

-DRAFT-
MINUTES OF THE
CAPE COD WATER PROTECTION COLLABORATIVE
7-13-11

A meeting of the Cape Cod Water Protection Collaborative was held at the Cape Cod Commission conference room on July 13, 2011.

Chairman Ballantine opened the meeting at 9:30 a.m. as an informal discussion due to a lack of quorum.

Members:

| | | |
|-------------------|-------------------------|---------|
| Barnstable | Mark Ells | Absent |
| Bourne | Peggy Fantozzi | Absent |
| Brewster | Sue Leven | Present |
| Chatham | Florence Seldin | Absent |
| Dennis | Paul McCormick | Absent |
| Eastham | Jane Crowley | Absent |
| Falmouth | David Braga | Present |
| Harwich | Larry Ballantine | Present |
| Mashpee | Michael Richardson | Absent |
| Orleans | Sims McGrath | Absent |
| Provincetown | David Bedard | Absent |
| Sandwich | Linell Grundsman | Absent |
| Truro | Patricia Pajaron | Absent |
| Wellfleet | Hillary Greenberg-Lemos | Present |
| Yarmouth | George Allaire | Present |
| County Appointee | Sheila Lyons | Absent |
| County Appointee | Augusta McKusick | Absent |
| Ex-officio member | George Heufelder | Absent |
| Ex-officio member | Paul Niedzwiecki | Absent |

Staff Present:

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|-----------------|--------------------------|
| Andrew Gottlieb | Executive Director |
| Kara Mahoney | Administrative Assistant |

Others Present:

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| Rosemary Blacquier | Woodard & Curran |
| Charles Spooner | Yarmouth Resident |
| Gerry Loftus | Harwich CACWMTF |
| Mike Domenica | CH2M Hill |
| Robert J. Ciolek | Town of Barnstable |
| Gerald Potamis | Town of Falmouth, WWTP |
| Rob Steen | Wright-Pierce |
| Gerry Nye | Town of Sandwich |
| Patty Daley | Cape Cod Commission |

I. Member Reports

Town of Falmouth ~ David Braga reported on the May Town Meeting. 2.8 million passed for demonstration projects and 1.5 million for repairs.

The following members arrived at 9:35 a.m.

Jane Crowley

Sheila Lyons

Mark Ells

Paul McCormick

Town of Eastham ~ Jane Crowley reported that the town was moving ahead with pond evaluation and the general activity of some beach closings.

Town of Brewster ~ Sue Leven reported the town is between the 1st and 2nd phase of work on bridge projects. A scope of work is being put together for Hinckley Pond. Horsley Whitten has been contracted to do build out work. The 2nd phase of RFP is being reviewed by Town Counsel.

Town of Barnstable ~ Mark Ells reported that the draft CWMP will be coming out shortly and they are finishing the permitting to dredge Mill Pond.

Town of Wellfleet ~ Hillary Greenberg-Lemos reported the town is working on a build out for MEEP. There will be a joint meeting with the Board of Health at the end of August to roll out wastewater planning.

Town of Yarmouth ~ George Allaire announced there would be a special Town Meeting on September 12th. The town is asking for \$58 million to do phase 1 of the treatment plant project.

Town of Dennis ~ Paul McCormick reported that the town was having trouble getting residents to realize what the issue is. The Board of Selectmen changed the Committee charged by reducing the number of members. Wastewater and dredging are high on the town's priority list.

Town of Orleans ~ Gussie McKusick provided the update in absence of Sims McGrath. She reported the DRI hearing would be the following week. The town received a 34 page response and requested an extension.

Town of Chatham ~ Bob Duncanson provided the update in absence of Florence Seldin. He reported that four contracts were in the process of closing out. Pump stations were just about finished. The work on Route 28 will continue in the Fall. The Treatment Plant work will start up late Fall.

Town of Harwich ~ Larry Ballantine reported that Harwich is working with other towns on Hinkley Pond and Muddy Creek. He introduced Jerry Loftus from the Citizen's Advisory Committee, who looks over water quality.

Barnstable County ~ Sheila Lyons had no comments other than announcing Andrew Gottlieb would be attending the Commissioners meeting later that morning to talk about the summit.

