

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 on TUESDAY, the THIRTEENTH day of NOVEMBER, 2007 at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

ARTICLE 1

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 previous fiscal 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 2

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

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2008 budget or transfer funds between said accounts;

- B) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

or act on anything relative thereto.

ARTICLE 4

To see if the Town will review the necessity for the 18 year old "Trash Fee" now called a "Refuse Fee".

or act on anything relative thereto.

ARTICLE 5

To see if the Town will amend Article 3.5 of the General By-Laws as follows (deleted language appears underlined and in brackets) **new language appears in bold**:

Section 3.5.3 General Responsibilities

The Committee shall serve as an advisor to the Board of Selectmen **and to Town Meeting** with respect to the town's financial condition, financial management systems and controls, and annual audit. (In addition, the Committee shall report to Town Meeting as the Committee sees fit on matters within the scope of Town Meeting's concerns.)

Specific duties shall include but are not limited to the following:

- (a) Make recommendations to the Board of Selectmen on the selection of, and scope of services for, an independent auditor.
- (b) Review the annual financial statements and reports prepared by the independent auditor and make recommendations with respect thereto.
- (c) Make recommendations for areas on operations where expanded scope audits or reviews of the internal controls may be appropriate.
- (d) Review and make recommendations with respect to the town's financial management practices and controls.
- (e) Report to the Annual Town Meeting on the recommendations the Committee has made during the preceding twelve months. **The first paragraph of the Annual Audit Committee Report shall note the Auditor's "Cash and Short Term Investments" cash amount as noted in the current annual audit.**

or act on anything relative to.

ARTICLE 6

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

SECTION 3.21 Readily Accessible Electronic Meeting Notices, Agendas, and Minutes

1. Purpose and Applicability: This by-law applies to all Brookline committee meetings subject to the Open Meeting Law, now G.L. c. 39, §§23A et seq. (hereinafter, respectively, "meetings" and "OML"), and is intended (a) to take advantage of the internet and its increasing use; (b) to better implement the spirit of the OML; and (c) to the extent reasonably practical, to improve opportunities for broader and more meaningful citizen participation in the business of Town committees.

2. Listserv & Calendar: The Information Technology Department (“ITD”) shall maintain a broadly available listserv or similar email list for Town Meeting Members and other Town residents who request to be included, prominently promoted on the Town website’s Homepage, along with a link to a readily available and current Calendar of upcoming meetings.

3. Meeting Notices and Agendas: Each meeting “notice” required by OML shall not only be “posted” under OML at least forty-eight hours before the meeting, but shall also, to the extent reasonably practical: (a) be posted at least either one week before each meeting, or, if the interval between meetings is only one week, then at least seventy-two hours beforehand; (b) include an agenda in electronic format, which at least in general terms is reasonably descriptive of the in-tended business of the meeting, and which is subject to later revisions as needed but attempting to comply with this by-law; (c) include a name, address, telephone number, and email address for (i) a contact person for further inquiries, for forwarding messages to the committee, and for obtaining background materials in electronic format to the extent readily available, and (ii) either the same contact information or a website link to it for all the committee’s members; and (d) with the assistance and direction of the Town Clerk and ITD, disseminate by email the information specified in (a) and (b) above, in simple text format if easier, to citizens who join the aforementioned listserv. Said agendas shall also be electronically accessible from the aforementioned website’s Calendar.

4. Records: OML records of meetings of all Town governmental bodies shall be: (a) filed in electronic format; (b) reasonably descriptive, at least in general terms, of the business conducted, including the main reasons for actions and votes taken; and (c) electronically accessible from the Town website, either by links to its Calendar or to the committee’s departmental page, no later than promptly after the second meeting following the meeting at issue. When they see fit, the selectmen and ITD shall propose an amendment to this provision clarifying access to “archives.”

5. Enforcement: As to mandates of this by-law that exceed those of state laws, including the OML, all elected officials, boards, and committees shall supervise compliance with this by-law, both for their own meetings and for committees for which they are the ultimate appointing authority. No additional enforcement scope or responsibility is hereby conferred upon the district attorney’s office beyond those of the statewide law, including the OML.

or act on anything relative thereto.

ARTICLE 7

To see if the Town will amend the General By-Laws of the Town of Brookline by deleting Section 8.5.9 of Article 8.5 and replacing it with the following:

SECTION 8.5.9 VANDALISM AND THE DEFACEMENT OF PUBLIC AND PRIVATE PROPERTY

8.5.9.1 Purpose and Intent

Vandalism and the existence of graffiti within the Town are considered a public and private nuisance. The purpose of this by-law is to protect public and private property from acts of vandalism and defacement by prohibiting the application of graffiti on such property and by requiring property owners to remove publicly visible graffiti from their property within a reasonable period of time.

8.5.9.2 Definitions

For the purposes of this by-law, “graffiti” is intended to mean the intentional painting, marking, scratching, etching, coloring, tagging, or other defacement of any public or private property without the prior written consent of the owner of such property.

