

# TOWN OF HARWICH

## Community Preservation Committee

Approved 10.14.2021

### Community Preservation Committee Regular Meeting Minutes September 9, 2021

*Meeting Electronically Recorded*

#### I. Call to Order

Harwich Community Preservation Committee Meeting called to order per Roll Call Vote by Chair Dave Nixon at 6:01 PM, on Thursday, Sept. 9, 2021, in the Donn B. Griffin Room, Harwich Town Hall. VOTE by Roll Call Present: Chair Dave Nixon - Aye; Mary Maslowski - Aye; John Ketchum - Aye; Bob Doane - Aye; Joseph McParland III - Aye; Kathy Green - Aye; Elizabeth Harder – Aye; Carole Ridley - Aye.

Motion carried unanimously.

Guest: Harwich Finance Director Carol Coppola

#### II. Guest Welcomed

#### III. Approval of Meeting Minutes: July 15, 2021

A motion was made by Kathy Green, seconded by Mary Maslowski, to approve the July 15, 2021 CPC meeting minutes.

VOTE by Roll Call: Chair Dave Nixon - Aye; Mary Maslowski - Aye; John Ketchum - Aye; Bob Doane - Aye; Joseph McParland III - Aye; Kathy Green - Aye; Elizabeth Harder – Aye; Carole Ridley - Aye.

Motion carried unanimously.

#### IV New Business:

Chair Nixon introduced the new Community Preservation Committee member Carole Ridley to the group, a Selectmen's Appointment.

##### i. Discussion: With Harwich Town Finance Director Carol Coppola

*Handouts.* Massachusetts Department of Revenue – Annual CP1 and CP2 Reports for Fiscal Year 2021 are filed. CP1 shows what was raised through the 3% surcharge. CP2 shows what was actually collected, from the surcharge, state disbursements, investment & other incomes. It reports expenditures - of admin charges, land bank debt, project payouts, approved project amounts to be disbursed, and fund account balances. The State will certify the numbers. We don't know what the amount from the State will be for this year yet. The land bank debt service is included in the Undesignated fund balance, \$221,525. for the FY23 obligation. \$166,000 for the FY24 obligation will complete the land bank debt service.

##### ii. *Handouts:* Written Update Status Reports

The committee will review the submitted open balance projects reports. Some reports are outstanding. If a committee member has questions on the open balance projects, they are to bring them to the next CPC meeting. Jan will send the collection of questions on to the project managers for answers.

##### iii. Discussion: If the CPC wants to retain external legal counsel

Points:

- New this year, with the new town administration – the Applications from the Town will be vetted by Town Legal Counsel.
- If the CPC hires their own (External) legal counsel – they can vet all the submitted applications and write the contracts on approved projects after Town Meeting.
- CPC Admin funds can cover the expenses of the legal fees. The costs will fluctuate by the time required.
- An external legal counsel will represent the CPC, not the Town. The legal counsel would need to know the Act forwards and backwards, especially with Real Estate projects.
- What would be the core questions the committee wants legal counsel answering?
- It was noted the committee doesn't want to be controversial. In the past, there have been issues with project applications. The CPC did reach out to outside legal counsel on a project a few years ago, and the issue was dealt with. With that in mind, if an issue arises, we can have a sit down.

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- The timing point: An external legal counsel, hired by the CPC, would provide immediate access for communication. Using the Town Legal Counsel, communication is through Town Admin, not providing direct discussion. The committee's questions get their answers second or third hand. It was suggested legal counsel needs to be responsive to the CPC and in a timely manner.
- It was suggested to try a one-year trial basis of hiring an external legal counsel.
- So many of the applications the CPC receives are repeat projects. All the Town departments' projects are to go through the Town Administration. The legal review job could be on a case-by-case basis. Evaluating if a project is CPA eligible is just one question for the legal review. Legal could write the contracts.
- It was pointed out that the CPC has struggled with Town Applications too.
- The recent Jenkins property purchase is a project that had many issues. The Warrant Article was not written by this committee as was sent forward. The CPC received the Article the night before town meeting and found the article and project had been so revised, it was not what the committee reviewed & approved. CPC statute requires the articles are to come from the CPC. In the end, the CPC couldn't support it.
- There shouldn't be two sets of standards in reviewing CPC projects. If the CPC agrees that all projects need to meet the CPA level guidelines, legal review should be able to provide their opinion.
- The committee doesn't have a line on hiring an external legal counsel. Hiring locally would provide more ready access though.
- Using the Town Legal Counsel would provide consistency.
- If the CPC decides to use the Town Legal Counsel this year, since the town is charging up for their vetting process, the CPC could evaluate their work on this matter. This committee is a part of the Town of Harwich. They are representing us. We should be able to reach out to them.
- It was pointed out that the committee was not happy with the Town legal review of three projects from last year. The answers were just too late. But the Chair believes the Town will change that this year.
- Timing was discussed. The Town Admin has said Town Legal Counsel will vet all the Town submitted projects but did not provide us with any time frame of that review. When will that vetting happen? And not all projects will come from the town. Who will vet those project application?
- The Chair will email Town Admin and back to the committee.

