

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To the Constables of the Town of Winchester,

GREETING:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town of Winchester to meet by means of the audio/video conferencing platform described more particularly below on:

MONDAY, APRIL 26, 2021

at 7:30 p.m. for the Spring Annual Town Meeting at which time and place the following articles are to be acted upon and determined exclusively by representative Town Meeting Members in accordance with the Winchester Home Rule Charter.

Pursuant to Chapter 92 of the Acts of 2020, the Town Meeting shall be held remotely by the means requested by the Moderator as follows:

Town Meeting members will attend and vote by logging into: (1) the Zoom videoconferencing platform, and (2) the online Voter module provided by our electronic voting vendor, Option Technologies. Option Technologies will additionally be providing staff to assist the Town in facilitating the conduct of the meeting. Other Town residents who wish to follow the proceedings may do so via WinCam at www.wincam.org/watch/government; Channels 9 Comcast and 37 Verizon. Residents who wish to speak at the Meeting may contact the Town Clerk's Office at melannon@winchester.us for instructions on seeking the Meeting's permission to do so.

ARTICLE 1. 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)

ARTICLE 2. 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)

ARTICLE 3. To see if the Town will vote to amend Section 5.1.10 of the Winchester Zoning Bylaw to include a maximum allowable driveway width and curb radii at the curb line for single family dwellings, duplexes, and triplexes as follows (deleted text struck through, added text shown in ***bold italics***, and graphic added); or take any other action in relation thereto:

5.1.10 Driveway Curb Cuts for Single family Dwellings, Duplexes, and Triplexes

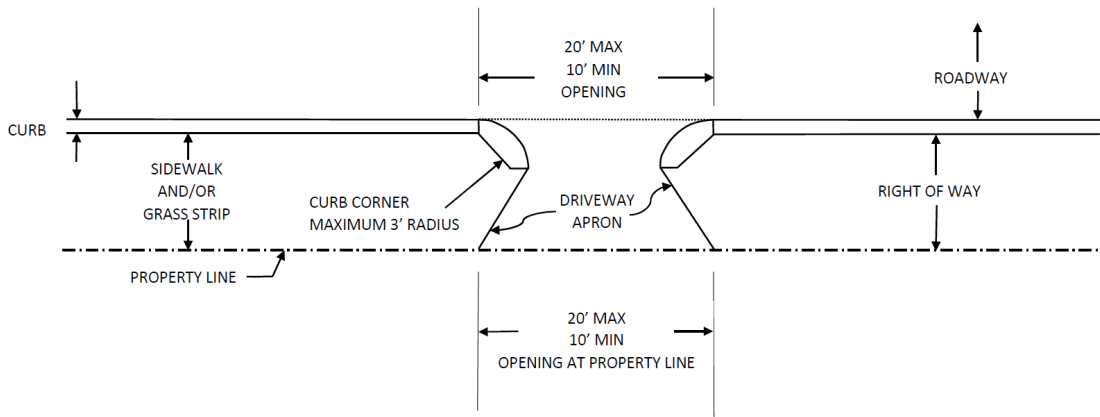
1. For single-family dwellings in any district: The maximum width at the ~~street~~ ***property*** line shall be 20 feet, ***and 20 feet at the curb line or edge of pavement.*** Any driveway shall be at least 10 feet wide at the ~~street~~ ***property*** line. One driveway shall be permitted per single-family dwelling. A second entrance to the driveway on a single lot may be permitted if a minimum of 40 feet of separation is provided between entrances, and the maximum width of each entrance at the ~~street~~ ***property*** line is no more than 10 feet. The separation between entrances shall be defined by granite curbing, change in elevation, or other means to deter vehicles from driving over the separation.

2. For duplexes and triplexes in any district: The maximum width at the ~~street~~ ***property*** line shall be 20 feet, ***and 20 feet at the curb line or edge of pavement.*** Two driveways may be permitted per lot, at a maximum width of 10 feet per driveway as measured at the ~~street~~ ***property*** line. Any driveway shall be at least 10 feet wide at the ~~street~~ ***property*** line. A minimum of 10 feet of separation between the driveways is required. The separation between driveways shall be defined by granite curbing, change in elevation, or other means to deter vehicles from driving over the separation.