8.5.9.3 Prohibited Conduct

The application of graffiti to the real or personal property of another is prohibited.

8.5.9.4 Removal of Graffiti

Upon determining that graffiti exists on any private or other non-Town owned property and that such graffiti can be viewed from a public place within the Town, the Chief of Police or his designee may mail or deliver a notice to the owner of the property on which the graffiti exists advising the owner that the graffiti must be removed within fourteen days.

In the case of graffiti on private residential property consisting of thirty dwelling units or less, the property owner shall, within fourteen days of delivery of the notice, either remove the graffiti or submit a written request to the Commissioner of Public Works along with a release, requesting the Town to enter the property and assist in removing the graffiti. Upon receipt of the property owner’s written request and release, the Commissioner of Public Works or his designee shall determine whether the graffiti can be safely removed, and, if so, whether it is appropriate to remove it. If the Town assists in the removal of such graffiti, the Town shall charge the property owner a fee in the amount of the actual cost of removal or one hundred dollars, whichever is less, provided that the property owner shall reimburse the Town for the Town’s actual costs of removing such graffiti from any funds forfeited by the offender to the property owner under any related criminal or non-criminal enforcement action. If the Commissioner of Public Works or his designee determines that the graffiti cannot be safely removed or that it is not appropriate for the Town to remove it, he shall notify the property owner of his determination in writing and the property owner shall remove the graffiti within fourteen days of delivery of such notice.

In the case of graffiti on commercial property or private residential property consisting of more than thirty dwelling units, the property owner shall, within fourteen days of delivery of the notice, remove the graffiti at his own expense.

Notwithstanding any other provisions contained herein, if such graffiti is within an Historic District established under Section 5.6 of the Town’s By-laws, then any guidelines or Rules or Regulations adopted by the Preservation Commission pertaining to the removal of graffiti shall apply if and to the extent not inconsistent with this by-law.

8.5.9.5 Enforcement

Failure to remove the graffiti or make a written request to the Commissioner of Public Works in accordance with the requirements of Section 8.5.9.4 within fourteen days of delivery of the notice may be deemed a violation of this section and shall be dealt with as a non-criminal offense in accordance with the provisions of G.L. c. 40, s. 21D and Article 10.3 of these By-laws.

Owners who repeatedly violate the provisions of Section 8.5.9.4 may be prosecuted under the provisions of Article 10.1 of these By-laws.

Any fee charged by the Town for the cost of graffiti removal under section 8.5.9.4 remaining unpaid after sixty days of notice of such charge shall be subject to the provisions of G.L. c. 40, s. 58.

or act on anything relative thereto.

ARTICLE 8

To see if the Town will amend the General By-Laws by adding an Article 8.28 as follows:

Article 8.28 **MANDATORY BICYCLE REGISTRATION**

All town residents who own bicycles shall be required to register their bicycle(s) with the Town by filling out a registration form provided by the Brookline Police Department Traffic Division. The registration form shall include, among other things, information such as make, color, size, model and serial number(s) of the bicycle(s). The Brookline Police Department Traffic Division shall provide a decal or similar small plate that shall be attached to the bicycle. The owner shall be required to renew the registration annually. The fee for registration shall be set by the Board of Selectmen and made payable to the Town.

or act on anything relative thereto.

ARTICLE 9

To see if the Town will amend the General By-Laws by adding an Article 8.29 as follows:

Article 8. 29 **FOUNDATION PERMITS**

Section 8.29.1 Issuance of a Foundation Permit

Construction of a foundation for any building or structure may commence only upon issuance of a foundation permit by the Building Commissioner or Chief Building Inspector. Additional permits for such project may only be issued as provided below.

Section 8.29.2 Process to Obtain a Foundation Permit

To obtain a foundation permit, plans must be submitted to the Building Department that are labeled “foundation/footing only permit”. Upon approval of such plans by the Building Department, a separate permit will be issued for the foundation and the fees for the permit will be based upon the contract price for the foundation work. The valuation costs for the foundation work will be subtracted from the entire project’s valuation costs when determining the permit fees for the balance of the project’s permits. If the lot is on septic, the permit for the septic tank will be included. Three sets of plans signed by a Professional Engineer shall be submitted, which must include foundation calculations, grading, location of setbacks, flood plain elevation, and septic system location, if required.

Section 8.29.3 Submission by Registered Land Surveyor

Upon the foundation being completed, the applicant shall retain a registered Land Surveyor (RLS) to survey the newly constructed foundation and submit “as built drawings” (stamped by the RLS), which show the location and the size of the foundation as constructed. Such drawings shall then be reviewed by the Building Department, which shall sign off if it determines that such “as built drawings” are substantially the same as the original approved plans with respect to the location and size of the foundation.

Section 8.29.4 Additional Permits; Further Action

No additional permits for the project shall be issued unless and until (1) the aforesaid submission by the RLS, and (2) a sign off by the Building Department that the “as built drawings” that are submitted are substantially the same as the original approved plans with respect to the location and size of the foundation. In the event that the Building Department determines that the “as built drawings” are not substantially the same as the original approved plans, the Building Commissioner may also, in addition to not issuing any additional permits, take such further action as the Commissioner deems appropriate under the circumstances.

or act on anything relative thereto.

