

WARRANT

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF BROOKLINE
ANNUAL TOWN MEETING

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 FIRST day of JUNE, 2004, at 7:00 o'clock in the evening for the Annual 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 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 raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the FY2004 and/or FY2005 cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

ARTICLE 3

To see if the Town will authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2005 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

ARTICLE 4

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; rescind the unused portion of prior borrowing authorizations; and reduce the capital appropriation for the Main Library Renovations, or act on anything relative thereto.

- 1) Special Appropriation Closeouts

- 2) Rescind a portion of the bond authorization for renovations to the Main Library, authorized as Item #88 of Section 12 of Article 4 of the 2000 Annual Town Meeting, by \$500,000.
- 3) Reduce the appropriation for renovations to the Main Library, authorized as Item #88 of Section 12 of Article 4 of the 2000 Annual Town Meeting, to \$10,825,094.

ARTICLE 5

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 6

To see if the town will elect to establish an additional property tax exemption for fiscal year 2005 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 7

To see if the Town will appropriate from available funds, additional funds to the various accounts in the fiscal year 2004 budget or transfer funds between said accounts, or act on anything relative thereto.

ARTICLE 8

To see if the Town will:

A.) Fiscal Year 2005 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 2005 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 40, Section 5B; authorize the continuation of all revolving funds in accordance with G.L. Chapter 44, Section 53E ½, and all Enterprise Funds in accordance with G.L. Chapter 44, Section 53F ½, and as otherwise authorized; and provide for a reserve fund.

B.) Fiscal Year 2005 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$400,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for engineering or architectural services for plans and specifications for remodeling, reconstructing, or making extraordinary repairs to the Stephen Glover Train Memorial Health Building.
- 2.) Appropriate \$31,469, or any other sum, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen, for furnishings and equipment for Town Buildings.
- 3.) 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 removal of asbestos from Town and School buildings.
- 4.) 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 ADA renovations to Town and School buildings.
- 5.) 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 improvements to life safety systems in Town and School facilities and for the purpose of improving building security in Town and School facilities.
- 6.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Chief Information Officer, with the approval of the Board of Selectmen, for the enhancement of town-wide hardware and software.
- 7.) Appropriate \$40,000, or any other sum, to be expended under the direction of the Director of Planning and Community Development, with the approval of the Board of Selectmen, for a feasibility study of the parking needs of Coolidge Corner.
- 8.) Appropriate \$205,000, or any other sum, to be expended under the direction of the Director of Planning and Community Development, with the approval of the Board of Selectmen, for streetscape and civic space improvements.
- 9.) Appropriate \$200,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for the purchase and installation of a vehicle exhaust fume removal system at each fire station.
- 10.) Appropriate \$80,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for the design and installation of air conditioning systems at various fire stations.
- 11.) Appropriate \$30,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for plans

and specifications for the replacement of windows at Fire Station #5 (49 Babcock Street).

- 12.) 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 the Board of Library Trustees, for landscaping improvements at the Main Library.
- 13.) Appropriate \$200,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Board of Library Trustees, for the upgrade of the HVAC system at the Coolidge Corner Library.
- 14.) Appropriate \$155,000, or any other sum, to be expended under the direction of the Library Trustees, with the approval of the Board of Selectmen, for furnishings at the Coolidge Corner Library.
- 15.) 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 and the Board of Library Trustees, for the rehabilitation of the driveway at the Coolidge Corner Library.
- 16.) 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 and the Board of Library Trustees, for ADA renovations to the entrance and bathrooms at the Putterham Library.
- 17.) 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 and the Board of Library Trustees, for the replacement of the floor at the Putterham Library.
- 18.) Appropriate \$173,500, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Board of Library Trustees, for the upgrade of the HVAC system at the Putterham Library.
- 19.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Board of Library Trustees, with the approval of the Board of Selectmen, for the purchase of self-checkout units.
- 20.) 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 the modernization of a traffic signal at the South Street / Grove Street intersection.
- 21.) Appropriate \$150,000, 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 implementation of the study of traffic improvements at the Newton Street / West Roxbury Parkway intersection and/or neighboring streets.

