

Cape Cod Metropolitan Planning Organization (MPO)



**Cape Cod Commission Conference Room
3225 Main Street Barnstable, MA 02630**

CAPE COD
COMMISSION

Draft Meeting Minutes: Monday, September 15, 2014

MPO Members in Attendance

Representing

Clinton Bench	Deputy Executive Director, Massachusetts Department of Transportation, (MassDOT) Office of Transportation Planning (OTP)/ Chairman, representing Richard A. Davey, Secretary/Chief Executive Officer (CEO), MassDOT
Pam Haznar	District 5 Projects Engineer, representing Frank DePaola, MassDOT Highway Division Administrator
Austin Knight	Sub-Region D Representative (D= Eastham, Wellfleet, Truro, and Provincetown), Vice Chair
Richard Roy	Cape Cod Commission, Representative
Sims McGrath	Sub Region C: Representative (C = Brewster, Chatham, Harwich and Orleans)
Curtis Sears	Sub Region B: Representative (B = Towns of Dennis and Yarmouth)
Tom Guerino	Cape Cod Regional Transit Authority (CCRTA)
William Doherty	Barnstable County Commissioner

Others in Attendance

Representing

Bryan Pounds	MassDOT, OTP Liaison
Timothy Kochan	MassDOT Highway Division District 5
Florence Seldin	Sub Region C: Alternate (C = Brewster, Chatham, Harwich and Orleans)
Dennis Walsh	Cape Cod Regional Transit Authority (CCRTA)
Terry Whalen	Town of Chatham
Leah Sirmin	Community Planner, Federal Highway Administration
Brandon Wilcox	Federal Highway Administration
Wayne Lamson	Steamship Authority
Sallie Riggs	Bourne Transportation Advisory Committee
Patrick Ellis	Sandwich Board of Selectman
Clay Schofield	Town of Barnstable
Stephen Buckley	openchatham.com
Gloria Freeman	Chatham Citizen
David E. Burns	West Chatham Association
Jessica Wielgus	Cape Cod Commission, Counsel
Glenn Cannon, P.E.	Cape Cod Commission, Technical Services Director
Lev Malakhoff	Cape Cod Commission, Senior Transportation Engineer
Steven Tupper	Cape Cod Commission, Technical Services Planner
Martha Hevenor	Cape Cod Commission, Planner II
Lisa Dillon	Cape Cod Commission, Administrative Assistant
Patrick Tierney	Cape Cod Commission, Technical Services Planner
Cally Harper	Cape Cod Commission, Planner II
Maria McCauley	Cape Cod Commission, Fiscal Officer

Call to order: what time?

Minutes of June 23, 2014:

Mr. Cannon asked for a change to the minutes which is located on page 7, based on public comment. He explained that within the 4th bullet, second sentence on page 7– Ms. Haznar references a letter which lists the public outreach for the Barnhill Road to George Ryder Road project in Chatham. Mr. Cannon would like to change that to Ms. Haznar mentioned a letter. Ms. Haznar explained that there was no letter to reference but rather a list of meetings she put together to update the MPO. She said that she will forward the information to the Commission so that the appropriate change can be made to the minutes and the revised version will be distributed at the next meeting.

Upon a motion by Austin Knight to amend the minutes to include the changes discussed by the public, which will be distributed at the next meeting, and seconded by Pam Haznar, the vote was passed unanimously. Tom Guerino, Richard Roy, Sims McGrath and Bill Doherty abstained from the vote.

Mr. Bench announced that there is a microphone on the table as well as a microphone with stand for the public use. He stated that if anyone is in need of further assistance please see a staff member of the Cape Cod Commission.

Public Comment:

David E. Burns from the West Chatham Association read the attached letter regarding the Route 28, West Chatham TIP project. He asked that a copy of the letter along with the letter from the businesses be made part of the project file. The letter from the businesses stated their opposition to the West Chatham Roadway Project and included signed petitions. (Which had been hand delivered to the Chatham Town Hall by Dan Meservey.)

