



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

TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

APPROVED AND HELD
3/27/2017

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 March 13, 2017

Attendance: Mary M. Antes, Louis M. Jurist, Cherry C. Karlson, Joseph F. Nolan (arrived 6:32 p.m.)

Absent: Lea T. Anderson, MIIA (Massachusetts Interlocal Insurance Association) attorney Michael Stefanilo

Also Present: Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, School IT Director Leisha Simon, Personnel Board Chair Deb Cohen, MIIA attorney Lenny Kestin, and MIIA Representative Johanna Mills.

Purpose: The session was called at 6:30 p.m. in the Large Hearing Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to litigation in pending actions regarding Boelter et al v. Wayland Board of Selectmen and 20 Millbrook Road; and to discuss whether the Town should pursue legal proceedings with respect to the Town's agreement with Twenty Wayland, LLC, relative to property and development located off 400-440 Boston Post Road; and to discuss strategy with respect to collective bargaining and pending litigation in regard to Sams-Lynch v. Town of Wayland. The Chair declared that a public discussion of these matters may have a detrimental effect on the litigating, bargaining or negotiating position of the Town.

Discussion: N. Balmer reviewed the case of Boelter et al v. Wayland Board of Selectmen. She said that former Town Counsel Mark Lanza was willing to represent the town pro bono except for filing fees, and it was the consensus of the Board to accept his offer. The Board asked that the Amicus Brief of the Attorney General be sent to the Massachusetts Municipal Association to solicit their support. It was agreed the case would be reviewed on a regular basis with the Board.

L. Kestin, J. Mills, L. Simon, D. Cohen and J. Senchyshyn joined the meeting.

Attorney L. Kestin reviewed the case of Sams-Lynch v. Town of Wayland and the proposed settlement agreement, saying that [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] The Board

discussed with Attorney Kestin [REDACTED]
[REDACTED] Further discussion ensued with L. Kestin regarding
[REDACTED] The
Board decided to issue no press release. L. Jurist moved, seconded by J. Nolan, to authorize MIIA to enter into the settlement agreement, with identified exhibits, regarding Sams-Lynch v. Town of Wayland. Roll call vote: YEA: M. Antes, L. Jurist, C. Karlson, J. Nolan. NAY: none. ABSENT: L. Anderson. ABSTAIN: none. Adopted 4-0

L. Kestin, J. Mills, L. Simon, D. Cohen and J. Senchyshyn left the meeting.

N. Balmer reviewed the 20 Millbrook zoning enforcement action. The Board agreed to support the expenditure of legal funds going forward, with the understanding that the Town Administrator will manage the legal budget and may delay action into the next year if appropriate.

C. Karlson updated the Board on negotiations with Twenty Wayland LLC regarding items in the Development Agreement. She said that Twenty Wayland has made no progress over the last three weeks in accomplishing the agreed upon steps to move toward a settlement. The Board discussed ways to move the process forward, including filing an action through Town Counsel for the \$620,000 owed to the Town, asking the Director of Assessing to pursue the next steps to gather information on the Appellate Tax Board case scheduled for May 23, 2017, and asking the Director of Assessing to send a letter requesting documentation to support reduced assessments on seven parcels. The Town Administrator will get information for the Board on the next steps for each of these approaches.

J. Nolan left the meeting temporarily at 7:12 p.m.

L. Jurist moved, seconded by M. Antes, to exit the executive session at 7:16 p.m. Roll call vote: YEA: M. Antes, L. Jurist, C. Karlson. NAY: none. ABSENT: L. Anderson, J. Nolan. ABSTAIN: none. Adopted 3-0.

**Items Distributed for Information and Use by the Board of Selectmen at the March 13, 2017,
Executive Session Meeting**

1. Draft Job Description, IT Technician
2. Letter of Recommendation as Referenced in the Settlement Agreement