

**MINUTES
OF THE
ANNUAL TOWN MEETING
MAY 27, 2008**

Pursuant to the Warrant of the Selectmen, served according to law upon the inhabitants of the Town of Brookline by a Constable of said Town and pursuant to Section 2.1.5 (Notice of Meetings) of the General By-laws of the Town of Brookline, and written notices sent by the Town Clerk, at least fourteen days before the meeting to the Town Meeting Members qualified to act in Town Meetings in Brookline under the provisions of Chapter 43A of the General Laws of the Commonwealth, as amended, accepted by the Town of Brookline on March 10, 1942, the Town Meeting Members, so qualified, met at the Roberts-Dubbs Auditorium at Brookline High School in said Town on Tuesday, May 27, 2008 at 7:00 P.M.

Lists of the duly qualified Town Meeting Members were used at the entrances to the meeting place and were in the charge of Priscilla Ayati, Assistant Town Clerk Linda G. Golburgh, Eleanor Groh and Diane Shea, who were sworn to the faithful performance of their duties by the Town Clerk. The list contained the names of two-hundred and forty-seven (247) Town Meeting Members qualified to vote in Town Meetings in Brookline.

No Town Meeting Members were allowed within the rails until they signed the check-in lists.

At twelve minutes past seven o'clock, the checkers reported that one hundred twenty-five (125) signatures of Town Meeting Members had been checked, or more than one-half of all qualified Town Meeting Members, and the Town Clerk reported to the Moderator that a quorum was present.

The meeting was called to order by the Moderator Edward (Sandy) Gadsby.

Moderator Edward (Sandy) Gadsby acknowledged receipt of the Town Clerk's Affidavit for the proper posting of the Warrant.

The first verse of the Star Spangled banner, led by Estelle Katz, TMM #7, was sung by the audience.

The following list of deceased Town Meeting Members was read by Town Clerk Patrick J. Ward:

HONOR ROLL

Isabella Callanan

1986 – 1994

Thomas J. Dillon

1978 – 1984

Charles Wells Hubbard III

1953 - 1974

C. Mildred Piltch

1973 - 1976

Alette Reed

1966 – 1971

Thomas C. Robinson

1964 - 2008

Bernice Rosenbaum

1982 – 2004

Elizabeth M. Splaine

1967-1972

Shepard Spunt

1959 – 1968; 1971 – 2006

Jean B. Waldstein

1969 - 1974

All newly elected and re-elected Town Meeting Members, who were present, were sworn to the faithful performance of their duties by the Town Clerk.

The Moderator appointed the following members to serve as Tellers: Frank W. Farlow and A. Joseph Ross for the left; Lee Cooke-Childs and Gerald P. Koocher for the center; and Melvin E. Clouse and Janice S. Kahn for the right. Each Teller was sworn to the faithful performance of their duties by the Moderator.

The Moderator Edward (Sandy) Gadsby reviewed the seating procedures and various other protocols concerning speaking and time limits. The Moderator also reviewed new voting procedures involving a lower requirement for roll call votes and counted votes by ballot.

FIRST ARTICLE

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.

Stanley L. Spiegel, TMM #2, for the Advisory Committee, stated that this article maintains a tradition going back to colonial times at no cost to the Town and a majority of the Advisory Committee, urge Favorable Action.

Upon motion made by Stanley L. Spiegel, TMM #2 and seconded by Nancy A. Daly, TMM #AL it was UNANIMOUSLY

VOTED: That the Town establish that the number of Measurers of Wood and Bark be two, appointed by the Selectmen.

SECOND ARTICLE

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 collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

The Moderator Edward (Sandy) Gadsby stated the appropriation vote for the International Brotherhood of Teamsters, Local 25, found on page two in the Blue Supplement, will not be taken up this evening because it was not before Town Meeting twenty-four hours in advance of the session in which it is to be dealt with.

Human Resource Director Sandra DeBow thanked the unions in reaching these agreements and for their collaboration and compromise in achieving significant changes in the Town's health insurance and plan design. Ms. DeBow stated that all of the agreements have the same core economic terms, including 2% for FY08 and a 2% and 1% split for FY09. She noted that the firefighters were receiving a retroactive 2% and 1% split for FY07 because they had been without a successor agreement since June 30, 2006. She also noted various peripheral bonuses received by the unions and various contractual language changes. Ms. DeBow stated that if these contracts are approved, the Town will be ratifying all the employee contracts through FY09, except for the Police and the Town Engineers.

Nancy A. Daly, TMM #AL stated these contracts fit within the guidelines established by the Override Study Committee. She noted that the three AFSCME contracts before Town Meeting include a one-time bonus for ratification but it is not a

cost that is rolled into the budget as an ongoing increase. Ms. Daly stated that the Board of Selectmen urges Favorable Action.

Neil A. Wishinsky, TMM #5, for the Advisory Committee, stated that they voted overwhelmingly to support these contracts and urged Favorable Action.

There were several questions concerning police consent over control of enforcement of the residential two-hour parking; boots allowance and the Group Insurance Commission.

Upon motion of Nancy A. Daly, TMM #AL and seconded by Neil A. Wishinsky, TMM #5, it was by a COUNTED VOTE OF 160 IN FAVOR and 2 OPPOSED

VOTED: To approve and fund by an appropriation, provided for in the FY2008 (Item #22) and FY2009 (Item #21) budgets, for the cost items in the following collective bargaining agreements that commence on July 1, 2007 and end on June 30, 2009:

AFSCME Council 93, Local 1358
Staff Association of the Public Library

all as set forth in the reports of Sandra DeBow, Director of Human Resources, dated April 9, 2008 and April 29, 2008, which reports are incorporated herein by reference.

Upon motion of Nancy A. Daly, TMM #AL and seconded by Neil A. Wishinsky, TMM #5, it was by a COUNTED VOTE OF 161 IN FAVOR and 1 OPPOSED

VOTED: To approve and fund by an appropriation, provided for in the FY2007 (Item #22), FY2008 (Item #22) and FY2009 (Item #21) budgets, for the cost items in the following collective bargaining agreement that commences on July 1, 2006 and expires on June 30, 2009:

Local 950 of the International Association of Fire Fighters

all as set forth in the report of Sandra DeBow, Director of Human Resources, dated April 9, 2008, which report is incorporated herein by reference.

Upon motion of Nancy A. Daly, TMM #AL and seconded by Neil A. Wishinsky, TMM #5, it was by a COUNTED VOTE OF 161 IN FAVOR and 1 OPPOSED

VOTED: To approve and fund by an appropriation, provided for in the FY2008 (Item #22) and FY2009 (Item #21) budgets, for the cost items in

the following collective bargaining agreement that commences on July 1, 2007 and ends on June 30, 2009:

AFSCME Local 1358 School Traffic Supervisors

all as set forth in the report of Sandra DeBow, Director of Human Resources, dated May 19, 2008, which report is incorporated herein by reference.

Upon motion made and duly seconded it was by a MAJORITY

VOTED: To defer the contract for the International Brotherhood of Teamsters, Local 25, to tomorrow evening as the first order of business.

THIRD ARTICLE

To see if the Town will authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2009 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

Betsy DeWitt, TMM #AL, for the Board of Selectmen, stated that this is an annual warrant article that permits our Treasurer to take advantage of the option of entering into an agreement using compensating balances. She noted that it is a useful tool that the Treasurer has yet to take advantage of. She stated that the Board of Selectmen recommends Favorable Action.

Roberta Ornstein, for the Advisory Committee, stated that the Advisory Committee unanimously recommends Favorable Action on this article.

Upon motion of Betsy DeWitt, TMM #AL and seconded by Harry K. Bohrs, TMM #3, it was UNANIMOUSLY

VOTED: That the Town authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2009 in accordance with General Laws Chapter 44, Section 53F.

FOURTH ARTICLE

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.

Nancy A. Daly, TMM #AL, for the Board of Selectmen, stated that this is an annual article required by the Town By-laws. She noted, however, that since there are no surplus funds that require a vote, the Board of Selectmen recommends No Action under this article.

Upon motion of Nancy A. Daly, TMM #AL and seconded by Stanley L. Spiegel, TMM #2, it was UNANIMOUSLY

VOTED: That No Action be taken under Article Four.

FIFTH ARTICLE

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.

Roberta Ornstein, for the Advisory Committee, stated that the unpaid bill from the Hess Corporation was not received until one year after receipt of the service. Ms. Ornstein stated that the Advisory Committee unanimously recommends payment of this bill in the amount \$3,418.32.

Nancy A. Daly, TMM #AL, for the Board of Selectmen, stated that while the bill was late, it is a legitimate bill and that the Board of Selectmen recommends payment.

Upon motion of Harry K. Bohrs, TMM #3 and seconded by Nancy A. Daly, TMM #AL, a four-fifths vote being required, it was UNANIMOUSLY

VOTED: To authorize the payment of the following unpaid bill of a previous fiscal year from the FY2008 Water and Sewer Enterprise Fund (EW40):

Hess Corporation	\$3,418.32
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SIXTH ARTICLE

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2009 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.

Nancy A. Daly, TMM #AL, for the Board of Selectmen, stated that the Town may increase certain property tax exemptions for certain classes of people including surviving spouses, elderly, blind and disabled. Ms. Daly stated that the Town has routinely increased these exemptions. She noted that the total it is not a great deal of money - \$66,500 - and the people involved tend to be very needy. Ms. Daly stated that the Board of Selectmen urges Favorable Action on this article.

Several questions were asked concerning a means test and whether the disabled category included intellectual disabilities.

Upon motion of Nancy A. Daly, TMM #AL and seconded by Stanley L. Spiegel, TMM #2, it was UNANIMOUSLY

VOTED: That the Town elect to establish an additional property tax exemption for fiscal year 2009 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.

SEVENTH ARTICLE

To see if the Town will raise and appropriate or appropriate from available funds additional funds to the various accounts in the fiscal year 2008 budget or transfer funds between said accounts, or act on anything relative thereto.

Harry K. Bohrs, TMM #3, for the Advisory Committee, stated that this article allows the transfer of and between various accounts in the FY2008 budget. He noted that no transfers are required and therefore the Advisory Committee recommends No Action.

Upon motion of Harry K. Bohrs, TMM #3 and seconded by Nancy A. Daly, TMM #AL it was UNANIMOUSLY

VOTED: That No Action be taken under Article Seven.

EIGHTH ARTICLE

To see if the Town will:

A.) Fiscal Year 2009 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 2009 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 2009 Special Appropriations

Appropriate sums of money for the following special purposes:

1. Appropriate \$75,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for the study and design of repairs to the Town Hall / Main Library garage and driveway.
2. 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, for a feasibility study to assess space needs and facility renovations for the Building Department's Maintenance Craftsmen and the Parks and Open Space Division.
3. Appropriate \$30,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the Preservation Commission, to address the needs of the three buildings near the intersection of Route 9 and Warren Street at the Brookline Reservoir.
4. Appropriate \$275,000, 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.
5. Appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commission and the Fire Chief, with the approval of the Board of Selectmen, for a fire station study.
6. Appropriate \$35,000, 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 fire station equipment and furnishings.
7. Appropriate \$90,000, or any other sum, to be expended under the direction of the Police Chief, with the approval of the Board of Selectmen, for the purchase of bullet proof vests.
8. Appropriate \$405,000, 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 renovations to the Putterham Library.

9. Appropriate \$465,000, 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 a Radio Frequency Identification (RFID) system.
10. Appropriate \$110,000, 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 repairs, alterations, and renovations to the Main Library front entrance.
11. 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.
12. Appropriate \$75,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for traffic calming studies and improvements; provided that the Department of Public Works and Transportation Board provide status reports to the Board of Selectmen on a semi-annual basis.
13. 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.
14. Appropriate a sum of money, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the purchase of sidewalk snow clearing equipment.
15. 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 streetlight replacement and repairs.
16. Appropriate \$2,975,000, 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.
17. 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 and the Park and Recreation Commission, for improvements to Winthrop Square / Minot Rose Garden.
18. 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.

19. 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.
20. Appropriate \$110,000, 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.
21. 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.
22. Appropriate \$90,746, 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 buildings.
23. 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.
24. 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.
25. 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.
26. Appropriate \$150,000, or any other sum, to be expended under the direction of the School Committee, with the approval of the Board of Selectmen, for renovations to and equipment for the High School language lab.
27. Appropriate \$3,300,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and School Committee, for remodeling, renovating, reconstruction or making extraordinary repairs to the High School.
28. 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 Cemetery Trustees, for upgrades to the Old Burial Grounds.

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 8, or act on anything relative thereto.

Upon motion of Neil A. Wishinsky, TMM #5 and duly seconded, it was by a MAJORITY:

VOTED: To advance Article Thirty to be immediately dealt with after the budget article.

Moderator Edward (Sandy) Gadsby noted that Article Thirty would be taken up before Article Two if the budget article carries over to tomorrow evening.

The Moderator then noted three changes to the Advisory Committee's recommended budget in the Combined Reports. The first change is located on page 8-59 at Item #37. The motion for the Gatehouse at the Brookline Reservoir is now \$10,000 instead of \$5,000. The second change is located on page 8-61 at Item #49. The motion for the Newton Street Landfill is now \$3,440,000 instead of \$3,445,000. The third change is located on page 8-62 at Item #60. The motion for the bonding vote for the High School is now \$2,600,000 instead of \$3,300,000.

Harry K. Bohrs, TMM #3, for the Advisory Committee, welcomed new Selectman Richard (Dick) Benka, TMM #AL and thanked former Selectman Gilbert R. Hoy for his service and spirit of civic commitment. Mr. Bohrs stated that Article Eight is the Advisory Committee's proposed FY2009 Budget. He noted, as recommended by the Override Study Committee, that the Town must strive to continue finding efficiencies in governing. He stated that we cannot expect to maintain our current level of services within our existing structure and the mandated constraints of Proposition 2 ½. Mr. Bohrs noted that on May 6th voters approved the first general override since 1994. He noted that this override is a collective contribution and commitment by the people of Brookline and not a blank check. He stated that as elected stewards of this community we are obliged to honor their commitment with our commitment to spend these funds wisely and seriously and actively contain our municipal spending. Mr. Bohrs stated that, mindful of these realities and with the help of the override funds, the FY2009 proposed budget avoids the loss and disruption of services. Mr. Bohrs reviewed revenues and stated that there was a 5.5% increase. Mr. Bohrs noted that departmental expenditures increased by 6.1%, while non-departmental expenditures increased by 2.5%. Mr. Bohrs emphasized that without the override the Town's revenue's would have only increased by 2.25%. He acknowledged that Group Health increase for this year is \$23,000,000. He stated that Group Health is now consuming approximately 12.5% of the Town's entire general

operating budget. He noted that even with a number of measures to control health care costs, premium costs continue to rise at double-digit rates. Mr. Bohrs noted that one opportunity to explore, in order to realize Town savings and employee's premium reductions, is join the GIC. Mr. Bohrs noted that the CIP continues Brookline's commitment to streets and sidewalks. He acknowledged that the most controversial item in the CIP is the proposed \$465,000 for RFID technology for the Library. The Advisory Committee is not recommending this item at this time. The Board of Selectmen is. He noted that the closeness of the Advisory Committee's vote on RFID, 10 to 7, reflects the respect the committee has for the capabilities and the professionalism of Town Librarian Chuck Flaherty and the Board of Library Trustees. He noted, however, that the committee has lingering concerns. Mr. Bohrs further stated that the Schools have been contending with difficult budgets the last several years. He noted that as a result of the override the schools were able to fill the structural gap this year, increase instructional time by 100 minutes per week and even reinstate elementary world language programs. He cautioned that there will continue to be budget pressures requiring ongoing attention. In closing, Mr. Bohrs stated that the Town, over the past several years, has reduced positions, rationalized operations, consolidated and restructured health care, increased fines and fees and improved conservation measures and efficiencies. He warned that as the Town continues to face more years of budget deficits we are going to have to come to terms what we ultimately can afford. He stated that the Advisory Committee encourages and supports the Board of Selectmen in establishing a task force in specifically looking at operating efficiencies. Mr. Bohrs stated that the Advisory Committee recommends Favorable Action of the FY2009 Budget as presented.

Nancy A. Daly, TMM #AL, for the Board of Selectmen, stated that she wishes to join Mr. Bohrs in thanking former Selectman Gilbert R. Hoy for his twelve years of service, as well as welcoming new Selectman Richard (Dick) Benka, TMM #AL. Ms. Daly also thanked the voters and all those who worked hard to pass the override in May. Ms. Daly stated that Board of Selectmen unanimously recommends the RFID Technology for the Library while the Advisory Committee does not. She stated that this technology will allow efficiencies at the Library that will prevent an increase in staff. Ms. Daly also stated that the Override Study Committee concluded that the Town needed an override but also concluded that the Town's management team is one of the best in the state. Their report further emphasized that the Town has to look for and find additional ways to streamline the budget while continuing to deliver the services that residents depend on and to continue to provide our dedicated employees with a fair and affordable total compensation package. Ms. Daly stated that this override differs from the 1994 override in two very significant ways. First, the Override Study Committee recommended that escalators be provided in the increased appropriations for streets, sidewalks and facilities maintenance, year by year, in order to avoid erosion of effort, as has been the case in many of these accounts since 1994. Second, in contrast to our experience during the proceeding fourteen years since the 1994 override, the Override Study Committee indicated quite clearly that the commitments as to how the override monies would be allocated. She noted that these commitments must be followed by law for one fiscal year and that the committee recommended that the allocation should be periodically re-evaluated for meeting the Town's requirements for long-term

sustainability. Ms. Daly noted that the Board of Selectmen has taken several steps to address sustainability for the long term. She noted, that on March 11, 2008 the Board voted a resolution regarding incorporating the Override Study Committee's recommendation on employee compensation and benefits into the collective bargaining guidelines; that on April 8, 2008 the Board established a task force to look at post-employment benefits in order to reduce our massive liability for our retirees while preserving affordable comprehensive health insurance for all of them; on April 29, 2008 the Board voted favorable action on Article Thirty which is the resolution urging the Town and the unions to proceed with good faith negotiations for joining the state's Group Insurance Commission; and last Tuesday the Board sanctioned an efficiency initiative to help develop a long-term strategy to look at these core areas of expenditures and finding areas where we can make changes. Ms. Daly applauded the vote taken by the School Committee on March 6, 2008, incorporating into their management practices, the financial policy recommendations of the Override Study Committee. Ms. Daly stated that the Board of Selectmen urges Favorable Action on the budget, including the proposed recommendation for the RFID technology.

Moderator Edward (Sandy) Gadsby reviewed the procedures on how the budget will be discussed and voted. The Moderator then proceeded with the budget.

SPECIAL APPROPRIATIONS

Item 42A.

Town Librarian Chuck Flaherty stated that he is concerned about the future because since 1993 the Library has lost four full-time positions, while circulation has doubled. Mr. Flaherty stated that RFID technology allows you to check out multiple items and desensitizes items. He stated that it will allow reallocation of staff in a number of ways that will benefit the library and its patrons. Mr. Flaherty stated that he's concerned that further increases in circulation will force requests for additional personnel. With looming budget cuts RFID is the only tool that can address this issue.

Jonathan J. Margolis, TMM #7 and a Library Trustee, stated that this is the one tool to work with in order to deal with the increases in demand for services and the challenges of the future. He stated that by joining with Cambridge and Wellesley, in using this system, we will have a say in determining the type of system that works best for the network. Mr. Margolis urged Favorable Action.

Carla Wyman Benka, TMM #13, for the Advisory Committee, stated that this is a \$675,000 commitment with \$465,000 as a down payment. Ms. Benka stated that we are asked to approve this appropriation with no binding standards. She noted that this technology has not been widely adopted in New England. She stated that there are many unanswered questions concerning this technology. Ms. Benka noted that the Board of Library Trustees have publicly stated that this appropriation is not put forward as a cost saving measure but rather to provide a level of service that patrons have come to expect. Ms. Benka stated that the bottom line is the Advisory Committee is looking for data to

justify an expenditure of this magnitude now. Ms. Benka stated that the Advisory Committee asks that you vote No Action on the Board of Selectmen's recommendation.

