

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 TWENTY-FOURTH day of MAY, 2005 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 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 FY2006 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 the bond authorization for improvements to Hall's Pond Sanctuary, authorized as Item #91 of Section 11 of Article 6 of the 1999 Annual Town Meeting, in the amount of \$100,000.

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 2006 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:

A.) Fiscal Year 2006 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 2006 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 2006 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$29,017, 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.
- 2.) 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.
- 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 ADA renovations to Town and School 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 improvements to life safety systems in Town and School facilities and for the purpose of improving building security in Town and School facilities.
- 5.) 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 energy conservation projects in Town and School facilities.
- 6.) Appropriate \$110,000, or any other sum, to be expended under the direction of the Town Clerk, with the approval of the Board of Selectmen, for the purchase of Direct Read Electronic (DRE) voting machines.
- 7.) 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.
- 8.) Appropriate \$375,000, 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.
- 9.) 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.
- 10.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commission, 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.
- 11.) Appropriate \$65,000, 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 Putterham Library.
- 12.) 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.
- 13.) Appropriate \$710,924, 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, utilizing so-called Chapter 90 funding.
- 14.) 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 traffic calming studies and improvements.

- 15.) 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.
- 16.) 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.
- 17.) Appropriate \$115,000, or any other sum, to be expended under the direction of the Commissioner of Public Works and the Director of Planning and Community Development, with the approval of the Board of Selectmen, for improvements to the physical landscape in Brookline Village, including pedestrian access.
- 18.) 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 repairs to the Lincoln School wall.
- 19.) 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 pathway reconstruction.
- 20.) 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 improvements to Amory Playground.
- 21.) Appropriate \$170,000, 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 improvements to Dane Park.
- 22.) Appropriate \$175,000, 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 of a park at the former Newton Street Landfill.
- 23.) Appropriate \$300,000, 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 improvements to playing fields at Downes Field and the Landfill Park.
- 24.) 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, for the renovation of playground equipment, fields, and fencing.

- 25.) 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.
- 26.) 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.
- 27.) Appropriate \$400,000, 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 repairs to the Larz Anderson Skating Rink.
- 28.) 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.
- 29.) Appropriate \$48,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the School Committee, for plans and specifications for renovations to the Tappan Street Gym roof and for the pointing of the brick exterior of the Tappan Street Gym.
- 30.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the School Committee, for the renovation of bathrooms at the Driscoll School.
- 31.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the School Committee, for gutters and downspouts at the Old Lincoln School.
- 32.) Appropriate \$40,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the School Committee, for plans and specifications for the sprinkler system at the Old Lincoln School.
- 33.) 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 School Committee, for the replacement of the elevator jack at the Pierce School.
- 34.) Appropriate \$500,000, 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 storm drain system.
- 35.) 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 water meter replacement.

- 36.) Appropriate \$1,260,000, or any other sum, to be expended under the direction of the Building Commission, 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 Town Hall.
- 37.) Appropriate \$4,100,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for remodeling, reconstructing, or making extraordinary repairs to the Stephen Glover Train Memorial Health Building.
- 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 8

To see if the Town will terminate the 1998 tax supplement called the “Refuse Disposal Fee”.

ARTICLE 9

To see if the Town will, for the purpose of developing the front landfill site and connecting conservation areas (the Property) for park and recreation purposes, designate the front landfill a Public Park in the Town of Brookline, to be known as Front Landfill Park, with the existing access drive within the Property, with the Property to consist of approximately 17.5 acres, as shown on a plan entitled: “Plan of Front Landfill in Brookline, Massachusetts,” dated March 10, 2005 prepared by the Department of Public Works Engineering Division, with the Property to be under the care, custody, management and control of the Parks and Open Space Division of the Department of Public Works and the Park and Recreation Commission of the Town of Brookline; and authorize the Board of Selectmen, the Commissioner of Public Works or the Park and Open Space Division to apply for, receive and expend state and federal funds, aid, grants, loans, reimbursements or other assistance for said project and to file on behalf of the Town of Brookline any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts required under the Self-Help Act (Chapter 132A, Section 11) and/or any other funding programs for said project; or act on anything relative thereto.

