

**TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Monday, May 23, 2016
Record**

Chairman Lance R. Grenzeback called the meeting to order at 5:30 PM in the Board of Selectmen Meeting Room located in Town Hall. Present were Vice Chairman E. James Whitehead, Selectman Stephen L. Powers, Selectman Michael Bettencourt and Selectman David P. Errico. Also present were Town Manager Richard C. Howard and Town Counsel Wade M. Welch.

OPENING

Executive Session

*Motion: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing matters related to Contract Negotiations: Winning Farm – Ch. 30A §21(a)6; Litigation: Winchester Wine & Spirits – Chapter 30A §21(a)3 [because an open meeting may have a detrimental effect on the litigating position of the Board of Selectmen as declared by the Chairman.]; Contract Negotiations: Comptroller’s Employment Agreement – Ch. 30A- §21(a)2.
Whitehead – Bettencourt
By Roll Vote: Errico, Bettencourt, Whitehead, Grenzeback VOTED.

Adjournment: 7:40 PM

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

Notification of Meetings and Hearings

- ∫ Thursday, May 26, 2016 – Winning Farm Informational Session – Vinson-Owen Elementary School Library – 6:30 PM
- ∫ Monday, June 6, 2016 – Board of Selectmen Meeting – Prior to Town Meeting
- ∫ Monday, June 6, 2016 – Special Town Meeting – Winchester High School Auditorium

Chairman’s Comments

Chairman Grenzeback noted that the annual EnKa Fair was quite successful and all monies earned will flow back to the Town.

Selectmen’s Comments and Non-Docket Business

Selectman Powers commended the Town Staff for the manner in which they handled the parking conditions related to the EnKa Fair, noting that it looks like this will be the footprint for the future because of the way that the High School is being built out. Town Manager noted that there was some traffic disruption on Friday and Police and DPW Staff will compare notes for next year.

In response to Selectman Powers’ question related to when the Myrtle Street hearing will be held, Chairman Grenzeback indicated that he will reach out to the Engineering Department for a convenient hearing date.

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Vice Chairman Whitehead informed the audience that the new MBTA train schedule went into effect today. The new schedule makes Wedgemere Train Station a “flag” stop rather than a scheduled stop and commuters now have to be visible on the platform in order for the train to stop.

Chairman Grenzeback made note of the Memorial Day Parade and civic exercises which will be held on Monday, May 30th.

TOWN MANAGER REPORT AND COMMENTS

Town Manager provided a brief commentary on the memo from Town Planner Brian Szekely on the status of the Shore Road Beautification RFP. Town Manager explained that the Town will get some money from the State, Town Meeting previously voted some funds, and the Planning Board came up with some consulting money as well.

The Planning Department received five responses from firms interested in the Streetscape RFP for along Shore Road through the Town Center and terminating at the MBTA Commuter Rail Stop. The responses have been reviewed by the Planning Board and members of the Board of Selectmen, along with the Town Planner, scoring those responses independently. The three firms selected to perform the conceptual streetscape plans for Shore Road are KMDG, GPI and CBA Landscape Architects. All funds are to be expended prior to the end of FY2016.

COMPTROLLER REPORT

Comptroller Ward provided the April, 2016 Monthly Financial Report and a memorandum that highlighted important notes. \$4million will be moved from the General Fund to the High School project. This transfer is not included in this report, or in reports in the future months. All local receipts are on target and changes have been made to the Wildwood Cemetery perpetual care split, now at 60% - 40%.

The Comptroller reported that there are a few Reserve Fund transfer requests, but overall, everything looks good. She has also reviewed the Water / Sewer Enterprise Fund and the Recreation Department Enterprise Fund and both look to be in order and on target. She indicated that she has requested a full-blown Worker’s Compensation quote from MIIA for a complete insurance program however the Town would still have to be responsible for all police and fire injury claims along with the old claims, making a total of over \$500,000. She informed the Board that she did receive a quote from Cook and Company but the lowest deductible plan they sponsor is approximately \$25,000, necessitating an appropriation of over \$500,000 for everything. Lastly, Comptroller Ward recommended that any remaining funds be allocated to the Reserve Fund for Worker’s Compensation.

