

# TOWN OF HARWICH

## Community Preservation Committee

*Approved 11.5.2020*

### **Community Preservation Committee Regular Meeting Minutes September 17, 2020**

#### *Meeting Held Remotely*

#### **1. Call to Order**

Harwich Community Preservation Committee Meeting called to order per Roll Call by Chair Dave Nixon at 6:01 PM, on Thursday, September 17, 2020 via GoToMeeting.com remote. By Roll Call Present: Chair Dave Nixon – Aye; Vice-Chair Mary Maslowski – Aye; John Ketchum – Aye; Bob Doane – Aye; Donna Kalinick – Aye; James Donovan – Aye; Joseph McParland III – Aye. Motion carried unanimously.

Rules read into the record by Board Secretary Jan Moore

Meeting called to order.

#### **2. No public comment.**

#### **3. Approval of Minutes: August 20, 2020 and August 26, 2020 meetings**

A motion was made by John Ketchum, seconded by Bob Doane, to approve the August 20, 2020 CPC Meeting Minutes.

ROLL CALL VOTE: Chair Dave Nixon – Aye; Vice-Chair Mary Maslowski – Aye; John Ketchum – Aye; Bob Doane – Aye; Donna Kalinick – Aye; James Donovan – Aye; Joseph McParland III – Aye. Motion carried unanimously.

A motion was made by John Ketchum, seconded by Joseph McParland III, to approve the August 26, 2020 CPC Meeting Minutes.

ROLL CALL VOTE: Chair Dave Nixon – Aye; Vice-Chair Mary Maslowski – Aye; John Ketchum – Aye; Bob Doane – Aye; Donna Kalinick – Aye; James Donovan – Aye; Joseph McParland III – Aye. Motion carried unanimously.

#### **4. New Business:**

##### **a) Discussion of Grant Agreement process**

Chairman Dave Nixon and Harwich Interim Town Administrator Joe Powers have discussed if the CPC has the power to enter into a grant agreement with parties. Dave referred to the recent State legislation that housing trusts should have grant agreements in place. He has emailed the Community Preservation Alliance regarding this and is waiting for a reply. The Harwich CPC is modeling the Yarmouth CPC procedures. They have a grant agreement with their housing trust.

Mary pointed out that Harwich's character is different from Yarmouth's. She suggested seeking independent counsel to provide a legal opinion. The Administrative funds would cover the expense. She did not think the Alliance was a correct avenue. The CPC is not a legal contracting authority.

Dave reminded the committee that the CPC has entered into grant agreements in past years.

John was in favor of seeking independent counsel.

Bob asked if the Board of Selectmen is the only body allowed to enter into a grant agreement?

Mary said the Board of Selectmen is the only body authorized to enter into a grant agreement.

Bob suggested the CPC could submit the grant agreements to the BOS.

Mary said hopefully the BOS would be willing to sign the grant agreements to protect the town and town funds. She thinks this is about who is signing the grant agreement, the BOS or the CPC.

Donna said the Town Administration can sign anything up to \$25,000. The BOS addresses anything over that amount. She thinks the Chair of the CPC should also sign the grant agreements. If the BOS refuse to sign, they would be going against the Town Meeting vote. She supports seeking independent counsel. She supports writing out the details of the grant agreements. Before the pandemic, at Dave's request, she started researching how other CPCs handled their grant agreement cases. Her research will be addressed later.

Joseph supports seeking independent counsel.

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The Harwich CPC has had grant agreements before. The grant agreements have been signed by both the BOS and the Chair of the CPC. In the past the CPC has agreed a grant agreement is needed for all non-town entity projects, including the Harwich Affordable Housing Trust.

The question is does a grant agreement come from the CPC and the BOS signs it?

Or does the CPC act as a department and the BOS act as the legal body, creating a contract? CPC Chair would fill the role of the Department Head.

Dave would like to first discuss the issue with the BOS Chair to come to a mutual agreement. He does not want to use Admin funds at this time.

