

ARTICLE 1

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.

PETITIONER'S ARTICLE DESCRIPTION

Article 20 of the November, 2000 Special Town Meeting requires that this be the first article at each Annual Town Meeting. It calls for the Selectmen to appoint two Measurers of Wood and Bark.

SELECTMEN'S RECOMMENDATION

The Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on April 1, 2008, on the vote offered by the Advisory Committee.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

This is the traditional Article 1, a reminder of Brookline's colonial beginnings, and is at no cost to the Town. Opponents have countered that this Article is an anachronism that has no place on a modern-day warrant, although the Advisory Committee has been told of at least one fairly recent instance where one of the Measurers of Wood and Bark was called upon regarding a dispute over the size of a delivered chord of wood.

RECOMMENDATION:

By a substantial majority the Advisory Committee (17 in favor, 3 opposed, 1 abstention) recommends FAVORABLE ACTION on the following vote:.

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

XXX

ARTICLE 2

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

PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the Warrant for any Town Meeting when there are unsettled labor contracts. Town Meeting must approve the funding for any collective bargaining agreements.



TOWN of BROOKLINE
Massachusetts

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Sandra A. DeBow
Human Resources Director

April 9, 2008

To: Board of Selectmen

From: Sandra DeBow, Director
Human Resources Office

Re: Annual Town Meeting, May 27, 2008
Article 2, Approval of Collective Bargaining Agreements

The Town of Brookline has reached agreement on collective bargaining agreements with two Unions, AFSCME, AFL-CIO, Local 1358 and the Fire Union, Local 950. We seek funding of these two contracts.

I. AFSCME, AFL-CIO, Local 1358

May 27, 2008 Annual Town Meeting

2-2

Summary: The Town of Brookline and AFSCME, AFL-CIO, Local 1358 came to a tentative agreement on January 22, 2008. The Agreement was ratified by the Union on February 13, 2008 and approved by the Board of Selectmen on February 26, 2008.

The contract centered around three major items, wages (supplemented with a one-time ratification payment), new sick leave language, and the establishment of a new sick leave bank. There were also modest increases to longevity, the tool and non-boot allowance, funds for job-related training, an optional \$2,500 increase in Life Insurance with a premium is paid 100% by the employee. **The overall cost of the two-year contract is approximately 6.4% (\$1,002,363). Approximately 1% is one-time, so the on-going increase is approximately 5.4%.**

Description: The contract is for a two-year period commencing on July 1, 2007 through June 30, 2009. Under the Agreement, the general wages call for a 2% increase effective FY08, a 2% increase for FY09, and an additional 1% increase on January 1, 2009 (also referred to as a 2/1 split for FY09). This equals a 4.5% payout over the two-year contract and a 5% increase going forward on general wages. Also, included in the agreement is a ratification payment which is a one-time lump sum payment of five hundred dollars (\$500.00).

Longevity – Effective FY09, the two lower steps of the longevity ladder (10-15 yrs and 15-20 yrs) were increased by \$50 and the 20-30 year step was increased by \$75. A new step was added for 30 or more years of service with an annual payment of \$1,100.

Allowances – Effective FY09, the annual non-boot allowance was raised by \$100 and the annual tool allowance was increased by \$50.

Funds for Job Related Training - Effective July 1, 2008 the fund will be increased by \$5,000 and the limit an employee may receive per fiscal year increased \$200.

Life Insurance - Effective FY09, the Town will offer employees the option of purchasing \$2,500 of additional life insurance for a total life insurance benefit amount of \$7,500, with employees paying 100% of the premiums for the additional \$2,500 of life insurance.

Sick Leave-

Accruals - Employees hired on or after July 1, 2008, shall accrue sick leave. This is a departure from the current manner in which employees receive sick leave with an annual allotment of 15 days at the beginning of each calendar year.

Documentation – the Town will be permitted to require the presentation of a doctor's certificate or note, which shall state the employee's name, date(s) seen, a brief description of the illness or injury and the expected duration, in connection with a claim for sick leave, when the employee has been absent due to sickness, illness, or injury for ten or more days in the previous calendar year and is absent at a rate of one day or more per month in the current calendar year. Such detail was not required previously.

Extended Sick Leave Bank - Effective July 1, 2008, the parties agreed to establish an extended sick leave bank. To participate an employee must donate one sick day each year and must apply to a labor/management committee that will determine whether distribution under the bank is appropriate. The total days in the sick bank is

capped at 650 sick days and no employee may receive more than 60 days in total per calendar year.

Swipe Cards - Effective July 1, 2008, employees in the Department of Public Works will be required to use swipe cards for recording hours worked including straight time and overtime.

II. Brookline Fire, Local 950 I.A.F.F.,

Summary: The Town of Brookline and Fire Union, Local 950 I.A.F.F., came to a tentative agreement on February 25, 2008. The Agreement was ratified by the Union on March 13, 2008 and approved by the Board of Selectmen on March 18, 2008.

The contract centered around three major items, wages, new sick leave language, and education incentives. There were also modest increases to longevity. There were also modest changes in the annual Longevity payment, a revised Education Incentive and the establishment of a Tuition Reimbursement fund. **The overall cost of the three-year contract is approximately 8.9% (\$1,667,451).**

Description: The contract is for a three-year period commencing on July 1, 2006 through June 30, 2009.

Wages - Under the Agreement, the general wages calls for 2%/1% split for FY07, a 2% increase effective FY08, and a 2%/1% split for FY09. This equals a 7% payout over the three year contract and 7.5% increase going forward on general wages.

Night Differential Effective FY08 the night differential shall be increased from 6.58% to 6.75%. Effective FY09, the night differential will increase to 7.0%.

Longevity - Effective FY09 each step on the annual Longevity ladder will increase \$50 and a new step for 30+ years was added at an amount of \$950. Effective January 1, 2009, each step will be increased \$50.

Education

Education Incentive - The education incentive was revised as follows. Effective July 1, 2008, firefighters who have earned an Associate's degree in Fire Science will receive an education incentive of \$2,500 per year. Effective July 1, 2008, firefighters who have earned a Bachelor's degree in Fire Science, Fire Administration, or Public Administration shall receive an education incentive of \$5,000 per year.

Tuition Reimbursement - Effective July 1, 2008, the Town will establish and administer a tuition reimbursement fund of ten thousand dollars (\$10,000) per fiscal year which will be used to reimburse firefighters for job-related courses toward degrees in Fire Science, Fire Administration, and Public Administration.

Employees will be reimbursed for tuition expended in courses pre-approved by the Town provided the employee receives a "C" or better grade or a "pass" in a course only offered on a pass/fail basis. Such reimbursement is subject to a limit of \$1,000 per employee per fiscal year up to the fund maximum of \$10,000 per fiscal year.

Sick Leave -

Send Firefighter to Doctor - After a firefighter has been out sick for a period of thirty (30) consecutive calendar days, the Town will now have the right to send the employee to a doctor selected by the Town to investigate the employee's absence alleged to be caused by illness.

Doctor Certificate Form - Firefighters who are directed to present doctor's certifications/certificates shall use a new form which details the date(s) seen by the physician, a brief description of the illness or injury and the expected duration, in connection with a claim for sick leave.



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Sandra A. DeBow
Human Resources Director

April 29, 2008

To: Board of Selectmen

From: Sandra DeBow, Director
Human Resources Office

Re: Annual Town Meeting, May 27, 2008
Article 2, Approval of Collective Bargaining Agreements, Library

The Town of Brookline has reached agreement on collective bargaining agreements with the Library Bargaining unit of AFSCME, AFL-CIO, Local 1358. We seek funding of this contract.

AFSCME, AFL-CIO, Local 1358, Library

Summary: The Town of Brookline and the Staff Association of the Public Library bargaining unit of AFSCME, AFL-CIO, Local 1358 (the Union), came to a tentative agreement on April 10, 2008. The Agreement was ratified by the Union on April 23, 2008 and approved by the Board of Selectmen on April 29, 2008.

The Library contract, like the main AFSCME contract, centered around three major items, wages, new sick leave language, and the establishment of a new sick leave bank. There were also modest increases to longevity, the non-boot allowance, new opportunities to participate in job-related training, and an optional \$2,500 increase in Life Insurance with a premium is paid 100% by the employee. **The overall cost of the two-year contract is approximately 6.5% (\$135,600). Approximately 1% is one-time, so the on-going increase is approximately 5.5%.**

Description: The contract is for a two-year period commencing on July 1, 2007 through June 30, 2009. Under the Agreement, the general wages call for a 2% increase effective FY08, a 2% increase for FY09, and an additional 1% increase on January 1, 2009 (also referred to as a 2/1 split for FY09). Also, included in the agreement is a ratification payment which is a one-time lump sum payment of five hundred dollars (\$500.00).

Longevity – Effective FY09, the two lower steps of the longevity ladder (10-15 yrs and 15-20 yrs) were increased by \$50 and the 20-30 year step was increased by \$75. A new step was added for 30 or more years of service with an annual payment of \$1,100.

Allowances – Effective FY09, the annual non-boot allowance was raised by \$100.

Funds for Job Related Training - Effective July 1, 2008 the members of the Library bargaining unit will be able to participate in the Job-related Training Fund of the main AFSCME contract which was increased by \$5,000 and the limit an employee may receive per fiscal year increased \$200.

Life Insurance - Effective FY09, the Town will offer employees the option of purchasing \$2,500 of additional life insurance for a total life insurance benefit amount of \$7,500, with employees paying 100% of the premiums for the additional \$2,500 of life insurance.

Sick Leave-

Accruals - Employees hired on or after July 1, 2008, shall accrue sick leave. This is a departure from the current manner in which employees receive sick leave with an annual allotment of 15 days at the beginning of each calendar year.

Documentation – the Town will be permitted to require the presentation of a doctor's certificate or note, which shall state the employee's name, date(s) seen, a brief description of the illness or injury and the expected duration, in connection with a claim for sick leave, when the employee has been absent due to sickness, illness, or injury for ten or more days in the previous calendar year and is absent at a rate of one day or more per month in the current calendar year. Such detail was not required previously.

Extended Sick Leave Bank - Effective July 1, 2008, the members of the Library bargaining unit will be able to participate in the extended sick leave bank established under the main AFSCME contract. To participate an employee must donate one sick day each year and must apply to a labor/management committee that will determine whether distribution under the bank is appropriate. The total days in the main sick bank is capped at 650 sick days and no employee may receive more than 60 days in total per calendar year.

SELECTMEN'S RECOMMENDATION

As detailed in the Human Resource Director's memos, the Town has reached agreements with three unions: AFSCME Council 93, Local 1358; Staff Association of the Public Library, bargaining unit of AFSCME, AFL-CIO, Local 1358; and International Association of Firefighters (I.A.F.F), Local 950. The two AFSCME unit contracts are for two years (FY08 and FY09) while the contract with firefighters' union is for a three-year period (FY07-FY09). If these contracts are approved by Town Meeting, there would remain four Town unions with unsettled contracts (Police, Engineers, Librarians, and Teamsters, who represent the Emergency Dispatchers).

For AFSCME Local 1358, the agreement calls for a 2% base wage increase for FY08 and a 2% / 1% split for FY09. This represents a 4.5% payout over the two-year period and a 5% increase going forward on general wages. Also included in the agreement is a ratification payment, a one-time lump sum payment of five hundred dollars (\$500.00). Other changes include adjustments to Longevity, Boots Allowance, Tool Allowance, and the Training Fund. In total, the increase for this unit is 6.4%, but 1% is one-time, so the on-going cost increase is 5.4%.

The contract with the Staff Association of the Public Library calls for a 2% base wage increase for FY08 and a 2% / 1% split for FY09. This represents a 4.5% payout over the two-year period and a 5% increase going forward on general wages. Also included in the agreement is a ratification payment, a one-time lump sum payment of five hundred dollars (\$500.00). Other changes include adjustments to Longevity and Boots Allowance. In total, the increase for this unit is 6.5%, but 1% is one-time, so the on-going cost increase is 5.5%.

The contract with the Fire union calls for a 2% / 1% split base wage increase for FY07, a 2% for FY08, and a 2% / 1% split for FY09. This represents a 7% payout over the three-year period and an 8% increase going forward on general wages. Also included in the agreement are increases in Shift Differential and Longevity, a revision to the Educational Incentive program, and the institution of a Tuition Reimbursement program. In total, the increase for this unit is 8.9%. Lastly, the agreement includes changes to the current Sick Leave language, something that will help the Fire Chief manage sick leave utilization.

These contracts should be measured against the Override Study Committee's (OSC) recommendation to hold total compensation (i.e., salaries and benefits) to "sustainable" levels, with sustainable defined as growth in on-going revenues. (The OSC's analysis pegged this level at approximately 3.75%.) Based upon the plan design changes for employee health insurance plans made in FY08 and these proposed contracts, over a two-year period, the Town is below the recommended level. As the table on the following page shows, benefits and wages increase 7.3% over two-years, slightly below the 7.5% (3.75% x 2).

| <u>ANNUAL % CHANGE</u> | | |
|------------------------|-------------|-------------|
| | <u>FY08</u> | <u>FY09</u> |
| Town Benefits | 9.1% | 5.3% |
| Town Wages | 1.7% | 2.4% |
| TOTAL | 4.0% | 3.3% |

The Selectmen commend the unions and the Town negotiating team for working together to come to terms that reflect the fiscal realities while still providing sustainable and equitable compensation increases for employees. Therefore, the Board recommends FAVORABLE ACTION, by a vote of 4-0 taken on April 29, 2008, on the following votes:

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.

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.

ROLL CALL VOTE

Favorable Action

- Daly
- Hoy
- DeWitt
- Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Town Meeting must approve all collective bargaining agreements between the town and its unions (except for contracts in the schools which are negotiated by the School Committee.) There are 2 contracts which need to be approved for this Town Meeting. The first is with AFSCME Local 1358 and the second is with Fire Union, Local 950.

DISCUSSION:

1. AFSCME Local 1358

This is a two year contract which is timed so that it comes due with other Collective Bargaining Agreements in town. We note the group health insurance was not an issue in this contract since that was dealt with in coalition bargaining which occurred last summer in which major plan design changes and cost savings were agreed upon. The total cost of the contract over 2 years is 6.4%, of which, about 1% is one time, so the ongoing increase is about 5.4% (2.7% per year.)

Major Provisions:

Salary:

- 2% increase effective FY08,
- a 2% increase for FY09
- An additional 1% increase on January 1, 2009 (also referred to as a 2/1 split for FY09).

This equals a 4.5% payout over the two-year contract and a 5% increase going forward on general wages. Also, included in the agreement is a ratification payment which is a one-time lump sum payment of five hundred dollars (\$500.00).

Additionally there are small increases to the longevity and non boots and tools allowances.

The job training fund was increased by \$5,000 and the limit an employee can receive was raised by \$200. There were 3 changes with respect to Sick Leave including sick leave accruals throughout the year, clearer guidelines on when a sick documentation can be requested plus the establishment of a sick leave bank for which employees can contribute sick leave in order to participate.

The costs of the AFSCME contract are detailed on the attachment.

2. Fire Union, Local 950

This contract was settled after a referral to the Joint Labor Committee. If the Joint Labor Committee process was allowed to be completed, the CBA provisions would have been

set by that body after each side presented its case. This is a three year contract. The major items were wages, new sick leave language, and education incentives. There were also modest increases to longevity. There were also modest changes in the annual Longevity payment, a revised Education Incentive and the establishment of a Tuition Reimbursement fund. The overall cost of the three-year contract is approximately 8.9% (just under 3% per year).

Salary:

- 2%/1% split for FY07,
- a 2% increase effective FY08. Night differential will increase from 6.58% to 6.75%,
- 2%/1% split for FY09.

This equals a 7% payout over the three year contract and 7.5% increase going forward on general wages.

Sick Leave:

- After 30 being sick for 30 days, the town can send the employee to a Town selected doctor.
- The town can specify the form used for doctor certifications for sick leave which indicates the illness or injury and expected duration.

Education:

- \$10,000 tuition reimbursement fund for job related courses.
- The education incentive was revised as follows. Effective July 1, 2008, firefighters who have earned an Associate's degree in Fire Science will receive an education incentive of \$2,500 per year. Effective July 1, 2008, firefighters who have earned a Bachelor's degree in Fire Science, Fire Administration, or Public Administration shall receive an education incentive of \$5,000 per year.

The costs of the fire contract are detailed on the attachment.

RECOMMENDATION:

These contracts are in line with other contracts agreed to by the town and within the amounts budgeted for collective bargaining. A topic of the Advisory Committee discussion was the lack of linkage between the salary increases and the tremendous increase in this year's health insurance costs. Town officials pointed out that that health insurance was explicitly off the table in these contract negotiations given that it was dealt in coalition bargaining last summer. The result of that bargaining was plan design changes which did, in fact, save the Town over \$1 million a year. Steps going forward will be the subject of the resolution in Article 30.

May 27, 2008 Annual Town Meeting

2-10

The Advisory Committee by a 13-4 vote recommends FAVORABLE ACTION on the AFSCME Local 1358 contract, in the words of the vote offered by the Selectmen.

The Advisory Committee by a 12-5-1 vote recommends FAVORABLE ACTION on the Fire Union, Local 950 contract, in the words of the vote offered by the Selectmen.

XXX

ARTICLE 2

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

As detailed in the Human Resource Director's memo below, the Town has reached agreement with the AFSCME, AFL-CIO, Local 1358, School Traffic Supervisors.



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Sandra A. DeBow
Human Resources Director

May 19, 2008

To: Board of Selectmen

From: Sandra DeBow, Director
Human Resources Office

Re: Annual Town Meeting, May 27, 2008
Article 2, AFSCME, School Traffic Supervisors

Summary: The Town of Brookline and the School Traffic Supervisor's bargaining unit of AFSCME, AFL-CIO, Local 1358 (the Union), came to a tentative agreement on May 15, 2008. The Agreement was ratified by the Union on May 16, 2008 and approved by the Board of Selectmen on May 20, 2008.

The School Traffic Supervisors contract, like the main AFSCME contract, centered around three major items, wages, new sick leave language, the establishment of a new sick leave bank, a new working supervisor assignment, and the acceptance of two-hour parking work. **The overall cost of the two-year contract is approximately 6.4% (\$35,062). Approximately 1.3% is one-time, so the on-going increase is approximately 5.1%.**

Description: The contract is for a two-year period commencing on July 1, 2007 through June 30, 2009. Under the Agreement, the general wages call for a 2% increase effective FY08, a 2% increase for FY09, and an additional 1% increase on January 1, 2009 for full-time employees and a 1% increase in FY09 for all part-time employees. Also, included in the agreement is a one-time, lump sum, ratification payment of \$500.00.

AFSCME contract provisions - The members of the school traffic bargaining unit agreed to language similar to the other AFSCME bargaining units including:

- Job Related Training (participation in main AFSCME fund)
- Optional Life Insurance (participation in main AFSCME benefit)
- Extended Sick Leave Bank (participation in main AFSCME fund)
- Increase in uniform allowance (\$100)
- Sick Leave Accrual (all new employees after 7/1/08)
- Longevity Increase (\$100/step and main contract amounts for full-time)

Two-Hour Parking – The union agreed to issue two-hour parking violation notices to be shared with Brookline police officers.

Working Supervisor - The Agreement creates a new specialist assignment of working supervisor with a \$1/hr stipend.

Snow Day – The Agreement creates a snow day for part-time employees.

The Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on May 20, 2008, on the following:

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.

XXX

ARTICLE 2

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

As detailed in the Human Resource Director's memo below, the Town has reached agreement with International Brotherhood of Teamsters, Local 25, Emergency Dispatchers.



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Sandra A. DeBow
Human Resources Director

May 22, 2008

To: Board of Selectmen

From: Sandra DeBow, Director
Human Resources Office

Re: Annual Town Meeting, May 27, 2008
Article 2, International Brotherhood of Teamsters, Local 25

Summary: The Town of Brookline and the International Brotherhood of Teamsters, Local 25 (Emergency Telecommunications Dispatchers) (Local 25), came to a tentative agreement on May 21, 2008. The Agreement was ratified by the Union on May 22, 2008. The Local 25 contract centered around two major items, wages and a new 4/2 schedule. The compensation increase of the dispatchers is limited to just 3% over four years; however, the overall cost inclusive of the staff increase is 10% over four years (approx. \$165,328).

The Agreement is for two, two-year contracts. The first extends the current collective bargaining agreement from July 1, 2007 through June 30, 2009; the second is effective from July 1, 2009 through June 30, 2011.

Under the Agreement, the dispatchers will receive a 2% general wage increase July 1, 2007 and on July 1, 2010 they will receive an additional 1% general wage increase. The parties also agreed to a 4/2 schedule (working 4 days on and two days off). The new

schedule is common in the 24/7 public safety arena and is sought to address retention concerns and to reduce overtime costs and sick use.

This Agreement also contains a sunset provision whereupon the Town may sunset the new 4/2 schedule by giving written notice to the Union in June 2011, effectively reinstating the current 5/2 schedule.

This agreement entails a change in work schedule that the union has long desired, and both Chiefs have endorsed: the dispatchers will go from a “5 and 2” (five days on, two days off) schedule to a “4 and 2”. As a result, one additional staff position is required. In order to help fund that position, reduced COLA’s were agreed to and overtime will be decreased. Basically, the union has agreed to take a 3% wage increase over a four-year period (2%-0%-0%-1%) to address the budgetary concerns of the town about implementing the schedule change. The benefit for the Dispatchers is the 4 and 2 work schedule that the police have, meaning that they have fewer tours to work during they year. The 5 and 2 schedule has been a primary factor in the high level of turnover that has occurred in this area over the past year. Since September of 2007, six of the 14 dispatchers have resigned. The cost of this contract, including COLA’s and staff, falls within the sustainability guidelines that have been established. In fact, this is a creative example of how the overall approach to compensation and staffing levels is supposed to work as put forth by the Override Study Committee. The Selectmen recommend FAVORABLE ACTION on the following:

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.

ADVISORY COMMITTEE’S SUPPLEMENTAL RECOMMENDATION

BACKGROUND:

3 additional collective bargaining agreements have been settled since the Combined Report was mailed which need to be approved by Town Meeting. The first is with

AFSCME Local 1358 (School Traffic Supervisors), the second is with AFSCME Local 1358 (Library) and the third is with Teamsters Local 25 (911 Dispatchers.)

(Technical Note: The Teamsters Local 25 contract has not yet been accepted by the Selectmen as of this writing. The Selectmen are expected to consider this contract at their pre-Town Meeting session on 5/27/2008. This write-up and recommendation will assume that the Selectmen accept the contract as presented.)

DISCUSSION:

1. AFSCME Local 1358 (School Traffic Supervisors)

This is a two year contract which is timed so that it comes due with other Collective Bargaining Agreements in town. We note the group health insurance was not an issue in this contract since that was dealt with in coalition bargaining which occurred last summer in which major plan design changes and cost savings were agreed upon. The total cost of the contract over 2 years is 6.4%, of which, about 1.3% is one time, so the ongoing increase is about 5.1% (2.55% per year.)

Major Provisions:

Salary:

2% increase effective FY08 for full time workers,

2% increase for FY09 (Except part timers who will receive 1%)

An additional 1% increase on January 1, 2009 for full time workers (also referred to as a 2/1 split for FY09).

Also, included in the agreement is a ratification payment which is a one-time lump sum payment of five hundred dollars (\$500.00).

Additionally there are small increases to the longevity and “non boots and tools” allowances.

The contract creates a new assignment of a Working Supervisor with a \$1/hr additional stipend. This assignment will allow shifting scheduling and other administrative duties from a Police Sergeant.

Lastly, the contract permits these employees to issue 2 hour parking violation notices. (Currently they can only enforce parking meter violations.) This duty would be shared with police officers and cannot be implemented until an agreement is reached with the police union.

2. AFSCME Local 1358 (Library)

This is a two year contract which is timed so that it comes due with other Collective Bargaining Agreements in town. Again, we note the group health insurance was not an

issue in this contract since that was dealt with in coalition bargaining which occurred last summer. The total cost of the contract over 2 years is 6.5%, of which, about 1.0% is one time, so the ongoing increase is about 5.5% (2.75% per year.)

Major Provisions:

Salary:

2% increase effective FY08,

2% increase for FY09,

An additional 1% increase on January 1, 2009 for full time workers (also referred to as a 2/1 split for FY09).

Also, included in the agreement is a ratification payment which is a one-time lump sum payment of five hundred dollars (\$500.00).

Additionally there are small increases to the longevity and non boots and tools allowances and some administrative tightening of sick leave accrual and documentation rules.

3. Teamsters Local 25 (911 Dispatchers)

The contract was ratified on May 22, 2008 after being turned down by the union membership twice. This contract is estimated to cost the Town about 10% over 4 years. (7/1/07 through 6/30/2011.)

The contract provides for a 2% general wage increase on 7/1/2007 (retroactive) and then a 1% increase on 7/1/2010.

The most significant change provided by the contract is the change from a “5 day on, 2 day off” schedule to a “4 day on, 2 day” off schedule. Schedules are set by seniority and the more desirable Monday to Friday schedules are worked by senior dispatchers. This insured that junior dispatchers would never have a weekend off and created high turnover and morale problems amongst the junior dispatchers. Since the dispatchers are tightly staffed and there is a 4 month training period, the high turnover has cost the town much in overtime.

The 4/2 schedule means that the dispatchers are working less hours hence the contract provides for a pay raise schedule that is below that of the other contracts. The Town will also have to hire an additional dispatcher to cover the required shifts. However, the Town will maintain its no new net hire policy. In other words, the total number of employees working for the Town will not increase because of the provisions of this contract.

RECOMMENDATION:

These contracts are in line with other contracts agreed to by the Town and within the amounts budgeted for collective bargaining.

The Advisory Committee by a 18-0-1 vote recommends FAVORABLE ACTION on the AFSCME Local 1358 (School Traffic Supervisors) contract.

The Advisory Committee by a 16-0-0 vote recommends FAVORABLE ACTION on the AFSCME Local 1358 (Library) contract.

The Advisory Committee by a 16-0-2 vote recommends FAVORABLE ACTION on the Teamsters Local 25 (911 Dispatchers) contract.

XXX

ARTICLE 3

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.

PETITIONER'S ARTICLE DESCRIPTION

This article authorizes the Town Treasurer to enter into Compensating Balance Agreements, which are agreements between a depositor and a bank in which the depositor agrees to maintain a specified level of non-interest bearing deposits in return for which the bank agrees to perform certain services for the depositor. In order to incorporate such compensating balance agreements into the local budget process, the Commonwealth passed a law in 1986 mandating that all such arrangements be authorized by Town Meeting on an annual basis.

SELECTMEN'S RECOMMENDATION

Compensating balances are agreements between a depositor and a bank in which the depositor agrees to maintain a specified level of non-interest bearing deposits in return for which the bank agrees to perform certain services for the depositor. In order to incorporate such compensating balance agreements into the local budget process, the Commonwealth passed a law in 1986 mandating that all such arrangements be authorized by Town Meeting on an annual basis.

Funds have been included in the Treasurer's FY2009 budget to pay for these services directly and the Treasurer does not anticipate using this procedure at this time. This authorization, however, will give the Treasurer the flexibility to enter into such agreements if it should be in the best interest of the Town.

The Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on April 1, 2008, on the following vote:

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.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Under a 1986 State law, Town Treasurers may not enter into a compensating balance agreement without an annual authorization from Town Meeting. Under a compensating balance agreement, the Town receives no-fee banking services in exchange for agreeing to maintain a specified level of deposits in an interest-free account.

DISCUSSION:

To date, the Treasurer has not used this authority, finding it more advantageous to place Town funds in interest bearing accounts and negotiate service fees with the banks. The Town spends between \$40,000 and \$70,000 annually in bank service charges. The Treasurer has no specific plans to enter into any compensating balance agreements, but would like the flexibility to do so if conditions warrant.

RECOMMENDATION:

The Advisory Committee by a vote of 19 in favor, 1 opposed, with 1 abstention recommends FAVORABLE ACTION on the vote offered by the Board of Selectmen.

XXX

ARTICLE 4

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.

PETITIONER'S ARTICLE DESCRIPTION

Section 2.1.4 of the Town's By-Laws requires that each Annual Town Meeting include a warrant article showing the status of all special appropriations.

SELECTMEN'S RECOMMENDATION

This is an annual article required by Section 2.1.4 of the Town's By-Laws. The Comptroller has furnished the tables that appear on the following pages and detail the status of capital projects and special appropriations broken out by those that are debt financed and those that are funded with current revenues.

Under state statutes, any revenue funds declared surplus must be closed out to free cash at the end of the fiscal year. No action by Town Meeting is required. Surplus funds from bond-financed projects may be appropriated by Town Meeting for any purpose for which a loan may be taken only under a warrant article calling for an appropriation that meets these requirements. As part of the funding package for the FY09 Capital Improvement Program (CIP), Article 8 includes the re-appropriation of some existing accounts.

The Selectmen recommend NO ACTION, by a vote of 5-0 taken on April 1, 2008, on the article.

ADVISORY COMMITTEE'S RECOMMENDATION

RECOMMENDATION:

Town Meeting does not need to take any action on the close-out of special appropriations. The attached list is for information only. Furthermore, there are no requests for rescissions on any bond authorization, which would require authorization votes of Town Meeting. Inasmuch as no action on the part of Town Meeting is required, the Advisory Committee unanimously (18 in favor, none opposed, no abstentions) recommends a vote of NO ACTION under this Article.

Available Budget Report - Capital Funds for Fiscal Year 2008 as of 5/6/08

| <u>Dept</u> | <u>Fund</u> | <u>Project</u> | <u>Revised Budget</u> | <u>YTD Expended</u> | <u>YTD Encumbered</u> | <u>Available</u> | <u>Status</u> |
|--------------|-------------|-----------------------------------|-----------------------|---------------------|-----------------------|-------------------|---|
| Building | C097 | HIGH SCHOOL IMPROVEMENTS | 4,552 | 0 | 4,552 | 0 | Complete. |
| Building | C119 | PUBLIC SAFETY FACILITY REN | 36,475 | 36,475 | 0 | 0 | Complete. |
| Building | C132 | SCHOOL LIFE SAFETY SYSTEM | 56,548 | 43,299 | 13,249 | 0 | Encumbrances complete projects. Any unexpended balance to close out on 6/30/08. |
| Building | C134 | OLD LINCOLN ELEVATOR & REPAIR | 3,855 | 0 | 0 | 3,855 | Being re-allocated in FY09 CIP. |
| Building | C135 | FIRE STATION #1 RENOVATION | 12,632 | 12,632 | 0 | 0 | Complete. |
| Building | C139 | MAIN LIBRARY RENOVATIONS | 2,785 | 2,785 | 0 | 0 | Complete. |
| Building | C141 | DRISCOLL SCHOOL HVAC EQUIP | 432,653 | 106,165 | 12,297 | 314,191 | Summer work to be undertaken. |
| Building | C142 | PUTTERHAM MEADOWS GOLF/CLUBHSE | 1,635,305 | 40,400 | 126,885 | 1,468,021 | Encumbrance is for cart paths. Future work on hold. |
| Building | C143 | LAWRENCE SCHOOL AND LONGWOOD P | 297,249 | 111,266 | 40,463 | 145,519 | Keycard and A/C work to be undertaken. |
| Building | C146 | DRISCOLL SCHOOL IMPROVEMENTS | 2,936 | 207 | 2,729 | 0 | Encumbrances complete projects. Any unexpended balance to close out on 6/30/08. |
| Building | C147 | NEWTON ST LANDFILL (TRANSFER STA) | 387,591 | 375,990 | 11,569 | 32 | Construction on-going. |
| Building | C149 | DRISCOLL SCHOOL IMPROVEMENTS | 6,092 | 0 | 5,092 | 1,000 | To be closed out on 6/30/06. |
| Building | C154 | TOWN HALL RENOVATIONS | 438,859 | 294,588 | 144,271 | 0 | Construction on-going. |
| Building | C155 | S G TRAIN HEALTH CTR RENOVATIO | 100 | 100 | 0 | 0 | Complete. |
| Building | C156 | EVELYN KIRrane AQ CTR IMP | 42,325 | 36,213 | 4,613 | 1,500 | Punch list items being worked on. |
| Building | C157 | NEWTON ST LANDFILL (TRANSFER STA) | 540,000 | 197,197 | 111,046 | 231,757 | Construction on-going. |
| Building | C161 | TOWN HALL RENOVATIONS | 13,800,000 | 7,711,929 | 6,087,493 | 578 | Construction on-going. |
| DPW | C144 | WASTEWATER SYSTEM IMPROVEMENTS | 981,512 | 240,752 | 178,775 | 561,986 | On-going projects. |
| DPW | C145 | STORM DRAIN IMPROVEMENTS | 125,449 | 125,449 | 0 | 0 | Complete. |
| DPW | C147 | NEWTON STREET LANDFILL | 1,624,129 | 1,237,885 | 386,020 | 224 | Finalizing landfill construction contracts. |
| DPW | C148 | BEACON STREET RECONSTRUCTION | 1,427,330 | 1,169,424 | 257,906 | 0 | Construction to be completed by Summer '08. |
| DPW | C150 | MUDDY RIVER RESTORATION | 745,000 | 0 | 0 | 745,000 | Project in Design phase. |
| DPW | C152 | STORM DRAIN IMPROVEMENTS | 175,981 | 2,046 | 32,179 | 141,756 | On-going projects. |
| DPW | C153 | WATER METER REPLACEMENT | 224,286 | 192,738 | 17,703 | 13,844 | On-going. To be completed in the Fall 2008. |
| DPW | C157 | NEWTON ST LANDFILL | 1,416,867 | 240,594 | 251,818 | 924,456 | On-going environmental assessments. |
| DPW | C158 | WASTEWATER SYSTEM IMP | 5,500,000 | 0 | 0 | 5,500,000 | On-going projects. |
| DPW | C159 | SINGLETREE RD WATER TANK | 250,000 | 19,300 | 14,900 | 215,800 | To be undertaken Fall 2008. |
| DPW | C160 | RESERVOIR AT FISHER HILL PURCH | 1,350,000 | 0 | 0 | 1,350,000 | Land plan and survey in process with DCAM. |
| TOTAL | | | 31,520,511 | 12,197,434 | 7,703,560 | 11,619,518 | |

Available Budget Report - Special Warrant Articles
for Fiscal Year 2008 as of 5/6/08

| Dept | Acct | Name | YTD Encumbered | | | Available | Comment |
|------------|--------|--------------------------------|----------------|--------------|---------|-----------|---|
| | | | Revised Budget | YTD Expended | | | |
| Finance | 6A0005 | DATA PROCESSING EQUIPMENT | 122,773 | 692 | 17,853 | 104,228 | On-going implementation of MUNIS (financial system). |
| Finance | 6A0013 | FURN, FIXTURES, EQUIPMENT | 14,284 | 894 | 6,465 | 6,925 | To be used for furniture as required during move back to TH. |
| Finance | 6A0019 | SCHOOL FURNITURE UPGRADES | 25,000 | 25,000 | 0 | 0 | Complete. |
| Town Clerk | 6E0018 | DRE VOTING MACHINES | 20,000 | 12,357 | 0 | 7,643 | Any unexpended balance to be closed out by 6/30/08. |
| Planning | 6E0022 | STREETScape/CIVIC SPACE | 170,000 | 274 | 168,316 | 1,411 | Contract awarded on April 1, 2008. |
| Planning | 6T0034 | GATEWAY EAST PROJECT | 100,000 | 37,488 | 62,512 | 0 | Project in Preliminary Design phase. |
| Info Tech | 6A0005 | DATA PROCESSING EQUIPMENT | 323,430 | 191,073 | 117,575 | 14,782 | On-going IT projects. |
| Police | 6E0042 | BULLET PROOF VESTS | 25,000 | 24,606 | 0 | 394 | Any unexpended balance to be closed out by 6/30/08. |
| Fire | 6E0010 | FIRE LADDER TRUCK | 12,017 | 12,017 | 0 | 0 | Complete. |
| Fire | 6E0023 | FIRE TRAINING MODULE & EQUIPME | 46,000 | 0 | 0 | 46,000 | On hold until a decision is made on Fleet Maint. Shop facility. |
| Fire | 6E0030 | FIRE ENGINE | 200,000 | 0 | 0 | 200,000 | Being re-appropriated as part of Proposed CIP. |
| Fire | 6E0032 | REPL FIRE TURN-OUT GEAR | 270,000 | 0 | 237,128 | 32,872 | On-going replacement of gear. |
| Fire | 6E0044 | FIRE APPARATUS REFURBISHING | 296,511 | 7,684 | 288,224 | 603 | Any unexpended balance to be closed out by 6/30/08. |
| Building | 6A0023 | FIRE STA DIESEL EXHAUST SYSTEM | 2,875 | 0 | 2,875 | 0 | Encumbrances to complete project. Any unexpended balance to be closed out by 6/30/08. |
| Building | 6B0002 | PUTTERHAM LIB ADA RENOVATIONS | 50,000 | 0 | 0 | 50,000 | Funds to be re-allocated as part of Proposed CIP. |
| Building | 6B0004 | FIRE STATION #5 WINDOWS | 208,842 | 37,938 | 11,849 | 159,055 | Work on windows to start in 2 months. Completion of window project by August, '08. |
| Building | 6B0005 | TOWN/SCH BLDG SEC/LIFE SAFETY | 85,656 | 9,540 | 25,981 | 50,135 | On-going programs. |
| Building | 6B0006 | PUTTERHAM LIBRARY FLOOR REPL | 25,000 | 0 | 0 | 25,000 | To be completed with other library renovations. |
| Building | 6B0007 | PUTTERHAM LIBRARY HVAC UPGRADE | 307,500 | 1,600 | 14,000 | 291,900 | Project will commence once Assessor's move back to Town Hall. |
| Building | 6B0008 | MUNICIPAL POOL REHAB | 97,391 | 77,810 | 19,581 | 0 | Punch list items to be completed. |
| Building | 6B0009 | OLD LINCOLN SCH ELEVATOR | 1,501 | 1,501 | 0 | 0 | Project complete. |
| Building | 6B0011 | TAPPAN ST GYM | 35,284 | 0 | 0 | 35,284 | Part of funding for window project, which is being designed. |
| Building | 6B0013 | WALDSTEIN BUILDING RENOVATIONS | 12,000 | 0 | 0 | 12,000 | To commence design in Fall. |
| Building | 6B0018 | SCHOOL FACILITIES MASTER PLAN | 100,000 | 0 | 0 | 100,000 | Bids received and being reviewed. |
| Building | 6B0020 | TRAIN MEM PUBLIC HEALTH BLDG | 56,133 | 38,976 | 17,156 | 0 | Monies held because of on-going corrections that are needed. |
| Building | 6B0023 | SOULE RECREATION CTR REHABILIT | 348,000 | 98,551 | 238,800 | 10,649 | Work to commence June, '08 and completed in October, '08. |
| Building | 6B0046 | DEVOTION SCH AUD-STUDY | 422 | 422 | 0 | 0 | Complete. |
| Building | 6B0061 | ASBESTOS REMOVAL | 55,239 | 15,069 | 0 | 40,170 | On-going. |
| Building | 6B0065 | MAIN LIBRARY RENOVATIONS | 2,481 | 2,481 | 0 | 0 | Complete. |
| Building | 6B0068 | OLD LINCOLN SCHOOL REPAIR | 1,245 | 1,245 | 0 | 0 | Complete. |
| Building | 6B0086 | PIERCE SCHOOL WIND/VENTIL | 510,590 | 404,314 | 17,793 | 88,484 | On-going projects. |
| Building | 6B0088 | PUTTERHAM LIB FIRE ALARM | 42,800 | 0 | 0 | 42,800 | Part of renovations to facility. |
| Building | 6B0091 | PIERCE SCHOOL IMPROVEMENT | 141,534 | 0 | 0 | 141,534 | On-going projects. |
| Building | 6B0092 | SCHOOL BLDGS LIFE SAFETY | 216,524 | 115,246 | 101,255 | 22 | On-going projects. |
| Building | 6B0095 | FIRE DEPT MOTOR VEH SHOP MOVE | 4,720 | 4,720 | 0 | 0 | Study complete. |
| Building | 6B0097 | BHS REPAIRS | 239,208 | 105,000 | 53,138 | 81,070 | Design complete for Roof/Masonry. Work to commence Summer '08. |
| Building | 6B0098 | LYNCH REC CTR WINDOWS/BOILERS | 1,945 | 1,945 | 0 | 0 | Complete. |
| Building | 6B0102 | FIRE TRAINING BUILDING IMP | 90,898 | 76,922 | 4,300 | 9,676 | Masonry work to be done Summer, '08. |
| Building | 6B0103 | COOLIDGE CORNER LIB FIRE ALARM | 33,708 | 33,708 | 0 | 0 | Complete. |
| Building | 6B0104 | COOLIDGE CORNER LIBRARY HVAC | 8,222 | 1,746 | 6,476 | 0 | Complete. Any unexpended balance to be closed out by 6/30/08. |
| Building | 6B0105 | TOWN/SCH FACILITY ROOF REPAIR | 275,000 | 184,605 | 9,450 | 80,945 | Study underway. |
| Building | 6B0106 | STUDIES FOR RUNKLE/DEVOTION SC | 200,000 | 0 | 0 | 200,000 | Linked to Master Plan / State funding for Runkle. |
| Building | 6B0107 | TOWN HALL RENOVATIONS | 2,895,970 | 539,337 | 289,667 | 2,066,965 | Construction on-going. |
| Building | 6C0010 | HANDICAPPED IMPROVEMENTS-ADA | 51,800 | 33,416 | 10,750 | 7,634 | On-going projects. |
| Building | 6C0026 | DRISCOLL SCHOOL | 54,529 | 50,353 | 0 | 4,176 | Projects to commence Summer, '08. |
| Building | 6E0014 | ENERGY CONSERVATION | 159,881 | 85,255 | 20,174 | 54,453 | On-going projects. |
| Building | 6E0052 | ENERGY MANAGEMENT SYSTEM | 132,539 | 114,367 | 18,159 | 13 | Encumbrances complete project. Any unspent balance to be closed out by 6/30/08. |
| Building | 6E0067 | BALDWIN SCH BOILER REPL | 50,000 | 50,000 | 0 | 0 | Complete. |
| Building | 6E0068 | PORTABLE CLASSROOMS | 400,000 | 2,100 | 14,800 | 383,100 | Specs being designed. |
| DPW | 6B0003 | MAIN LIBRARY LANDSCAPING | 100,000 | 100,000 | 0 | 0 | Project complete. |
| DPW | 6B0031 | SKATING RINK RENOVATIONS/IMPRO | 130,000 | 130,000 | 0 | 0 | Project complete. |
| DPW | 6B0069 | LINCOLN SCHOOL WALL | 27,391 | 23,364 | 3,226 | 801 | Project complete. To be closed out by 6/30/08. |
| DPW | 6B0074 | TRANSFER STATION REHABILIT | 121,414 | 116,897 | 4,059 | 457 | Bids for window enclosures received. Roof repairs in process of being bid. Summer completion expected on both projects. |
| DPW | 6C0007 | WINTRHOP SQ. PARK IMPROVEMENTS | 40,000 | 592 | 1,408 | 38,000 | Public design review process underway. |

Available Budget Report - Special Warrant Articles
for Fiscal Year 2008 as of 5/6/08

| Dept | Acct | Name | YTD Encumbered | | | Available | Comment |
|----------------------|--------|--------------------------------|-------------------|------------------|------------------|------------------|--|
| | | | Revised Budget | YTD Expended | | | |
| DPW | 6C0011 | TREE REMOVAL & REPLACEMEN | 156,369 | 96,422 | 35,943 | 24,004 | On-going planting / removal. |
| DPW | 6E0040 | BACKFLOW PREVENTOR VALVES | 20,635 | 807 | 0 | 19,827 | Public building retrofit program - to be completed Fall 2008. |
| DPW | 6H0003 | PAVEMENT OF FIRE TRAINING AREA | 30,000 | 0 | 0 | 30,000 | To be completed this Summer. |
| DPW | 6H0017 | STREET/SIDEWALK REHABILIT | 532 | 532 | 0 | 0 | Complete. |
| DPW | 6H0020 | STREET LIGHTING REPLACEME | 298,609 | 128,980 | 16,486 | 153,143 | On-going projects. |
| DPW | 6H0021 | CARLETON STREET FOOTBRIDGE | 90,000 | 0 | 0 | 90,000 | TEP filed. Waiting for additional information. |
| DPW | 6H0022 | SIDEWALK IMPROVEMENTS | 279,333 | 136,124 | 102,084 | 41,125 | On-going projects. |
| DPW | 6H0025 | CHESTNUT ST DRAIN/WILLOW POND | 53,645 | 1,480 | 5,530 | 46,635 | Waiting for Muddy River project to remove the sediment. |
| DPW | 6H0026 | STREET REHABILITATION | 1,752,890 | 229,934 | 1,122,580 | 400,376 | On-going projects. |
| DPW | 6H0028 | COOLIDGE CORNER LIB DRIVEWAY | 40,000 | 0 | 0 | 40,000 | Overlay driveway July, '08. |
| DPW | 6L0001 | NEWTON ST LANDFILL SITE | 704,633 | 427,301 | 277,332 | 0 | Encumbrances complete project. |
| DPW | 6P0003 | AMORY FIELD IMPROVEMENTS | 11,525 | 7,694 | 3,831 | 0 | Money encumbered for project oversight. |
| DPW | 6P0005 | DANE PARK | 224,259 | 0 | 0 | 224,259 | Construction/Bid documents currently in progress. Anticipating a Summer 2008 construction start. |
| DPW | 6P0006 | LAWTON PLAYGROUND | 37,089 | 10,908 | 3,812 | 22,370 | Master Plan implementation scheduled for completion in Fall 2008. |
| DPW | 6P0007 | LONGWOOD MALL | 22,644 | 18,173 | 1,950 | 2,521 | Treatment plan scheduled for Spring/Summer 2008. |
| DPW | 6P0015 | RIVERWAY PARK IMPROVEMENT | 86,369 | 0 | 0 | 86,369 | On hold until Muddy River Restoration Project is underway. |
| DPW | 6P0018 | PLAYGROUND EQUIPMENT,FIELDS,FE | 418,412 | 131,745 | 193,795 | 92,872 | On-going work. |
| DPW | 6P0019 | SOULE PLAYGROUND | 232,502 | 229,502 | 3,000 | 0 | Still holding final retainage. Will close out following warranty. |
| DPW | 6P0021 | PATHWAY RECONSTRUCTION | 211,174 | 0 | 42,312 | 168,862 | Rawson Path out to bid. Spring '08 construction. |
| DPW | 6P0022 | OLMSTED PARK IMPROVEMENTS | 47,454 | 2,716 | 6,230 | 38,508 | On hold until Muddy River Restoration Project is underway. |
| DPW | 6P0028 | TENNIS/BASKETBALL COURT REHAB | 120,122 | 94,381 | 9,750 | 15,990 | On-going work. |
| DPW | 6P0031 | LARZ ANDERSON PARK | 184,959 | 0 | 0 | 184,959 | Waiting for bid submittals on pergola restoration project. |
| DPW | 6P0034 | LOST POND CONSERVATION AR | 48,997 | 0 | 0 | 48,997 | Signage project expected to start next fiscal year, trailmarkings and boardwalk will follow. |
| DPW | 6P0037 | PHRAGMITES CONTROL-MUDDY | 6,606 | 0 | 0 | 6,606 | On hold until Muddy River Restoration Project is underway. |
| DPW | 6P0040 | WALNUT HILLS CEMETERY IMP | 175,105 | 60,104 | 0 | 115,001 | Design work scheduled for Fall 2008. |
| DPW | 6P0044 | TOWN/SCHOOL GROUNDS REHAB | 248,841 | 77,678 | 130,650 | 40,513 | On-going work. |
| DPW | 6P0045 | HEMLOCK TREE ASSESS/REMOV | 31,343 | 3,158 | 3,808 | 24,378 | On-going work. |
| DPW | 6P0047 | MUDDY RIVER REMEDIATION | 1,400,100 | 0 | 0 | 1,400,100 | On hold until Town's share of Muddy River Restoration project funding is due. |
| DPW | 6P0048 | TREE & SHRUB MANAGEMENT | 11,875 | 0 | 5,000 | 6,875 | On-going work. |
| DPW | 6P0049 | PARK LAND/OPEN SPACE MASTER PL | 13,371 | 0 | 0 | 13,371 | Scheduled for use of fee analysis study as part of Master Plan recommendation. |
| DPW | 6P0050 | AMORY PARK ENVIRONMENTAL STUDY | 27,385 | 0 | 10,139 | 17,246 | Will be in used during 2008/2009 Amory Park Renovation project. |
| DPW | 6P0052 | AMORY PLAYGROUND IMP | 350,000 | 981 | 349,019 | 0 | Construction scheduled to start May/June 2008. |
| DPW | 6P0053 | FIELD IMP-DOWNES & LANDFILL | 293,647 | 291,853 | 0 | 1,794 | In progress. |
| DPW | 6P0054 | PARK LIGHTING UPGRADE | 115,755 | 17,304 | 0 | 98,451 | On-going work. |
| DPW | 6T0014 | TRAFFIC CALMING | 260,235 | 71,290 | 153,499 | 35,446 | On-going projects. |
| DPW | 6T0019 | NEWTON ST/W ROXBURY PKWY TRAF | 147,900 | 0 | 0 | 147,900 | Reviewing conceptual plans with DCR. |
| DPW | 6T0020 | LONGWOOD/KENT TRAFFIC SIG | 69,020 | 0 | 0 | 69,020 | Evaluate intersection improvements June, '08. |
| DPW | 6T0024 | PEDESTRIAN SIGNAL @ 61 PARK ST | 3,945 | 0 | 3,945 | 0 | Complete. Any unexpended balance to be closed out by 6/30/08. |
| DPW | 6T0026 | MOUNTFORT ST TRAFFIC SIGNAL | 131,278 | 9,040 | 2,238 | 120,000 | 75% plans and specs under review. |
| DPW | 6T0030 | MOD TRAF SIG-FIRE STATION 6 | 53,730 | 0 | 0 | 53,730 | 75% plans and specs under review. |
| DPW | 6T0032 | HORACE JAMES CIR TRAFFIC IMP | 149,959 | 0 | 0 | 149,959 | Reviewing conceptual plans with DCR. |
| DPW | 6T0033 | PEDESTRIAN ACCESS IMPROVEMENTS | 45,000 | 0 | 45,000 | 0 | Project in Preliminary Design phase (part of Village Sq project). |
| DPW | 6T0035 | WASH ST/SCHOOL ST/CYPRESS TRAF | 103,000 | 0 | 0 | 103,000 | Conceptual design to be complete Aug, '08. |
| DPW | 6W0003 | WATER METER REPLACEMENT | 150,000 | 0 | 0 | 150,000 | Public facility meters being purchased. |
| Library | 6E0012 | LIBRARY SELF CHECK OUT UNITS | 50,000 | 0 | 0 | 50,000 | If funds for RFID technology are approved, these funds will be used as part of that project. If not, a decision will be made in the fall of 2008 as to whether or not to purchase two bar code based self-check units. |
| Library | 6E0013 | COOLIDGE CORNER LIB FURNISHING | 6,799 | 0 | 0 | 6,799 | Any unspent balance to be closed out by 6/30/08. |
| Library | 6E0033 | PUTTERHAM LIB FURNISHINGS | 65,000 | 0 | 0 | 65,000 | Funds will be spent after the completion of the HVAC project in FY09. |
| REPORT TOTAL: | | | 17,925,302 | 4,819,210 | 4,310,902 | 8,795,190 | |

ARTICLE 5

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.

PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the Warrant for every Town Meeting in case there are any unpaid bills from a prior fiscal year that are deemed to be legal obligations of the Town. Per Massachusetts General Law, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting.

SELECTMEN'S RECOMMENDATION

State statutes provide that unpaid bills from previous fiscal years may not be paid from the current year's appropriations without the specific approval of Town Meeting. There is one unpaid bill, a \$3,418.32 bill from Hess Corporation for natural gas usage at the Water and Sewer Division's facility on Netherlands Road. The bill was for the period 12/20/2006 to 01/22/2007, but it was not received until March 24, 2008, well after the close of FY07. There is no record of this invoice being received prior to that date. The Selectmen have reviewed the bill and verified that it is a valid obligation of the Town. Therefore, the Board recommends FAVORABLE ACTION, by a vote of 5-0 taken on April 1, 2008, on the vote offered by the Advisory Committee.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Unpaid bills of a prior year cannot be paid without specific approval of Town Meeting. This article is placed in the warrant for every Town Meeting where such bills arise and are deemed legal obligations of the town.

DISCUSSION:

For the fiscal year ending 6/30/07 there was one unpaid bill that now needs Town Meeting approval for payment. The bill is:

| PAYEE | AMOUNT | DESCRIPTION | EXPLANATION |
|------------------|---------------|---|---|
| Hess Corporation | \$3,418.32 | The bill is for natural gas usage at the Netherlands Road Water and Sewer Facility during fiscal 2007 | An invoice for natural gas usage for the period 12/20/06 to 01/22/07 was received on 03/24/08. There is no record of the bill having been received at an earlier date. Based on Water and Sewer Department research, the invoice is correct and payment is due. |

RECOMMENDATION:

These bills are legal obligations of the Town for services rendered and received and should be paid.

The Advisory Committee, by a vote of 17-0-0 recommends FAVORABLE ACTION on the following:

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

XXX

ARTICLE 6

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.

PETITIONER'S ARTICLE DESCRIPTION

This article provides for an increase in the property tax exemptions for certain classes of individuals, including surviving spouses, the elderly, the blind, and disabled veterans. The proposed increases, which require annual reauthorizations, have been approved annually since FY89.

SELECTMEN'S RECOMMENDATION

This article provides for an increase in the property tax exemptions for certain classes of individuals, including surviving spouses, the elderly, the blind, and disabled veterans. The proposed increases, which require annual reauthorizations, have been approved annually since FY89. The estimated cost is approximately \$66,500 and is funded from the tax abatement overlay account. The law allows the Town to increase the exemption by up to 100% as indicated on the following schedule:

| <u>Description</u> | <u>Ch. 59, Sec.5 Clause</u> | <u>Current Amount of Taxes Exempted</u> | <u>Proposed Amount of Taxes Exempted</u> |
|---|-------------------------------------|---|--|
| Surviving Spouse | 17D | \$175 | \$350 |
| Veteran (10% Disability) | 22 | \$400 | \$800 |
| Veteran (loss of one hand, foot or eye) | 22A | \$750 | \$1,500 |
| Veteran (loss of two hands, feet or eyes) | 22B | \$1,250 | \$2,500 |
| Veteran (special housing) | 22C | \$1,500 | \$3,000 |
| Veteran (certain widows of soldiers) | 22D | \$250 | \$500 |
| Veteran (100% disability, cannot work) | 22E | \$1,000 | \$2,000 |
| Blind | 37A | \$500 | \$1,000 |
| Elderly | 41C | \$500 | \$1,000 |

The Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on April 1, 2008, on the following vote:

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.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

This Article would allow the Town to continue its current practice of increasing state-mandated property tax exemptions for several classes of taxpayers, including veterans with a 10% or greater disability, surviving spouses, blind taxpayers, and low-income elderly taxpayers. The town is required to give these taxpayers a basic exemption whose amount is specified in Chapter 59, Section 5 of the Massachusetts General Laws and which is partially reimbursed by the state. The Town also has the option to increase these exemptions by any amount up to 100%. The increase must be uniform across all the exemptions, and the increased exemption may not decrease an individual taxpayer's liability below the previous year's amount.

DISCUSSION:

The proposed increases require annual authorization and have been approved by Town Meeting each year since FY1989. It is hard to imagine the Town denying, for instance, disabled veterans and low-income elderly the additional small exemptions allowed under state law. The Assessor estimates that the cost for FY2008 will be approximately \$66,500 and has already built a reserve for this purpose in the FY2008 tax abatement overlay account.

RECOMMENDATION:

The Advisory Committee unanimously (18 in favor, none opposed, no abstentions) recommends FAVORABLE ACTION on the vote offered by the Board of Selectmen.

XXX

ARTICLE 7

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.

PETITIONER'S ARTICLE DESCRIPTION

The purpose of this article is to make any year-end adjustments to the current year (FY08) budget.

SELECTMEN'S RECOMMENDATION

As of the writing of this Recommendation, there are no FY08 budget amendments. Therefore, the Board recommends NO ACTION on the article.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND

Article 7 would allow for the transfer of funds from and between various accounts in the FY'08 budget.

RECOMMENDATION

As there are no transfers required, the Advisory Committee unanimously recommends NO ACTION on Article7.

ARTICLE 8

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.

PETITIONER'S ARTICLE DESCRIPTION

This is the annual appropriations article for FY2009. Included in this omnibus budget article are operating budgets, special appropriations, enterprise funds, revolving funds, and conditions of appropriation. This is the culmination of work that officially began with the presentation of the Town Administrator's Financial Plan on February 12th. The proposed budget has since been reviewed by numerous sub-committees of the Advisory Committee, the full Advisory Committee, and the Board of Selectmen. The vote ultimately recommended to Town Meeting is offered by the Advisory Committee.

SELECTMEN'S RECOMMENDATION

The Selectmen would like to thank the Town Administrator and his staff, the Advisory Committee, the School Superintendent and his staff, and the School Committee for all of their efforts and collaboration toward dealing with this FY09 budget, an extremely challenging one that resulted in the Town seeking relief from Prop 2 ½ for the first time in nearly 15 years. The Override Study Committee (OSC) also deserves our thanks for their efforts, as their recommendations helped form the basis of the Override that went before the voters on May 6th. The vote offered by the Advisory Committee reflects the additional amounts approved in the Override, a summary of which follows:

| <u>ITEM#</u> | <u>DEPT</u> | <u>AMT</u> |
|--------------|------------------------------------|--------------------|
| 9. | Police | \$ 335,000 |
| 10. | Fire | \$ 150,000 |
| 11. | Building | \$ 500,000 |
| 12. | DPW (Parks/Open Space) | \$ 250,000 |
| 13. | Library | \$ 80,000 |
| 22. | Schools | \$3,968,000 |
| 23. | Benefits (Health Ins) ¹ | \$ 167,000 |
| 44. | Street Rehabilitation | \$ 580,000 |
| 46. | Sidewalk Repair | \$ 50,000 |
| 47. | Sidewalk Snow Clearing Equip. | \$ 120,000 |
| | TOTAL | \$6,200,000 |

¹ These are the employee benefit costs associated with the Elementary World Language program (\$132,000) and the restoration of the four Police Officer positions (\$35,000).

SELECTMEN'S BUDGET VOTE vs ADVISORY COMMITTEE'S BUDGET VOTE

The Board of Selectmen is in agreement with the Advisory Committee on all items in the FY09 Budget except for the following two Capital Improvement Program (CIP) items:

1. RFID technology in the libraries – the Advisory Committee recommends \$0 for the project while the Board unanimously recommends that the \$465,000 as originally proposed in the CIP be appropriated. The Selectmen agree with the Library Director and the Trustees that it is this technology that will enable the Library to continue to offer services at current levels while dealing with a rapidly increasing level of circulation. Without it, it is the Trustees' belief that additional staff will be required to offset the increase in circulation -- or service levels would have to be reduced. As the OSC made abundantly clear, growth in overall personnel costs must be contained if the Town wishes to sustain its current service levels. Therefore, the Town must look at ways to avoid adding to its overall staffing level, and using one-time funds to invest in technology that can obviate the need for additional staffing is the prudent path to take.² The technology is proven and the proposal falls within the OSC's recommendation to increase the use of technology.

2. Reservoir Gatehouse – the Advisory Committee supports \$5,000 to help fund the “match” that is required for the Preservation Commission if it is to be successful in obtaining funding from the Massachusetts Preservation Projects Fund (MPPF). The Selectmen support the Preservation Commission's request for \$10,000. The Brookline Reservoir Gatehouse, constructed in 1848, is located at the intersection of Warren and Boylston Streets. The granite structure has been vacant for many years and has become unsafe due to its neglect. The conditions study is necessary to evaluate the deteriorating condition of the historic wrought iron roof truss – the oldest surviving example in the United States. Its condition must be evaluated to arrest deterioration that, if not addressed, will eventually lead to structural failure. (For decades failed built-in gutters have drained all rain unto the building.) The report will also evaluate the condition of the masonry that holds back the water in the Brookline Reservoir.

SUMMARY

The budget proposed by the Advisory Committee totals \$199 million, an increase of \$10.4 million (5.5%). (It is worth noting, by way of contrast, that the increase would have been \$4.2 million, or 2.3%, if the Override were not approved.) Table 1 on the following page details the entire FY09 budget, including enterprise / revolving funds. This budget recommendation includes a General Fund Operating Budget of \$183.9 million, which represents an increase of \$8.8 million (5%); revenue-financed capital of \$8 million, enterprise / revolving funds of \$26.3 million (gross); and non-appropriated expenses of \$7.2 million. Table 2, found on page 8-7, details the FY09 General Fund revenues and expenditures.

² The Advisory Committee placed the funds that would have gone to RFID in the Newton St. Landfill appropriation. By supporting RFID, the Selectmen's recommended funding for the Landfill is less than the Advisory Committee's.

TABLE 1: FY2009 FINANCIAL PLAN SUMMARY

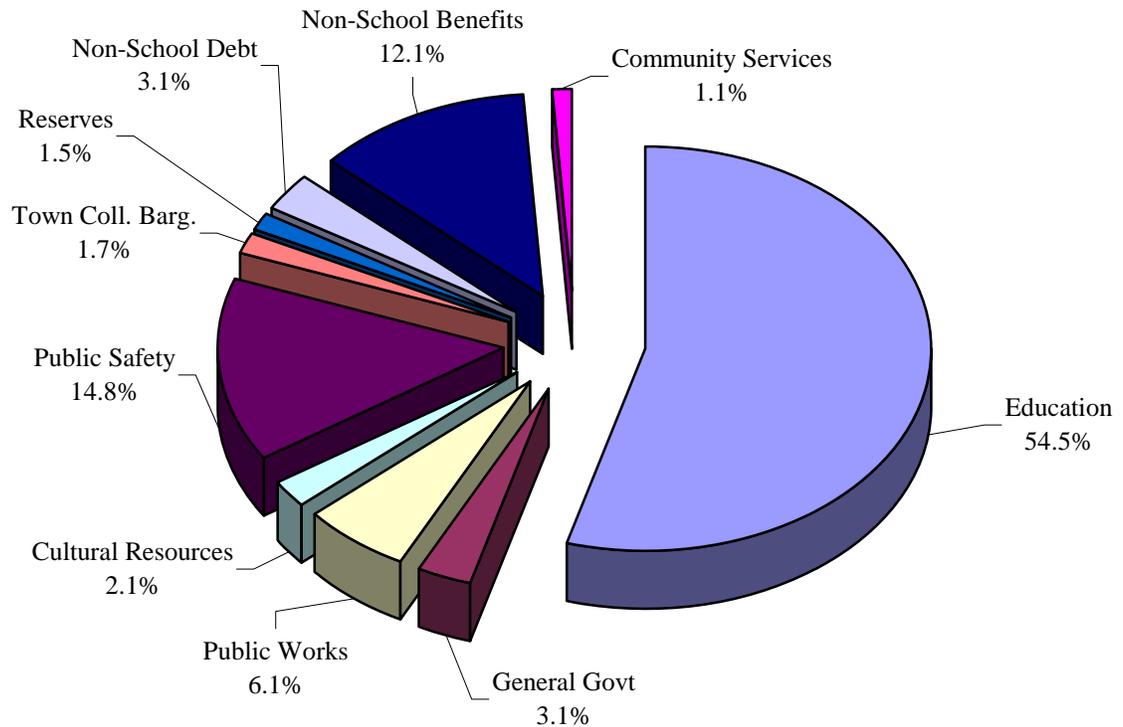
| | FY2008 | FY2009 | INCR./DECR. | |
|--|--------------------|--------------------|-------------------|--------------|
| | | | \$ | % |
| REVENUE | | | | |
| General Fund Revenue | 188,572,460 | 199,016,249 | 10,443,790 | 5.54% |
| Water and Sewer Enterprise Fund | 22,622,625 | 23,427,651 | 805,025 | 3.56% |
| (less Water & Sewer Overhead included in General Fund Revenue) | (4,513,660) | (1,877,687) | 2,635,973 | -58.40% |
| Golf Enterprise Fund | 1,253,168 | 1,246,200 | (6,967) | -0.56% |
| (less Golf Overhead included in General Fund Revenue) | (373,004) | (179,064) | 193,940 | -51.99% |
| Recreation Revolving Fund | 1,525,906 | 1,600,153 | 74,247 | 4.9% |
| (less Rec. Revolving Fund Overhead included in General Fund Revenue) | (186,355) | (198,027) | (11,672) | 6.3% |
| TOTAL REVENUE | 208,901,140 | 223,035,476 | 14,134,335 | 6.8% |
| APPROPRIATIONS | | | | |
| General Fund Operating Budget | 175,129,436 | 183,885,561 | 8,756,126 | 5.0% |
| Non-Appropriated Budget | 7,515,026 | 7,154,940 | (360,086) | -4.8% |
| <u>Free Cash-Supported / Revenue-Financed CIP Budget</u> | <u>5,928,000</u> | <u>7,975,748</u> | <u>2,047,748</u> | <u>34.5%</u> |
| General Fund Total | 188,572,462 | 199,016,249 | 10,443,788 | 5.5% |
| Water and Sewer Enterprise Fund | 22,622,625 | 23,427,651 | 805,025 | 3.56% |
| (less Water & Sewer Overhead included in General Fund Revenue) | (4,513,660) | (1,877,687) | 2,635,973 | -58.40% |
| Golf Enterprise Fund | 1,253,168 | 1,246,200 | (6,967) | -0.56% |
| (less Golf Overhead included in General Fund Revenue) | (373,004) | (179,064) | 193,940 | -51.99% |
| Recreation Revolving Fund | 1,525,906 | 1,600,153 | 74,247 | 4.9% |
| (less Rec. Revolving Fund Overhead included in General Fund Revenue) | (186,355) | (198,027) | (11,672) | 6.3% |
| TOTAL APPROPRIATIONS | 208,901,140 | 223,035,475 | 14,134,335 | 6.8% |
| BALANCE | 0 | 0 | 0 | |

TABLE 2: FY2009 GENERAL FUND SUMMARY

| | FY2008 BGT. | FY2009 BGT. | INCR./DECR. | |
|---|--------------------|--------------------|-------------------|--------------|
| | | | \$ | % |
| REVENUE | | | | |
| Property Tax | 135,811,901 | 147,259,080 | 11,447,179 | 8.4% |
| Local Receipts | 21,243,421 | 20,553,925 | (689,496) | -3.2% |
| State Aid | 18,973,131 | 19,606,949 | 633,818 | 3.3% |
| Free Cash | 3,814,792 | 5,954,963 | 2,140,171 | 56.1% |
| Other Available Funds | 8,729,215 | 5,641,332 | (3,087,883) | -35.4% |
| TOTAL REVENUE | 188,572,460 | 199,016,249 | 10,443,790 | 5.5% |
| (LESS) NON-APPROPRIATED EXPENSES | | | | |
| State & County Charges | 5,511,129 | 5,411,614 | (99,515) | -1.8% |
| Tax Abatement Overlay | 1,858,148 | 1,600,000 | (258,148) | -13.9% |
| Deficits & Judgments | 25,000 | 25,000 | 0 | 0.0% |
| Cherry Sheet Offsets | 120,749 | 118,326 | (2,423) | -2.0% |
| TOTAL NON-APPROPRIATED EXPENSES | 7,515,026 | 7,154,940 | (360,086) | -4.8% |
| AMOUNT AVAILABLE FOR APPROPRIATION | 181,057,436 | 191,861,309 | 10,803,874 | 6.0% |
| APPROPRIATIONS | | | | |
| Town Departments | 60,057,364 | 62,415,645 | 2,358,281 | 3.9% |
| School Department | 62,924,864 | 68,021,240 | 5,096,376 | 8.1% |
| Non-Departmental Total | 52,147,206 | 53,448,676 | 1,301,469 | 2.5% |
| General Fund Non-Departmental | 47,074,187 | 51,193,898 | 4,119,711 | 8.8% |
| Water and Sewer Enterprise Fund Overhead | 4,513,660 | 1,877,687 | (2,635,973) | -58.4% |
| Golf Enterprise Fund Overhead | 373,004 | 179,064 | (193,940) | -52.0% |
| Recreation Revolving Fund Overhead | 186,355 | 198,027 | 11,672 | 6.3% |
| OPERATING BUDGET SUBTOTAL | 175,129,436 | 183,885,560 | 8,756,125 | 5.0% |
| Revenue-Financed Special Appropriations | 5,928,000 | 7,975,748 | 2,047,748 | 34.5% |
| TOTAL APPROPRIATIONS | 181,057,436 | 191,861,309 | 10,803,874 | 6.0% |

The fully-allocated \$183.9 million General Fund Operating budget is broken out in the pie chart on the following page:

FULLY ALLOCATED FY2009 GENERAL FUND OPERATING BUDGET



THE FY09 CHALLENGE

As has been repeatedly documented over the past few years, group health increases, energy costs, and state aid reductions have contributed directly to the fiscal pressure the Town is experiencing. The current FY08 budget required the elimination of 8.9 FTE Town positions, school budget cuts, and a reduction of the CIP, along with the raising of parking meter rates by 50% and the trash fee by over 20% to be brought into balance. Even with the approval of the Override, there are seven fewer positions in FY09 (four DPW, two Parks, one Water/Sewer). The conditions that have contributed to the Town’s current budgetary climate have not arisen overnight; rather they have been emerging over an extended period of time. They have long been highlighted and addressed in Annual Financial Plans. It is crucially important context to understand the steps that have been taken for both short-term and long-term purposes in anticipation of the growing budgetary pressures:

Long Range Strategies – The OSC favorably cited the many strategies employed by the Town to manage its affairs in order to control the underlying structural deficit. Going back to the Financial Planning Advisory Committee (FPAC) report of 1994, the OSC report cites the following examples of Town long-term actions:

- Formal fiscal polices for reserves, free cash, capital spending/debt management
- Long-term fixed price contracts for solid waste and energy
- Outsourcing street light maintenance, IT Help Desk, night cleaning, school grounds maintenance, recycling, etc.

