

**MINUTES OF THE  
CAPE COD WATER PROTECTION COLLABORATIVE  
Governing Board Committee  
September 9, 2015**

A meeting of the Cape Cod Water Protection Collaborative was held on September 9, 2015 at 9:05 a.m. in the Innovation Room of the Barnstable County Strategic Information Office in Barnstable, MA.

**Members:**

Barnstable	Mark Ells	Present
Bourne	Stephen Mealy	Present <i>(arrived at 9:25 a.m.)</i>
Brewster	Sue Leven	Absent
Chatham	Florence Seldin	Absent
Dennis	Vacant	Vacant
Eastham	Jane Crowley	Present
Falmouth	Rebecca Moffit for Susan Moran	Present
Harwich	Larry Ballantine	Present
Mashpee	Tom O’Hara	Absent
Orleans	Sims McGrath	Present
Provincetown	Vacant	Vacant
Sandwich	Frank Pannorfi	Present
Truro	Patricia Pajaron	Absent
Wellfleet	Curt Felix	Absent
Yarmouth	William Hinchey	Present <i>(arrived at 9:20 a.m.)</i>
County Appointee	Linell Grundman	Absent
County Appointee	Lindsey Counsell	Present
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Present

**Staff Present:**

Andrew Gottlieb	Executive Director
Gail Hanley	Cape Cod Commission
Paul Niedzwiecki	Cape Cod Commission

**1. Minutes of July 8, 2015**

Sims McGrath moved to approve the minutes of July 8, 2015. Bill Hinchey seconded the motion. With nine members voting the motion passed with 6 votes in favor and 3 abstentions.

**2. Cape Cod Commission report on the status of the Regional Section 208 Wastewater Management Plan**

Paul Niedzwiecki, Executive Director of the Cape Cod Commission, said the 208 Wastewater Management Plan is in the hands of the Environmental Protection Agency (EPA) and the deadline for certification is next Tuesday, September 15. He said the EPA will notify the Commission and all Cape towns. He said the EPA is looking at a one-year update of July 1<sup>st</sup> for towns to report back. He said the Commission received a letter from the Conservation Law Foundation and they raised three concerns: the lack of a regulatory program, the lack of detailed watershed plans and questioned designated Wastewater Management Agencies (WMAs) in towns, and the lack of a coordinated financial plan. Mr. Niedzwiecki said the

Commission is looking at how to work out a regulatory program. He said in regard to WMAs he is not concerned about that as he expects a lot of progress.

Jane Crowley inquired about expectations for the July 1<sup>st</sup> date such as deliverables and questioned whether there is a framework laid out for that. Paul Niedzwiecki said the deliverables would be towns reporting on one-year activities. He said there isn't a schedule for that, however, a four-page outline for that is in the 208 Plan. He said Governor Baker has certified the 208 Plan and the DEP is on the same page as the Commission. He said the Commission will continue to discuss and work out watershed permitting. He said the goal is to have at least one town come forward with a watershed permit. He said Mashpee is working on its CWMP and the Commission has to look at all plans for consistency with the 208 Plan and Mashpee will probably be the first community to come through. Andrew Gottlieb said part of the article going to Mashpee Town Meeting is for money for a long-term watershed permit. Frank Pannorfi inquired about the concerns by CLF. Mr. Niedzwiecki said he is not overly concerned and Mr. Gottlieb said the CLF wants to be on record with the court. Bill Hinchey inquired about a practical timetable in terms of years and Mr. Niedzwiecki said they are probably looking at 40 years. He said 40 years is where we are at and 50 years should be ok. He said the Commission is in the process of its five-year review/update of its Regional Policy Plan and the Commission wants to change the direction of capital planning that is talked about in the Cape Cod Commission Act. Chair Larry Ballantine asked leading up to the July 1<sup>st</sup> deadline would the Commission notify towns. Mr. Niedzwiecki said towns will receive a letter from the EPA initially and then the Commission will send out a letter with details. He said towns would be hearing from the Commission.

### **3. Member report on relevant activities in each member community.**

- **Town of Orleans** – Sims McGrath: The town is going to undertake a number of various studies; proposals are in and they are now going through the selection process.
- **County Appointee** – Lindsey Counsell: They received two grant possibilities for nitrogen removal in aquaculture operations; they were approached by WHOI because they want to do research on bottom sediments and they will be looking closely at aquaculture beds; they have been working with Mark Ells on aquaculture.
- **Town of Falmouth** – Rebecca Moffit for Susan Moran: Speaking on behalf of Virginia Valiela construction of Little Pond is about 10% complete; regarding Bourne Pond Inlet widening they are doing a Notice of Project Change; they are ready to prepare groundwater monitoring wells in the Accapesket area; aquaculture is completing three inches and farming and data collection is going well; they are working with Mashpee on the Moonakis River; and they have made a request to Cape Cod Water Protection Collaborative for funds.

Chair Larry Ballantine asked Paul Niedzwiecki about aquaculture activities/efforts in regard to the 208 Plan. Mr. Niedzwiecki said that will be part of monitoring. Andrew Gottlieb said they are getting data from grant reports. Mr. Niedzwiecki said a conference is being planned for April or May of next year and aquaculture will be part of that. Chair Ballantine asked if information was available on that and Mr. Niedzwiecki said he can provide the CCWPC with information. He said the Commission has a map of alternatives.

