



MINUTES

BOARD OF SELECTMEN

IN BOARD OF SELECTMEN TUESDAY, DECEMBER 20, 2016 6th FLOOR HEARING ROOM

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

REMOTE PARTICIPATION

Pursuant to this Board's Authority under 940 CMR 29.10 (8), Selectman Heller will be participating remotely via telephone due to Geographic distance.

There is a quorum physically present and all votes taken will be recorded by roll call. Selectman Heller will be allowed to vote.

ANNOUNCEMENTS/UPDATES

Selectmen to announce recent and/or upcoming Events of Community Interest.

The Board and Town Counsel have asked various state agencies for relief due to the onslaught of 40b applications. The State replied and offered the following regulatory waivers:

1. Time to complete hearings and render decision.
2. Time to commence new hearings.

The State acknowledged that this community is facing an unprecedented amount of 40b project applications; it is the first time 10 applications are pending in one community. Hopefully there are enough units in the pipeline to reach the safe harbor mark.

Meeting updates:

The Diversity, Inclusion and Community Relations Commission is reviewing two new policies; the equal employment policy, and a complaint policy. The Commission is also working on fair housing, a meditation event at the Schultz gym, and an interfaith council to address the Town's Sanctuary City status in an effort to support refugees. These efforts will

be coordinated with a member of the Public Health Advisory Committee that works in supporting refugees..

The MKL Committee is working on their celebration event.

The overnight parking ban will be lifted on December 24th, 25th, and 31st.

PUBLIC COMMENT

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

Public Comment Guidelines, adopted by the Board in May 2007, and amended May 14, 2013, are that (1) up to 15 minutes at the beginning of each meeting may be open to the public for public comment. (2) Each speaker is limited to 3 minutes for comment. (3) Each speaker may comment once every four meetings on a different topic. (4) Members of the Board will not comment or respond, unless there is a question of clarification. (5) Speakers must notify the Selectmen's Office (617)730-2211 by Friday to sign up for the next Tuesday's meeting so that we can schedule time.

MISCELLANEOUS

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

[Question of approving the minutes of December 13, 2016.](#)

The minutes were held.

EXTRA WORK ORDER

[Question of approving Extra Work Order No. 1 in the amount of \\$7,772.00 pursuant to DPW Contract PW/16-15 with Ronald A. Marini Corp., General Contractor, for the Putterham Library Landscape Improvements Project.](#)

Erin Gallentine Director of Parks and Open Space said that this work order will complete and close out the Putterham Library Grounds Project. This is a passive park and is fully accessible with a reading garden. This was a successful project that was welcomed by the neighborhood.

On motion it was,

Voted to approve Extra Work Order No. 1 in the amount of \$7,772.00 pursuant to DPW Contract PW/16-15 with Ronald A. Marini Corp., General Contractor, for the Putterham Library Landscape Improvements Project.

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

CONTRACT

Question of awarding and executing a contract in the amount of \$19,200.00 with Feldman Surveyors (engineering survey services) for the completion of an Existing Conditions Survey at Brookline Reservoir Park.

Director of Parks and Open Space Erin Gallentine said they are about to embark on the design review process related to the rehabilitation of Brookline Reservoir Park. The project will include repointing and repairs, improvements to the entrances, planting enhancements, and a comfort station.

Selectman Daly asked about the trees that need to come out, according to the State.

Ms. Gallentine replied that this is related to the dam that needs to be in compliance. They have met with State officials at the site and submitted an engineering report on the overall conditions in relation to the assessment of the dam itself. No vegetation is allowed on the dam embankments, and the Town requested the State allow some time for them to come up with a strategy to save as many trees as possible. The trees in question are near the gatehouse.

Selectman Daly noted that the trees along Route 9 provide much needed screening and protection.

Selectman Greene asked about water access and improvements.

Ms. Gallentine replied that the project replaces the existing water fountain that will also have a bottle filling capacity.

