

WARRANT FOR BROOKLINE

ANNUAL TOWN MEETING

TUESDAY, MAY 22, 2001 7PM

1. Appointment of Measurers of Wood and Bark.
(Selectmen)
2. Annual authorization of compensating balance agreements. (Treasurer/Collector)
3. Report on close-out of special appropriations and rescind unused borrowing authorizations.
(Selectmen)
4. Approval of unpaid bills of prior fiscal year.
(Selectmen) TO TOP ↑
5. Acceptance of legislation to increase property tax exemptions. (Assessors)
6. Establishment of a Water and Sewer Enterprise Fund. (Selectmen)
7. Annual appropriations article. (Selectmen)
8. Acceptance of Chapter 411 of the Acts of 2000 – Provides for an automatic “Pop-Up” for the eligible members of the Non-Contributory Retirement System on the same basis as the eligible members of the Contributory

Retirement System. (Retirement Board)

9. Amendment to Town By-Laws – Creation of a Living Wage By-Law. (Petition of Patricia Connors)

10. Amendment to Town By-Laws – Addition of 4.7 - Public Hearing Before Preliminary Design Stage. (Petition of Gary Jones)

11. Amendment to the Zoning By-Law Section 2.09 – Family - necessary to comply with a recent decision of the United State Supreme Court. (Town Counsel)
TO TOP ↑

12. Amendment to the Zoning By-Law Section 4.30 – Table of Use Regulations - to allow for for-profit health clubs in two zoning districts by special permit. (Planning Board)

13. Amendment to Article 7.7 of the Town By-Laws – Removal of Snow and Ice from Sidewalks - to include a reporting requirement in the Town’s Annual Report. (Petition of Martin Rosenthal)

14. Amendment to Section 4.2.9 of the Town By-Laws – Selectmen’s Report - to expand the reporting of Town Meeting actions. (Petition of Martin Rosenthal)

15. Underground Parking Garage Exit Warning Devices. (Selectmen)

16. Legislation authorizing a change in the Percentage of Tax Levy imposed on Real and Personal property. (Petition of Stanley Spiegel)
17. Legislation to authorize the Town of Brookline to Lease Town-Owned Property for Twenty-Five Years. (Selectmen)
18. Legislation amending Chapter 66 of the Acts of 1998 - Liability Insurance Fund. (Town Counsel)
19. Legislation authorizing an increase in the ceiling in the Parking Violation fine schedule. (Selectmen)
20. Resolution regarding the use of cellular telephones while operating a motor vehicle. (Selectmen)
21. Legislation authorizing the Town of Brookline to regulate the operation and use of hand held telephones, including so-called cellular telephones and similar hand held devices, in motor vehicles. (Petition of Lisa Liss)
22. Resolution regarding St. Aidan's Church. (Petition of Diana Spiegel)
23. Resolution supporting the abolition of the death penalty and the passage of the Innocence Protection Act. (Petition of Martin Rosenthal)

24. Establishment of the Golf Enterprise Fund Advisory Committee. (Petition of Steven T. Ladoulis)
25. Establishment of the Putterham Meadows Golf Club Advisory Committee. (Petition of Steven T. Ladoulis)
26. Reports of Town Officers and Committees. (Selectmen)

ARTICLE 1

To see if the Town will establish that the number of Measurers of Wood and Bark be two, to be appointed by the Selectmen, or act on anything relative thereto.

ARTICLE 2

To see if the Town will authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2002 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

ARTICLE 3

To see if the Town will authorize the Comptroller to close out either all or a portion of the unexpended balances in certain Special Appropriations and return said sums to the Surplus Revenue accounts, and rescind the unused portion of prior borrowing authorizations, or act on anything relative thereto.

- 1) Special Appropriation Closeouts

- 2) Public Safety Debt Rescission – Bond Authorization, in the amount of \$3,727,500, for the construction of the Public Safety Building, authorized in

Article 2B of the November 14, 2000 Town Meeting, to be rescinded.

- 3) Water Main Debt Rescission – Bond Authorization, in the amount of \$3,213 for the construction of Water Mains, authorized in Article 6 Item 88 of the May 25, 1999 Town Meeting, to be rescinded.