- **Town of Barnstable** – Mark Ells: Everything is going well in Barnstable; they are busy preparing information for next June for 208; they have had a change in staff—Peter Doyle retired and he has been replaced with a very competent individual.
- **Town of Eastham** – Jane Crowley: The water supply project is ahead of schedule and is progressing nicely; internally they are working on water policies and are having a discussion with the Board of Selectmen today; the Board of Health is working on a wellhead protection district; in regard to wastewater they went to MassDOT with Neil Andres and got a

positive response from MassDOT; there are concerns about Schoolhouse Minister Pond, storm water runoff is a contributor, and they have been working with homeowners on that; they are working with Boston University and they have graduate students working on different areas of interest and preparing homeowner education information; they are working with the Town of Orleans on reassessing MEP locations in the Nauset estuary.

- **Town of Sandwich** – Frank Pannorfi: Mr. Pannorfi, Sandwich Selectman, said he would be replacing Dave Mason on the CCWPC Governing Board. He announced an open meeting on a report from Mass DEP scheduled on September 22 at 5:30 pm in the Sandwich Town Hall; in regard to beach restoration on August 31 Sandwich held a special Town Meeting to get funding through the CPA to take sand from dredging the Canal and place it on 2,000 feet of Sandwich beach and they are still working with the ACOE; they still haven't received final approval on the dredged sand to replace Town Neck Beach.

- **Town of Bourne** – Stephen Mealy: The Buzzards Bay Coalition recently requested support from the Board of Selectmen (BOS) for a grant to expand the Wareham Wastewater Treatment Facility and the BOS voted to endorse the grant; the grant will also include a sewer needs analysis for the towns of Wareham, Bourne and South Plymouth as well as the Mass Maritime Academy to estimate sewer expansion costs for the communities; and the feasibility study would provide the information the town can use to report back to the Cape Cod Commission on the 208 Plan.

- **Town of Yarmouth** – Bill Hinchey: There has been a re-initiation of their wastewater plan from the Board of Selectmen and it's going to be done with staff and not the Board; affordability will be the key issue; they need to turn from affordability to an economic opportunity; Yarmouth will start again to look at the plan and then hopefully join other communities to do it all together.

- **Town of Mashpee** – Andrew Gottlieb: The town is moving relatively quickly with their plan; they received MEPA certification on their CWMP in July; the new Mashpee town manager created a department of natural resources and now they have staff on board to do the work and Rick York will lead the department; they are adding a quarter million dollars for initial stages of aquaculture work and that will be going on the warrant at Town Meeting; there has been some progress on the implementation front.

- **Town of Harwich** – Larry Ballantine: They had a DEP public meeting on a TMDL report and the report is available on the DEP's website; they are moving ahead replacing culverts on Muddy Creek; they have had to go back to Town Meeting for local funds; construction starts this fall to be completed by the spring—they have a tight timeframe but they have a lot of community support; a recharge area in East Harwich got turned down at the last Town Meeting due to misinformation; the Board of Selectmen are grappling with how to deal/work with wastewater; a new water superintendent has been hired.

#### **4. Executive Director's Report**

Andrew Gottlieb said there are three chronic town vacancies on the Governing Board—Dennis, Provincetown and Mashpee—which makes having a quorum difficult. Mr. Gottlieb said he will prepare letters for the Board to sign. Mr. Gottlieb said everything else he wants to report on is on today's agenda.

#### **5. Report on budget status and on funds available for municipal service requests.**

Andrew Gottlieb referred to a spreadsheet on CCWPC expenses for Fiscal Years 2010 to 2015 that was prepared in response to a previous request by Eric Turkington and said he is now sharing that information with the Governing Board. He discussed the remaining funds available for the balance of this fiscal year and said they have approximately \$50,000 less than previous years. He said for this reason requests for municipal services would need to be prioritized. Chair Ballantine said this will give the CCWPC an opportunity to prioritize requests as opposed to there always being available funds for

requests. Mr. Gottlieb said any requests for municipal services that the CCWPC receives would be prioritized and then he will follow the procedure given to him.

**6. Consideration of requests for municipal support.**

Andrew Gottlieb referred to a request for municipal support from Falmouth and Mashpee and said he has asked Chair Larry Ballantine to meet with the appropriate parties on this request as this would be a conflict for Mr. Gottlieb.

**7. Discussion on solicitation of bids for Executive Director services.**

Andrew Gottlieb said his contract with the CCWPC expires on October 10<sup>th</sup>. He said the County would be sending out an RFP for professional services to assist the CCWPC and said the CCWPC needs to consider if they want staff. He said the draft of the previous RFP prepared by the County should be taken to the Steering Committee to be reviewed and Mr. Gottlieb said he would suggest pursuing a five-year contract as opposed to a one-year contract with a possible extension. He said RFPs received by the County would be reviewed by the Steering Committee. Chair Larry Ballantine said he would arrange a meeting with the Steering Committee.

Sims McGrath moved that the CCWPC RFP be taken up by the Steering Committee. Bill Hinchey seconded the motion. A vote called on the motion passed with a unanimous vote.

**8. Adjourn**

The meeting adjourned at 10:20 a.m.

**MATERIALS USED/PRESENTED AT THE September 9, 2015 CCWPC MEETING:**

- September 9, 2015 CCWPC Meeting Agenda.
- Draft Minutes of the July 8, 2015 CCWPC meeting.
- Barnstable County Request for Proposals on behalf of the Cape Cod Water Protection Collaborative seeking professional services to assist the Collaborative.
- Excel spreadsheet on Water Protection Collaborative Expenditures—Cash Basis for Fiscal Years 2010 to 2015.