

Braintree Community Preservation Committee  
Minutes  
April 8, 2013

Present: Linda Raiss Dick Fletcher (7:45 PM)  
Anne Murphy (V-Chair) Paul Machado  
John Dennehy Darryl Mikami (7:45 PM)

Absent: Patrick Flynn

Also Present: Christine Stickney, Director Planning and Community Development

Meeting convened at 7:40 PM

**Annual CPA Public Hearing:**

John Dennehy **MOTION** to open the public hearing, seconded by Anne Murphy – vote 4:0. The Chair read the legal advertisement published in the Braintree Forum on March 21 & 28, 2013. The Chair summarized the Committee's projects since the last public hearing and their appropriations. In addition she noted there are pending projects before the CPC awaiting action. Having no public in attendance, John Dennehy **MOTION** to close the public hearing, seconded by Anne Murphy – voted 4:0.

**Update on Elm Street Cemetery application:**

Christine informed the committee that since their last review of this application, the Historical Commission had sent a letter to the Mayor asking for assistance in the patrolling and protection from vandalism with the cemetery. Tom Whalen has been working with Christine and BELD folks to see if a surveillance camera could be installed to view the property and help eliminate the vandalism. She explained in detail the issues that need to be looked into are Broadband availability, who will monitor the camera, signage and who will pay the costs of installation/monitoring. John Dennehy commented that the committee last heard the stones could be kept off-site during the restoration. The Chair expressed her opinion that the applicant needs to return to the committee at an upcoming meeting. Discussion as to what the applicant would be providing to the committee resulted in an invitation being extended to any member of the Historical Commission to be present at the next meeting. The matter was continued to the next meeting for a representative to attend (5/20).

Members Fletcher and Mikami arrived at 7:45pm

**Update on Gallivan House:**

Christine informed the committee no work has commenced on the house, although it appears the issue surrounding the trustees has been resolved and the CPA agreement and restriction can now be prepared and signed. John Dennehy suggested that we could now release the funds. However, Christine noted to the members their previous vote that said no funds were to be released until these documents were recorded – a different action will need to be taken.

This led to the discussion of restrictions and how/when they should be addressed as they pertain to applicants. The discussion of perpetual restrictions and what is involved was discussed again. Perpetual restrictions will require input from the state pursuant to MGL chap 184. Paul Machado noted his conversation with Stuart Saginor and how communities are all doing different things – some are not even taking restrictions. The committee agreed this needs to be discussed with the Town Solicitor who

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will be attending the May meeting. John Dennehy **MOTION** to release the funds once the applicant had signed the CPA agreement. Dick Fletcher clarified by adding - once signed by the Trustees of the nominee trust that owns the Gallivan House and the Braintree Historical Society as committing to the recording of the historic restriction in perpetuity and to preserve the medical portions of the building and make those areas available to the public, seconded by Anne Murphy – unanimously voted.

#### **First Congregational Church:**

Christine noted that the draft MOU that had been worked on by the members, the church and Paul Machado had gone to Town Solicitor and she felt a restriction was preferable to an easement. Ms. Murray in her email felt the MOU was fine except that she would add a new paragraph to state that in consideration of receipt of CPA funds for the construction of the memorial, the Church would agree to grant an easement or covenant to the Town and to record such easement/covenant with the Registry. Members stated it sounded like we were back where we started and that the MOU was to avoid having to go through the long drawn out restriction. Christine commented that as long as the committee maintains their desire for perpetual restrictions there are state statutes (i.e.: Chap 184) that take the matter to a state level and out of any other alternative. Paul commented that Ms. Murray's e-mail stated that if the CPC wanted to insure that the public purpose and the property improvements are secured into the future, the best way to accomplish this is to have an appropriate document recorded against the title to the land. In that way future owners will be on notice of the memorial and the obligation to maintain and allow public access to the memorial. He commented that perhaps there was another alternative and he had hoped to talk with her about it but has been unable. Paul added that in the end it is the Town Solicitor that has to be satisfied with the restriction and the church must also agree to the restriction. Linda Raiss asked Christine if the church was aware of this and she responded no as she felt the CPC should discuss first. Christine reminded the members that they had voted to require a CPA Agreement and restriction be in hand before sending a recommendation to the Town Council for action. Linda asked the CPC what they would like to do: wait until May's meeting for a resolution on the restriction issue or vote to move to Council. Dick Fletcher expressed his concern with what will happen if the Church doesn't want to sign the restriction. John Dennehy offered that similar to the Gallivan House application, we might vote to send to the Council to appropriate but not release the funds. The Chair commented absent a motion it will go forward to next month. John Dennehy **MOTION** to move the recommendation to the Town Council for appropriation subject to our discussions with the Town Solicitor and the mutual agreement with the Church relative to the restriction, seconded by Anne Murphy – discussion: Darryl Mikami commented although we don't know the Town Solicitor's opinion we may end up getting what we want while we wait. The Chair called the **MOTION** – vote was 5:1 (D. Fletcher opposed)

