

Members present: Sherri Cline, Pat Brown, Tom Friedlander, Scott Smigler, Diana Warren, Bobby Beagan, Lynn Remington, Nancy Kilcoyne, Eric Poch

Staff Present: Meagen Donoghue, Beth Suedmeyer, Jim Kelly

At 7:56 p.m., Chairwoman Cline called the meeting to order.

**Review and Vote on the Community Preservation Act FY19 Project Submissions**

At 7:57 p.m., Chairwoman Cline opened the discussion to review and vote on proposed projects for the FY19 Community Preservation Act (CPA) allocation.

**PROJECT SUBMISSION FORM – Playground Modernization for Sudbury Public Schools (\$1,070,482)**

Chairwoman Cline opened the discussion regarding Facilities Director Jim Kelly's funding request for \$1,070,482 for playground modernization for Sudbury Public Schools.

Mr. Kelly presented the project and indicated this is a second attempt to receive funding from the CPC, since the Committee did not approve their project in the fall. He noted that the volunteer organization he is working with secured other funding sources.

Chairwoman Cline stated the proponents are seeking a portion of the full amount of the cost. Ms. Remington asked which school the proponent was focusing on. Mr. Kelly indicated the Noyes School. He stated work has already begun the Haynes School with the allocation of \$415,000 of Free Cash from the 2018 Special Fall Town Meeting. He plans to focus on the Noyes School this year, and he envisions targeting one playground per year.

Mr. Beagan asked if the CPC does one playground per year, where does that leave the Town in terms of ADA compliance/access? Mr. Kelly noted that because Sudbury is taking action with the Haynes School and hopes to start with the Noyes School over the course of this year, the State will recognize the Town is working towards compliance. Mr. Kelly added the State realizes that there are financial constraints within each community.

Ms. Remington asked what is the total amount of the CPC's budget for FY 2019. Chairwoman Cline indicated the CPC has \$864,165 in total. Mr. Friedlander stated the project strikes him as a school capital project issue. He asked if the Park and Recreation Commission had interest. Mr. Beagan said that Park and Recreation supported the plan to make any park safe and accessible. Mr. Friedlander said that he thought Broadacres Farm is more of a priority and felt funding for the playgrounds should go through the school's capital funding process. His inclination is not to support it. Ms. Warren agreed.

Mr. Poch asked if it is a capital project and has a life of 10-15 years, what if the CPC bonds it? Chairwoman Cline noted that the Committee typically saves its bonding capacity for larger projects. Mr. Poch suggested we should "stack the queue," and if the project is within the four corners of the CPA, why should the CPC not provide an available alternative to fund it?

Chairwoman Cline proposed the CPC fund a portion of the project. As she understood, the proponents state they do not see CPC funding all of it due to other available funding sources and the lengthy

timeline. She proposed that they fund up to \$250,000. Ms. Brown asked how much of that funds compliance? Jean Nam, Chairwoman and Founder of Play Sudbury, stated that surfacing the parameter of the play structures and the entire playground which contributes to compliance, which tallied approximately \$100,000 over what the CPC is suggesting to allocate.

Mr. Friedlander said CPC experienced a similar situation with the allocation of the Loring Parsonage. However, the proponents of the Loring Parsonage project already came with a list of other financial supporters. What he has not seen is real money coming in to support the playground project. Chairwoman Cline listed off the funding sources the Playground Modernization project proponents expected to secure and suggested the CPC can give money to leverage these other funding sources.

Mr. Beagan said we already pushed them off in the fall and used Free Cash from the October 2017 Fall Town Meeting. He added the CPC should try to keep the project moving. He asked Mr. Kelly when the project is set to kick off. Mr. Kelly said the Town will start Haynes in the summer, and then do a design, planning, bidding, and awarding starting next summer for the Noyes School project.

