

**Minutes of Regular Meeting
Select Board
Tuesday, March 30, 2021
Remote Online Meeting
Called to Order at 4:30 p.m.**



Video Recording: <https://weston.vod.castus.tv/vod/?video=37e3d379-e2b9-4400-aba6-35556030aa29&nav=search%2Fselect%20board>

Select Board Members	Present	Staff Members	Present
Laurie Bent - Chair	Yes	Leon A. Gaumond, Jr., Town Manager	Yes
Harvey Boshart - Clerk	Yes	Kara Fleming, Asst. to the Town Manager	Yes
Christopher Houston	Yes		
		Katie Klein, Town Counsel	Yes
		Deborah Davenport, Town Clerk	Yes
		Lisa Yanakakis, Assistant Town Manager/Human Resources Director	Yes

Chair Ms. Bent 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

Mary Ellen Sykes said that because of former Select Board member Douglas Gillespie’s conflict of interest, she wants to complain about using Town resources to defend him.

Kate McGovern asked about the traffic safety study for 751 Boston Post Road and feels like it has been stalled by the Select Board. She is particularly upset about it because of Mr. Gillespie’s conflict of interest case. She feels misbehavior has been covered up and that there needs to be a thorough review of what happened for the 751 project to be completed. There also needs to be protections so this does not happen again.

Mr. Houston said the traffic survey delay has nothing to do with Mr. Gillespie’s situation. He said there are many issues that have not been addressed because of workload and different priorities during the pandemic. He does agree that it’s taken too long and expects it to go out soon.

Rochelle Nemrow said that there should be a public hearing or meeting on the ethics report so that citizens and public officials can be heard.

Another resident stated that she supports the idea of having a focused meeting for this situation.

Ms. Bent said the State Ethics Commission has done a very thorough review, and her view is that Mr. Gillespie made mistakes for which he is being punished. She does not condone these actions, and she doesn’t believe he intended to make the errors or meant to do ill. She noted that these were actions of an individual, not the Board as a whole and there is no suggestion in the Ethics Report that other members did anything wrong. She said that the report does not find that Mr. Gillespie benefitted in any way, nor was there any corruption, or dishonesty. The findings are that he violated the Conflict-of-Interest rules, and if there was anything else improper it would have been found by now. She acknowledges that mistakes were made and would like to leave it there.

Ms. Nemrow said she believes there are still questions and issues regarding the harm to the relationship of the Select Board to the Town, and there should be a hearing to consider how this happened.

Ms. Bent reiterated that the entire issue has been thoroughly reviewed already, including Board involvement. She expressed concern that people are using this issue as a tool to stop the 40B development.

Mr. Boshart offered to speak with anyone about the 751 Boston Post Road project and how it fits into the Town affordable housing strategy. He added that he had received a frivolous ethics complaint over his employer and Boston Properties, and there were no findings of conflict. He discussed the personal impacts of this type of behavior/accusation.

Mr. Houston added that there were some public meetings already on this topic, specifically after the AG's decision about the Executive Session minutes was made public, and that he does not feel those meetings led to any progress or an understanding of the fact that the AG's Office found no wrong doing on the part of Select Board Member Boshart or himself. He said he agrees that for many people this can not be separated from their feelings about the 751 Boston Post Road project.

Case Estates Articles for Annual Town Meeting

1. Conveyance of Two Parcels at 226 Ash Street
2. Conveyance of Louisa's Wall Parcel at 101 Wellesley Street
3. Boundary Determinations

Representation: Michael Harrity, Former Select Board Member and Katie Klein, KP Law, Town Counsel

Overview: Mr. Gaumond outlined the three proposed articles.

Boundary Determinations: Mr. Harrity provided details and the history of the lots and the buildings. He explained that lots 3, 4, & 5 are for potential sale, with parcel 6 being unsaleable because of pesticide residue. The goal of the warrant articles is to establish the final lot lines. The biggest changes are that the "panhandle" will be municipal land, and the Legacy Trail will have a 35' wide conservation easement.

There was a discussion of the Emergency Easement that runs from the corner of Lot 7 to the corner of Lot 3.

Ms. Bent asked about the changes in Lots 4 & 5 lot lines. Mr. Harrity said the lines on Lot 5 include an easement to keep a buyer from building on the view corridor.

The Board thanked Mr. Harrity for the time and effort he has put into this project.

Ms. Klein said the plans for Louisa's Wall are substantially completed, and the final versions will be filed with the Town Clerk.

Conveyance of Two Parcels at 226 Ash Street: Mr. Harrity explained that 226 Ash Street was not part of the property purchased by the Town, but that a retaining wall was withing the land the town had purchased. Also, the lawn at 226 Ash Street encroached on the Town purchased land. Instead of forcing the owner to change these features, they offered to sell that land to the owners to end the encroachment. This was agreed to by all.

