



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

NAN BALMER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

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 October 27, 2014

Attendance: Mary M. Antes, Tony V. Boschetto, Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer, Town Counsel Mark Lanza, Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene.

Purpose: The session was called at 6:06 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), regarding pending litigation in the case of Twenty Wayland, LLC and the Town of Wayland, for approximately thirty minutes, at which time the Board will be joined by the Wastewater Management District Commission for the duration of the executive session, 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: J. Nolan advised the Board that Twenty Wayland offered the Town a settlement of \$895,000 as its best offer, stating that this offer represented a 25% reduction from the original judgment and a 35% reduction if interest is included. The Board reviewed the status of the \$175,000 gift for completion of the wastewater treatment plant. [REDACTED]

[REDACTED] A \$40,000 per unit lien will be included on the municipal lien certificate for each unit sold which will secure the town's interest. [REDACTED]

[REDACTED] The Board agreed to edits provided by the Selectmen to the settlement terms and also agreed to provide a letter drafted by Town Counsel including that the town would pay the remainder of the settlement if 14 housing units were not sold within 24 months within language stating a reservation of the town's rights. T. Boschetto moved, seconded by C. Karlson, to approve the terms of the settlement agreement subject to final terms as proposed with amendments and with the addition of a letter to be prepared by Town Counsel. E. Collins noted for the record his belief that the settlement should require a smaller payment from the town. YEA: M. Antes, A. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: None. ABSTAIN: None. Vote: 5-0.

At 6:45 pm the Board was joined by Wastewater Management District Commission members Fred Knight, Sam Potter and Rick Greene.

The Board discussed with the members of the WMDC the proposed structure of settlement payments in the draft settlement agreement and their common interest in insuring that the WMDC remained financially

solvent with positive cash flow. On a roll call vote, the WWMDC voted unanimously to approve the terms of the settlement agreement subject to final terms as proposed with amendments and with the addition of a letter to be prepared by Town Counsel. The Board of Selectmen directed C. Karlson to work with a representative of the WMDC to draft an amendment to the Inter-Board agreement. J. Nolan will discuss approval of the preliminary terms of the settlement agreement with Mr. DeLuca of Twenty Wayland and will then bring the document to the Selectmen and WMDC for execution, after which attorneys for the parties will prepare the final document.

By motion of M. Antes, seconded by E. Collins, by roll call vote, it was unanimously voted to exit executive session at 7:35 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 October 27, 2014, Executive Session Meeting

1. Amended Settlement Agreement Between Twenty Wayland LLC and the Town of Wayland and Wastewater Management District Commission