

Present: Christopher Morely (Chairman), Sherrill Cline, Jim Hill, Georgette Heerwagen, Richard Bell, Lynne Remington, Sheila Stewart and Seamus O'Kelly, John Drobinski

Absent: Richard Bell

At 7:33 p.m., Chairman Morely called the meeting to order.

2010 Annual Town Meeting – Petition Articles

Present: Dan DePompei

Chairman Morely welcomed petitioner Dan DePompei, 35 Haynes Road, to the meeting to explain the CPA-related petition article he has filed for the Annual 2010 Town Meeting.

Mr. DePompei announced that he is an abutter to the proposed rail trail in Sudbury. However, Mr. DePompei also stated that he is a long-standing advocate for bike trails.

Mr. DePompei referenced the 2007 and 2009 Town Meeting articles, which appropriated funds for a Bruce Freeman Rail Trail (BFRT) Wildlife Study and a rail trail concept study. He stated that the Town-funded Call of the Wild Evaluation, with addendums, was received by the Town in March 2009, but not publicly released until November 23, 2009. Upon its release, Mr. DePompei read the report, noting that it suggested alternate routes/bypasses be pursued for Sections 1 and 3 of the rail trail as studied, since those portions of the BFRT were identified as having no meaningful mitigation alternatives. However, Mr. DePompei opined that he believes the cover letter, issued by the Town with the report in November 2009, diminished the conservation issues raised in the study and misrepresented the recommendations made by the consultant as being out of the scope of services requested. Mr. DePompei stated that he then worked to quickly submit a petition article to further study the suggestions made in the report to pursue alternate options regarding Sections 1 and 3 of the BRFT.

Chairman Morely stated that the 2009 Town Meeting article Mr. DePompei is suggesting be amended was intended to study how the Town should best proceed with this project. Ms. Kablack concurred, stating that Town staff plans to evaluate concepts of the project before proceeding with any design phase. She further clarified that the Town's objection to the recommendations made by the consultant in its study were based upon specific alternative locations being suggested, for which no scientific data was provided nor studied.

Mr. DePompei stated he did not believe specific alternative locations were designated in the report. Ms. Kablack briefly excused herself from the meeting to access the report. Upon her return, Ms. Kablack corrected her earlier statement, noting that no specific alternate locations are noted in the report.

Mr. Drobinski stated that the Town's objection to the recommendations presented in the Wildlife Study report were also based on engineering suggestions being inappropriately made by an ecologist. He further stated that when Town staff has the opportunity to further study concept plans, the Selectmen will decide how to proceed.

Mr. DePompei opined that prior to the Rail Trail Conversion Advisory Committee's work being suspended, he had a public forum for keeping apprised of rail trail matters, which does not exist now. Mr. Drobinski responded that, although the rail trail is an important community issue, the Town has to prioritize its attention for other important matters as well, including the Town budget, education, and public safety.

Pat Brown, speaking as a resident, and not in her capacity as the Chair of the Rail Trail Conversion Advisory Committee, referenced the Request for Proposal for the Wildlife Study, which she believes required the contractor/consultant to suggest recommendations as part of the scope of services to be completed.

Mr. Drobinski stated that he and the Board of Selectmen are confident that Town staff will consider all options based on sound ecology and engineering reports, to pursue this project in the proper manner, which will also be sensitive to all environmental matters. He opined that some of these issues might have been clarified by contacting Town staff prior to submitting the petition article. Chairman Morely concurred, stating he is convinced that Town staff will work towards the best solutions for the Town.

Mr. DePompei stated that he had sent the Board of Selectmen a letter to which he received no response.

Mr. Hill stated that he believes the petition article seems premature until an engineering team definitively determines that a rail trail cannot be built in Sections 1 and 3. He stated that after engineering reports are received, then the Town could assess where it might want to build the trail. Mr. DePompei responded that he believes alternatives should be studied prior to choosing the trail location. He emphasized that the trail project is fraught with conservation issues. Mr. Drobinski responded that every project includes a component of mitigation- alternate analysis, but that at this time, there is no engineering analysis which determines it cannot be built in Sections 1 and 3.

Mr. DePompei reiterated his intent to avoid future problems by studying all options sooner rather than later, since he believes the proposed right of way clearly bisects wetland areas.

In response to a question from Chairman Morely, Mr. DePompei stated that the Town's cover letter released with the report on November 23, 2009, was the impetus for the petition.

