

Contingency Appropriation to Restore the Carlton Street Entrance to Riverway Park

ARTICLE XX

To see if the Town will raise and appropriate a total of \$1,400,000, or any other sum, by tax levy, by transfer from an existing appropriation, by borrowing, or by any combination of these, for the restoration of the Carlton Street entrance to Riverway Park; such restoration to be completed in accordance with the schedule submitted with the Memorandum of Understanding signed by a majority of the Board of Selectmen on July 14, 2009, and any amendments to that schedule approved by the Commonwealth; such restoration to be carried out in accordance with the requirements of the certificates of the Secretary of Environmental Affairs dated April 16, 2002, May 1, 2003, and April 1, 2005, issued for the Muddy River Restoration Project (EOEEA No. 11865), in consultation with the Massachusetts Historical Commission and Massachusetts Architectural Access Board; such funds to be expended under the direction of the Commissioner of Public Works with the approval of the Board of Selectmen; provided that such appropriation shall be reduced by the amount of any third-party funding for such purpose; or act on anything relative thereto.



1996 flooding in Olmsted Park. Water level was 11 feet above normal



Dredging will remove 23,900 cubic yards of sediment, including sand bar in front of Village Brook drain, in Leverett Pond

EXECUTIVE SUMMARY

This Article authorizes the appropriation of \$1.4 million, to be expended if required, for the restoration of the Carlton Street entrance, including its footbridge, to the Riverway Park. This amount reflects the Town Engineer's best estimate of the current cost, plus contingencies and an annual cost escalation.

The restoration of the park entrance is a component of the Muddy River Restoration Project, a project that will remove the threat of flooding from a number of Brookline precincts. The goals of this \$91 million project -- 98.2% of which is funded by the Army Corps of Engineers, the Commonwealth, and Boston -- include flood control, improved water quality, landscape restoration, habitat enhancement, and historic restoration of the Muddy River portion of Olmsted's Emerald Necklace, a landmark on the National Register of Historic Places. It includes the dredging and removal of sediment and contaminated soil from Leverett and Willow Ponds, which is estimated to cost \$8 million and which the Town would be otherwise required to carry out at its own expense.

As one element of the restoration of the park's historic features, the Secretary of Environmental Affairs has required that Brookline renovate and reopen its Carlton Street entrance to Riverway Park - the Footbridge.

The Town has estimated its costs, including those for handicapped access, contingencies and cost escalation, to be \$1.4 million. The Town intends to submit an application to Metropolitan Area Planning Council (MAPC) in November for funding to defray these costs of restoration. The program, which provides

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EXECUTIVE SUMMARY *(Continued)*

funding for pedestrian improvements and gives priority to those that involve renovation of historic facilities and park improvements, could provide up to 90 percent of the costs of the Carlton Street project. This is the same program that funded part of the Beacon Street project.

In a letter from the Secretary of Energy and Environmental Affairs (the Secretary) dated May 15, 2009, to the Chair of the Board of Selectmen, Ian Bowles states:

The Commonwealth has been carrying \$24 million on its capital spending plan for several years – a significant statement of the Commonwealth's financial support of Boston's and Brookline's Project. Such a clear commitment from the Commonwealth deserves a corresponding commitment on the part of the Town. I support and encourage the Town in its efforts to seek third party funding to assist in its restoration of the Carlton Street Footbridge, but I reiterate that the responsibility for achieving full restoration remain with the Town. Without a demonstrated and enforceable commitment on the part of the Town to complete the restoration of this historic structure, the Commonwealth will not be able to release the funds necessary to begin this important Project of flood control, environmental restoration, and historic preservation. Indeed, should the Town be unable or unwilling to live up to the commitments memorialized in previous Certificates, the Commonwealth will be forced to reconsider its continued commitment of these resources for the Muddy River Project.

In July 2009, the Board of Selectmen signed a Memorandum of Understanding (MOU) with Boston and the Commonwealth setting forth the roles of each in the Muddy River Restoration Project. The MOU commits Brookline to complete the restoration of the Carlton Street park entrance by March 31, 2013 which conforms to the schedule that the Town has provided. It goes on to state that, "If the Town does not demonstrate enforceable commitments (to the entrance's restoration) by December 31, 2009, the Commonwealth may terminate this MOU or may limit its participation or funding under the MOU." This Warrant Article implements that requirement by appropriating funding for the park entrance's restoration, funding that would be available in the event that and to the extent that the Town does not obtain outside grants of other funds for the purpose.

In implementing the MOU requirement, the appropriation protects Brookline from the loss of state and federal funds for the Muddy River Restoration Project, including those for the cleanup of Leverett and Willow ponds. Should the Town not comply with the terms of the MOU by appropriating these funds, the river conditions that led to flooding in 1996 and 1998 will remain unaddressed, the fetid condition of the river would remain, and the Town would be obligated to remediation of Leverett and Willow Ponds (previously estimated to cost \$8 million).