

**Minutes of Regular Meeting
Select Board
Tuesday, May 27, 2021
Remote Online Meeting (Zoom 893 2369 7156)
Called to Order at 2:00 p.m.**



Video Recording: [Custus VOD Widget](#)

Select Board Members	Present	Staff Members	Present
Laurie Bent - Chair	Yes	Leon A. Gaumond, Jr., Town Manager	Yes
Harvey Boshart	Yes	Kara Fleming, Asst. to the Town Manager	Yes
Christopher Houston	Yes	Lisa Yanakakis, Assistant Town Manager	Yes
		Thomas Cullen, DPW Director	Yes
		Richard Sullivan, Asst. DPW Director	Yes
		Susan Kelley, Finance Director	Yes
		Zoe Pierce, Treasurer	Yes
		Steve Fogg, Town Engineer	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

Keith Johnson of Pond Brook Circle asked if there were updates to the naming of the Josiah Smith Tavern. Ms. Bent said there has not yet been a public discussion regarding the Smith family's ownership of slaves during the operation of the tavern nor has appropriate action been decided. Mr. Houston said that there should be movement in the coming year when the lease is developed with the Friends of the Josiah Smith Tavern.

Wireless Water Metering Update

Tom Cullen, Public Works Director

This item was taken out of order.

Mr. Cullen informed the Select Board that this system should have been completed by now but we have had issues with the vendor. Ken Calder has taken over to get it pushed ahead. He thinks the proposed completion date of late December may be optimistic. Mr. Cullen gave a brief explanation of how the system would work. Vendor has held this up for various reasons and we anticipate we will be getting financial relief as a result. We have worked with Town Counsel to help resolve some of these issues. We anticipate that it will be late summer for when first meters will be online. Mr. Boshart spoke to the timing of the billing cycle and keeping an eye on the tiers depending on when the bills are sent out. Ms. Bent asked about more frequent billing to which Mr. Houston and Mr. Boshart seemed to oppose that plan. The Board discussed the transition of billing. Mr. Cullen feels there may be a dual system for a period of time.

Holly Tolley spoke as a representative from the Friends of the COA. She provided an example of a resident who had an excessive large bill due to water pipe burst in her property. She suggested that the Select Board take into account that older residents may not be able to detect leaks if there is a considerable amount of time between reads. Mr. Houston pointed out that people will be able to monitor their own water usage to determine any issues.

Bharath Venkataram suggested a monthly bill model to help us identify problems even faster and build the cost of the billing into the rate. He also suggested a 'balanced billing' option for some ratepayers.

Recent Water Billing

Mr. Gaumond informed the Select Board that we have roughly 225 water bill complaints at the time of the meeting. Normally we get less than 100 complaints so these are higher than usual out of the 2600 or so accounts. He thanked the teams at the Finance Department and the DPW for their professionalism in dealing with these matters. He has found that most of the complaints were not as a result of billing issues but rather because of higher water usage due to people stay at home more than they normally would during the pandemic. It is true that there are some potential erroneous reads, but that likelihood appears to be very low. In addition, due to the late start to perform manual reads some people found themselves in a higher tier unfairly. Ms. Kelley has identified a group of people (appx. 400 reads) who have been bumped into a higher tier. Mr. Houston mentioned that this has happened in the past and the Town prorated the bills accordingly to determine the appropriate billing tier. He feels we should consider this relief for users with a billing cycle over 7 months. Ms. Kelley can deal with this and create a spreadsheet to determine impacted customers. Mr. Boshart asked about issues with estimated billing. Mr. Cullen feels our system is relatively tight and does not see this as a large concern. Mr. Boshart suggested we also look to see any ratepayers who have jumped up significantly over the past year. Ms. Kelley will review the date and report back at the next Select Board meeting. Mr. Boshart expressed concerns that our revenues may actually be greater than we expected. Ms. Bent asked about ways we plan on handling collections while these matters are being debated. Ms. Pierce suggested that ratepayers consider making interim or partial payments and perhaps giving the Treasurer the ability to waive certain interest payments. Ms. Bent suggested this be added to the next agenda.

