

**TOWN OF WINCHESTER**  
**BOARD OF SELECTMEN MEETING**  
**Monday, October 17, 2016**  
**Record**

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Chairman Lance R. Grenzeback called the meeting to order at 7:00 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 David P. Errico; Selectman Michael Bettencourt arrived while Executive Session was in progress. 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 MGL Chapter 30A §21(a)3 – Litigation Eversource Intervener Status because an open meeting may have a detrimental effect on the litigating position of the Town; and MGL Chapter 30A §21(a)2 Collective Bargaining Negotiations Update.

Whitehead – Powers

By Roll Call Vote: Errico, 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 Other Meetings and Hearings**

- ∫ Monday, October 24, 2016 – Board of Selectmen – Regular Session
- ∫ Tuesday, November 1, 2016 – Board of Selectmen – Regular Session
- ∫ Thursday, November 10, 2016 – Fall Annual Town Meeting – First Session – WHS Auditorium
- ∫ Thursday, November 10, 2016 – Board of Selectmen – Prior to Town Meeting – Guidance Department Conference Room – Winchester High School
- ∫ Monday, November 14, 2016 – Board of Selectmen – Prior to Town Meeting – Guidance Department Conference Room – Winchester High School
- ∫ Thursday, November 17, 2016 – Board of Selectmen – Prior to Town Meeting – Guidance Department Conference Room – Winchester High School

**Comments from the Chairman**

Chairman Grenzeback noted that the Town Clerk has posted both the National Election and Town Meeting calendars. The last day to register to vote in the Presidential Election is October 19<sup>th</sup>. The Chair noted that there is also an early voting option and the Town Clerk's Office can provide more information on this. Fall Town Meeting begins on Thursday, November 10<sup>th</sup>.

Chairman Grenzeback noted that Board members have received an invitation to attend a reception at the Jenks Center to celebrate the Center's reconstruction. The event is being held on Sunday, November 13<sup>th</sup> from 2 PM to 4 PM.

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The Chairman also pointed out that the Town's Parking Permit applications still indicate that they are for residents and commuters. He suggested that the applications be revised to read "*Resident and MBTA Commuter Rail Permit*" application.

Lastly, Chairman Grenzeback noted that he and Town Manager Howard visited the Town's sister city in France, St. German-en-Laye, where an avenue was named after the Town and dedicated during the visit. The area will house 1500 people and various businesses like Bose and Gentech.

Selectman Powers reported that he did talk with the Town Clerk and early voting is scheduled from Monday, October 24<sup>th</sup> thru Friday, November 4<sup>th</sup> during Town Hall regular business hours. He indicated that he feels that this is a great incentive for residents to vote in the upcoming election.

Selectman Powers pointed out that Skillings Road is a mess and his hope is that the bump-out will be removed. He informed his colleagues that he has never had outreach from constituents that has generated as much controversy as this issue has. He suggested that the area needs correction.

Selectman Errico questioned whether the student parking situation had subsided. Town Manager reported that there are still parents who are passionate about the students sharing the commuter parking spaces. He explained that there is only so much parking to go around and students will find it tough to park legally. He reported that the Chief of Police and Superintendent of Schools will revive the discussion about student parking at the Transfer Station. He indicated that the distance is about the same but the Transfer Station area is paved and has many more parking spaces available, therefore could be a good resource. There has also been discussion with the parent-faculty group and the hope is that this is only a temporary loss of parking spaces. As the field remediation moves forward, the hope is that parking will once again be allowed on the field; it is hoped that the parking lot can be laid out in January.

Selectman Errico questioned whether there had been any complaints about students parking in the Stop & Shop parking lot. Town Manager reported that there have been no complaints received in the Manager's office. He noted that staff is doing a good job and it should not seem to High School parents that the Town is not trying to help the situation because the Town is doing what it can.

DPW Director Gill reported that the Borggaard Beach parking area is approximately half full and there are approximately fifteen (15) cars parked at the Cemetery each day. Selectman Errico questioned whether the beach and cemetery parking will remain once the Transfer Station parking is available. Town Manager explained that the plan is to have the construction crew park at the beach and cemetery. The one concern heard from parents is that Borggaard Beach and the Cemetery could be messy during inclement weather.

Vice Chairman Whitehead reported that the pile of debris at the soccer complex, located on Cross Street in the flood plain, is the subject of some action by the Conservation Commission. Town Manager reported that the pile on Town property is being addressed as well.

