

Taylor

**MINUTES BOARD OF SELECTMEN JUNE 24, 2010**  
**270 Quaker Meetinghouse Road, East Sandwich, MA 02537**  
**7:00 p.m.**

Present: Dana Barrette, Linell Grundman, John Kennan, Jim Pierce, Ralph Vitacco  
 George Dunham, Douglas Lapp, Jeanne Vanderpyl, Library Trustees, Carl Johansen, Richard Augustine, Guy Boucher, Mark Galkowski, Eric Nelson, Beach Committee

**PLEDGE OF ALLEGIANCE**

**REVIEW AND APPROVAL OF MINUTES**

2 15 P SL

**Mr. Kennan moved to approve the minutes of June 17, 2010. Mr. Pierce seconded. Unanimous.**

**TOWN MANAGER'S REPORT**

1. Upcoming meetings: The SEIC met on Monday and will meet on July 12, 4:00 p.m. at RHCI.

**CORRESPONDENCE/STATEMENTS/ANNOUNCEMENTS**

1. Ms. Grundman announced that the Recreation Department still has openings for its Fun Camp at Oak Crest Cove. Ms. Grundman also thanked the Chamber for instituting the Issues and Alliances committee which is collaboration between the Chamber and Town government.
2. Chair Dana Barrette arrived.

**PUBLIC FORUM**

1. Mr. Richard Augustine read a statement regarding the School Committee and Dr. Johnson.
2. Carl Johansen spoke about the School Committee.

**STAFF MEETING – Library Trustees- Town Land or State Library**

Several weeks ago the Library Trustees were in to explain available grants for a proposed branch Library. In order to apply for the grant, the Town must identify a piece of property to site it on. The land the Board discussed is indicated as part of "parcel C" and is near the Pop Warner football field off Quaker Meetinghouse Road.

The Library needs approximately 3 acres. Mr. Kennan agreed with the siting commenting that it is consistent with the LCP and the UMass study. Mr. Dunham noted that there are millions of dollars on the capital request list and the Library will be competing with all of those for funding. The Board expressed concern about the affect maintaining and staffing two buildings would have on the library budget. Mr. Lapp has volunteered to assist the Trustees with the grant paperwork. Ms. VanderPyl said that once the grant is approved, the Town has a year to break ground on the project. Ms. Grundman noted this is an aggressive timeline. **Ms. Grundman moved that the Board of Selectmen approve siting of the Sandwich Public Library Annex in South Sandwich as designated in materials before us, Parcel C. Mr. Kennan seconded. The Board requested the map be included in the minutes. Unanimous.**

### OLD BUSINESS

1. Every Tuesday, Mr. Dunham has been meeting with department heads to create a presentation regarding override issues. The presentation will be made over the course of several Board meetings. Ms. Grundman noted it is incumbent upon the Board to do the general government override and the School Committee must bring their override request to the Board in order to get it on the warrant. Mr. Barrette has spoken with Sherry Marshall regarding continuing the Conference Committee, which is the two chairs and vice chairs of the Selectmen and School Committee.
2. At the 1997 Town Meeting, the Town approved a land swap of 3 acres of Town land near the Forestdale School with the Division of Marine Fisheries for 3 acres at the intersection of 130 and Cotuit Road, but it was never finalized by the State. Fifteen years later it is finally done, at the persistence of Greg Smith. Mr. Dunham received the deeds today. Mr. Dunham asked that the Board confirm the original vote. **Ms. Grundman moved the Board of Selectmen transfer the town property identified as Map 17, Lots 131, 132, 133 location at the intersection of Quaker Meetinghouse and Route 130 consisting of 3 acres, plus or minus, that deed to be transferred to the Division of Fisheries and Wildlife. Mr. Kennan seconded. Unanimous.**

### 8:00 P.M. PUBLIC HEARING: Beach Regulations

Mr. Barrette read the public hearing notice. **Ms. Grundman moved to open the public hearing. Mr. Kennan seconded. Unanimous.** Recreation Director Guy Boucher, DNR Director Mark Galkowski and Eric Nelson, Chair, Beach Committee presented draft Beach Regulations. The regulations were done to balance allowing the public to enjoy the beach and protecting the habitat and coastal structures and serenity of the beaches. The Committee tried to not make it too restrictive. The regulations have been reviewed by Town Counsel. The biggest challenge is enforcement. The Committee feels the rules need to be adopted and enforcement issues need to be considered during budget season. Also, the regulations are a “living document” and can be adjusted. Mr. Boucher and Mark Galkowski have been working to address some of the issues such as vandalism/trash/fires but the regulations are needed to back up the enforcement and maintain what they are trying to do. Mr. Galkowski, based on comments made by Federal and State agencies, would like to put a closing time on the beaches. It was made loud and clear from the visit from the federal agencies that the beaches need to be secured at night to protect the piping plovers. If this is not done, the Town will be penalized and fined. Mr. Kennan

