

Braintree Community Preservation Committee
Minutes
October 17, 2011

Present: Anne Murphy (V-Chair) Dick Fletcher Darryl Mikami
Michael Dorn Patrick Flynn

Absent: Linda Raiss (Chair) & John Dennehy

Also Present: Pastor Leanne Walt, First Congregational Church
Richard Durham, First Congregational Church
Christine Stickney, Director of PCD

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

First Congregational Church (R. Durham & Pastor Walt)

Christine updated the committee on a few items resulting from the discussion at the 9/9/11 meeting. A memo from the Building Department dated 10/12/11 was provided to the members addressing the issue of the project's compliance with ADA requirements. In addition a CPA Coalition article on the Newton case and discussions on recreation developments.

Christine discussed her conversation with the Town Counsel on Thursday, 9/13/11 relative to the need for a lease and the deed restriction. The CPA act requires a deed restriction be placed on the title of the property receiving CPA funds in perpetuity and is non-negotiable if the applicants intend on receipt of the CPA funds then a restriction has to be recorded. The issue of the lease is one negotiated between the Church and the Mayor's office as to the term, cost and requirements. Carolyn noted that the issue of the lease is not dependent on the restriction but rather if the project is funded. If the CPA chooses not to recommend for funding the need for a lease would not be necessary. The lease does not have to match the deed restriction as to the duration of time. A lease may not even be needed however the issue of maintenance of the project would then be the applicant's responsibility. Mr. Durham noted that the lease was agreed upon by Mayor Sullivan. Christine also noted the discussion with Carolyn that the "creation" of the park (which is currently only church land now) does not preclude the use of CPA funds to create the park or be required to have been purchased with CPA funds. Carolyn felt the "creation" itself was eligible for funding out of the open space account. Dick Fletcher commented that he would like to see more definition of the lease. Anne Murphy questioned if our Town Counsel and the church's legal folks could get together on the lease and see if something can be developed. Dick Fletcher **MOTION** that it is the sense of the CPA committee to fund \$50,000.00 for the "John Adams Park" project subject to an appropriate lease, seconded by Mike Dorn – vote 3:0:1 – (Flynn abstain). Christine asked for clarification of the vote that the "sense" referenced in the motion did not mean to move it as a recommendation to the Town Council for action and members agreed saying that once the lease had been worked through a formal recommendation would be needed by the committee. Mike Dorn complimented the church representatives on their hard work.

Darryl Mikami arrived at the meeting at 7:45pm

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New & Old Business:

Highland Playground Update: Christine provided the members with a letter dated 10/4/11 from Bill Hedlund describing to date the amount of money either spent or contractually committed. Christine provided a summary of how the project is progressing and a change to the installer situation in which Northeast builders is now the clerk of works supervising DPW workers with assembly of the equipment. Christine at first had concerns with this arrangement but consulted with the CPA Coalition and reviewed with Carolyn Murray MGL Chap.44 Section 6 of the CPA Act that only overtime is eligible for payment by CPA funds not regularly budgeted personnel time. Tom Whalen is using DPW personnel and will be requesting payment of only overtime with the CPA funds.

CPA Signage: Christine provided handouts to the members – one handout was a proposed construction sign that would be posted only during the construction phase of developments, the second handout was for a permanent sign (Christine was recommending bronze) that is placed on structures long term denoting the use the CPA funds. Both handouts depicted photos of what would be the signs for Braintree is proposed. Dick Fletcher questioned why should we spend funds for the need for a permanent sign? Christine responded that in most communities that is what is done as part of the permanent deed restriction. Members seemed to have no issues with the temporary construction signs. Discussion on the permanent signs would be put over to the next meeting for full committee input.

Executive Session:

Dick Fletcher made a **MOTION** to enter into executive session for the purpose of discussions regarding a potential acquisition, seconded by Mike Dorn – roll call vote by the Chair:

M. Dorn – yes D. Mikami – yes A. Murphy – yes
P. Flynn – yes D. Fletcher – 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 Mike Dorn – roll call vote by the Chair:

M. Dorn – yes D. Mikami – yes A. Murphy – yes
P. Flynn – yes D. Fletcher – yes

Monthly Finance Report: Christine provided members with a two page report dated 10/11/11 – 10/19/11 from the Accounting department showing the balance sheet for the CPA and Articles with encumbrances. Dick Fletcher explained how the report works. Anne Murphy expressed her concern with the accounting procedure and how it appears not to follow general accounting processes. Pat Flynn questioned how comfortable the CPA committee is with their financial numbers and is the “CPA in a good place?” Christine expressed a concern she has with pending legislation at the State House that proposes to exempt the first 100k for businesses as well as residential. Since Braintree has a split rate with a much higher rate for commercial this is in her opinion concerning particularly because Braintree only adopted the 1% and not the full 3% eligible under the CPA Act. Dick responded that we have had a spell with no committee and no appropriations for projects that have allowed us to bank funds. Dick estimated presently we take in about \$500k in local taxes and perhaps \$200k from the CPA account.

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Anne Murphy added we should start to do more planning as to the project appropriations rather than respond to applications come before the committee for funding.

Acceptance of minutes: It was agreed to table the minutes again from 8/8/11 since J. Dennehy had an issue and he is not present tonight. Mike Dorn **MOTION** to accept the minutes of 9/9/11, seconded by Darryl Mikami – unanimously voted.

Next meeting – 11/14/11 – Anne and Dick may have a potential conflict.

Dick Fletcher **MOTION** to adjourn the meeting, seconded by Mike Dorn – unanimously voted.

Meeting adjourned at 9:10PM

Respectfully submitted,

Christine Stickney, Director