

Braintree Community Preservation Committee  
Minutes  
September 17, 2012

Present: Anne Murphy (V-Chair) Dick Fletcher Paul Machado  
John Dennehy Patrick Flynn Darryl Mikami

Absent: Linda Raiss (Chair)

Also Present: Christine Stickney, Director Planning and Community Development

Meeting convened at 7:30 PM

New Business

**Fall CPA Applications:** Christine provided a handout of the applications received on 9/4/12 that highlighted the amount of the request, designated fund and the status of the application. There were five applications submitted and only two will be ready for the committee at their next meeting pending some additional information to be received – First Congregational Church and the Elm St. Cemetery Gravestone restoration. The others have some work to be done before they will be ready. Christine also reminded the committee there are still two outstanding applications from the March 2012 deadline; the Union School Feasibility and the Monatiquot River Walk.

**CPA Application Amendment:** Christine informed the meeting of the five applications only 2 met with the Director – she asked that in the section outlining process that “must” be changed to “shall” regarding the meeting with Director. Members felt the language was clear – perhaps just enlarging the font and bolding it may bring more attention to this requirement. Anne Murphy questioned if the application should even be on-line and the public would have to come to Director to obtain the application. Dick Fletcher felt we should leave it on-line so the public can see what is involved with submitting an application and when they feel it is complete then meet with the Director. After more discussion it was agreed to only change the font and bold language of this section of the application.

**Restrictions on Town Buildings:** Christine informed members of a conversation she had with the Town Solicitor on this matter and Carolyn’s opinion they should be required for public just like the private. Dick Fletcher expressed a concern with this opinion reading from MGL c. 44B Section 12A he felt only if “we acquired an interest” – he also noted the definition of the restriction in the same chapter. Paul Machado expressed his opinion that we are acquiring an interest with a monetary contribution to the a restoration, rehabilitation of the structure. Dick questioned if the statute mandates or if the CPA establishes a policy. Darryl Mikami added the he felt with a privately owned structure there is no doubt we want the restriction. Dick stated we could decide but we are not required in his interpretation of the statute. Darryl asked if a department sold a building could we get the CPA funds back. Paul noted that the Kopelman and Paige template provides for a “payback” if the restriction is breached. John Dennehy added that the preservation of the building is the motive for providing funding. Members discussed possible scenarios including if a building was condemned or structurally unsound to save the façade and how that would play out with a Town Building and CPA funds. In the end members agreed to have Christine ask Town Solicitor if Dick’s interpretation of it being a CPA decision for the restriction applies or does the statute clearly mandate. To be discussed further at a future meeting.

Old Business

**Return of CPA funds:** Christine reported that Mark Lin had sent over a report this afternoon (handout to members) and her figures on the playground did not match but he was not in to answer her questions. The matter was tabled until next meeting.

Administrative Matters (Taken out of Order)

**Monthly Finance Report:** Members received three copies of materials; the CP-1 Form that goes to DOR; M. Lin's monthly financials dated 9/17/12 and an Expenditure Report from 7/1/12-9/30/12. Christine commented that the expenditure report is only for this FFY and it doesn't reflect the life of the project and expenditures/appropriations. She will speak with Mark Lin about reporting it differently. Pat Flynn questioned a few years back where was the "unreserved" compared with today and are we still bringing about the same amount in annually. Dick Fletcher noted the recent change in the enabling act will hopefully have more funding coming in but time will tell. Anne added that we have a number of projects appropriated or reserved that haven't expended that is not reflective here in these figures. Members agreed we need to get an update citing Town Clerk's project as an example.

Members agreed to meet November 19, 2012. **Minutes:** Dick Fletcher **MOTION** to approve the minutes of 8/13/12, seconded by John Dennehy – unanimously voted.

Old Business (cont.):

**Update on Gallivan House:** Christine reported that the Braintree Historical Society (BHS) has received the CPA agreement and she is awaiting its return for the Mayor and others to sign. She anticipates they will want to get going as soon as possible with the roof before the winter. Paul Machado provided members with a copy of the K & P template filled in with some information for the Gallivan House but expressed a concern that there is a mortgage on the house and he feels the bank may not be agreeable to signing off. They hold the first mortgage and will want nothing that will impede the sale in the case of a foreclosure. Paul went on to explain language can be added for any future mortgages that would protect the Town's interest but the first mortgage may not recognize. Christine noted that she had too had looked for their deed for the CPA Agreement and came across another deed that BHS for \$1 gave to the Braintree Historical Society Thayer Birthplace Nominee Trust in 2009. There was discussion if in fact the BHS owned the property – John Dennehy assured the committee they do own it and that he was unaware of this but would look into it. Dick Fletcher added that only the house should have the restriction not the garage and that the house portion is the first floor and exterior not the rentable portion. Members felt there needs to be a discussion about this with BHS.

Darryl Mikami **MOTION** to adjourn the meeting, seconded by Dick Fletcher – unanimously voted.  
Meeting adjourned at 8:40PM

Respectfully submitted,

Christine Stickney, Director  
Planning and Community Development