

**ANNUAL REPRESENTATIVE TOWN MEETING
FALL SESSION**

November 2, 2015

Pursuant to the warrant of the Selectmen served according to law upon the inhabitants of the Town of Winchester, Massachusetts by Richard Kelley, Constable of said town, notices having been sent by mail ten days before the day of the meeting to the Town Meeting Members elected and qualified to act at Town Meeting in Winchester, the Town Meeting Members met in the McCall Middle School Auditorium in said Town of Winchester on Tuesday, November 2, 2015 at 7:30 o'clock in the evening.

A list of the duly qualified Town Meeting Members was used at the entrance of the meeting place and was in the charge of Kathleen Cramer, Assistant Town Clerk, Vicki Drougas and Stacey Gianquitto, Senior Records Clerks of the Office of the Town Clerk. The list contained the names of one hundred eighty one (190) Town Meeting Members entitled to vote and participate in Town Meeting in Winchester.

A checklist filed with the Town Clerk at the close of the meeting showed that one hundred seventy two (172) Town Meeting Members attended the meeting while 18 were absent and 2 memberships were currently vacant.

Moderator Peter J. Haley then called the meeting to order at 7:30 p.m. The Moderator asked the membership to rise for the Pledge of Allegiance. After the conclusion of the pledge, the Moderator read the call of the meeting and the Constable's return of the warrant, as copies of the warrant had been mailed to each of the Town Meeting Members and each article would be read when it came up for consideration.

Mr. Haley informed the Town Meeting members of the death of a fellow member Mr. William Andrew "Andy" Lang this past October 9, 2015. He informed the body of Andy's long commitment to the Town Meeting and various other boards and committees he had served on particularly his tenure on the Finance Committee. He raised three boys with his wife Barbara here in Winchester and will be sadly missed by all who knew his gentle voice.

Preliminary Motions

MOVED AND SECONDED, that the following preliminary motions be approved:

That Richard Howard, Town Manager, Mark J. Twogood, Assistant Town Manager, Stacie Ward, Comptroller, and Wade M. Welch, Town Counsel, who are not Town Meeting Members, be permitted to sit at the front of the auditorium with the Board of Selectmen, during all sessions of this Town Meeting.

That all members of the Finance Committee and their secretary, whether Town Meeting Members or not, be permitted to sit together at the front of the auditorium during all sessions of this Town Meeting.

That the Town Clerk or the Assistant Town Clerk be permitted to occupy a desk on the stage during all sessions of this Town Meeting.

That the Moderator be authorized to permit members of various town boards, commissions, committees, department heads, and petitioners of special articles to sit at the front of the auditorium during consideration of appropriate articles.

That unless it be otherwise ordered, all adjourned sessions of this Town Meeting shall be held on successive Monday and Thursday evenings at 7:30 P.M. in the McCall Middle School Auditorium, until the work of this Town Meeting is completed.

That action on all motions involving appropriations shall be contingent upon compliance with the provisions of Massachusetts General Laws Chapter 59, Section 21C, and a law known as the 2-1/2 Tax Limitation.

That cable television coverage shall be permitted at all sessions of this Town Meeting.

Motion Carried Voice Vote

ARTICLE 1: That the reports of Town Officers and Finance Committee be received and filed. The following committees and/or boards gave a verbal report.

MOVED AND SECONDED, the following reports be accepted and filed

Board of Selectmen	Lance Grenzeback	Conservation Commission	Steve Parkhurst
School Committee	Cindy Bohne	Historical Commission	Heather Von Mering
Planning Board	Betsy Cregger	EFPBC	Robert Deering
Finance Committee	Marino Goluboff	Town Manager	Richard Howard

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 2: The Committee on Rules had no report of removal to present to the Town Meeting.

MOVED AND SECONDED, to Indefinitely Postpone Article 2

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 3: to see if the Town will vote to raise and appropriate, or transfer from available funds including free cash, a sum of money to supplement or reduce appropriations in the budget article and other articles that were voted at the Spring 2015 Town Meeting, or take any other action in relation thereto.

(Town Manager)

MOVED AND SECONDED, that the Town appropriate \$90,923 to be added to the FY16 Interest on Funded Debt Account 7120 of which \$1,770 is from free cash and \$89,153 is to be raised on the tax levy (debt exclusion).

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 4: to see if the Town will vote to raise and appropriate, or transfer from available funds including free cash, a sum of money to supplement the amount that was appropriated for vocational school assessments in department (#3610) budget for fiscal year 2016 by \$51,000.00, or take any other action in relation thereto.

(School Committee)

MOVED AND SECONDED that the Town vote to appropriate \$51,000 from free cash to be added to the amount that was appropriated for vocational school assessments in department (#3610) budget for fiscal year 2016.

Increase to the operating budget of \$51,000. This proposal could be budget neutral if the offsetting revenue increase was considered.

