



LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-3620
www.wayland.ma.us

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DAVID V. WATKINS

BOARD OF SELECTMEN

Meeting Minutes

Executive Session

November 23, 2020

5:00 p.m.

Wayland Town Building, Council on Aging Room
41 Cochituate Road, Wayland, MA

APPROVED
AND
RELEASED
WITH
REDACTIONS

Attendance: Lea Anderson, Mary Antes, Tom Fay, Cherry Karlson, Dave Watkins

Absent: None.

Also Present: Louise Miller, Town Administrator; John Bugbee, Assistant Town Administrator; Seath Crandall, Management Analyst

Purpose: At 8:51 p.m. C. Karlson called the session to order in the Council on Aging Room, Wayland Town Building by unanimous roll call vote of the Board (YEA: M. Antes, L. Anderson, T. Fay, D. Watkins, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0-0.) in open session as permitted by Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Stephen Cass v. Robert Irving; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Stephen Cass v. Augusto Saviatto; pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation Ordway v. Town of Wayland pending with the Massachusetts Commission Against Discrimination; pursuant to Massachusetts General Laws Chapter 30A, Section 21 (a) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the twelfth amendment to the Rivers Edge Project at 484-490 Boston Post Road; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining with Wayland DPW Association, Teamsters Local 170; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of November 9, 2020 with the intent to approve and hold said minutes.

All members participated remotely via Zoom and confirmed that they were alone and could discuss confidential matters in privacy.

Cass v. Irving: [REDACTED]

Cass v. Saviatto: [REDACTED]

Ordway v. Town of Wayland: The mediator had a personal matter to attend to that resulted in the hearing being postponed until early December. L. Miller discussed the "Brady" letter and its impact on the Town's negotiating position. She explained that the Police Chief provided

documents to the District Attorney (DA) from the internal investigation prior to mediation. The Board discussed the challenges of the DA issuing a “Brady” letter. The Chief did not inform the Town Administrator of his intent to file with the DA.

Sgt. Ordway was called to testify and produced documents. [REDACTED] the demand remains at [REDACTED]. The town’s attorney will conference with Ordway’s attorney tomorrow (November 24).

[REDACTED]

L. Miller reviewed the insurance coverage. The Town’s contribution will be the amount not covered by insurance. The Board determined to understand the outcome of the attorneys’ conversation and L. Miller’s call to the DA before discussing a settlement figure. [REDACTED]

[REDACTED] C. Karlson cautioned the Board that it may not discuss individual’s reputation or character or discipline/dismissal without proper notice to said individual. That is not the stated purpose of this executive session.

River’s Edge: L. Miller explained that Wood Partners submitted a monetary proposal and timeline to settle the wastewater treatment plant (WWTP) negotiations, which are one subject of the twelfth Land Disposition Agreement (LDA) amendment. These negotiations have a direct impact on the purchase price received (timing and amount) by the Town. Closing is expected in December. Wood Partners suggests escrowing approximately \$4 million (sale proceeds, WWTP estimate and building permit fee) until the wastewater connection is made. Escrow would be released based on meeting certain deliverables (permitting, percent completion). If the wastewater connection project is not completed on time by early October 2021, there is risk the Town will not receive the entire purchase price. If the project is not completed within the timelines, Wood Partners has proposed liquidated damages of \$12,000/day. L. Miller asked that they substantiate that number. D. Watkins said \$5,000/day is industry norm. The Board asked L. Miller to continue discussions with Wood Partners and report back on December 7th.

Teamsters: L. Miller reported that discussions have stalled. She reminded the Board that the budget contained money to conduct a classification and compensation survey of the Water Dept workers’ wages. This department was selected because we have trouble retaining employees at the higher skill levels. This study has resulted in a proposed differentiated scale for Water employees. It showed that a 10-17% increase is necessary to become mid-range. Based on this, the Teamsters want other positions reviewed, [REDACTED]. The Personnel Board has included this study in its FY22 budget, so the review could be done within the next year.

Town Code and the contract outline how to review positions. [REDACTED]

[REDACTED] The next negotiation session is December 9. She hopes to get a vote on the water worker wages then. However, while the Personnel Board is supportive, the union may not be ready yet.

Minutes: The Board reviewed the draft minutes of November 9, 2020. L. Anderson moved, seconded by M. Antes, to approve and hold the executive session minutes of November 9, 2020. Roll call vote of the Board: YEA: T. Fay, D. Watkins, L. Anderson, M. Antes, C. Karlson. NAY: none. ABSENT: none. ABSTAIN: none. Adopted: 5-0.

Exit Executive Session: At 9:45 pm, T. Fay moved, seconded by D. Watkins to exit Executive Session and adjourn the meeting. Roll call vote of the Board: YEA: M. Antes, T. Fay, C. Karlson, L. Anderson, D. Watkins. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Documents provided:

