

IN BOARD OF SUDBURY SELECTMEN

EXECUTIVE SESSION

TUESDAY MARCH 31, 2020

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

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

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.

Interim Town Manager Bilodeau confirmed that Board members were sent an outlined draft Purchase & Sale (P&S) Agreement for the portion of the CSX rail corridor as detailed by Town Counsel Lee Smith.

Ms. Suedmeyer stated that Mr. Smith met with the Sudbury Water District Attorney to discuss aspects of the CSX purchase proposed. She added that the CSX corridor appraisal would not be completed before April 12, 2020.

Attorney Smith confirmed his discussion with the Sudbury Water District Attorney and had no substantive comments. He indicated that the Water District wanted to discuss the issue in further depth with the Select Board, especially with regard to potential liability and trail use.

Chair Carty queried about what the Board might accomplish at this meeting.

Attorney Smith suggested the Board provide comment regarding the P&S in preparation of sending that document along to the seller after the appraisal was reviewed.

Ms. Suedmeyer agreed it would make sense to go over every term on the P&S with the exception of the offered price.

Selectman Schineller asked if Framingham has indicated a position regarding the CSX portion. Ms. Suedmeyer responded she had no awareness of Framingham taking any related action.

Selectman Roberts asked Attorney Smith if he had touched based with CSX. Attorney Smith responded that he did send an e-mail but had not received a response yet.

Attorney Smith mentioned an occurrence with the Town of Leominster two years ago when that Town agreed to purchase a section of CSX land and CSX reversed their decision and did not go forward with the deal. Selectman Roberts expressed concern about the Leominster dilemma.

Selectman Schineller asked if a Sudbury CSX P&S could be contingent on Framingham completing a similar P&S. Attorney Smith affirmed that such contingency could be presented, but did not know how such a contingency would be received by CSX. Selectman Schineller asked Attorney Smith to prepare a P&S counter offer to include the contingency that Framingham also sign a CSX P&S and agree to Sudbury purchasing trail in sections. Selectman Dretler commented about the importance of the Town maintaining control, especially in consideration of water wells and Town drinking water source.

Selectman Roberts affirmed that Sudbury must move forward with or without Framingham.

Chair Carty questioned how to maintain and preserve water as well as further expanding the BFRT. He was not convinced that the Water District had no issues.

Ms. Suedmeyer commented about two aspects associated with the possible concerns of the Sudbury Water District:

- Impervious surfaces in close proximity to the wells.
- Capping treatment in close proximity to the wells.

Ms. Suedmeyer stated when speaking with MassDOT representatives she asked if they would support a different type of surfacing and the response given was that they might.

Chair Carty commented about possibly informing the residents that purchase of the CSX portion would imply more than purchasing the section to secure Water District aspects and not just to extend the rail trail. He asked if the Board would endorse the purchase at this time.

Selectman Dretler commented that she would.

Selectman Roberts agreed with purchasing the property at this time.

Vice-Chair Brown endorsed purchasing the property and indicated that she was being “Sudbury-centric” at this time in consideration of protection of the wells.

Selectman Schineller wanted to hear more from the Sudbury Water District before deciding. He emphasized that the Town might not be able to afford the purchase at this time, especially in consideration that other “rail” towns have received significant state aid with such purchase.

Chair Carty stated that he approved of Sudbury obtaining control of the wells, but also noted that Selectman Schineller made some good points.

Vice-Chair Brown affirmed that the Transportation Board bill never passed and funds slated for Sudbury and Framingham were never appropriated.

Chair Carty stated he wanted to meet with the Water District before making a final decision. He indicated he was not ready to accept a \$885,000 purchase price without an official appraisal.

Attorney Smith agreed that further conversation with the Water District was a good idea.

Attorney Smith mentioned that state legislation could come to a standstill due to COVID-19, but if the Transportation Board sees the seriousness of a presented P&S, they might entertain extending the purchase date.

Chair Carty agreed that capital projects such as the Fairbank Community Center, the Fire Station and CSX might have to wait until a Fall Town Meeting due to the crisis at this time. Selectman Roberts concurred that difficult financial times might promote making such decisions at a Fall Town Meeting. Selectman Dretler agreed that receiving actual financials from Interim Town Manager Bilodeau would be a good indicator. Interim Town

Manager Bilodeau responded that budget numbers would not be available tonight and affirmed that several capital projects would likely get pushed to Fall Town Meeting. She affirmed that commencing tomorrow, Henry Hayes will be the Town Manager and he, Dennis Keohane and herself would be meeting to review these aspects.

Interim Town Manager Bilodeau strongly recommended that P&S preparation be completed while awaiting the appraisal.

Attorney Smith detailed that the Water District seemed willing to participate in executive session meeting with the Board on April 14th. Interim Town Manager Bilodeau suggested starting such executive session meeting before 6:00 p.m.

Chair Carty offered to reach out to the Water District to schedule a joint meeting on April 14th. He asked the Board should scheduling of Executive Session meeting not work for the Water District, would the Board be willing to assign representation to himself (liaison to the Water District) and Selectman Roberts (CSX/BFRT liaison) at an agreed upon time. Selectman Schineller replied affirmatively. Vice-Chair Brown responded affirmatively and Selectman Dretler responded affirmatively.

Selectman Schineller queried about a site walk of the CSX section, before a potential CSX P&S was signed by the Board members. Chair Carty noted that according to specified terms, such a group walk would not be allowed. Interim Town Manager Bilodeau asked about the use of camera or drone. Ms. Suedmeyer stated she would be willing to ask if individual Board members could view the site separately.

Ms. Suedmeyer detailed that several years before CSX allowed Sudbury staff to walk the corridor together. Vice-Chair Brown noted that she participated in that site walk.

There being no further business, Executive Session adjourned at approximately 7:10 p.m.