

**CAPE COD REGIONAL GOVERNMENT -ASSEMBLY OF DELEGATES  
HARBORVIEW CONFERENCE CENTER @ 4:00 P.M.  
BARNSTABLE COUNTY COMPLEX  
3195 MAIN STREET  
ROUTE 6A, BARNSTABLE, MA 02630**

**APPROVED Journal of Proceedings - September 19, 2018**

**CALL TO ORDER**

**Deputy Speaker MCCUTCHEON:** We're going to start this meeting now. Suzanne could not be here today. She had a family emergency, and she'll be back next time. She gave me, and Janice has given me, a lot of instructions so we'll get through this.

Okay. Madam Clerk, do we have a quorum?

CLERK O'CONNELL: Item 2 first on the agenda.

Deputy Speaker MCCUTCHEON: Oh, Item 2 first is a moment of silence to honor our troops. We also have -- adding to our moment of silence, by request of one of our members, Delegate from Wellfleet, a moment of silence in memory of Arthur Medici who lost his life to a shark attack this week. We'll add to our moment of silence for that to. I think I'll get the Clerk to read it. Why don't you read it, Janice, into the record.

CLERK O'CONNELL: We'll do that when we get to communications from public officials for the press release.

Deputy Speaker MCCUTCHEON: All right. Read it now.

Clerk O'CONNELL: In addition to the moment of silence for Armed Services, the Delegate from Wellfleet, who could not be present today, also asked for a moment of silence in memory of Arthur Medici who lost his life this past weekend in a tragic shark attack. Moment of silence.

(Moment of silence.)

Deputy Speaker MCCUTCHEON: Thank you. Now we will pledge of allegiance to the flag.

(Pledge of Allegiance.)

**ROLL CALL ATTENDANCE**

Deputy Speaker MCCUTCHEON: Now we get to have the call of the role by the Clerk.

**Present (85.41%): Ronald Bergstrom (2.84% - Chatham), Mary Chaffee (4.55% - Brewster), Peter Hughes (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans – Remote Participation), James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% Truro), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).**

**Absent (14.59%): Lilli-Ann Green - (1.27% - Wellfleet), E. Suzanne McAuliffe (11.02%- Yarmouth), VACANT (2.30 – Eastham).**

**Clerk O'CONNELL: Madam Speaker, you have a quorum with 85.41 percent of the Delegates present; 14.59 percent are absent.**

Acting Speaker MCCUTCHEON: Thank you, Madam Clerk.

### **APPROVAL OF THE CALENDAR OF BUSINESS**

**Deputy Speaker MCCUTCHEON:** Now we will move to the Calendar of Business. There's going to be some changes here that were suggested by the Speaker, and I will go through them as I can.

**I need a motion to modify Agenda Item Number 14** to remove the item scheduled for discussion, which is the discussion of Standing Committees on the agenda, and its Number 14 on the agenda, and it's for the discussion that was started at the last meeting; the Speaker has asked that we put off. May I have a motion?

**Delegate MORAN: So moved.**

**Delegate CHAFFEE: Second.**

**Deputy Speaker MCCUTCHEON:** All in favor? Aye. Opposed? Abstentions? **It's unanimous.** Thank you, very much.

### **APPROVAL OF THE JOURNAL OF PROCEEDINGS**

**Deputy Speaker MCCUTCHEON:** I need a motion on approval of the Journal of September 5<sup>th</sup>.

**Delegate O'MALLEY:** Madam Speaker, I move the Journal of September 5 as distributed.

**Delegate BERGSTROM: Second.**

**Deputy Speaker MCCUTCHEON:** Any other discussions of the Journal of early September? All in favor? Aye. Opposed? Abstentions? **It's unanimous.** Thank you.

### **SUMMARY: Communications from the Board of Regional Commissioners**

- **Commissioner Cakounes reported on board actions for 8/22, 8/29, 9/5 and 9/19.**
- **Commissioners will hold a series of workshops to review ordinances related to the Human Rights Commission.**
- **Commissioners authorized a County Treasurer Surety Bond.**
- **Commissioners execute Cooperative Agreement for emergency dredging in Chatham.**
- **Commissioners extend MOU for maintenance of the Rt. 6 rest area to Yarmouth Chamber of Commerce.**
- **Commissioners authorize Cooperative Extension – Woods Hole Sea Grant of \$985,000.**
- **Commissioners execute a lease of property from Town of Barnstable for AmeriCorps Housing.**
- **Commissioners executed a BAN for \$760,000.**
- **Commissioners terminated a contract bid with Rochester Bituminous and re-issued to Dirtworks.**
- **Commissioners enter into contract negotiations with CCC Acting Executive Director Kristy Senatori for permanent position appointment.**
- **Commissioners review draft of County Handbook.**
- **Commissioners consider public forum to address shark issues**

**Deputy Speaker MCCUTCHEON:** We'll now have communications and report on County issues from Board of Regional Commissioners. Mr. Cakounes, you have something for us today?

**Commissioner CAKOUNES:** I do.

**Deputy Speaker MCCUTCHEON:** Thank you. And I see you brought your cohort.

Commissioner CAKOUNES: Yes.

Deputy Speaker MCCUTCHEON: Thank you.

Commissioner CAKOUNES: Commissioner Beaty is joining me. First of all, I will try to go through this as quickly as possible. I apologize that we have gotten into the habit, if you will, of me coming to your meetings on a biweekly basis so that my updates have been at maximum three meetings but usually only two meetings; one that you have missed and one of that day.

I did not have a meeting on September 5<sup>th</sup> of this year, and neither of my other fellow Commissioners chose to come and report to you. So, I have today four reports. I will go through them a little bit quicker than normally, skip over contractual things like that, and just draw attention to them, and certainly we'll be available at any time for any member if they want to ask me a question on something either personally later that I skipped over.

August 22<sup>nd</sup> is the first meeting I'll be reporting on. Again, the 22<sup>nd</sup> and the 29<sup>th</sup>, I normally would have reported on the 5<sup>th</sup> but had not been here on the 5<sup>th</sup>, these are the ones that I have to go back on.

The only really important thing that happened on the 22<sup>nd</sup> that I would like to draw attention to is that we had a discussion on formulating a workshop to revisit and look at the Barnstable County Human Rights Commission ordinance. And out of that meeting, the discussion was quite lengthy. We had some members of the Human Rights Commission there, and we decided at the August 22<sup>nd</sup> meeting that we would, in fact, hold some workshops and start looking at the ordinance and I will -- I won't get into that in detail but I'm certainly available for questions on that. And you will hear me refer to that in the subsequent follow-up meetings.

We had an authorization of a number of different contracts on that day, and then basically the authorization of executing the certificates of dissolving septic betterments, which is part of our Septic Loan Program. And other than that, there was nothing else that I think warrants attention today on that.

That will bring us to August 29<sup>th</sup>. August 29<sup>th</sup>, again, minutes and things like that, the general stuff. We did a number of different appointments, which we are now in a -- starting with a whole new kind of system on these appointments making sure that the Clerk is swearing them in, making sure that they are going to be getting a handbook. But we do this quite often with these appointments, so there were a number of appointments that we had to do.

We had a discharge of a mortgage. We did have a bond issuance. Now this was an annual bond to cover the performance of the County Treasurer. So, please, if you see this written in our correspondence, don't think that we issued a bond for \$500,000. This basically is a surety bond. We ensured our County Treasurer with this \$500,000 bond. Again, it's a yearly thing that we do. Every year this bond has to be renewed.

We did back on the 29<sup>th</sup>, we did confirm the County Administrator's execution of a Cooperative Agreement with the town of Chatham to perform the emergency dredging. For all of you that remember back in August, I told you that Chatham's been having some problems, and we did have an emergency dredging permit that came through. Because we were under the gun and we knew that the permit was going to come through and the dredge was there waiting, the County Commissioners actually authorized the County Administrator to go ahead and sign that contract, so the work could begin. And in this action on the 29<sup>th</sup>, what we were doing is just reaffirming his action that we had already given him the authority to do.

There was some other work in Chatham also that we contracted to do with the dredge. And then there's the authorization of septic betterments, again referring to the Septic Loan Program.

That pretty much fast-forwards us to September now. September 12<sup>th</sup> was our first meeting

in September. Once again, because we did not hold a meeting on the 5<sup>th</sup>. On September 12<sup>th</sup>, we, again, approved minutes. We had an authorization to extend an agreement of a memorandum of understanding with the Yarmouth Chamber of Commerce. Please know that the original agreement with the Yarmouth Chamber of Commerce -- the dates that we signed it and extended it to were based on fiscal year, and because the operation of the rest area out on Route 6 really goes -- encompasses two fiscal years and goes through the summer.

It came to our attention that the original memorandum of understanding needed to be extended at this point because they've actually been -- this will be the second complete year that they have been operating that rest area for us under this memorandum of understanding. So the action that was taken on the 12<sup>th</sup> did not allocate any more funds or monies. All it did was extend the original agreement from the ending date of July 1<sup>st</sup> through June 30, 2018, to allow us to be able to pay for the remaining months in the summer of this summer.

We had a number of different reimbursement authorizations for some department heads. We did authorize a creation of a new part-time position as a forensic interviewer at the Children's Cove, and you will hear about a later acceptance of a grant to cover that. We also had a couple of acceptances of grants for the Children's Cove. Once again, these are yearly things that we do this time of year now that we've entered into our actual fiscal year.

We had another authorization/execution of a grant with the Cooperative Extension from Woods Hole Institution for the Sea Grant Program of \$985,000, quite an extensive amount but that's what helps us run a majority of the stuff that we do over at the Cape Cod Cooperative Extension.

We sent out, I'm sorry, we executed a lease agreement with the Town of Barnstable, in other words, we are renting a piece of property from the Town of Barnstable. That is at the Race Lane Farm and that is the house that we are now using to house AmeriCorps people. So that lease was executed on September 12<sup>th</sup>.

We had a bond anticipation note, which this is a yearly kind of a rollover, if you will, of a bond anticipation note. It's now being issued for \$760,000. It was at Century Bank for one year at 2.6 percent. It's our intentions that next year we will pay down some of that principal, so you will hear me, or whoever's sitting here, say to you next year that we rolled over the bond anticipation note but it may only be for \$500,000. In other words, we will pay off a chunk of the principal and continue to pay the 2.6 interest on the balance due. This original note, I believe, was a million dollars, and we now have it down to \$760,000.

There was some approval for qualified bidders that we normally go through to offer our towns, and there was a rejection of a Request for Proposal.

So we also had an issue with one of the companies that did a -- did some work on roadwork. Because the roadwork was substandard, we decided to pull their contract and re-issue another RFP. And actually today, you'll hear that we signed a contract with another company because the original company, although their bid was fine, their work was substandard according to the towns. And, again, this is the procurement that we do on behalf of towns. We don't do roadwork. But when a town needs to have roadwork done, they come to us to have them help them with the procurement.

And that brings us forward to today. Again, the normal course of things. We had minutes. We had a number of different contracts again that we all had to address. I believe there are three issues though that I would like to expand on.

First and foremost, there was a recommendation from the Cape Cod Commission Executive Committee to extend the five-year contract for the permanent position of the Executive Director of the Cape Cod Commission to the now Acting Kristy Senatori. And we, today, the County Commissioners had to take up the issue on whether we are going to accept their recommendation

and offer Ms. Senatori the full-time position and enter into contract negotiations with her, or, in fact, decide to go out for a, what I term, nationwide search. A nationwide search would have entailed us hiring a firm to help us and certainly we would have had to have allocated some time for that. And, again, her present contract runs out in February. I believe its February 5<sup>th</sup>. So in doing so now in October, it would've allotted us enough time to do a nationwide search, vet the people who return, and then have that person take office in February.

