

TABLE OF CONTENTS 2023 SPRING TOWN MEETING

Art	Title	Consent	Proponent	Page
1	Reports		Select Board	2
2	Vacant seats of certain Town Meeting Members	X	Committee on Rules	3
3	Hear Planning Board Report		Planning Board	4
4	Amend Table 4.1.1 of the Winchester Zoning Bylaw		Planning Board	5
5	Amend §3.5.5 of the Winchester Zoning Bylaw		Planning Board	7
6	Bills from prior fiscal years	X	Town Manager	10
7	Supplement FY23 Water and Sewer Enterprise Fund	X	Town Mngr/FinCom	11
8	Transfer Free Cash to supplement FY23 budget		Town Mngr/FinCom	12
9	Appropriate monies from the PEG Access and Cable Related Fund	X	Town Manager	14
10	Appropriate monies from the Parking Meter Fund	X	Town Manager	15
11	Hear Capital Planning Committee Report		Capital Planning Com	16
12	Transfer unexpended capital account balances	X	Capital Planning Com	17
13	Appropriate monies for Lake Street Bridge Replacement Project		Capital Planning Com	18
14	Appropriate monies for traffic improvements associated with Lynch School Project		Select Board/CPC	19
15	Appropriate monies for Flood Mitigation Project Maintenance		Town Manager	20
16	Appropriate monies for engineering/consulting regarding Eversource transmission lines	X	Select Board	21
17	Appropriate monies for traffic calming mitigation per Eversource 345kV MOU		Town Manager	22
18	Amend water and sewer rates		Select Board	23
19	FY24 Budget		Finance Committee	26
20	Appropriate funds for FY24 Water & Sewer Enterprise Fund		Finance Committee	27
21	Appropriate funds for FY24 Recreation Enterprise Fund		Finance Committee	28
22	Appropriate monies to Building Stabilization Fund	X	Finance Committee	29
23	FY24 Revolving Funds	X	Finance Committee	30
24	Authorize Treasurer to Borrow Money	X	Town Manager	32
25	State Highway Funds	X	Select Board	33
26	Personnel Board Report		Personnel Board	34
27	Authorize Assessors to reduce Tax Levy		Town Manager	35
28	Accept Committee Reports/Dissolve Old Committees		Select Board	36

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



Preliminary Motions

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

1. That Beth Rudolph, 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 the Deputy Town Moderator be permitted to occupy a desk on the platform during all sessions of this Town Meeting.
3. 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.
4. 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.
5. 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.
6. That unless it be otherwise ordered, all adjourned sessions of this Town Meeting shall be held on successive Monday and Thursday evenings at 6:30 P.M. in the Winchester High School Auditorium, until the work of this Town Meeting is completed.
7. 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.
8. That cable television coverage shall be permitted at all sessions of this Town Meeting.

Consent Agenda

2/3 Vote Required

MOTION:

MOVED AND SECONDED that the 2023 Spring Town Meeting advance for consideration Articles 2, 6, 7, 9, 10, 12, 16 and 22 through 25, and take action on such Articles without debate on any of such Articles with the specified motions as set forth in this motion book, provided that, upon the request of five voters at this Meeting made before the vote is taken on this motion, or otherwise at the Moderator's discretion, an Article shall be removed from the Consent Agenda and shall be acted upon in the ordinary course of business at this Town Meeting.

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 1.

Majority Vote Required

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 report of Town Officers and Finance Committee be received and filed.

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 2. CONSENT AGENDA

*2/3 Vote Required**

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 Bylaws 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, Spring 2022 and Fall 2022; or take any other action in relation thereto.

(Committee on Rules)

MOTION:

MOVED AND SECONDED that further consideration of Article 2 be indefinitely postponed.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 3.

Majority Vote Required

To see if the Town will vote to hear and act on the report of the Planning Board and place the report on file, or take any other action in relation thereto.

(Planning Board)

MOTION:

MOVED AND SECONDED that the report of the Planning Board be received and filed.

BACKGROUND:

The Planning Board will share its bi-annual report with Town Meeting, highlighting development projects and other initiatives that have occurred over the past 6 months and what the future holds for the next year.

Town of Winchester
Spring Annual Town Meeting – April 24, 2023



ARTICLE 4.

2/3 Vote Required

To see if the Town will vote to amend Table 4.1.1 of the Winchester Zoning Bylaw (Table of Dimensional Requirements) by changing the Minimum Lot Width (in feet) for District RDA from 120 to 100; or take any other action in relation thereto.

