

# TOWN OF HARWICH

## Community Preservation Committee

Approved 11.21.19

### Community Preservation Committee Regular Meeting Minutes November 5, 2019

#### *Meeting Electronically Recorded*

#### 1. Call to Order

Harwich Community Preservation Committee Meeting called to order by Chair Dave Nixon at 6:00 PM, on Tuesday, November 5, 2019, in the Harwich Town Hall, Donn B. Griffin Meeting Room.

Present: Chair Dave Nixon, Vice-Chair Mary Maslowski, John Ketchum, Bob Doane, Donna Kalinick, James Donovan, Kim Bourgea, and Joseph McParland III

#### 2. Guests welcomed. No public comment.

#### 3. Approval of Minutes:

A motion was made by Mary Maslowski, seconded by John Ketchum, to approve the October 17, 2019 CPC Meeting Minutes.

VOTE: Yes 8. Motion carried unanimously.

4. Harwich Finance Director Carol Coppola spoke to CPC Funding. *Handout.* 10.31.19 providing the numbers for FY19 as of June 30, 2019. The four bucket reserves (Undesignated, Open Space, Historic Preservation, Community Housing) now reflect the rescinded articles' open balances prior to last month's round. The FY20 estimates may not be used for funding until they are certified, which won't happen August/September 2020. This committee will follow State guidelines and use the FY21 estimates for budgeting projects. Bucket reserves are for funding specific projects. For example, the Historic bucket reserve cannot fund an Open Space project. If a Historic project request exceeds the Historic bucket, this committee is able to vote funds from Undesignated bucket. That is the only bucket that allows for this. When a project's open balance is rescinded, the funds are returned to the bucket reserve they were originally appropriated. The land bank will be fully paid off in 2024.

#### 5. New Business:

##### a. Website – What could be added?

John made updates to the website. He will add the email address to the website and verify meeting dates are posted.

Note: Donna asked where the public can see the applications. There is an application binder at Brooks Free Library. Also, the Town Clerks' office, the Town Administrator's Office, and the Finance Director were provided a copy of applications. All binders will receive additional application paperwork as it comes in.

##### b. Presentations of the 2019/2020 funding year CPA Applications.

##### 1. R 15 Harwich Community Playground Project

Applicant: Harwich Elementary School Parent Teacher Organization

Project Manager: Justin Tavano

Amount Requested: \$641,035.34

(\$681,034 Cost Estimate less \$39,998.66 in funds raised to date)

Presenters – Town Administrator Chris Clark and Project Manager Justin Tavano, representing the Playground Committee.

Mr. Clark: This is a community playground application, different groups of the community came together and worked in a collaborated manner. They discussed the project at last night's Selectmen's meeting. R15 application has been revised. A new signature page was added, see *handout*, signed by Harwich BOS Chair Larry Ballantine. The town is now the primary applicant, Monomoy is the co-applicant. The town owns the property. Monomoy Regional leases the property. Mutual consent from the Harwich BOS and Monomoy Regional School Committee is required for any changes to this facility. They now have an IMA (an intermunicipal agreement) on how the property will be used. Monomoy Regional and the BOS voted to approve. *Handout* the KP Law, John Giorgio letter providing legal opinions regarding R15. He provided his legal opinion on the question of restriction. Mr. Giorgio saw no restriction to the use of CPA funds on the property. Harwich children and the public will be using the property. He saw there is the need to appoint a licensed construction supervisor to oversee construction of the project, following proper procurement process. This point should be part of the warrant article for a town meeting vote.

Mr. Tavano: The application spells out the applicability to CPA funding; the urgency of the project; cost and affordability of the project; cost comparisons in the state; and additional funding sources. This outdoor recreation playground will replace

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the old, outdated playground. The application shows the vision of the playground. The Community Preservation Coalition qualifies CPA funding if it improves the community character and improves quality of life. This community playground is not just for school use, but a park for the community use after school hours.

A Safety Audit was performed in 2018, following safety and health issues, to determine what should repair, replace, or reuse material. Immediate emergency repairs were needed. This playground would require \$150,000 work, but this "band-aid" would only be useful for two to three years. A needs assessment was done which saw beyond the needed repairs. In addition, the playground was not ADA compliant. Replacement was necessary. Design plans were drafted, paid by the school district. The design includes 100% inclusive use, providing students, caregivers, and visitors accessibility.

