



# MINUTES

## BOARD OF SELECTMEN

### IN BOARD OF SELECTMEN TUESDAY, NOVEMBER 22, 2016 6<sup>th</sup> FLOOR HEARING ROOM

Present: Selectman Neil Wishinsky, Selectman Nancy Daly,  
Selectman Benjamin J. Franco, Selectman Nancy S.  
Heller, Selectman Bernard W. Greene

#### OPEN SESSION

Question of whether the Board of Selectmen shall enter into Executive Session for the purpose of discussing strategy with respect to litigation in certain matters pending at the Department of Industrial Accidents.

#### PROPOSED EXECUTIVE SESSION LITIGATION

Assistant Human Resources Director Leslea Noble will appear to discuss strategy with respect to litigation in matters pending at the Department of Industrial Accidents.

In Open Session- the Chair must state the purpose for Executive Session, stating all subjects that may be revealed without compromising the purpose for which the Executive Session was called.

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

On motion it was,

Voted to enter into Executive Session.  
The Board will reconvene in open session.

Roll call: Aye: Wishinsky, Daly, Franco, Heller, Greene

ANNOUNCEMENTS/UPDATES

[Selectmen to announce recent and/or upcoming Events of Community Interest.](#)

First Light Brookline will be held on December 8<sup>th</sup> from 5pm-8pm. Festivities will be held in the various commercial districts.

Community Aggregation Plan – there is no word from the state level to date, however, it looks like the basic price point may be less than Eversource’s monthly rate.

The overnight parking ban will be lifted for Thanksgiving night, unless there is a snow emergency.

The Town is still waiting on the Housing Production Plan; if the Town produces 141 affordable units in a calendar year, it will be eligible for 40b safe harbor for one year. There are many pending 40b applications at this point; this goal may be reached.

PUBLIC COMMENT

Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.

MISCELLANEOUS

Approval of miscellaneous items, licenses, vouchers, and contracts.

[Question of approving the minutes of November 9, 2016.](#)

[On motion it was,](#)

[Voted to approve the minutes of November 9, 2016.](#)

[Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene](#)

[Question of approving the minutes of November 15, 2016.](#)

On motion it was,

Voted to approve the minutes of November 9, 2016 as amended.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

GRANT

[Question of accepting a grant in the amount of \\$102,012.00 from the Massachusetts Department of Transportation for the TRIPPS program \(Transportation, Resources, Information, Planning and Partnership for Seniors\).](#)

Director of the Council on Aging Ruthanne Dobek was happy to announce that this competitive grant was awarded to them. The funds will be used to continue the transportation program for Brookline's elderly. This is a regional program in connection with neighboring communities.

On motion it was,

Voted to accept a grant in the amount of \$102,012.00 from the Massachusetts Department of Transportation for the TRIPPS program (Transportation, Resources, Information, Planning and Partnership for Seniors).

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

BROOKLINE HAZARD MITIGATION PLAN 2016

[Question of executing a Resolution Adopting the Town of Brookline Hazard Mitigation Plan 2016 Update pursuant to the requirements of the Federal Disaster Mitigation Act of 2000 for all communities applying to receive FEMA funding for hazard mitigation grants.](#)

Commissioner Pappastergion stated that pursuant to the requirements related to applications for FEMA grant funding, communities must adopt a local Multi-Hazard Mitigation Plan. The Metropolitan Area Planning Council has put the plan together for the region. The original plan was adopted in 2008; this is an updated plan that requires a formal resolution from the Board of Selectmen.

Commissioner Pappastergion referred to the submitted materials that offer the full 2016 mitigation plan.

Selectman Heller noted that she will share the material with the Climate Action Committee.

On motion it was,

Voted to execute a Resolution Adopting the Town of Brookline Hazard Mitigation Plan 2016 Update pursuant to the requirements of the Federal Disaster Mitigation Act of 2000 for all communities applying to receive FEMA funding for hazard mitigation grants.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

CONTRACT

[Question of approving and executing a contract with The Galante Architecture Studio in the amount of \\$516,600.00 for the preparation of design documents in connection](#)

[with the Brookline Fire Department Vehicle Repair Facility & Fire Fighter Training Facilities project.](#)

Building Project Manager Ray Masak said that they are ready to bring this facility project forward and supports this contract.

