A meeting of the Board of Environmental Management was held January 3, 1980 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.

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

The Board expressed its concern regarding the vacancy on the Board of Environmental Management created by Mr. Henry Dawson's resignation. It was the Board's request that Commissioner Kendall initiate the necessary action to fill the vacancy. Commissioner Kendall said that he would contact Secretary Bewick's office, but would like to do so with a recommendation in hand. The replacement, he said, should be an individual of minority background with urban interests, and he would make every effort to find such an individual and submit a recommendation as soon as possible.

In reporting on department matters, Commissioner Kendall said that the Department's budget, soon to be reported out by Governor King, is essentially a maintenance budget with all new program requests deleted. Basically, he said, just about everything that was not in the preceding budget is out. The Department's priority for up-grading the Forest and Park Supervisors was deleted as was all 03 contract monies for special projects. He noted that the proposed 10 percent cut recommended by A & F had been scrapped. However, he said, A & F has agreed to contractual monies for planners and engineers for the six new heritage parks (one of each for each project). They will be hired for the duration of the projects which should be about a year.

The Board discussed at great length the problems facing the Bureau of Solid Waste, specifically, the Northeast project. Mrs. Duxbury expressed her dismay over the fact that the UOP contract had not as yet been finalized.

In concluding the discussion, it was unanimously agreed that there is rampant misconception of the resource recovery landfill process, and it was suggested that Commissioner Kendall arrange briefing sessions with Massachusetts municipal officials to avoid further misinterpretation. The Board also concluded that a sub-committee on solid waste be established to assist in policy formulation. The Board further concluded that the Commissioner arrange to have representatives from Rhode Island and Connecticut brief the Board on their respective public participation process. Also, to invite the Worcester and Springfield advisory chairmen to the next Board meeting to update the Board on the progress of their respective projects.

The Board then reviewed EOEA's policy statement on solid waste and resource recovery and unanimously agreed not to accept the policy statement in its present form.

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, February 7, 1980 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston.

Sarah H. Bece
Secretary

A meeting of the Board of Environmental Management was held February 7, 1980 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 Deputy Commissioner Luke E. Thompson.

The minutes of the January 3, 1980 meeting were approved as submitted.

Commissioner Thompson reviewed the Department's current 1980 budget and the proposed 1981 budget recommendations by Governor King. He first reviewed for the Board, Administrative Bulletin (80-2) received from the Office of Administration and Finance relating to fiscal spending and its implications upon the Department. He discussed the particular issues directly affecting DEM.

1. A mandated hiring freeze on all state positions with the following exceptions:

   a. positions considered to be critical

   b. any federally funded position

   c. prior commitments before January 22 (issuance date of Bulletin)

   d. promotional positions on the presumption we are not increasing the work force

   e. critical management positions may <u>possibly</u> be filled (e.g., a vacant director's position should one exist)

Mr. Loupos asked if the freeze affected seasonal hirings. Commissioner Thompson replied that the Governor is also recommending a 3 percent cut in personnel which might have an impact on seasonal hirings.

3. No new 03 contracts will be allowed unless personally signed by the Secretary and approved by A & F. Exceptions to these 03 positions would be federally funded positions, matching funds or bond issue. He noted that the 03 positions for the Heritage Park Program fell within the bond issue category and the Department has been authorized to fill these positions.

6. MVMB (Motor Vehicle Management Bureau) - He explained that several months ago, A & F issued an order curtailing the use of state vehicles as well as disallowing domicile garaging. This mandate has been strictly adhered to, he said, but we have requested a dispensation on this regulation to allow the regionals to garage their vehicles at home because they are on 24 hour call and are expected to respond to

any and all emergencies. To date, permission has not been granted.

7. Gasoline and fuel accounts - this is somewhat of a problem, he said, but we will be able to remedy the difficulties. There is a $250,000 deficit in this account but A & F had envisioned the deficiency and has a $7 million reserve to cover the deficit and they have advanced the Department $100,000.

Commissioner Thompson reiterated that the Department's major problems exist in personnel deficiencies.

