

**WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION  
MEETING OF 12 December 2016**

**In Attendance:** Fred Knight, Rick Greene, Sam Potter (arrived at 7:55) and Jane Capasso

**Absent:** All present.

**Guests:** None. Meeting with the Board of Selectmen at 8:15 pm

**Meeting Location: 7:30 pm Wayland Town Building, Planning Board Office & Board of Selectmen's Room**

**MINUTES**

*Note: Items may not be discussed in the order listed or at the specific time. Times are approximate.*

7:36 1. Call to order

7:36 2. Public comment – None

7:36 3. Discussion of agreement between Wayland Commons and the Town on the transfer of excess land and associated 380 gpd of design flow left over from the Wayland Commons project in return for forgiveness of previous charges for the design flow. Agreement has to be signed by all parties. Motion needed for WWMDC approval of the agreement. Then the WWMDC will take the agreement to the Board of Selectmen (BoS) for approval at 8:15 on Monday, 12 Dec 2016. The agreement with the BoS includes assignment of 380 gpd plus another 440 gpd already available to 5 Concord Road (current Library) and, in return, payment of a PILOB of \$56,000 to the WWMDC from the BoS. Review of the Agreement prepared by Mark Lanza, Town Counsel, to transfer and relinquish to WWMDC 380 gpd of unused surplus design flow from Wayland Meadows LLC.

Fred and Rick: Review of the Agreement - The current owner is Wayland Meadows LLC and the prior owner was Wayland Meadows Development Inc.

Paragraph 4: Change the wording to say Wastewater (WW) receives the design flow and the Commission (Conservation Commission) receives the land.

Discuss with Mark Lanza to potentially remove dates at the bottom of page one and the top of page two.

Number 2a – Rick: What is the legal process to release the lien on the 380 gpd betterment, which is recorded in the Massachusetts Land data base? Sam: When the Town takes this the lien is removed. Municipal law does not allow us to resolve them of the lien. It remains with the property forever.

Number 2d – Rick the process whereby the Town will take the land is called eminent domain.

Sam: Town meeting does not have to be involved in this transaction. Signatures required on the agreement are from the Wastewater Management District Commission as the Town, the Conservation Commission and the Owner, Wayland Meadows LLC.

Sam: Wants an affirmative response that the BoS will pay the design flow. The design flow will be used for the running of the library building when needed. Fred: Will the Town pay the PILOB (paid in lieu of betterment) out of this year's budget and as a result it must be paid by fiscal year end (June 30, 2017). To be determined.

8:15 4 Joint meeting with Board of Selectmen on the same topic. BoS: Lea Anderson, Joe Nolan, Cherry Karlson, Mary Antes and Louis Jurist. Town Administrator: Nan Balmer.

Sam: WW will take back the 380 gpd from Wayland Meadows LLC. There is 820 gpd available which is the 380 gpd and 440 gpd from Woody Baston. The Conservation Commission will obtain the land, but the agreement does not obligate them to take it. The Conservation Commission is ready to sign the Agreement.

Balmer: Mark Lanza drew up the Agreement and he will finalize it. The Agreement will be shown to the new Conservation Commission Director, Linda Hansen for signature. Sam: WW's component of the Agreement is one small paragraph. He wants to know if the BoS is onboard with WW receiving the capacity to be held for the library building's future use and to pay the PILOB. Karlson: Is there documentation that Baston's has given back the capacity? Should a simple Memorandum of Agreement (MOA) be put together that says the Town is paying the PILOB for the 380 gpd? Balmer will oversee a simple MOA. Jurist: Do we need the MOA? It may open up more questions. Nolan: A simple MOA would be good, but he doesn't have a comment either way. Basically, WW is exchanging money for gpd. There should be a document or a vote by the Town memorializing the transaction.

The Town Meeting stated the PILOB as \$56,000, June's documents say \$53,600 for the PILOB and \$2,400 of administrative fees to be paid by the library as operating cost for owning the capacity for FY17. Karlson: What is the future years cost and is it in the library's budget? Fred: Future costs are not in the Library's budget for FY18 budget.

Karlson: How will the PILOB be used? Sam: our Retained Earnings account contains capital (PILOB's) and operating revenue. Rick: This money will be used to further pay off the bonds. Karlson: The WW Board has the assurance from the BoS that they will go through with this providing WW has, in writing, that the Woody Baston 440 gpd is available and the 380 gpd are available for purchase. A document should be created that clearly states the funds will be allocated as \$53,600 PILOB and \$2,400 (administrative fee/operating costs). Anderson: Would like to see a simple draft of what is going on. Karlson: this will come from Carolyn Murray, Wayland's new Town Counsel. Balmer will help to finalize the document with Mark in time for the January 3, 2017 BoS meeting and she will make sure this is on the Conservation Commission agenda.

8:35 5. The Commission will meet in the Planning Board Office to sign the agreement.

Rick: Board agreed and Fred will obtain something in writing that Woody has turned over the 440 gpd of capacity. Sam will work with Balmer to update the Agreement before Thursday's Conservation Commission meeting so it can be signed. Fred: WW will then sign the Agreement at their January 11, 2017 meeting.

8:40 6. Topics not reasonably anticipated by chair 48 hours in advance of the meeting, if any. None.

8:40 7. Calendar: upcoming meetings and events, including hearings. The next meeting will be January 11, 2017.

8:41 8. Public Comment – None

8:42 9. Adjourn