

**Minutes of Regular Meeting
Select Board
Friday, October 21, 2022
Remote Online Meeting (Zoom 813 0297 8002)
Called to Order at 2:00 p.m.**

Remotely participating were Board members, Chair Christopher Houston, Harvey Boshart and Laurie Bent. Also present were Town Manager Leon A. Gaumont, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, Assistant to Town Manager, Michelle LeBlanc, Legal Counsel Katharine Klein, Town Clerk Deb Davenport,

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.

Finalize the Town's approval of the sale of 25 Livermore Lane according to the deed rider on the property.

- (1.) Ratify, validate and confirm Board's 10/17/22 approval of Settlement and Release Agreement and purchase price;**
- (2.) Approve and include minutes of meeting as part of minutes of this meeting;**
- (3.) Approve Purchase and Sale Agreement;**
- (4.) Authorize Chair to sign certificate of Compliance upon receipt of proceeds from sale;**
- (5.) Authorize Chair to take any further action as may be necessary to facilitate the votes hereunder.**

Mr. Houston provided some background on the 25 Livermore Lane property. The property was made by the generous act of Polly Dickson years ago, as a moderate housing unit, which places a restriction of moderate income on the deed. This means this property was sold to someone who met the criteria. Along with this property came a deed rider which when the person decides to sell the property, there is a maximum price they can get when the sale is finalized. Both the Town and WAFH have the first right to purchase the property, and they declined. The property was then marketed with the moderate-income restriction through the Regional Housing Office, which did not get any interest. Even though the property was marketed at a discount rate, the condo fees associated with the property were not discounted. Mr. Houston stated that the yearly condos fees, assessments have increased drastically and became unfeasible for a moderate-income resident to continue living in the property. The owners decided to sell the property due to these reasons. Under the deed rider, after a certain amount of time passes, and there is no interest in the property as a moderate-income property, the owner has the right to sell it on the open market with no restrictions, at fair market value, subject to the Town approving the purchasing sale and the Town getting the extra proceeds as gift under Polly Dickson. This money will be preserved to use towards affordable housing.

Mr. Houston stated there was an offer for \$1.15 million, and the Town will be accepting it, and the sale was done correctly through the legal process. Mr. Houston explained that this sale is going through, because WAFH had their chance to buy the moderate-income property, when it was listed in the summer of 22, but they declined. This meeting is just to finalize the ratification for this property sale. Mr. Boshart

stated this is a unique situation. He stated the current market rate monthly condo fees, \$1200, make this unaffordable, so it really can't be considered as a moderate income. Ms. Bent stated that the condo fees would have the next moderate-income buyer in the same situation where they can get a deal on the property but the condo fees would make it so they would not be able to keep up with payments. She also added that they are only 2 weeks left of what the actual release date would be for the deed rider, so the sale is still happening.

Carl Dickson, son of Ed and Polly Dickson, voiced his concerns over how this property deal transpired. He emailed the Select Board a letter earlier today, which discusses he and his sister's displeasure over this sale. He is concerned about losing one of the moderate-income properties. He feels that this is not what his mother intended for when the moderate-income housing was created. He is also claiming the property was not on the MLS Housing Listing for open market. Mr. Houston corrected him to say there was no requirement for it to be on MLS. Mr. Dickson was questioning if there was a way to help cover the condo fees for the moderate-income properties. Mr. Houston told him no. Mr. Houston also pointed out to Mr. Dickson that his mother's deed for the moderate-income property said the owner was allowed to sell on the open market with no restrictions once the property did not sell when it was listed as a restricted moderate-income property. The sale of the market valued property would still have the excess proceeds going back to the moderate-income housing fund.

Peter Smokowski, Trustee of the Dickson Meadow Condominium Trust. He stated he along with the Dickson's had no knowledge of the property being listed under the moderate income, or open market. Mr. Smokowski stated the condo fees for the moderate units are about 20% less than what the market rates are paying. He notes the condo fees are for the repairs to the condos such as roof replacements, sidings, painting the units, and maintaining the units. He stated the affordable units do not have the necessary means to upkeep their property, and so the market rate homeowners subsidize these costs with their condo fees, which make their rates higher. He suggested that the excess funds from the sale should go towards a general fund that would help cover repairs.

Ms. Davenport wanted to note that the other moderate-income unit 1 is under foreclosure, and the foreclosure is filed with the Court.

Alicia Primer, Planning Board Member expressed her disappointment about the Town losing one of their affordable housing units. She stated that many people work hard to get affordable housing units for Weston Residents. She stated that housing is a huge issue, and she mentioned how they are having a roundtable discussion next week that revolves around housing needs for Weston residents.

Diana Chaplin, a Weston Relator, suggested not using RHSO for listing moderate income properties. She feels they did not do a thorough job trying to find a moderate-income buyer. She advocated for next time when a moderate-income property is being placed on the market, let all the Weston Relators know so they can list it. She is disappointed that Weston is losing a moderate-income property. She said that there should be a fund set aside for condo fees and repairs of the moderate-income properties.

Mr. Houston stated that when RHSO sells a moderate-income property, they have a near zero commission when they sell, opposed to what the average relator which would be 5%. The Town would be out that additional money.

MOTION: Mr. Boshart move that the Select Board ratify, validate and confirm the Board's approval of a Settlement and Release Agreement with Christopher Davenport and Deborah Davenport relative to the sale of property at 25 Livermore Lane, including a purchase price of \$1,150,000.00, all as approved at the October 17, 2022 meeting.

MOTION: Mr. Boshart move that the Select Board approve the Purchase and Sale Agreement for 25 Livermore Lane, and authorize the Chair to execute a Compliance Certificate under the Deed Rider for the property upon receipt of proceeds from the sale and authorize the Chair to take any further action as may necessary to facilitate the votes hereunder.

MOTION: Mr. Boshart move that the Select Board approve and include the minutes of the October 17, 2022 meeting, as amended removing Ms. Yanakakis as an attendee, with the minutes of this meeting.

All were 2nd by Ms. Bent.

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

Laurie 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