- Mergers of town/school administrative technology functions, building maintenance, and purchasing
- Combined and civilianized police/fire dispatch operations
- “No Net Hire Policy” for municipal staff
- Collective bargaining increases in line with CPI—38.5% vs 36.3% between FY96 and FY07
- Town hiring freezes in five out of the last six years.

FY08 Budget Reductions - As already noted, the FY08 Town budget eliminated 8.9 FTE positions in the following areas: DPW (Laborer, Park Maintenance Craftsman, Civil Engineer); Administration (Telephone Operator); Library (Library Assistant II); Recreation (Supervisor); and 2.9 Part-Time FTE’s (Park Seasonals, Clerical Workers, Interns). In addition, one position was shifted off the property tax-supported General Fund to the Recreation Revolving Fund. Also, the Cemetery Trust Fund increased the amount of revenue transferred to the General Fund on a one-time basis.

Additional efforts were made even after the FY08 budget was adopted. The DPW pursued an extensive outsourcing initiative that resulted in the discontinuation of six more positions. Two of these positions were eliminated from the Parks Division because a private contractor is now being utilized for maintaining the grounds of all school buildings, not just four of the ten that had previously been the case.

In addition, because of efficiencies negotiated through impact bargaining with the union over the leaf collection program, four other positions can be eliminated in the 09 budget as an alternative to outsourcing. As importantly, the restructuring of the long-term contract for trash hauling from the transfer station actually reduced the tonnage rate charged to the Town, saving an estimated \$875,000 over seven years.

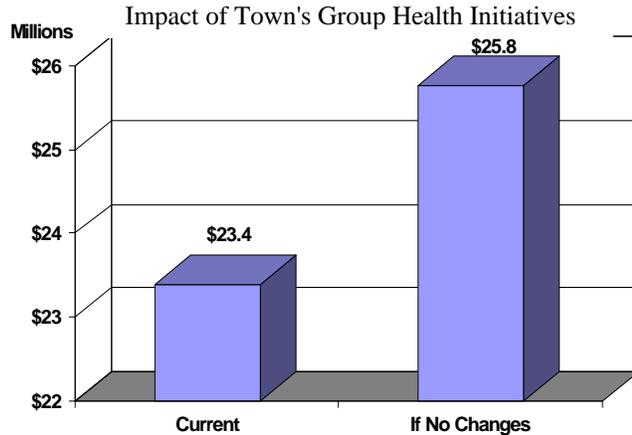
Group Health - As part of the Mitigation Plan put forth in the FY08 Budget Message, pursuing changes in group health benefits for both active employees and retirees was proposed. Last October a major step in this direction was taken by doubling co-pays for office visits and prescriptions, as well as instituting co-pays for the first time for in-patient and out-patient services. Further, a 3-tier wrap-around prescription drug program was established for retirees. Coupled with the fact that the Town is already at a 75%/25% premium share with employees, Brookline’s plan is among the most advanced within the metropolitan area. By way of contrast, a nearby city endured a teachers strike last summer to reduce employer contributions from 85% to 80%, a level still higher than what is in effect here. In addition, that community’s plan design is not at the level of Brookline’s revised co-pay schedule.

| FY08 Plan Design Changes and Related Savings | | | |
|--|------------|--------------------|--------------------|
| | OLD | NEW | TOTAL SAVINGS |
| Office Visits | \$5 | \$10 | \$250,000 |
| Prescriptions - Actives | \$5 / \$10 | \$10 / \$20 | \$405,000 |
| Prescriptions - Retirees | \$5 / \$10 | \$10 / \$20 / \$25 | \$590,000 |
| Out-patient Surgery | N/A | \$150 | \$250,000 |
| In-patient Admission | N/A | \$250 /procedure | \$250,000 |
| TOTAL | | | \$1,745,000 |

The changes implemented by the Town were negotiated with the unions through a method called coalition bargaining. The unions negotiate as a group with each bargaining unit having a weighted vote. This alternative bargaining method has been available since the early-90's, but municipalities have understandably been reluctant about it because it puts the unions in a veto position and, short of special legislation, there is no local way out of it. As significantly, coalition bargaining extends negotiating rights to retirees, an area of considerable future concern in light of the Town's \$200-\$300 million unfunded retiree health obligation.

The Town agreed to coalition bargaining for two principal reasons. First, the plan design changes negotiated with unions were considerable and immediately implementable. The changes reduced the FY08 health care increase from 12% to 6% and did so without having to wait for completion of serial bargaining with each unit separately as is required by traditional bargaining. And second, coalition bargaining is the only statutorily allowed path for joining the State Group Insurance Commission (GIC). If this were not required for opting into the GIC, then it is quite unlikely the

Town would have participated in coalition bargaining. (Further discussion on the GIC can be found on page 15 of this Recommendation.) Because of the health plan changes adopted by the Town in FY08 and FY05 (consolidating coverage with a single insurer), the Town's group health budget is \$2 million less than would otherwise be the case. (This is net of losing approximately \$450,000 in



Medicare Part D reimbursement because of the senior plan design changes.) Unfortunately, despite squeezing more than \$2 million out of our budget base, we have been notified of a 13% rate increase for active plans for FY09. Overall, the FY09 health budget will increase by \$1.9 million, consuming 37% of total anticipated operating revenue growth. This is not quite as high as the Financial Forecast increase of 15%, or \$2.4 million, but is still a very significant increase.

A collateral benefit of changes made to the group health plan over the past three years is that a sizable trust fund balance remains from the transition from self-insured to a fully-insured program. The Town has been advised by BC/BS that run-off claims from the previously self-insured coverage have been satisfied. As part of coalition bargaining, the unions waived any claims on the fund. While some trust fund retention is necessary to provide reimbursements negotiated with the unions for in-patient and out-patient co-pays, it is recommended that \$1 million be appropriated for future Retiree Group Health Obligations. This is included within Section 11 of this Article 8.

In January 1999, the Town gained approval for special legislation to establish a new trust fund to begin funding the long-term retiree group health obligation, which is estimated at between \$200 million - \$300 million. Appropriations were made to this fund each year

through 2004, when local aid cutbacks caused the Town to place a moratorium on future funding. Nevertheless, this fund now has a balance of \$4.7 million. Further, the Audit Committee is recommending that this existing special legislation be replaced to provide for a more favorable fund investment structure as recommended by the Government Accounting Standards Board (GASB) after the Town's special legislation was adopted. (Article 10 of this Annual Town Meeting covers this recommendation.) Setting aside another \$1 million for this purpose, coupled with the pursuit of new special legislation to maximize return on investment for these funds, affirmatively signals that the Town is prepared to renew its commitment to addressing this long-term obligation. In order to examine the full range of possible approaches, the Board voted on April 8 to create an OPEB Task Force through the following resolution:

WHEREAS, the Town's Other Post Employment Benefits (OPEB) liability is between \$200 million - \$300 million, and

WHEREAS, health insurance costs for retirees is projected to grow from approximately 35% of the current group health budget to nearly 50% in 5 years, and

WHEREAS, the Town's ability to address its OPEB liability is key to its long-term sustainability, and

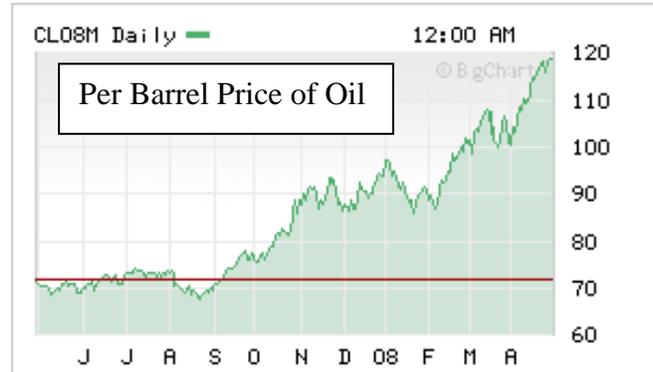
WHEREAS, the Final Report of the Override Study Committee stated that "retiree health is going to place an enormous strain on the budget", and

WHEREAS, the major bond rating agencies are increasingly expecting governments to develop a plan to manage the OPEB liability.

NOW, THEREFORE, the Board of Selectmen hereby establishes an OPEB Task Force to undertake a complete analysis of options for reducing and/or funding the Town's OPEB liability. The Task Force shall develop a comprehensive plan to address the issue, with the overriding goal being to substantially reduce OPEB liabilities while preserving affordable, comprehensive coverage options for retirees. Members of the Task Force shall be the following: Board of Selectmen (1), Audit Committee (1), Advisory Committee (1), School Committee (1), Union Representation (1), Retirement Board (1), Residents (3).

Energy Costs - In 2006 the Town locked into a five-year electric supply contact with a base price of \$10.114 per kilowatt hour. For the coming year, when adding green energy certificates and regulatory pass-throughs, the total cost is anticipated to be 10.99¢/kwh. This long-term contract has provided the Town with stability for the largest portion of its energy budget. When distribution charges are added to supply costs, the electric power budget is \$2.9 million, or 56% of the total energy budget. The kwh consumption for town/school buildings, street lights, traffic signals and all other purposes is approximately 17 million kwh. It is estimated for calendar year 2007 that our electric power costs were approximately \$68,000 lower than utility regulated supply would have been.

The Town was fortunate in FY08 to lock into a downturn in oil, gasoline, and diesel fuel prices in February of last year, which resulted in over \$350,000 of savings. Unfortunately, the possibility of locking into a similar price structure for FY09 is slim considering that, as of the writing of this report, the price of oil is around \$120 per barrel. The Town has tried to mitigate this uncertainty by converting some of our buildings to natural gas, which is typically lower than the price of oil. The Town recently locked into a four-year fixed price contract for natural gas at \$1.229/therm, which is below the current contract for FY08 of \$1.33/therm. Vehicle fuel is the cause of the majority of the increase in utility budgets for FY09. This Spring, the Town will go back out to bid. Unfortunately the FY09 budget must assume a 40% increase in cost considering that today's prices are nowhere near the \$2.20/gallon the Town currently pays at the pump. The total increase in the proposed FY09 General Fund budget for utility costs is \$320,000. Depending upon market conditions when bidding takes place, this account might have to be revisited at the Fall Special Town Meeting.



Facility Maintenance Costs – the OSC documented that the level-funding of Town and School maintenance accounts since the 1994 Override has significantly eroded the ability to maintain facilities. While Town/School expenditures to keep buildings operational and safe (e.g., scheduled maintenance for elevators, HVAC systems, etc.) have kept pace with the rise in contractor fees since FY00, expenditures for general upkeep to correct wear and tear along with small non-CIP improvements have actually declined 50% over this same period. The OSC urged that “general service” maintenance continue to be funded in the future at its past rate of growth of 10.4% a year, and also that the reduction in “line item” accounts for wear and tear be increased to an amount set at 15% of the “general services” budget. The OSC estimated that an increase of \$500,000 is needed to bring both these accounts to this recommended level of spending. This increase was part of the Override and is included in the proposed FY09 budget. In addition, the Financial Forecast will be modified to reflect an inflationary adjustment for each year going forward.

Collective Bargaining - As observed by the OSC, the COLA's negotiated by the Town and unions have roughly aligned with the CPI. Between FY96 and 2007 the consumer price index (Northeast All Urban) increased 36.6% and Town COLA's have been 38.5%. Police, Fire, and Teacher contracts negotiated by the School Committee expired on June 30, 2006. AFSCME contracts expired on June 30, 2007. The School Committee did settle a three-year contract through FY09 while successor agreements have been reached with just three of the Town's seven unions (Fire, AFSCME, and Librarians) and are before Town Meeting under Article 2. Negotiations with the police union has been taken under the jurisdiction of the state Joint Labor Management Committee (JLMC).

As noted in the Selectmen's Recommendation under Article 2, these contracts should be measured against the OSC's recommendation to hold total compensation (i.e., salaries and

benefits) to “sustainable” levels, with sustainable defined as growth in on-going revenues. (The OSC’s analysis pegged this level at approximately 3.75%.) Based upon the plan design changes for employee health insurance plans made in FY08 and the proposed contracts, over a two-year period, the Town (exclusive of Schools) is below the recommended level. As the table below shows, benefits and wages increase 7.3% over two-years, slightly below the 7.5% (3.75% x 2) target identified by the OSC.

| <u>ANNUAL % CHANGE</u> | | |
|------------------------|-------------|-------------|
| | <u>FY08</u> | <u>FY09</u> |
| Town Benefits | 9.1% | 5.3% |
| Town Wages | 1.7% | 2.4% |
| TOTAL | 4.0% | 3.3% |

Both the Selectmen and the School Committee have taken steps to continue this approach in the future. On March 11, the Board voted to adopt the following resolution:

WHEREAS, Personnel costs account for more than 75% of the total Town and School spending; and

WHEREAS, the major factors contributing to personnel cost increases are COLA’S, benefits (particularly group health) and growth in staffing levels; and

WHEREAS, in recent years well over half the town’s allowable levy growth has been consumed by group health, diverting resources from Town and School services; and

WHEREAS, current group health premiums at \$19,156 per family have nearly doubled since the rate of approximately \$9,800 in FY2001; and

WHEREAS, the Override Study Committee recommends that the Town and Schools each manage the growth in personnel costs at sustainable levels; and

WHEREAS, the Override Study Committee further urges holding the growth of COLA’S and other personnel costs below 2% as health costs increase more than 10%; and

NOW, therefore, the Board of Selectmen after consultation with the designees of the School Committee to the Labor Advisory Committee established by Town Meeting does hereby resolve to incorporate the recommendations of the Override Study Committee into its guidelines for employees compensation and benefits and into its collective bargaining guidelines for upcoming labor contract negotiations consistent with obligations to engage in good faith bargaining pursuant to M.G.L. 150E.

In addition, the School Committee voted on March 6, 2008 the following:

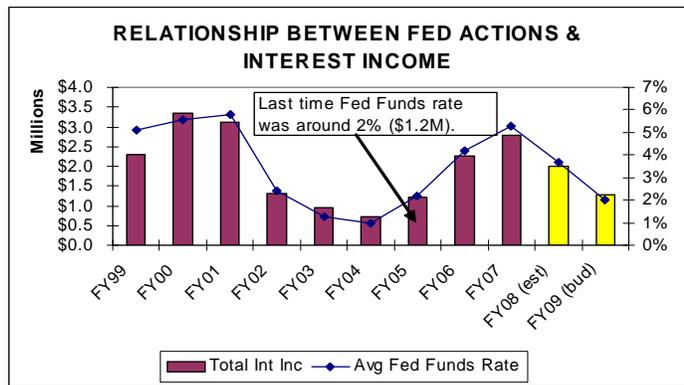
Voted UNANIMOUSLY to amend the first paragraph of the Financial Planning Challenges and Guidelines section of the FY 2009 Budget Directives, as follows:

Continue to work with the Town on a unified approach to anticipate both long-and short-term financial pressures, including, but not limited to, our joint capital priorities, and, consistent with our obligations to engage in good faith bargaining pursuant to M.G.L.c. 150E, incorporate into our management practices the Financial Policy Recommendations of the Override Study Committee Report of January 2008 on managing total personnel costs, so that the combination of salaries, employee health benefits and staffing levels grow at a sustainable rate.

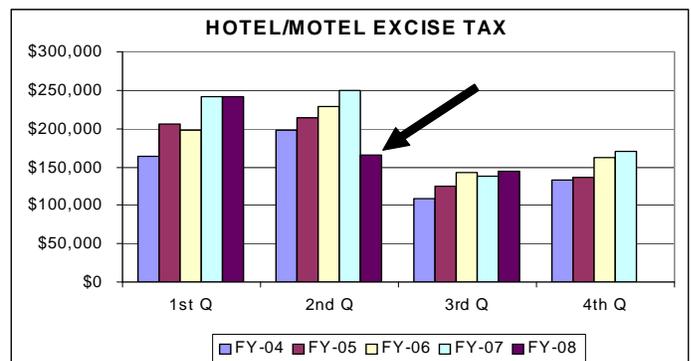
Local Receipts/State Aid – The Selectmen and Town administration have worked very hard at keeping local receipts consistent with trends among our comparable communities and also at advocating at the state level for adequate and equitable local aid distributions. The local receipt adjustments the Selectmen voted for the FY08 budget and the State’s continuation toward the goal of the 17.5% floor of foundation budget funding for Chapter 70 are just two examples.

Not surprisingly, expectations for local receipts and state assistance (local aid) are much more in flux than for the property tax. Several key local receipts, unfortunately, appear to be in decline. When building the FY09 budget, a number of warnings signs had to be heeded in terms of local receipt estimates for FY09. Three important revenue sources -- Interest Income, Hotel/Motel Excise Tax, and Building Permits -- had to be adjusted downward from the original estimates included in the Forecast, as detailed below:

- Interest Income – through the first nine months of FY08, Interest Income was down 35% from the same period in FY07. This trends to a full-year total of \$2 million, compared to FY07's \$2.7 million. This is due primarily to the Federal Reserve aggressively lowering interest rates: as of the writing of this report, the Fed has cut the Federal Funds rate from 5.25% to 2% since FY08 began, a reduction of 62%. FY09 will be less than the FY08 figures; therefore, the FY09 estimate used in the Forecast (\$2.4 million) was reduced by \$1.13 million to \$1.27 million.



- Hotel / Motel Tax – the December payment, which reflected lodging activity from September – November, was the lowest amount since the December, 2002 (FY03) payment. The third quarter payment was slightly above last



year's, making the FY08 projected actual \$720,000, compared to FY07's \$799,000 actual. Further complicating this revenue source, when the economy weakens, it declines. In recognition of both the YTD figure and the expectation of a further economic slowdown in FY09, the estimate for FY09 was reduced by \$100,000 (to \$685,000) from the estimate used in the Forecast.

- Building Permits – these permits can be broken into two components: new construction and renovations. Through the first nine months, the renovations component was down 17%. On the other hand, New Construction was up -- \$358,000 in FY09 vs. \$73,000 in FY08. The reduction in alterations is worrisome, as it could well indicate the beginning of a slowdown in the number of or value of home renovations. Such a trend would also negatively impact future New Growth. As a result, the FY09 estimate used in the Forecast was reduced by \$150,000 to \$2.2 million.

The local receipts projected in this FY09 budget are \$1.3 million lower than presented in the Financial Forecast provided to the Board of Selectmen (and Override Study Committee) in December. The initial Forecast had local receipts increasing by \$600,000 or 3%. Now they are budgeted as decreasing by \$689,000.

The Forecast assumed a Chapter 70 education aid increase of \$300,000, based upon a \$50/pupil Minimum Aid formula. Thankfully, Governor Patrick recommended, and the Legislature agreed, that the State continue with the second year of the five-year plan to bring Minimum Aid communities up to 17.5% of Foundation funding. This is a remarkable step in light of the State's overall budget picture and increases this local aid account for Brookline by \$500,000 above the Forecast projections. The Forecast also included a \$400,000 reduction in Lottery distributions because of the decline in overall Lottery revenue. The Governor proposed replicating FY09 lottery distributions at FY08 levels despite the decline in Lottery revenue, but did so by linking this \$124 million in lottery support to casino gambling license income. Fortunately, the Legislature passed a Local Aid Resolution that included \$124 million that was not tied to casino gambling. Therefore, Lottery is level-funded for Brookline in FY09.

BEYOND FY09

The Report of the Override Study Committee makes abundantly clear that an override alone can not stabilize the Town's financial position. In addition to its votes relative to an override, the OSC also voted:

“Even with a successful override, the Town will face structural deficits beyond FY09 unless changes are made to the rate of growth of certain costs, particularly personnel costs. To avoid the need for additional overrides in the near future, the OSC recommends that the Board of Selectmen and School Committee pursue a series of short- and long-term cost-saving measures and new revenue initiatives for FY10 and beyond that are necessary to support sustainable levels of services. (passed by a vote of 9-0).”

Throughout its Report, the OSC points to a number of ways in which the Town has attempted to manage its affairs in order to control the underlying structural deficit driven by double-digit group health increases, mandated school staffing increases, energy costs, etc.

- In a comparison with 17 other Greater Boston communities – including all the Aaa rated communities – Brookline is one of only three communities that has neither had an override nor adopted the CPA tax surcharge since 2000. (The other two are Medford and Andover.)
- The OSC found that the Town followed the principal recommendations of the 1994 Financial Planning Advisory Committee (FPAC), which had been convened to examine the “continuing fiscal crisis” at that time. The OSC report states that as a result of the FPAC recommendations, the Town adopted a set of financial policies for reserves, free cash, capital spending/debt management, along with entering into the Town/School Partnership Agreement “which continue to guide town budgeting.” In Appendix IV of their report, follow-through on other FPAC recommendations such as collective bargaining, user fees, and lowering administrative costs are also recounted.
- The Municipal Services Subcommittee report notes that over the past 10 years, Brookline’s general fund total expenditures have grown at a lower rate (about 4.7%/yr) than the Aaa median (5.23%) or the statewide median (5.21%). Both this Subcommittee and the full OSC cite a number of initiatives taken by the Town to respond to continuing budget pressures, such as the Town’s (non-school) position freeze policy.

Yet, not even these actions have proven over the long-term to be enough to indefinitely forestall cutback budgets. The Municipal Services Subcommittee correctly observes that while the Town has been quite strategic in its approach to fiscal policies, “there has not been a strategic policy approach to cost savings.” It characterizes the Town’s efforts in this regard as more “opportunistic”, such as when there has been a change in law or turnover in staff to capitalize on changing conditions to achieve efficiencies.

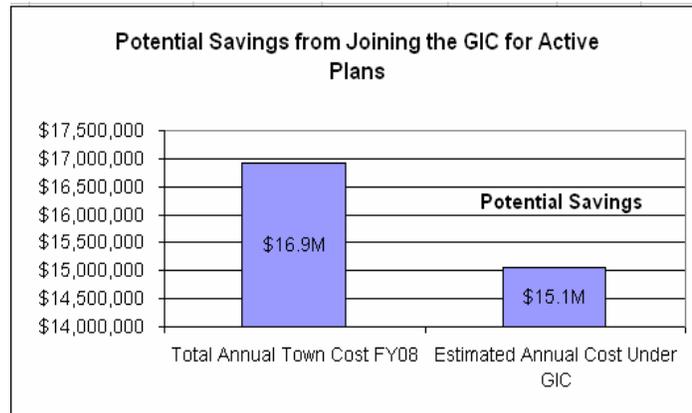
Perhaps no experience more graphically illustrates this observation that the tactics of the past will not be adequate to meet the realities of the future than our 15-year history with group health. Over this period, the Town has moved to 75% contribution rates for all group health plans; mandated retiree enrollment in Medicare; eliminated traditional indemnity programs; consolidated coverage with one insurer; and most recently revamped the schedule of benefits. However, the sobering reality is that it has taken a decade and a half to make this progress. There is little consolation to be taken from the fact that Brookline’s efforts in this area have been as advanced as any in the state. For example, only last year did the Commonwealth’s second largest city begin mandating Medicare participation, something that Brookline did in the early-90’s.

This tortuously slow going is not simply a matter of labor relations. The unions have been willing to negotiate in good faith to address group health concerns. Last year’s experience with coalition bargaining is a case in point. In fact, Brookline’s employee Group Health Advisory Committee is one of the most active in the state. However, to put in all the effort that was invested last year to cut our rate increases in half only to turn around and be hit with

double-digit increases again this year is a source of extreme frustration for everyone involved. Market forces and statutory restrictions play a major role, along with bargaining requirements, in slowing down growth in costs.

The OSC urges a complete paradigm shift for group health by recommending that the Town join the Group Insurance Commission (GIC). Last year municipalities were granted the option to join the GIC, which covers approximately 250,000 state/county employees and retirees. In fact, the personnel at our own Brookline Housing Authority are also members. However, only a handful of communities have joined, reflective of the difficulties inherent in making such a change.

The financial benefits of participating in the GIC for both the municipal employers and their employees are potentially quite significant. The graph below illustrates how, based upon FY08 rates, the Town could save up to \$2 million by joining the GIC, although the OSC Report cautions that savings could be considerably lower depending upon GIC plans chosen by employees.



Perhaps even more compelling than the chance for outright savings is the prospect of annual single-digit rate increases that the GIC enjoys. That alone would provide much needed flexibility for the Town to manage the structural deficit and provide adequate cost of living adjustments to appropriately compensate personnel and attract the talent and skills sought for teachers, public safety officers, public works, human services, etc. However, because of the statutory requirements for joining the GIC and the necessity of union consensus, the earliest the Town could opt into the GIC would be FY2010. Article 30 of this Annual Town Meeting is a resolution in support of moving to the GIC, something this Board supports.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Capital planning and budgeting is a critical undertaking for any government and is central to the delivery of essential services and the quality of life for residents. In fact, without a sound plan for long-term investment in infrastructure and equipment, the ability of local government to accomplish its goals is greatly hampered. In 1994, as part of the override discussion that year, the Board of Selectmen implemented a Financial Improvement Program. A key area addressed in the Program was capital planning and, since then, the Town has made a significant commitment to address the backlog of capital needs created by the under-investment in infrastructure during the late-1970's and the 1980's. Since FY95, the Town has invested \$277 million in the CIP. Although there is more to do in the areas of

street and sidewalk repairs, parks/open space improvements, and school and town facilities upgrades, the commitment to capital improvements is clearly showing positive results.

The FY09 – FY14 CIP continues the Town’s aggressive approach toward maintaining and improving the Town’s physical assets. Developed within the parameters of the Board of Selectmen’s CIP Policies, including the policy that states an amount equivalent to 5.5% of the prior year's net revenue be dedicated to the CIP, the proposed CIP incorporates a number of major projects along with a financing plan that includes outside funding sources and significant grant opportunities. The recommended CIP calls for an investment of \$145.6 million over the next six years, for an average of \$24.3 million per year. Section VI of the Financial Plan provides an in-depth discussion of the CIP and how it relates to and impacts the Operating Budget.

Again it was a challenge to prepare a CIP that both complies with the Town’s CIP Financing Policies and funds major facility rehab projects in an environment that is best described as uncertain in terms of state assistance for school building projects. Further complicating this challenge is the need to fund new requests, most notably the need to fund expenses associated with the removal and restoration of certain soils around the Newton St. Landfill and to ensure on-going compliance with Department of Environmental Protection (DEP) guidelines with respect to restoring the effected properties. In addition, important requests were made that truly form the basis of a systematic, long-term plan for various needed preventative facility improvements. These factors have placed such a burden on the CIP that some projects included in last year’s CIP had to be deferred, eliminated, or funded with other sources. In addition, a number of new projects requested by departments for the out-years could not be included in this CIP. It was these actions, in conjunction with additional Free Cash, that enabled the CIP to be balanced.

Major projects in the CIP as approved by the Selectmen include:

- Devotion School Rehab - \$27.7M of Town funding plus the possibility of \$27.7M of State funding in FY11-FY14 for feasibility, design, and construction
- Runkle School Rehab - \$13.2M of Town funding plus the possibility of \$13.2M of State funding in FY10-FY11 for design and construction
- Newton St. Landfill - \$3M (FY09) and \$3.9M (FY10)
- High School - \$4M (FY09)
- Fisher Hill Reservoir Re-Use - \$3.25M (FY10)
- Village Square - \$3M (FY10)
- Baldwin School - \$2M (FY13-FY14)
- Unified Arts Building (UAB) - \$1.4M (FY11-FY12)
- Parking Meters - \$1.3M (FY10)
- Town Hall/Main Library Garages and Driveway - \$1.3M (FY09-FY10)

Continued major investments include:

- Street & Sidewalk Rehab - \$18.6M
- Parks & Open Space - \$9.2M
- Water & Sewer Infrastructure - \$4.75M
- General Town/School Bldg. Repairs - \$3.6M
- Information Technology - \$1.4M

- Public Safety Equipment - \$875K
- RFID Technology in Libraries - \$675K
- Branch Libraries - \$770K

LONG-RANGE FINANCIAL PROJECTION

The cornerstone of the Town budgeting process is the Long-Range Financial Projection, often referred to as “the Forecast”. It is essential that a government have a financial planning process that assesses long-term financial implications of current and proposed policies, programs, and assumptions that develop appropriate strategies to achieve its goals. The Forecast also acts as a bridge between a municipality’s annual operating budget and its CIP, bringing all of the fiscal policy and economic variables together to establish coordinated managerial direction. Revenue and expenditure forecasting, along with capital planning and debt management, are key elements in developing a strong municipal fiscal position.

Prepared annually, the five-year Forecast serves as the starting point for the ensuing budget year - - and also enables decision makers, taxpayers, and employees to garner an understanding of the long-term financial challenges the Town faces. In late-November / early-December, the Deputy Town Administrator and the Director of Finance present the Forecast to the Board of Selectmen. This presentation is the culmination of months of work for those two individuals, work involving the analysis of hundreds of revenue and expenditure line-items, making assumptions about economic conditions, and understanding state budget conditions.

The FY10 – FY13 Long Range Financial Projection for the General Fund makes the following key assumptions:

- \$1.75 million of New Growth in the Property Tax levy each year, except for FY11 and FY12, where \$2.25 million is used to reflect the impact of the 2 Brookline Place re-development.
- No reductions in the Lottery and minimal Chapter 70 funding (\$50/pupil) for “above foundation” communities.
- A 2% wage increase for FY10-FY13 for all (municipal and school) unions.
- Inflation in most Services, Supplies, and Capital Outlay accounts of 1.5% - 2.5% (approximately \$195,000 per year for schools and \$250,000 for town departments).
- Annual utility increases of \$150,000.
- Annual SPED growth of \$600,000 - \$700,000.
- Enrollment growth cost increases of approximately \$150,000 per year.
- Step increases in the School Department of \$450,000 - \$500,000 per year and \$150,000 per year for Town Departments.
- Annual health insurance rate increases of 10%, plus additional enrollment in the health insurance program of 40-50 per year.
- A Pension appropriation based on the funding schedule approved by PERAC.
- Debt Service and pay-as-you-go CIP that reflects current CIP Policies.

These assumptions create an escalating deficit position for FY10 and beyond, starting at \$2.6 million in FY10 and reaching \$9.5 million by FY13. The Long Range Financial Projection is detailed on the following page:

May 27, 2008 Annual Town Meeting

8-20

| | 2009 | 2010 | 2011 | 2012 | 2013 |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| REVENUE | | | | | |
| Property Taxes | 147,259,080 | 152,622,616 | 158,616,718 | 164,685,984 | 171,092,317 |
| Local Receipts | 20,553,925 | 20,694,028 | 20,836,561 | 20,981,574 | 21,190,792 |
| State Aid | 19,606,949 | 19,925,321 | 20,244,153 | 20,563,456 | 20,242,733 |
| Other Available Funds | 5,641,332 | 4,886,820 | 4,935,494 | 5,071,251 | 5,165,318 |
| Free Cash | 5,954,963 | 3,750,000 | 3,750,000 | 3,750,000 | 3,750,000 |
| TOTAL REVENUE | 199,016,249 | 201,878,785 | 208,382,925 | 215,052,265 | 221,441,159 |
| \$\$ Increase | 10,443,790 | 2,862,536 | 6,504,141 | 6,669,340 | 6,388,894 |
| % Increase | 5.5% | 1.4% | 3.2% | 3.2% | 3.0% |
| EXPENDITURES | | | | | |
| Departmental | 60,945,645 | 62,939,997 | 64,641,395 | 66,270,015 | 67,926,038 |
| Collective Bargaining - Town | 1,470,000 | 970,000 | 990,000 | 1,010,000 | 1,030,000 |
| Schools | 68,021,240 | 69,721,240 | 72,744,240 | 75,529,240 | 78,344,240 |
| Collective Bargaining - School | 0 | 1,400,000 | 1,175,000 | 1,200,000 | 1,220,000 |
| Non-Departmental - Benefits | 38,307,598 | 41,438,719 | 44,801,753 | 48,547,454 | 52,712,967 |
| Pensions | 11,651,618 | 12,128,182 | 12,564,950 | 13,100,873 | 13,662,037 |
| Group Health | 23,084,980 | 25,612,537 | 28,416,531 | 31,501,949 | 34,935,680 |
| EAP | 28,000 | 28,000 | 28,000 | 33,000 | 33,000 |
| Group Life | 161,000 | 166,500 | 170,663 | 174,929 | 179,303 |
| Disability Insurance | 16,000 | 16,000 | 16,000 | 16,000 | 16,000 |
| Workers' Compensation | 1,550,000 | 1,567,500 | 1,588,375 | 1,612,794 | 1,690,933 |
| Public Safety IOD Medical Expenses | 300,000 | 300,000 | 300,000 | 300,000 | 300,000 |
| Unemployment Compensation | 166,000 | 171,000 | 171,000 | 171,000 | 171,000 |
| Medical Disabilities | 30,000 | 30,000 | 35,000 | 35,000 | 35,000 |
| Medicare Coverage | 1,320,000 | 1,419,000 | 1,511,235 | 1,601,909 | 1,690,014 |
| Non-Departmental - General | 765,484 | 500,685 | 502,240 | 517,950 | 534,438 |
| Liability/Catastrophe Fund | 297,475 | 13,413 | 0 | 0 | 0 |
| General Insurance | 279,490 | 293,465 | 308,138 | 323,545 | 339,722 |
| Audit/Management Services | 138,987 | 143,987 | 143,987 | 143,987 | 143,987 |
| Misc. | 49,532 | 49,820 | 50,116 | 50,419 | 50,729 |
| Non-Departmental - Debt Service | 12,629,046 | 12,534,727 | 12,929,643 | 13,518,033 | 13,055,429 |
| Non-Departmental - Reserve Fund | 1,746,545 | 1,834,186 | 1,891,385 | 1,954,999 | 2,020,976 |
| Tax Supported | 1,309,909 | 1,375,640 | 1,418,539 | 1,466,249 | 1,515,732 |
| Free Cash Supported | 436,636 | 458,547 | 472,846 | 488,750 | 505,244 |
| Special Appropriations | 7,975,748 | 5,857,409 | 5,815,627 | 5,525,692 | 6,291,845 |
| Tax Supported | 1,409,896 | 1,960,619 | 1,850,505 | 1,506,774 | 2,269,229 |
| 2008 Override | 750,000 | 768,750 | 787,969 | 807,668 | 827,860 |
| Free Cash Supported | 5,020,852 | 3,128,040 | 3,177,154 | 3,211,250 | 3,194,756 |
| Capital Project Surplus | 245,000 | 0 | 0 | 0 | 0 |
| Sale of Town-owned Land Fund | 550,000 | 0 | 0 | 0 | 0 |
| Non-Appropriated | 7,154,940 | 7,323,245 | 7,495,757 | 7,672,581 | 7,853,827 |
| TOTAL EXPENDITURES | 199,016,249 | 204,520,208 | 212,987,041 | 221,745,965 | 230,989,760 |
| \$\$ Increase | 10,443,788 | 5,503,959 | 8,466,833 | 8,758,924 | 9,243,795 |
| % Increase | 5.5% | 2.8% | 4.1% | 4.1% | 4.2% |
| CUMULATIVE SURPLUS/(DEFICIT) | | | | | |
| | 0 | (2,641,423) | (4,604,115) | (6,693,700) | (9,548,601) |
| DEFICIT AS A % OF OP REV | | | | | |
| | 0.0% | -1.3% | -2.2% | -3.2% | -4.4% |
| Surplus / (Deficit) Prior to Collective Bargaining | | (271,425) | (2,439,115) | (4,483,700) | (7,298,601) |
| Town Share of Surplus / (Deficit) | | 600,183 | 131,035 | (342,204) | (1,207,971) |
| Town Collective Bargaining | | 970,000 | 990,000 | 1,010,000 | 1,030,000 |
| Total Town Surplus / (Deficit) | 0 | (369,817) | (858,965) | (1,352,204) | (2,237,971) |
| School Share of Surplus / (Deficit) | | (871,607) | (2,570,150) | (4,141,496) | (6,090,631) |
| School Collective Bargaining | | 1,400,000 | 1,175,000 | 1,200,000 | 1,220,000 |
| Total School Surplus / (Deficit) | 0 | (2,271,607) | (3,745,150) | (5,341,496) | (7,310,631) |

As the tables show, annual revenue growth of approximately 3% is outpaced by annual expenditure growth of approximately 4%. The growth in expenditures is driven primarily by wages, health insurance (annual budget growth of 11%), pensions (growth of 4% per year), and School Department non-collective bargaining (approximately 2.3% per year), driven mainly by SPED, step increases, and enrollment growth. These are significant issues the Town must cope with over the next few years - - unless, of course, more favorable developments occur, such as state aid being greater than currently assumed; health care costs falling back to more general inflationary levels; compensation adjustments lower than past patterns; or a slowdown in the growth of SPED.

CONCLUSION

Like the current FY08 budget, this FY09 budget also contains several changes that will unquestionably reduce costs and help position the Town for the long-term. In addition to the group health changes and the corresponding effort to increase appropriations for unfunded retiree group health (OPEBs), the following initiatives are included among the many objectives presented in each departmental budget:

- Public Safety Wi-Fi – believed to be the first border-to-border network of its kind in New England, allowing the public safety applications that currently run off of cellular signals can be migrated to Wi-Fi, this initiative saves the Town \$21,600 annually.
- DPW Two-Year Staffing Changes – in FY08 and FY09, DPW will realize a total decrease of more than 10 FTE's, including nine full-time positions, the result of the outsourcing initiative described earlier in this Recommendation.
- Leadership Training – the DPW budget includes \$10,000 to provide more supervisory training at the operational level for Working Foreman, Foreman and General Foreman. Issues to be targeted include management and leadership skills, communication, and union/employee relations.
- AWPA Accreditation – DPW is in the process of pursuing accreditation through the American Public Works Association (APWA). Conformance to these recommended practices acknowledges commitment to professional excellence and enables the Department to deliver effective services to the community.
- Mass Notification System – this FY09 budget proposal includes \$20,000 for a mass notification system that will allow for instantaneous notification to residents in the event of local or regional emergencies.
- Police Accreditation Program – the Police Department is in the process of perusing accreditation through the Coalition of Accreditation Managers of Massachusetts (CAMM). Benefits of this program include the generation of ideas and exchange of information on a wide range of contemporary law enforcement topics, as well as access to training and the exchange of resources.
- Next-Generation Permitting System – the current PermitsPlus application is at the end of its useful life and a new system will be required. A permitting working group has begun preparing specifications for a new application and will be web-based and allow for the use of mobile technology.
- Re-structured PC Replacement Program – the Finance Division, in partnership with the Information Technology Department, is exploring opportunities for improving the current lease program for PC's. The goal of this initiative is to

- achieve savings by securing a better interest rate while improving the current asset management system.
- Multi-Space Meter Program – an interdepartmental task force has begun the exploration of new meter technologies. Multi-Space meters have been identified as a technology that will not only improve customer service, but also will enhance the streetscape and increase revenue. A pilot program is being formulated.
- Unfunded OPEBs – \$1 million of the balance remaining in the former Group Health Trust Fund will be applied against the Town's unfunded retiree group health obligation.
- Employee Wellness - the Human Resources Department will continue to target its existing resources towards wellness initiatives in an effort to lower our health care costs by improving employee health. Focused efforts include offering specific opportunities to improve health (e.g., smoking cessation programs), holding workshops on healthy living (e.g., health care consumerism workshop), and encouraging employees to explore the tools made available by our current providers (e.g., confidential, on-line health assessments).

However, these efforts do not entail the sweeping functional changes that a comprehensive Efficiency Initiative as envisioned by the OSC Report could potentially involve. Public safety minimum manning requirements have remained unchanged since the 1994 FPAC report, which urged that they be revamped. The Town continues to employ traditional public sector leave policies that are prone to excessive use. Widespread private contracting for core functions like street sweeping, trash collection, parking ticket processing, and meter coin collection have not been implemented. And, of course, the overall municipal fringe benefit model, particularly for retirement benefits, will increasingly be subject to pressure.

As the Board has done within its resolutions relative to personnel costs and OPEB's adopted over the past several weeks, it is anticipated that the Selectmen will also take formal action concerning a long-term "Efficiency Initiative" to address the areas of potential operational savings identified by the OSC. This initiative would fully inventory areas for potential change and prioritize them in a long-range plan. These could include areas such as fire alarm boxes, public safety minimum manning, further merging of Town / School operations, contracting out, and more departmental consolidation. The OSC estimated there could be annual budget savings in the \$400,000 - \$700,000 range from initiatives of this type.

In the FY09 Financial Plan, the Town Administrator recommended the establishment of a five person committee with expertise in finance and management to work with the Town Administrator to formulate the proposed long-range plan for incorporation into the 2010 budget cycle. He noted that just preliminary consideration of what can be deeply controversial subjects like these can be impeded when they are initially taken up in a political arena such as at televised meetings of an elected body.

To foster communications among the Town's key governing boards, ex-officio members from the School Committee, Advisory Committee, and Board of Selectmen would be advisable. With an overall explicit mandate to proceed with this data collection and other preparatory efforts, a viable Initiative can get underway in order to shape comprehensive discussion and assessment of various possibilities.

RECOMMENDATION

As stated at the beginning of this Recommendation, the Selectmen have taken a different stance on two CIP projects. The Board recommends FAVORABLE ACTION, by a vote of 4-0 taken on April 29, 2008, on the vote offered by the Advisory Committee with the following amendments:

1. To amend Item #37 (Reservoir Gatehouse) of Section 13 of Article 8 by replacing “\$5,000” with “\$10,000”.

2. 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.”

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

The Board would like to thank the Advisory Committee again for another excellent job on the Town’s budget, paying particular attention to applying the Financial Polices that have guided Town budgeting over the past decade. The amount of time the Advisory Committee spent on reviewing the Financial Plan is simply remarkable. The willingness of the Advisory Committee, School Committee, this Board, and, ultimately Town Meeting, to work collaboratively throughout the budget process is a major reason why this community has been able to avoid a number of problems that other communities have had to address.

ROLL CALL VOTE

Favorable Action

Daly

Hoy

DeWitt

Mermell

TOWN OF BROOKLINE'S FISCAL POLICIES **Adopted by the Board of Selectmen on April 27, 2004**

FREE CASH POLICIES

After funding the Town's reserves, as detailed in the Town's Reserve Policies and summarized below, available Free Cash shall be used exclusively to supplement the Capital Improvements Program (CIP).

FREE CASH FOR RESERVES

- Appropriated Budget Reserve – an amount equivalent to 0.25% of the prior year's net revenue shall be appropriated as part of the Town's 1% Appropriated Budget Reserve Fund, as allowed for under MGL Chapter 40, Section 6.
- Stabilization Fund – Free Cash shall be used to fund the Stabilization Fund at a level equivalent to 3% of the prior year's net revenue, as prescribed in the Town's Reserve Policies. If the Fund were drawn down in the immediate prior fiscal year, then an allocation shall be made to the Fund in an amount at least equivalent to the draw down of the immediate prior fiscal year.
- Liability / Catastrophe Fund – to the extent necessary, Free Cash shall be used to reach the funding target of the Town's Liability / Catastrophe Fund, as outlined in the Town's Reserve Policies.
- Affordable Housing Trust Fund – in order to support the Town's efforts toward creating and maintaining affordable housing, Free Cash shall be appropriated into the Affordable Housing Trust Fund according to the following schedule:
 - when Free Cash exceeds \$6 million, 5% shall be allocated to the Affordable Housing Trust Fund.
 - when Free Cash exceeds \$7.5 million, 7.5% shall be allocated to the Affordable Housing Trust Fund.
 - when Free Cash exceeds \$10 million, 10% shall be allocated to the Affordable Housing Trust Fund.
- Special Use – Free Cash may be used to augment the trust funds related to fringe benefits and unfunded liabilities related to employee benefits.

FREE CASH FOR CAPITAL

After providing for the reserves and the Affordable Housing Trust Fund as stated above, 100% of any remaining Free Cash balance shall be dedicated to the Capital Improvement Program (CIP).

RESERVE POLICIES

The Town shall maintain the following general, special, and strategic reserve funds:

- **Budget Reserve** – to respond to extraordinary and unforeseen financial obligations, an annual budget reserve shall be established under the provisions of MGL Chapter 40, Section 6. The funding level shall be an amount equivalent to 1% of the prior year's net revenue, maintained in the manner set out below. Any unexpended balance at the end of the fiscal year must go toward the calculation of free cash; no fund balance is maintained.
 - **Funding from Property Tax Levy** – an amount equivalent to .75% of the prior year's net revenue shall be allocated from the Property Tax levy to the Appropriated Budget Reserve.
 - **Funding from Free Cash** – an amount equivalent to 0.25% of the prior year's net revenue shall be allocated from Free Cash, per the Town's Free Cash Policies, to the Appropriated Budget Reserve.

- **Stabilization Fund** – a Stabilization Fund shall be maintained, under the provisions of MGL Chapter 40, Section 5B.
 1. The target funding level for the Fund shall be an amount equivalent to 3% of the Town's prior year's net revenue, as defined in the CIP policies. The Fund shall be funded only with Free Cash or one-time revenues.
 2. The Stabilization Fund may only be used under the following circumstances:
 - a. to fund capital projects, on a pay-as-you-go basis, when available Free Cash drops below \$2 million in any year; and/or
 - b. to support the operating budget when Net Revenue, as defined in the CIP policies, increases less than 3% from the prior fiscal year.
 3. The level of use of the Stabilization Fund shall be limited to the following:
 - a. when funding capital projects, on a pay-as-you-go basis under #2a. above, no more than \$1 million may be drawn down from the fund in any fiscal year. The maximum draw down over any three year period shall not exceed \$2.5 million.
 - b. when supporting the operating budget under #2b. above, the amount drawn down from the fund shall be equal to the amount necessary to bring the year-over-year increase in the Town's prior year net revenue to 3%, or \$1 million, whichever is less. The maximum draw down over any three year period shall not exceed \$2.5 million.
 - c. In order to replenish the Stabilization Fund if used, in the year immediately following any draw down, an amount at least equivalent to the draw down shall be deposited into the fund. Said funding shall come from Free Cash.

- **Liability / Catastrophe Fund** – established by Chapter 66 of the Acts of 1998, and amended by Chapter 137 of the Acts of 2001, this fund shall be maintained in order to protect the community against major facility disaster and/or a substantial negative financial impact of litigation. The uses of and procedures for accessing the fund are prescribed in the above referenced special act. The target fund balance is 1% of the prior year's net revenue and funding shall come from available Free Cash and other one-time revenues.
- **Post-Retirement Benefits Trust Fund** – established by Chapter 472 of the Acts of 1998, this fund shall be maintained to offset the anticipated costs of post-retirement benefits of retired employees. The uses of and procedures for accessing the fund are prescribed in the above referenced special act.

The balance in the Fund shall be maintained, but future funding shall be suspended until a comprehensive statewide municipal approach is adopted. When funding is re-activated, funding may come from continued decreases in other fringe benefit line-items; from continued year-end surpluses in appropriations for employee health insurance; from continued assessments on the non-General Funds that support benefit-eligible employees; and Free Cash and other one-time revenues.

- **Overlay Reserve** – established per the requirements of MGL Chapter 59, Section 25, the Overlay is used as a reserve, under the direction of the Board of Assessors, to fund property tax exemptions and abatements resulting from adjustments in valuation. The Board of Selectmen shall, at the conclusion of each fiscal year, require the Board of Assessors to submit an update of the Overlay reserve for each fiscal year, including, but not limited to, the current balances, amounts of potential abatements, and any transfers between accounts. If the balance of any fiscal year overlay exceeds the amount of potential abatements, the Board of Selectmen may request the Board of Assessors to declare those balances surplus, for use in the Town's Capital Improvement Plan (CIP) or for any other one-time expense.

CAPITAL IMPROVEMENT PROGRAM (CIP) POLICIES

Definition of a CIP Project

A capital improvement project is any project that improves or adds to the Town's infrastructure, has a substantial useful life, and costs \$25,000 or more, regardless of funding source. Examples of capital projects include the following:

- . Construction of new buildings
- . Major renovation of or additions to existing buildings
- . Land acquisition or major land improvements
- . Street reconstruction and resurfacing
- . Sanitary sewer and storm drain construction and rehabilitation
- . Water system construction and rehabilitation
- . Major equipment acquisition and refurbishment
- . Planning, feasibility studies, and design for potential capital projects

Evaluation of CIP Projects

The capital improvement program shall include those projects that will preserve and provide, in the most efficient manner, the infrastructure necessary to achieve the highest level of public services and quality of life possible within the available financial resources.

Only those projects that have gone through the CIP review process shall be included in the CIP. The CIP shall be developed in concert with the operating budget and shall be in conformance with the Board's CIP financing policy. No project, regardless of the funding source, shall be included in the CIP unless it meets an identified capital need of the Town and is in conformance with this policy.

Capital improvement projects shall be thoroughly evaluated and prioritized using the criteria set forth below. Priority will be given to projects that preserve essential infrastructure. Expansion of the capital plan (buildings, facilities, and equipment) must be necessary to meet a critical service. Consideration shall be given to the distributional effects of a project and the qualitative impact on services, as well as the level of disruption and inconvenience.

The evaluation criteria shall include the following:

- Eliminates a proven or obvious hazard to public health and safety
- Required by legislation or action of other governmental jurisdictions
- Supports adopted plans, goals, objectives, and policies
- Reduces or stabilizes operating costs
- Prolongs the functional life of a capital asset of the Town by five years or more
- Replaces a clearly obsolete facility or maintains and makes better use of an existing facility
- Prevents a substantial reduction in an existing standard of service
- Directly benefits the Town's economic base by increasing property values
- Provides new programs having social, cultural, historic, environmental, economic, or aesthetic value
- Utilizes outside financing sources such as grants

CIP Financing Policies

An important commitment is to providing the funds necessary to fully address the Town's capital improvement needs in a fiscally prudent manner. It is recognized that a balance must be maintained between operating and capital budgets so as to meet the needs of both to the maximum extent possible.

For the purposes of these policies, the following definitions apply:

- Net Operating Revenue - Gross revenues, less net debt exclusion funds, enterprise (self-supporting) operations funds, free cash, grants, transfers from other non-recurring non-general funds, and non-appropriated costs.
- Net Direct Debt (and Debt Service) - Gross costs from local debt, less Prop 2 1/2 debt exclusion amounts and amounts from enterprise operations.
- Net Tax-Financed CIP - Gross amount of appropriations for capital improvements from current revenues, less amounts for enterprise operations, grants, free cash,

transfers, and non-recurring special revenue funds.

The capital improvements program shall be prepared and financed in accordance with the following policies:

OUTSIDE FUNDING

State and/or federal grant funding shall be pursued and used to finance the capital budget wherever possible.

ENTERPRISE OPERATIONS - SELF SUPPORTING

Capital projects for enterprise operations shall be financed from enterprise revenues solely.

CIP BUDGET ALLOCATIONS - 5.5% OF NET REVENUES

Total net direct debt service and net tax-financed CIP shall be maintained at a level equivalent to 5.5% of prior year net operating revenues.

- TAX FINANCED ALLOCATION - 1.25% OF NET REVENUES
Net tax-financed capital expenditures shall be maintained at a target level equivalent to 1.25% of prior year net operating revenues.
- DEBT-FINANCED ALLOCATION - 4.25% OF NET REVENUES
Net direct debt service shall be maintained at a target equivalent to 4.25% of prior year net operating revenues.

DEBT MANAGEMENT POLICIES

Debt financing of capital projects shall be utilized in accordance with the following policies:

- Debt financing shall be reserved for capital projects and expenditures which either cost in excess of \$100,000 or have an anticipated life span of five years or more, or are expected to prolong the useful life of a capital asset by five years or more.
- Bond maturities shall not exceed the anticipated useful life of the capital project being financed. Except for major buildings and water and sewer projects, bond maturities shall be limited to no more than ten years.
- Bond maturities shall be maintained so that at least 60% of the outstanding net direct debt (principal) shall mature within 10 years.
- Total outstanding general obligation debt shall not exceed 2.5% of the total assessed value of property.
- Total outstanding general obligation debt per capita shall not exceed \$2,000. Beginning on July 1, 2004, the \$2,000 per capita shall be adjusted annually by the consumer price index (CPI) for all urban consumers (northeast region all items).

- Total outstanding general obligation debt per capita shall not exceed 6% of per capita income, as defined by the Census Bureau of the U.S. Department of Commerce.

FREE CASH

After using free cash in accordance with the Town's free cash policy, available free cash shall be used exclusively to supplement the capital improvements program.

ADVISORY COMMITTEE'S RECOMMENDATION

OVERVIEW

Anyone following municipal budgets over the last several years is aware of the financial stresses with which towns and cities in the Commonwealth contend. Brookline is no different, other than we managed to avoid many of the deep service cuts that other municipalities suffered. And, until now, we had not had a general override since 1994 – making us an anomaly among our peer communities.

Over the last several years, we consolidated operations, reduced positions, increased fees and fines, renegotiated contracts, and on two occasions restructured our healthcare plan, successfully reducing expenses and increasing revenues. The net effect of these efforts is more than \$3M to our favor.

Even with this combination of service consolidations and revenue enhancements, we cannot expect to maintain the current level of services within our existing structure and the mandated constraints of prop. 2 ½. As we projected, FY '09 marks the first of several years of very difficult budgets that require uncomfortable decisions. We will be presented with looming deficits and the need to find skillful and adaptive ways to contend with them.

On Tuesday, May 6th voters approved the first General Override since 1994. The \$6.2M override is a collective contribution and commitment by the people of Brookline – it is not a blank check. 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 look to contain our municipal spending. It will require a very deliberative process of taking stock and making changes.

Understanding the financial realities, this year's budget is mindful of the continuing difficult years and as a result of the over-ride funds, avoids the loss and disruption of services in FY'09.

REVENUES AND EXPENSES

A number of sources support this year's revenues of \$199M. State Aid accounts for \$19.6M. While this is still not back to 2002 levels, it is nonetheless a welcome increase of 3.3% over last year. Still, an equitable program for revenue sharing and enactment of local options taxes would be progressive steps towards helping Towns and Cities. Local Receipts have decreased a bit to \$20.6M. This includes revenues from such things as Building Permits and various fees and fines. It is also derived from Interest Income. Interest Income, as one would expect, is down significantly and not anticipated to trend up. Building Permits are about flat, with new construction increasing and renovations decreasing. If an overall decreasing trend develops, it will have serious negative consequences for our budget. State-certified Free Cash available this year is just under \$6M. Free Cash is somewhat difficult to predict from year to year. As we continue to budget ever tighter, we should not expect increases in this line. Any decreases in Free Cash in coming years will reduce our capacity to accommodate pay-as-you-go capital items. After allocation to a variety of strategic reserves (e.g. Liability/Catastrophe Fund, Operating Budget Reserve), \$5M of Free Cash is available to our CIP.

The greatest contributor to our revenues, of course, is property tax. Property tax increases prescribed by Prop. 2 ½, including the recently approved Override, helped by additional taxes generated from new development, increase the total property tax levy by 8.4% to \$147.3M (representing 74% of our total revenue). When all revenue sources are aggregated, the sum is \$199M, a 5.5% increase in revenue. Operating revenue increases \$11.4 million, or 6.5%. Of our \$199M General Fund revenue, \$7.2M is deducted for Non-Appropriated expenses (State/County charges, “cherry sheet” offsets, tax abatement overlay). This leaves us with a total of \$191.9M in revenues for appropriation.

The law, and common sense, dictates that we balance revenues and expenditures. Departmental expenditures (~66% of total expenditures) increase by 6.1% to \$130.4M (\$62.4M Town / \$68M Schools). Non-Departmental expenditures of \$53.4M increase 2.5% and include such things as Employee Benefits (71.7% of this category), Reserves, Insurance, and Debt Service (28.3% of this category). Additionally, there are revenue-financed Special Appropriations (CIP) of \$8M (this represents an increase of ~35%, as opposed to last year’s decrease of nearly 25%). There are also the Non-Appropriated expenses of \$7.2M as mentioned above.

Without the benefit of new over-ride funds, our revenues would have increased only 2.25% this year. Keep in mind that this is in the face of escalating energy costs, building costs, and significant Pension Fund and Retiree Healthcare obligations. And, continued potentially crippling double-digit increases in healthcare premiums. An outline of revenues and expenditures follows:

Revenues

| | <u>\$</u> | <u>% change</u> |
|--------------------|------------------|-----------------|
| Property Tax | 147,259,080 | 8.4 |
| Local Receipts | 20,553,925 | (3.2) |
| State Aid | 19,606,949 | 3.3 |
| Free Cash | 5,954,963 | 56.1 |
| <u>Other Funds</u> | <u>5,641,332</u> | <u>(35.4)</u> |
| Total Revenue | 199,016,249 | 5.5 |

Expenditures

| | <u>\$</u> | <u>% change</u> |
|------------------------------|------------------|-----------------|
| Departmental | 130,436,888 | 6.1 |
| Non-Departmental | 53,448,676 | 2.5 |
| Special Appropriations (CIP) | 7,975,746 | 34.5 |
| <u>Non-Appropriated Exp.</u> | <u>7,154,940</u> | <u>(4.8)</u> |
| Total Expenditures | 199,016,249 | 5.5 |

PERSONNEL

A town is by its nature a service provider. Most of the Town’s assets are live assets – its employees. It is no surprise, therefore, that our budget is primarily dedicated to personnel expenses. Of this year’s \$183.9M Operating budget, more than 76% is dedicated to Personnel

and Benefit expenses. Personnel increases 6.4% to \$102M, and Benefits increase 7.3% to \$38.3M.

It is axiomatic that a budget can support only a certain number of employees at a certain level of compensation (wages + benefits). Therefore, it is important to be aware of the total level of compensation. If one component excessively increases, fiscal reality dictates that another must decrease. Balancing the number of employees, their wages and their benefits is a great challenge given external price pressures and the revenue restrictions imposed by Prop. 2 ½. Eliminating jobs is something we strive to avoid. Instead, to eliminate positions, we look for ways to consolidate or streamline through vacancies, attrition and retirements. The original FY'09 budget eliminated 9.1 FTE's. These included 4 positions within the DPW, 1.1 equivalent temporary part-time positions in the Library and 4 unfilled Police Officer positions. This would be an elimination of 20 full-time equivalent positions in just the past two years. With the result of the override, funding is available for the Police and Library this year.

Personnel levels on the School Department side become a somewhat trickier matter. The Schools must contend with the levels and distribution of enrollment, and the demands of mandated programming and services. The pressures exerted by mandated and SPED programming, in part, necessitate increases in Aide positions in the School Budget. This puts additional pressure on the School budget, as it must absorb associated benefit costs for those non-teacher positions. Part-time positions with associated benefits has been an area of concern. In the past 13 years 181 new positions have been added to the School Department. 126 of those positions have been for mandated services. The remaining 54 positions are referred to as "discretionary", and include such things as BHS and elementary teaching staff, math and literacy specialists, and a School Nurse for each school.

For the employer/employee bond to work, there must be a fair and honest commitment for each side to respect and constructively address the real issues we all face. This year several collective bargaining agreements were reached with good results for all. In Brookline, we maintain a constant dialogue to seek the proper point of balance. This will become all the more critical given the difficult choices we face in the next couple of years. Personnel numbers, structure and job descriptions will change over time, as service needs change. The goal is to find levels of efficiency. Ultimately, though, we can only afford so much for so many.

GROUP HEALTH & BENEFITS

Employee Benefits, including pensions, workers' comp., unemployment, life insurance and health insurance, increase 7.3% to \$38.3 M.

- Group Health

Group Health benefits are provided to both active and retired employees. Group Health costs increase 10.1% to \$23.1M, consuming 12.6% of our General Operating Budget. Currently, there are approximately 2,882 enrolled employees (1,386 Town / 1,496 School). 52% of the enrollees are active employees, and 48% retired. The Town pays for 75% of the premium costs. In the past few years, the Town aggressively negotiated with healthcare providers, consolidated under a single provider for marked savings, and restructured the co-pay schedule to reduce premium costs for both the Town and its

employees. Even with these measures, premium costs continue to rise at a double-digit rate. Currently, a family Blue Choice family plan is more than \$19K per employee. Group Health has proven to be a potent 'budget buster' capable of cannibalizing other benefits and wages.

The Town aggressively negotiated with providers, restructured the co-pay schedule and provided programs to help our employees achieve healthier lifestyles. What have not been fully explored are opportunities for collaborative buying. One such opportunity may be the State's Group Insurance Commission (GIC). While Brookline and its employees have suffered double-digit increases for years, GIC members have seen only single-digit increases during that same period. There is a possibility for employees to realize premium reductions and for the Town to realize savings of between \$1M and \$2M annually - clearly an opportunity worth exploring. What is certain is if this rate of premium increases is not brought down, it will erode other items in our municipal budget - forcing reductions in service, capital and personnel.

- Pension

Also putting pressure on our budget is pensions. Pension benefits are provided for Town and School employees not covered as teachers. Many of the new positions in the schools are aides, and therefore may be eligible for the Town Pension system. Currently, there are approximately 3,265 employees (active, inactive and retired) enrolled in the Town Pension System. That amount required to fund these pensions is determined by a State-authorized funding schedule. Full funding is legally required by no later than 2028 and Brookline has a State-approved payment schedule designed to reach full funding by 2026. The amount of annual payments needed to accomplish this is currently \$11.4M in FY09, based on the current value of assets in the pension plan, the Pension Board's assumed rate of return, and disability retirement assumptions. The calculated unfunded liability as of 2006 was \$112M. A newly calculated figure should be available by the end of May.

In the past, the State indicated that Pension Boards will have to become more sophisticated and look at investments in such things as private equities, hedge funds and inflation-indexed treasury bonds if they expect to keep up. The Brookline Pension Board and its advisors have already demonstrated their ability to use some of these instruments to increase relative returns and decrease relative risks. Generally, the State's pension investments do a bit better than ours in good times, and we do a bit better in tougher times. Often this can be correlated to the relative differences in risk. However, the Town will have to be ever mindful of new ways to be creative, as this item will continue to exert pressure on the Town's Operating Budget in the years to come.

- Retiree Health

While we fund our pension on a PERAC-approved schedule, we do not take the same approach to retiree healthcare. We do meet our current obligations, but we do not regularly stick away additional millions of dollars a year for the future - we do not have that sort of budget capacity.

We are not unique in this regard, and may be better off than most. Nationally, the unfunded post-retirement healthcare obligation in both the public and private sector has

been characterized as being “incalculable”. There is an argument that ultimately the Federal government will need to institute a national healthcare program to deal with this issue for the whole country. This issue is much larger than just Brookline. General Motors recently bargained away its liability by bonding it and handing it over to its employees. We may see more of these creative solutions coming from large corporations in the future.

Regardless of the ultimate solutions, this is as much a symptom as it is a problem. Some of the underlying drivers are under our control, others are not. People are living longer and healthcare costs are escalating far in excess of inflation. What sets the stage for our calculated future obligations, however, is the number of people we ultimately employ and the degree to which we agree to split the cost of healthcare with them. Currently, the Town covers 75% of healthcare premium costs for both current and retired workers. Our retirees are in less expensive Medicare Supplemental plans (if eligible), so they only account for 35% of the healthcare budget (\$8M in FY09). However, it is anticipated that in the next five years this will increase to nearly 50%. This year 55 new employees are estimated to join our healthcare program. In the on-going years, we expect that annual number to be closer to 45.

The 2006 calculated unfunded liability for retiree health was \$330M. This was based on a number of assumptions including an assumed rate of return on investments at essentially “bank account rates”. If the Town adopts GASB #43 accounting standards (as proposed under Article 10), it will be able to calculate the unfunded liability using the actual average rates of return of the stock market. This would reduce the calculated 2006 unfunded liability to \$212M – still a significant amount. In 2008, there will be a new Actuarial Valuation giving us a better sense of where the liability stands.

Our history demonstrates that Brookline is pretty good at establishing reserves and paying down our debt early. The additional funds required to do the same with our post-retirement healthcare obligation simply are not there, however. Therefore, we currently meet our obligations on a pay-as-go basis. Although, in 1998 the Town established a Retiree Healthcare Trust Fund, and it is recommended that we apply an additional \$1M to that fund this year (increasing the \$4.9M already in the fund). Of note: Brookline is one of only a few communities that has begun funding such a post-retirement benefits trust.

Also, the Town’s adoption of Chapter 32B Section 18 several years ago allowed us to move retirees into a Medicare coverage program for marked savings. If we join the State’s Group Insurance Commission (GIC), we may reduce healthcare premiums further. While this might have a significant positive effect on the future liability, it is subject to collective bargaining.

