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APPROVED
FOR RELEASE
3/5/2015

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 18, 2014

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Counsel Mark Lanza (arrived 7:10 p.m.), Executive Assistant MaryAnn DiNapoli, Wastewater Management District Commission Chair Fred Knight, and member Rick Greene

Purpose: The session was called at 7:14 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 pursuant to MGL Chapter 30A, Section 21a (2), to discuss contract negotiations regarding new Town Administrator Nan Balmer, 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: J. Nolan distributed a written proposal from Twenty Wayland LLC, along with added notes from C. Karlson. The Board reviewed each item of the proposal individually, including the proposed escalation of payment, the bike trail, the utility easements, the release of certain restrictions, an agreement to waive the right to seek abatements, and the conservation restrictions. The last item was a request that there be no amendments to the 1999 Memorandum of Agreement. C. Karlson suggested the Board should still request force majeure language; T. Boschetto said he felt it would not be an issue once Twenty Wayland saw the proposed language. The Board discussed the financial implications of the proposal, including the reduction in the judgment, the \$40,000 increments as each unit sells, and a waiver of the interest.

J. Nolan asked M. Lanza about the advisability of pursuing binding arbitration.

The Board considered the legality of paying the judgment from the wastewater fund; T. Boschetto said he was not willing to burden the wastewater users, with the exception of Twenty Wayland.

C. Karlson said she would prepare a counter proposal with input from T. Boschetto, and post another meeting for Monday, August 25.

R. Green and F. Knight left the meeting at 8:31 p.m.

J. Nolan advised the Board that N. Balmer had accepted the terms of the employment contract for Town Administrator and was ready to begin. He said she was satisfied with the 9-month cancellation clause. He said she will sign the contract on August 25, 2014.

By motion of J. Nolan, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 8:42 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 18, 2014, Meeting

1. Written proposal from Twenty Wayland LLC with annotations by C. Karlson