

WARRANT

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF BROOKLINE
SPECIAL 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 and via Zoom on TUESDAY, the SEVENTEENTH day of NOVEMBER, 2020 at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following article is to be acted upon and determined by the representative town meeting:

ARTICLE 1

Submitted by: Select Board

To see if the Town will establish that the number of Measurers of Wood and Bark be two, to be appointed by the Select Board, or act on anything relative thereto.

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: Select Board

To see if the Town will authorize the Comptroller to close out either all or a portion of the unexpended balances in certain Special Appropriations and return said sums to the Surplus Revenue accounts, and rescind the unused portion of prior borrowing authorizations, or act on anything relative thereto.

ARTICLE 4

Submitted by: Select Board

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 5

Submitted by: Select Board

To see if the town will dedicate all or a percentage, which may not be less than 25 percent, of the host community agreement fees collected under Massachusetts General Laws Chapter 94G Section 3(d) to the Marijuana Mitigation Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2021 beginning on July 1, 2020, or take any other action relative thereto.

ARTICLE 6

Submitted by: Donelle O’Neal Sr., TMM4/AC

To see if the Town will adopt the following:

RESOLUTION PERTAINING TO THE ADOPTION OF AN IN-CAR VIDEO AND BODY WORN CAMERA POLICY FOR THE BROOKLINE POLICE DEPARTMENT.

WHEREAS, In-Car Video (“ICV”) and Body Worn Cameras (“BWC”) are considered to be effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions; and

WHEREAS, ICV and BWC may be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of incidental evidence or contraband; and

WHEREAS, ICV and BWC are expected to enhance the Police Department’s ability to document and review statements and events during the course of an incident, and preserve video and audio information and evidence for investigative and prosecutorial purposes; and

WHEREAS, although ICV and BWC recordings may provide only a limited perspective of encounters and incidents, and thus should be considered with all other available evidence, such as witnesses' statements, officer interviews, forensic analysis, and documentary evidence, studies have shown that ICV and BWC are a contributing factor in reducing complaints against police officers, increasing police accountability, and enhancing the public trust; and

WHEREAS, the policy of the Brookline Police Department is to respect the legitimate privacy interests of all persons in Brookline, while ensuring professionalism in its

workforce, and therefore, Brookline Police Officers should only use ICV and BWC within the context of existing and applicable federal, state, and local laws, regulations, and the Department's rules and policies;

NOW THEREFORE, be it resolved, that Town Meeting requests the Select Board, along with the Town Administrator and Human Resources Director or their designees, to work promptly, constructively, and collaboratively with the appropriate members of the Brookline Police Department to adopt a policy pertaining to the use of ICV and BWC by Brookline Police Officers, and that the use of such equipment be implemented as soon as practicable. Be it further resolved that funding for the purchase, maintenance, and storage of ICV, BWC and recordings from such equipment be included in the Brookline Police Department Fiscal Year 2022 Budget.

Or act on anything relative thereto.

ARTICLE 7

Submitted by: Roger Blood

To see if the Town will amend Section 4.08 of the Town of Brookline Zoning Bylaw (Affordable Housing Requirements ~~Inclusionary Zoning~~) as follows (deletions appearing in strikeout, new language in underline):

§4.08 – AFFORDABLE HOUSING REQUIREMENTS

2. Definitions

e. INCOME, LOW OR MODERATE means a combined household income which is less than or equal to 100% of the median income for affordable rental units as defined in Section 2.c.1. and which is less than or equal to 120% of the median income for affordable owner-occupied units as defined in Section 2.c.2, except for those units provided under paragraph 5 subparagraph a which shall comply under Chapter 40B of the Massachusetts General Laws, in which case low or moderate income shall mean a combined household income which is less than or equal to 80% of median income or any other limit established under Chapter 40B, its regulations or any amendment thereto.

3. Applicability

a. any project that includes results in the creation of six ~~four~~ or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction or change of pre-existing residential or non-residential space; In the case of a renovation of and/or an addition to an existing building, any pre-existing units remaining within the pre-existing building shall not be counted when applying the 15 percent affordable unit set aside standard- or cash payment option in Paragraph 5 below. except that the resulting number of pre-existing units remaining within the pre-existing building shall not contribute to such count, A unit shall qualify as within the pre-existing building if no more than five percent of the unit's floor area falls outside the habitable area of the pre-existing building; and

- b. any subdivision of land for development of ~~six~~ four or more dwelling units; and
- c. any life care facility development that includes ~~six~~ four or more assisted living units and accompanying services.

5. Required Affordable Units

a. For projects ~~that include resulting in the creation of six~~ four or more dwelling units in accordance with paragraph 3., above, the applicant shall be required to set aside 15% of the units ~~so created~~ as affordable units, except as the provisions of subparagraph d., below, shall apply. In the event that the required number of onsite affordable units is less than 0.5, the cash payment provision of subparagraph d. below shall apply as provided in the Affordable Housing Guidelines.

d. For projects ~~that include resulting in the creation of six~~ four to 15 ~~19~~ dwelling units, in accordance with paragraph 3., above, the applicant may choose to make a cash payment to the Housing Trust as provided in ~~based on~~ the Affordable Housing Guidelines.

Or act on anything relative thereto.

ARTICLE 8

Submitted by: Deborah Brown, David Lescohier, Arthur W. Conquest, III, C. Scott Ananian, Robert Lepson, Luciana Schachnik and Bob Schram

Too see if Town Meeting will adopt the following amendment of the General Bylaws;

SECTION 3.13.2 MEMBERSHIP

The Housing Advisory Board shall consist of ~~eight~~ eleven (11) residents of the town, eight (8) appointed by the Select Board or two year staggered terms, and a member each of the Select Board, Planning Board and Brookline Housing Authority. Vacancies shall be filled for unexpired terms. No board member shall serve more than six consecutive years. The tenure for present Board members begins on of July 2021 and shall not extend beyond July 2027. ~~Of the Select Board's appointees, one should be a low or moderate income tenant who demonstrates a knowledge of tenant issues.~~ Select Board shall ensure that the Housing Advisory Board is comprised of racial and ethnic diversity. No less than four (4) members will be from low and moderate income backgrounds, have experienced housing vulnerability and have an understanding of tenant issues in Brookline. The other Select Board's appointees should have knowledge or experience in one or more of the following areas: government housing programs, housing or real estate finances, affordable housing development, design or urban planning, community engagement, sustainability or real estate law. The Select Board should ensure that all of these areas of expertise are represented on the Housing Advisory Board.

Effective Date: July 2021

or act on anything thereto.

ARTICLE 9

Submitted by: Select Board

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

1. By amending §2.19, “S” Definitions, as follows:

Inserting the following:

1. Short-Term Rental (or “STR”) – The rental of a whole or portion of a dwelling for not more than 31 consecutive calendar days, and a) As defined by M.G.L. Chapter 64G, Sec. 1 and b) whose operations meets one of three category types as specified in the operator’s Certificate of Registration:

a. Room Share Units - At a Short-Term Rental Operator’s Primary Residence, the operator is present in the unit during the rental and occupancy is limited to four guests.

b. Home Share Units – At a Short-Term Rental Operator’s Primary Residence, the whole unit is available for a Short-Term Rental and no Short-Term Rental Operator(s) is/are present while the unit is being rented. Occupancy is limited to a single contract at a time and no more than six guests, to the extent permitted by State and local law, including this By-law.

c. Owner Adjacent Units - The Short-Term Rental Operator’s Primary Residence is within a two-family building as defined by Principle Uses 2, 3, 4, or 4A in the Table of Use Regulations. The Short-Term Rental Operator owns or has legal control over the Short-Term Rental Unit and at least 1 other unit within the building. The Short-Term Rental Operator is present on the property during the rental. Occupancy is limited to a single contract at a time and no more than six guests, to the extent permitted by State and local law, including this By-law.

In accordance with M.G.L. Chapter 64G, Sec. 1, the term excludes properties that are, or that are required to be, licensed as a lodging house because lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes properties that are, or that are required to be, licensed as a hotel, motel, or bed and breakfast establishment.

2. Short-Term Rental Operator – Any person operating a Short-Term Rental. An operator may be the owner or leaseholder of the Short-Term Rental Unit with the written permission from the lessor.

3. Short-Term Rental Unit – A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

And increasing each subsequent section number by 3.

2. By amending §2.16, “P” Definitions, as follows:

Renumbering the five existing sections titled “PARKING GARAGE OR PARKING AREA, NON-RESIDENTIAL”, “PARKING GARAGE OR PARKING AREA, RESIDENTIAL”, “PORCH, ENCLOSED AND UNENCLOSED”, “PRIVATE CLUB OR LODGE”, and “PROFESSION, RECOGNIZED” as sections 1, 2, 3, 5, 6 respectively and inserting the following after “3. PORCH, ENCLOSED AND UNENCLOSED”:

- 4. Primary Residence – Any property at which a resident resides for at least 183 days of the calendar year.

3. By amending §4.07, Table of Use Regulations, as follows:

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
<u>51C. Short-Term Rentals in possession of a valid Town Certificate of Registration and in accordance with §4.14 only.</u>	<u>Yes</u>								

4. By amending the Use Regulations by adding the following section, §4.14, Short-Term Rentals:

§4.14 – SHORT-TERM RENTALS

1. Purpose

This section is intended to protect the health and safety of visitors and residents, ensure that the primary use of these properties remains as a residence, and to minimize the effect Short-Term Rentals have on the character and livability of residential neighborhoods and the well-being of surrounding residents.

2. Applicability

- a. The requirements of this section shall apply to any Short-Term Rental. No property shall be offered as a Short-Term Rental except in compliance with each of the provisions of this By-Law.

- b. This By-Law does not supersede any lease or condominium association's by-laws. Nothing in this By-Law shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

3. Requirements

Short-Term Rentals shall comply with all applicable federal, state, and local laws, regulations and codes, including, but not limited to, Town's General By-law entitled "Short-Term Rentals".

These amendments to the Zoning By-law shall go into effect on January 1, 2021.

Or act on anything relative thereto.

ARTICLE 10

Submitted by: Select Board

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

ARTICLE 5.11 Short-Term Rentals

Section 5.11.1 PURPOSE

The Town of Brookline adopts this Bylaw for the regulation and restriction of Short-Term Rentals within the Town in order to protect the health safety of renters and residents, and to provide a process through which certain properties that meet specific requirements and eligibility criteria may be registered with the Town of Brookline for use as Short-Term Rentals.

Section 5.11.2 DEFINITIONS

As used in this by-law, the following terms shall have the following meanings:

"Enforcement Authority": As designated by Article 10.2 of the General By-Laws.

"Short-Term Rental", or "STR": The rental of a whole or portion of a dwelling for not more than 31 consecutive calendar days, and a) As defined by M.G.L. Chapter 64G, Sec. 1, and b) whose operations meets one of three category types as specified in the operator's Certificate of Registration:

- i. Room Share Units - At a Short-Term Rental Operator's Primary Residence, the operator is present in the unit during the rental and occupancy is limited to four guests.
- ii. Home Share Units – At a Short-Term Rental Operator's Primary Residence, the whole unit is available for a Short-Term Rental and no Short-Term Rental

Operator(s) is/are present while the unit is being rented. Occupancy is limited to a single contract at a time and no more than six guests, to the extent permitted by State and local law, including this By-law.

- iii. Owner Adjacent Units - The Short-Term Rental Operator's Primary Residence is within a two-family building as defined by Principle Uses 2, 3, 4, or 4A in the Table of Use Regulations of the Town of Brookline Zoning By-law. The Short-Term Rental Operator owns or has legal control over the Short-Term Rental Unit and at least 1 other unit within the building. The Short-Term Rental Operator is present on the property during the rental. Occupancy is limited to a single contract at a time and no more than six guests, to the extent permitted by State and local law, including this By-law.

In accordance with M.G.L. Chapter 64G, Sec. 1, the term excludes properties that are, or that are required to be, licensed as a lodging house because lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes properties that are, or that are required to be, licensed as a hotel, motel, or bed and breakfast establishment.

“Short-Term Rental Unit”: A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

“Short-Term Rental Operator”: Any person operating a Short-Term Rental. An operator may be the owner or leaseholder of the Short-Term Rental Unit with the written permission from the lessor.

“Primary Residence”: Any property at which a resident resides for at least 183 days of the calendar year.

Section 5.11.3 ELIGIBILITY/APPLICABILITY

1. Any Short-Term Rental Operator seeking to establish a Short-Term Rental Unit must apply for and receive a Certificate of Registration, following the procedure set forth in Section 5.11.4. The following eligibility requirements shall apply to applicants seeking a Certificate:
 - a. The Short-Term Rental Unit cannot be subject to any local, state, or federal income-eligible or income-restricted program that is designated as below market rate housing.
 - b. The Short-Term Rental Unit shall not be subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, or other requirements, laws or regulations that prohibit the Operator from offering the residential unit as a Short-Term Rental.
 - c. The Short-Term Rental Unit shall not be in arrears regarding any municipal or state taxes, fines or fees. Short-Term Rentals, Short-Term Rental Operators,

and Short-Term Rental Certificates of Registration are subject to Article 4.7 of the Town's General By-laws.

