

TOWN OF HARWICH

Community Preservation Committee

Approved January 16, 2020

Community Preservation Committee Regular Meeting Minutes December 12, 2019

Meeting Electronically Recorded

1. Call to Order

Harwich Community Preservation Committee Meeting called to order by Chair Dave Nixon at 6:04 PM, on Thursday, December 12, 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 John Ketchum, seconded by Joseph McParland III, to approve the December 3, 2019 CPC Meeting Minutes.

VOTE: Yes 8. Motion carried unanimously.

4. New Business:

a. Follow-ups on submitted 2019/2020 funding year CPC Applications –

It was noted there are enough funds in the CPC accounts to cover the applications now that OS7 Deacon's Folly Road Acquisition project has been removed from consideration.

R 15 Harwich Community Playground Project – Town & HESPTO. Requested: \$641,035.

Discussion on hold. Chair Dave Nixon is meeting with project submitters (Assistant Town Administrator and others) to discuss project. More later.

OS 9 Preservation & Restoration of Town-Owned Conservation Lands – Town Conservation Dept. Requested: \$20,000

Handout: OS9 Application

Guest: Town Conservation Administrator Amy Usowski reported the Conservation Commission met last week, discussed the project priorities. They have now budgeted \$16,000 to do the priority work needed with in-house help. The remaining balance of \$4,000 will be used as contingency and will be used as needed to cover what the in-house help cannot do.

Committee questions:

Donna: Her research shows CPA funds are to be used on CPA acquired lands. However, she questions if native plants qualify for CPA funds.

Amy: The three areas of focus that need attention are Hawksnest, Robbins Pond, and Bell's Neck. They plan to make natural buffers.

Mary: She is OK with revegetation, seeing it as restoration. This is part of this project.

Committee comments:

Mary: Supports. Good with the plan. It qualifies.

Joseph: Supports. The town will benefit from the project. Meets our Charter.

John: Supports. Agrees with Mary and Joseph. It is well put together. It is important. A good investment.

James: Supports. It is very much needed. That is a small sum of money that will go a long way in stopping some of the negative issues we have there and restoring what has been lost.

Bob: Supports. Likes the project.

Kim: Supports. Agrees with Bob. Project is much needed.

Donna: Supports. Agrees with prior comments. Impressed with the follow-ups to the committee questions, it shows they are committed to the project.

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John: He would like clarification in regard to the conservation proposal, are CPA funds restricted for use on just land acquired with CPA funds for rehabilitation and restoration of land use?

Bob and Dave did do research on this issue. In recent years, following a court case, there has been a change. CPA funds can be used on non-CPA funded acquired lands.

The Community Preservation Coalition website was reviewed, the segment on what is allowable with CPA funds. Mary interprets the CPA funds can be used on non-CPA purchased lands for rehabilitation and restoration for open space, recreation and community housing. Dave will reach out to the Coalition and get a proper answer going forward.

R 11 Pleasant Bay Community Boating Accessible Dock Project – PBCB. Requested: \$25,000

Guests: PBCB President Ted Baylis and PBCB Board Member Paul Ronty

The committee thanked the PBCB for their emailed follow-up report with the numbers. It was noted that the PBCB does track participants by town, and out of town, but not by seasonal residents. Off cape addresses don't account for grandkids visiting residents, nor summer residents that use their off-Cape address.

Committee comments:

Mary: Supports. Thought the presentation was good. The follow-up numbers are good. Anything that increases accessibility is good.

Joseph: Supports. The town will benefit from the project. Meets our Charter.

John: Supports. Agrees with Mary and Joseph. It is well put together. It is important. A good investment.

James: Hold off on comment. Abstaining from this application vote; related to an applicant.

Bob: Supports. Likes that PBCB is asking multiple towns for funding and plan to share the costs.

Kim: Supports. Agrees with Bob. Impressed with fund raising and sharing costs. Project is much needed.

