

**MINUTES OF THE
CAPE COD WATER PROTECTION COLLABORATIVE
Governing Board Committee
July 10, 2013**

A meeting of the Cape Cod Water Protection Collaborative was held in the Innovation Room of the Barnstable County Strategic Information Office on July 10, 2013 at 9:05 a.m.

Members:

Barnstable	Mark Ells	Present
Bourne	Linda Zuern	Present
Brewster	Sue Leven	Present
Chatham	Florence Seldin	Absent
Dennis	Paul McCormick	Absent
Eastham	Jane Crowley	Present
Falmouth	Vacant	Vacant
Harwich	Larry Ballantine	Present
Mashpee	Michael Richardson	Absent
Orleans	Sims McGrath	Absent
Provincetown	Elaine Anderson	Present
Sandwich	Linell Grundman	Present
Truro	Patricia Pajaron	Absent
Wellfleet	Curt Felix	Absent
Yarmouth	William Hinchey	Present
County Appointee	Sheila Lyons	Present
County Appointee	Augusta McKusick	Present
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Absent

Staff Present:

Andrew Gottlieb	Executive Director
Bob Ciolek	CCWPC Consultant
Gail Hanley	Cape Cod Commission
Patty Daley	Cape Cod Commission

1. Minutes of June 12, 2013

Elaine Anderson noted a correction on page 2, under the Town Report for Provincetown and said the second sentence should read "They are onto Phase 3, finishing construction and expansion of the treatment plant itself." Approval of the June 12, 2013 minutes with the noted correction by Ms. Anderson were moved and seconded. The motion passed 7-0 with 3 abstentions.

2. Town Reports

- **Town of Harwich** – Larry Ballantine: Had nothing to report.
- **County Appointee** – Sheila Lyons: Had nothing to report.
- **Town of Brewster** – Sue Leven: The town is continuing its work and has had presentations on alternatives with consultants. They are moving forward with additional research and they are having a 208 pre-planning meeting today. They are still looking for a member for the Comprehensive Water Planning Committee.
- **Town of Provincetown** – Elaine Anderson: They have a 208 pre-planning meeting coming up soon. She said they continue to move forward.

Chair Larry Ballantine asked Patty Daley to discuss and provide some background on the upcoming 208 Plan regional meetings.

Patty Daley, Deputy Director of the Cape Cod Commission, said the meetings on the 208 Plan would begin July 15-18 with the first meeting being held in the Outer Cape. She said they plan to hold four sub-regional meetings across the Cape. She said they are open meetings and invitations have been sent to municipal officials and stakeholders. She said the purpose of the meetings is to have a broad discussion about the Plan, what the Plan will and will not do, to gain some consensus by the participants about the goals of the Plan, to talk about the stakeholder process going forward, and to provide a broad introduction and explanation of the Plan. She said 14 sub-area level meetings will be held in August and then in September they will go back to the four sub-regional meetings.

Mr. Ballantine suggested that a second notice be sent as a reminder and to describe the purpose of the meetings a bit more. Ms. Lyons suggested that towns put the meeting notice on their local websites as it would help to get the word out to more people. Ms. Daley said this is the first meeting and the schedule is aggressive. She said at the first meeting they will have the schedule going forward and that will help to give people advance notice of the subsequent meetings. Ms. McKusick inquired about discussions between the 208 group and the Collaborative. Mr. Ballantine said they have had discussions and they will continue to do so.

- **County Appointee** – Augusta McKusick: They received a majority vote on three critical issues. The only thing that was approved was the money but they turned the plan down at Town Meeting. They had a good turnout at Town Meeting and more people attended than ever before but it was a very sad night.
- **Town of Bourne** – Linda Zuern: Said this is her first meeting. She said she has not been sworn in as a Bourne Selectman as yet but she was told she could attend today's meeting and refrain from voting. She said the Bourne Selectmen just made water quality one of their goals but they are very insistent on doing alternative methods. She said one of their goals is to look at shellfish farming and other alternatives such as that. She said the five members are unanimous on wastewater and water quality.

- **Town of Yarmouth** – Bill Hinchey: Yarmouth has nothing new to report.
- **Town of Barnstable** – Mark Ells: He and Dan Santos took Curt Felix up on his offer to take a tour around Wellfleet Harbor in regard to his oyster bed program. He said he was very impressed with what they are doing in Wellfleet

and it's worth taking the time to go on the tour. He said Mr. Felix and Mr. Santos plan to meet and look at some of the waterbodies in Barnstable and where in town they might want to do something like that. He said it's not the big picture solution but it's moving in the right direction.

• **Town of Eastham** – Jane Crowley: Both town water articles proposed by the Selectmen failed. The first article failed by 80 votes. They had record turnout at Town Meeting and said it was a very contentious meeting. The second article failed by 7 votes. They have an expanded landfill monitoring program ongoing since they have contaminated wells and they are exploring the overall extent and magnitude of that contamination. They are now looking at an area of approximately 300 homes and they are investigating all the well statistics and water quality. They have a pond remediation program in place for a second pond—Herring Pond was done last year and they have had good success in Herring Pond with the year of monitoring. She said Great Pond is scheduled for the Fall and the town is working with GHD and Ecologics to do that. She said that has been a positive thing in bringing everyone together. She said the Town is very divided and people should be prepared for that when moving forward with the 208 Plan.

• **Town of Sandwich** – Linell Grundman: They are on hold in Sandwich and though their Plan is done, it won't be presented to the Selectmen and Planning Board until September. They have entered into the grand experiment of public/private partnership where wastewater is concerned. They went into a contract to salvage South Sandwich Village formerly called the Golden Triangle. They have very clear cut benchmarks for the next six months and one of those benchmarks is directly related to building a wastewater facility and how big it will be and what land it will be on. She said South Sandwich is where the Town wants to do most of their development so that is key to that development.