History of Vocational Enrollment and Costs

# Students	FY11	FY12	FY13	FY14	FY15	FY16 Bud	FY16 Act
Minuteman	1	1	2	3	3	2	5
NE Regional	14	15	14	11	9	13	13
Total	15	16	16	14	12	15	18
Cost							
Minuteman	16,800	18,375	38,092	50,772	50,527	39,500	90,000
NE Regional	163,687	167,562	196,390	189,885	156,670	133,105	133,105
Total	180,487	185,937	234,482	240,657	207,197	172,605	223,105
Cost per student							
Minuteman	16,800	18,375	19,046	16,924	16,842	19,750	18,000
NE Regional	11,692	11,171	14,028	17,262	17,408	10,239	10,239
Total	12,032	11,621	14,655	17,190	17,266	11,507	12,395
Minuteman Accepted Programs:							
Biotechnology			1	1	1	1	
Environmental Sciences	1	1	1	1	1		1
Programming & Web				1	1		
Telecommunications							1
Engineering Technology						1	2
Robotics							1

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 5: To see if the Town will vote to amend the FY2016 Water Sewer Enterprise Fund appropriations for the MWRA Assessment adjustment and other debt service, to amend the Chapter 110 transfer, and to amend the use of Water Sewer Retained Earnings, or take any other action in relation thereto.

(Town Manager)

MOTION #1: **MOVED AND SECONDED**, that the Water & Sewer Enterprise Fund appropriations be decreased by \$253,944 by decreasing Other Expenses by \$253,944.

**Motion Carried Voice Vote
Majority Vote**

MOTION #2: **MOVED AND SECONDED**, that the final Water & Sewer Enterprise appropriation for FY16 is \$8,179,185 of which Personal Services is \$1,210,481, Other Expenses is \$6,968,704 and further that \$1,132,079 appropriated in the General Fund at the Spring 2015 Town Meeting for indirect costs is allocated to the Water & Sewer Enterprise Fund.

**Motion Carried Voice Vote
Majority Vote**

MOTION #3: **MOVED AND SECONDED**, that Water & Sewer Enterprise Fund appropriation be funded as follows: \$4,985,000 from Water & Sewer receipts, \$198,396 from Water & Sewer Retained Earnings and \$4,127,868 from the property tax levy in accordance with CH110 of the Acts of 1993.

**Motion Carried Voice Vote
Majority Vote**

	Fall TM Request	Spring TM Voted Budget	Difference
Expenditures			
Personal Services	1,210,481	1,210,481	-
Other Expenses	6,968,704	7,222,648	(253,944) (1)
Equipment	-	-	-
Total	8,179,185	8,433,129	(253,944)
Indirect Costs	1,132,079	1,132,079	-
Total Expenditures	9,311,264	9,565,208	(253,944) (2)
Revenues			
Water & Sewer receipts	4,985,000	5,142,399	(157,399) (3)
Retained Earnings	198,396	192,837	5,559 (4)
CH110 Tax Levy	4,127,868	4,229,972	(102,104) (5)
Total Revenues	9,311,264	9,565,208	(253,944) (6)
(1) \$135,836 decrease in MWRA operating assessment and \$179,883 decrease in MWRA debt assessment. Also a \$61,775 net increase in the debt related to additional principal on MWRA debt and reduction in BAN interest.			
(2) Net decrease in the Water Sewer Enterprise Fund appropriation.			
(3) Decrease in Water & Sewer receipts due to FY15 actuals coming in lower than expected.			
(4) Increase in the use of Retained Earnings to cover the decrease in revenues after debt adjustments.			
(5) Decrease is 86.45% of the \$118,108 net decrease in debt service.			
(6) Net decrease in the Water Sewer Enterprise Fund estimated revenues.			

MWRA Assessment Changes:		Fall	Spring	Change
Water Operating		466,741	573,783	(107,042)
Sewer Operating		1,119,651	1,148,445	(28,794)
Total MWRA Operating		1,586,392	1,722,228	(135,836)
Water Capital		767,481	819,283	(51,802)
Sewer Capital		2,748,810	2,876,891	(128,081)
Total MWRA Capital		3,516,291	3,696,174	(179,883)
Total MWRA Assessment		5,102,683	5,418,402	(315,719)

ARTICLE 6: to see if the Town will vote to raise and appropriate funds to prepare an update to the 2007 Winchester Public Schools Master Plan, said appropriation shall be raised by a transfer from free cash or any other available funds, or take any other action in relation thereto.

(Town Manager/School Committee)

MOVED AND SECONDED, that \$40,000.00 be appropriated from free cash to be added to previously appropriated authorization to update the Winchester Public Schools Master Plan; said appropriation to be expended under the direction of the Town Manager and the School Committee.

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 7: to see if the Town will vote to rescind \$250,000 of unissued debt authorized by Town Meeting under Article 18 on November 6, 2014 for the repair of the Fernway retaining wall.

(Town Manager)

MOVED AND SECONDED that the Town vote to rescind \$250,000 of unissued debt authorized by Town Meeting under Article 18 on November 6, 2014 for the repair of the Fernway retaining wall.