Jesse R. Mermell, TMM #AL, for the Board of Selectmen, stated that the Board is unanimous in their support for the original CIP allocation of \$465,000 for RFID technology in the Brookline Public Libraries. Ms. Mermell stated that the Brookline Public Library has enjoyed record shattering years as of late. She noted that year after year the Board has asked the Library to keep pace with this record growth while receiving level funding in the Town's budget. Ms. Mermell, as a former Library Trustee, noted that Chuck Flaherty has cautiously weighed this project over the past several years. She stated that this recommendation will allow them to use these funds to help insure the best possible library services possible. Ms. Mermell stated that the Board of Selectmen recommends Town Meeting to fully fund RFID technology.

Frederick S. Lebow, for the Advisory Committee, stated that if we thought the RFID was right we would bring it back into a future budget. The Capital Sub-Committee of the Advisory Committee spent over seven hours discussing this issue with the Town Librarian and the Library Trustees. The Capital Sub-Committee unanimously voted No Action. Mr. Lebow stated that the RFID issue was reconsidered again, and again it was voted No Action by a two to one vote. Mr. Lebow then mentioned a number of projects that were denied because there was no necessary need. Mr. Lebow noted that there is no cost savings, that the software is on old media and that major libraries do not use it.

Gary D. Jones, TMM #3 and a Library Trustee, stated that the library is a service organization. Mr. Jones stated that we are asking to take a small portion from a landfill to help our library. He noted that over the last four years our circulation has gone up over 50%. He questioned how the Library is going to deal with such increases, in a bad economy, without RFID technology. Mr. Jones stated that the Library can't afford to wait for this technology. Mr. Jones recommends Favorable Action.

Janice S. Kahn, TMM #15, stated that the real question is whether we want to invest well over a half of million dollars in bringing RFID to the Brookline Library system at this time. Ms. Kahn stated that the barcode system, now in place, is the backbone of the Library. She noted that RFID is a discretionary funding item and that it is not an immediate need. Ms. Kahn urged Town Meeting to defer RFID technology funding to a future budget cycle.

Several questions were asked concerning the cost of labor; why offset the cost with the Newton Street Landfill appropriation; cost savings; increases in circulation; software proprietary issues; check-out data for RFID libraries;

Upon motion made and duly seconded, a two-thirds vote being required, it was by a TWO-THIRDS VOTE

VOTED: To call the question.

Carol B. Caro, TMM #8, moved for a counted vote by ballot. Thirty-five Town Meeting Members failed to stand and the motion failed.

Moderator Edward (Sandy) Gadsby asked for a show of hands. The Moderator was in doubt and therefore, called for a standing counted vote.

Upon motion of Nancy A. Daly, TMM #AL and seconded by Jesse R. Mermell, TMM #AL, it was by a COUNTED VOTE OF 109 IN FAVOR AND 87 OPPOSED

VOTED:

To amend Section 13 of Article 8 by adding the following:

“42a. Raise and appropriate \$465,000, to be expended under the direction of the Library Trustees, with the approval of the Board of Selectmen, for the purchase of a Radio Frequency Identification (RFID) system; expenditure of said funds shall not be approved by the Board of Selectmen until a recommendation is made by a group consisting of the Chief Information Officer (CIO), Library Director, Chief Procurement Officer and one representative appointed by each of the following bodies: Board of Selectmen, Library Trustees, and Advisory Committee.”

To amend Item #49 (Newton St. Landfill – Corrective Action) of Section 13 of Article 8 by replacing “\$3,445,000” with “\$2,975,000”.

Item 45.

Martin R. Rosenthal, TMM #9, stated that he appreciated the work performed by DPW Commissioner A. Thomas DeMaio, Town Engineer Peter Ditto, the Transportation Board, Transportation Administrator Todd Kirrane and the Board of Selectmen for having periodic reports.

Item 46.

There was one question concerning about where the South Street sidewalks were on the sidewalk repair schedule.

Item 47.

There were a number of questions raised concerning private contractors; the difficulty of obtaining bids; and funding sidewalk snow clearing equipment from 1994 override.

Item 48.

Two questions were raised concerning the Town's carbon footprint and double utility poles.

Item 49.

Several questions were raised concerning toxicity of the synthetic turf; the use of natural grass; dead trees at the new park; and remediation costs.

Item 53.

Hugh Mattison, TMM #5 and Chair of the Tree Planting Committee, wanted to acknowledge that the Advisory Committee, particularly the Capital Sub-Committee, heeded his concerns of having level funded this item for the past nine years and increasing this appropriation to \$145,000. Mr. Mattison stated that he looks forward to continued escalation as inflation creeps up each year.

There were several questions raised concerning the benefits of additional funding; planting schedules; and watering strategies.

Item 60.

Several questions were raised concerning cost breakdowns; reason for the roof replacement; reallocation of funds for air-conditioning.

Upon motion made and duly seconded, it was by a COUNTED VOTE OF 206 IN FAVOR AND 3 OPPOSED

VOTED: Raise and appropriate \$2,600,000, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and School Committee, for remodeling, renovating, reconstruction or making extraordinary repairs to the High School, and that to meet this appropriation, the Town Treasurer be and hereby is authorized, with the approval of the Selectmen, to borrow said amount under and pursuant to Chapter 44, Sections 7(3A) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; and authorize the Selectmen to apply for, accept, receive and expend grants, aid, reimbursements, loans and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

DEPARTMENTAL EXPENDITURES

#1 – Selectmen

A question was asked by Steven Feinstein, TMM #8, concerning the reallocation of \$700,000 for furniture for Town Hall.

Robert L. Allen, TMM #AL, for the Board of Selectmen, stated that the Town Hall project is on time and on budget. He noted that the project contingencies are not needed and can be reduced. Mr. Allen stated that, with these savings, the Town is able to provide new furniture for this building.

John Bassett, TMM # 6, questioned why the Soule Recreation Center HVAC had not been taken up in the Special Appropriations.

Deputy Town Administrator Sean Cronin stated that item is being funded from the BAA Trust Fund and only requires a vote by the Board of Selectmen. He noted that it appears as a part of the entirety of the CIP but does not require an action from Town Meeting.

#9 – Police

Matthew James Alvarado, TMM #3 thanked the Police and the Hackney Officer for their prompt response to a complaint, made by his wife, of a taxi that was in service without passenger seat belts.

Several questions were asked of the Chief of Police and the Town Administrator concerning the ticketing of non-metered spaces; ticket revenues; parking by employees of Longwood Medical Area; enforcement of non-metered spaces by Meter Maids; and impediments to making changes to Meter Maid ticketing.

#10 - Fire

A question was asked of the Fire Chief concerning the arson investigation at Sewall Avenue.

Fire Chief Peter Skerry stated the Sewall Avenue fire was an arson fire and it is under active investigation. He noted that the Brookline Fire Department, the Brookline Police Department and the State Police are continuing to investigate the fire.

#12 - Public Works

Numerous questions were asked of DPW Commissioner A. Thomas DeMaio concerning the percentage of budget for fuel expenses; options for alternative fuel vehicles for the fleet; seasonal employees for sidewalk snow removal; the paths in

Aspinwall Hill neighborhood; reduction of the DPW carbon foot print; windmill technology; a municipal power plant; the traffic lights at Pleasant Street and Beacon Street; a comparison with municipalities who remove snow from private property; expansion of the collection of household hazardous waste; traffic issues near Devotion School; sidewalk plowing and the Town's response to damaged property because of it; and parking for construction workers at St. Aiden's.

#22 - Schools

Henry B. Warren, TMM #6 and Chair of the School Committee, for the School Committee, thanked the citizens of the Town for the override vote and for their faith and confidence they have in the public schools in Brookline. He noted that the School Committee will strive to continue to be worthy of their confidence. Mr. Warren also thanked the Board of Selectmen; the Override Study Committee; the School Committee's Finance Sub-Committee; and Superintendent William Lupini and Deputy Superintendent Peter Rowe for their hard work and diligence. Mr. Warren also stated that the School Committee is committed to transparency in their operating budget. He then explained in detail an FY08 budget surplus that was reported in the Tab Newspaper, which was placed into a contingency reserve.

NON-DEPARTMENTAL EXPENDITURES

#23 - Employee Benefits

John R. Van Scoyoc, TMM #13, stated that he had serious concerns regarding retiree health care. Mr. Van Scoyoc stated that the override provides only a year offset to budgetary structural imbalances and that the Town's allowable growth levy has been consumed by group health. Mr. Van Scoyoc then posed a number of questions to Town Meeting concerning the history; attempts to measure the value of a lifetime health benefit; and the cost of not dealing with this problem. Mr. Van Scoyoc, citing Warren Buffet, stated that the gap in funding public retiree pensions and benefits is a "time bomb". He noted that he believes the work of the Task Force on Retiree Benefits will be as challenging as any that has ever been done on behalf of the Town. Mr. Van Scoyoc urged Town Meeting Members to add their own questions to the list that he has started.

A fire alarm sounded in the auditorium and Moderator Edward (Sandy) Gadsby requested that everyone present in the auditorium make an orderly exit. The Moderator then adjourned the Annual Town Meeting until Wednesday, May 28, 2008 at 7:00 P.M. in the Roberts-Dubbs Auditorium at Brookline High School.

At forty-six minutes past ten o'clock, the Moderator declared the Annual Town Meeting adjourned.

The checkers reported that the signatures of two hundred and twenty-two (222) Town Meeting Members had been checked during this first session.

ADJOURNED:

A T T E S T:

Patrick J. Ward
Town Clerk

(SEAL)

**MINUTES
OF THE
RECESSED ANNUAL TOWN MEETING
MAY 28, 2008**

Pursuant to the adjournment, declared by Moderator Edward (Sandy) Gadsby, on May 27, 2008, at the Annual Town Meeting, Town Meeting Members met at the Roberts-Dubbs Auditorium at Brookline High School in said Town on Wednesday, May 28, 2008 at 7:00 P.M.

Lists of the duly qualified Town Meeting Members were used at the entrances to the meeting place and were in the charge of Assistant Town Clerk Linda G. Golburgh, Eleanor Groh, Donalda Hingston and Diane Shea, who were sworn to the faithful performance of their duties by the Town Clerk. The list contained the names of two-hundred and forty-seven (247) Town Meeting Members qualified to vote in Town Meetings in Brookline.

No Town Meeting Members were allowed within the rails until they signed the check-in lists.

At sixteen minutes past seven o'clock, the checkers reported that one hundred twenty-six (126) signatures of Town Meeting Members had been checked, or more than one-half of all qualified Town Meeting Members, and the Town Clerk reported to the Moderator that a quorum was present.

The meeting was called to order by the Moderator Edward (Sandy) Gadsby.

Upon motion of Robert L. Allen, TMM #AL and duly seconded, it was
UNANIMOUSLY

VOTED: To take up Article Twenty as the first item of business tomorrow evening.

EIGHTH ARTICLE

NON-DEPARTMENTAL EXPENDITURES

#23 – Employee Benefits

Jonathan Davis, TMM #10 stated that he wanted to note that the Advisory Committee's Report refers to a transfer of \$1,000,000 to the Other Retiree Benefits Fund. He stated that although that was true, it was not new money. Mr. Davis stated that money

came from a previously existing reserve for Group Health Benefits and it represents the transfer from one reserve to a more pointedly dedicated reserve. Mr. Davis stated that the Town has an awfully long road to travel.

Barbara C. Scotto, TMM #8 asked a question concerning municipal employees not paying into social security for the required number of quarters and their ability to qualify for Medicare.

#33 – MMA Dues

A. Joseph Ross. TMM #12 asked a question concerning what the MMA does for the Town of Brookline.

NON-APPROPRIATED EXPENDITURES

Harry K. Friedman, TMM #14 asked a question concerning whether a final report of the Moderator’s Committee, that studied county charges, had been issued.

David James Cotney, TMM #12 stated that no report has been filed.

Harry K. Friedman, TMM #14 requested the Moderator to encourage the committee to file a final report.

Upon motion of Harry K. Bohrs, TMM #3 and seconded by Neil A. Wishinsky, TMM #5, it was, AS AMENDED AND SEPERATELY VOTED, UNANIMOUSLY

VOTED: To approve the budget for fiscal year 2009 set forth in the attached Tables I and II; to appropriate the amounts set forth for such fiscal year in the departments and expenditure object classifications within departments, as set forth in Tables I and II, subject to the following conditions; to raise all sums so appropriated, unless other funding is provided herein; and to establish the following authorizations:

1.) TRANSFERS AMONG APPROPRIATIONS: Transfers between the total departmental appropriations separately set forth in Tables 1 and II shall be permitted by vote of Town Meeting or as otherwise provided by Massachusetts General Laws Chapter 44, Section 33B(b). Within each separate departmental appropriation, expenditures shall be restricted to the expenditure object classifications set forth in the recommendation of the Advisory Committee, and voted by the Town Meeting, for each department, subject to the following exceptions:

- A) Expenditures within the appropriation for the School Department shall not be restricted.

- B) The following transfers within the appropriations for each department (other than the School Department and the Library Department), shall be permitted only with the prior written approval of the Board of Selectmen and Advisory Committee:
- i) Transfers from the appropriation for the capital outlay object classification to any other object classification.
 - ii) Transfers to the appropriation for the personal services object classification from any other object classification.
 - iii) Any transfer which has the effect of increasing the number of positions or the compensation for any position, exclusive of adjustments in wages and benefits voted separately by Town Meeting.
 - iv) Within the Building Department appropriation, any transfer of more than \$10,000 to or from the repairs to public building appropriations, unless coming from or going to public building maintenance supplies.
 - v) Transfers within the Department of Public Works from the Parks Division to any other purpose.
 - vi) Transfers within the Department of Public Works from the Snow and Ice budget to any other purpose.
- C) Transfers within the Library Department appropriation shall be permitted with the approval of the Board of Library Trustees, and written notice of such approval shall be submitted promptly to the Advisory Committee, Town Administrator and Town Comptroller.
- D) All other transfers within the total appropriation for a particular department shall be permitted with the written approval of the Town Administrator, subject to review and approval of the Board of Selectmen, and upon the condition that written notice of each such approval shall be submitted promptly to the Advisory Committee and Town Comptroller.

2.) PROCUREMENT CONTRACTS AND LEASES: The Chief Procurement Officer is authorized to lease, or lease with an option to purchase, any equipment or capital item funded within the FY2009 budget, and to solicit and award contracts for terms of more than three years, provided that in each instance the longer term is

determined to be in the best interest of the Town by a vote of the Board of Selectmen.

3.) ALLOCATION OF SALARY ADJUSTMENTS: Appropriations for salary and wage adjustments (Item #21) shall be transferred by the Town Comptroller to the various affected departments within (60) days from the beginning of the fiscal year, or in the absence of duly approved collective bargaining agreements, within (60) days of the approval of the collective bargaining agreements by Town Meeting. The Board of Selectmen shall determine the salaries, which may include merit adjustments, for employees not included in any collective bargaining agreement.

Should a balance remain after the Town Comptroller has made the transfers specified herein, said balance shall be transferred by the Town Comptroller to a budget line entitled Personnel Services Reserve (Item #20), which shall be used to fund costs incurred over the course of the fiscal year pursuant to employee contracts and/or established personnel policies. The Town Comptroller shall include an accounting of all transfers made from this reserve in the Annual Financial Report.

4.) SALARIES OF ELECTED OFFICIALS: The salaries of members of the Board of Selectmen shall be at the rate of \$3,500 per year for the Chairman and at the rate of \$2,500 per year for each of the other four members. The annual salary of the Town Clerk shall be at the rate of \$92,134 effective July 1, 2008, plus any adjustment approved by vote of the Board of Selectmen. The Town Clerk shall pay all fees received by the Town Clerk by virtue of his office into the Town treasury for Town use.

5.) VACANT POSITIONS: No appropriation for salaries, wages, or other compensation shall be expended for a position which has become vacant during the fiscal year unless the Board of Selectmen, at an official meeting, has determined that the filling of the vacancy is either essential to the proper operation of the Town or is required by law. This condition shall not apply to appropriations of the School Department.

6.) GOLF ENTERPRISE FUND: The following sums, totaling \$1,246,200 shall be appropriated into the Golf Enterprise Fund, and may be expended under the direction of the Park and Recreation Commission, for the operation of the Golf Course:

Salaries	\$429,411
Purchase of Services	\$187,367
Supplies	\$154,535
Other	\$4,100
Capital	\$85,580
Debt Service	\$191,143
Reserve	<u>\$15,000</u>
Total Appropriations	\$1,067,136
Indirect Costs	<u>\$179,064</u>
Total Costs	\$1,246,200

Total costs of \$1,246,200 to be funded from golf receipts with \$179,064 to be reimbursed to the General Fund for indirect costs.

7.) WATER AND SEWER ENTERPRISE FUND: The following sums, totaling \$23,427,651, shall be appropriated into the Water and Sewer Enterprise Fund, and may be expended under the direction of the Commissioner of Public Works for the Water and Sewer purposes as voted below:

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
Salaries	1,937,240	273,535	2,210,775
Purchase of Services	157,748	187,326	345,074
Supplies	180,647	16,000	196,647
Other	2,500	0	2,500
Capital	237,800	120,500	358,300
Intergovernmental	5,134,610	10,560,000	15,694,610
Debt Service	1,442,995	1,068,197	2,511,192
Reserve	<u>104,255</u>	<u>126,611</u>	<u>230,866</u>
Total Appropriations	9,197,795	12,352,169	21,549,964
Indirect Costs	<u>1,446,476</u>	<u>431,211</u>	<u>1,877,687</u>
Total Costs	10,644,271	12,783,380	23,427,651

Total costs of \$23,427,651 to be funded from water and sewer receipts with \$1,877,687 to be reimbursed to the General Fund for indirect costs.

8.) REVOLVING FUNDS:

- a.) The Park and Recreation Commission is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for special recreation programs and events. All receipts from said programs and

events shall be credited to the fund. Annual expenditures from the fund shall not exceed \$1,900,000.

- b.) The Building Commissioner is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the repair and maintenance of the Town's rental properties, including all those listed in the vote under Article 13 of the Warrant for the 1999 Annual Town Meeting. All receipts from said rental properties shall be credited to the fund. Annual expenditures from the fund shall not exceed \$100,000.
- c.) The Commissioner of Public Works is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the construction and reconstruction, upkeep, maintenance, repair and improvement of sidewalks and walkways along public streets and ways over, across and through town owned property. Annual expenditures from the fund shall not exceed \$300,000.
- d.) The Director of Planning and Community Development is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the Façade Improvement Loan Program. Annual expenditures from the fund shall not exceed \$30,000.

9.) SCHOOLHOUSE MAINTENANCE AND REPAIR: The sum of \$4,537,279, included within the Building Department appropriation for school building maintenance, shall be expended for School Plant repair and maintenance and not for any other purpose. The listing of work to be accomplished shall be established by the School Department. The feasibility and prioritization of the work to be accomplished under the school plant repair and maintenance budget shall be determined by the Superintendent of Schools and the Building Commissioner, or their designees.

10.) SNOW AND ICE BUDGET: The sum of \$364,251, included within the Department of Public Works appropriation for snow and ice operations, shall be expended for snow and ice operations and not for any other purpose, unless transferred per the provisions of Section 1.B.vi of this Article.

11.) INTERFUND TRANSFERS: In order to fund the appropriations voted for the various departments itemized on Table 1 and to provide funding toward the subsequent retiree healthcare obligation, the Town Comptroller is authorized to make the following interfund transfers:

Parking Meter Special Revenue Fund	\$2,500,000
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[to the Department of Public Works - \$1,250,000]
[to the Police Department - \$1,250,000]

State Library Aid Special Revenue Fund [to the Library]	\$ 41,555
Cemetery Sales Special Revenue Fund [to the Department of Public Works]	\$ 50,000
Recreation Revolving Fund [to the General Fund for benefits reimbursement]	\$ 198,027
Sale of Town-Owned Land Fund [to the General Fund for special appropriations (CIP)]	\$ 550,000
Group Health Insurance Unmatched Accrued Expense Account 693,451.28 [to the Retiree Healthcare Liability Trust Fund]	\$
Group Health Insurance Trust Fund 306,548.72 [to the Retiree Healthcare Liability Trust Fund]	\$

12.) BUDGETARY REPORTING: The Town Comptroller shall provide the Advisory Committee with a report on the budgetary condition of the Town as of September 30, December 31, March 31, and June 30, within 45 days of said dates. This financial report shall include a summary of the status of all annual and special appropriations voted in this article; a report on the status of all special appropriations voted in prior years which remain open at the reporting date; and a summary of the status of all revenues and inter-fund transfers which have been estimated to finance the appropriations voted under this article.