ARTICLE 4

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of the previous 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 5

To see if the town will elect to establish an additional property tax exemption for fiscal year 2002 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

ARTICLE 6

To see if the Town will accept the provisions of Section 53F1/2 in General Laws, Chapter 44, that authorizes the establishment of certain Enterprise Funds, and authorize the establishment of the Water and Sewer Enterprise Fund in accordance with Section 53F1/2 and the proposal submitted as a part of the FY2002 Program Budget for the Department of Public Works, or act on anything relative thereto.

ARTICLE 7

To see if the Town will:

- A.) Fiscal Year 2002 Budget

Appropriate the sums, or any other sum or sums, requested or proposed by the Selectmen or by any other officer, board or committee, for the fiscal year 2002 budget, including without limiting the foregoing, all town expenses and purposes, debt and interest, out of state travel, operating expenses, stabilization fund as provided for in General Laws Chapter 41, Section 108; authorize the continuation of the recreation revolving fund in accordance with G.L. Chapter 44, Section 53E ½, and the Water and Sewer Enterprise Fund in accordance with G.L. Chapter 44, Section 53F ½; and provide for a reserve fund.

- B.) Fiscal Year 2002 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$50,000 or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for upgrading the Town Hall facility.

- 2.) Appropriate \$25,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for the improvement of park comfort stations.

- 3.) Appropriate \$125,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for furnishings and

equipment for
Town
Buildings.

4.)

Appropriate
\$100,000, or
any other sum,
to be expended
under the
direction of the
Building
Commissioner,
with the
approval of the
Board of
Selectmen, for
removing
asbestos from
Town-owned
buildings.

5.)

Appropriate
\$35,000, or any
other sum, to be
expended under
the direction of
the Planning
and Community
Development
Director, with
the approval of
the Board of
Selectmen, for
the planning
and purchase of
a Public Event
Kiosk.

6.)

Appropriate
\$20,000, or any
other sum, to be
expended under
the direction of

the Planning and Community Development Director, with the approval of the Board of Selectmen, for a Facade Improvement Program.

7.)

Appropriate \$50,000, or any other sum, to be expended under the direction of the Planning and Community Development Director, with the approval of the Board of Selectmen, for streetscape / Civic Space.

8.)

Appropriate \$3,727,500, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for improvements to the Public Safety Building.

9.)

Appropriate

\$300,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of a Fire Engine.

10.)

Appropriate \$60,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of a rescue truck.

11.)

Appropriate \$28,000 or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of a pick-up truck.

12.)

Appropriate \$100,000, or any other sum, to be expended under the

direction of the Building Commissioner, with the approval of the Board of Selectmen, for the purpose of moving the Fire department vehicle maintenance shop from Station #1 to Station #4.

13.)

Appropriate \$20,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with approval of the Board of Selectmen, for signal modifications at Thayer / Washington Street.

14.)

Appropriate \$15,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the

Board of
Selectmen, for a
pedestrian
signal at 61
Park Street.

15.)

Appropriate
\$208,000, or
any other sum,
to be expended
under the
direction of the
Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen, for
plans, for
specifications
and for the
construction of
the Hammond /
Heath Street
signal.

16.)

Appropriate
\$75,000, or any
other sum, to be
expended under
the direction of
the
Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen, for
signal
modifications at
Longwood /
Kent Streets.

17.) Appropriate \$90,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the installation of new traffic signals at Washington / Park Streets.

18.) Appropriate \$1,000,200, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the rehabilitation of streets.

19.) Appropriate \$508,591, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the

Board of
Selectmen, for
the
rehabilitation of
streets.

20.)

Appropriate
\$205,000, or
any other sum,
to be expended
under the
direction of the
Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen, for
traffic calming
studies and
improvements.

21.)

Appropriate
\$100,000, or
any other sum,
to be expended
under the
direction of the
Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen, for
sidewalk
reconstruction.

22.)

Appropriate
\$200,000, or
any other sum,
to be expended
under the
direction of the

Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen, for a
Sidewalk
Betterment
Revolving
Fund.

23.)

Appropriate
\$100,000, or
any other sum,
to be expended
under the
direction of the
Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen, for
Pathway
Reconstruction.

24.)

Appropriate
\$35,000, or any
other sum, to be
expended under
the direction of
the
Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen, for
the Chestnut
Street Drain /
Willow Pond
Environmental
controls.

25.) Appropriate \$30,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for Baker School Pathway improvements.

