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Gallivan House: The Chair asked about the issue of the Preservation Restriction not being subordinated by the Braintree Cooperative Bank. Ms. Murray felt there were two options: rescind the appropriation or record the Restriction without the bank endorsement. Hopefully, if foreclosure were to occur the Society would have sufficient funds to return the CPA funds. John Dennehy commented that we had known the bank would not sign and wondered why this was an issue now. Ann Murphy added now the Restriction was before them, they had to sign or not sign.

First Congregational Church: The Chair asked where things stood now. Carolyn provided some history of her involvement since Rick Durham originally came to her office. The Chair asked if we needed the Memorandum of Agreement (MOA) in addition to the Restriction. Carolyn responded, no the MOA was intended to address operational issues. Discussion turned to the differences between the MOA and the Restriction. Christine pointed out that an Open Space Restriction is similar to the Historical Restrictions and, if perpetual, requires state approval (DCR) pursuant to Chap 184. John Dennehy asked; what was the easiest, most formal way we could proceed, what options are available to the CPC short of a full blown Restriction. Carolyn conceded that the CPA statute did not address all the bureaucratic issues that come with a vote for favorable recommendation. That was left that to the locals to figure out. John Dennehy mentioned his discussions with Stuart Saginor of CPC coalition who said a lot of communities are not even doing them. Is that what we should do? Dick Fletcher said not doing anything when giving public money to a private entity is not in the public's best interest and suggested that is not the answer. John asked further could we do term restrictions to avoid state participation with an option to renew? Carolyn commented if the intent is to guarantee that public funds are protected in perpetuity, a restriction is the protection and it will be on the title for years to come. Dick Fletcher asked Carolyn to explain her opinion that an easement was not acceptable. She pointed out that in the CPA statute the term Restriction is used and an "on the ground metes and bounds" would clearly define the interest in real estate. Paul Machado offered his point of view that after seeing the complexity of the Cochato restriction he modified the MOA based on comments from Stuart Saginor and Michael Steinitz [DCR]. However, he understands the risk issue and the possible loss of public money. Carolyn responded that a concern she has is with the Department of Revenue review of appropriations and noted her inquiries with a colleague about many of these legal questions. Paul and Carolyn discussed the difference between large expenditures and small expenditures and the risk involved. Carolyn noted that with the Restriction the Attorney General can enforce and cited recent fines the Town incurred with an EPA paper work violation. It is all a risk. Paul Machado asked if the Restriction could be for 20 years with a renewal at the end of the 20 years. Dick Fletcher questioned who will be around in 20-30 years to check on these things. Perpetual is permanent.

Carolyn returned to the list of questions that staff had compiled. As to the question of the CPC having rules and regulations, the Charter allows for this through a public hearing process. These need to be reasonable, she cautioned members.

The question of an applicant hiring personnel was raised and if a contract would be necessary. She reminded members that anything over \$5,000 requires a contract per the Charter and if it is work on a public project prevailing wages are applicable.

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Regarding the question of who is responsible for preparing restrictions, she responded that it would be both parties. There are aspects in the document that each can address and it should be worked on together.

On the question of using CPC administrative funds to pay for outside counsel, she pointed out that Section 2290 of the Ordinance requires her review and approval as Town Solicitor.

Regarding the Committee imposing a timeframe on the expenditure of appropriated funding, Carolyn stated that there needs to be language to allow good cause to be shown for delay.

In closing Carolyn provided each of the members with her opinion on the eligibility of the Highlands Recreation Center as a CPA-funded project. Members thanked her for coming and providing them with insight to many of these issues. Carolyn left the meeting.

***Returning to Elm Street Cemetery:***

The Chair asked members if they were ready for a vote. She did ask Elizabeth Mees if it were the intention of the Historical Commission to make an annual request for funding to keep improvements at the cemetery moving forward. Elizabeth assumed it would be, but that the Commission needed to discuss further. Elizabeth explained they need to determine the most critical stones in need of attention and what to do with them once restored. Dick Fletcher offered in summary that he anticipates they will be back in the future and acknowledged that if done per the management plan it will require a lot of funding. Secondly, he felt security is part of the preservation effort and should be included in the funding request to prevent further vandalism once the stones are returned to the cemetery. John Dennehy asked if the application included funds for this and Elizabeth replied the issue of security came up after talking with the CPC. The Chair suggested that the committee could add one or two thousand dollars to the funding request. If it is not spent it can be returned. Elizabeth Mees added the Historical Commission is eager to get going.

Dick Fletcher **MOTION** that the CPC recommend to Town Council an appropriation of \$14,000.00 for the restoration and preservation of gravestones located at the Elm Street cemetery and for security measures. Said funds to be appropriated from the Unreserved Account in accordance with the Braintree Historical Commission application and expended under the direction of the Planning and Community Development office, seconded by John Dennehy – unanimously voted.

***Returning to the Gallivan House:***

Linda Raiss shared an email sent to her from Matt Mees, president of the Braintree Historical Society, in which he states, “the Braintree Historical Society is willing to allow the CPC to place a lien on the property in question in order to insure that the funds given by the Town are repaid in full if the property ever changes hands.” Regarding the roof restoration, John Dennehy said something needs to be done immediately. After the last storm shingles from the roof were on the front lawn and the roof continues to leak inside. Christine said that the committee has taken votes at different times relative to the release of funds and she is not clear on the exact intention of the committee.

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In response to John Dennehy asking who had written the restriction, Christine responded that she had using the template from Kopelman and Paige and had sent it via email to the Historical Society and to John recommending the Society should run it by their counsel. The Historical Society returned the signed document and she has sent it around for signatures from Town officials.

Dick Fletcher **MOTION** to allow the PCD to release the appropriated funds minus 5% to be held back until the restriction is recorded, seconded by John Dennehy – unanimously voted.

***Returning to First Congregational Church:***

Paul Machado commented that after hearing Town Solicitor's comments he would be happy to go forward. It will be submitted to Town Solicitor and it binds the successors of the property. Based on her comments, Dick Fletcher felt that it is okay with our local relationship, but it may be a problem for the state. However, we have protected the money. As suggested, Paul agreed to add the "savings clause." Linda Raiss asked for clarification on how many documents we are talking about and Paul responded:

- 1) The CPA agreement is needed because they are a private party receiving CPA money and we don't strike the restriction language.
- 2) The Memorandum of Agreement will be revised to add language about the savings clause and the two exhibits – Mento and GIS plans as attachments.

Linda asks if we need a motion and Dick Fletcher read from the motion of the 1/7/13 and said it should be good to go to the Council now. Christine reiterated she was cleared to send it to Mayor's office for action and while it is moving along get these two documents taken care of and members responded yes.

**Administrative Matters:**

Anne Murphy **MOTION** to establish July 22<sup>nd</sup> as a meeting date for the CPC, seconded by John Dennehy – vote unanimously.

***Highland Recreation Center:*** The Chair, noting that the Town Solicitor provided her 4+ page opinion earlier in the evening, indicated she would like more time to consider the issues involved. Members discussed if the matter should be scheduled for the June meeting and the Chair stated she felt members should visit the site and structure. It was agreed to have a site visit on Wednesday, June 12<sup>th</sup> at 7:30P.M. Christine will make arrangements and post it as a meeting. The Mayor will be notified that the application will be on the June 17<sup>th</sup> agenda.

Anne Murphy **MOTION** to adjourn, seconded by Darryl Mikami – unanimously voted. Meeting adjourned at 9PM

Respectfully submitted,

Christine Stickney, Director  
Planning and Community Development