

**TOWN OF WINCHESTER**  
**BOARD OF SELECTMEN MEETING**  
**Tuesday, April 15, 2014**  
**Record**

Chairman Jennifer N.S. Wilson called the meeting to order at 6:30 PM in the Board of Selectmen Meeting Room located in Town Hall. Present were Selectman Forrest N. Fontana, Selectman Lance R. Grenzeback and Selectman Stephen L. Powers. Vice Chairman James A. Johnson, III arrived shortly after the meeting had been called to order. 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 matters related to Personnel, Collective Bargaining, Compliance with MGL, c.32B and Real Estate Negotiations.

Fontana – Powers

By Roll Call Vote: Powers, Grenzeback, Fontana, Wilson VOTED.

\*Motion: That the Board of Selectmen recess to Public Session to return to Executive Session at the conclusion of Public Session.

Powers – Johnson

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

**Comments from the Chair**

Chairman Wilson informed the audience that today, April 15<sup>th</sup> is the one year anniversary of the Marathon bombings in Boston. She called for a moment of silence to remember those who lost their lives during and subsequent to this incident. She also requested that her colleagues take a moment to reflect on the bravery of those who were injured, including Winchester's own Dic Donohue as well as our gratitude to the first responders who serve our community each day.

**Notification of Other Meetings and Hearings**

- ] Wednesday, April 16, 2014 – Town Manager Public Hearing on Warrant Articles
- ] Tuesday, April 22, 2014 – Board of Selectmen – Regular Session
- ] Monday, April 28, 2014 – Board of Selectmen – Abbreviated Session -- Prior to Town Meeting

Chairman Wilson recalled that last evening there was a gathering to honor retiring Moderator, John Sullivan. She noted that it was a great event and very well attended. Many people were involved in putting together a great event for a great man.

The Chairman further noted that tomorrow evening the Town Manager will be holding a public hearing on warrant articles that have not been the subject of other board and commission hearings. Town Manager will convene the hearing at 6:30 PM in the Board of Selectmen Meeting Room in Town Hall.

**Non-Docket Business from the Selectmen**

Selectman Grenzeback seconded the comments made about the reception honoring the former Moderator, who he feels enjoyed the event greatly. He informed his colleagues that he informed Mr. Sullivan that there are many boards and committees that currently have vacant seats, and volunteer opportunities for his continued service abound.

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Selectman Powers commented that thirty-seven years of service speaks for itself and John Sullivan did a fabulous job.

**TOWN MANAGER REPORT AND COMMENTS**

Town Manager echoed the comments about the reception for John Sullivan, noting that it was very enjoyable and nice to see recognition for an important person in the community. He offered his personal thanks to his staff for their help in organizing the event.

Town Manager informed the Board that he and Superintendent McAlduff have been exchanging paperwork with the MSBA on the funding agreement for Winchester High School. He noted that it takes a capable someone to spearhead the project and see it through from beginning to end. He explained that from his perspective, the EFPBC does a great job at monitoring the projects, and Bob Deering does a good job as committee chairman. Town Manager pointed out that Superintendent McAlduff has been the asset that the Town has had at its disposal to make sure that everyone understood the program, that the MSBA is aware of what it was the Town wanted to do, and when there was a need to correct or supply additional information to the MSBA, the Superintendent was the individual who took charge of the exchange of information.

Town Manager recalled that in the middle of the project, there was push-back from the MSBA on where the Town was attempting to go with the project. The Superintendent regrouped the entire team to make sure that MSBA was able to understand why it was the building had to be located where it has now been approved for location. He explained that the proposed contract provides for 42%, i.e., \$42+million in reimbursement. Town Manager recommended that the Board approve the documents and return them to the MSBA.

Superintendent McAlduff informed the Board that he concurs with the Town Manager's recommendation. He explained that this has been a team effort from the very beginning and he is pleased to be at the point where the project funding agreement is being approved. He noted that this is the last step in the approval process and formally puts into play the Town's ability to move forward and make expenditures from the funds approved by the voters.