ARTICLE 10

To see if the Town will adopt the following resolution:

WHEREAS, there are coverage gaps in the Wireless Telecommunications Network in South Brookline (WTN);

WHEREAS, the WTN provides communications for both private and public cellular telephone users, including the Brookline DPW, Police and Fire Departments and Emergency Services Providers, and the existing coverage gaps have had and continue to have a negative impact upon those users, the citizens of South Brookline, and the services provided by Brookline Departments and Emergency Services Providers;

WHEREAS, the Town did, at the November 16, 2004, Special Town Meeting, authorize a Moderator's Committee (MC) to recommend technically feasible options for siting of equipment and transmission devices in South Brookline to solve existing coverage gaps in the WTN;

WHEREAS, the MC has convened and has worked to develop technically feasible options it can recommend to the town;

WHEREAS, the MC has engaged the services of an expert to assist in developing and finalizing the technically feasible options, aforesaid, including the use of sites on town owned land in South Brookline and expects to complete its task and recommend technically feasible options to the town before the end of this fiscal year that ends on June 30, 2005;

NOW, THEREFORE, THE TOWN OF BROOKLINE, ACTING THROUGH IT REPRESENTATIVE TOWN MEETING, TAKES THE FOLLOWING ACTION:

1. THE TOWN MEETING HEREBY ACCEPTS THE RECOMMENDATIONS AND REPORT OF THE MC AND REQUESTS THAT AN ARTICLE OR ARTICLES BE INCLUDED IN THE WARRANT FOR THE NEXT TOWN MEETING THAT WILL IMPLEMENT THOSE RECOMMENDATIONS;
2. THE MC IS HEREBY EXTENDED IN ORDER TO IMPLEMENT ITS RECOMMENDATIONS; AND
3. THE TOWN MEETING AGAIN EXPRESSES ITS INTENT TO PROVIDE A TIMELY SOLUTION TO SOLVING THE COVERAGE GAP IN SOUTH BROOKLINE.

ARTICLE 11

That the Town will amend the Zoning By-law as follows:

1. **With respect to Sec. 5.22 – EXCEPTIONS AND EXEMPTIONS TO MAXIMUM FLOOR AREA RATIO (FAR) REGULATIONS FOR RESIDENTIAL UNITS**

A. In the first paragraph of Sec. 5.22, 2. Conversion of Attic or Basement Space in Single-Family and Two-Family Residential Dwellings, add the following after “as-of-right” and before “under the following conditions”:

“if a Certificate of Occupancy for the original construction [and previous conversions or alterations under this section, if any,] was granted at least ten years prior to the date of this application”

or act on anything relative thereto.

The full paragraph will then read:

Conversions of attics, cellars, or basement to habitable space for use as part of an existing single- or two-family dwelling, not as a separate dwelling unit, and effectively increasing gross floor area of the dwelling, shall be allowed as-of-right **if a Certificate of Occupancy for the original construction [and previous conversions or alterations under this section, if any,] was granted at least ten years prior to the date of this application**, under the following conditions:

ARTICLE 12

To see if we can replace two of the present definitions in the Zoning By-Law 'Definitions' section 2.16 in order to make these definitions more specific and understandable, and more in keeping with most of the similar definitions in other Town and City Zoning By-Laws.

The two definitions deal with:

1. Gross Floor Area
2. Height of Buildings

To amend the Zoning By-law as follows:

By creating new definitions for Gross Floor Area and Height as noted below:

Article 2

Section 2.16 Definitions

Section 2.11 Floor Area Gross

.....
Replace this section in its entirety with the following:

Gross Floor Area

The sum, in square feet, of the gross horizontal areas of all floors of a building, including areas in basements, attics and penthouses, as measured from the exterior faces of walls (except in (8) and (9) below where only interior space shall be measured and in (h) where the area of the parking facility shall be measured) of a building or the centerline of party walls between buildings.