13.) SPECIAL APPROPRIATIONS: The appropriations set forth as items 35 through 61, inclusive, in Table 1 shall be specially appropriated for the following purposes:

- 35.) Raise and appropriate \$75,000, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for the study and design of repairs to the Town Hall / Main Library garage and driveway.
- 36.) Raise and appropriate \$40,000, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for a feasibility study to assess space needs and facility renovations for the

Building Department's Maintenance Craftsmen and the Parks and Open Space Division.

- 37.) Raise and appropriate \$10,000, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the Preservation Commission, for the Gatehouse at the Brookline Reservoir.
- 38.) Raise and appropriate \$275,000, 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.
- 39.) Appropriate \$50,000, to be expended under the direction of the Building Commission and the Fire Chief, with the approval of the Board of Selectmen, for a fire station study; to meet the appropriation transfer \$50,000 from the balance remaining in the appropriation voted under Article 7, Section 13, Item 38 of the 2007 Annual Town Meeting.
- 40.) Appropriate \$35,000, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of fire station equipment and furnishings; to meet the appropriation transfer \$35,000 from the balance remaining in the appropriation voted under Article 7, Section 13, Item 38 of the 2007 Annual Town Meeting.
- 41.) Raise and appropriate \$90,000, to be expended under the direction of the Police Chief, with the approval of the Board of Selectmen, for the purchase of bullet proof vests.
- 42.) Appropriate \$395,000, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the Library Trustees, for renovations to the Putterham Library; to meet the appropriation raise \$345,000 and transfer \$50,000 from the balance remaining in the appropriation voted under Article 8, Section 12, Item 49 of the 2004 Annual Town Meeting.
- 42A.) Raise and appropriate \$465,000, to be expended under the direction of the Library Trustees, with the approval of the Board of Selectmen, for the purchase of a Radio Frequency Identification (RFID) system; expenditure of said funds shall not be approved by the Board of Selectmen until a recommendation is made by a group consisting of the Chief Information Officer (CIO), Library Director, Chief Procurement Officer and one representative appointed by each of the following bodies: Board of Selectmen, Library Trustees, and Advisory Committee.
- 43.) Raise and appropriate \$110,000, 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 repairs, alterations, and renovations to the Main Library front entrance; to meet the appropriation transfer \$106,145 from the balance remaining in the appropriation voted under Article 7, Section 13, Item 38 of the 2007 Annual Town Meeting; and transfer \$3,855 from the balance remaining in the appropriation voted under Article 6, Section 11, Item 94 of the 1999 Annual Town Meeting.

- 44.) Raise and appropriate \$1,580,000, 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.
- 45.) Raise and appropriate \$75,000, 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; provided that the Department of Public Works and Transportation Board provide status reports to the Board of Selectmen on a semi-annual basis.
- 46.) Raise and appropriate \$250,000, 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.
- 47.) Raise and appropriate \$120,000, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the purchase of sidewalk snow clearing equipment.
- 48.) Raise and appropriate \$50,000, 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.
- 49.) Raise and appropriate \$2,975,000, 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.
- 50.) Raise and appropriate \$400,000, 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.
- 51.) Raise and appropriate \$250,000, 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.

- 52.) Raise and appropriate \$120,000, 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.
- 53.) Raise and appropriate \$145,000, 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.
- 54.) Raise and appropriate \$25,000, 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.
- 55.) Raise and appropriate \$90,746, 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 buildings.
- 56.) Raise and appropriate \$50,000, 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.
- 57.) Raise and appropriate \$50,000, 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.
- 58.) Raise and appropriate \$100,000, 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.
- 59.) Raise and appropriate \$150,000, to be expended under the direction of the School Committee, with the approval of the Board of Selectmen, for renovations to and equipment for the High School language lab.
- 60.) Raise and appropriate \$2,600,000, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and School Committee, for remodeling, renovating, reconstruction or making extraordinary repairs to the High School, and that to meet this appropriation, the Town Treasurer be and hereby is authorized, with the approval of the Selectmen, to borrow said amount under and pursuant to Chapter 44, Sections 7(3A) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; and authorize the Selectmen to apply for, accept, receive and expend grants, aid, reimbursements, loans and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

61.) Raise and appropriate \$100,000, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Cemetery Trustees, for upgrades to the Old Burial Grounds; to meet the appropriation authorize the expenditure from the Sale of Lots special revenue fund (SW01).

14.) FREE CASH: Raise and Raise and appropriate and transfer \$5,954,963 from free cash for the following purposes:

- a.) Reduce the tax rate (Capital Improvements) – \$5,020,852;
- b.) Operating Budget Reserve Fund (MGL Chapter 40, Section 6) – \$436,636;
- c.) Workmen’s Compensation Trust Fund (MGL Chapter 40, Section 13A) – \$200,000;
- d.) Liability/Catastrophe Fund (Chapter 66 of the Acts of 1998, as amended) – \$297,475.

(Insert Table 1)

(Insert Table 2)

Moderator Edward (Sandy) Gadsby, took up Article Thirty as the next order of business, pursuant to a vote from the previous session.

THIRTIETH ARTICLE

To see if Town Meeting will adopt the following Resolution:

WHEREAS, since FY2002 group health budget has doubled and family premiums have increased from \$10,290 to \$19,156, and

WHEREAS, during this same period group health has grown from 13% of salaries to 23% and from 8% budget to 13% of budget, and

WHEREAS, as a result of these soaring increases, well over half the town's allowable levy growth has been consumed by group health, diverting resources from critically important town and school services, and

WHEREAS, the 2005 Statewide Municipal Task Force (the Hamill Report) found that annual increases for the state's Group Insurance Commission (GIC) have been about one half as much as those occurring in local government, and

WHEREAS, in 2007, the State Legislature enacted legislation allowing municipalities to opt into the GIC through the labor negotiation process of coalition bargaining, and

WHEREAS, the Town has already adopted coalition bargaining in anticipation of the GIC option, and

WHEREAS, the Override Study Committee recommends that the Town "opt into the GIC as soon as possible" and limit COLA'S for town and school employees until the Town joins the GIC.

NOW, THEREFORE, the 2008 Annual Town Meeting urges the Town and the unions to proceed with good faith negotiations for joining the GIC and resolve further that future consideration of appropriations for labor agreements take into account the status of efforts to opt into the GIC.

Or act on anything relative thereto.

David James Cotney, TMM #12, and the principal petitioner, stated that this article is a non-binding resolution that encourages the Town and its employee unions to enter into good faith negotiations so that Brookline could enter the state's Group Insurance Commission as soon as possible. He noted that this is allowed under the Municipal Partnership Act that was signed by Governor Deval Patrick last year. Mr. Cotney stated that this article is not a criticism of the Town's management, employees or

their unions in their efforts to control health costs. He noted that group health costs have increased from 8 percent of the Town's budget to 15 percent of the Town's budget since FY2002. He noted that this is a national problem. He added that a national solution to solve our problems will not occur anytime soon. Mr. Cotney stated that the potential savings could be substantial depending on the plans that are chosen. He noted, however, that there are criticisms to joining the GIC, one of which is that the Town's single provider, Blue Cross and Blue Shield, is not a member of the state system. He noted another criticism was that the Town and its unions may lose the ability to shape the plan. Mr. Cotney stated, however, that as a result of the escalation of health costs, many of those choices are being taken away from us. Mr. Cotney urges Town Meeting to support this resolution.

Nancy A. Daly, TMM #AL, for the Board of Selectmen, stated that the Board strongly supports this resolution. Ms. Daly stated that health insurance costs are taking up as much as one-third to one-half of all new dollars each year. Ms. Daly stated that the Board of Selectmen urges support for this resolution.

Neil A. Wishinsky, TMM #5, for the Advisory Committee, stated that the override is not the total solution to the Town's structural deficit. He noted, that even with the override, costs will still be rising greater than the increases in revenues. Mr. Wishinsky stated that the resolution is non-binding and by a 16 to 1 vote the Advisory Committee urges Town Meeting to vote Favorable Action.

Two questions were asked concerning the Town joining a consortium with other communities; and concerns over certain language in the resolution limiting COLA's.

Upon motion of David James Cotney, TMM #12 and seconded by Nancy A. Daly, TMM #AL, it was BY A COUNTED VOTE OF 177 IN FAVOR AND 2 OPPOSED

VOTED: That Town Meeting adopt the following Resolution:

WHEREAS, since FY2002 group health budget has doubled and family premiums have increased from \$10,290 to \$19,156, and

WHEREAS, during this same period group health has grown from 13% of salaries to 23% and from 8% budget to 13% of budget, and

WHEREAS, as a result of these soaring increases, well over half the town's allowable levy growth has been consumed by group health, diverting resources from critically important town and school services, and

WHEREAS, the 2005 Statewide Municipal Task Force (the Hamill Report) found that annual increases for the state's Group Insurance Commission (GIC) have been about one half as much as those occurring in local government, and

WHEREAS, in 2007, the State Legislature enacted legislation allowing municipalities to opt into the GIC through the labor negotiation process of coalition bargaining, and

WHEREAS, the Town has already adopted coalition bargaining in anticipation of the GIC option, and

WHEREAS, the Override Study Committee recommends that the Town “opt into the GIC as soon as possible” and limit COLA’S for town and school employees until the Town joins the GIC.

NOW, THEREFORE, the 2008 Annual Town Meeting urges the Town and the unions to proceed with good faith negotiations for joining the GIC and resolve further that future consideration of appropriations for labor agreements take into account the status of efforts to opt into the GIC.

Moderator Edward (Sandy) Gadsby, took up Article Two as the next order of business pursuant to a vote from the previous session.

SECOND ARTICLE

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 collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

Human Resource Director Sandra DeBow stated that Teamsters, Local 25 is an agreement that is similar to the previous three agreements, adopted by Town Meeting last night, but is formatted over four years to address a schedule change that was part of the agreement.

Nancy A. Daly, TMM #AL, for the Board of Selectmen, stated this is a very good contract for the Town and the reason why the union has taken so little is because the Town has agreed to hire an additional dispatcher to allow the Town to go to four tours of four days on/two days off. Ms. Daly stated that the union is happy with the increase and the schedule.

Neil A. Wishinsky, TMM #5, for the Advisory Committee, stated that the Advisory Committee, by a vote of 16 In Favor, with 2 Abstentions, urges Favorable Action.

Upon motion of Nancy A. Daly, TMM #AL and seconded by Neil A. Wishinsky, TMM #5, it was UNANIMOUSLY

VOTED: To approve and fund by an appropriation, provided for in the FY2008 (Item #22) and FY2009 (Item #21) budgets, for the cost items in the following collective bargaining agreement that commences on July 1, 2007 and ends on June 30, 2009:

International Brotherhood of Teamsters, Local 25

all as set forth in the report of Sandra DeBow, Director of Human Resources, dated May 22, 2008, which report is incorporated herein by reference.

NINTH ARTICLE

To see if the Town will amend the Fiscal Year 2009 budget of the Fire Department to adequately fund five engine companies and two ladder companies for the entire fiscal year 2009 without restriction, or act on anything relative thereto.

Upon motion of Robert L. Allen, TMM #AL and seconded by Harry K. Bohrs, TMM #3, it was UNANIMOUSLY

VOTED: That No Action be taken under Article Nine.

TENTH ARTICLE

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

AN ACT AMENDING CHAPTER 472 OF THE ACTS OF 1998 TO ALLOW THE TOWN OF BROOKLINE TO CREATE AN INDEPENDENT AUTONOMOUS SEVEN-MEMBER BOARD TO SUPERVISE, MANAGE AND INVEST THE RETIREE HEALTHCARE LIABILITY TRUST FUND IN ORDER TO COMPLY WITH THE REQUIREMENTS OF STATEMENT 43 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD AND TO AUTHORIZE THE BOARD OF SELECTMEN TO APPOINT TWO MEMBERS TO SAID BOARD

Be it enacted, etc. as follows:

SECTION 1. Section 1 of chapter 472 of the acts of 1998 is amended by deleting the fourth sentence in Section 1 and adding the following paragraphs:

Notwithstanding the requirements of General Laws Chapter 44, Section 54 or any other special or general law to the contrary, the Fund shall be under the supervision and management of an independent and autonomous seven member board consisting of the five members of the town's contributory retirement board and two members appointed by the Board of Selectmen. The board shall also serve as the custodian of said Fund and may invest and reinvest the interest of such Fund. The board may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the Fund and may pay from the Fund for this advice and other services as determined by the board. Procurement for these services shall be subject to the procurement procedures and rules followed by the Town's Procurement Department.

If any civil action is brought against a member of the board, the defense or settlement of which action is made by Town Counsel or outside counsel retained by Town Counsel on behalf of the board, the member shall be indemnified for all expenses incurred in the defense of this action and shall be indemnified for damages to the same extent as provided for public employees in [chapter 258](#) of the General Laws if the claim arose out of acts performed by the member or members while acting within the scope of his/her official duties, but no member of the board shall be indemnified for expenses incurred in the defense of an action, or damages awarded in an action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the member.

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

Or act on anything relative thereto.

Nancy A. Daly, TMM #AL, for the Board of Selectmen, stated that currently the Town has a trust fund with approximately \$5,000,000 in it. She noted that the Town funded this trust fund for awhile and then on the advice of the Financial Practices Review Committee, stopped funding it because the funding was inadequate. Ms. Daly stated that the Audit Committee reviewed this trust fund and came to the conclusion that not only should the Town resume funding this very large liability, when at all possible, but we should also look at how this money is handled. The Government Accounting Standards Board has recommended, in their Statement 43, that money in a retiree health trust fund should be placed in the hands of an independent board. Ms. Daly noted following this advice would ensure that the Town's creditors could not reach the money. She also noted the Town provides the carrot of reducing the it's liability on paper by being able to use the average rate of return of the stock market rather than the average rate of return of bank interest rates. Ms. Daly stated that in Brookline's case that would be a reduction from \$330,000,000 to \$212,000,000. She further noted that while it would not reduce the Town's actual liability it would help with the Town's Aaa bond rating. Ms. Daly stated that the Board of Selectmen unanimously urges Favorable Action on this article.

Sean Lynn-Jones, for the Advisory Committee, stated this article would authorize the filing of a home-rule petition that would allow the Town to create an independent board to help manage the Retiree Health Trust Fund. Mr. Lynn-Jones stated that the trust

fund is currently managed by Town Treasurer Stephen Cirillo. He noted that the unfunded liability for retiree health costs is \$330,000,000 and is likely to go up based upon various factors. Mr. Lynn-Jones stated that passage of this article makes sense for three reasons: 1.) the unfunded liability is reduced on paper by a higher and more justified rate of return; 2.) the assets in the trust fund would be protected by any liens imposed by creditors; and 3.) as a result of the first two items, it would be possible for the Town to entertain the highest possible credit rating. Mr. Lynn-Jones stated that the Advisory Committee unanimously recommends Favorable Action on this Article.

Upon motion of Nancy A. Daly, TMM #AL and seconded by Harry K. Bohrs, TMM #3, it was UNANIMOUSLY

VOTED: That the Town authorize and approve the filing of a petition with the General Court in substantially the following form:

AN ACT AMENDING CHAPTER 472 OF THE ACTS OF 1998 TO ALLOW THE TOWN OF BROOKLINE TO CREATE AN INDEPENDENT AUTONOMOUS SEVEN-MEMBER BOARD TO SUPERVISE, MANAGE AND INVEST THE RETIREE HEALTHCARE LIABILITY TRUST FUND IN ORDER TO COMPLY WITH THE REQUIREMENTS OF STATEMENT 43 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD AND TO AUTHORIZE THE BOARD OF SELECTMEN TO APPOINT TWO MEMBERS TO SAID BOARD

Be it enacted, etc. as follows:

SECTION 1. Section 1 of chapter 472 of the acts of 1998 is amended by deleting the fourth sentence in Section 1 and adding the following paragraphs:

Notwithstanding the requirements of General Laws Chapter 44, Section 54 or any other special or general law to the contrary, the Fund shall be under the supervision and management of an independent and autonomous seven member board consisting of the five members of the town's contributory retirement board and two members appointed by the Board of Selectmen. The board shall also serve as the custodian of said Fund and may invest and reinvest the interest of such Fund. The board may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the Fund and may pay from the Fund for this advice and other services as determined by the board. Procurement for these services shall be subject to the procurement procedures and rules followed by the Town's Procurement Department.

If any civil action is brought against a member of the board, the defense or settlement of which action is made by Town Counsel or outside

counsel retained by Town Counsel on behalf of the board, the member shall be indemnified for all expenses incurred in the defense of this action and shall be indemnified for damages to the same extent as provided for public employees in [chapter 258](#) of the General Laws if the claim arose out of acts performed by the member or members while acting within the scope of his/her official duties, but no member of the board shall be indemnified for expenses incurred in the defense of an action, or damages awarded in an action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the member.

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

ELEVENTH ARTICLE

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause Fifty-fourth and establish the minimum value of personal property subject to taxation at \$5,000 beginning in the Fiscal Year 2009.

or act on anything relative thereto.

Nancy A. Daly, TMM #AL, for the Board of Selectmen, stated that this article accepts the provision of Massachusetts General Law, Chapter 59, section 5, and establishes a minimum value of personal property tax, subject to taxation at \$5,000. Ms. Daly stated that this article is designed to help some small businesses as well as assist our Finance Director, who sometimes spends more money trying to collect some of these small bills than they are actually worth to the Town. Ms. Daly stated that the Board of Selectmen recommends Favorable Action on this article.

Michael S. Traister, TMM #10, for the Advisory Committee, stated that prior to this article the Town had not availed itself of the minimum threshold under which personal property of businesses could be taxed. Mr. Traister stated that 94 communities in the Commonwealth have such a threshold. Mr. Traister stated that the Advisory Committee overwhelmingly recommends Favorable Action on this article.

Upon motion of Robert L. Allen, TMM #AL and seconded by Michael S. Traister, TMM #10, it was BY A COUNTED VOTE OF 186 IN FAVOR AND 1 OPPOSED

VOTED: That the Town accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause Fifty-fourth and establish the minimum value of personal property subject to taxation at \$5,000 beginning in the Fiscal Year 2009.

TWELFTH ARTICLE

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 59, Section 5K, the so-called Senior Citizen Property Tax Work-off Abatement and to establish a program pursuant to said statute beginning in the Fiscal Year 2009.

or act on anything relative thereto.

Jesse R. Mermell, TMM #AL, for the Board of Selectmen, stated that this article will provide a vehicle for some Brookline Seniors for property tax relief. Ms. Mermell stated the Commonwealth gives the Selectmen the option, with Town Meeting approval, to create a local-option senior volunteer program, to qualifying seniors who have an income of \$40,000 or less, where they may earn a reduction in their property taxes up to \$750 per year in exchange for volunteering in their community. She noted that it is news to nobody that the rising cost of living has made it increasingly difficult for many of Brookline's seniors to stay in their homes in the community that they know and love. Ms. Mermell stated that this is an important way to ease the burden on fixed income seniors. Ms. Mermell stated that the Board of Selectmen urges Favorable Action on this article.

Sytske V. Humphrey, TMM #6, for the Advisory Committee, stated that the senior credit will appear as a tax abatement on their property and not as a cash payment. She also noted that acceptance of this act does not subject these seniors to the Town's Living Wage By-Law. Ms. Humphrey stated that the Advisory Committee unanimously recommends Favorable Action on this article.

Several questions were asked of Director of Council on Aging Ruthann Dobeck concerning the inclusion of disabled seniors; means testing; and whether rental income would be included as a part of that income level.

Upon motion of Jesse R. Mermell, TMM #AL and seconded by Sytske V. Humphrey, TMM #6, it was UNANIMOUSLY

VOTED: That the Town accept the provisions of Massachusetts General Laws Chapter 59, Section 5K, the so-called Senior Citizen Property Tax Work-off Abatement and to establish a program pursuant to said statute beginning in the Fiscal Year 2009.

