



Chair Sims McGrath said on the one proposal received they have opened the narrative but they have not opened the cost/dollar proposal. He said there are a couple of aspects where they have asked for additional information and they will be meeting with the Provincetown Center today to discuss additional information regarding helping the County Lab get their equipment up to speed, there are some questions regarding matching funds and some very specific questions on monitoring sites and whether there is some redundancy. He said he doesn't see anything so significant that would require a re-issue of the RFP or process. He said early-season monitoring needs to be done by the end of the fiscal year and it needs to start May 1<sup>st</sup>. He said the proposal from the Provincetown Center was a responsive RFP.

### **3. Report by Executive Director of the Cape Cod Commission — Paul Niedzwiecki**

Paul Niedzwiecki said the watershed reports are out for a 30-day comment period and there are two weeks left in the comment period. He said when they come back the Commission will be filing an implementation report with the Department of Environmental Protection (DEP) and the Environmental Protection Agency (EPA). He said the Commission has scheduled another 208 OneCape Summit on June 22 and 23 and the Cape Cod Selectmen and Councillors Association will be hosting a dinner on June 22. He said a lot is going on in Pleasant Bay with the four towns and their approach. He said CDM Smith has proposed a plan that will cover a lot of Harwich, a lot of Yarmouth and all of Dennis in a three-town approach which is a significant step forward. He said Barnstable, Mashpee and Sandwich are working on a shared watershed in Popponessett Bay and we are in a better position than five years ago. He said the Commission's focus looking forward after the Summit will be to work on developing a sustainable monitoring program that covers everything from ocean monitoring, estuary and performance monitoring and technologies, having all the information in one location, making it available to the towns and hopefully develop a program that will process/analyze the information they give back to the towns in a form that they can easily use to make better local public policy. He said the other issue is financial. He said as towns move forward with preferred plans and construction they still need to bring the cost down, alternatives will bring it down somewhat, but the costs are still very high so they are still looking for better sources of non-property tax revenue that will support the capital plans of the 15 towns as it relates to wastewater. He said there may be some funds on the state level and perhaps on a federal level that they want to be able to target. He said they are looking at a stream of state funding and how it could be apportioned between the 15 towns in an equitable distribution.

Frank Pannorfi asked how the Conservation Law Foundation (CLF) is updated on progress regarding the 208 Plan. Mr. Niedzwiecki said the Commission is required to file quarterly reports directly to the EPA, the CLF checks with the EPA and if they have additional questions they call the Commission. Mr. Pannorfi asked if CLF would be at the 208 Summit. Mr. Niedzwiecki said they have always been invited, it's one of the highlights to have CLF in the room with selectmen and all the regulators and he believes Chris Killian, the chief attorney and litigator, will be invited. Susan Moran inquired about invitations to state legislators. Mr. Niedzwiecki said it's important to have them in attendance since some of the things that happen at the State House revolves around revenue and how it relates to wastewater; he said the federal delegation will also be invited and there will be an opportunity for the delegation to get together at the Summit. He said the Commission has also started receiving requests from people on the outside who have issues and would like to speak to that gathered audience.

Jane Crowley asked if the deliverables to the EPA will be the watershed reports or would more paperwork be required by the individual towns. Mr. Niedzwiecki said further paperwork is not needed and for the first time in June they will be able to put up all 53 watersheds and show real proposed plans and progress. Ms. Crowley asked what is anticipated as a follow up or the next step for towns. Mr. Niedzwiecki said different towns are at different points in the remediation process but they will look for more inter-municipal discussions about collaborative efforts and shared watersheds and that is a priority for all towns. He said they will look at where the towns are based on their Comprehensive Wastewater Management Plans (CWMPs). He said one thing that will probably come out of the conference is to do more with freshwater ponds and hopefully a regional approach to support that effort as there isn't enough information on that.

#### **4. Review and discussion of proposed Draft Barnstable County Ordinance of 2017 which could replace Barnstable County Ordinance 05-22, the Ordinance which established the Cape Cod Water Protection Collaborative (CCWPC)**

Chair Sims McGrath said the Path Forward memo is provided for comparison and the Collaborative has supported the Path Forward memo previously with the expectation it would be used for guidance purposes only and not a foundation. He said the Ordinance was drafted by Mr. Niedzwiecki and is being discussed today as a draft. He said the notable difference is that it aligns the Collaborative with the Cape Cod Commission somewhat more closely, it replaces the Executive Director from the 2005 Ordinance with senior staff at the Commission, it reduces the Collaborative's role in funding mechanisms, and it suggests the possibility of the Collaborative becoming a 208 Advisory Board to the Commission.

