

*Town of Winchester  
Spring Annual Town Meeting – April 29, 2019*



***Preliminary Motions***

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

1. That Lisa Wong, Town Manager; Stacie Ward, Comptroller; Town Counsel or his designee; and Mark J. Twogood, Assistant Town Manager, 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 members of various Town boards, commissions, committees, department heads, and petitioners of special articles 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 Thursday and Monday evenings at 7:30 P.M. in the Winchester High School Auditorium, until the work of this Town Meeting is completed.
6. That cable television coverage shall be permitted at all sessions of this Town Meeting.

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**ARTICLE 1**

To hear and act upon 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 will vote to delete Section 7.3.15.2 (3), CBD Review Subcommittee, of the Winchester Zoning Bylaw in its entirety and replace it with the following; or take any other action in relation thereto:

**3. Project Review.** The SPGA shall consult with the Winchester Historical Commission and the Design Review Committee for all projects that require design or Site Plan review. The Winchester Historical Commission and the Design Review Committee shall make recommendations in the form of a report to the SPGA on how the project meets or could meet the design guidelines located in 7.3.17. If no report is received by the SPGA from the Winchester Historical Commission or the Design Review Committee within thirty-five (35) days from the time of a complete filing from an applicant, it shall be deemed a lack of opposition to the project by that body.

The SPGA shall make no final decisions until thirty-five (35) days have elapsed from the time of a complete filing from an applicant, or a report has been received from both the Winchester Historical Commission and the Design Review Committee, whichever comes first.

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town approve Article 2 as printed in the Warrant.

**BACKGROUND:**

Under the existing Zoning Bylaw, projects in the Center Business District (CBD) are reviewed for design by a 5-member group (CBDRS). The CBDRS is made up of some members of the Design Review Committee and the Historical Commission. Because only small fractions of the two groups currently participate in the CBDRS, the entire expertise of the Design Review Committee and the Historical Commission is not available for the Planning Board's consideration. The proposed changes would instead use the procedure that is currently used for all Special Permits, Site Plan, and Design Review projects, so that comments are provided from the entirety of each review authority.

*2/3 vote required*

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**ARTICLE 3**

To see if the Town will vote to amend Section 10, Definitions, of the Winchester Zoning Bylaw by deleting the definition of Floor Area and replacing it with the following new definition of Floor Area; or take any other action in relation thereto:

**Current Definition:**

**FLOOR AREA.** The aggregate horizontal area in square feet of all floors of a building or several buildings on the same lot measured from the exterior faces of walls enclosing each building, exclusive of garages, cellar and attic areas used only for storage or for service incidental to the operation or maintenance of such building or buildings.

**Proposal:**

**FLOOR AREA.** The aggregate horizontal area in square feet of all portions of floors above mean grade with a head room of 7 feet or higher of a building or several buildings on the same lot measured from the exterior faces of walls enclosing each building.

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

The existing definition of floor area does not include garages, even if they are enclosed on the first floor, and does not include attic areas that are potentially habitable. The revised definition would count all areas above mean grade, where the ceiling height is at least 7' tall (which is deemed habitable space by the State Building Code). This would align the definition with current practice, as the proposed language is already used in the Zoning Bylaw to calculate the minimum floor requirements for Site Plan Review. This change would increase the ability of the Zoning Board of Appeals to review larger structures for their impacts on surrounding neighborhoods through the Site Plan Review process.

*2/3 vote required*

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**ARTICLE 4**

To see if the Town will vote to amend Section 9.5.1 of the Winchester Zoning Bylaw to expand the applicability of Site Plan Review as follows (proposed language in bold, deleted text struck through); or take any other action in relation thereto:

9.5.1 Applicability

2. Any construction or expansion of a structure on a parcel or a change of Use within the General Business Districts GBD-1, GBD-2 and GBD-3 with a lot area equal to or greater than ~~45,000~~ **7,500** square feet;

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

There has recently been an increased number of larger buildings constructed on lots that are less than 15,000 square feet in the GBD-1, 2, and 3 zoning districts. Currently, these structures do not undergo Site Plan Review. The proposed changes would require projects on a lot greater than 7,500 square feet to undergo such review by the Zoning Board of Appeals. This would allow the ZBA to consider impacts on the adjacent neighborhoods in the areas of safety, traffic and circulation, environmental and flooding issues as well as other criteria set out in the Zoning Bylaw.

*2/3 vote required*

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**ARTICLE 5**

To see if the Town will vote to amend Section 4.0, Table of Dimensional Requirements, of the Winchester Zoning Bylaw as follows (proposed language in bold, deleted text struck through); or take any other action in relation thereto:

Max. Building Height (in stories) in GBD-1, GBD-2 and GBD-3: ~~3~~, **2.5, up to 3 with Special Permit**  
Max. Building Height (in feet) (k) in GBD-1, GBD-2 and GBD-3: ~~45~~, **40, up to 45 with Special Permit**

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

Currently new structures in the GBD 1, 2 & 3 are allowed to be built out to the maximum height and number of stories without review by the Zoning Board of Appeals. This article would allow smaller structures to be built by right, while larger ones would require Special Permit review. The by-right number of stories in the GBD 1, 2, & 3 would be reduced from 3 to 2.5 and the by-right height from 45' to 40', while the current maximum of 3 stories and 45' would still be available via a Special Permit. This would allow the ZBA to review structures that could have a significant impact on abutters or the neighborhood. Special Permits may be denied by the ZBA if the applicant does not fulfill the requirements set out in Section 9.4.2 of the Zoning Bylaw.

*2/3 vote required*

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**ARTICLE 6**

To see if the Town will vote to add a new Section 6.4, Inclusionary Housing in the General Business Districts 2 and 3, to the Winchester Zoning Bylaw, as follows; or take any other action in relation thereto:

**6.4.1 Purpose.** The purpose of inclusionary housing is to foster the creation of housing that is affordable and is located near mass transit, schools, parks and other municipal improvements.

**6.4.2 Requirements.** All projects in GBD-2 and 3 that include a housing component shall have affordable units on the project site as follows:

1. Ten (10) percent of the dwelling units within a project that have six (6) or more dwelling units shall be affordable in accordance with 760 CMR 56;
2. Ten (10) percent of dwelling units within a project that has twenty-five (25) or more dwelling units shall be affordable according to 760 CMR 56, and five (5) percent of the dwelling units within a project that has twenty-five (25) or more dwelling units shall be affordable to middle income applicants (80-120 percent of Boston Area Median Income); and
3. If the number of affordable units calculated contains a decimal, the number of units shall be rounded up for values between 0.5-0.99.

**6.4.3 Incentives.** To further promote affordable housing in the General Business Districts, an applicant may, with a Special Permit from the SPGA, reduce the number of required parking spaces by up to 0.25 spaces/unit and/or increase FAR by up to 0.5 if more than the required affordable units are constructed.

**6.4.4 Payment in Lieu of On-Site Affordable Units.** The SPGA, after comments have been received from the Winchester Housing Partnership Board, may allow the applicant to pay a fee in lieu of providing on-site affordable units if the SPGA determines that it is in the best interest of the Town to do so and that the provision of affordable units would render the project economically infeasible. If no report is received by the SPGA from the Housing Partnership Board within thirty-five (35) days from the time of a complete filing from an applicant, it shall be deemed a lack of opposition to the payment in lieu of on-site affordable units. The fee for each affordable unit shall be established by the SPGA in the Rules for this Section 6.4.4. The payment shall be made into the Winchester Affordable Housing Fund administered by the Select Board.

**6.4.5 Affordable Units** (as defined under 760 CMR 56) shall be deed-restricted and shall remain affordable to and occupied by an Income Eligible Household (for household incomes at 80 percent of the Boston AMI or lower), and are eligible for inclusion on the Subsidized Housing Inventory as set forth in 760 CMR 56.

**6.4.6 Administration.** The SPGA, with guidance from the Housing Partnership Board and the Select Board, shall promulgate rules for the implementation of this Section 6.4.

