

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF JANUARY 19, 2011

## MINUTES

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

Chairman Fred Knight called the meeting to order at 7:34 PM.

There was no public comment.

John Moynihan reported that the land swap for the new treatment plant is proceeding. He reported that Mark Lanza stated that the land swap should be complete in a week or two. The completion date for construction has been extended 30 days. The Wayland Assessor's office is appraising the land. John Moynihan will issue a notice to proceed to the contractor with ground breaking taking place in February. During construction, John Moynihan will bring contractor invoices to the Wastewater meeting for approval. A preconstruction meeting will be scheduled with John Moynihan and Ian Catlow (Tighe & Bond) attending along with the contractor.

In January, the Wastewater Commission will receive a new loan for \$5 million with a term of 20 years to pay for the new plant. Due to timing of the loan and the construction schedule, debt service on the new loan will be required in FY2012 while new betterments to pay for the loan will not start until FY2013.

Concerning dissolving the WWMDC, Mark Lanza has prepared an article on the subject for presentation at the Annual Town Meeting. A meeting of the WWMDC and the DPW is scheduled for January 31, 2011 to discuss the transfer of WWMDC responsibilities to the DPW.

Water conservation was discussed briefly. The Commission directed David Schofield to review the regulatory portion with Dan Bennett. Water conservation will be reviewed at the next WWMDC meeting.

John Moynihan discussed a side agreement made with Twenty Wayland. If the current buildings are used instead of building Town Center, the Wastewater Commission will pay for a pump station which will be required due to raising the new treatment plant. If construction of the pump station is done by Twenty Wayland, the Commission will pay Twenty Wayland instead of paying a contractor.

John Moynihan stated that the latest cost estimate for the new treatment plant is \$5.1 million.

The meeting adjourned at 9:35 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Shawn Fennelly

Board of Selectmen

File

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# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF FEBRUARY 9, 2011

## MINUTES

In attendance: Fred Knight, David Schofield, Bill Prendergast

Guest: Prescott Baston

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

During the public comment period, Prescott Baston suggested the installation of a flow meter to monitor the flow of wastewater from Town Center to the treatment plant. David Schofield recommended that the Commission retain ownership of the meter.

John Moynihan was unable to attend the meeting but provided a written report for the meeting. He reported that the land taking for the new plant was approved by the Board of Selectmen and that Mark Lanza had filed papers with the Land Court on Tuesday afternoon (February 8, 2011).

John Moynihan reported that he along with representatives of Tighe & Bond met with Waterline Industries, the contractor for the new plant, to discuss construction schedules, bonds and insurance, and other project related paper work. Waterline intends to mobilize on site beginning on February 14 and to begin layout and clearing the site next week.

John Moynihan reported that Waterline had submitted an invoice in the amount of \$138,843.45 for their bonds and insurance. David Schofield made a motion to authorize the payment \$139,843.45 to Waterline for their bonds and insurance. The motion was seconded by Fred Knight. The vote on the motion was 2 – 0 in favor of the motion.

It was reported that the new loan of \$5 million would be available on February 10.

DEP required that Twenty Wayland place a legal notice in a local newspaper. DEP intended to issue a connection permit to Twenty Wayland after the expiration of the legal notice and after any public comments are resolved.

The Commission reviewed water conservation and decided that two documents were required – guidelines and regulations. The Commission directed Bill Prendergast to include a copy of the guidelines with the next user billing.

Prior to the meeting, Fred Knight distributed a report on the meeting of January 31, 2011 concerning dissolving the WWMDC and transferring duties and responsibilities to the Department of Public Works (DPW). Fred Knight, Mark Lanza, and Bill Prendergast attended the meeting with DPW. Mark Lanza provided a map showing the location of WWMDC facilities including the location of the new treatment plant. There was no reluctance on the part of DPW to take on the duties of WWMDC. Don Ouellette of DPW

stated that wastewater should be part of DPW. There was a discussion of the activities of Bill Prendergast concerning sending user bills, financial monitoring, agendas, minutes, and administrative details. Also discussed were interaction with DEP and rate-setting.

The FY2012 budget was reviewed. The total amount for income and expenses is \$561,175.00. David Schofield made a motion to change two items within the budget (the operating expenses and surcharge) without changing the totals. The motion was seconded by Fred Knight. The vote on the motion was 2 – 0 in favor of the motion.

Bill Prendergast distributed a listing of the individual quarterly billing for all users of the system. The total quarterly billing is \$50,802.47. He reported that he had billed Wayland Meadows as directed by the Commission.

The meeting adjourned at 8:45 PM.

Respectfully submitted,

William R. Prendergast

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

# **WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

**MEETING OF MARCH 9, 2011**

## **MINUTES**

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

Guests: John Moynihan, Prescott Baston, Anette Lewis, Fred Turkington (Part time)

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

Christopher D'Antonio appeared before the Commission in connection with his property at 73 Pelham Island Road. An office building is located on the property. Mr. D'Antonio stated that he is considering the demolition of the present building and replacing it with a residential building with 12 one-bedroom units. He stated that he would like to connect the new building to the sewer system. The Commission made no comment concerning his request. David Schofield pointed out that, in order to be considered for connection to the sewer system, he would be required to demonstrate to the Board of Health that he could dispose of the wastewater in the absence of the Wastewater Commission. He was advised to discuss his potential project with the Board of Health.

Prior to the meeting, the Commission received a draft of a proposed Construction and Reimbursement Agreement. The agreement would involve Twenty Wayland and the Wastewater Commission. The draft of this proposed agreement was discussed at the meeting. Under the agreement, the Commission would make several payments to Twenty Wayland and to Raytheon in connection with the new wastewater treatment plant. The estimated maximum cost of \$150,000 for a pump station was questioned. The pump station would be required in connection with the new plant if Twenty Wayland elects to use all or part of existing buildings which are now serviced by a gravity system. The agreement payment of \$50,000 to Raytheon. Also included is a payment of \$39,000 for redesigning the Town Center sewer system and for additional construction costs.

