



# TOWN OF WAYLAND

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BOARD OF SELECTMEN  
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JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes Executive Session September 8, 2014

**Attendance:** Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan  
**Also Present:** Town Administrator Nan Balmer, Acting Town Administrator/Human Resources Director John Senchyshyn, Town Counsel Mark Lanza, Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene, and Executive Assistant MaryAnn DiNapoli

**Purpose:** The session was called at 6:41 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, to discuss strategy with respect to pending litigation regarding the case of Twenty Wayland, LLC and the Town of Wayland; and to discuss strategy with respect to a pending action regarding the Glezen Lane judgment, because a public discussion of these matters in an open session may have a detrimental effect on the bargaining or litigating position of the Town.

**Discussion:** The Board discussed ongoing attempts to negotiate with Twenty Wayland, LLC. J. Nolan advised the Board that he had been contacted by Anthony DeLuca, Twenty Wayland, and A. DeLuca said the parties were too far apart to negotiate any further. C. Karlson distributed three documents to the Board: the previous settlement proposal from Twenty Wayland, an email document from J. Senchyshyn based on the last discussion, and a draft proposal from Twenty Wayland dated September 4, 2014. J. Nolan said there is a value in continuing to pursue a settlement; it eliminates pending legal actions, settles the unknowns, and closes the loopholes. He said he spoke to Frank Dougherty, Twenty Wayland, who sent him a framework of Twenty Wayland's position.

[REDACTED] R. Greene asked if the town was filing a rebuttal to the brief submitted by Twenty Wayland. M. Lanza said yes, on narrow issues. He said the town has an extension to September 19. The Board discussed the gift money per unit.

[REDACTED] C. Karlson said they offered to pay the gift money for the rental units. The Board discussed the likelihood of the success of the town's appeal. T. Boschetto said he felt the town should walk away from negotiations and charge the expense to Twenty Wayland through wastewater charges. S. Potter suggested the town was giving Twenty Wayland the right to build without process; J. Nolan said the zoning is not within the purview of the Board.

[REDACTED] J. Nolan expressed concern about increasing litigation costs. C. Karlson said she felt the agreement from Twenty Wayland to pay \$40,000 for rental units is a reasonable compromise. R. Greene asked if the town could get a ruling on post-judgment interest.

[REDACTED] J. Nolan polled the participants on the option of abandoning negotiations. T. Boschetto said he felt the exposure to the town by walking away was only \$125,000. E. Collins agreed there was merit to walking away.

The Board discussed the possible outcome of the appeal; [REDACTED]  
[REDACTED] E. Collins said he did not agree; he said that Twenty Wayland did not answer the appeal in a serious manner and the judge will take that into consideration. The Board discussed possible financial incentives to bring Twenty Wayland back into negotiations. S. Potter said the Wastewater Management District Commission is getting pressure from the users, and he asked that the Board of Selectmen make the Inter-Board Agreement public. T. Boschetto asked about the cost of bringing the utilities to the municipal pad. J. Senchyshyn said he would work with the Planning Board and the Board of Public Works to determine that figure.

Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene left the meeting at 7:53 p.m.

The Board discussed the Notice of Default received by David Bernstein regarding the Bernstein et al v Wayland Planning Board et al judgment. M. Lanza said he will attend the open forum on the Glezen Lane issue on September 15. [REDACTED]

By motion of M. Antes, 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 September 8, 2014, Executive Session Meeting**

1. Notice of Default, 8/27/14, from David Bernstein, re: Judgment on Count II of Plaintiffs' Amended Complaint in Bernstein et al v. Wayland Planning Board, et al
2. Previous settlement proposal from Twenty Wayland LLC to the Board of Selectmen
3. Email from J. Senchyshyn based on previous discussions
4. Draft proposal from Twenty Wayland to the Board of Selectmen dated September 4, 2014