While consideration must be given to the costs and drivers of the liability, consideration must also be given to the approach we adopt in addressing that liability. The Override Study Committee (OSC) estimated that funding the Retiree Healthcare Trust Fund would require an annual commitment of approximately \$4M. Allocating that much money would require significant decreases in other areas of our Operating Budget. This is one of the reasons we have traditionally adopted a pay-as-you-go approach.

One problem with this approach, though, is that it can make budgeting predictability difficult. From our experience with the pension fund, we have seen how disruptive an unanticipated run-up in disabilities or a greater rate of retirements can be. Years ago, no one would have anticipated these incredible increases in healthcare costs. Increased numbers of retirees, increased life expectancies and continued double-digit premium increases add to an even greater liability. Moreover, with each year a larger portion of our Operating Budget must be committed to fulfilling our obligation.

It has been noted that socking away extra money to meet our retiree healthcare obligation (above the pay-as-you-go amount) is much like putting money into a Christmas account; regardless of where you park and manage your funds, you pay the same amount in the end. Also, unlike corporations, towns do not go out of business so there is little risk that the obligations will never be met. However, there are distinct advantages to funding a Retiree Healthcare Trust Fund. The first is that it structurally instills a certain measure of financial discipline. By making regularly scheduled payments into a dedicated fund, you plan an Operating Budget that will be less susceptible to the unforeseen financial shock of an odd year (e.g. requiring extra funds for unanticipated retirements). That same moderating influence will be seen in the healthcare premium funding as well. By committing additional funds up front, it is possible to “buy down” the increased costs later - in effect flattening the curve of premium increases. This is essentially what we do with our pension fund. It may not change our ultimate cost, but it will provide for a more even and orderly budgeting process. And, not push off a crushing bill onto our children. The real trick is how to accomplish it.

Wellesley bonded their obligation and financed it through an override. It is unlikely that anyone in Brookline will suggest this aloud. We also cannot manufacture our own currency and our strained budget has few opportunities for the redirection of funds. In order to consider advancing a realistic plan for funding a Retiree Healthcare Trust Fund, assuming we wish to use that method, we must evaluate several factors. We must have a current valuation of the liability, establish a reasonable timeline for funding, and identify potential sources and amounts of financing. Current law requires us to fully fund our pensions by 2028 (our current payment schedule is based on 2026 for full funding), thereafter those payments may be redirected toward retiree healthcare. What this means is that we need to consider a plan for funding during a 20 year gap period (then the current pension payments would be applied). In this approach the liability is primarily back-end financed, but not fully. In cursory and informal discussions with the Town's Chief Financial Officer, Stephen Cirillo, we were apprised of a “theoretical model” for financing the retiree healthcare liability over a 30-year period. It is predicated on the assumption that we adopt GASB #43, begin an escalating payment schedule into the Retiree Healthcare Trust Fund, and redirect our current pension payments toward the fund in 20 years; it also assumes that the rate of return on our investments is 7.5% over time. There is no formal proposal or recommendation and more analysis needs to be done, but this demonstrates a possibly workable model and a proof-of-principle.

Even if eventually we decide to adopt such an approach, additional funds will be needed during the first 20 years. One option that has been mentioned is the use of savings should the Town's employees elect to participate in the State's GIC. Not only would such a

move decrease their out-of-pocket expenses, it could free up resources to commit toward their eventual retirements as well. If we are unable to find ways of controlling our costs, however, the future does not look very good.

All of this is fodder for greater discussion and exploration. Our current pay-as-you-go approach has been working and will continue to work. However, with each successive year and premium increase the bite out of our operating budget grows as well. The Board of Selectmen has established a task force to address the Town's unfunded liabilities for Other Post Employment Benefits (OPEB's). This year the Advisory Committee is recommending the adoption of GASB #43, moving an additional \$1M into the already established Retiree Healthcare Trust fund and strongly encouraging the Town and its employees to begin discussions around participating in the GIC. These things can work favorably toward developing an ongoing funding plan.

CAPITAL IMPROVEMENT PLAN (CIP)

The Town's FY09-FY14 proposed CIP anticipates investing \$145.6M. This year (FY09) we are slated to authorize more than \$11M in new spending from our General Fund toward the CIP (pay-as-you-go and bonded). Funding for the CIP comes from grants (including CDBG, State/Federal grants), Enterprise Funds' budgets, tax revenues (\$2.7M) and Free Cash (\$5M). Our financial guidelines call for us to apply 5.5% of the prior year's net revenues toward the CIP (4.25% towards debt service and 1.25% towards pay-as-you-go financing). As you will recall, last year we departed from these guidelines and reduced our application toward the CIP to 5.25%. While this may help in a particularly stressful year, it also risks creating a reliance on capital funds to support an operating budget. This year we return to our established guideline of 5.5% with splits of 4.7% and 0.8% respectively.

During these periods of greater debt service allocations, free cash becomes more critical in supporting the CIP. However, as demands on our Operating Budget continue to increase, lower levels of free cash may be anticipated in the coming years. This, in concert with escalating building costs and decreasing SBA reimbursements, will prove potent limiting factors as we seek to address our capital projects. The Advisory Committee is engaged in discussions with the Building Department and the Building Commission around taking a critical look at needs, costs and priorities in the early development of large CIP items. It will be all the more important to focus on rigid project definitions, solid cost estimates and creative strategies to leverage funds. This sort of hard analysis is necessary for CIP projects of all sizes. Through this process, marked savings were realized in major projects at the Putterham Library and BHS.

This year's CIP continues our commitment to street and sidewalk rehabilitation, streetlight repairs, parks and playground rehabilitation, and technology among other things. Capital project surplus funds of \$50K will be allocated toward a Fire Station Study. We have a number of older firehouses in town – some originally built for horse and wagon crews. As newer fire trucks become increasingly larger and heavier, we must appraise our firehouses' abilities to support the weigh and accommodate the height and width of the newer trucks. The study is only \$50K, but the potential ramifications could eventually be costlier.

For the first time in several years, we are recommending an increase to Tree Removal & Replacement. Brookline has long been know for her greenery; couched in verdant repose

while surrounded on three sides by Boston. Our parks and trees provide us with an extraordinary quality of life in a rather urban area. This line item has been flat for years and for FY'09 we are recommending increasing the allocation to \$145K.

Perhaps the most controversial item on this year's CIP is a proposal of \$465K (\$675K over 4 years) for an RFID system in the Public Library. The Advisory is not recommending this item at this time; the Board of Selectmen is. The Advisory Committee declined to recommend the purchase of a RFID system for the Library by a vote of 10-7. The vote's closeness clearly reflects the respect that the Committee has for the capability, professionalism, and vision of Chuck Flaherty and the Library Trustees.

It is the Advisory Committee's understanding that the RFID system is not widely used at present, either in the Minuteman Network (41 library systems of which Brookline is a part), New England, or even nation-wide. Given the expense of the system and the current economic climate, it does not seem likely that most of the other Minuteman libraries will be in a position to make this sort of investment soon. It is also our understanding that this would not fully replace the current barcode system, but be an additional system. In terms of larger systems with bigger budgets, the dearth of major institutions (university and large urban library systems) using this technology gives Committee members pause.

It is also the Committee's understanding that the circulation within the Brookline system has increased almost every year since FY93 while the number of full time staff has remained constant since FY98, causing the circulation per employee to increase towards its projected FY08 level of 31,708. This situation invites questions of how much capacity is left in our current system; by how much can circulation increase before quality of service is seriously jeopardized; and to what degree would the capacity and quality of library services be increased through the adoption of the RFID system. Finally, some concern was expressed about the possibility of another technology emerging and supplanting RFID, as recently occurred in the Blu-ray vs. HD DVD competition.

Regarding the adoption of the RFID system in Brookline, the Advisory Committee believes it is not so much a question of "if", but rather a question of "when." Current information and acknowledgment of these difficult financial times prudently suggests that the Town wait to purchase this system until the remaining questions and issues are addressed.

A detailed description of all FY09 CIP items is provided in these Combined Reports.

DEBT AND DEBT FINANCING

As has been noted, the CIP is largely financed through debt (bonding). Projected outstanding debt for FY09 is just under \$104M with debt service (annual payments on that debt) at just under \$15M (\$12M from the General Fund). These are sobering, yet manageable numbers. Of the \$15M in debt service, however, \$2.7M is financed through the Enterprise Funds, \$3.3M through State SBA and \$4.4M through debt exclusion funding. As a percentage of General Fund revenue, debt service is approximately 7%, in-line with what the ratings agencies expect to see (they look at between 5% - 10% as the proper range). When debt that is funded by SBA reimbursements is factored out, debt service as percentage of revenue drops to approximately 5%.

State law limits a town’s level of debt to 5% of its Equalized Valuation (EQV); at 0.7% Brookline’s level is nowhere near that limit, and our CIP policy would not allow for such outstanding debt levels. Brookline’s practice of long-term financial planning and use of a relatively short maturation period of debt help to prudently manage our debt levels. This is important, as debt service immediately impacts our Operating Budget.

The tables below detail the anticipated funding source (as percents) for the proposed FY’09-FY’14 CIP, and the CIP allocation by category for the same period.

| CIP (6 Yr) Funding by Source (%) | | CIP (6 Yr) Allocation by Category (%) | |
|---|--------------|--|--------------|
| General Fund Bond | 37.3 | Facility Renovation/Repair | 66.2 |
| Free Cash | 13.7 | Infrastructure | 23.5 |
| State/Federal Grants | 31.4 | Park/Open Space / Playgrounds | 8.5 |
| Utility Bond | 3.3 | Misc. & Other | 1.2 |
| Property Tax | 9.3 | Vehicles | 0.6 |
| CDBG | 1.5 | Total | 100.0 |
| All Other | 3.5 | | |
| Overlay Res. Surplus | 0.0 | | |
| Total | 100.0 | | |

SCHOOLS

The value of Brookline has long been equated to the value we place on education. Our schools are what draw families here, and it is from our schools that we send some of the finest thinkers, leaders and citizens into the world.

Just as the Town, the Schools have been contending with difficult budgets these last few years. Elementary world language was discontinued and Social Workers reduced. Tight budgets did not allow for program expansions. In a community rich in educational heritage, we have been largely treading water.

Going into the override, and after allocating one-time monies, the Schools found themselves looking at an original FY’09 budget with a \$1.5M structural deficit. They, therefore, developed a plan that increased fees and reduced positions and programs. Among those measures: increased athletic fees (\$175 to \$225), a transportation fee, cuts in teaching positions at BHS and elementary schools, the elimination of 4th grade instrumental music and elementary library assistants, and reduced funding to IT and building maintenance. Obviously, this presented a grim new landscape.

The outcome of the recent override demonstrates citizens’ support for our community. As a result, the Schools are able to fill the structural gap for this year, increase instructional time, and even reinstate the elementary world language program. However, there will continue to be budget pressures requiring ongoing attention.

A detailed report and analysis is provided below, along with the Advisory Committee's favorable recommendation for funding of the School allocation in the amount of \$68,021,240.

SUSTAINING A COMMUNITY

The downside of an orderly budgeting process is that it seldom conveys a sense of urgency – but sometimes a sense of urgency is important. For the past few years we reduced positions, rationalized operations, consolidated and restructured healthcare, increased fees and fines, and improved conservation measures and efficiencies. All of these served us well. At least, to the extent possible. As we face more years of potential budget deficits, we must come to terms with what it is we can ultimately afford.

Revenues simply do not increase at the same rate as expenses. The OSC suggests financial sustainability should be achievable if we can limit the rate of expenditure increases to 3.75%. Unfortunately, there are many expenses over which we have little control that are increasing at substantially greater rates – healthcare and energy to name just two. We must look for ways to significantly and creatively increase revenues and decrease expenses.

The recent override significantly aids our revenue stream. Aside from school-based programs, it provides funds to Public Safety, our libraries and neglected infrastructure. However, we should not be under any illusion that this is our financial cure-all. It is essential and voters expect that we control and reduce our spending. We still face budgetary shortfalls.

As societal and community patterns change, we must continually reevaluate, and reconstruct if necessary, our municipal functions and processes. The Advisory Committee encourages and supports the Board of Selectmen in establishing a task force to look specifically at operating efficiencies. This means an operational audit of sorts; one that looks at departments and operations individually, and processes collaboratively.

The operation of a town is large and complex, and in many ways must be approached as a business. However, we cannot lose sight of the fact that Brookline is our home. It is the community in which we work, live and raise our families. Brookline is in the business of community.

There are bound to be uncomfortable and necessary changes ahead. But as we sacrifice and economize, our decisions will be guided by our community values.

This year's FY09 budget supports those values, while acknowledging the fiscal realities of our time.

The Advisory Committee recommends **FAVORABLE ACTION** on the FY09 Budget as presented.

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Sub-Committee Report on the School Budget

Background

This report discusses the major fiscal issues facing the Public Schools of Brookline (“PSB”) in 2009 and beyond. It and the attached Exhibit summarize the information contained in The Public Schools of Brookline, Superintendent’s Preliminary Budget, FY2009 (“the document”). Page references are to the document.

In 2009, the “non-override” budget calls for a combined spending of over \$109 million on behalf of the PSB, \$78 million by the PSB, and \$31 million by the Town (largely, personnel benefits, school building expenses, and debt service). The Superintendent’s message regarding the non-override scenarios includes comments such as:

- the spending attempts to honor the very basic elements of the School Committee’s goals, guidelines and priorities, while clearly violating much of the spirit of educational quality and continuous improvement
- the PSB will be irretrievably damaged through these severe reductions.....and that we will no longer provide the rich educational program that this community has historically come to demand

The conditions that lead to these circumstances in 2009 and beyond include:

- revenue concerns in the general, grant and revolving funds
- additional physical and human resources from growth in enrollment at the elementary level
- the cost of compensation and benefits for the work force

Also, the ongoing Program Review process assessing learning expectations has the potential to require additional resources.

With relatively small exception, the original 2009 spending reductions reflected no positive value.

It is in this context (no over-ride) that the Advisory Committee considered the PSB spending plans, presents its conclusions, and suggests to Town Meeting that it consider this context. In the absence of successful structural overrides, combined with ongoing, vigilant resource management, these challenges will continue. An analysis of the effect of the recent over-ride funds is included as well.

Discussion (see Exhibit)

The \$78 million of PSB spending comes from its general fund (\$67 million), grant funds (\$6 million), and revolving funds (\$5 million). The Advisory Committee and Town Meeting have the authority to approve or disapprove only the total spending within the general fund. The authority to allocate the general, grant and revolving funds is vested in the School Committee.

Public Schools of Brookline
2009 Budget Comparison and Analysis
(amounts in \$000s)

| Non-Override Budget | 2008 | | 2009 | |
|----------------------------|---------|---------|--------|--------|
| | Rev | Budget | Budget | Change |
| PSB budget - page 18 | | | | |
| General Fund | | | | |
| Appropriation | 61,825 | 62,953 | | 1,128 |
| Override | 1,100 | 1,100 | | |
| Total | 62,925 | 64,053 | | 1,128 |
| Tuition/fees/rental | 371 | 388 | | 17 |
| Circuit breaker | 2,000 | 1,900 | | (100) |
| Reserves | | 671 | | 671 |
| Total General Fund | 65,296 | 67,012 | | 1,716 |
| Grant Funds | 6,228 | 5,823 | | (405) |
| Revolving Funds | 5,144 | 5,151 | | 7 |
| Total PSB funds | 76,668 | 77,986 | | 1,318 |
| Town budget - page 330 | 30,232 | 31,520 | | 1,288 |
| Total PSB spending | 106,900 | 109,506 | | 2,606 |

2,235 from 1

General Fund Spending by Type of Expense - page 19

| | 2008 | 2009 | Change |
|--------------------|--------|--------|--------|
| Personnel | 54,244 | 56,207 | 1,963 |
| Services | 7,854 | 8,207 | 353 |
| Supplies | 1,321 | 1,473 | 152 |
| Other | 948 | 773 | (175) |
| Equipment | 410 | 352 | (58) |
| | 64,777 | 67,012 | 2,235 |
| Unspent | 519 | | (519) |
| Total General Fund | 65,296 | 67,012 | 1,716 |

General Fund Expenditure Growth and Funding Sources

| | |
|---|---------|
| Expenditure growth - pages 7, 8 and 20 | |
| Collective bargaining | 2,091 |
| STEPS/Retirement mix | 450 |
| Program growth | 436 |
| Enrollment growth | 255 |
| Special education | |
| Identified | 250 |
| Contingeny | 100 |
| Grants contingency | 89 |
| Northeastern aides | 40 |
| Other contingencies | 50 |
| Total | 3,761 |
| Funding sources: | |
| Net revenue growth | (1,028) |
| Athletic costs transferred to revolving fund | (70) |
| Transportation fee | (17) |
| Reserves | (671) |
| Total funding sources | (1,786) |
| Expenditure growth over available 2009 funding | 1,975 |
| Expenditure growth funded with 2008 budget excess | (519) |
| Expenditure growth without funding | 1,456 |
| Expenditure reductions - page 9 through 11 | |
| Building repairs and maintenance | 100 |
| Other reductions | 1,356 |
| Total reductions | 1,456 |

General Fund spending in 2009 reflects a \$1,716,000 (2.63%) net increase over 2008's revised budget, and a \$2,235,000 (3.45%) net increase over 2008's forecasted spending. This \$519,000 forecasted favorable variance comes from lower spending on special education and staff turnover.

The net change in personnel spending is \$1,963,000, the largest component of which is collective bargaining increases of some \$2.1 million. The FTE count in the general fund is reduced by 13.6, from 912.7 in 2008 to 899.1 in 2009. There is a 2.1 FTE reduction in the other funds, and the FTE count in all funds is 1,061.9.

The gross increase in general fund spending is \$3,761,000 (pages 7, 8 and 20), and is partially supported with funding of \$1,716,000 from:

- growth in net revenues under the Town/School Partnership of \$1,028,000
- a new transportation fee of \$17,000
- the use of \$671,000 in existing reserves

Gross spending changes exceed this funding by \$1,975,000. This amount will be absorbed through:

- the 2008 forecasted surplus (\$519,000)
- spending reductions of \$1,456,000
 - \$100,000 of building repairs and maintenance
 - \$1,356,000 of other items, as detailed on page 9 of the document

Revolving funds increase by a net \$7,000, reflecting a \$70,000 increase in athletic fees and a \$70,000 transfer of expenses from the general fund. Family caps, “sliding” structure, and scholarships may be used to ease the impact on participation.

Grant funds decrease by \$405,000.

The Override - Restoration and Permanent Reductions

If the override Question 1A passed:

- building repairs and maintenance spending reductions of \$100,000 by the PSB would not be restored, but the Town would spend \$250,000 on behalf of the schools from the \$500,000 repair and maintenance override
- other PSB spending of \$1,079,000 would be restored, leaving an excess of \$421,000 from the \$1,500,000 structural override
 - elementary school social workers (\$92,000) are restored on the expectation that PSB funding will be supplemented with resources from the Brookline Community Mental Health Center, making the effort meaningful and effective
- \$277,000 of spending reductions would remain, \$195,000 (personnel) that do not have negative consequences on the effectiveness of teaching and learning, and \$82,000 for the Driscoll elementary world language program

If the override Question 1B passed:

- an additional \$82,000 would be restored for the Driscoll elementary world language program

Any portion of the structural override not used for restoration is expected to be used to reduce the amount of “one-time” sources funding the 2009 budget.

Public Schools of Brookline
 2009 Budget Comparison and Analysis
 (amounts in \$000s)

Override Analysis

| Expenditure area | PSB Budget | Override | | Excess of Override to Budget |
|---|---------------|----------|------|------------------------------------|
| | | PSB | Town | |
| Building repairs and maintenance (not restored in PSB override budget) | (100) | | 250 | 250 |
| Other reductions | (1,356) | 1,500 | | 2,856 |
| Restored in override pages 11 and 12 | | | | |
| with extended day | 1,079 | 1500 | | 421 |
| with world language | 1,161 | 1500 | | 339 |
| Permanent expenditure reductions | | | | |
| Substitute call function | 19 | | | |
| Payroll function leveraging with Town | 55 | | | |
| Administrative leave management | 50 | | | |
| Elementary staffing | 30 | | | |
| High school staffing | 41 | | | |
| Elementary world language | 82 | | | |
| Total with extended day | <u>277</u> | | | |
| Total with world language | <u>195</u> | | | |

Other Management Actions with Fiscal Consequences Not Specifically Quantified

- Stronger collective bargaining agreements to allow management the right to review medical documentation (in 2008, 5 disciplinary warnings have been issued)
- Outsourcing of cleaning services when requirements at a location exceed 2 full-time custodians
- Limiting to one year after retirement the period that retired teachers may teach at reduced loads
- Growing the METCO student population to the required 300 (from current 292, with a 32 student senior class). The town receives a reimbursement of \$4,500 plus transportation costs per METCO student. However, with the enrollment pressure in kindergarten, the METCO growth effort will concentrate on other lower grades
- Continuing to identify opportunities to leverage Town/School resources

Opportunities for Actions with Future Fiscal Consequences

The PSB administration will continue to evaluate the benefits and costs of other changes, with the objective of not weakening teaching and learning.

Among the issues discussed in the Override Study Committee report are:

- Managing new initiatives within existing spending. This is a significant challenge:
 - The elementary world language program represents spending of some \$900,000
 - The new Think Math! program for grades K-5 (which is consistent with very recent research of the National Mathematics Advisory Panel regarding pre K

- to 8th grade curriculums) represents \$150,000 of new 2009 spending, the additional math specialists added in 2008, and vendor-provided training
- Spending for a new high school language lab originally expected to come from the general fund (\$50,000 for each of 3 years) was included in the 2009 capital budget
- Control cost of mandated programs (see Special Education)
- Reducing “benefit eligible” shared positions (discussed earlier)
- Evaluating the fiscal benefits of larger class sizes
 - the PSB administration stated that research on the benefits of small class size is at best ambiguous, and if effective, is most important at early grade levels

Although not discussed in the study, another longer-term consideration is the qualitative and quantitative cost and benefit of maintaining the K-8 model. This would have significant capital expenditure outlays.

Mandated Programs

The administration considers two programs to be mandated – Special Education and English Language Learning (representing 271.6 FTEs; 30.2% of total staffing). “Mandated” is not a defined term; arguably, other programs, such as MCAS testing and No Child Left Behind, which are federally or state mandated, could be included, the effect of which would be to include more dollars and human resources in this categorization.

Special Education

The general fund FY2009 Special Education (“SPED”) budget is \$16,313,170 (24% of the fund) (largely personnel - \$10,415,695 and services - \$5,662,613), an increase of more than \$500,000 over FY2008’s forecast (3.4%) and revised budget (3.2%).

The total number of general fund SPED FTEs in 2009 is 253.55. Comparing 2008’s revised budget to forecast, there was an 8.63 FTE growth and an increase of some \$300,000 in personnel spending, but virtually no change in total spending. In 2009, while there is a reduction of .4 FTE, a 3.5% collective bargaining increase adds \$331,000, and additional support services, child study teams and inclusion add \$250,000 (although \$150,000 of this latter amount for child study teams is reduced in the non-override budget). The vast array of SPED personnel includes elementary and high school teachers, instructional and classroom aides, coordinators, speech and language teachers, vision/hearing specialists, occupational and physical therapists, consulting and legal service people, as well as support staff.

The classification of expenditures as SPED is also judgmental. There are significant support and regular education services that are excluded from this classification, e.g., transportation, medical, guidance, psychological and legal services. Transportation for SPED alone in 2009 is \$854,000 (a decrease of \$120,000 from the 2008 budget), and there is a \$1.8 million federal IDEA grant, as well as revolving funds spending for pre-K.

The state’s Circuit Breaker system partially reimburses (beyond a set threshold, which is currently \$35,000 per student) for out-of-district private placement tuition, as well as for in-district high-cost SPED services, a year after funds are spent. Reimbursements are deposited in a revolving fund (with a current balance of approximately \$1.5 million), which are

available to be used in any current year's budget without affecting that year's new SPED spending or reimbursement.

Regardless of the accounting process for SPED spending, the school administration believes the Circuit Breaker reimbursement process is being maximized. In 2009, the reimbursement is expected to decrease by \$100,000 to \$1,900,000 because of a decrease in high-cost placements. Circuit Breaker reimbursement for SPED transportation costs is being lobbied for by local officials. Some medical payments are reimbursed through claims made under a contract with Municipal Medical (approximately \$250,000 in each of 2007 and 2008). Approximately \$200,000 is expected for 2009, the reduction representing a change in federal regulations.

Brookline's SPED program delivers federal and state-mandated services within the "least restrictive" settings to approximately 1,250 students with disabilities, aged 3 to 22 years. Students with Individual Education Programs ("IEP") comprise 21% of PSB's total student population; the state-wide figure is 16.7%.

For many years, Brookline operated under the MA Special Education Law standard of "Maximum Feasible Benefit"; however, the MA Dept. of Education decreed that, as of Jan. 1, 2002, the standard of SPED service would henceforth adhere to the federal standard of "Free and Appropriate Education"(FAPE). This presented a challenge to PSB but, with their new Special Education Plan and Team Management Model, they are meeting the challenge of helping each individual student and family, and at the same time, effecting cost savings.

There will be a Special Education Administrator at each school who will have sole responsibility for allocating funds proposed in each SPED student's Independent Education Plan. This tightening of the decision-making loop is intended to streamline and control the SPED budget process, while continuing to provide quality service. Other aspects of the Plan are (i) the District Curriculum Accommodation Plan (DCAP), allowing principals to better support teachers in addressing the needs of all students without the necessity of IEPs; (ii) attempts to limit placements in district-wide programs with the goal of placing students in the least restrictive environment of their neighborhood schools; (iii) limiting outside and separate placements where possible to provide FAPE within the school system with better outcomes for students (and lower cost); (iv) better use of student service data to identify trends and patterns of SPED growth and, (v) as referred to below, early childhood interventions to identify children with needs through use of the Child Study Team process.

While every effort is made to integrate SPED students into their neighborhood schools, there are disruptive students who must be placed into the more restrictive district-wide programs. These include the Autism Spectrum Program located at Runkle, the Social, Emotional and Behavioral Program at Devotion, the Cognitively-Impaired Program at Baker, the Neurobiological Program at Lawrence, the Alternative Learning Center at Lincoln and the language-based Learning Disability Center at Pierce. Programs at the High School are EXCEL (behavioral), Prep (language-based learning disability), SAILL (cognitive impairment), community-based classroom (multiple disabilities), PATHWAYS (Autism Spectrum Disorder), Winthrop House (mental health support program located in Baldwin Center), Coalition against Substance Abuse & Violence Prevention Program, OFC (Opportunity for Change) and EDCO-Manville, a pioneering collaborative program for high-

functioning autistic students (8 currently, growing to 11) from EDCO communities (most with Asperger Syndrome) who are initially behaviorally-disordered and disruptive, but are later gradually included in general BHS classroom settings.

An important focus is now on Early Intervention at the pre-school level. Early Childhood Centers are at elementary schools, the Lynch Center and Unified Arts Building. With more infants now surviving from premature births, there is, unfortunately, a concomitant high rise in children with multiple disabilities in Brookline's Early Childhood programs. Vicki Milstein, principal, has 25% of such pre-schoolers in her BEEP program and is "maxxed out" this year. A nationally-accepted fact, according to Candace McCann, Assistant Superintendent for Student Services, is that for every dollar spent on early childhood programs, there is a societal savings of \$8 to \$16 later on. Brookline makes a concerted effort to identify needs at this early level of 3+ years to help the children and, hopefully reduce the number of referrals to the SPED program.

Grant Funds

The administration believes virtually all grants are likely to continue (some are time-specific projects), but the future amounts available under them are likely to decrease (\$405,000 in the 2009 budget). The general fund will be under more strain if programs funded by grants are continued without or with lesser grant funding.

Revolving Funds

Brookline Adult Education and the high school lunch program (approximately \$1.5 million revenues in each) face significant fiscal pressure through declining revenues and, in the lunch program, inflation in food prices. There is some weakness in other programs. While the administration is addressing the underlying issues, fiscal shortfalls, if any, will have an impact on the general fund.

Recommendation

Advisory Committee recommends **Favorable Action** on the budget appropriation for the School Department in the amount of \$68,021,240.

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Capital Sub-Committee Report on the FY2009 Capital Improvement Program (CIP) Recommendations and Project Descriptions

Funding Codes:

(B) = General Fund Bond

(CD) = Community Development Block Grant

(EB) = Enterprise Bond

(G) = State / Federal Grant

(O) = Outside Funding

(T) = Tax-Financed / Re-Appropriated Funds

35. **GARAGE REPAIRS / TOWN HALL & MAIN LIBRARY DRIVEWAY IMPROVEMENTS**
\$75,000. (T)

The outside amphitheatre of the Pierce School is deteriorating and in need of repair. Its current condition causes water to leak into the garages under the Pierce School and Town Hall and into the Main Library garage. A study is needed to determine if any structural damage has already occurred or might occur in the future due to the leaks. Water has also caused damage to parked vehicles. The cost of this project is estimated at \$825,000, with \$75,000 in FY09 for study and design and \$750,000 in FY10 for repairs.

A portion of the design costs relates to the driveway leading to the parking underneath the Town Hall and Main Library. This layout poses a safety hazard to pedestrians who encounter cars which are entering or exiting the garages or are heading towards the front doors of the library. This funding is necessary to improve the flow of pedestrian and vehicular traffic, thus avoiding a serious accident. The cost of this project is estimated to be \$450,000 in FY10.

**36. MAINTENANCE CRAFTSMEN GARAGE/PARKS FACILITY IMPROVEMENTS - FEASIBILITY STUDY
\$40,000. (T)**

The Building Department employs 10 Maintenance Craftsmen who are responsible for maintaining 76 town and school buildings that contain more than 2.5 million square feet of space. Currently, these workers use two small buildings at Larz Anderson Park, an office in the Unified Arts Building, storage areas in school boiler rooms and closets, and other miscellaneous spaces, making it difficult to secure equipment and to coordinate work. A garage is needed to store the vehicles, equipment, and materials.

The development of a plan for a safe, healthy, and efficient workplace for the Parks and Open Space Division of the Department of Public Works is also needed. The Division's offices, storage, fleet and maintenance garage for over 50 full and part-time employees is located at a facility within Larz Anderson Park. The current facility includes approximately 28,000 square feet of outdoor space and two garages with a total of 11,530 square feet. The mechanics' area, office space, break room, and storage are all located within the same garage, are undersized, and are inadequate for the division's operations.

Since both the Building Department's maintenance staff and the Park and Open Space Division's employees currently have facilities at Larz Anderson, Park, it makes sense to look at their needs together. The feasibility study is intended to analyze the operational needs and siting opportunities for both and to consider renovation, expansion, or new construction at Larz Anderson Park and alternate locations.

**37. RESERVOIR GATEHOUSE
\$5,000. (T)**

The Reservoir Gate House, located at the corner of Warren and Boylston Streets, is the original building for the old City of Boston water supply. Designed in 1847, it is listed in the National and State Registers of Historic Places. It was bought by the Town in the late-19th century and is part of Brookline's park and open space system. It is also an important visual landmark for the neighborhood, and in the past has served as a site for recreational and club use. In recent years, it has stood empty and gutter failure as well as water seepage through mortar joints has led to the structure's deteriorating condition. While the Building Department has agreed to carry out steps to stabilize the gatehouse, the Preservation

Commission is seeking a \$10,000 matching grant from the Massachusetts Historical Commission for a consultant to undertake a \$20,000 Historic Structures Report. This \$5000 will be used as part of the local match for the State Historical Commission's grant.

38. TECHNOLOGY APPLICATIONS
\$275,000. (T)

This annual appropriation is for funding the projects detailed in the 2002 Information Technology Department's Long-Term Strategic Plan, serves as the framework for the selection and management of technology expenditures, and is updated by the Chief Information Officer (CIO). Moreover, additional projects that meet the short-term objectives set by the CIO and appropriate committees provide the guidance for the Town's approach to technology management. Primary focus areas for IT investments include Infrastructure lifecycle replacement, Enterprise Applications/Better Government initiatives, School Technology and Public Safety enhancements. Special consideration will be given to projects that utilize the Town's Wi-Fi network since they offer the potential for increased efficiencies in departmental operations.

39. FIRE STATION STUDY
\$50,000. (T)

Fire apparatus increases in size and overall weight each year, raising the question of whether the Town's fire stations, all of which are over 43 years old, will be able to accommodate new equipment in future years. This study will 1) identify any potential risks of structural (floor) failure in housing larger and heavier apparatus, and 2) analyze the overall length, width, and height of the bay doors of all stations to identify available options to deal with larger trucks.

40. FIRE STATION FURNISHINGS
\$35,000. (T)

The furnishings at all fire stations, including bedding, are in need of replacement. Much of the existing furniture is second hand and has been brought to the stations from firefighters' homes. \$35,000 is required to refurnish all five stations.

41. BULLET PROOF VEST REPLACEMENT
\$90,000. (T)

Bulletproof vests are a vital piece of equipment for police officers. These vests are guaranteed for only five years and must be replaced after that period of time. Approximately 72 vests are in need of replacement in FY09. Beginning in FY10, this request will appear in the operating budget.

42. PUTTERHAM LIBRARY RENOVATIONS
\$395,000. (T)

Renovations to the Putterham Library include HVAC, fire alarm system, windows, and roof work. The work will be broken into two components: HVAC/Fire Alarm and Windows/Roof.

HVAC / Fire Alarm – total work is expected to be \$712,800. The balance of previous appropriations for the projects is \$332,800. Therefore, in order to fund the balance, an additional \$380,000 is required in FY09. The breakdown of the projected cost is as follows:

- HVAC = \$670,000 (\$290,000 existing, \$50,000 to be re-programmed, \$330,000 new funds)
- Fire Alarm = \$42,800 (existing funds)

Windows/Roof – the original windows of the building are now 42 years old and are not energy efficient. A large portion of the rear wall is glass and runs the length of the children's room, making that space difficult to keep warm on cold days. By replacing the windows with thermopane glass, the entire building will be more comfortable. Before proceeding with the windows, however, a heat/cooling load study will be undertaken to justify the window replacement. In FY09, \$3,000 is included for the study. \$120,000 is included in FY10 for the actual windows, if the study determines that replacement would be cost-effective and therefore advisable.

The 20+-year-old flat roof also needs to be replaced. The Town has been awarded a grant to place solar PV panels on the roof, which would require a wind load calculation for the roof structure. A total of \$12,000 is included in FY09 for the wind load study and for plans and specs for the roof. In FY10, \$100,000 is included for the roof.

RFID CONVERSION PROJECT (LIBRARY)
\$0 (T)

The requested \$465,000 would be used to convert all three libraries from the current "bar code" system to radio frequency identification (RFID) technology. This would allow for up to 10 books to be placed on the counter and all checked in or out simultaneously, without having to manually scan each individual item. Equipment is also available that allows patrons to check out materials by themselves and that also automatically checks in and sorts materials into separate categories for shelving.

Conversion will require the "tagging" of all 350,000 items in our collection. Tags that used to cost \$1.00 each three years ago currently sell for about \$0.40 each, and the literature suggests that the price will come down even further as the technology is more widely adopted. Costs have been adjusted to cover the fact that tags for library materials will cost more than single use targets used to track inventory from point of manufacture to point of sale. Most scanning devices and all security gates would also have to be replaced. This technology offers the potential for increased efficiencies at the libraries and could help manage the increased circulation the Library has seen over the past few years. An additional \$70,000 in each of the following three fiscal years is requested to complete the conversion process.

43. MAIN LIBRARY FRONT ENTRANCE
\$110,000. (T)

The front entrance of the Main Library was renovated and made accessible as part of the major renovation of the building four years ago. However, it is now leaking water into the lower part of the Main Library, especially during heavy rains or snow. This is causing

damage to the walls and carpet and could eventually cause damage to books and other materials as well. On-going repairs have been done over the last few years with limited success. The plan is to remove the terrace area in front of the main entrance to the Library and install a new waterproof membrane/system and replace the stone. The terrace area was not part of the recent Library renovation.

**44. STREET REHABILITATION - TOWN
\$1,580,000. (T)**

The Public Works Department is working to bring the condition of the streets in the Town to a point where only periodic maintenance is required to keep the streets in good condition. With the pavement management program, the Department of Public Works is able to establish a program to reach this goal. The Town's \$1,580,000 appropriation is used for reconstruction, crack sealing, and annual patching. Approximately 2-3 miles of road are maintained annually, with 2.5 miles being reconstructed.

**STREET REHABILITATION – STATE
\$699,353. (G)**

Historically, the State provides monies under its Chapter 90 program for the maintenance of certain streets. About 1/3 of Brookline's streets are eligible for 100% State reimbursement. The State recently approved a three-year \$450 million Chapter 90 program as part of the 2008 Transportation Bond Bill. These funds will come to the Town in FY09 – FY11.

**45. TRAFFIC CALMING STUDIES & IMPLEMENTATION
\$75,000. (T)**

This funding will be used to implement approved traffic calming measures. Approved measures are those that have been reviewed, analyzed, and designed by the Transportation Division using the Traffic Calming Policy as a guide. The following projects are already underway, funded with CIP dollars from previous years:

- Walnut/Kennard/Chestnut pedestrian improvements - estimated at \$150,000
- Washington/Gardner traffic/pedestrian improvements - estimated at \$60,000
- Goddard Ave & Meadow Brook Rd – estimated between \$10,000 to \$30,000
- Reservoir Rd (Heath School) - estimated between \$10,000 - \$20,000

Project requests requiring assessment include Stedman St. (Devotion School), Clark Rd, Pond Ave, and Channing Rd.

**46. SIDEWALK REPAIR
\$250,000. (T)**

Some sidewalks are reconstructed as part of the street reconstruction program; however, this program cannot keep up with the demand to replace deteriorated sidewalks. The DPW has prepared a sidewalk management program that will help prioritize repairs. The annual appropriation of \$250,000 will allow for approximately 2 miles of sidewalk work per year.

**47. SIDEWALK SNOW CLEARING EQUIPMENT
\$120,000. (T)**

During the past two years, there has been substantial discussion and study of DPW's practices regarding snow removal from sidewalks, as reflected by two warrant articles (filed as Citizen Petitions) and the formation and subsequent report of a Moderator's Committee on Sidewalk Snow Removal. Currently, the Town plows and sands approximately 43 miles of sidewalks (5 feet or greater in width). There are another 43-47 miles of sidewalks which could be plowed on at least one side of each Town street. In an effort to facilitate expanded sidewalk snow removal, the Moderator's Committee recommended that, over the next three years, the Town replace the three Bombardier sidewalk snow tractors purchased in 1994 and that it budget \$120,000 each year for these units. The \$120,000 in FY 09 (Override) funds is a first step towards implementing the Committee's recommendation.

**48. STREET LIGHT REPAIR /REPLACEMENT PROGRAM
\$50,000. (T)**

It is anticipated that this funding will be used to install new decorative poles and lights on Harvard Street from School Street to Webster Place. The lights were purchased as part of the reconstruction of Harvard Street (from Beacon Street to School Street) three years ago. In addition, poles that are structurally unstable or need new service feeds will be replaced.

**49. NEWTON ST LANDFILL - CORRECTIVE ACTION
\$3,445,000. (T)**

As part of the on-going effort to cap the Town's landfills and develop a recreational field, corrective action has been required on some properties surrounding the landfill. In FY04 and FY05, a total of \$3 million was approved to undertake all actions required on certain properties along Newton St. and Hammond Pond Parkway. In FY07, \$2 million was approved for a portion of the cost of similar actions on properties along the other side of the landfill. The FY 09 allocation of \$3,445,000 will be dedicated to expenses associated with removal and restoration of certain soils and will ensure on-going compliance with Department of Environmental Protection (DEP) guidelines with respect to restoring the affected properties.

**50. WINTHROP SQUARE/MINOT ROSE GARDEN
\$400,000. (T)**

Winthrop Square, which includes the Minot Rose Garden, is a multi-faceted park that is heavily used and plays an important role in providing open space and active/passive recreational opportunities for the neighborhoods of North Brookline. The active recreation section of the park includes a small playing field, play equipment, pathways, and a spray pool. The passive section includes walkways, benches, landscaping, and a rose garden. The funding allocated for this capital project is intended to redesign the walkways, circulation, bench locations, park furniture, and landscaping. The project will also look at a major restoration of the existing wrought iron fence, replacement of water fountains, and facility upgrades including the toddler play equipment. The \$40,000 in FY08 was for design while the \$400,000 in FY09 is for construction.

**51. PARKS AND PLAYGROUNDS REHABILITATION & UPGRADE
\$250,000. (T)**

This is an on-going town-wide program for the repair and replacement of unsafe and deteriorating playground, fence, and field facilities or components. Improvements include fence installations, backstops, masonry work, retaining walls, picnic furniture repairs, turf restoration, bench replacements, play structures, safety surfacing, and drainage improvements. This program avoids more expensive rehabilitation that would be necessary if these items were left to deteriorate.

**52. TOWN/SCHOOL GROUNDS REHAB
\$120,000. (T)**

Town and School grounds require on-going landscaping, structural improvements, and repair. These funds will be applied to create attractive and functional landscapes and hardscape improvements including plant installation, regrading, reseeding, tree work, new concrete or asphalt walkways, trash receptacles, bike racks, drainage improvements, retaining walls, and repairs to stairs, treads, railings, benches, or other exterior structures. This program avoids more expensive rehabilitation that would be necessary if these items were left to deteriorate.

**53. TREE REMOVAL AND REPLACEMENT
\$145,000. (T)**

The tree removal and replacement project represents the Park and Open Space Division's and Tree Planting Committee's effort to balance the Town's street tree removals with new plantings. It is critical to remove trees that have matured or have been impacted by storm damage or disease before they become public safety hazards. New tree plantings are also critical as they directly impact the tree-lined character of the community. The 2005-2015 Comprehensive Plan stresses the importance of stewardship of the Town's urban forest, and the recommended increase of \$45,000 over FY08's allocation reflects the intent to compensate for the level-funding of past years.

**54. SCHOOL FURNITURE
\$25,000. (T)**

This is a continuous program to upgrade furniture in all schools. The furniture in classrooms absorbs significant wear and tear annually. This replacement program, which will be on-going for several years, will replace the most outdated and worn items.

**55. TOWN/SCHOOL BUILDING - ENERGY CONSERVATION
\$90,746. (T)**

With large increases in utility costs over the past few years, it is imperative that monies be invested to decrease energy consumption in buildings. Programs include, but are not limited to, lighting retrofit and controls, energy efficient motors, insulation, and temperature equipment. This program would augment existing gas and electric utility conservation programs. Monies would also go toward more efficient heating and cooling equipment to save money.

**56. TOWN/SCHOOL BUILDING - ASBESTOS REMOVAL
\$50,000. (T)**

This appropriation, which is requested every year, will allow for the removal of asbestos whenever it is discovered in a Town/School facility. Many times when mechanical system repairs are in progress, expensive asbestos abatement has been required. These funds will allow for the proper abatement of asbestos.

**57. TOWN/SCHOOL BUILDING - ADA RENOVATIONS
\$50,000. (T)**

This annual program of ADA improvements is requested in order to bring Town/School buildings into compliance with the Americans with Disabilities Act (ADA), which requires that the Town make public buildings accessible to all. These funds will be used on buildings that are not part of currently planned major renovations.

**58. TOWN/SCHOOL BUILDING - SECURITY/LIFE SAFETY
\$100,000. (T)**

Over the last few years, there have been several large capital projects that have improved the security situation of Town/School buildings. This program will extend this effort and improve areas where security may be lacking. In general, the plan calls for making all the doors around the perimeter of a building more secure by replacing the doors, frames, door handles, and locks with electronic locks that may only be opened with a keypad and/or on a specific schedule. Only the front main entrance of the building would allow for general access. At the front door a speaker and doorbell will be added to interconnect to the buildings' existing intercom or phone system for use by visitors. The lighting around each building will be improved and on a timer. A small camera system connected to a computer will be added at the main entrance to monitor access to the building. It is not the intent to install a large scale monitoring system due to complexity, monitoring issues, and costs.

The School buildings would be a priority. Most schools are reasonably secure, but based on an assessment by the Police Department, security can, and should, be improved. These funds will be used at various locations, including Baldwin School, Baker School, Devotion School, the High School, Runkle School, Fire Stations, and the Soule and Eliot Recreation Centers. These funds would also be used to continue the on-going process of replacement and installation of new fire alarm systems, sprinkler systems, emergency lighting, and egress signs.

**59. LANGUAGE LAB - HIGH SCHOOL
\$150,000. (T)**

The World Language Department at the High School needs to upgrade its current Sony LLC-9000 analog lab to a digital language lab for the school year 2008-09. The current analog system was acquired in 1994, has operational problems, and is no longer manufactured. The current language lab is used all day, every day by BHS students. World language teachers are dedicated to incorporating technology into their lessons, as it enables students to become proficient in a world language, to learn at their own pace in a variety of ways, and connect to

international resources. Switching to a computer-based language lab will add to students' real-life technology skills for success now and in college and the workplace.

**60. HIGH SCHOOL - ROOF REPAIR/POINTING/TAPPAN ST. GYM
WINDOWS/FLOORS
\$3,300,000. (B)**

These funds are requested to undertake a number of projects at the High School. Included are the replacement of the roof (with the exception of those portions which were part of the High School renovation in the late 1990s), pointing of the brick exterior, repair or replacement of window lintels, floor work, and installation of new upper windows at the Tappan St. Gym.

**61. OLD BURIAL GROUND
\$100,000. (O)**

The Old Burying Ground, located on Walnut Street, is Brookline's first cemetery. Although the cemetery dates back to 1717, its appearance today reflects the ideals of the 19th century rural cemetery movement. The cemetery is listed as part of the Town Green National Register District and has been featured in a publication by the Massachusetts Department of Environmental Management entitled "Preservation Guidelines for Historic Burial Grounds and Cemeteries". Research completed by both landscape architects and specialists in monument conservation indicates that the Town has much work to do in restoring the perimeter walls, markers and footstones, tombs, and monuments, as well as landscape improvements. The first phase of improvements will focus on structural improvements to the wall and priority stones and include a conservation assessment of remaining items that need to be preserved.

**SOULE RECREATION CENTER - HVAC/FIRE ESCAPE/GARDENER'S
SHED/BATHROOMS
\$50,000. (O)**

The forced hot water heating system needs to be finished in all areas of the building and the existing fire escape needs to be replaced. \$348,000 was approved in FY08 for the HVAC system and the fire escape.

The Soule Recreation Center Park and Splash Pad have generated an increase in activity for an already crowded park. The user schedule includes camp, informal day use, after-school programming, lacrosse and soccer practice/games, and heavy weekend use. The outdoor facilities at Soule are in need of public restrooms that would be accessible to park users and athletic teams, thus eliminating the need to interrupt school or camp activities in the Soule Recreation Center, a secured building.

In addition to public restrooms, the remaining open space in the gardener's shed will be transformed into a year round classroom for Environmental Education and Nature Camp. This program provides eight weeks of a focused nature-based specialty camp in the summer, and week-long programs for both spring and winter school breaks. The program provides an after-school program, as well as year-round programs for toddlers, families, adults, and

seniors. Environmental Education, a year-round program with dedicated staff, has grown significantly in popularity and needs a designated space to hold all in-classroom activities. Most programs have a classroom component and then a field trip or outdoor exercise. In the past, this program has had to share space with other groups or to temporarily “borrow” space from other users. Neither arrangement has been appropriate for effective classroom activities and both have led to overcrowding.

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RECOMMENDATION

The Advisory Committee recommends Favorable Action on the following vote:

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

[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 [to the Retiree Healthcare Liability Trust Fund] | \$ 693,451.28 |
| Group Health Insurance Trust Fund [to the Retiree Healthcare Liability Trust Fund] | \$ 306,548.72 |

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 \$5,000, 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.
- 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 \$3,445,000, 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 \$3,300,000, 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.

CROSS REFERENCE TABLE FOR SPECIAL APPROPRIATIONS FOUND UNDER ARTICLE 8 (FY09 BUDGET)

| PROJECT | ITEM # IN WARRANT | PAGE WARRANT LANGUAGE IS FOUND ON IN COMBINED REPORTS | ITEM # IN BUDGET VOTE | PAGE VOTE IS FOUND ON IN COMBINED REPORTS | PAGE ADV CMTE'S PROJECT DESCR. IS FOUND ON IN COMBINED REPORTS |
|---|------------------------------|--|--------------------------------------|--|---|
| Town Hall / Main Library Garage Rep. & Driveway Improv, | 1 | 8-1 | 35 | 8-59 | 8-46 |
| Craftsmen Garage Constr. / Parks Facility Improv. - Feas. Study | 2 | 8-1 | 36 | 8-59 | 8-47 |
| Reservoir Gatehouse - Grant Match | 3 | 8-1 | 37 | 8-59 | 8-47 |
| Technology Applications | 4 | 8-1 | 38 | 8-60 | 8-48 |
| Fire Station Study | 5 | 8-1 | 39 | 8-60 | 8-48 |
| Fire Station Furnishings | 6 | 8-1 | 40 | 8-60 | 8-48 |
| Bullet Proof Vests | 7 | 8-2 | 41 | 8-60 | 8-48 |
| Putterham Library Renovations | 8 | 8-2 | 42 | 8-60 | 8-48 |
| Library RFID Conversion ¹ | 9 | 8-2 | | | 8-49 |
| Main Library Front Entrance Repairs | 10 | 8-2 | 43 | 8-60 | 8-49 |
| Street Rehabilitation | 11 | 8-2 | 44 | 8-60 | 8-50 |
| Traffic Calming Studies and Improvements | 12 | 8-2 | 45 | 8-60 | 8-50 |
| Sidewalk Repair/Reconstruction | 13 | 8-2 | 46 | 8-60 | 8-50 |
| Sidewalk Snow Clearing Equipment | 14 | 8-2 | 47 | 8-61 | 8-51 |
| Streetlight Replacement/Repairs | 15 | 8-2 | 48 | 8-61 | 8-51 |
| Newton St. Landfill - Corrective Action | 16 | 8-2 | 49 | 8-61 | 8-51 |
| Winthrop Sq. / Minot Rose Garden Renovation | 17 | 8-2 | 50 | 8-61 | 8-51 |
| Playground Equipment, Fields, Fencing | 18 | 8-3 | 51 | 8-61 | 8-52 |
| Town/School Grounds Rehab | 19 | 8-3 | 52 | 8-61 | 8-52 |
| Tree Removal and Replacement | 20 | 8-3 | 53 | 8-61 | 8-52 |
| School Furniture Upgrades | 21 | 8-3 | 54 | 8-61 | 8-52 |
| Town/School Energy Conservation Projects | 22 | 8-3 | 55 | 8-61 | 8-52 |
| Town/School Asbestos Removal | 23 | 8-3 | 56 | 8-61 | 8-53 |
| Town/School ADA Renovations | 24 | 8-3 | 57 | 8-61 | 8-53 |
| Town/School Life Safety | 25 | 8-3 | 58 | 8-61 | 8-53 |
| High School Language Lab | 26 | 8-3 | 59 | 8-62 | 8-53 |
| High School Projects | 27 | 8-3 | 60 | 8-62 | 8-54 |
| Old Burial Ground Upgrades | 28 | 8-3 | 61 | 8-62 | 8-54 |

¹ The Advisory Committee is recommending \$0, so it does not appear in the budget vote. The Selectmen are recommending an amendment to fully-fund this project

FY09 BUDGET - TABLE 1

| | | FY06 ACTUAL | FY07 ACTUAL | FY08 BUDGET | FY09 BUDGET | \$\$ CHANGE FROM FY08 | % CHANGE FROM FY08 |
|-----|---|------------------------|------------------------|------------------------|------------------------|----------------------------------|-------------------------------|
| | REVENUES | | | | | | |
| | Property Taxes | 121,812,454 | 128,871,387 | 135,811,901 | 147,259,080 | 11,447,179 | 8.4% |
| | Local Receipts | 22,986,109 | 23,281,093 | 21,243,421 | 20,553,925 | (689,496) | -3.2% |
| | State Aid | 17,951,657 | 18,023,846 | 18,973,131 | 19,606,949 | 633,818 | 3.3% |
| | Free Cash | 4,606,534 | 5,387,435 | 3,814,792 | 5,954,963 | 2,140,171 | 56.1% |
| | Other Available Funds | 7,691,658 | 8,948,053 | 8,729,215 | 5,641,332 | (3,087,883) | -35.4% |
| | TOTAL REVENUE | 175,048,413 | 184,511,814 | 188,572,460 | 199,016,249 | 10,443,789 | 5.5% |
| | EXPENDITURES | | | | | | |
| | DEPARTMENTAL EXPENDITURES | | | | | | |
| | 1 . Selectmen | 568,510 | 583,148 | 602,009 | 602,275 | 266 | 0.0% |
| | 2 . Human Resources | 409,488 | 400,705 | 483,688 | 474,567 | (9,121) | -1.9% |
| | 3 . Information Technology | 1,358,698 | 1,411,216 | 1,378,707 | 1,388,817 | 10,110 | 0.7% |
| | 4 . Finance Department | 2,916,030 | 2,923,699 | 2,929,993 | 2,954,847 | 24,854 | 0.8% |
| | 5 . Legal Services | 753,767 | 690,527 | 645,561 | 672,143 | 26,582 | 4.1% |
| | 6 . Advisory Committee | 21,790 | 18,507 | 18,796 | 18,498 | (298) | -1.6% |
| | 7 . Town Clerk | 445,207 | 551,363 | 509,694 | 565,128 | 55,434 | 10.9% |
| | 8 . Planning and Community Development | 595,320 | 663,106 | 682,900 | 681,217 | (1,683) | -0.2% |
| | 9 . Police | 13,492,219 | 13,708,009 | 13,711,103 | 13,798,077 | 86,974 | 0.6% |
| | 10 . Fire | 11,675,645 | 11,719,128 | 11,652,425 | 11,638,338 | (14,088) | -0.1% |
| | 11 . Building | 5,619,611 | 6,059,407 | 6,439,444 | 6,766,757 | 327,313 | 5.1% |
| (1) | 12 . Public Works | 12,031,682 | 12,309,177 | 12,398,421 | 12,613,415 | 214,994 | 1.7% |
| | <i>a. Administration</i> | 805,447 | 860,631 | 846,754 | 875,723 | 28,969 | 3.4% |
| | <i>b. Engineering/Transportation</i> | 810,959 | 811,671 | 843,524 | 838,769 | (4,755) | -0.6% |
| | <i>c. Highway</i> | 5,034,546 | 5,180,545 | 4,830,430 | 4,657,477 | (172,953) | -3.6% |
| | <i>d. Sanitation</i> | 2,742,398 | 2,785,605 | 2,904,916 | 2,814,073 | (90,843) | -3.1% |
| | <i>e. Parks and Open Space</i> | 2,638,332 | 2,670,725 | 2,633,546 | 3,063,122 | 429,576 | 16.3% |
| | <i>f. Snow and Ice</i> | | | 339,251 | 364,251 | 25,000 | 7.4% |
| | 13 . Library | 3,145,823 | 3,366,890 | 3,334,452 | 3,367,419 | 32,967 | 1.0% |
| | 14 . Health | 1,011,289 | 1,055,741 | 1,005,687 | 1,050,948 | 45,261 | 4.5% |
| | 15 . Veterans' Services | 195,490 | 203,128 | 205,607 | 210,594 | 4,987 | 2.4% |
| | 16 . Council on Aging | 698,791 | 718,469 | 761,563 | 759,773 | (1,790) | -0.2% |
| | 17 . Human Relations | 134,352 | 139,109 | 142,777 | 142,619 | (158) | -0.1% |
| | 18 . Recreation | 1,274,620 | 1,024,380 | 911,734 | 917,409 | 5,676 | 0.6% |
| (2) | 19 . Energy Reserve | 445,303 | 153,167 | 0 | 0 | 0 | #DIV/0! |
| (2) | 20 . Personnel Services Reserve | 1,072,632 | 1,416,017 | 2,242,804 | 750,000 | (1,492,804) | -66.6% |
| (2) | 21 . Collective Bargaining - Town | 2,150,000 | 1,100,000 | 1,600,000 | 3,042,804 | 1,442,804 | 90.2% |
| | <i>Subtotal Town</i> | 56,348,332 | 57,545,709 | 60,057,362 | 62,415,648 | 2,358,286 | 3.9% |
| | 22 . Schools | 58,236,785 | 60,671,696 | 62,924,864 | 68,021,240 | 5,096,376 | 8.1% |
| | TOTAL DEPARTMENTAL EXPENDITURES | 114,585,117 | 118,217,405 | 122,982,226 | 130,436,888 | 7,454,661 | 6.1% |
| | NON-DEPARTMENTAL EXPENDITURES | | | | | | |
| (1) | 23 . Employee Benefits | 28,973,851 | 32,289,078 | 35,700,142 | 38,307,598 | 2,607,456 | 7.3% |
| (3) | <i>a.) Pensions</i> | 10,065,393 | 10,129,853 | 11,277,159 | 11,651,618 | 374,459 | 3.3% |
| | <i>b.) Group Health</i> | 16,562,370 | 19,011,273 | 20,969,983 | 23,084,980 | 2,114,996 | 10.1% |
| (3) | <i>c.) Retiree Group Health Trust Fund</i> | 0 | 0 | 0 | 0 | 0 | #DIV/0! |
| | <i>d.) Employee Assistance Program (EAP)</i> | 24,568 | 24,568 | 25,000 | 28,000 | 3,000 | 12.0% |
| | <i>e.) Group Life</i> | 147,675 | 152,721 | 161,000 | 161,000 | 0 | 0.0% |
| | <i>f.) Disability Insurance</i> | | 0 | 16,000 | 16,000 | 0 | 0.0% |
| (3) | <i>g.) Worker's Compensation</i> | 945,000 | 1,450,000 | 1,600,000 | 1,550,000 | (50,000) | -3.1% |
| (3) | <i>h.) Public Safety IOD Medical Expenses</i> | 0 | 245,000 | 250,000 | 300,000 | 50,000 | 20.0% |
| (3) | <i>i.) Unemployment Compensation</i> | 167,212 | 125,000 | 166,000 | 166,000 | 0 | 0.0% |
| | <i>j.) Medical Disabilities</i> | 14,290 | 16,643 | 30,000 | 30,000 | 0 | 0.0% |
| | <i>k.) Medicare Coverage</i> | 1,047,343 | 1,134,020 | 1,205,000 | 1,320,000 | 115,000 | 9.5% |

| | | FY06 ACTUAL | FY07 ACTUAL | FY08 BUDGET | FY09 BUDGET | \$\$ CHANGE FROM FY08 | % CHANGE FROM FY08 |
|-----|--|--------------------|--------------------|--------------------|--------------------|--------------------------|-----------------------|
| (2) | 24 . Reserve Fund | 843,474 | 603,861 | 1,675,113 | 1,746,546 | 71,433 | 4.3% |
| | 25 . Stabilization Fund | 39,004 | 22,248 | 0 | 0 | 0 | #DIV/0! |
| | 26 . Liability/Catastrophe Fund | 406,616 | 225,039 | 254,629 | 297,476 | 42,847 | 16.8% |
| | 27 . Housing Trust Fund | 0 | 0 | 0 | 0 | 0 | #DIV/0! |
| | 28 . General Insurance | 250,820 | 275,989 | 276,175 | 279,490 | 3,315 | 1.2% |
| | 29 . Audit/Professional Services | 136,582 | 196,148 | 138,987 | 138,987 | 0 | 0.0% |
| | 30 . Contingency Fund | 16,233 | 15,796 | 15,000 | 15,000 | 0 | 0.0% |
| | 31 . Out-of-State Travel | 1,192 | 2,260 | 3,000 | 3,000 | 0 | 0.0% |
| | 32 . Printing of Warrants & Reports | 16,008 | 16,805 | 20,000 | 20,000 | 0 | 0.0% |
| | 33 . MMA Dues | 10,744 | 11,389 | 11,251 | 11,532 | 281 | 2.5% |
| | <i>Subtotal General</i> | <i>877,199</i> | <i>765,674</i> | <i>2,394,155</i> | <i>2,512,031</i> | <i>117,876</i> | <i>4.9%</i> |
| (1) | 34 . Borrowing | 13,831,466 | 14,376,306 | 14,052,910 | 12,629,047 | (1,423,863) | -10.1% |
| | <i>a. Funded Debt - Principal</i> | <i>9,218,951</i> | <i>9,696,587</i> | <i>9,430,187</i> | <i>8,353,816</i> | <i>(1,076,371)</i> | <i>-11.4%</i> |
| | <i>b. Funded Debt - Interest</i> | <i>4,299,950</i> | <i>4,582,344</i> | <i>4,462,723</i> | <i>4,055,231</i> | <i>(407,492)</i> | <i>-9.1%</i> |
| | <i>c. Bond Anticipation Notes</i> | <i>197,024</i> | <i>55,593</i> | <i>100,000</i> | <i>160,000</i> | <i>60,000</i> | <i>60.0%</i> |
| | <i>d. Abatement Interest and Refunds</i> | <i>115,541</i> | <i>41,782</i> | <i>60,000</i> | <i>60,000</i> | <i>0</i> | <i>0.0%</i> |
| | TOTAL NON-DEPARTMENTAL EXPENDITURES | 43,682,516 | 47,431,058 | 52,147,206 | 53,448,676 | 1,301,469 | 2.5% |
| | TOTAL GENERAL APPROPRIATIONS | 158,267,633 | 165,648,463 | 175,129,433 | 183,885,563 | 8,756,131 | 5.0% |
| | SPECIAL APPROPRIATIONS | | | | | | |
| | 35 . Town Hall / Main Library Garage Repair & Driveway Improvements (revenue financed) | | | | 75,000 | | |
| | 36 . Craftsmen Garage Construction / Parks Facility Improv. - Feas. Study (revenue financed) | | | | 40,000 | | |
| | 37 . Reservoir Gatehouse - Grant Match (revenue financed) | | | | 10,000 | | |
| | 38 . Technology Applications (revenue financed) | | | | 275,000 | | |
| | 39 . Fire Station Study (capital project surplus) | | | | 50,000 | | |
| | 40 . Fire Station Furnishings (capital project surplus) | | | | 35,000 | | |
| | 41 . Bullet Proof Vests (revenue financed) | | | | 90,000 | | |
| | 42 . Putterham Library Renovations (\$50,000=capital proj surp, \$345,000=revenue financed) | | | | 395,000 | | |
| | 42A . Library RFID Conversion (revenue financed) | | | | 465,000 | | |
| | 43 . Main Library Front Entrance Repairs (capital project surplus) | | | | 110,000 | | |
| | 44 . Street Rehabilitation (revenue financed) | | | | 1,580,000 | | |
| | 45 . Traffic Calming Studies and Improvements (revenue financed) | | | | 75,000 | | |
| | 46 . Sidewalk Repair/Reconstruction (revenue financed) | | | | 250,000 | | |
| | 47 . Sidewalk Snow Clearing Equipment (revenue financed) | | | | 120,000 | | |
| | 48 . Streetlight Replacement/Repairs (revenue financed) | | | | 50,000 | | |
| | 49 . Newton St. Landfill - Corrective Action (revenue financed) | | | | 2,975,000 | | |
| | 50 . Winthrop Sq. / Minot Rose Garden Renovation (revenue financed) | | | | 400,000 | | |
| | 51 . Playground Equipment, Fields, Fencing (revenue financed) | | | | 250,000 | | |
| | 52 . Town/School Grounds Rehab (revenue financed) | | | | 120,000 | | |
| | 53 . Tree Removal and Replacement (revenue financed) | | | | 145,000 | | |
| | 54 . School Furniture Upgrades (revenue financed) | | | | 25,000 | | |
| | 55 . Town/School Energy Conservation Projects (revenue financed) | | | | 90,746 | | |
| | 56 . Town/School Asbestos Removal (revenue financed) | | | | 50,000 | | |
| | 57 . Town/School ADA Renovations (revenue financed) | | | | 50,000 | | |
| | 58 . Town/School Life Safety (revenue financed) | | | | 100,000 | | |
| | 59 . High School Language Lab (revenue financed) | | | | 150,000 | | |
| | 60 . High School Projects - Roof / Pointing / Tappan St. Gym Windows, Floors (bond) | | | | 2,600,000 | | |
| | 61 . Old Burial Ground Upgrades (special revenue fund) | | | | 100,000 | | |
| (4) | TOTAL SPECIAL APPROPRIATIONS | 6,060,803 | 7,874,562 | 5,928,000 | 7,975,746 | 2,047,746 | 34.5% |
| | TOTAL APPROPRIATED EXPENDITURES | 164,328,436 | 173,523,025 | 181,057,433 | 191,861,309 | 10,803,877 | 6.0% |

| | FY06 ACTUAL | FY07 ACTUAL | FY08 BUDGET | FY09 BUDGET | \$\$ CHANGE FROM FY08 | % CHANGE FROM FY08 |
|---------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------------|-----------------------|
| NON-APPROPRIATED EXPENDITURES | | | | | | |
| Cherry Sheet Offsets | 1,280,287 | 117,738 | 120,749 | 118,326 | (2,423) | -2.0% |
| State & County Charges | 5,084,477 | 5,375,086 | 5,511,129 | 5,411,614 | (99,515) | -1.8% |
| Overlay | 1,490,442 | 1,451,262 | 1,858,148 | 1,600,000 | (258,148) | -13.9% |
| Deficits-Judgments-Tax Titles | 0 | 0 | 25,000 | 25,000 | 0 | 0.0% |
| TOTAL NON-APPROPRIATED EXPEND. | 7,855,206 | 6,944,086 | 7,515,026 | 7,154,940 | (360,086) | -4.8% |
| TOTAL EXPENDITURES | 172,183,642 | 180,467,111 | 188,572,460 | 199,016,249 | 10,443,790 | 5.5% |
| SURPLUS/(DEFICIT) | 2,864,770 | 4,044,703 | 0 | 0 | | |

(1) Breakdown provided for informational purposes.

(2) Figures provided for informational purposes. Funds were transferred to departmental budgets for expenditure.

(3) Funds are transferred to trust funds for expenditure.

(4) Amounts appropriated. Bonded appropriations are not included in the total amount, as the debt and interest costs associated with them are funded in the Borrowing category (item #34). Also, the Old Burial Grounds project (#61) is not counted as part of the total, as the project will be charged directly to the special revenue fund, not the General Fund.

