



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, 2012 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

Submitted by: Board of Selectmen

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of previous fiscal years, which may be legally unenforceable due to the insufficiency of the appropriations therefor, and appropriate from available funds, a sum or sums of money therefor.

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: Board of Selectmen

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2013 budget or transfer funds between said accounts;
- B) To see if the Town will vote to appropriate, borrow or transfer from available funds, \$1,750,000 to be expended under the direction of the Building

Commission, with the approval of the Board of Selectman and the School Committee for a feasibility study to understand the extent of facility and programming deficiencies at the Devotion School located at 345 Harvard Street in the Town of Brookline, Massachusetts and as further described as Parcel I.D. No. 148-13-00 in the Town of Brookline Assessor's map and database and to explore the formulation of a solution to those deficiencies, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town;

- C) Appropriate a sum of money, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts to be approved by the Board of Selectmen, for enhancements to the Parking Meter System.

- D) 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

Submitted by: Moderator's Committee on Public Hearings

To see if the Town will amend the General By-Laws as follows:

By inserting the following sentence immediately after the first sentence in Section 2.5.2 of Article 2.5 (addition in bold):

SECTION 2.5.2 COMBINED REPORTS

The explanation and relevant data submitted by the petitioners for a petition article shall be included, together with article, in the combined reports. **The Board of Selectmen and the Advisory Committee (or a subcommittee of the Advisory Committee) shall hold at least one duly noticed public hearing prior to a final vote of the Board of Selectmen or the Advisory Committee, as the case may be, on any article in the Warrant.** The Board of Selectmen and the Advisory Committee shall prepare written reports, stating their recommendations and the reasons therefor, for all articles in the Warrant for a Town Meeting. The reports shall be included in the combined reports to be delivered or mailed as follows:

Or act on anything relative thereto.

ARTICLE 5

Submitted by: Regina Frawley and Jonathan Davis

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

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

ARTICLE 3.22
The Public’s Right To Be Heard On Warrant Articles

Any committee as defined in section 1.1.4, before taking its first or only vote with respect to an Article on the Warrant, must hold a duly noticed non-adjudicatory public hearing with respect to the Article, and the committee’s permanent record must record that a duly noticed non-adjudicatory public hearing with respect to such Article occurred before such vote.

Due notice of the public hearing shall be satisfied if the due notice complies with the Open Meeting Law (G.L. 30A, secs. 18 et seq.) and By-law 3.21.3(a).

The vote may take place at any time or date after the completion of the duly noticed public hearing.

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

Or act on anything relative thereto.

ARTICLE 6

Submitted by: Eleanor Demont, Andrew Martino, Lynda Roseman, and Kathleen O’Connell

To see if the Town will amend its General By-Laws to establish the Settlement Neighborhood Conservation District, defined by the map attached hereto, by adding a new section 5.10.3.d.2 as follows:

2_There shall be a Neighborhood Conservation District, to be entitled “The Settlement Neighborhood Conservation District” (“the Settlement NCD”) the boundaries of which are shown on the map entitled “Settlement Neighborhood Conservation District,” a copy of which is on file with the Town Clerk’s office and which is hereby declared to be part of this by-law.

The Settlement NCD is part of the area near middle Boylston Street that was developed by the Irish immigrants and residents who had come to Brookline by the 1840s. The land originally was granted to John Ackers and had been slowly sold off and developed. The original houses in this area were modest cottages from the mid-1800s. The area took on its present configuration and character beginning in the late 1890s and up to the pre WWII period. The character of this area remains much as it was in 1940, with its triple deckers and single and two-

family homes. Much of the area was developed by the same person, such as the houses on Ackers Terrace, giving the area a consistent and harmonious character. The majority of the original owners worked as gardeners, laborers, coachmen and domestics for the larger estates in South Brookline as founded the St. Lawrence Parish. Residents also worked for the Town and as clerks and agents in Boston. The pattern of development and design of houses created an area with an intimate, pedestrian-scaled quality. Many of the houses were designed by local architect-builders and commissioned by local resident developers. Most of the buildings have ample space between them, back yards and modest front yards.

All construction in the Settlement NCD shall be subject to review in accordance with the design guidelines contained in this section 5.10.3.d.2. Any reviewable project shall be compatible with the existing architecture and pattern of development of the district and its relationship to the adjacent neighborhood.

The intent of the Settlement NCD guidelines is to ensure that significant additions and new buildings are compatible with the historic patterns of scale, feeling and association of the district. Specifically the Settlement NCD shall subject the following sub-sections of section 5.10.2 Definitions of a Reviewable Project: 5.10.2 (i) change to a building such as addition or alteration of more than 20% of existing habitable floor area or partial or total demolition or the construction of a new building; and 5.10.2 (vii) removal of trees more than eight inches in diameter at 56" height (d.b.h). All activities that would otherwise be subject to other sub-sections of section 5.10.2 shall be exempt from review.

With respect to section 5.10.2 (i) the Settlement NCD Commission shall consider the following design guidelines when reviewing a project with the intent that reviewable projects shall be consistent with the character of the existing dwellings in the district and their relationship to each other.

i. Architectural style and character: The character-defining features of the surrounding dwellings or other buildings should be taken into consideration for any Reviewable Project including, but not limited to proportions and height of the upper and lower floor(s); the height and exposure of foundations; the scale of entrances, windows, and porches; the height and orientation of the roof; and features such as dormers, gables, porches, sunrooms, overhanging eaves and chimneys as well as the size, proportion and scale of door and windows of the surrounding dwellings and other buildings, especially those of abutting comparable buildings, unless such buildings are less than 50 years old to the extent that they are inconsistent in character with surrounding comparable buildings.