David Schofield asked if raising the elevation of the new plant would produce the need for Twenty Wayland to pump to the new plant or was pumping already needed for the original elevation. No answer was available.

John Moynihan reported that construction activities for the new plant have been started. The snow has been removed and the site is being prepared for construction. He reported that he was meeting with the contractor on March 10. He will bring contractor invoices to wastewater meeting for payment approval.

Bill Prendergast reported that the loan of \$5.0 million for construction of the new plant had been received and deposited in Commission accounts.

Fred Knight reported that an article was being prepared for Town Meeting approval for dissolving the Commission and transferring responsibility for Commission activities to the Department of Public Works.

A discussion of water conservation was deferred until the next meeting. Bill Prendergast reported that he had divided water conservation into two documents. One document contains guidelines and the other document contains regulations.

The final FY2012 budget was reviewed. Total income and expenditures for FY2012 are \$561,175.00.

Bill Prendergast distributed two financial documents. One document listed the management activities of the Commission. He pointed out that this account no longer included borrowed funds as had been the case. The balance as of March 9 was \$800,626.42 which represents Commission cash. The other account includes only financial activities relating to construction of the new plant. The balance as of March 9 was \$4,322,802.57. Bill Prendergast pointed out the amount of approximately \$680,000 that was paid from Commission funds for design of the new plant has been repaid to the Commission from the \$5.0 million loan.

The meeting adjourned at 9:35 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Shawn Fennelly

Board of Selectmen

File

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF APRIL 6, 2011

## MINUTES

In attendance: Fred Knight, David Schofield, Shawn Fennelly, Bill Prendergast, John John Moynihan, Fred Turkington, Ian Catlow (Tighe & Bond)  
Guests: Frank Dougherty, Twenty Wayland  
Prescott Baston, Linda Segal, John Dyer (Wayland residents)

Chairman Fred Knight called the meeting to order at 7:33 PM.

Frank Dougherty reviewed a proposed agreement between Twenty Wayland and the Wayland Wastewater Management District Commission (WWMDC). The proposed agreement is known as the Construction and Reimbursement Agreement.

The proposed agreement states that if Twenty Wayland elects to use the existing buildings when the new treatment plant is ready for operation, Twenty Wayland will purchase and install a pump station at maximum cost of \$150,000 to WWMDC. David Schofield asked why an estimated maximum cost is stated in the agreement since WWMDC would pay for the pump station. Ian Catlow estimated maximum cost of the pump station to be \$105,000. The pump station would be required because the elevation of the new plant is higher than the elevation of the current plant and gravity feed would not work. The agreement states that, once construction is completed and operational, the pump station and a 20-foot wide easement shall be conveyed to WWMDC.

In order to accommodate the new plant, it will be necessary to redesign the Town Center sewer system. Under the agreement, WWMDC will pay \$14,000 for the redesign and \$25,000 for additional construction costs.

Under the agreement, WWMDC shall reimburse Twenty Wayland for monitoring, sampling, and discharge volume reporting costs associated with the wastewater discharge for the Wayland Town Center Project allowing Twenty Wayland to discharge sewage to the existing plant or the new plant that are specifically related to measurement of actual flows from the Wayland Town Center Project unless all existing and future WWMDC users are required to monitor, sample, and report discharge volumes with a comparable level of detail.

The agreement includes the estimated amount of \$50,000 in Raytheon costs to be paid by WWMDC.

During the discussion of the proposed Construction and Reimbursement Agreement, Fred Knight stated the Wastewater Commission was not prepared to sign the agreement at this meeting.

Frank Dougherty reported that the first building to be constructed at Town Center would be Stop & Shop. He commented that residential housing was becoming increasingly valuable.

Frank Dougherty reported that DEP would hold a public hearing concerning the connection permit for Town Center. The original permit proposed by DEP would have limited the capacity to 28,000 gallons per day. The currently proposed permit would increase the capacity to 45,000 gallons per day.

Fred Knight stated that Twenty Wayland user bills would be discussed at the next meeting of WWMDC.

Ian Catlow provided photographs of the construction site for the new plant. The photographs show that the concrete slab is in place. The contractor was scheduled to start building the walls on April 7, 2011.

John Moynihan requested approval to pay a bill from Waterline Industries for the amount of \$139,913.86. David Schofield made a motion to pay the bill. The motion was seconded by Shawn Fennelly. The vote on the motion was 3 – 0 in favor of the motion.

The Commission scheduled a public hearing for June 8, 2011 at 7:30 PM on user fees and water conservation. Bill Prendergast was directed to publish the required notices.

The Commission discussed final preparations for the Annual Town Meeting. Article 18 requests approval to dissolve the Commission and transfer duties to the Board of Public Works.

The question of requiring properties with failed septic systems to connect to the sewer system was discussed. The Commission decided to refer the question to Town Counsel for a legal opinion.

Bill Prendergast distributed a bank statement showing, as of the date of the meeting, a cash balance of \$811,695.12. He distributed a statement for new treatment plant. The balance was \$4,183,959.12 including interest of \$2,196.38. Therefore, the amount spent on the new plant was \$818,237.20.

Bill Prendergast distributed the income and expense report for FY2011 through February 2011 showing income of \$152,706.59 and expenses of \$188,166.35.

The meeting adjourned at 10:05 PM.

Respectfully submitted

William R. Prendergast

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



# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF MAY 19, 2011

## MINUTES

In attendance: Fred Knight, David Schofield, Shawn Fennelly, Bill Prendergast,  
John Moynihan, Ian Catlow (Tighe & Bond)

Guest: Frank Dougherty, Twenty Wayland  
Daniel Dain, Twenty Wayland Attorney  
Prescott Baston, Wayland Resident  
Anette Lewis, Wayland Resident  
Linda Segal, Wayland Resident  
Ralph Wegener, Wayland Resident  
Twenty additional Wayland residents

Chairman Fred Knight called the meeting to order at 7:40 PM.