Gross Floor Area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed;
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor;
- (d) attic space, whether finished or unfinished, within the area of a horizontal plane that is five (5) feet above the attic floor and which touches the side walls and/or the underside of the roof rafters and which is not excluded in (5) below;
- (e) interior balconies, mezzanines and penthouses;
- (f) basement and cellar areas, whether finished or unfinished, including trash, laundry and storage rooms, not excluded in (1), (3) and (9) below;
- (g) area of parking facilities in structures except as excluded in (2) below;
- (h) storage areas and tenant storage areas located in parking facilities, and
- (h) any accessory parking spaces not in above ground structures if in excess of the maximum number permitted on the premises as set forth in this Zoning Code.

Gross Floor Area shall not include:

- (1) areas used for off street loading purposes;
- (2) areas of parking facilities in structures located underground and the area of on grade open parking spaces outside the building footprint at or below the maximum number permitted on the premises as set forth in this Zoning Code;
- (3) basement and cellar areas devoted solely to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (4) open and lattice-work fire escapes;
- (5) unroofed porches and balconies no higher than the third floor;
- (6) attic space and other areas devoted solely to elevator machinery or mechanical equipment necessary for the operation of the building;
- (7) elevator shafts on floors where there is no other area which qualifies to be included in gross floor area;
- (8) attic space not otherwise included in (d) above;
- (9) basement and cellar spaces with less than seven (7) feet of ceiling height measured from the floor to the line of the bottom of the floor joists, or to any subfloor or finished surface above any floor joists that are spaced not less than four (4) feet on center, and further provided that the basement or cellar is not a Story Above Grade as defined in the State Building Code; and
- (10) hvac and mechanical shafts

In a building with more than two floors, the area of each floor level of any interior courtyard whether or not covered by a roof, which has a minimum dimension of less than forty (40) feet in any direction shall be included unless twenty (20) percent or more of the perimeter of such court yard at each floor level measured consecutively is not enclosed.

Replace this section in its entirety with the following:

Height of Building

The vertical distance of the highest point of the roof, including roof ridges, peaks, gables and towers, as well as mechanical structures if they are a major architectural element, above the mean grade of the ground adjoining the building.

ARTICLE 13

To see if Town Meeting will

rescind ARTICLE IV, titled, “Add a Principal Use 36B in SECTION 4.07 – TABLE OF USE REGULATIONS” approved by Town Meeting on June 2, 2004

Zoning By-law 36B:

Principal Uses	Residence				Business			Industry
	S	SC	T	M	L	G	O	I
<p>36B. Research laboratory for scientific or medical research, with a Bio safety 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 located on a lot with no less than 50,000 square feet and no more than 65,000 square feet in area and 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 In reply to: hazardous materials operations, processes, disposal and storage shall be reviewed and approved in writing by an independent recognized expert, the Fire Chief and Director of Public Health and Human Services.</p> <p>* Permitted by Special Permit only in a GMR-2.0 District</p>	No	No	No	No	No	SP*	No	No

Recommended Biosafety Levels for Infectious Agents

U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention and National Institutes of Health. Biosafety in Microbiological and Biomedical Laboratories (BMBL) 4th Edition. Washington: GPO, May 1999.

Biosafety Level	Agents	Practices	Safety Equipment (Primary Barriers)	Facilities (Secondary Barriers)
1	Not known to consistently cause disease in healthy adults.	Standard Microbiological Practices	None required	Open bench top sink required
2	<u>associated with human disease. Hazard = percutaneous injury, ingestion, and mucous membrane exposure.</u>	BSL -1 practice plus: *Limited Access * Biohazard warning signs *“Sharps precautions *Biosafety manual defining any needed waste decontamination or medical surveillance policies	Primary barriers= Class I or II BSCs or other physical containment devices used for all manipulations of agents that cause splashes or aerosols of infectious materials; PPEs: laboratory coats; gloves; face protection as needed	BSL-1 plus Autoclave available

ARTICLE 14

To see if the Town will amend Article 5.6 of the Town by-laws, entitled Preservation Commission and Historic District By-Law, as follows:

1. By adding a new subsection to section 3, providing as follows:

Chestnut Hill North Local Historic District.

