

2020 ANNUAL TOWN MEETING

Commonwealth of Massachusetts
Middlesex, ss.

To any Constable in the Town of Weston, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet at the Town Hall at 11 Town House Road in said Town, on Thursday, the tenth day of September 2020, to act on Article 1 of this warrant for which polls will be open from 8:00 a.m. until 2:00 p.m.; and to meet at the High School at Proctor Field, on Saturday, the twelfth day of September 2020 at 3:00 p.m. to act upon the remaining articles of this warrant.

ARTICLE 1: TO BRING IN THEIR VOTES FOR THE FOLLOWING TOWN OFFICERS AND QUESTION TO BE VOTED ON ONE BALLOT

	<u>For a term of</u>
A Moderator	One Year
One Select Board Member	Three Years
Two Assessors	Three Years
One member of the School Committee	Three Years
Three members of the Recreation Commission	Three Years
One member of the Planning Board	Five Years
Two Library Trustees	Three Years
One Library Trustee	One Year
One member of the Board of Health	Three Years
One Commissioner of Trust Funds	Three Years
Three Measurers of Lumber	One Year

And to give their vote, Yes or No, on the following question:

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) South Side Drainage Improvements; and (3) Town/School Network Improvements?

Yes _____ No _____

SUMMARY

State law provides for an exemption from the limits of Proposition two and one-half of those amounts required to pay for the debt service for bonds approved by the voters. Question 1 would exempt the debt service for the bonds that will be issued in part for projects to be considered at the 2020 Annual Town Meeting:

Projects to be considered by 2020 Annual Town Meeting:

1. DPW-Drainage Improvements (Article 17)	\$ 400,000
2. South Side Drainage Improvements (Article 18)	2,585,700
3. Town/School Network Improvements (Article 19)	<u>945,000</u>
Total	\$ 3,930,700

Separate articles appear in the Annual Town Meeting Warrant to appropriate the funds and authorize borrowing for each purpose. A two-thirds vote of Town Meeting in favor is required for approval. This ballot question is only to exempt the debt service from the limits of Proposition 2½, should these items be approved by Town Meeting.

The debt service for the projects to be considered at the 2020 Annual Town Meeting is estimated to be \$98,268 in fiscal year 2022, \$399,717 in fiscal year 2023, then decreasing each year until the bond reaches maturity. This Proposition two and one-half debt exclusion shall be approved if a majority of the persons voting thereon vote "yes."

The Finance Committee voted to support this article.

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ANNUAL OPERATING BUDGET

ARTICLE 2: APPROPRIATE THE FISCAL YEAR 2021 OPERATING BUDGET

To raise and appropriate and transfer from available funds such sums of money as may be necessary to defray the costs of government and other Town charges for the fiscal year beginning July 1, 2020; or take any other action relative thereto.

Article 2 Explanation: The recommended fiscal year 2021 operating budget can be found in the Warrant Book. The following available funds will be transferred to fund a portion of the operating budget:

1. Undesignated Fund Balance (free cash)	\$3,500,000
2. Overlay Surplus	268,253
3. Well Litigation Settlement Account (principal)	150,000
4. Accrued Income-Well Litigation Settlement	7,500
5. Cemetery Trust Fund	20,000
6. Josiah Smith Tavern Trust Fund	6,000
7. Debt Exclusion Premium Reserve	230,145
Total	\$4,181,898

The motion to be made hereunder will also reduce to zero the amounts in the Well Litigation Settlement Account and the Accrued Income-Well Litigation Settlement account.

The Finance Committee voted to support this article.

CONSENT AGENDA (ARTICLES 3-23)

ARTICLE 3: APPROPRIATE FOR COMMUNITY HOUSING

To transfer from the Community Preservation Fund to reserve for future appropriation additional sums of money for the acquisition, creation, preservation and support of community housing, as recommended by the Community Preservation Committee, and as funding therefor, to appropriate said sums from Community Preservation Fund Fiscal Year 2020 annual revenues, or take any other action relative thereto.

Article 3 Explanation: The Community Preservation Act requires that 10% of revenues be set aside annually for Community Housing. At the time of the 2019 Annual Town Meeting, for purposes of annual allocations, we projected a state match of 21%. We received a state match of over 26%. The amount that was set aside by Annual Town Meeting for Community Housing is insufficient and must be increased to comply with the Community Preservation Act. An additional amount of approximately \$13,000 for community housing will be requested.