26.) Appropriate \$300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Park and Recreation Commission and the Board of Selectmen, for improvements at Larz Anderson Park.

27.) Appropriate \$268,500, or any other sum, to be expended under the direction of the

Commissioner
of Public
Works, with the
approval of the
Park and
Recreation
Commission
and the Board
of Selectmen,
for renovation
of playground
equipment,
fields and
fencing.

28.)

Appropriate
\$25,000, or any
other sum, to be
expended under
the direction of
the
Commissioner
of Public
Works, with the
approval of the
Park and
Recreation
Commission
and the Board
of Selectmen,
for a Tree and
Shrub
Management
program.

29.)

Appropriate
\$100,000, or
any other sum,
to be expended
under the
direction of the
Commissioner
of Public
Works, with the

approval of the
Park and
Recreation
Commission
and the Board
of Selectmen,
for the
development of
a Park Land /
Open Space
Master Plan.

30.)

Appropriate
\$100,000, or
any other sum,
to be expended
under the
direction of the
Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen and
Tree Planting
Committee, for
the removal and
replacement of
street trees.

31.)

Appropriate
\$75,000, or any
other sum, to be
expended under
the direction of
the
Commissioner
of Public
Works, with the
approval of the
Board of
Selectmen, for
forestry
restoration

work.

32.)

Appropriate \$120,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for rehabilitation of Town / School grounds.

33.)

Appropriate \$40,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the removal and replacement of Hemlock trees.

34.)

Appropriate \$150,000, or any other sum, to be expended under the direction of the Building Commission, with the

approval of the
Park and
Recreation
Commission
and the Board
of Selectmen,
for
improvements
to the Skating
Rink.

35.)

Appropriate
\$250,000, or
any other sum,
to be expended
under the
direction of the
Building
Commission,
with the
approval of the
Park and
Recreation
Commission
and the Board
of Selectmen,
for
improvements
to the
Swimming Pool
Showers.

36.)

Appropriate
\$800,000, or
any other sum,
to be expended
under the
direction of the
Building
Commission,
with the
approval of the
Park and
Recreation

Commission
and the Board
of Selectmen,
for
improvements
to the Soule
Recreation
Center.

37.)

Appropriate
\$25,000, or any
other sum, to be
expended under
the direction of
the Building
Commissioner,
with the
approval of the
School
Committee and
the Board of
Selectmen, for
furniture
upgrades.

38.)

Appropriate
\$200,000, or
any other sum,
to be expended
under the
direction of the
Building
Commission,
with the
approval of the
School
Committee and
the Board of
Selectmen, for
Network Wiring
in school
buildings.

39.)

Appropriate \$130,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the School Committee and the Board of Selectmen, for miscellaneous repairs to the High School.

40.)

Appropriate \$1,353,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the School Committee and the Board of Selectmen, for Pierce School improvements.

41.)

Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commission, with the

approval of the School Committee and the Board of Selectmen, for the upgrade of the Faculty Area at the Heath School.

42.)

Appropriate \$225,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Park and Recreation Commission and the Board of Selectmen, for improvements to the Lynch Recreation Center.

43.)

Appropriate \$140,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the Singletree

Tank
rehabilitation.

44.)

Appropriate \$6,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the construction of sewers and sewerage systems and for the lining of sewers constructed for sanitary drainage purposes and for sewage disposal.

45.)

Appropriate \$960,000, or any other sum, to be expended under the direction of the Recreation Director, with approval of the Park and Recreation Commission and the Board of Selectmen, for the construction and

reconstruction
of the
Putterham
Meadows Golf
Course
facilities.

46.)

Appropriate
\$1,880,000, or
any other sum,
to be expended
under the
direction of the
Building
Commission,
with the
approval of the
Park and
Recreation
Commission
and the Board
of Selectmen,
for the
construction and
reconstruction,
for remodeling,
reconstructing
or making
extraordinary
repairs to the
Putterham
Meadows Golf
Course
facilities.

47.)

Appropriate
\$18,065,000, or
any other sum,
to be expended
under the
direction of the
Building
Commission,
with the

approval of the Board of Selectmen and School Committee, for remodeling, reconstructing or making extraordinary repairs to and for additions, where such additions increase the floor space, to the Lawrence School, and for the construction and reconstruction of the adjacent Longwood Park.

