



# TOWN OF WAYLAND

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

## Board of Selectmen Meeting Minutes Executive Session July 15, 2014

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Acting Town Administrator/Human Resources Director John Senchyshyn, members of the Wastewater Management District Commission (Fred Knight, Sam Potter, and Rick Greene), Administrative Assistant to the Wastewater Management District Commission Cindy Cincotta, Town Counsel Mark Lanza, Special Counsel Damon Seligson, and Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 6:39 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) with the Wastewater Management District Commission 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:** Town Counsel Mark Lanza told the Board that the appeal was filed in court on Monday, July 14, 2014, and included all the issues in the post-trial motions, including the validity of the contract. [REDACTED] J. Nolan distributed a draft outline of his meeting on July 10, along with C. Karlson, with Anthony DeLuca and Frank Dougherty of Twenty Wayland LLC. He said the discussion concerned the potential agreement to go to mediation. He said A. DeLuca does not want to include the users in the mediation. He said they are amendable to settling outstanding issues and reducing the settlement. J. Nolan said the options before the Board are to allow the litigation to continue through the court system, or to continue negotiating towards a settlement. The Board discussed the best way to include all the participants in the negotiation; whether to form a subcommittee of members, or prepare an offer for the Chair to present. T. Boschetto said he favored mediation, as he expects it will get a better result. The Board discussed negotiating issues, such as allocation of gift funds, parking lot construction, post-judgment interest, and utility connections to the municipal pad. C. Karlson said that A. DeLuca agreed to correcting the calculation errors. [REDACTED]

[REDACTED] The Board discussed the ramifications of the project being sold to another developer; [REDACTED] The Board agreed the biggest issue is the gift money. [REDACTED]

J. Nolan said the accounting needs to be settled with the Planning Board. M. Lanza said the Conservation Commission is working on a conservation restriction and a trail easement. S. Potter said the Wastewater Management District Commission will move ahead with betterments. J. Nolan asked M. Lanza to prepare a

final list of negotiating points for the Board by the next meeting. The Board agreed to continue negotiations, but to schedule a possible mediation session as well. The Board discussed issuing a public statement. M. Antes moved, seconded by C. Karlson, to endorse a public statement as follows: "Over the past few months, the Board of Selectmen and the Wastewater Management District Commission have worked hard to resolve outstanding issues related to the cost of building and operating the Town's new wastewater treatment plant. The Selectmen remain committed to a solution that addresses the interests of all taxpayers - residential users, commercial users and non-users alike. The Wayland Wastewater Management District Commission is likewise committed to fair treatment of all residential and commercial users of its system. Unfortunately, there is no simple solution and we ask for your forbearance as we continue to work toward a resolution." 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 T. Boschetto, seconded by M. Antes, by roll call vote, it was unanimously voted to exit executive session at 8:39 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 July 15, 2014, Meeting**

1. Draft Outline prepared by J. Nolan of the Meeting on July 10, 2014, with Anthony DeLuca and Frank Dougherty of Twenty Wayland LLC, and C. Karlson.