Selectman Daly added that they have heard from the former Fire Chief on the need for this facility. At times they were repairing equipment on the street due to lack of space and adequate facilities.

On motion it was,

Voted to approve and execute a contract with The Galante Architecture Studio in the amount of \$516,600.00 for the preparation of design documents in connection with the Brookline Fire Department Vehicle Repair Facility & Fire Fighter Training Facilities project.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

CHANGE ORDER

Question of approving Change Order #3 in the amount of \$450.73 for work performed by Contractor Network, Inc. in connection with the Municipal Service Center Renovation project.

Building Project Manager Ray Masak stated that this change order consists of nine items. He hopes to bring the final change order next month to close the project.

On motion it was,

Voted to approve Change Order #3 in the amount of \$450.73 for work performed by Contractor Network, Inc. in connection with the Municipal Service Center Renovation project.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

ALTERNATE MANAGER

Question of approving the application of Taberna de Haro, Inc., d/b/a Taberna de Haro, holder of an All Kinds of Alcoholic Beverages, Common Victualler, and Entertainment license at 999 Beacon Street for the appointment of Sabine Da Cunha as an Alternate Manager.

On motion it was,

Voted to approve the application of Taberna de Haro, Inc., d/b/a Taberna de Haro, holder of an All Kinds of Alcoholic Beverages, Common Victualler, and Entertainment license at 999 Beacon Street for the appointment of Sabine Da Cunha as an Alternate Manager.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

#### TEMPORARY ALL KINDS ALCOHOL SALES LICENSE

Question of granting a Temporary All Kinds Alcohol Sales License to Fotene Andreadis for a Holiday Party to be held on Saturday, December 3, 2016 from 8pm-1am at 162 Goddard Avenue (Annunciation Greek Orthodox Cathedral).

On motion it was,

Voted to grant a Temporary All Kinds Alcohol Sales License to Fotene Andreadis for a Holiday Party to be held on Saturday, December 3, 2016 from 8pm-1am at 162 Goddard Avenue (Annunciation Greek Orthodox Cathedral).

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

#### CALENDAR

Review and potential vote on Calendar Items

#### [BUILDING COMMITTEE FOR THE BROOKLINE HIGH SCHOOL EXPANSION](#)

##### [Question of approving the Charge for the Committee and a Slate of Membership.](#)

Chairman Wishinsky noted that this is the second big school project moving forward. Selectman Heller will be a co-chair along with School Committee Chair Susan Ditkoff, and Building Commission member George Cole.

There is a broad range of participants.

On motion it was,

Voted to approve the Charge for the Committee and a Slate of Membership.

There shall be established a Building Committee for the Brookline High School expansion project. In keeping with recent practice on the Devotion School project, this committee shall be modeled using the MSBA Building Committee guidelines as a starting point. The Committee shall consist of a member of the Building Commission, Board of Selectmen and School Committee, each selected by their designated boards, who together shall serve as co-chairs of the Committee. The other members of the Committee shall be as listed below. The Board of Selectmen, working with the Town Administrator and staff, shall provide candidates to fill the Park and Recreation Commission representative and the two greater BHS community positions. The Superintendent, working with the Headmaster, shall provide candidates to fill the two

parent community representatives, the dean representative and the student representative positions. The slate of members shall be ratified by the Board of Selectmen and the School Committee.

- 1 member of the Park and Recreation Commission
- 2 persons representing the school parent community (School Council or PTO)
- 2 persons representing the interests of the greater BHS community
- The Town Administrator or designee
- The Building Commissioner or designee
- The Superintendent of Schools
- The Deputy Superintendent of Schools for Administration and Finance
- The Deputy Superintendent of Schools for Teaching and Learning
- The BHS Headmaster
- 1 BHS Dean
- 1 student representative

The Building Committee shall advise and support the Building Commission, Board of Selectmen and School Committee in connection with their authority and responsibilities for the construction and alteration of town buildings and structures under Article 3.7 of the General By-Laws of the Town of Brookline. The Building Committee shall also be the main body responsible for engaging and informing the public on the project.

