A meeting of the Board of Environmental Management was held Thursday, January 4, 1979 at 10 a.m. in the office of the Commissioner,100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell, Messrs. Dawson, Loupos and Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the December 7, 1978 meeting were approved as submitted.

Commissioner Kendall reported on primary matters within the Department. He first reported that 4 of the 5 personnel grievances which were pending within the Department have been resolved, either by job reduction or position change, and that a decision on the 5th position was expected on January 8th. He further reported that the Department has begun its search for a new director of the wetlands program which poses some problems, he said, due to the fact that the Governor's office has issued a hiring freeze. However, we will move forward in an attempt to fill this vital position, he added.

The Commissioner informed the Board that the Department and the Department of Interior are in the last stages of finalizing the Appalachian Mtn. Trail acquisition in Massachusetts. Total DEM commitment, he said, is about $1 million - matching $2 million from the federal government.

The Commissioner gave the Board members copies of the Department's Affirmative Action report which, he said, has been accepted and will ensure the Department's eligibility for federal funds. He also distributed to the Board copies of the Department's final version of SCORP which makes the Commonwealth eligible for $9 million of HCRS (formerly BOR) funds.

Commissioner Kendall brought before the Board for its approval, a request to authorize the Department to exercise its power of eminent domain to acquire a preliminary right-of-entry on property owned by Dr. Richard Webster, known as Halibut Point, Rockport. The Department's Attorney, Stephen McLean, explained that a right-of-access onto the property is necessary in order to accomplish the necessary survey and test borings for appraisal purposes. He said that Dr. Richard Webster

is not in favor of DEM's acquisition of his property and has therefore refused right-of-entry. He added that the Board of Selectmen and the Town Conservation Commission were in favor of the proposal.

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

VOTED - In accordance with Chapter 132A, Section 3A of the General Laws, to approve exercise of the power of eminent domain to acquire a preliminary right-of-entry for survey, boring, test and appraisal purposes over and upon the below described tract:

All and the same premises described in the following instruments on file with the Essex South Registry of Deeds as follows:

Book 4311	Page 345
Book 4318	Page 533
Book 4385	Page 178
Book 4385	Page 180
Book 4385	Page 181
Book 5005	Page 143
Book 4367	Page 402

Mr. Dawson affixed his signature to the Certificate of Vote.

Ms. Catherine Preston and Mr. Robert Yaro briefed the Board on the Scenic Rivers program. Ms. Preston stated that the hearings held on the Pamet River proposal in Truro and Mashpee River proposal in Mashpee resulted in very different reactions. She said that the Truro Board of Selectmen and townspeople were generally in favor of the Pamet River proposal but exprssed concern for more local control. At the Mashpee hearing, she said, the concensus was one of acceptance. However, they reserved their assent until they could be assured by the Department that no major recreational development would be permitted along the River. She noted that Commissioner Kendall was in attendance at the hearing and that he had assured them that no such development would take place.

In commenting on the North River hearing, Mr. Yaro stated that the strongest opposition was registered by the Board of Selectmen of the Town of Scituate, more specifically in regard to the Town's financial interests in a particular section known as the "Driftway." In concluding their assessment of the hearings, Mr. Yaro stated that it was the Department's opinion that there were difficulties but that reasonable agreements could be reached in further negotiations.

As a matter of interest, Dr. Nickerson placed before the Board a large "tar ball" which he had removed from the beach on the Virgin Islands. He said that there were numerous materials such as this scattered all over the beach - the result of oil spills. Commissioner Kendall suggested that the material be used as an example in future disputes regarding oil spills and off shore oil leasing.

The date for the next Board meeting was scheduled fur Thursday, February 1, 1979 at 10 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 February 1, 1979 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Sarah Bell, Messrs. Loupos and Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

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

The minutes of the January 4, 1979 meeting were approved as submitted.

In briefing the Board on departmental matters, Commissioner Kendall reported on the budget. He said that the original DEM budget request approved by Secretary Murphy has been returned by Administration and Finance with deep cuts across the board. Together with Deputy Commissioner Thompson we are attempting to restore accounts at least to level funding to avoid the necessity of lay-offs. In addition, he said, we are also working to restore the following requests -

1. two additional engineering positions within the Acquisition Division (bringing a total complement of 24) because of the $20-$30 million construction projects on hand;

2. funding for 2 additional foresters positions which had been approved last year but never funded;

3. $10,000 in the 03 account to hire a consultant capable of rendering expert advice on pesticides;

4. $5,000 for NERBC in support of the Connecticut River Basin informational program.

Commissioner Kendall further reported that in an attempt to reach an agreed upon policy on hazardous waste for recommendation to Governor King, on-going meetings have been scheduled between DEQE and DEM. Public hearings will follow, he said.

The Commissioner informed the Board that following a meeting with the Scituate Board of Selectmen, problems facing DEM relative to the Scenic Rivers restriction program (North River) have been resolved.

The Board agreed to postpone agenda items - Affirmative Action, Ocean Sanctuaries and Hazardous Waste programs reports until the next Board meeting in order to allow the Board members to attend hearings before the Natural Resources Committee (at which Commissioner Kendall was testifying) on legislation being proposed by the Department for the 1979 legislative session.

The date for the next Board meeting was scheduled for Thursday, March 15, 1979 at 10 a.m. in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 10:20 a.m.

John Loupe

Secretary pro tem

A meeting of the Board of Environmental Management was held March 22, 1979 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Sarah Bell, Messrs. Loupos and Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

In the absence of the Chairman, Mrs. Dana Duxbury, and the Secretary, Mr. Henry Dawson, Dr. Norton Nickerson and Mr. John Loupos were elected Chairman and Secretary pro tem, respectively, for the meeting.

