

**Minutes of Regular Meeting
Select Board
Tuesday, July 28, 2020
Remote Online Meeting (Zoom 884 4602 1471)
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. Gaumond, 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. Sonya Nersessian of Young Road asked the Select Board to reconsider the temporary leash order on conservation land, a request shared by many who visit the Ash Street reservoir. Ms. Bent mentioned that the Conservation Commission has control over the properties and the Town Manager shared that the Emergency Management Team will be reviewing this in August.

Ms. Tricia Liu of Indian Hill Road asked for guidelines for how individuals are appointed by the Select Board to volunteer boards and committees so the public would have some understanding of how this process is conducted. She specifically mentioned how members of the Finance Committee and the Select Board communicate with each other.

Ms. Diana Chaplin of Love Lane asked if the Love Lane cut-through traffic issue is being considered by the Traffic and Sidewalk Committee and in time for the upcoming hearing on the 751- 761 Boston Post Road 40B hearing, reminding the Board that a survey of the neighbors was promised. Mr. Houston said he is working on a survey to gauge the neighborhood's support for certain road safety measures and he will notify the Zoning Board of Appeals on the matter.

Follow-up on the Closure of the Direct Access Ramps To/From the Mass Turnpike, as Required by Section 2(A) of the Development Agreement for 20 Riverside Road

Mr. Gaumond reminded the Board that he was approached by Mr. Kevin Sheehan, the realtor representing the potential occupants of the former Liberty Mutual building, to ensure the agreement the Town had with Liberty Mutual had been satisfied; particularly section 2(a) that the Town acknowledges the state's Department of Transportation's decision to decommission the Massachusetts Turnpike access ramps that were used in the past by the Weston Fire Department. Mr. Gaumond spoke with Town Counsel since the Town did not consent to the removal of the ramps. As such, they proposed a statement, in cooperation with Greatland Realty Partners, to be considered by the Town. Mr. Sheehan shared his support for the compromise statement having worked with Town Counsel on this statement.

MOTION: Ms. Bent moved to approve the following statement as prepared by Town Counsel: Greatland Realty Partners, the potential assignee from Liberty Mutual of the 20 Riverside Road ground lease, has requested the Select Board's formal consent to the Massachusetts Department of Transportation's (MassDOT) closure of the direct access ramps to/from the Turnpike, as required by Section 2(a) of the May 2, 2000 Development Agreement for 20 Riverside Road. Liberty Mutual had leased 20 Riverside Road from MassDOT for the last nearly 20 years. The Select Board acknowledges that MassDOT unilaterally removed the direct access ramps and, therefore, that Liberty Mutual is not in violation of the Development Agreement and the 20 Riverside Road improvements can continue to be used and occupied in accordance with the terms of the Development Agreement. However, before granting its formal consent to the closure of the direct access ramps, the Select Board has requested that MassDOT grant to the Town access rights to/from the Turnpike as necessary for Town emergency vehicle turnaround. Greatland Realty Partners has indicated its support of the Town's request and has committed to reasonably cooperate with the Town in seeking access rights from MassDOT. 2nd by Mr. Boshart.

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

Department of Public Works Plans for the Intersections of Route 117/North Avenue at Merriam and Church Streets

Steve Fogg, Town Engineer

Mr. Fogg informed the Board of the traffic consultant's recommendation to create a flush, painted island, which would provide a low-cost safety improvement to the subject intersection. The roadway demarcation would help define the path of travel according to Mr. Fogg. Upon review, this may lead to future improvements, such as a raised island or flashing beacon as alternatively recommended by the consultant. Ms. Bent pointed out this situation exists in other locations as well, such as Conant Road, and mentioned that brush may need to be cut back. Mr. Fogg will look at Conant Road. A comment was raised by an abutter to the intersection, Mr. Eric Rosenthal, regarding the desire to see the review after six months instead of two years and for speed data to be included.

Moving on to North Avenue at Church Street, Mr. Fogg said the consultant is recommending a Rapid Rectangular Flashing Beacon system to assist pedestrians in crossing this busy intersection. Funds are available for the installation at the existing crosswalk. The device is push-button activated, solar-powered with wireless communication between signals. An additional system is also proposed for the westbound approach some distance west of the intersection due to the obscured view of the crosswalk from that direction. Three immediate abutters have been advised of the proposal, and there is a mixture of opinion on the installation due to concerns over noise and brightness at nighttime. The Select Board felt this was an appropriate course of action. Ms. Alicia Primer of Church Street expressed her concern over the unsafe crossing at Kendal Green and feels this should be studied together.