Since last year's Safety Audit, the playground had begun to deteriorate greatly, and cause more injuries. A second Safety Audit was done. On Oct 24, 2019 the School Board voted to close the playground. On Oct. 28, 2019 the Harwich BOS voted to demolish the playground. Now the school is without a playground. The teachers are creating ways to keep the kids active, but this is not a great long-term strategy.

The playground should be completely inclusive. To help accessibility is the playground's the poured rubberized surface; this very expensive. Supervising eyesight is important for both kid categories; the design allows this. The old Castle in the Clouds was situated too close to the school building, lacking emergency access; they shifted the location.

This playground estimated is in line with other CPA funded playgrounds in the area. This playground will serve 550 Harwich students. In comparison: Chatham Elementary is beginning their new playground which will serve some 220 students. It will cost \$325,000, \$295,000 from CPC funds and the rest from private fundraising. Brewster created their playground in 2014, \$250,000 cost was funded with \$235,000 from CPC funding, for 224 students. Orleans, similar in size to students and scope of project to Harwich, spent \$600,000 seven years ago replacing their old playground. The Harwich Castle in the Clouds originally valued in cost at \$250,000 in 1994, was community built and fundraised.

The playground fundraising committee is being formalized and have taken out the appropriate paperwork. They have been fundraising for the playground via events like the Fun Run, raising some \$33,500. The next Fun Run funds have been pledged to the playground. They have received donations. They have spoken to contractors to pledge.

### Community questions:

Donna – The demolition has started by the Harwich DPW; the existing school stabilization account will cover this cost. Some \$20,000 will be removed from this application request. She asked if grants were researched. Maybe more research is necessary. She questioned if the \$35,000 Outdoor classroom could be a later addition? Maybe, this would be the only segment that could be a second phase. In looking at the construction phasing, it has been agreed that most of the playground design proposed, both the school age and preschool age, should all be done at the same time.

Kim – Considering of the loss of the current playground, the timeline should be moved up, but cannot be. If the project is approved, funds would be available no sooner than July 1, 2020. No other grant opportunities have come forward. She was told that some grants are based on what a community can afford. Lower income communities received more grant monies.

John – Congratulated the committee. The sidewalk network around the schools has been upgraded via a grant. This improves accessibility. He questioned the fundraising goals this year? The fundraising committee is newly formed. A fundraising goal has not been established yet. The 2020 Fun Run goal is to generate at least \$35,000. He asked if the outdoor classroom could be cut from the design, or phased in later? They have looked at the design and couldn't imagine not doing both sides of the playground all at the same time. Considering the number of people, the playground will need to serve and provide access to, they don't see much to cut. A lot of equations determine what is required in the playground design.

James – Commented that this is a good proposal. The CPC has received a lot of projects

Bob – Asked about the school use of the playground. Of the school's 550 students of K through 4<sup>th</sup> grade, the playground accommodates one grade at a time, some 100-125 students at a time.

Nancy White: Playground Inspector Nancy White for the School Department performed the Safety Audits. Her credentials are from the National Recreation and Park Association, certifying her as a Playground Safety Inspector. The old playground provided a variety of hazards, creating injuries over the years from falls and using the swing apparatus. During her audits she was surprised at the large number of students using the playground at the same time. There are established playground requirements and guidelines addressing health and safety standards. Using play zones is one example of this. The newly

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designed playground follows these requirements and guidelines. The old playground didn't follow these. Three major things need to happen. 1) This playground will require a four-foot high fence. 2) The playground requires some 75 feet per student. 3) It should provide appropriate shade; the outdoor classroom will accomplish that. The preschool is not allowed to use the larger children's equipment.

Bob - Questioned the number of climbing apparatuses. He was told the more active the kids are outside, the better the test scores are. Climbing, spinning, socialization are all factors in this equation. Shade should be included in the design. Providing everyone access, ADA compliant equipment, and accessible paths for kids and their caregivers, is essential. In the application, the kids wrote some of their ideas of what they wanted to be included in their playground. Bob does support the outdoor classroom.

John – The type of specific equipment - The design team worked with the needs assessment. They worked with special needs teachers and others to get information. The budget was developed by the design firm. There will be no lighting, nor electric lines. Overrun costs on lumber, etc. will come from the 10% contingencies budget. The State Bid List gave some numbers for budget.