- 22.) Appropriate \$150,000, 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 implementation of the study of traffic improvements at Horace James Circle, Francis X. Ryan Circle (Putterham Circle), and/or nearby streets.
- 23.) Appropriate \$1,000,000, 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 rehabilitation of streets.
- 24.) 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 traffic calming studies and improvements.
- 25.) 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 the rehabilitation of sidewalks.
- 26.) Appropriate \$2,000,000, 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 assessment and corrective action associated with the Newton Street Landfill.
- 27.) 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 streetlight replacement and repairs.
- 28.) Appropriate \$185,000, 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 the Park and Recreation Commission, for the construction and reconstruction of facilities at Larz Anderson Park, including, but not limited to, the restoration of the pergola, stairs, columns, and wall at the top of the hill.
- 29.) Appropriate \$250,000, 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 the Park and Recreation Commission, for the renovation of playground equipment, fields, and fencing.
- 30.) 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 the rehabilitation of Town / School grounds.
- 31.) 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 the Park and Recreation Commission, for the rehabilitation of tennis courts and basketball courts.

- 32.) Appropriate \$60,000, 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 the Park and Recreation Commission, for the study and design of improvements to Dane Park.
- 33.) Appropriate \$350,000, 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 the Park and Recreation Commission, for the design of and improvements to Lawton Playground.
- 34.) Appropriate \$25,000, 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 the Park and Recreation Commission, for the tree and shrub management program.
- 35.) 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 removal and replacement of certain trees on the Longwood Mall.
- 36.) Appropriate \$60,000, 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 the Park and Recreation Commission, for the repair of Downes Field track.
- 37.) 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 the Tree Planting Committee, for the removal and replacement of trees.
- 38.) 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.
- 39.) 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 improvements to the Walnut Hills Cemetery.
- 40.) Appropriate \$50,000, 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 improvements to small green open spaces / streetscapes.
- 41.) Appropriate \$1,000,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Park and Recreation Commission, for remodeling, reconstructing or making extraordinary repairs to the Evelyn Kirrane Aquatics Center (the Municipal Swimming Pool), including, but not limited to, the roof, ceiling, lighting, HVAC system, and the replacement of windows.

- 42.) Appropriate \$75,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Park and Recreation Commission, for the replacement of windows at the Soule Recreation Center.
- 43.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen and the School Committee, for school furniture upgrades.
- 44.) Appropriate \$80,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for upgrades to the energy management system of School facilities.
- 45.) Appropriate \$120,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for the upgrade of the HVAC system in the Driscoll School Auditorium.
- 46.) Appropriate \$165,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for the installation of an elevator at the Old Lincoln School.
- 47.) Appropriate \$575,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for the replacement of windows at the Pierce School.
- 48.) Appropriate \$65,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for trash compactors at various schools.
- 49.) Appropriate \$50,000, 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 water meter replacement.
- 50.) Appropriate a sum of money, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the School Committee, for renovations to the Lawrence School.
- 51.) Appropriate \$1,650,000, 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 Muddy River Restoration Project.

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or 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, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes aforesaid, or act on anything relative thereto.

ARTICLE 9

To see if the Town will authorize the Finance Director to sell, in accordance with the requirements of G.L. c. 30B, and the Board of Selectmen to execute, acknowledge and deliver the necessary title documents for such sale, the land and buildings known and numbered as 154 University Road, in Brookline, for consideration of not less than \$575,000, with the balance of the proceeds, after payment of the outstanding taxes, fees and interest, to be added to, deposited into, and become a part of the Housing Trust Fund for the development of affordable housing, or act on anything relative thereto.

