A meeting of the Board of Environmental Management was held January 6, 1977 at 10:00 a.m. at the Department of Environmental Management's Ice Skating Facility in Auburn, Ma. Present were Mrs. Dana Duxbury, and Messrs. Dawson, Loupos and Wislocki.

Commissioner Dobelle opened the meeting with an intorduction of the Board members to the five Regional Supervisors, Chief Planner Robert Yaro and Planner Ms. Suzie Kilner.

Commissioner Dobelle then presented to the Board for their approval his recommendation to appoint Gilbert Bliss to the position of Director of Forests and Parks, and upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was -

VOTED - to approve the appointment of Gilbert Bliss as Director of the Division of Forests and Parks.

Mr. Loupos conveyed his personal appreciation to Messrs. Dane and Lynch for their interest shown in applying for the position of Director of Forests and Parks. He indicated that he was most impressed with the quality, sincerety and dedication which both candidates demonstrated in the performance of their duties and he hoped they would continue to serve the Department with the same degree of integrity. The Board concurred with Mr. Loupos' expression of appreciation.

Commissioner Dobelle then invited Robert Yaro to apprise the Board on the status of the SCORP project.

Mr. Yaro reported that the Land and Water Conservation funding for Massachusetts is expected to be increased from $4½ million to $9 million during the 1978 fiscal year. He stated that the 1976 SCORP plan which has been accepted by BOR will extend the Department's eligibility to participate in this funding to March, 1978, and in order to maintain eligibility beyond this date, the draft of a revised and updated SCORP plan, which is now being compiled, must be submitted to BOR for review before February, 1978. The objective of this proposal is to produce a sufficient plan which will enable the Department to proceed with its planning process and, hopefully, our eligibility will be extended for at least a five year period, he said.

Following a discussion of SCORP, the Board requested that a monthly progress report on the update be submitted to them.

Commissioner Dobelle then invited Ms. Susie Kilner to apprise the Board of the Department's proposal to study and evaluate the scenic and recreational qualities of the rivers and streams of the Commonwealth.

Ms. Kilner explained that under Chapter 21, Section 17B of the General Laws, the Scenic and Recreational Rivers Act, requires the Department to classify the rivers and streams throughout the Commonwealth and, in order to obtain the required information, an inventory of the scenic and recreational qualities of the rivers and streams is necessary. She reported that the Department has chosen the North River in Plymouth County to serve as a demonstration project because of its outstanding environmental, historical, cultural and scenic features. She then outlined by chart the procedure that will be followed in the implementation process. Commissioner Dobelle asked the Board's approval of a confirmation vote authorizing the Department to proceed with the inventory and demonstration project.

The Board requested that they be given an opportunity to review the final assessment before the final order of conditions is drafted. Following further discussion, upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was voted to approve the confirmation vote as follows:

VOTE: - In order to protect the scenic and recreational rivers and streams of the Commonwealth, the Commissioner of the Department of Environmental Management is hereby authorized to begin a demonstration project on the North River in Plymouth County which will provide the necessary information to implement a classification and restriction program for the North River pursuant to the provisions of Massachusetts General Laws, Chapter 21, Section 17B

Further -

> The Commissioner is authorized to begin an inventory of the scenic and recreational qualities of the rivers and streams in the Commonwealth which will provide the necessary information to implement a classification and restriction program pursuant to the provisions of Massachusetts General Laws, Chapter 21, Section 17B.

Commissioner Dobelle asked the Board's approval to prepare letters of commendation, for their signature, to Charles Dane and Region I personnel and Gilbert Bliss for outstanding performance above and beyond the call of duty during the recent "oil spill crisis" and, by unanimous approval of the Board, The Commissioner was directed to prepare the letters. Mr. Loupos suggested that the letters be sent to local newspapers as it would be of community interest. The Board agreed.

Commissioner Dobelle asked Edward Carr, the Department's Affirmative Action Officer, and David Hall, Personnel Manager, to outline the Department's Affirmative Action Plan and what steps have been taken toward implementation.

Mr. Carr reported that as Affirmative Action Officer for the Department, he has been assigned by Commissioner Dobelle to visit local DES offices, superintendents of schools and local neighborhood employment offices throughout the Commonwealth to acquaint them with the Department's program in an attempt to recruit minorities for vacant positions within the Department. This would involve acquainting such offices with the types of positions available and criteria necessary to qualify. Also, he added, our objective is twofold - to educate as well as demonstrate the Department's serious intent to comply with the Affirmative Action Plan.

Commissioner Dobelle added that in his opinion the Affirmative Action Plan can only be effective through the educational process. Also, he said, there must be a reform in the Civil Service Laws. The Board agreed that there is a strong need for a total on-going education program and they indicated their willingness to support the Department in any way possible.

Mr. Hall outlined the process the Department is required to follow in complying with the Affirmative Action Program. He said that Mr. Carr's assignment will be geared primarily to summer recruitment. He added that in some regions there is little problem recruiting minorities but in other regions it is almost impossible.

It was Mr. Loupos' feeling that there would be problems in some demographic areas but added that he hoped the burden of filling the vacancies would not be placed on the Regional Supervisors, especially since there have been so many cut backs in regional staffing. He requested that the Boston office lend its assistance wherever and whenever possible. Mr. Carr assured Mr. Loupos that he would be available at all times to assist the Regionals, if requested.

It was Mr. Dawson's request that the acceptance of the Affirmative Action Plan be deferred to the next Board meeting. It was requested that the item be placed on the agenda as "acceptance" of the Plan as opposed to a statement of "discussion."

At this point, Mrs. Duxbury submitted the following corrections to be made in the minutes of the December 16, 1976 meeting -

Page 2, paragraphs 1 and 2 to be deleted and rephrased to read as follows:

> "The Board received notice from Commissioner Dobelle of his recommendation to appoint Gilbert Bliss as Director of the Division of Forests and Parks, to be placed on the agenda for the next Board meeting for approval of the Board of Environmental Management in compliance with Chapter 21 Section 2C of the General Laws."
>
> "The Commissioner announced to the Board that he had appointed Charles Dane as Chief of Recreation within the Division of Forests and Parks and that he had designated Richard Correia as Acting Deputy Commissioner."

The date for the next Board meeting was scheduled for Thursday, February 3, 1977 at 10:00 a.m. in Region IV. The Board agreed to hold future Board meetings on the first Thursday of every month, thereon.

As the Board had requested that they meet with each of the five Regional Supervisors to acquaint themselves with the Regional Supervisor's individual budget needs, programs and problems, it was agreed that the Board would direct its questions to Mr. Lynch after lunch. The Board informed the Supervisors that subsequent meetings will be held in their respective regions - one each for the next four months.

Mrs. Duxbury will prepare a series of specific questions to be asked of the Regional Supervisors. Copies of the questions would be mailed to them prior to the meetings.

There being no further business to come before the Board, the meeting adjourned at 12 noon.

Secretary

A meeting of the Board of Environmental Management was held February 3, 1977 at 10:00 a.m. in the Office of Secretary Evelyn F. Murphy, Executive Office of Environmental Affairs, 100 Cambridge Street, Boston. Present were Mrs. Dana Duxbury, Messrs. Dawson, Loupos and Wislocki.

The minutes of the December 16, 1976 and January 7, 1977 meetings were approved.

Commissioner Dobelle gave the Board members a copy of the Department's Capital Outlay Program which designated specific projects according to statutory authority spending ($5,753,000) and non-specific spending ($9,442,000). To this list of projects for non-specific funds, he said, should be added the Cape Cod Railroad project for a sum of approximately $1 million for acquisition and development. The Commissioner reported that there was approximately $1½ million remaining which had not been designated for specific projects. He also reported that he had set a deadline of April 15th to either begin acquisition proceedings on several of the noted projects or have contracts in motion for appraisals on others. He asked the Board's approval to begin the necessary process in order to meet the April deadline.

Mr. Wislocki stated that it was the Board's statutory authority to approve or disapprove land acquisitions. He stated that the Board be given the opportunity to review all proposals at the time the appraisals are submitted. The Board assented to Mr. Wislocki's statement.

Following discussion, upon motion of Mr. Loupos, seconded by Mr. Dawson, it was -

VOTED - to approve the Department's Capital Outlay Program as presented.

It was further -

VOTED - that all land acquisition proposals be brought before the Board for review before prior action on any acquisition proposal.

A discussion on the Affirmative Action Plan then followed. Mr. Dawson stated that he was not fully satisfied with the Plan in that the hiring of minorities was based on a turnover of positions, rather than being based on present actual vacancies.

The Board agreed that they should be given the opportunity to review all applications for non-minority positions from Grade 16 and above prior to actual appointments. The Commissioner agreed that this policy would be followed in the future.

Upon motion of Mr. Wislocki, seconded by Mr. Dawson, it was -

VOTED - to accept the Department's Affirmative Action Plan.

It was further -

VOTED - that an up-date of the implementation of the Affirmative Action Plan be given to the Board for their review on or before August 1, 1977; also, that the Board be given the opportunity to review all applications for non-minority positions from Grade 16 and above prior to any appointments being made.

Discussion then ensued regarding the Solid Waste Disposal Program. The Board informed the Commissioner that they had recently met with Governor Dukakis on the Solid Waste Disposal Program and that the Governor had expressed dissatisfaction with its delivery to date. The Commissioner replied that he was aware of the Governor's displeasure, but it was his feeling that the Governor was not fully cognizant of the complexities involved. He reported that he had directed the Bureau of Solid Waste to prepare a critical path analysis and he asked Directors Correia and Cousins to attend the meeting and present their report. The Commissioner suggested that a meeting be held in the very near future with Secretary Murphy and the Governor to present the analysis report and at the same time explain to them the many obstacles facing the Bureau of Solid Waste in implementing the plan.

Director Cousins briefly outlined charts which had been prepared to illustrate the functions required to implement the Northeastern Massachusetts Solid Waste Disposal Facility. Mr. Fred Cross, Engineer in the Bureau of Solid Waste, explained a computor program to complement and expand the implementation diagrams. Following the presentation, Director Cousins made the following points -

1. that there was a lack of communications between Secretary Murphy's office and the Bureau of Solid Waste;

2. That there was insufficient staff to accelerate a statewide program; and

3. that a presentation to the Governor should not be instituted until the Office of Environmental Affairs was fully briefed and in support of an implementation plan.

The final determination was that a meeting be first arranged between Secretary Murphy, the Board members and the Commissioner to present the implementation plan and enlighten the Secretary on the problems facing the Bureau, followed by a meeting with Governor Dukakis.

The date for the next Board meeting was scheduled for Thursday, March 3, 1977 at 10:00 a.m. in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 12 noon.

Secretary

A meeting of the Board of Environmental Management was held March 3, 1977 at 10:00 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were Mrs. Dana Duxbury, Messrs. Dawson and Wislocki.

Mrs. Duxbury presented the minutes of the February 3, 1977 meeting for approval, and Mr. Dawson submitted the following correction to be made in the minutes:-

Page 2, delete the first paragraph - insert the following -

> "A discussion on the Affirmative Action Plan then followed. Mr. Dawson stated that he was not fully satisfied with the Plan in that the hiring of minorities was based on a percentage on anticipated turnover of positions, rather than being based on present actual vacancies."

Following the correction, the minutes of the February 3, 1977 meeting were approved.