FOR STREETS WITH CURBING

DATE: MARCH 24, 2021

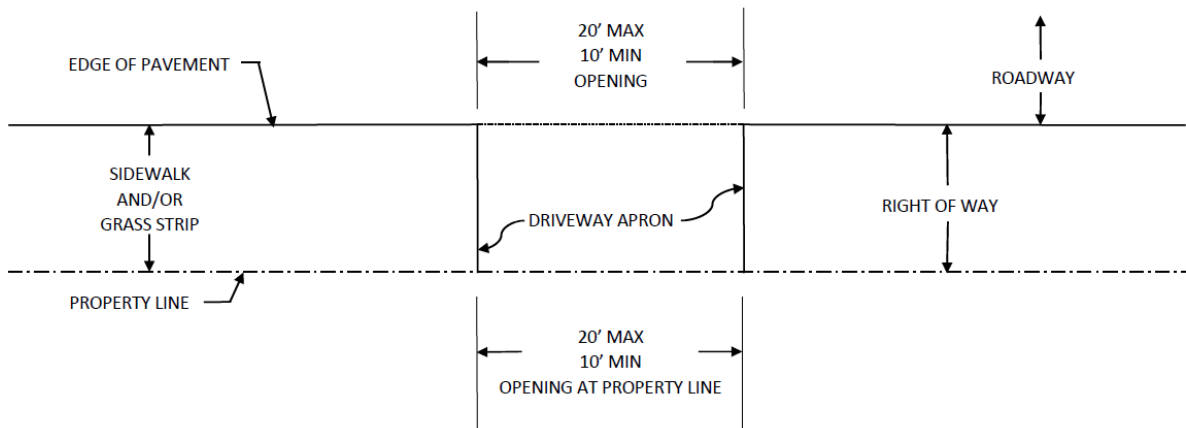
SCALE: NONE



FOR STREETS WITHOUT CURBING

DATE: MARCH 24, 2021

SCALE: NONE



3. All driveways shall be located to minimize conflict with traffic and pedestrian movement on public and private streets and to maximize visibility and site distances. Driveways shall be located and designed to discourage vehicular traffic from using driveways to avoid intersections, to cut corners, or to avoid stop signs. Driveways shall be at least 20 feet from an unsignalized intersection and at least 30 feet from a signalized intersection.

4. The Board of Appeals may grant relief from the requirements of subsection 1-3, above, by Special Permit under Section 9.4. If the Board of Appeals disagrees with the recommendation of the Engineering Department regarding the Special Permit application, it shall explain its position in its written decision.

~~5. This Section 5.1.10 shall apply only to entrances and exit driveways installed or widened at the street line, after May 1, 2017~~

(Planning Board)

ARTICLE 4. To see if the Town will vote to amend Chapter 2 (Town Meetings) of the Town of Winchester Code of By-Laws by adding a new Section 3.9, as follows; or take any other action in relation thereto:

3.9 *Voting.*

3.9.1 Voting shall be by:

- (1) Voices of the members; or
- (2) A counted vote by:
 - (a) An electronic tally and display system used (i) by itself to reflect the vote, or (ii) in conjunction with a voice vote, as authorized pursuant to this Bylaw; or
 - (b) Members standing.

3.9.2. *Electronic System:*

- (1) The Town Clerk shall provide for the use of an electronic system for voting that includes, at a minimum, the following features:
 - (a) Votes taken using the electronic system shall be displayed to Town Meeting members and the public before the Moderator announces the vote. The display shall be capable of showing, at a minimum:
 - (i) The final tally of votes when the electronic vote is accompanied by a voice vote; or
 - (ii) A listing identifying each Town Meeting member and the member's precinct, vote and the final tally of votes.
 - (b) At the Moderator's discretion, or at the request of 20 or more members, the listing in Section 3.9.2.1(a)(ii) shall be used even if the electronic vote is accompanied by a voice vote.
- (2) Votes taken using the electronic system in conjunction with a voice vote shall be determined by the results reported by the electronic system.
- (3) The Moderator may in the Moderator's discretion use a voice vote on simple motions without an electronic tally of the vote, including, without limitation: (a) votes taken by unanimous consent, (b) votes to adjourn, or (c) votes to amend a motion to correct typographical or other clerical errors.
- (4) At the Moderator's discretion, or at the request of 20 or more members, the vote on all motions before the Meeting, or on any particular motion, shall be taken by use of the electronic system.
- (5) A record of the results of each electronic vote shall be provided to the Town Clerk immediately following each electronic vote.

3.9.3. *Standing vote:* At the Moderator's discretion, or at the request of 40 or more members, the vote on any motion shall be taken by use of a standing vote.

3.9.4 *Record of votes:* A record of the vote taken by the electronic system or in the manner specified in Subsection 3.9.2 above shall be made available electronically to the public within 24 hours of the vote. The record shall disclose whether and how each Town Meeting member voted.

