

Town of Winchester

Fall Annual Town Meeting 2018



Preliminary Motions

MOVED AND SECONDED that the following preliminary motions be voted as one:

1. That Lisa Wong, Town Manager; Stacie Ward, Comptroller; Mark J. Twogood, Assistant Town Manager, and Town Counsel, who are not Town Meeting Members, be permitted to sit at the front of the auditorium with the Select Board during all sessions of this Town Meeting.
2. That all members of the Finance Committee and their secretary, whether Town Meeting Members or not, be permitted to sit together at the front of the auditorium during all sessions of this Town Meeting.
3. That the Town Clerk or her designee or the Assistant Town Clerk be permitted to occupy a desk on the platform during all sessions of this Town Meeting.
4. That the Moderator be authorized to permit department heads, petitioners of special articles, and members of various town boards, commissions, and committees to sit at the front of the auditorium during consideration of appropriate articles.
5. That unless it be otherwise ordered, all adjourned sessions of this Town Meeting shall be held on successive Monday and Thursday evenings at 7:30 P.M. in the Winchester High School Auditorium, until the work of this Town Meeting is completed.
6. That action on all motions involving appropriations shall be contingent upon compliance with the provisions of Massachusetts General Laws Chapter 59, Section 21C, a law known as Proposition 2-1/2.
7. That cable television coverage shall be permitted at all sessions of this Town Meeting.

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ARTICLE 1. To hear the reports of the Town Officers and the Finance Committee; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the reports of Town Officers and Finance Committee be received and filed.

Majority Vote Required

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ARTICLE 2. To see if the Town, acting under Article 2, Section 2.5(c) of the Winchester Home Rule Charter, and upon the recommendations of the Committee on Rules pursuant to Chapter 2, Section 4.4.3 of the Code of By-Laws of the Town of Winchester, will vote to declare vacant the seats of certain Town Meeting Members for failure to attend one half or more of the total number of sessions of the Winchester Town Meeting held during the previous 12 month period, Fiscal Year 2017 and Spring 2018; or take any other action in relation thereto.

(Committee on Rules)

MOTION:

No motion received at the time of printing.

BACKGROUND:

2/3 Vote Required

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ARTICLE 3. To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation regarding licenses for the sale of all alcoholic beverages in restaurants in substantially in the form below, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court that shall be within the scope of the general public objectives of the petition; or take any other action in relation thereto.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of Chapter 123 of the Acts of 2009 is hereby amended by striking the phrase “70 persons” and inserting in its place the phrase “30 persons.”

SECTION 2. Notwithstanding section 11 of chapter 138 of the General Laws, Section 1 of Chapter 183 of the Acts of 1996 is hereby amended by striking the phrase “not less than one hundred” and inserting in its place the phrase “not less than thirty.”

SECTION 3. Notwithstanding section 11 of chapter 138 of the General Laws, Section 1 of Chapter 908 of the Acts of 1977 is hereby amended by striking the phrase “not less than 100 persons” and inserting in its place the phrase “not less than thirty persons.”

(Select Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 3 as printed in the Warrant.

BACKGROUND:

The Select Board is authorized by special legislation to issue licenses to permit the sale of alcoholic beverages by restaurants. Currently, the Select Board is authorized to issue five additional licenses; each of these licenses, however, must be issued to a restaurant with a minimum of either 70 or 100 seats (depending on the legislation authorizing the licenses). This article seeks to authorize the Select Board to petition the Legislature to enact special legislation that would reduce the minimum number of seats required for a restaurant to obtain an all-alcoholic beverage license from either 100 or 70 to 30 to attract smaller restaurants to Winchester.

Majority Vote Required

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ARTICLE 4. To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation regarding licenses for the sale of all alcoholic beverages without food in substantially in the form below, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court that shall be within the scope of the general public objectives of the petition; or take any other action in relation thereto.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Winchester may grant not more than six (6) general on-premises licenses for the sale of all alcoholic beverages without food pursuant to section 12 of said chapter 138. All such licenses may be granted to not-for-profit organizations only, and shall be subject to prior approval of the Alcoholic Beverages Control Commission. The licenses shall be subject to all of said chapter 138, except said section 17.

SECTION 2. This act shall take effect upon its passage.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 4 as printed in the Warrant.

BACKGROUND:

This article seeks to authorize the Select Board to petition the Legislature to enact legislation that would enable the Select Board to grant licenses to not-for-profit organizations for the sale of alcoholic beverages without food. There are currently no such general liquor licenses available to establishments that are not restaurants or social clubs. Instead, these not-for-profit organizations, like Wright-Locke Farm, must apply for one-day licenses and may not receive more than ten such licenses each year.

Majority Vote Required

Town of Winchester
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ARTICLE 5. To see if the Town will vote to amend Chapter 8, Section 21 of the Code of By-Laws by deleting the text of the Section and replacing it with the following; or take any other action in relation thereto.

Section 21. PUBLIC DRINKING OF ALCOHOL

1. Except as otherwise set forth in Section 21.2, no person shall consume any alcoholic beverage, or possess an open container of any alcoholic beverage, as defined in Massachusetts General Laws, Chapter 138, Section 1, while in or upon any public street, sidewalk, park, playground, or other public place in the town.
2. The Select Board, in its capacity as local licensing authority, may authorize the consumption and possession of alcoholic beverages in or upon any public street, sidewalk, or park, to the extent permitted by state law.
3. No person shall consume any alcoholic beverage, or possess an open container of any alcoholic beverage, in or upon any private land or place in the town without the consent of the owner or authorized person in control thereof.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 5 as printed in the Warrant.