Commissioner Kendall opened the meeting with an introduction of his Special Assistant, Mrs. Megan Jones to the Board. This was followed by a briefing on his first weeks in office as Commissioner of Environmental Management. He said that a great deal of the time was devoted to the Department's budget and capital outlay program, and that several sessions were held with key personnel so that he might familiarize himself with both budgets in preparation for the budget hearings before the Legislature next week.

Also a priority, he said, was to establish a screening committee to interview candidates for the position of Director of the Bureau of Solid Waste. This has been accomplished and the committee will meet on March 10 for the purpose of reviewing the resumes submitted by applicants interested in the position. He stated that he hoped to bring the Committee's selections before the Board within two weeks of that date.

Director Gilbert Bliss was asked to attend the Board meeting to present project descriptions on Capital Outlay projects which were approved by the Board at the February 3 meeting.

Mr. Bliss gave the Board members a breakdown description of each project as they had requested. And in discussion of the report, Mr wislocki raised a question of funding on the Camp Onota project in Pittsfield, which he felt might be excessive. In reply, Mr. Bliss said that he would have division staff prepare a more detailed analysis on this project to determine the extent of public programs that will be conducted at this location regarding costs - both present and future.

Messrs. Gaughan and Gross were asked to attend the Board meeting to brief the Board on the Solid Waste Disposal Program.

Before presenting the primary function analysis prepared by the Bureau, Mr. Gaughan informed the Board that the Department's responsibility is one of planning, management and municipal assistance, as well as technical, legal and financial assistance. The Department, he said, provides this assistance to municipalities on a voluntary participation basis and cannot control the municipal decision making process; and, he added, a mjaor problem is local acceptance.

Mr. Gaughan proceeded by noting on a map the four groups of municipalities that were actively pursuing regional solutions to their solid waste problems with assistance from the Department, namely, North Eastern Massachusetts, 128 West, Central Massachusetts and Connecticut Valley. He presented two charts describing the primary function analysis - one outlining an 18 month proposal and a 30 month proposal. He noted that while the 30 month schedule was more realistic, it was his opinion that the 18 month goal could be accomplished if the Bureau was given adequate additional staffing. He pointed out that neither schedule could be met unless municipal decisions were made in the specific tme frame, and that he could offer no guarantee that such would be the case. However, he said, the Department is willing to accept the 18 month projection.

Commissioner Kendall reported that he will go before the Governor on Tuesday next and request the funding and authorization of three additional positions in the deficiency budget for the Bureau of Solid Waste so that the 18th month projection on site locations could be accomplished.

Considerable discussion ensued as to which of the two recommendations the Board should endorse. Mrs. Duxbury and Mr. Wislocki voted to go on record in support of the Department's 18th month recommendation, based on the condition that additional funding is appropriated to the Bureau for additional staffing.

Mr. Dawson stated that he was opposed to accepting either one of the recommendations. He felt, he said, the Department should make a firm commitment to one or the other schedules and should offer some guarantee that the plan will be met within the time frame specified. Mr. Gaughan again stated that no such guarantee could be offered.

The Board unanimously voted to support Commissioner Kendall's request to Governor Dukakis for additional staffing in the Bureau of Solid Waste to carry out the critical path needs of the Bureau.

The general concensus was that citizen education was crucial to the program, and Mr. Gaughan reported that under an EPA grant the Bureau is in the process of employing a person in that capacity for a one year period.

It was the recommendation of Mrs. Duxbury that a letter of appreciation be sent to the staff within the Bureau of Solid Waste for their diligence in compiling the critical path analysis.

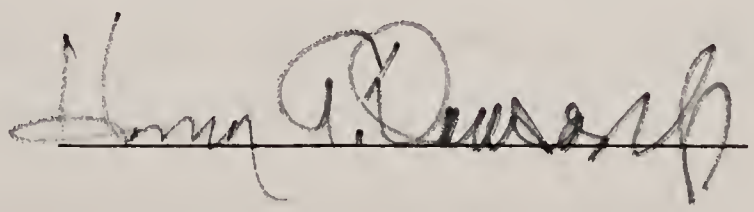
Commissioner Kendall then gave the Board a summary of the Department's fiscal year budget as it relates to the recently enacted collective bargaining agreement.

Discussion then centered on the matter of filling present and future vacancies within the Department, and the Board reiterated their previous request to review all applications for non-minority positions from Grade 17 and above prior to any appointments being made. Commissioner Kendall indicated to the Board his desire to cooperate with the Board in this regard. It was Mr. Dawson's suggestion that the Board again review the enabling legislation regarding the Board's authority with respect to such appointments.

Mr. Wislocki then presented to the Commissioner for his review, three resolutions that had been previously approved by the Board - 1. Record keeping; 2. Personnel policies, and 3. Capital Outlay Program. Commissioner Kendall stated that he would review the resolutions and report back to the Board at the next Board meeting. With respect to personnel policy matters, Mrs. Jones suggested that she research alternatives on how this situation could best be handled to the satisfaction of both the Commissioner and the Board. The Board authorized Mrs. Jones to proceed in this fashion.

The date for the next Board meeting was set for Thursday, April 7, 1977 at 10:00 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston.

There being no further business to come before the Board, the meeting adjourned at 1:20 p.m.



A meeting of the Board of Environmental Management was held April 7, 1977 at 10:00 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Mr. Henry Dawson, Mr. John Loupos and Mr. George Wislocki. Also in attendance was Commissioner Richard Kendall and Assistant to the Commissioner Megan Jones.

The minutes of the March 3, 1977 meeting were approved as presented.

Commissioner Kendall first presented to the Board the proposed adoption of an Order of Restriction under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the City of Newton, County of Middlesex, Massachusetts.

The Board, upon motion of Mr. Wislocki, seconded by Mr. Loupos -

VOTED - to adopt the Order as presented under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the City of Newton, Massachusetts.

The Board members affixed their signatures to the Order of Restriction.

Commissioner Kendall then brought before the Board the matter of a leave of absence for former employee Joseph Brown from his position of Deputy Commissioner. Since I am not too familiar with the background on this subject, he said, I would like to have Mr. Luke Thompson brief you on this matter. Mr. Thompson was asked to attend the meeting.

In briefing the Board, Mr. Thompson reported that in December, 1975 Mr. Brown was dismissed from his position as Deputy Commissioner. He in turn appealed his dismissal to the Civil Service Commission on the basis that he, being a veteran, had tenure under Chapter 30 Section 9A of the General Laws. Following a hearing, the Civil Service Commission ruled that Mr. Brown be reinstated without loss of compensation or other rights. The Department, he continued, instituted proceedings in Superior Court but the case was dismissed and the Department was again directed to reinstate Mr. Brown. During the period of conflict between the Department and Mr. Brown, Mr.Brown accepted a position with the North Essex Community College as Comptroller.

Following long negotiations between Mr. Brown and the Department, a compromise was reached between both parties which resulted in Mr. Brown requesting a leave of absence commencing on or about May 1, 1977 and continuing until December 31, 1978 - subject to a salary adjustment at North Essex College. It is expected, he said, the College will adjust Mr. Brown's salary comparable to what he would receive as Deputy Commissioner.

Mr. Loupos asked what Mr. Brown's option will be at the end of this period. Mr. Thompson replied that Mr. Brown could return to his position within the Department, or surrender all rights to the position; or request an extension of his leave. Mr. Thompson noted that all positions at the College are non-civil service which may have a bearing on Mr. Brown's decision at that time.

Following further discussion, upon motion of Mr. Wislocki, seconded by Mr. Dawson, it was -

VOTED - to authorize Commissioner Richard Kendall to express the Board's concurrence to the agreement between Joseph Brown and the Department of Environmental Management to extend a leave of absence to Mr. Brown from his position of Deputy Commissioner for the period commencing on or about May 1, 1977 and continuing until December 31, 1978 - said agreement subject to the approval of the Department's legal counsel.

Mr. Thompson then briefed the Board on the status of the Department's budget. He stated that the Department had submitted a level funded budget as requested in the amount of $12.6 million and it was reduced by the Executive Office of Administration and Finance by $300,000 plus the Department would be responsible for absorbing the cost of collective bargaining. He reported that the budget had been heard by the Ways and Means Committee on March 22 and their recommendation would be forthcoming sometime in May. He added that since the hearing, the Governor has announced that the Departments will not be obligated to absorb the collective bargaining costs.

Commissioner Kendall then presented for the Board's review, his proposed policy recommendations in answer to Mr. Wislocki's proposed resolutions.

Following review, Mr. Wislocki stated that he would withdraw his resolutions and the Board unanimously voted to adopt the following policy -

1. It shall be the policy of the Commissioner of Environmental Management to work closely with the Board of Environmental Management.

2. The Commissioner shall meet with the Board on a monthly basis.

3. The Commissioner shall send notices of said meetings to all members of the Board. Minutes of all meetings shall be taken and shall be included with the notice of the next Board meeting.

4. The Commissioner's personnel policy shall be the following -

   a. full compliance with our affirmative action plan and Civil Service requirements;

   b. all employment opportunities will be posted throughout the Secretariat to allow for promotional advancement;

   c. public advertising shall be conducted outside state government in order to seek out the most qualified applicants; and

   d. recommendations for appointments to policy making positions (including 03) below the level of director shall be brought before the Board at its monthly meeting for its review unless, in the opinion of the Commissioner, the appointment cannot be delayed. In such an emergency situation, the Commissioner shall notify the Chairman of the Board prior to the appointment.

5. The Commissioner shall inform the Board at its monthly meeting of contracts entered into with consulting firms that affect the long range policy of the Department.

6. The Commissioner shall submit to the Board members all proposed capital outlays for acquisition and renovation of land or buildings with sufficient time to examine the projects (on site, if possible) and to make their recommendations.

7. The Commissioner shall not take any binding action on capital outlay until the Board has been so involved.

The Board agreed that the above policy statements should be reviewed by the Board at the end of a 12 month period.

Mr. David Hall was then asked to attend the Board meeting to apprise the Board of the status of personnel.

Mr. Hall reported that there were two vacancies within the Department at the present time - the Counsel II and Associates Planner positions; and the soon to be vacant position of Director of Solid Waste. The Department, he said, has filed its affirmative action report with Civil Service on all three positions. The planner's position has been posted at the Harvard School of Design and Boston University and will be advertised in the Boston Globe and Bay State Banner to generate more interest. Also, we are in the process of reviewing the many resumes on file for both vacancies. Commissioner Kendall added that he considered filling the Attorney's position most critical as he had several matters needing immediate legal attention.

Commissioner Kendall apprised the Board on the replacement procedure followed to fill the vacancy of Director of Solid Waste. He reported that a search and screen committee was structured to begin the screening process. The committee was made up of four lay people with expertise in solid waste matters, and of the eighteen applications reviewed, seven applicants were interviewed. A strong uniform support of the screening committee to appoint Mr. William Gaughan to the position of Director of Solid Waste was the end result, he said. He added that he and Mr. Gaughan will meet with Governor Dukakis on Friday, April 8.

Mr. Loupos stated that he was pleased with the entire employment process; however, he said, considering the reasons why Mr. Cousins is resigning, how will the Department address the problem so that Mr. Gaughan will succeed?

Commissioner Kendall replied that inadequate staffing was the major problem within the Division of Solid Waste and in an attempt to alleviate this problem the Department has requested three additional positions in the deficiency budget plus five additional positions in the '78 budget. Also, He said, I have requested Mr. Gaughan to prepare a program and budget that he would be reasonably confident he could operate with if given the adequate staffing and revenue and which will have my complete support. I feel confident that he will succeed, he said.

