Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management

100 Cambridge Street
Boston
Massachusetts
02202

A meeting of the Board of Environmental Management was held on January 16, 1991 at 1:15PM in the office of the Commissioner, 100 Cambridge Street, Boston.

Members present - Nan Jenks-Jay, Hugh Davis, Sarah Bell, and John Capone. Absent - David Musante, James Tobin and Carol Lash. Also present was Commissioner Peter Webber.

The minutes were reviewed and Nan Jenks-Jay took a moment to further explain in more detail the first paragraph of the December 19, 1990 minutes. Sarah Bell submitted to Commissioner Webber a written statement (enclosed) outlining in detail the board's powers and responsibilities. It also stated the board's great desire to become more active in the department's decision making process and to be more fully utilized by Commissioner Webber and the department than they have been in the past.

Upon motion of Sarah Bell, seconded by Nan Jenks-Jay, it was unanimously -
VOTED: to amend the minutes of December 19, 1991 by replacing the word capability with compatibility on page three of said minutes.

Nan Jenks-Jay brought to the board's attention the issue of board member David Musante's attendance record for the past year. The minutes for 1990 showed that Mayor Musante attended only two of the eleven meetings that were held last year. Furthermore, the minutes showed that, including this meeting, he had missed three consecutive board meetings - November, 1990, December, 1990 and January, 1991. In accordance with Chapter 21, Section 2B of the MGL (attached), three consecutive unexcused absences is cause for removal from the Board. She asked the Board for their input on how to proceed. Upon motion of Sarah Bell, seconded by Hugh Davis, it was-
VOTED: To request that the chairperson contact board member Musante to express the board's serious concern about the numerous unexcused absences from meetings over the last year which in the board's view demonstrate his lack of interest in the department and his responsibilities and to request that Mayor Musante consider resigning. Should he decline to

resign, that the Chairperson inform him that it is the board's desire to proceed with his removal pursuant to Section 2B of Chapter 21 of the Massachusetts General Laws.

Charles Dane, Director of the Division of Forests and Parks reviewed the Alan Hendry Memorial award nominees with the board. This yearly award is given to someone who best exemplifies a long term commitment to excellence in park management. Following discussion, the board unanimously agreed to accept Director Dane's recommendation of Michael Pelletier of Region 4 as the recipient of the award.

Commissioner Peter Webber spoke to the Board about the status of the department in light of the recent change in administrations and the wide spread speculation on the Governor's plans to curb this years deficit. The Commissioner touched on three topics of greatest concern to the Board and to the department.

The first was the fiscal situation of the department. The Commissioner outlined his ideas on how to generate more revenue for the department through increased marketing of the facilities. He will be meeting with Secretary Tierney and will present a more detailed fiscal picture at the next board meeting.

The second topic for discussion was the reports of possible reorganization plans to be offered by Governor Weld within the next few weeks. Commissioner Webber indicated that very preliminary discussions have taken place with the new administration concerning the possibility of merging portions of MDC and/or the Department of Fisheries and Wildlife with DEM. He stressed that no decisions have yet been made nor were any detailed plans available.

The third topic was on the status of the Greylock Glen project. A packet of information was provided to each board member for them to review. The Commissioner explained to the board that he has been briefed on the project during the last week.

There being no further business to come before the board the meeting adjourned at 3:30PM.

The board and the Commissioner expressed their desire to meet sooner than next month's regular meeting to discuss each of these three topics in greater length. So, the date for the next board meeting was scheduled for Wednesday, January 30, 1991 at 1:15PM in the office of the Commissioner.

Carol A. Luck

Secretary

January 16, 1991

Dear Peter

The enabling legislation for the Dept. of Environmental Management provides for a Board of Environmental Management (c. 21, s. 2) and says that the Department shall be under the control of the Board, which shall meet at least monthly. The Board's powers, as outlined in that chapter include: approval, after notice, of the Commissioner's appointment and removal of division directors; the ability to appoint an acting Commissioner; approval of the Department's budget; approval of the Commissioner's appointment of acting directors; approval of the Commissioner's orders of land taking and the placing of restrictions on land under several separate acts, including the Scenic Rivers Act;* + approval and adoption of master plans for all state parks, forests, and reservations. The Board has special responsibilities with regard to the Greylock Reservation. The Board is to meet twice a year with the Fish + Wildlife Board.

The language of c. 21A which deals with the Secretariat of Environmental Affairs and the Commissioner of Environmental Management, appointed + removed by the Secretary with the Governor's approval,

* set forth in other chapters

appears to have been written by people who meant to change C. 21 but never did. The result is a considerable amount of ambiguity: a Board in control of a Department whose Commissioner is employed not by the Board but by the Secretary. (For instance C 21, s. 3B says the Commissioner needs the Board's approval to hire almost anyone. It is hard to believe C. 21A/7 contemplates that situation.)

We believe the Commissioner must have the ability to manage the Department on a day-to-day basis. No unpaid board which meets monthly and whose members — all of whom have other full-time employment — across the state — can or should, in our belief, hamper the Commissioner's ability to keep the department running smoothly. We will, as a Board, and as individuals, make no attempt to interfere with the Commissioner's duties in that regard. We will be glad to provide such advice and counsel as the Commissioner may request of us on these matters.

We also affirm our intent as Board members to abide by the provisions of the Conflict of Interest law in both letter and spirit — and would appreciate your reminding us if you feel we are going astray.

We believe that the enabling legislation means that, except as specifically provided by law otherwise, all major policy decisions shall be made or approved by us when they involve matters that can reasonably be brought to us without hampering the Commissioner's ability to run the Department and to respond to the Secretary as she may require. We need to define with you — and perhaps with her — the meaning of "major policy decision." We also believe that we must approve the budgets — both capital and operating before you submit them to the Secretary, and proposed revisions, where that is at all practical.

We will attempt to respond to the best of our ability on matters you place before us — and to do so in a timely fashion. We are quite willing to take the heat for our decisions — and to make difficult ones. We are easily available by telephone between meetings — and could meet more often if needed.

We share with you a deep concern for the mission of the Department — and for the increasing financial problems of the coming years which will make the achievement of our common goals more and more difficult. We urge you to think long and hard about your new role

and about the priorities of the Department, and we urge you also to share those thoughts with us.

It is the aim of our board to find the best ways to work together to fulfill our statutory duties and responsibilities and allow you to fulfill yours. Speaking with one voice seems to us increasingly important in the troubled days ahead.

So that there will be no misunderstanding between us, it seems useful to us to attempt to define our respective roles. We invite your thoughts with respect to the matters raised here — and would welcome discussion with you which would lead to a written guide to our joint relationship.

We are delighted at the prospect of working with you, believing that your knowledge of the Department and its needs and capabilities, combined with your legislative knowledge and experience make you able to become a particularly effective Commissioner.

Very truly yours
The DEM Board

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management

100 Cambridge Street
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A meeting of the board of Environmental Management was held on January 31, 1991 at 1:15PM in the office of the Commissioner, 100 Cambridge Street, Boston.

Members present - Nan Jenks-Jay, Hugh Davis, Sarah Bell and Carol Lash. Absent - David Musante, James Tobin and John Capone. Also present was Commissioner Peter Webber.

Upon motion of Hugh Davis, seconded by Sarah Bell, the corrected minutes of the December 19, 1990 meeting were unanimously approved. Upon motion of Sarah Bell, seconded by Hugh Davis, the minutes of the January 16, 1991 meeting were amended and then unanimously approved.

