

# *Town of Winchester*

## **Fall Annual Town Meeting 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 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, Fall 2018 and Spring 2019; or take any other action in relation thereto.

(Committee on Rules)

**MOTION:**

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

*Background materials to be sent under separate cover as necessary.*

*2/3 vote required*

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**ARTICLE 3.** To see if the Town will vote to amend Section 10 of the Winchester Zoning Bylaw as follows (deleted language struck through; proposed language in bold); or take any other action in relation thereto.

CURRENT DEFINITION

**DWELLING UNIT** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities. A dwelling unit shall have more than one-half of its floor-to-ceiling height above the average level of the adjoining ground. Each dwelling unit shall be occupied by not more than one family.

PROPOSED DEFINITIONS

**DWELLING UNIT** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.

~~A dwelling unit shall have~~ More than one-half of its ~~the~~ floor-to-ceiling height **shall be** above the average level of the adjoining ground. Each dwelling unit shall be occupied by not more than one family. **No dwelling unit may have more than one inside cooking facility with such appliances as an oven, range or stove.**

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

This Zoning Bylaw amendment clarifies that only one kitchen area is allowed per dwelling unit, and it simplifies the definition of Dwelling Unit.

*2/3 vote required*

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**ARTICLE 4.** To see if the Town will vote to amend Section 3.5.5 of the Winchester Zoning Bylaw as follows (deleted language struck through; proposed language in bold); or take any other action in relation thereto.

Section 3.5.5

**Nonconforming Single and Duplex Residential Structures.** Nonconforming Single and Duplex residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

1. **A reconstruction, extension, alteration or change** ~~Alteration~~ to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the **reconstruction, extension, alteration or change** will also comply with all of said current requirements.
2. **A reconstruction, extension, alteration or change** ~~Alteration~~ to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the **reconstruction, extension, alteration or change** will also comply with all of said current requirements.
3. **A reconstruction, extension, alteration or change** ~~Alteration~~ to a structure which encroaches upon one or more required yard or setback areas, where the **reconstruction, extension, alteration or change** will comply with all current setback, yard, building coverage and building height requirements. ~~where the alteration will also comply with all of said current requirements.~~

(Planning Board)

**MOTION:**

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

**BACKGROUND:**

This Zoning Bylaw amendment clarifies that the word “alteration” in current Section 3.5.5 subsections 1-3, regarding a nonconforming structure or a structure on a nonconforming lot, encompasses a “reconstruction, extension, alteration, or change” to such a structure. This amendment reflects the Building Commissioner’s interpretation of the current language.

*2/3 vote required*

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**ARTICLE 5.** To see if the Town will add an alternate member to the Educational Facilities Planning and Building Committee (“EFPBC”) established pursuant to Article 10 of the 1995 Annual Town Meeting, as amended. Said member shall be a representative of, and appointed by, the Disability Access Commission. The revised committee shall consist of eleven (11) full members and two (2) alternate members for a total of thirteen (13) members appointed as follows: three (3) jointly appointed by the Select Board and School Committee: a registered architect, a registered engineer, and a citizen at large; three (3) jointly appointed by the Select Board, School Committee and Finance Committee; four (4) citizens at large appointed by the Town Moderator; the Superintendent of Schools; and two alternate members, one appointed by the Town Moderator and one appointed by the Disability Access Commission; or take any other action in relation thereto.

(Select Board)

**MOTION:**

**MOVED AND SECONDED** that the Town add an alternate member to the Educational Facilities Planning and Building Committee (“EFPBC”) established pursuant to Article 10 of the 1995 Annual Town Meeting, as amended. Said member shall be a representative of, and appointed by, the Disability Access Commission. The revised committee shall consist of eleven (11) full members and two (2) alternate members for a total of thirteen (13) members appointed as follows: two (2) full members jointly appointed by the Select Board and School Committee: a registered architect and a registered engineer; three (3) full members, one appointed by each of the Select Board, School Committee and Finance Committee; five (5) citizens at large appointed as full members by the Town Moderator; the Superintendent of Schools or the Superintendent’s designee, acting as a full member; and two alternate members, one appointed by the Town Moderator and one appointed by the Disability Access Commission; or take any other action in relation thereto.