Town Manager reported that the contract documents, which are in standard MSBA formant, have been reviewed by Town Counsel and provides the community with what it hoped to receive from the MSBA participation in the project.

\*Motion: That the Board of Selectmen approve and authorize the Town Manager to sign the MSBA Funding Agreement Project 201003440505, dated April 15, 2014, for the Winchester High School.  
Johnson – Grenzeback

Selectman Powers pointed out that the document indicates that the reimbursement will be 41% in total, according to the document. Selectman Fontana indicated that page two of the document states that the reimbursement amount will be 42.92%, or \$42,106,000.

\*On the Motion: All in Favor. VOTED.

Selectman Grenzeback informed the Board that he has attended a number of public meetings in the last several years and Superintendent McAlduff should be congratulated for doing an excellent job in explaining what was going on and why changes were necessary.

**Town Manager's Report - continued**

Town Manager pointed out that the packet contains a draft letter to the residents of Fernway. He explained that the team working on this issue includes the Town Engineer, the DPW Director and

Town Counsel and is ready to put together a meeting with the neighborhood to discuss how the wall repair will be approached. He explained that because Fernway is a private way, a betterment assessment is one mechanism that could be used, or the residents could decide to take on the project themselves. He noted that several estimates will be circulated and Weston & Sampson has provided some initial estimates for several different repair processes. The neighborhood meeting is scheduled for May 7<sup>th</sup> at 7 PM in the Board of Selectmen Meeting Room located in Town Hall.

In response to the comment concerning whether MassDOT approval is necessary as well, Town Manager indicated that on this stretch of Cambridge Street there is a grass strip that exists from the curb to the base of the wall. The assumption is that a survey will show that the wall is privately owned. He suggested that assuming that the neighborhood understands where the Town wants to go with this, work will begin as soon as possible.

**Appointment:**

Town Manager announced that in accordance with Section 4-2b of the Town Charter he has made the following appointment:

**James Doherty, Jr., 8 Hamilton Road, Woburn, MA**  
**Town Electrician – DPW**

**Chapter 90 Funds**

Town Manager noted that MassDOT and the Patrick administration has provided the corrected amount of money that is available to the Town under the Chapter 90 program. He noted that also developed is a “Pot Hole Emergency Fund” about which notice has been received and provides the Town with \$70,000+ in additional Chapter 90 emergency money. He informed the Board that this money will be put to good use immediately.

In response to Vice Chairman Johnson’s question about the Town’s receipt of monies from the Transportation Bond Bill, Town Manager explained that it is his belief that these funds are available now and the Town has to inform about which targeted project for which these funds will be used. Vice Chairman Johnson requested that this topic be docketed for discussion at a subsequent meeting.

**MATTERS FROM THE AUDIENCE**

Ann Sera, 5 Andrea Circle came forward stating that it is her understanding that the Board of Selectmen discussed one of the warrant articles dealing with fire lanes. She explained that the reason she is present this evening is to inform the Board that the fire lane proposal is under litigation at this time, therefore it is her opinion that this is not the correct time for this particular proposal to be put before Town Meeting. She explained that in particular, the actual phrasing of the fire lane proposal is the actual phrasing that is being litigated. Ms. Sera commented that it seems to her that it is inappropriate for this to be considered at this time. She pointed out that there is no one from the Planning Board present this evening, however last Thursday evening, this issue was a matter of contention at the Planning Board meeting. She requested that the Board of Selectmen reconsider, as no one understood the actual language before them as being the language contained in the lawsuit.

**BUSINESS**

**Ambulance Rate Structure – Chief John F. Nash**

Chief Nash informed the Board that he is present this evening to bring forward a rate change proposal for ambulance fees. He explained that the Town’s model is based upon a lower base rate that was previously paid by Medicare. He recalled that five years ago, the Board set ambulance rates at 200% above the Medicare rate.

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In response to the question concerning what is done for people who cannot afford the rates being charged, Chief Nash explained that the Town has a billing service that attempts to bill Medicare or the individual's insurance company. If the individual cannot afford the fee charged, that individual can seek assistance from the Town and the fee could be abated by the billing service. Chief Nash noted that this is an occasional occurrence as most people have Medicare or private health insurance. He pointed out that a mileage charge is allowed by Medicare at \$33 per mile.