A motion was made by Bob Doane, seconded by Mary Maslowski, the committee agrees to vet all submitted applications by a legal counsel.

VOTE by Roll Call: Chair Dave Nixon - Aye; Mary Maslowski - Aye; John Ketchum - Aye; Bob Doane - Aye; Joseph McParland III - Aye; Kathy Green - No; Elizabeth Harder - Aye; Carole Ridley - Aye.

Motion carried.

#### iv. Presentation: Kathy Green on the CDP Lower Cape Regional Housing Funding Working Group's Initial Meeting

Kathy reported a couple of weeks ago the CDP conducted an online meeting to discuss affordable housing. It had over twenty participants from Lower to Outer Cape towns (Provincetown to Harwich), mostly heads of affordable housing trusts and CPC members. Elizabeth and Kathy participated. No one from the Harwich Housing Trust was on the online meeting. It was asked if a regional working group would have any influence when it came to funding multi-towns affordable housing projects? Could a regular group work together to be useful? The majority of the meeting's participants agreed. Some towns have money but no land and vice versa. Is regionalizing affordable housing funding a good road to go if you consider it important for each town to have their own affordable housing? There was interest in having another meeting.

On August 27, 2021, Chair Nixon attended a strategy meeting about housing in Harwich with Harwich Housing Committee Joe McParland III, Town Administrator Joe Powers, and Selectperson Mary Anderson. Joe agreed with Kathy, stating it is almost too hard to regionalize this issue. Joe stated the Harwich Housing Committee has just three members, but no charge from the BOS, nor a mission statement. Mary Anderson will try to get a consensus from the BOS on what they want to do, as everything should come from the BOS. She would like to get the three groups in Harwich to work together: the Harwich Housing Trust, the Harwich Housing Committee, and the Harwich Housing

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Authority. The Trust should communicate with the other two groups. The Harwich Housing Trust has no internal administration; this may be different from what we thought.

Several CPC projects have funded the HHT, some of the funds were dedicated for the part-time Housing Coordinator. Instead of Trust's manner of contracting the part-time Housing Coordinator, maybe the town should hire a Housing Coordinator to work in the Town Hall for the people in Harwich. Neighboring towns have more structure in what they offer their townspeople for affordable housing options. Maybe we should ask the townspeople what they want. The people were asked for their input when the 2016 Housing Production Plan was developed. That Plan was approved but nothing has been accomplished.

It was questioned if the Cape Cod Commission, which takes on the regional development of issues that couldn't be addressed by local towns, are involved? Their prior focus was on environmental issues, but now things are in the pipeline, working on housing, trying to put together a plan.

### V. Old Business

- Land Acquisition Policy Checklist from REOS committee? REOS doesn't have it yet; still waiting on BOS review.
- Historical project listings on the CPC webpage? The Chair would like to hold off on that idea for now.
- Judith Eldridge project is still "on ice."
- Notes on Update Status Reports:  
Mary reported the HDHC report has been delayed.  
Jan will email the CPC a list of the open balance projects we are working with.

### VI. Other

### VII. Agenda Points for the next Meeting

- Next meeting is Thursday, Oct. 14 at 6 PM. It will be held remotely – online.

### VIII. Adjournment

A motion was made by Kathy Green, seconded by Bob Doane, to adjourn.

VOTE by Roll Call: Chair Dave Nixon - Aye; Mary Maslowski - Aye; John Ketchum - Aye; Bob Doane - Aye; Joseph McParland III - Aye; Kathy Green - Aye; Elizabeth Harder – Aye; Carole Ridley - Aye.

Motion carried unanimously.

Adjournment at 7:42 PM.