(Planning Board)

MOTION:

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

BACKGROUND:

This is essentially a correction for a scrivener’s error. Below is an excerpt from Table 4.1.1 of the Winchester Zoning Bylaw (<https://winchester.town.codes/Zoning/4.1.1>), illustrating the relationship between the “Minimum Lot Frontage” and the “Minimum Lot Width” dimensional requirements:

Table of Dimensional Requirements

DISTRICT	RA (r)	RB (r)	RDA (g) (q)	RDB (g) (q)	RDC (q)	RG	CBD (n)	GBD-1 (s)	GBD-2 (s)	GBD-3 (s)	IL	SCI
Min. Lot Frontage (in feet)	200	75 (b)	100 (b)	80 (b)	100 (b)	65 (b) (h)	See 7.3.12	20	50	50	100	NR
Min. Lot Width (in feet)	200	75	120 100	80	100	65 (h)	See 7.3.12	20	50	50	100	NR

In all districts *except RDA*, the lot minimum lot width and minimum lot frontage are identical. The LOT WIDTH and FRONTAGE are defined in section 10 of the Winchester Zoning Bylaws as

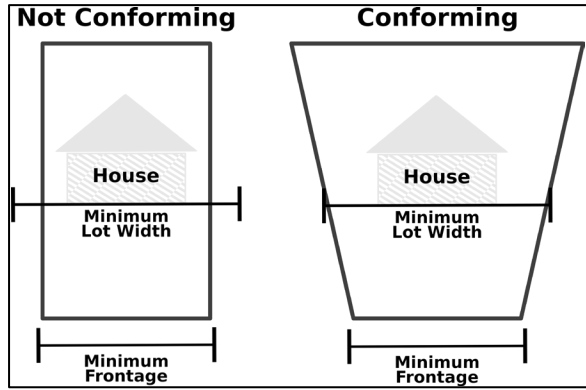
LOT WIDTH. The distance between opposite side lines through that part of the dwelling where the lot is narrowest. At no point between said dwelling and the street frontage shall the lot be narrower than the minimum lot frontage as specified in Section 4.0. [... elided ...]

FRONTAGE, LOT. The boundary between a lot and an abutting street between lot lines or, in the case of a corner lot, between a lot line and the intersection of street lines or of street lines extended.

A mismatch between lot width and frontage can lead to the somewhat absurd situation where a rectangular lot has the required minimum frontage, but will be non-conforming because it is not wide enough.

For example, under the current bylaw, the rectangular shaped lot on the left does not conform, while the trapezoidal lot on the right does. This article would make the Minimum frontage and the Minimum Lot width the same, as they are in the other residential districts, and allow regularly shaped lots, such as the one on the left, be conforming.

This bylaw would regularize the shape of lots in the RDA and would **not** make any existing conforming lots non-conforming.



Town of Winchester
Spring Annual Town Meeting – April 24, 2023



ARTICLE 5.

2/3 Vote Required

To see if the Town will vote to amend §3.5.5 of the Winchester Zoning Bylaws (Nonconforming Single and Duplex Residential Structures) as follows (added text shown in ***bold italics***); or take any other action in relation thereto

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 ***or add new nonconformities***. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

1. A reconstruction, extension, alteration or change 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 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 to a structure which encroaches upon one (1) 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.

In any other case, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change; ***or the addition of new nonconformities*** where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. (FTM Art. 4, 11/4/2019; FTM Art. 7, 11/6/2017.)

(Planning Board)

MOTION:

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

BACKGROUND:

Section 3.5.5 of Winchester’s Zoning Bylaw specifies the approval process for renovations¹ of non-conforming single and duplex residential structures. Its current form is the result of the overall re-codification of the entire Zoning Bylaw in 2009². Case law which has been decided since then requires that Section 3.5.5 be changed so that its interpretation and application will be consistent with the original intent of the 2009 language.

1 We use the term “renovation” as a short hand for the language in the bylaw, which is literally “reconstructed, extended, altered, or structurally changed”

2 FTM 2019 clarified the definition of “alteration” & FTM 2017 replaced the word “two-family” with “duplex”; neither change is important in this context.

This article introduces the minimum changes required to achieve that goal.

What is the specific issue that needs to be addressed?

When a homeowner applies to the Town for a building permit for a renovation, there are essentially three routes that the application can follow:

1. It can be deemed to be “by-right,” in which case the Building Department issues a permit and the home-owner can begin the renovation.
2. In most other cases the project must apply for a “Special Permit,” which requires a hearing before the Zoning Board of Appeals (ZBA). Approval of Special permits is not guaranteed.
3. In a very small number of cases, a project must apply for a “variance,” which is applicable in very special circumstances and is rarely granted.

