

FROM		QUESTION	ANSWER
<b>GENERAL</b>			
1	Trish Malphrus (Curry Ct)	Are selectmen only going to field email questions and will public be able to respond?	The Selectmen will be reading questions and answering questions. No forum will be provided.
2	Trish Malphrus (Curry Ct)	Also will there be both pro and con questions?	Any / all questions that were submitted will be answered by the Board.
3	Trish Malphrus (Curry Ct)	So the questions will be answered only by "yes" supporters? Will the audience be allowed to respond?	During the Resident Comment portion of the meeting.
<b>EMINENT DOMAIN</b>			
4	Tom Palleria (30 Stanwood Rd)	Does the language in the current Warrant legally provide the Board of Selectman with the right to take land outside of but adjacent to the former B&M Rail Corridor?	No. The Warrant Authorizes the Town to acquire "permanent or temporary easements". It is being purported widely that the Town will take property and this is not true or factual--the Town is seeking to take an easement to construct a trail.
5	Tom Palleria (30 Stanwood Rd)	How does a partial taking of land work.....? Do you just have to pay for the land or might you also have to pay for any damage to value caused to abutting properties?	The Town will not be taking land. We are seeking easements to construct a trail.
6	Deborah & Bernard Caniff (69 Lincoln House Ave)	Is there any land "taking" that will have to happen in order to accomplish this?	No, the Town will not be taking land. We are seeking easements to construct a trail.
7	Paul DeBole	Is there a possibility that land will be taken from individual property owners and businesses using Eminent Domain? If so, how can you avoid using eminent domain if a portion of the rail corridor is not owned in fee by National Grid?	No, the Town will not be taking land. We are seeking easements to construct a trail.
8	Ed Krippendorf (11 Mapledale Pl)	How much money will be required for land taking, they do give us an idea about abutters to the trail itself but now they plan to switchback ramps on the road crossings. Those ramps take substantial land.	The Town will not be taking land. We are seeking easements to construct a trail. A portion of funds have been allocated within the \$850K that will support the acquisition of the easements. (This was based on an appraisal of what the market value of the easements are worth.)
9	Jim Kane (147 Aspen Rd)	What are the ranges per parcel in square feet that need to be acquired and why?	The easement for the trail will be 10' wide. No land will be "taken".

10	Erik Schneider (480 Puritan Rd)	Why is it necessary to proceed with a taking by eminent domain? Why couldn't the land be leased from the owners?	The warrant article provides for the easement to be acquired by the Town by "gift, purchase, eminent domain, and/or otherwise...". So the Town could acquire the easement by a long term lease.
11	Sheila Yang (25 Lexington Cir)	If the warrant is passed does it put all "adjacent" property under the legal threat of eminent domain? If so, what does the town plan to do legally to remove the eminent domain threat so it does not hang over the adjacent properties in perpetuity?	This is a legal question. Town Counsel will review and provide a response.
12	Sheila Yang (25 Lexington Cir)	Will my home at 25 Lexington Circle be under the threat of eminent domain?	No, the Town will not be taking land. We are seeking easements to construct a trail. We'll know how it will affect each abutting property was the design is complete.
13	Sheila Yang (25 Lexington Cir)	I understand the intent is so the trail may be able to bypass wetlands. I am interested in what this means in legal terms and what powers will be legally bestowed upon the town, not the intent.	The Conservation Commission determines what restrictions will be placed on the construction based on the Wetlands Protection Act. The Town will be required to abide by those.
14	Sheila Yang (25 Lexington Cir)	While the intentions of the current administration may be good how do we prevent someone from taking advantage of this language (eminent domain) in the future? There must be a legal way to remove the eminent domain threat and take that power away from the town. It is too broad and far reaching for a town of our size.	This is a legal question. Town Counsel will review and provide a response.

#### PROPERTY OWNERSHIP

15	Tom Palleria (30 Stanwood Rd)	Can you state with 100% certainty that NO Swampscott Resident along the proposed rail trail corridor owns land, or has legal right to land within the former B&M corridor.	No, we have done some title research but more will need to be done to determine ownership along a smaller section of the trail.
16	Tom Palleria (30 Stanwood Rd)	Can you state with 100% certainty that the Town of Swampscott, National Grid and Tedesco own and have legal right to the 100% of the former B&M Rail Corridor.	No, we have done some title research but more will need to be done to determine ownership along a smaller section of the trail.

