

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-EIGHTH day of MAY, 2013 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 FY2014 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 2014 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 2013 budget or transfer funds between said accounts;
- (B) 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 2014 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 2014 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 2014 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$25,000, 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 development of a plan, including plans and specifications, for various garage floor sealants and water/oil separators.
- 2.) Appropriate \$256,000, 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.
- 3.) 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.
- 4.) Appropriate \$40,000, 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, for the design of the Riverway Park pedestrian and bicycle path.
- 5.) Appropriate \$85,000, 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 Preservation Commission, for improvements to the Devotion House and the Putterham School building.
- 6.) Appropriate \$510,000, 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 replacement of fire engine #3.
- 7.) Appropriate \$245,000, 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.
- 8.) Appropriate \$40,000, 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.
- 9.) Appropriate \$45,000, 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 Woodland Road / Hammond Street pedestrian crossing.
- 10.) Appropriate \$1,510,000, 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.
- 11.) Appropriate \$283,000, 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.

- 12.) Appropriate \$540,000, 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 conversion of Town-owned streetlights to LED's.
- 13.) Appropriate \$70,000, 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 rehabilitation of the Transfer Station floor.
- 14.) Appropriate \$87,000, 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 design of the renovation of Brookline Avenue playground.
- 15.) Appropriate \$660,000, 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 improvements to the roadways and pathways at Larz Anderson Park.
- 16.) Appropriate \$295,000, 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.
- 17.) 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 and School grounds.
- 18.) 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 and the Park and Recreation Commission, for the rehabilitation of tennis courts and basketball courts.
- 19.) Appropriate \$50,000, 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 rehabilitation of comfort stations in parks and playgrounds.
- 20.) Appropriate \$170,000, 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.
- 21.) Appropriate from the Sale of Lots special revenue fund (SW01) \$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 and the Cemetery Trustees, for the rehabilitation of roadways within Walnut Hills Cemetery.

- 22.) 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.
- 23.) Appropriate \$65,000, 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.
- 24.) 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 and, in the case of School facilities, by the School Committee, for improvements to elevators in Town and School facilities.
- 25.) 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.
- 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 energy conservation projects in Town and School buildings.
- 27.) 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 upgrades to energy management systems in Town and School buildings.
- 28.) Appropriate \$345,000, 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, in the case of School facilities, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.
- 29.) Appropriate \$175,000, 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 three School technology projects: wireless infrastructure, special education Language Based Learning Disabilities LLD classrooms, and/or a professional staff evaluation system.
- 30.) Appropriate \$375,000, 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 upgrade of the electrical distribution system at the Pierce School.
- 31.) 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.

- 32.) Appropriate \$2,500,000, 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, for remodeling, reconstructing, or making extraordinary repairs to the Municipal Service Center (MSC).
- 33.) Appropriate \$1,200,000, 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 and athletic fields at the site of the old Fisher Hill Reservoir.
- 34.) Appropriate \$1,350,000, 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, with respect to School Buildings, by the School Committee, for roof repairs and replacements in Town and School facilities.
- 35.) Appropriate \$3,000,000, 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 Old Lincoln School.

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: Town Administrator

To see if the Town will amend the General By-Laws, Article 3.14, Division of Human Relations – Youth Resources, Sections 3.14.1 and 3.14.2 as follows (language to be deleted appears as a strike-out and new language is underlined):

**ARTICLE 3.14
DIVISION OF HUMAN RELATIONS - YOUTH RESOURCES**

SECTION 3.14.1 ESTABLISHMENT

There is hereby established a ~~Division of Human Relations-Youth~~ Youth Resources, ~~consisting of a Human Relations-Youth~~ Resources Commission. The Human Relations-Youth Resources Commission shall consist of fifteen (15) citizens of the Town. Members of said Commission shall be appointed by the Selectmen and shall hold office for a period

of three (3) years except that of the fifteen (15) members first appointed; five (5) shall be appointed for one (1) year, five (5) shall be appointed for (2) years and five (5) shall be appointed for three (3) years. The terms of office expire on August 31, unless otherwise specified by the Selectmen or unless such appointment is for an indefinite term.

All members of said Commission shall serve without compensation. In the event of the death or resignation of any member, his successor shall be appointed to serve the unexpired period of the term for which such member has been appointed. A member may be removed by the Selectmen at any time when, in their judgment, the public interest so requires.

SECTION 3.14.2 ~~DIRECTOR OF STAFF SUPPORT TO~~ HUMAN RELATIONS-
YOUTH RESOURCES COMMISSION

~~The~~The Board of Selectmen, upon the recommendation of the Town Administrator shall be a Director of Human Relations Youth Resources who shall be the appoint professional and/or administrative head of a department staff and other resources as may be necessary from time to time to assist the Commission in the administration of its functions and policies under this Article. ~~The Selectmen shall appoint and may remove, when in their judgment the public interest so requires, and may fix the compensation of said Director. The Selectmen shall have the authority to create subordinate staff positions in said department and the Director, with the approval of the Selectmen, may appoint persons to fill these positions, and he may remove them with the approval of the Selectmen. The Director shall have full charge and supervision of the work of the department and its personnel. He shall, in the performance of his duties and responsibilities, be directly responsible to and subject to the direction, authority and control of the Board of Selectmen. The Director shall perform such duties and responsibilities as may be assigned to him from time to time by the Board of Selectmen in carrying out the policies of the Commission, including the obtaining of compliance by contractors of the nondiscrimination provisions in Town contracts. The Director shall act as technical advisor to the Board of Selectmen, the Commission and other Town agencies or officials on Human Relations Youth Resources matters, with especial reference to nondiscrimination, and publish and distribute such copies of reports as the Board of Selectmen may authorize in relation thereto. The Director shall be responsible for keeping the agenda for Commission meetings, the records, files, indexes, correspondence, and other data relating to the functioning of the Commission. In addition the Director shall cooperate with the Commission in the fulfillment of the Commission's responsibilities under this Article, provide full staff services to the Commission, and shall carry out such assignments as the Commission may request from time to time with the consent of the Board of Selectmen.~~

SECTION 3.14.3 POWERS AND DUTIES OF THE COMMISSION

The general duties of the Commission shall include:

- (a) The development of opportunities within Brookline and the Metropolitan area, for those who are discriminated against and restricted by their race, color, national origin or ancestry, religion, sex or age, sexual orientation, and the elimination of all and any barriers to their choice of jobs, education and housing; and

(b) Increase communications across racial lines to destroy stereotypes, to halt polarization, end distrust and hostility, and create common ground for efforts toward public order and social justice; and

(c) Increase the capacity of public and private institutions to respond to the problems of the disadvantaged so as to augment their power to deal with the problems that affect their own lives.

