

2022 JUL 28 9:01 AM



**Marine and Fresh Water Quality Committee  
Meeting Minutes  
June 27, 2022 (Nauset Room and via Zoom)**

**Attendees:** Judith Bruce, Carol Etzold, Mary Griffin, Ed Hafner, Richard Levy, Valerie May Robert Mullin and Judy Scanlon (Chair)

**Regrets:** Carolyn Kennedy

**Other:** Michael Herman, Select Board Liaison; George Meservy, Town Planner.

**MINUTES**

**1. Call to Order**

The Chair called the meeting to order at 10:02 AM.

**2. SMAST April 2022 Cedar Pond Annual Technical Report (Jan. 2021-Dec. 2021)-Brief Discussion/Questions (this was postponed from meeting May 23, 2022)**

George Meservy briefly summarized for the Committee the Town's efforts related to the water quality management of Cedar Pond. Cedar Pond had the worst water quality of all ponds in the Town. In 2013 the Town put a final management plan in place. The plan recommended that stormwater drainage from Locust Road and Route 6 be mitigated, and both have been addressed to a great degree. The Town also requested that Eversource replace the heavy electrical wire which enabled cormorants to perch on these wires spanning the pond. This was completed. And now, soon, we will be sewerage the upgradient watershed properties. The management plan also recommended that we reduce salinity in the pond to 1-4 ppt – this plan was appealed in January 2018 by the citizens group Friends of Rock Harbor. Subsequently, a DEP superseding order was issued which allowed that plan to move forward. The water inflow and outflow is now actively managed by pen boards; working with the town's Natural Resources Manager, SMAST and MA DMF. The ConsCom and Select Board has approved funding all steps, and approved the management plan and will abide by DEP's superseding order.

This spring scientists did identify alewife and glass eels and other eels in Fyke nets in the creek just below Cedar Pond, and this is considered a success. George believes that sea level rise is not likely to change the recommendations in the management plan for the next 50-100 years. The DEP and the MA Division of Marine Fisheries maintains the plan and meets with Town annually. Plan is keeping salt water out – March 15<sup>th</sup> to now so fish can get into the pond. Some of the Alewives may be returning fish (e.g., may have imprinted). The challenge now is maintaining the right balance of water retention. George said that it's best to let Ed and Brian answer more technical questions, so submit them and they will respond in writing. SMAST will continue to monitor the pond water quality conditions routinely as well as water levels.

There was some Committee discussion. One Committee member talked about recent data from the Center for Coastal Studies. They reported that these data (last week the salinity was 13ppt at the surface and 18 ppt at the bottom; the water column was anoxic at 1.5 meters) indicate it will take a long time to restore it to 4 ppt. One member asked about balance between maintaining the fishway vs meeting

salinity goals, and how best to do this simultaneously. The Chair said that Brad Chase is not going to close the Pond off completely during the herring migration period to help lower salinity. The Chair reiterated that Brad Chase will be asked to attend a future Committee meeting.

Public Question: Lara Slifka, a former member of the Committee, asked what the purpose (goal) of the Management Plan is. She noted that there is a lot of historical data that the Committee should be aware of. She noted that with the tidal rise – her back yard does fill with salt water and her neighbors are also impacted by the tides and how much water comes in and out. She questioned whether or not a salinity of 4 ppt can ever be reached? She encouraged the Committee to stay on top of this, considering the variable conditions in the creek and the limited range of the SMAST tidal data. The Chair invited Lara to also submit questions to SMAST.

At this point, the Committee members agreed to postpone further discussion until July meeting.

**Actions:**

1. Upon George . Meservey's recommendation, any Committee members with questions should send those to the Chair who will send them on the plan along to SMAST. The Chair to invite Ed Eichner and Brian Howes to the July meeting to address questions.
2. Going forward, George agreed that he would ask the meeting chair if Judy Scanlon could attend the Town's annual review of data from Cedar Pond.
3. The Chair to invite Brad Chase to a future Committee Meeting to discuss Cedar Pond management.
4. Based on a request by Ed Hafner, the Chair to ask the Town attorney about open meeting laws as it pertains to allowing multiple citizens to speak/present for extended times (more than 3 minutes) at Committee meetings if there is not a formal opportunity to do so on the agenda.

