



TOWN OF WAYLAND

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BOARD OF SELECTMEN

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EDWARD J. COLLINS
STEVEN J. CORREIA
DOUGLAS J. LEARD
JOSEPH F. NOLAN

CONFIDENTIAL

Board of Selectmen Executive Session Minutes March 20, 2013

Attendance: Edward J. Collins, Douglas J. Leard, Joseph F. Nolan

Also Present: Town Administrator Fred Turkington, Executive Assistant MaryAnn DiNapoli

Purpose: The session was called at 8:35 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (3-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining or litigation because an open meeting may have a detrimental effect on the bargaining or litigating position of the town.

Discussion: F. Turkington discussed the need for a decision on whether to appeal the ruling of the Attorney General to disallow the bylaw passed at the October 2012 Special Town Meeting, "Adopt Bylaw re: Utility Herbicide Application." He said that both he and Town Counsel Mark Lanza recommend against filing an appeal, given that an appeal is estimated to cost \$5,000 to \$7,000, and would be unlikely to succeed in overturning the Attorney General ruling without procedural defect and based on public policy differences. The Board considered whether the petitioners had standing to appeal the decision. F. Turkington said he asked the lead petitioner, Scott Machanic, whether he is considering an appeal and will confirm with Town Counsel whether citizens have standing to bring suit. The Board agreed that an appeal of the Utility Herbicide Application bylaw would require a legal expenditure, requested more information for the next meeting.

Adjourn: By motion of D. Leard, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 8:47 p.m. YEA: E. Collins, D. Leard, J. Nolan. NAY: none. ABSENT: J. Bladon, S. Correia. ABSTAIN: none. Adopted 3-0.