**BACKGROUND:**

This Article modifies the makeup of the EFPBC, established pursuant to Article 10 of the 1995 Annual Town Meeting, by adding one additional alternate member to be appointed by the Disability Access Commission.

*Majority vote required*

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**ARTICLE 6.** To see if the Town will vote to add Section 3.13 to the Winchester Code of Bylaws as follows; or take any other action in relation thereto.

3.13 The Select Board may, pursuant to Chapter 40, Section 21D of the General Laws, impose a fine, not exceeding three hundred dollars (\$300), for each violation of a duly promulgated regulation of the Board. Any regulation for which the Select Board intends to invoke this authority shall include language setting the fine that may be imposed for each violation.

(Select Board)

**MOTION:**

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

**BACKGROUND:**

This Article modifies the Town's General Bylaws to authorize the Select Board to impose fines of up to \$300 for violation of Select Board regulations.

*Majority vote required*

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**ARTICLE 7.** To see if the Town will vote to amend Chapter 8, adding new Section 38 to the Code of By-Laws; or take any other action in relation thereto.

**Restriction of Delivery Times and No Idling**

Deliveries for commercial purposes on Maple Road, Orient Street and Valley Road shall be prohibited between the hours of 8:00 pm and 7:30 am and on weekends. The deliveries result in excessive noise and pose a safety issue for children walking to school in the morning. Delivery vehicles shall not idle on these streets at any times. In addition, they shall not block access to these roadways.

(Richard Nadel, Citizen's Petition)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to indefinitely postpone Article 7.

*This article was withdrawn by the petitioner*



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**ARTICLE 8.** To see if the Town will vote to add a new Chapter 25 to the Code of By-Laws of the Town of Winchester as follows:

SECTION 1: **PURPOSE.**

The purpose of this bylaw is to (a) promote the health and safety of the public, (b) protect property from flooding and damage caused by stormwater runoff, and (c) protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and natural stormwater management systems and facilities.

SECTION 2: **RATES; APPLICABILITY; EXEMPTIONS; EFFECTIVE DATE.**

- a. **Rates.** The Select Board (“Board”) shall establish just and equitable annual charges (the “Stormwater Fee”) for the use of the Town’s municipal separate storm sewer system (MS4) and other stormwater related costs. The Board shall set Stormwater Fee rates in a tiered structure that establishes different rates for residential and non-residential parcels. The Stormwater Fee shall be a flat rate for each tier.

The Stormwater Fee tier applicable to a particular parcel shall be based on the approximate square footage of impervious surface on that parcel as derived from aerial imagery or other data available to the Town. The Stormwater Fee tier applicable to a parcel may be increased based on an increase in impervious area, or decreased following the fee reduction procedures set forth in Section 5.

For the purposes of this Bylaw, “impervious surface” shall mean an area of a parcel which prevents or impedes the infiltration of stormwater into the soil as it would under natural conditions prior to development. Impervious surfaces shall include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patios, swimming pools, decks, driveways, parking lots, storage areas, compacted gravel and soil, awnings and other coverings.

- b. **Applicability.** The Stormwater Fee shall be paid by each landowner of record for a parcel (“Owner”) in the Town, unless exempt under this Bylaw.
- c. **Exemptions.** The following parcels are exempt from the Stormwater Fee:
- i. Parcels owned by the Town or any of its departments, boards, or agencies. The Board may exempt other types of parcels owned by governmental owners by regulation.
  - ii. Undeveloped land that does not include any impervious surface other than unpaved access roads and trails.

- d. **Effective Date.** The Effective Date of this Stormwater Bylaw shall be March 1, 2020 (the “Effective Date”). The Town shall assess the first Stormwater Fees no earlier than July 1, 2020.