Ms. Kablack asked the Committee to review the proposed warrant article as drafted by Town Counsel Paul Kenny to determine if it is a funding article which would require the recommendation of the CPC. Mr. DePompei believes Town Counsel's version reads as a funding article, which is not what he intended. He stated that his intent was to merely change the

purpose for use of the already appropriated funds. Mr. DePompei stated he is looking for the assurance and clarification that alternate bypasses will be considered.

Ms. Brown stated that the Town still has not completed Article 24 of the 2007 Town Meeting (Base Map Survey), and that she was informed Town staff will not commence the concept study until that is completed. She also stated that there has been no public agreement from the Town that a wildlife corridor is a priority.

Chairman Morely reminded everyone that no additional funds would be spent on the rail trail project unless they are approved by Town Meeting. He also clarified that to reallocate funds for a different purpose, the recommendation of the CPC is required.

Ms. Remington opined that she believes the 2009 Town Meeting motion (which was read aloud by Chairman Morely) covers what Mr. DePompei is hoping to achieve with his petition article.

Mr. DePompei opined that it seems other options are eliminated once the decision is made to pursue the BFRT solely within the railroad corridor. Mr. Drobinski responded that these are legal questions, however, the Town could vote to locate the rail trail outside the corridor if it so chooses.

Ms. Cline asked, if the draft article were deemed appropriate, who would monitor the reallocated funds. Ms. Kablack responded the funds would be overseen by the Town Manager.

Mr. DePompei stated that an inclusion in the study of alternative bypass options in the article language would satisfy his concerns. Chairman Morely questioned whether the suggested petition article varies sufficiently from the initial article to be amended.

Mr. O'Kelly stated that the rail trail issue and the consultant's report are complex and this proposed article seems to add to the inherent complexity. He too believes the proposed article is premature.

Mr. DePompei reiterated his preference for an assurance from the Town that alternate trail routes will be considered, noting that disturbance areas stretch far beyond the proposed trail corridor.

Chairman Morely suggested that Mr. Drobinski and Ms. Kablack share feedback from tonight's discussion with the Board of Selectmen and Town Manager, and then continue to work towards a resolution with Mr. DePompei prior to the petition article appearing in the Town Warrant. Mr. DePompei agreed to further discuss his concerns, and the discussion was closed at 8:30 p.m.

2010 Annual Town Meeting – Petition Articles

Present: Tadj Gozdeck

At 8:30 p.m., Tadj Gozdeck, 12 Barbara Road, was welcomed to the meeting to present the intent of the two petition articles for the 2010 Town Meeting submitted by Tammie Dufault.

Chairman Morely summarized the filed petition article requesting the Town approve a reduction in the amount of the surcharge imposed on real property pursuant to M.G.L. Chapter 44B (the Community Preservation Act (CPA)) from 3% to 1.25%. He noted that with the outstanding debt already incurred, the surcharge may not be able to be reduced until the current bonds are paid off.

Mr. Gozdeck explained that the petitioners understood the rationale for initially adopting the CPA, when the Town received 100% of matching funds. However, now that Sudbury receives a very small match, and given the current financial crisis, the petitioners believe it would be in the Town's best interests to save money as opposed to funding new projects. Many Committee members noted that Sudbury still receives significant matching funds (equivalent to \$965,000 in 2008 and \$400,000 in 2009), which can accomplish many needed Town projects and would not be funded otherwise.

Chairman Morely stated that another petition article has also been filed requesting the Town to approve using a portion of current CPA reserve funds to fully pay the bonds issued for the Cutting Farm and Libby land purchases. He noted that approval of these two articles would leave virtually no funds to continue the CPA program. Mr. Drobinski suggested that Town staff corroborate the proposed savings suggested by the petitioners. Chairman Morely reported that verification of the figures is underway, since the Finance Committee also requested confirmation of the proposed savings.

Chairman Morely noted that as the economy improves, it is expected that State-matching funds will increase. In addition, he noted that legislation is pending which will increase the match to a standing 75%. Although Chairman Morely acknowledged that, in these times, all Sudbury residents are interested in saving money, he highlighted that 75% of Sudbury's homeowners pay less than \$300 per year for the CPA surcharge. He noted that the program is popular in the State, with 140 towns having adopted the program, and, historically, the CPA projects and programs have also been extremely popular within the community and enthusiastically supported at Town Meetings. He emphasized that all CPC-recommended projects are ultimately voted upon by Sudbury's citizens at Town Meetings, who have routinely endorsed saving open space as a Town priority.

