

**TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Wednesday, July 6, 2016**

Record

Chairman Lance R. Grenzeback called the meeting to order at 6:30 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

- *Motion: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing matters related to Litigation: Eversource Intervener Status – MGL Chapter 30A §21(a)3 because an open meeting discussion may have a detrimental effect on the litigating position of the Board of Selectmen, as declared by the Chairman.
(Siting Board Filing Update)
Whitehead – Powers
By Roll Call Vote: Errico, Bettencourt, Powers, Whitehead, Grenzeback VOTED.
- *Motion: That the Board of Selectmen adjourn from Executive Session to Public Session, not to return to Executive Session.
Whitehead – Bettencourt
By Roll Call Vote: Errico, Bettencourt, Powers, Whitehead, Grenzeback VOTED.

Notification of Meetings and Hearings

- ∫ Monday, July 25, 2016 – Board of Selectmen – Regular Session
- ∫ Wednesday, July 27, 2016 – Public Informational Session – Forest Ridge Residences 40B Development Proposal – McCall Middle School Auditorium – 7:00 PM
- ∫ Monday, August 8, 2016 – Board of Selectmen – Regular Session
- ∫ Monday, August 29, 2016 – Board of Selectmen – Regular Session
- ∫ Monday, September 12, 2016 – Board of Selectmen – Regular Session

Selectmen's Comments

Selectman Powers inquired whether there is a timeline associated with the installation of the traffic lights on Cambridge Street. Town Manager explained that the State is trying to get as much done as possible during the summer months. He indicated that he would reach out to the Town Engineer about this.

TOWN MANAGER REPORT AND COMMENTS

Appointments

Town Manager announced that in accordance with Section 4-2b of the Town Charter and in accordance with the Rules and Regulations of the Department of Personnel Administration (Civil Service) he has made the following permanent, full-time appointments in the Police Department:

**Frank Spinosa, 11 Hastings Road, Winchester, MA
Full-time Permanent Intermittent Police Officer**

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Appointment effective date: July 25, 2016

**Shelby Santini, 4 Briarwood Lane, Winchester, MA
Full-time Permanent Intermittent Police Officer
Appointment effective date: July 26, 2016**

Town Manager also announced that in accordance with Section 4-2b of the Town Charter and in accordance with the Rules and Regulations of the Department of Personnel Administration (Civil Service) he has made the following permanent, full-time appointment in the Fire Department:

**Sean P. Doherty, 20 Seven Spring Lane, Apt. G, Burlington, MA 01803
Temporary Full-Time Appointment – Military Replacement**

Mr. Doherty is a certified paramedic and will fill the position of a firefighter who is serving in the US Armed Forces.

Selectman Errico pointed out that the two police appointees are Winchester residents and applauded the hiring of two local individuals who he feels will bring a lot to the community.

Mass. Historical Commission Grant Award

Town Manager informed the Board that this grant does require a \$5,000 match which the Historical Commission included in their FY2017 Budget request.

Green Communities Grant

Town Manager reported that through the efforts of the Town's Energy Coordinator, Susan McPhee, the Town is now in line to receive several hundred thousands of dollars in grant funds. He thanked Ms. McPhee for her efforts in this area. The award is in the amount of \$215,204 and will fund the following projects: Ambrose Elementary School, Lynch Elementary School and McCall Middle School exterior and parking lot lighting switch to LED; Parkhurst School HVAC improvements, steam trap repair and other upgrades, ductless splits / air source heat pumps to replace window unit air conditioners; Mystic School / Recreation Department steam trap repair and replacement; Town Hall W. Chadwick Maurer, Jr. Auditorium damper controls and air sealing in the sheave room; McCall Middle School interior lighting switch to LED and refrigeration controls on kitchen walk-in freezer and refrigerator.

Supplemental Agenda – Town Manager Report and Comments

Authorization for the Town Manager to sign Congresswoman Katherine Clark's Gun Violence Letter to Speaker Paul Ryan

Town Manager explained that he is requesting the Board's authorization to sign the Congresswoman's gun violence letter to Speaker Paul Ryan. He indicated that he would not participate without first bringing this to the Board's attention. Congresswoman Clark's letter urges Speaker Ryan to bring forward legislation that creates universal background checks and prevents terrorists from purchasing weapons.

*Motion: That the Board of Selectmen authorize the Town Manager to sign the letter to House Speaker Ryan as presented at table.

Whitehead – Powers

All in favor.

VOTED.

BUSINESS

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Noise Bylaw Briefing

Town Manager indicated that the draft bylaw contained in the packet is a product of consultation from last year's Town Meeting. A consultant was brought in to study the noise levels in the Baldwin Street area. The second piece is a proposed draft of a bylaw; from these two pieces is the draft document before the Board this evening. Town Manager recalled that the Board of Health had some concerns about being the lead agency overseeing the noise calculation measurements. The article was pulled back in order to reassess the responsibility for enforcing this bylaw.