Mr. Burns stated that he was not at the June meeting, but did read the minutes. He raised some issues in regards to how they relate to the West Chatham project. On page 7 of the minutes Mr. Bench talked about the public outreach that occurred on the Route 28 project stating that there is always public outreach but a consensus is not always reached. Mr. Burns stated that yes there were workshops held but he felt that the process was predetermined. He stated that the fact is that it was a done deal from the beginning. Mr. Burns stated that three people from the West Chatham Association had a long discussion with the representative of Howard Stein Hudson (HSH). Mr. Burns stated that HSH stated that the contract was to bring the Board of Selectmen's plans to fruition; he also told the people from the West Chatham Association that we were on the wrong side of the issue. The summer meetings were held and the HSH Engineer, Mr. SanClemente, used many conjectures in substituting science. For example, the HSH Engineer stated that the roadway in question, Route 28 in West Chatham, had many near misses which were found in the study of accidents on this road. The Chatham website shows a fender bender in the background. In the attached slide it states that the corridor lends itself to potentially severe crashes. He feels that this is biased and is built into the decision which we are against.

Mr. Bench stated that he appreciates the passion in which the speakers expressed regarding this project. He understands that there will continue to be a difference in opinion in moving forward. We are all in agreement that improvements are needed on the corridor as the road is currently not appropriate. The question is what do we do from here? MassDOT has gone through the typical public processes and has

been robust in being able to develop an initial project which was initiated by the Town. The project was defined by the Town and brought to the Department of Transportation. The project is currently at 25% design, primarily by the initiative of the Town, and has come to this body where substantial conversations have been had. A decision was then made to include it on the TIP in 2016. This is the time when the Consultant brings it from the 25% design to the 75% design then to the 100% design, which will provide opportunities for members of the business community and residents discuss what the approach should be. It has been determined to not have the two-way turning lane and to have a roundabout. MassDOT looks forward to the continued public outreach moving forward. There will be one more opportunity for the MPO to consider this project in next year's TIP and which time it will be determined if the project will stay on the TIP.

Mr. Doherty is concerned about the energy put into the projects. He stated for example that the Harwich project did have meetings and support of the selectman but at the end of the day, an organized amount of people were able to overcome all of that. His question is that if we are presented with a project that has community support by the "normal" method of Town Meeting vote and the support of the elected representatives, what else needs to be done before we take the project into consideration?

Mr. Bench stated that MassDOT is looking to the Towns to recommend projects. He also stated that there is a commitment to GreenDOT principles and making sure that we have full safe and attractive accommodations for pedestrians and bicycles. MassDOT builds roads consistent with the state practice from a safety perspective. Generally two-way left turn lanes are not acceptable. MassDOT has created some thresholds for design. When State or Federal Highway funds are used maybe the process should include a way to help the Towns understand the full scope of these projects.

Pam Haznar stated that the Town of Chatham came to MassDOT with a proposal to make improvements on this section of roadway. At the last meeting in June, Ms. Haznar identified the public outreach performed. MassDOT requires due diligence for projects. Since project interest varies, she stated that we need to rely on the communities to gauge how much outreach they feel is necessary. She also commented that there are a lot of people who are in favor of this particular project - it is not totally weighted one way or another.

Stephen Buckley said "since there was going to be a discussion about the Public Participation Plan he would save his comments for that time. He referenced Mr. Doherty's comment stating that there aren't any easy ways out. Mr. Buckley brought attention to the minutes of the June meeting page 4; paragraph 5 where it stated that he did not have a suggestion to an amendment to the PPP. He said he was unsure but thought he raised the idea that in the West Chatham project, the town was presented by their consultant with 3 alternatives, one being to keep the road as it is. So basically they presented 2 new alternatives but 2 weeks later when there was a public hearing, one of those alternatives went away therefore there was only 1 new alternative presented. In spite of being promised at the previous town meeting, there was a vote against it because people were so disgusted; he voted to keep going. He is in favor of the process. What he is pointing out is that the consultant did not follow the process that is clearly outlined in the DOT regulations. He said "Engineers are big on process, when something is not working; you look at the process and question why it is not working."

Mr. Buckley then pointed out page 4, in the 1st section of the minutes where Ms. Haznar stated that there has been a lot of success with this process. He asked what this means, "if it's 80% successful and 20% not, than that is terrible" He asked why this is happening and that is what he was asking in June. He said would someone please "man up" and prepare a review on paper not - "oh we are doing pretty well." Not at a meeting where some obscure little thing that nobody knows anything about and states "oh, we are doing a great job." He said "look at the process and say why are the people in West Chatham saying "why here - what's going on?" He said "There are lessons learned and lessons to be learned."