THIRTEENTH ARTICLE

To see if the Town will reduce the interest rate of that portion of the real estate taxes owed to the Town pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 41A, the so-called Senior Citizen Real Estate Tax Deferral, from the statutory maximum of 8% to 5% beginning in Fiscal Year 2009.

or act on anything relative thereto.

Michael Traister, TMM #10, for the Advisory Committee, stated that this warrant article is intended to encourage eligible seniors to participate in a tax deferral program. He noted that under this program the Town is assured that they will be assured of eventually receiving the taxes. Mr. Traister stated that the collection of that tax is never in doubt because a lien is placed on the property. He added that state law specifies 8 percent as the rate but it permits communities to reduce the accrual interest rate via action by Town Meeting. Mr. Traister stated that very few seniors currently avail themselves of this program. He noted that participation rates are much greater in other communities. Mr. Traister stated that the Advisory Committee, by a vote of 17 In Favor, with 1 Abstention, urges Favorable Action on this article.

Betsy DeWitt, TMM #AL, for the Board of Selectmen, stated that the deferral program is a local option. She stated that Brookline cares about its seniors. She noted, however, that this article has its limitations. Ms. DeWitt stated that if participation in this program does not increase, upon passage of this article, the Board of Selectmen will consider further reducing the rate at the Fall 2008 Town Meeting. Ms. DeWitt stated that the Board of Selectmen fully support this article but do not believe it goes far enough because the income qualification may be too low. Ms. DeWitt stated that the Board of Selectmen recommends Favorable Action on the vote offered by the Advisory Committee.

Several questions were asked concerning income restrictions; what will happen to seniors that have come in at 5% and then the rate is reduced; consideration of costs of health care premiums; notice to owners of record who are 65 or older; and issues of jointly held property by persons of different ages.

Upon motion of Michael S. Traister, TMM #10 and seconded by Betsy DeWitt, TMM #AL, it was BY A COUNTED VOTE OF 193 IN FAVOR AND 1 OPPOSED

VOTED: That the Town reduce the interest rate of that portion of the real estate taxes owed to the Town pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 41A, the so-called Senior Citizen Real Estate Tax Deferral, from the statutory maximum of 8% to 5% beginning in Fiscal Year 2009.

FOURTEENTH ARTICLE

To see if the Town will amend the Zoning By-law to make the following changes to fully incorporate the F zones (*new language in **bold***):

ARTICLE II, DEFINITIONS

1. §2.04.3 c: Dwelling, Multiple: A building or structure designed or occupied as a residence by more than ~~two~~ **three** families, but not including groups of ~~three or more~~ attached dwellings; an apartment house.

ARTICLE IV, USE REGULATIONS

2. Restrictions on Accessory Uses in Residence Districts; §4.05.1.c: occupy space which exceeds in area the area of the ground floor; occupy 25% or more of the total floor area in an S, SC, T **or F** district, or occupy 50% or more of the total floor area in an M district;
3. §4.07 – Table of Use Regulations, Use #51A: Within a dwelling unit in L, G, O, or I Districts, or in dwelling units of more than 2,000 square feet of gross floor area in T, **F**, and M Districts, the renting of not more than three rooms as a lodging without separate cooking facilities to not more than three lodgers; in the case of a dwelling unit occupied by unrelated persons, the sum of lodgers and other unrelated persons shall not exceed the limits defined for a family in §2.06, paragraph 1.
4. §4.07 – Table of Use Regulations, Use #57: The keeping of horses, cows, goats, or other similar animals, other than pigs, or the keeping of poultry, pigeons, rabbits, or other similar birds or animals, or the keeping of bees, provided that no stable or enclosure for any animal may be less than 100 feet from any existing residence building on other premises in any district, or any obvious residence building site on other premises in an S, SC, T, **F** or M District; and provided that no stable or enclosure for more than four animals may be less than 100 feet from any premises occupied by a church, school, playground, library, or building of a public or eleemosynary institution, except where that distance is intersected by a street at least 60 feet wide; and further provided that no stable or enclosure in a S, SC, T, **F** or M District may be less than 100 feet from a street, nor contain more than 25 animals on the premises, and subject to such restrictions as to number, and as to location and size of special structures and enclosures, as may be imposed by the Director of Public Health of the Town of Brookline.

ARTICLE V, DIMENSIONAL REQUIREMENTS

5. §5.05 – Conversions: In the case of the conversion of a single-family detached dwelling to a two-family dwelling in an SC or T District, or the conversion of a

dwelling to create additional dwelling units in an **F or M** District, the structure shall conform to all dimensional requirements specified in §5.01. However, the Board of Appeals by special permit may waive any of said dimensional requirements except minimum lot size, provided that no previously existing nonconformity to such requirements is increased and provided that all other requirements of this By-law for such conversions are met.

6. §5.09.2 – Design Review, Scope: In the following categories all new structures and outdoor uses, exterior alterations, exterior additions, and exterior changes, including exterior demolitions, which require a building permit from the building department under the Building Code, shall require a special permit subject to the community and environmental impact and design review procedures and standards, hereinafter specified. Exterior alterations, exterior additions and exterior changes, including fences, walls, and driveways, to residential uses permitted by right in S, SC, T, **and F** districts; signs as regulated in §§ 7.02, and 7.03; and regulated façade alterations as defined and regulated in §7.06 shall be exempt from the requirements of this section.
7. §5.22.3.b.2 – Exceptions to Maximum Floor Area Ratio (FAR) Regulations for Residential Units; Special Permit for Exceeding Maximum Gross Floor Area for Residential Dwellings: In all T, **F**, M-0.5, M-1.0, and M-1.5 Districts, a special permit may be granted for an increase in floor area that is less than or equal to 20% of the permitted gross floor area, whether it be for an exterior addition, interior conversion, or a combination of the two. The total increase in floor area granted by special permit for all applications made under this paragraph 3, subparagraph (b)(2), or any prior version of Section 5.22, shall not exceed 20% of the permitted gross floor area.
8. §5.31.3 – Exceptions to Maximum Height Regulations: Where two different maximum height figures are specified for the same zoning district in Table 5.01, the lower figure shall apply to any lot or part of a lot located in a buffer area. A buffer area is defined as a lot or part of a lot located in an M-1.5, M-2.0, M-2.5, G-1.75(CC), G-2.0 or O-2.0(CH) District which is located at a lesser distance from any land not within a public way in an S, SC, T **or F** District than the following:
 - a. 200 feet if the direction of the land in the S, SC, T **or F** District is northerly, between northwest and northeast;
 - b. 150 feet if such direction is easterly, between northeast and southeast, or westerly, between northwest and southwest;
 - c. 100 feet if such direction is southerly, between southeast and southwest.
9. §5.32.2.c – Exceptions to Maximum Height Regulations (Public Benefit Incentives); Public Benefits and Conditions: Any additional height allowed under the provisions of this Section shall be set back 50 feet from any surrounding land not in a public way in an S, SC, T, **F**, or M District.

10. §5.46 – Corner Lots: For a corner lot, the required yard along any street lot line shall be calculated as a front yard, except that in S, SC, T, **and F** Districts where the rear lot line of a corner lot is also the rear lot line of the contiguous lot, the required front yard extending from the rear yard to the corner shall be 20 percent of the width of the lot measured along the other front yard line, but need not be greater than the required front yard depth and shall not be less than the required width of a side yard calculated as if the street lot line were an interior side lot line.
11. §5.63 – Accessory Buildings or Structures in Side Yards: Except as may be permitted in §5.44, in any S, SC, T, **F** or M District no part of any accessory building or structure situated within 75 feet of the street line, or within a distance equal to three-fourths of the lot depth if that be less, shall extend within any required side yard. Elsewhere on the lot such buildings or structures may extend into the side yard one-half the required width, but such setback shall be no less than six feet. No accessory building or structure within a required side yard shall exceed 15 feet in height.
12. Related to previous: Figure 5.15, Title: Accessory Building or Structure in Side Yard in S, SC, T, **F**, or M Districts
13. §5.64 – Side Yards for Non-Dwelling Uses in Business or Industrial Districts: No side yards are required for permitted uses, other than dwellings, in L, G, O-2 or I Districts, except where a side lot line abuts an S, SC, T, **F** or M District, in which case the side yard requirements of the S, SC, T, **F** or M District shall apply.
14. §5.73.1 – Rear Yards in Business or Industrial Districts: Where a rear lot line in an L, G, or I District abuts an S, SC, T, **F**, or M District the rear yard requirements as specified in Table 5.01 shall be increased by 10 feet, but no rear yard need be deeper than 20 feet.
15. §5.91.1 – Minimum Usable Open Space: Where a minimum usable open space is required in addition to landscaped open space, there shall be included in every lot used in whole or in part for dwelling units intended for family occupancy an area of usable open space provided at the rate specified in Table 5.01. The percentage specified in Table 5.01 shall be the percent of gross floor area of all buildings on the lot. In S, SC, T, **and F** Districts, a residential use with more dwelling units than are permitted as of right shall provide as much usable open space as required for the dwellings permitted as of right in that district.

ARTICLE VI, VEHICULAR SERVICE USES REQUIREMENTS

16. §6.01.2.a – General Regulations Applying to Required Off-Street Parking Facilities: In **F**, M, L, or G Districts, when a structure is converted for one or more additional dwelling units and the conversion results in an increased parking requirement, parking requirements for the entire structure shall be provided in accordance with the requirements of §6.02 and §6.05. However, the Board of

Appeals by special permit under Article IX may waive not more than one-half the number of parking spaces required under §6.02 and §6.05.

17. §6.04.4.d – Design of All Off-Street Parking Facilities: Entrance and exit drives, except as permitted in paragraph 11. below, shall be:
 - d) located at least the following distance from a street corner, said distance to be measured from the intersection of the street lot lines or extension thereof:
 - 1) 25 feet in all S, SC, T, **and F** districts;
 - 2) 50 feet in all other districts, except that the Board of Appeals by special permit may modify this requirement after receipt of reports from the Commissioner of Public Works and the Director of Transportation that such modification in distance would facilitate traffic and be safer and subject to the provisions of §9.05.

18. §6.04.5.c – Design of All Off-Street Parking Facilities: Setbacks for parking areas shall be provided as follows:
 - c) In S, SC, T, **F**, and M-0.5 Districts, the surfaced area of a parking lot and all entrance and exit drives shall be set back in accordance with the following requirements, and such setback area shall be landscaped and continuously maintained substantially in accordance with the original approved plan: ...

ARTICLE VII, SIGNS, ILLUMINATION, & REGULATED FAÇADE ALTERATIONS

19. §7.01.1 – Signs in S, SC, T, **and F** Districts: In any S, SC, T, **and F** district, no sign or other advertising device shall be permitted except as follows: ...

20. Related to previous, §7.02.1.a – Signs in M Districts: As permitted in S, SC, T, and **F** Districts

21. Related to previous, §7.03.1.a – Signs in L, G, I and O Districts: As permitted in S, SC, T, **F**, and M Districts

22. §7.04.3 – Illumination: In any residence district no sign or other advertising device shall be of the neon type or exposed gas-illuminated tube type; and any lighting of a sign or other advertising device shall be continuous, indirect white light installed in a manner that will prevent direct light from shining onto any street or nearby property. In S, SC, T **and F** Districts no sign or advertising device shall be illuminated after 11 p.m. local time.

23. §7.04.4 – Illumination: In an S, SC, T, **F**, M-0.5, M-1.0, or M-1.5 District no outdoor floodlighting or decorative lighting shall be permitted except lighting primarily designed to illuminate walks, driveways, doorways, outdoor living areas, or outdoor recreational facilities and except temporary holiday lighting in use for no longer than a four-week period in any calendar year, except that decorative floodlighting of institutional or historic buildings may be permitted by the Board of Appeals by special permit. Any permanent lighting permitted by the

preceding sentence shall be continuous, indirect, white light, installed in a manner that will prevent direct light from shining onto any street or nearby property.

24. §7.06 – Regulated Façade Alterations:

1. A regulated façade shall include:
 - a. commercial building facades in all districts; and
 - b. residential building facades on lots with frontage on Beacon Street, Boylston Street, Brookline Avenue, Commonwealth Avenue, Harvard Street, or Washington Street, with the exception of buildings on lots located in S, SC, T, **and F** districts.

or act on anything relative thereto.

Charles Baker, for the Advisory Committee, stated that the purpose of this article is to rectify omissions to the zoning by-law that were not added when Town Meeting added the new F zones last year. He stated that this article now adds the new three family F district to several sections of the by-law that refer to residential zones. Mr. Baker stated that the Advisory Committee recommends Favorable Action on this article.

Kenneth M. Goldstein, TMM #14 and Chair of the Planning Board, for the Planning Board, stated that the establishment of the new F zone made it necessary to clean up the by-law by including reference to the zone in twenty-five sections to the by-law. Mr. Goldstein noted that without these changes it would appear that Town Meeting intended to exempt the F zone properties from these various provisions. Mr. Goldstein stated that the Planning Board unanimously urges Favorable Action on this article.

Richard (Dick) Benka, TMM #AL, for the Board of Selectmen, stated that this article is a housekeeping article that cleans up various sections. Mr. Benka stated that the Board of Selectmen unanimously recommends Favorable Action on this article.

Upon motion of Harry K. Bohrs, TMM #3 and seconded by Robert L. Allen, TMM #AL, a two-thirds vote being required, it was UNANIMOUSLY

VOTED: That the Town amend the Zoning By-law to make the following changes to fully incorporate the F zones (*new language in bold*):

ARTICLE II, DEFINITIONS

1. §2.04.3 c: Dwelling, Multiple: A building or structure designed or occupied as a residence by more than ~~two~~ **three** families, but not including groups of ~~three or more~~ attached dwellings; an apartment house.

ARTICLE IV, USE REGULATIONS

2. Restrictions on Accessory Uses in Residence Districts; §4.05.1.c: occupy space which exceeds in area the area of the ground floor; occupy 25% or more of the total floor area in an S, SC, T or F district, or occupy 50% or more of the total floor area in an M district;
3. §4.07 – Table of Use Regulations, Use #51A: Within a dwelling unit in L, G, O, or I Districts, or in dwelling units of more than 2,000 square feet of gross floor area in T, F, and M Districts, the renting of not more than three rooms as a lodging without separate cooking facilities to not more than three lodgers; in the case of a dwelling unit occupied by unrelated persons, the sum of lodgers and other unrelated persons shall not exceed the limits defined for a family in §2.06, paragraph 1.
4. §4.07 – Table of Use Regulations, Use #57: The keeping of horses, cows, goats, or other similar animals, other than pigs, or the keeping of poultry, pigeons, rabbits, or other similar birds or animals, or the keeping of bees, provided that no stable or enclosure for any animal may be less than 100 feet from any existing residence building on other premises in any district, or any obvious residence building site on other premises in an S, SC, T, F or M District; and provided that no stable or enclosure for more than four animals may be less than 100 feet from any premises occupied by a church, school, playground, library, or building of a public or eleemosynary institution, except where that distance is intersected by a street at least 60 feet wide; and further provided that no stable or enclosure in a S, SC, T, F or M District may be less than 100 feet from a street, nor contain more than 25 animals on the premises, and subject to such restrictions as to number, and as to location and size of special structures and enclosures, as may be imposed by the Director of Public Health of the Town of Brookline.

ARTICLE V, DIMENSIONAL REQUIREMENTS

5. §5.05 – Conversions: In the case of the conversion of a single-family detached dwelling to a two-family dwelling in an SC or T District, or the conversion of a dwelling to create additional dwelling units in an F or M District, the structure shall conform to all dimensional requirements specified in §5.01. However, the Board of Appeals by special permit may waive any of said dimensional requirements except minimum lot size, provided that no previously existing nonconformity to such requirements is increased and provided that all other requirements of this By-law for such conversions are met.

6. §5.09.2 – Design Review, Scope: In the following categories all new structures and outdoor uses, exterior alterations, exterior additions, and exterior changes, including exterior demolitions, which require a building permit from the building department under the Building Code, shall require a special permit subject to the community and environmental impact and design review procedures and standards, hereinafter specified. Exterior alterations, exterior additions and exterior changes, including fences, walls, and driveways, to residential uses permitted by right in S, SC, T, **and F** districts; signs as regulated in §§ 7.02, and 7.03; and regulated façade alterations as defined and regulated in §7.06 shall be exempt from the requirements of this section.

7. §5.22.3.b.2 – Exceptions to Maximum Floor Area Ratio (FAR) Regulations for Residential Units; Special Permit for Exceeding Maximum Gross Floor Area for Residential Dwellings: In all T, **F**, M-0.5, M-1.0, and M-1.5 Districts, a special permit may be granted for an increase in floor area that is less than or equal to 20% of the permitted gross floor area, whether it be for an exterior addition, interior conversion, or a combination of the two. The total increase in floor area granted by special permit for all applications made under this paragraph 3, subparagraph (b)(2), or any prior version of Section 5.22, shall not exceed 20% of the permitted gross floor area.

8. §5.31.3 – Exceptions to Maximum Height Regulations: Where two different maximum height figures are specified for the same zoning district in Table 5.01, the lower figure shall apply to any lot or part of a lot located in a buffer area. A buffer area is defined as a lot or part of a lot located in an M-1.5, M-2.0, M-2.5, G-1.75(CC), G-2.0 or O-2.0(CH) District which is located at a lesser distance from any land not within a public way in an S, SC, T **or F** District than the following:
 - d. 200 feet if the direction of the land in the S, SC, T **or F** District is northerly, between northwest and northeast;
 - e. 150 feet if such direction is easterly, between northeast and southeast, or westerly, between northwest and southwest;
 - f. 100 feet if such direction is southerly, between southeast and southwest.

9. §5.32.2.c – Exceptions to Maximum Height Regulations (Public Benefit Incentives); Public Benefits and Conditions: Any additional height allowed under the provisions of this Section shall be set back 50 feet from any surrounding land not in a public way in an S, SC, T, **F**, or M District.

10. §5.46 – Corner Lots: For a corner lot, the required yard along any street lot line shall be calculated as a front yard, except that in S, SC, T, **and F** Districts where the rear lot line of a corner lot is also the rear lot line of the contiguous lot, the required front yard extending from the rear yard to the corner shall be 20 percent of the width of the lot measured along the other front yard line, but need not be greater than the required front yard depth and shall not be less than the required width of a side yard calculated as if the street lot line were an interior side lot line.
11. §5.63 – Accessory Buildings or Structures in Side Yards: Except as may be permitted in §5.44, in any S, SC, T, **F** or M District no part of any accessory building or structure situated within 75 feet of the street line, or within a distance equal to three-fourths of the lot depth if that be less, shall extend within any required side yard. Elsewhere on the lot such buildings or structures may extend into the side yard one-half the required width, but such setback shall be no less than six feet. No accessory building or structure within a required side yard shall exceed 15 feet in height.
12. Related to previous: Figure 5.15, Title: Accessory Building or Structure in Side Yard in S, SC, T, **F**, or M Districts
13. §5.64 – Side Yards for Non-Dwelling Uses in Business or Industrial Districts: No side yards are required for permitted uses, other than dwellings, in L, G, O-2 or I Districts, except where a side lot line abuts an S, SC, T, **F** or M District, in which case the side yard requirements of the S, SC, T, **F** or M District shall apply.
14. §5.73.1 – Rear Yards in Business or Industrial Districts: Where a rear lot line in an L, G, or I District abuts an S, SC, T, **F**, or M District the rear yard requirements as specified in Table 5.01 shall be increased by 10 feet, but no rear yard need be deeper than 20 feet.
15. §5.91.1 – Minimum Usable Open Space: Where a minimum usable open space is required in addition to landscaped open space, there shall be included in every lot used in whole or in part for dwelling units intended for family occupancy an area of usable open space provided at the rate specified in Table 5.01. The percentage specified in Table 5.01 shall be the percent of gross floor area of all buildings on the lot. In S, SC, T, **and F** Districts, a residential use with more dwelling units than are permitted as of right shall provide as much usable open space as required for the dwellings permitted as of right in that district.

16.

ARTICLE VI, VEHICULAR SERVICE USES REQUIREMENTS

17. §6.01.2.a – General Regulations Applying to Required Off-Street Parking Facilities: In **F**, **M**, **L**, or **G** Districts, when a structure is converted for one or more additional dwelling units and the conversion results in an increased parking requirement, parking requirements for the entire structure shall be provided in accordance with the requirements of §6.02 and §6.05. However, the Board of Appeals by special permit under Article IX may waive not more than one-half the number of parking spaces required under §6.02 and §6.05.

