

FORD LAW P.C.

1216 Bennington Street
East Boston, Massachusetts 02128
(617) 328-3400 Telephone
(617) 770-9801 Facsimile

Of Counsel
McDermott, Quilty & Miller LLP
Boston, Massachusetts

September 8, 2008

VIA FACSIMILE 508- 362-7754
AND OVERNIGHT MAIL

Barnstable County Superior Court
3195 Main Street
P. O. Box 425
Barnstable, MA 02630

Attn: Dianne Roderick

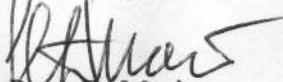
Re: Dugas et al v. Robbins
Barnstable Superior Court BACV2008-491

Dear Ms. Roderick:

Enclosed please find my Emergency Motion for Leave to File Supplemental Affidavits, Supplemental Affidavit of Peter Robbins (with exhibits), and Affidavit of Counsel (with exhibits).

Pursuant to our conversation, I am filing this as an emergency motion because the required time for reply under Superior Court Rule 9A cannot be met prior to the scheduled hearing date on September 16th. Please note that this submission has been sent to opposing counsel via facsimile as well.

Very truly yours,


Peter B. Morin

cc: J. Richard Ratcliffe, Esquire (via facsimile)
Richard J. Zabbo, Esquire (via facsimile)

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT
BACV2008-491

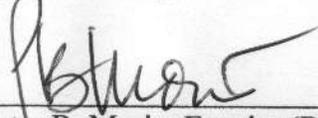
JOSEPH F. DUGAS and)
PAUL REVERE III)
)
Plaintiffs)
)
)
V.)
)
)
PETER ROBBINS and)
JOHN DOE)
)
Defendants)
)

MOTION FOR LEAVE TO FILE
SUPPLEMENTAL AFFIDAVITS

Now comes the defendant, Peter Robbins, and moves for leave to file supplemental affidavits to his original filing.

As reason therefore, the defendant states that the materials proposed to be submitted tend to clarify issues already raised, they are not unduly burdensome, Snowden v. Chase Manhattan Mortgage Corp., 2004 WL 856652 (Mass. Super. 2004) and the exhibits attached to the affidavits constitute only public records or newspaper reports on matters relevant to this dispute. Cf., Proteon, Inc. v. Digital Equipment Corp., 1999 WL 1336438 (Mass.Super.,1999) (affidavit merely provides supporting documentation for a proposition previously asserted). Therefore, the plaintiffs will not be unfairly surprised by same.

Respectfully submitted,
PETER ROBBINS
By his attorney,

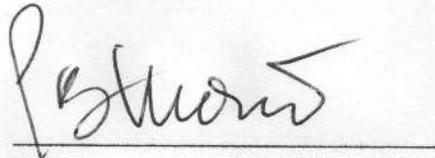


Peter B. Morin, Esquire (BBO#355155)
Michael W. Ford, Esquire (BBO#)
Ford Law P.C.
1216 Bennington Street
East Boston, MA 02128
718-985-0789

CERTIFICATE OF SERVICE

I, Peter B. Morin, hereby certify that a copy of the foregoing, together with Supplemental Affidavit of Peter Robbins (with exhibits) and Affidavit of Counsel (with exhibits) was sent to counsel of record for the plaintiff via facsimile, this 8th day of September, 2008.

J. Richard Ratcliffe, Esq.
Richard J. Zabbo, Esq.
Ratcliffe Burke Harten & Elias LLP
1600 Financial Plaza
Providence, RI 02903
401-331-3440 facsimile



COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT
BACV2008-491

JOSEPH F. DUGAS and)
PAUL REVERE III)
)
Plaintiffs)
)
)
V.)
)
)
PETER ROBBINS and)
JOHN DOE)
)
Defendants)
_____)

SUPPLEMENTAL AFFIDAVIT
OF PETER ROBBINS

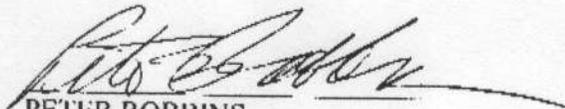
Now comes the defendant, Peter Robbins, and makes the following affidavit under oath:

1. My name is Peter Robbins. I have personal knowledge of all statements made herein.
2. In my original affidavit, I indicated that I am a boat captain. I currently own a 1972 Hereschoff Harbor Pilot (18'), which is kept at the town marina in Barnstable Harbor (slip #62). I have kept a boat at this marina for approximately twenty-five years. The delay in the dredging of the harbor affects me personally and is the reason why I decided to write a post in the Robbins Report.
3. The dredging of Barnstable Harbor has been an issue of contention to boat owners of Barnstable Harbor for more than a decade. The current dredging project has been a subject of public controversy since 2005. As originally planned, Town of

Barnstable anticipated that permits would all have been issued by November of 2006.

4. The Plaintiffs state in their response to my motion to dismiss that the adjudicatory appeal to DFP was "reported settled" on February 15, 2008. As the plaintiff, Revcre's, letter to Walter Brooks states, Mr. Revere did speak with me on the telephone shortly after I wrote my March 11, 2008 post. During that conversation, Mr. Revere informed me only that there were "settlement discussions ongoing." If he had informed me when we spoke that the case had in fact been settled, I would have issued an update/correction of my post at that time.
5. In making the statements that the plaintiffs object to regarding the cause for the delay in permitting, I relied on newspaper articles on the dredging project that had been written before, as well as a conversation I had had with an elected public official who professed to be knowledgeable about the permitting issues being asserted by the plaintiffs.
6. Attached to this affidavit are two stories published in the Barnstable Patriot that report on facts relevant to this dispute.

Signed under the pains and penalties of perjury this 8th day of September, 2008.


PETER ROBBINS

DREDGE DREAD

Two-year delay for Barnstable dig?

By Edward F. Maroney

emaroney@barnstablepatriot.com

Many details of the proposed dredging of Barnstable Harbor were brought to the surface at a public meeting Nov. 19, but not enough to convince critics that the plan will protect their beaches.

In sometimes excruciating detail, town officials and their consultant laid out the coarse and fine details of dredging 15,000 cubic yards of coarse and fine materials from the harbor channel and disposing of same.

"Ten thousand is sandy material, five thousand is silty," said Town Engineer Bob Burgmann. The plan is to move the former to Sandy Neck for dune renourishment and a large part of the rest to a containment area at Blish Point.

The conservation commission's order of conditions for the work was trumped by a superseding order from the state Department of Environmental Protection that incorporated many of the original conditions. The DEP's decision has been appealed by a group of village property owners represented by attorney Paul Revere, which kicks the matter into the hands of an administrative law judge at the agency in Boston.

"This process takes forever," said Rob Gatewood, the town's conservation administrator. "We will easily miss next year's dredge window. I'll venture that we're gonna miss the following year's dredge window."

That was not good news for commercial fisherman Ben Ostrowski. "The last three years," he said, "I have not been able to get my boat out of Blish Point at minus tide."

Burgmann assured him that the "sand on the ramp will be removed from the upland" portion. If DEP agreed, Gatewood said, some emergency dredging could be done while the full project is being reviewed.

Some in the audience were wary of the town nibbling at the edges of the project while their objections were unresolved. Although the town's consultant, Martha Craig Rheinhardt of Vine Associates of Newburyport, provided extensive details of sampling, including chemical analyses, Lawrence Smith of Barnstable said villagers remain concerned about the "high degree of inappropriate material on the beaches" from an earlier dredging project.

The U.S. Army Corps of Engineers is accepting comments on the project until Nov. 23. The mailing address is Mr. Kevin Ketelly, U.S. Army Corps of Engineers, New England Division, Regulatory Division, 696 Virginia Road,

Concord, MA. 01742-2751. Writers should reference File No: NAE-2004- 3187,
Proposed Barnstable Harbor Dredge

Publication Date: 11/23/07

Edward F. Maroney is Associate Editor of The Barnstable Patriot.

