

**Board of Selectmen  
Executive Session  
August 21, 2012**

*Approved 9/10/12  
10/2/12 4-0  
Released 5-14-15.*

The executive session of the Board of Selectmen was called to order at approx. 6:05 p.m. by Chair Erik Tolley at the Yarmouth Town Hall Room A. Roll call: Sears, Quirk, Holcomb and Tolley. Also Attending: Town Administrator William G. Hinchey, and Chief Frederickson.

**Item 1**

Strategy with respect to collective bargaining with Police Department unions  
*The Board of Selectmen were given an update on the two Police union contract negotiation processes.*

*At 6:35pm Chief Frederickson left the meeting and the Board of Selectmen was joined by Town Counsel Bruce Gilmore.*

**Item 2**

Strategy with respect to Bay Colony Railroad Corp Litigation  
*Atty. Gilmore gave the Board a general update on the Bay Colony Railroad settlement. The Board decided to:*

- *Meeting the following week in Executive Session with Special Counsel Doug Robertson.*
- *Hold an issuing a Press Release in this regard until further notice.*

There was no further business to come before the executive session.

**Adjourn**

**MOTION:** To move that the Board of Selectmen adjourn the Executive Session and return to Open Session at 6:45PM

**Motion by:** Curt Sears      **Seconded by:** Jim Quirk      Yea 4    Nay 0

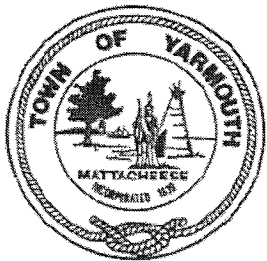
**Roll call (Sears, Quirk, Holcomb and Tolley – yea)**

Respectfully submitted,

Elizabeth G. Hartsgrove

**Executive Session Documents**

1. Strategy with respect to collective bargaining with Police Department unions
  - Memo from WGH to BOS, dated August 20, 2012. Re: Background for Executive Session
  - Memo from Chief Frederickson to BOS, dated August 17, 2012. Re: Contract Analysis



# TOWN OF YARMOUTH

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BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR  
William G. Hinchey

## Press Release

### Bay Colony Rail Road Sues Town of Yarmouth

Last week, a long running breach of contract claim brought by Bay Colony Rail Road against the Town of Yarmouth was tried before a jury in Norfolk Superior Court. The suit concerned Bay Colony's desire to ship municipal solid waste from the transfer station in Yarmouth to a facility in Rochester MA by truck after Bay Colony lost its lease to operate the Cape Cod railways in 2007. Bay Colony sought to force the Town to ship municipal solid waste by truck although the permit issued by the state Department of Environmental Protection for the Yarmouth transfer station does not allow for trucking, except as required due to temporary disruptions.

Bay Colony alleged \$1.4 million in damages. The Town countered with evidence that Bay Colony would have lost money trucking the solid waste. Unfortunately, the jury returned a verdict in favor of Bay Colony Rail road for \$800,000. With interest, the amount could rise to over \$1,200,000.

The Board of Selectmen, Town Administrator and legal counsel are evaluating the available legal options, including an appeal of the decision.

*For further details please call the Town Administrator William G. Hinchey at 508- 398-2231 x 1271.*