

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**EXECUTIVE SESSION – JULY 26, 2004**

**JUDGE WELSH HEARING ROOM**

Chairman Cheryl Andrews opened the meeting at 6:00 pm noting the following attendees:  
Board of Selectmen Members: Cheryl Andrews, Mary-Jo Avellar, Michele Couture, Sarah Peake, Richard Olson.

Others Present: Acting Assistant Town Manager Michelle Jarusiewicz, Police Chief Ted Meyer, Town Counsel Elizabeth Corbo.

Recorder: Mary-Jo Avellar & Sarah Peake

The following are meeting minutes, in brief.

**1A TOWN COUNSEL: LITIGATION STRATEGY**

DeMarco v. Provincetown Police Department - MCAD Case

**MOTION:** *Move that the Board of Selectmen vote to authorize Town Counsel to enter into a settlement agreement in the matter of Tracy DeMarco v. Town of Provincetown Police Department, MCAD Case No. 02-BEM-02706, in the amount of \$23,000 which sum would be paid by the Massachusetts Insurers Insolvency Fund. [Roll call vote]*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Olson      Yea 3    Nay 2

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

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

**1B TOWN COUNSEL: LITIGATION STRATEGY**

Mad Maxine's v. Provincetown Harbormaster

**MOTION:** *Move that the Board of Selectmen vote to authorize Town Counsel to enter into an agreement to dismiss with prejudice the case of Mad Maxine's Watersports, Inc. et al. v. Town of Provincetown Harbormaster et al.*

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

Cheryl Andrews - Yes                      Michele Couture - Yes  
Richard Olson - Yes                      Sarah Peake - Yes

Motion to reconvene in regular session at 7:40 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
July 27, 2004