MOTION: Mr. Boshart moved to proceed with the installation of a flush island on the western section of North Avenue where it intersects with Merriam Street as presented by the Town Engineer. And further, moved to approve the installation of a Rapid Rectangular Flashing Beacon system at the existing crosswalk on North Avenue at the intersection of Church Street. 2nd by Ms. Bent.

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

Before moving on, Mr. Houston thanked Mr. Fogg for his work on the Merriam Street sidewalk project.

Excessive Water Bill Complaint

Mr. Gaumond introduced Ken and Vicky Lang of Boston Post Road who had received a water bill that was significantly higher than typically seen. The Lang's explained that the water was not used purposefully due to a leak from an old pipe in their garage and it does not appear to be a problem with their meter; however, while Mr. Lang acknowledged that the water went through their meter, he felt that it would be unfair to charge them at the highest rate and requested they be charged at the lowest tier rate.

MOTION: Ms. Bent moved to grant an abatement to the Lang's for the next two invoices by taking their highest six-month usage over the past five years, applying that number under the current billing system, and then charging the lowest water rate for any water usage over that amount. 2nd by Mr. Boshart.

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

Town Election/Town Meeting Survey, Scheduling, and Logistics

Mr. Boshart recused himself from the discussion on the Town Election.

Due to the ongoing public health emergency and with little guidance from the state, Mr. Houston explained that the Board, working through Town Counsel, requested a court order to hold the Annual Town Election in September, and the favorable decision is expected shortly. Further, several Town employees are reviewing Proctor Field at the Weston High School as the site for an outdoor Town Meeting. He then presented the results of a Town survey that demonstrated community support for an outdoor Town Meeting on a Saturday afternoon and strong objection to an indoor proceeding. Mr. Houston was pleased with the number of respondents to the survey and suggested a Saturday afternoon for Annual Town Meeting with a rain date on Sunday afternoon. Mr. Houston asked about the outdoor venue review. Mr. Yanakakis said she had been reviewing the idea of a drive-in model, similar to that of the High School graduation, as well as the possibility of obtaining a large tent. These details are being worked through over the next few days.

Mr. Houston and Ms. Bent discussed dates and times for the Town Election, favoring the idea of holding the election on Thursday before Annual Town Meeting. Due to the vote by mail option and the need to accommodate in-person voting, Mr. Houston suggested the polling hours be limited for the safety of the election workers. The Select Board will set the dates at their meeting on July 31st.

Fiscal Year 2021 Budget and Guidance to Town Manager for Town Meeting Warrant Articles (including Budget Articles, Consent Agenda, and Other Articles, for Final Approval at July 31 Select Board Meeting)

Mr. Boshart informed the Board that he and Mr. John Sallay of the Finance Committee have been meeting to discuss a compromise on the fiscal year 2021 recommended operating budget to ease Annual Town Meeting discussion in light of public health concerns over large gatherings. Their mutual goal is to reduce the operating budget by \$2.35 million. He explained the compromise, as follows:

- purchase the replacement ambulance given the \$100,000 donation to support the purchase
- OPEB contributions to be reduced roughly by half of the original request and not spent until the expenses stemming from coronavirus transmission precautions at the schools are known and the school budget is sufficient to cover those
- roadway improvement funding is decreased to \$1.5 million

- the Sustainability Coordinator will not be funded until January
- the Fire Department will add one firefighter this year and the second one next year
- The request to reduce the additional hours for a Conservation Assistant is still being discussed; however, the request for funding a wetlands by-law and fire access road work on conservation land has been withdrawn so Mr. Boshart will continue working toward the staff request
- The Assistant Town Planner and Senior Center Program Coordinator positions will remain
- The Town and School network improvement project is being proposed as a borrowing article for the Select Board's consideration rather than the use of free cash

Mr. Gaumont further recommended that the Select Board consider the compromise in principle as also recommended by the Finance Committee and thanked Mr. Boshart and Mr. Sallay for their hard work toward reaching a compromise. Ms. Bent also thanked those involved and said she supports the idea of borrowing for the network project and other compromises raised provided that the additional hours for a Conservation Assistant is not removed. She also supports the compromise on the hiring of a Sustainability Coordinator but does not support any operational oversight of the position by the Finance Committee. Mr. Houston concurred with these sentiments and cited the recent Town Meeting survey, which showed support for a quick meeting. He said he supports the network article as a borrowing project given current low-interest rates. However, Mr. Houston said he has a different metric on evaluating the effectiveness of a Sustainability Coordinator and pointed out the intangible benefits of the position as well as possible dollar savings. He asked about some of the conditions being suggested by the Finance Committee as part of the compromise.

