IN BOARD OF SELECTMEN

October 6, 2009

Present: Chairman Nancy Daly, Selectmen Betsy DeWitt, Jesse Mermell, Richard Benka and Kenneth Goldstein

The Minutes of September 29th were approved as amended.
EXECUTIVE SESSION

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

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

_______ (1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of a particular individual.

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

_______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 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.
PUBLIC COMMENT

Mariela Ames TMM#15 expressed concerns about agenda item #4. She is concerned that the last two Area Managers were short term and feels there may be a problem in retaining them. She noted that both employees were women of color. She hopes that the Recreation Department will conduct exit interviews.

SPECIAL PERMIT

The Board considered the question of authorizing the Town Administrator and Police Chief to execute a Special Permit with the BAA in connection with the Half Marathon to be held on Sunday October 11, 2009.

Town Administrator Richard Kelliher stated that the Boston Athletic Association was before them a couple of weeks ago to outline the event, but there was no vote from the Board granting the Special Permit.

On motion, it was unanimously,

VOTED: To authorize the Town Administrator and Police Chief to execute a Special Permit with the BAA in connection with the Half Marathon to be held on Sunday October 11, 2009.

HUD SIGNATURES

The Board considered the question of authorizing the Town Administrator or Chairman Daly to sign as the “Authorized Grantee Official” on quarterly reports to the U.S. Department of Housing and Urban Development for the Homeless Prevention and Rapid Re-housing Program (HPRP) granted under the American Recovery and Reinvestment Act of 2009.

Selectman DeWitt stated that this is required as part of the reporting process.

On motion, it was unanimously,

VOTED: To authorize the Town Administrator or Chairman Daly to sign as the “Authorized Grantee Official” on quarterly reports to the U.S. Department of Housing and Urban Development for the Homeless Prevention and Rapid Re-housing Program (HPRP) granted under the American Recovery and Reinvestment Act of 2009.
The Board considered the question of awarding and executing Contract No. PW/10-09 “Resurfacing of Three Streets and Allied Work” in the amount of $299,789.45 to Newport Construction Corp. of Nashua, NH. Said contract to be funded from account 4909L058 6H0026 (Street Rehab).

Director of Engineering Peter Ditto stated that Chapter 90 Funds will be used for this project. Chairman Daly asked about Boston University’s plan to work in that area. Will it cause a conflict? Mr. Ditto replied that they will not be ready to work in this area for 4-5 years. The roads need repair now. Selectman Goldstein asked about the work the City of Boston plans to do to repair the traffic signals in the area. Mr. Ditto replied that The City of Boston will be done with their work before this project starts.

On motion, it was unanimously,

VOTED: To award and execute Contract No. PW/10-09 “Resurfacing of Three Streets and Allied Work” in the amount of $299,789.45 to Newport Construction Corp. of Nashua, NH. Said contract to be funded from account 4909L058 6H0026 (Street Rehab).

The Board considered the question of awarding and executing the contract for the RFP# P-10-21 RFP for Golf Course Operation Review Consultant for the Recreation Department with National Golf Foundation Consulting, Inc. for $24,000. Said contract to be funded as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6360E700 524008</td>
<td>$15,000</td>
</tr>
<tr>
<td>98909810 524010</td>
<td>$9,000</td>
</tr>
</tbody>
</table>

Recreation Director Lisa Paradis stated that the contract is for consulting services to conduct a review of the operations for the Robert T. Lynch Municipal Golf Course. It will be assessed of its current operations, and any recommendations for improvements and enhancement will be made to help shape the future business plan of the Golf Course. The consultation will also include the fee structure.

On motion, it was unanimously,
CONTRACT cont’d

VOTED: To award and execute the contract for the RFP# P-10-21 RFP for Golf Course Operation Review Consultant for the Recreation Department with National Golf Foundation Consulting, Inc. for $24,000. Said contract to be funded as follows:

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<tr>
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<tbody>
<tr>
<td>6360E700 524008</td>
<td>Golf Enterprise</td>
<td>$15,000</td>
</tr>
<tr>
<td>98909810 524010</td>
<td>Professional Services</td>
<td>$9,000</td>
</tr>
</tbody>
</table>

LEASE AGREEMENT

The Board considered the question of awarding and approving an authorization for the lease of Apple Computers for the School Department with Apple Inc./Apple Financial Services in the amount of $64,091.88. Said lease to be funded from account 001 317899 5A0017.

Chief Procurement Officer Dave Geanakakis stated that Town Counsel advised to have the lease agreement signed by the Board of Selectmen which was at the request of Apple Computer.

On motion, it was unanimously,

VOTED: To execute and approve authorization for the lease of Apple Computers for the School Department with Apple Inc./Apple Financial Services in the amount of $64,091.88. Said lease to be funded from account 001 317899 5A0017.

TEMPORARY ALL KINDS LIQUOR LICENSE

The Board considered the question of granting a temporary All Kinds of Liquor license to Larz Anderson Auto Museum in connection with a Birthday Party to be held on October 22, 2009 from 6:00 p.m. – 10:00 p.m. at 15 Newton Street (inside).

On motion, it was unanimously,

VOTED: To grant a temporary All Kinds of Liquor license to Larz Anderson Auto Museum in connection with a Birthday Party to be held on October 22, 2009 from 6:00 p.m. – 10:00 p.m. at 15 Newton Street (inside).
The Board considered the question of granting a temporary Wine and Malt beverages license to Pine Manor College in connection with Reunions to be held on October 16, 17 and 18, 2009 from 5:00 p.m. – 10:00 p.m. at 400 Heath Street.

On motion, it was unanimously,

VOTED: To grant a temporary Wine and Malt beverages license to Pine Manor College in connection with Reunions to be held on October 16, 17 and 18, 2009 from 5:00 p.m. – 10:00 p.m. at 400 Heath Street.

The Board considered the question of granting a temporary Wine and Malt beverages license to Boston University in connection with the following events:

<table>
<thead>
<tr>
<th>Event</th>
<th>Location</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reception</td>
<td>928 Commonwealth Avenue</td>
<td>October 23rd</td>
<td>5:00 p.m. – 7:00 p.m.</td>
</tr>
<tr>
<td>Fundraiser</td>
<td>808 Commonwealth Avenue</td>
<td>October 24th</td>
<td>5:30 p.m. – 10:00 p.m.</td>
</tr>
<tr>
<td>Banquet</td>
<td>808 Commonwealth Avenue</td>
<td>October 28th</td>
<td>6:00 p.m. – 9:00 p.m.</td>
</tr>
</tbody>
</table>

On motion, it was unanimously,

VOTED: To grant a temporary Wine and Malt beverages license to Boston University in connection with the following events:

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</table>
RECREATION PERSONNEL

The Board considered the question of authorizing the filling of a vacancy in the position of Area Manager (Soule Early Childhood Center) Grade GN10 in the Recreation Department.

The Board asked Recreation Director Lisa Paradis if she knew the reason for the vacancy. There was some concern expressed during Public Comment. Ms. Paradis replied that the current Recreation Area Manager has left to take care of her elderly mother out of state. Ms. Paradis added that she had been aware of the situation for some time. Selectman Benka stated that it was necessary to fill the vacant position, but thinks an exit interview may be helpful. Chairman Daly stated that this is an important position at the Early Childhood Center. Many families rely on the program.

On motion, it was unanimously,

VOTED: To authorize the filling of a vacancy in the position of Area Manager (Soule Early Childhood Center) Grade GN10 in the Recreation Department.

WARRANT ARTICLES

Review of the following Warrant Articles for the November 17, 2009 Fall Town Meeting:

<table>
<thead>
<tr>
<th>No.</th>
<th>Article</th>
</tr>
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<tbody>
<tr>
<td>14</td>
<td>Bicycle Registration (Ziskend)</td>
</tr>
</tbody>
</table>

Petitioner Seymour Ziskend stated that the Town has more cyclists than ever before. He feels that they are an added danger to motor vehicle operators. Mr. Ziskend added that he is concerned about child safety on bicycles. He would like to see some responsibility put on the cyclist and mandating bicycle registration would assist in that. Mr. Ziskend noted that the State maybe putting forth regulations regarding this. Should that happen, his Article would be a moot point. He would then pull his Article.

BOARDS AND COMMISSIONS

The following candidates for appointment/reappointment to Boards and Commissions appeared for interview:
Economic Development Advisory Board
Anne Meyers
David Noe
Jonathan Simpson (Recreation also)

Park and Recreation
Antonia Bellalta
James Carroll
Dave Coleman

Zoning Board of Appeals
Steve Geller

Economic Development Advisory Board - Anne Meyers is applying for re-appointment. She has worked on the Coolidge Corner District Planning Council, and other commercial area issues. She hopes to continue her work on commercial areas and evaluating potential projects.

Economic Development Advisory Board - David Noe is a Brookline native and hopes to return full-time when he completes his MBA at Columbia Business School in May. He currently resides here on a part-time basis. Mr. Noe recently served in the U.S. Navy where he worked on economic development support in Iraq, which was very challenging. He is currently working for Jobs for the Future, a nonprofit research and consulting organization focused on economic and educational issues.

Economic Development Advisory Board - Jonathan Simpson (Recreation, and Planning Boards also) is a municipal attorney where he works on litigation, zoning, environmental enforcement, economic development, and other areas of municipal law. He resides in Coolidge Corner and would like to help keep it and other locations vibrant and flourishing.

Park and Recreation - Antonia Bellalta is a landscape architect. Her skills include environmental planning and design. Some of Ms. Bellalta’s local works include St. Mary’s Church, Larz Anderson Park, Brookline’s Main Library, Town Hall grounds, and the Boston Common. She is also involved in some Parks and Open and Open Spaces programs as a resident.

Park and Recreation - James Carroll is applying for re-appointment. He has served on the Design Review Committee for Amory, Dane, and Harry Downs Parks. He hopes to continue working on the Green Dog Program, and the Park and Recreation Master Plan.
Park and Recreation - Dave Coleman is a retired Physical Education teacher. He has coached both hockey and baseball for over 40 years. Mr. Coleman is a seasonal employee at the Bob Lynch Municipal Golf Course. He supports all of the Town’s recreation facilities and hopes to help maintain the current level of excellence in Brookline’s Park and Recreation.

Zoning Board of Appeals - Jesse Geller is applying for re-appointment. He stated that it is a good working group right now, and there have been interesting hearings. He hopes to continue serving on this Board where they make fair and legitimate resolutions based on the laws of the Town’s zoning By-Laws.

WARRANT ARTICLES

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<tbody>
<tr>
<td>7.</td>
<td>Conveyance of Town-owned Fisher Hill Reservoir (Selectmen)</td>
</tr>
<tr>
<td>8.</td>
<td>Zoning – Fisher Hill Overlay District (Selectmen)</td>
</tr>
<tr>
<td>9.</td>
<td>Purchase of State-owned Fisher Hill Reservoir (Selectmen)</td>
</tr>
</tbody>
</table>

Director of Planning & Community Development Jeff Levine stated that Article 7 would authorize the Town to sell Town-owned land, known as the Fisher Hill Reservoir to New Atlantic Development Corporation for the development of a mixed income community, including affordable housing.

Article 8 is a zoning overlay that would allow the multi family parcels developed. The parcels are currently located in a single family zone.

Article 9 would allow the Town to purchase the Stated owned reservoir.

Director of Planning & Community Development Jeff Levine and Director of Parks and Open Spaces Erin Gallentine presented the following which outlines the process that includes all three Warrant Articles.
MASTER PLANNING: CHRONOLOGY

**JUNE 2001:** Department of Capital Asset Management notifies the Town that state-owned, former Massachusetts Water Resources Authority (MWRA) reservoir property on Fisher Avenue declared surplus. Town proposes to conduct a master plan study for both the state-owned reservoir and for the Town-owned reservoir directly across the street.

**DECEMBER 2002:** The Fisher Hill Master Plan Committee recommends to the Board of Selectmen:

- The state side should be reused as a scenic amenity and public park that incorporates an athletic field, passive recreation and open space.

- Various uses are contemplated for the town site including athletic fields, a playground, skating rink, pool complex, a Public Works storage facility and market and mixed-income housing.

**JANUARY 2003:** Board of Selectmen forms two new committees to study separately the potential uses of the two sites.
MILESTONES

**State Site**

**JULY 2003:** Conceptual park design completed by state site committee and presented to BOS with associated budget.

**MAY 2005:** Brookline passes home rule petition and files enabling legislation for the purchase of the state surplus Fisher Hill Reservoir

**MAY 2007:** Town Meeting approves funding for purchase of site and preliminary improvements in form of a $1.35 million bond authorization.

**JANUARY-FEBRUARY 2008:** Bill to authorize the disposition of land approved by Massachusetts Legislature and signed by Governor Patrick.

**SEPTEMBER 2008:** Environmental Notification Form submitted to EOEEA with a Certificate issued to the Town in November 2008.

**JANUARY 2009:** Site survey completed.

**SEPTEMBER 2009:** Appraisal completed on the Fisher Hill site and reviewed by IG’s office

**NOVEMBER 2009:** Warrant Article to Town

**Town Site**

**MAY 2003:** Town site committee shortlists potential reuse of Town Site to mixed-income housing.

**SEPTEMBER 2003:** Town site subcommittee creates preliminary design and reuse guidelines for Town site.

**YEARS 2003-2005:** Town site subcommittee continues to meet.

**JANUARY 2006:** Town site charrette held; subcommittee reviews findings post charrette.

**JANUARY 2007:** BOS appoint new Town Reservoir Planning Committee to develop a Request for Information (RFI).

**SEPTEMBER 2007:** RFI finalized and BOS authorize issuance; very good response from developers.

**SEPTEMBER 2008:** Request for Proposals (RFP) issued.

**JANUARY - JUNE 2009:** Project Selection Committee review New Atlantic Development proposal and recommend developer.

**JULY - AUGUST, 2009:** Following review of affordable housing plan by Housing Advisory Board, BOS designate New Atlantic Development corporation and sign Letter of Intent.

NEXUS BETWEEN TOWN AND STATE SITES

Sale of the Town site and the successful completion of proposed project affects the construction of the State site:

- The acquisition price of the Town site – up to $3.25 million paid over the development period -- will be used to pay for the proposed improvements for the park on the State site

- The timely completion of the subdivision on the Town side will assure progress of final improvements on State side; timely commencement of the park on the State side will assure value of land sales on Town side.
## TOWN MEETING WARRANTS

### State Site

**ARTICLE 9**
To authorize the Board of Selectmen to purchase and take title on behalf of the Town the land and building owned by the Commonwealth of Massachusetts known as the Fisher Hill Reservoir.

### Town Site

**ARTICLE 7**
To authorize the Board of Selectmen to execute a deed transferring the roughly 4.8 acre Town-owned parcel, currently enclosing two underground reservoirs on Fisher Hill, to an entity or entities controlled by New Atlantic Development Corporation for the development of a mixed-income community, including a mix of market rate single family homes and affordable units.

**ARTICLE 8**
To create a zoning overlay that would permit redevelopment of the Fisher Hill Town Reservoir site in conformance with the Request for Proposals that was issued for this site in 2008.

