

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION - MONDAY, FEBRUARY 7, 2005

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened the executive session at 10:16 PM noting the following attendees:
Board of Selectmen members: Cheryl Andrews, Mary-Jo Avellar, Michele Couture, Sarah Peake, Richard Olson.

Other attendees: Town Manager Keith Bergman

Recorder: Mary-Jo Avellar / Cheryl Andrews

The following are meeting minutes, in brief.

9A. LITIGATION STRATEGY

MacMillan Pier Floating Dock System: December 2003 Storm Damage

MOTION: *Move that the Board of Selectmen vote to send a letter to Congressman Delahunt asking for help in locating \$3,761,000 handicap accessibility funds. [Roll Call Vote]*

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

Motion by: Michele Couture **Seconded by**: Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to to execute a settlement agreement with AGM Marine relative to December 2003 storm damage to the MacMillan Pier floating dock system.. [Roll Call Vote]*

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

Motion by: Michele Couture **Seconded by**: Sarah Peake Yea 5 Nay 0

9B1 LITIGATION STRATEGY/VALUE OF LAND

Cape Cod Oil - Cumberland Farms - Encroachment issue- Housing.

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager and Town Counsel to participate in three-party discussions with the litigants in the case of Michael J. Tasha et al v. V.S.H. Realty, Inc. involving encroachments on Cumberland Farms' Shankpainter Road property. [Roll Call Vote]*

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

Motion by: Michele Couture **Seconded by**: Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager to issue a notice pursuant to MGL C.86,§3 to Michael J. Tasha et al. to cure the encroachment of Cape Cod Oil on Town-owned property. [Roll Call Vote]*

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

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

Mary-Jo Avellar left the room due to conflict. Her husband is Assistant Harbormaster.

9B2 **PPPC LEASE, MARINE MANAGEMENT**

Collective Bargaining, Lease Negotiation Strategy [MGL C.39,§23B c1.3,6]

MOTION: *Move that the Board of Selectmen vote to authorize submission of request to the Provincetown Public Pier Corporation inviting their proposal for provision of marine management services including the contracting of the harbormaster function, subject to impact bargaining with the AFSCME Town-wide Unit "A". [Roll Call Vote]*

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

Motion by: Sarah Peake **Seconded by:** Richard Olson Yea 4 Nay 0

Motion to adjourn at 11:25 pm.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
February 9, 2005