

**WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION**

**MEETING OF 8 December 2014**

**MINUTES**

In attendance: Fred Knight, Sam Potter, Rick Greene, Cindy Cincotta  
Absent:  
Guests: Paul Keating (7:25-7:31pm) Tom Abdella (7:57-8:15)  
Location of meeting: Senior Center, Wayland Town Building

Fred Knight motioned to called the meeting to order at 6:31 PM.

- 6:31 1. Call to order
- 6:31 2. Executive Session without BOS
- 6:40 3. Executive Session with the Board of Selectmen on litigation with 20Wayland and potential litigation with users
- 7:00 4. Continued Executive Session (without Board of Selectmen) on litigation with 20Wayland and potential litigation with others
- 7:06 5. Any actions based on Executive Session
- None
- 7:07 6. Discussion of re-selling wastewater capacity and an update on the NPDES permit renewal
- Tabled until next meeting
- 7:08 7. Discussion of year to date budget, billing status, VADAR billing modification, water meter reads, and future billing
- Current billing
  - Will use VADAR billing modification on FY2015, quarter two billing cycle.
- 7:13 8. Discussion of FY2016 budget and budget hearing with Tom Abdella (FinCom representative) including possible exlusion of WWMDC budget from omnibus budget and making a separate article for WWMDC operation. Reason is betterment needs to be adressed outside of the omnibus budget.
- Does the capital budget need to be included?
  - Whatever we need to raise covers operating expenses.
  - Treasuer stated we can only charge 23 days for the first year of apportionment on the sewer betterment.
  - Going forward we calculate interest from October 1<sup>st</sup>

## Wayland WWMDC Minutes

- Paul Keating joined the board at 7:25 to explain and confirm the committed interest calculation for FY2015 that will be collected on the third and fourth quarter real estate tax bills
- Based on MGL tax guidelines, the Treasurer is able to commit interest on the sewer betterment 30 days after the betterment recording through September 30<sup>th</sup>. The sewer betterment was recorded on August 6<sup>th</sup> and the users had until September 6<sup>th</sup> to pay with being charged interest. The first year of apportionment will be calculated from 7 September to 30 September, a total of 23 days. Committed interest is always charged from October 1<sup>st</sup>. All subsuequent years of the apportionment will be a full year of interest charged.

7:45 9. Pay Bills:

National Grid \$12.67 & \$84.70  
NSTAR \$133.24 & \$2488.73  
Verizon \$51.06 & \$112.43  
Whitewater \$3,981.21  
Total \$6,864.04

7:49 10. Approval of open session minutes

- August 11, 2014 approved as amended
- September 10, 2014 approved as amended
- Motion made to approve as amended
- Continue to review next meeting (five more)

7:50 11. Discussion of noise mitigation

- Looking for guarantee from Ian who is the engineer that it will do something
- Sam Potter stated we are not going to get a guarantee
- We have a quote from Whitewater
- John Moynihan will be sent the bill
- Authorized Cindy Cincotta to approve the quote on the Noise Mitigation motion
- Quote from WhiteWater approved
- Contact Ian to procede with the noise mitigation

7:57 12. Discussion of FY2016 budget and budget hearing with Tom Abdella (FinCom representative)

- The FY2016 budget
- Add to electricity due to increased fees change to \$41,000
- Add to NPDES permit \$3,000
- Discuss prior year bills to be paid, email sent to Brian Keveny on December 1<sup>st</sup>, have not received a response. Forward the email to Tom and he will contact Brian.

Wayland WWMDC Minutes

- 8:16 13. Punch list items
- Tabled
- 8:16 14. Topics not reasonably anticipated by chair 48 hours in advance of meeting, if any.
- None
- 8:17 14. Calendar: upcoming meetings and events, including hearings
- February 11<sup>th</sup> – monthly meeting and hearing(post legal ad asap)
  - On January 7th we will want to set rates
  - The January hearing meeting will be on the 14th
- 8:17 15. Public Comment
- None
- 8:18 15. 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 Fliegauf, 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.