

Braintree Community Preservation Committee
Minutes
February 13, 2012

Present: Linda Raiss (Chair) John Dennehy Darryl Mikami
 Anne Murphy (V-Chair) Dick Fletcher

Absent: Michael Dorn & Patrick Flynn

Also Present: Mary Mitchell (All Souls Church) Marilyn Marville (All Souls Church)
 John Cobble (All Souls Church)

Meeting convened at 7:30 PM in Johnson Chambers at Braintree Town Hall

All Souls Church:

Representatives attend the meeting from All Souls Church. Christine explained that the church representatives are present tonight to discuss 1) request for additional funds, 2) partial release of funds for payment to contractor and 3) status of the historic preservation restriction. John Cobble had also addressed the committee on a request for additional funding for installation of snow guards to protect the replaced gutters and slate. Using a handout with pictures provided to members John showed the areas for snow guards and in a second memo from Lynne Spence dated 2/10/12 in which she recommends these be installed to protect the restoration work accomplished. John explained the cost would be \$4,410.00 to accomplish these snow guard installation. Dick Fletcher questioned the locations of the existing snow guards and the proposed locations. John Dennehy questioned if the "V" shaped snow guards would be better or less expensive – John responded that the proposed snow guards are recommended best for Church's situation. Linda Raiss asked why these snow guards were not part of the original request from last year – John commented that it was partially his oversight but also that it wasn't until Lynne Spence did a site visit and snow was on the roof there was a discussion of something being done. John Dennehy **MOTION** to approve an additional appropriation of \$4,410.00 from the unreserved account for installation of snow guards as part of All Souls Church restoration project (Order #11 038), seconded by Dick Fletcher – vote (4:1 L. Raiss against). Darryl Mikami commented after the vote he continues to be concerned with the precedent this project has created as it relates to religious institutions and possible future projects – the architect needs to be aware of these oversights and the amount of limited funds available.

All Souls would also like to have a portion of the funds being held in the final payment released even though the restriction has not been agreed, signed and recorded. Members were not in agreement with this request – no action was recommended. Christine had provided members with an opinion from Town Counsel dated 1/27/12 relative to the CPC request on the term & perpetuity and MHC involvement. The Chair felt that the committee has had enough discussion at the last meeting that a vote would be appropriate. John Dennehy recalled from a CPC workshop that there is a possible parallel process that would allow a 20 year restriction that could be considered. Linda Raiss stated at the last meeting All Souls proposed 5 years and she felt a term of 50-75 year term was more of her thinking however it is a committee decision. Anne Murphy **MOTION** to recommend the historic preservation restriction is perpetual, seconded by Dick Fletcher – discussion. Anne explained her motion and the concern that there is nothing to prevent the church from selling tomorrow – the Town has made a sizable investment into the building and we need to be guarantee our investment. Mary Mitchell asked

Page 2
CPC Meeting 2/13/12

to speak. Mary stated the church had looked at the state law and felt when “land” is purchased a perpetual restriction is appropriate; however CPA funds were for restoration of the structure and in time (100 years plus) restoration may be needed again. She commented this places the church and the Town in a forever relationship that is a concern to the church members. John Dennehy commented that the investment made to the church probably saved it entirely and it was a worthwhile investment for all. The Chair called for the vote – Unanimous (5:0). Members discussed some of the requested changes by All Souls Church. Mary Mitchell expressed concerns with language relative to the use of the church. Dick Fletcher responded that in his opinion, the restriction does not preclude anything relative to use and if the church as concerns he has no problem with deleting such language if the Town Solicitor agrees. Dick expressed his understanding that the funds preserved the exterior of the church and that public access inside isn’t needed as long as the public view was not impeded on the outside.

Darryl Mikami expressed his reservation with making any changes until the Town Solicitor reviewed and recommended. Members agreed to Darryl’s comments. Mary Mitchell said that All Souls has always seen it as a negotiation process and “not all or nothing”. The discussion ended with Christine reaching out to Carolyn Murray, Town Solicitor to comment on the proposed revisions.

Braintree Historical Society – Gallivan House: Paul Carr postponed his appointment and will be submitting a funding application for restoration of the roof that is leaking.

New Business:

1969 Washington Street – Town Counsel has rendered an opinion relative to the use of the existing dwelling. Members were provided with a copy of her opinion that said the house was not deemed to be required for affordable housing only per the language of the Town Meeting vote.