ARTICLE 10

To see if the Town will amend the Town by-laws by adding a new Article 9.2 as follows:

ARTICLE 9.2 COOLIDGE CORNER DISTRICT COUNCIL

SECTION 9.2.1 ESTABLISHMENT

There shall be a Coolidge Corner District Council (CCDC) and a Coolidge Corner District (District). The geographical area of the District shall consist of the parcels outlined in the map entitled “Coolidge Corner Design Overlay District” as set forth in the proposed Zoning Bylaw Warrant Article XI for Town Meeting of November, 2007 or as outlined in the “Coolidge Corner Design Overlay District” map as approved by Town Meeting in November, 2007.

SECTION 9.2.2 APPOINTMENT OF MEMBERS

Town Meeting members of each precinct any portion of which is located within the District shall caucus and, by majority vote of a quorum of all Town Meeting members of the precinct, elect annually one Town Meeting member from that precinct to serve on CCDC. Also, the Board of Selectmen shall appoint annually to CCDC: one representative of the Board of Selectmen who may but need not be a Selectman; one representative nominated by the Brookline Neighborhood Alliance if it so chooses; two representatives and one alternate nominated by the Coolidge Corner Merchants Association if it so chooses; one representative nominated by each neighborhood association if it so chooses that is a member of the Brookline Neighborhood Alliance and whose purview concerns all or part of the District; and, nominated representatives of such other Town boards and commissions, community advocacy groups and any other interest groups as Town Meeting may specify in this section. CCDC members shall comply with the Conflict of Interest Law under M.G.L. c. 268A.

SECTION 9.2.3 PROCEDURE

CCDC shall follow Robert's Rules of Order, elect chair(s) and a secretary annually and shall keep minutes of each meeting. The meetings and minutes of CCDC shall be subject to the Open Meeting Law under M.G.L. c. 39. Town staff, boards and commissions shall assist CCDC relative to specific issues as needed.

SECTION 9.2.4 GENERAL DUTIES

CCDC shall meet at least quarterly to identify and review matters of community planning and development relating to the District. CCDC shall have the following authority: 1) to provide a venue for the exchange of views by different interest groups within the District community and a forum for consensus-building with respect to common concerns; 2) to educate CCDC members, the public and Town officials about District issues; 3) to monitor and report as needed to the Department of Planning and Community Development, Planning Board, Zoning Board of Appeals, Board of Selectmen, Zoning Bylaw Committee and Town Meeting whether existing or proposed development within the District and existing or proposed Town policies that affect the District conform to the Coolidge Corner District Plan; 4) to propose from time to time to the Department of Planning and Community Development and the Planning Board amendments to the Coolidge Corner District Plan; and, 5) to make any other recommendations as deemed appropriate to relevant Town boards, departments and commissions to address District issues.

