

WARRANT

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BROOKLINE  
ANNUAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet at the High School Auditorium in said Brookline on TUESDAY, the TWENTY-SEVENTH day of MAY, 2008 at 7:00 o'clock in the evening for the Annual Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

**ARTICLE 1**

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

**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 authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2009 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

**ARTICLE 4**

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 5**

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

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

**ARTICLE 6**

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2009 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

**ARTICLE 7**

To see if the Town will raise and appropriate or appropriate from available funds additional funds to the various accounts in the fiscal year 2008 budget or transfer funds between said accounts, or act on anything relative thereto.

**ARTICLE 8**

To see if the Town will:

A.) Fiscal Year 2009 Budget

Appropriate the sums, or any other sum or sums, requested or proposed by the Selectmen or by any other officer, board or committee, for the fiscal year 2009 budget, including without limiting the foregoing, all town expenses and purposes, debt and interest, out of state travel, operating expenses, and fix the salaries of all elected officers as provided for in General Laws, Chapter 41, Section 108; authorize the leasing, leasing with the option to purchase, or installment purchase of equipment; stabilization fund as provided for in General Laws Chapter 40, Section 5B; authorize the continuation of all revolving funds in accordance with G.L. Chapter 44, Section 53E½, and all Enterprise Funds in accordance with G.L. Chapter 44, Section 53F½, and as otherwise authorized; and provide for a reserve fund.

B.) Fiscal Year 2009 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$75,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for the study and design of repairs to the Town Hall / Main Library garage and driveway.
- 2.) Appropriate \$40,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for a feasibility study to assess space needs and facility renovations for the Building Department's Maintenance Craftsmen and the Parks and Open Space Division.

- 3.) Appropriate \$30,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the Preservation Commission, to address the needs of the three buildings near the intersection of Route 9 and Warren Street at the Brookline Reservoir.
- 4.) Appropriate \$275,000, or any other sum, to be expended under the direction of the Chief Information Officer, with the approval of the Board of Selectmen, for the enhancement of town-wide hardware and software.
- 5.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commission and the Fire Chief, with the approval of the Board of Selectmen, for a fire station study.
- 6.) Appropriate \$35,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of fire station equipment and furnishings.
- 7.) Appropriate \$90,000, or any other sum, to be expended under the direction of the Police Chief, with the approval of the Board of Selectmen, for the purchase of bullet proof vests.
- 8.) Appropriate \$405,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the Board of Library Trustees, for renovations to the Putterham Library.
- 9.) Appropriate \$465,000, or any other sum, to be expended under the direction of the Board of Library Trustees, with the approval of the Board of Selectmen, for the purchase of a Radio Frequency Identification (RFID) system.
- 10.) Appropriate \$110,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the Board of Library Trustees, for repairs, alterations, and renovations to the Main Library front entrance.
- 11.) Appropriate \$1,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the rehabilitation of streets.
- 12.) Appropriate \$75,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for traffic calming studies and improvements; provided that the Department of Public Works and Transportation Board provide status reports to the Board of Selectmen on a semi-annual basis.

- 13.) Appropriate \$200,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the rehabilitation of sidewalks.
- 14.) Appropriate a sum of money, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the purchase of sidewalk snow clearing equipment.
- 15.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for streetlight replacement and repairs.
- 16.) Appropriate \$2,975,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for assessment and corrective action associated with the Newton Street Landfill.
- 17.) Appropriate \$400,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Park and Recreation Commission, for improvements to Winthrop Square / Minot Rose Garden.
- 18.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the renovation of playground equipment, fields, and fencing.
- 19.) Appropriate \$120,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the rehabilitation of Town and School grounds.
- 20.) Appropriate \$110,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.
- 21.) Appropriate \$25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen and the School Committee, for school furniture upgrades.
- 22.) Appropriate \$90,746, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for energy conservation projects in Town and School buildings.

