

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

For more information, contact Molly Upton at (508) 651-7610, or mollyupton@yahoo.com.

ARTICLE 16: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING

Proposed by: Community Preservation Committee

Estimated Cost: \$315,000

To determine whether the Town will vote to set aside for later spending annual revenues in the Community Preservation Fund for open space, but not including land for recreational use, for historic resources, and for community housing; and determine the amounts of such revenues to be set aside for later spending for said purposes.

FINANCE COMMITTEE COMMENTS: The Community Preservation Fund, authorized by Town vote in 2001, is funded by a 1.5 percent addition to the real estate tax. The Fund is administered by the Community Preservation Committee, which identifies and evaluates projects as appropriate and brings them to the Town's notice. No funds can be spent without Town meeting approval.

Each year, as required by state law, we vote to set aside funds in each of the following categories: open space (not including for recreational purposes), historic resources, and community housing.

ARGUMENTS IN FAVOR: The set aside of \$105,000 for each of the three categories listed above is required by state law. Future town meeting action is required to expend these funds for a specific project.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 4-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 6.

For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net.

ARTICLE 17: AUTHORIZE THE FUNDING FOR THE REMAINING WORK NECESSARY TO MAKE THE PASSIVE AND ACTIVE RECREATION LAND AT THE FORMER NIKE SITE ON OXBOW ROAD AVAILABLE FOR PUBLIC USE

*Proposed by: Community Preservation Committee, Board of Selectmen,
Nike Site Reuse Advisory Committee*

Estimated Cost: \$250,000

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Selectmen to fund the (i) closure of the missile silos located on and under the passive and active recreation land at the former Nike site on Oxbow Road ("Park Land"), including the filling of the silos in accordance with the Beneficial Use Permit issued by the Massachusetts Department of Environmental Protection; (ii) removal of all other above ground structures; (iii) removal of the fence surrounding the Park Land; (iv) design and construct a wheelchair accessible trail and parking area; and (v) any other work required to make the Park Land available for use by the public in accordance with the Town's application filed with the National Park Service in connection with the acquisition of

the Park Land in May 2005; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise, provided that the amount of such appropriation provided by transfer from the Community Preservation Fund shall not exceed \$250,000.

FINANCE COMMITTEE COMMENTS: At Special Town Meeting in May, 2004 ("2004 STM"), approval was given for the acquisition of approximately 13.46 acres of land owned by the United States of America located on Oxbow Road, Wayland, MA (the "Site").

Approximately 10.71 acres of the Site were acquired from the National Park Service at no cost in May, 2005 for use as a passive and active recreation area ("Park Land"). The remaining 2.75 acres, which was acquired from the General Services Administration in March 2005, will be the future site of sixteen affordable housing units being developed by Oxbow Partners.

The Site acquisition and initial clean up was funded with Community Preservation Act funds ("CPA Funds"), which funding was approved by the Community Preservation Committee ("CPC") prior to the 2004 STM approval to expend such funds. Subsequent financial requirements have been satisfied, in part, with additional CPA funds and state grants.

Below is a summary of the sources and uses of funds allocated to the Site to date (exclusive of the \$1.74 million of state grants awarded to Oxbow Partners in December 2007):

Sources of Funds:

Special Town Meeting, November, 2003 (CPA Funds)	\$ 35,000
Special Town Meeting, May, 2004 (CPA Funds)	600,000
Special Town Meeting, May, 2006 (CPA Funds)	40,000
Special Town Meeting, November, 2007 (CPA Funds)*	560,000
DHCD Priority Development Fund Grants	<u>34,775</u>
TOTAL SOURCES	<u>\$1,269,775</u>

Uses of Funds:

Site Acquisition Due Diligence	\$ 35,000
Site Acquisition for Housing	395,000
Site Demolition and Asbestos Removal	161,000
Professional Services	62,000
State Permits	1,500
Gap Funding for Affordable Housing Development*	600,000
Balance of Unexpended Funds	<u>15,275</u>
TOTAL USES	<u>\$1,269,775</u>

* None of these funds have been expended to date -- expected to be used in June 2008.

In June 2004, the Town submitted an application to the National Park Service in connection with its proposed acquisition of the Park Land ("NPS Application"). In its application, the Town committed to (i) demolish all of the existing structures, (ii) remove the roadway area, (iii) complete any remaining environmental cleanup, and (iv) infill the two existing missile silos and bunkers (all within three years from the conveyance of the Park Land to the Town). To date, items (i) - (iii) have been completed (with the exception of removing the fence surrounding the Site) as has the permitting for item (iv) -- all at an approximate cost of \$100,000 which is included in the financial table above.