Upon motion of Mr. Wislocki, seconded by Mr. Loupos -

VOTED - that the Board of Environmental Management concurs with Commissioner Richard Kendall in the appointment of William Gaughan as Director of the Bureau of Solid Waste.

The Board recommended that Mr. Cousins be kept in mind should a reasonable position be made available within the Department.

The Board extended their congratulations to Commissioner Kendall and the screening committee for their tireless and thorough efforts in the employment process to appoint a new Director of Solid Waste.

In reporting on the Division of the Water Resources Commission, the Commissioner stated that he was not in a position at this time to make any recommendations with respect to the matter but that he was in the process of establishing administrative procedures and goals. He added that he would keep the Board up to date with his progress.

The Commissioner informed the Board that he has asked Dr. Norton Nickerson to serve on the Board of Environmental Management and that he has submitted his name to the Governor's office for approval.

The date for the next Board meeting was scheduled for Thursday, May 12, 1977. The Commissioner said that he would combine this meeting with a field trip to view one of the capital outlay projects.

There being no further business to come before the Board, the meeting adjourned at 12:30 p.m.

Secretary pro tem

RICHARD E. KENDALL
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

April 7, 1977

TO: Board of Environmental Management

FROM: Richard E. Kendall, Commissioner

It shall be the policy of the Commissioner of Environmental Management to work closely with the Board of Environmental Management.

The Commissioner shall meet with the Board on a monthly basis.

The Commissioner shall send notices of said meetings to all members of the Board. Minutes of all meetings shall be taken and shall be included with the notice of the next meeting.

The Commissioner's personnel policy shall be the following:-

1. Full compliance with our affirmative action plan and civil service requirements.

2. All employment opportunities will be posted throughout the Secretariat to allow for promotional advancement.

3. Public advertising shall be conducted outside state government in order to seek out the most qualified applicants.

4. Recommendations for appointments to policy-making positions including 03 below the level of director shall be brought before the Board at its monthly meeting for its review unless, in the opinion of the Commissioner, the appointment cannot be delayed. In such an emergency situation, the Commissioner shall notify the Chairman of the Board prior to the appointment.

TO: Board of Environmental Management

FROM: Richard E. Kendall, Commissioner

The Commissioner shall inform the Board at its monthly meeting of contracts entered into with consulting firms that affect the long-range policy of the department.

The Commissioner shall submit to the Board members all proposed capital outlays for acquisition or renovation of land or buildings at least 30 days prior to any final action of the Commissioner together with the local sentiment and views where appropriate.

A meeting of the Board of Environmental Management was held May 12, 1977 at 10:00 a.m. at the Wompatuck State Park, Hingham. Present were the Board members - Mrs. Dana Duxbury, Mr. George Wislocki, and Mr. Joh Loupos. Also present were Commissioner Richard E.Kendall, Assistant to the Commissioner Megan Jones, Director Gilbert Bliss, Chief of Recreation Charles Dane, Regional Supervisor William Remes and Attorney Stephen McLean.

The minutes of the April 7, 1977 meeting were approved as distributed.

In the absence of Mr. Henry Dawson, Secretary, Mr. John Loupos was designated Secretary pro tem for the meeting.

Commissioner Kendall brought before the Board the Order of Restriction under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the City of Newton. He informed the Board that the Order had been adopted by the Department with Board approval and recorded in Court. However, he said, in preparing the Order of Restriction, a certain parcel (Lot #24) was erroneously included. He asked the Board for its approval to delete the parcel from the Order.

The Board gave its approval for the deletion of Lot #24 and affixed their signatures to the amended Order of Restriction.

Commissioner Kendall then brought before the Board the proposal to acquire 15 acres of private land adjacent to the Weymouthport Nike Site recently transferred to the Department from the federal government (BOR). He asked Director Bliss to explain the proposed acquisition.

Director Bliss showed on a map the 15 acre parcel under discussion and its relationship to the Nike Site. The Nike Site, he said, will be used as a year round headquarters, a boat access and maintenance depot for the Boston Harbor Islands, and that the 15 acre parcel is crucial as a means of access to the Nike Site as well as a companion holding to the area. He noted that acquisition of private properties surrounding the Nike Site was a stipulation of the land transfer agreement with the federal government.

Director Bliss also noted on the map two buildings located on the Nike Site. One building, he said, is exempt from Department ownership (stipulation of the transfer with the federal government) and will be utilized by the South Shore Association for Retarded Citizens; the other building will be leased to the Town of Weymouth's Park and Recreation Department thru DEM. The Department has agreed to both conditions, he said.

Commissioner Kendall asked the Board's approval to negotiate a purchase of the 15 acre parcel, or exercise its authority of eminent domain under Chapter 742 (Boston Harbor Islands Act).

Upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was -

VOTED - that the Department of Environmental Management is hereby authorized to acquire by purchase or eminent domain a certain parcel of land located in Weymouth, Norfolk County, Massachusetts, known as the Weymouthport Property containing 15.3 acres more or less. An award not to exceed $700,000 shall be made to Weyport Peninsula Corporation, the supposed owner.

Commissioner Kendall then referred to the Board his recommendation to appoint Ms. Catherine Farrell to the position of Counsel to the Department. Ms. Farrell, he said, has an excellent background in environmental law, having worked at EPA and the Attorney General's office. The Commissioner apologized for not having Ms. Farrell's resume on hand, but stated that he would have a copy sent by mail immediately. He then briefed the Board on Ms. Farrell's qualifications.

The Board gave its approval to appoint Ms. Farrell as Counsel to the Department pending a review of her resume.

For information purposes, Commissioner Kendall briefed the Board on the activities within the Divisions of Forests and Parks, Solid Waste and Water Resources. He noted that the Department is moving rapidly on the Boston Harbor Islands and Lowell Heritage State Park. And as a note of interest, Director Bliss informed the Board that the Division of Forests and Parks was undertaking a Land Management Study Plan for all its areas with the Holyoke Range being the pilot project. The Board enthusiastically supported the management plan.

Commissioner Kendall briefed the Board on several meetings he had attended within the last month of significant importance to the Department such as City of Boston officials regarding Boston Harbor Islands, Westfield River Watershed Association; a tour of the Washington Mtn. Brook project which is very much under discussion within the Water Resources Commission; a 2 day meeting with the U.S. Forest Service to improve communication and cooperation between the Department and the U.S. Forest Service which had been somewhat lacking; and a 2 day meeting with officials from the Bureau of Outdoor Recreation. Also as a note of interest, the Commissioner informed the Board that Secretary Murphy has agreed to two 1/2 hour sessions each week with him and an individual division head to update her on division activities.

The date for the next Board meeting was scheduled for June 2, 1977 in Berkshire County.

There being no further business to come before the Board, the meeting adjourned at 12 noon, followed by a tour of the Wompatuck State Park and the Nike Site in Weymouth.

Secretary pro tem

A meeting of the Board of Environmental Management was held June 2, 1977 at the Mt. Greylock State Reservation, Berkshire County. Present were the Board members - Mrs. Dana Duxbury, John Loupos, George Wislocki and Dr. Norton Nickerson. Also present were Commissioner Richard Kendall, Director Gilbert Bliss and Regional Supervisor Douglas Poland.

The minutes of the May 12, 1977 meeting were approved as submitted.

Commissioner Kendall officially welcomed Dr. Norton Nickerson, newly appointed member of the Board of Environmental Management.

Commissioner Kendall first brought before the Board the Department's 1978 Fiscal Year Budget recently reported out of House Ways & Means. The two critical areas, he said, are in the Bureau of Solid Waste and the Division of Forests & Parks. The House Ways & Means recommendation for the Bureau of Solid Waste totalled $309,000 which does not include funds needed to reflect collective bargaining. The Department is requesting $409,000 which is a necessary figure for the Division to meet its responsibilities.

In the Division of Forests and Parks, he said, the fire account is most seriously affected. Present House recommendation is approximately $1,020,000 which leaves $100,000 short in the account. Basically, he said, this is a personnel account and several positions will have to be eliminated if funds are not restored.

It was the Board's unanimous decision that they write a letter to Senator James Kelley and Representative John Finnegan in support of the Department's budget requests. Commissioner Kendall reported that he has alerted the Massachusetts Environmental Coalition of the budget cuts and has asked its support in seeking restoration of the cuts.

Commissioner Kendall then brought before the Board a Certificate of Amendment and Repeal to the Town of Wellesley's Order of Restriction under Chapter 131, Section 40A which was adopted and recorded in November, 1971.

Commissioner Kendall explained that the repeal is being sought by Mrs. Mary Barry, a property owner on the easterly side of Harris Avenue, Wellesley (Wetland Area No. 3). He said that the Department has recently been informed by Mrs. Barry's attorney that the Town of Wellesley has completed an extension of a drainage and sewer system fro the length of Marris Avenue which included Mrs. Barry's property. This accomplishment has caused a physical change in the road and the area is no longer considered swamp or marshland, nor subject to hazardous flooding. He further stated that the building inspector for the Town of Wellesley has confirmed this information and the Department therefore is recommending the restriction be lifted from (Wetland Area No. 3).

Upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was -

VOTED - to approve the Certificate of Amendment and Repeal relative to a parcel of land located in Wellesley, Massachusetts and owned by Mary C. Barry (Wetland Area No. 3) and to file the Certificate of Amendment and Repeal with the Norfolk Registry of Deeds.

The Board members affixed their signatures to the Certificate of Amendment and Repeal.

Commissioner Kendall brought before the Board for its approval, the Order of Restriction under General Laws Chapter 130, Section 105 regulating and restriction coastal wetlands in the Town of Chatham as well as the Order of Restriction under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands also in the Town of Chatham.

The Board briefly reviewed the Orders and, it was -

VOTED - to adopt the Order as presented under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the Town of Chatham, County of Barnstable, Commonwealth of Massachusetts, and to file the Order with the Barnstable County Registry of Deeds.

VOTED - to adopt the Order as presented under General Laws Chapter 130, Section 105 regulating and restricting coastal wetlands in the Town of Chatham, County of Barnstable, Commonwealth of Massachusetts, and to file the Order with the Barnstable County Registry of Deeds.

The Board members affixed their signatures to both Orders of Restriction.

Considerable discussion then followed on the policing policy within the Division of Forests and Parks.

Director Bliss informed the Board that the most critical concern is policing in the camping areas during the summer months. He explained that the camping areas were designed for family camping but in most recent years the Department has been forced to allow the non-family camper, which is where most of the problems lie. There are, he said, a greater number of young people camping in groups who are involved with much more activity and make a greater use of alcohol, etc. In past years, the Division has utilized Natural Resource Officers and State Police at peak periods which has been adequate, but what is needed most is additional staffing.

Director Bliss further stated that in past years the Department has requested funding in its budget to add Natural Resource Officers to park personnel, specifically for police purposes for the critical periods of operation, but it has been repeatedly turned down by the Legislature. Also, he said, the Department has in the past employed off-duty local police officers but, again, this type of policing requires funding and we have been unable to get this type of support.

In further discussion several solutions were suggested such as mounted police, uniformed personnel with police powers, and the park ranger type system. It was felt that the park ranger system might be the best solution in that these people would be program-oriented and at the same time adequately trained in law enforcement.

