

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

EXECUTIVE SESSION – MONDAY, MAY 9, 2005

## JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened the executive session at 5:25 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 Rick Holland

Recorder: Sarah Peake

The following are meeting minutes, in brief.

2. **LITIGATION STRATEGY – MGL C.39§23B Clause 3**

Sewer – Metcalf & Eddy – Return to Compliance – Non-Binding Arbitration

Keith Bergman briefed us on current status re: Non-binding mediation proposed.

Chair had Board of Selectmen express areas of importance to Town Counsel.

Rick Holland of Kopelman & Paige gave overview.

***MOTION: Move that the Board of Selectmen vote to authorize and direct Town Counsel to send to M & E a demand letter, demanding that M & E identify any and all system-wide modifications that it believes are reasonable and necessary to ensure the long-term stability of the sewer collection system, and that M & E immediately proceed with such work at no cost to the Town***

**Motion by: Sarah Peake**

**Seconded by: Michele Couture**

*[Roll Call Vote]*

**Sarah Peake - Yes**

**Michele Couture – Yes**

**David Nicolau - Yes**

**Cheryl Andrews - Yes**

**Richard Olson - Yes**

**Yea 5 Nay 0 Motion Passes**

Motion to reconvene in open session by David Nicolau at 6:03 pm.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
May 16, 2005