## POST TOWN MEETING PROCESS

### State Site
- Draft Deed Language
- Complete Preservation and Conservation Restriction
- Purchase land
- Commence Park and Recreation Commission Public Design Review Process to create the final plans
- Complete preliminary improvements on site to make it accessible
- Commence full construction once Town Site sale is complete and full acquisition price is paid.

### Town Site
- Land Disposition Agreement
- Regulatory/Permitting
  - Preservation Commission (Section 106/MOU)
  - Planning Board (Design Review)
  - Zoning Board of Appeals (Special Permit)
- Affordable Housing Financing
  - Housing Advisory Board
  - State affordable housing applications
- Building Permits/Project Oversight Committee
STATE RESERVOIR

EXISTING CONDITIONS

PHOTO COURTESY: BROOKLINE TAB
STATE RESERVOIR REUSE

Fisher Hill Reservoir Park
Conceptual Plan

Athletic Field/Great Lawn
Walking Paths
Woodland Restoration
Parking
Benches/Park Furniture
Preservation of the Historic
Gatehouse
Storage Area for W&S Division
TOWN RESERVOIR

TOWN RESERVOIR: EXISTING CONDITIONS
Selectman Goldstein asked about the inter-relationship between the two projects. What would happen if there is no sale on the Town side which funds are expected to be used to develop the now State owned site. Ms. Gallentine replied that the Town is pursuing the $3.25 million to realize the full development of the park on the State side. However, we don’t need the funding to purchase the land. The State
understands that the sites are related and there could be a delay in the development. The site would have safe access to the park in the interim to satisfy the State’s requirements. Selectman Goldstein stated that the support for the project so far has a lot to do with the quality of the developer and the perception that they are the right organization for the job; however, zoning runs with the land, another developer may have the benefit of that. How clear are we that this is going to happen the way we intend it to? Mr. Levine replied that the overlay was really drafted to codify the RFP’s concept and expectations. You never know if a developer will back out. The Town owns the land and can control what happens to it. Once it is transferred to a developer we lose that. It will be taken one step at a time.

Housing Manager Fran Price stated that the developer has 60 days after Town meeting to sign the disposition agreement. It could take the Town 3-5 years to see the full $3.25 million. Ms. Gallentine feels that the Town would have control of the Stated owned property within 1 year. There would need to be some work done around the park including entrances ways, and safety factors put in place. This could take an additional 1 year. She feels that the Town could move quickly once it is passed by Town Meeting.

Peter Roth, from New Atlantic Development Corporation stated that the development would be based on how quickly the market absorbs the value of the home sites. There is no recent history of lots of the quality in the Town. If the economic recovery continues he anticipates the mortgage to be paid out within three years.

Selectman Goldstein asked about the storage area that is currently being used by the Water Department. Is it required to be there? Ms. Gallentine replied no, but it was a commitment made to the Water & Sewer Department. The State legislation does not mandate that it be there, but rather allows it to be there.

**WARRANT ARTICLES**

The Board considered the question of voting on the following Warrant Articles for the November 17, 2009 Fall Town Meeting:

<table>
<thead>
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<th>No.</th>
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<tr>
<td>15.</td>
<td>Resolution on Selectmen Stipends (Caro)</td>
</tr>
<tr>
<td>16.</td>
<td>Resolutions on OPEB’s (Blood)</td>
</tr>
</tbody>
</table>
17. Resolution on Nuclear Weapons (Gracey)

Chairman Daly stated that since the Board has a direct interest in the Article they will not be discussing it.

On motion, it was unanimously, VOTED: No recommendation on Article 18.

Daly  Aye
DeWitt Aye
Mermell Aye
Benka Aye
Goldstein Aye

16. Resolutions on OPEB’s (Blood)

Chairman Daly stated that based on the OPEB study report, this is a worthwhile goal. It is a resolution so it is not binding. Town Administrator Richard Kelliher added that the Town has every intention to include this in the long range financial plan. The Board acknowledged that this is a commitment that needs to be made and it will be difficult to adhere to but that if it is not addressed now it will be an even greater commitment in the future. The future OPEB cost could consume the Town budget in the future.

On motion, it was unanimously, VOTED: Favorable Action on Article 8.

Daly  Aye
DeWitt Aye
Mermell Aye
Benka Aye
Goldstein Aye
WARRANT ARTICLES cont’d

<table>
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<tbody>
<tr>
<td>17.</td>
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</tr>
</tbody>
</table>

Chairman Daly stated that she would find it hard not to support anything against nuclear weapons. Selectman Benka stated that the terms of this resolution are for verifiable treaty, it does not call for unilateral disarmament or anything of a sort. Selectman Goldstein added that it certainly would be a better world without nuclear weapons.

On motion, it was unanimously,

VOTED: Favorable Action on Article 17.

Daly Aye
DeWitt Aye
Mermell Aye
Benka Aye
Goldstein Aye

BOARDS AND COMMISSIONS

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

Board of Assessors

On motion, it was unanimously,

VOTED: To appoint Mark Mazur to the Board of Assessors for a term ending August 31, 2012.

There being no further business the Chair adjourned the meeting at 9:20 p.m.

ATTEST
IN BOARD OF SELECTMEN

October 13, 2009

Present: Chairman Nancy Daly, Selectmen Betsy DeWitt, Jesse Mermell, Richard Benka, and Kenneth Goldstein

The Minutes of October 6, 2009 were approved as amended.
EXECUTIVE SESSION

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

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

______ (1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of a particular individual.

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

______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.

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______ (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).
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.

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.
ANNOUNCEMENTS

Selectman Goldstein wished his daughter Julian a happy birthday. Selectman Mermell announced the Chamber of Commerce Green Expo on October 18th at 11:00 a.m. at the High School. Chairman Daly reminded everyone of the Dress for Success event on November 14, and 15, at the Public Safety Building.

PUBLIC COMMENT

Jodi Curran, Co-Chair of the PEC (Public Employee Commission) spoke on behalf of the Committee in regards to Healthcare issues. The PEC has an offer on the table to join the GIC that would save the Town $2.5 million in year 1, and continued savings over the years. They arrived at a proposal that would allow the public employees of Brookline to receive quality healthcare while saving the Town money. There are significantly higher co-pays, and lack of Union input which is a concern that they had to consider while keeping in the mind the human faces that would be directly affected. Their latest proposal has been sitting on the table and the Town has not responded to it to date.

Town Administrator Richard Kelliher replied that there has been some hard work on both sides. The concern is to find a way to deal with what has been described as the human faces. The Town has laid out a proposal that has increased the Town share of premium cost, added dental cost, and a provision for lower income employees and retirees. The PEC is declaring openly and clearly that they are welcome to the idea of joining the GIC which is a positive move for the Town. The fundamental financial reality that the Town and employees are facing still need to be addressed long term. There are many aspects that need to be considered.

Selectman Mermell stepped out

CONTRACT

The Board considered the question of executing Contract No. PW/10-4 “Fiber Reinforced Crack Sealing” with Superior Sealcoat, Inc. of Wilmington, in the amount of $54,995.00. Said contract was awarded on September 15, 2009 and will be funded from account 4909K058 6H0026 (Street Rehab).

Chairman Daly stated that this contract has been previously awarded and is now ready to execute.
On motion, it was unanimously,

VOTED: To execute Contract No. PW/10-4 “Fiber Reinforced Crack Sealing” with Superior Sealcoat, Inc. of Wilmington, in the amount of $54,995.00. Said contract was awarded on September 15, 2009 and will be funded from account 4909K058 6H0026 (Street Rehab).

TEMPORARY WINE AND MALT BEVERAGE LICENSE

The Board considered the question of granting a temporary wines and malt beverages license to Boston University School of Visual Arts in connection with a Reception to be held on October 19, 2009 from 8pm -10pm at 808 Commonwealth Avenue.

On motion, it was unanimously,

VOTED: To grant a temporary wines and malt beverages license to Boston University School of Visual Arts in connection with a Reception to be held on October 19, 2009 from 8pm -10pm at 808 Commonwealth Avenue.

ALL KINDS OF ALCOHOLIC BEVERAGES LICENSE

The Board considered the question of granting a temporary All Kinds of Alcoholic beverages license to the American Repertory Theater, Diane Paulus Artistic Director, in connection with an Opening Night Party for “Sleep No More” theatrical production to be held on October 14, 2009 from 8pm-12M at the Old Lincoln School, 194 Boylston Street.

On motion, it was unanimously,

VOTED: To grant a temporary All Kinds of Alcoholic beverages license to the American Repertory Theater, Diane Paulus Artistic Director, in connection with an Opening Night Party for “Sleep No More” theatrical production to be held on October 14, 2009 from 8pm-12M at the Old Lincoln School, 194 Boylston Street.

PROCLAMATION

The Board considered the question of adopting a Proclamation marking the 64TH Anniversary of the United Nations on October 24, 2009.
**PROCLAMATION cont’d**

On motion, it was unanimously,

VOTED: To adopt the following Proclamation:

PROCLAMATION

WHEREAS, the United Nations was founded in 1945, and the anniversary of its founding is observed each year on October 24; and

WHEREAS, the central role of the United Nations is to promote peace and security, development and human rights around the world, and is vital now more than ever; and

WHEREAS, in September of 2000, 189 countries including the United States agreed on the Millennium Development Goals; and

WHEREAS, the eighth Millennium Development Goal seeks to build an international partnership for development in the world’s poorest countries; and

WHEREAS, the Goal calls on the nations of the world to develop a framework for trade and finance that is open, rule-based, predictable, and non-discriminatory; and

WHEREAS, the Goal further commits developed nations to the principles of official development assistance and debt relief; and

WHEREAS, the Goal further emphasis the importance of expanding access to technology, medicines, and jobs; and

WHEREAS, the United States has shown its commitment to the eighth Millennium Development Goal through foreign aid, progressive trade promises and generous debt relief measures; and

WHEREAS, THE United Nations Association of the United States of America (UNA-USA, in cooperation with other organizations, has declared “Developing a Global Partnership for Development” as its theme for the 2009 United Nations Day commemorations.

BE IT THEREFORE RESOLVED that we, the Board of Selectmen of the Town of Brookline, Massachusetts in affirmation of our support of this valuable community service join the hundreds of Towns, Cities and States across the Nation in observing October 24, 2009 as UNITED NATIONS DAY in the Town of Brookline and encourage all residents to join us in recognizing this outstanding organization and its contribution in adding to the quality of life in our Town.

PROCLAMATION

The Board considered the question of adopting a Proclamation proclaiming Sunday October 18, 2009 as Trail of Thai Royalty Day.

*Selectman Benka returned*

*Selectman Mermell returned*
PROCLAMATION cont’d

Selectman Merrell stated that the present King of Thailand was born in Brookline. Former Town Meeting Member Joanne Sullivan was contacted by some representatives letting her know that she lives in the building where he was born. There have been other dedications throughout the State and hundreds of people have been coming to celebrate.

On motion, it was unanimously,

VOTED: To adopt the following Proclamation:

PROCLAMATION
TRAIL OF THAI ROYALTY DAY

WHEREAS, Prince Mahidol of Siam lived with his wife and three young children at 63 Longwood Avenue from 1926 to 1928; and

WHEREAS, while living here Prince Mahidal graduated from Harvard Medical School and the Princess mother studied nursing at Simmons College and at local hospitals; and

WHEREAS, the King of Siam Birthplace Foundation wishes to establish the “Trail of Thai Royalty in Massachusetts” naming ten sites in a plaque with 63 Longwood Avenue listed among them; and

WHEREAS, the Town of Brookline has a longstanding tradition of providing residence both temporary and permanent for people from all walks of life from every region of the globe;

BE IT THEREFORE RESOLVED that we, the Board of Selectmen for the Town of Brookline, Massachusetts proclaim Sunday October 18, 2009 as the Trail of Thai Royalty in Massachusetts Day as a reminder to all of our shared obligation for hospitality and good will among communities throughout the world.

BOARD AND COMMISSIONS

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

Building Commission
Janet Fierman

Board of Appeals
Mark Allen
Economic Development Advisory Board
Hema Narayanan

Building Commission - Janet Fierman is applying for re-appointment. She stated that this is a good working committee with a good mission. The Town has a lot of buildings that keeps the committee busy. Ms. Fierman is an Attorney and a former member of the State Board of Examiners for Plumbers and Gasfitters. Town Administrator Richard Kelliher added that she is one of the longest serving Chairperson in the Town, and the first woman appointed to the Building Commission.

Board of Appeals - Mark Allen is applying for re-appointment. Mr. Allen is a practicing architect and US Green Building Council LEED accredited. He hopes to continue working with the Planning Board and reviewing an interpreting applicant submissions prepared by design professionals. He hopes to help bring the Town towards the adoption of sustainable and energy conservation measures in their zoning ordinance.

Economic Development Advisory Board - Hema Narayanan is currently Vice President at Au Bon Pain, a Boston based restaurant chain. She has over 18 years of global experience in the food industry. The economic structure of Brookline is important for a vibrant community which brings in families and younger people. She has attended many EDAB meetings, she feels the committee is very proactive and is working not only to promote new business, but enhance the ones that are here.

WARRANT ARTICLES
The Board considered the question of voting on the following Warrant Articles for the November 17, 2009 Fall Town Meeting:

<table>
<thead>
<tr>
<th>No.</th>
<th>Article</th>
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<tbody>
<tr>
<td>4.</td>
<td>FY2010 Budget Amendments: (A) Operating Budget</td>
</tr>
<tr>
<td>6.</td>
<td>Surveillance Cameras Spending Limitations (Farlow)</td>
</tr>
<tr>
<td>14.</td>
<td>Bicycle Registration (Ziskend)</td>
</tr>
</tbody>
</table>
WARRANT ARTICLES cont’d

No. Article

4. FY2010 Budget Amendments:
   (A) Operating Budget

Deputy Town Administrator Sean Cronin reviewed the Article. The amended items include a new phone system, resulting in savings, collective bargaining, and school amendments mainly due to staff reduction, and employee benefits which increased. The net is a revenue loss of $341k. Mid-year local aid cuts and general local receipts are expected to come in the next week or two. Selectman Benka asked if it is conceivable that this may be revised again before Town Meeting. Town Administrator Richard Kelliher replied that the last two times there have been 9C cuts were in FY04 and FY09. Those cuts to Brookline were about $750,000. With the result of the hiring freeze and the impact on group health savings, there may not be much of an impact for FY10. This would come more out of the FY11 base. It would be a matter that would need to be reconciled in FY11. Mr. Cronin added that if the cuts are before the tax rate is set, the budget would have to be amended. It would depend on the timing of the tax rate. The last two times the 9C cuts happened after the tax rate was set.

On motion, it was unanimously,

VOTED: To amend the FY2010 budget as shown below and in the attached Amended Tables 1 and 11.

<table>
<thead>
<tr>
<th>ITEM#</th>
<th>ORIGINAL BUDGET</th>
<th>PROPOSED CHANGE</th>
<th>AMENDED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Finance Department</td>
<td>$3,049,791</td>
<td>($100,000)</td>
<td>($2,949,791)</td>
</tr>
<tr>
<td>21. Collective Bargaining -Town</td>
<td>$960,000</td>
<td>($885,000)</td>
<td>$75,000</td>
</tr>
<tr>
<td>22. Schools</td>
<td>$68,974,271</td>
<td>($130,684)</td>
<td>$68,843,587</td>
</tr>
<tr>
<td>23. Employee Benefits</td>
<td>$40,270,929</td>
<td>$773,649</td>
<td>$41,044,578</td>
</tr>
</tbody>
</table>

Note: Budget tables 1 and 11 submitted as attachment
Chairman Daly stated that the petitioner withdrew the Article to give the Camera Oversight Committee a chance to evaluate the system. Chairman Daly moved No Action on Article 6.