There being no immediate solution to the problem, the Board requested that a comprehensive report on law enforcement be submitted to the Board at the next Board meeting. This report to include immediate and future recommendations for personnel to deal with enforcement. The report should also include discussions with local and state police, and itemize the nature of the problems encountered within the state parks.

Messrs. Wislocki and Poland presented a status report on the Appalachian Trail. It was reported that there are approximately 24.88 acres of private land ownership and that 46 of the 60 landowners have indicated their willingness to some form of negotiation. It was pointed out that the Department has eminent domain authority but the position has been taken by the Department to avoid this method if a reasonable alternative could be found. It was further reported that the U.S. Park Service is assisting the Commonwealth with survey work and deed study in order to supplement information already gathered by the Department. Two problem areas were mentioned:

Cheshire Relocation - a relocation of the Trail has been completed but the Board of Selectmen and Water Commission are indicating their opposition. A solution is still being sought. The Cowee Lumber Company has offered 365 acres for sale to the Commonwealth at $500 per acre which is more than anticipated and limited funds are available. Originally, a 200 foot wide strip was proposed, but the Park Service feel that additional land should be protected and they have suggested that the strip should be more in the neighborhood of 1000 feet. Mr. Wislocki, at this time, is negotiating with various landowners. Hopefully, they will gift a conservation easement to the Commonwealth.

Tyringham Relocation - historically the Trail in this area followed rural town roads. The 1969 legislation directed that the Trail be relocated off roads as much as possible. This change relocated the Trail onto private land which previously had not been involved. This also met with opposition by the Tyringham Board of Selectmen as well as several landowners. A third relocation is now being sought.

To further update the Board, Mr. Wislocki reported that an estimated cost for land survey is approximately $200,000 with fifty percent of the cost of the Trail and buffer strip being picked up by the federal government. It is expected that more contingency funds will be offered to match any Commonwealth money.

Mr. Wislocki stated that he was the Massachusetts delegate to the Appalachian Trail Advisory Council and that the Council provides guidance to the National Park Service. He pointed out that the Trail is a high priority with the present federal administration. On May 27, 1977, he said, the Council passed a resolve which directs the Park Service to step in and acquire land rights if the State fails to act. In Massachusetts, there are areas along the Trail (namely, Upper Goose Pond) which is considered a complete wilderness and may be acquired by the National Park Service.

Mr. Wislocki further stated that Massachusetts is considered a demonstration State, and there is indication that the Department of the Interior will make an investment in this State to compensate us for going ahead and acquiring the Appalachian Trail corridor.

It was Dr. Nickerson's recommendation that eminent domain proceedings be used to insure clear title.

Dr. Nickerson commended the Department for their actions, to date.

Mr. Wislocki then briefed the Board on the South Mountain regional headquarters site. He stated that the Berkshire Natural Resources Council has engaged an architect to design the building for an estimated cost of $425,000. As a note of interest, he said, Representatives Scelse and Duffin have filed a bill with a proviso that the Department of Environmental Management make a commitment by 1980.

In a brief discussion regarding the Scenic Rivers Advisory Committee, it was agreed that Mr. John Loupos would be the Board of Environmental Management's representative on the Committee.

The date for the next Board meeting was scheduled for July 14 on Georges Island (B.H.I.)

There being no further business to come before the Board, the meeting adjourned at 3:20 p.m.

John Loupos

Secretary pro tem

COMMONWEALTH OF MASSACHUSETTS

APPALACHIAN TRAIL STATUS

The Appalachian Trail passes 75 miles through Berkshire County between Connecticut and Vermont. The quality of the trail is excellent in general with few exceptions.

Massachusetts was the first state to enact legislation to protect the Appalachian Trail. Chapter 627 of the Acts of 1969, authorized the Department of Natural Resources to acquire by purchase, gift, eminent domain or otherwise such land including rights-of-way and easements for the purpose of protecting or enhancing scenic beauty to be known as the Appalachian Trail. The law provides for a maximum width of two-hundred (200) feet and a limit of twenty five (25) acres per mile.

The Department has taken the position of avoiding eminent domain if there is a reasonable alternative. There will be a few cases where it cannot be avoided.

Initial funding has been provided from capital outlay sources. Some of this money has been expended for survey purposes.

In 1972 the Department entered into a contract with Raytheon Corporation to map the Appalachian Trail. This was a combination of aerial and ground surveys. The end result was the compilation of maps at a scale of 1" = 200'.

Approximately 28.42 miles of the Appalachian Trail are located on state forest property. There are 60 other land ownerships involved. Forty six (46) of these owners have indicated a willingness to negotiate with the Department.

The present alignment of the Appalachian Trail in Massachusetts includes:

State ownership	28.42
Private ownership	24.88
Corporate ownership	9.87
Municipal ownership	5.36
Town & Country roads	7.21

A meeting of the Board of Environmental Management was held July 14, 1977 on Georges Island in Boston Harbor. Present were the Board members - Mrs. Dana Duxbury, Messrs. John Loupos, George Wislocki and Dr. Norton Nickerson. Also present were Commissioner Richard Kendall, Assistant to the Commissioner Megan Jones, Director Gilbert Bliss and Chief Planner Robert Yaro.

In the absense of Mr. Henry Dawson, Secretary, Mr. John Loupos was elected Secretary pro tem for the meeting.

The minutes of the June 2, 1977 meeting were approved as submitted.

Commissioner Kendall first brought before the Board for their review a proposed policy procedure to be followed in connection with inland orders of restriction under Chapter 131, Section 40A. He stated that a similar procedure is already required by law under coastal restrictions, Chapter 130 Section 105

Following considerable discussion, the Board gave interim approval to the following policy procedure pending review by the Department's legal counsel.

> "It is the policy of the Department of Environmental Management that the Commissioner shall, before adopting, amending, modifying or repealing any order of restriction recorded by the Department under the Inland Wetland Act (Chapter 131, Section 40A) hold a public hearing thereon in the city or town or watershed region in which the inland wetlands or flood plains to be affected are located, giving notice thereof to the state reclamation board, the Department of Environmental Quality Engineering, the Metropolitan District Commission, the selectmen, conservation commissioners and assessors of each city or town, and each assessed owner of such wetland or flood plains by certified mail at least twenty one days prior thereto."

Commissioner Kendall brought before the Board for its approval, the Orders of Restriction under General Laws Chapter 131, Section 40A, regulating and restricting inland wetlands in the City of Marlborough and the Town of Millis.

The Board reviewed both Orders and, upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was -

VOTED - to adopt the Order as presented under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the City of Marlborough, County of Middlesex, Commonwealth of Massachusetts, and to file the Order with the Middlesex County Registry of Deeds.

VOTED - to adopt the Order as presented under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the Town of Millis, County of Norfolk, Commonwealth of Massachusetts, and to file the Order with the Norfolk County Registry of Deeds.

The Board members affixed their signatures to both Orders of Restriction.

In reporting on the Department's capital outlay budget, the Commissioner informed the Board that it will be before the House Ways and Means Committee in August. The Commissioner highlighted several projects under consideration and the changes being sought by the Department.

In reporting on division activities, the Commissioner stated that the Bureau of Solid Waste was progressing well and that participation in the Northeast Solid Waste Committee is now up to 22 cities and towns. He reported that the Northeast Solid Waste Committee has selected a site in North Andover for the construction of the disposal facility and that ground breaking is anticipated for the summer of 1978.

In reporting on activities within the Division of Forests and Parks Director Bliss gave an oral report on the Oak Leaf defoliation on the Wendall State Forest and the severe outbreak of gypsy moth in Wrentham. He said that a Fall survey will be conducted and if there is any indication of a problem for next year, and if funds are available, the Department may conduct a spray program on the Forest using a virus or other environmentally sound method.

Director Bliss then gave the Board members copies of a status report on landfill sites on state property. He reported that there three dumps still in operation on state property at the present time, all on a lease basis to the particular town.

<u>Region I</u> Shawme Crowell State Forest - Town of Sandwich - legislation to be filed to extend lease which expires in two years

<u>Region II</u> Willard Brook State Forest - Town of Townsend - operation is very well maintained

Region III Oakham State Forest - Town of Oakham - 8 years remaining on a 25 year lease - Public Health standards being adherred to

Director Bliss gave the Board members copies of a status report on law enforcement within the state forest and park system. In order to achieve better law enforcement on our areas he said, I would make the following suggestions:

1. establishment of a new position title at major recreation areas (Chief Forest and Park Ranger) Reallocate title where areas are Grade 13 or Grade 11;

2. expand the role of the Bureau of Fire Control to include general law enforcement and security activities; and

3. establishment on a seasonal basis, the position of Forest and Park Visitor Aide, Grade 8

The Board requested that they be given more time to review the report. It was agreed that the law enforcement report be placed on the agenda for the next Board meeting for further discussion.

Director Bliss then presented the Department's proposal to acquire approximately .69 acres of land in the Town of Southampton for the sum of $12,500. Eminent domain proceedings is being sought in this acquisition, he said, because title to the property is clouded due to missing probates. He added that in light of the low price to be paid it would not be economically feasible to attempt to clear the title through nomal procedures. The seller and the Department have agreed to take the property at a set price. Eminent domain power would best protect the interests of the Department, he said. Following review, upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was -

VOTED - that the Board of Environmental Management pursuant to the provisions of Chapter 132A Section 3A of the General Laws approves the exercise of eminent domain power and a pro-tanto award not to exceed $12,500 to acquire a parcel of land in Southampton, Hampshire County, more particularly described as follows:

A certain tract of land containing .69 acres, more or less, standing in the name of Eugene P. O'Neil, John Lynch and Bertha E. O'Neil. Lying southerly of land of the Commonwealth of Massachusetts, Department of Environmental Management (Natural Resources) held for the benefit of the Public Access Board, being all that portion of a neck of land lying southerly of the southern most boundary of the aforementioned land of the Commonwealth, which bound is described as a line parallel with and northerly of the division between said Southampton and the Town of Westfield. Said land being described in a deed recorded with the Hampshire County Registry of Deeds in record book, 1569, page 170.

Director Bliss then presented the Department's proposal to acquire approximately 16 acres of land in the Town of Sharon for the sum of $7,500. The parcel, he said, is completely surrounded by the Borderland State Park. Eminent domain proceedings is being requested in connection with this acquisition, he said. Following review, upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was -

VOTED - that the Board of Environmental Management, pursuant to the provisions of Chapter 132A Section 3A of the General Laws approves exercise of the power of eminent domain by the Department of Environmental Management and a pro tanto award of $7,500 for the below described premises:

"The land in Sharon, Norfolk County, Massachusetts containing 16 acres more or less and being more particularly described in deed of Richard M. Biggs to William R. Cuming, dated March 24, 1971 and recorded with the Norfolk County Registry of Deeds in record book 4724 at page 599.

In discussing personnel matters, Commissioner Kendall referred to the Board his recommendations to appoint Luke Thompson to the vacant position of Deputy Commissioner (vacated by Joseph Brown) and to promote David Hall to the position of Secretary to the Department in back of Mr. Thompson.

The Commissioner also asked the Board to consider the employment of Attorney Daniel Joyce to carry out the functions of Elizabeth Williams with respect to municipal recruitment and contract commitments for the Northeast Solid Waste disposal project. Mrs. Williams, he said, is returning to graduate school. He added that Mrs. Williams' position is federally funded. He further stated that John F. Albis has agreed to accept the interim position of project manager in connection with the Northeast Solid Waste disposal facility to be constructed in North Andover. The Board approved the Commissioner's recommendations as presented.