Donna: Supports. Agrees with prior comments. Impressed with the follow-ups to the committee questions, it shows they are committed to the project.

HP 1 Update of Town Historic Areas and Property Inventory Project – Town HDHC. Requested: \$34,500

Committee comments:

Donna: Supports. Good work to be done. Concerned about the funding source for the project. She feels the whole project needs to be funded from the CPC Admin account, not the Historic Reserve Bucket.

What has been done in the past vs. what is done correctly was discussed.

Dave: Historically past Historic Inventory Projects have been funded from the Historic Reserve Bucket. This would be a change to the Admin funding, a change to the prior warrant article. We haven't requested a certain percentage amount annually for the Admin account. A new warrant article would be needed to accommodate this. In the past, the Admin funds have paid for the Board Secretary payroll, legal fees, and specific open space land appraisals. Not in favor of using Admin funds as this funding.

Kim: Application does show the 2006 Historic Inventory was funded with Admin funds. That was questioned.

Mary: Supports. We can make a motion and create this new funding allowance in Admin funds. If we do our education correctly, we can get the Town Meeting to understand this way of funding.

Donna: Quoting the guidelines: CPA monies can only be used to acquire, preserve, and/or rehabilitate historic resources which are buildings, documents or artifacts, and other resources that is listed on the State Register of Historic Places or has been determined by the local historic preservation commission to be significant. If we are going to take the funding via the Historic Bucket, she asks that we due diligence about a future request.

Mary: Interpretation of the CPA guidelines can be taken in other ways. This town uses the 100 year list as part of the town's demo delay clause.

Bob: Supports.

John: Supports. It is a necessary project; provides information for the town to enforce laws concerning historic structures.

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Joseph: Supports. One can interpret the rules in many ways. Not in favor of asking Town Meeting for a change. Prefers to fund this project via the Historic Bucket. Research needed for future projects.

James: Supports. It makes sense to fund this project via the Historic Bucket; it's historic related, there's money there.

Kim: Supports. Curious if the project can be completed with that amount of money.

Dave: Asked Donna to email him with how she would like to this approached this matter in the future.

HP 2 Chase Library - Historic Restoration & Preservation of Original Door/Entrance - Chase Library Requested:
\$10,698

Committee comments:

Mary: Supports. Project is an exact historic restoration project. Chase Library is one of the important historic buildings in town.

Joseph: Supports.

James: Supports. This is a reasonable work quote.

John: Supports. Agrees with Mary.

Bob: Supports.

Kim: Supports.

Donna: Supports. Suggested to increase their request to \$14,000, allowing for a contingency. This is a 30% increase over the \$10,698 request. Many things can happen in a restoration project, as they tend to get complicated.

HP 3 Pine Grove Cemetery Gravestone Conservation & Preservation Project – Town Cemetery Department.
Requested: \$75,000

Committee comments:

Mary: Supports. Cemeteries are an historical resource. The Mount Pleasant Cemetery Project came out great. It is important to preserve gravestones before they become unfixable.

Joseph: Supports.

James: Graveyards are not sustainable on Cape Cod. He is not in favor of making sure everything lasts forever.

Mary: If one thinks about our founding fathers and the town's sea captains' families, these are some of the graves where they were buried. They are an historic assets for the town.

John: Supports. Agrees with Mary for cultural reasons we need to understand who we are and where we came from. We need to maintain this history.

Dave: Stunned.

Kim: On the fence. The follow-up question on the value of cemeteries was not answered.

Dave: To protect the asset it isn't good to broadcast the value of things.

Bob: Supports. Agrees with John. He thinks the question of the value of things was in regard to the economic value to tourists.

Donna: This is a Historic Preservation project. We preserve cemeteries because of historic reasons. The applicant has a history of receiving CPA funds and completing the projects.

Dave: Thinks the preservation work at the Mount Pleasant Restoration Project was outstanding.