Chairman Ballantine announced the Board had a quorum and officially opened the meeting at 9:50 a.m.

II. Approval of Minutes

Motion made by George Allaire to approve the Minutes of May 11, 2011, 2nd by Gussie McKusick, approved 7-0-2. Paul McCormick and Hillary Greenberg-Lemos abstained as they were not present.

III. Executive Director Report

Andrew Gottlieb provided the following reports:

- 1) He will be attending the County Commissioner's meeting at 11:00 a.m.
- 2) The Collaborative's budget passed the Assembly of Delegates as proposed.
- 3) A letter from the Town of Provincetown was received that David Bedard had resigned and a new Selectmen was appointed.
- 4) DEP received budget cuts from the House and Senate.
- 5) The DEP Commissioner and two Deputies visited the Cape and took a tour of several watershed sites. They started the day with a breakfast meeting with Larry Ballantine, Florence Seldin, Suzanne McAuliffe and Sims McGrath. Then, visited Parkers River Bridge and Mill Pond where they were joined by Senator Wolfe and Mark Ells. Next, they toured Popponesset Bay with the Shellfish Officer and took samples. The tour finished at Lawrence Pond in Falmouth.
- 6) Update on Wetlands project: Bob Golledge and Horsley Whitten met with three towns the previous day. They are in the process of setting up a Citizen's Advisory Committee.

IV. Recommendation to proceed with the Scientific Review Panel

Andrew Gottlieb reviewed the history and progress of the review. He asked that the Board vote today on whether or not to recommend to the County Commissioners to proceed with the peer review. He will bring the message to the Commissioners at their meeting. If the Board chooses to proceed then the review will be done in October. Also, following the Board's decision he and Mike Domenica will prepare a letter to thank those that responded to the request for public comment.

Mike Domenica provided the Board with the steps that would follow their approval. He is currently having preliminary discussions with possible outside facilitators. There have been no decisions or offers. He also provided a final draft of the framework that included public comment.

Mark Ells asked Mr. Domenica for the TAC's recommendation. Bob Duncanson, TAC member, responded that the TAC recommends to proceed.

Motion made by Gussie McKusick to accept the changes on the framework of review and be referred to the County Commissioners for action. 2nd by David Braga, approved 9-0-0.

V. Proposed Amendment to the Massachusetts Water Quality Standards

Andrew Gottlieb presented a proposal to the Board regarding the Massachusetts Water Quality Standards to create a classification that better suits boat basins impaired by their current uses. The logic behind the approach is to create a designation that protects and maintains current uses without requiring significant nitrogen source reduction that will have limited, if any, impact on water quality due to the existing intensity of uses of the basin and impacts of the uses.

Mark Ells left at 10:45 a.m.

The members discussed the proposal. Mr. Gottlieb said that if they approved for him to move forward with this, his next step would be to work on specific language to be proposed to the DEP for inclusion in their next revision to the Water Quality Standards.

Motion made by Larry Ballantine to authorize Andrew Gottlieb, Executive Director, to begin work on his proposal for the amendment to change the Massachusetts Water Quality Standards for Boat Basins. 2nd by Gussie McKusick, approved 8-0-0.

VI. Report on Funding Strategies for Wastewater

Bob Ciolek gave a presentation on “Community Funding for Wastewater Capital Programs”. His presentation contained the following information:

- Cape Cod Wastewater Funding Facts
- Benefits of Wastewater Capital Program
- Cape Cod Wastewater Funding Choices:
 1. Using Existing Town Revenue
 2. Betterment Assessments
 3. Proposition 2 ½ override or debt exclusion
 4. System-wide fees, rates and charges
- Possible Funding Mitigation Options:
 1. Legislative Approval of New revenue source
 2. Use of MGL C59, Section 21(n) Regionalizing Wastewater System

Sue Leven left at 11:15 a.m.

Jane Crowley suggested that the Governing Board send a letter to Sue Rask, formerly with the Barnstable County Department of Health & Environment, recognizing her for her contributions to the Collaborative.

Motion made by Gussie McKusick to adjourn at 11:30 a.m., 2nd by David Braga, approved 8-0-0.

Materials distributed during meeting:

- Presentation by Bob Ciolek on “Community Funding for Wastewater Capital Programs”