- 23.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for removal of asbestos from Town and School buildings.
- 24.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for ADA renovations to Town and School buildings.
- 25.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for improvements to life safety systems in Town and School facilities and for the purpose of improving building security in Town and School facilities.
- 26.) Appropriate \$150,000, or any other sum, to be expended under the direction of the School Committee, with the approval of the Board of Selectmen, for renovations to and equipment for the High School language lab.
- 27.) Appropriate \$3,300,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and School Committee, for remodeling, renovating, reconstruction or making extraordinary repairs to the High School.
- 28.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Cemetery Trustees, for upgrades to the Old Burial Grounds.

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes noted in this Article 8, or act on anything relative thereto.

**ARTICLE 9**

To see if the Town will amend the Fiscal Year 2009 budget of the Fire Department to adequately fund five engine companies and two ladder companies for the entire fiscal year 2009 without restriction, or act on anything relative thereto.

**ARTICLE 10**

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

AN ACT AMENDING CHAPTER 472 OF THE ACTS OF 1998 TO ALLOW THE TOWN OF BROOKLINE TO CREATE AN INDEPENDENT AUTONOMOUS SEVEN-MEMBER BOARD TO SUPERVISE, MANAGE AND INVEST THE RETIREE HEALTHCARE LIABILITY TRUST FUND IN ORDER TO COMPLY WITH THE REQUIREMENTS OF STATEMENT 43 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD AND TO AUTHORIZE THE BOARD OF SELECTMEN TO APPOINT TWO MEMBERS TO SAID BOARD

Be it enacted, etc. as follows:

SECTION 1. Section 1 of chapter 472 of the acts of 1998 is amended by deleting the fourth sentence in Section 1 and adding the following paragraphs:

Notwithstanding the requirements of General Laws Chapter 44, Section 54 or any other special or general law to the contrary, the Fund shall be under the supervision and management of an independent and autonomous seven member board consisting of the five members of the town's contributory retirement board and two members appointed by the Board of Selectmen. The board shall also serve as the custodian of said Fund and may invest and reinvest the interest of such Fund. The board may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the Fund and may pay from the Fund for this advice and other services as determined by the board. Procurement for these services shall be subject to the procurement procedures and rules followed by the Town's Procurement Department.

If any civil action is brought against a member of the board, the defense or settlement of which action is made by Town Counsel or outside counsel retained by Town Counsel on behalf of the board, the member shall be indemnified for all expenses incurred in the defense of this action and shall be indemnified for damages to the same extent as provided for public employees in [chapter 258](#) of the General Laws if the claim arose out of acts performed by the member or members while acting within the scope of his/her official duties, but no member of the board shall be indemnified for expenses incurred in the defense of an action, or damages awarded in an action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the member.

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

Or act on anything relative thereto.

**ARTICLE 11**

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause Fifty-fourth and establish the minimum value of personal property subject to taxation at \$5,000 beginning in the Fiscal Year 2009; or act on anything relative thereto.

**ARTICLE 12**

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 59, Section 5K, the so-called Senior Citizen Property Tax Work-off Abatement and to establish a program pursuant to said statute beginning in the Fiscal Year 2009; or act on anything relative thereto.

**ARTICLE 13**

To see if the Town will reduce the interest rate of that portion of the real estate taxes owed to the Town pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 41A, the so-called Senior Citizen Real Estate Tax Deferral, from the statutory maximum of 8% to 5% beginning in Fiscal Year 2009; or act on anything relative thereto.

**ARTICLE 14**

To see if the Town will amend the Zoning By-law to make the following changes to fully incorporate the F zones (*new language in bold*):

ARTICLE II, DEFINITIONS

1. §2.04.3 c: Dwelling, Multiple: A building or structure designed or occupied as a residence by more than ~~two~~ **three** families, but not including groups of ~~three or more~~ attached dwellings; an apartment house.

ARTICLE IV, USE REGULATIONS

2. Restrictions on Accessory Uses in Residence Districts; §4.05.1.c: occupy space which exceeds in area the area of the ground floor; occupy 25% or more of the total floor area in an S, SC, T **or F** district, or occupy 50% or more of the total floor area in an M district;
3. §4.07 – Table of Use Regulations, Use #51A: Within a dwelling unit in L, G, O, or I Districts, or in dwelling units of more than 2,000 square feet of gross floor area in T, **F**, and M Districts, the renting of not more than three rooms as a lodging without separate cooking facilities to not more than three lodgers; in the case of a dwelling unit occupied by unrelated persons, the sum of lodgers and other unrelated persons shall not exceed the limits defined for a family in §2.06, paragraph 1.

