

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION - MONDAY, JUNE 30, 2003

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar opened the meeting at 7:26 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Other attendees: Town Manager Keith Bergman, Community Development Director Jon Gilmore, Licensing Board Chairman Hunter O'Hanian, Kopelman & Paige Attorney Jonathan Silverstein.

Recorder: Cheryl Andrews

The following are meeting minutes, in brief.

2. LITIGATION STRATEGY

Crown & Anchor Adult Entertainment Zoning By-law Litigation

Attorney Silverstein made a presentation.

Jon said Bylaw is fine but we are working to clarify.

Town Counsel stated Provincetown Inn is not subject to this bylaw regulation. It's not retail and theatre is allowed because it's grandfathered.

MOTION: *Move that the Board of Selectmen vote to direct Town Counsel not to appeal the preliminary injunction against the Town in the matter of Erenberg, Murray, Dougal, Crown & Anchor, et al, v. Town of Provincetown Provincetown et al.*

Roll Call: Michele Couture - Yes Sarah Peake - Yes Mary-Jo Avellar - Yea
Richard Olson - Yes Cheryl Andrews - Yes

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

Sarah Peake asked if Bylaw was rescinded, was told at town meeting that, yes they'd be grandfathered. Town Counsel said conservative answer.

Michele Couture left the meeting at 8:36 pm.

Hunter O'Hanian left the meeting at 8:45 pm.

July 14, 2003 next meeting with Town Counsel re: Nextel & Adult Entertainment.

Motion to adjourn by: Mary-Jo Avellar at 8:53 pm.

Roll Call: Sarah Peake - Yes Mary-Jo Avellar - Yea
Richard Olson - Yes Cheryl Andrews - Yes

Motion by: Mary-Jo Avellar **Seconded by:** Sarah Peake Yea 4 Nay 0

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
July 1, 2003