



# 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  
August 11, 2014**

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins (arrived 6:42 p.m.), Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Interim Town Administrator Robert Mercier, Acting Town Administrator/HR Director John Senchyshyn

**Purpose:** The session was called at 6:34 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (YEA: M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. ABSENT: E. Collins. ABSTAIN: none. Adopted 4-0) of the Board of Selectmen in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21a (3), to discuss strategies with respect to pending litigation between Twenty Wayland, LLC and the Town and its Wastewater Management District Commission; and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (2) to conduct a strategy session in preparation for negotiations with nonunion personnel (new Town Administrator Nan Balmer); and pursuant to Massachusetts General Laws Chapter 30A, Section 21a (6) to consider the purchase, exchange, lease of value of real property (Discussion of the Septage Meeting with Sudbury re: Value of Real Estate/Disposition).

The Board was joined by Personnel Board Members Jessica Green, Maryanne Peabody, Phil Schneider, Miranda Jones and Deb Cohen.

J. Nolan reviewed his conversations with the Town Administrator candidate, Nan Balmer. He noted that the candidate had some concerns about the history of the town. He said that N. Balmer was making a significant investment in Wayland by resigning her position and relocating to the area. The Board of Selectmen and the Personnel Board discussed the "without cause" section of the proposed employment contract. J. Senchyshyn distributed a draft using the Personnel Board's suggested changes as a template. J. Nolan suggested amending the language of the contract to read one year guaranteed, two years of service with a nine-month severance, and three years of service with a twelve-month severance. T. Boschetto moved, seconded by E. Collins, to accept the changes to the contract as discussed, to work with the Personnel Board in finalizing the contract and for the Chair to negotiate the changes with Nan Balmer. Roll call vote: YEA: E. Collins, M. Antes, T. Boschetto, C. Karlson, J. Nolan. NAY: none. Adopted 5-0.

The Personnel Board left the meeting.

The Board discussed the issues surrounding the closing and demolition of the Wayland/Sudbury septage facility, including the appraisal of the estimated costs of demolition, and the legacy costs. The Board agreed

that Wayland and Sudbury should to look into their open accounts receivable, and to inquire as to what efforts have been made in Sudbury. [REDACTED]

[REDACTED] The potential five-year closure date is December 2014; the Board considered the value of pursuing the closure date. It was decided that the appraisal cost of approximately \$5,000 could be paid from the budget of the Economic Development Committee. T. Boschetto moved, seconded by M. Antes, to authorize the Town Administrator to obtain an appraisal for the demolition of the property, and that the cost of the appraisal be funded through the Economic Development Committee budget. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

The Board discussed the Interboard Agreement with the Wastewater Management District Commission (WMDC) as it related to legal expenses. C. Karlson said that as part of the Interboard agreement with the WMDC, the Board agreed to pay a percentage of the legal costs. She proposed that \$10,000 of the \$24,010 be paid from the 2014 legal budget, and the remaining \$14,010 from the original Town Center gift fund of \$230,000. E. Collins stated that he wants all future motions in writing in advance of the meeting. C. Karlson moved, seconded by T. Boschetto, that under the Interboard Agreement with the Wastewater Management District Commission, the Board will agree to pay the legal fees of \$24,010 as follows: \$9,000 from the FY 14 Town legal account, \$1,000 from FY 14 Town legal expenses, and \$14,010 from the original \$230,000 Town Center gift account. Roll call vote: YEA: M. Antes, T. Boschetto, E. Collins C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Wastewater Management District Commission members Sam Potter, Fred Knight and Rick Greene joined the meeting.

J. Nolan notified the Wastewater Management District Commission of its vote on funding the legal transfer. He said the Board received a response from Twenty Wayland LLC on Friday, August 8. He said it is a responsible offer, and characterized it as being in the neighborhood of \$1 million. He said that it's possible the figure could be reduced, but he didn't feel that the principal, Tony DeLuca, saw much reason to settle with the town. The Board agreed to take more time to gather the numbers and prepare a counter proposal for the next meeting. S. Potter asked if the proposal from Twenty Wayland LLC could be characterized as a positive counter offer. C. Karlson said it seemed so at first, but was not so clear on further evaluation. She said there was a reiteration of the reduction of \$400,000, the commitment to pay the per-unit fee on the rental units, and an agreement not to challenge the excess capacity of the wastewater facility.

By motion of C. Karlson, seconded by T. Boschetto, by roll call vote, it was unanimously voted to exit executive session at 8:50 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 August 11, 2014, Meeting**

1. Draft Employment Contract for Town Administrator with changes suggested by the Personnel Board
- [REDACTED]