Commissioner Thompson then reviewed the Department's 1981 budget recommendations. He stated that the total appropriation has been increased from $15½ million to $17½ million. He said that the Governor is recommending several new positions within the Division of Forests and Parks amounting to approximately $250,000; an increase in the utilities account - $650,000; equipment - $300,000; and Units 6 and 9 collective bargaining costs. Further, he said, $335,000 is needed in the '81 budget to cover the cost of salary increases as the result of Unit 6 collective bargaining ratification. Although the $2 million increase in appropriations appear to be substantial, he said, when considering these increases plus inflation rates, we did not fare all that well.

Commissioner Thompson noted those items not recommended by the Governor. Priority #1 - salary increases for forest and park supervisors; $100,000 for intensive work programs on private and local forest lands; $50,000 to contract with private forestry consultants to work on primary wood industry projects; $100,000 for additional staffing for the inland restriction program; $30,000 for an expanded biological gypsy moth control study; and $50,000 request for exhibition funds in the urban services account. Budget hearings before House Ways and Means will be held on Wednesday, February 13, he said.

Commissioner Thompson further stated that the Governor's recommendations for capital outlay projects were not too impressive. However, he said, we have $33 million in capital outlay funds as yet not expended.

Director William Gaughan and Assistant Director Robert Hauser of the Bureau of Solid Waste were asked to review for the Board the status of the resource recovery projects in Springfield, Worcester and 128W.

Mr. Hauser first reported that four proposals have been received for the Springfield project (Lower Pioneer Valley) - Titan, U.O.P., Wheelebrator-Frye and Widmer & Ernst. He said that all four proposals were close in price - all within $1 per ton of each other. A technical sub-committee has been established with which the Department has a good working relationship; also, proposals are in the process of negotiation and, a contract is expected by next October.

Mr. Hauser reported that there were problems with the Worcester project; most generally, strong opposition from the local citizens. RFP's are expected in May, he said.

Mr. Hauser reported that five proposals were received for the 128W project which have been narrowed down to three - U.O.P., Wheelebrator-Frye and Widmer & Ernst. He said that Ropes and Gray have been contracted to begin negotiations; however, they are very preliminary at this time. The major problem with this project, he said, is site related.

Mr. Gaughan, in reporting on the Northeast project, stated that there has been a lull in activities within the past four or five months. The U.O.P. contract is in place and that the decision now rests with the municipalities. He noted that the deadline has been extended to June, 1980.

Director Sheldon Shapiro of the Wetlands Restriction office brought before the Board for its signatures, the amendment to the Town of Walpole's Wetlands

Restriction Order (Chapter 131, Section 40A), tentatively approved by the Board at the January meeting. He reported that a public hearing was held with no opposition presented. The Board members affixed their signatures to the amendment.

There being no further business to come before the Board, the meeting adjourned at 12:45 p.m.

The date for the next Board meeting was scheduled for Tuesday, March 18, 1980 in the office of the Commissioner.

Sarah H. Bree

Secretary

A meeting of the Board of Environmental Management was held Tuesday, March 18, 1980 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. The meeting was continued at the home of Mrs. Dana Duxbury, 151 Hidden Road, Andover. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell and Mr. John Loupos. Also present was Commissioner Richard E. Kendall.

Approval of the February 8,1980 minutes of the meeting was deferred until the April Board meeting.

Commissioner Kendall briefly updated the Board on departmental matters.

Director Sheldon Shapiro brought before the Board for its approval, the Coastal Order of Restriction (Chapter 130, Section 105) for the town of Sandwich. He reported that a public hearing was held as required by law with no opposition presented. He said that there were eight requests for on-sight inspections by private owners, all of which have been satisfied. The Board members affixed their signatures to the Sandwich Order of Restriction.

Douglas Poland, Regional Forest and Park Supervisor, brought before the Board a proposal to take by eminent domain a tract of land containing 182.4 acres located in the town of Mt. Washington. The owners, he said, Barry and Marilynn McMennimen are willing sellers but due to minor title defects, the taking is recommended. There being no objections, upon motion of Mr. John Loupos, seconded by Mrs. Sarah Bell, it was -

VOTED - The Commissioner of Environmental Management is hereby authorized, pursuant to the provisions of sections 3, 3A and 12 of Chapter 132A of the General Laws to exercise the power of eminent domain to acquire a certain tract of land in Mt. Washington, Berkshire County, Ma., more particularly described as follows:-

Two contiguous parcels of land being all the land of the grantors containing a total of 182.4 acres more or less, situated in the town of Mt. Washington, County of Berkshire, Ma., described as follows:-

Northerly: by land of Pshenishny;
Easterly: by the Mt. Washington/Sheffield town line;
Southerly: by the Massachusetts/Connecticut state line;
Westerly: by land of Dombrowski

Being portions of the same premises described in deeds recorded at Book 412, Page 124 and Book 441, Page 78, Berkshire County Registry of Deeds, Southern District, Massachusetts.

