

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**EXECUTIVE SESSION – JULY 23, 2001**

**JUDGE WELSH HEARING ROOM**

Board of Selectmen members: Elizabeth Steele-Jeffers, Cheryl Andrews, David Atkinson, Mary-Jo Avellar, Michele Couture.

Other Attendees: Keith Bergman -Town Manager, Mark Latour - Assistant Town Manager and John Giorgio - Town Counsel

Recorder: Keith Bergman, Town Manager

Meeting called to order by Chairman, Betty Steele-Jeffers

The following are meeting minutes, in brief.

**8A LITIGATION STRATEGY**

Beede Waste Oil Superfund Site – Large De Minimis Contribution

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B clause 3, to go into executive session for the purpose of discussion strategy with respect to litigation and not to convene in open session thereafter.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Cheryl Andrews      Yea 5    Nay 0

*[Roll Call Vote]*

Mary-Jo Avellar – Yes      David Atkinson - Yes      Michele Couture - Yes  
Cheryl Andrews –Yes      Betty Steele-Jeffers - Yes

**MOTION:** *Move that the Board of Selectmen vote to authorize Town counsel to indicate to the Environmental Protection Agency the Town of Provincetown’s interest in negotiating a so-called large de minimis settlement in the mater of Beede Waste Oil Superfund Site Clean-up.*

**Motion by:** Cheryl Andrews      **Seconded by:** Mary-Jo Avellar      Yea 5    Nay 0

*[Roll Call Vote]*

David Atkinson - Yes      Mary-Jo Avellar – Yes      Betty Steele-Jeffers - Yes  
Cheryl Andrews –Yes      Michele Couture - Yes

**MOTION:** *Move that the Board of Selectmen authorize Town Counsel to enter an agreement for judgment with Edward Salvador and Pannoni & Sons to allow the transfer of the ownership of Float Space 1W and (8W?) to a corporation without any*

*restriction on the subsequent sale of stock of the corporation to another person.*

**Motion by: David Atkinson      Seconded by: Mary-Jo Avellar      Yea 3    Nay 2**

*[Roll Call Vote]*

Mary-Jo Avellar – Yes      David Atkinson - Yes      Michele Couture - No  
Cheryl Andrews –Yes      Betty Steele-Jeffers - No

9:28 PM David Atkinson left the room and went away.

**8B      LITIGATION STRATEGY**

Adams, et al. v. Town of Provincetown, et al. [Clothing Optional Beach]

Town Counsel updated Board on Adams v. Town of Provincetown.

**MOTION:** *Move that the Board of Selectmen vote to not authorize Town Counsel to appeal the July 20, 2001 decision of Barnstable Superior Court in the matter of Adams, et al v. Town of Provincetown, et al.*

**Motion by: Michele Couture      Seconded by: Betty Steele-Jeffers      Yea 2    Nay 2**

*[Roll Call Vote]*

Mary-Jo Avellar – Yes      Michele Couture – No      - **MOTION FAILED** -  
Cheryl Andrews – No      Betty Steele-Jeffers - Yes

**MOTION:** *Move that the Board of Selectmen authorize Town Counsel to negotiate a revised injunction specifying the actions the Town must undertake to comply with the judge's order, to be limited to posting of a sign prohibiting nude sun bathing on the Spaghetti Strip, at the site and a posting of such notice at Town Hall.*

**Motion by: Michele Couture      Seconded by: Betty Steele-Jeffers      Yea 4    Nay 0**

*[Roll Call Vote]*

Mary-Jo Avellar – Yes      Michele Couture - Yes  
Cheryl Andrews –Yes      Betty Steele-Jeffers - Yes

David Atkinson returned.

**8C      LITIGATION STRATEGY**

Dorothy Walter v. Town of Provincetown [Whale Watch Drive]

John Giorgio updated Board of Selectmen on this case.

**MOTION:** *Move that the Board of Selectmen vote to authorize Town Counsel to appeal the July 20, 2001 decision of Barnstable superior court in the matter of Dorothy Walter v. Town of Provincetown.*

**Motion by: Cheryl Andrews      Seconded by: Mary-Jo Avellar      Yea 5    Nay 0**

*[Roll Call Vote]*

**Mary-Jo Avellar – Yes**

**Michele Couture – Yes**

**David Atkinson - Yes**

**Cheryl Andrews –Yes**

**Betty Steele-Jeffers - Yes**

Motion to adjourn by: Mary-Jo Avellar at 10:22 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
August 17, 2001