

IN BOARD OF SUDBURY SELECTMEN

EXECUTIVE SESSION

TUESDAY, MAY 12, 2020

VIRTUAL MEETING

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia Brown, Selectman Janie Dretler, Selectman William Schineller, Town Manager Henry L. Hayes, Assistant Town Manager Maryanne Bilodeau, Environmental Planner Beth Suedmeyer, Director of Planning and Development Adam Duchesneau, and Town Counsel Lee Smith

Absent: Selectman Jennifer Roberts

**Executive Session**

The statutory requirements as to notice having been complied with, the meeting was convened at approximately 5:30 p.m.

Chairman Carty called the meeting to order.

**Vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.**

It was on motion unanimously

VOTED: To enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.

Attorney Smith suggested that the P&S comments be left in draft form until the Title Report is received. He noted that the appraisal amount of \$929,775 was under the milestone amount even in consideration of a 5% increase.

Chair Carty asked about the second appraisal amount. Attorney Smith explained the second appraisal amount was for state governance purposes.

Selectman Schineller mentioned the importance of addressing the culvert repair within the P&S. Attorney Smith acknowledged that such culvert repair language should be included. Attorney Smith affirmed that the court order regarding the past CSX derailment does address the fact that CSX must ensure the repair.

Chair Carty questioned the comps chosen and requested additional information on that aspect. Mr. Lee noted that he would ask the appraisers about the comps.

Mr. Schineller motioned to amend the P&S for purchase of parcel B only at a purchase price of \$300,000. The motion was not seconded. Mr. Schineller makes this motion two more times later in the meeting.

Selectman Dretler stated that time was of the essence and suggested that Board members could meet in Executive Session this week to address the additional information regarding comps, as requested by Chair Carty.

Attorney Smith maintained that the grant request process could not commence until a signed P&S was submitted.

Vice-Chair Brown questioned Town payment of \$60,000 for related legal services by June 30. Ms. Suedmeyer detailed that a legal services spread sheet was being worked on.

Selectman Schineller indicated that state agencies should extend such deadlines due to Covid-19. Ms. Suedmeyer checked on that aspect and was told that extensions would not be granted.

Chair Carty indicated that he was somewhat uncomfortable about the absence of state funding and \$440,000 CPA monies being unavailable. He also had concern about not being able to see the property and the unknown implications of soil testing. Selectman Dretler commented that Town officials had inspected the CSX corridor some years before.

Chair Carty asked if the CSX topic could be made public at this time. Mr. Lee recommended that the discussed CSX purchase not be made public until a P&S was signed. Mr. Lee reiterated that the Town would not be locked into any agreement.

Selectman Schineller asked for assurance that a draft P&S would include the culvert repair obligation. Attorney Smith agreed to include such language and would contact the appraisers tomorrow with regard to information regarding comps.

Selectman Schineller asked if there was more current communication with Framingham regarding CSX. Ms. Suedmeyer stated that she recently reached out to Framingham officials, but had not heard back. Chair Carty stated that Framingham officials should to meet with the Sudbury Board of Selectmen in the near future.

Selectman Dretler motioned to authorize Town Counsel to submit a P&S Agreement to CSX. Chair Carty seconded the motion.

It was on motion 3-1-1, three in favor, one no, one absent; Carty-aye, Brown-aye, Dretler-aye, Schineller-no and Roberts absent.

VOTED: To authorize Town Counsel to submit a P&S Agreement to CSX.

Town Manager Hayes referred to the letter of support from Selectman Roberts. Board members confirmed that such written communication did not influence the vote.

Attorney Smith asked if Board members wanted to consider a liaison during negotiations, to help facilitate day-to-day events. Chair Carty maintained that Selectman Roberts should serve in this capacity, if she agreed, because she is the BOS liaison for CSX. Selectman Dretler stated it was appropriate for Town Manager Hayes to reach out to Selectman Roberts about liaison appointment.

**Also review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).**

Vice-Chair Brown motioned to approve the September 25, 2018 Executive Session minutes. Selectman Dretler seconded the motion.

It was on motion 3-1, three in favor, one abstain; Carty-aye, Brown-aye, Dretler-aye, and Schineller-abstain.

VOTED: To approve the September 25, 2018 Executive Session minutes.

Selectman Dretler motioned to approve the October 30, 2018 Executive Session minutes, as amended. Vice-Chair Brown seconded the motion.

It was on motion 3-1, three in favor, one abstain; Carty-aye, Brown-aye, Dretler-aye, and Schineller-abstain.

VOTED: To approve the October 30, 2018 Executive Session minutes, as amended.

Selectman Schineller inquired about the disposition of Executive Session minutes once approved. Chair Carty responded that such approved minutes ultimately must be released to the public after BOS vote.

Town Manager Hayes suggested a quarterly schedule for release of Executive Session minutes to commence in June.

Chair Carty suggested that a future Executive Session be dedicated to the approval of Executive Session minutes. Vice-Chair Brown agreed that such meeting should be held in the near future.

**Vote to close executive session and resume open session**

It was on motion unanimously

VOTED: To close executive session and resume in open session.

There being no further business, executive session was adjourned at approximately 6:45 p.m.