

CPC Meeting Minutes 5/2/18

Present: Chairwoman Sherrill Cline, Lynne Remington, Pat Brown, Scott Smigler, Bobby Beagen, Nancy Kilcoyne, and Eric Poch

Staff: Director of Planning and Community Development, Meagen Donoghue

Absent: Tom Friedlander and Diana Warren

Also present: Len Simon, Board of Selectmen

At 7:35 p.m., Chairwoman Cline called the meeting to order.

Update on CSX:

Chairwoman Cline read an email from Beth Suedmeyer regarding the status of the issue regarding the use of CPA funds for the purchase of the CSX rail line as follows:

- DOR concurred with the previous opinion regarding concerns with the use of CPA funds for an acquisition where a reversionary rail use clause would apply.
- Legislative representatives are taking action to try to make a legislative change either to the CPA statute or issue an exception for the project. (This was discussed at the BOS meeting last night, but details are limited.)
- Framingham seems interested in advancing their negotiations with CSX as well.
- We likely won't hear news on the results of the Recreational Trails Grant application to acquire the first ¼ mile of the CSX corridor in Sudbury until September.

Chairwoman Cline then welcomed Len Simon, Selectman, to discuss the status of use of CPA funds for the CSX rail line. Mr. Simon gave an overview of the progress of the Bruce Freeman Rail Trail in the towns north of Sudbury and that Sudbury is proceeding with the design phase of the rail trail. He noted that Sudbury had submitted an application for a grant to the DCR Recreational Trails Program for \$100,000 to buy the quarter mile section from Sudbury Station to Route 20. If granted, Sudbury would provide in kind contribution in the form of work by our DPW on the trail. However, we would not know whether Sudbury will receive the grant until September. The application is supported by the Town Manager, and Senators Eldridge and Barrett and Representative Gentile. He had also received a letter from CSX, copies of which he distributed to the Committee, which stated a willingness to sell the property in four parts, while maintaining the reversionary clause. The sales price has not been determined, but is estimated to be \$700,000. Mr. Simon pointed out that Sudbury has supported the BFRT in 7 votes at Town Meeting. He has also spoken with the Mayor of Framingham who is interested in purchasing the Framingham portion of the line. Therefore, for the first time in a while, there is an interested seller and two interested buyers for the property.

Mr. Simon noted that the DOR opinion is still an impediment to using the CPA funds. However, to overcome that, he has approached Senators Eldridge and Barrett and Representative Gentile for a legislative solution. Secretary Jay Ash has been approached to take legislative action to allow Sudbury to use CPA funds to purchase the land regardless of the reversionary clause.

Representative Gentile intends to file two separate pieces of legislation that would permit Sudbury and Framingham to purchase this property with CPA funds. Therefore, Mr. Simon recommended that the funds not be reverted, pointing out that the purchase of the rail line was approved by unanimous vote of Town Meeting in 2008.

Chairwoman Cline said the question before the Committee is whether the CPC would vote to Indefinitely Postpone the article to revert the CSX funds until October or May as Representative Gentile said he should hear soon as to whether the legislative solution would work. Chairwoman Cline moved for indefinite postponement of the article which was seconded by Ms. Remington.

Mr. Smigler stated that he would like to see the CSX project proceed as he believed the rail trail was a value to the community. However, as a matter of policy, he thought the CPC should only recommend appropriations that are within the DOR guidelines. It was pointed out that in 2008, when the initial appropriation was made, it was within the DOR guidelines. The use of CPA funds was challenged by a citizen in 2009 and DOR issued an opinion that the use of CPA funds was not allowable. There was some discussion as to whether Town Meeting was aware of this when the funds were revoked in 2010. There is an opinion by Town Counsel in the 2010 Town Report which references the 2009 DOR opinion.

Chairwoman Cline said the CPC should allow the legislative process to work as the Town supports the rail trail and there is no harm in holding the funds. No other appropriation has been affected by the funds being held and the Town has been waiting for 10 years for a resolution.

Mr. Smigler questioned why the State doesn't buy the property since it is a priority to the State and the affected towns. Mr. Simon said he is working with the Mayor of Framingham towards that end.

Chairwoman Cline reiterated that we should know relatively soon whether the legislative solution would work. Mr. Smigler asked what assurance we had of that. Mr. Simon said we had the word of our representatives at the Statehouse.

Mr. Poch pointed out that the appropriation was within the guidelines when made and that neither the project nor the desire to complete it had gone away.

Ms. Brown sought confirmation that reconsidering this at the fall Town Meeting would fit within the CPC's new policy re: appropriations in the fall. Ms. Cline opined that it would as it did not involve the appropriation of new funds.

On motion duly made and seconded, it was:

VOTED: To Indefinitely Postpone Article 40 for the reversion of the funds previously appropriated to purchase the CSX property.

Mr. Smigler, Mr. Beagan, and Ms. Brown opposed.

Update on Broadacres Farm:

Chairwoman Cline read an email from Beth Suedmeyer regarding the status of the purchase of Broadacres Farm as follows:

- Coordination with the owner's representatives is progressing and ongoing.
- Soil testing is completed, and we await the report from the contractor.
- An appraiser has been engaged, and we should be able to enter into an agreement/contract well before the end of the FY.

On motion duly made and seconded, it was:

VOTED: To Indefinitely Postpone Article 37 for the purchase of a property interest in Broadacres Farm.

Review Article 35, Grist Mill Pond, Carding Mill Pond, and Stearns Mill Pond invasive Weed Removal:

Chairwoman Cline pointed out that this article had been allowed in the past as an Open Space appropriation. This year it was submitted under Recreation. Ms. Cline has spoken with the applicant who stated she had made an error. Ms. Cline also submitted two opinions from the DOR stating that elimination of invasive weeds was an allowable expense under the Open Space category. Town Counsel had opined that the article could be amended as long as the amendment was within the four corners of the article.

On motion duly made and seconded, it was:

VOTED: To amend Article 35 to change the category of expense from Recreation to Open Space.

Discuss Town Meeting:

There were no others topic of discussion regarding the upcoming town meeting.

Administrative Report:

Ms. Suedmeyer, Town Environmental Planner, had submitted a request for CPC Administrative Funds to pay for a summer intern to assist in the preparation of the Open Space and Recreation Plan. An updated Plan is a necessary prerequisite for the Town to apply for various State grants. The application was for \$3200 from FY 18 Administrative Funds and \$4300 from FY19 Administrative Funds.

Ms. Remington pointed out what a huge job it is to prepare and OSRP and hoped Ms. Suedmeyer would also enlist the aid of volunteers. Ms. Donoghue noted that Ms. Suedmeyer has experience with preparing and OSRP and is aware of the magnitude of the project.

On motion duly made and seconded, it was:

VOTED: To approve the application for \$3200 in FY18 Administrative Funds and \$4300 in FY19 Administrative Funds to hire a summer intern to work on the OSRP.

Minutes of March 27, 2018:

Mr. Smigler asked that the minutes be amended to reflect that his opposition to the Broadacres Farms Article and Report was only to the amendments made to the Report and not the Article itself.

On motion duly made and seconded, it was:

VOTED: To accept the minutes of March 27, 2018 as amended.

Mr. Beagen abstained.

Meeting Schedule:

Absent unforeseen events, the next meeting will be in September.

Ms. Cline thanked Mr. Beagen for his services on the Committee. Maura Huston will be the new representative from Park and Recreation.

Adjourned at 8:35 pm