

**MINUTES OF THE  
CAPE COD WATER PROTECTION COLLABORATIVE  
Governing Board Committee  
June 14, 2017**

A meeting of the Cape Cod Water Protection Collaborative was held on June 14, 2017 at 9:00 a.m. in the Open Cape Building, Innovation Room, 3195 Main Street, Barnstable, MA.

**Members:**

Barnstable	Paul Hebert	Present (arrived at 9:10 a.m.)
Bourne	Stephen Mealy	Absent
Brewster	Ryan Bennett	Absent
Chatham	Florence Seldin	Present
Dennis	Wayne Bergeron	Absent
Eastham	Jane Crowley	Present
Falmouth	Ray Jack	Present (arrived at 9:30 a.m.)
Harwich	Larry Ballantine	Absent
Mashpee	Tom Fudala	Present
Orleans	Sims McGrath	Present
Provincetown	Vacant	Vacant
Sandwich	Dave Sampson	Absent
Truro	Patricia Pajaron	Present
Wellfleet	Curt Felix	Present
Yarmouth	Jeffrey Colby	Present (left at 10:20 a.m.)
County Appointee	Zenas Crocker	Present
County Appointee	Ron Beaty, Alternate	Present
Ex-officio member	George Heufelder	Absent
Ex-officio member	Paul Niedzwiecki	Present

**Staff Present:**

Gail Hanley	Cape Cod Commission
Erin Perry	Cape Cod Commission
Kristy Senatori	Cape Cod Commission

**1. Welcome and Introduction of New Members and Participants**

Chair Sims McGrath introduced the Governing Boards' new County Appointee Zenas Crocker. He said Mr. Crocker is the Executive Director of Three Bays Preservation and has replaced the former Executive Director Lindsey Counsell.

Mr. Crocker said Three Bays Preservation will soon become The Barnstable Clean Water Coalition and he described the Coalition's mission and ongoing efforts.

**2. Minutes of April 12, 2017**

Jane Crowley moved to approve the minutes of April 12, 2017. Jeff Colby seconded the motion. With 10 members voting a vote called on the motion passed with five votes in favor and five abstentions (Pat Pajaron, Curt Felix, Florence Seldin, Zenas Crocker, and Paul Hebert).

### **3. Report from Paul Niedzwiecki, Executive Director of the Cape Cod Commission**

Mr. Niedzwiecki said the Assembly of Delegates adopted the Ordinance that establishes changes to the Cape Cod Water Protection Collaborative (CCWPC) but not the structure of the Collaborative. He said the Cape Cod Commission will be managing the Governing Board, one of the changes in the Ordinance is that the CCWPC will not have an Executive Director and he said the Department of Environmental Protection (DEP) has a need for a 208 Advisory Board. Mr. Niedzwiecki said he will be present at all CCWPC meetings as well as Erin Perry, Special Projects Coordinator at the Commission. He said the CCWPC had a \$500,000 budget in any given year, but unfortunately that is not available and having the CCWPC come under the Cape Cod Commission with use of its resources was the best way to go, and hopefully in Fiscal Year 2019 there will be money available. Mr. Niedzwiecki said on June 22 and 23 the Commission will be hosting their annual OneCape Summit with a heavy focus on water and he would encourage Board Members to attend. He said going forward with the 208 Plan the CCWPC serving as the 208 Advisory Board could help with monitoring and said the program needs to be clarified; he said regarding finance/funding, the CCWPC could also be of help by looking at ways to make it less expensive to towns. He said there is discussion at the state level regarding the Airbnb tax and the CCWPC should be keeping an eye on that as Airbnb could bring in a substantial amount of money for wastewater. He said the Commission is getting close to having a draft update to their Regional Policy Plan (RPP) and at the next CCWPC meeting he will discuss the process for updating the RPP.

Florence Seldin asked if the CCWPC would be serving as the 208 Advisory Board. Mr. Niedzwiecki said yes the Governing Board would serve as the Advisory Board and two priorities for the Advisory Board should be monitoring and finance/funding. Jane Crowley said she would like to see the final Ordinance. Chair Sims McGrath said the Assembly of Delegates has voted on the Ordinance but it needs to go the County Commissioners for final approval. Curt Felix said perhaps another priority could be looking at the legislative and regulatory agenda and Mr. Niedzwiecki agreed. Ms. Seldin said she attended a hearing in the Barnstable Town Hall and said Selectmen and the Barnstable Town Council support the Airbnb. She said there will be another hearing in Boston around June 26 to look at the legislation.

