



# 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 September 23, 2014

**Attendance:** Mary M. Antes (left at 6:56 p.m.), Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer, Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene, Town Counsel Mark Lanza, 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, 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 considered a draft settlement offer prepared by C. Karlson to present in writing to the principal of Twenty Wayland LLC. In regard to the gift fund for a bike trail (section one), the Board proposed that Twenty Wayland LLC accelerate the payment and waive the requirement that the \$250,000 be used for the development of a bike trail throughout the town. In section two, it was proposed that Twenty Wayland accelerate the payment and waive the requirement that the \$120,000 gift be used to construct a parking lot. The Board also discussed bringing the utility service to the municipal parcel. N. Balmer asked if the Planning Board was holding a bond that could be used for that purpose; M. Lanza said no. C. Karlson said the language of items three and four regarding capital costs and operating costs for the wastewater treatment plant were the same. S. Potter asked if Twenty Wayland could appeal the charges [REDACTED]. The Board discussed item five, the reduction in the judgment. C. Karlson discussed the option of the town making the full payment upon signature, and the ability of the town to do so. The Board discussed how the payment could be made. C. Karlson said that payment by tax recap cannot be done without permission from the Department of Revenue. E. Collins asked if the settlement included interest on the judgment; J. Nolan said yes, but Twenty Wayland will waive the post-judgment interest. The Board discussed the option of paying \$350,000 upon signature, with future payments of \$40,000 per residential unit.

M. Antes left at the meeting at 6:56 p.m. [REDACTED]

[REDACTED] T. Boschetto moved, seconded by C. Karlson, to authorize Chair Joseph Nolan to present the proposed settlement agreement to Twenty Wayland LLC. YEA: T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

S. Potter moved, seconded by R. Greene, to authorize the Chair of the Board of Selectmen, Joseph Nolan, to present the proposed settlement agreement to Twenty Wayland LLC. YEA: R. Greene, F. Knight, S. Potter. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 3-0.

By motion of C. Karlson, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:21 p.m. YEA: T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: M. Antes. ABSTAIN: none. Adopted 4-0.

**Items Distributed for Information and Use by the Board of Selectmen at the September 23, 2014, Executive Session Meeting**

1. Proposed Settlement Agreement with Twenty Wayland LLC