School Building
- \$15,683,300
Longwood Park
- \$ 454,000
Parking Deck -
\$ 1,927,700

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid, or act on anything relative thereto.

ARTICLE 8

To see if the Town will accept the provisions of Chapter 411 of the Acts of 2000 that allows for an automatic “Pop-Up” for the eligible members of the Non-Contributory Retirement System on the same basis as the eligible members of the Contributory Retirement System, or act on anything relative thereto.

ARTICLE 9

To see if the Town will amend the By-Laws of the Town of Brookline by adding a new Article 4.7, entitled: Living Wage By-Law, in PART IV, to read as follows:

ARTICLE 4.7 LIVING WAGE BY-LAW

SECTION 4.7.1 SHORT TITLE

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

SECTION 4.7.2 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 4.7.3 LIVING WAGE

- (a) The town of Brookline (“town”) shall pay each of its employees no less than \$10.00 an hour except as provided in SECTION 4.7.6 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.
- (b) All town employees of six months or more in any twelve month cycle, except as provided in SECTION 4.7.6, who work 20 or more hours per week and who are not offered group health insurance or who are offered group health insurance but are required to pay more than 50% of the cost of coverage for themselves and their dependents, if any, shall be paid no less than \$12.00 an hour.
- (c) The wage prescribed in paragraphs (a) and (b) of this SECTION 4.7.3 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 negotiated for town employees by the AFSCME collective bargaining unit, beginning in the year 2002.

SECTION 4.7.4 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 of town noncompliance, an employee may contact the Comptroller, or the Board of Selectmen or School Committee, or file a complaint with the Superior Court Department of the Commonwealth of Massachusetts.

SECTION 4.7.5 NONDISCRIMINATION

The town may not avoid the requirements of SECTION 4.7.3 by laying off or otherwise terminating the employment of an employee with the intention of replacing such employee 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 for town employees in the AFSCME 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 4.7.6 EXCEPTIONS

This By-Law shall not apply to:

- (a) any employee who is under 22 years of age and is participating in part-time or seasonal work which does not exceed six months in duration in any twelve month cycle;
- (b) any person participating in a work-study or cooperative educational program or whose position is funded by Community Development Block Grant monies;
- (c) all Putterham Meadows Golf Course Rangers;
- (d) all volunteers and all persons appointed or elected to town committees;
- (e) all elected officers of the town.

SECTION 4.7.7 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.

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 4.7 to read as follows:

ARTICLE 4.7

PUBLIC HEARING BEFORE PRELIMINARY DESIGN STAGE

In order to ensure that all plans for the substantial construction, alteration or repair of a park, recreation area or public building (the improvement) serve the expressed needs of the primary community to be served by the improvement, the elected or appointed committee requesting the improvement shall, prior to a preliminary design stage and prior to the finalizing and filing of any request for a grant or other financial assistance for the improvement, hold a public hearing to review the program for and the object and scope of the proposed improvement, including schematic design studies for the improvement, if they are available. Written notice of the time and place of the hearing shall be given to all abutters to the improvement and to all Town Meeting Members from the district within which the proposed improvement is located, seven days at least prior to the hearing.

or act on anything relative thereto.

ARTICLE 11

To see if the Town will amend SECTION 2.09 of the Zoning By-Law to read as follows:

SECTION 2.09 FAMILY

One or more persons, including domestic employees, occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided, that a group of five or more persons, who are not within the second degree of kinship, as defined by civil law, shall not be deemed to constitute a family.

or act on anything relative thereto.

The definition in the proposal deletes the words “to each other” as they appeared between “second degree of kinship” and “, as defined by civil law,”

ARTICLE 12

To see if the Town will amend Section 4.30, Table of Use Regulations, of the Zoning By-law, by creating a new Principle Use as part of the Institutional, Recreational & Educational Uses category. The new Principle Use shall be as follows:

S **SC** **T** **M** **L** **G** **O** **I**
No No No No No SP SP No

18A. Private club, operated for profit and for members only, solely for the purpose of providing physical fitness exercise, therapy, rehabilitation and health related services.

or act on anything relative thereto.