Town Manager suggested that if the Board intends to include this on the Fall 2016 Town Meeting Warrant, examples of these types of bylaws can be obtained from other communities. Selectman Bettencourt asked if the only question related to enforcement of the bylaw if approved by Town Meeting and was informed by Town Manager that things have not gone farther with the Board of Health. He suggested that the next step in this process would be for the Board of Selectmen to meet with the Board of Health about additional resources needed for enforcement of this bylaw if approved by Town Meeting. Equipment to actively measure noise levels would need to be purchased as well.

Vice Chairman Whitehead pointed out that it is the Police Department that gets the calls about noise disturbances. Town Manager explained that staff would work with the Police Department and certain officers would be designated to carry this equipment. The Vice Chairman pointed out that there are inconsistencies in the definition of "responsible person" and "investigating agent", so language needs to be cleaned up; the fine structure also seems low. He suggested that the vehicle idling policy be incorporated into this as well. Lastly, Vice Chairman Whitehead suggested a definition of noise sensitive receivers be included. Chairman Grenzeback suggested that hours be incorporated. It was the consensus of the Board to go forward with development of the bylaw, with the Town Manager bringing a revised draft document back to the Board for review.

Solicitation Bylaw Briefing

Town Manager noted that there are examples of solicitation bylaws in effect in neighboring communities included in the packet for the Board's review. Selectman Bettencourt noted that he has advocated for this type of bylaw and having such a mechanism in place makes sense.

Selectman Powers informed his colleagues that he does not see why ninety (90) days are needed, with less being doable. He indicated that he was amazed by Town Meeting's vote to turn this down and noted that he likes Stoneham's enforcement of "no solicitors" at the door being enforced. He suggested that some teeth be included for enforcement purposes.

Chairman Grenzeback recalled that the debate in 2009 centered on two issues; the first was that it would be a good thing but the requirements seemed bureaucratic and would be applicable to Boy Scouts, Girl Scouts, etc.; scofflaws would not comply. He suggested that the North Reading model seems simpler. The Lexington bylaw goes after automobiles that move these solicitors around. He indicated that the Winchester version should be simplified and not sweep in non-profit groups.

Town Manager informed the Board that he feels there should be a registration requirement. Vice Chairman Whitehead indicated that the public would have to be educated that there are regulations in place. Town Manager indicated that a document could be produced by the end of summer for Fall Town Meeting review, with the North Reading bylaw being the template from which to work.

Community Aggregation Plan – Opening of Comment Period

Town Manager noted that the comment period is the next step in the community aggregation process, however he is concerned that the comment period might be too short, suggesting that it be pushed back

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to September 9th comment submission deadline which would allow two full months of advertising. He explained that all of this will be put in place by Good Energy and the Board could adopt the aggregation plan at their September 12th meeting for forwarding to the Department of Public Utilities. Chairman Grenzeback indicated that in the end, the plan is fairly straightforward and staff may be able to condense it for easier understanding by the public.

Selectman Powers noted that the Board is considering community aggregation because of the savings in residential electrical costs. Vice Chairman Whitehead noted that if a residence signs up for another plan they will be unable to participate in the Good Energy sponsored plan. Chairman Grenzeback pointed out that Eversource is the regulated public utility and residents pay the rates that are set. The Good Energy proposal will still have Eversource supplying the electricity but costs would default to the aggregation plan and lower rates would be paid by the homeowner. He noted that this is a good way to reduce energy costs. Chairman Grenzeback pointed out that the Town bids its municipal electrical costs and has been successful in paying lower rates.

Eversource Update

Town Manager reported that the neighborhood is being updated on the Town's efforts on their behalf and consultants have been brought in to help build a case to achieve the best outcome. He noted that the Town is currently in the intervening process and staff efforts will continue on the Town's behalf.

Town Counsel Selection Committee Discussion

Chairman Grenzeback indicated that the question before the Board is whether the Board wants to refine Town Counsel's responsibilities. He suggested that the Board also discuss options for procuring services, i.e., does the Board want to put out an RFP and receive bids for legal services; does the Board want to appoint a "Town Counsel Selection Committee" made up of five to seven residents, with one individual representing the Board of Selectmen's interests; one member from a Town committee that utilizes Town Counsel services; a Town staff person; members at large; residents who are lawyers. The Chairman suggested that Board members think about the type of person that they wish to see on the committee and provide that information to the Town Manager. Advertising would be published in the MMA's BEACON newsletter, on the Town's website, etc.

In response to the question raised relative to how Winchester compares with surrounding communities with legal expenditures, Town Manager explained that several years ago a survey was done and Winchester falls in the middle. Selectman Errico expressed some concern about the carry-over of cases, questioning whether the new counsel would be available prior to Town Counsel Welch's retirement or would Attorney Welch be available after January 1st.

Chairman Grenzeback indicated that it is his hope that a selection will be made by Fall Town Meeting. An "of counsel" contract would be written for Attorney Welch so that he would be available for a certain length of time post retirement. The new Town Counsel would have to discuss the transfer of cases with Attorney Welch. He explained that the current thinking is to have Town Counsel Welch on retainer for some period of time. He noted that Attorney Welch is not discontinuing his law practice. Selectman Bettencourt pointed out that Attorney Welch would like to start winding down on some cases, so "of counsel" makes sense. He suggested that the Town's legal needs have changed.

