

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

## MEETING OF JANUARY 12, 2010

### MINUTES

In attendance: David Schofield, Fred Knight, Bill Prendergast

Guests: Ian Catlow, Tighe & Bond

David Boucher, Whitewater

Jacqueline Ducharme, Dudley Pond Association

Timothy Cornu, connection applicant

Thomas Cornu, Wayland resident

Linda Segal, Wayland resident

Prescott Baston, Wayland resident

Chairman David Schofield called the meeting to order at 7:10 PM.

Jacqueline Ducharme made presentation on behalf of the Dudley Pond Association. The objective of the Association is to preserve the integrity of Dudley Pond. She stated that the Association was thinking of transferring a parcel of land to the Commission to be used for septic purposes. The parcel contains 7.3 acres and the septic purposes would be for existing homes and not for new development.

Timothy Cornu stated that he planned to operate a car repair service at 356 Boston Post Road along with used car sales. He requested approval of a connection to the sewer system. David Schofield discussed the cost of joining the system. He estimated the Privilege Fee at approximately \$17,000. User fees would cost several hundred dollars per year. The share of the cost of the new plant would amount to several thousand dollars. These costs are in addition to the cost of making the connection. Mr. Cornu decided to investigate the possibility of providing a private septic system.

David Boucher discussed value engineering concerning wastewater treatment plants. He pointed out that the basic components are common to all treatment plants. The amount of automation varies from plant to plant. He pointed out that excessive automation removes much of the operation of the plant from the operator. Excessive automation increases the cost of the plant and makes maintenance more difficult. He used a treatment plant in Acton, MA as an example of a plant with substantial automation. He pointed out that the Acton plant had an early deadline for completion and that there was very little time available for value engineering. Mr. Boucher pointed out that the design of the new Wayland plant resembled the design of a plant in Southborough, MA which has limited automation. He pointed out that many new plants have an operator interface which includes a touch screen as does the current design.

Ian Catlow estimated the estimated the construction period for the new Wayland plant to be 14 – 16 months.

David Boucher reviewed the requirements of the new permit as they pertain to the Whitewater contract for operation of the treatment plant. The new requirements require

an increase of \$521.11 in the monthly fee. David Schofield made a motion to approve the monthly fee increase of \$521.11 the Whitewater contract. Fred Knight seconded the motion. The vote on the motion was 2 – 0 in favor.

Ian Catlow stated that John Moynihan would be handling construction insurance and that the contractor should pay the builder's risk insurance.

Ian Catlow distributed a proposed meeting agenda for a meeting involving the Commission, Town Counsel, Town Administrator, Tighe & Bond, and KGI. The purpose of the meeting is to discuss outstanding issues and informational needs related to new treatment plant project. Included in the agenda are Town Center construction schedule, land swap, easements, utility services, demolition of the existing plant, and outfall.

Demolition of the existing plant was discussed. It was clear who would pay for demolition of the existing plant.

The need for a third Commissioner was discussed. Fred Knight offered to prepare a letter to the editor of the Town Crier outlining the need and inviting interested persons to contact the Commission.

The minutes of the meeting of December 14, 2009 were approved as amended.

The following invoices were approved for payment:

- Dave Starmer disposal - \$650.00
- Organization for the Assabet River - \$792.00
- NSTAR - \$1970.84
- William R. Prendergast - \$200.00

Bill Prendergast distributed a financial report showing, through December 2009, income of \$81,649.40 and expenses of \$85,995.56. He reported that Twenty Wayland had not paid user fees of \$24,017.25 billed on November 23, 2009. He reported that the Commission had not been billed for interest on the \$1 million loan received to design the new treatment plant.

The meeting adjourned at 9:43 PM.

Respectfully submitted,

William R. Prendergast  
February 9, 2010

Distribution:  
David Schofield  
Fred Knight  
Board of Selectmen  
File



# **WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

**MEETING OF FEBRUARY 9, 2010**

## **MINUTES**

In attendance: David Schofield, Fred Knight, Bill Prendergast

Guest: Prescott Baston

Chairman David Schofield called the meeting to order at 7:07 PM.

During the public comment period, Prescott Baston reported that the Board of Selectmen had approved a \$3.5 million loan for the Wastewater Commission.

Prescott Baston questioned whether a current user of the system could upon leaving the system transfer his capacity to another person.

Prescott Baston questioned whether Stop & Shop planned to install their own septic system at Town Center.

David Schofield stated that the Commission should advise the Board of Selectmen that the Commission does not want the loan of \$3.5 million at the present time. The question of timing of the loan was discussed. Could the loan be received at a later time during the year? David Schofield offered to discuss the loan with Paul Keating.