Army Corps asked to hold hearing

A request has been made to the U.S. Army Corps of Engineers to hold a public hearing on the Town of Barnstable's plan to dredge Barnstable Harbor.

Attorney Paul Revere sent a letter and petition signed by 197 individuals seeking a hearing on the project. Revere, who represents residents in the area of the harbor, wrote that, "the previous failures of the town are likely to be repeated if adequate regulatory conditions and oversight are not imposed..."

In a brief phone interview Wednesday, Revere said the petition could also be presented to the town under the charter's group petition section. That would require the town council to take some form of action on the matter.

No decision has been made on whether that course will be pursued.

Revere's clients believe that inappropriate material was left on Millway Beach after the most recent emergency dredging in 2003.

The Army Corps of Engineers accepted comments on the project through today.

DS II

dstill@barnstablepatriot.com

Publication Date: 11/23/07

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT
BACV2008-491

JOSEPH F. DUGAS and)
PAUL REVERE III)
)
Plaintiffs)
)
V.)
)
PETER ROBBINS and)
JOHN DOE)
)
Defendants)
_____)

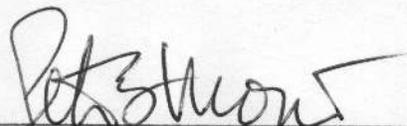
AFFIDAVIT OF COUNSEL

PETER B. MORIN

Now comes the defendant, Peter B. Morin, and makes the following affidavit under oath:

1. My name is Peter Morin. I have personal knowledge of all statements made herein.
2. I am counsel to Peter Robbins in the above-captioned matter.
3. The document attached hereto as Exhibits 1 is a public record pertaining to the initial permitting timetable for the dredging of Barnstable Harbor. It was provided to me at my request by the incumbent Town Councilor for the village of Barnstable, Ann Canedy.
4. The documents attached hereto as Exhibits 2-4 are minutes of town public meetings that are relevant to the permitting of the Barnstable Harbor dredging project.

Signed under the pains and penalties of perjury this 8th day of September, 2008.



PETER B. MORIN

Barnstable Harbor Dredging Project
Phase 2
Permitting Schedule

PERMIT APPLICATION	REASON FOR FILING	ANTICIPATED DATE FOR DRAFT TO TOWN	ANTICIPATED FILING DATE	ANTICIPATED DECISION DATE
MEPA - Notice of Project Change 9E0EA # 13408)	New placement areas	07/25/06	07/31/06	09/07/06
Chapter 91 amendment (Permit No. 10244	New placement areas below MHW	08/01/06	08/08/06	11/15/06
Water Quality Certification	Phase 2 dredging and placement	08/01/06	08/08/06	11/15/06
U.S. Army Corps of Engineers Permit Amendment (Permit No. NAE-2004-4187)	New placement areas below HTL	08/01/06	08/08/06	11/15/06
Notice of Intent	Phase 2 dredging and placement	08/01/06	08/08/06	11/15/06
Beneficial Use Determination	Upland reuse of material at Blish Point placement area	08/15/06	08/22/06	10/31/06
MESA filing	Work within Estimated Habitat	08/01/06	08/15/06	10/15/06

As part of this permitting process, a Dredge Placement Study is being conducted and is anticipated to be complete by June 30, 2006

BARNSTABLE TOWN COUNCIL MINUTES
FEBRUARY 3, 2005

A quorum being duly present, Town Council President, Gary Brown, called the meeting of the Barnstable Town Council to order at 7:00 pm, on February 3, 2005 at the Barnstable Town Hall, 367 Main Street, Hyannis, MA.

PRESENT: Richard Barry, Janice Barton, Gary Brown, Ann Canady, James Crocker, Jr., Leah Curtis, Janet Joakim, J. Gregory Milne, James Munafo, Jr., Royden Richardson, Tom Rugo, and Harold Tobey. **ABSENT:** Henry Farnham

President Brown led the Council in the Pledge of Allegiance and a moment of silence.