(Select Board)

ARTICLE 5. To see if the Town will vote to amend Chapter 3 (Elected Officers) of the Town of Winchester Code of By-Laws by revising Section 1 as follows (added text in *bold italics*); or take any other action in relation thereto:

The annual town election to fill elected town offices, to elect members of the representative town meeting and to determine any matters which are required to be determined by referendum election shall be held on the last *Tuesday or the last or second to last Saturday* of March, *as determined by the Select Board no later than December 1 of the preceding year.*

(Select Board)

ARTICLE 6. To see if the Town will vote to authorize the Select Board to enter into a land development agreement and lease for the land identified on plan entitled “Plan of Land, Waterfield Parking Lot, Winchester, Massachusetts: Progress Print” dated November 2, 2017 (the “Waterfield Lot”), in substantially the form on file with the Town Clerk and available on the Town’s website; or take any other action in relation thereto.

(Select Board)

ARTICLE 7. To see if the Town will vote to authorize the Select Board to lease, sell, convey, release, or otherwise dispose of any interests in a portion of the land located at 20 Glenwood Avenue in the Town, containing approximately 2,800 sf, which land is shown as Board of Assessors Map 14 Block 247 lot 0 (the “Town Property”); provided that the proceeds of such lease, sale, conveyance or other disposal shall be deposited in the Town’s Municipal Affordable Housing Trust Fund; that such lease or disposition be on such other terms and conditions as the Select Board deems appropriate, which may include the reservation of easements and restrictions over, along or through the Town Property; and that this authorization supersede and override any conditions of any prior authorization to dispose of said Town Property, including the authorization granted pursuant to Article 13 of the 2018 Fall Annual Town Meeting; or take any other action in relation thereto.

(Select Board)

ARTICLE 8. To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation substantially in the form below that permits the Town to enact a bylaw charging a building permit surcharge to be used by the Town for the purposes of funding sustainability initiatives in the Town and to establish a special revenue fund to receive the proceeds of that surcharge; or take any other action in relation thereto:

“An act establishing a building permit surcharge and special revenue fund in the Town of Winchester.”

SECTION 1. The Town of Winchester, hereafter referred to as “the Town,” may, by bylaw, require the payment of a sustainability surcharge for any construction that (i) requires a building permit and (ii) exceeds a minimum construction value to be determined by the Select Board of the Town. The bylaw shall specify the amount of said sustainability surcharge, the method by which the surcharge may be increased from time to time, and any types of construction or uses to which sustainability surcharge shall not apply. All fees received pursuant to such a bylaw act shall be deposited in a special revenue fund established pursuant to sections 2 of this act.

SECTION 2.

(a) Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the Town may establish a special revenue fund to be known as the Sustainability Special Revenue Fund, hereinafter referred to as “the Fund” into which shall be deposited certain receipts comprised of the surcharge authorized by Section 1 of this Act and any additional funds appropriated for placement into said fund by the legislative body.

(b) An appropriation shall be required to spend any monies in the Fund. Appropriations shall be made by a majority vote of Town Meeting and shall be limited to the actual unencumbered balance of the Fund at the time of the appropriation. Anticipated receipts cannot be appropriated. Monies from the Fund may be used, at the direction of the

Town Manager, to support the Town's environmental sustainability efforts, activities, operations and administration, including (i) the procurement or purchase of goods and services to study, analyze, and reduce the Town's and Town residents' and businesses' greenhouse gas emissions, (ii) the purchase or procurement of renewable energy or renewable energy infrastructure, and (iii) the hiring of a town sustainability coordinator and other employees engaged in energy conservation, energy reduction, renewable energy use and other sustainability efforts, including any associated wages and benefits for such employees.

(c) Notwithstanding any general or special law to the contrary, any interest accruing on any amount on deposit in the Fund shall be credited to the general fund of the Town. The Town Treasurer may pool the cash and shall not be required to establish a separate bank account for the Fund.

(d) The Comptroller of the Town shall establish and maintain the Fund as a separate account and record all activity in the Fund as follows: (i) revenues shall be recorded directly into the Fund; (ii) expenditures may be recorded directly to the Fund and transfers out shall be appropriated and accounted for; (iii) the unspent and unencumbered balance of the Fund for an appropriation for a particular sustainability purpose shall be limited to other purposes of the Fund and shall not revert to the general fund; (iv) the balance in the Sustainability Fund at the end of a fiscal year shall carry forward to the next fiscal year.

(e) The Comptroller of the Town shall, until such time as the Fund ceases to exist, provide an annual financial report to the Select Board at the close of the fiscal year, by October 1, and to Town Meeting. The annual financial report shall specifically include: (i) the beginning fund balance; (ii) revenues; (iii) expenses; (iv) transfers in/out; (v) the ending fund balance.

(f) The Town may close the Fund by a two thirds vote of Town Meeting. The vote to close the Fund shall state that: (i) the Fund shall cease to have effect; (ii) all unexpended and uncommitted amounts on deposit in the Fund as of the date of the vote shall immediately be credited to the general fund of the Town; and (iii) the surcharge that is received annually by the Town under section 1 of this act and credited to the Fund shall be credited to the general fund of the Town.