At the Commission meeting of January 12, 2010, the need for a third Commissioner was discussed. Fred Knight offered to place a letter to the editor describing the need and inviting interested persons to respond. Bill Prendergast reported that an interested person, Toni Moores, had responded to Fred Turkington. Bill Prendergast reported that Toni Moores had intended to attend the meeting but illness prevented him from attending. He hopes to attend the March meeting.

The 70/30 split (Twenty Wayland pays 70 %) of the cost of the new treatment plant was discussed. The Commission concluded that confirmation of the split was required.

The status of the connection of Wayland Meadows to the sewer system was discussed. Due to the fact that the sewer pipe from the treatment plant to the boundary of Wayland Meadows property must cross Twenty Wayland property, an easement is required before the pipe can be installed.

The subject of user fees was discussed. Fred Knight made a motion to reaffirm the new method of determining user fees based 80 % on capacity and 20 % on water usage. The full text of the motion is attached along with a financial analysis. David Schofield seconded the motion. The vote was 2 – 0 in favor of the motion.

The minutes of the meeting of January 12, 2010 were approved as amended

The following invoices were approved for payment:

William R. Prendergast - \$175.00.

Bill Prendergast distributed a financial report for FY2010 through January 2010 showing income of \$86,969.24 and expenses of \$102,724.49. He pointed out that Twenty Wayland was overdue in payment of approximately \$24,000 in user fees. He stated that the next billing of user fees would occur within a few days.

David Schofield announced that the Wastewater Commission would be meeting with the Board of Selectmen on February 22, 2010. Bill Prendergast was directed to post a meeting notice for February 22, 2010 at 7:00 PM.

There was no other business.

The meeting adjourned at 8:52 PM.

Respectfully submitted,

William R. Prendergast  
March 9, 2010

Distribution:  
David Schofield  
Fred Knight  
Board of Selectmen  
File

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF MARCH 9, 2010

## MINUTES

In attendance: David Schofield, Fred Knight, Bill Prendergast

Guests: Toni Moores

Prescott Baston

During the public comment period, Prescott Baston stated that he was concerned about the capacity owned by current users if some users drop out of the system with the resulting increased costs for users who remain with the system.

During discussion of the loan of \$4.5 million, Prescott Baston suggested that the Town might borrow the money from the Wastewater Commission for the purpose of avoiding an override.

Fred Knight proposed the following motion: Whereas a number of issues need to be resolved before construction of the new Wastewater Treatment Plant (WWTP) can begin, and whereas money borrowed is accruing interest paid by the users of the WWMD, the WWMDC requests of the Board of Selectmen that they consider ways to reduce the interest paid by WWMDC users. The motion was seconded by David Schofield. The vote on the motion was 2 – 0 in favor of the motion.

Fred Knight proposed the following motion: The WWMDC requests that the Board of Selectmen petition the legislature to extend the borrowing period for the WWTP from 20 to 25 years. The motion was seconded by David Schofield. The vote on the motion was 2 – 0 in favor of the motion.

Bill Prendergast was directed to forward the motions to the Board of Selectmen.

The Commission discussed the possibility of needing as much as \$2.0 million in borrowed money for calendar 2010 for construction of the new wastewater treatment plant.

Fred Knight discussed the possibility of starting construction of the new plant in calendar 2010.

The Commission agreed that the next step was for David Schofield and Ian Catlow (Tighe & Bond) to seek DEP approval of the design of the new treatment plant.

The minutes of the meeting of February 9, 2010 were approved.

The following invoices were approved for payment:

William Prendergast - \$200.00

Bill Prendergast distributed a financial report showing for FT2010 through February 2010 income of \$107,143.11 and expenses of \$136,296.60. He pointed out that payment of \$48,000 in user fees that had been billed to Twenty Wayland would have resulted in a surplus. The report showed that \$600,721.04 of the budget of \$5.6 million for the new treatment plant had been spent.

Bill Prendergast distributed a bank statement showing a balance of \$4,813,742.45 as of February 19, 2010. This balance includes a loan of \$4.5 million. And Retained Earnings of \$313,742.45.

The Commission discussed the need for a third Commissioner and suggested that the Board of Selectmen interview the two candidates for the position.

The Commission discussed the desirability of posting the meeting agenda on the Town website.

There was not other business.

The meeting adjourned at 8:35 PM.

Respectfully submitted,

William R. Prendergast  
April 23, 2010.

