

**MINUTES OF THE  
CAPE COD WATER PROTECTION COLLABORATIVE  
Governing Board Committee  
July 8, 2015**

A meeting of the Cape Cod Water Protection Collaborative was held on July 8, 2015 at 9:00 a.m. in the Innovation Room of the Barnstable County Strategic Information Office in Barnstable, MA.

**Members:**

Barnstable	Mark Ells	Present
Bourne	Linda Zuern	Absent
Brewster	Sue Leven	Present
Chatham	Florence Seldin	Present
Dennis	Vacant	Vacant
Eastham	Jane Crowley	Present
Falmouth	Rebecca Moffit	Absent
Harwich	Larry Ballantine	Present
Mashpee	Michael Richardson	Absent
Orleans	Sims McGrath	Present
Provincetown	Vacant	Vacant
Sandwich	David Mason	Absent
Truro	Patricia Pajaron	Present
Wellfleet	Curt Felix	Present <i>(arrived at 9:12 a.m.)</i>
Yarmouth	William Hinchey	Present
County Appointee	Linell Grundman	Present
County Appointee	Lindsey Counsell	Absent
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Absent

**Staff Present:**

Andrew Gottlieb	Executive Director
Gail Hanley	Cape Cod Commission
Erin Perry	Cape Cod Commission

**1. Minutes of May 13, 2015**

Sims McGrath moved to approve the minutes of May 13, 2015. Florence Seldin seconded the motion. With nine members voting the motion passed with 7 votes in favor and 2 abstentions.

**2. Update on the Section 208 Area-wide Water Quality Management Plan**

Erin Perry, Special Projects Coordinator at the Cape Cod Commission, said the Section 208 Plan was submitted to the Department of Environmental Protection (DEP) on June 1 and it was certified by Governor Baker before June 15. She said following the Governor's certification the Commission held a Cape-wide meeting in Harwich, there were approximately 125 attendees and all of the Cape towns were represented. She said the meeting was held to notify everyone that the Plan had been certified and to discuss the next steps in the process. She said the Commission also provided a template to be used for Wastewater Management Agencies (WMA) reports. She said the DEP forwarded the Plan to the Environmental

Protection Agency (EPA) and they need to respond by September 15. Ms. Perry said the Commission will continue to provide expertise to towns.

Executive Director Andrew Gottlieb said in regard to permitting the 208 Plan will serve as a blueprint. Board members discussed watershed plans and timelines; each town will have a plan that is in a different position or stage as some towns already have implementing plans in place; if towns do not have a plan then they would be subject to a plan by the state; communities that don't come up with a plan are at risk of the Court so towns need to stay within the window of the timeline to develop a plan. Mr. Gottlieb said it's a risk management practice for towns to comply.

### **3. Election of Chairman, Vice-chairman and Designation of a Member for the Executive Committee**

#### **Election of Chairman, CCWPC Governing Board:**

Linell Grundman nominated Larry Ballantine and moved that Mr. Ballantine be elected to serve as Chairman. Jane Crowley seconded the motion. With 10 members voting the motion passed with a unanimous vote.

#### **Election of Vice-chairman, CCWPC Governing Board:**

Linell Grundman nominated Jane Crowley and moved that Ms. Crowley be elected to serve as Vice-chairman. Florence Seldin seconded the motion. With 10 members voting the motion passed with a unanimous vote.

#### **Election of Executive Committee Member:**

Linell Grundman nominated Sims McGrath and moved that Mr. McGrath be elected to serve as Executive Committee Member. Jane Crowley seconded the motion. With 10 members voting the motion passed with a unanimous vote.

### **4. Governing Board Member Reports on Items Related to Water Resources in their Respective Communities**

- **Town of Orleans** – Sims McGrath: They will be meeting with their technical adviser to do some prioritization.
- **Town of Truro** – Pat Pajaron: The town has been busy with projects and is going into Phase 2; they have started a round of surface water monitoring; they are looking to working on tidal flow in the Pamet and they have a kick-off meeting scheduled this month to discuss the scope.
- **Town of Brewster** – Sue Leven: They have submitted their plan to the DEP and are waiting to hear from them; they are winding down with their comprehensive wastewater committee and are thinking about having an implementation committee; Conservation Day takes place this weekend in Brewster at Drummer Boy Park, it will be both educational/informative and there will be several hands-on water/wastewater-related activities for public participation.
- **Town of Wellfleet** – Curt Felix: One component of their Plan is restoration of Mayo Creek, it was approved by the Conservation Commission Agent and then that decision was appealed, it is now in limbo and there is concern that it could get tied up for a while; Herring River started some construction work in conceptual design but the big construction probably will not begin until 2018; they had a bad winter in terms of oysters, they lost 50% of their propagation site however the site is still showing the same amount of nitrogen removal and the good news is that they had a good year previous to that. The Board of Selectmen is looking for funding for dredging and Mr. Gottlieb said the Board is looking for support from the CCWPC. Mr. Felix and Mr. Gottlieb discussed the Wetlands Protection Act, whether culch constitutes fill versus an exemption for aquaculture activity, and Mr. Gottlieb said the CCWPC has given Wellfleet \$10,000 for the permitting process to define what would be necessary to get an NOI to do this. Mr. Felix said Wellfleet is working with WHOI to put together a

proposal for a PCR analysis to see how microbes turn into nitrogen gas and the pilot towns involved in this analysis are Falmouth, Mashpee and Wellfleet.

