

# *Town of Winchester*

## **Fall Annual Town Meeting 2015**



### **Preliminary Motions**

**MOVED AND SECONDED** that the following preliminary motions be voted as one:

1. That Richard C. Howard, Town Manager; Stacie Ward, Comptroller; Wade M. Welch, Town Counsel; and Mark J. Twogood, Assistant Town Manager, 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.
2. 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.
3. That the Town Clerk or her designee or the Assistant Town Clerk be permitted to occupy a desk on the platform during all sessions of this Town Meeting.
4. 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.
5. 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.
6. That action on all motions involving appropriations shall be contingent upon compliance with the provisions of Massachusetts General Laws Chapter 59, Section 21C, a law known as the
7. 2-1/2 Tax Limitation.
8. That cable television coverage shall be permitted at all sessions of this Town Meeting.

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## **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.

(Board of Selectmen)

**MOTION:**

**MOVED AND SECONDED**, that the reports of Town Officers and Finance Committee be received and filed.

*Majority vote required*

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## **ARTICLE 2**

To see if the Town, acting under Article 2, Section 2.5 (c) of the Winchester Home Rule Charter, and upon the recommendations of the Committee on Rules pursuant to Chapter 2, Section 4.4.3 of the Code of By-Laws of the Town of Winchester, will vote to declare vacant the seats of certain Town Meeting Members for failure to attend one half or more of the total number of sessions of the Winchester Town Meeting held during Fiscal Year 2015, or take any other action in relation thereto.

(Committee on Rules)

*Materials to be sent under separate cover*

*Majority vote required for passage*

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**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)

**MOTION:**

**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).

**ARTICLE 3 BACKGROUND:**

The Interest on Funded Debt Budget is being increased by \$90,923, which consists of an \$89,153 increase in Exempt Debt and a \$1,770 increase in General Fund Debt. This increase is due primarily to two additional borrowings for the Wright Locke Farm; a short term borrowing from July to October 2015, and the subsequent long term permanent borrowing.

*Majority vote required*

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## **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)

### **MOTION:**

**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.

### **BACKGROUND:**

Winchester High School does not offer a comprehensive vocational program. Winchester is one of 12 member communities that make up the Northeast Metropolitan Regional Vocational School District. Students from Winchester can apply to, and if accepted, enroll in one of the 16 vocational programs offered at Northeast Metro Tech High School. Historically the costs for vocational schools assessments have been paid from an account that is outside of the control of and appropriated separate from the school department operating budget.

In some cases students may be eligible to attend a different vocational school other than Northeast Metro Tech. The most common reason for this is when the vocational program choice of the student is not offered by Northeast Metro Tech. This is known as non-member student enrollment. When this occurs a student may apply to a vocational school, and if accepted, the tuition costs must be paid by Winchester. Historically this has been 1 or 2 students a year, and these costs have been paid from the school department operating budget.

For FY16 the operating budget had planned for two non-member student to enroll at Minuteman Regional Technical School. Now as the enrollment has been finalized we have five students enrolled at Minuteman. See next page for year to year enrollment and cost information.

### **Proposed Change**

The proposal is to change the practice of paying the member assessments and non-member vocation tuition bills from two separate accounts out of two different operating budgets, to paying these bills from the one account. The member assessment makes up the majority of the vocational costs, and currently

these costs are paid from account number 0136112-54117 within the Town operating budget. If the non-member tuition costs were to be paid from the same account as the member assessment, it would require a budget increase of \$51,000.

In reviewing potential funding sources for this \$51,000 increase it is possible to offset the expense increase with an equal \$51,000 increase to the Medicare reimbursements budgeted in revenues account 0101350-46611 within the Town operating budget. The actual revenues in this account have exceeds budgeted revenues for the last few years, and the expectation is the additional \$51,000 would not be a problem. This increase was not proposed for this year, but could be considered in future years.

**Budget Impact**

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
<b>Cost</b>							
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
<b>Cost per student</b>							
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
<b>Minuteman Accepted Programs:</b>							
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

*Majority vote required*

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**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 #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 #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.