Nan Jenks-Jay began the meeting by informing the board of her telephone conversation with David Musante where she asked him to resign from the DEM board at the board's request. A copy of a letter that Nan Jenks-Jay wrote to Commissioner Webber describing her conversation with Mr. Musante was distributed to each of the board members. She said that it was a very pleasant and cordial conversation and that she did not detect any animosity towards her or the board. Mr. Musante acknowledged that he did not have the time nor expertise to commit to the board. He also stated that the only reason he was on the board was at a representative's request. Commissioner Webber should be receiving a letter of resignation from Mr. Musante in the near future. As of this meeting however, the board had not received such a letter.

In light of the fact that Mr. Musante's letter of resignation had not been received, the board informally discussed possible candidates for a future opening on the board. The only limitation on choosing a candidate is that they can not come from Berkshire or any of the other districts currently being represented on the board. The position would be for the remainder of Mr. Musante's term; which expires in August of 1996. Nan Jenks-Jay expressed her desire to chose someone that has expertise and knowledge in this field. Both Nan Jenks-Jay and Hugh Davis also expressed their concern over the possibility of this becoming a purely political appointment. Commissioner Webber suggested that once the letter of resignation is received and Governor Weld is notified of the opening, that the board try to encourage the Governor to wait for a list of recommendations from the board before making the appointment.

Nan Jenks-Jay named a few people who had expressed interest in a position on the board. They were Mason Phelps of the Sierra Club, Sandra Dawson of the MACC board and the Watershed Association and Gilbert Bliss, former director of the Division of Forest and Parks. Hugh Davis suggested Fred Winthrop and John Sears. Commissioner Webber mentioned that it could be someone associated with the MDC in light of the possible merger. It was decided that Commissioner Webber would check with key people within the department, specifically Kathy Abbott who is Director of the Division of Resource Conservation, for recommendations for the board. While at the same time each board member think of the qualifications, skills and background they would like to see a possible candidate possess and with this in mind, prepare a list of three people and a short background on each for the next meeting.

Commissioner Webber further briefed the board on the Greylock Glen project. The Commissioner said that he has a problem with the Land Disposition Agreement (LDA) and has concluded that he can not sign it. He reiterated Heritage's publicly stated position that they will drop the project if this, their final draft, is not signed.

The Commissioner outlined the problems with the agreement(based on staff review of the agreement).

1. Commonwealth Funding
   - The LDA commitment is in excess of Chapter 676 appropriation.
   - Legal conflict with MGL Chapter 29, section 26.
   - No "previously appropriated" or applicable bond funding identified.

2. Financial Return to Commonwealth
   - Chapter 676 requires "reasonable return"
   - Return proposed in LDA (.5%) inconsistent with independent counsel (5%) or DEM experience.
   - Fiscal impacts may be drastically overstated given minimal "required" improvements and indeterminate schedule for development.

3. Land Transfer at Closing
   - LDA provides for transfer at closing of 385.4 acres.
   - November 1990 Section 61 finding restricts housing development to 195 acres, (only 60 acres for buildings and roads). Total development area allowed substantially below 385.
   - Neither pace of private development nor guarantee of development is provided in LDA. Some parcels may not be built upon for fifty years, some may never be built upon.

4. Schedule of Conditional Improvements
   -LDA only requires golf course, ponds, and country club as "required" recreational improvements.
   -Conditional recreation improvements may never occur.
   -Project success demands adequate up-front recreation attractions.

Commissioner Webber is still committed to accomplishing a project of this integrity but he would like this project to reflect the

original goals and purposes of the legislation. It needs to be a controlled development under the parameters of a master plan. It is very important to the Commissioner that this be an environmentally appropriate economic project. The Commissioner said that Secretary Tierney has been fully briefed on the project and does concur with the department's findings and his decision not to sign the agreement at this time. He has also been in the process of contacting all the interested parties and discussing with them his concerns with the project. He has asked staff to think of ways to re-tool this project and will seek suggestions from legislators, local officials and other interested parties.

Commissioner Webber called Gary Briere to answer some of the board member's specific questions regarding the project.

Commissioner Webber moved on to further discuss with the board the fiscal status of the department. The department will not be running a deficit for this fiscal year but operations are tight and on a very thin margin. He reiterated the fact that it is still necessary to get back the authority on retained revenue, which amounts to approximately $300,000., so that the department can open facilities that are scheduled to open late or not open at all. With the use of retained revenue, the department can bring in roughly $500,000. that will only come in if the facilities are open. He believes that the department can make a strong, compelling case to the Governor for the release of these funds. The Commissioner also said that he has made a decision to open the pools for the July 4th weekend; and will hire the people to staff the facilities by June 30th. The preparation work for the pools will be done by full time DEM staff people.

The Commissioner then spoke on the Governor's plans for reorganization. He told the board that details will be revealed Thursday, February 1 as part of the Governor's "Emergency Plan for Fiscal Recovery". But he did say that the department may not take a big hit this time around but there may be a second round of cuts needed because the legislature may not go along with the Governor's plan and other ideas may have to be revisited. He did tell the board that the MDC will be merging with the DEM, the Department of Fisheries and Wildlife will stay as they are, and state employees will be furloughed. There may also be a possible recommendation to privatize the rinks.

The Commissioner also told the board of innovative, money making ideas that the department is working to implement. He named a few examples such as selling bumper stickers, magazines, t-shirts; adopting a park; promoting the trust fund; increasing season's pass sales; implementing a state-wide water conservation campaign, etc.

Sarah Bell asked the Commissioner to look into the status of the Bascom Lodge project on Rockwell Road and report back to the board at the next meeting.

There being no further business to come before the board, Hugh

Davis moved and Carol Lash seconded the motion to adjourn the meeting at 3:30PM.

The date for the next board meeting was scheduled for Wednesday, February 20, 1991 at 1:15PM in the office of the Commissioner.

Carol A. Lash
Secretary

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Department of Environmental Management

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Office of the Commissioner

A meeting of the board of Environmental Management was held on February 20, 1991 at 1:15PM in the office of the Commissioner, 100 Cambridge Street, Boston.

Members present - Chairperson Nan Jenks-Jay, Sarah Bell and Hugh Davis. Absent - John Capone, Carol Lash, and Jim Tobin. Also present was Commissioner Peter Webber.

Due to a lack of a quorum, action on the January 31, 1991 minutes was deferred until the next board meeting.

Chairman Nan Jenks-Jay began the meeting by acknowledging and accepting the letter of resignation from board member David Musante. In the letter Mr. Musante states "my schedule and workload does not afford enough time for me to do justice to the board."

Commissioner Webber informed the board that Jim Tobin had contacted his office to notify him that he would not be able to attend this meeting and that he planned to submit a letter of resignation in early March.

The board discussed their role and membership and stated that they wanted to maintain a good balance while also encouraging diverse representation. They agreed to focus the search toward someone from the corporate or private sector with an urban orientation and good P.R. experience, but not necessarily a "media" person. The bottom line is to find someone who will make the commitment to attend the regularly scheduled board meetings and someone who will contribute to discussions.

Commissioner Webber stated what he sees as the primary mission of the department. The department has the responsibility of acting as steward for all state land. The department advocates for conservation and protection by promoting our resources and getting the public to care and use the land. The parks and lands are there to be used wisely by the people of the Commonwealth. An equally important mission is water conservation and the task of raising the public's awareness of our most precious, diminishing resource. The Commissioner stressed that the department must strike a balance between preservation and protection and exclusion.