Jessica Viles (300 Conant Rd) asked how they would know if their bill is estimated. Mr. Cullen will need to look into it. She also asked about water usage for agriculture purposes and separate meters for that usage. Mr. Cullen believes that farmland is charged at the lowest tier.

Bharath Venkataram commended the Town's communication on this issue and he likes the idea to prorate bills, including those that went down. He felt it was not clear what is due and when. He thinks this should be decided soon. Ms. Pierce clarified that the online service does not provide for partial payments but the Town Hall can certainly accept such payments. Mr. Gaumond is hoping a message can be sent out to help explain this.

Kristen Barbeiri (23 Stony Brook) acknowledged that she may be one of the property owners who were bumped to an additional tier. She asked whether or not people need to contact the Finance Department to notify them. Ms. Kelley felt that may not be necessary.

Ms. Pierce informed the Board that they had the authority to extend the payment deadline for water bills or to waive interest. Ms. Bent suggested this item is also up for consideration at the Select Board meeting on June 8th. Mr. Gaumond thanked the ratepayers and Town employees for their hard work and understanding during this difficult process.

Ms. Bent took this opportunity to mention that the Paine's Hill water tank will need to be replaced. She outlined the zoning matters necessary to address the issues. She suggested a working group be established involving planning and conservation and Department of Public Works staff. Mr. Cullen echoed these comments and provided clarity on the possible need to do a land swap. She suggests we include this on the next agenda and directed the Town Manager to begin getting this information out for consideration at our next meeting.

Orders of Taking: 126 and 130 Newton Street and 28-32 Hallett Hill Road

126/130 Newton Street: This project seeks to take certain property for drainage easements. The Town has received the necessary waivers but we have agreed to perform certain work on the property; therefore, no compensation is needed here. Town Counsel has recommended the following vote for the Select Board:

The Select Board of the Town of Weston, duly elected, qualified, and acting as such, on behalf of the Town and by virtue of and in accordance with the authority of the provisions of Chapter 83, Section 4 and Chapter 79 of the General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, hereby takes, on behalf of the Town, permanent and temporary drainage easements, including the right to construct, operate, maintain, repair, replace and abandon in place drainage infrastructure, in, over, under, through, across, upon and along the following land:

1. A permanent drainage easement, shown as “Proposed 20’ Wide Drainage Easement 2A Area = 2,105 S.F.±” and a permanent drainage easement, shown as “Proposed 20’ Wide Drainage Easement 2B Area = 4,293 S.F.±,” both as shown on a plan entitled “Easement Plan of Land #126 & #130 Newton Street Weston, Mass. (Middlesex County) Prepared for the Town of Weston,” dated March 23, 2021, prepared by DGT Associates (the “Plan”), said Plan recorded with the Middlesex South Registry of Deeds as Plan of 2021 (together, the “Permanent Easement Premises”), said easements being bounded and described according to said Plan.
2. A temporary construction easement (the “Temporary Construction Easement,” together with the Permanent Easement Premises, the “Easement Premises”), shown as “Proposed 10’ Wide Temporary Construction Easement” on the Plan, westerly, easterly and northerly of the Permanent Easement Premises. Said temporary construction easement shall terminate automatically two (2) years from the date on which this Order of Taking is recorded with the Middlesex South Registry of Deeds without the necessity of recording any instrument with said Registry of Deeds.

Said easements are owned or supposed to be owned and/or formerly owned by the following hereinafter collectively referred to as Owners.

Name: The Congregational Church of Weston

Property Address: 130 Newton Street, Weston, Massachusetts

Address: 130 Newton Street, Weston, MA 02493

Interests Taken: Permanent Drainage Easements – “Proposed 20’ Wide Drainage Easement 2A Area = 2,105 S.F.±”; “Proposed 20’ Wide Drainage Easement 2B Area = 4,293 S.F.±” and the Temporary Construction Easement

Title: Middlesex South Registry of Deeds, Book 10331, Page 31

Name: Stephen R. Langlois and Sally L. Marrer

Property Address: 126 Newton Street, Weston, Massachusetts

Address: 126 Newton Street, Weston, MA 02493

Interests Taken: Permanent Drainage Easement – “Proposed 20’ Wide Drainage Easement 2B Area = 4,293 S.F.±” and the Temporary Construction Easement

