

**MINUTES OF THE
CAPE COD WATER PROTECTION COLLABORATIVE
Governing Board Committee
June 12, 2013**

A meeting of the Cape Cod Water Protection Collaborative was held in the Innovation Room of the Barnstable County Strategic Information Office on June 12, 2013 at 9:00 a.m.

Members:

Barnstable	Mark Ells	Absent
Bourne	Vacant	Vacant
Brewster	Sue Leven	Present
Chatham	Florence Seldin	Present
Dennis	Paul McCormick	Absent
Eastham	Jane Crowley	Absent
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	Present
County Appointee	Sheila Lyons	Present
County Appointee	Augusta McKusick	Present
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Present

Staff Present:

Andrew Gottlieb	Executive Director
Gail Hanley	Cape Cod Commission
Bob Ciolek	CCWPC Consultant
Erin Jackson	Cape Cod Commission
Patty Daley	Cape Cod Commission
Mary Pat Flynn	County Commissioner

1. Minutes of April 25, 2013

Sims McGrath referred to page 4, item 7 Update of 208 Plan Development, and said a word is missing in the beginning of the fifth sentence after "He". Mr. Gottlieb said the word "said" should be inserted after "He." Mr. McGrath moved the minutes as amended. Florence Seldin seconded the motion. The motion passed 11-0-0.

2. Town Reports

- **Town of Brewster** – Sue Leven: Brewster has been working on alternatives with Horsley Witten. The Wastewater Committee is looking for members. They are losing Pat Hughes, newly elected Selectman. Joanne Hughes is not seeking reappointment. She said she believes one of the seats has been filled and there is still one open if board members know of anyone in Brewster who may be interested in getting involved.
- **Town of Provincetown** – Elaine Anderson: She said it's nice to be back and they are doing fine in Provincetown. They are onto Phase 3, finishing construction and expansion of the treatment plant itself. Some parts of the town that they thought would not be able to have hookup and would like to may now be possible. The cost effect is how far they would have to take the pipeline.
- **Town of Wellfleet** – Curt Felix: Raised a point regarding member reports and asked if somewhere within the structure that perhaps more topical issues be addressed that might be of interest to the members that would be more detailed than just a summary. It could be used for information but could also help other towns working on that particular issue as many interesting topics come up that may be helpful. Mr. Ballantine said they would follow up on that. Wellfleet is continuing with its CWMP. They have made a lot of progress and are beginning to develop their alternative analysis and ultimately work on the final plan over the next several months. The town has recently started putting down culch in the harbor to establish larger oyster populations in the harbor linked with an estuary that is contingent to that area. It's the spawning time of the year and the town is doing that now and he will be providing a report on that within the next month or so.
- **Town of Chatham** - Florence Seldin: Chatham had its Town Meeting and they are rescinding \$18 million on wastewater and asking for \$15 million. It passed Town Meeting with minimal opposition. It's an important next phase because it's the Oyster Pond area that required 100% removal of nitrogen. With regard to the Muddy Creek project—that is being worked on with Harwich to try to widen the culvert—the engineering costs came in higher and it may have to be re-voted to ask for additional money. Chatham is just beginning the process of working with Harwich on its CWMP.
- **County Appointee** – Augusta McKusick: Ms. McKusick said Sims McGrath, the newly elected Chairman of the Orleans Board of Selectmen, would provide a report as the Orleans Representative.
- **Town of Orleans** – Sims McGrath: Town Meeting did not pass their Phase 1A and said it missed by a “whisker” over six-tenths of one percent. It did pass at the ballot so they are having a special town meeting on June 27. He said a report will follow.
- **Town of Yarmouth** – Bill Hinchey: Introduced himself as the Town Administrator in Yarmouth who is replacing George Allaire. He said Town Meeting defeated a wastewater plan about year ago and no action has been taken since that time.
- **Town of Truro** – Pat Pajaron: The town has started their nitrate sampling after a year break as they were working on Phase I of their plan. They are on the third cycle of sampling the entire town. Next week they would be starting their public education process on the results of Phase 1 and they would be looking at August or September for working on Phase 2.

- **Town of Sandwich** – Linell Grundman: The town has yet to review their CWMP and alternative analysis. She said they have a draft but it's more of a timing issue. They chose a plan that has three options per watershed. She said once it's released, they will start with public outreach.

- **Town of Harwich** – Larry Ballantine: Harwich is working with Chatham on the Muddy Creek project. They are in the early stages so they continue with discussions. There has been goodwill on both sides and they have had good discussions. The town is searching for answers on how to sewer Monomoy High School. They have had discussions with DEP and said it's more of a process issue otherwise they are moving ahead.

- **County Appointee** – Sheila Lyons: Had nothing to report.

