

**TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Wednesday, February 10, 2016**

Record

Chairman Lance R. Grenzeback called the rescheduled Monday, February 8, 2016 meeting to order at 6:30 PM in the Board of Selectmen Meeting Room located in Town Hall. Present were Vice Chairman James A. Johnson, III, Selectman Stephen L. Powers, Selectman Michael Bettencourt and Selectman E. James Whitehead. Also present were Town Manager Richard C. Howard and Town Counsel Wade M. Welch. Town Engineer Beth Rudolph and Chief of Police Kenneth Albertelli were in attendance for Public Session.

OPENING

*Motion: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing matters related to Contract Negotiations: Hospital PILOT – MGL Ch. 30A §21(a)6; Contract Negotiations: Winning Farm – MGL Ch. 30A §21(a)6 and Litigation: Board of Selectmen vs. Attorney General – MGL Ch. 30A §21(a)3.
Whitehead – Johnson
By Roll Call Vote: Whitehead, Bettencourt, Powers, Johnson, Grenzeback VOTED.

*Motion: That the Board of Selectmen adjourn from Executive Session to Public Session, not to return to Executive Session.
Johnson – Whitehead
By Roll Call Vote: Whitehead, Bettencourt, Powers, Johnson, Grenzeback VOTED.

SELECTMEN'S NOTICES AND COMMENTS

Notification of Other Meetings and Hearings

- Thursday, February 11, 2016 – Public Informational Session – Nstar d/b/a Eversource Energy – 115kV Mystic to Woburn Transmission Line Project – Lincoln Elementary School Auditorium – 7:00 P
- Monday, February 22, 2016 – Board of Selectmen – Regular Session
- Monday, March 7, 2016 – Board of Selectmen – Regular Session [tentative]

Chairman's Comments

Chairman Grenzeback apologized for the brief delay in starting Public Session, explaining that the Board had been in a lengthy Executive Session discussion.

Selectmen's Comments and Non-Docket Business

Selectman Powers informed the Board that Sachem Youth Baseball representatives have come forward with a possible problem with field usage this coming Spring. The Winchester High School Softball team will have no play space and as a result will be taking over the diamond at West Side's Nuttle Field, causing youth baseball events to run later in the day / evening. The Youth Baseball representatives are thinking that they will need to come forward and obtain Board approval to begin their season earlier in the Spring. Light usage at the field is covered by a Board of Selectmen vote several years ago.

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Selectman Whitehead informed the audience that the Conservation Commission has a vacant seat. He asked that those with interest to express that interest in writing to the Town Manager.

TOWN MANAGER'S REPORT AND COMMENTS

FY2017 Budget Update

Town Manager noted that he has provided some advance materials to the Board prior to finalizing the document for submission to the FinCom. He noted that the Board and Senior Management held a Budget Summit meeting yesterday with representatives from the Finance Committee, School Committee, Superintendent of Schools, School Finance Director, and Town Comptroller in attendance. He indicated that the document will be submitted to the Finance Committee substantially in the form contained in the packet.

Town Manager noted that spending increases by approximately 2.5% annually. There are some small increases from the State, local receipts, etc. Operational spending is essentially the same as it has been in the last four or more years. Increases are due to the capital projects approved by the voters, with approximately \$5million attributed to the High School Project and Skillings Field remediation.

Town Manager noted that the Finance Committee will discuss the budget document and hold a series of hearings reviewing the line items in a detailed manner. The Finance Committee will propose an article for action at Spring Town Meeting.

Selectman Powers noted that he was unable to attend the budget meeting but it looks like the School Committee's request is being funded in the budget. He pointed out that it also looks like there is no funding recommendation for the GASB45 line item.

Town Manager explained that the Finance Committee makes the funding recommendation for this line item. Selectman Whitehead noted that the Town Manager is also negotiating labor agreements with the unions, something that creates a potential risk to the budget. Town Manager informed the Board that a hypothetical amount has been set aside within the FY2017 Budget for settled contracts, but negotiations must take place in good faith and management should wait to hear the proposals from the labor groups. He indicated that the idea is to have contracts that are sustainable in the out years.

