

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION - MONDAY, JULY 14, 2003

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar opened the meeting at 10:05 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson

Other attendees: Town Manager Keith Bergman, Planning Board Chairman Anne Howard, Kopelman & Paige Attorney Jonathan Silverstein.

Recorder: Cheryl Andrews

The following are meeting minutes, in brief.

10B LITIGATION STRATEGY: NEXTEL V. TOWN

Zoning Board of Appeals, Planning Board MGL C.39,§23B, Clause 3

MOTION: *Move that the Board of Selectmen vote to direct Town Counsel not to appeal the decision of the U.S. District Court in the matter of Nextel Communications of the Mid-Atlantic, Inc. v. Town of Provincetown Provincetown, et al.*

Motion by: Michele Couture **Seconded by:** Sarah Peake

Sarah Peake withdrew her second.

MOTION: *Move that the Board of Selectmen vote to direct Town Counsel to file a cross-appeal and seek a stay if Nextel appeals and not to appeal otherwise.*

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

Roll Call: Sarah Peake - Yes Mary-Jo Avellar - No Michele Couture - No
Richard Olson - Yes Cheryl Andrews - No
Yea 2 Nay 3 - Motion fails. -

MOTION: *Move that the Board of Selectmen vote to direct Town Counsel to appeal and seek a stay.*

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar

Roll Call: Sarah Peake - No Mary-Jo Avellar - Yes Michele Couture - No
Richard Olson - No Cheryl Andrews - Yes
Yea 2 Nay 3 - Motion fails. -

Mary-Jo Avellar left the room due to conflict of interest. Her husband work as Asst. Harbormaster.

MOTION: **Re: Gas Dock.** *Move that the Board of Selectmen vote note to accept offer.*

Motion by: Sarah Peake **Seconded by:** Michele Couture ...

Roll Call: Sarah Peake - Yes Michele Couture - Yes
Richard Olson - Yes Cheryl Andrews - Yes Yea 4 Nay 0

Mary-Jo Avellar returned.

Motion to adjourn at 10:55 pm.

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

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
July 18, 2003