

# **WARRANT FOR THE SPECIAL TOWN MEETING**

**NOVEMBER 13TH, 2001**

## **HIGH SCHOOL AUDITORIUM**

Norfolk, ss

To Any Constable of the Town of Brookline,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet at the High School Auditorium in said Brookline on TUESDAY, the THIRTEENTH day of NOVEMBER, 2001, at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

### **ARTICLE 1**

To see if the Town, in accordance with General Laws, Chapter 44, Section 64, will authorize the payment of one or more bills of previous fiscal years, which may be legally unenforceable due to the insufficiency of the appropriations therefore, and appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

### **ARTICLE 2**

To see if the Town will raise and appropriate or appropriate from available funds additional funds to the various accounts in the fiscal year 2002 budget or transfer funds between said accounts, or act on anything relative thereto.

### **ARTICLE 3**

To see if the Town will authorize the Board of Selectmen to file preapplications and applications under the Housing and Community Development Act of 1974, P.L. 93-383, as amended including an application for Community Development Block Grant funds for the general programs to be undertaken in FY2003 (Federal FY2002) in the amount of \$1,905,000 as the same may be amended; and authorize the Board of Selectmen to take such actions and file such other preapplications and applications as may be appropriate and necessary to obtain funds for such programs and such other funds to which the Town may be eligible; and to appropriate and to authorize the Board of Selectmen to expend funds received or to be received by the Town from the Department of Housing and Urban Development or other federal and/or state agencies as result of any said applications, or act on anything relative thereto.

**ARTICLE 4**

To see if the Town will name the School Committee Room, on the fifth floor of Brookline Town Hall, the “James F. Walsh Meeting Room” to honor the recently retired Superintendent of Schools for his distinguished service to the community, or act on anything relative thereto.

**ARTICLE 5**

To see if the Town will authorize the dedication of a square in memory of a Brookline Veteran, William F. Kelly, who was killed in action in Korea while serving in the Armed Forces of the United States, to be located on the following public way in the Town of Brookline, pursuant to G.L.,c.40, section 5, clause 12 as follows:

Footbridge on Boylston Street between White Place and Boylston Playground,  
or act on anything relative thereto.

**ARTICLE 6**

To see if the Town will vote to erect a commemorative pole at the entrance of the Brookline Water/Sewer Division located at 44 Netherlands Road in memory of Lawrence F. Doheny, or take any other action thereto.

**ARTICLE 7**

To see if the Town will amend the Zoning By-Law as follows:

1. By deleting the Section entitled FEMA FLOOD INSURANCE PROGRAM CODE OF FEDERAL REGULATIONS 60.3 (pp. 93-94);

2. By deleting Section 4.30, Table of Use Regulations, Numbers 49, 49A, and 49B and replacing them with a revised Section 4.30, Table of Use Regulations, Numbers 49, 49A, 49B, and 49C to read as follows:

49. Any use hazardous to health because of danger of S SC T M L G O I  
flooding, inadequacy of drainage, high water table, or No No No No No No No No  
inaccessibility to fire fighting apparatus or other  
protective services.

49A. In locations subject to periodic or occasional No No No No No No No No  
flooding by water from streams or brooks, including

but not limited to the flood hazard district which is defined as all areas designated as flood hazard areas (Zones A, A8) in the H.U.D. Flood Insurance Study, Town of Brookline, Norfolk County, Massachusetts, November, 1976, including Maps H and I (1-10) dated May 2, 1977, and revised November 28, 1980, any structure erected or any filling undertaken in such manner as to reduce or impede the run-off of flood waters to an extent that would increase the 100 year flood elevation or the hazard of flood damage\* (See under 49B.). Please refer to Section 4.60, Floodplain Overlay District, of the Zoning Bylaw for flood hazard requirements.

49B. Any new construction, substantial improvement SP SP SP SP SP SP SP SP (the cost of which equals or exceeds 50% of the market value of the structure), or land alteration within said flood hazard district shall be subject to a special permit issued by the Board of Appeals, in accordance with the requirements of this By-law, the Zoning Enabling statute and FEMA National Flood Insurance program as cited in the Code of Federal Regulations, Title 44, Chapter I, Subchapter B, part 60.\* Please refer to Section 4.60, Floodplain Overlay District, of the Zoning Bylaw for flood hazard requirements.\* Please Note: Any application under Use 49A or 49B shall be referred to the Conservation Commission. The Conservation Commission shall, within twenty days of the date of such filing, transmit to the Board of Appeals and applicant a report accompanied by such material, maps or plans as will aid the Board of Appeals in judging the application and determining special conditions and safeguards. The Commission's recommendations shall be based upon such flood and wetlands regulations as the Conservation Commission may adopt. The Board of Appeals shall not render any decision on an application until said report has been received and considered or until the twenty-day period has expired, whichever is earlier. Applications under this section may also be subject to Massachusetts General Laws, Chapter 131, Section 40 (as amended), the Wetlands Protection Act.

