

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-NINTH day of MAY, 2007 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 FY2008 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; and rescind the unused portion of prior borrowing authorizations, or act on anything relative thereto.

- 1) Special Appropriation Closeouts
- 2) Rescind the bond authorization for repairs to the Larz Anderson Skating Rink, authorized under Article 7, Section 12, Item 62 of the 2005 Annual Town Meeting, in the amount of \$260,000.

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 2008 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 2008 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 2008 budget, including without limiting the foregoing, all town expenses and purposes, debt and interest, out of state travel, operating expenses, and fix the salaries of all elected officers as provided for in General Laws, Chapter 41, Section 108; authorize the leasing, leasing with the option to purchase, or installment purchase of equipment; 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 53E½, and all Enterprise Funds in accordance with G.L. Chapter 44, Section 53F½, and as otherwise authorized; and provide for a reserve fund.

B.) Fiscal Year 2008 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$225,000, 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.
- 2.) Appropriate \$135,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the replacement of firefighter turnout gear.
- 3.) Appropriate \$200,000, 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.

- 4.) Appropriate \$90,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the rehabilitation of Fire Department apparatus.
- 5.) 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.
- 6.) 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 traffic calming studies and improvements.
- 7.) 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.
- 8.) 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.
- 9.) 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 Park and Recreation Commission, for improvements to Winthrop Square / Minot Rose Garden.
- 10.) 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.
- 11.) 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 and School grounds.
- 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 Tree Planting Committee, for the removal and replacement of trees.
- 13.) Appropriate \$230,000, 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 Trustees of the Walnut Hills Cemetery, for upgrades to the Walnut Hills Cemetery.
- 14.) Appropriate \$130,000, 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.

- 15.) Appropriate \$348,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the Park and Recreation Commission, for the upgrade of the HVAC system and fire escape at the Soule Recreation Center.
- 16.) Appropriate \$25,000, 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.
- 17.) 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.
- 18.) 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.
- 19.) 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 a School Facilities Master Plan.
- 20.) 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 boiler replacement at the Baldwin School.
- 21.) Appropriate \$400,000, 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 portable classrooms.
- 22.) 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 rehabilitation of the interior of the Singletree Road water tank.
- 23.) Appropriate \$1,350,000, 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 purchase of the State-owned reservoir at Fisher Hill and for making said location safe and accessible to the public.
- 24.) Appropriate \$15,950,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for remodeling, renovating, reconstruction or making extraordinary repairs to Town Hall.

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed 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, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes noted in this Article 7, or act on anything relative thereto.

ARTICLE 8

To see if the Town will fund Five Engine Companies, Two Ladder Companies for the entire fiscal year without restriction, or act on anything relative thereto.

ARTICLE 9

To see if the Town will amend the Zoning By-Law by adopting the following zoning map change:

Rezone a triangular area bordered by Clyde and Dale Streets (Block 340, Lots 8, 9-01, 10, 10-01, 11-09 and 12) from L-0.5 to T-5, including the following addresses: 286, 290, 294, 298, 302 Clyde Street and 32 Dale Street. (See Exhibit 1, as follows.)

