

IN BOARD OF SELECTMEN

September 15, 2009

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

Selectman Benka absent

**The Minutes of August 26, 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 individual¹.
- _____ (2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual¹.
- X (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with non-union personnel, and to conduct collective bargaining sessions or contract negotiations with non-union personnel.
- _____ (4) To discuss the deployment of security personnel or devices.
- _____ (5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
- _____ (6) To consider the purchase, exchange, lease or value of real property, if such discussion may have a detrimental effect on the negotiating position of the governmental body with a person, firm or corporation.
- _____ (7) To comply with the provisions of any general or special law or Federal grant-in-aid requirements.

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

- _____ (8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtained qualified applicants: provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.
- _____ (9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a.) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b.) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.

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

VOTED: to go into Executive Session

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

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

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

Susan Allen, Precinct 16 spoke about the need for updated comprehensive informed consent forms for all immunizations and vaccines.

POLICE PERSONNEL

The Board considered the question of authorizing the following promotions within the Police Department:

**Captain Mark Morgan to Police Superintendent
Lt. Myles Murphy to Captain
Sgt. Paul Campbell to Lieutenant
P.O. Thomas Ferris to Sergeant**

Chief O’Leary stated that the Police Department is extremely pleased to recommend the four police officers for promotion to a higher rank. This opportunity was created due to the recent retirement of the Police Superintendent. These promotions will allow the Department to continue on its path to excellence in the provision of public safety to our residents.

Captain Mark Morgan is a Brookline native, served in the U.S. Army and holds a Bachelor’s and Master’s Degree in Criminal Justice. Mr. Morgan is also a 1995 graduate of the F.B.I. National Academy. He began his career in 1983, and has worked his way up through Sergeant, Lieutenant and Captain.

Lt. Myles Murphy is a Brookline native, and holds both a Bachelor’s and Master’s Degree in Criminal Justice. He began his career in 1989 and has been promoted to Sergeant and Lieutenant. Mr. Murphy has received numerous commendations for excellent police work.

Sgt. Paul Campbell is a Brookline native, and holds both a Bachelor’s Degree and a Law Degree. He is a current member of the Massachusetts Bar Association. Mr. Campbell began his career in 1998, and was a recipient of the State’s “Hanna Award for Bravery” in 1999. He also has received several commendations for excellent work.

P.O. Thomas Ferris is a Brookline native, and holds both a Bachelor’s and Master’s Degree in Law Enforcement. Mr. Ferris was appointed in 1989, and currently serves in the roll of trainer/mentor to younger officers where he has excelled.

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POLICE PERSONNEL cont'd

The Board acknowledged the connection to Brookline and was pleased that they have chosen to stay within the community to serve. The Board also noted the education of the Officers and that Brookline has a well educated and knowledgeable Police force. The Board thanked them and their families for their dedication and commitment.

On motion, it was unanimously,

VOTED: To authorize the following promotions within the Police Department:

Captain Mark Morgan to Police Superintendent
Lt. Myles Murphy to Captain
Sgt. Paul Campbell to Lieutenant
P.O. Thomas Ferris to Sergeant

DONATION

The Board considered the question of accepting a donation in the amount of \$100 from Fast Frames -- Hsiu-Lan Chang to be used in connection with the Youth Police Academy Program.

Chief O'Leary stated that he is pleased with this generous donation. The Youth Police Academy Program was a success and he hopes to do it again next year. Donations like this really help out with the program.

On motion, it was unanimously,

VOTED: To accept a donation in the amount of \$100 from Fast Frames -- Hsiu-Lan Chang to be used in connection with the Youth Police Academy Program.

ESCROW AGREEMENT FISHER HILL

The Board considered the question of authorizing the Town Administrator to execute a Deposit Escrow Agreement in connection with the Fisher Hill Project.

Chairman Daly stated that she will sign the agreement.

On motion, it was unanimously,

ESCROW AGREEMENT FISHER HILL cont'd

VOTED: To authorize Chairman Daly to execute a Deposit Escrow Agreement in connection with the Fisher Hill Project.

CONTRACT

The Board considered the question of awarding and executing Contract No. PW/09-26 "Storm Drain Improvements at Singletree Hill Water Storage Tank" with Struzziery Construction, Inc. in the amount of \$49,900.00. Said contract to be funded from account 4997C152 6C0009.

Director of Water and Sewer Andy Pappastergion stated that the overflow improvements are mandated by the Department of Environmental Protection. He added that Brookline's water quality is excellent. The construction will eliminate any potential cross connection contamination to the portable water supply.

Selectman Goldstein asked about cross connections. Mr. Pappastergion went into detail where a cross connection may occur. It would be a rare occurrence but, one scenario would be if a sprinkler system came in contact with an over flow of waste water, this could be a cross connection between drinking and waste water. This new construction would eliminate potential cross connections.

On motion, it was unanimously,

VOTED: To award and execute Contract No. PW/09-26 "Storm Drain Improvements at Singletree Hill Water Storage Tank" with Struzziery Construction, Inc. in the amount of \$49,900.00. Said contract to be funded from account 4997C152 6C0009.

TRANSFER

The Board considered the question of approving the following transfer within the Public Works Highway & Sanitation Division:

FROM:	42004900 510101	\$30,000
	Permanent Wages	
TO:	42004900 522400	\$30,000
	Building Maintenance	

Director of Water and Sewer Andy Pappastergion stated that the custodial position in the Highway Division has been vacant. Due to recent office relocations into the Municipal Service Center, it is necessary to keep custodial services at the building. Currently there is a contractual cleaning company performing the duties. This transfer will move funds from permanent wages to building maintenance.

On motion, it was unanimously,

VOTED: To approve the following transfer within the Public Works Highway & Sanitation Division:

FROM:	42004900 510101	\$30,000
	Permanent Wages	
TO:	42004900 522400	\$30,000
	Building Maintenance	

EXTRA WORK ORDER

The Board considered the question of approving Extra Work Order #3 in the amount of \$315,792.00 for work to be done by CDM in connection with Contract PW/06-08 “Engineering Services – Martha’s Lane Neighborhood Properties”. Said work order to be funded from account 4909K060 6L0001.

Director of Engineering Peter Ditto stated that this will close out Phase II. The work includes sediment sampling, boundary and topographical surveys, IRA status reports, permit application, and summary report of field investigations. It also includes the close-out of phase I and II construction services.

Town Administrator Richard Kelliher added that this is not a change order for the scope, it is for the standing agreement.

On motion, it was unanimously,

VOTED: To approve Extra Work Order #3 in the amount of \$315,792.00 for work to be done by CDM in connection with Contract PW/06-08 “Engineering Services – Martha’s Lane Neighborhood Properties”. Said work order to be funded from account 4909K060 6L0001.

The Board considered the question of awarding Contract No. PW/10-04 “Fiber Reinforced Crack Sealing” in the amount of \$54,995.00 to Superior Sealcoat, Inc., of Wilmington.

Director of Engineering Peter Ditto stated that this process extends the life of the roadway by approximately 10 years. The Engineering Department has a three year plan to get the roadways in sufficient shape.

On motion, it was unanimously,

VOTED: To award Contract No. PW/10-04 “Fiber Reinforced Crack Sealing” in the amount of \$54,995.00 to Superior Sealcoat, Inc., of Wilmington.

TRANSFER

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

**FROM: 25002410 522400 \$50,000
Town Repairs**

**TO: 25002510 532300 \$50,000
Town Supplies**

**FROM: 25003430 522400 \$70,000
School Repairs**

**TO: 25003430 532300 \$70,000
School Supplies**

Building Commissioner Mike Sheppard stated that if it is deemed cost effective to do building repairs in-house they do so, but need the supplies for the tasks. Some of the repairs may include vandalism repairs, unexpected breakdowns etc.

On motion, it was unanimously,

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

**FROM: 25002410 522400 \$50,000
Town Repairs**

**TO: 25002510 532300 \$50,000
Town Supplies**

**FROM: 25003430 522400 \$70,000
School Repairs
TO: 25003430 532300 \$70,000
School Supplies**

Selectman DeWitt stepped out
CONTRACT

The Board considered the question of awarding the Warren Street Building Demolition contract with the alternate to demolish the Transformer Building and contents to Omjoza Construction of in the amount of \$22,500. Said contract to be funded from account 2510K094 6B0110 (Pump House)

Building Commissioner Mike Sheppard gave the Board a brief history of the pump house and transformer building. He noted that it is not the Gate House, but the wooden structure and small building next to it. It was built during the war in 1943 because of concern of sabotage to the local water, and it was needed to store water for the City of Boston. Boston never ran the pump house and the pumps have since been removed. In 1984 the building was leased for a short period of time to a neighborhood association during which some maintenance and repairs were done. Since then there has been little maintenance, and the building has fallen into disrepair, and is no longer functional. Mr. Sheppard recommended demolishing the building.

Selectman Goldstein added that it is too bad there is no use for this building.

Chairman Daly stated that she has received some calls from neighbors who would like to address the Board before a vote is made.

Chairman Daly held this vote.

RELEASE OF FUNDS

The Board considered the question of executing the Request for Release of Funds (RROF) and Certification for the CDBG –R funding.

Assistant Director of Planning & Community Development Joe Viola stated that these funds have been approved and now ready for release.

On motion, it was unanimously,

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September 15, 2009

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RELEASE OF FUNDS cont'd

VOTED: To execute the Request for Release of Funds (RROF) and Certification for the CDBG –R funding.

ENTERTAINMENT LICENSE

The Board considered the question of granting a Weekday and Sunday Entertainment license to American Repertory Theatre, Inc. of Cambridge in connection with Performances of “Sleep No More” to be held at 194 Boylston Street beginning October 8, 2009 until January 2, 2010 from 7:00 p.m. – 12M.

Selectman Goldstein asked about parking in the area. Theater representative Jonathan Miller replied that arrangements have been made with neighborhood parking facilities.

On motion, it was unanimously,

VOTED: To grant a Weekday and Sunday Entertainment license to American Repertory Theatre, Inc. of Cambridge in connection with Performances of “Sleep No More” to be held at 194 Boylston Street beginning October 8, 2009 until January 2, 2010 from 7:00 p.m. – 12M.

TEMPORARY ALL KINDS ALCOHOLIC BEVERAGE LICENSE

The Board considered the question of granting a temporary All Kinds of Alcoholic beverages license to American Repertory Theater, Inc. of Cambridge in connection with Performances of “Sleep No More” to be held at 194 Boylston Street beginning October 8, 2009 until January 2, 2010 from 7:00 p.m. – 12M.

On motion, it was unanimously,

VOTED: To grant a temporary All Kinds of Alcoholic beverages license to American Repertory Theater, Inc. of Cambridge in connection with Performances of “Sleep No More” to be held at 194 Boylston Street beginning October 8, 2009 until January 2, 2010 from 7:00 p.m. – 12M.

TEMPORARY ALL KINDS ALCOHOLIC BEVERAGE LICENSE

The Board considered the question of granting a temporary All Kinds of Alcoholic beverages license to the following non-profits:

Longwood Cricket Club - Tenacity
564 Hammond St. October 15th
Fundraiser
6pm-11pm

BHS 21ST Century
Schluntz Gym October 24th
Gala
115 Greenough St. 6pm-12M

On motion, it was unanimously,

VOTED: To grant a temporary All Kinds of Alcoholic beverages license to the following non-profits:

Longwood Cricket Club - Tenacity
564 Hammond St. October 15th
Fundraiser
6pm-11pm

BHS 21ST Century
Schluntz Gym October 24th
Gala
115 Greenough St. 6pm-12M

Selectman Mermell took a moment to update the Board on Brookline 2010 Climate Campaign. It encourages the Brookline community to take action in reducing its carbon footprint. The campaign officially launches in January.

H1N1 - SWINE FLU UPDATE

Director of Health and Human Services Alan Balsam appeared to update the Board on preparations for the upcoming H1N1-Swine Flu season.

Director of Health and Human Services Alan Balsam, Coordinator of School Health Service Kate Donnelly, Human Resource Director Sandra DeBow, and Assistant Human Resource Director Leslea Noble updated the Board on the upcoming flu season and the importance of good hygiene and cough etiquette. The Town has set up a workplace influenza policy in anticipation of the upcoming flu season. Dr. Balsam made note that the important difference between the seasonal flu and the H1N1-Swine Flu is that it effects the school aged population more than the over 50 age group. This prompted the School Department to prepare for the

H1N1 - SWINE FLU UPDATE cont'd

season. The Town has provided guidelines and procedures within its flu policy which is readily available throughout the School Department and the Town's local offices as well as the Town's website.

The Board thanked everyone for the update and reiterated that proper hygiene and communicating with your doctor is key in preventing the spread of the H1N1-Swine Flu.

WALK/RIDE DAYS

Human Resources Director Sandra DeBow appeared to request the Board's endorsement of the Walk/Ride Fridays program.

Human Resources Director Sandra DeBow, and Green Streets Initiative representative Janie Katz-Christy invited Brookline to join the Green Streets Initiative.

"The Green Streets Initiative is a grassroots organization of people from Cambridge, Massachusetts and surrounding cities, who celebrate, promote, and advocate for the use of alternative transportation.