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 8: to hear and act on the report of the Capital Planning Committee regarding the proposed Capital Plan for FY2017 and place the report on file, or take any other action in relation thereto.

(Capital Planning Committee)

MOVED AND SECONDED that the Capital Planning Committee Report for FY2017 be received placed on file.

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 9: to see if the Town will vote to appropriate a sum of money for the following projects:

1. Library Chimney Rebuild
2. Muraco – Replace Fire Alarm – Evaluation and Design Recommendations
3. Lynch – Domestic Water/Heat Distribution – Evaluation and Design Recommendations
4. Muraco – Re-Pave Play Area
5. Bridge Repair over Horn Pond Brook
6. Swanton Street Bridge (Project 8) Engineering Plans
7. Railroad Bridge near Muraco School (Project 10) Engineering Plans
8. Police/Fire/EMS Departments Dispatch Consoles
9. Borggaard Beach – Septic System
10. VFA/Accruent Building Update

Said appropriation shall be made from the Building Stabilization Fund or Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, or take any other action in relation thereto.

(Capital Planning Committee)

MOTION #1 MOVED AND SECONDED, that \$215,000 be appropriated from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the following projects:

1. Reconstruction of the Library Chimney including engineering, construction and all other costs incidental and related thereto. \$125,000
2. Replace the Muraco School Fire Alarm – Evaluation and Design Recommendations including engineering and all other costs incidental and related thereto. \$40,000
3. Lynch School Domestic Water and Heat Distribution – Evaluation and Design Recommendations including engineering and all other costs incidental and related thereto. \$50,000

**Motion Carried Voice Vote
2/3 thirds vote Declared by Moderator**

MOTION #2 MOVED AND SECONDED, that \$777,800 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the following projects:

1. Muraco School – Repave Play Area, including engineering, construction and all other costs incidental and related thereto. \$50,000
2. Bridge Repair over Horn Pond Brook located at the Lynch School, including engineering, construction and all other costs incidental and related thereto. \$215,000
3. Swanton Street Bridge - (Project 8) - 25% Engineering Plans for the purpose of flood mitigation, including engineering and all other costs incidental and related thereto. \$85,800
4. Railroad Bridge near Muraco School (Project 10) - 25% Engineering Plans for the purpose of flood mitigation including engineering and all other costs incidental and related thereto. \$82,000
5. Replacement of the Police/Fire/EMS Departments Dispatch Consoles including all engineering, construction and all other costs incidental and related thereto. \$270,000
6. Replacement of the Borggaard Beach Septic System including all engineering, construction and all other costs incidental and related thereto. \$25,000
7. VFA / Accruent Building Database/Analysis Update and all other costs incidental and related thereto. \$50,000

**Motion Carried Voice Vote
Moderator Declared Majority Vote**

ARTICLE 10: to see if the Town will vote to appropriate a sum of money from unexpended capital accounts, which projects are complete, to the Capital Stabilization Fund and/or the Building Stabilization Fund established under Chapter 69 of the Acts of 2002, or take any action in relation thereto.

(Capital Planning Committee)

MOVED AND SECONDED that the Town appropriate a sum of \$147,908.24 from surpluses from previously appropriated capital accounts to the Building Stabilization Fund as follows:

Account Number	Project	Balance
396392	Transfer Station Tipping Building	\$147,908.24

**Motion Carried Voice Vote
Moderator Declared Unanimous Vote**

ARTICLE 11: to see if the Town will vote to raise and appropriate, or transfer from the Parking Meter Fund or other available funds, a sum of money for the maintenance of the parking meters, maintenance of the parking lot and other costs associated with the collection and enforcement of parking ticket revenues, including the payments to the Massachusetts Department of Conservation and Recreation (DCR) at the Wedgemere Lot, or take any other action in relation thereto.

(Town Manager)

MOVED AND SECONDED, that \$80,000 be appropriated from the Parking Meter Fund to the Wedgemere Parking Article account #0396912 to pay for expenses associated with the operation of the Wedgemere Commuter Station Parking Lot.

**Motion Carried Voice Vote
Moderator Declared 2/3 Vote**

ARTICLE 12: 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.

(Board of Selectmen)

MOTION #1: MOVED AND SECONDED, that the Town vote to amend the water & sewer rates currently in effect in accordance with Chapter 7, Section 3 of the Town of Winchester Code of By-Laws. All bills for consumption on or after September 1, 2015, shall be in conformance with the following rates:

Residential Accounts (in accordance with Chapter 110)

Water:

0-15	Units per Billing Period	\$1.27	ccf
16-45	Units per Billing Period	\$3.16	ccf
Over 45	Units per Billing Period	\$5.05	ccf

Low-Income Water:

0-15	Units per Billing Period	\$1.02	ccf
16-45	Units per Billing Period	\$2.53	ccf
Over 45	Units per Billing Period	\$4.05	ccf

Sewer:

0-15	Units per Billing Period	\$1.30	ccf
16-45	Units per Billing Period	\$4.13	ccf
Over 45	Units per Billing Period	\$6.41	ccf

Low-Income Sewer:

0-15	Units per Billing Period	\$1.04	ccf
16-45	Units per Billing Period	\$3.31	ccf
Over 45	Units per Billing Period	\$5.13	ccf

**Commercial/Industrial/Institutional
Water:**

0-75	Units per Billing Period	\$5.12	ccf
Over 75	Units per Billing Period	\$6.27	ccf

Sewer:

0-75	Units per Billing Period	\$6.68	ccf
Over 75	Units per Billing Period	\$9.06	ccf

**Motion Carried Voice Vote
Majority Vote**

MOTION #2: MOVED AND SECONDED, that the Town vote to amend the water & sewer rates currently in effect in accordance with Chapter 7, Section 3 of the Town of Winchester Code of By-Laws. All bills for consumption on or after March 1, 2016, shall be in conformance with the following rates:

Residential Accounts (in accordance with Chapter 110)

Water:

0-15	Units per Billing Period	\$1.32	CCF
16-45	Units per Billing Period	\$3.29	ccf
Over 45	Units per Billing Period	\$5.26	CCF

Low-Income Water:

0-15	Units per Billing Period	\$1.06	ccf
16-45	Units per Billing Period	\$2.63	ccf
Over 45	Units per Billing Period	\$4.21	ccf

Sewer:

0-15	Units per Billing Period	\$1.35	ccf
16-45	Units per Billing Period	\$4.29	ccf
Over 45	Units per Billing Period	\$6.66	ccf

Low-Income Sewer:

0-15	Units per Billing Period	\$1.08	CCF
16-45	Units per Billing Period	\$3.44	ccf
Over 45	Units per Billing Period	\$5.33	ccf

Commercial/Industrial/Institutional

Water:

0-75	Units per Billing Period	\$5.32	ccf
Over 75	Units per Billing Period	\$6.52	ccf

Sewer:

0-75	Units per Billing Period	\$6.94	ccf
Over 75	Units Per Billing Period	\$9.42	ccf

**Motion Carried Voice Vote
Majority Vote**

Residential

Tiers	Current		Proposed FY 2016		Proposed FY 2017	
	Water	Sewer	Water	Sewer	Water	Sewer
0 - 15	\$1.22	\$1.25	\$1.27	\$1.30	\$1.32	\$1.35
16 - 45	\$3.04	\$3.97	\$3.16	\$4.13	\$3.29	\$4.29
Over 45	\$4.86	\$6.16	\$5.05	\$6.41	\$5.26	\$6.66

Low Income

Tiers	Current		Proposed FY 2016		Proposed FY 2017	
	Water	Sewer	Water	Sewer	Water	Sewer
0 - 15	\$0.98	\$1.00	\$1.02	\$1.04	\$1.06	\$1.08
16 - 45	\$2.43	\$3.18	\$2.53	\$3.31	\$2.63	\$3.44
Over 45	\$3.89	\$4.93	\$4.05	\$5.13	\$4.21	\$5.33

Commercial / Industrial / Institutional

Tiers	Current		Proposed FY 2016		Proposed FY 2017	
	Water	Sewer	Water	Sewer	Water	Sewer
0 - 75	\$4.92	\$6.42	\$5.12	\$6.68	\$5.32	\$6.94
Over 75	\$6.03	\$8.71	\$6.27	\$9.06	\$6.52	\$9.42

Note: Unit is 100 cubic feet.

Impact on Users' Bills

User Type	Usage	Current	Proposed FY 2016		Proposed FY 2017	
		Bill	Bill	Diff \$	Bill	Diff \$
Tier 1 Residential	15	\$37.05	\$38.53	\$1.48	\$40.07	\$1.54

Average Residential	21	\$79.11	\$82.27	\$3.16	\$85.57	\$3.29
Average Commercial	37	\$419.58	\$436.36	\$16.78	\$453.82	\$17.45
Average Irrigation	74	\$566.93	\$589.61	\$22.68	\$613.19	\$23.58

Notes: Quarterly water and sewer bills shown. Bill amounts do not include \$5-per-bill service charge.

Rate payers were notified of the potential increase with the following billing insert for the first quarter billing period which were mailed the first week of August:

ARTICLE 13: to see if the Town will vote to raise and appropriate funds to prepare a Master Plan for the Waterfield Parking Lot, said appropriation shall be raised by a transfer from free cash or any other available funds, or take any other action in relation thereto.

(Town Manager)

MOTION AND SECONDED, that \$10,000 be appropriated from free cash to retain the series of consultants to assist the Board of Selectmen with a development plan for the so-called Waterfield Lot, said appropriation to be expended under the direction of the Town Manager.