There is hereby established an Historic District, to be entitled the "Chestnut Hill North Historic District," the boundaries of which shall be as shown on the map entitled "Chestnut Hill North Historic District," a copy of which is on file with the Town Clerk's office, which accompanies and is hereby declared to be part of this By-law.

2. By appropriately renumbering any other subsequent subsection of said section or act on anything relative thereto.

ARTICLE 15

To see if the Town will amend Article 5.6 of the Town by-laws, entitled Preservation Commission and Historic District By-Law, as follows:

1. By adding a new subsection to section 3, providing as follows:

() Harvard Avenue Local Historic District.

There is hereby established an Historic District, to be entitled the "Harvard Avenue Historic District," the boundaries of which shall be as shown on the map entitled "Harvard Avenue Historic District," a copy of which is on file with the Town Clerk's office, which accompanies and is hereby declared to be part of this By-law.

2. By appropriately renumbering any other subsequent subsection of said section or act on anything relative thereto.

ARTICLE 16

To see if the Town will amend Article 5.6.8 of the Town By-Laws concerning the Preservation Commission and Historic Districts By-Law by striking the third paragraph of that section and inserting the following replacement language (or act in relation thereto):

“The Preservation Commission shall propose changes in Brookline Local Historic District boundaries as it deems appropriate. Massachusetts General Laws, Chapter 40C, as supplemented by this bylaw, shall guide the procedures for these activities.

Before the Town Meeting votes to place any new land in a Local Historic District, the Preservation Commission, with the assistance of the Planning and Community Development Department, shall determine the percentage of property owners within the proposed Historic District who support and oppose the Historic District. This shall be accomplished by secret ballot as follows:

Each current property owner(s) of record for each parcel within the proposed Historic District will receive by first class mail a package, no less than thirty days prior to the town meeting vote, containing:

- 1) a statement (300 words or less, plus a map) providing a description of the proposed Historic District, plus a summary of the changes that will result from establishment as a Local Historic District,
- 2) a statement (300 words or less) provided by supporters concerning their reasons in favor, if one is prepared by supporters,
- 3) a statement (300 words or less) provided by those who oppose concerning their reasons for opposition, if one is prepared by opponents,
- 4) a ballot requesting a yes or no answer for establishment of the Local Historic District, to be placed in a blank envelope, with no identification of the sender, to be placed in a stamped envelope addressed and mailed to the Planning and Community

Development Department. This will have a return address of the property owner so that responders can be identified and a follow up can be made to those who have not responded.

The blank envelopes containing the executed ballots will be collected by the Planning and Community Development Department, separated from the mailed return envelopes, and opened without any identification of the sender. Owner(s) of record or their agents for each separately listed property, as identified using Assessors Department and Planning and Community Development Department information, will have one vote for each such property.

The Planning and Community Development Department shall count the votes and print the results on a document. That document shall be provided at Town Meeting so that the Town Meeting voters shall know the results prior to voting upon the proposed Historic District.

This bylaw is not intended to, nor shall it be construed to, require that a certain percentage of the ballots be in favor of the Historic District in order for Town Meeting to enact it. Instead, it is intended to ensure that the Town Meeting representatives have an accurate understanding of the level of support for the Historic District by the affected property owners before voting.

This bylaw is established under the Town of Brookline's home rule authority to designate the procedures it will follow in enacting Local Historic Districts. It is not intended to conflict with the procedures set forth in G.L. c. 40C, but rather to provide additional protections to Brookline residents."

ARTICLE 17

To see if the Town will extend the effective dates of the italicized language in Article 8.6.7(a) of the By-laws of the Town of Brookline, which language is due to expire on June 30, 2005, until June 30, 2006; or act on anything relative thereto.