PUBLIC COMMENT: Steve Brown Chair of Town of Barnstable Youth Commission presented another round of grants from the Town of Barnstable to programs within the Town that serve for the health and safety of the youth of Barnstable. Three members of the Youth Commission were also in attendance to help with the presentations as follows:

Leah Lake a Junior at Barnstable High School, member of Team Voice she presented a check in the amount of \$2075. Mary Jane Beach who has been involved with the Festival for five years. Festival originated with the Town it is a great friendly family event that is free. Joshua Hall on behalf of Multi Cultural Society thanked the Town presented a check and distributed flyers and bookmarks notifying all of the Multi Cultural Festival being held at Cape Cod Community College on March 12th from 10 AM to 4 PM inviting all to attend.

Also in attendance was Kaylee DeGrace, Senior, at Barnstable High School presented a \$2000 check to Bobbi Moritz on behalf of Jill Ridgway and Thalia Voros of the Middle School Skills Building and Anger Management Program. Bobbi Moritz accepted the check on behalf of Jill Ridgway the funds will provide a program for young students to develop their skills and to learn about anger management. She also thanked the Mass Service Alliance.

Mark Raymond, Eighth grade student at Barnstable Middle School presented a check to Champs House for their glass recycling program which raises money. Check was presented to Paul Hebert, Director, of Champ Homes, who thanked them for their participation and help. He stated the check enables them to work with another youth group. Mr. Hebert presented a poster which the youth had made entitled "Save our World - Recycle". He stated the Town's glass could be part of the solution, that all of the glass used in people's homes is sent to the Town landfill and then there is a cost to transport that glass waste. Mr. Hebert suggested the Town landfill stop transporting the glass recycle the glass right here on Cape Cod. He said he would like to empower the Town's youth to lead this charge. Mr. Hebert believes it would make a positive impact and suggests we don't want to bury our kid's future. He then thanked everyone for the opportunity to continue to work with the youth in Barnstable.

Mr. Brown thanked the Town Council and the Massachusetts Service Alliance for the final round of grants.

TOWN MANAGER COMMUNICATIONS

Town Manager's response to the assessment this year of the Cape Cod Commission is \$487,511. For the Town's Planning Department budget 426,071 last year the Planning Dept. lost a full time position. He stated during his five year tenure with the Town 4.5 positions were lost. The threshold in terms of Councilor Rugo's question regarding the elderly program is \$40K thanks to the action of this council who last year raised the threshold for more of our residents to participate in this program. Town Manager said Lou Gonzaga serves on the committee that distributes funds to elderly in our Town who are in need.

Town Manager said in terms of the 5th Grade School there is no overall policy that we absolutely will always object one bid in response to Councilor Canedy. He said in this instance there were ultimately numerous reasons why the decision was made and what hasn't been said but should be known is that the one party that did bid asked for an extension.

Town Manager responded to the issue regarding the Thursday night festivals the people were heard. He said there are many considerations what ever is done it will be done in an expedited fashion.

Town Manager spoke regarding the recent snow storm there were some concerns and some criticisms. He spoke of the first storm and the utility problem that we had not thought to have a live feed at our civil defense center which is the police station. He went on to say that doesn't do much good when you've lost power, but for the most part a lot of us during this recent storm still had power. He said one of the solutions was for the utility company to have a staff in the command center 24 hours a day which made a huge difference in terms of response to utility problems. Town Manager said they are trying to do everything to get a live feed. He spoke of the many departments such as Fire Dept. Representatives, Police Dept., other Town departments, Health & Regulations, Utilities, and of the constant programming informing citizens with the latest updates. He mentioned the bank of phones but with fifty thousands residents it is overwhelming. Town Manager has already put into place that the telephone will trip over to Town Hall and we are going to have Town employees manning telephones in the future. He said going through this experience you learn we can improve, we recognize it wasn't perfect. Town Manager recognized there were hardships and made some meaningful improvements in that regard.