The minutes of the February 1, 1979 meeting were approved as submitted.

Ms. Catherine Preston brought before the Board for its approval, the proposed Scenic and Recreational River Protective Order for the North River. In discussing the order as presented, Dr. Nickerson suggested that once the order has been recorded, a formal notification be sent to the respective boards of selectmen and conservation commissions informing them that the order is in place and advising them of their responsibility of insuring that the restriction process is implemented.

Mr. Loupos made a motion to have recorded in the minutes that an expression of appreciation of the Board be extended to Suzanne Kilner, Catherine Farrell, Catherine Preston and Robert Yaro for their tireless and thorough efforts in finalizing the North River Protective Order. Motion duly made and seconded by Mrs. Bell. Commissioner Kendall, in turn, extended his appreciation to the Board for their support.

Following review of the order and minor typing corrections pointed out by Dr. Nickerson, upon motion of Mr. Loupos, seconded by Mrs. Bell, it was -

VOTED - To adopt the order as presented under General Laws c21, s17b, c367, s62 of the Acts of 1978, establishing the North River Commission and regulating and restricting or prohibiting uses and activities in the Scenic and Recreational River Corridor along the North River and parts of associated tributaries in the towns of Scituate, Marshfield, Pembroke, Norwell, Hanover and Hanson in the County of Plymouth, and to file the order with the Plymouth Registry of Deeds.

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

In briefing the Board on Department activities, Commissioner Kendall first reported on personnel matters. He said that following long negotiations between the Department and the Governor's office to determine how the 1400 seasonal hirings would be handled, an acceptable agreement has been met. He said that his staff put together a proposal that they considered workable and reasonable and submitted it to the Governor's office, the following actions were agreed to:

a. DEM rehire last year's employees with good ratings; 223 early starts, 200 summer.

b. 100 career training positions in park management, law enforcement, recreation, natural resources, landscape architecture -
(The concept here, he said, is that DEM will contact colleges and universities having major courses in these categories requesting that they submit a list of candidates to DEM. This list will be forwarded to the Governor's office for final selection.)

c. A total of 120 positions which are on a promotional or transfer basis from winter to summer activities to be handled by DEM.

d. Remaining 737 positions will be filled through a system devised between the Governor's office and DES.

Mr. Loupos asked if the agreement was consistent with the Affirmative Action Plan. Commissioner Kendall replied that there is to be an approximate 7% minority hiring rate which is about double over last summer.

Commissioner Kendall informed the Board that he and members of his planning staff made a personal presentation of the Heritage Park Program to Governor King; to which, he said, the Governor was most receptive and indicated his support of the program. The Governor will make a public announcement, he said, on Saturday next of one of the 6 sites selected in North Adams. He added that $20 million in capital outlay funds has been committed to initiate acquisition and improvements.

Commissioner Kendall further informed the Board that the South Beach (Martha's Vineyard) acquisition study, mandated by legislation last year, has been completed and is now before the Legislature. The Acquisition, he said, involves

70 acres of land for approximately $750,000. He added that the acquisition by DEM has the strong support of local authorities as well as private owners.

Commissioner Kendall informed the Board that he has appointed Mr. Sheldon Shapiro to the position of Director of the Wetlands Restriction Program. He said that Mr. Shapiro brings 6 years of experience within the program as well as expertise as a geologist. Mr. Shapiro then joined the meeting for formal introduction to the Board, and he described in brief his recommendations concerning future activities of the Wetlands program. He said that he will initiate a 100% change in policy in future restrictions so that the restricting process will be based on more scientific data. This theory, he said, will place the Department in a better position to defend the program if challenged in the courts, and he cited the Millis case as an example. The strength of the program, he said, lies in staffing and the Division is in need of a botanist with a geology background and a civil engineer. He said that the Division's full efforts will be placed in the inland/wetland restriction program on Cape Cod, and to begin, we have contracted with IEP (Interdisciplinary Environmental Planning) to evaluate the inland/wetlands on the Cape. We are required by the CZM contract to have 4 towns recorded by next December, an additional 4 towns by next March, with completion expected by the summer of 1980. Every conceivable effort will be made to meet these goals, he said, and once the Cape is completed the Division will begin on Nantucket with Martha's Vineyard and Plymouth County to follow. In conclusion, he said, we anticipate about 6 years work ahead not including the North Shore, and that direction from this point will depend on additional staffing as well as the decision on the Millis case. The Board extended their good wishes to Mr. Shapiro and offered their support.

Commissioner Kendall, in discussing the hazardous waste program, stated that the generic environmental impact statement will not be completed until next fall and that there will be no site recommendations setforth until that time.

Commissioner Kendall informed the Board that Ms. Catherine Farrell has resigned her position as Department Counsel and that Arnold Lum will assume her responsibilities until such time as a new appointment is made.

Messrs. Stephen McLean and Douglas Poland brought before the Board for its consideration, an eminent domain taking of 58 acres of land in Egremont as part of the Appalachian Trail acquisition proposal. Mr. Poland explained that the 200 foot corridor goes through a portion of this property and the Department felt that it would be wise to acquire the entire parcel. The owner, Harry Deyken, is willing to sell the whole parcel and is agreeable to the taking because of clouded title on the property. Mr. Loupos questioned the large discrepancy between the two land appraisals. Mr. McLean replied that it is a matter of personal opinion of the appraiser.

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

VOTED - that the Commissioner of Environmental Management is hereby authorized, pursuant to the provisions of Section 3 and 3A of Chapter 132A of the General Laws, to exercise the power of eminent domain to acquire a certain tract of land in Egremont, Berkshire County, Massachusetts more particularly described as follows:

All and the same premises described as second parcel, in an instrument recorded with the Berkshire County Registry of Deeds, Southern District, in record book 345 at page 253.