- d. The number of rooms offered as sleeping accommodations must be code compliant.
2. This By-law does not supersede any lease or condominium association's by-laws. Nothing in this By-law shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

Section 5.11.4 REGISTRATION PROCEDURE AND SUBMISSION REQUIREMENTS

1. In connection with an application for a Certificate of Registration, the operator shall provide to the Select Board's Office all documentation that the Office shall require, which may include, but not be limited to:
 - a. Any application fee, as may be determined by the Select Board.
 - b. Proof of Primary Residence, either by: 1) providing proof of enrollment in the Brookline residential tax exemption program; 2) an income tax return for the current year and a recent utility bill both showing the current address of the operator as the address of the Short-Term Rental Unit; or 3) a tenancy agreement along with a photo ID.
 - c. If the Short-Term Rental Operator is not the owner of the property, written evidence that the owner of the property has consented to the operator's use of the property as a Short-Term Rental Unit.
 - d. Where a Short-Term Rental Unit is part of a condominium association, certification by the Short-Term Rental Operator's condominium association board that the operation of the Short-Term Rental complies with all applicable leases and/or condominium documents, bylaws, or other governing documents.
 - e. Floor plan of the Short-Term Rental Unit indicating the specific rooms to be offered. The floor plan shall identify each room by a numerical or alphabetical identifier. The floor plan may be sketched by hand but should be legibly labelled with the numerical or alphabetical identifier and the use of that room (e.g., bedroom, living room, etc.). The floor plan should identify the rooms to be used as sleeping accommodations and the proposed maximum occupancy for each. An operator may be asked to resubmit a floor plan with amendments in the event it is unacceptable to

the Town's inspectional departments for health and/or safety or code compliance reasons.

- f. Local Contact Information. When registering, a Short-Term Rental Operator must provide their name, address, home telephone number, cell phone number, and email address, as well as such contact information for a secondary contact. Such contact information should identify at least one individual with corresponding contact information (including an active telephone number at which the person will be reachable 24 hours a day) who can respond in person within two hours of contact by a Town official to any issue or emergency that arises during a Short-Term Rental.
 - g. Such other information and documentation as the Select Board's Office may determine.
2. The initial issuance and renewal of a Certificate of Registration shall be subject to the applicant's compliance with applicable federal, state and local law, including this By-Law.
3. The Certificate of Registration shall be valid for a period of one (1) to five (5) years, as the Select Board's Office may determine. The Certificate of Registration shall include a registration number, and shall identify the type of Short-Term Rental, the specific rooms that may be used as sleeping accommodations, and the maximum occupancy for each such room and for the unit as a whole.
4. An operator may seek modification of a Certificate of Registration, including with regard to rooms to be used as sleeping accommodation and maximum occupancies, by submitting such documentation as may be required by the Select Board's Office in connection with such request. Modification of a Certificate of Registration is subject to approval by the Town's Health, Building and Fire Departments, who may conduct a pre-approval health and safety inspection as necessary. No modification of a Certificate may effect a change to the type of Short-Term Rental for which the Certificate was issued.
5. Certificates of Registration are non-transferable. A Certificate of Registration shall be null and void upon a change in property owner or STR operator or upon any change in the Primary Residence of the Short-Term Rental Operator that makes the unit ineligible for operation as a Short-Term Rental under this By-law.
6. An Enforcement Authority may revoke, suspend or modify a Certificate of Registration for good cause. The Short-Term Rental Operator shall have the right to a hearing, or opportunity therefor, in connection with such action.

7. In the event an Enforcement Authority suspends or revokes an operator's right to operate an STR, the Town shall notify the Massachusetts Commissioner of Revenue of the suspension or termination.

Section 5.11.5 INSPECTIONS

Prior to approving an initial or renewed Certificate of Registration, and in connection with an annual or other inspectional schedule to be determined by the Town, the Health, Building and Fire Departments may conduct a health and safety inspection. Such inspections may be used to verify that each Short-Term Rental Unit:

1. Meets all building, health and fire code and regulatory requirements.
2. Meets all requirements of this By-Law and of any regulations promulgated pursuant to this By-law.

Inspections shall be made on week-days during normal Town business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints and/or concerns regarding non-compliance or health and safety issues. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re-inspection fees.

Section 5.11.6 OPERATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL UNITS

1. No person shall operate a Short-Term Rental without a current Certificate of Registration pertaining to the Short-Term Rental Unit.
2. Short-Term Rentals shall comply with all applicable federal, state, and local laws, regulations and codes.
3. Except as may be otherwise specified by Select Board regulation promulgated pursuant to this By-Law, a Short-Term Rental Operator may offer his or her Room Share Unit or Home Share Unit for up to 90 days per year. A Short-Term Rental Operator may offer his or her Owner-Adjacent Unit for up to 180 days per year.
4. A Short-Term Rental must be operated consistent with the terms set forth on the Certificate of Registration and with applicable law, including, but not limited to, with regard to rooms to be used as sleeping accommodations, the maximum occupancy of each room, the maximum occupancy of the unit as a whole, and any other stated conditions.
5. The following must be included within each Short-Term Rental Unit:

- a. Diagram indicating the location of all fire extinguishers, gas shut-off valves, fire exits and fire alarms inside the Short-Term Rental Unit as well as in the building, as well as an evacuation route(s) highlighted in red. The diagram shall be posted i) in each bedroom used as a Short-Term Rental, ii) on all egresses from the Short-Term Rental Unit, and iii) in common areas accessible to the Short-Term Rental Unit;
 - b. A conspicuously placed binder with, at a minimum, the following information:
 - i. Local contact information including the name, address, home and cell phone numbers and email address for the Short-Term Rental Operator as well as one additional contact person who shall be reachable 24 hours a day in the absence of the Operator,
 - ii. Instructions for disposal of trash and recycling pursuant to any applicable requirements established by the Town of Brookline and/or by the property owner or condominium association,
 - iii. Information about Brookline parking regulations, including overnight parking restrictions and designated parking areas for guests, and
 - iv. Copy of Certificate of Registration from the Select Board's Office;
 - c. Fire extinguisher(s) which shall be of type ABC 10lb., dry chemical commercial with a tag to be tested and serviced annually by certified service company. Within a single-family unit, or multiple-unit building where units do not share a common access corridor, there shall be at least one acceptable type fire extinguisher available to the occupant within the unit. Where multiple units share a common access corridor on the same floor, one extinguisher may service up to four units, and be located within the access corridor on the same floor in a location to be determined by the Fire Department;
 - d. A hard-wired smoke/fire alarm system installed in accordance with M.G.L. Chapter 148 and NFPA 72; and
 - e. Any other documentation required by the Select Board's Office to be distributed inside Units.
6. Public advertisements (online or in print) for a Short-Term Rental shall include in the advertisement the Town-issued registration number associated with the Short-Term Rental's Certificate of Registration. A Short-Term Rental Operator shall only use the name stated on the application for an initial or renewed Certificate of Registration in on-line or other listings of the Short-Term Rental Unit.
 7. A Short-Term Rental Operator must keep accurate records of their business including date(s) of rental, rental rates, names of customers and customers'

contact information for a period of three (3) years, and make them available to the Town upon request consistent with applicable federal, state and local law.

8. A Short-Term Rental Operator shall notify the Select Board's Office of any change in the Operator's Primary Residence within two (2) weeks of any change.
9. Renting for durations of less than twenty-four (24) consecutive hours shall not be permitted.
10. Commercial meetings and uses are prohibited in Short-Term Rental Units.

Section 5.11.7 REGULATIONS

The Select Board may issue regulations for the implementation of this By-law, including for the establishment of any appeal process, and for the establishment of a cap on the number of Certificates of Registration issued (including numerical caps by type of Certificate of Registration and by Zoning District).

Section 5.11.8 FINES

Any person violating this By-law shall be fined in the amount of \$300 for each violation. Each day of a continuing violation shall count as a separate violation.

Section 5.11.9 EFFECTIVE DATE

This By-law shall take effect on January 1, 2021.

Or act on anything relative thereto.

ARTICLE 11

Submitted by: Select Board

To see if the Town will amend Article 10.2 (Prosecutions and Enforcement) of the General By-Laws as follows (additions are in bold underlining):

**ARTICLE 10.2
PROSECUTIONS AND ENFORCEMENT**

The provisions in Parts V, VI, VII and VIII of the by-laws of the Town of Brookline shall be enforced and violations prosecuted by any police officer of the town. In addition, enforcement and prosecution of the following bylaws and articles shall be by the following department head or their designees:

DEPARTMENT HEAD
BUILDING COMMISSIONER

ARTICLE

Part V – Private Property	Articles	5.2, 5.3, 5.4 5.6, 5.7, 5.8, <u>5.11</u>
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DIRECTOR OF HEALTH & HUMAN SERVICES

Part V – Private Property	Articles	5.1, 5.2, 5.4, 5.5, 5.7, <u>5.11</u>
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FIRE CHIEF

<u>Part V – Private Property</u>	<u>Articles</u>	<u>5.11</u>
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TOWN ADMINISTRATOR

<u>Part V – Private Property</u>	<u>Articles</u>	<u>5.11</u>
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Or act on anything relative thereto.

ARTICLE 12

Submitted by: Land Bank Study Committee, Heather Hamilton, Chair

Enable the Town to Accept the Community Preservation Act

To see if the Town will enact the following:

The Town hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1.0% of the annual real estate tax levy against real property commencing in fiscal year 2022; and that the Town hereby accepts the following exemption from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who would qualify for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act.

Or act on anything thereto.

ARTICLE 13

Submitted by: Moderator's Committee on Elderly Tax Relief, contact Susan Granoff

To see if the Town will authorize and empower the Select Board to file a petition, in substantially the following form, with the General Court for a special act authorizing the Town of Brookline to establish a means-tested senior citizen property tax exemption similar to the Town of Sudbury's Means-Tested Senior Citizen Tax Exemption but which is restricted to qualifying seniors who do not also qualify for the Town of Brookline's Senior Tax Deferral Program.

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION

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. With respect to each qualifying parcel of real property classified as Class one, residential in the town of Brookline, there shall be an exemption from the property tax equal to the total amount of the tax that would otherwise be assessed without this exemption less the sum of (i) 10 percent of the total annual qualifying income for purposes of the state's "circuit breaker" credit income tax credit under subsection (k) of section 6 of chapter 62 and (ii) the amount of the state's "circuit breaker" credit the applicant was eligible to receive in the year prior to the application being filed. The percentage of total annual qualifying income may be raised by section 3. In no event shall this exemption reduce property taxes by more than 50 percent of the property taxes due after the application of the town's residential exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors under the deed of the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

(a) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;

(b) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;

(c) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(d) the applicant or at least one of the joint applicants has been domiciled in the town of Brookline for at least 10 consecutive years before filing an application for the exemption;

(e) the maximum assessed value of the domicile is no greater than the prior fiscal year's average assessed value of a Brookline residential parcel assigned state use codes 101 (single-family home) and 102 (condominium) plus 10 percent; and

(f) the board of assessors has approved the application.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to 0.25 percent of the fiscal year's total residential property tax levy for the town of Brookline with the total exemption amount granted by this act allocated proportionately within the tax levy on all residential taxpayers. After the first year of such exemption, the total cap on the exemptions granted by this act shall be set annually by the select board within a range of 0.25 to 1 percent of the residential property tax levy for the town of Brookline. In the event that benefits to the applicants may be limited because the percentage established annually by the select board would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, any undistributed amounts collected shall be returned to the town.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act for any year if an applicant otherwise meets all the qualifications in sections 1, 2, 3, and 4 of this act and also meets all the qualifications of the town of Brookline's Senior Tax Deferral Program for that year, including obtaining the written approval by all persons having a legal interest in the applicant's parcel as required by the town's Tax Deferral and Recovery Agreement. Applicants shall, in good faith, seek to qualify for the town's Senior Tax Deferral Program. A finding that an applicant has not done so shall be grounds for denying the property tax exemption provided by this act.

SECTION 6. This act (or only section 5 of this act) may be revoked by an affirmative vote of a majority of Town Meeting at any annual or special Town Meeting. Revocation of sections 1 to 5, inclusive, and sections 6 and 7, or section 5 only, shall take effect 30 days after an affirmative vote of Town Meeting.

SECTION 7. No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

The General Court may make such amendments as are within the scope of the general public objectives of this petition. Or act on anything relative thereto.

ARTICLE 14

Submitted by: Anthony Ishak, Kate Silbaugh TMM1, Maura Toomey TMM8, Nancy Daly TMM12

To see if the Town will amend Article 8.23 of the Town's General By-laws ("Tobacco Control") as follows (language to be omitted appearing in ~~strike through~~; language to be added appearing in **bold underline**):

**ARTICLE 8.23
TOBACCO CONTROL**

SECTION 8.23.1 - PURPOSE

In order to protect the health, safety and welfare of the inhabitants of the Town of Brookline, this by-law shall limit and restrict the sale of and public exposure to tobacco products within the Town of Brookline.