Town Manager regarding the Barnstable Water Company problem said this council has seriously made it a priority and has firmly made a commitment that a decision will be made.

Assistant Town Manager spoke in response to the Barnstable Harbor dredging he said initially it was thought permitting this process in such a short period of time would be the biggest problem, however, mother-nature has turned out to be the biggest problem. He went on to say the good news is the permitting is going well but the dredge window is closing quickly so a request to extend the dredge window will be made. He could not really characterize to be optimistic about the request but has made it an issue. He also said it is understood that an eastern entrance to Sandy Neck next season is not wanted, but if mother-nature doesn't clear-up it would be a priority for the fall round.

Town Manager would just like to publicly state, and thank Councilor Canedy he knows how many hours she spent on this subject how much of a priority it is. He always knew it would be a great challenge not only dealing with the State bureaucracy, but to get the answers needed.

Councilor Crocker asked the Town Manager to speak on the grade five school and how long before the bids are due.

Town Manager stated the due date is 45 days from last Tuesday and there is no minimum bid if interested peopled should contact the Finance Department. .

OLD BUSINESS

**2005-047 ORDINANCE AMENDMENT PROVIDING FOR A RAISE IN
COMPENSATION FOR MEMBERS OF THE TOWN COUNCIL
INTRO.: 01/13/05; 02/03/05**

Councilor Munafo gave a presentation regarding agenda item 2005-047 together with handouts and slides to discuss the pay raise. He said the community is our executive session it is up to them to come back with their comments and he appreciates all of those opinions positive or negative we want to hear back from you. He spoke to the council regarding the content of their packets specifically a copy of a recodification brought through the Town Attorney's office and also a copy of reimbursement for expenses. Councilor Munafo said it would be his desire to ask for a delay come back in 2 weeks after he had time to speak with each member of the council regarding an agreement in regards to the future salary. He stated if the decision is not to do anything to leave our compensation the way it is, that it will be by an action, and not by an in-action. **(Exhibit A)**.

Upon motion duly made and seconded it was voted to go into a public hearing for the purpose of discussing 2005-047 moved to public hearing.

VOTE: UNANIMOUS

PUBLIC HEARING

Alan Goddard of Hyannis, said he felt the council may be entitled to a raise after 7 or 8 years, however, doubling the various stipends represents an annual rate of increase of 9% clearly this is excessive. He stated regarding Councilor Munafo's calculations in the agenda include an annualize 3% increase which would yield a stipend of \$6524. He suggests an annualize 2.5 % increase to reflect a prudent awareness of proposition 2 ½ this would yield a yearly stipend of \$6092. He also said with a split tax rate off the table and consequently the chance for an override more remote than ever he thought the council should make a public point of observing the 2 ½ cap. He said he also heard one councilor say that until the Town employees receive their contacts the council shouldn't vote itself a raise that would be the most principal vote of all. Mr. Goddard said Mr. Munafo talks about pegging the council's stipend to the salary paid to the Town Manager and its his understanding that one of the council's prime responsibilities is judging the Manager's performance and approving contracts that strikes him as extremely self-serving. Mr. Goddard went on to say, Mr. Klimm can look forward to lots of very good reviews, very good raises if in fact the Town Council is going to peg their salaries to the salaries they work out with him. Mr. Goddard said that's not such a good idea.

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
June 19, 2008**

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 7:05 pm, on Thursday, June 19, 2008, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: Richard Barry, Janice Barton, Ann Canedy, Frederick Chirigotis, Henry Farnham, Janet Joakim, Leah C. Curtis, J. Gregory Milne, James Munafo, Jr., Thomas Rugo, James M. Tinsley, Jr. and Harold Tobey. **ABSENT:** James Crocker, Jr. (arrived at 10 PM)

President Joakim led the Council in the Pledge of Allegiance and a moment of silence for Mark Conway, a local pilot who perished in a recent plane crash at the airport.