SECTION 3: **USE OF STORMWATER FEES.**

The Town shall use Stormwater Fees for the following purposes:

- a. engineering and design, debt service and related financing expenses, construction costs for new stormwater infrastructure facilities (including costs for contracted services) and enlargement or improvement of existing stormwater infrastructure facilities;
- b. capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- c. operation and maintenance of the MS4, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- d. costs of administration and implementation of the Town’s stormwater management program and this bylaw, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- e. water quality monitoring and water quality programs;
- f. detection and elimination of illicit discharges;
- g. inspection and enforcement activities;
- h. acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate and maintain stormwater management systems and facilities; and
- i. other activities which are necessary and incidental to construction, maintenance and operation of the MS4 or stormwater infrastructure facilities in accordance with all applicable laws.

Nothing herein shall be construed to limit the Town’s use of other municipal funds for the purposes listed herein.

SECTION 4: **ADMINISTRATION.**

- a. **Administration by Select Board.** The Board shall administer, implement, and enforce this bylaw unless otherwise provided herein. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to an employee or agent of the Town. The Board may promulgate rules and regulations to effect the purposes of this bylaw, including a fee schedule for peer review of drainage calculations, stormwater/sewer systems, and other information submitted under Section 5 of this Bylaw consistent with M.G.L. c. 44, § 53G.
- b. **Billing and Collection.** Stormwater Fee invoices shall be included and separately itemized on quarterly invoices sent to Owners. The Town may impose late fees in amounts established by the Board. The Owner must pay the Stormwater Fee assessed for that parcel,

unless the Owner demonstrates that it is exempt under Section 2.c. or that a fee reduction is appropriate consistent with the procedures in Section 5. If a parcel is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed six years of charges beginning on the Effective Date, but in such case no late fees shall be charged or recovered from any Owner so back billed.

- c. **Payment to Treasurer.** Owners shall pay the Stormwater Fee to the Town Treasurer. The Treasurer shall notify the Board (or its designee) of the amounts collected, and shall keep records of all paid and unpaid Stormwater Fees. Stormwater Fees shall be deposited in an Enterprise Fund lawfully established by the Town.
- d. **Liens.** If the Stormwater Fee for a parcel is not paid by the due date, the Town may impose a lien on the parcel pursuant to M.G.L. c. 40, § 58.

**SECTION 5: CHALLENGES TO STORMWATER FEE CHARGES.**

Upon petition to the Board, Owners may demonstrate that the Stormwater Fee that the Town has charged should be reduced to a lower tier or that the parcel is exempt. The Board shall establish regulations setting forth procedures for such petitions. In the Board's discretion, Owners may qualify for fee reduction if:

- a. the Owner demonstrates that it has been incorrectly identified as an Owner of a parcel;
- b. the Owner can demonstrate that the parcel is exempt, or that the impervious area on the parcel is smaller than that measured on the Owner's invoice, such that a lower tier of Stormwater Fee is appropriate, provided that such demonstration is made using evidence satisfactory to the Board;
- c. the Owner has installed or operates stormwater measures or infrastructure at the parcel, in addition to that required by any Town bylaw or regulation, that reduce stormwater impacts from that parcel to the level of impacts equivalent to a lower Stormwater Fee tier, provided that such reduction is demonstrated through a report authored by a qualified expert, and that the Owner provides certification that the system is in good working order, including records of annual inspections and maintenance since the system was installed; or
- d. the Owner has installed or permitted to be installed stormwater measures or infrastructure that reduce stormwater impacts from another parcel, including an exempt parcel such as Town-owned property, in which case the area served by such measures or infrastructure shall be deducted from the total amount of impervious surface on the parcel.

In no case, however, may an Owner's Stormwater Fee be reduced lower than the lowest Stormwater Fee tier established by the Board, unless the Board finds that such parcel is exempt, in which case the Town shall not impose a Stormwater Fee.

