

BOARD OF SUDBURY SELECTMEN

EXECUTIVE SESSION

TUESDAY, AUGUST 25, 2020

VIRTUAL MEETING

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia Brown, Selectman Janie Dretler, Selectman William Schineller, Selectman Jennifer Roberts, Town Manager Henry L. Hayes, Jr., Assistant Town Manager Maryanne Bilodeau, Environmental Planner Beth Suedmeyer, Town Counsel Lee Smith, Recording Secretary Deb Takacs

The statutory requirements as to notice having been complied with, the open session meeting was convened at approximately 6:30 p.m.

**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 Sudbury portion of the CSX rail corridor.**

Chairman Carty motioned to 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 Sudbury portion of the CSX rail corridor. Vice-Chair Brown seconded the motion.

It was on motion, 5-0; Dretler-aye, Roberts-aye, Brown-aye, Schineller-aye, Carty-aye

VOTED: To 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 Sudbury portion of the CSX rail corridor.

**Executive Session**

Chairman Carty called the meeting to order, with confirmed attendance of the following named only: Carty-aye, Brown-aye, Dretler-aye, Roberts-aye, Schineller-aye, Hayes-aye, Bilodeau-aye, Suedmeyer-aye, Smith-aye, Takacs-aye

Town Manager Hayes stated that the CSX 2016 Appraisal had not previously been released to the public. Attorney Smith responded that the recent 2020 CSX appraisal updated the 2016 Appraisal.

Selectman Roberts queried about what information could be released to the public. Town Manager Hayes responded all aspects of due diligence; the amount agreed to on the Purchase and Sale Agreement.

Chairman Carty opined regarding existing/proposed CSX funding. Ms. Bilodeau confirmed the approval of two MA grants in the amounts of \$300,000 and \$100,000. Ms. Suedmeyer mentioned that related grant monies could take a month or more to realize, adding that she would obtain clarification from Mass. DCR (Department of Conservation and Recreation).

Vice-Chair Brown noted that a Board CSX site walk did not constitute an official Board meeting. Chairman Carty commented that the result of such site walk can be shared in open session.

Selectman Schineller asked if the Board should share soil testing expenses. Attorney Smith responded that the purpose of executive session was related to CSX negotiation and the Board was no longer involved in negotiation.

Chairman Carty confirmed that Ratification and Release of the CSX Purchase and Sale (P&S) Agreement, with appraisal amount could take place in open session.

Chairman Carty motioned that the Board of Selectmen vote to ratify, confirm, and approve in all respects the actions of the Board of Selectmen in negotiating and executing a Purchase and Sale Agreement with CSX Transportation, Inc. dated as of August 24, 2020, for the acquisition of the CSX rail corridor in Sudbury being Mile Post QBS 3.40 to QBS 4.80. Vice Chair Brown seconded the motion.

It was on motion 5-0; Dretler-aye, Roberts-aye, Brown-aye, Schineller-aye, Carty-aye

VOTED: To ratify, confirm, and approve in all respects the actions of the Board of Selectmen in negotiating and executing a Purchase and Sale Agreement with CSX Transportation, Inc. dated as of August 24, 2020, for the acquisition of the CSX rail corridor in Sudbury being Mile Post QBS 3.40 to QBS 4.80.

Chairman Carty motioned that the Board authorize Selectman Jennifer Roberts with the presentation and wording associated with public presentation of Purchase and Sale Agreement with CSX Transportation, Inc. Selectman Dretler seconded the motion.

It was on motion 5-0; Dretler-aye, Roberts-aye, Brown-aye, Schineller-aye, Carty-aye

VOTED: To authorize Selectman Jennifer Roberts with the presentation and wording associated with public presentation of Purchase and Sale Agreement with CSX Transportation, Inc.

Chairman Carty motioned to release to the public the requested amount of \$1,220,500 to fund Article 17 – CSX Corridor. Selectman Dretler seconded the motion.

It was on motion 5-0; Dretler-aye, Roberts-aye, Brown-aye, Schineller-aye, Carty-aye

VOTED: To release to the public the requested amount of \$1,220,500 to fund Article 17 – CSX Corridor.

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

Chair Carty motioned to close executive session and resume in open session. Selectman Dretler seconded the motion.

It was on motion, 5-0; Brown-aye, Schineller-aye, Dretler-aye, Roberts-aye, Carty-aye

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

There being no further business, executive session adjourned at approximately 7:00 p.m.