Roads Committee Workshop

Present: Councilors Leah Curtis, Ann Canedy, Henry Farnham, and DPW Senior Manager/Roads, Roger Parsons. (Councilor Harold Tobey served on the committee but did not participate in the presentation.)

Councilor Curtis thanked Councilor Crocker and all her colleagues who have served on this committee over the years. She thanked the staff and the town manager for providing the staff. Denise Geoffrion, DPW, received special thanks. Curtis stated that "this has been a long, strange trip on a long windy road."

The presenters took turns discussing the work of the committee as outlined in a PowerPoint program (See Exhibit A) It was noteworthy that publicly owned roads have a much higher (higher is better) Pavement Condition Index (PCI) than the privately owned roads. Town roads are well maintained. In attempting to prioritize the 1,788 roads in town, the committee selected three major high volume roads. Mary Dunn Road and Old Strawberry Hill Road were of mixed ownership – part town owned and part privately owned - because the town already was obligated to sections of these roads. The third road, Wakeby Road, was initially believed to be of mixed ownership, but much later in the process the committee discovered it was a private road.

- Councilor Munafo saw the need for the three roads recommended and asked if there had been any input from town residents and/or abutters. He pointed out that the disrepair now controls the speed on Old Strawberry Hill Road. Councilor Canedy explained that only 6% of the cars on Mary Dunn Road, for example, are those of abutters; these roads pick up a lot of extraneous traffic. The construction process would depend on the needs of that sector of road and improvements would be surface improvements not straightening or widening, which would not by itself cause the speed to increase.
- Councilor Rugo felt speed was a concern even in its current condition.
- Councilor Chirigotis asked about the possibility of sidewalks for narrow and winding areas. Councilor Canedy said the road will have to become a town road before these issues, as well as speed bumps, can be addressed.
- Councilor Milne felt Mary Dunn Road is and will be used by businesses, existing or proposed, for Independence Park. Perhaps impact fees for the road improvements should be assessed to new developments at Independence Park. Councilor Farnham said that the proposed Exit 61/2 was to alleviate some of the impact on Mary Dunn Road.
- Councilor Rugo thought sidewalks may be a sensible addition and should be put into the mix. He added that towns cannot impose impact fees.
- Councilor Barry felt the town should take care of the public roads which have been ignored before spending money on private roads. Curtis explained that the \$3.25M already designated for public roads would not be used for these roads. These roads were chosen because they are the most highly traveled of the public-private mixes; they are in 3 different parts of town and serve a majority of the residents for one reason or another. There is a public expectation that these three roads will be available with some modicum of safety.

Councilor Curtis announced openings on committees and commissions.

Councilor Barry wondered why there was no village vision plans affixed to the revised LCP that is on the agenda for a public hearing at the next meeting. Patty Daley, Director of Growth Management said the village plans will be part of it. They are a separate section and have been reformatted. The council will be voting on the whole package. Manager Klimm added that the town council decides what is in the plan and when it is voted.

Councilor Canedy announced several upcoming activities in Barnstable Village. Upon her request, Mark Ells gave an update on the "Canedy" bulkhead. The emergency repair is complete and he is still consulting on the alternatives and their costs in order to make a recommendation which makes the most sense.

President Joakim encouraged people to visit the Senior Center and encourages seniors to take advantage of the new activities now available.

Lynne Poyant reviewed the town-wide July 4th activities. She announced that the Town Manager will be a guest conductor at the Cape Cod Symphony Orchestra's 4th of July concert.

Councilor Farnham asked about the dredging of Barnstable Harbor. There is a short window in which to do it. Klimm said the project was not fully permitted yet. The funding is \$425,000 and he will have a request for funding for the council.