ARTICLE 10

To see if the Town will amend ARTICLE 3.11, DEPARTMENT OF FINANCE, in the By-Laws of the Town, to read as follows:

ARTICLE 3.11
DEPARTMENT OF FINANCE

There shall be a Department of Finance in accordance with Chapter 25 of the Acts of 1993, as amended by Chapter 29 of the Acts of 2004. The Department shall be responsible for the overall management and administration of the Town’s financial and administrative support services. ~~Under Chapter 25~~ The Department consists of the following divisions:

<u>DIVISION</u>	<u>DIVISION HEAD</u>
ACCOUNTS	COMPTROLLER
ASSESSING	CHIEF ASSESSOR
INFORMATION SERVICES	MANAGER
PURCHASING	CHIEF PROCUREMENT OFFICER
TREASURY	TREASURER/COLLECTOR

or act on anything relative thereto.

ARTICLE 11

To see if the Town will authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO INCREASE THE EXPENDITURE CAP ON CHAPTER 44, SECTION 53E1/2 REVOLVING FUNDS

Be It Enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, a board, department or officer in Brookline is hereby authorized to expend in any one fiscal year from all Chapter 44, Section 53E1/2 revolving funds under its direct control an amount equivalent to two and one-half percent of the amount raised by the town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine.

SECTION 2. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 12

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

I. With respect to the Village Square General Business District G-2.0 (VS):

- A. Amend the Floor Area Ratio Maximum and Height Maximum for the G-2.0 (VS) District within TABLE 5.01, TABLE OF DIMENSIONAL REQUIREMENTS as referenced in SECTION 5.00 – DISTRICT REGULATIONS of ARTICLE V DIMENSIONAL REQUIREMENTS, as follows (new in italics and bolded).

SECTION 5.01 TABLE OF DIMENSIONAL REQUIREMENTS							PBI ¹¹		MINIMUM YARD ³ (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE	LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	PBI ¹¹ NB ONLY	LOT WIDTH MINIMUM (feet)	HEIGHT ⁹ MAXIMUM	B	NB	Front ^{1,6}	Side 2	Rear	Landsc.	Useable ¹³
G-2.0	Any Structure or principal use (dwelling-footnote 5)	none ⁴	2.0 4.0 (VS) ¹⁷	2.5	none ⁴	45 125(VS) ¹⁷	60 45 (CA)	70 55(CA) 100(VS)	none	none ⁷	10 + $\frac{L^8}{10}$	none	none ⁵

- B. Insert the following new footnote 17 after the Floor Area Ratio Maximum and Height Maximum permitted within the G-2.0 (VS) District, as shown in the above revised TABLE 5.01, TABLE OF DIMENSIONAL REGULATIONS and in the footnote section below the table.

17. See SECTION 5.06 – SPECIAL DISTRICT REGULATIONS, 4. *Village Square General Business District G-2.0 (VS)*.

C. In ARTICLE V - DIMENSIONAL REQUIREMENTS, by adding a new paragraph 4 to SECTION 5.06, to read as follows:

4. Village Square General Business District G-2.0 (VS)

a. All applications for new structures, outdoor uses, and exterior alterations or additions in the G-2.0 (VS) District **which exceed a floor area ratio of 2.5 or a height of 100 feet** shall be subject to the requirements of § 5.09, Design Review, obtain a special permit per § 9.03, and meet the following requirements.

1. The maximum height shall not exceed 125 feet and the maximum gross floor area ratio shall not exceed 4.0.
2. no less than 25% of the Lot Area shall be devoted to landscaped open space.
3. no less than 60% of the parking spaces required by the Board of Appeals shall be provided completely below grade.
4. no less than 25% of the provided parking spaces shall be offered to residents for overnight parking.
5. no less than 1% of the hard construction costs of constructing a building on a Lot (exclusive of tenant fit-up) shall be devoted to making off-site streetscape improvements (such as, but not limited to, lighting, street furniture and widening sidewalks) and undertaking transportation mitigation measures. A plan of the proposed off-site streetscape improvements and a description of the proposed transportation mitigation measures shall be submitted for the review and approval of the Planning Board or its designee.

b. The parking requirements for applications in the G-2.0 (VS) District in light of the proximity to rapid public transit shall be as follows:

retail use: one parking space per 350 g.s.f. of floor area

office use: one parking space per 600 g.s.f. of floor area

research laboratory use (Use 36A): one parking space per 1,000 g.s.f.

The number of parking spaces for the above uses in a G-2.0 (VS) District may be reduced by **special permit**, however, by no more than 15%, where it can be demonstrated to the Board of Appeals that it is warranted due to provisions in a Transportation Access Plan that includes recognized Transit Demand Management programs. A **Transportation Access Plan Agreement** shall be a condition of the special permit, shall be submitted for review to the Director of Transportation and the Director of Planning and Community Development, and shall require an annual report to the Director of Transportation. This **annual report** shall be accepted only after a determination by the Director of Transportation and the Director of Planning and Community Development that the Transportation Access

Plan is working satisfactorily, and if not, that the plan will be changed and implemented to their satisfaction.

II. With respect to Section 4.07 – Table of Use Regulations: To apply only to parcel known as Brookline Place II.

In ARTICLE IV – USE REGULATIONS, by replacing the text of Principle Use 36A in SECTION 4.07 – TABLE OF USE REGULATIONS with the following:

36A. Research laboratory for scientific or medical research, **with a Biosafety Level of Level 1 or Level 2 as defined by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institutes of Health**, provided the use is operated in compliance with all town, state and federal health and safety regulations, and that thirty days prior to a Board of Appeals hearing on the use, and annually, a report detailing hazardous materials operations, processes, disposal and storage **shall be reviewed and approved in writing by the Fire Chief and Director of Public Health and Human Services.**

or act on anything relative thereto.

ARTICLE 13

To see if the Town will authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO LEASE CERTAIN TOWN OWNED LAND.

Be It Enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline is hereby authorized to lease any part or portion of the property generally known and referred to as Lot A in the B-2 Parcel, shown as Parcel 1 in Block 138 on Sheet 29B of the Town's 2001 Assessors Atlas, now or hereafter owned by it, for a period not to exceed 95 years, to Village Plaza Limited Partnership or its designee, upon such terms and conditions as the board of selectmen shall determine to be in the best interests of the town, including terms and conditions regarding the payment of real estate taxes or payments in lieu of real estate tax obligations.

SECTION 2. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 14

To see if the Town will authorize the Board of Selectmen to enter into a sale-leaseback arrangement, pursuant to which: (a) the Town acquires, in consideration for the benefits to be derived by the Town thereby, any portion or all of the property generally known as Lot A in the B-2 Parcel, shown as Parcel 1 in Block 138 on Sheet 29B of the Town's 2001 Assessors Atlas (the "Property"); and (b) the Town leases the portion of the Property so acquired by the Town, for a period not to exceed ninety five (95) years, to Village Plaza Limited Partnership or its designee, upon such terms and conditions as the Board of Selectmen shall determine to be in the best interests of the town, including terms and conditions regarding the payment of real estate taxes or payments in lieu of real estate tax obligations, and that this authorization shall be implemented if and only if the General Court passes the special act approved under Article 2 of the warrant for this meeting, or act on anything relative thereto.

ARTICLE 15

To see if the Town will amend the by-laws of the Town of Brookline by adding a new ARTICLE 7.12, entitled "Undergrounding Utilities" to read as follows:

Section 7.12.1 Definitions:

For the purposes of this Bylaw, the definitions set forth in General Laws, Chapter 166, Section 22A shall apply in addition to the following. Reference in Article 7.12 to Sections 22D and 22I shall mean G.L.C.166, and 22D and 22I.

Alternative Coordination Plan – A plan to coordinate the implementation of the utility specific plans required by this underground bylaw. In the event that the utilities and the Town are not able to reach agreement on any aspects of a negotiated project coordination plan, the Town will use reasonable discretion to establish an alternative coordination plan. The objective of this alternative coordination plan will be to use a single qualified general contractor to perform the excavation and civil work necessary for the installation of all of the underground facilities, contemplated by this underground bylaw, as well as a proposed formula for apportioning the cost of that qualified general contractor. This alternative project coordination plan will assume that each utility will directly install and energize its own cable and wire in the conduits and manholes constructed by the qualified general contractor. In establishing such alternative coordination plan, the Town shall be guided by the objective of achieving efficient coordination among the utilities, a cost effective underground project, with the minimum disruption of the public way.

Company Specifications – Detailed specifications provided by each utility regarding the number and size of duct banks, the type and quantity of cable or wire, and the number and precise specifications of manholes and hand holes, the description of and quantification of the equipment necessary to construct and install customer's service facilities, and all other specifications regarding all other

facilities necessary to replace overhead service in the Town, with underground services, all prepared in sufficient detail to be included in a request for bid from a qualified general contractor.

Cost Per Linear Foot – When reporting the cost of demolition or construction per linear foot, the cost should be reported per linear foot of the overhead or underground system. For example, the 1,000 feet of overhead or underground facilities that are located on 1,000 feet of one side of a public way would be reported as 1,000 feet of overhead facilities or underground facilities removed or constructed. If a particular utility has two lines or two conduits on a given set of poles or in a given duct bank, and therefore 2,000 feet of overhead wire or underground wire in this 1,000 foot span of public way, the cost per linear foot must be reported using the 1,000 feet of public way as the denominator, and must not be reported using the 2,000 feet of wires as the denominator.

Customer Service Facilities – The facilities required to connect a customer’s building or structure to the underground services mandated by this bylaw, which customer’s service facilities are more specifically defined in Section 22I .

Direct Cost of Demolition and Construction – The direct cost of construction labor, construction materials and construction equipment to implement the demolition and construction mandated by this bylaw. This shall include the direct cost of construction labor, construction materials, and construction equipment used to install the customer’s service facilities. Direct costs of demolition and construction shall also include the following costs: (A) the direct cost of completing an “Existing Conditions Plan”, to the extent such cost is incurred at the request of the Town in order to expedite said schedule, and then reimbursed by the utility; (B) interest on any amounts spent for such direct costs in excess of the required 2% annual expenditure, to the extent such excess expenditure is directly associated with an effort to expedite the actual construction schedule at the request of the Town; (C) the direct cost of any communication ducts installed at the request of the Town, which communication ducts are to be reserved for municipal use.

Petition – The petition, timely filed, that is required by section 22D, relating to the permission to install underground facilities mandated by this bylaw. Such petition shall request permission for the shared common duct banks trenches by and among other utilities and the Town, or include a justification explaining why such shared use of common duct banks and common trenches is not possible.

Plan for Continuation of its Service, for their Replacement with Underground Facilities – The plan, timely filed, that is required by Section 22D to the removal of that particular utility’s overhead wires and associated overhead equipment and the construction of a particular utility’s underground service facility to provide service to its consumers. This utility specific plan that meets the requirements of this bylaw must include, at a minimum, the following components:

- 1) The company's specifications for the underground project
- 2) An estimate of the total direct cost of demolition and construction of the project which includes the cost of installing customer's service facilities
- 3) An estimate of the total salvage value of the overhead property to be removed
- 4) A statement of the total company revenues received in the community in the proceeding calendar year, and an estimate of the total company revenues to be received in the community in the current year
- 5) An estimate of the total duration of the demolition and construction project assuming that the company allocates and expends 2% of such annual revenues (plus the reasonable salvage value of the removed overhead equipment) to the direct cost of demolition and construction of that company's project
- 6) A proposed coordination plan that describes a plan for utilizing a single qualified general contractor to perform the excavation and civil work necessary for the installation of all of the underground facilities, including cable facilities, electric facilities, telephone facilities and municipal facilities, contemplated by this underground bylaw as well as a proposed formula for apportioning the cost of that qualified general contractor among the various users of the underground facilities constructed
- 7) A statement that the utility will participate in good faith in a negotiation conducted by the Town, that includes all of the utilities covered by this bylaw, in which the Town attempts to develop a negotiated coordinated plan is acceptable to each utility and to the Town
- 8) A statement that the company's plan will be implemented in a fashion that complies with any alternative coordination plan that may be established by the Town