**Town Manager Report and Comments**

**Appointments:**

Town Manager announced that in accordance with section 4-2b of the **Town Charter** he has made the following promotional appointments:

**Thomas Vail, 4 Bolton Street, Reading, MA 01867**  
**W13 Working Foreman – Step IV - \$23.75/hour**  
**Department of Public Works**

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**Jeff Gangi, 11 Myrtle Street, Woburn, MA 01801**  
**W13 Head Custodian – Step V - \$24.52/hour**  
**Department of Public Works**

Town Manager noted that because these two appointments are promotional and these individuals have been working in these positions for a period of time, the DPW Director has requested that the customary fifteen day appointment effective period be waived by the Board.

\*Motion:           That the Board of Selectmen waive the customary fifteen day (15 day) appointment effective period for Thomas Vail and Jeff Gangi allowing their appointments to be effective October 18, 2016.

Whitehead – Bettencourt

All in favor.

VOTED.

Archives Advisory Committee – Reappointment – JoAnn Michalak

Town Manager announced that he has reappointed JoAnn Michalak, Glengarry Road as a member of the Archives Advisory Committee. Ms. Michalak's term will expire December 31, 2018.

Early Voting

Town Manager reported that a good arrangement has been put in place by the Town Clerk which could result in avoiding long lines on Election Day. The Town did receive a small grant to assist with the additional staffing hours.

DOER Aggregation

Town Manager noted that the Energy Management Committee will provide a brief update on the acceptance of the plan.

Supplemental Agenda: MassDEP Grant Application

Town Manager reported that application has been made for a grant that would be as much as \$40,000 to assist with the water infrastructure assessment and planning. Weston & Sampson is filing the grant application on the Town's behalf and if the Town receives this grant the funds will assist with the preparation of the Stormwater Assessment Management Plan. The planning will help to underscore the Town's commitment to sound water infrastructure planning.

St. German-en-Laye

Town Manager informed the Board that Chairman Grenzeback did a nice job with his speech recognizing the relationship between St. German-en-Laye and Winchester. The two communities are not only bound socially, but at the government level as well.

MS4 Permit Discussion – Town Engineer Beth Rudolph; DPW Director Jay Gill

Town Engineer noted that this permit is actually a part of the second permit cycle; permits are issued in Massachusetts by the Environmental Protection Agency. The Town is required to obtain this permit from the NPEDS Program that was established in the 1970's. This particular permit relates to stormwater discharge. Town Engineer recalled that the first of these permits was issued in 2003 and expired in 2008. She explained that it has taken until 2015 to issue the next permit. The final permit was issued in April of 2016 but will not be effective until July 1, 2017.

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Overview

Town Engineer reported that there are six minimum control measures that have to be met over a period of five to ten years:

- 1.) Public Outreach and Education;
- 2.) Public Involvement and Participation;
- 3.) Illicit Discharge Detection and Elimination (IDDE);
- 4.) Construction Site Runoff Control;
- 5.) Post-construction Stormwater Management;
- 6.) Pollution Prevention / Good Housekeeping

Town Engineer noted that because the Town has impaired water quality, pollutants have to be identified and there are additional requirements that have to be met. She indicated that Winchester's waterbodies are impaired for bacteria, phosphorus and metals, therefore the Town will be required to meet the additional requirements related to these pollutants.

Key Milestones /Permit Requirements

NOI (Notice of Intent) must be submitted to the EPA by September 29, 2017; each year there are permit requirements that have to be met and the Town will have ten years to complete the illicit discharge program.

Stormwater Management Plan (SWMP)	July 1, 2018
Written IDDE Plan with assessment and ranking of catchments	July 1, 2018
Sanitary Sewer Overflow (SSO) Inventory	July 1, 2018
Updated drainage system and outfall map	July 1, 2019
O & M Plans for municipal properties	July 1, 2019
Stormwater Pollution Prevention Plan (SWPPP) for municipal properties	July 1, 2019
Dry weather sampling and screening results for outfalls	July 1, 2020
Nutrient identification report	July 1, 2021
Evaluation of municipal properties for BMP retrofits and schedule for implementation	July 1, 2021
IDDE program implementation complete	2027

Permit Costs

Town Engineer informed the Board that Weston & Sampson developed the cost estimate based upon the Draft 2014 permit; total expected costs are \$1.5 to \$3 million. The first deliverable is the NOI preparation at a cost of \$13,000. Year #1 requires \$135,000 to be funded at Spring 2017 Annual Town Meeting. Town Engineer indicated that Weston & Sampson will review the annual permit costs as a part of the NOI development and costs will be revised prior to the 2017 Spring Town Meeting. She noted that a decision will have to be made about what can be done in-house and what will require consultant assistance. She explained that illicit discharge is the hardest piece to meet. Town Engineer pointed out that bacteria comes from many sources and trying to prove whether there is an illicit connection can be costly. Vice Chairman Whitehead noted that one of the requirements of the permit relates to sanitary sewer overflows which will be a big cost to eliminate.