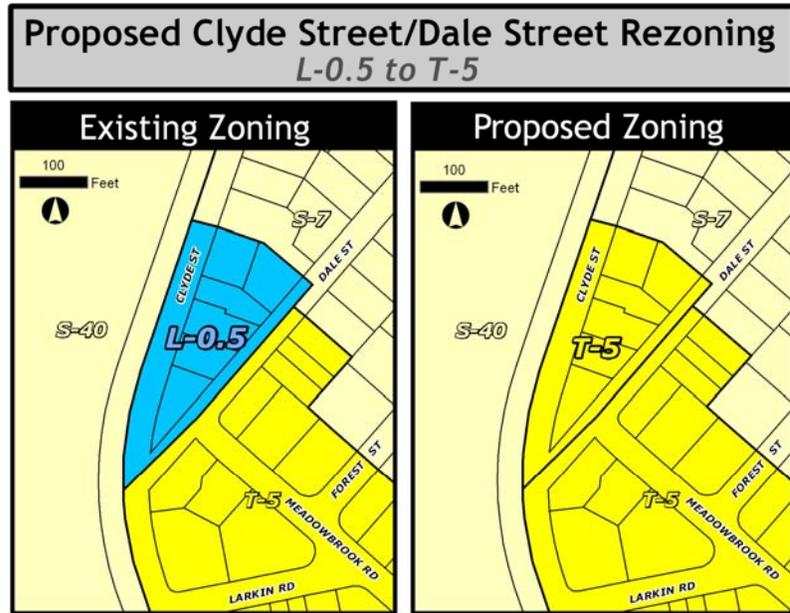


Exhibit 1: Map of Proposed Zoning Map Change, L-0.5 to T-5

Table 1: Parcels Contained within Subject L-0.5 Zone

PARCEL ID	PARCEL ADDRESS	PARCEL AREA (SF)	CURRENT ZONING	CURRENT LAND USE
340-12-00	286 Clyde Street	4,464	L-0.5	Single Family Residential
340-11-09	290 Clyde Street	4,235	L-0.5	Two-Family Residential

340-09-01	294 Clyde Street	4,685	L-0.5	Single Family Residential
340-10-00	298 Clyde Street	3,727	L-0.5	Single Family Residential
340-10-01	302 Clyde Street	5,998	L-0.5	Single Family Residential
340-08-00	32 Dale Street	4,784	L-0.5	Single Family Residential

or act on anything relative thereto.

ARTICLE 10

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

Amend Article VIII, NONCONFORMANCE, §8.03, REBUILDING AFTER CATASTROPHE to read:

1. If a non-conforming building or use shall have been damaged or destroyed by fire, explosion or other catastrophe, it may be repaired or rebuilt, except in accordance with paragraph 2 below, provided that:
 - a. the non-conforming nature of the repaired or rebuilt building is not increased in any respect;
 - b. the repaired or rebuilt building shall be used in the same manner as the building being replaced or otherwise used in compliance with the use limitations of the applicable zoning district; and
 - c. a building permit for the repair or rebuilding shall be applied for within two years from the date of the damage or destruction; time incurred in resolving an appeal or other court action or insurance claim shall not be counted as part of the two year limit; the Zoning Board of Appeals may extend the two year period for good cause.
2. Except for buildings exempt per Section 5.6.7(f) of the Town By-Laws, a nonconforming building listed in the National and/or State Registers of Historic Places as an individual or contributing property or located in a Local Historic District damaged or destroyed by fire, explosion, or other catastrophe to such an extent that the cost of rebuilding would equal or exceed fifty percent of the replacement value of the building at the time of the catastrophe, as estimated by the Building Commissioner, may be rebuilt if approved by the Board of Appeals by special permit. In such cases, the Board of Appeals shall consider the recommendations of the Preservation Commission and the Planning Board.
3. Notwithstanding the provisions above, all other relevant sections of the Zoning By-Law, including but not limited to Sections 5.09 and 7.06, shall apply, or act on anything relative thereto.

ARTICLE 11

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

1. By adding a new zoning district F-1.0 (“Three Family Zones”), replacing the existing zoning in the areas shown on the attached map.
2. By adding a new section 3.01.1.d. as follows:

“d. Three Family (F)

1) F-1.0”

and renumbering the existing 3.01.1.d as 3.01.1.e.

3. By adding a new “F” heading under Section 4.07 (“Table of Use Regulations”) with the same use designations as the existing “T” column, with the exception of the uses listed in Principal Use 4A below, that Principal Use 7 (“Lodging House, Licensed and Unlicensed”) should read “SP”, and that Accessory Use 59 should read “Yes*”.
4. By amending Section 4.07 (“Table of Use Regulations”) by adding a new Principal Use 4A immediately after Principal Use 4:

Principal Uses	S	SC	T	F	M	L	G	O	I
<u>4A. Dwelling on a separate lot for three families or attached dwelling on a separate lot for two families</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>

5. By amending Principal Use 6 to read as follows:

6. Multiple or attached dwelling of four or more units other than the preceding item divided into dwelling units each occupied by not more than one family but not including lodging house, hotel, dormitory, fraternity or sorority.