To carry out its general duties the Commission shall:

(d) With the approval of the Selectmen adopt such affirmative action guidelines relative to employment practices as reasonably pertain to the work of each department of the Town and to the nature and size of its work force, to insure that applicants are sought and employed and that employees are treated during their employment without regard to their race, color, national origin or ancestry, or religion, sex or age, or sexual orientation.

(e) With the approval of the Selectmen adopt such affirmative action guidelines relative to employment practices of Town Contractors as reasonably pertain to the work of the contract and to the nature of the contractor's work force, to insure that applicants are sought and employed, and that employees are treated, during their employment without regard to their race, color, national origin or ancestry, or religion, sex or age, or sexual orientation.

(f) Administer with the appropriate departments and agencies of the Town, the affirmative action program relating to contracts to be awarded by any agency of the Town as set forth in Article 4.5 of these By-laws.

(g) Initiate, receive, secure the investigation of and seek the satisfactory adjustment of complaints charging discrimination, or failure to take, or delay in taking appropriate action, or abuse of authority in connection therewith by any Town agency, Town official or employee which may be brought to the Commission's attention.

(h) Institute and assist in the development of educational programs to further community relations and understanding among employees of all agencies within the Town.

(i) Develop educational programs for the general community, recommend legislation, issue publications and reports, do research in the field of human relations and cooperate with other private and public agencies in the promotion of equal rights and opportunities.

(j) Do anything else deemed appropriate in the furtherance of its general duties and not inconsistent with law or the Town By-laws.

To carry out its general duties as they relate to Youth Resources the Commission shall:

(k) Develop and sustain full coordination, communication and cooperation among all public and private agencies, departments and groups which relate to youth in the community.

(l) Continually evaluate effectiveness of all programs relating to youth.

- (m) Serve as an advocate for youth and to increase the capacity of public and private agencies to respond to youth needs.
- (n) Increase and sustain open communication and foster positive relations among youth from the various socio-economic, ethnic, religious and cultural segments of the community.
- (o) Promote and maintain communication and cooperation between youth and adults.
- (p) Act as technical and program adviser to the Board of Selectmen.
- (q) Keep informed on trends and developments in youth research and services elsewhere, and determine their applicability to Brookline.
- (r) Participate in regional and inter-community youth advocacy and program planning boards, councils and committees.
- (s) Provide direct service and/or assist in the initiation, implementation and development of suitable programs for youth in the community.

SECTION 3.14.4 RULES AND REGULATIONS

In order to carry out the purposes and provisions of this By-law, the Commission shall adopt such procedural rules and regulations as it deems necessary and appropriate, shall hold public hearings, shall appoint subcommittees to concern themselves with specific human relations problems and shall consult with and hire any necessary consultants. The power of the Commission to consult with and hire consultants shall in no event exceed the sum or sums which may from time to time be appropriate for such purposes.

SECTION 3.14.5 INFORMATION AND COOPERATION

All departments and agencies in the Town shall cooperate fully with the Commission. They shall comply with its requests for information concerning practices inconsistent with the Town policy of non- discrimination. Upon receipt of recommendations in writing from the Commission for giving effect to that policy, each department or agency shall submit a reply within a reasonable time, indicating the disposition of and action taken with regard to such recommendations.

SECTION 3.14.6 ANNUAL REPORT

The Commission shall submit an Annual Report to the Board of Selectmen detailing its activities; such report will be published in the annual report of the Town.

Or act on anything relative thereto.

ARTICLE 10

Submitted by: Brooks A. Ames

To see if the Town will amend the General By-laws in the following manner:

By amending Section 3.14.1, Section 3.14.2, Section 3.14.5, Section 3.15.2, Section 3.15.6, and Section 3.15.9 as follows:

ARTICLE 3.14
DIVISION OF HUMAN RELATIONS - YOUTH RESOURCES

SECTION 3.14.1 ESTABLISHMENT

There is hereby established a Division of Human ~~Relations-Youth Resources~~ **Rights**, consisting of a Human ~~Relations-Youth Resources~~ **Rights** Commission. The Human ~~Relations-Youth Resources~~ **Rights** Commission shall consist of fifteen (15) citizens of the Town. Members of said Commission shall be appointed by the Selectmen and shall hold office for a period of three (3) years except that of the fifteen (15) members first appointed; five (5) shall be appointed for one (1) year, five (5) shall be appointed for (2) years and five (5) shall be appointed for three (3) years. The terms of office expire on August 31, unless otherwise specified by the Selectmen or unless such appointment is for an indefinite term.

All members of said Commission shall serve without compensation. In the event of the death or resignation of any member, his successor shall be appointed to serve the unexpired period of the term for which such member has been appointed. A member may be removed by the Selectmen at any time when, in their judgment, the public interest so requires.

SECTION 3.14.2 DIRECTOR OF HUMAN ~~RELATIONS-YOUTH RESOURCES~~ **RIGHTS**

There shall be a Director of Human ~~Relations-Youth Resources~~ **Rights**, who shall be the administrative head of a department to assist the Commission in the administration of its functions and policies under this ~~Article~~ **By-law**. The Selectmen shall appoint and may remove, when in their judgment the public interest so requires, and may fix the compensation of said Director. The Selectmen shall have the authority to create subordinate staff positions in said department and the Director, with the approval of the Selectmen, may appoint persons to fill these positions, and he may remove them with the approval of the Selectmen.

The Director shall have full charge and supervision of the work of the department and its personnel. He shall, in the performance of his duties and responsibilities, be directly responsible to and subject to the direction, authority and control of the Board of Selectmen. The Director shall perform such duties and responsibilities as may be assigned to him from time to time by the Board of Selectmen in carrying out the policies of the Commission, including **overseeing the implementation of equal opportunity and affirmative action policies and** the obtaining of compliance by contractors of the nondiscrimination provisions in Town contracts.

The Director shall act as technical advisor to the Board of Selectmen, the Commission and other Town agencies or officials on ~~Human Relations-Youth Resources~~ matters **addressed by this bylaw**, with especial reference to nondiscrimination **and achieving the goal of increased diversity**, and publish and distribute such copies of reports as the Board of Selectmen may authorize in relation thereto. The Director shall be responsible for

keeping the agenda for Commission meetings, the records, files, indexes, correspondence, and other data relating to the functioning of the Commission. In addition the Director shall cooperate with the Commission in the fulfillment of the Commission's responsibilities under this Article, provide full staff services to the Commission, and shall carry out such assignments as the Commission may request from time to time with the consent of the Board of Selectmen.

