

WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF 25 Mar 2014

MINUTES

In Attendance: Fred Knight, Sam Potter, Cynthia Cincotta

Guests: Woody Baston, Jonathan Buchman, Mary Farley, William Carleton, Donna Carleton, George Uveges, John Tardiff, Jill Korff, Mark Shepard, Michael Bradley, Linda Segal, S. Coval-Goldsmith, Joan Duffy, Rob Beresgniewicz, Kent Greenawalt

Location of meeting: Wayland Town Building, Large Hearing Room

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

7:30 Presentation by Sam Potter, WWMD Board Member on definition of terms, Pro-Rata spreadsheet, analogy of design capacity vs. actual flow, MOA document. The definition of terms will be made available on the WWMD website.

During the presentation there were public comments regarding the NPDES permit. Fred Knight stated the EPA issued a NPDES permit for 52,000 gallons of annualized average flow. The 76,000 gallons refers to the DEP and that is our total capacity, which is all our users together. Jonathan Buchman questioned the annual average flow figures for the permits. Sam Potter, suggested to contact Kevin Brand or Eric Worrall, Director of the DEP Northeast Region to verify. DEP has jurisdictional authority over 10,000 gallons. Town of Wayland Board of Health has jurisdiction for under 10,000 gallons. The treatment plant is designed to discharge effluent into the Sudbury River. The Wayland Commons agreement of 2005 was referred to.

8:00 **Public Comment - Question and answer**

- Kent Greenawalt of 10 Reservoir Road asked if we were forced to design based on Title V regulations. Sam Potter stated that WWMD was forced to design treatment plant in accordance with 314CMR5 which uses design flow under Title V, which is 310CMR15.203. Kent also asked if the Title V formula is used.
- Fred Knight stated that every person on the system has a Title V capacity calculated according to 310CMR15.203. That was the way capacities were originally formulated and that is the way they are still used. The 45,000 gallons for 20 Wayland is a Title V capacity for all the entities at the Town Center. Likewise, all the condominiums at Wayland Commons, that number is 7200 gallons. Sam Potter added the DEP

issued 45,000 sewer extension permit, phased over time. It is a DEP phased sewer extension capacity permit.

- Potential town share discussed. Design capacity divided by the total capacity of the system. Approximately 9%. Public building, safety building and municipal pad.
- Kent Greenawalt send plea to BOS candidates to attend joint meeting on 3/31/14.
- Mary Farley possible solution. She mentioned Town of Falmouth 3/21/14 that will enable them to charge a lesser interest rate only 0-2% above what the town is paying. Bills.1939 – state legislature also allowed to stretch betterment payments over 30 years versus 20 years.

8:36

Update on betterment process. Three items/questions were discussed. These questions were originally discussed at 5 Mar 2014 hearing.

1. Question #1: What portion of debt to cover with betterment (between 0 and 100%) Not ready to select this amount. Needs more discussion and analysis to determine how to weigh these two conflicting notions. The WWMDC wants to make sure that users are not “over-charged” for the betterment, but WWMDC has to be careful that there will not be too many users who opt for upfront payment and thus save themselves interest cost but decrease the payback to the WWMDC. In other words, the WWMDC wants to earn enough from the betterments but not too much. Anticipating what users will opt to do will be part of the process of determining the portion of debt (between 0 and 100%). One other point is that the WWMDC might want to choose a portion to provide not only repayment of the bond but also provide an additional amount for capital improvements. When we catch up on quarterly charges, the retained earnings will be significantly above zero, but the amount is still not completely known.
2. Question #2: How to apportion the betterment. There are three options permissible by law. Apportionment can be applied 1.) On a per unit basis, 2.) On a frontage basis or 3.) By Special Act based upon capacity or winter water usage. WWMDC preference is to base on capacity. Arguments against using water use include highly variable water use, Town Center not fully developed so flow is lower than expected.
3. Question #3: Which rate should be charged to customers for betterments? Law allows for two options - 5% or borrowing rate+2%. WWMDC preference is to use 5%.

New perspective that is developing to assess pros and cons of NEVER charging betterments.

Con betterment	Pro betterment
Year-by-year payback of principal and interest of bond	Tax deduction
Freedom from adjusting for entire betterment on sale of a business or condo	Doesn't require a new rate hearing

Certainty by WWMDC of getting sufficient annual income and no extra assessments to users to make up for shortfall	
Includes allocation for town entities (gpd: 1100 Town Building, 3000 Public Safety Building, 3000 Municipal pad)	

- 9:19 Discussion of fulfilling public records request.
 Planning for Annual Town Meeting. Discussion of shortfall will come up in the Town Warrant. Anticipate article to do something with the wastewater. Approach the BOS with a group within the department within the town
- 9:00 Pay bills
- 9:10 Approval of minutes. Minutes from last meeting tabled.
- 9:11 Topics not reasonably anticipated by the chair 48 hours in advance of the meeting, if any.
- 9:12 WWMDC composition: new member needed
- 9:15 Calendar: upcoming joint BOS/WWMDC meeting on March 31, 2013.
- 9:25 Public comment
- 9:45 Adjourn

MOTION TO GO INTO EXECUTIVE SESSION

MOVER: 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 between Twenty Wayland, LLC and the Commission and / or the Town of Wayland over sewer use charges, 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 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.

CHAIR: The Board invites Administrator Ira Montague, Town Counsel Mark Lanza (if present), Town Administrator John Senchyshyn (if present). The Board will return to open session in approximately 40 minutes.