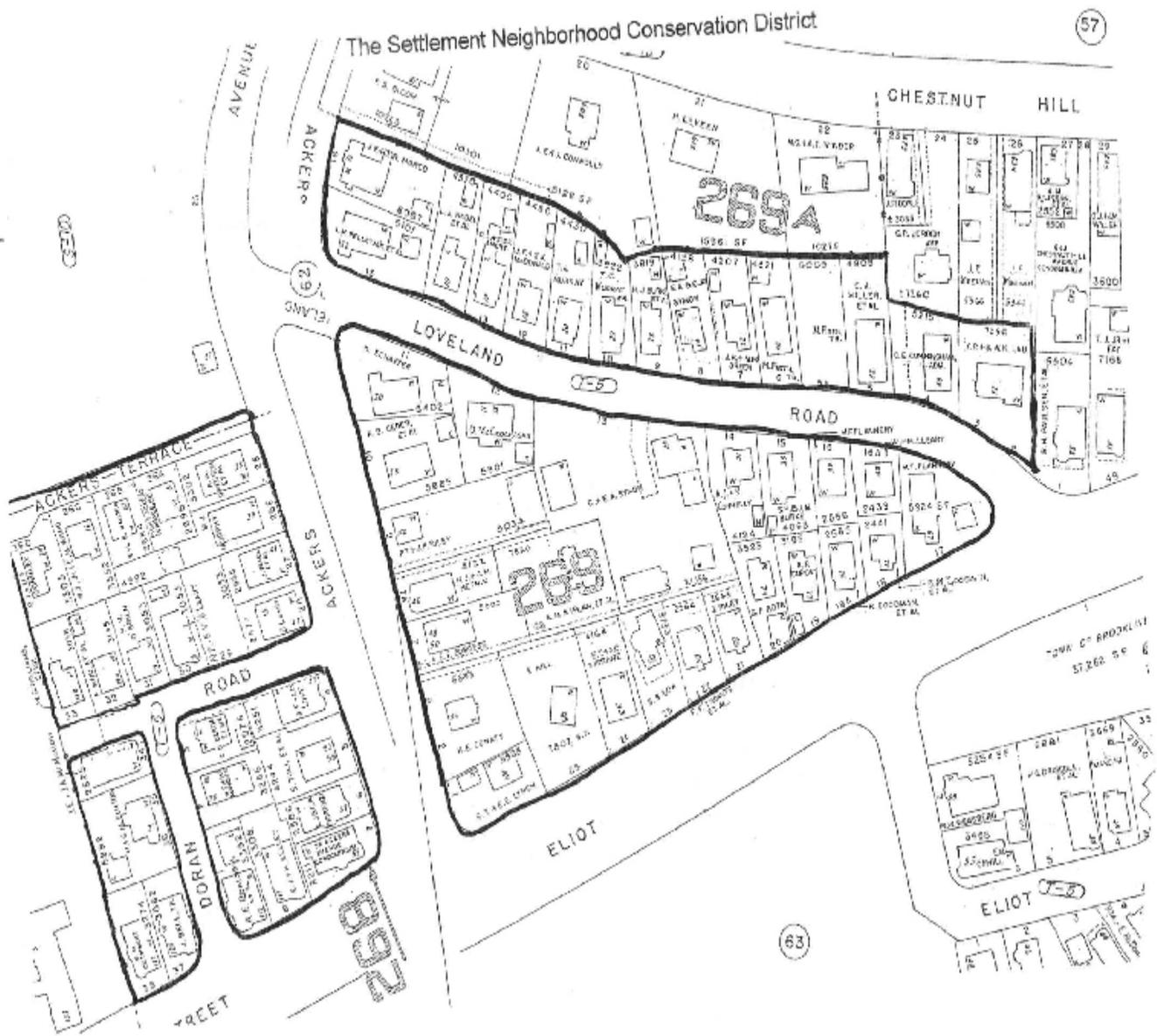
ii. Building size, height and massing: The total, size and height of any Reviewable Project should be compatible with surrounding comparable buildings, especially abutting buildings. New Dwellings and other buildings should be similar oriented, have similar yard depths, and similar distance between buildings as their existing counterparts. The height of the roof should fall within a range set by the highest and lowest of those of the surrounding comparable buildings. Dwellings in the neighborhood typically have two to three stories. Many have

gabled roofs enclosing an attic, often with dormer windows or shed dormers. Existing cornice heights, eave lines (elevations), porch heights and foundation heights on the street should be considered, especially those of abutting comparable buildings.

iii. Materials: All building materials should be visually compatible with surrounding buildings.

Nothing in this Section 5.10.3.d.2 shall be construed as repealing or modifying any existing by-law or regulation of the Town, but it shall be in addition thereto. To the extent this Section 5.10.3.d.2 imposes greater restrictions upon a Reviewable Project than other by-laws, regulations or statutes, such greater restrictions shall prevail. The provisions of the Section 5.10.3.d.2 shall be deemed separable. If any of its provisions, subsections, sentences or clauses shall be held to be invalid or unconstitutional, the remainder shall continue in full force and effect.

Or act on anything relative thereto.



ARTICLE 7

Submitted by: Merelice

To see if the Town will amend its General By-Laws by adding a new Section 5.11 as follows:

Article 5.11 MORTGAGES, FORECLOSURES, AND PROPERTY POLICY

5.11.1 Title and Purpose

This by-law shall be known as and may be titled the Mortgages, Foreclosures, and Property Policy. The by-law is enacted to promote the health, safety, and welfare of the public, to protect and preserve the quiet enjoyment and health of occupants,

abutters, and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering subject properties.

5.11.2 Facilitating Mediation of Mortgage Foreclosures of Owner Occupied Residential Real Property in Town of Brookline

This establishes a Mediation Program to address all issues reasonably related to a foreclosure on the subject property, including but not limited to reinstatement of the mortgage, modification of the loan, and restructuring of the mortgage debt, including the reduction and forgiveness of mortgage debt.

5.11.3 Definitions. For the purposes of this By-Law, the following words shall, unless the context clearly requires otherwise, have the following meanings:

- a. *commercially reasonable alternative* – an alternative based on a comparison of the net present value of receiving payments pursuant to a modified mortgage loan or the likely financial recovery from other foreclosure alternatives to the anticipated net recovery following foreclosure incorporating an assessment of the borrower’s current circumstances, including without limitation the borrower’s current income, debts and obligations.
- b. *creditor* – a person or entity that holds, owns, or controls, partially, wholly, directly, or indirectly, or in a nominee capacity, a mortgage loan secured by residential property, including, without limitation, a mortgagee, an originator, holder, investor, assignee, successor, trust, trustee, nominee holder, Mortgage Electronic Registration System, or mortgage loan servicer, including, but not limited to, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation or any other Government Sponsored Entity. The term “creditor” shall also include any servant, employee, subcontractor, or agent of a creditor.
- c. *good faith effort* – an effort by each party upon being present and fully taking part in the mortgage mediation conference as required and defined by this By-Law in an effort to negotiate and agree upon a commercially reasonable alternative to foreclosure.
- d. *homeowner* – an individual mortgagor, his or her assignee, successor, or a trust or trustee who owns and resides in residential real property located in the city, and for whom such residential real property is his/her principal residence.
- e. *mortgage mediation conference* or *mediation conference* or *mediation* – the formal discussion(s) and negotiation(s) undertaken by the parties in a good faith effort to negotiate and agree upon a commercially reasonable alternative to foreclosure and held at a location mutually convenient to the parties. Both the homeowner/mortgagor and lender/mortgagee must be physically present for the mortgage mediation conference unless telephone participation is agreed upon.

- f. *Mediation Program or Program* – the foreclosure mediation program established in the Town of Brookline pursuant to this By-Law and described in Section 6.
- g. *Mediation Program Manager* – a neutral not-for-profit organization experienced in the mediation of the residential foreclosure process, familiar with all programs available to help homeowners avoid foreclosure, and knowledgeable of the mortgage foreclosure laws of the Commonwealth. Mediation Program Manager(s) shall execute an appropriate user agreement with the municipality authorizing the receipt and use of personal and financial information for the purposes of the Mediation Program only. Such Mediation Program Manager(s) shall ensure the security and confidentiality of any and all information received or exchanged under the Mediation Program consistent with applicable federal, state, and municipal laws. Access to program information shall be limited to those officers and employees of the organization who require the information to properly perform services under the municipality’s Mediation Program, and that the organization or individual and/or its officers and employees shall not access, modify, use or disseminate any Mediation Program information for purposes unrelated to the Mediation Program and the Mediation Program Manager(s) shall provide the municipality with evidence that it maintains sufficient safeguards to protect against the loss or unauthorized dissemination of private or confidential information.
- h. *mediator* – an individual (a) whose training complies with the qualifications standards for neutrals specified in the guidelines for training mediators adopted by the Supreme Judicial Court of Massachusetts pursuant to Rule 8 of the Uniform Rules for Dispute Resolution; and (b) who has completed training on foreclosure mediation; and (c) who has a working knowledge of all federal, state, and municipality programs available to help homeowners retain their homes.
- i. *mortgagee* – an entity to whom real property is mortgaged, the mortgage creditor or lender including, but not limited to, mortgage loan servicers, lenders in a mortgage agreement and any agent or employee of the mortgagee acting outside of his/her authority, or any successor in interest or assignee of the mortgagee’s rights, interests or obligations under the mortgage agreement.
- j. *mortgage loan* – a loan to a natural person (or to a nominee trust or any such other entity commonly recognized under Massachusetts law as a lawful borrower) made primarily for personal, family or household purposes secured wholly or partially by a mortgage on residential property.
- k. *mortgage loan servicer* – an entity which administers or services or at any point administered or serviced the mortgage loan; provided, however that such administration or servicing shall include, but not be limited to, calculating principal and interest due on the mortgage loan, assessing fees and costs onto a mortgagor’s loan account, collecting regular payments from the mortgagor, acting as escrow agent for the owner of the mortgage loan or foreclosing on a mortgage loan in the event of a default.

