

WARRANT

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF BROOKLINE
ANNUAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet at the High School Auditorium in said Brookline on TUESDAY, the TWENTY-SECOND day of MAY, 2012 at 7:00 o'clock in the evening for the Annual Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

ARTICLE 1

Submitted by: Board of Selectmen

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. (Selectmen)

ARTICLE 2

Submitted by: Human Resources

To see if the Town will raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

ARTICLE 3

Submitted by: Treasurer/Collector

To see if the Town will authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2013 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

ARTICLE 4

Submitted by: Board of Selectmen

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, or act on anything relative thereto.

ARTICLE 5

Submitted by: Board of Selectmen

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of the previous years, which may be legally unenforceable due to the insufficiency of the appropriations therefore, and

appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

ARTICLE 6

Submitted by: Board of Assessors

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2013 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

ARTICLE 7

Submitted by: Board of Selectmen

To see if the Town will:

- (A) Raise and appropriate or appropriate from available funds additional funds to the various accounts in the fiscal year 2012 budget or transfer funds between said accounts;
- (B) Appropriate a sum of money, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for renovations to the auditorium at the Pierce School.
- (C) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; 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 and aid from both federal and state sources and agencies for any of the purposes aforesaid.

or act on anything relative thereto.

ARTICLE 8

Submitted by: Advisory Committee

To see if the Town will:

- A.) Fiscal Year 2013 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 2013 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 2013 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Chief Information Officer, with any necessary contracts to be approved by the Board of Selectmen, for the enhancement of town-wide hardware and software.
- 2.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Director of Planning and Community Development, with any necessary contracts to be approved by the Board of Selectmen and the Economic Development Advisory Board, for commercial area improvements.
- 3.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Fire Chief, with any necessary contracts to be approved by the Board of Selectmen, for the refurbishment of Fire Engine #3.
- 4.) Appropriate \$320,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for making extraordinary repairs to Fire Stations.
- 5.) Appropriate \$75,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for bicycle access improvements.
- 6.) Appropriate \$25,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for a study of the Harvard Street / Green Street pedestrian crossing.
- 7.) Appropriate \$1,470,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of streets.
- 8.) Appropriate \$276,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of sidewalks.
- 9.) Appropriate \$65,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for deposit into the Sidewalk Revolving Fund.
- 10.) Appropriate \$85,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be

approved by the Board of Selectmen, for the rehabilitation of Town-owned parking lots.

- 11.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for enhancements to the Parking Meter System.
- 12.) Appropriate \$300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for all costs associated with repairing, reinforcing, and stabilizing the floor at the Municipal Service Center.
- 13.) Appropriate \$3,250,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for costs associated with the construction of a park/playground/field at the site of the old Fisher Hill Reservoir.
- 14.) Appropriate \$285,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.
- 15.) Appropriate \$80,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for the rehabilitation of Town and School grounds.
- 16.) Appropriate \$165,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.
- 17.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Cemetery Trustees, for upgrades to the Old Burial Grounds.
- 18.) Appropriate \$500,000, or any other sum, to be expended under the direction of the Commissioner of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for costs associated with the construction of a maintenance building at the Robert T. Lynch Golf Course at Putterham Meadows.
- 19.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for school furniture upgrades.

- 20.) Appropriate \$60,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for ADA renovations to Town and School buildings.
- 21.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen, for improvements to elevators in Town and School facilities.
- 22.) Appropriate \$125,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for the replacement of emergency generators and/or installation of emergency lights or circuits.
- 23.) Appropriate \$150,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for energy conservation projects in Town and School buildings.
- 24.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for upgrades to energy management systems in Town and School buildings.
- 25.) Appropriate \$60,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for removal of hazardous materials from Town and School buildings.
- 26.) Appropriate \$150,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen, for improvements to life safety systems and building security in Town and School facilities.
- 27.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Chief Information Officer, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for the replacement of intercom systems in School buildings.
- 28.) Appropriate \$55,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for the replacement of the auditorium stage at the High School.
- 29.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for a space needs study of the High School.

- 30.) Appropriate \$500,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for costs associated with structural repairs to the exterior surface at the Old Lincoln School.
- 31.) Appropriate \$37,500, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for engineering or architectural services for plans and specifications associated with the upgrade of the electrical distribution system at the Pierce School.
- 32.) Appropriate \$1,750,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for the expansion of classroom capacity in various schools.
- 33.) Appropriate \$1,300,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Board of Selectmen and the School Committee, for remodeling, reconstructing, or making extraordinary repairs to the Unified Arts Building (UAB).
- 34.) Appropriate \$2,150,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen and the Park and Recreation Commission, for the renovations of Waldstein Playground and Warren Field / Playground.

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, or act on anything relative thereto.

ARTICLE 9

Submitted by: Jonathan Davis, Town Meeting Member, Precinct 10 and Regina Frawley Town Meeting Member, Precinct 16

To see if the Town will amend the Town's By-Laws in the following manner:

By adding Article 3.22 immediately between Article 3.21 and Article 4.1, as follows:

ARTICLE 3.22
The Public's Right To Be Heard On Proposed Articles

Any committee as defined in section 1.1.4, before taking its first (or only) vote with respect to a proposed Article that is intended by its proponent for the Warrant, must hold a duly noticed public hearing with respect to the proposed Article, and the committee's permanent record must record that a duly noticed public hearing with respect to such proposed Article occurred before such first (or only) vote.

The duly noticed public hearing may occur on the same date as the vote but at an earlier time, or on an earlier date.

This Article shall not apply to the plenum of the Advisory Committee.

Or act on anything relative thereto.

ARTICLE 10

Submitted by: Preservation Commission

To see if the Town will amend Article 5.6 of the Town's By-laws, entitled Preservation Commission & Historic Districts By-law, in the following manner:

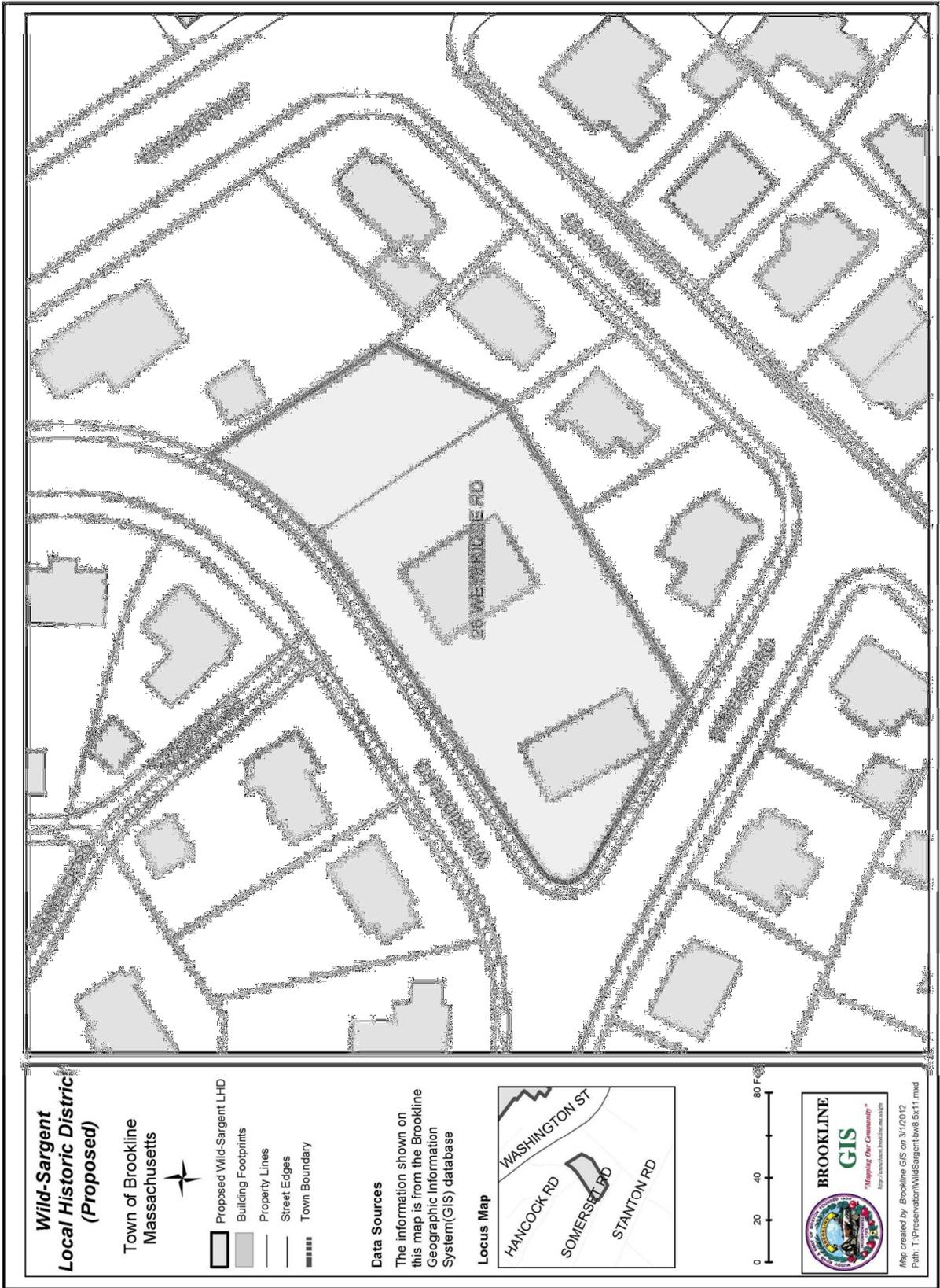
By deleting Section 5.6.3. (g) and substituting new sections 3 (g) and 3 (h) therefore:

“(g) Wild-Sargent Local Historic District

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

(h) Other Historic Districts

Other Historic Districts within the Town may be established from time to time in accordance with the procedures set forth in Chapter 40C of the Massachusetts General Laws, as amended from time to time."



or act on anything relative thereto.

ARTICLE 11

Submitted by: Preservation Commission

To see if the Town will authorize and empower the Board of Selectmen to accept a preservation restriction in substantially the same form as provided in the explanation section below, on property located at 26 Weybridge Road and shown as Parcels 02-03 and 04 in Block 207 on Sheet 41 of the Town’s 2010 Assessors Atlas, consisting of Lots A, D, E, 63 and 64C as shown on the accompanying map.

26 Weybridge Road Lots

Lot lines as shown are approximate



or act on anything relative thereto.

ARTICLE 12

Submitted by: Eric Dumas

To see if the Town will amend Article 8.23.1 (d.) of the General By-laws, Tobacco Control, definition of Minor, by deleting the word “eighteen” and replacing it with the word “nineteen”.

ARTICLE 13

Submitted by: Department of Planning and Community Development

To see if the Town will amend Sec. 4.07, Table of Use Regulations, in the Zoning By-Law by adding in Use 18, under subparagraph a, “over 2,500 s.f. of gross floor area” after the words “Health and fitness club”, amending the end of subparagraph a to read: “and/or health services” in place of “and health”, and changing the No to SP under the L column (Local Business), and by adding a new Use 18A, Small Group Health and Fitness Club, as follows.

Principal Uses	Residence					Business			Ind
	S	SC	T	F	M	L	G	O	I
18. Private Club or Lodge									
a) Health and fitness club, over 2,500 s.f. of gross floor area operated for profit and for members only, solely for the purpose of providing physical fitness, exercise, therapy, rehabilitation and/or health services.	No	No	No	No	No	No SP	SP	SP	SP
	No	No	No	No	No	Yes	Yes	Yes	Yes
b) Private club or lodge, operated not for profit and for members only, other than use 13.									
18A. Small group health and fitness club not exceeding 2,500 square feet of gross floor area operated for profit and for members only, solely for the purpose of providing physical fitness, exercise, therapy, rehabilitation and/or health services.	No	No	No	No	No	Yes	Yes	Yes	Yes

or act on anything else relative thereto.

ARTICLE 14

Submitted by: Department of Planning and Community Development

To see if the Town will amend Sec. 4.07, Table of Use Regulations, in the Zoning By-Law by adding a new Use 32A, Domestic Household Animal Day Care Center, and by changing in Use 20A, Office or Clinic of a Licensed Veterinarian, “No” to “SP” under the L column (Local Business), as follows.

Principal Uses	Residence	Business	Ind
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	S	SC	T	F	M	L	G	O	I
32A. Domestic Household Animal Day Care Center, including overnight kenneling, grooming, training and other accessory services. No outdoor facilities for the animals shall be permitted. Studies by recognized experts shall be submitted to insure, to the satisfaction of the Board of Appeals, that the use will be constructed so as to safeguard nearby properties against undue noise, odor and improper waste disposal, and subject to restrictions as to number, location, and size of facilities imposed by the Brookline Director of Public Health.	No	No	No	No	No	SP	SP	No	SP
20A. Office or clinic of a licensed veterinarian for treatment of animals, including laboratories and holding facilities. No outdoor facilities for animals shall be permitted. Studies by recognized experts shall be submitted to insure, to the satisfaction of the Board of Appeals, that the use will be constructed so as to safeguard nearby properties against undue noise, odor and improper waste disposal.	No	No	No	No	No	No SP	SP	SP	SP

or act on anything else relative thereto.