On motion, it was unanimously,

**VOTED: No Action on Article 6**

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<thead>
<tr>
<th>No.</th>
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</thead>
<tbody>
<tr>
<td>6.</td>
<td>Surveillance Cameras Spending Limitations (Farlow)</td>
</tr>
</tbody>
</table>

Daly  Aye  
DeWitt  Aye  
Mermell  Aye  
Benka  Aye  
Goldstein  Aye

Chairman Daly stated that the petitioner will withdraw the Article if the State passes similar regulations. The Chair moved No Action on Article 14.

On motion, it was unanimously,

**VOTED: No Action on Article 14.**

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<tr>
<th>No.</th>
<th>Article</th>
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<tbody>
<tr>
<td>14.</td>
<td>Bicycle Registration (Ziskend)</td>
</tr>
</tbody>
</table>

Daly  Aye  
DeWitt  Aye  
Mermell  Aye  
Benka  Aye  
Goldstein  Aye
WARRANT ARTICLES

Review of the following Warrant Articles for the November 17, 2009 Fall Town Meeting:

<table>
<thead>
<tr>
<th>No.</th>
<th>Article</th>
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<tbody>
<tr>
<td>4.</td>
<td>FY10 Budget Amendments (B) Runkle School (Selectmen)</td>
</tr>
</tbody>
</table>

PETITIONER’S ARTICLE DESCRIPTION

This article is inserted in the Warrant for any Town Meeting when budget amendments for the current fiscal year are required. For FY2010, the warrant article is necessary to balance the budget, appropriate the local option taxes approved at the August Special Town Meeting, seek a bond authorization for the Runkle School renovation/addition project, and seek a bond authorization for the Carlton St. Footbridge, per the position of the State Executive Office of Energy and Environmental Affairs as reflected in the Memorandum of Understanding (MOU) recently executed by the Town of Brookline, City of Boston, and the Commonwealth.

Chairman Daly stated that the Runkle School Building Committee began meeting in 2008. Presently the school has 516 students in a building that was designed for about 420 students. The prediction is that this number will climb to 560 students. School lunches start at 10:15 a.m., to accommodate for the small cafeteria, in addition the janitors closets are now being used for student activities. The Runkle project, which has been listed on the Town’s Capital Improvement Plan for many years, was always envisioned as a renovation/addition project rather that a demolition/new building project due to the fact that the building has been well maintained and the cost associated. There is no other location situated for this school due to the proximity to public transportation and traffic and safety issues.

In November this project will go to Town Meeting for a vote on the bond authorization. Under the MSBA rules we must get bond authorization for the full $29,100,000 for the project within 120 days of the MSBA approval (Sept 30). The Bond authorization requires a 2/3 vote of Town Meeting.

Some zoning questions remain as to the appropriate FAR (floor area ratio) to apply to this project and those questions are unlikely to be resolved before this Town Meeting. The Town anticipates moving through the process. The Committee recognizes that this is a small site and closely abuts residential property, and tried to accommodate the situation with the best possible result.

School Superintendent Bill Lupini stated that due to recent enrollment pressures the Runkle project has moved up on the CIP list. The School Department
has moved some students to other area schools by invitation. Mr. Lupini does not encourage moving of students in the SPED program which has been inquired. These are not the students that you would want to move, given the teacher’s training, and changing the daily structures. Yes, they will be going to Old Lincoln, but with their teachers as well. Even if this program were to be moved they would still be an overcrowding issue. This being said the renovation of Runkle School will not relieve the overcrowding in all schools.

Design Partnership of Cambridge representatives Gregg Schroeder and Bob Bell presented a slideshow of the project. (*Presentation attached to minutes*)

Selectman Goldstein asked about the lot lines to the closest abutters. Mr. Bell replied that along Druce Street that set back is as it is now. Chesham Rd is about 25 to 26 feet from its tightest corner. Dean Rd has a 70 foot set back.

Selectman Mermell asked about the noise from the gym penetrating into the cafeteria below. Mr. Bell that should not be a problem, an acoustic engineer had looked at it. Selectman Benka added that the noise levels would be about the same as the cafeteria levels. Selectman Mermell asked about drop off and pick up areas. Mr. Schroeder stated that this was addressed in the design. Chairman Daly added that staff would be required to park further away on the street.

Selectman Benka asked about handicapped accessibility. Mr. Schroeder replied that handicapped parking will be provided on Druce Street. All of the entrances will be handicapped accessible. There could be additional parking if needed on election days.

Selectman Mermell inquired about “green initiatives”. Mr. Bell replied that they are looking at LEED Mass Chips. In summary there is a tremendous amount of value in just reusing the building. They will be incorporating energy efficiencies throughout the building.

Selectman Benka asked about the height of the gymnasium and the new roof. Under the option B3 is the height the same as the old roof was? Mr. Bell replied that is higher than the existing gym by about 10-12 feet.

Town Counsel Jennifer Gilbert Dopazo spoke on the zoning process. She outlined the following schedule:

October 21 Site Plan Review Meeting conducted by Jeff Levine
Comments received from various town departments
Comment Letter from Planning Director approximately 2 weeks thereafter
November 15th (approx. but not sooner) Building Permit Application filed
By the end of November Building Commissioner denial Letter
Selectman DeWitt inquired about what was cut to make the reduced budget. Chairman Daly replied that central heating was eliminated, also eliminating some square footage and bleachers from the gym, window changes, and the use of different materials in the doors and cabinets, to name a few.

Selectman DeWitt added that the Town met favorable qualifications from the MSBA. Deputy Town Administrator Sean Cronin replied that he felt the Town could have received a couple of more points due to the quality of the building maintenance. But he is happy with what was given.

Mr. Harvey Finkle, Dean Rd. abutter thanked Selectman Goldstein for his hard work with the neighbors. He added that many people are strongly in favor of the new school but would like a better way of doing it. He added that there is a question of the FAR. The proposed building is 41k square feet over what is allowed in the zoning By-Law. The Town has not conceded to this. By-laws can be changed only by Town Meeting. To be taken into consideration: 1). The language of the By-Law is mathematically clear. 2). The intent of the Town Meeting. 3). 44 years of precedent in which the ratio is calculated. Anything not calculated appropriately had to be corrected. The Town should seek a Special Permit for FAR relief. Plan B2, towers over his home, it is not “in harmony” in with other uses in the vicinities such as our homes. Chairman Daly replied that the ZBA will address this.

Linda Carlise, Dean Rd resident spoke in favor of the project. Her children attend the school. The Town is in a unique position with the MSBA.

Deputy Town Administrator Sean Cronin added that the Town cannot go forward without the Board’s authority. Once the project is approved, it can not be changed unless there is a change in design, or the bids go way over.

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<tr>
<th>No.</th>
<th>Article</th>
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<tbody>
<tr>
<td>10.</td>
<td>Zoning – Cleveland Circle Overlay District (Selectmen)</td>
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</tbody>
</table>
PETITIONER’S ARTICLE DESCRIPTION

This article is being submitted by the Department of Planning & Community Development with the unanimous support of the Zoning Bylaw Committee. It would create a new Special District under Section 5.06 of the Zoning Bylaw. It is designed to provide the Town with some additional controls over the quality of development that might occur in the L-0.5 zoning district in Cleveland Circle by requiring design review of all projects in that district, and also requiring a Traffic Impact and Access Study of all Major Impact Projects in that district. It would also clarify that redevelopment of a site that is partially outside Brookline would still be viewed as if the entire development were in Brookline. While the current Zoning Bylaw probably would require such reviews in any case, this proposed overlay would eliminate any doubt.

The L-0.5 zoning district in Cleveland Circle consists of the front segment of the former Circle Cinema site and the Reservoir MTBA station yards. Both sites are possible development sites in the future - the Circle Cinema site most imminently because the theatre is closed and the property is for sale. The existing L-0.5 zoning will significantly constrain the redevelopment potential of both sites. However, since much of the Circle Cinema site is in Boston, where a higher density is permitted than on the Brookline portion of the site, it is possible that the site could be redeveloped in Boston and have an adverse impact on Brookline, even if none of the new development is in Brookline. This zoning amendment would explicitly require design review and transportation analysis of any such redevelopment proposal, which would include examination of how such a project would impact pedestrian, bicycle and transit access, as well as vehicle traffic impacts on surround roads such as Chestnut Hill Avenue which historically have been mitigated due to traffic exiting the property directly onto Beacon Street in Boston.

Planning & Community Development Director Jeff Levine stated that this Article allows additional criteria allowing more flexibility on the two parcels in question. The criteria are not new or different, but add clarification. It would require the new developer be subject to design review, and traffic studies.

Selectman DeWitt asked what authority Brookline would have in the design review on a Boston development. Mr. Levine replied that that is hard to tell. Most likely it would not be the materials or façade, rather if it was is integral to the sight, but would affect Brookline.

Selectman Goldstein asked about the Strathmore Road area. This is a residential area and should we be addressing this? Mr. Levine replied that it would not make sense to have the access point off Strathmore Road. The zone of the district would need to be looked at. It would require re-zoning.

TMM#16 Regina Frawley inquired about any efforts in working with Boston that would allow Brookline to get its best deal. Mr. Levine replied that they have talked to the Boston Development Authority about this site. The zoning in other
municipalities offer a higher amount of development allowed. As a developer it is likely they would put most of the development in the other communities where the zoning is allowed.

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<th>No.</th>
<th>Article</th>
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<tr>
<td>11.</td>
<td>Zoning - Family Child Care Homes (Planning and Community Development)</td>
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</table>

PETITIONER’S ARTICLE DESCRIPTION

Prior to the fall of 2008, the Town of Brookline permitted “family day care homes” provided that the number of children did not exceed 6. At the same time, the state permitted family day care facilities with up to 10 children under certain conditions. A warrant article was proposed for the Special Town Meeting in 2008 that would permit these “large family day care homes” in certain zones by right and in others by Special Permit. This amendment allowed the several large family day care facilities in Town, most of which have been operating without issues, to come of the Town for legalization. However, due to concerns that this might not be the best approach to regulating large family day care facilities, and also due to the fact that the state was in the process of amending its own regulations related to these facilities, this amendment will sunset in June of 2010.

The Zoning Bylaw Committee (ZBL) met several times since the fall of 2008 to discuss this issue. First, it looked at some basic issues related to regulating large family day care homes. Next, it delineated the basic issues that would need to be addressed in any final zoning language. Finally, it reviewed and commented on a staff draft of revised zoning language. At its February meeting, it recommended unanimously to submit this proposal. This proposed language would:

- Clarify that such facilities are accessory uses, and therefore are limited in size and scale;
- Update the terminology to bring it in line with the new state regulations;
- Provide the Building Commissioner with clear submission requirements and allow him/her some discretion with respect to whether the smaller facilities can meet basic requirements that protect neighbors from impacts;
- Require Special Permits for Large Family Child Care Homes in residential districts, with a set of criteria to be used by the Board of Appeals in reviewing these facilities.
- Make other clarifications, such as stating that children who live in the building must also count towards the total number of children served.
- Provide the Town with enforcement ability if a Family Child Care Home produces excessive noise or other impacts on the neighborhood.
This language is fairly similar to the language that was submitted for the Annual Town Meeting last spring. However, that language had some formatting errors that could not be resolved within the scope of the article. This new language resolves those issues and also has benefited from the extra discussion at the Zoning Bylaw Committee.

Director of Planning & Community Development Jeff Levine stated that Article has been around for the last couple of Town Meetings. It was felt that language needed to be added to address long term issues. This Article refines the language.

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<th>No.</th>
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<tr>
<td>12.</td>
<td>Zoning – Car Sharing Organizations and Commercial Motor Vehicle Definitions (Planning and Community Development)</td>
</tr>
</tbody>
</table>

PETITIONER’S ARTICLE DESCRIPTION
This zoning amendment is being submitted by the Department of Planning and Community Development with the support of the Zoning By-Law Committee. This amendment facilitates the provision of motor vehicles conveniently located throughout Brookline that are shared by multiple individuals through a membership-based Car Sharing Organization (CSO) available to the general public for hourly or similar short term rental. This will allow Brookline to advance its environmental goals by (a) reducing the need for individuals, households and businesses to own, park and store privately owned vehicles and (b) encouraging people to travel less by single-occupancy motor vehicles.

This zoning amendment differentiates vehicles based on type and use rather than the type of plates issued by the state. The Zoning By-Law does not currently define commercial and non-commercial motor vehicles. Additionally, passenger vehicles belonging to Car Sharing Organizations are expressly identified as non-commercial vehicles for purposes of zoning. This amendment permits CSO vehicles and other passenger type vehicles that may have commercial plates to be located in residentially zoned areas.

Economic Development Director Kara Brewton stated that this Article provides definition to allow CSO to legally exist in some residential areas. Another side of it is to allow non-commercial vehicles that may have commercial plates. This is a loophole because of the way the RMV defines it. It defines vehicles on how they used as to what kind of plates they have.
Selectman Mermell stated that the Parking Committee feels this is a good first step to address their multiple goals including how to make the Town as friendly as possible to those that do not drive by promoting public transportation, and reducing the amount of traffic on the streets. The CSO addresses these issues. The Climate Action Committee is also in favor of car sharing.

Chairman Daly added that there is concern out there that there may be too many vehicles located in highly populated areas, mainly near the universities. Selectman Mermell replied that she believes that you have to be over 21 years old to be a member of the CSO. The vehicles are left in a spot, taken out and returned to the same spot. The only traffic is the one vehicle coming and going from the designated spot. Ms. Brewton added that there was a lot of discussion on student areas, the original draft did not have a cap, there is a maximum number allowed now.

Selectman DeWitt asked what is defined as a Car Sharing Organization, and a commercial and non-commercial vehicle. The Article accepts a definition that is not the DMV’s definition. Selectman Goldstein replied that some vehicles have commercial plates but are not commercial vehicles. Ms. Brewton added that there are many cases where you can chose to get either a commercial or regular plate. At the RMV, this is a gray area. The private passenger motor vehicle can sometimes have a commercial plate. Under this zoning Article a car being used 90% of the time for commercial use can be considered residential. Building Commissioner Mike Shepard added that the only ones concerned about the amount of time being used as a commercial vehicle is the Internal Revenue Department. Selectman Benka stated that this could allow a private passenger car with commercial signs on it to park in a residential area. It states that any motor vehicle regardless of the plates could park in a residential spot. Ms. Brewton replied that it would no longer be a private residential vehicle if it is not defined. The Board feels that this area is not clear. Selectman Benka asked if school buses would be allowed to park in residential areas. Mr. Shepard replied that any vehicles used for hire shall be determined as a commercial vehicle. The weight of the vehicle makes the determination. This is purely an effort to better identify those vehicles that are commercial or non-commercial. Selectman Benka has concerns about school buses parked in residential areas. Mr. Shepard replied that they are clearly a vehicle for hire.