I'm happy to say that my fellow Commissioners and myself voted unanimously to accept the recommendation of the Cape Cod Commission's Executive Board and to enter into contract negotiation with Ms. Senatori. So you will see in our future meetings, hopefully, an executed contract.

The other two things that I really would just like to spend a little bit of time on is the discussion of the proposed County Handbook. This is something that's been in the works for a number of months now. Kudos and thank you, very much, to your Clerk and the County Clerk, Janice O'Connell. She was instrumental in helping us put this document together. She worked very closely with Justyna who, as you all know, is our Human Resource Officer and reached out to different chairs and committees and different department heads, and I believe they put together a great document.

I worked with them on a very limited basis, but today I presented the draft to my fellow Commissioners. They got a homework assignment. That homework assignment was to take the draft home and look at it, agree with it, change it, work with Justyna on any additions or minuses they may have, and then that handbook will be brought back before the Commissioners for a final vote.

The concept behind the Handbook is that everyone who gets appointed to a board or commission by the County Commissioners will receive a County Handbook. And that County Handbook touches on everything from Massachusetts General Law as to how to conduct yourself at public meetings to the Open Meeting Law to even it refers to a number of different addendums including the Sexual Harassment Policy that we have here, the Social Media Policy.

It's a very extensive document when you look at it in its whole, and I'm very proud to say that we are moving forward with this and, hopefully, it will be out and be handed out to all our volunteers relatively soon, one thing that has never been done here at the County in the past by the way. So this is new grounds that we are blazing, and I can't thank Janice and Justyna enough for their help on that.

The big one, too, was the discussion and the formulation of a workshop to address the shark and seals issue. This particular item was placed on the agenda by the request of Commissioner Beaty. Because I presume anyhow, I'll let him speak to it, but I presume it was because of the horrific act that happened in Wellfleet that you all addressed in your moment of silence.

We discussed at our board today, I won't say lengthy, but we certainly did kick around some ideas. Because I, as chair, am a stickler on having motions in writing, I prepared two motions, and I offered them to my fellow Commissioners. One was to have a public forum in which consists of a panel of stakeholders and invite the general public to an open forum to address this issue.

And then the second one was to authorize the chair to contact the legislators, the delegation, municipal offices, and the congressional offices to see if they're interested in scheduling a workshop to talk about the issue. So two different approaches.

I, personally, as one Commissioner was not in favor of the first one. I do not believe that Barnstable County has any authority over the sharks and seals, so there would be no benefit to us holding a public forum. And, quite frankly, I didn't want to be in position to listen to people

screaming on both sides of the shark issue.

COMMISSIONER BEATY: That is the first one though that we approved.

Commissioner CAKOUNES: Right. This one is.

COMMISSIONER BEATY: Right.

Commissioner CAKOUNES: Right. That's what I'm going to say. This is the one that we did.

COMMISSIONER BEATY: Oh, you reversed, okay.

Commissioner CAKOUNES: I just reversed them. The one that we did approve though is to authorize the chair to contact the legislators and Cape delegation, obviously, including the congressional offices, and to have them come sit in a room and see if we, the leaders of Cape Cod, cannot come to some kind of agreement as to how we should move forward with this. I don't know what will come out of that. I don't even know if they'll be interested to do it, but I've been instructed by my board to reach out to them, and I intend to do so relatively soon. So that's how we're going to deal with that.

The other remaining items on the agenda I will not waste a lot of time on. I think the biggest one that you probably should draw your attention to is that we, once again, signed a contract with the National Seashore in regards to the housing that we have out there for AmeriCorps, so they're secured for, yet again, another year.

We did sign, and I think this might be something that so many of you might be interested in. We finally signed the contract for the replacement of the roof on the East wing of this building. We did approve the award of that contract through an RFP process, and now we've actually nailed the contractor down, and we've nailed him down to a timeframe. So that roof work will be -- will start relatively soon.

And with that, I'll turn it over to my fellow Commissioner if he has anything to add and then give it back to you, Madam Speaker.

Deputy Speaker MCCUTCHEON: Thank you.

Commissioner BEATY: Nothing.

Commissioner CAKOUNES: He has nothing to add, so it's back to you, Madam Speaker.

Deputy Speaker MCCUTCHEON: Thank you, Mr. Cakounes. Did I see your hand, Mr. O'Malley?

Delegate O'MALLEY: Please. Chairman Cakounes, thank you for the report. On your agenda for today is Item 7B under "New Business," and it is a creation of a new fund for a Cooperative Agreement for the National Groundwater Monitoring Network Grant. My question is is every grant going into a new special fund? Is that what's happening?

Commissioner CAKOUNES: Yes.

Delegate O'MALLEY: They're not being pooled?

Commissioner CAKOUNES: No.

Delegate O'MALLEY: So that they're completely isolated and separated for their funds?

Commissioner CAKOUNES: That is correct. Especially ones like this nature that are specifically for a project with an actual, if you will for lack of a better explanation, an actual billing mechanism attached to it so that when -- and this one comes from the Cape Cod Commission, so when the Commission, the Cape Cod Commission wants to send a bill to that fund, they will be able to access a number and say this is for the services rendered in conjunction with the fund such and such and such that has \$5,800; we need \$3,200 bucks so.

So it's a system that Mary has put in place, Mary McIsaac, our Finance Director, and I believe it's an excellent checks and balances and we certainly don't lose track this way.

Delegate O'MALLEY: Thank you. And I think in follow-up to that, it would be appropriate at some point for us to see an accounting of what all these special funds are.

Commissioner CAKOUNES: You'll have to ask Ms. McIsaac for that.

Delegate O'MALLEY: Thank you.

Deputy Speaker MCCUTCHEON: And the Delegate from Orleans.

Delegate KANAGA: Thank you. Just for further clarification, I assume we're talking about they're not -- they're segregated for accounting purposes, but they are, in fact, pooled in a bank account.

Commissioner CAKOUNES: Yes.

Delegate KANAGA: They're not separate. I just wasn't sure where you were going with that.

Commissioner CAKOUNES: No, they're separate.

Delegate KANAGA: Correct.

Commissioner CAKOUNES: Its accounting purposes.

Delegate KANAGA: Yes.

Commissioner CAKOUNES: We don't have 150 or 250 separate bank accounts.

Delegate KANAGA: The second question has nothing to do with that; it has to do with the road resurfacing, and it would help if we knew the contractor. We have a lot of roadwork going on in my town anyway. So it would help me if I knew who that was that was --

Commissioner CAKOUNES: I'll be very happy to give you the documentations as a public records request.

Delegate KANAGA: Great.

COMMISSIONER CAKOUNES: It's a quite lengthy document. A complaint was made by two towns. Two towns called in an engineer and did an extensive background and I should say investigation into the layers up top, if you will, and found them to be substandard.

So without getting into pointing fingers here at a public meeting, I'll be very happy to give you those documents and certainly have your DPW director call our purchasing agent and she, I'm sure, would be able to give them -- fill in the background.

Delegate KANAGA: Thank you.

Commissioner CAKOUNES: But I will, before I leave today, make sure you get a copy.

Deputy Speaker MCCUTCHEON: Mr. Bergstrom.

Delegate BERGSTROM: Yes, as the Delegate from Chatham, I'd like to mention that it was the two people who operate the dredge in Pleasant Bay who were the first responders to the boating accident that we had last week.

And from what I understand, it was, as you can imagine, quite a disturbing experience because they saw the overturned boat and eventually found that what, unfortunately, was the body of the fisherman who overturned.

So I have to give them credit for taking that effort. And, unfortunately, it was unsuccessful, but it goes to show you the dangers that we face and one of the reasons why we try to keep those inlets open.

But on another dredge issue, I noticed that my town of Chatham has the distinction of hosing two dredges at the same time. The one that was operating in Pleasant Bay but also I noticed, because I couldn't help noticing it because I go by it every day, there was another dredge, the older dredge was in Stage Harbor, but it didn't seem to be very active. And I wonder if it was waiting for some permitting or some -- going to a different location; do you have any idea? I mean --

Commissioner CAKOUNES: The only thing -- I do know that the old dredge was over

there doing work, and I hate to say where because the different areas are all in my head, but they were actually there performing work.

And then the County Commissioners actually asked that the new dredge be brought over there because the specific area that we got the special permit for is in such an area where it's a long push through the pipe to get the sand up onto the beach, and it was a perfect scenario to run the new dredge through its tests.

So originally, the old dredge was there and was going to do all the work in that area, but we decided, and it was a vote of the Board of County Commissioners to send the new dredge over there because we are still under a review contract guarantee with the manufacturers. And we have yet been able to have a job that we could put it to its really, really heavy test, which means pushing the sand that far through the pipe.

So that's I know why the new one's there. Why the old one's still sitting there, I think you better ask either Steve Tebo or the dredge people that. There is a dredge schedule now, and we are really moving along with that dredge schedule. So I'm sure that there's probably permits or a job getting ready to open up somewhere. It may not be in Chatham, but it might be nearby.

Delegate BERGSTROM: You know, just a point of interest, is some people I know who talked to the operators of the old -- of the dredge, and it's not a reflection on the Commissioners but more or less a reflection on the people who actually built the dredge, and I know we had some problems with them, but they did not actually talk to the dredge operators.

In other words, when they decided what to do, how to build the new dredge, they did not go and talk to the people who operated the old dredge to ask them what conditions they found, that I think is a mistake, and I know that we had, early on, had some issues with the builders.

Commissioner CAKOUNES: Well, we had some issues but none of those issues have to do with the design or the capabilities of the dredge. They were really electronics, you know, electronic issues. The computers were not talking to the different -- the hydraulic system. So, it had nothing to do with the design of the dredge.

But I will tell you, not in defense of the company, but you should know that the company built that dredge to the specs of our dredge director. Now what information he had or what information he compiled to tell them I have no idea. But our dredge director is the one who actually wrote the specs, and the company that built it, built it to his specifications.

So, you know, they have been a great company. We've definitely had some problems with the electronics on the boat, but they have come out here numerous times and we are working through them, and that's all I can tell say.

Deputy Speaker MCCUTCHEON: Just a minute there. My understanding from a meeting of the Truro Conservation Commission is that the older dredge was not working, and it was left in place until repairs were accomplished.

Commissioner CAKOUNES: I believe those repairs were already done though. I thought he was talking more recent.

Deputy Speaker MCCUTCHEON: Yes.

Commissioner CAKOUNES: Because I think that where it is now it's, I believe anyhow, I may be speaking out of turn, but I believe that the old dredge is fine. We did have it out of the water for a time too for repairs. We actually had to do a hull inspection on the old dredge also. So we had to do a sound test on the hull.

Deputy Speaker MCCUTCHEON: Yes.

COMMISSIONER CAKOUNES: So it's been back and forth and moved around a little bit. But we did have some problems, not repairs to the point that it was broke down but repairs because

of age and maintenance I should say. Thank you.

Deputy Speaker MCCUTCHEON: Right.

COMMISSIONER CAKOUNES: As opposed to repairs. Yes, you are correct; it was out for general maintenance.

Deputy Speaker MCCUTCHEON: Okay.

Mr. Ohman and then Mr. O'Malley.

Delegate OHMAN: Thank you, Madam Speaker. I have a few questions, Leo, if you don't mind?

Commissioner CAKOUNES: Not at all.

Delegate OHMAN: It was very clear what you did to just extend the time structure of the Yarmouth Chamber of Commerce to finish up the year-long contract. What happens in the future now? Are they going to close again?