For environmental, health, and community building reasons, our aim is to create safer, quieter, healthier streets for commuters and citizens of all types.

Through educational efforts, and the opportunity to experience and practice alternative transportation, we help individual citizens, children, and families, discover how alternative modes of transportation can enhance their lives by creating safe, healthy, friendly communities for all."

Ms. Katz-Christy hopes Brookline will join their efforts in Walk/Ride Days where alternative transportation is encouraged along with wearing green in a show of support. This is done on the last Friday of every month, and has been well received in participating communities.

The Board thanked them for the update, and welcomes the initiative.

BAA HALF MARATHON

Josh Nemzer of the Boston Athletic Association (BAA) appeared to update the Board on plans for the 8th Annual BAA Half Marathon to be held on Sunday October 11, 2009.

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BAA HALF MARATHON cont'd

Josh Nemzer of the Boston Athletic Association (BAA) updated the Board on the 8th Annual BAA Half Marathon. Mr. Nemzer anticipates another successful event, and indicated a minor change in the course this year.

The Board thanked him for the update.

OLMSTED NATIONAL HISTORIC SITE

Mark Swartz of the Frederick Law Olmsted National Historic Site appeared to update the Board on long-range planning initiative for the site.

Mark Swartz, Park Ranger and VIP Coordinator for the National Parks Service invited the Board to attend an overview of the planning process for the Frederick Law Olmsted National Historic Site which will be held at the Old Lincoln School on Wednesday September 23, 2009. The site is currently closed to visitors during this major preservation project involving the buildings, grounds, and collections. The project is expected to be completed in 2010. There will be off-site programs for visitors and groups during this period. Mr. Swartz is looking forward to a successful program at the Olmstead site.

The Board thanked him for the update.

GRANTS OF LOCATION

Public hearing on the request of NStar Electric Company for permission to construct and a location for, such a line of conduits and manholes with the necessary cables therein under the following public way:

Clyde Street – Southwesterly, approximately 92 feet south of Larkin Road. A distance of 73 feet – conduit at pole (5/5)

Aston Road – Easterly at Hammond Street a distance of 9 feet – conduit

Hammond Street – Easterly, thence turning southerly at Aston Road. A distance of 54 feet – conduit.

Harvard Street – Southwesterly at Pierce Street a distance of 22 feet – conduit at MH 6389.

Pierce Street – Southerly at Harvard Street a distance of 25 feet – conduit

Director of Engineering Peter Ditto and Renee Banks-Clark from NStar

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GRANTS OF LOCATION cont'd

stated that these are for new service customers.

On motion, it was unanimously,

VOTED: To approve the request of NStar Electric Company for permission to construct and a location for, such a line of conduits and manholes with the necessary cables therein under the following public way:

Clyde Street – Southwesterly, approximately 92 feet south of Larkin Road. A distance of 73 feet – conduit at pole (5/5)

Aston Road – Easterly at Hammond Street a distance of 9 feet – conduit

Hammond Street – Easterly, thence turning southerly at Aston Road. A distance of 54 feet – conduit.

Harvard Street – Southwesterly at Pierce Street a distance of 22 feet – conduit at MH 6389.

Pierce Street – Southerly at Harvard Street a distance of 25 feet – conduit

GRANTS OF LOCATION

Public hearing on the request of ExteNet Systems, Inc. for permission to construct and a location for, such a line of conduits and manholes with the necessary cables therein under the following public way:

Sears Road – Trench 108 linear feet and place (1) 4” PVC conduit along the south side of Sears Road from the new riser on existing utility pole P. 200/1 connecting to existing city shadow duct conduit at utility pole P. 200/2.

Dudley Street – Trench 105 linear feet and place (1) 4” PVC conduit along the west side of Dudley Street from PT.A to the new riser on existing utility pole P. 199/39 connecting to the existing city shadow duct at PT. a and to existing aerial at utility pole P. 199/39

Timothy Asta from ExteNet Systems, Inc. stated that the wireless carriers need an underground connection. Chairman Daly asked if there had been any problem with the trenching done by ExteNet. Director of Engineering Peter Ditto replied that there have been no problems; the road work had been repaired adequately.

GRANTS OF LOCATION cont'd

On motion, it was unanimously,

VOTED: To grant the request of ExteNet Systems, Inc. for permission to construct and a location for, such a line of conduits and manholes with the necessary cables therein under the following public way:

Sears Road – Trench 108 linear feet and place (1) 4” PVC conduit along the south side of Sears Road from the new riser on existing utility pole P. 200/1 connecting to existing city shadow duct conduit at utility pole P. 200/2.

Dudley Street – Trench 105 linear feet and place (1) 4” PVC conduit along the west side of Dudley Street from PT.A to the new riser on existing utility pole P. 199/39 connecting to the existing city shadow duct at PT. a and to existing aerial at utility pole P. 199/39

BROOKLINE ACCESS TELEVISION

Brookline Access Television Executive Director Peter Zawadski appeared to update the Board and request the 3rd disbursement of funds related to the UAB Project.

Brookline Access Television Executive Director Peter Zawadski provided a slide show of the updated Unified Arts Building. The construction has gone well, and on schedule. Most of the classrooms are now being occupied. Mr. Zawadski is pleased with the outcome.

Chairman Daly reminded everyone that these funds are not from the Town’s budget, they are provided by license fees from the cable companies.

On motion, it was unanimously,

VOTED: To approve the request for the 3rd disbursement of funds related to the UAB Project in the amount of \$491,500.00.

CITIZEN COMPLAINT MATERIALS

The Board considered the question of authorizing the issuance of revised citizen complaint materials in accordance with the Policy changes recently adopted by the Board.

CITIZEN COMPLAINT MATERIALS cont'd

Chief O'Leary stated that the new Citizen Complaint and Commendation brochure and letter outlining the revised Citizen Complaint Procedure was posted on the Brookline Police Department's website for two weeks for public review and comment. As of today, they have not received any comments on either of the documents. The Chief added that this has been a long process, resulting in an improved procedure that will benefit both the residents of the community and the members of the Brookline Police Department.

Selectman Goldstein recommended that the word "however" be taken out of the first page of the letter that outlines the process. Selectman DeWitt requested that the "web form" be clear on the downloading and filling out procedures.

On motion, it was unanimously,

VOTED: To authorize the issuance of revised citizen complaint materials in accordance with the Policy changes recently adopted by the Board.

WARRANT

The Board considered the question of executing the Warrant for the November 17, 2009 Fall Town Meeting.

On motion, it was unanimously,

VOTED: To execute the Warrant for the November 17, 2009 Fall Town Meeting.

WARRANT

Review of the following warrant articles for the November 17, 2009 Fall Town Meeting:

<u>No.</u>	<u>Article</u>
1.	Unpaid Bills (Selectmen)

There are no unpaid bills at this time.

On motion, it was unanimously,

VOTED: 4-0 Favorable Action on Article 1.

**Roll call: Daly aye
 DeWitt aye
 Mermell aye
 Goldstein aye**

	<u>No.</u>	<u>Article</u>
<i>POSTPONED</i>	14.	Bicycle Registration (Ziskend)

The petitioner could not be available. This item was postponed.

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

ATTEST

IN BOARD OF SELECTMEN

September 22, 2009

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

No Minutes for approval

Susan Allen Precinct 13 spoke against flu vaccines in public schools and stated that she is against the surveillance cameras. She feels it is an unlawful search that goes against civil liberties.

CONTRACT

The Board considered the question of approving and authorizing the Chairman to execute a contract between the Brookline Health Department and the Town in the amount of \$15,000 for services related to the Homelessness Prevention and Rapid Re-Housing Program under the American Recovery and Reinvestment Act of 2009.

Director of Health and Human Services Alan Balsam stated that these funds will be used for case findings and outreach programs.

On motion, it was unanimously,

VOTED: To approve and authorize the Chairman to execute a contract between the Brookline Health Department and the Town in the amount of \$15,000 for services related to the Homelessness Prevention and Rapid Re-Housing Program under the American Recovery and Reinvestment Act of 2009.

GRANT

The Board considered the question of accepting a grant in the amount of \$86,749.00 through the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program to purchase updated hardware and software for Police Department personnel.

Chief O'Leary stated that the Police Department will utilize these funds to purchase updated technology. This will increase user productivity and capability, allowing better service to the community.

On motion, it was unanimously,

VOTED: To accept a grant in the amount of \$86,749.00 through the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program to purchase updated hardware and software for Police Department personnel.

GRANT

The Board considered the question of accepting a grant in the amount of \$33,387.40 through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to cover Police Department administrative and overtime.

Chief O'Leary stated that this grant is a regional award for jurisdictions within Norfolk County. The Brookline Police Department will be a lead applicant and administrative agent for the grant. These funds will help with overtime costs to help keep important programs running.

Selectman Goldstein brought up the issue of college students causing some disturbance in the North Brookline area. He asked if the overtime cost could be applied here. Chief O'Leary replied that the Department has been tracking the influx of students, and working on the complaints. Officers have been in contact with some residents, and are monitoring problem areas. There are additional officers assigned to those areas. Selectman DeWitt added that the Department has a good relationship with Boston University's Student Affairs office.

On motion, it was unanimously,

VOTED: To accept a grant in the amount of \$33,387.40 through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to cover Police Department administrative and overtime.

GRANT

The Board considered the question of accepting a grant in the amount of \$31,800.00 from the Executive Office of Public Safety and Security under the FFY2009 Violence Against Women Act STOP Grant Program to be used to support the position of Domestic Violence Advocate in the Police Department.

Chief O'Leary stated that these funds will help offset the salary cost of the Domestic Violence Advocate in the Police department. Selectman DeWitt added that this is an important program, and she hopes to see it continue.

On motion, it was unanimously,

VOTED: To accept a grant in the amount of \$31,800.00 from the Executive Office of Public Safety and Security under the FFY2009 Violence Against Women Act STOP Grant Program to be used to support the position of Domestic Violence Advocate in the Police Department.

Chairman Daly thanked the Chief for his continuous efforts in obtaining grants for the Police Department.

The Board considered the question of approving the following transfer within the Public Works department:

FROM:	40004300 5A0018	\$60,375.00
	Lease/Purchase	
TO:	40004010 5A0001	\$19,000.00
	Automobiles	
	42004220 5A0002	\$25,185.00
	Construction Equip	
	46004651 5A0002	16,190.00
	Construction Equip	

Director of Water and Sewer Andy Pappastergion stated that this transfer is a reallocation of line item amounts within the DPW Capital Equipment budget to reconcile approved budgets. There are no additional funds.

On motion, it was unanimously,

VOTED: To approve the following transfer within the Public Works department:

FROM:	40004300 5A0018	\$60,375.00
	Lease/Purchase	
TO:	40004010 5A0001	\$19,000.00
	Automobiles	
	42004220 5A0002	\$25,185.00
	Construction Equip	
	46004651 5A0002	16,190.00
	Construction Equip	

TEMPORARY WINE AND MALT BEVERAGE LICENSE

The Board considered the question of granting a temporary one day Wine and Malt beverages license to Larz Anderson Auto Museum in connection with an Automobile Auction to be held on September 26, 2009 from 11:00 a.m. – 5:00 p.m. at 15 Newton Street.

TEMPORARY WINE AND MALT BEVERAGE LICENSE cont'd

On motion, it was unanimously,

VOTED: To grant a temporary one day Wine and Malt beverages license to Larz Anderson Auto Museum in connection with an Automobile Auction to be held on September 26, 2009 from 11:00 a.m. – 5:00 p.m. at 15 Newton Street.

GRANTS OF LOCATION

Public Hearing on the request of the Boston Transportation Department for permission to construct and a location for, such a line of conduits and manholes with the necessary cables therein under the following public way:

Mountford Street - Near Essex Street southerly at an existing Boston Transportation Department manhole a distance of 500 feet

Director of Engineering Peter Ditto stated that it is unusual for a Municipality to make a grant of location request. The request is needed in order to restore coordination between traffic lights at the B.U. Bridge, and the Commonwealth Avenue corridor. Chairman Daly was cautious about the request. She feels that Boston could adjust the lights so that the traffic through Brookline is going at a higher speed. Wilson Aleman from Boston Transportation Division replied that this will help improve the flow of traffic. His office receives numerous phone calls per day on the traffic issues in this area. Mr. Aleman provided a map for the Board to view the area where the lights will be improved.

Todd Kirrane Transportation Administrator added that Boston has an impressive integrated traffic system that allows them to manipulate signal timing to move cars better around. There is no connection for this at the B.U. Bridge where traffic flow is a challenge. Brookline would benefit from traffic flowing smoother in that bottleneck.

On motion, it was unanimously,

VOTED: To grant the request of the Boston Transportation Department for permission to construct and a location for, such a line of conduits and manholes with the necessary cables therein under the following public way:

Mountford Street - Near Essex Street southerly at an existing Boston Transportation Department manhole a distance of 500 feet

457 PLAN AMENDMENT

Finance Director Stephen Cirillo appeared to request that the Board execute an Amendment to the Town's 457 Plan.