49C. Floodplain Overlay District Uses, See Section 4.60, Floodplain Overlay District, subsection (g), Permitted Uses, for specific uses in this district. and

3. by adding a Section 4.60 to read as follows:

#### Section 4.60 FLOODPLAIN OVERLAY DISTRICT

##### **(a) Purpose.**

The general purpose of this section is to effectively protect the water resources of the Town with zoning provisions that regulate floodplains in a manner that, at a minimum, meet the requirements of the Federal Emergency Management Administration (FEMA) for their National Flood Insurance Program (NFIP) program. Specifically, the purposes of the Floodplain District are to:

- (1) Ensure public safety through reducing the threats to life and personal injury;
- (2) Eliminate hazards to emergency response officials;
- (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- (4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- (5) Eliminate costs associated with the response and cleanup of flooding conditions;
- (6) Reduce damage to public and private property resulting from flooding waters.

##### **(b) Establishment and Applicability.**

- (1) Establishment. There is hereby established a Floodplain Overlay District which shall be governed by the regulations specified in this Section 4.60.
- (2) Applicability. No structure or building shall be erected, constructed, expanded, substantially improved, or moved and no earth or other materials shall be dumped, filled, excavated, transferred, or otherwise altered in the Floodplain Overlay District unless a special permit is duly granted by the Board of Appeals.
- (3) General Exemptions. For the purposes of this Section, a special permit shall not be required for all one-, two-, and three-family dwellings existing on or prior to July 5, 1982 or for any demolition or other activity that reduces impervious surface on a lot within the Floodplain Overlay District.

- (4) **Setback Exemptions.** Any required flood water retention systems or related facilities may be permitted to extend into required yard setbacks if deemed appropriate by the Board of Appeals.
- (5) **Emergency Repairs.** The special permit required in this Section shall not apply to emergency repairs or projects necessary for the protection of the health, safety or welfare of the general public which are to be performed or which are ordered to be performed by a Town department, or the commonwealth, or a political subdivision thereof. In no case shall any filling, dredging, excavating, or otherwise extend beyond the time necessary to abate the emergency.

**(c) Definitions.**

**AREA OF SPECIAL FLOOD HAZARD:** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A.

**BASE FLOOD:** means the flood having a one percent chance of being equaled or exceeded in any given year.

**DEVELOPMENT:** means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DISTRICT:** means floodplain district.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

**FLOOD BOUNDARY AND FLOODWAY MAP:** means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

**FLOOD HAZARD BOUNDARY MAP (FHBM):** means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM):** means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOODWAY:** means the channel of a river or other watercourse and the adjacent

land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

**LOWEST FLOOR:** means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

**NFIP:** National Flood Insurance Program administered by FEMA.

**NEW CONSTRUCTION:** means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, New Construction means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

**ONE-HUNDRED-YEAR FLOOD:** see **BASE FLOOD**.

**REGULATORY FLOODWAY:** see **FLOODWAY**.

**SPECIAL FLOOD HAZARD AREA:** means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A.

**START OF CONSTRUCTION:** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

For a substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE:** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as manufactured home on foundation. For the latter purpose, the terms includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

**SUBSTANTIAL DAMAGE:** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage”, regardless of the actual repair work performed.

**ZONE A:** means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

**ZONES B AND C:** are areas identified in the community Flood Insurance Study as areas by moderate or minimal flood hazard.

**(d) Floodplain District Boundaries and Base Flood Elevation and Floodway Data.**

(1) Floodplain District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Brookline Flood Insurance Rate (FIRM) I (1-10) and Flood Hazard Boundary Map H (1-10) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated November 28, 1980 as Zone “A” which indicates the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance study booklet date (FIS date November 1976). The FIRM and Flood Hazard Boundary Map and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, Conservation Commission, and the Town Engineer.

