

Office of Town Manager

Town of Burrillville, Rhode Island

Memorandum

To: Town Council

cc: Louise R. Phaneuf, Town Clerk
Timothy F. Kane, Esq., Town Solicitor
Tom Kravitz, Town Planner
Jeff McCormick, Director of Public Works
John P. Mainville, Finance Director

From: Michael C. Wood, Town Manager

Mike

Date: March 29, 2011

Re: Rail Trail Project

Property acquisition – The Town purchased 52 acres in 2008 incorporating the 6,261 foot railroad right of way (ROW) and additional land, including Duck Pond. The cost of acquisition was \$200,000. The Town acquired the property for two (2) basic reasons:

1. To provide for a passive recreation activity using an area of land that did not have ownership problems or legal restrictions and that connects two (2) important village centers of our community.
2. To stop the land we ultimately purchased from housing development. A conceptual plan showing forty (40) multi-family housing units within 13 buildings was submitted to Planning. That plan is attached for review.

This Rail to Trail project concept has been on the Planning agenda for many years. The Town's recreation component of the Comprehensive Plan, first adopted in 1965, is a required component of the Town's Comprehensive Plan. The acquisition and reuse of the railroad right of ways were contemplated that far back.

The Town Council's goals and objectives going back at least thirteen years has this type of trail project listed as a priority for recreation.

The Town Council's goals and objectives are the generic basis to develop and prioritize the annual Capital Improvement Program. As the Council is aware, the new goals were not adopted in time to use them in this year's CIP process. Nevertheless, a number of projects, including the

acquisition and/or use of the railroad right of ways, were carried forward into the new goals document.

Before I get into the details of the project, I want to restate to the Council that if you have questions, concerns, etc. about a project or program, especially if it is coming before the Council for action, it is important that you ask the administration for an update or an assessment. The Rail Trail project is a good example. No one from the Council raised a concern about the project to this office until the Public Hearing on March 23rd.

The administration is following the direction that the Town Council set forth a number of years ago. Until that direction is formally changed, we move forward as required. The construction season is approaching, so we have been stepping up relevant administrative activities. As with any project of this size and scope, there are many facets and complexities to it. If any member of the Council had advised me that this project was a concern, then I/we could have been more proactive in addressing those concerns before the CIP Public Hearing and/or I might have modified the administration's priorities.

Permitting –Most construction projects in Rhode Island require DEM permitting. The Town purchased the property for \$200,000 partially reimbursed by a State DEM grant. We have designed a combination walking trail and bike path and the DEM permitting incorporates these conditions. A \$90,000 DEM grant was secured to pay for most of the professional services. The Town must match this with \$10,000 (\$100,000 total).

When we did the DEM required site investigation, arsenic was detected. It is imbedded into the old rail bed in various areas and is either naturally occurring or a result of railroad use many years ago. Regardless, it is there and probably will have to be remediated. We have a bid package ready to go (but on hold) to do this remediation. It is the first, but a necessary phase, of the project. The bids will determine the actual cost, but the engineer's estimate is \$70,000. Additional site work will be required where the remediation takes place to meet DEM permit requirements.

Depending on the bid results, we believe another \$100,000 DEM/DOT construction grant we secured will cover these expenses. Public Works force account work (in-kind services) will qualify toward the 25% matching grant. Add \$10,000 from the Parks and Recreation capital account (the matching amount needed for the DEM professional services grant) for on-site remediation services and we most likely can do a limited project that will remediate the site, grade and shape the path to make it passable (see attachments).

The potential downside of doing this limited scope project is that none of the buffering/shielding/screening that the Planning Board negotiated with the project abutters is funded. That may not be a problem as the walking trail will not be as passable for cycling if left unpaved. The ATV's and off-road motorcycles that use the trail now (illegal or not) should not be affected.

It is not easy to predict what DEM will do, especially their enforcement division, but there is a chance that if we do nothing, we will eventually be cited by DEM to remediate the site. We don't know what will happen but you need to be properly informed as you make your decision.