SECTION 3.14.3 POWERS AND DUTIES OF THE COMMISSION

The general duties of the Commission shall include:

(a) The development of opportunities within Brookline and the Metropolitan area, for those who are discriminated against and restricted by their race, color, national origin or ancestry, religion, sex or age, sexual orientation **or gender identity**, and the elimination of all and any barriers to their choice of jobs, education and housing; and

(b) Increase communications across racial lines to destroy stereotypes, to halt polarization, end distrust and hostility, and create common ground for efforts toward public order and social justice; and

(c) Increase the capacity of public and private institutions to respond to the problems of the disadvantaged so as to augment their power to deal with the problems that affect their own lives.

To carry out its general duties the Commission shall:

(d) With the approval of the Selectmen adopt **and supervise** such **equal opportunity and affirmative action policies** relative to employment practices as reasonably pertain to the work of each department of the Town and to the nature and size of its work force, to ~~insure that applicants are sought and employed and that employees are treated during their employment without regard to their race, color, national origin or ancestry, or religion, sex or age, or sexual orientation~~ **identify and eliminate discriminatory barriers in the workplace; remedy the effects of past discriminatory practices; identify, recruit, hire, develop, promote and retain employees who are members of under-represented groups; and ensure diversity and equal opportunity in all facets, terms and conditions of Town employment.**

(e) With the approval of the Selectmen adopt such affirmative action guidelines relative to employment practices of Town Contractors as reasonably pertain to the work of the contract and to the nature of the contractor's work force, to insure that applicants are sought and employed, and that employees are treated, during their employment without regard to their race, color, national origin or ancestry, or religion, sex or age, or sexual orientation **or gender identity**.

(f) Administer with the appropriate departments and agencies of the Town, the affirmative action program relating to contracts to be awarded by any agency of the Town as set forth in Article 4.5 of these By-laws.

(g) Initiate, receive, secure the investigation of and seek the satisfactory adjustment of complaints charging discrimination, or failure to take, or delay in taking appropriate action,

or abuse of authority in connection therewith by any Town agency, Town official or employee which may be brought to the Commission's attention.

(h) Institute and assist in the development of educational programs to further community relations and understanding among employees of all agencies within the Town.

(i) Develop educational programs for the general community, recommend legislation, issue publications and reports, do research in the field of human relations and cooperate with other private and public agencies in the promotion of equal rights and opportunities.

(j) Do anything else deemed appropriate in the furtherance of its general duties and not inconsistent with law or the Town By-laws.

To carry out its general duties as they relate to Youth Resources the Commission shall:

(k) Develop and sustain full coordination, communication and cooperation among all public and private agencies, departments and groups which relate to youth in the community.

(l) Continually evaluate effectiveness of all programs relating to youth.

(m) Serve as an advocate for youth and to increase the capacity of public and private agencies to respond to youth needs.

(n) Increase and sustain open communication and foster positive relations among youth from the various socio-economic, ethnic, religious and cultural segments of the community.

(o) Promote and maintain communication and cooperation between youth and adults.

(p) Act as technical and program adviser to the Board of Selectmen.

(q) Keep informed on trends and developments in youth research and services elsewhere, and determine their applicability to Brookline.

(r) Participate in regional and inter-community youth advocacy and program planning boards, councils and committees.

(s) Provide direct service and/or assist in the initiation, implementation and development of suitable programs for youth in the community.

SECTION 3.14.4 RULES AND REGULATIONS

In order to carry out the purposes and provisions of this By-law, the Commission shall adopt such procedural rules and regulations as it deems necessary and appropriate, shall hold public hearings, shall appoint subcommittees to concern themselves with specific human relations problems and shall consult with and hire any necessary consultants. The power of the Commission to consult with and hire consultants shall in no event exceed the sum or sums which may from time to time be appropriate for such purposes.

SECTION 3.14.5 INFORMATION AND COOPERATION

All departments and agencies in the Town shall cooperate fully with the Commission. They shall comply with its requests for information concerning practices inconsistent with the Town policy of non-discrimination, **equal opportunity and affirmative action**. Upon receipt of recommendations in writing from the Commission for giving effect to that policy, each department or agency shall submit a reply within a reasonable time, indicating the disposition of and action taken with regard to such recommendations.

SECTION 3.14.6 ANNUAL REPORT

The Commission shall submit an Annual Report to the Board of Selectmen detailing its activities; such report will be published in the annual report of the Town.

ARTICLE 3.15 HUMAN RESOURCES PROGRAM, BOARD AND OFFICE

SECTION 3.15.1 PURPOSE AND INTENT

The purpose of this bylaw is to ensure the establishment of fair and equitable Human Resources policies for the Town of Brookline and its employees; and to provide a system of Human Resources administration that is uniform, fair, and efficient and which represents the mutual interests of the citizens of the Town and the employees of the Town.

SECTION 3.15.2 HUMAN RESOURCES PROGRAM TO BE CONSISTENT WITH ACCEPTED MERIT PRINCIPLES AND APPLICABLE STATE AND FEDERAL LAWS

The Town of Brookline Human Resources program shall be consistent with all applicable State and Federal Laws and with well accepted merit principles, which include, but are not limited to:

- (a) the recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills including open consideration of qualified applicants for initial appointment;
- (b) providing just compensation for all employees;
- (c) providing training and development for employees, as needed, to assure the advancement and high quality performance of such employees;
- (d) retaining employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- (e) assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, gender, sexual orientation **or gender identity**, marital status, handicap or religion and with proper regard for privacy, basic rights outlined in this chapter and constitutional rights as citizens, and

(f) assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions.

(g) in cooperation with the ~~Department of Human Relations Youth Resources~~ **Rights Commission and Director**, striving for diversity in the Town workforce by, among other things, adhering to the Town's **equal opportunity and** affirmative action ~~guidelines~~ **policies**, and generally assuring an environment throughout Town government that fosters community relations, mutual respect, understanding and tolerance.

SECTION 3.15.3 APPLICATION

All Town Departments and employees in those departments, except the School Department, and Department Heads/Senior Administrators as defined by the Board of Selectmen, shall be subject to the provisions of this by-law.

SECTION 3.15.4 CONFLICT WITH COLLECTIVE BARGAINING CONTRACTS

In the event of a conflict between the provisions of this bylaw and policies adopted hereunder and the provisions of any duly executed collective bargaining agreement, the provisions of the collective bargaining contract shall prevail.