**ARTICLE 5 BACKGROUND:**

	<b>Fall TM Request</b>	<b>Spring TM Voted Budget</b>	<b>Difference</b>
<b>Expenditures</b>			
Personal Services	1,210,481	1,210,481	-
Other Expenses	6,968,704	7,222,648	(253,944) (1)
Equipment	-	-	-
<b>Total</b>	<b>8,179,185</b>	<b>8,433,129</b>	<b>(253,944)</b>
Indirect Costs	1,132,079	1,132,079	-
<b>Total Expenditures</b>	<b>9,311,264</b>	<b>9,565,208</b>	<b>(253,944) (2)</b>
<b>Revenues</b>			
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)
<b>Total Revenues</b>	<b>9,311,264</b>	<b>9,565,208</b>	<b>(253,944) (6)</b>

(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:**

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

*Majority vote required*

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## **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)

**MOTION:**

**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.

**ARTICLE 6 BACKGROUND:**

At the Fall 2014 Town Meeting (Article 6), the body authorized \$45,000.00 appropriated from free cash, to prepare an update to the Winchester Public School Master Plan. The Manager's office prepared a Request for Proposals (RFP) and advertised for the same in August 2015. Approximately twenty-eight (28) firms expressed an interest in the RFP but none responded. Management believes that the lack of responses was due in large part to the scope of services that was very broad and available contractual resources that were too low for the scope of services being proposed. As such, management, and School Department, have revised the scope of services, and in addition in recommending that \$40,000 be added to the original appropriation for a total of \$85,000.00.

If approved we will immediately reissue the revised RFP.

*Majority vote required*

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## **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)

**MOTION:**

**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.

**ARTICLE 7 BACKGROUND:**

This Article will rescind a prior debt authorization that is no longer needed.

This borrowing authorization was approved by Town Meeting under Article 18 on November 6, 2014 for repair of the Fernway retaining wall. The Town will not be borrowing any funds for this project, as the residents of the area have completed the repair. This Article rescinds the borrowing authorization, and removes this amount from the Town's authorized and unissued debt.

*Majority vote required*

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**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)

**MOTION:**

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

*Capital Planning Committee Report to be provided under separate cover*

*Majority vote required*

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## **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 #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 Borraggard 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

*Capital Planning Committee Report to be provided under separate cover*

*2/3 Vote required*

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## **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)

**MOTION:**

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:

<b><u>Account Number</u></b>	<b><u>Project</u></b>	<b><u>Balance</u></b>
396392	Transfer Station Tipping Building	147,908.24

**ARTICLE 10 BACKGROUND:**

This article will allow for the transfer of funds from unexpended capital accounts back to the original funding source (Building Stabilization Fund).

*2/3 vote required for passage for Stabilization Funds.*

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## **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)

**MOTION:**

**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.

**ARTICLE 11 BACKGROUND:**

Since October of 2013, the Town, in agreement with the Commonwealth's Department of Conservation and Recreation (DCR), has operated the parking lot at this location. After much negotiation, we now have a signed Revocable License Agreement which gives the Town the authority to manage the lot until September 30, 2018. The agreement calls for expenses associated with this operation to be paid out of revenue derived from the operation of the lot, and the net revenue to be divided between the DCR (66.66%) and the Town (33.34%). This transfer from parking revenues is expected to cover expenses and net revenue distribution to DCR for FY2016. Over the past twelve (12) months the revenue amounts have trended upward due to increased parking and expenses have remained level. The Comptroller will provide a detailed revenue/expense analysis.

*Majority vote required*

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## 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:**

<b>0-15</b>	<b>Units Per Billing Period</b>	<b>\$1.27</b>	<b>ccf</b>
<b>16-45</b>	<b>Units Per Billing Period</b>	<b>\$3.16</b>	<b>ccf</b>
<b>Over 45</b>	<b>Units Per Billing Period</b>	<b>\$5.05</b>	<b>ccf</b>

**Low-Income Water:**

<b>0-15</b>	<b>Units Per Billing Period</b>	<b>\$1.02</b>	<b>ccf</b>
<b>16-45</b>	<b>Units Per Billing Period</b>	<b>\$2.53</b>	<b>ccf</b>
<b>Over 45</b>	<b>Units Per Billing Period</b>	<b>\$4.05</b>	<b>ccf</b>