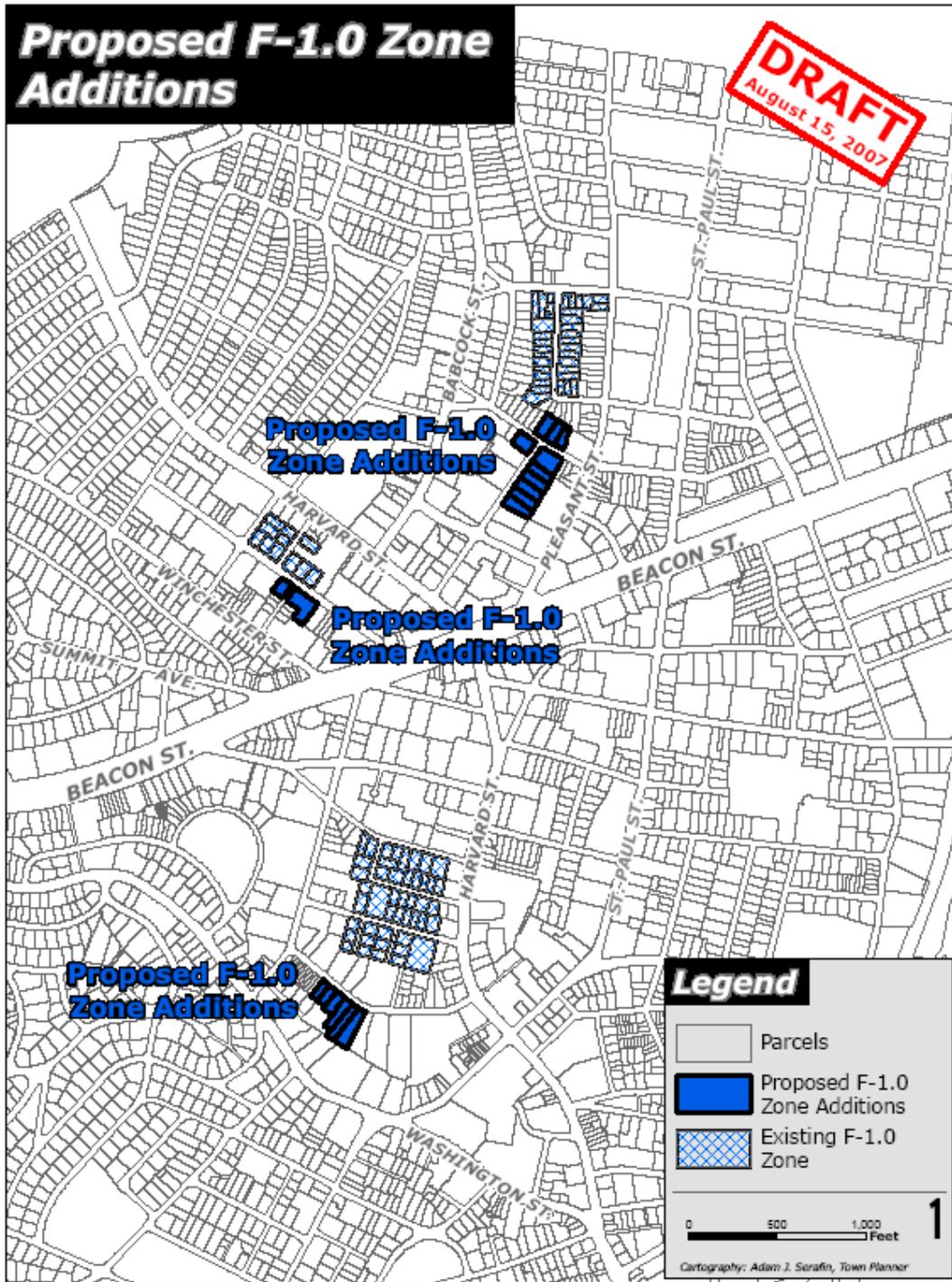
SECTION 9.2.5 VACANCIES

Whenever a vacancy occurs in CCDC, the designated elective or nominating and appointing authorities as set forth in Section 9.2.2 may choose a replacement for the unexpired term.

or act on anything relative thereto.

ARTICLE 11

To see if the Town will amend the Zoning Map by changing the zoning of the parcels on the attached map to F-1.0 as indicated.



Proposed F-1.0 Zone Additions

Address*	Existing Zoning
62 CENTRE ST.	M-2.0

15 DWIGHT ST.	M-1.0
21 DWIGHT ST.	M-1.0
25 DWIGHT ST.	M-1.0
55 GREEN ST.	M-1.0
59 GREEN ST.	M-1.0
63-65 GREEN ST.	M-1.0
67-69 GREEN ST.	M-1.0
71-73 GREEN ST.	M-1.0
81 GREEN ST.	M-1.0
82 GREEN ST.	M-1.0
54 HARVARD AVE.	M-1.0
56 HARVARD AVE.	M-1.0
60 HARVARD AVE.	M-1.0
66-68 HARVARD AVE.	M-1.0
70 HARVARD AVE.	M-1.0
74 HARVARD AVE.	M-1.0
6 WELLMAN ST./50 CENTRE ST.	M-1.0

**Parcel Address as listed in Brookline Assessor's Data.*

or act on anything relative thereto.

ARTICLE 12

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

1. By adopting the attached map change creating a Coolidge Corner Design Overlay District.
2. By amending Section 3.00 by adding a new item at the end:
 4. In any Overlay Districts created in Section 3.01, below, both the requirements of the base zoning district and those of the overlay district shall apply.
3. By amending Section 3.01 by adding a new item at the end:
 4. *Overlay Districts*
 - a. Coolidge Corner Design Overlay District
4. By amending Section 5.09 (Design Review) as follows:
 - a) Adding a new Section 5.09.2.m. reading:

“m. Any demolition as defined in Section 5.3 of the Town Bylaws in the Coolidge Corner Design Overlay District except those located in Local Historic Districts.”

b) Amending Section 5.09.2.d. to read: “d. multiple dwellings with ~~10~~ **four** or more units on the premises, whether contained in one or more structures”

c) Amending Section 5.09.4.b. as follows:

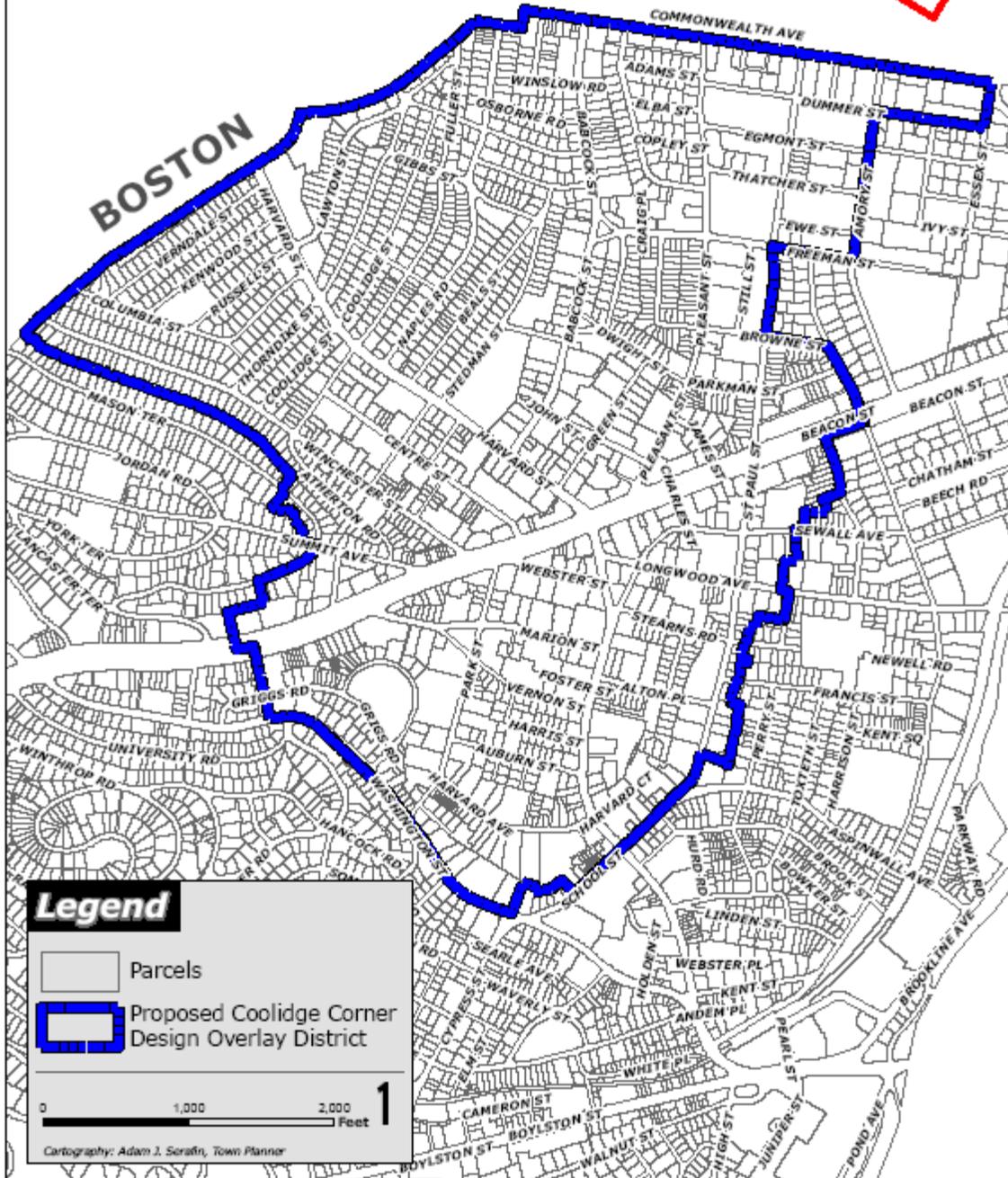
“b. Relation of Buildings to Environment—Proposed development shall be related harmoniously to the terrain, trees, landscape, and natural features ~~and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.~~ The Board of Appeals may require a modification in massing so as to reduce the effect of shadows on abutting property or on public open space and public streets. ~~The street level of a commercial building should be designed for occupancy and not for parking. Unenclosed street level parking along the frontage of any major street as listed in paragraph, 2., subparagraph a. of this section is strongly discouraged. Otherwise, street level parking should be enclosed or screened from view.~~”

d) Inserting a new Section 5.09.4.c. as follows and renumbering the existing Sections 5.09.4.c through o accordingly as 5.09.4.d through p:

“c. Relation of Buildings to the Form of the Streetscape and Neighborhood – Proposed development shall be consistent with the use, scale, yard setbacks and architecture of existing buildings and the overall streetscape of the surrounding area. The Board of Appeals may require a modification in massing or design so as to make the proposed building more consistent with the form of the existing streetscape, and may rely upon data gathered that documents the character of the existing streetscape in making such a determination. Examples of changes that may be required include addition of bays or roof types consistent with those nearby; alteration of the height of the building to more closely match existing buildings that conform to the zoning by-law, or changes to the fenestration. The street level of a commercial building should be designed for occupancy and not for parking. Unenclosed street level parking along the frontage of any major street as listed in paragraph, 2., subparagraph a. of this section is strongly discouraged. Otherwise, street level parking should be enclosed or screened from view.”

Proposed Coolidge Corner Design Overlay District

DRAFT
August 3, 2007



or act on anything relative thereto.