Distribution:  
David Schofield  
Fred Knight  
Board of Selectmen  
File

# **WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

**MEETING OF APRIL 13, 2010**

## **MINUTES**

In attendance: David Schofield, Fred Knight, Bill Prendergast

Guest: Prescott Baston

Chairman David Schofield called the meeting to order at 7:10 PM.

During the public comment period, Prescott Baston reported that he and other members of the Wayland Business Association had met with Town Administrator, Frederic Turkington, to discuss the benefit to the town resulting from their use of the sewer system rather than individual septic systems. Their use of the sewer system reduces the possibility of pollution of Wayland's drinking water.

Prescott Baston distributed copies of Massachusetts Schedule SC entitled Septic Credit used for claiming credit for repairing or replacing a failed cesspool or septic system. Schedule SC may be filed for income tax credit.

David Schofield reported that the Wastewater Commission would meet with the Board of Selectmen and the Town Administrator on April 26, 2010 or May 3, 2010 to discuss progress in negotiations with DEP for a connection for Twenty Wayland and other matters of interest to the Commission. David Schofield offered to contact Fred Turkington and advise the Commission of the date.

The borrowing needs of the Commission were discussed. The Commission decided to request an opinion from Town Counsel concerning the amount needed to start the project of constructing a new wastewater treatment plant.

The subject of easements needed to connect Wayland Meadows to the treatment plant. The Commission needs an easement from Twenty Wayland to install a sewer pipe across Twenty Wayland property from the treatment plant to the Wayland Meadows boundary. Wayland Meadows needs an easement from Twenty Wayland to install a sewer pipe across the access road which is Twenty Wayland property. The Commission was not aware of any request by Wayland Meadows for the easement.

The Commission decided to begin charging Wayland Meadows for user fees effective July 1, 2010. Bill Prendergast was assigned the task of determining the ownership of Wayland Meadows and to prepare a draft of a letter announcing the charging of user fees.

Bill Prendergast distributed copies of the Sewer Use Discharge Permit Application. He explained that this form is used by applicants who wish to join the sewer system. The Commission reviews the application and reaches a decision about admitting the applicant



to the system. If the applicant is admitted, the Commission issues a Sewer Use Discharge Permit which admits the applicant to the system with a specified capacity.

The Commission discussed the subject of water conservation. The Commission intends to develop a water conservation regulation. David Schofield suggested that the use of low flow toilets might be required by the regulation.

The minutes of the meeting of March 9, 2010 were approved.

Bill Prendergast distributed a financial report for FY2010. Through March 2010, Commission income was \$144,967.94 and expenses were \$139,072.48. The Commission's bank balance as of March 17, 2010 was \$4,782,782.77 of which \$4.5 million was borrowed money. As of February 28, 2010, the total spend on the new plant was \$616,731.95. The design of the new plant is approximately 99 % complete.

There was no other business.

The meeting adjourned at 8:55 PM.

Respectfully submitted,

William R. Prendergast  
May 11, 2010

Distribution:  
David Schofield  
Fred Knight  
Board of Selectmen  
File

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

## MEETING OF MAY 11, 2010

### MINUTES

In attendance: David Schofield, Fred Knight, Bill Prendergast

Guests: Prescott Baston, Wayland resident

Ralph Wegener, Wayland resident

Ian Catlow, Tighe & Bond (by speaker phone)

Chairman David Schofield called the meeting to order at 7:10 PM.

Prescott Baston presented a suggested distribution of cost of the new treatment plant based partially on capacity and partially on current plant flow. The Twenty Wayland and Wayland Meadows shares of the cost were based on capacities of 45,000 and 7,200 gallons per day respectively. The share of the other users was based on current plant flow of 10,000 gallons per day. In this scenario, Twenty Wayland would pay 72 % of the cost, Wayland Meadows would pay 12 % of the cost, and the other users would pay 16 % of the cost.

Prescott Baston reported that the Wastewater Commission might be required to pay certain legal fees in connection with legal services employed to settle the appeal of the new permit by the Department of the Interior and a Sudbury resident.

Ralph Wegener reported that the business users of the sewer system had formed an ad hoc committee and had retained an attorney to discuss the cost of the new plant and the betterments that would be assigned to users. He understood that Twenty Wayland would pay 70 % of the cost of the new plant leaving 30 % of the cost for other users. He stated that the 70/30 split had been mentioned in the 2009 Town Meeting Warrant. He was attempting to locate a signed agreement pertaining to the 70/30 split.

The Articles in the 2010 Town Meeting Warrant pertaining to the Wastewater Commission were discussed and a response to potential questions was discussed.

