

**Minutes of Regular Meeting
Select Board
Tuesday, June 27, 2023
Remote Online Meeting (Zoom 814 6653 9061)
Called to Order at 6:30 p.m.**

Remotely participating were Select Board members, Chair Laurie Bent, Christopher Houston and Thomas Palmer. Also present were Town Manager Leon A. Gaumond, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, Assistant to Town Manager, Michelle LeBlanc, PAYT Working Group Member David Ayer, Conservation Administrator Jordan McCarron, Conservation Commission Candidate Robert Mosher, and Friends of the Josiah Smith Tavern Representative Con Chapman.

Ms. Bent called the remote meeting to order and read the following:

Under current state law public bodies may continue holding hybrid and fully remote meetings, without a quorum of the public body physically present, as long as adequate, alternative access is provided. Information about how to join a hybrid or fully remote hearing will be included in the required Open Meeting Law posting.

Resident Comments: None

PAYT (Pay As You Throw) Update

Ms. Bent noted that the Town had issued information about the Transfer Station Stickers. The Town is transitioning to a calendar year Transfer Station Permit. The cost is still \$5 for the initial sticker. They will be available this fall and will be valid through 2024.

David Ayer, Chair of the PAYT Working Group, shared the Town's experiences with PAYT to date. The PAYT Program was implemented in September 2021. The reason for the implementation of this program was to reduce the Town's residential solid waste. Massachusetts has closed three landfills, leaving only seven active landfills which are operating at or close to capacity. Some of Massachusetts's solid waste must now be incinerated or trucked to other states. Massachusetts DEP (Department of Environmental Protection) made a Solid Waste Master Plan Goal to reduce solid waste tonnage by 30% by 2030. DEP created strategies, including PAYT, to help achieve this goal by offering incentives to Towns for participating. The PAYT program promotes equity among residents by charging for disposal based on the amount of trash a household generates., Under the PAYT pricing schedule adopted by the Town, the PAYT Committee estimated that households would pay about the same amount for trash disposal as they did before PAYT was adopted. Generally, the Town strives to cover about 70% of the costs of running the Transfer Station through fees charged to Transfer Station users. The PAYT bag fees were initially set at \$4 per 30-gallon bag and \$2 per 15-gallon bag, with no sticker fee. A fee for disposing of bulky waste was adopted a few months before PAYT was adopted.

The data shows that total Solid Waste at the Transfer station has dropped from over 1,400 tons in FY 2020 to just over 600 tons estimated for FY 2023. Recycling tonnage has also dropped slightly, from just under 1,000 tons in FY 2020 to just over 800 tons in FY 2023. The estimated solid waste per household has dropped from about 1,700 pounds to about 800 pounds. This figure is based on about 1,700 participating households in FY 2020, dropping to about 1,550 participating households in FY 2023. However, Mr. Ayer cautioned that since stickers were free to all households in the first year of the program, the number of actively participating households may not be accurate. In FY 2023, the Town instituted a \$5 per household sticker fee to try to get a better count of the number of households that actually use the Transfer Station.

Mr. Ayer highlighted the success of the composting program at the Transfer Station. The composting numbers in the first year of the program, FY 2021, were 15.6 tons and increased to 60 tons in FY 2023, now accounting for 8.7% of total solid waste. Overall, Mr. Ayer estimated that PAYT led to a drop in Weston's per household solid waste of between 30-50%. This drop is in line with the experience of other similar communities.

In discussing the financial aspects of PAYT, Mr. Ayer noted that the Town has an advantageous tipping fee contract that has held the tipping cost steady for several years. However, hauling costs increased 20% from FY22 to FY23. Recyclables also played a part in the increased costs of what is being hauled out. The recycling market is volatile: in FY 2022, the Town made money on recyclables, and in FY 2023, recyclables will be an expense, creating a budgetary difference of over \$40K between FY 2022 and FY 2023. Currently, the market is not great for recyclables. The Transfer Station is taking steps to minimize the cost of recyclables by separating cardboard from mixed paper and changing the hauler in an effort to lessen costs of hauling recyclables. Mr. Ayer observed that PAYT bag fees are not covering the Select Board's goal of 70% of Transfer Station expenses.