Ms. Nam stated she received positive feedback from the Sudbury Foundation and The Cummings Foundation and has also kicked off online fundraising. Mr. Kelly said it reminds him of the fund raising the Loring Parsonage did and after receiving their CPC allocation; it really started the ball rolling for their other fundraising projects. Ms. Warren noted the Loring Parsonage CPC funding could not be released until the proponents received all other funds. Mr. Beagan reiterated the CPC needs to think of universal access. Chairwoman Cline noted they need money to get started and the proponents will raise the rest of their funds.

Mr. Friedlander asked what prevents the Town from doing what they did at October Town Meeting with Free Cash again. He said he has to think longer term when this is a multi year project and should be important to the Selectmen and Finance Committee.

Mr. Beagan agrees the project should be maintained by the Town but adds it does fall within the four corners of the CPC mission.

Mr. Smigler looked at the criteria for the CPA and noted this project fits within the four corners. He opined however, that capital planning should evaluate and prioritize this project because it is the law. Yet if capital planning will not fund, then maybe it should come out of CPC funds. Ms. Brown stated her concern is the availability of the playground to the public when schools not in session. To that end she asked how much are the school playgrounds really an asset to the entire community? Chairwoman Cline noted that it is a community asset and a compliance issue. Mr. Smigler asked for numbers during the summer. Ms. Nam said it depends on the day, but the playgrounds are well used—as much as a walking trail for example.

Mr. Beagan asked what other funding sources the proponent is seeking. Mr. Kelly indicated grants, etc. Ms. Nam noted they will ask for Free Cash as well at May Town Meeting, adding this allocation will be the seed to boost fundraising efforts.

On motion duly made and seconded, it was:

VOTED: To approve the Playground Modernization for Sudbury Public Schools funding in the amount of \$250,000.

**PROJECT SUBMISSION FORM – Hop Brook Protection Association Pond Harvesting (\$45,000)**

Chairwoman Cline opened the discussion regarding the Hop Brook Protection Association’s funding request for \$45,000 for pond harvesting.

Chairwoman Cline noted the Committee has always approved this and the application qualifies as rehabilitation and restoration of land for recreational use .

Mr. Smigler asked why the proposed project is not considered maintenance. He further asked why it should be funded under the “Recreation” category. Chairwoman Cline described what falls under the section of “maintenance” in the law. Ms. Remington agreed the project falls under rehabilitation of land for recreational use. Mr. Smigler asked if the area is used for recreation. Mr. Beagan indicated Stearns Pond is and noted if this project is not completed by the summer, people could walk across the weeds. Mr. Friedlander said he is impressed year after year with the volunteers’ support and diligent use of their resources, and opined that he feels as though this falls under the “Historic” category as well. Mr. Smigler asked if there is maintenance of the same area each year. Mr. Beagan said they have to do it year after year because if this is not done, the ponds would have to be dredged which would have a huge environmental impact.

On motion duly made and seconded, it was:

VOTED: To approve the Hop Brook Protection Association Pond Harvesting funding in the amount of \$45,000.

**PROJECT SUBMISSION FORM – Wayside Inn Removal of Invasive Plant Species (\$12,500)**

Chairwoman Cline opened the discussion regarding the Wayside Inn’s funding request for \$12,500 for removal of invasive plant species.

Mr. Friedlander stated he had conversations with the Wayside Inn’s Mark Kablack and said they will be coming before the Conservation Commission for support of this project. He added Conservation Coordinator Debbie Dineen and he are in support but not speaking for the Conservation Commission. Mr. Friedlander feels this falls under the “Historic” category as well and can be funded from the 10% in that area if possible.

Ms. Remington asked if there will be clearing away from historic stone walls? Mr. Friedlander indicated yes and noted the site is designated a historic landmark. Ms. Remington further asked how the Wayside Inn intends to keep the invasives from reoccurring. Mr. Friedlander indicated they are replanting and maintaining the canopy along the Hop Brook. Ms. Warren said Mr. Kablack indicated they were going to take steps to mitigate the invasive plant species. Mr. Friedlander added the Wayside Inn is putting money towards the projects and also seeking CPC funds. Mr. Smigler and Mr. Poch both opined that this project did not fall under the category of “open space,” but rather “Historic.” Mr. Poch

stated technically a project that falls within the "Open Space" category, it must have a restriction on it, and this project does not.

