

WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF 31 Mar 2014

MINUTES

In Attendance: Fred Knight, Sam Potter, Mark Lanza, Cynthia Cincotta

Guests: Woody Baston, Jonathan Buchman, Mary Farley, William Carelton, Donna Carelton, George Uveges, John Tardik, Linda Segal, S.Coval-Goldsmith

Location of meeting: Wayland Town Building, Large Hearing Room

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

8:45 Discussion of fulfilling public records request with Town Counsel, Mark Lanza.

- Copies of files scanned completed.
- Email request, M. Lanza is one-third of the way through and needs another week to complete; this is the last piece of the request.
- Previous Town Manager may have email.
- M. Lanza will go over the request to identify if there are *two separate requests*, the Town of Wayland and the WWMDC.

8:50 Pros and cons of never charging a betterment discussed.

- Charging a betterment will lock us in. The WWMDC does not have to charge a betterment, there is no such law. It is an option to charge "surcharge" only.
- BOS would want the TOW to be charged 9%, a fraction of the capital cost. The DOR states an enterprise fund can be supplemented thru the general fund, however, this cannot be done by a betterment.
- Sam Potter stated that time is an issue, the use of the general fund would have to go to town meeting.
- Fred stated the WWMDC would have to rescind its position and undo previous vote. Other aspect is flexible if more capacity comes through, we would like to make use of that capacity, maybe by use of a privilege fee.
- Sam mentioned gift money. The BOS has full authority to

spend gift money. Future gift is not realized yet. *In lieu of betterment concept could apply.* We would need to know the total amount.

- Fred – user fee, Chapter 461, special assessment, pertains to betterment. M. Lanza stated the town is not exempt. We need to take action soon and decide on surcharge. Put on the agenda and discuss betterment or not. We do not want to preclude continuing the betterment process but do not want to pull the trigger. We will re-visit in two weeks.

8:55 Should 40B/Affordable unit condos have a lower wastewater rate?

- There is no rule or law that limits the amount that can be charged however, “condo fees” could be lowered.
- The lot is owned by one owner then we bill owner of record. The agreement needs to be checked. There could be one bill issued to the condo. Association.

9:05 Annual town meeting

9:10 Approval of minutes

9:15 Special Council – enter into an agreement.

- Mark Lanza states that the special council is a good idea. Do not underestimate mediator role. Equitable rights, professionals out there to help set user rates. Engagement specifics for Damon Seligson, Sam Potter would be the contact person, Fred will sign off.

9:35 New member, Kent Greenawalt was appointed to the WWMD as a board member.

9:40 PUBLIC COMMENT

- Mary Farley would like numbers on interest & surcharges. Used Falmouth as an example. Town meeting would need the majority & state legislation calls for time. Time is an issue. Her second point was Hingham as an example of a similar system to Wayland.
- Unidentified guest spoke and said to throw out the MOA and think outside the box. Start fresh and gave an example of Chelmsford, Massachusetts.
- Sam mentioned the cost of putting in a private septic system

versus using the TOW treatment plant user fees was briefly discussed. Based on a three bedroom home, approximately \$25,000 plus 3% interest maintenance of \$500 annual comes out to about \$46,000. The average system lasts 17 years.

9:45 ADJOURN

9:45

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.