SUPPLEMENTAL BUSINESS AGENDA

Staging Permit – 552 Main Street – Better Homes and Garden Real Estate Group – Nan Shanahan [sign to be installed by Larson Sign Co., South Berwick, ME]

Permission to Block Two (2) Parking Spaces at 641 Main Street – Dick Yirikian – Main St. Citgo

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- *Motion: That the Board of Selectmen approve a Staging Permit for Better Homes and Garden Real Estate Group at 552 Main Street. Sign to be installed by Larson Sign Co., South Berwick, Me.
Whitehead – Powers All in favor. VOTED.
- *Motion: That the Board of Selectmen authorize two parking spaces to be blocked on Main Street at the Main Street Citgo Station, 641 Main Street to allow for the removal of gasoline tanks.
Whitehead – Powers All in favor. VOTED.

CONSENT AGENDA AND SUPPLEMENTAL CONSENT AGENDA

Acceptance of Donation:

Cummings Foundation Grant (\$25,000) to the Board of Health Coalition for a Safer Community

One Day Alcoholic Beverage License Requests:

**Mike Bodal for Griffin Museum – July 14, 2016 – Griffin Museum;
Mariah Contreras and Alex Tee – July 16, 2016 – Wright Locke Farm;
David Gordon for Fong Tan LLC – August 13, 2016 – Griffin Museum;
Laura Lewis for Essex Catering – July 17th and September 16, 2016 –
Wright Locke Farm;**

**Archie McIntyre for Wright Locke Farm Conservancy – July 9th, July 14th,
July 21st, July 28th, and August 27th, 2016 – 1827 Barn;**

Other:

Granara-Skerry Trust Walk/Run Road Race – Saturday, September 24, 2016;

Approve/Correct Meeting Minutes – Wednesday, June 22, 2016

One Day Alcoholic Beverage License – Winchester Boat Club

**Grace Tripp, Operations Manager for the Winchester Boat Club –
Thursday, July 21, 2016 – Winchester Boat Club Poolside;**

Permission to Use Town Common for South Sudanese Dancing:

**Celebrating the wedding of Nyanthon Awnol and Dan Bul –
Saturday, July 9, 2016 from 4 PM to 6 PM**

- *Motion: That the Board of Selectmen accept with gratitude the Cummings Foundation Grant in the amount of \$25,000 to be used by the Board of Health Coalition for a Safer Community.
Whitehead – Powers All in favor. VOTED.
- *Motion: That the Board of Selectmen approve the Consent Agenda for Monday, July 6, 2016 that includes One Day Alcoholic Beverage Licenses for July 9, 14 (2), 16, 17, 21 (2), 28 August 13, and 27, 2016 at various locations in Winchester.
Whitehead – Powers All in favor. VOTED.
- *Motion: That the Board of Selectmen approve the Granara-Skerry Walk/Run Road Race on September 24th, and permission to use the Town Common on Saturday, July 9th for South Sudanese Dancing to celebrate the wedding of Nyanthon Awnol and Dan Bul from 4 PM to 6 PM.
Whitehead – Powers All in favor. VOTED.
- *Motion: That the Board of Selectmen approve the Meeting Minutes for Wednesday, June 22, 2016 as written.

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Whitehead – Powers

In favor: Errico, Bettencourt, Powers, Grenzeback

Abstaining: Whitehead

VOTED.

Non-Docket Comments from the Board of Selectmen

Selectman Errico referenced the issue about the fence on Nathaniel Road, noting that there seems to be a history of notices here that are being ignored by the property owner. Town Manager indicated that management will follow up on this with staff.

Selectman Powers questioned the status of the health insurance questionnaire being developed by the Comptroller and insurance consultants. Town Manager recalled that the Comptroller had provided a draft questionnaire for the Board's review which resulted in some questions from the Board that required additional research.

Selectman Bettencourt requested that staff post something on the Town's website that clarifies the expectations for One Day Alcoholic Beverage Licenses.

COMMUNICATIONS AND WORKING GROUP REPORTS

The Board acknowledged receipt of the following correspondence:

1. Housing Appeals Committee Decision: Hilltop Preserve Ltd. Partnership v. Walpole Board of Appeals – April 10, 2002
2. Eversource – Electricity Savings to Customers in Eastern Massachusetts
3. Winchester Housing Authority – Volunteer Vacancy posting
4. [Certified Letter] MassHousing re: Forest Ridge, Winchester, MA
5. EPA Newsletter re: Industri-plex Superfund Site, Operable Unit 2
6. School Committee Agenda for Tuesday, July 12, 2016 – Parkhurst School

Adjournment: 8:45 PM

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

Whitehead – Powers

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

VOTED.

Respectfully submitted,

Richard C. Howard, Town Manager