

WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF 24 November 2014

MINUTES

In attendance: Fred Knight, Sam Potter, Rick Greene, Cindy Cincotta
Absent:
Guests: Mark Lanza & Nan Balmer @ 7:32 pm(open session)
Location of meeting: Wayland Town Building, Hearing Room Two

Fred Knight called the meeting to order at 6:30 PM.

- 6:38 1. Call to order
- 6:48 2. Executive Session on litigation with 20Wayland and potential litigation with other users
- 7:23 3. Continued Executive Session with the Board of Selectmen on litigation with 20Wayland and potential litigation with users
- 7:25 4. Continued Executive Session (without Board of Selectmen) on litigation with 20Wayland and potential litigation with others
- 7:25 5. Any actions based on Executive Session
- None
- 7:26 6. Discussion of re-selling wastewater capacity and an update on the NPDES permit renewal
- Reviewed permit and discussed possibility of increasing the permit
 - Can we sell and/or advertise available capacity?
 - Mark Lanza: there is a limited pool of people, those that are eligible. They have to demonstrate they could have built a system.
 - Mark thinks there are 3 requirements
 - 1st limitation of Title V requirements
 - 2nd Board of Health
 - 3rd Geographically close enough.
 - WWMDC can advertise or reach out. If someone is eligible, the WWMDC can contact them and negotiate a price.
 - This is not a competitive procurement.
 - Public notice acceptable, but avoid a bidding process. Notify current users.
 - How does the privilege fee work? The law recognizes the possibility of a privilege fee being charged and allows the WWMDC to set that privilege fee. It could be a set fee. Chapter 40 is the relevant law.
 - Once you make a decision there must be something in writing.
 - Wayland Meadows might be tricky. The 380 gpd was filed as a betterment to Wayland Meadows.
 - Does the person who buys this say they need the capacity? We will base it on Title V.

- The library should be notified. The library would need to have an article and must go to town meeting.
 - Whole Foods would like more capacity.
 - Do we tell everyone who is near the pipe? The minimum would be all current users.
 - Draft a letter to offer users.
- 8:05 7. Update on draft budget and budget and budget hearings, including notice of the hearing, setting of preliminary rates and interactions with FinCom.
- Legal ad will be posted 11 Dec 2014.
 - Meeting on 10 Dec 2014 to discuss preliminary rate
 - Decide to postpone the hearing until February regular meeting
 - Final budget needs further discussion. Invite Tom Abdella to next meeting.
 - December 1st & 8th meeting (bills & minutes)
- 8:15 8. 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, 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. Mr. Greene. Aye. Mr. Potter. Aye. Chair votes aye. Motion passes.

CHAIR: The Board invites attendance by Cindy Cincotta. The Board will return to a second executive session in approximately 40 minutes to adjourn.