

**Minutes of Regular Meeting  
Select Board  
Tuesday, November 9, 2021  
Remote Online Meeting (Zoom 820 9478 4830)  
Called to Order at 7:00 p.m.**

Remotely participating were Board members, Chair, Harvey Boshart, Christopher Houston, and Laurie Bent. Also present were Town Manager Leon A. Gaumont, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, Thomas Cullen, Department of Public Works Director.

Mr. Boshart 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 complimented the Select Board regarding the roll-out of the Pay As You Throw (PAYT) program, Mr. Johnson noted that his household recycles more frequently because of the PAYT program. Mr. Boshart asked Mr. Johnson if his perceptions have changed. Mr. Johnson stated that he had positive perceptions of the PAYT program before it was implemented.

**Public Hearing: Grant of Location – Eversource for the Town Center project**

Thomas Cullen, Department of Public Works Director, JoAnne OLeary, Community Representative, Eversource

Mr. Cullen stated that the overall plan was approved by the Town in 2019. Mr. Cullen stated that it was more appropriate to have an As Built Plan versus a Design Plan for the ultimate Grant of Location. The Plan includes twenty-four new manhole structures for Eversource and 5,700 feet of conduit that was ultimately installed. Located at Boston Post Road, School Street, Church Street, Town House Road, Center Street, Fiske Lane, and Concord Road. Ms. OLeary reiterated the information made by Mr. Cullen.

Ms. Bent asked if there are any issues. Mr. Cullen stated that there are two double poles that have to be removed, he is working with the Foreman to resolve it.

There were no comments from members of the public.

**MOTION:** Mr. Houston moved to close the hearing, and to approve the Grant of Location petition by Eversource for the Town Center project dated July 12, 2021 and the As Built Conversion plan as revised July 6, 2021, 2<sup>nd</sup> by Ms. Bent.

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

**Follow up on the Ash Street Sidewalk Issue**

Ms. Bent stated that Weston resident and Weston Forest and Trails Association member Kristin Barbieri created a proposal to have a sidewalk roughly 20 feet off of Ash Street for 350 feet. (Ms. Bent previously tasked Ms. Barbieri to flesh out the feasibility of Ms. Barbieri's suggested alternative to the Town's planned sidewalk schematic.) Stephen Fogg, Town Engineer gave the Select Board a comparison of various proposals. Ms. Bent stated that she walked the location of the proposal. Ms. Bent stated that she would like to see a proposal in time for Town Meeting in May 2022. Ms. Barbieri stated that this is not a proposal, rather some potential ideas. Ms. Barbieri contacted the Massachusetts Water Resource Authority (MWRA) regarding use of their property. According to Ms. Barbieri, MWRA seemed receptive to the usage of their property.

Ms. Bent stated that the proposed 350 feet was flat, she did note that some trees may have to be removed. Ms. Barbieri noted that large trees may not need to be removed.

Mr. Houston noted that according to the Town Engineer's map – there may be wetlands. Ms. Bent noted that a scientist would need to delineate where the wetlands are located. Ms. Bent noted there is a stream crossing north of the 350 feet of proposed sidewalk on the east side of Ash Street.

Mr. Houston discussed ADA compliance requirements. Ms. Bent stated that project could potentially be ADA compliant. Ms. Bahrevar, Weston DPW Project/Civil Engineer stated that for a paved sidewalk to be ADA compatible, there needs to be a base which requires excavation. If a proposed path is not paved, then there does not need to be any excavation.

Mr. Cullen noted that there will need to be a wetland delineation survey. Ms. Bent stated that any development must be 25 feet away from any wetlands.

Mr. Gaumont stated that Mr. Fogg and Ms. Bahrevar will bring the perspective from of the Select Board to the next Traffic and Sidewalk Committee meeting.

Barbara Fullerton recalled that a gentleman at the Annual Town Meeting in 2021 thought a path from Wellesley Street to Ash Street would be a possibility. Ms. Fullerton noted that the unofficial path parallel to the aqueduct may be a suitable option. Ms. Bent expressed the opinion that the path along the aqueduct was not a substitute for the Ash Street sidewalk since it runs west, not north. Ms. Fullerton agreed that it would be ideal to pursue both walkways.

### **Appointments to the Housing Production Plan Implementation Committee**

Mr. Gaumont stated that the Select Board can designate Committee members while the Town Manager's Office advertises for one of the vacant resident seats.

