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TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

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
February 4, 2019
7:00 PM**

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

Attendance: Lea Anderson, Mary Antes, Cherry Karlson, Douglas Levine

Absent: Louis Jurist

Also Present: Louise Miller, Town Administrator; Elizabeth Doucette, Assistant Town Administrator

Purpose: At 9:05 pm, L. Anderson moved, seconded by M. Antes, to call the session to order in the Selectmen's Meeting Room, Wayland Town Building by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. ABSENT: L. Jurist. 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 collective bargaining with all bargaining units pursuant to the Public Employee Committee (PEC) agreement; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real property 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) (3) to discuss strategy with respect to litigation related to David Bernstein v. Planning Board of Wayland; and pursuant to Massachusetts General Laws, Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to litigation related to Kenneth Nelson v. Town of Wayland, et al.

Collective Bargaining with PEC: L. Miller updated the Board on the third meeting with the Public Employee Committee (PEC). She reminded the Board that High Deductible (HD) health insurance plans are less expensive for enrollees and the Town. L. Miller reported that a consultant provided an interactive calculator for employees to use to compare options. In negotiations the Town offered a 50% match in deductible cost for individuals as an incentive to move to the HD plan; this is identical to what has been offered by other West Suburban participant towns. Unions had questions about employees joining the HD plan and about the mitigation funds. The mitigations funds are taxable to the employee when paid out. The Town offered the funds for rollover to a tax free Health Savings Account (HSA). L. Miller reported that there was a new union representative participant at the meeting, so negotiation discussions started over. The Board agreed that it is not inclined to accept a counter offer at this late date. L. Miller reported that an agreement three weeks from now would still allow staff to put materials together in time for the FY20 enrollment period. C. Karlson suggested that the Finance Committee will want to see the numbers for budgeting purposes.

Twenty Wayland, LLC: L. Miller updated the Board on the status of the discussions with Frank Dougherty of Twenty Wayland. F. Dougherty is in regular contact with Linda Hansen, Conservation Administrator regarding Parcels 14, 15 and 16. He stated to the Director of Assessing and former Treasurer that he is fine with the Town taking the properties for non-payment of taxes, which began when the Board did not sign the

Settlement Agreement extension in summer 2018. In F. Dougherty's opinion it should be fairly quick if unopposed.

C. Karlson asked the Board how it wants to proceed. She reminded the Board that Town Meeting voted that BoS take control of the parcels. If Twenty Wayland and the Conservation Commission go down the path of a Conservation Restriction on the three parcels, it still needs to be accepted by the Board of Selectmen. C. Karlson referred to the memo of May 23, 2018 from KP Law noting potential concerns identified in the title search. The Town still has the same four or five identified issues. The Board needs to decide if they want to take the financial and legal risks identified. The Board discussed leasing vs. owning as the business decision. The Board asked L. Miller to contact Twenty Wayland to determine status. C. Karlson reminded the Board that the Raytheon draft LSP opinion assumes the Town leases the land (municipal parcel and three adjacent parcels). If the property transfers to the Town, the AUL (Activities Use Limitation) will have to be rewritten. Katie Klein, KP Law, is our contact for outstanding issues including: AUL, ECR, MBTA easement. The Board suggested inviting K. Klein to discuss ramifications of these issues and pros and cons of long-term lease.

David Bernstein v. Planning Board of Wayland: L. Miller reported that a hearing is scheduled for the third week in March. Former Police Chief, Bob Irving, is expected to participate.

Kenneth Nelson v. Town of Wayland, et al: [REDACTED]

Exit Executive Session: At 9:52 pm, C. Karlson moved, seconded by D. Levine, to exit Executive Session. Roll call vote of the Board (YEA: L. Anderson, M. Antes, C. Karlson, D. Levine. NAY: none. ABSENT: L. Jurist. ABSTAIN: none. Adopted 4-0.)

Documents provided:

1. PEC Executive Session Discussion – February 4, 2019
2. [REDACTED]
3. [REDACTED]
4. Summary Decision issued by the Appeals Court re: David Bernstein & others vs. Planning Board of Wayland & others – dated December 21, 2018
5. [REDACTED]
6. [REDACTED]