



# TOWN OF BARNSTABLE SANDY NECK BOARD

1189 Phinney's Lane  
Centerville, MA 02632

Tel: 508-790-6272  
Fax: 508-790-6275

## Sandy Neck Board Meeting July 13, 2015

### Chairman:

Richards French

### Vice Chairman:

Thomas O'Neill

### Board Members:

William Carey  
Lynn Heslinga  
Nate King  
George Muhlebach  
Peter Sampou

### Council Liaisons:

Ann Canedy  
Phil Wallace

A regularly scheduled meeting of the Sandy Neck Board was held on July 13, 2015 at the Selectmen's Conference Room, 367 Main Street, Hyannis, MA. The meeting was called to order at 7:32 pm by Chairman Rich French.

### **Roll Call:**

- Board Members present: George Muhlebach, Pete Sampou, and Rich French. Tom O'Neill and Bill Carey arrived late and made a quorum for this meeting.
- Board Members absent: Lynne Heslinga and Nate King.
- Staff: Nina Coleman, Sandy Neck Park Manager, and Debbie Lavoie, Secretary.
- Council Liaison present: Phil Wallace.
- Council Liaison absent: Ann Canedy.
- Invited Guest: Financial Director Mark Milne.
- Public: Hank Farnham, Wendy Paquette, Diane Lomba, and Kylie Palomba.

### **Invited Guest:**

#### ***Finance Director Mark Milne addressed the Board:***

- FY 15 (Fiscal Year) is over for the Town and now in FY 16. Under revenue - Sandy Neck ended the year pretty well as it exceeded their budget estimates by over \$100,000. Mostly from ORV fees category (permit stickers and camping). On the operating expense side - ended year within budget.
- Going forward, there is \$50,000 in next year's operating budget for "sacrificial sand". If it is not used, it will return to Sandy Neck surplus. Quite a bit of surplus was used last year, but still a strong healthy balance in surplus.
- All in all - the Sandy Neck Enterprise Fund is in a solid financial condition.
- Every year, every community in the state, must get their surplus funds recertified by the MA Dept of Revenue. [Not just the Town of Barnstable]. The Town can not appropriate money (from surplus) until the Town gets this "sign off".
- If there is an enormous expenditure that the Sandy Neck Enterprise Fund can not afford to pay, the Town is allowed [by law] to subsidize the enterprise fund using the Town's general funds. Town Council approval would be needed.
- Throughout the Town the Finance Dept. always focuses on long term sustainability of the town's service levels.
- Rich French indicated that there will be a workshop soon to discuss long term solutions for Sandy Neck and storm damage.
- Nina Coleman applied for a \$200,000 CZM grant for engineers and guidance regarding sand nourishment and replenishment. She is waiting to hear if she got that grant.

### **Act on Minutes:**

- On a **motion** by Bill Carey and seconded by Tom O'Neill, the Sandy Neck Board voted to approve the June minutes as printed.

**Under Correspondence Rich French discussed this email to Debbie Lavoie from Town Councilor Ann Canedy with regard to the Town purchasing 14 acres of land at Sandy Neck.**

Hi All:

*I will not be able to attend tonight's meeting as I have to present a speaker at a local village event at 7 pm.*

*However, I did want to thank the Board for supporting the Town's purchase of 14 acres on Sandy Neck. As you know, the Town Council voted unanimously to approve CPA funds for that purchase at our last Town Council meeting.*

*Some important points that I would like to make to the Board:*

*I know there is some angst on the part of some Board members about access to and across the parcel for cottagers.*

*I drafted the Conservation Restriction and specifically addressed those issues.*

*Under Article I Purposes: "The purpose of this Restriction is to assure that the Premises, while permitting the acts and uses described in Article III herein, will be retained in perpetuity predominately in its natural, scenic and open condition";*

*Under Article III Permitted Uses: D. "...The maintenance and use of the existing unpaved footpath and other trails which, may exist on the Premises substantially in their present condition or as reasonably necessary for the current and permitted private and public uses thereof...." (is a permitted use)*

*Under Article III Permitted Uses: I "The use of motor vehicles ....(4) limited to any existing trails or approved trails or ways on the Premises, for access by owners of land on Sandy Neck or their lessees entitled to use the same..." (is a permitted use)*

*There was some question of whether or not cottagers would be inhibited from traversing Parcel 6 (the purchased parcel) to the north shoreline. The general public - of which the cottagers are included - are allowed all right of passage across and through the parcel. This is inhibited only by existing restrictions such as the prohibition against traversing through plover or tern nesting sites. Those areas are segregated now from time to time pursuant to State and Federal regulations and will be subject to the same restrictions in the future. The difficulty with showing a definitive footpath on a plan of land is that footpaths are subject to shifting sands and dunes. Some have interpreted to mean that there is some recognized interruption of trail or to the ability to traverse. There is not.*