- l. *Mortgagor or homeowner* – the holder of a mortgage loan that is secured wholly or partially by a mortgage on residential property.
- m. *residential property* – real property that is owner-occupied as a principal or primary residence, located within the Town of Brookline, that is either a single-family dwelling or a structure containing not more than four (4) residential units, and shall also include a residential condominium unit or a residential co-op unit occupied by an owner as an owner's principal or primary residence.
- n. *non-judicial mortgage foreclosure* - a foreclosure process under the “power of sale” contained in a mortgage pursuant to G.L. c. 183, s. 21 and G.L. c. 244.
- o. *the parties* – the homeowner/mortgagor and the creditor/mortgagee or their successors or assignees.

5.11.4. Notwithstanding any general or special law to the contrary, all non-judicial mortgage foreclosures in the Town of Brookline pertaining to residential property which is occupied as the owner’s principal residence shall be required to engage in a municipality-approved Mediation Program as set out in this By-Law, and shall obtain a certificate verifying the mortgagee’s good faith participation in the Mediation Program.

5.11.5. The Town of Brookline shall establish a Mediation Program relative to mortgage foreclosures in accordance with this By-Law and promulgate regulations as necessary and appropriate to implementing such a Mediation Program involving mortgagees, creditors, mortgagors, homeowners, utilizing municipality-approved Mediation Program Manager(s) and mediators to mediate between the mortgagee and a mortgagor who owns residential real property in the Town of Brookline which is occupied by the mortgagor as his or her principal residence. Such mediation shall be facilitated by a municipality-approved Mediation Program Manager according to procedures established by this By-Law. Said Mediation Program may only relate to the mediation of mortgage foreclosures of residential real property in the Town of Brookline that is the mortgagor’s principal residence.

5.11.6. Pursuant to this Act, the Town of Brookline shall establish a Mediation Program to provide mediation for all foreclosures of mortgages on owner-occupied residential property with no more than four (4) units that is the primary residence of the owner-occupant. The Mediation Program shall address all issues reasonably related to a foreclosure on the subject property, including but not limited to reinstatement of the mortgage, modification of the loan and restructuring of the mortgage debt, including the reduction and forgiveness of mortgage debt. Mediation conferences conducted pursuant to the Mediation Program shall use the calculations, assumptions and forms that are established or made available through (i) the Federal Deposit Insurance Corporation and published in the Federal Deposit Insurance Corporations Loan Modification Program Guide available on the Federal Deposit Insurance Corporation’s publicly accessible website, (ii) the Home Affordable Modification Program; (iii) any modification program that a mortgagee may use which is based on accepted principles and the safety and soundness of the institution and recognized by the National Credit Union Administration, the Division

of Banks or any other instrumentality of the commonwealth; (iv) the Federal Housing Agency; or (v) similar federal programs.

The Town of Brookline shall provide for a means of evaluating and selecting qualified Mediation Program Managers. The municipality shall also provide for a means of assessing and evaluating annually the municipality's Mediation Program including reports and data related to (a) the number of mortgagors who are notified of mediation; (b) the number of mortgagors/homeowners who attend mediation and who receive counseling or assistance; (c) the number of certificates of completion issued under the Mediation Program, (d) the results of the mediation process, including the number of loans restructured, number of principal write-downs, interest rate reductions and, to the extent such information is available, the number of mortgagors/homeowners who default on mortgages within a year after successful mediation conferences, (e) any such other information as the municipality may determine to be necessary and or helpful in assessing the value of a Mediation Program and any adjustments that may need to be made thereto.

The Town of Brookline may terminate a Mediation Program Manager's participation in the Mediation Program for good cause, as determined by the appropriate municipal official and subject to any applicable rules and regulations developed by the municipality. In such case, the Mediation Program Manager shall promptly deliver to the municipality all records and information in its possession for appropriate preservation and storage.

5.11.7. Except for financial information otherwise permitted by law to be disclosed, any financial statement or information provided to the Town of Brookline or its approved independent counseling agencies or provided to the mortgagee or mortgagor during the course of mediation in accordance with this By-Law shall be confidential and shall not be available for public inspection. Any financial statement or information to reasonably facilitate the mediation conference(s) shall be made available as necessary to the mediator and to the attorneys or representatives, if any, of the parties to the mediation. Any financial statement or information designated as confidential under this section shall be kept separate and apart from other papers and matters not the subject of the mediation.

5.11.8. For the purpose of the Mediation Program established by the Town of Brookline, the municipality shall receive a copy of all notices filed pursuant to G.L. c. 244 § 35A(g),(h), within ten (10) days of receipt by the Commissioner of the Division of Banks pursuant to G.L. c. 244, §35A(k) that relate to residential properties in the Town of Brookline. The municipality shall thereafter promptly notify the creditor/mortgagee and the mortgagor/homeowner of their rights and responsibilities under this By-Law regarding mediation. It is the intent and purpose of this By-Law that a mediation conference take place within forty-five (45) days of the mortgagor/homeowner receiving notice of his or her right to cure as provided in G.L. c. 244, §35A (g) and (h). The Town of Brookline shall refer the matter for mediation to an approved Mediation Program Manager who shall have the responsibility of assigning a mediator and scheduling the parties to immediately commence mediation pursuant to this By-Law. The mediation shall proceed with the parties' good faith effort to negotiate and agree upon a commercially reasonable

alternative to foreclosure as defined in G.L. c. 244, §35A(c). The mediation conference shall continue without delay until completion, but shall in no way constitute an extension of the foreclosure process, nor an extension of the mortgagor/homeowner's right to cure period. Notwithstanding the limitation in the previous sentence, the mediation conference may be extended by mutual agreement of the parties which the mediator shall document.

5.11.9. The mediation program established by this By-Law shall include, and be limited to, the following steps:

(a) the parties shall participate in a mandatory loan/mortgage mediation conference at a location mutually convenient to the parties. All parties present at said mediation conference must have authority to enter into any agreements renegotiating the mortgage that is the subject of the foreclosure, or to otherwise resolve the pending foreclosure.

(b) said mediation conference shall be scheduled at a time and place to be determined by the Mediation Program Manager, but not later than forty-five (45) days following the mortgagor/homeowner's receipt of his or her statutory notice of right to cure under G.L. c. 244, §35A (g) and (h). The parties will be noticed under the mediation program by certified and first class mail at the parties' last known address(es). if any, or if none, then to the address to which the tax collector last sent the tax bill for mortgaged premises. The notice shall contain the following declaration on the first page in Spanish, in any other language which the lender knows is the debtor's primary language, and any other language deemed appropriate by the Mediation Program Manager: "This is an important notice concerning your right to live in your home. Have it translated at once."

(c) prior to the scheduled mediation conference, the mortgagor/homeowner shall be assigned a municipality-approved loan counselor. If the mortgagor/homeowner is already working with a municipality-approved loan counselor, no assignment is necessary. However, such loan counselor shall work with the mortgagor/homeowner during the mediation process in accordance with the provisions of this By-Law.