Selectman Franco asked about future use of the gatehouse.

Ms. Gallentine replied that they are investigating the possibility of a comfort station there. They have met with the Preservation Commission for assistance in framing the request for proposals for design services.

On motion it was,

Voted to award and execute a contract in the amount of \$19,200.00 with Feldman Surveyors (engineering survey services) for the completion of an Existing Conditions Survey at Brookline Reservoir Park.

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

CONTRACT

Question of awarding and executing a contract in the amount of \$529,450.00 with Enterprise Equipment Co., Inc. for Elevator Upgrades at Town Hall and the Physical Education Building.

Project Manager Ray Masak stated that this is a continuation of the elevator repair appropriation. The Town has worked with the contractor successfully in the past.

On motion it was,

Voted to award and execute a contract in the amount of \$529,450.00 with Enterprise Equipment Co., Inc. for Elevator Upgrades at Town Hall and the Physical Education Building.

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

DONATION

Question of accepting a donation in the amount of \$500.00 from the Korean Church of Boston for the Brookline Police Department's Youth Police Initiative Program.

Chief O'Leary noted that this is a generous donation that will be used for youth related programs.

Selectman Daly said she appreciates that this organization as a non-profit recognizes the Town's public safety services.

On motion it was,

Voted to accept a donation in the amount of \$500.00 from the Korean Church of Boston for the Brookline Police Department's Youth Police Initiative Program.

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

APPROPRIATION TRANSFERS

Question of approving the request of Assistant Town Administrator Austin Faison for two Appropriation Transfers in the amount of \$15,000.00 each for the Finance Department.

Assistant Town Administrator Austin Faison stated that this request is to fund services to assist the Human Resources Director in efforts to hire a new Finance Director. The funds will be supported by the unused salary accounts.

On motion it was,

Voted to approve the request of Assistant Town Administrator Austin Faison for two Appropriation Transfers in the amount of \$15,000.00 each for the Finance Department.

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

LEASE

Question of executing the First Amendment to the Town of Brookline School Space Lease for 62 Harvard Street.

This item was held pending an update from the School Department.

EXTENSION OF HOURS

[Question of approving the application of AL/VFW Inc., holder of an All Kinds of Alcoholic Beverages License, for a one-day Extension of Hours of their Liquor License from 11pm-1am on December 31, 2016 – January 1, 2017 for a New Year's Eve Celebration at 386 Washington Street.](#)

On motion it was,

Voted to approve the application of AL/VFW Inc., holder of an All Kinds of Alcoholic Beverages License, for a one-day Extension of Hours of their Liquor License from 11pm-1am on December 31, 2016 – January 1, 2017 for a New Year's Eve Celebration at 386 Washington Street.

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

CALENDAR

Review and potential vote on Calendar Items

POLICE DEPARTMENT - PERSONNEL

Question of authorizing the filling of the following vacancies in the Police Department:

Senior Accountant/Audit Clerk (C-05)
E911 Dispatcher (T9 ETD)

Chief O'Leary stated that the current Audit Clerk employee is moving to the Comptroller's office. The dispatcher is taking a job in the probation department. He has a list from the last hiring process and will hire from that.

Selectman Greene spoke about hiring a diverse applicant pool, and noted that the paperwork has an omission of a source for potential dispatchers, Community Colleges. Many Community Colleges have law enforcement programs; this is a good area to pursue. He feels that expanded efforts should be made to increase a diverse applicant pool.

Chief O'Leary presented the Board with a video on the Brookline Police Department's

hiring and training campaign. He thanked Nation Boston, a local media company for their work and continued support.

The Chief added that the Department reaches out to co-op students and interns from Northeastern and Newbury College. Their last 4 hires were: 1 African American male, 2 females, and 1 white male, the next candidate on the list is an African American male.

Town Administrator Kleckner added that the hiring process is more in-depth than what appears on the paperwork. He will invite the HR Director and the DICR Director for an update on the hiring process.