Vice Chairman Johnson noted that only about \$3million in Free Cash was used to balance this budget. Town Manager explained that he has proposed that for the capital line items that require some assistance, free cash be used to provide the operational support of those issues.

Spring 2016 Annual Town Meeting Warrant

Town Manager reported that all departments have been notified that in order to prepare for Spring Town Meeting, all warrant articles being proposed are due to the Town Manager's office by Friday, March 11, 2016 at Noon.

Eversource Update

Town Manager noted that the Board has been holding informational meetings and continues to work with neighboring communities to seek transmission line route alternatives. One consultant has been retained, and staff is now seeking to bring on a second consulting expert in the field of electromagnetic field activity. Town Manager reported that Winchester has been approved as an intervener in the 345kV transmission line project. Staff continues to meet with Eversource

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representatives to discuss logistics. He indicated that the process is on-going and staff continues to work as best as possible.

Parking

Town Manager informed the Board that as a result of the High School construction project there will be a squeeze on the available parking for student drivers in the Fall of 2016. Staff has been meeting with consultants, the WHS acting principal, and the School Resource Officer to discuss alternatives. He reported that the School Department will try to announce to parents and students that those who are seeking parking permits may be directed to Borggaard Beach in September.

Vice Chairman Johnson informed his colleagues that he would like an update on residential parking in the Downtown, i.e., what do apartment tenants do about parking on street during daytime hours.

HEARINGS

NStar Electric d/b/a Eversource Energy – Grant of Location Petition:
Sawmill Brook Road – southeast from pole 373 / 5 approximately 100 feet
west of Hinds Road a distance of about 10 feet – conduit

Present: Town Engineer Beth Rudolph; Rene Clark, Eversource Energy

At 8:10 PM Chairman Grenzeback opened the hearing for Sawmill Brook Road. Town Engineer informed the Board that this is a petition to install about ten feet conduit to provide underground service to 19 Sawmill Brook Road. Area to be disturbed is the grass strip between the street and sidewalk. Seeing no one in the audience wishing to comment, Chairman Grenzeback declared the hearing closed at 8:11 PM.

*Motion: That the Board of Selectmen approve the NStar Electric d/b/a Eversource Energy Grant of Location Petition for Sawmill Brook Road – southeast from pole 373 / 5 approximately 100 feet west of Hinds Road a distance of about 10 feet conduit in accordance with the Town of Winchester Grant of Location Policy and the memo from Town Engineer dated January 14, 2016.

Johnson – Powers

All in favor.

VOTED.

LICENSES

Entertainment License
First House Pub LLC
528 Main Street, Winchester
Present: Jim O'Rourke, Manager

Jim O'Rourke of First House Pub informed the Board that he is seeking an entertainment license to provide music for dinner guests as well as for functions. The license is particularly important for Wednesday through Saturday evenings, however he and his partner would like the license issued for seven days per week from 7 PM to midnight. Town Counsel indicated that the Board would have to extend the hours of operation for this establishment. In response to Selectman Whitehead's question as to whether or not First House Pub is planning to do any outdoor dining, Mr. O'Rourke indicated that there are no plans for this type of dining at this time.

*Motion: That the Board of Selectmen approve the issuance of an Entertainment License for First House Pub, 528 Main Street, Monday through Sunday, from 7:00 PM to 11:00 PM, for calendar year 2016.

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Johnson – Bettencourt

All in favor.

VOTED.

BUSINESS

Arthur Griffin Foundation – Streetscape Analysis Project Grant

Present: Mary McKenna and Intern, Julia Shattuck

Chairman Grenzeback explained that currently, there are two design concept projects underway, the first of which is the Waterfield Parking Lot and the second, Shore Road, from Winchester High School back to Quill Rotary; both projects look at streetscape redesign and the grant from the Griffin Foundation will provide funds for the groundwork. The Chairman explained that the State will provide approximately \$400,000 and each community in the Commonwealth will be able to tap into this.

Town Manager noted that he will be meeting on the complete streets process tomorrow and as a part of the whole process, the design team will make a presentation on the MBTA Commuter Rail design project on Monday evening, February 22nd.