Selectman Powers pointed out that the 2014 increase is approximately 48% and questioned why there is a discrepancy in the charges for the different ALS services. Chief Nash explained that 20% - 30% of ambulance revenue comes from the ancillary services performed by the Paramedics and are no longer billable or reimbursable under Medicare. He further explained that Comstar is the billing service used by the Town and was asked to take an average of their other client charges; this was their recommendation because billing can no longer occur for ancillary services.

Selectman Grenzeback indicated that he would like to know which communities were considered, with Chief Nash indicating that he would provide a list. Selectman Grenzeback also requested information on the average cost for an ambulance run, and what it will be under the bundled rate system. Chief Nash explained that the base rate increased substantially, the fact that the Town can no longer charge for the ancillary services that occur in a vast majority of instances, the percentage increase from the 2013 rates to the 2014 rates would be negligible. Chief Nash noted that the revenue from 2013 should be very close to the revenue received in 2014.

In response to the question concerning when the rates would become effective, Chief Nash indicated that the increase would be effective immediately on approval by the Board. He informed the Board that currently the Town is losing money because the Medicare rate structure has changed. Town Manager pointed out that the budget is built on a three year average revenue experience.

\*Motion: That the Board of Selectmen accept and approve the ambulance rate increases as outlined in the memo dated April 9, 2014, with said rates to become effective immediately.

Johnson – Grenzeback

Selectman Powers informed his colleagues that he would like to see an additional study done that encompasses Belmont, Wellesley, Reading, Stoneham, etc., seven or eight other communities ambulance rates for review. He suggested that the Board should be made aware if Winchester is out of line with like communities, as the information provided this evening is not in line with the Town of Belmont's charges.

Selectman Fontana pointed out that because the changes are Medicare related, all of the other communities will have to make adjustments as well. He suggested that any data obtained will be outdated because the like communities are making changes as well. He questioned the number of communities that are proactive versus those that are reactive. Chief Nash explained that the long-term revenue will slightly increase but there may be flat revenue from 2013 to 2014.

Selectman Grenzeback indicated that if the Board is setting rates that will actually cover the cost, then he would agree that more information would be useful. He pointed out the need to charge rates that cover costs. Chief Nash explained that the criteria in setting the rates with Medicare is that it has to be a reasonable cost, i.e., the cost of providing the service.

Selectman Powers informed his colleagues that he would like a week to review this material because this is his first opportunity to review the information. He indicated that he would also like a better understanding of what services are moved into the base. Selectman Powers commented that while he is not sure about what is contained in the other communities price list, his thought is that they are probably updated.

\*Motion: That the Board of Selectmen table action on the ambulance rate increase proposal for one week's time.

Powers – Grenzeback

All in Favor.

VOTED.

Selectman Fontana indicated that he would like information on the current loss rate as a delta that must be overcome. He noted that any service that the Town provides now is at a NET loss. He suggested that a rate structure be developed so that the Town is not behind.

In response to Vice Chairman Johnson's question concerning whether or not the Chief knows anything about the fire lane bylaw proposal, Chief Nash responded that the language that he has seen is consistent with State Law; he is not aware of any litigation in this matter, however the general fire lane law indicates that fire lanes are designated by the fire chief, and defined as being eighteen feet in width.

In response to Vice Chairman Johnson's comment that there is a warrant article before Town Meeting requesting a new ambulance, Chief Nash explained that the current vehicle is tired and worn, and requires extraordinary maintenance. He recalled that in 2013 the ambulance was out of service for a total of thirty-five days, or approximately 10% of the time. He indicated that the electrical system is complex, the springs have now failed, and after 13,000 emergency runs and 6500 patients, needs replacement. He explained that the overriding consideration is that this vehicle needs to remain in service for the next seven years as a back-up ambulance.

Chief Nash reported that the State ambulance inspection will take place tomorrow, and it is likely that it would be approved as a back-up ambulance provided that it is used sparingly. He explained that the primary issue is its mechanical function. Chief Nash pointed out that a reliable piece of equipment is important.