Mr. Wislocki brought before the Board for discussion the Department's acquisition and construction procedures. The Department's procedures, he said, are comparatively clumsy compared with the Department of Public Works. He suggested the Department consider changes in DEM's policy to bring it in line with that of Public Works. He also suggested that the Division of Acquisition and Construction be requested to prepare recommendations for the Board's consideration at the next Board meeting. Further discussion was deferred until the next Board meeting in August.

The date for the next Board meeting was scheduled for August 4, 1977 at 10:00 a.m. in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 2:00 p.m. followed by tour of the Boston Harbor Islands.

Secretary

A meeting of the Board of Environmental Management was held on August 4, 1977 at 10:00 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were members of the Board - Mrs. Dana Duxbury, Messrs. Loupos, Dawson, Wislocki and Nickerson. Also present was Commissioner Richard E. Kendall.

The minutes of the July 14, 1977 meeting were approved as submitted.

Commissioner Kendall gave the Board members copies of the Department's minority status report of employment and asked Edward Carr to explain the report to the Board.

Mr. Carr stated that the report basically indicated a comparison of the number of positions in grade 16 and above filled in January, 1977 and July, 1977, as well as a breakdown of summer seasonal employment. He noted that there was a decline in the number of minorities hired in seasonal positions this year. This was due primarily to the new lottery system instituted by the Governor's office. The lottery system or so-called "fish bowl" system, he said, did not address itself to the hiring of minorities. It was based strictly on birth dates. Because of this, the system eliminated any flexibility in hiring minorities. Obtaining qualified personnel and lifeguards was a major problem, he said. Mr. Carr noted that there were many positions still unfilled.

It was the Board's recommendation that Mr. Carr contact other major hiring agencies such as DPW and MDC to inquire what problems they might be encountering with the lottery. They suggested that if it appears these agencies are facing similar inefficiencies in the system, that the Board then consider writing a letter to the Governor expressing its opposition to the system. Commissioner Kendall said that Mr. Carr would follow through on their suggestion and report his findings back to the Board. He assured the Board that Mr. Carr would prepare a final computation report on the hiring process and present it at the October Board meeting. Mr. Dawson requested that a quarterly affirmative action report be submitted on positions below the grade 16 level as well as those above.

Commissioner Kendall brought before the Board for their consideration the recommendation to fill the position of assistant director in the Bureau of Solid Waste. He stated that of the applicants responding to the promotional bulletin and recruitment efforts he would recommend Frederick Gross an employee within the Bureau, or Robert Houser, Jr., presently employed with Camp, Dresser and McKee. Both are well qualified in education as well as experience, he said. However, Mr. Hauser has expressed a great deal of interest but has not as yet given a firm answer. If it is Mr. Houser's decision not to accept the position, Mr. Gross would be the second choice. Either one is acceptable to Director William Gaughan, he added. The Board, upon motion of Mr. Loupos, seconded by Dr. Nickerson -

VOTED - to approve the recommendation of Commissioner Kendall to appoint either Frederick Gross or Robert Hauser, Jr. to the position of assistant director of the Bureau of Solid Waste.

Commissioner Kendall gave the Board members a copy of a book entitled "Unfinished Agenda" which he said is well worth the reading and should be a matter for discussion at some future meeting of the Board. The book, he said, deals with critical environmental problems of today and the future and might be of value to each of the members in their role as Board members. The Board expressed their appreciation for the book. They agred to read it and prepare to discuss its contents at a future Board meeting. They also agreed to individually prepare reports on where they felt the Department is today and what they foresee in the future. Their submissions should outline their ideas or recommendations on how they can be more effectively involved in providing checks and balances in the decision making process of the Department's policies and programs. They agreed to submit the reports at the September meeting and to devote two hours of that meeting discussing the book and their recommendations.

It was Mr. Loupos' suggestion that the Board schedule a joint meeting with the Department of Fisheries, Wildlife and Recreational Vehicles before the discussion meeting. It was determined the joint meeting should be scheduled for sometime after the September meeting. Mr. Loupos also stated that he would like to see the Board become more involved with the Pesticide Board. He said that he was displeased with its administration and priorities. He hoped that some measures could be taken to have some input in the Board's decisions.

Commissioner Kendall reported that there was a bill in the Legislature at the present time transferring the Pesticide Board to the Department of Agriculture and to have DEM represented on the Board. What the outcome will be he said is uncertain.

Commissioner Kendall then informed the Board that the Department has made the decision not to acquire the Camp Onota property in Pittsfield because of the maintenance costs which the acquisition would entail. However, he said, the Department would support a self-help commitment for City acquisition. Mr. Wislocki asked that the Board take no action on the Commissioner's recommendation at this time until further consideration be given to the possibility of the Department acquiring the property and leasing it to the City of Pittsfield. He requested that in the meantime the Department contact the owners with an offer to purchase the property for not more than the appraised value of $375,000. He said that he was aware of the Department's policy not to lease its property but suggested that the possibility be given consideration at least. Following considerable discussion, the Board agreed to defer action for one month's time, and upon motion of Mr. Wislocki, seconded by Mr. Loupos, it was -

VOTED - that the Board defer action on Commissioner Kendall's recommendation not to acquire the Camp Onota property in Pittsfield and to request the Commissioner to inquire of the owners that they consider the sale of Camp Onota property to the Department for not more than $375,000; and to request of the Mayor of the City of Pittsfield that the City prepare a Memorandum of Understanding outlining the terms and conditions under which the City might lease the property.

Commissioner Kendall then presented the proposed adoption of an order under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the Town of Norfolk. Upon motion of Mr. Wislocki, seconded by Mr. Dawson, it was -

VOTED - to adopt the Order as presented under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the Town of Norfolk, County of Norfolk, Commonwealth of Massachusetts and to file the order with the Norfolk County Registry of Deeds

The Board members affixed their signatures to the Order of Restrictions.

Commissioner Kendall reported to the Board that the policy procedure regarding inland orders of restriction which the Board gave interim approval to at the July meeting has been reviewed and approved by the Department's legal counsel, as requested. Therefore, he said, final approval is being requested today. Mr. Loupos noted that the U. S. Army Corps of Engineers now has jurisdiction over wetland restrictions and that it might be well to include their name to the list of those agencies requiring notification of the public hearing. Dr. Nickerson was in agreement with Mr. Loupos' suggestion.

Upon motion of Mr. Loupos, seconded by Dr. Nickerson, it was -

VOTED - to accept the inland wetland restriction policy procedure as follows:

It is the policy of the Department of Environmental Management that the Commissioner shall, before adopting, amending, modifying or repealing any order of restriction recorded by the Department under the Inland Wetland Act (Chapter 131, Section 40A) hold a public hearing thereon in the city or town or watershed region in which the inland wetlands or flood plains to be affected are located, giving notice thereof to the U.S. Army Corps of Engineers - New England Division, state reclamation board, the Department of Environmental Quality Engineering, the Metropolitan District Commission, the selectmen, conservation commissions and assessors of each city or town, and each assessed owner of such wetland or flood plains by certified mail at least twenty-one days prior thereto.

Director Bliss brought before the Board for its consideration the recommendation to appoint Nelson Obus to fill the position of Supervisor of Interpretive Services within the Division of Forests and Parks. He reported that of the 21 applications received through a promotional bulletin and outside recruitment efforts, 11 applicants were interviewed by a screening committee made up of Director Bliss, Charles Dane, Megan Jones and Gary VanWart of the Trustees of Reservations. It was the unanimous decision of the screening committee to select Mr. Obus. Mr. Obus, he said, is a graduate of Brandies University and is presently employed as Director of Education, Appalachian Mountain Club.

Upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was -

VOTED - to approve the recommendation of Commissioner Kendall and Director Gilbert Bliss to appoint Mr. Nelson Obus to the position of Supervisor of Interpretive Services in the Division of Forests and Parks.

Director Bliss also brought before the Board the matter of appointing an acting director of the Division of Forests and Parks as authorized by statute. He asked the Board's approval to designate Kenton Beaujean as the acting director. Mr. Beaujean, he said, is the Chief Forester within the Division at the present time. Upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was -

VOTED - to approve the designation of Kenton Beaujean as Acting Director of the Division of Forests and Parks in the event of the Director's absence from duty, in accordance with the provisions of Chapter 21, Section 3D

Director Bliss gave the Board members copies of a status report on the YCC program for 1977. He stated that the program has been very well received and that he was very much impressed with its accomplishment, to date. He informed the Board that there was a bill before Congress to establish a Young Adult Conservation Corps which may become a reality in September. The Department will submit its application at the proper time and it is hoped that DEM will be the lead agency for the program. There are no details as yet, he said, but the Department is looking at possible sites in anticipation of the program.

Director Bliss brought before the Board his long range proposal to create the Division of Forests and Parks' own law enforcement expertise at recreation areas during the crucial periods. A method being suggested, he said, is to expand the duties of the Bureau of Forest Fire personnel which is made up of one chief and thirteen wardens. These men would be fully trained in police capabilities through an in-service training program and would be utilized at critical times during the summer months at areas where they would be most required. The system would have to be introduced gradually and selectively, he said, job titles and specifications would have to be changed legislatively, and a budget item requested for an in-service training program as well as upgradings to bring the men in line with natural resource officers grades within the Division of Law Enforcement. He noted that these officers were in grade 14 and that fire wardens were grade level 13.

Mr. Loupos was not receptive to Director Bliss' proposal. He said he was more in favor of horse patrol or some type of small vehicle patrol. He suggested that the problem be addressed at the meeting with the Department of Fisheries, Wildlife and Recreational Vehicles and to invite Director Kenneth Crossman and a representative from the Office of State Planning to the meeting so that they might present suggestions or alternatives in addressing the problem. Mr. Dawson suggested that serious consideration be given to the utilization of local police who, he said, are more qualified to handle problems of this nature. Considerable discussion ensued on the pros and cons of Director Bliss' proposal and it was agreed to allow more time to study the problem and to place the matter on the agenda for the October meeting.

Director Bliss then presented the Department's proposal to acquire 1.0 acres of land in the Town of Sturbridge. The parcel, he said, is essential to completing the entrance road to the Wells State Park. He requested eminent domain approval due

to the fact the owners were asking double the amount of the two appraisals submitted. Upon motion of Mr. Loupos, seconded by Mr. Wislocki, it was -

VOTED - that the Board of Environmental Management, pursuant to the provisions of Chapter 132A, Section 3A of the General Laws approves exercise of the power of eminent domain by the Department of Environmental Management and a pro tanto award of $5,000 for the below described premises:

The land in Sturbridge, Worcester County, Massachusetts and shown as lot 267 on a plan recorded with the Worcester County Registry of Deeds in Plan Book 331, Plan 10. Owners - Evelyn M. Joyce and Gladys Joyce.

Jane England was asked to attend the Board meeting to report on the naturalist program. Ms. England reported that the program was introduced for the first time this year and all reports indicate that it was a great success and was met with enthusiasm on the part of the supervisors of the areas involved as well as the naturalists and visitors alike. She said the cost was minimal this year but that it should be considered as a budget item in the Department's future budget requests so that monies would be made available to expand this worthwhile program to its fullest. She also reported on the presently on-going pilot project designed to provide four state parks with volunteer naturalists for the summer months. She gave the Board members copies of the report. The project, she said, is a cooperative venture between the Department and the Appalachian Mtn. Club and the results of its success or otherwise will not be determined until the end of the recreation season. Questionnaires will be filled out by the supervisors and naturalists to determine the value of the program.