Ms. Brewton presented photos of vehicles and their weight to show what would qualify and what type would not. A delivery van would not qualify as a car sharing vehicle.

Regina Frawley TMM#16 asked what the Town receives for revenue. If the numbers allowed increase would the revenue increase? Ms Brewton replied that the Town receives revenue from some of the spaces, but not all of them. Right now
In Board of Selectmen
October 13, 2009
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WARRANT ARTICLES cont’d

there are 78 zipcar spaces in Town, about 20 of them are in municipal lots or on right of way.

Selectman Goldstein asked if there is a limit on the spaces, if there are more car sharing opportunities. John Crooks, Fleet Manager stated that they probably added about 10 cars this year. He does not see the Article adding a huge influx of cars. Selectman Goldstein added that the company would want to accommodate the public. Mr. Cooks replied that the company needs 40 memberships for one car offering.

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<tbody>
<tr>
<td>13.</td>
<td>Zoning – Car Sharing Organization use of Accessory Parking Spaces (Planning and Community Development)</td>
</tr>
</tbody>
</table>

PETITIONER’S ARTICLE DESCRIPTION

This zoning amendment is being submitted by the Department of Planning and Community Development with the support of the Zoning By-Law Committee. This amendment facilitates the provision of motor vehicles conveniently located throughout Brookline that are shared by multiple individuals through a membership-based Car Sharing Organization (CSO) available to the general public for hourly or similar short term rental. This will allow Brookline to advance its environmental goals by (a) reducing the need for individuals, households and businesses to own, park and store privately owned vehicles and (b) encouraging people to travel less by single-occupancy motor vehicles.

This zoning amendment allows up to 20%, but no more than 25 of required parking spaces to be rented or leased to a CSO by right in all zoning districts, and more parking spaces allowed by special permit. Currently, CSO vehicles are only allowed as an accessory by-right use in nonresidential districts that have more parking spaces than otherwise required by zoning and limited to four spaces. This amendment requires contact information to be posted for all parking facilities that rent or lease to a CSO. Additionally, this zoning amendment allows and regulates signage for individual parking spaces.

Ms. Brewton stated that of the 78 cars in Town, half would not be allowed as currently zoned. This Article allows 4 parking spaces by-right or 15% with additional spaces allowed by special permit. It also addresses the signage to be used for the CSO. Mr. Shepard added that the Town is seeing more CSO
In Board of Selectmen
October 13, 2009
Page 19 of 19

WARRANT ARTICLES cont’d

vehicles in residential areas, mainly large condominium complexes. There is a need
to address them within the Town’s zoning By-law.

Selectman Benka inquired about the 10% limit. Is there anything to prevent
the number of spaces a home-owner can put on their property. Ms. Brewton replied
that there are caps on the amount of spaces you can have, even in a multi family
area. In commercial areas there are no caps. Mr. Shepard added that Article 6
addresses parking. There has to be set backs, open space requirements and so forth.

Mr. Shepard feels that the business district is usually short on spaces and he
does not see them forfeit customer parking for a CSO vehicle.

Selectman Goldstein asked about licensing for these vehicles. Ms. Brewton
replied they would fall under the current open air parking license.

Selectman DeWitt pointed out that right now there are two versions of the
Article in addition to the original. One is the Planning Board’s recommendation
and the other is the Advisory Committee’s recommendation. The zoning By-Law
Committee will be taking this up next week.

Selectman Goldstein stated that if the market bears it, why would there be a
cap on the amount. What is the consensus of having too many vehicles? Ms.
Brewton stated that the public generally enjoys having the service in Town, but
there is concern about certain apartment buildings that house many university
students. An argument for keeping the number small is to spread out the vehicles
rather than too many in one location. Those in favor like the fact that it allows
families to give up a second car.

Regina Frawley TMM#16 asked who licenses these vehicles. The Board
replied no department right now. Ms. Frawley added that the Town has no
leverage; this is an international company making a huge profit and the Town is
receiving nothing for allowing them here. Selectman Goldstein replied that the
Town can not license a company because it is profitable. Ms. Frawley questioned
municipal lots. Ms. Frawley added that we should be making money for giving our
streets away to a profit making company. Selectman Benka added that the rates for
zipcars on municipal lots are a valid issue. We may not be getting the revenue that a
parking meter generates. The Board agrees that this needs to be looked into,
however; it does not pertain to this Article.

There being no further business, the Chair adjourned the meeting at 10: 40
p.m.

ATTEST
IN BOARD OF SELECTMEN

October 20, 2009

Present:  Chairman Nancy Daly, Selectman Betsy DeWitt,
          Jesse Mermell, Richard Benka, and Kenneth Goldstein

The Minutes of October 13, 2009 were approved as amended.
ANNOUNCEMENTS

Chairman Daly stated that the Green Fair at the High School was a success. The Coolidge Corner Theater will be hosting the Green Guild’s Green Film Festival including chronicles of the Muddy River. The Runkle School site plan review will be held at Town Hall October 21st.

PUBLIC COMMENT

There was no Public Comment.

SPECIAL MUNICIPAL EMPLOYEES

The Board considered the question of appointing members of the Economic Development Advisory Board as Special Municipal Employees.

Town Administrator Richard Kelliher stated that Assistant Town Counsel John Buchheit reviewed this, and determined that many Boards and Commissions have been granted this status in the past. The members of EDAB qualify under General Laws c. 267A. (§17 and §20).

On motion, it was unanimously,

VOTED: To appoint members of the Economic Development Advisory Board as Special Municipal Employees.

CONTRACTS

The Board considered the question of approving the following contracts as recommended by the Building Commission:

**Main Library Design - Waterproofing Repairs**

<table>
<thead>
<tr>
<th>Company</th>
<th>Amount</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Powers &amp; Co. Architects</td>
<td>$16,800.00</td>
<td>2509K037 6B0065</td>
</tr>
</tbody>
</table>

**Transfer Station Electrical Modernization**

<table>
<thead>
<tr>
<th>Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall River Electrical</td>
<td>$27,600.00</td>
</tr>
<tr>
<td></td>
<td>2594C157 6B0074</td>
</tr>
</tbody>
</table>

Program Administrator Tony Guigli stated that these contracts are for the design, bid documents, and bid assessment for the waterproofing repairs at the
CONTRACTS cont’d

Main Library Plaza. The bids are expected to come in early spring for summer construction. The second contract is for the last piece of work at the Brookline Transfer Station Garage. It includes lightening, and electrical modernization.

On motion, it was unanimously,

VOTED: To approve the following contracts as recommended by the Building Commission:

<table>
<thead>
<tr>
<th>Contract Description</th>
<th>Contractor</th>
<th>Amount</th>
<th>Project Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Library Design - Waterproofing Repairs</td>
<td>Powers &amp; Co. Architects</td>
<td>$16,800.00</td>
<td>2509K037 6B0065</td>
</tr>
<tr>
<td>Transfer Station Electrical Modernization</td>
<td>Fall River Electrical</td>
<td>$27,600.00</td>
<td>2594C157 6B0074</td>
</tr>
</tbody>
</table>

CHANGE ORDER

The Board considered the question of approving Change Order #1 for a deduction in the amount of $413.00 for work not performed by Roger Trembly Contractors in connection with the High School Masonry Repairs, Phase 2.

Program Administrator Tony Guigli stated that the work on the front stairs was not needed, and repairing the rear entrance soffit resulted in a net amount of $413.00.

On motion, it was unanimously,

VOTED: To approve Change Order #1 for a deduction in the amount of $413.00 for work not performed by Roger Trembly Contractors in connection with the High School Masonry Repairs, Phase 2.

SPECIAL COUNSEL

The Board considered the question of authorizing Town Counsel to retain Special Counsel to assist with the Fisher Hill Project.

Town Counsel Jennifer Dopazo Gilbert stated that this project is and will be very challenging. It includes conveying and purchasing of land and will involve millions of dollars. CDBG funds are available for Special Counsel. Ms. Gilbert stated that she recommends Attorney Kathryn Cochrane Murphy. Ms. Murphy
specializes in this type of development and has served on the Housing Authority Board in the past. Selectman DeWitt added that Ms. Murphy is highly qualified for the position. Selectman Goldstein agreed, and inquired about the rate. Ms. Gilbert replied that the rate is for municipalities and non-profits and anticipates the cost being around $30k per year. The bulk would be in drafting documents.

On motion, it was unanimously,

VOTED: To authorize Town Counsel to retain Special Counsel to assist with the Fisher Hill Project.

Selectman Benka arrived 7:30

Chairman Daly took a moment to announce Commissioner DeMaio’s upcoming retirement. She stated that Tom DeMaio’s letter to the Board informing the Selectmen of his decision to retire cites a bundle of operational goals achieved by DPW under Tom’s leadership including, but certainly not limited to:

- Newton Street Landfill Closure and Corrective Action
- Reconstruction of major arteries (Harvard St., Beacon St., Boylston St.) with State funds.
- Pavement Management System for all streets
- Sidewalk betterments program
- Purchase of Edison Streetlights
- Relining of water distribution system
- Construction Municipal Service Center
- Ryder Cup and Brookline 300 logistics support
- EPA Stormwater/Wastewater Plan
- Restoration of parks and recreation sites throughout the town including Kraft Athletic Facility at Downes Field and Skyline Park.

In addition, though, Tom has reached a number of professional accomplishments:

- 1996 Massachusetts Executive Office of Environmental Affairs – Outstanding Achievement Award for Environmental Protection
- President APWA New England Chapter 1997
- 1997 Brookline Chamber of Commerce - Man of the Year
2008 American Public Works Association (APWA) Public Works Project of the Year – The Town of Brookline Landfill Closure and Park Development Project

Reflective of Tom DeMaio’s community oriented leadership in 2003 he started the Annual DPW Open House for Brookline students in which 1,000 children participated this past Spring and in 2002 he initiated an “Evening with the Commissioner” as a yearly effort to address Town Meeting Members questions prior to the Annual Town Meeting. His many efforts on behalf of the Town will be sorely missed.

The Board acknowledged Commission DeMaio’s many accomplishments and years of dedicated service. The DPW affects every resident by providing clean and safe streets and sidewalks that are well cared for and maintained, not to mention the many projects over the years that have been successfully executed. Mr. DeMaio has supported the DPW workers and has gained their respect over the years. He has overseen five divisions under DPW, ran the department with fewer positions and less money, and has an outstanding reputation throughout the Commonwealth. Town Administrator Richard Kelliher added that it has been a personal and professional privilege to have worked with him over the years.

Commissioner DeMaio thanked the Board for their kind words and stated that he wished to spend more time with his family. He has had a successful career in Brookline and is proud of his staff and their dedication.

CONTRACT

The Board considered the question of awarding Contract No. PW/10-10 “Rental Rates for Snow Plowing and Ice Control to D’Allessandro Corp. of Avon in the amount of $67,828.00. Said contract to be funded from account 42004230 523070.

Commissioner DeMaio stated that he has seen a reduction in price this year. Salt prices have come down as well.

On motion, it was unanimously,

VOTED: To award Contract No. PW/10-10 “Rental Rates for Snow Plowing and Ice Control to D’Allessandro Corp. of Avon in the amount of $67,828.00. Said contract to be funded from account 42004230 523070.
CHAIRMAN DALY updated the Board on the status of the School Facilities Master Plan submitted in 2009.

The main concern facing school facilities is overcrowding, and not enough classroom space. Chairman Daly added that they have looked at the Old Lincoln School and the Baldwin School. They have been looked at to house early childhood centers. The School System is not obligated to teach early education, but it is obligated to teach special education children ages three and up. The best way to do this is in the whole classroom. The question of a ninth elementary school has been brought up but the Town is not ready to do that at this time. It could be revisited in the future, especially if Hancock Village proceeds as they would like to. Another possibility is the Health School to add some classroom space.

Selectman Goldstein asked if it were inevitable that there may be some modular classrooms added to our schools. Building Commission member George Cha replied that there is not much cost savings in modular classrooms. Better utilization and optimizing what we have is the best route in his opinion, and adding some permanent classrooms at Heath School. Selectman Goldstein asked about the old Lincoln School. Chairman Daly replied that it is a small site, and is very close to the Lincoln School. It would not be an adequate location for a ninth elementary school. The Baldwin School may be a better fit to look at in the future if needed.

Selectman DeWitt wondered what the driving force is behind the influx of younger students into the system. She stated that some data showing the trends and demographics may be helpful.

POLICE PERSONNEL

The Board considered the question of authorizing the filling of a vacancy in the position of Civilian Dispatcher in the Police Department.

Chief O’Leary stated that the position became available due to a recent resignation. The Department has changed its hiring process, and incorporated rigorous requirements. He hopes to fill this important public safety position as soon as possible.

On motion, it was unanimously,

VOTED: To authorize the filling of a vacancy in the position of Civilian Dispatcher in the Police Department.
TREASURER – PERSONNEL

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

Finance Director Steve Cirillo stated that this position has become available due to a recent resignation. The current employee took a position with the City of Cambridge. This is an important position that is responsible for all communications and transactions between financial institutions, reconciling bank accounts and distributing payroll and vendor checks. He added that due to the current climate in the banking industry, there may be some very qualified candidates.

On motion, it was unanimously,

VOTED: To authorize the filling of a vacancy in the position of Assistant Treasurer.

BROOKLINE PARKING COMMITTEE

Selectman Jesse Mermell and other members of the Parking Study Committee appeared to update the Board.

Selectman Mermell stated that the members of the Parking Study Committee came up with some recommendations. There are a few more ideas floating around, but they require more time. The Committee was envisioned to last for a year which is about that time, so they would like to present what they recommend.

Selectman Mermell left the meeting 7:50

Bill Schwartz, Committee member reviewed some recommendations. He added that the Committee can only submit recommendations. They are not able to enforce or implement any of them. The Committee was formed in June of 2008 to look at how the Town handles parking, and how to improve it.

Some of the recommendations are:

Motion 1 – Use of Multispace Meters in On-Street High-Demand Locations

In order to improve the management of curbside parking, the BPC recommends that the Transportation Board and the Public Works Department Transportation Division prioritize the installation of multispace parking meters in certain on-street parking areas of Brookline where parking demand is high and more space turnover is sought.
Motion 2 – Extension of Meter Hours of Operation
To encourage more space turnover, the BPC recommends that the Transportation Board extend hours of operation for parking meters beyond 6:00 p.m. to 8:00 p.m. in areas where evening parking demand is highest. Because additional enforcement resources will be needed to implement this time extension effectively, the BPC recommends additional consultation with the Town Administrator’s office and the Police Department.

Motion 3 – Parking Space Turnover
To encourage more space turnover, the BPC recommends that the Transportation Board modify time limits in some commercial areas to shorter than two-hours where demand is highest. In addition, the BPC recommends that the Selectmen establish a ceiling price for hourly parking rates above the current $0.75 per hour rate, which would permit the Transportation Board to adjust hourly parking rates up or down beneath the ceiling price. Longer time limits should be considered in other areas, where appropriate.

Motion 4 – Commercial Parking Permits
To increase participation in the successful employee-parking program in commercial areas, the BPC recommends that the Transportation Board offer employers the option to purchase on-street commercial parking permits on a quarterly basis with quarterly pricing corresponding to 25 percent of the annual cost.