SECTION 8.23.2 - DEFINITIONS

a. Blunt Wrap - Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

b. Characterizing flavor - A distinguishable taste or aroma, other than the taste or aroma of a tobacco product or component part thereof including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, menthol, mint, wintergreen, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

c. Cigar- Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

d. Component part - Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

e. Constituent - Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a

tobacco product during the processing, manufacturing or packaging of the tobacco product. Such term shall include a smoke constituent.

f. Distinguishable - Perceivable by either the sense of smell or taste.

g. E-Cigarette - Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery, and/or electronic circuits that provides a vapor of liquid flavored or unflavored nicotine to the user, or relies on vaporization of solid nicotine or any liquid, with or without nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, hookah pens, electronic hookah, e-hookah, hookah sticks, personal vaporizers, mechanical mods, vape pens, vaping devices, or under any other product name. "E-Cigarette" includes any component or part of an e-cigarette.

h. Educational Institution - any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

i. Employee - An individual who performs services for an employer.

j. Employer - An individual, partnership, association, corporation, trust or other organized group of individuals that utilizes the services of one (1) or more employees.

k. Entity - any single individual, group of individuals, corporation, partnership, institution, employer, association, firm or any other legal entity whether public or private.

l. Flavored tobacco product - Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor (including but not limited to menthol, mint, and wintergreen). A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

- m. Food Service Establishment - An establishment having one or more seats at which food is served to the public.
- n. Health Care Institution - An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112. Health care institution includes hospitals, clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.
- o. Minor - A person under twenty-one years of age.
- p. Retail Establishment - any store that sells goods or articles of personal services to the public.
- q. Retail tobacco store- An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco and/or e-cigarette products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Brookline Board of Health.
- r. Self-Service Display - Any display from which customers may select a tobacco or e-cigarette products without assistance from an employee or store personnel.
- s. Smoke Constituent - Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.
- t. Smoking - Lighting of, or having in one's possession any lighted cigarette, cigar, pipe or other tobacco product or non-tobacco product designed to be combusted and inhaled. The activation of or inhalation of vapor from an e-cigarette shall be considered smoking under this by-law.
- u. Tobacco - Any product containing, made, or derived from tobacco that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means,

including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco or snuff. "Tobacco" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

v. Tobacco Product- Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

w. Tobacco Vending Machine - A mechanical or electrical device which dispenses tobacco or e-cigarette products by self-service, with or without assistance by a clerk or operator.

x. Workplace - An indoor area, structure or facility or a portion thereof, at which one or more employees perform a service for compensation for the employer, other enclosed spaces rented to or otherwise used by the public; where the employer has the right or authority to exercise control over the space.

SECTION 8.23.3 - REGULATED CONDUCT

a. Public Places

(1) To the extent that the following are not covered by applicable State laws or regulations, no person shall smoke in any rooms or interior areas in which the public is permitted. This includes, but is not limited to, any food service establishment, health care institution, classroom, lecture hall, museum, motion picture theater, school, day care facility, reception area, waiting room, restroom or lavatory, retail store, bank (including ATMs), hair salons

or barber shops and meetings of government agencies open to the public.

(2) Taxi/Livery services licensed by the Town of Brookline shall be provided in smoke-free vehicles. The restriction of smoking in taxi/livery vehicles applies to drivers as well as passengers. Vehicles shall be posted in such a manner that their smoke-free status can be readily determined from the outside of the vehicle.

(3) Licensed Inns, Hotels, Motels and Lodging Houses in the Town of Brookline must provide smoke-free common areas. Licensed Inns, Hotels and Motels in the Town of Brookline must designate 100% of individual dwelling units or rooms as non-smoking.

(4) The use of tobacco or e-cigarette products by minors or school personnel is prohibited in or upon any public sidewalk or other public property located within four hundred (400) feet of Brookline High School grounds. The Commissioner of Public Works shall erect and maintain signage identifying the locations where smoking is prohibited under this paragraph (4). Such signage shall be erected so as to notify the public of the smoking prohibition and the areas affected thereby.

b. Workplaces

(1) Smoking in workplaces is prohibited.

(2) Notwithstanding subsection (1), smoking may be permitted in private residences; except during such time when the residence is utilized as part of a business as a group childcare center, school age child care center, school age day or overnight camp, or a facility licensed by the department of early education and care or as a health care related office or facility.

(3) Every establishment in which smoking is permitted pursuant to this by-law shall designate all positions where the employee's presence in an area in which smoking is permitted to be "smoking positions." The establishment shall notify every applicant for employment in a smoking position, in writing, that the position may cause continuous exposure to secondhand smoke, which may be hazardous to the employee's health.

(4) No establishment in which smoking is permitted pursuant to this by-law may require any employee whose effective date of employment was on or before November 1, 1994 to

accept a designated smoking position as a condition of continued employment by the employer.

(5) No establishment in which smoking is permitted pursuant to this by-law may discharge, refuse to hire, or otherwise discriminate against any employee or applicant for employment by reason of such person's unwillingness to be subjected to secondhand smoke exposure unless the employee has been hired for a designated smoking position and has been so notified in writing at the time of hiring.

(6) It is the intent of this by-law that a designated smoking position shall not be considered suitable for work for purposes of M.G.L. c. 151A, and that an employee who is required to work in a smoking position shall have good cause attributable to the employer for leaving work. c. E-cigarette Usage - Locations Prohibited (1) In addition to the smoking prohibitions set forth in this bylaw, the use of e-cigarettes is further prohibited wherever smoking is prohibited under M.G.L. Chapter 270, Section 22 (the "Smoke-Free Workplace Law"), and in all locations listed in Section 8.23.3 of this by-law. The Director of Health and Human Services and/or his or her designee(s) shall enforce this section in accordance with Section 8.23.6.

SECTION 8.23.4 - POSTING REQUIREMENTS

Every person having control of a premises where smoking is prohibited by this by-law, shall conspicuously display on the premises, including the primary entrance doorways, signs reading "Smoking Prohibited By Law." Posting of the international symbol for "No Smoking" shall be deemed as compliance.

SECTION 8.23.5 - SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit - No Entity otherwise permitted to sell tobacco products shall sell or offer to sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department's Schedule of Fees and Charges. The Director of Public Health shall not issue any new tobacco sales permits to first-time permit applicants with businesses not licensed as of September 1, 2017. Holders of tobacco sales permits on the effective such date section may continue to use such permits. All such holders must apply for renewal of their permits according to the procedures of the Department. Those who fail to apply for renewal in a timely manner will receive

~~written notification from the Department and then those have permits may be revoked or fines imposed after such procedure as set forth in the procedures of the Department.~~ Any such action may be appealed to the Board of Selectmen within thirty (30) days. ~~However, applicants who acquire a business that is the holder of a tobacco sales permit may apply, within sixty (60) days of such acquisition, for a tobacco sales permit such as that held by the previous owner of the business, only if the buyer intends to sell tobacco products and will be operating a substantially similar business, and subject to rules and requirements of the Health Department.~~

b. Prohibition of Tobacco Vending Machines - The sale of tobacco or e-cigarette products by means of vending machines is prohibited.

c. Restrictions on the Distribution of Tobacco or e-cigarette Products - No person, firm, corporation, establishment or agency shall distribute tobacco or e-cigarette products free of charge or in connection with a commercial or promotional endeavor within the Town of Brookline. Such endeavors include, but are not limited to, product "giveaways", or distribution of a tobacco or e-cigarette product as an incentive, prize, award or bonus in a game, contest or tournament involving skill or chance.

d. Prohibition of Sales ~~to Minors~~ - No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to ~~a minor~~ anyone born after 1/1/1976.

e. Self-Service Displays - All self-service displays as defined by 8.23.2 (e) are prohibited. All commercial humidors including, but not limited to walk-in humidors must be locked.

f. Prohibition of the Sale of Tobacco Products and e-cigarettes by Health Care Institutions - No health care institution located in the Town of Brookline shall sell or cause to be sold tobacco or e-cigarette products. Additionally, no retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco or e-cigarette products.

g. Prohibition of the Sale of Tobacco and e-cigarette Products by Educational Institutions - No educational institution located in the Town of Brookline shall sell or cause to be sold tobacco or e-cigarette products. This includes all educational institutions as well as any retail

establishments that operate on the property of an educational institution.

h. Required Signage

1. The owner or other person in charge of an entity authorized to sell tobacco or e-cigarette products at retail shall conspicuously post signage provided by the Town of Brookline that discloses current referral information about smoking cessation.

2. The owner or other person in charge of an entity authorized to sell tobacco or e-cigarette products at retail shall conspicuously post a sign stating that "The sale of tobacco or e-cigarette products to someone ~~under the minimum legal sales age of 21 years of age~~born after 1/1/1976 is prohibited." The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment in such a manner so that they may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than eight (8) feet from the floor.

i. Tobacco Sales

1. No Tobacco Product Sales Permit holder shall allow any employee to sell tobacco or e-cigarette products until such employee has received a copy of this By-law and federal and state laws regarding the sale of tobacco and e-cigarette and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state and federal laws.

2. Identification: Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser ~~is 21 years old or older~~was born prior to 1/1/1976.

3. All retail sales of tobacco or e-cigarette products within the Town of Brookline must be face-to-face between the seller and the buyer and occur at the

permitted location, which can be no greater than 2000 square feet.

4. Original Cigar Package Price - All single cigars shall be sold for no less than two dollars and fifty cents (\$2.50). No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more. This section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Brookline.

5. No entity shall sell or distribute or cause to be sold or distributed any Flavored Tobacco Product.

6. No entity shall sell or distribute or cause to be sold or distributed blunt wraps.

SECTION 8.23.6 - VIOLATIONS AND PENALTIES

a. Any person who violates any provision of this by-law, or who smokes in any area in which a "Smoking Prohibited By Law" sign, or its equivalent, is conspicuously displayed, shall be punished by a fine of \$100 for each offense. For a first violation of this section, and for any subsequent violation, the violator may be afforded the option of enrolling in a smoking cessation/education program approved by the Director of Health and Human Services or his/her designee(s). Proof of completion of such approved program shall be in lieu of the fines set forth in this Section and in Section 10.3 of these By-laws.

b. Any person having control of any premises or place in which smoking is prohibited who allows a person to smoke or otherwise violate this bylaw, shall be punished by a fine of \$100 for a first offense, \$200 for a second offense, and \$300 for a third or subsequent offense.

c. Employees who violate any provision of Section 8.23.3(b) or 8.23.5 shall be punished by a fine of \$100 per day for each day of such violation.

d. Any entity violating any other section of this by-law shall receive a fine of \$300.00 for ~~each offense~~ the first

two offenses then will have permit revoked on the third offense. They may appeal to the Department of Public Health if they show that source of violation was corrected and would not occur again.

e. Violations of this by-law may be dealt with in a noncriminal manner as provided in PART X of the Town by-laws.

f. Each calendar day an entity operates in violation of any provision of this regulation shall be deemed a separate violation.

g. No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the Brookline Health Department or a Town department or Board from suspending, or revoking any license or permit issued by and within the jurisdiction of such departments or Board for repeated violations of this by-law.

SECTION 8.23.7 - SEVERABILITY

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

Or act on anything relative thereto.

ARTICLE 15

Submitted by: Deborah Brown, Arthur Conquest, III, Bob Lepson, Nicole McClelland, Hadassah Margolis, C. Scott Ananian, Bettina Neufeind, Sean Lynn-Jones, David Lescohier, Bob Schram, Luciana Schachnik and Anne Greenwald

Increasing Disadvantaged Business Opportunities in the Town of Brookline, Massachusetts

To see if the Town will amend the General by-laws:

ARTICLE 4.3 CONTRACTS – PROHIBITED ACTION,

ARTICLE 4.4 FAIR EMPLOYMENT PRACTICES WITH REGARD TO CONTRACTS and

ARTICLE 4.5 DISCRIMINATION PROHIBITION WITH REGARD TO CONTRACTS

ARTICLE 4.6 ESTABLISHING A MINORITY AND WOMEN OWNED BUSINESS PROGRAM

SECTION 4.6 xx.1 Town of Brookline ensures that it shall work to eliminate discrimination on the basis of race, color, sex or national origin in the award and administration of Brookline’s grants, contracts, and professional services agreements.

The Town of Brookline shall create an equitable environment in which people of color and women owned businesses or “disadvantaged businesses” (DBE) to compete fairly for contracts and subcontracts and grants relating to the procurement, contracting and professional service activities in Brookline. Brookline residents meeting the definition of a minority or woman owned business or disadvantaged business shall be given additional consideration when awarding contracts, grants and professional services agreements. We urge the Brookline Housing Authority and the Brookline School Committee adopt this policy so that the entire Town demonstrates its uniform commitment to diversity and inclusion.

SECTION 4.6 xx.2 Disadvantaged Business Enterprise Objectives:

- 1) Ensure nondiscrimination in the award and administration of all programs;
- 2) Create a level playing field on which women owned and minority businesses can compete fairly for contracts, grants and professional services work;
- 3) Ensure that the Brookline’s DBE program is narrowly tailored in accordance with applicable Commonwealth and federal laws;
- 4) Ensure that only firms that fully meet these eligibility requirements are permitted to participate as DBE consistent with applicable Massachusetts requirements;
- 5) Help remove barriers to the participation of DBE, in working in Brookline;
- 6) Promote the use of DBE in all types of contracts and procurement activities conducted by recipients.
- 7) Assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- 8) Provide appropriate flexibility to Brookline in establishing and providing opportunities for DBEs.

SECTION 4.6xx.3

DBEs are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis.