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 14: to amend the General Bylaw, adding a new in chapter, in sequential order, known as the Plastic Bag Reduction By-Law, as is more particularly shown in the sections following herewith:

This Moderator began the discussion of Article 14 with the explanation that the proponent would be presenting an amended motion different from the motion that was published in the Fall Town Meeting Warrant. He reviewed the specific changes and made reference to the handout dated November 2, 2015 at 5:45 p.m. He stated that the amended motion would actually be the motion put on the floor for consideration and not the original motion in the warrant.

PLASTIC BAG REDUCTION BY-LAW

SECTION 1: DEFINITIONS

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- 1.1 “Person” means an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.
- 1.2 “Checkout bag” means a bag provided by a store to a customer at the point of sale, or in contemplation of a commercial transaction.

- 1.3 “Plastic checkout bag” means a single-use bag, comprised of plastic, measuring of any thickness, which is meant to hold customer purchases, and provided by a retail establishment at the point of sale.
- 1.4 “Reusable Bag” means a bag with handles that is:
- a. Designed and manufactured to withstand, at a minimum, 125 uses. For purposes of this paragraph, “125 uses” means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;
 - b. Made of fabric, or of durable, woven, plastic that is at least 5 mils (.127 mm) in thickness.
 - c. Is machine washable or made from a material that can easily be cleaned and disinfected
 - d. A bag that may be recyclable and is specifically designed for multiple reuse.
- 1.5 “Retail Establishment” means any commercial business facility, temporary or permanent, that sells goods or services directly to the consumer including, but not limited to, grocery stores, pharmacies, liquor stores, restaurant take-out, mini marts, retail stores, farmer’s markets, not-for-profit organizations and vendors selling clothing, food, books, cards, and personal items with gross interior space of 3,000 square feet or larger, exclusive of stockroom, office, storage and other space ancillary of a publicly accessible space intended to be frequented by consumers, or at least three (3) locations under the same ownership or brand name within the Commonwealth.

SECTION 2: RESTRICTIONS

- 2.1 Retail Establishments may not provide checkout bags comprised of any thickness of plastic, unless said bags are a Reusable Bag
- 2.2 Nothing in this section shall be read to preclude any establishment from making a Reusable Bag available for sale to customers or utilizing recyclable paper bags
- 2.3 The enforcement and penalty provisions of Section Three (3), *intra*, shall apply to this chapter.
- 2.4 The Board of Selectmen shall promulgate rules and regulations to implement all sections of this by-law and may, at their discretion, increase enforcement provisions to encourage compliance with the intent of this by-law.
- 2.5 By a majority vote, The Board of Selectmen may delegate implementation of the duties of this by-law to the Town Manager on a year-to-year basis.

SECTION 3: VIOLATIONS

- 3.1 If it is determined that a violation has occurred, after the initial 180 day transition phase (as defined in Section 4.3, *infra*) the Town of Winchester shall issue a warning notice to the Retail Establishment for the initial violation.
- 3.2 If it is determined that an additional violation of this Chapter has occurred within one year after a warning notice has been issued for an initial violation, the Town of Winchester shall issue a notice of infraction and shall impose a penalty against the retail establishment.
- 3.3 The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - (a) \$100 for the first offense
 - (b) \$200 for the second offense
 - (c) For the third and all subsequent offenses there shall be a mandatory court appearance and such penalty as may be determined by the Court, pursuant to Sec. 20-20 and Massachusetts General Laws Chapter 40, Section 21D.
 - (d) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.
 - (e) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of infraction is issued to pay the penalty.
 - (f) The penalty shall double after fifteen (15) calendars days if the Retail Establishment does not pay the penalty; or fails to respond to a notice of infraction by either denying or objecting in writing to the infraction or penalty.
 - (g) Payment of the penalty shall be made to the Town Clerk's office may be maintained in a revolving account as may be established by the Town Meeting and the funds held in said account may be used to defray any of the costs of enforcement of this by-law.

SECTION 4: COMPLIANCE

- 4.1 All Retail Establishments located in the Town of Winchester shall comply with this by-law.
- 4.2 Violation of any of the requirements of this by-law shall subject a Retail Establishment to the penalties set forth in Section Three (3) of this by-law.

- 4.3 All of the requirements set forth in this by-law shall take effect 180 days after the Town Clerk receives approval from the Attorney General concerning all sections of this by-law.
- 4.4 If any section, subsection, subdivision, sentence, clause, or phrase of this by-law is for any reason held to be unconstitutional or otherwise void or invalid by any court of competent jurisdiction, the validity of the remaining portion of this by-law shall not be affected thereby and remain in full force and effect.

Mr. George Wood, proponent made the presentation on the merits of the bylaw and spoke to the necessity of reducing the plastic bags in our environment. The Moderator allowed for debate on the article and several town meeting members spoke in favor and against. Motion to call the question was made after reasonable time and seconded. The Moderator appointed tellers to the town meeting and gave them the oath of office. The following vote was taken to end debate on Article 14. Said vote requires 2/3 vote.

MOVED AND SECONDED, to end debate on Article 14 of the Fall Town Meeting.