The DEM/DOT construction grant agreement expires in December of 2012. If work specified by the terms of the grant is not completed by that date, the grant expires. If work is done that does not comply with the terms of the grant or DEM permit, we could be asked to either perform additional work to be in compliance or asked to return some or all of the \$100,000.

The DEM permit for the project expires June 8, 2014, subject to "tolling" legislation.

Maintenance costs – With no lighting, benches or DPW snow removal activity, maintenance costs associated with a paved surface is infrequent and requires crack sealing or paving every 15 years, perhaps longer. However, if we do a limited scope project, the path may have to be graded every other year. We would probably do it once per year as part of our annual road grading program. This would be in-kind services with minimal out of pocket expenses for new gravel, most of which could be found on site and simply moved around on site.

Process - Enclosed, you will find a summary document listing the public and in-house processes that were followed to bring this project to this point. It is thorough and encompasses many different levels of public participation (including direct involvement by all the relevant Town boards and staff.) Mr. Kravitz did his job as set forth by the Town Council and this administration and should be recognized for a completely professional, transparent and public process.

Safety – Most of the State's large walking/bike trails are multi-jurisdictional. Ours is not and is limited to villages within our community and not accessible by outside users that may travel the path from one community to another.

Thus far, we have received input on crime for the Coventry, East Bay and Blackstone Valley bike paths. That input is attached. If we get additional information we will hand it out at the meeting.

Town funds – The Town advanced \$200,000 to purchase the property and we are waiting for State reimbursement of \$100,000. It's possible we could get more but \$100,000 is known.

We advanced \$100,000 toward professional services. We are still incurring those expenses. When we are complete, we will be reimbursed up to 90% of the actual expenses. To date we have expended \$67,000, with an outstanding obligation for the remediation bid package and DEM Remedial Action Work Plan (RAWP). \$10,000 of Town funds is to be expended as this grant requires a 10% local match.

Project Scope and Cost – The full project cost estimate from our engineer (Horsley and Witten) is \$652,000. That estimate is based on having this project placed out to bid using a private contractor.

As noted before, we have secured a DEM/DOT construction grant of \$100,000 that requires an additional 25% local match (\$125,000 total).

Original Project Modification – In order to address the Horsley and Witten cost estimate, we reviewed the project components internally and came up with an alternate plan using our very

capable public works department and only contracting out those areas that we cannot do or those that may be specialized.

The original plan as modified lowered the Town's out-of-pocket costs from \$652,000 to \$214,000. This is the plan that was set forth in the Manager's CIP recommendation.

I want to restate that as presented, the use of Ocean State Power PILOT money will have no impact on local taxes. This project is recommended for funding from PILOT money.

Summary – I have compiled three (3) scenarios for your consideration:

1. Fund the full construction project as part of this year's Capital Program that includes \$190,000 from PILOT funds and \$24,000 from the Recreation Capital Account. If the Council does not want to use Recreation Capital, then the Major Capital allocation as recommended (\$42,529) can be reduced by \$24,000 to compensate.
2. A limited scope project using just the \$100,000 construction grant and a minimum of \$25,000 in-kind services. This project will get the site cleaned up including additional grading, drainage and stabilization projects. This is subject to the results of the remediation bids which could mean project variations resulting from the impact of the bid amounts. Put \$190,000 into the major capital account and use nothing from the Recreation Capital account.

If we choose this option, the risk we run is to lose the \$100,000 grant or to be required to do additional work. This risk could be limited to approximately \$110,000 in future dollars as we would not be required to construct the abutters buffering/ shielding projects which are estimated to cost \$84,000.

3. Put the project temporarily on hold. The administration will work with DEM and DOT to see if we can modify the project so we can maintain the \$100,000 construction grant and continue to meet the DEM permit requirements. Instead of allocating all of the \$190,000 to Major Capital, I would recommend appropriating up to \$75,000 of the \$190,000 to the project to accommodate DEM changes and to proceed with construction if the project can be done within the appropriations.

The down side of putting the project on hold is that we may miss most of this construction season and we could lose the \$100,000 construction grant thereby potentially having to use our future PILOT or tax revenue to make up for the lost grant because of timing. No abutter buffering or shielding will be constructed