.**

### **FISHER HILL PROJECT**

Chairman Daly replied that there is one abutter that would like to buy two lots that would not be part of the affordability package. The way the document is written now, this cannot be done. Mr. Einhorn replied that he understood that they had the option to discuss this option. Selectman DeWitt added that since the property is Town owned the bidding process must show that there is no special treatment to an individual that is not permitted under 30B. The language had to accommodate this. The abutter could go to the developer independently though.

Selectman Allen noted that the changes recommended will be up for review before any approval is given.

### **POLICE DEPARTMENT ACCREDITATION**

Selectmen Allen and Mermell reported on the status of the review of Police Department Policies and Procedures relative to the police accreditation process.

Selectman Mermell stated that she has been working with the Chief and Selectman Allen on the accreditation process. The Chief added that he has been working on this process for some time now. They have looked at standards, policies and procedures. Some standards looked at are handling of prisoners, use of force, and motor vehicle pursuits. The Chief's goal is to get everything in place by this Fall. Selectman Mermell added that it is a rare honor for communities to be accredited. The Chief replied that there are not many Massachusetts Police Departments accredited.

Selectman Allen added that the DPW is working on getting their department accredited. This puts the procedures out there, and Brookline will remain a model of how policies and procedures are applied.

### **COMMON VICTUALLER – OUTSIDE SEATING**

The Board considered the question of approving the application of Indica 2, LLC, d/b/a Tamarind Bay-Costal Indian Kitchen, Vikas Kappor, Owner, holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 1665 Beacon Street for outside seating with a capacity of 20 seats.

Kikas Kappor stated that he would like to add outside seating. He is looking for 20 seats or less. All papers are in order.

On motion, it was unanimously,

**COMMON VICTUALLER – OUTSIDE SEATING cont'd**

**VOTED: To approve the application of Indica 2, LLC, d/b/a Tamarind Bay-Costal Indian Kitchen, Vikas Kappor, Owner, holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 1665 Beacon Street for outside seating with a capacity of 20 seats.**

**OPEN AIR PARKING LICENSE**

**Public Hearing on the application of Michael W. Merrill for a License to conduct and maintain an open air parking lot for five (5) automobiles at 115 School Street.**

**Mr. Merrill stated that the parking will remain the same as it was for the previous owner. There will be no changes.**

**On motion, it was unanimously,**

**VOTED: To grant the application of Michael W. Merrill for a License to conduct and maintain an open air parking lot for five (5) automobiles at 115 School Street.**

*Selectman Allen left the room*

**ENTERTAINMENT LICENSE**

**The Board considered the question of approving the application of Gina Japanese Restaurant, Inc., d/b/a Gina Japanese Restaurant, Jason Lenh, President, holder of a Common Victualler License at 1393 Beacon Street and an Entertainment License to include: radio and taped music.**

**Vanessa Lenh appeared for the applicant. All the papers are in order.**

**On motion, it was unanimously,**

**VOTED: To approve the application of Gina Japanese Restaurant, Inc., d/b/a Gina Japanese Restaurant, Jason Lenh, President, holder of a Common Victualler License at 1393 Beacon Street and an Entertainment License to include: radio and taped music.**

**ENTERTAINMENT LICENSE (INCREASE)**

The Board considered the question of approving the application of Gourmet Curry House, d/b/a Singh Food II, Inc., Dalvir Singh, Manger, holder of a Wine and Malt Beverages License as a Common Victualler at 1335 Beacon Street for an increase in their Entertainment License to include TV.

Mr. Singh stated that he would like to add TV to his entertainment license.

On motion, it was unanimously,

**VOTED:** To approve the application of Gourmet Curry House, d/b/a Singh Food II, Inc., Dalvir Singh, Manger, holder of a Wine and Malt Beverages License as a Common Victualler at 1335 Beacon Street for an increase in their Entertainment License to include TV.

*Selectman Allen returned*

**COMMON VICTUALLER LICENSE**

The Board considered the question of approving the application of Matthew Kevin Beigi, Inc., d/b/a Frank n' the Boys, Peyman Beigi, Owner for a Common Victualler License at 284 Washington Street.

Attorney Shiva Karimi stated that the menu will serve items like hamburgers, fries, and milkshakes. Chairman Daly read the conditions. All papers are in order.