Commissioner CAKOUNES: Unfortunately, we're at the hands of our delegates -- the Cape delegation, and we're still in -- we're at the hands or I should say the feet of our congressional leaders. I can only ask so much, and I think once a month is a lot, and no movement whatsoever from their end as to giving us a long-term lease, unfortunately.

So what's going to happen, I believe, is that I will probably put this on the agenda yet again in the near future, and we probably will allocate some more money out of the License Plate Fund. Just so you'll know, we originally allocated \$40,000 out of the License Plate Fund. We thought that would be enough to cover the operations for one year. Yarmouth Chamber of Commerce did yeoman's work, stepped up to the plate and actually ran it for two seasons with \$40,000.

So if we are looking to enter into an agreement with them for next season, by next season I mean from May until October of next year, then we, quite frankly, are going to have to come up with some more funding for that.

Delegate OHMAN: Pardon me, but wouldn't that have to go through that same RFP process to get into the mix?

COMMISSIONER CAKOUNES: No.

Delegate OHMAN: You'd be able to do that separately?

Commissioner CAKOUNES: Yes. As far as the -- I'm sorry, as far as the --

Delegate OHMAN: As far as allocating money to the Yarmouth Chamber of Commerce; I thought you were going to get this big pool that people would have to compete and ask for in all regards?

Commissioner CAKOUNES: Well, this is License Plate Funds; License Plate Funds are dealt with entirely different than -- you might be referring to the County Grant Fund.

Delegate OHMAN: Yes.

COMMISSIONER CAKOUNES: The County Grant Fund has nothing to do or its procedures have nothing to do with the License Plate Fund.

Delegate OHMAN: So this is --

COMMISSIONER CAKOUNES: The License Plate Funds are strictly under the jurisdiction and direction of the County Commissioners. We have allocated monies to the Cape Cod Commission, and we've allocated an amount of money for them to oversee and allocate to municipalities. We have allocated an amount -- we haven't had to put an amount on it yet, but we are about to put an amount of money to be allocated through a small grant fund to business owners or I should say nonprofits in the area that will go through an RFP process. And, also, I believe it's going to be split into two halves. There might be something for like \$5,000 and under one-time grants, and then \$5,000 and over either one time or multiple grants depending on what the RFPs

going to go out for those. And I believe your --

Delegate MORAN: BCEDC.

Commissioner CAKOUNES: -- Falmouth representative is the chair of that, and she'll be better to answer that. That's still in the process.

Delegate OHMAN: And with your permission, Madam Speaker? Madam Speaker, with your permission; you're going to give us an update on the farm RFP and AmeriCorps update?

Commissioner CAKOUNES: Okay. The Farm RFP went out. It went out to the public. There was one bidder. And as far as I know, that one bidder has met all the requirements within the RFP, and we got an update today from Jack Yunits that said that the lease will be before us relatively soon. I told him not to rush on it because we have our plate full for the next couple of weeks, but I think you people will probably be seeing it in October. And, again, it was only one bidder that bid on the farm.

Update on AmeriCorps; as I said in my presentation, we have secured housing. We have housing in Bourne; we have housing in Barnstable, and we have housing at the National Seashore. There are 24 participants and it's underway. I believe there is going to be a reception, I think, next Wednesday to welcome the new members. I believe it's next Wednesday. I thought that's what Jack told me. But I'm sure that will go out as a press release anyhow, so you'll see it.

Anything else?

Deputy Speaker MCCUTCHEON: Dr. O'Malley.

Delegate O'MALLEY: I'm going to stand in for the Delegate from Wellfleet here and circle back to the dredge.

COMMISSIONER CAKOUNES: Okay.

Delegate O'MALLEY: Reported in the press this week is that the state of Wellfleet Harbor is pretty critical and it's becoming almost unusable, a lot around the municipal pier; are they on the agenda for our dredge?

Commissioner CAKOUNES: No.

Delegate O'MALLEY: Not at all?

COMMISSIONER CAKOUNES: No.

Delegate O'MALLEY: Is that because Wellfleet has not asked for help?

Commissioner CAKOUNES: Yes.

Delegate O'MALLEY: Okay. Thank you.

COMMISSIONER CAKOUNES: But you need to know, Dr. O'Malley, that the Wellfleet Harbor has not been dredged in over 10 years. The Wellfleet Harbor is not sand dredge material.

Delegate O'MALLEY: No.

COMMISSIONER CAKOUNES: The County owns two dredges, both of them are designed for dredging sand. If the town of Wellfleet contacts the County to help them with the dredge, we will either have to purchase or rent through the people that built our new dredge a different machine that dredges, for lack of a better explanation, --

Delegate O'MALLEY: Muck.

Commissioner CAKOUNES: -- muck.

Delegate O'MALLEY: That's what it is.

COMMISSIONER CAKOUNES: And we will also have to get involved in a dewatering, and I'm looking at Mr. Hughes because he has a lot of experience with this with Allen's Harbor; do you remember, Peter?

Delegate HUGHES: Yes.

Commissioner CAKOUNES: It's quite an endeavor and it's not only just removing it, but

you have to put it through a press and a dewatering and then you have to dispose of it.

Delegate O'MALLEY: Yes.

COMMISSIONER CAKOUNES: It would be a very large project, and we have offered to work with the town of Wellfleet on it and certainly let them know that we're interested in sitting down at the table with them. In fact, we even have contracted -- contacted a couple of machines that we know will be able to do it. But other than that, it's just talk, no contracts, no handshakes, no numbers, no nothing. It's just been open discussion.

Delegate O'MALLEY: And is that because there's a permitting issue --

COMMISSIONER CAKOUNES: No, it's because --

Delegate O'MALLEY: -- for disposal of the material stuff?

Commissioner CAKOUNES: -- the County -- it's simply because the County is in the position that all we can do is offer when you ask. We cannot go to towns and say, "You're going to dredge this. Here it is. We're coming in. We're doing it next week." If they don't ask us, we can't come. So, it's as simple as that.

Delegate O'MALLEY: Thank you.

Deputy Speaker MCCUTCHEON: Mary.

Delegate CHAFFEE: Madam Speaker, I just want to make a comment and thank the Commissioners for approving the appointment today of Executive Director Senatori to lead the Cape Cod Commission. The Commission has a complex and challenging mission, and I think Barnstable County is very fortunate that she will remain its leader. Thank you.

Commissioner CAKOUNES: Don't be too nice; we're still under contract negotiations. Could I have two more minutes, Madam Speaker, if I may?

Deputy Speaker MCCUTCHEON: Two exactly?

COMMISSIONER CAKOUNES: Yes.

Deputy Speaker MCCUTCHEON: Fine. Go ahead.

COMMISSIONER CAKOUNES: I just want to remind all the Delegates that next week September 27<sup>th</sup> the Commissioners will be meeting on Thursday not Wednesday. It will be four o'clock in the afternoon, and we will be meeting at the Olde Colonial Courthouse, which is the building just down the way here heading east -- I'm sorry, heading west on Route 6A on the left-hand -- right-hand side, and it is the home of the Tales of Cape Cod, very small white building on the corner.

The purpose of that is because we're going to hold our general meeting with the general stuff that we do. And then at the end of the meeting we're going to have a presentation from the Tales of Cape Cod on the information that they have discovered, if you will, that Barnstable County was, in fact, the first county in the Commonwealth of Massachusetts to sign the Declaration of Independence in 1774, two years before the colonies signed one.

And we, in celebration of that, we have a number of things happening. The Delegate from Sandwich has been working with me and the Tales of Cape Cod; we have found the bell. There was a bell that hung in the original courthouse. That bell has a lot of history to it; I won't get into it this evening, but that bell happens to be located in the town of Sandwich. And that bell was rung at the first signing of the Declaration of Independence in 1774, and we intend on coordinating with the Delegate from Sandwich, Mr. Killion, that he's going to be ringing it at 4 o'clock on that day.

Then we will symbolically sign a new Declaration of Independence. That document has been compiled by evidence of news reports of what the original document said. The original document was lost in the fire of, I believe, 1820, so we do not have a copy of the original document. However, we have enough evidence through reports of what was in that document.

So we plan on signing or symbolically signing or reaffirming the action that was done in 1774, again, as the County Commissioners.

We then will take a second copy, sign that and attach it or should say affix it to a scroll, and that scroll will be available for your towns to take and to put on their either Board of Selectmen agendas or through their historic committees/commissions, and they will be able to sign the scroll.

Deputy Speaker MCCUTCHEON: You're more than two minutes.

Commissioner CAKOUNES: Well, I usually do. You should know better than to give me two minutes.

Deputy Speaker MCCUTCHEON: I do know that.

COMMISSIONER CAKOUNES: When was the last time you ever heard me stop after two minutes?

Deputy Speaker MCCUTCHEON: Well, I do know that.

COMMISSIONER CAKOUNES: It's very important thing, Madam Speaker, though. Thank you, very much, for allowing me the time.

Deputy Speaker MCCUTCHEON: Well, someone else has come up with a question in the meantime. Ms. Zuern.

Delegate ZUERN: Thank you, Madam Speaker. It's real quick question; if we're telling other people where the courthouse is, do you have a number? It's on Main Street but do you have a number?

COMMISSIONER CAKOUNES: I don't. Do you, Jim?

Delegate KILLION: Do I know the address now?

COMMISSIONER CAKOUNES: Yes.

Delegate KILLION: You're talking down at -- in Barnstable?

COMMISSIONER CAKOUNES: Yes.

Delegate KILLION: No, I don't know that address.

COMMISSIONER CAKOUNES: I don't either.

Delegate ZUERN: No?

COMMISSIONER CAKOUNES: All I can say is if they use the Tales of Cape Cod; the Tales of Cape Cod has a website, and they certainly can Google that and that's who is currently occupying the building.

Delegate ZUERN: Okay. Thank you.

Commissioner CAKOUNES: So it's right on the corner of --

COMMISSIONER BEATY: I think it's next to the Sturgis Library.

COMMISSIONER CAKOUNES: -- right next door to the Sturgis Library.

Delegate ZUERN: Okay.

COMMISSIONER CAKOUNES: In fact, parking will be available at the Sturgis Library and across the street at the church.

Delegate ZUERN: Thank you.

Deputy Speaker MCCUTCHEON: All right. Thank you, Mr. Cakounes --

Commissioner CAKOUNES: Thank you, very much.

Deputy Speaker MCCUTCHEON: -- for coming forward today.

**SUMMARY: Communications with Cape Cod Commission**

- **PowerPoint presentations from Cape Cod Commission on
  - **208 Water Quality Plan, sewerage and other technologies;**
  - **Regional Stormwater sewer update and MS4 permit compliance****
- **Almost every community on Cape Cod in some way is addressing their water resources issues**
- **CCC recommendation of the Implementation Report was the development of Compliance Reports for each of the 15 towns**
- **208 Plan and the Implementation Report identify key actions related to documenting progress, compiling data, and again making that information more accessible.**
- **Key recommendation of the 208 Plan was the development of the Cape Cod Capital Trust Fund.**
- **Focusing on technologies and creating a matrix that address stormwater management.**
- **A new stormwater permit went into effect in July, driven by the minimum control measures; the needs of towns and cities throughout the state are driven by this new permit.**
- **New permit applies to 12 out of 15 towns.**
- **Focus of new permit: outreach with getting the public aware and involved with towns and cities basically inventorying what their storm systems are, making sure that they're just conveying stormwater and no other unintended wastewater, any other sorts of discharges.**
- **Responsibility likely to fall on public works departments and potentially involve planning, zoning, boards of health, and other groups within the town.**

Deputy Speaker MCCUTCHEON: We have communications and discussions with Cape Cod Commission Acting Executive Director; would she be here? Kristy Senatori.