4. §4.07 – Table of Use Regulations, Use #57: The keeping of horses, cows, goats, or other similar animals, other than pigs, or the keeping of poultry, pigeons, rabbits, or other similar birds or animals, or the keeping of bees, provided that no stable or enclosure for any animal may be less than 100 feet from any existing residence building on other premises in any district, or any obvious residence building site on other premises in an S, SC, T, **F** or M District; and provided that no stable or enclosure for more than four animals may be less than 100 feet from any premises occupied by a church, school, playground, library, or building of a public or eleemosynary institution, except where that distance is intersected by a street at least 60 feet wide; and further provided that no stable or enclosure in a S, SC, T, **F** or M District may be less than 100 feet from a street, nor contain more than 25 animals on the premises, and subject to such restrictions as to number, and as to location and size of special structures and enclosures, as may be imposed by the Director of Public Health of the Town of Brookline.

#### ARTICLE V, DIMENSIONAL REQUIREMENTS

5. §5.05 – Conversions: In the case of the conversion of a single-family detached dwelling to a two-family dwelling in an SC or T District, or the conversion of a dwelling to create additional dwelling units in an **F** or M District, the structure shall conform to all dimensional requirements specified in §5.01. However, the Board of Appeals by special permit may waive any of said dimensional requirements except minimum lot size, provided that no previously existing nonconformity to such requirements is increased and provided that all other requirements of this By-law for such conversions are met.
6. §5.09.2 – Design Review, Scope: In the following categories all new structures and outdoor uses, exterior alterations, exterior additions, and exterior changes, including exterior demolitions, which require a building permit from the building department under the Building Code, shall require a special permit subject to the community and environmental impact and design review procedures and standards, hereinafter specified. Exterior alterations, exterior additions and exterior changes, including fences, walls, and driveways, to residential uses permitted by right in S, SC, T, **and F** districts; signs as regulated in §§ 7.02, and 7.03; and regulated façade alterations as defined and regulated in §7.06 shall be exempt from the requirements of this section.
7. §5.22.3.b.2 – Exceptions to Maximum Floor Area Ratio (FAR) Regulations for Residential Units; Special Permit for Exceeding Maximum Gross Floor Area for Residential Dwellings: In all T, **F**, M-0.5, M-1.0, and M-1.5 Districts, a special permit may be granted for an increase in floor area that is less than or equal to 20% of the permitted gross floor area, whether it be for an exterior addition, interior conversion, or a combination of the two. The total increase in floor area granted by special permit for all applications made



under this paragraph 3, subparagraph (b)(2), or any prior version of Section 5.22, shall not exceed 20% of the permitted gross floor area.