SECTION 3.15.5 HUMAN RESOURCES BOARD

There shall be a Human Resources Board (the Board), comprised of five (5) residents of the town, for three (3) year staggered terms, appointed by the Board of Selectmen. No elected officials, except Town Meeting Members, no members of the Advisory Committee, no members of any standing Board or committee having charge of the expenditure of money, and/or employees and retirees of the Town shall be appointed to the Board. Members shall serve without compensation.

The Board shall hold meetings at least once a month at such time as it may determine unless there is not current business before it. Additional meetings may be held at such times as the Board may determine.

Annually, at its first meeting after the annual appointment process, the Board shall organize by electing a chairman and a secretary, who shall be members of the Board and shall hold office for one (1) year, or until their successors are elected and qualified.

Members of the Personnel Board at the time of the adoption of this bylaw shall be members of the Human Resources Board for the duration of their term(s), and shall be eligible for reappointment.

Candidates for the Human Resources Board must be qualified for such appointment by virtue of relevant and significant experience or training, including service as Human Resources executives, as labor or employment law lawyers; as business executives; or as Human Resources/employment or labor law academicians; or by equivalent qualifications.

The Board of Selectmen/Town Administrator shall provide sufficient staff assistance to the Board so that it can accomplish its tasks.

SECTION 3.15.6 FUNCTIONS OF THE HUMAN RESOURCES BOARD

The Human Resources Board shall 1) provide general recommendations for the Human Resources program; 2) adjudicate grievances and/or complaints arising under the provisions of this bylaw or policies/plans established hereunder; 3) adjudicate grievances arising under the provisions of the Town labor contracts as provided by such contracts or as assigned by the Board of Selectmen; 4) Review and approve, subject to staffing levels established by the Board of Selectmen, the title or classification and pay grade of each new or changed position subject to this bylaw, prior to Board of Selectmen final budget review and/or the effective date of any of the title/classification or pay grade changes; 5) perform special studies or projects as requested by the Board of Selectmen; 6) report at least annually to the Board of Selectmen regarding the human resources program/practices and any recommended changes therein, and 7) consider and recommend to the Board of Selectmen the adoption, modification and elimination of Human Resources policies **except with respect to equal opportunity and affirmative action policies adopted pursuant to Section 3.14.3(d).**

SECTION 3.15.7 HUMAN RESOURCES OFFICE

There shall be a Human Resources Office (the Office) which shall be a unit of the Selectmen's Office. The Human Resources Director (the Director) appointed by the Board of Selectmen on recommendation of the Town Administrator in accordance with the Town Administrator Enabling Act, Chapter 270 of the Acts of 1985, as amended, shall be responsible for the administration of the Office and the Human Resources Program, including attendance at all meetings of the Human Resources Board.

The Human Resources Director shall be a Department Head/Senior Administrator and shall report to the Town Administrator.

SECTION 3.15.8 FUNCTIONS OF THE HUMAN RESOURCES OFFICES

The functions of the Human Resources Director shall include, but not be limited to the following: staff responsibility for negotiation and administration of labor contracts; recruitment and employment of employees; administration of sexual harassment policy; group health and life insurance; worker's compensation; safety; unemployment compensation; employee training and evaluation; monitoring and administration of employee leave; and other Human Resources programs or benefits and any other function assigned by the Town Administrator.

The Human Resources Director shall ensure that all Human Resources activities are conducted in accordance with current professional standards.

SECTION 3.15.9 HUMAN RESOURCES POLICIES

Written policies to implement the Town's Human Resources program, as approved by the Board of Selectmen, shall be developed and adopted under the authority of this bylaw.

Written Human Resources Policies including, without limitation, existing classification and salary grade plans, miscellaneous regulations affecting salaries and the general provisions

of the pay plan, existing at the time of adoption of this bylaw shall remain in effect until changed or abolished.

Human Resources Policies may be adopted, changed, or deleted by the Board of Selectmen upon recommendation by the Human Resources Board or Human Resources Director **except with respect to equal opportunity and affirmative action policies adopted pursuant to Section 3.14.3(d)**. All policies shall be in written format, and copies shall be filed and available in the Human Resources Office for review by the public at reasonable time during normal business hours.

Any new/modified Human Resources policies which require the expenditure of Town funds shall not be implemented until such funds have been appropriated by Town Meeting.

Employees may request adoption, modification, or deletion of policies by written request to the Human Resources Board. In such cases, the Human Resources Board shall meet with the employees to discuss the requests.

SECTION 3.15.10 POSITION CLASSIFICATION AND PAY PLAN

A position Classification and Pay Plan for all employees covered by this bylaw shall be established by the Human Resources Director and approved by the Human Resources Board and the Town Administrator. The Plan shall be in written format and copies shall be available in the Human Resources Office for review by the public at reasonable times during normal business hours. Only job titles specified in the Classification and Pay Plan, or abbreviations approved by the Human Resources Director, shall be used for all official purposes.

The Classification and Pay Plan may be amended by additions, changes or deletions by the Human Resources Director with approval of the Human Resources Board and the Town Administrator.

Any changes in the Classification and Pay Plan which require expenditure of Town funds shall not be implemented until such funds have been appropriated by Town Meeting, except in emergency cases with the approval of the Board of Selectmen and the Advisory Committee.

Employees may request changes to the Classification and Pay Plan by written request to the Human Resources Director. In such cases the Human Resources Director shall meet with the employees to discuss the requests. The Human Resources Director shall advise the Human Resources Board of all requests denied by the Director and the reasons therefore. The Human Resources Board may request reconsideration if deemed appropriate.

No person shall be newly appointed, promoted, employed or paid as an employee in any position subject to the provisions of this bylaw except for short periods of emergency service unless such position, on a case by case basis, has been reviewed by the Human Resources Director and a determination made that the position is properly classified and graded.

SECTION 3.15.11 GRIEVANCE PROCEDURE

The following grievance procedure shall be available to those employees of the Town whose rights under the Human Resources bylaw have, in their opinion, been prejudiced in any way and covering all grievances except those that would properly be under the jurisdiction of the Civil Service Commission or other duly established appeal boards or agencies. As used in this section, the word "grievance" shall be construed to mean any dispute between an employee and his supervisors arising out of an exercise of administrative discretion by such supervisor or supervisors. Expressed time limits must be observed except in cases where it is impossible to do so, or where the parties mutually agree in writing to extend the time limits.

Step I. The employee shall take up his grievance orally with his immediate supervisor within fifteen (15) calendar days of the occurrence of the grievance. The supervisor shall reach a decision and communicate it orally to the employee within seven (7) calendar days of the date of the submission of the grievance.