Finance Director Stephen Cirillo stated that in 2005 the Town was required to adopt a plan document; the Town chose the Commonwealth of Massachusetts "Smart Plan" document. Last year a committee was formed to review the Town's existing Deferred Compensation Plans because he was not happy with the current document plan, it lacked flexibility. The Committee has recommended that the Town create a new plan document using a more flexible plan based upon one vendor's, (ING) document model. He recommends a new plan document for deferred compensation.

Selectman DeWitt added that the 457 Plan is comparable to a 401k in the private sector. The 457 deferred compensation is used in the public sector, non school employees.

Selectman Benka asked if the Town would still continue with its three vendors; this is just a plan document outlining guidelines and policy for administering its deferred compensation. Mr. Cirillo replied yes. Selectman Benka took the opportunity to ask how the new Town/School payroll consolidation is going. The Efficiency Committee recommended merging the two for payroll purposes. Payroll Director Virgie Fitzgerald replied it is going well. There is a learning curve, but so far it has gone well.

Town Administrator Richard Kelliher added that he credits the Finance Department in this difficult process. It was no small feat. The payroll went from 4 full time employees to 3. They are doing a terrific job.

On motion, it was unanimously,

VOTED: To authorize the request that the Board execute an Amendment to the Town's 457 Plan.

WARRANT ARTICLES

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

- | <u>No.</u> | <u>Article</u> |
|-------------------|-------------------------------------|
| 2. | Collective Bargaining (HR) |
| 3. | Bond Rescissions (Selectmen) |

WARRANT ARTICLES cont'd

- 4. **FY10 Budget Amendment
(Selectmen)**
- 5. **Carlton Street Footbridge
Appropriations (Schram & Daves)**

- | <u>No.</u> | <u>Article</u> |
|------------|-----------------------------------|
| 2. | Collective Bargaining (HR) |

Director of Human Resources Sandra DeBow stated that over the summer the Town negotiated settlements for two separate agreements with the Brookline Police Union, Mass Coalition of Police, Local 1959. One settlement is a two year successor agreement to the labor contract which expired in June 2009. The other was result of mid-term bargaining over an item negotiated in the previous contract. The two year agreement includes no wage increases for the two years; Quinn payment arrangements were made for current employees who qualify under the educational incentive, and two modest stipends were added to the base wages in exchange for civilianizing 2 positions. There is an agreement to go back to the table should the healthcare plan change.

- | <u>No.</u> | <u>Article</u> |
|------------|-------------------------------------|
| 3. | Bond Rescissions (Selectmen) |

Deputy Town Administrator Sean Cronin reviewed the explanation: This article is also used for debt rescissions, of which two are recommended. The \$100,000 related to the High School projects can be rescinded because the bids came in under budget. The \$1,000,000 related to the Newton Street Landfill can be rescinded because the Town was awarded a \$1,000,000 State grant from the Environmental Bond Bill.

- | <u>No.</u> | <u>Article</u> |
|------------|--|
| 4. | FY10 Budget Amendment
(Selectmen) |

Deputy Town Administrator Sean Cronin added that this is one of the more complicated budget amendments he has seen over the years. Some of the factors include State aid figures and local option receipts that need to be allocated. Also the

Water and Sewer budget needs to be amended to match the new rate that was set in June. There are two capital projects, the Runkle School and the Carlton St. Footbridge.

Deputy Town Administrator Sean Cronin reviewed the following Power-point presentation:



NEED FOR BUDGET AMENDMENTS

1. Make reductions in the Operating Budget to account for (a) the State Aid figures contained in the final state budget and (b) a reduction in Local Receipts;
2. Allocate the local option meals and lodging taxes resulting from their approval at the August 26th Special Town Meeting;
3. Amend the Water & Sewer Enterprise Fund budget to reflect the rates as set for July 1; and
4. Appropriate funds for two capital projects (Runkle School and Carlton St. Footbridge).

1



1. OPERATING BUDGET – \$1M SHORTFALL

- Final State budget resulted in \$619K less in Gross Local Aid than was included in the budget approved by Town Meeting:
 - Ch. 70 = \$149K less
 - Unrestricted Gov't Aid = \$52K less
 - Quinn = \$421K less
- Local Receipt estimates have been revised downward by \$400K.
 - Investment earnings negatively impacted by low interest rate environment.

2

SHORTFALL CLOSURE

- Town to absorb the \$421K difference in Quinn between the Governor's proposal (upon which the Town budget was predicated) and the final State budget.
- School's share of the shortfall is \$299K:

	\$1,018,973 (total Net revenue reduction)
-	\$ 420,725 (Quinn House 1 vs Final)
	<u>\$ 598,248</u>
\$299,124	\$299,124
Town	School

- School's # is partially offset by \$149K, the amount associated with benefits of the reduced headcount in the final School budget.
- School's have an additional \$700K shortfall due to cuts in the Circuit Breaker program, bringing their deficit to close to \$1M.

3

SHORTFALL CLOSURE (con't)

- To the Town's \$299K, add the \$421K Quinn loss for a total of \$720K.
- To balance the Town budget:
 - Reduce the Purchasing budget by \$100K for the savings associated with the investment in VOIP technology.
 - Reduce the Collective Bargaining reserve by \$620K.
- \$340K would remain in the Collective Bargaining reserve:
 - \$120K is required to fund the agreements with the Police Union.
 - The balance (\$220K) is recommended for transfer to the Pension line-item.
- Eliminating all but the \$120K for the Police settlement from Collective Bargaining reserve in FY10 also means the FY11 budget base will be reduced by \$840K, thereby reducing the projected FY11 deficit by that amount.
- The Schools are also eliminating their Collective Bargaining reserve as part of the plan to balance their budget.

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2. ALLOCATION OF LOCAL OPTION TAXES

- New meals and additional lodging excise taxes expected to generate \$700K in FY10 and \$1.05M in FY11.
- Recommendation is to add the monies to the base of the Pension line-item as part of an effort to prepare for the substantial increase in that line-item in FY12.
- If the entirety of the local option taxes and the \$220K from the Collective Bargaining reserve (see slide #4) are added to the base of the Pension line-item, the FY11 base will be approximately \$1.3M more than would otherwise be the case.

5

FY12 PENSION INCREASE FUNDING PLAN

	<u>FY10</u>	<u>FY11</u>
Current Base	12,063,565	12,565,355
Balance of FY10 C.B. Res	220,151	220,151
Local Option Taxes	<u>700,000</u>	<u>1,050,000</u>
Increased Base	12,983,716	13,835,506
Estimated FY12 Need		15,963,724
FY12 Increase vs Current FY11 Base		3,398,370
FY12 Increase vs Increased FY11 Base		2,128,219

- Reduces by 1/3 the estimated need for additional funds in FY12.

6



3. WATER & SEWER ENTERPRISE FUND

- In an effort to reduce the rate increase, a number of adjustments were made.

- Most significant = elimination of two vacant positions -- \$88K in salary + \$23K in benefits.

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4. CAPITAL PROJECTS

- Runkle School Renovation / Addition
 - \$29.1M estimate
 - 41.58% state reimbursement

- Carlton St. Footbridge
 - The State Executive Office of Energy and Environmental Affairs insisted on timely Town Meeting action for the reconstruction of the Carlton Street Footbridge that would legally constitute an “enforceable commitment” on the part of the Town for funding the Footbridge project to the extent that funding sources external to the Town (i.e., grants) do not become available.
 - \$1.4M estimate

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Chairman Daly added that originally the Runkle School Project was much smaller. Due to high enrollment numbers more classrooms are required. This is causing a strain on the School Department. One reason this project was approved by the Massachusetts School Building Authority (MSBA) is because Runkle School is located within walking distance to other schools allowing some redistricting. Mr. Cronin added that it is a much different process. MSBA has changed its

requirements resulting in Town Meeting to vote on the funding as a whole and forcing the budget to be as accurate as possible.

Selectman Benka asked if design changes are allowed once we get past the vote of the State. Mr. Cronin replied that once the scope of the budget agreement is set, they do not want to entertain any design changes unless something happens during the design development that escalates the project. If the Town pays for it, they will not be reimbursed.

Director of Engineering Peter Ditto stated that in regards to the Carlton Street Footbridge Project a consultant was hired. This is the same project that was envisioned in 2005. The project was estimated out to 2013 which is for \$1.4 million. This includes the cost of relocating the bridge for restoration, and handicapped accessibility.

Selectman Goldstein inquired about closing the collective bargaining reserve in the School budget. Will this close their shortfall completely? Mr. Cronin replied that there are other areas they are looking at. Circuit breaker funds, which is one-time money and stimulus funds will help close their shortfall.

Selectman Mermell asked about the Operating Budget. Does he anticipate potential mid-year cuts in October as indicated in the State House News publication? Are they accounted for? Mr. Cronin replied that they are not accounted for. There are some accounts in the operating budget now that may be reduced without making cuts. This would depend on the size of the cuts. Town Administrator Richard Kelliher added that the hiring freeze will stay in effect. It is safe to say that fiscal year FY11 will be a dismal year.

<u>No.</u>	<u>Article</u>
5.	Carlton Street Footbridge Appropriations (Schram & Daves)

Rob Daves TMM#5 stated that this Article authorizes \$1.4 million to be spent only if needed on the Muddy River Project, including the Carlton Street Footbridge. This includes additional language for the Town's commitment to the Muddy River Restoration Project. Bob Schram TMM#1 added that this Article also addresses the flooding issues, and restoring the neglected park. He added that this issue has been going on for many years, and Brookline is a major beneficiary of the project.

Petitioner explanation:

This Article authorizes the appropriation of \$1.4 million, to be expended if required, for the restoration of the C I Carlton Street entrance, including its footbridge, to the Riverway

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Park. This amount reflects the Town Engineer's best estimate of the current cost, plus contingencies and an annual cost escalation.

The restoration of the park entrance is a component of the Muddy River Restoration Project, a project that will remove the threat of flooding from a number of Brookline precincts. The goals of this \$91 million project -- 98.2% of which is funded by the Army Corps of Engineers, the Commonwealth, and Boston -- include flood control, improved water quality, landscape restoration, habitat enhancement, and historic restoration of the Muddy River portion of Olmsted's Emerald Necklace, a landmark on the National Register of Historic Places. It includes the 1996 flooding in Olmsted Park. Water level was 11 feet above normal. Dredging and removal of sediment and contaminated soil from Leverett and Willow Ponds, which is estimated to cost \$8 million and which the Town would be otherwise required to carry out at its own expense.

As one element of the restoration of the park's historic features, the Secretary of Environmental Affairs has required that Brookline renovate and reopen its Carlton Street entrance to Riverway Park - the Footbridge.

The Town has estimated its costs, including those for handicapped access, contingencies and cost escalation, to be \$1.4 million. The Town intends to submit an application to Metropolitan Area Planning Council (MAPC) in November for funding to defray these costs of restoration. The program, which provides funding for pedestrian improvements and gives priority to those that involve renovation of historic facilities and park improvements, could provide up to 90 percent of the costs of the Carlton Street project. This is the same program that funded part of the Beacon Street project.

In a letter from the Secretary of Energy and Environmental Affairs (the Secretary) dated May 15, 2009, to the Chair of the Board of Selectmen, Ian Bowles states:

The Commonwealth has been carrying \$24 million on its capital spending plan for several years -- a significant statement of the Commonwealth's financial support of Boston's and Brookline's Project. Such a clear commitment from the Commonwealth deserves a corresponding commitment on the part of the Town. I support and encourage the Town in its efforts to seek third party funding to assist in its restoration of the Carlton Street Footbridge, but I reiterate that the responsibility for achieving full restoration remain with the Town. Without a demonstrated and enforceable commitment on the part of the Town to complete the restoration of this historic structure, the Commonwealth will not be able to release the funds necessary to begin this important Project of flood control, environmental restoration, and historic preservation. Indeed, should the Town be unable or unwilling to live up to the commitments memorialized in previous Certificates, the Commonwealth will be forced to reconsider its continued commitment of these resources for the Muddy River Project.

In July 2009, the Board of Selectmen signed a Memorandum of Understanding (MOU) with Boston and the Commonwealth setting forth the roles of each in the Muddy River

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Restoration Project. The MOU commits Brookline to complete the restoration of the Carlton Street park entrance by March 31, 2013 which conforms to the schedule that the Town has provided. It goes on to state that, "If the Town does not demonstrate enforceable commitments (to the entrance's restoration) by December 31, 2009, the Commonwealth may terminate this MOU or may limit its participation or funding under the MOU." This Warrant Article implements that requirement by appropriating funding for the park entrance's restoration, funding that would be available in the event that and to the extent that the Town does not obtain outside grants of other funds for the purpose.

In implementing the MOU requirement, the appropriation protects Brookline from the loss of state and federal funds for the Muddy River Restoration Project, including those for the cleanup of Leverett and Willow ponds. Should the Town not comply with the terms of the MOU by appropriating these funds, the river conditions that led to flooding in 1996 and 1998 will remain unaddressed, the fetid condition of the river would remain, and the Town would be obligated to remediation of Leverett and Willow Ponds (previously estimated to cost \$8 million).

BOARDS AND COMMISSIONS

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

Human Resources Board

Jackie Young

Women's Commission

Alberta Lipson

Chris Chanyasulkit

Human Resources Board - Jackie Young is applying for re-appointment. She has served on the Human Resources Committee for the last 15 years. She has worked on mergers and program developments. Ms. Young specializes in mentoring, diversity and career development. Selectman Benka added that this has been a busy year for the Human Resources Board and he appreciates their service.