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

This article would extend the current requirements for affordable housing in the Center Business District to General Business Districts 2 and 3, which currently have no such requirement. Housing developments with more than 6 units in the Center Business District are required to create deed-restricted Affordable Housing. Extending this requirement to GBD-2 and 3 would result in an increase in the number of units eligible for inclusion in the Town's Subsidized Housing Index (SHI). This article implements one of the recommendations from the newly adopted Housing Production Plan, which calls for the expansion of Affordable Housing into areas where we are experiencing increased housing pressure.

*2/3 vote required*

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**ARTICLE 7**

To see if the Town will vote to amend Section 4.1.2(k), Notes to Table of Dimensional Requirements, of the Winchester Zoning Bylaw, as follows (proposed language in bold, deleted language struck through); or take any other action in relation thereto:

k. Does not apply to ~~chimney, ventilators and other structural features usually carried above roofs, not to~~ domes, towers or spires of buildings provided such features are in no way used for living purposes. **Chimneys may exceed the maximum height by 15 feet. Heating, ventilation and air conditioning vents and the necessary screening may exceed the maximum height within non-residential districts by the minimum dimensions required by the State Building Code.** ~~Maximum height, except for church spires or domes, shall not exceed 15 feet above the height permitted in the District. See definition - "Height of a Building."~~

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

The objective of this article is to accurately reflect the features that are commonly allowed to exceed the maximum height in the Zoning Bylaw's Table of Dimensional Requirements.

*2/3 Vote Required*

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**ARTICLE 8**

To see if the Town will vote to amend Section 7.3.13.3, Height Exceedance, of the Winchester Zoning Bylaw, as follows (proposed language in bold, deleted language struck through); or take any other action in relation thereto:

7.3.13.3 Height Exceedance. The maximum height of a structure shall not exceed the distance in feet as set forth in the Height Map 7.3.2 above except under the following conditions: Chimneys, ~~elevator penthouses and other structural features usually carried above roofs~~ may exceed the maximum height by 15 feet. **Heating, ventilation and air conditioning vents may exceed the maximum height by the minimum dimensions required by the State Building Code.** Domes, towers or church spires, provided such features are uninhabited, may also exceed the maximum height. Screening of necessary mechanical equipment, such as heating venting and air conditioning units, may exceed the height requirement by up to 4 feet.

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

The objective of this article is to accurately reflect the features that are commonly allowed to exceed the maximum height in the Zoning Bylaw's Table of Dimensional Requirements.

*2/3 Vote Required*

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**ARTICLE 9**

To see if the Town will vote to amend Section 7.3.16.11, Utilities Plan, of the Winchester Zoning Bylaw to require utilities plans submitted for projects in the Center Business District to include the location of rooftop equipment (proposed language in bold); or take any other action in relation thereto:

**7.3.16.11 Utilities Plan** showing the location of proposed utilities **and all rooftop equipment (HVAC or otherwise)** and describing their capacity to meet or exceed applicable standards. The maximum scale shall be 1 inch = 40 feet. **The size and location of all rooftop equipment should be illustrated on all drawings, renderings, and elevations.**

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

The objective of this article is to require that equipment on roofs be illustrated and documented in applications for zoning approvals in the Center Business District.

*2/3 Vote Required*

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**ARTICLE 10**

To see if the Town will vote to amend Section 9.4.5, Plans, of the Winchester Zoning Bylaw to require plans submitted for the purposes of Special Permits to include the location of rooftop equipment (proposed language in bold); or take any other action in relation thereto:

9.4.5 Plans. Unless otherwise specified herein, an applicant for a special permit shall submit a plan in substantial conformance with the requirements for a site plan as set forth in the rules and regulations of the Zoning Board of Appeals. **All Special Permit applications shall incorporate and illustrate the size and location of all rooftop equipment into the drawings, renderings, and elevations submitted.**

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

The objective of this article is to require that equipment on roofs be illustrated and documented in special permit applications.

*2/3 Vote Required*

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**ARTICLE 11**

To see if the Town will vote to amend Section 9.5.4, Application, of the Winchester Zoning Bylaw to require plans submitted for the purposes of Site Plan Review to include the location of rooftop equipment (proposed language in bold, deleted language struck through); or take any other action in relation thereto:

9.5.4 Application. A person applying for Site Plan Approval hereunder shall file with the Board of Appeals twenty copies and an electronic version of each application and a site plan and a filing fee. Such application and site plan shall include the information the Board of Appeals shall reasonably requires by rule or regulation. **All Site Plan Review applications shall incorporate the size and illustrate all rooftop equipment into the drawings, renderings, and elevations submitted.** In subsequent applications concerning the same subject matter, the Board may waive the filing of plans and documents to the extent they duplicate those previously filed.

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

The objective of this article is to require that equipment on roofs be illustrated and documented in applications for Site Plan Approval.

*2/3 Vote Required*

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**ARTICLE 12**

A Petition of Ten Registered Voters for the Spring 2019 Town Meeting, Winchester, MA

Whereas, EPA data shows that plastic bags make up only 0.5% of the U.S. municipal waste stream; and

Whereas, plastic grocery bags require 70% less energy to produce than paper bags; and

Whereas, plastic grocery bags consume less than 4% of the water needed to make paper bags; and

Whereas, 7 times more truck loads are required to deliver an equal number of paper bags vs. plastic bags; and

Whereas, paper bags take up nine (9) times as much space as paper bags in a landfill; and

Whereas, plastic bags produce fewer greenhouse gases per use than paper or cotton bags; and

Whereas, plastic grocery bags are made in the USA from natural gas while most reusable bags are made in China & Vietnam and take far more energy to transport than plastic grocery bags made in the USA; and

Whereas, plastic bags are recyclable; and

Whereas, reusable bags made from heavier & thicker plastic & cotton requiring more energy to produce; and

Whereas, few people wash reusable grocery shopping bags which harbor pathogenic bacteria & bugs; and

Whereas, only 1% of the plastic found in the world's oceans comes from the USA; and

Whereas, plastic grocery bags are often reused as trash bags and banning such bags forces residents to buy more plastic trash bags defeating the purpose of banning plastic grocery bags; and

Whereas, banning plastic bags has raised the already high cost of doing business in Winchester for our small business community.

NOW THEREFORE, We, the undersigned registered voters of Winchester, MA, request that a by-law passed by the Spring 2018 Town Meeting banning the distribution of allegedly single-use, plastic, checkout bags, to wit: Chapter 22, of the Winchester By-law be repealed.

(Anthony Conte, Citizens Petition)

**MOTION:**

**MOVED AND SECONDED**, that Chapter 22 of the Code of the Town of Winchester be repealed in its entirety.

**BACKGROUND:**

The rationale for this Article are as follows:

- EPA data shows that plastic bags make up only 0.5% of the U.S. municipal waste stream; and
- Plastic grocery bags require 70% less energy to produce than paper bags; and
- Plastic grocery bags consume less than 4% of the water needed to make paper bags; and
- 7 times more truck loads are required to deliver an equal number of paper bags vs. plastic bags; and
- Paper bags take up nine (9) times as much space as paper bags in a landfill; and
- Plastic bags produce fewer greenhouse gases per use than paper or cotton bags; and
- Plastic grocery bags are made in the USA from natural gas while most reusable bags are made in China & Vietnam and take far more energy to transport than plastic grocery bags made in the USA; and
- Plastic bags are recyclable; and
- Reusable bags made from heavier & thicker plastic & cotton requiring more energy to produce; and
- Few people wash reusable grocery shopping bags which harbor pathogenic bacteria & bugs; and
- Only 1% of the plastic found in the world's oceans comes from the USA; and
- Plastic grocery bags are often reused as trash bags and banning such bags forces residents to buy more plastic trash bags defeating the purpose of banning plastic grocery bags; and
- Banning plastic bags has raised the already high cost of doing business in Winchester for our small business community.

*Majority Vote Required*

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**ARTICLE 13**

To see if the Town will accept Massachusetts General Laws Chapter 44, Section 53F3/4, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2020, which begins on July 1, 2019; 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:**

Federal law states that because a cable television company uses public rights of way through telephone poles and underground conduits to sell their product, they must contribute an amount of their gross annual revenue not to exceed 5%. Cable companies are allowed to cover this cost by charging cable subscribers via separately stated Franchise Fees.