A discussion of possible candidates for board appointment yielded quite a few names. Nan Jenks-Jay suggested Chuck Schmidt, Senior Vice President of Raytheon and Alexandra Dawson. Sarah Bell recommended Gilbert Bliss and Bill Wendell of the Gillette Company. Hugh Davis suggested John Sears while Commissioner Webber advocated for a person from Digital Company, Westminster Division and former Senator Fran Doris.

Germaine Vallely, from the Division of Forest and Parks Bureau of Recreation, made a presentation to the board on the annual public hearings, to take place on Wednesday, February 27, 1991, to review the Code of Massachusetts Regulations that govern the use and protection of the state park system. Germaine highlighted the department's proposed changes and handed out copies to the each board member. The most controversial change was in Chapter 15, the Trail Categories, that was rewritten by the DEM Trails Policy Committee. The use of off-road vehicles (ORV) will be greatly limited according to the regulations. Nan Jenks-Jay said that it is a crazy year to become more restrictive when the department will not be in a position to enforce these tougher regulations. The board had asked about two years ago for a policy to be developed to address ORV use but did not stipulate that the regulations be more restrictive.

The members expressed their anger and frustration that they were not included in the drafting and review process for the proposed changes to the regulations. Nan Jenks-Jay made the point that the board is here to speak to policy and this is clearly a policy issue that they had no input on the changes. Commissioner Webber said that a system needs to be put in place so he can effectively communicate the board's wishes to his senior staff.

Germaine Vallely recommended to the board that the hearings should take place as scheduled. The hearings are an annual exercise that have traditionally taken place at this time of year. The approved regulations will need to be signed by the Director of Forest and Parks and the Commissioner and one or both can hold off signing the document until the board has had time to review the changes and read through the public testimony. Board member Hugh Davis agreed with Germaine's recommendation. Commissioner Webber asked for the Trails Committee to produce for the board any research or background that they used to establish and arrive at these regulations for a presentation at the next board meeting. The board thanked Germaine for the information.

Commissioner Webber briefly explained to the board the details of the DEM/MDC merger. Basically the parks would go to DEM and the MDC police force would be assigned to the Department of Public Safety. The MDC's roads are to go to the Department of Public Works but a good number of their roads are parkways and he believes that there will be a lot of opposition to this plan. The Commissioner said that there will have to be a careful planning process established to think through all these issues and help on

the administrative side of the merger.

There being no further business to come before the board, Sarah Bell moved and Hugh Davis seconded the motion to adjourn the meeting at 3:45PM.

The date for the next board meeting was scheduled for Wednesday, March 20, 1991 at 1:15PM in the office of the Commissioner.

Joann A. Lash

Secretary

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Office of the Commissioner

A meeting of the board of Environmental Management was held on March 20, 1991 at 1:15PM in the office of the Commissioner, 100 Cambridge Street, Boston.

Members present - Hugh Davis, Sarah Bell, Carol Lash and John Capone. Absent - Nan Jenks-Jay. Also present was Commissioner Peter Webber.

Upon motion of Carol lash, seconded by Sarah Bell, the minutes of the January 31, 1991 meeting were unanimously approved. Upon motion of Sarah Bell, seconded by Carol Lash, the minutes of the February 20, 1991 meeting were unanimously approved.

Hugh Davis was chosen by the board to act as Chairman for this meeting in the absence of Nan Jenks-Jay.

Upon motion of John Capone, seconded by Sarah Bell, it was unanimously -

VOTED: to accept, with regret, the letter of resignation submitted to Commissioner Webber by James M. Tobin.

The Commissioner will draft a letter for Nan Jenks-Jay signature to Mr. Tobin thanking him for his service to the department.

Commissioner began the discussion of possible candidates for board appointment by referring to a letter he received from Senator Henri Rauschenbach (which was also sent to each board member with last months minutes) in which he recommended Robert Morgan of Martha's Vineyard. The Commissioner also spoke of his conversation with Senator Rauschenbach and it appears that Mr. Morgan is committed to serving on this board and not any other DEM boards. Commissioner Webber said that he feels some pressure to accommodate the Senator's request. Unless Mr. Morgan has some skeletons in his closet, the Commissioner said that he would like to have him serve on the board.

Commissioner Webber also told the board of recommendations he has received from DEM staff. Charles Dane, Director of Forest and Parks, suggested William Saltonstall, John Decas and Fred Winthrop. Germaine Vallely recommended Gilbert Bliss and Chris Burden.

Hugh Davis asked Commissioner Webber what actions the board should take. Commissioner Webber said that the best way for the board to wield some influence over the Governor's final decision is to draft a letter from the board to the Governor notifying him of the two vacancies and giving a list of three or four names that would satisfy the board's criteria for membership.

Hugh Davis began the lively discussion of individual candidates for appointment with each board member following with their own suggestions. It was decided that Sarah Bell would write a draft letter for Nan Jenks-Jay signature to be sent to the Governor and including the following names: William Saltonstall, John Sears, and Robert Morgan and including either Chuck Schmidt of Raytheon, the person from Digital, or Bill Wendell of Gillette.

Commissioner Webber also told the board that the newly formed MDC/DEM Merger Task Force was looking for names of people who would represent the public at large and asked the board if they had any thoughts. Hugh Davis suggested either himself or Hank Foster. He thought that it would be helpful to get someone from the affected towns, especially those towns near the Quabbin. Hugh Davis told the Commissioner that he would think on it.

Hugh Davis also brought to the board's attention the idea of having a DEM board member a designee on the Department of Fish and Wildlife board and vice versa. Commissioner Webber said that as a practical matter it could probably be done informally if the designee was a non-voting member of the other committee. It would be less threatening that way. John Capone suggested that the board find out when the Fish and Wildlife board meets so we can schedule a joint DEM and Department of Fish and Wildlife board meeting and at which time this idea can be discussed. The board members thought this was a good idea. Hugh Davis suggested that the board wait to discuss this idea further when Nan Jenks-Jay is present.

The Commissioner briefed the board on the department's upcoming round of lay-offs. The Commissioner said that he was asked by Secretary Tierney to identify thirty-six full time employee positions out of a total of 595 to be targeted for a lay-off. This translates to approximately six or seven percent of the total workforce for the department.

The breakdown of targeted positions by division:

Forest and Parks:	28 positions targeted out of 500. 17 of those positions are skate guards.
Resource Conservation:	5 positions targeted out of 65. 3 of those are engineers.
Administration:	3 positions targeted out of 30.

The notices are to go out by Friday, March 22 so these people can be off the payroll by April 15.

Commissioner Webber then spoke to the board about summer seasonal hiring. He told the board that with the current money available, the department will not be able to hire any lifeguards. He said that he needs administrative authority to spend $300,000.00 to hire lifeguards for the weekends until July 1st. It is projected that the General Fund will lose one million dollars. It is also projected that $1.3 million comes in during the months of May and June. The department's best case scenario is to open seventeen facilities this spring. Also, there will be a scaled down pool program this summer. It will be an eight week program and will be operational five days a week. The department is also encouraging local volunteers to start an adopt-a-park program. The department is also looking into revising the fee schedule but it would not go into effect until the Spring of 1992.

