

TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Monday, April 11, 2016
Record

Chairman Lance R. Grenzeback called the meeting to order at 6:00 PM in the Board of Selectmen Meeting Room located in Town Hall. Present were Vice Chairman E. James Whitehead, Selectman Stephen L. Powers, and Selectman Michael Bettencourt. Selectman David P. Errico arrived while the meeting was in progress. Also present was Town Manager Richard C. Howard.

OPENING

*Motion: That the Board of Selectmen adjourn to Executive Session for the purposes of discussing matters related to Contract Negotiations – Winning Farm – MGL Chapter 30A §21(a)6 and Litigation – Eversource Intervener Status – MGL Chapter 30A §21(a)3 because open meeting discussion may have a detrimental effect on the litigating position of the Board of Selectmen as declared by the Chairman.

Whitehead – Bettencourt

By Roll Call Vote: Bettencourt, Powers, Whitehead, Grenzeback

VOTED

7:30 PM – Recess from Executive Session to Public Session

*Motion: That the Board of Selectmen recess from Executive Session to Public Session to return to Executive Session at the conclusion of Public Session.

Whitehead – Bettencourt

By Roll Call Vote: Errico, Bettencourt, Powers, Whitehead, Grenzeback

VOTED.

SELECTMEN'S NOTICES AND COMMENTS

Notification of Other Meetings and Hearings

- ∫ Wednesday, April 13, 2016 – Davidson Park Informational Session; Wednesday, April 20, 2016 – Town Manager's Warrant Articles Hearing;
- ∫ Monday, April 25, 2016 – Board of Selectmen – Prior to Town Meeting – WHS Guidance Department Conference Room;
- ∫ Thursday, April 28, 2016 – Board of Selectmen – Prior to Town Meeting (if necessary – WHS Guidance Conference Room;
- ∫ Monday, May 2, 2016 – Board of Selectmen – Prior to Town Meeting – WHS Guidance Conference Room

Selectmen's Comments and Non-Docket Business

Selectman Powers informed the television audience that the Chamber of Commerce has named former Selectman Jim Johnson as Citizen of the Year for 2016. The celebration dinner is Tuesday, May 17th at the Montvale Plaza.

TOWN MANAGER REPORTS AND COMMENTS

Complete Streets – Draft Policy Update

Town Manager reported that the Commonwealth has announced that there is a pool of money available for specialized treatment of street and sidewalk improvements. One of the steps required to qualify for these funds is a Complete Streets Policy. The draft document included in the packet for discussion this evening does not have to be endorsed at this meeting, however any comments should be brought to the

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Center and is a frequent attendee at the various lectures and programs offered at the Jenks. She also attends the monthly Council on Aging meetings. Terry Fuller, Chairman of the Council on Aging, informed the Board that the Council will be fortunate to have Ms. Thomas as a member.

*Motion: That the Board of Selectmen appoint Carol Thomas to the Council
on Aging for a term to expire March 31, 2019.
Whitehead – Bettencourt All in favor. VOTED.

Council on Aging – Reappointment – Term to Expire – March 31, 2019

*Motion: That the Board of Selectmen reappoint Joan Grenzeback as a member
of the Council on Aging for a term to expire March 31, 2019.
Whitehead – Bettencourt All in favor. VOTED.

Capital Planning Committee – Town Meeting Warrant Articles – Helen Philliou, Chairman

Helen Philliou, Chairman of the Capital Planning Committee, came forward to provide a brief update to last Fall's Capital Planning Report to Town Meeting. She noted that there have been some revisions and the biggest project being recommended is the funding for the 25% engineering study for Project 8 in the flood remediation program. She noted that a part of this funding will come from Free Cash and the remainder from the Capital Stabilization Fund.

Ms. Philliou noted that the DPW Maintenance Fund has been a very successful implementation and any funds remaining at the end of the year do not revert back to Free Cash but remain in this fund. She informed the Board that the Building Stabilization fund is leveraged out. Capital improvement request from 2017 to 2021 equal \$31million. She reported that the Committee does not recommend spending the entire fund balance just in case there is an emergency request.

Town Manager reported that this recommendation will allow the completion of the engineering study for the next flood mitigation project, allowing the Town to go to the State and inform them that the Town of Winchester is ready for the next project, the Muraco School dam.

Traffic Report – Doug Prentiss, Stantec Engineering Traffic Engineer

Mr. Prentiss informed the Board that he is present this evening to provide a brief update on the two intersections, Main Street / Swanton Street and Ridge Street / Johnson Road. The contract is to bring the drawings to the 25% design stage.

