

**TOWN OF WINCHESTER
SELECT BOARD MEETING
Monday, August 19, 2019
Record**

OPENING

Chair Mariano Goluboff called the meeting to order at 7:00 PM in the Select Board meeting chamber located in Town Hall. Present were Select Board members Susan Verdicchio, and Amy Shapiro. Vice Chair Michael Bettencourt was present via phone and Jacqueline A. Welch was absent. Also present was Town Manager Lisa Wong and Town Counsel Mina Makarious.

*Motion: That the Select Board adjourn to Executive Session for the purpose of discussing matters related to Asa Fletcher Fund - MGL Ch. 30 §21(a) 1 - To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual.

Verdicchio - Shapiro
Roll Call: Goluboff, Verdicchio, Shapiro VOTED

*Motion: That the Select Board adjourn from Executive Session to Public Session, to return to Executive Session at the end of Public Session.

Verdicchio - Shapiro
Roll Call: Goluboff, Verdicchio, Shapiro VOTED

Vice Chair Bettencourt was called via phone for Public Session.

NOTIFICATION OF MEETINGS AND HEARINGS

1. Monday, September 9, 2019 - Regular Session

ACCEPTANCE OF DONATIONS

*Motion That the Select Board accept, with gratitude, the donations of \$13,500 to support the Saltmarsh Park.

Verdicchio - Shapiro
Roll Call: Goluboff, Verdicchio, Shapiro VOTED

*Motion That the Select Board accept, with gratitude, the donation of \$1,000 from the Winchester Hospital/Lahey Health to be used for Tick Testing conducted by UMASS Amherst.

Verdicchio - Shapiro
Roll Call: Goluboff, Verdicchio, Shapiro VOTED

*Motion That the Select Board accept, with gratitude, the donation of \$1,500 from McDonald's to be used for the Winchester Coalition for a Safer Community Sachem Leads Program.

Verdicchio - Shapiro
Roll Call: Goluboff, Verdicchio, Shapiro VOTED

COMMENTS

TOWN MANAGER REPORT AND COMMENTS

Town Manager Wong thanked Shelia Tracy, Town Treasurer, for all her hard work on the Bond Approval. The Waterfield Lot Request for Qualifications is coming up for discussion at a future meeting. She is working on the Small Cell Policy and application. The Fire Chief search is happening now and hopefully we will have a list of applicants soon. Finally, submission for the Fall Town Meeting Warrant Articles will be closed Friday, September 13, 2019.

MATTERS FROM THE AUDIENCE

Richard Nadel, 4 Maple Street, informed the Board that deliveries at the Winchester Hospital loading dock are being made at all hours of the night even though there is a chain with a sign stating no deliveries 8pm-7am across the entrance. He was told that there is no Town time restrictions regarding deliveries. He suggested that there be a bylaw in place for commercial deliveries.

Chair Goluboff informed him that the Town has tried to get a noise bylaw passed by Town Meeting but have not been successful. Mr. Nadel will need to submit a Citizen Petition with 15 signatures to place it in the Warrant. He can contact the Town Manager's office for assistance in the wording of the petition.

Brian Sogoloff and Susan Carney, representing Friends & Neighbors of Skillings Field, discussed the joint resolution of the School Committee and Select Board supporting the use of a portion of Skillings Field as the site of an indoor pool facility by Swim Winchester. Their concerns were that Swim Winchester is taking more land than was approved and the negative impact that the facility would be on the immediate neighborhood.

COMPTROLLER'S REPORT

LICENSES

HEARINGS8:05 PM

Alcoholic Beverage License Transfer - to transfer the Wine and Malt Beverages Only Retail Package Store license from Amberghini, Inc., d/b/a Craft Beer Cellar to Ramilla Convenience, Inc. d/b/a Dairy Barn, 864 Main Street, Winchester MA

Chair Goluboff opened the hearing at 8:00 pm. Representing Ramilla Convenience/Dairy Barn was Attorney Matthew Porter, also present was Pragnesh Patel. Attorney Porter provided background information regarding the application. Attorney Mina Makarious, Town Counsel, was also present.

Chair Goluboff then opened the hearing to the public. Michael O'Brien, 50 Clark Street, supports the ownership of the business but his main concern is the location. The location of the store is in more of a residential area and he is not in favor of them selling beer and wine. Seeing no further public comments, Chair Goluboff closed the public portion of the hearing.

Select Board members concerns were the coolers not being visible to the staff allowing for theft, beer/wine being sold through the drive-thru window and the potential of underage drinking. Attorney Porter stated that the owners understand the issues regarding the drive-thru and will not allow the sale of beer/wine through the drive-thru. Referencing the police report that the Board received from Winchester Police Department, Chair Goluboff cited five violations of selling to minors that the owners received from the towns where they hold liquor licenses. He stated that

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given the history of the applicant and having a drive-thru window it's not something that he would consider to be in the public interest. The violations show a problem with being able to control the selling of alcohol within the rules, it's having a license by someone who has a history of not being able to manage not to sell to minors. Attorney Porter noted that, according to ABCC, there have been no violations registered with the police. Chair Goluboff recessed for ten minutes to allow Attorney Porter to review the police report with Mr. Patel.

Chair Goluboff reopened the hearing at 8:40 p.m. Attorney Porter stated that only three verifiable violations occurred throughout the 16 liquor stores that Ramilla Convenience owns. He reminded the Board that none of the violations are ABCC and they are just with the community for the offending stores are located. Attorney Makarious informed the Board that the violations were only at the town level and the state would not be involved.