FY09 BUDGET - TABLE 2

| Department/Board/Commission | Personnel Services | Purchase of Services | Supplies | Other Charges/ Expenses | Capital Outlay | Inter-Gov'tal | Snow & Ice | Debt Service | Personnel Benefits | Agency Total |
|---|---------------------------|-----------------------------|------------------|--------------------------------|-----------------------|----------------------|-----------------------|---------------------|---------------------------|---------------------|
| Board of Selectmen (Town Administrator) | 579,944 | 6,441 | 5,750 | 5,500 | 4,640 | | | | | 602,275 |
| Human Resources Department (Human Resources Director) | 245,610 | 217,332 | 8,500 | 750 | 2,375 | | | | | 474,567 |
| Information Technology Department (Chief Information Officer) | 823,403 | 488,433 | 34,127 | 2,450 | 40,404 | | | | | 1,388,817 |
| Finance Department (Director of Finance) | 1,820,374 | 1,061,591 | 42,289 | 14,349 | 16,245 | | | | | 2,954,847 |
| Legal Services (Town Counsel) | 488,586 | 103,442 | 1,950 | 74,400 | 3,765 | | | | | 672,143 |
| Advisory Committee (Chair, Advisory Committee) | 16,130 | 266 | 1,275 | 340 | 487 | | | | | 18,498 |
| Town Clerk (Town Clerk) | 479,722 | 66,954 | 13,401 | 1,800 | 3,251 | | | | | 565,128 |
| Planning and Community Department (Plan. & Com. Dev. Dir.) | 628,399 | 27,636 | 13,207 | 4,450 | 7,525 | | | | | 681,217 |
| Police Department (Police Chief) | 12,340,790 | 565,508 | 436,662 | 5,500 | 449,617 | | | | | 13,798,077 |
| Fire Department (Fire Chief) | 11,124,687 | 271,514 | 147,047 | 4,850 | 90,240 | | | | | 11,638,338 |
| Public Buildings Department (Building Commissioner) | 1,850,095 | 4,706,719 | 155,405 | 1,900 | 52,637 | | | | | 6,766,757 |
| Public Works Department (Commissioner of Public Works) | 6,860,340 | 3,671,589 | 989,596 | 7,639 | 700,000 | 20,000 | 364,251 | | | 12,613,415 |
| Public Library Department (Library Board of Trustees) | 2,361,629 | 437,980 | 514,207 | 1,502 | 52,101 | | | | | 3,367,419 |
| Health Department (Health Director) | 712,325 | 287,352 | 18,311 | 3,620 | 29,340 | | | | | 1,050,948 |
| Veterans' Services (Veterans' Services Director) | 115,301 | 2,718 | 650 | 91,200 | 725 | | | | | 210,594 |
| Council on Aging (Council on Aging Director) | 601,469 | 127,254 | 18,850 | 2,900 | 9,300 | | | | | 759,773 |
| Human Relations/Youth Resources (Human Relations Dir.) | 132,816 | 4,307 | 4,100 | 600 | 796 | | | | | 142,619 |
| Recreation Department (Recreation Director) | 650,499 | 203,918 | 54,213 | 2,400 | 6,380 | | | | | 917,409 |
| School Department (School Committee) | | | | | | | | | | 68,021,240 |
| Total Departmental Budgets | 41,832,119 | 12,250,953 | 2,459,540 | 226,150 | 1,469,828 | 20,000 | 364,251 | | | 126,644,084 |
| DEBT SERVICE | | | | | | | | | | |
| Debt Service (Director of Finance) | | | | | | | | 12,629,047 | | 12,629,047 |
| Total Debt Service: | | | | | | | | 12,629,047 | | 12,629,047 |
| EMPLOYEE BENEFITS | | | | | | | | | | |
| Contributory Pensions Contribution (Director of Finance) | | | | | | | | | 11,421,618 | 11,421,618 |
| Non-Contributory Pensions Contribution (Director of Finance) | | | | | | | | | 230,000 | 230,000 |
| Group Health Insurance (Human Resources Director) | | | | | | | | | 23,084,980 | 23,084,980 |
| Employee Assistance Program (Human Resources Director) | | | | | | | | | 28,000 | 28,000 |
| Group Life Insurance (Human Resources Director) | | | | | | | | | 161,000 | 161,000 |
| Disability Insurance | | | | | | | | | 16,000 | 16,000 |
| Workers' Compensation (Human Resources Director) | | | | | | | | | 1,550,000 | 1,550,000 |
| Public Safety IOD Medical Expenses (Human Resources Director) | | | | | | | | | 300,000 | 300,000 |
| Unemployment Insurance (Human Resources Director) | | | | | | | | | 166,000 | 166,000 |
| Ch. 41, Sec. 100B Medical Benefits (Town Counsel) | | | | | | | | | 30,000 | 30,000 |
| Medicare Payroll Tax (Director of Finance) | | | | | | | | | 1,320,000 | 1,320,000 |
| Total Employee Benefits: | | | | | | | | | 38,307,598 | 38,307,598 |
| GENERAL / UNCLASSIFIED | | | | | | | | | | |
| Reserve Fund (*) (Chair, Advisory Committee) | | | | 1,746,546 | | | | | | 1,746,546 |
| Liability/Catastrophe Fund (Director of Finance) | | | | 297,476 | | | | | | 297,476 |
| General Insurance (Town Administrator) | | 279,490 | | | | | | | | 279,490 |
| Audit/Professional Services (Director of Finance) | | 138,987 | | | | | | | | 138,987 |
| Contingency (Town Administrator) | | | | 15,000 | | | | | | 15,000 |
| Out of State Travel (*) (Town Administrator) | | 3,000 | | | | | | | | 3,000 |
| Printing of Warrants (Town Administrator) | | 10,000 | 10,000 | | | | | | | 20,000 |
| MMA Dues (Town Administrator) | | | | 11,532 | | | | | | 11,532 |
| Town Salary Reserve (*) (Director of Finance) | 3,042,804 | | | | | | | | | 3,042,804 |
| Personnel Services Reserve (*) (Director of Finance) | 750,000 | | | | | | | | | 750,000 |
| Total General / Unclassified: | 3,792,804 | 431,477 | 10,000 | 2,070,554 | | | | | | 6,304,835 |
| TOTAL APPROPRIATIONS | 45,624,923 | 12,682,430 | 2,469,540 | 2,296,704 | 1,469,828 | 20,000 | 364,251 | 12,629,047 | 38,307,598 | 183,885,563 |

(*) NO EXPENDITURES AUTHORIZED DIRECTLY AGAINST THESE APPROPRIATIONS. FUNDS TO BE TRANSFERRED AND EXPENDED IN APPROPRIATE DEPT.

FY09 BUDGET - TABLE 1

| | | FY06 ACTUAL | FY07 ACTUAL | FY08 BUDGET | FY09 BUDGET | \$\$ CHANGE FROM FY08 | % CHANGE FROM FY08 |
|-----|---|------------------------|------------------------|------------------------|------------------------|----------------------------------|-------------------------------|
| | REVENUES | | | | | | |
| | Property Taxes | 121,812,454 | 128,871,387 | 135,811,901 | 147,259,080 | 11,447,179 | 8.4% |
| | Local Receipts | 22,986,109 | 23,281,093 | 21,243,421 | 20,553,925 | (689,496) | -3.2% |
| | State Aid | 17,951,657 | 18,023,846 | 18,973,131 | 19,606,949 | 633,818 | 3.3% |
| | Free Cash | 4,606,534 | 5,387,435 | 3,814,792 | 5,954,963 | 2,140,171 | 56.1% |
| | Other Available Funds | 7,691,658 | 8,948,053 | 8,729,215 | 5,641,332 | (3,087,883) | -35.4% |
| | TOTAL REVENUE | 175,048,413 | 184,511,814 | 188,572,460 | 199,016,249 | 10,443,789 | 5.5% |
| | EXPENDITURES | | | | | | |
| | DEPARTMENTAL EXPENDITURES | | | | | | |
| | 1 . Selectmen | 568,510 | 583,148 | 602,009 | 602,275 | 266 | 0.0% |
| | 2 . Human Resources | 409,488 | 400,705 | 483,688 | 474,567 | (9,121) | -1.9% |
| | 3 . Information Technology | 1,358,698 | 1,411,216 | 1,378,707 | 1,388,817 | 10,110 | 0.7% |
| | 4 . Finance Department | 2,916,030 | 2,923,699 | 2,929,993 | 2,954,847 | 24,854 | 0.8% |
| | 5 . Legal Services | 753,767 | 690,527 | 645,561 | 672,143 | 26,582 | 4.1% |
| | 6 . Advisory Committee | 21,790 | 18,507 | 18,796 | 18,498 | (298) | -1.6% |
| | 7 . Town Clerk | 445,207 | 551,363 | 509,694 | 565,128 | 55,434 | 10.9% |
| | 8 . Planning and Community Development | 595,320 | 663,106 | 682,900 | 681,217 | (1,683) | -0.2% |
| | 9 . Police | 13,492,219 | 13,708,009 | 13,711,103 | 13,798,077 | 86,974 | 0.6% |
| | 10 . Fire | 11,675,645 | 11,719,128 | 11,652,425 | 11,638,338 | (14,088) | -0.1% |
| | 11 . Building | 5,619,611 | 6,059,407 | 6,439,444 | 6,766,757 | 327,313 | 5.1% |
| (1) | 12 . Public Works | 12,031,682 | 12,309,177 | 12,398,421 | 12,613,415 | 214,994 | 1.7% |
| | <i>a. Administration</i> | 805,447 | 860,631 | 846,754 | 875,723 | 28,969 | 3.4% |
| | <i>b. Engineering/Transportation</i> | 810,959 | 811,671 | 843,524 | 838,769 | (4,755) | -0.6% |
| | <i>c. Highway</i> | 5,034,546 | 5,180,545 | 4,830,430 | 4,657,477 | (172,953) | -3.6% |
| | <i>d. Sanitation</i> | 2,742,398 | 2,785,605 | 2,904,916 | 2,814,073 | (90,843) | -3.1% |
| | <i>e. Parks and Open Space</i> | 2,638,332 | 2,670,725 | 2,633,546 | 3,063,122 | 429,576 | 16.3% |
| | <i>f. Snow and Ice</i> | | | 339,251 | 364,251 | 25,000 | 7.4% |
| | 13 . Library | 3,145,823 | 3,366,890 | 3,334,452 | 3,367,419 | 32,967 | 1.0% |
| | 14 . Health | 1,011,289 | 1,055,741 | 1,005,687 | 1,050,948 | 45,261 | 4.5% |
| | 15 . Veterans' Services | 195,490 | 203,128 | 205,607 | 210,594 | 4,987 | 2.4% |
| | 16 . Council on Aging | 698,791 | 718,469 | 761,563 | 759,773 | (1,790) | -0.2% |
| | 17 . Human Relations | 134,352 | 139,109 | 142,777 | 142,619 | (158) | -0.1% |
| | 18 . Recreation | 1,274,620 | 1,024,380 | 911,734 | 917,409 | 5,676 | 0.6% |
| (2) | 19 . Energy Reserve | 445,303 | 153,167 | 0 | 0 | 0 | #DIV/0! |
| (2) | 20 . Personnel Services Reserve | 1,072,632 | 1,416,017 | 2,242,804 | 750,000 | (1,492,804) | -66.6% |
| (2) | 21 . Collective Bargaining - Town | 2,150,000 | 1,100,000 | 1,600,000 | 3,042,804 | 1,442,804 | 90.2% |
| | <i>Subtotal Town</i> | 56,348,332 | 57,545,709 | 60,057,362 | 62,415,648 | 2,358,286 | 3.9% |
| | 22 . Schools | 58,236,785 | 60,671,696 | 62,924,864 | 68,021,240 | 5,096,376 | 8.1% |
| | TOTAL DEPARTMENTAL EXPENDITURES | 114,585,117 | 118,217,405 | 122,982,226 | 130,436,888 | 7,454,661 | 6.1% |
| | NON-DEPARTMENTAL EXPENDITURES | | | | | | |
| (1) | 23 . Employee Benefits | 28,973,851 | 32,289,078 | 35,700,142 | 38,307,598 | 2,607,456 | 7.3% |
| (3) | <i>a.) Pensions</i> | 10,065,393 | 10,129,853 | 11,277,159 | 11,651,618 | 374,459 | 3.3% |
| | <i>b.) Group Health</i> | 16,562,370 | 19,011,273 | 20,969,983 | 23,084,980 | 2,114,996 | 10.1% |
| (3) | <i>c.) Retiree Group Health Trust Fund</i> | 0 | 0 | 0 | 0 | 0 | #DIV/0! |
| | <i>d.) Employee Assistance Program (EAP)</i> | 24,568 | 24,568 | 25,000 | 28,000 | 3,000 | 12.0% |
| | <i>e.) Group Life</i> | 147,675 | 152,721 | 161,000 | 161,000 | 0 | 0.0% |
| | <i>f.) Disability Insurance</i> | | 0 | 16,000 | 16,000 | 0 | 0.0% |
| (3) | <i>g.) Worker's Compensation</i> | 945,000 | 1,450,000 | 1,600,000 | 1,550,000 | (50,000) | -3.1% |
| (3) | <i>h.) Public Safety IOD Medical Expenses</i> | 0 | 245,000 | 250,000 | 300,000 | 50,000 | 20.0% |
| (3) | <i>i.) Unemployment Compensation</i> | 167,212 | 125,000 | 166,000 | 166,000 | 0 | 0.0% |
| | <i>j.) Medical Disabilities</i> | 14,290 | 16,643 | 30,000 | 30,000 | 0 | 0.0% |
| | <i>k.) Medicare Coverage</i> | 1,047,343 | 1,134,020 | 1,205,000 | 1,320,000 | 115,000 | 9.5% |

| | | FY06 ACTUAL | FY07 ACTUAL | FY08 BUDGET | FY09 BUDGET | \$\$ CHANGE FROM FY08 | % CHANGE FROM FY08 |
|-----|--|--------------------|--------------------|--------------------|--------------------|--------------------------|-----------------------|
| (2) | 24 . Reserve Fund | 843,474 | 603,861 | 1,675,113 | 1,746,546 | 71,433 | 4.3% |
| | 25 . Stabilization Fund | 39,004 | 22,248 | 0 | 0 | 0 | #DIV/0! |
| | 26 . Liability/Catastrophe Fund | 406,616 | 225,039 | 254,629 | 297,476 | 42,847 | 16.8% |
| | 27 . Housing Trust Fund | 0 | 0 | 0 | 0 | 0 | #DIV/0! |
| | 28 . General Insurance | 250,820 | 275,989 | 276,175 | 279,490 | 3,315 | 1.2% |
| | 29 . Audit/Professional Services | 136,582 | 196,148 | 138,987 | 138,987 | 0 | 0.0% |
| | 30 . Contingency Fund | 16,233 | 15,796 | 15,000 | 15,000 | 0 | 0.0% |
| | 31 . Out-of-State Travel | 1,192 | 2,260 | 3,000 | 3,000 | 0 | 0.0% |
| | 32 . Printing of Warrants & Reports | 16,008 | 16,805 | 20,000 | 20,000 | 0 | 0.0% |
| | 33 . MMA Dues | 10,744 | 11,389 | 11,251 | 11,532 | 281 | 2.5% |
| | <i>Subtotal General</i> | <i>877,199</i> | <i>765,674</i> | <i>2,394,155</i> | <i>2,512,031</i> | <i>117,876</i> | <i>4.9%</i> |
| (1) | 34 . Borrowing | 13,831,466 | 14,376,306 | 14,052,910 | 12,629,047 | (1,423,863) | -10.1% |
| | <i>a. Funded Debt - Principal</i> | <i>9,218,951</i> | <i>9,696,587</i> | <i>9,430,187</i> | <i>8,353,816</i> | <i>(1,076,371)</i> | <i>-11.4%</i> |
| | <i>b. Funded Debt - Interest</i> | <i>4,299,950</i> | <i>4,582,344</i> | <i>4,462,723</i> | <i>4,055,231</i> | <i>(407,492)</i> | <i>-9.1%</i> |
| | <i>c. Bond Anticipation Notes</i> | <i>197,024</i> | <i>55,593</i> | <i>100,000</i> | <i>160,000</i> | <i>60,000</i> | <i>60.0%</i> |
| | <i>d. Abatement Interest and Refunds</i> | <i>115,541</i> | <i>41,782</i> | <i>60,000</i> | <i>60,000</i> | <i>0</i> | <i>0.0%</i> |
| | TOTAL NON-DEPARTMENTAL EXPENDITURES | 43,682,516 | 47,431,058 | 52,147,206 | 53,448,676 | 1,301,469 | 2.5% |
| | TOTAL GENERAL APPROPRIATIONS | 158,267,633 | 165,648,463 | 175,129,433 | 183,885,563 | 8,756,131 | 5.0% |
| | SPECIAL APPROPRIATIONS | | | | | | |
| | 35 . Town Hall / Main Library Garage Repair & Driveway Improvements (revenue financed) | | | | 75,000 | | |
| | 36 . Craftsmen Garage Construction / Parks Facility Improv. - Feas. Study (revenue financed) | | | | 40,000 | | |
| | 37 . Reservoir Gatehouse - Grant Match (revenue financed) | | | | 5,000 | | |
| | 38 . Technology Applications (revenue financed) | | | | 275,000 | | |
| | 39 . Fire Station Study (capital project surplus) | | | | 50,000 | | |
| | 40 . Fire Station Furnishings (capital project surplus) | | | | 35,000 | | |
| | 41 . Bullet Proof Vests (revenue financed) | | | | 90,000 | | |
| | 42 . Putterham Library Renovations (\$50,000=capital proj surp, \$345,000=revenue financed) | | | | 395,000 | | |
| | 43 . Main Library Front Entrance Repairs (capital project surplus) | | | | 110,000 | | |
| | 44 . Street Rehabilitation (revenue financed) | | | | 1,580,000 | | |
| | 45 . Traffic Calming Studies and Improvements (revenue financed) | | | | 75,000 | | |
| | 46 . Sidewalk Repair/Reconstruction (revenue financed) | | | | 250,000 | | |
| | 47 . Sidewalk Snow Clearing Equipment (revenue financed) | | | | 120,000 | | |
| | 48 . Streetlight Replacement/Repairs (revenue financed) | | | | 50,000 | | |
| | 49 . Newton St. Landfill - Corrective Action (revenue financed) | | | | 3,445,000 | | |
| | 50 . Winthrop Sq. / Minot Rose Garden Renovation (revenue financed) | | | | 400,000 | | |
| | 51 . Playground Equipment, Fields, Fencing (revenue financed) | | | | 250,000 | | |
| | 52 . Town/School Grounds Rehab (revenue financed) | | | | 120,000 | | |
| | 53 . Tree Removal and Replacement (revenue financed) | | | | 145,000 | | |
| | 54 . School Furniture Upgrades (revenue financed) | | | | 25,000 | | |
| | 55 . Town/School Energy Conservation Projects (revenue financed) | | | | 90,746 | | |
| | 56 . Town/School Asbestos Removal (revenue financed) | | | | 50,000 | | |
| | 57 . Town/School ADA Renovations (revenue financed) | | | | 50,000 | | |
| | 58 . Town/School Life Safety (revenue financed) | | | | 100,000 | | |
| | 59 . High School Language Lab (revenue financed) | | | | 150,000 | | |
| | 60 . High School Projects - Roof / Pointing / Tappan St. Gym Windows, Floors (bond) | | | | 3,300,000 | | |
| | 61 . Old Burial Ground Upgrades (special revenue fund) | | | | 100,000 | | |
| (4) | TOTAL SPECIAL APPROPRIATIONS | 6,060,803 | 7,874,562 | 5,928,000 | 7,975,746 | 2,047,746 | 34.5% |
| | TOTAL APPROPRIATED EXPENDITURES | 164,328,436 | 173,523,025 | 181,057,433 | 191,861,309 | 10,803,877 | 6.0% |

| | FY06 ACTUAL | FY07 ACTUAL | FY08 BUDGET | FY09 BUDGET | \$\$ CHANGE FROM FY08 | % CHANGE FROM FY08 |
|---------------------------------------|------------------------|------------------------|------------------------|------------------------|----------------------------------|-------------------------------|
| NON-APPROPRIATED EXPENDITURES | | | | | | |
| Cherry Sheet Offsets | 1,280,287 | 117,738 | 120,749 | 118,326 | (2,423) | -2.0% |
| State & County Charges | 5,084,477 | 5,375,086 | 5,511,129 | 5,411,614 | (99,515) | -1.8% |
| Overlay | 1,490,442 | 1,451,262 | 1,858,148 | 1,600,000 | (258,148) | -13.9% |
| Deficits-Judgments-Tax Titles | 0 | 0 | 25,000 | 25,000 | 0 | 0.0% |
| TOTAL NON-APPROPRIATED EXPEND. | 7,855,206 | 6,944,086 | 7,515,026 | 7,154,940 | (360,086) | -4.8% |
| TOTAL EXPENDITURES | 172,183,642 | 180,467,111 | 188,572,460 | 199,016,249 | 10,443,790 | 5.5% |
| SURPLUS/(DEFICIT) | 2,864,770 | 4,044,703 | 0 | 0 | | |

(1) Breakdown provided for informational purposes.

(2) Figures provided for informational purposes. Funds were transferred to departmental budgets for expenditure.

(3) Funds are transferred to trust funds for expenditure.

(4) Amounts appropriated. Bonded appropriations are not included in the total amount, as the debt and interest costs associated with them are funded in the Borrowing category (item #34). Also, the Old Burial Grounds project (#61) is not counted as part of the total, as the project will be charged directly to the special revenue fund, not the General Fund.

FY09 BUDGET - TABLE 2

| Department/Board/Commission | Personnel Services | Purchase of Services | Supplies | Other Charges/ Expenses | Capital Outlay | Inter-Gov'tal | Snow & Ice | Debt Service | Personnel Benefits | Agency Total |
|---|---------------------------|-----------------------------|------------------|--------------------------------|-----------------------|----------------------|-----------------------|---------------------|---------------------------|---------------------|
| Board of Selectmen (Town Administrator) | 579,944 | 6,441 | 5,750 | 5,500 | 4,640 | | | | | 602,275 |
| Human Resources Department (Human Resources Director) | 245,610 | 217,332 | 8,500 | 750 | 2,375 | | | | | 474,567 |
| Information Technology Department (Chief Information Officer) | 823,403 | 488,433 | 34,127 | 2,450 | 40,404 | | | | | 1,388,817 |
| Finance Department (Director of Finance) | 1,820,374 | 1,061,591 | 42,289 | 14,349 | 16,245 | | | | | 2,954,847 |
| Legal Services (Town Counsel) | 488,586 | 103,442 | 1,950 | 74,400 | 3,765 | | | | | 672,143 |
| Advisory Committee (Chair, Advisory Committee) | 16,130 | 266 | 1,275 | 340 | 487 | | | | | 18,498 |
| Town Clerk (Town Clerk) | 479,722 | 66,954 | 13,401 | 1,800 | 3,251 | | | | | 565,128 |
| Planning and Community Department (Plan. & Com. Dev. Dir.) | 628,399 | 27,636 | 13,207 | 4,450 | 7,525 | | | | | 681,217 |
| Police Department (Police Chief) | 12,340,790 | 565,508 | 436,662 | 5,500 | 449,617 | | | | | 13,798,077 |
| Fire Department (Fire Chief) | 11,124,687 | 271,514 | 147,047 | 4,850 | 90,240 | | | | | 11,638,338 |
| Public Buildings Department (Building Commissioner) | 1,850,095 | 4,706,719 | 155,405 | 1,900 | 52,637 | | | | | 6,766,757 |
| Public Works Department (Commissioner of Public Works) | 6,860,340 | 3,671,589 | 989,596 | 7,639 | 700,000 | 20,000 | 364,251 | | | 12,613,415 |
| Public Library Department (Library Board of Trustees) | 2,361,629 | 437,980 | 514,207 | 1,502 | 52,101 | | | | | 3,367,419 |
| Health Department (Health Director) | 712,325 | 287,352 | 18,311 | 3,620 | 29,340 | | | | | 1,050,948 |
| Veterans' Services (Veterans' Services Director) | 115,301 | 2,718 | 650 | 91,200 | 725 | | | | | 210,594 |
| Council on Aging (Council on Aging Director) | 601,469 | 127,254 | 18,850 | 2,900 | 9,300 | | | | | 759,773 |
| Human Relations/Youth Resources (Human Relations Dir.) | 132,816 | 4,307 | 4,100 | 600 | 796 | | | | | 142,619 |
| Recreation Department (Recreation Director) | 650,499 | 203,918 | 54,213 | 2,400 | 6,380 | | | | | 917,409 |
| School Department (School Committee) | | | | | | | | | | 68,021,240 |
| Total Departmental Budgets | 41,832,119 | 12,250,953 | 2,459,540 | 226,150 | 1,469,828 | 20,000 | 364,251 | | | 126,644,084 |
| DEBT SERVICE | | | | | | | | | | |
| Debt Service (Director of Finance) | | | | | | | | 12,629,047 | | 12,629,047 |
| Total Debt Service: | | | | | | | | 12,629,047 | | 12,629,047 |
| EMPLOYEE BENEFITS | | | | | | | | | | |
| Contributory Pensions Contribution (Director of Finance) | | | | | | | | | 11,421,618 | 11,421,618 |
| Non-Contributory Pensions Contribution (Director of Finance) | | | | | | | | | 230,000 | 230,000 |
| Group Health Insurance (Human Resources Director) | | | | | | | | | 23,084,980 | 23,084,980 |
| Employee Assistance Program (Human Resources Director) | | | | | | | | | 28,000 | 28,000 |
| Group Life Insurance (Human Resources Director) | | | | | | | | | 161,000 | 161,000 |
| Disability Insurance | | | | | | | | | 16,000 | 16,000 |
| Workers' Compensation (Human Resources Director) | | | | | | | | | 1,550,000 | 1,550,000 |
| Public Safety IOD Medical Expenses (Human Resources Director) | | | | | | | | | 300,000 | 300,000 |
| Unemployment Insurance (Human Resources Director) | | | | | | | | | 166,000 | 166,000 |
| Ch. 41, Sec. 100B Medical Benefits (Town Counsel) | | | | | | | | | 30,000 | 30,000 |
| Medicare Payroll Tax (Director of Finance) | | | | | | | | | 1,320,000 | 1,320,000 |
| Total Employee Benefits: | | | | | | | | | 38,307,598 | 38,307,598 |
| GENERAL / UNCLASSIFIED | | | | | | | | | | |
| Reserve Fund (*) (Chair, Advisory Committee) | | | | 1,746,546 | | | | | | 1,746,546 |
| Liability/Catastrophe Fund (Director of Finance) | | | | 297,476 | | | | | | 297,476 |
| General Insurance (Town Administrator) | | 279,490 | | | | | | | | 279,490 |
| Audit/Professional Services (Director of Finance) | | 138,987 | | | | | | | | 138,987 |
| Contingency (Town Administrator) | | | | 15,000 | | | | | | 15,000 |
| Out of State Travel (*) (Town Administrator) | | 3,000 | | | | | | | | 3,000 |
| Printing of Warrants (Town Administrator) | | 10,000 | 10,000 | | | | | | | 20,000 |
| MMA Dues (Town Administrator) | | | | 11,532 | | | | | | 11,532 |
| Town Salary Reserve (*) (Director of Finance) | 3,042,804 | | | | | | | | | 3,042,804 |
| Personnel Services Reserve (*) (Director of Finance) | 750,000 | | | | | | | | | 750,000 |
| Total General / Unclassified: | 3,792,804 | 431,477 | 10,000 | 2,070,554 | | | | | | 6,304,835 |
| TOTAL APPROPRIATIONS | 45,624,923 | 12,682,430 | 2,469,540 | 2,296,704 | 1,469,828 | 20,000 | 364,251 | 12,629,047 | 38,307,598 | 183,885,563 |

(*) NO EXPENDITURES AUTHORIZED DIRECTLY AGAINST THESE APPROPRIATIONS. FUNDS TO BE TRANSFERRED AND EXPENDED IN APPROPRIATE DEPT.

ARTICLE 9

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.

PETITIONER'S ARTICLE DESCRIPTION

We, the Petitioner and signatories to this article, believe the Town is at minimum levels of staffing and equipment for the Fire Service and any further reduction or cuts will result in risks to the public safety of firefighters, residents and property. This article is submitted to prevent these risks and to insure the safety of the public.

SELECTMEN'S RECOMMENDATION

As a result of the Override approved by voters on May 6th, the Fire Department is full-funded to support five engine companies and two ladder companies. Therefore, the Board recommends NO ACTION, by a vote of 4-0 taken on April 8, 2008.

ROLL CALL VOTE

Favorable Action

Daly
Hoy
DeWitt
Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

Typically, departmental budget items are discussed within the full Town Budget (Article 8), and the reduction in the Fire Department's budget was fully addressed in that context. Warrant Article 9 was submitted by the petitioner as a safety net to preserve overtime funding in the Fire Department if the override ballot questions were rejected by the voters in May. Under the original fiscal constraints, the Fire Department's overtime budget would have been reduced by \$150,000. With the passage of the override, the \$150,000 is

restored to the Fire Department budget and this Article becomes unnecessary. There remain, however, departmental concerns, which are worthy of mention, and are presented below.

DISCUSSION

There are a variety of factors that contribute to the need for overtime. Among these: the number of vacancies, injuries, vacations and sick leave. An analysis of the Fire Department's sick leave and overtime trends provided to the Advisory Committee by Assistant Town Administrator, Melissa Goff demonstrates a need for concern as budget-stressors in the department. Overall sick leave (through March '08) is 40.8% higher than last year---584 tours in FY07 contrasted with 822 tours to date in FY08. Overtime (OT) currently is showing a 33% increase over FY07—at nearly \$612,000.

Operationally, the Fire Department usually has a number of vacancies, and the monies budgeted for the unfilled personnel slots are used to supplement overtime expenditures. Eight new recruits started on January 7th of this year, which helps to reduce the overtime costs. The petitioner made the argument that when there are more vacancies in the Department, the firefighters are spread thin and sick time use increases. While this argument is appealing and logical on its face, the numbers do not seem to fully support this contention. In FY07, with a high of 11 positions open, sick time actually was lower than in the current fiscal year. Still, the timing of vacancies has the capacity to put extra stress on the Department at just the wrong time – in the summer when everyone (Fire Fighters) takes vacation. Historically, the Department has not gotten the Call List for new recruits until August – too late, in the estimate of some, to help with the vacant summer positions. With fewer personnel available for cross-coverage, some people may be inclined to simply call in sick. The Chief is aware of this temporal lag in bringing up new recruits, and has been working on ways to begin that process in January. Still, sick time is soaring.

As mentioned, many factors drive the OT costs up, including injuries, long-term serious illness, and contractual obligations. In particular, two contractual agreements seem to play a significant role: 4-person minimum manning and mandated vacation time. The Brookline Fire Department is required by contract to have a 4-person minimum manning on every piece of apparatus at all times. Brookline is one of only two municipalities out of 351 that require this 4-person minimum on all vehicles—the other being the City of Boston. Other municipalities require 2, 3 or 4-persons per vehicle, depending on the time of year or the type of apparatus, and they give some discretion to the Fire Chief. It should be noted that the NFPA (National Fire Protection Association) in standard 1710 recommends a minimum staffing level of 4. Chief Skerry, underscoring that recommendation, stated to the Advisory Committee that for Fire Fighter safety, public safety and the efficiency of fighting fires, he would rather take a piece of apparatus out of service than reduce the manpower on that vehicle. He stressed that it made the difference between fighting a fire from the inside out (as we do now), to having to fight a fire from the outside in; restricting a crew from moving into a building. However, he also noted that Brookline, unlike other municipalities, responds with multiple trucks on the first call.

Another contractual agreement is that all firefighters must be allowed two weeks of vacation during the summer months, while additional weeks (up to 5 total) may be taken at other times of the year. In other communities vacation time may be taken at any time during the twelve months, as long as there is adequate coverage. Again, it is during these summer periods of heavy vacation use that we also see increases in sick call-ins.

The pattern of sick-time usage has been problematic and hard for the Town to manage. Filling summer vacancies is probably not the simple fix. The Advisory Committee suggested looking for better ways to distribute vacations or consider running particular trucks with a crew of three in certain situations when call-ins drive down staffing levels (as opposed to simply not running a truck). Brookline has little flexibility since contractually the Town cannot require these things. It is a decision that would have to be made by the Fire Fighter membership.

Anyone seeing our Department in action knows of the skill, passion and commitment of our Fire Fighters. Fire fighting is one of a town's core services; and Brookline's Fire Department is recognized as among the best in the Commonwealth. Maintaining and preserving it is a priority. However, excessive sick-time not only affects the Town's finances, it exacts a toll on the entire fire fighting force – and by extension the community at large. The Town, Chief and Fire Fighters' Union realize there is an issue here that needs addressing, and all have signaled a willingness to work on it. Changing the timing in regards to filling vacancies may help, and the Chief is pursuing that. Additionally the issue of minimum manning (as discussed in the Override Study Committee Report) and other cost saving measures within the Fire Department will need to be studied and acted upon in future budget cycles. The challenge will be how to maintain the Department's quality and safety record while learning to live within the financial constraints of the current financial environment.

Financial challenges will present themselves to all departments and services as we move forward. Addressing the financial challenges within the Fire Department budget will require an open mind, mutual respect and a willingness to analyze how other communities have met similar challenges and how we may as well.

It is projected that the department will require a \$75K - \$100K reserve fund transfer at the end of the year to cover OT costs.

RECOMMENDATION

With the passage of the override, the Advisory Committee unanimously recommended restoration of \$150,000 to the Fire Department within the context of the budget Article 8. Therefore, as no action is required under this article, the Advisory Committee unanimously recommends NO ACTION on Article 9.

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ARTICLE 10

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.

PETITIONER'S ARTICLE DESCRIPTION

In 1999 the Town of Brookline created the Retiree Health Trust Fund for the purpose of accumulating assets that would support future retiree health benefit costs. The language of the Trust placed the assets under the control of the Town. A newly adopted Government Accounting Standard (GASB 43) recommends that the control of the Retiree Health Trust Fund be transferred from the Town to an independent Board. This structure would protect the assets of the trust fund from any liability claims that could be made against the Town. The purpose of the Warrant article is to place the Town in compliance with GASB 43. The adoption of this standard would allow the Town to calculate their unfunded liability based upon rates of return of the stock market rather than bank interest rates which would reduce the unfunded liability significantly.

SELECTMEN'S RECOMMENDATION

Article 10 is proposed Home Rule Legislation that would allow the Town to place assets accumulated for future retiree health benefit costs in a fund that meets the requirements of the Government Accounting Standards Board's (GASB) statement #43, a standard that recommends that the control of the Retiree Health Trust Fund be placed with an independent Board. In 1998, in response to the national debate concerning Post-Employment Benefits and pending recommendations by GASB, the Town proposed and adopted special legislation that created the Retiree Health Trust Fund. Since its inception, the Town has assembled revenue from different sources and now has accumulated approximately \$4.8 million.

In the last few years, GASB approved two rules, #43 and #45. GASB #45 requires that each government entity identify the unfunded liability for Other Post-Employment Benefits (OPEB's) and include the liability as part of the annual audit. The Town completed an actuary analysis in calendar year 2006 and the unfunded liability was footnoted in the FY2006 Year End Audit. GASB # 43 recommends that government entities turn over control of Retiree Health Trust Funds to an autonomous board, thereby protecting the assets of the fund from creditors of the government. As an incentive to adopt this "best practices" format, GASB has tied rule #43 to rule #45. Simply stated, if a community adopts GASB #43, that community would be able to calculate the unfunded liability based upon an assumption of average rates of return of the stock market. In the event that a community does not adopt GASB #43, the calculation of average rate of return would be based upon bank interest rates.

The actuarial valuation of 2006 identified the unfunded liability of the Town as \$212.2 million, assuming the adoption of GASB #43, or \$330.3 million, assuming that the rule is not adopted. As the original special legislation specified that the Town would be in control of the fund, the liability included in the year-end audit reflected the higher amount. The purpose of Article 10 is to change the original legislation, removing the Retiree Health Trust Fund from Town control, and placing management of the assets with

an independent board. If approved, the assets would be protected from creditor liens and the unfunded liability would be reduced by nearly \$110 million.

This article represents another step the Town has taken manage its OPEB liability. Other examples include recent plan design changes agreed to by the Town and its unions, which reduced its liability by approximately \$14 million - \$23 million¹; maintaining a “no net hiring” policy; depositing \$1 million into the Retiree Group Health Trust Fund (proposed in the FY09 budget under Article 8); and establishing an OPEB Task Force. The Task Force, as established by the Selectmen, will undertake a complete analysis of options for reducing and/or funding the Town’s OPEB liability. The Task Force shall develop a comprehensive plan to address the issue, with the overriding goal being to substantially reduce OPEB liabilities while preserving affordable, comprehensive coverage options for retirees. The Task Force consists of the following nine members:

- Selectmen designee (1)
- Audit Committee designee (1)
- Advisory Committee designee (1)
- School Committee designee (1)
- Union Representative (1)
- Retirement Board designee (1)
- Residents (3)

The Board understands the magnitude the issue of OPEB’s and, as shown above, is taking steps to address it. Article 10 is a simple and straightforward article that will reduce our liability by approximately \$110 million. Therefore, the Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on April 1, 2008, on the following:

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:

¹ The \$14 million figure is for a non-GASB 43 compliant fund while the \$23 million reflects a GASB 43 compliant fund.

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.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Article 10 would authorize the filing of a home rule petition that would allow the Town to create an independent board to "supervise, manage, and invest" the Retiree Health Trust Fund. The board would consist of seven members: the five members of the Retirement Board plus two members appointed by the Board of Selectmen. This board would thus consist of three members appointed by the Board of Selectmen, two elected by the unions of Town employees, the Comptroller, and one member appointed by the members of the Retirement Board.

Brookline has a significant unfunded liability—over \$300 million—for the health care of retired employees. By law, the Town must cover at least 50% of health insurance costs for retirees. It currently pays for 75%. Any changes in the share paid by retirees or current employees must be agreed upon in collective bargaining. The same coalition bargaining process that was used to make changes in the design of health insurance plans in 2007 would be used to alter health insurance coverage for retirees.

To begin accumulating funds to pay for retiree health expenses, Brookline established the Retiree Health Trust Fund in 1998. No independent board was created to manage the fund at that time.

The value of the Retiree Health Trust Fund is approximately \$4.8 million. Funds were contributed for several years from various sources: Free Cash; reductions in the noncontributory retirement appropriation; overhead charges to budgets outside the General Fund; and unmatched funds from prior year health insurance appropriations. The FY2009 Article of Appropriation also includes a transfer of \$1 million in funds that remain in the Group Health Trust Fund to the Retiree Health Trust Fund. The Group Health Trust Fund no longer needs to maintain a large balance because of the health insurance plan design changes that were negotiated with the Town's unions in 2007.

In 2004, the Fiscal Policy Review Committee (FPRC) recommended that the Town impose a moratorium on adding funds to the Retiree Health Trust Fund. FPRC noted that Brookline was one of the very few municipalities in the country that had set up such a fund, that the unfunded liabilities of cities and towns in Massachusetts were so great that there would probably be a statewide solution, and that the Government Accounting Standards Board (GASB) had yet to adopt accounting rules for such funds. FPRC also noted that the Town faced more important short-term fiscal challenges and that it might take over a century to fully fund the retiree health liability. This recommendation was implemented in the FY2005 budget.

The Override Study Committee and the Town's Audit Committee both have recommended resuming contributions to the Retiree Health Trust Fund. The Override Study Committee noted that, ideally, the Town should contribute \$4 million per year to the fund. Recognizing that this was unlikely, the committee called for contributing to the Retiree Health Trust Fund the \$1-2 million that Brookline might save by enrolling its employees in the health insurance plans offered under the state's General Insurance Commission (GIC). The committee also recommended that future one-time revenues, such as the proceeds from selling taxi licenses, should be devoted to retiree health.

DISCUSSION:

The Government Accounting Standards Board (GASB) has adopted two important rules in recent years. GASB #43 recommends that Retiree Health Trust Funds be managed by independent boards and endorses this approach as an example of "best practices." GASB #45 allows communities that set up such independent board to calculate their unfunded liability for retiree health care on the basis of historical stock market returns (8.25%) instead of on the basis of bank interest rates (5.25%).

Creating an independent board to oversee the retiree health care trust fund would have three advantages.

First, the Town's 2006 unfunded liability for retiree health care expenses would decline from approximately \$330.3 million to \$212.2 million. The Town would be able to assume that annual returns on money in the fund would be 8.25% instead of 5.25%. Although this change would only occur "on paper," the rate of expected returns more closely approximates the rate of past returns for major stock market indexes and might be a more realistic projected return than the currently assumed return of 5.25%.

Second, the assets in the fund could not be seized by the Town's creditors as a result of a lawsuit or in any other circumstances.

Third, the reduction of the Town's unfunded liability and the protection of the fund's assets from potential creditors would make it more likely that Brookline would continue to receive the highest possible bond rating.

There are no obvious disadvantages to the creation of an independent board. The Town's unfunded liability will be recalculated for 2008 this summer and it is likely to rise, but the liability calculated on the basis of stock market returns will remain smaller than the liability calculated on the basis of bank interest rates.

Creating an independent board to manage the fund does not guarantee that the Town will be able to fully fund its retiree health-care liabilities. The decision to set up such a board is also independent of any decision on whether and at what level to resume annual contributions to the Retiree Health Trust Fund. Treasurer Stephen Cirillo and Deputy Town Administrator Sean Cronin have prepared a hypothetical plan that would fully fund the Town's retiree health care liability over 30 years. This plan assumes a more conservative 7.5% rate of return and relies on increased contributions to the Retiree Health Care Trust Fund after the Town has fully funded its pension liabilities. The plan is not necessarily a recommendation, but a demonstration of the feasibility of funding Brookline retiree health care liabilities. The question of funding these and other post-retirement liabilities will be studied by a task force the Board of Selectmen has appointed to identify options for reducing and/or funding the Town's unfunded liability for other post employment benefits (OPEBs).

RECOMMENDATION:

By a vote of 18-0-0, the Advisory Committee unanimously recommends FAVORABLE ACTION on the vote offered by the Selectmen.

ARTICLE 11

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.

PETITIONER'S ARTICLE DESCRIPTION

G.L. c.59, s.5, Clause Fifty-fourth allows a town to exempt certain personal property from taxation and provides as follows:

Fifty-fourth. Personal property, if less than an amount established by the city or town, but not in excess of \$10,000 of value. This clause shall take effect upon its acceptance by a city or town, which shall establish a minimum value of personal property subject to taxation and may modify the minimum value by vote of its legislative body.

Based on a review of the Town's personal property accounts, a desire to create tax administration cost efficiencies and a desire to provide tax relief to Brookline's small business owners, the Board of Assessors voted at their regularly scheduled meeting on January 22, 2007 to recommend to the Board of Selectmen, that the Town of Brookline adopt the provisions of G.L. c. 59, § 5, clause 54, which allows a city or town to exempt certain personal property accounts, the minimum value of which cannot be more than \$10,000. For fiscal year 2009, Board of Assessors voted to recommend an exemption amount of \$5,000.

The small personal property exemption must be approved by a vote of the Town's legislative body prior to the beginning of the fiscal year the exemption is to take effect or for a fiscal year stated within the article of acceptance.

The Town has a total of 1,141 personal property accounts with a total assessed value of \$128,054,780. There are 838 accounts (73%) with an assessed value of \$10,000 or less and 656 (57%) accounts with an assessed value of \$5,000 or less. The FY08 total assessed value of the 656 accounts is \$1,309,670, 1.0% of the total. The FY08 tax amount for the 656 accounts is \$21,871.

The Assessors will continue to track each of these accounts and continue to request that each file a Form of List with the assessors on an annual basis with any additions to their assets in Brookline. The tax exempted would be shifted to all other taxpayers proportionately.

SELECTMEN'S RECOMMENDATION

Article 11 asks Town Meeting to adopt the provisions of Chapter 59, Section 5, Clause 54 of Massachusetts General Laws (MGL) in order to exempt certain personal property from taxation. The Board of Assessor's has performed a review of the Town's personal property accounts and, as a result, recommended accepting this provision, which will create tax administration cost efficiencies and provide tax relief to Brookline's small business owners. For fiscal year 2009, the Board of Assessors voted to recommend an exemption amount of \$5,000.

Currently there are 1,141 personal property accounts with a total assessed value of \$128.05 million. Of those, 73% (838) have an assessed value of \$10,000 or less and 57% (656) have an assessed value of \$5,000 or less. The FY08 total assessed value of the 656 accounts is \$1.31 million, or 1% of the total, and the FY08 tax amount for them is less than \$22,000. If this Article is adopted, the \$22,000 in exempted taxes would be shifted to all other taxpayers proportionately.

The Selectmen commend the Board of Assessors for being proactive in looking for ways to help the community's small businesses. As has long been recognized, small businesses are vital to Brookline's commercial areas and contribute to the uniqueness that makes our Town so desirable. The Board recommends FAVORABLE ACTION, by a vote of 5-0 taken on April 1, 2008, on the following:

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.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

This Warrant Article seeks Town Meeting's approval to set, effective for Fiscal Year 2009 ("FY '09"), at \$5,000 the amount of personal property a taxpayer -- whether an individual or a business -- can have before he/she, or it is subject to the town's excise tax. The current threshold is \$10,000, the default amount set by state law (Mass. Gen. Laws ch. 59, Clause 54th of §5). The state statute does permit the Town, by a vote of Town Meeting, to further reduce the minimum threshold below the \$10,000 default amount. The Town's Board of Assessors voted in 2007 to recommend the threshold reduction. The proposed Warrant Article would implement the reduction.

DISCUSSION:

Following a public hearing of the Administration and Finance Subcommittee (the “A&F Subcommittee”) of the Advisory Committee, the full Advisory Committee met to consider the favorable recommendation by the A&F Subcommittee. Stephen Cirillo and Gary McCabe, the Town’s Director of Finance (Treasurer/Collector) and its Chief Assessor, respectively, attended both hearings. At various points, other members of the public attended the hearings.

Messrs. Cirillo and McCabe explained the reasons they supported lowering the threshold. The key justification is one of efficiency – the amount of taxes collected needs to justify the administrative cost of collecting them. Messrs. Cirillo and McCabe also noted that the lower threshold would provide some incidental tax and administrative relief for the already fiscally challenged small-and independently-owned business base that may be adversely effected by higher real estate taxes, the worsening economic recession, and other trends making it harder to succeed as a Brookline small business.

In total, the Town has 1,141 personal property tax-payers (or “accounts”), the aggregate assessed value of whom is approximately \$128.1 million. Seventy-three percent of the 1,141 accounts have an assessed value of \$10,000 or less while 57% of the 1,141 accounts (656 accounts) have assets assessed at \$5,000 or less. For the soon to conclude Fiscal Year 2008 (“FY ’08”), the sum of the assessed value of the 656 accounts with individual assessments at \$5,000 or less is just over \$1.3 million; stated differently, 57% of the tax payers have assessments totaling approximately 1% of the total of the Town’s assessment. To point out the administrative burden sought to be rationalized, the total personal property tax bill of those 656 accounts was less than \$22,000 for FY ’08; if the proposal is adopted, these taxes would be paid by the remaining accounts/tax payers with sufficient personal property assets to justify trying to collect the tax.

RECOMMENDATION:

The Advisory Committee was appreciative of the Board of Assessors’ efforts to rationalize their tax collection procedures, and by a vote of 17-0 with 2 abstentions, recommends FAVORABLE ACTION on the vote offered by the Board of Selectmen.

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ARTICLE 12

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.

PETITIONER'S ARTICLE DESCRIPTION

Massachusetts General Laws Chapter 59, Section 5K provides as follows:

Chapter 59: Section 5K. Property tax liability reduced in exchange for volunteer services; persons over age 60

Section 5K. In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$750 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws, but such person while providing such services

shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

The statute permits the Board of Selectmen to establish a property tax work-off program for taxpayers over 60 years old. Under the program, qualified participating taxpayers volunteer their services to the Town in exchange for a reduction in their tax bills. If locally accepted, the current amount a community can abate is \$750.00 in taxes. The abatement would be granted by the Board of Assessors based on a Certificate of Service issued by a Town department head supervising the volunteer services. The credit earned for worked performed could be at a rate no more than the state's minimum wage (current at \$8.00 per hour). Qualifying taxpayers retain their eligibility for other statutory exemptions including the residential exemption. The Town's program can set the income limits to be imposed. The Board of Assessors and Council on Aging is recommending a limit of \$40,000 household income be adopted. There would be no asset limit requirements. Program volunteers performing services in return for property tax reductions would be considered employees for purposes of municipal tort liability. Earned reductions will be applied to the actual tax bill for the fiscal year, not the preliminary (1st and 2nd quarter) tax bills. The amount of the property tax reduction earned by the taxpayer under this program is not considered income or wages for purposed of **state** income tax withholding, unemployment compensation or workman's compensation. The IRS has ruled, however, that the abatement amount will be included in the taxpayer's gross income for both federal income tax and FICA tax purposes.

The Board of Selectmen would establish the program and direct the Assessors and the Council on Aging to oversee this program as a pilot for Fiscal Year 2009, limiting the number of participants to 20. The pilot program would be administered by the COA. Placement by the COA will be decided based on the match of the applicant's skills with the interests of the various participating town departments. Applicants will have the right to refuse placements or defer placement pending the possibility of other opportunities. However, there will be no guarantee that other positions will become available. The maximum cost of the program to the Town for FY2009 would be \$15,000 and be funded through the overlay reserve account.

SELECTMEN'S RECOMMENDATION

Article 12 asks Town Meeting to adopt the provisions of Chapter 59, Section 5K of Massachusetts General Laws (MGL). Enacted in 1999, this section enables cities and towns to create a local option senior volunteer program under which qualifying seniors earn a reduction (i.e., abatement) of their property tax, not to exceed \$750 per year, in exchange for volunteering services to the community.

The program that the Selectmen would implement, if Town Meeting approves this article, would have an income limit of \$40,000, as proposed by both the Board of Assessors and Council on Aging (COA). There would be no asset limit requirements. The Assessors and the COA would oversee a pilot program for FY09, limiting the number of participants to 20. Placement by the COA will be decided based on the match of the applicant's skills with the interests of the various participating town departments. The maximum cost of the program to the Town for FY09 would be \$15,000 and would be funded through the overlay reserve account.

The Selectmen thank the Board of Assessors and the COA for bringing this article to Town Meeting, as providing seniors with options for tax relief is an important component of the Town's efforts to keep Brookline affordable. Seniors on fixed incomes often struggle to balance paying for utilities, medical expenses, groceries, and taxes, so offering programs like this (and the one offered under Article 13) is critical. Therefore, the Board recommends FAVORABLE ACTION, by a vote of 5-0 taken on April 1, 2008, on the following:

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.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

The Senior Citizen Property Tax Work-off Abatement, which supports aging residents to remain productive; retain their dignity; remain independent; offer their expertise to their communities and to afford to stay in their dwellings, has particularly appealed to Massachusetts and has spurred 131 localities to offer tax abatement programs.

Among others, this initiative offers the following benefits to our seniors and to our Town:

- Exposes elderly home owners to another tax relief
- A return back into the work force.
- A more productive aging process
- The ability to remain independent and in one's home
- The utilization of elders' expertise to enrich our community
- Honors the contributions of elders

DISCUSSION:

The Board of Assessors and Council for Aging recommend qualifying citizens who are 60 years and older, with an income of less than \$ 40,000 per household. This proposed \$40,000 limit corresponds to our existing tax deferment program. Citizens will receive tax abatement (not a check or cash) of \$750.00 in return for stipended volunteer services at the rate of \$8.00 per hour, about 100 hours of work annually. Participants in this program are NOT considered to be employees of the Town, except for TORT liability. Because participants are considered volunteers they are not subject to the Living Wage bylaw.

Currently several Town departments have expressed interest in this program and because our seniors are so highly qualified, the Town's benefits will be great.

Upon accepting the provisions of Massachusetts General Laws Chapter 59, Section 5K, the Town can establish programs, initially on a modest scale (20 participants), and possibly increasing to about 50 participants. The cost in year one will be \$15,000. The program can be administered by the current JOBS coordinator, or by participants in the tax abatement program.

RECOMMENDATION:

The Advisory Committee, by a unanimous vote of 17-0 with no abstentions, recommends FAVORABLE ACTION on the vote offered by the Selectmen

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ARTICLE 13

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.

PETITIONER'S ARTICLE DESCRIPTION

Massachusetts General Laws Chapter 59, Section 5, Clause 41A, permits a person 65 years of age or older who has owned his/her home for at least five years and whose annual gross receipts do not exceed \$40,000 and who resides in that home to apply to the Assessors to defer all or a part of their real property from taxation. The Board of Assessors may grant such an exemption if the owner is qualified and enters into a tax deferral and recovery agreement which provides among other things that

“no sale or transfer of the real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, *with interest at the rate of eight per cent per annum or such lesser rate as may be determined by the legislative body of the city or town...*” G.L.c.59, s.5, cl.41A.

The purpose of the warrant article is to encourage senior citizens who may have income limits to participate in the Tax Deferral Program. The program should allow seniors who may be on a fixed income to remain in their homes.

SELECTMEN'S RECOMMENDATION

Section 5, Clause 41A of Chapter 59 allows elderly taxpayers, who meet certain requirements, to defer 100% of their taxes, at an interest rate that cannot exceed 8%. The taxes are ultimately paid to the Town when the house is sold. The requirements that must be met in order to participate are as follows:

- Must be at least 65 years old
- Gross income cannot exceed \$40,000 ¹

¹ Town Meeting increased this threshold from \$20,000 to \$40,000 in November, 2003.

- The homeowner must occupy the property
- The homeowner must have lived in state for at least the past 10 years
- The homeowner must have owned property in the state for at least the past five years

The Clause 41A deferral is a very powerful elderly tax relief tool. Unfortunately, the program has not been utilized in Brookline to the extent it has been in other communities. There are a couple of reasons why, one of which this article addresses: the interest rate currently charged to participants is 8%, a rate that may be seen as too high by some senior citizens. Article 13 asks Town Meeting to reduce the interest rate to 5%. Hopefully this reduced rate will make the program more attractive to those eligible residents who could well benefit from it.

The Selectmen fully support this article, but do not believe that it actually goes far enough. Unfortunately, state law places the \$40,000 maximum for gross income. The Board would like to see this amount increased so that more Brookline residents could take advantage of the program, but that would require special legislation. Such a warrant article would be welcome at the 2008 Fall Town Meeting. The Board also discussed the possibility of having either a lower rate charged or pegging the interest rate to some benchmark rate. The State Department of Revenue (DOR) has informed the Town that any change in the rate requires Town Meeting approval, so having one that fluctuates would not be allowable. If participation in the program is not increased as a result of this interest rate reduction from 8% to 5%, then the Selectmen will consider further reducing the rate at the 2008 Fall Town Meeting.

The Board commends the Finance Director and the Director of the Council on Aging for bringing this matter forward and for continuing to think of ways to help the Town's senior citizens who might be struggling to pay for all of their expenses while on fixed incomes. By a vote of 5-0 taken on April 1, 2008, the Board recommends FAVORABLE ACTION on the vote offered by the Advisory Committee.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

As does Warrant Article 11, this Warrant Article seeks Town Meeting's approval to alter another provision of the Town's tax policy.

Specifically, Warrant Article 13 would reduce from the current 8% to 5% the rate of interest that would accrue if a senior citizen who otherwise satisfies the provisions of state law (Mass. Gen. Laws ch. 59, Clause 41A of §5) elects to defer the property taxes due on his or her principle home. (The Town had previously raised the income threshold for eligibility in this program from \$20,000 to \$40,000.)

Under certain circumstances, Massachusetts law allows a senior citizen to enter into an agreement with the taxing authority of his or her city or town to defer the property taxes due on his or her residence until the time of death at which point the estate or legal representative would pay the accrued, but unpaid, taxes plus interest. By law, the default rate of interest in the statute is 8% but the state statute does permit the Town, by a vote of Town Meeting, to further reduce the rate at which interest accrues. The proposed Warrant Article would implement the reduction.

DISCUSSION:

The property-tax deferral option is a potentially useful, albeit little-used, program that permits seniors with a taxable income of \$40,000 or less to defer their property tax bills during their life. By unwritten custom, the Town does not foreclose on a property to collect back-due taxes but rather accrues for the future payment together with interest that is far less than the interest rate that applies to back-due taxes generally. The Town is assured of eventually receiving the taxes – death and taxes here being formally linked – and the eligible tax payer can in essence put off his/her tax bill during his/her life. From the Town's position, the ultimate collectability is never in doubt, although obviously when the monies will be received is uncertain.

The Advisory Committee lauded the Board of Assessor's initiative to make this program more attractive. When Stephen Cirillo and Gary McCabe, the Town's Director of Finance (Treasurer/Collector) and its Chief Assessor, respectively, spoke about this proposal before the Advisory Committee and its Finance and Administration Subcommittee, they mentioned that the program is little used. Despite publicizing the offering through the Brookline Council on Aging and by other means, only a few Brookline seniors currently participate. Participation in neighboring communities such as Newton and Wellesley, although still modest, is much higher.

Mr. McCabe's office is making an extraordinary effort to make this program better known so that eligible seniors can participate. The members of the Advisory Committee unanimously expressed their enthusiastic support for these initiatives although several questioned whether the reduction in the interest rate would be sufficient to attract participants, and that if there was "mind-set" reticence, a fear of leaving heirs with a tax bill, or other non-financial reasons why the program is not being used sufficiently, a drop in the interest rate by 3 percentage points would probably not be enough to sizably increase the rates of participation. (An interest-free program is neither feasible for the Town nor would it be permitted under Federal tax law since the senior would have to recognize taxable income because of the imputed interest.) Mr. McCabe noted that his office stands ready to spend the time to explain the program on a one-on-one basis to would-be participants and otherwise publicize the program.

RECOMMENDATION:

The Advisory Committee was appreciative of the Board of Assessors' efforts to make the tax deferral program marginally more attractive, and voted 17-0 with one abstention to recommend FAVORABLE ACTION on the following:

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.

XXX

ARTICLE 14

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.

PETITIONER'S ARTICLE DESCRIPTION

This zoning amendment is being submitted by the Planning and Community Development Department with the support of the Zoning By-law Committee. In 2007, Spring Town Meeting approved a new "F" or three-family zoning district for approximately 90 parcels near Coolidge Corner that limited development to three dwelling units per lot. This new F-1.0 zone was designed to serve as a middle ground between two-family (T) zones and multi-family (M) zones and stemmed from the recommendations of the Coolidge Corner planning process.

At the time of the zoning change, the new three-family (F) district was not added to several sections of the Zoning By-Law that refer to residential zones. To rectify this, the following technical changes are recommended and all, except one, group the new F zone with regulations that apply to single-family (S) and two-family (T) zones. The Planning and Community Development Department believes this is appropriate because the newly established F zones are more closely related to S and T zones, than M zones. A three-family dwelling is typically more similar to a single- or two-family dwelling than a large apartment building.

The only exception to adding the F zones to the regulations for S and T zones is a section that relates to the parking requirement for conversions of a single- or two-family dwelling or more additional dwelling units. The Planning Department believes that the parking waiver should be available in F zones for several reasons: for an existing single- or two-family dwelling adding a third unit, the lot size and shape of the structure may make it impossible to meet the stringent parking requirement for a three-family dwelling, which can be as high as seven spaces; a flexible parking requirement would encourage reuse of

buildings and discourage tear downs; more open space would be preserved on the lot; and the Board of Appeals would have the opportunity to evaluate how many parking spaces are appropriate for a particular lot, after considering on a case-by-case basis, among other things, access to public transit. Although the Board can waive up to half the parking spaces required, in many cases in the past, they have waived only one or two parking spaces. With the proposed amendment change, the parking requirements for the F zoned properties, all of which were formerly in the M zone, would remain unchanged to a three-family dwelling. Here, the Planning Department believes, and the Zoning By-Law Committee concurs, it would be better to allow the flexibility of a parking waiver that is currently available for conversions in M, L and G districts. Section 6.01.2.a allows the Board of Appeals to waive not more than half of the required parking spaces by special permit when an existing dwelling in an M, L or G district is converted for one

SELECTMEN'S RECOMMENDATION

Article 14 was submitted by the Planning and Community Development Department with the support of the Zoning By-Law Committee. The article makes many technical corrections to the Zoning By-Law to fully incorporate the new F-1.0 zoning district into all of the relevant portions of the text.

The F-1.0 zoning district arose out of the Coolidge Corner District Planning process, which illustrated a neighborhood concern regarding the demolition of dwellings to make way for larger developments. Since its creation in 2007, Planning and Community Development staff has noticed several places where the F-1.0 district should be referenced as part of an overall list of zoning districts. For example, section 5.73.1 currently reads:

“Where a rear lot line in an L, G, or I District abuts an S, SC, T, 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.”

This creates an interesting, and unintentional, situation where rules that apply to single, two-family and multi-family zones regarding increased rear yard setbacks do not apply to the new F-1.0 zones. This was not the intention of the Town in creating this new district. In some situations, one set of rules applies to single- and two-family zones and a second set of rules applies to multi-family zones. In most of these cases, this article proposes to include the F zones with the single- and two-family zones.

However, in one case this article proposes to include the F zones with multi-family zones. Currently, if an additional dwelling unit is proposed in a single- or two-family zone, the full parking requirement of the Zoning By-Law must be met. For example, if there is a single-family home in a two-family zone with only one parking space, it must provide at

least a total of four parking spaces if a new unit were added, a net increase of three spaces. In multi-family zones, there is a clause that permits the Zoning Board of Appeals to grant a special permit to reduce that requirement by half. This article proposes to allow properties in F zones the same potential relief. This change is consistent with the concept of downzoning these areas from multi-family to three-family zoning, in that it provides a reasonable way of adding a third unit to buildings in this zone, while still limiting the overall density in these zones to three units per lot.

The Selectmen recommend FAVORABLE ACTION, by a vote of 4-0 taken on April 29, 2008, on the vote offered by the Advisory Committee.

ROLL CALL VOTE

Favorable Action

Daly

Hoy

DeWitt

Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

This zoning amendment is being submitted by the Planning and Community Development Department with the support of the Zoning By-law Committee. In 2007, Spring Town Meeting approved a new "F" or three-family zoning district for approximately 90 parcels near Coolidge Corner that limited development to three dwelling units per lot. This new F-1.0 zone was designed to serve as a middle ground between two-family (T) zones and multi-family (M) zones and stemmed from the recommendations of the Coolidge Corner planning process.

At the time of the zoning change, the new three-family (F) district was not added to several sections of the Zoning By-Law that refer to residential zones. To rectify this, the following technical changes are recommended and all, except one, group the new F zone with regulations that apply to single-family (S) and two-family (T) zones. The Planning and Community Development Department believes this is appropriate because the newly established F zones are more closely related to S and T zones, than M zones. A three-family dwelling is typically more similar to a single- or two two-family dwelling than a large apartment building.

The only exception to adding the F zones to the regulations for S and T zones is a section that relates to the parking requirement for conversions of a single- or two-family dwelling or more additional dwelling units. The Planning Department believes that the parking

waiver should be available in F zones for several reasons: for an existing single- or two-family dwelling adding a third unit, the lot size and shape of the structure may make it impossible to meet the stringent parking requirement for a three-family dwelling, which can be as high as seven spaces; a flexible parking requirement would encourage reuse of buildings and discourage tear downs; more open space would be preserved on the lot; and the Board of Appeals would have the opportunity to evaluate how many parking spaces are appropriate for a particular lot, after considering on a case-by-case basis, among other things, access to public transit. Although the Board can waive up to half the parking spaces required, in many cases in the past, they have waived only one or two parking spaces. With the proposed amendment change, the parking requirements for the F zoned properties, all of which were formerly in the M zone, would remain unchanged to a three-family dwelling. Here, the Planning Department believes, and the Zoning By-Law Committee concurs, it would be better to allow the flexibility of a parking waiver that is currently available for conversions in M, L and G districts. Section 6.01.2.a allows the Board of Appeals to waive not more than half of the required parking spaces by special permit when an existing dwelling in an M, L or G district is converted for one.

DISCUSSION:

The Planning Director noted that this Article was a “clean up” article. Mr. Levine noted that at the time of the consideration and adoption of the new “F” on three family zoning district, certain relevant sections of the zoning code relating to residential zones he noted that the “F” reference was universally applied in those sections of the regulations that relate to single family (S) and two-family (T) zones. He noted that the exception was the rules for a parking waiver where those requirements for an M district would still apply.

There was discussion by the Committee confirming that the Article seemed to be a technical clarification consisting with the purpose of the F district proposal.

RECOMMENDATION:

The Advisory Committee by unanimous vote (18-0) recommends FAVORABLE ACTION on the following vote:

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.

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.

ARTICLE 15

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.

PETITIONER’S ARTICLE DESCRIPTION

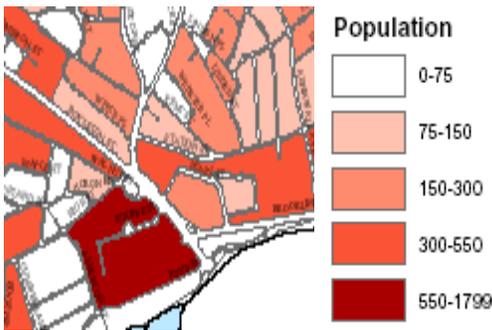
Introduction

The purpose of this warrant article is to insert a provision for medical office parking, and reduce the parking requirements near public transportation.

Children’s Hospital is planning to develop the property at 2 Brookline Place for retail, office and medical office use. Under current zoning for 2 Brookline Place, there is no provision for medical office parking or for a reduction in parking requirements for medical offices because of proximity to public transit. As currently proposed, this project will require an increase in parking spaces from 402 to 624, an increase of 55% (222

spaces) in one of the most densely-populated areas in Town (over 550 per block – see map at left). Note – this does not include the 859-car capacity garage across Route 9 at Brook House.

The resulting increased traffic congestion suggests that a change in the zoning by-law to limit medical office parking and encourage “Smart Growth” transportation strategies should be enacted.



Population by Block (Source: Brookline GIS)

Background

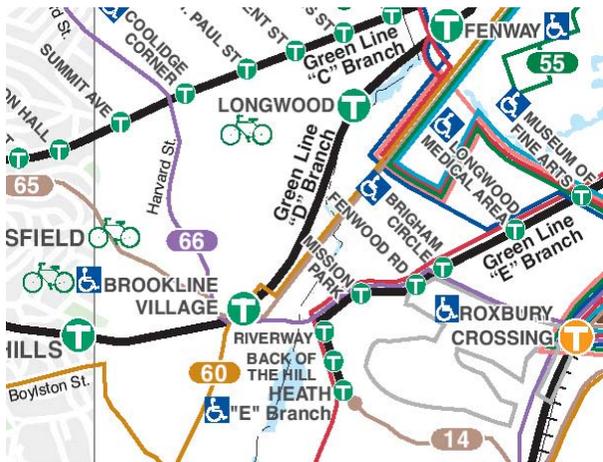
In 2004, a special permit for the 60,000 square foot lot at 2 Brookline Place was issued increasing the Floor Area Ratio (FAR) from 2.0 to 4.0. Buildings at 1, 5, and 10 Brookline Place were included in this special zone, designated GMR 2.0 (General Medical Research).

A Transit Demand Management (TDM) study by Howard/Stein-Hudson found that 71% of local residents commuted by car. Using this local commuting characteristic, and assuming a variety of strategies to reduce the need for on-site parking (MBTA subsidies, designated space for Zipcar parking, and promotion of alternative transportation modes), resulted in a calculated peak demand of 354 spaces for office use.

The parking requirements for a GMR 2.0 zone were voted as 350 square feet and 600 square feet for retail and general office use respectively, with a special permit allowing up to a 15% TDM reduction. The plans presented at that time showed *two* levels of underground parking, while the currently proposed plans call for *five* levels of parking.

However, in Section 5.06 for GMR 2.0 there is no mention of a requirement for *medical* office space. The GMR 2.0 zone is considered an overlay district; in the absence of a specific requirement for medical office parking, Section 6.02, the Table of Off-Street

Parking Requirements dictates one space for each **250** square feet.



Paradoxically, there is no recognition of proximity to public transit or density of existing development in the heart of the Brookline public transportation area.

In other words, medical offices in Brookline Village near the MBTA D and E lines, a popular cab stand and four bus lines (#39, 60, 65, 66) have the same parking requirements as medical offices in Chestnut Hill.

