

**WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION  
MEETING OF 13 January 2016**

**In Attendance:** Fred Knight, Rick Greene, Sam Potter and Jane Capasso

**Absent:** All Present

**Guests:** Frank Normandin and Nan Balmer

**Meeting Location: 7:30 Wayland Town Building**

**Minutes**

7:34 1. Call to order

7:34 2. Public comment – None

7:35 3. Review of Title V allocations for Town Center. In particular:

- Should restaurant allocation include patio seating for Panera 22, Bertucci's 20 and The Local 18 totaling 60 seats (based on the Certificate of Inspection for an additional 2,100 gpd of capacity?)

The Commission agrees that patio seats should be included based on the Certificate of Inspection and Title V Capacity calculation of number of seats per restaurant. Title V is based on peak capacity.

With the patio seats included, the total Town Center Capacity is 48,351 (includes 9,240 gpd for 42 Lillian Way Homes and 3,000 gpd for the Municipal Pad). The permitted capacity is 45,000 gpd for an overage of 3,351 gpd and, based on the betterment assessment of August 2014, is valued at \$218,000 (3,351 gpd X \$65.07/gpd). (Note added by chair in review of minutes: The value of the increased design flow was estimated during the meeting at \$70/gpd, but the actual value is \$65.07/gpd.)

Should Wastewater charge BOS Retail 1 LLC \$218,000 for the increased capacity? Rick is concerned that if we charge for the increased capacity, will this be considered assigning more capacity to the Town Center, and we would need to meet with the DEP and possibly be faced with sanctions. Sam feels the sewer extension permits are between BOS Retail 1 and the DEP. Sam would like to use the \$218,000 to offset user fees. The Commission has the position that they want to charge BOS Retail 1 for the \$218,000.

The Commission agrees to ask Mark Lanza, Town Attorney, what Wastewater's exposure is and if there are any legal ramifications for charging BOS Retail 1 for the increased capacity. Fred will talk with Mark Lanza. The Commission discussed that the increase was not done on purpose. No one was keeping track. Rick feels that having more capacity due to incompetence is not an excuse. If another user asks for more capacity, Wastewater will say no.

- Should there be an allocation for the public bathroom in building 1A? Water use of 0 gpd for 4<sup>th</sup> Quarter, FY2015 and 18 gpd for Quarter 1, FY2016.

The Commission decided that the public bathroom should be considered part of the capacity for the other offices, but the flow (equated to water used) will be included in the calculation of bills.

- 8:10 4. Should we begin using quarterly water readings for bill calculation, as opposed to the current use of winter water?

The Commissioners all agree we should start using quarterly water use.

- 8:15 5. Final review of FY2017 draft budget. FY2017 budget was reviewed at the 18 Nov 2015 meeting. Changes have been incorporated. Approved at November meeting. Only review here; see next topic.

After budgets are prepared, Finance adds on an allocation for Wayland Indirect/Administration Costs (salaries for Treasury, Finance, Facilities and Plant Insurance in the amount of \$24,288 FY2016 and \$24,669 FY2017. We will be adding Town Allocated Services as an Operating Expense starting in the FY2017 budget. This will affect our upcoming rate hearing for the remainder (Q3 and Q4) of FY2016 and the FY2017 rates. Fred will adjust the rates.

- 8:30 6. Review Wastewater's balance sheet and Sam's suggestion to create a Fund 63A and 63B account.

The Commission would like to see all of the funds allocated for betterments, namely the betterment money paid in advance, the PILOB, and on-going collected betterment fees paid by users, in an account separate from operating income and expenses. In this way there is a clear distinction between betterments and operations. Sam will talk to Finance about developing a new balance sheet that separates cash, operating and capital accounts.

(Note added in review by chair: Changes in the existing account structure might be minimal, namely:

1. Separate Wastewater Charges Receivable into two receivable accounts, one for betterments the other for operations
2. Separate Liens by the same method.
3. Keep the construction bond account open for capital repairs.

Thus, there need to be 2 new accounts with separate balances and the bond account remains separate as well.

The action of making a betterment necessitates these separations between operations and betterment, unlike what we had before the betterment.

However in reality, the money users paid over the years might have been better paid into two pots: one for the original betterment and a second for operations. This was deemed unnecessary with the small size of the original betterment.)

- 9:16 7. Planning for public hearing to review rates for FY2016-Q3/Q4 and rates for FY2017. Based on a review of the YTD expenses and prospect of no significant legal expenses in FY2016, there appears to be a reason to reduce rates for the remainder of FY2016. A rate hearing is necessary; proposed date is Wednesday, March 9, 2016. The rates for FY2017 are contained in the draft budget for FY2017.

An announcement must be placed in the Wayland Town Crier 30 days in advance. It will appear in the the February 4<sup>th</sup> edition. Fred will supply the write-up the last week of January. Jane will request the School Committee Room or the Selectmen's Room for the meeting. The Commission expects to reduce the FY2016 budget by \$20,000. The FY2017 budget and rates will change due to the Town Allocated Services in number 5 above.

