

# MEETING MINUTES

## DHY Clean Waters Community Partnership *Dennis, Harwich, and Yarmouth*

**Date:** 01/26/2018

**Time:** 9:00 AM

**Location:** Dennis Town Hall

**Attendees:** Diane Chamberlain, Paul McCormick, Liz Sullivan, John Terrio (Town of Dennis)

Larry Ballantine, Chris Clark (Town of Harwich)

Jeff Colby, Chris Dwelley, Mark Forest, Dan Knapik, Shawn MacInnes (Town of Yarmouth)

Kara Johnston, David Young (CDM Smith)

John Giorgio (K P Law)

### Items

1. Previous Meeting Minutes (12-15-17)
  - a. Chris Clark made motion to approve, Mark Forest seconded, Unanimous Vote
2. Discuss Potential Options to Form a DHY District (John Giorgio – KP Law Memo 1-23-18)
  - a. Option One: Intermunicipal Agreement (IMA)
    - i. One town would bond the cost to design, build, and construct a facility, and would write agreements selling capacity to the other two towns. The other two towns could require Selectmen approval of the agreement. The other two towns would be customers with a term up to 25 years. Similar to recent IMA between Chatham and Harwich.
  - b. Option Two: Chapter 40N Regional Water and Sewer Commission
    - i. Town Meetings vote to appoint a planning committee who negotiate agreements for ballot approval by the voters. No legislative approval required. District must include water and wastewater which is problematic since Dennis and Harwich have independent water districts.
  - c. Option Three: Regional Wastewater District by Special Act (i.e., MFN Model)
    - i. Town Meeting Vote not required, but encouraged in order to educate the public about the District and gain support.

- ii. The towns could draft the Special Act language prior to Town Meeting using the MFN Regional Wastewater District as a model.
  - iii. Can build into the legislation that the Draft Agreement would need to go back to the voters before signing. Doesn't need to be included in the Act, but publicly stated the towns would go back to Town Meeting.
  - iv. Would authorize the Selectmen to enter into an agreement.
  - v. District will have the ability to borrow. Failure of a town to pay an assessment, can result in the deduction of the assessed amount from a town's Cherry Sheet.
  - vi. Important to consider from a regulatory standpoint that MassDEP will want to see continued joint support from all three communities.
- d. Option Four: Joint Powers Agreement (JPA i.e. Cape Light Agreement)
- i. The Municipal Modernization Act allowed creation by two or more towns of a district without a Special Act; no town meeting vote required..
  - ii. Difference from MFN Model with Special Act: does not result in a reduction of a town's Cherry Sheet. Could be problematic with only three customers.
  - iii. Can enter into Joint Powers Agreement that is not subject to appropriation.
- e. The three boards met on March 8<sup>th</sup>, BOS from each town approved the creation of a subgroup, 9 months of meetings and subgroup is now recommending filing Special Legislation for the potential to create an agreement, and received a grant from the state to continue discussions.
- i. Upcoming Town Meetings (Y,H,D): May 5<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, 2018. The subgroup would like to hold a joint Board of Selectmen meeting in March.
  - ii. Town Meeting approval will be requested of the Special Act this year and of the Agreement (tentatively for next year). John Giorgio will review the draft town meeting article for DHY.
  - iii. Chris Clark made motion to approve the name "DHY Clean Waters Community Partnership", Diane Chamberlain seconded. Unanimous Vote.

### 3. Review Community Compact Grant Award

- a. Draft Press Release
  - i. Dennis will add all town seals to the press release and send to the Town Administrators before releasing.

- b. Discuss how to revise scope and budget for \$150,000
  - i. Barnstable/Yarmouth: \$50,000
  - ii. DHY: \$100,000
  - iii. CDM Smith will revise scope and budgets and send to DHY for review.
- c. Schedule
  - i. CDM Smith will revise schedule and send to DHY for review.
  - ii. Milestones will include Spring 2018 Town Meeting for Special Legislation and Spring 2019 Town Meeting for Draft Agreement.
  - iii. Next Joint Meeting: March 15<sup>th</sup>, 22<sup>nd</sup>, or March 29<sup>th</sup> at 6 PM at Dennis Council on Aging Building.
  - iv. Dan Knapik will Invite Commissioner and Lieutenant Governor to come to next Joint Meeting.
  - v. Agenda: Overview of grant and stressing the importance of working together, review schedule going forward, overview of DHY discussions since last March, 2017 and preliminary cost savings, discuss article for town meeting for Special Legislation, review MassDEP input to date, request official vote or recommendation from BOS to support the town meeting article.