The Building Committee shall work with the Project Manager and consultants in support of the project. The Project Manager shall attend all the meetings of the Building Committee and serve as the Committee's staff person.

The Building Committee shall be concerned with all aspects of the project including budget, schedule, safety, public relations, coordination of town agencies, logistics, and contract compliance.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

#### COUNCIL ON AGING - PERSONNEL

Question of authorizing the filling of the Bus Driver (GN-3) vacancy in the Council on Aging Department.

Council on Aging Director Ruthanne Dobek stated that due to a recent promotion, this position is vacant. This position provides an important service for the community.

On motion it was,

Voted to authorize the filling of the Bus Driver (GN-3) vacancy in the Council on Aging Department.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

### BOARDS AND COMMISSIONS - APPOINTMENTS

#### Question of making appointments/reappointments to the following Boards, Commissions, and Committees:

##### 9th School at Baldwin Project Oversight Committee

Dave Gacioch – School Parent Representative  
John Co – School Parent Representative

Selectman Daly said that they did not have the names of the PTO representation to the committee at the previous vote.

On motion it was,

Voted to appoint the candidates to the 9th School at Baldwin Project Oversight Committee:

Dave Gacioch – School Parent Representative  
John Co – School Parent Representative

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

### CHANGE OF MANAGER

### TRANSFER OF STOCK

### NEW OFFICER

Public Hearing on the application of The Brothers Restaurant Corp. d/b/a The Brothers Restaurant, Concepcion Perez, Owner, holder of a license To Expose, Keep for Sale and To Sell All Kinds of Alcoholic Beverages to Be Drunk on the Premises as a Seven Day Common Victualler License at 404 Harvard Street, for a Change of Manager, Transfer of Stock and New Officer as follows:

From: Manager	Concepcion Perez	To: Albeiro Lopera
Transfer of Stock	Concepcion Perez	Albeiro Lopera
New Officer	Concepcion Perez	Albeiro Lopera

Attorney Adam Barnosky and applicant Alberio Loperera were present. Mr. Barnosky explained there will be no changes in the operations or business model, the establishment will remain the same. The applicant reviewed the liquor regulations.

Public hearing: no speakers.

On motion it was,

Voted to approve the application of The Brothers Restaurant Corp. d/b/a The Brothers Restaurant, Concepcion Perez, Owner, holder of a license To Expose, Keep for Sale and To Sell All Kinds of Alcoholic Beverages to Be Drunk on the Premises as a Seven Day Common Victualler License at 404 Harvard Street, for a Change of Manager, Transfer of Stock and New Officer as follows:

From: Manager	Concepcion Perez	To: Albeiro Lopera
Transfer of Stock	Concepcion Perez	Albeiro Lopera
New Officer	Concepcion Perez	Albeiro Lopera

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

#### NEW COMMON VICTUALLER LICENSE

Question of approving the application of Caffè Nero Americas, Inc., d/b/a Caffè Nero, Michael Ford-Deegan, President, for a Common Victualler License at 1 Harvard Street, seating capacity of 20 seats; hours of operation Monday-Sunday 5:30am-10pm.

Attorney Robert Allen representing the applicant stated that this is an international company specializing in coffee and lite fare. He noted that the seating capacity will be before the ZBA for up to 31 seats.

On motion it was,

Voted to approve the application of Caffè Nero Americas, Inc., d/b/a Caffè Nero, Michael Ford-Deegan, President, for a Common Victualler License at 1 Harvard Street, seating capacity of up to 31 seats, currently approved for 20; hours of operation Monday-Sunday 5:30am-10pm.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

#### NEW FOOD VENDOR LICENSE

Question of approving the application of Green Line Growers, LLC, d/b/a Brookline Grown, Robert Zuker, Owner and Emily Schwartz, Manager, for a Food Vendor License at 14 Pleasant Street, hours of operation Monday-Friday 10am-8pm and Saturday-Sunday 11am-6pm.