BACKGROUND:

This article would amend the Town's By-Laws to make clear the Select Board's ability to permit consumption of alcoholic beverages on public property, including, for example, at beer or wine tents during street festivals and other outdoor events.

Majority Vote Required

Town of Winchester
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ARTICLE 6. To see if the Town will vote to amend the Winchester Zoning Bylaw by changing all references to the “Board of Selectmen” to “Select Board”; or take any action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 6 as printed in the Warrant.

BACKGROUND:

A referendum on March 27, 2018 passed that officially changed the name of the Board of Selectmen to the Select Board. This article makes a conforming change to the Zoning Bylaw.

2/3 Vote Required

Town of Winchester
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ARTICLE 7. To see if the Town will vote to amend the Winchester Zoning Bylaw regarding dormers and skylights as follows (proposed language in bold):

(a) Add the following definitions to Section 10:

DORMER. A projecting structure on a pitched roof with a window or windows set vertically.

SKYLIGHT. A glazed opening in a ceiling of an interior space.

and

(b) Amend Section 4.2.5 as follows (deleted language struck through; proposed language in bold):

~~Intentionally left blank~~

In the RDA, RDB, RDC and RG Districts, in order to maintain the appearance of the top of the building as a half story, the total width of all dormers on a single roof plane above the second story shall not exceed 50% of the width of that roof plane without a Special Permit under Section 9.4.2., and no other projections that increase habitable space above the second story shall be allowed.

; or take any other action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 7 as printed in the Warrant.

BACKGROUND:

Buildings in these four residential districts are limited to 2.5 stories. (The limits in the RA and RB districts are 3 and 5 stories, respectively.) The Town is seeing de facto 3-story structures through the use of shed dormers that span most of the width of their roofs. This article would require anyone who wishes to build one or more dormers above the second floor totaling more than 50% of the width of each roof plane to obtain a special permit.

2/3 Vote Required

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ARTICLE 8. To see if the Town will vote to amend Section 3.0, Table of Use Regulations Group I – Residential Uses, # 3 of the Winchester Zoning Bylaw by replacing all references to “attached dwelling” with “dwelling”; or take any other action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 8 as printed in the Warrant.

BACKGROUND:

This change is proposed in order to conform the Table of Uses to existing definitions in Section 10 of the Zoning Bylaw.

2/3 Vote Required

Town of Winchester
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ARTICLE 9. To see if the Town will vote to amend Section 9.5.7 of the Winchester Zoning Bylaw as follows (deleted language struck through):

1. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, ~~as viewed from public ways and places;~~

; or take any other action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 9 as printed in the Warrant.

BACKGROUND:

Section 9.5.7 of the Zoning Bylaw provides the criteria for evaluating projects under Site Plan Review. Section 9.5.7 subsection #1 would be amended so that Site Plan Review can consider impacts on abutting properties regardless of whether such impacts can be viewed from a public way or public place.

2/3 Vote Required

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ARTICLE 10. To see if the Town will vote to amend the definition of Parking Space in Section 10 of the Winchester Zoning Bylaw as follows (deleted language struck through; proposed language in bold):

An area in a building or on a lot available for parking one motor vehicle, having a width of not less than nine feet and an area of not less than ~~200~~**171** square feet, exclusive of passageways and driveways appurtenant thereto and with free and unimpeded access to a street over unobstructed passageways or driveways.

; or take any other action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 10 as printed in the Warrant.

BACKGROUND:

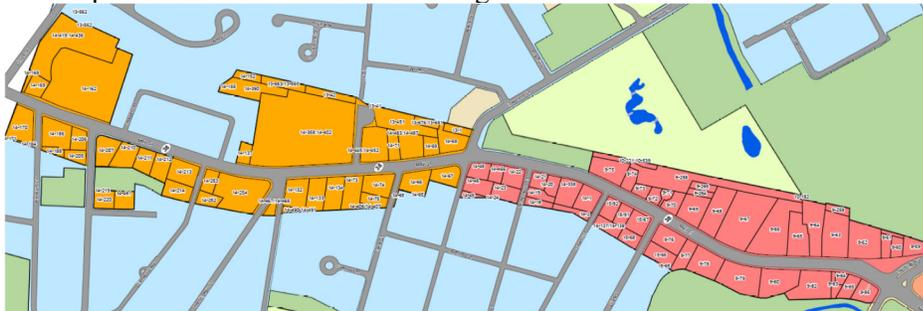
This change is proposed to correct an inconsistency in the Zoning Bylaw. Standards for parking spaces require a minimum area of 200 square feet, but minimum stall widths and depths equal 171 square feet (9' x 19'). The Planning Board and the Engineering Department are comfortable with the minimum standard of 9'x19', and the Planning Board is therefore proposing to make the minimum square footage equal to the minimum width multiplied by the minimum depth.

2/3 Vote Required

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ARTICLE 11. To see if the Town will vote to amend the Official Zoning Map of the Town by re-zoning certain parcels as shown on the following chart:



Address	Parcel ID	Current Zoning	Proposed Zoning
Border St 10	14-171	RG and GBD-3	RG
Canal St 11	14-75	GBD-3	RG
Canal St 15-17	14-406,14-407	RG and GBD-3	RG
Clark St 15-17	15-68	GBD-2	RG
Clark St 18-20	15-66	GBD-2	RG
Cobblestone Dr 3-5	13-663 to 13-665	RG and GBD-3	RG
Glenwood Ave 6	14-252	RG and GBD-3	GBD-3
Glenwood Ave 9-11	14-214	GBD-3	RG
Hemingway St 8 and 96	14-467,14-468	RG and GBD-3	RG
Hemingway St 99-101	14-490,14-491	RG and GBD-3	RG
Main St 920	14-73	RG and GBD-3	GBD-3
Main St 924-926	14-134	RG and GBD-3	GBD-3
Off Russel Rd	14-152	RG and GBD-3	RG
Richardson St 12	14-18	RG and GBD-2	RG
Richardson St 6-8	14-19	GBD-2	RG
Richardson St 9-11	14-23	GBD-2	RG
Salem St 11	14-2	RG and GBD-2	RG
Salem St 12	15-137,15-138	RG and GBD-2	RG
Sheridan Cr 5-7	14-205	RG and GBD-3	RG
Sheridan Cr 87	14-188	RG and GBD-3	RG
Sheridan Cr 88	14-184	RG and GBD-3	RG
Swanton St 171	13-42	RG and GBD-3	RG
Swanton St 259	13-1	IL and GBD-3	GBD-3

