

TOWN OF PROVINCETOWN – BOARD OF SELECTMEN

EXECUTIVE SESSION – MONDAY, JANUARY 8, 2007 10:17 PM

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews called the meeting to order at 10:17 p.m. noting the following Board of Selectmen members: Cheryl Andrews, Michele Couture, Richard Olson, David Nicolau

Excused Absence: Sarah Peake

Recorder: Cheryl Andrews

The following are meeting minutes, in brief.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 6, to go into executive session to discuss litigation, and the value of land; and not to convene in open session thereafter. [Roll Call Vote]*

Michele Couture – Yes David Nicolau – Yes
Cheryl Andrews – Yes Richard Olson - Yes

Motion by: Michele Couture **Seconded by**: David Nicolau

Yea 4 Nay 0 - **Motion Passes** –

9A. **TOWN COUNSEL: LITIGATION**

Board of Health v. Bryant – 471 and 467 Commercial Street

MOTION: *Move that the Board of Selectmen vote to authorize Town Counsel to enter into a stipulation of dismissal in the 1995 suit filed against Marie Bryant, in light of the relief subsequently granted to the Town. [Roll Call Vote]*

Motion by: Michele Couture **Seconded by**: Richard Olson

David Nicolau - Yes Michele Couture – Yes
Richard Olson – Yes Cheryl Andrews - Yes

Yea 4 Nay 0 **Motion Passes**

9B. **LITIGATION STRATEGY**

DEP Decision – MGL C.91,§10A Mooring Permit Fees

MOTION: *Move that the Board of Selectmen vote, not to authorize Town Counsel to appeal to Superior Court the administrative decision of the Department of Environmental Protection in the matter of the mooring permit fee appeal of David Ditacchio, and further to direct that the two appellants are refunded the fee from 2006. [Roll Call]*

Motion by: Michele Couture **Seconded by**: Richard Olson

David Nicolau – Yes Michele Couture – Yes
Richard Olson - Yes Cheryl Andrews - Yes

Yea 4 Nay 0 **Motion Passes**

9C. **LITIGATION STRATEGY**

MOTION: *Move that the Board of Selectmen vote that Town Counsel defend the Zoning Board of Appeals decision in the manner consistent with other Zoning Board of Appeal cases that are appealed. [Roll Call]*

David Nicolau – Yes Michele Couture – No
Richard Olson – Yes Cheryl Andrews - Yes

Motion by: David Nicolau Seconded by: Richard Olson
Yea 3 Nay 1 (Michele Couture) Motion Passes

MOTION: *Move that the Board of Selectmen vote to adjourn at 10:50 PM [Roll Call]*

Cheryl Andrews - Yes Michele Couture – Yes
Richard Olson – Yes David Nicolau – Yes

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

Minutes transcribed by: Vernon G. Porter
January 10, 2007