Town Engineer indicated that the question will relate to enforcement by DEP; there is however talk about transferring this enforcement to the EPA. She noted that the Town has spent millions of dollars on I & I removal to eliminate the SSO's however not every source of SSO can be controlled. As far as this preliminary estimate shrinking or growing, Town Engineer indicated that because Winchester is in

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the Mystic River Watershed, the Town is getting off easier than those in other parts of the area. Vice Chairman Whitehead noted that if the TMDL determination is put on the Aberjona River, the Town will be forced to treat discharge.

In response to the question concerning whether this is something that can be handled in-house, Town Engineer noted that consultant assistance will be needed but the Town can do the administration, O & M, outreach and education in-house. As far as the governance and funding set up is concerned, Town Engineer recalled a stormwater utility funding mechanism has been discussed. Selectman Powers commented that it was his understanding that the funding would be from the Water / Sewer Enterprise Fund, but raised the question of where the \$135,000 will come from. Town Manager indicated that these funds will be expended through the Water / Sewer Enterprise. Town Manager noted that the Town has the ability to implement fees within the Water / Sewer Enterprise. Vice Chairman Whitehead informed his colleagues that the Town of Reading charges each household based upon the square footage of its impervious surface.

Town Engineer explained that this is a Federal mandate and this is the last hurdle of that mandate for improving rivers, lakes, streams, etc. Town Manager noted that there should be better conditions at Borggaard Beach without algae plumes.

**Water / Sewer Rate Discussion – Mark Abrahams, The Abrahams Group**

Present: DPW Director Jay Gill, DPW Operations Manager Steve Swymer, Business Manager LeeAnn McGahan, Water Operations Manager Jim Gibbons, Mark and Matt Abrahams, The Abrahams Group

Mr. Abrahams informed the Board that this evening, the report is based on the FY2017 Budget base with projections for FY2018 and FY2019. He outlined the revenue and expenditures, noting that the projected revenue is \$700,000 higher than anticipated. Retained earnings are strong until FY2022. He noted that if the rates are increased 4% in FY2018, a stronger retained earnings amount is provided, resulting in a strong FY2022. He noted that MS4 requirements are an unknown at this time.

DPW Business Manager LeeAnn McGahan informed the Board that the average user will see a \$16.00 annual increase.

Chairman Grenzeback questioned why this increase would not wait for a few years given the upcoming impact of WHS construction. Selectman Errico noted that if the MS4 Permit was not on the horizon he would favor holding the line on a rate increase. Vice Chairman Whitehead pointed out that lead neck costs are unknown at this time.

Selectman Powers referenced the retained earnings amount and questioned whether this is a 'normal' amount. Mark Abrahams explained that there should be a 10% minimum retained earnings amount.

DPW Director Gill recalled that the Town did not raise rates for nine (9) years. Chairman Grenzeback noted that in order to sell this to Town Meeting, the Board will have to show a clear picture of improvements and what needs to be done; arguments will have to be convincing. Director Gill continued by saying that the last two years were dry and the Town was able to obtain revenue because a great deal of rain affects revenue. He indicated that the Town is fortunate to have healthy retained earnings. DPW Operations Manager Steve Swymer pointed out that the Town will have some major sewer projects to be accomplished in the not too distant future. Town Manager suggested that the Board take a position on the recommended increase for a report to Town Meeting in November.

As far as a funding mechanism for the MS4 Permit, Mr. Abrahams indicated that the Water / Sewer Enterprise is a funding source for this work but alternatively, a stormwater enterprise or stormwater utility fund could be established. He explained that educational outreach to the public is the mechanism for reducing stormwater. In answer to the question concerning whether the dollars would

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be fungible, Mr. Abrahams indicated that stormwater funds would be strictly for that purpose. Vice Chairman Whitehead noted that drainage is contained in Chapter 110. Mr. Abrahams noted that a stormwater fee would add to the administrative burden. The Vice Chair suggested that Town Meeting could be asked to transfer funds from one enterprise account to the other.

