

**Minutes of Regular Meeting
Select Board
Tuesday, June 23, 2020
Remote Online Meeting (Zoom ID 868 9257 9377)
Called to Order at 7:00 p.m.**

Remotely participating were Board members Laurie Bent, Harvey Boshart, and Christopher Houston, Chair. Also present were Town Manager Leon A. Gaumont, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, and Recording Secretary Kara Fleming.

Mr. Houston called the remote meeting to order and read the following:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Weston will be conducted via remote participation to the greatest extent possible. We will strive to provide access to such meetings via a link to call in, or other similar option. In the event we are unable to accommodate the same, despite best efforts, we will post recorded sessions of the meeting as soon as possible following the same. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.

Resident Comments

Ms. Mary Ellen Sikes said she has requested from the Board copies of emails citing support for the Select Board's decision to hold off on the Town Election and Town Meeting until September. She said Mr. Houston had stated at previous meetings that he received a lot of feedback from residents who were in support of holding off on the two events until September but only two residents who preferred June; to date, Ms. Sikes said she received a copy of only one email in support of the Board's position. Mr. Houston said he is not obligated to disclose private conversations or phone calls and said he has not heard from anyone who would prefer the election be held in June. Mr. Boshart added that he also had many conversations with residents who are either supportive of a September election or are impartial to the decision.

Joint Meeting with the Recreation Commission to Make an Appointment to Fill the Vacancy Left by Xingsheng Zhu. Candidates are Caucus Nominee Maija Cirulis-Gooch and Peter Hill

Melissa Crocker, Margaret Dorna, Julie Johnstone, Trevor MacDonald, and Elly Pendergast

Mr. Houston asked to take this item out of order to allow additional time for the candidate for items 2 and 3 to attend the meeting.

Mr. Houston explained that Xingsheng Zhu's term on the Recreation Commission is up this year and he is not seeking reelection; however, he chose to resign in light of the timing of the annual election. The Commission asked to have his seat filled and took a vote last week to fill Mr. Zhu's seat with the Caucus Nominee Maija Cirulis-Gooch. Under MGL, the vacancy needs to be filled by both the Commission and the Select Board after a one-week public notice. In this time, the Select Board received a letter of interest from Mr. Peter Hill. Mr. Houston opened the meeting for comment from the Recreation Commission. Ms. Melissa Crocker said Ms. Cirulis-Gooch's background was presented at the Caucus in March and since then she has been attending the Commission meetings and learning about Weston Recreation operations. Ms. Crocker said she is supportive of appointing Ms. Cirulis-Gooch. This sentiment was echoed by Mr. MacDonald and Ms. Dorna. Mr. Hill said he too is supportive of Ms. Cirulis-Gooch being appointed and

that he had heard Ms. Pendergast is looking to step down from the Commission. Ms. Pendergast said she will serve the remainder of her term, which expires this year.

MOTION: Ms. Bent moved to appoint Maija Cirulis-Gooch to the Recreation Commission to fill the vacancy left by Mr. Zingsheng Zhu and to serve until the Annual Town Election. 2nd by Mr. Boshart

Roll Call Vote: Recreation Commission - Ms. Pendergast, Ms. Dorna, Ms. Crocker, Ms. Johnstone, and Mr. MacDonald voted in the affirmative. Select Board – Mr. Boshart, Ms. Bent and Mr. Houston voted in the affirmative. **Approved unanimously**

Meet the Final Candidate, Teresa Young, for the Weston Cultural Council and Make Appointment. Other Candidates are Catherine Bassick and Sharada (Sonali) Tambe

Mr. Houston asked to take this item out of order to allow additional time for the candidate to attend the meeting; however, Ms. Young did not attend. Mr. Houston said the Chair of the Council said he was seeking an individual with local government experience and based on the interviews from the last meeting, he felt Ms. Tambe would make a good addition. Ms. Bent disagreed and said, while both candidates are excellent, Ms. Bassick had expressed eagerness in volunteering and was looking for her place in Weston so she would like to see her appointed. Mr. Boshart agreed with Ms. Bent regarding Ms. Bassick's eagerness to volunteer and asked if both candidates could be appointed. Mr. Houston said the chair, Anthony Butler, had initially stated he only needed one person but perhaps the Board could hold off on the appointment this evening so they could ask if Mr. Butler's preference had changed. Mr. Boshart and Ms. Bent agreed. Ms. Bassick expressed frustration with this decision, stating that she had been waiting since March to be interviewed and appointed and took exception to being made to wait, again. She asked the Board to make the appointment this evening. Ms. Bent said the decision to wait is to see if two can be appointed to the council. Mr. Boshart added that the Board needs to listen to the feedback of the council chair who is in a better situation to know the dynamics of his committee. Ms. Bassick again requested the appointment be made tonight.