(d) the mortgagor/homeowner shall cooperate in all respects with the requirements of Mediation Program Manager, providing all necessary financial and employment information. The mortgagor/homeowner shall complete any and all loan resolution proposals and applications as appropriate. The mortgagor/homeowner must provide evidence of current income. The creditor/mortgagee's representative must bring and make available, the mortgage, a certified copy of the promissory note in its then-current condition evidencing the debt, all assignments of the mortgage loan whether recorded or unrecorded, as well as a detailed accounting of the outstanding balance on the mortgage loan including all lawful costs and fees assessed to the mortgagor/homeowner's account as of the date of the scheduled mediation.

(e) if after two (2) attempts by the mediation program manager to contact the mortgagor/homeowner as required by this section, the mortgagor/homeowner fails to respond to the Mediation Program Manager's request to appear for the mediation conference, or the mortgagor/homeowner fails to cooperate in any respect with the requirements outlined in this By-Law, the requirements of the By-Law shall be deemed to be satisfied upon verification by the municipality-approved Mediation Program Manager that the required notice was sent; and if so, a certificate shall be issued immediately by the Mediation Program Manager certifying that the creditor/mortgagee has satisfied the mediation requirements of this By-Law.

(f) the mediator shall determine whether the parties have engaged in a good faith effort at the mediation conference.

(g) if, it is determined after a good faith effort made by the creditor/mortgagee and/or homeowner/mortgagor at the mediation conference, that the parties cannot come to an agreement to re-negotiate the terms of the loan in an effort to avoid foreclosure, such good faith effort on behalf of the creditor/mortgagee and/or of the homeowner/mortgagor shall be deemed to satisfy the requirements of this By-Law. A certificate certifying such good faith effort pursuant to this By-Law shall be issued immediately to the party(s) that made a good faith effort and without delay by the Mediation Program Manager to the party(s) authorizing the creditor/mortgagee and/or homeowner/mortgagor to proceed with its rights under Chapter 244 of the General Laws.

5.11.10. Notwithstanding any provisions of G.L. c. 244, s. 14 relating to the power of sale, no sale in the Town of Brookline shall be effective to foreclose on any mortgage under this By-Law, unless all notices required by G.L. c. 244, § 14 specifically reference that a certificate from a municipality-approved Mediation Program Manager has been issued verifying that the creditor/mortgagee, its assignee or any person identified in G.L. c. 244, §14, has successfully participated in a mediation program in accordance with this By-Law.

5.11.11. No entry by foreclosure in the Town of Brookline shall be effectual unless the memorandum or certificate recorded as required by G.L. c. 244, § 2 includes as an attachment or exhibit a copy of a certificate from a municipality-approved Mediation Program Manager verifying that the creditor/mortgagee has participated in mediation with the mortgagor/homeowner as required by this By-Law.

5.11.12. A creditor/mortgagee's failure to comply with any section of this By-Law shall result in a fine of \$300.00 owed to the Town of Brookline, for each instance of a violation, to be charged to the creditor/mortgagee in accordance with G.L. c. 40, s. 21. Every calendar day of non-compliance with the sections of this By-Law shall constitute a separate violation subject to the penalties described under this section, up until the end of the right to cure period given under a lawful notice pursuant to G.L. c. 244, §35A (g) and (h). Said fine or fines under this section shall be recovered by indictment or complaint pursuant to G.L. c. 40, s. 21. Any fines assessed pursuant to this By-Law shall not be charged to the mortgagor/homeowner either directly or indirectly by the creditor/mortgagee

5.11.13. The Town of Brookline is hereby authorized to enact and from time to time to revise by By-Law, a reasonable and appropriate mediation registration fee to be charged to the creditor/mortgagee for the services attendant to administering the Mediation Program established under this By-Law.

5.11.14. In the event any part of this By-Law shall be held invalid, such invalidity shall not invalidate the whole By-Law but the remaining provisions of this By-Law shall not be affected thereby.

5.11.15. This By-Law shall take effect no later than sixty (60) days from its passage

5.11.16: Securing and Maintaining Vacant Properties and Foreclosing Properties

Subsection (a) Unsecured and unmaintained properties and especially vacant properties present a danger to the safety and welfare of public safety officers, the public, occupants, abutters and neighborhoods, and as such, constitute a public nuisance. This section is enacted to promote the health, safety and welfare of the public, to protect and preserve the quiet enjoyment and health of occupants, abutters and neighborhoods, and to minimize hazards to public safety personnel inspecting or entering such properties.

Subsection (b) The following words and phrases, when used in this section, shall have the following meanings:

- a. *building* – any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property or as otherwise defined under the municipality’s applicable zoning bylaw.
- b. *certificate of closure* – certificate issued by the director to the owner of a vacant or foreclosing property upon compliance with the provisions of paragraph (c) herein.
- c. *director* – the director of health and housing inspection or other municipal official designated by the municipality under this By-Law.
- d. *days* – consecutive calendar days
- e. *fire chief* – the chief of the Town of Brookline Fire Department or his or her designee.
- f. *foreclosing* – the process by which real property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.
- g. *initiation of the foreclosure process* – taking any of the following actions:
 - i. taking possession of a residential property pursuant to G.L. c. 244, s. 1;

- ii. Commencing a foreclosure action on a property in any court of competent jurisdiction, including without limitation filing a complaint in Land Court under the Servicemembers Civil Relief Act - Public Law 108-189 (50 U.S.C.S. App. § 501-536);
 - iii. In any instance, where the mortgage authorizes mortgagee entry to make repairs upon mortgagor's failure to do so.

- h. *local* – within twenty (20) miles of the property in question

- i. *mortgagee* – the creditor, assignee or current holder of a mortgage on real property including but not limited to, a mortgage loan servicer, any lender(s) a mortgage and any agent, subcontractor or employee of the mortgagee acting without his or her authority, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under a mortgage.

- j. *owner* – every person, entity, service company, property manager or real estate Broker, who alone or severally with others has legal title to any real property, including but not limited to a dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or has care, charge or control of real property, including but not limited to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, or any administrator, administratrix, executor, trustee or guardian of the estate of the holder of legal title; or is a mortgagee of any such property who has initiated the foreclosure process as defined in this section;; is an agent trustee or other person appointed by the courts and vested with possession or control of any such property; or is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, "owner" shall not mean a condominium association created pursuant to General Laws chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or every person who operates a rooming house; or is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process; or

- k. *property* – any real property, or portion thereof, located in the Town of Brookline, including buildings or structures situated on the property; provided, however, that "property" shall not include property owned or under the control of the Town of Brookline, the Commonwealth or the United States of America.

- l. *secured, securing* – making the property inaccessible to unauthorized persons.

- m. *vacant* – any property not currently legally occupied and not properly maintained or secured.