Brookline Village is the public transit center of Brookline

Comparison of Parking Requirements for different uses

| Use | Square Feet | Current Zoning | | Proposed Zoning | | |
|----------------|----------------|-----------------------------|------------------------------------|-----------------------------|------------------------------------|---|
| | | Parking space / Square Feet | Parking Spaces Required (By Right) | Parking space / Square Feet | Parking Spaces Required (By Right) | Spaces Required with 50% Special Permit |
| Medical Office | 90,000 | 250 | 360 | 400 | 225 | 113 |
| General Office | 120,000 | 600 | 200 | 600 | 200 | 100 |
| Retail | 15,000 | 350 | 43 | 400 | 38 | 19 |
| Total | 225,000 | | 603* | | 463** | 231** |

* There are 624 parking spaces currently proposed; this calculation is slightly lower.

** The Building Commissioner makes the final determination on number of spaces to provide

The TDM study by Howard/Stein-Hudson in 2003 called for calculated peak demand parking for office use for 426 cars. The 603 parking spaces above represent a 41% increase. When combined with 1 and 10 Brookline Place parking of 377 spaces and 209 spaces respectively, the total parking for this zoning district is 1,189 spaces. By way of comparison, the Boston Common Garage has a capacity of about 1,300 spaces.

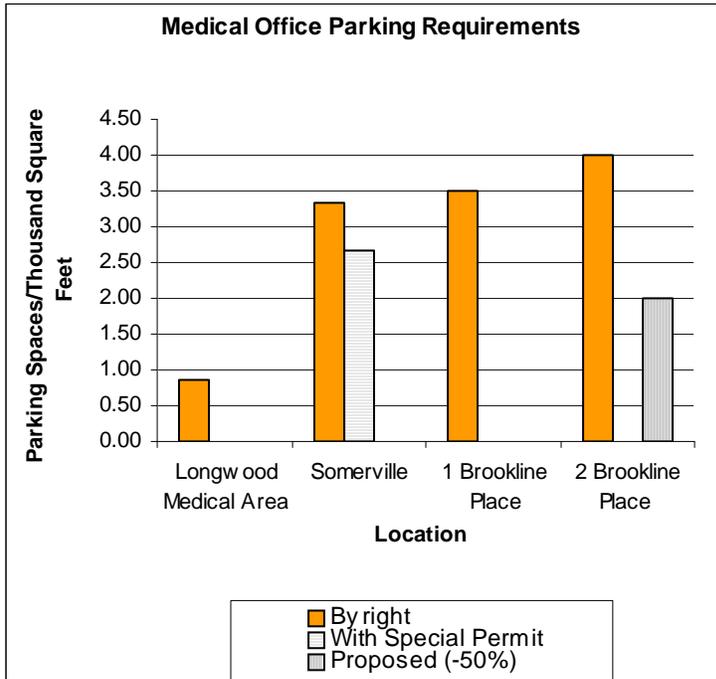
Surrounding Communities

Comparison of Parking required for Medical Offices

| Area | Parking space / Floor Area Square Feet | Comment | Source |
|--------------------------------|--|---|--|
| Boston (Longwood Medical Area) | 1,176 | .85 parking spaces for each 1,000 s.f. | Boston Redevelopment Authority |
| Somerville (Davis Square) | 300 | 1.33 parking spaces for each 1,000 s.f. (20% less if near Public Transit) | Somerville Zoning By-law |
| 1 Brookline Place | 285 | 3.51 parking spaces for each 1,000 s.f. (105,804 sf / 371 spaces) | Winn Development letter dated 12/5/03 |
| 2 Brookline Place | 250 | 4 parking spaces for each 1,000 s.f. (Section 6.02) | Table of off-street parking requirements |

Of note – the ratio of parking spaces to floor area square feet for 1 Brookline Place is 285 square feet (vs. the 250 square feet required under the existing by-law for the new construction at 2 Brookline Place); in over 20 years there has been no reported negative impact on surrounding neighborhoods. In this new age of sustainable planning and “Smart Growth”, higher gas prices, increased understanding of the role of public transit, and improvements at the Brookline Village D line station, why are even more parking spaces – with the attendant traffic and pollution problems – being required?

The same comparison is presented in the graph below:



In summary, the ratio of 250 square feet of medical office floor space for each parking space (4 spaces per thousand square feet of gross floor area, or g.s.f.), with no reduction for proximity to public transit, is the most generous in the area.

Conclusion

The 41% increase (246 to 624 spaces) in parking requirements for the currently proposed medical office building is excessive, and ignores the potential negative impact of increased pollution, noise, and congestion on surrounding

neighborhoods. Is Brookline Village to become the parking lot for the Longwood Medical Area? Remember that the Boston Redevelopment Authority is planning parking limits that are more than *four times* (.85/thousand g.s.f.) as restrictive as Brookline’s (4/thousand g.s.f.)! (Planning Director Jeffery Levine states that the owner has been informed that this site cannot be used for remote parking. But how will this be enforced?)

This article proposes setting both medical office and retail parking requirements at 400 square feet per thousand g.s.f, with up to a 50% reduction for a transit demand management program.

To quote the Brookline 2005 Comprehensive Plan:

“Parking standards for commercial and residential development in transit-served areas, especially medical uses that are required to provide 4 spaces/1000 square feet of development in G 2.0 zones, are significantly higher than comparable regional standards (including those applicable to the Longwood Medical and Academic Area). **An adjustment to parking standards should be considered to provide an incentive for developers and employers to focus on attracting transit-oriented users and reduce traffic impacts associated with development.**” (page 139)

The parking requirement for 2 Brookline Place should be reduced as suggested by the 2005 Comprehensive Plan, with a corresponding emphasis on an aggressive Transit Demand Management program. If this cannot be achieved through a change to the GMR 2.0 zoning requirements, then the proposal for medical office use is excessive and should be abandoned or reduced.

Appendix A

Some relevant quotes:

“If you provide the parking, people will drive. The best way to get people to use other modes of travel is to not provide parking.” (Planner from a neighboring community)

From the 2005 Comprehensive Plan:

“Support transit-oriented development that will minimize the traffic impact on residential neighborhoods” (page 5)

MOBILITY AND PARKING: Manage parking and transportation to promote alternatives to private cars, provide appropriate parking for residential and commercial areas, and calm traffic. (page 28)

Review parking standards for commercial areas to evaluate possible changes for mixed-use buildings, shared parking arrangements, and transit-oriented development. (page 38)

The Town should seek development proposals that maximize use of transit service, and consequently have lower off-street parking needs and avoid over-reliance on the roadway network in peak hours. (page 67)

Major new growth in the corridor will need to be supported by:

- Transportation demand management strategies to reduce vehicular travel on Route Nine (page 67)

Require Transportation Demand Management (TDM) programs as part of mitigation for new commercial development projects of more than 25,000 square feet. These TDM programs should include actions like the following:

- flex time
- discounted T-passes
- bicycle parking and showers for bicycle commuters
- car pooling and guaranteed ride home programs through MassRides or a similar organization
- telecommuting
- parking space for shared cars (such as Zip Car) (page 138)

Review and revise parking standards for commercial areas to evaluate possible changes for mixed-use buildings, shared parking arrangements, and transit oriented development.

- Parking standards for commercial and residential development in transit-served areas, especially medical uses that are required to provide 4 spaces/1000 square feet of development in G 2.0 zones, are significantly higher than comparable regional standards (including those applicable to the Longwood Medical and Academic Area). **An adjustment to parking standards should be considered to provide an incentive for**

developers and employers to focus on attracting transit-oriented users and reduce traffic impacts associated with development. (page 139)

SELECTMEN'S RECOMMENDATION

The Selectmen will be voting on Article 15 at their May 13, 2008 meeting. A supplemental report detailing their recommendation will be provided prior to the start of Town Meeting.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Article 15 proposes changes to the parking requirements in Section 5.06 of the Zoning By-law, for the recently created GMR-2.0 Special District. It would specifically address the amount of parking spaces to be provided by a proposed new building on what has become known as the Parcel B-2 site.

This amendment would change Section 5.06.4.d so that the Retail use parking requirement is one space per 400 gross square footage (instead of 350 g.s.f), and it would add the Medical Office use parking requirement of one parking space per 400 g.s.f. of floor area in the GMR district. Also, currently the By-law allows the Board of Appeals to reduce the parking requirements for uses in the GMR zoning district by up to 15 percent if a Transportation Access Plan is implemented. This amendment would allow the parking requirement to be reduced by up to 50 percent.

The original B-2 project had been proposed with Research Laboratory, General Office and Retail space uses. With Children's Hospital being the new developer, it now is proposed to have Medical Office space use in lieu of the Lab use, but the current Parking Requirements in Sect. 5.06 explicitly addresses only the original three uses. Parking for Medical Office use would however be regulated by the main zoning Section 6.02 as shown in the attached table from our By-law.

It is precisely because of the change from a Laboratory use to a Medical Office use (both coupled with General Office use) that this article was written. The petitioner argued that since this will produce a garage for over 660 cars, it will unfairly overburden the neighborhood with added traffic. He pointed to the traffic impact analysis done for the original project which recommended a maximum of approximately 425 cars in order to *not* cause an adverse impact. The article's background materials point out that our current regulations are based on much higher ratios than Boston and some surrounding

areas. For instance in Boston (and the LMA) one space is required per 1000 square feet of occupied space, whereas Brookline requires four times as many.

DISCUSSION:

The petitioner and others in Brookline (and across the country) believe that providing excessive parking just aggravates traffic and pollution problems. Additionally, one of the criteria for a "Green" development is that it makes use of available mass transit, bicycles, car sharing and other recourses all of which are considered traffic management methods. This site can also be termed the best site for mass transit use in Brookline – having two trolley and four bus lines either at the site or very nearby.

Also presented were figures from surveys of commuters in both Brookline and the LMA, or Longwood Medical Area. These indicate 29% and 41% of commuters respectively, use alternate methods of getting there. Conversely – he feels that the existing garage at 1 Brookline Place, for medical offices, is not fully utilized; a situation that the developer doubts. A final concern of his is that Children's Hospital may choose to use the large satellite garage for their other facilities in the LMA.

Planning Director Levine stated that a Medical Office use is allowed in the GMR District, and agreed that the use would definitely increase the number of people going to the new building. He feels a while a TDM plan is an important goal for the project due to its location, he expressed some concern with proposing zoning changes while a project is being reviewed. The petitioner responded that conditions had changed vs. the original proposal to TM two years ago, in that it was now Medical Offices instead of a Lab, so a reexamination is appropriate. The developer had not as of the hearing date, applied for permits.

The Children's Hospital team made a presentation of the proposed project as it stands which is undergoing town DAT (Design Advisory Team) review. Their experience in the LMA points to its lack of enough parking, and neighborhoods there request that they provide more than the minimum - one space per 1000 s.f. They handed out tables of parking figures for the different scenarios per the requirements of current zoning, the figures per the original Winn proposal, and what they might be per the adoption of these articles amendments.

Their preliminary traffic study says that the high turnover of spaces for medical visits (vs. that for day-long workers) helps distribute the load of all those cars over the full day. They do feel that the majority of people will drive to appointments, although they hope to primarily serve Brookline for both medical appointments and office jobs. They feel that under-sizing the garage below the current zoning requirements will impact on both the local businesses and the residential neighborhoods.

At this site, the extensive excavation needed to remove polluted soil, makes a deeper garage with five levels (vs. two below, two above, before), more feasible and therefore the above ground mass of the proposed buildings shape has been reduced somewhat.

Some members of the public at our hearings agreed with the petitioners concerns, and one, a member of the EDAB, speaking for himself, finds important merit in Article 15 and supports an examination of town wide parking regulations in light of our public transportation, and the global concerns about pollution.

The Planning director was asked by the committee as to the practical effect this change would have on the project – given that it sets a minimum that can only be reduced by the ZBA as an option. He felt that it was yet to be determined by Town Counsel and the Planning Board, and possibly any extra spaces above the minimum would count against the FAR – a situation the developer would not find agreeable.

All the committee members felt the intent of the article was valid: to ideally reduce the use of cars to get to work and shop. However, some felt the risks of not having enough parking are greater than having too much. They suspected that if not enough parking is supplied - Brookline Village could be turned into a mass of cars searching for spaces. While we should be discouraging auto use, if we reduce the spaces too much the effects on the neighborhood will be irreversible. A significant number of members for and against believe that it is time for the town to study updating the By-law to reflect current national ideas about transit-based development as we have begun to do, related to Green design principles.

The developer has expressed the intention to not allow the garage to become a satellite location for the LMA, and some Committee members believe that definite restrictions should be put in place by the ZBA for the final Special Permit. Concerns about having no empirical data that most patients won't drive to appointments caused members to be reluctant to see a reduction of spaces allowed.

The petitioner does feel however, that for the workers and staff in the medical, regular offices and retail stores will be prime candidates for using alternatives ways of getting to their jobs. He points to successes in the LMA that appear to have lead to a 41% use of alternatives by workers there. The spaces freed up would then be available for patients, even with the greatly reduced overall number available in the garage.

Some members also felt that in order to support the article, valid analysis and comparison with other communities' regulations was needed.

At the full Advisory Committee Meeting on April 17th, Director Levine presented new and additional data that he had just been preparing for the Selectmen, analyzing just such information. His analysis was not concluded, and he did not offer a specific recommendation at the time. He indicated he would further consider this information and, perhaps, develop a different proposal later.

Further concerns and opinions against Article 15:

One member pointed out that the object of the article is to lower the parking so that people would have use alternative means to get to work and appointments, thus lowering traffic, but felt that was really unrealistic. The article won't require a TDM plan – it will

just make it difficult to park. They noted that One Brookline Place isn't adversely impacting traffic on Pearl St, so putting new building with proportional amount of parking should work.

One member familiar with traffic planning felt the number of cars related to this project is very small for Rt. 9 and that experts should be making this decision and that the forthcoming traffic report will provide the needed information. Other members felt that we have adequate zoning and that we can try to modify behavior but we'll only be making a small impact. People will just drive around and adversely effect Brookline Village merchants instead.

A committee member felt that we shouldn't start lowering parking minimums without very specific analysis; the Planning Dept. memo gives parameters to think about, and they are open to more analysis. Another felt that if you don't supply enough parking the project will suffer greatly; if the Planning Board said no – they have more expertise than us or even the ZBA. Additionally, people will park in the already congested adjoining neighborhoods.

Additional opinions in support of Article 15:

One citizen and member of EDAB (speaking just for himself and one other member) pointed out that this is an enormously complicated subject but that he supports the article. If the extra parking is built – then a TDM will be useless. A TDM similar to that in the LMA would make the difference. One Brookline Place has zero TDM – and that is part of why they are at capacity. The LMA starts with assumption that only doctors are allowed or encouraged to park there.

He continued that there are major sustainability issues related to this. He feels that it is an incorrect notion that in Coolidge Corner all the traffic is looking to park; there is capacity in public lots; we don't have to build more to eliminate traffic. There are a lot of undeveloped sites along Boylston St. that EDAB would hope to develop; that can't be done if we over-park Brookline Village.

RECOMMENDATION:

Overall many members were not against reducing parking but didn't think we can or should do that by cutting the number of spaces and felt that manipulating parking to change habits is not going to work.

An initial motion to refer the subject matter to the Zoning By-law Committee was defeated.

THEREFORE, the Advisory Committee recommends NO ACTION by a vote of 4-13-2.

XXX

ARTICLE 15

BOARD OF SELECTMEN’S SUPPLEMENTAL RECOMMENDATION

Article 15, which was submitted by Citizen Petitioner Hugh Mattison, initially proposed a reduction in the parking requirement for retail and medical office uses in the General Medical Research (GMR-2.0) zoning district, and allowed the parking requirement to be reduced by up to 50 percent by special permit if a Transportation Demand Management plan were approved by the Board of Appeals. The article would have the effect of lowering the minimum parking requirement for the proposed 2 Brookline Place redevelopment from 666 spaces (624 by special permit) to 463 spaces (231 by special permit.) The petitioner argued that this location is perfect for “transit oriented development” that could not occur unless the developer were to provide less parking than is currently required. He also argued that when the zoning was changed to allow a larger building at this site, the medical office use was not anticipated, and far less parking was being considered for this site.

During the discussion of this amendment, a number of views were presented about the parking required for medical office space. These ranged from the opinion that the use was not significantly different from other office use, and could therefore provide far less parking than currently proposed, to the view that pediatric offices would require the currently proposed amount of parking because few people would walk, bicycle or take transit to a child’s medical appointment. After their initial hearing on the article, the Selectmen asked Town staff for some additional information on the issue of parking, particularly for medical offices close to transit.

As part of this analysis, Town staff looked at how much parking this building would have to provide in various locations around the Boston region. These ranged from a high of 881 spaces in Waltham to a low of 431 spaces in Central Square, Cambridge and Davis Square, Somerville. In addition, Town staff conducted a parking survey of the parking garage at 1 Brookline Place to determine its utilization. That survey showed that, while 1 Brookline Place has 1 parking space per 285 sf., about 70 of these spaces were unused at both 9 am. and noon. That means that the actual utilization is about 1 space per 350 sf, although the need for parking for pediatric offices at 2 Brookline Place may differ. In general, Town staff concluded that, given various factors, there may be some merit in reducing the parking minimum at this location for medical office space to one space per 350 square feet (from the current minimum of one space per 250 square feet). This analysis also suggested that the potential reduction in parking by special permit for providing a Transportation Demand Management plan could be increased from 15% to 20%. With these proposed changes, the proposed building a 2 Brookline Place could provide a minimum of 549 spaces, with the ability to lower that amount to 439 if desired by the proponent by Special Permit.

Following this analysis, the petitioner submitted a revised version of his proposal that would change the medical office parking requirement to one space per 350 square feet and permit a reduction by Special Permit of up to 25%. The Board of Selectmen reviewed the information presented at their second meeting on the issue, and generally felt that this revised proposal made sense.

It was noted several times during this review that this change would not impose a maximum on the parking provided. It would give the Board of Appeals the discretion to review the parking provided above the by-law minimum and determine if the public would be best served by the project providing a higher number of parking spaces. The Board of Selectmen generally felt that they did not have the background or inclination to determine the precise amount of parking that should be built at 2 Brookline Place, but that this amendment would allow the Board of Appeals to make such a determination at a later date based on factors such as parking studies, mechanisms to ensure that the parking would not be used as “satellite” parking for other areas, the risk of overflow cars to surrounding neighborhoods if parking were inadequate, traffic demand management plans, and so on.

Subsequent to the meeting of the Board of Selectmen on this matter, Children’s Hospital filed a sub-division plan which, in effect, freezes the zoning at the current levels as far as this project is concerned. But, Children’s Hospital has meet with the Chairman of the Board, the Planning Director, and EDAB to indicate that they, should Article 15 pass, would be amendable to continuing discussion as to the proper amount of parking on this site. Children’s Hospital now supports Article 15. Therefore, a majority of the Board of Selectmen recommends FAVORABLE ACTION, by a vote of 4-1 taken on May 13, 2008, on the following:

VOTED: That the 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 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 ~~15%~~ **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.”

ROLL CALL VOTE:

Favorable Action
Daly

No Action
Allen

DeWitt
Mermell
Benka

REVISED PLANNING BOARD REPORT AND RECOMMENDATION

Article 15, which was submitted by Citizen Petitioner Hugh Mattison, proposes a reduction in the parking requirements for retail and medical office uses in the General Medical Research (GMR-2.0) zoning district.

In response to comments made by different committees and boards, Mr. Mattison has revised his amendment by slightly increasing the minimum parking requirement for medical office space from one parking space per 400 g.s.f. to one parking space per 350 g.s.f., and by halving the allowed parking reduction by special permit from 50% to 25% if a Transit Demand Management program is implemented.

At its meeting on May 15th, the Planning Board reconsidered Article 15 and the information presented by Mr. Mattison on parking requirements in other communities and the nearby Longwood Medical Area. In light of this information and the revisions that were proposed by him for this warrant article, the Planning Board was persuaded that it would be a benefit to the Town to give the Board of Appeals flexibility in requiring a maximum parking standard for this development if parking mitigation measures are provided.

Therefore, the Planning Board recommends FAVORABLE ACTION on Article 15 as amended by the Petitioner per the vote by the Board of Selectmen.

XXX

ARTICLE 15

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

BACKGROUND

At the time the GMR-2.0 overlay district zoning was passed in 2004, it was recognized that the 2 Brookline Place site was uniquely situated at the confluence of 2 branches of the Green Line and 4 bus lines. This proximity to transit permits transit oriented development thus reducing the amount of parking required on the site.. The current zoning recognized that the amount of reduction would need to be carefully considered and studied. It required the adoption of a Transit Demand Management Program (TDM) to be reviewed by the Director of Transportation and the Director of Planning and Community Development and approved by the Zoning Board of Appeals before any reduction (to a maximum of 15%) would be allowed.

The problem the petitioner has correctly recognized is that under the current zoning, there is no transit credit permitted for medical offices, as there is for uses that were anticipated for the 2 Brookline Place site at the time the zoning was passed. Under the current zoning, the Children's Hospital project would require 666 spaces with an allowed reduction to 624 spaces dependent upon an approved TDM. However, the component attributable to medical offices (accounting for 384 spaces) has no permitted TDM reduction. Children's is currently proposing 624 spaces which includes the maximum TDM reduction of parking allowed under the current zoning. 62% of the parking spaces are attributable to medical offices and are not eligible for TDM reductions.

The original proposal in the warrant would bring the required parking down to 515 with an allowed TDM reduction of 50%. If the maximum TDM reduction were granted under this proposal, 2 Brookline Place would have a smaller parking lot than 1 Brookline Place which is a much smaller building. The petitioner's rationale was based on some general statistics, none of which were specific to this site or this site's uses. The currently revised language drops the minimum down to 549 and allows a TDM reduction of 25% (412.spaces)

DISCUSSION

We need to be very careful in setting the parking requirements for this and other sites in town. If we set the parking requirement too high the danger is that the garage will attract cars that would not otherwise traverse Brookline streets. We clearly do not want this site to become commuter parking for the Green Line into Boston, We also wouldn't want cars parking here that would otherwise park in Longwood Medical Area satellite lots or draw commuters off mass transit. On the other hand, if we provide too little parking, the overflow cars would be cruising Brookline Village streets in search for parking adding congestion and pollution to the neighborhood. We also must realize that the building will in fact attract cars and we cannot merely will them away by reducing parking. On the other hand, the site is well served by mass transit and that should be considered when

setting the parking requirements for the site. The risks of requiring too little parking are great and since all the parking is underground, additional parking cannot be easily built after the project is completed. We must get it right up front.

So what is the right number? The Department of Planning and Community Development did a comparison of zoning requirements in a number of surrounding communities in search of the correct number. The zoning requirements in those communities range from a high of 881 spaces in Waltham to a low of 431 spaces in Central Square, Cambridge and Davis Square, Somerville when applied to the Children's proposal. In addition, Town staff conducted a parking survey of the parking garage at 1 Brookline Place to determine its utilization. That survey showed that, while 1 Brookline Place has 1 parking space per 285 sf., about 70 of these spaces were unused at both 9 am. and noon on the single day considered for the survey. That means that the actual utilization was about 1 space per 350 sf on the day surveyed. Based on this analysis, the Selectmen and Planning Board, at the time this is being written, are recommending favorable action on the current proposal by the petitioner.

The Advisory Committee believes these surveys are potentially flawed. First, the comparable zoning survey didn't go to the next analytical level and study whether those particular zoning levels are actually working in those communities. Also, the 1 Brookline Place study looked at garage utilization at 2 times on 1 day without analyzing whether that day was typical or peak. It also didn't consider whether the mix of medical uses at 1 Brookline Place will be the same as 2 Brookline Place. For example, a building filled with pediatric primary care physicians will draw more patients, and hence traffic, than, perhaps, a building filled with plastic surgeons. A building with medical practitioners drawing patients from the greater New England region will draw more cars than a building drawing primarily local patients.

So, given the risks to the surrounding neighborhood of both providing too little parking and providing too much and our belief that the correct number can only be arrived at through careful analysis by traffic and transit professionals, the Advisory Committee is proposing an alternative approach to solving the problem cited by the petitioner. The Advisory Committee motion, rather than arbitrarily reducing parking minimums, gives the Board of Appeals flexibility to allow a careful analysis of the traffic impact of the building by traffic engineers. That analysis will be reviewed by town professional staff and subject to public scrutiny through the permitting process before any parking reduction is granted.

This motion restores the current parking requirement for medical uses to 4 spaces per 1000 g.s.f but then allows the ZBA to grant a reduction of up to 3/8 based on an approved TDM. The allowed ranges under this proposal are 660 spaces without any TDM reductions and about 413 with the maximum reduction assuming the current building use mix. The Selectmen's proposal allows a maximum TDM reduction to 412 spaces, about the same as the Advisory Committee motion. This proposal fixes the omission the petitioner recognized with respect to the inability to provide a TDM reduction for medical spaces, if warranted. But, most importantly, the motion doesn't include a

decrease in the required minimum based on quickly assembled, potentially flawed analyses. This proposal removes the risk of a politically arrived minimum while providing the desired flexibility.

The following chart compares the minimum parking spaces among the various proposals. (Note that a No Action vote on both motions keeps the current zoning in place.)

Chart 1: The current proposal under the 2004 GMR 2.0 Zoning

| Type of Use | Approx GSF | GSF per space per zoning | Spaces Required | Min spaces w/ Max TDM Bonus (15%) |
|---------------------|----------------|--------------------------|-----------------|-----------------------------------|
| Retail-Ground Floor | 16,279 | 350 | 47 | 40 |
| Medical Office | 96,561 | 250 | 386 | 386 |
| Office | 139,659 | 600 | 233 | 198 |
| Totals | 252,500 | | 666 | 624 |

Total Net Area is 228,000 FAR: 4.0

Chart 2: The current proposal under the Selectmen’s Motion in Supplement No. 1

| Type of Use | Approx GSF | GSF per space per zoning | Spaces Required | Min spaces w/ Max TDM Bonus (25%) |
|---------------------|----------------|--------------------------|-----------------|-----------------------------------|
| Retail-Ground Floor | 16,279 | 400 | 41 | 31 |
| Medical Office | 96,561 | 350 | 276 | 207 |
| Office | 139,659 | 600 | 232 | 174 |
| Totals | 252,500 | | 549 | 412 |

Chart 3: The current proposal under the Advisory Committee Motion

| Type of Use | Approx GSF | GSF per space per zoning | Spaces Required | Min spaces w/ Max TDM Bonus (37.5%) |
|---------------------|----------------|--------------------------|-----------------|-------------------------------------|
| Retail-Ground Floor | 16,279 | 350 | 41 | 26 |
| Medical Office | 96,561 | 250 | 386 | 241 |
| Office | 139,659 | 600 | 233 | 146 |
| Totals | 252,500 | | 660 | 413 |

Effect of the Preliminary Sub-Division Filing

On May 21, 2008, Children’s filed a preliminary sub-division plan with the town. While the full implications of this legal maneuver are yet to play out, we do know that this has the effect of freezing the current zoning as of the date of the filing. In other words, the filing will allow Children’s to choose the zoning it prefers, either, (1) what is in place at the time of the filing or (2) whatever passes at this Town Meeting. Town Meeting

members need to consider which motion puts the town in the best position in light of this development. Town Meeting Members should consider the following:

1. If Children's chooses to provide the exact number of parking spaces in accordance with the Selectmen's Supplement 1 Motion (depicted in Chart 2 above), Children's will be under no legal obligation to negotiate Transit Demand Management with the Town. (We note that Children's representatives have stated that it is their intention to implement Transit Demand Management strategies.)
2. If the Advisory Committee motion passes and Article 16 does not, there will be no advantage evident to us at this writing for Children's to proceed with the subdivision. There are risks and costs to both Children's and the Town which can be reevaluated.
3. If the Selectmen's Supplement 1 Motion passes and if, after analysis by traffic and transit professionals, the "right" parking number is somewhere between 549 and 624 spaces (the current zoning) we would be testing whether a parking minimum is being established. The Zoning Bylaw section 5.06(d)(2) begins with the clause

"The parking requirements for applications in the GMR-2.0 District in light of the proximity to rapid public transit shall be as follows:"

The word "minimum" does not appear. It is conceivable that despite the fact that many Town Meeting Members may consider the number set by this zoning as a minimum requirement, there can be no certainty in that belief given language in the bylaw.

RECOMMENDATION

The Advisory Committee by a 19-0-1 vote recommends FAVORABLE ACTION on the following vote: (Changes **BOLD UNDERLINE**)

MOVED that 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 ~~350~~ **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 ~~15% 25%~~ **37.5% (3/8)**, 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.

XXX

ARTICLE 15 AMENDMENT BY STANLEY SPIEGEL, TMM PREC. 2

Moved to amend the main motion as follows:

1. By deleting the change in paragraph a), so that the current requirement of one parking space per **350** g.s.f. of retailed space is retained;
2. By amending new paragraph d) to change 350 g.s.f. to **250** g.s.f.;
3. By deleting the change in the former paragraph d), so that the maximum reduction in parking spaces will remain **15%**, as currently provided.

EXPLANATION

This bylaw amendment would permit a 15% Transportation Demand Management plan reduction for medical office usage which is not currently allowed under GMR2.0 zoning. It would reduce the minimum amount of parking required under an appropriate TDM by 58 spaces, from 624 to 566, as shown in the following tables. It retains current zoning requirements for ground floor retail and for medical office usage at one parking space per 350 g.s.f. and one parking space per 250 g.s.f. respectively.

Chart 1: Parking Required Under This Motion

| Type of Use | Approx GSF | GSF per space per zoning | Min Spaces Required | Min spaces w/ Max TDM Bonus |
|---------------------|----------------|--------------------------|---------------------|-----------------------------|
| Medical Office | 96,561 | 250 | 386 | 328 |
| Office | 139,659 | 600 | 233 | 198 |
| Retail-Ground Floor | 16,279 | 350 | 47 | 40 |
| Totals | 252,500 | | 666 | 566 |

Chart 2: Parking Required Under Current Zoning

| Type of Use | Approx GSF | GSF per space per zoning | Min Spaces Required | Min spaces w/ Max TDM Bonus |
|---------------------|----------------|--------------------------|---------------------|-----------------------------|
| Medical Office | 96,561 | 250 | 386 | (no change) 386 |
| Office | 139,659 | 600 | 233 | 198 |
| Retail-Ground Floor | 16,279 | 350 | 47 | 40 |
| Totals | 252,500 | | 666 | 624 |

The current zoning for the B2 parcel (Sec. 5.06.4.d.2 on page 5-11 of the zoning bylaws, <http://www.town.brookline.ma.us/Planning/PDFs/ZoningByLawsFall2007.pdf>) was *explicitly crafted* referring to the site's proximity to rapid public transit. It is defective in that it doesn't allow a Traffic Demand Management parking reduction for the medical office usage component of the building now being planned. When the parcel was rezoned for bio-lab usage in 2004, the appropriate TDM reduction for this specific site was carefully studied by the Town's Transportation Department, taking into account the availability of adjacent public transportation, and was set at 15%. *No analysis based on factual data has occurred since that time to indicate that a 15% TDM reduction is the wrong number.* Attempts to tailor the current parking requirement to

approximate the amount envisioned for bio-lab usage, which is considerably less than the amount needed by the present medical office usage, are based on subjective preferences, not real-world, site-specific usage requirements. The directly relevant experience expressed in Nancy Heller's excellent email response to Hugh Mattison, reproduced below, bears this out.

This amendment solely and appropriately adds medical office usage to the already established 15% TDM reduction allowance, thereby correcting the inadvertent omission in current zoning and thus reducing the minimum B2 parking requirement from 624 spaces (as currently required) to 566 spaces. This gives the ZBA greater flexibility (by 58 spaces) in reducing the parking requirement if justified by a TDM. The amendment simply corrects a defect in current zoning without making other changes, which are unsupported by reliable data, to the thoroughly discussed and vetted zoning which was voted by Town Meeting four years ago for this site.

*From: Nancy Heller <nsheller@rcn.com>
To: hmattison@aol.com, brooklinetmma@yahoogroups.com
Subject: Re: [BrooklineTMMA] TAB Editorial: Parking article should pass
Date: Thursday May 22 23:40:34 2008*

Hi Hugh,

I wanted to let you know that, as much as I share your desire to promote mass transit and thereby help reduce carbon emissions, I cannot support Art 15.

I worked at the One Brookline Place medical office bldg for 10 years. The parking for patients and for staff was, and is still according to those who work in my former office, inadequate and a problem. There are not enough parking spaces for patients and personnel.

Doctors in that bldg, and certainly Children's Hosp drs., are visited by many people who come from far distances, including the North Shore, the South Shore, Western Mass, Conn, Maine, NH, RI, and sometimes farther. Mass transit isn't good enough in many instances to accommodate the needs of those traveling to Brookline for medical care. Many times, we could see from the office windows, lines of cars waiting to get into the garage. Patients would often be late because the parking was not adequate, and they would drive around, looking for on street parking because the garage was full. That fact means that carbon emissions are higher from the driving around looking for parking, and the neighborhood suffers from more vehicular congestion and competition for parking spaces.

Many staff, both administrative and professional, from drs to nurses to front office personnel, came from places that are about 45 mins to 1 hour away by car. Most of the personnel at One Brookline Place do not live in Brookline. Mass transit, if it exists for those folks, would take 2 or 2.5 hours, which is an unacceptable amount of commuting time, especially for a one way trip.

Reducing the amount of parking will exacerbate congestion in the neighborhood as folks look to park on the street, and will create frustration for people who will work at the new bldg, people who come there for medical care, and the neighborhood residents and businesses.

For these reasons, I will not support Art 15.

Nancy Heller

**Advisory Committee
Minority Report: Article 15**

The narrow issue before us is one of zoning, and in particular two numbers we should assign to parking in the General Medical Research District, which encompasses 2 Brookline Place:

- The minimum number of parking spaces required.
- The amount of further reductions the developer can apply for (expressed as a per cent) by way of a Transportation Demand Management plan.

In setting these numbers, we are making decisions as to how we perceive the relative dangers of supplying too little parking vs. too much parking. We are also making a judgment as to how the Town can best influence and negotiate the amount of parking with the developer. Finally, we are setting a precedent as to how we, as a community, regard our relationship with the automobile.

Under-building vs. Overbuilding

The majority of the Advisory Committee has consistently viewed the threat of under-building to far outweigh any concerns with overbuilding. A minority agrees with the petitioner, the Board of Selectmen, the Planning Board, and the Transportation Board that a more balanced understanding of the relative threats is needed.

If too little parking is built at this site, the most probable harm will be added traffic and parking on surrounding neighborhood streets. The Town's Transportation Administrator has done an analysis which shows what we already know: these streets are already under stress. We can ill afford to add to the existing burden.

We acknowledge the magnitude of this problem. We also hasten to point out that, regardless of what happens at the B-2 parcel, the most effective solution to this already existing problem is aggressive enforcement of the two hour parking rule, and other relevant parking ordinances. This in itself is a complicated issue, involving collective bargaining and other issues. But this is an excellent opportunity for the Town to focus on the enforcement issue in our neighborhoods. (As we heard last night, there has actually been a breakthrough in collective bargaining on exactly this issue. We may be closer to real solutions than we thought.)

On the other hand, if too much parking capacity is built, then our Gateway East area, already under significant traffic burdens, will be the subject of even greater traffic: build it and they will come. Along with increased traffic on Route 9 comes a host of related problems:

- Increased pressure on neighborhood streets. Walnut Street, for example, is already used as a bypass to Route 9, and the problem will only get worse.
- Increased pollution in an area that already has problematic air quality.
- Part of the increased pollution will be additional greenhouse gases.
- Increased congestion, greater likelihood of accidents.
- More inhospitable environment for walking and biking.
- Less incentive to maximize the use of one of the most transit-rich areas in the Boston metropolitan region.

Linda Olson Pehlke, a professional urban planner who has done extensive work on land use and transportation planning, and a Brookline resident, offers a sobering analysis of the negative impacts:

"The other certainty is that if the requested amount of parking is permitted the traffic impacts will be overwhelming to the immediate vicinity, the town and ultimately the region. There are no intersection fixes that can fix this basic lack of infrastructure capacity. Continuing to build as if this were not an issue is completely irresponsible. While much has been made of the possible consequences of not providing enough parking, ... the lack of understanding or concern for the ramifications of attempting (I say attempted because it will physically not be possible) to bring this extremely high level of traffic into an already congested area is an abnegation of responsibility on the part of our public servants."

Pehlke points out that if employee parking is not managed, the additional East-bound trips at rush hour may well overwhelm the capacity of the left-turn lanes on Route 9. The backup will then choke the through lanes and lead to serious congestion, with all the concomitant problems of pollution, etc.

Traffic studies are notorious for their conclusions that the given project will only increase the traffic volume by some insignificant percentage, and therefore does not constitute a problem. While this may be true for any given project, the problem is that the effects are cumulative: a tipping point is lurking out there. As we think about the impacts of the B2 development, we need to think about it in the context of all the current development taking place along the Route 9 corridor, and equally about the capacity for desired future development.

We all remember last December 13, the day of the early snow storm, when government and private firms conspired to send their workers home early and all at about the same time, just as the squalls were picking up. The ensuing gridlock was certainly memorable. (for many of us it took two hours to make what is normally a twenty-minute trip home.) More profoundly, the event was a cultural eye-opener, a reminder of how fragile our infrastructure really is.

The essential point here is that, while the dangers of under-building parking capacity at 2 Brookline Place are real, so are the dangers of overbuilding, and in fact might well be the more significant problem.

How, then, do we steer between the Scylla of too-little parking and the Charybdis of too much? First, by choosing the most reasoned zoning numbers we are able to at this point, understanding that future studies will undoubtedly indicate the need for refinements. And secondly, by giving the Town, especially the Zoning Board of Appeals, the tools and the flexibility to negotiate with the developer.

The Numbers

We are grateful to the petitioner for pointing out that the minimum number of parking spaces required by existing zoning, 666 reducible to 624, is much too high, arbitrary, and an accidental result of the change in usage that accompanied the sale of this parcel to Children's Hospital.

The numbers proposed under this Article, a minimum of 549, reducible to 412, have been arrived at through a reasoned analysis by petitioner, the Director of Planning, and the Transportation Administrator. We all agree that these numbers are based on incomplete knowledge, and that professional transportation studies are needed to refine them. Imperfect though they may be, they nonetheless represent our collective best judgment at this time.

The composition of the 549 number is presented elsewhere, and will not be repeated here. We draw attention to a couple features. First, the amount of patient parking has not been reduced. The developer's figures of two parking places per exam room ($184 = 2 \times 92$) is part of the calculation. Second, there is abundant empirical evidence that Transit Management Demand programs do indeed work. Employees, given the appropriate economic incentives and disincentives as well as non-automobile alternatives, will in significant numbers choose alternative means of getting to work. In the LMA, with fewer public transportation alternatives than exist at Gateway East, a staggering 63% of employees get to work by means other than the automobile.

Strategy

Not only are the numbers presented in this Article the more rational choice, they also provide the Town with the best opportunity to move up or down in light of better information, and to engage in productive negotiations with the developer.

If we do not approve Article 15, then current zoning is in effect. Children's Hospital can and will build 624 spaces. There will be no basis for negotiations or fine-tuning, regardless of what site-specific transportation studies might indicate.

The Spiegel/Advisory Committee amendment is virtually the same as existing zoning, with a small TDM allowance. It still requires a minimum of 666 spaces, with a possible reduction to 566. The ability of the Town to negotiate is minimal, and the chances of overbuilding capacity are high.

Article 15 gives the Town the best opportunity to achieve the "sweet spot," the appropriate amount of parking that satisfies the needs of the building, and minimizes both the spillover impacts on the neighborhood and the added congestion along Route 9.

Finally, there is the matter of precedent. Our society faces a wide range of challenges, including population growth, global climate change, and the effects of an automobile culture on our health and quality of life. It is imperative that we develop tools — and the mindset — to deal appropriately with these challenges at the level of local governance, to ensure a sustainable community for decades to come. Article 15 provides a modest step in that direction.

A minority of the Advisory Committee agrees with the Selectmen, the Planning Board, and the Transportation Board that our best strategy for getting this project right is that offered by Article 15, and therefore recommends FAVORABLE ACTION on the motion of petitioner.



Children's Hospital Boston

Vice President for
Real Estate Planning and Development

A teaching affiliate of Harvard Medical School

Charles Weinstein

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phone 617-355-2338 | fax 617-730-0019
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May 21, 2008

Town Meeting

Town of Brookline

To Town Meeting Members:

I am writing to you relative to Warrant Articles 15 and 16, in the form anticipated to be amended at Town Meeting, that are being voted on at Town Meeting next week.

As you may know, Children's Hospital Boston controls all parcels that comprise the GMR-2.0 District. For the last several months, we have been working with a Design Advisory Team appointed by the Planning Board in the first steps of the planning, design and permitting of a new facility on the parcel known currently as 2-4 Brookline Place. We are planning a mixed-use building that would be comprised of medical offices, administrative offices and retail uses. The size of the underground parking garage as presented to the Design Advisory Team has the minimum number of parking spaces for the proposed uses, as currently required under the Brookline Zoning By-laws.

As of today, we have filed a preliminary sub-division plan with the Planning Board. The sub-division plan covers the entire GMR-2.0 district. It does not depict a development plan for the sites, but represents a legal means to freeze zoning as of the date of filing, for a period of up to eight years from endorsement of a definitive subdivision plan, assuming we proceed to timely file a definitive subdivision plan, as is our intention. In effect, it would make the changes proposed under Articles 15 and 16 moot.

Children's Hospital remains strongly opposed to Warrant Article 16, as it would effectively remove the opportunity to develop the facility as we had envisioned. However, in careful review of the provisions of Article 15, in the form anticipated to be amended Town Meeting, we have decided to support the amended version of Article 15. Why would we do this when we have effectively frozen zoning in effect prior to Town Meeting?

We believe that the determination of the right amount of parking for the new facility should be left in the hands of traffic and parking experts, advising both us and the Town. If, in fact, the current parking

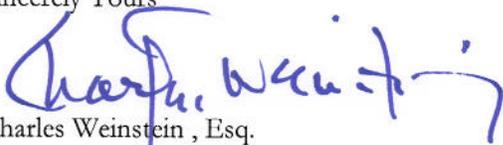
The first place for children

requirements are appropriate for the proper operation of the building, then we will invoke the current zoning requirements. If, upon careful analysis and research, if our traffic and parking experts determine that we can operate this building with less parking than currently required, without adversely impacting the surrounding residential and retail communities and the Planning Board and Zoning Board of Appeals concur, we would be willing to build less parking than is currently required.

The passage of Article 15 in its anticipated amended form, would allow this consideration and conversation to occur. If Article 15 is defeated, we will build the amount of parking that is now required by the Zoning By-laws. If Article 15 passes, we would hope to enter into an objective and constructive review of the amount of parking necessary and appropriate to the use of the building.

In closing, we want to thank Mr. Mattison for bringing this important topic to our attention and the attention of the Town. We look forward to completing the planning and permitting of our new building with the continued input and advice from the Town professional staff, the Boards, and our neighbors. We hope that this planning process will result in a building that will serve our staff and patients to our own high standards, and will be an asset to the surrounding neighborhoods and the Town of Brookline.

Sincerely Yours

A handwritten signature in blue ink that reads "Charles Weinstein". The signature is stylized and cursive, with a long vertical line extending downwards from the end of the name.

Charles Weinstein, Esq.

CW/jp

This Counted Vote was taken on the Advisory Committee's Amendment to the Main Motion offered by Hugh Mattison, TMM-#5, under Article 15 of the Warrant. The minutes of the Annual Town Meeting will only reflect the actual count, which was 86 In Favor - 113 Opposed - 5 Abstentions

May 27, 2008 ANNUAL TOWN MEETING

Date: Wednesday, May 28, 2008

Article: 15 - AC Motion to Amend Vote Yes No Present Absent

| 15 | 09 | ALEXANDRIAN, Edwin | N | | 1 | | |
|----|----|-------------------------|---|---|---|---|---|
| 05 | 11 | ALLEN, Richard E. | Y | 1 | | | |
| AL | 09 | ALLEN, Robert L. | Y | 1 | | | |
| 03 | 10 | ALVARADO, Matthew James | N | | 1 | | |
| 15 | 10 | AMES, Mariela | P | | | 1 | |
| 06 | 10 | ANDERSON, Catherine C | N | | 1 | | |
| 15 | 10 | ANDREADIS, Anthony T. | N | | 1 | | |
| 10 | 09 | ARNFELD, Lorraine | N | | 1 | | |
| 04 | 10 | AXELROD, Sarah T | N | | 1 | | |
| 11 | 09 | BAIN, Dixon | N | | 1 | | |
| 09 | 09 | BART, Eleanor J | A | | | | 1 |
| 16 | 10 | BASILE, Beverly A. | A | | | | 1 |
| 15 | 11 | BASILE, Robert W | A | | | | 1 |
| 06 | 11 | BASSETT, John | N | | 1 | | |
| 1 | 11 | BEANE, Linda R. | N | | 1 | | |
| 13 | 10 | BENKA, Carla Wyman | Y | 1 | | | |
| AL | 11 | BENKA, Richard (Dick) | Y | 1 | | | |
| 16 | 09 | BERGER, Eileen Connell | N | | 1 | | |
| 16 | 10 | BERGER, Michael | N | | 1 | | |
| 09 | 10 | BIRNBAUM, Benjamin | N | | 1 | | |
| 13 | 11 | BLOOD, Roger F. | A | | | | 1 |
| 03 | 10 | BOHRS, Harry K | Y | 1 | | | |
| 04 | 11 | BRICKMAN, Edith R. | N | | 1 | | |
| 13 | 11 | BROOKS, Deborah G | A | | | | 1 |
| 12 | 10 | BROWN, Catherine P. | A | | | | 1 |
| 09 | 09 | BURSTEIN, Michael A. | N | | 1 | | |
| 08 | 10 | CARO, Carol B. | N | | 1 | | |

| | | | | | | | |
|----|----|-------------------------|---|---|---|---|---|
| 08 | 09 | CARO, Francis G. | N | | 1 | | |
| 01 | 09 | CAVELL, Cathleen C. | N | | 1 | | |
| 01 | 11 | CHERTOK, Sumner J. | Y | 1 | | | |
| 16 | 11 | CHESSMAN, Daniel | Y | 1 | | | |
| 02 | 10 | CHIN, Kenneth W. | Y | 1 | | | |
| 03 | 09 | CHRISTIAN, John L. | N | | 1 | | |
| 01 | 09 | CLOUSE, Melvin E. | N | | 1 | | |
| 12 | 10 | COHEN, Bruce B. | N | | 1 | | |
| 07 | 09 | COHEN, Susan F. | Y | 1 | | | |
| 03 | 10 | CONNORS, Patricia A | N | | 1 | | |
| 06 | 10 | CONQUEST, Arthur W. III | N | | 1 | | |
| 01 | 10 | COOK, Ernest | N | | 1 | | |
| 12 | 09 | COOKE-CHILDS, Lee | N | | 1 | | |
| 04 | 09 | COOPER, Ingrid E | N | | 1 | | |
| 12 | 09 | COTNEY, David James | A | | | | 1 |
| 10 | 10 | COUGHLIN, William J. | Y | 1 | | | |
| 01 | 11 | COVERT, Anne S. | N | | 1 | | |
| 05 | 09 | CRAIG-OLINS, Elizabeth | N | | 1 | | |
| 12 | 09 | CUNHA, Glenn Alan | A | | | | 1 |
| 02 | 11 | DAISY, Stephen R. | A | | | | 1 |
| AL | 11 | DALY, Nancy A | N | | 1 | | |
| 05 | 10 | DAVES, Robert S. | N | | 1 | | |
| 10 | 11 | DAVIS, Jonathan H. | Y | 1 | | | |
| 10 | 09 | DAVIS, Linda M. | Y | 1 | | | |
| 11 | 11 | de FOUGEROULLES, Paula | Y | 1 | | | |
| 05 | 09 | DeVRIES, Robert H. | N | | 1 | | |
| 03 | 11 | DEWART, Mary D | N | | 1 | | |
| 03 | 11 | DEWART, Murray | N | | 1 | | |
| AL | 09 | DeWITT, Betsy | N | | 1 | | |
| 05 | 11 | DeWITT, Dennis. J. | N | | 1 | | |
| 11 | 09 | DITKOFF. Joseph M. | N | | 1 | | |
| 15 | 10 | DOW, Joseph Sheffield | P | | | 1 | |
| 01 | 10 | DOWNES, Sherrell B. | N | | 1 | | |
| 11 | 10 | DRYFOOS, Paul R. | N | | 1 | | |
| 09 | | ECHELMAN, Janet Sue | A | | | | 1 |
| 07 | 09 | ELLIS, Susan P. | Y | 1 | | | |

| | | | | | | | |
|----|----|------------------------------|---|---|---|---|---|
| 05 | 10 | ELWERTOWSKI, Thomas C. | N | | 1 | | |
| 04 | 11 | FARLOW, Frank W | N | | 1 | | |
| 04 | 10 | FARLOW, Martha A. | N | | 1 | | |
| 07 | 09 | FEINMAN, Marvin A | N | | 1 | | |
| 08 | | FEINSTEIN, Steven P. | N | | 1 | | |
| 13 | 11 | FINE, Jonathan S | Y | 1 | | | |
| 13 | 09 | FISCHER, Andrew | N | | 1 | | |
| 14 | 09 | FISHMAN, Gill | Y | 1 | | | |
| 01 | 11 | FRANK, Ellen T. | A | | | | 1 |
| 16 | 11 | FRAWLEY, Regina M. | A | | | | 1 |
| 14 | 09 | FRIEDMAN, Franklin | N | | 1 | | |
| 02 | 10 | FRIEDMAN, Harry K. | P | | | 1 | |
| 16 | 11 | FRIEDMAN, James E. | Y | 1 | | | |
| 14 | 11 | FRIEDMAN, Paula K. | Y | 1 | | | |
| 02 | 09 | FRIEDMAN, Robin K. | A | | | | 1 |
| AL | 09 | GADSBY, Edward (Sandy) | P | | | 1 | |
| 10 | | GAEHDE, Stephan A. | Y | 1 | | | |
| 16 | 09 | GALLITANO, Thomas J. | N | | 1 | | |
| 09 | 09 | GEIST, Kathe Sternbach | N | | 1 | | |
| 09 | 11 | GELLER, Joseph T. | N | | 1 | | |
| 15 | 11 | GELLER, Marvin N. | A | | | | 1 |
| 04 | 09 | GERDTS, Nadine | N | | 1 | | |
| 07 | 10 | GILLER, Phyllis D. | Y | 1 | | | |
| 16 | 11 | GLADSTONE, Scott C. | Y | 1 | | | |
| 10 | 11 | GLASSOFF, Eric Charles | A | | | | 1 |
| 08 | 10 | GOLDEN, Jack | N | | 1 | | |
| 08 | 09 | GOLDSTEIN, David-Marc | Y | 1 | | | |
| 07 | 09 | GOLDSTEIN, Elizabeth (Betty) | Y | 1 | | | |
| 14 | 10 | GOLDSTEIN, Kenneth M. | Y | 1 | | | |
| 14 | 11 | GOODMAN, Caryl I. | Y | 1 | | | |
| 12 | 09 | GRAND, Jonathan H. | N | | 1 | | |
| 07 | 10 | GREENE, Bernard W. | Y | 1 | | | |
| 12 | 11 | GREENFIELD, Stefanie Ann | N | | 1 | | |
| 14 | 10 | GREGSON, Annette | Y | 1 | | | |
| 05 | 11 | GROSS, Betsy Shure | N | | 1 | | |
| 15 | 09 | GUZELIAN, Nancy Diane | A | | | | 1 |

| | | | | | | | |
|----|----|---------------------------|---|---|---|--|---|
| 15 | 11 | HALL, John L. | A | | | | 1 |
| 07 | 09 | HARDEBECK, Kelly A. | Y | 1 | | | |
| 04 | 10 | HARRINGTON, Kevin | N | | 1 | | |
| 05 | 10 | HARRIS, Mary J. | N | | 1 | | |
| 08 | 11 | HELLER, Nancy S. | Y | 1 | | | |
| 10 | 09 | HENRY, Wendy | A | | | | 1 |
| 01 | 11 | HERMAN, Helen Y. | A | | | | 1 |
| 11 | 11 | HINDS, Isabella | A | | | | 1 |
| 08 | 09 | HOFELLER, Edward D. | Y | 1 | | | |
| 11 | 11 | HOMER, Joanne P | N | | 1 | | |
| 13 | 10 | HOY, Francis Charlton | A | | | | 1 |
| 06 | 11 | HUMPHREY, Systke V. | Y | 1 | | | |
| 08 | 09 | JOHNSON, Anita L. | A | | | | 1 |
| 01 | 10 | JOHNSON, Emily Winn | N | | 1 | | |
| 14 | 09 | JOHNSON, Georgia M. | N | | 1 | | |
| 16 | 10 | JONAS, Alisa G. | Y | 1 | | | |
| 03 | 11 | JONES, Gary D. | A | | | | 1 |
| 09 | 11 | JOZWICKI, Barr A | A | | | | 1 |
| 09 | 09 | JOZWICKI, Joyce | A | | | | 1 |
| 16 | 10 | JURICH, Joseph G. | N | | 1 | | |
| 02 | 11 | KAHL, Christopher A. | N | | 1 | | |
| 15 | 11 | KAHN, Janice S. | N | | 1 | | |
| 13 | 10 | KAPLAN, Ruth L. | Y | 1 | | | |
| 07 | 11 | KATZ, Estelle | Y | 1 | | | |
| 07 | 11 | KATZ, Pauline Ponnice | N | | 1 | | |
| 12 | 09 | KLAFTER, David B. | N | | 1 | | |
| 11 | 10 | KNABLE, Bobbie M. | Y | 1 | | | |
| 10 | 10 | KOCH, Christopher A. | N | | 1 | | |
| 16 | 10 | KOOCHER, Gerald P | Y | 1 | | | |
| 09 | 10 | LANG, Kevin E. | N | | 1 | | |
| 06 | 11 | LAPLANTE, Virginia W | N | | 1 | | |
| 11 | 11 | LAWSON, William | Y | 1 | | | |
| 14 | 10 | LEVITAN, Fred | Y | 1 | | | |
| 02 | 10 | LIANIDES-CHIN, Barbara A. | Y | 1 | | | |
| 01 | 09 | LIEFF, Karen D. | N | | 1 | | |
| 11 | 10 | LINDQUIST, Gwen Pritchard | Y | 1 | | | |

| | | | | | | | |
|----|----|--------------------------|---|---|---|--|---|
| 14 | 09 | LIPSON, Roger R. | Y | 1 | | | |
| 06 | 09 | LISS, Kenneth Marc | Y | 1 | | | |
| 02 | 10 | LISS, Lisa E | Y | 1 | | | |
| 14 | 11 | LODISH, Pamela C. | A | | | | 1 |
| 13 | 10 | LOHE, Werner | N | | 1 | | |
| 11 | 10 | MACDONALD, Bradley A. | Y | 1 | | | |
| 03 | 09 | MADDEN, Nancy F. | N | | 1 | | |
| 07 | 11 | MARGOLIS, Jonathan | N | | 1 | | |
| 03 | 11 | MARTIN, Lois J. | Y | 1 | | | |
| 02 | 11 | MASON, Judith E. | N | | 1 | | |
| 05 | 11 | MATTISON, Hugh | N | | 1 | | |
| 13 | 09 | MAYNARD, J. Michael | Y | 1 | | | |
| 12 | 09 | MCAVOY, Maura M. | N | | 1 | | |
| 04 | 09 | McCARRELL, Sharon L. | N | | 1 | | |
| 02 | 10 | MCNALLY, Rita K. | A | | | | 1 |
| 05 | 09 | MEIKLEJOHN, D. Randolph | N | | 1 | | |
| AL | 10 | MERMELL, Jesse R. | N | | 1 | | |
| 14 | 11 | MERRILL, Chou Chou | Y | 1 | | | |
| 14 | 10 | MERRILL, Michael W. | A | | | | 1 |
| 12 | 11 | MEYERS, Judy | Y | 1 | | | |
| 14 | 11 | MITTEL, Shaari S | Y | 1 | | | |
| 09 | 11 | MOORE, Bruce | A | | | | 1 |
| 11 | 09 | MORAN, Maryellen | Y | 1 | | | |
| 01 | 09 | MORSE, Stephen R | N | | 1 | | |
| 15 | 10 | MUELLER, Karen Weltchek | A | | | | 1 |
| 04 | 11 | MULHANE, John T | N | | 1 | | |
| 15 | 09 | NANGLE, Richard | N | | 1 | | |
| 07 | 10 | NOVICK, Emily | Y | 1 | | | |
| 12 | 10 | OATES, Michael F. | Y | 1 | | | |
| 02 | 09 | O'BRIEN, Barbara A. | N | | 1 | | |
| 06 | 10 | O'DONNELL, Kerry | N | | 1 | | |
| 05 | 09 | O'LEARY, Phyllis R | Y | 1 | | | |
| 05 | 11 | OLINS, Andrew M | N | | 1 | | |
| 04 | 11 | O'NEAL, Sr., Donnelle S. | N | | 1 | | |
| 06 | 09 | PARKER, Gerald S. | Y | 1 | | | |
| 06 | 09 | PRATT-OTTO, Stephen G. | Y | 1 | | | |

| | | | | | | | |
|----|----|---------------------------|---|---|---|--|---|
| 09 | 11 | RABINOVITZ, Stanley N. | A | | | | 1 |
| 09 | 11 | RADLO, Shirley | Y | 1 | | | |
| 08 | 10 | RAVITZ, Randall Evan | N | | 1 | | |
| 12 | 11 | REED, Thomas A. | A | | | | 1 |
| 02 | 09 | RICHMOND, Edward L | Y | 1 | | | |
| 04 | 11 | ROBINSON, Joseph E | N | | 1 | | |
| 08 | 11 | ROLL, Evelyn Ayash | A | | | | 1 |
| 09 | 10 | ROSENSTEIN, Harriet | Y | 1 | | | |
| 09 | 09 | ROSENTHAL, Martin R | N | | 1 | | |
| 12 | 11 | ROSS, A. Joseph | N | | 1 | | |
| 15 | 09 | ROURKE, JR, James C. | A | | | | 1 |
| 15 | 11 | RUDMAN, Deborah D | N | | 1 | | |
| 07 | 09 | SABLE, Sloan K. | Y | 1 | | | |
| 15 | 09 | SADEGHI-NEJAD, Ab | Y | 1 | | | |
| 16 | 09 | SAFER, Joshua D. | Y | 1 | | | |
| 13 | 09 | SANER, Paul S. | N | | 1 | | |
| 06 | 11 | SCHECTMAN, Amy N. | N | | 1 | | |
| 13 | 09 | SCHNOOR, Roberta K. | Y | 1 | | | |
| 01 | 10 | SCHRAM, Robert L. | N | | 1 | | |
| 08 | 10 | SCOTTO, Barbara C | Y | 1 | | | |
| 16 | 09 | SELIB, Michael S. | A | | | | 1 |
| 05 | 10 | SENATOR, Susan | N | | 1 | | |
| 13 | 10 | SENECAL, Barbara M | N | | 1 | | |
| 08 | 09 | SENTURIA, Margaret (Peg) | N | | 1 | | |
| 03 | 11 | SHAPIRO, Gregg David | A | | | | 1 |
| 11 | 09 | SHIELD, Joel D | Y | 1 | | | |
| 07 | 10 | SHON-BAKER, Rita S. | Y | 1 | | | |
| 11 | 10 | SIDOR, Monica | N | | 1 | | |
| 09 | 10 | SIMANSKY, Harold Mark | Y | 1 | | | |
| 10 | 09 | SKAGESTAD, Finn Peter | A | | | | 1 |
| 12 | 10 | SLOTNICK, William E. | N | | 1 | | |
| 04 | 10 | SMITH, Virginia A. | N | | 1 | | |
| AL | 08 | SMIZIK, Hon. Frank Israel | A | | | | 1 |
| 06 | 09 | SNEIDER, Ruthann | N | | 1 | | |
| 06 | 10 | SPERBER, Edith W. | N | | 1 | | |
| 06 | 11 | SPERBER, Robert I. | N | | 1 | | |

| | | | | | | | |
|----|----|-----------------------------|---|---|---|---|---|
| 02 | 11 | SPIEGEL, Diana Lees | Y | 1 | | | |
| 08 | 11 | SPIEGEL, Samuel | N | | 1 | | |
| 02 | 11 | SPIEGEL, Stanley L | Y | 1 | | | |
| 10 | 10 | SPINGARN, Alexandra "Sandy" | N | | 1 | | |
| 14 | 09 | SPUNT, Palma Zordan | A | | | | 1 |
| 02 | 09 | STANDISH, Lorraine (Lonnie) | Y | 1 | | | |
| 16 | 11 | STAVIS-ZAK, Joyce E. | Y | 1 | | | |
| 10 | 09 | STERN, Benjamin | A | | | | 1 |
| 08 | 10 | STOCK, Sara | N | | 1 | | |
| 03 | 10 | STONE, Rebecca E. | Y | 1 | | | |
| 03 | 09 | SULLIVAN, Joanne M. | N | | 1 | | |
| 09 | 10 | SWARTZ, Charles | Y | 1 | | | |
| 07 | 10 | SWARTZ, Sally | Y | 1 | | | |
| 10 | 11 | SYDNEY, Ronny M | Y | 1 | | | |
| 04 | 10 | TAYLOR, Melinda A. | N | | 1 | | |
| 11 | 11 | TOLKOFF, Josh | Y | 1 | | | |
| 03 | 09 | TRACHTENBERG, Myra R | Y | 1 | | | |
| 10 | 10 | TRAISTER, Michael S. | Y | 1 | | | |
| 04 | 09 | TRIETSCH, David M | N | | 1 | | |
| 14 | 10 | UNION, Laurie E. | N | | 1 | | |
| 13 | 09 | VANSCOYOC, John R. | N | | 1 | | |
| 01 | 10 | VITOLO, Thomas John | N | | 1 | | |
| 05 | 09 | von KRUSENSTIERN, Lenore K | N | | 1 | | |
| 03 | 10 | WADLEIGH, Jonathan N. | A | | | | 1 |
| AL | 09 | WARD, Patrick J | P | | | 1 | |
| 13 | 11 | WARNER, Donald A | Y | 1 | | | |
| 06 | 09 | WARREN, Henry B | Y | 1 | | | |
| 01 | 09 | WEISEL, Laura | N | | 1 | | |
| 12 | 10 | WEITZMAN, Donald C. | N | | 1 | | |
| 11 | 09 | WENC, Karen | Y | 1 | | | |
| 06 | 09 | WESTPHAL, Christine M. | Y | 1 | | | |
| 16 | 09 | WHEELER, Richard H. | Y | 1 | | | |
| 15 | 10 | WHEELER, William Morton | A | | | | 1 |
| 02 | 11 | WHITE, Eunice | Y | 1 | | | |
| 04 | 09 | WINTER, Frances J. | A | | | | 1 |
| 05 | 10 | WISHINSKY, Neil A. | Y | 1 | | | |

| | | | | | | | |
|----|----|--------------------|---|---|---|--|--|
| 02 | 10 | WOLFF, Bruce | Y | 1 | | | |
| 01 | 11 | ZABAK, Steve S. | N | | 1 | | |
| 07 | 11 | ZISKEND, Seymour A | N | | 1 | | |
| 10 | 11 | ZUKER, Molly Gross | Y | 1 | | | |
| | | | | | | | |
| | | | | | | | |
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| | | | | | | | |

247 247 86 113 5 43

ARTICLE 16

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.

PETITIONER'S ARTICLE DESCRIPTION

This article would reduce the gross floor area allowed for medical office use at 2 Brookline Place to lower the negative impact of increased traffic.

In October 2003 Howard/Stein-Hudson representing Winn Development presented a Transit Demand Management (TDM) study concluding that 426 spaces – with **no** reduction in spaces for proximity to public transit – would be needed for office use. The study further promoted the concept that this could be lowered to 354 spaces using Transit Demand Management (TDM).

The current proposal by Children's Hospital calls for 624 parking spaces if 90,000 square feet is used for medical offices. There was no discussion of medical office use when the special district for General Medical Research (GMR 2.0) zone was voted in 2004.

This warrant article would reduce the gross floor area for medical office use from the proposed 90,000 square feet to 40,000 square feet. Under the current zoning by-law, this would lower the required parking spaces for medical office use (250 square feet is now required for each parking space) from 360 to 160. Assuming the 50,000 square foot reduction were used for general office use, 83 spaces would be added, for a net decrease of 138 parking spaces. This level does not meet the parking level originally proposed, but is a moderate attempt to mitigate the impact of medical office use.

| Use | Square Feet | Current Zoning | | Proposed Zoning | |
|----------------|-------------|-----------------------------|------------------------------------|-----------------|------------------------------------|
| | | Parking space / Square Feet | Parking Spaces Required (By Right) | Square Feet | Parking Spaces Required (By Right) |
| Medical Office | 90,000 | 250 | 360 | 40,000 | 160 |
| General Office | 120,000 | 600 | 200 | 170,000 | 283 |
| Retail | 15,000 | 350 | 43 | 15,000 | 43 |
| Total | 225,000 | | 603 | 225,000 | 486 |

SELECTMEN'S RECOMMENDATION

Article 16 is a petitioned article that would limit the overall amount of gross floor area for medical office use in the General Medical Research (GMR-2.0) zoning district to 40,000 square feet. This is one of two zoning amendments submitted by citizen petition to the Annual Town Meeting related to the GMR-2.0 zoning district and parking at 2 Brookline Place. The petitioner has stated that the intent of this article was to reduce the parking required at this site.

This amendment is aimed at reducing the overall amount of medical office space in the development project proposed for 2 Brookline Place, which is now being reviewed by a Design Advisory Team. This project is currently proposing 90,000 square feet of medical office space; this amendment would reduce that amount by more than half. The petitioner believes this amendment would lower the expected amount of increased traffic from medical office use, and points out that when the GMR-2.0 zoning district was approved by Town Meeting in 2004, there was no discussion of medical office use at this property.

The Selectmen do not agree that the amount of medical office on this site should be limited to 40,000 square feet as part of the overlay, particularly when the by-right amount of medical office permitted on the B2 site is almost three times that amount. The medical office use is a strong engine of needed commercial development along the Route 9 corridor and, while needing careful review by the Town, should not be limited in this manner. In addition, the Selectmen do not feel that it is appropriate to limit parking by limiting the uses permitted. Therefore, the Board recommends NO ACTION, by a vote of 4-0 taken on April 29, 2008, on Article 16.

ROLL CALL VOTE

Favorable Action

Daly

Hoy

DeWitt

Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Article 16 seeks to amend §5.06 - Special District Regulations, 4. d. (1) of the Zoning By-law by adding paragraph “[f]” to say that “no more than 40,000 square feet of gross floor area shall be used for medical offices.

DISCUSSION:

In the words of the petitioner's Article 16 Explanation – “This article would reduce the gross floor area allowed for medical office use at 2 Brookline Place” in hopes of reducing the negative impact of increased traffic in the Brookline Village, and Route 9 area. She also told the Subcommittee that if Art. 15 failed to be adopted this might be able to achieve that shared goal by another means.