9:22 8. How to proceed with delinquent accounts:

- Lillian Way Condominiums \$3,422.27 – This appears to be interest on unpaid operational billing for design flow that was sold to Brendon Homes by KGI for the 42 Lillian Way condos. Brendon Homes owes this amount. Jane will send a message to Leslie Carey at Brendon Homes indicating they owe the money, and they should pay it.
- Wayland Commons \$26,887.70 – Consists of five Water accounts created before there were Wastewater accounts and one Wastewater account with old balances. These may be for 1, 3, 5, and 7 Hastings Way and for the unused 380 gpd out of the 7,200 gpd originally bought by Wayland Commons. The former is land that was originally proposed for the four condominiums that were never built. Instead a small treatment plant for Hastings Way was constructed. The latter is the remaining design flow of 380 gpd, which the WWMDL wants to resell. This requires further consideration. Sam will contact the Condominium Association using contact and account information Jane will provide.

9:30 9. Pay Bills – Discussion on Whitewater charges. Jane will email Rick for his list of overtime calls so she can make updates. Sam left the room at 9:43 pm. Rick motioned to pay bills and Fred agreed.

9:35 10. Monthly budget update and year-to-date finances

Revenue and expenses were reviewed. Numbers look good. We need to add a line item for Town Allocated Services in the amount of \$25,000 for FY2017. For FY2016, an amount of \$24,288 will be an additional expense for the year. It was noted that this additional expense will reduce the amount to be returned to users in FY2016 to \$20,000, which is the reduction in legal expenses of \$45,000 less the additional amount of \$24,288 for Town Allocated Services.

9:45 11. Approve minutes for 9 Dec 2015

One change by Rick. Sam left the room at 9:43. Rick motioned to make the change and Fred agreed. Jane will post on the website.

9:47 12. NPDES Permit renewal, OARS monitoring, and other monitoring – No discussion.

8:50 13. Further discussion of what to do with 820 gpd of design flow following withdrawal of the article at the ATM on reallocating 820 gpd of capacity to the Town, as may be needed at the Library if their system fails in the future. Update on whether there will be an article for 2016 Annual Town Meeting to purchase the 820 gpd for the Library allocation.

Updated Nan Balmer, Wayland Town Administrator, on the 820 gpd of design flow. The Commissioners have different opinions on the disposition of the 820 gpd. Sam feels that the Municipal Pad will not support a new 40,000 sq ft building, so part of the 3,000 gpd allocated for the Municipal Pad is available for other uses, namely the Library. The Library has told Fred that they would like to purchase the 820 gpd since they will need assurance that the design flow will be available in order to move forward with their plans and to obtain state funding. Fred would like the Board of Selectmen to either agree to limit the size of the building on the Municipal Pad (to 29,000 sq ft) to allow the remainder to go to the Library or agree to support an article at ATM to purchase the unallocated 820 gpd. Nan will send the Selectmen a letter with her

thoughts. Nan said Mark Lanza, Town Counsel, thinks the allocation of the 3,000 gpd is up to the WWMDC.

Fred created a spreadsheet with different ways to value the 820 gpd. The Commissioners agreed that the amount to be charged be the same as the rate for the betterment, namely \$14,315 for 220 gpd or \$65.068/gpd. Thus, the cost would be \$53,356. If the ATM article passes, the Library will start paying operating expenses for the design flow.

9:15 Discussion with Frank Normandin, representing Wayland Village (Whole Foods Plaza), whether they may be interested in additional capacity. He is not committing, but they may be interested. They are in the planning stages for replacing Whole Foods with a new tenant. They will not be changing the size or usage of the space.

- 9:48 14. Close-out status of the WWTF. How are we going to understand this? Same question as in previous meetings. Jane is working to determine the status of the remaining funds.

The remaining balance from the construction bond as of January 6, 2016 is \$239,741.95. The money in this account can only be used for capital repairs to the plant or to complete any remaining projects on the original Order of Conditions list. Capital expenses per Treasury are \$25,000 or greater. Ben Keefe, Facilities, has contacted Tighe & Bond, the Engineer on the project, to get an estimate of what needs to be completed. There have been no capital expenditures since December, 2014.

The Commission decided to earmark the \$239,741.95 as a capital reserve for capital repairs starting at \$25,000 for the WWTF. Jane to obtain the remaining Order of Conditions list. On the list is landscaping around the WWTF. Jane to talk with Ben Keefe to find out what needs to be done to complete this in the spring. We do not have to request bids for work under \$25,000.

- 10:00 15. Topics not reasonably anticipated by chair 48 hours in advance of the meeting, if any – None.
- 10:01 16. Website status: recent postings and organization – November minutes posted and the Administrative Consent Order.
- 10:02 17. Calendar: upcoming meetings and events, including hearings. February 10, 2016 monthly meeting and March 9, 2016 rate hearing.
- 10:04 18. Public Comment – See item 13 for discussion with Nan Balmer and Frank Normandin.
- 10:05 19. Adjourn