Section (c) Any owner of a vacant and/or foreclosing property shall forthwith:

Provide written notification to the director and the fire chief of the status of such property, including in such notice, the name, address and telephone number of the owner; the location of the property; the length of time the building has been vacant; the estimated time the building will remain vacant; and the nature of the contents of the building; and,

As may be required by the fire chief, file one set of space utilization floor plans for any buildings on said property with the fire chief and one set of said plans with the director. The owner shall certify space utilization plans as accurate twice annually, in January and July; and

Remove from the property, to the satisfaction of the fire chief, hazardous material as that term is defined in G.L. c. 21K, as that statute may be amended from time to time; and

At the discretion of the fire chief or director, secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Initiative Board Up Procedures or provide twenty-four (24) hour on-site security personnel on the property. When a vacant or foreclosing property is located within a complex of buildings owned by a single owner, twenty-four (24) hour on-site security shall be provided within the building or within the complex wherein the building is located; and

Where a property is vacant, post "No Trespassing" signs on the property; and

Maintain the property in accordance with {appropriate Chapter of these Ordinances}, free of overgrowth trash and debris, and pools of stagnant water, and ensure that structures are maintained in a structurally sound condition; and

If the property is vacant, drain all water from the plumbing and turn off all electricity between September 15 and June 15 of each calendar year to guard against burst pipes and fires; and

Maintain the property in accordance with the minimum requirements of the Massachusetts State Sanitary Code, the Massachusetts State Building Code and all specialized codes incorporated therein, and any Town of Brookline Ordinances concerning the maintenance of property and the Town of Brookline Zoning Ordinances; and

Provide the fire chief and director with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the property as may be required by the fire chief or director; and,

Maintain liability insurance on the property and furnish the director with a copy of said certificate of insurance; and

Provide a cash bond acceptable to the director, in the sum of not less than ten thousand (\$10,000.00) dollars, to secure the continued maintenance of the property throughout its vacancy and remunerate the Town of Brookline for any expenses incurred in inspecting, securing, marking or making such building safe. A portion of said bond shall be retained by the Town of Brookline as an administrative fee to fund an account for expenses incurred in inspecting, securing, and marking other such buildings that are not in compliance with this Section. Any owner of a vacant or foreclosing property providing a bond pursuant to this section must also provide bonds for all other vacant or foreclosing properties it owns in the Town of Brookline.

Once the property is no longer vacant or is sold, provide proof of sale or written notice and proof of occupancy to the director and fire chief.

Upon satisfactory compliance with the above provisions the director shall issue a certificate of building closure. Said certificate shall be valid for the length of time prescribed by the director and noted thereon; provided, however, the certificate shall be subject to continued compliance with the provisions of this section.

Section (d) Signs/Markings – When required pursuant to this section signs or markings shall be applied on the front of the property, and elsewhere as the fire chief may require, at or above the second floor level and shall not be placed over doors windows or other openings. All signs/markings shall be visible from the street and when requested by the fire chief shall be placed on the sides and rear of the property. Signs markings shall be a minimum of 24 inches by 24 inches, with lines of 2 inch width, and shall have a reflective background, or be painted with reflective paint in contrasting colors. Signs/markings shall be applied directly on the surface of the property, and shall state the date of posting and the most recent date of inspection by the fire chief and director.

Section (e) Enforcement – Failure to comply with any provision of paragraph (c) above shall be punished by a fine of five hundred (\$500.00) dollars with each day of violation constituting a separate offence. This section may also be enforced by civil, criminal process or non-criminal process including injunctive relief. The director and or the fire chief shall be enforcing persons for purposes of this section.

Section (f) The director or fire chief, upon being informed of the existence of a vacant or foreclosing property without a certificate of building closure, shall cause notice to issue to the owner of the status of said property and shall order said person to immediately obtain a certificate of building closure. If any person fails to comply with said order, the fire chief or director may enter the premises to inspect, secure, and mark the property, and/or remove rubbish or overgrowth, or to abate a stagnant pool of water. The fire chief or director may also seek enforcement pursuant to section (e).

Section (g) Expenses – The owner of a vacant or foreclosing property who fails to obtain a certificate of building closure as required herein, shall be liable to the Town of Brookline for expenses incurred by the Town of Brookline in securing such

property, for removing rubbish and overgrowth and/or for abating stagnant pools of water. The director shall provide the owner with a written statement of all costs associated with inspecting, securing, and marking the property, and removing rubbish or overgrowth, or abating stagnant pools of water. If the owner fails to pay or reimburse the Town of Brookline within seven days of notice of expenses the Town of Brookline shall draw down upon the bond paid by the owner as required in subsection 10, above. If there is no bond available, the director shall record the notice of claim in the {county} District Registry of Deeds (or the Land Court Department) forthwith, establishing a lien on the property for the balance due

Section (h) No owner of a vacant or foreclosing property shall allow said property to become or remain unsecured, or to contain an accumulation of rubbish, or to contain overgrowth, or to have a stagnant pool of water. If it appears that any vacant or foreclosing property is unsecured, contains rubbish, overgrowth, or a stagnant pool of water, the director shall send written notification to the owner, requiring that the owner promptly secure the property, remove the rubbish or overgrowth, or abate the stagnant pool of water.

If the owner fails to comply with any order issued pursuant to this provision (h), the fire chief or director may immediately seek to obtain the proceeds secured by the bond filed pursuant to paragraph (c)(11) herein and shall enter upon the premises and cause the property to be inspected, secured, and marked, or to remove rubbish, overgrowth, or stagnant pools using said proceeds.

Section (i) All unsecured vacant or foreclosing properties shall be immediately referred to the director for a determination relative to whether the property is a nuisance or dangerous pursuant to chapter 139 and procedures promulgated thereunder.

Section (j) Notices required pursuant to this section shall be served in the following manner:

Personally on any owner as defined in this section or on the contact person specified pursuant to paragraph (c)(9); or ,

Left at the last and usual place of abode of any owner, or contact person as specified pursuant to paragraph (c)(9), if such place of abode is known and is within or without the commonwealth; or,

By certified or registered mail, return receipt requested, to any owner, or the contact person specified pursuant to paragraph (c)(9).

Or act on anything relative thereto.

ARTICLE 8

Submitted by: Nancy Heller

To see if the town will amend the General By-Laws as follows:

By adding the following Article:

Article 8.32 Prohibition on the Use of Polystyrene Based Disposable Food Containers

Effective December 1, 2013, polystyrene food or beverage containers shall not be used in the Town of Brookline to package or serve food or beverages if that packaging takes place on the premises of food service establishments, as defined in Article 8.10.2, within the Town of Brookline.

In the event that compliance with the effective date of this by-law is not feasible for a food service establishment because of either unavailability of alternative non-polystyrene containers or economic hardship, the Director of Health and Human Services may grant a waiver of not more than six months upon application of the owner or the owner’s representative. The waiver may be extended for one (1) additional 6 month period upon the showing of continued infeasibility as set forth above.

And by adding a reference to this Article 8.32 in the General By-Laws, Article 10.2 Prosecutions and Enforcement, by including Article 8.32 under the list of by-laws enforceable by the Director of Health and Human Services.

Or act on anything relative thereto.

ARTICLE 9

Submitted by: Jessica Arconti

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

Article 8.XX PLASTIC BAG REDUCTION ACT

Section 1.

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- “Commissioner”, the Commissioner of the Department of Inspectional Services.
- “ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.
- “ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”
- “Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards

deemed acceptable by this section.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale.

“Department”, the Brookline Department of Inspectional Services.

“Home compostable plastic bag”, a plastic bag that conforms to the EU 13432 standard for compostability.

“Marine degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability.

“Person”, an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

“Recyclable paper bag”, a paper bag that is 100 percent recyclable overall and contains at least 70 per cent recycled content, and displays the word “Recyclable” in a highly visible manner on the outside of the bag.

“Reusable bag”, a bag with handles that is specifically designed and manufactured for multiple reuse and is either (1) made of cloth or other fabric; or (2) made of durable plastic that is at least 2.25 mils thick; or (3) made of other durable material.

“Retail establishment”, any retail store that satisfies at least one of the following requirements:

- (a) a retail space of 2,500 square feet or larger or at least three (3) locations under the same ownership within the City of Brookline that total 2,500 square feet or more; or
- (b) a retail pharmacy with at least two locations under the same ownership within the City of Brookline; or
- (c) a full-line, self-service supermarket that had annual gross sales in excess of \$1,000,000 during the previous tax year, and which sells a line of dry grocery, canned goods or nonfood items and some perishable items;

Section 2.