ARTICLE 15

Submitted by: Department of Planning and Community Development

To see if the Town will amend its Zoning Bylaw as follows:

1. To replace the existing Section 4.10 with the following (additions in bold and underlined, deletions crossed out and in bold):

“§4.10 - FLOODPLAIN OVERLAY DISTRICT

1. *Purpose*

The general purpose of this section is to effectively protect the water resources of the Town with zoning provisions that regulate floodplains in a manner that, at a minimum, meets the requirements of the Federal Emergency Management Administration (FEMA) for their National Flood Insurance Program (NFIP). Specifically, the purposes of the Floodplain Overlay District are to:

- a. Ensure public safety through reducing the threats to life and personal injury;
- b. Eliminate hazards to emergency response officials;
- c. Prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding;
- d. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- e. Eliminate costs associated with the response and cleanup of flooding conditions;
- f. Reduce damage to public and private property resulting from flooding waters.

2. *Establishment and Applicability*

- a. Establishment—There is hereby established a Floodplain Overlay District which shall be governed by the regulations specified in this section.
- b. Applicability—No structure or building shall be erected, constructed, expanded, substantially improved, or moved and no earth or other materials shall be dumped, filled, excavated, transferred, or otherwise altered in the Floodplain Overlay District unless a special permit is duly granted by the Board of Appeals.
- c. General Exemptions—For the purposes of this Section, a special permit shall not be required for any demolition or other activity that reduces impervious surface on a lot within the Floodplain Overlay District.
- d. Setback Exemptions—Any required flood water retention systems or related facilities may be permitted to extend into required yard setbacks if deemed appropriate by the Board of Appeals.
- e. Emergency Repairs—The special permit required in this Section shall not apply to emergency repairs or projects necessary for the protection of the health, safety or welfare of the general public which are to be performed or which are ordered to be performed by a Town department, or the commonwealth, or a political subdivision thereof. In no case shall any filling, dredging, excavating, or otherwise extend beyond the time necessary to abate the emergency.

3. *Definitions*

The following definitions specifically refer to the provisions of this section. The definition of any term not provided in this subsection shall be that which can be found in a generally acceptable dictionary of the English language.

- a. AREA OF SPECIAL FLOOD HAZARD—Is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A or AE.
- b. BASE FLOOD—Means the flood having a one percent chance of being equaled or exceeded in any given year.
- c. DEVELOPMENT—Means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- d. DISTRICT—Means floodplain district.
- e. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)—Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.
- ~~f. FLOOD BOUNDARY AND FLOODWAY MAP—Means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM).~~
- ~~g. FLOOD HAZARD BOUNDARY MAP (FHBM)—Means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A.~~
- f. FLOOD INSURANCE RATE MAP (FIRM)—Means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- g. FLOODWAY—Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
- h. LOWEST FLOOR—Means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.
- i. NFIP—National Flood Insurance Program administered by FEMA.

- j.** NEW CONSTRUCTION—Means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, New Construction means structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.
- k.** ONE-HUNDRED-YEAR FLOOD—See BASE FLOOD.
- l.** REGULATORY FLOODWAY—See FLOODWAY.
- m.** SPECIAL FLOOD HAZARD AREA—Means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A.
- n.** START OF CONSTRUCTION—Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- o.** STRUCTURE—Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the terms includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.
- p.** SUBSTANTIAL DAMAGE—Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- q.** SUBSTANTIAL IMPROVEMENT—Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

- r. ZONE A—Means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.
- s. **ZONE AE—Means the 100-year floodplain where the base flood elevation has been determined.**
- t. **ZONE X ZONES B AND C—Are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.**

4. *Floodplain District Boundaries and Base Flood Elevation and Floodway Data*

a. Floodplain District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated **as Zone A or AE on the Norfolk County Floor Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Brookline are panel numbers 25021C0032E, 25021C0033E, 25021C0034E, 25021C0041E, 25021C0042E, 25021C0051E, and 25021C0053E dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and Town Engineer. The existing flood insurance maps for the Town of Brookline, dated November 28, 1980, shall remain in effect until July 17, 2012. on the Brookline Flood Insurance Rate (FIRM) I (1-10) and Flood Hazard Boundary Map H (1-10) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated November 28, 1980 as Zone “A” which indicates the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance study booklet date (FIS dated November 1976). The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission, and the Town Engineer.**

b. Base Flood Elevation and Floodway Data

1) Floodway Data

In Zone “A”, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) Base Flood Elevation Data

Base flood elevation data is required for any subdivision proposal, any new building or development, and any other development that would result in additional impervious surface within any floodplain overlay district.

5. *Notification of Watercourse Alteration*

The Town Clerk, in consultation with the Building Commissioner and Town Engineer, shall notify, in a riverine situation, the following agencies of any alteration or relocation of a watercourse:

a. Adjacent Communities

~~b. **Bordering Communities**~~

b. Massachusetts Department of Conservation and Recreation Massachusetts Office of Water Resources, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104

c. NFIP Program Specialist, FEMA Region I, 99 High Street, 6th Floor, Boston, MA 02110.Rm. 462, J.W. McCormack Post Office & Courthouse, Boston, MA 02109

6. *Use Regulations*

a. Reference to Existing Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with M.G.L., Chapter 131, Section 40 and with the following:

- 1) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR~~3107.0~~, "~~Flood Resistant Construction~~");
- 2) Wetlands Protection Regulations, Department of Environmental Protection (DEP), (currently 310 CMR 10.00);
- 3) Inland Wetlands Restriction, DEP (~~currently 310 CMR 13.00~~ ~~302-CMR 6.00~~);
- 4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- 5) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

7. *Encouraged Uses*

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- a. Urban agricultural uses such as urban farming, horticulture, etc.
- b. Nursery uses.
- c. Outdoor recreational uses, including fishing, boating, play areas, etc.
- d. Conservation of water, plants, wildlife.
- e. Wildlife management areas, foot, bicycle, and/or horse paths.
- f. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- g. Buildings lawfully existing prior to the adoption of these provisions.