ARTICLE 4: APPROPRIATE RETAINED EARNINGS FOR THE WATER ENTERPRISE FUND

To amend the Fiscal Year 2020 Water Enterprise budget adopted under Article 9 of the 2019 Annual Town Meeting by transferring from retained earnings the additional sum of \$75,000 to operate the Water Division of the Department of Public Works during fiscal year 2020, or take any other action relative thereto.

Article 4 Explanation: In addition to the amount received from water use fees, an additional \$75,000 is needed from retained earnings to fully fund the Water Enterprise Fund due to a potential shortfall in projected revenue this fiscal year. Water Retained Earnings certified as of July 1, 2019, were \$120,157.

ARTICLE 5: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

To raise and appropriate or transfer from available funds a sum of money to the Other Post Employment Benefits (OPEB) Trust Fund, to be used to pay the costs of post employment benefits; or take any other action relative thereto.

Article 5 Explanation: This article allows the Town to continue to fund its future liability for other post employment benefits (retiree health insurance) for Town of Weston retirees, which amounts to

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approximately \$50.1 million. Currently, the Town has approximately \$23.2 million in this Trust Fund as of 12/31/2019. The amount expected under this vote is \$1,023,254.

ARTICLE 6: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS

To authorize the Select Board to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and to authorize the expenditure of such sums of money as may be received for the fiscal year commencing July 1, 2020, provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

Article 6 Explanation: Massachusetts law requires that Town Meeting approve the use of funds received from the Commonwealth for road construction purposes, including engineering or addressing traffic improvements. In fiscal year 2020, the Town was allotted \$518,706 from the Commonwealth for this purpose; in fiscal year 2021, the amount is \$469,124.

ARTICLE 7: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

To establish Fiscal Year 2021 income eligibility limits under Chapter 421 of the Acts of 2004, An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly; or take any other action relative thereto.

Article 7 Explanation: Several years ago, Weston obtained special legislation to change the eligibility criteria for the property tax deferral program, allowing the Select Board to set the interest rate for residents over 60 who defer their property taxes. For fiscal year 2021, the rate remains set at 4%. This legislation also allows the Select Board, with Town Meeting approval, to establish the income eligibility limit for this program each year. The Select Board is recommending that the income limit be increased to \$90,650 for fiscal year 2021, which is the limit for a two-person household at 100% of the area median income and is also the limit for moderate-income housing funded by the Community Preservation Act. Ratification of this amount is required by Town Meeting.

ARTICLE 8: APPROPRIATE FISCAL YEAR 2021 WATER ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2021, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY18	Expended FY19	Appropriated FY20	Recommended FY21
Salaries	\$295,427	\$292,098	\$302,692	\$308,570
Expenses	181,711	170,480	296,155	260,850
MWRA Assessment/Water Purchases	2,824,894	2,499,852	2,687,000	2,406,000
Debt Service (non-exempt)	537,947	518,125	552,409	617,068
Capital Outlay+	83,876	106,196	67,500	67,500
Total	\$3,923,855	\$3,586,751	\$3,905,756	\$3,659,988

Or take any other action relative thereto.

Article 8 Explanation: Debt service includes amounts for previously approved projects and the water main rehabilitation project to be considered under Article 9. The operating expenses for the Water Division are entirely funded by water fee revenue.

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ARTICLE 9: APPROPRIATE FOR WATER MAIN REHABILITATION

To appropriate a sum of money to pay costs of laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. C.44, §8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

Article 9 Explanation: This request is part of an ongoing program to replace old cast iron and asbestos transite cement water mains. This material is no longer used to construct water mains. This appropriation is to replace roughly 1,100 linear feet of transite water main on Longmeadow Road that was installed in 1952. The design for this project will be completed by the DPW's engineering division. The amount to be requested under this article is \$250,000, to be funded by borrowing.

A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 10: APPROPRIATE FOR WATER DISTRIBUTION MASTER PLAN

To appropriate a sum of money to pay costs for the implementation of the Water Distribution Master Plan in the Weston Water Distribution System, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

Article 10 Explanation: This request is part of the Town's Water Distribution Master Plan. In this phase, the Department intends to design the replacement of Paine's Hill Tank (constructed in 1958) and to remove the old 128 water pump station which is no longer in service and poses a potential liability. The amount to be requested under this article is \$251,000, to be funded by borrowing.

