

**MINUTES OF THE  
CAPE COD WATER PROTECTION COLLABORATIVE  
Governing Board Committee  
September 11, 2013**

A meeting of the Cape Cod Water Protection Collaborative was held in the Innovation Room of the Barnstable County Strategic Information Office on September 11, 2013 at 9:00 a.m.

**Members:**

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

**Staff Present:**

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

**1. Minutes of July 10, 2013**

Sue Leven noted a misspelling of Bob Ciolek's name on page 1. A motion to approve the minutes of July 10, 2013 with the noted correction by Ms. Leven was moved and seconded. The motion passed 10-0 with two abstentions.

**2. Town Reports**

• **Town of Eastham** – Jane Crowley: There has been success in the Herring Pond restoration and following that success they received appropriation to work on Great Pond that is slated for this fall. There are ongoing discussions about the town water article and they are still in the investigative stage regarding their landfill. They have hired a new consultant. They are going to regroup and focus more on the problem and solutions to critical

exposure pathways and impacted homes in that area. They have been working with individuals at DEP to integrate reporting as it goes forward to avoid any redundancy. Their one –year anniversary for detecting release from the landfill is coming up in November. They have benchmarks that are slated to comply with remediation and they are working on a few different scenarios.

- **Town of Brewster** – Sue Leven: They are moving into Phase 3B. They have started discussions with adjoining towns. They have met with Harwich, they have had a conversation with George Meservey in Orleans, and they are waiting to see how that plays out in regard to regional cooperation. They have a full committee for the first time in several months including a new member who works in wastewater. They continue to move forward.

- **Town of Truro** – Patricia Pajaron: Had nothing new to report. They continue with nitrate sampling in private wells.

- **Town of Barnstable** – Mark Ells: Had nothing specific to report. He asked Paul Niedzwiecki about the Cape-wide Fertilizer Management DCPC deadline. He said Barnstable is looking at this through the Board of Health but no one is ready at this point to take action. He asked about the timing and what might be expected from communities.

Paul Niedzwiecki, Executive Director of the Cape Cod Commission, said the discussion started last year when the Commonwealth passed a general law that basically said that the state was going to produce regulations that would supersede town regulations. He said Falmouth has been working on it for 2 1/2 years and Orleans has been working on a program as well and they approached the Commission when they thought they might be impacted by this. He said that has changed and now both Falmouth and Orleans are exempt but the Commission had already started the DCPC process. He said the Commission has been working on a fast track as the deadline to get an ordinance in place for towns is the end of the calendar year. He said they started the DCPC process because there are 13 towns on the Cape that would lose the ability to have any fertilizer management plans at all. He said it would be before the Assembly's standing committee this afternoon and if accepted by the standing committee, it will be before the full Assembly next week. He said if the DCPC is designated, the Commission will put together a model bylaw and give towns the option to adopt it or not. He said this would eliminate having 15 different regulations and they would have a fertilizer management ordinance that is on record. He said if a town doesn't want to opt in they can just say no but if they take no action, then the DCPC goes away in that town. He said the DCPC process is about local control at this point. He said there is a lot of misinformation out there about the DCPC. He said if it doesn't happen it only disadvantages the towns and this is the time for towns to have a voice. Mark Ells asked when towns should comment and Mr. Niedzwiecki said towns can comment at any point in the process.

- **Town of Orleans** – Sims McGrath: Mr. McGrath introduced the town's newest Selectman Alan McClennen. He said the town took two passes at getting wastewater funding this year at their annual Town Meeting and at a special Town Meeting in June. He said neither of which rose to the two-thirds requirement so the selectmen are taking a step back to assess what additional information voters need to make an informed choice and how they can use more information to present a better funding proposal for whatever path seems to be appropriate. The town is working on its CWMP and since it's an approved DRI, they are trying to work within the bounds of that and are working towards presenting something at Town Meeting that is going to be approvable.

- **Ex-officio Member** – Paul Niedzwiecki: Mr. Niedzwiecki gave an update on the 208 Plan. The stakeholder meetings begin next week and they will be held in September, October, and December. He described the focus of the meetings and said there will be 15-20 people in each of the stakeholder groups and there are open seats in

each of the groups. He said there will be three meetings in each of the 11 groups. He said two weeks ago they had their second round of four sub-regional meetings on Finance and Affordability. He said the sub-regional meetings were constructed more as workshops. He said the stakeholder groups are still looking for participants if anyone knows of any individuals who may be interested in participating. They completed their first Community PlanIt game and had 140 people engaged in the game. They will be starting the second Community PlanIt game in October. He said they are working on ways to communicate this message more effectively and they have been working with Mr. Ballantine and a group from Harwich to help pilot that town.