CH 4 Lower Cape Housing Institute – Community Development Partnership. Requested: \$15,000 over two years,
\$7,500 per year

Committee comments:

Kim: They have done a good job of advocacy.

John: The \$15,000 requested is over a two-year basis.

Donna: We could write the warrant article, so we pay the first year \$7,500, then the second year \$7,500.

Mary: The second year can be voted with the anticipated FY21 funds.

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Donna: Supports. Wants to make a request of the CDP to provide direct training for the CPC Board; a session for each of the two years. Thinks the training would be beneficial.

James: Supports in general but would prefer to see funds spent on action not necessarily education. Would support the project for a year or two.

Bob: Supports. Likes the training idea. Likes the progress.

Joseph: Strongly supports. He attends everything they offer. Likes the split funding.

John: Supports. Doesn't see a problem with splitting the funding.

Mary: Supports. Likes the training idea.

Dave: He can request the CPC Board Training.

CH 5 Harwich Affordable Housing Trust Fund / Part-time Housing Coordinator – Town & Trust. Requested: \$550,000

Committee comments:

Mary: The Trust would be funded at \$500,000 and Part-time Housing Coordinator would be funded at \$50,000. Thinks the Part-time Housing Coordinator workload is starting to ramp up and a larger workload will come. Thinks the position will be contracted well by the Trust. As for the Trust, they really have been in operation for a year. The Trust members have been working together for a year. The Trust needs to have money on hand to react quickly. Next year she expects to see more progress. We should see their Plan to see how and where they plan to spend their funds.

Joseph: On the fence. All the current project applications today are for doing something. As it relates to this project, it has been more than a year, and nothing has been done. It appears this group is in disarray. None of our questions were answered, no follow-ups. No update of the 2020 July Housing Plan.

John: On the fence. In general, sees the need for affordable housing, but also sees Joseph's points. Questions funding the Part-time Housing Coordinator as a contractor vs. a direct town employee. Understands employee expenses, but if \$30,000 paid for only ten hours a week, what will we get for this round for an additional \$20,000? Is this really the right way to go?

James: This Trust is a new thing and we could give them a chance. But concern with the concept because we can't review. No completed projects yet.

Dave: With the grant agreements the CPC will be given bi-annual update reports.

Bob: Supports the \$500,000 for the Trust. It is important they have the funds to react quickly. There is a grant agreement that requires them to follow our CPA rules. Supports the \$50,000 for the consultant. Feels the contracted position is less of a headache than a town employee. Adding staff at Town Meeting is difficult.

Kim: Wants to support it. In other towns Trusts have been successful. Has concerns about this project's history. Concerned about the consultant. May be the \$50,000 fee is justified.

Dave: In the past they have appropriated funds for personnel only.

Mary: Provided the history: In October 2017 we were asked to take a leap of faith before they had even formed a Trust. The town approved the project funding at the 2018 Town Meeting. First year funding \$340,000. (\$310,00 for Trust). Formed their full board last fall. Second year \$500,000.

Dave and Mary disagree on the timing.

Dave: Following the calendar, they have had two years.

Mary: Disagrees, they have been at it one year, since the Trust was formed.

Dave: Seeing the latest Trust meeting, with the new chair and selectmen in place, relieved a lot of his concerns. The meeting was put together correctly. He hadn't seen that in past meetings. It is a new format. We have the grant agreement now. He wants the Trust to go forward, though this is the struggle. He has concerns about the consultant position. The original paperwork said they would hire a part-time coordinator. They ignored that. He has spoken with Yarmouth about the Trust. They got something going in three years. Harwich has the funds to leverage a bank to get something going. They had some internal struggles but thinks that is in the past. They are moving forward.

Kim: In hearing this, her concerns are alleviated. She wants to support affordable housing.