* Compliance with **§4.08** required if containing 6 or more dwelling units

Permitted by special permit in S-0.5P and S-0.75P Districts subject to **§5.06**.

In L and G districts, the ground floor of a building must have no more than 40% of its frontage along a street devoted to residential use, including associated parking or lobby use

6. By amending Section 5.01 (“Table of Dimensional Requirements”) by adding a new district F-1.0 immediately following T-5 as follows:

DISTRICT	USE	LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	LOT WIDTH MINIMUM (feet)	HEIGHT MAXIMUM (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Open Space	Open Space
									Landsc.	Usable
<u>F-1.0</u>	<u>1-family dwelling</u>	<u>4,000</u>	<u>1.0</u>	<u>40</u>	<u>35</u>	<u>15</u>	<u>7.5</u>	<u>30</u>	<u>10%</u>	<u>30%</u>
	<u>2-family dwelling</u>	<u>5,000</u>	<u>1.0</u>	<u>45</u>	<u>35</u>	<u>15</u>	<u>10</u>	<u>30</u>	<u>10%</u>	<u>30%</u>

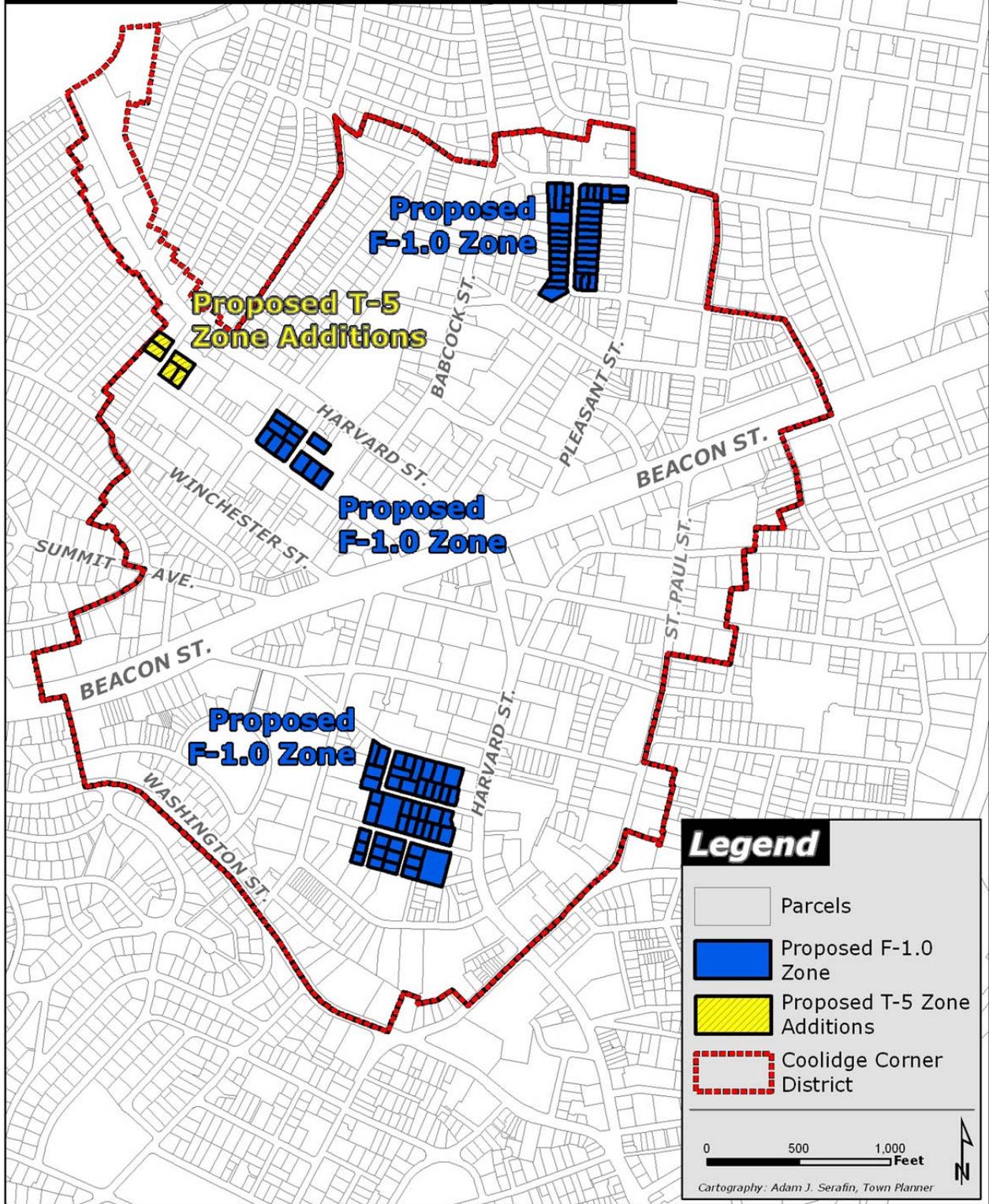
	<u>3-family dwelling</u>	<u>5,000</u>	<u>1.0</u>	<u>45</u>	<u>40</u>	<u>15</u>	<u>10</u>	<u>30</u>	<u>10%</u>	<u>30%</u>
	<u>Any other structure or principal use</u>	<u>5,000</u>	<u>1.0</u>	<u>60</u>	<u>40</u>	<u>15</u>	<u>10+ L'/10</u>	<u>30</u>	<u>10%</u>	<u>30%</u>

