

*COMMONWEALTH OF MASSACHUSETTS*

Barnstable, ss.

At the regular meeting of the County Commissioners held in the Superior Courthouse Building, Chambers Conference Room, on the eleventh day of May, A.D. 2016.

**Board of the Barnstable County Commissioners:**

Mary Pat Flynn, Chair	Present
Sheila Lyons, Vice-Chair	Present
Leo Cakounes	Present

**Staff Present:**

Jack Yunits, Jr.	County Administrator
Denise Bradford	Administrative Assistant

Commissioner Flynn called the meeting to order at 12:04 pm.

The Commissioners recited the Pledge of Allegiance followed by a Moment of Silence.

**List of Documents Presented:**

- The May 11, 2016 Meeting Agenda
- Ordinances:
  - 16-04 (add to the County's Operating Budget for Legal Expenses)
  - 16-05 (increase deeds excise tax)
  - 16-06 (adopt a budget for Fiscal Year 2017)
  - 16-07 (authorizes County to purchase capital equipment and to borrow money for the capital equipment)
- Vacation FY17 Rollover request for specific employees
- Report by George Heufelder, Director, Health and Environment
- Septic System Design Document
- The Cape Cod Transportation Week and Transportation Day Proclamation

**1. Public Comment**

There was no public comment.

## 2. General Business

- a. Ratify Ordinance 16-04 to add to the County's Operating Budget for Fiscal Year 2016, as enacted in Ordinance No. 15-02, by making a supplemental appropriation for legal expenses for the Fiscal Year two thousand and sixteen.

*Commissioner Cakounes moved to ratify Ordinance 16-04 which will add to the County's Operating Budget for Fiscal Year 2016, as enacted in Ordinance 15-02, by making a supplemental appropriation for legal expenses for fy16, as presented; Commissioner Lyons, second. The motion passed unanimously, 3-0-0.*

- b. Ratify Ordinance 16-05 to amend Ordinance 09-06 (which amended Ordinance 89-3), Section 1 (a) that imposed an excise tax on certain deeds and other instruments to be recorded at the Registry of Deeds, by increasing the amount from \$1.35 to \$1.53, effective July 1, 2016.

*Commissioner Lyons moved to ratify Ordinance 16-05, to amend Ordinance 09-06, which further amended Ordinance 89-3, Section 1(a), that imposed an excise tax on certain deeds and other instruments to be recorded at the Registry of Deeds, by increasing the amount from \$ 1.35 to \$ 1.53, effective July 1 2016, as presented; Commissioner Flynn, second. The motion passed 2-1-0 (Cakounes voting no).*

- c. Ratify Ordinance 16-06 which is an Ordinance for the County of Barnstable, Massachusetts, adopting a budget for the Fiscal Year 2017 (July 1, 2016 through June 30, 2017).

*Commissioner Lyons moved to ratify Ordinance 16-06, which is an Ordinance for the County of Barnstable, Massachusetts, adopting a budget for the Fiscal Year 2017 (July 1, 2016 through June 30, 2017), as presented; second, Commissioner Flynn. The motion passed, 2-1-0 (Cakounes voting no).*

- d. Ratify Ordinance 16-07 which authorizes the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay for the capital equipment and capital improvements.

*Commissioner Cakounes moved to ratify Ordinance 16-07 which authorizes the County to purchase capital equipment, and implement capital improvements for use in conducting the business of the County and to borrow money to pay for the capital equipment and capital improvements, as presented; second, Commissioner Flynn. The motion passed unanimously, 3-0-0.*

Commissioner Lyons noted that the Ordinances 16-04 through 16-07 had already been approved by the Board and the Assembly at previous meetings and were returned to the Board for ratification at this meeting per County Charter.

- e. Request by the Cape Cod Economic Development Council (EDC) to state in the License Plate Program RFP (request for proposal) that contracts will be for an initial three-year period with two possible three-year renewals.

Discussion of the EDC request followed. Mr. Yunits said that according to MGL 30, the Uniform Procurement Act, any contracts that have renewals or extensions do not have a guarantee that the contracts can be automatically extended. Therefore, contracts must have specific wording regarding extensions or renewals. The Massachusetts Inspector General

does not recommend long-term contracts. He also noted that advertising [for Cape Cod license plates] has increased from the originally allotted \$35,000. Newspapers and media prefer long term contracts.

