



TOWN OF WAYLAND

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BOARD OF SELECTMEN
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JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes Executive Session June 2, 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, Wastewater Management District Commission members Fred Knight, Sam Potter, and Rick Greene, Wastewater Management District Commission Special Counsel Damon Seligson, Town Counsel Mark Lanza, Assistant Cindy Cincotta 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 (YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0) of the Board of Selectmen in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing strategy with respect to pending litigation regarding the case of 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, as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town.

Discussion:

[REDACTED]

J. Nolan said the Board needs to decide how to proceed. T. Boschetto noted that if the negotiations continue beyond the Wastewater Management District Commission hearing date of August 12 for betterments, that issue will be off the table. [REDACTED]

[REDACTED] Participants discussed the value of betterments versus surcharges; C. Karlson said betterments provide more security for the town. S. Potter said the users group wants the payment of the judgment to be made with the gift money [REDACTED]

[REDACTED] The Board discussed the potential of having the town pay a pro rata share on its property in place of a betterment. J. Nolan said the Board could encumber a portion of the gift fund to pay its pro rata share; he said it must become an article at town meeting, and therefore the town would decide. The Board asked M. Lanza to contact Twenty Wayland LLC and tell them the Board agrees on the betterment issue, and would like to continue to discuss the payment of the judgment. T. Boschetto suggested that the Board offer to allow the wastewater users to become part of the mediation if a majority of the users prove by signature that they will abide by any agreement that comes of it. The Wastewater Management District Commission agreed to review the draft inter-board agreement at the next meeting. The Board asked M. Lanza to arrange for mediation on June 13, 2014.

By motion of T. Boschetto, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 8:12 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 June 2, 2014 Executive Session Meeting

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