8. *Procedures*

- a. Application for a special permit shall be made on a form prescribed by the Board of Appeals. In addition to information generally required for such a submittal, the applicant shall also present the following:
 - 1) a detailed site plan drawn to a scale of one inch equals twenty (20) feet showing the elevation and design of flood water retention systems as required by applicable law;
 - 2) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
 - 3) base flood elevation data, where the base flood elevation is not provided on the FIRM;
 - 4) certification and supporting documentation by a Massachusetts registered professional engineer demonstrating that such encroachment of the floodway shall not result in any increase in flood levels during the occurrence of the 100-year flood; and
 - 5) four (4) copies of all application materials.
- b. Upon receipt of the application and development plans, the Town Clerk shall transmit copies of the plans to the Conservation Commission, Town Engineer, and Board of Appeals. Within forty-five (45) days of receipt of the plans, the Conservation Commission and the Town Engineer shall review said plans and submit their respective reports and recommendations to the Board of Appeals. The Board shall not render any decision on an application for a special permit for development in the Floodplain Overlay District until said reports have been

received and considered or until the forty-five (45) day period has expired without the receipt of such report, whichever is earlier.

- c. In the course of their standard review and approval of subdivisions, the Planning Board shall assure that:
 - 1) such subdivisions minimize flood damage;
 - 2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - 3) adequate drainage is provided to reduce exposure to flood hazards.
- d. There shall be established a “routing procedure” which will circulate or transmit copies of the development plan to the appropriate review agencies and boards for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

9. *Criteria*

The Board of Appeals may grant a Special Permit for development in the Floodplain Overlay District if the Board finds that such development has met all of the following criteria in addition to other criteria required for the granting of a special permit:

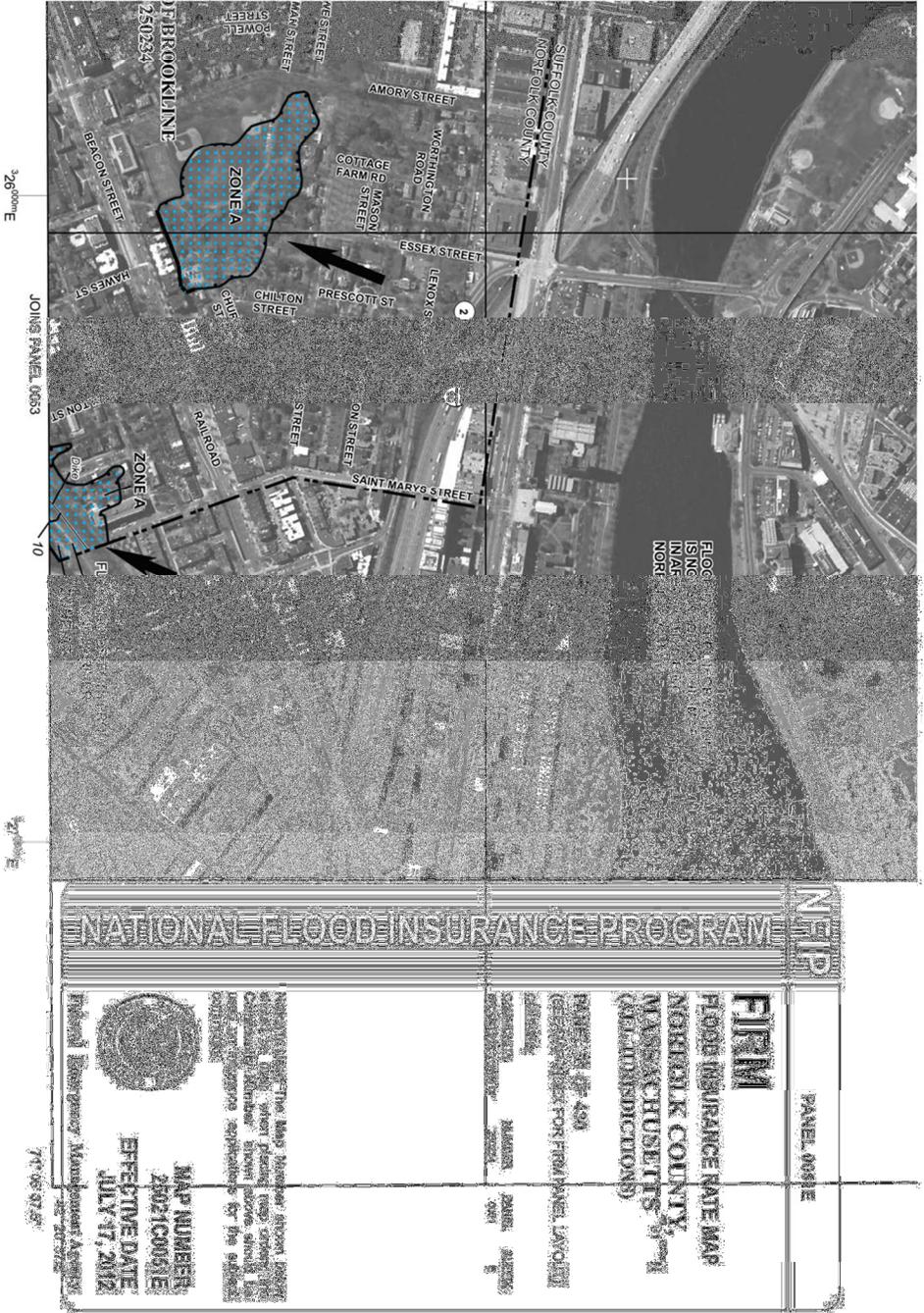
- a. No filling or other encroachment shall be allowed in Zone “A” areas or in the floodway which would impair the ability of these special flood hazard areas to carry and discharge flood waters, except where such activity is fully offset by stream improvements such as, but not limited to, flood water retention systems as allowed by applicable law.
- b. Displacement of water retention capacity at one location shall be replaced in equal volume at another location on the same lot, on an abutting lot in the same ownership, on a noncontiguous lot in the same ownership, or in accordance with paragraphs 1) through 3) below:
 - 1) All flood water retention systems shall be suitably designed and located so as not to cause any nuisance, hazard, or detriment to the occupants of the site or abutters. The Board of Appeals may require screening, or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.
 - 2) The proposed use shall comply in all respects with the provision of the underlying zoning district, provisions of the State Building Code, State Inland Wetland Act, and any other applicable laws.
 - 3) Any development activity requiring a special permit from the Board of Appeals under other provisions of this Zoning By-law shall incorporate the requirements of this Section within the scope of that special permit and shall not require separate application to the Board of Appeals.
- a. designed and maintained for recreational use, it may be counted up to 50 percent of the usable open space requirement, provided that for every two percent counted

toward that requirement an additional one percent of landscaped open space, beyond that required by **Table 5.01**, shall be provided at ground level.