Mr. Bench asked Mr. Buckley to clarify where on the minutes he was concerned. Mr. Buckley stated that on page 4 it indicates that he did not have a suggestion of an amendment to the PPP. He believes that the tape has a better memory and asked that we go back and listen to the tape. Mr. Bench suggested to Mr. Buckley that if he wishes us to change the minutes, write down what he thinks is appropriate and we can make that change before the end of the meeting or we can ask the staff to go back and listen to the tape and bring the amendment to the next meeting. Mr. Buckley asked that staff go back and listen to the tape as he can't remember exactly what he said. The point being, he commented is that there has been no oversight over the process.

Gloria Freeman, a Chatham citizen, read the attached statement to the MPO. Her comments include statements regarding the Draft Public Participation Plan and the West Chatham Project, Route 124 project in Harwich. After reading her statement, she asked if we could answer the question of removing the Route 124 Harwich project from the TIP or if perhaps we include this item on the next agenda.

Mr. Bench stated that YES the MPO can remove this project from the TIP. He asked if there were any other public comments and there were none.

Public Participation Plan: - Review of Public Comments and Vote to Extend Public Participation Plan Comment Period.

— Jessica Wielgus, CCC Counsel

Ms. Wielgus followed up on the DRAFT PPP that was released for public comment. At today's meeting we will review the comments to be considered before taking action. She stated that the most significant comments received are from Federal Highway which is redlined on the PPP Draft.

The changes are as follows:

- Page 1 is to memorialize that we have a 45 day comment period for any new iterations of the plan. The plan will be reviewed in 5 year intervals. Changes can also be brought up at any time.
- Page 8 is one of the more significant comments stating that there are opportunities for public comment when the plan is released. For significant comments that are made, there is an additional comment period that will be extended. This change goes onto page 9. There will be further detail coming up on this.
- Page 11 incorporates the Federal Highway request to reference the tracked language in the regulation as it relates to interested parties. Mr. Doherty asked about the representatives on page 11. Are you talking about representatives of organized labor in that industry or are you talking about representatives of the owners? Mr. Cannon stated that it is the providers of the labor workforce particularly for public transportation who are included in the process. Mr. Doherty is concerned that there is a different approach between the owners and laborers that is involved. He stated that he thought that the statement covered the interest of the laborers. Ms. Wielgus stated that this language is directly from the federal code. Even if removed, it is still a requirement as written. Sims McGrath stated that he no problem with this as they are the group that is using this particular resource more than another other groups or individuals. He stated that where they are or how they earn their living on the transportation system, their input is valuable. Tom Guerino commented that isn't this part of the federal language. Mr. Bench stated that he doesn't think that it's a "requirement" to include the language in the document but that it is being suggested that because we need to adhere to it, that it be included. Mr. Cannon stated that this group of stakeholders needs to be reached out to, but they do not necessarily have to reach out to us.
- On the bottom of page 11 noting that fact that we do use email as a form of communications.
- On Page 13 it will be highlighted that we can use public outreach and comments. One method that can be used is comment cards. This wasn't specifically mentioned as a useful tool.

- Page 24 is one of the more significant comments made. Federal Highway stated that if there is a significant comment made as it relates to Title VI populations, there should be a 7 day period in which comments are presented and reviewed. If there are comments, staff will provide a summary grid which will be brought to the board to confirm that changes were made. Leah Sirmin stated that this applies to both Title VI and to general comments. Mr. Bench is not sure if what is being proposed in section 3C is required. If a single comment is made that would indicate a disproportional impact on Title VI it should not be cause for extending the comment period for 7 more days. Mr. Doherty is concerned that all comments will generate an extension. Mr. Cannon suggested coming back to the next meeting to give us a chance to work out this detail.
- On Page 25 a similar request was made stating that if there are “significant” changes to the TIP, RTP or the UPWP, a 7 day comment period should be given to solicit public comment on that particular change. If no comment was made then it is closed. This determination is made by this body, not made by staff. Ms. Wielgus suggested what constitutes “significant” to trigger the 7 day comment period is at the discretion of the board. Mr. Doherty stated that there should to be consideration to the meeting schedule unless it is turned over to an executive committee. Mr. Bench suggested using the schedule that we use for the TIP.
- Ms. Wielgus stated that another comment made is that the PPP should reference the comment periods that are required by other significant documents being the RTP, TIP and UPWP.

