

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION – TUESDAY, DECEMBER 12, 2005

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews called the meeting to order at 9:30 pm noting the following Board of Selectmen members: Cheryl Andrews, Sarah Peake, Michele Couture, Richard Olson, David Nicolau.

Other attendees: Town Manager Keith Bergman

Recorder: Sarah Peake, Vice Chair

The following are meeting minutes, in brief.

10A LITIGATION STRATEGY

Sewer – Metcalf & Eddy – Medication settlement – Third Operator

Keith Bergman filled in Board on the background and details of the mediation.

MOTION: *Move that the Board of Selectmen vote to approve to mediation settlement reached with Metcalf and Eddy on December 2, 2005 in the matter of the third operator for the Wastewater Treatment Plant, which establishes a baseline cost of \$85,000 for the third operator for the treatment plant, but waives the fee for Year 1 and 2 of the service agreement.*

Motion by: Sarah Peake **Seconded by**: Richard Olson [Roll Call]

Sarah Peake – Yea Michele Couture – No David Nicolau - Yea

Richard Olson – Yea Cheryl Andrews – Yea

Yea 4 Nay 1 (Michele Couture) **Motion Passes**

10B LITIGATION STRATEGY: MacMILLAN PIER DREDGING

Authorize Settlement of DEP Enforcement Action

Keith Bergman reviewed proposed settlement.

MOTION: *Move that the Board of Selectmen vote to ask the Town Manager to review executive session minutes with Town Counsel and bring a recommendation to the Board of Selectmen regarding their release.*

Motion by: Sarah Peake **Seconded by**: David Nicolau [Roll Call]

Sarah Peake – Yea Michele Couture – Yea David Nicolau - Yea

Richard Olson – Yea Cheryl Andrews – Yea

Yea 5 Nay 0 **Motion Passes**

MOTION: *Move that the Board of Selectmen vote to authorize execution of an Administrative Consent Order in settlement of DEP Order ACOP-SE-02-6Y001-6WY relative to dredging at MacMillan Pier which occurred in July of 2002, which DEP found to be in noncompliance with permits issued therefore, including a penalty of \$6,094.*

Motion by: David Nicolau Seconded by: Richard Olson [Roll Call]

**Sarah Peake – Yea Michele Couture – Yea David Nicolau - Yea
Richard Olson – Yea Cheryl Andrews – Yea**

Yea 5 Nay 0 Motion Passes

10C LITIGATION STRATEGY

Joint Class Action Suit re: Water MBTE Contamination

MOTION: *Move that the Board of Selectmen vote to join a class action suit relative to MBTE contamination of water, to be presented by the firm of Rodman, Rodman & Sandman, P.C. on a contingent fee basis.*

Motion by: Michele Couture Seconded by: Sarah Peake [Roll Call]

**Sarah Peake – Yea Michele Couture – Yea David Nicolau - Yea
Richard Olson – Yea Cheryl Andrews – Yea**

Yea 5 Nay 0 Motion Passes

Motion to adjourn by Sarah Peake at 10:42 PM.

Minutes transcribed by: Vernon G. Porter
December 20, 2005