

**MINUTES OF THE
CAPE COD WATER PROTECTION COLLABORATIVE
Governing Board Committee
May 13, 2015**

A meeting of the Cape Cod Water Protection Collaborative was held on May 13, 2015 at 9:00 a.m. in the Innovation Room of the Barnstable County Strategic Information Office in Barnstable, MA.

Members:

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

Staff Present:

Andrew Gottlieb	Executive Director <i>(left meeting at 9:35 a.m.)</i>
Gail Hanley	Cape Cod Commission
Patty Daley	Cape Cod Commission

Chair Larry Ballantine noted that there would be a change in the order of agenda items taken up as Executive Director Andrew Gottlieb had to leave early to attend another meeting. The agenda items were taken up as follows.

7. Discussion and Response to Recent Open Meeting Law Violation Complaint

Executive Director Andrew Gottlieb distributed to Board members a written response of the Cape Cod Water Protection Collaborative (CCWPC) in regard to the recent Open Meeting Law Violation complaint. He said the complaint that was emailed to the Governing Board and Mr. Gottlieb on April 30, 2015 states that the CCWPC agenda for its meeting dated April 29, 2015 violated the Open Meeting Law because the list of topics to be discussed on said meeting agenda fails to contain sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. The Governing Board reviewed the complaint's allegations and Mr. Gottlieb discussed the proposed response for each of the items raised in the complaint, specifically, items #2 208 Area-wide Water Quality Management Update, #3 Report on Atmospheric

Deposition study by MBL, #5 Budget Report, #6 Municipal Services Approval Report, and #7 Member Reports. He also noted those agenda items that were not contested.

Linda Zuern questioned whether the Board could still meet without a quorum present. Sue Leven said a Board could have a general discussion with no deliberation—as long as a Board did not deliberate they could continue a meeting with a general discussion and Mr. Gottlieb agreed. Chair Larry Ballantine asked that Mr. Gottlieb look into the question if no quorum can they still meet. Mr. Gottlieb said CCWPC is an advisory board and said he would check with the Attorney General’s office regarding an advisory board meeting without a quorum.

Sims McGrath moved that the response as presented is sufficient and the Governing Board authorize the Executive Director to submit the response on behalf of the Governing Board. Jane Crowley seconded the motion. The Board unanimously approved the motion with 10 votes in favor.

6. Presentation of Recent Municipal Support Awards

Mr. Gottlieb said over the last few months three requests for municipal support were made and awarded:

1. A request by the Town of Sandwich for support in regard to joint financing agreements and what options would be available. Mr. Gottlieb said he approved the request.
2. Two requests by the Town of Falmouth: support for the final year of multi-year monitoring of aquaculture in Little Pond; and support for groundwater PRBs in regard to area/location for placement of PRBs.
3. A request from the Wellfleet Conservation Commission regarding permitting for culching.

Curt Felix said in regard to Wellfleet’s request he believes it’s unnecessary and they should get a jurisdictional determination from the DEP. He said this is a historic shellfish-mapped area and there are no impacts. He said it’s inappropriate because it’s not always certain where the shells should go, this is shellfish habitat, and they should be able to get a jurisdictional determination.

Mr. Gottlieb said there may be one or 4 more requests. He said potentially Barnstable, Falmouth, Chatham and Provincetown may contract individually and request support. He said that would not be happening in this fiscal year and would happen possibly in the next fiscal year.

5. Presentation of the Final FY16 Budget

Mr. Gottlieb said the FY16 budget was approved at the Assembly of Delegates as presented. He said the question was whether to advance the monitoring program. He said it’s in place and he will let the Board know if it’s approved.

1. Minutes of March 11, 2015 and April 29, 2015

Florence Seldin moved to approve the minutes of April 29, 2015. Sims McGrath seconded the motion. The motion passed with 6 votes in favor and four abstentions.

Florence Seldin moved to approve the minutes of March 11, 2015. Lindsey Counsell seconded the motion. The motion passed with 7 votes in favor and three abstentions.

2. Report and Summary of most recent 208 Area-wide Water Quality Management Plan working meetings held the week of May 4, 2015

Board members discussed their attendance at the 208 meetings. Patty Daley, Deputy Director at the Cape Cod Commission, said the Board members provided good summaries of the second round of meetings that they attended. Ms. Daley said at the recent Summit that Governor Baker attended he confirmed that the State would submit the 208 Plan to

the Environmental Protection Agency (EPA) by June 15. She said the meetings are going very well and they are receiving good questions. She said by June 1st Wastewater Management Agency (WMA) designations will be submitted to the Department of Environmental Protection (DEP), the DEP will turn the Plan around and submit it to the EPA by June 15, and the EPA will approve the Plan by September 15. Ms. Daley said there will be another round of meetings in June with Legal Counsel regarding town documents and in the next 10 to 15 months they will begin working with towns.

Board members inquired about what happens with the Conservation Law Foundation (CLF) after the Plan is submitted to the EPA on September 15. Patty Daley said the case is stayed until September 15 when the court will take EPA's submission and make a determination. She said the judge may stay involved. Curt Felix asked if WMAs need to go through a formal process. Patty Daley said they would not; the Commission will submit designations of WMAs. Sims McGrath said his understanding is that it would be a regulatory designation. Florence Seldin concurred with Mr. McGrath. Ms. Daley said should provide clarification at the next CCWPC meeting. Mr. McGrath asked that the 208 meeting notices be emailed to CCWPC Board members. Ms. Daley said the Commission would send meeting notices and a reminder to Board members.

