

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION – DECEMBER 9, 2002

## JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar called the meeting to order at 6:30 PM noting the following attendees: Board of Selectmen Members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake and Richard Olson

Others Present: Town Manager Keith Bergman, Acting Asst. Town Manager Michelle Jarusiewicz, Director of Community Development Jon Gilmore, Planning Board Chairman Anne Howard, Zoning Board of Appeals Chairman Gary Reinhardt and Town Counsel Jason Talerman

Recorder: Cheryl Andrews, Clerk

The following are meeting minutes, in brief.

### 1A1 LITIGATION STRATEGY: NEXTEL V. TOWN

Zoning Board of Appeals, Planning Board MGL C.39, §232B, clause 3.

Discussion of Board as to how to deal with Nextel litigation.

We discussed writing a new bylaw. Can we -

1. Keep Nextel from building at Wrigley site - settle? 2. Change Bylaw 3. Not spend tons of dough.

We need a revised bylaw.

***MOTION: Move that the Board of Selectmen vote to authorize Town Counsel to enter into settlement discussion with Nextel.***

**Motion by: Michele Couture      Seconded by: Sarah Peake      [Roll call]**

Michele Couture - Yes      Richard Olson - No      Cheryl Andrews - No

Sarah Peake - Yes      Mary-Jo Avellar - No

**Yea 2    Nay 3 (Richard Olson/Cheryl Andrews/Mary-Jo Avellar) - DOES NOT PASS -**

***MOTION: Move that the Board of Selectmen vote to direct Town Counsel to minimally defend the Nextel Litigation while the Board and Town Counsel develop a new Telecommunication Bylaw.***

**Motion by: Cheryl Andrews      Seconded by: Richard Olson      [Roll call]**

Michele Couture - No      Richard Olson - Yes      Cheryl Andrews - Yes

Sarah Peake - No      Mary-Jo Avellar - Yes

**Yea 3    Nay 2 (Michele Couture/Sarah Peake)**

Motion to adjourn by: Sarah Peake, Seconded by: Richard Olson at 9:30 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
December 19, 2002