*Motion: That the Board of Selectmen accept a gift in the amount of \$10,000 from the Arthur Griffin Foundation for the streetscape project.

Johnson – Whitehead

All in favor.

VOTED.

Wright-Locke Farm: Purchase & Sale / Development Agreement

Present: Town Counsel Wade M. Welch; Tom Howley, President, Wright-Locke Land Trust; Archie McIntyre, Executive Director, Wright-Locke Farm Conservancy, Sally Quinn, Vice President, Wright-Locke Farm Conservancy Board of Directors

Selectman Whitehead introduced this topic by informing Board members that the question arose as to whether the Development Agreement required the development of the lots located in the southwest corner of the Farm property. Town Counsel has opined that development of the parcels is not a requirement. Selectman Whitehead indicated that he would like the Board to acknowledge that development of the southwest corner is not a requirement. He noted that an affordable housing payment is also not required, however the Land Trust is offering to provide \$30,000 to the Housing Fund as a gift.

Land Trust President Tom Howley informed the Board that it was always the preference of the donors to keep this land undeveloped. He explained that the only way that the Land Trust could pay the remaining \$400,000 purchase price to the Town was to develop this land. A patron came forward and offered to make the \$400,000 payment so that the southwest parcel could remain undeveloped. He indicated that the \$30,000 affordable housing payment is a show of good faith.

Town Counsel reported that he read the agreement and after reviewing the Purchase & Sale Agreement and the Development Agreement, it was clear from the documents that the only requirement was to make payment of the outstanding \$400,000 balance by a time certain. The affordable housing payment would be triggered by the issuance of the occupancy permit. Town Counsel indicated that once the \$400,000 is paid the obligation to the Town is completed. It will be up to the Board of Selectmen to accept the housing payment.

Tom Howley informed the Board that the Conservancy is looking to clear up this matter as well as looking ahead at developing #82 Ridge Street as farm education space.

*Motion: That the Board of Selectmen acknowledge that the Development Agreement by and between the Town of Winchester and the Wright-Locke

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actual parking spaces moved to the building side of the street. TAC has laid out five (5) parking spaces located on the building side of the street as an experiment. The TAC request is for the Board to approve a rumble strip and work with the building owners to try some parking reconfiguration.

Selectman Bettencourt noted that this is an area of Town where traffic frequently backs-up during morning commuter hours. He suggested that this issue be discussed as a part of the Complete Street Program with the intersection being recommended for a complete overhaul.

*Motion: That the Board of Selectmen authorize the installation of a rumble strip at the entrance to the parking lot at 10 Skillings Road.
Johnson – Bettencourt All in favor. VOTED.

#4. Myrtle Street

Town Engineer informed the Board that residents of Myrtle Street are requesting the following actions be taken:

1. Post *Not a Thru Street* signs at both ends of Myrtle Street;
 2. Post *Slow Children or 15 MPH Speed* signs on Myrtle Street;
 3. Post a sign at the intersection of Washington St. and Myrtle St. prohibiting vehicles driving north on Washington Street (toward the Town Hall intersection) from blocking entry to Myrtle Street from Washington Street;
 4. Restrict parking on Myrtle Street to residents only during weekdays between the hours of 8:00 AM and 5:00 PM;
 5. Add a crosswalk at the end of Myrtle Street crossing Washington Street;
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1. Traffic Advisory has indicated that Myrtle Street should not be posted as *Not a Thru Street* since this sign is reserved for use on dead-end streets, which Myrtle Street is not.
 2. The de facto speed limit for Myrtle Street is 30 mph and State law requires that a traffic study be performed before the speed limit can be adjusted. TAC feels that it is unlikely that the recorded 85th percentile speed on Myrtle Street would be 15 mph as being requested by residents. TAC recommends doing a traffic count on Myrtle Street in warmer weather conditions. TAC also recommends the installation of *Slow Children* signage.
 3. TAC recommends the installation of a *Do Not Block Intersection* sign on Washington Street to help prevent vehicles from blocking the intersection at Myrtle Street.
 4. TAC did not take a position on the request to limit parking on Myrtle Street to residents only.
 5. TAC does not recommend installing a crosswalk at the end of Myrtle Street crossing over Washington Street because there are two signalized intersections, both with crossing guards positioned to assist students. Adding an additional crosswalk would encourage children to cross the busy Washington Street at a location where a crossing guard is not available.