Motion 5 – Beacon Street Median Overnight Parking
The BPC recommends that the Transportation Board and the Public Works Department Transportation Division consider renting additional overnight rental parking spaces in the Beacon Street median to address unmet parking demands while not impacting evening parking demand for other uses.

Motion 6 – Multifamily Residential Parking Requirements
The BPC supports some reduction in off-street parking requirements within multi-family residential land uses near transit provided that neighborhood concerns are taken into account. The specific recommendations will be developed in the fall of 2009.

Motion 7 – Car Sharing Bylaw
The BPC supports Warrant Articles 12 and 13 to adopt a bylaw to permit off-street parking lots to include spaces for car sharing vehicles.

Motion 8 – Commercial Parking Requirements
The BPC supports the development of recommendations to modify the process and requirements for commercial parking. This would be applicable both to reuse of existing commercial land uses and redevelopment or development projects. The specific recommendations will be developed in the fall of 2009.
Motion 9 – Bicycle Parking Requirements
The BPC supports an increase in the bicycle parking requirements in the existing zoning bylaw.

Motion 10 – Commercial Business Notification of Proposed Parking Policy or Management Changes
In order to ensure that the concerns of commercial businesses are taken into account, the BPC recommends that the Transportation Board and the Public Works Department Transportation Division notify commercial property owners, commercial tenants, and merchants associations in advance of [relevant] proposed actions under consideration.

Motion 11 – Dedication of Parking Revenues to Improvements in Commercial Areas
The BPC recommends that the Town Administrator’s Office, Economic Development Division, and Public Works Department Transportation Division propose options to use some portion of any increased meter revenues to improve commercial areas.

Selectman Goldstein stated that he hopes that the issue of development requirements for parking gets fully examined. He asked about multi space meters. Mr. Swartz replied that they only work where the demand and turnover are high. It would allow more flexibility. Selectman Goldstein inquired about shortening the two hour limit on some meters. Mr. Swartz replied they would be implemented in front of the post office, dry cleaners, places of that nature where short term parking is preferable.

Chairman Daly is concerned about extending the meter hours. She feels it may affect local restaurants. Mr. Swartz replied that they have spoken with merchants on this. It seems to help in a situation where someone can pay a meter at 5 o’clock and go into Boston while leaving the car there for most of the night. This would require more attention to the space. People will pay for a convenient spot to enjoy a meal.

Selectman DeWitt asked about extending the hours of overnight spaces in Coolidge Corner. Mr. Swartz replied they would like to institute 8 p.m. in the overnight lots. Selectman DeWitt added that multi colored stripes identifying different types of parking may be helpful as they are in other communities.

Selectman Benka asked about overnight parking on the Beacon Street meridian. Mr. Swartz replied that the area looked at was from Washington Square to Cleveland Circle. There would be about 50 spots available. There does not seem to be much of a demand in this area as in others.
Mr. Swartz added that when looking at the revenue involved in parking, it could be much better managed. Although, you have to spend some money to make some money, but in the long run it would pay for itself if well managed.

BOARD AND COMMISSION INTERVIEWS

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

**Economic Development Advisory Board**
- Alden Raine

**Planning Board**
- Ali Tali
- Peter Patsouris

**Building Commission**
- George Cha

**Economic Development Advisory Board** - Alden Raine is applying for reappointment. He would like to continue to make a contribution, and ensure that a reasonable balance has been struck. His recent projects include St. Aidans and the Coolidge Corner IPOD.

**Planning Board** - Ali Tali is an Assistant Director – Structural Engineering for The Louis Berger Group. His duties include business development and strategic planning, including scopes of work, budgeting, and monitoring contract documents. Mr. Tali has municipal experience having worked for Massachusetts Highway as a Project Development Engineer.

**Planning Board** - Peter Patsouris has over twenty years of experience in design and construction of commercial, institutional and residential projects. Some projects he has worked on include: Wellesley College, Massachusetts General Hospital, MIT, and Princeton University.

**Building Commission** - George Cha is applying for re-appointment. He has recently worked on the Town Hall project, the Main Library project, and the Health Department building which is as “green” a building as you could get without receiving LEED certification which is a costly process. He would like to continue his work in ensuring the Building Commission projects will be on schedule, on budget, and of the highest quality.
The Board considered the question of reconsidering the Board’s vote on the following Warrant Article for the November 17, 2009 Fall Town Meeting:

<table>
<thead>
<tr>
<th>No.</th>
<th>Article</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Resolution of OPEB’s (Blood)</td>
</tr>
</tbody>
</table>

On motion, it was unanimously,

**VOTED:** To reconsider Article 16

Brian Kane TMM#6 stated that this is still a non-binding resolution, but it is good for the Town.

On motion, it was unanimously,

**VOTED 4-0 Favorable Action on Article 16 as recommended by the Advisory Committee**

- Daly   Aye
- DeWitt Aye
- Benka Aye
- Goldstein Aye

That the Town will adopt the following RESOLUTION:

WHEREAS, the Town’s “Other Post Employment Benefit (OPEB) Task Force” whose mission was to assess methods for reducing and funding the Town’s OPEB liability, cites in its June 2009 Report actuarial calculations projecting the Town’s unfunded obligation to its share of the cost of health care for retired Town and School employees to be approximately $225 to $347 million as of June 30, 2010; and

WHEREAS, if the Town does not undertake substantial, timely, and sustained OPEB funding, as well as important cost containment measures, this massive unfunded obligation to its retired employees will multiply to over $900 million over the next 30 years; and

WHEREAS, the OPEB Task Force unanimously concluded that “the Town needs to pre-fund its OPEB liability”, and that “If the Town does not alter course with respect to OPEB funding, it will be faced with the stark choice of ballooning taxes or sharply reduced services (or both)”; and

WHEREAS, the OPEB Task Force also concluded unanimously that “If we do not pre-fund the liability, it is highly likely that the Town will be unable to provide other Town
WHEREAS, the OPEB Task Force unanimously recommended a specific annual schedule for the Town to fund its OPEB liabilities, which payment schedule would begin to slow and eventually reverse the further growth of this massive unpaid obligation amount; and

WHEREAS, the January 2008 Final Report of the Town of Brookline Override Study Committee, citing the massive and growing unpaid Town liability for retiree health care, states: “Ideally, the town should set aside $4 million per year to finance future retiree health costs and increase this amount by 4% each year”, and furthermore, “if the town receives other large one-time revenue increases, such as the proceeds from selling taxi licenses, the town should add these to the fund for retiree health”;

NOW, THEREFORE, BE IT RESOLVED that this Town Meeting endorses the following actions in order to sustain the Town’s current high quality of municipal and school services, to assure the fulfillment of the obligations it has made to its current and retired employees, and to avoid ballooning property taxes:

1. To budget for and to fund the amounts as unanimously recommended by the OPEB Task Force, which began at $250,000 in FY2010, increasing by $250,000 each year thereafter for the purpose of slowing the future growth of, and eventually reducing, the Town’s unpaid obligation to provide health care benefits to its retired employees; and

2. To appropriate a significant percentage of any future one time revenues for the purpose of funding the Town’s unpaid obligation to provide health care benefits to its retired employees

FURTHERMORE, BE IT RESOLVED that the Advisory Committee and Board of Selectmen should, in their respective annual budget deliberations, give serious consideration to the other funding and cost containment recommendations of the OPEB Task Force for managing and controlling the Town’s retiree health care costs, which are a massive, growing unpaid debt of all Brookline’s present and future citizens.

or act on anything relative thereto.
The Board considered the question of voting on the following Warrant Articles for the November 17, 2009 Fall Town Meeting:

<table>
<thead>
<tr>
<th>No.</th>
<th>Article</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Collective Bargaining Agreements</td>
</tr>
<tr>
<td></td>
<td>(Human Resources)</td>
</tr>
</tbody>
</table>

On motion, it was unanimously,

VOTED: 4-0 Favorable Action on Article 2

Daly  Aye  
DeWitt Aye  
Benka  Aye  
Goldstein Aye

To approve and fund by an appropriation, provided for in the FY2010 (Item #21) budget, for the cost items in the following collective bargaining agreement that commences on July 1, 2009 and expires on June 30, 2011:

Brookline Police Association

all as set forth in the report of Sandra Debow, Director of Human Resources, dated September 21, 2009, which report is incorporated herein by reference.

<table>
<thead>
<tr>
<th>No.</th>
<th>Article</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Bond Rescissions (Selectmen)</td>
</tr>
</tbody>
</table>

On motion, it was unanimously,

VOTED: Favorable Action on Article 3.

Daly  Aye  
DeWitt Aye  
Benka  Aye  
Goldstein Aye

That $100,000 of the $2,600,000 Bond Authorization for repairs to the Brookline High School, authorized under Article 8, Section 13, Item 60 of the 2008 Annual Town Meeting, be reduced and be rescinded.
That $1,000,000 of the $4,275,000 Bond Authorization for assessment and corrective action associated with the Newton Street Landfill, authorized under Article 8, Section 13, Item 56 of the 2009 Annual Town Meeting, be reduced and be rescinded.

<table>
<thead>
<tr>
<th>No.</th>
<th>Article</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>FY10 Budget Amendments (B) Runkle School (C) Carlton Street Footbridge</td>
</tr>
</tbody>
</table>

**POSTPONE**

On motion, it was unanimously,

VOTED: 4-0 Favorable Action on Article 4 (B).

Daly    Aye  
DeWitt  Aye  
Benka   Aye  
Goldstein Aye

That the Town appropriate the sum of $29,100,000 for remodeling, renovating, reconstructing or making extraordinary repairs to the John D. Runkle School located at 50 Druce Street in the Town of Brookline, Massachusetts and as further described as Parcel I.D. No. 245/01-00 in the Town of Brookline Assessor's map, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the Building Commission, with the approval of the School Committee and Board of Selectmen, and to meet said appropriation the Treasurer, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority’s (“MSBA”) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 41.58% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA, provided, however, that no funds, except those required for design work or studies, shall be expended until such time as zoning matters related to the project have been resolved, unless the expenditure of such funds has been approved by both the School Committee and Board of Selectmen.
Chairman Daly noted that there are still some unresolved questions concerning Floor Area Ratio with respect to this project and the School Department will voluntarily submit this question to the Zoning Board of Appeals. But, in the meantime, we need to get the bond authorization within 120 days of September 30, 2009 or we could lose our approval for the $11.8 million that the MSBA has agreed to pay toward the project.

No. Article
7. Conveyance of Town-owned Fisher Hill Reservoir (Selectmen)

VOTED: 4-0 Favorable Action on Article 7 as recommended by the Advisory Committee

Daly Aye
DeWitt Aye
Benka Aye
Goldstein Aye

That the Town authorize and empower the Board of Selectmen to sell and convey for the price of $3,250,000 the Town-owned land known as the Town-owned Fisher Hill Reservoir Site, shown as Lot 13 in Block 250 on Sheet 54 of the 2005 Assessor’s Atlas and containing 208,545 square feet (the “Land”) or such greater or lesser area as is determined by an accurate survey, and upon such other terms and conditions as determined by the Board to be in the best interests of the Town; said Land to be developed generally as proposed in a response to the Town’s Request for Proposals, dated December 16, 2008 and submitted by New Atlantic Development Corporation.

No. Article
8. Zoning – Fisher Hill Overlay District (Selectmen)

On motion, it was unanimously,

VOTED: 4-0 Favorable Action on Article 8 as recommended by the Advisory Committee.

Daly Aye
DeWitt Aye
Benka Aye
Goldstein Aye
That the Town amend the Zoning Bylaw and Map by incorporating the attached map into the Zoning Map and adding a new section 5.06.4.e as follows:

“e. Fisher Hill Town-Owned Reservoir Site Mixed Income Housing Overlay

1) It is found that the Fisher Hill Town-Owned Reservoir Site (the “Site”) has been identified in the Town’s Comprehensive Plan and through a Fisher Hill Planning Process (“Planning Process”) as an appropriate site for mixed-income housing development of a high quality and contextual design. For this reason, the development of the Site shall be permitted under the criteria of this section. It is further found that, due to the sensitive nature of the Site, a construction oversight committee of neighbors and other stakeholders will be charged to advise the Building Commissioner during construction.

2) Any applicant may seek relief under this overlay, provided it meets the following requirements:

   a) It contains no more than 40 units of housing

   b) More than 50% of the units on the Site shall be affordable, defined generally in accordance with Section 4.08.2.c, to households with incomes up to 120% of median income, defined in accordance with Section 4.08.2.f. These units shall include at least 25% of the units on the Site that shall be affordable to households with incomes up to 80% of median income and which shall also qualify for the Town’s Subsidized Housing inventory as per Massachusetts General Laws Chapter 40B and 760 CMR 56., including requirements for minimum unit size. In no case, however, shall an affordable unit be smaller than those sizes listed in Section 4.08.6.c. of the Zoning Bylaw. These affordable units shall, to the extent feasible, consist of an equal mix of 2 and 3 bedroom units.

3) Any development plan that is created under this overlay district shall include the full design and/or design guidelines for each component of the development as well as landscape guidelines for the overall district. The Planning Board shall review and approve the guidelines with any modifications the Board sees fit. The approved design and/or guidelines shall be binding on any future purchaser or developer of any component of the development.

4) A project that qualifies for use of this overlay district shall be subject to the following review criteria and process:

   a) The applicant shall apply for a Special Permit, which the Board of Appeals may grant if, upon review of a master site plan, it finds that the project meets the following criteria:
1) It has met all the requirements of Section 9.05 of the Zoning Bylaw;

2) It has met the requirements of Section 5.09 of the Zoning Bylaw relating to Design Review for a Major Impact Project;

3) It is consistent with the design guidelines approved by the Planning Board as per 5.06.4.e.3. above;

4) It has a viable plan for maintaining affordability for the longest period permitted by law that has been approved by the Department of Planning and Community Development.

b) A preliminary subdivision plan for the Site must be approved by the Planning Board. In addition, if any Approval Not Required lots are to be created along Fisher Avenue as part of this project, the Planning Board must complete its review of the ANR plan. A definitive subdivision plan that addresses any conditions placed on the preliminary plan and ANR lots may be submitted subsequent to receipt of this Special Permit. A Special Permit granted under this overlay shall be conditioned upon approval of the definitive subdivision.

c) If this initial Special Permit is granted, and the land is subdivided as per the approved definitive subdivision plan, construction on each lot shall be permitted subject to the conditions set forth in the Special Permit, which shall include design review by the Planning Board. Such design review shall be conducted as per sign/façade review in Section 7 of the Zoning Bylaw, and shall determine consistence with the project Special Permit, including design guidelines. The specific location of each single-family detached and attached dwelling unit within a parcel may be adjusted as part of this review, provided that it meets all setback requirements and is otherwise consistent with the dimensional requirements of the Special Permit and design guidelines.

d) Any lot that is created as part of this process and is not built upon within 3 years of issuance of the Special Permit must be landscaped consistent with the overall landscape plan approved for the Site as part of the Special Permit.