During the public comment period, Fred Knight read a letter from Ralph Wegener. In the letter, Mr. Wegener stated that he and other users of the sewer system needed a clear understanding of the various options being considered for allocating costs of the new treatment plant and any other matters that would add cost to the operation of the plant and to the users. Fred Knight advised Mr. Wegener to attend the hearing on June 8, 2011 which will discuss fees, rates, and charges.

Anette Lewis commented on the Twenty Wayland sewer connection permit and on the 1999 agreement that the Town would provide to Twenty Wayland sewer capacity of 45,000 gallons per day.

Linda Segal commented on the proposed Construction and Reimbursement Agreement between Twenty Wayland and the Wastewater Commission.

Under new plant construction, Ian Catlow provided large photographs showing the construction site and the progress. He stated that quality control testing of concrete and steel was under way and that the project was on schedule for completion within 14 months from the start of construction.

Daniel Dain made a presentation on behalf of Twenty Wayland. The presentation dealt with user fees and the 1999 agreement to provide Twenty Wayland with 45,000 gallons per day of sewer capacity. Mr. Dain pointed out that, in 2009, the Wastewater Commission changed the formula for calculating user fees. The change resulted in an increase in Twenty Wayland's assessment of more than \$50,000 per year according to Mr. Dain. He stated that, additionally, the Town and the Commission agreed in 1999 not to charge Twenty Wayland for any costs associated with providing wastewater services for others. Mr. Dain stated that considering both the governing statute and the parties' contract, the formula will not stand if challenged in court and that Twenty Wayland is prepared to do so.

Mr. Dain quoted from several letters from Twenty Wayland and letters from Town Counsel, Town Administrator, Board of Selectmen, and the Wastewater Commission. He refers to the 1999 agreement to provide capacity of 45,000 gallons per day to Twenty Wayland and asks the question "How much has been provided to date?" His answer is zero. Mr. Dain states that the formula for calculating Twenty Wayland user fees should be based on capacity of not more than 28,000 gallons per day.

Mr. Dain states "We could go straight to litigation." He states "Through litigation, Twenty Wayland will press its argument that the Commission has committed an unfair practice in its charges to Twenty Wayland and that the Commission is liable for attorney's fees and multiple damages."

Mr. Dain distributed copies of the exhibits that he used during his presentation. Included were letters from which he quoted, agreements, and portions of Massachusetts law.

Frank Dougherty stated that with the issuance of the DEP connection permit construction of Town Center would begin during the summer of 2011. In response to a question about the necessity of pumping, Mr. Dougherty described the Town Center pumping system.

John Moynihan presented an invoice in the amount of \$111,731.45 from the contractor for the new plant. David Schofield made a motion to approve payment of the invoice. The motion was seconded by Shawn Fennelly. The vote on the motion was 3 – 0 in favor of the motion.

Bill Prendergast distributed a financial report for FY2011 through April 2011. The report showed income of \$179,111.90 and expenses of \$198,718.38.

Bill Prendergast distributed a bank statement showing, as of May 9, 2011, a balance of \$807,201.05.

During the public comment period, Anette Lewis asked about the amount of the loan for construction of the new treatment plant. She was advised that \$5.6 million had been approved and that the amount of the loan was \$5.0 million.

The meeting adjourned at 9:30 PM.

Respectfully submitted,

William R. Prendergast

Distribution:  
Fred Knight  
David Schofield  
Shawn Fennelly  
File

## WWMDC Agenda for 19 May 2011

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- 7:30 – Public comment
- ➔ 7:40 – Update on construction of new treatment plant
- 7:55 – ~~Ralph Wegener – discussion of user fees~~ **Delay until 8 June**
- 8:15 – Twenty Wayland – discussion of user fees
- 8:50 – Twenty Wayland – Construction/Reimbursement Agreement
- 9:15 - Hearing June 8, 2011 on user fees and water conservation
- 9:35 – Financial report
- 9:50 – Regular business, minutes
- 10:15 – Public Comment
- 10:30 – Adjourn

May-19-11

WWMDC

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## Wayland, Massachusetts

### WWTP Construction Update

May 19, 2011

Presented By:

**Ian Catlow, P.E.**, Project Manager

## Progress Work



Wall Pour In Progress



Steel & Form Work



Quality Control Testing



Steel Prior to Inspection

Tighe&Bond

## Schedule and Risks

### ■ Schedule

- Project on Schedule
- Weeks 1-4
  - » Set Elevated Slab Steel
  - » Pour Slab Concrete
- Weeks 5-8
  - » Wall Masonry
  - » Site Work
  - » Metal Stairs

### ■ Construction Risks

- Emergency Generator
  - » Fire Rated Enclosure Required
- Bathroom
  - » Applying for Plumbing Board Variance to Allow Single Bathroom

Tighe&Bond

## WWMDC Agenda for 19 May 2011

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- 7:30 – Public comment
- 7:40 – Update on construction of new treatment plant
- 7:55 – ~~Ralph Wegener – discussion of user fees~~ **Delay until 8 June**
- ➔ 8:15 – Twenty Wayland – discussion of user fees
- 8:50 – Twenty Wayland – Construction/Reimbursement Agreement
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May-19-11

WWMDC

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## Wayland Wastewater Management District Costs

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Treatment plant costs	2008	2009	2010
1. Fixed costs	actual	actual	budgeted
Professional services	\$89,849	\$99,115	\$41,283
Debt service	\$29,167	\$28,919	\$29,000
Electricity	\$20,634	\$49,715	\$22,749
Capital	\$12,770	\$15,000	\$20,000
Minor Maintenance	\$4,426	\$7,171	\$1,625
Outside services	\$3,347		\$3,868
Phone, fax, alarm	\$2,560	\$2,600	\$2,822
Office supplies	\$820	\$1,000	\$904
TOTAL	\$163,573	\$203,520	\$122,251
2. Variable costs (variable with flow)			
Lab supplies and service	\$13,845	\$14,000	\$1,000
Sludge removal	\$6,375	\$7,013	\$7,714
Chemicals	\$4,875	\$5,119	\$5,375
TOTAL	\$25,095	\$26,131	\$14,088
Interest on borrowing	\$0	\$0	\$50,000
Grand Total	\$188,668	\$229,651	\$186,340
Fixed costs as % of grand total	86.70%	88.62%	89.67%

- Use of charging 80% of operating cost based on capacity (fixed costs) is substantiated based on treatment plant costs detailed here.