Mary – Complimented the group for all the work they had done. She expressed sadness that the CPC hadn't heard about this before. She asked where the property lines of the cultural center and the school are in relation to the design. The two maps show where the basketball courts and the baseball fields are located. Looking ahead these courts and fields could be improved in the future but aren't part of this project. But they are close to this area and could be part of a large community park. The new 10 space parking lot would serve both the school and preschool playgrounds, with connecting pathways for access.

Dave – Very interested in the legal opinion from KP Law Firm in regard to the amount of time residents have access to a CPA funded project. They said there is no rule that says the public has to have access to something at all times funded with CPA funds. That provides clarification.

### Public Comment:

Town Resident Ashley Cook, playground committee member, has worked at the Harwich Elementary since 2004, and is a mother of three children in Harwich, who have played at the Castle in the Clouds. Now that the CIC is no more, she hopes the CPC will support this proposal. The school needs a safe and effective playground. To make it ADA compliant will be good for all in the school and the community.

Town Resident Jannell Brown supports building the playground but questions the cost and why the CPC should finance it. She spoke of the BOS meeting the previous night. It is traditional that once a project is designed by a committee, the project gets turned over to the town to construct. She would like a new committee to be formed to work with the town who will be constructing the playground. The current committee members are not experts in playground design. This is an expensive project. Now that the town is the applicant, the town should take over with a new committee involved. Town Administrator Chris Clark's answer was when you design things in town, the project is turned over to town employees, Mr. Libby in this case. It will not be redesign. The procurement and construction will be overseen by the town.

She thinks the CPC shouldn't cover the more than \$300,000. Are the extra ten parking spaces CPC funding compliant? She questioned the costs and proposed design. Why does the playground lack nature? Why aren't trees being added? Why does the outdoor classroom, which is only the shaded area, cost \$35,000? She was told that the outdoor classroom is a multipurpose area. Justin Tavano would like to prioritize it, to include it. It will allow for classes to be held outside with seating, enhanced by providing shade. During school recess and community use, an area that provides shade will be a welcomed area. Jannell said the school is shaped in a square with a courtyard garden inside. The courtyard is accessed only from inside the school. It is an outdoor space for classes. Why is there need for an additional outdoor classroom? She was told the courtyard, internal only to the school, lacked shade and provided no protection from the elements.

The Harwich Observatory and star gazing parties will not be impacted by the new playground. There is no lighting in the design.

She questioned the budgeted costs. Why are they so high? The \$180,000 cost of the poured rubber surface should be reviewed. She thought \$5 - \$8 per square feet should be more accurate. The answer is the cost is based on the State Prevailing Wage, a State requirement. Costs are traditionally more expensive than that for a private individual's project.

Shannon Stout, who serves on the school committee, was also surprised at the cost. She did contact other schools and found it is in line. Additionally, a lot of people have worked on this project and it's sad they are being torn apart. She wouldn't like to see a large number of the committee removed, they have been very involved.

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School Principal Mary Oldach answered some questions. The parking lot needs handicap spaces. The CPC won't paid for the whole playground. Some fundraising and school budget will offset some of the costs for design, safety audits, and the demo. The budget doesn't cover landscaping. Donations, in help of landscaping and masonry, will be coming. The school committee is mostly town residents, comprised of multigenerational alumni, school staff, and parents. The proposed playground is replacing the old Castle in the Clouds playground and preschool playground that weren't ADA compliant. The 550 school children will play on this every day. The community will use the playground. The outdoor classroom will be a passive recreation area, a shaded area, a picnic area. The school will have an ADA compliant outdoor classroom.

Town Resident Tom Bloot has no children in Harwich. He is overwhelmed by the prepared presentation. It is a very difficult task. There have been great questions. He is favor of the project. He thanked the school. He cannot wait to see the completed project.

James J. DeVellis, P.E. of design firm DeVellis Zrein, Inc., his firm was hired to develop the landscape architecture and civil engineering design of the playground. He in turn hired Nancy White. A lot of input is needed to meet what is required. A playground is not cookie cutter. He complimented the school committee; he received great input from them. He applauded their passion for the project. New playgrounds cannot be made up of wood, as was the old playground. The Castle in the Clouds had been well maintained and it is sad to see it go. The costs for the new playground will go through professional consultants. The cost for the surface is \$18 a square foot is correct. It will come with a respectable warrantee. Compare to a \$5 square foot surface that may need to be replaced sooner than the other option. The playground needs to last for years; these numbers are for playground to last for years.

