

**TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Monday, May 19, 2014**

Record

Chairman Jennifer N. S. Wilson called the meeting to order at 7:00 PM in the Board of Selectmen Meeting Room located in Town Hall. Present were Vice Chairman James A. Johnson, III, Selectman Lance R. Grenzeback and Selectman Stephen L. Powers; Selectman Forrest N. Fontana arrived to participate in Public Session. Also present were Town Manager Richard C. Howard and Town Counsel Wade M. Welch.

OPENING

- *Motion: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing Personnel Matters.
Powers – Johnson
By Roll Call Vote: Powers, Grenzeback, Johnson, Wilson VOTED.
- *Motion: That the Board of Selectmen adjourn from Executive Session to Public Session, not to return to Executive Session.
Grenzeback – Johnson
By Roll Call Vote: Powers, Grenzeback, Johnson, Wilson VOTED.

Notification of Other Meetings and Hearings

-] Monday, June 2, 2014 – Board of Selectmen – Regular Session
-] Monday, June 16, 2014 – Board of Selectmen – Regular Session
-] Monday, June 30, 2014 – Board of Selectmen – Regular Session

Comments from the Chair

Chairman Wilson noted that the weekend weather was better than expected and a fantastic EnKa Fair was enjoyed by all who attended. She offered the Board's thanks to the EnKa Society for bringing such an enjoyable event to the Town along with thanking the many Town employees who helped to make the event a resounding success.

The Chairman pointed out that the Memorial Day Parade and civic observances will be held on Monday, May 26th; step off is promptly at 9:15 AM from the Winchester High School campus; civic exercises at the Edward F. O'Connell Memorial Plaza at the Veterans Honor Roll on the Town Hall site will follow the parade.

Chairman Wilson noted that last Thursday, May 15th the Board met in a working session. One of the Board's top priorities continues to be flood mitigation, along with the Planning Board's Town Center Initiative with its many facets, the disposition of land adjacent to the Wright-Locke Farm, financial planning that encompasses the Town's fiscal needs and when there should be a request made of the voters for additional revenue. Also a top priority is the Town's technology needs, the website and streamlining and updating the employee evaluation process for the Board's direct reports.

Non-Docket Business from the Selectmen

Selectman Powers requested that DPW staff take a look at the traffic signals at the Main Street / Lake Street / Skillings Road intersection as it seems that the red signal on Main Street heading towards the Town Center is very long, particularly on a Saturday. He suggested that the traffic signal at Main

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Street and Clark Street may be a contributing factor to the traffic congestion. He indicated that MassHighway may have some studies available that relate to the cycle of traffic signals. Vice Chairman Johnson agreed that it would be a good idea to check the timing of the cycles as it is possible that they could be off. Selectman Powers reported that traffic on Main Street is often backed up past the intersection with Swanton Street.

Town Manager indicated that he would check with both the Engineering Office and Department of Public Works about this. Selectman Grenzeback suggested that it might be prudent to set the traffic signals for weekday traffic patterns, not worrying about Saturday and Sunday traffic.

TOWN MANAGER REPORT AND COMMENTS

Town Manager noted that Town Meeting has concluded and a new Fiscal Year Budget will begin on July 1st. He recalled that there has been discussion about being cautious with spending between now and the end of the current fiscal year in June.

Town Manager pointed out that the Chamber of Commerce will be holding an event on Wednesday evening where the “Citizen of the Year”, Jay Gill, the Town’s DPW Director, will be honored. Those who are interested in attending should contact the Chamber of Commerce office on Waterfield Road. Town Manager noted that Mr. Gill is a life-long resident, and as director of Public Works makes sure that the Town looks good, snow is plowed, parks are cared for, etc.

MWRA Contest

Town Manager highlighted that each year, the MWRA holds a contest for schools within the district. This year, in response to the theme “*It’s a Toilet, Not a Wastebasket*” three McCall Middle School students have been acknowledged in the Grade 6 through Grade 8 level poster division. John Guthrie was the first place finisher, Lia Cagnetta placed second, with Cynthia Chang receiving honorable mention. He noted that the students will be acknowledged at a ceremony that the MWRA will hold later this month. Town Manager congratulated the students, families and school personnel.