Mr. Loupos, as Secretary pro tem, affixed his signature to the Certificate of vote.

The Board agreed to postpone discussion on the Affirmative Action Plan and the Hazardous Waste program until the full Board is present.

The date for the next Board meeting was set for April 5, 1979 at 10 a.m. in the office of the Commissioner.

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

A meeting of the Board of Environmental Management was held April 5, 1979 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell, Messrs. Nickerson, Dawson and Loupos. Also present were Commissioner Richard E. Kendall, Megan Jones, Executive Assistant to the Commissioner.

The minutes of the March 22, 1979 meeting were approved as submitted.

Commissioner Kendall in responding to Dr. Nickerson's inquiry on the Department's seasonal hiring policy, first asked Director Bliss to explain the policy for career hirings. Director Bliss explained that 100 positions were set aside from the normal seasonal force roster and reserved for students at Massachusetts colleges in their junior and senior years majoring in courses relevant to forest and park management. He said that they will be employed in various career areas such as forestry, wildlife management, landscape architecture, interpretive services - for a 13 week period at a salary approximately $150/week. Letters will be sent out to the appropriate colleges requesting that they refer selected individuals to DEM. Mrs. Duxbury suggested that in addition to the letters, a news release also be issued so that the students themselves will be made aware of the program.

In further discussion on seasonal hirings, Commissioner Kendall reported that the Governor has authorized the Department to rehire 400 employees with good rating in previous years - 200 early hirings and 200 summer seasonals.

The Commissioner interrupted discussion on seasonal hirings to allow Deputy Commissioner Thompson to update the Board on DEM's budget.

Mr. Thompson outlined the line items which were emphasized at the budget hearing before Ways & Means on April 4. He said, the most significant point that we made at the outset concerned the level of staffing that we have now as opposed to where we were four years ago, June, 1975. In terms of year-round positions at that time we were carrying a vacancy rate of 1% and we had 721 funded year-round positions. In this budget for next year as proposed by the Governor, requires a vacancy rate of 18% and a year-round funded complement of 636 positions, which is a reduction of 85 positions from where we were four years ago. Since that time, he said, the Legislature

has given us 44 new positions for additional staffing for a variety of programs such as increased staffing in the Bureau of Solid Waste, Lowell Heritage State Park, Forestry and SCORP planning. The addition of these 44 positions results in a total reduction of 129 positions for existing programs compared to four years ago. Also, we have 63 CETA positions less than we did last year. These are significant reductions and we can go no lower and still try to deliver the level of services expected of us. Mr. Dawson asked why employment figures were down so low? The biggest factor, Mr. Thompson said, is the hiring freeze imposed by Governor King, compounded by the attrition policy imposed by Governor Dukakis 2½ years ago. I believe that it was made quite clear to the Ways & Means Committee that the Department was down from 1% vacancy rate to 18% vacancy rate in our positions, he added.

In continuing, Mr. Thompson said that he also emphasized at the committee hearing, a $10,000 request for a chemical specialist in Forests & Parks, full funding for 26 positions in Acquisition and Construction in order to carry out the added responsibilities of that Division; and full funding for 32 positions in Forestry.

In referring to the Acquisition and Construction funding, Mrs. Duxbury asked for information on the total acreage acquired by DEM since 1975 and the number of new facilities added since that time. Commissioner Kendall said that he would supply the Board with this information.

In referring to full funding for forestry positions, Dr.Nickerson remarked that Massachusetts is becoming a source of timber again; and Commissioner Kendall noted that Chapter 61 requests shows a substantial increase in forest management in Massachusetts.

Mr. Thompson further reported that there were critical positions in Forests & Parks which should be filled in order to deliver services to the public this summer. He said that Administration and Finance reduced the pool schedule from 12 weeks to 10 weeks - a decision which the Committee stated it would reverse. Also, in the Bureau of Forest Fire Control we are down to 67 funded positions from 78 authorized positions. Commissioner Kendall noted that over 200,000 acres were burned off

last year. Mr. Loupos suggested that the Board send letters to the affected towns asking for their support in lobbying for more staff.

Mr. Thompson then reported on the status of equipment replacement. He said that it is Administration & Finance's policy to include equipment replacement in the capital outlay budget rather than the general budget. Also, he said, DEM is required to maintain its own equipment but received zero funding in 1978 and a very small amount last year. We are therefore requesting $500,000 annually in this year's budget. Commissioner Kendall asked Mr. Thompson what he considered the Department's gross needs to be? Mr. Thompson replied that $600,000 is critically needed this year and annually thereafter between $400,000 and $500,000. Discussion ensued as to the advantages of having this item in the capital outlay budget as opposed to the general budget. Mr. Thompson inferred that it would be much more economical if the Department were able to replace its own equipment especially small items such as typewriters, lawnmowers, etc., rather than having to depend upon Administration and Finance making this decision when they felt it necessary and what they considered priority. Usually this is not a priority item with them, he added.

Mrs. Duxbury asked if the Department itemized what its budget is buying in interpretive services, maintenance, park services, supervision of pools, etc., and do we itemize day usage and revenues from our facilities? She also asked for percentages in increased usage since 1975? Commissioner Kendall stated that this information would be supplied to the Board at the next Board meeting.

Mr. Dawson asked if the Department were able to close some facilities if not heavily used, especially towards the end of the season? Mr. Thompson replied that the Department had the ability to close down areas and did so in 1973. Mr. Dawson asked if there was in increase in ratio between income and attendance? Mr. Thompson stated that the fees have been increased but the usage increase is often tied to non-revenue producing areas.