For most projects, the path taken is determined by whether or not a structure or lot is “conforming” and whether the renovation will increase any non-conformity or create a new non-conformity.

- A lot is conforming if it meets a minimum area, frontage, and width.
- A structure is conforming if it meets criteria such as height, number of stories, etc.
- Additionally, the structure must be placed on the lot so that it is not too close to the edges of the lot (the setbacks) and it cannot take up too much of the lot (e.g., there’s a minimum open area)

If the structure and lot are conforming, and the renovation doesn’t introduce a new non-conformity, the project moves ahead “by-right.” If the structure and lot are conforming, but the renovation introduces a new non-conformity, then the home owner must apply for a “variance.”

Things are more complicated when the structure or the lot are non-conforming. This is where Section 3.5.5 comes into play.

Many of the houses and lots in Winchester were constructed prior to the creation of the first Zoning Bylaw, and are non-conforming, mostly because the lots are too small, or the buildings are too close to the lot lines. Prior to the re-codification of the Zoning Bylaw in 2009, home owners with non-conforming lots and structures who were unable to obtain “by-right” building permits had limited access to the Special permit process, and were required to apply for variances, which as noted, are very rarely granted.

This imposed a great deal of hardship on a large number of home owners in town, and Section 3.5.5 was written to make it easier for home-owners in these circumstances to apply for Special Permits.

In particular if a renovation (for a non-conforming house or lot) introduced a *new* non-conformity, the home-owner could apply for a Special Permit, not a variance.

This was *explicitly intended* to be the case, and Section 3.5.5 was written, consistent with the existent case law, to encompass this application. Section 3.5.5 does not use language which specifically exempts this category of properties and renovations from the variance process, but instead provides rules allowing some projects to proceed “by-right”, and then states

“*In any other case*, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.” [emphasis added]

Section 3.5.5 clearly delineates two categories of projects: those that could proceed “by-right”, and those which could proceed via Special Permit.

In 2014, however, new case law arose which rendered the broad language in Section 3.5.5 insufficient to express its original intent. It is now required that the exemption from the variance process must be stated explicitly. That is the purpose of this article: to make explicit what was before implicit, and to maintain the existing and long-standing intent and interpretation of Section 3.5.5.

What is the impact if this article is approved by Town Meeting?

This Article does not change the procedure by which a homeowner applies for a permit. It does not make it easier for a project to be approved. It maintains the existing rules and procedures.

Projects which require a Special Permit must still petition the ZBA for that permit. Such projects go through a thorough review by the ZBA, the Planning Board, the Design Review Committee, the Historical Commission, the Conservation Commission, the Disability Access Commission, as well as other Town Departments, such as Engineering, and Fire. They must meet specific requirements outlined in the Zoning Bylaws for projects requesting a Special Permit, and must also meet the additional criterion of not being “substantially more detrimental than the existing nonconforming structure to the neighborhood.”

A Special Permit is not guaranteed. The requirements specified in the Zoning Bylaws are written to provide general guidance for the ZBA’s decisions, but as each project is unique, it is expected that the members of the ZBA will use their judgment to arrive at their decisions. The ZBA may reject a project for any number of reasons.

What is the impact if this article is *not* approved by Town Meeting?

Any projects which fall under the aegis of Section 3.5.5 and which create a new non-conformity must go through the variance process, and would most likely be denied.

This would change the policy which has been in place since 2009, a decision not to be taken lightly.

The Planning Board believes that changes of this nature should be through *intent* and *deliberation*.

This Article takes the approach of “first do no harm,” by re-establishing the foundation for existing policy and providing stability to home-owners who are now uncertain of how to proceed.

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 6. CONSENT AGENDA

*2/3 Vote Required**

To see if the Town will vote to transfer from Free Cash, or other available funds, a sum 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 further consideration of Article 6 be indefinitely postponed.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 7. CONSENT AGENDA

*2/3 Vote Required**

To see if the Town will vote to transfer from Water and Sewer Retained Earnings or other available funds a sum of money to supplement or reduce appropriations previously voted for the Fiscal Year 2023 budget; or take any other action in relation thereto.

(Town Manager/Finance Committee)

MOTION:

MOVED AND SECONDED that further consideration of Article 7 be indefinitely postponed.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 8.