May-19-11

WWMDC

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## WWMDC Agenda for 19 May 2011

- 7:30 – Public comment
- 7:40 – Update on construction of new treatment plant
- 7:55 – ~~Ralph Wegener – discussion of user fees~~ **Delay until 8 June**
- 8:15 – Twenty Wayland – discussion of user fees
- ➔ 8:50 – Twenty Wayland – Construction/Reimbursement Agreement
- 9:15 - Hearing June 8, 2011 on user fees and water conservation
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- 9:50 – Regular business, minutes
- 10:15 – Public Comment
- 10:30 – Adjourn

May-19-11

WWMDC

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## Construction/Reimbursement Agreement

- **Section 2 discusses the circumstance in which the Town Center is not built and the office building remains.**
  - In this case, the WWMDC is being asked to pay up to \$150k to the Developer in order to connect the existing office buildings up to the new WWTP.
- **Section 3 discusses the connection of utilities to the new WWTP under two different circumstances.**
  - If the new TC infrastructure is ready, then the WWMDC is liable for costs to connect the new WWTP.
  - If the new WWTP is ready earlier, then the WWMDC is liable for the cost of altering the utilities.
- **Section 4, the long section, considers the case where the TC proceeds and 20W installs the redesigned pumping system**
  - \$14k for design + \$25k for construction.
  - WWMDC to pay Raytheon up to \$50k for their costs incurred during the connection process.
- **Section 5 has to do with insurance.**
- **The other sections seem to be procedural matters.**

May-19-11

WWMDC

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## WWMDC Agenda for 19 May 2011

- 7:30 – Public comment
- 7:40 – Update on construction of new treatment plant
- 7:55 – ~~Ralph Wegener – discussion of user fees~~ **Delay until 8 June**
- 8:15 – Twenty Wayland – discussion of user fees
- 8:50 – Twenty Wayland – Construction/Reimbursement Agreement
- ➔ 9:15 - Hearing June 8, 2011 on user fees and water conservation
- 9:35 – Financial report
- 9:50 – Regular business, minutes
- 10:15 – Public Comment
- 10:30 – Adjourn

## Factors Affecting FY2012 WWMDC Budget

- Operating costs continue to be less with new contractor (Whitewater)
- Original betterments continue
- Borrowing for new Waste Water Treatment Facility completed
  - Finance Director deemed the borrowing climate best
  - WWMDC agrees to borrow for 20 years
  - New betterments cannot be charged until WWTF completed
  - Certified retained earnings applied as budget offset
  - Surcharge for FY2012 required
- Bottom line
  - Operating cost will be greater for FY2012
  - Effectively, payments for the new WWTF start in FY2012
- Mitigation
  - For next couple years, more retained earnings will be used to offset betterment cost
- Town Meeting passed budget for FY2012 (see next slide)

## Wayland Wastewater Management District FY2012

WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION			
FY2012 BUDGET			
INCOME	Account	Approved FY2011	Requested FY2012
<b>CATEGORY</b>			
Receipts	42105	232,170.00	203,210.00
Old betterment			
Principal	47501	24,180.00	24,180.00
Interest	47502	12,090.00	10,881.00
New betterment			
Principal	47501		
Interest	47502		
Bank interest	48210	8,400.00	2,400.00
Retained Earnings			200,000.00
Surcharge			120,504.00
Penalties	41750	1,500.00	
<b>Total</b>		<b>278,340.00</b>	<b>561,175.00</b>
<b>Expenses</b>			
Prof. Services	52101	70,000.00	70,000.00
Operating expenses	52151	68,000.00	68,000.00
Maint./repair	52115	10,000.00	10,000.00
Capital expenses	58504	0.00	0.00
Old debt			
Principal	59100	25,990.00	23,518.00
Interest	59150	4,350.00	6,657.00
New debt			
Principal	59100		175,000.00
Interest	59105	100,000.00	208,000.00
Other			
<b>Total</b>		<b>278,340.00</b>	<b>561,175.00</b>
William R. Prendergast February 10, 2011			

10% decrease in operating cost

Continuing original betterments

Use of certified retained earnings

Required surcharge due to new loan interest and principal

First year of principal and interest for new WWTP bond

## Tentative Agenda for 2011 June 8 Hearing

- Status of WWMD funds
- Loan for new Waste Water Treatment Facility (WWTF)
- Next year's budget
- Users' fees and surcharge for FY2012
- Look ahead to FY2013-FY2015
- Future



# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF JUNE 8, 2011

## MINUTES

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

Guests: Frank Dougherty (Twenty Wayland)  
Linda Segal (Wayland resident)  
Anette Lewis (Wayland resident)  
Prescott Baston (Wayland resident)

Chairman Fred Knight called the meeting to order at 8:45 PM.

During the public comment period, Prescott Baston distributed spread sheets pertaining to user fees. Using the current user fees, he calculated the water usage rate with the entire fee supported by only water usage. The rate varied from user to user. He was advised that user fees were calculated using a combination of capacity and water usage. He was assured that the same rates applied to all users.

John Moynihan reported that construction of the new treatment plant was proceeding according to schedule. John Moynihan presented an invoice from Waterline Industries, contractor for the new plant, in the amount of \$216,733.95. Shawn Fennelly made a motion to approve payment of the invoice. The motion was seconded by David Schofield. The vote on the motion was 3 – 0 in favor of the motion.