The report of plant flow for April 2010 showed some exceptionally high plant flow numbers. The average plant flow is approximately 10,000 gallons per day. On April 1, 2010, plant flow was 61,084 gallons and on April 2, 2010, plant flow was 64,213 gallons. Plant flow did not return to normal until mid-month. There was unusually heavy rainfall at the end of March 2010. The conclusion is that non-sewage wastewater was discharged to the system. Bill Prendergast pointed out that the Rules and Regulations of the Wastewater Commission prohibit the connection of surface runoff and groundwater drains to the system. He pointed out that the Rules and Regulations provide for inspection of user premises and penalties for violation of the Rules and Regulations.

The subject of user fees was discussed. The Commission expects that there will be a small increase in user fees for FY2011. Wayland Meadows has not been assessed user fees because there is no sewer connection from the treatment plant to Wayland Meadows boundary. In order to make the connection across Twenty Wayland property, an easement

is required. Twenty Wayland has stated that they will not grant an easement until they receive their DEP connection permit.

A public hearing is required to announce fees and charges for FY2011. The Commission decided that the date of the hearing would be June 22, 2010 and directed Bill Prendergast to place a legal notice in the Town Crier.

Whitewater reported problems at the treatment plant. The aeration header piping is rotting at the water line and leaking air. The Commission agreed that David Schofield would direct Whitewater to make the necessary repairs.

Ian Catlow reported to the meeting by speaker phone. He reported that DEP considered the use of the former septage disposal facility for additional discharge as a viable concept. Mr. Catlow noted that Article 17 in the 2010 Town Meeting warrant proposed that Wayland acquire Sudbury's interest in the septage facility.

Mr. Catlow reported that DEP is reviewing the plans for the new treatment plant. He stated that there might be an issue with the Conservation Commission pertaining to the outfall.

Mr. Catlow anticipated that bid requests for the new plant would go out in mid June 2010 with a contract to be issued in mid August 2010 with construction to begin in early September.

The minutes of the meeting of April 13, 2010 were approved.

Bill Prendergast distributed a financial report for FY2010. Through April 2010, income was \$181,537.58 and expenses were \$156,336.42. He reported that the favorable surplus resulted from debt interest being approximately \$33,000 less than the budget for debt interest. New plant cost through April 2010 was \$622,766.07. The bank balance as of March 17, 2010 was \$4,782,782.77 of which \$4.5 million was borrowed.

There was no other business.

The meeting adjourned at 9:40 PM.

Respectfully submitted,

William R. Prendergast  
June 9, 2010

Distribution:  
David Schofield  
Fred Knight  
Board of Selectmen  
File



# **WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

**MEETING OF JUNE 9, 2010**

## **MINUTES**

In attendance: David Schofield, Fred Knight, Bill Prendergast  
Ian Catlow, Tighe & Bond  
Twenty Wayland: Frank Dougherty, Tony Deluca, Andy Rockette  
Town Administrator: Frederic Turkington  
Town Counsel: Mark Lanza  
Board of Selectmen: Michael Tichnor, Thomas Fay  
Director of Public Buildings: John Moynihan  
Wayland residents: Anette Lewis, Prescott Baston

Chairman David Schofield called the meeting to order at 7:05 PM.

This meeting was actually two meetings. The first meeting consisted of a discussion of wastewater issues with Twenty Wayland. The second meeting was the regular monthly meeting of the Wastewater Commission.

The only wastewater issue discussed by Twenty Wayland was the 80/20 split of user fees between capacity and water usage. Beginning with FY2010, the Wastewater Commission decided that 80 % of the total user fees would be based on capacity and that 20 % of the total user fees would be based on winter water usage. With a large capacity (45,000 gallons per day) and current zero water usage, Twenty Wayland maintained that basing their user fees on 80 % of their capacity was unfair. Twenty Wayland would prefer a number lower than 80 % (such as 70 %) which would save them money. After considerable discussion, the Commission left the split at 80/20.

The subject of charging Wayland Meadows for user fees was discussed. David Schofield stated that Wayland Meadows would not be charged user fees until an easement is available to make the connection to the treatment plant. Mark Lanza reported that he had received a letter from Wayland Meadows stating that they had connected to the treatment plant. The Commission was not aware of the connection. Bill Prendergast reported that the Commission had not received a Board of Health certificate for the connection.

The regular monthly meeting of the Commission opened with public comments. Anette Lewis commented on legal fees. She reported that \$90,000 had been expended on legal fees in 2009. She commented that it may be illegal to take funds from the Commission. She commented that she does not want Wayland taxpayers to pay the Commission's legal fees. She commented that the Commission can use eminent domain to secure the easement for connecting Wayland Meadows to the treatment plant.