(2) Base Flood Elevation and Floodway Data

(a) **Floodway Data**

In Zone “A”, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) **Base Flood Elevation Data**

- (i) Base flood elevation data is required for all subdivision proposals, all new buildings and development, and any other development that results in additional pervious surface within any floodplain overlay district; and
- (ii) Base flood elevation data is required for all subdivision proposals greater than 5 lots or 1 acre, whichever is the lesser, in all zoning districts.

**(e) Notification of Watercourse Alteration.**

Notify, in a riverine situations, the following of any alteration or relocation of a watercourse:

- (1) Adjacent Communities
- (2) Bordering Communities
- (3) Massachusetts Office of Water Resources, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104
- (4) NFIP Program Specialist, FEMA Region I, Rm. 462, J.W. McCormack Post Office & Courthouse, Boston, MA 02109

**(f) Use Regulations.**

- (1) Reference to Existing Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- (a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 3107.0, “Flood Resistant Construction”);
- (b) Wetlands Protection Regulations, department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- (c) Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);
- (d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- (e) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures

of these state regulations.

**(g) Permitted Uses.**

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

(1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

(2) Forestry and nursery uses.

(3) Outdoor recreational uses, including fishing, boating, play areas, etc.

(4) Conservation of water, plants, wildlife.

(5) Wildlife management areas, foot, bicycle, and/or horse paths.

(6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

(7) Buildings lawfully existing prior to the adoption of these provisions.

**(h) Procedures.**

(1) Subsequent to the denial letter issued by the Building Department, an application for a special permit shall be made on a form prescribed by the Board of Appeals. In addition to information generally required for such a submittal, the applicant shall also present the following:

(a) a detailed landscape plan drawn to a scale of one inch equals twenty (20) feet showing the elevation and design of flood water retention systems as required by applicable law;

(b) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

(c) base flood elevation data, where the base flood elevation is not provided on the FIRM;

(d) certification and supporting documentation by a Massachusetts registered professional engineer demonstrating that such encroachment of the floodway shall not result in any increase in flood levels during the occurrence of the 100-year flood;  
and

(e) four (4) copies of all application materials.

(2) Upon receipt of the application and development plans, the application procedures for a special permit for land that meets the criteria specified in this Section shall proceed according to the procedures normally followed for special permits except that the routing procedures specified in subsection (4) below shall be adhered to.

(3) There shall be established a “routing procedure” which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Appeals, Board of Health, Town Engineer, Building Commissioner, and the Town Engineer for reports containing comments which will be considered by the appropriate permitting board prior to issuing applicable permits. The Board of Appeals shall not render any decision on an application for a special permit for development in the Floodplain Overlay District until said reports have been received and considered or until the review period has expired without receipt of a report.

(4) Review all subdivision proposals to assure that:

(a) such proposals minimize flood damage;

(b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

(c) adequate drainage is provided to reduce exposure to flood hazards.

**(i) Criteria.**

The Board of Appeals may grant a Special Permit for development in the Floodplain Overlay District if the Board finds that such development has met all of the following criteria in addition to other criteria required for the granting of a special permit:

(1) No filling or other encroachment shall be allowed in Zone “A” areas or in the floodway which would impair the ability of these special flood hazard areas to carry and discharge flood waters, except where such activity is fully offset by stream improvements such as, but not limited to, flood water retention systems as allowed by applicable law.

(2) Displacement of water retention capacity at one location shall be replaced in equal volume at another location on the same lot, on an abutting lot in the same ownership, on a noncontiguous lot in the same ownership, or in accordance with the following requirements.

(3) All flood water retention systems shall be suitably designed and located so as not to cause any nuisance, hazard, or detriment to the occupants of the site or abutters. The Board of Appeals may require screening, or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.

(4) The proposed use shall comply in all respects with the provision of the underlying zoning district, provisions of the State Building Code, State Inland Wetland Act, and any other applicable laws.

(5) Any development activity requiring a special permit from the Board of Appeals under other provisions of this Zoning Ordinance shall incorporate the requirements of this Section within the scope of that special permit and shall not require separate application to the Board of Appeals.

or act on anything relative thereto.

### **ARTICLE 8**

To see if the Town will authorize and empower the Board of Selectmen to sell and convey, at public or private sale, in fee simple, subject to such terms and conditions as the Board of Selectmen deem to be in the best interests of the town, for consideration of not less than \$100.00, the land situated on the SOUTHERLY side of WOODLAND ROAD, shown as the land between Woodland Road and Lot B25D on the plan entitled: "LOT B25D WOODLAND ROAD," by Verne T. Porter, Jr., PLS, dated June 10, 1998, a copy of which is on file in the Town Clerk's Office, which plan is incorporated herein by reference, or act on anything relative thereto.