Mr. Ayer would like the Town to promote usage of the Transfer Station as a responsible method to dispose of solid waste and recycling in an effort to get more residents to use the Transfer Station rather than hiring private trash haulers. He suggested using the Town website/email list server and the Tax Bill Flier inserts. He proposes highlighting Transfer Station features, such as transparency in the way solid waste is handled and the community-building aspect of the Swap Shed to promote Transfer Station usage. He wants residents to be informed about cost savings using Transfer Station versus private haulers. The Board of Health regulates and licenses private haulers. Mr. Palmer asked if we had data on how the usage of private haulers has changed since PAYT was implemented. Mr. Gaumont said the Town has been trying to get that data for a couple of years but has met with resistance. He is hoping to make it a requirement to show this data when private haulers renew their license with the Board of Health.

Ms. Bent said that the manner in which data is collected in every municipality, as mandated by MassDEP does not provide the most accurate information on the number of households using the Transfer Station. Accordingly, we cannot conclude that the solid waste per household in Weston has declined by half, from over 1,600 pounds per household to 800 pounds per household. We know that we are probably overcounting the number of households that use the Transfer Station to dispose of solid waste. Nonetheless, the decline in solid waste numbers indicate that Weston is headed in the right direction in reducing Solid Waste per household.

Resident Bharath Venkataraman said he was a happy user of the PAYT program. He asked why the solid waste went down from 2022 and 2023. Mr. Ayer said there is no evidence of why that occurred. He said there may be an assumption that the users stayed the same. Ms. Bent noted that when the program first started, everyone was given a PAYT Sticker free of charge. They wanted all residents to use the PAYT Program. The following year, residents had to pay \$5 for the first sticker. Mr. Ayer also mentioned that we might be able to collect better data once the year concludes and we can compare two years of charging \$5 to PAYT Sticker holders.

Ms. Bent said that use of the Transfer Station is dropping, which is a concerning trend, since running the Transfer Station has fixed costs. The financial numbers will not hold up if usage continues to drop. Ms. Bent observed that beyond the Transfer Station budget, there are ancillary reasons to promote Transfer Station usage, including community-building, Swap Shed usage, and responsible trash disposal.

Mr. Palmer said that we need to get better data on the usage of PAYT so we can get better incentives and pricing going forward. He suggested the PAYT Committee focus on those areas. Ms. Bent noted that because PAYT was a controversial program in the beginning the decision was made to make the Transfer

Station free to all users. Imposing fees for the stickers in the second year was motivated by the desire to get better information about usage; however, some of the households with stickers may be using the Transfer Station for recycling and compost but not for solid waste.

Mr. Venkataraman suggested that the Town could improve the data on number of Transfer Station users by reaching out to the high school Engineering Dept to see if some students can create a people counter and count the bags people are bringing to the Transfer Station. He said it would not collect personal information, just the number of bags a person brings to the Transfer Station. Mr. Venkataraman proposed raising the cost of the trash bags to reach to the target of covering 70% of the cost of running the Transfer Station. Mr. Ayer said the total Transfer Station cost in 2022 was \$440,000, and bag fees covered about 65% of that cost, but with the recyclables and costs rising dramatically in FY 2023, to date we are covering only about 50% of Transfer Station costs with bag fees. Mr. Gaumont suggested that perhaps we should change the metric to avoid the volatility of the recyclable commodities market. Ms. Bent said that raising the bag prices would have to be a policy and a Select Board decision. She would not want to raise the cost of trash bags and lose more people. Mr. Venkataraman voiced his concern about asking private haulers about sharing data they would necessarily not provide. He felt that it was unfair.

Resident Rob Mosher asked if we could raise the private haulers license fees so there is more incentive to use PAYT. Mr. Gaumont said the Board of Health is the licensing authority for the private haulers. There might be some legal concerns around how the licensing fee, and services rendered are tied together, and the administrative fees. There might be some flexibility to raise the fee, but it is something that will have to be reviewed.

Ms. Bent noted that Mr. Ayer has now moved to Sudbury. She has enjoyed working with him on the PAYT Program, in both the Working Group and the Implementation Group, and appreciates his service to the Town. She also mentioned that the Select Board will have to take under consideration the PAYT Update information to make decisions; no decisions will be made this evening.

