

**Minutes of Regular Meeting
Select Board
Tuesday, February 9, 2021
Remote Online Meeting (Meeting ID 846 6634 4292)
Called to Order at 7:00 p.m.**

Video link [here](#)

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

Ms. Bent called the remote meeting to order at 7:00 p.m. 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

There were none.

Roadway Reconstruction Project Update

Tom Cullen, DPW Director

Mr. Cullen addressed the Select Board to discuss the roadway improvement project. Mr. Cullen states that \$35,000 was allocated to a road pavement management study in 2014, the study included a road inventory and was presented to the Select Board. The study resulted in recommendations including \$15.6 million in pavement work to be completed. At that time, \$1.2 million in annual funding is needed to maintain the Pavement Condition Index (PCI) level of 74. An annual \$1.8 million was needed to improve the average PCI by 5 points. In 2021, PCI measures at 75. In 2017 it was discussed to get all roads to a PCI of at least 75, the cost associated was \$2.5 annually. In the original 2014 pavement report, a total of 138 segments of roadways (38.15 miles) of a PCI of less than 70. Approximately 44.8% of roadways (with a rating less than 70) from the original study have improved PCI ratings. Mr. Boshart asked about the remaining roadways which need improvement, Mr. Cullen responded that road maintenance will be a focus in addition to the improvements. The goal is to have all roads at a PCI of 70 or higher over the next ten years. Mr. Boshart asked about state funding, Mr. Cullen responded that chapter 90 state funding is approx. \$470,000 of the \$2.5 million cost (budget is \$1.8 million in FY21).

FY20 budget was \$1.75 million, an increase to \$2.0 million did not happen in 2021 given COVID and financial concerns. Mr. Cullen confirmed that DPW has capacity to do the work should the budget increase to \$2 million. Mr. Houston discussed the importance of all roads being at a minimum PCI of 70, as opposed to achieving an "average" of 75. Mr. Boshart discussed that surrounding towns may not pave as much, but the Select Board policy has been set that roads are to be at a certain level by a deadline. Ms. Bent asked about pavement deterioration to discuss the cost of renovating deteriorating pavement. To bring roads back will be an additional expense for future tax payers, as it will cost more in the long run as opposed to consistent maintenance.

With respect of the ongoing TIP projects, Mr. Cullen encouraged communication with stakeholders and other communities in advance of and during the public hearing for Rt 20 project in the next two weeks. Ms. Bent stressed the importance of advocating on behalf of the Town throughout the process.

Mr. Houston asked about Town Center roadway status. Mr. Cullen stated that the early August time-frame for completion is accurate. Mr. Gaumond mentioned that we are on schedule for this project.

Commercial Dog Walker Regulations

Karen O'Reilly, Animal Control Officer joined the discussion. Chair Bent revised the Commercial Dog walker regulation, a final regulation to be voted on in advance of the February 28 registration deadline. Weston trails are widely used, and the challenge is to create a positive space for all, residents and dog walkers alike. The goal is to create a regulation that respects all trail users. The recent draft removes the 50 feet /10 second return requirement, in its place language that reflects the Town bylaw and that dogs should be immediately leashed at a sign of aggression. Ms. Bent demonstrated her thoughts about a placard to be displayed by the commercial dog walkers. A "dog log" has been created to track dog interactions, to identify patterns in behavior.

MOTION: Mr. Houston moved to adopt the commercial dog walking regulation as part of the General Bylaw Section XX of the dog walking regulations, 2nd by Mr. Boshart **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously**

Mr. Gaumond welcomed Ms. O'Reilly to her new position and she supports the new regulations.

Merriam Village PILOT Agreement

Ken Newberg joined the Select Board for the discussion as an authorized member of the Merriam Village Board. Mr. Gaumond introduced a PILOT agreement with Merriam Village. Merriam Village would like to renew the PILOT agreement to include credit for sidewalk work that was completed by Merriam Village. A credit for this work would be broken up over a few years. DPW has agreed to this proposal and Town Counsel has reviewed and agrees to the form of the agreement. Mr. Newberg added history on Merriam Village which is self-sufficient with all funds being raised by the elderly residents. The sidewalk work is valued at \$20k.