### **ARTICLE 9**

To see if the Town will amend ARTICLE 8.15, Noise Control, in the town's By-laws, as follows:

1. by adding a new paragraph number "3." In part (a) in SECTION 8.15.4, to read as follows:

"3. Leaf Blowers and similar devices used for landscaping and yard upkeep and maintenance, shall be prohibited from use during the following hours:

Weekdays - 6:00 P.M. to 8:00 A.M.  
Saturdays and Sundays - 6:00 P.M. to 9:00 A.M."

2. by amending part (c) in SECTION 8.15.4, by deleting "leaf blower" in the table

3. by amending SECTION 8.15.4, by adding a new part (l) to read as follows:

"(l) Leaf blowers and similar devices used for landscaping and yard upkeep and maintenance shall be warranted or certified by the manufacturer as designed not to exceed, and shall not, in fact, exceed a maximum noise level of 72 dB while in operation, provided, however, that in the event the user of such device demonstrates

that it was purchased before January 1, 2002, it shall not exceed a maximum noise level of 80 dB when in operation. The first violation of this part (l) shall result in a Warning.

All other violations shall be subject to the provisions of SECTION 8.15.8”

or act on anything relative thereto.

## **ARTICLE 10**

To see if the Town will amend the By-Laws of the Town of Brookline by adding a new ARTICLE 4.8, ENTITLED: LIVING WAGE BY-LAW to read as follows:

### **ARTICLE 4.8 LIVING WAGE BY-LAW**

#### **SECTION 4.8.1 LIVING WAGE**

- a. Except as otherwise provided in this By-Law or in collective bargaining agreements with the town under G.L. c. 150E, section 7, the town of Brookline (the “Town”) shall pay each of its employees in accordance with the subsections (b) and (c) of this section.
- b. The Town shall pay new employees, upon entrance into the Town's work force, a wage of not less than one dollar (\$1.00) per hour more than the existing State Minimum Wage. This would result in a minimum wage of no less than \$7.75 an hour currently.
- c. Any Town employee who is employed by the Town on July first of any year, who has been in the continuous service of the Town since the prior November thirtieth, shall be paid no less than \$8.59 an hour; if the same employee remains in the continuous service of the Town for another full year, the employee shall be paid no less than \$9.45 an hour; if the same employee remains in the continuous service of the town for another full year, the employee shall be paid no less than \$10.30 an hour. The amounts listed herein shall be adjusted annually in accordance with subsection (h).
- d. This provision notwithstanding, a Department Head, for good and sufficient cause related to an employee’s performance, may deny a step increase to an existing employee which would result from the implementation of the minimum pay scale set forth in this subsection (c). Employees who are refused an increment shall be given a written and signed explanation of the reason for the denial.
- e. In the event that the State Minimum Wage is increased from its current \$6.75 per hour, the entrance salary set forth in subsection (b) above, shall be adjusted to maintain a one-dollar difference over the State Minimum Wage. In such event, if any pay step that is outlined in subsection (c) above falls below the then current minimum entrance pay, that pay step shall be increased to meet the then current minimum

entrance pay rate.

f. (Credit for Prior Service) A former employee of the Town, except an employee excluded from this By-Law under Section 4.8.3, who is reemployed in his/her former classification after continuous separation from the services of the Town for six (6) months or less shall receive credit for prior service for the purposes of section (c) of this By-law.

g. (Credit for Service Upon Implementation) All persons employed by the Town on the date of implementation will be given credit for all prior continuous service and given the appropriate pay rate as if this By-law has been in place on the employee's date of hire.

h. (Wage Adjustment) The wage prescribed in paragraphs (b) and (c) of this section shall be known as the "living wage" and shall be adjusted annually by the same percentage and on the same schedule relative to wage adjustments granted to full-time non-union employees in the Town's general pay schedule.

#### SECTION 4.8.2 NOTICE

The Town shall provide each employee with a fact sheet about this By-Law and shall post notices about the By-Law in conspicuous locations in town buildings. These fact sheets and posters shall include:

- a. notice of the living wage amount;
- b. a summary of the By-Law provisions;
- c. notice that in the event that an employee of the Town believes this By-law has been violated, the employee may file a grievance with the Human Resources Board.
- d. notice that in the event that an employee of the school department believes this By-law has been violated, the employee may file a complaint the Assistant Superintendent of Schools for Personnel.
- e. Notice that in the event an employee continues to be aggrieved following the outcome of a grievance/complaint, he/she has the right to seek appropriate legal relief.