7. By amending footnote 2 in Section 5.01 (“Table of Dimensional Requirements”) to read as follows:

“2. At the end of each row or block of one-family attached dwellings, a yard shall be provided along the street line or side lot line of at least ten feet plus one foot for each dwelling unit in excess of two. In T districts, see also §5.48. In **M and F** districts, a building subject to the side yard formula: $10+L/10$ may be built to the side lot line: (a) as a matter of right if, on the adjoining lot, a principal building with no setback from that lot line already exists or is proposed to be built concurrently; (b) by special permit if the Board of Appeals finds that reasonable development of the lot necessitates building to the side lot line, such action does not unreasonably infringe upon the light and air of any existing adjoining building, and the party wall is solid and has neither doors nor windows. A building with no side yard shall not have a building wall on the side lot line extending more than 70 feet to the rear of the front yard required by this By-law; except that a building wall may be located along any part of a side lot line on which a principal building on the adjoining lot abuts between the rear yard required by this By-law and the required front yard line. Where building walls more than 70 feet to the rear of the required front yard are not permitted to be built along the side lot line, said walls shall have a side yard setback not less than: $10+L/10$ the “L” dimension being that portion of the wall required to be set back from the side lot line.”

8. By changing the zoning of five properties shown on the attached map as follows from the M-1.0 and M-1.5 districts to the T-5 zoning district.

Proposed F-1.0 Zone and T-5 Zone Additions



PROPOSED F-1.0 ZONE
Coolidge Corner District

Address	Existing Zoning
222 FREEMAN ST	M-1.0
218/220 FREEMAN ST	M-1.0
214/216 FREEMAN ST	M-1.0
126 BROWNE ST	M-1.0
124 BROWNE ST	M-1.0
120 BROWNE ST	M-1.0
116 BROWNE ST	M-1.0
112 BROWNE ST	M-1.0
110 BROWNE ST	M-1.0
106 BROWNE ST	M-1.0
102 BROWNE ST	M-1.0
100 BROWNE ST	M-1.0
96 BROWNE ST	M-1.0
94 BROWNE ST	M-1.0
92 BROWNE ST	M-1.0
90 BROWNE ST	M-1.0
208 FREEMAN ST	M-1.0
206 FREEMAN ST	M-1.0
202 FREEMAN ST	M-1.0
200 FREEMAN ST	M-1.0
142/144 PLEASANT ST	M-1.0
140 PLEASANT ST	M-1.0
83 BROWNE ST	M-1.0
85 BROWNE ST	M-1.0
87 BROWNE ST	M-1.0
101 BROWNE ST	M-1.0
103 BROWNE ST	M-1.0
105 BROWNE ST	M-1.0
107 BROWNE ST	M-1.0
111 BROWNE ST	M-1.0
115 BROWNE ST	M-1.0
119 BROWNE ST	M-1.0
121 BROWNE ST	M-1.0
125 BROWNE ST	M-1.0
127 BROWNE ST	M-1.0
9 SHAILER ST	M-1.0
15 SHAILER ST	M-1.0
69 CENTRE ST/19 SHAILER ST	M-1.0
75 CENTRE ST	M-1.0
24 WILLIAMS ST	M-1.0
16 WILLIAMS ST	M-1.0