She pointed out that there was no indication that a Medical Office use was being considered when Special District GMR 2.0, for the B-2 Parcel, was voted in by Town Meeting in 2004. Also, in October '03 Howard/Stein-Hudson, traffic planners for Winn Development presented a Transit Demand Management (TDM) report, "concluding that 426 spaces – with no reduction in spaces for proximity to public transit – would be needed for office use, [and that] the study further promoted the concept that this could be lowered to 354 spaces using [TDM].”

The current proposal by Children's Hospital calls for 604 parking spaces if 90,000 square feet is used for Medical Offices. That number would result if a 15% TDM Bonus is used to reduce it from 666 spaces.

This articles amendment would reduce the gross floor area for medical office use from the proposed 90,000 g.s.f. to an allowed maximum of 40,000. [See chart below] That would then lower the required parking spaces for medical office from 360 to 160. Assuming the 50,000 square foot reduction was then switched to General Office space, 83 spaces would be added back in. Although this wouldn't lower the total amount of parking to the level originally proposed, it would still attempt to mitigate the impact of the proposed Medical Office use.

XXX

ARTICLE 16

The version of the Advisory Committee’s Recommendation for Article 16 that was printed in the Combined Reports inadvertently omitted a number of paragraphs. Below is the complete report.

ADVISORY COMMITTEE’S RECOMMENDATION

BACKGROUND:

Article 15 seeks to amend §5.06 - Special District Regulations, 4. d. (1) of the Zoning By-law by adding paragraph “[f]” to say that “no more than 40,000 square feet of gross floor area shall be used for medical offices.

DISCUSSION:

In the words of the petitioner’s Article 16 Explanation – “This article would reduce the gross floor area allowed for medical office use at 2 Brookline Place” in hopes of reducing the negative impact of increased traffic in the Brookline Village, and Route 9 area. She also told the Subcommittee that if Art. 15 failed to be adopted this might be able to achieve that shared goal by another means.

She pointed out that there was no indication that a Medical Office use was being considered when Special District GMR 2.0, for the B-2 Parcel, was voted in by Town Meeting in 2004. Also, in October ‘03 Howard/Stein-Hudson, traffic planners for Winn Development presented a Transit Demand Management (TDM) report, "concluding that 426 spaces – with no reduction in spaces for proximity to public transit – would be needed for office use, [and that] the study further promoted the concept that this could be lowered to 354 spaces using [TDM].”

The current proposal by Children’s Hospital calls for 604 parking spaces if 90,000 square feet is used for Medical Offices. That number would result if a 15% TDM Bonus is used to reduce it from 666 spaces.

This articles amendment would reduce the gross floor area for medical office use from the proposed 90,000 g.s.f. to an allowed maximum of 40,000. [See chart below] That would then lower the required parking spaces for medical office from 360 to 160. Assuming the 50,000 square foot reduction was then switched to General Office space, 83 spaces would be added back in. Although this wouldn’t lower the total amount of parking to the level originally proposed, it would still attempt to mitigate the impact of the proposed Medical Office use.

Chart from Art. 16 Explanation: (some qualities are approx.)

| Use | Square Feet | Current Zoning | | Proposed Zoning | |
|----------------|----------------|-----------------------------|------------------------------------|-----------------|------------------------------------|
| | | Parking space / Square Feet | Parking Spaces Required (By Right) | Square Feet | Parking Spaces Required (By Right) |
| Medical Office | 90,000 | 250 | 360 | 40,000 | 160 |
| General Office | 120,000 | 600 | 200 | 170,000 | 283 |
| Retail | 15,000 | 350 | 43 | 15,000 | 43 |
| Total | 225,000 | | 603 | 225,000 | 486 |

The Children’s Hospital representatives responded that current zoning allows for the 139,659 g.s.f. of Medical Office use - by-right. They find the proposed limit of 40,000 to be “arbitrary and capricious”. Although they are proposing almost 97,000 g.s.f. of General office space – it will be for their administration’s use. They are not in the business of providing office space as a landlord. Their goal is to provide new out-patient medical services for the Brookline community. The change suggested by Art. 16 would likely lead to making their project infeasible to build.

The Planning Director expressed the concern, that as with Art. 15, this would be a change brought forward in the middle of the process – to which the petitioner responded that the introduction of the new use was presented in the middle of that process also.

A citizen, and EDAB member, stated that he likes the stated goal of the article, but not the means. He also expressed the likely opinion that EDAB overall, is not in favor of this amendment.

One Subcommittee member felt that there was not enough material presented to make the case for this radical a change and another was not familiar with the long history of the B-2 Parcel. Additionally this use exists all across town, and a fair number of people arriving for appointments would not drive. A similar amount of medical offices next door at 1 Brookline Place have not been a detriment to the neighborhood over its long time there.

Additional comments from the Petitioner at the full Advisory Committee meeting:

The Petitioner said that her article is meant to be a means to an end and to dramatize the irrationality of current parking requirement for this zone. Four years ago one of the most persuasive arguments for the B2 project was that it was to be smart growth and that it would preserve open space and be ecologically sound. Our parking regulations need a lower ceiling. When TM created the GMR-2.0 Special District, it was specifically zoned for TDM – so far the only parcel in town to include that option. We need to respect provisions included in vote 4 years ago.

She continued, saying that since that vote there has been a huge changes in the awareness of climate change and the need for people to change there lifestyles. Therefore - lifestyles will change and we should plan accordingly. 666 is way too many spaces; Boston and Cambridge wouldn't allow it.

And finally – if we don't change the parking requirements (as with Art. 15) we *can* change the use of the building. Rejecting this article means we aren't allowing an opportunity to look at the requirements. If we aren't doing it here we won't do it anywhere else.

The petitioner feels we are at full capacity on Rt.9 and further developments will be curtailed if we don't take advantage of what is available at this location.

Additional comments in Opposition, expressed at the full Advisory Committee meeting:

The supposition that people will change their lifestyles will not work. The future *may* hold innovations for alternatives, but only past history of patterns of use is *knowable*.

The power in town is really in zoning, and there was a suggestion that we should vote reconsideration on Article 15 and refer it to the Zoning Bylaw Review Committee.

This site is isolated from rest of neighborhood. The Green Line is overburdened, although stations are being redone to add capacity. Maybe they'll do something but they aren't there now. A lot of reasoning 4 years ago was economics and it's even worse now.

The premise that - if you have less parking you will have fewer cars - is erroneous; the people, who drive, prefer to drive or cannot use alternative means.

RECOMMENDATION:

The Committee does not believe this article's approach is a reasonable means to the expressed goals – in the words of the petitioner “it's a draconian approach”. The Advisory Committee voted 0-15-1 to recommend NO ACTION on Article 16.

XXX

ARTICLE 16

MOTION TO BE OFFERED BY THE PETITIONER, M. K. Merelice

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~~ **100,000** square feet of gross floor area shall be used for medical offices.

or act on anything relative thereto.

EXPLANATION

This article now amends the reduction in gross floor area previously proposed for medical office use at 2 Brookline Place. Rather than severely limit the medical-office usage of the building to 40,000 square feet, the article increases the square footage for that use to 100,000 -- more than what Children's Hospital has been requesting.

Because the Town's zoning laws require different levels of parking for different building uses, this article sought the goal of a lower number of parking spaces by changing the building's usage. That is, usage was not an end but a means to an end. The fact that it was a draconian means to an end was meant to dramatize the draconian requirement of current zoning laws which were never intended to be applied to this unique transit-oriented site.

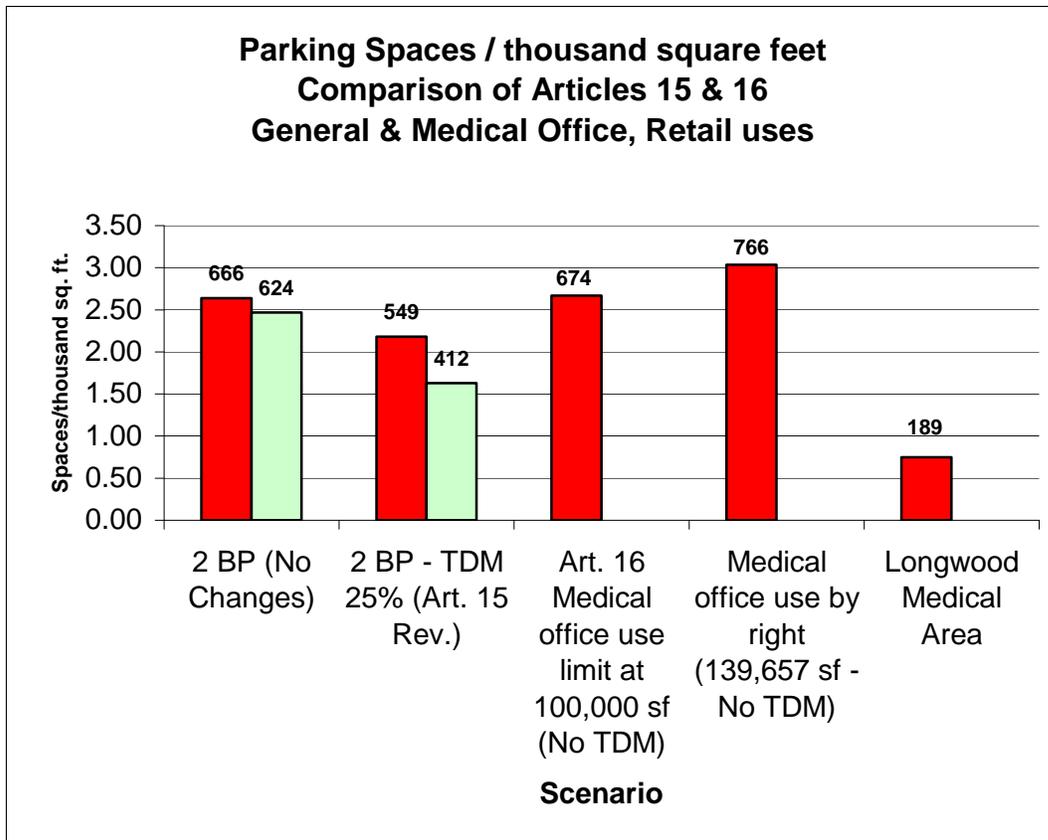
Children's Hospital's current proposal calls for 624 parking spaces, with some 96,500 square feet used for medical offices. The proposed 100,000 square feet of medical offices, combined with general office and retail space, would require some 674 parking spaces under current zoning. In October 2003, consultants Howard/Stein-Hudson presented a study concluding that with **no** reduction in spaces for proximity to public transit, 426 spaces would be needed for office use. And with Transit Demand Management (TDM), this need could be lowered to 354 spaces.

Why would this article propose an increase over Children's current plans? Because this increase is still less than what Children's Hospital could actually do by right should it so choose. Supplement No. 1 to Article 16 states that "current zoning allows for the 139,659 g.s.f. of Medical Office Use – by right." Under existing zoning, the number of parking spaces could climb to 766 – a huge 80% increase over the 426 level passed at Town Meeting in 2004. This would be a **required** minimum. Without TDM for medical office use, Children's Hospital would have no option to reduce this number, **regardless of need**.

We applaud Children's Hospital for agreeing with the intent of Article 15 to look seriously at a TDM program and to work with the Town in "an objective and constructive review of the amount of parking necessary and appropriate to the use of the building." Should article 15 pass, the petitioner would consider withdrawing article 16, relying on the good faith and intentions of the town and the developer.

However, should article 15 **not** pass, current zoning requirements would allow no flexibility in requiring at least 624 spaces with TDM and 666 spaces without. For this reason, the 100,000-square-foot limit would provide at least a modest amount of protection to abutting residents and neighborhoods against potential further expansion of required parking spaces based on increasing the medical office use.

The proposed 100,000 square-foot-limit is more than 3,000 square feet over the space now projected for such medical office use, so there would be no impact on present plans. And the residential character of Pearl Street, Village Way, and other neighboring streets would have at least some protection against potential expansion.



Above is a bar chart comparing 2 BP with no changes, Article 15 if voted, Article 16 with a 100,000-square-foot limit on medical office use, and medical office use available by right. Compare this to the LMA parking allowed, and the potential for a satellite parking facility for the LMA is inescapable.

Parking Spaces allowed by right

| Scenario | Parking Spaces | Detail by use (by right) | | | |
|--|-------------------|---------------------------------|----------------|------------|------------|
| 2 BP (No Changes) | 666-624 | Medical Office | 139,659 | 250 | 559 |
| 2 BP - TDM 25% (Art. 15 Rev.) | 549-412 | Office | 96,561 | 600 | 161 |
| Art. 16 Medical office use limit at 100,000 sf (No TDM) | 674 | Retail | <u>16,279</u> | <u>350</u> | <u>47</u> |
| Medical office use by right (139,659 sf - No TDM) | 766 | Parking Spaces | 252,499 | | 766 |
| Longwood Medical Area | 189 | | | | |

XXX

ARTICLE 17

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.

PETITIONER'S ARTICLE DESCRIPTION

This amendment to the Town Bylaws is written to address a very specific situation. It is narrowly tailored to affect only the granting of bonus height to a developer when the additional height casts a *significant* shadow on *residential dwellings*. The fact of a shadow merely *touching* the property of a resident, for example, will not trigger the invocation of this subsection. Additionally, this subsection will not in any way affect business districts not in close, tight proximity to residential neighborhoods.

If the subsection is triggered, it adds a responsibility on the developer that considers the harm done to the residences affected by the shadow. The subsection attempts to ameliorate the significant harm done to neighborhoods by recognizing that the developers' gain is directly related to the neighborhood's detriment. This subsection also indicates that the people paying the high price for the developer's windfall must be considered and such consideration must be substantial and direct.

The “comparative value” clause of paragraph one of the subsection recognizes that in these extreme situations where development is so close in proximity and highly invasive to a neighborhood, bonus height comes with a fairly valued price tag. The price is reflective of the enormous benefit received by the developer and enormous harm caused by the bonus to the neighborhood.

Paragraph three of the subsection is simply recognition that a shadow cast on a residence for one month of a year is an extremely heavy burden for a neighborhood to bear. It indicates several ramifications. If such a shadow is cast for such a significant period of time, the project is, more probably than not, too large for the area. It is likely a towering structure that will dominate the neighborhood affecting many other aspects of life than sunlight. Such a large, out-of-place building may block the view of the sky altogether, not just the sun. While it removes light in the day, it adds it artificially and undesirably at night. It affects privacy, increases heating bills, electric bills, and more. It slows snow and ice melting in the winter making sidewalks and roads dangerous. Paragraph three recognizes that such massive burdens should not be forced on a neighborhood without a significant legal showing by the developer.

Paragraph four of the subsection estops a developer from claiming that since the as-of-right (non-public benefits) height casts a shadow as well, the addition of the bonus height is not significant. This recognizes that shadows will be cast in some way whenever property is developed and that we all recognize there is a price to pay for improving Brookline. But here the amendment emphasizes that *the price paid by neighborhoods is not limitless.*

SELECTMEN’S RECOMMENDATION

The Selectmen will be voting on Article 17 at their May 13, 2008 meeting. A supplemental report detailing their recommendation will be provided prior to the start of Town Meeting.

ADVISORY COMMITTEE’S RECOMMENDATION

The Advisory Committee will be submitting a supplemental report prior to the start of Town Meeting.

ARTICLE 17

BOARD OF SELECTMEN’S SUPPLEMENTAL RECOMMENDATION

Article 17, which was submitted by Citizen Petitioner Daniel Saltzman, proposes changes to Section 5.32 – Exceptions to Maximum Height Regulations (Public Benefit Incentives) to specifically include reference to shadow impacts on residential dwellings when developers request additional height. This article is in response to a development project currently under review by the Planning Board for 111 Boylston Street, the former Red Cab site, although the zoning would apply town-wide to all new development. This article would trigger four new requirements in cases where a public benefit incentive is sought for height and a project “may cast a significant shadow on residential dwellings”:

- 1) public benefits for bonus height must be of comparative value to the bonus received by the developer,
- 2) those public benefits directly benefit the affected residences,
- 3) no shadow falls on a residential dwelling for more than four weeks of a year, and
- 4) a shadow which exists without the granting of the bonus height shall not be a defense to this subsection, however the significance of the shadow without the bonus height may be considered when weighing public benefits to be provided.

At its second meeting on the issue, a revised version of this proposal was brought forward by Town Meeting member and Advisory Committee member Stanley Spiegel. This revised version would allow the Board of Appeals some more discretion on permitting a project that had a shadow impact on residential dwellings for more than four weeks a year, and would also change the requirement that public benefits directly benefit affected residences to a requirement that they benefit the neighborhood. While most members of the Board felt this version was an improvement over the initial proposal, concerns remained about the overall impact of this language and the fact that the Board of Appeals will look at these issues without such changes to the By-Law.

The Selectmen believe that this issue is worthy of some further analysis and discussion, as was done with the Public Benefit Incentives for Floor Area Ratio. However, the Board did not feel that the current proposals had been fully vetted with various stakeholders for their overall impacts on the Town. Therefore, the Board of Selectmen recommends FAVORABLE ACTION, by a vote of 5-0 taken on May 13, 2008, on the vote offered by the Advisory Committee.

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

BACKGROUND:

Article 17 seeks to amend the Zoning By-laws with regards to the granting of bonus height. If adopted, these changes would require a variance for additional height if the structure casts a shadow on a residential dwelling in excess of four weeks a year. Additionally, the granting of bonus height would require public benefits of “comparative value” substantially benefiting the affected dwellings.

Although the genesis of Article 17 was to provide protection to a specific neighborhood (White Place), the Article would have applications throughout the town. The problem from the petitioner’s point of view is that a large building, defined not just by height but also by mass, could have a negative impact on a neighborhood because of the shadows that it casts on neighboring homes. This Article is meant to protect residential neighborhoods from the impact of shadows (this particular neighborhood is down hill from a proposed commercial development on Route 9).

DISCUSSION:

While many Advisory Committee members expressed sympathy with the intent of Article 17 — to define and quantify the impact of shadows caused by a development on a neighborhood — the Committee struggled with the language and its broader implications for the town. Is Article 17 worded well enough to be an effective bylaw? Many of the terms used in Article 17 are not well defined.

Article 17 attempts to codify protections to a neighborhood beyond what is currently covered in Town of Brookline’s Zoning By-laws. The petitioner stressed, in his opinion, this addition to the By-laws would not prohibit development within the town but add additional remedies for neighborhoods impacted by development.

However, too much over-regulation can cause unintended consequences. Many on the Committee expressed the opinion that this “tweaking of the by-law” adds language that potentially jeopardizes development to improve an eyesore within a neighborhood. Making Article 17 a Town By-law could have a negative impact on other neighborhood improvements.

Questions about the language of Article 17:

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.

The Article uses the term “comparative value”, but the meaning is undefined. What does a reasonable person consider a comparable situation? Should the term be comparative or commensurate to (used elsewhere in the Town By-law)? Is commensurate subjective and who makes that determination? Is this a dollar for dollar valuation? As we considered alternative language, we realized that this should not be done without fully understanding the larger context of the Zoning By-law.

2) Public Benefits received in return for the bonus height shall substantially benefit the affected residential dwellings directly.

The role of the Design Advisory Team (DAT) is to protect neighborhoods during the design stage of developments within the Town. In using residential dwelling instead of neighborhood, this Article seeks to extend protection specifically to private individuals. The Advisory Committee agreed that this portion of Article 17 might better read “affected residential neighborhood” rather than “residential dwelling.” However, the Advisory Committee could foresee other instances where the impact of shadows might affect a park or open space in which case the proposed By-law would be ineffective. This was cited as another reason to refer the subject matter of Article 17 to the Zoning By-law Committee.

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. As per MGL c. 40A, a variance can be granted when:

“owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”

Generally, this is summarized in practice as:

1. There is something unique about that lot that is not true of other lots in that zoning district, requiring a variance be granted
2. Without the variance, there is substantial hardship to the owner
3. The relief is the minimum that needs to be granted to relieve that hardship.

It was stated that a variance was too high a threshold and the Article would be better served using a Special Permit.

There was some discussion of changing the wording from “shadow” to “enveloping shadow” or possibly “significant shadow”. However, both descriptions are phrases without recognized interpretations. The issues would have to go before the Zoning Board of Appeals for its interpretation of what constitutes an enveloping or significant shadow — another reason to submit this article to the Zoning By-law Committee

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.

This section of the Article could cause problems throughout the town, anywhere a building casts a shadow on its neighbors – even in “as of right” situations or where it can be reasonably expected there will be a future building that casts shadows. Urban areas, by their very nature, are subject to shadows. The unintended consequences could far outweigh any benefits we might receive.

Times and circumstances change within a community and zoning requirements change as well – this is not unexpected. But in assessing zoning changes, consideration must be given to the effects both immediate and long-term.

The Advisory Committee understands the concern of the petitioner and other neighbors. However, the Committee has concerns with the specific language of the article and observes that the DAT and ZBA process can fully consider the issues expressed in this article – without a prescriptive bylaw.

In the specific case of the project that prompted this article (the old Red Cab site), the developer has proposed increasing height in order to reduce the footprint and pull the building away from the adjoining neighborhood – this provides an opportunity to plant a landscaped buffer. However, the neighborhood is down hill from the site, so even an as-of-right project will have a marked presence.

While the Advisory Committee is uneasy with a number of aspects in Article 17, it is intrigued by the concept of introducing shadows as a surrogate for such things as height and massing and sees this as an avenue worth exploring.

RECOMMENDATION:

The Advisory Committee grappled with the language of Article 17 and attempted various amendments. The goal of Article 17 would have broader implications and it would be most appropriate to refer Article 17 for study to the Zoning By-Law Committee.

By a vote of 13-6-0 the Advisory Committee voted the following:

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.

ARTICLE 18

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.

PETITIONER'S ARTICLE DESCRIPTION

The Brookline Arts Center has submitted a grant to the Massachusetts Historical Commission for funds to complete a conditions report for the old chemical firehouse building. Built in 1886 from the designs of Peabody & Stearns, it served until 1964 when the company was transferred to Babcock Street. It was remodeled and became the Brookline Arts Center in 1968. It is a contributing property in the Longwood National Register District.

In order to assess its condition and develop a Master Plan for future use and rehabilitation, the Arts Center has applied for Massachusetts Preservation Projects Funding. (It is the same grant that restore the top of the hill at Larz Anderson Park). In order to qualify for funding, a temporary preservation restriction is required. The restriction would be for 5 years less than \$15,000 awarded.

SELECTMEN'S RECOMMENDATION

The Brookline Arts Center has occupied the old fire station at 86 Monmouth Street since 1968 under leases with the Town. Under the current lease, the Brookline Arts Center is responsible for the maintenance and repairs of the facility in lieu of lease payments. A number of improvements have been made to the facility, making it a much improved building. The Arts Center has applied to the Massachusetts Historical Commission for funds to complete a conditions report, part of its plan to assess the building's condition and develop a Master Plan for future use and rehabilitation. In order to qualify for funding, a temporary preservation restriction is required. The restriction would be in place for five years.

The Selectmen fully support the Arts Center in its quest for grant funding and recommend FAVORABLE ACTION, by a vote of 4-0 taken on April 8, 2008, on the vote offered by the Advisory Committee.

ROLL CALL VOTE

Favorable Action

Daly

Hoy

DeWitt

Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

If approved by Town Meeting, Article 18 would authorize the Board of Selectmen to give a temporary (5 year) preservation restriction to the Massachusetts Historical Commission (MHC) for the Brookline Arts Center (BAC) at 86 Monmouth Street, should the MHC fund a BAC grant request for consultant services. Requiring a preservation restriction when funding a preservation project is standard practice for the MHC, with the duration of the restriction commensurate with the size of the grant. Five years is the minimum period.

The Arts Center, a long-time tenant of the 1886 building on Monmouth Street, is in the process of developing a property improvement strategy. It has applied for a \$13,000 (50%) matching grant to engage a consultant who will undertake a conditions report and master plan for the former fire station (or "chemical engine house"), addressing such issues as increased accessibility for the disabled, energy conservation, and more efficient use of existing classrooms and workspace.

DISCUSSION:

The Preservation Restriction Agreement assigns the total cost of continued maintenance and repair to the grantor, affords the Commission the right to inspect the property to determine compliance with the terms of the agreement, and requires written pre-approval of alterations made to the premises (with the exception of minor repairs and ordinary maintenance). These provisions raise the question of whether the MHC could, under the terms of the agreement, compel work to be done at the Town's expense.

The Advisory Committee notes that, because the terms of the Arts Center's lease with the Town assigns financial responsibility for maintenance and improvements to the building to the tenant, increased costs for the Town are unlikely. Moreover, Town Counsel has determined that the MHC cannot order Town Meeting to appropriate funds.

Finally, to confirm that the BAC Board of Directors has read and accepted the terms of the Preservation Restriction Agreement, the Advisory Committee requested, and subsequently received, a letter stating that the Board voted to abide by the terms of the agreement and enthusiastically supports Article 18.

RECOMMENDATION:

By a vote of 21-0, the Advisory Committee recommends FAVORABLE ACTION on the following vote:

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.

XXX

ARTICLE 19

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.

PETITIONER'S ARTICLE DESCRIPTION

The Brookline Preservation Commission has applied for a matching grant to conduct a conditions assessment of the 1848 Brookline Reservoir Gate House (aka "Sportsman's Club") at the intersection of Warren and Boylston Streets. Long vacant, this building is proposed to be used by the Brookline Parks & Recreation Department. The conditions study is necessary to evaluate the deteriorating condition of the historic wrought iron roof truss-the oldest surviving example in the United States. Its condition must be evaluated to arrest deterioration that, if not addressed, will eventually lead to structural failure. (For decades failed built-in gutters have drained all rain unto the building.) The report will also evaluate the condition of the masonry that holds back the water in the Brookline Reservoir. The building incorporates a twenty-six foot high masonry wall through which pass three original, 160 year old, very large cast iron pipes which are the means of draining the reservoir. These pipes once supplied a million gallons a day to Boston. They have been under water and under constant pressure since its construction in 1848 and the condition of both the wall and pipes should be systematically analyzed. The original valves in the building are frozen as a result of which some have been cut through. A requirement of the matching grant from the Massachusetts Historical Commission is to enter into a preservation restriction on the building for five years.

SELECTMEN'S RECOMMENDATION

The Brookline Reservoir Gatehouse, constructed in 1848, is located at the intersection of Warren and Boylston Streets. The granite structure has been vacant for many years and has become unsafe due to its neglect. The Preservation Commission has applied for a matching grant to conduct a conditions assessment of the building, something that is necessary to evaluate the deteriorating condition of the historic wrought iron roof truss. The grant will allow the Town to begin the process of documenting the important

engineering elements of the building. In order to qualify for funding, a temporary preservation restriction is required. The restriction would be in place for five years.

The Selectmen support not only this article, but also \$10,000 for the required grant match. The budget as proposed by the Advisory Committee under Article 8 includes \$5,000, but the Selectmen have proposed an amendment to increase that item to \$10,000. The Board recommends FAVORABLE ACTION, by a vote of 4-0 taken on April 8, 2008, on the following vote:

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.

ROLL CALL VOTE

Favorable Action

Daly

Hoy

DeWitt

Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

If approved by Town Meeting, Article 19 would authorize the Board of Selectmen to give a temporary (5 year) preservation restriction to the Massachusetts Historical Commission (MHC) for the stone gatehouse at the Brookline Reservoir, should the MHC fund the Preservation Commission's grant request for consultant services. Requiring a preservation restriction when funding a preservation project is standard practice for the MHC, with the duration of the restriction commensurate with the size of the grant. Five years is the minimum period.

The gatehouse dates from 1848 and was built as part of the public water supply system that brought water from Lake Cochituate in Natick to reservoirs in Boston. Research undertaken by the Preservation Commission indicates that it may feature the oldest wrought iron roof as well as the first public cast iron stairs in the United States. The Preservation Commission has applied for a \$10,000 (50%) matching grant to engage a consultant specializing in historic metal structures to undertake and complete a Historic Structures Report, including an analysis of the condition and structural capacity of the

wrought iron roof trusses and riveted structural iron plate roof, as well as recommendations for remedial work suitable for both supporting and stabilizing the wrought iron roof structure and for stopping the ingress of water.

DISCUSSION:

The Preservation Restriction Agreement assigns the total cost of continued maintenance and repair to the Town, affords the State Historical Commission the right to inspect the property to determine compliance with the terms of the agreement, and requires written pre-approval of alterations made to the premises (with the exception of minor repairs and ordinary maintenance) The Advisory Committee notes that the Town gave a Preservation Restriction in perpetuity to the MHC a number of years ago in connection with the historic landscape restoration at Larz Anderson Park. To the best of the Advisory Committee's knowledge, there have been no major problems with that arrangement. The Committee also notes that Town Counsel has offered the opinion that the MHC cannot order Town Meeting to appropriate funds; consequently it is unlikely that the MHC could compel the Town to undertake certain work on the gatehouse. Rather, the MHC would have the authority to review and approve (or reject) alterations affecting the architectural or historical integrity of the gatehouse.

RECOMMENDATION:

By a vote of 17-0, the Advisory Committee recommends FAVORABLE ACTION on the vote offered by the Board of Selectmen.

XXX

ARTICLE 20

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.

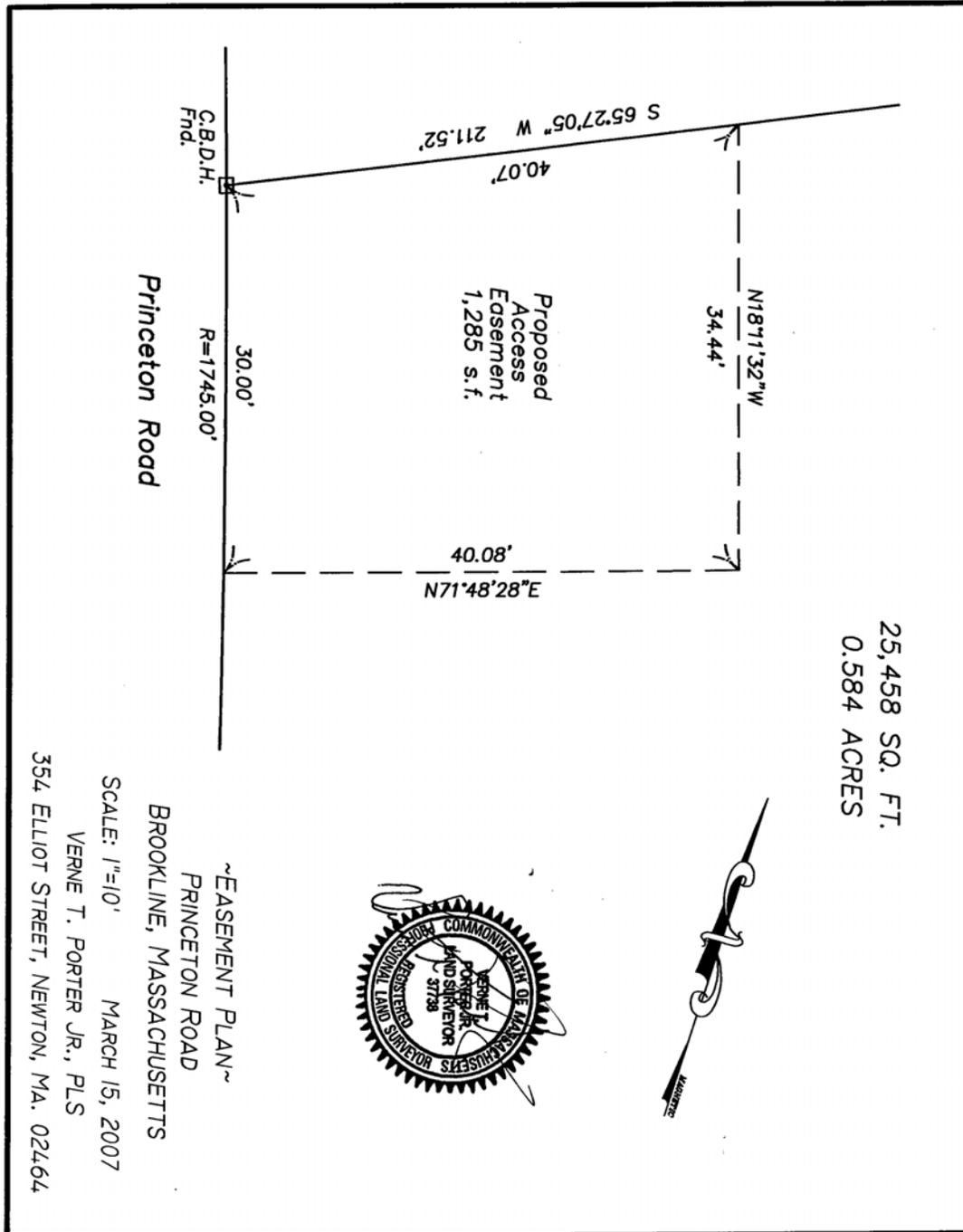
Thence: turning and running N 71-48-28 E forty and eight hundredths feet (40.08) to a point.

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.



PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the warrant at the request of H. Toby Brendze who offers the following explanation. Ms. Brendze owns the undeveloped lot adjacent to 150 Princeton Road which was created by virtue of a 1955 subdivision approval. In order to create access to the undeveloped lot, known as Lot 7 and shown as Lot 2 on Mr. Porter's

February 23, 2007 "Roadway Upgrading Plan," the Planning Board approved the extension of the paved portion of Princeton Road including a turnaround on Lot 7 itself. After consultation with Town Counsel and the Town Engineer, it was decided that an easement was necessary to allow municipal vehicles to utilize the turnaround on Lot 7. The Planning Board made its approval of the upgrade subject to the condition that prior to the issuance of a building permit for construction of a dwelling on Lot 7, acceptance by Town Meeting and evidence of recording of an easement to the Town over the turnaround on Lot 7 for municipal vehicles was necessary.

SELECTMEN'S RECOMMENDATION

The Selectmen will be voting on Article 20 at their May 13, 2008 meeting. A supplemental report detailing their recommendation will be provided prior to the start of Town Meeting.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Article 20 requests the Town to accept an easement, approximately 40 feet long and 18 feet wide for access purposes over a small portion of a proposed private driveway on Princeton Road abutting Hoar Sanctuary. This particular area of the town has been the subject of articles recently before Town Meeting.

In 1955, the Town's Planning Board entered into an agreement with the owners of specific lots on Princeton Road permitting construction of a residential dwelling on these lots only after agreeing with the Town to construct an "adequate turn-around" at the end of Princeton Road. The requirement for a turnaround is based on public service and safety concerns in order to provide adequate access for police, fire, and sanitation vehicles to the lots in question.

The owner of the lot in question has agreed to provide the Town with the required turn-around. The Town's engineer worked with the owner's architect to insure that the design would be "adequate" for Town vehicles, and on March 8, 2007 the Planning Board approved the turn-around and access plan, provided that the owner record an easement granting access by the town. Since an easement must be accepted by a vote of Town meeting, it was brought to Town meeting in Spring 2007.

During the discussion at that Town Meeting it was revealed that not all of the neighbors were consulted about the potential removal of many mature trees and that the Conservation Commission had not recently evaluated potential impacts of the proposed

turn-around that was located in part in the wetland buffer zone. Town meeting did not grant the easement, and requested the Conservation to consider an updated Order of Conditions. After additional studies, the Conservation Commission granted another Order of Conditions in September 2007 that reflected the turn-around design approved by the Planning Board. These Order of Conditions were not appealed.

The Fall 2007 Town Meeting was asked to consider a resolution, requesting that the Selectmen establish a committee to examine the taking by eminent domain of private property abutting Hoar Sanctuary. Responding more broadly, the Board of Selectmen appointed a Committee to study ways in which the Town could protect all town-owned sanctuaries and conservation lands, particularly with respect to the buffer areas surrounding those lands. While the Sanctuary Study Committee has convened, they have not yet proposed specific recommendations for protecting the Town's Sanctuaries.

DISCUSSION:

The regulatory authority of the Conservation Commission is limited to wetlands. It does not extend to Sanctuaries - Town parcels that they in fact manage. Thus the Order of Conditions written by the Conservation Commission is limited to protection of wetlands and the buffer zones. Abutting residents have raised concerns of potential harm to the Hoar Sanctuary as a result of residential development adjacent to the Sanctuary. These include the cutting of many mature trees, the loss of canopy and home to many birds, and potential water run-off into the Hoar Sanctuary from the proposed extension. While these concerns may be legitimate, the Conservation Commission has no authority to write Order of Conditions based on potential detrimental effects on the Sanctuary that are not directly related to wetland issues.

The Sanctuary Study Committee has considered the issue of the Princeton Road easement, and voted not to oppose it. There are few alternative options. Purchase of the lot by the Town would be an expensive option; the lot is currently assessed in excess of \$500,000 and sources of funds for purchase have not been found.

The Advisory Committee found that parties on both sides of the issue have worked in good faith. Important concerns were raised about the integrity of our sanctuaries. Limitations to the Town's ability to protect its open space have been highlighted and are being addressed by the Sanctuary Study Committee. The Committee could find no legal reason to oppose the granting of the easement.

RECOMMENDATION:

By a 15 – 0 vote, the Advisory Committee recommends FAVORABLE ACTION on the following vote:

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.

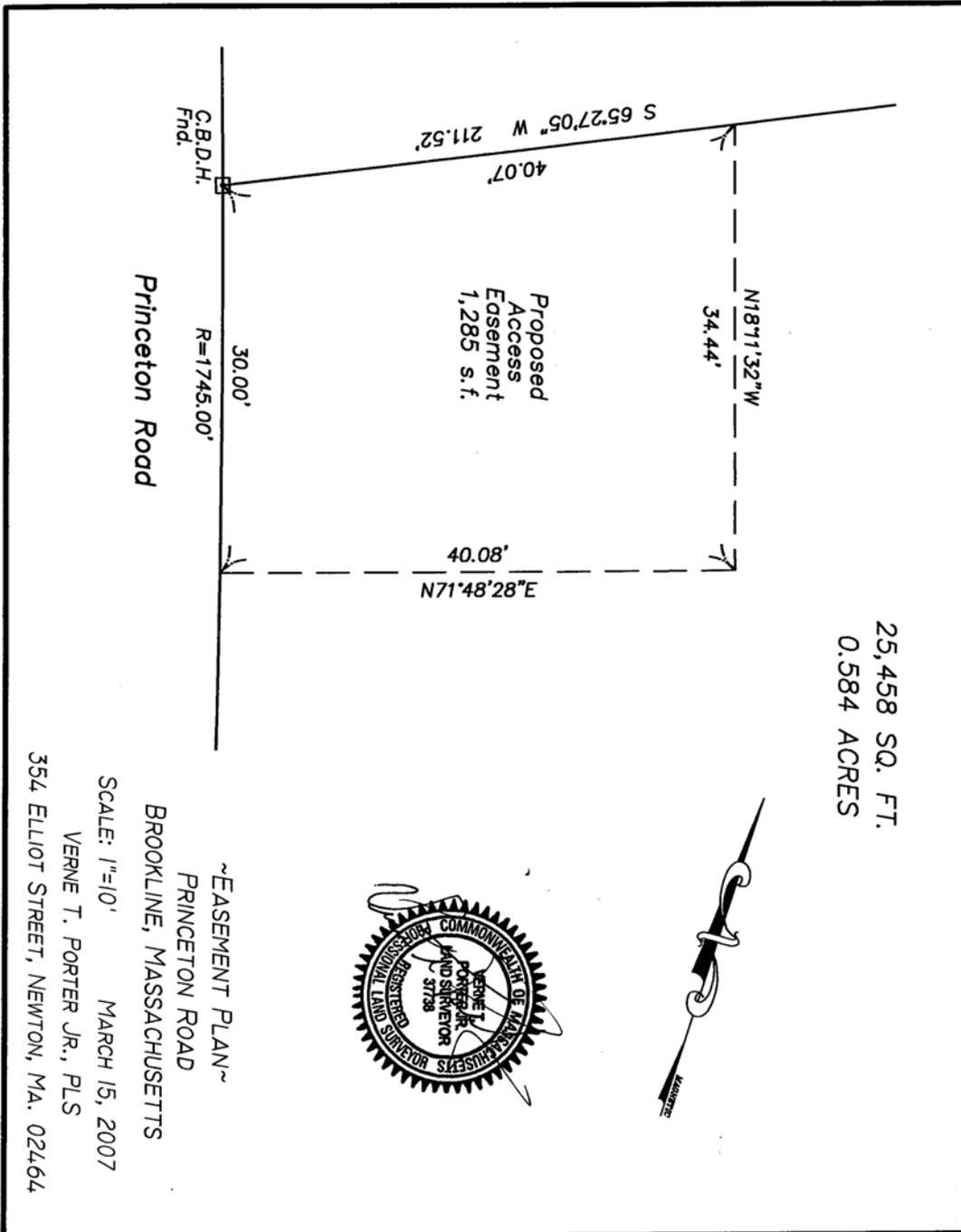
Thence: running by Princeton Road thirty feet (30.00) on a curve to the right having a radius of seventeen hundred forty five feet (1745.00) to a point.

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.).



ARTICLE 20

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

The Selectmen have reviewed Article 20 and took a vote of No Action on May 13, 2008. However, the article will be reconsidered prior to Town Meeting and the Board will provide Town Meeting with a Supplemental Report on Wednesday, May 28.

ARTICLE 20

BOARD OF SELECTMEN’S SUPPLEMENTAL RECOMMENDATION

Article 20 is a petitioned article that requests the Town to accept an easement for access purposes over a small portion of a proposed private driveway on Princeton Road. The easement is approximately 40 feet long and 18 feet wide. The Lot is located in an S-15 zoning district and is approximately 25,458 s.f. or .584 acres. The Lot is a buildable lot owned by Harriet Brendze, who currently resides next to the Lot at 150 Princeton Road and is seeking to build a new house on the Lot.

In 1955, the Town accepted a plan for Princeton Road. The Planning Board’s approval was part of an overall agreement on the development of the Lots surrounding Princeton Road. With respect to the Lot, the 1955 Agreement specifically provides that ... “in the event that either or both of them shall acquire title to Lots No. 7, 13 or 14 on Princeton Road, or any of said lots, either directly or through a nominee, they will never erect or cause to be erected a residential dwelling on any of these lots without first agreeing with the Town to construct an adequate turn around at the end of Princeton Road.”

The Owner has agreed to provide the Town with the required turn around. On March 8, 2007, the Planning Board approved an access plan for the Lot that included a hammer head design turn around at the beginning of the proposed driveway. Director of Engineering and Transportation Peter Ditto worked with the owner’s architect to create the hammer head turn around and determined it to be adequate for access for town vehicles. The Planning Board voted to approve the access plan provided that the owner record an easement granting the town access for municipal vehicles over a portion of the driveway. The Owner agreed to provide the easement. An easement is a permanent interest in real property and must be accepted by the Town by a vote of Town Meeting.

Last year, Town Meeting declined to accept the easement due, in part, to opposition to the development of this lot due to its proximity to the Hoar Sanctuary, as well as concerns that the original Order of Conditions issued by the Conservation Commission in February 2004 (DEP #120-018) had expired. A Committee was appointed by the Board of Selectmen to study ways in which the Town can protect its nature sanctuaries, particularly with respect to the buffer areas surrounding these sanctuaries. The Committee has completed an interim report, which was included in the Supplemental mailing.

In September 2007, the Conservation Commission granted another Order of Conditions (DEP # 120-124) that was recorded at the Registry of Deeds. The Order permits the owner to build a single-family home on the property subject to over 50 conditions. These conditions include, among other things, that no work shall be performed in the Resource Area and that only permeable pavement shall be used in the hammerhead turn around as well as the driveway. In addition, the Owner agreed to provide a conservation restriction

on the undisturbed portion of the lot in order to form a buffer between the lot and the Hoar Sanctuary. The owner has also agreed to keep eight original significant trees as well as plant 22 saplings, 76 shrubs and 60 ground cover specimens in this buffer area. The Conservation Commission's Order was not appealed.

Town Counsel reported that accepting an easement over the small portion of the driveway puts the Town in the best possible position should there ever be an issue with an owner erecting a gate or otherwise obstructing the turn-a-round. She noted that although an easement was the best option, the Town Engineer informed her that there are over a dozen homes in Brookline where Town vehicles use a portion of a private driveway to turn around and the Town does not have an easement and that this is not uncommon. Therefore, she believes that even if Town Meeting does not accept the easement, there is a strong argument to be made that the turnaround proposed is adequate in so far as the design was approved by D.P.W. and the Planning Board. She noted that the owner's counsel intends to file suit should the Town withhold a building permit under both a theory of breach of the 1955 Agreement and potentially a regulatory takings claim. The owner's argument is bolstered by that fact that 1.) the turn-around was deemed adequate by both the Planning Board and the Town Engineer; 2.) the Conservation Commission has issued an Order of Conditions that was not appealed permitting a single-family to be built on the Lot under certain terms and conditions; and 3.) other driveways in Brookline are used as turnarounds without an easement. While Town Counsel did not speculate on the outcome of such a lawsuit, she indicated it would be lengthy and costly for the Town.

Therefore, the Board of Selectmen recommends FAVORABLE ACTION, by a vote of 3-2 taken on May 27, 2008, on the vote offered by the Advisory Committee.

ROLL CALL VOTE

Favorable Action

DeWitt
Mermell
Benka

No Action

Daly
Allen

ARTICLE 21

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.

PETITIONER'S ARTICLE DESCRIPTION

Most Town by-laws require that members of Town committees be Town "residents" or "citizens".* However, a small number of committees have no such written requirement, apparently due to unintended oversight. To ensure consistency and remove any possibility of potential confusion, this article proposes that all voting members of all committees be registered voters of Brookline and that this be codified by Town by-law.

*(Examples: Building Commission, Brookline Commission for Women, Council on Aging, Economic Development Advisory Board, Housing Advisory Board, Human Relations-Youth Resources Commission, Preservation Commission.)

MOTION TO BE OFFERED BY THE PETITIONER

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.

EXPLANATION

Most Town By-Laws require that members of Town committees be Town "residents" or "citizens".* However, a small number of committees have no such written requirement,

apparently due to unintended oversight. To ensure consistency and remove any possibility of potential confusion, this article proposes that all *voting* members of any committee be residents of Brookline, 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.

This By-Law applies only to committees appointed or created by the Board of Selectmen, Town Moderator or Town Meeting, and not to the School Department or internal staff meetings. It affects *only voting committee membership*, and does *not* affect *non-voting* committee membership.

*(Examples: Building Commission, Brookline Commission for Women, Council on Aging, Economic Development Advisory Board, Housing Advisory Board, Human Relations-Youth Resources Commission, Preservation Commission.)

SELECTMEN'S RECOMMENDATION

The Selectmen will be voting on Article 21 at their May 13, 2008 meeting. A supplemental report detailing their recommendation will be provided prior to the start of Town Meeting.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Two rationales have been provided for the Warrant Article 21. First, through an examination of the Town's bylaws, the petitioner has found inconsistency in qualifications for membership on boards, commissions, and committees. The terms "citizen" and "resident" are the most commonly used criteria for membership. Through the proposed by-law, the petitioners are seeking consistency.

The second rationale is a concern with the composition of the Selectmen's study committee that is concerned with the protection of sanctuaries in Brookline. The committee is structured to include representation of a member of the Board of Selectmen, a number of Town departments, committees, and unaffiliated residents. In some cases, committees or department heads were given the option of designating someone to serve on the Sanctuary committee. The selection process resulted in a committee that includes three residents and four Town employees who are not Brookline residents. The committee has been pursuing its agenda formally with votes taken on various matters. All

members of the committee have been voting. The petitioner objects to the fact that Town employees who are serving on the committee in their capacity as employees are voting. Particularly objectionable to the petitioner is the fact that the Town employees who are voting do not live in Brookline. The petitioner is concerned only with the composition of the committee and its voting procedures. The petitioner has not complained about any action taken by the committee.

The petitioner reported that some other Massachusetts towns have bylaws that limit participation in official town committees to residents of their town. Other municipalities do not have by-laws that limit the membership on committees or that restrict voting membership to residents.

The original warrant article would make it mandatory that all voting members of committees established or appointed by the Board of Selectmen, Moderator, or Town Meeting be registered voters of Brookline.

The article would not affect the composition of committees established by the School committee or the Library board.

The petitioner asked the Advisory Committee to consider a motion under the article that replaced the focus on registered voters with a focus that all voting members be residents. The new motion would also exempt from the residency requirement whose committees whose voting membership was specified by State law or by Town by-law. (In some instances, State statute requires that a voting member to be a specific Town official who may be a non-resident)

DISCUSSION:

Brookline places a great deal of emphasis on participation in the manner in which it conducts its affairs. The Town has many committees that contribute in diverse ways. The committees involve both those who live or work in Brookline. Frequently, the committees involve collaboration between Town or School employees and residents. Some of the committees, boards, councils, and commissions are permanent. Other committees are time limited. Some of these committees are responsible for developing proposals that are subsequently considered by policy making groups. Other committees are responsible for implementing policy.

A fundamental question about the proposed by-law is whether it addresses a problem that merits enactment of a by-law. The Town has reason to pass by-laws only in instances in which there is a cluster of problems that can be addressed effectively by a by-law. In this case, the petitioner has raised a question about the composition and procedures of a single committee but has not established any problem in the manner in which that committee is serving the Town. Further, there is no evidence of a pattern of problems involving other committees that might be corrected through a by-law.

The proposed by-law would affect many Brookline committees. While many of the committees would not be affected, some might be affected in unanticipated ways that are disruptive to their efforts.

If there is a problem with the composition or procedures of a particular committee, a remedy might be sought for that committee instead of a remedy that would affect many committees. Further, other solutions might be sought before a by-law is enacted.

Some members of the Advisory Committee believe that a majority of voting members of Town committees should be residents. They feel this is principled and reasonable, and that appointments can easily be made within a simple majority framework. Others, however, point out that our duly elected appointing authorities (BOS, TM, Moderator) should be considered capable of using good judgment in establishing the needed committees. This is presumably one of the reasons we elect them to begin with.

In the case of major standing committees, the composition is already established by State law or Town by-law. The case for a majority of residents serving as voting members of committees may be stronger in the case of committees concerned with implementation of policy than it is in the case of committees that study issues. When a committee develops a proposal for the Town, Town Meeting can determine whether the proposal advances the interest of the Town. The quality of the proposal is more important than the composition of the group that formulated the proposal.

Requiring that a majority of committee members be residents invites questions about the validity of votes taken at meetings of these committees when non-residents are in the majority. If committees consider issues in which the perspectives of non-resident employees, residents, businesses, or nonprofit organizations are sharply different, committees might be asked to report on those differences instead of reporting on the results of majority votes.

Also noteworthy is the fact that warrant articles can be brought to Town Meeting by Town departments with little if any resident involvement.

The focus in the more recent motion on residency as a criterion for voting membership invites questions about how residency is defined. Some people maintain multiple residences with one residence in Brookline and one or more residences elsewhere. The proposed by law could be interpreted to restrict voting membership to those with primary residency in Brookline; alternately it could be interpreted to permit voting membership for those with a residence of any kind in Brookline.

RECOMMENDATION:

The Advisory Committee voted **NO ACTION** by a vote of 0-12-1 on a motion to refer the subject matter of Article 21 to a Moderator's committee.

The Advisory Committee voted **NO ACTION** by a vote of 4-10-1, on the following motion:

VOTED: “In no instance shall residents constitute less than a majority of a voting membership 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 unless explicitly permitted or required by state statute, state regulation, or other provisions of the Town By-Law.”

While the Committee appreciates the concerns of the petitioner with regards to the resident composition of committees, it is not convinced the issue rises to the need for a specific by-law.

XXX

ARTICLE 21

BOARD OF SELECTMEN’S SUPPLEMENTAL RECOMMENDATION

The vast majority of governmental bodies appointed by the Moderator, Town Meeting, and Board of Selectmen have members who are exclusively residents of the Town. There is a universally shared presumption in local government that full members of boards, commissions, and committees should be residents of the community. The Selectmen fully subscribe to this outlook and have a longstanding practice in this regard. The Annual Report lists 28 standing boards/commissions with over 200 members appointed by the Selectmen and only three bodies have a total of the Selectman-appointed members who are non-residents. (Chief Assessor on Board of Assessors; Finance Director on Retirement Board; Community Relations Captain on Human Relations Commission; Veteran’s Post Commander on flag Day Committee.)

However, the Selectmen have on occasion exercised the flexibility granted to them to appoint non-residents as full voting members of certain committees as warranted by circumstances. Some examples:

- The Town Administrator fully participated on the Designer Selection Committee for the Town Hall project as a representative of the user agency (along with the Chair of the Board of Selectmen).
- Chief O’Leary was a full member of the recent Graffiti Committee.
- The Chairman of the Retirement Board is about to be named to a Task Force to examine the Town’s unfunded retiree group health obligation.
- The Principal of the Runkle School is about to be named to that building’s Project Oversight Committee.
- A former Chairman of the Board of Selectman sat on the Brookline 300 Committee.
- A well regarded non-profit business operator was named to the Coolidge Corner District Planning Council.

None of these individuals are residents, but is it truly advisable to prohibit their full participation in these instances? Does it make for better outcomes if they do not?

The fundamental reason for Board of Selectmen opposition to Article 21 is that a threshold case has not been made that change is necessary in this regard. Has any resident been excluded by the occasional participation of employee leadership or

department heads or civic leaders (former officials, property owners, non-profit representatives) who happen not to reside in town? Have examples been provided in those few instances where committees have had non-resident participation that the work product has not been what it should be?

By filing a revised article allowing exceptions, the petitioners have attempted to cure the blanket ban initially proposed in the original Article 21 that would have prohibited the examples above and also led to the removal the few non-residents on standing boards and commissions, such as the Finance Director from the Retirement Board and the Chief Assessor from the Board of Assessors. However, subsequent deliberations about the proposed exceptions have surfaced contradictory interpretations resulting in complicated calculations of who might be eligible to sit on what committees. Article 21 as amended would seem to require considerable procedural effort for the implementation of a supposed remedy to a problem that has not been established in the first place.

The petitioners' explanation purports to "remove any possibility of confusion". For the Board it appears that Article 21 will have just the opposite effect -- confusion will be created where none existed before. The adoption of Article 21 would more likely impede the Town's ability to effectively carryout its business than it would improve it. The Board of Selectmen has the utmost regard for the primacy of citizen participation. However, to curtail what has proven to be useful flexibility in our past practice does not appear to advance any practical purpose. Therefore, by a vote of 5-0 taken on May 13, 2008, the Board of Selectmen recommends FAVORABLE ACTION on the following referral:

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

XXX

ARTICLE 22

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.

PETITIONER'S ARTICLE DESCRIPTION

A fall 2006 amendment of Section 3.1 of the Town By-Laws regulating selectman campaigns called upon the Town Clerk to prepare a Town Campaign Finance Report form to be used by candidates in reporting campaign contributions and expenditures. While working together on drafting this form, the Town Clerk and the new Committee on Campaigns discovered discrepancies between the By-Law amendment and the State campaign finance reporting requirements, which this article is intended to eliminate.

The wording describing the beginnings and ends of two reporting periods is changed to be more comprehensive and to closely track or, in the case of the new Town report due 15 days before the election, be consistent with that of MGL ch. 55: sec. 18.

SELECTMEN'S RECOMMENDATION

Article 22 would amend Section 3.1.7 of the Town's By-Laws, the by-law that regulates campaign finance reporting for candidates for Selectmen. The proposed amendments are technical in nature, clarifying discrepancies between state law and the Town's requirements. The Board recommends FAVORABLE ACTION, by a vote of 5-0 taken on April 15, 2008, on the vote offered by the Advisory Committee.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

In the fall of 2006 Section 3.1 of the Town By-Laws regulating campaigns for the office of Selectman was amended to require more frequent reporting of campaign contributions and campaign expenses than is required under state law. More specifically, the new bylaw required reporting 15 days prior to the Town election. The amendment to the by-law included a chart showing the dates on which reports are due, the beginning dates for each reporting period, and the end dates for each reporting period.

The Moderator's committee on Campaign Finance is concerned that some of the language in the chart which is in Section 3.1 of the Town By-laws concerning the beginning and end dates to be covered in reports is confusing and may inadvertently lead to the filing of reports that are not entirely consistent with state law. The current warrant article seeks to bring the table into close conformity with state law and make the description of the reporting period for the Town report consistent with those for the State report.

Proposed amendment to Section 3.1

1. The following changes are proposed for the reports due 15 days before Town election:
 - a. Existing language concerning the beginning of the reporting period are replaced entirely by the following:
 - i. For candidates who have previously filed reports, the reporting period begins the day after the end of the reporting period for the last State report filed.
 - ii. For candidates who are filling initial reports, the reporting period begins the day after the previous Town election.
 - b. The following language is deleted for the end of the reporting period: "December 31 of the prior year." The following language is inserted: "28 days before Town election."

2. In the report due on January 20 after the town election, the following specification is added:
 - a. Among candidates who have previous filed reports: "The reporting period begins the day after end of reporting period for last State report file."
 - b. Among candidates who are filing initial reports: "The reporting period begins the day after the previous Town election."
 - c. For all candidates, the reporting period ends with "the last day of the year preceding filing of report."

DISCUSSION:

The State's reporting requirements are difficult to understand because of the narrative form in which they are written. The existing chart invites some misunderstanding of the time periods that are to be covered in the reports. The proposed changes have been reviewed by Gregory Birne, General Counsel of the Office of Campaign & Political Finance. Mr. Birne observed that in drafting the amendment, the committee made changes that are consistent with his recommendations.

Brookline Town Clerk Patrick Ward, who is administratively responsible for receiving the reports, has described the proposed changes as a welcome clarification of the reporting requirements. The new language will provide campaign treasurers with more straightforward instructions for the reports that they are obligated to file.

RECOMMENDATION:

The Advisory Committee, by a vote of 18 to 0 with no abstentions, recommends FAVORABLE ACTION on the following vote:

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 | <p>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></p> | <p>December 31 of prior year 25 days before Town election</p> |
| 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* | <p><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></p> | <p>Last day of year of election preceding filing of report</p> |

* 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.

ARTICLE 23

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.

PETITIONER'S EXPLANATION

What prompted the reinstatement of the Town being responsible for the plowing and sanding of sidewalks in residential districts is the following:

The sidewalks are public property. Shoveling public sidewalks should not be the burden of homeowners. There are cases of homeowners having heart attacks shoveling snow. Homeowners do not have the capabilities nor the equipment to remove ice or hard packed snow. To prevent a slip and fall accident on icy sidewalks, people may have to walk on the street, which is dangerous, to go shopping, deep a doctors appointment, or for any other reasons. Many homeowners cannot afford to pay for ice and snow removal on top of their high taxes. Brookline people deserve the safety and quality of life, to be able to take a walk on sidewalks, especially the elderly, handicapped and children. This should be a top priority for the protection and safety of the Town's people. As we understand, Brookline is the second highest taxed town in the state.

Under proper business leadership, this could have been done, and can be done without any increase in taxes.

MOTION TO BE OFFERED BY THE PETITIONER

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.

SELECTMEN'S RECOMMENDATION

Article 23 is a petitioned article that would require the DPW to plow and sand all sidewalks in all residential districts throughout town. According to his explanation, the petitioner believes that the burden of shoveling public sidewalks should not fall on the homeowners; since they are public property, they should be shoveled by the Town.

The Department of Public Works (DPW) currently plows and sands approximately 43 miles of public sidewalks during the winter months. The areas DPW plows are the result of a Moderator's Snow Committee that concluded its work in 1979. This Committee was formed after the Blizzard of 1978 and its charge was to study the snow procedures and equipment needs of the Department. At that time, DPW was plowing approximately 75 miles of the 100 miles of sidewalk in the community. There were 10 sidewalk tractor routes and at the time the Department had approximately 14 tractors.

The Snow Committee reviewed all aspects of the Department's snow procedures and made a number of recommendations. The sidewalk plowing issue was reviewed extensively. The number of miles was reduced to 43. The Committee mapped sidewalk plowing routes with schools, public transportation, elderly, and places of worship taking priority. School routes took into consideration the number of crossings for children and the safest possible route to school. In some areas sidewalks on both sides of the street were recommended. The number of routes was reduced from 10 to 5 and there was a recommendation to purchase more reliable and efficient equipment.

This same article was submitted as Article 19 of the 2007 Annual Town Meeting. Town Meeting voted to establish a Moderator's Committee, which completed its work in December, 2007 and submitted its recommendations to the Selectmen on January 29, 2008. One of the Committee's recommendations was to replace the three Bombardier sidewalk tractors that were purchased in 1994. The Override that the Selectmen placed on the ballot for May 6 included \$120,000 for the replacement of a Bombardier sidewalk tractor, as recommended.

The estimated increase in cost associated with plowing all of the sidewalks in the community is approximately \$1 million, an amount that includes a substantial capital investment and the hiring of five additional employees. While the Town understands and appreciates the petitioner's concerns, the Town cannot afford to sand and plow all 100+

miles of sidewalks in town. Therefore, the Selectmen recommend NO ACTION, by a vote of 4-0 taken on April 8, 2008, on Article 23.

ROLL CALL VOTE

Favorable Action

Daly

Hoy

DeWitt

Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

The Petitioners are seeking Town Meeting approval to make the town responsible for the plowing and sanding of public sidewalks in residential districts by amending the Town's By-Law 7.7, attached hereto and incorporated herein. This article is almost identical to the article brought forward in the May 2007 Town Meeting as Article 19.

DISCUSSION:

In May of 2007 Town Meeting voted that Article 19 be referred to a Moderator's Committee to study the issue and report back to Town Meeting. The Committee was duly appointed by the Town Moderator; and Chaired by Ronny Sydney. The report of the Moderator's Committee is also attached hereto and is entitled "Proposal from the Moderator's Committee on Sidewalk Snow Removal".

The Moderator's Committee report made a number of recommendations but most importantly, recommended that additional financial resources be allocated to sidewalk snow removal and to sidewalk snow removal equipment. While funds for the DPW were not reallocated for additional sidewalk snow removal during this years budget process, the Selectmen's Override Vote did include the sum of \$125,000.00 for each of the next three fiscal years to fund the purchase of three new sidewalk snow tractors, one per year. By Town Meeting, we will know if the override vote allowed that such funds will be made available.

The Petitioners believe that as the sidewalks are "public property" that the Town and not its inhabitants or property owners' should be responsible for the plowing of all residential sidewalks. The Petitioners cited medical reasons, the issues of slip and falls, our elderly and Brookline's quality of life as reasons why the Town should shoulder the burden of plowing and sanding sidewalks. The Petitioners also believe that with proper senior level management funds could be found without the necessity of another override or cuts in services.

Commissioner DeMaio spoke at length to the Capital subcommittee, which studied this issue, that in 1978 a snow committee had originally decided the importance of the Town plowing certain sidewalks, including those in commercial areas, walking routes for school children, those near Houses of Worship, near Transportation Hubs and in areas with pockets of elderly housing, including some 43 miles of sidewalks that currently plowed and sanded by the Town. Originally, the 43 miles of sidewalks plowed and sanded were broken into ten routes and manned by ten DPW employees. These routes were cut to five routes due to yearly financial pressures placed by budget cuts and increased costs of operation. The Town has approximately another 40 to 47 miles of sidewalks that could be plowed (all sidewalks 5' or greater in width) to allow for the plowing of sidewalks on at least one side of each Town Street. The cost of such (one-sided) Town plowing was estimated to require the addition of 5 new sidewalk tractors and approximately 5 new employees, at a cost of approximately 1.3 Million Dollars for year one. Approximately 13+ miles of sidewalk is less than 5' in width and cannot be plowed by the Town. The Petitioner's article who require the plowing and sanding of all Town sidewalks.

In 1995, the cost of replacement sidewalk tractors was approximately \$55,000.00, each. The Commissioner stated that current cost estimates for new sidewalk tractors had increased to the vicinity of \$125,000.00 each. Commissioner DeMaio stated that the replacement of three of the current five sidewalk tractors is required at a cost of approximately \$375,000.00 merely to maintain currently assigned sidewalk routes. We are all well aware that to hire 5 additional employees is not an insignificant cost.

Eileen Berger, Chair of the Commission for the Disabled spoke at length about her concerns for handicapped persons and their difficulty in traversing unplowed sidewalks and handicapped parking spaces. The Advisory Committee believes that this is a concern that requires review.

The Advisory Committee well understands the issues presented by Warrant Article 23. Again, due to prohibitive costs of additional Town sidewalk plowing, the subcommittee took the following vote:

RECOMMENDATION:

The Advisory Committee, by a Vote of 15-2 with 2 abstentions recommends NO ACTION on Article 23.

XXX

ARTICLE 24

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.

PETITIONER'S ARTICLE DESCRIPTION

The Park and Recreation Commission has discussed the fine structure for dog control violations with dog owners, non-dog owners, the Police Department and the Green Dog Advisory Committee and has found that the existing fine structure that commences with a \$15.00 fine is inadequate. The Commission feels that an increase in the graduated fine structure will be more persuasive than the existing fine structure.

SELECTMEN'S RECOMMENDATION

Article 24 would amend the Town's By-Laws by increasing the fines for dog control violations. The Park and Recreation Commission conducted numerous public meetings to hear citizen concerns, expectations, and needs about overall park use and policy. One of the concerns raised in these meetings is that while the Green Dog Program has helped to establish policies that allow a legitimate, organized time for responsible dog owners to enjoy the recreation, exercise and social interaction that occur during designated off-leash hours, there are individuals who still choose to ignore the Town's Dog Control By-Laws. A review of the enforcement fines unveiled that the current penalties, starting at \$15.00 per infraction, were insufficient to deter chronic offenders. The Park and Recreation

Commission is committed to evaluating impacts and adjusting the Green Dog Program as needed, however the increase in Dog Control Fines would be beneficial town-wide even outside of the Green Dog Program. The increase will apply to all dog related violations including areas where dogs are not allowed, areas where dogs should be leashed and picking up after one's dog. In 2007, there were 119 total tickets issued for Leash Law violations. Of the total issues, 56 were non-residents. While the fine increase is modest, it will hopefully be one way in which the Town can encourage a greater level of compliance with the Town's Dog Control By-Laws.

The Selectmen recommend FAVORABLE ACTION, by a vote of 4-0 taken on April 8, 2008, on the vote offered by the Advisory Committee.

ROLL CALL VOTE

Favorable Action

Daly
Hoy
DeWitt
Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

The Petitioners, The Park and Recreation Commission, are seeking Town Meeting approval to increase the cost of the fine schedule listed under section 8.6.9 of the General By-Laws (copy attached) as follows:

| | |
|---|-------------------------|
| 1 st Violation | from \$15.00 to \$25.00 |
| 2 nd & 3 rd Violation | from \$25.00 to \$50.00 |
| 4 th and Subsequent Violations | from \$50.00 to \$75.00 |

DISCUSSION:

Erin Gallentine and Nancy O'Conner explained that while most dog owners utilizing the "Green Dog Program" showed a level of compliance, there were still issues with the compliance of some dog owners with respect to the three-year old program that allows off leash dogs within certain Town parks during specific hours. Currently, the Police Department's Animal Control Office is empowered to issue fines under the Dog Control By-Law. Last fiscal year, some 119 tickets were given for violations of the by-law, 63 to residents and 56 to non-residents of which only 21 remain unpaid. The Town has some 1400 – 1600 licensed dogs residing in the Town and the Town Clerk, annually sends approximately 3000 renewal notices for dog licenses.