The location of the outfall pipe from the new plant was discussed. The Commission agreed that the pipe should go to the Sudbury River. John Moynihan stated that he would work out the details of the pipe location with the contractor. He pointed out that permission to take the pipe to the river would be required from the Massachusetts Highway Department and from the Wayland Conservation Commission.

Town Center pump station #3 was discussed. John Moynihan pointed out that the new plant was not designed for gravity flow from the users to the plant. He pointed out that WWMDC would benefit by owning the pump station. With the higher elevation of the new plant, current users might experience difficulty getting their wastewater to the new plant. Legal action on the part of users might result. By owning the pump station, these potential problems would be avoided for an amount of \$39,000. Shawn Fennelly made a motion to approve the expenditure of \$39,000 for ownership of pump station #3. The motion was seconded by Fred Knight. The vote on the motion was 2 – 1 in favor of the motion.

Fred Knight: Yes

Shawn Fennelly: Yes

David Schofield: No

David Schofield made a motion to pay the amount of \$14,000 for the pump station immediately with payment of the remaining \$25,000 upon completion of the new plant.

The motion was seconded by Shawn Fennelly. The vote on the notion was 3 – 0 in favor of the motion.

The minutes of Commission meetings of January 19, 2011, February 9, 2011, March 9, 2011, and April 6, 2011 were reviewed. Copies of the minutes with corrections were given to Bill Prendergast for updating. Shawn Fennelly made a motion to approve these minutes with corrections. The motion was seconded by David Schofield. The vote on the motion was 3 – 0 in favor of the motion.

The Commission scheduled the continuation of the hearing on rates, fees, and charges for Wednesday, July 20, 2011 at 7:30 PM at the Wayland Town Building. Bill Prendergast was directed to publish the required notice in the Wayland Town Crier.

Fred Knight distributed two spreadsheets showing user fees for all users. One spreadsheet listed the user fees with Twenty Wayland's fees calculated using capacity of 45,000 gallons per day. On the second spreadsheet, fees were calculated with capacity of 28,000 gallons per day for Twenty Wayland.

The Commission's budget for FY2012 includes a surcharge of \$120,504.00. The Commission decided to add 25 % of the surcharge to each quarterly user invoice for FY2012. The amount for each user will be based on capacity.

The Commission scheduled the August meeting for Wednesday, August 3, 2011.

Bill Prendergast distributed a financial report for FY2011 through May 2011. The report showed income of \$185,218.42 and expenses of \$214,050.05. He reported that the bank statement and the statement of new plant finances were not yet available through May 2011. He stated that he would advise the Commission when he received the statements. He commented that Twenty Wayland owed approximately \$75,000 in user fees and interest.

During the public comment period, Mike Lowery commented on the reuse of treated wastewater by Town Center.

Although an executive session was not originally scheduled for this meeting, the chair requested one due to the release of the DEP permit on 7 June 2011. This release provided new information concerning potential litigation by Twenty Wayland. A handwritten entry to the agenda posted in Town Building was made in the daytime of 8 June 2011 and a revised agenda was posted on the Town website before the meeting.

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

At 10:45 PM, David Schofield made a motion to return to open session. The roll call vote was 3 – 0 in favor of the motion.

The meeting adjourned at 10:45 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Shawn Fennelly

Board of Selectmen

File

# **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

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF AUGUST 24, 2011

## MINUTES

In attendance: Fred Knight, David Schofield, Shawn Fennelly, John Moynihan, Bill Prendergast  
Ian Catlow, Tighe & Bond  
Anette Lewis, Wayland Resident  
Prescott Baston, Wayland Resident

Meeting location: Wayland Town Building

Chairman Fred Knight called the meeting to order at 7:35 PM.

Ian Catlow presented several photographs showing the current construction status of the new wastewater treatment plant. The drawings showed that the insulation and sheathing were complete. One of the photographs showed sandblasting for tank lining. Ian reported that equipment for the plant was due to arrive in early September. He reported that construction was on schedule. Ian showed on the photographs the location of the outflow pipe and the easements. He drew the location of the inflow pipe.

John Moynihan reported that all utilities for the plant and for Town Center will be underground.

John Moynihan presented for approval an invoice of \$110,309.25 from Waterline Industries and an invoice of \$54,771.52 from Tighe & Bond for the new plant. David Schofield made a motion to approve these invoices for payment. Fred Knight, David Schofield, and Shawn Fennelly voted in favor of the motion.

John Moynihan presented Wastewater Treatment Plant Budget Summary which showed a Waterline Industries contract amount of \$4,135,000.00 with a balance to complete amount of \$3,274,596.64 and a Tighe & Bond contract amount of \$339,200.00 with a balance to complete of \$137,426.99.

Fred Knight reported that DEP is reluctant to give Twenty Wayland a connection permit for the full capacity of 45,000 gallons per day that was granted under the 1999 agreement. DEP has issued a connection permit to Twenty Wayland for capacity of 28,000 gallons per day under Phase 1. Twenty Wayland wishes to prove that they have access to capacity of 45,000 gallons per day.

Ian Catlow has developed a plan whereby the average daily plant discharge would be increased from the current permit limit average of 52,000 gallons per day to an average daily limit of 104,000 gallons per day. To accomplish this increase, he would use a leaching field adjacent to Town Building. The leaching field would be used only if

necessary to accommodate an increased flow. Fred Knight suggested that he could write a letter to DEP to determine if they are amenable to the use of a leaching field. David Schofield made a motion authorize Fred Knight to prepare a letter to DEP to determine if DEP is amenable to the use of the leaching field. Shawn Fennelly seconded the motion. The motion was approved with Fred Knight, David Schofield, and Shawn Fennelly voting in favor of the motion.