A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 11: APPROPRIATE FISCAL YEAR 2021 RECREATION ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Recreation Department during Fiscal Year 2021, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY18	Expended FY19	Appropriated FY20	Recommended FY21
Salaries	\$1,137,424	\$1,192,809	\$1,287,276	\$1,323,239
Expenses	487,302	467,800	532,300	535,255
Community Center	74,689	78,789	78,550	78,550
Capital Outlay+	171,809	-	-	-
Total	\$1,871,224	\$1,739,398	\$1,898,126	\$1,937,044

Or take any other action relative thereto.

Article 11 Explanation: Program fees cover approximately 70% of the salaries and expenses for this department; the remaining 30% is funded by property taxes. In addition, there will be a contribution of

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\$45,889 from the Council on Aging budget to the Recreation Enterprise Fund to support the cost of operating the Community Center, in which the Council on Aging is housed.

ARTICLE 12: APPROPRIATE FISCAL YEAR 2021 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Brook School Apartments during Fiscal Year 2021, under the provisions of Chapter 76 of the Acts of 2009 and M.G.L. Chapter 44, section 53F½:

	Expended FY18	Expended FY19	Appropriated FY20	Recommended FY21
Salaries	\$184,024	\$169,599	\$189,437	\$199,320
Expenses	\$309,598	375,217	385,250	401,600
Payments in Lieu of Taxes	23,365	23,949	24,548	25,162
Debt Service	273,773	265,133	256,569	247,874
Repairs & Replacements+	64,502	154,337	164,908	174,802
Capital Improvements+	15,412	27,677	100,000	100,000
Total	\$870,674	\$1,015,912	\$1,120,712	\$1,148,758

Or take any other action relative thereto.

Article 12 Explanation: Funding for the operation of the Brook School Apartments comes from rental income and the Community Preservation Fund, which is covering the cost of the debt service for construction of thirteen affordable units completed as part of the expansion project in 2004.

ARTICLE 13: APPROPRIATE FISCAL YEAR 2021 PUBLIC ACCESS OPERATIONS

To see if the Town will transfer from the PEG and Cable Related Fund a sum of money as a grant to Weston Media, Inc. for Cable Access and PEG purposes for FY2021, and to authorize the Town Manager to enter into a grant agreement with Weston Media, Inc. upon such terms and conditions as the Town Manager deems appropriate, or take any other action relative thereto.

Article 13 Explanation: Recently the Commonwealth established rules governing the method by which cable franchise fees are used to support public access operations in the state. This article follows guidance from the Commonwealth by accepting a provision of the law designed for this purpose and transfers to the account franchise fees collected by the Town and intended for public access operations.

ARTICLE 14: RESCIND BOND AUTHORIZATION

To rescind all or a part of a certain authorization to borrow funds, which was approved in a prior year, where the purpose of the borrowing has been completed and/or it was unnecessary to borrow the amount approved, or take any other action relative thereto:

Article 24 May 6, 2019, Annual Town Meeting – 500 Wellesley Street Acquisition \$11,734

Article 14 Explanation: The above-noted authorization is no longer needed. It is necessary for Town Meeting to rescind the balance of the bond authorization so it can be removed from the Town’s financial records.

ARTICLE 15: APPROPRIATE FOR HISTORICAL PURPOSES

To appropriate a sum of money to pay costs for historic or other purposes of the Historical Commission, to be spent under the direction of the Town Manager, the money so appropriated to be transferred from available funds (free cash); or take any other action relative thereto.

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Article 15 Explanation: Earlier this year, the Town authorized the sale of items under the custody of the Town's Historical Commission and Select Board. The proceeds of the sales of items totaled \$40,413. This article proposes dedicating free cash equal to these proceeds to the Historical Commission, to be used for such specific purposes as may be determined by the Historical Commission from time to time, in accordance with its objectives and in consultation with the Town Manager.

ARTICLE 16: APPROPRIATE FOR OPERATING CAPITAL ITEMS

To appropriate a sum of money to pay for the costs of purchasing and equipping the following items, including all incidental and related expenses:

1. A replacement ambulance for the Fire Department	\$250,000
2. Protective clothing for the Fire Department	200,000
3. A replacement vehicle for the Recreation Department	32,000
Total	\$482,000

to be spent under the direction of the Town Manager, the money so appropriated to be transferred from available funds (free cash); or take any other action relative thereto.