Interview for Conservation Commission Candidate: Robert Mosher

Mr. Mosher grew up in Weston. He enjoys all the trails, and the open spaces Weston has to offer. He wants to help contribute to making these places special. He has served on the Board of Land's Sake. He is a member of the Rotary Club, which took on a special Conservation Project that he has helped lead. The project is to reclaim the Sears Field from invasive species. Mr. Mosher said it is going well, and they are making a lot of progress with clearing the Field.

Mr. McCarron said Mr. Mosher had attended the Conservation Commission Meeting on June 20, 2023. At the meeting, the Conservation Commission enthusiastically and unanimously voted to recommend Mr. Mosher for appointment. Mr. McCarron said that if Mr. Mosher is appointed this evening, he would be replacing Mr. Josh Feinblum, (who recently moved out of Weston). Mr. McCarron said that it is good to have new blood on the Conservation Commission. He also said that Mr. Mosher's experience and interests are very helpful. He hopes the Select Board decides to appoint Mr. Mosher this evening.

MOTION: Mr. Houston moved to appoint Robert Mosher to the Conservation Commission to fill the vacancy to expire on June 30, 2024. 2nd by Mr. Palmer.

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

Mr. Gaumont wanted to make note that the Present Findings of the Public Tree Management Plan will not be discussed this evening due to extra time needed. This will be moved to a later date.

Update on JST Project and consider license agreement for WFTA (Weston Forest and Trail Association)

Con Chapman said the Friends of the Josiah Smith Tavern (JST) was a non-profit group formed back in 2015, which was responsible for getting approval at Town Meeting for renovations on the Tavern and Old Library. Up until recently, there hasn't been much activity with the Friends of the JST. Con Chapman was happy to report progress at the JST. Con Chapman said the group is active again, and they are entering the commercialization phase of the JST. They have increased their board size from 6 to 10. He said the four new members have experience and knowledge in retail, insurance, alcohol licensing, real estate and law. They have already met in May and June. They also have meetings scheduled in July and August. He said Henry Stone is the President for 2023-2024. He will be the face of this project; Pam Swain is the Treasurer. He said they have raised \$2,500 in the last two months. He said costs of running a non-profit is not cheap, he cited paying for the website, and additional items. They had two site tours for the new board members which helped them understand the building a lot better. The group did garden clean up around the JST. The website is under construction.

Ms. Bent asked Con Chapman to run through the list of the Committee/Board Members, and he named them as follows: Al Aydelott, Adrienne Giske, Con Chapman (himself), Henry Stone, Pam Swain, Leslie Vensel, Terry Eastman, George Hanson, John MacDonald and Jay Valenta. Ms. Bent said this was great to hear, and there seems to be a lot of positive new energy with this new group.

Mr. Palmer said he is pleased with the new level of expertise that the Friends have brought on board, along with those who have already been involved, especially in the next step of preparing for commercialization. Mr. Palmer wants to get the building used. He said that as temporary short-term use, with helping with safety and security that the investment is being used, some of the non-profit groups are leasing out space in the JST.

Ms. Bent asked long-time Friends of the JST Members Mr. Aydelott and Ms. Giske what they thought of the newly formed members of the Friends of the JST. Ms. Giske stated that she was pleased with the new group. She stated the new group will break down into further groups which will be beneficial to the JST and everyone understanding their roles. One group will deal with the business/commercial leasing, one group will deal with the building and another group will deal with the re-assessment of the performance. The building group will feed data to the commercial group so they can understand the operations costs, performance and what's permitted in the building. She said the group is excited to get the restaurant business part operational.

Mr. Gaumond stated that over the past couple of years, the Select Board has met in Executive Session to discuss what to do with the non-profit groups. Mr. Gaumond said the original Friends of the JST bid included three non-profit groups to be housed in the JST building. One of the non-profit groups, Weston Forest & Trail Association, is ready to move in on July 1st and has been working with Mr. Gaumond and Mr. Palmer on finalizing the draft lease agreement. The other two non-profit groups, Weston Community League and Weston Historical Society, are still in discussion, and are not at the point of moving in. Mr. Gaumond stated that he worked closely with Ms. Giske to ensure that the lease outlined the rules for the groups to adhere to, and those that are moving in would be good stewards of the building. This includes being respectful of the work and investments the taxpayers have made in this building.