In 2014, state legislation was passed that would protect PEG funding from use other than “cable-related purposes”. The law requires that a municipality establish a separate special revenue fund into which PEG cable funding would be deposited. The Massachusetts Department of Revenue’s Division of Local Services (DLS) issued a bulletin in 2016 establishing guidelines for setting up said special revenue funds and determined that direct payments from the cable company and the designated PEG access corporation would no longer be allowed.

This Warrant article adopts the language suggested by the DLS. Quarterly PEG funding payments from both current cable providers in Town would be deposited in this “PEG Access & Cable Related Fund” for appropriation at both Spring and Fall Town Meeting.

It is the Town’s intention that WinCAM will continue to be the Town’s PEG access station and that franchise fees placed into this PEG Access & Cable Related Fund will be appropriated for use by WinCAM for the purposes set out in the Warrant article. Under the state statute, a PEG Access & Cable Related Fund, once established, must remain open for three years and monies not appropriated from the fund during the fiscal year remain in the fund.

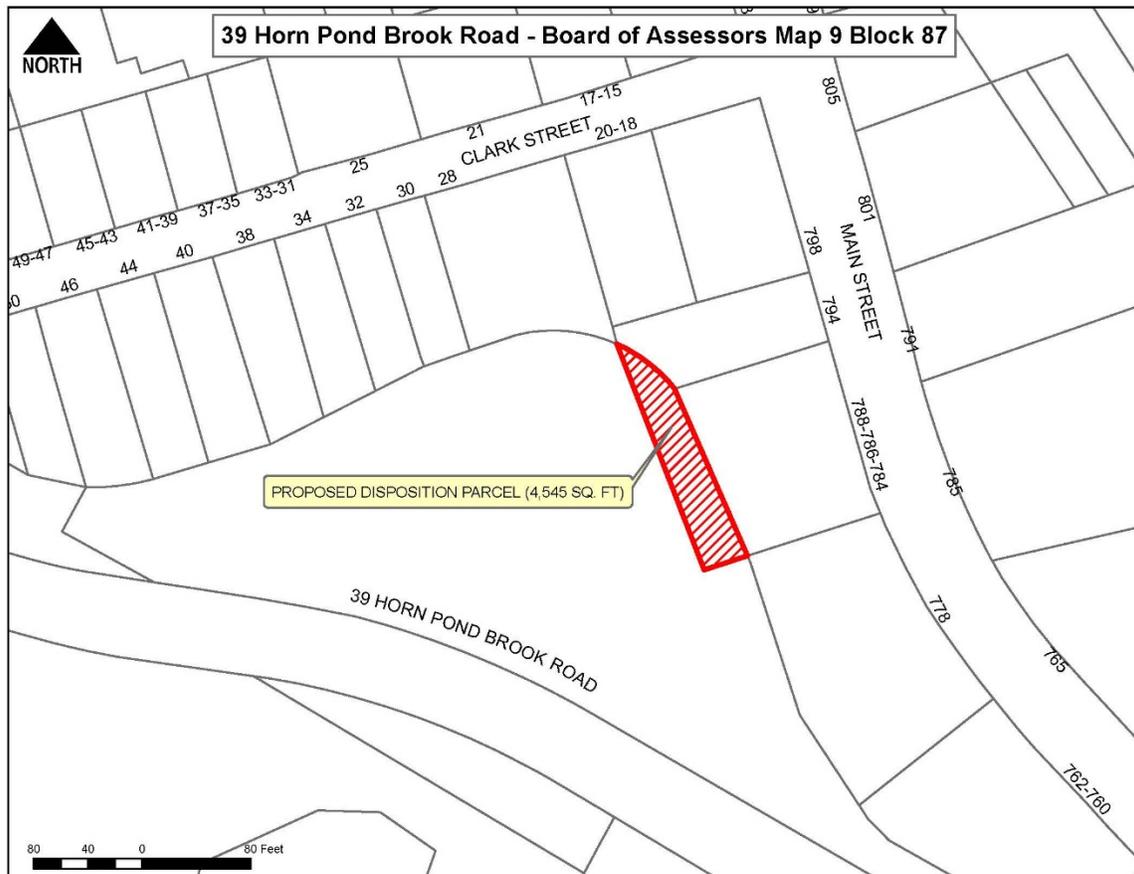
*Majority Vote Required*

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**ARTICLE 14**

To see if the Town will vote to authorize the Select Board to lease, sell, convey, release, or otherwise dispose of any interests in an approximately 4,545± square foot portion of the land located at 39 Horn Pond Brook Road in the Town, which land is a portion of the land shown as Board of Assessors Map 9, Block 87, and on the plan on file in the Office of the Town Manager (the "Property"), on such other terms and conditions as the Select Board deem appropriate, which may include the reservation of easements and restrictions over, along or through the Property; 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 parcel of land off Horn Pond Brook Road is approximately 2 acres and is the location of the Salt Shed and Park Department Building for the Department of Public Works. In reviewing the DPW operations and considering the steepness of the slope of the property, it was determined that approximately 4,545 square feet of land could be declared surplus. This area is highlighted in the above map. The Select Board has issued a Request for Proposals (RFP) to sell this parcel and proposals are due on May 10<sup>th</sup>, 2019.

*2/3 Vote Required*

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**ARTICLE 15**

To determine whether the Town will vote to accept Massachusetts General Laws c. 44, Section 55C, to authorize the creation of a municipal affordable housing trust fund; 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:**

A Municipal Affordable Housing Trust is a public entity created by a local legislative body, which is Town Meeting in the case of Winchester. The Trust is subject to public procurement, designer selection, conflict of interest and public meeting laws.

One of the strategies contained in the Housing Production Plan adopted by the Select and Planning Boards and approved by the Massachusetts Department of Housing and Community Development (DHCD) is the adoption by the Town of Winchester of a Municipal Affordable Housing Trust. Establishment of such a trust is a foundational strategy that provides the organizational and financial capabilities that will facilitate the successful implementation of other strategies contained in the Housing Production Plan.

A Municipal Affordable Housing Trust is led by a Board of Trustees. Best practices from other communities demonstrate that a Board that possesses a range of development and financing expertise including the development of affordable housing, real estate development, banking, housing finance, and law provides the most effective structure. The Board of Trustees is appointed by the Select Board and consists of a minimum of five members, at least one of which must be a member of the Select Board. Members serve two-year terms.

A Municipal Affordable Housing Trust can engage in real estate activity and facilitates local control of housing initiatives. The Trust will be able to purchase and retain real or personal property. The Trust can accept and receive real property, personal property or money; by gift, grant, or contribution. The Trustees have the authority to sell, lease, exchange or convey property at public auction or by private contract.

Initial funding for the Trust will be from the Select Board's existing Affordable Housing Fund.

*Majority Vote Required*

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**ARTICLE 16**

To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation regarding property tax relief for senior citizens 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.** With respect to each qualifying parcel of real property classified as class one, residential in the town of Winchester, there shall be an exemption from the property tax in an amount to be set annually by the Select Board as provided in Section 3. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, “parcel” shall mean a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for in this section shall be in addition to any other exemptions allowed under the General Laws.

**SECTION 2.** The Board of Assessors may deny an application if it finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior exemption established pursuant to this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

- (i) the qualifying real property is owned and occupied by a person whose prior year’s income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;
- (ii) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or older at the close of the previous year where the other joint owner is 60 years of age or older;
- (iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- (iv) the applicant or at least 1 of the joint applicants has been domiciled and owned a home in the town of Winchester for at least 10 consecutive years before filing an application for the exemption;
- (v) the maximum assessed value of the domicile is not greater than the prior year’s maximum assessed value for qualification for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws as adjusted annually by the Department of Revenue; and
- (vi) the Board of Assessors has approved the application for the exemption.

**SECTION 3.** The Select Board shall annually set the exemption amount provided for in Section 1; provided, however, that the amount of the exemption shall be within a range of 50 per cent to 200 per cent, inclusive, of the amount of the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all residential taxpayers.