Title: Middlesex South Registry of Deeds, Book 44783, Page 137

If in any instance the name of any Owner is not correctly stated, the names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

The taking includes the right of the Town to remove any buildings, structures, objects, utilities, other facilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder and/or for the purposes set forth herein. The Town has the

right to pass and repass by foot and by vehicle, including heavy equipment. Utilities and related structures and/or facilities located within the Easement Premises that are owned by private utility companies and easements held by private utility companies are not taken.

The Town covenants that it shall not interfere with the right of the owner of 130 Newton Street to install a driveway within the Easement Premises.

No betterments are to be assessed under this taking.

Any and all trees and structures located upon the easement areas are included in this taking.

The Owners of the properties have waived damages and a right of appraisal of damages, and no compensation is awarded for the herein takings.

Mr. Cullen and Mr. Gaumont thanked Mr. Fogg for his work on this project.

28-32 Hallett Hill Rd: This project is to acquire a drainage easement where there is an existing drain that discharges runoff from Bradyll and Hallett Hill Roads onto 28 Hallett Hill Road. While the easement appears on the subdivision plan, it has not been conveyed to the town as we can determine. We are seeking to connect a new system into the existing system and therefore seeking to address this outstanding issue. The taking proposes compensation of \$15,100. Town Counsel has recommended the following vote for the Select Board:

The Select Board of the Town of Weston, duly elected, qualified, and acting as such, on behalf of the Town and by virtue of and in accordance with the authority of the provisions of Chapter 83, Section 4 and Chapter 79 of the General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, hereby takes, on behalf of the Town, permanent drainage easements, including the right to construct, operate, maintain, repair, replace and abandon in place, drainage infrastructure, in, over, under, through, across, upon and along the following land:

1. A permanent drainage easement, shown as "Easement Area 8766 S.F." on a plan entitled "Easement Plan of Land 28-32 Hallett Hill Road, Weston, MA," dated June 18, 2020, prepared by Lighthouse Land Surveying, LLC (the "Plan"), said Plan attached hereto as Exhibit A and recorded with the Middlesex South District of the Land Court as Plan _____. The easement taken is bounded and described according to said Plan.

2. A permanent drainage easement, shown as "Easement Area 4624 S.F." on a plan entitled "Easement Plan of Land 28-32 Hallett Hill Road, Weston, MA," dated June 18, 2020, prepared by Lighthouse Land Surveying, LLC, said Plan attached hereto as Exhibit A and recorded with the Middlesex South District of the Land Court as Plan _____. The easement taken is bounded and described according to said Plan.

Said easements are owned or supposed to be owned and/or formerly owned by the following hereinafter collectively referred to as Owners.

Name: Alice Lee Lan a/k/a Alice Lin

Property Address: 28 Hallett Hill Road, Weston, Massachusetts

Address: Guardian Asset Management, 2021 Hartel Street, Levittown, PA 19057

Interests Taken: Permanent Drainage Easement – "Easement Area 8766 S.F."

Title: Middlesex South District of the Land Court, Certificate of Title 250439, Lot 2 on Land Court Plan 24002B

Name: Richard Seel and Clare Seel, Trustees of the Sedgewick Lane Nominee Trust

Property Address: 32 Hallett Hill Road, Weston, Massachusetts

Address: 32 Hallett Hill Road, Weston, MA 02493

Interests Taken: Permanent Drainage Easement – "Easement Area 4624 S.F."

Title: Middlesex South District of the Land Court, Certificate of Title 254211, Lot 3 on Land Court Plan 24002B

If in any instance the name of any Owner is not correctly stated, the names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

The taking includes the right of the Town to remove any buildings, structures, objects, utilities, other facilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder and/or for the purposes set forth herein. The Town has the right to pass and repass by foot and by vehicle, including heavy equipment. Utilities and related structures and/or facilities located within the Easement Premises that are owned by private utility companies and easements held by private utility companies are not taken.