Mrs. Duxbury asked Mr. Thompson if Ways & Means received the Department's original budget request? Mr. Thompson replied that the Governor submitted only his own budget to the Legislature. She also asked if the Department had a list of specific items they wanted, if the budget could be increased? Commissioner Kendall said that the most important item would be the authority to hire. He said that the Department could hire 129 new people if the freeze were lifted, but that we would be happy with half that number. It is a caretaker's budget, he added, with $3 million less than what was requested. She asked the Commissioner what the Board could do to help. Commissioner Kendall suggested that they might express their concern through their legislative leaders. In conclusion, Commissioner Kendall stated that DEM must come out of this budget at a level which will allow the Department to deliver the services that the people of the Commonwealth has come to expect from the Department.

Discussion on seasonal hirings was again resumed. Commissioner Kendall reported that there would be 120 positions reserved for promotions and transfers; that Affirmative Action goals for the Secretariat was 15% of all summer hirings to be divided between MDC and DEM and that Leon Braithwaite, Massachusetts' Affirmative Action Officer will take the lead in realizing this goal. In addition, he said, there will be 740 new hires to be processed through the DES office.

Commissioner Kendall brought the Board up to date on the Heritage Park program. He said that the Governor has accepted DEM's capital outlay request for $20 million for six heritage parks.

Mrs. Duxbury then reported on the "bottle bill" which, she said, was heard last Tuesday before the Committee on Energy. She noted that the "litter tax" bill was transferred to the Taxation Committee for study, and she said that she was pleased to learn that the Governor was opposing the bill. She reported that the Governor has appointed a three member task force consisting of Secretaries Schell, Bewick and

Kariotis to advise the Governor on the "bottle bill." The first meeting will be next Monday, April 9, she added.

Director William Gaughan and Assistant Director Robert Hauser updated the Board on the Bureau of Solid Waste's activity in hazardous waste management. A brief summary of past activities was given which included -

- RCRA and its implications
- Current disposal practices
- The Water Pollution Control study and evaluation of 11 sites
- The Bureau's Sturbridge engineering study
- The MIT Ford Foundation work
- New England Regional Commission study by A. D. Little
- DEQE activities

The current Bureau program was also discussed which included the following elements -

- The Generic Environmental Impact Report and its use as the base for the state plan including various policy issues planned to be completed in late 1979. The deficiency budget request for $100,000 to engage a consultant for this work.
- The Bureau's activities leading towards the identification and evaluation of a large number of additional sites.
- The overall procedure to be used in acquiring sites including the Environmental Impact Report

Dr. Nickerson then discussed the Traphole Brook wetland issue raised by Attorney Greg McGregor. He said that Attorney McGregor is requesting Commissioner Kendall to rescind exemptions to the Wetlands Restriction Order. Commissioner Kendall read the letter he had written to Attorney McGregor in response to his request which states that DEM should not take any action while the case is pending before DEQE.

Following some discussion, upon motion of Dr. Nickerson, seconded by Mr. Dawson, Commissioner Kendall was directed to seek additional legal opinion on his ability to change the Order under Chapter 131, Section 40A at this time.

The date for the next Board meeting was scheduled for Friday, May 4, 1979 at 10 a.m. in the office of the Commissioner. The agenda shall include a slide presentation of the Heritage Park program and possibly a trip to Lynn to view one of the selected parks.

There being no further business to come before the Board, the meeting adjourned at 2:30 p.m.

Sarah H. Bree

Secretary pro tem

A meeting of the Board of Environmental Management was held May 4, 1979 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were Mrs. Dana Duxbury, Mrs Sarah Bell, Messrs. Loupos and Nickerson. Also present were Commissioner Richard E. Kendall, Megan Jones, Executive Assistant to the Commissioner.

The minutes of the April 5, 1979 meeting were approved as submitted.

In the absence of Mr. Henry Dawson, Secretary, Mrs. Sarah Bell was elected Secretary pro tem for the meeting.

In reporting on departmental matters, Commissioner Kendall stated that there has been considerable effort to bring about municipal decision making on the Northeast Solid Waste project. He said that the Governor is expected to emphasize the State's commitment to resource recovery and enforcement of landfill regulations and has called a meeting of all representatives of the towns involved to discuss the options; also, he will be visiting the sites proposed for landfills within the next 30 days with local, state and private officials.

Commissioner Kendall discussed with the Board the matter of establishing a hazardous waste policy which, he said, must be in place in order to conform with the problems of hazardous waste disposal and site facilities. The policy must emphasize the need of reducing the volume of the toxic substance at its source and that the private sector must be made aware of their responsibility regarding such a policy. Following discussion, the Board concurred with the Commissioner and agreed to go on record in support of the following policy -

> "It shall be the policy of the Department of Environmental Management to insure the maximum reduction of the volume of toxic substances at their source."

In discussing the capital outlay budget, the Commissioner stated that the following items were included in the outlay budget to be filed by Governor King -

$1 million	-	acquisition and development of Cape Cod RR bikeway
$1 million	-	miscellaneous acquisition
$1 million	-	rehabilitation of various dams across the State
$1 million	-	maintenance of existing forest and park facilities
$1 million	-	Massasoit State Park - development of day-use area
$½ million	-	Horseneck Beach improvements
$300,000	-	Rich Tree Farm acquisition (continuation of working tree farm operation)
$500,000	-	recreational trail development
$20 million	-	Heritage State Parks

The Commissioner stated that the Department is also recommending the acquisition of Washburn Island but that the initial reaction of the Secretary of Administration and Finance was negative.

