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

Board of Selectmen Meeting Minutes Executive Session January 6, 2014

Attendance: Tony V. Boschetto (participating remotely by telephone due to distance), Edward J. Collins, Steven J. Correia, Joseph F. Nolan

Also Present: Interim Town Administrator Robert Mercier, Acting Town Administrator John Senchyshyn, Wastewater Management District Commission member Sam Potter, Town Counsel Mark Lanza, Town Planner Sarkis Sarkisian, Planning Board Chair Kent Greenawalt, and Executive Assistant MaryAnn DiNapoli

Purpose: The session was called at 6:34 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by a unanimous roll call vote of the Board (YEA: T. Boschetto remotely via telephone due to distance), E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0) as permitted by Massachusetts General Laws Chapter 30A, Section (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. T. Boschetto attested that he was alone in the room. The discussion regarding collective bargaining strategy pertaining to contract negotiation with Wayland School Union (WESA) was cancelled.

Discussion: M. Lanza provided the Board with an update of the litigation involving Twenty Wayland LLC.

[REDACTED] S. Potter said the appeal period to the DEP has ended. E. Collins moved, seconded by S. Correia, to authorize R. Mercier to issue a letter to the Department of Environmental Protection requesting confirmation by the end of the week. YEA: T. Boschetto via remote access, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0. S. Potter discussed the value of the municipal pad and the advisability of releasing the wastewater capacity for the building. F. Knight said he did not want to release the capacity, and was meeting with the Board of Library Trustees next week to discuss the use of the building as a library. J. Nolan said the town has not made any decision yet as to the usage of the building, and S. Potter said he just wants to get all the issues on the table. S. Correia asked when the agreement with Twenty Wayland LLC expires; M. Lanza said March of 2014. J. Nolan asked for a legal opinion regarding the implications of the expiration of the contract. [REDACTED]

[REDACTED] S. Correia asked if the agreement can be extended; [REDACTED] J. Nolan asked if Twenty Wayland LLC can refuse to make the agreed payments; M. Lanza said yes, but he has no reason to believe that will happen. The Board discussed options for negotiation. S. Potter said the Board doesn't need to agree on every position yet, but should assess what issues will be at stake. J. Nolan said in terms of

negotiations, the Board is only offering to discover mutual interests, and listen to concerns. F. Knight suggested waiting until Town Counsel assesses the impact of the end of the agreement. T. Boschetto said he would not bring up the issue, as it would be an advantage to the town to clear up the ambiguities. K. Greenawalt said there are many gray areas before the Planning Board. He said the Planning Board has tried to keep the town center project moving forward; he said they have a good dialogue and would like to continue having a productive relationship. J. Nolan said any agreement will have implications for the Planning Board, and they will be consulted. T. Boschetto said any agreement will also need to go to town meeting. The Board discussed the composition of the negotiating team. T. Boschetto said he brings a new perspective. J. Nolan said he brings history and experience. It was the consensus of the Board to have J. Nolan and T. Boschetto represent the Board in negotiations. T. Boschetto asked if they were subject to the Open Meeting Law. [REDACTED]

[REDACTED] S. Sarkisian said that the Board of Public Works has released the bond for roadwork, and the Planning Board will release it next. R. Mercier said the Board of Selectmen will also need to release easements at a future meeting. The Board considered the advisability of the release of the bond, given the planned negotiations. E. Collins asked for a timeline on the appeal. M. Lanza said it will be ready in approximately 90 days.

By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:18 p.m. YEA: T. Boschetto via remote access, E. Collins, S. Correia, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the January 6, 2014, Meeting

1. None