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TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

RELEASED
WITH
REDACTIONS

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 9, 2020

5:00 p.m.

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

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

Absent: None.

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

Purpose: At 8:03 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) (6) to consider the purchase, exchange, taking, lease or value of real estate in regard to the Rivers Edge Project at 484-490 Boston Post Road; pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC. relative to property and development located off 400-440 Boston Post Road; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (2), (3), and (6), to review and approve the executive session minutes of October 19, 2020 and October 26, 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]

[REDACTED]

River's Edge: L. Miller reported that completion of this deal is close. The ability of the River's Edge project to connect to Wayland's wastewater plant will determine the final purchase price. Negotiation discussions continue on the timing of the related approvals and who will bear the cost for potential delays. Details of the wastewater connection (annual cost, connection fee, etc.) will be discussed by the WWMDC in open session on November 18th. C. Karlson reported on a conversation with Wood Partners last week. Wood Partners is pushing the Town to escrow funds to ensure the wastewater connection is completed on time (October 2021). DEP and DOT approvals are not yet in place; L. Miller reported that Town staff are working to secure commitments. C. Karlson stated she is not comfortable with the Board making a decision on behalf of the town that may put the purchase price funds at risk. D. Watkins asked if the topic should be removed from executive session to allow public pressure on Wood Partners to complete the deal. T. Fay asked if our state representatives could be helpful. After discussion, the Board agreed to stay the course and encouraged staff to pursue the DEP and DOT permits and did not support the concept of the escrow account. L. Miller noted the Planning Board still needs to complete its design review and send that back to the Zoning Board of Appeals (ZBA), and she will research whether delays due to COVID-19 may have tolled the ZBA decision timeframe. (The ZBA approved the project in December 2019.)

TwentyWayland: C. Karlson reviewed the documents in the packet noting that all but the unexecuted amendment to the settlement agreement are available to the public on the Town's website. They are included to help inform new Selectman D. Watkins of the Board's prior negotiation strategies and outcomes. C. Karlson reminded the Board that Frank Dougherty, TwentyWayland/KGI, requested a meeting to finally complete the negotiations. The Board discussed various strategies including a demand letter for remaining gift monies, determining the Town's need for the parcels previously negotiated, completing the Conservation aspects of the deal (conservation restriction, trail easements), statute of limitations on contracts, and town counsel's opinion [REDACTED] D. Watkins will review the documents given tonight's discussion. C. Karlson will meet with F. Dougherty to hear his offer and bring that information back to the Board. L. Miller noted that staff will not have time to work on this until after River's Edge is completed.

Minutes: The Board reviewed the two sets of draft minutes. T. Fay moved, seconded by L. Anderson, to approve and hold the executive session minutes of October 19, 2020 and October 26, 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 9:11 pm, L. Anderson moved, seconded by M. Antes 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:

1. Documents related to Twenty Wayland discussion (are available on Town website):
 - a. Development Agreement, dated March 28, 2006
 - b. Amendment 1 to the Development Agreement, dated October 20, 2009
 - c. Settlement Letter of Intent, dated August 7, 2017
 - d. Settlement Agreement with Twenty Wayland, dated February 5, 2018

- e. Board of Selectmen statement, dated February 12, 2018
 - f. DRAFT Amendment to Settlement Agreement, not executed
2. Draft executive session minutes of October 19, 2020
 3. Draft executive session minutes of October 26, 2020