Such plan must be filed no later than December of the calendar year prior to the calendar year in which the first expenditures for the direct cost of demolition and construction are required to be made.

Negotiated Project Coordinated Plan – The Town will review the coordination plans that are included in the cable company plan, electric company plan, and telephone company plan filed with the Board of Selectmen pursuant to this bylaw. The Town will host a project coordination meeting to be attended by representatives of the Town and each of said utilities, and use reasonable efforts to negotiate a project coordination plan that is acceptable to each of said utilities and the Town. The objective of this negotiated coordination plan will assume that each utility will directly install and energize its own cable and wire in the conduits and manholes constructed by the qualified general contractor. In negotiating such coordination plan, the Town shall be guided by the objective of achieving efficient coordination among the utilities, a cost effective project, with minimum disruption of the public way.

Negotiated Project Coordinated Plan – The Town will review the coordination plans that are included in the cable company plan, electric company plan, and telephone

company plan filed with the Board of Selectmen pursuant to this bylaw. The Town will host a project coordination meeting to be attended by representatives of the Town and each of said utilities, and use reasonable efforts to negotiate a project coordination plan that is acceptable to each of said utilities and the Town. The objective of this negotiated coordination plan will be to use a single qualified general contractor to perform the excavation and civil work necessary for the installation of all of the underground facilities, including cable facilities, electric facilities, telephone facilities, and municipal facilities, contemplated by this underground bylaw, as well as a proposed formula for apportioning the cost of that qualified general contractor. This negotiated project coordination plan will assume that each utility will directly install and energize its own contractor. In negotiating such coordination plan, the Town shall be guided by the objective of achieving efficient coordination among the utilities, a cost effective project, with minimum disruption of the public way.

Qualified General Contractor – A contractor appropriately licensed, insured and bonded with extensive experience in designing and construction underground utilities in Massachusetts, as evidenced by letters of recommendation from Massachusetts utilities that have contracted for services of such qualified general contractor in the past.

Statement – Annual statement, timely filed, that is required by Section 22D. This annual statement must, at a minimum, include the following information regarding the removal of overhead facilities and construction of replacement underground facilities, completed by said utility in the prior calendar year:

- 1) Linear feet of overhead facilities removed
Street names on which such removal occurred
Direct cost of demolition associated with such removal for the calendar year in question
- 2) Linear feet of underground facilities constructed
Street names on which underground construction occurred
Direct cost of construction for the calendar year in question
Direct cost of construction per linear foot of such construction completed
- 3) Number of customer service facilities completed
Street names on which customer service facilities occurred
Direct cost of construction associated with customer service facilities demolition and construction spent in any year prior to the preceding calendar year, which amount was in excess of the 2% of the standard defined in section 22D and which excess amount the utility is allocating as a credit to reduce the dollar expenditures required by this bylaw for the direct cost of demolition and construction in the calendar year that is the focus of this financial report
- 4) The dollar amount of the direct cost of demolition and construction spent in any year prior to the preceding calendar year, which amount was in excess of the 2% standard defined in section 22D and which excess amount the utility is allocating as a credit to reduce the dollar expenditures required by this bylaw for

the direct cost of demolition and construction in the calendar year that is the focus of this financial report

- 5) Gross revenues derived from that utility's customers in Brookline in the calendar year preceding the expenditures reported in items 1, 2, and 3 plus any credit as described in item 4, equals (or exceeds the 2% of the gross revenue report in 5) above

Section 7.12.2 Prohibiting Installation of New Poles and Overhead Wires

No utility shall install or construct, except by way of replacement or upgrading of existing facilities, any poles and overhead wires and associated overhead structures upon, along or across any public way within the Town. Any poles and overhead structures and associated overhead structures installed or constructed in violation of this bylaw shall be immediately removed by the utility responsible therefore.