MOTION: Mr. Houston moved that the Select Board approve and execute a purchase and sale agreement with John A. Miller and Sally A. Miller for two parcels of land at the rear of 226 Ash Street, which agreement is subject to Town Meeting approval. The motion was seconded by Mr. Boshart. **Roll call vote**: Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.**

Conveyance of Louisa's Wall Parcel at 101 Wellesley Street: Mr. Harrity explained that the rear portion of 101 Wellesley Street, owned by the Mannixes, includes the historic "Lousia's Wall". The owner approached Mr. Harrity saying that the wall needed repair. Mr. Harrity proposed that the Town and the Mannixes share the cost of restoration. Mr. Mannix had the repairs done, with access to the wall being through his property only. Subsequent surveys showed that the entirety of Louisa's Wall is on Town property, so future access could be difficult. It was proposed that the land under the wall be sold to the Mannix's with the restriction that they are responsible for future repairs. Mr. Mannix has agreed to this. Mr. Harrity said this is a good solution to this issue.

MOTION: Ms. Bent moved that the Select Board approve and execute a purchase and sale agreement with James J. Mannix and Rebecca C. Mannix for approximately a 1600 square foot parcel of land, the site of Louisa's Wall at the Case Estates, located at the rear of the Mannix property at 101 Wellesley Street which agreement is subject to Town Meeting approval and which conveyance will be subject to a Historic Preservation restriction. The motion was seconded by Mr. Boshart.

Nina Danforth pointed out that this is a totally unique, free-standing wall and thought to be the largest free-standing stone wall in New England. It was built as a birthday present from Marian to her sister Louisa and was

meant to be a mini environment to catch the sun for tree peonies (to ensure they survived the winter). She asked that the Historical Commission weigh in on this issue.

Mr. Harrity outlined the restrictions that are associated with the sale. This is a typical preservation restriction language, which has been agreed to by both parties. Ms. Klein explained the specifics of the deed restriction.

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

Question for Town Election Ballot

Overview: Mr. Gaumond explained that each year the Select Board must formally vote the debt exclusion question for Town Meeting. This will be for Article 1 of the Town Meeting Warrant. Mr. Gaumond read the article:

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; (2) High School F-Wing Roof Replacement; and (3) Engine (pumper)?
Yes _____ No _____

MOTION: Mr. Houston moved to place the question on the ballot for the May 8, 2021 Annual Town Election. The motion was seconded by Mr. Boshart. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.**

Annual Town Meeting Warrant and Select Board Report for Budget Book

Overview: Mr. Gaumond explained that the Select Board Report needs a slight change and asked the Board to approve the report pending final approval by the chair of the Board.

Discussion: Mr. Houston reviewed the items for the Consent Agenda and asked whether or not to move the Case Estate items earlier because they will be quick. This was discussed and agreed to.

MOTION: Mr. Houston moved to approve the report of the Select Board for inclusion in the Warrant and Budget Book, and further to approve the Annual Town Meeting Warrant but to authorize the Town Manager and Town Counsel to make any non-substantive changes for editing and legal requirements, and to allow the Finance Director and Town Manager to make any non-substantive changes to the Select Board report with the review of the Select Board Chair. The motion was seconded by Mr. Boshart.

Mr. Houston expressed ambivalence to allowing the Finance Committee to make editorial comments in the Warrant. He asked that it only show how they voted and then let them explain their vote at Town Meeting. Ms. Bent agreed that only the vote be shown. Mr. Gaumond said he asked this question, and he looked at past Town Meetings and found similar statements were allowed. He pointed out that the Select Board sets the Warrant, so it can decide what is included and what is not. There was a discussion of the issue of boards and committees commenting on Warrant articles, and it was decided to include statements of support or not, as well as votes (but not editorial comments).

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

Proposed Roadway Moratorium

Overview: Mr. Houston summarized the proposal, and the process and the considerations that impacted the proposal. The proposal institutes a scale of fees to allow non-emergency cuts into a road during the 5 year moratorium.

Discussion: Ms. Bent said she liked the simplicity of the proposal and thinks it's good to tie the fees to the actual expense of repairing the roads. Mr. Boshart asked about the discussions with DPW regarding the costs to repair the road, which Mr. Houston explained.

Mr. Boshart said he had spoken to one resident whose only complaint about the town was the condition of the roads, and Mr. Boshart told him about the work being done in this area.

Public Comments: Diana Chaplin asked what happens if the Town is cutting into the road. Mr. Houston responded that he believes this only happens during an emergency (gas leak, water main break, etc.), so this would not be billed. Ms. Chaplin then asked if the Town would not plan improvement projects that would require road cuts during the moratorium. Mr. Houston said the DPW is vigilant about watching for plans to damage roads and includes moratorium information when they release their roads plan.

Adjournment

MOTION: Mr. Houston moved to adjourn at 6:10 p.m. The motion was seconded by Mr. Boshart. ***Roll call vote:*** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. ***Approved unanimously.***

Respectfully submitted,

Harvey Boshart, Clerk