COMPTROLLER’S REPORT

Present: Comptroller Stacie A. Ward

Comptroller Ward recalled that last year there were a few budget transfers allowed by the DOR at year end, aside from Town Meeting votes. This transfer was allowed in the May 1st to July 15th time frame. She noted that this year there are departmental requests to move funds from a personnel salary account to an expense account. Requests this year are minimal and allowed by law.

Comptroller Ward reported that the Police Department is seeking permission to move monies from salaries to expenses due to a difficult winter and a few training issues. The Town Planner has left the Town’s employment for a position elsewhere. In her departure, the thought is to have a consulting firm come in to assist the Planning Board with planning activities. There was money remaining in the Planner’s salary line item that can be moved into the expense category. The Comptroller noted that there may be the need for a Reserve Fund transfer towards the end of the year as the Planner did not have a large balance in the salary account and the cost of the consultant is more than the Planner’s salary.

*Motion: That the Board of Selectmen approve the year-end budget transfers in accordance with MGL Chapter 44 Section 33B and Chapter 77 of the Acts of 2006 (“CH44 S33B”).

Grenzeback – Johnson

All in Favor.

VOTED.

Comptroller Ward informed the Board that it is likely that there will be an additional budget transfer request for Workmen’s Compensation. She noted that there were new injuries and new surgeries that

came forward in the last few weeks, and about which there was no knowledge prior to Town Meeting's vote. She explained that this would involve an additional \$30,000 to \$40,000. She indicated that she will do a review to determine which budget would be able to handle a transfer of funds. Comptroller Ward informed the Board that there is some money remaining in the Finance Committee's Reserve account, which will be the subject of her first review.

Speaking to the issue of Worker's Compensation, Comptroller Ward recalled that Selectman Fontana had interest in obtaining an insurance quote because at this time, the Town is self-insured and pays as claims arise. She noted that there are risks associated with self-insurance and the payment of claims as they arise. The Comptroller noted that the last few years have been heavy and this year has also been big for claims. She explained that she is trying to fight the claims that she feels should be fought, however it seems that the Town is never able to make headway. She noted that there are \$462,000 in estimated claim payments through the end of FY2014.

The Comptroller recalled that Selectman Fontana had asked if it would be worthwhile to have an insurance program where there would be a deductible and flat rate rather than trying to figure out the risks associated with any work accident. She informed the Board that a very draft proposal was issued to her last week, in the \$425,000 range, and just for Worker's Comp coverage; there was no mention of deductible. She explained that the Town would own all prior claims and would have to keep a self-insured program to pay those claims; this could be as much as an additional \$300,000 that would have to be reserved until those claims were completed. She pointed out that some claims will never go away with payments made throughout the individual's lifetime. The Comptroller reported that police and fire employees are not included in the draft quote.

Town Manager noted that this is a tough equation to balance and there is a board at the State level that oversees claims. Employees have the right to appeal to this board, the body that makes the decision about the worthiness of each case. He indicated that every effort is made to assure employee safety, that claims are verified and incident reports filed. He pointed out that in some years there is more activity than in others. Town Manager noted that self-insurance is advantageous when the case load is light; insurance is advantageous when there are claims like what the Town has experienced in the last few years. He suggested that analysis continue in order to determine whether it is better to switch to insurance or continue on the current path of self-insurance.

BUSINESS

Interview / Appointment: Climate Action Advisory Committee

[Two vacancies/two candidates: Katie Lin; Gena Bronson; terms to expire August 31, 2015 and 21016]

Katie Lin, 52 Clark Street informed the Board that she is a relatively new resident having lived in Winchester for approximately four years. She indicated that she is a team-oriented person but also works well individually.

Gena Bronson, 2 Tremont Street, informed the Board that she has lived in Winchester for approximately six years. She is interested in membership on the Climate Action Advisory Committee because personally and professionally she has an interest in sustainable development and studied global sustainability while pursuing her MBA at Boston University. She has taken graduate courses in carbon management and strategic sustainability leadership.

*Motion: That the Board of Selectmen appoint Katie Lin to the Climate Action
 Advisory Committee for a term to expire August 31, 2015 and Gena
 Bronson for a term to expire August 31, 2016.

Johnson – Powers

All in Favor.

VOTED.

Interview / Appointment: Zoning Board of Appeals / Regular Member

[Candidate: Joan Langsam, associate member]

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Joan E. Langsam informed the Board that because long-time regular member Donna Patalano has left the Board, she would like to be appointed to fill the vacancy created by Ms. Patalano's departure. She noted that a full member sits on all petitions and is able to vote; an associate member sits in when a full member is unable to.

