



# TOWN OF BARNSTABLE

## SANDY NECK BOARD

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### Sandy Neck Board Meeting May 11, 2009

Chairman:

Richards French

Vice Chairman:

William Carey

Board Members:

Barbara Bell  
Lynn Heslinga  
Nate King  
George Muhlebach  
Peter Sampou

Council Liaison:

Henry Farnham  
Ann Canedy

A regularly scheduled meeting of the Sandy Neck Board was held on May 11, 2009 at the Marine and Environmental Affairs Division Building at 1189 Phinney's Lane, Centerville, MA. The meeting was called to order at 7:33 pm by Chairman Rich French.

#### Roll Call:

- Board Members present: Barbara Bell, Pete Sampou, George Muhlebach, Nate King, Bill Carey, and Rich French.
- Council Liaisons: Hank Farnham and Ann Canedy (new liaison).
- Staff: Nina Coleman, Sandy Neck Park Manager and Debbie Lavoie, Secretary Pro Tem.
- Public: Joe Costa (plus 2 guests), Wendy Bowles and Patrick Paquette.

#### Act on Minutes:

- On a **motion** by Barbara Bell, and seconded by Nate King, the Sandy Neck Board voted unanimously to approve the April minutes as printed.

#### Guest Speaker:

*Barnstable Police Chief Paul MacDonald was called away and could not be the guest speaker this evening. He will be at the June 8, 2009 meeting.*

#### Correspondence:

***Letter from Mass Beach Buggy Association (MBBA) – attached.***

- Rich French read a letter from MBBA inviting the Board to a Spring Meet at Scusset Beach State Park from May 15 to May 17, 2009.

***Letter from West Barnstable Fire Department - attached.***

- Rich French read a letter from Chief Maruca. The FD would like to conduct a "Fill the Boot" drive which is a "voluntary toll" and money collected would go to Muscular Dystrophy. They are suggesting the dates: May 23, May 24, Aug. 28, Aug. 29 and a weekend in July.
- The Board discussed the request. Concerns raised included congestion, traffic flow, setting a precedent for other organizations/fundraisers that might like to come and collect money, number of times requested for the event, and public safety.

*After this discussion, a motion was made by Nate King and seconded by Barbara Bell to leave the decision to grant permission to hold this fundraiser up to Nina Coleman as Sandy Neck Park Manager. Another discussion ensued and the Board felt that since Nina Coleman asked for their input – they should give it. Vote: 0 = yes, 6 = no. Motion did not carry.*

*A motion was made by Pete Sampou and seconded by Nate King to recommend to the Park Manager that she not allow this fundraiser at all. This motion was withdrawn.*

*A motion was made by Pete Sampou and seconded by Nate King to deny the request as presented in the letter from Chief Maruca. A discussion ensued in which the Board felt that perhaps a one day trial run should be allowed - see how it works and if no problems – allow it again. Plus, this is "our" local fire department. Vote: 1 = yes, 5 = no. Motion did not carry.*

*A motion was made by Pete Sampou and seconded by Nate King to recommend the "Fill the Boot" drive by the West Barnstable Fire Department be allowed on Sandy Neck as a one day trial run on a date and site location to be determined by the Park Manager. Vote: 6 = yes, 0 = no. Motion passed unanimously.*

***Letter from Ian Ives, Director Mass Audubon regarding his application for scientific research -***

*attached.*

- Rich French passed out information from Mr. Ives, who had previously made a presentation to the Board at the April 13, 2009 meeting. This is updated information – an outline of the proposed study on spadefoot habitat use, tadpole survivorship and density.

## **Staff Report:**

### *Nina Coleman addressed the Board:*

- Sandy Neck is now fully staffed. By Memorial Day, the gatehouse will be open everyday from 8 am to 9 pm. After Memorial Day weekend, the night watchman will also be working.
- The bathhouse will be open soon. It looks “good”.
- The concession stand has been painted inside and outside. New concessioner this summer.
- The beach clean-up went very well. Thank you again to MBBA.
- The webpage is up and running. Lots of information. Check it out at [www.sandyneckbeachpark.com](http://www.sandyneckbeachpark.com)
- As of today, there are 4 plover nests west of the public beach (very unusual). They have seen birds between the access trail and trail 6 but no nests. More information to come when the birds settle down.
- The terns should be here by the beginning of June.