Town Manager explained that the reason that this proposal is going before the Fall Town Meeting is to provide notification to residents that an increase in water / sewer rates will occur. Director Gill informed the Board that his office has written letters to residents who have used more than normal amounts of water. Chairman Grenzeback questioned whether there is a way to read water meters more frequently, as well as investigating whether there are systems that do not require employees to drive around to read the meter.

**Town Counsel Search – Michelle Prior, Town Counsel Search Advisory Committee**

Ms. Prior noted that the RFP before the Board for discussion has been modeled after the Reading RFP. She discussed various areas of concern contained in the RFP and pointed out particular areas that the Board might wish to edit.

Selectman Powers indicated that he feels that more than two (2) finalists should be brought forward for interview by the Board in the event that one candidate withdraws. Chairman Grenzeback agreed, noting that the Board wants to have enough applicants to make an informed decision.

**Energy Management Committee Update**

Susan McPhee, Energy Coordinator, Energy Management Committee Members, Karl Rexer, Todd Kosterman and Justin Magee

Susan McPhee informed the Board that progress is being made on what was a strong start and 12% in savings has been achieved since 2010. She explained that these are avoided costs and help to keep the budget flat. She noted that the Town has won the Green Community Grant since it was named a Green Community and the 2016 grant is being put towards the HVAC system at Parkhurst School. The Board was informed that the Public Safety Building is also creeping up in use intensity, the Library is running efficiently and comfortably. Ms. McPhee reported that a small project is being done in Maurer Auditorium. She outlined the projects for this year.

Karl Rexer informed the Board that the money for these projects comes from grants and utility incentives; no taxpayer funds are involved and the committee is trying to apply the grant money in the most efficient way. He noted that WHS is approximately one-third of the Town's energy use and the new building needs a separate manager because of the system complexities. Mr. Rexer requested that the Board advance this request so that there can be learning during construction. Chairman Grenzeback indicated that the Town Manager has an article before the Fall Town Meeting that deals with a Plant Manager for Winchester High School.

Town Manager noted that there has been discussion about a Plant Manager and staff has taken the assignment and come back with the results. The question is whether to do this in-house or not. He explained that the timing is right and the building will be turned over in August / September of 2017. Currently, this position does not exist and funds will be sought to add this position to the DPW.

Ms. McPhee noted that the Library and chiller have been before Capital for some time. She explained that the committee is looking into ground source heat pumps and the UMass Energy Extension will provide some assistance in this effort and at no charge to the Town. She pointed out that geo-thermal is being incentivized by the State.

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Mr. Rexer recalled that one geo-thermal study was done for the Library, however there is uncertainty about the initial costs, thus the reason for bringing in UMass. The Committee is also looking to get the solar RFP out because several spaces have solar-ready roof tops and the idea is to take advantage of that if possible. Chairman Grenzeback noted that the Town has benefitted by the Committee being aggressive in the pursuit of grants, questioning whether these grant opportunities are likely to continue into the future. Mr. Rexer informed the Board that the Committee is encouraged to see new grants coming forward and it seems that the Green Communities Grant is continuing as well.

Vice Chairman Whitehead questioned how the Town is doing on the energy audits. Ms. McPhee reported that Homeworks is a fantastic partner and through the end of August, 274 audits had been completed. As of September 30<sup>th</sup>, the Town is at 71% of its goal with the scheduled audits bringing things to 80% of the goal. If the goal is reached, the Town will receive a \$29,900 grant from National Grid. She noted that MassSaves offers very good incentives.

**Noise ByLaw – Draft Warrant Article**

Town Manager informed the Board that the draft bylaw has been revised to share enforcement duties, making staff more comfortable. There are also small textural changes that are a result of Town Counsel’s recommendations. Enforcement will be left to a reasonable person and/or a calibrated test. Town Manager explained that interim noise calls related to construction or a party, with police responding, the “reasonable person” approach would be used. Town Manager indicated that this bylaw would allow a police officer to write a violation notice, however the question is whether this type of bylaw is needed to improve the quality of life in Winchester. If that is the case, he would recommend adoption of this particular format.

Town Manager noted that the determination of who responds depends upon the type of complaint. Stationery noise would probably be measured by a meter. Concern was expressed about the language being a little loose. Town Manager explained that the enforcing departments are the Board of Health, Building and Police; training will be required if the bylaw is successful at Town Meeting, and hours of effect will be identified as well. The consequences for violating the bylaw could be revocation of the permit. Selectman Errico expressed concern about minutia complaints. The Vice Chair noted that existing equipment would be grandfathered. Town Manager clarified that new equipment would have to comply; hours of operation would be included.