18. §6.04.4.d – Design of All Off-Street Parking Facilities: Entrance and exit drives, except as permitted in paragraph 11. below, shall be:
 - d) located at least the following distance from a street corner, said distance to be measured from the intersection of the street lot lines or extension thereof:
 - 1) 25 feet in all **S**, **SC**, **T**, **and F** districts;
 - 2) 50 feet in all other districts, except that the Board of Appeals by special permit may modify this requirement after receipt of reports from the Commissioner of Public Works and the Director of Transportation that such modification in distance would facilitate traffic and be safer and subject to the provisions of §9.05.

19. §6.04.5.c – Design of All Off-Street Parking Facilities: Setbacks for parking areas shall be provided as follows:
 - c) In **S**, **SC**, **T**, **F**, and **M-0.5** Districts, the surfaced area of a parking lot and all entrance and exit drives shall be set back in accordance with the following requirements, and such setback area shall be landscaped and continuously maintained substantially in accordance with the original approved plan: ...

ARTICLE VII, SIGNS, ILLUMINATION, & REGULATED FAÇADE ALTERATIONS

20. §7.01.1 – Signs in S, SC, T, and F Districts: In any **S**, **SC**, **T**, **and F** district, no sign or other advertising device shall be permitted except as follows: ...

21. Related to previous, §7.02.1.a – Signs in M Districts: As permitted in **S**, **SC**, **T**, and **F** Districts

22. Related to previous, §7.03.1.a – Signs in L, G, I and O Districts: As permitted in **S**, **SC**, **T**, **F**, and **M** Districts

23. §7.04.3 – Illumination: In any residence district no sign or other advertising device shall be of the neon type or exposed gas-illuminated tube type; and any lighting of a sign or other advertising device shall be continuous, indirect white light installed in a manner that will prevent direct light from shining onto any street or nearby property. In S, SC, T **and F** Districts no sign or advertising device shall be illuminated after 11 p.m. local time.
24. §7.04.4 – Illumination: In an S, SC, T, F, M-0.5, M-1.0, or M-1.5 District no outdoor floodlighting or decorative lighting shall be permitted except lighting primarily designed to illuminate walks, driveways, doorways, outdoor living areas, or outdoor recreational facilities and except temporary holiday lighting in use for no longer than a four-week period in any calendar year, except that decorative floodlighting of institutional or historic buildings may be permitted by the Board of Appeals by special permit. Any permanent lighting permitted by the preceding sentence shall be continuous, indirect, white light, installed in a manner that will prevent direct light from shining onto any street or nearby property.
25. §7.06 – Regulated Façade Alterations:
1. A regulated façade shall include:
 - a. commercial building facades in all districts; and
 - b. residential building facades on lots with frontage on Beacon Street, Boylston Street, Brookline Avenue, Commonwealth Avenue, Harvard Street, or Washington Street, with the exception of buildings on lots located in S, SC, T, **and F** districts.

FIFTEENTH ARTICLE

To see if the Town will amend §5.06 - SPECIAL DISTRICT REGULATIONS d (2) of its Zoning By-law by amending a) retail use: one parking space per [350] 400 g.s.f. of floor area, adding d) medical office use: one parking space per 400 g.s.f and amending former paragraph d) The number of parking spaces for the above uses in a GMR-2.0 district may be reduced by special permit, however, by no more than [15%,] 50% where it can be demonstrated to the Board of Appeals that 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 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.

or act on anything relative thereto.

Hugh Mattison, TMM #5 questioned the Moderator if the Advisory Committee's recommendation had the requisite twenty-four hour notice. Moderator Edward (Sandy) Gadsby stated these numbers have been published, talked about and considered on so many occasions over the past several weeks that he would allow the motion.

Hugh Mattison, TMM #5, the principal petitioner of this article, stated an amendment in 2004 allowed the doubling of the Floor Area Ratio (FAR) at 2 Brookline Place for a development of laboratory, general office and retail use. He stated that parking requirements established for this new General Medical Research Zone (GMR) included a Transportation Demand Management Plan (TDM) and were for those uses only. He noted that no parking for medical office use was discussed. Mr. Mattison, while performing a Power Point presentation, stated that the underlying zoning by-law establishes parking for medical office use in Brookline. He stated that Article Fifteen addresses the omission of TDM to the medical office zoning in the GMR zone. He stated that this article slightly lowers the minimum parking requirements for retail parking and establishes a parking requirement for medical office use in the GMR zone. Mr. Mattison stated that this article also allows the Zoning Board of Appeals (ZBA) to lower parking requirements under a TDM plan. He noted that the twenty-five percent TDM is available as a tool for the ZBA to allow them the flexibility to reduce parking requirements based on traffic studies. Mr. Mattison emphasized that Article Fifteen applies only to this parcel and that no other part of Brookline is affected. He noted that the massiveness of this project was tied to the concept of alternative transportation and that moderate control of parking here may allow further commercial expansion without total grid-lock. Mr. Mattison stated that other locations where TDM is used includes Davis Square, Somerville, Uphams Corner and Quincy. He noted that a MASCO survey in 2006, of the Longwood Medical Area (LMA) found that 63% commuters use other means than driving and those who drive has decreased by 14 percent since 2002. He further noted that MASCO is nationally recognized for using TDM. Mr. Mattison stated that the alternative forms of transportation that MASCO uses should apply to 2 Brookline Place. Mr. Mattison stated that the current zoning by-law fails to take into account the unique transit oriented location of Brookline Village. He stated that within the Brookline Village area, four bus routes; two Green Lines, and two LMA routes are all within walking distance of Brookline Village. Mr. Mattison further stated that the Brook House and 2 Brookline Place together will equal 2,083 parking spaces. He noted, in comparison, that the Boston Common Garage has only 1,300 spaces, concluding that parking near the Brookline Avenue and Route 9 intersection will be 1.5 times more than the Boston Common Garage. Mr. Mattison further noted that Children's Hospital has stated that there will be 600 to 700 employees at this site. He stated that the 184 spaces for patient parking is Children's Hospital own estimated need based on the number of exam rooms and the 40 retail parking spaces is a number they already have used. Mr. Mattison stated that the total of 483 spaces falls in the middle of the range specified under Article 15.

Mr. Mattison noted that we will be providing 2.5 times more parking than the LMA would provide. Mr. Mattison stated that if this article passes the Town would enter into an objective and constructive review of the amount of parking necessary and appropriate to the use of the building. He noted that the Advisory Committee's amendment does not lower the minimum parking space requirement. It reverts back to the old by-law which ignores proximity to public transportation and uses the same twenty-year old town-wide standard that we have now. Mr. Mattison stated that both Children's Hospital and the High Street Hill Neighborhood Association support this article. He urges Favorable Action on the main motion under Article Fifteen.

Neil A. Wishinsky, TMM #5, for the Advisory Committee, stated that there are areas of agreement with the Advisory Committee, Mr. Mattison and the Board of Selectmen. Mr. Wishinsky stated that the Advisory Committee urges Town Meeting to vote for one of two of the solutions before them in order to give the Town the flexibility to reduce the parking requirements in consideration of transit use. He noted that the Advisory Committee motion keeps existing parking, adds medical uses to the allowed uses where you can have a transit demand reduction and then permits up to a 25 percent transit demand reduction. He noted that the Advisory Committee has discussed this article five times. He added that the Advisory Committee's position has evolved throughout the process but believes that the risks of under-building the parking is greater than over-building parking. Mr. Wishinsky stated that this difference in our analytical approaches accounts for the differences in our proposals. He stated that the Advisory Committee hears the streets are already saturated and that there is spillover into adjoining neighborhoods by LMA and Red Sox traffic. Mr. Wishinsky stated that the majority of the Advisory Committee believes that the main problem with the petitioner's proposal is that it sets a new absolute parking requirement and that it will create a potential zoning no-mans land. Mr. Wishinsky stated that, by an 11-5 majority, the Advisory Committee urges Favorable Action on its motion.

George Cole, a resident of the Town of Brookline and a representative of Children's Hospital, assisting Children's Hospital on the development of the Brookline Place project, stated that they have been working with a Planning Board appointed a Design Advisory Team (DAT) over the past several months to design a new office and medical office facility that will contain approximately 228,000 useable square feet. Mr. Cole stated that it has been planned with the minimum parking required under the current zoning by-law with full credits taken for TDM. He noted that they have engaged a traffic engineer to assess the impacts of traffic from the project. He further noted that they have presented a draft traffic study, which was reviewed by the Town's consultant and they are now currently responding to the Town's concerns. Mr. Cole stated that Children's Hospital has always been sympathetic to Article Fifteen. He noted that it is our mutual goal to provide parking to accommodate the users of the building without encouraging vehicular trips to the site but also without burdening the adjacent neighborhoods with cars parking illegally or with cars looking for off-street parking. Mr. Cole stated that Children's Hospital would prefer to have an open dialogue and come to a consensus, with interested parties, based on real data, hard facts and expert judgment. In conclusion, Mr. Cole stated that the passage of Article Fifteen would allow the dialogue to continue and

for all to collaboratively arrive at a solution that works for the facility, that is acceptable to the neighborhoods and that is reasonable for the Town.

Moderator Edward (Sandy) Gadsby asked Mr. Cole whether or not Children's Hospital has taken a position on either of the two proposals currently before Town Meeting. Mr. Cole answered that they had not taken a position on either of the motions.

Stanley L. Spiegel, TMM #2, stated that he is very appreciative of the comments of the previous speaker since they are the very same concerns that were considered by the Advisory Committee in making their recommendation. Mr. Spiegel stated that it might be reasonable to increase the allowable TDM, from 15 percent to 25 percent. He also noted that by doing so it moved the Advisory Committee's position closer to the position of the Board of Selectmen, hoping that they would move towards the remaining difference with the number of parking spaces per square foot that this building would hold. He further noted, however, that change was not made. He said that the Advisory Committee deemed that change as acceptable because they did not see any logic in the town-wide medical office use, which is one space per every 250 square feet and it be one for every 350 square feet here – a thirty percent decrease in the amount of parking required. Mr. Spiegel noted that Children's Hospital can build 666 spaces right now, with TDM bringing it down to 624 spaces. Mr. Spiegel stated that the Advisory Committee motion would go from 666 spaces down to 500 spaces. He added that the petitioner's motion would go from 549 spaces down to 412. He questioned the justification of a loss of 117 parking spaces based on no real evidence. Mr. Spiegel believes that it will be a terrible precedent if we change the zoning in mid-stream, noting that Children's Hospital has already locked themselves into 666 spaces by filing a subdivision plan. He noted that it is Town Meeting's job to produce reasonable boundaries for the flexibility we want to give the ZBA. Mr. Spiegel stated that if the Selectmen's motion passes there will be a precipitous drop in the number of spaces which is unsupported from any evidence that he has seen.

Betsy DeWitt, TMM #AL, for a majority of the Board of Selectmen, stated that in 2004 Town Meeting approved Zoning applicable for 2 Brookline Place. She stated that the zoning was based on a developer's proposal for a research building, with offices and retail space. She noted that the parcel has subsequently been sold to Children's Hospital and a different proposal, with medical and administrative offices and retail space, has been proposed. Ms. DeWitt stated that, since there was no provision for medical office space under the original special zoning, the parking requirements for medical office space falls under a different section of the zoning by-laws. Ms. DeWitt stated this article addresses these omissions, of the original special zoning for parking in medical office space and articulates best practices for smart growth and transit oriented development, by increasing the reduction in the parking requirement from 15 percent to 25 percent. She noted that it could only be granted by special permit by the ZBA and only with an agreed upon Transportation Access Plan. She noted that the primary difference of opinion is whether there will be too many or too few parking spaces at 2 Brookline Place. Ms. DeWitt stated that we all want to get it right and added that a majority of the Board of Selectmen join with the Planning Board by urging Favorable Action on this article.

Myra R. Trachtenberg, TMM #3 and a member of the Zoning By-Law Committee, stated that she opposed the original Article Fifteen and is also opposed to it as amended by the Board of Selectmen. Ms. Trachtenberg admitted that she voted against the changes to the B2 parcel four years ago because of her concerns of a bio-lab situated in a densely populated residential area. She stated that she was relieved that the usage was changed to medical offices. She added that it seems like we are punishing Children's Hospital for creating a more beneficial use of the property. Ms. Trachtenberg stated that these are pediatric offices and will require more spaces than usual medical practices. She asked Town Meeting not to wish public transportation on people who have small children. Ms. Trachtenberg stated that if we reduce parking at this development we will make Brookline Village a parking lot. Ms. Trachtenberg urged Town Meeting to vote against the Selectmen's version of Article Fifteen.

Kenneth M. Goldstein, TMM #14 and Chair of the Planning Board, stated that the Planning Board has not considered either the Advisory Committee's or the Selectmen's amendment to Article Fifteen. Mr. Goldstein stated that when he first read Mr. Mattison's warrant article he believed it was the complete inverse of anything he had experienced in fifteen years of Planning Board work. He stated that the pattern has been that developers wish to avoid costly parking elements of their projects, while neighbors, wanting to assure that there is sufficient parking, want as much parking as possible. He stated that here we have a new idea which is summarized by the statement that "if you don't build it they will not come". Mr. Goldstein stated that limiting the parking on the site may have a dramatic effect on the neighborhood. Mr. Goldstein thanked Mr. Mattison for bringing this important way at looking at parking to the attention of the Planning Board and to the Town in general.

Fred Levitan, TMM #14, and former Chair of the Transportation Board, stated that in his tenure he has never heard of a developer wanting to build more parking. The Town of Brookline has serious problems with parking – especially in Brookline Village. He added that we are now going to allow the construction of a 225,000 square foot property that has to be supported by parking. Mr. Levitan stated that if this body makes a mistake it will become an irreparable mistake. He noted that for the first time we have a hospital that will make payments to the Town in lieu of taxes equal to what the taxes would be if they were a taxable organization. Mr. Levitan urged Favorable Action on the Advisory Committee amendment.

Several questions were asked concerning granting Children's Hospital's needs; improvement of public transportation; use of the building; and size of the parking spaces.

Donald C. Weitzman, TMM #12, speaking for the minority of the Advisory Committee, stated that the dangers of overbuilding parking capacity may be the more significant problem. He stated that there is empirical evidence that transit demand management programs work. Mr. Weitzman stated that the Advisory Committee amendment is virtually the same as existing zoning with a 25 percent TDM allowance. He stated that Article Fifteen gives the Town the best opportunity to achieve the "sweet

spot”. Mr. Weitzman ended by saying that a minority of the Advisory Committee agrees with a majority of the Board of Selectmen, the Planning Board and the Transportation Board that the Town’s best strategy for getting this project right is offered by Article Fifteen. Mr. Weitzman recommends No Action on the Spiegel Amendment and Favorable Action on the motion of the petitioner.

Paula K. Friedman, TMM #14 and a member of the Zoning By-Law Committee, stated that she favors No Action on Article Fifteen and all its amended versions. Although speaking for herself, she noted that the Zoning By-Law Committee was not persuaded of the merit or the necessity for a warrant article on this issue. Ms. Friedman stated that the Town rarely has the opportunity to add parking to support professional buildings and commercial enterprises. She stated that it would be short-sighted and a missed opportunity for Brookline not to support as much parking as allowed by right. Ms. Friedman stated that to limit parking and to change policy mid-stream would create an inhospitable environment for business and a chilling climate for future business development in the Town.

Upon motion made and duly seconded, a two-thirds vote being required, it was BY A TWO-THIRDS VOTE

VOTED: To call the question.

Hugh Mattison, TMM #5 – requested a counted vote by ballot on the Advisory Committee amendment.

Martin R. Rosenthal, TMM #9 requested an explanation of the counted vote by ballot.

Moderator Edward (Sandy) Gadsby explained the process by which the counted vote by ballot would be taken. The Moderator stated each Town Meeting Member will record their name, their precinct number and their vote on the ballot, as he records the yeas and nays and hand their ballots to the tellers. The tellers will then count and announce the ballots to the Moderator. He noted that the ballots will be maintained by the Town Clerk for a period of three years.

There were more than thirty-five Town Meeting Members who stood for a counted vote by ballot on the Advisory Committee amendment.

Upon motion of Neil A. Wishinsky, TMM #5 and seconded by Harry K. Bohrs, TMM #3, the following motion was DEFEATED, BY A COUNTED VOTE BY BALLOT, OF 86 IN FAVOR, 113 OPPOSED AND FIVE ABSTENTIONS

MOVED: That the Town amend §5.06 - SPECIAL DISTRICT REGULATIONS d (2) of its Zoning By-Law by amending a) retail use: one parking space per **350** g.s.f. of floor area, adding d) **medical office**

use: one parking space per 250 g.s.f. and amending former paragraph d) The number of parking spaces for the above uses in a GMR-2.0 district may be reduced by special permit, however, by no more than **25%**, where it can be demonstrated to the Board of Appeals that 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 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.”

Andrew Fischer, TMM #13 requested a counted vote by ballot for the main motion. Mr. Fischer’s request failed since thirty-five Town Meeting Members failed to rise.

Upon motion of Hugh Mattison, TMM #5 and seconded by Betsy DeWitt, TMM #AL, a two-thirds vote being required, it was BY A TWO-THIRDS VOTE

VOTED: That the Town amend §5.06 - SPECIAL DISTRICT REGULATIONS d (2) of its Zoning By-Law by amending a) retail use: one parking space per **400** g.s.f. of floor area, adding **d) medical office use: one parking space per 350 g.s.f.** and amending former paragraph d) The number of parking spaces for the above uses in a GMR-2.0 district may be reduced by special permit, however, by no more than **25%**, where it can be demonstrated to the Board of Appeals that 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 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.”

SIXTEENTH ARTICLE

To see if the Town will amend §5.06 - SPECIAL DISTRICT REGULATIONS, 4. d. (1) of its Zoning By-law by adding e) no more than 40,000 square feet of gross floor area shall be used for medical offices.

or act on anything relative thereto.

Moderator Edward (Sandy) Gadsby stated that no motion was being offered under this article.

Upon motion of Neil A. Wishinsky, TMM #5 and seconded by Nancy A. Daly, TMM #AL, it was, BY A COUNTED VOTE OF 186 IN FAVOR AND 1 OPPOSED

VOTED: That No Action be taken under Article Sixteen.

SEVENTEENTH ARTICLE

To see if the Town will amend §5.32 - EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS (PUBLIC BENEFIT INCENTIVES), paragraph 2 of its Zoning By-law by inserting after 2. a), a new subsection as follows:

b) If the additional height may cast a significant shadow on residential dwellings, any such bonus height allowed by the provisions of these Bylaws, and designated in Section 5.01 TABLE OF DIMENSIONAL REQUIREMENTS, shall be granted only under the following conditions:

- 1) Public Benefits received in return for the bonus height shall be of comparative value to the bonus received by the granting of said additional height.
- 2) Public Benefits received in return for the bonus height shall substantially benefit the affected residential dwellings directly.
- 3) Under no condition shall the shadow cast by the bonus height fall on any residential dwelling for more than four weeks of a year without the granting of a variance.
- 4) It shall not be a defense to this subsection that a shadow exists without the granting of the bonus height. However the significance of the shadow cast without the bonus height may be considered when weighing Public Benefits necessary for compliance with this subsection.

Or act on anything relative thereto.

Daniel Saltzman, a resident of the Town of Brookline, and the principal petitioner of this article, stated that he supports the recommendation to refer Article Seventeen for further study. Mr. Saltzman stated that the regulation of massive enveloping shadows is a legitimate issue for the by-laws. He stated that amending the by-laws with something like his article would add a layer of protection for Brookline's residents by safeguarding them against inevitable zoning anomalies and ambiguities. He stated that responsible development must prevail. He added that the development is completely out of scale with the White Place neighborhood.

Karen D. Lieff, TMM #1, for the Advisory Committee, stated that although the genesis was to provide protection to a specific neighborhood, the article would have implications throughout the Town. She noted that while many members of the Advisory Committee expressed sympathy with the intent of Article Seventeen, the committee struggled with the language of the article and the broader implications for the Town. Ms. Lieff stated that the Advisory Committee urges referral of Article Seventeen to the Zoning By-Law Committee.