Water St 8	14-46	GBD-2	RG
Water Street 10	14-45	RG and GBD-2	RG
Watson Pl 2	14-220	GBD-3	RG
Watson Pl 6	14-461	GBD-3	RG
White St 30	13-676 to 13-681	RG and GBD-3	RG

Total parcels 39

; or take any other action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 11 as printed in the Warrant.

BACKGROUND:

This article proposes to change the zoning of 39 lots on side streets of North Main Street to protect these dense, historically residential neighborhoods from intrusive large-scale development. The lots' zoning would be changed to reflect their current use:

- lots that are now wholly or partially in GBD-2 or GBD-3 (commercial/mixed-use) and that have had historically residential use would be rezoned to RG-6.5 (residential); and
- lots with historically commercial use would be rezoned to GBD-3.

The North Main Street GBD-2/3 corridor stretches from Skillings Road to the Woburn border. The GBD-2/3 district includes lots that front on Main Street as well as lots within approximately 150' of Main Street. The zoning boundary does not follow lot lines, so some side street lots are fully GBD-2/3 while others are split between GBD-2/3 and RG-6.5. The vast majority of these lots have historically had residential use.

GBD-2/3 allows for mixed commercial and residential use and permits significantly larger structures, larger lot coverage, and substantially smaller setbacks than the adjoining RG-6.5. By-right development of the GBD-2/3 side street lots would have significant negative impacts on the integrity of the residential character and scale of these neighborhoods. A residentially-used lot where the zoning boundary runs through the lot (not along the lot lines) is particularly vulnerable. Setbacks for the abutting GBD lot are measured from the district boundary, not from the lot line. This means that structures on the GBD lot may be built much closer to the lot line than expected. For example, if the zoning boundary lies 15' inside of the residential use lot, the GBD structure may be built right up to the lot line.

Front setbacks must be at least 20' in RG-6.5 while only 15' in GBD-3 and between 10' and 15' in GBD-2. Side streets in these neighborhoods are typically narrow and would be significantly impacted by large structures built so close to them. Buildings may reach a height of 40' in RG-6.5 and are limited to 2.5 stories, while in GBD-2/3 they are allowed to reach 45' and three stories. The RG-6.5 restriction to 2.5 stories significantly reduces the impact of taller houses. There are no provisions for mitigating the impact of the larger GBD-2/3 structures on abutting properties.

Four of the 39 lots span the GBD-2/3 and RG-6.5 zoning districts and have historically had commercial use. They would be rezoned to GBD-3. There should be no negative financial impact on the owners of those lots.

Twenty-six of the lots span GBD-2/3 and RG-6.5 but have historically had residential use. They would be rezoned to be fully RG-6.5. In nearly all of these lots, the RG-6.5 part is too small to be a stand-alone

lot, so the GBD-2/3 part cannot be sold separately. There should be no negative financial impact on those owners.

The remaining nine lots are currently zoned GBD-2/3 and would be rezoned to RG-6.5. Two of those lots contain recently constructed single-family residences. The other seven lots are located one parcel off Main Street and have historically had residential use. The zoning change could limit the owners' financial gain if they wish to develop the property according to the current zoning.

The Planning Board feels this is a first but necessary step to protect these neighborhoods from anticipated redevelopment along North Main Street.

2/3 Vote Required

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ARTICLE 12. To see if the Town will vote to amend Section 9.5.1, subsections 4-6 of the Winchester Zoning Bylaw as follows (proposed language in bold):

4. New construction or expansion of one or more buildings resulting in **either (a)** floor area equal to or greater than 6,000 square feet **or (b) an increase in floor area of 50% or more** (including garage and any floor area with head room of 7 feet or higher, excluding basement) in the RDA-20 zoning district;
5. New construction or expansion of one or more buildings resulting in **either (a)** floor area equal to or greater than 5,000 square feet **or (b) an increase in floor area of 50% or more** (including garage and any floor area with head room of 7 feet or higher, excluding basement) in the RDB-10 zoning district;
6. New construction or expansion of one or more buildings resulting in **either (a)** floor area equal to or greater than 3,600 square feet **or (b) an increase in floor area of 50% or more** (including garage and any floor area with head room of 7 feet or higher, excluding basement) in the RG-6.5 zoning district;

; or take any other action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 12 as printed in the Warrant.

BACKGROUND:

Substantial expansions of existing houses, either through additions or new construction following demolition, can adversely affect directly abutting and neighboring properties. Town Meeting recently amended §9.5.1 of the Zoning Bylaws to require Site Plan Review for projects that would result in a total floor area exceeding the threshold in the applicable zoning district. This amendment would require that an expansion exceeding a percentage floor area threshold obtain Site Plan Review even if the resulting house does not exceed the numerical floor area threshold.

