

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SECOND EXECUTIVE SESSION - MONDAY, AUGUST 25, 2003 #2

JUDGE WELSH HEARING ROOM

Acting Chairman Cheryl Andrews convened the executive session at 9:50 PM noting the following attendees: Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson. (Chairman of the Board, Mary-Jo Avellar did not attend due to conflict of interest. Her husband is Assistant Harbor Master.)

Other attendees: Town Manager Keith Bergman and Acting Assistant Town Manager Michelle Jarusiewicz

Recorders: Cheryl Andrews

The following are meeting minutes, in brief.

9A1 LITIGATION STRATEGY: DEP WHYDAH APPEAL

Accept DEP Proposal for Settlement

MOTION: *Move that the Board of Selectmen vote to accept the following proposal to resolve the appeal of the DEP Whydah matter: (1) DEP will withdraw the June 11, 2002 letter; (2) The Town will restrict the use of slip 10W to require a ten foot buffer between the boat on the outside of 10W and the Vast Explorer; (3) the Whydah will restrict the maximum width of any vessel using the north side of its pier to 25 feet; (4) the Whydah will construct handicap access from the north gangway pier to the MacMillan pier at his sole cost and expense.*

Roll call vote: Richard Olson - Yea Sarah Peake - Yea
Michele Couture - Yea Cheryl Andrews - No

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 4 Nay 0

9A2 LITIGATION STRATEGY: MacMILLAN PIER DREDGING

Authorize Settlement of DEP Enforcement Action

MOTION: *Move that the Board of Selectmen vote to authorize submission of the mitigation action plan prepared by the Provincetown Department of Public Works in settlement of DEP Order ACOP-SE-02-6Y001-6WY.*

Roll call vote: Richard Olson - Yea Sarah Peake - Yea
Michele Couture - Yea Cheryl Andrews - No

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 3 Nay 1

RELEASED 9-11-06

9B FISHERMEN'S WHARF

Land Negotiations [MGL C.29 § 23B, Clause 6]

MOTION: *Move that the Board of Selectmen vote to not express its strong support for the acquisition of Fishermen's Wharf for the Provincetown Public Pier Corporation and to direct the Town Manager to assist the PPPC in developing a proposed funding plan for the estimated \$50,000 in initial due diligence costs.*

Roll call vote: Richard Olson - No Sarah Peake - No
Michele Couture - Yea Cheryl Andrews - Yes

Motion by: Michele Couture **Seconded by:** Cheryl Andrews Yea 2 Nay 2

- Motion Does Not Carry -

MOTION: *Move that the Board of Selectmen vote to express its interest in the acquisition of Fishermen's Wharf for the Provincetown Public Pier Corporation with the understanding that one of the uses would be for Affordable Housing and to direct the Town Manager to bring an article forward to the Special Town Meeting seeking funding for initial due diligence.*

Roll call vote: Richard Olson - Yea Sarah Peake - Yea
Michele Couture - No Cheryl Andrews - No

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 2 Nay 2

- Motion Does Not Carry -

We also discussed PROFISH's sub-lease progress and the need for the three attorneys (Bill Henchy, John Giorgio and Larry Uchill) to meet. We will consider a 30-day extension of the interim agreement.

Motion to adjourn at 10:26 PM.

Roll call vote: Richard Olson - Yea Sarah Peake - Yea
Michele Couture - No Cheryl Andrews - No

Motion by: Michele Couture **Seconded by:** Richard Olson Yea 4 Nay 0

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
August 28, 2003