

**WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

Meeting of 7 May 2014

**MINUTES**

In Attendance: Fred Knight, Sam Potter, Cindy Cincotta

Guests: Woody Baston, Jonathan Buchman, Donna Carleton, Cherry Karlson, Damon Seligson

DATE OF MEETING: Wednesday, 7 May 2014

TIME OF MEETING: 7:30 PM

PLACE OF MEETING: Selectmen's Room

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

7:30 Statement read at the May 7, 2014 WWMDC meeting

Consistent with its continued effort to arrive at the best possible solution for everyone impacted by the costs of constructing the new waste water treatment facility, the WWMDC (the "Commission") is seeking to establish a fair and equitable mechanism to pay for such costs. To that end, the Commission does not want to take any available option off the table.

Accordingly, because time is of the essence, in order to keep every such option available to it, the Commission shall continue the betterment process for the near term while it continues to consider the user fee surcharge and other appropriate options. It is the position of the Commission that allowing the betterment time deadline to expire without any long-term solution will serve to constrain the Commission, and limit those possible options that might be available to it. To let the time frames called for by the betterment process lapse, effectively eliminating one available option, may not be a prudent approach.

This action should not be construed as an affirmative decision to establish a policy for betterments or surcharges. Rather, it is only intended to keep any and all options open to the Commission such that a decision can be made at a later date. Finally, because of the pending and threatened litigation, the Commission will make no further public comments with respect to the establishment of betterments or surcharges. Where appropriate, the Commission may comment on the issue of pro rata share.

- 7:30 1. Public comment
  - Questions asked regarding the statement. Sam Potter responded by stating he stands by the statement.
- 7:30 2. WWMDC composition: new member
  - Rick Greene was appointed by BOS and needs to be sworn in.
- 7:30 3. Preparation for 11 Jun 2014 rate hearing.
- 7:30 4. FY2013/FY2014 billing: status and next steps.
- 7:30 5. Pay bills
  - NSTAR \$2,448.30
  - White Water \$4,774.71
  - Sam Potter \$170.75
  - **Total: \$7,393.76**
- 7:30 6. Approval of minutes
  - Correct typographical errors before approving & posting minutes.
- 7:30 7. Topics not reasonably anticipated by the chair 48 hours in advance of the meeting, if any.
- 8. Calendar: upcoming meetings and events, including hearings.
- 9. Open session discussion of fulfilling public records request
- 10. Public comment
- 7:45 11. Executive session with lawyer, Damon Seligson, concerning litigation suggested by Attorney Fliegau and with Town Counsel concerning litigation with 20Wayland.

**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, and potential litigation by a group of WWMDC users as threatened by their lawyer.

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 and potential litigation mentioned in communication from Kurt Fliegau, who represents a group of users.

CHAIR: Roll call vote. New member: Aye. Mr. Potter: Aye. Chair: Aye. Motion passes.

CHAIR: The Board invites attendance by Town Counsel Mark Lanza and special counsel Damon Seligson. The Board will return to open session to adjourn in approximately 50 minutes.