

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**EXECUTIVE SESSION – SEPTEMBER 13, 2004 #2**

**JUDGE WELSH HEARING ROOM**

Chairman Cheryl Andrews opened the meeting at 8:50 pm noting the following attendees:  
Board of Selectmen Members: Cheryl Andrews, Mary-Jo Avellar, Michele Couture, Richard Olson.

Excused Absence: Sarah Peake

Others Present: Town Manager Keith Bergman, Town Counsel Rick Holland

Recorder: Cheryl Andrews

The following are meeting minutes, in brief.

**9B TOWN COUNSEL: LITIGATION STRATEGY**

MacMillan Pier Floating Dock System: December 2003 Storm Damage  
[MGL C.39, §23B, cl.3]

AGM does not want litigation.

Rick - Steps - call meeting.

Four (4) proposals from AGM:

1. Attach hinged finger float, keep existing concrete walkways and remove finger floats in winter and storms.
2. Replace entire system - replace with all wood. Out in winter and storm.
3. Recommend walking and use med moving.
4. Attenuator - plus new system

Date - Any action must be summer 05 says Rick. Public hearing - December '04.

**MOTION:** *Move that the Board of Selectmen vote to have staff provide Board of Selectmen with a suggested "Process" by mid-October for dealing with the decision making that must occur in order to resolve this problem. [Roll Call Vote]*

**Motion by:** Mary-Jo Avellar    **Seconded by:** Richard Olson    **Yea 4    Nay 0**

**Richard Olson - Yes**

**Mary-Jo Avellar - Yes**

**Michele Couture - Yes**

**Cheryl Andrews - Yes**

The Board adjourned at 9:30 pm.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
September 21, 2004