Richard (Dick) Benka, TMM #AL, for the Board of Selectmen, stated that this article is triggered by the development of the Red Cab site. He noted that development will undoubtedly cast significant shadows on the property of the petitioner and others. The concerns about the article's language are the basis for the Advisory Committee's and the Board of Selectmen's recommendations to refer this article to the Zoning By-Law Review Committee. He noted that the total FAR or bulk is not at issue here. What's at issue here is a height bonus. Mr. Benka stated that even without the height bonus the building would have the same bulk and mass and have substantially the same shadow effect on those properties. Mr. Benka stated that both the Advisory Committee and the Board of Selectmen recommend referral to the Zoning By-Law Review Committee.

Harold Mark Simansky, TMM #9 stated that he and Mr. Saltzman agree on just one thing – that this article be referred for further study.

Upon motion of Karen D. Lieff, TMM #1 and seconded by Richard (Dick) Benka, TMM #AL it was BY A MAJORITY

VOTED: That the subject matter of Article 17 be submitted to the Zoning By-Law Committee for further analysis, with a report back to the 2009 Annual Town Meeting.

EIGHTEENTH ARTICLE

To see if the Town will authorize and empower the Board of Selectmen to grant a temporary preservation restriction to the Massachusetts Historical Commission for a period not to exceed five years on the structure generally known and referred to as the Monmouth Street fire station located at 86 Monmouth Street and shown as Parcel 28 in Block 112 on Sheet 24 of the Town's 2005 Assessors Atlas.

or act on anything relative thereto.

Carla Wyman Benka, TMM #13, for the Advisory Committee, stated that this article, if approved, would authorize the Board of Selectmen to give a five year preservation restriction to the Massachusetts Historical Commission for the Brookline Arts Center building at 86 Monmouth Street. She stated that the preservation restriction agreement assigns the total costs of continued maintenance and repairs to the grantor,

affords the state historical commission the right to inspect the property for compliance and requires written pre-approval of all renovations to the premises. She notes that due to the lease agreement with the Brookline Arts Center, any cost to the town is unlikely. Ms. Benka stated that the Advisory Committee, by a unanimous vote, recommends Favorable Action under this article.

Lenore Sempert, President of the Board of Directors of the Brookline Arts Center, stated that she is asking for Favorable Action under this article, so the Board may qualify to apply for a grant from the Massachusetts Historical Commission for planning purpose for the building at 86 Monmouth Street.

Jesse R. Mermell, TMM #AL, for the Board of Selectmen, stated that the Arts Center has been a vital and vibrant part of the fabric of Brookline for decades. Ms. Mermell stated that the Board of Selectmen supports the Arts Center's quest for grant funding and urges Favorable Action under this article.

Upon motion of Carla Wyman Benka, TMM #13 and seconded by Jesse R. Mermell, TMM #AL, it was UNANIMOUSLY

VOTED: That the Town authorize and empower the Board of Selectmen to grant a temporary preservation restriction to the Massachusetts Historical Commission for a period not to exceed five years on the structure generally known and referred to as the Monmouth Street fire station located at 86 Monmouth Street and shown as Parcel 28 in Block 112 on Sheet 24 of the Town's 2005 Assessors Atlas.

Upon motion made and duly seconded, it was UNANIMOUSLY

VOTED: To adjourn the Annual Town Meeting until 7:00 P.M. tomorrow evening.

At forty-one minutes past ten o'clock, the Moderator declared the Annual Town Meeting adjourned.

The checkers reported that the signatures of two hundred and twenty (220) Town Meeting Members had been checked during this second session.

ADJOURNED:

(SEAL)

A T T E S T:

Patrick J. Ward
Town Clerk

**MINUTES
OF THE
RECESSED ANNUAL TOWN MEETING
MAY 29, 2008**

Pursuant to the vote passed on Wednesday, May 28, 2008 at the Annual Town Meeting, Town Meeting Members met at the Roberts-Dubbs Auditorium at Brookline High School in said Town on Thursday, May 29, 2008 at 7:00 P.M.

Lists of the duly qualified Town Meeting Members were used at the entrances to the meeting place and were in the charge of Assistant Town Clerk Linda G. Golburgh, Eleanor Groh, Donald Hingston and Diane Shea, who were sworn to the faithful performance of their duties by the Town Clerk. The list contained the names of two-hundred and forty-seven (247) Town Meeting Members qualified to vote in Town Meetings in Brookline.

No Town Meeting Members were allowed within the rails until they signed the check-in lists.

At twenty-one minutes past seven o'clock, the checkers reported that one hundred and forty-one (141) signatures of Town Meeting Members had been checked, or more than one-half of all qualified Town Meeting Members, and the Town Clerk reported to the Moderator that a quorum was present.

The meeting was called to order by the Moderator Edward (Sandy) Gadsby.

TWENTIETH ARTICLE

To see if the Town will vote to accept a grant of easement from H. Toby 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- 1 1-32 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.

Toby Brendze, a resident of 150 Princeton Road and the principal petitioner, stated that the lot in question is next door to her home. Ms. Brendze stated that this lot has always been private property and has never been a part of the Hoar Sanctuary. She stated that in 2006 she attempted to obtain a building permit and a “hammer head” turnaround was presented to the Planning Board for which they approved in 2007. She then filed for an order of condition with the Conservation Commission. She stated that, at the same time, the Town filed a warrant article at the 2007 Annual Town Meeting to accept an easement to allow municipal vehicles to use the turnaround. She noted that this article was referred by Town Meeting while the matter was still before the Conservation Commission. She noted that in September 2007 the Conservation Commission approved the proposal to build a single-family home on this lot. Ms. Brendze stated that this article is again before Town Meeting in order to accept the same easement for municipal vehicles, which was deemed necessary by Town Counsel, since it is on private property.

Michael Berger, TMM #16, for the Advisory Committee, stated that the 1955 Planning Board agreement, with the petitioner, was that an adequate turnaround had to be designed in order to allow adequate fire, police and sanitation access. Mr. Berger stated that in 2007 the Planning Board approved the designed turnaround and required that the owner record an easement. He noted that at the 2007 Annual Town Meeting this article was referred so that the Conservation Commission could re-examine the order of conditions. He further noted that in September 2007 the Conservation Commission established a new order of conditions and these were not appealed by the neighbors who are opposed to the development. He noted that it is ironic that the Conservation Commission manages the Hoar Sanctuary but has no regulatory authority over it. He further noted that no identifiable revenue source was available to take this lot by eminent domain as an alternative to development. Mr. Berger stated that the Sanctuary Study Committee has voted not to oppose this article. He stated that the Advisory Committee, by a unanimous vote, recommends Favorable Action on this article.

Kenneth Kurnos, a resident 195 Rangeley Road, stated that he is opposed to this article. He argued that a review of this project reveals something very stark – the environment versus money. Mr. Kurnos stated that the overriding issue is that the development is for value. We can no longer turn our backs simply because we can’t afford it. Once this development happens this land will be lost forever. Mr. Kurnos emphasized that there will be a negative effect on the sanctuary. He noted at the time of the 1955 agreement the word “wetlands” was not in our lexicon. He stated that he has

serious concerns over salt and sand effluent from the turnaround. Mr. Kurnos urged Town Meeting to vote against this article.

Richard (Dick) Benka, TMM #AL, for the Board of Selectmen, stated that the easement in question will allow the development of a lot on Princeton Road which abuts the Hoar Sanctuary and there is some neighborhood opposition to that development. Mr. Benka stated that the Conservation Commission has imposed a number of conditions on the development of the parcel, including the following: compliance with plans that dictate the footprint of the house; compliance with plans that insure the preservation of certain mature trees; new plantings to provide substitute habitat; a permanent conservation easement over large portions of the property; the prevention of any run-off into the Hoar Sanctuary or any other person's property; controls on the piling of snow; a storm-water management plan and many other conditions. Mr. Benka stated that if the Town wished to prevent development of the lot by acquisition, either through agreement or a taking by eminent domain, would exceed \$500,000 - with no source for those funds. Mr. Benka stated, that by recognizing the conditions imposed by the Conservation Commission and the realities of the situation, the Board of Selectmen, by a 3 to 2 vote, recommends Favorable Action on this article.

Richard H. Wheeler, TMM #16 stated that the Hoar Sanctuary is a resource and a treasure that will be threatened by this development. Mr. Wheeler urges Town Meeting to vote against this article.

Eileen Gallagher, a resident of 165 Rangeley Road and a direct abutter to the lot in question, stated that she supports the acceptance of the easement because it fulfills the contractual obligation of our Town since 1955. Ms. Gallagher urges Favorable Action under this article.

Randolph Meiklejohn, TMM #5 and Chair of the Conservation Commission, for the Conservation Commission, stated that the Conservation Commission is not opposed to Favorable Action under Article Twenty. He noted that the property in question is a single house lot that is just under a half acre in size. He noted, however, that the development plans for this property should be a wake-up call to everyone that the risk to open space is real. He urged Town Meeting to consider developing tools to protect the Town's open spaces. Mr. Meiklejohn stated that Article Twenty is not a question of open space protection and a vote for Favorable Action is not a vote against open space.

Upon motion made and duly seconded, a two-thirds vote being required, it was,
BY A TWO THIRDS VOTE

VOTED: To call the question.

Upon motion of Michael Berger, TMM #16 and seconded by Harry K. Bohrs, TMM #3, it was **BY A COUNTED VOTE OF 170 IN FAVOR AND 5 OPPOSED**

VOTED: That the Town vote to accept a grant of easement from H. Toby 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- 1 1-32 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.).

NINETEENTH ARTICLE

To see if the Town will authorize and empower the Board of Selectmen to grant a temporary preservation restriction to the Massachusetts Historical Commission for a period not to exceed five years on the structure generally known and referred to as the Reservoir Gatehouse, a two-story granite structure located at the southwest corner of Warren and Boylston Streets, adjacent to the Brookline Reservoir and shown as Parcel 10 in Block 324 on Sheet 76 of the Town's 2005 Assessors Atlas.

or act on anything relative thereto.

Betsy Dewitt, TMM #AL, for the Board of Selectmen, stated that Town Meeting has already voted to fund the local matching component for the state grant in Item #37 of the Budget. She stated that the Board of Selectmen concurs with the opinion of Town Counsel that a five year limited duration required for a grant, if one were awarded, would not unreasonably burden the Town. Ms. DeWitt stated that this is a small historic building that has stood for 160 years as part of the Brookline Reservoir Dam. She noted, if awarded, this grant would provide technical information and designs for the needed

work to stabilize both the buildings masonry and roof structure. She further noted that the Town could then apply for additional Massachusetts Historical Commission funding for construction and could qualify for a national matching grant program. Ms. DeWitt stated that a unanimous Board of Selectmen concurs with the Advisory Committee and recommends Favorable Action.

Sheri Flagler, a resident of the Town of Brookline and Chair of the Preservation Commission, stated that the grant is for an engineering study for the 1880 gatehouse at Boylston and Warren Streets. Ms. Flagler described in detail the state of disrepair of the building. She noted that the gatehouse has national historical significance with a metal roof and a pair of symmetrical cast iron staircases. She further noted that the gatehouse was the terminus of Boston's first water supply and the second water supply aqueduct in the United States. Ms. Flagler asked Town Meeting to preserve the gatehouse by supporting Article Nineteen.

Upon motion of Betsy DeWitt, TMM #AL and seconded by Carla Wyman Benka, TMM #13, it was UNANIMOUSLY

VOTED: That the Town authorize and empower the Board of Selectmen to grant a temporary preservation restriction to the Massachusetts Historical Commission for a period not to exceed five years on the structure generally known and referred to as the Reservoir Gatehouse, a two-story granite structure located at the southwest corner of Warren and Boylston Streets, adjacent to the Brookline Reservoir and shown as Parcel 10 in Block 324 on Sheet 76 of the Town's 2005 Assessors Atlas.

TWENTY-FIRST ARTICLE

To see if the Town will amend the General By-Laws by adding an Article 3.x.x. as follows:

Article 3.x.x VOTING MEMBERSHIP OF TOWN COMMITTEES

All voting members of any Town board, committee, commission, or council, established or appointed by the Board of Selectmen, Town Moderator, or Town Meeting, shall be registered voters of the Town.

Regina M. Frawley, TMM #16 and the co-principal petitioner of this article, stated that this article exclusively deals with voting membership of Town Committees appointed or created by the Board of Selectmen, the Moderator or Town Meeting. She stated that without such a by-law a committee could find itself being out-voted by non-residents, however expert they might be. Ms. Frawley stated that those who utilize and pay for community services have the most to gain, or lose, by Town decisions. She stated that a two-thirds resident membership should be maintained to protect the majority of

decisions reflecting more of the Town's residents. Ms. Frawley noted that this article leaves the interpretation of "resident" wide open, allowing greater participation. She then detailed her arguments against the several objections raised by the Board of Selectmen and the Advisory Committee and urged Favorable Action on the main motion.

Francis G. Caro, TMM #8, for the Advisory Committee, stated that the Advisory Committee is not persuaded that there is a problem here that merits the passage of a by-law. Using the Sanctuary Study Committee as an example, Mr. Caro stated that committees who deliberate and make proposals that have policy considerations, will have those proposals scrutinized by the Board of Selectmen and the Advisory Committee, who are all residents of the Town. He noted that the Advisory Committee views by-laws as being a solution to a pattern of problems, not isolated instances. Mr. Caro stated that a majority of the Advisory Committee recommends No Action on this article.

Harry K. Friedman, TMM #14 stated that the motion before you has been amended so much that it has been weakened. The only teeth remaining in this article is the requirement that the membership shall have a two-thirds residency requirement. Mr. Friedman discussed a number of Town committees who do not have problems with non-resident voting membership. He added that the reason for this was because their memberships were established and articulated by Town by-law. He stated that Town Meeting had the foresight to specify the number of residents on each committee and in all instances the number was at least 75 percent. He noted that in the past, committee's have been peopled by people who are the stakeholders. He stated that he believes this system works, that it is the appropriate way of doing things and that Town Meeting should ensure that it continues. Mr. Friedman also noted that non-resident staff and outside experts can be members under this article, just so long as they do not consist of more than one-third of the voting members. Mr. Friedman urges Favorable Action on the main motion.

Betsy DeWitt, TMM #AL, for the Board of Selectmen, stated that the Board is not in favor of another potentially confusing by-law that may lead to unfortunate circumstances. She stated that the revised article was an attempt to cure the problems of the universal band in the original Article Twenty-One. She noted, however, that the cure is undone by insisting on a two-thirds majority for resident voting membership. Ms. DeWitt reviewed a number of committee's that have non-resident membership. She stated that the issue is quality not quantity. Ms. DeWitt stated that the Board of Selectmen felt further research and study of this issue would be better. Ms. DeWitt stated that the Board of Selectmen recommends referral of this article to the Committee on Town Organization and Structure.

Gary D. Jones, TMM #3, stated that it is the role of elected and appointed officials to set policy – not staff. He argued that this article is a serious article and urged Favorable Action on the main motion.

Upon motion made and duly seconded, a two-thirds vote being required, it was
BY A TWO-THIRDS VOTE

VOTED: To call the question.

Upon motion of Betsy DeWitt, TMM #AL and seconded by Robert L. Allen, TMM #AL, the following motion was DEFEATED BY A MAJORITY VOTE

MOVED: To refer Article 21 to the Committee on Town Organization and Structure.

Upon motion of Regina M. Frawley, TMM #16 and seconded by Harry K. Friedman, TMM #14, the following motion was DEFEATED BY A MAJORITY VOTE

MOVED: To see if the Town will amend the General By-Laws by adding an Article 3.xxx as follows:

Article 3.x.x. VOTING MEMBERSHIP OF TOWN COMMITTEES

All voting members of any Town committee (as defined under Town By-Law, Article 1.1, Section 1.1.4 {c}), established or appointed by the Board of Selectmen, Town Moderator or Town Meeting, shall be residents of the Town, unless otherwise required or explicitly permitted by State Statute or State Regulation or Town By-Law or explicitly exempted at the time of committee creation or appointment. However, in no instance shall residents constitute less than a two-thirds majority of a voting membership of any committee.

TWENTY-SECOND ARTICLE

To see if the Town will amend Section 3.1.7 of the Town's By-Laws, Campaigns for Office, by making the following changes in the table "Reporting periods for Town Campaign Finance Report." Additions (including footnote to table) appear in bold; deletions are struck through.

Report due by	Reporting period begins	Reporting period ends
15 days before Town election	Incumbents: January 1 of prior year, or the day after the end of the reporting period of last State report filed whichever period is shorter Challengers: January 1 of year of Town election <u>Candidates who have previously filed reports: Day after end of reporting period for last State report filed</u> <u>Candidates filing initial reports: Day after previous Town election</u>	December 31 of prior year 25 days before Town election
8 days before Town election	Day after end of reporting period for last State report filed	18 days before Town election
30 days after Town election	Day after end of reporting period for last State report filed	20 days after Town election
January 20 of year after Town election*	<u>Candidates who have previously filed reports: Day after end of reporting period for last report filed</u> <u>Candidates filing initial reports: Day after previous Town election</u>	Last day of year of election preceding filing of report

* This report is also due on January 20 of every year in which a campaign committee is in existence or in which candidate maintains a campaign fund or has outstanding debts.

Or act on anything relative thereto.

Frank W. Farlow, TMM #4 and Chair of the Committee on Campaigns, stated that the Committee has worked closely with staff from the Office of Campaign and Political Finance and Town Clerk Patrick J. Ward, to ensure that the by-law is accurate and comprehensible for Selectmen candidates. Mr. Farlow noted that it was important to make clear the beginning and end dates for the required reports. Mr. Farlow noted that this is primarily a housekeeping article and urged Favorable Action.

Francis G. Caro, TMM #8, for the Advisory Committee, stated that this article is a housekeeping article which the Advisory Committee supports. He noted that the Town Clerk has indicated that this improved language is a positive contribution. He also noted that the improved language has been reviewed favorably by the General Counsel of the

Office of Campaign and Political Finance. Mr. Caro stated that the Advisory Committee, by a unanimous vote, recommends Favorable Action on this article.

Jesse R. Mermell, TMM #AL, for the Board of Selectmen, stated that the Board supports clarity in the campaign finance laws and urges Town Meeting to support this article.

Joseph M. Ditkoff, TMM #11 raised concerns about the by-law being a ceiling rather than a floor. He stated that to really have useful campaign disclosure it needs to be accessible as possible and on the website. Mr. Ditkoff recommended that candidates use the software that is easy to use and readily available from the Office of Campaign and Political Finance.

Upon motion of Francis W. Farlow, TMM #4 and seconded by Francis G. Caro, TMM #8, it was UNANIMOUSLY

VOTED: That the Town amend Section 3.1.7 of the Town's By-Laws, Campaigns for Office, by making the following changes in the table "Reporting periods for Town Campaign Finance Report." Additions (including footnote to table) appear in bold; deletions are struck through.

Report due by	Reporting period begins	Reporting period ends
15 days before Town election	Incumbents: January 1 of prior year, or the day after the end of the reporting period of last State report filed whichever period is shorter Challengers: January 1 of year of Town election <u>Candidates who have previously filed reports: Day after end of reporting period for last State report filed</u> <u>Candidates filing initial reports: Day after previous Town election</u>	December 31 of prior year 25 days before Town election
8 days before Town election	Day after end of reporting period for last State report filed	18 days before Town election
30 days after Town election	Day after end of reporting period for last State report filed	20 days after Town election
January 20 of year after Town election*	<u>Candidates who have previously filed reports: Day after end of reporting period for last report filed</u> <u>Candidates filing initial reports: Day after previous Town election</u>	Last day of year of election preceding filing of report

* This report is also due on January 20 of every year in which a campaign committee is in existence or in which candidate maintains a campaign fund or has outstanding debts.

TWENTY-THIRD ARTICLE

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.

Seymour A. Ziskend, TMM #7 and the principal petitioner, stated that he is interested in the safety of the residents of the Town. He noted that the sidewalks are public property and shoveling them should not be the burden of the homeowners. Mr. Ziskend recalled sidewalk snow removal from several decades earlier where a plow would do the sidewalks and then be followed by workers with shovels and sand. He noted that today the DPW doesn't have the manpower or the equipment to do residential areas. Mr. Ziskend stated that the \$1.3 million needed to do the job is really not that much considering the amount we spend as a Town. Mr. Ziskend urged Favorable action on his article.