3. Report on Town Affairs by Governing Board Members

- **Town of Harwich** – Larry Ballantine: They had a Town Meeting one week ago at which four wastewater articles passed; they are in the final stages of getting all their permits; construction is likely to begin in the Fall and end in the Spring.
- **Town of Orleans** – Sims McGrath: They had three articles on their Special Town Meeting warrant that were related to water quality; it will help to answer questions on financing a collection treatment system, it will help them prioritize which sections of the village center the system should capture and it will also satisfy the requirement to qualify for zero percent financing; they were all supported by a sufficient margin. At the annual Town Meeting they had \$1 million for continued engineering studies and reviews relative to water quality issues. A third article was for \$50,000 to study the potential for dredging in Town Cove and the Nauset Inlet; much of the work has already been done.
- **County Appointee** – Lindsey Counsell: Three Bays Preservation has given Barnstable three grants; they are working on developing an aquaculture program; they have been investigating alternative technologies; they have been given a grant that will allow students from Tufts University who are working with Scott Horsley to come in and evaluate some of these alternatives, prioritize and see what work has been done and determine what needs to be done going forward; the Mill Pond dredging project has been on hold for a number of years; they are beginning to look at PRBs and will be looking to Falmouth regarding locations of PRBs; he said the other work going on is the drainage project in Barnstable Harbor and he asked Dale Saad to provide an update.

Dale Saad, Barnstable Health Department, provided an update on the status of the drainage project in Barnstable Harbor. She said stone has been put down, they are putting in wetland soils for the plants and there are 24 inch pipes there. The project is unique, contaminants will be flushed into the plant area, it goes back into the pipe and back into the harbor. He said the next step will be filling in and planting. She said it will be monitored but it has to be established before monitoring begins. She said they are trying to make the project educational to the public, they are taking videos on the process and said USEPA is doing the filming.

- **Town of Brewster** – Sue Leven: Ms. Leven said she attended an event at the Resort Center that focused on a Sanitary Toileting System—Toilet Loop System for undeveloped countries that is being done by Kohler and Cal Tech. She said it's currently being tested in India and China. She said it's a fascinating system that keeps everything in a closed loop and eliminates contaminants from being released. She said they talked about applications at the National Seashore. She said Brewster signed a contract for the next round of work for implementation and monitoring; they received a DLTA grant to look at shellfish propagation; PRBs are on hold until they get more information on it.

Florence Seldin referred to the Toilet Loop System and said it sounds expensive for undeveloped countries. Ms. Leven said not really but they haven't determined the cost yet as it's still in development and being tested.

- **Town of Falmouth** – Rebecca Moffitt: At Town Meeting one article was that all sewerage in the Maravista area should be stopped; there was a lot of discussion on the petition but when a vote was taken no one voted for it. Another petition was that the widening of Bourne's Pond should not happen and again when a vote was taken no one voted for it. Ms. Moffitt said the point is that Town Meeting does work. Falmouth received grant money from the Mass Clean Water Trust for their wastewater treatment plant and there has been no opposition to the wastewater treatment plant.

- **Town of Chatham** – Florence Seldin: Chatham has finished with Town Meeting and there was nothing on wastewater therefore they are proceeding as they should; there has been discussion in Chatham regarding the Ryder's Cove parking situation.

- **County Appointee** – Linell Grundman: Nothing to report at Sandwich Town Meeting; they are ready to go public with their plan and she is anxious to get the CWMP out to the public; the 208 update process is going well and she commends the Cape Cod Commission for their efforts.

- **Town of Wellfleet** – Curt Felix: Dredging is moving forward; they had a two-night Town Meeting; they hope to have their CWMP finalized this summer.

- **Town of Bourne** – Linda Zuern: The wastewater advisory committee has been pushing for a treatment plant in town; Wareham is looking to expand and Bourne will be talking to Wareham about that; they spoke to a consultant regarding a small treatment plan for Buzzards Bay and next week they will be meeting with Tom Guerino and the Buzzards Bay Coalition regarding a smaller treatment plant; a smaller plant would allow water to flow toward the canal and not Buzzards Bay; they are looking forward to the 208 Plan.

- **Town of Eastham** – Jane Crowley: Town Meeting went flawlessly; they are going ahead with the first phase; they had a ground-breaking for the water storage tank; permitting is in place and they have a fast-tracked first phase with construction of water delivery by December 2016; this clears the way to start engaging in wastewater planning; Eastham has been engaged in 208 meetings; they will be meeting with the Commission and are working with GHD; they had support on the floor at Town Meeting for wastewater and ponds.

4. Report of the Executive Director — This item was not discussed.

8. Adjourn

The meeting adjourned at 10:40 a.m.

MATERIALS USED/PRESENTED AT THE May 13, 2015 CCWPC MEETING:

- May 13, 2015 CCWPC Meeting Agenda.
- Draft Minutes of the March 11, 2015 CCWPC meeting and April 29, 2015 CCWPC meeting.
- Written response to recent Open Meeting Law violation complaint.