MOTION: Mr. Boshart moved to appoint Sharada Tambe to the Weston Cultural Council for a three-year term expiring June 23, 2023. 2nd by Mr. Houston, who added that he will reach out to Mr. Butler to see if he would be amenable to two appointments.

Roll call vote: Mr. Boshart, Ms. Bent and Mr. Houston voted in the affirmative. **Approved unanimously**

Meet the Final Candidate, Teresa Young, for the Board of the Council on Aging and Make Appointments. Other Candidates are Paul Bau, Linda Johnson, and Wayne Johnson

Mr. Houston asked to take this item out of order to allow additional time for the candidate to attend the meeting; however, Ms. Young did not attend but she is currently serving as an Associate Member to the board. Mr. Houston said he had reached out to the co-chairs of the Board of the Council on Aging to get a better sense of the skills and background they are seeking for their board. He said he would like to appoint Ms. Johnson to the board. Regarding the second seat, Mr. Houston acknowledge that Mr. Johnson, who is currently an Associate Member, had been appointed to the board initially to fill a vacant term that only had one year remaining, so he served for a total of five years during his two terms rather than the standard eight years. Since then, the appointment process for new Council on Aging board members has been changed and terms begin anew rather than someone serving out the remaining time if the seat had been vacated. However, if Mr. Johnson is appointed, he will have served for a total of nine years. Mr. Houston said he would like to appoint Mr. Johnson with an understanding that he will resign after he serves three years. He added that he would very much like to see Mr. Bau appointed as an Associate Member. Ms.

Bent echoed Mr. Houston's reasoning and added that Mr. Johnson serves on the housing sub-committee of the Council on Aging and it would be good to keep him on. Mr. Boshart also agreed.

MOTION: Mr. Houston moved to appoint Linda Johnson and Wayne Johnson to the Board of the Council on Aging each to a four-year term expiring June 30, 2024, though with an understanding that Mr. Johnson will step down after three years. And further, to appoint Mr. Paul Bau, Teresa Young, and Melissa Galton as Associate Members, each for a one-year term expiring June 30, 2021. 2nd by Ms. Bent.
Roll call vote: Mr. Boshart, Ms. Bent and Mr. Houston voted in the affirmative. **Approved unanimously**

Meet with the Affordable Housing Trust:

- a. Review and Approve the Request for Proposal for the Disposition of Municipal Real Estate at 0 Wellesley Street for Affordable Housing Purposes and Approve the Conveyance the Property to the Affordable Housing Trust
- b. Approve the Local Initiative Program Application for Local Action Units at Brook School Apartments
- c. Discuss Process to Update the Housing Production Plan

Sarah Rhatigan, Chair, and Elizabeth Valenta, Regional Housing Services Office

0 Wellesley Street

Annual Town Meeting in 2018 authorized the Select Board to convey 0 Wellesley Street to the Affordable Housing Trust to develop for affordable housing. The parcel is municipal purpose land at the Corner of Wellesley Street and Route 20. The Trust has been working with an attorney to develop a Request for Proposal to solicit a non-profit developer to build up to six affordable homeownership units that will be respecting of the neighborhood and the Town's Zoning By-laws, as much as possible. Ms. Bent asked if only non-profits were expected to respond. Ms. Rhatigan said it is possible that a for-profit developer could submit a proposal but it is unlikely since it all of the units will be affordable housing with several constraints placed on the construction by the Town. Ms. Bent also asked how the quality of the building materials will be ensured. Mr. Houston said there is language built into the Request for Proposal to ensure building quality. Ms. Rhatigan added that Town staff will be overseeing the permitting and inspections.