The Commission decided to hold the annual hearing on user fees on June 22, 2010 at 7:00 PM. Bill Prendergast was directed to post notices in the Town Crier and at Town Building.

Bill Prendergast reported that approximately \$30,000 in legal fees had been charged to the Commission's expenses. The legal fees pertained to the appeal of the new permit by the Department of the Interior and a Sudbury resident. Mark Lanza stated that the fees could be charged to the Commission. Bill Prendergast reported that there was no provision in the FY2011 budget for legal fees.

Ian Catlow reported that he and John Moynihan met with DEP concerning the design of the new plant. Ian reported that DEP felt that they design was comprehensive but that DEP had a few issues. Ian stated that he hoped to receive a letter within a week from DEP outlining the issues.

John Moynihan outlined the schedule for the new plant. The request for bids will appear in the Central Register on July 14, 2010 and in the Town Crier on July 15, 2010. Bids will be due on August 26, 2010 and the construction contract will be in place by September 30, 2010. Completion of construction will require 14 – 16 months.

David Schofield reported plant problems had not been corrected and that Whitewater was working to coordinate the repairs.

Ian Catlow asked about plans for demolition of the current plant. The response was that plans are not yet in place.

Bill Prendergast distributed a financial report for FY2010 through May 2010 showing income of \$195,383.69 and expenses of \$188,808.42.

There was no other business.

The meeting adjourned at 8:50 PM.

Respectfully submitted,

William R. Prendergast  
July 14, 2010

Distribution:  
David Schofield  
Fred Knight  
Shawn Fennelly  
Board of Selectmen  
File



# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF JUNE 22, 2010

## MINUTES

In attendance: David Schofield, Fred Knight, Shawn Fennelly, Bill Prendergast

Guests: Frank Dougherty, Twenty Wayland

Prescott Baston, Wayland resident

Anette Lewis, Wayland resident

Linda Segal, Wayland resident

Chairman Davis Schofield called the meeting to order at 7:15 PM.

The meeting was scheduled as a hearing to decide and announce to sewer system users fee schedule for FY2011.

During the public comment period, Frank Dougherty discussed capacity issues. He stated that Twenty Wayland would not pay for user fees for a capacity of 45,000 gallons per day if DEP approved a capacity less than 45,000 gallons per day.

During the public comment period, Anette Lewis discussed legal fees that had been charged to the Wastewater Commission. She pointed out that the legal fees pertained to the appeal of the Commission's new permit and that the appeal was settled in October 2009. She questioned the purpose of the current legal fees and the amount yet to be charged to the Commission. She expressed concern that the total amount appeared to be unknown. She expressed concern that the taxpayers of Wayland might be responsible for some of the legal fees.

David Schofield reviewed the options for user fee rates for FY2011. The options were:

1. Keep the rates the same as the rates for FT2010.
2. Increase the rates by 15 %.
3. Increase the rates by 30 %.

David Schofield made a motion to keep the user fee rates for FY2011 the same as the rates for FY2010. The motion was seconded by Fred Knight. The vote on the motion was 2 – 0 in favor of the motion.

David Schofield made motion to close the hearing. The motion was seconded by Fred Knight. The vote on the motion was 2 – 0 in favor of the motion.

The meeting adjourned at 8:00 P.M.

Respectfully submitted,

William R. Prendergast  
July 14, 2010



Distribution:  
David Schofield  
Fred Knight  
Shawn Fennelly  
Board of Selectmen  
File

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

## MEETING OF AUGUST 11, 2010

### MINUTES

In attendance: David Schofield, Fred Knight, Shawn Fennelly, Bill Prendergast  
Linda Segal, Wayland resident  
Prescott Baston, Wayland resident

Chairman David Schofield called the meeting to order at 7:30 PM.

In a letter to the Commission dated August 7, 2010, Prescott Baston questioned the amount of the betterment assessed in 2000. The betterment was based on capacity and frontage. The question involves the term frontage. Mr. Baston explained that his frontage on the street is 164 feet and his frontage on the sewer line is 26.75 feet. Using the sewer line frontage, the betterment would be \$7,379.93 less than the betterment that was assessed using the street frontage. Bill Prendergast referred to a letter dated May 31, 2000 from Mark Lanza to Lana Carlsson-Irwin. The letter included the final version of the order of sewer betterment assessments and showed the sewer capacity and street frontage calculations. Mr. Lanza used the term street frontage making it very clear that frontage is street frontage, not sewer line frontage. Mr. Baston's betterment was calculated correctly in 2000 using his street frontage of 164 feet.