Robert L. Allen, TMM #AL, for the Board of Selectmen, stated that this article was before Town Meeting last year and was referred to a Moderator's Committee, which completed its work in December 2007 and submitted its recommendations to the Board of Selectmen in January 2008. He noted that one of the items in May's override included \$120,000 for the replacement of the sidewalk snow tractors that were purchased in 1994. He noted that it is our hope that the new equipment will allow us to do more than what we are presently doing. Mr. Allen stated that while the Board appreciates Mr. Ziskend's concern, the Town cannot afford to plow the more than 100 miles of sidewalks. Mr. Allen stated that the Board of Selectmen recommends No Action on this article.

Martin R. Rosenthal, TMM #9, and Co-Chair of Brookline Pax, stated that he appreciates Mr. Ziskend's concern and shares the concern about the need for more sidewalk clearance. He also stated, however, that he recognizes that it is a hopeless battle at this point. Mr. Rosenthal stated that what Town Meeting sees in the Combined Reports, as an answer to Mr. Ziskend, is adequate. Mr. Rosenthal stated that what Brookline Pax has been pushing for is more warnings and more education on sidewalk shoveling. Mr. Rosenthal read aloud four questions that he had conveyed to Town officials earlier last week: what are the protocols for which departments are responsible for what areas of enforcement; are warnings encouraged in the absence of citizens complaints; is data readily available by regions for enforcement; and why can't police cruisers give out warnings for sidewalks that are not shoveled.

Commissioner of Public Works A. Thomas DeMaio reviewed the informational and procedural protocols for sidewalk snow removal. Mr. DeMaio believes that the Town has made tremendous progress since 1987.

Fred Levitan, TMM #14, for the Advisory Committee and a member of the Moderator's Committee on Snow Removal, stated there are still issues concerning disabled residents and the removal of snow on sidewalks. Mr. Levitan stated that, with input from Town Meeting Members, DPW has corrected a lot of problem areas. He noted, however, that we still do not have a solution to the problem. Mr. Levitan stated that the Advisory Committee, by a vote of 15 in favor and 2 abstentions, recommends No Action under this article.

Several questions were asked concerning: were the Selectmen following some of the recommendations of the Moderator's Snow Removal Committee; are the projected

costs of removal overestimated; toxicity issues relative to the salt and sand; and why can't money be found to provide this service.

Eileen Connell Berger, TMM #16 and Chair of the Commission on the Disabled, stated that she was concerned about the disabled not being at the table on issues of access relative to sidewalk snow removal. She stated that the Town's disabled and vulnerable residents are doubly challenged by physical and sensory barriers during winter months. She stated that the disabled community needs to be at that table in the future when discussions of access and impediments in the snow removal process are aired. Ms. Connell-Berger recited a number of recommendations suggested by the Commission on the Disabled to improve communication and to provide solutions to access.

Upon motion made and duly seconded, a two-thirds vote being required, it was BY A TWO-THIRDS VOTE

VOTED: To call the question.

Upon motion of Seymour Ziskend, TMM #7 and duly seconded, the following motion was DEFEATED BY A MAJORITY VOTE

MOVED: That the Town amend 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.

TWENTY-FOURTH ARTICLE

To see if the Town will amend Section 8.6.9 of Article 8.6 of the General By-Laws, Dog Control as follows [new penalties appear in **bold**]:

Article 8.6 Dog Control

Section 8.6.9 Penalty

First Violation	\$ 15.00 \$25.00
Second & Third Violations	\$ 25.00 \$50.00

Fourth & Subsequent
Violations

~~\$ 50.00~~ **\$75.00**

Or act on anything relative thereto.

Fred Levitan, TMM #14, for the Advisory Committee, stated that the Park and Recreation Commission are seeking an increase in fines for the Green Dog Program. Mr. Levitan stated that the Green Dog Program has been in effect for the last three years and it has worked well. He stated that the Park and Recreation Commission believes that an increase in the fines will increase compliance. Mr. Levitan stated that the Advisory Committee recommends Favorable Action on this article.

Richard (Dick) Benka, TMM #AL, for the Board of Selectmen, stated that there are problems with enforcement of the Town's dog control by-law. He stated that the Park and Recreation Commission believe that these increases may enhance enforcement. He noted that this article appropriately increases repeated violations by a greater amount. Mr. Benka stated that the Board of Selectmen unanimously recommends Favorable Action on this article.

Nancy F. Madden, TMM #3 and a member of the Park and Recreation Commission, for the Commission, stated that the Commission has more than four and one-half years experience with this program since Town Meeting permitted a pilot program in 2003. She stated that there are three components to the success of the Green Dog Program: information, education and enforcement. Ms. Madden stated that this article is about enforcement. She noted that the Police and the Animal Control Officer believe that the current fine system is too low to be a painful deterrent and that it needs revision. She further noted that this opinion has been confirmed in the Commission's meetings with dog owners and non-dog owners. Ms. Madden pointed out that of the comparable communities, only Cambridge has lower fines.

Stanley L. Spiegel, TMM #2 stated that although he doesn't wish to "hound" dog owners, especially in this economic climate, that we should all make sure that business is "picking-up". Mr. Spiegel supports the passage of this article.

Several questions were asked concerning the enforcement of the current fines rather than increasing fines; data on how many fines are first, second and third violations; whether the animal control officer's hours be extended through the weekend; and whether the Park and Recreation Commission will reconsider the use of a dog park before they raise any fees.

Upon motion of Fred Levitan, TMM #14 and seconded by Richard (Dick) Benka, TMM #AL, it was by a MAJORITY

VOTED: That the Town amend Section 8.6.9 of Article 8.6 of the General By-Laws, Dog Control as follows [new penalties appear in **bold**]:

Article 8.6 Dog Control

Section 8.6.9 Penalty

First Violation	\$ 15.00 \$25.00
Second & Third Violations	\$ 25.00 \$50.00
Fourth & Subsequent Violations	\$ 50.00 \$75.00

TWENTY-FIFTH ARTICLE

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

Article ____

The Town of Brookline shall uphold Article 1, Section 10, of the U.S. Constitution to the letter of the law. The Town of Brookline shall not emit Bills of Credit. Nothing but gold and silver Coin shall be used as a Tender in the Payment of Debts. The town shall invest in gold or silver coins, and shall divest in other securities or act on anything relative thereto.

Susan Allen, a resident of the Town and principal petitioner, stated that this article has been submitted because the U. S. Dollar is trading badly due to the Iraq war. Ms. Allen referenced the Battle of Waterloo as an example. She then read several commentaries on the International Monetary Fund and gold hoarding. Ms. Allen stated that her concern right now is that our Congress has to go to the Federal Reserve Board every time they need money and at high interest rates, because we have no gold reserves anymore. Ms. Allen urges Town Meeting to refer this article to a Moderator's Committee so that intelligent people in Town can study this grievous situation so that we can secure our country.

Michael S. Traister, TMM #10, for the Advisory Committee, stated that the Town is being asked to create a committee to investigate an international issue regarding gold

and silver. Mr. Traister stated that this article has nothing to do with Town government or business. He stated that, for common sense and good government reasons, the Advisory Committee recommends no Action.

Jesse R. Mermell, TMM #AL, for the Board of Selectmen, stated that such an undertaking, as proposed by this article, would be extremely inconvenient and impractical for the Town. She notes, that while the Board had not taken up the main motion to refer, the Board expressed unanimously to recommend No Action.

Upon motion of Andrew Fischer, TMM #13 and duly seconded, the following motion was DEFEATED BY A COUNTED VOTE OF 0 IN FAVOR AND 179 OPPOSED

MOVED: To refer the subject matter of Article Twenty-Five to a Moderator's Committee for further study.

TWENTY-SIXTH ARTICLE

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.

Susan Allen, a resident of the Town and the principal petitioner, stated that this is the third time she has presented this article to remove toxins from Town administered influenza vaccines. She stated that the general laws of Massachusetts make it a criminal offence if anyone willfully mingles poison with food, drink or medicine, with intent to kill or injure another person and that they shall be punished by imprisonment in a state prison for life. She also quoted a number of public health statutes concerning nuisances and diseases. Ms. Allen urges Favorable Action under this article.

Betsy DeWitt, TMM #AL, for the Board of Selectmen, stated that this is the same subject as two previous warrant articles filed by the petitioner. She stated that the Board of Selectmen has directed the Director of Health & Human Services and the Council on Public Health to research whether these allegations have any merit. She noted that their diligent review of current research indicates that there is no causal relationship between Thimerosal contained vaccines and illness and disease. Ms. DeWitt stated that the Board of Selectmen supports the Advisory Committee's recommendation of No Action.

Director of Health & Human Services Alan Balsalm stated that the Brookline Health Department opposes this warrant article which would restrict the department's ability to administer flu shots or other vaccines unless they are Thimerosal-free or free of all other toxins. He stated that, at its core, this article is anti-vaccine and not anti-Thimerosal. He noted that nothing manufactured is free of toxins or other substances. Approval of this warrant article would mean that we could distribute no vaccine or other medicine. On this basis alone this article should be rejected. Dr. Balsalm stated that we have studied the issue of Thimerosal extensively over the past several years. He noted that a recent study in California documented that autism rates in children continued to climb even after Thimerosal was removed from childhood vaccines. He added that this concurs with prior studies in Canada and Denmark. He stated that the department continues to believe that Thimerosal does not cause autism and that there is no evidence that it causes Alzheimer's disease. Dr. Balsalm stated that vaccines as with all medical procedures, carries risk. He noted that is why informed consent is required before vaccination. He noted that vaccines save lives and that all credible scientific evidence supports the use of vaccines. Dr. Balsalm stated that Thimerosal has been removed from all vaccines except for some flu vaccines. He noted that the removal continues in part to counter attempts by anti-vaccine activists to scare people away from getting vaccinated. He noted that, in Brookline, people can choose Thimerosal – free doses while they last. Dr. Balsalm urges Town Meeting to reject this article.

Gerry P. Koocher, TMM #16, stated that this is the third time that Town Meeting has had to listen to this junk science that would certainly meet nobody's Dahlberg criteria. Dr. Koocher asked the Moderator if there was any way Town Meeting could vote No Action with Prejudice, in order to discourage such frivolous resubmissions of these issues.

Moderator Edward (Sandy) Gadsby stated that there was none.

Upon motion made and duly seconded, a two-thirds vote being required, it was
BY A TWO-THIRDS VOTE

VOTED: To call the question.

Upon motion of Andrew Fischer, TMM #13 and duly seconded, the following motion was **DEFEATED BY A COUNTED VOTE OF 1 IN FAVOR AND 178 OPPOSED**

MOVED: 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.

TWENTY-SEVENTH ARTICLE

To see if the Town will approve the name of the new park at the Newton Street Landfill located at 815 Newton Street to “Skyline Park”, or act on anything relative thereto.

Robert L. Allen, TMM #AL, for the Board of Selectmen, stated that this article has been submitted to name the park in time for its dedication, Mr. Allen stated that the Board of Selectmen unanimously support Favorable Action on this article.

Christine M. Westphal, TMM #6, for the Advisory Committee, stated that some members of the Advisory Committee have raised concerns over the process because community residents, that had reviewed the design of the park, were not consulted when this name was put forward. Ms. Westphal stated that the Park & Recreation Commission’s response to these concerns was that the name was merely a placeholder name. Ms. Westphal stated that, by a 12 to 8 vote, the Advisory Committee voted Favorable Action on this article.

Frederick Lebow, for the Naming Committee, stated that the committee unanimously supports passage of this article. He noted that the name is basically a placeholder. Mr. Lebow stated that as a result of this process, noting the lack of information provided to the neighborhood, that the Naming Committee will be amending their guidelines in order to prevent a similar mistake. Mr. Lebow urged Town Meeting to support this article.

Harry K. Friedman, TMM #14, stated that the proposed name is an ersatz name, until somebody with money purchases the naming rights. Mr. Friedman sardonically recited several alternative names. Mr. Friedman stated that when you name a public facility you are honoring someone worthy of public recognition or commemorating someone worthy of note. He stated that it shouldn’t go to the highest bidder. Mr. Friedman urges Town Meeting to send this article back to the Naming Committee. He stated that we can do better and we can be better.

Chair of the Park and Recreation Commission John Bain, stated that this name is a placeholder name. He noted that the Commission does support renaming the park after someone well-known in the future, but because the dedication is coming up, they would not like to have to dedicate the park without a name. Mr. Bain ended by thanking a number of Town employees who were responsible for the transformation of the landfill into a beautiful open space.

Janice S. Kahn, TMM #15 thanked Chair of the Park and Recreation Commission John Bain and Director of Parks and Open Space Erin Chute-Gallentine for responding to her concerns over the naming process. Ms. Kahn stated that her neighborhood was taken by surprise that the park, that they had spent so many years in creating through a lot of consensus building, had suddenly been named without any notification. She stated that as a result of this issue the Naming Committee will be changing their guidelines and that Town Meeting Members will now be receiving the agendas of the Park Recreation Commission.

A. Joseph Ross, TMM #12 stated that if the Naming Committee actually followed some of Mr. Friedman's sardonic suggestions of naming the park after corporations, the Town might be able to raise enough funds to plow the sidewalks.

Nancy Diane Guzelian, TMM #15 stated that she would support the naming of the park for somebody who is willing to fund its upkeep.

Upon motion of Robert L. Allen, TMM #AL and seconded by Christine M. Westphal, TMM #6, it was by a MAJORITY

VOTED: That the Town approve the name of the new park at the Newton Street Landfill located at 815 Newton Street to "Skyline Park".

TWENTY-EIGHTH ARTICLE

To see if the Town will approve a change in the name of Philbrick Square to "Philbrick Green", or act on anything relative thereto.

Donald C. Weitzman, TMM #12, for the Advisory Committee, stated that this issue was precipitated when the Town, in good faith, placed a small sign on the green calling it Philbrick Square. Mr. Weitzman stated that action got the neighbors thinking and wishing that the name went along more with the neighborhood usage of Philbrick Green. Mr. Weitzman stated that the Advisory Committee, by a vote of 17 In Favor, 0 Opposed and 5 Abstentions, supports this article. He added that it was a neighborhood issue that was handled well by the neighborhood.

Dennis DeWitt, TMM # 5, stated that he represents a substantial majority of the neighborhood's residents who expressed a preference for this modification. He stated that this article is about preserving an historic name. Mr. DeWitt reviewed the history of the Philbrick family and stated that the name "Philbrick Green" will honor them just as much as the heretofore little used "Philbrick Square". Mr. DeWitt urges Favorable action on this article.

Upon motion made and duly seconded, a two-thirds vote being required, it was by a TWO-THIRDS VOTE

VOTED: To call the question.

Upon motion of Donald C. Weitzman, TMM #12 and seconded by Richard (Dick) Benka, TMM #AL, it was by a COUNTED VOTE OF 176 IN FAVOR AND 2 OPPOSED

VOTED: That the Town approve a change in the name of Philbrick Square to “Philbrick Green”.

TWENTY-NINTH ARTICLE

To see if the Town will establish a committee or other structure, composed of appropriate Town officials and citizens, to monitor implementation of the Local Action Plan on Climate Change approved by the Board of Selectmen February 12, 2002, and other related environmental or climate change initiatives,

or act on anything relative thereto.

Donald C. Weitzman, TMM #12, a member of Climate Change Action Brookline, and a co-principal petitioner, stated this article addresses how we as a community can focus on the reduction of greenhouse gases. He stated that the purpose of this article is to establish a committee to recommend programs to 1.) reduce the net effect of greenhouse gases in Brookline; 2.) to monitor, measure and asses efforts of the Town to reduce net effects of greenhouse gases in Brookline; 3.) to monitor other programs in other municipalities; 4.) to monitor relevant technological developments; 5.) to serve as a liaison between the Town and the Public; 6.) to report annually to Town Meeting; and 7.) other responsibilities as may be deemed appropriate in the future. Mr. Weitzman stated that this proposal is a modest first and an important need in our community.

Michael Berger, TMM #16, for the Advisory Committee, reviewed the history of the Town’s efforts on energy conservation over the last several years. He noted that, while the Selectmen have established significant steps in this area, the petitioners see the Selectmen’s Climate Change Committee focusing specifically on greenhouse gas emissions. He further noted that some Advisory Committee members thought the levels were too aggressive while others thought they weren’t aggressive enough. Mr. Berger stated that, in the end, the Advisory Committee supports the formation of this committee.

Werner Lohe, TMM #13, representing Climate Change Action Brookline, stated that eight years ago Brookline was one of the first communities in the country to deal with climate change when we joined an international program, called Cities for Climate Protection. He noted that Town government has done quite a bit since then. Mr. Lohe

stated that we need to be more systematic and organized; we need to mobilize our resources and both take the easy cost saving measures and also, begin to make long-term investments. Mr. Lohe stated that we need to act now. Mr. Lohe urged Favorable Action on this article.

Jesse R. Mermell, TMM #AL, for the Board of Selectmen, stated that the Board agrees with what Mr. Weitzman and Mr. Lohe have said and urges Favorable Action on this Article.

Several questions were asked concerning whether there is anything keeping the Board of Selectmen from creating this committee without having to come before Town Meeting; and the composition of the committee.

Upon motion of Donald C. Weitzman, TMM #12 and seconded by Jesse R. Mermell, TMM #AL, it was by a COUNTED VOTE OF 171 IN FAVOR AND 1 OPPOSED

VOTED: That the Selectmen establish a committee, the purpose of which is to reduce the total emission of greenhouse gases by the Brookline community, including Town government.

The name of the committee shall be the Selectmen's Climate Action Committee.

The responsibilities of the committee shall include:

1. to recommend programs that reduce the net production of greenhouse gases in Brookline, such as energy efficiency measures, green energy sources, and additional greenspace;
2. to monitor, measure, and assess efforts of the Town to reduce net greenhouse gas emissions;
3. to monitor promising relevant programs in other municipalities;
4. to monitor relevant technological developments;
5. to serve as liaison between the Town and the public with regard to information and programs related to reducing net production of greenhouse gases;
6. to report annually to the Annual Town Meeting and to report from time to time to the Board of Selectmen, the Town Administrator, and the public; and
7. such other responsibilities as may be determined from time to time by the Board of Selectmen.

The committee shall consist of the following members appointed by the Board of Selectmen:

1. a member of the Board of Selectmen
2. the Chair of the Advisory Committee or her/his nominee
3. the Chair of the School Committee or her/his nominee

4. the Chair of the Transportation Board or her/his nominee
5. the Chair of the Conservation Commission, or her/his nominee
6. the Chair of the Planning Board, or her/his nominee
7. the Chair of the Building Commission, or her/his nominee
8. the Chair of the Advisory Council on Public Health, or her/his nominee
9. a Co-Chair of Climate Change Action Brookline, or their nominee
10. the President of the Brookline GreenSpace Alliance, or her/his nominee
11. a Co-Chair of the Brookline Neighborhood Alliance, or their nominee
12. the President of the Brookline Chamber of Commerce, or her/his nominee
13. three members at large with special consideration given to people with the following skills:
 - Relevant scientific and/or academic expertise
 - Relevant engineering expertise
 - Knowledge of and/or experience with green businesses
 - Relevant public health expertise.

All members shall serve three-year terms, which may be renewed. Initial appointments shall be for terms of one, two, and three years so that terms will expire at staggered intervals. No member shall be disqualified because she or he is not a resident of the Town.

The committee shall have two co-chairpersons, one of whom shall be the selectman member and one of whom shall be elected annually by the committee.

The staffing of the committee shall be determined by the Selectmen and the Town Administrator.

The committee shall be established by November 30, 2008, and shall be evaluated by the Board of Selectmen before December 31, 2011 to determine whether it should be made permanent or dissolved.