#### SECTION 4.8.3 LIVING WAGE EXCEPTIONS

The Living Wage Provision of this By-Law shall not apply to:

- a. Any employee who is employed in a seasonal capacity which does not exceed six months in duration in any twelve-month cycle; provided however that any employee who is employed by the Town on July first of any year, and has been in the

continuously service of the Town since the prior November thirtieth, must be granted a pay increase in according with Section 4.8.1(c) of this By-law unless his/her Department Head has good and sufficient cause to deny said increase. However, any employee under this exemption must be paid in accordance with Section 4.8.1, subsection (b) of this By-Law;

b. Any person participating in a work-study or cooperative education program or whose position is funded in full, or in part, by Community Development Block Grant or State Elder Services Grant monies. However, any employee under this exemption must be paid in accordance with Section 4.8.1, subsection (b) of this By-Law;

c. All Putterham Meadows Golf Course Rangers;

d. All volunteers and all person appointed or elected to Town committees;

e. All elected officials of the Town.

#### SECTION 4.8.4 SEVERABILITY

If any portion or provision of this By-Law is declared invalid or unenforceable by a court of competent jurisdiction or the Office of the Attorney General, the remaining provisions shall continue in full force and effect. This By-Law shall take effect July 1, 2002.

or act on anything relative thereto.

### ARTICLE 11

To see if the Town will amend the By-Laws of the Town of Brookline by adding a new By-law, entitled: Living Wage By-Law, to be numbered by the Town Clerk, to read as follows:

#### ARTICLE X.X

##### SECTION X.X.1 TITLE

This By-Law shall be known as the “Living Wage By-Law.”

##### SECTION X.X.2 FINDINGS

Town Meeting finds the following:

(a) The wages of many workers have not kept pace with the cost of providing for themselves or their families.

(b) Town Meeting must ensure that taxpayers’ dollars are used responsibly to

improve the economic security and well-being of town employees.

- (c) The town government must lead town businesses and contractors by example to engage in and support fair wage practices in Brookline as described herein.

#### SECTION X.X.3 LIVING WAGE

(a) The town of Brookline (“town”) shall pay each of its employees no less than \$10.30 an hour except as provided in SECTION X.X.7 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.

(b) The wage prescribed in paragraph (a) of this SECTION X.X.3 shall be known as the “living wage” and shall be adjusted annually by the same percentage and on the same schedule relative to wage adjustments given to full-time, nonunion town employees on the town’s general pay schedule, beginning in the year 2003.

#### SECTION X.X.4 MINIMUM WAGE

The town shall pay employees exempted from the living wage under paragraphs (a), (b), (c) and (d) of Section X.X.7 no less than the effective state minimum wage under G.L. c. 151, plus one dollar.

#### SECTION X.X.5 NOTICE

The town shall provide each employee with a fact sheet about this By-Law and shall post current notices about the By-Law in conspicuous locations in town buildings.

These fact sheets and posters shall include:

- (a) notice of the living wage amount;
- (b) notice of the town minimum wage amount under Section X.X.4;
- (c) a summary of the By-Law provisions;
- (d) notice that a person claiming to be aggrieved by a violation of this By-Law may file a grievance under the town’s Human Resources By-Law (Section 3.15.11) or, if a School Department employee, a complaint with the Assistant Superintendent of Schools for Personnel; notice that upon exhaustion of this administrative remedy, such person may seek appropriate legal relief.

#### SECTION X.X.6 NONDISCRIMINATION

The town may not avoid the requirements of SECTION X.X.3 by laying off or otherwise terminating the employment of an employee with the intention of replacing such employee with an employee who, under SECTION X.X.7, is not eligible for the living wage. The town shall not fund wage increases required by this By-Law, or

otherwise respond to the provisions of this By-Law, by reducing the health, insurance, pension, vacation, or other non-wage benefits of any of its employees unless such a reduction is consistent with a reduction of benefits negotiated for town employees by a collective bargaining unit. The town shall not discharge, reduce the compensation of or otherwise retaliate against any employee for making a complaint to the town or using any civil remedy to enforce rights under this By-Law.