ARTICLE 18

To see if the Town will add the following Section to the Town By-laws:

SECTION 1.1.5 THE HOLDING OF PUBLIC HEARINGS

With the sole exception of public hearings held under the auspices of the Council on Aging, all Boards, Commissions, Committees, and other governmental bodies that hold public hearings shall schedule such hearings so that those hearings in their entirety or portions thereof will be held after 5:30 P.M. on weekdays. This requirement can be waived only for sufficient cause on a case-by-case basis by vote of the Board of Selectmen, or by vote of the School Committee in the case of public hearings held under the auspices of the School Committee, or by vote of the

Library Trustees in the case of public hearings held under the auspices of the Library Trustees.

or act on anything relative thereto.

ARTICLE 19

To see if the Town will amend the existing Living Wage By-Law of the Town of Brookline by adding the following SECTION to be numbered by the Town Clerk:

Whereas the Town of Brookline enacted a “Living Wage By-Law” on November 13, 2001 “in recognition that the wages of many workers nationwide have not kept pace with the cost of providing for themselves or their families;”

Whereas upon enactment of the “Living Wage By-Law” Town Meeting expressed that “town government must lead town businesses and contractors by example to engage in and support fair wage practices in Brookline;”

Now, therefore, in recognition of the foregoing, the Town of Brookline amends the Living Wage By-Law which shall also apply to town contractors and subcontractor wages, and their employees.

Brookline Living Wage By-Law: This article shall be known as the “Brookline Living Wage By-Law.” The purpose of this article is to ensure that that employees of the town and employees of town contractors and subcontractors earn a sufficient hourly wage.

SECTION 8: Contracts

a. Definitions:

Covered employer means anyone who has been awarded a service contract or subcontract with the Town after the effective date of the By-law.

Covered employee means a person employed by a covered employer who directly expends his or her time on the service contract with the Town.

Person means one or more of the following or their agents, employees, servants, representatives, and legal representatives: individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and all other entities recognized at law by this commonwealth,

Services means the furnishing of labor, time, or effort by a contractor and/or covered employer.

Service contract means a contract for services awarded to a vendor by the town for no less than the following amounts: (i) \$25,000.00 for contracts commencing in fiscal year 2006, (ii) \$10,000.00 for contracts commencing in fiscal year 2007 (iii) \$5,000.00 for contracts commencing in fiscal year 2008 and thereafter. Any bids opened prior to fiscal year 2005 shall not be subject to this article.

b. Application of Living Wage By-Law to Contracts

After the applicable date of this By-Law, the guidelines outlined in the Living Wage By-Law, Section 4.8.2 Living Wage, shall apply to all service contracts of the Town of Brookline.

These guidelines shall be followed to ensure that all covered employers shall pay their covered employees (both as defined above) providing services to the Town of Brookline and any of its Departments a Living Wage as defined in Article 4.8 Section 2.

The exceptions referred to in Article 4.8 Section 2, as outlined in Article 4.8 Section 5, are inapplicable to service contracts and thus shall not be applied to service contracts awarded to covered employers.

d. Enforcement

Grievance procedures and nondiscrimination. Any covered employee who believes that his or her employer is not complying with requirements of this article applicable to the employer has the right to file a complaint with the town's Chief Procurement Officer or Board of Selectmen. Complaints of alleged violations may also be filed by concerned citizens or by a town official or employee. Complaints of alleged violations may be made at any time and shall be investigated promptly by or for the officer or board that received the Complaint. Statements written or oral, made by a covered employee, shall be treated as confidential and shall not be disclosed to the covered employer without the consent of the covered employee.

Investigations. The Chief Procurement Officer or Board of Selectmen who received a complaint, as aforesaid, shall investigate or have the complaint investigated and may, in conjunction with the Town Counsel, require the production by the covered employer of such evidence as required. The covered employer shall submit payroll records on request. Upon receipt by the town of information of possible noncompliance with the provisions of this article, the covered employer shall permit representatives of the Chief Procurement Officer or Board of Selectmen to observe work being performed upon the work site, to interview employees and to examine the books and records relating to the payrolls being investigated to determine whether or not the relevant payment of wages complies with this By-Law.