17	Tom Palleria (30 Stanwood Rd)	If National Grid, The Town of Swampscott, Tedesco or some yet to be determined unknown entity fail to provide valid title to certain sections of land within the proposed corridor then who is the only party with legal ownership claim to this land?	Whatever party proves title owns the property.
18	Tom Palleria (30 Stanwood Rd)	Per legal statute does payment of property taxes equal ownership of land. i.e. just because someone pays taxes on the land does that mean they own it?	No.
19	Tom Palleria (30 Stanwood Rd)	Can the Town of Swampscott confirm ownership and legal title parcel by parcel along the entire former B&M Rail Corridor in Swampscott?	No, but the \$850K will provide for Title Research that will confirm ownership.
20	Jim Kane (147 Aspen Rd)	What is status of privately owned land? In general detail	Not sure about this question but the entire corridor functions as a utility corridor.
21	Erik Schneider (480 Puritan Rd)	How did the rail line obtains rights to build the tracks - purchase, gift, lease or eminent domain?	Through a number of means, including a Warranty Deed, Quitclaim Deed, Easement, County Commissioner's Award, and Legislative Act.
22	Erik Schneider (480 Puritan Rd)	Who were the owners of the land prior to the rail line being built – private or public land?	Mostly private.
23	Erik Schneider (480 Puritan Rd)	If the land is owned by the abutters, why did it not revert to them after the rails were removed? Have any of them ever taken steps to get their alleged property back?	Unknown. No property lines have been adjusted and the Utility is the only entity paying taxes on the property.
24	Erik Schneider (480 Puritan Rd)	How many of the abutters have acquired their property since the rail trail was initially proposed some 20 years ago?	We do not have the specific number at this time but that information is available on a parcel-by-parcel basis on the Town website and Registry of Deeds.
25	Erik Schneider (480 Puritan Rd)	Do any of their deeds include the land of the rail corridor?	Not that we have found.

26	Erik Schneider (480 Puritan Rd)	The proponents' mailings suggest that the town has already done some investigations into the ownership of the rail corridor? If true – what are the findings?	The Town, National Grid, and Tedesco owns large portions of the corridor in fee, and there is additional title work on other portions of the corridor to determine ownership fee.
27	Erik Schneider (480 Puritan Rd)	Who owns what portions of the rail corridor? Is there any stretch with contested titles? If so, which portions?	The Town, National Grid, and Tedesco owns large portions of the corridor in fee, from the MBTA Station to Humphrey Street. There is additional title work on other portions of the corridor from Humphrey Street to the Marblehead line to determine ownership.
28	Erik Schneider (480 Puritan Rd)	Assuming the abutters have rights to the land, what will happened to the utility corridor if they prevail on any disputed title? Will the power lines have to be removed?	Hard to say. The use of eminent domain can help clear title for the Town and the Utility. It will be unlikely that the power lines will be removed or relocated.

**PROCESS**

29	Tom Palleria (30 Stanwood Rd)	With the understanding that the town has access to a list of property owners along the former B&M rail corridor, with contact information, how many times in the past 24 months have town officials reached out to these individuals and families? Can you please provide copies of this outreach and the nature of the outreach. i.e. collaboration, education, notice, input etc.	There have been numerous public hearings, meetings, and outreach efforts over the last 24 months.
30	Tom Palleria (30 Stanwood Rd)	Can you confirm why you denied the request, when contacted by abutters and asked to split the Warrant Article into two separate phases so that planning and design could take place first and then the town could vote on securing the easement once design was completed?	The warrant article that was approved split the funding into two phases.

**COSTS/FUNDING**

31	Tom Palleria (30 Stanwood Rd)	Can you guarantee town residents that \$850,000 will be enough to fund phases 2 and 3 as proposed? What will happen if the proposed funds are not adequate?	We cannot offer guarantees but can offer assurances that we have done the due diligence.
32	Tom Palleria (30 Stanwood Rd)	Who paid for the Title Work and Appraisals conducted by the town to date, what was the cost of this title work and who approved this expense? (Please provide as an attachment, or addendum to your response)	Title work was paid for privately by SPIRIT.

33	Deborah & Bernard Caniff (69 Lincoln House Ave)	What is the estimated cost: of the feasibility study; of the rail trail?	The feasibility study was completed back in 2002-2003. The next step is the design and engineering of the trail. Based on discussions with engineering firms that handle rail trail projects like this, we've conservatively estimated the cost of this portion at \$240,000. The cost to construct a stone-dust path (which is what we'll build in Swampscott, not an asphalt path which is far more expensive) is between \$15 and \$40 a linear foot. Using the most conservative value, the construction will cost \$360,000.
34	Deborah & Bernard Caniff (69 Lincoln House Ave)	How will this both be funded? Private monies? Or, what is the increase in our taxes as a result?	The construction will be paid by grants and private donations. There will be no Town funds used for construction.
35	Deborah & Bernard Caniff (69 Lincoln House Ave)	Where are there other deficits in the town budget where the feasibility study money or rail trail construction money could be used?	Currently, there are no operational deficits in the Town Budget. We have record levels of Stabilization and Free Cash levels.
36	Jim Kane (147 Aspen Rd)	Where would the construction costs come from?	State grants and private donations.
37	Erik Schneider (480 Puritan Rd)	Why is the town funding the design and engineering for the rail trail – is this not something the non-profit should fund as it is part of the construction?	It will help support grant funding.