Paul Niedzwiecki said he was with the Collaborative from the beginning as the Assistant Town Manager in Barnstable and was the first appointee to the Collaborative. He said the County is in a financial squeeze temporarily, it has forced the County Commissioners in their budget to look at how to make this a transition year and in looking at that there isn't any money in the FY18 budget for the Collaborative. He said with Andrew Gottlieb's departure in December and the fact that they haven't issued many contracts, there is a significant amount of money left in this fiscal year and discussion with the County Commissioners has been that the money left in this fiscal year would be carried over to support the monitoring program through FY17. He said there will still be momentum there but the question is what will happen in FY19.

Mr. Niedzwiecki said in that discussion Chairman Cakounes expressed concern that the Executive Director had too much autonomy and he agreed that it was an autonomous position as it was set up as a regional department. He said his understanding is that the Commissioners felt there were financial decisions, obligations and contracts being executed and there wasn't enough direct connection to the County Commissioners about that. He said 10 years later with 208 and a lot of contracts coming in the Collaborative is in a different place. He said the autonomy of the Executive Director at the beginning he believes was a requirement of the towns as they were willing to be part of a County-sponsored effort to facilitate a discussion on wastewater. He said Mr. Gottlieb brought in a lot of money to support planning efforts and set the stage. Mr. Niedzwiecki said in considering the financial concerns of the County, the concerns regarding the operation of the Collaborative and with great respect to the former Executive Director and the incredible work of the Collaborative, he felt the easiest way to ease the financial burden for the County was for the Commission to take the Collaborative, staff the Collaborative and not take the Executive Director position.

Mr. Niedzwiecki said he would continue to attend meetings as he has outlined the work that they need to do. He said he needs representatives to work with directly who have contact with the towns on the initiatives pertaining to monitoring and finance. He said if the Collaborative isn't that body then he would need to find 15 people from the towns to accomplish that and he believes there is a fair amount of streamlining here with the 208 program, the County and the Commission as it relates to wastewater. He said that is the proposal and based on discussions with the County Commissioners the goal is to continue through the next fiscal year, rollover some of the money and make it available for some of the monitoring and hopefully during the FY19 budget process the line item for the Collaborative will be re-established to move in the direction that they need to at that time. He hopes the Ordinance represents an evolution and not a diminution the Collaborative's role moving forward.

Chair Sims McGrath said at the last meeting of the Governing Board Chairman Cakounes was in attendance and outlined some of the budget challenges and had suggested that the Collaborative be supported by the County Health Department. He said the Collaborative has advocated for a while to be supported by the Commission as its daily operation is more aligned with planning and activities that the Collaborative has undertaken before. He said he believes this proposal satisfies that, he said Chairman Cakounes suggested expressing a better recommendation if they had one and he believes this is that expression. He said he has had direct conversations with the Speaker of the Assembly, Suzanne McAuliffe, who has been supportive of this path and has also acknowledged that if the Collaborative needs to make some adjustments after a year, she would encourage the Assembly to be open to that. He said there would be an opportunity to refine definitions, responsibilities, and roles in a subsequent

ordinance. He said they are trying to help the County improve its financial challenges and still support the region the way it was envisioned when the Collaborative was conceived.

Commissioner Ron Beaty said he met with Paul Niedzwiecki yesterday and the number of concerns he had on the Draft Ordinance has since been assuaged. He referred to Section 5 regarding staffing and said he believes the function and purpose needs to be clarified as the language is too vague and needs to be spelled out more. He said after reading through the Draft Ordinance, it's his belief the Collaborative will have increased responsibilities rather than decreased responsibilities and they need to consider the consequences positive or negative by removing the Executive Director's position. He said he realizes this is a work in progress but the original Ordinance from 2005 has never been modified and he would suggest that if they want the Ordinance done right, that it be done now through the draft process. He said regarding funding, if there is funding available down the road, it could potentially be available through a supplemental appropriation or through the new proposed grant fund account so it doesn't mean because they don't have funds right now that four months from now they won't.

