

IN BOARD OF SELECTMEN

May 13, 2008

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

The Minutes of April 29, 2008 were approved.

ORGANIZATION OF THE BOARD

The Board considered the election of a Chairman for the ensuing year.

Town Administrator Richard Kelliher served as Chair Pro tem.

Selectman Allen made the motion to elect Selectman Daly. Selectman Mermell seconded. Selectman Allen went on to outline her qualifications, and stated that she stepped up to the challenge a few months back as Chairman. She has worked hard during these tough fiscal times and will continue to serve the Board well.

On motion, it was unanimously,

VOTED: To close the nominations.

On motion, it was unanimously,

VOTED: To elect Selectman Nancy as Chair for a one year term.

PUBLIC COMMENT

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

Selectman DeWitt spoke as a resident and Co-Chair of the Override Campaign. She thanked everyone for their support in passing the Override. Selectman DeWitt thanked the Override Study Committee and the Town staff. She is looking forward to addressing the Committee's recommendations to obtain fiscal responsibility for the Town.

CONSERVATION RESTRICTION

The Board considered the question of approving and executing a Conservation Restriction for the property located at 170 Sargent Road.

Town Counsel Jennifer Dopazo stated that this Conservation Restriction will result in the protection of approximately 79k square feet of land across the street from Sargent Pond. This new restriction will provide substantial water quality benefits to the watershed in this area of land and is of particular benefit given the proximity of two previously obtained Conservation restrictions within the same watershed. The land owner has worked with the Town and went over each

In Board of Selectmen

May 13, 2008

Page 3 of 28

CONSERVATION RESTRICTION cont'd

provision. This restriction was negotiated collaboratively with the Conservation Commission, the property owner and the Preservation Commission.

Selectman DeWitt asked if access will be available to the public. Town Counsel replied that it will not be accessible to the public.

Selectman Benka asked about the conditions. Town Counsel replied that they cannot build on the buffer zone and any land that is disturbed during construction to the abutting parcel must be restored.

Tom Brady, Conservation Administrator added that the site plan is not complete for the adjacent lot as yet. The driveway there would need to be used for access to the lot at some time.

Chairman Daly asked about reduction in property taxes on the property. Town Counsel replied that taxes will be reduced as a result of the restriction on the restricted lot. They will not be reduced on the buildable lot.

Selectman Allen added that this may have been four lots, arguably three buildable lots. There was a neighborhood concern about that. The owner has merged the lots together to build one house on the lot, which may be an unintended benefit to the neighborhood.

Resident Joe Geller stated that this was a difficult process but is happy with how it worked out.

Steve Kanen of the Conversation Commission stated that the question came up on the taxes on the property. The outcome may well result in a shift to the buildable lot resulting in no loss for the Town.

On motion, it was unanimously,

VOTED: To approve and execute a Conservation Restriction for the property located at 170 Sargent Road.

APPROPRIATION TRANSFER

The Board considered the question of approving the following appropriation transfers within the Police Department budget:

FROM:	21002010 521010	\$27,000
	Electricity	
TO:	21002010 534211	\$27,000
	Gasoline	
FROM:	21002010 521012	\$ 5,000
	Oil	
TO:	21002010 534211	\$ 5,000
	Gasoline	

Public Safety Business Manger Anthony Ansaldi stated that the Police Department budget requires a transfer from electricity to gasoline which came up short. There have been some energy conservation measures taken at the Public Safety Building resulting in some savings in electricity.

On motion, it was unanimously,

VOTED: To approve the following appropriation transfers within the Police Department budget:

FROM:	21002010 521010	\$27,000
	Electricity	
TO:	21002010 534211	\$27,000
	Gasoline	
FROM:	21002010 521012	\$ 5,000
	Oil	
TO:	21002010 534211	\$ 5,000
	Gasoline	

APPROPRIATION TRANSFER

The Board considered the question of approving the following appropriation transfers within the Police Department:

FROM:	21002010 524006	\$8,666.44
	Education/Training	
TO:	21002010 552010	\$1,311.10
	Out of State Airfare	

In Board of Selectmen

May 13, 2008

Page 5 of 28

APPROPRIATION TRANSFER cont'd

21002010 552020 \$ 323.75
Out of State Hotel

21002010 5521030 \$ 259.73
Out of State Car Rental

21002010 552090 \$ 3.00
Out of State Other Travel

21002010 551071 \$ 736.09
Out of State Business meals

21002010 553010 \$ 175.00
Dues/Membership

21002010 552025 \$4,208.97
In State Hotel

21002010 551070 \$ 685.80
In State Business Meals

21002010 552090 \$ 250.00
In State Other Travel

21002030 539031 \$ 713.00
Public Safety Supplies

Public Safety Business Manger Anthony Ansaldi stated that the Department would like to code the out of state expenses separately. These bills have been paid for, it is a coding change.

On motion, it was unanimously,

VOTED: To approve the following appropriation transfers within the Police Department:

FROM: 21002010 524006 \$8,666.44
Education/Training

TO: 21002010 552010 \$1,311.10
Out of State Airfare

21002010 552020 \$ 323.75
Out of State Hotel

In Board of Selectmen

May 13, 2008

Page 6 of 28

APPROPRIATION TRANSFER cont'd

21002010 5521030 \$ 259.73

Out of State Car Rental

21002010 552090 \$ 3.00

Out of State Other Travel

21002010 551071 \$ 736.09

Out of State Business meals

21002010 553010 \$ 175.00

Dues/Membership

21002010 552025 \$4,208.97

In State Hotel

21002010 551070 \$ 685.80

In State Business Meals

21002010 552090 \$ 250.00

In State Other Travel

21002030 539031 \$ 713.00

Public Safety Supplies

APPROPRIATION TRANSFER

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

FROM: 22002020 521010 \$ 7,000

Electricity

TO: 22002050 534212 \$ 7,000

Diesel

FROM: 22002020 521011 \$ 5,000

Hot water

TO: 22002050 534212 \$ 5,000

Diesel

FROM: 22002020 521011 \$13,400

Hot Water

TO: 22002050 534230 \$13,400

MV Supplies

APPROPRIATION TRANSFER cont'd

On motion, it was unanimously,

VOTED: To approve the following transfer within the Fire Department appropriation:

FROM:	22002020 521010	\$ 7,000
	Electricity	
TO:	22002050 534212	\$ 7,000
	Diesel	
FROM:	22002020 521011	\$ 5,000
	Hot water	
TO:	22002050 534212	\$ 5,000
	Diesel	
FROM:	22002020 521011	\$13,400
	Hot Water	
TO:	22002050 534230	\$13,400
	MV Supplies	

APPROPRIATION TRANSFER

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

FROM:	22002010 524030	\$500.00
	Printing	
TO:	22002010 553010	\$500.00
	Dues	
FROM:	22002050 522070	\$449.92
	Equip & Maintenance	
TO:	22002010 552030	\$449.92
	Out of State Travel-Rental	
FROM:	22002050 522070	\$591.35
	Equip & Maintenance	
TO:	22002010 552020	\$591.35

Public Safety Business Manger Anthony Ansaldi stated the Comptroller would like to code services and supplies separately. They are currently being coded as one transaction.

APPROPRIATION TRANSFER cont'd

Out of State Travel-Hotel

FROM:	22002050 522070	\$155.00
	Equip & Maintenance	
TO:	22002010 552010	\$155.00
	Out of State Airfare	
FROM:	22002050 522070	\$ 45.40
	MV Service	
TO:	22002010 551071	\$ 45.40
	Out of State Meals	
FROM:	22002050 522070	\$ 89.50
	MV Service	
TO:	22002010 552090	\$ 89.50
	Out of State Other	
FROM:	22002050 522070	\$389.00
	Fire Equip. Maint.	
TO:	22002010 552020	\$389.00
	Out of State Airfare	

Public Safety Business Manger Anthony Ansaldi stated that the Department had paid for the former Fire Chief's membership dues which is non transferable. Chief Skerry needs to be added to the Municipal Chief's membership. Also, included in the purchase of the Bronto Fire Truck was mechanical training. The Fire Department's mechanic attended the training, and the cost will be reimbursed by the vendor. The training was to be done before delivery of the truck, but had been rescheduled.

On motion, it was unanimously,

VOTED: To approve the following transfer within the Fire Department appropriation:

FROM:	22002010 524030	\$500.00
	Printing	
TO:	22002010 553010	\$500.00
	Dues	
FROM:	22002050 522070	\$449.92
	Equip & Maintenance	

In Board of Selectmen

May 13, 2008

Page 9 of 28

APPROPRIATION TRANSFER cont'd

TO:	22002010 552030	\$449.92
	Out of State Travel-Rental	
FROM:	22002050 522070	\$591.35
	Equip & Maintenance	
TO:	22002010 552020	\$591.35
	Out of State Travel-Hotel	
FROM:	22002050 522070	\$155.00
	Equip & Maintenance	
TO:	22002010 552010	\$155.00
	Out of State Airfare	
FROM:	22002050 522070	\$ 45.40
	MV Service	
TO:	22002010 551071	\$ 45.40
	Out of State Meals	
FROM:	22002050 522070	\$ 89.50
	MV Service	
TO:	22002010 552090	\$ 89.50
	Out of State Other	
FROM:	22002050 522070	\$389.00
	Fire Equip. Maint.	
TO:	22002010 552020	\$389.00
	Out of State Airfare	

CONTRACT

The Board considered the question of executing a Contract in the amount of \$62,800.00 for "Selective Roofing Replacement at the Transfer Station and Wood Hog Building" with Signature Roofing Systems, Inc. of Norwell. Said contract to be funded from account 259C157 6B0074.

Project Manager Tony Guigli stated that this contract received nine bids. The contract is for the reroofing at the transfer station of a small utility building.

On motion, it was unanimously,

VOTED: To execute a Contract in the amount of \$62,800.00 for “Selective Roofing Replacement at the Transfer Station and Wood Hog Building” with Signature Roofing Systems, Inc. of Norwell. Said contract to be funded from account 259C157 6B0074.

EXTRA WORK ORDER

The Board considered the question of approving Extra Work Order #1 in the amount of \$23,952.50 for work to be completed by Mario Susi & Son, Inc. in connection with Contract No. PW/08-04 “Repair of Bituminous Concrete Patches”. Said work order to be funded from account 4998WS08 6H0026 40W08.