THIRTY-FIRST ARTICLE

To see if the Town will adopt the following Resolution:

WHEREAS on May 24, 2007 the Brookline Police Department issued an incident report regarding events that occurred at Town Hall on the evening of May 24, 2007 after the conclusion of a Zoning Board of Appeals meeting;

WHEREAS on October 10, 2007 the Brookline Police Department issued an investigatory report in connection with citizen allegations of inappropriate police behavior with regard to the May 24, 2007 events, which investigatory report drew upon, at least in part, the May 24, 2007 incident report;

WHEREAS the Board of Selectmen has accepted the October 10, 2007 investigatory report;

WHEREAS before voting to accept the investigatory report the Board of Selectmen heard speakers who supported the report and urged the Board of Selectmen to accept the report but the Board of Selectmen did not hear speakers challenging the report until four weeks (and more) after the Board of Selectmen had already accepted the report;

WHEREAS the 57 page investigatory report, which was issued on October 10, 2007, was not released to the complaining citizen until five days before the October 31, 2007 deadline for the citizen to file an appeal of the report;

WHEREAS seven individuals who were eyewitnesses to the incidents on both the 6th floor and in the 1st floor lobby at Town Hall on May 24, 2007 have publicly stated that even though they made themselves known and available to the police in the 1st floor lobby (and two of them provided written statements for the police) their observations were ignored and/or dismissed;

WHEREAS individuals mentioned in the investigatory report, including but not limited to Town Counsel, have publicly stated that they were misquoted and/or that their statements to the investigating officers were “spun” in the report;

WHEREAS both the incident report dated May 24, 2007 and the investigatory report dated October 10, 2007 are now permanently contained in the records of the Police Department;

WHEREAS if the incident report dated May 24, 2007 and/or the investigatory report dated October 10, 2007 is or are unreliable then the presence of an unreliable report in the records of the Police Department may engender inappropriate behavior by the police or other criminal justice agencies in the future if they rely upon an unreliable report;

WHEREAS if the investigatory report dated October 10, 2007 is unreliable then its presence in the records of the Police Department, its acceptance by the Board of Selectmen, and its presence in the records of the Board of Selectmen may unjustly impugn the reputation of the citizen whose complaint about police behavior precipitated the report;

WHEREAS the Board of Selectmen has appointed a Citizen Complaint Review Committee and has charged it “to make recommendations for improvements in policy and procedures” involving citizen complaints about police practices;

WHEREAS the Board of Selectmen's charge also states: "The charge includes reviewing, to the extent the Committee deems appropriate, the results of the May incident...";

WHEREAS the Board of Selectmen's charge further states: "The Board of Selectmen further charges the Citizen Complaint Review Committee ... to examine how those [Police Department citizen complaint] policies and procedures have worked in particular instances....";

WHEREAS two of the "results of the May 2007 incident" are the police incident report dated May 24, 2007 and, also, the police investigatory report dated October 10, 2007 which was presented to and accepted by the Board of Selectmen;

NOW THEREFORE be it resolved that the Town of Brookline, acting through its Town Meeting, requests the Citizen Complaint Review Committee to "deem it appropriate" to investigate the preparation of the police incident report dated May 24, 2007 and to include in the Committee's own report its judgment whether the police incident report is or is not a reliable presentation of the events of the evening of May 24, 2007;

AND FURTHERMORE be it resolved that the Town of Brookline, acting through its Town Meeting, requests the Citizen Complaint Review Committee to "deem it appropriate" to investigate the preparation of the police investigatory report dated October 10, 2007 and to include in the Committee's own report its judgment whether the police investigatory report is or is not a reliable presentation of the events of the evening of May 24, 2007;

AND FURTHERMORE, that the Town Clerk deliver or cause to be delivered to each member of the Citizen Complaint Review Committee a copy of this Article.

Or act on anything relative thereto.

Harry K. Bohrs, TMM #3, for the Advisory Committee, stated that last May a tense and controversial Zoning Board of Appeals (ZBA) hearing led to a series of emotional confrontations. He noted that in the wake of these altercations there were claims, counter-claims and charges made and one Brookline citizen felt particularly aggrieved and filed a complaint alleging police misconduct. Mr. Bohrs stated that the Board of Selectmen, in its official capacity, reviews all allegations of police misconduct and a report was filed. He stated that this article attempts to address what the petitioner believes to be inadequacies in that report. He noted that this article seeks to have the recently established Citizen's Complaint Review Committee to consider the report. He also noted that this article specifically asks this committee to render a judgment on the report's reliability. Mr. Bohrs stated, since the filing of this warrant article, one of the individuals involved in that incident has filed a complaint with the Massachusetts Commission Against Discrimination (MCAD), against the Town, Town Counsel and a Town Police Officer. He noted that specifically mentioned in this complaint is the police report of the incident – exactly the subject matter of this article. Mr. Bohrs stated that it is this overlapping subject matter, with a pending legal action, that creates difficulty. He

stated that mindful of the need to not facilitate public commentary that would inadvertently or unduly prejudice a pending legal case, the Advisory Committee asked to meet with a Special Town Counsel to consider this article and how to contend with what is this unique situation. Mr. Bohrs stated that Special Counsel advised the Advisory Committee to refrain from comment and discussion. Mr. Bohrs stated that, without the benefit of input from a full inquiry, the Advisory Committee cannot fairly or reasonably make an informed recommendation on the substance of the article. Mr. Bohrs stated, by a vote of 19 In Favor and 1 Abstention, the Advisory Committee recommends postponing the subject matter of Article Thirty-One indefinitely.

Upon motion made and duly seconded, a two-thirds vote being required, a motion to call the question failed, with Martin R. Rosenthal, TMM #9 noted as abstaining.

A. Joseph Ross, TMM #12, stated that the legal issues should not prevent us from voting on this resolution. Mr. Ross stated that Town Meeting, being the Town's legislative body, is where this sort of debate can and should take place. Mr. Ross argued that Town Meeting should not have to wait the length of time it takes an MCAD case to be resolved. He ended by stating that as a legislative body we need to and have to discuss this.

Jonathan H. Davis, TMM #10 stated that the Advisory Committee, stumbling over its own illogic, has admitted that they could not conduct the usual type of hearing and debate and therefore they cannot make a recommendation to pass or recommend no action. He added that instead, they do the equivalent of recommending no action. He noted that Town Meeting has had the nerve to petition its appropriate governing bodies in matters of life, death, war and peace. He then reviewed a series of resolutions that were passed by Town Meeting. Mr. Davis stated that here the Advisory Committee doesn't want Town Meeting to petition the appropriate governing body – the committee – about these reports. He stated that the effect of the Advisory Committee's motion is not just to prevent Town Meeting from petitioning the government, but it is to prevent the committee itself from hearing our petition. Mr. Davis stated that he is very disappointed. He believes that the Board of Selectmen should have been first on line to determine whether those reports, which they based their action, were reliable or not and the Advisory Committee should have been second on line. Mr. Davis ended by stating that Town Meeting should at least exercise our First Amendment right to ask the appropriate governing authority to examine whether those reports are good enough for government work.

Mariela Ames, TMM #15 stated that this article asks the Citizen's Complaint Review Committee to look at the reliability of these reports. She noted that this is important given the many questions raised about the accuracy of these reports. Ms. Ames stated that Article Thirty-One is not a judgment on the Board of Selectmen's decision nor is it a judgment on the officer's conduct. She stated that it simply seeks to shine a light on the citizen's complaint procedure. She noted that the Board of Selectmen has given a charge to the committee but, she further noted, that should be the reason for Town Meeting to weigh in as well. Ms. Ames added that the pending MCAD complaint should

not tie Town Meeting's hands or the committee's. She added that it is not Town Meeting's place to protect the Selectmen or other Town officials in litigation. Ms. Ames urges Town Meeting to vote against the Advisory Committee's motion to postpone indefinitely.

Several questions were raised concerning liability on whether certain statements made in a municipal legislative body were privileged against liability; whether any result from the committee's investigation will be unreliable due to the litigation issue; and whether the Special Counsel, who advised the Advisory Committee, the same Special Counsel who is representing the Town.

Jonathan J. Margolis, TMM #7 stated that as a trial lawyer it was his judgment that evidence of the committee's report is probably irrelevant to the MCAD proceeding. He noted that MCAD proceedings take as long as five to ten years to complete.

Donald C. Weitzman, TMM #12, and a member of the Advisory Committee, stated that he wanted to respond to Mr. Davis' remarks about the Advisory Committee. He stated that the Advisory Committee's vote is a statement that they could not comment on this issue, one way or the other, and that they were not voting it down. He emphasized that the Advisory Committee simply could not deliberate on this issue because the relevant parties were not available.

Joseph Sheffield Dow, TMM #15, requested that Town Meeting table the motion to postpone indefinitely so that Special Counsel might come back to Town Meeting and provide a legal answer. Moderator Edward (Sandy) Gadsby stated that motion was not available to him and that all he could do was to move to call the question.

Jonathan H. Davis, TMM #10 asked if the Moderator could explain the effect of tabling the Advisory Committee's motion. Moderator Edward (Sandy) Gadsby stated that the only motion on the floor is the motion to call the question.

Upon motion of Joseph Sheffield Dow, TMM #15 and duly seconded, a two-thirds being required, the following motion was DEFEATED BY A MAJORITY VOTE, with Martin R. Rosenthal, TMM #9 noted as abstaining.

MOVED: To call the question.

Andrew Fischer, TMM #13 stated that quite often with municipalities the specter of litigation is used as a means to stifle the debate the litigation is intended to provoke.

Susan P. Ellis, TMM #7 and principal petitioner, stated that she opposes the Advisory Committee's motion to postpone because it precludes Town Meeting from addressing the situation that put a Town Meeting Member in potential physical jeopardy. She stated that to postpone indefinitely sweeps this thing under the rug and that's what has happen in the past on this issue. She stated that the record is tarnished. That it reflects many inconsistencies and errors, and in the view of many people, it is also biased.

She noted that this record will stand if this investigation is not allowed. Ms. Ellis urges Town Meeting to defeat the Advisory Committee's motion to postpone indefinitely.

Stanley L. Spiegel, TMM #2 and a member of the Advisory Committee, questioned how Town Meeting can have a reasoned debate when the players on both sides of the debate are precluded from participating. He stated that he supports the Advisory Committee's motion to postpone indefinitely.

Ruthann Sneider #6 stated, that without blaming any individual or without admitting to any racial discrimination, Article Thirty-One begins the process that would allow the Town to apologize to Arthur Wellington Conquest III for the unfortunate circumstances that culminated in his being treated disrespectfully on the evening of May 24th. She stated that if we vote to postpone a discussion of Article Thirty-One we are committing Brookline to a long and expensive fight against Arthur in the courts. She stated that she is not willing to waste taxpayer's dollars to defend a process that we all know needs fixing. She added that it is time to begin the peace process by having a discussion on Article Thirty-One. Ms. Sneider urges Town Meeting to vote against the Advisory Committee's motion to postpone indefinitely.

Patricia A. Connors, TMM #3 questioned that if the Advisory Committee didn't feel it had the information it needed to make any recommendations on this warrant article, couldn't it have simply made no motion.

Jonathan H. Davis, TMM #10 emphasized that Article Thirty-One is not about police misconduct, or whether Arthur Wellington Conquest III was done harm, rather it is important to get Town Meeting's imprimatur on this resolution.

Upon motion of Harry K. Bohrs, TMM #3 and seconded by Neil A. Wishinsky, TMM #5, the following motion was DEFEATED BY A MAJORITY VOTE, with Martin R. Rosenthal, TMM #9, Bernard W. Greene, TMM #7, Judy Meyers, TMM #12 and the entire Board of Selectmen, noted as abstaining.

MOVED: To postpone Article Thirty-One indefinitely.

Michael A. Burstein, TMM #9 asked the Moderator if he would entertain a motion to adjourn Town Meeting until next Tuesday. Moderator Edward (Sandy) Gadsby stated that he would not entertain such a motion because Town Meeting was in the middle of article.

Robert H. DeVries, TMM #5 questioned whether a quorum existed. Moderator Edward (Sandy) Gadsby, after counting the audience, indicated that a quorum was present.

Upon motion made and duly seconded, a two-thirds vote being required, it was by a TWO-THIRDS VOTE

VOTED: To call the question.

Upon motion of Susan P. Ellis, TMM #7 and seconded by A. Joseph Ross, TMM #12, it was by a MAJORITY, with Martin R. Rosenthal, TMM #9, Bernard W. Greene, TMM #7, Harry K. Bohrs, TMM #3, Stanley L. Spiegel, TMM #2, Sytske V. Humphrey, TMM #6, Judy Meyers, TMM #12 and the entire Board of Selectmen, noted as abstaining

VOTED: That the Town adopt the following Resolution:

WHEREAS on May 24, 2007 the Brookline Police Department issued an incident report regarding events that occurred at Town Hall on the evening of May 24, 2007 after the conclusion of a Zoning Board of Appeals meeting;

WHEREAS on October 10, 2007 the Brookline Police Department issued an investigatory report in connection with citizen allegations of inappropriate police behavior with regard to the May 24, 2007 events, which investigatory report drew upon, at least in part, the May 24, 2007 incident report;

WHEREAS the Board of Selectmen has accepted the October 10, 2007 investigatory report;

WHEREAS before voting to accept the investigatory report the Board of Selectmen heard speakers who supported the report and urged the Board of Selectmen to accept the report but the Board of Selectmen did not hear speakers challenging the report until four weeks (and more) after the Board of Selectmen had already accepted the report;

WHEREAS the 57 page investigatory report, which was issued on October 10, 2007, was not released to the complaining citizen until five days before the October 31, 2007 deadline for the citizen to file an appeal of the report;

WHEREAS seven individuals who were eyewitnesses to the incidents on both the 6th floor and in the 1st floor lobby at Town Hall on May 24, 2007 have publicly stated that even though they made themselves known and available to the police in the 1st floor lobby (and two of them provided written statements for the police) their observations were ignored and/or dismissed.

WHEREAS individuals mentioned in the investigatory report, including but not limited to Town Counsel, have publicly stated that they were

misquoted and/or that their statements to the investigating officers were “spun” in the report;

WHEREAS both the incident report dated May 24, 2007 and the investigatory report dated October 10, 2007 are now permanently contained in the records of the Police Department;

WHEREAS if the incident report dated May 24, 2007 and/or the investigatory report dated October 10, 2007 is or are unreliable then the presence of an unreliable report in the records of the Police Department may engender inappropriate behavior by the police or other criminal justice agencies in the future if they rely upon an unreliable report;

WHEREAS if the investigatory report dated October 10, 2007 is unreliable then its presence in the records of the Police Department, its acceptance by the Board of Selectmen, and its presence in the records of the Board of Selectmen may unjustly impugn the reputation of the citizen whose complaint about police behavior precipitated the report;

WHEREAS the Board of Selectmen has appointed a Citizen Complaint Review Committee and has charged it “to make recommendations for improvements in policy and procedures” involving citizen complaints about police practices;

WHEREAS the Board of Selectmen’s charge also states: “The charge includes reviewing, to the extent the Committee deems appropriate, the results of the May incident...”;

WHEREAS the Board of Selectmen’s charge further states: “The Board of Selectmen further charges the Citizen Complaint Review Committee ... to examine how those [Police Department citizen complaint] policies and procedures have worked in particular instances;...”

WHEREAS two of the “results of the May 2007 incident” are the police incident report dated May 24, 2007 and, also, the police investigatory report dated October 10, 2007 which was presented to and accepted by the Board of Selectmen;

NOW THEREFORE be it resolved that the Town of Brookline, acting through its Town Meeting, requests the Citizen Complaint Review Committee to “deem it appropriate” to investigate the preparation of the police incident report dated May 24, 2007 and to include in the Committee’s own report its judgment whether the police incident report is or is not a reliable presentation of the events of the evening of May 24, 2007;

AND FURTHERMORE be it resolved that the Town of Brookline, acting through its Town Meeting, requests the Citizen Complaint Review Committee to “deem it appropriate” to investigate the preparation of the police investigatory report dated October 10, 2007 and to include in the Committee’s own report its judgment whether the police investigatory report is or is not a reliable presentation of the events of the evening of May 24, 2007;

AND FURTHERMORE, that the Town Clerk deliver or cause to be delivered to each member of the Citizen Complaint Review Committee a copy of this Article.

THIRTY-SECOND ARTICLE

To see if the Town will adopt the following resolution:

RESOLUTION TO STOP GLOBAL WARMING BY REDUCING GREENHOUSE GASES

WHEREAS Climate instability brought on by global warming will negatively impact the Town of Brookline, the Commonwealth of Massachusetts and the world;

WHEREAS Greenhouse gases created by human activities have been unequivocally found by the global scientific community to be the main cause of global warming;

WHEREAS The technologies we need to reduce our greenhouse gas emissions already exist and have the added benefit of improving public health by reducing other pollutants;

WHEREAS Leading the world in developing technologies to reduce greenhouse gas emissions could create new jobs and foster new industries;

BE IT RESOLVED, that the Town of Brookline calls on the Commonwealth of Massachusetts to be a leader in addressing this global threat.

THEREFORE, BE IT FURTHER RESOLVED, that the Town of Brookline calls on the Commonwealth of Massachusetts, the Federal Government, and the Governments of the world to cap greenhouse gas emissions and reduce emissions by 20% by 2020 and 80% by 2050, the levels identified by scientific community as necessary to avoid the worst impacts of global warming.

or act on anything relative thereto.

Michael A. Burstein, TMM #9 asked the Moderator if he could move to call the question. Moderator Edward (Sandy) Gadsby stated he would not entertain such a motion at this time.

Jesse R. Mermell, TMM #AL, for the Board of Selectmen, stated that the Board unanimously supports this article. She stated that Article Thirty-Two is part of a broad and far-reaching strategy to have local municipalities voice their support for the Global Warming Solutions Act legislation currently before the Massachusetts Senate. She noted that states have recognized that the time to act on global warming is now and they are unwilling to wait for the federal government to take action, instead they are taking matters into their own hands. She added that communities across Massachusetts are voting on resolutions, calling on the legislature and the Governor to support this act. Ms. Mermell stated that this resolution before Town Meeting will add Brookline's voice to that chorus. Ms. Mermell stated that the Board of Selectmen urges Favorable Action under this article.

Sytske V. Humphrey, TMM #6, for the Advisory Committee, stated that the Advisory Committee unanimously recommends support for this article, so that Brookline can send a message to both federal and state legislators for support to develop emission standards for the near future.

Upon motion of Jesse R. Mermell, TMM #AL and seconded by Nancy A. Daly, TMM #AL, it was by a MAJORITY

VOTED: That the Town will adopt the following resolution:

RESOLUTION TO STOP GLOBAL WARMING BY REDUCING
GREENHOUSE GASES

WHEREAS Climate instability brought on by global warming will negatively impact the Town of Brookline, the Commonwealth of Massachusetts and the world;

WHEREAS The global scientific community has concluded that greenhouse gases, created by human activity are very likely to be the main cause of global warming;

WHEREAS The technologies we need to reduce our greenhouse gas emissions already exist and have the added benefit of improving public health by reducing other pollutants;

WHEREAS Leading the world in developing technologies to reduce greenhouse gas emissions could create new jobs and foster new industries;

BE IT RESOLVED, that the Town of Brookline calls on the Commonwealth of Massachusetts to be a leader in addressing this global threat.

THEREFORE, BE IT FURTHER RESOLVED, that the Town of Brookline calls on the Commonwealth of Massachusetts, the Federal Government, and the Governments of the world to cap greenhouse gas emissions and reduce emissions by 20% by 2020 and 80% by 2050, the levels identified by scientific community as necessary to avoid the worst impacts of global warming.

THIRTY-THIRD ARTICLE

Reports of Town Officers and Committees

Moderator Edward (Sandy) Gadsby read the list of reports that had been submitted to Town Meeting and that were contained under Article Thirty-Three. They included reports from the Affordable Housing Board; the Committee on Town Organization and Structure; the Selectmen's Sanctuary Study Committee; the Moderator's Committee on Sidewalk Snow Removal; the Audit Committee; and the Noise By-law Committee.

Upon motion made and duly seconded, it was by a MAJORITY

VOTED: To dissolve the 2008 Annual Town Meeting.

At twenty-three minutes past eleven o'clock, the Moderator declared the 2008 Annual Town Meeting dissolved.

The checkers reported that the signatures of two hundred and eleven (211) Town Meeting members had been checked during this third and final session.

DISSOLVED:

A T T E S T:

Patrick J. Ward
Town Clerk

(SEAL)