Congratulations on your appointment. I'm not sure whether it's a pig in a poke or a great job. But I think it is what you make it, and I think you've done -- making a good job since you've been there. So, we welcome you here today, and we have a PowerPoint presentation from you?

ACTING EXEC. DIR. SENATORI: Yes.

Deputy Speaker MCCUTCHEON: Yes, please proceed.

ACTING EXEC. DIR. SENATORI: Okay. Great. Thank you, Madam Speaker/Deputy Speaker, and I also wanted to publicly thank Chairman Cakounes, Commissioner Beaty, and Commissioner Flynn for their support, and I look forward to -- look forward to this position. So I appreciate the support.

The Speaker and I -- the Clerk had contacted the Commission regarding several issues; the 208 Area-wide Water Quality Management Plan, Stormwater, and then also an update on our Regional Policy Plan that we're currently underway with drafting.

So I figured you probably didn't want to listen to me speak the entire time, so I did bring a team of staff, so we'll be able to walk through the PowerPoint presentation, give you some updates on where we are with our progress and these priority projects, and then I'm happy to answer questions or staff answer questions and have a dialogue.

So, with that, I would like to bring up Erin Perry. She's our Special Projects Manager, and if you were involved with the 208 Plan you probably recognize her. She's been at the forefront of a lot of these conversations and really the project lead on 208.

Heather McElroy, who's our Natural Resources Specialist, and is going to talk about some

of the innovative work that's being done with our Technologies Matrix.

And so I think we'll start with an update on 208. And for those of you who were at the OneCape conference, thank you for attending. Some of this will probably look slightly familiar, but we did just want to highlight some of the work that is going on across the Cape in all 15 communities to address the wastewater issues.

So I will turn it over to Erin.

Ms. ERIN PERRY: Thank you. So we've got a few slides here.

Deputy Speaker MCCUTCHEON: Let me suggest to you that we could move a little more expeditiously if we didn't read everything to us so.

Ms. ERIN PERRY: All right.

Acting Speaker MCCUTCHEON: There's just a thought.

Ms. ERIN PERRY: Sure. So I'm going to cover the 208 Plan implementation. You know, just by way, I guess, of a little bit of background though I know you all are familiar; the state designated the Commission to complete an update to the 208 Plan back in 2013 to address one of our critical issues, a stress that has been an issue in many of our coastal embayments. So that's the excess nitrogen and its impact on our 53 coastal embayments across the region.

And so the 208 Plan update was really focused on nitrogen and its impacts and what we can do to move forward and solve those problems. What I will say, too, is that the Commission was really a convener of this process. We brought together stakeholders, regulatory agencies, community leaders, technical experts together to help try to solve this problem and really create a framework that is move flexible and allows communities to move forward.

So that was what we did. The plan was really written by a number of people who were involved in this process. So that plan was approved and certified in 2015 by both Mass. DEP and EPA. And working kind of within the bounds of this new framework, many of the communities if not all to some degree are moving forward with new approaches in the 53 watersheds.

And so I'm going to mostly spend the time today to talk a little bit about that progress that we're seeing and provide an update on recommendations.

But, first, I'll touch quickly on an Implementation Report. So as a requirement of the approval of the 208 Plan, EPA required that we submit an Implementation Report that documents progress both locally but also progress on priority regional recommendations. And so we submitted that report in late 2017, and it was incorporated as part of the approved 208 Plan in March by EPA. As part of that kind of incorporation, EPA required that both the Commission and DEP report back on progress this spring. And so we'll be looking to do that in some of what I'll show you today is what we'll be incorporating into that progress report in the spring.

And so one of the key kind of recommendations of the Implementation Report was really the designation of 11 priority watersheds, all of which are critically impaired, and I will walk through just a little bit of detail on some of the progress we're seeing in these areas even just since submission of the Implementation Report in late 2017.

But those 11 priority water sheds cover 10 towns; 45 percent of the total Cape Cod land area; 51 percent of the total population lives within these watersheds; 34 percent of the total seasonally-occupied parcels are also within these watersheds. So they're heavily used. They're important for our region and, as I said, they're all critically impaired and have been studied. And we know that we need to reduce nitrogen to these waterbodies.

And so just to touch briefly, this is not an exhaustive list, but some of the highlights of local progress that we've seen out over the past several months. The towns of Mashpee, Barnstable, and

Sandwich in the Popponesset Bay watershed signed an Intermunicipal Agreement in late 2017, and that allocates nitrogen load within the Popponesset Bay watershed and really establishes a path forward for better coordination within that watershed amongst the three towns that contribute.

Both Mashpee and Sandwich have Comprehensive Wastewater Management Plans, and those local plans still form the basis of the actions that are taken within their communities, but they're, you know, consistent with the Intermunicipal Agreement that's been signed between the towns.

This approach and model really is being used in the Waquoit Bay Watershed now as well in initial conversations with the town of Falmouth.

In the Pleasant Bay Watershed, the towns of Chatham, Harwich, Orleans, and Brewster work together through the Pleasant Bay Alliance on the first Watershed Permit Application. And so just over the summer, they were awarded by -- or issued by Mass. DEP, the first Watershed Permit of the new more innovative and permitting approach that DEP has offered. And the Watershed Permit Plan for Pleasant Bay was also the first plan to be reviewed for consistency with the 208 Plan. So both consistency review and the watershed permit were recommendations of the 208 Plan and the benefits of that more flexible permitting and regulatory approach are being realized locally, and we expect other communities to be taking advantage of that in the near future as well.

The Three Bays Watershed is really being looked at as a location for testing of alternative technologies and nontraditional approaches. The Barnstable Clean Water Coalition is a nonprofit organization there. They've been actively engaged in that area. They have been working and partnering with the Town of Barnstable as well as EPA's Office of Research and Development and the Nature Conservancy to further, you know, research in that particular watershed. And the goal is really to look at and better understand the impacts within the Three Bays water body but as well as look at the effectiveness of alternative technologies and look at how we can potentially finance some of these nontraditional technologies, something that we don't have some historical experience doing and so looking at new and innovative ways to do that.

Dennis, Harwich, and Yarmouth have been working together on a Community Partnership Plan. Just this past spring, all three towns voted on an article at their Town Meeting to draft legislation to create the DHY Community Partnership. They have been working on a Regional Wastewater Treatment Plan that is proposed to reduce the cost of the necessary wastewater treatment to a number of watersheds in those communities for all three towns. So they're working on that legislation now and moving forward, you know, with kind of cross-town planning. So that's another good example of intermunicipal cooperation you see in the recent future or, sorry, recent past.

And, finally, I'll just touch on Orleans. Orleans is the first town really to embrace kind of the public outreach component ending with the 208 Plan. So the approach to public outreach and stakeholder engagement was really adapted for local purposes in Orleans. And they started this several years ago when we were still working on the 208 Plan, and they can be in the Orleans Water Quality Advisory Panel. And that panel was convened in response to really a very diverging and strong views on how to move forward with the town's Comprehensive Wastewater Management Plan. That Orleans Water Quality Advisory Panel met a number of times over about a year and were, ultimately, able to come to consensus on a Hybrid Watershed Plan. They amended their Comprehensive Waste Water Management Plan, and they have an adaptive management approach that the community has been successful in moving forward.

Since 2015, the town of Orleans has been successful in getting Town Meeting support for implementation of their plan and the Water Quality Improvement Projects associated with it.

So that is, you know, all great progress. It's certainly, again, not exhaustive. Almost every community, I would say, is moving forward in some way in addressing their water resources issues.

What we appended to the Implementation Report is a Watershed Report for all 53 watersheds, and you can find those as an appendix to the 208 Plan. They really provide more detail on the watershed-specific actions that are taken by each of the towns that contribute to those watersheds.

Our recommendation of the Implementation Report was the development of Compliance Reports for each of the 15 towns, and these will really serve as kind of the cover to the Watershed Reports. We've identified some initial criteria for those Compliance Reports including progress on Intermunicipal Agreements, watershed-based planning, recent Town Meeting actions as well as regional data sharing. Our intent is to share these in draft form with the towns for their review this fall. And then those would go ahead along with watershed reports and additional information on regional and priority recommendations to EPA in our report back to them in the spring.

And, finally, we are also monitoring and maintaining information toward progress on all of the recommendations in the 208 Plan and Implementation Report. There's 33 in the 208 Plan; 21 in the Implementation Report. They all track. We have four categories that we identified back in 2015 when we submitted the 208 Plan and that's Information, Support, Regulatory Reform, and Cost. I'm not going to go through all 54 recommendations, but I'll just highlight a couple of the key actions that have been taken more recently in each of those categories.

And so starting with "Information" and that's really kind of the basis for action and helps us move forward is to maintain the best available information and make that accessible to communities. And so the 208 Plan and the Implementation Report identify key actions related to documenting progress, compiling data, and again making that information more accessible.

One way we've been working to do that is last year we issued a region-wide data request for both assessor's data and water-use data. That data helps us in one of many ways. It helps as to help us refine the parcel-specific nitrogen loads across the region.

So we are working now to incorporate those data sets into our decision-support tools that are available to all communities. Those are tools like our watershed permitting planning tool, which I think some of you are probably familiar with as well as other tools that communities can use.

Another way that we provide information to communities is through our Technologies Matrix updates, and Heather is going to talk more about that. We are, you know, kicking off our annual update to the Technologies Matrix.

On "Support," you know, the 208 Plan Implementation Report identified actions and recommendations for direct support of local planning, implementation, coordination with our state and federal partners, and then ways we can facilitate better outreach locally.

You know, the priority as I already kind of covered is really to focus on the priority watersheds support development of Intermunicipal Agreements in those watersheds, and then also to support planning to the degree that we are able. We do that through our Watershed Team Technical Assistance Program which is intended to supplement the technical expertise that each of your towns has locally, and we can provide that based on request from the town. So that's one way that we are continuing to try to provide support to communities.

On "Regulatory Reform," you know, continued regulatory flexibility is needed so that communities have an easier time moving forward and solving this problem. And so I mentioned the watershed permitting, that was a key recommendation of the 208 Plan. But the one thing I'll touch on is that we amended our own regulations through a Barnstable County ordinance that you all approved in April. We transitioned away from Development of Regional Impact review in favor

of 208 Consistency Review for our municipal water quality plans and projects. And that's really key to supporting communities as they move forward with Water Quality Implement Plans.

You know, the need to support these municipal infrastructure plans isn't only critical to our environmental goals and our water quality goals, but also, it's critical to the types of development that are encouraged by our regional policies and regulations. So making it easier for communities to move forward with infrastructure was important and a key recommendation of the plan.

Finally, "Cost," of course, kind of paramount in considering that feasibility of any of the proposed actions. And I know that you all are familiar with the recent legislation related to taxing rental -- short-term rental properties. Part of that legislation is the creation of the Cape Cod Water Protection Fund. A key recommendation of the 208 Plan was the development of the Cape Cod Capital Trust Fund, and so we're hopeful that we'll see that moving forward in the near future.

And finally, the Commission continues to support the regional priorities of monitoring and financing. And through the Barnstable County ordinance that was approved back in 2017, it reauthorized the Cape Cod Water Protection Collaborative and certainly more closely aligned the Collaborative with 208 Plan Implementation.

The Collaborative also is committed to supporting those regional priorities of monitoring and financing. You know, related to financing and funding, the County has supported budget items for County funds for monitoring and that's been critical to leveraging some of the state funds that we've received for that purpose as well.

Monitoring is critical to determining the success of the approaches that we're implementing region-wide, and we're finding how we investment money in the future to solve this problem. So it's been a critical component and remains a critical component. And it's certainly going to be an emphasis over the coming years for us.