Step II. If the grievance is not settled at Step I, the employee shall within five (5) working days present his grievance in writing to his supervisor who shall forward it to the Department Head who shall hold a hearing within five (5) working days if required. At this hearing there shall be present the employee and one (1) representative if he requests it, his supervisor, the Department Head and the Human Resources Director, who shall also be the recorder. Within five (5) working days of the hearing, the Department Head shall render his decision in writing to the employee.

Step III. If the grievance is not settled at Step II, all records and facts in the case shall be referred to the Human Resources Board for adjudication. Those present at Step II shall appear at this hearing. The Human Resources Director shall be the recorder. Within ten (10) working days of the hearing which shall be the next regular meeting of the Board except in cases of emergency, the employee shall be notified in writing through the Department Head as to the decision of the Board which shall be final.

Or act on anything relative thereto.

ARTICLE 11

Submitted by: Patricia A. Connors

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

By adding SECTION 3.4.6 immediately following SECTION 3.4.5 of ARTICLE 3.4, as follows:

SECTION 3.4.6 TOWN MEETING RESOLUTION NOTICES

If a resolution adopted at a Town Meeting calls for notice to be sent to any person or entity whether public or private, then unless otherwise specified in the resolution, the Town Clerk shall prepare and send such notice by U.S. mail, with a copy to the principal petitioner(s) by electronic mail, within 30 days after the dissolution of such Town Meeting.

or act on anything relative thereto.

ARTICLE 12

Submitted by: Patricia A. Connors

To see if the Town will amend the General By-Laws Article 4.8, Living Wage By-Law, in the following manner (new language is underlined and strike-outs are in brackets):

By amending SECTION 4.84 of Article 4.8 as follows:

SECTION 4.8.4 NOTICE

The town shall provide each employee with a fact sheet about this By-Law and shall post current notices about the By-Law in conspicuous locations in town buildings[.]and conspicuously on the home web pages of the town's Human Resources and Purchasing Departments as well as those of the Human Resources and Administration and Finance Offices of the Public Schools of Brookline (PSB). These fact sheets and post[ers]ings shall include:

- (a) notice of the living wage amount;
- (b) notice of the town minimum wage amount under Section 4.8.3;
- (c) a summary of the By-Law provisions;
- (d) notice that a person claiming to be aggrieved by a violation of this By-Law may file a grievance under the town's Human Resources By-Law (Section 3.15.11) or, if a [School Department] PSB employee, a complaint with the Assistant Superintendent [of Schools for Personnel] for Human Resources or, if a covered employee under Section 4.8.6(a), a complaint with the town's Chief Procurement Officer or the Board of Selectmen as provided under Section 4.8.6(c); notice that upon exhaustion of this administrative remedy, such person may seek appropriate legal relief.

or act on anything relative thereto.

ARTICLE 13

Submitted by: Dick Benka and Jean Stringham

To see if the Town will amend Article 7.6, Newsrack Regulation, in the Town's General By-Laws as follows: [~~Deletions noted.~~ **Changes/additions bolded.**]

To amend Sections 7.6.2(b), (c)(2), (e), (g) and (l) as follows:

(b) ~~Any No~~ person ~~who~~, on or after the effective date of this By-law, **shall place** ~~places~~ a newsrack or **cause** ~~causes~~ a newsrack to be placed on a sidewalk or public way in the town; ~~shall, within fourteen (14) days after locating said newsrack on a sidewalk or public way,~~ **apply for without a valid permit received** from the Commissioner in accordance with the provisions of this By-law. **A newsrack on a sidewalk or public way without such permit affixed to it may be removed immediately by the Commissioner.**

(c)(2) the name, address, **email address** and telephone number of the owner of each newsrack and the name, address, **email address** and telephone number of a person responsible for the maintenance and operation of the newsrack who may be contacted in an emergency; and

(e) Permits shall be valid **only during the calendar year for which they are issued** ~~for a period of one year from the date of issue~~ and, upon application, may be renewed by the Commissioner on an annual basis. **Renewal applications must be received by the Commissioner with all required fees and payment of any outstanding fees and fines prior to December 1st to ensure timely renewal for the following calendar year. The owner shall ensure that newsracks are in compliance with this By-law at the time of permit issuance and any renewal.**

(g) The Board of Selectmen is authorized to establish reasonable fees for original permit applications, annual renewal applications and amendment applications provided that such fees do not exceed the actual cost of administering this By-law. Newsracks owned by the Town of Brookline shall be exempt from fees. **No permit shall be issued, renewed or amended without payment of the required fees and any outstanding fees and fines. No permit shall be affixed to any newsrack that is not in compliance with this By-law.**

~~(f) During the pendency of an appeal, the newsrack(s) may remain in place subject to the removal provisions in section 7.6.4(b), Parts (3) and (4).~~

To amend Sections 7.6.3(a)(15) and (17) and to add a new Section 7.6.3(a)(18) as follows:

(15) ~~of so~~ that it is attached to a town-owned tree, traffic control signal device, police or fire call box;

(17) in a manner that violates any provision of **local**, state or federal law;

(18) in a manner such that the town permit is not visible from the public way.

To amend Sections 7.6.3(b) and (d) as follows:

(b) Newsracks may be secured to one another provided that they are no more than six inches apart and provided that the newsracks are aligned in a row that is parallel to the nearest curb line. Individual newsracks shall be installed parallel to the nearest curb line. Newsracks may be clustered back-to-back to form two rows provided that the rows are parallel to the nearest curb line, **that the town permit is visible from the public way** and ~~further provided~~ that the newsracks otherwise comply with the provisions of this By-law.

(d) Newsracks shall not exceed the following dimensional requirements: Height: 4 1/2 feet from the ground; Width: 2 feet; Length: 2 feet. Newsracks shall be contracted and maintained so that they do not constitute a hazard or safety problem for travelers and others using the sidewalks and public ways. They **shall be removed if their use is discontinued and shall be maintained in good repair and clean and safe condition such that each newsrack:** ~~and shall be removed if their use is discontinued.~~

1. **is regularly serviced;**
2. **is kept free of accumulations of outdated printed materials, trash, rubbish or debris;**
3. **is kept free of stickers (other than the town permit) and graffiti, with graffiti being entirely removed or, in the case of graffiti on an opaque surface, covered with paint matching the color of the surface on which the graffiti has been placed;**
4. **is kept reasonably free of chipped, faded, peeling, or cracked paint and of rust or corrosion;**
5. **is maintained so that its clear glass or plastic parts, if any, through which the printed material being dispensed is visible are not broken and are kept free of stickers, graffiti, tears, peeling and/or fading;**
6. **is maintained so that its structural parts are not broken or misshapen.**

To amend Sections 7.6.4(a) and (b)(1) to (4) as follows:

(a) No person shall place, cause to be placed or maintain a newsrack upon any sidewalk or public way in the town in violation of the provisions of this By-law. In the event that a newsrack is determined to be in violation of any of the provisions of this By-law,

1. the Commissioner shall provide written, **email** and/or telephone notice to the owner or the owner's agent that the newsrack is in violation of this By-law. Such notice shall state the substance of the violation and, **except as provided in Sections 7.6.4(b), Parts (3) and (4), which provide for immediate or expedited removal**, shall set a date for compliance which shall not be less than ~~10 business~~**14** days after the date notice is given; and

2. if the Commissioner determines that the violation has not been corrected on or after the date for compliance, the Commissioner may ~~initiate removal proceedings~~ **remove the newsrack** in accordance with the provisions of section (b), below, and may assess a fine in accordance with provisions of section 7.6.5.