ARTICLE 13

To see if the Town will amend the By-Laws of the Town of Brookline by adding a new SECTION 7.7.6, ANNUAL REPORT, to read as follows:

SECTION 7.7.6, ANNUAL REPORT

The Board of Selectmen shall include in the Annual Report of the Town a summary of the Town's achievements during the past year in implementing Sections 7.7.1, 7.7.2, and 7.7.3. Said summary shall describe, at least, efforts in, and results from, prioritizing and coordinating among various Town department objectives: (a) prompt and effective public education; (b) enforcement by warnings, citations, and tracking thereof; and (c) assistance to owners who have hardships.,

or act on anything relative thereto.

ARTICLE 14

To see if the Town will amend the By-Laws of the Town of Brookline by adding to the end of SECTION 4.2.9, SELECTMEN'S REPORT, the following additional sentence:

It shall also contain a two-part section, with one part stating the full text of each Resolution which was adopted by Town Meeting during the year of the Report. The second part shall (1) list all prior Resolutions, beginning in 2001, adopted by Town Meeting which call for any action by the selectmen or Town departments; (2) summarize the "whereas" and "resolved" or action clauses of each; and (3) summarize the pertinent results and actions taken for each during the year of the Report; except that any such Resolution which, by vote of the selectmen, is deemed moot or inappropriate for further action need subsequently be listed, and so noted, only until and in the year of such vote.

or act on anything relative thereto.

ARTICLE 15

To see if the Town will amend Section 6.13, Design of All Off-Street Parking Facilities, subsection (d), Entrances and Exit Drives, of the Zoning Bylaw, by adding a subsection (6), which reads as follows:

(6)

Designed to insure maximum pedestrian and vehicular safety and minimize potential conflicts between pedestrians and motor vehicles. To do so, the Planning Board and Board of Appeals, as a condition of a special permit, and with technical input from the Building Commissioner and Director of Engineering and Transportation, may require that one or more of the following safety enhancements be provided:

- a. Adequate site distance so that exiting vehicles have a clear view of any pedestrian on the sidewalk within a minimum of five (5) feet to either side of the entrance or exit drive measured from six (6) feet behind the property line and along the centerline of the driveway;

- b. Enhancements to the facility exit that will insure that all exiting vehicles will come to a complete stop before entering the sidewalk area, apron, or intersecting roadway.

c. Textured or marked ramps, drives, or driveway aprons (defined as that area where the sidewalk and exit drive are the same) as well as adjacent sidewalk area to provide a perceptible auditory and/or visual signal to pedestrians and exiting vehicles;

d. Modifications to required or proposed landscaping including but not limited to cut slopes, hedges, trees, bushes, or other streetscape improvements to insure that visibility is not impaired;

e. Modifications to the building setback where the exit to the parking facility is to be located to provide additional sight lines and visibility to exiting vehicles

and pedestrians;

f. Visual and or auditory warning devices designed to alert approaching pedestrians and motor vehicle traffic that a vehicle is exiting the facility;

g. Other enhancements that provide the optimum level of pedestrian safety to insure adequate advance opportunity to detect an exiting vehicle from the parking facility. Such enhancements shall take into consideration potential physically challenging conditions that pedestrians may have including sight, auditory, or other physical disabilities

h. Based on the particular siting

or orientation of the building, or other special condition exhibited by the facility, other mitigation measures may also be required.

or act on anything relative thereto.

ARTICLE 16

To see if the Town will authorize and approve the filing of a petition with the General Court in substantially the following form:

AN ACT CHANGING THE PERCENTAGE OF TOTAL TAX LEVY IMPOSED ON ANY CLASS OF REAL AND PERSONAL PROPERTY IN THE TOWN OF BROOKLINE.

BE IT ENACTED, by the Senate and House of Representatives in the General Court Assembled and by the authority of the same, as follows:

Section 1.

Notwithstanding any special or general law to the contrary, including, without limiting the foregoing, section 1A in Chapter 58 of the General Laws, in the town of Brookline, the limitation of one hundred and seventy-five percent of the full and fair cash valuation of the taxable property in said class set forth in part (a) in the fourth sentence in the second paragraph in Section 1A in Chapter 58 of the general laws, shall be changed to two hundred percent, so that in the town of Brookline the limitation shall be two hundred percent and not one hundred seventy-five percent.

Section 2.

Section 1A in chapter 58 of the General Laws, as modified in Section 1., shall be effective in the town of Brookline.

Section 3.