Director of Engineering Peter Ditto stated that the contractor did more work than originally anticipated. The work was much needed to remove and replace an additional 357.5 square yards of bituminous concrete patches at various locations.

On motion, it was unanimously,

VOTED: To approve Extra Work Order #1 in the amount of \$23,952.50 for work to be completed by Mario Susi & Son, Inc. in connection with Contract No. PW/08-04 “Repair of Bituminous Concrete Patches”. Said work order to be funded from account 4998WS08 6H0026 40W08.

GIFT

The Board considered the question of accepting the gift of an Ambulance from Fallon Ambulance for Emergency Management Services.

Chief O’Leary stated that Fallon Ambulance has been an active participant in the Town’s Emergency Management Team. There have been recent discussions on the Town’s need for emergency shelters, and on-scene shelters. Fallon Ambulance has offered the Town an ambulance that was scheduled to come off their front lines. The ambulance will provide storage at emergency scenes. The ambulance will be marked up and identified with Brookline Emergency Management Team markings on it. Town mechanics have checked out the vehicle for safety.

On motion, it was unanimously,

VOTED: To accept the gift of an Ambulance from Fallon Ambulance for Emergency Management Services.

TEMPORARY WINE AND MALT BEVERAGE LICENSE

The Board considered the question of granting a temporary Wine and Malt beverages license to B.U. School of Hospitality in connection with a reception to be held on May 17, 2008 from 11:00 a.m. – 1:30 p.m. at 928 Commonwealth Avenue.

On motion, it was unanimously,

VOTED: To grant a temporary Wine and Malt beverages license to B.U. School of Hospitality in connection with a reception to be held on May 17, 2008 from 11:00 a.m. – 1:30 p.m. at 928 Commonwealth Avenue.

TEMPORARY WINE AND MALT BEVERAGE LICENSE

The Board considered the question of granting a temporary Wine and Malt beverages license to the Melanoma Foundation of New England in connection with a Fundraiser to be held on May 29, 2008 from 6:00 p.m. to 9:00 p.m. at the Larz Anderson Auto Museum, 15 Newton Street.

On motion, it was unanimously,

VOTED: To grant a temporary Wine and Malt beverages license to the Melanoma Foundation of New England in connection with a Fundraiser to be held on May 29, 2008 from 6:00 p.m. to 9:00 p.m. at the Larz Anderson Auto Museum, 15 Newton Street.

OUTDOOR SEATING

The Board considered the question of approving the annual request of the Fireplace, holder of an All Kinds of Liquor license as a Common Victualler at 1634 Beacon Street for 20 outside seats.

In Board of Selectmen

May 13, 2008

Page 12 of 28

OUTDOOR SEATING cont'd

On motion, it was unanimously,

VOTED: To approve the annual request of the Fireplace, holder of an All Kinds of Liquor license as a Common Victualler at 1634 Beacon Street for 20 outside seats.

RESCIND WINE AND MALT BEVERAGE LICENSE

The Board considered the question of rescinding the vote of the Board taken on February 26, 2008 granting a Wine and Malt beverages license as a Common Victualler to Rizelli, Inc. d/b/a Rizelli Café Huseyin Akgun, President at 284 Washington Street, because the applicant has decided not to proceed with its plans.

On motion, it was unanimously,

VOTED: To rescind the vote of the Board taken on February 26, 2008 granting a Wine and Malt beverages license as a Common Victualler to Rizelli, Inc. d/b/a Rizelli Café Huseyin Akgun, President at 284 Washington Street.

POLICE PERSONNEL

The Board considered the question of requesting a temporary Police Sergeant's list from the Department of Human Resources.

Chief O'Leary stated that Sergeant Stephen Burke is retiring at the end of August 2008 with over forty years of service. Sergeant Burke plans on using his accumulated vacation time starting at the end of May 2008 until his retirement date. In the interim the Chief would like to request a Temporary Police Sergeant's list to fill this vacancy on a temporary basis to fill in for this busy time.

Selectman Benka asked the Chief if he had any concerns about a temporary appointment going out on a disability retirement given the recent press reports on temporary appointments in Boston. The Chief replied that this has not been an issue in the past and does not anticipate that it would be. This position is a stepping stone for further career advancement.

Town Administrator Richard Kelliher noted that this is an extraordinary case where the number of Sergeants will be up by one. It has been done before, but will no way set precedent on the number of Sergeants going forward. This is only a temporary status and the number will reduce to its original staff level once the retirement is final.

In Board of Selectmen

May 13, 2008

Page 13 of 28

POLICE PERSONNEL cont'd

On motion, it was unanimously,

VOTED: To allow Chief O'Leary to request a temporary Police Sergeant's list from the Department of Human Resources.

PROCLAMATION

The Board considered the question of adopting a Proclamation for the week of May 18 to May 24, 2008 as National Public Works Week.

Public Works Commissioner Tom DeMaio stated that National Public Works week will take place from May 18 to May 24, 2008. This is a great honor to the public works profession. Mr. DeMaio outlined the events planned for the week and noted that he anticipates a successful event. He added that Brookline DPW will be recognized for a national award at a luncheon on May 21, 2008 for the new park at the former site of the Newton Street Landfill.

On motion, it was unanimously,

VOTED: To adopt the following Proclamation for the week of May 18 to May 24, 2008 as National Public Works Week:

WHEREAS, National Public Works Week will be held May 18 to May 24, 2008, and;

WHEREAS, the Brookline Department of Public Works infrastructure, facilities, parks, open spaces, and services are of vital importance to the health, safety and well-being of the residents of Brookline; and

WHEREAS, it has been demonstrated on many occasions that public works provides critical response capabilities, experience and support to all levels of government and town agencies in times of natural and man-made disasters; and

WHEREAS, it is in the public interest for the citizens and civic leaders of this community to gain knowledge of and to maintain a progressive interest in the public works needs and programs and employees; and

WHEREAS, in celebration of National Public Works Week the Department of Public Works has planned an Open House on May 20, 2008 at the Municipal Service Center, with tours of the facility, equipment demonstrations, flower plantings and many other interactive events; and

NOW, THEREFORE, in appreciation of the Department of Public Works contributions to the safety and enjoyment of the residents of Brookline,

In Board of Selectmen

May 13, 2008

Page 14 of 28

PROCLAMATION cont'd

BE IT THEREFORE RESOLVED, that we, the Board of Selectmen of the Town of Brookline do hereby designate the week May 18-24, 2008, as National Public Works Week; and urge all residents to join with representatives of governmental agencies and the American Public Works Association in activities and ceremonies designed to pay tribute to our public works employees and to recognize their substantial contributions to the health and welfare of our community and country.

BROOKLINE BIKES BEACON

John Dempsey appeared to update the Board on the activities surrounding the Brookline Bikes Beacon event scheduled for Sunday May 18, 2008.

Mr. Dempsey, Lynne Karsten, from the Health Department, and Melissa Battite from Recreation outlined the activities planned for the day. There will be a bike parade along Beacon Street and festivities at Amory Park in collaboration with the Brookline Fitness Fair.

Selectman Allen made note of the dedication and Golf Tournament for the Robert T. Lynch Municipal Golf Course on May 17, 2008.

CDBG PROGRAM

The Board continued the Public Hearing to discuss the approval of the FY2009 Community Development Block Grant Program One Year Action Plan.

Selectman Mermell stated that there are many great programs requesting CDBG funds making it a difficult decision to allocate the funds. There have been some noted concerns on the initial proposal allocating funds to a new applicant, Project 112. This has caused concern from the smaller programs that rely wholly on this funding, where Project 112 may have other means of funding. Selectman Mermell recommended a revised allocation as follows:

Part I

Program Management /Planning

1.	CD Grant Administration	\$165,512.00
2.	CD Comprehensive Planning	\$ 77,255.00
3.	Preservation Planning	\$ 71, 866.00
4.	Emergency Preparedness for Vulnerable Population	<u>\$ 6,600.00</u>
		\$321,233.00

In Board of Selectmen

May 13, 2008

Page 15 of 28

Part II

Housing

1.	Housing Division	\$273,956.00
2.	Affordable Housing Program	\$420,000.00
3.	Hallway Design @ Veterans Dev	\$ 85,000.00
4.	Walnut Street Apartments, Fire Safety Doors	<u>\$ 69,600.00</u>
		\$848,556.00

Part III

Community Facilities

1.	Humanity House Kitchen	\$ 30,000.00
2.	Modernization Work @col. Floyd Apts	\$ 50,000.00
3.	Gateway East Design & Construction	\$ 65,000.00
4.	BCMHC Facilities Improvement: Window	<u>\$ 50,000.00</u>
		\$195,000.00

Part IV

Public Service

1.	Next Steps	\$ 10,500.00
2.	Parent Child HOME Program	\$ 13,500.00
3.	Brookline Visually Impaired Elders program	\$ 3,000.00
4.	Project 112	\$ 15,000.00
5.	After-Hours U	\$ 12,500.00
6.	BCMHC Comprehensive Services for Children	\$ 25,000.00
7.	Brookline Elder Taxi System	\$ 34,500.00
8.	BCMHC Adolescent Outreach program	\$ 35,500.00
9.	Brookline Learning Project	\$ 10,000.00
10.	Home and Escort Linkage Program	\$ 4,500.00
11.	Job Opportunities for Elders	\$ 10,000.00
12.	Youth Employment Program	<u>\$ 67,000.00</u>
		\$241,000.00

Entitlement \$1,607.057

Recommendation \$1,605.789

Selectman Allen stated that all the programs are worthy, although he is uncomfortable with taking away funding from a project that was originally allocated one amount and is now being reduced. He added that the building in question is a high call area for safety personnel due to the high elderly population and on most emergency visits there are no personnel or medical staff available for assistance due to funding.

On motion, it was unanimously, 4-0 *Selectman DeWitt recused herself due to her involvement in one of the programs.*

VOTED: To approve the FY2009 Community Development Block Grant Program One Year Action Plan as presented above.

RESERVE FUND TRANSFER

The Board considered the question of approving and transmitting to the Advisory Committee the request of Fire Chief Peter Skerry for a Reserve Fund Transfer in the amount of \$42,000 for repairs to front line emergency fire apparatus.