Selectman Powers offered thanks to Ms. Langsam for her service as an associate member. He informed his colleagues that Ms. Langsam is a the City Solicitor in Somerville and does a good job there. Selectman Grenzeback echoed Selectman Powers' comments and pointed out that Ms. Langsam has been very helpful to the Planning Board, particularly with the zoning recodification.

*Motion: That the Board of Selectmen appoint Joan E. Langsam as a regular member of the Zoning Board of Appeal for a term to expire March 31, 2017.

Johnson – Grenzeback

All in Favor.

VOTED.

HEARING

NStar Grant of Location Petition:

Sheffield West – southerly approximately 230 feet south of Sheffield Road a distance of about 134 feet conduit

Present: Town Engineer Beth Rudolph; Jackie Duffy, NStar Representative

Chairman Wilson opened the hearing at 8:15 PM. Town Engineer informed the Board that this is a petition to install approximately 134 feet of conduit in Sheffield West to provide service to a newly constructed home at 10 Sheffield West. The conduit will be installed partially in the sidewalk and partially in the grass strip, therefore NStar will be required to replace the sidewalk and repair the grass strip. Town Engineer pointed out that in order to access the public way, NStar is required to pass over private property and is therefore seeking a private easement from 4 Sheffield West. Town Engineer informed the Board that her department does not have a concern with the location of the conduit.

NStar Representative Jackie Duffy reported that the customer is working with the bank to get a sign-off for the easement so that NStar can record it. David Blackman, 8 Sheffield West indicated that he would like an assurance that his irrigation system will not be damaged during the conduit installation, and that if damage does occur, NStar will be responsible for repair.

Selectman Powers questioned the private easement, asking what would happen if the bank refused to approve the easement. Ms. Duffy explained that the bank is only issuing the mortgage for the property. Vice Chairman Johnson asked about the completion time for this work. Ms. Duffy indicated that the work should be completed in a week's time. The Vice Chairman indicated that he would like to be sure that this work is done before school ends and the area is heavily used by those traveling to and from the Boat Club.

Seeing no one in the audience wishing to make comment, Chairman Wilson closed the hearing at 8:17 PM.

*Motion: That the Board of Selectmen approve the NStar Grant of Location Petition for Sheffield West – southerly approximately 230 feet south of Sheffield Road – a distance of about 134 feet conduit in accordance with the Town of Winchester Grant of Location Policy, the memo from the Town Engineer dated May 12, 2014 and the construction cycle being no longer than two weeks, with completion before the end of the school year on June 24th, and approval of the private easement.

Johnson – Powers

All in Favor.

VOTED.

BUSINESS - continued

Ambulance Rate Structure

Present: Fire Chief John F. Nash, Jr.

Chief Nash informed the Board that the rates previously charged for ambulance service were not bundled rates. The Chief explained that in order to prevent a loss of revenue, the rates charged should be adjusted to the bundled rate structure, which are the rates being paid by Medicare. If the Board votes to adopt the recommendation, ancillary services will no longer be billed separately. Services like cardiac monitors, IV's, oxygen, will now become a part of the bundled rate.

Chairman Wilson noted that the Board had previously requested information from comparable communities, which is helpful to the Board as it provides information about which communities have moved to the bundled rate. She recalled that there were also questions raised about the actual service costs upon which the rates are based.

*Motion: That the Board of Selectmen approve the recommendation made by the Fire Chief to adjust the Town of Winchester ambulance rates in accordance with his memorandum dated May 9, and April 9, 2014.

Johnson – Powers

Selectman Powers informed his colleagues that he has reviewed the rates being proposed however still cannot figure out how the recommended fee adjustments were made. He suggested that Winchester is reasonably in line with other communities except in the case of ALS2, which he would like to amend to a \$2700 rate instead of the \$3225 as recommended.

*Amendment: That the Board of Selectmen amend the recommended ALS2 rate from \$3225 to \$2700.

Powers – Johnson

Selectman Grenzeback expressed confusion about the expense information provided, seeking clarification as to whether all nine paramedics are assigned exclusively to the ambulance. Chief Nash explained that this reflects the cost of two paramedics in the ambulance working on four different shifts, 24/7, which is a total of eight paramedics; one additional paramedic was added for the times when the paramedics must be covered for vacation, sick, etc. Chief Nash indicated that this figure covers salary plus benefits. Nothing is included for management oversight.