Kathy Smith, Bureau Chief of Recreation also spoke to the board on the department's plan for the summer season. DEM currently does not have a volunteer policy but the staff is working on putting together a draft proposal that would address the volunteer issue. Forest and Parks has developed a 23 page policy on how to run the parks this year with diminished capacity. The regional supervisors are filing out park by park assessments on what they can accomplish this year with what is available. In the past, the department has hired between 1,000 and 1,500 seasonal staff to help run the facilities. We are unsure at this time how many we are going to be able to hire for this year.

Bureau Chief Kathy Smith then moved on to make a presentation to the board on the changes to the trails policy as recommended by the DEM Trails Policy Committee. She said that a trails policy was drafted in response the board's request. Most of the problems and concerns were with ORV use. The Committee conducted a comprehensive, indepth investigation into ORV use across the country. They went out and talked to people and made site visits. The Committee decided not to change the policy but just to clean up the language and make them easier to understand. They did however, change one policy by adding a comprehensive policy on mountain bike use. The policy basically says that unless it is signed, mountain bikes are not to be there. It was not the Committee's intention to be restrictive. The signs will be permitive not restrictive.

Board member Sarah Bell said that she attended the CMR hearing in Pittsfield and found that the people present were not given a hand-out comparing the old regulations with the new changes. She said that no one at the hearing felt comfortable enough to start a discussion. She suggested that in the future the person running the meeting should give editorial comments to the group. This may begin a productive discussion of the issues.

Kathy Smith told the board that the Trails Policy Committee is a sub-committee of the Environmental Policy Committee which is an in-house committee. Commissioner Webber suggested to the board that since the trails policy is controversial, would they want to include outside people to serve on the Trails Policy Committee? Hugh Davis and Sarah Bell both agreed to this suggestion.

Under new business, Susan Frechette, Chief of Staff, made a brief presentation to the board on the newly created DEM Trust Fund. This fund authorizes the Commissioner to accept gifts and grants on behalf of the department. The Commissioner established a trust fund committee to develop a policy on how to best utilize this fund. Ms. Frechette handed out a first draft of the policy to the board.

Also under new business, Sarah Bell questioned the Commissioner on the recent announcement be the Governor of the sale of surplus land and of which 47 acres were DEM property. The Commissioner handed out a list of the DEM surplus land that the Governor was referring to in the paper. Todd Frederick, Special Assistant to the Commissioner, joined the meeting and addressed Ms. Bell's question. The seven properties identified by the Governor were already declared surplus by DEM and were already being processed. The money from the sale of this land is go to the General Fund. There is no proposed major development to take place on these parcels.

There being no further business to come before the board, John Capone moved and Carol Lash seconded the motion to adjourn the meeting at 3:40PM.

The date for the next board meeting was scheduled for Wednesday, April 17, 1991 at 1:15PM in the 19th floor conference room.

Joanne A. Lash

Secretary

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A meeting of the board of Environmental Management was held on April 17, 1991 at 1:45PM in the 19th floor conference room of 100 Cambridge Street, Boston.

Members present - Nan Jenks-Jay, Sarah Bell and Carol Lash by phone. Absent - John Capone and Hugh Davis. Also present was Commissioner Webber.

The approval of the minutes from the March 20, 1991 meeting were waived until the next board meeting.

Nan Jenks-Jay began the discussion of the board appointments by stating that she did not draft a letter to Governor Weld yet because she was awaiting the name of the person from Digital. Commissioner Webber said he would find that name and get it to her as soon as possible. Nan Jenks-Jay also had a question about Mr. Robert Morgan, possible candidate for a board position. She questioned whether he could conveniently come in to Boston for the monthly meetings from the Island. Also, she raised the point that there is little Department of Environmental Management land on the Islands that he would be representing. The Commissioner said that he would talk to Senator Henri Rauschenbach again about Mr. Morgan.

The next item on the agenda was a presentation by the DEM Trails Policy sub-committee. The board members, after talking with Kathy Smith, Bureau Chief of Recreation, decided to postpone the presentation until a full board is in place.

Bureau Chief Kathy Smith was asked by the board to discuss the Department's spring seasonal plans. The Department has devised a couple of plans based on the amount of money the Department will have to spend on seasonal hires. Plan A is the best case scenario based on a $500,000. budget which would enable the Department to hire 200 summer seasonal employees and having seventeen full service parks. Plan C is based on a $235,000. budget with half the seasonal hires being lifeguards. With this plan, there would be one park in each region and three beaches as full service facilities. Kathy Smith stressed that the Department will be trying to provide quality service but in a reduced form.

Commissioner Webber told the board of his meeting with The Department of Administration and Finance where he presented a detailed proposal for the spring seasonal hiring based on Plan A in the hope that they would give the Department $300,000. in additional spending authority to make this plan a reality. The Commissioner said that he was expecting notification of a decision soon. Once the decision is handed down, the Department will put out a state-wide press release to announce the summer seasonal hiring policy and facility openings.

Rachel Moore spoke to the board on the DEM Trust Fund. The Department was given the authority to accept gifts last summer in an outside section of the 1991 budget. The Trust Fund is mechanism that enables the Department of accept donations in the form of money, land, etc. It is an interest bearing account that can be accessed by certain DEM employees through the MARRS system. An in-house committee was established, with Kathy Smith as Chairperson, to review all gifts. The legislation was extremely broad and allows the Commissioner to spend the money anyway he pleases. This money could be used to pay employees; for instance, seasonal lifeguards. The Department will work with the regionals to educate them on how to handle donor requests and to let them know what the parameters and boundaries are to accepting donations. The Department will encourage visitors and supporters to donate money, which can be earmarked for a particular facility or project if they so desire.

The Trust Fund was recently used for the first time in the acquisition of the Hepburn property in Sunderland which is a forty-six acre parcel of land that abuts the Mt. Toby State Forest. Terry Blunt, who works out of the Northampton Planning office, raised $20,000 through the Sunderland Conservation Commission and other groups. This money was donated to the Trust Fund and earmarked for the purpose of buying this property. Commissioner Webber attended closing ceremony on April 16, 1991 in Sunderland.

Commissioner Webber told the board that the Department will be focusing it's attention on tapping new sources for donations and filling in the gaps. It is not the Department's intentions to take over for what the friends groups have been doing. The Commissioner also said that there are currently a number of funds that the Executive Office of Environmental Affairs has established, for example, Mass ReLEAF, EnVest, etc. and that we will all be competing for the same donations. He suggested that the Department coordinate with EOEA.

Under new business, the Commissioner briefed the board on a number of significant management changes that he has made to take effect May 1, 1991, pending the board's approval of a few of the key changes at next months meeting.

A second piece of new business involved the board's approval of a request to authorize the friendly taking of land know as the Haley Property in Williamstown. Upon motion of Sarah Bell, seconded by Nan Jenks-Jay, it was unanimously -

VOTED: that the Board of Environmental Management pursuant to the provisions of Sections 3 and 3A of Chapter 132A of the Massachusetts General Laws, as amended, approves the exercise of the power of eminent domain by the Commissioner of the Department of Environmental Management to acquire a certain parcel of land located in Williamstown, Berkshire County, containing 446.9 acres, more of less, more particularly described in a deed dated March 6, 1981 recorded in the Northern District Berkshire County Registry of Deeds at Book 704, Page 976, excepting therefrom a portion of said land comprised of approximately thirty (30) acres and shown as Lots 1 through 6, inclusive, on a plan of land attached hereto.

