

### **Bates Observatory Synopsis**

- Nov 1893 The Bates Observatory Opened on Bell Hill – the Observatory was the gift of Theodore Bates, at a cost of \$1,000 for the gatehouse (foundation) and Observatory above.
- 1942 The Bates Observatory served as a Civil Defense Air Spotting Service Location during World War II – at the time it was already in disrepair.
- Oct 1985 Support for Restoration was voted down at the October Town Meeting (Article 5).
- Mar 1997 The Historical Society expressed urgent concerns on deterioration and possible loss of the Observatory. The Water Commission explained impending construction for Water Treatment Facility and suggested waiting until construction was completed to look into funding for repairs.
- May 1998 An opinion by Graves Engineering during the construction of the Water Treatment Facility on Bell Hill rendered the gatehouse (foundation) useless, noting the reservoir would be filled in. In July 1998, the Massachusetts Historical Commission confirmed with Graves Engineering that the Water Treatment Facility project would have no adverse affect on the Observatory’s eligibility on the National Register of Historic Places.
- Jun-Sep 1998 The Historical Commission took measures to explore listing the Bates Observatory on the National Register of Historic Places. Senator Stephen Brewer offered assistance to help expedite listing and sought Mass Historical Commission input, which was provided and passed on to Historical Commission and Board of Selectmen. The application for the Observatory for listing on the State’s Historic Inventory and was considered “eligible” by opinion of the Mass Historical Commission. Information was provided regarding the Historic Register application process. Senator Brewer offered to remain involved and if response was not received, he would continue to make inquiries.
- Oct 1998 The Observatory was listed on the Mass State Historic Inventory and information for listing on the National Register was provided to pursue national listing.
- May 1999 The Town voted to pursue the listing of the Bates Observatory on the National Registry of Historic Places in order to seek future grant opportunities for preservation and rehabilitation (Article 23). There is no information to suggest this was ever pursued.
- Jan 2000 Graves Engineering arranged backfilling around the Gate House and Observatory to prevent further erosion. Graves considered the structure to continue to be a hazard to public safety and recommended immediate restoration or demolition.
- Fall 2001 Plywood panels were painted by students and placed over the tower windows.
- Apr 2002 A fence was installed around the Observatory at a cost of \$1,329.96 paid for by a Bates Observatory Restoration Committee chicken barbeque.
- Jul-Aug 2003 Correspondence with George Doane, Ms. LaTourdette and Selectman James Caldwell was exchanged regarding Mr. Doane’s interest in bequeathing money to the Town of North Brookfield for the Bates Observatory.

- Apr 2004 A letter from Garner Law Offices in New York was received by Selectmen regarding Mr. Doane's Last Will and Testament. "After debts and specific bequests, the remainder [of his estate would be bequeathed] "to the Selectmen's Office of the Town of North Brookfield to be used specifically for the maintenance, restoration and upkeep of Bates Observatory."
- Oct 2004 \$20,147.71 was received from the George Doane Estate.
- Feb 2006 An additional \$70,059.26 received from the George Doane Estate.
- Apr 2006 A letter regarding an assignment for an additional \$8,727.14 available from the George Doane Estate for North Brookfield would not be pursued by the NY County Attorney, and Board of Selectmen were informed to pursue collection if desired. No action was taken.
- 2007 Bates Observatory was listed as a Scenic and Unique Environment in the 2007 Master Plan with noted need for restoration, protection, seek listing on National Register of Historic Projects to seek rehabilitation and preservation grants.
- Mar-Sep 2008 Robert Potvin was appointed to Historical Commission to oversee Bates Observatory Restoration. Activity began in conjunction with Water Commissioner, Board of Selectmen, Historical Commission and Historical Society. A Historical Society Meeting in March 2008 served to launch the project.
- Spring 2008 Bates Observatory was listed as Priority #4 behind the Downtown Development District, the Bates Farm Area and Coys Brook Corridor on the Heritage Landscape Inventory prepared by a town committee. To date there has been no activity beyond Priority #1 with respect to this work.
- Oct 2008 Seven architectural contracting firms were contacted and invited to bid on Bates Observatory restoration. Paquette Construction estimated \$63,000 for work on 2<sup>nd</sup> floor walls, ceiling, roof and interior/exterior wall structure and repair (the project excluded windows, doors, stairs and catwalk, concrete/brickwork). The Board of Selectmen asked the Bates Observatory Committee to provide a more definitive cost estimate and request for price cap in writing by Paquette Construction. A response was never received and the Historical Commission abandoned the project.
- Feb 2012 A letter from Edith Doane was received by the Board of Selectmen. Ms. Doane referred to her brother's request noting, "In their day, the Observatory was a wonderful place to visit and lookout over the town. Today it is surrounded by trees, site of water plant and can no longer be used as it was intended in 1893 when it was built." Ms. Doane indicated she would endorse transferring money to support another need of the Town if it is possible, noting the Town House needs attention as a national landmark on the Historic Registry. Ms. Doane indicated that the funds should not sit in an account year after year when they can be put to good use. She indicated her brother would probably want the same thing had he known what has happened to Bell Hill over the years.

