

BOARD OF SUDBURY SELECTMEN

EXECUTIVE SESSION

TUESDAY, JULY 21, 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., Director of Planning and Community Development Adam Duchesneau, Environmental Planner Beth Suedmeyer, and Town Counsel Lee Smith

Executive Session

The statutory requirements as to notice having been complied with, the meeting was convened at approximately 6:03 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 Sudbury portion of the CSX rail corridor.

Town Manager Hayes confirmed that the latest P&S (Purchase and Sale) draft dated July 19th was distributed to Board members. Attorney Smith stated that Board recommendations made at the last Executive Session meeting had been accepted by CSX.

Vice-Chair Brown inquired about encroachment aspects. Attorney Smith stated that he did not see problems in this area.

Selectman Roberts asked about the contingency timeline. Attorney Smith indicated that the due diligence deadline was likely November 27th or the eve of closing on the property. He mentioned the possible 60-day extension period for an added amount of \$5,000.00.

Selectman Schineller asked if the Sudbury Water District Commissioners had concerns about water sampling. Ms. Suedmeyer mentioned that the proposed samplings exceeded the specifications of the CSX sampling plan. She provided additional sampling detail and possible mitigation.

Selectman Schineller commented that the Town could be buying additional CSX easement liability.

Selectman Roberts mentioned the fiber optic easement. Attorney Smith provided easement detail and affirmed that he would review all easement agreements.

Chair Carty indicated that an additional \$340,000, to address the easement issue was too costly and should be included in the purchase price.

Selectman Dretler asked if all mentioned easements were in Sudbury. Attorney Smith answered affirmatively. She stressed that the Town had approved easements associated with the Camp Sewataro purchase.

Selectman Roberts commented that she was not surprised by the requested \$350,000, which would bring the total purchase price \$80,000 above the appraised dollar amount.

Attorney Smith suggested that the Board present a counter offer. Selectman Dretler favored presenting a counter offer.

Selectman Roberts considered the consequences if the Town did not purchase the CSX parcel at this time, which included further granting of easements to Eversource.

Vice-Chair Brown asked if the \$340,000 stipend could be multiplied by each easement currently maintained. Attorney Smith responded that the negotiated amount would ensure that CSX would not be able to sell easements to a third party.

Vice-Chair Brown asked if the \$350,000 purchase price (greater than assessed value) could affect Massachusetts procurement policy. Attorney Smith replied such consideration did not affect procurement policy.

Attorney Smith suggested a counter figure of \$240,000.

Selectman Roberts maintained that it was critical that the Town purchase this parcel.

Selectman Dretler inquired about the securing of related project grants. Ms. Suedmeyer responded that she had made numerous inquiries and was still awaiting response.

Vice-Chair Brown inquired about the counter offer negotiation process timeline. Attorney Smith assured the Board that he would present the counter offer tomorrow, July 22, and would expect a response by next Tuesday.

Also 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).

Minutes – June 11, 2019

Selectman Dretler moved to approve the executive session minutes of June 11, 2019. Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: To approve the executive session minutes of June 11, 2019. Brown-aye, Dretler-aye, Schineller-aye, Roberts-aye, Carty-aye (5-0).

Selectman Dretler moved to release the executive session minutes of June 11, 2019. Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To release the executive session minutes of June 11, 2019. Brown-aye, Dretler-aye, Schineller-aye, Roberts-aye, Carty-aye (5-0).

Minutes – June 18, 2019

Selectman Dretler moved to approve the executive session minutes of June 18, 2019, as amended. Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To approve the executive session minutes of June 18, 2019, as amended. Brown-aye, Schineller-aye, Dretler-aye, Roberts-aye, Carty-aye (5-0)

Minutes – February 4, 2020 – Town Manager Contract Negotiation Subcommittee (Chair Carty and Selectman Roberts)

Selectman Carty moved to approve and release the Town Manager Contract Negotiation Subcommittee executive session minutes of February 4, 2020. Selectman Roberts seconded the motion.

It was on motion unanimously

VOTED: To approve and release the Town Manager Contract Negotiation Subcommittee executive session minutes of February 4, 2020. Roberts-aye, Carty-aye (2-0)

Vote to close executive session and resume open session

It was on motion unanimously

VOTED: To close executive session and resume in open session. Brown-aye, Schineller-aye, Roberts-aye, Dretler-aye, Carty-aye (5-0)

There being no further business, executive session adjourned at approximately 6:56 p.m.