There being no further business to come before the board, Nan Jenks-Jay moved and Sarah Bell seconded the motion to adjourn the meeting at 3:55PM.

The date for the next board meeting was scheduled for Wednesday, May 15, 1991 at 1:15PM in the Commissioner's office.

Joanne A. Lach

Secretary

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Office of the Commissioner

A meeting of the board of Environmental Management was held on May 15, 1991 at 1:45PM in the office of the Commissioner, 100 Cambridge Street, Boston.

All members were present - Nan Jenks-Jay, Sarah Bell, Carol Lash, Hugh Davis and John Capone. Also present were Commissioner Peter Webber and Chief of Staff, Susan Frechette.

Upon motion of Sarah Bell, seconded by Hugh Davis, the minutes of the March 20, 1991 and the April 17, 1991 meetings were unanimously approved.

The board began the meeting by finalizing the names of candidates for the two vacant seats on the board. The board narrowed the field to four and they are Bill Wendell of Gillette, Chuck Schmidt of Raytheon, Robert Morgan of Martha's Vineyard and Anthony Casendino of Cambridge. Commissioner Webber agreed to call Mr. Wendell and Mr. Schmidt to find out their interest in a possible board position and will report back to Nan Jenks-Jay. Commissioner Webber also said that he has spoken to Senator Rauschenbach about Mr. Morgan who said that Mr. Morgan is still very interested in the position. The Commissioner will contact the Senator again to follow up on the attendance requirement. It was decided that once the Commissioner contacts the prospective candidates, he will inform Nan Jenks-Jay.

Commissioner Webber presented to the board management changes that he has made within the department. The Commissioner read a copy of a letter that was sent certified mail to each board member concerning three matters that require the board's approval. First, the Commissioner asked that the board approve the removal of Charles Dane as Director of the Division of Forests and Parks in accordance to the provisions of Massachusetts General Laws Chapter 21, Section 2C. Second, he requested that the board designate Susan Whalen Frechette as acting commissioner in his absence or disability according to the provisions of Massachusetts General Laws Chapter 21, Section 3A. Third, he requested the approval

of the designation of Donald Stoddard as acting director of the Division of Forests and Parks in the absence of a director according to the provisions of Massachusetts General Laws Chapter 21, Section 3D.

Upon motion of John Capone, seconded by Carol Lash, it was unanimously -
VOTED: to accept the recommendations of the Commissioner pertaining to personnel changes within the department so outlined above by Peter Webber.

Susan Frechette discussed with the board the search for a new director of the Division of Forests and Parks. A committee is being formed and will be headed by Ms. Frechette and to include Sylvia Stokes, Acting Director of Human Resources and someone from Forests and Parks to be determined later. The committee will also include people from outside of the department. It was suggested that a board member sit on this committee. Other possibilities are Bruce McHenry, retired from the National Park Service, Bob Freeman, and someone from the Department of Personnel Administration or the Office of Employee Relations. Commissioner Webber suggested two people from the Berkshires; Peter Berle and Tom Jorling. Hugh Davis recommended Perry Wegenstein of Weymouth who is past president of the National Forestry Association and a member of the Massachusetts Forestry Association board of directors. Nan Jenks-Jay suggested Carl Rydel who is a forester at the University of Vermont and started environmental programs at Williams and Yale.

Susan Frechette told the board that the salary for the director's position was increased and that an advertisement, similar in content to the one used previously for this position, will appear in professional trade publications. It is hoped that a permanent director will be in place in three months - August 1. She also informed the board that she has called the top candidate from the last search and he said he was very interested in the position. He has already sent her his resume. Commissioner Webber stated that he would like to have the board play a roll in the interview process. John Capone suggested that the board review the resumes of the top three candidates as determined by the committee.

Bob Wilber, Acting Director of Land Acquisitions and Dolores Boogdanian, Director of Legal Services briefed the board on the department's land disposition policy. This policy originated from a letter of George Wislocki's to then Secretary John DeVillars requesting a strong policy be developed. The Secretary formed an Executive Office of Environmental Affairs Lands Committee to create a secretariat wide policy. Then each agency formed its own lands committee to develop department policy. This policy will allow for quicker review of proposals and consistency in the decision making

process. The DEM lands committee spent six months compiling information and drafting policy. At the last Environmental Policy Committee (May) it was endorsed unanimously by the members and then forwarded to the Commissioner.

Nan Jenks-Jay asked how a request for the state to purchase a parcel of land would be handled. Bob Wilber answered by saying that every proposal having to with the transfer of control and/or individual use of property would go through this process to ensure that all conditions and requirements are met.

Upon the motion of Sarah Bell, seconded by John Capone, it was unanimously -
VOTED: to adopt the DEM Land Disposition Policy as presented to the board.

There being no further business to come before the board, John Capone moved and Carol Lash seconded the motion to adjourn the meeting at 3:30PM.

The date for the next board meeting was scheduled for Wednesday, June 19, 1991 at 1:15PM in the office of the Commissioner.

Carol A. Lash

Secretary

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Department of Environmental Management

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The June 19, 1991 meeting of the board of Environmental Managment was cancelled. The next meeting of the board was scheduled for Wednesday, July, 17, 1991 in the office of the Commissioner.

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Office of the Commissioner

A meeting of the board of Environmental Management was held on July 17, 1991 at 1:15PM in the office of the Commissioner, 100 Cambridge Street, Boston.

Members present - Nan Jenks-Jay, Sarah Bell, Carol Lash, and Hugh Davis. John Capone was present for part of the meeting by phone. Also present was Commissioner Peter Webber.

Upon motion of Carol Lash, seconded by Sally Bell, it was unanimously -
VOTED: to amend the minutes of May 15, 1991 meeting by replacing the last sentence of the fourth paragraph on page one to now read: It was decided that once the Commissioner contacts the prospective candidates, he will inform Nan Jenks-Jay. Also, on page two, paragraph three, a change was made to correct the spelling of Jorling and that, in the same paragraph, Carl Rydel started environmental programs at Williams and Yale, and not UMass.

Commissioner Webber began the meeting by discussing the four candidates that the board had decided on in the last board meeting. Upon further investigation, Commissioner Webber learned that Bill Wendell no longer works for Gillette and Chuck Schmidt has retired from Raytheon. Tony Casendino is currently in Turkey working on a special project but is expected to return July 20, 1991. He has been in contact with the Department and has further expressed interest in serving on the board when he returns. Robert Morgan is also interested in pursuing a position on the board.

Commissioner Webber had the opportunity to meet a gentleman by the name of Michael Last, which was arranged by David Place. He is an attorney with Gaston & Snow and was also on the Governor's Transition Team and is currently a member of the Governor's Judicial Nominating Committee (resume was handed out to each board member). Commissioner Webber stated that he was thoroughly impressed with Mr. Last and his background, enthusiasm and talent. He is a person of broad interests as indicated by his involvement with the Santa Fe Institute. It was the Commissioner's impression that Mr. Last fits the profile that the board developed for new membership. Commissioner Webber indicated that he would strongly

recommend Mr. Last as someone who would be a good addition to the board. Nan Jenks-Jay expressed concern that Mr. Last seemed suited to a position with the Department of Environmental Protection. Commissioner Webber said that he talked to him about this and that he is aware of our different missions and he seems clear on DEM's focus.