Commissioner Cakounes said that per Section 12(a) of MGL 30 municipalities must act under the strict guidance of the law. Therefore, he would not support this request or future, similar requests. He noted that the contract under discussion was strictly for annual advertising of the license plates. He also requested that this decision be delayed until the Board of Commissioners received the amended, proposed contract language.

Commissioner Flynn reminded that the EDC was requesting two possible three-year renewals and that the Board could request that contract statements be qualified with language regarding available funds and the appropriation of funds.

Ms. Gail Coyne, Fiscal Manager for the Cape Cod Commission, said she drafted the RFP and that it has two optional RFPs. Contracts resulting from the RFP would be for a marketing strategy for the license plate fund. She said that the Cape Cod Chamber of Commerce was the only source for running the campaign, paying its share of the expenses and then billing the County for it. In addition, it was noted that the EDC receives the County's share of approximately 40%; with the islands receiving 20%; and the Lower Cape (Community Development Partnership) and the Chamber of Commerce each 20%. The marketing strategy was decided upon by the members many years ago. This request would formalize the process and ensure that they are abiding by the procurement law.

*Commissioner Lyons made the motion to approve the request by the Cape Cod Economic Development Council to state in the License Plate Program Request for Proposal that contracts will be for an initial three-year period with two possible three-year renewals; second, Commissioner Flynn. The motion passed 2-1-0 (Cakounes voting no).*

Commissioner Cakounes said that he did not support this action because he felt it was in violation of procurement laws and that the Board should wait a week for contract language of which the Board could be assured was correct.

- f. Report by George Heufelder, Director of the Health and Environment Department, on his Suffolk County, NY trip to review a design for a new layered soil treatment system for onsite wastewater treatment.

Mr. Heufelder reported on two trips. The first trip occurred was to the National Onsite Wastewater Recycling Association (NOWRA) in Virginia. Per the requirement of the 319 Grants [U.S. Environmental Protection Agency/Clean Water Act/ Section 319 Nonpoint Source Management Program grants], they had to present or publish in a national forum on their research resulting from the 319 grants. Mr. Heufelder said that his group reported to NOWRA about their optimization of leaching field design in order to remove contaminants of emerging concern.

The second trip, to Suffolk County, was on the modification of leaching fields to remove nitrogen. He said that he has been collaborating for the past three years with the State of Florida, a group in Rhode Island and the University of Waterloo in Ontario, Canada to modify a leach field in a simple way to achieve higher-than-normal levels of nitrogen removal. The research was funded by various grant sources such as 319 and 208 grants and money from the test center because the Health Department is a research center as well as a

test center for proprietary systems. They have achieved high levels of reduction working with non-proprietary systems. Suffolk County also needs to de-nitrify its septic systems. Governor Cuomo of New York gave \$5,000,00 to Stonybrook University via its Center for Clean Water to do research similar to that being done by the Barnstable County Health Department. As a result, Stonybrook paid for Barnstable County Health Department to meet with them and discuss their design charrette. During this meeting they also met with a number of other US wastewater experts as well as Stonybrook professors and developed several designs.

The Stonybrook group asked Barnstable County Health staff to set up some of the design tests at the Barnstable County test facility. Mr. Heufelder said that the Health Department had been considering closing its test facility, but given the money they would receive from Stonybrook and grants, it would be kept open for this promising research on the modification of existing leaching fields to achieve high levels of nitrogen reduction. It would be funded by external sources (not Barnstable County funds). Three systems would be set up and monitored. There is a lot of push to test this system in the real world, but they are still addressing potential issues as they do not want to replace one issue with another.

Mr. Heufelder said that the research partnership, which would be managed by Barnstable County, included Damann Anderson, of the Florida Department of Health, Professor Robertson of Waterloo University, and George Loomis of the University of Rhode Island and others.

Mr. Heufelder then discussed in detail the system being researched. The system was explained in an illustrated document (attached) handed to the Board. In general, it is a layered soil system which involves the removal of soil and replacing it with Title V sand and sawdust. It requires keeping the sawdust saturated beneath the soil as well as maintenance, and it's relatively inexpensive to install. Testing will involve one year of grant-funded monitoring. If the sawdust could be kept saturated, it could last approximately 40 years. It's important to Cape Cod because approximately 50% [of buildings sites] on the Cape are not sewered, which means a market demand for this solution.

