

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## EXECUTIVE SESSION - MONDAY, JUNE 27, 2005

### JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened the executive session at 5:03 PM noting the following attendees:  
Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake, Richard Olson, David Nicolau

Other attendees: Town Manager Keith Bergman, Town Counsel John Giorgio

Recorder: Vice Chairman Sarah Peake

The following are meeting minutes, in brief.

#### 1A. LITIGATION STRATEGY – UPDATE FROM TOWN COUNSEL

John Giorgio reviewed the Litigation Status report. Open discussion – question and answer ensued.

Street Performers discussion re: options for the Board.

#### 1B2 LITIGATION STRATEGY

Sewer – Metcalf & Eddy – Financial Settlement Proposal

John Giorgio reviewed Rick Holland's letter and proposed settlement.

**MOTION:** *Move that the Board of Selectmen vote, to authorize the submission to Metcalf & Eddy of the following proposal: the Town will agree to a change order in the amount of \$143,838 for 501 Commercial Street capital modifications (\$67,838) and private connection management (76,000); the Town will also agree to authorize Town Counsel to negotiate a contract amendment increasing the Service Fee in an amount not to exceed 50% of the actual cost (with no overhead or profit) for the third system operator; and with no reimbursement for the first two contract years. [Roll Call Vote]*

<b><u>Motion by:</u></b> Sarah Peake	<b><u>Seconded by:</u></b> David Nicolau	Yea 5	Nay 0
Michele Couture – Yes	Richard Olson – Yes	David Nicolau - Yes	
Sarah Peake – Yes	Cheryl Andrews - Yes		

#### 1B3 LITIGATION STRATEGY

Sewer – Metcalf & Eddy – Financial Settlement Proposal

John Giorgio reviewed Rick Holland's letter and proposed settlement.

**MOTION:** *Move that the Board of Selectmen vote, to authorize the hiring of Earth Tech to conduct an independent review of the sewer system at a cost not to exceed \$25,000. [Roll Call Vote]*

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

Discussion ensued. *Motion withdrawn by Michele Couture.*

**MOTION:** *Move that the Board of Selectmen vote to ask Town Counsel to come back to the Board with additional recommendations for experts. [Roll Call Vote]*

**Motion by:** Michele Couture      **Seconded by:** David Nicolau      Yea 5 Nay 0

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

**MOTION:** *Move that the Board of Selectmen vote to reconvene in open session. [Roll Call Vote]*

**Motion by:** Michele Couture      **Seconded by:** Richard Olson      Yea 5 Nay 0

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

The Board convened in open session at 6:23 pm.

Minutes transcribed by: Vernon G. Porter  
June 28, 2005