Chief Skerry stated that that this transfer will cover repairs to three fire trucks. One truck is undergoing major refurbishment at a manufacturing plant in Wisconsin. Chief Skerry has some concerns about a crack found in the engine block. The vehicle made the trip out there with no problems. He is has requested a detailed analysis of the repair, and is has made it known that this finding is unacceptable. He will pursue this repair to find out how it occurred. This truck is needed back as soon as possible. Chairman Daly would like to have an outside independent mechanic look at this crack. Another vehicle is a thirteen year old truck that has some corrosion damage. This is common in the Northeast climate.

On motion, it was unanimously,

VOTED: To approve and transmit to the Advisory Committee the request of Fire Chief Peter Skerry for a Reserve Fund Transfer in the amount of \$42,000 for repairs to front line emergency fire apparatus.

WARRANT ARTICLES

The Board considered the question of voting on the following Warrant Articles for the May 27, 2008 Town Meeting:

<u>NO.</u>	<u>TITLE</u>
15.	Zoning – Parking Requirements in GMR 2.0 (Hugh Mattison)

Petitioner Hugh Mattison stated that his amended Article remains the same. He added that 37% of staff at Children’s Hospital drive to work. If this percentage is applied to 2-4 Brookline Place it would result in 259 staff spaces. Children’s has stated that they need 184 for patient parking and 40 retail spaces. The end result he is recommending is 549 from the current calculation of 624 spaces.

Jeff Levine, Director of Planning & Community Development added that this Article would lower the current minimum requirements. It does not mean that the applicant cannot seek a higher amount of parking through the Board of Appeals. The applicant may offer some of the spaces for resident overnight parking. Mr. Levine holds his recommendation of 549 spaces.

WARRANT ARTICLES cont'd

Todd Kirrane, Transportation Administrator stated that he conducted a survey on the parking conditions in Brookline Village on a normal day. The outcome resulted in a large amount of neighborhood parking spots are being used to park and walk to work outside the neighborhood. Brookline is being used as a parking lot. He added that he is not speaking for or against the Article. He has found that this area is already saturated and the impact on the neighborhood should be a part of the discussion.

Charles Weinstein, Vice President of Real Estate and Development at Children's Hospital, stated that at a total cost of \$115k per space, they are not eager to add to the number. Their goal is to accommodate the proper number of parking for the building. They have never sought the maximum number of spaces, but rather conformed to the minimum. The building will be a pediatric doctor's building, and he feels that patients will not take their children to the office on bikes or public transportation. The building is not to serve Brookline exclusively. It is important to have the adequate number of spaces to serve the patrons.

Tom Vitolo TMM# 1 stated that he plans to take his children to doctor's visit via bicycle, or public transportation. He disagrees that no one will do so.

Selectman Allen stated that he does not think there is a right answer to the adequate number of spaces needed. We need to start looking at parking as a whole and not by piecemeal. There is not enough parking in the area now to cover the demand. There were commitments made to the neighborhood at the beginning of this project on their concerns about parking. He is concerned about changing the Zoning By-law without good support behind it.

Selectman Mermell stated that this project would be a good opportunity to be environmentally responsible due to the proximately to public transportation, and given that the area is pedestrian and bicycle friendly.

Selectman DeWitt stated that she agrees with both prior speakers in different ways. By supporting this Article it will provide a constructive discussion going forward. Driving habits have changed over the years, and may again due to the high cost of gasoline. She added that the Longwood Medical Area provides a shuttle bus to Brookline Place during rush hours and she is concerned that Brookline is being used as on off site parking area.

Selectman Benka added that this would set a minimum. It is not setting the right number for this particular project. That is the role of the ZBA. It would provide a greater window in which the ZBA can operate. He feels there is more study and analysis needed. It would simply provide a lower minimum. If all the cars at 1BP garage are parked there for business, and not as satellite parking at 1 space per 350 square feet, than there may be a need for more parking at 2BP due to the

WARRANT ARTICLES cont'd

pediatric facility. He is concerned about reducing the number to the bare minimum which would have severe consequence to the area. He hopes that Children's will have some controls in place to ensure that it would not be used as a satellite parking lot.

Chairman Daly added that she feels the Board is not the correct body to decide the right number of spaces.

On motion, it was,

VOTED: 4-1 Favorable Action

Allen	no
DeWitt	aye
Mermell	aye
Benka	aye
Daly	aye

To see if the Town will amend §5.06 - SPECIAL DISTRICT REGULATIONS d (2) of its Zoning By-law by amending a) retail use: one parking space per [350] 400 g.s.f. of floor area, adding d) medical office use: one parking space per ~~400 g.s.f~~ 350 g.s.f. and amending former paragraph d) The number of parking spaces for the above uses in a GMR-2.0 district may be reduced by special permit, however, by no more than [15%,] ~~50%~~ 25% where it can be demonstrated to the Board of Appeals that is warranted due to provisions in a Transportation Access Plan that includes recognized Transit Demand Management programs. A Transportation Access Plan Agreement shall be a condition of the special permit, shall be submitted for review to the Director of Transportation and the Director of Planning and Community Development, and shall require an annual report to the Director of Transportation. This annual report shall be accepted only after a determination by the Director of Transportation and Director of Planning and Community Development that the Transportation Access Plan is working satisfactorily, and if not, that the plan will be changed and implemented to their satisfaction.

or act on anything relative thereto.

In Board of Selectmen

May 13, 2008

Page 19 of 28

WARRANT ARTICLES cont'd

<u>NO.</u>	<u>TITLE</u>
20.	150 Princeton Road Easement (Toby Brendze)

Attorney Jeffrey Allen representing the petitioner stated that he has nothing to add to the discussion.

Favorable Action was made but motion failed 2-3 on Article 21.

Allen	no
DeWitt	aye
Mermell	no
Benka	aye
Daly	no

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 individual¹.
- _____ (2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual¹.
- 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.
- X (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.

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

May 13, 2008

Page 22 of 28

RESERVE FUND TRANSFER

The Board considered the question of approving and transmitting to the Advisory Committee the recommendation of the Town Administrator for a Reserve Fund Transfer for outside counsel in the amount of \$35,000.

On motion, it was unanimously,

VOTED: To approve and transmit to the Advisory Committee the recommendation of the Town Administrator for a Reserve Fund Transfer for outside counsel in the amount of \$35,000.

RESERVE FUND TRANSFER

The Board considered the question of approving and transmitting to the Advisory Committee the request of Assistant Town Administrator Melissa Goff for a Reserve Fund Transfer in the amount of \$ 47,300 for Energy.

Assistant Town Administrator Melissa Goff stated the budget for Town Hall in FY08, were based on the best available consumption levels that were on record for the building. However, the Old Lincoln has never seen occupancy as high as current levels which made it difficult to project what would be required to operate the building. The Department will also be topping off the oil tank at Town Hall (Old Lincoln School). The need for a transfer for Health is primarily due to an increase in what was assumed for consumption for electricity usage. The FY08 budgets were based using five months of post-renovation usage which was the only data available at the time of budget formulation. In addition the building is also the temporary location of the Town Clerk's office which has also increased the building's consumption. There is a small increase in gasoline usage due an increase in site visits and off hour responses. The need for a transfer for Library is due to higher than anticipated natural gas consumption.

On motion, it was unanimously,

VOTED: To approve and transmit to the Advisory Committee the request of Assistant Town Administrator Melissa Goff for a Reserve Fund Transfer in the amount of \$ 47,300 for Energy.

WARRANT ARTICLES

Reconsideration of the Board's vote on the following Warrant Article for the May 27, 2008 Town Meeting:

<u>NO.</u>	<u>TITLE</u>
32.	Resolution to reduce Greenhouse Gases. (Selectmen

Selectman Mermell made the motion to reconsider Article 32.

On motion, it was unanimously,

VOTED: To reconsider Article 32.

Selectman Mermell would like to make a slight change in the language.

Selectman Benka made the motion to accept the Advisory Committee's language with the insertion of "scientific" between global and community in the second whereas.

On motion, it was unanimously,

VOTED: Favorable Action, that the Town adopt the following resolution:

Allen	aye
DeWitt	aye
Mermell	aye
Benka	aye
Daly	aye

RESOLUTION TO STOP GLOBAL WARMING BY REDUCING GREENHOUSE GASES

WHEREAS Climate instability brought on by global warming will negatively impact the Town of Brookline, the Commonwealth of Massachusetts and the world;

WHEREAS The global **scientific** community has concluded that greenhouse gases, created by human activity are very likely to be the main cause of global warming;

WHEREAS The technologies we need to reduce our greenhouse gas emissions already exist and have the added benefit of improving public health by reducing other pollutants;

WHEREAS Leading the world in developing technologies to reduce greenhouse gas emissions could create new jobs and foster new industries;

In Board of Selectmen

May 13, 2008

Page 24 of 28

BE IT RESOLVED, that the Town of Brookline calls on the Commonwealth of Massachusetts to be a leader in addressing this global threat.

THEREFORE, BE IT FURTHER RESOLVED, that the Town of Brookline calls on the Commonwealth of Massachusetts, the Federal Government, and the Governments of the world to cap greenhouse gas emissions and reduce emissions by 20% by 2020 and 80% by 2050, the levels identified by scientific community as necessary to avoid the worst impacts of global warming.

The Board considered the question of voting on the following Warrant Articles for the May 27, 2008 Town Meeting:

<u>NO.</u>	<u>TITLE</u>
17.	Zoning – Max. Height Regulations (Public Benefit Incentives) (Daniel Saltzman)

Petitioner Daniel Saltzman stated that there have been some proposed changes to the Article by the Advisory Committee, but they voted to refer it for study. Stanley Spiegel TMM#2 stated that the Advisory Committee voted to refer to the Zoning By-Law Committee to be reported back to the 2009 Annual Town Meeting. Mr. Spiegel is concerned that if nothing is done at this Town Meeting the opportunity will be lost. The shadowing is something that needs to be focused on.

Mr. Saltzman added that the Warrant Article will not prevent development. The wording is significant harm. This Article will not kick in unless the developer is going for a bonus height. If there is a bonus height it will look for significant harm which may not be applicable. The neighborhood will be the one to shoulder the burden. This is to protect the neighborhood.

Jeff Levine, Director of Planning & Community Development stated that the basic issue is that the By-law needs to be interpreted by the Building Commissioner. He is not completely comfortable with the language, and the implications it may have in the By-law.