Mr. Heufelder answered questions from the board. In summary, he said he created a succession plan for closing the test facility and that the money exists to close it. The systems they are testing need to be vetted by universities because there are complex issues that only experts can resolve. His focus was on the Towns of Brewster and Orleans which have one to ½ acre lots which will never be sewered. Florida has done similar research but has not yet found a solution. He has spoken to entomologists who said that saturated sawdust would not attract termites (a potential issue). Also, there is concern about the system sinking once the wood degrades. He also said that it's a shallow distribution system with a total excavation of 3.5 feet; however, most Cape Cod systems are deeper. Finally, he said that within one year they would have three years of data and the Stonybrook project would be nearly completed. No action was taken by the board on Mr. Heufelder's report

*Commissioner Cakounes made the motion to move General Business items "l" and "m" out of order for discussion at this time then return to remaining items "g, h, i, j, and k;" second, Commissioner Lyons. The motion passed unanimously, 3-0-0.*

- l.** Lev Malakoff, Senior Transportation Engineer, Cape Cod Commission, and the Cape Cod Regional Transit Authority presentation on County commuting services and the Massachusetts DOT award to the County.

- m.** Approve the Commuting Services Proclamation request by the Cape Cod Commission

Mr. Lev Malakoff discussed General Business items l and m. He said that the Commission and Barnstable County received the MASSDOT award for Excellence in Commuter Options (ECO) last month. He noted his partners for this award, Mr. Tom Karo, Administrator and Ms. Kathy Linds, Mobility Manager for the Regional Transit Authority (RTA). It was for awareness of community travel options.

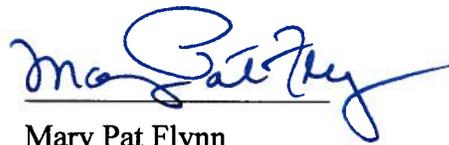
Mr. Malakoff then noted that Saturday, May 14, 2016 was the start of Bike Week, and that Massachusetts was the only state that celebrates this week. He presented a sample bag of bike safety equipment to each Board member, including red lights for the back of bikes donated by the MASSDOT. These will also be distributed to the public. He then mentioned Cape Cod SMART Transportation week, which occurs each year during the last week of June. It recognizes modes of transportation such as bikes, walking, transit services, carpooling and more and that the public would be notified.

Mr. Karo spoke about the Cape Cod RTA, and thanked the Board, Commissioner Lyons and the Cape Cod Commission for their support of RTA's transportation efforts. He also noted that he has worked with Mr. Yunits in the past. Mr. Karo also discussed his Multi-Mobile Committee, which includes the bike community, buses, the Steamship Authority and others. They coordinate and collaborate their services, which include eight fixed routes. In addition, the RTA has had a 52% ridership increase, and they are ready to introduce the seasonal Cape Flyer (Boston to Cape weekend train service), which was mentioned by MBTA General Manager as the only rail service in the country that pays for its operating costs. He said that Ms. Linds was working with the National Seashore and all 15 towns to provide safe, efficient, affordable service. He thanked Mr. Robert Lawton, Barnstable County Interim Finance Director, who chairs their meetings.

In response to Board questions, Mr. Karo said that the Cape Flyer cannot run all year. However, Buzzards Bay has worked for two years to extend Cape train service and that the RTA provides a bus that goes to 16 Boston hospitals and medical facilities.

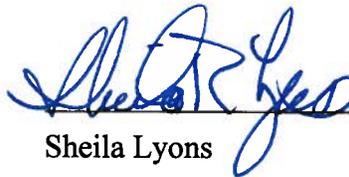
Regarding the Master Plan for the Cape Cod Shared-Use Bike Path, Mr. Malakoff said that it would be ready by the end of September 2016. The Cape Cod Rail Trail would be extended over the Bass River past Yarmouth, and the Town of Sandwich would have a bike path constructed on the Service Road area along Route 6 that cleared by the gas company. They were also doing a feasibility study on extending the Shining Sea Bikeway from northern Falmouth through the entire Cape.