**SECTION 4.** A person who seeks to qualify for the exemption under Section 1 shall, before the deadline established by the Board of Assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

**SECTION 5.** No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

(Select Board)

**MOTION:**

**MOVED AND SECONDED,** that the Town approve Article 16 as printed in the Warrant.

**BACKGROUND:**

The Town realizes that property tax increases often have a larger impact on senior citizens with limited income. To help mitigate the effects of the recent override, the Town wishes to apply for a home rule petition to give the Town the ability to match the Massachusetts Circuit Breaker tax credit, a refundable credit for income-eligible senior citizens based on the real estate taxes paid on property owned and used as the primary residence. The Select Board would vote annually to set a percentage match between 50-200% of the Circuit Breaker credit. In 2018, the maximum credit for the Massachusetts Circuit Breaker was \$1100. The range for a matching credit would be from \$550 (50%) to \$2200 (200%).

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 17**

To see if the Town will vote to adjust the current eligibility limits for property tax deferrals under Massachusetts General Laws Chapter 59, Section 5, Clause 41A; or take any other action in relation thereto.

(Select Board)

**MOTION:**

**MOVED AND SECONDED**, that the Town vote to increase the gross receipts that senior citizens may have in the prior calendar year to be eligible to defer property taxes under Massachusetts General Laws Chapter 59, Section 5, Clause 41A from \$53,000 to \$60,000.

**BACKGROUND:**

Cities and towns may give property tax exemptions to some individuals as defined by state law. An exemption discharges the taxpayer from the legal obligation to pay all or a part of the tax assessed for the fiscal year. Exemptions are found in various clauses of Massachusetts General Laws Chapter 59, Section 5. Under Clause 41A, seniors may also be able to delay payment of their property taxes. A property tax deferral does not discharge the tax obligation like an exemption. Instead, it defers payment until the senior sells the property or passes away. A deferral allows seniors to use resources that would go to pay taxes to defray living expenses instead. Taxpayers who qualify for personal exemptions under other clauses in M.G.L. c. 59, § 5 (for example, seniors, disabled veterans, blind persons or surviving spouses) may defer all or part of the balance of their reduced taxes.

Winchester seniors aged 65 and older who earn a maximum annual income of \$53,000 are currently eligible to apply for the program. In 2013, the Town approved an increase in the limit from \$49,000 to \$53,000, resulting in a 50% increase in participation. This current article would increase the income limit to \$60,000 with the aim of increasing the number of seniors participating.

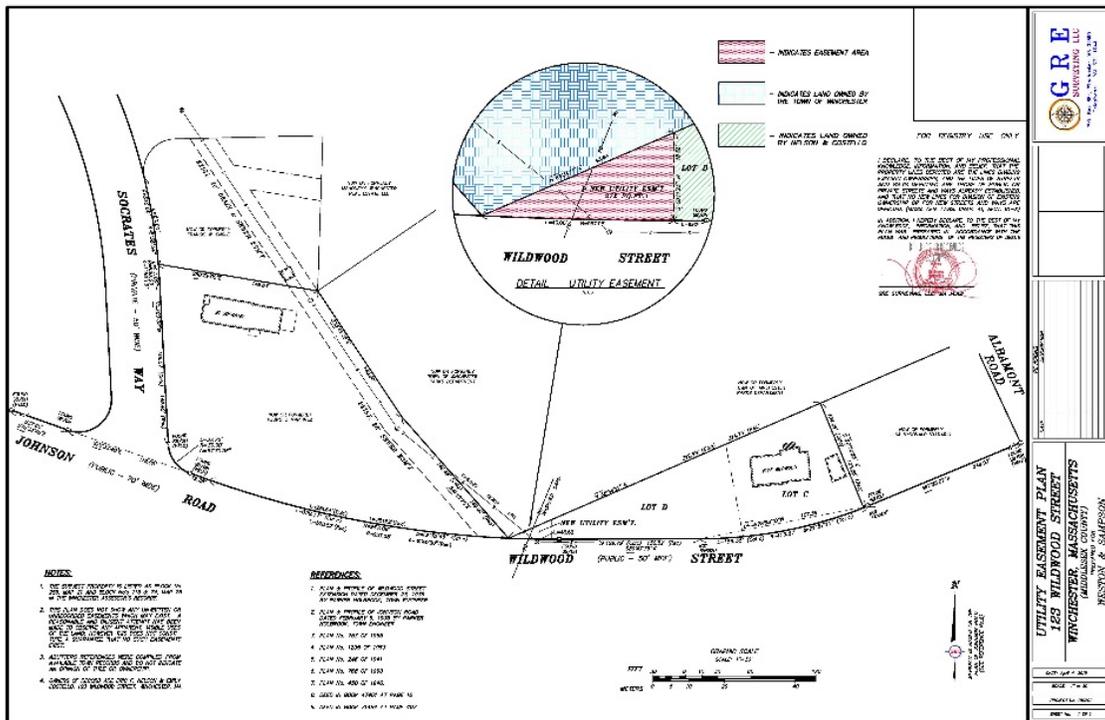
*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 18**

To see if the Town will vote to authorize the Select Board, for purposes of establishing, constructing, operating and maintaining sewer and drain lines on Wildwood 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 “Utility Easement Plan, 123 Wildwood Street, Winchester, Massachusetts,” dated April 4, 2019, as such plan may be further amended, 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 sewer and drain lines on such 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 approve Article 18 as printed in the Warrant.

**BACKGROUND:**

A utility easement will be required at 123 Wildwood Street as part of the Wildwood Street Drainage Improvement Project. The utility easement will provide access for installation of the proposed drainage connection between Wildwood Street (at Westland Avenue) and the proposed infiltration basin at West Side Field. The easement will also provide access to the existing sewer main that crosses through 123 Wildwood Street. After construction is complete, the easement will provide maintenance access to the sewer and drainage infrastructure.

*2/3 Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 19**

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 hereto.

(Town Manager/Finance Committee)

**MOTION:**

**MOTION #1: MOVED AND SECONDED**, that the Town vote to transfer \$140,830 from Free Cash to the FY 2019 Department of Public Works Snow and Ice Personal Services Budget, Account 0141711.

**MOTION #2: MOVED AND SECONDED**, that the Town vote to transfer \$86,358 from Free Cash to the FY 2019 Department of Public Works Snow and Ice Expense Budget, Account 0141712.

**MOTION #3: MOVED AND SECONDED**, that the Town vote to transfer \$1,654 from Free Cash to the FY 2019 Department of Public Works Snow and Ice Capital Budget, Account 0141713.

**MOTION #4: MOVED AND SECONDED**, that the Town vote to transfer \$100,000 from Free Cash to the FY 2019 Legal Budget, Account 0115102.

**MOTION #5: MOVED AND SECONDED**, that the Town vote to transfer \$80,000 from Free Cash to the FY 2019 Funded Debt Budget, Account 0171102.

**MOTION #6: MOVED AND SECONDED**, that the Town vote to transfer \$166,009 from Free Cash to the FY 2019 Reserve Fund, Account 0194302.

**MOTION #7: MOVED AND SECONDED**, that the Town vote to transfer \$60,000 from Free Cash to the FY 2019 Workers Compensation Expense Budget Account 0191202.

**BACKGROUND:**

DPW Snow & Ice Budget: The Department of Public Works Snow and Ice account is in a deficit of \$228,842. This motion appropriates funds to eliminate the deficit in this account.

Legal Budget: The Town has incurred litigation costs that are not covered under Town Counsel's retainer. This motion appropriates funds to eliminate the deficit in this account.

Funded Debt: There is a required paydown to a high school BAN that comes due on 6/17/19 in the form of an \$80,000 principal payment. This motion appropriates funds to make this payment.

Worker's Compensation/Indemnity Expense: Worker's comp budgeted expenses are planned using the average of prior year claims but are entirely dependent on actual claims within a given fiscal year. FY19 has been a high claim year and it is expected that the account will be in deficit by the amount requested given expected indemnity, medical, expenses and legal settlement costs. This motion appropriates funds to eliminate this projected deficit.