Requirements for DBE Participation

To participate in Brookline’s DBE program, the small business owned and controlled by socially and economically disadvantaged individuals must receive DBE certification from the Supplier Diversity Office. It certifies companies as Massachusetts Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Veteran Business Enterprises (VBE), and Portuguese Business Enterprises (PBE) as defined in 425 CMR 2.00, State Office of Minority and Women Business Assistance.

SECTION 4.6xx.4 Town of Brookline DBE Goals:

1. MBE Goals:
 - a. At least 15% for professional services;
 - b. At least 15% for construction projects; and
 - c. At least 20% for procurement.
2. WBE Goals
 - a. At least 25% for professional services;
 - b. At least 20% for construction projects; and
 - c. At least 20% for procurement.

SECTION 4.6xx.5 Affirmative Employment Programming

1. In addition to meeting these DBE requirements, the Town of Brookline shall comply with **Executive Order 11246 — Equal Employment Opportunity**, of Sept. 24, 1965, appear at 30 FR 12319, 12935, 3 CFR, 1964–1965 Comp., p.339, unless otherwise noted.
2. This Section applies to all contracts or grants over \$10,000 in Brookline’s business in a year and companies or serve as a depository of government funds in any amount with greater than 20 employees.
 - i. Contractors and grantees will be required to report on the number of employees by race, ethnicity and gender for each of nine job categories. This report must filed annually, not later than June 30, by:
 - ii. Contractors, potential contractors, grantees or potential grantee’s shall design and implement affirmative action employment programming to ensure that equal opportunity is provided in all aspects of employment.

SECTION 4.6xx.6 Policies and Procedures

The Town will develop applicable policies and procedures to meet the DBE goals and affirmative employment program consistent with applicable state and federal laws. The Town Administrator shall be responsible for the design and implementation of this warrant article. The Director of Planning will be responsible for design and implementation and the Director of Office of Diversity, Inclusion and Community Relations shall be responsible for monitoring compliance with this law.

Covered contractors who do not satisfy the DBE and affirmative hiring requirements could face suspension and debarment or be cited for breach of contract.

Section 4.6xx.7 Applicability

The Section shall apply to all municipal officers, Town employees, and Town departments and committees as well as their contractors and grantees.

Section 4.6xx.8 Effective Date

Barring an extension to this effective date by Town Meeting through subsequent action, the DBE plan shall take effect by July 1, 2021.

Or act on anything relative thereto.

ARTICLE 16

Submitted by: Mariah Nobrega

LEGISLATION PROVIDING FOR RECALL ELECTIONS OF TOWNWIDE ELECTED OFFICIALS

To see if the Town will authorize and empower the Select Board, on such date and in such manner as required by the House Clerk, to file a petition for legislation to provide for recall elections of townwide officials in the town of Brookline, provided that the General Court adopts this bill precisely as set forth below. The General Court may make only clerical or editorial changes of form to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court. The Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition as long as such amendments do not make it more difficult to recall officials.

AN ACT TO ALLOW THE TOWN OF BROOKLINE TO PROVIDE FOR RECALL ELECTIONS OF TOWNWIDE ELECTED OFFICIALS

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. Notwithstanding any general or special law to the contrary, any holder of a townwide elected office in the town of Brookline may be recalled by the registered voters of the town as provided in this act.

SECTION 2. An initial recall affidavit may be filed with the town clerk signed under the penalty of perjury by at least five hundred registered voters of the town with their names and addresses, one of who shall be designated as the so-called lead petitioner for purposes of this act. The initial recall affidavit shall contain the name of the officer sought to be recalled, appearing as registered on the current voting list prepared under G.L. c.51, and 37A, the office from which removal is sought, and a statement of the grounds for recall. Within 24 hours of receipt, the town clerk shall submit the affidavit to the board of registrars of voters, which shall within seven business days, certify thereon the number of signatures, which are names of registered voters of the town. If the number of the signatures on the affidavit shall be found not to be sufficient, the petitioners will be provided with no fewer than five business days to remedy the deficiencies.

SECTION 3. The town clerk shall, within seven business days following said certification, make available to the lead petitioner at the office of the town clerk petition blanks containing lines for the number of signatures required below, multiplied by two, demanding such recall. Such blanks shall be issued by the town clerk with a facsimile of the signature of the town clerk and official seal of the town attached thereto. The blanks shall be dated, be addressed to the select board, contain the names of the 10 voters first named on the affidavit, the number of blanks so issued, the name of the person whose recall is sought appearing as registered on the current voter list, the office from which removal is sought, the grounds of recall as stated in the affidavit, and demand the election of a successor to the office. Said recall petition shall be returned and filed with the town clerk within 30 business days from the date the recall petition sheets are made available in accordance with this section, and shall have been signed by at least 10 percent of the registered voters of the town as of the date of the most recent annual town election, who shall add to their signatures their place of residence, including their street and number, if any.

The town clerk shall within one business day of receipt submit the petition to the board of registrars of voters, and the board of registrars shall within 7 business days certify thereon

the number of signatures which are names of registered voters of the town. If the number of signatures on the recall petition shall be found not to be sufficient, the petitioners will be provided with no fewer than five business days to remedy the deficiencies.

SECTION 4. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, the certified petition shall be forthwith submitted with the certificate of the town clerk to the select board. The select board shall within five business days give written notice to the officer sought to be recalled of receipt of the certified petition and shall, if the officer does not resign within five business days thereafter, forthwith order an election to be held on a date fixed by them not less than 64 nor more than 90 days from the date the select board provided written notice to the officer sought to be recalled; provided, however, that if any other town election is to occur within 120 days of the date the board provided written notice to the officer, the select board shall postpone the holding of the recall election to the date of such other election, and the question of recall shall appear on the ballot at said election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 5. An officer sought to be recalled may not be a candidate in an election to be held to fill the vacancy. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.

SECTION 6. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If the incumbent is recalled, the incumbent shall be considered removed from office immediately and the office vacant.

SECTION 7. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF (NAME), (OFFICE)

AGAINST THE RECALL OF (NAME), (OFFICE)

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "candidates" with directions to voters as required G.L. c.54, §42. Beneath the word "candidates" shall appear the name of candidates nominated as provided in this act.

If a majority of the votes cast upon the question of recall is in favor of recall, the votes for the candidates shall be counted. In that instance, the candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.

SECTION 8. An initial recall affidavit shall not be filed against an officer within three months after the officer takes office or within the last three months of the term. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least six months have elapsed after the election at which the previous recall was submitted to the voters of the town.

SECTION 9. No person who has been recalled from an office or who has resigned from office after the filing of a recall petition under this act shall be appointed to any town office within two years after such recall or such resignation.

SECTION 10. This act shall take effect upon its passage; and/or take any other action relative thereto.

ARTICLE 17

Submitted by: Neil Gordon, TMM1

To see if the Town will vote to amend Article 5.8, Sections 5.8.2 and 5.8.3, of the General By-laws, as follows (additions in **bold underline**; deletions in ~~strike through~~):

SECTION 5.8.2 DEFINITIONS

Election: A regular Town election, a Town special election, or any general or special State election or primary.

Election Day sign: Any non-illuminated sign not more than 24 inches in height, 30 inches in width, and one inch in depth.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, attract attention to or announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

For the purposes of this by-law, the term “sign” shall not include the following:

- i. Official traffic control devices required, maintained, or installed by a Federal, State or local governmental agency.
- ii. Town of Brookline government signs, and signs permitted by the Town on Town property.
- iii. Building markers indicating the name of a building and date and incidental information about its construction, which marker is cut into a masonry surface or made of other permanent material.
- iv. Flags, holiday lights and decorations.

SECTION 5.8.3 SIGNS

Signs shall be permitted as regulated and permitted by the Zoning By-law. The Zoning By-law is incorporated herein by reference.

No person shall erect, display or maintain a temporary or permanent sign upon any property owned by the Town of Brookline or upon the public way of any other governmental body, **except that temporary Election Day signs may be erected, displayed and maintained (i) within 500 feet but no closer than 150 feet of a polling place, (ii) within 500 feet of a school or library which is not a polling place, and (iii) at any other place, from sunset**

on the night prior to an Election until the closing of the polls for such Election, at which time any such Election Day signs shall be considered abandoned.,

Election Day signs shall not interfere with any traffic control device, any Town of Brookline government sign, or any sign permitted by the Town, and no such sign shall be erected in a manner that obstructs a public way or is a hazard to public safety.

Or take any other action relative thereto.

ARTICLE 18

Submitted by: C. Scott Ananian, TMM-10; Deborah Brown, TMM-1; Shira Fischer, TMM-11; Raul Fernandez, SB; Meggan Levene, TMM-3; Nicole McClelland, TMM-11

To see if the Town will adopt the following Resolution:

WHEREAS, our neighboring City of Cambridge has used Ranked-Choice Voting (RCV) to elect its City Council and School Committee since 1941;

WHEREAS, the Commonwealth of Massachusetts will shortly consider whether to adopt Ranked-Choice Voting for state-wide elections starting in 2022;

WHEREAS, the State of Maine has recently adopted Ranked-Choice Voting using ES&S optical scan machines similar (but not identical) to the ES&S optical scan machines currently owned by the Town;

WHEREAS, the Town of Brookline can (and must) make decisions about the conduct of Town elections independent from the state-wide measure;

WHEREAS, Ranked-Choice Voting has been found to benefit candidates from ethnic and political minority groups, and thus allow our Town representatives to more accurately reflect our community;

WHEREAS, the Town of Brookline's election infrastructure, although not recently-purchased, currently serves our Town well;

THEREFORE BE IT RESOLVED that the Town Clerk should study the adoption of Ranked-Choice Voting for Town Elections, forming a committee if necessary to assist in the work, and issue a report including:

1. Recommended equipment to implement Ranked-Choice Voting in the Town, whether upgrades to existing machines or purchase of new machines, without sacrificing the auditability and reliability of our existing optical scan election processes;
2. Ballot design recommendations for typical multi-candidate races in our Town, including Select Board and School Committee;
3. Recommended time frame for implementation; and
4. Budget recommendations for funding required;

BE IT FURTHER RESOLVED that the Town Clerk should provide budget guidance for the FY22 budget process, with a final report on Ranked-Choice Voting no later than Fall 2021.

Or act on anything relative thereto.

ARTICLE 19

Submitted by: Select Board

To see if the Town will vote to have its elected Town Clerk become an appointed Town Clerk as provided in M.G.L. c. 41, s. 1B or take any other action relative thereto.

ARTICLE 20

Submitted by: Select Board

To see if the Town will vote to amend Article 3.4 of the Town's General Bylaws as follows (language to be omitted appearing in strike out, new language appearing in bold underline):

ARTICLE 3.4 TOWN CLERK

SECTION 3.4.1 TERM OF OFFICE There shall be a Town Clerk, ~~elected~~ **who shall be appointed** for a three year term. **The Town Clerk shall be a department head, subject to all applicable provisions of chapter two hundred and seventy of the acts of nineteen hundred and eighty-five.**

SECTION 3.4.2 GENERAL AUTHORITY The Town Clerk shall have the care, custody and control of the records of all Town Meetings, of all births, marriages and deaths and of all registered voters in the Town. The Town Clerk shall perform and discharge all of the statutory duties assigned to that office **under Massachusetts General law and the by-laws of the town.**

SECTION 3.4.3 TOWN SEAL The Town Clerk shall have the custody of the town seal. All conveyances under seal, which may hereafter be executed by the town, pursuant to a vote of the town or otherwise, shall be sealed with such seal and subscribed by a majority of the Select Board.

SECTION 3.4.4 DEEDS AND CONVEYANCES The Town Clerk shall keep a true copy (in a book to be kept for such purpose alone) of all deeds or conveyances executed by the Select Board. It shall be the duty of the Town Clerk to see that every conveyance to the town of an interest in land is properly recorded in the Registry of Deeds.

SECTION 3.4.5 TOWN REPORTS The Town Clerk shall cause one copy of the Annual Town Report for each year to be delivered or mailed not later than the fifteenth day prior to the commencement of the Annual Town Meeting, to the residence of every elected and appointed Town Meeting Member, and member of the Advisory Committee, and to the residence of every resident, real estate owner and town employee who requests a copy in

writing. Copies of each Annual Town Report shall be kept permanently in the office of the Town Clerk and for at least five years in the Public Library and every Branch thereof, available for inspection by all interested persons. In lieu of the mailing requirement in paragraph 1 above, the Select Board may, at the request of any person listed above send the report electronically.

This amendment shall take effect upon acceptance by the voters of the following question, which shall be placed on the official ballot at the annual town election (in May 2021):
“Shall the town vote to have its elected Town Clerk become an appointed Town Clerk of the town?”

Or act on anything relative thereto.

ARTICLE 21

Submitted by: Jonathan J. Margolis

To see if the Town will vote to amend Article 3.1 of the Town’s General By-Laws as follows:

Amend Section 3.1.3, Litigation and Claims, by adding the following language appearing in bold underline:

The Select Board may institute, prosecute, defend, compromise and settle claims, actions, suits or other proceedings brought by, on behalf of, or against the town, provided, however, that they shall act upon advice of counsel when the amount to be paid in any settlement exceeds one thousand dollars (\$1,000). They may employ special counsel in suits by or against the town and whenever they deem it necessary.