Ms. Wielgus asked the board to go back to page 24 and asked if they had any recommendations. Mr. Bench stated that the intent of MassDOT is to make sure that when a concern is being raised about an Environment Justice, Title VI oriented issue, we are certain that an effort has been made to reach out to contacts that have been identified by staff as key stakeholders representing those communities. The suggestion was that staff is responsible for outreach to those groups, also referencing the document that has already been sent out.

Ms. Wielgus stated that Section D talks about the grid and responding to all comments made. She is recommending that Section C could be made a subset of D and there could be a reference to this process as it relates to Title VI populations with no specific time periods.

Mr. Bench stated that a benefit to a stakeholder is hearing other comments before a final vote is made. The staff should think about how this could be worked out. We always have the challenge of a meeting followed by a 30 day comment period meaning that there is another 35 days before a vote. The staff is then challenged with how do we summarize these comments and get them out to people. Anyone that is interested should see the document first to also get a sense of the other comments coming in before coming to the meeting.

Mr. Guerino stated that Title VI population is a very important community when it comes to public participation as it relates to public transportation. There should be one particular person that is responsible for public outreach. Should we have the staff person who will be designated to be sure that the Title VI Community is in fact outreached to?

Mr. Cannon stated that the bottom line is that if a comment comes in, we need documentation to show that it was distributed to the outreach list. He also stated that we should have at least 7 days to respond, not necessarily an “additional” 7 days.

Mr. Bench is having difficulty determining “one kind” of comment that triggers an extension of the process as it could hold up implementation of the plan.

Mr. Doherty believes it would be beneficial for the Title VI coordinator to reach out to the advocacy groups of the disabled.

Mr. Bench asked that we go back to page 8- 9 so that he could understand the comment that was made. Ms. Wielgus stated that it is a reference to the language that we deem as significant on the RTP/UPWP/TIP. Mr. Bench asked if given the new language we are including on page 24-25 , be sure we are not in conflict. He also asked that we double check when we are using the word “amendment,” that may not be your intention.

Ms. Wielgus stated that Martha Hevenor did take a look Cape-Wide to determine where the Title VI communities are. Ms. Hevenor explained that she used GIS and county-wide demographic data to locate the communities of minority population and limited language deficiency, and then mapped the locations. We then looked at our expanded contact list and regular stakeholders which routinely are included in our mailings. We then expanded our list to include the targeted areas and included social service organizations and neighborhood locations. The contact list will continue to expand as we move forward.

Mr. Wielgus stated that Portuguese is one of the languages in which we will provide more access for. The PPP has been translated into Portuguese and has been distributed to the media list that has been given to the MPO.

Mr. Bench suggested that staff take the comments made by MassDOT and Federal Highway today and incorporate them into the document. It will be the opinion of staff to require a new public comment period. He doesn't want to see the timeframe to implement the PPP be extended for long periods of time.

Mr. Cannon stated that we may need a meeting with MassDOT and Federal Highway to resolve the additional 7 day comment period.

Mr. Bench said that we will have staff bring the changes to the Oct 20th meeting then put the revision back out for public comment, which may not be the full 45 day period.

Ms. Wielgus referred to the attached email from James Cullen and stated that his comments have been addressed, as well as the comments from Gregory Sobczynski in the attached email. MassDOT believes that the document meets their needs for the public comment period and that MassDOT is in alignment with it.

No further action was taken at this time

Cape Cod Metropolitan Planning Organization (MPO) Nominees for the Sub-Regions: Vote to open Nominee Ballots.

— Maria McCauley, CCC Fiscal Officer

Mr. Cannon explained that nominees are needed for our MPO election for the sub regions. Each of the selectman of each sub region has been asked to nominate themselves or a fellow select person to sit on the MPO Board. The nominee process is as follows; once we have the nominees we will send out ballots for voting which will then come back to the November 17th meeting for a vote. The nominations will be opened, announced and tallied at a public meeting. There is also an opportunity to submit nominations today from members of the Board of Selectmen.