The floor area limits in §9.5.1 are the same throughout a zoning district and do not take into account the relative scale or density of individual neighborhoods. Because much of the housing in Winchester was constructed prior to the establishment of zoning districts or minimum lot sizes, a significant number of neighborhoods have lots smaller than that required by their zoning district. Those lots may be adversely affected by projects that, while not large enough in numerical floor area to require review, may still be too large for the particular neighborhood. To provide appropriate review for projects in these areas, this article would amend §9.5.1 to require that projects that would increase the square footage by 50% undergo review.

2/3 Vote Required

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ARTICLE 13. To see if the Town will vote to authorize the Select Board to lease, sell, convey, release, or otherwise dispose of any interests in a portion of the land located at 20 Glenwood Avenue in the Town, containing approximately 2,800 sf, which land is shown as Board of Assessors Map 14 Block 247 lot 0 (the “Town Property”); provided that such lease or disposition be subject to the Town’s acquiring a restriction requiring that the Property be used for affordable housing purposes; and that such lease or disposition be on such other terms and conditions as the Select Board deems appropriate, which may include the reservation of easements and restrictions over, along or through the Town Property; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 13 as printed in the Warrant.

BACKGROUND:

The Town acquired 20 Glenwood Avenue through the tax title foreclosure process. The Select Board is requesting permission to lease or sell the property for the purposes of affordable housing.

2/3 Vote Required

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ARTICLE 14. To see if the Town will vote to authorize the Select Board to acquire a mortgage or other security interest in the real estate known and numbered as 160 Forest Street in the Town (the “Property”) in order to secure the payment of Four Thousand Eight Hundred and Sixty Dollars (\$4,860.00) to the current owner of the Property for deferred maintenance repairs, and to accept a gift of the fee in such Property; on such terms and conditions as the Select Board deems appropriate; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 14 as printed in the Warrant.

BACKGROUND:

The Select Board provided a loan to a property owner through the Fletcher Fund, a charitable program for lower-income residents to enable the property owner to make certain repairs to the owner’s property. The property owner has agreed to either repay the loan or gift the property to the Town upon the property owner’s death. As security for the Town’s loan, the property owner agreed to grant the Town a mortgage in the property. Since a mortgage is a property interest in land, it must be authorized by Town Meeting. The Town is not seeking an appropriation for this transaction as the loan has been disbursed from funds associated with the Fletcher Fund.

Majority Vote Required

Town of Winchester
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ARTICLE 15. To see if the Town will vote to authorize the Select Board to lease, sell, convey, release, or otherwise dispose of any interests in two parcels shown as Parcels A and B on the Plan: Land off Highland Avenue (the “Parcels”), comprising parts of the parcels shown as Lots 2-179 and 2-180 off 22 Highland Avenue on the Board of Assessors Map and containing approximately 16,300 square feet; provided that such disposition be on such terms and conditions as the Select Board deems appropriate, which may include the reservation of easements and restrictions over, along or through the Parcels; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 15 as printed in the Warrant.

BACKGROUND:

The proposed sale of the described parcels is the result of an RFP (request for proposal) that the Board issued after its presentation to Spring Town Meeting (Article 10) on this topic. The Board is looking to accomplish several objectives with the approval of this Article and Article 16, namely:

- Avoid the construction of 24 mid-rise apartment units on the adjoining land shown on the plan.
- Support the development of five (5) single family homes and two (2) affordable home units on the reassembled land parcels.
- Tear down the dilapidated 22 Highland Avenue structure.
- Upgrade and repair the Saw Mill Brook Culvert on the property (Article 34).
- Preserve as much open space in and around the Brook as possible.

This proposed outcome will be governed by a development agreement, which will be negotiated to the satisfaction of the Select Board. The development shall also be subject to subdivision approval by the Planning Board.

2/3 Vote Required

Town of Winchester
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ARTICLE 16. To see if the Town will vote to authorize the Select Board to acquire by purchase, donation, eminent domain or otherwise the parcel shown as Parcel Lot 6 on the Plan: Land off Highland Avenue, subject to an easement for the installation, maintenance, repair and replacement of a water line across that parcel to North Border Road, and on such other terms and conditions as the Select Board may determine; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town authorize the Select Board to acquire by purchase, donation, or otherwise the parcel shown as Parcel Lot 6 on the Plan: Land off Highland Avenue, subject to an easement for the installation, maintenance, repair and replacement of a water line across that parcel to North Border Road, on such other terms and conditions as the Select Board may determine.

BACKGROUND:

See Article 15 for the primary background for this Article. The Select Board would expect to seek proposals for two (2) affordable housing units, most likely in a duplex style and in keeping with the neighborhood character.

Majority Vote Required

Town of Winchester
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ARTICLE 17. To see if the Town will vote to amend the Official Zoning Map of the Town by re-zoning the parcels shown as Parcels A and B on the plan entitled Plan: Land Off Highland Avenue from the SCI District to the RDB-10 District; or take any other action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the Town vote to amend the Official Zoning Map of the Town as printed in the Warrant.

BACKGROUND:

The objective of this article is to change the zoning district of portions of 2 parcels so that the uses reflected are compatible with the Highland Avenue development project, addressed in Articles 15 and 16.

2/3 Vote Required

Town of Winchester
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ARTICLE 18. To see if the Town will vote to appropriate, or transfer from available funds, a sum of money for the demolition of the house at 22 Highland Avenue and associated site costs, said appropriation to be made from Free Cash or other available funds; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$30,000 from Free Cash for the demolition of the house at 22 Highland Avenue and associated site costs, including, without limitation, the costs of removing any hazardous materials.

BACKGROUND:

Articles 15 through 18 all relate to the potential development of land off Highland Avenue. This article provides funding to demolish of the vacant building at 22 Highland Avenue, including to address any environmental hazards.

