



TOWN OF WAYLAND

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BOARD OF SELECTMEN
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
STEVEN J. CORREIA
DOUGLAS J. LEARD
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes July 23, 2013

Attendance: Tony V. Boschetto, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan
Also Present: Town Administrator Fred Turkington

Chair D. Leard called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the public.

A2. Public Comment Linda Segal, 9 Aqueduct Road, offered a chronology of events since 1995 related to wastewater that she prepared from public documents with the help of others. She criticized the treatment of a citizen who interviewed for appointment to a town committee on July 22 and challenged the assertion that the applicant delayed Town Center.

A3. Adopt Orders of Taking by Eminent Domain of Roadways and Related Easements Accepted at the 2013 Annual Town Meeting Town Counsel Mark Lanza explained the process and time frame to complete the vote taken at the 2013 Annual Town Meeting accepting several roads. T. Boschetto expressed concern that the town will incur maintenance expenses because the bonds were released before the roads were accepted, and those costs should have been borne by the developer. M. Lanza and F. Turkington explained that the only road requiring repairs in excess of bond funds was Plainview Road, which was repaired for public safety. Two roads remain in need of acceptance. E. Collins moved, second by J. Nolan, that the Selectmen adopt the order of takings as prepared by Town Counsel for the following streets approved for acceptance by the 2013 Annual Town Meeting: Cart Path; Catherine's Farm Road; Cobblestone Road; Ellen Mary Way; Pheasant Run; Sage Hill Road; and Lingley Lane. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A4. Executive Session- Strategy and Negotiations with Respect to Pending Litigation in the Matter of *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission* T. Boschetto moved, seconded by E. Collins, that the Board of Selectmen enter into executive session in accordance with Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing strategy with respect to *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission* as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. D. Leard declared discussion of these matters in an open session would have a detrimental effect on the litigating position of the Town. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

D. Leard invited Town Counsel Mark Lanza, Special Legal Counsel John Mirick, Town Administrator Fred Turkington and members of the Wastewater Management District Commission Fred Knight and Sam Potter to attend and participate in executive session. He announced that the Board expected to return to open session in approximately 60 minutes.

S. Potter moved, seconded by F. Knight, that the Wastewater Management District Commission enter into executive session in accordance with Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing strategy with respect to *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission* as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. F. Knight declared discussion of these matters in an open session would have a detrimental effect on the litigating position of the Town. YEA: F. Knight, S. Potter. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 2-0. T

The Board returned to open session at 9:15 p.m.

S. Correia responded to the public comment of Linda Segal, stating that he questioned Alice Boelter based on her public statements, not any votes she took as an alternate member of the Historic District Commission from 2009 to 2010. He had questioned whether she still believed that the Historic District Commission had the authority to regulate public safety with the district and whether she believed the commission could engage legal counsel without the appointment by the Town Administrator and ratification of the Board of Selectmen.

A5. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any
D. Leard said, "I know of none."

There being no further business before the Board, T. Boschetto moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 9:18 p.m. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed For Information and Use by the Board of Selectmen at the July 23, 2013 Meeting

1. Documents related to taking of land for acceptance of streets as approved by the 2013 Annual Town Meeting.
2. Email dated July 19, 2013 from Town Administrator to Selectmen providing motions prepared and filed by Town Counsel Mark Lanza relative to opposition to inclusion of deposition testimony in the matter of *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater District Commission*.
3. Motion to enter executive session.
4. Notice of appeal dated July 23, 2013 in Civil Action No. MICV2011-04095 *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater District Commission*.
5. Document entitled "Wayland Wastewater Factual Chronology" prepared and submitted by Linda Segal during public comment.