- **Town of Barnstable** – Mark Ells: In regard to the 208 Plan they are reformatting their Advisory Committee; Dan Santos will be leading the presentation of the document; and they have an active member from the Cape Cod Commission and the DEP working with the town on this.

- **Town of Yarmouth** – Bill Hinchey: The 208 Plan has had value in Yarmouth, they have watched the process and are going to reorganize their committee to start moving on this; they have entered into an IMA with Barnstable; and the town is going through a transition looking for a new town administrator and DPW director.

- **County Appointee** – Linell Grundman: The town of Sandwich has two days until the Army Corp of Engineers (ACOE) provides sand for beach nourishment—ACOE needs an answer by July 10; property owners had a plan a long time ago but no one from the town or ACOE heard from property owners; ACOE works project by project and this is a temporary project; WHOI has told Sandwich their erosion issue has worsened rapidly; the town has worked very hard on this and they are hoping for the best; the town has the mechanism worked out but they didn't work on the relationship with property owners.

- **Town of Eastham** – Jane Crowley: Come Monday water lines will be installed, construction of the storage tank has begun, they are on track with water delivery to customers by fall 2016 and completion by the end of 2017; they are re-energizing with GHD and are meeting with the Board of Selectmen next week to discuss wastewater; they appreciate the help from the Cape Cod Commission, citizens in general have stood solid behind the improvements and it's an exciting time in Eastham; they are looking at non-traditional approaches in priority areas, the Cape Cod National Seashore supports this initiative and they are working on building a stakeholders group.

- **Town of Chatham** – Florence Seldin: Construction proceeded over the winter and has stopped right now.

- **Town of Harwich** – Larry Ballantine: Things have come together and the result of Town Meeting is to re-invigorate outreach; they are looking at a proposal on how to pay for wastewater and they are looking at a water surcharge of some kind.

Chris Clark, Harwich Town Administrator, said the Board voted on Muddy Creek with Chatham and they hope to have bids back by August; they are looking for grants; the town approved the second phase of the Colbrook Study; they are working on an IMA with Chatham; and they are looking at a golf course study.

- **Town of Mashpee** – Andrew Gottlieb: The move to transfer the Water District failed on the ballot, the Mashpee CWMP has been filed with MEPA and there is a joint public hearing on July 14 in Mashpee; the wastewater budget in Mashpee will be going to Town Meeting.

## 5. Executive Director's Report

Andrew Gottlieb gave a brief update:

- He is doing year-end closeout with no problems.
- There have been changes to CCWPC Governing Board Members: Stephen Mealy was appointed by Bourne to replace Linda Zuern; Rebecca Moffit's term expired and she will be replaced by Susan Moran in Falmouth; and Tom O'Hara replaced Mike Richardson in Mashpee.
- There have been many DEP retirements and he will keep CCWPC members apprised on that.

- He had a productive meeting with Contract New England on the 208 Plan.
- He had a productive meeting with the Secretary regarding funding for monitoring.
- He had a good meeting with Clean Water Trust on the 208 Plan and he got a favorable response.
- He noted two legal matters: he said the first is a decision upholding DEP TMDLs in the Chesapeake Bay and he distributed copies of the document to CCWPC members; and the second matter may or may not involve the CCWPC. He said a suit has been filed with the Town of Barnstable and “the Collaborative Agency” regarding the alleged lack of action for a drainage pipe on Route 6A in Barnstable. Mr. Gottlieb said he is not sure whether “the Collaborative Agency” pertains to the CCWPC and he will let the Board know if the CCWPC is involved.

#### **6. Discussion on Planned Procurement for Water Quality Monitoring Program and Award of Matching Funds from the Commonwealth**

Mr. Gottlieb said the County received the proposed funding for monitoring and said they received a four-year \$250,000 a year funding for long term monitoring. He said he is looking to put out an RFP in the fall for a sampling schedule and analyses and then work with the monitoring committee. He said he may have two RFPs for this—one for sampling and analyses and the second for display.

Mr. Gottlieb said the CCWPC would not be meeting in August and the next meeting of the Board would be September 9<sup>th</sup>.

#### **7. Adjourn**

The meeting adjourned at 10:45 a.m.

#### **MATERIALS USED/PRESENTED AT THE July 8, 2015 CCWPC MEETING:**

- July 8, 2015 CCWPC Meeting Agenda.
- Draft Minutes of the May 13, 2015 CCWPC meeting.
- US Court of Appeals for the Third Circuit Document No. 13-4079: Opinion of the Court Upholding DEP TMDLs in the Chesapeake Bay.