

Wayland Wastewater Management District Commission

DATE OF MEETING: Wednesday, 21 May 2014

TIME OF MEETING: 7:30 PM

PLACE OF MEETING: School Committee Room

In attendance: Fred Knight, Rick Greene, Sam Potter, Cynthia Cincotta

Guests: Donna Carleton, Woody Baston, Annette Lewis & Linda Segal

MEETING MINUTES

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

- 7:30 1. Public comment.
Woody Baston asked if billing is current and wanted confirmation that the WWMD is in the black. The entire board agreed the WWMD is in the black, but Fred Knight stated that we need to be mindful of expenses.

- 7:35 2. Preparation for 11 Jun 2014 rate hearing. This includes an update on the two alternatives: betterments or surcharge.

Rick commented on betterment and going back to look at what was previously charged and payments made towards surcharges. He questioned if we could take the original principal amount of the bond issue charged and somehow deduct payments made and allocate betterments on a percentage basis. This will be discussed with Town Counsel, Mark Lanza, during executive session to determine if this method is possible.

On the website spreadsheets are available showing surcharges that are based on current capacity.

- 7:55 3. FY2013/2014 billings: status and next steps.
We are current with as billings and have billed fiscal year 2014 Quarters one through three.
Billing for FY/Q3 was done on May 5th and is due on June 5th. The billing for FY/Q4 will be done in July, after the water readings are done on July 1st.

- 8:15 4. Pay Bills.
Tighe & Bond approved and will be forwarded to John Moynahan, Interim Facilities Director, to process for payments.
Damon Seligson \$7,242.67

OARS(Water Quality Reporting) \$6,223
Whitewater monthly \$3,981.21
Total Approved \$17,446.88

- 8:30 5. Approval of minutes.
Minutes approved.
Annual report briefly discussed and edited appropriately. Approved as amended.
- 8:35 6. Topics not reasonably anticipated by the chair 48 hours in advance.
None.
- 8:35 7. Calendar: upcoming meetings and events, including hearings.
Rate hearing on 14 June 2014.
Post needs to be done for executive session for next Tuesday 27 May 2014 with the Board of Selectmen.
- 8:35 8. Open session discussion of fulfilling public records request.
Should the additional costs be charged to the users? Due to the enormous scope of the public records request and much of it protected under the Executive Session material, the costs incurred need to be either billed to the requested or the users will end up paying for the costs. We need confirmation from Attorney Fliegauf that these additional fees are going to be paid. Motion passed to send a letter to the requestor, Attorney Kurt Fliegauf.
- 8:35 9. Public comment.
Annette Lewis, "With regard to the bills that were approved tonight, were they included in the finance projection for the year end?" The board members responded and agreed that they need to know what was given to FinCom before answering Annette's question.
A member of the audience asked about the Town's contribution for surcharges. The spreadsheet dated 11 May 2014 for surcharge rates, included Town of Wayland. The betterment table cannot list the Town of Wayland Muni-pad, public safety building and Town Hall. During our rate hearing on 11 June 2014 we will verify the surcharge columns.

Linda Segal stated that learning from Ian as time goes on when we voted to approve borrowing there were two options to deal with septic TFP and separate systems. The Board of Health approved a separate septic system. We will discuss if there should be a separate commercial rate in the future. Grease traps are located at Twenty Wayland.

Addressing the leak at the public safety building was questioned from a member of the audience. There have been ongoing discussions to fix the leak.

- 9:06- 10. Executive session with special counsel Mark Lanza
10:05

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 Fliegauf, 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.

10:05 11. Adjourn