Women's Commission - Alberta Lipson applying for re-appointment. She is involved in many of the Commission's activities. She is interested in programming for low income women and hopes to initiate expansion of programming for this group. Ms. Lipson is also looking forward to working on social media networking tools to assist unemployed and underemployed women.

Women's Commission - Chris Chanyasulkit applying for re-appointment, and is the co-vice chair of the Commission. She also represents the Brookline Commission for Women at the Massachusetts Commission for the Status of Women. Ms.

BOARDS AND COMMISSIONS cont'd

Chanyasulkit hopes to assist in the yearly events as she has been, as well as working jointly with the Senior Center with woman there seeking the Commission's services.

The Board thanked everyone for their service and interest.

VIDEO MONITORING CAMERAS

Further discussion and vote on the most recent Police Department recommendations concerning video monitoring cameras.

Chief O'Leary stated that the cameras were installed in February of last year and became fully operational this April. There have been several events where the cameras have been helpful. They have aided the Police Department in ensuring public safety as well as providing guidance in criminal investigations. Chief O'Leary feels that the cameras have provided a positive impact on the safety of the Town, which is expected and enjoyed by its residents. He added that he is well aware of the Town Meeting vote and some of the residents concerns of using the cameras 24/7. He would like to offer a compromise position that would use the cameras in a manner that would yield the most positive results, while addressing some of the concerns of those who don't want to be under surveillance. The Chief would like to utilize a product that provides covers for the cameras that could be remotely removed and put back. There are currently 12 cameras which would be reduced by one by Cleveland Circle. He also proposed that the cameras only be operating during the evening hours and during the day only under certain emergencies and situations.

The Chief presented the following:

CIMS Camera Viewed Footage Analysis

Daniel C. O'Leary
Chief of Police
Chair of the Emergency Management Team

Since the inception of the CIMS program, there have been 33 requests to view footage of the recordings.

- In 21 of these requests (64%), we yielded footage that assisted law enforcement.
 - 48% were for footage captured between 10:00 p.m. and 6:00 a.m.
 - Some ways in which the footage was helpful: leading to arrests, aiding in criminal investigations and assisting in managing an event.
- In 8 of the requests (24%), the footage did not prove to have evidentiary value.
 - 7 of these 8 requests were in the first two months of the pilot program.
- In 4 cases (12%), the request had no impact
 - three being FOIA requests and one was a request to view footage at a location where we had no camera (Comm Ave/St Paul St).

Type of Footage Requested

- Of the 33 requests for footage:
 - 29 were for incidents/specific footage
 - 4 were for pre-planned managed events

Time of Footage Requested for Incidents/Specific Footage

- 6:01 a.m. – 9:59 p.m. – 12 requests (41%)
 - Footage aided law enforcement in 58% of requests
 - Aided – 6 requests
 - determining false robbery report (1)
 - internal traffic investigation (1)
 - criminal investigation (1)
 - used as evidence (3)
 - Did not prove to have evidentiary value – 5 requests
 - N/A – 1 request (FOIA)

Time of Footage Requested for Incidents/Specific Footage

- 10:00 p.m. – 6:00 a.m. – 14 requests (48%)
 - Footage aided law enforcement in 71% of requests
 - Aided – 10 requests
 - arrests (6)
 - assisting investigation (1)
 - developing suspect vehicle (3)
 - Did not prove to have evidentiary value – 2 requests
 - N/A – 2 requests (FOIA)

Time of Footage Requested for Incidents/Specific Footage

- Overlapping span of time – 3 requests (10%)
 - Footage aided law enforcement in 33% of requests
 - Aided – 1 request
 - investigation
 - Did not prove to have evidentiary value – 1 request
 - N/A – 1 request (for area without camera)

Types of Incidents Where Footage was Requested

- Robbery – 2
- Rape – 3
- Burglary – 4
- Sexual Assault – 3
- Stabbing – 1
- Car Break - 4
- Larceny Building– 2
- Shoplifting - 1
- Pick pocketing – 1
- MV Crash – 5
- OUI – 1
- Malicious Damage – 1
- FOIA - 1
- Event – 4

Some incidents resulted in multiple requests, each request counted.

Chairman Daly made this suggestion: The cameras may be activated during the daytime hours of 6 a.m. to 10 p.m. for the following: The Boston Marathon or other events which are expected to draw crowds onto Brookline streets. Red Sox playoff games. A recent report of a Part A crime or reasonable suspicion that a Part A crime is about to be committed. Snow or other weather emergencies. A major traffic accident or tie-up. Lost or missing children, elderly or disabled adults. An Amber Alert. To address on-going crime in a specific area of Town, and other emergency situations as they arise provided that the Chief of Police or the Superintendent, if the Chief is not available, make a determination that there is an imminent threat to public safety.

Selectman Mermell asked about the cost of adding the covers. Chief O’Leary replied that the cost would be covered by the UASI Group (Urban Area Security Initiative). The Town will not assume the cost.

Selectman Goldstein stated that he has heard many comments that the Selectmen have ignored the Town Meeting vote. That could not be further from the truth. He has been involved almost daily in the conversation. Some of the conversations included objections to the cameras for the fact that they are being controlled by the Police Department. It is not the fact that people are being filmed, it is by whom. He asked if the data could be viewed on the Town’s website, to make it more transparent.

The Chief replied that the data could go anywhere once it's out on the web. The images are taped over every 14 days unless they are used for evidence, which would be kept under lock and key. Chairman Daly also has concerns with this in the thought that sensitive data could be publicized, and once it is out there it could be posted all over the internet. This could be disturbing to victims and their family members. She prefers the data be contained in a controlled environment.

Selectman DeWitt stated that she agrees with the Chair. Her goal in this has been to balance public vs. private interest. Her goal has been to use the images in ways that are helpful to the police in protecting the citizens, and not to release the data unless under authorized conditions. It has been suggested to have the broadcast live in the Police Department lobby.

Selectmen Benka noted that if the police have the data, its release can be limited under the State public records law, including the protection of privacy or active police investigations, which would not be the case if the images were put out on the web.

Selectman Goldstein added that here is a wide range of concerns and this one seems to be the one he has heard most often. Selectman Goldstein asked if there would be an easy way to see when the cameras are on and off. The Chief replied that he would have to inquire about a light indicating when it is on or off. The lens is now dark gray.

Selectman DeWitt added that she is open to discussion that adds transparency if there is a way to do it. She believes that the cameras do add some value.

Steve Zabak, member of the Surveillance Camera Monitoring Committee stated that this has been on hold for sometime. He would consider staying on the committee for monitoring purposes, and to get a better sense of the use of the system, and how effective it is in reducing crime. He feels the work has not been clearly defined.

Susan Howards, member of the Surveillance Camera Monitoring Committee commended everyone who has worked on this issue, particularly the Chief. She would like to continue to work on the issue. There is a real good foundation now on which to continue their work.

Fred Levitan TMM# 14 asked not to limit the use of the cameras. He feels that that the camera's ability will be useful to the Police Department. Mr. Levitan is comfortable with the Chief's discretion over the monitoring of the data. Over a short period of time the cameras have proven themselves useful.

John Bassett, TMM#6 stated that the criteria of the cameras have changed. They were first introduced for emergency evacuation purposes, not crime prevention. The focus has been changed completely. Britain has been using surveillance cameras for many years and it has not been proven in reducing crime there. While the statistics are impressive, it is not to say that any of the crimes could not have been solved without the cameras, particularly the horrific attack in Coolidge Corner, and a tragic incident many years ago in local abortion clinics.

Clint Richmond stated that he is against the cameras. He would be more comfortable if the hours were cut rather than on 24/7. The proposal on an imminent threat for public safety seems like a very broad description. He is also uncomfortable with cameras in retail establishments. He feels there is an unnecessary burden on the citizens to track whether or not they are on film. He added that the cameras do have a benefit in some cases but what is the cost benefit? The cameras are not the whole solution.

Chief O'Leary replied that the cameras were a vital part in making an arrest in the Coolidge Corner rape incident. He does not want the Coolidge Corner incident to become a focal point. It was a horrific event. The video made it possible to get a description of the truck quickly, narrowing it down to the make, and the year. An arrest was made about 30 hours after the image was broadcast in the media.

Selectman Mermell asked if there were any private cameras that caught an image. Chief O'Leary replied that there was a private camera that had caught the truck at a different angle. The Towns camera allowed the car dealer to determine the year and the make of the vehicle.

Selectman Goldstein added that the image of the truck prompted a Boston Police Officer to lead them to the suspect. The image was needed to get it on the air, and the word out quickly.

Selectman DeWitt made the following statement.

I make this motion because I believe that the Selectmen have the responsibility to balance public safety for all residents with reasonable expectations of personal privacy and anonymity. We have heard from Town Meeting, who objected to a trial period to assess the video monitoring cameras. Opponents have also said that cameras used for individual incidents would be acceptable. We now have 6 months of experience and a powerful demonstration of how video images can improve public safety by providing "eyewitness documentation" for incidents, especially when and where there are no witnesses.

Using video information, Brookline Police were able to immediately identify and arrest suspects in the violent attack and rape of a young woman at 2:30 AM on August 18. The victim of that traumatic attack and other women, including me, are

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safer because (1) based on quick action, the suspects did not have time to go into hiding before being apprehended; and (2) critical forensic evidence was retrieved before it could be destroyed. This is one case where speedy justice will be done because of the video record.

Selectman DeWitt made the following motion:

MOTION: TO AMEND THE JANUARY 13, 2009 BOS VOTE

(1) to continue the video camera monitoring system trial period with Oversight Monitoring Committee's additional privacy safeguards through April 30, 2010;

(2) to install the SituCon cover system on the video monitoring cameras;

(3) to cease recording images during daylight hours 6 AM – 10 PM unless specifically authorized by the Chief of Police or his designee for emergency incidents, criminal acts or crowd events;

(4) to authorize the Chief to transfer the camera located in Cleveland Circle to the Boston Police Department; and

(5) to make a report to the Annual Town Meeting in May 2010.

Selectman Goldstein would like it to be clear on who would be authorized by the Chief to initiate the cameras during an emergency.

Selectman Benka added that he supports the Chief's proposal, as well as the Chair's comments; this is a proposal that is completely different from the one before Town Meeting. It has been said that the Selectmen should respect the concerns of individuals that view cameras as an intrusion into their privacy. There also should be respect for the concerns of those that view them as a tool for safety including the Jennifer Lynch Committee Against Domestic Violence. The Selectmen have to address the concerns of all citizens. As for the use during 10 p.m. and 6 a.m., he does not share the view that the cameras on public streets are an invasion of privacy but he respects those views. These hours address some of those concerns. There are fewer eyewitness and Police Officers on the street during those times. It is also the time period for almost 60% of instances where the cameras aided investigations. The most violent activity occurs during those hours. Those that express concern about their privacy are less likely to be on the street during those hours.

Selectman Goldstein stated that it comes down to a risk benefit analysis. The benefit is public safety. These cameras are of use to the safety of the community. We live in an area that is surrounded by high crime districts, and there is a substantial Jewish population which we know is a target for terrorist activity.

There is also the question of abuse of the information. This risk is of abuse is small, but the benefit to public safety is large.

Selectman Mermell stated that she does not support the cameras. She appreciates all the work done and that all the Selectmen agree that the Chief has been thoughtful and responsive and worked diligently to advance his public safety goals, while keeping in mind the character of Brookline. She added that she feels that Town Meeting hopes were not ignored. This compromise is a direct result of the dialog at Town Meeting. This dialog is not over and we will continue to look at what is right for Brookline.

Chairman Daly added that she was against the cameras at first, and thought the 24/7 was intrusive, but felt they would be useful in an emergency basis. It is sad that it took an unfortunate event that made her think differently about the safety of the residents. She received many calls from residents in favor of the cameras. There are fewer Police on the streets at night as well as fewer witnesses. It is clear that many criminal instances occur late at night. They will work a little more on exactly what the perimeter will be.

On motion, it was,

VOTED: 4-1 Selectman Mermell against

On Selectman DeWitt's motion as amended as follows:

MOTION: TO AMEND THE JANUARY 13, 2009 BOS VOTE

(1) to continue the video camera monitoring system trial period with Oversight Committee monitoring, with additional privacy safeguards through April 30, 2010;

(2) to install the SituCon cover system on the video monitoring cameras;

(3) to cease recording images during daylight hours 6 AM – 10 PM unless specifically authorized by the Chief of Police or his designee for emergency incidents, criminal acts or crowd events;

(4) to authorize the Chief to transfer the camera located in Cleveland Circle to the Boston Police Department; and

(5) to have the Chief and Oversight Committee Make a report to the Annual Town Meeting in May 2010.

ENTERTAINMENT LICENSE

The Board considered the question of approving the application of Haisai International LLC, d/b/a Japan Village Mart, Kazuma Uemura, Owner, holder of a Food Vendor license at 200 Washington Street for an Entertainment license to include Radio and TV.