In the resolution of any claim, the Town shall not require as a condition, nor condition any offer upon an agreement that the claimant shall refrain from any statement concerning the terms of a settlement or the underlying claim, and the Select Board shall not enter into any agreement to resolve any claim in which the Town has sought such an agreement.

PROVIDED, HOWEVER, that the town may accept offers to resolve claims made under the Massachusetts Law Against Discrimination, Chapter 151B, the Massachusetts Privacy Statute, Chapter 214, Sec. 1B, the Massachusetts Law Against Sexual Harassment, Chapter 214, Sec. 1C, the Massachusetts Civil Rights Act, G.L. c. 12, §11H, the Massachusetts Equal Rights Act, G.L. c. 93, §102, the Massachusetts Leave Law for Victims and Family Members of Abusive Behavior, G.L. c.149, §52E, 42 U.S.C. Sec. 2000e (Title VII), 42 U.S.C. Secs. 1981-1988 or 42 U.S.C. Sec. 12101 (the Americans With Disabilities Act), in which the claimant seeks an agreement that the parties refrain from publicizing the facts and events that gave rise to the claim.

The Town shall report on its website all claims resolved during the previous six months within 90 days of the close of the fiscal year and 90 days of the end of the sixth month of the fiscal year.

or act on anything relative thereto.

ARTICLE 22

Submitted by: Hadassah Margolis, TMM8 (she/her/hers), Michael Burstein, TMM12 (he/him/his), Neil Gordon, TMM1 (he/him/his), Katherine O'Connor (they/them/theirs)

To see if the Town will vote to amend the General By-laws, as follows:

Substitute "their" for (i) "his," (ii) "his/her," and (iii) "his or her."

Substitute "them" for (i) "him," and (ii) "her."

Substitute "they" for (i) "he," (ii) "he or she," and (iii) "he/she."

And make such other changes as would substitute gender neutral pronouns for gender specific ones.

In the event that any such substitution results in incorrect grammar, conforming changes shall be made so that the result is grammatically correct.

Or take any other action relative thereto.

ARTICLE 23

Submitted by: Hadassah Margolis, TMM8 (she/her/hers), Michael Burstein, TMM12 (he/him/his), Neil Gordon, TMM1 (he/him/his)

To see if the Town will vote to amend the Zoning By-laws, as follows:

Substitute "their" for "his/her."

Substitute "they" for "he/she."

And make such other changes as would substitute gender neutral pronouns for gender specific ones.

Substitute "Select Board" for "Board of Selectmen."

Substitute "Select Board members" for "Selectmen."

In the event that any such substitution results in incorrect grammar, conforming changes shall be made so that the result is grammatically correct.

Or take any other action relative thereto.

ARTICLE 24

Submitted by: Amie Lindenboim TMM5, Michael Zoorob, Neil Gordon TMM1, Wendy MacMillan TMM4

To see if the Town will amend the Brookline General By-Laws to require all information or notices mailed to businesses and residents of the Town, that are intended to provide notice or information to all businesses and residents, or to certain businesses and residents based on their location, by or on behalf of the Town, or mailed by any individual, corporation, contractor, utility, or other entity in conformance with any rule, regulation, by-law, or other law or procedure enforced or overseen by the Town, be specifically mailed to current tenants and residents of each commercial and residential unit, rather than only the owner of the property, as follows:

(~~stricken language to be removed;~~ **bolded and underlined language to be added**)

Article 5.3, Brookline Demolition By-Law, Section 5.3.12 Notice

Notice of any public hearing required by this by-law shall be given by the Commission to the owner of record; **tenants and residents of the subject property;** the Applicant for the demolition permit (if different from the owner of record); the immediate abutters to the subject property, ~~and~~ **tenants and residents of abutters' property;** the owners, **tenants, and residents** of land directly opposite on any public or private street, and abutters to the abutters **and tenants and residents of the abutters to abutters' property** within three hundred feet of the property line of the subject property; as they appear on the most recent applicable tax list, **Street List of Residents, and list of commercial units;** to each elected Town Meeting member for the precinct in which the subject property is located; the Building Commissioner; Town Clerk; Planning Director; and to such other persons as the Commission may determine. The Commission may among other forms of notice require that the Applicant maintain on the subject building a notice, in a form designated by the Commission visible from the nearest public way, of any hearing upon the subject matter of such Application.

ARTICLE 8.15 NOISE CONTROL – SECTION 8.15.6 PROHIBITIONS AND MEASUREMENT OF NOISE EMISSIONS – subsection (D) Fixed Plant Equipment:

Any person shall operate such equipment in a manner not to exceed 10 dBA over the Background Noise and not greater than 5 dBA of Tonal sound over the Background Noise. However, if the fixed equipment is operated during night time hours, the night time Sound Pressure Level of the Fixed Plant Equipment must not exceed the average daytime Background Noise to compensate for night time operations, which is assumed to be 10dBA below daytime Background Noise. See Definitions Section 8.15.3(c). Noise measurements shall be made at the boundary of the property in which the offending source is located, or at the boundary line of the complainant if the complainant is not a direct abutter **or tenant or resident of a direct abutter's property.**

ARTICLE 8.15 NOISE CONTROL – SECTION 8.15.7 PERMITS FOR EXEMPTIONS FROM THIS BY-LAW – subsection (A) item (iii):

(iii) The Town will make all reasonable efforts to notify all direct abutters **and tenants and residents of direct abutters' property** prior to the date of the Select Board meeting at which the issuance of a permit will be heard.

SECTION 8.27 WETLANDS PROTECTION BYLAW

8.27.6 Notice and Hearings

- a. Any person filing a permit application or a RFD with the Commission shall at the same time give written notice thereof, by certified mail with return receipt requested, or hand delivered with signatures, to all abutters **and tenants and residents of abutters' property** at their mailing addresses shown on the most recent applicable tax list of the assessors, **Street List of Residents, and list of commercial units; owners, tenants, and residents** of land directly opposite on any public or private street or way; ~~and~~ abutters to the abutters **and tenants and residents of the abutters to abutters' property** within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters **and tenants and residents of abutters' property** shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters **and tenants and residents of abutters' property**. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

g. For good cause the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder of the permit or determination, notice to the public, abutters, **tenants and residents of abutters' property**, and town boards, pursuant to §VI and §VII, and a public hearing.

ARTICLE 8.31 LEAF BLOWER CONTROL – SECTION 8.31.6 PERMITS FOR EXEMPTIONS FROM THIS BY-LAW – subsection (a) item (iii):

(a) The Select Board, or its designee, may grant a special permit to a Property Owner or Property Manager:

- (i) for any activity otherwise prohibited under the provisions of this By-law,
- (ii) for an extension of time to comply with the provisions of this By-law and any abatement orders issued pursuant to it,
- (iii) when it can be demonstrated that bringing a source of noise into compliance with the provisions of this By-law would create an undue hardship on a person or the community. A Property Owner or Manager seeking such a permit should make a written application to the Select Board, or its designee. The Town will make reasonable efforts to notify **tenants and residents of the subject property**, all direct abutters **and tenants and residents of direct abutters' property** prior to the date of the Select Board's meeting at which the issuance of a permit will be heard.

(insert, after section 8.3, the following:)

SECTION 8.4 TENANT AND RESIDENT NOTIFICATION

A. There shall be no discrimination on the basis of property ownership in the manner or timing of information provided to residents and tenants.

B. Where notice is required to be mailed to abutters, such notice shall be mailed to the owner of the abutting property, to tenants and residents of each unit on the abutting property, and to tenants and residents of the subject property. Providing this notice shall be the ultimate responsibility of the individual or entity legally responsible for notifying abutters.

C. Urgent notices. Where emergency repairs preclude the mailing of notice, or in addition to mailing, neighborhood notices must be posted on the doors of each unit. Where multiple units are accessed via a secured entrance, notices posted securely on the two main entrances to each building AND slipped under the door, where possible, may serve as notice to all interior units.

**D. In determining which residents are notified, notice to non-owner tenants or residents should be addressed to either (a) the name of the occupant, followed by “OR CURRENT RESIDENT,” or (b) “Current Resident” unless occupant is known with certainty. Where notice is to be mailed to each active U.S. Postal Service (“USPS“) delivery address on a city carrier route in conformance with USPS “Government Mailer” standards, the following may be used:
“Postal Customer” (delivery desired at all addresses).
“Residential Customer” (delivery desired at residential addresses only).
“Business Customer” (delivery desired at business addresses only).**

Or act on anything relative thereto.

ARTICLE 25

Submitted by: Amie Lindenboim TMM5, Michael Zoorob, Neil Gordon TMM1, Wendy MacMillan TMM4

To see if the Town will amend the Brookline Zoning By-Law to require all information or notices mailed to businesses and residents of the Town, that are intended to provide notice or information to all businesses and residents, or to certain businesses and residents based on their location, by or on behalf of the Town, or mailed by any individual, corporation, contractor, utility, or other entity in conformance with any rule, regulation, by-law, or other law or procedure enforced or overseen by the Town, be specifically mailed to current tenants and residents of each commercial and residential unit, rather than only the owner of the property, as follows:

(stricken language to be removed; **bolded and underlined language to be added**)

§4.09 – WIRELESS TELECOMMUNICATIONS SERVICES

4. Procedure

All wireless telecommunications antennas mounted on buildings or structures not containing any dwelling units and not exceeding 10 feet above roof height, and related equipment, fixtures and enclosures shall be subject to review and approval by the Planning Board, in accordance with the design review process outlined in §7.03, paragraph 2., which allows for the applicant or any other interested party or Brookline citizen to appeal the Planning Board decision to the Board of Appeals within 30 days. The following additional notification shall be required: publication in a local newspaper at least one week prior to the Planning Board meeting, notice by mail to the applicant, property owner, **tenants and residents of the subject property**, abutters, **tenants and residents of abutters' property**, abutters to abutters within 300 feet of the property, **tenants and residents of abutters to abutters' property within 300 feet of the property**, Town Meeting members, and neighborhood associations of the applicable precincts.

ARTICLE 4 USE REGULATIONS – SECTION 4.10 FLOODPLAIN OVERLAY DISTRICT – subsection 9 Criteria – item (b.), paragraph 1):

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, **or tenants and residents of the abutters' property**. The Board of Appeals may require screening, or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.

(Special Permits and Variances):

§9.08 – NOTICE TO TOWN MEETING MEMBERS AND OTHERS

At least seven days before any public hearing on an application for a variance, a special permit, or an extension of time pursuant to §9.07, the Board of Appeals shall mail or deliver a notice of such hearing, with a description of such application or a copy thereof, to each elected Town Meeting Member for the precinct in which the property is located and to those Town Meeting Members within all immediately adjoining precincts. At least seven days before any Planning Board Meeting, whether preliminary or final, on an actual or future application for a variance, special permit, or extension of time, the Planning Board shall mail or deliver a notice of such meeting to the applicants, **to residents and tenants of the subject property**, to immediate abutters to the subject property, **to tenants and residents of the immediate abutters' property**, and each elected Town Meeting Member for the precinct in which the subject property is located, to Town Meeting members within all immediately adjoining precincts, to all neighborhood associations registered with the Planning and Community Development Department and to all those specified on the Planning Board interoffice and distribution lists which may be amended from time to time. Notice to Town Meeting Members shall be in accordance with the names and addresses in the records of the Town Clerk.

§9.11 – ADMINISTRATIVE SITE PLAN REVIEW REQUIREMENTS FOR EDUCATIONAL USES IN RESIDENCE DISTRICTS

At the time the applicant files an application, the Planning Director shall give written notice of said filing to Town Meeting members in the precinct in which the proposed project is located and to immediate abutters of the property, **and tenants and residents of the immediate abutters' property.** The applicant shall give all reasonable assistance to the Planning Director in his/her review of the site plan, including, but not limited to, attendance of at least one meeting called by the Planning Director.

(insert, after section 9.12, the following section):

SECTION 9.13 TENANT AND RESIDENT NOTIFICATION

A. There shall be no discrimination on the basis of property ownership in the manner or timing of information provided to residents and tenants.

B. Where notice is required to be mailed to abutters, such notice shall be mailed to the owner of the abutting property, to tenants and residents of each unit on the abutting property, and to tenants and residents of the subject property. Providing this notice shall be the ultimate responsibility of the individual or entity legally responsible for notifying abutters.

C. Urgent notices. Where emergency repairs preclude the mailing of notice, or in addition to mailing, neighborhood notices must be posted on the doors of each unit. Where multiple units are accessed via a secured entrance, notices posted securely on the two main entrances to each building AND slipped under the door, where possible, may serve as notice to all interior units,

D. In determining which residents are notified, notice to non-owner tenants or residents should be addressed to either (a) the name of the occupant, followed by "OR CURRENT RESIDENT," or (b) "Current Resident" unless occupant is known with certainty. Where notice is to be mailed to each active U.S. Postal Service ("USPS") delivery address on a city carrier route in conformance with USPS "Government Mailer" standards, the following may be used:

"Postal Customer" (delivery desired at all addresses).

"Residential Customer" (delivery desired at residential addresses only).

"Business Customer" (delivery desired at business addresses only).

Or act on anything relative thereto.