In reporting on personnel matters, Commissioner Kendall reported that Arnold Lum has been selected to replace Catherine Farrell; that Evans Hawes will retire June 30th; and that a vacancy has been created with the resignation of Jane England. He also said that with the retirement of Mr. Hawes, he would like to promote David Hall into the slot; and that he would like to commit the position being created by Mr. Lum's upgrading to deal with the personnel grievances that are growing in number throughout the entire Department.

Dr. Nickerson made a motion to have recorded in the minutes, an expression of appreciation of the Board of Environmental Management be extended to Mr. Evans Hawes for his years of service, dedication and tireless efforts while in the employ of the Department of Environmental Management. Motion seconded by Mr. Loupos.

Attorney Lum attended the Board meeting to report on Dr. Nickerson's request at the previous Board meeting to obtain a third party opinion on the Anzaldi restriction case (Chapter 131, Section 40A - Walpole). Attorney Lum brought the Board up to date on the background of the case which, he said, goes back several years and is now pending in DEQE. He said that he had conferred with Attorney Leonard of the Attorney General's office, who had represented the Department in the Anzaldi case 4 years ago, and both he and Mr. Leonard agree that it would not be wise to seek a third opinion at this point because it could establish a precedent whereby a third party opinion could be requested in other cases; and also, at the time the case was being disputed a negotiated settlement was reached which is a binding contract and the Department could run the risk of being sued for breach of contract. Further, he said, we felt the Department should not intervene while the case is pending in DEQE.

Mrs. Duxbury, in reporting on the status of the "bottle bill" said that the House voted to overturn an adverse Committee report and, she understood that the Governor's Task Force was expected to submit a favorable report to the Governor and that they were meeting momentarily to make the decision. She asked the Board's support in soliciting those legislators who were considered undecided.

In answer to the several questions raised by Mrs. Duxbury at the April Board meeting, the Commissioner gave the Board members a copy of a report prepared by the Division of Forests and Parks answering the questions regarding new acreage, new facilities, budget expenditures and revenues. (Copy attached.) Commissioner Kendall further remarked that the Department's bonded indebtedness is approximately $8 million per year.

Mrs. Jones gave the Board members copies of a report on Regulatory Reforms prepared by the Greater Boston Chamber of Commerce for Governor King. The report, she said, in part is a critical review of the Department's coastal inland/wetland restriction programs as well as the scenic rivers program. Mrs. Jones then gave them a copy of Mr. Lum's response to the report. She requested that they review the report and submit their comments, if any, to the Commissioner as soon as possible.

Commissioner Kendall gave the Board members copies of a summary on the Heritage Park program and a brief description of the 6 selected parks. He then gave a slide presentation of the 6 parks, which, he said, was also shown to the Governor and received with enthusiasm.

The date for the next Board meeting was scheduled for Thursday, June 7, 1979 which will include a tour of the proposed Lynn Heritage Park.

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

Sarah H. Bree

Secretary pro tem

A meeting of the Board of Environmental Management was held June 7, 1979. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell, Messrs. Nickerson, and Loupos. Also present was Commissioner Richard E. Kendall.

The meeting consisted of a tour of the Lynn Heritage State Park.

A meeting of the Board of Environmental Management was held Thursday, July 12, 1979 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Sarah Bell, Messrs. Nickerson and Loupos. Also present was Luke Thompson, Acting Commissioner representing Commissioner Richard E. Kendall.

In the absence of the Chairman, Mrs. Dana Duxbury and the Secretary, Mr. Henry Dawson, Mr. John Loupos and Mrs. Sarah Bell were elected Chairman and Secretary pro tem, respectively, for the meeting.

The minutes of the May 4, 1979 meeting were approved as submitted.

Mr. Thompson briefed the Board on the status of the Department's budgets. He said, the 1979 deficiency budget was passed in June and it included an item of some significance to the Department. It provided $100,000 to allow the Bureau of Solid Waste to initiate a Generic Environmental Impact Study on the problems on hazardous waste. The Bureau has until June, 1980 to complete the study and is presently working on a scope of study in preparation for sending out proposals.

In reporting on the main budget for 1980, Mr. Thompson said that because the Governor and the Legislature have not come to an agreement on the property tax proposal, the Commonwealth is operating on a 1/12 budget. In general, he said, DEM's budget which is now in the Senate is far more substantial than the House version and that on the whole the Department did very well. We were allowed two engineering positions for the office of Acquisition and Construction which will ease the staffing problem somewhat in that office. Also, he said, the MOSES contract, hopefully to be signed next week, proposes a substantial salary increase for engineers which we hope will be an incentive in attracting qualified engineers. He said that the Department received $340,000 in the capital outlay and $450,000 in the general budget for equipment replacement. He said that the main budget restored funding for the swimmingpool operation - the pools will remain open for the normal 12 week period instead of the 10 weeks recommended by the Governor. And it allows us to fill long overdue vacancies especially in the Parks program. All in all, he said, it is a decent budget and one we can live with.

Mr. Thompson reported that the capital outlay budget had passed the House and is now in the Senate with no hearings scheduled as yet. Items included in the budget are -

$20 million	Heritage State Parks (6)
$1 million	Miscellaneous rehabilitation of existing areas (no specific park named)
$1 million	Develop day use area at Massasoit State Park
$300,000	Acquisition of Rich Tree Farm in Groton
$500,000	Rehabilitation of Horseneck Beach (specifically, replacing sewage system)
$22,500	Replace vehicles at Salisbury Beach which were not approved in general budget)
$340,000	General replacement of equipment

Items deleted were -

$1 million	Acquisition and development of the Cape Cod RR Bikeway
$1 million	Miscellaneous acquisition

We will attempt to have these items restored in the Senate, he said.