As I've mentioned already that we focused a lot on coastal water quality over the past several years. We were directed to do so and it's an important issue. We developed a database to house and make accessible all of the embayment water quality monitoring data that's available through a number of different agencies and organizations that collect that data. Historically, it had been kind of disbursed located with the organizations that collected it, and so we're really creating a central repository for that information.

We are in the process of moving forward with a number of partners. We anticipate that we'll be receiving a grant through the SNAP Program to continue this work working with the Association to Preserve Cape Cod, the Center for Coastal Studies, the Waquoit Bay National Estuary and Research Reserve, UMass School of Marine Science and Technology, and I'm afraid I'm going to miss somebody, to move forward and expand that database and actually include freshwater resources and drinking water resources because they're all really important to better understanding the water resources issues we have. They're certainly all connected, and it's really time to move forward, I think, and consolidate all of that information into a central location. And so we'll be moving forward with that in the next couple of years.

We'll also be working to add an analysis component so that that database and the user interface associated with it will provide some trends that communities can use to better understand, you know, whether or not their water quality is degrading or improving and help to better inform the local decision-making process.

And so with that, I will just say that resource monitoring is certainly not the only type of monitoring that we need to do through our 208 Consistency Review. We require that communities have performance monitoring related to the technologies that they're implementing, that performance monitoring should then inform our Technologies Matrix, and that's something that's

important to continue to issue to the communities.

And so I'll let Heather talk about the update to that that we're just starting on.

Deputy Speaker MCCUTCHEON: Thank you, very much. Any questions? Go ahead, Linda.

Delegate ZUERN: Thank you. Thank you, Heather. I picked up on the word "part" when you said the rental tax, only part of it was coming to the Water Protection; what part is that? What percentage of the money that's collected on the tax -- the rental tax is going to come to this --

ACTING EXEC. DIR. SENATORI: So this is probably a longer discussion, and because the legislation isn't past yet, I think there's still some unknowns. But it would be an additional 2.75 percent that has been discussed. And we can probably have a complete separate conversation at some point if you chose to do so.

Delegate ZUERN: And is the rest of that going to the General Fund, in the state General Fund?

Delegate OHMAN: Split.

ACTING EXEC. DIR. SENATORI: So it's a multifaceted piece of legislation with additional percentages that would be decided upon locally for -- I'm not going to explain it well, so I feel like this is maybe something we should bring up as a separate conversation, and I'd be happy to kind of bring in the appropriate people to do that.

Delegate ZUERN: Okay. Thank you.

Deputy Speaker MCCUTCHEON: My understanding is hasn't been decided --

ACTING EXEC. DIR. SENATORI: It hasn't.

Deputy Speaker MCCUTCHEON: -- yet in the legislation as to what to do with the money. Okay. Anybody else? Go ahead. I'm sorry to interrupt you. Go ahead.

Ms. HEATHER MCELROY: No worries. So I'm Heather McElroy, and I'm just going to give a little brief overview of updates on the Technology Matrix and the process on that.

So just as a quick overview, some of you may be familiar with this graphic; it certainly had a lot of play during the 208 Process. But we collected a lot of information on a number of alternative technologies that we feel could have some application in addressing our wastewater management problems here on Cape Cod. And we sort of through them into broad categories that we thought were useful for thinking about them.

"Reduction," those are the kinds of technologies that you use for treating wastewater before it's disposed to the ground. "Remediation" technologies, those where you're actually treating -- trying to pull out nitrogen from groundwater, or "Restoration" technologies, those were you are applying some kind of technology to the affected water body. And for the most part in the case of the 208 Plan, our estuaries and saltwater bodies.

So, what you'll get here in a moment is a graphic of the Technologies Matrix. This sort of neatly puts most of the technologies on a single page and orders them according to those categories I just mentioned, as well as helps users to understand at what scale these technologies might be used; whether it's the site, the neighborhood, watershed, or region-wide.

So through the 208 Process and in developing this Technologies Matrix, we committed to keeping the data in it as up-to-date as we could, and that's a pretty significant task. There's a lot of information about all these technologies about how they're used, the kinds of nitrogen removal that can be anticipated. You know, how they might be best be sited, etcetera.

So we, in that commitment to keeping it as up-to-date as possible, put together a committee

of experts, which include regulatory folks, researchers, practitioners, and others. This was the group that we convened last year, and when it kicked off, the first review of the Technologies Matrix last June of 2017, they spent a number of meetings through the fall and early winter of last year reviewing a number of the technologies and making recommendations for changes which were ultimately brought forward in the new Technologies Matrix 2.0, which is available on our website.

This year, we are focusing on technologies that address stormwater management for the most part. And with that in mind, it made sense to switch up the members of the committee a little bit to make sure that we had experts who could speak to those issues. So these are some folks who will likely participate in that review process.

We've already started with one of the consultants to begin the process of researching some possible changes to stormwater technologies. This is some of the information that they provided at the OneCape Conference, some recommendations that they're suggesting both in terms of the kinds of technologies that are used and also how to optimize those technologies. And this is just a graphic. I'm not going through the details here, but a graphic of part of the -- the kind of information that they're providing to us that helps in designing these technologies as efficiently as possible to do the best job in addressing the issues.

So then just transitioning briefly to a couple of examples about some of the work that's being done across the Cape to better understand how these technologies work on the ground on Cape Cod.

This is an image of our sort of Pilot Projects Viewer, Cape Cod Water Quality Improvement Projects; I call it the "Pilot Projects Viewer." You can click on these different locations and get information about some pilot projects that are going on around the Cape.

I just wanted to touch on three that were reported on at the OneCape Summit and that are sort of actively going on right now.

The Cape Cod Cooperative Extension, Abigail Archer and colleagues, is working on evaluating the performance of a couple of rain gardens on the Cape, some existing rain gardens, one in Dennis and one in Mashpee. They've got some preliminary results, and they'll be reporting on that and that will be incorporated into our review of stormwater technologies in the Matrix as we proceed with that this fall.

Another project that has been underway for a couple years now and is, I think, a three-year project in the town of Orleans; they are -- they designed this pilot project in Loonie's Pond, one of their saltwater ponds deploying a number of oysters and they're testing out a number of configurations of how the oysters are deployed, size of oysters, etcetera, and really gathering a lot of information about practical information about how using oysters at the municipal level can help the estuaries.

And then in Eastham, there's work being done to evaluate the possibility of installing permeable reactive barriers, which is interesting technology. Essentially, kind of a filter that is placed in the ground, very simplistic description of that, but a lot of groundwater modeling analysis coming out of that that, hopefully, will lead to being able to site a pilot project on the ground likely near Salt Pond in Eastham.

And that's all I have on the Technologies Matrix at the present time. Unless there are any questions, I'm going to pass it onto Tim Pasakarnis.

Deputy Speaker MCCUTCHEON: John, Mr. Ohman and then Susan Moran.

Delegate OHMAN: Thank you, Madam Speaker. Heather, the science looks great. It's beyond my comprehension but the science looks great. But there's no real funding or funding estimates behind it. It sounds like some of this technology might be prohibitively expensive for the

towns especially under the conditions of which they're operating even now.

Do you have any idea if this stuff is actually implementable or is it just something that we'd love to do if we could?

MS. HEATHER MCELROY: I think some of it is implementable. I think that's -- Orleans is really taking the charge of trying to figure that out in the oyster front. They are taking a practical approach to seeing if they can make this work. And I think all of the communities would benefit from that moving forward.

I think there are more technologies that also need more piloting, more research to better understand both their practical application here and then the cost of implementing that.

Permeable reactive barrier is one of those ones that appears to be very expensive, but I think the jury's still out on that. So, wait and see.

Delegate MORAN: Thank you, Madam Speaker; incredible presentation. When you look at this, I mean it's a marathon; it's not a sprint, but this is the foundational aspect starting with the Water Quality Coalition of smart people in a room, innovative technology, scientists, great resources on the Cape, and to look at the idea of putting all of the information out there publicly so that each town on the Cape can benefit going forward in terms of a cost-benefit analysis, what's efficient? Is it, you know, George Heufelder's sawdust approach, for example. What permeable barrier works the best? You know, as the technology proceeds, what can be done more efficiently and less expensively.

So I'm just curious, and I'm so excited that this is out there and available and really, you know, everyone can actually look at all the progress and really be proud of all the work that's being done.

Is there a thought to making it or is it already even more citizen friendly? So in terms of outreach in all of the towns so that the municipal leaders can point to the website and say, here's some evidence of where your tax dollars are going and what the process is going to be. And then down to your average citizen who's thinking do I do an innovative alternative system, you know, how is that going to work? And so I'm just curious about, you know, this is amazing. It's really great work. What do you see when you look five-years ahead?

MS. HEATHER MCELROY: Well, others may have things they'd like to say on that topic as well, but I will say that there is a component of our website that presents the Technologies Matrix in a boiled-down version. And I think it gets to that important point that you raised to try to make this information more accessible to the layperson. It's in the process of -- we're in the process of revamping that website because there were some functionality issues with it.

So I'll get back to you on that. But that is definitely an important component of this is having more people better understand the range of available technologies and just improve the general understanding.

Delegate MORAN: Thank you.

Ms. HEATHER MCELROY: Anyone else?

Deputy Speaker MCCUTCHEON: Yes, go ahead.

Delegate HUGHES: Thank you; great presentation. In Harwich where we're starting to get into the implementation phase of implementing a connection with Chatham, we're at almost 9 percent design point for getting 650 homes in the Pleasant Bay Watershed to over time to be connected to the collection system and passed on to Chatham.

The number one issue, you know, in Harwich people don't necessarily complain. We're all sharing the taxes to put the main pipe in and do our Intermunicipal Agreement with Chatham; it's all about what's it cost to me to hook up to my house. That's what they care about and that's what

the County loan program is all about in that case.

But I think here you're building a toolkit, and I understand that in technologies. And the question becomes, you know, when do you have the toolkit to the point where you can say to people in this application you can use this technology and, by the way, it's going to cost about this much money because it does come down to cost whether the towns paying for it, the state's paying for it, the individuals are paying for it at some point in time.

And people are watching it and saying, you know, if I'm not replacing my septic system and someone else is, thank God they're paying for connecting and not me at this point in time.

In Harwich, we're doing the 50 percent, you know, eventually the town will be 50 percent sewerage and the rest won't be. So it's a little bit different situation. Some towns are complete sewage, you know, as you know. But people want to know what the cost is, and, you know, they do look at it's nice we're looking at these technologies, and I agree the science is, you know, neat stuff and all that, but at some point they need -- we need to be able to relay to them what does it mean for them because that's important.

Deputy Speaker MCCUTCHEON: Yes, go ahead.

Delegate BERGSTROM: Just one point, you know, Chatham went through this and a lot of these technologies were proposed to us. And one of the things is permeable barriers, and people should understand that that's proprietary stuff, somebody owns that and they propose it to you to sell it to you as opposed to no one owns oysters, you know.

So you're getting into a situation where you're purchasing someone else's technology, and they should be the ones, you know, if I were to have a new drug or something, I'd do the test to show that it worked and I'd pay for it. And I think that it's the responsibility on the people who are selling the new -- the technologies that they own to show that they work and not ask us and say, "Hey, why don't you try this, you know? We say it's going to work, but we don't know if it's going to work."

So, I'm sure you guys are savvy in that sense, but there was a big push in Chatham, various people had various ideas and they would come to us and say, "We're selling this or we're selling this; why don't you try it?"

But until it's shown to work and it's shown to be cost effective, it really should be on the responsibility of the vendors to show that, indeed, it's going to be a better bang for the buck in sewerage.

