

WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION

MEETING OF 29 April 2015

DRAFT MINUTES

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

Absent:

Guests: Mark Lanza, Donna Carleton, Jonathan Buchman, Nancy Carapezza,

Location of meeting: Senior Center, Wayland Town Building

Fred Knight motioned to called the meeting to order at 7:35 PM.

7:35 1. Call to order

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7:36 2. Abatement Hearing

- Charge for the hearing read to discuss pending applications for the sewer betterment assessment August 4, 2014.
- Hearing notice was sent to all applicants and waste water users.
- Nancy Carapezza wanted information on potential privilege fee for new users. She questioned how the WWMDC can take that money and apply it towards operations. If there is any relief it should be done with the current betterment assessments.
- Sam responded if there is a privilege fee collected into retained earnings the rate hearing would charge user rates for satisfying the budget offset by retained earnings. For example if \$100,000 was collected that amount would be deducted from the budget and the rate would provide relief and offset operating expenses.
- Member of the audience commented that the WWMDC is wasting his time if they plan on denying the sewer abatement.

7:46 3. Any action to be taken as a result of abatement hearing

- Fred read the following: Upon motion of a member, vote to take administrative notice of the Middlesex Superior Court jury verdict and judgment in the case of Twenty Wayland, LLC v. Town of Wayland, et al, Docket No. MICV2011-04095. This makes those documents part of the hearing record.
- Motion made to close the hearing
- Deliberating took place.
- Fred stated the 34 applications stated the methodology was incorrect. Fred feels we followed guidelines and correctly assessed the betterment. The WWMDC did spend money more than originally anticipated, but we had to

use the cost of building the plant when calculating the betterment.

- Rick stated that the most appropriate allocation was used when assessing the betterment. The two tiered allocation was suggested in the application, however, this was not feasible.
- Rick commented that the potential privilege fee will be looked at very carefully.
- Sam added that it is fairly clear that it comes down to pro-rata share and the commonality of the numerator and denominator.
- Sam commented to the point of the value of the betterment has to be equal to the value of the betterment over time and it equal to or less than installing a septic system and maintaining a system and replacing a system over time.
- Fred stated that along the lines of the discussion over a year there has been a continual discussion over actual flow and design flow. Design flow is twice what the average flow is. Title V design flow has to be used in calculating the betterment. You have to use the design flow for each user in order to calculate the betterment.
- Rick moved to deny the abatements as filed by the users. Vote 3-0 to deny the abatements.
- Mark Lanza suggested a written notice of denial will be issued. It should be a brief letter.
- Sam stated this letter could be used in a potential lawsuit. The letter will be very short and and each applicant will get a letter.

7:55 4. Public Comment

- Nancy Carapezza stated with the amount she paid over the last 10 years she could have installed her own septic system. Nancy asked if the WWMDC could go back in time would the WWMDC have done anything differently?
- Sam stated that in 1999 the WWMDC played a part in the agreement and the acquisition of the plant and each individual user disconnected to their system and connected to the WWMDC they lost their ability to get off the system. If you want to get off the system you would need to file a Title V system. As soon as you unhooked and hooked into the WWMDC you were stuck and could not get off the system.
- Nancy stated she worries what could happen in 10 years. She cannot believe this is happening in her town.
- Fred stated that the plant should last more than 10 years. It is a very well designed system and should last 40 years.
- Nancy questioned what would happen if there is another mall built.
- Fred & Sam concurred that the plant does not have the capacity to support more users.
- Fred stated there was the thought that in the future that a replacement must be made. The estimated cost was almost half of what the WWMDC paid. In hindsight, it would not have been the burden that exists today.
- Rick agreed there were a number of steps that were critical and

unfortunately things that cannot be reversed. He thinks they are on solid ground now. Unless the state changes and makes new requirements