12 WILLIAMS ST	M-1.0
51 CENTRE ST	M-1.0
53 CENTRE ST	M-1.0
61 CENTRE ST	M-1.0
10/12 SHAILER ST	M-1.0
11 HARRIS ST	M-1.0
17 HARRIS ST	M-1.0
19 HARRIS ST	M-1.0
21 HARRIS ST	M-1.0
23 HARRIS ST	M-1.0
31 HARRIS ST	M-1.0
37/49 HARRIS ST	M-1.0
57 HARRIS ST	M-1.0
36 VERNON ST/59 HARRIS ST	M-1.0
32 VERNON ST	M-1.0
26/28 VERNON ST	M-1.0
22 VERNON ST	M-1.0
18 VERNON ST	M-1.0
12 VERNON ST	M-1.0
44/46 VERNON ST	M-1.0
42 VERNON ST/54 HARRIS ST	M-1.0
48/50 HARRIS ST	M-1.0
44/46 HARRIS ST	M-1.0
42 HARRIS ST	M-1.0
37 AUBURN ST/39 AUBURN ST/41 AUBURN ST/34 HARRIS ST/38 HARRIS ST	M-1.0
28/30 HARRIS ST	M-1.0
24/26 HARRIS ST	M-1.0
22 HARRIS ST	M-1.0
16 HARRIS ST	M-1.0
12 HARRIS ST	M-1.0
15 AUBURN ST	M-1.0
17 AUBURN ST	M-1.0
21 AUBURN ST	M-1.0
23 AUBURN ST	M-1.0
27/29 AUBURN ST	M-1.0
31/33 AUBURN ST	M-1.0
45 AUBURN ST	M-1.0
48 AUBURN ST	M-1.0
9 AUBURN PL	M-1.0
15 AUBURN PL	M-1.0
14 AUBURN PL	M-1.0
10 AUBURN PL	M-1.0
40 AUBURN ST	M-1.0
32 AUBURN ST	M-1.0

2 WASHBURN PL	M-1.0
4 WASHBURN PL	M-1.0
3 WASHBURN PL	M-1.0
1 WASHBURN PL	M-1.0
24 AUBURN ST	M-1.0
1-10 AUBURN CT	M-1.0

PROPOSED T-5 ZONE ADDITIONS

Coolidge Corner District

Address	Existing Zoning
44 FULLER ST	M-1.5
38 FULLER ST	M-1.5
39 FULLER ST	M-1.0
129 CENTRE ST	M-1.0
123 CENTRE ST	M-1.0

or act on anything relative thereto.

ARTICLE 12

To see if the Town will vote to accept a grant of easement from Harriet Brendze of 150 Princeton Road over a portion of land adjacent to 150 Princeton Road known as Lot 7 and shown as Lot 2 on a plan entitled “Roadway Upgrading Plan”, dated January 9, 2007 and revised on February 23, 2007, prepared by Verne T. Porter, Jr., PLS, Newton Massachusetts in order to provide municipal services such as refuse removal, snow removal and emergency services. Said easement is situated in Norfolk County and contains approximately 1,285 square feet as shown on a plan entitled “Easement Plan”, dated March 15, 2007, prepared by Verne T. Porter, Jr., PLS, Newton Massachusetts to be recorded at the Norfolk Registry of Deeds upon acceptance by the Town being bounded and described as follows:

Beginning at a concrete bound on the North side of Princeton Road.
 Thence: running by Princeton Road thirty feet (30.00) on a curve to the right having a radius of seventeen hundred forty five feet (1745.00) to a point.
 Thence: turning and running N 71-48-28 E forty and eight hundredths feet (40.08) to a point.
 Thence: turning and running N 18-11-32 W thirty four and forty four hundredths feet (34.44) to a point.
 Thence turning and running S 65-27-05 W forty and seven hundredths feet (40.07) to the point of beginning.

