

**TOWN OF WINCHESTER
BOARD OF SELECTMEN MEETING
Monday, April 29, 2013
Record**

Chairman Doug Marmon called the meeting to order at 6:30 PM in the Staff Cafeteria at Winchester High School prior to the start of the Spring 2013 Town Meeting. Present were Vice Chairman Jennifer N.S. Wilson, Selectman Forrest N. Fontana and Selectman Lance R. Grenzeback. Also present were Town Manager Richard C. Howard and Town Counsel Wade M. Welch. Assistant Town Manager Mark Twogood arrived shortly after the meeting had been called to order and Selectman James A. Johnson, III was absent.

OPENING

- *Motion: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing matters related to Contract Negotiations.
Wilson – Grenzeback
By Roll Call Vote: Grenzeback, Fontana, Wilson, Marmon VOTED.
- *Motion: That the Board of Selectmen adjourn from Executive Session to Public Session, not to return to Executive Session.
Grenzeback – Wilson
By Roll Call Vote: Grenzeback, Fontana, Wilson, Marmon VOTED.

Notification of Other Meetings and Hearings

] Thursday, May 2, 2013 – Board of Selectmen – Joint Session with the Planning Board

Non-Docket Business from the Selectmen

Chairman Marmon noted that there are three applicants to fill the vacant seat on the Planning Board, all of whom should be in attendance at the joint session with the Planning Board on Thursday evening. Once business is concluded with the Planning Board the Board will continue meeting on regular business.

Selectman Fontana informed his colleagues that there is a group working in conjunction with the Boston Athletic Association / One Boston Fund, to resurrect the Town Day Road Race. He noted that the Assistant Town Manager has been assisting with the permits and safety logistics.

Vice Chairman Wilson also noted that there is interest in doing something for the Stoneham residents who were injured in the Patriot's Day attack. She explained that it is possible that this might start with the schools, but it is also possible that they may come to the Town seeking help of some sort.

BUSINESS

Town Meeting Warrant Articles

Article 2: Amend Code of By-Laws Chapter 14, Section 2: Demolition of Historic Buildings

Referencing a letter that was mailed to each Board member, Selectman Grenzeback noted that the homes on the West Side of Town, particularly those small 1940-1950's cape-cod style homes will likely go faster because they are situated on large lots with a housing stock that is aging. He indicated that this has more to do with the residents aging out of the house than it does with the age of the home.

Town Counsel pointed out that the issue that has been raised is whether or not the public has been adequately informed that there is no opt-out clause if the bylaw is successful. He recalled that the prior

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generation of the bylaw contained an opt-out clause. Town Counsel informed the Board that he wrote an opinion at the Moderator's request the last time that this question arose. He explained that because of the way that the Town's bylaws read, he asked that the Committee on Government Regulations, as a part of their consideration and recommendation, address the issue. He recalled that he received a report that the bylaw was correct as to form. He noted that Government Regulations did not discuss whether the opt-out rule did or did not apply.

Town Counsel explained that his only concern is that there are 1900 homes that will be affected by this, and the referring agent as to whether a home is covered or not is the Building Inspector. Town Counsel indicated that there is a clause that ties in with the definition of homestead coverage, i.e., the last section of section 6 of the bylaw states "a list of all significant buildings should be kept and available to the public." He noted that someone will make this argument.

Vice Chairman Wilson noted that former Selectman Peter Haley, in his role as a member of Government Regs, reviewed this language, as did she. She pointed out that the list relates to the National Register of Historic Homes and those that are contained on the inventory of the Massachusetts Historical Commission.

Town Counsel explained that the question that was raised was not related to legality but rather to whether the public has been adequately advised that the bylaw will not contain an opt-out clause. Vice Chairman Wilson pointed out that this issue did come up at the public hearing. Town Counsel indicated that this is an arguable point because Government Regulations, a group that reports to Town Meeting, is not making a report, should meet to consider this. Government Regulations is authorized by the By-Law to consider all possible amendments to by-laws, recommending yea or nay as the case may be. Town Counsel indicated that the legitimate question has been raised as to whether or not Government Regulations should be opining on this.