In further explanation of the budget, Mr. Thompson reported that the Governor recommended that the $20 million for heritage parks be financed from the general Fund. The House version changes the funding sources to the State Recreation Areas fund whose deficit is assessed each year upon the cities and towns. If such is the case, he said, this will increase the assessment by $1 3/4 million every year for 20 years, assuming that bonds are paid off over a 20 year period and sold at an interest rate of 7%. This is contrary to the present efforts by the Governor to provide property tax relief. Also, one of the proposed parks (Lynn) is within the MDC area and it may be illegal to fund a project within an area that does not share in the deficit assessment of the State Recreation Areas Fund. Financing through the general fund will eliminate the potential problem. Mr. Thompson further stated that Secretary Bewick has been urged by the Commissioner to alert the Governor and the Office of Administration & Finance on this issue and suggested that contact be made with the Speaker's office for a resolution.

Director Bliss updated the Board on current activities within the Division of Forests and Parks. He distributed materials outlining several on-going programs - Interpretive Services and Internship program, YACC and YCC programs, Boston Harbor Islands volunteer training program and the Small Cordwood Sales Program. He reported on the Gypchek Spray project which recently took place in the Towns of Sherborn and Wayland. He said that due to weather conditions and mechanical problems the project was not completed in time to have any significant effect on the gypsy moth infestation. He gave the Board members a copy of the Gypsy Moth Policy recently prepared by DEM to assist communities in carrying out control programs.

Ms. Shiela Radar of the Office of Acquisition and Construction brought before the Board for its approval two eminent domain takings in connection with the Lowell Heritage State Park. The first proposal (Parcel A) contains 30,000 square feet of land on the westerly side of Pawtucket Boulevard. The owner, Rachael Ellis, is a willing seller but in order to clear the title eminent domain taking is necessary. Dr. Nickerson asked if local approval had been obtained. Ms. Radar stated that they have verbal approval but will obtain same in writing. Parcel B containing 8 923/100 acres, Mr. Radar said, was acquired by the City of Lowell in 1944 for delinquent taxes. Theoretically, redemptive power is still available to the original owners and eminent domain taking is necessary to clear the title. Dr. Nickerson questioned the acreage figure on Parcel B and requested that it be checked for accuracy.

Subject to clarification of the correct acreage of Parcel B and to local approval by the City Officials, upon motion of Dr. Nickerson, seconded by Mrs. Bell, it was -

VOTED - to authorize the Commissioner of Environmental Management pursuant to the provisions of Chapter 132A, Section 3 and 3A of the General Laws, as amended, to exercise the power of eminent domain to acquire certain lands N/F of Rachael Ellis (Appendix A) and the City of Lowell (Appendix B) as follows -

Appendix A - A certain parcel of land situated in said Lowell on the westerly side of the Pawtucket Boulevard, containing by estimation about 30,000 square feet, bounded and described as follows:
Beginning at the southeasterly corner thereof on the westerly side of Pawtucket Boulevard at land of the City of Lowell, thence,
westerly by said last named land about one hundred four (104) feet to Merrimack River, thence,
northerly by said River three hundred (300) feet to other land of previous grantors, thence,
easterly by other land of previous grantors, parallel with and three hundred (300) feet distant from the first described line about one hundred (100) feet to said Boulevard, thence,
southerly by said Boulevard three hundred (300) feet to the point of beginning.

Appendix B - A certain piece or parcel of land situated between Trotting Park Road and Totman Street containing eight and 923/1000 acres, more or less, and thus bounded and described;
northerly and northeasterly by land supposed to belong to H. F. Whiting, now or formerly;
southeasterly by land supposed to belong to F. B. Janas and G. & E. Anderson, now or formerly;
southerly by land supposed to belong to said Anderson and land of A. E. Dorcas, now or formerly; and
westerly by land supposed to belong to Charles W. Webster, L. W. Coburn and A. Winslow, now or formerly.

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

The date for the next Board meeting was scheduled for Thursday, August 2, 1979 in the office of the Commissioner.

Sarah H. Bree
Secretary pro tem

A meeting of the Board of Environmental Management was held August 2, 1979 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Sarah Bell, Messrs. Loupos and Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

In the absence of the Chairman, Mrs. Dana Duxbury and the Secretary, Mr.Henry Dawson, Jr., Mr. John Loupos and Mrs. Sarah Bell were elected Chairman and Secretary pro tem, respectively, for the meeting.

The minutes of the July 12, 1979 meeting were approved as submitted.

Commissioner Kendall, in reporting on department matters, said that most of the past month was spent visiting the recreational areas within Regions I and II. Basically, he said, most of the areas visited were in fair condition with the one exception of Salisbury Beach which was found in a deplorable state. It was obvious, he said, that most of the problems stemmed from mismanagement. Steps were immediately taken to change the supervisory personnel. Also, a crash cleanup program was begun without delay which resulted in a much more improved area as was observed a week later on a followup inspection. Further, a tree planting project has been initiated in the camping area which should result in a tremendous aesthetic change in the overall area.

The Commissioner, in reporting on the Bureau of Solid Waste, stated that in an attempt to resolve the problems relating to the implementation of resource recovery facilities a policy change will be initiated in that, before any decisions are made with regard to technology, siting facilities and siting emergency landfills, the Department will first meet with the selectmen and mayors of the communities to tie them as closely to the process as possible. He reported that the hazardous waste bill will probably be passed prohibiting land acquisition by the Department until 1981; and that the Generic Environmental Impact Study has been funded in the deficiency budget.

Commissioner Kendall reported that the Department is attempting to have the

funding for Washburn Island, South Beach and Cape Cod Bikeway acquisitions restored in the capital outlay budget.

