

Monday

JULY 19, 1999

**BOARD OF** 7:00PM

**SELECTMEN** JUDGE WELSH

HEARING ROOM

## MINUTES

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

Mary-Jo Avellar, Cheryl Andrews, David Atkinson, Richard Prowell, Betty Steele-Jeffers, Selectmen; Keith Bergman, Town Manager; E. Winn Davis, Asst. Town Manager; John Giorgio, Town Counsel

### 1. Town Counsel

#### A. Shankpainter Pond Uplands

Motion - Authorize Town Counsel to submit "uniqueness determination" to Central register.

Motion by David Atkinson, 2nd Cheryl Andrews 5-0

Motion: To await the third appraisal and review appraisal for the 7.52 acre Shankpainter Pond uplands property and upon their receipt to authorize the Town Manager to request permission of the Director of Conservation Services for the Town to purchase said property; and to await said permission before entering into a non-contingent purchase and sales agreement.

Motion by Cheryl Andrews, 2nd by Betty Steele-Jeffers 2-3 (David Atkinson, Mary Jo Avellar, Richard Prowell) MOTION FAILS

Motion: To await the third appraisal and review appraisal for the 7.52 acre Shankpainter Pond uplands property and upon their receipt to authorize the Town Manager to request permission of the Director of Conservation Services for the Town to purchase said property and to offer to purchase the property for 1.6

million dollars.

Motion by David Atkinson, 2nd by Mary Jo Avellar 4-1 (Betty Steele-Jeff ers)

8:30 break

8.40 Meeting resumes

1. Town Counsel

B. Commercial Solicitation By-Law: To discuss strategy with respect to litigation

Motion: Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, to go into executive session for the purpose of discussing strategy with respect to litigation; and to convene in open session thereafter.

Motion by Cheryl Andrews, 2nd by Richard Prowell 3-2 (Mary Jo Avellar, David Atkinson)

1. Town Counsel

C. Litigation Update

Motion, Move that the Board of Selectmen vote, pursuant to MGL Chapter 39, section 23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to litigation-, and to convene in open session thereafter.

Motion by Mary Jo Avellar, 2nd by David Atkinson 5-0 vote by roll call vote

Meeting reconvened in public at 9:32 ui

T O W N

Solicitation By-law, General By-laws section 9-3, including the intent manifested by Town meeting as to the application of that By-law, move that the Board of Selectmen clarify that the By-law does not apply to the distribution of flyers or leaflets or making announcements to the public of entertainment and the time and place of performance of the same where the distributors of same do not sell tickets with such leaflets or flyers. This is because distribution of such leaflets notifying the public of performance events is notice of expressive or newsworthy events and therefore is not Commercial Solicitation within the meaning of the By-law.

## 2. Selectmen's statements

Mary Jo Avellar \* Move that the Board meet with the Chief of police to discuss code compliance and amplification noise. 2nd by Cheryl Andrews 5-0

Betty Steele- Jeffers

- thank you for the fans
- telephone call in support of not planting a tree in front of library to replace the linden

Cheryl Andrews

\*David Guertin memo of 7/16/99 - schedule for 8/9/1999

\*letter to Mike Wright

\* Letter to whale watch companies - done?

\*re Steve's alibi letter - requesting input from the chief

Richard Prowell

\*went on tour of water department and sites with Craig Wiegand - thank you

David Atkinson \*questioned complaints about harbormaster \* mentioned resignation of asst. harbormaster

linden tree - offered to cut it up - discussion of proposal followed - see attached memo from David addressed to BOS, TM, ATM. DPW director, Beautification Comm, Library BOD \* elm is the tree to have as replacement

Meeting adjourned at 9:32

Submitted by

Elizabeth Steele- Jeffers, chairman