MOTION: Mr. Boshart moved to approve the issuance of the Request for Proposal to select a developer for the disposition of 0 Wellesley Street for the purposes of affordable housing; and further, pursuant to the vote under Article 18 of the 2018 Annual Town Meeting, to convey 0 Wellesley Street, Map 28, Lot 104, to the Affordable Housing Trust, for the purpose of developing no more than six units of affordable community housing. 2nd by Mr. Houston

Roll call vote: Mr. Boshart, Ms. Bent and Mr. Houston voted in the affirmative. **Approved unanimously**

Local Action Units at Brook School Apartments

Ms. Rhatigan explained when Building D of the Brook School Apartments was built in early 2000s utilizing Community Preservation Act funds, the 24 rental units within that building were not added to the Subsidized Housing Inventory (SHI), which is what the state defines as affordable housing and how it measures a municipality's progress in creating affordable housing. The absence of these 24 units from the SHI has been in question for some time. Working with the Elderly Housing Committee and the Department of Housing and Community Development (DHCD), Ms. Valenta found that the local preference that is used when selecting applicants from the waitlist specifically for Building D did not meet state or federal requirements, which prevented the units from being included on the SHI; applicants with a Weston connection were considered prior to other applicants without that connection. Ms. Valenta has been working with the Elderly Housing Committee to set up a new waitlist lottery that will meet state

and federal requirement. Mr. Houston thanked the Housing Trust and Ms. Valenta for solving this long-standing issue.

MOTION: Mr. Boshart moved to approve the Local Initiative Program Application for the 24 Local Action Units at Brook School Apartments. 2nd by Ms. Bent.

Roll call vote: Mr. Boshart, Ms. Bent and Mr. Houston voted in the affirmative. **Approved unanimously**

Discuss Process to Update the Housing Production Plan

Ms. Rhatigan reminded the Select Board that Weston's Housing Production Plan (HPP) will expire in June 2021 and explained that the state approval process takes approximately six months. Given this timeline, she suggested the public process should begin by September in order to accommodate the required formal vetting through the Planning Board and the Select Board. When the plan was originally prepared, a Housing Production Plan Steering Committee was established and Ms. Rhatigan asked that a steering committee be re-established to update the HPP. Additionally, given the timing of appointing a committee and bringing on a consultant, Ms. Rhatigan asked if the Regional Housing Services Office (RHSO) could be used to update the housing needs demographics, which is a required element of the plan. The RHSO can begin the data collection now, which will provide a good head start by the time the consultant and committee are in place. Regarding the new committee, Ms. Rhatigan suggested the committee be limited to five members and would like to have a representative from the Affordable Housing Trust, the Housing Needs Subcommittee of the Council on Aging, and the Planning Board, which leaves two at-large seats for residents one of whom is preferably in real estate/development and one with affordable housing experience. Lastly, Ms. Rhatigan asked for administrative assistance given the tight timeline, heavy workload, and coordination of public meetings.

To satisfy presumed resident curiosity, Mr. Boshart asked why the HPP needs to be updated since the Town has claimed safe harbor. Ms. Rhatigan responded that the claim of safe harbor has not yet been accepted by the state and the claim is currently being contested, which could take some time to settle. In the meantime, the Town should demonstrate to the state its commitment to providing diverse affordable housing. The HPP would not specifically ward off large 40B developments but would show Town-preferred opportunities that work better for Weston than larger developments. Mr. Houston added that updating the HPP is a good exercise for the town to go through just to review the Town's status. Ms. Bent echoed the sentiment and described the process as good government in thinking about supporting diverse affordable housing.

Mr. Gaumond reminded the Board that the committee charge will need to be approved so advertising for the two at-large seats can begin. Mr. Houston asked Ms. Rhatigan to work with Mr. Gaumond to draft the charge for approval at the next Board meeting but to hold off on appointments until the early September meeting in case there are any residents who may be interested in serving but are out of town or potentially not paying attention to local news. Ms. Rhatigan asked if it would be possible to get the Request for Proposal out now so the consultant can be in place by the time the committee is appointed. Mr. Houston agreed and asked the Board to affirm moving ahead with the request for proposal for the consultant and to approve the charge at the July 14th meeting. Roll call: Ms. Bent, Mr. Boshart and Mr. Houston approved.

Continue Discussion of the Fiscal Year 2021 Operating Budget

Upon the request of the Finance Committee, Mr. Gaumond asked department managers to review their fiscal year 2021 budget requests to find reductions. The bulk of the proposed reductions were conferences and professional development costs, as well as some programming reductions in Public Works, Fire, and Conservation. The reductions totaled about \$850,000. The Finance Committee chair, Lisa Reitano, expressed disappointment with these reductions, saying the task was not taken seriously enough in the

