

MEETING MINUTES  
CAPE COD AND ISLANDS WATER PROTECTION FUND MANAGEMENT BOARD  
BYLAWS AND REGULATIONS COMMITTEE  
January 8, 2020 Meeting

**Committee Members:**

Rae Ann Palmer	Truro	Present
Mark Ells (Chair)	Barnstable	Present
Andrew Gottlieb	Mashpee	Present
Ben deRuyter	Brewster	Present
Don Howell (Vice Chair)	Harwich	Present

**Others Present:**

Kristy Senatori	Cape Cod Commission
Erin Perry	Cape Cod Commission
Gail Coyne	Cape Cod Commission
Adam Turner	Martha's Vineyard Commission
Nate Keenan	MA Clean Water Trust
Bud Dunham	Sandwich

Summary of Discussion/Action Taken: Committee members had a broad discussion on development of regulations and directed Cape Cod Commission staff to work with the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (Trust) to clarify project eligibility for State Revolving Fund (SRF) Loans and methods by which the Water Protection Fund Management Board may distribute funds.

Mark Ells called the meeting to order at 10:09am.

Kristy Senatori noted that the Cape Cod Commission staff worked with counsel to draft an outline of the regulations that includes questions for discussion.

Andrew Gottlieb noted that the Committee and the regulations should be clear that the Water Protection Fund provides subsidies above and beyond what is provided by the Trust.

Ben deRuyter asked if the process by which grant awards are provided is completely separate from the Clean Water Trust. He noted that the Town of Brewster sought a legal opinion as to what projects can receive grants and town counsel indicated that it is their opinion that projects do not need to be eligible for SRF loans in order to receive a subsidy through the Water Protection Fund. Rae Ann Palmer expressed agreement with Mr. deRuyter. Ms. Palmer noted that towns such as Truro and Brewster, who may pursue less structural solutions, may not get access to funds through SRF. Ms. Palmer also asked for clarity on where in the legislation it states that projects must be SRF eligible.

Mr. Gottlieb noted that the placement of the legislation in Chapter 29C of Massachusetts General Laws makes it clear that projects must go through the SRF process to be eligible for subsidy through the

Water Protection Fund and the legislative history indicates that was the intent. He noted that the SRF loan program is broad in what types of projects are eligible.

Mr. Ells noted that the Town of Barnstable asked this question during a visit to the State House and the response received tracks comments from Mr. Gottlieb. Mr. Ells suggested Commission staff work to clarify and respond to the questions raised by Mr. deRuyter and Ms. Palmer.

Mr. deRuyter also noted that the MassDEP may approve a plan without sewer and asked when the scope of a project rises to the level required to be SRF eligible.

Nate Keenan noted that the Trust funds projects at a wide range of costs. He also noted that MassDEP could be brought in to discuss SRF eligibility.

Ms. Palmer asked how long it takes to go through the SRF process and Mr. Keenan said it operates on an 18-month cycle. Mr. deRuyter asked which towns are going through the SRF process and Mr. Keenan stated more than half of the communities.

Ms. Senatori said that Commission staff would run these questions through counsel, potentially have a conversation with Brewster town counsel, and meet with MassDEP and the Trust to provide additional information to the Committee and find a solution that will work for most, hopefully all, communities in the region. There was unanimous agreement that it is important to maximize town participation in the Water Protection Fund.

Mr. Ells asked the Committee to weigh in on whether they should move forward reviewing the outline of regulations today and the Committee agreed to wait to continue review until the above mentioned questions are resolved.

Mr. deRuyter made a motion to adjourn, seconded by Mr. Gottlieb. The meeting adjourned at 11:34.

Materials Used/Presented: Outline of Draft Regulations