Any person who installs or constructs any poles and overhead wires and associated overhead structures in violation of any such bylaw shall be punished by a fine of not less than \$1,000 and not more than \$5,000 for each consecutive fifteen day period during which his failure continues.

Section 7.12.3 Removal of Existing Poles and Overhead Wires

Any utility presently owning or operating poles and overhead wires and associated overhead structures along or across any public way within the Town shall begin to remove such poles and overhead wires and associated overhead structures following the effective date of this bylaw in accordance with Section 22D.

Section 7.12.4 Installation of Customer's Service Facilities

Any utility providing underground replacement facilities pursuant to this bylaw, shall also install customer's service facilities as defined in Section 22I. Such installation of customer's service facilities shall be incorporated into the plan filed with the Board of Selectmen pursuant to this bylaw and the cost associated with such installation of customer's service facilities shall be included in the report of direct cost of demolition and construction reported to the Board of Selectmen pursuant to Section 22D (d).

Section 7.12.5 Severability

If any provision of this bylaw is determined to be invalid, such determination shall not affect the validity of the other provisions of this bylaw, which other provisions shall remain in full force and effect

or act on anything relative thereto.

ARTICLE 16

To see if the Town will adopt the following resolution: Town Meeting will encourage parents and caregivers of children to refrain from the use of corporal punishment; use alternative nonviolent methods of child discipline and management with the ultimate goal of mutual respect between parent and child.

WHEREAS, the nations pediatric professionals and children’s advocates advise against the use of corporal punishment of children; and

WHEREAS, corporal punishment teaches children that hitting is an acceptable way of dealing with problems and that violence works; and

WHEREAS, there are effective alternatives to corporal punishment of children; and

WHEREAS, children, like adults, have the right not to be physically assaulted; and

WHEREAS, 25% of infants are hit before they are 6 months old; and

WHEREAS, about 1200 children die each year from corporal punishment in the United States; and

WHEREAS, studies demonstrate that the more children are hit, the greater the likelihood that they will engage in aggression and anti-social behavior;

WHEREAS, in a study of 8000 families, children who experience frequent corporal punishment are more likely to physically attack siblings, develop less adequately-developed consciences, experience adult depression, and physically attack a spouse as an adult; and

WHEREAS, this country has extremely high rates of violence compared to other developed countries;

NOW, THEREFORE BE IT RESOLVED: That Town Meeting encourages parents and caregivers of children to

Refrain from the use of corporal punishment; and

Use alternative nonviolent methods of child discipline and management with an ultimate goal of mutual respect between parent and child,

or act on anything relative thereto.

ARTICLE 17

To see if the Town will determine that Putterham Meadows, including Putterham Woods, shown on a plan by Peter M. Ditto, Director of Engineering & Transportation of said town, made a part hereof, is necessary for environmental protection and the stated purposes of Article 97 of the Articles of Amendment to the Massachusetts Constitution; will designate Putterham meadows as subject to the requirements thereof and will reaffirm that the present uses of Putterham Meadows shall be continued, or act on anything relative thereto.

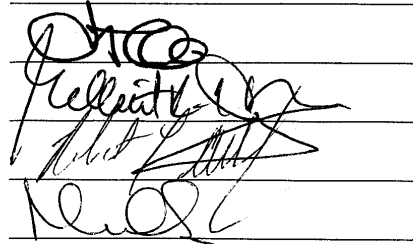
ARTICLE 18

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 ____ day of March, 2004.


Board of Selectmen

[Town Seal]