No betterments are to be assessed under this taking.

Any and all trees and structures located upon the easement areas are included in this taking.

The Owner of the property at 28 Hallett Hill Road will be compensated for the taking of the easement, in accordance with the Schedule at Exhibit B, which Schedule shall not be registered with the Middlesex South Registry District of the Land Court.

The Owner of the property at 32 Hallett Hill Road has waived damages and a right of appraisal of said damages, and no compensation is awarded for the herein taking.

MOTION: *Mr. Boshart moved that the Select Board vote to approve and execute an Order of Taking for a drainage easement at 28 Hallett Hill Road and 32 Hallett Hill Road, and to compensate the owner of Hallett Hill Road in the amount of \$15,100 as damages for said taking, and awarding no damages to the owners of 32 Hallett Hill Road, who have executed a Waiver of Appraisal and Damages for said taking. Seconded by Mr. Houston.*

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

MOTION: *Mr. Boshart moved to approve and execute an Order of Taking for permanent and temporary easements for drainage at 126 Newton Street and 130 Newton Street, awarding no damages to the owners of said properties, who have executed Waivers of Appraisal and Damages for said takings. Seconded by Mr. Houston.*

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

Roadway Moratorium

Mr. Houston has asked that this be moved to a future Select Board meeting.

Annual Town Meeting Debrief

The Town Moderator joined the discussion. He thanked everyone who helped plan and coordinate the Annual Town Meeting under difficult circumstances, especially Lisa Yanakakis. He was looking for feedback on how the meeting went and he asked about the efforts to allow for remote Town Meetings. Ms. Bent sees some advantages of in-person Town Meetings. Mr. Houston feels that Wayland's proposal to allow for remote Town Meetings will fail at the state level.

Lisa Reitano, Chair of the Finance Committee, stated that it is common to see people come and go during Town Meeting to vote only on the items important to them. She asked how many people were able to watch the videos about the articles prior to Town Meeting. She also expressed concern about the timing of the budget discussions needed prior to Town Meeting. Ms. Fleming explained the dynamics of printing a mailing the Warrant & Budget Book including the formatting needed.

Mr. Houston suggested that some presentations at Town Meeting do not need to be five full minutes including statements from the audience. He suggested that the Moderator consider a 3-minute time limit for speeches from the floor.

Holly Tolley thought the meeting could have been done more tightly. She offered an example of the Louisa's Wall discussion between the Select Board and Planning Board. She found that frustrating. Mr. Houston disagreed and suggested that Town Meeting is a debate of the issues. Ms. Tolley also felt we need to require more signature for citizen petitions.

Non-union COLA Recommendation

Ms. Yanakakis spoke to the Board about setting the non-union Cost of Living Adjustment (COLA) recommendation. Currently, Fire, Police Patrol/Sgts, Police Superior Officers, Dispatch and DPW union contracts are settled through FY22. DPW received a 2% COLA for FY22. The other four unions settled with a 2.25% COLA. The Library contract expired 6/30/20. The Town is currently in negotiations with Library to try to settle a successor agreement.

The inflation rate (CPI-U) for the Boston area increased 1.3% from March 2020 to March 2021. The inflation rate increased 2.1% from July 2020 to March 2021. Based on the inflation rate and the union increases, we are recommending a 2% increase for non-union employees.

MOTION: *Mr. Boshart moved to establish FY22 non-union compensation plans, effective July 1, 2021 with an increase of 2% over the FY21 amounts. Seconded by Mr. Houston. Roll call vote: Mr. Boshart, Mr. Houston and Ms. Bent all voted in the affirmative. Approved unanimously.*

MOTION: *Mr. Houston moved the consent agenda. Mr. Boshart second. Roll call vote: Mr. Boshart, Mr. Houston and Ms. Bent all voted in the affirmative. Approved unanimously.*

Adjournment

MOTION: *MR. Houston moved to adjourn at 4:45 p.m. The motion was seconded by Mr. Boshart. Roll call vote: Mr. Boshart, Mr. Houston and Ms. Bent all voted in the affirmative. Approved unanimously.*

HARVEY BOSHART
Clerk