



# Town of Sudbury

## Community Preservation Committee

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### EXECUTIVE SESSION MINUTES

**DECEMBER 16, 2020**

**VIRTUAL MEETING**

**Members Present:** Chair Sherrill Cline, Vice Chair Ms. Lynne Remington, Dave Henkels, John Hincks, Jean Nam, Jennifer Roberts, and Diana Warren

**Members Absent:** Mara Huston and Anuraj Shah

**Others Present:** Director of Planning and Community Development Adam Duchesneau

#### **Discussion of January 18, 2017 Executive Session Minutes**

Ms. Cline noted the purpose of the Executive Session was to determine if the January 18, 2017 Executive Session minutes could be formally released and made public. She noted the Executive Session in 2017 was regarding the usage of Community Preservation Act funds for design of the Bruce Freeman Rail Trail. She related the history that a 2009 opinion from the Department of Revenue opined that Community Preservation Act funds could not be used in connection with acquisition of the land owned by CSX because the rail banking law did not guarantee the land would be held in perpetuity as a rail trail. Ms. Cline indicated the 2016 Annual Town Meeting had allocated funding for the design of the Bruce Freeman Rail Trail. Subsequent to these actions, concerns were raised that there would be litigation against the Town if Community Preservation Act funds were used towards for this purpose. She stated supplemental funds from free cash were also voted at the next Town Meeting to support the project.

Ms. Cline indicated a recent 2020 opinion from Lee Smith of KP Law (Town Counsel) stated the usage of Community Preservation Act funds for the Bruce Freeman Rail Trail, for design purposes or otherwise, was an acceptable and appropriate use of the funds, and the already allocated Community Preservation Act funds could be used for this purpose.

Ms. Cline then reiterated the question to the entire Community Preservation Committee about these January 18, 2017 Executive Session minutes. The question was whether the reason for which the Community Preservation Committee had gone into Executive Session and withheld the minutes of that session from being released would not be defeated by the release of the executive session minutes.

The Community Preservation Committee members then discussed the last sentence of the second paragraph of the December 1, 2020 email from Lee Smith of KP Law, which appeared to indicate the Executive Session minutes from January 18, 2017 could now be released.

Mr. Hincks stated he saw no reason why the Executive Session minutes should not be released, but having the discussion about this matter with all of the context was extremely helpful and provided him with a better understanding of the situation.

Ms. Nam noted the Board of Selectmen uses information such as this to make certain decisions about Bruce Freeman Rail Trail matters and having this information be transparent was important.

Ms. Remington made a motion to release the Executive Session Minutes from January 18, 2017. Mr. Henkels seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Remington – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Absent, Ms. Nam – Aye, Ms. Roberts – Aye, and Ms. Warren – Aye.

Ms. Remington made a motion to adjourn the Executive Session and not return to Open Session. Ms. Roberts seconded the motion. Roll Call Vote: Ms. Cline – Aye, Ms. Remington – Aye, Mr. Henkels – Aye, Mr. Hincks – Aye, Ms. Huston – Absent, Ms. Nam – Aye, Ms. Roberts – Aye, and Ms. Warren – Aye.

The meeting was adjourned at 8:00 PM.