Mr. Palmer wanted to highlight a couple of items with respect to leasing out the JST. He stated that leasing out the space can help with the costs of landscaping, heating and cooling. Mr. Palmer noted that Weston Forest & Trail Association, along with the other two non-profits, need to have a partnership with the Friends of the JST so that a longer-term lease can eventually be negotiated. Mr. Palmer said that the

Friends of the JST will have to manage the relationship between the tenants and make it work in conjunction with the restaurateur so that the entire building can function economically.

MOTION: Mr. Palmer moved to approve the license agreement for the lease of space at the JST to the Weston Forest & Trails in its current form, and to authorize the Town Manager and/or Town Counsel the ability to make non-substantive changes to the agreement before finalization. 2nd by Mr. Houston.

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

Update on Cemetery Regulation changes and Consider Request for Cemetery Waiver

Mr. Houston said he previously had a discussion a couple months back with DPW's Parks and Cemeteries Supervisor, Jackie Jackson regarding cemetery regulations and the need to update them, along with cemetery waivers (including those which should or should not be granted). Mr. Houston said there are indefinite vacancies, which were lots purchased in the 1970's, and there is very little chance those will ultimately be used. Mr. Houston said the Select Board will have to consult with Town Counsel about options with respect to being able to get some of the existing unused vacancies, especially if there are state laws in place. Mr. Houston wants to explore if there could be the potential for buying the unused plots at fair market value. Mr. Houston would like Town Counsel to advise on potentially having to renew the plot deed every so many years, until it is used, then it would be permanently yours. Mr. Houston would like to see how many unused vacant plots there are, so they can better tailor the needs of the Town for burial plots since there are not an abundance of plots. Mr. Houston wants to review the current policy which states anyone who is 65 years old and lives in Town is able to buy a plot. Mr. Houston explained how this can be problematic. Mr. Houston provided the example where someone who has lived in Weston for many years, was actively involved in Town and moved out of Town but forgot to purchase a plot. Under the rules, the person would not be allowed to purchase a plot. When this came up in the past the Select Board granted a waiver. Mr. Houston also pointed out that there are residents, 65 years old and up, who just move to Weston and purchase a plot. Mr. Houston brought up the point of why allow people to buy the plots before the need arises, in case they move out of town in the interim. They should let the family apply for the plot only once it is actually needed. Mr. Houston stated that a more detailed discussion will be needed to address updates to the cemetery regulations. Mr. Houston noted that life expectancy has increased, people are living longer, so the need for purchasing a plot earlier may not be as dire. He also wants to remain sympathetic to those who are getting up in age and would like to have the plot taken care of instead of the burden falling to the family.

Mr. Houston stated that one of the proposed ideas for an update to the cemetery regulations would be to raise the age limit from 65 years old to 75 years old to purchase a plot, in addition the person would have to be living in Weston for 5 years. He felt that 75 years old would be a good age to indicate that you would want to be buried in Weston. Another idea, would be all other plot purchases for those under 75 years old, would have to be an at-the-time-of need basis. Mr. Houston continued to say that if a person had a terminal illness and they wanted to be buried in Weston, the person would have had to live in Weston for at least 20 years. These 20 years could be over the course of their lifetime, including but not limited to childhood years. Mr. Houston said there still may be other cases that will want to go before the Select Board under a waiver. He also stated that the Town Manager should be able to grant waivers, and if there are cases that seem more involved, then the Select Board would review it. Mr. Houston noted that the Cemetery Supervisor should not have to make the call as to whether someone should be granted a plot when they do not meet the age requirement.

Mr. Palmer stated he liked the idea of having the Town Manager being able to address some of the waiver requests. He would like to see the data on what cemetery has for availability for plots. He wants to inventory manage the available plots, find ways to recycle the unused plots, and reduce the number of

vacancies going forward. Ms. Bent felt these were reasonable updates to the cemetery regulations. She feels that the recent waivers they have been dealing with have helped shape these updates. She said the guidelines will also help the Town Manager have discretion. She agreed the Cemetery Supervisor should not have to deal with making the judgment call.

