A motion was made by Sheila Lyons to enter in to Executive Session to discuss potential litigation regarding Freddie Mac and Frannie Mae at 2:04 p.m., to return to open session, 2nd by Bill Doherty, approved 3-0-0. This is a potential Executive Session under M.G.L. Chapter 30A, Section 21(a)3 to discuss strategy with respect to collective bargaining or litigation and that the conduct of an open meeting may have a detrimental effect on the bargaining or litigating position of the County.

Roll call vote:
William Doherty  aye
Mary Pat Flynn  aye
Sheila R. Lyons aye

Commissioners’ returned to Open Session.

Chairman Flynn apologized to those present for having to wait in the lobby for fifteen minutes due to the Executive Session running fifteen minutes late. She announced no vote was taken during Executive Session and that they rescheduled their meeting for Friday, October 19th at 3:00 p.m. to continue the discussion.

Chairman Flynn officially opened the meeting at 3:45 p.m. and asked that everyone stand to recite the pledge of allegiance and observe a moment of silence.

I. Wastewater Planning Alternatives update from Andrew Gottlieb, Cape Cod Water Protection Collaborative and Paul Niedzwiecki, Cape Cod Commission.

Andrew Gottlieb gave a presentation on “Optimizing County Resources and Policies in Wastewater Planning and Implementation”. Mr. Gottlieb and Paul Niedzwiecki were charged by the County Commissioners to suggest ways to optimize County and Cape Cod Commission resources and policies to solve the wastewater management problem in a manner consistent with the following priorities:
1. Is there a way to get a more timely clean up and protection of the water resources of the Cape;
2. Is there a way to minimize the infrastructure that would be built to achieve that outcome compared to what would be anticipated by a town by town approach;
3. Could the County minimize the overall cost of wastewater management through looking at alternative approaches and partnerships between towns; and
4. Lower the overall impact on the individual ratepayer.

Mr. Gottlieb stated this activity is being undertaken in the context of an ongoing and long record of Barnstable County supporting local wastewater management efforts. Over the last ten (10) years the County has had a variety of ways of providing technical expertise, staff support through the Department of Health & Environment, Cape Cod Commission and hiring of Consultants through Cape Cod Water Protection Collaborative funding. The County has an extensive record of public outreach. Paul Niedzwiecki and himself have facilitated more than 50 discussions across Cape Cod in 2012. In the future they anticipate the development of a clear wastewater management plan that has been called for in the County ordinance. The guidance coming out of the Cape Cod Commission will facilitate communities managing wastewater not just on the local level but on the watershed level.

Mr. Gottlieb emphasized that this is just an update. The Commissioner’s directed him and Paul to take the year. They’re not done. They have spent a lot of time looking at the situation and talking to the towns and seeing what has been going on. They’ve identified similar challenges. Mr. Gottlieb and Mr. Niedzwiecki’s analysis has revealed that towns are challenged by many fundamental factors that are independent of local will or commitment to addressing the issue of wastewater. The challenges include:

- Limited Local Resources
- Inter-municipal Cooperation
- Resource Constraints
- Regulatory Constraints

Mr. Gottlieb stated that they have not settled on a final report but have a clear sense of where the draft report recommendations are going.
• A Massachusetts Water Resources Authority (MWRA) style is not recommended;

• Logical planning and management scale for the most economical and logical solutions are at the watershed level not town boundaries;

• The County and Cape Cod Commission have the ability and should undertake the following general activities:
  o Provide planning and engineering assistance;
  o Provide guidance to enhance the local planning process;
  o Advocate on behalf of the region for the type of regulatory reform and innovation that would enable the Cape to devise and implement solutions over a time period that meets Cape needs; and
  o Advocate on behalf of a Cape-wide contribution from the state and federal governments of half the overall capital cost of all management solutions.