**SECTION 6: SEVERABILITY.**

If any provision this by-law are for any reason declared invalid or unconstitutional by any court, every other provision shall continue in full force and effect.

(Select Board)

**MOTION:**

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

**BACKGROUND:**

This Article would establish a Stormwater Fee to be paid by property owners in order to cover a portion of the Town's costs to maintain and improve its stormwater management infrastructure in order to remain in compliance with applicable laws and the U.S. EPA's municipal separate storm sewer system (MS4) permit. The Stormwater Fee would be determined and adjusted by the Select Board. Because impervious surfaces (such as pavement) create a greater strain on the Town's stormwater infrastructure than pervious surfaces (such as lawns), the Stormwater Fee will be tiered based on the amount of impervious surface on each property. The proposed Bylaw also includes procedures for challenging the amount of a Stormwater Fee imposed for a particular property.

*Majority vote required*

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**ARTICLE 9.** To see if the Town will vote to appropriate a sum of money from Free Cash to the Municipal Affordable Housing Trust and to the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any other action in relation thereto.

(Select Board)

**MOTION #1:**

**MOVED AND SECONDED** that \$500,000 be transferred from Free Cash to the Municipal Affordable Housing Trust established under Massachusetts General Laws Chapter 44, Section 55C.

*Majority vote required*

**MOTION #2:**

**MOVED AND SECONDED** that \$500,000 be transferred from Free Cash to the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002.

*2/3 vote required*

**BACKGROUND:**

The Town of Winchester received a \$1 million linkage payment as part of the Development Agreement with BEK Winchester Winning Farm LLC at the closing on the purchase of the Property to build a 29-unit residential cluster development off of Thornberry Road. The payment was made to the Town in Fiscal Year 2019 and became part of the Town's certified Free Cash, allowing the Town to allocate the funds. The Select Board voted to allocate \$500,000 to the Affordable Housing Trust and \$500,000 to the Capital Stabilization Fund.

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**ARTICLE 10.** 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 FY2021 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 FY2021 be received and filed.

*Capital Planning Committee Report sent under separate cover*

*Majority vote required*

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**ARTICLE 11.** To see if the Town will vote to appropriate sums of money for the following projects:

1. Elevator and Stage Lift at the Parkhurst School
2. Department of Public Works – New Sidewalk Plow & Blower
3. Department of Public Works – New Swaploader Hook Truck with Packer/Salter/Plow
4. Department of Public Works – New Bobcat for downtown sidewalk snow removal/sweeping
5. Department of Public Works – New Salter Truck
6. Muraco School Classroom Sink/Cabinet Units Replacement
7. Construction of Church Street @ Waterfield Road Traffic Improvements
8. Replacement of Manchester Field Track
9. Department of Public Works Buildings – Removal of underground fuel tanks

Said appropriations 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 \$910,000 be appropriated from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the installation of an elevator and stage lift at the Parkhurst School and all other costs incidental and related thereto.

**MOTION #2**

**MOVED AND SECONDED** that \$148,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the purchase of a new sidewalk plow & blower and all other costs incidental and related thereto.

**MOTION #3**

**MOVED AND SECONDED** that \$187,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the purchase of a new swaploader hook truck with packer, salter and plow and all other costs incidental and related thereto.

**MOTION #4**

**MOVED AND SECONDED** that \$35,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the purchase of a new Bobcat for sidewalk snow removal/sweeping and all other costs incidental and related thereto.

**MOTION #5**

**MOVED AND SECONDED** that \$184,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the purchase of a new salter truck and all other costs incidental and related thereto.

**MOTION #6**

**MOVED AND SECONDED** that \$110,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the replacement of classroom sink/cabinet units at the Muraco School and all other costs incidental and related thereto.

**MOTION #7**

**MOVED AND SECONDED** that \$130,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the construction of traffic improvements at the intersection of Waterfield Road and Church Street and all other costs incidental and related thereto.

**MOTION #8**

**MOVED AND SECONDED** that \$150,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the replacement of the Manchester Field Track and all other costs incidental and related thereto.