Majority Vote Required

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 2023 Budgets; or take any other action in relation thereto.

(Town Manager/Finance Committee)

MOTION:

MOTION #1: MOVED AND SECONDED that the Town transfer \$14,600 from Free Cash to the FY2023 Collector/Treasurer (Dept 1350) Personal Service Budget.

MOTION #2: MOVED AND SECONDED that the Town transfer \$40,000 from Free Cash to the FY2023 Legal (Dept 1510) Expense Budget.

MOTION #3: MOVED AND SECONDED that the Town transfer \$70,000 from Free Cash to the FY2023 Department of Public Works (Dept 4100) Expense Budget.

MOTION #4: MOVED AND SECONDED that the Town transfer \$83,811.81 from Free Cash to the FY2023 Department of Public Works Snow & Ice (Dept 4171) Personal Services Budget.

MOTION #5: MOVED AND SECONDED that the Town transfer \$73,116.33 from Free Cash to the FY2023 Department of Public Works Snow & Ice (Dept 4171) Expense Budget.

MOTION #6: MOVED AND SECONDED that the Town transfer \$25,000 from Free Cash to the FY2023 Unemployment (Dept 9130) Expense Budget.

MOTION #7: MOVED AND SECONDED that the Town transfer \$20,000 from Free Cash to the FY2023 Medicare (Dept 9150) Expense Budget.

MOTION #8: MOVED AND SECONDED that the Town transfer \$190,000 from Free Cash to the FY2023 Reserve Fund (Dept 9430) Expense Budget.

BACKGROUND:

Background #1: This supplemental budget request for the Treasurer/Collector's Office is necessitated by the following items that were not known at the time the original budget was prepared and approved; vacation payout for a retiring employee, and retired employee returning to train her replacement as well as to assist in the office due to unexpected staff leave.

Background #2 – This motion transfers \$40,000 from Free Cash to supplement the FY2023 Legal Budget. The Town incurred additional legal expenses due to on-going litigation, unexpected personnel matters, other permitting, and costs associated with the transition to a new Town Counsel.

Background #3: This year has seen an extraordinary increase in the cost of construction and maintenance materials since the original budget was developed. In addition, a backlog of projects that are yet to be completed before year-end. Both of these factors have made it difficult to project costs in addition to the day-to-day operations of maintaining all of the Town buildings. The cost to maintain and repair the Town's vehicles has increased significantly. Most equipment vendors will not hold prices for more than 30 days due to supply chain issues and rising costs of materials as well as labor.

Background #4 & #5: These motions appropriate/transfer funds to eliminate the deficits in the Snow & Ice Budget for FY2023.

Background #6: The unemployment claims have come in higher than expected. The FY23 budget was based on pre-COVID averages and at times may come in higher than expected. July 2022 through February 2023 claims totaled \$72,445.08, leaving only \$554.92 to pay for the March 2023 through June FY23 claims. Based on what we've paid to date and what is in process, we estimate we will need approximately \$40,000 to get through FY23. Of this, \$15,000 will be requested in the form of a Reserve Fund transfer to cover the March claims that will be due before Town Meeting closes.

Background #7: We based the FY23 Medicare budget on an estimated 5% increase over the FY22 Medicare budget, assuming overall taxable salaries would grow no more than the 5%. Unfortunately, this assumed 5% increase will not quite be enough to cover all of the different compensation increases awarded as part of the collective bargaining process and we may need another \$20,000.

Background #8 – This motion restores \$190,000 to the Finance Committee's FY23 Reserve Budget that was transferred since the Fall 2022 Town Meeting. Transfers were made to the following budgets: Legal (\$40,000), DPW Building Custodial (\$30,000), and DPW Building R&M (\$120,000).

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 9. CONSENT AGENDA

*2/3 Vote Required**

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 preparing for renewal of the cable franchise license including any associated expert and legal services; or take any other action in relation thereto.

(Town Manager)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$248,765.05 from the PEG Access and Cable Related Fund, \$208,765.05 of which shall be used 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 service and \$40,000 of which shall be used for capital purposes.

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.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 10. CONSENT AGENDA

*2/3 Vote Required**

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 parking meter equipment and all related costs, maintenance of 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:

MOVED AND SECONDED that further consideration of Article 10 be indefinitely postponed.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 11.

Majority Vote Required

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 FY24 and place the report on file, or take any other action in relation thereto.

(Capital Planning Committee)

MOTION:

MOVED AND SECONDED that the Revised Capital Planning Committee Report for FY24 be received and filed.