Mrs. Sarah Bell affixed her signature to the Certificate of Vote.

There being no further business to come before the Board, the meeting was adjourned.

The date for the next Board meeting was scheduled for Thursday, April 17, 1980 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston.

Sarah H. Bree

Secretary

A meeting of the Board of Environmental Management was held April 17, 1980 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were the Board members - Mrs. Dana Duxbury and Mrs. Sarah Bell. Also present was Commissioner Richard E. Kendall.

Due to a lack of a quorum, approval of the February 7 and March 18, 1980 minutes of the meetings was deferred until the next Board meeting.

Director Gilbert Bliss and Mr. Gerald Roosa briefed the Board on the YACC and YCC programs.

Mr. Roosa first outlined the YCC program. The YCC program, he said, is on a seasonal basis - 80% federally funded, 20% state. It is geared towards high school students ages 15-18; 30% disadvantaged, 25% minority. Enrollees are selected by a computer system from both private and public schools. He stated that 14,000 applications were circulated last year - 1700 were employed. The program is an environmental education component. Noteworthy projects are: timber stand improvement, construction of trails, park maintenance, wildlife management and landscaping.

The YACC program, Mr. Roosa said, is 70% federally funded, 30% state. The program is geared towards dropouts and unemployed ages 16-23; 70% disadvantaged, 85% minority. Applicants must apply at DES offices and are paid a minimum wage ($3.10/hr.). Mr. Roosa noted that 20,000 applications were circulated last year and that there are 216 enrollees. Noteworthy projects are: forestry, carpentry, urban park interpretation, wildlife management, recreation maintenance.

Commissioner Kendall added that both programs have proven to be very successful and invaluable in terms of accomplishment. However, he said, the President is recommending complete recision of 1980 funds for the YCC program with no funding at all for 1981; and a 40% reduction in the YACC funds for 1980 with zero funding for 1981. He said that everything is being done at the Congressional level, and that he had testified before the House Appropriations Sub-

committee on Labor and Health, Education and Welfare as to the effectiveness of the program.

Ms. Mariam Bobadella, Planner, briefed the Board on the coastal acquisition program and its relation with the statewide "Year of the Coast" program. She explained that the Trustees of Reservations and the Audubon Society, in conjunction with DEM and CZM initiated a cooperative program to identify and protect remaining trails of open land on the Massachusetts coast. Statistics are that the areas should be more than 200 acres and have significent ecological, scenic and recreational values. She stated that 30 sites have been identified and the Department and the Trustees of Reservations are now compiling and analyzing the information concerning ownership, site capabilities and land values. She pointed out on a map those areas under consideration and stated that BOR funds, state funds and private funds will be sought for the land acquisition effort.

There being no further business to come before the Board the meeting adjourned at 11:30 a.m.

The date for the next Board meeting was scheduled for May 1, 1980. The meeting will be held at Region IV headquarters, Amherst, followed by a tour of the Holyoke Range.

Sarah N. Bree
Secretary

A meeting of the Board of Environmental Management was held May 1, 1980 at Region IV headquarters, Amherst, Ma. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell and John Loupos. Also present were Commissioner Richard E. Kendall, Deputy Commissioner Luke E. Thompson and Director Gilbert Bliss.

Commissioner Kendall briefed the Board on departmental activities. Regional Supervisor Carroll Holmes presented an overview of the Region IV area and available facilities. Director Bliss reported on the gypsy moth infestation and the Department's policy statement recommending biological control rather than chemicals. He discussed the proposed plans for the Holyoke Range Visitors Center, and the urban park proposal for the city of Chicopee. The Board then toured the Region IV area and the site of the proposed urban park in Chicopee.