Deputy Speaker MCCUTCHEON: Dr. O'Malley.

Delegate O'MALLEY: As kind of a leader in dealing with this problem, Provincetown has found itself kind of up against an unintended consequence; that is we, years ago, voted the money to sewer much of the town and create a treatment system, treatment plant.

Well, that has removed one of the long-standing growth limitation elements, and now we find ourselves pushing up against the constraints of what the plant can handle. And we're now looking at, well, will you approve another \$12 million for expansion of the plant?

I presume that similar growth management bylaws or restrictions exist everywhere. This strikes me as a problem. We expand our capacity and then we build out more and, suddenly, we're up against the limits again. How are we dealing with that? How is the Commission advising towns about how to approach that concern?

Ms. HEATHER MCELROY: Do you want to take that one?

ACTING EXEC. DIR. SENATORI: It's actually a good segue into our third topic this afternoon to talk about the Regional Policy Plan and our designation of activity centers, regional centers of activity across the Cape in these areas where we can promote additional growth and

development, promote potential additional density where we have adequate infrastructure in place.

So we'll get into a little bit of that. We're not going to go into a lot of detail today because I know we'll be back before you talk about some of those issues. But you're right on, and so we do need to look at that and look at our growth patterns across the Cape collectively and comprehensively as a region. So those are issues that have come to a lot of the forefront of these conversations.

So, do we want to transition to stormwater and probably --

Deputy Speaker MCCUTCHEON: Yes, I think we do. It doesn't look like there's any more question. Go ahead.

ACTING EXEC. DIR. SENATORI: So, Tim Pasakarnis has really kind of become our stormwater, I would say, expert in house. And he's only been with the Commission a short while but he's our Water Resources Analyst and Hydrologist with a PhD.

MR. TIM PASAKARNIS: Thanks Kristy. So, obviously, we're about to have a conversation about stormwater here, and I'll just say that we are not the only ones having a conversation. So this summer, the 2018 State of Stormwater Report came out. This is at the national level, so all of the states that have stormwater permits and, in fact, sort of discussing at a very high level what's going on.

We can step down to the state level and I'll just point out a few things identified as needs here in Massachusetts. Funding, obviously, for stormwater, building awareness among the public, the importance of managing stormwater effectively, not just the public but officials as well. And then regional collaboration and technical support for a number of specific items which if we look at this next slide which has some background about the new stormwater permit that just went into effect in July, that they're driven by the minimum control measures which are listed over here for the permit, the needs of towns and cities throughout the state are driven by this new permit mainly.

And the focus of this new permit is outlined here. A lot of it has to do with outreach with getting the public aware and involved with towns and cities basically inventorying what their storm systems are, making sure that they're just conveying stormwater and not other unintended wastewater, any other sorts of discharges.

Managing stormwater during development and after development and just, basically, kind of setting out a framework for how a town deals with its own operations and with kind of everything that's going on to make sure that good stormwater management is being thought about the entire time.

And so just a little more background on the permit; so it applies to 12 of the 15 towns on Cape. All 12 towns were subject to the previous permit which was dated 2003. So even though there is a new permit, having a stormwater permit is not new, but the new permit is -- has a lot of flexibility built into it, but it also has something like a tenfold increase in the specific action items that are associated with it. And so what that's going to translate to is that permit compliance is going to need dedicated funding and staffing just to deal with the specific reporting requirements.

And a lot of it is likely to fall on public works departments but there are requirements that pertain to ordinances and bylaws. And so it's going to -- it's not just public works. It's going to potentially involve planning, zoning, boards of health, you know, other groups within the town just depending on sort of each town's individual structure and the most efficient way to meet permit requirements. And this goes back to that flexibility that the permit says a number of things that need to be done but towns are given a lot of latitude in how they get it done. And so that's just something to keep in mind as we move forward since we're only like two months into this permit

right now.

So, obviously, anyone who is dealing with permit compliance, they're talking about stormwater, but we're also talking about stormwater anytime we're talking about 208. And probably everyone here, I'm sure, has seen this graphic before. Usually we're focusing on the blue in it, so the wastewater which is such a big chunk about controllable nitrogen. But up at the top we have stormwater contributing almost 10 percent. And knowing that towns are going to be required to do certain things under this new MS4 Permit, it makes a lot of sense to also be thinking about what sort of reductions in nitrogen are going to result from these activities that are already being done. And how do we make sure that, you know, we're being efficient and sort of complying with MS4 but also getting credit under 208 and always thinking about how the two are going to intersect with one another.

And so this is a great example of a particular area where it's going -- every town is going to have to deal with it. So all the towns are different but there are a lot of areas within the permit where everyone is dealing with largely the same concerns. And there are lots or, hopefully, lots of opportunities where we can take a regional approach to sort of do things once, not do it 12 times for each individual town and save the towns some hassles, some time, and some money.

And one of the ways that we do that is through the Cape Cod Stormwater Managers Group, which is a subcommittee of the Coastal Management Committee chaired by Bob Duncanson, Steve McKenna, and staffed by Mass Bay's Commission staff. We usually have AmeriCorps service members as well. And we're really using this as a venue to try, you know, to get feedback from actual stormwater managers who are dealing on the ground with the permit to identify where these areas for regional coordination exist and figure out how we can sort of streamline things for the towns as we move forward with the new permit.

And this regional assistance comes in a couple of forms, so technical assistance is available from several County departments. And then we also, as a regional coalition interact with other regional coalitions throughout the state. And there's also a statewide coalition as well. And so there are many similar groups to our coalition all with sort of the same goal of trying to figure out where -- how we can be efficient by not repeating, you know, not having the sort of -- make the same mistakes that someone might've already made before. And I think it's proven to be very useful to the towns already having seen the statewide coalition come up with an outreach program that every town can basically slap their, you know, can customize but they get a template from this outreach program. They don't have to develop it themselves. So it's very turnkey and it makes things simpler for the towns that are, you know, that are already perhaps a little stressed out about the new permit and its new requirements.

Just a little more detail on the types of technical assistance available. So through the Commission, we've been assisting towns with permit compliance which, right now, mainly takes the form of the Notice of Intent Application, which is due at the end of this month. We've done some work to get a consultant on board to work for the entire region as a whole on some of these common concerns.

And then we're also exploring other options through the County to use say joint procurement to obtain software for the towns to help make that easier and potentially realize some cost savings.

As we move further forward into the permit, the Health Department is going to be pretty heavily involved with stormwater sampling, and then we're hoping that Cooperative Extension as well would be able to help the towns further meet some of their outreach requirements.

And then, of course, there's also some funding available at the regional level through DEP

604B grant through the DL -- the District Local Technical Assistance program. And so this is part of how we've been able to hire consultants to do -- work on behalf of a group of towns. And the region has benefited in the past as well from County funds. The towns have used the results of the regional area mapping and planometrics to help sort of jumpstart mapping their stormwater systems, which is a requirement of this new permit. And so they've -- they're all busy on that but had that -- have benefitted from the funding the County provided.

And so that's a pretty quick snapshot of kind of where things are right now, but I just wanted to sort of sign off with just throwing some ideas out. So everything right now is very focused on permit compliance, but we're starting to see how it's reaching out into other parts of town government, and it really it should maybe back of mind whenever towns are making new planning and development decisions that stormwater infrastructure, yes, it's, obviously, about water quality. It's about flooding reduction, but it can also be incorporated into capital improvements. It may be part of open space. It may be part of complete streets. So there are all these other avenues that stormwater can be incorporated into, you know, to meet your permit requirements and maybe an aesthetically pleasing and potentially cheaper way when it's incorporated into all these other potential planning efforts that are probably already ongoing.

So that's all I've got. Thank you.

Deputy Speaker MCCUTCHEON: Thank you. That was very informative and not as long as I thought it was going to be. So we just have a couple more minutes; is there anything you want to add here? Susan.

Delegate MORAN: Oh, thank you.

Deputy Speaker MCCUTCHEON: Sorry, I went to the wrong side.

Delegate MORAN: That's okay. Very informative report. I was curious about the level of integration in coordination on the stormwater end with sort of homeowner benefits, actually better flood control by municipalities that are designing and better maintaining their stormwater infrastructure. Is there a coordination with the work that -- is it Sharon Jar -- I'm going to mispronounce it.

ACTING EXEC. DIR. SENATORI: Shannon Jarbeau.

Ms. ERIN PERRY: Shannon Jarbeau.

Ms. HEATHER MCELROY: Shannon Jarbeau.

Delegate MORAN: With the work that she does in terms of looking at and incentivizing municipalities to better deal with their stormwater and which might have a potential benefit on, for example, homeowner insurance?

MR. TIM PASAKARNIS: Yes. So there are a number of ways and it gets into some of the -- maybe some of the nuance of the permit and what specifically it applies to, which is just municipal-owned roadways, etcetera, within certain areas. It's something we're exploring, so ways to incorporate stormwater control measures at say the residential level to help basically offload some of the burden from municipal stormwater systems.

But as far as -- as far as perhaps an outreach program that gets at the benefits to homeowners, I don't know that we've specifically looked at that, but it's certainly an avenue worth considering and would help make a, you know, help really explain the benefits to individuals well. So we'll certainly look into it.

Delegate MORAN: Thank you.

Deputy Speaker MCCUTCHEON: Ms. Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker, and thank you. I have two quick questions; why is it only 12 of the 15 Cape towns are subject to the MS4 permit?

MR. TIM PASAKARNIS: So if we quickly go back to the map here, it's based on a census urbanized area, which is that red cross-hatched area here. And so Provincetown and Truro do not have any census urbanized area, and Wellfleet because of the, basically, the population and land area that is within that area was below a threshold that they obtained a waiver from it.

Delegate CHAFFEE: Okay. Thank you. And one question about your -- this graphic.

MR. TIM PASAKARNIS: Yes.

Delegate CHAFFEE: The percents are nitrogen contribution?

MR. TIM PASAKARNIS: So this -- the numbers for this one is controllable nitrogen load. So this is the nitrogen load that can actually be impacted by some, basically, the Technologies Matrix, everything that's encompassed with that. So this takes out say atmospheric nitrogen, which we don't have any control over.

Delegate CHAFFEE: Thank you.

Deputy Speaker MCCUTCHEON: Dr. O'Malley.

Delegate O'MALLEY: As the events of the past week in the Carolinas showed and if we think, I mean, 36 inches of rain, we saw Harvey dump 5 feet of rain; our planning needs to go beyond, you know, the traditional model of sort of the hundred-year floods, hundred-year events, and such, and we're realizing those are now happening every other year kind of thing.

What are you doing to help -- what can you do, I should say, that would help towns plan for these kind of events? I mean, you know, we'd like to think we live on a very permeable substrate but, in fact, when it comes down like that, I've been on the roads, and it's all over. It doesn't drain and it floods and we have flooding.

Clearly, the scenario is changing that we need to plan for. How do we look at that and not get caught short?

MR. TIM PASAKARNIS: It's a great question that does not have a simple answer. You know, there are a number of ways we can sort of discuss where the numbers that constitute a hundred-year flood or a hundred-year precipitation event come from and those are, you know, come from NOAA or another federal agency. So, it's kind of out of our hands.

Direct actions that can be done is, obviously, design so within a stormwater ordinance or something, something of that nature, the minimum design requirements can be changed. So those could always be ratcheted up from the 10-year, 25 year up to what's currently a hundred or 500 year and what that, you know, what the future probability of that storm is I don't think anyone has a great idea of.