Mr. Houston provided another update: he and the DPW decided not to go forward with the Columbarium idea at the cemetery. He said they may revisit the idea in the future. Mr. Houston stated there was not enough support for it at this time. He said the cemetery lot fees need to be increased, they are lower than average or private fees. He feels the pricing range should be in line with the surrounding towns fees. Ms. Bent agreed with the need for the increase of the cemetery fees.

Resident Melissa Crocker stated she spoke with someone from a funeral home in Winchester, Ma and they have additional fees associated with their burial services. She stated they have fees for the plot, and fees to be buried at the plot. She said the fee is more if you are not buried there. She suggested that be an idea to consider for the price increase for the Weston cemetery fees.

Resident Nina Danforth wanted to make everyone aware about the scattering garden area in the cemetery where people can have their ashes laid. Ms. Danforth stated ashes do not take up as much space as a plot, and it allows people the option to have their ashes in a beautiful area. Ms. Danforth stated she felt a lot of people did not know of this option. Mr. Houston stated there was no discussion to change the regulations for the Scattering Garden since there has not been a reason to since it has been working well. Ms. Bent asked if the age restriction might get changed. Ms. Bent said as more people become aware of using the cremation, the Town may be able to get more natural space for ashes to be placed. Mr. Houston stated that there might be consideration to adjust the age restrictions for the Scattering Garden. Mr. Houston stated that he would continue to work with DPW on updating the cemetery regulations.

Consider Request for Cemetery Waiver

Resident Ms. Crocker stated that her mother, Deborah Toppan, had previously purchased a cemetery plot at Linwood Cemetery with the intention of having it be used for her friend, Nancy Foster. Ms. Foster grew up in Weston, however moved away when she went to college. Ms. Toppan was told by the worker at DPW at the time she was allowed to purchase the plot for her friend. Ms. Foster recently passed away, and her family member was told by DPW that Ms. Foster would be allowed to be interred there. Ms. Crocker reached out to the Select Board to see if a waiver could be granted so Ms. Foster could be buried at Linwood Cemetery. Ms. Crocker pointed out that even though Ms. Foster moved out of Weston, she still was actively involved in the Town including school activities, reunions, etc. until the time of her death.

Mr. Houston wanted to point out that the reason the DPW said Ms. Foster was unable to be buried in Linwood because the way the rules and regulations were written. When one purchases a plot, its intended usage is for themselves, or family. Mr. Houston continued to say he would still like to approve the waiver since Ms. Toppan does not want the plot.

MOTION: Mr. Houston moved to authorize the DPW and Town Manager to take steps necessary for Nancy Ruth Foster to be buried in the plot currently owned by Deborah Toppan 2nd by Mr. Palmer.

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

Consent Agenda

MOTION: Mr. Houston moved the Consent Agenda (minus the Water Tank Site Minutes, Mr. Palmer is recusing himself from the January 24th minutes due to him not being on the Select Board at the time) as follows. 2nd by Mr. Palmer.

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

- Approval of minutes
- Vote to approve Memorandum of Agreement to Extend PEC Bargaining Period
- Vote to approve blind driveway signs for Newton & Sherborn
- Vote to approve request from WHS to accept bench back stored as Case Estates Building
- Vote to approve regulatory agreement for Village at Silver Hill Project
- Vote to send 2023 ATM Article 22 to the State Legislature for consideration.
- Approve request from Bikes Not Bombs for a permit to occupy roads, as presented to the Select Board for the 36th Annual Bike-A-Thon event being held in the Town of Weston on Sunday, September 10, 2023.
- Accept gift received from Nathalia and Theodore Jones of \$9000, to be applied to the Library General Purposes Fund.
- Accept gift received from John Vitiello of \$53, to be applied to the Art & Innovation Center gift fund.
- Accept gift received from Sally Utiger of \$1000 and \$103 from John Vitiello, to be applied to the Council on Aging Miscellaneous Fund.

Meeting Adjourned at 8:51 p.m.

Thomas Palmer
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