Capital Planning Committee Report under separate cover

Town of Winchester
Spring Annual Town Meeting – April 24, 2023



ARTICLE 12. CONSENT AGENDA

*2/3 Vote Required**

To see if the Town will vote to transfer a sum of money from unexpended capital accounts associated with complete projects to the Capital Stabilization Fund or Building Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any other action in relation thereto.

(Capital Planning Committee)

MOTION #1:

MOVED AND SECONDED that the Town appropriate a sum of **\$176,159.25** from surpluses previously appropriated for specific capital projects to the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 as follows:

<u>Account</u>	<u>Description</u>	<u>Balance</u>
0398452	Muraco Roof & Electrical Engineering	98,620.68
0397942	Library HVAC	59,617.55
0398152	Parkhurst Elevator	17,921.02
	Total	\$176,159.25

MOTION #2:

MOVED AND SECONDED that the Town appropriate a sum of **\$15,889.59** from surpluses previously appropriated for specific capital projects to the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 as follows:

<u>Account</u>	<u>Description</u>	<u>Balance</u>
0398682	Police Chief Vehicle	11.77
0397622	West Side Generator	15,877.82
	Total	15,889.59

Capital Planning Committee Report under separate cover.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 13.

2/3 Vote Required

To see if the Town will vote to appropriate a sum of money to pay costs of 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, which appropriation shall be in addition to the \$2,100,000 previously appropriated for the Lake Street Bridge Replacement Project pursuant to the vote of the Town passed November 7, 2019 under Article 13 at the 2019 Fall Town Meeting, as amended by the vote of the Town passed November 14, 2022 under Article 9 at the 2022 Fall Town Meeting; to determine whether this appropriation shall be funded from unexpended bond proceeds, available funds, borrowing or otherwise; or to take any other action relative thereto.

(Capital Planning Committee)

MOTION:

MOVED AND SECONDED that \$395,000 is appropriated to pay costs of 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, which appropriation shall be in addition to the \$2,100,000 previously appropriated for the Lake Street Bridge Replacement Project pursuant to the vote of the Town passed November 7, 2019 under Article 13 at the 2019 Fall Town Meeting, as amended by the vote of the Town passed November 14, 2022 under Article 9 at the 2022 Fall Town Meeting; that this appropriation shall be funded from the following sources in the following amounts: (a) unexpended bond proceeds in the amount of \$109,804.17 pursuant to Section 20 of Chapter 44 of the General Laws, which amount constitutes the total amount of unexpended proceeds related to the bonds issued for the Swanton Street Bridge project pursuant to the vote of the Town passed under Article 33 at the Fall 2018 Town Meeting, which project has been completed and has no remaining costs to be paid, (b) unexpended bond proceeds in the amount of \$4,615.83 pursuant to Section 20 of Chapter 44 of the General Laws, which amount constitutes the total amount of unexpended proceeds related to the bonds issued for the Aberjona River Flood Mitigation project pursuant to the vote of the Town passed under Article 24 at the Spring 2010 Town Meeting, which project has been completed and has no remaining costs to be paid, and (c) the Treasurer, with the approval of the Select Board, is authorized to borrow \$280,580 under Section 7(1) of Chapter 44 of the General Laws, or under any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town Manager shall be authorized to have oversight of the project; and that in accordance with Section 4-2 of the Town of Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to the project.

Capital Planning Committee Report under separate cover.

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 14.

2/3 Vote Required

To see if the Town will vote to appropriate a sum of money for engineering services for traffic improvements associated with the Lynch Elementary School Project and in the surrounding neighborhoods; and to determine whether this appropriation shall be raised from borrowing, or available funds; or take any other action in relation thereto.

(Select Board/Capital Planning Committee)

MOTION:

MOVED AND SECONDED that \$400,000 is appropriated to pay costs of engineering services for traffic improvements associated with the Lynch Elementary School Project and in the surrounding neighborhoods, including all costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under Section 7(7) of Chapter 44 of the General Laws, or under any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town Manager shall be authorized to have oversight of the project; and that in accordance with Section 4-2 of the Town of Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to the project. .

BACKGROUND:

In April 2018, the Select Board approved a “Policy on Traffic Safety Studies for School Expansion Projects”, which states that all major school expansion projects should include a traffic safety study, which evaluates the volume and travel patterns of pedestrians, bikes, and vehicular traffic to, from, and in the vicinity of the project; analyzes the capacity, performance and safety of the roadways, and bike and pedestrian infrastructure impacted by the project; and recommends policy, regulatory, and capital improvements to ensure safety of students and staff.

