

**Board of Selectmen  
Executive Session  
September 11, 2012**

*Approve or Hold  
10/2/12 4-0  
Released 5-14-15.*

The executive session of the Board of Selectmen was called to order at approx. 6:03 p.m. by Chair Erik Tolley at the Yarmouth Town Hall Room A. Roll call: Sears, Post, Quirk, Holcomb and Tolley. Also Attending: Town Administrator William G. Hinchey, Town Counsel Bruce Gilmore and Dog Robertson and Asst. DPW Director Rob Angell.

**Item 1**

Strategy with respect to Bay Colony Railroad Corp Litigation  
*The Board of Selectmen discussed the Bay Colony Railroad judgment.*

**MOTION:** I move that the Board of Selectmen offer Bay Colony \$300,000 (the amount in the Enterprise Account Reserve) to settle the suit. This offer was good only until the Judge issues his response to the Suit.

**Motion by:** Jim Quirk      **Seconded by:** Curt Sears      Yea 5    Nay 0  
– yea)

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:** Tracy Post      Yea 5    Nay 0  
Roll call (Sears, Post, Quirk, Holcomb and Tolley – yea)

Respectfully submitted,

Elizabeth G. Hartsgrove

**Executive Session Documents**

1. Strategy with respect to Bay Colony Railroad Corp Litigation
  - Letter from Bay Colony to WGH, dated September 5, 2012. Re: Extension Granted



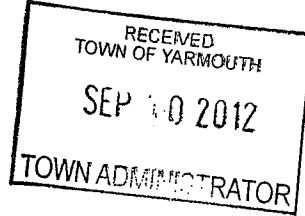
# Bay Colony Railroad Corporation

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Telephone: (781) 380-3556 Facsimile: (781) 380-4820 Online: [www.baycolonyrailroad.com](http://www.baycolonyrailroad.com)

cc Bob  
(confidential)  
- Peter  
- Gedse  
- Rob  
- ~~Bob~~

September 5, 2012



Mr. William G. Hinchey  
Town Administrator  
Town of Yarmouth  
1146 Route 28  
South Yarmouth, MA 02664-4492

Dear Mr. Hinchey:

This is in response to your letter of August 30, 2012 proposing the Town of Yarmouth's interest in resolving the matter of payment to Bay Colony Railroad Corporation. The Town has requested a 30 day extension from our proposed settlement offer deadline of September 5, 2012. Bay Colony will grant Yarmouth the requested extension to Friday, October 5, 2012 at 3:00 PM.

Please be aware that with this extension, at least another month's interest will accrue. Should the Town wish to settle this matter prior to the extended October 5<sup>th</sup> deadline, please let me know.

Sincerely,

Bay Colony Railroad Corporation  
Robert H. Fay, Vice President

RHF/rhf