Attorney Arnold Lum distributed copies of the proposed Inland/Wetland Regulations. He informed the Board that a public hearing will be held on September 10, 1979 and that copies of the regulations have been distributed to the 351 cities and towns, town clerks, selectmen, planning boards and conservation commissions.

Director Charles Kennedy and Thomas Doucette of the Division of Water Resources were asked to brief the Board on the status of the Washington Mtn. Brook project.

Mr. Doucette first explained that the original project was officially approved in 1968 with three sponsors at the time - Berkshire Conservation District, Town of Lee and the Department of Natural Resources (Environmental Management). The Water Resources Commission was a later sponsor after the project had been approved by the U.S.D.A. The original plan, he said, called for three impoundment sites - Washington Mtn. Brook Lake Site (flood control/recreation) which has been completed; October Mtn. Lake Site (water supply/recreation/flood control); and Schoolhouse Lake Site (recreation/flood control). Two additional changes to the work plan, he said, are site location and size of site. He stated that the proposed Work Plan Supplement #4 leaves October Mtn. site as is, and increases the size and changes the use of the Schoolhouse Site to include water supply and flood control only. A second proposal submitted by Commission member Noss (#4A) reduces size of the October Mtn. Site and changes the use to dry-bed flood control reservoir (no recreation or water supply). He further stated that if the #4 Supplement is approved, debris basins will be substituted for streambank measures and economic feasibility of the project is re-affirmed. Further discussion included water supply for the towns of Lee and Lenox and the studies the towns have made as alternatives to the proposal. He noted that the proposal goes before the Water Resources Commission at its next meeting on August 13th.

Director Kennedy reported on the water planning regulations recently adopted by the Water Resources Commission. The regulations, he said, requires that each community develop a basic water supply plan and in order to assist the communities in complying with the regulations, questionnaires have been prepared and mailed to all communities with and without a central supply system (copies of same were distributed to the Board members). The intent of the questionnaire, he said, is to gather pertinent data the communities have available and wish to supply to us so that we might incorporate relevant information into a statewide watershed management plan.

In responding to Mr. John Loupos' inquiry regarding the decision made by the Division of Forests and Parks to close four access roads leading into the Myles Standish State Forest, Director Bliss explained that the concern was generated by a letter which was circulated among the cottage owners by the Regional Supervisor informing them of the Department's intention to place gates at four entrance locations. Unfortunately, he said, the letter did not state that the gates would be closed at night only in order to improve night time security. He informed the Board that follow up communication has been sent to all recipients of the first notice clarifying the situation and informing them that no action will be taken this year, but that entrance points will be designed in time for next summer and will be man-operated. He added that a meeting will be arranged with all concerned parties before any action is taken. Mr. Loupos expressed his appreciation for the prompt response to his inquiry.

The date for the next Board meeting was scheduled for Thursday, September 6, 1979. The meeting will be held in Fall River followed by a tour of the proposed Fall River Heritage Park acquisition project.

There being no further business to come before the board, the meeting adjourned at 12:50 p.m.

Sarah H. Bree
Secretary

A meeting of the Board of Environmental Management was held Thursday, September 6, 1979 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell and Mr. John Loupos. Also present was Commissioner Richard E. Kendall.

In the absence of the Secretary, Mr. Henry Dawson, Mrs. Sarah Bell was elected Secretary pro tem for the meeting.

The minutes of the August 2, 1979 meeting were approved as submitted.

In reporting on Department matters, The Commissioner said that the Department is presently preparing its FY 1981 budget and has submitted its priorities to Secretary Bewick for his review.

The Commissioner, in reporting on division matters, discussed with the Board the many problems facing the Bureau of Solid Waste. He reported that RFP's have been issued for Springfield; that five bids have been received for the 128 project; and that in keeping with his new policy he has to date met with the Mayors of Newton and Waltham and the Selectmen of Stoughton. These meetings are critical, he said, first to inform the local officials of the Department's course of actions, and secondly, to ensure political support if and when eminent domain action is needed for land acquisition. Also, he said, we have reached a low ebb of public confidence for resource recovery facilities. Considerable discussion ensued regarding the continuing problems facing the division.

Commissioner Kendall then briefed the Board on the two major fuelwood programs which will be announced by Secretary Bewick and State Energy Director Joseph Fitzpatrick on September 14.

Director Bliss outlined in more detail the two statewide fuelwood programs - Cut-A-Cord program and the Home Fuelwood program. Both programs are geared to lessoning the burden of home heating primarily with wood, he said, and to aid citizens in coping with the energy situation. He stated that Secretary Bewick and Director Fitzpatrick have been apprised of the programs and that they have enthusiastically endorsed them. He added that the programs will be announced by

Secretary Bewick, Director Fitzpatrick and Governor King at a press conference being held at the Eastern States Exhibition on September 14.

Director Bliss also informed the Board that the Southern New England Tri-State Forestry Committee (Massachusetts, Rhode Island and Connecticut) has entered into a cooperative agreement which will promote forest management practices between the three states. They have agreed, he said, to submit a proposal to NERCOM (New England Regional Commission) requesting $30,000 to hire one full time person to coordinate the efforts of the cooperative agreement. The project is aimed at promoting proper forest management practices and the harvesting of timber and fuel-wood. He said that the proposal is being submitted for consideration at the New England Governors' Conference by Governor Garrahy of Rhode Island on September 14.

Director Bliss brought before the Board for its approval, the proposal to name the new visitors center at Mt. Wachusett in honor of John Hitchcock who has been a member of the Wachusett Advisory Committee since its inception. Also, he said, Mr. Hitchcock was very instrumental over the years in bringing the visitors center concept at Mt. Wachusett to realization.