ORDERS OF THE DAY

OLD BUSINESS

2008-131 APPROPRIATION & TRANSFER ORDER OF COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING IMPROVEMENTS AT 770 INDEPENDENCE DRIVE, HYANNIS

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Two Hundred Fifty Thousand and No/100 (\$250,000) Dollars be appropriated and transferred from Community Preservation Housing funds in the Community Preservation Fund on June 21, 2007 under item 2007-162; and that the Town of Barnstable, Growth Management Department is authorized to contract for and expend the amount of \$250,000 with the prior approval of the Town Manager; for the development of 148 apartments, of which 40 units will be affordable rentals and the remaining 108 will be market rate in five (5) buildings located at 770 Independence Drive, Hyannis, MA, Map 332, Parcel 010-001

- Councilor Milne does not like the idea of giving a developer \$250,000 to subsidize his project. It does not follow how the CPA money should be used and he was elected to do what is in the best interest of all residents of Barnstable – not one precinct. Milne has not seen more than one or two residents in favor. He cannot support it.
- Councilor Farnham asked who owned the land. The Cobb Trust gave it to the town and the town put it in a charitable trust like the Lombard Trust. A deed restriction is necessary to change from 80% to 70% affordable. Since this will be a new cash flow for the Cobb Trust, Farnham suggested the Cobb Trust be a partner and forgo the three years of ground rent. Since the Cobb Trust money is to benefit schools, and this is taxpayer money, it is an additional tax for the schools.
- Councilor Munafo asked if the \$1M state grant is tied to this appropriation. Peter Freeman, attorney for the developer, said the \$250,000 will help leverage the funds from the state. This is an additional million to the \$3M. Munafo feels he is being asked to approve an appropriation that has already been approved by the CPA.
- Councilor Tobey received unfavorable community feed back. He also has a problem using CPA money for private development. Laura Shufelt, Vice Chairman of the CPC said that



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
November 05, 2007

Chairman:
 Richards French

Vice Chairman:
 William Carey

Board Members:
 Barbara Bell
 Holly Heaslip
 Nate King
 George Muhlebach
 Peter Sampou

Council Liaison:
 Henry Farnham

A regularly scheduled meeting of the Sandy Neck Board was held on November 05, 2007 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, Nate King, Holly Heaslip, William Carey and Rich French.
- Council Liaison: Hank Farnham
- Staff: Doug Kalweit, Director Natural Resources, and Debbie Lavoie, Secretary Pro Tem.
- Public: None

Act on Minutes:

- On a **motion** by Barbara Bell and seconded by Nate King, the Sandy Neck Board voted unanimously to approve the October minutes with the following correction - Nate King abstained from voting on the October minutes because he was not at that meeting.

Correspondence:

Barnstable Dredge – Old Business taken out of order

Rich French read an email from Bob Burgmann:

- Town has received copy of the Superseding Order of Conditions. It states the fine material should go to the Blish Point containment area – not on the beach. This should be done before January 15th.

Rich French read an email from Town Councilor Ann Canedy:

- DEP has affirmed ConComm's Special Conditions regarding the proposed dredging project for Barnstable Harbor.
- Among other items, the dredge calls for replenishment of Millway Beach, Sandy Neck cottage area, Sandy Neck lighthouse area and the Sandy Neck public beach, if necessary.
- However, the DEP has restricted dredging from January 15-July 15 - pushing the dredge to fall 2008 at the earliest.
- The matter is also before the Army Corps of Engineers for permitting.
- Letters of support should be sent prior to November 23rd. Reference line: Barnstable Harbor Dredge NAE-2004-3187.

On a motion by Nate King and seconded by Barbara Bell, the Sandy Neck Board unanimously voted to write a letter to the Army Corp of Engineers supporting the Town's application to dredge Barnstable Harbor before the January 15, 2008 restriction deadline. Such letter to be written and sent as soon as possible and definitely prior to November 23, 2007.

Staff Report:

Doug Kalweit reported:

- Sandy Neck received minor damage over the storm last weekend. Most of the damage was the lower parking lot which is covered with sand. DPW will scrape the sand off and dump it back on the beach.
- The gatehouse is only open on weekends. ORV stickers are now also being sold during the week at the MEA office in Centerville.
- The Natural Resource Officers are currently stocking pheasants and will continue until the Wednesday before Thanksgiving.