

**WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

**MEETING OF 28 MARCH 2012**

**MINUTES**

In attendance: Fred Knight, Sam Potter, Bill Prendergast  
Absent: David Schofield  
Guests: Woody Baston, Anette Lewis, Mark Lanza for items  
6 and 8  
Location of meeting: Selectmen's Room ,Wayland Town Building

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

7:35 1. Public comment

- Woody Baston pointed out wiring in front of his house, toward his house from the sidewalk. He showed photos of the backhoe discovering the wiring, 13 Apr 2000.
- Woody Baston pointed out that \$400k in inspection funds may be available for 20W development
- Anette asked about the source of payment for the TB leaching field engineering and reiterated her concern about paying out of the construction account. The risk is that the Town may need to cover the expenses.
- Woody Baston asked about the surcharge.

7:45 2. Alternative leaching fields and Signing of permit application

- Approval to sign permit was given previously. Agreement between chair of Board of Selectmen and chair of WWMDC that the following stipulations are valid:
  1. That no interactions between the Town of Wayland and DEP on waste water matters will occur in the future without first having consultation and obtaining concurrence with the WWMDC chair, absent routine or housekeeping matters. This includes both initiation of correspondence and responses. We make this request to make sure that WWMDC knows about and agrees with DEP interactions from now on.
  2. That no borrowing obligation to the WWMDC occur or be contemplated without the consent of the

WWMDC.

3. That no monies, except in emergency situations, be spent that will be charged to the WWMDC unless the WWMDC has approved them.
- 7:50 3. Update on inspections.
- No update on inspections because of David Schofield's absence.
  - Motion to amend previous motion for fines due to excess flow by stating that a period of 45 days be allowed before the fine is assessed. Moved by Sam, second by Fred, vote 2-0.
- 7:55 4. Approval of minutes
- Motion to approve without changes the minutes of the last meetings on 2012-01-11, 2012-02-08, 2012-03-14, 2012-03-22, 2012-03-28. Sam moves, Fred seconds, vote 2-0.
- 8:00 5. Topics not reasonably anticipated by the chair 48 hours in advance of the meeting, if any.
- None
- 8:24 6. Report on legal proceedings
- Mark Lanza summarizes the suit against the Town by 20W. Summary judgement hearing occurred; opposition was presented. Expectation that the judge will read material from both sides. Four counts: sewer capacity, refund of previous fees,
- 8:05 7. Public comment
- Anette commented on the need to clarify T&B contract conditions.
- 8:30 8. Executive session to discuss litigation
- **MOTION TO GO INTO EXECUTIVE SESSION**
  - MOVER (Sam): I move that the Wastewater Management District Commission enter 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 bargaining or litigating position of the Town.
  - CHAIR: Is there a second to the motion to enter into executive session?

- The Chair declares that discussion of strategy with respect to pending potential litigation between Twenty Wayland, LLC and the Commission and / or the Town of Wayland over sewer use charges as stated in open session of the Commission on May 19, 2011 in an open meeting may have a detrimental effect on the litigating position of the Town.
  - CHAIR: Roll call vote. Mr. Potter. Aye. Chair votes aye. Motion passes 2-0.
  - CHAIR: The Board invites Mark Lanza, Town Counsel, to attend and Executive Director Bill Prendergast to attend to record minutes of the discussion. The Board will return to open session for the sole purpose of adjourning in approximately 30 minutes.
  - Motion to exit executive session. Fred moves, Sam seconds, vote 2-0.
- 9:15 9. Open session in case action results from executive session
- No action based on executive session.
- 9:20 10. Adjourn
- Motion. Sam moves. Fred seconds, vote 2-0.

Respectfully submitted,  
Fred Knight

Distribution:  
Fred Knight  
David Schofield  
Sam Potter  
Board of Selectmen  
File

Executive session minutes:

1. Discussion of payment for the TB leaching field engineering
2. Discussion of litigation