Mr. Prentiss reported that a broad traffic count was completed and environmental screening done for both locations. He also noted that the signal equipment at Main Street/Swanton Street/Water Street is quite antiquated and the Town can no longer get repair / replacement parts. The signalization would be replaced in totality.

Mr. Prentiss indicated that the Johnson Road / Ridge Street intersection would be a new installation. He noted that in several weeks, there will be a development concept report for both intersections available. There will also be differential alternatives for each of the locations. Mr. Prentiss informed the Board that the hope is to have deliverables for the week of May 9th. The next level after this is the 25% design plans and a public hearing where an effort will be made to show the impacts of the alternatives as well as to allow the Town to make a decision. He noted that there are some sidewalks missing on Ridge Street, and there is a wide turning radius on Main Street at Bellino Park. A look will also be taken at relocating the utilities and drainage at these intersections.

In response to Selectman Bettencourt's request for an updated cost estimate for the signalization of the Johnson Road / Ridge Street intersection, Mr. Prentiss explained that the average cost is approximately \$150,000 to \$160,000 however the entire package, including construction costs, is approximately

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\$250,000 to \$400,000. He noted that at this time, the Johnson / Ridge intersection is a “Level F” intersection, i.e., a high accident location.

Mr. Prentiss pointed out that the Main Street / Swanton Street intersection has north-south movement at the same time, and there is the possibility that this could be changed. The signal equipment at this location should be replaced in its entirety. He suggested that since this is a Town-sponsored project it might be possible to do this work next year as phases are being combined to expedite the process and a resultant cost savings by doing the projects together. Mr. Prentiss congratulated the Board on the adoption of the Complete Streets policy, noting that the Commonwealth would like to see a prioritization plan to make sure that everything is covered; any exclusions should be clearly identified. The Board was informed that three towns have submitted to DOT, as the Complete Streets program has a lot of interest and he is hearing that the program will more than likely continue.

Town Health Insurance Advisory Committee – Recommendation

Present: Peter Cheimets, Chairman; Comptroller Stacie Ward

Mr. Cheimets informed the Board that the Committee’s recommendation is to increase the threshold of those who would be eligible for funding to help with the payment of their health insurance premium to make up for the changes that were implemented a few years ago. This recommendation recognizes that it costs more to live in the Boston area.

The question was raised as to whether or not this increase will create a deficit in the fund balance, Comptroller Ward explained that the tables are completed but the increase for the COLA shifted some income levels slightly. If the income is considered, only maximum exposure is increased by \$10,000 and the actual draw-down is minimal.

Selectman Powers suggested that more retirees be eligible for this assistance because 8% is not a big jump when the small income levels are considered. He indicated that the index should be a full 8.8% to allow more retirees the opportunity for assistance. Selectman Bettencourt agreed, noting that the exposure for the Town is fairly minimal.

*Motion: That the Board of Selectmen adopt the recommendation made by the Retiree Health Insurance Advisory Committee to adjust the approved income levels by 8.8% in order to determine eligibility for the Town’s health insurance subsidy.

Whitehead – Bettencourt

In favor: Errico, Bettencourt, Powers, Whitehead

Abstaining: Grenzeback

VOTED.

Town Meeting Personnel Article Presentation – Anne Graglia-Kostos, HR Director

Present: Peter Cheimets, Personnel Board member

Anne Graglia-Kostos, the Town’s HR Director, informed the Board that the most comprehensive review of the Personnel Policy Guide in the last seventeen years has been completed. She explained that the Personnel Policy Guide (PPG) applies to all non-union employees and to union employees where their contract does not provide coverage related to a specific item. Labor Counsel has reviewed the document, as has the Personnel Board, all of which has been a great collaborative effort. The PPG will now go to Town Meeting for approval, where all changes will be explained.

Selectman Powers applauded staff for getting this done. He questioned whether this document applies to School Department employees as well. The HR Director explained that the School Department does have their own policies and School Department employees are not covered by this document.

Selectman Errico asked about the financial impact of the changes proposed by this document. Ms. Kostos indicated that the impact is approximately \$19,000 for this year however the Finance Committee

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has not completed their review. The Board was informed that some of this impact relates to longevity payment changes and sick-leave buyback. Ms. Kostos noted that all changes were modest. Mr. Cheimets explained that longevity falls into five-year increments.

