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TOWN OF WAYLAND

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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 July 21, 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

Arrived at 9:20 p.m.: Wastewater Management District Commission members Fred Knight, Sam Potter, and Rick Greene, Town Counsel Mark Lanza, and Administrative Assistant Cindy Cincotta

Purpose: The session was called at 9:00 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: T. Boschetto. 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: C. Karlson reviewed for the participants the changes to the Memorandum of Agreement between the Board of Selectmen and the Wastewater Management District Commission.

At 9:20 p.m., the Board was joined by Town Counsel Mark Lanza, Wastewater Management District Commission members Fred Knight, Sam Potter, and Rick Greene, and Administrative Assistant Cindy Cincotta.

Participants reviewed the revised Memorandum of Agreement and made further modifications. J. Nolan said that if the parties agree that the agreement is executable, the Board will have it ready for signature at the next meeting. C. Karlson moved, seconded by E. Collins, that the Board approve the Memorandum of Agreement as amended with respect to the PILOB (payment in lieu of betterments) and will sign the document next week as revised. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 5-0.

The Board and the Wastewater Management District Commission reviewed and discussed a draft settlement offer prepared by C. Karlson and T. Boschetto. Discussion ensued over how the settlement might be paid, and the Board reviewed the last meeting with the principals of Twenty Wayland LLC. Members discussed the potential tax implication regarding the collection of the judgment by Twenty Wayland, the town's exposure on the payment of the judgment, the impact of future commitments, and the force majeure clause.

[REDACTED] The Board considered the advisability of publicizing the PILOB, and agreed not to discuss the numbers publicly.

By motion of T. Boschetto, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 10:55 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 21, 2014 Executive Session Meeting

1. Draft Memorandum of Agreement between the Board of Selectmen and the Wastewater Management District Commission
2. Draft Settlement Agreement compiled by C. Karlson and T. Boschetto