**MOTION #9**

**MOVED AND SECONDED** that \$25,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the removal of underground fuel tanks from Town property and all other costs incidental and related thereto.

*Capital Planning Committee Report sent under separate cover*

*2/3 vote required*



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**ARTICLE 12.** To see if the Town will vote to appropriate an additional 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; such amount to be expended in addition to the \$2,800,000 previously appropriated under Article 33 of the 2018 Annual Fall Town Meeting; and 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 \$240,000 be appropriated for the Swanton Street Bridge improvement project (Project 8 of the Aberjona River Flood Mitigation Program), consisting of the replacement of the bridge; that such amount shall be expended in addition to the \$2,800,000 previously appropriated under Article 33 at the 2018 Annual Fall Town Meeting; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow \$240,000 under Massachusetts General Laws Chapter 44, 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 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 be 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*

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**ARTICLE 13.** To see if the Town will vote to appropriate a sum of money for the Lake Street Bridge Replacement Project, consisting of the replacement of the bridge, including the costs of design, permitting, engineering, demolition of the existing bridge, new foundations, substructures, superstructure, bridge rails, roadway pavement, sidewalks, and temporary and permanent utility relocation, and all other costs incidental or related thereto; and to determine whether this appropriation shall be raised by borrowing, from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, Free Cash or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED** that \$1,500,000 be appropriated for the Lake Street Bridge Replacement Project, consisting of the replacement of the bridge, including the costs of design, engineering, demolition of the existing bridge, site work, new foundations, substructures, superstructure, bridge rails, roadway pavement, sidewalks, landscaping, and temporary and permanent utility relocation, and all other costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow \$1,500,000 under Massachusetts General Laws Chapter 44 or any other enabling authority; that the Town Manager be authorized to apply for and accept a grant from the state Municipal Small Bridge Program, or any other grants or aid available for this project, provided that the amount authorized to be borrowed under this vote shall be reduced by the amount of any such grant funds received prior to the issuance of bonds or notes hereunder; 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 be 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*

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**ARTICLE 14.** To see if the Town will vote to appropriate a sum of money for the Waterfield Road Bridge Rehabilitation and Repair Project, consisting of design, permitting, engineering, spall and crack repairs, removal and replacement of the gravel backfill, concrete repairs, the installation of new waterproofing on top of the arch, site work, landscaping, restoration and/or replacement of railing and new pavement and sidewalks, and all other costs incidental or related thereto; and to determine whether this appropriation shall be raised by borrowing, from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, Free Cash or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED** that \$1,000,000 be appropriated for the Waterfield Road Bridge Rehabilitation and Repair Project, consisting of design, engineering, spall and crack repairs, removal and replacement of the gravel backfill, concrete repairs, the installation of new waterproofing on top of the arch, site work, landscaping, restoration and/or replacement of railing and new pavement and sidewalks, and all other costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow \$1,000,000 under Chapter 44 of the General Laws or any other enabling authority; that the Town Manager be authorized to apply for and accept a grant from the state Municipal Small Bridge Program, or any other grants or aid available for this project, provided that the amount authorized to be borrowed under this vote shall be reduced by the amount of any such grant funds received prior to the issuance of bonds or notes hereunder; 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 be 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*

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**ARTICLE 15.** To see if the Town will vote to appropriate a sum of money for the engineering, design and permitting of improvements to address deficiencies at the North Reservoir Dam, Gate House and Low Level Outlet, and related facilities, including all other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED** that \$340,000 be appropriated for the engineering, design and permitting of improvements to address deficiencies at the North Reservoir Dam, Gate House and Low Level Outlet, and related facilities, including all other costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow \$340,000 under Massachusetts General Laws Chapter 44 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 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 be 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*

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**ARTICLE 16.** To see if the Town will vote to appropriate a sum of money for traffic improvements associated with the McCall Middle School Expansion Project; and to determine whether this appropriation shall be from Free Cash, Capital Stabilization Fund, Building Stabilization Fund established under Chapter 69 of the Acts of 2002 or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED** that \$925,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for costs associated with traffic improvements associated with the McCall Middle School Expansion Project and all other costs incidental and related thereto.