Frank Pannorfi referred to the top of page 3 and said town is mentioned twice and he suggested deleting the first one. He said his second comment would be to formalize the document a bit more. He suggested the Ordinance contain a specified time for it to be reviewed perhaps by the Governing Board and the Steering Committee initially. He said the document should be looked at periodically and he would suggest every five years and that it be formalized within the document itself. Mr. Niedzwiecki said that is a good suggestion, the original document called for a four-year review which he believes was a good process and said the Collaborative needs to continue to evolve as the program evolves. Chair Sims McGrath said there is also the opportunity for an initial review in a shorter period-of-time and then a specific periodic review after that. He said having the 15 towns involved in the 208 Advisory Board represents each of the waste management agencies (WMAs) and because they already have that form with the Collaborative, it makes sense to let the Collaborative perform the additional responsibilities.

Jane Crowley said the Draft Ordinance somehow implies that the appointees for each town are to provide direct municipal oversight of the regional plan and support of the County. She said speaking for herself she does not have that authority; she is an appointee that works for her town and is responsive to the WMA. She said she would like to see that softened a bit in terms of the way it's articulated regarding responsibilities and functions. She said they would not have that authority as they would be an advisory board. Chair Sims McGrath said what he is hearing is be careful what wording is used that infers a regulatory capacity. Mr. Niedzwiecki said to that point the Collaborative has always been informational and advisory. He said the 15 members appointed by the towns would be considered more as staff who are knowledgeable of the 208 Plan and staff to communicate with. He said the language should be framed to make that clear.

Frank Pannorfi asked if it would be of value to include the definition of a wastewater management agency. Commissioner Beaty said he thinks that is extremely important and said he has heard that there is some worry that at some point the Commission may try to draft and implement a Cape-wide District of Critical Planning Concern (DCPC) on wastewater and that would change the game plan. Mr. Pannorfi said that would be going back five years. Commissioner Beaty said everything should be spelled out, he understands what a WMA is but thinks it should be defined.

**5. Discussion and potential vote to authorize the CCWPC Steering Committee to reach out to the County Commissioners, the Cape Cod Commission and the Assembly of Delegates to refine language in the proposed Draft Ordinance of 2017 and return the result to the CCWPC Governing Board for further review and potential approval.**

Chair Sims McGrath said the five-member Steering Committee consists of the Chair, Vice-chair Jane Crowley, elected member Susan Moran and the two County Appointees which are Commissioner Beaty and Lindsey Counsell. He said in the existing Ordinance the Steering Committee is authorized to meet between Governing Board meetings to conduct the work of a subcommittee and then report back to the Governing Board. He said to move forward they would like to have discussions with the County Commissioners, the Assembly of Delegates (AOD) and the Cape Cod Commission and that the Steering Committee

take on that responsibility and report back to the Governing Board with any updates. He said the Ordinance in its final form will be deliberated on by the AOD and the County Commissioners will have a voice in that approval process as well. He said the Collaborative clearly recognizes their role in the process, they are putting forward a document that they find advantageous, and is only a recommendation. He said the Governing Board would put that forward and the Steering Committee would do some of the detail work. Wayne Bergeron said it's a good suggestion to have the Steering Committee address issues in between monthly Governing Board meetings. Larry Ballantine agreed with Mr. Bergeron and said a lot of detail needs to be discussed.

Larry Ballantine moved to accept the recommendation. Frank Pannorfi seconded the motion. Mr. Niedzwiecki said the Ordinance needs to clearly address structure and authority and suggested that perhaps the Governing Board be authorized to adopt bylaws that are more specific, they could be changed more easily than the Ordinance and is a good way to address issues that were raised today regarding staff and the budget process. A vote called on the motion passed with a unanimous vote.

#### **6. Discussion and potential vote to volunteer as Section 208 Advisory Committee to the Cape Cod Commission should the need arise and the Assembly of Delegates approve**

Chair Sims McGrath said in the past the Governing Board has voted in favor of draft documents that suggest the Collaborative serve as the 208 Advisory Committee and it occurred to him to dispel any doubt that other County bodies involved might have that the Collaborative consider making themselves available for that role. He said if questioned during deliberation by the AOD whether the Collaborative wants that role there would be something specific on the record saying that the Collaborative would accept the designation if approved.

Larry Ballantine moved that the Collaborative volunteer as the Section 208 Advisory Committee to the Cape Cod Commission. Wayne Bergeron seconded the motion. A vote called on the motion passed with a unanimous vote.