In Spring 2022, Town Meeting appropriated \$75,000 from Free Cash for preliminary engineering services for traffic improvements associated with the Lynch Elementary School Project and in the surrounding neighborhoods. The Town hired Toole Design to complete the study, and preliminary concept plans were reviewed with the Select Board and residents at two public hearings last fall. In January 2023, the voters approved a general override of \$400,000 that will be directed to the Capital Stabilization Fund. The override was intended to fund the borrowing authorization for the proposed traffic improvements around the Lynch School, the cost of which is preliminarily estimated at \$3 million.

Town Meeting is being asked as part of this article to authorize borrowing of \$400,000 to cover the engineering design and permitting of the proposed projects. We expect to be back before Town Meeting in either Spring or Fall 2024 to request construction funding.

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 15.

Majority Vote Required

To see if the Town will vote to appropriate a sum of money for Flood Mitigation Project Maintenance related to vegetation management, wetland and tree/vegetation tagging, and permitting including engineering services, construction and all other costs incidental and related thereto; to determine whether this appropriation shall be from Free Cash or other available funds; or take any other action in relation thereto.

(Town Manager)

MOTION:

MOVED AND SECONDED that the Town appropriate \$175,000 from Free Cash for Flood Mitigation Project Maintenance related to vegetation management, wetland and tree/vegetation tagging, and permitting including engineering services, construction and all other costs incidental and related thereto.

BACKGROUND:

The Town of Winchester has made significant investments in our Flood Mitigation Program, which is designed to reduce the impacts from flooding along the Aberjona River and its tributaries. The Town began this work in the mid-1990s, and all but one of the Town's proposed flood mitigation projects have been completed. Going forward, it is important that we continue to adequately maintain the projects that have been previously completed to ensure that they operate as designed.

In Fall 2021, Town Meeting funded the design and permitting of activities associated with vegetation maintenance along the portion of the Aberjona River downstream of Waterfield Road that was widened as part of Project 2 of the Flood Mitigation Program. This spring, Town Meeting is being asked to fund the construction of this project, which is estimated at \$175,000. The work includes final engineering, removal of problematic vegetation and replating of new vegetation in accordance with our approved Order of Conditions, construction administration, and annual monitoring for a period of two years after construction is complete.

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 16. CONSENT AGENDA

*2/3 Vote Required**

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 0397252 for the purpose of engineering and other consulting services regarding the location and construction of Eversource electronic transmission lines in Winchester; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town appropriate \$85,000 from Free Cash to supplement the Eversource Account #0397252 for the purpose of engineering and other consulting services regarding the location and construction of Eversource electronic transmission lines in Winchester.

BACKGROUND:

Eversource has received Energy Facilities Siting Board (EFSB) approval to construct, operate and maintain a new electric transmission line to be constructed between Woburn and Wakefield.

The Town has negotiated a Memorandum of Understanding (MOU) with Eversource, wherein Eversource has agreed to reimburse the Town for the costs associated with the hiring of a Field Engineer to observe construction activity and to act as a liaison between the Town and the contractor on matters related to the Project. The Field Engineer is contracted directly with and works on behalf of the Town of Winchester. This article appropriates the necessary funds to pay the Field Engineer services, which will be reimbursed by Eversource.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 17.

Majority Vote Required

To see if the Town will vote to transfer from Free Cash, or other available funds, a sum of money to supplement the Traffic Calming account 0398882 for the implementation of one or more traffic calming measures to mitigate existing traffic and pedestrian impacts caused by the Eversource 345kV project as agreed to in a memoranda of understanding between Eversource and the Town; or take any other action in relation thereto.

(Town Manager)

MOTION:

MOVED AND SECONDED that the Town appropriate \$20,000 from Free Cash to supplement the Traffic Calming Account #0398882 for the implementation of one or more traffic calming measures to mitigate existing traffic and pedestrian impacts caused by the Eversource 345kV project as agreed to in a Memorandum of Understanding between Eversource and the Town.

BACKGROUND:

The Town has negotiated a Memorandum of Understanding (MOU) with Eversource, wherein Eversource has agreed to contribute up to \$200,000 to the Town to offset the costs of the project. The funds will be used for the implementation of one or more traffic calming measures to mitigate existing traffic and pedestrian impacts caused by the Eversource 345kV project as agreed to in the MOU between Eversource and the Town. The payments to the Town are contingent on the completion of certain milestone tasks by Eversource. To date the Town has received \$10,000 for the first Task, appropriated at Fall 2021 Town Meeting. Since that time they have reached several additional milestones and will be contributing an additional \$20,000. Eversource will continue to make contributions to the Town per the MOU as project milestones are completed. Subsequent Articles will be brought forward to Town Meeting requesting that the amount of those contributions (up to the \$200,000) be appropriated for traffic calming measures.