5) Any Special Permit sought under this overlay district shall permit the following uses for lots located in their entirety more than 100 feet from Fisher Avenue:

a) Principal Use 5 (attached dwelling unit). For this use, no side yard setback is required on the attached side of the structure.
b) Principal Use 4A (dwelling in a separate lot for three families or attached dwelling on a separate lot for two families); however, only three-family dwellings shall be permitted; and

c) Principal Use 6 (multiple or attached dwelling of four or more units), provided that no more than 4 units may be contained on any one lot other than as provided for in 5.06.e.6.a.4 below.

Any other uses sought shall be in accordance with other relevant sections of this Zoning Bylaw.

6) Any Special Permit sought under this overlay district shall permit development subject to the following dimensional requirements, superseding any conflicting requirements in Sections 5 and 6 of the Zoning Bylaw for the underlying zoning district.

a) Provided that the Site is laid out consistent with the design guidelines outlined above and in the Planning Process, the Site may be developed subject to the following restrictions:

1. An overall maximum Floor Area Ratio of 0.4, or a maximum total of 72,000 square feet shall be permitted.
2. No building located on any part of the Site other than the “Multifamily Lot” referred to in 5.06.e.6.a.4 below, shall be larger than 4,500 square feet of Gross Floor Area.
3. No attached single-family dwelling unit shall be larger than 3,500 square feet.
4. One lot (“the Multifamily Lot”) shall be permitted to have a set of buildings under uses 4A, 5, and 6, provided the Gross Floor Area of these buildings does not exceed 36,000 square feet.

b) Minimum lot sizes and widths, yard setbacks, and open space requirements in the overlay may be reduced as part of the overall Special Permit provide the plan is consistent with the vision for the Site referred to in the Planning Process. However, no more than four lots on the site shall be smaller than the 15,000 square feet.

c) Consistent with the Town’s Planning Process, more than one principal structure shall be permitted on the same lot, for the Multifamily Lot only. For that parcel only, the maximum height permitted may also be increased to 45 feet. For all other buildings, the base zoning district maximum height requirement of 35 feet shall apply.

d) Consistent with the Town’s Planning Process, parking requirements under Section 6 of the Zoning Bylaw may be modified. In particular, the parking requirement for the affordable units shall be 1.75 spaces per unit.
A significant majority of the parking shall be located below grade, in garages, or otherwise shielded from public view.

e) Consistent with the higher level of affordability on this site required by the Town’s Planning Process, Section 4.08 of the Zoning Bylaw shall not apply to projects using this overlay, with the exception of the minimum unit sizes in Section 4.08.6.c.

f) These dimensional restrictions apply to the overlay district as a whole and shall not be exceeded on the Site if it is developed by more than one applicant.

Any other dimensional relief sought shall be pursued as per any other relevant sections of this Zoning Bylaw.

7) Once any lot in the Site is subdivided and conveyed to be used for construction of a single-family home or an attached dwelling unit (a “Sold Lot”), the Sold Lot shall not be in violation of this section 5.06.4.e or any other provision of the Zoning Bylaw or any Special Permit granted with respect to the Site by virtue of any violation of any other lot in the Site. Likewise, no other lot in the Site shall be in violation of this section 5.06.4.e or any other provision of the Zoning Bylaw or any Special Permit granted with respect to the Site by virtue of any violation of any Sold Lot.”

And further, by adding a new section under 3.01.4. *(Overlay Districts):*

“b. Fisher Hill Town-Owned Reservoir Mixed Income Housing Overlay”
Fisher Hill Town Reservoir Mixed Income Housing Overlay District
No. | Article
---|---
9. | Purchase of State-owned Fisher Hill Reservoir (Selectmen)

On motion, it was unanimously,

VOTED: 4-0 Favorable Action on Article 9.

Daly  Aye  
DeWitt  Aye  
Benka  Aye  
Goldstein  Aye

That the Town will authorize and empower the Board of Selectmen to purchase and take title on behalf of the Town for a specified minimum amount or a larger amount, the land and buildings thereon owned by the Commonwealth of Massachusetts and known as the State-owned Fisher Hill Reservoir, containing approximately 432,512 square feet and shown as Lot 1 in Block 256 of the Assessors’ Atlas; and to accept as part of such conveyance a conservation restriction of approximately 420,512 square feet and preservation restriction of approximately 1296 square feet on the portion(s) of said land as generally shown in a plan attached hereto and incorporated herein as Exhibit A; and to use said land exclusively for active and passive recreation and/or to further conservation and open space uses consistent with Chapter 218 of the Acts of 2000; and upon such other terms and conditions as the Board of Selectmen shall consider proper and in the best interests of the town, or act on anything relative thereto.

EXHIBIT A
No. 10. Zoning – Cleveland Circle Overlay District (Selectmen)

On motion, it was unanimously,

VOTED: 4-0 Favorable Action on Article 10.
That the Town will amend the Zoning Bylaw and Map by incorporating the attached map into the Zoning Map and amending the Zoning Bylaw as follows:

1. Amend Section under 3.01.2.a.(Local Business (L)):

   “2) L-0.5 (CL)
   3) 2) L-1.0”

2. Add a new section 5.06.4.e. under Special District Regulations:

   “e. Cleveland Circle Local Business District L-0.5 (CL)

   1) It has been determined through study of the Local Business District in Cleveland Circle that there exists potential for redevelopment of much of this district. It has further been determined that, due to the circulation and multiple transit systems in this area as well as the proximity of the municipal boundary with Boston, any redevelopment in this district would need to be closely analyzed for its impacts on the roadway, transit and pedestrian system and for its overall design taking into consideration previous mitigation due to traffic flow patterns within the district.

   2) All applications in the L-0.5 (CL) district shall be subject to §5.09, Design Review. Further, any development in this district shall, for the purposes of determining if it is a Major Impact Project under §5.09.3.b., be viewed in its entirety, even if a portion of the project is located in another municipality.

   3) All Major Impact Projects in this special district shall be required to submit a traffic impact and access study that clearly outlines the strategy for providing access to and from the proposed development and the impacts of that access on the transportation system of the Town, the area’s mass transit systems, pedestrian and bicycle circulation, and public safety in this area. The Board of Appeals may condition any Special Permit under §5.09 on a specific plan for traffic mitigation that will take into consideration previous mitigation due to traffic patterns within the district and, if appropriate, compliance with an approved Transportation Demand Management program.”

3. Amend Section 5.09.2.a. as follows:

   "a. Any structure or outdoor use on a lot any part of which is located in the G-1.75(CC) or L-0.5 (CL) Districts or which fronts on or is within 100 feet of:
Beacon Street, Commonwealth Avenue, Boylston Street, Harvard Street, Brookline Avenue, or Washington Street.”

4. Amend Table 5.01 (Table of Dimensional Requirements) to add the words “L-0.5 (CL)” immediately below the works “L-0.5” in the District column.

or act on anything relative thereto.
On motion, it was unanimously,

VOTED: 4-0 Favorable Action on Article 11.

Daly         Aye
DeWitt       Aye
Benka        Aye
Goldstein    Aye

That the Town will amend Section 4. of the Zoning By-law as follows:

1. Delete Uses 15A and 15B from the Principal Uses section of Table 4.07 and add the following footnote to Use 15 (moved from Use 15B):

   "* A day care center shall be licensed in accordance with M.G.L. chapter 28A, §10. If such a facility has an outdoor play area, that area shall be at such a distance and so screened from any lot line and from any residential structure on an adjoining lot to avoid a noise nuisance."

2. Add new Accessory Uses 60A and 60B to Table 4.07 as follows:

<table>
<thead>
<tr>
<th>Accessory Uses</th>
<th>Residence</th>
<th>Business</th>
<th>Ind.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>S</td>
<td>SC</td>
<td>T</td>
</tr>
<tr>
<td>60A. Family child care home or Family child care plus home operated by an occupant of that household, as defined in draft 102 CMR 8.02 or its successor regulations, provided that no more than 6 children of less than school age, or up to 8 children if 2 are of school age, shall be cared for at one time, inclusive of children of the operator.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>60B. Large family child care home operated by an occupant of that household, as defined in draft 102 CMR 8.02 or its successor regulations, provided that no more than 10 children shall be cared for at one time, inclusive of children of the operator.</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
</tbody>
</table>
3. Amend Section 4.05 as follows:

“§4.05 - RESTRICTIONS ON ACCESSORY USES IN RESIDENCE DISTRICTS

1. In any residence district, no accessory use shall be permitted which involves or requires any of the following:

   a. The employment of any persons who is not resident in the dwelling unit, other than a domestic employee, except:
      1) Attendant or attendants to an accessory garage or parking space;
      2) Employee or employees of Uses 13, 14, 19, 20, 52, 63, 64, 66, 68 as permitted under §4.07 and Uses 58, 58A, or 59, 60A or 60B as permitted hereunder and in §4.07.

   b. The maintenance of a stock in trade, except for Uses 63, 64, and 68 in §4.07, or the use of show windows or displays or advertising visible outside the premises to attract customers or clients, other than professional announcement signs, except as provided for Use 64 in §4.07.

2. An accessory use in a dwelling unit in any residence district as permitted under §4.07, Uses 58 or 59, which requires a special permit shall be subject to the office parking provisions of §6.02 unless otherwise modified by the Board of Appeals, by special permit.

3. An accessory use in a dwelling unit in any residence district as permitted under §4.07, Uses 58, 58A or 59, shall not:

   a. occupy space which exceeds in area the area of the ground floor; occupy 25% or more of the total floor area in an S, SC, or T district, or occupy 50% or more of the total floor area in an M district;

   b. permit the employment of more than two persons not resident in the dwelling unit;

   c. be in operation or be open to clients, pupils or other members of the general public (except those seeking emergency professional services of a physician or member of the clergy) between the hours of 10:00 p.m. and 7:00 a.m.; or

   d. create any objectionable impact in terms of noise, traffic, parking or other nuisance.

4. For Family Child Care Homes, Family Child Care Plus Homes, and Large Family Child Care Homes (uses 60A and 60B), the following materials must be submitted:
• Site plans showing existing and as-built conditions;
• Hours of operation;
• A parking and circulation plan that provides for safe dropoff and pickup areas for parents and adequate parking for employees, where necessary;
• If an outdoor play area is to be provided, a site plan showing the area so screened from any lot line and from any residential structure on an adjoining lot to avoid a significant noise nuisance;
• Information on other Family Child Care facilities, or other accessory uses, existing or known to be proposed on the same parcel as the proposed facility. For all such facilities, all of the above information shall also be provided and reviewed in the context of the new application;
• Documentation of application for appropriate licensing in accordance with M.G.L. chapter 28A, §10 and its implementing regulations. The Building Commissioner or Board of Appeals may condition any approval of such a facility on the owner providing documentation of appropriate licensing prior to receiving a Certificate of Occupancy.

For use 60A , the Building Commissioner must find that the conditions as described in these submissions serve the facility and the neighborhood adequately and may condition a Certificate of Occupancy on continued compliance with these submissions. For use 60B, the conditions as described in these submissions will be considered in an application for a Special Permit, which may be conditioned on continued compliance with the conditions described in these submissions.

Under no circumstances shall such a facility cause a significant negative impact on the surrounding neighborhood in terms of traffic, parking, noise, or other factors relating to quality of life. The Building Commissioner shall condition a Certificate of Occupancy for Uses 60A and 60B, and the Board of Appeals shall condition a Special Permit for Use 60B, on compliance with this requirement. This requirement shall also apply to any facility under Uses 60A and 60B that predates the adoption of this zoning language.

Any Special Permit issued for Use 60B shall automatically expire if the operator’s state license at the permitted location for a Large Family Child Care Home is terminated.”

4. Amend Section 6.02.4. as follows:

“4. Institutions shall include Uses 10, 11, 15, 15A, 17, and 19 as listed in Article IV.”

or act on anything relative thereto.
ALL KINDS LIQUOR/CHANGE IN MANAGER

The Board considered the question of approving the application of Matt Murphy’s Pub, Inc. d/b/a /Matt Murphy’s Pub, Jon Pell, Operations Manager, holder an All Kinds of Alcoholic beverages license as a Common Victualler at 14 Harvard Street for a change in manager as follows:

FROM: Gianpaolo Blower
TO: Richard Healy

Mr. Richard Healy and Mr. Jon Bell were present. Chairman Daly stated that there have been issues in the past with over-serving and not keeping the appropriate records. Mr. Healy replied that new procedures have been put into place with stricter enforcements.

On motion, it was unanimously,

VOTED: To approve the application of Matt Murphy’s Pub, Inc. d/b/a /Matt Murphy’s Pub, Jon Pell, Operations Manager, holder an All Kinds of Alcoholic beverages license as a Common Victualler at 14 Harvard Street for a change in manager as follows:

FROM: Gianpaolo Blower
TO: Richard Healy

COMMON VICTUALLER LICENSE

The Board considered the question of approving the application of Benz & Safe Co., Inc. d/b/a Nud Pob Restaurant, Kasem Satayahuraksa, Owner for a Common Victualler license at 738 Commonwealth Avenue.

The Board considered the question of approving the application of Benz & Safe Co., Inc. d/b/a Nud Pob Restaurant, Kasem Satayahuraksa, Owner, holder of a Common Victualler license at 738 Commonwealth Avenue for an Entertainment license to include radio.

Attorney William Goldberg and applicant Kasem Satayahuraksa were present. Mr. Golberg stated that his client has 20 years of experience, and has been operating an establishment at Boston University. He would like to open a second location nearby in Brookline.

On motion, it was unanimously,
COMMON VICTUALLER LICENSE cont’d

VOTED: To approve the application of Benz & Safe Co., Inc. d/b/a Nud Pob Restaurant, Kasem Satayahuraksa, Owner for a Common Victualler license at 738 Commonwealth Avenue.

With the following conditions:
- The establishment is renovated to comply with Health Code requirements
- The operator obtain food safety certification
- The odor control system be serviced and maintained to prevent nuisance cooking odors should the Department receive cooking odor complaints
- The establishment receive a pre-operational inspection before the license is released

VOTED: To approve the application of Benz & Safe Co., Inc. d/b/a Nud Pob Restaurant, Kasem Satayahuraksa, Owner, holder of a Common Victualler license at 738 Commonwealth Avenue for an Entertainment license to include radio.

COMMON VICTUALLER LICENSE

The Board considered the question of approving the application of Cutty Foods, LLC, d/b/a Cutty’s Charles William Kelsey, Owner for a Common Victualler license at 284 Washington Street.

The Board considered the question of approving the application of Cutty Foods, LLC, d/b/a Cutty’s Charles William Kelsey, Owner, holder of a Common Victualler license at 284 Washington Street for an Entertainment license to include radio and taped music)

Mr. Charles Kelsey was present. Mr. Kelsey stated that the would like to serve food until 3 pm. most days, but is applying for a later closing time so he can stay open later if needed.

Chairman Daly noted that a neighbor has submitted a complaint on the noise from the ventilation system. The Building Commissioner has recommended that the license be subject to a report prepared by a certified acoustical engineer that the unit was tested and complies with noise by-laws currently in effect.

Mr. Kelsey replied that it had just come to his attention and he will look into it.

On motion, it was unanimously,
COMMON VICTUALLER LICENSE cont’d

VOTED: To approve the application of Cutty Foods, LLC, d/b/a Cutty’s Charles William Kelsey, Owner, for a Common Victualler license at 284 Washington Street.