Dave – Asked if the State Bid List or an RFP will be used for this project; there are two ways to do this. Mr. Clark wasn't sure at this point.

Donna - She thought the County Bid List could be used for landscaping and the concrete walkways. Mr. Clark added the Highway Dept. can help in this area as well. It was noted the school budget will have a line item for maintenance of the playgrounds.

7:33 PM a five minutes recess was called by Chair Nixon.

7:38 PM CPC meeting reconvened.

- 2 CH 5 Affordable Housing Trust Fund/Part-time Housing Coordinator  
Applicant: Town of Harwich, Harwich Affordable Housing Trust  
Project Manager: Christopher Clark, Harwich Town Administrator  
Amount Requested: \$550,000

Presenters Town Administrator Chris Clark, Harwich Selectmen Don Howell, and Harwich Affordable Housing Trust Member Brendon Lowney. The Harwich Affordable Housing Trust was created by Town Meeting vote. By October 2018, the trust board had been formed. They have been working just a little over a year. They currently have \$800,000 (CPC funded) and would like to add an additional \$500,000 from this CPC project. They would like to develop town-owned land into affordable housing. They are working on identified parcels of land for consideration of affordable housing projects. Two locations they are looking at include Oak Street, which looks like it will provide limited housing. The other, Sisson Road location is being considered, looks like it could provide a two multi-unit housing option. They would like to work with partners to develop the options, like Habitat and Massachusetts Housing Partnership. They have been approached by private developers. Wise is considering a \$20 to \$30 million dollar project. Penrose, (who did a project in Eastham) is considering a fifty-unit development. The Trust needs to be liquid to act on something in a timely way. Large developers will be asking for some contribution on these projects. Individuals homeowners could approach the Trust and do conversions. The Trust is working on the goal plan, with an action plan of more form and function.

Don Howel is passionate about Sisson Road. He thinks the Part-time Housing Coordinator staff time won't be able to cover what they need. (The submitted application said it would be enough.) Property review has many issues. Under the law, we can flip properties. The Trust doesn't have any commercial properties to go right now. We want to do something, but at this point, we haven't done a lot. We have money on hand now and would like to build up the account. He is not in favor of spending money on just getting engineering.

Brendan Lowney thought the Oak Street location would be able to be viable for more than one home.

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Town Administrator Clark is encouraged by the consultant looking at the current inventory and support of the operation. This position is more cost effective as an outside consultant. An in-house employee would cost more requiring medical, etc. as a town employee.

Committee questions:

Dave - Reminded the meeting that the Trust was originally based on the Town of Yarmouth model. The thought was within a three-year period the Trust would be able to identify a location, secure it, and act. This CPC has a policy that if a project has done nothing over a three-year period, the funds could be rescinded. Don agreed with Dave, but he doesn't want to spend money just to spend money to show activity. It was suggested that instead of tying up these funds, the Trust could come to the CPC and borrow the funds as needed.

Mary – Three rounds ago the Trust was funded but has only been active for one year. They asked the CPC to trust them. This committee has. But we need twenty-two units a year added to affordable housing in Harwich. This hasn't been met. She said she is in support of the funding the Trust. The Trust has the funds to be able to jump at a moment's notice and be able to do large scale projects. They have three years' worth of funding. They have identified properties, but they just haven't panned out.

Joe – He doesn't want to spend money on engineering plans either just to spend money. The Oak Street location is in pre-development. The Sisson Road location has value. The town owns the land. The Trust can go out and ask who wants to partner with us and see what the options are. The Trust feels the pressure to show success. They are more focused on Sisson Road right now. Affordable Housing units can offer Harwich residents a 70% preference.

Bob – He feels the \$50,000 for the consultant is well spent.

James – He thinks the Sisson Road location is a good AH option. It's a good location, good scale, and is visible.