Owner Kazuma Uemura stated that the only change is the entertainment license. White Place resident John Angelo Gnassi stated that he had spoken earlier tonight to the Owner, he came to see what kind of entertainment was requested. He is a direct abutter. Mr. Angela Nasi added that the property has been immaculate and he has been a good neighbor so far. He is comfortable with the T.V. and radio request.

On motion, it was unanimously,

VOTED: To approve the application of Haisai International LLC, d/b/a Japan Village Mart, Kazuma Uemura, Owner, holder of a Food Vendor license at 200 Washington Street for an Entertainment license to include Radio and TV.

LIQUOR/INCREASE IN HOURS

Public Hearing on the request of Number 2, Inc., d/b/a Coolidge Corner Club House, Andrew Pomper, Owner, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 307 Harvard Street for an increase in hours as follows:

FROM:	Sunday-Saturday	11am-2am
TO:	Sunday-Saturday	8am-2am

Owner Andrew Pomper was present. Chairman Daly stated that there seems to be some confusion on the application. The actual application is to extend the Common Victualler hours for the serving of food, but it now appears there may have been the intent to extend the hours of alcohol serving. Mr. Pomper stated that he was under the impression that he applied for the extension of his All Kinds of Alcohol Beverage license. He would like to serve breakfast to increase his business. Selectman DeWitt stated that she would not be in favor of granting an alcoholic beverage license to serve as early as 8:00 a.m.

Chairman Daly stated that he would have to come back for the All Kinds of Alcoholic Beverages license extension of hours, but they could grant the Common Victualler license.

On motion, it was unanimously,

LIQUOR/INCREASE IN HOURS cont'd

VOTED: To grant the request of Number 2, Inc., d/b/a Coolidge Corner Club House, Andrew Pomper, Owner, holder of a Common Victualler at 307 Harvard Street for an increase in hours as follows:

FROM:	Sunday-Saturday	11am-2am
TO:	Sunday-Saturday	8am-2am

On motion, it was unanimously,

VOTED: To continue the Public Hearing on the request of Number 2, Inc., d/b/a Coolidge Corner Club House, Andrew Pomper, Owner, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 307 Harvard Street for an increase in hours as follows:

FROM:	Sunday-Saturday	11am-2am
TO:	Sunday-Saturday	8am-2am

LIQUOR/INCREASE IN HOURS

Public Hearing on the application of R&R Ventures, d/b/a Café Nicholas, Richard Siber and Richard Kommit, Owners, holder of a Wine and Malt Beverages license as a Common Victualler at 1632 Beacon Street for a Change in d/b/a and increase in hours as follows:

FROM:	Café Nicholas
TO:	Richies

FROM:	Sunday – Saturday	11am-11pm
TO:	Sunday-Saturday	7am-12M

Owners Richard Siber and Richard Kommit stated that they would like to open one extra hour to serve breakfast. Judy Paradis, representing the Salisbury Road-Corey Farm Neighborhood Association stated that they have meet with the owners, and it was a productive meeting. She is pleased to welcome them to the neighborhood. The Association will be watchful of traffic issues, cooking odors, and parking violations.

On motion, it was unanimously,

VOTED: To grant the application of R&R Ventures, d/b/a Café Nicholas, Richard Siber and Richard Kommit, Owners, holder of a Wine and Malt Beverages

LIQUOR/INCREASE IN HOURS cont'd

license as a Common Victualler at 1632 Beacon Street for a Change in d/b/a and increase in hours as follows:

FROM: Café Nicholas
TO: Richies

FROM: Sunday – Saturday 11am-11pm
TO: Sunday-Saturday 7am-12M

FOOD VENDOR LICENSE

The Board considered the question of approving the application of Sea To You Boston, Inc., d/b/a Sea To You Sushi, Bon I. Koo, President for a Food Vendor License at 5 Kendall Street.

Attorney Jake Walters and Owner Bon Koo were present. Mr. Walters stated that Mr. Koo would like to operate a catering business with a take out counter. The primary business would be catering of sushi products. Mr. Koo is the owner of a successful sushi catering business and he would like to open a smaller work site in Brookline. He caters to the universities and medical facilities in the area.

Kendal Street residents Lindsa Vallee, Carol Porcari, and Camille Coelho were present as well as Prince Street resident Sheila Taylor. The residents stated that the previous owners of the site, City Farm Catering were not a good neighbor. They were very hostile to neighborhood concerns. The residents expressed concerns about trash, broken wine bottles, rodents, fish smells, and workers loitering late at night.

Attorney Walters replied that this is the first he has heard about this. Unfortunately the previous tenants have vacated the premise before Mr. Koo came in. He added that Mr. Koo will have new trash receptacle and his intention is to have a pleasing store front and build a good relationship with the neighborhood.

Mr. Koo added that most of the sushi preparations are done off site at the catering function. He will address all the concerns and hopes to become a positive addition to the neighborhood. The Board encouraged him to do so.

On motion, it was unanimously,

VOTED: To approve the application of Sea To You Boston, Inc., d/b/a Sea To You Sushi, Bon I. Koo, President for a Food Vendor License at 5 Kendall Street.

FOOD VENDOR LICENSE

The Board noted the following conditions:

The establishment is renovated to comply with Health Code requirements

The operator maintain required food safety certification

An odor control system be installed and maintained to prevent cooking odors should cooking odor complaints occur

The establishment must comply with the Town By-Law prohibiting the use of Artificial Trans Fats which first phase takes effect on 11/30/08

The establishment receives a pre-operational inspection before the license is released.

COMMON VICTUALLER LICENSE

The Board considered the question of approving the application of James W. Brown, Sr., d/b/a M.J. Ready for a Common Victualler license at 318 Harvard Street.

The Board considered the question of approving the application of James W. Brown, Sr., d/b/a M.J. Ready holder of a Common Victualler license at 318 Harvard Street for an Entertainment License to include Radio and Taped Music.

James Brown, Owner was present. All papers were in order. Selectman Goldstein inquired about the ventilation in the Arcade Building. Mr. Brown replied that there is a ventilation system that goes up to the roof, it is working properly.

On motion, it was unanimously,

VOTED: To approve the application of James W. Brown, Sr., d/b/a M.J. Ready for a Common Victualler license at 318 Harvard Street.

The Board noted the following conditions:

The establishment is renovated to comply with Health Code requirements

The operator maintain required food safety certification

An odor control system be installed and maintained to prevent cooking odors should cooking odor complaints occur

The establishment must comply with the Town By-Law prohibiting the use of Artificial Trans Fats which first phase takes effect on 11/30/08

The establishment receives a pre-operational inspection before the license is released.

VOTED: To approve the application of James W. Brown, Sr., d/b/a M.J. Ready holder of a Common Victualler license at 318 Harvard Street for an Entertainment License to include Radio and Taped Music.

COMMON VICTUALLER LICENSE

The Board considered the question of approving the application of Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Brad Toothman for a Common Victualler License at 876 Commonwealth Avenue.

The Board considered the question of approving the application of Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Brad Toothman, holder of a Common Victualler license at 876 Commonwealth Avenue for an Entertainment License to include Muzak and Taped Music

Attorney Roger Lipson and Brad Toothman, Real Estate Manger for Chipotle Mexican Grill were present.

The Board noted that the Board of Appeals granted 61 seats and the application indicates 66 seats. Mr. Tooth man stated that that was an oversight. The seating will be for 61 seats.

On motion, it was unanimously,

VOTED: To approve the application of Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Brad Toothman for a Common Victualler License at 876 Commonwealth Avenue.

The Board noted the following conditions:

The establishment is renovated to comply with Health Code requirements

The operator maintain required food safety certification

An odor control system be installed and maintained to prevent cooking odors should cooking odor complaints occur

COMMON VICTUALLER LICENSE cont'd

The establishment must comply with the Town By-Law prohibiting the use of Artificial Trans Fats which first phase takes effect on 11/30/08

The establishment receives a pre-operational inspection before the license is released

VOTED: To approve the application of Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Brad Toothman, holder of a Common Victualler license at 876 Commonwealth Avenue for an Entertainment License to include Muzak and Taped Music

INFLAMMABLES LICENSE

Public Hearing on the application of the Trustees of Boston University for a license for the keeping, storage and use of gasoline in tanks of sixty-eight (68) automobiles at 888 Commonwealth Avenue. (Underground Parking Facility)

Attorney Diane Gordon and Patrick Waston representing Boston University were present. Ms. Gordon stated that this is for an underground parking facility, all papers were in order.

On motion, it was unanimously,

VOTED: To grant the application of the Trustees of Boston University for a license for the keeping, storage and use of gasoline in tanks of sixty-eight (68) automobiles at 888 Commonwealth Avenue. (Underground Parking Facility)

Selectman Goldstein recused himself- he has done business with the applicant

LIQUOR-CHANGE OF DIRECTORS/TRANSFER OF STOCK

Public Hearing on the application of Isora, LLC, d/b/a Washington Square Tavern, Gerald C. Finnegan, Managing Member, holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 714 Washington Street, for a change of officers, directors and transfer of stock as follows:

FROM: Gerald C. Finnegan – Managing Member 95%

Maurice F. Keane – Managing Member 5%

LIQUOR-CHANGE OF DIRECTORS/TRANSFER OF STOCK cont'd

**TO: Gerald C. Finnegan – Managing
Member 47.5%**

**Alma F. Finnegan- Managing
Member 47.5%**

**Maurice F. Keane – Managing
Member 5%**

Attorney Joseph Hanley, Gerald Finnegan, and Alma Finnegan were present. Mr. Finnegan stated that his wife Alma just became a US citizen and he would like to add her as a shareholder.

On motion, it was unanimously,

VOTED: To approve the application of Isora, LLC, d/b/a Washington Square Tavern, Gerald C. Finnegan, Managing Member, holder of an All Kinds of Alcoholic Beverages License as a Common Victualler at 714 Washington Street, for a change of officers, directors and transfer of stock as follows:

**FROM: Gerald C. Finnegan – Managing
Member 95%**

**Maurice F. Keane – Managing
Member 5%**

**TO: Gerald C. Finnegan – Managing
Member 47.5%**

**Alma F. Finnegan- Managing
Member 47.5%**

**Maurice F. Keane – Managing
Member 5%**

Selectman Goldstein returned

TRANSFER - ALL KINDS PACKAGE STORE

Public Hearing on the application of Brookline Village Wines & Spirits, Inc., d/b/a Village Liquor & Convenience, John N. McIntyre, owner, holder of an All Kinds of Alcoholic Beverages License as a Package Store at 294 Washington Street

In Board of Selectmen

September 22, 2009

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TRANSFER - ALL KINDS PACKAGE STORE cont'd

for a transfer of said license to New Brookline Village, Inc., d/b/a Village Liquor & Convenience, Narendrakumar Maneklal Patel.

Attorney Karen Simao and Owner Narendrakumar Maneklal Patel were present. All papers were in order.

Selectman DeWitt reminded them of the sign By-law regulations. Ms. Simao replied that they will look into it.

On motion, it was unanimously,

VOTED: To approve the application of Brookline Village Wines & Spirits, Inc., d/b/a Village Liquor & Convenience, John N. McIntyre, owner, holder of an All Kinds of Alcoholic Beverages License as a Package Store at 294 Washington Street for a transfer of said license to New Brookline Village, Inc., d/b/a Village Liquor & Convenience, Narendrakumar Maneklal Patel.

WINE AND MALT COMMON VICTUALLER

Public Hearing on the application of Dorado Tacos I LLC, d/b/a Dorado Tacos & Cemitas, John D. Organ, Manger, holder of a Common Victualler and Entertainment License at 401 Harvard Street for a Wine and Malt Beverages license.

The Board considered the question of approving the application of Dorado Tacos I LLC, d/b/a Dorado Tacos & Cemitas, John D. Organ, Manger, holder of a Wine and Malt Beverages License as a Common Victualler at 401 Harvard Street for an increase in hours as follows:

**FROM: Sunday – Saturday
11am-10pm**

**TO: Sunday-Saturday
11am-11pm**

Applicant John Organ was present. Chairman Daly noted that the staff would need to be TIPS trained. She added that Brookline is aggressive in monitoring and preventing the sale of alcohol to minors.

Chairman Daly added that the Selectmen's Office did receive a letter from a resident in the area opposing the extension of hours.

WINE AND MALT COMMON VICTUALLER cont'd

Selectman Benka added that there have been some discussions on establishments in this area concerning closing hours, and other food and alcohol conditions. The Board will be looking at some of these issues and forming a Sub-committee to address them.

On motion, it was unanimously,

VOTED: To approve the application of Dorado Tacos I LLC, d/b/a Dorado Tacos & Cemitas, John D. Organ, Manger, holder of a Common Victualler and Entertainment License at 401 Harvard Street for a Wine and Malt Beverages license.

VOTED: To approve the application of Dorado Tacos I LLC, d/b/a Dorado Tacos & Cemitas, John D. Organ, Manger, holder of a Wine and Malt Beverages License as a Common Victualler at 401 Harvard Street for an increase in hours as follows:

**FROM: Sunday – Saturday
11am-10pm**

**TO: Sunday-Saturday
11am-11pm**

LODGING HOUSE

Public Hearing on the application of Wenhua Jiang, Owner, for a Lodging House License for 21 lodgers at 105 Marion Street.