Majority Vote Required

Town of Winchester
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ARTICLE 19. To see if the Town will vote to authorize the Select Board, for purposes of establishing, constructing, operating and maintaining a traffic signal at the intersection of Johnson Road and Ridge Street, to acquire by purchase, donation, eminent domain or otherwise (a) fee, easement, leasehold, license or other real property interests in, on, over, across, under and along all or any portion of the land shown on that certain plan identified as “Massachusetts Department of Transportation Highway Division, Preliminary Right of Way Plans, Johnson Road and Ridge Street, in the Town of Winchester, Middlesex County,” prepared by Howard Stein Hudson, and originally dated August 16, 2018, as such plan may be further amended, the original of which plan is on file with the Office of the Town Engineer (the “Property”), and (b) abutting and underlying properties as necessary for clearing title to the Property and constructing, operating and maintaining said traffic signal, on such terms and conditions as the Select Board may determine, and further to see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$75,000, or any other sum, or accept gifts for these purposes; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$75,000 from Free Cash for the purposes set forth in Article 19 as printed in the Warrant.

BACKGROUND:

The Town of Winchester has received a Safe Routes to Schools (SRTS) grant from the Massachusetts Department of Transportation (MassDOT) for traffic, pedestrian, and bicycle-related improvements around the Vinson-Owen Elementary School. These upgrades include the installation of a permanent traffic signal at the intersection of Ridge Street and Johnson Road, and other sidewalk improvements in the area. MassDOT is managing and paying for the design and construction of this project; however, the Town of Winchester is responsible for securing the right-of-way, including any temporary or permanent easements or takings on Town, school, or private property. This article gives the Winchester Select Board the authority to obtain all necessary rights associated with the project. The funding requested covers the cost to complete the original and review appraisals required by MassDOT and the anticipated financial compensation associated with the easements.

2/3 Vote Required

Town of Winchester
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ARTICLE 20. To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 38H, to ratify payment in lieu of tax (PILOT) agreements, as approved by the Select Board, with the operator of solar photovoltaic energy-generating facilities to be developed and installed on rooftops of Town-owned buildings, consisting of the Vinson-Owen School and Department of Public Works Building; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 20 as printed in the Warrant.

BACKGROUND:

The Select Board has approved and executed a Payment in Lieu of Taxes (PILOT) agreement for the proposed solar projects to be developed at the Vinson-Owen Elementary School and the DPW Building under which the solar developer would make payments to the Town. Under state law, these agreements require ratification by Town Meeting in order to be valid.

Majority Vote Required

Town of Winchester
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ARTICLE 21. To see if the Town will vote to appropriate a sum of money for the purchase of safety railings for fall protection for the VO School Roof including all costs incidental or related thereto; said appropriation to be from Free Cash or other available funds; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$35,000 from Free Cash for the purpose of Article 21 as printed in the Warrant.

BACKGROUND:

This article provides for funding of a safety railing system for fall protection on a portion of the Vinson-Owen Elementary School roof in and around the area of the future solar panels.

Majority Vote Required

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ARTICLE 22. To see if the Town will vote to appropriate a sum of money to supplement the appropriations to the Eversource account number 0397252 appropriated at previous Town Meetings for the purpose of engineering and associated consultations pertaining to the location of the electronic transmission lines in Winchester as proposed by Eversource in accordance with its petitions to the Energy Facility Siting Board, Department of Public Utilities EFSB 15-04/DPU 15-140, 141 and EFSB 15-03/DPU 15-64, 65; said appropriation to be made from Free Cash or any other available funds; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$70,000 from Free Cash to supplement the Eversource Account 0397252 appropriated at previous Town Meetings for the purpose of legal and other professional services needed for the Town's Appeal of the Final Decision of the Energy Facilities Siting Board (EFSB) to the Supreme Judicial Court (SJ 2018-0141) pertaining to EFSB's approval of the placement of an underground 345kV electronic transmission line beneath Cross St. and Washington St., Winchester as proposed by Eversource Energy in EFSB 15-04.

BACKGROUND:

This appropriation includes legal and other professional services to oppose the petition of Eversource Energy to the Energy Facilities Siting Board in EFSB 18-03, which petition seeks to by-pass the Town of Winchester's Grant of Location and Street Opening Permit authority provided to the Town by G.L. c. 166 § 21 and 22 for the same line and give that authority to the EFSB.

Majority Vote Required

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ARTICLE 23. To see if the Town will vote to transfer from Free Cash or other available funds, a sum of money to supplement or reduce appropriations previously voted for Fiscal Year 2019 budgets; or take any other action in relation thereto.

(Finance Committee)

MOTION #1:

MOVED AND SECONDED that the FY2019 Reserve Fund, Account 0194302, appropriated at the Spring 2018 Town Meeting, be increased by \$60,442.61, which shall be funded by Free Cash.

MOTION #2:

MOVED AND SECONDED that the FY2019 Principal on Funded Debt, Account 0171102, appropriated at the Spring 2018 Town Meeting, be reduced by \$32,000.

MOTION #3:

MOVED AND SECONDED that the FY2019 Interest on Funded Debt, Account 0171202, appropriated at the Spring 2018 Town Meeting, be increased by \$228,533, of which \$219,194 shall be raised in the tax levy and \$9,339 shall be funded by Free Cash.

BACKGROUND #1:

Each fiscal year Town Meeting appropriates a Reserve Fund governed by the Finance Committee to provide funding for unanticipated, extraordinary departmental needs. During the year, Reserve Fund transfers are requested by departments, and reviewed and debated by the Finance Committee. In the past few years, the Finance Committee has requested replenishment of this fund so that the balance is sufficient to be able to fund urgent issues throughout the upcoming fiscal year. Any remaining balance in the Reserve Fund reverts back to the General Fund.