#### **Return of Funds from completed projects:**

As directed by the committee, Christine provided a memo dated 4/8/13 summarizing the CPC's votes on funds for projects completed over the last year. In addition she reported on two other projects completed: the Town Forest project and the Highlands Playground project are also ready for votes to return funds. Three other projects have been completed. However, all funds had been utilized.

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Town Forest: Anne Murphy **MOTION** to recommend the return of \$817.76 from the Town Forest Trail Project back to the unreserved CPA account, from which it was appropriated, seconded John Dennehy – vote unanimous.

Highlands Playground: Anne Murphy **MOTION** to recommend the return of \$1,582.67 from the Highland Playground Project back to the unreserved CPA account, from which it was appropriated from originally, seconded by John Dennehy – unanimously voted.

Town Hall Renovations: Linda Raiss noted there were some other projects in need of discussion; Town Hall Renovations – according to the Town Accountant’s monthly report, there is a balance of \$65,800.00 that should be returned to the Community Preservation fund from which it was taken. Linda noted that the issue of payment for the entry doors has never been and there remains an encumbrance of \$8,210.00 reserved for payment of the doors.

Anne Murphy **MOTION** to recommend the return of \$65,800.00 from the Town Hall Project back to the Community Preservation account from which it was appropriated, seconded by John Dennehy – unanimously voted.

Town Hall Master Plan: Linda informed the committee on the Town Hall Master Plan and the remaining balance of \$13,320.

Anne Murphy **MOTION** to recommend the return of \$13,320 from the Town Hall Master Plan Project back to the Community Preservation Historic Reserve account from which it was appropriated, seconded by John Dennehy – unanimously voted.

Daughraty Gym: Linda informed the committee of the Daugherty Gym project that has \$43,900.00 remaining from the \$138,000.00 appropriated for the roof and Master Plan proposal. Christine commented that this may be the project the Mayor pulled out last time from going forward with the Council. Members recalled meeting with Peter Morin in April 2012 and that \$7,500.00 was to be used as a need assessment for the gym. However, it appears nothing has happened. Dick Fletcher noted these were two different appropriations and when sending to Council we should make sure they a broken apart.

Anne Murphy **MOTION** to recommend the return of \$36,400.00 from the Daughraty Gym Roof project back to the Community Preservation Historic Reserve account from which it was appropriated, seconded by John Dennehy – unanimously voted.

Anne Murphy **MOTION** to recommend the return of \$7,500.00 from the Daughraty Gym Master Plan Project back to the Community Preservation Historic Reserve account from which it was appropriated, seconded by John Dennehy – vote 4:1:1 (DF against & PM abstain)

**Reorganization:**

The Chair reminded members it is the annual process to consider reorganization and opened the floor for nominations.

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Dick Fletcher **MOTION** to nominated Linda Raiss to continue as Chair, seconded by Anne Murphy – no further nominations – unanimously voted.

Linda Raiss stepped down as chair to **MOTION** to nominate Anne Murphy as Vice-Chair, seconded by Dick Fletcher – no further nominations – unanimously voted.