Town of Winchester
Spring Annual Town Meeting – April 24, 2023



ARTICLE 18.

Majority Vote Required

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

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to amend the water and sewer rates currently in effect in accordance with Chapter 7, Section 3 of the Town of Winchester Code of By-Laws such that all bills for consumption on or after March 1, 2023, shall be in conformance with the following rates:

Residential Accounts (in accordance with Chapter 110)

Water:

0-15	Units Per Billing Period	\$1.79	ccf
16-45	Units Per Billing Period	\$4.43	ccf
Over 45	Units Per Billing Period	\$7.07	ccf

Low-Income Water:

0-15	Units Per Billing Period	\$1.43	ccf
16-45	Units Per Billing Period	\$3.51	ccf
Over 45	Units Per Billing Period	\$5.64	ccf

Sewer:

0-15	Units Per Billing Period	\$1.82	ccf
16-45	Units Per Billing Period	\$5.75	ccf
Over 45	Units Per Billing Period	\$8.94	ccf

Low-Income Sewer:

0-15	Units Per Billing Period	\$1.46	ccf
16-45	Units Per Billing Period	\$4.62	ccf
Over 45	Units Per Billing Period	\$7.17	ccf

Commercial/Industrial/Institutional

Water:

0-75	Units Per Billing Period	\$7.15	ccf
Over 75	Units Per Billing Period	\$8.75	ccf

Sewer:

0-75	Units Per Billing Period	\$9.33	ccf
Over 75	Units Per Billing Period	\$12.64	ccf

Service Charge: \$30 Per Billing Period

BACKGROUND:

As a result of the FY 2023 rate study last year, the Town increased its water and sewer rates 3.5% for FY 2023. In addition to the changes for FY 2023, projections showed a need to increase rates by 6.5% annually for FY 2024 through FY 2027. The Select Board supported this rate plan via a vote in March of 2022.

After a down revenue year in FY 2022 because of decreased outdoor water usage due to wet warm-weather months in 2021, water consumption increased significantly in recent months, in large part due to dry warm-weather months in 2022. Anticipated water and sewer billings for FY 2023 are \$1 million above the budgeted amount of \$6.2 million, heavily contributing to a projected FY 2023 surplus for the Water & Sewer fund of \$380,000.

Even with the surplus, projected retained earnings at the end of FY 2023 are \$1.3 million, which would be down from the \$1.56 million amount recently certified. This decrease is mainly due to anticipated retained earnings needed to balance the FY 2024 budget. The projected balance of \$1.3 million is 9.7% of projected FY 2023 expenses. The Town's target for the retained earnings balance is between 8% and 10% of the budget.

The Town recently received its preliminary FY 2024 water and sewer assessments from the MWRA. The water assessment increased a total of 21.2%, compared to FY 2023's assessment. The O&M portion of the water assessment increased 25.9% and the capital portion of the water assessment increased 17.6%. The sewer assessment increased a total of 8.0%, compared to FY 2023's assessment. The O&M portion of the sewer assessment increased 28.9% and the capital portion of the sewer assessment decreased 1.6%. The increase to the water total assessment is the highest in six years and the increase to the sewer total assessment is the highest in at least 11 years. While high increases were anticipated, the actual increases are higher than anticipated, in large part due to the Town's greater reliance on the MWRA's water during 2022 because of work on the North Reservoir dam.

For FY 2024, the Select Board is prepared to recommend a 6.5% increase in water and sewer rates for consumption on or after March 1, 2023, which would cover all bills issued during FY 2024. The above motion represents the final recommendations of the Select Board. Please find below tables comparing current rates with proposed rates. There is a table comparing users' current bills to projected bills with the proposed rates.

