

Braintree Community Preservation Committee  
Minutes  
December 12, 2011

Present: Linda Raiss (Chair) Dick Fletcher Darryl Mikami  
Michael Dorn Patrick Flynn

Absent: Anne Murphy (V-Chair) & John Dennehy

Also Present: Mary Mitchell (All Souls Church)  
Bob Bloomberg (All Souls Church)

Meeting convened at 7:35 PM in Johnson Chambers at Braintree Town Hall

The chair took business out of order on the agenda awaiting Mr. Mikami's arrival

Union School

Christine reported that the contract is moving through Town Hall approval process for JJS Universal Company to perform the roof work. JJS Universal was ready to begin in early December but the Town postponed until after Christmas when the Christmas tree sales by the Legion would be done. If the weather holds out it should be good to go in early in January.

Highlands Playground

Mike Dorn questioned the status of the project. Christine noted she is still processing invoices from the project even though it has been completed. It appears that all of \$275,000.00 will have been used once everything is paid. Christine noted it has been a difficult paper work project keeping track of everything and commented that in the future the Town and CPC should give more consideration to the details of a playground project to assure that the Community Preservation funds are used to the best of their value. Linda Raiss asked about the house and proposed uses; Michael Dorn noted there might be a use for facilities at the site. Linda asked if Town Solicitor responded to the CPC's request sent on the use of the house. Christine will follow up with the Town Solicitor.

Mr. Mikami arrived at 7:45pm

All Souls Church: Mr. Flynn removed himself from all discussion and participation on this matter.

Mary Mitchell and Bob Bloomberg were present and Christine updated members on the progression of work at the church with photos of the project approximately 95% complete. Christine had met on site with church representatives and the contractor and reviewed work completed and to be done. To date the Church provided invoices totaling \$65,498.00 that Christine has processed for payment. Tonight members of the Church are here to discuss details of the historic preservation restriction that needs to be accepted and recorded before final payment is made. Mary Mitchell explained the Church's concerns relative to the duration of the restriction and whether it could be for a period of time certain instead of in perpetuity. The Church would like the CPC to consider a fixed amount of time rather than in perpetuity and asked if the committee would consider amortizing the value of the preservation activities [for the value to decrease over time]. Mike Dorn questioned if other Community Preservation projects had historic preservation restrictions and Bob Bloomberg responded some do and some don't. Darryl Mikami commented that when this first came to CPC he understood that the restriction would be in

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perpetuity and there had been no discussion regarding amortizing. Had he known of this possibility he might have changed his opinion. Mary Mitchell noted that All Souls is committed to the restriction and, if the Committee requires it to be in perpetuity, will agree to the restriction. However, if there is an alternative the church would rather not be saddled forever. Bob Bloomberg affirmed that nothing has changed, but asked that members consider a term that might be agreeable and a term where the value would be amortized.

Dick Fletcher stated that he was not amenable to a five-year term, noting that preserving something for five years is not preservation of historically significant resource. However, reading some of the fine details of the restriction he can see some of the church's concerns. His concern is that the building exterior be preserved and maintained. If that language could be worked out, it could be entertained by the committee. Bob Bloomberg wished to know what members might consider a reasonable term and Dick noted something in the area of 20 years, which has been used in other restrictions, and that would not interfere with the use of the building, would maintain the exterior preservation of the church and surrounding grounds which can be seen from the street (3 sides) by the general public [with the exception of the rear parking area].

Linda Raiss praised the cooperation of the applicant in their approach to this project. Linda asked if Mass Historical Commission (MHC) needed to approve the restriction if the restriction were not in perpetuity.

Bob Bloomberg noted they are church and wanted it to be clear that there is nothing on the horizon with regards to selling the building. The congregation has had some help from a member that is a lawyer to review the restriction language and protect the church's interest. Secondly, he noted his conversation with Michael Steinz, MHC representative that handles the restrictions, and stated there is some question as to their involvement. Christine added that Town Solicitor has asked to address this as well. Linda Raiss added that if the property does change hands she feels that the CP funds should be repaid.

The Chair asked each member present their feelings to give the Church a sense of this discussion. Darryl Mikami noted he is sympathetic to further discussions provided new information was to be forthcoming and if "in perpetuity" were to be changed it should be for a "healthy" term; Mike Dorn said he would be agreeable with a term; Dick Fletcher would prefer "in perpetuity" but would consider term; Linda Raiss stated she would consider term, but would prefer "in perpetuity." Members were asked about a term: Mike Dorn suggested 50 years; Darryl Mikami would consider 50 years with the caveat that if the property were sold within the 50 years full reimbursement would be paid; Linda would vote for nothing less than 50 years. Three out of the four would consider 50 years.

The question of amortizing over a period of years was problematic for the members. Christine said there appear to be a number of legal questions and she will consult with the Town Solicitor. All Souls representatives thanked members for the discussion.

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New Business:

*Sunset Lake Project:*

Christine reported that the project is moving along on schedule. However, with installation of the low impact drainage swales it has become apparent that a fence should be installed as part of the project to protect these areas from vehicles, persons and snow from entering the swales. Christine said that staff had sought estimates for the fence installation to be between \$6,000 and \$8,000 (See memo from K. Phelan dated 12/12/11.) and asked if the committee would be agreeable to using administrative funds so that it can be done as soon as possible before snowplowing starts. Dick Fletcher said he was not in favor of using administrative funds in this manner, but would support taking this matter out of the normal funding process [bi-annual] due to the need. Dick Fletcher **MOTION** to recommend approval to Town Council for the appropriation of \$8,000.00 from the Community Preservation Unreserved account to be added to existing funds (Order # 11 029) for the Sunset Lake Drainage Improvement Project, seconded by Mike Dorn – Unanimously Voted (5:0)

*Braintree Historical Society & Accounting Department:*

Christine reported that she has been asked by Mark Lin, Town Accountant, and now by Ed Spellman, Finance Director, to address the \$931 shortfall in the Community Preservation account for the Thayer/French House project. Linda Raiss provided background on the issue based on research she and the Accounting Department have been doing. Dick Fletcher felt the issue has two components: 1) if it is an issue of overpayment within the scope of the article or 2) if it was an expense not authorized and appropriated and therefore outside the scope of the article. Linda Raiss will provide a copy of the article for the next meeting along with information after meeting with Mark and Ed to view vouchers.

*CPA Signage* – postponed discussion until the January meeting.

Old Business:

*Braintree Historical Society Mural*

The Mayor's office has a tentative dedication scheduled for 12/20 (6:30PM) at the Town Hall for the hanging of the mural. Christine reported that the applicant did not use the full amount of the funding appropriated by Town Council and sent a check to the Town for \$1,750 which was deposited to the CPA account.

*Other:* Linda Raiss asked members to agree to allow her to send to applicants a request for a status update on all open projects, i.e. whether or not complete and if incomplete when will they be completed. Members agreed to have her send out letters for discussion at a future meeting.

Executive Session – postponed until the January meeting

Administrative Matters:

Linda Raiss provided members with the latest report from accounting dated 12/12/12.

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Mike Dorn **MOTION** to accept the minutes of 10/17/11 as amended by Ms. Raiss, seconded by Dick Fletcher – unanimously voted. The minutes of 8/8/11 are tabled again per Mr. Dennehy's request.

Meeting dates for 2012 were discussed and agreed upon for: Jan.17 (Tues), Feb.13, March 12, April 9, May 14 & June 11

Mike Dorn MOTION to adjourn the meeting, seconded by Darryl Mikami – Unanimously voted  
Meeting adjourned at 9PM

Respectfully submitted,

Christine Stickney