*Commissioner Cakounes moved to approve and execute the proclamation recognizing Cape Cod Smart Transportation Week of June 26th – July 2nd and Cape Cod Transportation Day on June 19th as presented; second, Commissioner Lyons. The motion passed unanimously, 3-0-0.*



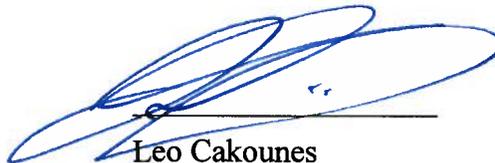
Mary Pat Flynn

Chair



Sheila Lyons

Vice-Chair



Leo Cakounes

Commissioner



Received

APR 29 2016

Barnstable County Commissioners

April 28, 2015

To: Barnstable County Commissioners  
From: George Heufelder  
Re: Allowed out-of-state Travel

### **Report on recent out-of-state travel from George Heufelder, Director of the Department of Health and Environment**

March 30-April 1 – Trip to Long Island to meet with Suffolk County Health officials and research team of Stony Brook University

**Purpose of trip** – Design concept meeting for a new layered soil treatment system for onsite wastewater treatment. To finalize designs to be piloted in Suffolk County, New York for a layered system under development at Barnstable County's – Massachusetts Alternative Septic System Test Center.

**Attendees:** George Heufelder – Barnstable County Department of Health and Environment, David Potts – Geomatrix Systems Inc. Dr. Jose Amador & George Loomis -- University. Rhode Island, Damann Anderson - Hazen & Sawyer. **New York State Center for Clean Water Technology Team (CCWT):** Dr Hal Walker, Dr. Chris Gobler, Dr. Stuart Waugh, Dr. Roy Price, Dr. Xinwei Mao **Suffolk County Representatives:** Justin Jobin, Ken Zegler, Chris Lubicich (Suffolk County Health Department)

Staff at Barnstable County Department of Health and Environment has been refining the design of a "passive" onsite septic system characterized as a layered soil system. They have done this in collaboration with a number of research efforts in particular the Florida State Department of Health efforts lead by Damann Anderson of Hazen-Sawyer Consulting Firm who was funded to develop a passive system in Florida.

CCWT was given funds to develop a system for Long Island and have decided to jump start their efforts by collaborating with efforts of the Massachusetts Alternative Septic System Test Center (MASSTC). I met with the experts above to finalize candidate designs and move their project forward and to form details of the collaborative agreement.

#### **Benefit to Barnstable County:**

Onsite septic systems will undoubtedly remain a dominant mode of wastewater treatment for many towns in Barnstable County. The Department continues to be a regional asset for understanding alternative ways to manage wastewater on the site served.

It appears that the state of New York through Stony Brook University will be funding further research at MASSTC and establish a collaborative agreement with Barnstable County. This is based on two days of a "design charrette" in which a number of experts and PhDs from Stony Brook University met with George Heufelder and others to finalize their strategy to move forward in validating designs for septic systems that passively remove nitrogen.

I remain cautiously optimistic that these designs can be validated. To that end we have also submitted an EPA Grant under the SNEP Program which will allow pilot installations in the area of Southeastern New England.

**Cost to Barnstable County:**

The State of New York through CCWT paid the salary and benefits for George Heufelder for two days and all other expenses.

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**Report of Trip to the National Onsite Wastewater Recycling Association – Virginia Beach, Virginia  
Annual Conference – December 2015**

**Purpose of trip -** To present the results of a three year study on the removal of contaminants of emerging concern at a national forum in conformance with requirements of a Federal Grant.  
Paper title: **THE ATTENUATION OF SELECTED CONTAMINANTS OF EMERGING CONCERN IN SHALLOW-PLACED SOIL ABSORPTION SYSTEMS.**

**Benefit to Barnstable County:**

The National Onsite Wastewater Recycling Association (NOWRA) is a leading organization having members of the wastewater treatment industry. We attend these meetings to network with industry leaders and other state regulators to maintain or status as a leader in the area of onsite wastewater treatment knowledge. Additionally we present cutting edge research conducted at MASSTC at these meetings to attract clients to our testing and validation services. This results in maintaining sustainability of MASSTC without drawing from County resources and additionally providing a revenue stream for the County Laboratory.

Two prospective clients are investigating the use of MASSTC to test their products.

**Cost to Barnstable County:**

The EPA supported all travel costs associated with the conference.