Upon a motion by Sims McGrath to open the nominations at today's meeting, second by Richard Roy, the vote was passed unanimously.

Mr. Bench asked what the process for accepting nominations? Mr. Cannon stated that nominations can occur verbally at the meeting. Mr. Bench asked if the Selectman in attendance had additional nominations, there were none.

Maria McCauley opened the ballots and announced the nominees as follows:

SubRegion A

Town	Nomination	By
Bourne	Peter Meier	Donald Pickard, Donald Ellis, Peter Meier
Sandwich	R. Patrick Ellis	James Pierce, Frank Pannorfi, R. Patrick Ellis, Peter Meier
Falmouth	Mary Pat Flynn	Peter Meier
	Rebecca Moffitt	Rebecca Moffitt
Mashpee	Michael Richardson	Michael Richardson - AS ALTERNATE
	Andrew Gottlieb	Andrew Gottlieb, Wayne Taylor, Carol Sherman, John Cahalane, Michael Richardson

SubRegion B

Town	Nomination	By
Dennis	Sheryl A. McMahon	Sheryl McMahon, Paul McCormick

SubRegion C

Town	Nomination	By
Harwich	Larry G. Ballantine	Peter Hughes, Linda Cebula, Larry G. Ballantine
Orleans	Sims McGrath	Alan McClennen, Florence Seldin

SubRegion D

Town	Nomination	By
Truro	Jay Coburn	Berta Bruinooge

Upon a motion by Sims McGrath to close the nominations, which was second by Austin Knight, the vote was passed unanimously.

Ballots are due October 17 and the election is November 17 at the MPO meeting. This term will take effect on January 1, 2015.

Climate Change on Cape Cod: Presentation and Discussion.

— Cally Harper, CCC Planner II

Ms. Harper gave a power point presentation on Climate Change on Cape Cod. The presentation included sea level rise, innovation, resiliency and how they relate to UPWP Tasks 2.5 and 3.5.

Ms. Harper explained sea level rise and its effect on the transportation system on Cape Cod. The Cape Cod Commission developed a sea level rise model which is a baseline for how much of the coastline will be submerged as the sea level rises. The slide shown represents a 3 foot sea level rise and the effect to the coastline. She indicates that with resiliency planning of the transportation system we can overcome these challenges.

The Cape Cod Commission has been working on sea level projects. In last year's UPWP, Task 2.5 was a risk and vulnerability assessment of the transportation infrastructure. This year we continue the planning effort creating maps that show transportation assets. These assets are divided into Airports, Railroads, Seaports, Transit and Highway. The stakeholders were asked to rate their usage and importance to the communities. The next step is to take the ranking and insert them into the Sea Level rise viewer. We will then raise the sea level by 1, 2 and 3 ft to determine which assets will be under water. At which time, we can come up with some mitigation strategies for those assets.

Mr. Cannon commented that MassDOT is working with a consultant now on a model in which we will have access to.

Mr. Guerino stated that they received flood maps from FEMA and questioned if our information will be forwarded to FEMA for review. He stated that after looking at the FEMA maps, the Town feels that they are incorrect. He feels that some of the information talked about here could be helpful. Mr. Cannon stated that after MassDOT completes their model, we will continue discussions when we have the sufficient tools.

Ms. Harper pointed out that the Sea Level Rise map is available on our website.

Unified Planning Work Program (UPWP) Year-End Review: Presentation and Discussion.
— Glenn Cannon, CCC Director of Technical Services

Upon a motion by Austin Knight to table the Agenda item of the UPWP to the next meeting, which was second by Tom Guerino, the vote was passed unanimously.

Reports and Other Business

Project Updates and Other regional reports from MassDOT Highway Division District 5 Office, Cape Cod Regional Transit Authority (CCRTA), and the Cape Cod Commission.

Mr. Knight stated that the Selectman on the Lower Cape got together to discuss the significant amount of accidents on Route 6. They are becoming more and more of an issue due to the increasing traffic. Mr. Cannon responded by stating that there is a meeting on September 18 @ 10:00 am at the Wellfleet Fire Station with Representatives Sarah Peake, Frank DePaola and Mary Joe Perry to discuss Route 6 in Wellfleet.