**Sewer:**

<b>0-15</b>	<b>Units Per Billing Period</b>	<b>\$1.30</b>	<b>ccf</b>
<b>16-45</b>	<b>Units Per Billing Period</b>	<b>\$4.13</b>	<b>ccf</b>
<b>Over 45</b>	<b>Units Per Billing Period</b>	<b>\$6.41</b>	<b>ccf</b>

**Low-Income Sewer:**

<b>0-15</b>	<b>Units Per Billing Period</b>	<b>\$1.04</b>	<b>ccf</b>
<b>16-45</b>	<b>Units Per Billing Period</b>	<b>\$3.31</b>	<b>ccf</b>
<b>Over 45</b>	<b>Units Per Billing Period</b>	<b>\$5.13</b>	<b>ccf</b>

**Commercial/Industrial/Institutional**

**Water:**

<b>0-75</b>	<b>Units Per Billing Period</b>	<b>\$5.12</b>	<b>ccf</b>
<b>Over 75</b>	<b>Units Per Billing Period</b>	<b>\$6.27</b>	<b>ccf</b>

**Sewer:**

<b>0-75</b>	<b>Units Per Billing Period</b>	<b>\$6.68</b>	<b>ccf</b>
<b>Over 75</b>	<b>Units Per Billing Period</b>	<b>\$9.06</b>	<b>ccf</b>

**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:**

<b>0-15</b>	<b>Units Per Billing Period</b>	<b>\$1.32</b>	<b>ccf</b>
<b>16-45</b>	<b>Units Per Billing Period</b>	<b>\$3.29</b>	<b>ccf</b>
<b>Over 45</b>	<b>Units Per Billing Period</b>	<b>\$5.26</b>	<b>ccf</b>

**Low-Income Water:**

<b>0-15</b>	<b>Units Per Billing Period</b>	<b>\$1.06</b>	<b>ccf</b>
<b>16-45</b>	<b>Units Per Billing Period</b>	<b>\$2.63</b>	<b>ccf</b>
<b>Over 45</b>	<b>Units Per Billing Period</b>	<b>\$4.21</b>	<b>ccf</b>

**Sewer:**

<b>0-15</b>	<b>Units Per Billing Period</b>	<b>\$1.35</b>	<b>ccf</b>
<b>16-45</b>	<b>Units Per Billing Period</b>	<b>\$4.29</b>	<b>ccf</b>
<b>Over 45</b>	<b>Units Per Billing Period</b>	<b>\$6.66</b>	<b>ccf</b>

**Low-Income Sewer:**

<b>0-15</b>	<b>Units Per Billing Period</b>	<b>\$1.08</b>	<b>ccf</b>
<b>16-45</b>	<b>Units Per Billing Period</b>	<b>\$3.44</b>	<b>ccf</b>
<b>Over 45</b>	<b>Units Per Billing Period</b>	<b>\$5.33</b>	<b>ccf</b>

## Commercial/Industrial/Institutional

### Water:

<b>0-75</b>	<b>Units Per Billing Period</b>	<b>\$5.32</b>	<b>ccf</b>
<b>Over 75</b>	<b>Units Per Billing Period</b>	<b>\$6.52</b>	<b>ccf</b>

### Sewer:

<b>0-75</b>	<b>Units Per Billing Period</b>	<b>\$6.94</b>	<b>ccf</b>
<b>Over 75</b>	<b>Units Per Billing Period</b>	<b>\$9.42</b>	<b>ccf</b>

## ARTICLE 12 BACKGROUND

The Town has not updated water and sewer rates since 2007. Since then, steady revenue sources and retained earnings funded yearly water and sewer expenses, allowing rates to remain unchanged. The Department of Public Works' recent five-year capital plan for water and sewer, which consists of 18 purchases and upgrades expected to cost approximately \$5.3 million in total, with \$2.3 million for FY 2016 capital purchases and upgrades alone, will require additional revenues be raised.

In November 2014, with the capital plan as a motivating factor, the Board of Selectmen worked with the Department of Public Works and a consultant on whether a rate increase discussion was warranted. A baseline scenario was developed to determine the impact on retained earnings if the Town did not change rates. This analysis showed expenditures in excess of revenues in each of the next five fiscal years and a steady draw on retained earnings. All parties agreed that a rate increase discussion was warranted. The next steps were for the parties to focus on rates and produce a plan to increase rates so the revenues covered projected expenses over the subsequent two fiscal years. Multiple plans were reviewed, with the Board settling on the one presented in the above motions. This plan involves a rate increase covering two quarters of bills issued in the second half of FY 2016 and an additional rate increase covering all bills issued during FY 2017. The plan's projections show that, even with the proposed rate increases in place, retained earnings continue to be depleted, but at a slower draw than their depletion over the past few fiscal years. Additional rate increases may be warranted in the near future to build retained earnings back up to a healthy level and to address rates in FY 2018 and subsequent years.