To date in FY2019, Finance Committee has approved needed Reserve Fund Transfers totaling \$60,442.61, which leaves a balance of \$339,557.39. The funded requests to date include:

- Contributory Retirement Expenses: \$15,441.61
- Eversource Engineering: \$42,500.00
- Veterans Salaries: \$191.00
- Planning Board Salaries: \$2,310.00

BACKGROUND #2:

FY2019 principal payments were based on estimates which were high by \$32,000. \$17,000 relates to excluded debt principal and \$15,000 relates to general debt principal.

BACKGROUND #3:

Interest payments were based on estimates which were low by \$228,533. \$219,194 of the shortage relates to excluded debt interest and \$9,339 relates to general debt interest.

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 24. To see if the Town will vote to increase the FY2019 Water and Sewer Enterprise budget to reflect increased costs and revenues, and to reduce or increase the General Fund subsidy, and reduce or increase the use of retained earnings; or take any other action in relation thereto.

(Finance Committee)

MOTION:

MOVED AND SECONDED that the Water & Sewer Enterprise Fund Other Expenses be increased by \$25,741, of which \$13,787 shall be funded by Water & Sewer Retained Earnings and \$11,954 shall be funded by the Property Tax Levy in accordance with Chapter 110 of the Acts of 1993.

BACKGROUND:

Massachusetts Water Resource Authority (MWRA) water and sewer assessments are finalized after the Town's budget is finalized at Spring Town Meeting. The requested increase in Other Expenses is required to fully fund these finalized assessments as well as to fund underestimated debt payments.

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 25. To see if the Town will vote to increase the FY2019 Recreation Enterprise budget to reflect increased costs and revenues, and to reduce or increase the General Fund subsidy, and reduce or increase the use of retained earnings; or take any other action in relation thereto.

(Finance Committee)

MOTION:

MOVED AND SECONDED that the Recreation Enterprise Fund Personal Services be increased by \$110,000, which shall be funded by Recreation Program Receipts.

BACKGROUND:

The Recreation Department added the before- and after-school, K-5 Wrap-Around Program this school year to provide needed child care related to the recently-enacted change in school start times. The \$110,000 amount requested covers the part-time salaries of the staff required to run the program and is expected to be offset by program receipts. Given that the program is in its first year, both the Recreation Department and School Department are monitoring it closely.

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 26. To see if the Town will vote to appropriate a sum of money from the Parking Meter Fund to the Wedgemere Parking account 0396912 to pay for expenses associated with the operation of the Wedgemere Commuter Station Parking Lot; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that \$80,000 be appropriated from the Parking Meter Fund to the Wedgemere Parking Article account #0396912 to pay for expenses associated with the operation of the Wedgemere Commuter Station Parking Lot.

BACKGROUND:

As reported at past Town Meetings, the Town operates the Wedgemere Station Commuter Rail Parking Lot under an agreement with the Department of Conservation and Recreation (“DCR”). These funds will be used to pay DCR its proportional share of revenue from the lot receipts (approximately \$65,000), and to pay for expenses (approximately \$15,000) associated with management of the lot.

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 27. To see if the Town will appropriate a sum of money for traffic mitigation studies, design and engineering in support of the Town's Traffic and Transportation Advisory Committee (TTAC) and Engineering Department to improve the safety and effectiveness of all transportation facilities, operations and services, including roadways, bikeways, walkways, parking and transit facilities including all costs incidental or related thereto; said appropriation to be from Free Cash or other available funds; or take any other action in relation thereto.

(Select Board/TTAC)

MOTION:

MOVED AND SECONDED that the Town appropriate the sum of \$55,000 from Free Cash for use by the Town Manager for traffic mitigation studies, design, and engineering based on the recommendations of the Town's Traffic and Transportation Advisory Committee (TTAC) and the Engineering Department to improve the safety and effectiveness of all transportation facilities, operations, and services, including roadways, bikeways, walkways, parking, transit facilities, and all costs incidental and related thereto.

BACKGROUND:

The Traffic and Transportation Advisory Committee (TTAC) is an eleven-person board created by the Select Board to recommend policies, programs, and projects designed to ensure the safety of all users of the public ways consistent with Winchester's Complete Streets Policy and Safe Routes to School Program. Traffic studies assist TTAC in identifying the options for traffic mitigation and safety improvements, as well as satisfying regulatory requirements. These funds will permit TTAC to verify neighborhood traffic concerns and identify appropriate mitigation measures to address those concerns.

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 28. To see if the Town will vote to appropriate a sum of money for the acquisition of a van to be used by the Council on Aging; including all costs incidental or related thereto; said appropriation to be made from Free Cash or other available funds; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town appropriate \$37,500 from Free Cash for the acquisition of a van to be used by the Council on Aging for a transportation program for senior citizens, including all costs incidental or related thereto; provided, however, that this appropriation shall be contingent upon the Town receiving gifts, grants, or any other aid sufficient to provide for a minimum of half of the cost of the van.

BACKGROUND:

The Select Board seeks to support the Winchester Council on Aging's (COA's) efforts to purchase a 14-passenger van to enhance transportation options for seniors in Winchester. The COA will leverage funding from private sources to match the Town's contribution for the purchase of a vehicle.

Transportation is the most critical need addressed by the Winchester Council on Aging. The community needs assessment indicated that transportation ranked as the number one need currently lacking in Winchester, and approximately one-third of seniors ranked transportation of "high importance" in promoting quality of life.