8. §5.31.3 – Exceptions to Maximum Height Regulations: Where two different maximum height figures are specified for the same zoning district in Table 5.01, the lower figure shall apply to any lot or part of a lot located in a buffer area. A buffer area is defined as a lot or part of a lot located in an M-1.5, M-2.0, M-2.5, G-1.75(CC), G-2.0 or O-2.0(CH) District which is located at a lesser distance from any land not within a public way in an S, SC, T **or** F District than the following:
  - a. 200 feet if the direction of the land in the S, SC, T **or** F District is northerly, between northwest and northeast;
  - b. 150 feet if such direction is easterly, between northeast and southeast, or westerly, between northwest and southwest;
  - c. 100 feet if such direction is southerly, between southeast and southwest.
9. §5.32.2.c – Exceptions to Maximum Height Regulations (Public Benefit Incentives); Public Benefits and Conditions: Any additional height allowed under the provisions of this Section shall be set back 50 feet from any surrounding land not in a public way in an S, SC, T, **F**, or M District.
10. §5.46 – Corner Lots: For a corner lot, the required yard along any street lot line shall be calculated as a front yard, except that in S, SC, T, **and** F Districts where the rear lot line of a corner lot is also the rear lot line of the contiguous lot, the required front yard extending from the rear yard to the corner shall be 20 percent of the width of the lot measured along the other front yard line, but need not be greater than the required front yard depth and shall not be less than the required width of a side yard calculated as if the street lot line were an interior side lot line.
11. §5.63 – Accessory Buildings or Structures in Side Yards: Except as may be permitted in §5.44, in any S, SC, T, **F** or M District no part of any accessory building or structure situated within 75 feet of the street line, or within a distance equal to three-fourths of the lot depth if that be less, shall extend within any required side yard. Elsewhere on the lot such buildings or structures may extend into the side yard one-half the required width, but such setback shall be no less than six feet. No accessory building or structure within a required side yard shall exceed 15 feet in height.
12. Related to previous: Figure 5.15, Title: Accessory Building or Structure in Side Yard in S, SC, T, **F**, or M Districts
13. §5.64 – Side Yards for Non-Dwelling Uses in Business or Industrial Districts: No side yards are required for permitted uses, other than dwellings, in L, G, O-2 or I Districts, except where a side lot line abuts an S, SC, T, **F** or M District, in which case the side yard requirements of the S, SC, T, **F** or M District shall apply.

14. §5.73.1 – Rear Yards in Business or Industrial Districts: Where a rear lot line in an L, G, or I District abuts an S, SC, T, **F**, or M District the rear yard requirements as specified in Table 5.01 shall be increased by 10 feet, but no rear yard need be deeper than 20 feet.
15. §5.91.1 – Minimum Usable Open Space: Where a minimum usable open space is required in addition to landscaped open space, there shall be included in every lot used in whole or in part for dwelling units intended for family occupancy an area of usable open space provided at the rate specified in Table 5.01. The percentage specified in Table 5.01 shall be the percent of gross floor area of all buildings on the lot. In S, SC, T, **and F** Districts, a residential use with more dwelling units than are permitted as of right shall provide as much usable open space as required for the dwellings permitted as of right in that district.

#### ARTICLE VI, VEHICULAR SERVICE USES REQUIREMENTS

16. §6.01.2.a – General Regulations Applying to Required Off-Street Parking Facilities: In **F**, M, L, or G Districts, when a structure is converted for one or more additional dwelling units and the conversion results in an increased parking requirement, parking requirements for the entire structure shall be provided in accordance with the requirements of §6.02 and §6.05. However, the Board of Appeals by special permit under Article IX may waive not more than one-half the number of parking spaces required under §6.02 and §6.05.
17. §6.04.4.d – Design of All Off-Street Parking Facilities: Entrance and exit drives, except as permitted in paragraph 11. below, shall be:
  - d) located at least the following distance from a street corner, said distance to be measured from the intersection of the street lot lines or extension thereof:
    - 1) 25 feet in all S, SC, T, **and F** districts;
    - 2) 50 feet in all other districts, except that the Board of Appeals by special permit may modify this requirement after receipt of reports from the Commissioner of Public Works and the Director of Transportation that such modification in distance would facilitate traffic and be safer and subject to the provisions of §9.05.
18. §6.04.5.c – Design of All Off-Street Parking Facilities: Setbacks for parking areas shall be provided as follows:
  - c) In S, SC, T, **F**, and M-0.5 Districts, the surfaced area of a parking lot and all entrance and exit drives shall be set back in accordance with the following requirements, and such setback area shall be landscaped and continuously maintained substantially in accordance with the original approved plan: ...