*The bottom line is that while no new rights or exclusive rights were given to cottagers, NO RIGHTS ARE BEING TAKEN AWAY.*

*There was some concern about signage, fencing and portapotties. These are kind of boiler plate provisions which allow things like fencing in accordance with habitat protection (required) or signage as to ownership, etc. Portapotties here are expressly identified as temporary structures allowed in the rare event that work needs to be performed in the area - e.g invasive species control, dune restoration etc. They are NOT for use by the general public.*

*Nature Conservancy is being asked to hold the CR because the Town cannot hold a CR on land that it owns. Having a CR is different than just putting the land into Conservation and having the Conservation Dept oversee it. A CR is more protective.*

*Nature Conservancy was asked to hold the CR because they hold the CRs to other properties and own outright other properties on the Neck.*

*The Nature Conservancy and perhaps the State may propose changes to the CR. Any substantive or material changes WILL come before the Town Council before recordation for approval. We do not anticipate any substantive or material changes.*

*Nina Coleman and Natural Resources will manage the property in conformity with the Sandy Neck Management Plan.*

*I hope this answers most of your concerns or questions.*

*Once again - thank you to the Board - and to Nina- for your support.*

*Ann B. Canedy*

*Vice President. Barnstable Town Council Precinct 1*

**Staff Report:**

***Nina Coleman addressed the Board:***

- July 4<sup>th</sup> was very busy in part because of the beautiful weather. As of July 1<sup>st</sup>, extra staff has been added (two extra people). Good news – no medical emergencies. There was a police presence. And they were proactive. Some “big groups” were kicked off the beach. Setting the tone for the summer. Safety first.
- Issues were speed and riding on the rails – not allowed – dangerous.
- Staff was amazing. Nina Coleman and Rich French both gave kudos to the staff at Sandy Neck.
- Open to a little past Trail 2 because of plovers and terns. It will be a while until more of the beach is open.
- Diamondback Terrapin Turtles are doing wonderful. They are collecting nests for Headstart Program.

**Old Business:*****Update from the Erosion Solutions Subcommittee:***

Nothing to report

Nina Coleman did report that she is waiting to hear if Sandy Neck was awarded the \$200,000 **CZM Grant**. That request was for (1) alternative analysis, (2) public outreach, (3) design and permitting for the chosen solution.

**New Business:*****Preliminary discussions about regulations and fees for 2016.* [Attached at the end of these minutes is the 2015 Sandy Neck Fees Sheet]**

Rich French stated that the Board should look to ways to increase revenue but it needs to be done in a fair and appropriate way for everyone. Are there new avenues to look at such as day tripper fees, and a Sandwich only Sandy Neck sticker, and an after 3 pm fee. Could Nina Coleman recommend something? Tom O'Neill wants to set a "target" for suggestions (1) how much money to implement. (2) ideas vs. degree of difficulty (3) value to the whole. Right now Tom O'Neill, Lynne Heslinga, Nina Coleman, and Donna Bragg have been meeting. They would like to report back by October. Phil Wallace would also like to be on that sub committee.

**Regarding the Town of Sandwich, Rich French will send an email to Tom Lynch and Mark Ells requesting they come to a meeting and invite the proper people from the Town of Sandwich to that meeting.**

**Public Comment:**

- Henry Farnham spoke. He agrees the Town of Sandwich should pay more and/or a Sandwich Only Sandy Neck sticker be implemented. He also feels the cottage colony is getting a break and their sticker should be the same as resident stickers.

**Adjournment:**

- There being no further business, the meeting adjourned at 8:50 pm.

Respectfully submitted,

Debbie Lavoie, Secretary

# Sandy Neck Fees for 2015

## Special Permit

No fee for non-profit and school groups

\*\$30 for groups of 20-50 people\*

\*\$60 for groups over 50 people\*

\*\$60 for tent camper rescue fee\*

\*At the discretion of the Park Manager

## Annual Sticker

Resident	\$85.00
Sandwich/Non-Resident	\$170.00
Cottage Owner	\$30.00
Trailer	\$25.00

## Overnight Camp (per night)

Resident	\$10.00
Sandwich/Non Resident	\$20.00
All Chase Vehicles	\$5.00
Tent Camping	\$20.00

## Seasonal Stickers: (Sold after Labor Day)

Resident	\$25.00
Sandwich/Non Resident	\$50.00
Cottage Owner	\$10.00

## Horses \$30.00

## Halfway House Use

Day use only	\$100.00
Per night	\$150.00