### **4. Report from Jack Yunits, Interim Executive Director of the Cape Cod Water Protection Collaborative**

Jack Yunits said there are two CCWPC encumbrances one for the Town of Brewster and the second is for the Provincetown Center for Coastal Studies (now The Center for Coastal Studies) who won the RFP bid and started monitoring in early May. He said they still have questions about matching funds coming from the state and he has asked Mr. Niedzwiecki to track that. He said the rest of the money sits in the account. Mr. Yunits said his role as Interim Executive Director expires today when the County Commissioners vote on the CCWPC Ordinance at their meeting, Mr. Niedzwiecki will assume the role as the administrator and establishing the CCWPC budget. He said County Health is here to help with alternatives, they can provide whatever support is needed and going forward \$380,000 will be put in an account.

Zenas Crocker referred to monitoring and inquired about what is being tested and what the protocols are. Jack Yunits said the DEP has requirements on what needs to be done. Chair Sims McGrath said the RFP that went out states the specific effort. Mr. Crocker asked where the information can be found so that efforts that are being done are not duplicated. Paul Niedzwiecki said the Commission has a centralized database. Jane Crowley inquired about the RFP and said it referred to a project manager being assigned. Mr. Niedzwiecki said they haven't weighed on the administration for that yet. Chair McGrath said he hopes that going forward that with the ties with the Commission there will be a better tracking system of the RFP process and said this will fall to Commission staff. Mr. Niedzwiecki said he would like the new board to have more detailed discussions. Curt Felix said he is not sure about the status of the Wellfleet monitoring and whether Wellfleet is included in the RFP. Mr. Niedzwiecki said he will ask Rich Delaney from the The Center for Coastal Studies to come to the next CCWPC meeting to discuss the RFP and answer questions. Florence Seldin asked if the Pleasant Bay Alliance does monitoring, Mr. Niedzwiecki said they do and Ms. Crowley said Eastham and Orleans do as well. Ms. Crowley said there was an urgency to get the RFP out and The Center for Coastal Studies was asked to be flexible to reassess.

Chair Sims McGrath referred to the agenda item regarding a Technical Committee. Jack Yunits said he would defer to what Mr. Niedzwiecki and the CCWPC wants. He said the County gets contracts frequently from CCWPC so he thinks the CCWPC should consider having a Technical Committee to look at the contracts that come in since the Commission has the expertise. Chair McGrath said that will continue to be considered. Mr. Yunits said the CCWPC had it previously with Andrew Gottlieb and it might be a good idea to have it now that Mr. Gottlieb is gone.

Paul Hebert referred to the Conservation Law Foundation lawsuit and said he would like the Board to continue to be apprised of that.

## **5. Reports from Governing Board Member Towns and Organizations on Water Resource Issues**

- **Town of Eastham** – Jane Crowley: Eastham’s municipal water system is well underway and they currently have 400 connections; Phase I circles around the entire town, there is a layoff in the summer but otherwise they are on schedule and on time, they are working with GHD on a non-traditional approach in the Salt Pond watershed and they are working with Chatham, Brewster and Orleans; the Town is involved with pond remediation and is now working on evaluating a shallow pond.
- **Town of Chatham** – Florence Seldin: Chatham and Harwich passed their intra-municipal agreement (IMA), there was no requirement under the law that it go to Town Meeting but both towns decided to do it that way, it passed by a large majority and both towns are moving forward.
- **Town of Mashpee** – Thomas Fudala: Mashpee, Sandwich and Barnstable have a final draft for their IMA; the last town project that was funded was for the collection system analysis and GHD completed the final study on that; and they are hoping for the Mashpee CWMP Development of Regional Impact (DRI) to get through the process.
- **County Appointee** – Zenas Crocker: Mr. Crocker described the efforts being done by The Barnstable Clean Water Coalition regarding the lower Marstons Mills River watershed area, monitoring, stormwater, and mitigation measures for the Town of Barnstable.
- **Town of Wellfleet** – Curt Felix: The wastewater committee and water department want to create a new position in town to take over water and wastewater in Wellfleet, both boards have recommended this position, and hopefully it will go to November Town Meeting or in the spring.
- **County Appointee** – Ron Beaty: Had nothing to report.
- **Town of Yarmouth** – Jeff Colby: Three-town discussions with Dennis and Harwich are just beginning, the Yarmouth Board of Selectmen has appointed Mark Forest to lead the group; regarding drinking water a one-year extension for Barnstable was approved; regarding stormwater they are extending the construction phase for a nutrient-removal system through a CZM grant.
- **Town of Truro** – Patricia Pajaron: Regarding wastewater the Board of Health has finalized prepared amendments to Title V, it’s a change that will eliminate cesspools over a period of time; there have been discussions with Provincetown about Beach Point.