38	Erik Schneider (480 Puritan Rd)	What happens if the actual costs exceeds the estimate (e.g., because abutters are partially successful in their challenges and there are title issues, or litigation cost exceeds initial estimates)? If excess costs mean the project cannot go forward (which I've heard suggested) is there a difference if costs overruns are minor (i.e., a few thousand dollars) or a lot (i.e., millions of dollars as the abutters suggest).	The project will be halted.
39	Erik Schneider (480 Puritan Rd)	I have received mailings from both the proponents and the objectors and their views on potentials costs are worlds apart. The opponents estimate the costs of acquiring the land based on 10% of the average cost of a Swampscott home. However, this calculation would only make sense to me if the rail trail would involve taking 10% of a residents land and house (as the average value of a property includes the land and the structures on it). Can you confirm that the rail trail will not involve destruction of any resident's house (or any portion thereof)?	Cannot speak to the 10% appraisals that were given. There are no houses in the corridor.
40	Tom Dawley	Regarding the \$850K funding request, after years of being on the FinCom and hearing "no money from the town" at TM....when was this figure developed and, if it were long ago(?), why was it withheld until this spring? WHO exactly calculated this final figure--was it a specific person on the Rail Committee, or was it tallied by someone in Town Hall?	The figures came from the Town based on appraisals and estimates provided by professionals.
41	Sheila Yang (25 Lexington Cir)	Will the cost of fencing and necessary police patrols to protect property be paid for by the town?	This will be handled on a case-by-case instance. The Police Dept will provide public safety along the trail.

### IMPACT ON ABUTTING PROPERTIES

42	Valentina Pires (1 Suffolk Ave)	I understand that the entrance for the proposed Rail Trail project has been moved to Stetson Avenue. My house (I am the owner and I live here) is located on the corner of the Suffolk and Stetson avenue, exactly where the proposed Rail Trail should begin, right behind my backyard. How is it going to impact me and my property specifically? What should I expect?	Once the design is completed, we will have more information about how the trail will be constructed. Abutters to the trail will be directly consulted throughout the design and engineering phase.
43	John Palmer Ingalls	Knowing that you are fully on board for this project as elected town officials how will you address all the abutters concerns?	We will meet with each of the abutters to have one-on-one discussions to understand each home owners concerns.
44	Ed Krippendorf (11 Mapledale Pl)	How they figure our land values will go up because of this	The Town's Assessor contacted a number of communities that have implemented rail trails and there were no changes in overall valuation.
45	Erik Schneider (480 Puritan Rd)	Will the proposed rail trail run through any resident's existing yard on their property? (the ballot questions refers to "in, on and under all or a portion or portions of the parcels of land adjacent to or near the former railroad corridor" – which could be read to authorize the taking of land of parcels adjacent to the rail corridor).	Yes, some of the properties along the proposed path have extended their backyards by encroachment into the existing utility corridor.

46	Sheila Yang (25 Lexington Cir)	In past years I have had trespassing problems on my property with people using my driveway and my property as a cut through to the trail. I also had an attempted break in where the burglar used the trail to escape. With the overgrowth of the trail the trespassing had subsided. However, with the rail trail discussion bringing attention to the trail I have had several groups of teens using my property as a cut through once again. Does the town plan on providing solutions and police support to residents who experience trespassing issues due the trail?	In the event of any type of trespassing, you should contact the Police Department.
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**BALLOT/WARRANT**

47	Brett Laker (King's Beach Ter)	I find the ballot language challenging. The wording clearly focuses on the land adjacent (or near) the rail bed. It doesn't seem to identify the actual rail bed. Can you please have that issue addressed?	Yes, as we look to site the rail trail, there are areas around the existing easement that are part of large tracks of open space. If we can construct the trail in some of these areas to avoid impact to residential properties, this is why this language was included in the proposed warrant.
48	Brett Laker (King's Beach Ter)	I believe the language for eminent domain taking outside the set desired 10 feet of the corridor was to accommodate some abutter issues such as the garage on Morton road and possibly the more desirable route of following the current recreation easement behind Nason. However, the ballot as written is making it very difficult to support my views. Some clarity would be great.	This is correct. The Ballot must be presented as approved and voted upon at Town Meeting.
49	Brett Laker (King's Beach Ter)	Regarding the ballot - The "yes" letter sent to the registered voters states "No houses will be impacted by the rail trail". My expectation and belief is that no land as confirmed through the current private landowner deeds (ie property lines) will be impacted. To be clear, I am not referencing the corridor or a situation where someone has encroached but the encroachment is in conflict with a the deed description and survey.	Not sure / no question here



