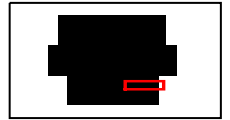




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BOARD OF SELECTMEN
MARY M. ANTES
ANTHONY V. BOSCHETTO
EDWARD J. COLLINS
CHERRY C. KARLSON
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes Executive Session May 12, 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 6:34 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 pending litigation regarding the case of Twenty Wayland, LLC and the Wastewater Management District Commission and/or the Town of Wayland over sewer use charges.

Discussion: C. Karlson described for the Board the recent meeting of the Wastewater Management District Commission. She said member Sam Potter told the attendees that the commission was considering betterments, but no decisions had been made. C. Karlson said S. Potter had prepared a draft settlement offer, but did not present it to the public. T. Boschetto said he was not comfortable with the document and would prefer to start again. C. Karlson noted there is a deadline to establish betterments or surcharges by the June 11, 2014, Wastewater Management District Commission betterment hearing. C. Karlson then presented a document prepared by T. Boschetto summarizing Board conversations on the matter. J. Nolan asked if the Wastewater Management District Commission thinks they will have a settlement with Twenty Wayland LLC by June 11; [REDACTED] T. Boschetto asked if the hearing could be continued; [REDACTED] C. Karlson said that she and T. Boschetto need enough information from the commission to discuss a settlement with Tony DeLuca, Twenty Wayland LLC, and a willingness on the Board to use the gift money in lieu of taxpayer funds. The Board discussed the mechanisms of procuring funding should it be necessary. T. Boschetto distributed an economic term sheet and the Board discussed the judgment plus interest, the value of surcharges versus betterments, the payment by the town in lieu of betterments, adjusted capacity, impact of construction delays, and the value of the municipal pad. T. Boschetto said the next step is to work with Town Counsel to draft a formal offer for Board review at its meeting on May 19. The Board then discussed the strategy for conducting the settlement discussion. [REDACTED]

[REDACTED] It was the consensus of the Board to authorize Town Counsel to begin the process of hiring a mediator. R. Mercier advised the Board that the Wastewater Management District Commission had billed the town for approximately \$12,000 in surcharges [REDACTED]

By motion of T. Boschetto, seconded by C. Karlson, by roll call vote, it was unanimously voted to exit executive session at 9:40 p.m. Roll call vote: 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 12, 2014 Meeting

1. Draft Settlement offered prepared by Sam Potter, member of the Wastewater Management District Commission