Mr. Spiegel is considering making a motion at Town Meeting: He added that the language may not be perfect but can be amended.

Selectman Benka added that public benefits should be broader than benefiting a limited group. Maybe it should be defined as something other than the category of Public Benefit. He hopes that there could be an agreement between additional height and breadth.

**Selectman Allen made the motion of No Action on Article 17.
There was no second, motion failed.**

Selectman DeWitt made the motion to refer Article 17 to the Zoning By-law Committee.

On motion, it was unanimously,

VOTED: Favorable Action to refer Article 17 to the Zoning By-Law Committee.

Allen	aye
DeWitt	aye
Mermell	aye
Benka	aye
Daly	aye

- | <u>NO.</u> | <u>TITLE</u> |
|------------|---|
| 21. | Making Voting Members of Boards/Commissions Registered Voters of the Town (Regina Frawley) |

Petitioner Regina Frawley TMM#16 stated that she had met with a number of Boards as well as Town Counsel and the Town Administrator for input. She had added new language to the Article.

Article 3.x.x. VOTING MEMBERSHIP OF TOWN COMMITTEES

All voting members of any Town committee (as defined under Town By-Law, Article 1.1, Section 1.1.4 {c}), established or appointed by the Board of Selectmen, Town Moderator or Town Meeting, shall be residents of the Town, unless otherwise required or explicitly permitted by State Statute or State Regulation or Town By-Law or explicitly exempted at the time of committee creation or appointment. However, in no instance shall residents constitute less than a two-thirds majority of a voting membership of any committee.

Ms. Frawley added that this will not exclude anyone from serving on a Committee only exclude non residents from voting.

Chairman Daly stated that the Brookline 300 Committee was made up of many merchants of the Town that have a vested interest in the Town and worked hard on the Committee, she is concerned about a situation like this and not giving the members a chance to vote. Ms. Frawley replied that they will have a voice at the table, just not a vote.

WARRANT ARTICLES cont'd

Selectman Allen added that not only the Brookline 300 Committee but the Coolidge Corner District Planning Council consists of many merchants. If a business owner were asked to serve on a Committee but not able to vote, it may deter participation from this group. He feels that this excludes people rather than includes people. He has never seen an issue where this has been a problem in the past. Ms. Frawley added that the Article would require two-thirds majority for voting. Selectman Benka was not sure that would be realistic for that particular committee. Given this example the committee would need 21 members in order to ensure a 2/3 majority.

Selectman DeWitt stated that a month ago the State School Building Authority requested that the Town make committee appointments. She would not like to be bound to check with the State that the required members consist of two-thirds residents.

Ms. Frawley added that she is not comfortable with a non-resident of the Town making decisions on spending her money. Selectman DeWitt replied that in this instance it is State money.

Selectman Mermell stated that she is uncomfortable asking someone to serve on a committee, volunteer their time and expertise but not allow them to vote on anything.

Town Administrator Richard Kelliher stated that he is not sure if Town Counsel's interpretation of the new language is consistent with Ms. Frawley's.

Selectman Benka would like to refer this Article to the Committee of Town Organization and Structure.

On motion, it was unanimously,

VOTED: Favorable Action to refer Article 21 to Committee on Town Organization and Structure.

Allen	aye
DeWitt	aye
Mermell	aye
Benka	aye
Daly	aye

TRAFFIC CALMING

Assistant Transportation Director Todd Kirrane appeared to update the Board on Traffic Calming issues.

Mr. Kirrane outlined safety improvement projects completed/funded with construction pending, safety improvement projects completed, safety improvement projects under design, safety improvement request planned for investigation this year, and other safety improvements requests for future investigation.

Selectman Allen inquired about painting, and refreshing crosswalks and stop signs. Mr. Kirrane replied that the process has already started for the upcoming school year.

Selectman DeWitt asked about the traffic lights at Beacon and Harvard Streets. The delay has been adjusted resulting in not enough time for pedestrians to cross. Mr. Kirrane replied that it is now under MassHighway, once the roadway is turned into the Town's jurisdiction, it will be adjusted. Selectman DeWitt added that it is wonderful how many traffic calming projects were able to be taken on.

The Board thanked him for the update.

BOARDS AND COMMISSIONS

The Board considered the question of making appointments to the Human Relations/Youth Resources Commission.

On motion, it was unanimously,

VOTED: To re-appoint Rita McNally to the Human Relations/Youth Resources Commission, for a term ending August 31, 2010 or until a successor can be appointed.

VOTED: To re-appoint Ed Wang to the Human Relations/Youth Resources Commission, for a term ending August 31, 2010 or until a successor can be appointed. .

VOTED: To re-appoint Lena Wong to the Human Relations/Youth Resources Commission, for a term ending August 31, 2010 or until a successor can be appointed. .

In Board of Selectmen

May 13, 2008

Page 28 of 28

BOARDS AND COMMISSIONS cont'd

VOTED: To appoint Donelle O'Neil to the Human Relations/Youth Resources Commission, for a term ending August 31, 2010 or until a successor can be appointed.

VOTED: To appoint Jacob Effron (student rep) to the Human Relations/Youth Resources Commission, for a term ending August 31, 2008 or until a successor can be appointed.

There being no further business, the Chair adjourned the meeting at 9:40 p.m.

ATTEST

IN BOARD OF SELECTMEN

May 20, 2008

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

**The Minutes of May 13, 2008 were approved as
amended.**

In Board of Selectmen

May 20, 2008

Page 2 of 24

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.

Selectman Mermell noted that the Brookline Bikes was a successful event.

CHANGE ORDER

The Board considered the question of approving Change Order No. 7 in the amount of \$428.25 in connection with the Town Hall Renovations Project. Said change order to be funded from account 2599WS08 6B0107.

Project Administrator Tony Guigli stated that the change order consists of added soffits, door hardware changes, change in floor IDF room layout, elevator annunciate, meeting room light fixture change, and a utility backcharge for temporary power use. This gives a net amount of \$428.25.

Chairman Daly asked how the project was going. Mr. Guigli replied that the project is about two-thirds completed; there is still a lot of work to be done.

Selectman DeWitt stated that there are plans for an opening celebration of Town Hall, and hopes there will be ongoing communication to coordinate the event. Mr. Guigli replied that that is the intention.

On motion, it was unanimously,

VOTED: To approve Change Order No. 7 in the amount of \$428.25 in connection with the Town Hall Renovations Project. Said change order to be funded from account 2599WS08 6B0107.

TRANSFER

The Board considered the question of approving the following transfer within the Council on Aging appropriation:

FROM:	541054152 524006	\$5,400
	Education	

TO:	541054152 525030	\$5,400
	Printing	
FROM:	541054152 524006	\$3,000
	Education	
TO:	541054152 523590	\$3,000
	Cleaning	
FROM:	541054152 524006	\$1,500
	Education	
TO:	541054153 532010	\$1,500
	Paper Goods	

Director of Council on Aging Ruthann Dobek stated that there were extra funds in the education and training account which she had used to pay for an adult education position at the Senior Center. This position had become vacant due to a transfer to the Fire Department. She would like to transfer the funds into the cleaning account for rug cleaning and the paper goods account for necessities.

On motion, it was unanimously,

VOTED: To approve the following transfer within the Council on Aging appropriation:

FROM:	541054152 524006	\$5,400
	Education	
TO:	541054152 525030	\$5,400
	Printing	
FROM:	541054152 524006	\$3,000
	Education	
TO:	541054152 523590	\$3,000
	Cleaning	
FROM:	541054152 524006	\$1,500
	Education	
TO:	541054153 532010	\$1,500
	Paper Goods	

The Board considered the question of awarding and executing Contract No. PW/08-17 “Larz Anderson Park – Italianate Garden & Masonry” in the amount of \$198,000 with D&D Enterprises, Inc. of West Bridgewater, MA.

Director of Engineering Peter Ditto stated that this contract consists of restoring an existing historic gazebo and adjacent staircase with walls. There was some work done in this area several years ago, and now there are some funds to continue it. The contractor will be required to reuse existing materials onsite and furnish new masonry materials that match those on site. The low bidder was disqualified because they did not meet the specific requirements, mainly for lack of experience with historic masonry.

Selectman Benka asked about the added alternates dollar amount. Mr. Ditto replied that this would not complete the project. The wall by the refrigeration unit is in need of repair. When the project first went out to bid, it included everything but went over budget, so they took that portion out. It is not identified in the capital budget as yet.

On motion, it was unanimously,

VOTED: To award and execute Contract No. PW/08-17 “Larz Anderson Park – Italianate Garden & Masonry” in the amount of \$198,000 with D&D Enterprises, Inc. of West Bridgewater, MA.

EXTRA WORK ORDER

The Board considered the question of approving Extra Work Order #1 in the amount of \$15,064.05 for work completed by Allied Paving Corporation in conjunction with Contract No. 4PW/08-09 entitled Granite Curb Installation at 791 Hammond Street. Said work order to be funded from account 4998WS07-6H0026.

Director of Engineering Peter Ditto stated that this contract would replace the sidewalks at 791 Hammond Street area. The equipment was on site from the previous project so they felt it would be advantageous to replace the sidewalks at this time.

Chairman Daly asked about tree roots taking over the curbing of sidewalks. Mr. Ditto responded that if a resident would like to put in sidewalk curbing, the resident would be responsible for fifty percent of the cost. It is made clear that when a tree is involved there may be limits on the curbing. The Tree Warden will be involved in the process.

EXTRA WORK ORDER

Mr. Ditto added that in the last ten years there were approximately ten applicants for this. Out of the ten, maybe three or four actually went through with it due to the limitations.

Selectman Benka asked if the work was already done for this project, and if so, what the policy on obtaining authorization is. Mr. Ditto replied that they try to stay within twenty- five percent of the project, if it goes over that it would go out to bid. In most projects the work is time sensitive, and there is money in the budget to pay for it.

On motion, it was unanimously,

VOTED: To approve Extra Work Order #1 in the amount of \$15,064.05 for work completed by Allied Paving Corporation in conjunction with Contract No. 4PW/08-09 entitled Granite Curb Installation at 791 Hammond Street. Said work order to be funded from account 4998WS07-6H0026.

CONTRACT

The Board considered the question of awarding Contract No. PW/08-16 “Cold Plane & Resurface Three Streets and Allied Work” in the amount of \$293,175 to D&R General Contracting, Inc., 138 Franklin Street, Stoneham, MA 02180.

