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TOWN OF WAYLAND

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CHAIR APPROVED RELEASE
WITH REDACTIONS
July 10, 2018

BOARD OF SELECTMEN
LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes Executive Session November 21, 2016

Attendance: Lea T. Anderson, Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan
Also Present: Town Administrator Nan Balmer, Town Counsel Mark Lanza, Town Planner Sarkis Sarkisian, Zoning Board of Appeals Associate member Linda Segal, and Executive Assistant MaryAnn DiNapoli

Purpose: The session was called at 6:10 p.m. in the Selectmen's Meeting Room, Wayland Town Building, 41 Cochituate Road, by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21a(3), to discuss strategy with respect to pending actions regarding 150 Main Street LLC v. Zoning Board of Appeals, Nelson v. Conservation Commission (two cases), Bernstein, et al v. Planning Board, et al, Boelter, et al v. Board of Selectmen, Moss, et al v. Lingleys and Town, West Beit Olam Corporation v. Board of Assessors, and Brigham, et al v. Greenaway, because a public discussion of these matters may have a detrimental effect on the bargaining, negotiating, or litigating position of the town.

Discussion: M. Lanza reviewed the status of the town's active pending litigation.

In regard to the 150 Main Street LLC v. Zoning Board of Appeals case, M. Lanza said the case is under appeal by the plaintiff. He said 150 Main Street LLC developers made Hammond Road into a private way and merged the lots into one lot with one easement. M. Lanza said he believes the case is now moot, but the plaintiff is still pursuing an appeal. He said the court is waiting to see if the Zoning Board of Appeals upholds its decision to issue a building permit at its meeting on November 29. M. Lanza said he believes it is unlikely, and at that point 150 Main Street LLC can file an appeal and the case can be turned over to KP Law. S. Sarkisian asked if the recorded language was amended at the Registry of Deeds; M. Lanza said the language change is technical and not significant, and he is going to wait for the results of the appeal.

L. Segal left the meeting at 6:16 p.m.

M. Lanza reviewed the case of Bernstein, et al v. Wayland Planning Board, et al. L. Anderson recused herself from debating or deliberating on this issue, as she is a resident of the Glezen Lane neighborhood; she said she would listen but not participate in votes or discussions.

In the case of Brigham et al v. Greenaway, M. Lanza said the issue is an appeal by the neighbors of the Greenaway property of the Planning Board approval for a conservation cluster. The town has interest because the town will receive 2.3 acres of conservation land, 46% of the property, in the agreement.

M. Lanza said both parties in the case have counsel, and he is representing the Town of Wayland. He said the defendant has filed a motion to dismiss for lack of standing, as there is no harm to the plaintiffs. M. Lanza said he will represent the town until the motion to dismiss is decided in January/February 2017, and he will then turn it over to KP Law.

S. Sarkisian left the meeting at 6:26 p.m.

[REDACTED]

In the case of Boelter, et al v. Board of Selectmen, M. Lanza said the case has significant implications for every city and town in Massachusetts in its interpretation of the Open Meeting Law. He said the Attorney General and the Massachusetts Municipal Association have expressed interest in joining the case. He said he is willing continue to handle this case pro bono, and will charge fees only.

[REDACTED]

[REDACTED]

J. Nolan moved, seconded by M. Antes, to exit the executive session at 6:37 p.m. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, 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 November 21, 2016, Executive Session Meeting

1. List of Town Counsel's Active Pending Litigation Status Report, prepared by Town Counsel Mark J. Lanza, November 18, 2016