50	Tom Palleria (30 Stanwood Rd)	Given the way the Warrant Article is written does the Board of Selectman have the legal authority to potentially use land that is owned by Tedesco Country Club.	Yes, if the Town can negotiate use of an easement.
51	Deborah & Bernard Caniff (69 Lincoln House Ave)	How do we vote on June 29th? Individual, private vote in a booth? Voice vote or hand count in a general meeting?	This will be a general election and voting will be in a booth or by absentee ballot.
52	Erik Schneider (480 Puritan Rd)	What type of ownership is the town proposing to acquire by eminent domain – an easement or title to the land? (again the ballot questions references both fee and easement).	<b>The warrant article provides for the easement to be acquired by the Town by "gift, purchase, eminent domain, and/or otherwise...". So the Town could acquire the easement by a long term lease.</b>

**MISC.**

53	Tom Palleria (30 Stanwood Rd)	Can you please provide the BOS meeting minutes related to the meeting where the rail trail was discussed and voted on unanimously by the BOS?	Yes, this was done on May 3, 2017
54	Deborah & Bernard Caniff (69 Lincoln House Ave)	Is this definitely connecting to other Rail Trails in other towns? Which ones and where?	Yes. This will directly connect to the Marblehead Rail Trail which connects to Salem, and at other end of our trail it will connect to the MBTA Train Station via Stetson Avenue.
55	Deborah & Bernard Caniff (69 Lincoln House Ave)	Why is there seemingly more town wide interest & discussion (pro or con) on the rail trail than there is in improving our school ranking or lowering our taxes - both of which are serious issues?	Question is for each person to answer for themselves /on their own.
56	Ed Krippendorf (11 Mapledale Pl)	What is the single most factor or factors you and the Selectmen used to provide your backing, because I and many others have read the sheets sent out by the proponents and we have many questions about the facts presented without backing?	Board members who answered: D. Hause-Important to push vote once and for all; P. Jones-good investment for the Town; L. Spathanas-resources will benefit the Town; N. Dreeben-good for the entire town.
57	Ed Krippendorf (11 Mapledale Pl)	What is the depth trail review the engineers gave them of the trail itself, seems to be a lot of clean up with the decades of growth and destruction throughout the trail.	This will be determined during the design and engineering phase.
58	Erik Schneider (480 Puritan Rd)	When was the rail road line to Marblehead built?	The line was brought through Swampscott into Marblehead in 1839.

59	Erik Schneider (480 Puritan Rd)	When were the current residences adjacent to the rail line built?	Homes were built over a number of years. Some of them prior to the railroad branch was built, many of them afterwards.
60	Erik Schneider (480 Puritan Rd)	When was rail line shut down?	The last passenger trail ran in 1959 and shut down shortly afterwards.
61	Erik Schneider (480 Puritan Rd)	Is National Grid actually opposed to the rail trail (i.e., will they contest the taking by eminent domain), or are they trying to stay above the fray and out of litigation?	National Grid's direct concern is the ability to delivery and provide electrical service to the area.
62	Erik Schneider (480 Puritan Rd)	Assuming that none of the abutters have any legal claim to the land of the rail corridor – do they have any other right to object to the creation of the rail trail (e.g., like residents would have to a zoning exemption to their neighbor's property)?	The Town will be required to follow all relevant permitting processes including filing with the Conservation Commission under the Wetlands Protection Act.
63	Erik Schneider (480 Puritan Rd)	When and how was the Marblehead rail trail built?	In the 1960s and 70s. It was purchased by the Town through their Municipal Light Company.
64	Erik Schneider (480 Puritan Rd)	Did the Marblehead rail trail involve the same disputes and controversies? If not, why not?	Same answer as above.
65	Erik Schneider (480 Puritan Rd)	If the town is acquiring an easement, will National Grid continue to pay taxes on the underlying land? If so, at the same rate?	National Grid will continue to pay taxes/ \$57K paid to the Town last year from National Grid.
66	Erik Schneider (480 Puritan Rd)	If the town is acquiring title, and/or National Grid will no longer pay taxes on the land, how much will that affect the town finances (absolute and as a percentage).	Same answer as above.
67	Sheila Yang (25 Lexington Cir)	What does the town plan to do if the data provided by the rail trail conservancy is incorrect and we see an increase in crime along the trail?	The Swampscott Police Chief spoke with a number of police chiefs in communities that have rail trails and all confirmed that they have not seen an increase in crime.