The Board expressed its enthusiasm for the program and indicated their desire to meet with the new supervisor of Interpretive Services to discuss the future of the naturalists program.

Mr. Loupos brought to the Commissioner's attention a recent study of the North River ecosystem prepared by Director George Woodwell and several biologists of the Marine biological Lab at Woods Hole. He indicated that the study had lead to a proposal by the Marine Lab to the National Science Foundation requesting a

grant to conduct further studies of the North River. It might be well, he said, to have the Department review the proposal for its possible usefullness in connection with the Scenic Rivers Study being conducted of the North River. Commissioner Kendall assured Mr. Loupos the report would be forwarded to Ms. Kilner for review.

The date for the next Board meeting was scheduled for September 1, 1977 at 10:00 a.m. in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 1:15 p.m.

Secretary

A meeting of the Board of Environmental Management was held September 1, 1977 at 10:00 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were members of the Board - Mrs. Dana Duxbury, Messrs. Loupos, Dawson, Wislocki and Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the August 4, 1977 meeting were approved as submitted.

Commissioner Kendall, in updating the Board on the status of the Department's budget and personnel matters, reported that the 1979 fiscal year budget has been completed and ready for submission to Secretary Murphy. He informed the Board that public hearings on the budget have been scheduled for September 13 at the Boston Aquarium and September 22 at the Holyoke Community College.

In reporting on personnel matters the Commissioner said that Robert Hauser, Jr. is the new Assistant Director of the Bureau of Solid Waste and will assume his duties on October 1st as will Nelson Obus as the Supervisor of Interpretive Services in the Division of Forests and Parks. The Commissioner noted that two vacancies have arisen in the planning office on the SCORP staff. These positions are critical, he said, in that the deadline for SCORP must be submitted to BOR by December 1st. He asked the Board's authorization to fill these positions as soon as possible. The Board gave its approval.

Dr. Nickerson, at this point, raised the question as to where the Land and Water Conservation Fund program should lie. It was his feeling that the Division of Conservation Services, since it is so closely tied to DEM through BOR project spending and SCORP, might better serve its purpose if it was once again under DEM. Commissioner Kendall stated that even though both programs were within the Department's responsibility it was his opinion that the control of funds should remain within the Secretariat.

Commissioner Kendall informed the Board that while attending a BOR State Liaison Officers meeting in Louisiana last week there was a strong indication that there would be a $9 million authorization for Massachusetts. Of this $9 million,

he said, $4 million will be allocated to the cities and towns which in his opinion should be the Secretary's responsibility. $5 million will be allocated to DEM projects which will be a joint effort between the Department and the Division of Conservation Services. He added that the Department had very good working relations with Director Joel Lerner of that Division and he anticipated no problems with the administration of these funds.

Mr. Dawson informed the Board of his recent meeting with Mr. Leon Brathwaite, the State's new Director of Affirmative Action, Commissioner Kendall, Megan Jones and Edward Carr. He said that he was impressed with what Mr. Brathwaite is proposing for the Affirmative Action program but he felt that if there is to be strong implementation in the program it would have to be generated by the Department of Environmental Management. He added that he was hopeful this would be the case.

Commissioner Kendall said that Edward Carr has been working almost full time on the Department's Affirmative Action program and that he was at present preparing a letter to be sent to all minority and neighborhood organizations notifying them of vacant year-round positions which may be available in this agency within the next 12 months and that the letter was soliciting their cooperation in assisting the Department to recruit qualified minorities and women to fill the vacancies. He noted that the Department did not have an affirmative action officer's position at the present time but that one has been requested in the 1979 budget. If this position is approved, he said, the person filling the position will devote his or her full time to the affirmative action program of the Department.

The acquisition of the Camp Onota property was brought before the Board by Commissioner Kendall. He informed the Board that he had written a letter to Mr. Siegel inquiring as to whether the Department could realistically consider purchasing the property for the appraised value of $375,000. To date, Mr. Siegel

has not replied to the letter. Under the circumstances, he said, there are three options for the Department to now consider -

1. terminate acquisition discussions for all time;

2. to again indicate to the owner the Department's willingness to negotiate for the appraised value; or

3. take no action either pro or con and to so inform the Mayor of Pittsfield of this decision so that he then may proceed in whatever direction he saw fit.

Mr. Wislocki stated that he was of the opinion that the Department had acted in good faith in its negotiations and suggested that the Commissioner write to Mayor Brindle and advise him that the Board of Environmental Management took no action on the Onota property and that the City of Pittsfield should now proceed in whatever direction it chooses regarding the property. The Board unanimously agreed with Mr. Wislocki. Commissioner Kendall said that he would be in contact with Mayor Brindle and convey the Board's decision.

Mr. Thompson was asked to attend the Board meeting and brief the Board on the Department's 1979 fiscal year budget.

Mr. Thompson reported that the Department's total budget request is $16,933,699 which is an increase of $2,750,000 over the 1978 budget requests. The increase is made up of several factors, some beyond the Department's control. The single biggest increase is due to collective bargaining of state employees. This amount shows an increase in the '79 budget over and above an $800 increase for year round employees and an apportioned amount for seasonal employees. The $800 figure represents a $400 increase in the 1979 costs and $400 for the 1978 raises which had been agreed upon but not funded in the '78 budget. Another large increase he reported is in the Bureau of Recreation for equipment replacement. The Bureau received almost no funds for equipment replacement in the '78 budget and therefore the '79 budget reflects the backlog of replacement.

In regard to the new program areas, Mr. Thompson reported that there are 5 new planning positions for SCORP; several new administrative positions including an affirmative action officer and a fiscal affairs officer; and an upgrading for the personnel director. He said that there are new seasonal positions at new areas around the State including Boston Harbor Islands, Webb State Park (Nike Site, Weymouth), Tulley Reservoir, as well as a small seasonal naturalist interpretive program. He reported that there is also a request for 8 new positions in Forestry - 3 for work on state lands and 5 positions to develop a marketing and utilization program; 2 new positions in the Water Resources Division to begin development of comprehensive water planning for Massachusetts; 2 new positions and $150,000 in consultant funds for the Bureau of Solid Waste Deposal intended to begin to deal with the problems of hazardous waste. He pointed out that the wetlands restriction budget has been broken out as a single item from the Water Resources budget. This was done to identify the program and its costs for public knowledge and reaction.

Mr. Dawson noted that the largest budget item was rinks and pools. He stated that he hoped the figure did not indicate that this was the Department's first priority. Mr. Thompson replied that there was no increase in the rink and pool budget item except for collective bargaining.

A question was raised regarding the Boston Harbor Islands transportation account. Mr. Thompson replied that the account is to be continued in the '79 budget and is intended to provide water taxi service amongst the islands as well as subsidized service from the mainland to the islands on non-peak days.

A general discussion on issues raised by the "Unfinished Agenda" was the held. Topics covered included:

Environmental education
BOR and self-help funding
DEM recreational policies
Water Resources Commission policy
Waste water treatment
Recycling programs
Pesticide Board

The Board came to the following major conclusions:

1. Expand DEM interpretive services in state parks.

2. Support two bills concerning environmental education now in House Ways and Means. Dr. Nickerson will draft letter for Commissioner to sign on behalf of the Board.

3. Support grant applications for demonstration program for non-pesticide mosquito control. Dr. Nickerson will draft letter to be sent to Reclamation Board.

4. Support recreational and open space opportunities for city populations, both within and outside city limits. Within cities support for small scattered urban parks rather than one large central one.

5. Support a rational master plan for distribution of BOR and self-help funds.

6. Support concept for land transfer tax if funds can be dedicated for park-open space purposes.

7. Support moratorium of DEM rink/pool program.

8. Request future agenda item on state wilderness camping system and motorized vehicle policy.

9. Support DEM office building recycling project program under direction of Mark Jones.

10. Support DEM membership on Pesticide Board. Accept Food and Agriculture Commissioner as Chairman of the Board.

There being no further business to come before the Board, the meeting adjourned at 2:15 p.m.

The date for the next Board meeting was scheduled for Monday, October 3, 1977 at 10:00 a.m. in the office of the Commissioner.

Secretary

A meeting of the Board of Environmental Management was held October 3, 1977 in the office of the Commissioner, 100 Cambridge Street, Boston, Ma. at 10:00 a.m. Present were the Board members - Mrs. Dana Duxbury, Messrs. Loupos, Nickerson and Dawson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the September 1, 1977 meeting were approved as submitted.

Commissioner Kendall gave the Board members copies of the Department's 1977 fiscal year annual report.

The Commissioner reported on three major pieces of legislation crucial to the Department - the oil spill liability fund bill which he said has been re-written by the Speaker's office and now involves an insurance plan; the sanctuary bill which he is amending to exclude the Cape Cod sanctuaries from outfall sewage systems; and the pesticide bill which was amended by the House Ways and Means Committee is not now acceptable.

In reporting on the Coastal Zone Management plan, Commissioner Kendall said that the Speaker's office has sent his aide to Washington urging that they post-pone acceptance of the plan. The Speaker feels the Secretary's office did not allow the Legislature sufficient input during its formulation. The Secretary will now have to meet with the Speaker to resolve their differences.

Director Gaughan was asked to attend the meeting to update the Board on the Bureau of Solid Waste program.

Mr. Gaughan first stated that the Commissioner's annual report which they received earlier today accurately summarizes the current status of the Bureau's program activities. However, he said, I would like to apprise the Board on several important matters.

Mr. Gaughan reported on the Resource Separation Conference to be held on October 27. It will be an opportunity to communicate the goals and objectives of the BSW in the area of recycling. It will also provide an opportunity for exchange and education of source separation information.

Mr. Gaughan further reported that the Bureau has now established the Resource Conservation Recovery Act Task Force which not only complies with federal requirements but will also coordinate all agencies involved in the solid waste process.

In reporting on the Northeast Resource Recovery facility, Mr. Gaughan reminded the Board of his statements made at the April Board meeting regarding the two project schedules for the facility - 18 months and 30 months. It is now apparent, he said, the 18 month projection cannot be met and the Bureau will now strive to complete the 30 month scheduling projection. This now allows the Bureau 24 months in which to accomplish this goal, he said.

Mr. Gaughan reported that at the April meeting he also informed the Board that 21 positions were requested in order to meet these goals, to date, only 17 positions have been approved.

As a note of interest, Mr. Gaughan said that there has been a marked increase in community participation since the April meeting, which is encouraging.

Director Correia was asked to attend the Board meeting to present a land acquisition package in connection with the Lowell Heritage State Park.

Mr. Correia first presented a proposal to acquire two buildings located in the so-called entrance node of the Park. One of the buildings, he said, following extensive exterior and interior restoration will serve as a visitors center and entrance to the park. The adjacent building will be demolished and landscaped, to be later developed as part of the National Cultural Park by the federal government. The buildings are jointly owned by the Lowell Medical

Instrument Company and Messrs. Kelakos and Giannarakos. Appraisals have been made and the owners have been offered the higher of the two appraisals in the amount of $195,000 - they are asking $225,000.