The committee supported this discussion, agreeing it is reasonable to have both parties sign the grant agreement.

### 5. Old Business:

#### a) The Town Meeting Warrant Articles

- a. Discussion of how to address the three articles in the Town Warrant that need to include a grant agreement

This has been covered.

- b. Discussion of how to address projects that do not state their total project cost in the Town Warrant.

The Town Moderator runs the Town Meeting. He will read the warrant article to the audience at Town Meeting. The FinCom or someone will offer a positive motion on the warrant article. If someone has a question on the article, they will ask it through the moderator.

Donna is worried some of the CPC warrant articles do not state the full cost of the project. The articles state the amount of the CPC funds requested. Donna feels this is important distinction. The baseball field lighting project, the accessible dock project, and the playground project do not state the full project costs. She wants the project spokesperson to be ready to address any questions on this matter on the floor of Town Meeting. The project costs need be transparent. Under Best Practices, we should have the written warrant article reflect the true finance figures.

John said it is too late this year to correct this issue. Next year we can make sure the figures are written in the warrant article.

James, Joe, Bob, and Mary agreed.

Dave did not agree. His position is that the CPC is asked to support a project with requested CPC funds. The applicant writes the amount of CPC funds they are requesting. That is what the CPC oversees. For example, the playground project application showed an amount of the project. They reduced the amount they wanted to request from CPC funds. Then the CPC reduced the funds it could allocated to this project. The final CPC amount approved at Town Meeting is what we will oversee. The boating project is the same. Dave could not say if the committee supported the project based on the financial details. The CPC is transparent. The CPC is showing transparency to the town in all our meetings.

Donna believes it works in favor of the boating project to say what other sources of funds they have to complete their project. The playground project might be affected by this issue.

Bob said he thinks it is most important what is requested from the CPC and what is allocated. The boating project details was one page long. It is not practical to include in that in the warrant article. But on the floor of Town Meeting, they can speak to it if asked.

Mary said she feels the total cost figures are more relevant to town projects than non-town entities projects. It is a legitimate point if the town project is going to be completed or not.

Dave suggested the CPC get back to this later, to address this in the new round process.

All members agreed to wait on this topic.

### 6. Other

- CPC will begin the new application presentations in November.

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- Dave will not be able to attend the Town Meeting.

Bob will represent the CPC at Town Meeting. Bob will have the budget from Town Finance Director Carol Coppola. The budget figures are fluid. The pending project managers have been emailed reminding them they are their project's spokesperson and need to be ready to answer any questions regarding their projects at Town Meeting.

- Dave announced Mary is the new Yarmouth Town Clerk.

All congratulated her. She set the CPC remote meetings through November before leaving Harwich Town Clerk's office.

### 7. Next meeting's Agenda points

- Open Balance Projects Status Reports.

There are thirteen open balance projects. The project managers have been emailed requesting their remote attendance at the October 8, 2020 to present their Status Reports. No Status Reports have been received yet.

Donna stated she wished project managers took the Status Reports more seriously. She recommended the Status Reports requirements be written in the grant agreements.

John suggested we make it clear the reports will be posted online. Perhaps this will motivate the project managers.

The Status Reports are posted online as part of the public record and meeting minutes.

Dave will work with Jan to construct a second email reminder to the project managers to make it clear we expect the Status Reports.

The CPC Funding Application states the CPC requires Status Reports twice a year on projects with open balances. The projects managers have three years to complete their projects. If the project is not yet completed after three years, then the CPC needs to decide to provide an extension or rescind the funds.

### 8. Adjournment by Roll Call

A motion was made by Mary Maslowski, seconded by Bob Doane, to adjourn.

ROLL CALL VOTE: Chair Dave Nixon – Aye; Vice-Chair Mary Maslowski – Aye; John Ketchum – Aye; Bob Doane – Aye; Donna Kalinick – Aye; James Donovan – Aye; Joseph McParland III – Aye. Motion carried unanimously.

Adjournment at 6:56 PM.