Mr. Gottlieb stated the County can advocate more effectively than fifteen (15) individual towns can for the type of regulatory reform, opportunities for innovation, and to develop the type of solutions the Cape wants and the time to implement solutions that meets the Cape’s needs. Individual towns do not have the knowledge of state and federal regulatory schemes to be able to advocate effectively for the type of relief they will need. It will be more powerful coming from a regional entity supported by towns.

Andrew Gottlieb and Paul Niedzwiecki will make a recommendation to the County Commissioners that it becomes the County Policy that the County seeks on behalf of the taxpayers and ratepayers of the County a contribution that equals 50% of the cost of County capital infrastructure. They looked at a variety of ways to finance and a variety of levels of cost and don’t believe the ratepayers can bare more than half of the lowest possible cost they could think of.

To sum up his presentation Mr. Gottlieb stated that the County and Cape Cod Commission can add value to the discussion by supplementing and not replacing ongoing important local efforts. The County and the Commission can play a valuable role in facilitating local discussions and can bring to the table opportunities for appropriate solutions that result in the lowest possible infrastructure and cost.

Paul Niedzwiecki announced that next week there is an Alternatives Conference at the Conference Center in Hyannis.
from Monday through Wednesday that the Cape Cod Commission is cosponsoring with the Environmental Protection Agency (EPA), the Department of Environmental Protection (DEP) and other affiliated groups. On Wednesday the Commission will be ready to release their detailed status report.

Mr. Niedzwiecki stated that after speaking with a lot of people throughout the Cape there are four (4) possible outcomes that he sees:

1) The County does nothing. Within a period of 5 years he expects people will start to see degraded water bodies that start to impact the economy. The cost of doing nothing is more expensive than the cost of doing anything else.

2) The County can get the towns energized and give them the proper tools to move the process forward that already exists.

3) The Federal Court takes action and would be the only scenario that a MWRA situation would come about. This is the only scenario in the past and only scenario in the future that an MWRA could happen. An independent authority created from a federal judge using imperfect regulatory tools in a punitive way to pressure communities and legislatures to act.

4) The Cape Wide Facilitation of a Collaborative effort as presented by Andrew Gottlieb. The most efficient way in an environmental perspective and cost perspective is to solve this problem on a watershed by watershed basis.

Commissioner Flynn asked for any public comment.

Ron Beaty asked for clarification that nobody is planning to follow through on the Special Commission on County Governance recommendation to create a MWRA style authority, district or agency as opposed to a single sewer facility.

Commissioner Flynn responded that’s what he heard today.

The second question from Mr. Beaty was based on what he heard Mr. Gottlieb and Mr. Niedziecki say. To him it sounds as if the Cape Cod Water Protection Collaborative already provides the services and advocacy they were talking about. He asked what the difference is between what has already been done and what they’re proposing.
Mr. Gottlieb responded that what they’re talking about is having a County based policy that pursues a funding scheme through the operating department (County Commissioners) that has half the money coming from off Cape. That is not a position for the Collaborative to take. If the Commissioners choose to charge the Collaborative then it can be a legit place for the work to be done. Today they’re talking function. What the County should be doing and how it should be done. Then the actual mechanics of how it gets done will follow.

Richard Delaney from the Cape Cod Chamber of Commerce Board of Directors said that after surveying the Chamber membership that this is the number one public policy priority for the business community. He congratulated Andrew and Paul on the approach they presented today. He thinks it will be well received by the business community. They stand ready as a Chamber to assist the process in any way.

Andrew Gottlieb shared that the materials presented in the meeting today would be available on the ccwpc.org website by the close of business today.

The Performance Evaluation for Paul Niedzwiecki will be tabled for another time.

Commissioner’s will be attending the Assembly of Delegates meeting at 4:00 p.m.

Barnstable, ss. At 3:52 p.m. on this seventeenth day of October, A.D. 2012, Commissioner Doherty moved to adjourn, 2nd by Commissioner Lyons, approved 3-0-0.