Said easement containing twelve hundred eighty five square feet (1285 s.f.), or act on anything relative thereto.

ARTICLE 13

To see if the Town will authorize and empower the Board of Selectmen to lease the property known and numbered as 9 Newton Street for not more than ten years, in accordance with a proposal to be submitted in response to Requests for Proposal and procedures required under General Laws, Chapter 30B, and such additional terms and conditions determined by the Board of Selectmen to be in the best interest of the town, or act on anything relative thereto.

ARTICLE 14

To see if the Town will, pursuant to the provisions of General Laws, Chapter 152, section 69, as amended, extend the terms “laborers, workmen and mechanics”, as used in sections 68 to 75, inclusive, of said Chapter 152 (Worker’s Compensation Law) to include all employees in the Department Heads and Mid-Management Technical and Professional Classification Plans, as those Plans may be amended from time to time, with the exception of the Chief of Police and Fire Chief as they are already entitled to comparable coverage under the provisions of G.L.c.41,§111F, or act on anything relative thereto

ARTICLE 15

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:

Be it enacted, etc., as follows:

A. Chapter 317 of the Acts of 1974, An Act Establishing a Department of Transportation in the Town of Brookline, is hereby amended by adding the following language (appearing below in bold face and underlined type) to the second sentence of the second paragraph of Section 4 and by adding a new Section 4(a) relative to the authority of the Board of Selectmen or its designee to adopt a Valet Parking Permit Program:

Section 4. (Second Sentence in Second Paragraph)

The board shall also have all authority previously granted to the selectmen by virtue of the provisions of section twenty-two of chapter forty of the general laws, **except with respect to any Valet Parking Permit program as provided in Section 4(a) below.**

Section 4(a). The Board of Selectmen or its designee, for the purpose of promoting and protecting the public safety, welfare and environment may adopt a valet parking permit program (hereinafter referred to as the “Valet Permit Program”) for any person or entity providing valet parking services (hereinafter referred to as the “Valet Service”) which uses any public way(s) in the Town of Brookline. The Valet Permit Program is intended to provide a process to review the operations of the Valet Service and its effect(s), if any, on the public safety, welfare and environment.

The Board of Selectmen or its designee may issue permits to Valet Service providers operating in the Town of Brookline and using any public way(s) within the Town. Valet Service providers shall file with the Board of Selectmen or its designee an application for a Valet Permit on an approved form and shall file an application to renew such Permit annually.

Applications for a permit to operate a Valet Service shall be filed with the Board of Selectmen or its designee at least sixty (60) days prior to the date the Valet Service is proposed to begin.

The application shall, at a minimum include:

1. Name, address telephone and fax numbers of the Valet Service provider.
2. Copies of insurance policies maintained by the Valet Service provider.
3. Name address telephone and fax numbers of the establishment for which the Valet Service is proposed.
4. A copy of the proposed agreement between the Valet Service provider and the establishment being served.
5. A letter of agreement to access and use any proposed off-street parking area(s) which states the maximum number of vehicles allowed and total vehicle capacity of the facility.
6. A copy of an Open-Air Parking Permit for any off-street parking area or application therefor, if required by G.L.c.148, §56.
7. A detailed plan of the proposed valet operation; including hours and days of operation; routes to and from the parking area(s); number of valets; and location and design of the proposed valet parking sign(s).

Upon the receipt of an application, the Board of Selectmen or its designee shall notify, in writing, abutters to the establishment for which the Valet Service is proposed and abutters to any off-street parking areas which the Valet Service proposes to utilize with regard to the pending application and the date, time and location of the hearing. In addition, the Board of Selectmen or its designee shall send the same notice to all Town Meeting Members in the district in which the Valet Service intends to operate.