- (a) If a retail establishment provides plastic checkout bags to customers, the bags shall comply with the requirements of being compostable or home compostable plastic bags, as well as marine degradable plastic bags.
- (b) Nothing in this section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags as defined in this section at checkout.
- (c) The enforcement and penalty provisions of section two shall apply to this chapter.
- (d) The commissioner shall promulgate rules and regulations to implement this section.

Section 3.

Audits and Violations:

- (a) Each Retail Establishment located in the City of Brookline shall comply with this act.
- (c) Violation of any of the requirements of this act shall subject a retail establishment to the penalties set forth by the Brookline Town Council.
 - (1) If it is determined that a violation has occurred, the City of Brookline shall issue a warning notice to the Retail Establishment for the initial violation.
 - (2) If it is determined that an additional violation of this Chapter has occurred within one year after a warning notice has been issued for an initial violation, the City of Brookline shall issue a notice of infraction and shall impose a penalty against the retail establishment.
 - (3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

- A) \$50 for the first offense
- B) \$100 for the second offense
- C) For the third and all subsequent offenses there shall be a mandatory Court appearance and such penalty as may be determined by the Court pursuant to _____
- (4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.
- (5) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of infraction is issued to pay the penalty.
- (6) The penalty shall double after fifteen (15) calendars days if the Retail Establishment does not pay the penalty; or fails to respond to a notice of infraction by either denying or objecting in writing to the infraction or penalty.

Section 4.

All of the requirements set forth in this act shall take effect 90 days after its effective date.

Or act on anything relative thereto.

ARTICLE 10

Submitted by: Department of Planning and Community Development

To see if the Town will amend Sec. 4.07, Table of Use Regulations, in the Zoning By-Law by adding a new Use 32A, Domestic Household Animal Day Care Center.

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
32A. Domestic Household Animal Day Care Center, including grooming, training, walking and other accessory services, and excluding overnight kenneling. No outdoor facilities for the animals shall be permitted. Studies by recognized experts shall be submitted to ensure, to the satisfaction of the Board of Appeals, that the use will be constructed so as to safeguard nearby properties against undue noise, odor and improper waste disposal. A recommendation from the Director of Public Health shall be required to address the size and location of the facility and any potential impacts. Additionally, annual licenses issued by the licensing authority are required, with the recommendation of the Director of Public Health, the Police Department's Animal Control Officer, and the Director of Parks and Open Space.	No	No	No	No	No	SP	SP	No	SP

Or act on anything relative thereto.

ARTICLE 11

Submitted by: Department of Planning and Community Development

To see if the Town will amend Article IX, Administration and Procedure, in the Zoning By-Law by adding a Sec. 9.12, Administrative Review for Day Care Centers, as follows:

§9.12 - ADMINISTRATIVE REVIEW FOR DAY CARE CENTERS

1. Prior to the issuance of a building permit from the Building Department, an applicant shall submit to the following departments - Planning and Community Development, Building, Transportation, Public Health, and Parks and Open Space - a description of the number of children and employees; operating hours, location of outdoor play activities (whether on-site or at a public playground); employee and drop-off/pick-up parking, and if requested, a site plan showing the location of outdoor play space and parking.
2. After review, the departments above may submit to the applicant, with copies to the Planning and Community Development Department, written recommendations for suggested improvements to the proposal, especially to improve safety and/or mitigate any negative impacts to the surrounding area.
3. Within 14 business days of receipt of the required information, the Planning Director, or designee, shall indicate in writing to the Building Commissioner that the procedural requirements, as stated above, have been met. If within the above stated time period, such statement is not received by the Building Commissioner, a building permit may be issued if all other applicable regulations have been met.

Or act on anything relative thereto.

ARTICLE 12

Submitted by: Board of Selectmen

To see if the Town will authorize and empower the Board of Selectmen to lease the town-owned property known and numbered as 27 Ackers Avenue, in accordance with the requirements of General Laws, Chapter 30B and Chapter 40, §3, for not more than thirty years and upon such other terms and conditions determined by the Board of Selectmen to be in the best interest of the town, or act on anything relative thereto.

ARTICLE 13

Submitted by: Board of Selectmen

To see if the Town will authorize and empower the Board of Selectmen to lease the town-owned property known and numbered as 15 Newton Street (the Carriage

House and garage and contiguous site occupied by the Larz Anderson Auto Museum, a Massachusetts non-profit corporation) in accordance with the requirements of General Laws, Chapter 30B and Chapter 40, §3, for not more than thirty years and upon such other terms and conditions determined by the Board of Selectmen to be in the best interest of the town, or act on anything relative thereto.

ARTICLE 14

Submitted by: Board of Selectmen

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 GRANT 11 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

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. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Brookline may grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138, provided, however, that such license is issued to an establishment that holds a common victuallers license pursuant to section 2 of chapter 140 of the General Laws, to be used at a parcel depicted on page 59 of the Town of Brookline Assessor's Atlas as block number 238, lot number 01. The license shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the license is in good standing with the department and that all applicable taxes, fees, and contributions have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act provided that the applicant files with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the license is in good standing with those entities and that all applicable taxes, fees, and contributions have been paid.

SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Brookline may grant a total of 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138, provided, however, that such licenses are issued to establishments that hold a common victuallers license pursuant to section 2 of

chapter 140 of the General Laws, to be used at parcels depicted on page 29B of the Town of Brookline Assessor's Atlas as block number 138, parcel numbers 01 and 02. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the licenses to any other location but it may grant the licenses to new applicants at the same location if the applicants file with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the licenses are in good standing with the department and that all applicable taxes, fees, and contributions have been paid.

(c) If the licenses granted under this section are cancelled, revoked or no longer in use, they shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the licenses to new applicants at the same locations under the same conditions as specified in this act provided that the applicants file with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the licenses are in good standing with those entities and that all applicable taxes, fees, and contributions have been paid.

SECTION 3. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Brookline may grant a total of 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138, provided, however, that such licenses are issued to establishments that hold a common victuallers license pursuant to section 2 of chapter 140 of the General Laws, to be used at parcels depicted on page 9 of the Town of Brookline Assessor's Atlas as block number 045, lot numbers 01, 11 and 02-01. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the licenses to any other location but it may grant the licenses to new applicants at the same locations if the applicants file with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the licenses are in good standing with the department and that all applicable taxes, fees, and contributions have been paid.

(c) If the licenses granted under this section are cancelled, revoked or no longer in use, they shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the licenses to new applicants at the same locations under the same conditions as specified in this act provided that the applicants file with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the licenses are in good standing with those entities and that all applicable taxes, fees, and contributions have been paid.

SECTION 4. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the Town of Brookline may grant up to 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138, provided, however, that such licenses are issued to

establishments that hold a common victuallers license pursuant to section 2 of chapter 140 of the General Laws.

(b) A license under this section shall not be transferable to any other person, corporation or organization for a period of 3 years from the date of original issuance or 3 years from the enactment of this legislation, whichever is later. Any transfer in violation of sections (a) or (b) of this section shall render said license null and void.

(c) If a license granted under this section is revoked or no longer in use at the location of original issuance, it shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the licensing authority which may then grant the license to a new applicant only at the same location under the same conditions as specified in this act provided that the applicant files with the licensing authority a letter from the department of revenue and a letter from the division of employment assistance indicating that the license is in good standing with those entities and that all applicable taxes, fees, and contributions have been paid.