The Board of Selectmen is prepared to recommend an increase in rates for FY 2016 for consumption on or after September 1, 2015, and an additional increase in rates for FY 2017 for consumption on or after March 1, 2016. The above motions represent the final recommendations of the Board of Selectmen. Please find below tables comparing current rates with proposed rates and comparing users' current bills to projected bills with the proposed rates.

### 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**

	Current		Proposed FY 2016		Proposed FY 2017	
Tiers	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**

	Current		Proposed FY 2016		Proposed FY 2017	
Tiers	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:

“At its July 13, 2015 meeting, the Winchester Board of Selectmen voted to increase the water and sewer rates pending Town Meeting vote in November 2015. Upon approval at Town Meeting, **the rate increase will be effective for water consumed after September 1, 2015 in the last two quarters of Fiscal Year 2016.** The average resident’s bill for 21 units will cost approximately \$3.16 more per quarter. Although the financial impact is not significant to the average user, this notice is being sent to inform you now, so if yare are concerned about the increase, you can take measures to conserve on water used after September 1, 2015.

For residents with separate irrigation accounts that are read and billed once a year, the Town will read and bill twice this year on **9/1/15** and **12/1/15**. The majority of the irrigation usage will be billed at the current rates to ensure that the rate increase does not impact the entire watering season. Only water used after 9/1/15 will be billed at the new rates.

Please call the office at 781-721-7100 if you have any questions. Thank you.”

*Majority vote required*

Town of Winchester  
Fall Annual Town Meeting



## **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:**

**MOVED 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.

**ARTICLE 13 BACKGROUND:**

At the Spring 2015 Town Meeting it was voted to amend the Town's Zoning by-law to allow for mixed use development activity within the Central Business District (CBD). A key parcel within the CBD is the Town-owned "Waterfield Lot", situated on the southerly side of Waterfield Street adjacent to the Town Center Commuter Rail Stop.

The parcel consists of approximately 45,000 square feet of land and is currently used for commuter and Town center parking, and it is improved with a building that houses the Winchester Chamber of Commerce and other tenants. It was the subject of a previous planning charette done by the Planning Board, which work will help guide the Board's effort for a redevelopment plan. The Manager's office and the Town Planner are working in tandem on this effort.

The purpose of this article is to authorize funds, to be combined with other grant funds (we are applying to the Commonwealth's Community Compact Program) to provide the Board of Selectmen with a development analysis in keeping with the goals and objectives of the new Zoning by-law and the Commonwealth of Massachusetts policies around Smart Growth and transit oriented development opportunities.

Ultimately the Board, and management goals would be to prepare the site for development proposals that would be acceptable to the Board, Town Meeting and other Town Center based stakeholders. A secondary goal is to have the development analysis identify potential funding from State infrastructure programs such as the MassWorks Infrastructure Program overseen by the Executive Office of Housing and Economic Development. Additionally, the potential redevelopment of this site should be coordinated with the planned renovation of the commuter rail stop which is currently under design by the MSBA.

*Majority vote required*

Town of Winchester  
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## **ARTICLE 14**

To see if the Town will vote to add a new Chapter, Single-Use, Plastic Carry-Out Bag Reduction, to the Code of By-Laws of the Town of Winchester.

### **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.
- 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 “Recyclable paper bag” means a paper bag that is 100 percent recyclable overall and contains at least 40 percent post-consumer recycled content and displays the word "Recyclable" in a highly visible manner on the outside of the bag.
- 1.5 “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 plastic that is at least 4.0 mils (.0762mm) in thickness.
  - c. Is machine washable or made from a material that can easily be cleaned and disinfected.
- 1.6 “Retail Establishment” means any commercial business facility that sells goods directly to the consumer including, but not limited to, grocery stores, pharmacies, liquor stores, restaurant take-out, mini marts, retail stores and vendors selling clothing, food, books, cards, and personal items.