Currently, the COA offers the following transportation programs: subsidized taxi vouchers; shopping trips through a bus provided by Winchester Mt. Vernon House; and transportation to the Jenks Center for lunch through Salter HealthCare's van. In addition, over 60 volunteer drivers provide their personal vehicles to take seniors to regional medical appointments and personalized services such as beauty salons. In addition, the COA funds an essential service for seniors: medical transportation to Boston through a contracted service. There were a total of 1,061 round trips scheduled last year. All of these services are facilitated through a part-time transportation coordinator.

Winchester's is the only COA in the region without a dedicated vehicle to provide transportation to elders. The purchase of a vehicle will enhance existing services such as expanding opportunities of transportation to the Jenks for evening and weekend programs. In addition, having its own vehicle will also reduce costs of services that the COA currently pays for outside contracted providers. Transportation is a lifeline of survival, removing isolation, fostering connections to resources in the community and enabling aging in place.

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 29. To see if the Town will vote to amend the water and sewer rates currently in effect in accordance with Chapter 7, Section 3 of the Code of By-Laws; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to amend the water and sewer rates currently in effect in accordance with Chapter 7, Section 3 of the Town of Winchester Code of By-Laws. All bills for consumption on or after March 1, 2019, shall be in conformance with the following rates:

Residential Accounts (in accordance with Chapter 110)

Water:

0-15	Units Per Billing Period	\$1.40 ccf
16-45	Units Per Billing Period	\$3.48 ccf
Over 45	Units Per Billing Period	\$5.56 ccf

Low-Income Water:

0-15	Units Per Billing Period	\$1.12 ccf
16-45	Units Per Billing Period	\$2.77 ccf
Over 45	Units Per Billing Period	\$4.44 ccf

Sewer:

0-15	Units Per Billing Period	\$1.43 ccf
16-45	Units Per Billing Period	\$4.53 ccf
Over 45	Units Per Billing Period	\$7.03 ccf

Low-Income Sewer:

0-15	Units Per Billing Period	\$1.14 ccf
16-45	Units Per Billing Period	\$3.63 ccf
Over 45	Units Per Billing Period	\$5.63 ccf

Commercial/Industrial/Institutional

Water:

0-75	Units Per Billing Period	\$5.62 ccf
Over 75	Units Per Billing Period	\$6.88 ccf

Sewer:

0-75	Units Per Billing Period	\$7.33 ccf
Over 75	Units Per Billing Period	\$9.95 ccf

BACKGROUND:

The Town updated water and sewer rates in recent years, but did not update rates for FY 2019. Steady revenue sources and retained earnings have funded water and sewer expenses in FY 2019, allowing rates to remain unchanged. The Town's most recent capital plans for water, sewer, and stormwater, maintained by the Town's Department of Public Works and Engineering Department, consist of 25 purchases and upgrades over the next 12 years that are expected to cost \$23 million in total and result in \$10.3 million of additional debt over the next nine years, \$333,000 of which is projected for FY 2020. The plans also call for \$945,000 of capital outlay purchases. Additionally, the Town expects to pay \$2.25 million for stormwater permit compliance over the next several years at an average of approximately \$250,000 per year. The additional debt and capital outlay purchases, along with the additional stormwater permit-compliance operating expenses, will require additional revenues be raised.

Recently, with the capital plan and stormwater permit-compliance plan as motivating factors, the Select Board worked with the Town's Department of Public Works, the Town's Engineering Department, and a consultant on changes to water and sewer rates. A baseline scenario was developed to determine the impact on retained earnings if the Town did not change rates. This analysis showed expenditures in excess of revenues in each of the next nine fiscal years, a steady draw on retained earnings, and depletion of retained earnings by the end of FY 2020. The next steps were for the parties to focus on rates and produce a plan to increase rates so retained earnings were projected to remain at a targeted level. Multiple plans were reviewed, with the Select Board settling on the one presented in the above motion. This plan involves a rate increase covering all bills issued during FY 2020. The plan's projections show that, even with the proposed rate increase in place, retained earnings continue to be depleted, but at a slower draw than their depletion in the recent past. Additional rate increases may be warranted in the near future to build retained earnings back up to a healthy level and to address rates in FY 2021 and subsequent years.

The Select Board is prepared to recommend an increase in rates for FY 2020 for consumption on or after March 1, 2019. The above motion represents the final recommendations of the Select Board.

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 30. To see if the Town will vote to appropriate an additional sum of money for the McCall Middle School Expansion project and related purposes as set forth in the vote of the Town passed March 8, 2018 (Article 1), including all costs incidental or related thereto; which sum shall be expended in addition to the amount appropriated under such vote for the project; to determine whether this appropriation shall be raised by borrowing, transfer from available funds or otherwise; or to take any other action in relation thereto.

(School Committee/EFPBC)

MOTION:

MOVED AND SECONDED that further consideration of Article 30 be indefinitely postponed.

BACKGROUND: After recent review of the final cost estimate, the Town has determined that consideration of this Article is not necessary at this time.

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 31. To see if the Town will vote to hear and act on the report of the Capital Planning Committee regarding the proposed Capital Plan for FY2020 and place the report on file; or take any other action in relation thereto.

(Capital Planning Committee)

MOTION:

MOVED AND SECONDED that the Capital Planning Committee Report for FY2020 be received and filed.

Capital Planning Committee Report sent under separate cover

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 32. To see if the Town will vote to appropriate a sum of money for the following projects:

1. Library HVAC Replacement: \$600,000
2. Lynch School Cafeteria – Floor & Ceiling Abatement & Replacement: \$100,000
3. Lincoln School Exterior Maintenance & Repair of Flatwork, Exterior Stairs & Walkway: \$50,000
4. DPW M5 Dump Truck - \$60,000
5. DPW Dump Truck #24 - \$60,000

said appropriation to be made from Free Cash, the Building Stabilization Fund, the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, or any other available fund; or take any other action in relation thereto.

