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# 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 February 3, 2015

**Attendance:** Mary M. Antes, Tony V. Boschetto (arrived 6:10 p.m.), Edward J. Collins, Cherry C. Karlson, Joseph F. Nolan

**Also Present:** Town Administrator Nan Balmer, Assistant Town Administrator/HR Director John Senchyshyn, Town Counsel Mark Lanza, Wastewater Management District Commission members Fred Knight, Sam Potter, and Rick Greene

**Purpose:** The session was called at 6:00 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: M. Antes, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: T. Boschetto. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21a (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 et al; and to discuss collective bargaining strategy pertaining to the OPEB recommendation in regard to the AFSCME Clerical Union, the AFSCME Professional Union, the Teamsters, the Library Association, the Police Union, the Fire Union, the Wayland Teachers Association, the Wayland Educational Secretarial Association, the School Custodians Union, and the Food Service Association, as a public discussion of these matters in an open meeting may have a detrimental effect on the bargaining, litigating or negotiating position of the Town.

**Discussion:** Assistant Town Administrator/HR Director John Senchyshyn briefed the Board on a request from the OPEB Committee to change non-Medicare retiree rates paid by retirees with a goal toward increasing employee contributions to 50%. He expressed concern that if this topic were discussed in open session, it could affect ongoing negotiations.

T. Boschetto joined the meeting at 6:10 p.m.

J. Senchyshyn reviewed the new Supreme Judicial Court Ruling that retiree premiums are not a mandatory subject of bargaining. The Board discussed the current rates and the interest of the OPEB Committee in reducing costs. It was noted there would be a \$200,000 savings if non-Medicare retiree rates were reduced to 50%. The Board considered retirees who are not eligible for Medicare because they did not contribute. J. Senchyshyn said that the OPEB Committee cannot hold an executive session because they cannot bargain; they can only make a recommendation as an advisory committee to Board. J. Nolan said he was concerned about the effect on negotiations; he said it could be costly if it triggered arbitration. C. Karlson said it was an issue of timing, and she would be inclined to wait until all offers are on the table. T. Boschetto said he supports the recommendation of the OPEB Committee but would also be in favor of waiting. It was the sense of the Board to hold the issue until a later date.

The Board was joined by Mark Lanza, Fred Knight, Rick Greene, and Sam Potter at 6:35 pm

M. Lanza reviewed each term of the Settlement Agreement that was negotiated with the counsel for Twenty Wayland LLC. The Board discussed how the agreement would be made public when signed, the waiving of post judgment interest by Twenty Wayland LLC, the ongoing negotiations on the configuration of the municipal pad, the concern about an appeal of the betterment assessment, and the possibility of waiting until Friday before signing the agreement to see if the abatement is signed.

[REDACTED] S. Potter suggested a letter to Twenty Wayland LLC to confirm that they will not file an abatement of its betterment, although he said the members of the Wastewater Management District Commission will sign the agreement. J. Nolan said he would discuss the potential letter with Anthony DeLuca, principal of Twenty Wayland LLC. Members discussed issuing a joint press release.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen amend the Memorandum of Agreement between the Board of Selectmen and the Wayland Wastewater Management District Commission dated July 28, 2014 relative to the Town's Wastewater Management System Financial Matters by executing the amendment thereto dated February 3, 2015, a copy of which amendment is attached hereto. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. R. Greene moved, seconded by S. Potter, that the Wastewater Management District Commission amend the Memorandum of Agreement between the Board of Selectmen and the Wayland Wastewater Management District Commission dated July 28, 2014 relative to the Town's Wastewater Management System Financial Matters by executing the amendment thereto dated February 3, 2015, a copy of which amendment is attached hereto. YEA: R. Greene, F. Knight, S. Potter. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 3-0.

T. Boschetto moved, seconded by C. Karlson, that the Board of Selectmen: (1) execute the Settlement Agreement between Twenty Wayland, LLC and the Town of Wayland and the Wayland Wastewater Management District Commission relative to the litigation between them, currently pending in the Massachusetts Appeals Court as Case No. 2014-P-0679, on appeal from the June 23, 2013 Judgment entered in the Middlesex Superior Court in Case No. 2011-04095-F, a copy of which agreement is attached hereto; and (2) upon the execution of said settlement agreement by all parties thereto, pay to Twenty Wayland, LLC a.) \$350,000. from funds received by the Town as a gift from Twenty Wayland, LLC pursuant to Section J. 1. (i) of the Memorandum of Agreement between the Town of Wayland and Twenty Wayland, LLC dated March 28, 2006, as amended on October 20, 2009 (the "DA"); and \$120,000. from funds received by the Town as a gift from Twenty Wayland, LLC pursuant to Section J. 1. (ii) of the DA. YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. R. Greene moved, seconded by S. Potter, that the Wastewater Management District Commission: (1) execute the Settlement Agreement between Twenty Wayland, LLC and the Town of Wayland and the Wayland Wastewater Management District Commission relative to the litigation between them, currently pending in the Massachusetts Appeals Court as Case No. 2014-P-0679, on appeal from the June 23, 2013 Judgment entered in the Middlesex Superior Court in Case No. 2011-04095-F, a copy of which agreement is attached hereto; and (2) upon the execution of said settlement agreement by all parties thereto, pay to Twenty Wayland, LLC a.) \$350,000. from funds received by the Town as a gift from Twenty Wayland, LLC pursuant to Section J. 1. (i) of the Memorandum of Agreement between the Town of Wayland and Twenty Wayland, LLC dated March 28, 2006, as amended on October 20, 2009 (the "DA"); and \$120,000. from funds received

by the Town as a gift from Twenty Wayland, LLC pursuant to Section J. 1.(ii) of the DA. YEA: R. Greene, F. Knight, S. Potter. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 3-0.

C. Karlson moved, seconded by M. Antes, that the Board of Selectmen pay \$325,671. to the Wayland Wastewater Management District Commission by transferring said sum of money to the Wastewater Enterprise Fund from funds received by the Town as gifts from Twenty Wayland, LLC pursuant to following provisions of the Memorandum of Agreement between the Town of Wayland and Twenty Wayland, LLC dated March 28, 2006, as amended on October 20, 2009 (the "DA"):

<u>Amount</u>	<u>DA Section</u>
\$150,000.	J. 1 (i);
\$175,000.	D. 10. a.; and
\$ 671.	J. 1. (initial \$230,000. Payment).

YEA: M. Antes, T. Boschetto, E. Collins, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

C. Karlson moved, seconded by T. Boschetto, to exit executive session at 7:24 p.m. Roll call vote: 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 February 3, 2015, Meeting**

1. Memorandum of 2/2/15 from John Senchyshyn, Asst. Town Administrator/HR Director, to Board of Selectmen re: Request for Executive Session with the Board of Selectmen, Personnel Board and OPEB Committee Regarding Bargaining Obligations and Strategy for Increasing Non-Medicare Retirees' Health Insurance Contributions
2. Memorandum of 2/2/15 from Nan Balmer, Town Administrator, to Board of Selectmen, re: Twenty Wayland Agreement, Amendment to Inter-Board Agreement and Proposed Motions