On motion, it was unanimously,

**VOTED:** To approve the application of Matthew Kevin Beigi, Inc., d/b/a Frank n' the Boys, Peyman Beigi, Owner for a Common Victualler License at 284 Washington Street. Subject to the Health Department conditions.

**FOOD VENDOR LICENSE**

The Board considered the question of approving the application of 7-Eleven, Inc. d/b/a 7-Eleven 33577B, Nilesh Shah, Manger for a Food Vendor License at 1441 Beacon Street.

Nilesh Shar stated that the operations will stay the same as the previous franchise owner. All papers are in order.

In Board of Selectmen

July 29, 2008

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**FOOD VENDOR LICENSE cont'd**

On motion, it was unanimously,

**VOTED: To approve the application of 7-Eleven, Inc. d/b/a 7-Eleven 33577B, Nilesh Shah, Manger for a Food Vendor License at 1441 Beacon Street.**

**BOARDS AND COMMISSIONS**

The Board considered the question of making appointments to the following Boards and Commissions:

Conservation Commission  
Trustees of Walnut Hills Cemetery

**Conservation Commission**

On motion, it was,

**VOTED: To appoint Marcus Quigley to the Conservation Commission for a term ending August 31, 2009 or until a successor can be appointed.**

**Trustees of Walnut Hills Cemetery**

On motion, it was unanimously,

**VOTED: To re-appoint Donald Hingston to the Trustees of Walnut Hill Cemetery for a term ending August 31, 2010 or until a successor can be appointed.**

**VOTED: To re-appoint Joslin Murphy to the Trustees of Walnut Hill Cemetery for a term ending August 31, 2010 or until a successor can be appointed.**

**LIQUOR – TRANSFER OF STOCK**

Public Hearing on the application of Kim & Jung Corp., d/b/a YASU, Daniel In Jung, President, holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 1366 Beacon Street for a transfer of stock as follows:

From:	Ki Suk Kim	75% shares
To:	Daniel In Jung	75% shares

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**LIQUOR – TRANSFER OF STOCK cont'd**

On motion, it was unanimously,

**VOTED: To approve the application of Kim & Jung Corp., d/b/a YASU, Daniel In Jung, President, holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 1366 Beacon Street for a transfer of stock as follows: Contingent on conformation that they want to proceed.**

<b>From:</b>	<b>Ki Suk Kim</b>	<b>75% shares</b>
<b>To:</b>	<b>Daniel In Jung</b>	<b>75% shares</b>

**LIQUOR – PLEDGE/TRANSFER OF STOCK**

**Public Hearing on the application of Doolin Cottage Corporation, d/b/a the Public House, David Ciccolo, President holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 1648 Beacon Street for a Restated and Amended Collateral Assignment of a Liquor License Pledge to Brookline Bank and transfer of stock as follows:**

<b>From:</b>	<b>Ailish Gilligan</b>	<b>100 shares</b>
<b>To:</b>	<b>David Ciccolo</b>	<b>100 shares</b>

**Mr. Ciccolo stated that this transfer is a result of requirements of the ABCC. (Alcoholic Beverage Control Commission)**

On motion, it was unanimously,

**VOTED: To approve the application of Doolin Cottage Corporation, d/b/a the Public House, David Ciccolo, President holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 1648 Beacon Street for a Restated and Amended Collateral Assignment of a Liquor License Pledge to Brookline Bank and transfer of stock as follows:**

<b>From:</b>	<b>Ailish Gilligan</b>	<b>100 shares</b>
<b>To:</b>	<b>David Ciccolo</b>	<b>100 shares</b>

**LIQUOR – TRANSFER OF STOCK**

**Public Hearing on the application of Roadhouse, Inc., David Ciccolo, President, holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 1700 Beacon Street for a transfer of stock as follows:**

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**LIQUOR – TRANSFER OF STOCK cont'd**

<b>From:</b>	<b>Ailish Gilligan</b>	<b>100 shares</b>
<b>To:</b>	<b>David Ciccolo</b>	<b>100 shares</b>

**On motion, it was unanimously,**

**VOTED: To approve the application of Roadhouse, Inc., David Ciccolo, President, holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 1700 Beacon Street for a transfer of stock as follows:**

<b>From:</b>	<b>Ailish Gilligan</b>	<b>100 shares</b>
<b>To:</b>	<b>David Ciccolo</b>	<b>100 shares</b>

**There being no further business the Chair adjourned the meeting at 9:00 p.m.**

**ATTEST**