Also included in the package, he said, is the proposal to acquire two vacant lots on Pawtucket Boulevard. One lot is owned by Mr. John Tatsios and the other by the Kimball Sign Systems, Inc. To date, the Department has been unable to negotiate a purchase price with either owner.

Mr. Correia then discussed the proposal to acquire the DesMarais property which is known as the gate keeper's house. This is prime property located at the northern headwaters of the canal and will be a historical focal point of the park. The DesMarais' have not as yet agreed to accept the Department's $35,000 offer - they are to make their decision by October 4.

What we are asking of the Board today, he said, is eminent domain authority to acquire the four properties should the Department be unable to come to negotiable terms with the respective owners. He informed the Board that the Lowell City Council will meet on Tuesday night (October 4) and he will go before the Council at that time seeking their approval of eminent domain authority to acquire the same parcels. He anticipated no opposition.

Mr. Correia assured the Board that eminent domain proceedings would only be used when the Department has exhausted all other means of negotiations.

Mr. Loupos asked if federal monies were involved in the Lowell Heritage Park acquisitions. Mr. Correia replied that at present it is strictly one hundred percent state funding but the Department expects to submit a BOR application in January for $7 million, $1.7 million will be for Lowell.

Upon motion of Mr. Loupos, seconded by Dr. Nickerson, it was -

VOTED - to approve the exercise of the power of eminent domain, in accordance with the provisions of Chapter 132 Section 3A of the General Laws, by the Commissioner of Environmental Mangement over the following parcels of land:

Thomas G. Kelakos and George P. Giannarokos
Lowell Medical Instrument Company

John D. Tatsios

Kimball Sign Company

Paul J. DesMarais, et ux

Mr. Correia then presented to the Board an enumeration of parcels of city owned lands and privately owned lands which the Department proposes to acquire in connection with the Lowell Heritage State Park. He asked the Board for blanket approval of eminent domain authority for the acquisitions before purchase negotiations were initiated. He informed the Board that the City Council has given the Department their approval to proceed on this basis.

The Board questioned whether it would be advisable to give blanket approval for eminent domain without first knowing what the owners were asking or what the appraised value would be. They agreed to defer action on their decision until the November meeting.

Edward Carr was asked to attend the meeting to report on the status of the Department's affirmative action program.

Mr. Carr stated that as was indicated at the September Board meeting, the recent lottery system presented serious problems to the Department in its ability to fulfill the affirmative action mandate, causing an approximate 45% reduction in minority hires compared to 1976. There were serious problems from a management standpoint as well, he said, because of the inexperienced low caliber type people we were forced to hire, their lack of interest and initiative. He said that of the 1200 seasonal positions available, 87 remained unfilled for the entire season and approximately 459 positions were vacated one, two and three weeks prior to the termination date. This presented serious hardships for many of the supervisors at the areas because they were left without sufficient help to close the areas. Mr. Dawson asked Mr. Carr the number of

people who vacated their positions early last year so that a comparison could be made. Mr. Carr replied that he did not have this information readily available but would get back to the Board with the figure.

Mr. Carr informed the Board that he had contacted both MDC and DPW and these agencies agreed that the lottery system caused their agencies some problems.

In conclusion, Mr. Carr said it would be his recommendation that should the Governor decide on a lottery system next year, certain provisions should be made to enable the Department to reach minority candidates. Also, he would suggest the hiring process begin sooner than last season.

The date for the next Board meeting was set for Thursday, November 3, 1977 in Region II.

There being no further business to come before the Board, the meeting adjourned at 1:30 p.m.

Norton H. Nickerson

Secretary pro tem

A meeting of the Board of Environmental Management was held November 3, 1977 at 10:00 a.m. at the Carlisle State Forest (formerly known as the Farnham Smith property). Present were the Board members - Mrs. Dana Duxbury, Messrs. Loupos and Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the October 3, 1977 meeting were approved as submitted.

In reporting on Department matters Commissioner Kendall first discussed the personnel situation and in so doing informed the Board that there will be available, shortly, a possible 25 vacancies within the various divisions and that a concerted effort will be made to fill at least 10 of these positions through affirmative action. He stated that most of the vacancies are subject to promotional advancement and Civil Service procedures and affirmative action would not apply. He further stated that Division heads have been alerted to the Administration's outreach for minority applicants and every effort will be made by all concerned to search for minorities for these vacancies. He noted that personnel schedules have not been released from Administration and Finance and the Department has been unable to fill any vacancies since July 1st. He informed the Board that the new staff member for the Water Resources Commission will be on board within the next two weeks. He reported that he had testified before the House Ways & Means Committee on the Department's 1978 and 1979 capital outlay budgets. And as a note of interest he informed the Board that the Department has been designated as a member of the Reclamation Board.

In discussing legislation, the Commissioner said the future of the CZM plan and the oil spill liability insurance bill are still in doubt.

Commissioner Kendall reported on the defeat of Federal legislation regulating the lease sale on Georges Bank for OCS. He said that he was firmly convinced that leasing was not in the best interests of the Commonwealth and that he had written to Secretary Murphy urging her to strongly recommend a

deferment policy to the Dukakis Administration and that this recommendation be forcibly presented to Washington at least until the Federal OCS legislation is in place. The Board concurred with Commissioner Kendall's recommendation and, upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was -

VOTED - that it is the Board of Environmental Management's position that there be no leasing permitted on Georges Bank, at all, at least until Congressional safeguards are in place.

Commissioner Kendall then brought before the Board for its approval the Order of Restriction under General Laws Chapter 130, Section 105 regulating and restricting coastal wetlands in the Town of Provincetown as well as the Order of Restriction under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands also in the Town of Provincetown.

The Board briefly reviewed the Orders and upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was -

VOTED - to adopt the Order as presented under General Laws Chapter 130, Section 105 regulating and restricting coastal wetlands in the Town of Provincetown, County of Barnstable, Commonwealth of Massachusetts, and to file the Order with the Barnstable Registry of Deeds.

VOTED - to adopt the Order as presented under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the Town of Provincetown, County of Barnstable, Commonwealth of Massachusetts, and to file the Order with the Barnstable Registry of Deeds.

The Board members affixed their signatures to both Orders of Restriction.

Director Correia was asked to present a proposal for blanket eminent domain approval for certain properties connected with the Lowell Heritage State Park. He said that since the October Board meeting when the Board deferred action on the eminent domain proposal, he had revised the original partition to the Lowell City Council and reduced the number of acquisitions listed for eminent domain acquisitions for three reasons -

1. incorrect draftsmanship (titles, boundaries, etc.);

2. Locks and Canals acquisitions will be accomplished in two phases - some to be acquired in the near future and others at a much later date; and

3. inquiry by the Office of State Planning of their interest in investigating the power production capability of the Locks and Canals in terms of energy.

Director Correia noted that there were three categories of acquisition - city-owned land, Locks and Canals, and other private lands. Eminent domain seems to be the best method of acquisition because 1) possible title problems with city owned land; 2) very possible title problems with Locks and Canals owing to very poor record keeping of land ownerships; and 3) the possibility of non-negotiable transactions with private owners. He said that none of the Locks and Canals properties have been appraised to date simply because the Department has not determined what actual properties it will acquire. Appraisals have been made of the private ownerships and it has been estimated that the cost to purchase these properties would be somewhere in the range of $70,000. He noted that the Department's total bond issue authorization for Lowell was $4.2 millin and $1.8 million by a special act - the entire amount has been allocated to certain nodes of the Park. He further noted that the Lowell City Council has given its approval for eminent domain authority on all acquisitions being presented today.

Mrs. Duxbury stated that inasmuch as the Board had given prior approval to the Lowell Heritage State Park concept as a whole and had agreed to allow the Commissioner some freedom in the development process, eminent domain authority would be prudent at this time so that the Department may move ahead on the Park's realization. Upon motion of Mr. Loupos, seconded by Dr. Nickerson, it was -

VOTED - that in accordance with the provisions of Chapter 132A Section 3A of the General Laws, exercise of the power of eminent domain by the Commissioner of Environmental Management over the parcels of land in Lowell, Massachusetts as described in the attached three (3) page document entitled "Lowell Heritage State Park - APPENDIX - Board Meeting November 3, 1977, is hereby approved.

(APPENDIX ATTACHED)

Director Bliss gave the Board a brief summary of the areas and activities within Region II. He presented to the Board for their approval a request to rename the Farnham Smith property within the Region. He reported that since the acquisition of the area several years ago an official name has not been assigned. He stated that the Department is suggesting, and it has been locally endorsed by the town fathers to designate the area as GREAT BROOK FARM STATE PARK. Upon motion of Dr. Nickerson, seconded by Mr. Loupos, it was -

VOTED - to approve the recommendation of the Department of Environmental Management to officially designate the Farnham Smith property in Carlisle as the GREAT BROOK FARM STATE PARK.

Director Bliss presented to the Board a request to designate a 1600 acre parcel of land situated within the Mt. Greylock State Reservation (known as the Hopper Area) as a NATURAL AREA. This will be the first area within the Massachusetts State Forest and Park system to be so designated and, he said, the area has been recommended by the Mt. Greylock Advisory Council. Mr. Bliss added that the Advisory Council will present its recommendation to the Society of American Foresters for formal acceptance and registration. Upon motion of Mr. Loupos, seconded by Dr. Nickerson, it was -

VOTED - to officially designate the Hopper area (1600 acres) within the Mt. Greylock State Reservation, Berkshire County, as the HOPPER NATURAL AREA.

Commissioner Kendall informed the Board that he would be meeting with Washington officials within the next two weeks regarding the Appalachian Trail and that he would inform them that the Department is prepared to commit $850,000 of its capital outlay funds to insure its interest in the protection of the Trail. He said that $500,000 of these funds will be designated for the acquisition of the entire 200' corridor with 50 percent matching funds being requested from the Bureau of Outdoor Recreation.

The date for the next Board meeting was scheduled for Thursday, December 1, 1977 at 10:00 a.m. in the office of the Commissioner.

There being no further business to come before the Board the meeting adjourned at 12 noon followed by a tour of several areas within Region II.

Secretary

LOWELL HERITAGE STATE PARK
APPENDIX

Board Meeting November 3, 1977

City Owned Land

1. An area bounded by the State Highway Layout (Route 113) and the Merrimack River, extending from Lowell Water Works land on the west to the boundary of the Proprietors of the Locks and Canals (Opposite Orchard Street) on the east.

2. An area bounded by the State Highway Layout (Route 113) on the Merrimack River, extending from the School Street Bridge on the west and easterly along the Merrimack River approximately 250 feet.

3. An area bounded by Pawtucket Street and the Merrimack River, extending from the westerly side of the bridge over the Boston & Maine Railroad on the west to approximately the intersection of Rolfe Street and Pawtucket Street on the east.

4. An area extending from Pawtucket Street to Tyng Street and adjacent to the easterly side of the Pawtucket Canal, and described in Deed: Book 940, Page 15.

5. An area bounded by the French Street Extension Layout and the Northern Canal, extending from Pawtucket Street to Suffolk Street.

6. An area bounded by the V.F.W. Highway Layout and the lands of the Proprietors of the Locks and Canals, extending from a beginning, approximately 1250 feet, northwesterly of Aiken Street on the West to the Ouelette Bridge on the east.

7. An area known as the Rex lot.

8. An area 50 feet wide extend along the Lower Pawtucket Canal to the Concord river, then along the westerly bank of the Concord River, approximately 600 feet, then southerly to Warren Street, all within an area known as the Smith lot.