Sue Leven said Brewster has stake in five meetings and it will be a challenge to get 15-20 people. Chair Larry Ballantine asked Mr. Niedzwiecki to write a short memo describing the process he just spoke about as there is still some confusion about this. Mr. Niedzwiecki said he would provide a one-page update and a schedule of the stakeholder meetings and send it to town administrators and selectmen. Florence Seldin said it would be good to let selectmen know if attendance in their town is poor so that they can help with that. Mr. Niedzwiecki said there are some vacancies in Chatham. Linda Zuern said in the upper Cape she would like to see a later meeting time to accommodate people who work and to hold a meeting in Bourne. Mr. Ballantine said he's happy Harwich is working with the Commission on outreach.

- **Town of Bourne** – Linda Zuern: Had nothing to report.
  
- **Town of Provincetown** – Elaine Anderson: They have started the second phase of the Commercial Street water management and paving project that started last year. She said the business section was done. There are two other phases—the West End that started this week and the East End next year. David Guertin, the Director of the DPW, has submitted his desire to retire as of November 1st. She said he has done an amazing amount of work during his tenure and he is leaving his department in good hands.
  
- **Town of Wellfleet** – Curt Felix: The town has a draft MOU that they are working on with Truro and Eastham regarding cooperative watershed opportunities. They are proceeding ahead with the composting toilet project that was approved at Town Meeting and they are having some success in their watershed specific type approach. They have had tremendous success this summer with their water quality monitoring and oyster bed project. He doesn't have any data yet to report to the Board and said it would probably be available in October. He said they have seen an enormous increase in productivity in the visual signs of water quality and the spawning rates are incredible. They are trying to complete their CWMP and they are at the point of doing their analysis of options.
  
- **Town of Chatham** – Florence Seldin: The \$15 million for the next phase of wastewater passed. They are trying to move ahead in working with Harwich and the town has been working with an attorney on process and their options going forward with another town. The town had three major projects that hit the tax rate and the town's debt is high. They are now faced with the problem of how to manage the Finance Committee, summer residents that represent 67% of their homeowners, and how to manage strict operational control over expenditures. She said it impacts the town. She said the high point of the debt would be 2017 and then it will start to drop off.
  
- **County Appointee** – Sheila Lyons: Had nothing to report.
  
- **Town of Harwich** – Larry Ballantine: Harwich is happy to be working on outreach with the Commission. The Wastewater Implementation Committee has been working on a lot of different issues. There are a lot of ideas out there and they will either be accepted or rejected.

• **Town of Sandwich** – Linell Grundman: Their CWMP is almost nearly complete. They are waiting to hear from MEPA on two reports for Sandwich Harbor and Scorton Creek. They have a very strong draft plan but they have put it on hold to see how the 208 Plan plays out.

Chair Larry Ballantine said Mr. Gottlieb informed him a few days ago that Gussie McKusick had resigned as the CCWPC County Appointee. He read a letter drafted by Mr. Gottlieb from the Board to Ms. McKusick acknowledging her contributions to the Board during her tenure and asked Board members for their approval. Sims McGrath moved to approve the letter. Sue Leven seconded the motion. The motion passed with a unanimous vote.

### 3. Executive Director's Report

Andrew Gottlieb gave the following update:

- He attended a joint meeting of the Eastham and Orleans Boards of Selectmen (BOS). He said Eastham did not have a quorum for the Eastham portion but he did discuss with Orleans the proposal for reclassification of boat basins. He said what he left with the Orleans BOS was that he would proceed in the development of a scope of what analysis would be needed to achieve that outcome and develop a timeline and schedule for action for the two boards to consider. He said it was voted on by the Orleans BOS and Eastham would take it up when they have a quorum.
- He said the Technical Advisory Committee has met twice and the process has worked well in terms of them providing input on the alternative approaches that are being discussed. He said he would provide them with the last iteration of fact sheets describing each of the technologies and approaches for their final approval by the end of the month before the stakeholder meetings.
- He spoke briefly about the information by the Executive Court regarding the Conservation Law Foundation and Buzzards Bay Coalition law suit against the U.S. EPA. He said the TMDL lawsuit was dismissed on standing.
- He gave an update on the 208 standing and SRF program and funds.

### 4. Continuation of Finance Discussion from Prior CCWPC Meetings

Bob Ciolek, CCWPC consultant, gave a recap on what has been discussed previously and the reason for this agenda item. He said today the discussion would focus on: 1) education—his observation is that most people on Cape Cod do not understand the issue and what to do; 2) non-program related homeowner cost; 3) affordability; and 4) what can Cape towns do individually or collectively to more aggressively shake the money tree.