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Donna: She sits on a trust. In Brewster, they have a housing coordinator who works part-time, and it has been a game changer for them. Here, we have asked the Harwich Trust a lot of questions but didn't get any answers. Problem: lacks a lot of needed information and response. Going forward she wants to see the application packet have their Plan. Wants a housing coordinator report (not from their website.) Wants to see their budget and financials. Maybe we could consider a compromise. Maybe fund at a level that all are comfortable with. As the housing coordinator contract runs out, they have to hire a new coordinator. They have accumulated two years of CPC funds plus the cell tower monies. The new funds would bring them to 1.3 million, plus the cell tower monies. Let's think about it. The Harwich Trust is going through a transition. The Brewster Trust is project based. In July 2018 they were up and working as a Trust, before requesting any funds. They have done three subsidized homes as part of a very detailed funding request that was voted in at their Town Meeting.

Joseph: Doesn't think the dollar amount is the issue. In favor of the Trust being successful. Harwich got off to a bad start. The questions that Donna asked them to provide were good questions; we didn't get answers to them. He sees what a good job other towns' Trusts are doing. There is a lot of opportunity.

James: Concerned about what they're going to do. The Harwich Trust is not project based.

Mary: Having funds allows the Trust to act and not wait for a Town Meeting.

James: Would rather have seen the Trust accomplish something at this point.

Donna: A Trust is a very unique thing. There is a real difference between the Brewster and Harwich Trust. Brewster has had a housing coordinator since July 2017. They had a good head start and are further down the road than Harwich. Is there a middle ground between the two approaches?

CH 6 Rental Assistance Program – Harwich Housing Authority. Requested: \$200,000

Committee comments:

James: Likes this. It has a direct impact. This is a good tool. Questions making sure they meet the qualifications.

John: Supports. Dissatisfied with the application and their presentation. In the future, would like to see more details. It is hard to draw conclusions with what they gave us.

Dave: We can request quarterly reports.

Kim: Supports. Agrees with John's comments. But appreciated their good follow-up. It is a good program. Likes that the request is not an annual request.

Mary: Supports. Due to their program timing, not an annual request but rather one request to budget their program over a few years, they have not been called to provide our bi-annual reports to this committee. They are given the funds for their project in one shot. We require funds to be spent within three years. Their cycle is over four years. Maybe we should request the funds to be a three-year cycle.

Joseph: Supports. He got his questions answered.

Donna: Supports it because it helps Harwich residents directly. Other programs offer up to 70% to locals. Previously a grant agreement was not in place. Now reporting will be part of the new grant agreement. Poor presentation, but we did get our answers in follow-up.

Bob: Supports. Disappointed when he asked why they didn't do more, he was told they didn't have the time. Thinks they could do more.

Kim: Are all grant agreements for three years?

Dave: The grant agreement allows the project to exercise their funds up to three years. At the end of the third year they can return to the CPC and ask for an extension. It is up to the CPC if they want to extend the funding.

R 10 Bikeways Com. - Crossing Lights at Depot Road South – Town Bikeways Com. Requested: \$27,000

Committee comments:

Mary: Supports. The location is a busy site and needs attention. Disappointed with the one-year warranty with the electronics. Still concerned about the DPW covering the maintenance; it needs to be part of their budget.

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Dave: One question that we asked - why not install multiple lights at one time? One answer was that the shock of the price tag of multiple sets of lights. Requesting one crossing light system at a time is more manageable for them. The DPW installs the crossing lights. It may be their request to install one crossing light system a year. We don't know the answer.

Joseph: Supports but concern about the one-year warranty. Guess we can't do anything about that. Also see contingency amount.

John: Supports.

James: As a bike rider he thinks the crossing lights are a good thing on busy roads. Doesn't think there is a need to have them at all crossings. There is a problem with bike riders that just hang out at the intersections and they don't proceed across the road and continue down the path, the crossing lights just keep flashing.

Bob: Supports. It's a good location for the system. It's a high-speed limit road. Suggested requesting a three-year warranty could be written in the RFP.