#### ARTICLE VII, SIGNS, ILLUMINATION, & REGULATED FAÇADE ALTERATIONS

19. §7.01.1 – Signs in S, SC, T, and F Districts: In any S, SC, T, **and F** district, no sign or other advertising device shall be permitted except as follows: ...
20. Related to previous, §7.02.1.a – Signs in M Districts: As permitted in S, SC, T, and **F** Districts
21. Related to previous, §7.03.1.a – Signs in L, G, I and O Districts: As permitted in S, SC, T, **F**, and M Districts
22. §7.04.3 – Illumination: In any residence district no sign or other advertising device shall be of the neon type or exposed gas-illuminated tube type; and any lighting of a sign or other advertising device shall be continuous, indirect white light installed in a manner that will prevent direct light from shining onto any street or nearby property. In S, SC, T **and F** Districts no sign or advertising device shall be illuminated after 11 p.m. local time.
23. §7.04.4 – Illumination: In an S, SC, T, **F**, M-0.5, M-1.0, or M-1.5 District no outdoor floodlighting or decorative lighting shall be permitted except lighting primarily designed to illuminate walks, driveways, doorways, outdoor living areas, or outdoor recreational facilities and except temporary holiday lighting in use for no longer than a four-week period in any calendar year, except that decorative floodlighting of institutional or historic buildings may be permitted by the Board of Appeals by special permit. Any permanent lighting permitted by the preceding sentence shall be continuous, indirect, white light, installed in a manner that will prevent direct light from shining onto any street or nearby property.
24. §7.06 – Regulated Façade Alterations:
  1. A regulated façade shall include:
    - a. commercial building facades in all districts; and
    - b. residential building facades on lots with frontage on Beacon Street, Boylston Street, Brookline Avenue, Commonwealth Avenue, Harvard Street, or Washington Street, with the exception of buildings on lots located in S, SC, T, **and F** districts.

or act on anything relative thereto.

## **ARTICLE 15**

To see if the Town will amend §5.06 - SPECIAL DISTRICT REGULATIONS d (2) of its Zoning By-law by amending a) retail use: one parking space per [350] 400 g.s.f. of floor area, adding d) medical office use: one parking space per 400 g.s.f and amending former paragraph d) The number of parking spaces for the above uses in a GMR-2.0 district may be reduced by special permit, however, by no more than [15%,] 50% where it can be demonstrated to the Board of Appeals that is warranted due to provisions in a Transportation Access Plan that includes recognized Transit Demand Management programs. A Transportation Access Plan Agreement shall be a condition of the special permit, shall be submitted for review to the Director of Transportation and the Director of Planning and

Community Development, and shall require an annual report to the Director of Transportation. This annual report shall be accepted only after a determination by the Director of Transportation and Director of Planning and Community Development that the Transportation Access Plan is working satisfactorily, and if not, that the plan will be changed and implemented to their satisfaction; or act on anything relative thereto.

#### **ARTICLE 16**

To see if the Town will amend §5.06 - SPECIAL DISTRICT REGULATIONS, 4. d. (1) of its Zoning By-law by adding e) no more than 40,000 square feet of gross floor area shall be used for medical offices, or act on anything relative thereto.

#### **ARTICLE 17**

To see if the Town will amend §5.32 - EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS (PUBLIC BENEFIT INCENTIVES), paragraph 2 of its Zoning By-law by inserting after 2. a), a new subsection as follows:

b) If the additional height may cast a significant shadow on residential dwellings, any such bonus height allowed by the provisions of these Bylaws, and designated in Section 5.01 TABLE OF DIMENSIONAL REQUIREMENTS, shall be granted only under the following conditions:

- 1) Public Benefits received in return for the bonus height shall be of comparative value to the bonus received by the granting of said additional height.
- 2) Public Benefits received in return for the bonus height shall substantially benefit the affected residential dwellings directly.
- 3) Under no condition shall the shadow cast by the bonus height fall on any residential dwelling for more than four weeks of a year without the granting of a variance.
- 4) It shall not be a defense to this subsection that a shadow exists without the granting of the bonus height. However the significance of the shadow cast without the bonus height may be considered when weighing Public Benefits necessary for compliance with this subsection; or act on anything relative thereto.

#### **ARTICLE 18**

To see if the Town will authorize and empower the Board of Selectmen to grant a temporary preservation restriction to the Massachusetts Historical Commission for a period not to exceed five years on the structure generally known and referred to as the Monmouth Street fire station located at 86 Monmouth Street and shown as Parcel 28 in Block 112 on Sheet 24 of the Town's 2005 Assessors Atlas, or act on anything relative thereto.

