

Groton Community Preservation Committee

Minutes of Public Meeting of 26 October 2009

Location: Groton Town Hall, First Floor Meeting Room

Time: 7:15 PM

Members Present: Bruce H. Easom (Chairman), Dan Emerson, Robert DeGroot (Vice Chairman), Rick Hughson and Jonathan Strauss

Members Absent: Carolyn Perkins (Secretary) and Mike Roberts

Attendees: Mark Haddad, Stuart Schulman, Anna Elliot, Josh Degan, Peter Cunningham, Connie Sartini, Sally Smith, Jay Prager, Deirdre Mitchell
Becky Pine, Connie Sartini

The Chairman called the meeting to order at 7:15 PM with a quorum of CPC members present. The meeting was being held as a joint meeting with the Groton Board of Selectmen.

Bruce H. Easom started by explaining the vote taken earlier by the Community Preservation Committee to request that the Board of Selectmen require an in-perpetuity deed restriction be placed on the Groton Grange property in exchange for receiving \$137,000 in town CPA funds for repair of the building. Bruce then asked the Board of Selectmen to hear from members of the Community Preservation Committee (CPC) to explain their positions.

Rick Hughson expressed his concern about how a decision to create a non-permanent deed restriction would set a precedent for other CPA applications submitted by private organizations or citizens. Rick described the process by which the CPC arrived at its 6-in-favor and 1-abstention decision to request a permanent deed restriction.

Dan Emerson spoke about the email he received from Stuart Saginor, the Executive Director of the Community Preservation Coalition, that indicated that the town had the option of selecting the term of the deed restriction from “in perpetuity” to something less. Mr. Saginor’s letter indicated that most towns in the Commonwealth adopt deed restrictions that are in perpetuity.

Jon Strauss commented that an in perpetuity deed restriction is needed to protect the interest of the Town’s taxpayers.

Josh Degan said that, while he was opposed to the Grange article at town meeting, now that the article has been passed by the voters, he cannot support an in perpetuity deed restriction on the property.

Jay Prager disagreed with the argument that the length of the deed restriction should be related to the life of the improvements made to the building. Jay said the deed restriction should address the issue of what happens to the building in the future. Jay also produced some financial information from the state Grange organization that indicated the state Grange can provide interest-free loans to member Granges for building maintenance and they had over two million dollars in funds available.

Stuart Schulman stated that CPC had no say in setting the terms of the deed restriction. Bruce H. Easom responded that the CPC may have some say as the CPC will need to sign off on the invoices submitted by the Grange for the work completed.

Anna Elliot asked the CPC members if we had had a posted public meeting when we took a vote to recommend an in perpetuity deed restriction. The chairman reported that the meeting was duly posted. Anna asked if an agenda had been published and the public notified. Anna said that if the CPC wants to make the duration of a deed restriction a policy then it needs to be done at a posted and advertised public hearing.

Peter Cunningham requested that the discussion get back to the issue of the length of the deed restriction.

Deirdre Slader Mitchell commented that it should have been made clear at Town Meeting what the term of the deed restriction would be.

Ray Lyons reminded the Board of Selectmen that it is the deed restriction that avoids public dollars going to private organizations and that the Board of Selectmen have the authority to negotiate the terms of the restriction. Mark Haddad noted that Town Counsel has recommended a period of not less than 30 years.

Peter Cunningham stated that he felt the people at Town Meeting believed the deed restriction was going to be in perpetuity. Bruce H. Easom said that he thought the Board of Selectmen should resolve the issue by asking voters at the next Town Meeting to decide if a non-in perpetuity deed restriction was how they wanted to see their money spent. Stuart Shulman replied that that would make the issue the Grange and not the more general principal. Peter Cunningham said that this issue was unforeseen and should be addressed by the Board of Selectmen now.

Becky Pine spoke in favor of a shorter term deed restriction. She pointed out that the Town accepts donations from private citizens and organizations and reasoned that private organizations should be able to accept donations from the Town. Peter Cunningham replied that donations given by private citizens to the Town are voluntary. Giving the Town's tax money to private individuals is an involuntary donation at least for those opposed to the idea. Becky Pine urged the Board of Selectmen to adopt a 30-year deed restriction.


Jon Strauss asked the question, "What is the downside of an in perpetuity deed restriction?". Jon said that many taxpayers want to know if they are ever going to get their money back.

Jay Prager said that he believed that most people at Town Meeting expected that the deed restriction would be in perpetuity.

Anna Elliot moved that the Board of Selectman make the deed restriction be for 30 years. Stuart Schulman seconded the motion. In discussion, Stuart Schulman said that he thought that voters at Town Meeting were expecting to pay for repairs to the building, period. Josh Degan asked the CPC to create a policy on this issue and recommended the motion be changed to state that this decision would not be precedent for future negotiations between the Town and private organizations. The motion was modified to accommodate Josh's suggestion and the motion carried by majority vote with Anna Elliot, Stuart Schulman and Josh Degan voting in favor and Peter Cunningham voting against.

Dan Emerson moved to adjourn the CPC meeting. Jon Strauss seconded the motion. The motion carried by unanimous vote and the CPC meeting adjourned at 8:20 PM

Respectfully submitted,



Bruce H. Eason

3 November 2009

Date

Chairman
Groton Community Preservation Committee

These minutes were approved by majority vote on 2 November 2009.