The Board strongly feels that they would not be able to control not selling to minors or through the drive-thru. Chair Goluboff informed them that if the Board votes to deny their request, they can appeal the denial and come back with another application addressing the Board's concerns.

*Motion: That the Select Board approve the transfer of the Wine and Malt Beverages Only Retail Package Store license from Amberghini, Inc., d/b/a Craft Beer Cellar to Ramilla Convenience, Inc. d/b/a Dairy Barn, 864 Main Street, Winchester MA.

Verdicchio - Shapiro

Opposed: Goluboff, Bettencourt, Verdicchio, Shapiro

MOTION FAILED

BUSINESS

1. **Bond Approval** - Shelia Tracy, Town Treasurer, informed the Board that we had our review with Moody's and the Town has a AAA Bond rating. Chair Goluboff designated Ms. Shapiro as the clerk to read and sign the vote.

*Motion I, the Clerk of the Select Board of the Town of Winchester, Massachusetts (the "Town"), certify that at a meeting of the board held August 19, 2019, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$8,845,000 General Obligation Municipal Purpose Loan of 2019 Bonds of the Town dated August 22, 2019 (the "Bonds") to Robert W. Baird & Co., Inc. at the price of \$9,481,429.41 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on August 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2020	\$230,000	5.00%	2032	\$395,000	3.00%
2021	315,000	5.00	2033	405,000	2.00
2022	320,000	5.00	2034	405,000	2.00
2023	325,000	5.00	2035	410,000	2.125
2024	335,000	5.00	2036	420,000	2.25
2025	340,000	5.00	2037	425,000	2.25
2026	350,000	5.00	2038	430,000	2.25
2027	360,000	5.00	2039	430,000	2.375

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2028	370,000	5.00	2040	270,000	2.375
2029	375,000	3.00	2041	280,000	2.50
2030	385,000	3.00	2044	880,000	2.50
2031	390,000	3.00			

Further Voted: that the Bonds maturing on August 15, 2044 (a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

Term Bond due August 15, 2044

<u>Year</u>	<u>Amount</u>
2042	\$285,000
2043	\$295,000
2044*	\$300,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 6, 2019 and a final Official Statement dated August 13, 2019 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the

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time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Shapiro - Verdicchio

Roll Call: Bettencourt, Goluboff, Verdicchio, Shapiro

VOTED

- 2. Committees and Commissions:** The Select Board reappointed the following committee member.

*Motion That the Select Board reappoint Kevin Drum to the Cultural Council for a term to expire July 31, 2022.

Verdicchio - Shapiro

Roll Call: Bettencourt, Goluboff, Verdicchio, Shapiro

VOTED

- 3. Commercial Haulers Rates:** Jay Gill, DPW Director, LeeAnn McGahan, DPW Business Manager and Nick Parlee, DPW Transfer Station Coordinator presented. Mr. Gill began the discussion by introducing Mr. Parlee to the Board. He took over for Norman Doucette this past month as the new Transfer Station Coordinator. Mr. Parlee worked for the Town of Chelmsford for eight years running their solid waste & recycling.

Mr. Gill reminded the Board that the Town's five year solid waste contract with Covanta expires June 30, 2020. We are paying \$59.61/ton for FY20 under the current contract and are preparing to request proposals for a new contract in September. However, in Mr. Parlee's research of what other communities are presently paying, a new contract could be over \$80 per ton, an additional cost of \$190,000. Lexington, Belmont & Arlington are paying \$78/ton and Boston is paying \$80/ton. Mr. Parlee told the Board that over the past five years the commercial tonnage has increased and there are over 7,000 residents who use the Transfer Station

For FY19 a town wide total of 9,500 tons, 40% (3,781 tons) was from commercial haulers. The \$102/ton rate had not increased in 15 years prior to FY18 when it went up \$3 to \$105/ton. Winchester's commercial disposal rates are the lowest in the area. Weston charges \$144/ton, Needham's rate is \$140/ton and Danvers charges \$200/ton. Mr. Gill's opinion is that we are going to have to look at all of our rates.

- 4. Capital Planning** - Vice Chair Bettencourt indicated that one of the questions that he had received from Capital Planning Committee was in regards to the linkage payment that the Town received for the Winning Farm project. There was about one million dollars, some of that the Board had signaled that will go to Affordable Housing but also for Capital needs. There was a letter issued from the Chair of Capital Planning a few months ago that the Board hasn't responded to formally because we haven't discussed it as a Board. But as they are ranking capital projects right now he thinks that the Capital Planning Committee would appreciate knowing where the Board is on distributing some of that money to the Capital Planning Committee for upcoming projects. Chair Goluboff has said in the past that the money from Winning Farm should be half for Affordable Housing and half for Capital. If the Board is okay with that we could instruct Town Management to put a warrant article on the Warrant for Fall Town Meeting to appropriate that money for those purposes. Ms. Verdicchio feels that that seems reasonable and we should pin the money down to allocate it that way. Ms. Shapiro also supports the distribution of the funds to Affordable Housing and Capital projects.
- 5. Electric Scooters** - Town Manager Wong informed the Board she is still in negotiations with SPIN's legal team and she will have a report at the next meeting. Winchester resident, Mr.