Linda Segal asked about the status of the negotiations with Twenty Wayland. No information was available. Ms. Segal stated that she hoped the final result of the negotiations would be suitable for all parties.

The allocation of sewer capacity to Wayland Meadows was discussed. The allocation was based on 48 two-bedroom units of elder housing at 150 gallons per day per unit for a total of 7,200 gallons per day. With the age restriction removed, the maximum number of units that could be built with a total capacity of 7,200 gallons per day would be 33 two-bedroom units.

There was no information available on permitting of the new plant. David Schofield agreed to contact Ian Catlow of Tighe & Bond to determine the status of DEP approval of the design of the new treatment plant.

Bill Prendergast read a report from John Moynihan on the construction schedule for the new treatment plant. Mr. Moynihan's report stated that notice of the request for bids will appear in the Federal register on August 18, 2010 and that a legal notice will appear in the Town Crier on August 19, 2010.

General bids for the construction of the plant will be due at 3:00 PM on September 23, 2010. Filed sub-bids will be due at 3:00 PM on September 9, 2010. The construction contract will be awarded to the lowest bidder by October 23, 2010.

Fred Knight asked if demolition of the current plant will be part of the contract. An answer was not available.

Fred Knight asked if electrical power would be available to operate both the current plant and the new plant simultaneously. David Schofield agreed to ask John Moynihan about intermediate and permanent power.

No report was available concerning the status of the Commission's water conservation regulations.

The subject of charging Wayland Meadows user fees was discussed. The Commission decided to charge user fees when a sewer line across Twenty Wayland property can be installed. David Schofield offered to contact the Wayland DPW Water Division to determine Town water usage by Wayland Meadows.

Bill Prendergast distributed and discussed the final financial report for FY2010. For the fiscal year, income was \$211,673.40 and expenses were \$214,240.13 for a deficit of \$2,566.73.

Bill Prendergast distributed a bank statement for FY2010. At the end of FY2010, the bank balance was \$4,750,375.38 of which \$4.5 million is borrowed for new plant construction leaving \$250,375.38 representing Retained Earnings.

There was no old business or new business.

The meeting adjourned at 8:48 PM.

Respectfully submitted

William R. Prendergast

Distribution:

David Schofield

Fred Knight

Shawn Fennelly

Board of selectmen

File



# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF SEPTEMBER 22, 2010

## MINUTES

In attendance: David Schofield, Fred Knight, Shawn Fennelly, John Moynihan, Bill Prendergast

Guests: Prescott Baston, Wayland resident  
Frank Dougherty, Twenty Wayland  
Linda Segal, Wayland resident  
Rose Hattabaugh, non-resident  
Craig Hattabaugh, non-resident

Chairman David Schofield called the meeting to order at 7:30 PM.

Rose Hattabaugh and Craig Hattabaugh appeared before the commission to discuss a plan for Rose Hattabaugh to open a small scale bakery in a vacant portion of the property at 310 Boston Post Road. Craig Hattabaugh described the proposed bakery which would be called Sweet Rose Bakery. There would be no customer seating. The bakery would be open six days per week. The cooking equipment would be small scale commercial equipment similar to a high end home kitchen. 1 – 2 employees would be working at any time. The question of wastewater capacity was discussed but no decision was reached. The property which can house three businesses was allocated capacity of 215 gallons per day when capacities were allocated in 2000.

John Moynihan reported that the general bids for construction of the new treatment plant are due on September 23, 2010 with the bid opening also taking place on September 23, 2010. Mr. Moynihan expects to award the construction contract during the week of November 11, 2010. Construction is expected to require 14 months for completion. The Wastewater Commission scheduled a meeting for October 6, 2010 to accept the low bidder.

The Wastewater Commission reviewed the request by Tighe & Bond for a contract amendment amounting to \$59,800 to perform services not included in the original scope of services. Services listed in the request were Fire Suppression System Design, Demolition, Plan Review, Contamination Assessment & Planning, and WWTP Elevation Change. After discussion of the request, the Commission felt the Fire Suppression System Design should have been part of the original contract. David Schofield will contact Tighe & Bond to discuss the issue. Approval of the request was postponed until the next Commission meeting.

Frank Dougherty presented Twenty Wayland's application to DEP for a connection permit for a capacity of 28,000 gallons per day with another application in August 2011 for the remaining capacity of 17,000 gallons per day. David Schofield, as Chairman of the Commission, refused to sign the application. He stated that he wished to protect the

Commission from liabilities. David Schofield stated that he was no longer able to carry out the Chairman's responsibilities as he wished and made a motion to appoint Fred Knight as Chairman of the Commission. Shawn Fennelly seconded the motion. The vote was 3 – 0 in favor of the motion. Fred Knight was appointed Chairman of the Wastewater Commission.

