

DRAFT
MEETING MINUTES
CAPE COD AND ISLANDS WATER PROTECTION FUND MANAGEMENT BOARD
June 26, 2019 Meeting

Member Town Representatives:

Barnstable	Mark Ells	Present
Bourne	James Potter	Absent
Brewster	Ben deRuyter	Present
Chatham	Bob Duncanson	Present
Dennis	Elizabeth Sullivan	Present
Eastham	Jacqueline Beebe (Michael Lorenzo)	(Present)
Falmouth	Peter Johnson-Staub	Present
Harwich	Don Howell	Present
Mashpee	Andrew Gottlieb	Present
Orleans	Kevin Galligan	Present/Remote
Provincetown	Josee Young	Present
Sandwich	George "Bud" Dunham	Present
Truro	Rae Ann Palmer	Present
Wellfleet	Justina Carlson	Absent
Yarmouth	Tracy Post	Present

Non-voting Ex-officio Members:

Cape Cod Commission	Kristy Senatori	Present
Martha's Vineyard Commission	Adam Turner	Absent
Town of Nantucket	Elizabeth Gibson	Present/Remote

Martha's Vineyard Towns' Liaisons:

Aquinnah	Megan Ottens-Sargent	Absent
Chilmark	Joan Malkin	Absent
Oak Bluffs	Gail Barmakian	Absent
Edgartown		
Gosnold		
Tisbury		
West Tisbury		

Summary of Discussion/Action Taken: Board approved minutes of the May 14, 2019 meeting, received a presentation from the MA Department of Revenue (DOR), received a Bylaw Committee report, voted on an alternate posting location for meeting agendas and members provided brief updates on local activities related to water quality.

Documents Used/Received: Draft meeting minutes of May 14, 2019, Room Occupancy and the Water Protection Fund Excise handout provided by DOR

Chair George 'Bud' Dunham called the meeting to order at 4 pm.

Upon a motion by Peter Johnson Staub, second by Don Howell, minutes from the May 14, 2019 Cape Cod and Islands Water Protection Fund Management Board meeting were approved with Elizabeth Sullivan and Tracy Post abstaining.

Dana Ackerman, Taxpayer Advocate from DOR addressed the board and distributed a handout. She noted that her office has fielded many calls from realtors and put information on DOR's website including Frequently Asked Questions.

Ms. Ackerman said that the legislation creating the tax that goes into effect on July 1st includes short-term rentals and traditional lodging. DOR's collection process is the same as with other occupancy taxes. The excise tax is collected from the renter by an intermediary - whoever collects the rent, also collects the tax. The tax is paid monthly to DOR, so the July taxes collected will be due on August 20th. DOR also calculates the correct tax and the responsible party will owe that amount regardless of how much they collected.

Ms. Ackerman reported on the DOR allocation process currently in place that will be utilized for this new tax as well. Taxes collected will be deposited into a fund quarterly, with the first deposit in September. In this case there will be only one month of taxes collected. She highlighted the resource website 'www.mass.gov/dor/roomocc' and noted that towns should refer questions to the contact center. Her role is to address taxpayer problems and she said she'd like to hear about these as they arise.

Board members were invited to ask questions. Several asked if the incoming taxes will be identified by source to which Ms. Ackerman responded yes, although currently there is no distinction between hotel and home rentals. She said she wasn't sure if DOR is investigating short term rental application scrub sites and highlighted the confidential nature of DOR's work but said they are comfortable they know who the players are; the registration certificates have to be reported with the taxes and information is cross checked along the way. If towns are aware of parties that are not registered, Ms. Ackerman suggested they pass along the information. She said DOR can and does waive penalties if there is reason to believe a taxpayer is unsophisticated or unaware, however she noted that there has been lots of press here around this new tax and that they have been working with Cape Cod Chamber of Commerce to get the word out.

She also noted that Bed and Breakfasts are exempt, therefore if someone is renting one room in a home with breakfast included, they may be exempt from collecting this tax. Without breakfast, they would not be exempt. There was discussion about registrants being reminded to contact the local boards to be sure their rental was in compliance to operate locally; Ms. Ackerman said she would look into adding this to the frequently asked questions. DOR staff also tell people calling with questions to check with their town on local obligations. DOR cannot currently tell if an individual reporting rent income on personal taxes would be subject to this new tax but they are working on a different way of reporting to make it more clear.

In response to a question about funding only projects that are State Revolving Fund (SRF) loan eligible, Ms. Ackerman said it wasn't specified in the law so DOR is unable to answer. Mr. Gottlieb said that the tax was created in MGL 29C, the Clean Water Trust statute and read from the Act sections that make it clear projects need to be SRF eligible.

The Bylaw Committee report was provided by Mark Ells who read the following: On June 18, 2019, the Bylaw Committee met to review draft bylaws as prepared by Cape Cod Commission staff and provided to subcommittee members on June 14, 2019. The Committee nominated a Chair (Mark Ells) and Vice Chair (Don Howell). We moved into review of the draft bylaws, provided comments section by section and have given back to Commission staff to modify for further review. That completes my report subject to any further comment by fellow committee members.

The Management Board discussed creating an alternate posting location. Tracy Post moved that the Cape Cod and Islands Water Protection Fund Management Board and its subcommittees adopt its website as its official notice posting method for posting meeting notices in accordance with the Open Meeting Law effective July 3rd. The motion was seconded and approved unanimously.

Members were invited to provide updates on local water quality news. Elizabeth Sullivan reported that progress is being made on the Dennis/Harwich/Yarmouth partnership. It is anticipated that legislation will be signed this month with town meeting action possible in the Fall. Don Howell added that individual boards will need to approve it first. He reported on Harwich project bids coming in 34% higher than expected but all within range; he suggested asphalt costs are driving costs up.

Kristy Senatori reported that the Ethics Commission has decided Management Board members should take the municipal, not county, test; she also reminded members to submit their Open Meeting Law certifications. She noted that 208 compliance report drafts were sent to towns and reminded members that the One Cape Summit is being held July 29-30 at the Wequasset Resort in Harwich. Executive Office of Energy and Environmental Affairs Secretary Theoharides and Executive Office of Housing and Economic Development Secretary Kennealy are confirmed speakers as well as Boston's WBZ-TV Chief Meteorologist Eric Fischer.

Bob Duncanson reported that Chatham recently awarded one sewer project that came in close to the engineer's estimate and just advertised one more. Another may be advertised in late summer or fall.

Mark Ells said that Barnstable sent a letter of interest to Joint Base Cape Cod to take over management of the water treatment facility; he expects response soon. The town continues to work with Bourne, Sandwich, Mashpee and Falmouth and after a successful budget year the town expects to install sewer lines on the Vineyard Wind route sooner than expected.

Bud Dunham reported that Sandwich is working with its neighbors and got approval to grant easements to Barnstable and Mashpee for connections to Joint Base Cape Cod. The town also approved establishment of the Water Infrastructure Investment Fund.

Commission staff will poll the board re: preferred meeting times. The board will likely not meet in July.

The meeting adjourned at 4:55 p.m.