The other thing which is kind of what I hope to at least sort of plant the seed with for my last slide is that the degree to which stormwater infrastructure can be distributed, and so this is having lots of small measures rather than lots of curves and channels and conveyance systems to go to one, you know, to one big detention basin or something like that. That's a way to at least minimize the potential impacts of these more concentrated precipitation events.

Delegate O'MALLEY: Yes.

Deputy Speaker MCCUTCHEON: Mr. Kanaga.

Delegate KANAGA: Thank you. Yes, it says it's on. One of the things that I've -- has always raised a question in my mind with respect to the focus on nitrogen, is that especially in my town, Orleans, it seems to me that the potential dangers from the stormwater runoff in the landfill in terms of the large parking lots that are right on the waterfront, in terms of oil, heavy metals, PCBs, and other carcinogens are far worse than the nitrogen.

And sometimes, like in this graphic, things get focused on the nitrogen without considering the potentially more harmful effects of other types of water that sometimes -- many times in my

town go directly into the surface waters without any swales or infiltration methods of any kind.

So, I'm just wondering in your studies how that's taken into effect versus total nitrogen contribution; is there, obviously, maybe this is beyond the scope also of this discussion, but I'm just asking the question to get it on the table because it seems in my -- in many of the boards in my town seems to be totally ignored.

MR. TIM PASAKARNIS: Sure. So what I'll say is there's, at least according to the Massachusetts Stormwater Handbook, there's a -- they're a subset of Best Management Practices that are referred to as treatment BMPs. And so measures that would treat for nitrogen can be optimized to treat for nitrogen will also treat for and, of course, the efficiencies between nitrogen and say petroleum products or -- they're different for each type and depending on how they're configured.

But anytime that we are talking about a stormwater measure that provides water quality treatment which could include nitrogen, it's also going to address the other contaminants that you're concerned about.

So certainly within the lens of 208 nitrogen is the focus. But the general emphasis on stormwater measures that provide water quality treatment will address these other concerns.

Deputy Speaker MCCUTCHEON: I have a question for you. What is the Commission doing to stop the conflict that happens when you get a town like Truro into a discussion with someplace much bigger about stormwater and contamination and all these issues where Truro says, "I don't need to treat my watershed, and I don't want to pay for your sewer."

So what are you -- what is the Commission doing to try to minimize that kind of conflict because that ends up being a lets you and me fight instead of let's do this -- solve this problem together?

MR. TIM PASAKARNIS: I think maybe one of my coworkers can address it since that applies potentially to stormwater but potentially to a number of other areas as well.

ACTING EXEC. DIR. SENATORI: Right.

Deputy Speaker MCCUTCHEON: I think it does.

ACTING EXEC. DIR. SENATORI: Well, I think that's probably a multifaceted issue. And so what we're doing is convening a regional discussion making sure that progress is happening in the shared watersheds. So communities have the opportunity and the ability to communicate with the communities within their shared watersheds, and if there's opportunities for efficiencies, decreased costs, that those are areas that the Commission is trying to focus certainly on the 208 efforts, the stormwater efforts, and especially as we look at updating our Regional Policy Plan looking at capital facilities and infrastructure planning. How can we create opportunities for communities to come together as a region and provide more efficiencies across the board?

Deputy Speaker MCCUTCHEON: John.

Delegate OHMAN: Thank you, again, Madam Speaker. You know, this is a fascinating doughnut up there. The 10 percent is runoff water. There's stuff that's controlled and, actually, is cost-efficient is runoffs from lawns and this terrible idea of putting chemicals on your lawn and into your driveways and the runoff, that's very controlled. Have you -- I know that Falmouth has Falmouth Friendly Lawns --

Delegate O'HARA: Mashpee.

Delegate OHMAN: -- I think that is very effective but it's not -- it was presented to the Assembly several years ago. But it seems like a very effective organization. Why hasn't that been discussed and expanded and is there something we can do regionally to say, "You can't put that stuff on your lawns on Cape Cod anymore," something as simple as that, something regional that

makes sense to me and is cost-effective. Thank you.

MR. TIM PASAKARNIS: So I can at least weigh-in partially and you can see that fertilizer is an additional 9 percent on the doughnut in addition to. But that is within the stormwater permit and the outreach minimum control measure, a large part of the minimum control or -- of the outreach effort, which is directed specifically at targeted at residents but then also at commercial properties. So this could include either properties that use landscaping services or the landscaping services themselves.

Delegate OHMAN: Golf courses.

MR. TIM PASAKARNIS: That there's a big focus on either reducing or eliminating fertilizer usage or at least sort of best practices if you are going to utilize fertilizers as far as application rates, timing, etcetera.

So I would expect as sort of as the permit rolls out that we will see more of that.

Deputy Speaker MCCUTCHEON: Jim, go ahead.

Delegate KILLION: Thank you, Madam Speaker. Good afternoon, members, great presentation. Unfortunately, I didn't get it ahead of the meeting, so I didn't have a chance to do a little bit of research so indulge me my ignorance on the subject.

The MS4 Permit process, could you just give a very quick rundown of what that entails for a town to come into compliance, the potential costs and time that that takes?

MR. TIM PASAKARNIS: Yes. So I will do my best. So this slide is just the most basic outline of what's required. So these are the six major measures that EPA is looking for in compliance with. And within each of those six measures, there are a number of subtasks with particular timelines associated with each of them.

So there isn't really a simple description of -- the best way that I can describe it is that this five-year-permit term involves, basically, establishing a framework within town for mapping and inventorying the stormwater infrastructure for identifying and prioritizing sort of the condition of all of the elements of that infrastructure and figuring out which -- how best you should spend your budget to repair, replace, as needed, elements of the stormwater system and putting in place ordinances, bylaws, standard operating procedures really sort of setting the stage for all municipal-related operations to, basically, to minimize both stormwater generation and knowing that there's still going to be stormwater runoff -- avoid having that runoff be contaminated or carry sediment or things like this that will tax the stormwater system.

So that's kind of my best attempt at boiling a 60-page permit down into a paragraph.

Delegate KILLION: So is the compliance sort of an ongoing measure or is it something where a town gets to a certain point and then they're in compliance and they pretty much stay where they are?

MR. TIM PASAKARNIS: So the current permit has a five-year term, and there are annual reports associated with it. And the overwhelming impression that we have gotten from EPA is that the real focus is getting us on getting towns to, basically, be documenting what they're doing, getting credit for what they're doing, and there's been very little of a sort of punitive message for -- that it's really supposed to be a very encourage -- encouraging towns, helping them get the framework set up that that's the majority of what this first five-year term is going to entail.

Delegate KILLION: Thank you.

MR. TIM PASAKARNIS: And as far as the cost, we still -- that's something that we're working on right now is trying to estimate what the cost of complying with the new term -- the new permit is going to be for the 12 towns that are subject to it.

Delegate KILLION: All right. Thank you, very much.

Delegate O'HARA: Thank you, Madam Chair. May I have the floor?

Deputy Speaker MCCUTCHEON: Yeah, go right ahead.

Delegate O'HARA: Thank you. So everything that's been said so far, and I'm listening to stormwater and all of these facts are important. One of our concerns in the town of Mashpee is clearly again, as the Delegate from Harwich brought up, is the cost. And I say, awe, it's just me, but I have residents that are very concerned that they may not be able to live at their home. I don't know what the cost is going to be overall, but all they hear is these astronomic figures. You know, the first plant's going to be \$38 million. There's going to be more plants after that. So that's the concern I'm trying to get a handle on that. I don't know that every house in the town is going to have to be tied up and have to have treatment to every house.

The other thing that the other Delegate from Orleans had brought up was the fact of the stormwater, and I see stormwater and I was at a job site recently looking at the brand-new home, and the stormwater -- the catch basin was in the front and it was on a bay, and the overflow pipe went right to the bay and every place I go that's how they've been built. So everybody that's building today is building into compliance and doing their best to take care of the environment while all of these old systems exist. And they're just -- they're geared towards the bays, rivers, and estuaries, that's where it goes.

And these homes that I was at on this bay, the other part of this is that I had a homeowner come over to me, a former client that I built their home, and they told me that this is the first year in 20 years since they've owned that they wouldn't allow their children to swim in the bay because the water has become that polluted and they feel it's that unsafe. And it's not the only family that I've heard this from since I heard this, and this was in the last two or three weeks the question's arisen.

So everybody that I speak to is fully aware that it's time to move forward on implementing the plan, to put a shovel in the ground, and let's get moving. The dollar figure is really what's bothersome. I know the town manager, we have a good rating, finance rating, but he's concerned about the dollars amount as we all are. I mean every Selectman, we're concerned, but yet all of the board knows that we need to move forward; we need to put a plan in place.

I know from last Selectmen's meeting last week, the plan to use some of the Airbnb funds, the tax monies for that; I think it makes sense. I know Sandwich is moving on a plan that my board members are or my assistant town manager is going there today. So I think we're fully aware. I think everybody's on board. I don't think there's a community on the Cape that's not moving forward in some manner. It's a matter of how do we make it happen. And that's what I'm hoping that -- so I brought it up at the last meeting is what can the Cape Cod Commission or the County government, how can they help us as a group? Is it better to be a whole as 15 towns working together for funding rather than each town going for loans? If you only -- if we get one large sum of money, you only pay for what you borrow, what you put into the ground. But I think that once voice, a strong voice is a lot better than 15 small voices.

But thank you, this is a great presentation. I'm glad I was able to be here.

Deputy Speaker MCCUTCHEON: This was a great presentation. I'm going to ask the Delegates, however, if they would like to have the last part of this, which is the whole discussion of the Regional Policy Plan at our next meeting, and that's for two reasons. One, the hour is late and, two, we did not have this presentation in advance of the meeting for people to look at it and think about it and think about the questions for their community.

May I have a sense of the Delegates as to whether you want to finish this tonight? How long is the discussion? It's a lot of pages in your presentation.

ACTING EXEC. DIR. SENATORI: Sure. And this might help inform your decision, and I know we are probably past the hour that we were allotted, so we appreciate your indulgence on the important matters.

The Regional Policy Plan is something we've been working on for several years updating. We are in the process now of, hopefully, putting this document out for public comment. It will go before the Cape Cod Commission in a workshop setting tomorrow. We're anticipating we'll be able to put that out for public comment by the end of the week.

And so we can come back to you in that 60-day public comment period if you would like and have a more comprehensive presentation. We were planning to just give you the highlights today, but we would be happy to do whatever is your preference.

Acting Speaker MCCUTCHEON: I think we would want a more comprehensive explanation and discussion of this because I think we have some things to add to it in the comment period.

Can I have a motion from somebody to -- Moran --

**Delegate O'MALLEY: Move that the discussion of Item Number 9c be placed on the table to a time certain next meeting.**

**Delegate HUGHES: Second.**

Deputy Speaker MCCUTCHEON: Well, placed on the table or move to a time certain.

Delegate O'MALLEY: Move to a time certain.

Deputy Speaker MCCUTCHEON: Or move to the next meeting?

Delegate O'MALLEY: Next meeting, right.

Deputy Speaker MCCUTCHEON: Move to the next meeting is your preference, sir?

Delegate O'MALLEY: Yes.

Deputy Speaker MCCUTCHEON: Okay. So --

Delegate HUGHES: And I seconded it.

Deputy Speaker MCCUTCHEON: And you seconded it. All right. So the motion is to move the presentation on the Regional Policy Plan to our next meeting.

ACTING EXEC. DIR. SENATORI: If I can just make sure that our chief planner and other staff are available, we'd be happy to do it at one of your next meetings.

Deputy Speaker MCCUTCHEON: Do you want to look at that right now?

ACTING EXEC. DIR. SENATORI: I can get back to --

CLERK O'CONNELL: 10/3 or 10/17.