Real Estate Broker Chuck Petiti and applicant Wenhua Jiang were present.

Chairman Daly stated that there have been issues at this location with the previous owner. Neighbors were not happy with how the property was maintained. Ms. Jiang replied that she will look into the complaints and address them. She plans on being a good neighbor. Selectman DeWitt asked if the plans are for a Bed and Breakfast or a Lodging House. A lodging house cannot serve food. Ms. Jiang replied that she only offers her tenants wrapped snacks and coffee. Ms. Jiang plans to keep renting rooms to medical residents, graduate students and those seeking short term housing.

On motion, it was unanimously,

VOTED: To approve the application of Wenhua Jiang, Owner, for a Lodging House License for 21 lodgers at 105 Marion Street.

There being no further business, the Chair adjourned the meeting at 10:45 p.m.

ATTEST

IN BOARD OF SELECTMEN

September 29, 2009

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

**The Minutes of September 15, and 22, were approved as
amended**

PUBLIC COMMENT

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

There was no public comment.

ARTREACH PROGRAM

Susan Navarre of the Brookline Arts Center appeared to update the Board on the Center's ARTreach exhibit currently on display in Town Hall and the Artists Reception to be held on Wednesday September 30th.

Susan Navarre of the Brookline Arts Center invited the Board to attend the artist's reception with the ARTreach artist. The program has been funded and organized by the Brookline Arts Center for over 20 years, and provides free art classes for children, teens, and seniors. The students are excited and proud to have their worked publicly displayed.

Selectman DeWitt stated that she supports this program where many hidden talents have been discovered.

The Board thanked her for the invite and the update.

EXTRA WORK ORDER

The Board considered the question of approving Extra Work Order #3 in the amount of \$3,268.93 for work to be completed by G.R. Construction Corp., in connection with Contract No. PW/09-06 "Repair of Cement Concrete Sidewalks. Said work order to be funded from account 4995SW39 6H0022.

Director of Engineering Peter Ditto stated that this is part of the homeowner sidewalk program. The homeowner can expedite work on the sidewalk in front of their homes by splitting the cost with the Town. Selectman Goldstein asked if this was a typical cost for the program. Mr. Ditto replied that this is about average. The cost stated is the full cost. The homeowner would pay half.

On motion, it was unanimously,

VOTED: To approve Extra Work Order #3 in the amount of \$3,268.93 for work to be completed by G.R. Construction Corp., in connection with Contract No. PW/09-06 "Repair of Cement Concrete Sidewalks". Said work order to be funded from account 4995SW39 6H0022.

The Board considered the question of approving the following change order for work to be completed by Falite Bros., in connection with the Putterham Library HVAC Renovations and to be funded from account 2509K040 6B0080:

#5	\$ 681.57
#6	\$ 4,766.31
#7	\$11,041.29

Program Administrator Tony Guigli stated that these items are for eccentric fittings for ductwork, added fire alarm work, and knocking out a wall in the boiler room. He expects the project to be completed at the end of October.

On motion, it was unanimously,

VOTED: To approve the following change order for work to be completed by Falite Bros., in connection with the Putterham Library HVAC Renovations and to be funded from account 2509K040 6B0080:

#5	\$ 681.57
#6	\$ 4,766.31
#7	\$11,041.29

ANNUAL AND SERVICE CONTRACTS

The Board considered the question of awarding and executing various annual service contracts and Runkle School project contracts for the Building Department.

Director of Public Buildings Charlie Simmons stated that these contracts are estimated for three years. The contracts need to go out by law, and the bid process was done through the Purchasing Department.

Selectman Goldstein asked about the climate of the bids this year. Were they lower or higher then previous years? Mr. Simmons replied that they are based on the prevailing wage laws, which was increased this year. Some bids came in lower due to the slow economy. The companies came in low because there is not enough work out there, so they put their bids in at cost.

On motion, it was unanimously,

VOTED: Award & execute the following Building Department annual service contracts:

ANNUAL AND SERVICE CONTRACTS cont'd

Note: Contracts are for 1yr with a 2yr option to renew. Total bid amounts are estimated for three (3) year contracts.

	<u>CONTRACT</u>	<u>TOTAL (3YR)</u>
P-09-36	pest control to Waltham Services	\$140,000.00
P-09-37	asbestos to New England Surface Maintenance LLP	\$ 28,716.00
P-09-38	boiler pm to Industrial Burner Systems	\$192,643.50
P-09-39	carpentry to New England School Services	\$198,317.70
P-09-40	electrician to Your Electric Service	\$156,016.00
P-09-41	elevator to Associated Elevator	\$ 46,560.00
P-09-42	filter pm to Heatrol ATC Inc	\$ 17,336.25
P-09-43	gutter to James M McKenna & Son	\$ 39,834.06
P-09-44	roofing to James M McKenna & Son	\$ 28,356.30
P-09-45	window cleaning to LA Window Cleaning LLC	\$116,379.90
P-09-47	hvac to Lemar HVAC	\$ 79,991.85
P-09-49	burgular alarm to Advanced Alarm Systems	\$ 88,704.00
P-00-50	plumber to Arrell Corp	\$ 42,115.50
P-09-51	pneumatic to Heatrol ATC Inc	\$ 44,989.35
P-09-52	glazing to Ace Auto & Plate Glass Co. Inc.	\$ 31,119.90
P-09-53	overhead door to Door Systems	\$ 30,233.00
P-09-54	welding to Labbe Welding Co	\$ 28,118.70
P-09-55	acoust ceilings to C & G Suspended Ceilings Inc	\$ 48,993.00
P-09-56	locker to J Salese & Sons, Inc	\$ 20,655.00
P-09-59	pump/motors to Dorchester Electric Motor	\$ 41,292.90
P-09-60	air comp pm to Heatrol ATC Inc	\$ 36,312.18
P-09-62	sprinkler repair to ABA Fire Protection Co, Inc	\$ 64,406.58
P-09-63	masonry to James M McKenna & Son	\$ 34,868.40
P-09-64	painting to Bello Painting Co Inc	\$ 42,281.80
P-09-65	refractory to American Boiler Co Inc	\$ 20,344.50
P-09-66	water treat boiler to Clearwater Technologies	\$ 12,771.99
P-09-67	locksmith to Pasek Corp	\$ 46,450.95
P-09-68	flooring to Complete Flooring Systems	\$ 62,523.33

Award & execute the following Building Department service contracts for the Runkle School project:

P-10-15 RFP	PEER REVIEW CONSULTING SERVICES ARCHITECTURAL to Powers & Co	\$ 10,500.00
P-10-16 RFP	PEER REVIEW CONSULTING SERVICES- MEP INC FP to BLW Engineers	\$ 8,000.00
P-10-18 RFP	PEER REVIEW CONSULTING SERVICES STRUCTURAL to Boston Business Consultants	\$ 15,600.00

GRANT

The Board considered the question of accepting a grant in the amount of \$5,000 from the Brookline Community Foundation for the Outreach Worker for Nutrition Services

Director of Council on Aging Ruthann Dobek stated that last year the part time outreach position was eliminated. They applied for a grant, and were awarded \$5,000. This will help support an outreach worker for nutrition services. The Senior Center provides breakfast and a free hot lunch daily, as well as serving the local food panty.

On motion, it was unanimously,

VOTED: To accept a grant in the amount of \$5,000 from the Brookline Community Foundation for the Outreach Worker for Nutrition Services.

TEMPORARY WINE AND MALT BEVERAGE LICENSE

The Board considered the question of granting a temporary Wine and Malt beverages license to the Brookline Senior Center in connection with an Autumn Benefit Cocktail Party to be held on October 28, 2009 from 6pm-9pm at 93 Winchester Street.

Director of Council on Aging Ruthann Dobek stated that this is for their annual fundraiser. This event is very successful and helps support the senior van operation throughout the year. Ms. Dobek also noted that this year longtime Council on Aging Commission Member Agnes Rogers will be turning 90 years old. Ms. Rogers is very active at the Senior Center where she volunteers every day.

The Board acknowledged this event and noted that it is a fun and well worthy event.

On motion, it was unanimously,

VOTED: To grant a temporary Wine and Malt beverages license to the Brookline Senior Center in connection with an Autumn Benefit Cocktail Party to be held on October 28, 2009 from 6pm-9pm at 93 Winchester Street.

Recognition of Deputy Town Administrator Sean Cronin and Assistant Town Administrator Melissa Goff on receiving the GFOA Award for the FY2009 Financial Plan.

Town Administrator Richard Kelliher stated that this award has been around for several decades and Brookline has received the Distinguished Budget Presentation Award 5 years in a row now. He added that this is an outstanding budget document and has served as an example for many surrounding communities. Mr. Kelliher congratulated Sean and Melissa for their outstanding work.

The Board congratulated Deputy Town Administrator Sean Cronin and Assistant Town Administrator Melissa Goff on receiving the GFOA Award for the FY2009 Financial Plan. Each Board member noted how the budget book has been a great resource for them. It is user friendly, clearly states the Town's goals and objectives, as well as outlining the Town's financial policies.

LIQUOR/INCREASE IN HOURS

Public Hearing on the request of Number 2, Inc., d/b/a Coolidge Corner Club House, Andrew Pomper, Owner, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 307 Harvard Street for an increase in hours as follows:

FROM:	Sunday-Saturday	11am-2am
TO:	Sunday-Saturday	8am-2am

Owner Andrew Pomper thanked the Board for the opportunity to return before them tonight. He has been an active member of the community for 20 years. He would like to be able to serve an alcoholic beverage with brunch. Given the economic decline he hopes to increase business by offering breakfast.

Chairman Daly stated that there is a law that prohibits serving of alcoholic beverages before 12 noon on Sundays. Brookline did not adopt a law to allow relief for this. She added to not grant this would depart from past practices where several liquor licenses have an 8:00 a.m. allowance on them, except for Sundays.

Selectman DeWitt stated that she is not in favor of any establishment serving alcohol at 8:00 in the morning.

Selectman Benka added that although he has concerns about serving alcohol at 8:00 in the morning, there are now 21 vendors permitted to do so. Given this he feels it is appropriate to grant the request. Selectman Benka would

LIQUOR/INCREASE IN HOURS

like to have certified letters go out to liquor license holders reminding them of the Sunday laws on serving alcoholic beverages.

Selectman Mermell stated that she agree with Selectman Benka. It would not be fair to decline one request where others were not. Should the Town change its policy on licensing, she hopes that the Town will work with the vendors, knowing that any reduction in hours would have a potential impact on them. Selectman Goldstein added that Mr. Pomper is a responsible operator of the establishment and has been a good neighbor, however he would not like to see liquor licenses run around the clock.

On motion, it was,

VOTED: 4-1 *Selectman DeWitt against* To approve the request of Number 2, Inc., d/b/a Coolidge Corner Club House, Andrew Pomper, Owner, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 307 Harvard Street for an increase in hours as follows:

FROM:	Sunday-Saturday	11am-2am
TO:	Sunday-Saturday	8am-2am

The Chair noted the State law where liquor cannot be served before 12 noon on Sundays.

BOARDS AND COMMISSIONS

Mark Mazur candidate for reappointment to the Board of Assessors appeared for interview.

Mr. Mazur is applying for re-appointment. Mr. Mazur is currently employed in the Assessors Department for the Town of Sharon. He finds his work here in Brookline challenging due to the larger commercial properties, and the many exempt properties. He enjoys working on the Board and hopes to continue.

The Board thanked him for his service.

NOISE BYLAW/LEAFBLOWERS

Chief Daniel O'Leary appeared to update the Board on steps being taken to implement the new Noise Bylaw provisions concerning leafblowers.

NOISE BYLAW/LEAFBLOWERS

Chief O’Leary stated that the Police Department will be sending out a letter to landscapers and residents informing them of the Town’s policy on leafblowers in accordance with the Town’s Noise-By-Law.

The following is included in the letter.

No leafblower shall be operated before 8:00A.M and no later than 8:00P.M Monday through Friday and from 9:00A.M to 8:00 P.M. on the weekends and holidays.

All leafblowers are to be operated as recommended by the manufacturer. No modifications to the machine are allowed.

In the event that a Police Officer or other Town employee, observes that a leaf blower has been modified or damaged, or does not have the proper manufacturer's or Town label, the operator will be instructed to have the machine tested by the Town.

Starting October 6th, inspections will be conducted by the Town at the DPW facility at 870 Hammond Street. They will continue every first and third Tuesday night from 5:00PM through 7:00PM. These inspections will determine whether or not the machines are in compliance with the acceptable noise levels as set out in the by-law. No appointments necessary. The by-law prohibits the use of leafblowers that exceed 67db. Those machines that pass inspection will be furnished with a label indicating that they may be operated within Brookline.

Building Commissioner Mike Shepard added that some of this will be in effect on January 1st. They are being pro-active to give residents a chance to get the information and make their plans to comply.

Highway Director Kevin Johnson stated that the DPW will help out with the testing of the machines. Mr. Johnson added that the DPW now has an idle free policy on all DPW vehicles.