Director of Engineering Peter Ditto stated that this contract consist of resurfacing Allandale Road, Lagrange Street, and a portion of Goddard Avenue. He added that he was happy to see a close bid on this contract.

On motion, it was unanimously,

VOTED: To award Contract No. PW/08-16 “Cold Plane & Resurface Three Streets and Allied Work” in the amount of \$293,175 to D&R General Contracting, Inc., 138 Franklin Street, Stoneham, MA 02180.

CHAPTER 90 REIMBURSEMENT

The Board considered the question of approving Chapter 90 Project Request and Environmental Punch List to the Massachusetts Highway Department for Cold Plane & Resurface Three Roadways, Contract No. PW/08-16 in the amount of

In Board of Selectmen

May 20, 2008

Page 6 of 24

CHAPTER 90 REIMBURSEMENT cont'd

\$350,000.00, which will provide for the resurfacing of Allandale Road, LaGrange Street and a portion of Goddard Avenue.

Director of Engineering Peter Ditto stated that these Chapter 90 funds will be used as reimbursement for the previous contract PW/08-16. Selectman DeWitt asked about the difference between the contract amount and the reimbursement amount. Mr. Ditto replied that it includes a ten percent contingency amount and the cost of public safety, such as police details.

On motion, it was unanimously,

VOTED: The Board considered the question of approving Chapter 90 Project Request and Environmental Punch List to the Massachusetts Highway Department for Cold Plane & Resurface Three Roadways, Contract No. PW/08-16 in the amount of \$350,000.00, which will provide for the resurfacing of Allandale Road, LaGrange Street and a portion of Goddard Avenue.

CONTRACT

The Board considered the question of awarding and executing Contract No. P-08-09 “Multi-Space Parking Meters” in an amount not to exceed \$30,000 to Digital Payment Technologies of Burnaby, British Columbia. Said contract to be funded from 42004250 5A0015.

Transportation Administrator Todd Kirrane stated that the Transportation Department has been looking at replacing the parking meters. Money had been allocated in the CIP, and will go before Town Meeting 2010. A parking committee was assembled to look into this technology. Mr. Kirrane and Chief Information Officer Kevin Stokes met with the Cities of Cambridge and Boston to discuss new meters that they implemented. A Request for Proposal was sent out, and he would like to move forward with Digital Payment Technologies. The contract will be for two meters for a free 90 day trial period, and then after 6-8 months of data collection, if they are successful, there will be a request for Town Meeting to purchase additional meters.

One meter will go to the Babcock Street lot, and one at the Webster Street lot for the trial. Going forward there may be two or three meters per lot. The patron will walk up to the meter, receive a ticket, and place the ticket on their dashboard. The units will be WIFI compatible with the Town’s current system, providing reports, and maintenance alerts. The Department of Public Works will be trained for routine maintenance, and troubleshooting.

Selectman Allen stated that he has served on the committee, and he is impressed with the efficiency that this system will generate. He feels that this system will generate additional revenue, as well as provide a good product for consumers.

On motion, it was unanimously,

VOTED: To award and execute Contract No. P-08-09 "Multi-Space Parking Meters" in an amount not to exceed \$30,000 to Digital Payment Technologies of Burnaby, British Columbia. Said contract to be funded from 42004250 5A0015.

APPROPRIATION TRANSFER

The Board considered the question of approving the following appropriation transfers within the Department of Public Works budget:

FROM:	40004300 523593	\$30,000
	Solid Waste	
TO:	42004250 5A0015	\$30,000
	Parking Meters	
FROM:	40004010 525030	\$ 1,800
	Printing	
TO:	40004010 551020	\$ 1,800
	In-State Travel	

Commissioner DeMaio stated that there was a surplus in the Solid Waste, and In-State Travel accounts. These funds would be used fund the parking meter contract.

On motion, it was unanimously,

VOTED: To approve the following appropriation transfers within the Department of Public Works budget:

FROM:	40004300 523593	\$30,000
	Solid Waste	
TO:	42004250 5A0015	\$30,000
	Parking Meters	
FROM:	40004010 525030	\$ 1,800
	Printing	
TO:	40004010 551020	\$ 1,800
	In-State Travel	

APPROPRIATION TRANSFER

The Board considered the question of approving the following appropriation transfers within the Water and Sewer Enterprise fund:

FROM:	4991EW40 525002	\$ 5,500
	Wireless Telephone	
	4991EW40 528060	\$ 6,500
	Pest Control	
	4999EW40 522090	\$ 3,500
	Other Eq R&M	
	4999EW40 522400	\$ 2,500
	Building Maintenance	
	4999EW40 524010	\$ 9,000
	Pro/Tech Services	
	4999EW40 525002	\$ 9,000
	Wireless Telephone	
TO:	4999EW40 534212	\$36,000
	Diesel Fuel	
FROM:	4999EW40 543060	\$ 6,400
	DEP Assessments	
	4999EW40 551001	\$ 1,600
	Auto Reimbursement	
TO:	4999EW40 534211	\$ 8,000
	Gasoline	

Director of Water and Sewer Andy Pappastergion stated that this is a request to cover the deficit for gasoline and diesel fuel. Because it is an enterprise fund, it needs to be reconciled within the enterprise and not a reserve fund.

On motion, it was unanimously,

VOTED: To approve the following appropriation transfers within the Water and Sewer Enterprise fund:

FROM:	4991EW40 525002	\$ 5,500
	Wireless Telephone	
	4991EW40 528060	\$ 6,500
	Pest Control	
	4999EW40 522090	\$ 3,500
	Other Eq R&M	
	4999EW40 522400	\$ 2,500
	Building Maintenance	

In Board of Selectmen

May 20, 2008

Page 9 of 24

APPROPRIATION TRANSFER cont'd

	4999EW40 524010	\$ 9,000
	Pro/Tech Services	
	4999EW40 525002	\$ 9,000
	Wireless Telephone	
TO:	4999EW40 534212	\$36,000
	Diesel Fuel	
FROM:	4999EW40 543060	\$ 6,400
	DEP Assessments	
	4999EW40 551001	\$ 1,600
	Auto Reimbursement	
TO:	4999EW40 534211	\$ 8,000
	Gasoline	

APPROPRIATION TRANSFER

The Board considered the questioning of approving the following appropriation transfer within the Town Counsel budget:

FROM:	14101410 556010	\$	56
	Claim & Settlements		
TO:	14101410 531012		
	Office Supplies	\$	56

On motion, it was unanimously,

VOTED: To approve the following appropriation transfer within the Town Counsel budget:

FROM:	14101410 556010	\$	56
	Claim & Settlements		
TO:	14101410 531012		
	Office Supplies	\$	56

APPROPRIATION TRANSFER

The Board considered the questioning of approving the following appropriation transfers within the Information Technology budget:

FROM:	19001941 531015	\$ 10,000
	Data Processing Supplies	
TO:	19001942 528005	\$ 10,000
	Credit Card Services	
FROM:	19001944 531018	\$ 5,000
	Data Processing Software	
TO:	19001942 528005	\$ 5,000
	Credit Card Services	

Deputy Town Administrator Sean Cronin stated that this transfer will cover the cost of Ecommerce. Due to the high volume of online payments this account is in need of additional funding.

On motion, it was unanimously,

VOTED: To approve the following appropriation transfers within the Information Technology budget:

FROM:	19001941 531015	\$ 10,000
	Data Processing Supplies	
TO:	19001942 528005	\$ 10,000
	Credit Card Services	
FROM:	19001944 531018	\$ 5,000
	Data Processing Software	
TO:	19001942 528005	\$ 5,000
	Credit Card Services	

RESERVE FUND TRANSFER

The Board considered the question of approving and transmitting to the Advisory Committee the request of Public Works Commissioner A. Thomas DeMaio for a Reserve Fund Transfer in the amount of \$569,034 for the Snow and Ice account.

The Board considered the question of approving the following appropriation transfers within the Department of Public Works budget:

FROM:	42004250 510101	\$100,000
	Salaries	
TO:	42004230 534110	\$71,667
	Snow & Ice Supplies	
TO:	42004230 5A0001	\$28,333
	Truck	
FROM:	42004320 510101	\$65,000
	Salaries	
TO:	42004230 558005	\$43,182
	Property Damage	
TO:	42004230 5A0001	\$21,818
	Truck	
FROM:	42004300 523593	\$100,000
	Solid Waste	
TO:	42004230 523070	\$100,000
	MV Eq Rental/Lease	

Commissioner DeMaio stated that the Department of Public Works has completed a review of all Snow and Ice Control expenditures for the 2007-2008 winter season. Invoking Chapter 44, section 31d earlier this year allowed the Department to overspend in the snow and ice account as needed for public safety. The completed audit has indicated that there is a deficit for employee overtime, contractual equipment rental and services and sand and salt supplies. A surplus currently exists in the wages and salaries, and the solid waste disposal accounts. The balance needed for the transfer is \$569,034.00. Mr. DeMaio added that the price of steel, fuel and salt have risen greatly adding to the challenge of looking at ways to cut costs.

Chairman Daly expressed concern on the higher than usual request. Mr. DeMaio replied that the estimates are based on the minimum number of storms. It is a guess on if the snow storms will be during the week, the time of day, etc. Due to the high cost of fuel, steel, and salt he feels that the prices will stabilize before they go down. They continue to budget for what is necessary, invoking

Chapter 44, and taking advantage of any surpluses at the end of the year is the prudent way to go.

On motion, it was unanimously,

VOTED: To approve and transmit to the Advisory Committee the request of Public Works Commissioner A. Thomas DeMaio for a Reserve Fund Transfer in the amount of \$569,034 for the Snow and Ice account.

VOTED: To approve the following appropriation transfers within the Department of Public Works budget:

FROM:	42004250 510101	\$100,000
	Salaries	
TO:	42004230 534110	\$71,667
	Snow & Ice Supplies	
TO:	42004230 5A0001	\$28,333
	Truck	
FROM:	42004320 510101	\$65,000
	Salaries	
TO:	42004230 558005	\$43,182
	Property Damage	
TO:	42004230 5A0001	\$21,818
	Truck	
FROM:	42004300 523593	\$100,000
	Solid Waste	
TO:	42004230 523070	\$100,000
	MV Eq Rental/Lease	

TOWN HALL BUDGET REALLOCATIONS

Project Administrator Tony Guigli appeared to present Town Hall budget reallocations accepted by the Project Oversight Committee.