Deputy Speaker MCCUTCHEON: So you'll get back to our Clerk.

ACTING EXEC. DIR. SENATORI: Our chief planner has been sitting here so.

Deputy Speaker MCCUTCHEON: Before the end of the week. Is she saying yes; is that what she's doing?

ACTING EXEC. DIR. SENATORI: Yes, and I can check with our other staff and get back to you by tomorrow.

**Deputy Speaker MCCUTCHEON:** Okay. All right. So if you have any problem, put it in writing to our Clerk so she can send it to us and get it here to us before the end of the week; okay? Otherwise, we'll see you at our next meeting.

**All in favor? Aye. Opposed?**

Delegate PRINCI: No.

Deputy Speaker MCCUTCHEON: Well, I think you lose.

Delegate PRINCI: I do.

Deputy Speaker MCCUTCHEON: Okay. Well, I just, you know, moving that out. So I mean even if we went to percentages, Patrick, I think you lose.

Delegate PRINCI: I would.

Deputy Speaker MCCUTCHEON: Okay. All right. So --

Delegate PRINCI: I have the closest ride too.

Deputy Speaker MCCUTCHEON: Well, I know that and the biggest vote too. I didn't even bring it up tonight.

**In any event, this matter's put over to our next meeting.** Thank you, very much, for this. It's very, very interesting, and I think everybody will benefit from having some time to think about it before we have to talk about it again. So, thank you.

### Communications/Announcement from Public Officials

- **National Park Service – Press Release dated 9/16/18.**

Deputy Speaker MCCUTCHEON: We're going to move on now. We have communications from Public Officials.

CLERK O'CONNELL: Yes.

Deputy Speaker MCCUTCHEON: Okay. This was requested -- there are two things that are left on our agenda, and then we move to the Assembly convenes. We have a report from the Clerk, and I think that's all we have, so let's try to be patient until we get to the end.

Okay. Janice, if you would read this piece that Lilli requested be heard in this record.

**Clerk O'CONNELL: The Delegate from Wellfleet who could not be present today has asked that the following press release from the National Park Service and the Cape Cod National Seashore in Wellfleet be read into the record.**

*This is a press release dated September 16, 2018. "This is a sad day for the family of Arthur Medici of Revere, Mass., the National Seashore, and the Cape Cod community.*

*On Saturday, September 15, 2018, at approximately 12:30 p.m. at Newcomb Hollow Beach in Wellfleet, a suspected white shark attacked a 26-year old Medici. Mr. Medici died as a result of the injuries sustained in this attack. He was removed from the water and transported to Cape Cod Hospital where he was pronounced dead.*

*The Cape Cod National Seashore Superintendent Brian Carlstrom said, "We are deeply saddened by the tragic event, and our condolences go out to the Medici family."*

*The incident is still under investigation by National Park Service rangers, the Wellfleet Police Department, and the Cape and Islands District Attorney's Office. The public will be notified when the species of shark has been confirmed. Wellfleet beaches are currently closed to swimming.*

*People recreating in Cape Cod water should read and heed advisories posted at the beaches. Do not swim near seals. Swim close to shore where feet can touch the bottom. Swim, paddle, and kayak in groups. Do not swim alone at dawn or dusk, avoid isolation, and limit splashing and do not wear shiny jewelry."*

End of press release.

Deputy Speaker MCCUTCHEON: Thank you. Does anybody have any questions for -- you all have this? The proponent of this is not here.

**Communications/Letter from Members of the Public**

- **Email letter from HRC Chairman Alan Milsted dated 9/18/18.**

**Deputy Speaker MCCUTCHEON:** We will move onto the communications from members of the public.

**The gentleman who is the Human Rights Commission Chair, Alan Milsted, has requested that the following statement be read into our record tonight.** It is a memorandum from Alan Milsted to Jack Yunits, Leo Cakounes, and Suzanne McAuliffe with a number of copies and its subject is the Human Rights Commission.

*“At their meeting on August 22<sup>nd</sup>, the Board of County Commissioners established a workshop to consider the Ordinances 08-02, 08-12 and 15-06 relating to the Barnstable County Human Rights Commission and whether changes are needed.*

*On September 4<sup>th</sup>, the County Administrator, Jack Yunits, wrote inviting participation by the Barnstable County Human Rights Commission and on September 11<sup>th</sup> advised the day -- on the date set for a meeting of the workshop. The invitation was considered by the Barnstable County Human Rights Commission, its monthly meeting, the first opportunity to do so as the previous Mondays were Labor Day and Rosh Hashanah.*

*The Barnstable County Human Rights Commission noted last evening that September 19<sup>th</sup> is Yom Kippur, which like Rosh Hashanah, is one of the most significant days in the Jewish calendar. He further noted that in some municipalities no public meetings are permitted on this day. No members of the Barnstable County Human Rights Commission or its associated Town Representation Council are able to attend.*

*We further noted that Section 3 of Ordinance 08-12 states that one of the functions, powers, and duties of the Barnstable County Human Rights Commission is to enlist the cooperation of racial, religious, ethnic, civic, fraternal, benevolent, and private and public agencies in eliminating unlawful discrimination by cultivating an atmosphere of mutual understanding and harmonious inter-group relations.*

*We fully endorse the proposal to review Ordinances 08-12 and 15-06 and are committed to participate in deliberations of the workshop. We will devote the business of our next meeting on October 1 to consideration of the topic.*

*There are many new or recently appointed Commissioners and Town Representatives, and we are concerned to ensure that our representatives to the workshop provide informed contributions to the debate on the future of the Barnstable County Human Rights Commission.*

*We suggest that further meetings and the workshop be delayed until after the elections for the Assembly of Delegates and the Board of County Commissioners on November 6 in order to avoid perceptions that political motives are determining the process.*

*We further ask that the time of meeting should recognize that most Barnstable County Human Rights Commissioners and members of the Town Representation Council, all volunteers, are working people who find daytime meetings difficult. Perhaps they could be held on the evenings that the Assembly meets rather than before it.*

*Finally, we ask that meetings of the workshop are videotaped and distributed in the same way as meetings of the Board of County Commissioners and the Assembly of Delegates.*

*We look forward to fruitful discussions of the Ordinances and the opportunity the workshop provides for Barnstable County in the words which open Ordinance 08-12 to review the ways in which it implements its policy to promote equal opportunity for all persons in Barnstable County regardless of race, color, religious creed, national origin, sex, age, ancestry, sexual or affectional*

*preference, hmmm, marital, family, or military status, source of income, neighborhood or disability where unlawful discrimination exists in housing, employment, education, public accommodations, Town and County services, insurance, banking, credit, and healthcare.*

*Respectfully submitted, Alan Milsted, Chair, Barnstable County Human Rights Commission.”*

I don't think it's appropriate to take action on this request tonight, but I think it would be proper to bring it as a motion for our next meeting. If there's -- I would put this on the agenda for the next meeting as a motion unless there's an objection?

Delegate ZUERN: May I just ask a question?

Deputy Speaker MCCUTCHEON: Well, go ahead.

Delegate ZUERN: Thank you. Since this was addressed to the Commissioners and Suzanne, I'm just wondering if it's something that the whole Assembly was supposed to be discussing or whether it's supposed to go to the Commissioners; it's just my question who really decides?

Deputy Speaker MCCUTCHEON: Well, I don't really know, but I know he's made a request to this body for this matter to be put over until after the elections and, therefore, I put it aside for Suzanne to deal with it if she wants not to allow you to hear it as a motion then she should say so and tell us why at our next meeting.

Delegate ZUERN: Okay.

Deputy Speaker MCCUTCHEON: Okay?

Delegate BERGSTROM: Yes, just to add to that; if you look at the Charter under “Powers of the Assembly,” the Assembly is given the authority to alter or abolish any department or, you know, division of County government.

Deputy Speaker MCCUTCHEON: Right.

Delegate BERGSTROM: So, really, it's up to us what happens to the Human Rights Commission and not up to the Commissioners. So, I'm sure that they'll bring it before us eventually if they come -- if this committee comes to like some kind of a decision. But, essentially, the power to alter or abolish any department of County government or to create or uncreate an ordinance is the power of the Assembly.

Deputy Speaker MCCUTCHEON: Dr. O'Malley, what do you want?

Delegate O'MALLEY: I'm just adding, reference has been made in some of these communications to discussion of a Proposed Ordinance as being the task of this group. And I have, on the record, I have requested this quote, “Proposed Ordinance” and have not seen it.

So had we met today as was originally scheduled, we would have been going into this meeting without the benefit of any -- without any heads-up, any information as to what it was. And I want to be sure that when this comes around, we are duly apprised of what's being offered, what's being suggested ahead of time.

Deputy Speaker MCCUTCHEON: Thank you. Anybody else?

Delegate KILLION: Just a request, can we get a copy of this letter sent out?

Deputy Speaker MCCUTCHEON: Oh, certainly. I ask the Clerk to send it to everybody and she'll do that. Okay.

### ASSEMBLY CONVENES

Acting Speaker MCCUTCHEON: All right. So what's next? The Assembly convenes. There are not committee reports because there haven't been any committee meetings.

#### SUMMARY: Report from the Clerk

- **Tale of the Cods – located at 3046 Main Street, Barnstable.**
- **Assembly Annual Report ready for distribution.**
- **Next Assembly meeting – October 3<sup>rd</sup>.**

Deputy Speaker MCCUTCHEON: There's going to be a report from the Clerk, and I don't think there's any other business.

So, go ahead.

CLERK O'CONNELL: Just quickly, I know there was a question earlier in the meeting with regards to the address of the Tale of the Cods, and I believe it to be 3046 Main Street; Item 1.

Item 2, the Annual Report for the Assembly of Delegates for their last fiscal year's work is ready, and a lot of towns request that for inclusion into their Annual Report. So if you get that request, some want it, some don't. If you do, just let me know and I'll forward it to your Town Clerk. And in some instances, I've already been asked for it; Brewster, Bourne, so they're all set.

And the next meeting is October 3<sup>rd</sup>, and thank you for turning in your mileage reports, and that's all I have today.

Deputy Speaker MCCUTCHEON: Okay. Wait a second. There was something else here.

#### SUMMARY: Other Business

- **Announcement – “Main Streets” event in Hyannis 9/23/18 12 to 5 P.M.**

Delegate PRINCI: Onto other business, just quickly. Just a quick announcement if I could?

Deputy Speaker MCCUTCHEON: Oh, sure.

Delegate PRINCI: This Sunday, 9/23, in Hyannis on Main Street, we're having an Open Streets event, the streets are completely closed from 12 to 5 this Sunday. There will be all kinds of festivities for family/adults. It's a really nice event that the Hyannis area puts on once a month on the beginning of the summer and then towards the late-summer/fall. So, hopefully, you can maybe come down and join me. I'll be there most of the day.

Deputy Speaker MCCUTCHEON: Does anybody else have any other business?

I'll entertain a motion to adjourn?

**Delegate BERGSTROM: Move to adjourn.**

**Deputy Speaker MCCUTCHEON: We're adjourned.**

**Whereupon, it was moved to adjourn the Assembly of Delegates at 6:05 p.m.**

**Submitted by:**

**Janice O’Connell, Clerk  
Assembly of Delegates**

**List of List of materials used at the meeting:**

- **Business Calendar of 9/19/18**
- **Unapproved Journal of Proceedings of 9/5/18**
- **Cape Cod National Seashore Press release dated 9/16/18**
- **Email from Alan Milsted dated 9/18/19**
- **PowerPoint presentation slides – Cape Cod Commission**
- **Copy of PowerPoint presentation slides Assembly of Delegates Standing Committees**