This act shall take effect upon its passage.;

or act on anything relative thereto.

ARTICLE 17

To see if the Town will authorize and approve the filing of a petition with the General Court in substantially the following form:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO LEASE TOWN-OWNED PROPERTY FOR TWENTY-FIVE YEARS,

BE IT ENACTED, etc. as follows:

SECTION 1.

The Town of Brookline is hereby authorized to lease town-owned property for a period not to exceed twenty-five years, upon such terms and conditions as the Board of Selectmen shall determine, provided, that the terms and conditions of the lease, the annual rental to be paid and the length of the lease shall be approved by a town meeting of said town.

SECTION 2.

This act shall take effect upon its passage,

or act on anything relative thereto.

ARTICLE 18

To see if the Town will authorize and approve the filing of a Petition with the General Court in substantially the following form:

AN ACT AMENDING CHAPTER 66 OF THE ACTS OF 1998 THAT ESTABLISHED A LIABILITY INSURANCE FUND IN THE TOWN OF BROOKLINE

Be It Enacted, etc., as follows:

Section 1.

Section 2 in Chapter 66 of the Acts of 1998 is amended to read as follows:

SECTION 2.

No direct drafts against the town of Brookline Liability Insurance Fund (the fund) shall be made, but, insurance premiums, property damage losses, personal injury or other claims, litigation costs, judgments and settlements, recommended for payment by town counsel and approved by a majority of the board of selectmen, may be paid from the fund by vote of the advisory committee and a concurring vote of the board of selectmen. Losses, claims, costs, judgments and settlements, if not recommended by town counsel, may be appropriated by a two-thirds vote at any town meeting. The fund may be discontinued by a two-thirds vote of an annual or special town meeting. If discontinued, any balance remaining in the fund shall be

transferred to the town's unreserved fund balance.

Section 2.

This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 19

To see if the Town will authorize and approve the filing of a Petition with the General Court in substantially the following form:

AN ACT CONCERNING PARKING VIOLATIONS IN THE TOWN OF BROOKLINE

Be It Enacted, etc., as follows:

Section 1.

Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Brookline, acting under Section 20A1/2 in Chapter 90 of the General Laws, as herein modified, may establish fines for "all other parking violations," that shall not exceed fifty (\$50.00) dollars, if paid within twenty-one days, fifty-five (\$55.00) dollars if paid thereafter but before the parking clerk reports to the registrar as provided in section 20A1/2, and seventy (\$70.00) dollars if paid thereafter.

Section 2.

This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 20

To see if the Town will adopt the following resolution and authorize the Board of Selectmen to forward a certified copy to the town's Legislative Delegation in the General Court:

WHEREAS, the use of hand held cell phones and similar communications devices by the operators of motor vehicles (except for the operators of emergency vehicles), while operating their vehicles on the streets and highways of the Commonwealth, has created and continues to create profound safety problems that include loss of life, personal injury and property damage;

WHEREAS, the Attorney General has ruled that a city or town can not adopt by-laws or ordinances that prohibit such use of cell phones and similar communications devices;

NOW, THEREFORE, THE TOWN OF BROOKLINE RESPECTFULLY REQUESTS THAT

THE GREAT AND GENERAL COURT ENACT STATEWIDE LEGISLATION THAT BANS THE USE OF CELL PHONES AND SIMILAR COMMUNICATIONS DEVICES BY THE OPERATORS OF MOTOR VEHICLES WHILE OPERATING A MOTOR VEHICLE ON THE STREETS AND HIGHWAYS IN THE COMMONWEALTH, EXCEPTING ONLY THE OPERATORS OF EMERGENCY VEHICLES FROM SUCH REGULATION.

or act on anything relative thereto.

ARTICLE 21

To see if the Town will authorize and approve the filing of a petition with the General Court in substantially the following form:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO REGULATE THE OPERATION AND USE OF HAND HELD TELEPHONES, INCLUDING SO-CALLED CELLULAR TELEPHONES AND SIMILAR HAND HELD DEVICES, IN MOTOR VEHICLES

Be it enacted, etc. as follows:

Section 1.

Notwithstanding the provisions of any general court or special law to the contrary, the Town of Brookline may, by by-law, regulate the use and operation of hand held telephones, including so-called cellular telephones and similar hand held devices, by persons, other than police officers, firefighters and operators of emergency vehicles, operating motor vehicles on any street or highway.