Project Administrator Tony Guigli stated that he has a recommendation of reallocation of funds for the Town Hall Project. There has been about 2.5% in change orders, which is lower than expected. He hopes that the budget could be reallocated to provide funding for certain items that remain consistent with past projects. They are reducing the construction contingency by \$650k and reducing the project contingency by \$160k. There is also a reduction in the reallocation cost that would provide funds for FF&E (furniture, fixtures, and equipment.)

Selectman Allen stated that there may be some changes, but it is not likely there would be any large hidden costs at this point. He added that with the help of the Building staff taking on additional tasks has resulted in savings on the project. He hopes that with the new building there will be new office furniture to provide the employees with a clean and safe environment.

Town Administrator Richard Kelliher added that he endorses Selectman Allen's observations. He added that the Building Commission has also endorsed the recommendation. Mr. Kelliher stated that most of the current furniture will be bought back by the furniture supplier. All the furniture that can be salvaged will return to Town Hall. The building will have the interior standard as present in the Health Building, the Public Safety Building, and the Library. The Town Hall will be much more user friendly for the community as well as the employees.

Selectman DeWitt added that she is proud to see the professionalism and attention to detail that has been involved in this project.

Selectman Mermell added that she is glad to see the efficiency given to this project. She mentioned that she has heard from neighbors and merchants of the area that had original concerns about the noise and debris the project may produce. She is happy to report that they are pleased with the project so far.

Selectman Benka stated that the FF&E number is the greatest. He is glad that there was some thought given to what could and could not be saved.

On motion, it was unanimously,

VOTED: To approve the Town Hall budget reallocations accepted by the Project Oversight Committee.

SOUNDS AND SCENES FESTIVAL

Mark Swartz of the National Park Service appeared to update the Board on upcoming plans for a Sounds and Scenes Festival to be held at Leverett Pond in Olmsted Park on Saturday June 7th.

Mr. Swartz outlined the festivities that will take place at the festival. Brookline-based organizations including the High Street Hill Association, the Brookline GreenSpace Alliance, the Friends of Fairsted, Brookline Music School, and PALS Children's Chorus are joining groups from Boston in contributing

SOUNDS AND SCENES FESTIVAL cont'd

activities, volunteers and financial support. He hopes that the festival will encourage increased appreciation, use and stewardship of Olmsted Park and the rest of the Olmsted-designed emerald necklace park system.

The Board thanked him for the invitation and look forward to the festival.

EFFICIENCY INITIATIVE

Town Administrator Richard Kelliher appeared to recommend an Efficiency Initiative as proposed by the Override Study Committee.

Mr. Kelliher stated that in his Budget Message accompanying the Financial Plan he recommended that the Board proceed with the Efficiency Initiative proposed in the Override Study Committee Report. The Efficiency Initiative concept is embedded in the Municipal Services Subcommittee Report.

In summary, the Subcommittee acknowledged that the Town's fiscal policies have provided an effective control on expenditures, but that there has not been a corresponding strategic approach to cost saving initiatives. In this regard the Town's approach was characterized as more opportunistic than the result of a long term plan. The purpose of the Efficiency Initiative as proposed by the Subcommittee is to establish such a long term strategy. He recommended in the Budget Message that a relatively small, tightly focused committee of perhaps five persons with expertise in management and finance to work with the Town Administration in this regard. The goal is to formulate the Management Agenda before the end of this calendar year in time for both the FY2010 budget and collective bargaining cycles. In addition to five voting members he also recommended the designation of ex officio members each from the Board, School Committee and Advisory Committee as non-voting members. This is analogous to what was done with the Override Study Committee itself.

Selectman DeWitt stated that this is a critical next step in the process of following the Override Study Committee's recommendations on going forward with sound fiscal policy. She is in favor of moving forward with this.

Selectman Benka added that this may be one of the most significant and demanding committees. This would be looking at Town practices, and looking at other communities, to determine what the best practices are.

Selectman Mermell added that this would be keeping a promise to voters that the Override would not be a band-aid. They take very seriously the fiscal responsibility and the challenges ahead, especially events that are out of our hands.

In Board of Selectmen

May 20, 2008

Page 15 of 24

Selectman Allen added that this is a perfect opportunity to look at issues between both the schools and town. He hopes that the selection for the committee will include individuals that not only will look at fiscal and efficiencies practices, but also look at the quality of life the Town provides. He hopes there will be a balance between the two.

Selectman DeWitt replied that the Override Committee was a good example of the various qualities the members brought to the Committee.

On motion, it was unanimously,

VOTED: To allow the Town Administrator to move forward on the process of recruiting applicants for the Efficiency Initiative Committee.

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 individual¹.**
- _____ (2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual¹.**
- 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.**
- X (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.**

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.

WARRANT ARTICLES

Reconsideration of the Board's vote on the following Warrant Article for the May 27, 2008 Town Meeting:

<u>NO.</u>	<u>TITLE</u>
2.	Collective Bargaining (Selectmen)

Chairman Daly made the motion to reconsider Article 2. Seconded by Selectman Benka.

On motion, it was unanimously,

VOTED: To reconsider Article 2.

Chairman Daly stated that there is a contract agreement made between the Town and AFSCME, AFL-CIO Local 1358, School Traffic Supervisors.

DeWitt stated that the Board of Selectmen have adopted a policy recommended by the Override Study Committee that any contract agreements should not exceed the revenue growth. This contract falls into that policy.

On motion, it was unanimously,

VOTED: 5-0 Favorable Action To approve and fund by an appropriation, provided for in the FY2008 (Item #22) and FY2009 (Item #21) budgets, for the cost items in the following collective bargaining agreement that commences on July 1, 2007 and ends on June 30, 2009:

AFSCME Local 1358 School Traffic Supervisors

all as set forth in the report of Sandra Debow, Director of Human Resources, dated May 19, 2008, which report is incorporated herein by reference.

Daly	aye
Allen	aye
DeWitt	aye
Mermell	aye
Benka	aye

OPEB TASK FORCE

The following candidates for appointment to the Other Post Employment Benefits (OPEB) Task Force appeared for interview:

**Eric Berman
Graydon Clouse
Mark Manin**

Eric Berman is a Deputy Comptroller for the Commonwealth of Massachusetts. He is in charge of the state audit, financial reporting policy, operating and capital budget implementation, financial reporting, and general accounting functions. He has published “Governmental Accounting and Financial Reporting by Employers for Post Employment Benefits including Pensions and Healthcare.”

Mr. Berman stated that he may not be able to serve, however, he will be available as an advisor to the Committee.

Graydon Clouse is Co-Founder and VP of Marketing for Constitution Healthcare, a startup health plan company selling group high-deductible plans that offer better value to employers, consumers and providers. He has published “Consumer-Driven Health Care at Blue Cross Blue Shield of Florida”.

Mark Manin is President of Cammack LaRhette Consulting where he oversees the operations of the health and welfare and retirement plan services for CLC clients. He serves on the Board of Directors, Massachusetts Healthcare Human Resources Association. He has published “Isolating Distortions in a Company’s Compensation Program,”

NOISE BYLAW WAIVER

Continued Public Hearing on the request of the MWRA for a Noise Bylaw Waiver in connection with rehabilitation work to be performed by J. D’Amico, Inc. on Washington Street near the intersection of Brookline Avenue from April 6th through June 30th from 8:00 p.m. – 5:00 a.m. (Sunday night through Thursday).

Director of Engineering Peter Ditto and a representative from J. D’Amico stated the project is going smoothly and there have been no recent complaints.

Selectman Benka asked about portable sound barriers. The J. D'Amico representative replied that he has not used them before. They are usually used in building projects where they can be housed on a significant structure.

On motion, it was unanimously,

VOTED: To grant the MWRA a Noise Bylaw Waiver in connection with rehabilitation work to be performed by J. D'Amico, Inc. on Washington Street near the intersection of Brookline Avenue from April 6th through June 30th from 8:00 p.m. – 5:00 a.m. (Sunday night through Thursday).

OLMSTED PROPERTIES LIST

Parks and Open Space Director, Erin Gallentine and Caroline Loughlin appeared on behalf of the National Association of Olmsted Parks, the Frederick Law Olmsted National Historic Site and the Brookline Parks and Open Space Division to present 3 Copies of the "The Master List of Design Projects of the Olmsted Firm 1857-1979" to the Board of Selectmen. The gift to the Town is intended for the public and to be provided in each of the public libraries in Brookline.

Director of Parks and Open Spaces Erin Gallentine stated that the book, printed in color, contains a list of more than 6,000 jobs the firm designed or considered. In addition to the list, the book includes introductory essays explaining the importance of the firm, including its work in Canada and in the founding of the National Park Service. The list is divided into 14 categories, with introductory essays for each category. A geographical index shows that Brookline is one of the few locations with jobs in almost every category. The book was produced by the National Association for Olmsted parks and the National Park Services' Frederick Law Olmsted National Historic Site (Fairsted), which is located in Brookline. Ms. Gallentine added that she is very pleased to present copies of this book to the Board.

Caroline Loughlin, a co-editor of the book stated that Brookline should be extremely proud of their connection with Frederick Law Olmsted. She has worked on this book for many years.

John Bain, Chairman of the Park and Recreation Commission added that Brookline is proud to be acknowledged in the book. He added that the Town is also proud to have Ms. Gallentine as Director of Parks and Open Spaces.

Ms. Gallentine acknowledged Betsy Shure Gross for her involvement in this project, and as well as her involvement with many open space projects.

The Board thanked Ms. Gallentine and Ms. Loughlin for the books. The Board is happy to see Brookline acknowledged in such a historical book.

COMMON VICTUALLER

The Board considered the question of approving the application of Tsukiji, Inc., d/b/a Sushi Express, Florence Lee, Owner for a Common Victualler License at 1038 Beacon Street.

The Board considered the question of approving the application of Tsukiji, Inc., d/b/a Sushi Express, Florence Lee, Owner holder of Common Victualler License at 1038 Beacon Street for an Entertainment License to include radio, muzak and taped music.

Attorney Jake Walter stated that this is a family operated business that has many years experience in the restaurant business. He added that all papers are in order.