Residential

Tiers	Current		Proposed FY 2024	
	Water	Sewer	Water	Sewer
0 - 15	\$1.68	\$1.71	\$1.79	\$1.82
16 - 45	\$4.16	\$5.40	\$4.43	\$5.75
Over 45	\$6.64	\$8.39	\$7.07	\$8.94

Low Income

Tiers	Current		Proposed FY 2024	
	Water	Sewer	Water	Sewer
0 - 15	\$1.34	\$1.37	\$1.43	\$1.46
16 - 45	\$3.30	\$4.34	\$3.51	\$4.62
Over 45	\$5.30	\$6.73	\$5.64	\$7.17

Commercial / Industrial / Institutional

Tiers	Current		Proposed FY 2024	
	Water	Sewer	Water	Sewer
0 - 75	\$6.71	\$8.76	\$7.15	\$9.33
Over 75	\$8.22	\$11.87	\$8.75	\$12.64

Note: Unit is 100 cubic feet.

Impact on Users' Bills

User Type	Usage	Current Bill	Proposed FY 2024	
			Bill	Diff \$
Tier 1 Residential	15	\$80.85	\$84.16	\$3.31
Average Residential	21	\$138.21	\$145.24	\$7.03
Average Commercial	37	\$602.39	\$639.60	\$37.21
Average Irrigation	74	\$803.52	\$853.80	\$50.28

Notes: Quarterly water and sewer bills shown. Bill amounts shown include service charge of \$30 per bill.

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 19.

Majority Vote Required

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, 2023, 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 distributed by the Finance Committee under separate cover

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 20.

Majority Vote Required

To see if the Town will vote to raise and appropriate, or transfer from retained earnings or 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, 2023, and to appropriate and transfer retained earnings into the Water and Sewer Enterprise Account; or take any other action in relation thereto.

(Finance Committee)

Materials to be distributed by the Finance Committee under separate cover

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 21.

Majority Vote Required

To see if the Town will vote to raise and appropriate, or transfer from retained earnings or available funds, a sum of money to defray the expenses of the Recreation Department for the fiscal year beginning July 1, 2023, and to appropriate and transfer retained earnings into the Recreation Enterprise Account; or take any other action in relation thereto.

(Finance Committee)

Materials to be distributed by the Finance Committee under separate cover

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 22. CONSENT AGENDA

*2/3 Vote Required**

To see if the Town will vote to raise and appropriate a sum of money to 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 established 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. The new boiler was projected to save at least \$44,000 per year in energy costs with the intent 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 required because other consent agenda items require a 2/3 vote*

Town of Winchester
Spring Annual Town Meeting – April 24, 2023



ARTICLE 23. CONSENT AGENDA

*2/3 Vote Required**

To see if the Town will vote to fix the maximum amount that may be spent during the fiscal year beginning July 1, 2023 for the revolving funds established pursuant to Chapter 6, Section 6 of the Code of Bylaws 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 2024 beginning July 1, 2023, for the revolving funds established pursuant to the Winchester’s Code of By-Laws for certain departments, boards, committees, agencies or officers, in accordance with Massachusetts General Laws Chapter 44, Section 53E ½ , as follows:

Revolving Fund	Department	FY24 Spending Limit
Archival Center	Town Clerk	\$5,000
Energy Use	Energy	\$80,000
Board of Health Clinics	Board of Health	\$100,000
Grass Fields	Recreation	\$100,000
Synthetic Fields	Recreation	\$100,000
Historical Commission	Historical Commission	\$6,000

BACKGROUND:

The funds described above were created at the 2017 Fall Town Meeting with the exception of the Historical Commission Revolving Fund which was established at the Spring 2018 Town Meeting. This article sets the FY24 spending limits for these funds.

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

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.

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. 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. 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, and to pay for such work out of these permit fees.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 24. CONSENT AGENDA

*2/3 Vote Required**

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, 2023 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 in anticipation of revenue for the fiscal year beginning July 1, 2023 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.

BACKGROUND:

This is an annual article to allow the Treasurer to borrow funds in anticipation of revenues for the following fiscal year.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 25. CONSENT AGENDA

*2/3 Vote Required**

To see if the Town will vote to appropriate a sum of money as may be made available from Massachusetts Department of Transportation for maintenance, repair, alteration, relocation or other improvements of Town ways, and to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, any necessary easements or other interests in land therefor, 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 approve Article 25 as printed in the Warrant.

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 referred to as “Chapter 90 Funds”.

** 2/3 required because other consent agenda items require a 2/3 vote*

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 26.

Majority Vote Required

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)

Personnel Board Report under separate cover

*Town of Winchester
Spring Annual Town Meeting – April 24, 2023*



ARTICLE 27.

To see if the Town will vote to authorize and direct the Board of Assessors to take any sum of money from available funds to reduce the tax levy for Fiscal Year 2023, 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

*Town of Winchester
Special Town Meeting – April 24, 2023*



ARTICLE 28.

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