2. To amend the Zoning Map by replacing the existing Floodplain Overlay District with the maps defined in section 4.10.4.a. above and copied below (note that only the FIRM panels with areas in the Floodplain Overlay District are copied below.)
3. To amend Use 49A in Table 4.07 of the Zoning Bylaw as follows:

"49A. In locations subject to periodic or occasional flooding by water from streams or brooks, including but not limited to the flood hazard district which is defined as all areas ~~designated as in the Floodplain District Boundaries in 4.10.4.a. flood hazard areas (Zones A, AE A8) in the H.U.D. Flood Insurance Rate Maps Study, Town of Brookline, Norfolk County, Massachusetts, November, 1976, including Maps H and I (1-10) dated May 2, 1977, and revised November 28, 1980~~, any structure erected or any filling undertaken in such manner as to reduce or impede the run-off of flood waters to an extent that would increase the 100 year flood elevation or the hazard of flood damage (See under 49B.) Please refer to §4.10, Floodplain Overlay District, of the Zoning Bylaw for flood hazard requirements."

or act on anything relative thereto.



- ~~1. The floor area ratio requirements as applied to Uses 9 and 10 listed in §4.07 shall be less restrictive than as specified in Table 5.01 in the following respects:

 - ~~a. Where several lots in the same ownership and also in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all such lots may be aggregated in calculating floor area ratio.~~
 - ~~b. The floor area ratio shall be increased by one per cent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to a maximum of 65 percent.~~~~
- ~~2. Under a special permit the Board of Appeals may permit further modifications in the dimensional requirements specified in Article V as applied to Uses 9 and 10 to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.~~
 1. The restrictions on floor area ratio maximum, height maximum, minimum yard setbacks (front, rear, side), and open space (landscape and usable) as specified in **Table 5.01** shall not apply to Uses 9 and 10 listed in §4.07.

Replace paragraph 4(c) of **§6.02 – OFF-STREET PARKING SPACE REGULATIONS** as follows:

- ~~e. Under a special permit the Board of Appeals may permit modification in the requirements specified in this Article as applied to Use 10 to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.~~
- c. The requirements specified in Article VI shall not apply to Use 10 listed in §4.07.

or act on anything relative thereto.

ARTICLE 17

Submitted by: Department of Planning and Community Development

To see if the Town will amend the Zoning By-Law by inserting at the end of the introductory paragraph of Section 5.21 - Exceptions to Maximum Floor Area Ratio Regulations (Public Benefit Incentives):

No bonus shall be granted where the claimed public benefit is otherwise required by this Zoning By-Law or by any other by-law, statute, code or regulation.

And inserting at the end of Section 5.32.2.a – Exceptions to Maximum Height Regulations (Public Benefit Incentives):

The Board of Appeals shall find that the amount of any additional height allowed is commensurate with the public benefit offered. No additional height shall be allowed

where the claimed public benefit is otherwise required by this Zoning By-Law or by any other by-law, statute, code or regulation.

or act on anything else relative thereto.

ARTICLE 18

Submitted by: Department of Planning and Community Development

To see if the Town will amend the second paragraph of Sec. 9.07 – Time Limits For Special Permits by striking certain language and adding language shown in bold as follows:

The Board of Appeals, upon written application and after due notice and a public hearing as provided by statute, may grant ~~one of more extensions of time for periods~~ **a time extension** not to exceed six months ~~for each such extension~~ for a variance, and ~~one extension for a period~~ not to exceed one year for a special permit. **Time extension requests shall not require an advisory report from the Planning Board.**

or act on anything else relative thereto.

ARTICLE 19

Submitted by: Department of Planning and Community Development

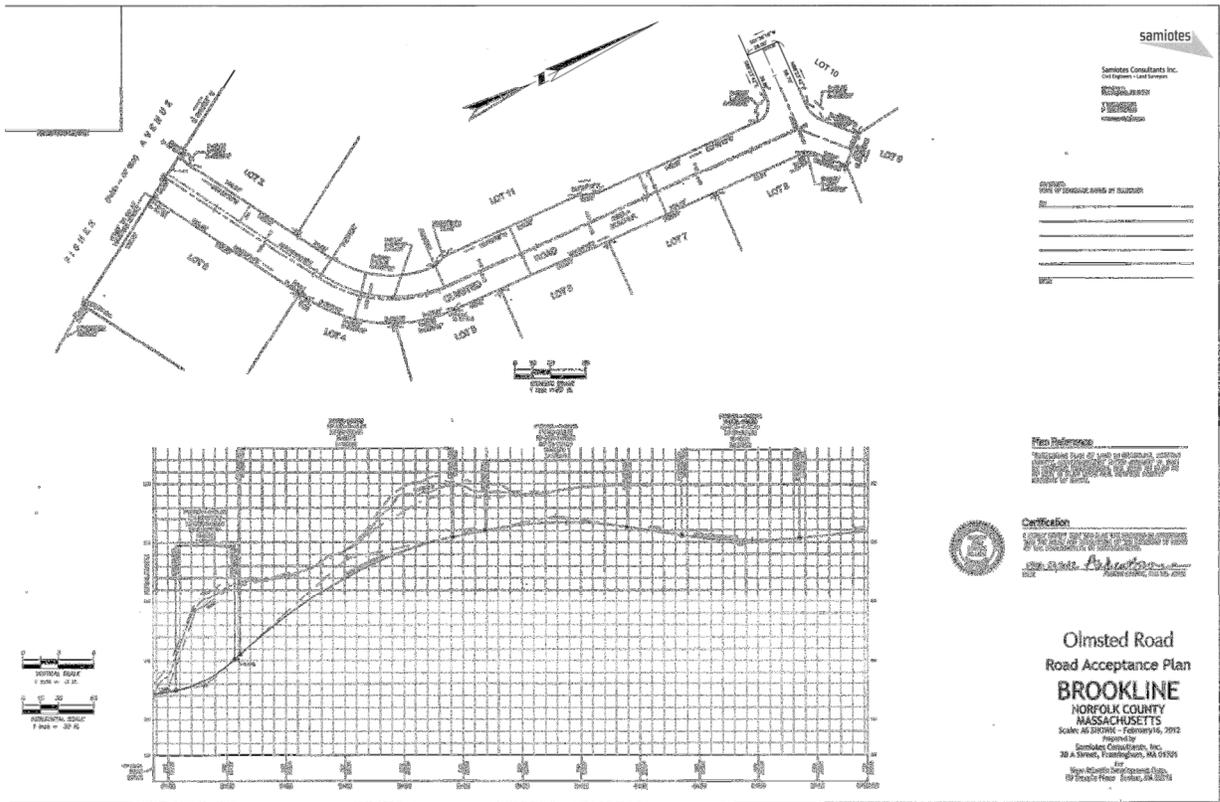
To see if the Town will accept the parcel of land described below and as set forth in the following plan as a public way in the Town of Brookline to be known as Olmsted Road pursuant to Massachusetts General Laws Chapter 82, Sections 21-24.