Hank Farnham stated that he did a “ride along” with Sandy Neck staff and it was quite informative. Staff was very professional. Rich French suggested that all board members should do the same to actually “see” what is happening on the beach on a busy day. Call Nina if you want to go and she will set something up.

## **Old Business**

- None

## **New Business:**

### *Discussion of dealer plates*

*[As background –Joseph Costa applied for an ORV sticker on a vehicle with a dealer plate. Nina Coleman, Sandy Neck Park Manager, denied his request because the Sandy Neck Beach Regulations clearly state no dealer, farm or repair plates are allowed. He appealed to Dan Horn, MEA Director, who upheld her decision based on the fact that dealer plates are not allowed per the regulations. Mr. Costa is now before the board to discuss the possibility of changing the regulations to allow dealer plates.]*

**Joseph Costa addressed the board.** He explained that Mass General Law dealing with excise tax has the notation that dealer plates can be used for personal use and as such should be allowed on Sandy Neck. He feels the Sandy Neck Regulations should be changed to allow dealers plates only [not repair or farm plates] since this new section of the state excise tax law allowing personal use was put in after the regulations were originally drafted.

### **Discussion / Board concerns:**

- The sticker might be moved from vehicle to vehicle since the plate can move from vehicles. There have been problems in the past with dealer plates being interchanged with different vehicles.
- In the past, there were problems with dealers bringing people down for “joy rides” on their dealer plate trying to sell that vehicle.
- The Board explained that they can in fact be more stringent than the state. They feel the excise law can not be misused to change the regulations.
- The Board could not rule against their own regulations.
- Is this something that the Board would like to look at next year when they do their yearly review of the regulations?
- The Board requested a legal opinion as to whether the change in the language in the State Excise Tax Law regarding personal use of a dealer plate might affect issuances of an ORV sticker to dealer plates.
- Mr. Costa has the right to register his camper with a personal plate, and get an ORV sticker while he waits for the legal opinion.
- The Board noted that any potential change to the regulations requires a public notice, a public hearing and Town Manager approval. As such, it would not be done in time for this summer.

**New Business cont'd.*****Letter from Leah Curtis, Appointment Chair.***

- Rich French read the letter from Leah Curtis. Barbara Bell, George Muhlebach, and Rich French are up for reappointment to the Board. Each member must fill out their section and return it to Town Council Appointment Committee. The Board will be reorganized in July. The office of chair and vice- chair will be discussed in June.

**Other Business:**

*Rich French* would like to have an open house at the Halfway House in June. He would like to invite the Sandy Neck Board, Conservation Commission, and Old Kings Highway and others who helped to get the Halfway House completed.

**Public Comment:**

*Wendy Bowles:* MBBA was a success. Thank you to Nina for her help. She was well prepared and it worked out well. Wendy asked about plovers and boat traffic. Nina Coleman replied that this year she has hired a second shorebird specialist for this summer. Hank Farnham thanked MBBA for their help.

*Patrick Paquette:* He is concerned with the information presented to the Board by Ian Ives whose work on spadefoot toads has a lot of potential to closing down the beach and access. He is concerned with public access. Can the Board to discuss this at greater length at the next meeting? He believes this is more than what Mr. Ives said he was planning on doing when he addressed them at a former meeting.

*Rich French* explained that the Board just received the information this evening. They will invite Ian Ives to come to the June meeting to further discuss this information. He will ask Mr. Ives to bring in information about how the spadefoot toad is affecting other beaches.

**Adjournment:**

- There being no further business, the meeting was adjourned at 8:57 pm.

Respectfully submitted,

Debbie Lavoie, Secretary Pro Tem