ARTICLE 26

Submitted by: Michael Zoorob, Lara Jarrell, Shira Fischer

Amend the Zoning By-law to eliminate off-street residential parking minimums in the Transit Parking Overlay District.

To see if the Town will amend Article VI, Section 6.02, Paragraph 2 i. of the Town's Zoning By-Law (Off-Street Parking Space Regulations) as follows: (deletions in ~~strike through~~; additions in **bold underline**):

i. Residential uses on any lot for which any portion of the lot is within the Transit Parking Overlay District, notwithstanding the requirements of §3.02 paragraph 4, ~~must provide no fewer off street parking spaces per dwelling unit than 1 for studio units, 1.4 for one-bedroom units, 2 for two bedroom units, 2 for dwelling units of three or more bedrooms~~ **are not subject to the minimum off-street parking space requirements in Section 6.02.**

Or act on anything relative thereto.

ARTICLE 27

Submitted by: Michael Zoorob; Lisa Shatz TMM P11; Jeff Wachter

To see if the Town will amend the Zoning By-Law as follows (proposed new language is underlined and deletions are noted with a strikethrough):

1. By amending the Table of Use Regulations, Section 4.07, Principal Uses, Section 6D. Dwelling, Micro Unit as follows:

Principal Uses	Residence					Business		Ind.	
	S	SC	T	F	M	L	G	O	I
RESIDENCE USES									
6D. Dwelling, Micro Unit *Permitted by Special Permit in the I-(EISD) District in accordance with 5.06.4.j.	No	No <u>Yes</u>	No <u>Yes</u>	No <u>Yes</u>	No <u>Yes</u>	No <u>Yes</u>	No <u>Yes</u>	No	No*

2. By amending Section 6.02, Paragraph 1, TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS by adding another paragraph as Note #3 after Note #2 below the Table as follows (new language is underlined):

3. For Use 6D (Micro Unit Dwellings), there shall be no off-street parking space requirement. For any building that contains seventy five percent (75%) or more Micro Unit Dwellings, no additional parking spaces shall be required for floor areas used for common area, lobby, or amenity space.

Or act on anything thereto.

ARTICLE 28

Submitted by: The Long-Term Policy and Planning Sub-Committee of the Advisory Committee

To see if the Town will amend its Section 2.1.14 and its Article 2.2 and its Article 3.20 of its General By-Laws to establish a fiscal education requirement for all Town Meeting Members, Advisory Committee Members and other elected officials and individuals appointed to any Board or Commission that has or could reasonably be expected to have input into any matter affecting the financial situation of the Town. The proposed added language is underlined below.

SECTION 2.1.14 MANDATORY EDUCATIONAL TRAINING FOR TOWN MEETING MEMBERS

All Town Meeting Members shall, within one hundred and twenty (120) days after the effective date of this by-law for Town Meeting Members incumbent on that date, and within one hundred and twenty (120) days after their initial election for Town Meeting Members elected subsequent to that date, complete the on-line Conflict of Interest Law training provided by the State Ethics Commission. In the alternative, Town Meeting Members may attend an educational training seminar hosted by the Office of Town Counsel. This Article shall not apply to Town Meeting Members who have fulfilled the training requirements set forth in Article 3.20. Town Meeting Members shall not be required to receive such training more than once, unless they are otherwise required to do so as special municipal employees under the provisions of G.L. c. 268A. This by-law provision became effective on May 1, 2016.

Further, all Town Meeting Members shall, within one hundred and twenty (120) days after the effective date of this by-law for Town Meeting Members incumbent on said effective date, and within one hundred and twenty (120) days after their initial election to Town Meeting for Members elected or caucused in subsequent to said effective date, attend a fiscal educational training seminar incorporating financial information about both the Town and the Public Schools of Brookline hosted by Town Staff, members of the Advisory Committee, other knowledgeable parties, or any combination of the aforementioned. This Article shall not apply to Town Meeting Members who have fulfilled the training requirements set forth in Article 3.20. Town Meeting Members shall be required to receive such training at least every three years. This by-law provision will have an effective date of no later than May 1, 2021.

Article 2.2.2 TERMS OF APPOINTMENT

Members shall hold office from July 1st, in the year of their appointment, for three-year staggered terms and until their successors are appointed. All vacancies shall be filled by the Moderator for the unexpired remainder of the term of the appointee's predecessor.

A member of the Committee shall cease to be a member upon the occurrence of any of the following events:

1. Removal of residence from the Town of Brookline.
2. Absence from seven or more duly called and held meetings of the Committee during any year of the

member's term, considering each period from July 1 to the following June 30 as a year for this purpose.

A member of the Committee who is a Town Meeting Member shall cease to be a member of the Committee effective the 30th day of June following the occurrence of any of the following events:

3. Removal of residence from the precinct from which elected a Town Meeting Member.
4. Failure of re-election as a Town Meeting Member.
5. Expiration of term as a Town Meeting Member.

Upon ascertaining that any of events 1-5 has occurred, the Chairman of the Committee shall notify the Secretary of the Committee who shall give written notice to the member in question. A copy of such notice shall be sent promptly to the moderator.

Further, all Advisory Committee Members shall, within one hundred and twenty (120) days after the effective date of this by-law for Advisory Committee Members incumbent on said effective date, and within one hundred and twenty (120) days after their initial appointment to the Advisory Committee subsequent to said effective date, attend a fiscal educational training seminar incorporating financial information about both the Town and the Public Schools of Brookline hosted by either hosted by Town Staff, members of the Advisory Committee, other knowledgeable parties, or any combination of the aforementioned. This Article shall not apply to Advisory Committee members who have fulfilled the training requirements set forth in Article 3.20. Advisory Committee Members shall be required to receive such training at least every three years. This by-law provision will have an effective date of no later than May 1, 2021.

ARTICLE 3.20.2 MANDATORY EDUCATIONAL TRAINING

All Elected and Appointed Officials shall within one hundred and twenty (120) days before or after their election or appointment to a Committee or Subcommittee, attend an educational training seminar hosted by the Office of Town Counsel which shall include the requirements of the Open Meeting Law and Conflict of Interest Law. In the alternative, members may meet with Town Counsel, or a member of his/her staff, to receive such information and training.

Further, all Elected and Appointed Officials appointed to any Board or Commission that has or could reasonably be expected to have input into any matter affecting the financial situation of the Town shall, within one hundred and twenty (120) days after the effective date of this by-law if incumbent on said effective date, and within one hundred and twenty (120) days after their initial election or appointment subsequent to said effective date, attend a fiscal educational training seminar incorporating financial information about both the Town and the Public Schools of Brookline hosted by Town Staff, members of the Advisory Committee, other knowledgeable parties, or any combination of the aforementioned. Elected and Appointed Officials appointed to any Board or Commission

that has or could reasonably be expected to have input into any matter affecting the financial situation of the Town shall be required to receive such training at least every three years. This by-law provision will have an effective date of no later than May 1, 2021.

Or act on anything relative thereto

ARTICLE 29

Submitted by: Mariah Nobrega; David Lescohier; Deborah Brown

To see if the Town will vote to modify Article 2.2 in the Town's General By-laws effective January 1, 2021, as follows:

ARTICLE 2.2 ADVISORY COMMITTEE

SECTION 2.2.1 APPOINTMENT OF MEMBERS

The Moderator shall, in June of each year, appoint members of the Advisory Committee (herein the Committee) established under G.L.c. 39, Section 16, and this Bylaw. Members of the Committee shall serve without compensation. The Committee shall consist of not fewer than twenty nor more than thirty residents of the Town.

All members shall be appointed by the Town Moderator, who shall be advised by a Candidate Review Panel composed of the following or their designees: (a) the chair of the Commission for Diversity, Inclusion and Community Relations, or its successor committee; (b) the chair of the Advisory Committee, or its successor committee; and (c) the chair or a co-chair of the Economic Development Advisory Board, or its successor committee.

The Candidate Review Panel shall review applicants for their ability to bring needed perspectives (including socio-economic, racial/ethnic and other diversity) and expertise (including finance, operations, legal, architecture, real estate development, technology, sustainability, human resources, public health and construction) to the Committee deliberations. Using these criteria, the panel shall recommend individuals, as determined by a favorable vote of a majority of the committee, to the Moderator for consideration for appointment to the Advisory Committee. All applicants must be recommended by the panel to be appointed, subject to the following exception: if the recommended candidates are deemed unsuitable (i.e. fail to understand the essential functions or objectives of the Advisory Committee and/or lack the requisite skills and experiences essential to meeting these responsibilities) by the moderator, the moderator must notify the panel in writing and if the panel does not subsequently recommend additional candidates within sixty days of said notification, then the moderator may appoint individuals who have not been recommended by the panel.

At least sixteen Committee members shall be elected Town Meeting Members at the time of their appointment. At least one elected Town Meeting Member shall be appointed from each precinct, to the extent practicable. No more than eight members shall be appointed who are not elected Town Meeting Members at the time of their appointment. At least one member shall be appointed from each precinct, to the extent practicable but nNo more than ~~three~~ ~~four~~ members of the Committee shall reside in the same precinct. No member

of the Committee shall be an employee of the Town or a member of any standing Board or Committee having charge of the expenditure of money; but, this restriction shall not disqualify from appointment to the Committee, members of special committees, which may be created from time to time by Town Meeting, the Moderator or the Select Board to report on specific matters.

SECTION 2.2.2 TERMS OF APPOINTMENT

Members shall be appointed from July 1st, in their initial year of appointment, for a one-year term. Subsequently, mMembers shall be appointed ~~hold office from July 1st, in the year of their appointment,~~ for three-year staggered terms and until their successors are appointed. All vacancies shall be filled by the Moderator for the unexpired remainder of the term of the appointee's predecessor.

Members may not be appointed to more than four complete successive terms (inclusive of the initial one-year appointment) with the exception of the Chair and Vice Chair, who may be appointed for an additional successive term; there is no limit to the total number of terms served.

A member of the Committee shall cease to be a member upon the occurrence of any of the following events:

1. Removal of residence from the Town of Brookline.
2. Unexcused aAbsence from seven or more duly called and held meetings of the Committee during any year of the member's term, considering each period from July 1 to the following June 30 as a year for this purpose.

A member of the Committee ~~who is a Town Meeting Member~~ shall cease to be a member of the Committee effective the 30th day of June following the occurrence of any of the following events:

- ~~3.—~~Removal of residence from the precinct from which appointed, should their new precinct of residence already have the maximum number of committee members.elected a Town Meeting Member.
- ~~4.—~~Failure of re-election as a Town Meeting Member.
- ~~5.3.—~~Expiration of term as a Town Meeting Member.

Upon ascertaining that any of events 1-~~5~~3 has occurred, the Chair of the Committee shall notify the Secretary of the Committee who shall give written notice to the member in question. A copy of such notice shall be sent promptly to the moderator.

SECTION 2.2.3 COMMITTEE ORGANIZATION

The Committee shall hold its first meeting in each year no later than the fifteenth day of July, to be called by the Moderator, and shall hold such other meetings as it may deem advisable. It shall elect annually at its first meeting a Chair and Vice-Chair from its own members. The Vice-Chair, upon the request of, in the absence of, or in the event of the death, disability or resignation of the Chair, shall act as Chair of the Advisory Committee until a new Chair is elected. In the event of the death, disability,

or resignation of the Chair or Vice-Chair, the committee shall at a meeting within twenty days elect a successor from its own members. The Committee shall appoint annually a Secretary who is not one of its members, who shall hold office until another Secretary is appointed. The duties of the Secretary shall be defined by the Committee. Subcommittees and the chairs thereof shall be appointed by the Chair not later than the thirtieth day of July in each year.

SECTION 2.2.4 SUB-COMMITTEE ASSIGNMENTS

The Chair of the Committee may establish ~~from time to time~~ special committees of the Committee to carry out specific studies. The Chair of the Committee shall appoint committee members and the Chair of any special committee. Periodically ~~during the tenure of a special committee and~~ upon the request of the Chair the special committee shall report back to the Committee its findings to date. The Chair may excuse members of such special committees from the requirement that they attend meetings of the Committee. For purposes of computing a quorum at meetings of the Committee, those members with special committee assignments will be omitted, if the Chair has so excused them and if they are not present. Any member of a special committee, so excused, may nonetheless attend duly scheduled meetings and participate fully in the affairs of the Committee.

SECTION 2.2.5 COMMITTEE PROCEDURE

The Committee shall publish on its Town webpage a description of its general procedures, including information on how the public can access Committee agendas, minutes, reports and other related meeting materials via the website, and how the public can attend hearings and meetings in person and/or virtually.

The agenda for every Committee meeting shall include an opportunity for public comment.

SECTION 2.2.65 GENERAL DUTIES

The Committee shall consider any ~~orand~~ all municipal questions, including appropriation requests and proposed action under all articles in the warrant for a Town Meeting, for the purpose of making reports and/or recommendations to the Town. The Committee shall submit a budget at the Annual Town Meeting. It may examine the books and records of any board, committee or officer of the Town so far as permitted by law. The Superintendent of Schools (in the case of school appropriations) and the Town Administrator (in the case of all other appropriations) shall submit their requests for appropriations to the Committee by February 15th or the next town business day if said date falls on a weekend or holiday; or seven days after the Governor submits the annual budget to the General Court, whichever is later.