The Park and recreation Commission is currently working to make administrative changes to the Green Dog Program and is discussing the institution a \$55.00 fee for yearly admission into the Green Dog Program. The funds from this fee would flow into the Parks and Recreation revolving fund and potentially allow for the hiring of Park Rangers to provide additional enforcement to the Dog Control By-Laws. Dogs would receive a highly visible tag to show that they are legally a part of the Green Dog Program and dog owners would also receive a highly visible lanyard. This change would also allow for persons who do not reside in Brookline but who use our parks for dog purposes pay their fair share of maintenance costs incurred by their usage. Persons who have not paid for entry into the Green Dog Program would be fined for unlawful use of the parks. Fines paid, are received into the General Fund.

The Advisory Committee believes that the use of funds from the Green Dog Program and the increased fine requested by this Warrant Article will benefit enforcement of this program and be beneficial to the Town.

RECOMMENDATION:

The Advisory Committee, by a Vote of 18-0 recommends FAVORABLE ACTION on the following vote:

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 |

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ARTICLE 25

TWENTY-FIFTH ARTICLE

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

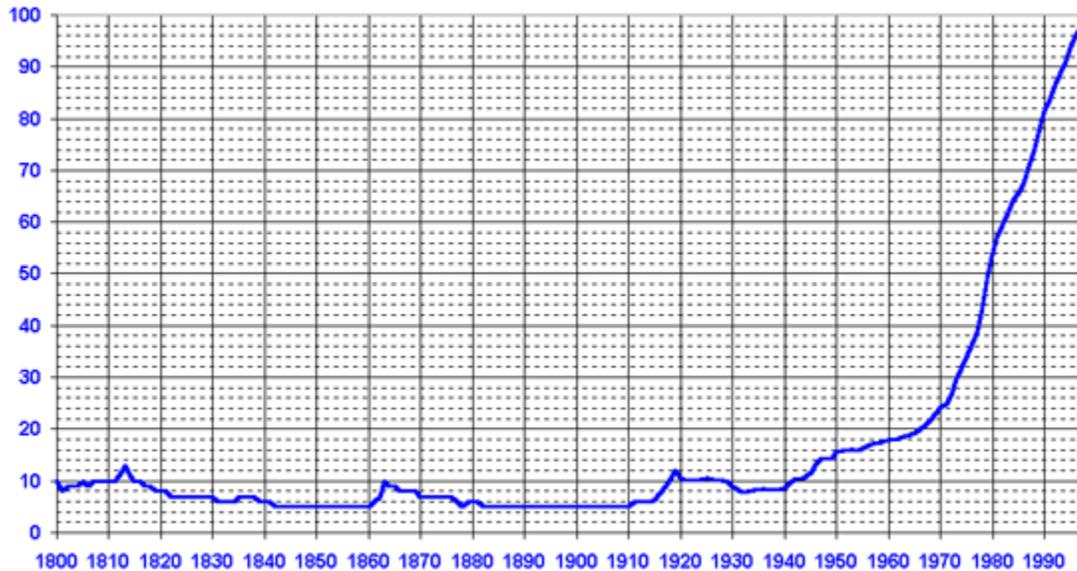
Article ____

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.

PETITIONER'S ARTICLE DESCRIPTION

<http://www.pbs.org/teachers/mathline/concepts/president/activity1.shtm>

U.S. Price Levels 1800 to 1999, with 1999 = 100



Reminder: Price indexes prior to 1913 are considered estimates rather than direct measures. See the discussion in *Historical Statistics of the United States*, Vol I (1975), pp. 190-196 and 211.

The chart in Figure 2 shows the value of money between 1800 and 1999. It illustrates that \$100 in 1999 had less value than in previous years. For example, \$100 in 1999 is the equivalent of \$10 in 1920.

People have written laws so that they might know their rights and secure justice through the courts. **Article 1, Section 10, U.S. Constitution states:**

No State shall emit Bills of Credit; (or) make any Thing but gold and silver Coin a Tender in Payment of Debts;

U.S. Constitution

Article 1, Section 8

Congress shall have power to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; (and) To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Article 1, Section 10,

No State shall emit Bills of Credit; (or) make any Thing but gold and silver Coin a Tender in Payment of Debts;

Article 5

Amendments shall be valid to all intents and purposes. as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof,

Article 6

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;

“A bill of credit is some sort of paper medium by which value is exchanged between the government and individuals. Money is a bill of credit, but a bill of credit need not be money. An interest-bearing certificate that was issued by Missouri, and usable in the payment of taxes, was thus ruled to be an unconstitutional bill of credit.”

<http://www.usconstitution.net/glossary.html#CREDIT>

The law is clear. Only gold and silver coins are authorized by the U.S. Constitution for use as legal tender in the United States. Federal Reserve notes are counterfeit paper. Federal Reserve notes fall under the category of ‘Bills of Credit.’ Therefore Federal Reserve notes are illegal for use as legal tender in the State of Massachusetts.

The high rate of inflation is cutting into the Town of Brookline’s ability to maintain it’s current level of resident services. The Federal Reserve is a private bank which has been devaluing the United States currency since 1913. The use of counterfeit paper contributes to the inflationary Federal Reserve system, which threatens to collapse the US economy into hyperinflation. This Warrant argues the Federal Reserve Dollar is a multi-level marketing scheme to defraud U.S. citizens out of their property. The irony is that it is becoming increasingly clear that it is the Federal Reserve led financial system that resembles a Ponzi scheme. The Federal Reserve intends to inflate its way out of the mortgage problem, as indicated by the latest testimony of Ben Bernanke. The confiscation of gold and silver of the U.S. Treasury is an assault on liberty, and on the right of citizens to own sound money (gold and silver), rather than Federal Reserve notes, which are worthless paper now rapidly losing their value. The falling US dollar has even become an issue during the latest OPEC meeting, as concern was expressed for its decline

and the health of the US economy. Wall Street financial houses have been pushing collateralized debt obligations instead of honest money. "

Supplemental Information:

"Ponzi" Schemes

Ponzi schemes are a type of illegal pyramid scheme named for Charles Ponzi, who duped thousands of New England residents into investing in a postage stamp speculation scheme back in the 1920s. Ponzi thought he could take advantage of differences between U.S. and foreign currencies used to buy and sell international mail coupons. Ponzi told investors that he could provide a 40% return in just 90 days compared with 5% for bank savings accounts. Ponzi was deluged with funds from investors, taking in \$1 million during one three-hour period—and this was 1921! Though a few early investors were paid off to make the scheme look legitimate, an investigation found that Ponzi had only purchased about \$30 worth of the international mail coupons.

Decades later, the Ponzi scheme continues to work on the "rob-Peter-to-pay-Paul" principle, as money from new investors is used to pay off earlier investors until the whole scheme collapses. <http://www.sec.gov/answers/ponzi.htm>

SELECTMEN'S RECOMMENDATION

Article 25 is a petitioned article that would create a new by-law requiring the Town to invest its liquid assets in only silver and gold. It further requires that all payments, both payroll and vendor, be made in gold or silver coin. The use of investments to improve return on capital is, when carefully done, an excellent way to earn income. In fact, it is considered a bad business practice if assets are left in non-interest bearing accounts. In making decisions on investments, government entities are encouraged to keep in mind three goals: liquidity, security, and return on investment.

Liquidity is considered the most important goal, as government entities must meet the cash demands of weekly payrolls and vendor payments. These expenditures must be matched with the inflow of cash. Most of the annual cash received by the Town comes in on approximately 25 work days per year, while expenditures are made throughout the year. This uneven cashflow requires that a greater emphasis be placed upon liquidity. An investment in precious metal future options is a strategy for long-term investment. The Town's need for liquidity would require a much shorter term of investment, placing the Town at a disadvantage if liquidity were required as the price of the commodity was declining. As it would require a minimum of two to three days to execute a sell order, the need for liquidity could create a higher level of risk.

Security is the next most important goal. The assets, being public funds, have a higher level of security placed upon it. The "best practices" for government investment places a greater emphasis on security rather than on speculation, something that could create a higher rate of return. In support of this philosophy, the Commonwealth has placed limitations on the types of investments that can be made by cities and towns. M.G.L.

Chapter 44, Section 55 limits general fund investments to term deposits, certificates of deposit, bank deposits, or in obligations guaranteed by the United States government or any federal agency, and having a maturity date of one year or less. The Department of Revenue (DOR) further includes the Massachusetts Municipal Depository Trust (MMDT) as an investment option. As an added emphasis on security, the Government Accounting Standard Board (GASB) has issued statement #3, which provides guidance for disclosures concerning the degree of risk of investments. The statement recommends that communities disclose the amounts of bank balances and whether the asset is insured or collateralized.

The Town's recent acceptance of the "Prudent Investor" standard applies to trust fund assets but not general fund assets. If this article is adopted, excluding the Town from the provisions of MGL Chapter 44, Section 55, and requiring the investment of assets only in silver and gold futures, there would be no diversification in the portfolio. This approach would be a violation of the "Prudent Investor" standard for investment. If adopted, the Town would be placing the emphasis of investing public assets on rate of return rather than security, an approach that is counter to Massachusetts General Law, GASB #3, and best practices.

Interest earnings represent approximately 1% of FY2008 budgeted revenue. The weakening of the world financial markets, driven by problems in the housing and banking sectors, has led to a dramatic reduction in the federal rates charged to banks. This, in turn, has led to lower rates of return on investments. In order to extract a higher rate of return, the Town would have to accept a higher level of risk. In the last several years, certain government entities have experienced significant losses in pursuit of higher rates of return. In the early-1990's, several Massachusetts communities experienced a loss while placing the community assets in a long-term investment at a weak financial institution. In the late-1990's, Orange County declared bankruptcy after heavily investing in derivative investments in pursuit of a higher rate of return. Most recently, the City of Springfield suffered a loss in pursuit of a higher rate of return. Finally, there is no monthly income produced from precious metal futures. If adopted, Article 25 would require the community to accept a higher level of risk in pursuit of a higher rate of return.

The requirement to make all payments of debt in gold or silver coins is also impractical. The number of payroll and vendor checks issued on a weekly basis, all at differing amounts, would require a large secure area to store the precious metal and a lengthy process of measuring the metal as not to over or under pay. This would require additional staffing, additional security, and space. The Town would also experience a loss of monthly interest earnings, as no assets would be placed in local banks.

For all of these reasons, the Board recommends NO ACTION, by a vote of 5-0 taken on April 15, 2008, on Article 25.

ADVISORY COMMITTEE'S RECOMMENDATION

The Advisory Committee will be submitting a supplemental report prior to the start of Town Meeting.

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ARTICLE 25

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

BACKGROUND

The petitioner is requesting that the Town amend the General By-laws by adding an article requiring the Town to use only silver and gold coin as tender in the payment of debts, to invest in only gold or silver coins and to divest other securities.

The petitioner believes that using only gold and silver coin is a requirement of Article 1, Section 10 of the U.S. Constitution and that by doing otherwise Brookline is violating Federal law.

DISCUSSION

The Advisory Committee reviewed the warrant article and concluded that while the petitioner might possibly have a legal point, there were relevant Supreme Court decisions that indicated that current practice, using paper currency, was perfectly legal, all the more so since Congress has approved paper currency as being legal tender for all debts public and private.. Furthermore, there were practical reasons why the Town could not do business exclusively in silver and gold coin.

For example, it would be impractical for the Town to pay employees or vendors in gold or silver. This would require the purchase and storage of gold and silver, the ability to measure out and package correct quantities of gold or silver for each bill paid and the willingness of vendors and employees to accept this form of payment instead of currency.

Also, the Committee did not feel qualified to pass judgment on the legality of the petitioner's claims and suggested that these claims be pursued through the Federal Courts.

RECOMMENDATION

The Advisory Committee unanimously recommended NO ACTION on Article 25.

ARTICLE 26

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.

PETITIONER'S ARTICLE DESCRIPTION

"The U.S. Government recently conceded that vaccines caused a child to become autistic and the child is entitled to compensation," (Kirby 2008). Health initiatives should "Do No Harm" to human health. Scientific Studies document a positive correlation between Thimerosal and increased risk for Autism and Alzheimer's Disease. Analysis of the effects of mercury in vaccines on infant monkeys does reveal the accumulation of inorganic Hg (mercury) in the neurological tissues can cause neurodegenerative diseases consistent with autistic spectrum disorder. Thousands of dollars have been paid out in vaccine injury claims. Numerous doctors are facing numerous Autism-Related Malpractice suits. (see [Dr. Stephen Edelson Facing Third Autism-Related Malpractice Suit](#)). In order to protect the town from unnecessary litigation, all harmful toxins must be removed from town administered Influenza vaccines and sprays.

In addition, on February 25, 2008, The Huffington Post writer, David Kirby, in his article, '[US Government Concedes Vaccine-Autism Case in Fed. Court](#)' reports:

(Excerpts)

The US government has made an unprecedented concession in Federal Court: Vaccines caused a child to become autistic and the child is entitled to compensation.

After years of insisting there is no evidence to link vaccines with the onset of autism spectrum disorder (ASD), the US government has quietly conceded a vaccine-autism case in the Court of Federal Claims.

The claim, one of 4,900 autism cases currently pending in Federal "Vaccine Court," was conceded by US Assistant Attorney General Peter Keisler and other Justice Department officials, on behalf of the Department of Health and Human Services, the "defendant" in all Vaccine Court cases. The child's claim against the government -- that mercury-containing vaccines were the cause of her autism -- was supposed to be one of three "test

cases" for the thimerosal-autism theory currently under consideration by a three-member panel of Special Masters, the presiding justices in Federal Claims Court.

Keisler wrote that medical personnel at the HHS Division of Vaccine Injury Compensation (DVIC) had reviewed the case and "concluded that compensation is appropriate" (http://www.huffingtonpost.com/david-kirby/government-concedes-vacci_b_88323.html).

Republican Presidential candidate, John McCain:

McCain: "It's indisputable that (autism) is on the rise amongst children, the question is what's causing it. And we go back and forth and there's strong evidence that indicates that it's got to do with a preservative in vaccines." – John McCain March 4, 2008

http://www.knowledgedrivenrevolution.com/Articles/200802/20080204_ISS_4_Education.htm

Bertrand Arthur William Russell, 3rd Earl Russell (1872-1970) was a renowned British philosopher and mathematician who was an adamant internationalist and worked extensively on the education of young children. He was the founder of the [Pugwash movement](#) which used the spectre of Cold War nuclear annihilation to push for world government. Among many other prizes, Russell was awarded the [Nobel Prize in Literature](#) in 1950 and UNESCO's (United Nations Educational, Scientific, and Cultural Organization) [Kalinga prize](#) in 1957.

Internationalist, Bertrand Russell, 1952 (p56) advocated partial chemical lobotomies

"Scientific societies are as yet in their infancy. It may be worthwhile to spend a few moments in speculating as to possible future developments of those that are oligarchies.

*It is to be expected that advances in physiology and psychology will give governments much more control over individual mentality than they now have even in totalitarian countries. Fichte laid it down that **education should aim at destroying free will, so that, after pupils have left school, they shall be incapable, throughout the rest of their lives, of thinking or acting otherwise than as their schoolmasters would have wished.** But in his day this was an unattainable ideal: what he regarded as the best system in existence produced Karl Marx. In future such failures are not likely to occur where there is dictatorship. **Diet, injections, and injunctions will combine, from a very early age, to produce the sort of character and the sort of beliefs that the authorities consider desirable, and any serious criticism of the powers that be will become psychologically impossible.** Bertrand Russell, "The Impact of Science on Society", 1953, ... nationalwriterssyndicate.com/index2.php?option=com_content&do_pdf=1&id=341*

To expect a personality to survive the disintegration of the brain is like expecting a cricket club to survive when all of its members are dead.
- [Brain]

We are faced with the paradoxical fact that education has become one of the chief obstacles to intelligence and freedom of thought.
- [Education]

Additional Information:

<http://www.time.com/time/health/article/0,8599,1721109,00.html>

Case Study: Autism and Vaccines

Monday, Mar. 10, 2008 By [CLAUDIA WALLIS](#)

Time/CNN

Excerpts:

Government health officials have conceded that childhood vaccines worsened a rare, underlying disorder that ultimately led to autism-like symptoms in Hannah, and that she should be paid from a federal vaccine-injury fund.

W.A.Harewood /

| |
|---|
| Excerpt: "He and his wife would like to see thimerosal eliminated from flu vaccines, which continue to be given to children and pregnant women, a fact that, he thinks, could be one reason autism rates haven't declined." |
|---|

Hannah Poling, left, stands with her parents Terry and Jon Poling, right, at a news conference in Atlanta on March 6, 2008.

"... Hannah Poling is hardly unique in the world of autism. She had an uneventful birth; she seemed to be developing normally ... then, right after receiving ... vaccines, she fell ill ... lost ... words, ... eye contact and, ... began exhibiting the repetitive behaviors and social withdrawal that typify autism ..."

SELECTMEN'S RECOMMENDATION

Article 26 is a petitioned article that would require the Town to administer flu shots, vaccines, and immunizations that are 100% thimerosal free. The petitioner believes that there exists a correlation between thimerosal and an increased risk for autism and

Alzheimer's disease. This is the same article the petitioner filed for both the November, 2006 Special Town Meeting and the 2007 Annual Town Meeting.

The Town's Director of Health and Human Services and the Advisory Council on Public Health have spent a great deal of time researching this issue. Numerous experts from various institutions assisted the Director and the Advisory Council, including the Boston Medical Center, the Harvard School of Public Health, Children's Hospital, Beth Israel Deaconess Medical Center, Massachusetts Department of Public Health, and Brigham and Women's Hospital. Their bottom-line conclusion is that there is no clear and credible scientific evidence linking the receipt of a flu shot containing thimerosal with the development of Alzheimer's disease. Similarly, their research shows no casual relationship between thimerosal containing vaccines and autism. On the other hand, there is strong evidence regarding the impact of influenza on older persons in general and frail older persons, including those with Alzheimer's disease, in particular.

The Board would like to once again thank Alan Balsam and the Advisory Council on Public Health for all of their work on his issue. It was clear from their presentation that this is an issue they take very seriously. Since the research shows the risk to individuals of influenza clearly outweighs any theoretical and not scientifically validated risk of thimerosal as a cause of Alzheimer's disease and autism, the Selectmen recommend NO ACTION, by a vote of 5-0 taken on April 15, 2008, on Article 26.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

This is the third time Town Meeting will be asked to consider this warrant article in the past two years. The article seeks to prevent the Health Department from administering any vaccine containing thimerosal or any other "toxins or substances...causing significant risk to human health". In her explanation, the petitioner cites a recent case from the Federal Vaccine Court and states that "Scientific Studies document a positive correlation between Thimerosal and increased risk for autism and Alzheimer's disease...all harmful toxins must be removed from town administered Influenza vaccines and sprays."

DISCUSSION:

The U.S. Code of Federal Regulations (CFR) requires "in general, the addition of a preservative to multiple-dose vaccines" and "the preservative used shall be sufficiently non-toxic so that the amount present in the recommended dose of the product will not be toxic to the recipient". A multiple-dose vial refers to multiple needle entries into the same vial.

Tragic consequences have followed the use of multidose vials without the use of preservatives. In his book "The Hazards of Immunization", Sir Graham S. Wilson cites an immunization campaign against diphtheria in January 1928 in Australia. Dr. Ewing

George Thomson, Medical Officer of Health in Bundeberg, injected a total of 42 children with a toxin-antitoxin mixture. 12 died from what amounted to an injection of live Staphylococcus strains.

Developed by Eli Lilly, thimerosal has been used since 1931 as a preservative in biological and drug products, including vaccines, to help prevent potentially life-threatening contamination with harmful microbes. It is 50% mercury by weight and is metabolized or degraded to ethylmercury and thiosalicylate. Ethylmercury is an organomercurial distinguished from methylmercury, a related substance and the focus of considerable study. Thimerosal has a long record of safe and effective use preventing bacterial and fungal contamination of vaccines with no ill effects other than minor local reaction at injection site. Use of mercury-containing preservatives has decreased in recent years with the advent of new products with alternative or no preservatives.

The increase in the past two decades of the number of thimerosal-containing vaccines added to infant immunization schedules led to rising concerns over neurotoxicity from even low levels of organomercurials. The Food and Drug Administration (FDA) has worked with drug manufacturers to decrease levels of or eliminate thimerosal from vaccines. Since 1999, thimerosal has been removed from or reduced to trace amounts in all vaccines routinely recommended for children 6 years and younger with the exception of inactivated flu vaccine.

Flu vaccines contain 12.5 micrograms/ 0.5 mL dose for children and 25 micrograms/ 0.5 mL dose for adults. Current Environmental Protection Agency (EPA) guidelines state 0.1 microgram/ kilogram body weight/ day as a safe level. For children, the amount of mercury in a flu vaccine dose is 0.00137 micrograms/kg/day.

Mercury is an element that is dispersed widely around the Earth. Most of the mercury found in the water, soil, plants and animals is found as inorganic mercury salts. Mercury accumulated in the aquatic food chain is primarily methylmercury, an organomercurial. Consumption of seafood is the primary source of human exposure to methylmercury. A January 2008 New York Times article reported levels of more than 49 micrograms from a six-piece serving of tuna sushi from samples in several New York restaurants. To put the EPA guidelines for mercury exposure into perspective, multiply that amount by number of days and weeks in a year. A 25-microgram dose from a single yearly flu vaccine is miniscule compared to that from cumulative seafood consumption within a year's time.

The petitioner has stated in her explanation that studies have "documented a positive correlation" between thimerosal and increased risks for autism and Alzheimer's disease. Several studies in recent years have shown no causal relationship between thimerosal-containing vaccines and risk for developing autism. A 2002 Danish study found no decline in autism cases after 1992, when Denmark banned the preservative. It was the first country in the world to do so. American vaccine manufacturers began phasing out thimerosal in 1999. A California study published in the Archives of General Psychiatry in January of this year reported that California Department of Developmental Services (DDS) data did not support "the hypothesis that exposure to thimerosal during childhood

is a primary cause of autism." (Arch Gen Psychiatry. 2008;65(1): 19-24)

To quote Dr. Robert L. Davis, a professor of epidemiology and pediatrics at the University of Washington, from a September, 2003 New York Times article about the 2002 Danish study: "If you remove cars from highways, you'll see a marked decrease in automobile deaths...if thimerosal was a strong driver of autism rates, and you remove it from vaccines, you should have seen some sort of decline--and they didn't."

In the same article, Dr. William Schaffner, chairman of preventive medicine at Vanderbilt University says of the studies addressing this topic: "Each is imperfect, but they all add up to this theme: thimerosal is not the culprit."

The Danish study also states the distinctions between symptoms of mercury poisoning--restricted vision, deadened nerves, psychosis or depression, slightly-shrunken brains--and autism traits. Children with autism are hypersensitive to noise, typically have larger-than-average brains, and no vision problems.

Experts on Alzheimer's disease have disputed any link between thimerosal and the disease.

The petitioner's explanation contains a reference to an article by David Kirby (Feb. 2008) which states that the U.S. government conceded that vaccines "caused a child to become autistic and the child is entitled to compensation." This article is misleading. In the fall of 2007, the Vaccine Injury Compensation Program determined that a child with mitochondrial disorder met the legal requirements that her condition was exacerbated by the stress of vaccination. She received 5 vaccines (none of which were the flu vaccine) in July 2000. The settlement did not rule on a causal relationship between autism and thimerosal; in fact, it is a legal settlement and not a scientific finding. Furthermore, the child's father, a neurologist, said at a news conference that the basis of the case is risks of vaccines and that the case did not prove the argument against thimerosal.

The Health Department provides flu vaccines and some childhood vaccines to residents. The proposed warrant article would in effect prevent the Health Department from dispensing flu vaccines, because not all vaccines are thimerosal-free. Sensitive to the public's concern over thimerosal, manufacturers of flu vaccine are producing more thimerosal-free doses, and this year the Health Department received 300 more doses of thimerosal-free vaccine than it did last year. The Health Department informs residents that the vaccine contains thimerosal and offers a choice of thimerosal-free doses while supplies last. Fewer than 20 residents, however, chose that option last year.

Residents elect to receive a flu vaccine, but the warrant article is anti-choice. If it were in place, once thimerosal-free doses run out, the Health Department would not be permitted to offer flu vaccines to residents requesting them. The article would serve to thus deny them protection from the disease. This year the State reported two pediatric deaths from complications caused by infection with influenza.

Also important to note is that in the event of the need to protect the public against deadly avian flu, the vaccines produced would necessarily contain thimerosal, since they would require large-scale production and distribution. Passage of this warrant article would distinguish Brookline as the only community in the nation forbidden from protecting its residents and employees from an avian flu pandemic.

Moreover, because the petitioner's explanation states that the "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 and substances...to cause significant risk to human health", the article is also effectively anti-vaccine. As Dr. Balsam has stated, "At its core, this warrant article is anti-vaccine, not simply anti-thimerosal. Nothing manufactured is free of toxins or other substances. As analytical techniques allow us to examine materials at the molecular level, we realize that small amounts of other substances are present in every medicine that is manufactured."

Although the petitioner has said this is not her intention, approval of this warrant article could potentially prevent the Health Department from distributing any vaccine or medicine.

RECOMMENDATION:

The Advisory Committee voted 14-0 with no abstentions for NO ACTION on this warrant article.

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ARTICLE 27

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.

PETITIONER’S ARTICLE DESCRIPTION

On February 6, 2008 the Naming Committee voted unanimously to name the new park at the Newton Street Landfill “Skyline Park”. This name was recommended by a unanimous Park and Recreation Commission. The park was officially opened to the public in March 2008. The park comprises approximately 15.15 acres of active and passive recreation park amenities for all ages and abilities. The park provides the first Town athletic field suitable for high school soccer tournaments, playground structures for older children and tots, picnic areas, a comfort station, restored wetlands, scenic walking trails and connections to the Lost Pond Nature Sanctuary.

SELECTMEN’S RECOMMENDATION

Article 27 was filed by the Naming Committee under the provisions of Article 6.8 of the Town’s By-Laws. In March, 2008, the Town officially opened its new 15.15 acres of active and passive recreation park on land that used to be a landfill. This stunning new facility is the result of 10 years of work by many, many individuals and groups, including the neighbors, the Department of Public Works, and the Park and Recreation Commission. It is the first addition to the Town’s open space in over a quarter of a century and offers something for everyone, from a soccer field suitable for tournaments to scenic walking paths; from playstructures for older children and tots to restored wetlands; and from picnic areas to connections to the Lost Pond.

The proposal is to temporarily name the new facility “Skyline Park”. This is being proposed for the simple reason that it would be unfortunate to hold an opening celebration for a new park without a name -- and everyone agrees that calling it “Landfill Park” is simply not an option. The Board recommends FAVORABLE ACTION, by a vote of 4-0 taken on April 29, 2008, on the following vote:

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

ROLL CALL VOTE

Favorable Action

Daly

Hoy

DeWitt

Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

This article was submitted by the recreation department in order to provide the new recreation space that has been created at the site of the old landfill at 815 Newton Street with a "placeholder" name. The thought was that it might be possible at some future date to obtain a benefactor for the park and connect the "naming" of the park to a substantial monetary contribution. Since the park will be used for recreational activities beginning this spring it was necessary to have a name both for purposes of designation and signage.

DISCUSSION:

The name "Skyline Park" was chosen as a possible placeholder name primarily because it seemed neutral and descriptive. There is a good view where the sky meets the field and it prompted the naming suggestion somewhat spontaneously. Because the desire was for a quick temporary name for purposes of designation and signage no community input was sought in selecting the name. There was no objection to the name during the hearing process.

During the Advisory Committee discussion of the article several members felt that it would have been preferable to have community input in selecting the name. While it is a town amenity, it was pointed out that members of the neighborhood community surrounding the park had spent many hours giving input on the issues surrounding the old landfill and in the parks design and that leaving them out of the naming process was therefore inappropriate. On the other hand, since the objective when proposing the name was to create a neutral "placeholder" name it was suggested that community input would create a commitment to the intentionally temporary name that would make changing it later difficult.

RECOMMENDATION:

The Advisory Committee, by a vote of 12 in favor and 8 opposed with no abstentions, recommends FAVORABLE ACTION on the vote offered by the Selectmen.

ARTICLE 28

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.

PETITIONER’S ARTICLE DESCRIPTION

On November 1, 2007 the Naming Committee for the Town of Brookline voted unanimously to change the name of Philbrick Square to Philbrick Green. This change was recommended by Dennis DeWitt a member of the Preservation Commission.

In 1889 Edward Philbrick’s heirs hired Olmsted’s firm to complete the subdivision of their estate. Olmsted’s drawing split Upland Rd around one house lot, which was numbered, like any other. It became a public space when in 1901 the town and some civic minded neighbors each raised \$2,500 to buy it from an abutter.

The Town named it “Philbrick Sq.” but put up no sign. To the vast majority of Pill Hill neighbors it was just “The Green.” — consistent with its character as a simple greensward lacking park-like embellishments. (Two benches were installed by the neighborhood association in the 1980s.) The Pill Hill community has held its annual “Picnic on the Green” for over half a century. Each Christmas Eve neighbors of all faiths have long gathered for “Caroling on the Green.” The Brookline Greenspace Alliance website has variously referred to the Green as “The Upland Green (the neighborhood’s name for the space)” and as “The Upland Road Triangle, also known as Philbrick Square.”

Just before last year’s Picnic on the Green a “Philbrick Square” sign appeared — surprising neighbors who only knew it as “The Green.” At the Picnic 41 neighbors — an overwhelming majority of those present — signed a petition asking that its official name be “Philbrick Green.” Only two who were asked declined. When the petition was presented to the Naming Committee, there was a concern that the whole neighborhood had not been polled. The proponents and the High Street Hill Association developed a “Square or Green” poll using the Association’s newsletter and website. The final tally, combining petition names and web votes, with some changes of mind in both directions, was 75 for Philbrick Green & 36 for Philbrick Square. The total for internet voting was 43 for “Philbrick Green” and 36 for “Philbrick Square”. At the Association’s next board meeting, its President said the vote was final and the Association’s role finished. The matter was also forwarded to both the Park and Recreation Commission and the Preservation Commission who took no position on the name change.

One concern raised against the change was that “Square” was “historic.” According to “Green” proponents, most neighbors felt “Philbrick” was historic but “Square” was not.

Other comments quoted by the proponents were that a great many neighbors noted its shape is distinctly triangular, not square; that some thought of "squares" as hard and urban; and that a typical comment called it "our community lawn."

Another concern raised was that the town already had an "historic" Town Green at the west end of Walnut St. Current Preservation Commission research suggests that Brookline never had a "Green" or "Common" in the normal sense of those terms. Brookline's only "Common" was Boston Common. What is now called Town Green was basically a schoolhouse site — which the town acquired as late as 1793, when the Hyslop family donated the "triangular plot of land in the fork in the road" (Walnut St.). where town then built a brick schoolhouse, replacing a prior wood one. The adjacent First Parish Church site was sold to the town, for church use, even later, in 1805. It may be that the name "Village Green" was coined for that site in a 1910 patriotic-historical D.A.R magazine article — and that name perhaps later became "Town Green". The 1905 Bi-Centennial monument on Town Green refers only to "this spot." The term "Town Green" does not appear on town atlases until 1927.

Lastly, the Parks Department says it can easily change the sign from "Philbrick Square" to "Philbrick Green."

SELECTMEN'S RECOMMENDATION

Article 28 was filed by the Naming Committee under the provisions of Article 6.8 of the Town's By-Laws. As detailed in the "Petitioner's Explanation" above, what is known to the neighborhood as "the Green" was changed to "Philbrick Square" when a sign designating it as such appeared. The neighborhood was overwhelmingly against the new name, preferring "Philbrick Green" instead. The Selectmen agree with the Naming Committee's recommendation to make the change and recommends FAVORABLE ACTION, by a vote of 5-0 taken on April 15, 2008, on the vote offered by the Advisory Committee.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

This roughly triangular shaped parcel, surrounded by Upland Road, has been a public space since 1901 and known officially as Philbrick Square. Pill Hill neighbors have long referred to it as a green, holding its annual "Picnic on the Green," and "Caroling on the Green."

Shortly before the last picnic, the Town, for the first time, erected a sign, "Philbrick Square." This led some of the neighbors to start a campaign to rename the parcel more in line with what they took to be common local usage. At the picnic a petition to that effect was passed around. After a hearing before the Town's Naming Committee, a poll was taken via the High Street Hill Neighborhood Association's website and newsletter. The result of the poll was 43 in favor of the change, 36 opposed. When those who signed the picnic petition are added in, the numbers are 75 to 36.

DISCUSSION:

The reasons given for wanting the change invoke long-standing local usage. The reasons for opposing the change invoke respect for the historicity of the name. Beyond these arguments, there is the matter of individual taste. While to many, none of these arguments seem compelling, it is the case that for some of the neighborhood participants on both sides, their feelings on the matter are quite passionate.

There does not seem to be a compelling interest for the Town on this question. (There is a de minimus cost of about \$75 to change the sign.) Absent such an interest on the part of the Town, the better course would seem to be to have the neighbors resolve it amongst themselves. To that end, there was an agreement among most of the interested parties on both sides to abide by the results of the Neighborhood Association poll.

RECOMMENDATION:

The Advisory Committee agrees that essentially, this is a question of local neighborhood preference. Hearing the numbers involved, and most importantly given the process agreed to by the neighborhood through its High Street Hill Neighborhood Association, the Advisory Committee agrees with the recommendation of the Naming Committee, and votes FAVORABLE ACTION by a vote of 17-0-5 on the following:

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

XXX

ARTICLE 29

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.

PETITIONER'S ARTICLE DESCRIPTION

On April 25, 2000, the Board of Selectmen voted unanimously to join the Cities for Climate Protection (CCP) campaign of the International Council for Local Environmental Initiatives (ICLEI). Brookline was one of the first municipalities in the country to do so.

The Cities for Climate Protection campaign began in 1993, and is a five-step program that engages municipalities around the world in reducing the pollution that causes global warming. To complete the first step in the CCP program, the town prepared a baseline inventory of all greenhouse gas emissions. It then established an emissions reduction target, and prepared a Local Action Plan on Climate Change. In February 12, 2002, the Board of Selectmen voted unanimously to approve the Local Action Plan, setting a goal for 2010 of reducing emissions of greenhouse gases by Town government, commercial establishments, and individuals to 20% below 1995 levels.

Since 2002, the Town has been engaged in the fourth step of the CCP program, implementation of the Local Action Plan. Because of the excellent work of Town staff, much has been done. But much remains to be done. And, during the past five years, there has been little systematic follow-through on the plan. The original Town Climate Task Force created with the Local Action Plan should be restructured to ensure effective implementation of agreed upon cost-saving improvements, updating and revising of the plan, coordination of effort among various Town departments, and progress to the fifth step of the CCP program—monitoring and verification of results.

In the coming decade, we will begin to experience the significant costs of climate change. The town must act now to strengthen its commitment both to reducing greenhouse gas emissions and to developing adaptive responses to global warming.

For more information, see:

<http://www.townofbrooklinemass.com/Conservation/climatechange.html>

<http://www.iclei.org/index.php?id=1118>

SELECTMEN'S RECOMMENDATION

Article 29 is a petitioned article that would establish a Selectmen's Climate Action Committee, the purpose of which is to reduce the emission of greenhouse gases within the town. The 15 member committee would consist of representatives of the following entities, along with three at-large members:

- Selectmen
- Building Commission
- Advisory Committee
- Brookline Chamber of Commerce
- School Committee
- Transportation Board
- Advisory Council on Public Health
- Climate Action Change Brookline
- Brookline Neighborhood Alliance
- Brookline GreenSpace Alliance
- Conservation Commission
- Planning Board

The Committee will be responsible for the following:

- recommending programs that reduce the net production of greenhouse gases
- monitoring, measuring, and assessing efforts of the Town to reduce net greenhouse gas emissions
- monitoring promising relevant programs in other municipalities
- monitoring relevant technological developments
- serving as liaison between the Town and the public
- reporting annually to the Annual Town Meeting and to report from time to time to the Board of Selectmen

Brookline has been at the forefront of the environmental awareness campaign and has taken many steps to help address the issue in Brookline, ranging from establishing a committee to investigate the use of green technologies to investing in hybrid vehicles. As the petitioner pointed out in his article explanation, Brookline was one of the first municipalities in the country to vote to join the Cities for Climate Protection (CCP) campaign of the International Council for Local Environmental Initiatives (ICLEI). Since the Selectmen's vote in April, 2000, the Town has completed the first three steps of the five step program to reduce global warming-causing pollution. Since 2002, the Town has been working on the fourth step of the program: implementation of the Local Action Plan.

The proposed Climate Action Committee would be the vehicle that drives the Town toward completion of the Local Action Plan. Efforts are underway in other communities across the country and Brookline needs to continue its efforts in this critical area. Therefore, the Board recommends FAVORABLE ACTION, by a vote of 4-0 taken on April 29, 2008, on the vote offered by the Advisory Committee.

ROLL CALL VOTE

Favorable Action

Daly

Hoy
DeWitt
Mermell

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

The petitioners propose the formation of a Selectman's committee in order to insure that the Town takes a series of actions to reduce greenhouse gases and develop adaptive responses to global warming. In 2002 the Board of Selectman voted to approve a Local Action Plan, setting a goal for 2010 to reduce greenhouse gases to 20% below 1995 levels. While the Town has indeed taken several steps to implement several aspects of the plan, the petitioners suggest that the plan should be updated and monitoring and verification of results should begin.

DISCUSSION:

The Town has several ongoing efforts to support energy conservation and the reduction of greenhouse gases. A Selectman's "Green Technology" committee - established a few years ago to find better ways for the Town to incorporate energy reduction considerations into the Town's building renovations recommended by-law changes that Town Meeting passed a couple of years ago. While the Green Technology committee still exists, it is envisioned by the peititoners that the Climate Action Committee assumes the broader task of focusing the Town to reducing greenhouse gas emissions. Some Advisory Committee members mentioned the importance of a separate Green Techology Committee that should in the face of a new committee. The work of the existing standing committee should not be diminished by a broader agenda.

Modifications have been made to the original wording offered by the petitioners. The scope was broadened from "carbon footprint" to "total emissions of greenhouse gases" and an annual report on progress of the committee to Town Meeting was added. The composition of the committee was discussed in detail; simplifications were suggested and subsequently incorporated into the motion offered by the petitioners. It was generally felt that the modifications adequately reflect a balanced and clearly articulated proposal for the monitoring of greenhouse gases in the Town.

Some Advisory Committee members thought the specific levels of proposed reductions were too ambitious and not realistic or, on the other hand, not aggressive enough. Other members thought that significant dollars would have to be expended in order to bring about any change and thus opposed support the article, since there are no budgeted monies for the stated effort.

RECOMMENDATION:

The Advisory Committee voted 15 in favor, 2 opposed, with 1 abstention to recommend FAVORABLE ACTION on the following vote:

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.

XXX

ARTICLE 30

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.

PETITIONER'S ARTICLE DESCRIPTION

The Override Study Committee has recommended that the Town join the State's Group Insurance Commission (GIC) as a means of controlling group health cost, a significant factor for the Town's long term financial stability. The GIC covers some 250,000 state, county, and even some local employees/retirees. For example, the employees of the

Brookline Housing Authority have long received their insurance through the GIC. During the past several years while municipalities have generally been experiencing double digit increases the GIC has had single digit increases and has been widely lauded for innovative plan design and effective negotiations with insurers and providers. The purpose of this Resolution is to encourage that service consideration be given not only by the town, but also by the unions and retirees to the GIC option.

SELECTMEN'S RECOMMENDATION

Article 30 is a proposed resolution urging the Town and the unions to (1) proceed with good faith negotiations for joining the State's Group Insurance Commission (GIC) and (2) take into account the status of efforts to opt into the GIC in future consideration of appropriations for labor agreements. Health Insurance is a major cost center of the Town, accounting for more than 13% of the operating budget. Since FY96, the health insurance budget has grown from \$7.4 million to \$23 million, an increase of \$15.6 million (211%). Between FY01 and FY09 alone, the increase has been \$13 million, or 130%.

Over the last 12 years, the Town has made tremendous efforts to curb the ever increasing cost of group health care. In 1993, the Town reduced the Town/employee premium contribution split from 90% / 10% to 75% / 25%. In 1996, the Town implemented a blend of a self-insured health care plans using Blue Cross/Blue Shield (BC/BS) products and fully-insured Harvard Pilgrim (HPHC) plans and expenditures were under control through 2000. In FY05, the Town faced premium increases from 15% (BC/BS) to 20% (HPHC). As a result, the Town issued an RFP seeking relief to the escalating costs and was able to save \$1.1 million while maintaining the same level of benefits by consolidating under BC/BS on a fully-insured basis. This slowed the growth rate to 7% in FY05.

For FY08, the rate increase was quoted at 12%, a \$2.7 million increase. Facing another daunting increase, the Town and the unions collectively engaged in coalition bargaining under M.G.L. Ch. 32B, Sec. 19, agreeing to, among other things, double co-pays for doctor's visits and prescription drugs, and changing to a three-tier prescription drug program for retirees. These changes effectively reduced the quoted increase from 12% to 6%. On an annualized basis, the total premium reduction was nearly \$1.3 million. Despite these efforts, the quoted rate increase for FY09 is 12.8%, bringing the proposed FY09 Group health budget to \$23 million. Stated another way, the FY09 health budget will increase \$1.9 million, consuming 37.5% of anticipated operating revenue growth.

As the Override Study Committee (OSC) report clearly points out, the recent health care increases are not sustainable. Personnel costs account for roughly 75% of the Town's spending. The OSC recommended that the Town and Schools manage their personnel costs so that the combination of salaries, employee health benefits, and staffing levels grow at a sustainable rate, estimated by the OSC at 3.75% per year. Further, as long as health care costs are rising at a 10% to 12% rate, COLAs and other increases in personnel expenditures will need to be held below 2% if staffing levels remain constant.

Recognizing that 2% increases will impede the Town's ability to maintain its workforce, the OSC further strongly recommends that joining the GIC, allowing the COLA's to return to higher levels. In 2007, the Massachusetts Legislature gave municipalities the option to join the GIC, the health care system for state government employees and retirees. The GIC offers a wider variety of plan designs and premiums for health plans similar to the Town's group health plans are significantly cheaper in the GIC. GIC growth rates have been significantly lower in the past few years than those achieved by Brookline and other communities. The OSC estimates that the Town would save approximately \$2 million per year.

The Town has already adopted Section 19 Coalition Bargaining with its unions, a prerequisite to joining the GIC. Under that bargaining structure, 70% of the union coalition would need to vote to join the GIC. The Town and unions have already demonstrated "good faith bargaining" in this format, because as part of the acceptance of coalition bargaining, the plan design changes lowering premiums from 12% to 6% as described above were successfully negotiated.

The Board is cognizant of the fact that GIC must be part of any plan for long-term sustainability. The following vote was taken on March 11 by the Board, accompanied by a similar vote by the School Committee on March 6:

WHEREAS, Personnel costs account for more than 75% of the total Town and School spending; and

WHEREAS, the major factors contributing to personnel cost increases are COLA'S, benefits (particularly group health) and growth in staffing levels; and

WHEREAS, in recent years well over half the town's allowable levy growth has been consumed by group health, diverting resources from Town and School services; and

WHEREAS, current group health premiums at \$19,156 per family have nearly doubled since the rate of approximately \$9,800 in FY2001; and

WHEREAS, the Override Study Committee recommends that the Town and Schools each manage the growth in personnel costs at sustainable levels; and

WHEREAS, the Override Study Committee further urges holding the growth of COLA'S and other personnel costs below 2% as health costs increase more than 10%; and

NOW, therefore, the Board of Selectmen after consultation with the designees of the School Committee to the Labor Advisory Committee established by Town Meeting does hereby resolve to incorporate the recommendations of the Override

Study Committee into its guidelines for employees compensation and benefits and into its collective bargaining guidelines for upcoming labor contract negotiations consistent with obligations to engage in good faith bargaining pursuant to M.G.L. 150E.

The issues associated with reaching a labor / management agreement to opt into the GIC are formidable. BC/BS, which is currently the Town's insurer, is not a participating insurer in the GIC. Group health changes for retirees almost always prove to be an unsettling experience. To the extent that all Town governing bodies -- the Board of Selectmen, Advisory Committee, School Committee, and Town Meeting -- can endorse this approach, then the more clearly the Town's goals in this area can be understood. Therefore, the Board recommends FAVORABLE ACTION, by a vote of 4-0 taken on April 29, 2008, on the following vote:

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.

ROLL CALL VOTE

Favorable Action

- Daly
- Hoy
- DeWitt
- Mermell

ADVISORY COMMITTEE’S RECOMMENDATION

BACKGROUND:

Article 30 is a non-binding resolution. It is being brought to Town Meeting for all intents and purposes to give Town Meeting members an opportunity to vote to send a clear message of encouragement for the town, the unions and the retirees to engage in good faith negotiation to join the GIC. The petitioner as well as the Override Study Committee believes that if the Town were to join the State’s Group Insurance Commission (GIC) it would help to control group health costs which have been causing an excessive strain on the Town’s budget over the past several years. The average increase in each of the past five years has been almost 12.5% per year (see chart accompanying this report). Since 2000, Group Health costs have grown from a \$8.7 million budget item to the FY 2009 figure of almost \$23 million. This is clearly unsustainable. In 2007 the Massachusetts legislature gave municipalities the option to join the GIC. The petitioner indicated that this resolution is not about trying to say we don’t need an override. If we were in the GIC on July 1, it wouldn’t save us. It is not about knocking the Town about not doing a good job with controlling health care costs. It is not about knocking the unions. The petitioner is concerned that if we don’t get our arms around rising health insurance costs, it will mean very unpleasant budget cuts for the Town.

According to the Final Report of the Override Study Committee, “the GIC is the health system for state government employees. The Legislature recently gave municipalities the option of joining the GIC if the municipality adopts coalition bargaining and gets 70% of the bargaining units to agree to the change. Once a town joins the GIC, they have to participate a minimum of three years before deciding to opt out and opting out would require the same 70% agreement of the bargaining units. Premiums for health plans similar to that offered to Brookline employees are significantly cheaper in the GIC, and GIC premium growth rates have been significantly lower in the past few years than those achieved in Brookline.”

DISCUSSION:

There are many reasons the GIC is able to offer cheaper premiums and lower premium growth; some clear, some less so. It is possible that state employees are younger and healthier on average than municipal employees. Alternatively, it is possible that the GIC has more bargaining power as it has over 250,000 participants. We do know that the GIC

covers participants throughout the state including those outside the Boston Metropolitan area where the cost of providing health care is lower. Thus, the high costs of the Boston Metro area are “diluted.”

The OSC estimates that it is likely that the town would save between \$1 million and \$2 million per year by joining the GIC. However, it is not guaranteed that these savings will be achieved. A major difference between the town’s current coverage and the GIC is that the GIC provides the employees with many choices as to plan design, coverage and costs. Some plans are better for cover less and would thus be more beneficial for healthier employees; others cover more and are more expensive. The Town provides the same coverage for everyone.

While the cost through the GIC of plans similar to those currently offered by Brookline is considerably less, the GIC also offers a higher cost indemnity plan that is not currently offered to Brookline employees. If enough Brookline employees chose the indemnity plan, costs could actually go up with entry into the GIC.

The GIC has been in existence for decades. The premiums have risen about 8% a year versus 13 to 14% for the Town’s premiums. In the opinion of the petitioner, the Town can’t compete with the GIC.

During the Advisory Committee Personnel Subcommittee hearing a representative of the Firefighters union said that there are reasons that employees are apprehensive about joining the GIC. First, the town and its employees would lose all control over plan design. The employees would be stuck with whatever plans and policies the GIC adopts. Also, they are concerned about cost shifting to the employees. The GIC is very complicated and they wanted to make sure that they understood the risk and benefits of such a solution. He also said that the parties should be exploring whether there are other alternatives.

The full Advisory Committee received this information and while many members were sympathetic to this point of view, in the end the Advisory Committee felt that the situation with rising health insurance costs is so severe that it has to be dealt with immediately and that the GIC is the best way to do this. In addition, the petitioner explained to the Advisory Committee that employees would actually have more choice because the State offers many different plans, and employees could find a health plan that suits their particular situation.

Stephen Cirillo, Director of Finance told the subcommittee that the town recognizes the unsustainable growth of health benefits and reported that the town over the past 12 years the Town, in an effort to control rising health insurance costs has aggressively begun to address this problem by:

1. Created policy controlling number of FTE’s on Town side of budget
2. Switched from Master Medical to HMO’s
3. Created retiree health trust fund
4. Consolidated into one provider

5. Accumulated approximately \$5 Million in the Trust Fund
6. Plan design changes: increased co-pays, initiated in-patient and out-patient deductibles
7. Accepted coalition bargaining
8. Proposed entering GIC
9. Proposed acceptance of GSB #43
10. Proposed creation of OPEB taskforce

RECOMMENDATION:

It is clear that the Override will not solve the Town's long-term financial issues. The fact that health insurance costs are rising 4 or 5 times the rate of general inflation and the rate of town revenue growth is unsustainable and will erode the town's ability to provide essential services. The town must do everything it can to bring health insurance costs under control. An obvious solution, which now presents itself, is to join the GIC. It is important and helpful to have this resolution passed by Town Meeting to send a strong message to the Unions and Town Officials to bring health costs under control as much as possible.

The Advisory Committee by a vote of 16 in favor, 1 against, and 0 abstaining, recommends FAVORABLE ACTION on the vote offered by the Selectmen.

XXX

ARTICLE 31

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.

PETITIONER'S ARTICLE DESCRIPTION

This warrant article requests that the Citizen Complaint Review Committee consider as part of its charge the review of the Police Incident Report and the Police Investigatory Report, dated May 24, 2007 and October 10, 2007 respectively, concerning the 'May 2007 Incident at Town Hall' and to include in its report whether such documents are reliable.

Motion to be Offered by the Petitioner

Warrant Article Requesting that the Citizen Complaint Review Committee Consider as Part of its Charge a Review of the Police Incident Report and the Police Investigatory Report Dated May 24, 2007 and October 10, 2007, Respectively, Concerning the May 24th Incident at Town Hall and to Include in its Report Whether it Finds Such Documents to be Reliable.

MOVED: 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.

SELECTMEN'S RECOMMENDATION

Because of the complaint that has recently been filed against the Town with the Massachusetts Commission Against Discrimination (MCAD), Special Counsel has advised the Selectmen not to publicly comment on the case, which relates directly to the subject matter of Article 31. As the Chief Executive Officers of the Town, the Selectmen are the governmental body designated to defend and/or settle claims against the Town. (By-Law Article 3.1). The subject matter of Article 31 relates directly to the MCAD claim "which constitutes administrative litigation and the Board of Selectmen as the Chief Executive Officers...can not comment on this case because it is now in litigation".

Section 2.5.2 of the Town's By-Laws requires that the Board of Selectmen prepare written reports for all Warrant Articles. However, the Board is not mandated to make recommendations to Town Meeting and on rare occasion has opted not to do so. For example, the Board refrained from making a recommendation on Article 1 of the Special Town Meeting within the Fall Town Meeting of November 13, 2002.

In light of Special Counsel's advice in this matter, the Selectmen did not hold a hearing on Article 31, communicating prior notice of its intention not to do so in writing to the lead petitioners. Because a hearing was not held and because the litigation continues to proceed, the Board of Selectmen determined that it would not be advisable to take a vote of either "no action" or "favorable action". Without such a vote, it can not responsibly make a recommendation to Town Meeting on this Article. However, this Report does fulfill its obligations under Section 2.5.2 of the Town By-Laws.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Last May a tense and controversial ZBA hearing led to a series of emotional confrontations. In the wake of these altercations, claims, counter-claims and charges were made. One Brookline citizen felt particularly aggrieved and filed a complaint alleging Police misconduct.

The Board of Selectmen, in its official capacity, is obliged to consider and review all allegations of official Police misconduct. In this case, a report was prepared after numerous interviews.

The report contains some important and common features with sometimes-conflicting interpretations of the evening's events. Article 31 is a resolution that seeks to address what the petitioner believes are inadequacies in that report. Specifically, it seeks to have the recently established Citizen Complaint Review Committee consider the report and its preparation, and render a "judgment" on its "reliability". That Committee may consider a variety of issues related to the Town Hall incident and how it was addressed without a special request by Town Meeting.

DISCUSSION:

The Advisory Committee is aware of the altercation and the controversies around the response, as well as the establishment of the Citizen Complaint Review Committee assigned to review our structure and process for dealing with such issues.

In order for the Advisory Committee to make a recommendation on an article, it must first have a full, open, fair and balanced public hearing. It is necessary for all parties involved or interested to provide perspective. Obviously, this requires a careful deliberative process.

Since the filing of this warrant article, one of the individuals involved in the Town Hall incident has filed a complaint with the Massachusetts Commission Against Discrimination (MCAD) against the Town, Town Counsel and a Police Officer. Specifically mentioned in the legal action is the Police Report of the incident; this is exactly the subject matter appearing in Article 31. This overlap with a pending legal action creates difficulty.

From the standpoint of the Advisory Committee, it is important during hearings that we not facilitate for-the-record public commentary that unfairly, unduly, or inadvertently prejudices a pending law case.

The Committee met with Special Town Counsel to consider this article and how to contend with this unique situation. Special Counsel advised us on the various legal difficulties that might be involved in a full consideration of this article. Noting that the issue referenced in the article was part of a pending legal proceeding, his advice was for the Committee to refrain from comment and discussion. However, to establish an informed recommendation on the merits of this article's subject matter, we would have needed to involve those present at the incident, including members of the Police Department and Town Counsel.

We find ourselves in a quandary. Without the benefit of this sort of input, the Advisory Committee cannot fairly or reasonably make an informed recommendation on the article.

RECOMMENDATION:

As a result of the considerations described above, the Advisory Committee limited itself to considering how to contend procedurally with Article 31.

By a vote of 19-0-1, the Committee recommends POSTPONING THE SUBJECT MATTER OF ARTICLE 31 INDEFINITELY.

Note: If this motion is approved by Town Meeting, it will foreclose any further action on this article at this Town Meeting.

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ARTICLE 32

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.

PETITIONER'S ARTICLE DESCRIPTION

To say that global warming is a significant problem facing the Commonwealth, and the world, is an understatement. The potentially dramatic changes to our climate caused by emissions of carbon dioxide and other greenhouse gasses into our atmosphere threatens our coasts and low lying areas, our wild species, and key parts of Massachusetts' economy, including fishing and winter recreation.

Legislation - the Global Warming Solutions Act - is currently before the Massachusetts legislature to commit Massachusetts to science-based reductions to our global warming pollutions, specifically to reduce emissions by 20% below 1990 levels by 2020 and 80% by

2050. Similar legislation has already been enacted in California, New Jersey, Hawaii, and Florida.

Communities across the Commonwealth are adopting resolutions calling on Massachusetts to be a leader in the fight on global warming, rather than wait for the federal government to take action. This resolution will add Brookline's collective voice to the effort to pass the Global Warming Solutions Act and put Massachusetts at the forefront of the environmental movement.

SELECTMEN'S RECOMMENDATION

The Board of Selectmen recognize that global warming is a serious and immediate threat to both the citizens of Brookline and the world at large. Reducing emissions in the near term can cut these risks significantly. While Brookline has done much to combat climate change at the local level, it is clear that leadership at both the state and national level is crucial to mitigate the impacts of global warming that continue to threaten our coasts, fisheries, forests, health and more.

This resolution urges the Commonwealth of Massachusetts, the Federal Government, and the Governments of the world to commit to science-based reductions to our global warming pollutions, specifically to reduce emissions by 20% below 1990 levels by 2020 and 80% by 2050. A goal as ambitious as this requires action on all fronts, but it is a goal that is achievable with the right leadership. We believe that Massachusetts should be a leader in this effort and support the Global Warming Solutions Act currently in front of the Legislature. It is our hope that this act of global leadership will serve as a catalyst to encourage other states, the federal government, and other countries to combat global warming. Therefore, the Selectmen recommend FAVORABLE ACTION, by a vote of 5-0 taken on April 15, 2008, on the following (note that the only difference between this vote and the one offered by the Advisory Committee is found within the second "Whereas" clause; the Board will be taking up the revised language at its May 13 meeting and will provide a Supplemental Report to Town Meeting):

VOTED: That the Town 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.

ADVISORY COMMITTEE'S RECOMMENDATION

BACKGROUND:

Representative Frank Smizik, together with Pam Resor (the Senate Chair of Environment and Agriculture) has sponsored a bill to pass emission standards. Currently the Federal Government has taken no actions to limit or reduce greenhouse gas emissions. Several States (Florida, California and Hawaii) are filing bills to reduce emissions. Brookline's Resolution sends a message of support to develop emission standards for the near future.

DISCUSSION:

The language in this resolution cites the current thinking and concerns of the scientific community. The global community has concluded that greenhouse gases, created by human activity are very likely to be the main cause of global warming.

RECOMMENDATION

The Advisory Committee unanimously (18-0) recommends FAVORABLE ACTION on the following vote:

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 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.

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ARTICLE 32

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

As noted in the Selectmen's Recommendation for Article 32 contained in the Combined Reports, the Advisory Committee had a slightly different vote. The Board reconsidered its vote on May 13, 2008 and voted FAVORABLE ACTION, by a vote of 5-0, on the following:

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.

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ARTICLE 33

THIRTY-THIRD ARTICLE

Reports of Town Officers and Committees

Report of the Audit Committee to Town Meeting
May 22, 2008

The Audit Committee is chaired by Nancy Daly, Chairman of the Board of Selectmen. Greg Grobstein, Jim Littleton, and Christopher Cox serve as the Moderator's appointees, Alan Morse represents the School Committee, Len Weiss represents the Advisory Committee and the ex officio members are Steve Cirillo, Finance Director, Judy Haupin, Comptroller, and Peter Rowe, Deputy Superintendent of Schools.

The Report on the Examination of the Town's Basic Financial Statements for the Fiscal Year 2007, which is also called the annual outside audit, was completed by our Auditors Powers & Sullivan in the Fall of 2007. Powers & Sullivan is a firm of licensed certified public accountants based in Wakefield, Mass., which does the audit work for many municipalities. While we continue to work with the firm we switched partners this year in order to have a fresh perspective on our handling of financial records. Partner Richard Sullivan and Craig Peacock supervised the Audit. It complied with the Government Auditing Standards and provides a good review for us internally as providing the appropriate and thorough information for federal grants and the bond rating agencies. The Town had assets totalling \$347,079,294 as of June 30, 2007, of which \$67,206,103 was in cash and short-term investments (cash and short-term investments are used for upcoming payroll and to satisfy encumbrances for capital projects, and operating funds; and some are designated to go to trust funds according to Town policies or prior votes of Town Meeting). At that same point it had \$129,702,646 in liabilities, resulting in total net assets on that day of \$ 217,376,648.

The Audit Committee carefully reviewed the financial statements, the auditor's report, and the management letter, and when satisfied, we voted to accept these documents.

The auditors have concluded that the basic financial statements fairly present, in all material respects the finances of the Town as of June 30, 2006, except for the retirement fund which is audited separately. They did not find any Reportable Conditions or Material Weaknesses, such that they had to qualify the audit. This means that they did not find any problems or deficiencies in the methods used by the Town to handle cash and financial records. As the auditors described it, they went in and tested the financial assumptions used by the Town on various projects such as the closing of the landfill, as well as on ongoing financial records such as invoices and receivables and they found that the Town has been using fiscally prudent assumptions and that it has satisfactory internal controls. In fact, Richard Sullivan described our financial practices as "exemplary" when compared with the approximately 80 other Massachusetts municipalities that his firm audits.

The auditors expressed approval of our financial policies which specify that 5.5% of prior year's net revenue, plus free cash that is not directed to specific trust funds is allocated to the Capital Improvement Plan each year and that we restrict use of one-time money to one-time expenditures. In sum, they feel that the Town is handling its finances well.

They did however, recommend that there are some relatively small liability accounts and performance bond agency accounts that are being carried forward in the same amounts from previous years and which should be reviewed to see if they can be closed out. The auditors also recommended that the Police Department and the Comptroller's office needs to reconcile the police paid detail balance and general ledger on a monthly basis. Finally, they recommended that the Treasurer, Comptroller and Building Department reconcile activity on the performance bonds posted by contractors on building projects for the Town. The Town is already working to implement all these recommendations.

In a matter that is not covered in the Audit, the Audit Committee has voted to recommend to this Board that the Town resume funding the Trust Fund for post-retirement benefits (primarily health insurance) for former Town employees, as it has funds to do so. We have a very large unfunded liability which is greater than \$200,000,000 if the funds are placed with a committee of independent trustees or more than an additional \$100,000,000 larger if the funds are held directly by the Town. We have begun to hear from the bonding agencies that they may soon take this unfunded liability into account in determining the Town's bond rating (our current Aaa rating allows the Town to borrow at the most favorable rates and helps to hold down the cost of capital projects). In addition, we believe that eventually we will be required by the state to fund this liability. Therefore, we find it prudent to resume funding this account to the extent it is feasible. Secondly, the Audit Committee has voted to recommend to this Board that an independent Committee of Trustees be established to administer this money in order to reduce the unfunded liability to the lower amount mentioned above. The Audit Committee's recommendation is that this independent Committee should be named by the Board of Selectmen.

For the full report from the Auditors go to
www.townofbrooklinemass.com/Finance/PDFs/BrooklineBFSFY2007.pdf

REPORT OF COMMITTEE ON TOWN ORGANIZATION AND STRUCTURE

Preface: This report of CTO&S was approved by the committee in a public meeting on May 14, 2008 with six of the seven CTO&S members present. The report contains four specific recommendations for the Town to consider regarding district planning and other matters relative to improving the Town's planning process, and in particular, citizen involvement in that process. Recommendation #1 was supported by five of the six members present. Recommendations 2, 3, and 4 were supported unanimously.

Pursuant to the Town Meeting referral of Article 10 in the November, 2007 Town Meeting warrant, the Committee on Town Organization and Structure (CTO&S) held six meetings to examine various aspects of the Town's development planning process, with particular emphasis on District Planning Councils. We heard from members of town boards and committees, town meeting members, residents, and local business owners. Strongly conflicting opinions on the merits of Article 10, the past performance of the Coolidge Corner District Planning Council and more generally, citizen involvement in the planning process were expressed. CTO&S also reviewed a variety of materials and publications regarding district planning councils, and consulted with officials in other communities which have conducted commercial area planning studies with advisory steering committees. The chief executive in each of those communities appointed an ad hoc committee comprised of 15 - 20 major stake holders, who worked with the planning department staff and consultants in developing a plan for the area. The committees had no formal status in the local government and dissolved after submitting their report to the chief executive.

Brookline's Director of Planning and Community Development, Jeff Levine, was particularly helpful to the committee in discussing the work of other citizens' advisory committees on town planning projects, the process and procedures which the department has followed for proposed new development, and departmental budget considerations. The effort of the Department of Planning and Community Development (DPCD) is impressive and Brookline has perhaps the most comprehensive citizen

notification program in the Commonwealth. The Town currently devotes significant resources in terms of mailings, materials and staffing so that residents are notified of impending changes or new development proposals, meetings are held to review plans and hear people's views, information is provided and disseminated, and trying to respond to citizen questions and complaints are responded to in a timely manner. Nonetheless, it was clear that some residents feel that the town still does not do enough or act effectively enough to involve interested citizens and ensure that their views are listened to or their neighborhoods are sufficiently protected from development that they believe is detrimental to the quality of life in their area. CTO&S cannot determine how widespread a view this is, although this is certainly not the first time such views have been expressed. Nor, given the wide disparity of opinions we heard, do we think that any process will be capable of satisfying everybody on this issue. Thus, the issue for the CTO&S is to ensure that the Town's development processes do provide meaningful protection for neighborhoods while at the same time ensuring that the process does not become so cumbersome and/or so restrictive that quality residential development and commercial area revitalization are essentially brought to a stop.

CTO&S believes that Brookline's many neighborhood associations and citizen committees provide a vital service to the town in providing forums for discussion and group presentations. The DPCD maintains a list of these associations and committees and notifies them about proposed land use or development changes. At last count, the Department maintains a list of 39 such neighborhood associations and informs them whenever a significant item of interest in their area is the subject of discussion. Beyond these standing citizen groups, ad hoc organizations of interested parties also form from time to time around specific projects and come forward to work with town departments on special issues. Through these neighborhood associations, committees and ad hoc organizations, opinions and viewpoints emerge and town officials hear and evaluate the concerns of specific neighborhoods. As in all issues relating to development,

however, and despite the considerable effort made by the DPCD to keep interested citizens informed, views differ on how well this process works.

In trying to get a better feel for this ourselves, CTO&S tried to differentiate two different classes of development activity – the general planning process for a targeted area to guide future development activities (i.e., no specific immediate development is being proposed or contemplated, but long standing development pressures or needs are clearly in evidence) vs. the process when a specific development in a specific location is either being proposed or seriously considered. Within this latter category, we further subdivided specific projects into two categories: Major Impact Projects (defined in the zoning by-law) and Smaller Projects. We will discuss each of these three categories below.

Long Term Development Planning for a Targeted Area: This kind of planning is what the Town’s Comprehensive Plan attempts to do at a high level for the town as a whole and what District Planning Councils are formed for in specific areas. The current District Plan Process follows the general plan outlined below:

- The Board of Selectmen act as the Lead Agency – as such they appoint a 12 to 15 member advisory steering committee made up of town officials, business area representatives, town meeting members and other citizens from the affected area.
- The Department of Planning and Community Development develops a charge to define the scope of work of the council.
- To help the District Planning Council fulfill its charge, the DPCD prepares a number of factual background documents on a variety of issues relating to the area

- As the study progresses, DPCD prepares draft documents on findings and recommendations for the council's review. The council comments on them and suggests changes.
- As these findings and recommendations begin to develop, a public hearing is held on a preliminary set of recommendations. This occurs at about the half way point or approximately six months into the effort. The preliminary recommendations are sent to the Selectmen.
- Based upon comments by the public as well as comments from the Selectmen and other interested Town agencies, the preliminary recommendations are developed further, leading to a set of final recommendations at about the one year point. A public hearing is once again held on the final recommendations.
- Following whatever changes the council wishes to make based upon comments at the public hearing, the final recommendations are submitted to the Board of Selectmen and the District Planning Council is dissolved.

The issue of greatest debate within CTO&S was whether or not a Coolidge Corner District Planning Council should be formed as a permanent body of the town. One member of the Committee believes that Coolidge Corner is sufficiently different from other areas of the town to merit specialized long-term treatment. He argues that the development pressures are greatest here, are focused on an extremely wide area, and are going to be present for the foreseeable future and are not likely to diminish. Thus, a standing Citizens Planning Council working to map a future and deal with the complexities of the town's largest commercial area surrounded on all sides by the town's most densely populated neighborhoods makes sense and in the long run will benefit the town as a whole.

The other members of the Committee, however, although sharing in the concern for the area and recognizing some of its special characteristics, did not agree with the notion of

singling out one area and creating a District Planning Council in perpetuity. Such a standing committee will inevitably lead to the creation of other permanent planning councils for other areas of town once the precedent is set. The call for equitable treatment from other neighborhood areas of the Town will be extremely difficult to deny. Further, there is a value in establishing committees or councils with a defined charge, a defined product and a defined time to report out. Typically such committees work best under these conditions.