(b) 1. Except as provided in Sections 7.6.4(b), Parts (3) and (4), the commissioner may remove and store at the owner's expense any newsrack that remains in violation ~~for more than 30 days~~ after the date for compliance specified in Section 7.6.4(a)(1) provided that the Commissioner shall give **email or** written notice of removal to the owner stating the date the newsrack was removed; the reasons for removal; the storage location; and the procedure for claiming the ~~newsrack machine~~ **newsrack**.

2. Except as provided in Section 7.6.4(b), Parts (3) and (4), the owner of any newsrack may avoid removal of the newsrack by:

(i) correcting the violation and so informing the Commissioner; or

(ii) by making a written request for a hearing on the violation before the Commissioner prior to the date set for compliance in which case the newsrack may remain in place pending the Commissioner's decision on the matter. Said hearing shall be held no later than 10 days after receipt of a written request for a hearing and a decision shall be rendered within 10 days thereafter. **A request for hearing shall not preclude the assessment of a fine in accordance with the provisions of Section 7.6.5, unless the Commissioner finds that the newsrack was in fact not in violation of this By-Law on the date set for compliance.**

3. Notwithstanding any other provisions of this By-law, if the Commissioner or a public safety official determines **(a) that a newsrack has been placed or maintained on a sidewalk or public way without a valid permit affixed to it, or that a newsrack is not in compliance with this By-law at the time that an initial or renewal permit would be affixed to such newsrack, or (b) that a newsrack constitutes an imminent danger of harm to persons or property, the Commissioner or a public safety official may remove the newsrack provided that the owner of the newsrack shall be notified of such removal and provided that the newsrack shall be stored for a reasonable period of time so that the owner can retrieve it.**

4. If maintenance, repair, or construction of a public way, sidewalk or public or private property in or adjacent to the public way cannot be accomplished without the removal of a newsrack, the Commissioner shall give written, **email** and/or telephone notice to the newsrack's owner ordering removal of the newsrack provided that said notice shall specify the reason for the removal and the date for compliance which shall not be less than 10 days after the date of notice. If the Commissioner determines that delay would cause an unreasonable risk of harm to persons or property or would cause a delay in the maintenance, repair or construction work, the Commissioner may remove the newsrack, provided that the owner of the newsrack shall be notified of the removal; that the newsrack shall be stored for a reasonable period of time so that the owner can retrieve it and further provided that the owner may replace the newsrack when said maintenance, repair or construction is completed.

And to amend Section 7.6.5 as follows:

In the event that a newsrack is not in compliance with any of the provisions of this By-law as of the date set for compliance under section 7.6.4(a)(1) of this By-law, then the owner of such newsrack shall be subject to a fine of \$25.00 per day for each day of non-compliance until the date the violations are corrected **and proof of such correction is submitted to the Commissioner** or the newsrack is removed.

Or act on anything relative thereto.

ARTICLE 14

Submitted by: Stanley Spiegel and Nancy Heller

To see if the Town will amend the General By-laws, Article 8.5, Disorderly Behavior, and the Table of Specific Penalties under Article 10.3 as follows (new language is underlined and deletions appear in brackets):

ARTICLE 15

Submitted by: Department of Planning and Community Development

To see if the Town will amend Sec. 2.07, “G” Definitions, Gross Floor Area, by modifying it as follows. (**Addition bolded.**)

§2.07 – “G” DEFINITIONS

1. GROSS FLOOR AREA—The sum of the areas of all floors of all principal and accessory buildings whether or not habitable except as excluded. Gross floor area shall include enclosed porches and the horizontal area at each floor level devoted to stairwells and elevator shafts. Gross floor area shall exclude (a) portions of cellars, basements, attics, penthouses and historically and architecturally significant accessory buildings that are not habitable, provided however that space that has been decommissioned shall not be excluded from gross floor area; (b) except as required in §5.06, paragraph 4, subparagraph b(3) relating to the parking in Coolidge Corner, any floor space in accessory buildings or in the main building intended and designed for parking of motor vehicles in order to meet the parking requirements of this By-law, provided, however, that for single and two-family dwellings the floor space thereby exempted from the calculation of gross floor area shall not exceed 360 square feet per required parking space; (c) elevator penthouses and mechanical equipment enclosures located above the roof, if not habitable; (d) necessary mechanical equipment space in the basement; and (e) up to 150 square feet of area in an accessory structure such as a garden or equipment shed. Measurements shall be from the exterior faces of the walls or from the centerlines of the walls for adjoining buildings. **For one- and two-family buildings** where the ceiling height measured from the finished floor to the ceiling exceeds 12 feet (including without limitation atriums, vaulted ceilings and cathedral ceilings), gross floor area shall be calculated by dividing by 12 the maximum ceiling height in such areas where the ceiling height exceeds 12 feet, and multiplying the result by the horizontal square footage in such areas where the ceiling height exceeds 12 feet. Space that has been decommissioned shall be included in the gross floor area of a building.

Or act on anything relative thereto.

ARTICLE 16

Submitted by: Department of Planning and Community Development

To see if the Town will amend Sec. 2.12, L Definitions, #3 for “Lodger” and #4 for “Lodging House”, as follows. (~~Deletions shown.~~ **Additions bolded**)

3. LODGER—A person who rents space for living or sleeping purposes ~~without separate cooking facilities~~ and who is not within the second degree of kinship to the lessor.
4. LODGING HOUSE—A dwelling structure in which sleeping accommodations without individual cooking facilities are designed to be let for compensation to four or more persons not within the second degree of kinship to the owner or operator, but not including dormitories, fraternities, or sororities.