#### **ARTICLE 19**

To see if the Town will authorize and empower the Board of Selectmen to grant a temporary preservation restriction to the Massachusetts Historical Commission

for a period not to exceed five years on the structure generally known and referred to as the Reservoir Gatehouse, a two-story granite structure located at the southwest corner of Warren and Boylston Streets, adjacent to the Brookline Reservoir and shown as Parcel 10 in Block 324 on Sheet 76 of the Town's 2005 Assessors Atlas, or act on anything relative thereto.

#### **ARTICLE 20**

To see if the Town will vote to accept a grant of easement from H. Toby Brendze of 150 Princeton Road over a portion of land adjacent to 150 Princeton Road known as Lot 7 and shown as Lot 2 on a plan entitled "Roadway Upgrading Plan", dated January 9, 2007 and revised on February 23, 2007, prepared by Verne T. Porter, Jr., PLS, Newton, Massachusetts in order to provide municipal services such as refuse removal, snow removal and emergency services. Said easement is situated in Norfolk County and contains approximately 1,285 square feet as shown on a plan entitled "Easement Plan," dated March 15, 2007, prepared by Verne T. Porter, Jr., PLS, Newton, Massachusetts to be recorded at the Norfolk Registry of Deeds upon acceptance by the Town being bounded and described as follows:

Beginning at a concrete bound on the North side of Princeton Road.

Thence: running by Princeton Road thirty feet (30.00) on a curve to the right having a radius of seventeen hundred forty five feet (1745.00) to a point.

Thence: turning and running N 71-48-28 E forty and eight hundredths feet (40.08) to a point.

Thence: turning and running N 18- 1 1-32 W thirty four and forty four hundredths feet (34.44) to a point.

Thence turning and running S 65-27-05 W forty and seven hundredths feet (40.07) to the point of beginning.

Said easement containing twelve hundred eighty five square feet (1285 s.f.).

Or act on anything relative thereto.

#### **ARTICLE 21**

To see if the Town will amend the General By-Laws by adding an Article 3.x.x. as follows:

##### Article 3.x.x VOTING MEMBERSHIP OF TOWN COMMITTEES

All voting members of any Town board, committee, commission, or council, established or appointed by the Board of Selectmen, Town Moderator, or Town Meeting, shall be registered voters of the Town.

**ARTICLE 22**

To see if the Town will amend Section 3.1.7 of the Town’s By-Laws, Campaigns for Office, by making the following changes in the table “Reporting periods for Town Campaign Finance Report.” Additions (including footnote to table) appear in bold; deletions are struck through.

Report due by	Reporting period begins	Reporting period ends
15 days before Town election	<del>Incumbents: January 1 of prior year, or the day after the end of the reporting period of last State report filed whichever period is shorter</del> Challengers: January 1 of year of Town election <b><u>Candidates who have previously filed reports: Day after end of reporting period for last State report filed</u></b> <b><u>Candidates filing initial reports: Day after previous Town election</u></b>	<del>December 31 of prior year</del> <b>25 days before Town election</b>
8 days before Town election	Day after end of reporting period for last State report filed	18 days before Town election
30 days after Town election	Day after end of reporting period for last State report filed	20 days after Town election
January 20 of year after Town election*	<b><u>Candidates who have previously filed reports: Day after end of reporting period for last report filed</u></b> <b><u>Candidates filing initial reports: Day after previous Town election</u></b>	<del>Last day of year of election</del> <b>preceding filing of report</b>

\* This report is also due on January 20 of every year in which a campaign committee is in existence or in which candidate maintains a campaign fund or has outstanding debts.

Or act on anything relative thereto.

**ARTICLE 23**

To see if the Town will mend the General By-Laws by adding a Section 7.7.7 to Article 7.7 Removal of Snow and Ice from Sidewalks as follows,

Section 7.7.7 Town Responsibility for Plowing and Sanding Sidewalks in Residential Districts.

Notwithstanding the provision of 7.7.1 to 7.7.6 inclusive, the Town shall be responsible for plowing and sanding sidewalks in residential districts.

Or act on anything relative thereto.