Article 16 Explanation: The Fire Department has a four-year replacement schedule for its ambulances. One of the Town's ambulances is due to be replaced this Fiscal Year. The amount to be requested under this article is \$250,000 with the remaining amount received as a \$100,000 private donation. The Fire Department is required to replace protective firefighting equipment every ten years. We use a 5-year replacement program so that equipment is used as front-line equipment for 5 years and another 5 years as a piece of spare equipment so we meet NFPA guidelines on gear washing and repairs. The amount to be requested under this article is \$200,000. The Recreation Department is currently using a truck from 2004 to support its operations. It has over 130,000 miles and electrical issues. The plan would be to trade this truck in for a comparable vehicle. The amount to be requested under this article is \$32,000.

ARTICLE 17: APPROPRIATE FOR DRAINAGE IMPROVEMENTS

To appropriate a sum of money for the construction or reconstruction of surface drains and all incidental and related costs, including the acquisition by gift, purchase and eminent domain of such temporary or permanent easements as may be necessary for this project, and to authorize appropriate Town officials to acquire such interests, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c. 44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

Article 17 Explanation: This request is part of the ongoing program to replace, upgrade, or install new storm drainage lines and structures to improve substandard drainage systems in town. Important future projects include, but are not limited to a location on Pinecroft Road. Public/private partnerships are funded from this program and help to resolve deficient drainage systems affecting runoff from public ways through private property. Drainage funds are also used for street drainage repairs for the road paving program. The amount to be requested under this article is \$400,000.

A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 18: APPROPRIATE FOR SOUTHSIDE DRAINAGE IMPROVEMENTS

To appropriate a sum of money for the construction or reconstruction of surface drains for the so-called 'South Side Drainage Improvement Project' and all incidental and related costs, including the acquisition by gift, purchase and eminent domain of such temporary or permanent easements as may be necessary for

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this project, and to authorize appropriate Town officials to acquire such interests, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c. 44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

Article 18 Explanation: This request is part of the ongoing South Side Drainage Improvement project to install new drainage infrastructure on Pond Brook Circle and in easements associated with drainage from the watershed in the Ledgewood and Shady Hill neighborhoods. The amount to be requested under this article is \$2,585,700 and represents the third and final phase of drainage infrastructure in the Shady Hill and Ledgewood Road areas.

A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 19: APPROPRIATE FOR NETWORK IMPROVEMENTS

To appropriate a sum of money for updates to and replacements of Town and School information systems and communication infrastructure equipment, including all incidental and related expenses, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c. 44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

Article 19 Explanation: The Town and Schools share a data and communications infrastructure that needs updating. Our current network and wireless systems were installed between 2006 and 2010 and have served the town very well, but the demands on these tools have never been greater. We need to update to systems designed to handle today's cyber threats, the demands of content-rich online environments, and the capacity to carry us years into the future. Updated components include network switching, wireless systems, servers, fiber and copper network cabling, systems and security design services, and all associated hardware and installation services. Additionally, each public school building, the public library, and the REC/COA building will receive limited in-building cellular enhancements to increase communication options and public safety capabilities. The cellular enhancements are primarily in response to public safety and administrative concerns about the lack of cellular service within the building administrative areas and where large groups would be relocated if needed. Classrooms are not included in cellular enhancement plans. The amount to be requested under this article is \$945,000.

A two-thirds vote of Town Meeting is required for approval of this article.

COMMUNITY PRESERVATION ACT (ARTICLES 20-23)

ARTICLE 20: APPROPRIATE FOR FISCAL YEAR 2021 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET

To hear and act on the report of the Community Preservation Committee on the Fiscal Year 2021 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for fiscal year 2021; and further, to reserve for a future appropriation for purposes consistent with the Community Preservation Act the amounts as recommended by the Community Preservation Committee for open space, including land for recreational use, historic resources and affordable housing; and further, to appropriate from the Community Preservation Fund a sum of money for

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payment of debt service on Community Preservation projects previously approved by Town Meeting, all as recommended by the Community Preservation Committee, or take any other action relative thereto.

Article 20 Explanation: The Community Preservation property tax surcharge will raise more than \$2,250,000 in fiscal year 2021, which is expected to be matched, in part, by the State. By law, a minimum of 10% of Community Preservation funds raised by the surcharge and as matching funds from the state must be spent or set aside for future spending in each of three categories: open space, which recent legislation has defined to include land for recreational use; historic resources; and community housing. The remaining 70% of available funds may be allocated to any one or a combination of the three categories, all as specified in G.L. c.44B, §5(b)(2), as most recently amended.