The Town Administrator's Financial Plan shall be made available on the Town's Website in accordance with these timelines and an email shall be sent to the Notification List(s) required under Section 3.21.2 that provides notification of the Financial Plan's availability on the website or, upon request, in hard copy at Town Hall.

ARTICLE 30

Submitted by: Neil Gordon, TMM1

To see if the Town will vote to amend Article 2.2 of the General By-laws, by (i) amending SECTION 2.2.5, and adding a new SECTION 2.2.6, and amending SECTION 2.5.2, as follows (**additions in bold underline**, deletions in ~~strikeout~~):

SECTION 2.2.5 GENERAL DUTIES

The Committee shall consider any and all municipal questions, including appropriation requests and proposed action under all articles in the warrant for a Town Meeting, for the purpose of making reports ~~or~~ **and** recommendations to the Town. The Committee shall submit a budget at the Annual Town Meeting. It may examine the books and records of any board, committee or officer of the Town so far as permitted by law. The Superintendent of Schools (in the case of school appropriations) and the Town Administrator (in the case of all other appropriations) shall submit their requests for appropriations to the Committee by February 15th or the next town business day if said date falls on a weekend or holiday; or seven days after the Governor submits the annual budget to the General Court, whichever is later.

SECTION 2.2.6 RECORDED VOTES

- (i) **Whenever the Advisory Committee shall have voted on a recommendation to the Town, and unless such vote is unanimous, the record of such vote shall accompany any report of such recommendation to the Town, in each case showing the date of such vote and those members who voted in favor, opposed, or abstained.**

- (ii) **Whenever the Advisory Committee shall have voted on a transfer of funds, and unless such vote is unanimous, the record of such vote shall be included in the minutes of the Advisory Committee, in each case showing those members who voted in favor, opposed, or abstained.**

Section 2.5.2 Combined Reports (third paragraph)

The Combined Reports shall include, with each recommendation of the Select Board, a roll-call showing the vote of each member; and shall include, with each recommendation of the Advisory Committee, ~~a statement of the number of members voting for and against the recommendation and the date of the vote~~ **such information as is required by Section 2.2.6. RECORDED VOTES.** When a minority report is presented, the Combined Reports shall identify the members supporting the minority report.

Or take any other action relative thereto.

ARTICLE 31

Submitted by: Miriam Aschkenasy, TMM pct 13, Anne Weaver, TMM pct 11, C. Scott Ananian, TMM pct 10

To see if the Town will amend Article 3.1 of the Town bylaws (pertaining to the Select Board) by amending section 3.1.3 (“Litigation and Claims”) as follows (new language appearing in bold/underline, deleted language appearing in italic/strikeout):

SECTION 3.1.3 LITIGATION AND CLAIMS

The Select Board may institute, prosecute, defend, compromise and settle claims, actions, suits or other proceedings brought by, on behalf of, or against the town, provided, however:

A. that they shall act upon advice of counsel when the amount to be paid in any settlement exceeds one thousand dollars (\$1,000), **and**

B. they may not expend Town funds for a purpose which Town Meeting, via condition of appropriation, has expressly barred.

They may employ special counsel in suits by or against the town and whenever they deem it necessary.

or act on anything relative thereto.

ARTICLE 32

Submitted by: C. Scott Ananian, TMM-10; Bonnie Bastien, TMM-5; Ryan Black; Deborah Brown, TMM-1; Arthur W. Conquest III, TMM-6; Anne Greenwald, TMM-8; Bob Lepson, TMM-9; Maya Norton; Naomi Sweitzer, TMM-10

To see if the Town will adopt the following Resolution:

WHEREAS, Black residents make up 3.2% of Brookline’s population but 17.5% of its COVID-19 cases in which race is known;

WHEREAS, Black residents make up 3.2% of Brookline’s population but 15% of its arrests of Brookline residents in 2019 (15/101), 19% of arrests of Brookline residents in 2018 (12/62) and 12% of arrests of Brookline residents in 2017 (9/76);

WHEREAS, in June 2020 Brookline Town Meeting directed the Town to stop funding the Gerald Alston appeal, but the Select Board has continued to expend Town funds to pursue this appeal,

WHEREAS, despite erecting Black Lives Matter banners at Town Hall and our libraries, Brookline failed to pass a significant reallocation of its police budget in support of initiatives to support vulnerable residents including people of color, instead hiring new officers while laying off teachers;

WHEREAS, Brookline’s Police Department budget per resident is higher than its neighbors Arlington, Belmont, Chelsea, Dedham, Lexington, Lynn, Needham, Newton, Revere, Somerville, Waltham, and Winchester;

WHEREAS, Brookline's number of police officers per resident is greater than its neighbors Arlington, Belmont, Cambridge, Dedham, Lexington, Lynn, Melrose, Needham, Newton, Revere, Somerville, Waltham, and Winchester;

WHEREAS, Brookline's affordable housing, maintained by the Brookline Housing Authority, is in demonstrated need of repair and renovation and Brookline's FY21 budget failed to earmark sufficient money for this purpose;

WHEREAS, food insecurity is still a real issue in our Town;

THEREFORE BE IT RESOLVED that the Town will act to redress injustice and commit to an inclusive and progressive budget for FY22 which prioritizes funding for:

1. Affordable housing, including maintenance and improvements to BHA properties;
2. Efforts to reform and reimagine policing;
3. Efforts directed at underrepresented and/or marginalized communities to encourage participation and inclusion in Brookline government;
4. Equitable access to schooling, including internet access in BHA properties; and
5. Efforts to mitigate the effects of COVID-19 on our most vulnerable, including funding to eliminate food insecurity.

Or act on anything relative thereto.

ARTICLE 33

Submitted by: Deborah Brown, Arthur Conquest, III, and David Lescohier

Resolution to Urge the Select Board and the School Committee to Make Recommendations Regarding Expansion of the Town/School Partnership and Prioritize Funding for A Wider Range of Critical Needs

To see if the Town shall adopt the following resolution:

Whereas the Town of Brookline entered a Town/School Partnership called a "Memorandum of Understanding Town/School Budget Partnership, May 16, 1995,"

Whereas the Town/School partnership was intended to provide a formula-based method for carrying out the Town/School Budget Partnership, and

Whereas the Town/School Partnership's membership is comprised of Town Administrator, Superintendent of Schools, and representatives of the Board of Selectmen and School Committee, and Advisory Committee, and

Whereas the Town/School Partnership is intended to provide a collaborative planning framework for the Town to jointly identify and develop planning agendas, and

Whereas the Town/School Partnership is intended to work in the best interests of the entire community."

Whereas the Town/School Partnership meets periodically, most often during the budget development process, and

Whereas there is no evidence that Town/School Partnership encourages meaningful public input, despite having a substantial impact on the Town's budget, and

Whereas there is no evidence that the Town/School Partnership has considered food justice, sustainability, mental health, and the like as part of its planning and distribution of operating and capital funds, and

Whereas there is no evidence that the Town of Brookline leaders, especially during the Town/School Partnership discussions, engage in participatory budgeting and,

Whereas, the Town/School Partnership should allow residents to be informed, discuss, and understand the prioritization of public spending projects, and

Whereas, COVID-19 has fundamentally changed many resident's priorities, yet there is no evidence that institutions including the Town/School Partnership have adapted to this new reality, and

Whereas the Town/School Partnership Memorandum states that "this formula will need to be revisited at intervals in the case of unanticipated state mandates or extraordinary circumstances...", and

Whereas the present Town/School Partnership lacks a mechanism to demonstrate the benefits, goals, and metrics by which the Partnership will be judged, as called for in Brookline Fiscal Advisory Committee (BFAC Recommendation #6.1)¹

Whereas BFAC Recommendation #8 calls for the Town School Partnership to revisit the structure, including the Town-School Partnership revenue allocation formula, to ensure both that it is better understood and that it best meets the needs of Town and Schools budgeting in a dynamic manner, and

Whereas BFAC found that "Town departments and School projects are not on equal footing and there is no process to evaluate their relative prioritized importance. As a result, there is limited transparency as to the rationale used to develop the current CIP", and

Whereas BFAC Recommendation #15.1 found that "any tax should be designed to allow for the broadest range of uses possible. These uses would include a range of projects for which there currently is insufficient capacity in the CIP, such as open space, parks, and

¹ Brookline Fiscal Advisory Committee (BFAC) Findings and Recommendations impacting the School Department.

affordable housing. The Town should avoid taxes that are designed as single- purpose levies”, and

Whereas BFAC Recommendation #15.3 gets to the import of community engagement and planning. “As the Town develops plans, it must provide its taxpayers with the information that allows them to evaluate those plans and their costs on a basis entirely different from the piecemeal approach that is the current norm. Discussion of costs, benefits, trade-offs, and alternatives is a necessary component that should be provided to taxpayers when asking them to make decisions”, and

NOW, THEREFORE, BE IT RESOLVED that Town Meeting urges the Town of Brookline, Select Board, and School Committee to *enhance Town/School Partnership participatory budgeting*, by making recommendations regarding:

1. Increasing the Town/School Partnership Committee membership to include residents from diverse economic backgrounds and advocate for social justice programming, and
2. Increasing community engagement in the Town/School Partnership process, by at a minimum, holding public hearings, and
3. Increasing allocation of the Town’s Free Cash, with a goal of budgeting no less than twenty percent (20%), for food justice, sustainability, mental health, and the like, as part of its planning and distribution of free cash funded operating and capital appropriations, and
4. Consistent with BFAC recommendations, provide an explanation of the goals of these appropriations, the metrics by which it will be judged, and the time frame over which the metrics will be analyzed and to undertake periodic lookbacks to ascertain effectiveness, as there should never be an assumption that a program will continue indefinitely,

AND BE IT FURTHER RESOLVED that Town Meeting calls upon the Select Board and School Committee to report the details of the course of action hereby urged and its recommendations no later than the end of February, 2021, in advance of the opening of the warrant of the May 2012 Annual Town Meeting,

Or act on anything relative thereto.

ARTICLE 34

Submitted by: Jeff Wachter (primary), Lara Jarrell, TMM P7, Shira Fischer, TMM P11, Robert Volk, TMM P4, Deborah Brown, TMM P1, Meggan Levene, TMM P3, David Lescohier, TMM P11; Lisa Shatz; Eric Coles; Jeffrey Benson, TMM P3; Amanda Zimmerman

To see if the Town will adopt the following resolution:

WHEREAS Brookline’s housing unaffordability negatively impacts low-, middle-, and upper-middle income residents, particularly renters;

WHEREAS Brookline’s housing shortage adds to the unaffordable nature of the market;

WHEREAS according to the US Census Bureau, Brookline granted building permits for only 279 housing units from 2010 to 2018;

WHEREAS 47% of renters in Brookline are cost-burdened (spending more than 30% on housing), and 23% of renters pay more than 50% of income on housing;²

WHEREAS there is widespread agreement among economists that a key part of solving the housing shortage is building more housing;

WHEREAS the 2016 Housing Production Plan identified 18 strategies to enhance Brookline's housing supply;

WHEREAS The Brookline Fiscal Advisory Committee recommends changes to zoning to promote economic growth and prosperity;

WHEREAS decreasing car trips by increasing access to walkable, transit-oriented communities via more housing can significantly reduce per capita carbon impact for the Boston region, which is a significant town priority as expressed by Town Meeting during November 2019's Special Town Meeting;

WHEREAS building more housing in Brookline will allow new residents to live closer to job centers and decrease the amount of time spent driving and idling in traffic;

WHEREAS Brookline is a generally transit connected community via the Green Line and multiple major bus routes traversing the majority of town, and more housing near transit allows current car commuters to shift to greener transportation methods;

WHEREAS the current zoning code in Brookline, both in practice and original intent, exacerbates racial and economic segregation in Brookline and the Boston region;

WHEREAS studies have shown that "anti-density zoning increases black residential segregation in U.S. metropolitan areas by reducing the quantity of affordable housing in white jurisdictions"³;

WHEREAS businesses struggle to recruit and retain employees due to high housing costs;

WHEREAS more people living near Brookline business districts will increase local businesses' customer base;

² According to the United States Department of Housing and Urban Development: "Families who pay more than 30 percent of their income for housing are considered cost burdened." "Affordable Housing," HUD.GOV, https://www.hud.gov/program_offices/comm_planning/affordablehousing/

³ Rothwell, Jonathan, and Douglas S Massey. "THE EFFECT OF DENSITY ZONING ON RACIAL SEGREGATION IN U.S. URBAN AREAS." Urban affairs review (Thousand Oaks, Calif.) vol. 44,6 (2009): 779-806. doi:10.1177/1078087409334163

WHEREAS housing instability and un-affordability have negative impacts on health outcomes;⁴

WHEREAS today's market rate housing can naturally become more affordable units tomorrow as long as additional housing is being built over time;

WHEREAS multiple organizations have studied the question of the relationship between multi-bedroom units and school children and have not found evidence that one correlates with the other;

WHEREAS the dramatic rise in housing costs have created financial challenges for seniors and other longtime residents. Addressing affordability will help increase the likelihood of seniors aging in place and downsizing within the community;

WHEREAS creating the zoning and regulatory space for new market rate housing increases the possibility that Brookline's current stock of moderately priced housing may be maintained, preserving the limited naturally occurring affordable housing that does exist in town;

WHEREAS Brookline has signed the Metro Mayors' Coalition Regional Housing Task Force compact that calls for major increases in housing units to support our growing population by 2030 – initially estimated at 185,000 housing units across the region; WHEREAS the 2019 Greater Boston Housing Report Card issued by The Boston Foundation assessed Brookline's housing production as quite low - permitting only 9.6% of the units necessary to contribute our proportional share of regional housing need;

WHEREAS Brookline has a moral and ethical responsibility and the capacity to contribute its fair share toward the vital goal of housing development;

NOW, THEREFORE, BE IT RESOLVED that Town Meeting urges the Select Board, Planning Board, Housing Advisory Board, the Economic Development Board, the Zoning Board of Appeals, Advisory Committee, and any other board or committee that might consider the built environment of Brookline:

1. To prioritize planning to achieve a target of 3,330 new housing units to be built in Brookline by 2030, based on data derived from The Boston Foundation's 2019 Greater Boston Housing Report Card.
2. To develop and propose concrete zoning and regulatory changes necessary to increase the overall supply of housing units in Brookline, with a focus on ensuring a mix of housing at different income levels: subsidized low-income housing,

⁴ University of Wisconsin Population Health Institute. County Health Rankings Key Findings 2019. <https://www.countyhealthrankings.org/reports/2019-county-health-rankings-key-findings-report>

workforce housing developed through various means including developer incentives and Inclusionary Zoning⁵, and market rate housing.