SECTION 3. This act shall take effect upon its passage.

(Select Board)

ARTICLE 9. 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 2021 Budgets; or take any other action in relation thereto.

(Town Manager/Finance Committee)

ARTICLE 10. 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)

ARTICLE 11. 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)

ARTICLE 12. 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)

ARTICLE 13. 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)

ARTICLE 14. To see if the Town will vote to hear and act on the report of the Capital Planning Committee regarding the revised proposed Capital Plan for FY22 and place the report on file, or take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 15. To see if the Town will vote to appropriate a sum of money for engineering, design, permitting and planning expenses related to remodeling, reconstructing and making of extraordinary repairs to the Town's transfer station facility and associated environmental remediation, including the demolition and disposition of the incinerator, and for the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

(Select Board/Capital Planning Committee)

ARTICLE 16. To see if the Town will vote to appropriate a sum of money for the construction of traffic improvements at the intersection of Waterfield Road and Church Street, including all costs incidental or related thereto, which appropriation shall be in addition to the amount previously appropriated for the design, engineering and construction of such traffic improvements under Article 11 at the 2019 Fall Town Meeting; to determine whether such appropriation shall be funded from transfers from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 and the Parking Meter Fund, or otherwise; and to take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 17. To see if the Town will vote to appropriate a sum of money for the Main Street bridge project, consisting of replacing and/or repairing the concrete rails and all costs incidental and related thereto; to determine whether this appropriation shall be funded by transferring amounts from the Capital Stabilization Fund, transferring unexpended proceeds of the Town's General Obligation Municipal Purpose Loan of 2020 Bonds dated June 25, 2020 issued for the purpose of funding the Waterfield Road bridge rehabilitation and repair project pursuant to the vote of the 2019 Fall Annual Town Meeting passed on November 7, 2019 (Article 14), which project has been completed and has no remaining liability, pursuant to Massachusetts General Laws Chapter 44, Section 20, or any other source or combination thereof; to determine whether the Town Manager shall be authorized to have oversight of the Main Street bridge project; and to determine whether 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; or take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 18. To see if the Town will vote to appropriate a sum of money to install additional culverts behind the Muraco Elementary School for flood mitigation purposes, including engineering expenses and all other costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; to determine whether 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; or take any other action in relation thereto.

(Select Board / School Committee / Capital Planning Committee)

ARTICLE 19. To see if the Town will vote to appropriate a sum of money to make extraordinary repairs to the Muraco Elementary School, including engineering expenses and all other costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; to determine whether 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; or take any other action in relation thereto.

(Select Board / School Committee / Capital Planning Committee)

ARTICLE 20. 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, 2021 and especially for or relating to all or any of the officers, boards or departments and for all purposes authorized by law, 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)

ARTICLE 21. 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 Water and Sewer Enterprise Fund of the Department of Public Works for the fiscal year beginning July 1, 2021, and to appropriate and transfer retained earnings into the Water Sewer Enterprise Account; or take any other action in relation thereto.

(Finance Committee)

ARTICLE 22. To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to defray the expenses of the Recreation Department for the fiscal year beginning July 1, 2021, and to appropriate and transfer retained earnings into the Recreation Enterprise Account; or take any other action in relation thereto.

(Finance Committee)

ARTICLE 23. 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)

ARTICLE 24. To see if the Town will vote to transfer from Free Cash, or other available funds, a sum of money for COVID related expenses including, but not limited, testing services, professional services, cleaning, overtime and related supplies and materials; or take any other action in relation thereto.

(Town Manager)

ARTICLE 25. To see if the Town will vote to raise and appropriate a sum of money to the Capital Stabilization Fund or the Building Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any other action in relation thereto.

(Finance Committee)

ARTICLE 26. To see if the Town will vote to fix the maximum amount that may be spent during the fiscal year beginning July 1, 2021, for the revolving funds established in Winchester's 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)

ARTICLE 27. 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, 2021 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)

ARTICLE 28. To see if the Town will vote to raise and appropriate a sum of money to be used with such sum 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)

ARTICLE 29. 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 2022, and to transfer funds to or from the Stabilization Fund; or take any other action in relation thereto.

(Town Manager)

ARTICLE 30. 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)

And you are hereby directed to serve this warrant by mailing a printed copy thereof, by you attested, to every occupied dwelling house in said Town and by posting on the Town bulletin board at least ten days before the holding of said meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk before the day of said meeting.

Given under our hands and seals April 5, 2021.

SUSAN VERDICCHIO
MARIANO GOLUBOFF
MICHAEL BETTENCOURT
AMY SHAPIRO
RICHARD M. MUCCI

Select Board
Town of Winchester

A true copy:
ATTEST:
Jeffrey Woolf, Constable