Ms. Lisa Reitano, chair of the Finance committee, expressed her displeasure over the Conservation staff discussion and said it was her understanding that Mr. Boshart supported the reduction. She continued to say the Finance Committee supported this compromise and does not know if it will support this as amended. Mr. Sallay also expressed frustration and said the proposed compromise may not be acceptable to the Finance Committee. There was a discussion on the numbers used to develop the hours for the Conservation Assistant with a disagreement over approximately \$24,000. Mr. Boshart offered to reduce the OPEB contribution accordingly to maintain the compromise. Mr. Houston further offered an additional \$18,000 from the roads budget and \$18,000 from OPEB as a sign of goodwill. After discussion, the Board authorized the Town Manager to make the necessary amendments to the budget for approval at an upcoming meeting.

The Board next discussed warrant articles to include in the consent agenda for Annual Town Meeting. The desire was to include as many items as possible to reduce the time spent at the meeting. Ms. Reitano was amenable to the idea given the ongoing public health concerns.

Mr. Houston said he is leaning toward September 12th at 2:00 p.m. for Annual Town Meeting, which will be decided for certain at the next meeting of the Board.

Debt Exclusion Question for Town Election Ballot

The Board supports the borrowing article for the network improvement project and the two drainage articles.

MOTION: Mr. Houston moved to approve the debt exclusion question and forward to the Town Clerk the ballot question as follows:

BALLOT QUESTION NO. 1: PROPOSITION 2½ DEBT EXCLUSION

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so

called, the amounts required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) DPW-Drainage Improvements; and (2) South Side Drainage Improvements?

And furthermore, to authorize the Town Manager to work with Town Counsel to further amend the question to include the networking improvement expenditure. 2nd by Mr. Boshart.

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

1/12th Budget for August

Mr. Gaumond presented the fiscal year 2021 1/12th budget for August, which is approximately \$8.8 million.

MOTION: Ms. Bent moved to approve the monthly budget for August 2020 and to authorize town officials to submit the draft budget to the Commonwealth of Massachusetts for review. 2nd by Mr. Boshart.

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

Pay As You Throw (PAYT) Update

Ms. Bent informed the Board that the PAYT Working group has unanimously agreed to begin charging fees for bulk waste at the Transfer Station beginning January 1, 2021. She presented a draft fee structure that was developed by reviewing communities that charge for bulk waste. Most of our neighboring towns charge for bulk waste. The recommendation is not related to any decision regarding the Swap Shed, which has been closed since the state of emergency declaration and which remains closed. The working group is looking to collect bulk waste fees through credit card transactions. Mr. Houston asked the Town Manager's office to publicize the proposed changes and look for a vote on this matter in September, if possible.

Revised Development Agreement for 255 Merriam Street/11 Hallett Hill Road Project

Mr. Houston informed the Board of some changes to the previously approved agreement and the Developer has asked to change the time in which the document is recorded. Furthermore, Mr. Houston commented on questions received by the Town Manager regarding the Town's legal fees and charging those to the developer. Mr. Houston stated that this was an incorrect assumption and pointed out the conversation revolved around the legal fees for the governance documents, not the entirety of the legal fees incurred by the Town. This has been confirmed with Town Counsel. In the revised document, the Town is willing to pay the developer a fee of \$30,000 for the delay in the project due to the COVID-19 pandemic, upon the developer giving up the ability to construct a 40B on the site.

MOTION: Mr. Houston moved to approve and execute the new development agreement for the 255 Merriam Street/11 Hallett Hill Road Project. 2nd by Ms. Bent.

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

Follow-up on Cemetery Regulation Relief Request

Mr. Gaumond reminded the Select Board of a previous discussion involving a request for a two-casket lot at Linwood Cemetery and that a decision by the Board was not made. While a larger discussion with the Public Works Department on cemetery capacity and the potential to revise regulations is still needed, the Select Board felt the request was appropriate to approve.

MOTION: Ms. Bent moved to approve the request made by Robert Bullard to purchase a two-casket lot in Linwood Cemetery. 2nd by Mr. Boshart.

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

Consent agenda

Mr. Houston thanked those individuals making financial gifts to the Town. Mr. Houston will outreach to the Town Manager’s office about some thoughts that he has on Select Board note cards.

MOTION: Mr. Boshart moved to approve the consent agenda as follows:

Approve minutes from the following Select Board meetings: April 21, 2020 regular session, April 28, 2020 regular session, June 23, 2020 regular session.

Approve a request from the Council on Aging to accept a gift of \$250 from Ted and Lilly Yun, \$250 from Betsey and John Boyd Family Fund, \$50 from Jean and Arthur Jones, and \$100 from Judith Huizenga, all to be applied to the Miscellaneous Gift Account.

2nd by Ms. Bent.

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

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

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

Meeting adjourned at 10:41 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