

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION - WEDNESDAY, MARCH 3, 2004

JUDGE WELSH HEARING ROOM

Acting Chairman Cheryl Andrews convened the executive session at 7:05 PM noting the following attendees: Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson, (Mary-Jo Avellar arrived at 7:30 pm.)

Other attendees: Town Manager Keith Bergman, Town Counsel John Giorgio

Recorder: Cheryl Andrews

The following are meeting minutes, in brief.

1A TOWN COUNSEL: LITIGATION STRATEGY

MacMillan Pier Floating Dock System: December 2003 Storm Damage

Donald Dusenberry, P.E. will be here tomorrow A) Examination, B) How much can go back into water. There are dollars for this still in the Pier Construction Budget. (\$300,000 left in)

Winkler will move them to Highway Garage (\$24,00 to move - \$24K to reinstall)

Mary-Jo Avellar came in at 7:30 pm.

Goal - berthing 40 vessels.

No motions made.

1B. MacMILLAN PIER: PROFISH-SUB-LEASE

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

Keith Bergman had prepared an extension onto the interim agreement till May 1, 2004. Keith Bergman feels there is a deal at hand for a short term sub-lease.

Tenants: Duration - 3 - 5 years trigger
 Pier Space - less than MOA
 Ice - Stand alone agreement?
 Dockage fees - Arbitration on reasonableness only.

MOTION: *Move that the Board of Selectmen vote to exexute an extension agreement with the Provincetown Public Pier Corporation expiring May 1, 2004. [Roll Call Vote]*

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

Motion by: Richard Olson **Seconded by**: Sarah Peake
 Yea 3 Nay 2 (Michele Couture / Mary-Jo Avellar)

MOTION: *Move that the Board of Selectmen vote to authorize Town Counsel and the Town Manager to work with the Pier Corporation and Profish to negotiate a short-term sub-lease, provided that said sub-lease satisfactorily addresses Profish's goals of (1) free trade on MacMillian Pier; (2) affordable dockage for their boats, and (3) affordable ice for the fishermen. [Roll Call Vote]*

Motion by: Sarah Peake **Seconded by:** Richard Olson
- Motion withdrawn -

MOTION: *Move that the Board of Selectmen vote to authorize Town Counsel and the Town Manager to work with the Pier Corporation and Profish to negotiate a short-term sub-lease as outlined in the Town Manager's memo dated March 2, 2004. [Roll Call Vote]*

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

Motion by: Sarah Peake **Seconded by:** Richard Olson
Yea 3 Nay 2 (Michele Couture / Mary-Jo Avellar)

Michele Couture raised the issue of Michael Tasha - Cape Cod Oil.

*Mary-Jo Avellar left the room for a minute.**

MOTION: *Move that the Board of Selectmen vote to reconvene in open session.*

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

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

The board reconvened in open session at 8:09 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
March 30, 2004