Retaliation and Discrimination Barred. A covered employer shall not discharge, reduce the compensation of, or otherwise discriminate against any employee for making a complaint to the Town or otherwise asserting his or her rights under this article, participating in any of its proceedings or using any civil remedies to enforce his or her rights under the article. The Town shall investigate allegations of retaliation or discrimination and may, in conjunction with Town Counsel, and in accordance with the powers herein granted, require the production by the employer of such evidence as may be deemed necessary or desirable during such investigation.

Remedies

In the event that the town shall determine, after notice and hearing, that any covered employer has failed to pay the living wage or has otherwise violated the provisions of this article:

- (1) The town may order any or all of the following penalties and relief:
 - a. Fines in the sum of \$500.00 for each week, for each employee found to have not been paid in accordance with this article; and
 - b. Suspension of ongoing contract and subcontract payments.
- (2) If the covered employer has failed to pay the living wage, the town shall terminate all service contracts with the covered employer unless appropriate relief, including restitution to each affected covered employee, is made within a specified time.
- (3) If the covered employer has discharged, reduced the compensation or otherwise discriminated against any covered employee for making a complaint to the town, otherwise asserting his or her rights under this article, participating in any of its proceedings or using any civil remedies to enforce his or her rights under the ordinance, the town shall terminate all service contracts with the covered employer unless appropriate relief, including restitution to each affected covered employee and reinstatement of each discharged covered employee, is made within a specified time.

or act on anything relevant thereto.

ARTICLE 20

To see if the Town will amend the Town's By-Laws, by numbering the first paragraph in Article 6.8 as Section 6.8.1 and by adding a new Section 6.8.2, entitled: Naming Public Facilities, to read as follows:

Section 6.8.2 REVIEW COMMITTEE

- (A) Appointment - The Board of Selectmen shall appoint a Committee of five members for staggered three year terms to review all proposals for naming public facilities except rooms and associated spaces under the jurisdiction of the School Committee and Library Trustees as specified above in Section 6.8.1.

The Committee shall include a member of the Advisory Committee, of the Park and Recreation Commission, and of the School Committee.

- (B) General Duties – The Review Committee shall be responsible for reviewing and reporting its recommendations on proposals for naming public facilities. The Committee may also, from time to time initiate its own proposals for naming public facilities.

ARTICLE 21

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 THAT REMOVES THE TOWN OF BROOKLINE AS A MEMBER COMMUNITY IN NORFOLK COUNTY.

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline shall, on the first day of July, in the year two thousand and six, cease to be a member community in Norfolk County.

SECTION 2. Notwithstanding the provisions in SECTION 1., above, the town of Brookline shall continue to be in the Norfolk Registry District, court system and penal system.

SECTION 3. This act shall take effect upon its passage;

or act on anything relative thereto.

ARTICLE 22

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

AN ACT AUTHORIZING THE TREASURER OF THE TOWN OF BROOKLINE TO INVEST THE TRUST FUNDS OF SAID TOWN IN ACCORDANCE WITH THE PRUDENT MAN RULE

Be It Enacted, etc., as follows:

Section 1. Notwithstanding any general or special law to the contrary, the treasurer of the town of Brookline is hereby authorized to invest the funds of said town in the custody of the treasurer in accordance with the Prudent Man Rule, and General Laws, Chapter 203C, Sections 3, 4, 5, 8, and 9.

Section 2. Section 54 in general laws, chapter 44, shall not apply to the town of Brookline.

Section 3. This act shall take effect upon its passage.

ARTICLE 23

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 TRANSFER OF THE FORMER FISHER HILL RESERVOIR IN THE TOWN OF BROOKLINE.

