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TOWN OF WAYLAND

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WAYLAND, MASSACHUSETTS 01778

APPROVED AND
RELEASED WITH
REDACTIONS

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
LOUIS M. JURIST
CHERRY C. KARLSON
DOUGLAS A. LEVINE

Board of Selectmen Meeting Minutes Executive Session

July 24, 2017
7:36 P.M.

Wayland Town Building, Selectmen's Meeting Room
41 Cochituate Road, Wayland

Attendance: Lea T. Anderson, Mary M. Antes, Cherry C. Karlson, Louis M. Jurist, Douglas A. Levine

Also Present: Town Administrator Nan Balmer, Assistant Town Administrator/Human Resources Director John Senchyshyn, Police Chief Robert Irving, Town Counsel Amy Kwesell, Special Counsel David Wiener, and Economic Development Committee Chair Rebecca Stanizzi.

Purpose: L. Anderson called the session to order at 7:36 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21(a) (6) to consider the purchase, exchange, taking, lease or value of real property in regard to the Rivers Edge Project at 484-490 Boston Post Road; and pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to litigation in pending actions regarding Bernstein, et al v. Planning Board, et al, 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 and in preparation for collective bargaining with Police, Fire, AFSCME 1, AFSCME 2, Library, and Teamsters, representing Town employees.

Discussion: The Board was joined by A. Kwesell, R. Irving, and J. Senchyshyn to discuss Bernstein, et al v. Planning Board, et al. A. Kwesell reviewed the 2008 judgment and the 2016 court filing by Town Counsel Mark Lanza to declare the permanent turn restriction unsafe. She said [REDACTED]

[REDACTED] R. Irving said D. Bernstein used the Town Center project, through the judgment, to restrict traffic on Glezen Lane. R. Irving made the case against the restriction of traffic, noting it only moves the traffic to other streets. A. Kwesell recommended that [REDACTED]

[REDACTED] The Board agreed to authorize the Town Counsel to file with the court a motion for clarification. R. Irving left the meeting.

J. Senchyshyn advised the Board that the Teamsters Union and AFSCME-2 had both ratified their respective agreements. C. Karlson moved, seconded by D. Levine, to approve the Memorandum of Agreement for a successor collective bargaining agreement between the Town of Wayland and AFSCME-2, Local 690, for the period of July 1, 2017, through June 30, 2020, and to approve the Memorandum of Agreement for a successor collective bargaining agreement between the Town of Wayland and the Wayland DPW Association, Teamsters Local 170, for the period of July 1, 2017 through June 30, 2020. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. J. Senchyshyn told the Board that the WESA union and the Custodian Union for the school employees were close to settling. J. Senchyshyn left the meeting.

The Board was joined by D. Wiener and R. Stanizzi to discuss the Rivers Edge Project at 484-490 Boston Post Road. D. Levine asked if the extended time involved in negotiations was typical. D. Wiener reviewed the timeline of events. He said Wood Partners has agreed to the Land Development Agreement (LDA) as presented, and he reviewed the changes since the last discussion with the Board of Selectmen. [REDACTED]

[REDACTED] L. Jurist expressed his belief that the town [REDACTED]

[REDACTED] The Board discussed the requirement, made after the publishing of the RFP, for the extension of the water line 100 feet to Sudbury. D. Wiener said that WP East Acquisitions LLC has not yet signed the agreement. He said a vote by the Board will be requested to authorize the Town Administrator to sign if the final agreement is substantially in the same form, and WP East Acquisitions LLC will sign before August 1. C. Karlson noted that the Town could lose its right to access Sudbury land if the agreement is not executed by August 1. D. Wiener and R. Stanizzi left the meeting.

[REDACTED]

A. Kwesell reviewed the case of 20 Millbrook. She said the case [REDACTED]

[REDACTED]. She said she will [REDACTED]

C. Karlson updated the Board on the negotiations for a Letter of Intent (LOI) with Twenty Wayland LLC. She said the payment of back taxes on the municipal parcel (\$13,210) is a point of contention. Twenty Wayland has suggested that the town pay \$13,210 for the gift parcels, and pay an extra \$75,000 for the Town Green, which Twenty Wayland will then use to pay the back taxes. Alternatively, the town could take the gift parcels in exchange for non-payment of taxes. C. Karlson discussed the best approach to the offer to buy the Town Green from Zurich and National. D. Levine asked if there was any drawback to owning the Town Green. The Board discussed the implications of ownership and maintenance, and the location of the Town Green relative to the anticipated municipal building. A. Kwesell noted that the town could consider charging a fee for use. It was the consensus of the Board to purchase the Town Green for \$88,210, with the understanding that Twenty Wayland would use \$13,210 of those funds to pay back taxes to the town. C. Karlson said she will contact Zurich and National with the offer. She noted that the LOI is an offer letter.

C. Karlson moved, seconded by D. Levine, to exit the executive session at 8:40 p.m. Roll call vote: YEA: L. Anderson, M. Antes, L. Jurist, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the July 24, 2017, Executive Session Meeting

1. Draft Land Disposition Agreement for the Sale and Redevelopment of Land between Town of Wayland and WP East Acquisitions LLC, and Revised Versions
2. [REDACTED]
[REDACTED]
[REDACTED]
3. [REDACTED]
[REDACTED]
[REDACTED]
4. [REDACTED]
5. [REDACTED]
[REDACTED]
6. Draft Letter of Intent to Twenty Wayland LLC from Board of Selectmen re: Town Center
7. Memorandum of 7/24/17 from John Senchyshyn, Assistant Town Administrator/Human Resources Director, to Board of Selectmen, re: Collective Bargaining