The Finance Committee has approved Reserve Fund Transfers for FY2019 totaling \$166,009, which leaves a balance of \$233,991. There is continued potential for additional expenses for the Eversource Project, Workers Compensation, the Lake Street Bridge and possible additional Personal Services costs which might require additional payment prior to the close of FY2019 on June 30th. Additional expenses above the FY2019 budget, after Spring Town Meeting, are typically paid by a Reserve Fund Transfer. Any balance in the Reserve Fund at the end of FY2019 would revert back to the General Fund.

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 20**

To see if the Town will vote to appropriate a sum of money from the Transportation Network Receipts Reserved Fund to pay for traffic improvements in the vicinity of the McCall Middle School; or take any other action in relation thereto.

(Select Board)

**MOTION:**

**MOVED AND SECONDED**, that the Town vote to appropriate \$7,582 from the Transportation Network Receipts Reserved Fund to pay for traffic improvements in the vicinity of the McCall Middle School.

**BACKGROUND:**

Pursuant to Chapter 187 of the Acts of 2016, certain transportation network companies must submit an assessment to the Transportation Network Company Division of the Department of Public Utilities. This assessment is based on the number of rides from the previous calendar year that originated in the cities and towns across the state at \$0.20 per ride. The assessments are credited to the Commonwealth Transportation Infrastructure Fund (CTIF) and 50% is proportionately distributed to cities and towns to be used to address transportation related matters in compliance with Chapter 187 § 8(c)(i) of the Acts of 2016.

The Town of Winchester received \$7,582 from the CTIF which was deposited in the Transportation Network Receipts Reserved Fund, per statute, and is subject to appropriation. These funds will supplement the McCall Middle School Traffic Improvement Project as part of the McCall Middle School Expansion Project.

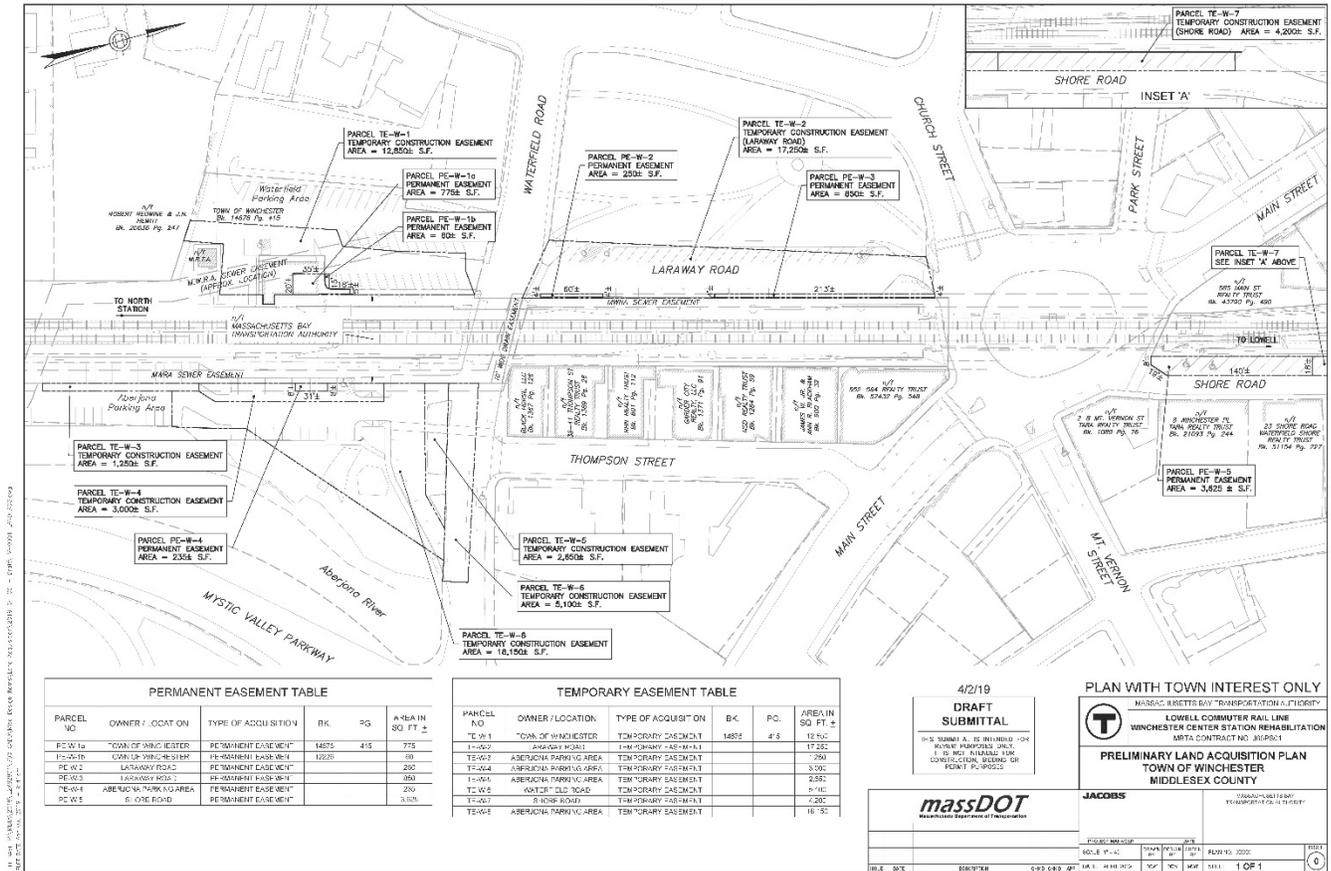
*Majority Vote Required*

# Town of Winchester Annual Spring Town Meeting



## ARTICLE 21

To see if the Town will vote to authorize the Select Board to convey to the Massachusetts Bay Transportation Authority (the "MBTA") permanent and temporary easements in the areas identified on the Preliminary Land Acquisition Plan dated April 2, 2019 (the "Parcels"), which plan is on file with the Town Engineer, for the purposes of permitting the MBTA to make improvements to its Winchester Center station in the Town; such conveyance to be on such other 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 will vote to approve Article 21 as printed in the Warrant.

**BACKGROUND:**

Since 2010, the Winchester Select Board, Town staff, and various other municipal boards and committees have been working with the MBTA on the design for the reconstruction of the Winchester Center Commuter Rail Station. The Station is in poor condition, with failing concrete and lighting. The MBTA expects to bid the construction of this project in late 2019, with a potential construction start date in spring or summer 2020. The MBTA needs to acquire temporary and permanent easements on Town property to facilitate construction of the station. This Warrant article gives the Select Board the authority to convey these easements to the MBTA.

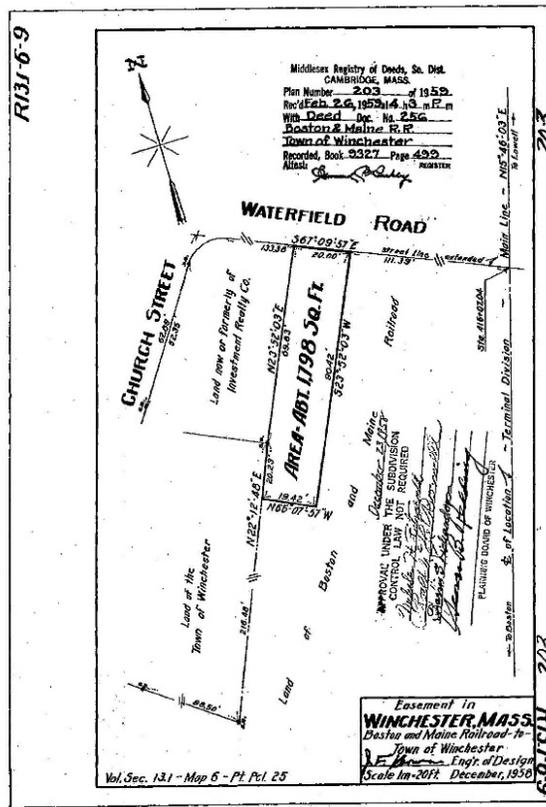
*2/3 Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 22**

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 "AREA=ABT. 1,798 SQ. FT." on the plan entitled "Easement in Winchester, Mass, Boston and Maine Railroad to Town of Winchester", dated December 1958, and on file with the Town Engineer, on such 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 approve Article 22 as printed in the warrant.