**ARTICLE 24**

To see if the Town will amend Section 8.6.9 of Article 8.6 of the General By-Laws, Dog Control as follows [new penalties appear in **bold**]:

Article 8.6 Dog Control

Section 8.6.9 Penalty

First Violation	<del>\$ 15.00</del> <b>\$25.00</b>
Second & Third Violations	<del>\$ 25.00</del> <b>\$50.00</b>
Fourth & Subsequent Violations	<del>\$ 50.00</del> <b>\$75.00</b>

Or act on anything relative thereto.

**ARTICLE 25**

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

Article \_\_\_\_

The Town of Brookline shall uphold Article 1, Section 10, of the U.S. Constitution to the letter of the law. The Town of Brookline shall not emit Bills of Credit. Nothing but gold and silver Coin shall be used as a Tender in the Payment of Debts. The town shall invest in gold or silver coins, and shall divest in other securities or act on anything relative thereto.

**ARTICLE 26**

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

Article 8.28

The Brookline Health Department's authorized personnel shall only administer Flu Shots, vaccines and immunizations to town employees and residents that are 100% Thimerosal free, and are free of all other toxins or substances, the introduction of which have been documented through credible scientific study to cause significant risk to human health or act on anything relative thereto.

**ARTICLE 27**

To see if the Town will approve the name of the new park at the Newton Street Landfill located at 815 Newton Street to “Skyline Park”, or act on anything relative thereto.

**ARTICLE 28**

To see if the Town will approve a change in the name of Philbrick Square to “Philbrick Green”, or act on anything relative thereto.

**ARTICLE 29**

To see if the Town will establish a committee or other structure, composed of appropriate Town officials and citizens, to monitor implementation of the Local Action Plan on Climate Change approved by the Board of Selectmen February 12, 2002, and other related environmental or climate change initiatives; or act on anything relative thereto.

**ARTICLE 30**

To see if Town Meeting will adopt the following Resolution:

WHEREAS, since FY2002 group health budget has doubled and family premiums have increased from \$10,290 to \$19,156, and

WHEREAS, during this same period group health has grown from 13% of salaries to 23% and from 8% budget to 13% of budget, and

WHEREAS, as a result of these soaring increases, well over half the town’s allowable levy growth has been consumed by group health, diverting resources from critically important town and school services, and

WHEREAS, the 2005 Statewide Municipal Task Force (the Hamill Report) found that annual increases for the state’s Group Insurance Commission (GLC) have been about one half as much as those occurring in local government, and

WHEREAS, in 2007, the State Legislature enacted legislation allowing municipalities to opt into the GIC through the labor negotiation process of coalition bargaining, and

WHEREAS, the Town has already adopted coalition bargaining in anticipation of the GIC option, and

WHEREAS, the Override Study Committee recommends that the Town “opt into the GIC as soon as possible” and limit COLA’S for town and school employees until the Town joins the GIC.



NOW, THEREFORE, the 2008 Annual Town Meeting urges the Town and the unions to proceed with good faith negotiations for joining the GIC and resolve further that future consideration of appropriations for labor agreements take into account the status of efforts to opt into the GIC.

Or act on anything relative thereto.

**ARTICLE 31**

To see if the Town will adopt the following Resolution:

WHEREAS on May 24, 2007 the Brookline Police Department issued an incident report regarding events that occurred at Town Hall on the evening of May 24, 2007 after the conclusion of a Zoning Board of Appeals meeting;

WHEREAS on October 10, 2007 the Brookline Police Department issued an investigatory report in connection with citizen allegations of inappropriate police behavior with regard to the May 24, 2007 events, which investigatory report drew upon, at least in part, the May 24, 2007 incident report;

WHEREAS the Board of Selectmen has accepted the October 10, 2007 investigatory report;

WHEREAS before voting to accept the investigatory report the Board of Selectmen heard speakers who supported the report and urged the Board of Selectmen to accept the report but the Board of Selectmen did not hear speakers challenging the report until four weeks (and more) after the Board of Selectmen had already accepted the report;

WHEREAS the 57 page investigatory report, which was issued on October 10, 2007, was not released to the complaining citizen until five days before the October 31, 2007 deadline for the citizen to file an appeal of the report;

