



**Board of Selectmen
Executive Session
October 2, 2012**

Approve & Hold
5-0 4/23/13
Released 5-14-15

The executive session of the Board of Selectmen was called to order at approx. 6:00 p.m. by Vice Chair Curtis Sears at the Yarmouth Town Hall Room A. Roll call: Sears, Quirk, Post and Holcomb. Also Attending: Town Administrator William G. Hinchey, Town Counsel Bruce Gilmore, Special Counsel Doug Robertson and Asst. DPW Director Robert Angell.

Item 1

Strategy with respect to Bay Colony Railroad Corp Litigation

The Board of Selectmen discussed the latest offer of settlement from Bay Colony Railroad.

MOTION: To move that the Board of Selectmen direct the Town Administrator to respond to Bay Colony as follows, "Advising Bay Colony of the Town's intention to pursue an appeal of the judgment and further to inquire about Bay Colony's interest in bringing an independent mediator into the process."

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

Roll call (Sears, Post, Quirk, Holcomb – yea)

The Board further directed Mr. Hinchey and Mr. Gilmore to meet with Barnstable in order to continue to apprise them of the settlement discussions and their obligations thereto.

Adjourn

MOTION: To move that the Board of Selectmen adjourn the Executive Session and return to Open Session at 6:50PM

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

Roll call (Sears, Quirk, Post, and Holcomb – yea)

Respectfully submitted,

Elizabeth G. Hartsgrove