The minutes of Commission meetings of May 11, 2010, June 9, 2010, June 22, 2010, August 11, 2010, and July 13, 2011 were reviewed and corrections were made. Shawn Fennelly made a motion to approve the corrected minutes. David Schofield seconded the motion. The vote was 3 – 0 in favor of the motion with Fred Knight, David Schofield, and Shawn Fennelly voting in favor of the motion.

Preparation for the hearing of September 7, 2011 on the FY2012 surcharge to be assessed on system users was discussed. The Commission decided that the surcharge would be assessed in equal amounts as an addition to the user fees on the next three billings in FY2012. The amount for each user will be based on capacity. The surcharge will not be assessed to Town Building and the Public Safety Building.

Bill Prendergast distributed a final financial report for FY2011. The report showed income of \$170,692.39 and expenses of \$224,652.49 for a deficit of \$53,960.10. He reported that the deficit was due to the failure of some users to pay user fees.

Bill Prendergast distributed a financial report for FY2012 showing income of \$7,806.39 and expenses of \$29,602.86 through July 2011.

The meeting adjourned at 9:15 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 19, 2011

## MINUTES

In attendance: Fred Knight, David Schofield, Sam Potter, John Moynihan

Absent: Bill Prendergast

Guests: None

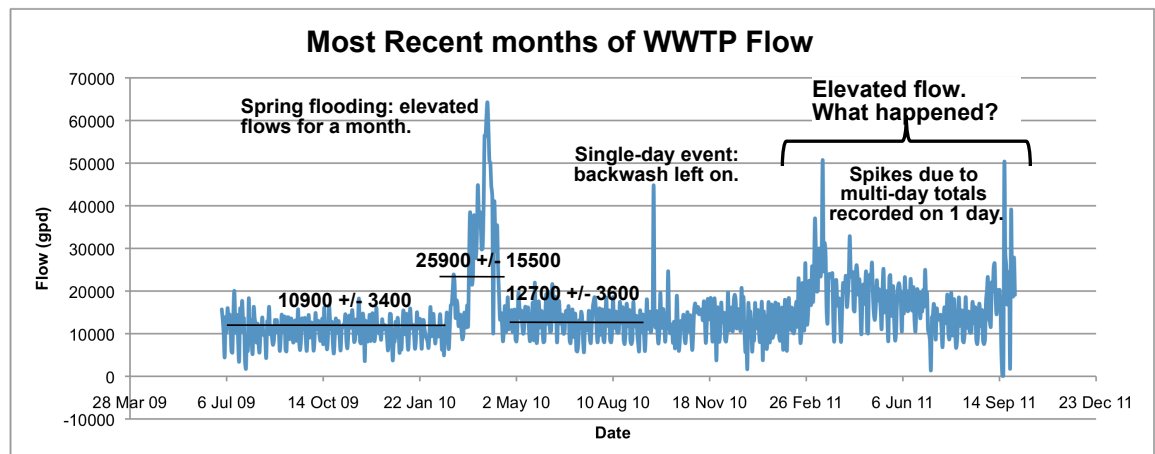
Meeting location: Wayland Town Building, Large Hearing Room

Chairman Fred Knight called the meeting to order at about 7:40 PM.

There was no public comment.

There were two topics for discussion at this special meeting of the WWMDC.

1. Evaluation of proposal and potential approval for hydro-geo study and permitting of leaching field at the Town Building to provide more capacity for effluent from the WWTP. This is to motivate the DEP to increase the allocation of capacity for the Town Center to 45,000 gpd using an alternative ground-water-discharge proposal. For background, see the White Paper in the documents section of the web site:  
[http://www.wayland.ma.us/Pages/WaylandMA\\_BComm/Wastewater/Documents/2011-08-DEPWaylandWWMDCWhitePaper.pdf](http://www.wayland.ma.us/Pages/WaylandMA_BComm/Wastewater/Documents/2011-08-DEPWaylandWWMDCWhitePaper.pdf). Note that the amount of proposed capacity is unknown at this time and will be determined after the hydro-geo study is complete.
2. Discussion of the situation of increased flow in the system over the past couple years as noted in the diagram. Up until the flooding of the Spring of 2010, daily



fluctuations were small. There was a slight increase (+1800 gpd average) in daily flow after the flooding. Then in February 2011 large increases started to occur. After February 2011, daily totals have been ranged up to 29,000 gpd. Of importance is the average flow over 3-12 months, depending on what period DEP

deems relevant to our operation with respect to increasing 20W's permitted capacity. There is a need to understand the origin of the significant increases since Feb 2011.

The Tighe & Bond proposal for the proposed leaching field at the Town Building has three tasks shown below.

**TABLE 1**  
Fee Breakdown

<b>Task</b>	<b>Labor Fee</b>	<b>Expenses</b>	<b>Total</b>
1. Discharge Feasibility Evaluation	\$6,400	\$500	\$6,900
2. Hydrogeologic Evaluation	\$18,200	\$8,000	\$26,400
3. Groundwater Discharge Permit Application	\$2,600	--	\$2,600
<b>TOTAL</b>			\$35,900

Before discussing the details of the proposal from Tighe & Bond in item 1, discussion centered on finding an explanation of the increased flows over the past couple years, especially since February, 2011. John Moynihan explained that the increase was not due to the Public Safety Building, whose basement floor drain is actually connected to the wastewater pipe. John explained that water from the basement drain would only contribute if the basement floor was flooded, which has not occurred since April 2010. Thus, we should look elsewhere for an explanation of increased flows. The commissioners made suggestions for the cause(s) of the increases, but no cause could be definitely stated. John suggested that adding a flow meter to each user's outflow pipe was the only way to determine for certain the origin(s) of the extra flow. Flow meters are presumed to be costly (no estimates were available) and could be paid for using retained earnings or as an extra assessment.