## **SECTION 2: RESTRICTIONS**

- 2.1 Retail establishments may not provide checkout bags comprised of any thickness of plastic, unless said bags are reusable.
- 2.2 Nothing in this section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags as defined in this section at checkout.
- 2.3 The enforcement and penalty provisions of section three shall apply to this chapter.
- 2.4 The Board of Selectmen and/or Town Manager shall promulgate rules and regulations to implement all sections of this by-law.

## **SECTION 3: VIOLATIONS**

- 3.1 If it is determined that a violation has occurred, after the initial 180 day transition phase, 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.

## **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.

(George Wood, Citizen Petition)

**MOTION:**

**MOVED AND SECONDED**, to see if the Town of Winchester will **ADD** a new chapter known as the Plastic Bag Reduction By-Law to the Code of By-Laws of the Town of Winchester.

**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 “Recyclable paper bag” means a paper bag that is 100 percent recyclable overall and contains at least 40 percent post-consumer recycled content and displays the word "Recyclable" in a highly visible manner on the outside of the bag.

1.5 “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.

1.6 “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.

## **SECTION 2: RESTRICTIONS**

- 2.1 Retail establishments may not provide checkout bags comprised of any thickness of plastic, unless said bags are reusable.
- 2.4 Nothing in this section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags as defined in this section at checkout.
- 2.5 The enforcement and penalty provisions of section three shall apply to this chapter.
- 2.6 The Board of Selectmen shall promulgate rules and regulations to implement all sections of this by-law and may, at their discretion, increase restrictions to encourage compliance with the intent of this by-law. The Board of Selectmen shall not decrease the restrictions of the by-law.
- 2.7 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**

- 3.4 If it is determined that a violation has occurred, after the initial 180 day transition phase, the Town of Winchester shall issue a warning notice to the Retail Establishment for the initial violation.
- 3.5 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.
- 3.6 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 and maintained in a revolving account and used to defray any of the costs of enforcement of this by-law.

#### **SECTION 4: COMPLIANCE**

4.5 All Retail Establishments located in the Town of Winchester shall comply with this by-law.

4.6 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.

4.7 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.

4.8 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.

#### **SECTION 5: HARDSHIP DEFERMENTS**

5.1 Upon written application, the Board of Selectmen, or their designee, after a public hearing and showing of hardship, may defer application of any section of this by-law for a period of no more than 180 days after the effective date pursuant to Section 4.3.

5.2 Hardship can be found when: 1) compliance with any section of this ordinance would cause significant economic or practical difficulty not generally applicable to similarly situated applicants; and 2) there is no readily available compliant substitute.

5.3 A deferment granted in accordance with this section may be extended by no more than 180 days after the effective date.

5.4 Any deferment application must be received two months prior to the expiration of the prior effective date.

5.5 A deferment application must include all information necessary for the reviewing entity to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The reviewing entity may require the applicant to provide additional information to permit them to determine facts regarding the deferment application.

5.6. Deferment decisions are effective immediately and are final.

**ARTICLE 14 BACKGROUND:**

The Town of Winchester has an affirmative duty to protect and preserve its natural environment, the economy and the health of its citizens; and single use plastic checkout bags have significant deleterious environmental impacts. The post-consumer environmental effects of single-use plastic checkout bags are detrimental to the public health of residents, marine life, wildlife and household pets. It is estimated that Winchester businesses distribute more than 1.5 million single-use plastic bags per year. Less than 5% of those plastic bags are recycled.

The goal is to encourage the use of reusable shopping bags. The use of single-use plastic checkout bags has increased dramatically in recent years and many of these bags litter the landscape and contaminate wetlands, rivers, lakes, and oceans; and, the world's oceans contains huge accumulations of plastic debris whose density is estimated to be as great as one million pieces of plastic per square mile; and

The land-based debris of the Town of Winchester, including litter (mostly shopping bags, packaging and single-use disposable products) is conveyed through storm drains and travels through local waterways to the ocean, where the plastic debris does not biodegrade in the marine environment. Once plastics enter our natural ecosystem, they break down into smaller and smaller pieces, attracting and bonding together to form high toxin concentrations which, in turn, harm marine animals when the plastic debris is mistaken for food and ingested or when the marine animals become entangled in the plastic debris; and single-use plastic checkout bags represent an unnecessary use of a nonrenewable resource (fossil fuels).