(Capital Planning Committee)

MOTION #1:

MOVED AND SECONDED that \$600,000 be appropriated from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for Library HVAC Replacement including construction, engineering, and all other costs incidental and related thereto.

MOTION #2:

MOVED AND SECONDED that \$100,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for Lynch School Cafeteria – Floor and Ceiling Abatement and Replacement including construction, engineering, and all other costs incidental and related thereto.

MOTION #3:

MOVED AND SECONDED that \$50,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for Lincoln School Exterior Maintenance and Repair of Flatwork, Exterior Stairs, and Walkway including construction, engineering, and all other costs incidental and related thereto.

MOTION #4:

MOVED AND SECONDED that \$60,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the replacement of DPW M5 Dump Truck and all other costs incidental and related thereto.

MOTION #5:

MOVED AND SECONDED that \$60,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the replacement of DPW Dump Truck #24 and all other costs incidental and related thereto.

Capital Planning Committee Report sent under separate cover

2/3 Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 33. To see if the Town will vote to appropriate a sum of money for the Swanton Street Bridge improvement project (Project 8 of the Aberjona River Flood Mitigation Program), consisting of the replacement of the bridge, including all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

MOTION:

MOVED AND SECONDED that the Town appropriate \$2,800,000 for design, engineering, permitting, and construction for the Swanton Street Bridge improvement project (Project 8 of the Aberjona River Flood Mitigation Program), consisting of the replacement of the bridge, including all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$2,800,000 under Chapter 44 of the General Laws or any other enabling authority; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; that the Town Manager is authorized to have oversight of said project; and that in accordance with Section 4-2 of the Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to said project.

Capital Planning Committee Report sent under separate cover

2/3 Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 34. To see if the Town will vote to appropriate a sum of money for design, engineering, permitting and construction of the Saw Mill Brook drainage system upgrades and North Reservoir Spillway, including all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing, transfer of available funds or otherwise; or take any action in relation thereto.

(Capital Planning Committee)

MOTION:

MOVED AND SECONDED that the Town appropriate \$500,000 for design, engineering, permitting, and construction of the Saw Mill Brook drainage system upgrades and North Reservoir Spillway, including all costs incidental or related thereto; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow \$500,000 under Massachusetts General Laws Chapter 44 or any other enabling authority; that the Select Board is authorized to accept any reimbursements for the project from the private developer and apply such amounts to this appropriation, provided that the amount of the authorized borrowing shall be reduced by the amount of any such reimbursement funds received for the project prior to the issuance of bonds or notes under this vote; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; that the Town Manager is authorized to have oversight of said project; and that in accordance with Section 4-2 of the Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to said project.

Capital Planning Committee Report sent under separate cover

2/3 Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 35. To see if the Town will vote to appropriate a sum of money for the following projects:

1. Small Municipal Separate Storm Sewer System (MS4s) Permit Year 1 - \$27,000
2. Stormwater Utility establishment - \$30,000
3. North Reservoir Dam and Low Level Outlet Engineering - \$160,000

said appropriation to be made from the Water and Sewer Retained Earnings or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

MOTION #1:

MOVED AND SECONDED that \$27,000 be appropriated from Water & Sewer Retained Earnings for Small Municipal Separate Storm Sewer Systems (MS4s) Permit Year 1 and all other costs incidental and related thereto.

MOTION #2:

MOVED AND SECONDED that \$30,000 be appropriated from Water & Sewer Retained Earnings for Stormwater Utility establishment and all other costs incidental and related thereto.

MOTION #3:

MOVED AND SECONDED that \$160,000 be appropriated from Water & Sewer Retained Earnings for North Reservoir Dam and Low Level Outlet Engineering and all other costs incidental and related thereto.

Capital Planning Committee Report sent under separate cover

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 36. To see if the Town will vote to appropriate a sum of money to supplement Account 0397522, DPW Maintenance Building Roof, appropriated under Article 14 at the Spring 2017 Town Meeting, for the purpose of replacing the roofs at the Building Maintenance Building and Parks Department Building at the Department of Public Works; said appropriation to be made from the Building Stabilization or Capital Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any other action in relation thereto.

(Capital Planning Committee)

MOTION:

MOVED AND SECONDED that \$200,000 be appropriated from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 to supplement Account 0397522, DPW Maintenance Building Roof, appropriated under Article 14 at the 2017 Spring Town Meeting, for the purpose of replacing the roofs at the Building Maintenance Building and Parks Department Building at the Department of Public Works including engineering, construction, and all other costs incidental and related thereto.

Capital Planning Committee Report sent under separate cover

2/3 Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 37. To see if the Town will vote to hear and act on the report of the Personnel Board and take any action in connection with recommendations as to: wages and salaries; working conditions; new or revised rates of wages and salaries; changes, additions, adjustments or revisions of wages and salaries; changes, additions, adjustments or revisions in classifications and definitions; and amending, revising and adding to the Personnel Policy Guide as well as in other matters related thereto. Further, to appropriate money for any adjustments or revisions of wages and salaries of employees subject and not subject to collective bargaining agreements or in any job classifications, and to provide for salary or wage adjustments not otherwise provided for, said monies to be expended by the departments affected, said appropriation to come from Unallocated Wage Reserve or other available funds; or take any other action in relation thereto.

(Personnel Board)

Materials to be sent under separate cover

Majority Vote Required

Town of Winchester
2018 Annual Fall Town Meeting



ARTICLE 38. To see if the Town will vote to accept committee reports, dissolve old committees, authorize new committees; or take any other action in relation thereto.

(Select Board)

Majority Vote Required