In response to the question concerning whether there are State thresholds, Town Manager explained that the language was developed by an expert as a result of noise generated by PanAm on the rail line. He noted that leaf blower use is prohibited from 9 PM to 7 AM. He recommended that the Board review the proposed bylaw.

**DRAFT Fall 2016 Town Meeting Warrant**

Town Manager informed the Board that the draft document is more for informational purposes at this time. Chairman Grenzeback referenced the Solicitation ByLaw and the reference to exemptions. Vice Chairman Whitehead pointed out that the cost for a photo permit may be low and whatever fee is charged should cover costs. Chairman Grenzeback indicated that this bylaw would provide more police power for those solicitors that are a nuisance.

**Approval: State Election Warrant**

*Motion:	That the Board of Selectmen approve and sign the State Election Warrant.	
Whitehead – Powers	All in favor.	VOTED.

**Reappointment: Cable Advisory Committee – Ashley J. Stevens, PhD**

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Term to Expire: June 30, 2019

\*Motion: That the Board of Selectmen reappoint Ashley J. Stevens, PhD  
to the Cable Advisory Committee for a term to expire June 30, 2019.  
Whitehead – Powers All in favor. VOTED.

**Reappointment: Rangeley Park Heritage District Commission – John Clemson**

Term to Expire: June 2, 2019

\*Motion: That the Board of Selectmen reappoint John Clemson to the Rangeley  
Park Heritage District Commission for a term to expire June 2, 2019.  
Whitehead – Powers All in favor. VOTED.

**CONSENT AGENDA/SUPPLEMENTAL CONSENT AGENDA**

**One Day Alcoholic Beverage Licenses:**

Diana Kenosian for Boston’s Best Bartending – October 23, 2016 – Sanborn House;  
Diana Kenosian for Boston’s Best Bartending – October 21, 2016 – Next Door Theater;  
Diana Kenosian for Boston’s Best Bartending – October 29, 2016 – Sanborn House;  
Diana Kenosian for Boston’s Best Bartending – November 5, 2016 – Unitarian Church;  
Gail Freeman for Studio on the Common – October 27, 2016 – Studio on the Common;  
Diana Kenosian for Boston’s Best Bartending – October 28, 2016 – Sanborn House;  
Diana Kenosian for Boston’s Best Bartending – November 6, 2016 – Sanborn House;  
Diana Kenosian for Boston’s Best Bartending – November 5, 2016 –Town Hall Auditorium;  
Laura Lewis for Essex Catering – October 21, 2016 – Wright Locke Farm;  
Laura Lewis for Essex Catering – October 22, 2016 – Wright Locke Farm;

**Approve / Correct Board of Selectmen Meeting Minutes**

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Monday, August 8, 2016

**Acceptance of Donation:**

Cummings Foundation to the Archives in the amount of \$10,500  
for the “Shaping Winchester’s Future by Understanding its Past” Project

\*Motion: That the Board of Selectmen approve One Day Alcoholic Beverage  
Licenses for the following dates and locations: October 23<sup>rd</sup> – Sanborn  
House; October 21<sup>st</sup> – Next Door Theater; October 29<sup>th</sup> – Sanborn House;  
November 5<sup>th</sup> – Unitarian Church; October 27<sup>th</sup> – Studio on the Common;  
October 28<sup>th</sup> – Sanborn House; November 6<sup>th</sup> – Sanborn House;  
November 5<sup>t</sup> – Town Hall Auditorium; October 21<sup>st</sup> and 22<sup>nd</sup> – Wright  
Locke Farm.  
Whitehead – Powers All in favor. VOTED.

\*Motion: That the Board of Selectmen approve the Meeting Minutes for Monday,  
September 26, 2016, Monday, September 12, 2016 and Monday,  
August 8, 2016 as written.  
Whitehead – Powers All in favor. VOTED.

\*Motion: That the Board of Selectmen accept the donation in amount of \$10,500  
from the Cummings Foundation for the Archives “Shaping Winchester’s  
Future by Understanding its Past” project.  
Whitehead – Bettencourt All in favor. VOTED.

**COMMUNICATIONS AND WORKING GROUP REPORTS [Supplement]**

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1. School Committee Agenda – Tuesday, October 18, 2016

**Adjournment: 10:45 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