Apr 2012      A letter from Town Attorney to the Board of Selectmen explained that, because the amount of the bequest is over \$75,000, a cy pres complaint must be filed to the Probate Court in New York for approval.

**Questions to be considered as posed by the Town Attorney:  
(discussion and answers/considerations provided where possible)**

- 1) How specific was the bequest? Answer: VERY SPECIFIC . . . “to be used specifically for the maintenance, restoration and upkeep of Bates Observatory.”
- 2) Would the repair be so expensive that \$90,000 is not enough to even start? Discussion: The 2008 bid by Paquette Construction, considered by the Board of Selectmen to be the most comprehensive in terms of meeting expectations, excluded windows, doors, stairs and catwalk, concrete/brickwork in its \$65,000 estimate. If the facility is to be considered an “open to the public” venue, handicapped accessibility and accommodations would be necessary, in addition to continued maintenance and supervision – a cost well beyond the amount provided. The original purpose of the Observatory was for recreation and enjoying unobstructed views from Bell Hill. It is not feasible to consider removing mature trees and adjusting the landscape to attempt to accommodate its original purpose.
- 3) Is it impracticable to carry out the donor’s request at this point? Answer: To meet the specificity of the bequest, yes. The cost of restoration alone is well above and beyond the amount received. In light of considerable other financial obligations, it is unlikely that the Observatory will reach a level for priority funding in the coming years, particularly in light of suspected low patronage.
- 4) Would the town support repair, restoration, maintenance and upkeep?
- 5) Has it become impracticable to carry out donor’s request at this point? Answer: To be determined based on the responses to this questionnaire.
- 6) Is there some way to organize an alternative use that comes close to Mr. Doane’s intent – something else at Bell Hill to preserve the area? Discussion: Organizing any type of recreational activity on Bell Hill would compromise the security of the Town’s Water Treatment Facility grounds in addition to the requirement for supervised/controlled use.
- 7) Is there some type of similar memorial/activity that might be considered appropriate in consideration of the bequest? Example Discussion (provided by Town Attorney): One town received a 100-year old building for use as a town library that was not only too small, but the town had already constructed a new one. Approval was sought to use the old building as a museum, under the Historical Society, plus a few town offices. The AG agreed to the new use as “relatively consistent with the donor’s intent” and it was filed as a complaint in the Probate Court. The AG supported the new use and the court signed off. It is conceivable that the AG would not agree to using the funds for the Town House as a good compromise as suggested by Ms. Doane (cautionary warning by Town Attorney), but is worth exploring if a convincing argument/justification can be made that honors Mr. Doane’s original intent. Ms. Doane’s wishes may have some persuasive effect.

Other Suggestions?