A factor in CTO&S' position was the Town's Comprehensive Plan. With a scope much broader than that of a District Planning Council, the Comprehensive Plan Committee follows a procedure not dissimilar from the District Planning process outlined above. Appointed by the Selectmen every ten years, charged broadly with revising and updating the plan as appropriate, this group of citizen appointees works for approximately one year or slightly more, draws upon the resources and expertise of the DPCD, holds public hearings, produces a plan revision, submits it to the Selectmen and dissolves. It seems clear from our reading of the Comprehensive Plan and the action plan supplementing it that District Planning Councils are designed to function as the need arises and until they submit their output to the Selectmen. The recommendation in the Comprehensive Plan that district plans be developed for three areas over a five-year period lends support to the conclusion that ad hoc committees with a definite life span were envisioned. In terms of citizen involvement in area wide development planning, the Comprehensive Plan represents literally thousands of person hours of citizen input from all perspectives. We considered this studied and thoughtful position in the Comprehensive Plan as an important element in terms of developing CTO&S' recommendation.

The five CTO&S members who did not support a permanent Coolidge Corner District Planning Council were also concerned about the amount of staff work that would be required to support multiple simultaneous District Planning Councils (a standing one

plus others or perhaps multiple standing ones). There is little doubt that they would continue to draw upon the limited resources of the Planning and Community Development Department, even if the need to do so had diminished over time. This support would not come for free, and barring a highly unlikely major increase in the Department's funding during this time of Town-wide budget diminution, would limit involvement in other important functions that significantly benefit the quality of life in the town. These include, as examples, the administration of the zoning by-law; design review; ongoing monitoring of Board of Appeals Conditions of Approval; affordable housing; preservation; technical support to town departments, boards and citizens; preparation of reports for the Board of Appeals; staff support to Design Advisory Teams; and responding to literally hundreds of inquiries from both prospective developers and neighborhood residents about specific projects, the development process, interpretation of the zoning by-law, and the like. With a professional staff of less than 10 people, adding more scope at the expense of some of the above was a concern. Grant funding can sometimes be obtained for a limited (typically year-long) special efforts, but would certainly not be available to fund the required support for an ongoing effort that has no end. While this issue of staff support was not a deciding factor, it was, nevertheless, a serious consideration.

Other issues with respect to District Planning Councils considered by CTO&S were whether or not such Councils should be created by by-law and how the members should be appointed. In general, Boards and Commissions established by by-law focus on interests and concerns that are town-wide. Formalizing a district council by according it by-law status adds to the town still one more layer of government. Given the Council's relatively narrow focus, its de-facto overlap with planning functions that already exist in the town by-laws and the fact that CTO&S does not feel it appropriate to create such a commission in perpetuity, creation by by-law makes little sense.

In terms of the appointing process, in order to ensure accountability in the development of district plans, we believe that the Board of Selectmen, the town's elected executive body, should have discretion in the appointment of council members. By appointing well-balanced, unbiased councils comprised of 12-20 neighborhood representatives, Town Meeting members, small business owners, property owners and town officials, a positive approach to the district planning process should be assured. While the Board, if it desired, could seek recommendations from various groups, the actual appointments should be at the discretion of the Board and not simply be rubber stamps for inputs by others.

It is anticipated that the charge to the council would provide for well-publicized public hearings on preliminary and final recommendations, periodic progress reports to the Planning Board and Board of Selectmen, and submission of a final report to those boards within twelve (12) months. The District Plan would be managed by town staff in the Department of Planning and Community Development with the assistance of staff in other departments and consultants as needed and as funding is available.

Recommendation 1 - supported by five of the six CTO&S members present: Follow the current process (outlined above) in creating, appointing, charging and dissolving District Planning Councils. The number of appointees may be flexible as required to meet the scope and breadth of the charge, while including all perspectives relevant to the area.

Specific Major Impact Projects The definition of Major Impact Projects is spelled out in the Design Review section of the zoning by-law. The determination is made either by the Planning Director or by the Building Commissioner when an application for development is submitted. The standards as defined in the zoning by-law are:

- Residential developments of 16 or more units

- Commercial or other non-residential developments of more than 25,000 square feet
- Any other project with the potential for substantial environmental impact on the community

For any Major Impact Project an initial neighborhood meeting is required, It is followed by a preliminary Planning Board meeting to review the project. The Planning Board also appoints a Design Advisory Team (DAT), consisting of both design professionals and at least one neighborhood representative. The DAT holds several public meetings to discuss various aspects (design, massing, etc.) of the project. These are followed by Planning Board meetings and a hearing by the Board of Appeals. The public can attend any and all of these review meetings. Notices of the Planning Board meetings are routinely sent to all property owners within 300 feet of the proposed development, as well as posted on the Town's calendar. Town Meeting members of the precinct containing the proposed development, as well as abutting precincts, and all of the known neighborhood associations town wide are also notified. The Planning Board also keeps a list of "interested citizens" and attempts to inform them of the meetings. Prior to the Planning Board meetings written comments may be submitted and anyone who wishes to speak at the meetings is invited to do so.

After the Planning Board formulates a recommendation on the project, there is a public hearing at the Board of Appeals, the notification requirements for which are similar to those outlined above. The only significant difference is the requirement to place a legal notice in the Brookline Tab for the Board of Appeals hearings. There is also an opportunity for the public to comment at that hearing as well.

CTO&S finds that the process is reasonably inclusive, and affords multiple opportunities for the public, the neighborhood or interested citizens to get involved at any and all of the critical stages of approval. The issue of notification always seems to

arise , however, and however diligently the Town tries to inform, people always come forward saying that they never were notified. At the moment, notification is done largely by US Mail, which recipients may or may not look at, sometimes misplace, sometimes throw away without opening, etc. In this day and age, with virtually all forms and levels of government relying more heavily on email, we believe that it is time for Brookline planning notices to at least move in that direction. We would also recommend that the Planning Department institute a way to collect interested residents' email addresses, include them in existing data bases and begin to automate the use of email notification as an adjunct to the current practice.

Recommendation 2 – supported unanimously: The Department of Planning and Community Development , in conjunction with the Information Technology Department develop a method for improved and broader based notification of home owners, commercial property owners, businesses and tenants, including email notification to augment the current practice of hard mail. The goal for implementing a pilot program should be prior to the 2008 Fall Town Meeting.

Specific Projects of a Smaller Scale than Major Impact Projects Many of the same procedures as those discussed above are followed for projects of lesser scale than Major Impact Projects. What is not included in these smaller projects is the mandatory neighborhood meeting and the DAT. CTO&S believes that these provisions could be beneficial to some of these smaller projects as well. Waiting until the Planning Board meeting for the first public review can sometimes create issues that otherwise could have been dealt with in earlier, less formal and more neighborhood inclusive discussions. The trick, of course, is how to differentiate proposals that might benefit from this modest addition to the process from those that would be overburdened by it for no constructive purpose. Back porches, home additions, the addition of one or two units to a multi-family apartment or “mom and pop” retail stores come to mind.

To create a useful differentiation, CTO&S believes that a trigger at about one half the levels of a Major Impact Project (i.e., 8 residential units or 12,500 square feet of non-residential development) would be appropriate for a discretionary implementation of a required neighborhood meeting and the creation of a DAT, perhaps with a lesser professional membership requirement than for a Major Impact Project, but retaining the neighborhood representative. The net effect of it being discretionary on the part of the Planning Board would essentially be to reverse the burden – the Board would have to explain why not to have the neighborhood meeting and why not to convene a “mini” DAT. CTO&S believes that this reversal of burden would have a positive impact on these intermediate level projects.

Recommendation 3 – supported unanimously: That the Planning Department examine the feasibility of establishing a category of “Moderate Impact Project” at about half the levels of the Major Impact Project. Such a designated project would require a neighborhood meeting prior to a project review by the Planning Board and the creation of a streamlined DAT, unless, at the discretion of the Board, they explained why such a requirement was determined not to be in the interest of the Town and was waived.

Concluding thought Many of the people CTO&S listened to felt that the process works reasonably well. But, as mentioned above, many also complained that some people don’t always get notified, things slip through the cracks, projects that are deemed to be “minor” turn out to be not so minor in terms of impact, etc. We have attempted above to craft some minor revisions to the process to address at least some of these issues.

One item, however, that we have not yet discussed in this report, was brought up at one of our meetings and had to do with the disadvantage some citizens feel they have in trying to understand the development process in the town, how to navigate through it, where the points of influence and decision are, how citizens can get involved and what matters and what doesn’t. All of this points out the fact that our development process is indeed complicated, and that the more we try to “fix” it, the more complicated it gets.

It is very hard for the average citizen to wade through, and regardless of his or her interest, difficult to understand. Although the zoning administrator and the staff planners are supposed to help guide citizens through this maze and to act as sources of information for the lay public, this role is not formalized, nor do many citizens understand that these employees are supposed to serve this role. We believe that this function should be made more clear, both internally and externally, through the Department's web site, its literature and its phone answering. The existence of an ombudsman hot line – both web based and phone based – where requests are forwarded for immediate assistance should be easy to implement, not place any significant workload increase on department staff and most important, might go a long way in improving both the image as well as the reality of a citizen “user friendly” Department of Planning and Community Development.

Recommendation 4 – supported unanimously: That the Department formalize the role of a citizen help desk by instituting a web-base and phone-based ombudsman hot line. Staffing would be accomplished within current levels by those who informally serve that function today. A goal for trial implementation should be early fall 2008.

**Partial Dissent to CTOS Report regarding Coolidge Corner District Planning Council
by Martin Rosenthal¹**

"*Doveray, no proveryay*" (Russian proverb popularized as "trust but verify" by R. Reagan)

I. Overview

As stated in CTO&S's Report (hereafter "Report," cited with page #'s), I join in Recommendations #'s 2-4, and offer credit to this committee of intelligent, experienced citizens with whom I've been honored to serve for some time. I also agree with much of the Report's background analysis, especially the kudos to Planning and Community Development staff. However, as to Recommendation #1 (p. 7), while I endorse the "current," i.e. typical, District Planning Council process for situations that are truly *typical*, Coolidge Corner is *far from* typical.

¹ also TMM-9 & Co-chair (with Frank Farlow), Brookline PAX [see <http://www.brooklinepax.org>]

If so, then even the most intelligent people² -- if they neglect differences -- can fall into the trap, paraphrasing Ralph Waldo Emerson, that “a foolish consistency is the hobgoblin of [all] minds.”

Similarly, I do not share the “slippery slope” specter (p. 5) that a standing Coolidge Corner District Planning Council (hereinafter “CCDPC”) “will inevitably lead to the creation of other permanent planning councils for other areas of town once the precedent is set.” I have supreme confidence in the capacity of Town Meeting to (a) appreciate Coolidge Corner’s unique and indefinitely foreseeable differences, and (b) judge a later proposal -- if any -- on its merits.

I respectfully feel that my fellow CTO&S members have missed both the forest and the two 800-pound gorillas in their thoughtful analysis of some trees in the room. Possibly not by coincidence, only I have lived in the Coolidge Corner area (all my life, and watching it steadily get more dense and less green), I believe they are either missing or undervaluing two crucial points:

- *first*, the unique, ongoing *development pressures* in the Coolidge Corner area; and
- *second*, both the breadth and the depth of sentiment in the Coolidge Corner neighborhood that townhall officials do *not sufficiently listen -- or respond -- to our concerns*, e.g. those of my fellow TMM’s, including pcts. 2, 3, 8, & 9.

II. Coolidge Corner’s Uniqueness

As part of their “slippery slope” argument, the CTO&S majority (pp. 4-5), makes reference to our first overall difference of opinion, but offers little if any factual analysis:

One member of the Committee believes that Coolidge Corner is sufficiently different from other areas of the town to merit specialized long-term treatment. He argues that the development pressures are greatest here, are focused on an extremely wide area, and are going to be present for the foreseeable future and are not likely to diminish. ... The other members of the Committee, however, although sharing in the concern for the area and recognizing some of its special characteristics, did not agree with the notion of singling out one area and creating a District Planning Council in perpetuity.

I believe the majority understates and under-appreciates the facts, as well as the depth and urgency that’s widely felt in my neighborhood. I also believe that the Comprehensive Plan³ (non-binding, of course, especially as to all subsequent Town Meetings, let alone planning officials), cited by the CTOS majority as support for only short-term DPC’s, but also the parent

² Cf., David Halberstam, “*The Best and the Brightest*,” (1992 edition), e.g. p. 41:

“[A]t the first cabinet meeting ... [t]hey were all so glamorous and bright that it was hard to tell who was the most brilliant, but the one who impressed [LBJ] the most was ‘the fellow from Ford with the Stacombs on his hair’ [McNamara] ... [LBJ] rushed back to tell Sam Rayburn, his mentor, ... about how brilliant each was, ... Bundy, ... Rusk ..., McNamara, On he went, naming them all [Rostow, Schlesinger, Shriver, Moyers, Taylor]. “Well, Lyndon, ... they may be every bit as intelligent as you say, ‘ said Rayburn, ‘but I’d feel a whole lot better ... if just one of them had run for sheriff once.’

[See Wikipedia: “Halberstam says the title was from an article of his referring to JFK’s “*whiz kids*,” arrogantly insisting on “brilliant policies that defied common sense” in Vietnam.” (emphasis added)]

³ <http://www.townofbrooklinemass.com/Planning/ComprehensivePlan/Index.htm> (see further below)

of the earlier CCDPC, vastly underestimated the eventual lack of effectiveness of a CCDPC which was merely short-term. (See further discussion in §III below.)

Nonetheless, and more importantly, the Comprehensive Plan definitely accorded Coolidge Corner the highest priority level, e.g. in “Neighborhood & District Planning” (p. 31):

KEY STRATEGY: Create Neighborhood and District Plans ... to help guide new development ... for Coolidge Corner, Chestnut Hill and Brookline Village ... in the next five years. The exact timing .. will be determined in the Action Plan *However, the Coolidge Corner District Plan would be an early Action Plan item, taking place in the next year.* (emphasis added)

The follow-up *Action Plan and Progress Report FY 2005-2006*,⁴ adopted by the selectmen March 29, 2005, in Part 3, “SHORT TERM ACTIONS” began (@ p. 35):

DEVELOP A DISTRICT PLAN FOR COOLIDGE CORNER: Short Term (Estimated Completion: 2007): One of the primary recommendations of the Comprehensive Plan is the development of “district plans”... . *The consensus among members of the Comprehensive Plan Committee and members of the public is that Coolidge Corner is experiencing a high level of development pressure. For this reason, the Coolidge Corner district plan will be developed in the short term.* (emphasis added)

More specific reasons for prioritizing -- and differentiating -- Coolidge Corner are fairly obvious: (a) it’s both the foremost commercial district and the foremost target for both commercial and residential development, and (b) its density is exceptional and its quality of life, fragile. See “Is Density Our Destiny?: A Developing Story,” May 2003, by Sean Lynn-Jones:⁵

Brookline has an average of 8,410 people per square mile, ... the ninth-highest density of the 351 cities and towns in Massachusetts ... almost twice as dense as neighboring Newton (4,664), and ... ahead of ... Lynn ... and Lowell Census tracts 4002 and 4003, roughly Precinct 2 and the JFK Crossing area, have 29,325 and 21,656 residents per square mile, respectively. For tract 4004, the area north of Beacon Street from Coolidge Corner to Washington Square, the figure is 19,038. On the other side of Beacon Street, tract 4005’s density is 24,772. In tract 4008, which runs from the south side of Coolidge Corner toward the Longwood Medical Area, there are 24,696 residents per square mile. Tract 4009, which includes much of Brookline Village, has a population density of 26,500. ... Increasing the density of these neighborhoods could reduce their quality of life in at least two ways. First, greater population density will inevitably add to traffic Second, higher levels of density are likely to change the ... sense of community fostered by the close proximity of single-family houses and small apartment and condominium buildings ... [the] social cohesion ... ⁶

Similarly, as to greenspace, so precious to our quasi-suburban atmosphere, according to *OPEN SPACE 2000*, Appendix H, North Brookline has less than 33% of the townwide average of open space per population, less than 10% of Fisher Hill/Middle Brookline’s, and less than 5%

⁴ <http://www.townofbrooklinemass.com/Planning/PDFs/ActionPlanProgressReport2005-2006.pdf>

⁵ Sean, of the Brookline Neighborhood Alliance, and an Advisory Committee Member, was a member of a “focus area work group” for the Comprehensive Plan.

⁶ Newly elected TMM Steven Feinstein has observed that Paris' population density is 9,181 people per square mile.

of South Brookline's.⁷ And, as discussed in Part III, the little remaining greenspace in Coolidge Corner residential neighborhoods is steadily being eroded by developers.

In sum, as I've often said, Coolidge Corner is well past its "*Tipping Point*,"⁸ and I therefore have long urged that the Town declare North Brookline an "Environmental Danger Zone." Unfortunately, as discussed below, a short-term CCDPC has proved -- in spite of hundreds of hours put in by dozens of dedicated citizens -- largely ineffectual, indeed nearly useless.

III. "Doveray, No Proveryay" -- Pres. Reagan's Answer to Bobby Allen's "Trust Gap"

I believe the CTOS majority (pp. 2-3) understates and under-appreciates the extent to which, and reasons for which, Bobby Allen's oft-cited & thankfully candid "trust gap" was and remains painfully true for Coolidge Corner residents:

[S]ome residents feel that the town still does not do enough or act effectively enough to involve interested citizens and ensure that their views are listened to or their neighborhoods are sufficiently protected from development that they believe is detrimental to the quality of life in their area. CTO&S cannot determine how widespread a view this is, although this is certainly not the first time such views have been expressed. ... Through ... neighborhood associations, committees and ad hoc organizations, opinions and viewpoints emerge and town officials hear and evaluate the concerns of specific neighborhoods. As in all issues relating to development, however, ... views differ on how well this process works. (emphasis added)

A. Widespread feeling that selectman appointments/committees are far too developer-friendly.

Without belaboring details, our frustration that townhall officials are not really concerned about our neighborhood's fears seems clearly justified. Among our ordeals have been:⁹

- 121 Centre St., Brookline's first c. 40B battle, in an already-dense area: Local activists fought a very difficult guerilla war for months with minimal townhall help, ending in a (non-40B) 8-unit building after demolition of a beautiful Victorian and its front yard, soon followed by other demolitions and build-ups, e.g., 75 Winchester and 21 Atherton, with the developer of the latter soon buying three other properties;
- St. Aidan's, formerly the most significant private greenspace in the area: Again a massive organizing struggle was needed to avoid another Dexter Park and to save an oak tree, a glimpse of sky, and a patch of grass in the #1 densest part of town;

⁷ Cf., Mass. Constitution, "The people shall have the right to ... the natural ... and esthetic qualities of their environment; and ... their right to the conservation... of ... natural resources is hereby declared to be a public purpose."

⁸ by Malcolm Caldwell (2000), subtitle, "How Little Things Can Make a Big Difference"; with a front cover quote from Fortune, "A fascinating book that makes you see the world in a different way."

⁹ Mentioned herein are only "planning" battles. Other issues have been difficult too, e.g. dismissal of neighbors' fears about the safety of combining a convenience store at a gas station (now Sunoco); 6 years to get a solution to ticketing of residents parking 2 hours (even intermittently) on otherwise empty streets in front of their homes; several traffic calming petitions that languished, often being belittled -- for years, until recently more receptiveness.

- The early draft of the Comprehensive Plan was another battleground, eventually mustering some appreciated improvements (including the CCDPC, albeit ill-fated);
- Three years of clawing and scratching, parcel-by-parcel, for down-zoning of some M-zone 1-2 family structures. Due to vehement townhall opposition, a majority of the Zoning By-Law Review Committee astoundingly refused to even put 11 such parcels on the fall 2007 warrant; then 4 others were the subject of our November 2007 hard-fought, uphill, and definitely anti-townhall Town Meeting victory (by a gratifying 2/3 vote).

In Coolidge Corner we feel we're not paranoid, but "they" are really out to get us. We're battle-scarred, and possibly suffering PTSD. Do we have "government of the people, by the people, for the [regular] people," or a government of the Friends of Developers? We need help, or, at a minimum, a meaningful ability to verify, and not just trust.

B. The experience of the earlier CCDPC confirms the need to institutionalize its permanence.

The CCDPC after many months submitted a 75-page District Plan,¹⁰ only to be rejected by townhall without any effort to seek a consensus; and the CCDPC was disbanded over the objections of its neighborhood activist members. The District Plan, written after a Herculean effort by many busy citizens who had mistakenly assumed it was for some official purpose, had many worthwhile and consensus recommendations, e.g. an "Action item: Preserve streetscapes, private green space, and neighborhoods through exploring the use of Form-Based Zoning, Neighborhood Conservation Districts, setback requirements and other methods." Who could quarrel with that? One distinguished member of the CCDPC wrote to the Selectmen (receiving no reply!):

I find it mind-boggling to reject the District Plan based on recommendations that are not integrated into the Plan. ... [There was] only one major objection ... a single phrase in the Plan that reads, "no increase in residential population". That was included based on the last U.S. census that found the Coolidge Corner census tract to be one of the fourth most densely populated in Massachusetts. Even so, that gained inclusion on a 7 to 6 vote. ... [A] way should be found to hold a joint meeting of the Council and the Board to resolve that final issue, ... a more desirable outcome than the rejecting of eighteen months of work by so many dedicated members of the community as well as the time and resources of the Planning Dept. Would the Selectmen be willing to authorize the Planning Board and the Coolidge Corner District Planning Council to meet together to rescue the District Plan?

Yet, the CTO&S majority (p. 5) now relies on the inapposite analogue of periodic Comprehensive Plans, as well as a flawed and overly limited concept of short-term "need":

With a scope much broader than that of a [DPC], the Comprehensive Plan Committee ... [a]ppointed by the Selectmen every ten years, charged broadly with revising and updating the plan as appropriate, this group of citizen appointees works for approximately one year or slightly more, ..., produces a plan revision, *submits it to the Selectmen and dissolves*. ... *District Planning Councils* are designed to function *as the need arises and until they submit their output to the Selectmen*.

The frustrating experience of the earlier CCDPC report, now gathering glossy dust on the town's website, actually prove -- with hindsight -- that this was an excellent Comprehensive Plan idea that turned out to have an overly optimistic predictive blind spot about the ability of our

¹⁰ <http://www.town.brookline.ma.us/Planning/PDFs/CoolidgeCornerDistrictPlan.pdf>

townhall to disregard a neighborhood that's constantly under siege from development. And consequently it most certainly did *not* achieve its objective [Comprehensive Plan, p. 32]: "Each District Plan would be adopted by the Planning Board as an integral part of the Comprehensive Plan and used in development review and other planning processes."¹¹

A short-term DPC for long-term problems is doomed to not just failure, but downright farce.

IV. Concluding Comments:

As for some minor issues, I felt the CCDPC petition article in 2007 had room for improvement, and I conveyed to the petitioners some ideas, some eventually adopted (e.g. CTOS' majority Report @ p. 7, "the Selectmen ... should ... appoint ... council members.") Similarly, I too (Report @ 6-7) am "concerned about the amount of *staff work* that would be required ..."; but, as explained above, I strenuously disagree as to the remainder of that majority passage, both "to support *multiple* simultaneous District Planning Councils" and also "... even if the need to do so had diminished over time."

As for *staffing* for a *single* DPC, we might say, e.g., "subject to the general administrative control of the Board of Selectmen, various Town staff, boards, and commissions shall assist CCDPC relative to specific issues as needed, with primary assistance from the Planning Dept." It must be emphasized that a future, ongoing CCDPC will *not necessarily meet as often or need the staff time of the earlier one*. In any event, either the overall goals are important or they're not. If they are, then "no pain, no gain," and we cope. I believe, and my neighbors surely agree, that the Town must make it a priority to institutionalize more -- and more official -- input from Coolidge Corner citizen activists.¹²

Marshall McLuhan said, "There are no passengers on spaceship earth. We are all crew." For Coolidge Corner, more of the same will not do; its residents want to be crew, not passengers -- or worse spectators, or even worse often-ignored speechifiers. They/we want to work collaboratively -- and officially -- in the process, not be relegated to the status of naggers, whiners, and outside agitators.

¹¹ See also the Selectmen's Resolution Regarding The Comprehensive Plan 2005-2015, December 14, 2004: "RESOLVED, that the Board of Selectmen expects that the Comprehensive Plan will be used to guide planning, development, and capital investment in the Town for the next ten years."

¹² The majority also (p. 6) offers some conclusory judgments that I dispute, "Given the Council's relatively *narrow focus*, its de-facto overlap with planning *functions that already exist* in the town by-laws and the fact that CTO&S does not feel it appropriate to create such a commission in perpetuity, creation by *by-law* makes little sense."



Town of Brookline

Massachusetts

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Affordable Housing Update

May 2008
Annual Town Meeting

Pursuant to a warrant article adopted by Town Meeting, the Housing Advisory Board has, since 1997, provided Town Meeting with an annual progress report on Brookline's work in support of affordable housing.

Through its housing policies and programs, the Town seeks:

- to preserve existing affordable housing;
- to increase the supply of housing affordable to low and moderate income households town-wide by encouraging
 - the creation of affordable units in existing rental buildings and
 - appropriately sited and scaled mixed-income new development;
- to apply Town-controlled resources to leverage other public and private resources;
- to assure that housing so created is kept affordable for as long as possible.

Since the 2007 Annual Town Meeting, the Housing Advisory Board and Housing Division staff achieved the following:

1. Implemented an agreement with the owner of the 125-unit property at **1600 Beacon Street**, a rental building undergoing condominium conversion, which set aside four units and offered these at a ten percent discount to low-moderate homebuyers selected by Town-run lottery. Four units were sold with deep HOME and CDBG subsidies in return for permanent deed restrictions.
2. In order to continue the purchase of renovated market-rate units at **1600 Beacon Street** without the benefit of a developer set-aside, the nonprofit Brookline Improvements Coalition was engaged this spring to purchase two additional units at a deep subsidy for resale to low-moderate homebuyers also selected by lottery. Applications have been received and a housing lottery will be held shortly.

3. Continued to work with the Planning Office for Urban Affairs (POUA) to advance the **St. Aidan's Project** to a loan closing and construction start. This 59-unit housing development will include 36 affordable units, preserve the historic church building through adaptive re-use for nine market-rate condominiums, and conserve the historic courtyard. Much of the year was spent restarting this project following settlement of a complaint filed in Norfolk Superior Court by neighbors and taxpayers. Construction began this spring.
4. Continued to work with developers of **new market-rate projects subject to the inclusionary zoning provisions** (Section 4.08) of the Zoning By-law:
 - Carried out marketing, selection by lottery, determination of eligibility, and assistance to first-time homebuyers for 12 new affordable condominium units -- nine at 629 Hammond Street, and three at 150 St. Paul Street;
 - Developed an affordable housing plan for two units at 771 Heath Street/310 Hammond Pond Parkway; and
 - Secured and/or collected payments to the Housing Trust in lieu of units from the developers of 10 Vernon/164 Harvard Street, 55 Station Street and 74-76 Green Street, with receipts during the year totaling almost \$314,000.
5. Continued to provide **financial and/or technical assistance to low- and moderate-income households and Town employees seeking to purchase a home in Brookline**, including the following:
 - Counseled dozens of prospective purchasers; provided financial assistance through the HOME and CDBG programs to three low/moderate income first-time homebuyers to purchase condominiums, with two additional homebuyers in process. (This is in addition to the 18 homebuyers serviced under the inclusionary zoning and 1600 Beacon initiatives referenced above.)
 - Hosted a "Homebuyer 101" class, carried out by the Massachusetts Affordable Housing Alliance. Twenty renters graduated from this 12 hour program, thereby qualifying for programs serving first-time homebuyers.
 - Exercised the Town's right of first refusal under permanent deed restrictions in re-sales of four affordable condominiums, thereby effecting transfers to new, eligible homebuyers. Two additional cases are in process.
 - Assisted buyers of affordable units to access additional savings through the Commonwealth's Soft Second Program. The Town participates in this program, critical to increasing the range of buyers that our programs can serve, in collaboration with participating banks. In addition to cost- saving loan structuring and subsidies, banks often waive points and discount closing costs.

6. Continued to speak with residential brokers and property owners in an effort to **identify additional rental housing that might be transferred in ways that would achieve long term affordability**. Staff visited various properties available for sale, (mostly at prices precluding a possible purchase with affordable housing write-down), and worked with nonprofit buyers to assess redevelopment potential. One seller and potential buyer are in follow-up discussions.
7. Participated in the **Fisher Hill Town site planning process**, which has continued to seek consensus regarding an acceptable affordable housing component as part of a redevelopment of this five-acre former Town reservoir. A widely distributed Request for Information provided helpful feedback from the development community; a Request for Proposals for a project potentially including 24 affordable units is in draft form and is expected to be released shortly.
8. Explored **policy** relating to encouraging and maintaining the diversity of the Town's housing inventory and thereby of its population:
 - In follow-up to research on the Town's **lodging house inventory**, carried out in response to a November 2006 Town Meeting warrant article, worked with the new Town Assessor to explore how the Town's taxing policies might encourage lodging house retention. As a result, the HAB is considering the proposal of a deed restriction which reduces real estate taxes in return for a 15-year restriction on property use and resale value.
 - Conducted outreach to approximately 900 single family homeowners in single family zones to explore interest in and concerns regarding the possible permitting of **accessory apartments**. The HAB will use the results of the survey to consider whether to propose and, if so, how to craft a Zoning By-law amendment that would allow such units in certain circumstances.
9. Worked with the Town's Fair Housing Officer to update the **Analysis of Impediments to Fair Housing Choice**, to serve as a basis for strengthening fair housing awareness and educational programming in the Town. Implementation of the plan began with outreach to and fair housing training sessions specifically tailored for local real estate brokers, and for local property owners and managers. These sessions were organized in collaboration with the City of Newton, the lead community in the WestMetro HOME Consortium, and carried out by the Fair Housing Center of Greater Boston.

INTERIM REPORT 5/13/08

Selectman's Sanctuary Study Committee Interim Report Prepared for Town Meeting

- I. INTRODUCTION
 - A. History and Mandate of Committee
 - B. Committee Members and Affiliations
 - C. Organization of Report
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 - A. Overview
 - B. Acquisition by Purchase
 - C. Eminent Domain Takings
 - D. Conservation Restrictions and Easements
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 - E. Zoning Setbacks
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 - 1. Non-Profits and Private Trusts
 - 2. Government Options
 - 3. Monetary Donations
- III. D. BLAKELY HOAR AND DEVELOPMENT NEAR SANCTUARIES
 - A. Background on Lot 2, Princeton Rd.
 - 1. Conservation Commission
 - 2. Planning and Community Development
 - B. Subdivision Potential
 - C. Applying Conservation Tools and Recommendations
- IV. CONCLUSION AND NEXT STEPS

INTERIM REPORT 5/13/08

I. INTRODUCTION

A. History and Mandate of Committee

The Board of Selectman formed the Sanctuary Study Committee as follows. At the Fall 2007 Special Town Meeting, Article 21 in the Town Meeting Warrant was filed by citizen petition by Ken Kurnos. This Article was “a resolution in support of the taking of certain land adjacent to the Hoar Sanctuary in order to preserve the Town’s natural resources and open space.” In response, the Board of Selectman voted on October 16, 2007, to form a Committee as follows. VOTED: “That the Board of Selectmen appoint a Committee to study ways in which the Town may protect town-owned sanctuaries and conservation lands, particularly with respect to the buffer areas surrounding those lands. The Committee shall comprise of one Selectman, Town Counsel or her designee and five additional members to be selected by the Board of Selectmen. The Committee shall be appointed as soon as reasonably practicable and shall begin its review with the areas surrounding the Hoar Sanctuary.” They further voted to refer Article 21 to this Committee. The Advisory Committee and Town Meeting also voted to refer Article 21 to the Committee. The Committee was appointed by the Board of Selectman in the fall of 2007 and has been meeting regularly since January 2008.

B. Committee Members and Affiliations

The Sanctuary Study Committee is comprised of the following individuals:

| <i>Name</i> | <i>Affiliation</i> |
|--|--|
| Nancy Daly (Chair) | Board of Selectmen |
| Tom Brady | Parks and Open Space Division/Conservation |
| John Buchheit | Office of Town Counsel |
| Lara Curtis (representing Jeff Levine) | Planning and Community Development |
| Ken Kurnos | Resident and Petitioner of Article 21 |
| Gary McCabe | Board of Assessors |
| Roberta Schnoor | Conservation Commission |

Note that on May 2, 2008, Ken Kurnos resigned from the Committee.

In addition, Heather Charles, Conservation Assistant in the Parks and Open Space Division, attended the meetings and provided administrative support. Eileen and John Gallagher, residents of Brookline and abutters to D. Blakely Hoar Sanctuary, also regularly attended the Committee and Subcommittee meetings.

C. Organization of Report

The interim report presents the progress of the Committee thus far. It begins with an overview of possible conservation tools for protecting land abutting sanctuaries, and then describes several of these tools in greater detail, including explanations of the processes required to implement the protection measures, and advances made by the Committee and their Town affiliations in regards to these tools. Fundraising is an important component of many conservation tools, and specific sources of funding and other options are considered here. The report then shifts in focus to the D. Blakely Hoar Sanctuary and specific lots abutting this sanctuary, including Lot 2, Princeton Rd. Potential for subdivision of lots abutting all three sanctuaries is then considered, and the application of conservation tools is discussed further. Finally, some preliminary recommendations and conclusions are given, as well as an explanation of the next steps that the Committee plans to take.

INTERIM REPORT 5/13/08

II. CONSERVATION TOOLS

A. Overview

The Sanctuary Study Committee was created to study ways to protect land abutting conservation lands and the Town's three sanctuaries – D. Blakely Hoar Sanctuary; Lost Pond Sanctuary; and Hall's Pond Sanctuary and Amory Woods. There is concern among citizens about the negative effects of development along the boundaries of these sanctuaries on the natural resources, wildlife, and environmental values of the sanctuaries. In particular, there is concern about the proposal to develop a vacant lot at the end of Princeton Road abutting the D. Blakely Hoar Sanctuary, which largely spurred the formation of this Committee. The Committee considered ways of acquiring or protecting this parcel of land, as well as other land abutting the Town's nature sanctuaries.

Some of the protection methods considered were acquiring undeveloped land abutting the sanctuaries, working with owners to place conservation restrictions or easements over properties and using zoning tools, such as larger setbacks, to create a greater buffer around the sanctuaries. The methods of land acquisition include outright gifts from property owners, purchasing property or using the Town's eminent domain power to acquire property.

B. Acquisition by Purchase

Properties can be purchased by the Town following open market negotiation and for a fair market value. Properties can also be purchased by a local Land Trust. In addition, public/private partnerships can successfully acquire and protect land for conservation. Note that conservation restrictions on a property can also be purchased to protect the land (see below).

C. Eminent Domain Takings

The Office of Town Counsel was asked to set forth the eminent domain process for the Committee. A municipality is vested with authority to take land by eminent domain. This authority must be exercised in furtherance of a public purpose, and acquiring land for public open space and parkland is, in general, a public purpose. A two-thirds vote of Town Meeting is required before an eminent domain taking can be made. Thereafter, Town Counsel would prepare an order of taking clearly identifying the property taken and the public purpose for which the taking is made. This and the Selectmen's vote to approve the order must be recorded at the registry of deeds. Upon recording, title to the property vests with the Town and the property owner's right to "damages" from the taking also vests.

Within sixty days after the recording of the order of taking, the Town must offer a reasonable amount to every person entitled to damages, whether as a payment *pro tanto*, or in settlement of all damages. A *pro tanto* award is intended to represent full and just compensation for damages. However, a landowner may elect to accept the *pro tanto* award without waiving the right to claim a larger sum in court. This initial award of damages by the Town must be made following submission of an appraisal of damages.

A landowner has three years from the recording of the order of taking to file an action in Superior Court seeking "just compensation." When a landowner's entire parcel is taken, the

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damages are the fair market value of the parcel before the taking. When only a portion of the property is taken, the damages are the fair market value of the portion, plus any damage accruing to the remainder of the land not taken caused by the taking, or because of the public improvement for which the taking was made. When no part of an owner's property is taken, only such damage as is special and peculiar to an owner's land is to be awarded.

D. Conservation Restrictions

1. Conservation Commission

Among the possible tools to protect sanctuary borders under consideration by the Committee are conservation restrictions (CRs). A CR is a well-established device to protect environmentally valuable land, and open land adjacent to a nature sanctuary is likely to qualify for this protection. Sometimes private landowners will donate CRs; other times, they are purchased. In many cases, the restriction leads to a reduced property tax assessment; often there are other tax benefits as well, including possible federal and income tax benefits. The Committee learned that currently there are seventeen CRs in place in Brookline: thirteen are held by the Town and four are held by the Brookline Conservation Land Trust. Three of the CRs granted to the Town protect land abutting town-owned sanctuaries.

The Committee discussed the value to Brookline of adopting a Conservation Restriction Policy. In spite of the common perception that there is little privately owned natural open space remaining in Brookline, several large and small properties that have environmental value do exist. A policy adopted by the Board of Selectmen and the Conservation Commission could establish broad guidance in this area and heighten the visibility of this approach, encouraging the establishment of CRs on land where such protection is appropriate.

The Committee received a draft of a Conservation Restriction Policy that had been under consideration by the Conservation Commission. A subcommittee met to discuss and review this draft policy. The subcommittee included Roberta Schnoor, Gary McCabe, John Buchheit and Tom Brady. A revised draft of the policy currently is under review by the full Committee. The Committee has voted to recommend to the Board of Selectmen that the Board hold a joint public hearing with the Conservation Commission on the possible adoption of a Brookline Conservation Restriction Policy.

2. Board of Assessors

The Board of Assessors appreciates the opportunity to be involved in the development of the Town's policy and guidelines on the review and approval of CRs. Once the Sanctuary Study Committee has completed its work in preparing a draft policy and guidelines for review by the Conservation Commission, the Board of Assessors will also review the policy and guidelines and develop their own policy related to changes in assessed values, which will be consistent with the language in the Conservations Commission's policy.

The key elements of the Assessor's policy will be to define the real estate tax benefits associated with approved CRs using a 'reassessment formula'. The formula will be applied to the land subject to the CR. The formula will not be applied to the assessment of any structures, or the assessment of land necessary to support those structures. With certain exceptions relating to fixed term CRs and CRs covering only a portion of an assessed parcel, the formula will reduce

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the assessed value of the unrestricted property by 95% when the CR permits public use of the restricted lands, and by 75% when the CR does not permit use of the land by the public.

Notwithstanding the foregoing, the terms of each CR will be reviewed by the Board of Assessors on a case by case basis, and a parcel's assessed value may be reduced by less than the foregoing baseline reductions (i.e., 75% and 95%) because of individual factors, such as specific uses or activities reserved for the parcel by the landowner in the CR, limitations or restrictions on public access, or because the parcel is not suitable for development either under the Zoning Bylaw or for other reasons. Additionally, any land already subject to statutory agricultural or recreational abatements cannot be considered simultaneously eligible for a CR property tax reduction. Landowners with these other statutory use-restrictions, however, may elect to replace their temporary reduction status with a permanent Conservation Restriction.

E. Zoning Setbacks

The Town's Comprehensive Plan, approved in 2005, recommended that zoning tools to help protect the Town's sanctuaries be explored. The Sanctuary Study Committee could be a good mechanism for this exploration, and could clarify whether new zoning tools, such as increased setbacks, would be beneficial or appropriate. Most abutting lots around the D. Blakely Hoar Sanctuary, except for along Princeton Road, are already fully developed. Additionally, most of the lots that abut sanctuary lands do so along their rear lot lines, where current zoning requires a 30-foot rear yard setback.

The Planning and Community Development Department recommends the Sanctuary Study Committee begin examining the development potential of and the risk of negative impacts from lots abutting sanctuary lands. Should the Committee then decide pursuing a zoning change is an appropriate next step towards protecting sanctuary lands from impacts from new development, the Department can work on drafting zoning amendment language, such as possibly requiring further review by Town Boards and Commissions of new construction on these abutting lots, or requiring larger setbacks from sanctuary boundaries for new buildings.

F. Fundraising Options

1. Non-Profits and Private Trusts

The land on which the D. Blakely Hoar Sanctuary is located was purchased by the Town with funds bequeathed by town resident D. Blakely Hoar. A D. Blakely Hoar Trust still exists and the Committee learned from a trustee that most of the money in the trust is not liquid but is in land assets in New Hampshire, though profits from timber do go to the Town as specified in D. Blakely Hoar's will. Funds are allocated each year, but will not be available for purchase of smaller plots of land.

The Brookline Conservation Land Trust has acquired conservation restrictions on land in Brookline as mentioned earlier, and could continue to be a useful partner for protecting land.

2. Government Options

At the local level, the Committee discussed the possibility of recommending setting aside a small portion of the Capital Improvements Fund (CIP) each year, although this money is currently already designated for the next six years. The Committee believes that regular funding of the

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Open Space Trust Fund would be a valuable investment for land protection in the future. This could also be helpful in securing grants that require matching funds. The Town's Comprehensive Plan also recommends actively funding the existing Open Space Trust Fund whenever extra resources become available, to conserve open space through land acquisition or purchase of development rights.

At the state level, the Division of Conservation Services, in the Executive Office of Energy and Environmental Affairs, awards grants to municipalities for conservation land acquisition. However, a review of grants awarded for FY08 showed that most of the grants are for much larger properties with a lower project cost than anticipated in Brookline. Grants for smaller areas were only awarded in locations with significant conservation value or substantial benefits. Thus, it is unlikely that state funds could be used to purchase smaller properties, such as the undeveloped land abutting the D. Blakely Hoar Sanctuary.

At the federal level, the government has just renewed the tax code including a tax break for people donating land for conservation and/or preservation purposes.

3. Monetary Donations

The Committee is researching the possibility of using the Open Space Trust Fund as a place to store any money that is donated or raised, and has confirmed that this is possible from the Finance Department. The Committee believes that donation guidelines could make the process of donating money easier, and could help solicit future donors and/or partners such as land trusts and non-profits.

III. D. BLAKELY HOAR AND DEVELOPMENT NEAR SANCTUARIES

A. Background on Lot 2, Princeton Rd.

1. Conservation Commission

The Conservation Commission is charged with administering the Massachusetts Wetlands Protection Act (WPA) and the Brookline Wetlands Bylaw. The Conservation Commission has received two Notice of Intent filings for this property. In January 2004, the applicant submitted a Notice of Intent with plans to construct a 20' x 40' access easement off Princeton Rd. and to extend water and sewer lines into this easement, since a portion of the work would be located in the 100' foot buffer zone around a protected wetland, and subject to protection under the WPA. After a site visit and review by the Commission, as well as a public hearing, the Commission voted to approve the project, subject to multiple conditions outlined in the Order of Conditions issued in February 2004. In April 2007, a Notice of Intent was filed proposing an extension of Princeton Road and construction of a single-family house with associated landscaping, also within the buffer zone subject to protection. After a site visit, review by the Commission, an outside peer review of the proposed development, and five public hearings and two additional public meetings, and the Commission voted to approve the project as modified by the applicant in response to their concerns, and with many conditions as outlined in the Order of Conditions issued in September 2007. The Commission determined that the modified project would not have an impact to the bordering wetland resource area, and approved the project under state and local wetlands protection laws. This does not, however, mean that this development would not

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have other detrimental effects on the adjacent D. Blakely Hoar Sanctuary, the wildlife and plants in this area, or the experience of visitors to the sanctuary.

2. Planning and Community Development

The possible development of Lot 2, Princeton Rd. first came to the Planning and Community Development Department's attention in early 2007, when the owner of the property requested a turn-around design be approved by the Planning Board in accordance with an earlier Board decision from 1955. The applicant had been working with the Engineering Department to design a turn-around, and after discussion and some revision, the Planning Board approved a hammerhead design where municipal vehicles would use a portion of the lot's new driveway to turn around. This decision is subject to a condition that an easement reflecting this turn-around be granted to the Town and accepted by Town Meeting. This easement, which was submitted for the warrant for Spring Town Meeting 2007, then referred to the Conservation Commission, and submitted again for Spring Town Meeting 2008, has yet to be accepted by Town Meeting.

B. Subdivision Potential

There are some lots abutting town sanctuaries that have the potential to be subdivided into additional lots. However, topographical conditions and wetland areas may limit the development options for new lots.

Most of the lots around the D. Blakely Hoar Sanctuary, with the exception of the Princeton Road area, have been fully developed. One lot along Beverly Road could possibly be subdivided, but topographical conditions may limit its development potential, and any future development would likely require a 30-foot rear yard setback. Hancock Village, located directly to the southeast of the Sanctuary, could be redeveloped at some point in the future, though it would likely involve Board of Appeals review.

C. Applying Conservation Tools and Recommendations

With regards to the proposed development adjacent to Hoar Sanctuary, the Committee voted that they are in favor of preserving Lot 2, Princeton Rd. if at all possible, but they haven't been able to identify a funding source that would allow for moving forward immediately on this or neighboring parcels. The Committee would be in favor of a purchase in concept if private funds or grants could be raised. The Committee will not take a position opposing the warrant article for an easement submitted for Spring Town Meeting 2008.

IV. CONCLUSION AND NEXT STEPS

Future action that the Committee is planning includes the following:

- As mentioned earlier, the Committee will recommend to the Board of Selectmen that the Board hold a joint public hearing with the Conservation Commission on the possible adoption of a Brookline Conservation Restriction Policy.
- The Committee will hold a public hearing regarding the subject matter of this report.
- The Committee will continue to explore fundraising opportunities, particularly grants that may be available, and donations from interested parties, as well as the possibility of creating donation guidelines for possible donors.

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- The Committee will continue researching the Open Space Trust Fund as well as public/private partnerships, for example with other trusts.
- The Committee will further consider the option of using zoning setbacks for sanctuary protection in conjunction with the Planning and Community Development Department.
- The Committee will take the tools and techniques that have been discussed during this process and apply them to all three sanctuaries in the Town of Brookline.

In conclusion, the Sanctuary Study Committee has researched a wide range of conservation tools for protecting land abutting town-owned sanctuaries. The Committee will continue the process of addressing land abutting all of the Town's sanctuaries per the charge received from the Board of Selectman, and to this end is working on creating or improving existing conservation tools. These efforts could lead to a range of available conservation tools that could be used to protect town-owned sanctuaries, as well as other land, and will benefit the Town of Brookline, residents, and the larger community.

Interim Report of the Noise Bylaw Committee
May 27, 2008

The Noise Bylaw Committee has been meeting regularly since September 2006 to undertake a complete review of the Noise Bylaw and to suggest a revised and updated version of that bylaw. The co-chairs are Nancy Daly, Board of Selectmen, and Fred Lebow, Advisory Committee, Fred Levitan, Paula Friedman, Steve Kanen, Ruthann Sneider, and Michael Siegel are also members. Bob Mello, represents the Police Department, Pat Maloney represents the Health Department, and the Building Department has been represented by Jim Nickerson, Walter White, and Mike Shepard. Bruce Wolff and other members of the public frequently attended and contributed to the work of the Committee.

The Committee has held two public hearings to date; one to hear about noise related to leaf blowers and other yard equipment and a second to hear about noise concerns relating to musical instruments and activities at parks. The Committee met with a noise engineer, as well as various Town department heads. The work of revising various sections of the bylaw is still ongoing. At present, the Committee has a preliminary draft version of a revised bylaw that is about 70% complete. It has not been voted upon by the Committee yet. That preliminary draft version is attached. The Committee intends to hold a public hearing, most likely in June to get comments from the public on the proposed bylaw. The Committee also intends to finish revising the remaining sections and if at all possible to submit a redrafted bylaw for the Fall Town Meeting.

The Committee has also researched and identified better and easier to use Noise Meters that it intends to recommend to the Town and it has produced a pamphlet on noise issues to help people resolve noise problems themselves. Copies of that pamphlet are available at this Town Meeting.

Your comments on the draft bylaw or on any other issues before the Committee are welcome:

Fred Lebow- co-chair home 617-739-1930 frederick.lebow@verizon.net
Nancy Daly-co-chair home 617-232-0728 nancy_daly@town.brookline.ma.us

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ARTICLE 8.15
NOISE CONTROL

Date: May 10, 2008

SECTION 8.15.1 SHORT TITLE

This By-law may be cited as the "Noise Control By-Law of The Town of Brookline".

**SECTION 8.15.2 DECLARATION OF FINDINGS,
POLICY AND SCOPE**

- (a) Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Brookline to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.
- (b) Scope.
- This By-law shall apply to the control of all sound originating within the limits of the Town of Brookline.
1. Provisions in this By-law shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or in training exercises related to emergency activities.
 2. **Emergency generators used for power outages and testing are exempt from this By-law. However, testing generators must be done during daylight hours.**

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3. Noncommercial public speaking and public assembly activities as guaranteed by state and federal constitutions shall be exempt from the operation of this By-law.

SECTION 8.15.3 DEFINITIONS

(a) **Ambient or Background Noise:** Is the term used to describe the noise measured in the absence of the noise under investigation. The average lowest sound level measured over a period of not less than five minutes using a sound level meter set for slow response using the "A" weighting filter in a specific area of the town. Local ambient or background noise shall not be considered less than 30 dBA for interior spaces or 40 dBA for exterior areas.

(b) **Construction and Demolition:** Any site preparation, assembly erection, substantial repair, alteration, destruction or similar action for public or private rights-of-way, structures, utilities, or similar property.

(c) **Day: 7:01 AM - 10:59 PM and Night: 11:00 PM - 7:00 AM**

(d) **Electronic Devices:** Any radio, tape recorder, television, CD, stereo, public address system, loud speaker, amplified musical instrument including a hand held device, and any other electronic noise producing equipment.

Exemption: two-way communication radios used for emergency, safety and public works requirements.

(e) **Emergencies:** Any occurrence or set of circumstances necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

(f) **Decibels (dB):** The decibel is used to measure sound level. The dB is a logarithmic unit used to describe a ratio of sound pressure, loudness, power, voltage and several other things.

(g) **Decibels "A" weighted scale dBA:** The most widely used sound level filter is the "A" weighted scale. This filter simulates the average human hearing profile. Using the "A" weighted scale, the meter is less sensitive to very low and high frequencies.

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(h) Decibels "C" weighted scale dBC: The "C" filter uses little filtering and has nearly a flat frequency response (equal magnitude of frequencies) throughout the audio range.

(i) Frequency response: Is the measure of any system's response at the output to a signal of varying frequency but constant amplitude at its input. The theoretical frequency range for humans is 20 - 20,000 cycles/second.

(j) Hertz (Hz): Cycles per Second (cps).

(k) Impulse Noise: Having a high peak of short duration of a sequence of such peaks. A sequence of impulses in rapid succession is termed repetitive impulsive noise.

(l) Intermittent Noise: The level suddenly drops to that of the background noise several times during the period of observation. The time during which the intermittent noise remains at levels different from that of the ambient is one second or more.

(m) Loudness: A rise of 10dB in sound level corresponds approximately to doubling of subjective loudness. That is, a sound of 65dB is twice as loud as a sound of 55 dB.

(n) Low-frequency noise: containing major components within the low frequency range (20Hz-250Hz) of the frequency spectrum.

(o) Leaf blowers: Any portable machine used to blow leaves, dirt and other debris off lawns, sidewalks, driveways, and other horizontal surfaces.

(p) Noise: Sound which a listener does not wish to hear and exceeds the noise requirements located in the Noise By-Law.

(q) Noise Injury: Any sound that:

- (a) endangers the safety of, or could cause injury to the health of humans; or
- (b) endangers or injures personal or real property.

(r) Noise Level: All measurements shall be made with a Type I or II sound level meter as specified under ANSI standards.

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(s) **Noise Pollution:** If a noise source increases noise levels 10 dB or more above the background noise level, it shall be judged that a condition of noise pollution exists. However, if the noise source is judged by ear to have a tonal sound, an increase of 5 dB above background noise level is sufficient to cause noise pollution.

(t) **Reflection:** Sound wave changed in direction of propagation due to a solid object obscuring its path.

(u) **Sound:** A fluctuation of air pressure which is propagated as a wave through air.

(v) **Sound absorption:** The ability of a material to absorb sound energy through its conversion into thermal energy.

(w) **Sound Level Meter:** An instrument meeting ANSI standards, consisting of a microphone, amplifier, filters, and indicating device, and designed to measure sound pressure levels accurately according to acceptable engineering practices.

(x) **Sound Pressure Level:** The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.

(y) **Sound Transmission Class (STC):** This is a measure of the extent of the sound reduction of noise going through a building element. It denotes the sound attenuation properties of walls, floors and ceilings used to construct building spaces. The higher the STC rating, the better the sound reduction performance of the construction.

(z) **Structure Borne Noise:** This refers to noise which is generated by vibrations induced in the ground and/or structure. These vibrations excite walls and slabs in buildings and cause them to radiate noise. This type of noise can not be attenuated by barriers or walls but requires the interposition of a resilient (acoustic isolators, springs, floating floors, etc.) break between the source and the receiver.

(aa) **Tonal Sound:** Any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

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SECTION 8.15.3a MOTOR VEHICLE DEFINITIONS

(a) Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating, (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

(b) Motorcycle: Any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

(c) Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

The following are examples are decibel readings of every day sounds.

| | |
|--------|---|
| 0dBA | The faintest sound we can hear |
| 30dBA | A quiet library |
| 45dBA | Typical office space |
| 55dBA | Background noise of a typical urban environment at night |
| 65dBA | Background noise of a typical urban environment during the day |
| 70dBA | The sound of a car passing on the street |
| 72dBA | The sound of two people speaking 4' apart |
| 80dBA | Loud music played at home |
| 90dBA | The sound of a truck passing on the street |
| 100dBA | The sound of a rock band |
| 115dBA | Limit of sound permitted in industry by OSHA |
| 120dBA | Deafening |
| 130dBA | Threshold of pain |
| 140dBA | Rifle being fired at 3' |
| 150dBA | Jet engine at 100' |
| 194dBA | Theoretical limit for a sound wave at one atmosphere environmental pressure |

SECTION 8.15.4 DUTIES AND RESPONSIBILITIES OF TOWN DEPARTMENTS

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(a) Departmental Actions

All town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this By-law.

(b) Departmental Compliance with Other Laws

All town departments and agencies shall comply with Federal and State laws and regulations and the provisions and intent of this By-law respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

(c) The Department of Public Works is exempt for night time operations for routine maintenance including but not limited to snow removal, street cleaning, litter control, and graffiti removal, etc. However, the DPW should make every effort to reduce noise in residential areas.

(d) Prior to purchasing new equipment, the Department of Public Works must consider the lowest decibel rating for the performance standard required.

(e) Any proposed new or proposed upgrade for a park or recreation facility must consider noise abatement measures during the design review process.

SECTION 8.15.5 PROHIBITIONS AND MEASUREMENT OF NOISE EMISSIONS

(a) Use Restrictions

1. The following devices **shall be allowed to operate between** the hours of **8 (eight) A.M. to 8(eight) P.M.** Monday through Friday, and from **9(nine) A.M. to 8(eight) P.M.** on Saturdays, Sundays and holidays:

All electric motor and internal combustion engine devices employed in yard and garden maintenance and repair.

Turf maintenance equipment employed in the maintenance of golf courses, snow blowers and snow removal equipment are exempt from this section.

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2. The following devices **shall be allowed to operate between** the hours of 7(seven) **A.M.** to 7(seven) **P.M.** Monday through Friday, and from **8:30(eight-thirty) A.M. to 6(six) P.M.** on Saturdays, Sundays and holidays:

- (a) All devices employed in construction or demolition.
- (b) Vehicular Sources: Maximum Noise Levels Measurements shall be made at a distance of 50 (fifty) feet from the closest point of pass-by of a source of 50(fifty) feet from a stationery vehicle.

MAXIMUM NOISE LEVEL dBA

| Vehicle Class | Stationary Run-up or Speed Limit 35 mph or less | Speed Limit 35-45 mph |
|--|---|-----------------------------|
| All vehicles over 10,000 lbs. GVWR or GCWR | 86 | 90 |
| All motorcycles | 82 | 82 |
| <u>Automobiles and light trucks</u> | <u>75</u> | <u>75</u> |

(c) Construction and Maintenance Equipment:
Maximum Noise Levels
Noise measurements shall be made at 50 (fifty) feet from the source. The following noise levels shall not be exceeded:

| <u>Construction Item</u> | <u>Maximum Noise Level dBA</u> | <u>Maintenance Item</u> | <u>Maximum Noise Level dBA</u> |
|--|--|--|--|
| Backhoe, bulldozer concrete mixer dumptruck, loader, paver, pneumatic tools, roller, scraper | 90 | Chipper running concrete mixer, full speed but not chipping) leaf vacuum | 90 |

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| | | | |
|---------------------|----|---------------------|----|
| Air compressor | 85 | Chainsaw, | 85 |
| | | solid waste | |
| | | oompactor, | |
| | | tractor | |
| | | tractor (full-size) | |
| Generator | 80 | Home tractor, | 80 |
| | | snow blower | |
| Electric drills, | 75 | Lawn mower, | 75 |
| power tools, | | trimmer | |
| sanders, saws, etc. | | | |

(d) Fixed Plant Equipment

No person owning, leasing or controlling the operation of any source of noise of the type listed below **in this section shall operate such equipment in a manner not to exceed 10 dBA over the background level and not greater than 5 dBA of tonal sound over the background level. However, if the fixed equipment is operated during night time hours, the sound level measurement must not exceed the average daytime background levels to compensate for night time operations which is assumed to be 10dBA below daytime levels.**

The following sources, and any other similar noise producing device not specified here, shall be considered as **potential** sources of noise pollution:

Air conditioners, pumps, fans, furnaces, compressors, engines and similar fixed plant equipment.

Noise measurements shall be made at the boundary of the property in which the offending source is located or at the boundary line of the complainant.

(e) Electronic Devices and Musical Instruments

No person owning, leasing or controlling the operation of any electronic device shall willfully or negligently permit the establishment or condition of noise injury or noise pollution.

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In public spaces, the existence of noise injury or noise pollution is to be judged to occur at any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise injury or noise pollution judgments shall be made at the property line within which the offending source is located.

Any and all decibel levels of sound caused by playing non-electronic musical instruments between 9 A.M. and 9 P.M. shall be exempt.

(f) Leaf Blowers

No person shall operate any portable leaf blower(s) with a power rating of under 4 horsepower which does not bear an affixed manufacturer's label indicating the model number of the leaf blower(s) and designating a noise level not in excess of sixty-five dBA when measured from a distance of fifty feet utilizing American National Standard Institute (ANSI) methodology. Any leaf blower(s) which bears such a manufacturer's label shall be presumed to comply with the approved noise level limit under this by-law. However, any leaf blowers must be operated as per the operating instructions provided by the manufacturer. Any modifications to the equipment is prohibited. Any portable leaf blower(s) must comply with this by-law by January 1, 2010. However, any leaf blower(s) operating after January 1, 2010 without an ANSI label on the equipment, may obtain a label from the town by bringing the equipment to the town's service center for testing. The testing will be provided by the town's designated person for a nominal fee and by appointment only. Testing will be provided only between the months of May and October. If the equipment passes, a town label will be placed on the equipment. Whether the equipment passes or not, the testing fee is not refundable.

(g) Animals

No person owning, keeping or controlling any animal shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the existence of noise pollution or noise injury.

(h) Additional Noise Sources

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No person shall emit noise so as to cause a condition of noise pollution or noise injury.

(i) **Alternative Measurement Procedures**

If it is not possible to make a good noise level measurement at the distance specified in Section 8.15.4, measurement may be made at an alternate distance and the level at the specified distance subsequently calculated. Calculations shall be made in accordance with established engineering procedures.

(j) **Maximum Noise Level Exclusions**

The following devices shall be exempt from maximum noise limitations for time limits see Section 8.15.4(a): ie: Work involving routine maintenance or emergencies performed by the Department of Public Works.

jack hammers
pavement breakers
pile drivers
rock drills

providing that effective noise barriers are used to shield nearby areas from excessive noise.

(k) **Commercial Parking Lots**

All surface commercial parking lots consisting of 20 or more parking spaces and located within 75' of a residential dwelling, must have signs, as specified by the Department of Public Works (DPW), stating "No Unnecessary Horn Blowing" at the entrance. Municipal parking lots are exempt.

(l) **Motor Vehicle Alarms**

The sounding of any horn or signaling device as a part of a burglar, fire or alarm system (alarm) for any motor vehicle, unless such alarm is automatically terminated within ten minutes of activation and is not sounded again at all within the next sixty minutes, is prohi-

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bited. Any motor vehicle located on a public or private way or on public or private property whose alarm has been or continues to sound in excess of ten minutes in any sixty minute cycle is hereby deemed to be a public nuisance subject to immediate abatement. Any police officer who observes that the alarm has or is sounding in excess of ten minutes in any sixty minute cycle, who, after making a reasonable effort, is unable to contact the owner of such motor vehicle or, after contact, such owner fails or refuses to shut-off or silence the alarm or authorize the police officer to have the alarm shut-off or silenced, may abate the nuisance caused by the alarm by entering the vehicle to shut-off or disconnect the power source of the alarm, by authorizing a member of the fire department or a tow company employee to enter such vehicle to shut-off or disconnect the power source of the alarm and, if such efforts are unsuccessful, such officer is authorized to abate the nuisance by arranging for a tow company to tow the motor vehicle to an approved storage area or other place of safety. If a motor vehicle's alarm is shut-off or disconnected from its power source and a police officer determines that the motor vehicle is not safe in its then location and condition, the police officer may arrange for a tow company to tow the motor vehicle to an approved storage area or other place of safety. The registered owner of the motor vehicle shall be responsible for all reasonable costs, charges and expenses incurred for the shutting-off or silencing of the alarm and all costs of the removal and storage of the motor vehicle. The provisions of Article 10.1 shall not apply to paragraph (k).

(m) Tonal Sound Corrections

When a tonal sound is emitted by a noise source, the limit on maximum noise levels shall be 5 dB lower than specified.

SECTION 8.15.6 PERMITS FOR EXEMPTIONS FROM THIS BY-LAW

(a) The Board of Selectmen, or designee, may give a special permit for any activity, otherwise forbidden by the provisions of this By-law. A person seeking such a permit should make a written application to the Board of Selectmen, or designee, on the appropriate form which shall be available at the office of the Selectmen.

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(b) The Board of Selectmen, or designee, may issue guidelines defining the procedures to be followed in applying for a special permit. The following criteria shall be considered:

(1) the cost of compliance will not cause the applicant excessive financial hardship;

(2) additional noise will not have an excessive impact on neighboring citizens.

(c) The Board of Selectmen, or designee, may issue guidelines defining procedures to be followed in applying for an extension of time to comply with the provisions of these regulations and the criteria to be considered in deciding whether to grant a permit. **The condition of the permit may require portable acoustic barriers during night time hours.** The guidelines shall include reasonable deadlines for compliance.

(d) In some instances, when it can be demonstrated that bringing a source of noise into compliance with the provisions of this By-law would create undue hardship on a person or the community, a special permit may be granted for an exemption from this By-law. A person seeking a special permit shall make written application within 5 (five) days of receiving notification from the Town that (s)he is in violation of the provisions of this By-law. If the Board of Selectmen find that sufficient controversy exists regarding the application, a public hearing may be held.

(e) If the Board of Selectmen, or designee, orders abatement of a noise source not complying with this By-law, a person who feels (s)he cannot meet the stated time schedule for compliance may file an application for an extension of time. A written application shall be filed within 5 (five) days of receipt of notification of violation and shall propose a new compliance schedule. A person who claims that the allowance of an extension of time would have adverse effects may file a statement with the Board of Selectmen, or designee, to support this claim. If the Board of Selectmen, or designee, find that sufficient controversy exists regarding the application, a public hearing may be held.

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SECTION 8.15.7 HEARINGS

Resolution of controversy shall be based upon the information supplied by both sides in support of their individual claims and shall be in accordance with the procedures defined in the appropriate guidelines issued by the Board of Selectmen, or designee.

SECTION 8.15.8 APPEALS

Appeals from a decision of the Board of Selectmen, or designee, shall be to the Superior Court. Judicial review shall be limited to whether the decision was supported by substantial evidence.

SECTION 8.15.9 PENALTIES

[under revision]

SECTION 8.15.10 SEVERABILITY

If any provisions of this article or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this article and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Fall, 2007

Proposal from the Moderator's Committee on Sidewalk Snow Removal:

Whereas, Brookline encourages its residents to walk or ride the T,

Whereas, Brookline includes a diverse population of people who live here specifically so that they can get around without use of a car and who can only get around if the sidewalks are clear,

Whereas, DPW's budget has been level funded since 1994; costs of personnel, materials, and equipment continue to increase; and yet there is the expectation that DPW will maintain the same level of snow removal services,

Whereas, budget constraints and proposition 2 ½ resulted in DPW's personnel complement declining from 360 in 1978 to 170 in 2007,

Whereas, the existing resources make it increasingly difficult to maintain the current arrangement for the town to plow 43 miles of high priority sidewalk,

Whereas, the existing resources make it increasingly difficult to remove the large amounts of snow that are caused by street and sidewalk plowing,

The Moderator's Committee on Sidewalk Snow Removal proposes the following:

1. Ideally, the Department of Public Works budget should be increased by sufficient funds so that during snow storms, it is able to treat streets and sidewalks equally, so that streets and sidewalks are plowed and shoveled in a timely and efficient manner.

Minimally, over the next three years, the Town should replace the three Bombardier sidewalk tractors purchased in 1994. The Town should budget \$125,000 each year for these units. The \$125,000 should be additional to the \$700,000 provided by the 1994 override. If another override is proposed, a priority should be to reconfigure a realistic replacement cycle for DPW snow removal equipment. The funds to purchase a new sidewalk snow tractor each year for the next 3 years should be followed by funds to maintain the existing tractors.

Further, we suggest that the Town budget include increased public works funding to be designated for sidewalk snow removal. Thereafter, increase DPW's budget by a sum each year to maintain adequate personnel and equipment to maintain Brookline's sidewalk snow removal.

2. We suggest that the Town work to dramatically increase resident involvement in maintaining clear sidewalks. The actions to be taken should include increased enforcement of existing regulations and regular use of citations for failure to clear sidewalks.

The Town should advertise the need for resident involvement in reporting problems whether it is individual properties that are not maintained or areas needing more attention from the Town (e.g. street corners, sidewalks covered by snow from street plows).

3. We suggest that the Town seek additional contributions from all members of the Town community. Specifically, the Town should seek to have custodians assist in maintaining the sidewalks at their buildings, including schools.

With minimal effort, the custodians could clear snow from doorways, steps, and handicapped areas. Call-backs to DPW by custodians of public buildings should be eliminated. We urge management and staff to take whatever steps are necessary to implement this recommendation.

4. We suggest that the town make procedural, contractual, and budget changes to allow for seasonal employees to assist with sidewalk snow removal. An annual budget of \$35,000 should be provided to maintain a pool of seasonal employees responsible for sidewalk snow removal. Every effort should be made to hire Brookline residents.

5. We suggest that more public participation be solicited with expansion of the existing programs. Programs like the recreation department's SOS may need to be better publicized.

There should be improved coordination with the schools in order to take advantage of the Community Service program at the high school and the list of paying jobs.

An effort should be made to coordinate with the probation department at the Brookline district court with regard to their community service program.

Neighborhood associations should take responsibility for identification of neighborhood specific problems.

The Brookline Chamber of Commerce and the commercial area organizations should take responsibility for reminding merchants to remove snow and ice promptly.

Respectfully Submitted,

Ronny Sydney, Chairperson

Arthur Conquest , Clerk

Tom Demaio, Commissioner, DPW

Annette Gregson

Richard Leary

Fred Levitan

Ryszard Kilarski

Lois Martin

Joshua Safer