With the following conditions:

• The establishment is renovated to comply with Health Code requirements
• The operator obtain food safety certification
• The odor control system be serviced and maintained to prevent nuisance cooking odors should the Department receive cooking odor complaints
• The establishment receive a pre-operational inspection before the license is released
• a report prepared by a certified acoustical engineer the unit was tested and complies with noise by-laws currently in effect

VOTED: To approve the application of Cutty Foods, LLC, d/b/a Cutty’s Charles William Kelsey, Owner, holder of a Common Victualler license at 284 Washington Street for an Entertainment license to include radio and taped music

WINE & MALT CHANGE IN HOURS

The Board considered the question of approving the application of The Upper Crust Commonwealth Avenue d/b/a The Upper Crust, Jordan S. Tobins, Manager, holder of a Wine and Malt beverages license as a Common Victualler at 888 Commonwealth Avenue for a change in hours as follows:

FROM: Sunday-Saturday 11am-12M

TO: Sunday-Wednesday 11am-12M

Thursday-Saturday 11am-12M
(Eat in with Beer and Wine)

Thursday-Saturday 12M-2AM
(Take Out and Delivery only)

Applicant Patrick Joyce was present. Selectman Goldstein asked about the parking. Mr. Joyce replied that there is a lot out back for their use after 5:00 p.m. There is also street parking. He added that the Coolidge Corner restaurant is challenging for the delivery vehicles they must find a metered space.

On motion, it was unanimously,
VOTED: To approve the application of The Upper Crust Commonwealth Avenue d/b/a The Upper Crust, Jordan S. Tobins, Manager, holder of a Wine and Malt beverages license as a Common Victualler at 888 Commonwealth Avenue for a change in hours as follows:

FROM: Sunday-Saturday 11am-12M
TO: Sunday-Wednesday 11am-12M
Thursday-Saturday 11am-12M (Eat in with Beer and Wine)
Thursday-Saturday 12M-2AM (Take Out and Delivery only)

WINE/MALT PACKAGE STORE/FOOD VENDOR – CHANGE IN HOURS

The Board considered the question of approving the application of Battite Family, Inc., d/b/a The Brookline Spa, Clifford Battite, President, holder of a Wine and Malt beverages license as a Package Goods Store/Food Vendor at 75 Harvard Street for a change in hours as follows:

FROM: Mon-Sat 6am-9pm
Saturday 9am-9pm
TO: Mon-Fri 6am-9pm
Saturday 9am-9pm
Sunday 8am-8pm

Clifford Battite was present. Mr. Battite stated that due to the request of his customers, he would like to open on Sundays.

On motion, it was unanimously,

VOTED: To approve the application of Battite Family, Inc., d/b/a The Brookline Spa, Clifford Battite, President, holder of a Wine and Malt beverages license as a Package Goods Store/Food Vendor at 75 Harvard Street for a change in hours as follows:

FROM: Mon-Sat 6am-9pm
Saturday 9am-9pm
TO: Mon-Fri 6am-9pm
Saturday 9am-9pm
Sunday 8am-8pm
INFLAMMABLES LICENSE

Public Hearing on the application of St. Paul Arms Homeowners Association for the keeping, storage and use of gasoline in tanks of eighty-one (81) automobiles at 150 St. Paul Street/76 Sewall Avenue (underground parking facility).

A resident of St. Paul Arms was present and stated that this is for the underground residents parking garage.

On motion, it was unanimously,

VOTED: To approve the application of St. Paul Arms Homeowners Association for the keeping, storage and use of gasoline in tanks of eighty-one (81) automobiles at 150 St. Paul Street/76 Sewall Avenue (underground parking facility).

BOARDS AND COMMISSIONS

The Board considered the question of making appointments to the Park and Recreation Commission.

On motion, it was unanimously,

VOTED: To re-appoint James Carroll to the Park and Recreation Commission for a term ending August 31, 2012 or until a successor can be appointed.

On motion, it was,

VOTED: To appoint Antonia Bellalta to the Park and Recreation Commission for a term ending August 31, 2012 or until a successor can be appointed.

There being no further business the Chair adjourned the meeting at 10:00 p.m.

ATTEST
IN BOARD OF SELECTMEN

October 27, 2009

Present:  Chairman Nancy Daly, Selectmen Betsy DeWitt, Jesse Mermell, Richard Benka, and Kenneth Goldstein

The Minutes of October 20, 2009 were approved as amended
EXECUTIVE SESSION

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

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

_____ (1)  To discuss the reputation, character, physical condition or mental health rather than the professional competence of a particular individual.

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

_____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
Voting in the Negative: 0

Selectman Benka absent

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

Public Comment period for citizens who request to address the Board regarding Town issues.

There was no Public Comment.

CONTRACT

The Board considered the question of awarding and executing Contract No. PW/10-02 “Offsite Waste Relocation and Property Restoration – Phase II” in the amount of $2,337,274.30 to I.W. Harding of West Bridgewater. Said contract to be funded from the following accounts:

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4909K060 6L0001</td>
<td>$1,983,811.08</td>
</tr>
<tr>
<td>4910K060 6L0001</td>
<td>$  353,463.22</td>
</tr>
</tbody>
</table>

Director of Engineering Peter Ditto stated that the low bidder David G. Roach & Sons did not receive the recommendations to qualify for the project. Selectman Benka asked if Town Counsel reviewed this. Associate Town Counsel Joslin Murphy replied that yes, it was reviewed and approved by Town Counsel’s office.

Chairman Daly noted that this is for the clean-up of properties that have material from the landfill on their sites.

Environmental Engineer Jay Hersey added that the project is going well. Seven homes have been cleaned up, and the neighbors seem satisfied with the Town’s work. The project is planned to wrap up in the spring.

On motion, it was unanimously,

VOTED: To award and execute Contract No. PW/10-02 “Offsite Waste Relocation and Property Restoration – Phase II” in the amount of $2,337,274.30 to I.W. Harding of West Bridgewater. Said contract to be funded from the following accounts:

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</tr>
<tr>
<td>4910K060 6L0001</td>
<td>$  353,463.22</td>
</tr>
</tbody>
</table>
CONTRACT

The Board considered the question of executing Contract No. PW/10-10 “Rental Rates for Snow Plowing and Ice Control with D’Allessandro Corp. of Avon in the amount of $67,828.00. Said contract was awarded on October 20, 2009 and will be funded from account 42004230 523070.

Director of Water and Sewer Andy Pappastergion stated that this contract had previously been awarded, and is now ready to execute.

On motion, it was unanimously,

VOTED: To execute Contract No. PW/10-10 “Rental Rates for Snow Plowing and Ice Control with D’Allessandro Corp. of Avon in the amount of $67,828.00. Said contract was awarded on October 20, 2009 and will be funded from account 42004230 523070.

CHANGE ORDERS

The Board considered the question of approving the following Change Orders as recommended by the Building Commission:

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Putterham Library HVAC</td>
<td></td>
</tr>
<tr>
<td>Falite Bros. #4</td>
<td>$888.80</td>
</tr>
<tr>
<td>Falite Bros. #8</td>
<td>$1,003.57</td>
</tr>
</tbody>
</table>

Project Administrator Tony Guigli stated that the change orders are for the relocation of the fire alarm panel, and electrical work that is needed which was discovered once the ceiling was removed.

On motion, it was unanimously,

VOTED: To approve the following Change Orders as recommended by the Building Commission:

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Putterham Library HVAC</td>
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<td>$888.80</td>
</tr>
<tr>
<td>Falite Bros. #8</td>
<td>$1,003.57</td>
</tr>
</tbody>
</table>
TEMPORARY ALL KINDS OF ALCOHOLIC BEVERAGES LICENSE

The Board considered the question of granting a temporary All Kinds of Alcoholic beverages license to Pine Manor College in connection with a Wedding Reception to be held on Saturday October 31, 2009 from 3:30 – 9:30 p.m. at 400 Heath Street.

On motion, it was unanimously,

VOTED: To grant a temporary All Kinds of Alcoholic beverages license to Pine Manor College in connection with a Wedding Reception to be held on Saturday October 31, 2009 from 3:30 – 9:30 p.m. at 400 Heath Street.

TEMPORARY ALL KINDS OF ALCOHOLIC BEVERAGES LICENSE

The Board considered the question of granting a temporary All Kinds of Alcoholic beverages license to Camp Bauercrest, Inc. in connection with the production of “Sleep No More” at the Old Lincoln School, 194 Boylston Street on the following dates:

November - 1,3,4,8,10,11,15,17,18, 22,24,25,29

December – 1,2,6,8,9,13,15,16,17,18,19, 20,22,23,26,27,29,30

January – 3rd

Town Administrator Richard Kelliher stated that the State Statue has a limited number of days that a non-profit organization can be given a temporary liquor license. Camp Bauercrest, is seeking the license for the remaining days of the event.

On motion, it was unanimously,

VOTED: To grant a temporary All Kinds of Alcoholic beverages license to Camp Bauercrest, Inc. in connection with the production of “Sleep No More” at the Old Lincoln School, 194 Boylston Street on the following dates:

November - 1,3,4,8,10,11,15,17,18, 22,24,25,29

December – 1,2,6,8,9,13,15,16,17,18,19, 20,22,23,26,27,29,30

January – 3rd
In Board of Selectmen  
October 27, 2009  
Page 7 of 31  

POLLING LOCATIONS

Town Clerk Pat Ward will appear to discuss the financial situation surrounding the 2009 Special State Primary December 8, 2009 and the January 19, 2010 Senate Election.

(a) Question of making the following Polling location changes:

<table>
<thead>
<tr>
<th>Precinct 4</th>
<th>Lynch Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>From: Spellman Hall</td>
<td>To:  Town Hall – Rm 103</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Precinct 16</th>
<th>Baker School Auditorium</th>
</tr>
</thead>
<tbody>
<tr>
<td>From: Putterham Public Library</td>
<td>To:  Baker School Auditorium</td>
</tr>
</tbody>
</table>

Assistant Town Clerk Linda Golburgh appeared for Pat Ward. Ms. Golburgh stated that the Putterham Library is still being renovated, and the polling room is in use. The Town Clerk is also recommending that Precinct 4 be relocated from the Lynch Center to Town Hall. One of the reasons for the relocation is cost. The furniture is bolted down, and needs to be unbolted and put back, also there is no room for waiting, and you must wait outside if there is a line. The parking is a challenge as well. Although Town Hall is in a different precinct, it is allowed under State Law to have a polling place there.

The Board had concerns about parking at the Town Hall. Ms. Golburgh replied that she has spoken with the Transportation Department and they will work out a plan. She feels the parking situation is still better than at the Lynch Center.

Ms. Golburgh spoke on the cost of a special election. The Massachusetts Town Clerk’s Association anticipates that the cost for both the special state primary and the special state election would be reimbursed by the Commonwealth of Massachusetts. It is unclear what amount of reimbursement from the Commonwealth may be, it is clear that not all cost associated with these elections may be subject to reimbursement. The Town Clerk has estimated that Brookline’s cost would be $114,695.

The Board discussed the issue of making a permanent relocation of a polling place, and if it was presented as so on the agenda. Selectman Benka would like to hear how the voters feel about the relocation. The Board wishes to postpone the permanent relocation for another time and grant the temporary locations.

On motion, it was unanimously,
POLLING LOCATIONS cont’d

VOTED: Pursuant to M.G.L., Chapter 54, section 24, the polling places for the special state primary held on December 8, 2009, and the special election of a Senator in Congress to be held on January 19, 2010 for each of the following precincts are designated as follows:

PRECINCT 4: Town Hall-333 Washington Street

PRECINCT 16: Baker School Auditorium-205 Beverly Road

VOTED: Pursuant further to the M.G.L., Chapter 54, section 24, the Town Clerk is hereby directed to post printed descriptions of such polling places in public places in each of the affected precincts and to notify by mail each residence consisting of one or more registered voters of such change in each affected precinct.

BOARDS AND COMMISSIONS

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

**Walnut Hills Trustees**
- Mary Harris
- Patricia Ostrander

**Walnut Hills Trustees** - Mary Harris is applying for re-appointment. She has been working on the Master Plan and replanting the area. Ms. Harris wishes to continue her position as a longtime Trustee where she can continue working on improvements.

**Walnut Hills Trustees** - Patricia Ostrander is applying for re-appointment. She would like to continue working on the budget process, as well as design in accordance with the Cemetery’s Master Plan to identify potential locations for memorial wall, groves, and gardens.

**Housing Advisory Board**
- Roger Blood

**Housing Advisory Board** - Roger Blood is applying for re-appointment. He has recently worked on the St. Aidans project and is currently working on the Fisher Hill and Hancock Village sites for potential affordable housing. Mr. Blood would like to continue working on identifying affordable rental units and maintaining program offerings.
Economic Development Advisory Board
Susan Houston
Harold Simansky

Economic Development Advisory Board - Susan Houston is applying for reappointment. She is the Executive Director of the Massachusetts Alliance for Economic Development. She hopes to work on the permitting process and the transparency of it which would be helpful for the Town. Ms. Houston hopes to continue to assist the staff with her knowledge and expertise.

Economic Development Advisory Board - Harold Simansky is applying for reappointment. He is interested in working to make Brookline a “green” community in the most cost effective way including leveraging Federal and State funds. Mr. Simansky is a Brookline native and Town Meeting Member.

Women’s Commission
Sharman Anderson

Women’s Commission - Sharman Anderson is applying for re-appointment. She hopes to continue her work in assisting women in the town in areas such as health, career/networking, violence, and finances. She would also like to continue working with other Town Departments and Organizations that pool their resources.

Advisory Council on Public Health
Roberta Gianfortoni
Milly Krakow

Advisory Council on Public Health - Roberta Gianfortoni is applying for reappointment. She would like to continue working on keeping Brookline healthy. Ms. Gianfortoni is a member of the Massachusetts Public Health Association. The Advisory is currently working on informing the community on the Swine Flu, the best defense is hand washing.

Advisory Council on Public Health - Milly Krakow is applying for re-appointment. She serves as a link to the community through the schools and is looking forward to bringing her expertise on elder care issues to the community. Ms. Krakow hopes to continue her work on substance abuse and environmental issues.

NOISE BYLAW WAIVER
Public Hearing on the request of the MBTA for a Noise By-Law Waiver in connection with the rehabilitation of the Dean Road Bridge west of MBTA Beaconsfield Station.

Director of Engineering Peter Ditto stated that the MBTA did a brief presentation awhile back on the proposal to reconstruct the Dean Road Bridge. There have been two neighborhood meetings since the presentation. The MBTA is now requesting a Noise By-Law Waiver.