ARTICLE 13

To see if the Town will amend the Zoning By-law to make the following changes to the T-5 and T-6 zones:

1. Replace the existing Principal Use 5 in Section 4.07 as follows:

Principal Uses	S	SC	T	F	M	L	G	O	I
5. Attached dwelling occupied by not more than one family in each unit between side walls, provided that in T Districts no row of such units shall consist of more than six <u>two</u> such units. *Except as permitted by Use 1A above and §5.11 .	No*	No	SP <u>Yes</u>	SP	SP	SP	No	SP	No

2. Amend the Dimensional Table as follows:

1. Delete the sentence “In T districts, see also §5.48.” from Section 5.01 Footnote 2.
2. Delete section 5.48 (“Attached One-Family Dwellings in T Districts.”)

or act on anything relative thereto.

ARTICLE 14

To see if the Town will amend the Zoning By-law by replacing the existing Section 5.21 with the following language:

“§5.21 - EXCEPTIONS TO MAXIMUM FLOOR AREA RATIO REGULATIONS (PUBLIC BENEFIT INCENTIVES)

The following public benefits have been determined to be of sufficient importance to the Town to provide eligibility for additional Floor Area Ratio. The Board of Appeals shall find that the size of any bonus granted is commensurate with the public benefit offered.

1. The Board of Appeals may grant by special permit a maximum gross floor area higher than is permitted in Table 5.01, subject to the procedures, limitations, and conditions specified in this Section, and provided that public benefits including but not limited to the following are provided by the developer of the lot as required by the Board of Appeals: affordable housing, in excess of that required by the Zoning By-Law; landscaped and/or usable open space within public view, in excess of that required by the Zoning By-Law; support, financial or otherwise, for community facilities and services, including maintenance, enhancement, and acquisition of Town parks or open space; environmentally friendly sustainable building and site planning practices, significant provision of public parking and/or parking for car sharing rental services; subsidized MBTA passes for employees; provision of daycare space, either on or off-site; and preservation of historic structures.
2. Public Benefit Incentives may be granted under this Section only for a lot (or part of a lot) which meets the following basic requirements:

- a. The lot (or part of a lot) is located in a district with a floor area ratio of 1.5 or greater.
 - b. The lot (or part of a lot) is not less than 20,000 square feet.
 - c. No lot (or part of a lot) within a buffer area, as defined in §5.31, paragraph 3., shall be eligible for any provision or counted toward any requirement of this Section for gross floor area in excess of that permitted in **Table 5.01**, nor shall such bonus floor area be located thereon.
 - d. No driveway from the lot shall enter a street opposite from an S, SC, or T district.
3. To aid the Board of Appeals in making the findings required in §9.05 and the Planning Board in preparing the advisory report provided for in §9.04, the applicant shall submit the materials required by §5.09, paragraph 3. in addition to the usual drawings at the time of application.
 4. The additional gross floor area granted in accordance with this Section, as calculated by the following percentage, shall not exceed the maximum floor area ratio specified in the Public Benefit Incentives column of **Table 5.01**:

Table 5.02 – Table of Maximum Gross Floor Area Increase

Each Condition	M-2.5 Districts	M-1.5, M-2.0, G-1.75(CC), G-2.0 GMR-2.0 & O-2.0(CH) Districts
Affordable Housing	30%	20%
Landscaped and/or Usable Open Space	20%	15%
Community Facilities and Services Support	20%	15%
Preservation of Historic Structures	20%	15%

5. The Board of Appeals may grant additional gross floor area where any of the following conditions obtain, subject to the limitations in paragraph 4. above. The additional gross floor area shall be calculated separately for each condition based upon the gross floor area permitted in **Table 5.01**.
 - a. **Affordable Housing**
Where on site affordable units, as defined in Section 4.08 of the zoning by-law, are provided in excess of the requirement in the zoning by-law, such gross floor area attributable to such affordable units may be allowed to exceed the maximum gross floor area in **Table 5.01**, **up to the percentage listed in Table 5.02 above, per the limitations in paragraph 4 above.**
 - b. **Landscaped or Usable Open Space**
Where public landscaped open space or usable open space within public view is provided in excess of the minimum specified in **Table 5.01**, additional gross floor area may be allowed at the rate of two square feet of gross floor area for each one

square foot of either kind of open space in excess of the minimum requirements, **up to the percentage listed in Table 5.02 above, per the limitations in paragraph 4 above.**

c. Community Services and Facilities Support

Where support, financial or otherwise, for Community Services and/or Facilities is provided, such as maintenance or enhancement of Town parks or open space, provision of public parking and/or parking for car rental sharing services; subsidized MBTA passes for employees; provision of daycare space, either on or offsite, the allowed gross floor area in **Table 5.01 may be exceeded by up to the percentage listed in Table 5.02 , per the limitations in paragraph 4 above.**

d. Preservation of Historic Structures

Where preservation of historic structures, not otherwise required by the zoning by-law, is undertaken the gross floor area in **Table 5.01 may be exceeded by up to the percentage listed in Table 5.02, per the limitations in paragraph 4 above.**”

or act on anything relative thereto.