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

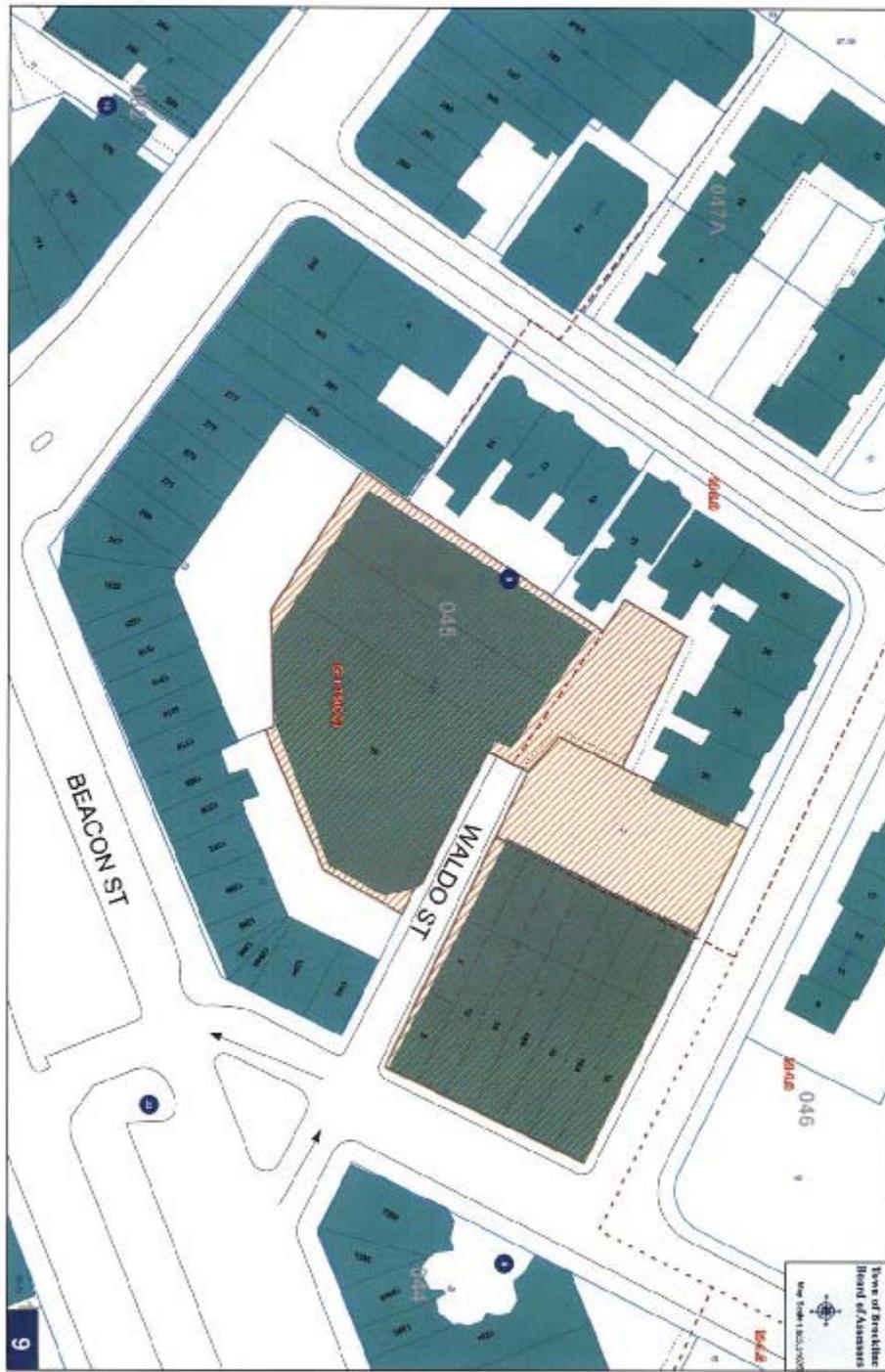
or act on anything relative thereto. The General Court may make such amendments as are within the scope of the general public objectives of this petition.

MAP 1



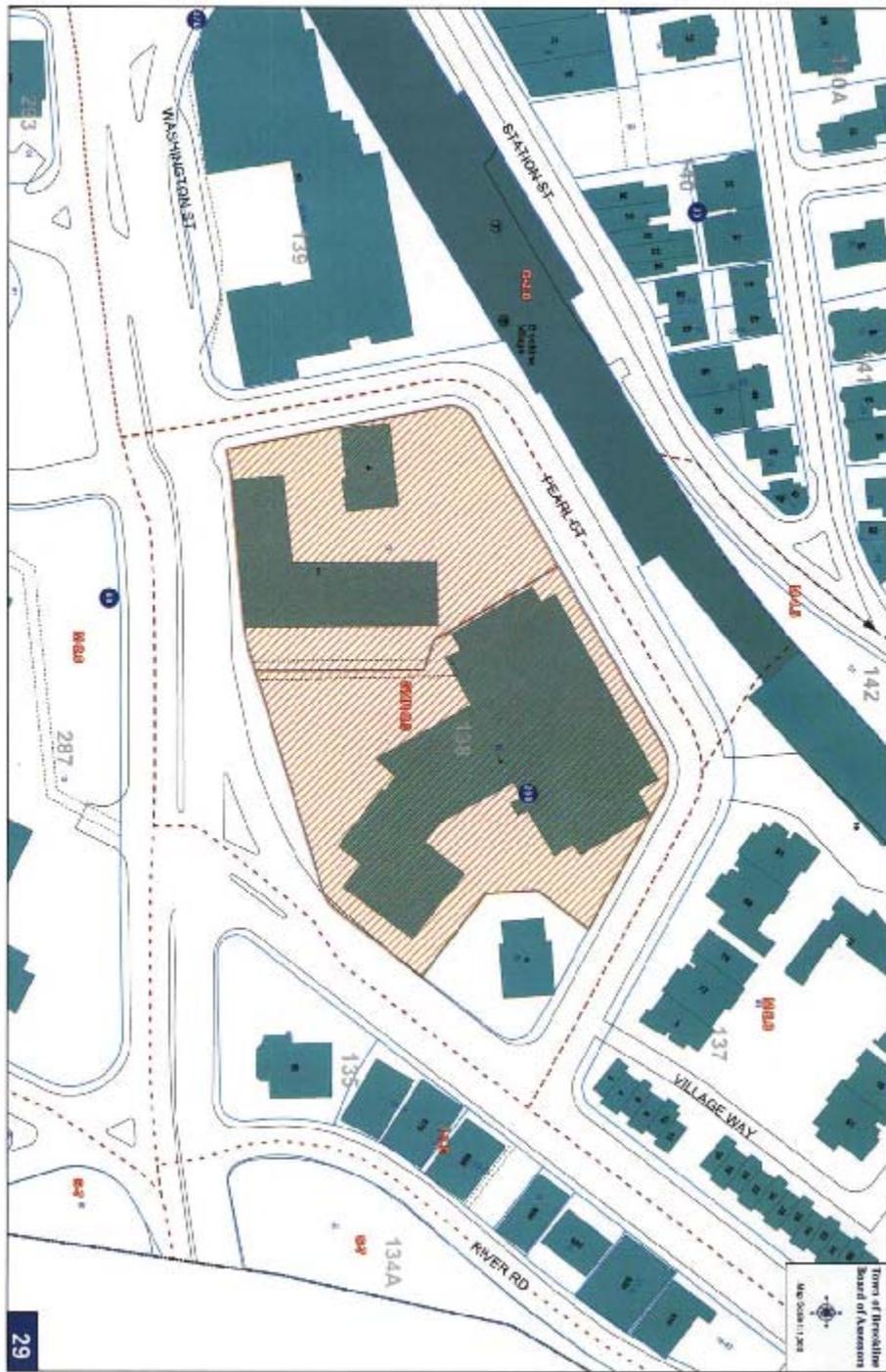
MAP 1

MAP 2



MAP 2

MAP 3



MAP 3

ARTICLE 15

Submitted by: Thomas Vitolo

To see if Town Meeting will adopt the following resolution regarding the study of “solar ready” roofs on municipal buildings:

WHEREAS, the cost of solar photovoltaic (PV) panel installation has been steadily declining, and

WHEREAS, though short-term market fluctuations will determine the best time to install solar PV panels, in the long term such installations are likely to provide a financially advantageous revenue stream to the Town, and

WHEREAS, through its Town Meeting and Board of Selectmen, Brookline has committed to reducing greenhouse gas emissions and carbon footprint, and

WHEREAS, a "solar ready" roof is structurally capable of supporting solar PV panels and, with the exception of the PV panels and the inverter, has most or all equipment necessary for a PV installation already installed, and

WHEREAS, it is expected that making a roof "solar ready" at the time of new construction or major roof repair can minimize solar installation costs and maximize solar production potential when solar PV panels are installed, and

WHEREAS, Brookline has a municipal roof repair and restoration program which systematically improves a portion of the 850,000 square feet of roof surface on an annual basis.

NOW, THEREFORE be it resolved that the Selectmen establish a committee, the purpose of which is to study the potential costs and benefits of a policy requiring some or all Town-owned roofs be made "solar ready" at the time of construction or substantial renovation. The name of the committee shall be the Selectmen's Municipal Solar Roofs Committee. The responsibilities of the committee shall include:

1. To formulate a set of design, engineering, and construction guidelines with which a Brookline municipal roof shall comply to be considered “solar ready”;
2. to determine or estimate the additional costs of making a new municipal roof "solar ready" at the time of new construction;
3. to determine or estimate the additional costs of making an existing municipal roof "solar ready" at the time of substantial renovation;
4. to determine or estimate of the costs of making an existing municipal roof "solar ready" were it not being constructed nor renovated concurrently; and
5. to determine and detail, to the extent possible, any non-financial costs or benefits resulting from the installation of solar PV panels on Town-owned roofs.

The committee shall consist of the following members appointed by the Board of Selectmen:

1. a member of the Board of Selectmen
2. the Chair of the Advisory Committee, or his/her nominee
3. the Chair of the School Committee, or his/her nominee
4. the Chair of the Building Commission, or his/her nominee
5. two Town staff members, upon recommendation of the Town Administrator, from departments such as:
 - Town Administrator's Office
 - Finance Department
 - Planning Department
6. the Chair of the Climate Action Committee, or his/her nominee
7. two members at large with special consideration given to people with the following skills:
 - Relevant regulatory, public policy, and/or business expertise
 - Relevant engineering or trade expertise.

No member shall be disqualified because she or he is not a resident of the Town.

The Committee shall be established no later than March 31, 2013, and shall be dissolved following the acceptance of its report by the Board of Selectmen.

Or act on anything relative thereto.

ARTICLE 16

Submitted by: Patricia Connors and Cornelia van der Ziel

To see if the Town will adopt the following resolution:

Resolution Calling on Congress to End the War in Afghanistan, Reduce the Military Budget and Bring Our Troops and Tax Dollars Home

WHEREAS, the financial resources available for non-military use by governments at the local, county, state and federal levels in the United States are limited to a degree not seen for decades;

WHEREAS, the federal deficit is projected to be \$1.2 trillion in fiscal year 2012;

WHEREAS, U.S. military spending has more than doubled since 9/11 and military outlays in 2012 are expected to reach \$716 billion, up from \$294 billion in 2000;

WHEREAS, Congress has appropriated over \$571 billion for the war in Afghanistan since 2001—more than for World War II—including \$111 billion in fiscal year 2012, most of it borrowed against our national debt;

WHEREAS, according to the National Priorities Project, the taxpayers of Massachusetts and Brookline have paid \$17.4 billion and \$213.2 million, respectively, for the Afghanistan War since FY 2001;

WHEREAS, U.S. troops, including those from Brookline and other Massachusetts municipalities, have served valiantly in Afghanistan;

WHEREAS, over 2000 U.S. troops have been killed and over 17,000 wounded in the Afghanistan War according to the Department of Defense;

WHEREAS, thousands of civilians have been killed in this war, and the ongoing warfare poses great and unnecessary harm to the people of Afghanistan and Pakistan;

WHEREAS, since 2001, more U.S. soldiers have killed themselves than have been killed in the Afghanistan War, the suicide rate as of July, 2012 averaging one per day, and a high percentage of returning veterans suffer from physical and/or psychological wounds;

WHEREAS, a majority of Americans believe that we should not be at war in Afghanistan, a March, 2012 New York Times/CBS News poll showing more than two-thirds opposed;

WHEREAS, the US-led NATO military coalition is not scheduled to end its combat mission in Afghanistan until the end of 2014;

WHEREAS, under a July, 2012 agreement between the U.S. and Pakistan, NATO supply convoys have permission from Pakistan to cross its territory into Afghanistan until the end of 2015;

WHEREAS, the “Enduring Strategic Partnership Agreement,” executed between the U.S. and Afghanistan in May, 2012, leaves the way open for the U.S. to keep forces in Afghanistan until 2024;

Whereas, the U.S. government has spent more than \$20 billion training and equipping a nearly 340,000-member Afghan security force on the assumption that it will be strong enough to fight the Taliban on its own by the end of 2014 but attacks by Afghans on the NATO troops training them have escalated sharply in 2012, thereby raising questions as to the tenability of this NATO exit strategy;

WHEREAS, educational services, medical care, housing, other essential public services, infrastructure repairs and family and private sector financing throughout the Commonwealth of Massachusetts have been cut while our financial resources have been diverted from the constructive economy to the war in Afghanistan and to the general increase in the military budget;

NOW, THEREFORE, BE IT RESOLVED that the Town of Brookline calls on U.S. Senator John Kerry, U.S. Senator and Congressperson to:

- oppose further funding of the war in Afghanistan and take leadership in Congress to bring all of our troops, both combat and noncombat forces, safely home,
- substantially reduce overall military spending and redirect our federal tax dollars to the pressing educational, employment, health, housing, infrastructure, energy and environmental needs of our town, state and country,
- support federal funding for the over 2 million Iraq and Afghanistan war veterans—particularly the thousands who have come home disabled or otherwise physically or psychologically wounded—to ensure they receive health care, housing, jobs, education and other support services they deserve; and

BE IT FURTHER RESOLVED that Town officials shall notify the following of this action by Town Meeting: the President of the United States, Secretary of Defense, Secretary of State, Governor Deval Patrick, all U.S. senators and representatives from Massachusetts, and the Brookline TAB and major Boston-area newspapers and television stations.

or take any action relative thereto.

ARTICLE 17

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 Twentieth day of September, 2012.

 BOARD OF SELECTMEN



BY VIRTUE OF THIS WARRANT, I THIS DAY NOTIFIED AND WARNED THE INHABITANTS OF SAID TOWN TO MEET AT THE HIGH SCHOOL AUDITORIUM IN SAID TOWN ON TUESDAY, NOVEMBER 13, 2012 AT 7:00 P.M. BY POSTING TRUE AND ATTESTED COPIES OF THE WITHIN WARRANT IN TEN (10) PUBLIC PLACES. ALL OF THIS WAS DONE AT LEAST FOURTEEN (14) DAYS BEFORE SAID MEETING.

CONSTABLE

DATE