Comptroller Ward reported that she has budgeted for Medicare reimbursements.

HEARING

NStar d/b/a Eversource Energy – Grant of Location Request:
Park Street – at and southeasterly from pole 116/2 45 feet east of Elmwood Avenue,
a distance of about 8 feet – conduit

Chairman Grenzeback opened the hearing at 8:06 PM. Jacqueline Duffy from Eversource Energy’s construction department informed the Board that the project is doable and is recommended by Town Staff. Seeing no one in the audience wishing to make comment, Chairman Grenzeback closed the hearing at 8:06 PM. Ms. Duffy reported that this work will begin as soon as it is released to Eversource Construction.

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*Motion: That the Board of Selectmen approve the NStar d/b/a Eversource Energy Grant of Location request for Park Street – at and southeasterly from pole 116 / 2 - 45 feet east of Elmwood Avenue, a distance of about 8 feet conduit in accordance with the Town of Winchester Grant of Location Policy and the Town Engineer’s memorandum dated May 13, 2016.

Whitehead – Bettencourt

All in favor.

VOTED.

LICENSES

Change in Manager: Left Eden Restaurant Corp d/b/a TWK
the waterfield kitchen, 6 Winchester Terrace and
14 Thompson Street

Charles L. Karoub to Katie J. Mitchell

The Board was informed that the petitioner is unable to be present this evening due to some previously scheduled day-surgery, however the request is to change the manager at TWK from Charles L. Karoub to Katie J. Mitchell.

*Motion: That the Board of Selectmen approve the Change in Manager request made by Left Ede Restaurant Corp d/b/a TWK the Waterfield kitchen, 6 Winchester Terrace and 14 Thompson Street from Charles L. Karoub to Katie J. Mitchell.

Whitehead – Bettencourt

All in favor.

VOTED.

BUSINESS

Presentation of donation to the Winchester Veterans Honor Roll – Whip Saltmarsh and Bill Carroll, VFW Quartermaster – VOTE to Accept Donation

Present: Greg Quill, VFW Commander-elect

Mr. Saltmarsh gave the background on the commitment for a new honor roll. He explained that each year, Arbella Insurance requests permission to make a donation to the Town and now that the Honor Roll has been built he would like to see an account established for its maintenance. The Treasurer / Collector was holding over \$6,000 in donations but Mr. Saltmarsh feels that the Treasurer should be the custodian of all funds pertaining to the Honor Roll. He noted that Arbella Insurance has donated \$2500 and he is personally donating an additional \$2500.

VFW Commander-elect Greg Quill informed the Board that the final panel will be installed when the current conflict period is closed; some of the funds being donated this evening might be needed for this. Town Manager pointed out that the granite caps on the monuments are pervious and water leaches in. He noted that an interim panel has been discussed that is the same scale and design of the permanent panels, but is not as expensive as the permanent panels.

*Motion: That the Board of Selectmen accept with gratitude, the donation to the Winchester Veterans Honor Roll in the amount of \$5,000 from Sherman W. “Whip” Saltmarsh.

Whitehead – Bettencourt

All in favor.

VOTED.

Electrical Aggregation – Susan McPhee and Dave Judelson

Present: Patrick Roche, MAPC, Phillip Carr, Good Energy and John O’Rourke

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Patrick Roche explained the MAPC role in implementing this program. Three bids were received and the result was that Good Energy, who teamed with Sustainable Energy, has been deemed the most qualified. A 30B style procurement is being written.

Phillip Carr gave a brief overview of aggregation, explaining that volatility costs money because of the way that the State buys power, which is on two specific days of the year regardless of the market conditions. He explained that the program has been active since 1997 and the consumer is allowed to go out into the market to purchase strategically. Contracts run from twelve months to three years.