On motion, it was unanimously,

VOTED: To approve the application of Tsukiji, Inc., d/b/a Sushi Express, Florence Lee, Owner for a Common Victualler License at 1038 Beacon Street.

VOTED: To approve the application of Tsukiji, Inc., d/b/a Sushi Express, Florence Lee, Owner holder of Common Victualler License at 1038 Beacon Street for an Entertainment License to include radio, muzak and taped music.

FOOD VENDOR LICENSE

The Board considered the question of approving the application of Tequila Blue Cantina, Inc., d/b/a El Phoenix Mexican Grill, James M. Fahey Jr., President holder of a Food Vendor License at 6 Cypress Street for a change in d/b/a as follows:

FROM: El Phoenix Mexican Grill
TO: T. Rex Taqueria

On motion, it was unanimously,

VOTED: To approve the application of Tequila Blue Cantina, Inc., d/b/a El Phoenix Mexican Grill, James M. Fahey Jr., President holder of a Food Vendor License at 6 Cypress Street for a change in d/b/a as follows:

FROM: El Phoenix Mexican Grill

TO: T. Rex Taqueria

FOOD VENDOR LICENSE

The Board considered the question of approving the application of 7-Eleven, Inc. d/b/a 7-Eleven 333541B, Tarik Kadiri, Manager for a Food Vendor License at 1633 Beacon Street.

Mr. Kadiri stated that he has purchased the 7-Eleven as a franchise. The store will be run as all locations are. All papers are in order.

On motion, it was unanimously,

VOTED: To approve the application of 7-Eleven, Inc. d/b/a 7-Eleven 333541B, Tarik Kadiri, Manager for a Food Vendor License at 1633 Beacon Street.

TRANSFER – ALL KINDS COMMON VICTUALLER

Public hearing on the application of Chef Chow's House, Inc., Ming Fung Chau, President, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 230 Harvard Street for a transfer of said license to Lin Holdings, Inc. d/b/a Chef Chow Restaurant, Diane Van President.

The Board considered the question of approving a pledge of the All Kinds of Alcoholic Beverages license as a Common Victualler held by Lin Holdings, Inc., d/b/a Chef Chow Restaurant, Diane Van President, at 230 Harvard Street to Chef Chow's House, Inc.

Attorney Meihuei Hu stated that the business will run the same as it has for many years. She added that the new owners are confident that the restaurant will continue to be a success. All papers are in order.

On motion, it was unanimously,

VOTED: To grant the application of Chef Chow's House, Inc., Ming Fung Chau, President, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 230 Harvard Street for a transfer of said license to Lin Holdings, Inc. d/b/a Chef Chow Restaurant, Diane Van President.

VOTED: To approve a pledge of the All Kinds of Alcoholic Beverages license as a Common Victualler held by Lin Holdings, Inc., d/b/a Chef Chow Restaurant, Diane Van President, at 230 Harvard Street to Chef Chow's House, Inc.

TRANSFER – ALL KINDS COMMON VICTUALLER cont'd

VOTED: To grant an Entertainment License to Chef Chow's House, Inc, to include radio, television, and taped music.

ALL KINDS COMMON VICTUALLER

Public Hearing on the application of DBGF, LLC, d/b/a Beacon Street Tavern, David J. Brilliant & Gerald C. Finnegan, Managing members, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 1032 Beacon Street for a Change in Manager, Change in Officers & Directors and Transfer for Stock as follows:

Change in Manager

**FROM: Ethan Frawley
TO Paul Walsh**

Transfer of Stock

FROM:	David J. Brilliant	50 shares
	Gerald C. Finnegan	50 shares
TO:	David J. Brilliant	90 shares
	Maurice F. Keane	10 shares

Attorney Joseph Hanley stated that Mr. Finnegan and Mr. Brilliant are exchanging their interest in two co-owned establishments. The transfers will result in majority owners in each restaurant. Paul Walsh was previously the Assistant Manager at the establishment. He will assume the manger of record at the Beacon Street Tavern.

On motion, it was unanimously,

VOTED: To approve the Change in Manager from Ethan Frawley to Paul Walsh

VOTED: To approve the Transfer of Stock from David J. Brilliant 50 shares Gerald C. Finnegan 50 shares to David J. Brilliant 90 shares Maurice F. Keane 10 shares

ALL KINDS COMMON VICTUALLER

Public Hearing on the application of Isor LLC., d/b/a/ The Washington Square Tavern. Gerald C. Finnegan & David J. Brilliant, Managing members, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 714 Washington Street for a Change in Manager, Change in Officers and Directors and Transfer of Stock as follows:

Change in Manger

FROM: Paul Walsh
TO: Joshua Sherman

Transfer of Stock

FROM:	Gerald C. Finnegan	50 shares
	David J. Brilliant	50 shares
TO:	Gerald C. Finnegan	95 shares
	Maurice F. Keane	5 shares

On motion, it was unanimously,

VOTED: To approve Change in Manger from Paul Walsh to Joshua Sherman.

VOTED: To approve Transfer of Stock from Gerald C. Finnegan 50 shares David J. Brilliant 50 shares to Gerald C. Finnegan 95 shares Maurice F. Keane 5 shares.

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

ATTEST

IN BOARD OF SELECTMEN

May 27, 2008

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

Melissa Goff was the Recording Secretary

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.

Selectman Allen Absent

APPROPRIATION TRANSFER

The Board considered the question of approving the following transfers within the Police Department appropriation:

FROM:	21002020 510101	\$20,000.00
	Patrol Perm. FT	
TO:	21002010 524006	\$20,000.00
	Education/Training	
FROM:	21002020 510101	\$ 3,512.00
	Patrol Perm. FT	
TO:	21002010 539012	\$ 3,512.00
	Books & Personnel	
FROM:	21002020 510101	\$ 1,760.00
	Patrol Perm. FT	
TO:	21002010 539031	\$ 1,760.00
	Public Safety Supplies	

Anthony Ansaldi, Business Manager for Public Safety stated that the request would fund the 8 police recruits in the Lowell Police Academy. It would cover tuition and administrative fees, books, and physical training gear.

On motion, it was unanimously,

VOTED: To approve the following transfers within the Police Department appropriation:

FROM:	21002020 510101	\$20,000.00
	Patrol Perm. FT	
TO:	21002010 524006	\$20,000.00
	Education/Training	
FROM:	21002020 510101	\$ 3,512.00
	Patrol Perm. FT	
TO:	21002010 539012	\$ 3,512.00
	Books & Personnel	

APPROPRIATION TRANSFER cont'd

FROM:	21002020 510101	\$ 1,760.00
	Patrol Perm. FT	
TO:	21002010 539031	\$ 1,760.00
	Public Safety Supplies	

APPROPRIATION TRANSFER

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

FROM:	21002010 5A0001	\$12,250.00
	Automobile	
TO:	21002010 524010	\$12,250.00
	Professional Tech Services	

Chief O'Leary stated that this transfer would fund the Police Department's 50% share of the Building Information System. It is for the B-Safe Program. This includes the emergency plans for all the schools and the Senior Center.

On motion, it was unanimously,

VOTED: To approve the following transfer within the Police Department appropriation:

FROM:	21002010 5A0001	\$12,250.00
	Automobile	
TO:	21002010 524010	\$12,250.00
	Professional Tech Services	

APPROPRIATION TRANSFER

The Board considered the question of approving the following transfers within the Fire Department appropriation:

FROM:	22002010 552030	\$ 449.92
	Out of State Car Rental	
TO:	22002050 534230	\$ 449.92
	M/V Supplies	

APPROPRIATION TRANSFER cont'd

FROM:	22002010 552020	\$ 591.35
	Out of State Hotel	
TO:	22002050 534230	\$ 591.35
	M/V Supplies	
FROM:	22002010 552010	\$ 544.00
	Out of State Airfare	
TO:	22002050 534230	\$ 544.00
	M/V Supplies	
FROM:	22002010 551071	\$ 45.40
	Out of State Meals	
TO:	22002050 534230	\$ 45.40
	M/V Supplies	
FROM:	22002010 552090	\$ 89.50
	Out of State Other	
	22002050 534230	\$ 89.50
	M/V Supplies	

Anthony Ansaldi, Business Manager for Public Safety stated that these transfers would replenish the supply account for training on the Bronto truck.

On motion, it was unanimously,

VOTED: To approve the following transfers within the Fire Department appropriation:

FROM:	22002010 552030	\$ 449.92
	Out of State Car Rental	
TO:	22002050 534230	\$ 449.92
	M/V Supplies	
FROM:	22002010 552020	\$ 591.35
	Out of State Hotel	
TO:	22002050 534230	\$ 591.35
	M/V Supplies	
FROM:	22002010 552010	\$ 544.00
	Out of State Airfare	
TO:	22002050 534230	\$ 544.00
	M/V Supplies	

APPROPRIATION TRANSFER cont'd

FROM:	22002010 551071	\$ 45.40
	Out of State Meals	
TO:	22002050 534230	\$ 45.40
	M/V Supplies	
FROM:	22002010 552090	\$ 89.50
	Out of State Other	
	22002050 534230	\$ 89.50
	M/V Supplies	

APPROPRIATION TRANSFER

The Board considered the question of approving the following transfer within the Veterans Services appropriation:

FROM:	54305430 557010	\$703.00
	Veteran's	
TO:	54305430 531012	\$703.00
	Office Supplies	

On motion, it was unanimously,

VOTED: To approve the following transfer within the Veterans Services appropriation:

FROM:	54305430 557010	\$703.00
	Veteran's	
TO:	54305430 531012	\$703.00
	Office Supplies	

HOME Program

The Board considered the question of approving and executing Amendment No. 2 to the Community Housing Development Organization HOME Program Funding Agreement dated March 14, 2005 with the Brookline Improvement Coalition, committing a \$24,637 set-aside from Fiscal Year 2007 (FFY2006) HOME funds to the BIC for organizational operating expenses.

Selectman DeWitt stated that 5% of the Home Funds can be given to non-profits. This is used to encourage local non-profit participation in the production of affordable housing. These funds will assist the non-profit to carry out its responsibilities as owner of two affordable properties.

