

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION - MONDAY, SEPTEMBER 22, 2003

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the executive session at 9:43 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 and Acting Asst. Town Manager Michelle Jarusiewicz

The following are meeting minutes, in brief.

9A LITIGATION STRATEGY: PATRICK V. TOWN

Appeal of Nextel Cell Tower Prmit - MGL C.39,§23B, Clause 3

MOTION: *Move that the Board of Selectmen vote not to agree to defendant Nextel's request for removal from the state to the federal court of the cases of Patrick, et al v. Planning Board, et al. v. Zoning Board of Appeals, et al.*

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

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 5 Nay 0

Mary-Jo Avellar left the room due to conflict. Her husband is Assistant Harbormaster.

Cheryl Andrews became Acting Chair.

9B MacMILLAN PIER: PPPC LEASE, PROFISH SUB-LEASE

Land Negotiations [MGL C.39,§23B, Clause 6]

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.39,§23B, Clause 6, to go into executive session to consider the purchase, exchange, lease or value of real property; and not to convene in open session thereafter [roll call vote]*

Roll Call: Sarah Peake - Yes Michele Couture - Yes
Richard Olson - Yes Cheryl Andrews - Yes

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 4 Nay 0

Discussion ensued.

20/20.

30 day extension NOT 60 as PPPC requests.

Have not had a response from PPPC meeting of 9/20/03.

Plan verbal dialogue between Board of Selectmen & PPPC.

Let them respond.

Reiterate 20/20

Extend - Nov. 1 / draft sub-lease with performance standards. Re-evaluate October 14th.

MOTION: *Move that the Board of Selectmen vote to authorize a one-month extension of the interim agreement with PPPC, provided that (1) utility costs are shifted from the Town to PPPC in that extension; and (2) PPPC extend its interim agreement with Profish for the same period.*

Roll Call: Sarah Peake - Yes Michele Couture - No
Richard Olson - Yes Cheryl Andrews - Yes

Motion by: Sarah Peake **Seconded by:** Richard Olson
Yea 3 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to adopt a “20/20” policy statement, expressing the Board’s intent that there be a 20 year lease between the Town and the PPPC, and a 20-year sublease between PPPC and Profish, consistent with the proposal Town Counsel John W. Giorgio has submitted to PPPC’s counsel at the direction of the Selectmen’s negotiating subcommittee (i.e., Acting Chair Andrews, Selectman Peake, and the Town Manager).*

Roll Call: Sarah Peake - Yes Michele Couture - No
Richard Olson - Yes Cheryl Andrews - Yes

Motion by: Sarah Peake **Seconded by:** Richard Olson
Yea 3 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to direct Town Counsel to draft performance standards fo the sub-lease with Profish.*

Roll Call: Sarah Peake - Yes Michele Couture - Yes
Richard Olson - Yes Cheryl Andrews - Yes

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 4 Nay 0

Motion to adjourn at 10:32 p.m.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
September 29, 2003