Notwithstanding the foregoing, a Lodging House, as defined above, may have individual cooking facilities if 100 percent of the rooms are affordable, such that they are deed-restricted to serve, at affordable rents and under one year leases, lodgers with an income which is less than or equal to 80% of area median income for the Boston Metropolitan Statistical Area (as determined by the United States Department of Housing and Urban Development or any successor federal or state program) or any other definition of affordability consistent with the provisions of Chapter 40B of the General Laws and the regulations promulgated thereunder or any amendment thereto. Individual cooking facilities shall meet all requirements of any applicable codes, laws and local regulations with respect to Lodging Houses.

Principal Uses	Residence					Business			Ind
	S	SC	T	F	M	L	G	O	I
7. Lodging House, licensed* and unlicensed. *License is from Selectmen and conformance to Brookline Lodging House Regulations required.	No	No	No	SP	SP	SP	SP	No	No

Or act on anything relative thereto.

ARTICLE 17

Submitted by: Department of Planning and Community Development
 To see if the Town will add to the Zoning By-Law in Section 2.13, “M” Definitions, a #1 for “Medical Marijuana Treatment Center” as follows:

1. MEDICAL MARIJUANA TREATMENT CENTER—Any medical marijuana treatment center, as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

To further see if the Town will amend Sec. 4.07, Table of Use Regulations, by adding a new use, Use #20B, and by adding a reference to such use in Use #21 (new language in bold) :

Principal Uses	Residence					Business			Ind
	S	SC	T	F	M	L	G	O	I
20B. Medical marijuana treatment center	No	No	No	No	No	No	No	No	No

Principal Uses	Residence					Business			Ind
	S	SC	T	F	M	L	G	O	I
<p>* It is the intent of the Department of Planning and Community Development to submit to Town Meeting an amendment to this use category at or before the 2014 annual Town Meeting in order to regulate or restrict this use in accordance with the State regulations. The restrictions on use contained herein are effective only until such amendments to this use become effective or, if Town Meeting fails to pass such amendments, until June 30, 2014. Temporarily restricting this use will allow the Town to review the regulations governing these facilities that will be promulgated by the Massachusetts Department of Public Health on or about May 1, 2013, and allow the Town to enact zoning provisions, consistent with the State regulations, setting forth the allowed locations, dimensional, parking and other requirements applicable to medical marijuana treatment centers.</p>									
<p>21. Business, professional, or governmental office other than Use 20, and 20A and 20B.</p> <p>*Provided no commodities are kept for sale on the premises.</p>	No	No	No	No	No	Yes	Yes	Yes*	Yes

Or act on anything relative thereto.

ARTICLE 18

Submitted by: Department of Planning and Community Development

To see if the Town will amend Sec. 4.07, Table of Use Regulations, Use # 15, Day Care Center, and Secs. 6.02.4 a & c, in the Zoning By-Law as follows. [~~Deletions~~—shown. **Changes/additions bolded.**]

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
<p>15. Day care center defined as any facility operated on a regular basis, whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage, under seven years of age, or under sixteen years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include any religious or educational use exempt from use regulation by The Zoning Act, M.G.L. ch. 40A, §3, or a family day care home, or other facility or program excluded from the definitions of “child care center” and “school-aged child care program” in M.G.L. ch. 15D, §1A.</p> <p>*A day care center shall be licensed in accordance with M.G.L. chapter 28A, §10. If such a facility has an outdoor play area, that area shall be screened from any lot line and from any residential structure on an adjoining lot to avoid a noise nuisance. If such a facility requires the use of a public play area, the Director of Parks and Open Space and the Director of Public Health, or designees, shall be required to approve the availability and use of the public space.</p> <p>See also §6.02.4 and §9.12.</p>	No Yes*	SP* Yes*	SP* Yes*	SP* Yes*	SP* Yes*	Yes*	Yes*	Yes*	Yes*

Sec. 6.02.4. a. Institutional uses intended primarily for children under 15 need not provide more than one-third the requirement specified, **and parking spaces for safe drop-off and pick-up shall be provided to the satisfaction of the Director of Engineering/Transportation, who may take into consideration safety factors that include, but are not limited to, the number of children being dropped off, the time of the drop-off , speed limit for vehicles on the roadway abutting the drop-off, access to and from such spaces, pedestrian and vehicle flow, proximity to crosswalks, bus stops and/or intersections and signage.**

Sec. 6.02.4. c. Under a special permit the Board of Appeals may permit modification in the requirements specified in this article as applied to Use 10 **and Use 15** 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.

Or act on anything relative thereto.

ARTICLE 19

Submitted by: Michael Maynard, Coolidge Corner Theater Foundation Board of Trustees

To see if the Town will vote to extinguish, abandon or otherwise release a portion of an easement granted by the First Parish In Waltham, Universalist-Unitarian, Inc., to the Town of Brookline over a portion of land adjacent to 280-292 Harvard Street for the purpose of allowing the Coolidge Corner Movie Theatre to proceed with its proposed theatre expansion. That portion of the easement to be terminated is known as Easement A which is one of three easements granted to the Town by way of a Grant of Rights and Easements dated July 31, 1964 recorded with the Norfolk County Registry District of the Land Court as Document No. 256202 and further shown as Easement A on a “Plan of Land in Brookline, Mass.” dated July 10, 1964 prepared by Walter A. Bushway Registered Land Surveyor which is recorded with said Grant of Rights and Easements. Said easement is situated in Brookline, Norfolk County. In all other respects, the terms of the above-referenced Grant of Rights and Easements are hereby ratified and reaffirmed. The portion of said easement to be released contains approximately 2,530 square feet as shown on said plan, said Easement A being bounded and described as follows:

- NORTHEASTERLY: by other land of the Grantor, being the Southwesterly end of said PASSAGEWAY H, 10.05 feet;
- SOUTHEASTERLY: by land formerly of S.S. Pierce Co. and now or late of Cohen and others, Trustees, being Parcel C on said plan, 32.12 feet;
- SOUTHWESTERLY: in part by the same land and in part by land formerly of Cogswell and now or late of Bob Ware’s Food Shops, Inc., 127.10 feet;
- NORTHWESTERLY: by other land of the Grantor, being part of PASSAGEWAY A as shown on said plan, 19.46 feet;
- NORTHEASTERLY: by other land of the Grantor, 103.37 feet; and

NORTHERLY: by the same land, 19.70 feet.

Or act on anything relative thereto.