Town Engineer noted that TAC did discuss making Myrtle Street a One-Way street because the street is very narrow and two-way traffic is difficult. TAC feels that this option should be discussed with the entire neighborhood with implementation requiring a public hearing.

Chairman Grenzeback indicated that if speed is a problem, perhaps the installation of a temporary 'speed bump' would be an effective measure. Selectman Powers suggested that this solution be reviewed with the neighborhood because it seems to be a good, workable solution and one that would be well received by the neighbors. Selectman Bettencourt suggested that a possible solution would be making Myrtle Street one-way during commuter hours only. Town Engineer informed the Board that this has been requested in the past, however it has not been recommended because of enforcement difficulty.

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Chairman Grenzeback summarized that both speed and traffic counts will be done to facilitate a discussion related to possible options. The Board will take no action on this Myrtle Street request this evening. Town Engineer indicated that if the weather cooperates, traffic counts could be done in late March, early April, with a public hearing to follow.

Speaking to the Pond Street residents request, Town Engineer informed the Board that TAC will be meeting again in the next few weeks, during which time that issue will be discussed.

Police Department – Tazer Acquisition Authorization – Vote: Chief Kenneth Albertelli

Chief Albertelli informed the Board that the cost estimate for the tazer purchase has been adjusted downwards a bit. He noted that it is important to go forward with this purchase as soon as possible because tazers will be another tool available for police officers when dealing with aggressive and combative individuals, as well as being in the best interest of the safety of the community, the individual and the officer. Chief Albertelli explained that his proposal this evening is to purchase twenty (20) units. He is not requesting funding for training, only for the units to be purchased.

Town Manager informed the Board that he supports this proposal, and has from the beginning. He explained that the question of one of financing and the cost could be defrayed by a contribution from the Hospital in the amount of \$5,000. The balance would be \$23,000 from available funding in the Hospital Gift Account or a Finance Committee Reserve Fund transfer. Town Manager noted that it is anticipated the consultant for the Eversource project will be funded from the Hospital Gift Account as well.

Chief Albertelli indicated that the Police Department may be purchasing thirty (30) units in total however twenty (20) units would guarantee two to three (2 to 3) units would be on the street at all times.

*Motion: That the Board of Selectmen approve funding for twenty (20) tazers at a total cost of \$28,000 with \$5,000 of that cost contributed by Winchester Hospital and the remaining balance from the Hospital Gift Account.

Powers – Johnson

All in favor.

VOTED.

Chief Albertelli demonstrated how the tazer is worn on the officer's utility belt and removed for use. He reported that the department has a policy for both the use and maintenance of tazers.

Hiring of Consultant for Eversource Transmission Line Project Intervention –
VOTE Funding Source

Town Manager recalled that the Board had previously authorized retention of an engineering consultant to assist the management team in intervening in the 345kV transmission line issue. Also discussed was the electromagnetic wave activity and whether there is a harmful effect from emissions. Town Manager explained that his thought is to bring in a consultant to do some fact-checking. He reported that he has done some research and feels very comfortable with the candidate.

Town Manager informed the Board that he is seeking authority to sign the consulting contract to review the EMF issue. He noted that the 115kV line is a lesser force field. Town Manager indicated that the consultant would review information pertaining to the health impacts, review the proposed construction process, take field measurements, etc., and provide a recommendation about what, if anything, can be done for shielding. A review would be made of what has been submitted to date. He suggested that an expenditure limit could be placed on the contract if the Board feels that is necessary. The funding

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source would be the Winchester Hospital Gift Account. The scope of services would include a review of all sources to minimize the impact of the project and then seek reimbursement of costs from Eversource.

*Motion: That the Board of Selectmen authorized the Town Manager to hire a consultant in an amount not to exceed \$10,000 to assist with a review of the electromagnetic field effects in the two Eversource projects, the 345kV transmission line (Woburn to Wakefield) and the 115kV transmission line (Mystic to Woburn). The funding source for this contract is the Hospital Gift Account which is to be reimbursed by Eversource, if possible.