Chair Sims McGrath introduced Ray Jack as the new Falmouth Representative on the CCWPC Governing Board.

- **Town of Falmouth** – Ray Jack: Ray Jack noted that he has been the Director of the Falmouth DPW for 23 years; Falmouth is finishing up on a surface water plant, it's a well-done plant within the Long Pond watershed; regarding Falmouth's CWMP they have started to develop a contract to move forward with the south coast and West Falmouth areas.

Zenas Crocker said he applauds Falmouth for their surface water plant, he said he took a tour of the plant and said he would recommend that Board members visit the plant as well.

- **Town of Barnstable** – Paul Hebert: Referred to the Airbnb tax said they did vote for the rental tax mostly because the town would like the revenue but they don't want to tax private homes; they have a great DPW, they have done a great job and they have put together a specific long-term approach; he said the town is stymied in terms of growth because of what it might do to wastewater and the demand for clean water; they are at a critical state.

Tom Fudala referred to the Airbnb tax and Barnstable not wanting to include individual homeowners and said that is the Airbnb; they are all individual homeowners otherwise they would be talking about the hotel/motel tax. He said there wouldn't be any money if they were not included. Florence Seldin said the Cape has a huge number of second homeowners. Mr. Fudala said those are second homes that are not being used for rentals and Ms. Seldin some are being used for rentals and that's the issue. Mr. Fudala said perhaps it depends on the terms of the rental because Airbnb is by the night. Paul Hebert said his other concern about revenue/money coming in from the state is confusion about where that money would be deposited such as in a trust fund and who would oversee it, whether it comes to the County and how it would be managed. He said it's up for grabs right now and he is disturbed by how it might turn out. Mr. Fudala said our state senator is working on that now. Ron Beaty asked Mr. Fudala if Mashpee has a lot of seasonal rentals and said his only issue is which towns bear the burden as the outer Cape and mid Cape towns may have more seasonal rentals than other towns. Mr. Fudala said there are a lot of seasonal homes in Mashpee but he is not sure how many are used for rentals. Jane Crowley said Eastham has 1200 rental properties and Commissioner Beaty said perhaps Eastham would bear more of a burden from that than say Mashpee. He said last month he met with Andrew Gottlieb to try to get more clarification on the Airbnb and said he hasn't really formed an opinion on it yet. Mr. Niedzwiecki said 50% of second homes in the state are on the Cape and 35% of the housing stock on the Cape are second homes; how much of those are rented and for what period of time would have to be determined. He said if Airbnb goes through, towns such as Truro would generate a lot of money. Mr. Niedzwiecki said they are seeing especially in neighborhoods with clusters of development people are coming in and buying two, three, and four homes in one neighborhood and just renting them for 14 weeks a year. He said that is starting to crowd out some of the available housing stock and that is having an impact over and above what's on the wastewater side. He said there is a direct connection to the potential revenue source and the problem they are trying to solve. Chair Sims McGrath said there are also statistics on the occupancy level between year-round houses, owner-occupied seasonal houses and rented seasonal houses and the highest personal capacity is rented seasonal homes. Mr. Niedzwiecki said the Airbnb has changed the game and has created business opportunities for people who want to make investments in real property. Ms. Seldin said with Airbnb if someone uses their platform, Airbnb will charge them 12% and there is a 16% charge for vacations by Trip Adviser.

- **Town of Orleans** – Sims McGrath: \$3.3 million passed at Town Meeting for a combination of wastewater-related endeavors some of it is working towards the 25% design for a wastewater treatment system for the downtown area, the other is investigative and remediation efforts for a variety of areas, and dedicates \$1.1 million for investigation and remediation for the landfill.

## 6. Public Comment

There was no public comment given.

## **7. Items for Future Agendas**

Chair Sims McGrath noted potential future agenda items as: reorganization/election of CCWPC officers in July; specifics of the CCWPC's new Ordinance will be available for discussion; discussion on establishing CCWPC goals; presentation by The Center for Coastal Studies; review CCWPC meeting dates and times. Curt Felix said the work that George Heufelder, Barnstable County Health Department, is doing is groundbreaking and the CCWPC should continue to look at that.

**8. Next Meeting:** Chair Sims McGrath said the next CCWPC meeting date is July 12, 2017.

## **9. Adjourn**

The meeting adjourned at 10:25 a.m.

### **MATERIALS USED/PRESENTED AT THE JUNE 14, 2017 CCWPC MEETING:**

- June 14, 2017 CCWPC Meeting Agenda
- Draft meeting minutes of April 12, 2017