**MOTION:** Mr. Houston moved to designate Mr. Boshart to serve as the Select Board representative to the HPP Implementation Committee and to concur with the nomination of Alicia Primer of the Planning Board and Sarah Rhatigan of the Affordable Housing Trust and to appoint Alice Benson to fill one of two resident appointments, all positions expiring June 30, 2024. 2<sup>nd</sup> by Ms. Bent.

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

### **Discussion on proposal to change Select Board from 3 to 5 members**

Ms. Zacharias stated that the Select Board should be comprised of five members instead of three. Ms. Zacharias noted that in the past, the Planning Board was comprised of three members but was changed to five members. Ms. Zacharias stated that if a member of a three-person board spoke with other members outside of a public meeting it would be an Open Meeting Law violation. Mr. Boshart stated that having a three person Select Board is appropriate because the Board cannot conspire behind the scenes. Mr.

Boshart stated that if the Select Board was comprised of five members, he stated it would be less transparent, because conversations could occur with other members outside of public meetings.

Ms. Zacharias asked the Select Board and the Town Manager to find the documentation that states that the Select Board has to be comprised of three members. Mr. Boshart stated that Town Counsel can research the bylaws. Ms. Zacharias stated that other Towns near the Town of Weston have five person Select Boards. She stated that with more members, tasks can be delegated and more can be accomplished. Mr. Houston noted that his attendances as well as other members he served with has been consistent, with minimal absences. Ms. Zacharias stated that she is considering proposing a Citizen's Petition to change the Select Board from 3 to 5 members. Mr. Houston stated that Ms. Zacharias opposed a Citizen's Petition of a similar nature when she was on the Planning Board.

Ms. Zacharias noted that the Select Board's large workload and it is difficult to manage it with three people. Mr. Houston stated that his workload is manageable. Mr. Boshart stated that he researched every Town that had an open and representative Town Meeting and Select Board. He stated that 50% of Towns with a population 6,000 and 15,000 have a three person Select Board. Mr. Boshart noted that he would like to see a broad look at Town governance.

Mr. Gaumond stated that if the Town so choses, an elected charter commission in accordance with Massachusetts General Law Chapter 43b can be created or the Town could enact special legislation by amending Town bylaws. Leslie Glynn stated that she is in support of researching the forms of Town government. Mr. Boshart noted the differences between Town Managers and Town Administrators. Mr. Houston noted that a comprehensive study of the forms of governments should be in tandem with a Strategic Plan for the Town. Ms. Bent stated that a Strategic Plan is important for a vision for the Town, and that the Select Board had other objectives to pursue that should have a higher priority than taking on the project of changing the number of Select Board members. Mr. Houston noted that the elected charter commission takes years, not months. Zacharias noted that if she continues with the Citizen's Petition the process for changing the Select Board from 3 to 5 members is a lengthy process. Mr. Johnson agreed with Ms. Zacharias' sentiment. Ms. Zacharias thanked the Select Board for their time.

#### **Review Draft Charge for the Celebrations Committee for Town Center**

Mr. Gaumond stated that at the October 26, 2021 Select Board meeting, the Board discussed the formation of an ad-hoc committee to showcase the Town Center. Pamela Fox noted that she would be interested in serving on the Celebrations Committee. Ms. Fox stated that there are impending deadlines and she would like to event to take place in April. Ms. Bent noted that the event could take place in late April, coinciding with Spring Fling. Mr. Houston noted that the Celebration Committee should confirm with the organizers of Spring Fling. Ms. Bent volunteered to join the Celebrations Committee.

**MOTION:** Ms. Bent moved to approve the draft charge of the Celebrations Committee and to direct the Town Manager to begin soliciting volunteers for this Committee. 2<sup>nd</sup> by Mr. Houston.

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

#### **Consent Agenda**

**MOTION:** Mr. Houston moved the Consent Agenda as follows:

Vote to approve minutes of February 9, 2021, March 30, 2021, April 13, 2021.

Revote the precinct map and precinct descriptions as presented by the Town Clerk.

Approve request from Weston Police Department to accept three \$50 Domenic's gift cards from the residents of Brook Road, in appreciation of assistance with Halloween Trick or Treating.

2<sup>nd</sup> by Ms. Bent

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

**Executive Session: Exemption 3 to discuss strategies with respect to upcoming collective bargaining negotiations and Exemption 6 – to consider the purchase, exchange, lease or value of real property located at 135 North Avenue**

The Chair, Mr. Boshart, declared that an open meeting will have a detrimental effect on the negotiating position of the Board. Mr. Boshart stated that the Board will not resume in open session. **Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.**

**Regular Meeting adjourned at 8:36 p.m.**

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Christopher E. Houston  
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*