On motion duly made and seconded, it was:

VOTED: To approve the Wayside Inn Removal of Invasive Plant Species funding in the amount of \$12,500 in the Historic Preservation category.

**PROJECT SUBMISSION FORM – Acquisition of Broadacres Farm (Amount TBD)**

Chairwoman Cline opened the discussion regarding the acquisition of Broadacres Farm.

Chairwoman Cline asked if there was any news regarding the negotiations for this property and asked Environmental Planner Beth Suedmeyer to report. Ms. Suedmeyer indicated she had no further news since the last time she came before the Committee. She suggested having the CPC reconvene when a valuation for the property becomes available. The appraisal has yet to be done and the Board of Selectmen has not approved the purchase. She asked, since there is no price to date, would the CPC want to include a Warrant Article but without the cost stated at this time?

Ms. Suedmeyer added when she finds out the valuation, the CPC could come to town meeting floor with an exact number. Ms. Cline requested Ms. Suedmeyer confer with Town Counsel about how the article should be worded. She added the CPC could consider what was done with Johnson Farm where there was a combination of debt exclusion, private funds, and CPC funds. .

Ms. Suedmeyer suggested the CPC meet at the end of March or the beginning of April to talk about funding in time to make it on the Warrant Articles that will go to print. Ms. Remington asked for clarification on what portion of the property is under consideration at this time. Ms. Suedmeyer said it would be for acquisition of the property to the south of Morse Road.

Chairwoman Cline suggested the CPC could put in a place holder now and then amend later. She added the Board of Selectmen would need a similar article for a debt exclusion.

Mr. Beagan asked what changed; referring to the initial discussion of the acquisition of the entire property. Ms. Suedmeyer clarified that she is negotiating in advance the right of first refusal under Chapter 61A for that parcel so they do not expend money before sale for this section. The other sections of the property would also fall under chapter 61A and the Town could still have the right of first refusal. Ms. Beagan asked about the timeline for the Right of First Refusal. Ms. Suedmeyer stated the Right of First Refusal remains in place for a year and if they chose to not sell while enrolled in 61A, then they would have to pay the back taxes. Mr. Smigler asked if the Chapter 61A status can expire. Ms. Suedmeyer stated the property owners re-enroll every year with the Assessor's Office.

Mr. Smigler asked if the appraisal will come later and if it will be on both parcels. Ms. Suedmeyer noted the appraisal will just be on the parcel to the south, but the owner is willing to provide older appraisals in order to update rather than conduct a full appraisal. He added if the purchase is for the south property, it should include an option to purchase the north property with a predetermined sum. Mr.

Friedlander said the Conservation Commission did support the acquisition of the south side parcel. Ms. Warren said that this portion is still a plus for the town.

Abutter Charles Russo commented on the importance of this project for the community.

On motion duly made and seconded, it was unanimous:

VOTED: To approve the acquisition of Broadacres Farm with funding in the amount TBD.

**PROJECT SUBMISSION FORM – RHSO Membership Fee (\$30,000)**

Chairwoman Cline opened the discussion regarding the RHSO Membership Fee Allocation in the amount of \$30,000 as proposed by the Town Manager.

Mr. Smigler asked why the CPC was allocating funds over the 10% housing category minimum to fund the RHSO. Chairwoman Cline stated the CPC would like to use the 10% allocation to actually house people. Ms. Brown said there is a conscious effort to keep up the Sudbury Housing Inventory (SHI), which uses the monitoring service provided by the RHSO.

Chairwoman Cline indicated the CPC's policy is to house people that need subsidized housing. She added the Sudbury Housing Trust provides homeowner opportunities as opposed to the Housing Authority, which owns property that is rented to eligible individuals and families. Mr. Smigler said the cash reserves for the Housing Trust is \$700,000 cash on hand. Why can't that cash satisfy the current need? Chairwoman Cline indicated there are no other funding sources for the RHSO.

On motion duly made and seconded, it was unanimous:

VOTED: To approve the RHSO Membership Fee funding in the amount of \$30,000.

