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APPROVED
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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 19, 2014

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins (arrived 6:40 p.m.), Cherry C. Karlson, Joseph F. Nolan

Also Present: Interim Town Administrator Robert Mercier, Acting Town Administrator/Human Resources Director John Senchyhsyn, Town Counsel Mark Lanza, Wastewater Management District Commission Sam Potter, Rick Greene and Fred Knight, and Special Counsel Damon Seligson, 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, C. Karlson, J. Nolan. NAY: none. ABSENT: E. Collins. ABSTAIN: none. Adopted 4-0) 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: The Board reviewed a spreadsheet of proposals and associated financial data in preparation for negotiations with Twenty Wayland LLC. C. Karlson said the goal is to ensure that the Board members understand and agree on the numbers and the process. [REDACTED]

[REDACTED] The Board considered each bargaining point and its relative strengths. The Board discussed the advisability and implications of the payment of the judgment coming from wastewater funds or taxpayer funds. C. Karlson asked if the attorneys will be doing the negotiations. [REDACTED] The Board discussed whether to include all the wastewater users in the discussion. [REDACTED]

[REDACTED] The Board discussed the proposed Inter-Board Agreement, and said it must remain confidential until the lawsuit is settled. T. Boschetto expressed concern that the agreement could put the litigation and mediation at risk.

At 7:20 p.m., the Board was joined by Wastewater Management District Commission members Sam Potter, Rick Greene and Fred Knight, and Special Counsel Damon Seligson. C. Karlson said the goal of the meeting was to discuss the Inter-Board Agreement. She noted that the participants have the common goal of reducing the judgment, and she reviewed the spreadsheet of proposals and financial data. F. Knight asked if there was agreement on how to proceed. C. Karlson said the document is not to be given to Twenty Wayland LLC, and the Board has decided not to include the non-Twenty Wayland users at this stage.

She said the mediation will include only the principals, the principals plus attorneys, or the principals with mediators. Members of the Wastewater Management District Commission reviewed the spreadsheet. J. Nolan said it was important to have consensus before speaking with Twenty Wayland LLC. T. Boschetto said the Board has time pressures, as a key bargaining point, the surcharges, must be decided by the end of June. C. Karlson said there is also an appeal pending on the judgment. C. Karlson agreed to do further work on the design flow figures. It was the consensus of the Board and the Wastewater Management District Commission that users other than Twenty Wayland LLC not be included yet, and that the principals will meet with the mediators, with the attorneys in another room. Participants agreed to meet again on Tuesday, May 27, 2014.

By motion of E. Collins, seconded by M. Antes, by roll call vote, it was unanimously voted to exit executive session at 9:40 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 19, 2014, Meeting

[REDACTED]