

IN BOARD OF SUDBURY SELECTMEN

EXECUTIVE SESSION

MONDAY, JUNE 22, 2020

VIRTUAL MEETING

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

Executive Session

The statutory requirements as to notice having been complied with, the meeting was convened at approximately 6:00 p.m.

Chairman Carty called the meeting to order.

Open in regular session and immediately 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.

Mr. Smith affirmed that he submitted the P&S comments regarding the CSX contract over a month ago. Attorney Smith stated that the CSX contact, Katherine Atkins, acknowledged the communication two weeks ago, and informed him that CSX would be providing comments, but thus far nothing has been submitted. Attorney Smith affirmed that he has been leaving daily phone messages for Ms. Atkins.

Selectman Dretler questioned if there might be an alternate contact at CSX. Attorney Smith stated that he could try connecting with Ms. Atkin's supervisor. Attorney Smith noted on his latest call to Ms. Atkins today, a phone message stated that she was out of the office today.

Selectman Roberts asked if the delay might be indicative of a bigger problem, such as not being able to meet the CSX timeline. She asked Attorney Smith about options.

Chair Carty commented that if the CSX rail corridor trail purchase was going to be presented at Annual Town Meeting in September, the Board would have to vote to get the Article on the Town Meeting Warrant by July 14.

Selectman Roberts maintained that as liaison to the CSX project, she would continue tracking the progress involving the CSX corridor P&S, and would work with Attorney Smith and Ms. Suedmeyer. She asked Ms. Suedmeyer about the related timeframe.

Ms. Suedmeyer confirmed that work on the project had been interrupted due to this delay. She detailed that the second appraisal was completed with minor technical revision made by Collier and Collier.

Selectman Roberts suggested that the Board and/or the Town legislators compose a letter to CSX. Ms. Suedmeyer mentioned that many MA communities have incurred frustration with CSX, adding that the Board did not necessarily need a completed P&S to include the CSX article on the Warrant.

Ms. Suedmeyer stated that the MA Trails would likely be making determination regarding grant applications this month, and were likely awaiting release of the DCR (Department of Conservation and Recreation) budget before announcing such awards.

Chair Carty stated that requested CSX soil testing with results must be presented to the Town before Annual Town Meeting. Selectman Roberts agreed.

Selectman Roberts asked Attorney Smith if the Board could do anything to encourage a response from CSX. Attorney Smith suggested that if he had difficulty obtaining a response from Ms. Atkins or her supervisor, he would recommend that the Board and/or Sudbury legislators compose a letter to CSX.

Chair Carty asked if such business should be conducted in Executive or Open session. Attorney Smith responded that discussing such aspects in Executive Session would be preferable, but legislative communications could likely be discussed in open session.

Selectman Roberts asked if the Board would vote to authorize her to draft such a Board letter, to be approved by the Board.

Selectman Schineller asked about the content of the proposed Board letter. Selectman Roberts stated that the letter would include a brief summary of the project and its impact on the Town of Sudbury including the sensitivity to time.

Chair Carty had no problem with Selectman Roberts composing a draft letter and working with Attorney Smith and Ms. Suedmeyer.

Attorney Smith commented that initially CSX wanted Framingham to be involved with the corridor purchase as well. He stressed that CSX later changed its stance regarding the inclusion of Framingham.

Chair Carty commented that the Board did not know if the parcel was still for sale. He stated that a third party appraisal would be helpful, as well as, presentation of comparable properties.

Attorney Smith explained the two associated methods of appraisal: "The Across the Fence Methodology," noting that appraisal of a rail corridor is very much different than another type of parcel. He explained that the other method was recognized as "Corridor enhancement fact."

Ms. Suedmeyer reiterated that general real estate parcels were viewed very much differently than rail corridor parcels.

Town Manager Hayes stated that he received no communication from Framingham since he sent a related communication to that municipality.

Selectman Schineller commented that he was not in favor of legislators composing a letter to CSX.

Vice-Chair Brown asked if the Board wanted to invite the legislators to attend an Executive Session. Chair Carty stated that the process would be simpler if the communication to CSX was generated by the Board.

Selectman Roberts asked if the Town had similar experiences with legislators. Vice-Chair Brown indicated not.

Town Manager Hayes agreed to generate another letter to the Mayor of Framingham, in attempt to encourage dialogue.

Vote to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) "[f]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).

It was on motion unanimously

VOTED: To 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).

The Board discussed the following approved minutes to determine which minutes might be released to the public:

Minutes – 1/13/15

Chair Carty suggested that the Board release the 1/13/15 minutes and redact items including collective bargaining and COLA.

Minutes – 4/14/15

Chair Carty suggested that the Board release the 4/14/15 minutes and redact items concerning collective bargaining.

Minutes – 12/22/15

Chair Carty suggested that the Board not release the 12/22/15 minutes in consideration of Sudbury Station coverage.

Minutes – 3/20/18

Chair Carty maintained that the minutes of 3/20/18 could not be released because Sudbury School Security was the primary topic.

Minutes 4/11/18

Chair Carty suggested that the minutes of 4/11/18 not be released due the coverage of Sudbury Station.

Minutes 6/5/18

Chair Carty suggested that the minutes of 6/5/18 be released.

Minutes 7/17/18

Chair Carty suggested that the minutes be released.

Minutes 7/30/18

Chair Carty suggested that the minutes of 7/30/18 not be released due to Sudbury Station coverage.

Minutes 9/25/18

Chair Carty suggested that the minutes of 9/25/18 not be released due to the included Melone property and Sudbury Station topics.

Minutes 10/30/18

Chair Carty suggested that the minutes of 10/30/18 not be released due to Sudbury Station coverage.

Minutes 3/12/19

Chair Carty suggested the release of the 3/12/19 minutes.

Minutes 3/21/19

Chair Carty suggested that the minutes of 3/21/19 not be released due to Eversource coverage.

Chair Carty motioned to release the minutes of 1/13/15 (with redaction), 4/14/15 (with redaction), 6/5/18, 7/17/18 and 3/12/19. Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To release the minutes of 1/13/15 (with redaction), 4/14/15 (with redaction), 6/5/18, 7/17/18 and 3/12/19.

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 6:58 p.m.