- Beginning at a point on the easterly side of Fisher Avenue 113.27' northerly from the intersection with Leicester Street:
- thence N58-33-30E - one hundred fifty five and 48/110 feet (155.48') by lot 3 and a portion of lot 4 to a point of curvature,
- thence - one hundred thirty one and 21/100 feet (131.21') by the remainder of lot 4 and a portion of lot 5 by a curve to the left having a radius of 132.00' to a point of tangency,
- thence - N01-36-18E - three hundred twenty four and 19/100 feet (324.19') by the remainder of lot 5 and lots 6, 7 and a portion of lot 8 to a point of curvature,
- thence - seven and 85/100 feet (7.85') by lot 8 by a curve to the right having a radius of 10.00' to a point of tangency,
- thence N46-36-18E - twenty nine and 89/100 feet (29.89') by the remainder of lot 8 to an angle point,
- thence N43-23-42W - twenty eight and 00/100 feet (28.00') by lot 9 to an angle point,
- thence S46-36-18W - thirty two and 16/100 feet (32.16') by lot 10 to a point of curvature,
- thence - nineteen and 63/100 feet (19.63') by lot 10 by a curve to the right having a radius of 25.00' to a point of tangency,
- thence N88-23-42W - fifty eight and 70/100 feet (58.70') by lot 10 to an angle point,

- thence S01-36-18W - Twenty eight and 00/100 feet (28.00) by lot 10 to an angle point,
- thence S88-23-42E - thirty nine and 86/100 feet (39.86') by lot 11 to a point of curvature,
- thence - twenty three and 56/100 feet (23.56') by lot 11 by a curve to the right having a radius of 15.00' to a point of tangency,
- thence S01-36-18W - one hundred forty seven and 81/100 (147.81') feet by lot 11 to an angle point,
- thence S16-55-18W - eighteen and 93/100 feet (18.93') by lot 11 to an angle point,
- thence S01-36-18W - one hundred twenty and 56/100 feet (120.56') by lot 11 to an angle point,
- thence S20-12-05E - thirteen and 46/100 feet (13.46') by lot 11 to a point of curvature, (non tangent)
- thence - ninety one and 45/100' feet (91.45') by lot 11 by a curve to the right having a radius of 92.00' to a point of tangency,
- thence S58-33-30W - one hundred forty two and 92/100 feet (142.92') by the remainder of lot 11 and lot 12 to a point of curvature,
- thence - thirteen and 65/100 feet (13.65') by lot 12 by a curve to the right having a radius of 19.50 to the intersection of the easterly sideline of Fisher Avenue,
- thence S31-26-30E - forty four and 58/100 feet (44.58') to the point of beginning.

Said road containing 27,549 S.F. of land.

For further identification of this description and location reference is hereby made to a plan and profile made by Samiotes Consultants Inc., Andrew Browne P.L.S. dated February 16, 2012, approved by us, verified by our signatures and adopted as part of this record. A copy of said Plan is incorporated herein and made a part hereof.



Or act on anything relative thereto.

ARTICLE 20

Submitted by: Retirement Board

To see if the Town will accept the provisions of Section 12(2) *Option (d) Member Service Allowance* of Massachusetts General Laws Chapter 32, as amended by Sections 29 and 30 of Chapter 176 of the Acts of 2011.

Or act on anything relative thereto.

ARTICLE 21

Submitted by: Retirement Board

To see if the Town will accept the provisions of Section 103(j) of Massachusetts General Laws Chapter 32, as amended by Section 19 of Chapter 133 of the Acts of 2010 to permit increases to the base upon which the cost of living increases may be granted to Town retirees from the first \$12,000 to the first \$13,000 of the retirement allowance.

Or act on anything relative thereto.

ARTICLE 22

Submitted by: Retirement Board

To see if the Town will accept the provisions of Section 20(6) *Retirement Board Members Compensation* of Massachusetts General Laws Chapter 32, as amended by

Section 34 of Chapter 176 of the Acts of 2011, *An Act Providing for Pension Reform and Benefit Modernization* (“the Act.”)

Or act on anything relative thereto.

ARTICLE 23

Submitted by: Lee L. Selwyn, Town Meeting Member, Precinct 13

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

**AN ACT AMENDING CHAPTER 317 OF THE ACTS OF 1974, AS AMENDED,
TO PROHIBIT CONTRAFLOW BICYCLE LANES IN THE TOWN OF
BROOKLINE**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The purpose of this Act is to require approval by a majority vote of Town Meeting of any contraflow bicycle lanes within the Town of Brookline.

SECTION 2. Section 4 of chapter 317 of the Acts of 1974 is hereby amended by inserting the following sentence immediately after the second sentence in the second paragraph of Section 4:

Notwithstanding the foregoing or any general or special law to the contrary, no contraflow bicycle lane, defined as a marked-out travel lane reserved for the exclusive use of bicycles for travel on one-way streets in a direction opposite to that permitted for motor vehicles on such streets, or on two-way streets in a direction opposite to that permitted for motor vehicles in the adjacent travel lane, shall be permitted within the Town of Brookline without first having been approved by a majority vote at Town Meeting, and the Board’s rules and regulations shall not permit such contraflow bicycle lanes to be established without Town Meeting approval.

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

or act on anything relative thereto.

ARTICLE 24

Submitted by: Frederick S. Lebow

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

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

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

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

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

or act on anything relative thereto.

ARTICLE 25

Submitted by: Frederick S. Lebow

To see if the Town will adopt the following Resolution:

Resolution in Support of Abolishing Norfolk County Government

WHEREAS, county governments are seen as outmoded and inefficient and in 1997 and 1998 the General Court of the Commonwealth of Massachusetts dissolved most county governments (Berkshire, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk, and Worcester Counties);

WHEREAS, most of the functions, services and duties of the dissolved county governments were transferred to state offices. For example, the duties of the Registries of Deeds all now come under the Office of the Secretary of State while the Sheriffs and jails come under the Executive Office of Public Safety;

WHEREAS, in dissolving most county governments the Commonwealth took on liability for continuing liabilities associated with the dissolved county governments such as pensions and other post-employment benefits;

WHEREAS, Norfolk County government and several other county governments in southeastern Massachusetts remain;

WHEREAS, the Town of Brookline continues to pay mandatory assessments to Norfolk County government;

WHEREAS, for Fiscal Year 2013, the Norfolk County assessment for the Town of Brookline is nearly \$715,000;