The difficulty with this increased flow is that the addition of flow from 20W, assumed to be 50% of the 45,000 gpd capacity per Title V foundation, might put us over the 80% limit that DEP is going to apply to our new permit. Reasoning went like this. DEP might require that if our aggregate flow exceeds 80% of the current permit of 52,000 gpd average annualized flow, the new leaching field would have to be built at significant cost. There is no estimate yet, but the field's cost is assumed to be in the \$750k to \$1M range. Thus, in order to avoid the costly field construction, we need to stay below 41,600 gpd (80% of 52,000 gpd) averaged over 90-365 days, the averaging time range mentioned by DEP in initial conversation with them. With our previous flow (pre-2010 spring) of 11,000 gpd plus 22,500 gpd from 20W, the total would be 33,500 gpd, and we would still be under this limit. If the new level of ~20,000 gpd was added to the 22,500, the total might exceed 41,600 gpd and trigger the building of the leaching field. In summary, the WWMDC wants to proceed with the engineering design of the new leaching field in order to motivate DEP to grant the remainder of flow from 20W, but the WWMDC is wary that if flows remain at their current level, due to unknown causes, the leaching field will have to be built at significant cost to users.

In order to keep moving forward on the engineering design and, in parallel, consider how to deal with the mysterious increased flows, two decisions were made.

Motion by David Schofield, seconded by Sam Potter: Approve tasks 1 and 2 of the Tighe & Bond proposal but not the permitting of the new field with DEP (task 3). These are

1. Preliminary Site Evaluation: approved at a cost of \$6,900.
2. Hydrogeologic Evaluation: approved at a cost of \$26,400.
3. Groundwater Discharge Permit Application: not approved due to the WWMDC wanting to revisit the question of permitting before going to DEP.

Vote 3-0 in favor.

Motion by Sam Potter, seconded by David Schofield: Have Fred Knight and David Schofield investigate independently the purchase and installation of flow meters on all the WWMD users and report back to next WWMDC meeting (2011 Nov 9).

Vote 3-0 in favor.

Because of Bill Prendergast's absence, there were no minutes to approve.

The meeting adjourned at about 8:50 PM.

Respectfully submitted,

Fred Knight

Distribution:

Fred Knight

David Schofield

Sam Potter

Board of Selectmen

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

## MEETING OF NOVEMBER 9, 2011

### MINUTES

In attendance: Fred Knight, Sam Potter, David Schofield, Bill Prendergast

Guests: Anette Lewis, Wayland resident

Prescott Baston, Wayland resident

Location of meeting: Wayland Town Building

Chairman Fred Knight called the meeting to order at 7:35 PM.

Prescott Baston commented that it might be possible that there was inflow of rainwater from the Public Safety Building.

Prescott Baston commented on the non-payment of user fees by Twenty Wayland. Bill Prendergast reported that Twenty Wayland had recently paid approximately \$103,000.00.

Fred Knight showed a graph of flow through the wastewater treatment plant. From July 2009 through January 2010 the average flow was 10,900 gallons per day with small daily variations. During the Spring of 2010 with Spring flooding, a peak flow exceeding 60,000 gallons was recorded. The excess flow may have come from the Public Safety Building. It was apparent that there was flow other than normal wastewater. The flow from February 2011 through September 2011 showed large variations. It was noted that, if the average flow reaches 40,000 gallons per day, the need for additional disposal will be triggered.

Tighe & Bond is preparing a proposal for a leaching field at Town Building. A message from John Moynihan reported that the WWMDC is not required to competitively bid this work. The cost of preparing the proposal is \$35,900.

The Commission discussed the possibility of monitoring individual user discharge to the system. The cost for individual flow meters for user monitoring was estimated to be \$3000 - \$4000 per meter.

The possibility of a financial penalty being assessed to users who discharge other than normal wastewater was discussed. An example of prohibited discharge is rainwater from a flooded basement. David Schofield made a motion to assess a penalty up to \$2,000 per violation for violating WWMDC regulations pertaining to discharge to the system. Sam Potter seconded the notion. Fred Knight, David Schofield, and Sam Potter voted in favor of the motion. There were no votes against the motion.

David Schofield made a motion to allow Chairman Fred Knight to draft a letter to users explaining the penalty for prohibited discharge to the system. Sam Potter seconded the

motion. Fred Knight, David Schofield, and Sam Potter voted in favor of the motion. There were no votes against the motion.

The minutes of the meeting of October 19, 2011 were reviewed. Fred Knight made a motion to approve these minutes. David Schofield seconded the motion. The vote was 3 – 0 in favor of the motion.

Bill Prendergast reported that, as of October 11, 2011, the remaining balance of the \$5.0 million loan to pay for the new treatment plant was \$2,235,268.74.

Bill Prendergast reported that the Commission's bank balance as of October 11, 2011 was \$803,973.83. The recent payment of approximately \$103,000 by Twenty Wayland was not included in the balance.

Bill Prendergast distributed a budget report for FY2012 through October 2011. The report showed income of \$36,620.78 and expenses of \$50,459.26.

The meeting adjourned at 9:10 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Sam Potter

Board of Selectmen

File

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

## MEETING OF DECEMBER 7, 2011

### MINUTES

In attendance: David Schofield, Sam Potter, John Moynihan, Bill Prendergast

*Guests: Anette Lewis, Wayland Resident*

Linda Segal, Wayland resident

Prescott Baston, Wayland resident

Ian Catlow, Tighe & Bond

Location of meeting: Wayland Town Building

Acting Chairman David Schofield called the meeting to order at 7:35 PM.

Anette Lewis requested copies of all Wastewater contracts. John Moynihan reported that copying of the contracts was in process.

Ian Catlow reported some very preliminary observations concerning a possible leaching field adjacent to Town Building. He used maps and drawings to illustrate the observations. He reported relatively high groundwater at 2.5 to 3.5 feet below the ground surface. Based on test results, he listed potential issues that could impact leachfield feasibility:

1. The shallow depth to groundwater would result in mounding of a proposed leachfield.
2. DEP regulations require designers to perform percolation testing on the soil stratum that is expected to receive the proposed discharge.
3. DEP regulations require 4 feet of native material capable of passing a percolation test.

