

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, MARCH 21, 2017  
EXECUTIVE SESSION  
FLYNN BUILDING  
(6:45 p.m. – 7:09 p.m.)

Present: Chairman Susan N. Iuliano, Vice-Chairman Charles C. Woodard (on speaker phone), Selectman Patricia A. Brown, Selectman Robert C. Haarde, Selectman Leonard A. Simon and Assistant Town Manager Maryanne Bilodeau

**CPA Funds- Bruce Freeman Rail Trail**

Chairman Iuliano stated the reason for calling the Executive Session was due to questions brought up during Finance Committee meetings regarding the use of Free Cash for the Bruce Freeman Rail Trail (BFRT) design. Ms. Iuliano asked the Board if everyone had the chance to read the two documents from Town Counsel regarding Counsel's opinion as to whether the Town may use Community Preservation ACT (CPA) funds for the design of the BFRT. The original Town Counsel document was dated December 20, 2016 and the second document was dated March 20, 2017. Chairman Iuliano noted that she compared the two versions of the memo and found very little difference between the two, and preferred the language used in the second document dated March 20, 2017.

The document dated March 20<sup>th</sup> contained Town Counsel's advice quoted as follows,

*“Since the Town has not yet entered into a lease with DOT, and given the potential for a challenge if CPA funds are used, I recommend that, if the Town wishes to use CPA funds for the BFRT design, it negotiate a lease with DOT that provides at least a 30 year term during which DOT could terminate the lease only for good cause, which would not be in its ‘sole discretion’; or some similar provision.”*

A vote was taken by the Board members.

It was on motion unanimously

**VOTED:** To release Town Counsel's legal opinion, included in the document dated, March 20, 2017, to the public regarding the use of Community Preservation ACT (CPA) funds for the design of the Bruce Freeman Rail Trail.

There being no further business, the meeting adjourned at 7:09 p.m. to join the Board of Selectmen meeting at Town Hall.

Attest: \_\_\_\_\_  
Melissa Murphy- Rodrigues  
Town Manager - Clerk