9. An area bounded by Lawrence Street on the north, the Concord River on the east, the Lowell Andover Railroad on the south and parallel to the properties along State Street on the west to Moore Street.

Private Lands

A. Merrimack River

1. An area bounded by the State Highway Layout (Route 113) and the Merrimack River, extending from City of Lowell boundary opposite Orchard Street) on the west to the bridge at School Street on the east and the supposed owner, the Proprietors of the Locks and Canals.

2. An area along the Merrimack River beginning, approximately 500 feet northwesterly of Aiken Street on the west to the Ouelette Bridge on the east and the supposed owner, the Proprietors of the Locks and Canals.

B. Northern Canal

1. An area bounded by the Merrimack River and an approximate 20 foot wide area, and the northerly side of the Northern Canal, extending from the bridge at School Street to on the west to the bridge at Suffolk Street on the east.

SUPPOSED OWNERS
Proprietors of the Locks and Canals
Albert H. Notini

2. An area adjacent to the Merrimack River and the southerly side of the Northern Canal, extending from a beginning approximately 300 feet west of School Street on the west and to the bridge at Pawtucket Street on the east.

SUPPOSED OWNERS	BOOK	PLAN
Proprietors of the Locks and Canals		
Paul J. Desmarais	93	59A
Corporation de L'Orpheliant Franco - American	1452	Page 314
Lord Manor Associates	118	167

C. Merrimack Canal

1. An area bounded by Dutton Street, Merrimack Street, Merrimack Canal and the Western Canal. The properties are described as follows:

SUPPOSED OWNERS	BOOK	PLAN
Y.M.C.A.	452	Page 98
Proprietors of the Locks and Canals	452	Page 106

2. Properties adjacent to the easterly side of the Merrimack Canal, extending from Market Street to beginning of the Merrimack Canal and described as follows:

SUPPOSED OWNERS	BOOK	PLAN
Proprietors of the Locks and Canals		
Valley Associates Trust	1518	Page 550
Merrimack Trading and Spinning Co.		

D. Hamilton Canal

1. Properties adjacent to the southerly side of the Hamilton Canal, extending from the beginning of the canal approximately 900 feet east.

SUPPOSED OWNER
Proprietors of the Locks and Canals

E. Lower Locks

1. Properties adjacent to the southerly side of the canal, extending from Central Street on the west to the Concord River on the East and described as follows:

SUPPOSED OWNERS	BOOK	PLAN
Proprietors of the Locks and Canals		
Alpha Development Corporation	87	125

F. An area beginning on the Concord River approximately 900 feet south of Rodgers Street, then southerly approximately 1000 feet along the Concord River, then westerly to the Wamesit Canal, then northerly approximately 800 feet along the Wamesit Canal, then northeasterly to the beginning.

A meeting of the Board of Environmental Management was held December 1, 1977 at 10 a.m. in the Office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Messrs. Wislocki, Loupos, Nickerson and Dawson. Also present, acting in the absence of Commissioner Richard Kendall, were Deputy Commissioners Luke Thompson and Albert Zabriskie. Commissioner Richard Kendall and Megan Jones, Executive Assistant to the Commissioner were present for the second half of the meeting.

The minutes of the November 3, 1977 meeting were presented for approval and Dr. Nickerson submitted the following corrections to be made in the minutes.

Page 1, second paragraph, line 13, delete the sentence beginning with the words "He reported....." and insert therein - He reported that he had testified before the House Ways and Means Committee on the Department's 1978 budget and before the Office of Administration and Finance on the Department's 1979 capital outlay budget.

Page 2, second paragraph, following the sentence "The Board members affixed their signatures to both Orders of Restriction." add - Commissioner Kendall affixed his signature to both Orders of Restriction.

Page 2, last paragraph, fourth line, the word partition should be changed to petition.

Following the approval of the corrections, as submitted, the minutes of the meeting were approved.

Mr. Robert Yaro, Chief Planner, was called to the meeting to discuss proposed policy changes in SCORP.

In the absence of Commissioner Kendall, Mr. Thompson informed the Board that Commissioner Kendall directed Mr. Yaro to present the draft policies to the Board today for their review at their leisure. He said that the Commissioner would like to have them cogitate on the draft and requested that they submit their comments, corrections or suggestions to him either in writing or by phone before December 10th. Mr. Yaro then presented the Board with copies of the draft policy statements.

Following a brief review of the policy statements, Mr. Wislocki asked Mr. Yaro who was instrumental in the preparation of the draft. Mr. Yaro replied that they were prepared by the SCORP staff with the advice and comments of the SCORP Technical Advisory Committee which is made up of some 20 representatives

of conservation interest groups, city and town officials, and the Office of State Planning. Several questions were raised and one in particular related to Item #7 regarding the preparation of open space plans. Mr. Wislocki stated that he hoped it was not the Department's intention to have the Regional Planning Agencies prepare the open space plans. In his opinion, he said, they have never produced anything worthwhile. This statement seemed to be the general opinion of the Board. Mr. Yaro replied that it would be the SCORP staff's responsibility to prepare the plans but that they would seek technical assistance from RPA's in identifying potential sites and projects. It was Mr. Loupos' opinion that the local conservation commissions should be more actively involved in the plan preparation. There were several terms throughout the draft that the Board felt needed clarification. They also questioned the commitment of state funds to the development of urban parks and the indication of "high priority" attachment to the concept. There were many other questions raised by the Board, and they therefore agreed to hold a special meeting on either December 8th or 9th to review the draft in more detail and to prepare, collectively, their comments and suggestions to present to Commissioner Kendall on the 10th. Mr. Yaro was asked to be present at this meeting.

The meeting adjourned at 11 a.m. to allow the Board members to be present at the signing of the agricultural development rights bill by Governor Dukakis. The meeting resumed at 11:45 a.m.

Director William Gaughan was asked to attend the meeting to update the Board on the Northeast Solid Waste Project. Director Gaughan discussed the approach to municipal tonnage commitments necessary to finance and construct the facility. He said that beginning in January, with the cities involved in the project, municipal legislative bodies would be asked to authorize their executives to enter into long term service contracts with UOP for their solid waste disposal.

Several questions were asked by the Board members regarding the Bureau's intended plans and schedules and the staff capabilities available to carry out such plans.

Deputy Commissioner Luke Thompson reported on the Department's 1979 operating budget and its 1978-1979 capital outlay budgets.

Mr. Thompson informed the Board that the Department has submitted its 1979 budget to Secretary Murphy in the amount of $16,850,000 which includes the collective bargaining increases in the amount of $1,250,000. He said that the Secretary's recommendation to Administration and Finance totalled $16,250,000 but that A & F's preliminary recommendation is only $14,300,000.

Mr. Thompson reported that Secretary Murphy did not recommend all new programs requested by the Department, but that she did recommend the forestry program, solid waste program, water planning and staffing, and several new positions throughout the Department, one of which is an affirmative action officer in Administration. He noted that one very important item recommended by the Secretary is the equipment replacement money totalling $400,000 which was totally deleted in the 1978 budget. He said the Department is still faced with a problem concerning this same item because A & F is recommending that the item be deleted in the 1979 budget and that they are proposing one large capital outlay figure for all equipment purchases to be paid over a three year period. He informed the Board that most of the Secretary's program recommendations for the Department have been deleted by A & F but that they are recommending SCORP funding. Secretary Murphy, he said, is appealing A & F's proposals and has been granted a hearing with Secretary Buckley on Monday December 5 and that she expects to meet with the Governor on the same matter at a later date.

In reporting on the 1978 capital outlay budget, Mr. Thompson stated that the House has recommended $425,000 for the construction of a regional headquarters at South Mtn. in Pittsfield and $200,000 for the reconstruction of the bathhouse at Lake Quinsigamond State Park in Worcester. The Senate, he said, is proposing that there be no 1979 capital outlay and that the 1978-1979 capital outlay budgets be combined. The Senate, however, has recommended $1,000,000 for the development of the Blackstone River State Park in Southern Worcester County. He further reported that the Governor has recommended $4.1 million for the Lowell Heritage State Park and $1,500,000 for the Boston Harbor Islands. He noted that the Senate did not include these items in their capital outlay report. The Governor has also recommended $1 million for the rehabilitation of existing areas, $350,000 for the construction of an access road at the Wells State Park, and $100,000 for mapping and recording costs for the Scenic Rivers Program. He added that the Department fared very well in its operating budget but that the Governor's capital outlay was a disaster.

Director Correia was asked to attend the meeting to present land acquisition proposals on the Holyoke Range.

Mr. Correia asked the Board to approve a friendly eminent domain taking of two parcels of land located in South Hadley - one parcel consisting of 72 acres and the other 43.5 acres. He said that due to the many owners involved and their whereabouts unknown, clouded titles, etc., the Attorneys for the Lynch Estates (so-called owners) have recommended that the Department take the properties by eminent domain. He noted that the South Hadley Board of Selectmen have also voted to authorize the Department to take the properties by eminent domain. He further stated that this would be the first eminent domain taking, to date, in connection with the Holyoke Range acquisition project. Upon motion of Dr. Nickerson, seconded by Mr. Wislocki, it was -

VOTED - that in accordance with the provisions of Chapter 132A Section 3A of the General Laws, exercise of the power of eminent domain by the Commissioner of Environmental Management over the following parcels of land is hereby approved.

I Land in South Hadley, Hampshire County, Massachusetts, more particularly described in an instrument recorded with the Registry of Deeds of said County in record book 464 at page 153.

II Land in South Hadley, Hampshire County, Massachusetts, more particularly described in an instrument recorded with the Registry of Deeds of said County in record book 12101 at page 130.

Ms. Meriel Hardin, Administrator of the wetlands restriction program was asked to attend the meeting to present matters dealing with wetland restrictions.

Ms. Hardin first asked the Board to sign the Order of Restriction under General Laws Chapter 131, Section 40A regulating and restricting inland wetlands in the Town of Provincetown. She informed the Board that they had previously approved and signed the Order at the November Board meeting but that the original copy had been misplaced and a new Order had been prepared for their signature. She noted that the Board of Selectmen had also signed the new Order. The Board members and Commissioner Kendall affixed their signatures to the Order of Restriction for the Town of Provincetown.

Ms. Hardin then brought before the Board for their consideration a proposal to exempt from public hearings those wetland restriction cases under litigation. She said that she has consulted with Department Counsel and the office of Attorney General and both have agreed that it would be inappropriate for the Department to solicit comments from the general public via the public hearing process on matters in which the Department is a party to litigation. They both agreed, she said, that it would be a waste of time and money. She requested approval of the Board to amend the policy recently adopted by the Board which states that a public hearing shall be held before adopting, amending, modifying or repealing any order of restriction recorded by the Department, and to include a statement waiving the

public hearing process in cases under litigation. Upon motion of Dr. Nickerson, seconded by Mr. Wislocki, it was -

VOTED - to amend the inland wetland restriction policy adopted by the Board on August 4, 1977 and, it was

VOTED - that a public hearing is not required to effect a change in a document recorded pursuant to General Laws Chapter 131, Section 40A (Wetland Restriction Program) if such a change occurs as a result of litigation between the Department and a landowner affected under this Statute.

There being no further business to come before the Board, the meeting adjourned at 1:30 p.m.

The date for the next Board meeting was scheduled for Thursday, January 5, 1978 at 10 a.m. in the office of the Commissioner.

Secretary