The administrative expense budget, limited by law to no more than 5% of annual Community Preservation Fund revenues, is estimated to be \$136,000 and is funded from the Community Preservation Fund. Any administrative funds remaining unused at the end of the fiscal year are returned to the Unallocated allocation of the Community Preservation Fund. The administrative expense budget covers the cost of a part-time staff person for the Committee and Committee expenses such as appraisal fees, legal fees, and advertising for public hearings.

The appropriation for debt service includes \$5,395 for Brook School Apartments, \$372,488 for the Weston Art and Innovation Center, \$341,356 for Case Estates, \$200,153 for 500 Wellesley St., and \$74,940 for the Josiah Smith Tavern.

ARTICLE 21: APPROPRIATE FOR HISTORIC RESOURCES – FARMERS’ BURIAL GROUND AND CENTRAL CEMETERY RESTORATION

To appropriate a sum of money for historic resource purposes under the Community Preservation Program, to be used to assess, preserve, conserve and restore gravestones, tombs, and other elements in the historic Farmers’ Burial Ground, located on Boston Post Road at Colpitts Road, and Central Cemetery, located on Boston Post Road at Linwood Avenue, including all related incidental costs, to be spent under the direction of the Town Manager, said sum to be transferred from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 21 Explanation: Farmers’ Burial Ground and Central Cemetery are important historic landmarks within the Boston Post Road corridor. The first recorded burial in Farmers’ Burial Ground took place in 1703, a decade before Weston’s incorporation. The first burial of record in Central Cemetery occurred in 1792. Some of the community’s earliest and most prominent citizens, including Josiah Smith and Colonel Lamson, and at least 25 Revolutionary War veterans are interred in these two cemeteries. More than 300 years of Weston’s history is recorded in these scenic outdoor museums.

This is the third phase of a 3-phase funding request. Funds appropriated at the May 2013 Annual Town Meeting for Phase I were used for restoring the majority of the most damaged monuments in Farmers’ Burial Ground. Funds appropriated for Phase II at the November 2017 Special Town Meeting were used to update a condition assessment for both cemeteries, to prepare bid documents, and to complete conservation of the most damaged markers in both cemeteries, including some monuments in Farmers’ Burial Ground which were not restored during Phase I. This final phase of the project will fund preservation/restoration of stone walls and gates at both cemeteries and tomb restoration at Central Cemetery. The amount to be requested under this article is \$140,000.

ARTICLE 22: APPROPRIATE FOR COMMUNITY HOUSING – REGIONAL HOUSING SERVICES OFFICE & HOUSING TRUST STAFF SUPPORT

To appropriate a sum of money for community housing purposes under the Community Preservation Program in order to provide funds needed to participate in a regional housing services office and for staff assistance for the acquisition, creation, preservation, and support of community housing; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund; or take any other action relative thereto.

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Article 22 Explanation: Weston collaborates with the Towns of Acton, Bedford, Concord, Lexington, Lincoln, Sudbury, and Wayland to provide a regional housing services office (“RHSO”), which is currently hosted by Concord, with offices in Acton. Professional staff with expertise in affordable housing offer a variety of services related to lottery, monitoring, administration of the subsidized housing inventory, and consultation on specific projects. In addition, staff support is provided through the RHSO for the Weston Affordable Housing Trust. The amount to be requested under this article is \$32,000.

ARTICLE 23: APPROPRIATE FOR COMMUNITY HOUSING – COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM

To appropriate a sum of money for community housing purposes under the Community Preservation Program to the Weston Affordable Housing Trust in order to provide funds to support community housing through a COVID-19 Emergency Rental Assistance Program; funds will be disbursed pursuant to a grant agreement between the Town Manager and the Weston Affordable Housing Trust, on such terms and conditions as the Town Manager deems appropriate, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 23 Explanation: The Weston Affordable Housing Trust will contract with the Regional Housing Services Office (“RHSO”), which is currently hosted by Concord with offices in Acton, to administer a COVID-19 Emergency Rental Assistance Program (“ERAP”). The ERAP will provide temporary, emergency assistance to eligible tenants who have established that they have suffered a loss of income as a direct result of the COVID-19 Pandemic and/or the State of Emergency issued by Governor Baker for the Commonwealth of Massachusetts. Eligible tenants must either: a) rent and reside in a housing unit located in the Town of Weston, b) have children currently enrolled in a Weston Public School, or c) work (or were working as of March 10, 2020) for an employer located in the Town of Weston. Eligible tenants’ household incomes shall not exceed 100% of the Area Median Income (“AMI”) as defined by the U.S. Department of Housing and Urban Development. Additional eligibility requirements may be established and administered by the RHSO as approved by the Weston Affordable Housing Trust. A portion of said funds may be used to pay for administrative costs necessary for establishing and operating the ERAP. The amount to be requested under this article is \$100,000.