County Commissioner Mary Pat Flynn introduced Rebecca Moffitt, a new Falmouth Selectman, and said she may be interested in joining the Collaborative. She said since the Commissioners were meeting this morning she invited Ms. Moffitt to come to today's CCWPC meeting. She said in Falmouth on the ballot \$9 million passed for the design of the water filtration plant as well as funding for sewerage of Little Pond. She said she believes it's important to have a Falmouth Selectman be a member of the board. Florence Seldin asked if Falmouth had an approved WMP. Ms. Flynn said Falmouth does not have an approved plan but it's in the process. She said it's being reviewed by the state and the Commission.

Sims McGrath asked if there were any updates on the legislation for the fertilizer bylaws. He said Falmouth and Orleans may have an interest on how that plays out. Andrew Gottlieb said there was a piece in the Senate budget that dealt with moving it back up. He said the state legislation on fertilizer regulations ruled by the Attorney General pre-empted local action retroactively several months ago. He said the local bylaw that was considered by town meeting was rejected by the Attorney General. There was inclusion of a rider on the Senate budget that extended the date by which a town could have acted. He said it's in conference. He said to the extent that it's a fix, it's one-time only. Sue Leven inquired about the Cape Cod Commission writing something for Cape Cod. Paul Niedzwiecki, Executive Director of the Cape Cod Commission (CCC), said the CCC has been in consultation with counsel and if they were to do a Cape-wide DCPC that allowed the towns to opt in and offer their locally passed legislation as part of a DCPC and implementation thereof, then it would get over the hump of the Attorney General's major issue. He said the date has been extended and there will be action from the CCC in a few weeks. He said it would be completely voluntary by towns. He said there may be a one-day moratorium and then the towns could opt in after that. Sims McGrath said his colleagues in Orleans have emphasized the importance of this being a County-wide effort and he is pleased this is coming along.

3. Executive Director's Report

Andrew Gottlieb gave the following updates:

- He met with the Orleans Board of Selectmen regarding Rock Harbor and had a good discussion.
- He, Paul Niedzwiecki and Larry Ballantine attended a County Commissioners meeting last week and provided an update and discussed how to focus CCWMP activities. He said they had a lengthy and detailed conversation.
- He discussed accounting for municipal service time to each of the communities and additional expenses.
- The CCWPC website is being redesigned by Commission staff Nancy Hossfeld and David Still and would be available in the near future.

4. Discussion on Policy Options to Govern Disbursements of Expected Financial Assistance

Bob Ciolek, CCWPC consultant, presented the following key points for discussion by the board over the next several meetings after which recommendations would be taken to the County Commissioners:

- Allocating costs within a community.
- Allocating costs among communities.
- Local financial initiatives.
- Obstacles to town wastewater program.
- Educating and involving the public.
- Regional, state and federal financial initiatives.

Board members discussed how costs could potentially be allocated within their communities and among communities for shared watersheds, the need to look at critical areas, areas that have and have not been sewered, increased property values and how external forces could cost towns money on litigation. They discussed revenues from local taxes and betterments and how costs could be divided up among multi-communities, regulatory enforcement, how the 208 process could be the policy foundation and how communities may choose to do it on their own. The members discussed municipal joint planning and financing and inquired about models for joint financing from other areas of the country that might be available.

Larry Ballantine said today was the start of the discussion and the board would continue the discussion over the next several meetings.

5. Section 208 Planning Process Update and Discussion

Paul Niedzwiecki, Executive Director of the Cape Cod Commission, addressed the CCWPC members and provided an update on the status of the Section 208 Area-wide Water Quality Management Plan with the use of PowerPoint slides. He said they have contracted with Offshoots Productive Landscapes, Inc. and Engagement Game Lab at Emerson College. Proposals have been received for technical assistance in the areas of engineering services, communications and outreach, facilitation, and web-based public education. He provided an overview of recent highlights and milestones for the Regulatory, Legal and Institutional Work Group and Advisory Board. He described the types of tools and technology that will be used such as Community PlanIt, a game to engage stakeholders and the public in the watershed planning process. He said the Advisory Board would be meeting on June 18 to discuss a mission statement, the 208 work plan, and ad hoc committees to the Advisory Board. He outlined the tentative schedule of upcoming workshops and discussed implementation of the watershed-based approach. Mr. Niedzwiecki said the next steps are to take the discussion back to the Boards of Selectmen to let them know that the process is moving forward, to launch Community PlanIt, contract with consultants, finalize watershed template methodology, and convene sub-regional stakeholder groups for Workshop 1. Mr. Niedzwiecki entertained questions from the Board.

6. Adjourn

Upon a request by Mr. Ballantine, a motion to adjourn at 11:10 a.m. was moved and seconded. The motion was unanimously approved.