#### Education

Mr. Ciolek asked what are communities doing about how to pay the bill. Members discussed:

- Harwich's CWMP and the town's public meetings—not capturing all the people; the town is putting together another brochure.
- can't get the people they want to talk to in a room; trying to convince town moderator to have 15 minutes at Town Meeting to talk about this; they need to speak in a way that everyone can understand; they don't need to know the science but they do need to know the benefits and what happens if nothing happens; need to educate people about what they do on their property has an impact.
- need to educate people from scratch; there is always a new population that needs to be educated; Board of Selectmen meetings are televised and watched by many people so it's a good vehicle to use to educate people; education is a continuous process; when money is discussed those who haven't participated previously say it's not accurate; need a total commitment to educating individuals; when talking about affordability it changes; two towns that share watersheds point the finger at each other; suggestion of

having an infomercial at the start of Town Meetings; those in favor don't create the same firestorm as those opposed.

Mr. Ciolek said the Cape Cod Commission has an interactive PowerPoint slide presentation on Affordability that could be used by towns. He said communities need to talk more about the cost of doing nothing.

#### **Non-program Related Homeowner Cost**

Members discussed:

- connection costs; the cost for a community to patch a road that has been cut into; private roads should be treated the same as public ways; encourage neighborhoods to get together to negotiate costs with engineers; perhaps County could reduce percentage to 0%; low to middle income people can't afford high cost of sewerage; \$6 million DEP project that was approved just stated the facts—put facts before the people.
- Orleans CWMP is markedly robust, detailed and flexible—town failed in educating people on that; the public hasn't been informed how detailed it is; need to provide information on per foot cost and affordability; skip betterment and just talk about the cost.
- whenever comprehensive goes before Town Meeting people just glaze over—should break it down and discuss timelines, benefits, etc.; it's emotionally hard for people to believe it.

#### **Affordability**

Mr. Ciolek asked how much is too much; how much is affordable. Members discussed:

- those who are on sewer pay approximately \$400/year and others pay nothing; cost in Massachusetts could range from \$400-\$1400/year;
- homeowners who have to replace their septic systems average \$1,000/year over the life of the replacement; people who live on Cape Cod are not used to paying for it so when asked what's affordable the answer would be No.

Chair Larry Ballantine invited Mr. Ciolek to come to the next CCWPC meeting to continue the discussion.

#### **5. Presentation and Discussion with Ed Leonard**

Ed Leonard, P.E. with Wright-Pierce, gave a PowerPoint slide presentation on *Tackling Collaboration Challenges to Address Nitrogen Loading in Shared Watersheds* that he presented at the Cape Coastal Conference. He outlined and provided a brief overview on the current situation, existing framework, challenges to collaboration, and benefits of collaboration. Mr. Leonard's PowerPoint slide presentation is an attachment to the minutes.

#### **6. Discussion of Possible Supplemental Appropriation for Water Quality Monitoring**

Andrew Gottlieb said there appears to be an opportunity for additional funds that rolled over last year to be used for water quality monitoring. He said the County is considering making funding available to engage, through the Collaborative, a third party to conduct a comprehensive water quality monitoring program in Nantucket Sound. He said it's proposed that the Collaborative vote to solicit bids, based upon additional funding being made available by the County, to establish a program to provide baseline data on nutrients, water temperature, salinity, dissolved oxygen concentrations, chlorophyll and turbidity for the waters of Nantucket Sound. He said this information will be instrumental to future wastewater planning initiatives and it will give state agencies, the County and towns the ability to identify and address problems with cost effective solutions before conditions worsen. He said it is recommended that the Board vote to inform the Commissioners of its desire to fund and support such a program and to authorize the Executive Director to develop an RFP seeking qualified bidders to do the work and authorize

the Steering Committee to review the bids and recommend the most advantageous proposal to the County Commissioners.

Curt Felix suggested using the Center for Coastal Studies. Sheila Lyons said an RFP for work to be done through June 30, 2014 will be sent out.

Linell Grundman moved to authorize the CCWPC Executive Director, Andrew Gottlieb, to recommend to the County Commissioners on behalf of the CCWPC Governing Board that funds be appropriated to conduct a comprehensive water quality monitoring program in Nantucket Sound and that the CCWPC Executive Director seek qualified bidders to accomplish the monitoring program with review by the Executive/Steering Committee of the CCWPC. Florence Seldin seconded the motion.

Linda Zuern said she would be in favor of getting data collection and research but not if it's about outreaching. Andrew Gottlieb said it would involve just data collection.

A vote called on the motion passed with a unanimous vote by the Board.

## **7. Adjourn**

Upon a request by Mr. Ballantine, a motion to adjourn at 11:15 a.m. was moved and seconded. The motion was unanimously approved.