Section 2.

This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 22

To see if the Town will adopt the following resolution or will amend and adopt said resolution or will take any other action with respect thereto:

Whereas the St. Aidan's Church, located at 158 Pleasant Street, is of great historical significance to the Town of Brookline, having been the church attended by the family of the late President John F. Kennedy when the family lived on Beals Street and later on Abbottsford Road, the church where John F. Kennedy and five of his brothers and sisters were baptized,

And **whereas** the St. Aidan's Church is no longer used as a parish church by the Archdiocese of Boston and faces an uncertain future,

And **whereas** the Town, through its by-laws, has established the Brookline Preservation Commission to promote the educational, cultural, physical, economic and general welfare of the public through the preservation and protection of the historical assets of Brookline, including buildings, sites and districts of historical and architectural interest; through the maintenance of such landmarks of the history of Brookline, the Commonwealth and the Nation, and through the development of appropriate uses and settings for such buildings and places,

Now, therefore, the Town calls on the Brookline Preservation Commission, acting under Article 5.6 of the By-laws of the Town and under Chapter 40C of the General Laws, to conduct an investigation and public hearing for designating the St. Aidan's Church property, shown in the Atlas of the Town as Block 27, Lots 1-3 and 56, or any portion thereof or structures or portions of structures thereon, as an historic district in the Town of Brookline,

And, furthermore, the Town calls on the Brookline Preservation Commission to submit a report on its findings, together with proposed actions, if any, to the next Special or Annual Town Meeting held after July 31, 2001.

or act on anything relative thereto.

ARTICLE 23

To see if the Town will adopt the following:

Resolution Supporting Abolition of Death Penalty and Passage of Innocence Protection Act

WHEREAS, there is increasing alarm about the inevitability of executing innocent persons in the U.S.A., with (as of March 1, 2001) 95 inmates exonerated after being sent to Death Row since the death penalty's 1976 reinstatement – often by sheer luck, proving that the justice system does not work well enough to execute people; in Illinois, 13 such inmates were freed since 1977, more than the 12 executed there; and

WHEREAS, the death penalty has always been imposed in an arbitrary, and particularly, a discriminatory manner in the U.S.A.; and

WHEREAS, habeas corpus and other avenues of judicial review have been substantially curtailed by legislation and judicial rulings; and

WHEREAS, some US jurisdictions even have the death penalty for people who have mental impairments and/or were under the age of 18 at the time of their offenses; and

WHEREAS, several recent Supreme Court Justices – Brennan, Marshall, Powell, and Blackmun – have expressed serious doubts about death penalty ever being imposed fairly and justly, with Justice Powell saying that his greatest regret was voting to uphold its constitutionality, and Justice Blackmun stating in dissent, “the death penalty experiment has

failed”; and

WHEREAS, the death penalty is the costliest punishment, and diverts major resources from real crime prevention measures, including police departments, better education, and increasing employment; and

WHEREAS, the death penalty does not deter more than our current mandatory penalty of life imprisonment without parole; instead, it brutalizes society by espousing the legitimacy of lethal vengeance; and

WHEREAS, most democracies, most of our international allies, and most leading religious denominations have all concluded that the death penalty is an immoral perpetuation of a culture and a cycle of violence; and

WHEREAS, the American Bar Association, calling it “a haphazard maze of unfair practices with no internal consistency,” has issued a welcome call for an execution moratorium until procedures are devised to “ensure” fair administration and to “minimize” the risk of executing the innocent; but in fact such procedures and assurances are impossible to achieve for a justice system administered by fallible human beings; and

WHEREAS, throughout the U.S.A., uneasiness grows with the death penalty, as evidenced by the growing number of opponents, last year’s New Hampshire votes to abolish it, and Illinois’ current moratorium,

NOW, THEREFORE, BE IT RESOLVED, that Brookline’s representative Town Meeting urges:

(1)

Brookline’s citizens and elected officials to join it in hereby strongly condemning the death penalty and in calling for the immediate and permanent end to executions – in the U.S.A. and worldwide; and

(2)

support, as

interim measures, for death penalty moratoria and for legislation like the “National Death Penalty Moratorium Act” [by Sen. Feingold (WI)] and the “Innocence Protection Act,” [Sen. Leahy (Vt.) and, inter alia, Rep. Delahunt (MA)]; and

(3)

elected and appointed officials of the Town, the Commonwealth, all state and local governments, the government of the United States, and governments worldwide to do everything in their power, and work with death penalty opponents, to end executions as a form of punishment; and

(4)

that copies of this Resolution

shall be forwarded to death penalty abolition leaders, the Governor, our state representatives, our representatives in Congress, and President Bush.

or act on anything relative thereto.