The Board of Selectmen or its designee, after notice and hearing may: 1) grant the application; or 2) grant the permit and impose reasonable conditions or restrictions, including, but not limited to restricting the days and/or hours of operation; 3) reject any application if it determines that the proposed Valet Service would adversely affect the public safety, welfare or environment or would violate any applicable statutes, codes, rules, regulations and/or provisions of the Town's by-laws; 4) request additional information from the Valet Service provider; and/or 5) take any other action it deems reasonable under the circumstances.

The Board of Selectmen or its designee shall send a copy of the completed application to the Director of Transportation, Director of Planning and

Community Development, Chief of Police, Fire Chief and Building Commissioner for their review and written recommendations with respect to whether or not the Valet Service as proposed meets all the requirements of any applicable statutes, codes, rules, regulations and/or provisions of the Town's by-laws.

The Board of Selectmen or its designee may promulgate reasonable rules and regulations to carry out the purposes of any Valet Permit Program, including, but not limited to definition of terms, applicability, fees for permit applications; permit renewal requirements; enforcement and penalties for non-compliance. Any such rules and regulations shall be published at least once in a local newspaper and made available on the Town's website, 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 permitting the Town of Brookline to assess SUVs, light trucks and other passenger vehicles not considered passenger cars at higher rates than more fuel efficient passenger cars.

Section 1. Notwithstanding the general requirements or any provision of M.G.L., c. 59 §21C or any other general or special law, the Town of Brookline is hereby authorized to assess SUVs, light trucks, pick-up trucks and other vehicles not considered "passenger cars" for purposes of Federal Corporate Average Fuel Economy (CAFÉ) standards at the rate of fifty dollars per thousand of valuation.

Section 2. This act shall take effect upon passage, or act on anything relative thereto.

ARTICLE 17

To see if the Town will amend the sixth sentence of Section 2.2.1 of the Town By-laws to increase from six to eight the maximum number of non-Town Meeting Members who may be appointed to the Advisory Committee as follows (language to be deleted is underlined and new language is in bold face type):

SECTION 2.2.1 APPOINTMENT OF MEMBERS

The Moderator shall, in June of each year, appoint citizens to serve on the Advisory Committee (herein the Committee) established under G.L.c. 39, Section 16, and this Bylaw. Members of the Committee shall serve without compensation. The Committee shall consist of not fewer than twenty nor more than thirty registered voters of the Town. At least sixteen Committee members shall be elected Town Meeting Members at the time of their appointment. At least one elected Town Meeting Member shall be appointed from each precinct. No more than six **eight** members shall be appointed who are not elected Town

Meeting Members at the time of their appointment. No more than four members of the Committee shall reside in the same precinct. No member of the Committee shall be an employee of the Town or a member of any standing Board or Committee having charge of the expenditure of money; but, this restriction shall not disqualify from appointment to the Committee, members of special committees, which may be created from time to time by Town Meeting, the Moderator or the Selectmen to report on specific matters, or act on anything relative thereto.

ARTICLE 18

To see if the Town will amend **Article 3.7 Building Commission; Procedure for the Construction and Alteration of Town Buildings and Structures** by-law as follows:

A. With respect to Section 3.7.2 Project Procedures

In paragraph (a) Step 1 add the following after “expected hour of the facility’s availability”:

“environmental and sustainability goals and objectives,”

B. With respect to Section 3.7.2 Project Procedures

In paragraph (a) Step 1 add the following after “and overall effect on the Town”:

“all as appropriate for the project’s scope and budget. Environmental and sustainability goals and objectives include design and construction practices that explicitly consider Green technologies, site selection, waste minimization, energy efficiency, water conservation, indoor environmental quality, and other environmental and health factors that may provide financial, environmental, and occupant health and productivity benefits.”

C. With respect to Section 3.7.2 Project Procedures

In paragraph (b) Step 2 add the following after “and any special studies which the Commission and the Using Agency jointly recommend.”:

“The work of the consultant shall consider the investigation, cost-benefit analysis, and recommendation of appropriate options that address the environmental and sustainability goals and objectives outlined in paragraph (a) above”, or act on anything relative thereto.