Fred knight made a motion to approve and sign Twenty Wayland's application for a DEP connection permit. Shawn Fennelly seconded the motion. The vote was 2 – 1 in favor of the motion. Fred Knight signed the application.

Bill Prendergast distributed a financial report for FY2011 showing through August 2010 income of \$43,314.87 and expenses of \$36,641.36.

The meeting adjourned at 9:55 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Shawn Fennelly

Board of Selectmen

File

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF OCTOBER 6, 2010

## MINUTES

In attendance: Fred Knight, David Schofield, Shawn Fennelly, Bill Prendergast

Guests: Prescott Baston, resident

Linda Segal, resident

John Moynihan

Fred Turkington (by telephone)

Chairman Fred Knight called the meeting to order at 7:30 PM.

During the public comment period, Prescott Baston asked if Twenty Wayland could veto the allocation of capacity in the wastewater system. Also, Mr. Baston commented on an article for the November Special Town Meeting. This article would rescind the authorized debt of \$27,000 intended to connect Town Building to the wastewater system. He wondered if Town Building was planning to give up their allocated capacity of 3,000 gallons per day.

John Moynihan reported on issues pertaining to the construction of the new wastewater treatment plant. He expects the land swap to take place before the second week of November 2010. Town Counsel Mark Lanza will draw up details of the land swap. He stated that Twenty Wayland has two pump stations to pump wastewater from Town Center to the treatment plant. Mr. Moynihan stated that there is sufficient electrical capacity to operate both the current plant and the new plant simultaneously. He expects to sign the construction contract no later than November 23, 2010.

John Moynihan reported that Waterline Industries submitted the lowest bid for the construction contract. The bid was \$4,135,604.00. Shawn Fennelly made a motion to award the construction contract to Waterline Industries. The motion was seconded by David Schofield. The vote on the motion was 3 – 0 in favor of the motion. John Moynihan stated that he would sign the contract the day after the land swap became effective. Mr. Moynihan estimated the total project cost for the new plant at \$5,195,784.00.

The Commission discussed the need for an easement from Twenty Wayland to connect Wayland Meadows to the treatment plant. Bill Prendergast reported that he had received a call from Brian Card of Brendon Properties, owner of Wayland Meadows. Mr. Card stated that Wayland Meadows was connected to the treatment plant and that he had been responsible for making the connection. John Moynihan offered to check whether the connection had been made.

With Fred Turkington on the telephone, the Commission discussed a letter dated June 9, 2010 to Adam Kahn (Commission attorney) from Charles N. Le Ray (Twenty Wayland

attorney) proposing a settlement agreement between Twenty Wayland and the Commission. The Commission objecting to the following conditions proposed in the agreement:

1. The flow limit of 1670 gallons per day for Wayland Meadows until Twenty Wayland receives approval for capacity of 45,000 gallons per day.
2. Until Twenty Wayland receives approval for capacity of 45,000 gallons per day, the Commission will not issue any sewer connection permits to existing or new users or allow any existing user to increase capacity allocation.

The subject of billing Wayland Meadows for user fees was discussed. Bill Prendergast suggested a billing plan. In his plan, Wayland Meadows will be billed user fees based only on capacity. As housing units are sold, capacity will be transferred from Wayland Meadows to the unit owner who will be billed based on capacity ( 220 gpd for a two-bedroom unit) and water usage. The suggested starting time for the billing procedure is January 2011.

Discussion of water conservation was postponed until the next meeting.

The contract amendment requested by Tighe & Bond was discussed. Approval of the request was postponed until John Moynihan discusses the request with Ian Catlow of Tighe & Bond.

Fred Knight reported that he had been advised by Fred Turkington that the Wastewater Commission would not be dissolved until the new plant is completed.

Bill Prendergast distributed a copy of a preliminary FY2012 budget showing income and expenses of \$485,375. The increase of \$207,035 over the FY2011 budget is due to debt service for the loan to build the new treatment plant. The debt service will be paid for by an increase in user fees or by user betterments.

Fred Knight reported that it is necessary for Commission members to take the examination for the new open meeting law.

The meeting adjourned at 9:22 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Shawn Fennelly

Board of Selectmen

File





# **WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

**MEETING OF NOVEMBER 10, 2010**

## **MINUTES**

In attendance: Fred Knight, David Schofield, Shawn Fennelly (by telephone), Bill Prendergast

Guests: Prescott Baston, Anette Lewis, John Moynihan

Chairman Fred Knight called the meeting to order at 8:30 PM.