Donna: Supports. That location needs attention. In the future would prefer they be more efficient and purchase/install at least two at a time. Procurement procedure could be explained to committee when we have a slow period in the future.

Dave: Reminded everyone this committee doesn't need to know procurement policy. The town has people whose job it is to know all about procurement. We can't know everything. The applicant needs to do their due diligence.

Mary: But when this committee reviews the applications it is important to see if there is wiggle room. This will help the CPC ask the right questions.

Donna: Some of the committee members understand some municipal procedures. Procurement procedure would be education for everyone.

R 12 Sand Pond Revitalization Phase 2 Project – Rec. Dept. Requested: \$83,500

Committee comments:

Mary: Supports. Sand Pond is an underused town resource. If it's safe, we should use it. We should trust the Recreation Department.

Joseph: Supports. Agrees it's a good project and is underutilized. Concerned with the pesticide and fungi testing. The State doesn't test for pesticides and fungi, only tests for e coli State-wide.

James: Doesn't really see the need for another lifeguard staffed beach and encourage pond uses. Sand Pond is a very small pond. Concerned about heavy use on such a small pond, it may increase pollution. Right now, the pond does not have heavy use. It might be more valuable to the town to have Sand Pond with low traffic use instead of high-density use. Currently the pond's slower activity allows for its kayakers and fishing uses.

John: Bob's question regarding testing was not answered. It is a small pond. Would the project really pay for itself? What are the answers on the economic value?

Kim: On the fence. Likes the idea of it, but not how it is proposed. Town has Long Pond; it's big and can handle the traffic. Can this pond? Re-nourishing is good, but not in favor of the playground.

Bob: Not satisfied with testing. Knows people who are concerned with the water quality issues. Dislikes the plan. Not happy about tearing down the undermaintained boat house. The demo cost of \$5,000 which cannot be covered with CPA funds, was removed from the application request. It is questionable if project would pay for itself. Concerned if the town could support multiple rental locations and lifeguards, if the town could afford multiple locations. Likes Sand Pond. Grew up using it.

Donna: Concerns about funding another project at Sand Pond when Phase 1 is not done yet. Doesn't blame the Recreation Department, the town has a procurement back log issue. Would like to see Phase I done first, then the Recreation Department can return to the CPC to go forward.

Dave: He is the Recreation representative, but as the CPC Chair, he has to be neutral.

Donna and Mary disagreed and encouraged him to make comments.

Dave: The procurement process is a town internal problem. The Recreation Department has their process in place to get the project done. They have completed many projects. There are a lot of young families in W. Harwich that would use this play

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area. He has fished in this pond for years. When you have fish in the water, the water is healthy. The water quality issues/illnesses were just rumors. It is up to the State to do the testing. The fish are in the pond and they wouldn't survive in unhealthy water.

James: Currently the pond is a pristine area. It is more attractive to keep it that way.

Dave: The boathouse structure is loaded with powder post beetles. It would have to come down regardless. As far as grading, the beach re-nourishment is in the planned next phase. That work will give the property proper grading and improved access.

James: Just not supportive of it. Not sure if ConsCom would OK work of changing the land to slope down to the water. Trees growing on the beach have happened naturally.

Kim: Is there an accessibility work in this phase of the project?

Dave: Accessibility will increase on site with the new bathroom installment work (past approved project just waiting on town procurement process) and (this project to be approved) playground's stone dust installment.

Bob: The plan lacks details; not documented well. Maybe they could come back with Phase 2 combined with Phase 3, maybe even include a dock. More inclined to support a better developed plan.

R 13 Brooks Field & Senior Memorial Field Fencing Project – Rec. Dept. Requested: \$112,000

Committee comments:

Joseph: Supports. Visited the ballfields and saw the fence. It is pretty beat up and will need to be addressed soon. Supports getting things done all at one time, rather than in pieces.

Mary: Supports. The fence is 20 years old. Both fields are well used. Both fences should be done.