MOTION: Mr. Houston moved to approve payment in lieu of taxes agreement with Weston Community Housing Inc for Fiscal years 2021 through 2025, inclusive, 2nd by Mr. Boshart **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously**

There was a general conversation about the PILOT programs in other areas of Town.

Land Use Function Reorganization Study with the Collins Center

Mr. Gaumond spoke to the idea of a Land Use Function Study. He feels that this appears to be a good time to do a 'land use study' given the departure of Michele Grzenda in Conservation and Wendy Diotalevi in the Health Department. Chair Bent and Ms. Yanakakis and Mr. Gaumond had a very productive meeting with representatives of the land use function in Weston which included staff members as well which indicated universal support for a review of the function with these individuals. Mr. Gaumond presented a proposal from the Collins Center to perform this study for Weston. Mr. Houston was pleased to hear from Ms. Bent and Mr. Gaumond that the department was amenable to the study. Mr. Houston also showed an interest in how the Board of Health fits in with Land Use.

MOTION: Mr. Boshart moved to authorize the use of Select Board Consulting Account to enter into an agreement with the Collins Center for a Land Use operations study, seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously**

MOTION: Mr. Houston moved the consent agenda including the following items: Approve Select Board Minutes for November 10, 2020 regular session and December 22, 2020 regular session, and to sign the Municipal Joint Comments for the Interim Clean Energy and Climate Plan for 2030; seconded by Mr. Boshart.

MOTION: Ms. Bent moves that the Select Board vote to go into executive session for the following purposes: Exemption 6 – to consider the purchase, exchange, lease or value of real property as it relates to the Town Center Improvement Project and that she declares an open meeting will have a detrimental effect on the negotiating position of the Board and further, that the Board will resume in open session; seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously**

Dates for Annual Town Meeting and Town Election, Including Special Legislation or Court Action

Upon return to open session, the Board was joined by Town Counsel Lauren Goldberg, Town Moderator Rip Hastings and Town Clerk Deborah Davenport. Mr. Houston announced that he has verified that he has no conflict discussing this matter as a potential candidate for reelection at the upcoming town election.

Mr. Gaumond reported that the documents requesting special legislation concerning the dates of Town Meeting and town election were sent to the state legislator's offices and were received. There was concern that the process would take too long as a normal home rule petition and may not be completed in time for our town election. He further explained that we might want to reconsider our initial plan to go this route and instead think about refiling a court order. Atty. Goldberg explained there is some confusion on this matter given the uncertainties at the state level. She advises that the state is looking to address these issues soon however there is concern it would not happen in time for the Town of Weston. She feels as long as a Governor's Bill is filed, she feels the Town is in a good position to set the dates. Due to the timing necessary she is recommending a court action. Ms. Bent asked if we could seek a court action and special legislation simultaneously. Atty. Goldberg said that many communities are in the same position but acknowledged that a court action would be the quickest way of dealing with this situation.

Mr. Houston pointed out that Weston has a caucus process not found in many other communities. Atty. Goldberg acknowledged this and how some communities handle nomination processes in other communities. Mr. Houston pointed out that Weston is looking to reduce the number of required signatures to 10 registered voters. Atty. Goldberg would propose seeking all the relief we were looking for in the Special Legislation in a Court Action instead. The Court Action would also address concerns about days and times for potential meetings and election dates. Mr. Houston thought the previous Court Action on changing the dates was very easy and recommended that course of action. Ms. Bent said we need to begin the Court Action immediately due to the timeline. Mr. Boshart wants to make the barriers to running for office reduced as much as possible due to the pandemic. Atty. Goldberg feels that a Court Order could be done in the next three weeks.

Atty. Goldberg feels Weston does not need to set the dates for the Town Meeting or election at this meeting. It is more important that those individuals wishing to run for office are given enough time for that opportunity.

MOTION: Ms. Bent moved to authorize Town Counsel to seek judicial relief with respect to the setting of the Town Election consistent with the language found in the previously prepared Special Act; seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative.
Approved unanimously

MOTION: Ms. Bent moved to adjourn. 2nd by Mr. Boshart
Roll call vote: Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously**

Harvey R. Boshart
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