light of economic uncertainty due to COVID-19. She continued to explain the overall percentage increase of the recommended budget is high even for a normal year. The Select Board had a lengthy conversation with Ms. Reitano, and John Sallay and Bharath Venkataraman, both of the Finance Committee, regarding the overall increase of the budget and the necessity of added expenses in a time of economic uncertainty. The Finance Committee cited examples from other communities who are struggling and furloughing staff. The Board pushed back that Weston does not depend upon a commercial tax base like many other communities so it is uncertain how Weston would be impacted, especially when there is a strong housing market in town. The discussion also included the use of comparator towns' budgets to Weston's budget and how the variances of services and median home values in those comparison reviews are misleading in a budget analysis. The Finance Committee asked that department managers take a hard look at what can be cut with the services managed by their departments. Mr. Houston did not disagree with the exercise but cautioned that town services that are offered are tied to home values, which is the majority of the tax base. Mr. Venkataraman of the Finance Committee asked the Board to defer the capital expenditures and hires, which accounts for approximately \$1.5 million, for this fiscal year. The Board pointed out that if these items are deferred, it would change the base and impact the next fiscal year by causing the overall budget percentage increase to enter the double-digits. Mr. Houston asked if the Finance Committee would take that percentage increase due to this years' deferrals into consideration for fiscal 2022. The conversation continued with no result. The Select Board requested that the Finance Committee develop a list of what it would like to see removed from the fiscal year 2021 operating budget and the conversation will continue at the next meeting.

Consider Request Seeking Relief to the Cemetery Rules and Regulations

The Select Board has received another request from a former resident seeking to purchase a two-casket lot in Linwood Cemetery. The individual lived in Weston for many years and was active within the community but was not eligible to purchase a lot when residing here. Further, his parents and sister are buried in Linwood. The Select Board discussed reviewing the regulations with the Park and Cemetery Supervisor to gain some clarity on capacity and potential modifications to the regulations. Mr. Houston asked to table this decision until the next meeting.

Discuss the Roadway Cutting Moratorium and Consider Request Seeking Relief to the Moratorium for 43 Pincroft Road

Mr. Houston informed the Board of a discussion he had with the Public Works Director and Deputy Director regarding the moratorium, acknowledging that these requests seeking relief are becoming too frequent especially with the increased roadway improvements combined with ongoing housing development and construction. During the meeting he learned that many communities have a five-year hold on road openings in new pavement and despite educating residents when roads are going to be paved and to plan ahead if they anticipate a need to cut into the road to access utilities, a newcomer will not likely be aware of it. He added that because many communities do have these moratoriums that property developers should expect Weston to have one and should be planning for it. Mr. Houston said he had been giving a lot of thought as to how Weston can protect the tax-payer investment of reconstructed roadways while not prohibiting new construction needing access to gas and water lines. The Select Board discussed taking an approach of monetizing the cutting request to cover the municipal cost of maintaining the road after cutting, as well as to a means to encourage better development planning to prevent the cutting request. He asked to table that decision until a future meeting so Board Members could consider this further. Mr. Houston asked the Board how to handle this specific request, given that the moratorium ends in four months. The Board discussed this further, taking into consideration the requestor's need to sell their other property ahead of the new school year.

MOTION: Mr. Houston moved to partially approve the request seeking relief to the roadway cutting moratorium at 43 Pineroft Road by allowing such cutting on or after August 15, 2020. 2nd by Ms. Bent
Roll call vote: Ms. Bent, Mr. Boshart and Mr. Houston voted in the affirmative. **Approved unanimously**

Mr. Houston asked Mr. Gaumont to schedule Public Works Director Tom Cullen to come to a future meeting to discuss a potential revision to Weston’s roadway cutting moratorium.

Review and Discuss Weston’s Updated Hazard Mitigation Plan and Vote to Send it to the Massachusetts Emergency Management Agency for Final Review and Approval

Ms. Bent reviewed the plan and provided a brief summary of the document that provides guidance to the Town to help reduce its losses and mitigate vulnerabilities due to natural hazards. The plan details a clear mission, a distinct set of goals, and 23 specific mitigation actions that will reduce the risk of loss of life or property from natural hazardous events such as severe winter storms, hurricanes, and flooding. The plan was developed in conjunction with the Municipal Vulnerability Preparedness (MVP) grant program, which will allow the town to seek additional state funding for climate change-oriented projects and planning. The Massachusetts Emergency Management Agency will review the plan upon the approval of the Select Board.

MOTION: Ms. Bent moved to forward Weston’s updated Hazard Mitigation Plan to the Massachusetts Emergency Management Agency for final review and approval. 2nd by Mr. Boshart.
Roll call vote: Ms. Bent, Mr. Boshart and Mr. Houston voted in the affirmative. **Approved unanimously**

Refer Potential Zoning By-law Amendment to the Planning Board

Town Counsel is recommending an amendment to the Zoning Bylaw to provide a dimensional exemption for Municipal Purpose Use communications towers, which will allow the Fire Department to install an 80-foot communications tower on the municipally-owned parcel located at 150 Highland Avenue.