It was agreed upon that Commissioner Webber will arrange to meet with Tony Casendino and Robert Morgan to discuss a possible position on the board. By the next board meeting, the Commissioner will have met with the three candidates and will present to the board his recommendations and the board will make the final selection that will in turn be forwarded to the Governor.

Commissioner Webber then briefed the board on the Department's fiscal year '92 budget. The Department was allotted just over $23.2 million for this next fiscal year. The final spending for last year was $25.8 million. Our retained revenue account is $8.2 million with some language changes made by the Governor. The Governor also reduced the Department's consolidated account by $1 million so it now stands at $15.1 million. The Department is projecting a $2.8 million dollar deficit if the Department continues at its current rate of spending. The Legislature eliminated a section of the Governor's proposed budget that called for the merger of the MDC and the DEM. Also vetoed was the Forest Products Trust Fund.

A new initiative for DEM was placed in the budget as is called the Right of Passage - or as it has come to be known - the Beach Access legislation. The Commissioner handed out copies of the Massachusetts Coastal Land Inventory Guide to each of the board members. Right of Passage authorized the Department of select a private beach in the towns of Plymouth or Falmouth to use as a test case. Commissioner Webber said that the Secretary is supportive and her general counsel has expertise in eminent domain cases and would be available to assist the Department. The Department will be careful to carry this out responsibly while being sensitive to the needs and involvement of environmental groups, the chosen community and the individual. Commissioner Webber said that he will meet with Senate President Bulger, who sponsored this legislation, and his staff to see what he has in mind. Commissioner Webber agreed with board member Hugh Davis' suggestion that specific guidelines and criteria for the selection of the site need to be crystallized and finalized, with the input of other agencies, before any formal steps can be taken. Once these guidelines are established, the Commissioner will present them to the board for their review and comments.

The Commissioner spoke to the board about the proposal to privatize the rinks. The Hockey Rink Advisory Committee has been working at a quick pace to finish their work before the fall and has recently shifted its focus to concentrate on the privatization of DEM rinks only. In particular, Worcester, Gardner, Marlborough and Auburn rinks, while the Springfield rink is being looked at separately.

Privatizing these rinks will have fiscal implications for the Department. The Department will lose approximately $1.4 million in revenue this year without these five rinks. Personnel at these DEM rinks will also be effected. There is also the issue of capital depreciation. The Commissioner stated that the entire DEM rink system, 18 rinks total, has broken even in the past. The Commissioner has instituted rate increases at all the rinks, with the exception of North Adams, beginning in September.

The Commissioner did inform the board that there was some good news in fiscal year 1991. The Department brought in more revenues than in any other year and exceeded all projections. Unfortunately, the Department will not realize this windfall since the revenue maximization provision was stricken from the 1992 budget.

Hugh Davis suggested that the DEM board chair a special meeting with all the non-profits and other related groups to talk about the Department and get these groups to rally around the state parks.

The Commissioner announced to the board that Joan Munroe officially retired from state service at the close of business on July 12, 1991. Nan Jenks-Jay offered to write Joan a note from the board.

The Commissioner then updated the board on the Pride and Performance awards. Twenty-two individuals, one regional office and one bureau office were nominated to receive these awards. The Commissioner, with assistance from others in the Department, chose six individuals that he felt qualified to receive this honor. They are William Cote, Assistant Forester, Region 4; Anne Stempka, Assistant Regional Supervisor, Region 1; Clebe Scott, Principal Supervisor at Mt. Greylock, Region 5; Gayanne Clare, Supervisor of Franklin Rink, Region 1; Mike Tirrell, Regional Coordinator, Region 5; and Marion Donovan, Director of Business Affairs, Boston. Upon the motion of Hugh Davis and seconded by Sally Bell, it was unanimously -

VOTED: That the board of Environmental Management approves all of Commissioner Webber's choices to receive the Department of Environmental Management's Pride and Performance awards.

Under New Business, the board received a packet of information regarding the proposed amendments to the Ocean Sanctuary Regulations and received a briefing on these proposals from Richard Thibedeau, Director of Resource Protection, and Mike Gildesgame, Chief Planner, Office of Water Resources. The purpose of these regulations is to establish procedures for granting a variance to towns to enable them to increase their volume of discharge from existing waste water. The proposed amendments are to make it easier for towns to improve their conditions. The board decided that they needed time to review the information and would take a vote on the amendments at the next meeting.

Also under new business, the board was asked to approve and vote on the acquisition of the Ellisville Harbor property, which was the former Harlow Farm in Plymouth. Melanie Hagopian and Bob Wilber presented to the board the details and outline of this acquisition. Board member John Capone was available by phone to participate in this vote. Upon the motion of Sally Bell and seconded by Hugh Davis, it was unanimously -

VOTED: That the board of Environmental Management, pursuant to the provisions of Sections 3 and 3A of Chapter 132A of the General Laws, as amended, approves the exercise of the power of eminent domain by the Commissioner of the Department of Environmental Management to acquire several parcels of land (with buildings thereon) in the town of Plymouth, Plymouth County containing 110 acres more or less and more particularly described in the attached "Exhibit A", owned now or formerly by The Trust for Public Land, Donald P. Quinn, Ruth V. Lapham, Herbert V. Danielson, Elin A. Danielson, Laura M. Marsh and Albert B. Marsh, Plymouth County Wildlands Trust, Donald A. Newey and Eleanor D. Newey, Seymour Bulhm and owners unknown.

The next step is a vote by the town on July 30, 1991 to approve the taking and a possible closing on July 31, 1991. The Commissioner will plan a ceremony for a future date with board members and other interested parties.

There being no further business to come before the board, Carol Lash moved and Nan Jenks-Jay seconded the motion to adjourn the meeting at 3:30PM.

The date for the next board meeting was scheduled for Wednesday, August 21, 1991 at 10:30AM at Myles Standish State Forest in South Carver.

Carol A. Lash

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The August meeting of the Board of Environmental Management was cancelled due to Hurricane Bob. The next meeting of the board is scheduled for Wednesday, September 18, 1991.

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Office of the Commissioner

A meeting of the board of Environmental management was held on September 18, 1991 at 12:00PM in the Region 1 headquarters, Myles Standish State Forest, Plymouth.

All members were present - Nan Jenks-Jay, Sarah Bell, Carol Lash, Hugh Davis and John Capone. Also present was Commissioner Peter Webber, Region 1 staff, Debbie Graham, Office of Water Resources and Jack Lash, Division of Resource Conservation.

Upon the motion of Hugh Davis, seconded by Carol Lash, the minutes of the July 17, 1991 meeting was unanimously approved.

The board began a final discussion on the three candidates to fill the two vacancies on the board. They are Anthony Casendino, Michael Last and Robert Morgan. Each board member ranked them differently while the Commissioner offered his own recommendation based on his individual meetings with the three. Thus, it was apparent that a consensus was not going to be reached. Commissioner Webber proposed that he send to the Governor all three names; giving his ranking of them as Commissioner while expressing to the Governor the boards desire not to rank the candidates.

Upon motion of Hugh Davis, seconded by Carol Lash, it was -

VOTED: that the Commissioner will send a letter to the Governor stipulating that the board decided to present the names to him without a ranking while the Commissioner will share with the Governor his recommendations in the following order: Michael Last, Robert Morgan and Anthony Casendino.

