

WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF JULY 13, 2011

MINUTES

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

Guests: Anette Lewis, Wayland resident
Linda Segal, Wayland resident
Prescott Baston, Wayland resident

Meeting location: Wayland Town Building

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

During the public comment period, Linda Segal asked about grants to help pay for the new treatment plant. John Moynihan reported that WWMDC had been unable to secure a grant. He commented that there were some costs associated with a grant if a grant had been approved.

John Moynihan reported that construction of the new treatment plant is on schedule. He presented several photographs showing the current stage of construction. He reported that total cost through June 30, 2011 was 18 % of the estimated cost of constructing the plant. He stated that permission from the Massachusetts Highway Department would be required for the location of the outfall pipe.

John Moynihan requested approval of the Commission to pay a contractor invoice in the amount of \$143,271.40 in new plant construction costs. Shawn Fennelly made a motion to approve payment of the invoice. David Schofield seconded the motion. The vote on the motion was 3 – 0 in favor of the motion.

The minutes of WWMDC meetings of June 8, 2011, May 19, 2011, December 8, 2010, November 10, 2010, October 6, 2010, and September 22, 2010 were reviewed and corrections and additions were made. Fred Knight made a motion to approve these minutes with corrections and additions. Shawn Fennelly seconded the motion. The vote was 3 – 0 in favor of the motion. Bill Prendergast was directed to make the corrections and additions.

The Commission rescheduled the August 2011 meeting from August 3, 2011 to August 17, 2011.

The Commission scheduled a hearing on the FY2012 user surcharge for September 7, 2011 at 7:30 PM. Posting in the Town Crier is required.

The Commission received a copy of a complaint not yet filed with the Office of the Attorney General by George Harris, Wayland resident and former Selectman. He states in the complaint that this is a complaint that the Wayland Wastewater Management District Commission violated the Open Meeting Law, G L c 30A, sections 18 – 25, when a quorum improperly convened an executive session at its meeting of June 8, 2011. Fred Knight distributed an agreement proposed by Mark Lanza to resolve the complaint. The terms of the agreement are:

1. The WWMDC admits that it did not comply with the requirements of the Open Meeting Law in failing to give timely public notice of its anticipated executive session to discuss strategy with respect to potential litigation by Twenty Wayland, LLC.
2. The WWMDC corrects the 6/8/2011 meeting minutes and agrees to keep accurate minutes in the future, and
3. The WWMDC agrees to comply with the Open Meeting Law when entering executive sessions in the future.

Fred Knight made a motion to approve the terms of the proposed agreement. The motion was seconded by Shawn Fennelly. The vote was 3 –0 in favor of the motion.

Fred Knight: Yes

David Schofield: Yes

Shawn Fennelly: Yes

The Commission prepared for the public hearing on July 20, 2011 at 7:30 PM on its schedule of fees, rates, and charges. At the hearing, the Commission will discuss:

1. Rates based on Twenty Wayland capacity of 28,000 gallons per day and capacity of 45,000 gallons per day.
2. Commission funds
3. The loan of \$5.0 million to pay for the new treatment plant.
4. Next year's budget
5. User fees and surcharge for FY2012

Bill Prendergast reported that the final financial report for FY2011 was not available.

During the public comment period, Anette Lewis requested and received an explanation of the calculation of user fees.

At 10:00 PM, Shawn Fennelly made the following motion: I move that the Wastewater Management District Commission go into executive session pursuant to Massachusetts General Laws Chapter 30A, section 21 (a) (3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigation position of the Commission. The motion was seconded by David Schofield. The roll call vote was 3 – 0 in favor of the motion.

David Schofield: Yes

Shawn Fennelly: Yes

Fred Knight: Yes

Fred Knight announced that an executive session was necessary to discuss potential litigation by 20W concerning operating expenses and betterments and that discussion in open meeting would jeopardize the legal position of the WWMDC. Joining the WWMDC members and executive officer were Joe Nolan, Tom Fay, Mark Lanza, and Fred Turkington via telephone. Fred Knight announced that the WWMDC would return to open session following the executive session only to adjourn the WWMDC meeting.

The meeting adjourned at 11:17 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Shawn Fennelly

Board of Selectmen