**BACKGROUND:**

The Town of Winchester owns and operates a municipal parking lot on what is commonly known as the “Waterfield Lot” next to the Winchester Center Commuter Rail Station. There is a small parcel currently used by the Town, identified on the plan “Easement in Winchester, Mass, Boston and Main Railroad to the Town of Winchester,” that is owned by PanAm Railways. The Select Board is considering issuing a Request for Proposals (RFP) to redevelop the Waterfield Lot. Prior to issuing that RFP, the Town will need to acquire ownership of this small parcel. This Warrant article would give the Select Board the authority to move forward with the acquisition of this land through either purchase, donation, eminent domain, or otherwise.

*2/3 Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 23**

To see if the Town will vote to appropriate a sum of money for the purchase and installation of safety railings for fall protection for the Winchester High School, 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 transfer \$50,000 from Free Cash for the purposes stated in Article 23 as printed in the Warrant.

**BACKGROUND:**

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

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 24**

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 taxes (PILOT) agreements, as approved by the Select Board, with the operator of solar photovoltaic energy-generating facilities to be developed and installed on the rooftop of Winchester High School; or take any other action in relation thereto.

(Select Board)

**MOTION:**

**MOVED AND SECONDED** that the Town approve Article 24 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 Winchester High School 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  
Annual Spring Town Meeting



**ARTICLE 25**

To see if the Town will vote to transfer from Free Cash, or other available funds, a sum of money to supplement the Eversource account number 0397252 for the purpose of engineering, construction, 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; or take any other action in relation thereto.

(Select Board)

**MOTION:**

**MOVED AND SECONDED**, that the Town transfer \$60,000 from Free Cash to supplement the Eversource account number 0397252 for the purpose of legal, engineering, construction and associated consultations pertaining to the location of the electric 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.

**BACKGROUND:**

**1. Town of Winchester vs. Eversource Energy, National Grid and the Energy Facilities Siting Board: Appeal Court Docket #2019-P-0300**

This is the Appeal of the Final Decision in the Original Proceedings in which the Siting Board approved the Construction of the New Line from Woburn Power Station to Wakefield Junctions Power Station on February 28, 2018. Although the Town's Appeal was filed in the Supreme Judicial Court in March of 2018, SJ-2018-14, the Appeal was subsequently transferred to the Appeals Court by a Single Justice on February 26, 2019.

Assuming the Town will also be permitted to file a Reply Brief to the Appellees' Briefs the case is likely to be argued in June 2019. A decision would be expected 120 days after the Oral Argument.

**2. Town of Winchester vs. Eversource Energy: SJC Docket #SJC-2019-0124**

This is the Town's Appeal of the Final Decision of the EFSB issued March 7, 2019 granting Eversource the equivalent of a GOL from the Winchester Select Board for that portion of the new line to be constructed on Cross Street and Washington Street Winchester, approximately one and one half miles. This approval becomes effective on July 8, 2019. The Siting Board denied the Town's request for additional time to file its appeal on March 29, 2019, and therefore the Town's Alternative Notice of Appeal to the Siting Board dated March 26, 2019 required the filing of the Town's Appeal within 10 days after the March 26, 2019 date. It is hoped that this matter can be resolved without a lengthy appellate process, but the Siting Board's approval of a very limited Magnetic Frequency measure is embedded in this decision, so the possibility of significant legal expenses after July 1, 2019 should not be discounted.

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 26**

To see if the Town will vote to appropriate \$45,000 from available funds, including Free Cash, for the purpose of finalizing the 2030 Master Plan; or take any other action in relation thereto.

(Planning Board)

**MOTION:**

**MOVED AND SECONDED**, that the Town transfer \$45,000 from Free Cash for the purposes stated in Article 26 as printed in the Warrant.

**BACKGROUND:**

The Planning Board has contracted with JM Goldson to develop the 2030 Town Master Plan. The total estimated cost of \$120,000 is within the range (\$100,000 to \$175,000) that comparable communities have allocated for their Master Plans. Town Meeting appropriated \$75,000 in 2017 for this process. This article seeks the transfer of the remaining \$45,000 in order to fully fund the work, which is currently on schedule and set for completion by February of 2020. JM Goldson, in conjunction with the Town's Master Plan Steering Committee, has completed Phase I of the Master Plan (an assessment of current conditions) and has begun work on Phase II (visioning).

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 27**

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to defray the expenses of the Town for the fiscal year beginning July 1, 2019 and especially for or relating to all or any of the officers, boards or departments and for all purposes authorized by law, vote to fix the salary and compensation of all elective officers of the Town as provided in Massachusetts General Laws Chapter 41, Section 108, and to appropriate funds into the Capital and Building Stabilization Funds; or take any other action in relation thereto.

(Finance Committee)

*Materials to be sent under separate cover*

*Majority Vote Required, 2/3 if to or from Stabilization Fund*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 28**

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to defray the expenses of the Water and Sewer Enterprise Fund of the Department of Public Works for the fiscal year beginning July 1, 2019, and to appropriate and transfer retained earnings into the Water Sewer Enterprise Account; or take any other action in relation thereto.

(Finance Committee)

*Finance Committee Report to be distributed under separate cover*

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 29**

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to defray the expenses of the Recreation Department for the fiscal year beginning July 1, 2019, and to appropriate and transfer retained earnings into the Recreation Enterprise Account; or take any other action in relation thereto.

(Finance Committee)

*Finance Committee Report to be distributed under separate cover*

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 30**

To see if the Town will vote to appropriate a sum of money to the Capital Stabilization Fund or the Building Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any other action in relation thereto.

(Finance Committee)

**MOTION:**

**MOVED AND SECONDED**, that the Town vote to raise and appropriate \$30,000 to the Building Stabilization Fund under Chapter 69 of the Acts of 2002.

**BACKGROUND:**

In 2012 the Building Stabilization Fund financed the installation of a new energy-efficient boiler at the Muraco School. This new boiler was projected to save at least \$44,000 per year in energy costs with the understanding that a portion of the savings, \$30,000, be transferred from the General Fund to the Building Stabilization Fund each year to help support the debt service on the bonds for the boiler installation.

*2/3 Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 31**

To see if the Town will vote to appropriate a sum of money for the Phase II Sanitary Sewer Rehabilitation Project (Part B) for the removal of inflow and infiltration sources from the Town's sanitary sewer system and to repair structural defects identified as part of the Phase II Sanitary Sewer Evaluation (SSES) Project, such rehabilitation project to include, but not be limited to, design and construction of open cut and trenchless sanitary sewer rehabilitations in the Church Street, Cambridge Street, and Wildwood Street areas, and all other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Resources Authority or otherwise; to authorize the Treasurer to apply for and accept any grants or loans for the project from the Massachusetts Water Resources Authority or any other source; or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED**, that \$1,750,000 is appropriated for the Phase II Sanitary Sewer Rehabilitation Project (Part B) for the removal of inflow and infiltration sources from the sanitary sewer system and to repair structural defects identified as part of the Phase II Sanitary Sewer Evaluation (SSES) Project, such rehabilitation project may include, but is not limited to, design and construction of open cut and trenchless sanitary sewer rehabilitations in the Church Street, Cambridge Street, and Wildwood Street areas, and all other costs incidental or related thereto; and that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority ("MWRA") and in connection therewith to enter into a loan agreement and financial assistance agreement with the Authority and to accept any grants for the project from the MWRA, provided that the amount of the authorized borrowing shall be reduced by the amount of any such grants received from the MWRA; 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.