Motion Carried Standing Vote
Yes: 98 No: 39

MOVED AND SECONDED, to amend the General Bylaw, adding a new in chapter, in sequential order, known as the Plastic Bag Reduction By-Law, as is more particularly shown in the sections following herewith:

Motion Failed Standing Vote
Yes: 65 No: 81

ARTICLE 15: to see if the Town will vote to add a new Chapter to the Code of By-Laws, Outdoor Dining By-law.

OUTDOOR DINING

SECTION 1: OUTDOOR DINING LICENSES

- 1.1 Purpose, scope, authority. The purpose of this bylaw is to provide for the licensing of outdoor dining areas of appropriate design, configuration, and appearance that will be an amenity to the Town during the spring, summer and fall. The Board of Selectmen may issue annual outdoor dining licenses which shall be for the period from April 1 to October 31. Licenses shall be valid for one season and must be reapplied for annually.
- 1.2 Conditions of the license. The Board of Selectmen shall impose such conditions on each license as the Board determines to be appropriate and in the best interest of the Town. License fees shall be established by the Board of Selectmen. The Board of Selectmen may also make such regulations governing outdoor dining

licenses as the Board considers to be necessary or appropriate to carry out the purposes of this bylaw.

SECTION 2: DESIGN AND APPEARANCE

- 2.1 Outdoor dining areas containing six or more seats shall be separated from their surroundings by a perimeter fence or barrier (such as potted plantings or temporary bollards). No such fences or barriers may damage the public sidewalk or any portion of the public right-of-way. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the applicant and shall be maintained in a safe and sanitary manner by the applicant. All trash receptacles shall be covered and trash removed nightly. All perimeter treatments, umbrellas, furniture and trash receptacles must be removed at the end of each season.
- 2.2 All street furniture must be secured or stored inside the building during the hours it is not in use. Street furniture may not be stored in areas where food preparation occurs.
- 2.3 Outdoor dining areas may be placed on the public sidewalk, and on existing on-street parking spaces on public ways.
- 2.4 Outdoor dining areas may not be placed in a travel lane on public ways.

SECTION 3: PEDESTRIAN AND WHEELCHAIR PASSAGE

- 3.1 In no event shall the placement of outdoor dining furniture, umbrellas, perimeter fences or barriers create a pedestrian or wheelchair passage width of less than 48 inches. Restaurants shall have an accessible path of travel through the dining area at least 36 inches wide.

SECTION 4: TEMPORARY SEATING

- 4.1 Due to the seasonal and temporary nature of an outdoor dining area, the seating within an outdoor dining area will not be considered an increase in the number of seats serving a restaurant or eating establishment and will not be counted toward any off-street parking requirement.

SECTION 5: SUBMISSION AND APPROVAL OF APPLICATION

- 5.1 Filing procedure. Application for outdoor dining licenses shall be made to the Board of Selectmen, and a copy shall be submitted to the Board of Health, Fire Department, Engineering Department, Planning Department, and Public Safety Officer for their review. When located within the Center Business District or other Mixed Use Zoning Districts, the applicant shall consult with the Design Review Committee prior to

seeking a license. Each application will include the name, address and telephone number of the restaurant owner, the proposed dates and times of operation, and a plan meeting the requirements of Section (2) below.

5.2 Plan requirements. A neatly drawn scaled plan and ten copies shall be submitted with the application depicting the precise dimensions and location of the outdoor dining area; the arrangement of outdoor dining furniture, perimeter fencing, umbrellas, and any other obstruction; and the width of sidewalk available for pedestrian and wheelchair passage. The plan will also include a written description of the colors and materials to be used in the outdoor dining area. Photographs or samples of proposed furniture and materials shall be provided upon request of the Board of Selectmen or Design Review Committee.

5.3 Insurance. The licensee shall carry or require that there be carried workers' compensation insurance for all employees and those of its contractors and/or subcontractors engaged in work at the dining facility, in accordance with the state workers' compensation laws. The licensee shall, prior to the issuance of the license, furnish a certificate of insurance to the Town evidencing coverage for workers' compensation insurance. In addition, the licensee shall carry comprehensive public liability and property damage liability insurance and, if applicable, liquor liability insurance, to cover the licensee and its contractors and subcontractors against claims due to accidents which may occur or result from operations under the license. Such insurance shall cover the use of all equipment related to the provision of sidewalk dining services. The comprehensive general liability policy shall insure against all claims and demands for bodily injury and property damage with respect to the sidewalk dining facilities and services and shall be in such form and amount as determined by the Board of Selectmen. The Town shall be named as an "additional insured" in all policies for such insurance. The licensee (and their heirs, successors and assigns in interest) shall also agree to hold harmless, defend and indemnify the Town of Winchester and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under the license. Where such insurance is renewed or replaced, the licensee shall furnish the Town with a certificate of insurance evidencing the same.