Commissioner Webber then briefed the board on Hurricane Bob and the Department's clean-up efforts. The biggest impact from the storm was felt in Southeastern Massachusetts and on the islands. The people in the field performed admirably and have been commended for their work, especially the shade tree crews, who at the request of the Governor, were assigned to Commonwealth Electric to help restore power. All of the DEM facilities were reopened in time for labor day weekend. The Commissioner also told the board of his trip to Martha's Vineyard where he viewed the significant loss of

timber first hand. The Department is currently working to reduce the significant threat of fire that exists with the one million board feet of wood lying on the ground. Commissioner Webber said that the damage assessment is on-going. The Department is working with the Federal Emergency Management Agency (FEMA) for reimbursement to the cities and towns and to the state for the clean-up cost.

Debbie Graham, a planner with the Office of Water Resources within the Department, made a presentation to the board regarding the proposed amendments to the Ocean Sanctuary Regulations. These amendments are meant to assist communities in correcting their wastewater treatment problems by increasing their volume of discharge but only under certain conditions. These amendments establish a variance process which closely conforms with the intention of the Legislature to only grant variances if the marine resources of the ocean sanctuary are protected.

Upon motion of Hugh Davis, seconded by John Capone, it was unanimously -
VOTED: to approve the proposed amendments to the Ocean Sanctuary Act that were presented to the board.

Upon motion of Hugh Davis, seconded by John Capone, it was unanimously -
VOTED: to instruct Commissioner Webber and his staff, with the assistance of other agencies, to look into further amendments that would expand the Ocean Sanctuaries Act to protect other areas within the Sanctuary from waste coming from other areas. Preliminary review of the findings is due by the January, 1992 meeting.

Commissioner Webber then updated the board on the DEM/MDC Merger Task Force. Commissioner Webber asked Chip Nylon to postpone the September 18, 1991 meeting indefinitely until he, Commissioner Bhatti of the MDC, and Secretary Tierney could meet to get a better sense of where this task force is headed and to get better direction from the Secretary and the Governor. The subcommittees did meet and finished their assigned tasks. Commissioner Webber has not yet drafted the legislation. The original charge to the task force was how establish the mechanism to accomplish the merger. Hugh Davis said he was surprised to find a strong undercurrent among the members that this merger is not a good idea. Commissioner Webber suggested that this is because of a number of reasons. The first being that people are fearful that this merger is a breakup of the MDC. The second reason being that this is seen as a threat to their turf. Lastly, the metro facilities has a more vocal constituency.

There was a brief discussion on the Hinsdale landfill proposal. Commissioner Webber told the board that this is a proposal for an enormous private landfill in Berkshire County. It comes close to several areas of DEM property as well as the Department of Fisheries and Wildlife. The Department will formally comment on

the landfill as an agency through the MEPA process. There has subsequently been a proposal to designate this area and more as an Area of Critical Environmental Concern (ACEC), which Leslie Luchonok is handling. Sally Bell expressed concern over Leslie's role in both of these proposals and asked that he be free to evaluate the ACEC. The Commissioner said that he will try to keep Leslie out of the landfill issue but it will be difficult because it is hard to make the distinction between the two proposals.

Commissioner Webber briefly updated the board on rink privatization. The deadline for the Request for Proposals (RFP) for the four DEM rinks was August 30, 1991. The proposals are currently under review in the Secretary's office. The Department is still operating these rinks as we have in the past. Carol Lash expressed her concern with the Springfield Rink and the American International College's (AIC) proposal to lease the facility. The Commissioner explained to the board that this was a special situation primarily because AIC approached the DEM and EOEA in January about their idea before any procedure or criteria was established to handle this type of request. The Commissioner also told the board that he has asked Todd Frederick, his Special Assistant, to coordinate the privatization effort for the Department in general. There was a recent senior staff meeting at Dunn's Pond to discuss privatization and the DEM in general. Andrew Brennan, Special Assistant to the Secretary and Steve Tocco, of the Governor's office are coordinating and developing the administration's overall policy on privatization. Commissioner Webber said he would welcome the board's views on privatization. It was suggested that there be a long discussion on privatization soon.

The agenda for the joint board meeting was briefly discussed. It was decided that Nan Jenks-Jay would work with George Darey, Chairman of the Fish and Wildlife board, to finalize an agenda. This meeting will take place out in the Berkshires. Details to follow.

Under new business, Jack Lash handed out materials to the board regarding the Mass Wildlands but time did not permit the board to act. It was decided to discuss this further at the next board meeting.

Nan Jenks-Jay asked the Commissioner if there was someone in the Department who would be able to write a letter regarding the endangered species regulations that are before the Fish and Wildlife board. Jack Lash volunteered to help Nan write a letter to the Fish and Wildlife board in support of these regulations. All board members approved.

There being no further business to come before the board, John Capone moved and Sally Bell seconded the motion to adjourn the meeting at 2:40PM.

The date for the joint board meeting was scheduled for Wednesday, October 23, 1991 at the time and location to be announced at a later date.

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Office of the Commissioner

An informal meeting of the board of Environmental Management was held on October 23, 1991 at 2:00PM at Mount Greylock State Reservation, Lanesborough.

Members present - Nan Jenks-Jay, Sarah Bell, Carol Lash and Hugh Davis. Absent - John Capone. Also present was Commissioner Peter Webber.

Approval of the September minutes was postponed until the next meeting.

The board members requested to be updated by Commissioner Webber on a number issues and projects that the Department is currently involved.

The first issue was the status of the board appointments. Commissioner Webber said that he has received a positive response from the Governor's office. The Governor's Chief Secretary is expected to review the recommendations today or tomorrow and make a final determination. We should be hearing very soon and are hopeful that they can be on board by next month's meeting. The reason it is taking so long is that it is a matter of processing and the Governor's office is doing background checks.

The second topic was Greylock Glen. The Commissioner told the board that a new planning committee has been formed to include everyone who has expressed an interest in participating. It is a diverse group of people that includes people from the Sierra Club, Mt. Greylock Protection Association, Audubon, Appalachian Mountain Club, University of Massachusetts and local people. The Committee has been meeting every two weeks at the Adams Library. The meetings have been going extraodinarily well and everyone is staying focused on the objective, which is to explore ideas for a renewed master plan for the development and to identify a central theme for that development. It is obvious that what ever is planned for the Glen, that it will have a strong recreational element. The Committee has now split into three working groups and they will have a month to complete their work. The next meeting will be November 22 at Williams College, which will serve as host to a day-long workshop or conference and is to include people who have expertise in specific areas. The Committee is moving quickly to

complete it's work. Once the Committee makes it's recommendation, a feasibility analysis will need to be done to ensure that the proposal is practical and economical.

The Commissioner then briefed the board on meetings he has had with other Commissioners. He spoke of his recent meeting with Commissioner Greg Watson, Department of Food and Agriculture, where they discussed agricultural and forestry development as well as the leasing of farm lands and Article 97. Commissioner Watson also told Commissioner Webber that he has formed an Agricultural Business Council to help sustain and stimulate agricultural development. This Council is to include people from Fish and Wildlife and DEM as well as Food and Agriculture. Commissioner Webber said that he is anxious to get Commissioner Watson to visit Harlow Farm, Great Brook Farm and Maudslay State Park in the near future.

Commissioner Webber also met with Commissioner James Kerasiotes of the Department of Public Works and discussed a number of visitor services issues such as maps, signs and scenic roads. Other issues discussed were bikeways, the Central Artery project and the relocation of Route 126 at Walden Pond State Reservation.