John: Supports. Necessary work to do.

James: Supports. Understands priority.

Bob: Supports Senior Memorial Field Fencing project, very rusty. Believes the 20-year old Brooks Field fence can be repaired. The connectors can be replaced in the damaged areas.

Kim: Supports. Her children use the fields all the time. There is a lot of fence bowing at Brooks Field. All needs to be replaced.

Donna: Supports both field fence replacements. Agrees with Kim.

Dave: Supports.

R 14 Whitehouse Field Lighting Project – Rec. Dept. Requested: \$380,360 (Revised)

Committee comments:

Donna: It is a large request. Prefers to wait to decide until we vote in January. Wants to hear about R15 project. Both are coming from the same bucket of funding.

Kim: It is a large request, but a needed project. Likes the reduction in maintenance costs, from the current large cost to no maintenance cost.

James: It is a lot of money. But it hard to imagine not having any lights there. Don't know what other option the town has.

Bob: Supports. It's a good field, a necessary project. The Mariners are important to Harwich. The current cost of maintenance and breakdowns are not acceptable. And likes the Mariners contributing to the project.

Joseph: Supports. The Mariners are important to the town.

John: Doesn't understand the numbers from the follow-up paperwork. The cost of electricity doesn't add up correctly. He knows LED lights are cheaper to run. He is not part of the baseball culture, but a lot of money has been spent on the fields. Last year was the expensive scoreboard project. What are the economic trade-offs? The Mariners are kicking in less than 10% of the cost, but don't they benefit most? Doesn't know if the taxpayers will support this.

Dave: Historically, Town Meeting has supported the fields in the past.

John: They and we may need to make a choice between the playground and the baseball field.

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Mary: Currently the lights malfunction at a high rate and cost. But will wait to decide between the playground and baseball field. Agrees with John, the follow-up electricity cost figures must be wrong.

Donna: The electric costs, the kilowatt hours, may be under a different category.

Kim: It really isn't a choice between kids and baseball. During the year, the kids do use the field during their off time. Keeps them active. This does support the kids.

John: Struggling with this. Who benefits most in lighting the field? Doesn't know the answer.

Dave: Town Meeting makes this decision. In the past Town Meeting has supported the Recreation projects providing things for the town.

Bob: The Mariners are tremendous draw to the town and an economic multiplier. Their economic value may weigh out the cost. There are published accounts of economic multipliers. He may need to research this economic value in this.

R 15 Harwich Community Playground Project – Town & HESPTO. Requested: \$641,035

Hold discussion until next meeting. A lease related discussion needs to take place first. The town administration will advise.

5. Old Business:

a) Nothing new for the website.

6. Other:

a) Grant Agreements – signatures taken on the originals. These are the original, time stamped papers. The Trust has already signed these papers. These will now go to Finance Director Carol Coppola. Then to the Board of Selectmen. Grant agreement copies were already signed by this committee, but those papers were lost.

Previous CPC have been fighting for grant agreements; there was resistance from the town. Admin funds were allocated so the Chair could get legal advice on this matter. We would continue to fight until this matter was resolved. Now it looks like everything is straightened out.

The Chair requested in the future for Donna to come forward to suggest that all projects have grant agreements.

EXECUTIVE SESSION

Pursuant to M.G.L. c.30A, § 21(6), to consider the purchase, exchange, lease or value of real estate if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body – A Land Purchase.

The Community Preservation Committee will immediately adjourn following the Executive Session and will not return to open session.

A motion was made by Mary Maslowski, seconded by Bob Doane to move into Executive Session for the purposes so stated by the chair. (To consider the purchase, exchange, lease or value of real estate property, and that the Chair declared that an open meeting may have a detrimental effect on the negotiating position of the public body – A Land Purchase.)

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

Exited Regular CPC Meeting to move into Executive Session at 8:43 PM.

Adjournment 8:53 PM after Executive Session.