In response to the question related to whether the sexual harassment policy had been updated, Ms. Kostos indicated that Labor Counsel provided the specific language. Chairman Grenzeback noted that the hope is that this helps avoid complaints and litigation, and this is a positive step for better management.

Ms. Kostos informed the Board that family medical leave information has been spelled out in detail. Chairman Grenzeback pointed out that the carry-over is substantial when compared to the private sector.

Vice Chairman Whitehead noted that he did not see anything about employee job performance evaluations contained in the document, as well as where that information would be kept. He referenced Section XII: Wage and Salary Administration – A. Performance Evaluations – section f.: *Upon approval by the appropriate appointing authority a copy of the form is forwarded to the Town Manager for review, and then to the Comptroller so that the change, if any, can be made in the payroll.* Ms. Kostos noted that this material will be filed in the HR office.

Selectman Powers noted that the section related to cell phone use is quite a section. Ms. Kostos explained that this actually came from the DPW Director and has been modified to be applicable to Winchester. She indicated that technology resources need to be spelled out in detail.

Vice Chairman Whitehead suggested that it might be useful to specify the IRS approved reimbursement rate when use of a personal vehicle is involved. Chairman Grenzeback indicated that this rate both increases and decreases on an annual basis.

*Motion: That the Board of Selectmen recommend favorable Town Meeting
Action in Article 32 in the Spring 2016 Annual Town Meeting Warrant,
with minor amendments made at table this evening.

Whitehead – Bettencourt

All in favor.

VOTED.

Historical Commission – Town Meeting Warrant Article Presentation

Present: Heather von Mering, Chairman, Jack LeMenager, John Clemson, Michelle McCarthy, Janet Boswell, Jenny Adams, Bruce Hickey

Ms. von Mering informed the Board that the Historical Commission has been receiving feedback from the public concerning the articles they have sponsored in the Spring 2016 Annual Town Meeting Warrant. The Planning Board has voted unanimous support of these articles. She explained that they are here because members of the community have noted that there was no protection of the historic assets in the community. The Demolition Delay Bylaw addresses only the complete destruction of the building and bylaws do not guarantee that a building will be saved. She explained that a review of the property does not hinder its sale, and the current list is an inadequate representation of the properties that are significant to the Town. Ms. von Mering noted that the historical neighborhoods are not represented. She explained that 1940 is the date that captures the historical neighborhoods in Winchester, and it is the historical buildings that define what makes Winchester, Winchester. The 1940's was a historic time for the Town.

Selectman Powers explained that he supported the heritage district designation because there was an opt-in clause, which the Board of Selectmen insisted be included. Ms. von Mering explained that a historic or heritage district is a different tool with a higher threshold of review. Selectman Powers indicated that he feels there should be an opt-in in this instance as well. He noted that to impose a delay for an entire year is a hardship for residents. He questioned why this is not a ballot question.

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Ms. von Mering indicated that the real question is whether the Town wants to protect its historical resources or not. She suggested that a community decision is being made. Selectman Powers pointed out that there are 8400 homes in Winchester and the decision to impose this restriction is being made by 192 Town Meeting Members. Jack LeMenager pointed out that Congress makes decisions that many people are not happy with and Town Meeting is how things are done in Winchester. Michelle McCarthy informed the Board that six of the seven Historical Commission members are affected by this change.

As far as affecting property values, Ms. von Mering noted that the Historical Commission has done extensive research that property values would be affected but none has been found. Janet Boswell suggested that a historic designation does not hurt a property's value but rather increases its value. She noted that this is an effort at holding a community conversation about whether homes should be torn down and this bylaw, if successful, imposes a delay and does not preclude demolition. Mr. LeMenager indicated that a delay provides an opportunity for a discussion in order to come up with a solution that makes sense everyone happy; delay creates a dialogue.

Ms. von Mering noted the need to analyze every home in every neighborhood in order to pinpoint those homes with historical significance. She explained that this is the solution that makes sure that the small percentage is caught. Selectman Errico pointed out that what he is hearing is that this is an infringement on property rights.

Jenny Adams, recently appointed to the Historical Commission suggested that people must remember that this is strictly about demolition, not an addition to the property, change in exterior color, etc., simply about demolition and preserving what the Town has. Janet Boswell noted that if a home is significant and the owner wants to demolish it, this bylaw provides a potential for an alternative. Ms. von Mering informed the Board that the four homes that have been delayed are not owner-occupied, pointing out that the now demolished Mahoney property on Main Street did have historical significance, however the home was a hazard and while sad to see it go, it had to be demolished. She indicated that the Historical Commission did vote that the Mahoney building was historically significant but it was a public safety hazard. Bruce Hickey recalled that the owner of 4 Norwood Street wanted to demolish that home and the Historical Commission imposed a delay; the owner ultimately changed his mind. He explained that the Commission members feel that what they are trying to accomplish will benefit the Town.