~ END CONSENT AGENDA ~

The Finance Committee voted to support all articles within the Consent Agenda.

ARTICLE 24: ACTIVE ADULT RESIDENTIAL CLUSTER DEVELOPMENT ZONING BY-LAW

To amend the Zoning By-law, Section V., “Use Regulations,” Subsection K. “Active Adult Residential Development (AARD)” to incorporate provisions allowing for the creation of small-scale Active Adult Residential Cluster (AARC) developments on qualifying land, consistent with the design guidelines and standards set forth therein and subject to Town Meeting approval of a Concept Plan and site plan approval by the Planning Board, the text of which proposed amendment is on file with the Town Clerk, or take any other action relative thereto.

Article 24 Explanation: This article seeks to amend the current “Active Adult Residential Development (AARD)” Zoning By-law to allow for the creation of small-scale Active Adult Residential Cluster (“AARC”) developments of single-family dwellings on lots between two and one half (2 ½) and four (4) acres in size, in close proximity to public transportation, and designed to be integrated into a neighborhood setting. Within an AARC, each of the dwelling units shall be owned and permanently occupied by at least one person aged 55 or older, and at least 12.5% of the dwelling units shall be affordable for purchase by persons of low or moderate-income. Consistent with the current AARD Zoning By-law, all AARC developments must meet applicable General Design Guidelines and Standards set forth in the By-law, and applicants must submit a Concept Plan to Town Meeting and receive a two-thirds vote approving said plan prior to obtaining Planning Board Site Plan Approval.

The purpose of these amendments is to provide alternative housing for a maturing population; provide a type of housing which reduces residents’ burdens of property maintenance and which reduces demands on

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municipal services; encourage the development of affordable housing for active adults with low and moderate-income, as defined in 760 CMR 56.02; promote flexibility in site planning while protecting natural features; encourage the use of mass transit by providing an option for age-restricted higher residential density close to the MBTA commuter rail stops.

A two-thirds vote is required to approve this amendment.

The Finance Committee takes no position on this article.

ARTICLE 25: ACTIVE ADULT RESIDENTIAL CLUSTER DEVELOPMENT CONCEPT PLAN FOR 255 MERRIAM STREET AND 11 HALLETT HILL ROAD

To approve a Concept Plan for an Active Adult Residential Cluster (AARC) on the combined properties located at 255 Merriam Street and 11 Hallett Hill Road in Weston, further defined on Assessor's Map 7, Lots 70 and 129, both within the Residence C Zoning District, consistent with the amendments to the Active Adult Residential Development (AARD) and Active Adult Residential Cluster (AARC) Zoning By-law, Section V, Subsection K, or take any other action relative thereto.

Article 25 Explanation: This article seeks to have the Town approve an Active Adult Residential Cluster (AARC) Concept Plan consistent with the General Design Guidelines and Standards as set for in the Active Adult Residential Development and Active Adult Residential Cluster By-law at the combined properties located at 255 Merriam Street and 11 Hallett Hill Road in Weston.

A two-thirds vote is required to approve this Concept Plan.

The Finance Committee takes no position on this article.

ARTICLE 26: DIMENSIONAL EXEMPTION FOR MUNICIPAL PURPOSE USE COMMUNICATION BY-LAW

To amend the Town of Weston Zoning By-law by adding the following new Section VI. I providing as follows:

Notwithstanding anything in this By-law to the contrary, communication facilities for a Municipal Purpose Use, including without limitation poles, towers, antenna and related equipment, are allowed in all zoning districts and are exempt from all dimensional regulation, including without limitation, restrictions as to height.

Or take any action relative thereto.

Article 26 Explanation: This article seeks to have the Town approve an exemption for municipal use communication towers for public safety communication purposes. This article seeks to clarify this exemption.

A two-thirds vote is required to approve this amendment.

The Finance Committee takes no position on this article.