A discussion on what equipment is considered a “portable” leafblower ensued. According to Mr. Shepard, leafblowers with wheels on them are not considered portable because they have a smaller cylinder and are generally quieter than the hand held leafblowers. Selectman Benka stated that in his view nothing in the By-Law explicitly distinguishes backpack leafblowers from those on wheels, since the By-Law refers generally to all portable leafblowers; this is an issue that has to be resolved.

Environmental Health Inspector Pat Maloney stated that this has been a team effort working on this noise by-law. A brochure will be available on the Town’s website with information.

NOISE BYLAW/LEAFBLOWERS cont'd

Selectman Goldstein inquired about Town owned equipment, and how close we are to complying with the By-Law. Mr. Johnson replied that the Town is close. It helps that the equipment has a short life span of about three years. The Town is exempt from some of the By-Law due to the large areas of maintenance they provide and that their current equipment requires less manpower which is important when working with a reduced staff. The DPW will look at the By-Law when purchasing replacement equipment.

The Board thanked everyone for the update.

PUMP HOUSE DEMOLITION

Public comment on the recommendation of the Building Commissioner for a demolition contract for the Warren Street Pump House, as provided in the FY10 CIP and as voted by the May 2009 Annual Town Meeting.

The Board considered the question of awarding and executing the Warren Street Building Demolition contract with the alternate to demolish the Transformer Building and contents to Omjoza Construction of in the amount of \$22,500. Said contract to be funded from account 2510K094 6B0110 (Pump House)

Building Commissioner Mike Shepard stated that he came before the Board a couple of week ago with the history of the pump house, and its current condition. The Building Commission and Advisory Committee have both approved the demolition of the structure. The condition of the structure is dangerous and it is not functioning as it was originally intended. Commissioner Shepard spoke about the pipes that were there and what was done to them, and how Boston Edison disconnected service from the street years ago. The pump that was housed there was removed 25 years ago. The structure now is filled with debris, is a nuisance for kids, and is a fire hazard. Mr. Shepard also noted that under Section 1 of the Building Code, the property must be buttoned up and made safe, which he feels is not. One side of the building is ready to fall over; it is held up with weak support. The cost to repair the structure would be around \$350k, and to replace it about \$300k. He feels this is an extortionate amount of money for a structure with no functional use. Mr. Shepard feels it would be in the Town's best interest to spend the money on the Gatehouse, which is a significant structure.

Melvin Prague, was glad to hear that it was not the Gatehouse in question. He hopes that the Town will keep that beautiful building that is enjoyed by many.

Jean Innamorati, Preservation Planner and Committee Member, stated that her interest has been in infrastructure as it relates to municipalities, including the

PUMP HOUSE DEMOLITION cont'd

history of pump houses. While she is glad that the building has generated so much interest, she feels this structure has minimal architectural and historic value. The structure was never intended to be long term, the pumps have been removed, and it has no functional purpose. She believes that this is not a fine example of a historic pump house; they were usually built in brick, not an embellished box like this one. She would rather see the Town's efforts go towards restoring the Gatehouse, which is an excellent example of mid 19th century municipality structures.

Michael Kraus stated that he frequents the reservoir and has always wondered why this structure was never torn down, he is glad to see it go.

George Cole of the Building Commission has been an advocate of this site over the years, but looking at all the buildings, it is clear that the pump house has no value and is in poor shape. The Commission has looked at restoring or demolishing the building, and it was determined that demolition is the proper course of action. Town Meeting has approved the funding for it, it has gone to bid, and a contract has been awarded. He urged the Board to proceed with the contract; the building does not contribute to the Town historically or functionally. He feels it is not worth the money the Town would need to spend to restore it.

Vernon Alden, Warren Street and abutter, asked if anyone on the Board was there in 1984, which was the last time this subject came up. Inside the building is massive pumping machinery. In 1984 the cost to remove the massive pumping machine was well beyond \$75k. We could use those funds to repaint and maintain it. Chairman Daly replied that the actual bid to demolish the building and remove the machinery is \$22k. Some of the machinery has already been taken out. Commissioner Shepard added that the contractor sees a lot of value in the cast iron and piping there, which he plans to salvage.

John Bain Chair of Parks and Recreation Commission stated that he visited the site this evening, frankly he feels if it is not voted on soon, it will go down on its own. It is in very poor condition. The Park and Recreation Commission is in favor of tearing down the pump house and the transformer building at the reservoir entrance. They are also supportive of the proposal for new planting in the interim of the FY2015 Master Plan. The final Master Plan proposes new grading, site walls, pathways, and plantings. It would be prudent to hold off on landscape improvements for this portion of the park until the Master Plan is complete. There will be public involvement on the entire Master Plan and this site. Now there is an alternative to grade and seed the area. This building has to come down for safety reasons, it is held up by a brace.

Director of Parks and Open Space Erin Gallentine stated that the future plans would include re-pointing the entire interior basin with a major focus on the three entrances. They have looked at alternatives for the interim and came up with

PUMP HOUSE DEMOLITION cont'd

a wild flowers, meadow mix, which would add a lot of color, and height that would provide a little bit of a screen to address concerns about parking. She added that the Friends of the Brookline Reservoirs have been very helpful and hopes to hear from abutters on the concerns o the plantings.

Anne Burns, Warren Street stated that she has gone around the neighborhood to let residents know about this agenda item tonight. She is dismayed that there was no notification of this meeting, and feels that the neighbors should have a say in it. She is not in favor of the plan to have grass or flowers; they are not an improvement over what is there now. She hopes the residents of the neighborhood will have a say in the future of this structure. Ms. Burns read a letter from former Governor Dukakis in support of keeping the structure as a testimonial to our appreciation for the work that interested and informed citizens are willing to do to preserve and treasure their neighborhoods. To demolish it now would be a rejection of the hard work done by committed neighbors to preserve a very special structure in a unique location.

Fred Lebow, Engineer, and member of the Advisory Capital Sub-Committee, stated that the Town is not spending \$75k it would be \$22k. We looked into this two years ago, it was the neighbors who were supposed to maintain the structure, and they had signed a contract with the Town. As far a they could tell there was no maintenance done in years. The Capital sub-committee could not find anyone that put money into the structure including the Town. He gave a professional opinion on the pump house to certify if the building could stand. An engineer determined that the pump house was unsafe and should be demolished. If something should happen to someone, an injury of some kind, the Town may be liable. Under State Building code if an inspectional engineer signs saying that a building has to come down or be repaired, it has to come down or be repaired. It takes precedent over all Boards and Commissions.

Town Administrator Richard Kelliher Daly noted that neighbors were noticed, it was posted on the Town's website, and all the Town Meeting Members received an email. It was also was in last weeks TAB newspaper.

Selectman Goldstein stated that he had lived in the neighborhood for 6 years and has always admired the building. Unfortunately nothing last forever, it is a wooden structure built during WW11 and was not intended to survive long term. The lifespan for this structure has expired, and although he finds it hard to see it go, he acknowledged that it is time for it to be torn down.

Selectman Benka stated that he finds the building interesting; however, it has not been maintained regardless of whose responsibility that was. The cost that would be incurred in taking down the building is \$22k. The cost should it be kept is a concern. The issue is not only the \$350k to repair the structure, but in addition the

PUMP HOUSE DEMOLITION cont'd

maintenance and upkeep alone could be costly on a yearly basis. The Town is not in the financial position to commit to this work at this point.

Selectman DeWitt added that the structure was built for temporary purposes and is not functioning as intended. It has become a liability to the Town. It is too costly to keep it as it has no use.

Selectman Mermell added that she loves old buildings and would usually opt for restoration, however in this case it is too costly and is a current safety hazard.

Chairman Daly stated that the neighborhood has put so much love and attention into this house. These are difficult economic times and the Town is struggling to keep up with maintenance of the schools, firehouses, and buildings. It is there fiscal responsibility not to have buildings that are dangerous.

Selectman Goldstein hopes that there will be pictures of the structure before its final day. Greer Hardwick, Preservation Planner replied that it is custom that when something comes down, they mark their passing.

On motion, it was unanimously,

VOTED: To award and execute the Warren Street Building Demolition contract with the alternate to demolish the Transformer Building and contents to Omjoza Construction of in the amount of \$22,500. Said contract to be funded from account 2510K094 6B0110 (Pump House)

BOARDS AND COMMISSIONS

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

**Board of Appeals
Matthew Gaines
Tracey Luongo
Christopher Hussey
Lisa S. Serafin**

Board of Appeals -Matthew Gaines is an Attorney for a real estate law firm. He had previously served as Chief of Staff, and Budget Director for Senator Brian Joyce as well as Deputy Press Secretary for State Treasurer Tim Cahill. He is familiar with zoning and land use issues, as well as condominium rules enforcement.

Mr. Gaines is only interested in serving on the Board of Appeals at this time.

BOARDS AND COMMISSIONS cont'd

Board of Appeals -Tracey Luongo holds a Bachelor of Architecture Degree, and works as a staff architect. Ms. Luongo is the founder of the Renny Corporation, a real estate development corporation in the East Boston area. Her work included project feasibility and profitability analysis, proposals, and acquisitions.

Ms. Luongo would also be interested in serving on the Planning Board.

Board of Appeals -Christopher Hussey is a registered architect in Massachusetts for over 40 years. He has worked as a partner and managing principal for 38 years. He has worked on many municipal and historical projects. Mr. Hussey has also been involved in numerous civic activities.

Mr. Hussey is only interested in serving on the Board of Appeals at this time.

Board of Appeals -Lisa S. Serafin is the founder of The Echota Group that provides development consulting services for complex real estate projects. Ms. Serafin has previously worked as the Senior Vice President of Development for Jones Lang LaSalle in Boston, some duties included, directing mixed-use real estate projects, strategy and goal setting, master planning, and vision development.

Ms. Serafin Ms. Luongo would also be interested in serving on the Planning Board.

2009 CRIME STATS -- RACE AND GENDER REPORT

Chief Daniel O'Leary appeared to present the 2009 Crime Stats and Race and Gender Report for the first half of the year.

Due to time constraints, Chief O'Leary was unable to present his PowerPoint report to the Board; he will do this at a later date.

Chief O'Leary gave a brief update on crime statistics. Overall crime has been reduced by 9% in Part A crimes over the last 6 months, which is on track to be the lowest level of crime Brookline has seen in many years.

WARRANT ARTICLES

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

WARRANT ARTICLES cont'd

<u>No.</u>	<u>Article</u>
6.	Surveillance Cameras Spending Limitations (Farlow)
15.	Resolution on Selectmen Stipends (Caro)
16.	Resolution on OPEB's (Blood)
17.	Resolution on Nuclear Weapons (Gracey)

<u>No.</u>	<u>Article</u>
6.	Surveillance Cameras Spending Limitations (Farlow)

Petitioner Frank Farlow reviewed his explanation.

PETITIONER'S ARTICLE DESCRIPTION

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. — Ben Franklin

For six months beginning in November 2008, Brookline engaged in an extended debate – in the community, at numerous public hearings, and at warrant article meetings. It culminated at last May's Town Meeting in two votes sufficiently strong that the Moderator deemed counted votes unnecessary – one against Article 24, the selectmen's "Resolution to Support a Public Surveillance Camera Pilot Program," and the other for Article 25, a "Resolution Opposing Police Surveillance Cameras from the Department of Homeland Security" which "urge[d] the Board of Selectmen to immediately terminate the trial period and order the removal of the general police surveillance cameras funded by the Department of Homeland Security."

Since the selectmen have yet to comply with these votes, this warrant article would achieve the intent of Town Meeting's resolution against the DHS surveillance cameras by prohibiting the use of town funds for activities related in any way to their operation and use.

The main arguments for Article 25 were:

- The purposes of the cameras are unclear, shifting, and don't justify the huge privacy losses;

- Whatever the purposes, there's scant evidence the cameras will achieve them – especially, helping with evacuations and preventing crime;
- There are other methods available that do decrease crime, especially violent crime, such as improved lighting and community policing;
- The DHS camera system is not by any stretch of the imagination “free” of costs to the Town;
- As demonstrated in Britain, where there is now one camera for every 14 citizens, installing our first dozen cameras is stepping onto a long, slippery slope;
- Police surveillance cameras are different from private business cameras; these digital images are subject to the public records law and can be shared with other government agencies and databases; and
- A free society is one in which government does not track citizen activities in public places.

So what has changed since earlier in 2009, other than the passage of several months with the surveillance system still in full operation? Most importantly, the **May votes of Town Meeting!** However, the selectmen have kept the system operational 24-7 and instructed their Camera Oversight Committee to complete its one-year study of the results. In addition, they are now considering a “compromise” proposal by Chief O’Leary: leaving the cameras in place but operating them only for special events such as the Marathon and to deal with specific crime situations. And most recently, press reports have quoted the Chief concerning the usefulness of a DHS camera in arresting two men charged with a rape in Coolidge Corner.

Despite the extensive debate prior to and at the last Town Meeting, some of the same arguments in favor of the cameras are still being made. It is baffling to hear people who don’t themselves mind the privacy intrusion of the cameras say, “We’re videoed by cameras in banks and stores, so what’s the problem?” In fact, the community’s privacy concern has never been the “legal” issue as circumscribed by four decades of a reactionary Supreme Court’s Fourth Amendment jurisprudence, but a *subjective one*. The Town Meeting votes made it clear that most of our community *does* have major concerns about (1) the creation of a government infrastructure that allows our activities in public places to be watched and recorded, and (2) a sophisticated computerized camera system which, at a future time of pervasive fear, could readily be connected to the enormous DHS databases only recently used to data-mine our e-mails and phone calls.