5.4 Approval.

(a) The Board of Selectmen may approve an outdoor dining license after determining that the design and location of an outdoor dining area is suitable to its environs and that all other requirements of the license have been met. The Board of Selectmen shall consider any comments made by the Board of Health, Safety Officer or Design Review Committee prior to rendering a decision.

(b) Upon approval of an outdoor dining area license by the Board of Selectmen, the owner and operator of the restaurant and the Board of Selectmen shall sign a license agreement prepared for these purposes by Town Counsel and shall pay any applicable license fee prior to the commencement of any activities under the license.

(c) Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations.

(d) Approval of an outdoor dining area license shall not be construed as an approval of any other license or an approval for the alteration or extension of premises where alcoholic beverages are served. The serving or consumption of alcohol outside of premises duly licensed to serve alcohol is expressly forbidden unless approved by the Board of Selectmen

SECTION 6: SEVERABILITY

If any provisions, paragraphs, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

(Planning Board)

Brian Szekely, Town Planner made the presentation on behalf of the Planning Board. He stated that although there are two amendments to the Zoning Bylaw and one amendment to the General Code of Bylaw that will need to be presented to the Spring Town Meeting the Planning Board is seeking the approval of this addition to the General Code of Bylaw. Doing so will allow for the process to get started as it relates to the application and permit procedures with the Board of Selectmen. Passing the bylaw this fall will allow for business owners to enjoy some of the upcoming spring and summer season in 2016. As a result of the discussion on the floor it was noted an amendment was necessary.

MOVED AND SECONDED, to amend Section 5.1 and 5.4 to add the ADA Coordinator as an additional department in the review process.

**Motion Carried Voice Vote
Majority Vote**

MOVED AND SECONDED, to see if the Town will vote to add a new Chapter to the Code of By-Laws, Outdoor Dining By-law as amended.

OUTDOOR DINING

SECTION 1: OUTDOOR DINING LICENSES

1.3 Purpose, scope, authority. The purpose of this bylaw is to provide for the licensing of outdoor dining areas of appropriate design, configuration, and appearance that will be an amenity to the Town during the spring, summer and fall. The Board of Selectmen may issue annual outdoor dining licenses which shall be for the period from April 1 to October 31. Licenses shall be valid for one season and must be reapplied for annually.

- 1.4 Conditions of the license. The Board of Selectmen shall impose such conditions on each license as the Board determines to be appropriate and in the best interest of the Town. License fees shall be established by the Board of Selectmen. The Board of Selectmen may also make such regulations governing outdoor dining licenses as the Board considers to be necessary or appropriate to carry out the purposes of this bylaw.

SECTION 2: DESIGN AND APPEARANCE

- 2.1 Outdoor dining areas containing six or more seats shall be separated from their surroundings by a perimeter fence or barrier (such as potted plantings or temporary bollards). No such fences or barriers may damage the public sidewalk or any portion of the public right-of-way. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the applicant and shall be maintained in a safe and sanitary manner by the applicant. All trash receptacles shall be covered and trash removed nightly. All perimeter treatments, umbrellas, furniture and trash receptacles must be removed at the end of each season.
- 2.2 All street furniture must be secured or stored inside the building during the hours it is not in use. Street furniture may not be stored in areas where food preparation occurs.
- 2.3 Outdoor dining areas may be placed on the public sidewalk, and on existing on-street parking spaces on public ways.
- 2.4 Outdoor dining areas may not be placed in a travel lane on public ways.

SECTION 3: PEDESTRIAN AND WHEELCHAIR PASSAGE

- 3.1 In no event shall the placement of outdoor dining furniture, umbrellas, perimeter fences or barriers create a pedestrian or wheelchair passage width of less than 48 inches. Restaurants shall have an accessible path of travel through the dining area at least 36 inches wide.

SECTION 4: TEMPORARY SEATING

- 4.1 Due to the seasonal and temporary nature of an outdoor dining area, the seating within an outdoor dining area will not be considered an increase in the number of seats serving a restaurant or eating establishment and will not be counted toward any off-street parking requirement.