Joe Nolan from the MBTA stated that the bridge is 100 years old and in disrepair. It is on the top of the “T”s list for repair. The MBTA intends to complete the design in October and has the following tentative schedule:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bid Advertising Date</td>
<td>Fall 2009</td>
</tr>
<tr>
<td>Construction Starts</td>
<td>March 2010</td>
</tr>
<tr>
<td>Roadway Closure Starts</td>
<td>May 2010</td>
</tr>
<tr>
<td>Train Operation Weekend Shutdown</td>
<td>3rd Weekend in May 2010</td>
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<tr>
<td>Train Operation Weekend Shutdown</td>
<td>Last Weekend May 2010</td>
</tr>
<tr>
<td>Train Operation Weekend Shutdown</td>
<td>4th Weekend July 2010</td>
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<tr>
<td>Train Operation Weekend Shutdown</td>
<td>2nd Weekend October 2010</td>
</tr>
<tr>
<td>Train Operation Weekend Shutdown</td>
<td>2nd Weekend November 2010</td>
</tr>
<tr>
<td>Roadway Closure Ends</td>
<td>February 2011</td>
</tr>
<tr>
<td>Construction Ends</td>
<td>March 2011</td>
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</tbody>
</table>

Pedestrian traffic will be maintained on the bridge.

Malek Al-Khatib, Engineer from the Louis Berger Group added that the demolition is scheduled for Memorial Day Weekend. They are planning to do it in the three days during daytime hours. Mr. Nolan added that the Noise By-Law Waiver is in case there is an unforeseen reason the work needs to continue into the evening hours. The work would consist mainly of backhoe breaking the concrete. Mr. Al-Khatib provided pictures of the Cypress Street Bridge which will be the model for the Dean Road Bridge.

Selectman Benka noted that the work will be conducted around the same time as the Runkle School Project. He asked if the project could be delayed one month until the closing of the school. Mr. Nolan replied that there is no easy answer. He had spoken to the School Department. The demolition is the most labor intense part of the project, by doing it on Memorial Day Weekend allows the project to start off on time with most of the intense work done. He added that the road closing would allow less traffic in the area taking some strain off the school area. Chairman Daly asked if the Town is handling the traffic plans or the T. Mr. Ditto replied that the Town modified the MBTA’s plan.
Selectman Benka asked about the T service. Mr. Nolan replied that the T will be shut down from Reservoir to Fenway Stations. There will be bus service. Selectman Goldstein had some concerns on the Noise Waiver. He would like the vote to reflect that the Noise Waiver is only if necessary, it is not the norm for them to work overnight hours, only in extraordinary circumstances.

Selectman Goldstein asked about the T signals at the intersection of Beacon Street and Chestnut Hill Ave. There seems to be an unnecessary delay when the trains come through. He hopes that the T can look into making this a better flow for traffic issues. Mr. Nolan replied that he will talk to the Green line operators will come out and look at it.

Selectman Mermell asked about contacts for residents with questions. Mr. Nolan replied that there will be a hotline for project inquiries.

On motion, it was unanimously,

VOTED: To grant the request of the MBTA for a Noise By-Law Waiver in connection with the rehabilitation of the Dean Road Bridge west of MBTA Beaconsfield Station. The variance for the following:

Intermittent Night Work (1:30 AM- 4:30 AM) Prior to and after weekend shutdowns
Round the clock Work (nights and weekend) During weekend shutdowns.

Train Operation Weekend Shutdown 3rd Weekend in May 2010
Train Operation Weekend Shutdown Last Weekend may 2010
Train Operation Weekend Shutdown 4th Weekend July 2010
Train Operation Weekend Shutdown 2nd Weekend October 2010
Train Operation Weekend Shutdown 2nd Weekend November 2010

- The Noise By-Law Waiver is only if necessary, it is not the norm for them to work overnight hours, only in extraordinary circumstances.

- Proper notice to abutters to be adhered to.
Chief Daniel O’Leary appeared to present the updated 2009 Crime Stats and Race and Gender Report for the past nine months.

Topics Covered

- Part A Crimes
  - Overview covers Jan 1- September 30, 2009
- 2009 Mid-Year Race/Gender Report
- COMPSTAT
- Community Outreach via the Web
During the first nine months of 2009, there was a total of 727 Part A Crimes.

Down 13% from 1st nine months of 2008 when 839 Part A Crimes were reported.

Crime in the first nine months was down (or unchanged) in ALL categories of Part A crimes when compared to the same period in 2008.

Crime in Brookline is at the lowest it has been in recent years. In 2008, we had almost half the crime we saw 15 years ago. In the first 9 months of 2009, we are only at 64% of 2008’s total.
2009 Crime

Crime is down or unchanged in ALL categories of Part A Crime:
- Murder (no change)
- Rape (down 50%)
- Robbery (down 18%)
- Assault (down 6%)
- Burglary (down 19%)
- Larceny (down 14%)
- Motor Vehicle Theft (down 5%)
There were no murders in the first nine months of 2009.
  – Last murder was in 2006 at 501 Boylston St.
Rape

- Down 50%
- 3 rapes were reported between Jan 1 – Sept 30th
  - Statutory Rape between parties in dating relationship
  - Rape and kidnapping in Coolidge Corner
  - Rape of a women by her ex-boyfriend
  - 100% cleared
    - 2 cases resulted in arrests and 1 resulted in court action.
- 3 attempted rapes reported
  - Occurred between parties that worked together (Referred to DA’s Office)
  - 1731 Beacon behind Star Market (remains active)
  - Ex-boyfriend attempted to rape ex-girlfriend (arrest)
Robbery

- Down 18%
- 18 robberies - 5 involved firearm, 1 involved a knife and 12 were strong-arm/unarmed.
- 13 occurred on the street, 2 in a retail establishment, 1 in a car and 2 at a service station.
- There were also 5 attempted robberies during this same time period.

Assaults

- Down 6%
- 138 assaults reported in the first nine months of 2009, down from 147 reported during the same period in 2008.
- Assaults by Means of:
  - Firearm: 2
  - Knife: 5
  - Other Weapon: 33
  - Hands, feet, fists: 98
- 59 were domestic/family violence situations
- 85% were cleared by arrest, court action, referral or closed with sufficient action taken by BHS.
Assault Cases by Status

- Arrest: 59%
- Cleared: 1%
- Court Action: 22%
- Referral: 1%
- Active: 15%
- Other: 1%
- Service Complete: 1%

Burglary

- Down 19%
- 82 in first nine months of 2009 vs. 102 in 2008
- In addition to the 82 burglaries, there were 22 attempted burglaries, total of 104
- 80% (84) were of residences and 20% (20) were of nonresidential properties, including schools, offices, commercial spaces and storage sheds.
- 29% cleared
  - 78 remain active, 19 resulted in arrest or court action and 6 were cleared exceptionally.
Larceny

- Down 14%
- 468 reported in first nine months of 2009 vs. 543 in 2008
- GPS Unit Thefts
  - Major Trend in the last three years
  - 46 GPS Units stolen during this period
    - GPS units were targeted in 36% of the 129 car breaks
- Increase in Bikes Thefts (total of 67 bikes stolen)
  - 58% were left unlocked
  - 54% were stolen from area just outside the home
  - Voluntary Bike Registration Program

Larcenies by Type

- Larcenies from MVs 28%
- MV Parts, Accessories & Plates 0%
- Buildings 24%
- Bicycles 12%
- Other 14%
- Purses & Wallets 9%
- Shoplifting 15%
- Pickpockets 1%
Motor Vehicle Thefts

- Down 5%
- 18 MV thefts in first nine months of 2009 vs. 19 in 2008
- Most common makes stolen:
  - Toyotas (3), Honda (4) and Ford (3)
- 13 of the 18 stolen MVs have been recovered:
  - 5 led to arrest or court action
  - 1 cleared exceptionally
  - 12 remain active
Clearances (Updated for 1st 6 months of 2009)

- 38% clearance of 517 Part A Crimes (197)
  - 165 cleared by arrest/court action
  - 26 cleared exceptionally
  - 3 closed/completed
  - 1 referrals to other agencies

Clearances by Crime Type:
- 100% rapes, 41% robberies, 82% assaults, 29% burglaries, 21% larcenies and 40% MV thefts
**Other Police Activity** (Jan 1 – Sept 30)

- 584 arrests, down 1% from ‘08
- 772 FIs were conducted, down 5% from ‘08
- 10,804 moving violations issued, down 12% from ‘08
- 102,256 parking tickets written for a total of $3.2M in fines and penalties, down 16% from ‘08
- 41,129 police calls for service, including activities such as emergency 911 calls, traffic enforcement and posts, prisoner processes, service of papers and report writing and excluding out of services and reporting off/on duty.
- 9 use of force incidents
- 2 motor vehicle pursuits

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**Race and Gender Interactions**

**2009 Mid Year Overview**

January 1 – June 30th
Review of Four Areas

- Arrests
- Field Interviews
- Moving Violations
- Citizen Complaints

Arrests

- Down 7% from 2008
- 327 arrests during 2009 vs. 352 in 2008
- Racial Breakdown of Arrestees for this period:
  - 46% White
  - 29% Black
  - 21% Hispanic
  - 2% Asian/Pacific Islander
  - 2% Middle Eastern/East Indian
  - None were American Indian/Alaskan Native
- Gender Breakdown of Arrestees:
  - 78% Male
  - 22% Female
Field Interviews

- Down 3% from 2008
- 465 FIs were conducted in 2009 vs. 481 in 2008
- Racial Breakdown of persons FId:
  - 53% White
  - 23% Black
  - 13% Hispanic
  - 3% Asian/Pacific Islander
  - 5% Middle Eastern/East Indian
  - None were American Indian/Alaskan Native
  - 3% Unreported Race
- Gender Breakdown of Persons FId:
  - 84% male
  - 16% female

Moving Violations

- Down 18% from 2008
- 7,290 moving violations were issued in 2009 vs. 8,875 in 2008
- Racial Breakdown of Persons Issued a MV:
  - 71% White
  - 14% Black
  - 6% Hispanic
  - 7% Asian/Pacific Islander
  - 2% Middle Eastern/East Indian
  - Less than 1% American Indian/Alaskan Native
- Gender Breakdown of Persons Issued MVs:
  - 59% Male
  - 41% Female
- During 2009, 3 non-inventory searches were conducted of the 7,290 motorists issued a violation, or .04%
Citizen Complaints

- 14 citizen complaints were filed in the first half 2009 with the Office of Professional Responsibility against a total of 15 patrol officers, 4 Sergeants, 3 dispatchers, 1 crossing guard and 1 against the Department.
- This is up 55% from the 9 reported during the same period in 2008.
- Of the complainants, 7 were white males, 2 were white females, 1 was an Asian female, 1 from an unknown person via email and 1 was from a state agency. 2 were initiated by the BPD.
- None of the cases were appealed to the Board of Selectmen.
Race Categories

- The six race categories used on the MA Uniform Citation are derived in part from the U.S. Census Bureau, the National Crime Information Center, and recommendations of the Department of Justice.

- The six race codes are:
  - “A” Asian or Pacific Islander
  - “B” Black
  - “H” Hispanic
  - “I” American Indian or Alaskan Native
  - “M” Middle Eastern or East Indian
  - “W” White

- These codes are used for citations, FIs, booking.

COMPSTAT

- Weekly reports covering:
  - Part A crimes for previous week, 28 days, year to date
    - Each is compared to same period in previous year
  - Breakdown/tables of crimes
  - Highlight of people, places, issues of concern

- Special Bulletins
  - Hot spot maps
  - Analysis of patterns/trends

- Reports on reoccurring problems
  - 2 hour parking enforcement
  - Loud parties
  - Crash Prone Locations
Chairman Daly stated that the report is impressive particularly in these hard economic times. She was concerned about the domestic violence statistics. The Chief replied that the Department reacts not only to the physical abuse but if a person feels threatened.

Selectman Benka inquired about surrounding communities, and if they are experiencing a drop in the crime rate as well. Chief O’Leary replied that the City of Boston has seen a decline in crime as well. Local Police Departments are making an effort to stay on top of it, combined with the assistance of the community; it does help keep crime down. Selectman DeWitt asked about the clearance rate, and if this is where it should be. The Chief replied that he would like to see it higher; larcenies are hard to clear because there is usually little evidence left behind.

Selectman Mermell noted that there has been a spike in car break-ins in neighboring Jamaica Plain, would that come this way. The Chief replied that they usually do move into the neighboring community.
Selectman Goldstein asked about the new policies for Citizens Complaints and the surveillance cameras. Are there any new developments there? Chief O’Leary stated that the Transportation Board will be looking at the surveillance tapes in connection with the traffic changes in Coolidge Corner in their upcoming meeting. There have been two Citizens Complaints; one was during the implementation of the new policy, it was included in the new policy. The process takes a little longer to reach the Board of Selectman, but this is due to the extra time given to the complainant.

The Board thanked Chief O’Leary for the presentation and the Department’s accomplishments.

WARRANT ARTICLES

The Board considered the question of voting on the following Warrant Articles for the November 17, 2009 Fall Town Meeting:

<table>
<thead>
<tr>
<th>No.</th>
<th>Article</th>
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<tbody>
<tr>
<td>12.</td>
<td>Zoning – Car Sharing Organizations and Commercial Motor Vehicle Definitions (Planning and Community Development)</td>
</tr>
<tr>
<td>13.</td>
<td>Zoning – Car Sharing Organization use of Accessory Parking Spaces (Planning and Community Development)</td>
</tr>
</tbody>
</table>

Selectman Benka began by stating that he had some concerns about the definitions by the DMV. When would commercial signage on vehicles be considered
excluded from residential parking areas. The consensus is that the CSO vehicles are beneficial to the community, how subtle or non-subtle can their signs be?

Selectman Mermell added that the CSO have different sizes of advertising on each vehicle, it depends on the make of a vehicle. The luxury vehicles have a more discreet signage on them.

Selectman Benka is looking for a definition of a commercially plated vehicle.

Director of Economic Development Kara Brewton stated that vehicles that have signage would be considered a commercial vehicle and not allowed to park in residential areas. Chairman Daly replied that many residents use their commercial vehicles as their primary vehicle. They would not be allowed to park in front of their homes then. Ms. Brewton added that this is stated in the current By-Law. This part is not changing. Selectman Benka has an issue with a resident not being able to have a small sign on their vehicle, but the Zip Cars can. Selectman DeWitt has an issue with the size of the advertising that may be on a vehicle; is there any protection from allowing a vehicle to be completely wrapped in advertising and parked in a residential neighborhood.

The Board considered the scenario of a real estate agent or a pizza delivery vehicle with commercial plates or a small logo on the vehicle. They would be prohibited from parking in front of their homes when this is their primary source of transportation. Ms. Brewton replied that this is the current practice, how it is monitored is another question.

Building Commissioner Mike Shepard replied that this stemmed from a complaint on a big box truck being parked on a residential street. The owner was being cited, and argued that this is his only source of transportation. The Commissioner is asking for some definition of what constitutes a commercial plate so the Building Department has something to go on in the future.

Selectman Goldstein made the suggestion of voting favorable action on portions of Article 12, mainly where it pertains the CSO, and No Action on others where clearer definitions or changes need to be made on commercial vehicle zoning issues.

Selectman Mermell would like to hold Articles 12 and 13.

The Board held Articles 12 and 13.
The Board considered the question of making appointments to the following Boards and Commissions:

Building Commission

On motion, it was unanimously,

VOTED: To re-appoint Janet Fierman to the Building Commission for a term ending August 31, 2012 or until a successor can be appointed.

VOTED: To re-appoint George Cha to the Building Commission for a term ending August 31, 2012 or until a successor can be appointed.

There being no further business, the Chair adjourned the meeting at 9:48 p.m.

ATTEST