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APPROVED
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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 October 21, 2013

Attendance: Tony V. Boschetto, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan
Also Present: Acting Town Administrator John Senchyshyn, Wastewater Management District Commission member Sam Potter, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli

Purpose: The session was called at 6:35 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by a roll call vote of the Board (YEA: T. Boschetto, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0) as permitted by Massachusetts General Laws Chapter 30A, Section 21(a) 3) to discuss the strategies with respect to pending litigation between the Twenty Wayland, LLC and the Town and its Wastewater Management District Commission.

Discussion: M. Lanza advised the Board that on October 7, 2013, the court denied the town's post-trial motions. The Board discussed its options going forward. M. Lanza said the deadline for filing an appeal is November 6, and suggested that the town file a re-stated and amended notice of appeal to protect its rights.

[REDACTED] S. Potter expressed concern about an appeal filed by a resident, and the potential sale of a portion of the project to Brendan Homes. [REDACTED] D. Leard suggested investigating alternative systems. T. Boschetto reviewed the financial ramifications and asked for clarification of the basis for appeal. [REDACTED]

The Board discussed the gift money owed to the town by Twenty Wayland LLC. S. Potter said the town has the ability to negotiate the manner in which the gift is paid. T. Boschetto asked what other points of negotiation were available. The Board discussed zoning and the use of the municipal pad, and the advisability of contracting with a mediator. [REDACTED]

[REDACTED] T. Boschetto asked if negotiations must be in open session. [REDACTED] he suggested forming a working group to be a point of contact in the negotiations. E. Collins noted that many of the variables in the case will be resolved within ninety days, and the Board agreed that negotiations should be delayed until more information is available. S. Potter said the Wastewater Management District Commission will meet on October 23, as the appellants requested a public hearing. J. Nolan said that public information is essential, but care should be taken not to influence negotiations. T. Boschetto advised that the commission listen but not respond, and also noted that some issues can be brought to town meeting and discussed then. S. Potter said it would be a show of support for a member of the Board to be present.

It was the consensus of the Board to authorize Town Counsel to proceed with the appeal process, and to wait sixty days to decide whether to open negotiations with Twenty Wayland LLC. M. Lanza suggested that the Board meet again in executive session in thirty days for an update.

By motion of T. Boschetto, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:23 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 October 21, 2013, Meeting

1. None