Vice Chairman Johnson indicated that the ambulance is a life-saving piece of equipment and replacement should be discussed on the floor of Town Meeting. He noted that the cost is approximately \$215,000.

### **Green Communities Grant – Susan McPhee, Energy Coordinator**

Ms. McPhee informed the Board that the LED Street Light Project is moving forward and the grant application is due to be submitted on Friday. She noted that the savings is approximately \$47,000 annually and the Town will be a part of a group purchasing consortium. The proposal is to switch out the cobra-head sodium street lights with LED lights which are more effective and will save a good amount on the Town's electric bill for the next twenty to twenty-five or more years. The LED street lights should be able to reduce maintenance costs in half. The bulbs should also last for twenty years, reducing the reported outages.

Ms. McPhee recalled that last Fall, funding was provided to perform the audit and design. The result of the audit was a confirmation of what the Town owns because every pole was audited and a replacement plan developed. The plan now is to take the delta of what is on the pole today and what the LED will use; savings will be compiled and then NStar will be contacted to negotiate a new agreement. She explained that this is an approved project / grant from Green Communities. She indicated that as a Green Community if Winchester submits an annual report and closes out the previous grant, the Town is again eligible to apply for a competitive grant. She expressed optimism about how the Town will fare in the grant pool. Ms. McPhee informed the Board that the Town can apply for a maximum of \$250,000, which would go a long way and result in a small project price to the Town. She requested the Board's support for going forward with the grant application.

Selectman Grenzeback requested clarification of the methods for cost reduction. Ms. McPhee explained that there is a utility incentive program from NStar which is about \$.39 per kwh. She noted that the deadline for project completion is August 30<sup>th</sup>. Selectman Grenzeback pointed out that the

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savings would be approximately \$100,000, bringing the total cost to the Town down to \$50,000. Ms. McPhee explained that this would make the payoff in one to two years. She noted that the Town should hear by summer as to whether or not the grant application was successful.

Town Manager applauded the efforts in this area. He noted that Ms. McPhee has delivered some of substantial savings for the Town, pointing out that this is a ‘no brainer’ that will lower the Town’s costs.

\*Motion: That the Board of Selectmen authorize completion of the  
Green Communities Grant application.  
Johnson – Fontana All in Favor. VOTED.

As far as the funding is concerned, Town Manager explained that the Town Manager’s budget set aside monies to pay the contract with a ten year financing plan at \$35,000 per year. He explained that this would be eliminated if grant efforts are successful. Vice Chairman Johnson informed his colleagues that the Capital Planning Committee supports this initiative 100%.

**Town Meeting Warrant Articles**

**Article 2:** To amend the membership of the Housing Partnership Board

John Suhrbier, Chairman of the Housing Partnership Board, explained that the purpose of this article is to add a member to the Housing Partnership Board. The new member would be from the Disability Access Commission which was established by Town Meeting in 1996. Currently, the Disability Access Commission member attends Housing Partnership Board meetings as a non-voting member; approval of the article would provide voting privileges to that individual, equaling status with other boards. Mr. Suhrbier indicated that he has spoken with the Town Clerk, the former Moderator and the ADA Coordinator, and there is some concern that a thirteen member committee pushes the upper limits of committee composition.

Vice Chairman Johnson commented that it is odd to him that members of the Housing Partnership Board can hold no other town office. Mr. Suhrbier explained that the reason this prohibition was inserted goes to the affordable housing history of the mid-1980’s when various town boards were reluctant to take the initiative. The clause was inserted to allow Town Meeting to retain control. Mr. Suhrbier agreed that this clause should probably be eliminated and could be revisited in the future.

\*Motion: That the Board of Selectmen recommend favorable Town Meeting  
action on Article 2 in the Spring 2014 Annual Town Meeting Warrant.  
Johnson – Grenzeback All in Favor. VOTED.