#### **7. Board Member Reports on Water Resource Issues in Towns**

- **Town of Falmouth** – Susan Moran: Had nothing new to report.
- **Town of Dennis** – Wayne Bergeron: Had nothing new to report.
- **Town of Harwich** – Larry Ballantine: Harwich is getting ready for Town Meeting; they are organizing their approach to convince people that voting \$9 million for wastewater is in their best interest and they received approval from both boards.
- **Town of Yarmouth** – Jeff Colby: The towns of Yarmouth, Harwich and Dennis met, it was well received having three parties at the table for a discussion and it was a productive meeting; they did not get a regional grant that was proposed but they will continue to look for other sources of funding; they have a new town administrator in Yarmouth that has some experience at the state level and they are optimistic that will bring opportunities for funding to support that endeavor in the future; they have a \$200,000 article going to Town Meeting on May 6 for wastewater which has received full support from the Board of Selectmen.
- **County Appointee** – Ron Beaty: Had nothing to report.
- **County Appointee** – Lindsey Counsell: Mr. Counsell announced that he has resigned as Executive Director of Three Bays Preservation and Zenas Crocker will be taking over as Executive Director; the organization is transforming itself to more of a water quality monitoring pilot project type organization with more advocacy and he hopes to use his relationship with the Town of Barnstable to implement some of the projects that they have been working on for quite some time and to get pilot projects going in the mid-Cape area. Mr. Counsell said he hopes to have more time to devote to the Collaborative. Chair Sims McGrath thanked Mr. Counsell for his participation and expressed his best wishes for future endeavors.

• **Town of Sandwich** – Frank Pannorfi: Sandwich is moving forward working with both Mashpee and Barnstable with respect to the inter-municipal agreement (IMA) for work/permitting in Popponessett Bay and a meeting is scheduled on April 27; for the first time the Selectmen were successful in getting capital line item funding for \$150,000 for their Comprehensive Wastewater Management Plan (CWMP); they are still on schedule to have their consultant report on the final phase in August of this year. Mr. Pannorfi said he would be leaving the Collaborative and will be resigning from the Water Quality Advisory Committee (WQAC). He thanked the Collaborative and said they are a committed group. He said Dave Sampson will be replacing him on the Collaborative and he will serve as Ex-officio member on the WQAC. Chair Sims McGrath expressed best wishes and thanked Mr. Pannorfi for his participation on the Collaborative.

• **Town of Mashpee** – Thomas Fudala: A meeting with Sandwich and Barnstable regarding the IMA for Popponessett Bay is scheduled for April 27; they are still working on the project for collection system design.

• **Town of Eastham** – Jane Crowley: Phase I of their municipal water project is on schedule and within budget; in the downgradient area of the landfill where there is a mandatory hookup 475 homes have signed and there are over 350 completed hookups; last month Ms. Crowley participated in a presentation on emergent contaminants, it was well received and they have received outreach from Truro regarding their landfill, the presentation is available on the town’s website; the Board of Health has proposed a regulation to limit nitrogen to the same loading allowance under Title 5, there are many concerns throughout town regarding impacts on a watershed level and a public hearing is scheduled for this month; they are getting back to speed on pond monitoring and MEP sampling will begin collaboratively with Orleans.

• **Town of Orleans** – Sims McGrath: As they continue their work on non-traditional technologies and developing a 25 percent design for the Village Center the Selectmen have unanimously recommended an appropriation of \$3.8 million to Town Meeting and somewhat over \$1 million of that is for further investigation and short term remediation efforts for the landfill.

**8. Next meeting: date, suggested agenda items and any other business**

Chair Sims McGrath noted the next meeting date as May 10, 2017.

Paul Niedzwiecki expressed his gratitude to Andrew Gottlieb for his service as Executive Director of the Collaborative. He thanked Chair Sims McGrath, the members of the Governing Board, the County Commissioners and members of the Assembly for working together during the Collaborative’s transition process.

**9. Adjourn**

The meeting adjourned at 10:07 a.m.

**MATERIALS USED/PRESENTED AT THE APRIL 12, 2017 CCWPC MEETING:**

- April 12, 2017 CCWPC Meeting Agenda
- Draft meeting minutes of March 8,2017
- Path Forward memo from Chair Sims McGrath
- Draft Proposed Barnstable County Ordinance 17-\_\_.
- Explanation of changes to Mission Statement