ARTICLE 20

Submitted by: Michael Maynard, Coolidge Corner Theater Foundation Board of Trustees

To see if the Town will vote to accept a grant of easement from the Hamilton Charitable Corporation, a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts over a portion of land adjacent to adjacent to 280-292 Harvard Street and shown as Easement Area A-1 on a plan entitled "Site Plan of Coolidge Corner Theatre in Brookline, Mass.," dated February 20, 2013, prepared by Neponset Valley Survey Associates., Inc., Quincy, Massachusetts in order to provide uninterrupted access from Harvard Street. to a Town managed off-street municipal parking lot located to the rear of the Coolidge Corner Theatre. Said easement is situated in Norfolk County and contains approximately 649 square feet as shown on said Plan. Said Plan and Grant of Easement to be recorded at the Norfolk Registry District of the Land Court upon acceptance by the Town.

Said Easement Area A-1 being bounded and described as follows:

Beginning at a point at the southerly property corner of the Coolidge Corner Theatre, thence running northwesterly a distance of 24.00' to a point; thence running northeasterly 17.17' to a point; thence turning and running easterly 19.70' to a point; thence running northeasterly 1.58' to a point; thence running southeasterly 9.45' to a point; thence running southwesterly 32.12' to the point of beginning.

Said Easement Area A-1 contains 649 square feet more or less.

Said Easement Area A-1 is as shown on a plan entitled Easement Plan at Coolidge Corner Theatre as prepared by Neponset Valley Survey associates, Inc. and dated February 20, 2013.

Or act on anything relative thereto.

ARTICLE 21

Submitted by: Michael Maynard, Coolidge Corner Theater Foundation Board of Trustees

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

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO LEASE
CERTAIN TOWN OWNED AIR RIGHTS OVER A PORTION OF A MUNICIPAL
OFF-STREET PARKING AREA

Be It Enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline is hereby authorized to lease any part or portion of the air rights over its

municipal off-street parking area located on the Northeasterly side of Centre Street and to the rear of the property located at 280-290 Harvard Street in Brookline, the property generally known and referred to and shown as Parcel 09 in Block 082 on Sheet 16 of the Town's 2013 Assessors Atlas and more particularly depicted and described on a "Site Plan of Coolidge Corner Theater in Brookline, Massachusetts", dated February 20, 2013 by Neponset Valley Survey Assoc., Inc., now or hereafter owned by it, for a period not to exceed 99 years, to Hamilton Charitable Corporation, a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and having a usual place of business of 39 Brighton Avenue, Allston, Massachusetts 02134 or its designee, upon such terms and conditions as the board of selectmen shall determine to be in the best interests of the town. The air rights to be leased over said property contains approximately 950 square feet as shown on said plan and is bounded and described as follows:

Beginning at a point on the southerly property line of the Coolidge Corner Theatre, said point being 37.10' feet northwesterly from the southerly property corner of said theatre, thence running:

Southwesterly by land now or formerly of the Town of Brookline, 10.00'; thence running northwesterly by land now or formerly of the Town of Brookline 95.00'; thence running northeasterly by land now of the Town of Brookline; 10.00'; thence running along the southerly property line 95.00 to the point of beginning.

Said air rights easement contains an area of 950 square feet more or less.

Said air rights easement is as shown on a plan entitled "Easement Plan at Coolidge Corner Theatre" as prepared by Neponset Valley Survey associates, Inc. and dated February 20, 2013.

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

Or act on anything relative thereto.

ARTICLE 22

Submitted by: Michael Sanders and Christopher Dempsey

To see if the Town will adopt the following resolution:

WHEREAS, trolley service along Beacon Street is an integral part of the Town's transportation system,

WHEREAS, improved trolley service will reduce congestion, thereby decreasing local air pollution and carbon emissions,

WHEREAS, more efficient trolley service will benefit transit users, motorists, and Brookline businesses,

WHEREAS, transit signal prioritization will improve trolley service by decreasing average trip time, improving on-time performance, and reducing trolley bunching,

THEREFORE BE IT RESOLVED

That an appropriation of sufficient funds in the Fiscal Year 2015 budget be proposed to Town Meeting to commission a professional engineering study of the costs and benefits of upgrading Town-owned traffic signals, controllers, and associated equipment along Beacon Street to allow for the prioritization of MBTA trolleys.

or act on anything relative thereto.

ARTICLE 23

Submitted by: Carol Oldham

To see if the Town will adopt the following Resolution:

**A RESOLUTION EXPRESSING OPPOSITION TO THE TRANSPORTATION OF
CANADIAN TAR SANDS PRODUCTS THROUGH NEW ENGLAND AND TO
SUPPORT LOW CARBON FUEL STANDARDS**

WHEREAS, global warming pollution from fossil fuel use is having severe economic and environmental impacts on U.S. cities; and

WHEREAS, the well-to-tank phase of high carbon, high environmental impact fuels such as those from refineries using feed stocks from Canada's Tar Sands generates more global warming pollution than the well-to-tank phase of other fossil fuels; and

WHEREAS, the production of tar sands oil from Canada involves environmental and social impacts including damage to Canada's Boreal forest ecosystem and the Athabasca River ecosystem, destruction of scarce freshwater, generation of toxic waste held in open pits that leak, contamination of wildlife habitat, elevated levels of cancer in human communities downstream of tar sands operations and increased health risks to fence-line communities living near refineries using feed stocks from Canada's Tar Sands; and

WHEREAS, in 2010 a pipeline carrying derivatives of Canadian Tar Sands ruptured near Kalamazoo, Michigan spilling more than 800,000 gallons of pollution into the Kalamazoo River; and

WHEREAS, nearly two years after the spill the U.S. Environmental Protection Agency and Enbridge Pipelines Incorporated have not been able to achieve their stated objective of removing Tar Sands pollution from the Kalamazoo river,

NOW, THEREFORE, BE IT RESOLVED, that Brookline encourage the Commonwealth of Massachusetts and cities in the Northeast to develop and adopt policies to shift consumption away from transportation fueled by high impact fuels such as those from refineries using feed stocks from Canadian Tar Sands, including statewide and regional Low Carbon Fuel Standards (LCFS); and

BE IT FURTHER RESOLVED, that Brookline publicly opposes the transportation of Canadian Tar Sands and derivative products through the Commonwealth of Massachusetts; and

BE IT FURTHER RESOLVED, that Brookline publicly opposes the ‘reversal’ of the Portland-Montreal Pipeline; and

BE IT FURTHER RESOLVED, that Brookline express its opposition as stated by transmitting a copy of this resolution to the President of the United States, US Secretary of Energy, Massachusetts State Congressional delegation, Governors of Maine, Massachusetts, New Hampshire, and Vermont, CEO of Portland Pipeline Corporation, CEO of Montreal Pipeline Limited, CEO of Enbridge Incorporated, Prime Minister of Canada, and the Provincial Premiers of Canada.

Or act on anything relative thereto.

ARTICLE 24

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 19th day of March, 2013.

BOARD OF SELECTMEN