Plastic bag handling and sorting difficulties prevent any significant recycling percentage, and ultimately increases costs by burdening the efficiency of our recycling contractors. Reusable bags are considered worldwide to be the best option to reduce waste and litter, protect wildlife, and conserve resources. The Town of Winchester finds that a reduction in plastic bag use is in the best interest of public health, safety, and welfare, for the citizens of Winchester and the environment. It is the intent of the Town of Winchester to reduce the negative impacts noted above through the implementation of this new By-law;

*Majority vote required*

Town of Winchester  
Fall Annual Town Meeting



## **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)

**MOTION:**

**MOVED AND SECONDED** to see if the Town of Winchester will **ADD** a new Chapter to the Code of Bylaws entitled Outdoor Dining Bylaw.

**OUTDOOR DINING**

**SECTION 1: OUTDOOR DINING LICENSES**

1.2 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.

(e) 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.

(f) 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.

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

(h) 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.

**ARTICLE 15 BACKGROUND:**

The town center is a unique resource for the residents of Winchester. Studies related to the town center show a preference for increased restaurant activity. In helping to support this initiative, the Planning Board proposes that the Board of Selectmen be allowed to issue outdoor dining licenses at suitable locations within town center and also all other zoning districts. The goal of the bylaw is to set up a framework to allow for tables, chairs, and possibly bollards or vegetation to be placed in front of restaurants in a carefully conceived manner so as not to negatively affect the health and welfare of pedestrians, individuals who have mobility challenges, motor vehicles, or cyclists. Consideration for design aesthetics in addition to safety are of great importance.

Outdoor dining licenses could be issued only during the months of April through October and would need to be applied for every year. Conditions by the Board of Selectmen could be imposed on the applicant, and a review by the Board of Health, Fire Department, Public Safety Officer, Town Engineer, and the Town Planner are warranted for all applications. The Board of Selectmen may approve an outdoor dining license only 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.

*Majority vote required*

Town of Winchester  
Fall Annual Town Meeting



## **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)

### **MOTION:**

**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.

### **ARTICLE 16 BACKGROUND:**

#### **What it is:**

Community choice aggregation (CCA), also known as municipal electric aggregation, allows a town to use bulk purchasing power to negotiate electric supply on behalf of their residents and small businesses. Typically in Massachusetts, residents and businesses receive their utility's basic service supply by default. Communities with CCA can contract for rates and renewable energy content with competitive suppliers and obtain funds to provide energy efficiency services to residents.

#### **Goals:**

- Provide competitive and predictable electric supply rates for Winchester residents and businesses
- Offer consumer choice, cost protection, and local control - any resident or business may choose not to participate
- Transition to more renewable and stable supply, in alignment with the goals of Winchester's Climate Action Plan.

#### **Approval Process:**

- Town Meeting votes to approve
- Town issues RFP to hire an energy broker (at no cost to town)
- Broker develops aggregation plan with DOER (at no cost to town)
- Selectmen approve aggregation plan (with no obligation to choose a competitive supplier)
- DPU approves plan (at no cost to town)
- Broker issues RFP for competitive supplier
- Town may or may not opt to select competitive supplier

**Towns using or investigating Community Choice Aggregation:**

- Lexington
- Melrose
- Natick
- Cambridge
- Brookline
- Lowell
- Cape towns combined in Cape Light Compact

*Majority vote required*

Town of Winchester  
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## **ARTICLE 17**

To see if the Town will vote to establish a 75<sup>th</sup> Anniversary of December 7, 1941 committee.

(Town Manager)

**MOTION:**

**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 75<sup>th</sup> 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.

**ARTICLE 17 BACKGROUND:**

December 7, 2016 marks the 75<sup>th</sup> anniversary of the attack on Pearl Harbor and the beginning of the involvement of the United States into World War II. The Committee would work on suggestions for the Town's commemorating of these events, and would be expected to report back to Town Meeting in the Spring of 2016 with its workplan.

*Majority vote required*

Town of Winchester  
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**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)

*Majority vote required*

Town of Winchester  
Fall Annual Town Meeting



**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.

(Town Manager)

*Majority vote required*