Regarding the Chief’s “compromise” proposal, it doesn’t solve either of the two community concerns, subjective *expectations of privacy* or objections to *government data sharing*; and neither of these concerns can be weighed meaningfully by the 12-month trial period and study committee. As stated in the TAB’s 7/2/09 editorial “*Town Meeting has spoken,*” the Chief’s proposal “**does an end-run** around the Town Meeting vote. The ... vote was not close. The body that most closely represents the residents of Brookline clearly does not want permanent surveillance cameras.”

Lastly, has the recent sexual assault case changed everything? Not if we put emotion aside. Chief O’Leary, whom we all respect, says the cameras were “crucial” in locating

the suspects. But that begs the central questions. How crucial? Would there have been a prompt arrest without them? And how often will a truly crucial image be captured? Further, and even more basically, the cameras obviously did not prevent the crime.

The Chief has noted that “the investigation also involved footage from private cameras.” Specifically what information did the DHS camera provide that, in its absence, our highly capable detectives wouldn’t have been able to obtain from the victim, other eyewitnesses or cameras, or police departments in neighboring communities? The key “break” was reportedly a Boston police officer who recognized the image of the suspect’s truck from previous similar experience. The same result could well have been achieved through a routine, high-priority teletype/e-mail alert read at neighboring police department roll-calls: “*Brookline PD looking for a red pickup truck for an alleged rape in Coolidge Corner last night.*” Brookline’s police have carried out excellent crime investigation for decades and can be relied upon to continue to do so without DHS cameras.

Although professional U.S. and British studies show that even widespread police surveillance cameras have not prevented crime or even increased the rate at which crimes are solved, we’ve always acknowledged that these cameras would probably help solve some cases. But the important questions have always been: *how much help will they*

provide (hard to determine) and *how many cases* (perhaps easier). Answers to these questions – particularly the former – will be the most important product of the Camera Oversight Committee’s work. Unfortunately, as members of that committee have observed, it will be nearly impossible for them to assess the extent to which the marginal benefit of the cameras outweighs the privacy concerns of many citizens.

We still maintain that comprehensive studies conducted professionally elsewhere are much more useful than anecdotal evidence, e.g., the recent BBC study that led to a story headlined “1,000 cameras ‘solve one crime,’” or the seminal 2005 British Home Office analysis of many different professional studies evaluating “13 Closed Circuit Television Camera projects comprising 14 separate systems ... including town centres, city centres, car parks, hospitals and residential areas,” which concluded that the cameras had “no overall effect” on crime rates.

Finally, given the attention that the recent alleged rape incident will receive during consideration of this article, another TAB editorial, “*Cameras: Helpful, still wrong*”, written in the wake of that incident, is also worthy of quotation:

Everyone who cares about public safety and delivering justice for the victim has likely re-evaluated their position on the cameras. We did. And in the end, we came to the same conclusion as before: The cameras may be useful, but they’re still not right for Brookline. ... It certainly seems that the cameras helped in this case. But we always knew they had that possibility, even if we couldn’t have imagined how horrible the circumstances would be. We still need to ask ourselves if that’s worth living under

WARRANT ARTICLES cont'd

surveillance. ... [O]n a street crowded with shops and banks, there were private cameras that police may have used instead. There could have been witnesses who helped with the investigation

Chief O'Leary stated that the Police Department opposes Article 6. He added that the cameras are not linked outside of the Police Department, and they are effective in crime prevention. The Chief would have chosen to have them up 24/7 but made a compromise to provide public safety to the citizens. The Chief added that the pictures that the camera got in a recent crime were directly responsible in the arrest of the suspects. The suspects are illegal aliens and a quick resolution was imperative in order to keep them from fleeing the country.

Pat Nolan, Founder of the Jennifer Lynch Committee Against Domestic Violence, stated that she opposes Article 6. Ms. Nolan's daughter was a victim of violence and was murdered by her husband. Ms. Nolan feels that if someone had seen some of the instances that had taken place in the public before the murder, her daughter may have had a chance of survival. She is advocating for women's safety.

Resident Clint Richmond stated that he still opposes the cameras. He is concerned that the cameras are linked to the UASI and Homeland Security. He thinks that the cameras are permanently linked to the members of the Boston UASI.

Selectman DeWitt added that that the only data that goes out of Brookline goes out with the Chief's authority. Data is not being shared unless the Chief approves it. The Chief added that Boston had entered into an agreement with the Federal Protective Service. Brookline did not. They can only see the data if the Department allows them to.

Selectman Goldstein has concerns on the use of the terms "presumably". and "convinced" used in the resolution. He feels these are not adequate terms when a definite is not deemed. Selectman Goldstein asked about the use of the term "DHS" (Department of Homeland Security) cameras. Is this implying that they are in ownership or control the cameras? Mr. Farlow replied that he will use DHS *funded* cameras in the future. It has been brought to his attention that one could take his words to mean something concerning the connection of the cameras and the DHS. He was under time constraints when submitting the Article and this was overlooked. Selectman Goldstein asked how many instances have there been when the footage was requested by the police to investigate a crime, and were there any studies reviewed on the abuse of the system Mr. Farlow replied that he does not know, the Chief would need to address that question. Selectman Goldstein is uncomfortable with the inconsistencies in the Article. Mr. Farlow stated that the will look into it and get back to him.

WARRANT ARTICLES cont'd

No. Article

**15. Resolution on Selectmen Stipends
(Caro)**

Petitioner Frank Caro TMM#8 reviewed his Article. He stated that this surfaced a year ago when the Selectman's health care coverage was eliminated. He added that many Boards ask for a stipend increase, and the Selectmen have never in at least 30 years.

PETITIONER'S ARTICLE DESCRIPTION

The stipends that members of the Board of Selectmen receive have not been increased for at least 30 years. If the stipends had been adjusted for inflation from 1980 to the present, the stipend for the chair would now be over \$9,000 and the stipend for other members of the Board would be over \$6,400.

The stipends for members of the Board of Selectmen came up at the Fall 2008 Town Meeting when elimination of health care benefits for long-serving members of the Board was discussed. The Town effectively decreased compensation for members of the Board of Selectmen in 2008 by eliminating eligibility for health insurance through the Town for long-serving members of the Board. A warrant article calling for the doubling of the stipends as compensation for the loss of health care benefits was introduced. This Article calling for adjustment to the stipends received little attention and Town Meeting voted "No Action." No increase in the stipends was included in the budget submitted to Town Meeting in the Spring of 2009.

The cost to the Town of doubling the stipends (\$13,500) would be nominal in the Town's overall budget. The health care benefits that were of concern in 2008 were costing the Town \$70,000 per year. The cost to the Town of doubling the stipends would be less than the cost of providing health insurance for the family of one Town employee.

Members of the Board of Selectmen may be too polite to initiate requests themselves for increases in their stipends. The Advisory Committee is an appropriate body to initiate periodic reviews of the adequacy of stipends since it is responsible for making recommendations on Town Finances to Town Meeting. The Advisory Committee reviews budgets of all Town departments including the Board of Selectmen.

Roger Blood TMM#13 stated that he supports this Article.

Chairman Daly noted that the Board will not be discussing this Article, nor voting on it.

WARRANT ARTICLES cont'd

<u>No.</u>	<u>Article</u>
16.	Resolution on OPEB's (Blood)

Petitioner Roger Blood, Brookline Civic Association reviewed his Article.

PETITIONER'S ARTICLE DESCRIPTION

This Resolution is the result of an initiative by members of the Brookline Civic Association Steering Committee. Steering Committee members attending the BCA's August meeting agreed that such an initiative would be consistent with the BCA's ongoing commitment to "Good Government", the essence of which is to provide excellent Town and School services on a sustainable and fiscally responsible basis.

Over recent decades, Brookline has experienced a rapid growth in the total amount that it owes—but has not funded—for the future health care costs of retired employees of the Town and the Public School system (also known as "Other Post Employment Benefits" or "OPEBs").

A recent actuarial study performed for the Town projects that, as of June 30, 2010, the total retiree health cost owed by the Town for current and future retirees will fall within a range of \$231 to \$353 million. To date, Brookline has funded only about \$6 million of this massive obligation, including \$250,000 in the most recent fiscal year.

Meanwhile, the Town's total unpaid retiree health care obligation is continuing to grow and even accelerate. The total liability is projected to exceed \$950 million over the next 30 years; the currently funded amount plus interest provides only a minimal offset to this enormous obligation.

The 2008 Override Study Committee recognized that unfunded retiree health care obligations are placing the Town's financial stability in growing jeopardy. The Committee's Report, recognizing the actuarial realities, stated that "*Ideally, the town should set aside \$4 million per year to finance future retiree health costs and increase this amount by 4% each year.*"

While this \$4 million annual funding need correctly quantifies what it would take to fully fund retiree health care costs over time, it does not assume any other significant actions, such as may be needed and appropriate to contain the growth of this daunting figure.

Following the 2008 general override (which did not designate any of its \$6.2 million added annual revenues toward funding OPEBs), the Selectmen appointed a special OPEB Task Force to examine this growing issue and to make appropriate recommendations.

WARRANT ARTICLES cont'd

The April 2009 OPEB Task Force Report concluded that *“the Town needs to pre-fund its OPEB liability”* 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)”*. The OPEB Task Force Report further concluded, *“If we do not pre-fund the liability, it is highly likely that the Town will be unable to provide other Town and School services at the current levels, as most of the Town’s and School’s budget will be dedicated to paying for retiree health costs”*.

In addition to recommending a number of cost containment measures, the OPEB Task Force urged the Town to adopt a specific, sustained schedule for funding its OPEB obligations, beginning in FY2010 with a \$250,000 allocation, which amount should be increased by \$250,000 annually each year thereafter.

In addition to annual funding, the 2008 Override Study Committee also recommended that *“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.”*

This non-binding Resolution would put Town Meeting—representing the Brookline citizenry that is ultimately obligated to pay this massive outstanding debt—on record as endorsing present and future commitments by responsible Town officials to fund a

significant portion of this huge obligation, including both annual appropriations and a one-time set-aside from anticipated taxi license sales proceeds.

The OPEB-recommended funding schedule endorsed by this Resolution is modest when compared to the actuarially projected requirement of over \$4 million per year. Totaling about \$116 million over 30 years, it would at first only begin to slow the rapid growth of this unfunded debt and then gradually to reduce the total. Various other funding and cost containment measures will also be needed in order, eventually, to fully fund this health care obligation to our retired employees.

Over the years, some individuals have argued that this accumulated retiree health care obligation—not just in Brookline, but in other Massachusetts cities and towns and beyond—is so massive and daunting that eventually the state and/or ‘the feds’ will have to “bail us out”. While such a happy outcome is not inconceivable, recent financial distress at the state and national level, and the responses to such severe stress, do not bode well for their being able or willing to rescue financially stressed cities and towns—especially those considered affluent.

A fundamental principle behind this proposal is that the fiscal impact of public employees’ hiring, including their retiree health insurance, should be borne by those who benefit from their services as they are being provided; that it is unfair to impose such a

WARRANT ARTICLES cont'd

huge debt burden upon future Brookline taxpayers who will receive no benefit from public services provided many years earlier.

This Resolution encourages our Selectmen and Advisory Committee, from this point forward, to fund the Town's retiree health care obligation and take other related measures that will assure fiscal stability in order that Brookline may be able to sustain our current excellent quality of Town and School services.

Brian Kane TMM#6 stated that we have to deal with this now, rather than in 20-30 years from now. It is good public policy to ease the burden of the future generation. The monies that are invested now can multiply over the years.

Chairman Daly added that she had served on the OPEB Committee, and there was a lot of hard work put into the report.

<u>No.</u>	<u>Article</u>
17.	Resolution on Nuclear Weapons (Gracey)

Petitioner Sue Gracey stated that she supports the Mayors for Peace movement. She added that Newton and Cambridge have joined the movement. Some Mayors have recognized that they will be responsible for their community should a disaster happen. This is what prompted the resolution.

PETITIONER'S ARTICLE DESCRIPTION

Supporting the U.S. Conference of Mayors' call to President Obama to abolish nuclear weapons by engaging local community leadership in this effort is a powerful way to add vital grassroots momentum to the global movement for substantial reduction of nuclear arsenals worldwide. The Non-Proliferation Treaty Review Conference (NPT) will be held at the United Nations headquarters this spring, and that makes this a particularly important time for public action on this issue.

To this end United for Justice with Peace has enlisted the support of municipal bodies throughout the country. As a member of The Women's International League for Peace and Freedom (an organization included in the UJP consortium) I present this Article with the hope that Brookline will join in this effort.

By now, most of us have read the story of President Roosevelt's response to the constituent who urged him to take action on a certain question: "That's a good idea. Build a movement and make me do it." Our leaders need public support to take the kind

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of actions we want to see. Our mayors have taken a big step in this regard; the rest of us must join with them.

There being no further business, the Chair adjourned the meeting at 10:30 p.m.

ATTEST