The Commissioner also indicated that he has had regular meetings with Commissioner Ilyas Bhatti of the Metropolitan District Commission (MDC). The most recent topic of discussion has been the Boston Harbor Islands and joint management. Both agencies are currently involved in an exchange of information on many different topics.

Another issue discussed was the search for a Director of Forests and Parks. The Commissioner told the board that he has received approximately 50 applications. The interview committee is slated to begin their meetings next week for an initial screening process. The goal is to make a decision by January 1, 1992.

The Commissioner then updated the board on the Department's budget. The staff has developed what is being referred to as a "3 Point Plan" that will deliver additional funds to the Department this fiscal year. Secretary Tierney is supportive of the plan and she has sent it to the Governor. The three points are: 1) Waterways Fund, 2) Revenue Maximization Fund - $400,000., and 3) Rinks Retained Revenue Fund. But as it looks right now, funds for the spring recreational season are going to be worse than last spring.

The Commissioner told the board that the MDC/DEM merger is not going forward. The effort everyone put in will not be lost. There were some good ideas presented and the two departments will continue to work together to try and achieve the objectives of consolidation without all the pain.

There being no further business to come before the board, the meeting was adjourned at 3:15PM.

The date for the next board meeting was scheduled for Wednesday, November 20, 1991 at 11:00AM in the Commissioner's office.

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Office of the Commissioner

A meeting of the Board of Environmental Management was held on Wednesday, November 20, 1991 at 11:20AM in the Office of the Commissioner, 100 Cambridge Street, 19th floor, Boston.

Members present - Nan Jenks-Jay, Sarah Bell, Carol Lash, and Hugh Davis. Absent - John Capone. Also present were guests of the Commissioner's; Robert Morgan and Michael Last. DEM staff present - Commissioner Peter Webber, Susan Frechette, Kathy Smith, and Andrea Lukens.

Upon the motion of Carol Lash, seconded by Sarah Bell, the minutes of the September 18, 1991 and October 23, 1991 meetings were unanimously approved.

The Commissioner took a moment to introduce to the board the two "unofficial" new board members, Robert Morgan and Michael Last, who are in the process of being confirmed by the Governor's office. Mr. Morgan and Mr. Last each addressed the board and thanked them for being invited to attend. Commissioner Webber told the board that it is hoped that both will be confirmed before next month's meeting.

Kathy Smith, Bureau Chief of Recreation, and Andrea Lukens, Director of the Office of Natural Resources, presented to the board the Department's trail use policy. They handed out a memo outlining a current proposal to manage off-road vehicle (ORV) use on DEM land. To begin the discussion, Andrea provided the board with a history of the trail subcommittee. It was formed two years ago to address trails management policies and practices of the DEM. The subcommittee spent one year researching ORV use and concluded that they do cause some environmental damage. Currently in the Code of Massachusetts Regulations (CMRs), ORV use is permitted only where designated. DEM has designated ten areas for this use but there are considerably more than those areas being used for this purpose.

The trails subcommittee recommended to the larger Environmental Policy Committee (EPC) that due to environmental damage caused and DEM's inability to adequately manage the use, that all ORV use be banned on all DEM properties. The EPC voted and split on the proposed ban. The committee did however, ask for an

intermediate proposal from the subcommittee that can be put into place until such time that this issue is resolved. What they came up with was a management proposal that would allow use in a limited number of designated state forests and parks in Massachusetts. The EPC committee did vote to support this management proposal with a moratorium on all ORV use until a management plan is in place and can be properly implemented.

The board discussed this proposed management plan, including the development of a permit system and the use of educational/informational pamphlets. The board agreed that the ORV use issue should not be dealt with during the annual public hearings for the CMRs, but should be handled separately.

Commissioner Webber stated that they were not looking for a vote on this issue today, but wanted to make the board aware that the department will need time to implement whatever is decided. Hugh Davis stated that the Department will have to find someway to fund this plan, possibly by charging a fee to those people from out of state, etc. Carol Lash felt that the user groups should bear the cost of educating their members and should be encouraged to handout materials to their new members. Nan Jenks-Jay remarked that any action by the board at this time would be premature. She recommended that they be given more time to review the issue, and asked that additional background information be sent to them before the next meeting. The board agreed. Each member of the board was encouraged to submit their ideas on this proposal in writing. Nan Jenks-Jay commended Andrea, Kathy and the others for all the work they have done on this issue and for the informative presentation.

Under the heading of New Business, Susan Frechette, Chief of Staff, spoke to the board regarding the status of the search for a Director of Forests and Parks. She handed out a copy of the job description. The department received forty-six resumes. A selection committee was formed and the members are: Susan Frechette, Sylvia Stokes, Richard Thibedeau, Charles Perna - Region 3 Forests and Parks staff and Anne Stempka - Assistant Regional Supervisor for Region 1. They narrowed the field down to sixteen; six being DEM employees. In the pool of candidates there were no minorities but there were several women, with one making the first round of cuts. It is of interest to note that most of the applicants have an urban background.

The committee decided to interview all six in-house candidates. As of this meeting, five of the six have been interviewed. The committee is now in the process of setting up interviews with the other ten candidates. Any candidates from out of state will be given the option of a conference call for the first interview. They are trying to schedule all interviews for the first week of December and would ideally like to finish the second round of interviews by Christmas. It is hoped to have the new director on board by sometime in January, 1992.

The board then discussed their role and the role of the administration in the selection process. It was decided that after the second round of cuts, the board should be sent copies of the resumes of the finalists to review before the next board meeting. At which time the board will meet with the interview committee and discuss the remaining candidates. Commissioner Webber clarified the roles of the Governor's office and the Secretary's office in this process. The department has included both in the process by inviting them to submit resumes. The department has been keeping them informed and updated along the way. Tom McShane, Assistant Secretary for the Executive Office of Environmental Affairs, has concurred with the format for selection.

Nan Jenks-Jay questioned Susan Frechette and the Commissioner regarding the department's feelings on this position potentially being filled by someone from the outside. Nan pointed out that this position has traditionally been filled in-house with people moving up through the system. Susan answered by saying that they have received no feedback from the regions about this. Chuck Perna and Anne Stempka have not indicated that there is any feeling one way or the other from the field. Commissioner Webber stated that the people in the department know that we are looking outside as well as interviewing people in-house for the position. If an outside person is chosen, it will be a major change but it will not be a total surprise to the department.

There being no further business to come before the board, the meeting was adjourned at 2:00PM.

The date for the next board meeting was scheduled for Wednesday, December 18, 1991 at 11:30AM in the 14th floor conference room, 100 Cambridge Street, Boston.

Carol A. Lash

Secretary

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Office of the Commissioner

MEMORANDUM

TO: Board of Environmental Management

FROM: Commissioner Peter C. Webber PCW

RE: December board meeting re-scheduled

DATE: December 19, 1991

Due to sickness and conflicts in schedules, the meeting scheduled for December 18, 1991 was cancelled. It has been re-scheduled for **Wednesday, January 8, 1992 at 11:30AM in the 19th floor conference room, 100 Cambridge Street, Boston.**

The agenda will be the same. Enclosed please find further materials regarding trails as well as a draft of the Otis-Tolland GOALS plan, which was to be distributed to you on Wednesday.

If you are unable to attend, please contact Susan Fairbanks at (617) 727-3180 x601.

Have a healthy and happy holiday and we will see you in January.