**BACKGROUND:**

The Phase II Sanitary Sewer Project (Part B) is part of the Town's ongoing Sewer System Capital Improvement Program. The objective of the program is to identify and remove inflow and infiltration from the Town's sewer system, reduce operation and maintenance issues, and to repair structural deficiencies in the existing sewer infrastructure. It is the second part of a two part sewer rehabilitation project that is designed to construct the remaining cost-effective rehabilitations in the Town's West Side Sewer System. The West Side system is generally west of Cambridge Street and is tributary to an MWRA connection at Edgewater Place. Part A of the project was designed in 2018 and construction will be complete in Summer 2019.

*2/3 Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 32**

To see if the Town will vote to appropriate a sum of money for the community lead service water line replacement program to reduce the potential for elevated lead levels at customer taps and to maintain water quality conditions, including the replacement of lead neck connections, and the replacement or rehabilitation of public and privately-owned water service lines containing lead, including all design, engineering and other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Resources Authority or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED**, that \$600,000 is appropriated for a community lead service water line replacement program to reduce the potential for elevated lead levels at customer taps and to maintain high water quality conditions, including the replacement of lead neck connections, and the replacement or rehabilitation of public and privately-owned water service lines containing lead, including all design, engineering and other costs incidental or related thereto; and that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (“MWRA”) and in connection therewith to enter into a loan agreement and financial assistance agreement with the Authority and to accept any grants for the project from the MWRA, provided that the amount of the authorized borrowing shall be reduced by the amount of any such grants received from the MWRA; 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.

**BACKGROUND:**

The Department of Public Works has been removing lead piping in the Town’s public water system on an annual basis. In the spring of 2016 monies were appropriated for the first year of a multi-year lead piping removal program. This Article requests year three of that funding so that the Town through its Department of Public Works and private contractors can continue to remove both public and private sources of lead pipes throughout Town.

*2/3 Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 33**

To see if the Town will vote to appropriate a sum of money for design and engineering for the repair and/or replacement of the Lake Street Bridge and other costs incidental or related thereto; said appropriation to be from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 or available funds, including Free Cash, or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED**, that the Town appropriate \$180,000 for design and engineering for the repair and/or replacement of the Lake Street Bridge and other costs incidental or related thereto; \$100,000 of said appropriation to be from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 and \$80,000 of said appropriation to be from Free Cash.

**BACKGROUND:**

On December 31, 2018, the Town received a bridge inspection report from MassDOT for the Lake Street bridge over Horn Pond Brook outlining several deficiencies. In early 2019, the Town hired Weston & Sampson to conduct a bridge inspection and make preliminary recommendations as to the necessary repairs. Weston & Sampson agreed that the bridge was in poor condition, and recommended that the Town consider a full replacement of the structure. The Town is requesting \$180,000 for the engineering design and permitting of the proposed reconstruction project.

*2/3 Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 34**

To see if the Town will vote to rescind \$100,000 of the appropriation and borrowing authority voted by the Town under Article 37 of the Spring Annual Town Meeting on May 10, 2018 for the purpose funding the second phase of the community lead service pipeline program, which amount is no longer needed for the purpose for it was approved; or take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED**, that the Town approve Article 34 as printed in the Warrant.

**BACKGROUND:**

The Town of Winchester uses two MWRA zero-interest loan programs to finance the replacement of lead service connections in the water distribution system. Each Loan Program contains limitations on the type of work that is eligible. During Phase I of the Lead Service Removal Program, all lead service removal work was eligible for the MWRA's Lead Loan Program (LLP) and therefore, funds borrowed from the Local Water System Assistance Program (LWSAP) were not required. Because these funds are still available to the Town, \$100,000 of the \$600,000 requested at the Spring Annual Town Meeting, May 10, 2018, was not required to fund Phase II of the Town's Lead Service Removal Program.

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 35**

To see if the Town will vote to fix the maximum amount that may be spent during the fiscal year beginning July 1, 2019, for the revolving funds established in Winchester's by-laws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½; or take any other action in relation thereto.

(Finance Committee)

**MOTION:**

**MOVED AND SECONDED** that the Town fix the maximum amount that may be spent during fiscal year 2020 beginning on July 1, 2019, for the revolving funds established in Winchester's by-laws for certain departments, boards, committees, agencies or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½, as follows:

Revolving Fund	Department	FY2019 Spending Limit
Archival Center	Town Clerk	\$5,000
Energy Use	Energy	\$95,000
Board of Health Clinics	Board of Health	\$100,000
Grass Fields	Recreation	\$50,000
Synthetic Fields	Recreation	\$50,000
Historical Commission	Historical Commission	\$5,000

**BACKGROUND:**

The Municipal Modernization Act changed how cities and towns establish departmental revolving funds in accordance with MGL Chapter 44, §53E ½. The funds were created at the 2017 Fall Town Meeting, with the exception of the Historical Commission which was established at the Spring 2018 Town Meeting, as Town bylaws and this article sets the FY20 spending limits.

**ARCHIVAL CENTER:**

The revolving fund for the Archival Center was established to enable the Archival Center to retain fees that it receives through the sale of reproductions from its collections or other products. This revenue stream permits the Archival Center to fund other projects consistent with its mission to acquire and retain historical documents pertaining to the Town of Winchester.

**ENERGY USE:**

This revolving fund was established to enable the Town to assess and retain revenue from energy surcharges on the rental of space in municipal and school buildings. The revenue is used to invest in modest improvements designed to reduce energy usage or otherwise improve the energy efficiency in municipal or school buildings. This fund is an essential

element of a policy recommended by the Energy Management Committee and adopted jointly by the Select Board and School Committee. The primary source for income to the Revolving Fund is the Energy Rental Surcharge Fee. Attached is a table outlining FY2019 Energy Conservation Projects funded through the Energy Revolving Fund.

Building	Project	Total Cost	Utility Incentives	Energy Revolving Fund	Other Funds	Annual Savings	Simple Payback*
Public Safety Building	Police Attic Insulation	\$ 20,600.00	\$ 0	\$13,100.00	\$7,500.00	\$2,126.00	9.7
Public Safety Building	Head Room EMS Upgrade	20,100.00	0	6,700.00	13,400.00	0	N/A
Muraco	Insulation of soffit	11,328.00	4,771.00	6,683.00	0	3,871.00	1.7
Wildwood Cemetery	LED Lighting	7,560.90	2,214.91	5,345.99	0	1,328.95	4.0
West Side Fire Station	LED Lighting	5,302.32	1,828.41	3,473.91	0	1,097.05	3.2

\* after utility incentives

**BOARD OF HEALTH CLINICS:**

This revolving fund is used by the Board of Health to sponsor vaccine clinics and other health programs that provide for health screenings and immunizations such as for flu and pneumonia. Expenses include the cost of the vaccine, printing costs, staff time, and other supplies. The cap of \$100,000 represents an increase of \$25,000 from FY19. This increase represents an increase of service, specifically the offering of a vaccine for shingles, and covers both the additional staff and supplies.

**GRASS FIELDS:**

The purpose of this revolving fund is to collect permitting fees and charges related to the use of the grass fields. These funds will be used to pay for grass field maintenance, bathrooms, fencing, lights, court maintenance, playground equipment and scoreboards as outlined in the bylaw. This article sets the spending limit for FY20. All spending is authorized by the Town Manager based on recommendations of the Field Management Committee.

**SYNTHETIC FIELDS:**

The purpose of this revolving fund is to collect permitting fees and charges related to the use of the synthetic fields. These funds will be used to pay for synthetic/turf field maintenance, bathrooms, fencing, lights, scoreboards and custodial overtime as outlined in the bylaw. The article sets the spending limit for FY20. All spending is authorized by the Town Manager based on recommendations of the Field Management Committee.

**HISTORICAL COMMISSION:**

The purpose of this revolving fund is to retain permit fees for Demolition Permits, which require time-consuming research and analysis by a professional architectural historian. This cost has historically been borne by the Town but with the approval of permit fees will be borne more appropriately by the permit applicants. The revolving fund allows the professional to be engaged to perform the appropriate analysis.