CITIZENS' PETITION

ARTICLE 27: APPROVING A GENERAL ORDER ON FEDERAL IMMIGRATION ENFORCEMENT AND RELATED MATTERS (as supplied by petitioners)

To see if the Town will vote to recommend to the Select Board, that they adopt the following regulation with regard to the operations of the Town of Weston Police Department:

PREAMBLE

APPROVING A GENERAL ORDER ON FEDERAL IMMIGRATION ENFORCEMENT AND RELATED MATTERS

The Select Board of the Town of Weston (the "Board"), in consultation with the Police Chief (the "Chief") and pursuant to authority granted under Massachusetts General Laws, c. 41, §97 relative to the making of

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suitable regulations governing the police department and the officers thereof, including for regulating the involvement of the Police Department (the "Department") in the enforcement of federal immigration laws and related matters, hereby adopts the following regulation to be issued as a General Order of the Chief.

PURPOSE

The purpose of this regulation is to increase public confidence in law enforcement by providing guidelines associated with federal immigration enforcement, arrests, detentions, separation of families, and deportations.

WELCOMING REGULATION

It is not within the purview nor mandate of to enforce federal immigration law or seek the detention, transfer, or deportation of residents for civil immigration purposes, nor should town resources be expended toward that end. Under no circumstances shall a person be contacted, detained, or arrested by the Police Department solely based on immigration status, whether known or unknown.

The Department recognizes and values the diversity of the community it serves. The Town of Weston and the Police Department are committed to promoting safety and providing proactive community policing services to all who are located in our community. All community members should know that they are encouraged to seek and obtain police assistance and protection regardless of their specific immigration and/or documentation status.

The Police Department relies upon the cooperation of all persons to achieve our important goals of protecting life and property, investigating and preventing crime, as well as resolving recurring neighborhood issues. Assistance from various immigrant populations is especially important when an immigrant, whether documented or not, is the victim or witness to a crime. It is essential that these individuals do not feel uncomfortable or intimidated in coming forward with the requisite information and general firsthand knowledge to aid in investigating a particular crime. This type of mutual trust and cooperation is crucial in preventing and solving crime incidents, as well as maintaining public order, safety, and security in the entire community.

1. DEFINITIONS

"Customs and Border Protection" or "CBP" is the agency within the U.S. Department of Homeland Security with the primary responsibility of securing the nation's borders.

"Immigration and Customs Enforcement" or "ICE" is the agency within the U.S. Department of Homeland Security with primary responsibility to investigate and enforce immigration law.

"ICE holds," also known as "immigration holds," "ICE detainers," or "immigration detainers" are requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local law enforcement or courts to voluntarily maintain custody of an individual once that individual is released from local custody.

"Administrative warrant" means a warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (I-200, I-203, I-205 or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.

"Released from local custody" means an individual may be released from the custody of a law enforcement agency because any of the following conditions has occurred:

- a. All criminal charges against the individual have been dropped or dismissed;
- b. The individual has been acquitted of all criminal charges filed against him or her;
- c. The individual has served the time required for his or her sentence;
- d. The individual has posted a bail or bond, or has been released on his or her own recognizance;
- e. The individual has been referred to pre-trial diversion services;
- f. The individual has been sentenced to an alternative to incarceration, including a rehabilitation facility;
- g. The individual is otherwise eligible for release under state or local law.

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“U.S.C. § 1373: Communication between government agencies and the Immigration and Naturalization Service” is as follows:

a. In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

b. Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

1. Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
2. Maintaining such information.
3. Exchanging such information with any other Federal, State, or local government entity.

c. Obligation to respond to inquiries

The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

(Pub. L. 104–208, div. C, title VI, § 642, Sept. 30, 1996, 110 Stat. 3009–707.)

2. RECOMMENDATIONS

- a. **Equal treatment.** All persons coming into contact with police officers or other personnel of the Department shall be afforded all of the civil and human rights and due process and equal protection safeguards available under the Constitution and laws of the United States, the Commonwealth of Massachusetts, and the Town of Weston, and treaties of the United States, as applicable, irrespective of their immigration status. No officer or employee of the Department shall inquire about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom the agency has contact, unless such information is required by law. A person’s immigration status shall have no bearing on his or her treatment by officer or employees of the Department.
- b. **ICE holds or administrative warrants.** Unless ICE demonstrates a criminal warrant signed by a judge and based on probable cause, no officer or employee of the Department shall arrest or detain an individual solely on the basis of an immigration hold or administrative warrant. This includes extending length of custody by any amount of time once an individual is released from local custody.
- c. **ICE notification requests.** No officer or employee of the Department shall respond to any ICE notification request by providing any federal agent or agency information about an individual’s incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release.
- d. **ICE access to records or facilities.** Unless ICE demonstrates a criminal warrant signed by a judge based on probable cause, no officer or employee of the Department shall allow ICE agents access to or use of facilities, records, databases, booking lists, or individuals in custody either in person or via telephone or videoconference.
- e. **Individuals subject to ICE interventions.** Any individual subject to an immigration hold, administrative warrant, notification request, or contact with ICE shall be provided with a copy of the ICE request and any other documentation pertaining to their case that is presented to the law enforcement agency.