In Board of Selectmen

May 27, 2008

Page 6 of 14

HOME Program cont'd

On motion, it was,

VOTED: 3-0-1 *Selectman DeWitt recused herself due to her former involvement as the Board President of the Brookline Improvement Coalition.*

To approve and execute Amendment No. 2 to the Community Housing Development Organization HOME Program Funding Agreement dated March 14, 2005 with the Brookline Improvement Coalition, committing a \$24,637 set-aside from Fiscal Year 2007 (FFY2006) HOME funds to the BIC for organizational operating expenses.

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 individual¹.
- _____ (2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual¹.
- 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.

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 obtaining 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 Allen absent
 Voting in the Negative: 0**

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

HIRING FREEZE

Town Administrator Richard J. Kelliher reported on the expiration of the Hiring Freeze.

Mr. Kelliher stated that the hiring freeze implemented last December is due to expire this month. There are 38 vacancies across all town departments 12 of which had already received Board authorization to hire prior to the imposition of the Freeze. Of the 26 positions subject to the Freeze, five are scheduled for elimination at the end of this Fiscal Year. Of the remaining 21 existing vacancies that have not already received authorizations, they break down as follows: Police 1, Fire 6, DPW 9, Recreation 2, Planning 1, Zoning Adm 1, Treasury 1.

Chief Skerry expressed concern about the vacancies in the Fire Department. With summer vacations coming and pending retirements the vacancies could impact operations.

The Board discussed turnover, public safety vacancies, and tools to ensure a more rigorous assessment of the justification for the filling of vacant positions going forward.

RECREATION PERSONNEL

The Board considered the question of authorizing the filling of the following positions in the Recreation Department:

**Area Manager – Early Childhood
Soule Recreation – Grad GN10**

Assistant Aquatics Director GN7

Lisa Paradis, Director of Recreation stated that there has been a vacancy since January of an Assistant Aquatics Director. There is also a vacancy of an Area Manager at the Early Childhood/Soule Recreation Center.

On motion, it was unanimously,

VOTED: To authorize the filling of the following positions in the Recreation Department:

**Area Manager – Early Childhood
Soule Recreation – Grad GN10**

Assistant Aquatics Director GN7

WARRANT ARTICLES

Reconsideration of the Board's vote on the following Warrant Article for the May 27, 2008 Town Meeting:

<u>NO.</u>	<u>TITLE</u>
2.	Collective Bargaining (Human Resources)

On motion, it was unanimously,

VOTED: To reconsider Article 2.

Chairman Daly stated that the contract between the Town of Brookline and the International Brotherhood of Teamsters, Local 25 (Emergency Telecommunications Dispatchers) has been ratified. It needs to be included in the Article. All units have been ratified except the Engineers and Police Unions.

On motion, it was unanimously,

VOTED: 5-0 Favorable Action

Allen	aye
DeWitt	aye
Mermell	aye
Benka	aye
Daly	aye

To approve and fund by an appropriation, provided for in the FY2008 (Item #22) and FY2009 (Item #21) budgets, for the cost items in the following collective bargaining agreement that commences on July 1, 2007 and ends on June 30, 2009:

International Brotherhood of Teamsters, Local 25

all as set forth in the report of Sandra Debow, Director of Human Resources, dated May 22, 2008, which report is incorporated herein by reference.

<u>NO.</u>	<u>TITLE</u>
8.	FY09 Budget (Advisory Committee)

On motion, it was unanimously,

WARRANT ARTICLES cont'd

VOTED: To reconsider Article 8.

Project Manager Tony Guigli stated that the final bids for the High School Renovations were received. The estimated cost has gone down due to a favorable bidding climate.

The Board asked what would happen if the project is not finished by the opening of the school year. Mr. Guigli replied that it would resume next summer.

On motion, it was unanimously,

VOTED: 5-0 Favorable Action that line 60 of the FY09 Budget be changed to \$2.6M.

Allen	aye
DeWitt	aye
Mermell	aye
Benka	aye
Daly	aye

NO.

TITLE

15.

Zoning – Parking Requirements in GMR 2.0 (Hugh Mattison)

On motion, it was unanimously,

VOTED: To reconsider Article 15.

Neil Wishinsky, TMM#5 outlined his proposed amendment to Article 15. He believes that it provides flexibility to go downwards on the requirements. Planning & Community Development Director Jeff Levine expressed concerns on how the Board of Appeals may interpret this language. Mr. Wishinsky believes that the main difference is that there is no target number. Petitioner Hugh Mattison said that the 250-350/sq. ft was borne out with no TDM.

George Cole, representing Children’s Hospital was asked for his opinion on the amendments. He said that he didn’t think that this was the way to do thoughtful zoning. This process has made things very confusing. He has not seen Mr. Spiegel’s amendment yet. Chairman Daly expressed concerns that the word minimum wasn’t in the section of the Zoning By-law. Selectman DeWitt asked Town Counsel Jennifer Dopazo to explain what the sub-division plan recently filed by Children’s

WARRANT ARTICLES cont'd

Hospital means. Ms. Dopazo explained that this froze the zoning for their redevelopment at current levels.

Stanley Spiegel, TMM#2 explained that his amendment uses the formula from the 2004 study and treats medical space the same as other uses currently displayed in the table. George Cole was asked what Children's would do if Article 15 passes. He said that if it passes Children's will continue to engage with the Town on the proper parking requirements for the site. If article 15 fails they will continue with the parking plan as it currently stands. Selectman Benka noted that Mr. Mattison's proposal, and Mr. Wishinsky's amendment have the same range, but come at it from different ends. Mr. Spiegel noted that this should be a Town Meeting decision and not a ZBA decision. The range should not be so wide. Selectman DeWitt said that the data that would be gathered if article 15 were to pass would be very helpful to the process. She does not want to rely on data from 2004. Chairman Daly said that she does not want to miss out on the opportunity to have Children's participate in this process. Selectman Allen raised concerns about the lack of neighborhood involvement. He echoed George Cole's concerns about thoughtful zoning.

Chairman Daly moved in favor of Mr. Mattison's warrant article with Section 6.02 amended to add the word minimum to the parking space requirements.

On motion, it was,

VOTED: 4-1 Favorable Action

Allen	no
DeWitt	aye
Mermell	aye
Benka	aye
Daly	aye

That the Town amend §5.06 - SPECIAL DISTRICT REGULATIONS d(2) of its Zoning By-Law as follows:

2) The minimum parking requirements for applications in the GMR-2.0 District in light of the proximity to rapid public transit shall be as follows:

- a) retail use: one parking space per 350 400 g.s.f. of floor area,
- b) office use: one parking space per 600 g.s.f. of floor area
- c) research laboratory use (Use 36B): one parking space per 1,000 g.s.f.
- d) medical office use: one parking space per 350 g.s.f.
- d) e) The number of parking spaces for the above uses in a GMR-2.0 district may be reduced by special permit, however, by no more than 15% 25%, where it can be demonstrated to the Board of Appeals that is warranted due to provisions in a Transportation Access Plan that includes recognized

WARRANT ARTICLES cont'd

Transit Demand Management programs. A Transportation Access Plan Agreement shall be a condition of the special permit, shall be submitted for review to the Director of Transportation and the Director of Planning and Community Development, and shall require an annual report to the Director of Transportation. This annual report shall be accepted only after a determination by the Director of Transportation and Director of Planning and Community Development that the Transportation Access Plan is working satisfactorily, and if not, that the plan will be changed and implemented to their satisfaction."

<u>NO.</u>	<u>TITLE</u>
20.	150 Princeton Road (Brendze)

On motion, it was unanimously,

VOTED: To reconsider Article 20.

Selectman Mermell had some concerns that there may be some legal implications stemming from this Article. Ms. Mermell asked Town Counsel her thoughts on the legal implications. Town Counsel Jennifer Dopazo replied that there could be some legal implications if the Town determines there is not a sufficient turn around on the property without an easement.

On motion, it was,

VOTED: 3-2 Favorable Action on Article 20.

Allen	no
DeWitt	aye
Mermell	aye
Benka	aye
Daly	no

<u>NO.</u>	<u>TITLE</u>
21.	Making Voting Members of Boards and Commissions Registered Voters of the Town (Regina Frawley)

In Board of Selectmen

May 27, 2008

Page 14 of 14

WARRANT ARTICLES cont'd

On motion, it was unanimously,

VOTED: To reconsider Article 21.

Petitioner Regina Frawley would not like to have this Article sent to the Committee of Town Organization and Structure. She feels that they are not interested in taking on this matter.

Selectman DeWitt stated that the vote would be either no action or to refer it to the CTOS. The Committee would be obligated to take up this item.

Selectman Benka added that he does not want to set up a separate Committee to look at this.

On motion, it was,

VOTED: 3-1-1 To refer Article 21 to Committee of Town Organization and Structure.

Allen	no
DeWitt	aye
Mermell	aye
Benka	aye
Daly	abstained

The Chair recessed the meeting at 7:00 p.m.

ATTEST

IN BOARD OF SELECTMEN

May 28, 2008

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

RECONSIDERATION OF ARTICLE 15

Chairman Daly moved Favorable Action on the reconsideration of Article 15.

VOTED: 4-0 to reconsider Article 15 of the Annual Town Meeting “Zoning – Parking Requirement in GMR 2.0” (Hugh Mattison)

Advisory Committee member Stanley Spiegel urged the Board to act favorably on his proposed amendment to the Advisory Committee motion on Article 15. He described his amendment as an attempt to bring the Advisory Committee position closer to that adopted by the Board. He reported that the Advisory Committee voted favorably on his amendment. Selectman Benka outlined this amendment in terms of resulting parking spaces in the following comparison with the Selectmen’s current proposal and the existing zoning by-law provision:

	Possible # of Spaces
AC/Spiegel Amendment	666 -----500 with TDM
BOS/Mattison	549-----412 with TDM
Existing	666-----624 No TDM

Discussion ensued by several members of the Board with Town Counsel and the Planning Director about integration of the various options. In the course of this discussion Town Counsel confirmed that the filing of sub-division plans following existing zoning in place by the date of the filing.

Selectman DeWitt moved favorable action on the motion previously approved by the Board based on the original Article filed by Hugh Mattison. By a vote of 3-2 the Board reaffirmed its support of its original vote and as a result did not act on the Spiegel amendment.

Yes	No
Daly	Allen
DeWitt	Benka
Mermell	

The Chair recessed the meeting at 7:00 p.m.

Attest