**Article 3:** To amend the Zoning Bylaw by deleting Section 7.2-Cluster Residential Housing;.

**Article 4:** To amend the Zoning Bylaw, Section 3.1 Table of Use Regulations.

**Article 5:** To amend the Zoning Bylaw, Sections 4.1 and 10 – Fire Lanes.

**Article 6:** To amend the Zoning Bylaw, Sections 4.1.1 – Table of Dimensional Regulations.

Selectman Grenzeback informed his colleagues that when he last talked with the Planning Board chairman it was with the understanding that they had voted on their warrant articles. He noted that the Board had previously voted to recommend favorable Town Meeting action on Article 3 but may want to reconsider this recommendation if the Planning Board members change their minds. He explained that Article 4 is a definitions article that separates “group house” from “town house” and the Planning Board has not taken a formal position on this article.

Selectman Grenzeback explained that Article 6 reinserts a missing footnote and Article 7 deals with planned residential developments. He explained that cluster development has never been used because it was overtaken by the “planned residential development” bylaw. This bylaw relates to the Ledges, which would now become non-conforming making changes difficult.

**Article 10:** Acquisition of land – Tri-Community Bikeway Easement

**Article 11:** Acquisition of land – Tri Community Bikeway Easement

Selectman Fontana informed his colleagues that he met with the Town Manager, Town Engineer and Town Counsel via conference call relative to these articles. He recalled that this project has taken a long time and has required coordination with several communities; this article would bring the end of the project in sight, allowing work to be done with private party landowners where there may be a land issue. The Articles are perfunctory in nature and there would be no budgetary cost to resolving the land issues as money is available in Chapter 90. Selectman Fontana further noted the need to have a dialogue with DCR to extend the lease for Ginn Field. He noted that neither of these articles is controversial and Town Counsel will be present at Town Meeting to answer technical questions that may arise. Selectman Fontana informed his colleagues that he is comfortable with a favorable action recommendation to Town Meeting.

\*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 10 in the Spring 2014 Annual Town Meeting Warrant, Acquisition of Land.

Fontana – Powers

Selectman Powers noted the importance of going forward with this project because without forward movement, Woburn and Stoneham would be tied up. In response to the question concerning whether any property would be taken, Town Manager explained that none would be taken. The purpose of the article is to invest the Town with the authority to do so if necessary. Selectman Grenzeback explained that this article would basically allow the contractor to step onto private property.

\*On the Motion: All in Favor. VOTED.

\*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 11 in the Spring 2014 Annual Town Meeting Warrant.

Fontana – Powers

In response to the question concerning whether the Ginn Field lease with the DCR would be renewed for another ninety-nine years, Town Manager noted that MassHighway is looking for an extension but will do whatever DCR prefers.

\*On the Motion: All in Favor. VOTED.

**Article 24:** To appropriate money for parking meters, parking lot maintenance, etc.

Selectman Grenzeback explained that this article establishes an account to track revenue and expenses related to parking. He recalled that this was done with the DCR for Wedgemere Train Station parking lot and staff is now looking to do this for the other Town-owned parking lots. This account would parallel the Wedgemere Train Station Parking Lot account. He noted that at one time, all parking fees went into a general account.

Town Manager explained that the motion will be for less than \$20,000 and he recommends favorable Town Meeting action to keep the parking plan going for the Town Center.

\*Motion: That the Board of Selectmen recommend favorable Town Meeting action on Article 24 in the Spring 2014 Annual Town Meeting Warrant.

Grenzeback – Powers

All in Favor.

VOTED.

**Article 20:** To appropriate funds for Special Education Stabilization Fund.

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Selectman Powers pointed out that the problem is pretty clear and is the result of placements. He noted that there is possible exposure to five (5) unilateral outside placements and this is a good use of the Stabilization Fund.

\*Motion: That the Board of Selectmen recommend favorable Town Meeting action  
on Article 20 in the Spring 2014 Annual Town Meeting Warrant.  
Powers – Grenzeback All in Favor. VOTED.

**Article 26:** To appropriate funds from unexpended capital accounts to Capital and/or Building Stabilization Fund.

\*Motion: That the Board of Selectmen recommend favorable Town Meeting action on  
Article 20 in the Spring 2014 Annual Town Meeting Warrant.  
Johnson – Powers All in Favor. VOTED.