4. Town Updates:

- a. Internal Governance Structure
  - i. Dennis
    - 1. Dennis WIC continues to work on the town's planning efforts.
  - ii. Harwich
    - 1. BOS have formalized a Wastewater Support Committee to provide advice and public outreach during construction.
  - iii. Yarmouth
    - 1. Water Resources Group has been formed and will be made up of members from Conservation, BOH, Planning Board members, and citizens. Will be meeting soon in February.
    - 2. Dan Knapik met with Mass Development to discuss future grant funding.

b. Internal Financial Structure

- i. Dennis:
    - 1. Meeting with the Chamber to discuss support for the wastewater program.
    - 2. Awaiting economic study.
  - ii. Harwich:
    - 1. Requesting construction funds for East Harwich sewerage (Phase 2) at Spring town meeting.
  - iii. Yarmouth:
    - 1. Yarmouth holding a revenue/ cost recovery meeting in September 2018.
- c. General Wastewater
- i. Dennis:
    - 1. A MEPA Filing discussion was held regarding the CWMP submittal schedule with MEPA, MassDEP, Town of Dennis, and CDM Smith. The group decided that Dennis should file to get their plan approved now, and can file a Notice of Project Change (NPC) if the recommended plan is changed to a community partnership option. The Town will file the final CWMP this spring.
    - 2. Swan Pond aquaculture project met with Conservation Commission. A community meeting will be held on January 30th.
  - ii. Harwich:
    - 1. Held information meeting in East Harwich on January 16<sup>th</sup>.
    - 2. FAQs for wastewater program are posted on wastewater webpage.
    - 3. CPC voted for Hinkley's Pond Cleanup which is part of the CWMP recommendations (through Recreation and Open Space).
  - iii. Yarmouth:
    - 1. Held an opening meeting with Barnstable.
    - 2. February 13<sup>th</sup> Board will be briefed on the town's wastewater efforts thus far.
    - 3. Installed groundwater wells at Bass River Golf Course, a potential effluent recharge site.
    - 4. Anaerobic digester deadline has been extended four weeks.

5. Looking to change land use restrictions on former landfill at Town Meeting to allow for additional solar at that site instead of golf course.

5. Actions Needed for Spring Town Meetings

- a. Discussion of Special Legislation and public meeting in March.

6. Example Billing System (Mansfield)

- a. Copy of Mansfield bill provided as an example.

7. Topics for Future Meetings

- a. Preparation for Route 6 MassDOT Meeting
- b. Land Use Controls

8. Review Meeting Summary

- a. The working group members from Dennis, Harwich, and Yarmouth (DHY) met on January 26, 2018 and voted to formally name the working group "DHY Clean Waters Community Partnership."
- b. The towns of Dennis, Harwich, Yarmouth, and Barnstable were awarded a Efficiency and Regionalization Grant of \$150,000 from the Massachusetts Compact Cabinet Grant Program. The Towns will be sending out a press release.
- c. The DHY Clean Waters Community Partnership working group met with Attorney John Giorgio of K P Law to discuss multiple options for the town to form a District. After reviewing the pros and cons of each option, the working group recommended moving forward with the option to form a District through Special Act (modeled after the MFN Regional Wastewater District). The three towns will go to Spring Town Meeting with an article requesting that the towns file Special Legislation. This would give the towns the option to continue discussions as a formal District. The Towns would then go back to Town Meeting in 2019 requesting approval of the Agreement if that is the final recommendation.
- d. The DHY Clean Waters Community Partnership working group will be holding a tri-town meeting in March. The date will be announced in the coming weeks
- e. The Towns provided general updates to their wastewater and cost recovery programs.
  - i. The Town of Dennis is awaiting the results of an economic study, and is implementing an aquaculture program in Swan Pond. Dennis participated in a discussion with MEPA and will be filing their CWMP this spring, after filing the Draft CWMP last year.
  - ii. The Town of Harwich is performing public outreach for a Spring Town Meeting Article for construction funds for sewerage of Phase 2 in the

Pleasant Bay watershed. CPC voted for the Hinkley's Pond Cleanup Project.

- iii. The Town of Yarmouth formed a Water Resources Group to continue planning efforts for the town's Wastewater Program. Yarmouth installed groundwater wells at the Bass River Golf Course, a potential effluent recharge site. The Town held a positive opening meeting with the Town of Barnstable and is exploring a partnership for sewerage the western side of Yarmouth.

9. Discussion of topics not reasonably anticipated 48 hours before the meeting.

10. Next Meeting: February 16, 2018 at 9:00 AM

11. Action Items

<b>Assigned To</b>	<b>Action Item</b>
<b>CDM Smith</b>	<b>Revise scope and budget for grant</b>
<b>John Giorgio</b>	<b>Revise Town Meeting Article</b>
<b>CDM Smith</b>	<b>Send approved minutes from 12/15/2017 to TA's for web posting</b>
<b>CDM Smith</b>	<b>Send draft minutes from meeting on 01/26/2018</b>
<b>CDM Smith</b>	<b>Send draft agenda for March joint meeting</b>
<b>Dan Knapik</b>	<b>Invite Commissioner, Lieutenant Governor, and others for March Joint Meeting</b>
<b>CDM Smith</b>	<b>Share Dennis aquaculture presentation with Harwich and Yarmouth</b>