Update on current projects underway: Members were provided with written updates on the following projects:

- 1) All Souls Church – previous discussion summarized their status
- 2) Highland School – Linda Raiss commented on the condition of the entry way that additional work needs to be done.

- 3) Historic Inventory – Christine reported this should be out soon for soliciting bids.

- 4) Elm Street Cemetery – Is done minimal funds unused should be returned to the account.

Anne Murray **MOTION** to return the unused \$300 for the Elm Cemetery back to the Historic Resource account, seconded by Dick Fletcher – Unanimously voted.

- 5) Map Preservation – Christine reported additional plans had been found and they are being scanned – should be done soon.

- 6) Town Forest – Councilor Clifford provided an update reporting additional work is to be done on the parking area.

No reports from the Town Clerk or Housing Authority – Christine will reach out to them for next meeting. Linda Raiss questioned the status of Daugherty Gym and what the Mayor’s office has done. She suggested a memo be sent to the Mayor that it has been over a year and nothing has been discussed why?

Page 3
CPC Meeting 2/13/12

Administrative Matters:

Monthly Finance Report

Linda reported that she met with Mark Lin on Friday and he provided a monthly report on the accounts – handouts given to members. Linda reported that she and Mark discussed the \$13,000 deficiency and that this year when appropriations are made – we will add 13k more in the historic bucket. The Town of Braintree should expect less in FY13 due to current state of the economy. Dick Fletcher explained how the state match derives its revenue to match the local collection. Linda asked members about the format and expressed her opinion we should get this every month to avoid the shortfall we see in the historic bucket.

John Dennehy **MOTION** to accept the minutes of 1/17/12, seconded by Anne Murphy – unanimously voted.

Discussion and vote – CPA buckets

Dick Fletcher provided the members with a handout (dated 2-12-12) that had the proposed motions relative to annual; appropriation for each of the “CPA buckets”.

Dick Fletcher **Motion**, that in accordance with the provisions of Chapter 44b of the MA General Laws, the CPA committee recommend the sum of \$75,000.00 be set aside for the later use for acquisition, creation, preservation, or support of **Community Housing** or the rehabilitation or restoration of Community Housing that is acquired or created, seconded by Anne Murphy – unanimously voted (5:0)

Dick Fletcher **Motion**, that in accordance with the provisions of Chapter 44b of the MA General Laws, the CPA committee recommend the sum of \$75,000.00 be set aside for the later use for acquisition, creation, preservation, or support of **Open Space** or the rehabilitation or restoration of Open Space that is acquired or created, seconded by Anne Murphy – unanimously voted (5:0)

Dick Fletcher **Motion**, that in accordance with the provisions of Chapter 44b of the MA General Laws, the CPA committee recommend the sum of \$95,000.00 be set aside for the later use for acquisition, preservation, rehabilitation or restoration of **Historic Resources**, seconded by Anne Murphy – unanimously voted (5:0)

Dick Fletcher **Motion**, that in accordance with the provisions of Chapter 44b of the MA General Laws, the CPA committee recommend the sum of \$30,000.00 be appropriated from the community preservation fund for **operating expenses** of the committee in FY13, seconded by Anne Murphy – unanimously voted (5:0)

Dick Fletcher **Motion**, that in accordance with the provisions of Chapter 44b of the MA General Laws, the CPA committee recommend the sum of \$380,000.00 be appropriated from the community preservation fund to the community preservation **budgeted reserve**, seconded by Anne Murphy – unanimously voted (5:0)

Page 4
CPC Meeting 2/13/12

Executive Session:

Dick Fletcher made a **MOTION** to enter into executive session for the purpose of discussions regarding a potential acquisition that may have a detriment effect on the negotiating position of the Town, seconded by John Dennehy – roll call vote by the Chair:

D. Mikami – yes J. Dennehy – yes L. Raiss - yes
D. Fletcher – yes A. Murphy – yes

The committee with only Christine Stickney present entered into executive session.

Dick Fletcher made a **MOTION** to come out of executive session and return to the regular meeting, seconded by Darryl Mikami – roll call vote by the Chair:

D. Mikami – yes J. Dennehy – yes L. Raiss - yes
D. Fletcher – yes A. Murphy – yes

Other:

Dick Fletcher asked staff to send to members the marked up version of All Souls Preservation Restriction

Ann Murphy **MOTION** to adjourn, seconded by John Dennehy – unanimously voted.

Meeting adjourned at 9:30 PM

Respectfully submitted

Christine Stickney, Director
Planning and Community Development