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APPROVED
FOR RELEASE
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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 27, 2014

Attendance: 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 Senchyhsyn, Wastewater Management District Commission members Fred Knight, Sam Potter, and Rick Greene, Special Counsel Damon Seligson, Town Counsel Mark Lanza, Assistant Cindy Cincotta and Executive Assistant MaryAnn DiNapoli

Purpose: The session was called at 6:43 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing strategy with respect to Twenty Wayland, LLC and the Town of Wayland and the Wastewater Management District Commission, and potential litigation by a group of Wastewater Management District Users, as threatened by their lawyer, because a public discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town.

Discussion: The Board discussed potential mediation with Twenty Wayland LLC. [REDACTED]

[REDACTED] The Board discussed the cost and the timeline. There was discussion as to whether the matter can be settled without mediation, or whether an attempt should be made to settle before mediation begins. [REDACTED]

[REDACTED] The Board discussed the inclusion of the Wayland users group; J. Nolan expressed concern that Twenty Wayland LLC is using the group for leverage. He said the lawsuit is between the town, the Wastewater Management District Commission, and Twenty Wayland LLC, and should be handled as such. [REDACTED]

[REDACTED] R. Greene said the users want the town to pay a portion of the betterment. S. Potter said Jonathan Buchman, a member of the users group, has two issues: the town's acceptance of its pro rata share, and the use of gift money to pay the settlement to [REDACTED]

Twenty Wayland LLC. [REDACTED]

[REDACTED] T. Boschetto said that in the interest of time, the Board should consider dual mediation. S. Potter expressed concern that it would put the town at a disadvantage. He suggesting approving betterments before going to mediation. R. Greene suggested sequential mediation. C. Karlson reviewed the issues: the judgment and its potential errors, the issue of surcharge v. betterments, the use of the gift money, the recovery of retained earnings, and adding language about future flow. E Collins noted a sixth point is the pending appeal. [REDACTED]

[REDACTED] The Board discussed the level at which mediation would be acceptable. [REDACTED]

Participants discussed a draft Inter-Board Agreement. The Board reviewed the document and made edits. J. Nolan said he is amenable to the Board paying its share and codifying the \$175,000 payment from Twenty Wayland LLC, but as for providing further resources, he supports moving the Wastewater Management District Commission to the Board of Public Works. C. Karlson suggested that the Board consult Finance Director Brian Keveny as to how to set up the accounts. C. Karlson noted that as for the gift money, the Board was not inclined to turn over any funds until the accounting is finalized. The Board advised the Town Administrator to bill Twenty Wayland LLC for \$175,000.

By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 9:47 p.m. YEA: T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

Items Distributed for Information and Use by the Board of Selectmen at the May 27, 2014 Executive Session Meeting

1. Draft Inter-Board Agreement between the Board of Selectmen and the Wastewater Management District Commission