Mr. Catlow emphasized that the observations were preliminary and that about one month would be required to complete the study. He suggested another possibility for disposal of treated wastewater. The wastewater might be discharged by means of irrigation of the playing fields.

An engineer from Tighe & Bond reported on the status of construction of the new treatment plant. Most of the exterior work is complete. Equipment is being installed. Some painting has been completed. Testing will begin by the end of January 2012.

Jon Moynihan presented two contractor invoices for payment approval. The amount of the invoices was \$204,327.23 from Waterline for construction and \$21,376.46 from Tighe & Bond for construction administration. Sam Potter made a motion to approve payment of the invoices. David Schofield seconded the motion. The vote was 2 – 0 in favor of the motion.

The water problems of the Public Safety Building were discussed. John Moynihan reported that there were three sump pumps in the basement of the Public Safety Building. He stated that the plumbing code requires a connection from these pumps to a sewer.

David Schofield suggested a discussion of the Public Safety Building water problems with the Board of Selectmen.

The problem of unauthorized discharge of storm water to the sewer system was discussed. David Schofield made a motion to authorize the monitoring of wastewater flow discharged from Wayland Commons properties at a cost not to exceed \$10,000. Sam Potter seconded the motion. The vote was 2 – 0 in favor of the motion.

Under water conservation, David Schofield offered to discuss the subject with Dan Bennett and report at the next meeting.

The minutes of the meeting of November 9, 2011 were approved with corrections. The minutes of the meeting of September 7, 2011 were reviewed and corrections were suggested. A vote could not be taken because there was not a quorum of Commissioners who attended that meeting. Approval was deferred until the next meeting.

Bill Prendergast distributed a financial report showing a bank balance of \$939,465.82 as of December 5, 2011. He pointed out that no loan money was included in this balance. Loan money is reported in separate reports.

The meeting adjourned at 10:03 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight

David Schofield

Sam Potter

Board of Selectmen

File

# WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF DECEMBER 21, 2011

## MINUTES

In attendance: Fred Knight, David Schofield, Sam Potter, Bill Prendergast

Guests: Anette Lewis, Wayland resident

Prescott Baston, Wayland resident

Location of meeting: Wayland Town Building

Chairman Fred Knight called the meeting to order at 7:35 PM.

Prior to the regular meeting a hearing on illegal use of the wastewater system was scheduled. The meeting notice and a letter concerning illegal use of the system was mailed to all users prior to the meeting. Fred Knight discussed the proposed penalty of a civil fine of \$2000 for each illegal use of the system. None of the system users attended the meeting. At 7:44 PM, Sam Potter made a motion to close the hearing. David Schofield seconded the motion. The vote was 3 – 0 in favor of the motion.

The Commission discussed the problem of illegal use of the wastewater system. Illegal use includes the discharge of storm water to the system. Sump pumps and basement floor drains could be the source of illegal use of the system. The Commission decided to inspect user facilities for the presence of sump pumps and floor drains and the route of discharge from the sump pumps and floor drains. David Schofield agreed to search for a plumber or other person to perform inspection of user facilities. The Commission will advise users by letter concerning the inspection and the date of inspection. David Boucher of Whitewater has agreed to provide a report of the amount of discharge to the sewer system over a period of 30 days from the Wayland Commons housing development.

The Commission postponed a discussion of the operating cost of the new treatment plant until a report is received from Ian Catlow of Tighe & Bond.

A review of the water problems at the Public Safety Building was postponed due to the absence of John Moynihan.

Fred Knight reported on the study by Tighe & Bond of the possibility of using the playing field adjacent to Town Building for a leaching field to increase the capacity of the treatment plant. With an increase in capacity, Twenty Wayland could request from DEP an increase in the permitted discharge from Town Center from 28,000 gallons per day to 45,000 gallons per day.

The subject of water conservation was discussed. David Schofield reported that Dan Bennett has not received from Twenty Wayland an application for a water permit for Town Center. The Commission's Water Conservation Regulations were reviewed. David



Schofield suggested an amendment to the regulations. After some discussion, David Schofield made a motion to approve the amended regulations. Sam Potter seconded the motion. The vote was 3 – 0 in favor of the motion.

The minutes of the meeting of September 7, 2011 were reviewed. David Schofield made a motion to approve the minutes. Fred Knight seconded the motion. The vote on the motion was 2 -,0 in favor of the motion. (Note: Sam Potter was not a member of the Commission on September 7, 2011.)

The minutes of the meeting of December 7, 2011 were reviewed. Fred Knight made a motion to approve the minutes with corrections. Sam Potter seconded the motion. The vote was 3 – 0 in favor of the motion.

Bill Prendergast distributed two financial reports. The first report showed a bank balance of \$942,255.30 as of December 20, 2011. The second report showed a balance of \$1,764,047.90 remaining from the loan of \$5.0 million for construction of the new treatment plant. The date of the balance was December 12, 2011.

At 9:05 PM, David Schofield made a motion to go into executive session:

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.

Sam Potter seconded the motion. The chair declared that discussion of strategy in open meeting with respect to litigation between Twenty Wayland, LLC and the Commission and the Town of Wayland over sewer use charges as filed in court may have a detrimental effect on the litigating position of the Town.

The roll call vote was 3 – 0 in favor of the motion.

David Schofield: Yes

Sam Potter: Yes

Fred Knight: Yes

The chair invited Executive Director Bill Prendergast to attend to record minutes of the discussion.

At 9:30 PM, Fred Knight made a motion to end the executive session. Sam Potter seconded the motion. In a roll call vote, Fred Knight, David Schofield, and Sam Potter voted to end the executive session.

On the return to open meeting, the meeting adjourned at 9:35 PM.

Respectfully submitted,

William R. Prendergast

Distribution:

Fred Knight  
David Schofield  
Sam Potter  
Board of Selectmen  
File