Applicant Robert Zuker explained that the business opened in July growing local food. The business will now expand to sell the specialty products.

On motion it was,

Voted to approve the application of Green Line Growers, LLC, d/b/a Brookline Grown, Robert Zuker, Owner and Emily Schwartz, Manager, for a Food Vendor License at 14 Pleasant Street, hours of operation Monday-Friday 10am-8pm and Saturday-Sunday 11am-6pm.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

NOISE BY-LAW WAIVER

Public Hearing on the request of KCEKOB LLC for a Waiver of the Noise By-Law in connection with landscaping services at 34 White Place to be performed on Tuesday, November 29th at 1:30 a.m. and if necessary the following night.

Attorney Robert Allen explained that a mature tree has caused some concern among neighbors. This tree is right on the property line against the MBTA tracks, and in order to remove it, permission is needed from the MBTA to access the track. The MBTA has granted access for November 29<sup>th</sup> with the possibility of expanding it to the next night. He added that unfortunately this night will be difficult for the neighbors; however, should the tree fall it could cause damage to multiple properties.

Selectman Franco added that should the tree fall onto the MBTA tracks, it would cause a longer delay in their service.

Public hearing: no speakers.

On motion it was,

Voted to grant the request of KCEKOB LLC for a Waiver of the Noise By-Law in connection with landscaping services at 34 White Place to be performed on Tuesday, November 29th at 1:30 a.m. and if necessary the following night.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

There being no further business the Chair adjourned the meeting at 8:30 p.m.

ATTEST

Materials:

- Question of approving the minutes of November 9, 2 - 11.9.minutes.pdf - Native File PDF 27507
- A. Question of approving the minutes of November 9, 2 - 11.15tmminutes.pdf - Native File PDF 27507
  - B. Question of accepting a grant in the amount of \$10 - 11.22coa\_pdf - Native File PDF 27522
  - C. Question of executing a Resolution Adopting the To - 11.22.pdf - Native File PDF 27523
  - D. Question of approving and executing a contract wit - 11.22 contract pdf - Native File PDF
  - E. Question of approving Change Order #3 in the amoun - 11,22co muni center\_.pdf - Native File PDF 27525
  - F. Question of approving the application of Taberna d - nov22 999beaconst\_201611171435.pdf -
  - G. Question of granting a Temporary All Kinds Alcohol - nov22 162goddardave\_201611171436.pdf - Native File PDF 27527
7. BUILDING COMMITTEE FOR THE BROOKLINE HIGH SCHOOL E - 11.22 BHS Building Committee 11-7-2016.pdf - Native File PDF 27533
7. BUILDING COMMITTEE FOR THE BROOKLINE HIGH SCHOOL E - 11.22 bhs expansion\_201611221601.pdf - Native File PDF 27533
8. COUNCIL ON AGING - PERSONNEL - 11.22 ath coa\_201611180930.pdf - Native File PDF 27512
9. BOARDS AND COMMISSIONS - APPOINTMENTS - 11.15 9th school\_201611101527.pdf - Native File PDF 27528
9. BOARDS AND COMMISSIONS - APPOINTMENTS - 11.22 9th school\_201611221600.pdf - Native File PDF 27528
10. CHANGE OF MANAGER TRANSFER OF STOCK NEW OFFICER - nov22 404harvardst\_201611171431.pdf
11. NEW COMMON VICTUALLER LICENSE - nov22 1harvardst\_201611171434.pdf - Native File PDF 27516
12. NEW FOOD VENDOR LICENSE - nov22 14pleasantst\_201611171433.pdf - Native File PDF 27518
13. NOISE BY-LAW WAIVER - 11.22 Noise bylaw.pdf - Native File PDF