The NPS Application also commits the Town to (i) design and construct a wheelchair accessible trail and provide parking for those using the Park Land (both within five years from the conveyance of the Park Land to the Town) and (ii) erect and maintain a permanent sign near the entrance to the Park Land noting that the National Park Service donated the land to the Town.

Below is a summary of the estimated cost to complete the various items noted above:

Infill bunkers and remove of metal, structures and concrete pads	\$ 100,000
Landscaping	51,000
Remove fencing	30,000
Build accessible trail	25,000
Build parking area	5,000
Erect permanent sign	3,000
Contingency	<u>36,000</u>
Total Estimated Cost	<u>\$ 250,000</u>

The estimated cost for infilling the missile silos and bunkers (following the removal of all mechanical equipment and metals within the silos, including hydraulic lifts, steel doors, motors and other miscellaneous metals), as well as removal of all above ground structures and the concrete pads located at ground level above the missile silos and bunkers, assumes that the Town will provide the infill material, e.g., the Highway Department has offered to provide crushed material from its road reclamation projects.

On February 26, 2008, the Town issued a Request for Bids in connection with the work described in the preceding paragraph. Respondents have been asked to provide the Town with a base bid for such work along with alternate pricing in the event the Town were to ask the contractor to (i) provide the infill material, (ii) transport the Town's material to the site, and/or (iii) provide the loaming and seeding necessary to cover the approximately 86,000 square foot area previously covered by bituminous material and the concrete pads. Responses are expected to be received prior to Annual Town Meeting.

In the event the Town requests the contractor to provide the infill material or transport the Town's material to the site, the additional cost will be paid for out of the \$36,000 contingency noted above.

The cost for removing the fence, which is based on a prior estimate received from the contractor that removed the existing structures on the Site, does not contemplate removing the concrete footings given the potential negative impact on the existing trees and other vegetation.

The Town has applied for a state grant to cover the cost for planning, designing and constructing the wheelchair accessible trail and parking area. It has also identified a possible source of funds for the construction of the permanent sign.

In the event funds remain after completing the scope of work outlined above, some or all of such funds may be used to plant trees and shrubs in and around the location of the missile silos and bunkers and at various locations along the wheelchair accessible trail. Any excess funds not used for such purpose will be returned to the CPA Fund.

On November 28, 2007, the CPC voted unanimously (5-0) to approve the expenditure of up to \$250,000 to fund the costs noted above. If approved at Town Meeting, these funds will only be spent to the extent other funding sources are not available to complete the work within the timeframes set forth in the NPS Application.

ARGUMENTS IN FAVOR: The Town acquired 10.71 acres of land at no cost in return for its commitment to prepare the Site for its intended use as a passive and active recreation area. If the Town is unable to complete the work noted above, there is a risk that the National Park Service could take the property back.

Assuming the requested funds are approved and spent in their entirety, the Town's total investment in the Park Land will amount to approximately \$350,000, or \$32,680 per acre. This is relatively inexpensive compared to the \$143,600 per acre paid for the housing portion of the Site and well below what a residential or 40B developer would have paid to acquire the Site.

It is important to complete this work prior to the completion of the 16 affordable housing units on the 2.75 acre site abutting the Park Land. Timely completion of this work will ensure a safe site and aide in the marketing of the housing units.

The Town is permitted to spend a portion of the CPA Fund not otherwise set aside for open space, affordable housing and historic preservation on the development and preservation of recreational facilities. Furthermore, these funds already have been collected and the state matching funds received. There would be no increase in the tax rate or burden on the Town's operating budget if this request for CPA funds is approved.

ARGUMENTS OPPOSED: In May 2004, the supporters of acquiring the Site told Town Meeting that no additional Town funds would be needed beyond the \$600,000 to be used to acquire the housing land (\$400,000) and clean up the entire site (\$200,000). If it was clear at that meeting that more funds might be needed, perhaps the vote supporting the acquisition of the Site would have been different.

In November 2007, attendees at Special Town Meeting were told that it could cost up to an additional \$100,000 to \$150,000 to fill the missile silos and to pay for removal of the fence. The requested funds have now increased to up to \$250,000 due to a commitment by the Board of Selectmen and the NSRAC to finish the project – not just fill the missile bunkers and silos and remove the fence but to complete all of the tasks in the Nike Site Park Plan (available on the Town's website). There may continue to be unknowns about this project's finances, including whether or not the grant referred to above will be approved, the proposed scope of work and the impact of further increases in costs to complete the proposed scope of work. Adverse impacts from any one or more of these could lead to further requests for Town financial support.

To date, the Town has approved the use of \$1.24 million of CPA funds for the entire Nike reuse project (approximately \$1.14 million for the community housing and approximately \$100,000 for the cleanup of the Park Land). This may seem to some as too large a percentage of the Town's CPA fund to be dedicated to a single project.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 4-0-1.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.