

**TOWN OF PROVINCETOWN – BOARD OF SELECTMEN
FRIDAY, MAY 22, 2015 @ 10AM
JOINT EXECUTIVE SESSION MEETING WITH FINCOM - CLOSED
TOWN HALL – CAUCUS HALL**

Chairman Tom Donegan called the open meeting to order at 10 AM noting the following Board of Selectmen members: Tom Donegan, Erik Yingling, Cheryl Andrews, and Robert Anthony.

Excused: Raphael Richter

Other Attendees: Acting Town Manager David Gardner, Finance Director Dan Hoort, town Counsel John Giorgio and Town Counsel Darren Klein via telephone.

Chairman Michael Canizales called the FinCom meeting to order at 10 AM noting the following Finance Committee members: Michael Canizales, Doug Cliggott, Clarence Walker, Duane Steele, Mark Hatch, Tony "Scott" Valentino, and Louise Venden.

Excused: Stanley Sikorski

Recorder: Loretta Dougherty

The Boards motioned to enter into executive session at approximately 10:05 AM and then voted as follows:

MOTION: Move that the Board of Selectmen vote to go into Joint Executive Session with the Finance Committee, pursuant to MGL c30A, Section 21(a), Clause 3, for the purpose of:

Clause 3 – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared). Former Police Chief Jaran Arbitration/Appeals. Votes may be taken.

**Motion: Erik Yingling
(Roll Call Vote)**

Seconded: Robert Anthony

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Robert Anthony: Yes

Yea: 4 Nay: 0 Motion passed

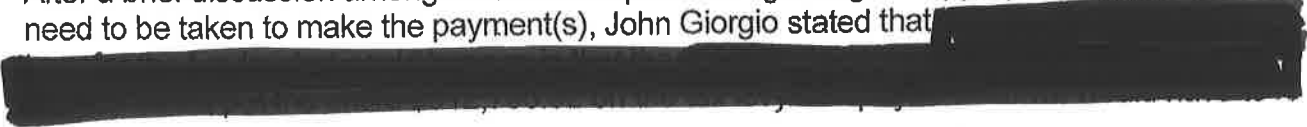
The FinCom called their Executive Session to order at approximately 10:06 AM.

Town Counsel Darren Klein joined the meeting via phone at 10:09 AM.

John Giorgio introduced everyone who was present at the meeting.

Darren gave a brief background summary to bring FinCom up-to-date. Darren stated that we have reached a tentative agreement for \$512,796.92, and explained how that figure was reached. The one thing that is not in the agreement which he wanted is language that would prevent any disparagement. Darren stated that they have agreed in principal to the terms of the agreement but it is not a finished deal until both sides sign.

After a brief discussion among all members present regarding the appropriate steps that need to be taken to make the payment(s), John Giorgio stated that



[REDACTED] If the court refuses to enter judgement, we will have to go to Town Meeting. You can pay the judgment but cannot appropriate money without Town Meeting. Town Counsel recommends [REDACTED]

Motions from both Boards were taken as follows:

MOTION: Move that the BOS approve the transfer of funds, as presented.

Motion: Erik Yingling

Seconded: Cheryl Andrews

(Roll Call Vote)

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Robert Anthony: Yes

Yea: 4 Nay: 0 Motion passed

MOTION: Move that the Finance Committee approve the transfer of funds, as it is stated in the handout.

Motion: Mark Hatch

Seconded: Doug Cliggott

(Roll Call Vote)

Mike Canizales: Yes

Doug Cliggott: Yes

Mark Hatch: Yes

Clarence Walker: Yes

Tony "Scott" Valentino: Yes

Duane Steele: No

Louise Venden: Yes

Yea: 6 Nay: 1 Motion passed

MOTION: Move that the Board of Selectmen accept the Settlement Agreement with Jeff Jaran, and authorize Town Counsel to seek his signature so the Board of Selectmen may counter sign on Tuesday in Executive Session.

Motion: Tom Donegan

Seconded: Erik Yingling

(Roll Call Vote)

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Robert Anthony: Yes

Yea: 4 Nay: 0 Motion passed

Everyone was asked to keep all of the information received in this meeting today, both verbal and written, in the strictest of confidence.

Darren left the conversation at 11:21 AM.

MOTION to adjourn by Tom Donegan @ 11:23 AM **Seconded:** Robert Anthony

(Roll Call Vote)

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Robert Anthony: Yes

Yea: 4 Nay: 0 Motion passed

The FinCom adjourned at 11:24 AM.

Minutes transcribed by: Loretta Dougherty