*Majority vote required*

Town of Winchester  
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**ARTICLE 36**

To see if the Town will vote to authorize the Treasurer, with the approval of the Town Manager and the Select Board, to borrow money from time to time in anticipation of revenue for the fiscal year beginning July 1, 2019 in accordance with Massachusetts General Laws Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws Chapter 44, Section 17; or take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED**, that the Town authorize the Treasurer with the approval of the Town Manager and the Select Board, to borrow money from time to time in anticipation of revenue or borrowing for the fiscal year beginning July 1, 2019 in accordance with Massachusetts General Laws Chapter 44, Section 4, as amended and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 17.

**BACKGROUND:**

This is a boilerplate article which allows the Treasurer to borrow funds in anticipation of revenue for FY2020.

*Majority Vote Required*

Town of Winchester  
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**ARTICLE 37**

To see if the Town will raise and appropriate a sum of money to be used with such sum as may be made available from Massachusetts Department of Transportation for maintenance, repair, alteration, relocation or other improvements of Town or County ways, together with the acquisition of easements, and for the payment of damages and expenses in connection therewith, as well as to authorize the transfer and use for said purposes of any unused balances; or take any other action in relation thereto.

(Select Board)

**MOTION:**

**MOVED AND SECONDED**, that the Town be authorized to accept and expend funds from the Commonwealth of Massachusetts Department of Transportation for maintenance, repair, alteration, relocation and other improvements to Town ways or the purchase of equipment, acquisition of easements and payments of damages and expenses in connection therewith and to authorize the transfer and use for said purposes of any unused balances.

**BACKGROUND:**

This article authorizes the Town to accept and expend funds from the Commonwealth of Massachusetts for improvements to Town ways, the purchase of equipment, acquisition of easements, and payments for damages and expenses. These funds are commonly referred to as "Chapter 90 Funds".

*Majority Vote Required*

Town of Winchester  
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**ARTICLE 38**

To see if the Town will vote to accept the decision of the Winchester Contributory Retirement Board pursuant to Massachusetts General Laws Chapter 32, Section 103(j) to increase the maximum COLA base from \$12,000 to \$14,000; or take any other action in relation thereto.

(Retirement Board)

**MOTION:**

**MOVED AND SECONDED**, that the Town approve Article 38 as printed in the warrant.

**BACKGROUND:**

Annually, the Winchester Contributory Retirement Board (WCRB) votes on whether the retirees of the Winchester Contributory Retirement System (WCRS) will receive a Cost of Living Adjustment (COLA) increase. By statute, the annual COLA increase cannot exceed 3% and it is applied to what is known as a COLA base. The minimum statutory COLA base is currently \$12,000, which is the WCRS base.

Under state law, an increase to the COLA base must first be approved by the majority vote of the Retirement Board and then a majority vote of Town Meeting (i.e. the legislative body). After much consideration, at the November 27, 2018 WCRB meeting, the WCRB voted to increase the COLA base from \$12,000 to \$14,000.

At the current base of \$12,000, a retiree can receive no more than an increase of \$360 in their pension annually (max 3% x \$12,000). Increasing the base to \$14,000 will increase what a retiree can receive as an increase in their pension to \$420 (max 3% x \$14,000). The average annual pension is approximately \$30,000 (estimated 275 retirees), hence retirees are currently receiving less than 1.25% of an increase each year in their pensions. This increase will bring the effective average COLA rate up to 1.4%. Social security COLA for 2019 is 2.8% of a maximum base of \$132,900. For a pension of \$30,000, that would amount to \$840.

In order to determine the cost of the increase to the Town, the WCRB requested an estimate from Public Employee Retirement Administration Commission (PERAC), who governs the Massachusetts Public Pension Systems and also provides the WCRS with the actuary study. Based on their calculations, using the data and assumptions per the latest actuary study (as of January 1, 2017), they estimated that the \$29m unfunded liability would increase by \$1.43m. This would result in an increase of \$260k in the FY21 required contribution. Per the 1/1/17 actuary funding table, the required contributions are growing at 7.15% each year, hence this \$260k will grow at the same rate each year through the funding year of 2029.

A new actuary as of January 1, 2019 is currently underway and will be used to determine the Town's appropriation for FY21 and FY22. If Town Meeting votes to accept the increase, PERAC will include the COLA in the new actuary study resulting in an increased appropriation beginning in FY21 and continuing through the estimated funding year, which is currently FY29.

Surrounding Retirement System's COLA Base as of 12/31/18 per PERAC's website <https://www.mass.gov/service-details/increase-cola-base>

Retirement System	\$12,000	\$13,000	\$14,000	\$15,000	\$16,000
Andover	X				
Arlington				X	
Belmont		X			
Danvers		X			
Everett			X		
Lexington			X		
Malden			X		
Medford					X
Melrose	X				
Reading	X				
Saugus			X		
Somerville			X		
Stoneham		X			
Wakefield			X		
Waltham			X		
Watertown		X			
Woburn	X				
Essex County			X		
Middlesex County <sup>(1)</sup>					X
MTRS <sup>(2)</sup>		X			

<sup>(1)</sup> \$16,000 is effective for FY20 (FY19 \$14,000)

<sup>(2)</sup> MA Legislation currently passed House for \$16,000 and in Senate for \$14,000 base in FY21, \$15,000 base in FY22 and \$16,000 base in FY23

Social Security COLA's since 2005 per Social Security website <https://www.ssa.gov/news/cola/>

Year	COLA (%)
2005	4.1
2006	3.3
2007	2.3
2008	5.8
2009	0.0
2010	0.0
2011	3.6
2012	1.7
2013	1.5
2014	1.7
2015	0.0
2016	0.3
2017	2.0
2018	2.8
2019	2.8

*Majority Vote Required*

Town of Winchester  
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**ARTICLE 39**

To see if the Town will vote to authorize the Town Treasurer, acting as Trustee of the Other Post-Employment Benefits (“OPEB”) Trust Fund, to invest OPEB Trust Funds under the Massachusetts Prudent Investor Rule established in Massachusetts General Laws Chapter 203C, and to amend the OPEB Declaration of Trust accordingly; or take any other action in relation thereto.

(Select Board)

**MOTION:**

**MOVED AND SECONDED**, that the Town approve Article 39 as printed in the Warrant.

**BACKGROUND:**

Article 19 of Spring 2018 Town Meeting: (1) approved the acceptance of Massachusetts General Laws Chapter 32A, as amended by Chapter 218, Section 15 of the Acts of 2016; (2) designated the Town Treasurer as Trustee of the OPEB Trust Fund; and (3) authorized the transfer of the balance of the current OPEB Trust Fund to the new OPEB Trust, established pursuant to Chapter 32A, Section 20. This Article will allow the Treasurer, acting as Trustee of the Trust Fund, to invest the OPEB Trust Funds under the Massachusetts Prudent Investor Rule. Without this authorization, all OPEB Trust investments will be limited to the State’s “legal list” which will greatly restrict the investment options available. Given the long-term nature of the OPEB Trust Fund, this will allow for a wider range of investments that will assist in reducing our OPEB liability.

*Majority Vote Required*

Town of Winchester  
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**ARTICLE 40**

To see if the Town will vote to raise and appropriate or transfer from available funds to the “Other Post-Employment Benefits Liability Trust Fund” in order to reduce the unfunded actuarial liability of health care and other post-employment benefits for which the Town is obligated; or take any other action in relation thereto.

(Finance Committee)

*Finance Committee Report to be distributed under separate cover*

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 41**

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 and in classifications and definitions, and in amending, revising and adding to the Personnel Policy Guide as well as in other matters thereto related; and to raise and 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; determine in what manner the monies shall be raised by taxation or otherwise; or take any other action in relation thereto.

(Personnel Board)

*Materials to be sent under separate cover*

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 42**

To see if the Town will authorize and direct the Board of Assessors to take any sum of money from available funds to reduce the tax levy for Fiscal Year 2020, and to transfer funds to or from the Stabilization Fund; or take any other action in relation thereto.

(Town Manager)

*Motion to be distributed under separate cover*

*Majority or 2/3 Vote where appropriate*

Town of Winchester  
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**ARTICLE 43**

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

(Select Board)

*No Motions Received to Date*

*Majority vote required*