On motion it was,

Voted to authorize the filling of the following vacancies in the Police Department:

Senior Accountant/Audit Clerk (C-05)
E911 Dispatcher (T9 ETD)

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

COOLIDGE CORNER STUDY COMMITTEE **agenda item taken out of order*

Question of establishing the composition and scope of a committee to study proposed development projects at 1200 Beacon Street (“Holiday Inn”), 8-10 Waldo Street (including 5 Waldo Street), 12-18 Pleasant Street, and 16 John Street (“Waldo/Durgin”).

Chairman Wishinsky stated that there are 2 proposals for large projects pending. One is a project at the Waldo/Durgin garage; a proposed 21 story mixed use building. The developer is willing to engage with the Town on a project for a hotel, commercial and residential units.

Hopefully the outcome will be less than 21 stories.

Selectman Greene added, and hopefully with rental units less than the anticipated \$8-9k monthly rate.

The second proposal is at the Holiday Inn, 1200 Beacon Street site. The owner of this property expressed a desire to develop a mixed use building with commercial and residential space.

This committee will be similar to the Gateway East Project and the 111 Boylston/Red Cab site project, and will include representatives from the Housing Advisory Board and the Economic Development Board. A draft charge was submitted for the Board to

review. Both developers will be present at an upcoming meeting on January 9th.

*Chairman Wishinsky left the meeting at 8:30 p.m. to attend another meeting.
Selectman Daly is Acting Chair*

JCHE PROJECT COMMITMENT REQUEST

Question of reviewing and approving the recommendation of the Housing Advisory Board that the Town of Brookline make a preliminary commitment of up to \$2.5 million to Jewish Community Housing for the Elderly (JCHE) for a 62-unit affordable housing project at 384 Harvard Street.

Housing Advisory Board (HAB) Chair Roger Blood stated that this request supports the Town's commitment to fund this project with Housing Trust Funds in the amount of \$2.5 million, 10% of the total project. This project meets HAB's highest priority of being a truly affordable housing development. This process is required in efforts to proceed with the application so JCHE can get into this funding round at the State level.

JCHE President Amy Schectman gave a brief PowerPoint updating the Board on the development at 384 Harvard Street. They have engaged with the neighborhood and made some revisions to the streetscape, notably on Williams Street, where setbacks offer additional planting beds and green space, and alterations to the shared driveway with the abutters.

On motion it was,

Voted that the Town of Brookline is making a preliminary commitment of up to \$2.5 million to Jewish Community Housing for the Elderly for a 62-unit affordable senior housing project at 384 Harvard Street. This commitment will be fulfilled by a combination of Brookline Housing Trust, HOME and/or CDBG funds, as appropriate. Conditions for the commitment include the following:

- Success in securing a Comprehensive Permit for the project;
- Success in securing non-Town funding resources adequate to develop and finance the project as proposed;
- The imposition of affordability restrictions in perpetuity; and
- Local preference in tenant selection, to the maximum extent permitted under law and by other funders.

This commitment will extend for two years following the approval by the Board of Selectmen.

The Board authorizes Board Chair Neil Wishinsky to sign a preliminary commitment letter.

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

CHANGE OF d/b/a

Public Hearing on the application of Shilpa Liquors, Inc., d/b/a Village Liquors & Convenience, Vijaykumar Patel, Owner, holder of a license to Expose, Keep for Sale and to Sell All Kinds of Alcoholic Beverages as a Retail Package Store at 294 Washington Street for a change of d/b/a from Village Liquor & Convenience to d/b/a Brookline Wine & Spirit.

The Manager of the establishment was present. He indicated that they thought the name was changed a while ago, and realized it was not once they received their license renewal notice. They are going forward with the name change at this time.