*Capital Planning Committee Report sent under separate cover*

*2/3 vote required*

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**ARTICLE 17.** To see if the Town will vote to appropriate a sum of money from the Parking Meter Fund to the Wedgemere Parking Account #0396912 and the Town Center Parking Account #0396942 to pay for the upgrade or conversion of parking meters, maintenance of the parking lots and other costs associated with the collection and enforcement of parking ticket revenues at the Wedgemere and Downtown parking lots; or take any other action in relation thereto.

(Town Manager)

**MOTION #1:**

**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 Parking Lot.

**MOTION #2:**

**MOVED AND SECONDED** that \$23,000 be appropriated from the Parking Meter Fund to the Wedgemere Parking Article account #0396912 to pay for the upgrade or conversion of parking meters, additional operating expenses and all other additional costs associated with the collection and enforcement of parking ticket revenue.

**MOTION #3:**

**MOVED AND SECONDED** that \$46,000 be appropriated from the Parking Meter Fund to the Town Center Parking Account #0396942 to pay for the upgrade or conversion of parking meters, additional operating expenses and all other costs associated with the collection and enforcement of parking ticket revenue.

**BACKGROUND on Motion 1:**

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.

**BACKGROUND on Motions 2 and 3:**

The Town is reviewing an alternative vendor for its parking meter system and parking ticket-processing system. The new vendor will provide the services currently in place; six parking kiosks, and their operating system, in four parking lots. It will also provide a new parking ticket processing system that will allow for a more electronic manner of issuing and processing parking tickets, and Registry of Motor Vehicle processing. The vendor is able to convert existing kiosks to their operating system at about half the cost of purchasing new meters. The Town will incur costs associated with the conversion of the existing kiosks, as well additional operating expenses for the new services to be provided.

*Majority vote required*

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**ARTICLE 18.** 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 \$10,081.20 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 received \$10,081.20 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*

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**ARTICLE 19.** To see if the Town will vote to appropriate a sum of money from the PEG access and Cable Related Fund to pay for PEG access service programming, monitoring the cable operator's compliance with the franchise agreement and to prepare for renewal of the cable franchise license including any associated expert and legal services; or to take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED** that \$104,737.20 be appropriated from the PEG Access and Cable Related Fund to pay for PEG access service programming, monitoring the cable operator's compliance with the franchise agreement and to prepare for renewal of the cable franchise license including any associated expert and legal services.

**BACKGROUND:**

WinCAM was established in 2000 to manage facilities and produce programming on the Public, Educational and Government (PEG) access channels of Comcast and Verizon, in addition to any other cable system franchised in the Town of Winchester. WinCAM used to receive funds directly from Comcast and Verizon as part of the license agreement between the cable companies and the Town. Town Meeting voted to create a PEG Access and Cable Related Fund in the 2019 Spring Town Meeting to accept payments as the state determined that, since the license is with the Town, the funds must go to the Town first. This article then allows the Town to disperse the funds to WinCAM.

*Majority vote required*



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**ARTICLE 20.** To see if the Town will vote to transfer funds from the Selectmen's Housing Fund to the Municipal Affordable Housing Trust; or to take any other action in relation thereto.

(Select Board)

**MOTION:**

**MOVED AND SECONDED** that \$500,000 be transferred from the Selectmen's Housing Fund to the Municipal Affordable Housing Trust established pursuant to Massachusetts General Laws Chapter 44, Section 55C.

**BACKGROUND:**

The Selectmen Affordable Housing Fund was created in 1988 for the purposes of creating and supporting affordable housing through activities including purchasing, leasing, supplementing various state and federal housing programs. The Select Board wishes to transfer \$500,000 from the Selectmen Housing Fund into the Municipal Affordable Housing Trust authorized by Town Meeting in Spring 2019.