WHEREAS, municipalities which are located in counties where the county government has been dissolved receive essentially the same services from the Commonwealth as those formerly provided by the county but pay no mandatory assessment to a county government;

WHEREAS, municipalities which are located in counties where the county government has been dissolved do not contribute toward the continuing liabilities of the former county government;

WHEREAS, it is unfair and inequitable that Brookline, and other similar municipalities, should be saddled with large county government assessments while municipalities located in counties where county government has been dissolved receive essentially the same services without paying an assessment;

WHEREAS, assessments paid by municipalities to the county government are based on the municipality's property tax assessments and, therefore, the Town of Brookline's financial contribution to Norfolk County government is dramatically disproportionate to its population and to the benefits the Town receives;

WHEREAS, the Town of Brookline derives minimal benefit from Norfolk County government and the few benefits which are derived could easily be provided for in an alternative and more cost efficient means; and

WHEREAS, it is unfair and inequitable that the Town of Brookline should pay a disproportionate share of the Norfolk County government assessment relative to the benefits received by the Town of Brookline.

NOW IT IS, THEREFORE, RESOLVED, that the Board of Selectman are requested to petition the Town's legislative delegation to file a petition with the General Court to abolish the Norfolk County Government.

or act on anything relative thereto

ARTICLE 26

Submitted by: Stanley Spiegel, Town Meeting Member, Precinct 2

To see if the Town will enact a resolution as follows:

**RESOLUTION REGARDING THE RUNKLE SCHOOL AND PUBLIC
CONSTRUCTION PROJECTS**

WHEREAS, construction projects in the Town, undertaken by either the public sector or by a private party, can have a negative impact on neighboring homes; and

WHEREAS, residents of the Town have the right to expect the Town not only to set high standards for private property owners and developers to minimize the adverse impact of new construction on neighboring homes but also to embrace those same high standards in public construction projects; and

WHEREAS, the Runkle School expansion project has been beset with a variety of controversies, including a disputed interpretation of the zoning by-law requirement that development requiring special permit modification of dimensional requirements be in general harmony with the nearby single-family neighborhood, which have resulted in a

building whose overall effective height, scale and massing, particularly when including roof-top mechanical structures, is out of scale and not in keeping with the abutting single-family homes, and

WHEREAS, at present the construction differs in significant respects from the plans that were originally approved by the Planning Board and Zoning Board of Appeals and vetted through the public process,

NOW THEREFORE, Town Meeting, in expressing its regret with the unacceptable imposition on our impacted fellow Town residents as well as its intent to moderate the adverse impact of the roof-top mechanical structures on nearby homes, requests both that the various Town agencies involved in the Runkle School project devote the time and resources, including reallocated FY 12 funds and FY 13 and/or FY 14 appropriations, necessary to take appropriate remediation measures to alleviate the impact on affected abutting properties, and further, that the Town develop and institute effective policies and safeguards to ensure that the current unfortunate situation not be repeated in future public construction projects.

or act on anything relative thereto.

ARTICLE 27

Submitted by: Human Resources/Youth Resources Commission & Hidden Brookline Committee

To see if the Town will adopt the following Resolution:

A Resolution Regarding Slavery in Brookline

WHEREAS, slavery was officially legalized in the Massachusetts Colony in 1641, three years after the settling of Brookline; according to Town Meeting records, slavery existed in Brookline by 1675, if not before, and continued until roughly 1800.

WHEREAS, over 70 children, women and men in total (primarily African-Americans, but also Native-Americans) were enslaved here – bought, sold and inherited; dehumanized and stripped of their names and heritage.

WHEREAS, in 1717 the Town Meeting selected a slave owner as its first minister and paid his salary out of Town funds.

WHEREAS, in 1744 the Town received a substantial bequest for the building of a new school from Edward Devotion, a slave owner and citizen.

WHEREAS, in 1746, Town Meeting agreed to have Henry Sewall's enslaved man Felix clean Town Hall.

WHEREAS, in that same year over one-quarter of Brookline households owned people.

WHEREAS, the ownership and trade in enslaved persons and the exploitation of their labor increased the prosperity of many Brookline families, thus increasing the collective

wealth of the Town.

WHEREAS, as noted in the large plaque at the entrance to Town Hall, on April 19, 1775, three enslaved Brookline men marched as Minutemen to the Battle of Lexington for freedom from foreign rule.

WHEREAS, we recognize that even the most abject apology for past wrongs cannot right them; yet we believe that acknowledgement of past wrongs can promote reconciliation and can prevent the repetition of these wrongs and their related injustices.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Meeting of Brookline hereby acknowledges with profound regret the enslavement of Native-Americans and African-Americans and the exploitation of slave labor by this Town, within this Town, and amongst the citizens of this Town.

RESOLVED, that the Town Meeting call upon the people of Brookline to acknowledge and recognize contributions of Native-Americans and African-Americans to the Town and the achievement of equality, liberty, justice and democracy.

RESOLVED, that we pledge continued vigilance against all practices and institutions that dehumanize and discriminate against people.

RESOLVED, that the School Committee consider including this history of Brookline slavery in appropriate places in its curriculum.

RESOLVED, that the Town Clerk shall distribute copies of this resolution to the public libraries and schools of this Town and shall post this resolution on the Town's website.

Or act anything relative thereto.

ARTICLE 28

Submitted by: Catherine Marris, Jake Wolf-Sorokin, and Pema Doma

To see if the Town will adopt the following resolution:

**Resolution
Supporting Clean Construction Standards to Protect
Public Health and Climate Stability**

WHEREAS, the Town of Brookline is committed to ensuring the health, safety and well-being of its residents; and,

WHEREAS, in order to protect the air quality throughout the community, the Town must control the emission of air pollutants; and,

WHEREAS, air pollution has deleterious effects on climate stability, human health, animal life, urban agriculture, personal property and limits the activities of citizens out in the community; and,

WHEREAS, according to the United States Environmental Protection Agency, diesel exhaust contains significant levels of small particles, known as particulate matter (PM), which contribute to 21,000 premature deaths each year across the nation¹; and,

WHEREAS, black carbon is one of the largest contributing pollutants to global warming, about 2000 times more potent than the equivalent amount of CO₂ over a 20-year period^{2,3}; and

WHEREAS, the United States has the highest per-capita black carbon emissions in the world, and 57% of U.S. black carbon emissions comes from diesel engines: 41% from on-road diesels and another 16% from non-road diesels⁴; and

WHEREAS, specifically, construction and development projects pose a clear and present health risk to residents of the Town of Brookline, as 28 percent of all particulate matter emissions in Massachusetts comes from construction and mining engines⁵; and,

WHEREAS, our most vulnerable citizens – the elderly and children – are those most sensitive to the health effects of diesel emissions, including those with existing heart or lung disease; and,

WHEREAS, pediatric asthma rates in Brookline schools are at 10.4% of enrolled students, which has been identified by the Health Department as a priority health issue to address⁶; and

WHEREAS, climate change strategies that provide near-term mitigation are needed to complement long-term efforts to reduce CO₂ emissions; and

WHEREAS, upgrading older diesel engines with retrofit and other technology options are one of the few actions that will have immediate climate benefits while reducing a known contributor to asthma, stroke, diabetes, cancer and other cardiovascular and respiratory illness; and

WHEREAS, health insurance costs to the Town of Brookline are estimated to increase by \$2.5 million in FY13 and projected to continue straining the budget through FY17⁷; and

¹ Clean Air Task Force, *"Diesel and Health in America: The Lingering Threat,"* February 2005.