ARTICLE 24

That the Town Meeting, by its affirmative vote at the Annual Meeting, establish the ENTERPRISE FUND ADVISORY COMMITTEE to consist of Nine (9) Members appointed by the Town Moderator with the make-up of the Committee to be as follows:

1. Two (2) members thereof to be selected from the Advisory Committee
2. One (1) member thereof to be selected to be a Town Meeting Member of Precinct 15;
3. One (1) member thereof to be selected to be a Town Meeting Member of

Precinct 16;

4.

Three (3) members thereof to be selected to be Town Meeting Members at large from any of the remaining precincts; and

5.

Two (2) members thereof to be selected to be the incumbent Presidents of the Men's and Women's Divisions of the Brookline Golf Association.

The term of each appointed member to be for 3 years (staggered) and a majority of the Committee would constitute a quorum to conduct the business of the Committee and the members of the Committee are to serve without compensation.

The mission or purpose of this Committee would be to conduct, independently, an audit review of the activities, budgets, revenues and expenditures of the Enterprise Fund. To prepare and to file, periodically as deemed necessary, but no less than annually, a report of its findings. Such report shall include, but not necessarily limited to, a primary focus on the utilization and effectiveness of the recreational facilities and the recreational benefits to the residents and voters of the Town of Brookline.

The Committee may establish such rules for the conduct of the Committee's business that shall not conflict with any of the By-laws of the Town of Brookline or any of the applicable laws of the Commonwealth of Massachusetts.

All requests for information by the Committee shall be submitted, in writing, to the Department of Public Works, Park and Recreation Commission, the Recreation Department, the Town Treasurer, or other department or section of Town government deemed appropriate for the request and a reasonably prompt response is to be expected.

ARTICLE 25

That the Town Meeting, by its affirmative vote at the Annual Meeting, establish the PUTTERHAM MEADOWS GOLF CLUB ADVISORY COMMITTEE to consist of Nine (9) Members appointed by the Town Moderator with the make-up of the Committee to be as follows:

6. Two (2) members thereof to be selected from the Advisory Committee
7. One (1) member thereof to be selected to be a Town Meeting Member of Precinct 15;
8. One (1) member thereof to be selected to be a Town Meeting Member of Precinct 16;
9. Three (3) members thereof to be selected to be Town Meeting Members at large from any of the remaining precincts; and
10. Two (2) members thereof to be selected to be

the incumbent
Presidents of
the Men's and
Women's
Divisions of the
Brookline Golf
Association.

The term of each appointed member to be for 3 years (staggered) and a majority of the Committee would constitute a quorum to conduct the business of the Committee and the members of the Committee are to serve without compensation.

The mission or purpose of this Committee would be to conduct, independently, a review of the activities and finances concerning the policies, improvements, revenues and expenditures of the Putterham Meadows Golf Club golf course. To prepare and to file, periodically as deemed necessary but not less than annually, a report of its findings. Such report shall include, but not necessarily limited to, a primary focus on the utilization and effectiveness of the golf course as a public recreational facility dedicated primarily for the recreational benefit of the residents and voters of the Town of Brookline. The review of the Committee to be an oversight only and to inform the appropriate legislative bodies of the Town of its findings.

The Committee may establish such rules for the conduct of the Committee's business that shall not conflict with any of the By-laws of the Town of Brookline or any of the applicable laws of the Commonwealth of Massachusetts.

All requests for information by the Committee shall be submitted, in writing, to the Department of Public Works, Park and Recreation Commission, the Recreation Department, the Town Treasurer, or other department or section of Town government deemed appropriate for the request and a reasonably prompt response is to be expected.

ARTICLE 26

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 Town Clerk, FOURTEEN DAYS at least before the day of said meeting.

Given under our hands and the seal of the Town of Brookline, Massachusetts, this 27th day of March, 2001.