**PROJECT SUBMISSION FORM – Housing Allocation to the Sudbury Housing Trust (\$212,500)**

On motion duly made and seconded, it was unanimous:

VOTED: To approve the Housing Allocation to the Sudbury Housing Trust in the amount of \$212,500.

**REVIEW FINANCIALS**

Chairwoman Cline reviewed the spreadsheets provided by the Director of Finance. Ms. Brown asked if the State match had been provided. The Chairwoman noted it was given.

Ms. Brown asked what we have for bonding capacity. Chairwoman Cline clarified the bonding capacity for the next 20 years based on the spreadsheet provided by the Director of Finance.

Mr. Poch asked whether the cash reserves could be used as leverage for bonding. Mr. Poch asked Ms. Donoghue to have the Director of Finance to provide a better amortization schedule for each "bucket."

**REVIEW REVERSION DRAFT ARTICLES**

Chairwoman Cline opened the discussion regarding the review of the Draft Reversion Article.

Ms. Warren asked for clarity on the Historic Projects in two of the proposed reversions. Chairwoman Cline reviewed the projects in both articles and stated that they were completed.

Chairwoman Cline indicated there are two appropriations she is waiting to hear back on. Mr. Smigler wanted clarification of some of the appropriations listed on the spreadsheet provided by the Director of Finance. He asked about the 2013 Town Meeting Article 33 for the Revolutionary War Cemetery. Chairwoman Cline advised that the project is ongoing.

Mr. Friedlander asked about a reversion of the appropriation for CSX. Chairwoman Cline indicated that what is listed on the proposed Article was not controversial but that there was debate as to whether the CSX appropriation should be reverted. Mr. Friedlander asked if we can talk about it today. He opined that some of the information around the legality of what the CPC can do with the funds caused him to believe it was appropriate to revert it and then reconsider the appropriation at a later date if the legal issues were resolved. Mr. Beagan asked how many years the appropriation had been outstanding. The appropriation was made in 2010. He questioned whether it should be included in this article or put it in as a separate article. He also asked whether there were time limits on appropriations. Chairwoman Cline said in the early days, the CPC did put in sunset clauses for projects, but decided a few years later to no longer impose them.

Chairwoman Cline said we shouldn't revert it but that the Town would not spend it and risk litigation. Ms. Warren asked how long will it be in limbo? Chairwoman Cline said that Ms. Suedmeyer is working with the Governor's Office to facilitate investigations to possible changes for the Department of Revenue ruling, and so the CPC should not take steps to revert the money now. Ms. Brown said the assessed value of the parcel is \$700,000 and this amount will not cover the cost of purchasing the property. She said it is not clear to her where this project is going. Chairwoman Cline noted the law could change. Ms. Remington asked if there was any talk to change the applicable regulations. Ms. Suedmeyer said the only update is that when she spoke to the Governor's Office, they indicated they are speaking to the DOR and they will have to wait for a response.. The other factor is that the CSX will not sell Framingham's portion of the rail bed without selling Sudbury's portion first. So it may be best to look at phasing. Ms. Suedmeyer suggested the CPC may have an update when we meet to talk about Broadacres Farm in the spring.

Ms. Brown suggested the CPC should put it on the warrant as a separate article.

On motion duly made and seconded, it was unanimous:

VOTED: To approve the reversion of funds as presented.

On motion duly made and seconded, it was:

VOTED: To approve a separate Town Meeting Warrant Article that reverts \$420,000 from CSX.

Chairwoman Cline noted that Ms. Donoghue's job is to have warrant articles reviewed by Town Counsel and then have a draft of the Warrant Articles ready for review before the next meeting.

**Review Administrative Request for funding the 2018 OSRP**

Has been withdrawn.

**Review & Approve 2017 Annual Town Report**

Chairwoman Cline asked to table this until the next meeting to input the amended sections.

**Administrative Report**

**None**

**Minutes to Approve – December 20, 2017**

Tabled to next meeting

Meeting adjourned: at 9:42pm