Representing Sudbury's Historical Commission, Mr. Hill stated that, in the current economic climate, the Town would not be able to afford any historic preservation projects without the CPA program. Ms. Stewart stated that the same is true for the construction of Town walkways, which is completed for the public's safety with the use of CPA funds.

Kristen Roopenian expressed her opposition to both petition articles. She encouraged the petitioners to speak with long-time residents of Sudbury who remember the development of the Town's original Land Bank, which preceded the State's CPA program.

Ms. Roopenian stated that the intended purpose of the Land Bank was to save the Town money by purchasing property so that parcels would not be developed into homes. She further stated

that she does not believe either petition article saves the Town money in the short or long-term. Ms. Roopenian offered to meet with Ms. Dufault and other petitioners to review the financial pros and cons of the proposed articles.

Chairman Morely agreed with Ms. Roopenian that, although the petitioners hope to save money, their proposal might, over time, accomplish the opposite result. Ms. Remington also cautioned that it should not be assumed that State funds will not increase or be eliminated. Mr. Drobinski noted that recreational opportunities for Sudbury's youth and citizens, such as Cutting Field and the Lincoln-Sudbury Regional High School field have also been accomplished with the help of CPA funds.

Ms. Kablack noted that the petition article to reduce the surcharge could be presented to the voters at the 2010 Town Meeting. However, the petition article to pay the land purchase bonds must be recommended by the CPC. Chairman Morely stated that, based on tonight's discussion, the consensus of the Committee is that it is inclined to not support the petition.

Mr. Gozdeck stated he will share feedback from tonight's discussion with Ms. Dufault and the petitioners to determine if one or both of the articles will be withdrawn. Chairman Morely and Ms. Kablack also offered their input to the petitioners, if needed. Mr. Drobinski reiterated the importance of citizens contacting Town staff to discuss concerns and clarify information. The discussion was closed at 8:55 p.m.

2010 Annual Town Meeting – Review of Articles and Reports

The Committee was previously in receipt of the articles and accompanying reports, which it recommended for 2010 Annual Town Meeting Community Preservation Act (CPA) funding, as edited and revised by Town Counsel Kenny. The consensus of the Committee was that the revisions were acceptable. Ms. Kablack asked that additional revisions be brought to her attention as soon as possible.

Administrative Fund Request – CSX Survey and Soil Management Plan

Ms. Kablack explained that the Committee's vote on December 2, 2009 to approve \$16,750 for completion of these items was made subject to finalization of a Purchase and Sale Agreement. She further explained that she neglected at that time, to emphasize the time sensitivity for the completion of the survey and soil management plan, which at that time was tied to a 12/15/09 deadline that the Town was working towards, and that these items needed to be completed prior to that date. The Town did commission both the survey and the soil management plan. Ms. Kablack reported that the Sudbury Water District voted to put \$7,500 of its funds at risk for this purpose, and she requested that the CPC amend the vote to pay for these items prior to finalization of the Purchase and Sale Agreement.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request to reallocate \$9,100 of FY10 Administrative Funds for completion of an on-the-ground survey and Soil Management Plan for the CSX railroad corridor, prior to the execution of a Purchase and Sale Agreement.

Correspondence Received - Woods Walk Sanctuary, Inc.

The Committee was previously in receipt of a letter received from Judith Rhome, dated January 5, 2010, asking the Committee to reconsider its decision not to recommend the Woods Walk Sanctuary, Inc. project submission for CPA-funding consideration.

Chairman Morely reported that Ms. Kablack has informed him that no new information has emerged, which would favorably alter the Committee's stated reservations. Ms. Kablack opined that she believes the model presented remains unable to be sustained or funded. The Committee concurred and asked Ms. Kablack to notify Ms. Rhome that the Committee declined to reconsider its voted position regarding the Woods Walk Sanctuary, Inc. project submission for CPA-funding consideration at the Annual 2010 Town Meeting.

Minutes

On motion duly made and seconded, it was :

VOTED: To approve the minutes of December 16, 2009.

Miscellaneous

Pat Brown stated that it is difficult to locate the Town's Open Space and Recreation Plan through the Town Document feature of the Town website. Ms. Kablack will pass the information along appropriately to make the information more readily available.

Upcoming CPC 2010 Meeting Schedule and Agenda

The next meeting is yet to be determined for a date in March 2010 to be held at 7:30 p.m., at the Silva Conference Room.

On motion duly made and seconded, it was unanimously:

VOTED: To adjourn the meeting at 9:30 p.m.