Speaking to the question concerning whether the new rates cover costs, Chief Nash explained that if the Town were able to collect 100% of the new rate there would be a profit however this is not realistic as last year the Town collected only \$670 per patient. He indicated that expenses will not be covered with the new rates but the Town will not be losing substantially. Selectman Grenzeback pointed out that the statute allows the Town to cover its costs.

Chief Nash noted that the Town will still not be covering its expenses with the new rates, however substantial revenue would also not be lost compared to previous years. Chief Nash informed the Board that the paramedics are also trained fire fighters and provide substantial service other than in their capacity as paramedics.

In response to Vice Chairman Johnson's request for an explanation of the ALS2 service, Chief Nash explained that his department receives and responds to three different types of calls: basic life support emergency call, which is not terribly serious, does not require a lot of paramedic intervention, basically transportation to the hospital with some medical care. The ALS call is the most common ambulance run and requires oxygen and monitoring. The ALS2 rates are for runs that receive extensive medical care from the paramedics such as cardiac monitoring, IV, defibrillation, etc.

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Vice Chairman Johnson noted that Selectman Powers has proposed and offered an amendment to make the ALS2 rate \$2700 and questioned whether or not this will affect expenses. Chief Nash indicated that the revenue collected will not be changed substantially. He informed the Board that approximately 50% of the ambulance runs are basic life support runs; 35% are ALS runs and 15% are ALS2 runs.

*On the Amendment:

In favor: Powers, Grenzeback, Johnson, Wilson
Abstaining: Fontana

VOTED.

*On the Amended Motion to increase Ambulance rates as follows:

BLS Emergency	\$1,250.70
ALS1 Emergency	\$2,082.30
ALS2 Emergency	\$2,700.00
Mileage	\$ 33.00

In favor: Powers, Grenzeback, Johnson, Wilson
Abstaining: Fontana

VOTED.

Town Counsel Reappointment

*Motion: That the Board of Selectmen reappoint Wade M. Welch as Town
Counsel for a term to expire March 31, 2015.
Johnson – Powers

Chairman Wilson noted that prior to Town Meeting, the Board conducted a performance review of Town Counsel. She indicated that the Board is happy with the services that Town Counsel provides. She pointed out that Town Counsel gets strong marks for availability, and brings a great sense of history to every project on which he provides advice, enhancing the legal services provided.

Town Counsel informed the Board that he feels that the Board deserves high marks for the success of the High School debt exclusion override last December in what he feels are not the greatest of financial times. He explained that the Board and the Town Manager did an excellent job in letting everyone know about the environmental issues that arose, noting that discussion continues about how this fits into the Town's flood mitigation program. He also pointed out that Winchester High School has to be moved out of the flood plain at the earliest possible date.

Town Counsel referenced the retiree health insurance issue, pointing out that the Selectmen have been wrestling with this issue since 2006, approving the current plan in 2012. He recalled that the Board worked diligently to develop a mitigation plan. Town Counsel noted that the statute covering this issue is arcane and the Board did an excellent job in determining what is financially feasible yet fair. He indicated that the general public is not aware of the amount of work that went into this issue or the number of legal opinions that were sought. Town Counsel stated that the Board did its job and did it well.

Town Counsel pointed out that the Town is moving forward with its flood mitigation program as Project 2 is complete with a good result that looks good and works. He indicated that the Board did a very good job in getting this project completed, which was not easy because at the halfway mark there were problems with the contractor. He noted that the Board stayed the course and got the job done, with the outcome of the litigation being favorable to the Town. Town Counsel informed the Board that the State takes the Town seriously. He offered his thanks to the Board for their work for which, in his opinion, they do not receive enough credit.

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hypotheticals. He noted that it is important for Town Meeting precinct members to be aware of what is happening as there has to be a two-thirds vote of approval by Town Meeting to sell property.

Flood Mitigation Planning

Vice Chairman Johnson pointed out that there are four in-town flood mitigation projects remaining, one of which is the Mt. Vernon Street Bridge. The others are the Ciarcia Field culvert, the Swanton Street Bridge and the tunnel at Muraco School. The out-of-town projects are Scalley Dam in Woburn and the Craddock Locks in Medford. He noted that there has been contact with the City of Woburn about Scalley Dam, and it has been determined that Winchester would be financially responsible for the dam at an approximate \$1million cost. He reported that MassDOT has the Craddock Locks project in the planning stage with construction being a year or two out.

