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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 June 23, 2014

Attendance: Mary M. Antes (arrived 6:45 p.m.), 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, Executive Assistant MaryAnn DiNapoli, members of the Wastewater Management District Commission (Fred Knight, Sam Potter, and Rick Greene), Town Counsel Mark Lanza, and Administrative Assistant Cindy Cincotta

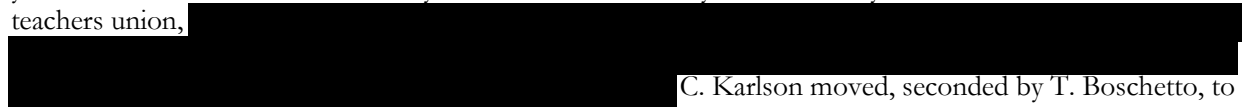
Purpose: The session was called at 6:30 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing strategy with respect to 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 and (2) discuss collective bargaining strategy pertaining to contract negotiations with the Wayland Food Services Association (WFSA) 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: Town Counsel Mark Lanza reported that at a meeting of June 17, Twenty Wayland LLC requested a written proposal before they would consider mediation. He said the Board needs to clarify its position before moving forward. Participants discussed the details of the proposed offer; M. Lanza said it was acceptable to make the proposal more general. He reviewed the dates provided by the mediator, and he distributed a decision tree. He also noted that the principals of Twenty Wayland said potential buyers of the project were backing out, and they may consider finding the town to be at fault. M. Lanza outlined the decision points for the town: whether or not to pursue mediation; come to agreement with the parties as to the terms of mediation; agree on a date; mediate; and reach a settlement agreement. C. Karlson asked if the users would be included in the mediation. S. Potter said the commission is bound by law and has nothing to offer them. M. Lanza said if there is no mediated agreement, then the town should file an appeal to the court regarding the calculation of the figures in the jury verdict. He distributed a pre-mediation settlement offer, and Board members discussed the viability of the proposal. C. Karlson noted that the developer is seeking zoning changes, which the Board could offer to bring to town meeting. She also discussed the impact of the town releasing the sewer capacity of the municipal pad. M. Lanza said these issues had come up before; he said Twenty Wayland LLC didn't believe they would get the necessary two-thirds vote for a zoning change at town meeting. T. Boschetto said he was agreeable to the proposal submitted by M. Lanza, and asked that he add that Twenty Wayland LLC will work to resolve issues with other users. F. Knight asked to remove the 9.3 percent figure regarding proportionate share. T. Boschetto expressed concern that once the agreement becomes public, the town will have lost its leverage regarding the town's share. He said by claiming the town

will not pay the proportionate share, it will bring users to the table. R. Greene said there is a deadline for approving betterments. The Board discussed the final date for making the decision regarding betterments, and the benefits and drawbacks to the town between betterments and surcharges. J. Nolan asked M. Lanza to craft a proposal that does not include the 9.3% share to the town. C. Karlson summarized the changes: delete the amount of the betterment, pull the past surcharge out to its own paragraph, and reference the legal fees with an attached chart for clarity. J. Nolan asked C. Karlson, T. Boschetto, and S. Potter to put together the final draft of the proposal as indicated by the Board.

Members of the Wastewater Management District Commission (Fred Knight, Sam Potter, and Rick Greene), Town Counsel Mark Lanza, and Administrative Assistant Cindy Cincotta left the meeting at 7:55 p.m.

J. Senchyshyn advised the Board that the School Committee has agreed to approve the contract for the Wayland Food Services Association (WFSA). He said the Memorandum of Agreement includes personal days, reimbursements for uniforms, and a 3-year increase of .05 the first year, and 1.5 for the two subsequent years. He said the MoA is for three years instead of the one-year and three-year contracts offered the teachers union,



C. Karlson moved, seconded by T. Boschetto, to authorize John Senchyshyn to support the contract for WFSA as presented as the representative of the Board of Selectmen. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

By motion of C. Karlson, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 8:00 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 23, 2014 Meeting

1. Pre-Mediation Settlement Offer drafted by Town Counsel Mark Lanza to Present to Twenty Wayland LLC