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- f. **U Visa Certification.** In furtherance of the US Victims of Trafficking and Violence Prevention Act, the Department shall consider and sign a U Visa certification request if an individual is (i.) the victim of a qualifying crime, and (ii.) have been, are being, or will likely be helpful in the investigation/prosecution of that crime.
- g. **Raids and other immigration enforcement actions.** No officer or employee of any agency or department may participate in an operation led by a federal agency to detain persons for deportation purposes or otherwise use funds, resources, facilities, property, equipment, or personnel to assist in the enforcement of federal immigration law.
- h. **Deputizing of local officials.** To the extent permissible by law, no officer or employee of any Department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal.
- i. **Compliance with federal law.** Nothing in this Section shall be construed to violate any valid federal law, or to prohibit any agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.

3. COMPLAINTS

Allegations of violations of the present welcoming regulation and order shall be filed with the Select Board.

4. REPORTING

- a. The Department shall keep a record of all arrestees who have been the subject of an ICE detainer after arrest by the Police Department. Included in the record shall be the following:
 - i. The person's name.
 - ii. The charges or other grounds on which the person was arrested.
 - iii. Whether a decision was made not to proceed with prosecution and the person was released.
 - iv. The amount of bail set by the bail commissioner after arrest.
 - v. Whether the person was released from the Department after booking or whether he or she was transferred to court.
- b. Beginning upon passage of this regulation, the Police Chief shall submit a report, with the information detailed below, to the Town Clerk, forward to the Select Board, docket said report, and include the docket on the agenda of the next occurring meeting of the Select Board.
 - i. The total number of ICE holds, administrative warrants, and notification requests lodged with law enforcement officials, organized by the reasons(s) given the request;
 - ii. warrant, if any;
 - iii. iv.
- c. The Department shall provide a copy of this regulation to all police officers employed by the
The total number of individuals detained on an ICE hold or administrative
The total number of individuals transferred to ICE custody, if any; and
The total reimbursements received from the federal government pursuant to any granted hold, administrative warrant, or notification request, organized by case.

Police Department.

5. REGULATION

- a. The provisions of this regulation shall be effective immediately upon approval.
- b. All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this regulation shall be promptly developed and promulgated by the Town of Weston, the Police Department, and all other relevant entities.
- c. Nothing in this regulation shall prohibit or restrain any law enforcement officer, or any Town employee or agent from sending to, or receiving from, any local, state, or federal agency, information

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regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.

6. SEVERABILITY CLAUSE

- a. If any section, subsection, paragraph, sentence, clause, or phrase of this regulation is declared unconstitutional or invalid for any reason, such a decision shall not affect the validity of the remaining parts of this regulation.

Article 27 Explanation: The petitioners assert that this article would create a regulation affirming the Town's commitment to equal treatment and nondiscrimination for all people regardless of immigration status protected under the laws of Massachusetts and the United States. The involvement of local law enforcement in enforcing immigration law, increases the risk of profiling, and may be a deterrent to crime reporting and education. Regulation is written to protect Weston taxpayers from unnecessary holding costs, extra duties and expensive lawsuits over the violation of due process. This regulation would: 1. Prevent Weston Police from inquiring about immigration status 2. Guarantee due process 3. Limit notifications to ICE 4. End any collaboration agreements with ICE. This regulation would not interfere with crime fighting or protect someone convicted of a crime. The petitioners note that several other Massachusetts cities and towns have adopted this regulation, it is based on the Safe Communities Act S.1401/H.3573 that is working its way through the MA legislature. The petitioners believe that, as a matter of moral principal, and public safety Weston should strive to create a safer environment for everyone, and to increase public confidence in law enforcement by providing guidelines.

And you are to serve the warrant by posting attested copies thereof at the Town Hall, the Police Station, the Public Library, the Transfer Station and on the kiosk at the front of the Weston High School on Wellesley Street by the gymnasium, seven days at least before the time appointed for said meeting.

Hereof fail not to make due return of this warrant with your doings thereon to the Select Board at the time and place of said meeting. Given under our hands July 31, 2020.

Christopher E. Houston
Laurie A. Bent
Harvey R. Boshart
Select Board Members of the Town of Weston