**3. Coordination of Summer Estuary Sampling (Orleans)-Status Update**

Judith reported that there has been a good turnout of volunteers and that the sampling is going to take place on July 5<sup>th</sup>. A training video for volunteers is now available. There have been supply chain issues with equipment, however these are expected to be solved in time for the sampling.

**Actions:**

1. Judy to talk to Dr. Duncanson about equipment availability.
2. Judy to ask SMAST if we can still sample our CC Bay and Nauset Estuary if Chatham decides to cancel sampling of Pleasant Bay.

**4. Review/Approve Draft MFWQ Committee-Baker Pond Management Recommendations Letter to the Select Board**

There was a very brief Committee discussion of the draft letter. Carol asked the Chair to change wording to a "two-step" process. There was also a desire that the letter call out that the time period between the alum treatment and the sewerage is critical since alum effectiveness wanes over time. One Committee

member wanted to ensure that there is short term solution, but that there is a need to determine feasibility of sewerage in a timely manner.

**Vote:** Motion to approve the draft letter with interim comments considered. Bob was designated to vote in place of Carolyn who was not present. Vote: 7-0-0

#### **5. Recommend a MFWQC Committee Representative to Serve on the Newly Formed Wastewater Management Advisory**

The Chair said she was willing to serve, and Judith expressed a very strong desire to serve as the Representative. There was a brief discussion. The Chair expressed concern that the Select Board had not also wanted a back-up, or Alternate committee member identified as had been done with some previous specially formed committees. The Chair said she would be willing to serve as the back-up or Alternate should the Select Board decide later to request this second position.

**Motion and Vote:** There were motions for Judith to be the representative, and for Judy to be back-up or Alternate, should the SB later request it. The motions both passed 7-0-0.

#### **6. Sarah's Pond/OPC WQ Project-and APCC Cyanobacteria Monitoring-Update**

Judith reported that the oxygen levels are holding at the bottom, and that oxygen is pushing down into sediments. The machine real time telemetry has been great, and the machine itself turns itself on and off as necessary.

Ed reported that on June 20<sup>th</sup> Uncle Harvey's had higher cyanobacteria levels; however, they are not considering a health risk warning at this point.

The Chair asked if the APCC sampling date and SMAST August sampling date be coordinated so that data might be better compared.

#### **7. Approval of Meeting Minutes-March 7, April 25, and May 23, 2022**

May 23 – Motion Approve with changes. Approved 7-0-0

March 7 –Motion to approve – Carol motioned; Bob seconded- Approved 7-0-0

Review of the April 25<sup>th</sup> minutes was moved to July 25<sup>th</sup> meeting.

#### **8. Establish Remaining 2022 Meeting Dates Moving Forward**

The following remaining 2022 meeting dates were chosen: July 25; August 22; September 26, October 24, November 28 and Dec19.

#### **9. Announcements**

Select Board Liaison Michael Herman announced that on June 15<sup>th</sup> the Select Board discussed the Nantucket's Home Rule Petition (Article 79) banning the use fertilizers, and voted unanimously to place

an Article in the Special Town Meeting Warrant seeking a home rule petition (modeled after Nantucket's Fertilizer Ban Rule) for the October 17<sup>th</sup> Town Meeting. If approved, the home rule petition will go to the State for consideration. If approved by the State, it goes back to the Town for next steps. There was also discussion at that June SB meeting that Orleans consider adopting comparable rules on the use and application of herbicides and pesticides. The SB will be seeking a letter of support from our committee. We will place discussion of this and the recently passed Nantucket Rule on a future agenda.

Michael Herman informed the committee that the Select Board will be acting on the Committee appointments/reappointments in July. Valerie and Judy are the only members up for reappointment.

#### 10. Public Comment

Lara Slifka – She asked the Committee to look at the Pilgrim Lake report and to determine if there were some changes that were not made.

#### 11. Adjourn

Motion to adjourn at 11:47AM was approved. 7-0-0

**Future MFWQC Meeting Dates: YR 2022 – July 25<sup>th</sup>; August 22; Sept 26, Oct 24, Nov 28; Dec19**

Approved: At Committee Meeting, July 25, 2022 by vote: 6-0-1

  
07-25-22