

**Braintree Community Preservation Committee
Minutes
November 10, 2014
Johnson Chambers – Town Hall**

Present: Linda Raiss (Chair) Ronald Frazier Paul Machado
 Dick Fletcher

Absent: Anne Murphy (V-Chair), Darryl Mikami, Pat Flynn

Also Present: Matthew Mees and Blaine Banker from the Braintree Historical Society

Meeting convened at 7:30 PM

Old Business:

Gallivan House– Ms. Raiss introduced Mr. Mees and Mr. Banker from the Braintree Historical Society (Society) for a discussion of progress toward obtaining a restriction on the Gallivan house. Mr. Mees recounted progress that has been made on the house including mold abatement, removal of asbestos, and improvements in heating and ventilating; the goal being to get the apartment upstairs habitable for rental. The Society is also considering the possibility of an apartment downstairs in the old Living Room Area. One change that will be required for this would be to convert a window into a second door for egress.

Mr. Mees mentioned that he needed to provide the state with photos and the mortgage release to move forward on the restriction. He also mentioned that having the restriction might be limiting to future financing and that he lacks support from his board. Various members of the committee emphasized that the Society had agreed to the restriction and it needed to go forward.

A discussion of actual ownership of the house ensued. Mr. Banker explained that the house is actually owned by the Braintree Historical Society Thayer Birthplace Nominee Trust (BHSTBNT); which in turn is owned 52% by the Thayer Birthplace Endowment Trust (TBET) and 48% by the Society. The BHSTBNT has two trustees. One is Ruth Powell and the other trustee position is vacant as the result of the resignation of Daniel Candura and must be filled. Mr Banker indicated that the TBET Trustees are in the process of selecting a replacement. The TBET has three trustees, (Walter Opanasets, Leo J. Hart, III, and one vacancy due to the resignation of Susan Clawson). Filling of the trustee vacancy by the Society's Board is in process. Mr. Banker presented the committee with copies of relevant documents about the trusts and ownership.

Mr. Machado commented that in his opinion (without the benefit of reviewing the actual trust documents) after the trustee vacancies are filled, documents would need to be drawn up. One of the documents would be a Direction of Beneficiaries and be signed by (a) the Beneficiary (ies) of the TBET (the directors of the Society as the Society appears to be the sole beneficiary?) authorizing the Trustees of the TBET to sign the restriction on behalf of TBET as the 52% Beneficiary and (b) the directors of the Society directing the trustees of the BHSTBNT to sign the restriction on behalf of the Society as the 48%

Beneficiary (This document would not be recorded). A second document, which would be recorded with the restriction, would be a Trustees Certificate to be signed by the trustees of the BHSTBNT stating generally to the effect that, they are all of the Trustees of the trust (the BHSTBNT), that the trust is in full force and effect and that they have been authorized and directed by all of the beneficiaries of BHSTBNT (customarily not actually naming the specific beneficiaries as this would be going to record) to execute and deliver the restriction on behalf of the BHSTBNT. The restriction then needs to be signed by the BHSTBNT trustees and the town and sent to the state for approval. Upon approval of the State, the Restriction and Trustees certificate would be recorded in the registry of deeds. All of these documents would need approval of Town Counsel.

Ms. Raiss commented that this process had been dragging on for a long time and suggested that the Society commit to a date to get the restriction submitted to the town. Mr. Mees agreed to commit to getting this done by and submitted to the CPC staff by January 5, so that it could be reviewed at a planned CPC meeting on January 12.

Mr. Machado commented that he had been told that there were unpaid taxes on the house, but that he felt that according to GL Ch. 60, section 45, they would not affect the enforceability of the restriction going forward, but suggested that the Town Counsel would need to check and confirm that issue.

Mr. Mees mentioned that the plan was still to use the doctor's office, the kitchen, and the dining room for exhibits. Mr. Fletcher mentioned that that seemed in accordance with earlier discussion which mentioned specific rooms, but not the whole first floor.

Wildlands Trust – Ms. Raiss mentioned that Scott McFadden had informed her that the Franklin St restriction had been sent to the DCR and that the trustees will be voting on the Pond St. restriction. Mr. Fletcher noted that there were typos in the draft which needed to be fixed and that the language on the dam required notification of the trust if work was to be done on it, but did not require their approval.

Public Outreach Effort – Mr. Machado mentioned talking to several councilors who would appreciate our getting more involved in publicity about CPC projects. Ms. Raiss suggested that more detailed discussion be put off until the next meeting when more committee members might be present. Mr. Frazier mentioned putting stories on the “You Know You’re from Braintree if” Facebook site.

Adams Park at First Congregational Church – Ms. Raiss mentioned that she had heard that the kiosk expenses were coming in at a higher amount than expected.

Minutes of Sept 18 Meeting – MOTION to accept the draft minutes was voted. (Ms. Raiss, Mr. Fletcher, and Mr. Frazier in favor; Mr. Machado abstained)

Future Meetings – Ms. Raiss passed out the proposed 2015 meeting schedule from Ms. Stickney and suggested it be voted on next month. The Town Clerk will be invited to the December meeting

Ron Frazier **MOTION** to adjourn the meeting, Seconded by Paul Machado - unanimously voted.

Respectfully submitted,

A.R. Fletcher, Jr, Secretary pro tempore