3. To consider strategies to overcome our historic racial and ethnic exclusion practices, and proactively undo the damage from the past 100 years of exclusionary zoning.
4. To require that appointees (and those reappointed) to these boards and commissions affirmatively agree to work toward the current housing targets when applicable and confirm their willingness to keep this target in mind when deliberating and voting in their capacity as a committee or board member.
5. To support Brookline's Zero Emissions goal by developing zoning strategies that maximize Brookline's public transportation usage and minimize the need for car trips.

Or act on anything relative thereto.

ARTICLE 35

Submitted by: Neil Gordon, TMM1

To see of the Town will vote to approve the following resolution:

WHEREAS, the affordability of housing for people of low or moderate means is a major concern in the Town of Brookline, and

WHEREAS, property taxes are a significant component of the cost of Brookline housing, and

WHEREAS, the likelihood of increasing property taxes will add significantly to the property tax burden on Brookline residents, and

WHEREAS the utilization by the Select Board of the Residential Exemption reduces property taxes for owner-occupied lower-valued properties, which provide the most affordable owner-occupied housing to people of low or moderate means, and also encourages owner-occupancy of residential housing in general, and

WHEREAS, the Commonwealth amended the General Laws in 2016 to increase the maximum Residential Exemption from 20 percent of the average assessed value of residential parcels to 35 percent, and

⁵ The Inclusionary Zoning by-law in Brookline currently requires projects with 6 to 15 units to contribute a cash contribution to the Affordable Housing Trust and projects with more than 15 units to allocate 15% of onsite units as affordable.

WHEREAS, of nine urban residential exemption communities, six have since set their exemptions at or above 30%, while Brookline lags behind all nine, at just 21%.

NOW THEREFORE, Town Meeting hereby resolves that the Select Board consider a substantial increase the Residential Exemption from the currently percentage up to the maximum amount allowed by law, when it sets the residential property tax rate for FY 2021 and thereafter,

Or act on anything relative thereto.

ARTICLE 36

Submitted by: C. Scott Ananian, TMM 10

To see if the Town will adopt the following resolution:

WHEREAS Select Board members carry heavy, time-demanding responsibilities, particularly the Select Board Chair; and

WHEREAS though the stipend increased in 2011 to \$4500 for the Chair and \$3500 for other members, those amounts do not represent the true effort involved, essentially demanding an average of 20+ hours per week of time; and

WHEREAS offsetting the cost of serving the Town may allow more experienced professionals to serve, and the recent BFAC report identified areas where added expertise would aid Town decision-making processes; and

WHEREAS many Town residents who might otherwise be interested cannot afford to provide their time to the required level and therefore the current system is exclusionary and eliminates potentially excellent candidates; and

WHEREAS all Brookline inhabitants and employees will benefit from an inclusive Select Board elected from competitive races; now therefore

BE IT RESOLVED that the Town should raise the annual stipends of the Select Board to a total cost of compensation of \$30,000 (members) and \$35,000 (chair) effective for the Fiscal Year beginning July 1, 2021; and

BE IT FURTHER RESOLVED that such stipend should increase annually in a manner consistent with increases in Town Department Head salaries pending an affirmative action by Town Meeting to ratify that increase, as stated in the budget Conditions of Appropriation.

or act on anything relative thereto.

ARTICLE 37

Submitted by: C. Scott Ananian, TMM 10

To see if the Town will adopt the following resolution:

WHEREAS School Committee members carry heavy, time-demanding responsibilities, particularly the School Committee Chair and Vice-Chair; and

WHEREAS there is no stipend given to the Chair, Vice-Chair, or other members, despite the 20+ hours per week of time; and

WHEREAS offsetting the cost of serving the Town may allow more experienced professionals to serve, and the recent BFAC report identified areas where added expertise would aid Town decision-making processes; and

WHEREAS many Town residents who might otherwise be interested cannot afford to provide their time to the required level and therefore the current system is exclusionary and eliminates potentially excellent candidates; and

WHEREAS all Brookline inhabitants and employees will benefit from an inclusive School Committee elected from competitive races; now therefore

BE IT RESOLVED that the Town should budget for annual stipends to voting members of the School Committee at a total cost of compensation of \$15,000 (members) and \$20,000 (chair and vice-chair) effective for the Fiscal Year beginning July 1, 2021; and

BE IT FURTHER RESOLVED that such stipend should increase annually in a manner consistent with increases in Town Department Head salaries pending an affirmative action by Town Meeting to ratify that increase, as stated in the budget Conditions of Appropriation.

or act on anything relative thereto.

ARTICLE 38

Submitted by: Select Board, Lisa Cunningham, Jesse Gray, Steven Heiken, Werner Lohe, Paul Saner, Kathleen Scanlon, Cora Weissbourd

To see if the Town will adopt the following resolution:

A Resolution calling for Swift, Just Building Decarbonization in the Commonwealth.

WHEREAS, The Commonwealth of Massachusetts has a legally binding statewide requirement of an 80% reduction in greenhouse gas emissions from 1990 levels by 2050;

WHEREAS, Brookline has committed to a goal of 80% reduction in greenhouse gas emissions from 1990 levels by 2050, and the Select Board's Climate Action Committee recommends prioritizing planning to achieve zero emissions by 2050;

WHEREAS, in 2018 the UN Intergovernmental Panel on Climate Change forcefully stated that in order to prevent catastrophic global warming we need to reduce carbon emissions to ~45% of 2010 levels by 2030 and reach net zero by approximately 2050;

WHEREAS, addressing climate change requires a just transition from fossil fuels to a decarbonized economy that is sustainable and equitable;

WHEREAS, low-income communities and communities of color in Brookline and worldwide are already disproportionately impacted by climate change, and will continue to bear an excess burden as temperatures increase, oceans rise, and disasters worsen;

WHEREAS, building emissions represent over 50% of greenhouse gas emissions in the Commonwealth and over 70% of the greenhouse gas emissions in the state's urban areas and therefore achieving the Commonwealth's mandatory greenhouse gas emissions targets will require building decarbonization;

WHEREAS, natural gas is a dangerous fossil fuel that generates indoor and outdoor air pollution, leaks explosive methane from aging infrastructure, and puts the health and safety of the Commonwealth's current and future citizens at risk;

WHEREAS, gas stoves produce harmful indoor emissions including nitrogen dioxide (NO₂), carbon monoxide (CO), and formaldehyde (HCHO), each of which can cause various respiratory and other health ailments, and cooking with gas has been linked to asthma and other adverse health effects, with children and low-income households particularly affected;

WHEREAS, all-electric technology and net-zero carbon building capability exists today, is feasible, and is cost-effective;

WHEREAS, the availability of renewable energy is growing and expected to continue to grow;

WHEREAS, under current regulations, towns and cities in Massachusetts are prohibited by law from adopting stringent building codes and regulations that will allow us to eliminate fossil fuels from our buildings and meet our legally binding emissions targets.

NOW BE IT RESOLVED, we call for the Massachusetts State Legislature, Department of Public Utilities, and Board of Building Regulations and Standards to commit to swift, just building decarbonization in the Commonwealth by acting at the state-level and allowing rapid municipal action;

BE IT FURTHER RESOLVED, we call upon the Massachusetts State Legislature to pass a law enabling municipalities to prohibit fossil fuel infrastructure in new construction and phase out fossil fuel infrastructure in existing buildings;

BE IT FURTHER RESOLVED, we call upon the Massachusetts State Legislature to change the Gas Code and G.L. c. 142 §13 in order to allow municipalities to deny gas permits;

BE IT FURTHER RESOLVED, we call upon the Department of Public Utilities to urgently and fully comply with the Massachusetts Office of the Attorney General’s June 2020 petition: “Requesting an Investigation, pursuant to the Department of Public Utilities’ authority under G.L c. 164, §§ 76, 105A into the impact on the continuing business operations of local gas distribution companies as the Commonwealth achieves its target 2050 climate goals” (D.P.U. docket #20-80);

BE IT FURTHER RESOLVED, we call upon the Massachusetts State Legislature to align the mission of the Board of Building Regulations and Standards with achieving the Commonwealth’s decarbonization goals;

BE IT FURTHER RESOLVED, Brookline commits to centering the need for a just transition in our climate efforts and to working with environmental justice, economic justice, and racial justice organizations, and we call upon the Massachusetts State Legislature, Department of Public Utilities, and Board of Building Regulations and Standards to do the same;

BE IT FURTHER RESOLVED, the Massachusetts State Legislature and Department of Public Utilities should ensure elective electrification and new construction codes do not increase rates or costs for low-income residents;

BE IT FURTHER RESOLVED, the Massachusetts State Legislature and Department of Public Utilities must take an active role in guaranteeing that the benefits of electrification can be realized by low-income households and environmental justice communities through funding assistance and deliberate program design;

BE IT FURTHER RESOLVED, a just transition demands the equitable creation and distribution of high-quality jobs as the effort to decarbonize our buildings and restore a safe climate is launched;

BE IT FURTHER RESOLVED, that the Town Clerk shall cause a copy of this resolution to be sent to State Representatives Elugardo, Vitolo, Coppinger, and Moran, to Senator Creem, and to Governor Charles Baker.

Or to take any other action in relation thereto.

ARTICLE 39

Submitted by: Select Board, Lisa Cunningham, Jesse Gray, Steven Heiken, Werner Lohe, Paul Saner, Kathleen Scanlon, Cora Weissbourd

To see if the Town will vote to authorize and empower the Select Board to file a petition with the Massachusetts General Court for special legislation, as set forth below, to: (1) ratify the adoption, at the Fall 2019 Special Town Meeting under Warrant Article 21, an amendment to the Town’s General By-Laws inserting Article 8.39 entitled “Prohibition on New Fossil Fuel Infrastructure in Certain Construction;” (2) authorize the Town to adopt and further amend general or zoning by-laws that regulate natural gas infrastructure; and (3) authorize the Building Commissioner to administer such by-laws, including through the withholding of building permits; provided, however, that the General Court may make

clerical or editorial changes of form only to the special legislation, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve such amendments that are within the scope of the objectives of this petition:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO ADOPT AND ENFORCE LOCAL REGULATIONS RESTRICTING NEW FOSSIL FUEL INFRASTRUCTURE IN CERTAIN CONSTRUCTION

Be it enacted as follows:

SECTION 1. Article 8.39 of the Town of Brookline’s General By-laws, entitled “Prohibition on New Fossil Fuel Infrastructure in Certain Construction,” is hereby ratified as adopted pursuant to Warrant Article 21 of the Town’s Fall 2019 Special Town Meeting, and shall be in full force and effect as of the effective date of this act.

SECTION 2. Notwithstanding chapter 164 of the General Laws, section 13 of chapter 142 of the General Laws, the State Building Code, or any other general or special law or regulation to the contrary, the town of Brookline is hereby authorized to adopt and further amend general or zoning by-laws that restrict new construction or major renovation projects that do not qualify as fossil-fuel-free, as defined in section 4 of this act.

SECTION 3. Notwithstanding section 7 of chapter 40A of the General Laws, or any other general or special law or regulation to the contrary, the Building Commissioner of the town of Brookline, or any designee thereof, shall be authorized to enforce restrictions on new construction and major renovation projects that do not qualify as fossil-fuel-free, as defined in section 4 of this act, including through the withholding of building permits.

SECTION 4. As used in this act, the term “fossil-fuel-free” shall refer to construction or renovation that results in an entire building or an entire condominium unit that does not utilize coal, oil, natural gas or other fossil fuels in support of its operation.

SECTION 5. This act shall take effect upon its passage.

Or to take any other action in relation thereto.

ARTICLE 40

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 Select Board at least FOURTEEN DAYS before the day of said meeting.

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 9th day of September 2020.



SELECT BOARD