ARTICLE 15

To see if the Town will authorize and empower the Board of Selectmen to accept title to a parcel of land adjacent to Davis Path containing 502 s.f. more or less described below and shown and denoted as "Parcel Proposed To Be Conveyed To The Town" on Exhibit "A" hereto, such parcel to be subject to the provisions of Article XCVII of the Massachusetts Constitution pertaining to park land and to authorize and empower the Board of Selectmen, in exchange therefor, to convey to the owner of the land adjacent thereto a parcel owned by the Town containing 502 s.f. more or less located at the end of a private way known as Kerrigan Place, which parcel is shown and denoted as "Parcel To Be Conveyed by the Town" on Exhibit "A" hereto for the sum of Twenty Thousand Dollars (\$20,000.00) plus the Parcel To Be Conveyed To The Town, and on such additional terms and conditions determined by The Board of Selectmen to be in the best interests of the Town.

The parcel to be conveyed by the Town being bounded and described as follows:

Beginning at a point on the easterly sideline of Kerrigan Place, said point being N 13°52'40" W 106.50' of a stone bound on the northerly sideline of Boylston Street, said point being the most southwesterly comer of the parcel; thence running

N 13°52'40" W	30.89' by the easterly sideline of Kerrigan Place to a point; thence turning and running
N 86°40'50" E	17.29' to a point; thence turning and running
S 13°52'40" E	27.72' to a point; thence turning and running
S 76°07'20" W	17.00' to the POINT OF BEGINNING.

Containing 502 square feet more or less.

The parcel to be conveyed to the Town being bounded and described as follows:

ARTICLE 16

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

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO LEASE TOWN-OWNED PROPERTY FOR AN ADDITIONAL THIRTY YEARS

Be it enacted, etc., as follows:

Section 1. Notwithstanding any general or special law to the contrary, the town of Brookline is hereby authorized to lease the town-owned property located at 86 Monmouth Street and shown as Parcel 28 in Block 112 on Sheet 24 of the Town's 2005 Assessors Atlas, to the Brookline Arts Center, Inc., for another period not exceeding thirty years. Said time period is in addition to the thirty year period previously granted pursuant to Chapter 79 of the Acts of 1977. Any such lease shall be upon such terms and conditions as the Board of Selectmen shall determine to be in the best interest of the town.

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

or act on anything relative thereto.

ARTICLE 17

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

AN ACT PROVIDING FOR A ZONING ENFORCEMENT OFFICER IN THE TOWN OF BROOKLINE

Be it Enacted, etc. as follows:

Section 1. Notwithstanding any provision of any general or special law to the contrary, the town of Brookline is hereby authorized to appoint, by its board of selectmen, a zoning enforcement officer who shall be the officer charged with enforcement of zoning bylaws for the purpose of application of the provisions of Chapter forty A of the General Laws.

Section 2. The position of zoning enforcement officer shall be exempt from the provisions of chapter thirty-one of the General Laws.

Section 3. The town of Brookline is hereby authorized to enact general and zoning bylaws consistent with the terms of this act to provide for the employment and duties of the zoning enforcement officer.

Section 4. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 18

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

AN ACT AUTHORIZING THE TRANSPORTATION BOARD OF THE TOWN OF BROOKLINE TO REGULATE VALET PARKING SERVICES IN THE TOWN OF BROOKLINE

Be it enacted, etc. as follows:

Section 1. Section 4 of chapter 317 of the acts of 1974, as amended, is hereby further amended by inserting the following paragraph between the second and third paragraphs thereof:

Also, notwithstanding the provisions of any general or special law to the contrary, the board shall have exclusive authority to adopt, alter or repeal rules and regulations relative to the operation, licensing or permitting of any valet parking service that utilizes any part of a town-controlled public way, public off-street parking area, or public property for the movement, transport, parking, standing, storage, pick-up, drop-off, or delivery of a motor vehicle, if it determines, by a vote of at least four members, that such actions serve the public safety, welfare, environment or convenience. For the purposes of this section, a valet parking service is defined as a parking service offered, with or without a fee, to an operator or owner of a motor vehicle who is a patron, customer, visitor, employee, guest, invitee or licensee of any restaurant, store, hotel, club, business, institution, or commercial establishment wherein the operator or owner delivers possession or control of the motor vehicle to an attendant commonly known as a valet who then transports, parks, stores, retrieves and/or delivers the motor vehicle.

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

or act on anything relative thereto.

ARTICLE 19

To see if the Town will approve a change in the name of the municipal golf course from The Brookline Golf Club at Putterham to the “Robert T. Lynch Municipal Golf Course at Putterham Meadows”, or act on anything relative thereto.

ARTICLE 20

To see if the Town will encourage the Board of Selectmen and the Advisory Committee to include in the Fiscal Year 2009 budget that is proposed to Town Meeting an appropriation to purchase equipment to make possible electronic voting at Town Meeting.