#### SECTION X.X.7 EXCEPTIONS

The town shall not be required to pay the living wage to the following persons:

- (a) seasonal employees who work less than six months in any twelve-month cycle;
- (b) employees participating in a work-study or cooperative educational program;
- (c) employees whose positions are funded, in full or in part, by Community Development Block Grant or State Elder Services Grant monies;
- (d) Putterham Meadows Golf Course rangers;
- (e) Volunteers and all persons appointed or elected to town committees;
- (f) elected officers of the town.

#### SECTION X.X.8 SEVERABILITY

If any portion or provision of this By-Law is declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

#### SECTION X.X.9 EFFECTIVE DATE

This By-Law shall take effect July 1, 2002.

or act on anything relative thereto.

### ARTICLE 12

To see if the town will appropriate a sum of money, to be expended under the direction of the Board of Selectmen, for the restoration, construction and reconstruction of the Carlton Street Foot Bridge, that runs from Riverway Park to Carlton Path; fund the appropriation by taxation, by transfer; by borrowing or by any combination of the foregoing; and authorize the Board of Selectmen to apply for, accept and expend grants, aid, loans, reimbursements and any other funding therefore, or act on anything relative thereto.

**ARTICLE 13**

To see if the town will appropriate an additional sum of money, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the Library Trustees, for remodeling, reconstructing or making of extraordinary repairs to the Main Library, including original equipment and landscaping, paving and other site improvements incidental or directly related thereto; fund the appropriation by taxation, transfer, by borrowing or by any combination of the foregoing; and authorize the Library Trustees or the Board of Selectmen to apply for, accept and expend grants, aid, loans, reimbursements and any other funding therefore, or act on anything relative thereto.

**Interdepartmental Report on:  
Article 13 Of The 2001 Annual Town Meeting**

**ARTICLE 14**

To see if the Town will authorize and empower the Board of Selectmen to lease, any one or more of the following town owned properties, known and numbered as:

9 Newton Street  
15 Newton Street  
55 Newton Street  
29 Avon Street

for not more than ten years, in accordance with proposals submitted in response to Requests for Proposals and procedures required under General Laws, Chapter 30B, and such additional terms and conditions determined by the Board of Selectmen to be in the best interest of the town, or act on anything relative thereto.

**ARTICLE 15**

To see if the Town will vote to establish a Moderator's Committee, or to expand the scope of an existing committee, to study the feasibility, desirability, and cost of forming a Municipal Power Company in Brookline. The study shall include or act on anything relative thereto.

**ARTICLE 16**

TO SEE IF THE TOWN WILL ADOPT THE FOLLOWING RESOLUTION:

WHEREAS, there have been and continue to occur serious traffic accidents involving school buses and buses used for transporting students to school-sponsored activities which have brought about severe injury or death in school children due to failures to meet basic safety precautions on such buses.

WHEREAS no school buses, in particular, are required by law to provide three-point

lap and should restraint systems with retracting seat belts as is standard in automobiles of recent manufacture,

And WHEREAS the Town of Brookline has never hesitated to lead in matters of public safety and especially the safety of its school children,

NOW THEREFORE BE IT RESOLVED

THAT THE TOWN OF BROOKLINE call upon the Great and General Court of the Commonwealth of Massachusetts to adopt legislation requiring that all school buses and all buses used for the purpose of transporting school children provide a three-point lap and shoulder restraint system with retracting seat belts in precisely the wording and manner set out specifically in House Bill No. 1084 as offered by Timothy J. Toomey, Jr., of Cambridge (attached herewith) with one exception, that the date mentioned will in all cases read "July first, two thousand and three" and not "July first, two thousand and five,"

AND FURTHER, that the Town of Brookline call upon its representatives in matters of the transportation of school children (whether the Brookline School Committee, its designated administrators, or a special task force appointed by the School Committee including parents, citizens, Selectmen, consultants or others) to research, negotiate, and arrange compliance with the provisions of the aforementioned House Bill No. 1084 (with the exception that the date mentioned in all regards be "July first, two thousand and three") for the children of Brookline

OR if such an undertaking by the Brookline School Committee has commenced by the time of Fall Town Meeting 2001, that the Town of Brookline through its Town Meeting offer a vote of support and confidence to such an undertaking.

or act on anything relative thereto.

**ARTICLE 17**

Reports of Town Officers and Committees

AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

HEREOF FAIL NOT, and make due return of this WARRANT, with your doings thereon, to the Selectmen FOURTEEN DAYS at least before the day of said meeting.

Given under our hands and the seal of the Town of Brookline at Brookline, Massachusetts, this 11th day of September, 2001.

Signed by all [Selectmen](#)