3. Executive Director's Report

Andrew Gottlieb gave the following updates:

- Since they last met he has not received any additional appointments to the Technical Advisory Committee. The present members are only those who have participated in the past with only seven towns being represented. He said in response to the memo that was generated he believes they only received three additional members.
- The budget year ended and they have been very aggressive in managing the money. He has had discussions with Mark Zielinski and he found ways to roll encumbrances over particularly in the legal budget.
- There is a Court hearing on August 20th for the Conservation Law Foundation law suit to wade through competing motions and both sides seeking summary judgment both ways. He will keep members apprised if there is an active law suit going forward.
- He received a request from the Sunshine Committee in Orleans seeking information about the County's role in fertilizer regulation. His response was that a County-wide, through the Cape Cod Commission's authority, nutrient bylaw is being worked on that can be adopted by towns and any individuals or groups who wish to comment can provide their input during the comment process.

Ms. Zuern inquired about the Technical Advisory Group. Mr. Gottlieb said the group is used for a variety of things but as it relates to the 208 process the primary task is to help evaluate a matrix of alternative wastewater control technologies and to give broad-based technical review of those technologies and it particularly gives towns a direct line into that conversation. He said typically what he has seen has been town technical staff involved but anyone who is interested can participate in the group as there are no requirements or standards. He said towns can choose whomever they would like to participate.

- Mr. Gottlieb said typically the CCWPC Governing Board Committee does not meet during the month of August and he asked board members if they wished to meet in August. It was agreed that the CCWPC Governing Board Committee would not be meeting in August.

Ms. Anderson said at their Board meeting in Provincetown they talked about using non-toxic fertilizer application to treat all municipal lawns. She said they hope it will lead the way for the rest of the community.

4. Reorganization

Mr. Gottlieb said it's the time of the year when the Governing Board elects a Chair and Vice-chair and appointees to the Steering Committee. He said by ordinance on the Steering Committee the two County representatives—Sheila Lyons and Augusta McKusick—are automatically appointees on the Steering Committee as is the Chair—Larry Ballantine. He said two other appointees are needed for the Steering Committee. The following nominations/elections were made by the Governing Board:

- **Nomination/Election of Governing Board Chair:** A motion was moved and seconded to nominate Larry Ballantine as Chair. A vote called on the motion passed with a unanimous vote.
- **Nomination/Election of Governing Board Vice-chair:** A motion was moved and seconded to nominate Linell Grundman as Vice-chair. A vote called on the motion passed with a unanimous vote.
- **Nomination/Election of Steering Committee Appointee:** A motion was moved and seconded to appoint Bill Hinchey to the Steering Committee. A vote called on the motion passed with a unanimous vote.
- **Nomination/Election of Steering Committee Appointee:** A motion was moved and seconded to appoint Jane Crowley to the Steering Committee. A vote called on the motion passed with a unanimous vote.

5. Financial Options Discussion—continuation of the discussion at the June 12, 2013 CCWPC meeting

Bob Ciolek, CCWPC consultant, commended the group for the discussion at the June 12, 2013 meeting. He said it was a good discussion and he felt everyone got into the conversation. He said since the last meeting he received two emails and was asked to address questions not on the list regarding shared watersheds and how to apportion costs to be paid when a lot of money is spent for some people and less for others. Members discussed:

- When a draft CWMP goes through different phases and the entire town is not sewerred, how do towns deal with that.
- When looking at benefit costs they should be shared with everyone; if a plan is affordable it will pass; its better received if a general benefit is shown rather than a specific benefit; pay according to use rather than betterment; sewerred and composting toilets--is it equitable to pay for a composting toilet for oneself and also for others on sewer system; communities would determine how to allocate costs; composting toilets versus Title 5—the science on that has not been confirmed.
- Patty Daley, Deputy Director of the Cape Cod Commission, said gray water still enters into the system so we are still getting some nitrogen into the system with alternative technologies. She said the Cape Cod Commission is agnostic about what technologies are used. She said it's up to communities as to what they use as long as it gets nitrogen out of the system.
- The concept of paying for pumping septic systems—when half the town is being sewerred pay for pumping septic systems for others not sewerred.
- Discussion on local financial initiatives—enterprise fund and overhead fund; tax dollars or betterment; those who use it pay for it; vacuum system and pumping systems and how to share that; tax rate versus incorporating cost into a utility bill.
- When communities work together to the extent of a community using assets of another community and how to reimburse the hosting community; whatever is ethically acceptable for the hosting community to charge; best avoided by having a regional approach; how to divide up the costs for 15 towns—every town

has different costs and different structures; if there is consensus to a regional approach it would be resolved as a policy issue up front; asset base gets transferred to regional entity; having three different rates in one town; concern about loss of freedom in towns with regionalization; regionalization helps towns with bigger issues that can't be done independently; make an option available for towns to opt in if they choose to regionalize; regionalization is about the economy and trust--people will pay if it's affordable; outreach can be a key to educating people.

Mr. Ciolek said the focus for the September meeting will be on affordability, non-program connection system, and Federal and State funding.

6. Section 208 Planning Process Update

Patty Daley, Deputy Director of the Cape Cod Commission, provided an update on the 208 Plan earlier in the meeting.

6. Adjourn

Upon a request by Mr. Ballantine, a motion to adjourn at 10:45 a.m. was moved and seconded. The motion was unanimously approved.