John - In review of the Part-time Housing Consultant numbers, the previous CPC application budgeted \$30,000. But it turned out it paid for work for ten hours a week, for half a year. This application is asking for \$50,000 for 12 months. Is \$20,000 for specialized work? When you break that number down, \$30,000 is \$60/hr. \$20,000 is \$120/hr. John doesn't think a consultant that works only ten hours a week is enough. He wants to know why we don't hire someone to work full-time. Don said he thought we should be looking at staff support, instead of a contract consultant. John questioned if this is an effective way. The Trust would like to have the ability to make the choice. Additional support staff could address additional reach outs. John would support setting aside \$500,000 for additional AH projects and \$50,000 for staff support. The CPC can put conditions on the funds.

Kim – She said she is in complete support of the Trust. Liquidity is necessary. The Trust could come and ask the CPC for funds, but sometimes they may need to be able to react quickly. Both the towns of Eastham and Orleans have started their own AH Trusts. She agrees ten hours a week for the consultant maybe is too low, but wages are too high. Dave asked Kim if she knew if the towns had duplicities of process between them? If the information is similar, couldn't the towns share the information?

Donna – Requested the financials. She wants to know what plans they have on hand. What have they spent? Cell Tower Revenue is a part of the financials. She requested six months of the Housing Consultant reports to see what activity has happened.

She thought the Trust would find it helpful if they sought community input. The Trust should also report back to the BOS. The Town of Harwich can receive grants for rehab projects. The CPC funds can not provide funds for rehab projects unless the unit was bought with CPC funds. She questioned non-building solutions for AH. Are there rental assistance programs? These programs could help local workforce, like teachers and firefighters.

Dave – Questioned Donna if these notes were relevant to the application?

Donna - Wants more details and the ability to tie the goals of the project to the Housing Production Plan. She thinks once the committee decides what to do on the Trust, then a decision is needed on the PT consultant.

Don – thinks the Trust needs another year, working as an Ad Hoc. There are no formal asks. There is no formal plan yet. First they will work on the action plan, then the formal plan.

Donna – She believes Affordable Housing is a really complicated. But the Trust has no guidelines. She doesn't feel she can fund the Trust without some guidelines.

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- 3 CH 4 Lower Cape Housing Institute  
Applicant: Community Development Partnership (CDP)  
Project Manager: Ann C. Robinson, CDP Chief Program Officer  
Amount Requested: \$15,000 over two years, \$7,500 per year

Presenters Community Development Partnership Chief Program Officer Ann Robinson and Director of Housing Advocacy Andrea Aldana. This project requests the same level funding as last year, \$7,500 for the Lower Cape Housing Institute program. This request is for the next two years, at the same level for both years. This is a relevant and timely program. The LCHI is a six-week training program. They added a pier group to continue the discussion for participants to share. The program provides advance training with a deeper dive for the participants. The program is adaptable to what is requested and responsive to the towns in the area. The CDP can see measurable outcomes from their training. In Harwich, town meetings funded an AH Coordinator and the AH Trust. The Trust is working on an Action Plan. The LCHI targets municipal participants. Their goal was to have five participants per town; they have exceeded that number. Seventeen people from Harwich have participated. When asked if it is possible for the CPC to fund the project for two years; Ann thought it was. Dave will ask the Harwich Financial Director.

Committee questions:

Joe – He supports the program. He has attended it. Housing is very complicated.

Donna – She asked if there is a plan for the LCHI beyond five years? Their answer: Yes, the program will adapt. The CDP will reach out to the towns to get more input to design what is wanted. Donna told the CPC they should feel they can attend the training. She asked the presenters how they get people to keep coming to the LCHI? The town meeting outcomes, as reported, shows the benefits of the program. Andrea thinks the towns should get more people involved to move forward. The Lower Cape Peer Group will have a meeting Nov 12, 2019, 3 – 5 PM. They will send their newsletter to us for committee distribution.

Dave – Asked if it was possible to have someone report to the CPC and explain their experience of the program and explain what they learned and how they have applied it.

7. Other Business:

- Third party grant agreements.

The grant agreements were returned by the Lower Cape Housing Institute and Habitat for Humanity of Cape Cod. The paperwork was signed by committee and sent on to the Board of Selectmen.

- Chair Nixon invited the CPC to attend the BOS Nov 18, 2019 meeting. He will be reporting to the selectmen.

8. Adjournment:

A motion was made by Mary Maslowski, seconded by Joe McParland III to adjourn.

VOTE: Yes 8; No 0; Abstain 0. Motion carried unanimously.

Adjournment 8:47 PM.