

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION #1 – AUGUST 23, 2004

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened the meeting at 9:30 pm noting the following attendees:

Board of Selectmen Members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Excused Absence: Mary-Jo Avellar

Others Present: Town Manager Keith Bergman, Special Counsel Gretchen Van Ness

Recorder: Cheryl Andrews

The following are meeting minutes, in brief.

9A STRATEGY WITH RESPECT TO LITIGATION

Johnstone et al. v. Reilly, et al. - MGL C.39§23B cl.3

- Options:
- A. Interlocutory appeal - one judge.
 - B. Appeal to entire Appeals Court - 3 judge panel.
 - C. Go back to Judge Ball. . Her footnote as amended complaint.

MOTION: *Move that the Board of Selectmen vote to authorize counsel to file a motion with Judge Ball to reconsider. [Roll Call Vote]*

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

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

MOTION: *Move that the Board of Selectmen vote to authorize the release of a public statement relative to the Johnstone case as amended and approved by the Chair. [Roll Call Vote]*

Motion by: Michele Couture Seconded by: Sarah Peake Yea 4 Nay 0

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

Motion to adjourn this portion of the executive session at 10:12 pm.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
August 31, 2004