MOTION: Ms. Bent moved to forward the potential zoning by-law amendment to the Planning Board for a public hearing. 2nd by Mr. Houston
Roll call vote: Mr. Boshart, Ms. Bent and Mr. Houston voted in the affirmative. **Approved unanimously**

Approve Order of Taking for Merriam Street Sidewalk Project

The Engineering Division was able to obtain the final easements in order to advance the sidewalk project on Merriam Street, which will connect the existing sidewalks that dead-end at Sunset Road and Westland Road. The Department of Public Works is ready to begin this project as a part of the roadway reconstruction.

MOTION: Mr. Houston moved that the Board approve the Order of Taking for the Merriam Street sidewalk project, and authorize Town Counsel to record the document with the Middlesex South Registry of Deeds. 2nd by Mr. Boshart
Roll call vote: Ms. Bent, Mr. Boshart and Mr. Houston voted in the affirmative. **Approved unanimously**

Consent Agenda

Mr. Boshart moved the consent agenda as follows,

Approve minutes from the following meetings: March 17, 2020 regular session and March 24, 2020 regular session.

Approve a request from the Weston Public Library to accept a distribution of \$8,000 from the Nathalie and Theodore Jones Charitable Trust, a gift of \$50 from James Perkins, and a gift of \$500 from Dee and Andrew Freiberg, all to be applied to the Library General Purposes Fund.

Approve a request from the Council on Aging to accept \$15 from Tahera Razvi, \$30 from Mary Ellen Lavenberg, \$30 from Maureen Hines, and \$15 from Lanna Yuen, all to be applied to the Miscellaneous Gift Account. And further, to accept \$50 from Lance Wong Jayne for the COA Van to be applied to the Transportation Gift Account. And further, to accept \$15 from Alison Weinstock and \$10 from Paul Angiolillo, both to be applied to the Food Pantry.

Approve a request from the Weston Police Department to accept a gift card of \$50 from Casey Stirling in recognition of National Police Week.

Accept a donation of \$200 from Habib Rahman to be applied to the Merriam Fund for the Silent Poor.

Designate the Polling Location for Precincts 3 and 4 to be the Great Room of the Community Center at 20 Alphabet Lane for the September 1, 2020 State Primary and the November 3, 2020 Presidential Election, and reconfirm the Polling Location for Precincts 1 and 2 in the Auditorium of Town Hall at 11 Town House Road.

Accept the resignation of Marilyn Doyle from the Tree Advisory Group effective June 30, 2020

Roll call vote: Ms. Bent, Mr. Boshart and Mr. Houston voted in the affirmative. **Approved unanimously**

Acknowledge Receipt and Respond to the June 5, 2020 OML Complaint

This complaint claims the executive session minutes from February 12 and 26 of 2019 were insufficient in detail. Town Counsel disagrees with the complaint, arguing that the executive session minutes contain sufficient detail, and further, when taken in conjunction with the regular meeting minutes from those dates, a reasonable person would be able to understand what was discussed. Mr. Houston said in an effort to move past the whole ordeal from last year, he added some additional detail to the executive session minutes and asked the Board to approve the updated version. Mr. Houston acknowledged that Ms. Bent was not on the Board at the time of the discussion. Ms. Bent chose to abstain from approving the revised minutes.

MOTION: Mr. Houston moved to approve the update of the executive session minutes of February 12 and 26 from 2019. 2nd by Mr. Boshart.

Roll call vote: Mr. Boshart and Mr. Houston voted in the affirmative. Ms. Bent abstained. **Approved**

MOTION: Mr. Houston moved to authorize Town Counsel to prepare and submit a letter and authorize Mr. Houston to work with Town Counsel on the final draft. 2nd by Mr. Boshart.

Roll call vote: Ms. Bent, Mr. Boshart and Mr. Houston voted in the affirmative. **Approved unanimously**

MOTION: Ms. Bent moved to adjourn. 2nd by Mr. Boshart

Roll call vote: Ms. Bent, Mr. Boshart and Mr. Houston voted in the affirmative. Approved unanimously

Meeting adjourned at 10:47 p.m.

Laurie A. Bent
Clerk

Note: A copy of all documents, explanatory material, and exhibits presented to and used by the Select Board as part of this meeting are attached to the approved minutes