Mr. O'Rourke indicated that the first part of the process is the approval by Town Meeting, which has been done. Good Energy then helps develop a plan specifically for Winchester and the plan goes through a public review process. Once the plan is approved by the Board of Selectmen, it goes to the Department of Energy Resources for review and recommendations. Once this is completed, the plan is next submitted to the Department of Public Utilities. A public awareness and information campaign is important.

Mr. Carr indicated that the goal is to have power for January, 2017; bidding would occur in November, 2016. Bids could be combined with several other communities, or could be pertinent to Winchester only.

Chairman Grenzeback explained that what is being done is setting in place a process that allows Good Energy to purchase power. Eversource would deliver the power but not supply it. He questioned what the annual savings would be. Mr. Carr suggested that the savings would be between \$40 and \$120 annually based upon average usage. Procurement will only be made if the market is favorable. Eversource would still do the billing but the supplier line on that bill would be different. The key differentiation is that a level playing field is being provided for residences. Residents are able to call at any time with any issue.

Speaking to the possible downside, Mr. Carr indicated that a possible downside would be no savings through a contract that is not beneficial. Currently, the potential savings in Massachusetts for 2016 is approximately \$15million. He indicated that any opt-out period will cause panic calls to Town Hall.

As far as moving out of the contract is concerned, Mr. Carr indicated that a resident can leave a contract at any time without penalty; utility rates change every six months so savings would have to be benchmarked. Whatever happens, there would be no price hike during the winter months. The frequency of consumers opting out is between 7% and 8%.

Town Manager informed the Board that no decision has been made about the plan in which to enroll, but the Town will likely be joining with other communities for buying power. Susan McPhee, the Town's Energy Consultant reported that Melrose is the first community out on its own for twelve months. She pointed out that those in the "for profit" market target seniors and this would be a good program for seniors. She informed the Board that the group would appreciate the Board's support for joining with the MAPC group. She explained that the bid for the program would be put together and once approved by the Board of Selectmen, would go to DOER and DPU. If a part of the MAPC buying pool the Town would have a common schedule.

Town Manager noted that this has been vetted and the MAPC representatives have been out to Winchester as well. He indicated that staff recommends going forward.

*Motion: That the board of Selectmen join with the MAPC Electrical Aggregation Program process and authorize the Town's Energy Consultant, Susan McPhee and the Energy Management Committee to proceed.

Whitehead – Bettencourt

All in favor.

VOTED.

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Winning Farm

Chairman Grenzeback noted that the Board has instructed the Town Manager and Town Counsel to prepare detailed language for Special Town Meeting along with a Development and Operating Agreement. Mr. Bonvie would purchase the property from Salter Healthcare LLC and build twenty-nine (29) units of housing on the property, two of which will be affordable. The Town will receive \$1million in linkage payments, a commitment to make improvements to the Thornberry Road sewer pump station; and a commitment to improve the sewer line on Johnson Road down to Wildwood Street. The roadway started by the Salter group will be completed. The Town will receive a water / sewer connection fee for each of the units and the Bonvie Team has agreed to construct the conservation shelter and trails that were agreed to by Mr. Salter. Town Manager's Office Staff will try to get all materials out to Town Meeting Members by Friday.

The Board was informed that Mr. Bonvie has a meeting scheduled with the neighbors on Thursday, May 26th at the Vinson-Owen Elementary School Library. The proposed development would have little or no impact on the Town's schools and the developer will be responsible for the road construction and maintenance throughout the development area.

Town Manager commended the Board on a good round of negotiations. Staff will work to get all paperwork in order so that the Town Meeting presentation is comprehensive.

Chairman Grenzeback pointed out that the legal process governing the transaction has been extensively explored over the last several months. The answer provided by the Inspector General was that the property was sold once, so it cannot be resold. He explained that the Town does not have the ability to resell the property because this provision was not included in the deed. In order for this sale to go through both the Board of Selectmen and Town Meeting must approve. The proposal will allow cluster development but a two-thirds vote of approval from Town Meeting is required. Town Meeting approvals include changes to the contract, Operating Agreement and zoning changes.