Johnson – Bettencourt

All in favor.

VOTED.

Discussion: 416 Cambridge Street 40B Development Proposal

Chairman Grenzeback informed the audience that the ZBA chairman has agreed to keep the public comment period open. Town Manager referenced the draft letter contained in the packet for the Board's review and explained that the shaded fields are the attempt to capture the last discussion by the Board. He acknowledged that it is the ZBA's responsibility to obtain the information and verify the financials of the project at the level of density that has been submitted.

Chairman Grenzeback indicated that it is the Board's opinion that the project is sizeable and there are issues related to density, pedestrian amenities and circulation, the bus shelter, municipal sewer capacity, I & I fee, drainage and stormwater controls, the municipal water system, dimensional controls, the Fire Department, neighborhood screening and noise control, environmental impacts, blasting, project design, and local preference. The letter recommends that while the developer cannot be expected to repair existing problems, he should address anything that is exacerbated by this construction, or reduce the number of units.

Selectman Bettencourt pointed out that there are two conflicting reports on sanitary sewer overflows. Town Manager explained that the report filed by the peer firm was repudiated by the Town's consulting engineers, i.e., the calculations could not be substantiated. As a result, the TetraTech report has been withdrawn. Vice Chairman Johnson informed his colleagues that the Ledges has indicated that they are talking with another consulting firm. The Vice Chairman again suggested that once the life estate is fulfilled, the house be demolished and open space be the result. He further suggested that the light stanchions should be in keeping with those used as a part of the MassDOT Cambridge Street intersections project.

Selectman Powers informed his colleagues that counsel for the Ledges is hiring a third expert on stormwater. He also pointed out that the balloons used to show the mass of the project were very inadequate. Selectman Whitehead noted that the balloons were located at the back side of the property and were at 62 feet. Chairman Grenzeback noted that it was difficult to envision the massing and found that the balloons were not helpful. He suggested that the Board not include a number of units because the Board is not negotiating with the developer.

Selectman Powers indicated that by including a number, like seventy units, it would say that number is acceptable. He suggested that by not including an acceptable number, the Board is saying that ninety-five units is not an acceptable number. He noted that the group supporting ninety-five units on the site was the Housing Partnership Board and other housing entities.

Town Manager pointed out that also proposed is a reduction in the building height by at least one story. Chairman Grenzeback noted that while the Town would benefit from additional rental units and an increase in affordable housing, the impact of this number of units is substantial.

Joseph O'Connor, 7 Wainwright Road informed the Board that the Ledges has hired another engineer. Referencing the letter being sent to the ZBA, Mr. O'Connor suggested that the HAWK light parts and

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One Day Alcoholic Beverage Licenses:
Jennifer Kane for Autism Housing Pathways – annual fundraiser –
Jenks Senior Center – Saturday, March 12, 2016

*Motion: That the Board of Selectmen approve the Consent Agenda for Wednesday, February 10, 2016 that includes a One Day Alcoholic Beverage License for the annual Autism Housing Pathways fundraiser at the Jenks Senior Center on Saturday, March 12, 2016.
Johnson – Powers All in favor. VOTED.

COMMUNICATIONS AND WORKING GROUP REPORTS

The Board acknowledged receipt of the following correspondence:

1. MassDOT – Bridge Inspection Standards Report: Main St. / Wedge Pond outlet
2. Mimi Long re: 345kV Transmission Line in Winchester
3. Allan Rodgers re: Chapter 40B inventories in surrounding communities
4. John Suhrbier – 416 Cambridge Street DRAFT letter comments
5. Matty Jones, Salisbury Street – Winchester North 416 Cambridge Street
6. Fritz von Mering / Ledges 40B Committee – 416 Cambridge Street
7. Verizon – Annual Complaint Filing notice
8. WeiZhang re: Eversource 345kV Transmission Line Project

Adjournment – 9:55 PM

*Motion: That the Board of Selectmen adjourn for the evening.
Johnson – Whitehead
By Roll Call Vote: Whitehead, Bettencourt, Powers, Johnson, Grenzeback VOTED.

Respectfully submitted,

Richard C. Howard, Town Manager