SECTION 5: SUBMISSION AND APPROVAL OF APPLICATION

- 5.1 Filing procedure. Application for outdoor dining licenses shall be made to the Board of Selectmen, and a copy shall be submitted to the Board of Health, Fire Department, Engineering Department, Planning Department, Public Safety Officer and the ADA Coordinator for their review. When located within the Center Business District or other Mixed Use Zoning Districts, the applicant shall consult with the Design Review Committee prior to seeking a license. Each application will include the name, address and telephone number of the restaurant owner, the proposed dates and times of operation, and a plan meeting the requirements of Section (2) below.
- 5.2 Plan requirements. A neatly drawn scaled plan and ten copies shall be submitted with the application depicting the precise dimensions and location of the outdoor dining area; the arrangement of outdoor dining furniture, perimeter fencing, umbrellas, and any other obstruction; and the width of sidewalk available for pedestrian and wheelchair passage. The plan will also include a written description of the colors and materials to be used in the outdoor dining area. Photographs or samples of proposed furniture and materials shall be provided upon request of the Board of Selectmen or Design Review Committee.
- 5.3 Insurance. The licensee shall carry or require that there be carried workers' compensation insurance for all employees and those of its contractors and/or subcontractors engaged in work at the dining facility, in accordance with the state workers' compensation laws. The licensee shall, prior to the issuance of the license, furnish a certificate of insurance to the Town evidencing coverage for workers' compensation insurance. In addition, the licensee shall carry comprehensive public liability and property damage liability insurance and, if applicable, liquor liability insurance, to cover the licensee and its contractors and subcontractors against claims due to accidents which may occur or result from operations under the license. Such insurance shall cover the use of all equipment related to the provision of sidewalk dining services. The comprehensive general liability policy shall insure against all claims and demands for bodily injury and property damage with respect to the sidewalk dining facilities and services and shall be in such form and amount as determined by the Board of Selectmen. The Town shall be named as an "additional insured" in all policies for such insurance. The licensee (and their heirs, successors and assigns in interest) shall also agree to hold harmless, defend and indemnify the Town of Winchester and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under the license. Where such insurance is renewed or replaced, the licensee shall furnish the Town with a certificate of insurance evidencing the same.

5.4 Approval.

(a) The Board of Selectmen may approve an outdoor dining license after determining that the design and location of an outdoor dining area is suitable to its environs and that all other requirements of the license have been met. The Board of Selectmen shall consider any comments made by the Board of Health, Safety Officer, Design Review Committee and ADA Coordinator prior to rendering a decision.

(b) Upon approval of an outdoor dining area license by the Board of Selectmen, the owner and operator of the restaurant and the Board of Selectmen shall sign a license agreement prepared for these purposes by Town Counsel and shall pay any applicable license fee prior to the commencement of any activities under the license.

(c) Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations.

(d) Approval of an outdoor dining area license shall not be construed as an approval of any other license or an approval for the alteration or extension of premises where alcoholic beverages are served. The serving or consumption of alcohol outside of premises duly licensed to serve alcohol is expressly forbidden unless approved by the Board of Selectmen

SECTION 6: SEVERABILITY

If any provisions, paragraphs, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

**Motion as Amended Carried Voice Vote
Majority Vote**

ARTICLE 16: to see if the Town will vote to authorize the Board of Selectmen to enter into a Community Choice Electrical Aggregation Program and contract for electric supply for Winchester residents and businesses as per MGL 164, Section 134, or act in any other manner in relation thereto.

(David Judelson, citizen petition)

MOVED AND SECONDED, to see if the Town will vote to authorize the Board of Selectmen to enter into a Community Choice Electrical Aggregation Program and contract for electric supply for Winchester residents and businesses as per MGL 164, Section 134, or act in any other manner in relation thereto.

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 17: to see if the Town will vote to establish a 75th Anniversary of December 7, 1941 committee.

(Town Manager)

Ellen Knight, PhD, Town Archivist spoke to inform the Town Meeting members on some of the ideas this newly formed committee would be working towards in honor of the upcoming anniversary. She stated that the interest lays in books not bricks mentioning the interest in writing stories, posting to s Facebook page and the like. She additionally announced the recent release of the manuscript **500 Sheets**, written by Dr. Knight, which tells the inspiring heart-warming true story of World War II hero Lt. Col. John D. Hanlon and his hometown, Winchester and a promise he made during the Battle of the Bulge to a group of Belgian villagers who answered his call for help.

MOVED AND SECONDED, that an ad hoc Committee be established under direction of the Town Manager’s office for the purpose of acknowledging and planning for the 75th anniversary of December 7, 1941 at Pearl Harbor, Hawaii, and the events leading to the United States entrance into World War II. The Committee to consist of volunteers from various Town Departments including Veteran’s Office, Archives, Clerk’s Office, Manager’s office and various Town veterans and historic committees. The Committee to report back to the Town Meeting at the spring 2016 Town Meeting with its recommendations.

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 18: to see if the Town will vote to accept committee reports, dissolve old committees, authorize new committees, or take any other action in relation thereto.

(Board of Selectmen)

MOVED AND SECONDED, to indefinitely postpone Article 18.

**Motion Carried Voice Vote
Majority Vote**

ARTICLE 19: to see if the Town will vote to take appropriate action to comply with provisions of M.G.L. Chapter 59, Section 21c, a law known as “2 ½ Tax Limitation”, or take any other action in relation thereto.

MOVED AND SECONDED, to indefinitely postpone article 19.

**Motion Carried Voice Vote
Majority Vote**

MOVED AND SECONDED that this meeting held on Monday November 2, 2015 be adjourned and dissolved.

**Motion Carried Voice Vote
Majority Vote**

The Fall Annual Town Meeting 2015 was adjourned and dissolved at 11:04 p.m. PM.

ATTEST:

A handwritten signature in black ink that reads "MaryEllen Lannon". The signature is written in a cursive, flowing style.

MaryEllen Lannon, CMC
Winchester Town Clerk