



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
Executive Session
June 13, 2013**

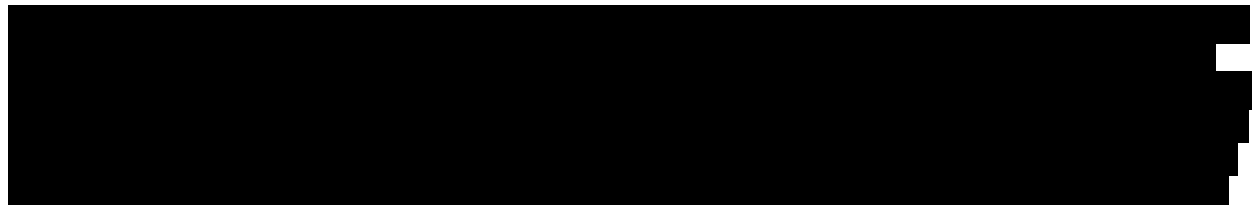
Attendance: Tony V. Boschetto, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan
Also Present: Town Administrator Fred Turkington, Assistant Town Administrator/Human Resources Director John Senchyshyn, Finance Committee Chair Tom Greenaway, School Committee Chair Barb Fletcher and members Ellen Grieco and Donna Bouchard, Executive Assistant MaryAnn DiNapoli

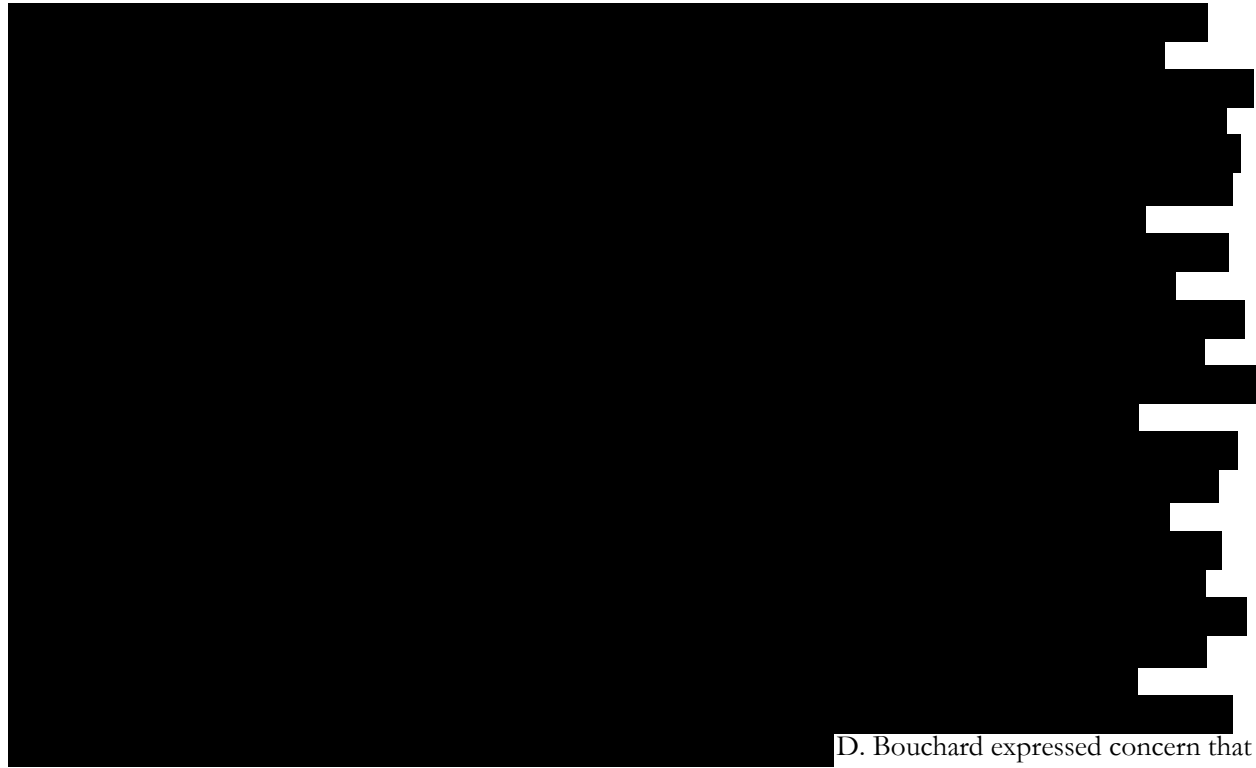
Purpose: The session was called at 7:40 a.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (YEA: T. Boschetto, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0) of the Board of Selectmen in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining negotiations with the Wayland Teachers Association; mid-term bargaining with the Wayland Police Association; and Twenty Wayland, LLCv. Town of Wayland and Wayland Wastewater Management District Commission as an open meeting may have a detrimental effect on the negotiating and litigating position of the Board.

Discussion: S. Correia began the discussion by noting that Board member T. Boschetto has a conflict of interest in that his wife works for the school department, and that as such, he should not be involved in the negotiations. T. Boschetto said he will not actively engage in the negotiations, and he will not vote, but he would like to observe and understand the process and discussion. J. Nolan asked if he had contacted the State Ethics Commission; T. Boschetto said no.



J. Nolan left at 8:00 a.m.





D. Bouchard expressed concern that J. Senchyshyn was not a resident of Wayland and therefore, under the Town Bylaws, not legally able to vote on the agreement as the Selectmen's representative if necessary; T. Boschetto asked that the matter be brought to Town Counsel for an opinion. E. Grieco said the vote will be on June 24, and she would like guidance from the Board. E. Collins asked for an opportunity to review the documents further.

The first executive session ended 8:47 p.m. Finance Committee Chair Tom Greenaway, School Committee Chair Barb Fletcher and members Ellen Grieco and Donna Bouchard left the meeting.

The second executive session, mid-term bargaining with the Wayland Police Association, was cancelled due to time restraints.

The Board was joined by Town Counsel Mark Lanza. He described for the Board the jury verdict of June 11, 2013, in regard to the matter of Twenty Wayland LLC v. Town of Wayland and Wastewater Management District Commission, and the order for the town to pay approximately \$1 million. E. Collins asked if the town is also still obligated to provide 45,000 gpd to Twenty Wayland; F. Turkington said yes, and the town must get the DEP on board. M. Lanza said the DEP is treating design as discharge, although in actuality there is no difficulty in providing adequate discharge. He said the DEP required Twenty Wayland to be permitted, even though the regulations don't mandate it, and as such, they were not able to proceed with their residential units, and filed a breach of contract with the town. E. Collins asked how the town would comply with its current obligation to Twenty Wayland. M. Lanza said Twenty Wayland has requested an order from the judge to compel the town to provide 45,000 gpd, and declaratory relief until they get it. F. Turkington said the DEP can solve this problem immediately; he said the Title V standard is an inflated number, and has been waived in other circumstances. T. Boschetto said that the fault does not lie entirely with the DEP, as the

town made a commitment with a lack of clarity. [REDACTED]

[REDACTED] he Board discussed who is responsible for the payment; S. Correia noted that if the payment comes from the users, then it will effectively come from the plaintiff. [REDACTED]

[REDACTED] F. Turkington noted that the wastewater system is an enterprise fund. The Board discussed the ramifications of postponing payment, and the likelihood of accruing interest on the payment.

Adjourn: By motion of S. Corricea, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 9:17 a.m. YEA: T. Boschetto, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the June 13, 2013, Meeting

1. None