Vice Chairman Johnson reported that the Town Manager has verbally confirmed receipt of \$2.5million from the State as a part of the Transportation Bond Bill, with another possible request in the amount of \$500,000. He indicated that it is his understanding that the Town Manager is waiting for written confirmation that \$2.5million is available for expenditure. He noted that once confirmation is received, the Board will be required to set priorities for those projects that should move forward. He noted that it is possible that the project could go out for bid on the Mt. Vernon Street Bridge in a thirty to forty-five day timeframe.

Town Manager informed the Board that he has not yet received confirmation from Secretary Sullivan, however he is hopeful that sign off will occur soon, hopefully this week.

Chairman Wilson informed her colleagues that her hope is that discussion will encompass not only the Mt. Vernon Street Bridge, but Ciarcia Field (Skillings) because of the High School project. She noted that there is a time-project-resource allocation issue and in order to discuss any of the projects, the Board should have an idea about a plan for at least two of them, along with the timeframe for all of the projects. She informed her colleagues that this discussion will be held on June 2nd.

Vice Chairman Johnson noted that the Town Manager has been working on the transportation funding aspect of this issue, the Assistant Town Manager has been working on the bid documents and cost projections. He suggested that the Board review the MEPA decision then review each of the projects in order to decide which of the projects is in the best interest of the community. The entire flood mitigation program would be updated, including timetable.

Town Counsel, who sits as a member of the flood mitigation team, pointed out that the Mt. Vernon Street Bridge is a good choice because it has been vetted, comments have been received and a vigorous process undertaken. Vice Chairman Johnson suggested that if all goes well, the project could go out for bid in August. Town Manager pointed out that there will be a substantial disruption to the Mt. Vernon Street corridor as it will mean closing the bridge. Chairman Wilson informed her colleagues that the Board will need to make a decision by Fall Town Meeting time as regards the Ciarcia Field project. Town Manager indicated that the thought was that the Board would go to Town Meeting with a recommendation as to whether or not the project would move forward or if it needed additional funding beyond what was available for capital resources, with the Board announcing a timetable around a debt exclusion override that would support the project. He recalled that the timeframe for this was the Spring of 2015, aligned with the Town Election, allowing the project to move in tandem with the final phases of the Winchester High School renovation project.

Town Manager informed the Board that he has received additional information on the remediation required for Ciarcia Field, and final testing has been authorized in the intervening weeks. He indicated that the idea is to have more information available for the Board's review at a June meeting.

CONSENT AGENDA

One Day Alcoholic Beverage License:

**Boston's Best Bartending (2) – May 31, 2014 – Sanborn House;
June 12, 2014 – Sanborn House;**

Acceptance of Donation:

Thomas Dunn to Recreation Department

Use of Chevalo Park:

**Winchester Foundation for Educational Excellence –
September 25 through 28, 2014;**

Acceptance of Federal Assistance Grant:

Fire Department;

Approve / Correct Meeting Minutes:

Tuesday, April 15, 2014;

Monday, May 5, 2014;

Monday, May 12, 2014

*Motion: That the Board of Selectmen approve the Consent Agenda for Monday, May 19, 2014 that includes two One Day Alcoholic Beverage Licenses for Sanborn House on May 31 and June 2; Acceptance of a Donation to the Recreation Department; Use of Chevalo Park by the Winchester Foundation for Educational Excellence from September 25 through 28; Acceptance of Federal Assistance Grant for the Fire Department and approval of the Meeting Minutes for April 15, May 5, and May 12, 2014.

Johnson – Powers

All in Favor.

VOTED.

COMMUNICATIONS AND WORKING GROUP REPORTS

1. Daniel D. McGurl, Director of Assessments – Board of Assessors reorganization
2. ComCast PEG Payment Notice
3. Verizon PEG Grant Report
4. Ruth Young, COA Administrator to Town Manager re: driver, Mt. Vernon House (with attached memo from Betty Small)
5. MAPC request for appointment of Winchester representative

Adjournment: 9:05 PM

*Motion: That the Board of Selectmen adjourn for the evening.

Johnson – Grenzeback

By Roll Call Vote: Powers, Grenzeback, Fontana, Johnson, Wilson

VOTED.

Respectfully submitted,

Richard C. Howard, Town Manager