stated that the Town bylaw 3.20 allows for group use of beaches with a permit and Mr. Kennan did not think they could overturn a bylaw with a policy. The Board discussed that it would be “tricky” to change the cultural part of Sandwich’s usage of beaches at night. Mr. Galkowski said the Town has to show good faith effort to the division of Fish and Wildlife and Department of Interior (DoI). Town Counsel had reviewed the regulations but that was before the letter from DoI. The DoI letter also mentioned enforcement on July 4 (letter was dated June 8). Mr. Galkowski said at least portions need to be complied with as well as showing good faith effort. Ms. Grundman also noted banning fireworks would be a big issue, although already illegal, it would be difficult to enforce. Mr. Galkowski stated the tone of the letter was “severe”. There will be paid monitors and details for the piping plovers and additional money is coming from Mass. Audubon. Even though the bird that was “killed” was not on Town property, the DoI is trying to tie the Town’s hands. They want the Town to hire enough officers to make sure no one goes into the nesting areas even though the very majority of land is private. Mr. Johansen questioned closing the beaches at night since fishermen utilize the beaches at night. Mr. Barrette said the letter from the Department of Interior said Town Beach/boardwalk and parking area be closed from 9:00 p.m. to 6:00 daily including 4<sup>th</sup> of July. Mr. Johansen said it is a Colonial Law that fishermen have legal access to beaches. Mr. Galkowski thought a fishing permit would make sense. A section of the parking lot can be set aside with a fishing permit displayed in car. Mr. Dunham said the vast majority of people are respectful; however, the 4<sup>th</sup> of July is a whole different crowd. Mr. Galkowski said the Town just needs to make a good faith effort.

Richard Augustine, Kathy Quatromini, Bob Guerin and Paul Schrader all spoke. Mr. Schrader said that people need to accept personal responsibility and that these regulations are needed. Mr. Barrette asked if there was anything in the regulations that would stand out. Mr. Nelson said the biggest one is no cook fires east of the boardwalk to protect the piping plovers and dune. But west of the boardwalk they are allowed by special permit from the Fire Department. Mr. Barrette said if the police are expected to enforce the regulations then it is incumbent upon the Board to back this up. Mr. Barrette is not convinced the Town has the resources to enforce these. Mr. Schrader said a large part of adopting the regulations is education. Mr. Nelson said the signage is ready to go up once the Board adopts the regulations. Mr. Dunham said the vast majority of the proposed rules and regulations are common sense or a bylaw or law that already exists. **Ms. Grundman moved to close the public hearing. Mr. Kennan seconded.**

**Unanimous. Ms. Grundman moved for the purpose of discussion to adopt the Town of Sandwich Beach Rules and Regulations. Mr. Kennan seconded.** Ms. Grundman said it is not expected these will be enforced on July 4 but rather than to better educate people. Mr. Vitacco said enforcement starts with personal responsibility. Enforcement will be done by the Police Department and DNR. Mr. Barrette said the Board should review the progress mid-summer and end of summer. **Mr. Pierce moved the question. Mr. Pierce moved to approve the Beach Rules and Regulations as presented. Mr. Kennan seconded. Unanimous.** Mr. Boucher said the North Shore Blvd. no parking signs are up, the new parking lot is in place and parking patrol officers have been appointed and sworn in to assist in enforcement. Kathy Quatromini said there is already a huge difference already on North Shore Blvd. and it’s fantastic.

Local Meals Tax Option: Mr. Pierce proposed giving the voters the opportunity to decide at Town Meeting if they agree to the .75% Meal Tax Option. This could mean \$85,000-\$90,000 generated for the general fund. **Mr. Pierce moved to include an article on the Fall Town**

**Meeting Warrant to raise the meals tax by .75%. Ms. Grundman seconded for discussion.** Ms. Grundman said this is not the right time due to the economy. Also only two other Towns on the Cape have voted for it. Mr. Vitacco felt it would hurt the local restaurants who are visited by local residents, not just visitors. After discussion, **Mr. Pierce moved the question. On the main motion: Mr. Pierce in favor, 4 opposed. Motion fails.**

#### **NEW BUSINESS**

1. Ms. Grundman noted that nowhere in the Charter is the School Committee mandated to meet at all. Mr. Pierce thought this might be addressed in the Ed Reform Act.

#### **PUBLIC FORUM**

1. Carl Johansen asked how the two firefighters are who were injured. Mr. Dunham replied they are “on the mend”.
2. Mr. Augustine said the residents should be able to pick and choose override items.

#### **CLOSING REMARKS**

No closing remarks.

#### **ADJOURNMENT**

**Ms. Grundman moved to go into Executive Session for the purpose of discussing disposition of Real Property and Contract Negotiations and reconvene for the purpose of adjournment only. Mr. Kennan seconded. Ms. Grundman, Mr. Kennan, Mr. Pierce, Mr. Vitacco and Mr. Barrette so moved. Unanimous.**

Respectfully submitted,

Kathleen Coggeshall

Supporting documents:

1. Beach regulation public hearing notice
2. Draft Town of Sandwich Beach Rules and Regulations
3. Department of Interior letter dated June 11, 2010
4. Department of Fish and Game letter dated June 14, 2010
5. Sandwich Public Library – New Branch Proposal Executive Summary
6. Override presentation timeline GHD Draft 6/22/10 (6 pages)
7. Acceptance of Deed Article 34 May 5, 1997 ATM (5 pages)
8. Local Option Excise Revenues – DOR Bulletin (7 pages)