SECTION 1. The commissioner of the division of capital asset management and maintenance (the commissioner) may, notwithstanding the provisions of sections 40E to 40H, inclusive, of chapter 7 of the General Laws, convey by deed a certain parcel of land in the town of Brookline to the town of Brookline. The parcel, known as the “former Fisher Hill Reservoir” is located on the southwest side of Fisher Avenue. The boundaries of the parcel shall be established by a survey commissioned by the commissioner.

SECTION 2. The parcel is currently open space and after conveyance, the parcel shall be used for open space or active or passive recreation purposes.

SECTION 3. The sale price paid by the town of Brookline for the parcel described in section 1 shall be not less than the full and fair market value of the parcel determined by the commissioner based on an independent appraisal and based on its use as described in this act. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall have thirty days to prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance for submission within fifteen days thereafter to the house and senate committees on ways and means and to the joint committee on state administration.

SECTION 4. The town of Brookline shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the parcel. Upon completion of the transfer of the parcel, the town shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel. In the event the parcel ceases at any time to be substantially used for the purposes set forth in section 2 or for municipal use, the commissioner shall give written notice to the town of the unauthorized use. The town shall upon receipt of the notice have thirty days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the title to the parcel shall, upon the recording of a notice thereof by the commissioner in the appropriate registry of deeds, revert to the commonwealth with the parcel to be under the care and control of the division of capital asset management and maintenance. Any further disposition of the parcel shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws.

SECTION 5. The sale price paid under section 3 shall be deposited in the General Fund of the commonwealth.

SECTION 6. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 24

To see if the Town will limit the hours of basketball play at the Billy Ward Playground to the hours of 8:00 a.m. to 7:00 p.m., by amendment of the noise control by-law or otherwise,

or act on anything relative thereto.

ARTICLE 25

To see if the Town will adopt the following resolution:

WHEREAS the nation's pediatric professionals and children's advocates oppose the use of corporal punishment of children;

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

WHEREAS there are effective alternatives to corporal punishment of children;

WHEREAS national surveys show that corporal punishment is common and 25% of infants are hit before they are 6 months old;

WHEREAS adopting national policies against corporal punishment has been an effective public education measure in various countries;

WHEREAS accumulated research supports the conclusion that corporal punishment is an ineffective discipline strategy with children of all ages and, furthermore, that it is sometimes dangerous;

WHEREAS studies show that corporal punishment often produces in its victims anger, resentment, low self-esteem, anxiety, helplessness, and humiliation;

WHEREAS research demonstrates that the more children are hit, the greater the likelihood that they will engage in aggression and anti-social behavior as children imitate what they see adults doing;

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;

WHEREAS, according to human rights documents, children, like adults, have the right not to be physically assaulted;

WHEREAS the U.N. Committee on the Rights of the Child has consistently stated that persisting legal and social acceptance of corporal punishment is incompatible with the U.N. Convention on the Rights of the Child;

BE IT HEREBY RESOLVED that Town Meeting encourages parents and caregivers of children to refrain from the use of corporal punishment and to use alternative nonviolent methods of child discipline and management with an ultimate goal of mutual respect between parent and child.

Town Meeting requests that appropriate Town groups such as the Advisory Council on Public Health and PTOs explore how they can raise awareness of this issue, and organizations that deal with children's welfare shall be informed of this resolution.

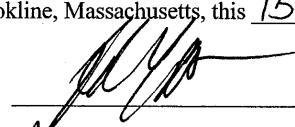
ARTICLE 26


Reports of Town Officers and Committees

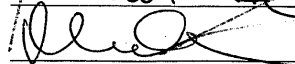
AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

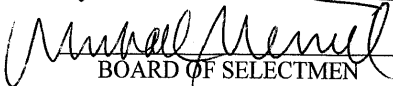
HEREOF FAIL NOT, and make due return of this WARRANT, with your doings thereon, to the Selectmen FOURTEEN DAYS at least before the day of said meeting.

Given under our hands and the seal of the Town of Brookline, Massachusetts, this 15th day of March, 2005.








BOARD OF SELECTMEN