**Article 27:** To appropriate funds for various Capital projects.

Motion #1: Police Department firing range: Vice Chairman Johnson noted that this is an HVAC issue because co2 cannot exhaust quickly with the current system. He also noted that having the ability for the officers to have firearms training in headquarters would reduce overtime costs; there is a five to seven year payback. He explained that the range issue is under review by the Finance Committee.

Selectman Fontana informed his colleagues that he would like to vote a Town Meeting recommendation after the Finance Committee completes its analysis.

Selectman Powers referenced the motion pertaining to the ambulance, noting that there is a proposal to use Free Cash. He questioned why the Capital Stabilization Fund is not being considered for use. Vice Chairman Johnson explained that this request came to the Capital Planning Committee process late and if the ambulance is not purchased this year, it will definitely have to be purchased next year. He suggested that the Board discuss whether or not this is an appropriate use of Free Cash as the firing range request also proposes to use Free Cash.

**Wright-Locke Farm – Public Information Session Update**

Selectman Grenzeback recalled that the public information session was well attended with few questions being asked about the details of the RFP. All written comments were taken into consideration. He noted that the purpose of the meeting was to discuss the RFP and hear feedback. The result was that people would like to examine alternatives to the layout of the RFP. Town Manager agreed that there was a vibrant exchange of ideas and recommendations. Selectman Powers offered his personal congratulations to Selectman Grenzeback for doing a great job in fielding questions and keeping order. Selectman Grenzeback pointed out that the key objective was to start discussion. He noted that most attendees came away with a better understanding of the Town's needs on this issue.

**CONSENT AGENDA**

**Relay for Life – Winchester:**  
**Paint the Town Purple**  
**Walk-a-Thon / Use of Town Common:**  
**El Hogar**  
**One Day Alcoholic Beverage License Requests:**  
**Boston's Best Bartending – Griffin Museum – May 31, 2014;**  
**Frances Jakubek for Griffin Museum – April 26, 2014;**  
**Acceptance of donations to Fire Department:**  
**American Alarm and Communications;**  
**Rotary Club of Winchester;**

**Winchester Town Day Committee;**  
**Public Amusement License:**  
**Town Day**

\*Motion: That the Board of Selectmen approve the Consent Agenda for Tuesday, April 15, 2014 that includes the Relay for Life, the El Hogan Walk-a-thon, One Day Alcoholic Beverage Licenses for the Griffin Museum on April 26<sup>th</sup> and May 31<sup>st</sup>, acceptance of donations to the Fire Department from American Alarm, the Rotary Club and the Town Day Committee, and a Public Amusement License for Town Day.

Johnson – Fontana

All in Favor.

VOTED.

**COMMUNICATIONS WORKING GROUP AND REPORTS**

1. Notice of Stephen Powers' resignation from Board of Assessors
2. Notice of Vacancy – Board of Assessors
3. John Suhrbier – Wright-Locke Farm RFP
4. Housing Partnership Comments on Wright-Locke Farm RFP
5. Informational sheet sent to properties located in 100-year floodplain
6. School Committee Reorganization memo

Selectman Grenzeback recalled that he had previously developed a spreadsheet for use as a budgetary forecasting tool. He noted that there have been working meetings with the Finance Committee and he has volunteered the Comptroller as the official owner of the spreadsheet; she has developed a new version.

Selectman Grenzeback also noted that the Town Center Group is meeting on a regular basis. He explained that the Planning Board is beginning to close in on the language for the Town Center Initiative and the aim is to have all consultant recommendations in by April 28<sup>th</sup> so that a draft can be available in early May. The hope is to develop a website so that people can obtain information.

**Adjournment: 9:15 PM**

\*Motion: That the Board of Selectmen return to Executive Session for the purpose of discussing matters related to Personnel, Collective Bargaining, Compliance with MGL, c.32B and Real Estate Negotiations, not to return to Public Session.

Fontana – Powers

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

VOTED.

Respectfully submitted,

Richard C. Howard, Town Manager