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# TOWN OF WAYLAND

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APPROVED  
FOR RELEASE  
3/5/2015

## BOARD OF SELECTMEN

MARY M. ANTES  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
CHERRY C. KARLSON  
JOSEPH F. NOLAN

### Board of Selectmen Meeting Minutes Executive Session May 5, 2014

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Interim Town Administrator Robert Mercier, Acting Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, and Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 6:32 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to (a) pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland and the Wastewater Management District Commission; (b) potential litigation by a group of Wastewater Management District users, as threatened by their lawyer; and (c) pending litigation regarding the case of Moss and Bonner vs. Lingleys.

**Discussion:** The Board reviewed a spreadsheet of potential negotiating points for dealing with Twenty Wayland LLC. C. Karlson said time constraints include the Wastewater Management District Commission hearing on June 11 and the deadline for the completion of the betterment process by August 12. She noted that betterment charges provide better protection for the town. However, she also noted that it is right and fair for the town to pay its capital share, and suggested that the Board find a way to fund the town portion of the betterments. She said the only funding available is the gift money from the development agreement, and there would be political and negotiating ramifications. T. Boschetto asked where the leverage for the town is in the negotiations regarding betterments. C. Karlson said Twenty Wayland LLC would likely prefer surcharges, as it is difficult to pass betterments along to tenants. S. Potter said surcharges are an operating expense, and betterments are a capital item. C. Karlson advised the Wastewater Management District Commission to pursue the use of betterments, and said the users should be satisfied as long as they know that the town is paying its share. J. Nolan said a betterment charge puts the town in a better fiscal position. He also said the gift money was contemplated for the use of all residents, not solely the wastewater users. C. Karlson said it will benefit the town as a whole. E. Collins, however, said it would preclude the use of the gift funds for other endeavors. T. Boschetto said Twenty Wayland LLC will benefit from the town paying its share of the betterment cost, and suggested that there were other ways to make the users whole without benefitting Twenty Wayland LLC. T. Boschetto also said the payment could be adjusted due to math errors. E. Collins said the Board should consider mediation as a negotiating point. T. Boschetto said additional negotiating points include the municipal pad, gift payments, the town center green, legal language to protect the town in the future, and the Board support of zoning changes. Finally, he said the Board needs to refine the numbers, prepare a list of terms, decide whether to encumber the gift money, and find a way for the Board to pay its share of the betterments. C. Karlson said the Board must control how the gift money goes

to the Wastewater Management District Commission. Participants agreed that the Board of Selectmen and the Wastewater Management District Commission need to make a consistent statement to the public. The Board authorized T. Boschetto to draft potential talking points for all members of the Board to use with regard to gift money and the process the Board is undertaking. E. Collins noted that the draft would be for the Board and not the public. T. Boschetto cautioned about comments that put legal issues at risk.

M. Lanza updated the Board on pending litigation regarding the case of Moss and Bonner vs. Lingleys [REDACTED]

By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:28 p.m. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

**Items Distributed for Information and Use by the Board of Selectmen at the May 5, 2014, Meeting**

[REDACTED]