*Motion: That the Board of Selectmen authorize the Town Manager and Town Counsel to proceed to develop an Operating and Development Agreement for presentation to Town Meeting on June 6, 2016.

Whitehead – Bettencourt

All in favor.

VOTED.

Selectman Powers noted that the Board is unanimous in this and Mr. Bonvie is the right developer.

Town Hall Summer Hours

Town Manager informed the Board that the Administrative Assistants' contract for the summer hours at Town Hall is ending June 30, 2016. He is proposing that the Board authorize him to negotiate these same hours once again.

*Motion: That the Board of Selectmen authorize the Town Manager to implement the Town Hall Summer Hours schedule as defined.

Whitehead – Powers

All in favor.

VOTED.

Noise Bylaw

Town Manager noted that the packet contains a draft product of what was going to be proposed at the Spring Town Meeting. He recalled that there was some push-back from the Board of Health, the recommended agency that would oversee the entity. The Board of Health has to be comfortable with their staff assuming this responsibility. The consultant reviewed the train noise and assisted with the

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drafting of the proposed bylaw. He pointed out that the product was well-thought out, but more conversation with the Board of Health is likely necessary in order to get this on the Fall 2016 Town Meeting Warrant. He suggested that the Board meet with the Board of Health and the Health Director.

Suspension of the Board of Selectmen Rules and Regulations

- *Motion: That the Board of Selectmen suspend their Rules and Regulations in order to discuss the Comptroller's Contract, an item not a part of the Business Agenda.
Whitehead – Powers All in favor. VOTED.
- *Motion: That the Board of Selectmen approve the employment contract with Comptroller Stacie A. Ward for the period from May 28, 2016 through March 31, 2019.
Whitehead – Powers All in favor. VOTED.
- *Motion: That the Board of Selectmen reinstate their Rules and Regulations.
Whitehead – Powers All in favor. VOTED.

CONSENT AGENDA

**One Day Alcoholic Beverage License:
Diane Boettcher for Temple Shir Tikvah – June 5, 2016**

Other

**Approval of Arbor Day Proclamation – June 4, 2016;
Approval of Memorial Day Parade and Civic Exercises – Monday,
May 30, 2016;**

**Approval of the Winchester Unitarian Universalist Church to use Town Property for
a remembrance service Sunday, May 29, 2016 at 11:45 AM – World War I
Veterans War Memorial – Main Street / Mystic Valley Parkway**

Recognition of Donations

**Donation to the Winchester Coalition for a Safer Community from the
John and Mary Murphy Fund (\$10,000);
Donation to the Recreation Department Summer 2016 Concerts on the Common
from the Winchester Cooperative Bank (\$750)**

- *Motion: That the Board of Selectmen approve items H-1, H-2, H-3 and H-5 in the Consent Agenda for Monday, May 23, 2016: One Day Alcoholic Beverage License for Diane Boettcher at Temple Shir Tikvah – June 5th; the Arbor Day proclamation; the Memorial Day Parade and Civic Exercises and the remembrance service at the World War I Veterans War Memorial on May 29th.
Whitehead – Powers All in favor. VOTED.
- *Motion: That the Board of Selectmen accept, with gratitude, the donation from the John and Mary Murphy Fund to the Winchester Coalition for a Safer Community and from the Winchester Cooperative Bank to the Recreation Department Summer Concert Series.
Whitehead – Powers All in favor. VOTED.

Non-Docket Business

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Town Manager informed the Board that a meeting on or about June 20th is important from the Town Treasurer's point of view so that the Board can authorize bonds.

COMMUNICATIONS AND WORKING GROUP REPORTS

1. Verizon Fios TV – LFA Notification emails re: pricing change and programming change
2. Town Manager congratulatory letters to McCall Middle School student MWRA writing and poster contest winner
3. Environmental Strategies & Management re: 134 Cross Street Status Report

Adjournment: 9:30 PM

*Motion: That the Board of Selectmen adjourn for the evening.

Whitehead – Bettencourt

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

VOTED.

Respectfully submitted,

Richard C. Howard,
Town Manager