Public Hearing no speakers:

On motion it was,

Voted to approve the application of Shilpa Liquors, Inc., d/b/a Village Liquors & Convenience, Vijaykumar Patel, Owner, holder of a license to Expose, Keep for Sale and to Sell All Kinds of Alcoholic Beverages as a Retail Package Store at 294 Washington Street for a change of d/b/a from Village Liquor & Convenience to d/b/a Brookline Wine & Spirit.

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

CHANGE OF MANAGER

Public Hearing on the application of Rockland Food & Beverage, LLC, d/b/a Lully's Café, Kimberly Tobias, 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 at 111 Boylston Street, for a Change of Manager from Jaglo Garces to Kevin James Buchanan.

Attorney Angela Vastey noted that the applicant had a family event to attend. She represented the applicant and reviewed his qualifications. Mr. Buchanan has over 20 years of experience in the restaurant business.

Selectman Daly asked that the applicant contact Brookline's liquor officer to review the Town's alcohol regulations if he has not already done that.

Public hearing: no speakers

On motion it was,

Voted to approve the application of Rockland Food & Beverage, LLC, d/b/a Lully's Café, Kimberly Tobias, 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 at 111 Boylston Street, for a Change of Manager from Jaglo Garces to Kevin James Buchanan.

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

COMMON VICTUALLER LICENSE

[Question of approving the application of Caffe Nero Americas, Inc., d/b/a Caffe Nero, Michael Ford-Deegan, President, for a Common Victualler License at 1633 Beacon Street, seating capacity of 60 seats and hours of operation Sunday-Saturday 5:30am-10:00pm.](#)

Attorney Angela Vastey reviewed the application. This café will have 60 seats and the hours are Sunday-Saturday 5:30am. -10:00pm.

Chairman Wishinsky returned 8:45 pm.

On motion it was

Voted to approve the application of Caffe Nero Americas, Inc., d/b/a Caffe Nero, Michael Ford-Deegan, President, for a Common Victualler License at 1633 Beacon Street, seating capacity of 60 seats and hours of operation Sunday-Saturday 5:30am-10:00pm.

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

FOOD VENDOR LICENSE

[Question of approving the application of D & L 81 Enterprise LLC, d/b/a My Guy Pizza, Lysa Dao and David Ty, Owners, for a Food Vendor License at 8 Cypress Street \(presently Sargut Firidin Enterprises, Inc., d/b/a Grano Neapolitan Pizza\), hours of operation Sunday-Saturday 11:00am-10:00pm.](#)

The applicant was not present. This item was held.

2017 LICENSE RENEWALS

Question of renewing the following licenses for 2017:

Coin-Operated Amusement Devices
Common Victualler
Entertainment (Weekday/Sunday)
Food Vendor
Innholder
Liquor
Lodging House
Registered Marijuana Dispensary
Secondhand Motor Vehicles

Chairman Wishinsky began the license renewal process.

Coin-Operated Amusement Devices

All the paperwork has been submitted; there are no outstanding issues.

On motion it was,

Voted to approve renewal of 2017 licenses for Coin-Operated Amusement Devices as presented on the report dated December 2, 2016.

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

Common Victualler

All the paperwork has been submitted; there are no outstanding issues.

On motion it was,

Voted to approve renewal of 2017 licenses for Common Victualler as presented on the report dated December 15, 2016.

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

Entertainment

All the paperwork has been submitted; there are no outstanding issues.

On motion it was,

Voted approve renewal of 2017 licenses for Entertainment as presented on the report dated December 12, 2016

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

Sunday Live Entertainment

All the paperwork has been submitted; there are no outstanding issues.

On motion it was,

Voted to approve renewal of 2017 licenses for Sunday Live Entertainment as presented on the report dated December 12, 2016.

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

Food Vendor

All the paperwork has been submitted; there are no outstanding issues.

On motion it was,

Voted to approve renewal of 2017 licenses for Food Vendor as presented on the report dated December 12, 2016

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

Innholder

All the paperwork has been submitted; there are no outstanding issues.

