

TOWN OF HARWICH

Community Preservation Committee

Approved 4.22.2021

Community Preservation Committee Regular Meeting Minutes March 23, 2021

Meeting Held Remotely

1. Call to Order

Harwich Community Preservation Committee Meeting called to order per Roll Call Vote by Chair Dave Nixon at 6:00 PM, on Tuesday, March 23, 2021 via GoToMeeting.com remote. By Roll Call Present: Chair Dave Nixon – Aye; Vice-Chair Mary Maslowski – Aye; John Ketchum – Aye; Donna Kalinick – Aye; Kathy Green – Aye; Elizabeth Harder – Aye.

Motion carried unanimously.

Meeting called to order.

Absent: Joseph McParland III and Bob Doane

Guest: Town Administrator Joe Powers

Meeting Rules read into the record by Board Secretary Jan Moore

2. No Public Comment.

3. New Business:

- a) Discussion with Town Administrator Joe Powers and Chair Nixon's discussion with KP Law on warrant articles.

TA Joe Powers reported KP Law has reviewed the submitted CPC Warrant Articles. Information was received today from KP Law and Mr. Powers wasn't able to forward to committee in time. The BOS will review the Draft of the Town Meeting Warrant at their Wednesday 6:30 PM (tomorrow) meeting.

- 1) The Veterans Home in Dennis Project. KP Law stated that Harwich CPA funds can be used in another town as long as Harwich residents receive services. The way to ensure this is to have a grant agreement in place prior to the release of funds, including it provides that Harwich Veterans will receive services at that facility. KP Law wrote the deed restriction details in Dennis. The CPA Deed Restriction will be satisfied by the Town of Dennis holding the property deed. KP Law included all of this in the Harwich Warrant Article.
- 2) East Harwich Methodist Church Cemetery Project. The ownership of the cemetery – KP Law is still evaluating the property title. If the Church owns the cemetery, KP Law believes the Town can use CPA funds to restore the gravestones. KP Law referencing to the Supreme Court case of Capland vs. Town of Acton, the funds would be used to beautify and enhance an important historic resource, referring to the cemetery, without entangling the Town in the practice of religion. This project would not promote or enhance a religion. Instead, CPA funds would be used for a valid public good, the restoration of the gravestones. If the Town owns the site, the Town can still restore the gravestones. The question of Town liability would be addressed in the grant agreement. All the Town insurers will be involved. Chair Nixon said grant agreements will be discussed in general, at a later CPC meeting. Donna Kalinick asked if the Harwich Cemetery Commission was the appropriate party to submit the CPC Project Application because it is strange that the license agreement will be with the property owner. TA Powers said KP Law had believed last week that the Cemetery Administrator acted on her belief that the cemetery is owned by the town. So, the application could be submitted by the Cemetery Commission, though that question is not the focus of the project review. Mr. Powers informed the committee that KP Law is vetting this property's ownership. The land is believed to be owned by the Town. The grant agreement will be structured by KP Law to protect the Town. The Town and Cemetery Commission are acting together. The Town will have a meeting regarding "Motions" two weeks prior to Town Meeting; Chair Nixon will attend.
- 3) KP Law has substantially revised the submitted Hinckleys Pond Watershed Preservation Project Warrant Article (Article #30). The revised Article will be email to the CPC. The Article will be reviewed by the BOS tomorrow night.

TOWN OF HARWICH

Community Preservation Committee

Harwich CPC 3.23.21 Minutes Page 2

Mr. Powers thought KP Law doesn't believe the CPC will need to re-vote the Warrant Article. The prior CPC votes on the projects the committee supported are fine.

Why was the Article reworded? The original application was a joint effort with the Harwich Real Estate and Open Space Committee and Harwich Conservation Trust to purchase land entirely, not for anything else. It was thought the town would have a conservation restriction on the land. The committee thought it had nothing to do with land to be purchased and controlled by the BOS. Mr. Powers could not comment on this at this time. He suggested the CPC review the application and Article.

KP Law revised the Article to authorize the purchase of the parcels in question and with CPA funds. Mr. Powers explained the Jenkin's land is in nine parcels. The purchase of the lands would be by the Town, the State, and The Harwich Conservation Trust. The project's details need to be reviewed. More information will be coming soon. The CPC will discuss at the next meeting.

- 4) Mr. Powers reported the Sand Pond Project Warrant Article was revised to state it is a valid recreational purpose under the Community Preservation Act.

Mr. Powers left the meeting 6:21 PM.

4. Old Business
5. Other
6. Next meeting's Agenda points
7. Adjournment

A motion was made by Donna Kalinick, seconded by Elizabeth Harder to adjourn.

ROLL CALL VOTE: Chair Dave Nixon – Aye; Vice-Chair Mary Maslowski – Aye; John Ketchum – Aye; Kathy Green – Aye; Donna Kalinick – Aye; Elizabeth Harder – Aye. Motion carried unanimously.

Adjournment at 6:22 PM.