- Fred stated there are a number of chemicals that cannot be put into the Sudbury River. Our technology allows us to get to that level. We have done monitoring of upstream and downstream phosphate levels that are way below what is needed. The only caviate is if we get a larger permit we will have to be cautious of handling the reduce fractional phosphate content.
- Sam stated if you want to be proactive we need more users.
- Nancy commented that she is not campaigning for new users. She is still flabergasted by what happened and is totally overwhelmed. If someone told her this would be happening. She would not have believed that her costs would have been exorbitant.
- Donna Carleton commented that knows the WWMDC indicated they have been involved in this for over a year. It should be documented that the users were not part of the discussion. She understands why and that the decision that the WWMDC had to reach made them pawns in settling the lawsuit. She is part of the group that was not around when the 1999 MOA was signed. The lesson is important that we represent a very small goup and it is the job of the WWMDC to educate the town and protect other people that are coming to the town. The town center is really for the privledge for the entire town. Their package of parcels and giving out the capacity.
- Sam stated that Twenty Wayland collectively is responsible for their betterment.

8:19 5. Pay bills

- Whitewater \$11,751.26
- Utilities \$6,004.95
- Legal Fee \$552.00
- Total of bills \$18,308.21
- Invite Whitewater to the next meeting.
- Tighe & Bond bill capital to be charged against borrowing for WWTF
- Invite Ben Keefe to next meeting
- Motion made to approve the operating expenses \$18,308.21 Approved 3-0

8:32 6. Budget updates FY2015 YTD and FY2016

- Budget YTD as of April 29, 2015
- Post to website

8:35 7. Approve minutes

- Approved as amended by Rick. Motion made to approve minutes as amended. Approved 3-0.

8:36 8. Noise abatement and WWTP status

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- Whitewater has not returned calls on the status.
 - Contact Ian Catlow to discuss the status of the noise abatement.
- 8:38 9. Discussion of what to do with 820 gpd of design flow following withdrawal of article for ATM on relocating 820 gpd of capacity to the Town, as may be needed at the Library if their system fails in the future.
- Fred state that a decision lead by Ben Keefe was made that he thought the town had enough capacity.
 - Sam stated he worked on the Title V capacity needed for the munipad. It is roughly 3,000.
 - Fred state the DEP has no problem with our re-allocating our capacity to someone else, provided that it is not a new connection.
 - Sam commented that the DEP do not want us to approve a new connection.
 - Rick stated it would be nice to obtain something in writing from the DEP.
 - Fred mentioned that putting things in writing is involved.
 - Sam stated the WWMDC should proceed with papering this transaction.
 - Fred confirmed that we know that Whole Foods wants more capacity and Brendon Homes wants out if it.
 - Rick stated the WWMDC has to give notice that we are re-allocating capacity.
 - Sam state he will concentrate on papering the transaction. He will speak the Conservation Director to see if the town is interested in the land.
 - Fred stated the cost of recalculating the capacity. Whole Foods the store wants the 820 in capacity.
- 8:47 10. Rivers Edge discussion
- None
- 8:48 11. Web site status: recent postings and organization.
- Rick has updated his computer and is ready to review the website.
- 8:16 12. Topics not reasonably anticipated by chair 48 hours in advance of the meeting, if any.
- Fred stated we received an abatement application for 40 Hastings Wayland wastewater bill. We have sent him warnings and he has been trying to find out the problem.
 - The question for Town Counsel, Mark Lanza was do we have the ability to offer the abatement. Mark answered yes.
 - Notify him and invite him to the next meeting
 - In regards to the sewer betterment abatement, when the denied notice is sent the users have 30 days to file in superior court.
 - We returned to the conversation at 8:49 pm.

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- 40 Hastings will get an abatement, however, we will invite him to the next meeting to discuss his situation further.

8:51 13. Calendar: upcoming meetings and events, including hearings.

- May 13 2015 7:30pm
- Invite Whitewater & Ben Keefe
- We will need to have the meeting in the Selectmen's Room or the School Committee Room.
- If Ben Keefe & Whitewater cannot make it to the meeting delay one week.

8:52 14. Public Comment

- None

8:53 15. Adjourn