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TOWN OF WAYLAND

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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

December 7, 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; John Bugbee, Assistant Town Administrator; Seath Crandall, Management Analyst

Purpose: At 9:19 p.m. C. Karlson called the session to order in the Selectmen's Meeting 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. 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 (MCAD); 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 Land Disposition Agreement pertaining 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 November 23, 2020 with the intent to hold said minutes.

All members participated remotely via Zoom and confirmed that they were alone and could discuss confidential matters in privacy. S. Crandall left the meeting once all members were present.

Cass v. Saviatto: [REDACTED]

Ordway: L. Miller updated the Board on developments since the last report in November. She contacted the District Attorney's office regarding the Brady letter but has not received a response. The attorney's conferenced in November, and a settlement seems possible. The Town's MIAA appointed attorney will work on a settlement that includes [REDACTED]

[REDACTED] They are looking to settle by year

end and [REDACTED]

[REDACTED] [In October, the Board authorized the Town Administer to settle up to a [REDACTED] contribution by the Town.]

River's Edge: L. Miller outlined the conversation with Wood Partners on Friday, December 4th following the executive session on December 3rd. The call was informative with little pushback on the Town's key requests to better define escrow release points, establish timetable for completion of work on the leach field/pump station on site, and better defining liquidated damages. The Board had the draft 12th Amendment and the proposed term sheet with language on the financial implications of the wastewater connection negotiation to direct its conversation. Wood Partners' primary concerns seem to be sharing the risk of delayed tenant occupancy, concern about a hiatus in their construction if the Town's work is not completed by October 1, 2021, holding sufficient funds in escrow and defining liquidated damages to cover their expense of a delayed TCO (temporary certificate of occupancy).

L. Miller explained that the Town Planner and Town Engineer have reviewed the construction timetable and are comfortable with the October 1 deadline. She will have a weekly meeting with them to keep the project on track. T. Fay asked that all construction options be considered in order to assure the project is done on time and not to focus solely on directional drilling. C. Karlson reminded the Board that the construction area has already been disturbed. D. Watkins asked if the Town could get insurance to provide financial protection against a possible delay in construction. L. Anderson offered clarifying language on section 5 of the 12th Amendment. The Board recognized that the discussion on this topic will continue at upcoming meetings.

Twenty Wayland: C. Karlson noted that she had not yet contacted Frank Dougherty to reinitiate settlement discussions about the outstanding items in the Development Agreement. T. Fay offered to contact F. Dougherty. It was the sense of the meeting that T. Fay should open the discussion and report back to the Board.

Minutes: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Exit Executive Session: At 9:45 pm, T. Fay 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. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. Draft executive session minutes of November 23, 2020