*Majority vote required*

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**ARTICLE 21.** 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 2020 budgets; or take any other action in relation thereto.

(Finance Committee)

**MOTION #1:**

**MOVED AND SECONDED** that the FY2020 Principal on Funded Debt, Account 0171102, appropriated at the Spring 2019 Town Meeting be increased by \$80,000, which amount shall be raised in the tax levy.

**MOTION #2:**

**MOVED AND SECONDED** that the FY2020 Interest on Funded Debt, Account 0171202, appropriated at the Spring 2019 Town Meeting be reduced by \$179,916.44.

**MOTION #3:**

**MOVED AND SECONDED** that \$4,518 be appropriated from Free Cash and added to the FY20 Expense budgets appropriated at the Spring Town Meeting for the following departments:

Department Number	Department	Amount
1330	Comptroller	\$1,200
1350	Collector/Treasurer	\$1,100
1412	Engineering:	\$600
1413	Building and Zoning	\$500
1420	Planning Board	\$18
1610	Town Clerk	\$500
5110	Board of Health	\$600

**BACKGROUND for Motions 1 and 2:**

The FY20 Debt Budget approved at STM included estimates for some projects. Based on the actual costs, the Interest on Funded Debt account is being reduced by \$179,916.44, and the Principal on Funded Debt account is being increased by \$80,000 for a High School BAN pay down. A pay down, or principal payment, is required when a short term borrowing (Bond Anticipation Note) has been renewed for a third time.

**BACKGROUND for Motion 3:**

Due to the upgrading of phone equipment in several municipal departments, a budget supplementation is required for the telephone line item within the FY2020 Expense budgets.

*Majority vote required*

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**ARTICLE 22.** To see if the Town will vote to transfer from Free Cash, Water and Sewer Retained Earnings or other available funds, a sum or sums of money to pay bills incurred in prior fiscal years; or take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$5,221.44 from Water and Sewer Retained Earnings to pay the following expenses incurred in Fiscal Year 2019:

<u>Vendor</u>	<u>Amount</u>
MWRA	\$ 1,920.76
City of Woburn	3,300.68
Total:	<u>\$ 5,221.44</u>

**BACKGROUND:**

The above bills were not paid or encumbered before the close of FY2019. This motion must be approved in order to pay these bills in FY2020.

*9/10th vote required*

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**ARTICLE 23.** To see if the Town will vote to increase the FY2020 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 #1:**

**MOVED AND SECONDED** that the Water & Sewer Enterprise Fund Expenses voted at the 2019 Spring Town Meeting be decreased by \$379,844, reducing the funding from the Property Tax Levy in accordance with Chapter 110 of the Acts of 1993 by \$326,712 and reducing the funding from Water and Sewer receipts by \$53,132.

**MOTION #2**

**MOVED AND SECONDED** that the Water & Sewer Enterprise Fund Retained Earnings voted as a funding source at the 2019 Spring Town Meeting be increased by \$270,000 and Water and Sewer receipts be reduced by \$270,000.

**BACKGROUND for Motion 1:**

The MWRA Operating & Capital Assessments and the Town's debt service estimates were finalized resulting in an overall decrease.

**BACKGROUND for Motion 2:**

This Motion is required to balance the Town's budget. As part of the Department of Revenue's (DOR's) tax rate certification process any estimated revenue that exceeds the previous year's actual revenue has to be analyzed and reviewed by the DOR before the tax recap is approved. In the case of the Water and Sewer receipts, the FY19 actual revenue totaled \$5,791,645 but the FY20 estimates were \$6,113,816 (an increase of \$322,171, reduced by the \$53,132 in motion #1, or \$269,039). Even though there was a rate increase, it is not sufficient to cover the difference. The only other funding option at this time is from Retained Earnings, which requires Town Meeting approval.

*Majority vote required*

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**ARTICLE 24.** 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 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*

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**ARTICLE 25.** 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*