Article 3: Amend Code of By-Laws, Chapter 18: Public Shade Trees

Selectman Grenzeback informed the Board that apparently there are two scrivener's errors and the Moderator has agreed that these are minor issues that can be covered on the floor of Town Meeting.

Article 4: Establish a committee to draft a By-Law regarding content of Town Manager's Budget

Selectman Fontana indicated that in his comments to Town Meeting, he will inform members that this article is not necessary, particularly the substance, but more specifically broadly. He pointed to the arc of what has happened in the last few years with the Finance Committee providing as much comprehensive information to Town Meeting as ever before. The Town Manager is working cooperatively with all boards and committees, and this is his first, true budget cycle. Selectman Fontana also noted that the Comptroller's position has been restructured to include more financial and economic analytics. He indicated that in his remarks, he will deal with the progress that has been made as well as the mechanics. Selectman Fontana explained that the idea is to present a consistent message. He suggested that collectively, this could make it look like such a committee is not necessary. He pointed out that a five member committee that would affect only the Town Manager's budget is narrow in scope and not necessary.

Selectman Grenzeback commented that the Town Meeting is aware that it is facing some complex financial issues and projections, therefore this would improve the amount of information being provided for deliberative purposes. He noted that it is also not clear that rigidly defining what has to go through the budget approval process for this year is what will be necessary in subsequent years. He suggested that an offer be made to develop a working committee.

CONSENT AGENDA

Approval of Invoice:
Fuss & O'Neil

*Motion: That the Board of Selectmen approve and authorize payment for the Fuss & O' Neil invoice in the amount of \$5,550 for professional services that relate to design review of Wright-Locke Farm; funding source for payment is the Agawam Road Account.

Fontana – Wilson

All in Favor.

VOTED.

Education Budget

Selectman Marmon informed his colleagues that it is his understanding that the School Committee will be requesting an additional \$200,000 to be added to their budget. Town Manager reported that the last efforts have been around the preference to close the gap although there may not be the financial ability to do so. The School Committee sent a memo to the Finance Committee where a request was made that the FinCom review the line items contained in the budget proposal, particularly on the revenue side, in order to determine if there was the ability to tweak the budget in an effort to be able to find the resources other than reliance on Free Cash. He explained that he and the Assistant Town Manager, met with the Finance Committee Chairman last week and reviewed each line-item, particularly the Local Receipts category, i.e., Transfer Station, Excise Tax, etc., everything other than State Aid. Town Manager informed the Board that he feels that he, the Assistant Town Manager and Finance Committee Chairman did the best that they could in making sure that the FY2013 calibrations are in line, feeling that they are right on point and that they translate and transfer over into the projections for FY2014. He indicated that there are a few tweaks that could be made to the betterment of the bottom line, not a lot, but the exercise was to leave the Finance Committee Chairman some information and latitude for whatever it is they are inclined to entertain.

Town Manager informed the Board that he took a staunch position in terms of funding the Human Resources position, i.e., that the monies must be found in either a reduction or addition, but not from Free Cash. He indicated that he will also be proposing to cut back on the use of some Free Cash. He explained that put off until the Fall, when the recap is completed, because it would be known whether the Town is in a better or worse position to go forward.

Speaking to the issue of Winchester High School roof repair, Assistant Town Manager reported that design costs will be covered from the current year's budget. Town Manager indicated that there is no proposal at this point in time to shave other capital projects in order to complete this repair. He informed the Board that he has agreed to eliminate one capital project in return for the first half of the Center Falls Dam project.

COMMUNICATIONS AND REPORTS

The Board acknowledged receipt of the following correspondence:

1. DPW Director Gill – FY2014 Roads Program
2. Public Meeting Notice: Joint Session – Board of Selectmen and Planning Board
3. Town Manager to Capital Planning Committee – FY2014 Capital Projects
4. Massachusetts Selectmen Association Regional Meeting Information
5. Northeast Metropolitan Regional Vocational School – FY2014 Budget Assessment

Recess to Town Meeting – 7:25 PM

Chairman Marmon declared the meeting to be in recess and the Board adjourned to the floor of Town Meeting.

Respectfully submitted,

Richard C. Howard, Town Manager