Pam Haznar gave updates as follows:

- The ITS Project is complete which is the message boards and real time travel information.

- There will be extensive clearing of the dead trees within the median at Exit 2 due to safety concerns which is part of the Bourne/Sandwich resurfacing project on Route 6. This project should be wrapped up this fall.
- The Bourne/Wareham, Route 6 and Route 28 project will be complete in November.
- The Chatham Mitchell River Bridge is beginning construction and the closing of the bridge is scheduled for Wednesday, September 17.
- There are two intersections in Falmouth on Route 28 which have been awarded, Jones Road and Davis and Old Meeting House Road. The town is considering public sewer and water which could delay that project.
- Work is beginning at the Orleans roundabout on Route 28 and Route 6A.
- MassDOT is installing a quick curb device in Dennis, Harwich, Brewster and Orleans MassDOT and work will begin shortly. This work will be done at night and detours will be at the interchanges. Hoping to wrap this up by the winter.
- Dennis/Yarmouth Rail Trail is coming into the final stretch and will be advertised within the next week or so.
- A resurfacing project was advertised in July on Route 28 in Bourne and the bid opening is in November. This will be night work as well.
- The Barnstable, Bearses Way and Route 28 which extends to the Cape Cod Mall is at 25% design
- Bass River Bridge was pulled out of the Rail Trail project due the need to obtain a Coast Guard Permit and did not want to delay the entire project. Once the permit is obtained we can add the bridge to the project.

Mr. Guerino asked MassDOT to work with the developer on Cohasset Narrows Bridge Project. There has been a lot of sediment from the project making the waterway difficult to navigate as well as the small Marina which needs to be dredged as a result of the work.

Ms. Haznar also mentioned that the two intersections on Route 28/Main St. and Route 6A/Main St. in Orleans are at 75% design and is slated for 2015. Mr. Cannon referred to the attached letter where a citizen asked if when the pedestrian crossing signals are activated, that the traffic signals could automatically flash both red and yellow lights in all directions. Mr. Cannon stated that he is not sure if that is still MassDOT policy. Ms. Haznar stated that this is not policy, but there will be audible signals. Mr. Cannon will follow up with the citizen.

Dennis Walsh stated that the RTA and Cape Flyer have completed another successful summer season. They are now planning an MOU with the MBTA for the 3rd year and future years. The National Park Service bike shuttle is in its second year and also showed an increase in ridership.

Mr. Bench noted that MassDOT will be proceeding with a commuter rail study with regard to year-round service. The study will begin in about a month or so, with hope of results by next summer. Mr. Cannon asked that we be involved with the study and well as the RTA. Mr. Cannon commented that we do have the Commuter Rail study in our UPWP and asked that there be coordination as to not duplicate efforts. Mr. Bench agreed.

Mr. Cannon stated that there is urgency in the Town of Bourne regarding Commuter Rail, and would like to have a discussion about timeline. Mr. Guerino stated that there will be a Town meeting in Bourne, in October which will be addressing the first step in looking into Commuter Rail.

Next Meeting: Monday, October 20, 2014

Adjourn: Upon a motion by Curtis Sears to adjourn the meeting, second by Tom Guerino, the meeting was adjourned at 3:07 pm with a unanimous vote.

Documents and Exhibits Used/Received:

MPO Agenda for September 15, 2014

DRAFT Minutes, June 23, 2014 Meeting

Copy of Climate Change Power Point

Copy of UPWP Power Point

Email to Jessica Wielgus from Gregory Sobczynski, MassDOT, dated 9/12/14 regarding Title VI feedback

Media Contacts

Memorandum to the Cape Cod Metropolitan Planning Organization from Jessica Wielgus dated 9/4/14 regarding Public Participation Plan Comments

Memorandum to David Mohler, MassDOT from Monica Conyngham, Senior Counsel, dated 10/7/11 regarding the MPO Electorate Opinion

Public Comments regarding the Public Participation Plan from James Cullen made in an email to Glenn Cannon on August 15, 2015.

Redlined version of the Public Participation Plan with proposed changes to incorporate comments of Leah Sirmin of Federal Highway

Email from Glenn Cannon to Pam Haznar dated 7/29/14 regarding the Intersection Upgrades in Orleans with a letter dated 7/23/14 from C. Edward Trump