On motion it was,

Voted to approve renewal of 2017 licenses for Innholder as presented on the report dated December 2, 2016

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

Liquor

James Franco TMM#1 spoke about the renewal of Waxy's, 1032 Beacon Street on behalf of a constituent that has complained about the volume level and disturbances from this establishment.

The Board noted that they received an email today at 5:30 pm, however that did not give them enough time to review the issues.

Town Administrator Kleckner responded that the license holder must have adequate notice of a complaint and possible suspension of a license. This license can be renewed and investigated. He will consult with the Building Commissioner about the status of the complaint that was related to mechanical equipment on the roof and other issues. If it merits, there will be a public hearing. He thanked Mr. Franco for bringing this to his attention and apologized that he was unaware of the complaint prior to this evening.

Selectman Daly requested that the DBA change in the agenda earlier tonight (Brookline Wine and Spirit) be reflected in the renewal list, once approved by the ABCC at the State level.

On motion it was,

Voted to approve the renewal of 2017 licenses for the sale of alcohol beverages as presented on the report dated December 13, 2016.

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

Lodging House

It was noted that some inspections were not completed, and expected to be completed by December 31st.

One lodging house has not submitted the renewal paperwork.

On motion it was,

Voted to approve the renewal of 2017 licenses for Lodging House as presented on the report dated December 14, 2016.

*with the conditions that;

1. the following lodging houses successfully pass inspections by Fire, Building and health departments no later than December 31, 2016:

1017 Beacon Street
1754 Beacon Street
58 Manchester Street
89 Marion Street
143 St. Paul Street
400 Heath Street
1023 Beacon Street
1047 Beacon Street

1459 Beacon Street
50 Goddard Avenue

2. That the lodging house at 50 Goddard Avenue submit all required paperwork and payment of a \$50.00 late fee no later than December 31, 2016.

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

Registered Marijuana Dispensary (RMD)

All the paperwork has been submitted; there are no outstanding issues.

Selectman Daly noted that the condition of Police Details still applies.

On motion it was,

Voted to approve renewal of 2017 licenses for Registered Marijuana Dispensary to NETA.

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

Secondhand Motor Vehicles

It was noted that Swanson Automotive has not submitted the renewal application.

On motion it was,

Voted to approve renewal of 2017 licenses for Secondhand Motor Vehicles Classes 1 & 2 with the condition that Swanson Automotive of 666 Brookline Avenue submits all required paperwork and payment of a \$50.00 late fee no later than December 31, 2016.

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

[BOARDS AND COMMISSIONS - APPOINTMENTS](#)

[Question of making appointments to the following Boards and Commissions:](#)

Park and Recreation Commission
Diversity, Inclusion & Community Relations Commission

Park and Recreation Commission

On motion it was,

Voted to reappoint John Bain to the Park and Recreation Commission for a term ending August 31, 2019 or until a successor can be appointed.

Voted to appoint Wendy Sheridan to the Park and Recreation Commission for a term ending August 31, 2019 or until a successor can be appointed.

Diversity, Inclusion & Community Relations Commission

On motion it was,

Voted to reappoint John Malcome Cawthorne to the Diversity, Inclusion & Community Relations Commission for a term ending August 31, 2019 or until a successor can be appointed.

Voted to reappoint Enid Shapiro to the Diversity, Inclusion & Community Relations Commission for a term ending August 31, 2019 or until a successor can be appointed.

Voted to reappoint Ginny Vaz to the Diversity, Inclusion & Community Relations Commission for a term ending August 31, 2019 or until a successor can be appointed.

Voted to appoint Emanuel Howard to the Diversity, Inclusion & Community Relations Commission for a term ending August 31, 2018 or until a successor can be appointed.

Voted to appoint Yvette Johnson to the Diversity, Inclusion & Community Relations Commission for a term ending August 31, 2019 or until a successor can be appointed.

There being no further business the Chair adjourned the meeting at 9:15 p.m.

ATTEST