Whereas Brookline residents should readily be able to find out how Town Meeting members vote on motions considered by Town Meeting,

Whereas roll call votes at Town Meeting are rare because of the time required in conducting a roll call vote,

Whereas electronic voting technology is now available that makes it possible for Town Meeting members to use hand-held devices to record their votes and for the Moderator to display accurate vote totals instantly,

Whereas the cost of electronic voting technology is affordable,

Whereas Brookline has the capacity to administer an electronic voting system at Town Meeting,

Whereas an electronic voting system can be administered more efficiently if the projection system in the high school auditorium is upgraded,

Whereas Brookline has the capacity to display the votes cast electronically by Town Meeting members on its Web site,

Resolved: The Board of Selectmen and Advisory Committee are encouraged to include in the fiscal year 2009 budget presented to Town Meeting an appropriation to fund the purchasing of a system to permit electronic voting at Town Meeting and to permit an upgrade to projection equipment in the high school auditorium to facilitate projection of the results of electronic votes.

Resolved: The Board of Selectmen and Advisory Committee are encouraged to include in the fiscal year 2009 budget presented to Town Meeting an appropriation to fund the purchasing of a system to permit electronic voting at Town Meeting and to permit an upgrade to projection equipment in the high school auditorium to facilitate projection of the results of electronic votes.

ARTICLE 21

To see if the Town will adopt the following Resolution:

A Resolution in Support of the Taking of Certain Land Adjacent to the Hoar Sanctuary in Order to Preserve the Town's Natural Resources and Open Space

WHEREAS, the Hoar Sanctuary is one of the last remaining tracts of undeveloped land in Brookline, is home to a significant number of species of wildlife and vegetation and contains valuable wetlands;

WHEREAS, the Hoar Sanctuary is an invaluable natural resource and educational treasure utilized by students at the adjacent Baker School and wildlife enthusiasts including birdwatchers, there being a significant number of avian species in the sanctuary;

WHEREAS, Town Meeting last year amended the town's Wetlands Protection By-law by expanding "Buffer Zones" around wetlands from 100 feet to 150 feet with the intention of preserving a buffer between development and wetlands to protect wetlands such as those in the Hoar Sanctuary from encroaching development;

WHEREAS, the end of Princeton Road nearest the Sanctuary is only partially paved with the portion closest to the Sanctuary consisting of an unpaved “paper road;”

WHEREAS, two undeveloped parcels, one on either side of the “paper road” portion of Princeton Road, abut the Sanctuary and its wetlands, are within the Buffer Zone which protects the Sanctuary and its wetlands and are owned by residents who live in homes adjacent to these parcels;

WHEREAS, one of these residents has applied for permits to develop one of these parcels, the majority of which lies within the Buffer Zone now protecting the Sanctuary and proposes developing the parcel into a large private residence which will entail the cutting down of majestic trees, the blasting of ledge and the paving of Buffer Zone forest causing untold permanent harm to the Sanctuary and the wildlife which takes refuge there;

Therefore, Be It Resolved that Town Meeting requests the Board of Selectmen to appoint a committee for the purpose of exploring the taking by eminent domain of the two parcels of private property abutting the Hoar Sanctuary at the end of Princeton Road for the purpose of maintaining these parcels as public open space and preserving the Buffer Zone and the Hoar Sanctuary which it protects and reporting back to the Board of Selectmen within one hundred twenty (120) days with a report and recommendation on how best to effectuate a taking of these parcels by eminent domain, which report and recommendation is to be made available to the public.

ARTICLE 22

To see if the Town will adopt the following Resolution:

A Resolution by the Town of Brookline To Support Tax Exemptions and Incentives Legislation for Certain Property Owners Using Wind and Solar Power

Whereas, tax exemptions are a well used and successful means to encourage individual actions that will benefit the entire community, state, and society as a whole;

Whereas, it is necessary under the Massachusetts Constitution and Massachusetts General Laws for the state to permit a community to adopt a local option to accept tax exemptions for certain homeowners;

Whereas, the purpose of this credit or exemption would be to benefit society because of the resulting reduction in reliance on carbon fuels such as coal, oil and gas which harm our climate and our environment;

Therefore, be it resolved, that the Town of Brookline is committed to supporting the use of alternative energy sources and encourages the Board of Selectmen to promote such policies locally and to contact Brookline's State Representatives to encourage state-wide legislation giving Brookline and other municipalities a local option to provide certain real estate tax exemptions and/or credits for property owners installing solar or wind-powered devices.

ARTICLE 23

To see if the Town will adopt the following resolution:

A Resolution Supporting Statewide Legislation to Encourage the Purchase of Fuel-Efficient Vehicles

RESOLVED: That the Town of Brookline supports Statewide legislation to encourage the purchase of fuel-efficient vehicles and/or discourage the purchase of fuel-inefficient vehicles, such as, but not limited to, Massachusetts bills H. 3027, H. 3067, S. 1772, S. 2080, S. 2082, California Assembly Bill No. 493, and/or New York State Assembly Bill No. A09003. Such legislation may make use of a sales tax, automobile excise tax, state gas tax, point-of-sale fee, rebate or other incentives or disincentives.

or act on anything relative thereto.

ARTICLE 24

Reports of Town Officers and Committees

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

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

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this eleventh day of September, 2007.

BOARD OF SELECTMEN

[Town Seal]