² Bond, T.C., and Sun, H. (2005). *Can reducing black carbon emissions counteract global warming?* Environmental Science and Technology, v.39, p.5921 – 5926.

³ Ramanathan, V. and Feng, Y. (2008). *On avoiding dangerous interference with the climate system: formidable challenges ahead.* PNAS, v. 105, no.38, p.14245 – 14250

⁴ Bond T., Streets, D., Yarber, K., Nelson, S., Woo, J., and Klimont, Z. (2004). *A Technology-based Global inventory of black and organic carbon emissions from combustion.* Jour. Geophys. Res., v. 109, p. D14203

⁵ *The Massachusetts 2002 Diesel Particulate Matter Inventory*, Massachusetts Department of Environmental Protection, September 2007.

⁶ *Pediatric Asthma in Massachusetts 2007-2008.* Massachusetts Department of Public Health, Bureau of Environmental Health, July 2010.

⁷ December 6, 2011 PowerPoint Presentation, *Town of Brookline FY2012-FY2017 Long Range Financial Plan*

WHEREAS, the Town of Brookline is projected to spend \$153.8 million on local Capital Improvement Projects during the FY13 – FY18 period, an average of \$25.6 million per year⁸; and

WHEREAS, Keybridge Research, an international economics and public policy consulting firm, shows that investing in diesel pollution clean-up yields jobs and health outcomes, estimated at 19,000 jobs for every \$1 billion of investment and \$12 avoided in health damages for every \$1 spend on reducing PM diesel pollution from engines⁹; and

WHEREAS, municipalities, cities and states across the U.S. have implemented policies to incent or require diesel engine upgrades for use on local construction and development project sites and limit the idling of heavy-duty diesel vehicles in order to reduce diesel pollution to better protect public health and the climate;

NOW, BE IT RESOLVED, that the Board of Selectmen of the Town of Brookline is encouraged to evaluate requirements in public project bid specifications or other incentives to facilitate the use of cleaner, either new and/or retrofitted, diesel vehicles and equipment on local construction and development project sites in an effort to substantially reduce pollution exposure for Brookline residents and visitors; and

BE IT FURTHER RESOLVED, that the Board of Selectmen is encouraged to support enforcement of the no-idling by-law, Article 7.5.8 of the General By-Laws, with respect to on-road and non-road diesel engines in use on construction project sites; and

BE IT FURTHER RESOLVED, that the Board of Selectmen is encouraged to work with community stakeholders to develop a Clean Construction By-Law to achieve the health and climate protections described above and for review at the November 2012 town meeting or to appoint a Selectmen’s Committee to develop such a by-law for consideration by Town Meeting.

Or act on anything relative thereto.

ARTICLE 29

Submitted by: Frank Farlow, Town Meeting Member, Precinct 4, David Klaftler, Town Meeting Member, Precinct 12, and Heleni Thayre

To see if the Town will adopt the following resolution:

**Resolution concerning a constitutional amendment
to reverse Citizens United and control the influence of money in elections**

WHEREAS, the First Amendment to the United States Constitution was intended to protect the free speech rights of people, not corporations, which are entities created by the laws of states and nations;

⁸ February 14, 2012 PowerPoint Presentation, *Town of Brookline FY2013 Financial Plan Section VII (CIP)*

⁹ KebBridge Research (2008).

WHEREAS, the public has a compelling public interest in preventing corruption and the appearance of corruption among elected officials;

WHEREAS, during the past three decades a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically enacted reforms;

WHEREAS, this corporate misuse of the First Amendment has reached its extreme conclusion in the Supreme Court's recent ruling in *Citizens United v. Federal Election Commission*, overturning longstanding precedent prohibiting corporations from spending their general treasury funds in federal, state and local elections;

WHEREAS, the Supreme Court's ruling in *Citizens United* has unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history, e.g., in the 2012 Republican presidential primary "super PACs" made possible by the ruling have outspent the campaigns themselves and have effectively become their advertising arms;¹⁰

WHEREAS, the opinion of the four dissenting justices in *Citizens United* noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life and favorable treatment of the accumulation and distribution of assets that allow them to spend prodigious sums on campaign messages;

WHEREAS, the interests of large corporations are often in direct conflict with the essential needs and rights of human beings, and these corporations have used their judicially determined rights to reverse democratically enacted laws passed at the municipal, state and federal levels, rendering elected governments ineffective in protecting their citizens against corporate harm to the environment, public health, and workers' welfare;

WHEREAS, in 1864 President Abraham Lincoln wrote, "As a result of the war, corporations have been enthroned and an era of corruption will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the republic is destroyed";

WHEREAS, the *Citizens United* ruling thus presents a serious and direct threat to our democracy; and

WHEREAS, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the Supreme Court that go to the heart of our democracy and self-government; Now, therefore,

BE IT RESOLVED that the Town Meeting of Brookline, Massachusetts, calls upon Congress to send to the states for their ratification an amendment to the United States Constitution which restores fair elections by granting to the federal and state governments the authority to regulate the raising and spending of money to influence elections and

¹⁰ http://en.wikipedia.org/wiki/Political_action_committee#Super_PACs and <http://www.nytimes.com/2012/03/03/us/politics/super-pacs-not-campaigns-do-bulk-of-ad-spending.html>

public policy, to allow public funding of elections, and to establish that corporations do not have free speech rights identical to those of real people; and

BE IT FURTHER RESOLVED that Town officials shall notify the following of this action by Town Meeting: the President of the United States, the Governor of the Commonwealth of Massachusetts, Brookline's congressional and state legislative delegations, *The Boston Globe* and the *Brookline TAB*.

ARTICLE 30

Reports of Town Officers and Committees

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

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

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 20th day of March, 2012.

BOARD OF SELECTMEN