During the public comment period, Prescott Baston asked if Wayland Meadows is connected to the treatment plant. John Moynihan confirmed that Wayland Meadows is connected.

John Moynihan reported that the Town had met with Frank Dougherty of Twenty Wayland to discuss details of the land swap that is required to provide land for the new treatment plant. He reported agreement with the details.

John Moynihan reported that the new plant will use the current outfall for discharge of treated wastewater to the wetlands adjacent to the Sudbury River.

John Moynihan reported that notice of award for construction of the new plant has been sent to the successful bidder. He will send copies of the contract to the contractor to be signed. The construction schedule remains at 14 months.

Anette Lewis asked about the deadline for having the new treatment plant in operation. The response was that the deadline for meeting the permit requirements with the new plant is September 2012.

Fred Knight reported that DEP had requested evidence that treatment plant flow is 50 % of capacity.. He stated that he would produce slides that would show clearly that, over a period of 10 years, flow averages 50 % of capacity. The comment was made that, in Spring 2010, during periods of heavy rainfall there was evidence that users were sending rainwater to the sewer system in violation of the Rules and Regulations of the Commission.

A request from Tighe & Bond for a contract amendment in the amount of \$59,800.00 for work beyond the scope of the contract was discussed. David Schofield made a motion to approve the contract amendment for the amount of \$59,800.00. The motion was seconded by Shawn Fennelly. The vote was 3 – 0 in favor of the motion.

Water conservation was discussed briefly. David Schofield commented that he preferred the word “shall” instead of the word “should” in the regulations.

The question of dissolving the Wastewater Commission was discussed. The conclusion was that the Department of Public Works (DPW) could handle the responsibilities of the Commission. The Commission planned on placing an article dissolving the Commission in the warrant for Annual Town Meeting. A meeting with the Board of Selectmen was planned for December..

The meeting adjourned at 9:40 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Shawn Fennelly

Board of Selectmen

File

# **WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

**MEETING OF DECEMBER 8, 2010**

## **MINUTES**

In attendance: Fred Knight, Shawn Fennelly, Bill Prendergast

Guests: John Moynihan

Prescott Baston

Linda Segal

Chairman Fred Knight called the meeting to order at 7:32 PM.

There was no public comment.

The land swap for building the new treatment plant was discussed. John Moynihan reported that two meetings had been held and that the land swap would be complete by December 15, 2010. The parcel identified on the Town Center drawings was accepted and approved by the Board of Selectmen. John Moynihan reported that the question of easements had been resolved.

John Moynihan reported that Waterline Industries, the low bidder for construction of the new plant, had agreed to hold their price for 30 days beyond the 60-day limit for awarding the contract. A draft agreement is under review by Twenty Wayland. John Moynihan stated that if the land swap is complete on December 15, 2010, the contract will be signed on December 16, 2010. The contractor will provide monthly progress reports.

The Commission reviewed a letter dated November 9, 2010 to Fred Turkington from the Department of Environmental Protection (DEP). The letter stated that Twenty Wayland will submit a sewer connection permit application for 45,000 gallons per day. The letter requires WWMDC to provide design plans and specifications for the construction of a sewer connection from the treatment plant to the septage facility. John Moynihan suggested that the Commission obtain a cost estimate for the design but not complete the design.

The Commission reviewed two documents concerning water conservation. One document was a set of regulations prepared by Adam Kahn of Foley Hoag.. The other document was a set of guidelines for everyday use prepared by Bill Prendergast after he consulted the towns of Natick, Framingham, and Wellesley about their guidelines for water conservation. The Commission directed Bill Prendergast to combine the documents into a single document.

The Commission discussed the subject of dissolving the Wayland Wastewater Management District Commission. Fred Knight reported that he had discussed the procedural requirements with Mark Lanza. Mark Lanza will prepare an article for Town

Meeting requesting the State Legislature to repeal the Act that created the Commission and to create an Act incorporating the Commission's responsibilities into the Department of Public works. The Commission will meet with the Board of Selectmen on December 13, 2010 to discuss the change.

The Commission discussed the assignment of user fees to Wayland Meadows. The Commission concluded that Wayland Meadows should be assigned user fees effective with the next billing and using the same formula to calculate the user fees that is used for the other users of the sewer system. Shawn Fennelly made a motion to assign user fees to Wayland Meadows effective with the next billing. The motion was seconded by Fred Knight. The vote was 2 – 0 in favor of the motion. Bill Prendergast was directed to include Wayland Meadows in the next user billing.

The meeting adjourned at 9:20 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Shawn Fennelly

Board of Selectmen