**Fiscal Year 2014 CPA Budget Appropriations:**

Dick Fletcher provided members with a handout dated 4/8/13 explaining the estimated tax revenue and the DOR recommendations to use a figure no higher than 26% when estimating revenues for the new fiscal year. Dick explained his recommendations which the committee concurred with and voted as follows:

John Dennehy **MOTION** in accordance with the provisions of chapter 44B of the General Laws, the committee recommends that the sum of **\$90,000.00** be set aside for later use for acquisition, creation, preservation, or support of **Community Housing** or the rehabilitation or restoration of Community Housing that is acquired or created as provided in Chapter 44B Section 5 of the general laws, seconded by Anne Murphy – unanimously voted.

John Dennehy **MOTION** in accordance with the provisions of chapter 44B of the General Laws, the committee recommends that the sum of **\$90,000.00** be set aside for later use for acquisition, creation, preservation, of **Open Space** or the rehabilitation or restoration of **Open Space** that is acquired or created as provided in Chapter 44B Section 5 of the general laws, seconded by Anne Murphy – unanimously voted.

John Dennehy **MOTION** in accordance with the provisions of chapter 44B of the General Laws, the committee recommends that the sum of **\$90,000.00** be set aside for later use for acquisition, creation, preservation, rehabilitation or restoration **Historic Resources** as provided in Chapter 44B Section 5 of the general laws, seconded by Anne Murphy – unanimously voted.

John Dennehy **MOTION** in accordance with the provisions of chapter 44B of the General Laws, the committee recommends that the sum of **\$35,000.00** be appropriated from the Community Preservation Fund for operating expenses of the Community Preservation Committee as provided in Chapter 44B Section 5 of the general laws, seconded by Anne Murphy – unanimously voted.

John Dennehy **MOTION** in accordance with the provisions of chapter 44B of the General Laws, the committee recommends that the sum of **\$400,000.00** be appropriated from the Community Preservation Fund to the Community Preservation Budgeted reserve as provided in Chapter 44B Section 5 of the general laws, seconded by Anne Murphy – unanimously voted.

Members thanked Dick Fletcher for organizing the recommendations for the budget.

**Highland Art & Recreation Center CPA Application:**

Christine provided each of the members a hard copy of the application materials previously e-mailed to them on 4/5/13. In addition, Linda Raiss provided information and copies of e-mail discussions she had with the CPA Coalition as a result of questions with the application. Linda directed members' attention

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to the chart of eligibility and the term “recreation land” and concerns that this may not be a project that can be funded by CPA because of the amount of funding directed indoors. It had been recommended by the CPA Coalition that the committee seek an opinion from the Town Solicitor.

John Dennehy MOTION to seek an opinion from the Town Solicitor if the project qualifies for funding under the CPA statute, seconded by Anne Murphy – unanimously voted.

Linda asked Christine to forward the request and to make sure the materials from the Coalition were included as attachments including the DOR letter regarding the Newton bathhouse. Christine asked if the application will be on the next agenda for review and discussion and Linda suggested they wait for the Town Solicitor’s opinion.

**Revocation of appropriations of projects not begun:**

Linda informed members that she had spoken with the Town Clerk relative to his projects and he is expecting the Phase I to begin within a couple of weeks. Linda suggested given the late hour this matter be continued to another agenda.

**Monthly Finance Reports:**

Members were provided with the monthly financial statements from the Town Accountant. The format continues to have the balance as of 7/1/12 and not the actual appropriation – Linda will speak with Mark Lin about that change.

**Summer Meeting Schedule:**

Members discussed changing the next couple of meetings – instead of 5/13 the committee will meet 5/20 and for June instead of 6/10 they will meet on 6/17 – July is to be determined.

**Administrative Matters:**

Dick Fletcher MOTION to accept the minutes of 3/11/13 as amended by Ms. Raiss, seconded by Darryl Mikami – Unanimously voted.

Meeting adjourned at 9:30 PM

Respectfully submitted,

Christine Stickney, Director Planning and Community Development