WHEREAS seven individuals who were eyewitnesses to the incidents on both the 6th floor and in the 1st floor lobby at Town Hall on May 24, 2007 have publicly stated that even though they made themselves known and available to the police in the 1st floor lobby (and two of them provided written statements for the police) their observations were ignored and/or dismissed;

WHEREAS individuals mentioned in the investigatory report, including but not limited to Town Counsel, have publicly stated that they were misquoted and/or that their statements to the investigating officers were “spun” in the report;

WHEREAS both the incident report dated May 24, 2007 and the investigatory report dated October 10, 2007 are now permanently contained in the records of the Police Department;

WHEREAS if the incident report dated May 24, 2007 and/or the investigatory report dated October 10, 2007 is or are unreliable then the presence of an unreliable report in the records of the Police Department may engender inappropriate behavior by the police or other criminal justice agencies in the future if they rely upon an unreliable report;

WHEREAS if the investigatory report dated October 10, 2007 is unreliable then its presence in the records of the Police Department, its acceptance by the Board of Selectmen, and its presence in the records of the Board of Selectmen may unjustly impugn the reputation of the citizen whose complaint about police behavior precipitated the report;

WHEREAS the Board of Selectmen has appointed a Citizen Complaint Review Committee and has charged it “to make recommendations for improvements in policy and procedures” involving citizen complaints about police practices;

WHEREAS the Board of Selectmen’s charge also states: “The charge includes reviewing, to the extent the Committee deems appropriate, the results of the May incident...”;

WHEREAS the Board of Selectmen’s charge further states: “The Board of Selectmen further charges the Citizen Complaint Review Committee ... to examine how those [Police Department citizen complaint] policies and procedures have worked in particular instances....”;

WHEREAS two of the “results of the May 2007 incident” are the police incident report dated May 24, 2007 and, also, the police investigatory report dated October 10, 2007 which was presented to and accepted by the Board of Selectmen;

NOW THEREFORE be it resolved that the Town of Brookline, acting through its Town Meeting, requests the Citizen Complaint Review Committee to “deem it appropriate” to investigate the preparation of the police incident report dated May 24, 2007 and to include in the Committee’s own report its judgment whether the police incident report is or is not a reliable presentation of the events of the evening of May 24, 2007;

AND FURTHERMORE be it resolved that the Town of Brookline, acting through its Town Meeting, requests the Citizen Complaint Review Committee to “deem it appropriate” to investigate the preparation of the police investigatory report dated October 10, 2007 and to include in the Committee’s own report its judgment whether the police investigatory report is or is not a reliable presentation of the events of the evening of May 24, 2007;

AND FURTHERMORE, that the Town Clerk deliver or cause to be delivered to each member of the Citizen Complaint Review Committee a copy of this Article.

Or act on anything relative thereto.

**ARTICLE 32**

To see if the Town will adopt the following resolution:

**RESOLUTION TO STOP GLOBAL WARMING BY REDUCING GREENHOUSE  
GASES**

**WHEREAS** Climate instability brought on by global warming will negatively impact the Town of Brookline, the Commonwealth of Massachusetts and the world;

**WHEREAS** Greenhouse gases created by human activities have been unequivocally found by the global scientific community to be the main cause of global warming;

**WHEREAS** The technologies we need to reduce our greenhouse gas emissions already exist and have the added benefit of improving public health by reducing other pollutants;

**WHEREAS** Leading the world in developing technologies to reduce greenhouse gas emissions could create new jobs and foster new industries;

**BE IT RESOLVED**, that the Town of Brookline calls on the Commonwealth of Massachusetts to be a leader in addressing this global threat.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town of Brookline calls on the Commonwealth of Massachusetts, the Federal Government, and the Governments of the world to cap greenhouse gas emissions and reduce emissions by 20% by 2020 and 80% by 2050, the levels identified by scientific community as necessary to avoid the worst impacts of global warming.

or act on anything relative thereto.

**ARTICLE 33**

Reports of Town Officers and Committees

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

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

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this \_\_\_\_\_ day of March, 2008.

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(Town Seal)

BOARD OF SELECTMEN