Heather von Mering suggested that the Historical Commission is doing long-term planning for the Town as the older homes have the longevity to last. She indicated that newer construction has a thirty-year life span and if the Town does not exercise caution, in thirty years there will be a lot of dilapidated homes.

Chairman Grenzeback informed the Commission that he does not believe in an "opt in" condition but does believe that more than thirty (30) days is needed. Bruce Hickey recalled that the opt out condition was suggested at Town Meeting and was meant to clarify the improper drafting. He indicated that the opt out runs with the land. Article 6 is applicable to all homes older than 1940.

John Clemson informed the Board that he has pursued grant opportunities with Mass. Historical Commission. He explained that it was made clear to him that the Rangeley Heritage District may qualify the Town for a Certified Local Government award. If the that designation contained an opt-out then the Town would not qualify for the grant award. He stressed that this relates strictly to demolition.

In response to Selectman Errico's question about the Town Meeting vote requirement, he was informed by Mr. LeMenager that a two-thirds approval is required. Chairman Grenzeback pointed out that this is an effort at protecting property values in Winchester, noting that many of the homes built after 1940 are not very exciting. John Clemson informed the Board that a demo permit request will initiate an extensive review process.

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*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 6 and Article 7 in the Spring 2016 Annual Town Meeting warrant.

Whitehead –Bettencourt

In favor: Bettencourt, Whitehead, Grenzeback

Opposed: Errico, Powers

VOTED.

Wildwood Cemetery Advisory Committee – Acceptance of Donations for the Cemetery
Present: Bill Ryerson, Chairman, Lauren Costello, Allan Eyden

Mr. Ryerson informed the Board that the WCAC is present this evening to request the Board to find a mechanism for speeding up construction of additional columbaria units for the Cemetery. He recalled that the process is lengthy and the Advisory Committee has discussed the idea of a revolving account to facilitate things. He indicated that the Committee has received permission from the Town Manager and his staff to work with Meg White, the Town's Project Engineer, on any future planning for the Cemetery.

Mr. Ryerson reported that the Committee plans to unveil the columbaria sometime in May and is working to find a firm day and date. He further noted that over the year, there have been requests to make donations to the cemetery in memory of a loved one. He noted that there are no public benches in the Cemetery and the Committee feels that there is a need for this accommodation. Once the cost is determined, the donor could make payment directly to the supplier. Mr. Ryerson indicated that the Cemetery Coordinator would manage the program and would utilize the same mechanism that is used throughout the Town for this type of donation. The donated benches would be of the same style as those used on the Town Common and Mr. Shattuck would work with the family wishing to make the donation. Mr. Shattuck will also work to determine the location. Selectman Powers indicated that the question he has is whether the bench would be located near the donor's grave site. Chairman Grenzeback pointed out that a plan is necessary otherwise there will be squabbling. Committee member Lauren Costello pointed out that this type of donation will change the landscape of the Cemetery.

Mr. Ryerson informed the Board that Jim Shattuck, the Cemetery Coordinator, has an engineering degree and is also a landscape architect. Mr. Shattuck has eleven (11) locations for benches in mind. Mr. Shattuck would oversee the installation of the benches, with the supplier doing the actual installation. Costs would include an inscribed plaque dedicated to the individual (s) for whom the bench is being donated. Selectman Powers pointed out that the Selectmen are the Cemetery Commissioners, therefore this should be the subject of a Board vote.

Chairman Grenzeback requested that the Committee prepare a single-page document that outlines the type of bench, and what it is the Board would be endorsing.

Selectman Powers commended the Advisory Committee on the columbaria. Mr. Ryerson indicated that when the structure is about half-sold, the committee will have to begin thinking about other locations for the next unit. He explained that as niches are sold, the money goes into the Permanent Care Fund as repayment for the money loaned to the Committee for construction of the unit, which then becomes a part of the Town's investment portfolio.

Lastly, Mr. Ryerson reported that seven (7) niches have been sold already, so the unit is at about 10% capacity for sales.

CONSENT AGENDA / SUPPLEMENTAL CONSENT AGENDA

**Approval of "A Resolution Adopting the All Hazards Mitigation Plan –
Town of Winchester, Massachusetts";
Estate Sale:**