Upon motion of Mrs. Sarah Bell, seconded by Mr. John Loupos, it was -

VOTED - that the new visitors center at Mt. Wachusett be named the JOHN H. HITCHCOCK VISITORS CENTER.

Director Bliss distributed to the Board for its review and comments, the draft proposal for a Massachusetts Division of Forests and Parks Energy Policy. Mrs. Duxbury suggested that the draft be placed on the agenda for discussion at the November Board meeting.

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

The date for the next Board meeting was scheduled for October 4, 1979. The meeting will be held in Fall River followed by a tour of the proposed Fall River Heritage State Park.

Sarah H. Bree
Secretary

A meeting of the Board of Environmental Management was held Thursday, October 4, 1979 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell, Mr. John Loupos. Also present was Commissioner Richard E. Kendall.

An Executive Session was held for the entire Board meeting to discuss the Bureau of Solid Waste.

A meeting of the Board of Environmental Management was held Thursday, December 6, 1979 at 10 a.m. in the office of the Commissioner. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell and Mr. John Loupos. Also present was Commissioner Richard E. Kendall.

The minutes of the September 6, 1979 meeting were approved as submitted.

Mrs. Sarah Bell was unanimously elected Secretary of the Board of Environmental Management.

Commissioner Kendall updated the Board on departmental matters.

In reporting on the Department's 1981 budget, the Commissioner reported a $3 million increase over last year's budget. Top priority, he said, is a request to up-grade forest and park supervisors. Of significance, he said, is a request for a $60,000 experimental grant for biological control of gypsy moth, and a request for 03 monies to enter into contract with MACC for a land use planning of outdoor recreation areas project, and similar contracts with the Nashua River Watershed Association and the Berkshire Natural Resources Council.

In further discussing the budget, Commissioner Kendall informed the Board that the Department has been directed by Secretary Hanley (A & F) to propose cuts to the budget of 10 percent below maintenance level to include inflation. The Department, he said, would be forced to cut back recreational services which will mean closing of the least used rinks and pools, several parks, late seasonal hirings, and putting a hold on certain equipment purchases. As an alternative to cutting back in services, he continued, we are proposing to Secretary Bewick an increase in revenues such as increasing rink rental fees by $10, seasonal passes by $5, and out of state campers fees by $1.

Mr. Sheldon Shapiro, Director of the Wetlands Restriction Office brought before the Board for its approval an amendment to the Town of Walpole's Wetlands Restriction Order (Chapter 131, Section 40A). He said that the Division of Water

Resources is finalizing plans to construct a multi-purpose flood prevention structure within the Diamond Brook Watershed to alleviate the flooding problems in that area. He stated that the present order of conditions excluded such activity. He noted that the limits of the project were entirely on town-owned property but that there were three private abutters involved. He stated that the town fathers were in favor of the project and no objections were expected by the abutters; however, a public hearing is required by law. He added that all required permits were in order. The Board gave tentative approval to the Walpole amendment, pending the outcome of the public hearing. They further authorized Director Shapiro to call for a public hearing. The Board requested that they be notified of the date of the hearing.

Commissioner Kendall then brought before the Board for its review and comments, EOEA's policy statement on solid waste and resource recovery. The following amendments were submitted.

Positions

1. Line 1 - delete the word "handling" and insert the words "collection and disposal."

   Request definition of the words "local and municipal" if, by "local" it refers to industrial waste - it should be spelled out.

2. This paragraph refers to resource recovery only; it should be expanded to include a statement of position on source reduction and recycling.

Policies

Policy #1: - Indicate how this policy will be reflected in the budget. Will there be sufficient funding to carry out this policy?

Landfill regulations are inadequate, when will they be updated.

Policy #2: - Line 1 - delete the words "will assist" - insert the words "respond to" Delete the word "developer" - insert the words "all parties."

Line 2 - insert the word "thorough" before the word "review."

Policy #3: Reword statement to read as follows: The Department of Environmental Management's Bureau of Solid Waste will continue to review all state permits and supervisory requirements for all types of solid waste management related facilities, to include resource recovery, recycling and source reduction. Upon request, the Bureau of Solid Waste will initiate proposals leading to submissions by qualified resource recovery contractors for review by the communities.

Policy #4: Line 1 - delete the words "Bureau of Solid Waste Management" insert the words "Department of Environmental Management."

Define the words "institutional mechanisms" - cite examples of its meaning.

Policy #5: Begin the sentence with the following words "Where it is in the public interest the Department of Environmental Management" "may" .....landfill sites.

Clarification of the last paragraph, complete with asterisk statement. Obtain legal opinion on this statement.

The policy statement does not address the following:

1. Regional solid waste management planning process.

2. Conflict of energy users wishes - vis-a-vis the public's best interest concerning regional solid waste management configuation.

3. Whose best interest is the State serving.

4. Potential conflicts which develop between a state assisted regional project and other resource recovery ventures within the same region.

5. Role of the State following RFP process.

Commissioner Kendall then brought before the Board for its consideration the proposal to rename the Hawley State Forest, Hawley, Massachusetts as a memorial to the late Kenneth M. Dubuque, Region IV's Regional Forest and Park Supervisor. Mr. Dubuque, he said, has worked for the Department for over 35 years. He stated that the Hawley Board of Selectmen were unanimously in favor of the proposal.

Upon motion of Mrs. Sarah Bell, seconded by Mr. John Loupos, it was -

VOTED - that the Hawley State Forest, Hawley, Massachusetts be named the KENNETH M. DUBUQUE MEMORIAL STATE FOREST

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

The date for the next Board meeting was scheduled for Thursday, January 3, 1980 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston.

Sarah H. Bell

Sarah H. Bell, Secretary