ARTICLE 19

To see if the Town will mend the General By-Laws by adding a Section 7.7.7 to Article 7.7 Removal of Snow and Ice from Sidewalks as follows,

Section 7.7.7 Town Responsibility for Plowing and Sanding Sidewalks in Residential Districts.

Notwithstanding the provision of 7.7.1 to 7.7.6 inclusive, the Town shall be responsible for plowing and sanding sidewalks in residential districts, or act on anything relative thereto.

graffiti can be safely removed, and, if so, whether it is appropriate to remove it. If the Town assists in the removal of such graffiti, the Town shall charge the property owner a fee in the amount of the actual cost of removal or one hundred dollars, whichever is less, and any amount forfeited to the property owner under Section 8.5.9.3 of this by-law in excess of such amount shall be turned over to the Town and deposited in the General Fund. Failure to remove the graffiti or make such request within fourteen days shall be deemed a violation of this section and may be dealt with as a non-criminal offense in accordance with the provisions of G.L. c. 40, s. 21D and Article 10.3 of these By-laws. Any fee charged by the Town for the cost of graffiti removal under this section remaining unpaid after sixty days of notice of such charge shall be subject to the provisions of G.L. c. 40, s. 58. In the case of graffiti on commercial property or private residential property consisting of more than thirty dwelling units, the property owner shall, within fourteen days of delivery of the notice, remove the graffiti. Failure to do so shall be deemed a violation of this section and may be dealt with as a non-criminal offense in accordance with the provisions of G.L. c. 40, s. 21D and Article 10.3 of these By-laws, or act on anything relative thereto

ARTICLE 21

To see if the Town will amend the General By-Laws by adding an Article 8.28 as follows:

ARTICLE 8.28

RESTRICTION ON USE OF ARTIFICIAL TRANS FAT

SECTION 8.28.1 ARTIFICIAL TRANS FAT RESTRICTED

Artificial trans fat restricted. No foods containing artificial trans fat, as defined in this section, shall be stored, distributed, held for service, used in preparation of any menu item or served in any food service establishment or by any mobile food unit commissary, except food that is being served directly to patrons in a manufacturer's original sealed package.

SECTION 8.28.2 DEFINITION

Definition. For the purposes of this section, a food shall be deemed to contain artificial trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil. However, a food whose nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food as less than 0.5 grams per serving, shall not be deemed to contain artificial trans fat.

SECTION 8.28.3 LABELS REQUIRED

(1) *Original labels.* Food service establishments and mobile food unit commissaries shall maintain on site the original labels for all food products:

(i) that are, or that contain, fats, oils or shortenings, and (ii) that are, when purchased by such food service establishments or mobile food unit commissaries, required by applicable federal and state law to have labels, and (iii) that are currently being stored, distributed, held for service, used in preparation of any menu items, or served by the food service establishment, or by the mobile food unit commissary.

(2) *Documentation instead of labels.* Documentation acceptable to the Department, from the manufacturers of such food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content, may be maintained instead of original labels.

(3) *Documentation required when food products are not labeled.* If baked goods, or other food products restricted pursuant to subdivision (a) of this section, that are or that contain fats, oils or shortenings, are not required to be labeled when purchased, food service establishments and mobile food commissaries shall obtain and maintain documentation acceptable to the Department, from the manufacturers of the food products, indicating whether the food products contain vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content.

SECTION 8.28.4 EFFECTIVE DATE

Effective date. This section shall take effect on November 30, 2008, with respect to oils, shortenings and margarines containing artificial trans fat that are used for frying or in spreads; except that the effective date of this section with regard to oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat, shall be April 30, 2009, or act on anything relative thereto

ARTICLE 22

To see if the Town will amend the General By-laws by adding the following article:

Article 8.28

The Brookline Health Department's authorized personnel shall only administer Flu Shots, vaccines and immunizations to town employees and residents that are 100% Thimerosal free, and are free of all other toxins or substances, the introduction of which have been documented through credible scientific study to cause significant risk to human health, or act on anything relative thereto.

ARTICLE 23

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 at least FOURTEEN DAYS before the day of said meeting.

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this _____ day of March, 2007.

(Town Seal)

BOARD OF SELECTMEN