The date for the next Board meeting was scheduled for June 5, 1980 at Region V headquarters.

Sarah H. Bree
Secretary

A meeting of the Board of Environmental Management was held June 5, 1980 at Region V headquarters, Mt. Washington. Present were the Board members - Mrs. Dana Duxbury, Mrs. Sarah Bell and John Loupos. Also present were Deputy Commissioner Luke Thompson, Director Gilbert Bliss, Regional Supervisor Douglas Poland, George Wislocki.

The minutes of the meetings on February 17, March 18, April 17 and May 1 were approved. (No discussion on any of the minutes.)

LAND ACQUISITION PROPOSALS:

Halibut Point - Director Bliss

Funds increased in last year's capital outlay budget.

We do not have a willing seller.

Local Selectmen's approval forthcoming.

Management - probably a small passive area for the next year or so. Will be run with the assistance of the Trustees of Reservations; however, they have no long term interest.

This is an exceptional area in terms of rock formation. Old quarrying activity has produced some interest in a museum to interpret. Total price - $563,000. Seller asking $1 million and will probably challenge eminent domain taking.

No facilities on the property - improvements consist of a lighthouse.

Would become scenic day-use area. Probably not a swimming area. Access is reasonably good.

Approval of Board requested.

Mr. John Loupos made a motion that the Board approve the eminent domain procedure to acquire tracts at Halibut Point as described in the Certificate of Vote presented June 5, 1980 for the amount of $563,000, subject to title. Sarah Bell seconded the motion. Passed. (See attached Certificate of Vote.)

Apremont Way - Director Bliss

Take by eminent domain a portion of Apremont Way (a portion of the road known as Route 202) as a park entrance.

(Apremont Way)

State will put in a small boat ramp and extend the present fence to bring the area within the park. County Commissioners have no objections. No money involved.

Procedure calls for the State going through the city of Westfield.

Mr. John Loupos made a motion that the Board approve the eminent domain procedure to acquire the land known as Apremont Way, subject to local approval. Mrs. Sarah Bell seconded. Passed. (See attached Certificate of Vote.)

Appalachian Trail Parcel - Mt. Washington - Douglas Poland

A parcel of land on the Connecticut/Massachusetts border. Consists of 60+ acres. No improvements. Presently owned by the Appalachian Mountain Club.

The State made an offer for the land which was accepted. However, there are title problems which dictate a friendly eminent domain taking.

State will purchase other properties in the area. (i.e. Town of Mt. Washington and Y.M.C.A.)

Mrs. Sarah Bell made a motion that the Board approve the taking by eminent domain the land described in the Certificate of Vote along the Massachusetts/Connecticut line belonging to the Appalachian Mountain Club for $30,000. Seconded. Passed. (See attached Certificate of Vote.)

Local Issues

Mr. George Wislocki - South Mountain will shortly be bid.

The size of the building has been reduced due to rising costs in construction during long design procedure. Originally there was money set aside for furniture; however, this has been eaten up by escalating costs. This item should be included in a capital outlay budget.

The building will be a visitors center as a headquarters for Region 5. An exhibit committee was formed to further this concept. The theme of the

(Apremont Way)

exhibit is "Use of Forests as Fuelwood."

The funding of $35,000 for this exhibit should be included in capital outlay. We are asking that the Department urge the Legislature to include $35,000 for the exhibit. If the Legislature responds it should be completed with the building.

Appalachian Trail, Tyringham - George Wislocki

The Department and Douglas Poland have tried to obtain land in Tyringham. The Town has now decided that the relocation is not satisfactory. Mr. Poland requested that they make a counter proposal. They have done so. Basically they want the trail left on roads with a 15' easement on either side. I feel that the leaders of this movement in Tyringham are working with people from Connecticut against the trail. Mr. Poland suggested that the Commonwealth withdraw and let the National Park Service take over. He feels that they will make a successful issue of this. Rumor has it that they are working through the Governor's office.

Mr. Poland said that he would like to give the matter one more try - a counter proposal - i.e., a 100' Conservation Restriction on either side of the road and discontinuance of the road.

Facts - 1. 12 properties

2. 5 miles of trail

3. Historically, trail was on roads

4. We have proposed three separate relocations

5. We are crossing land owned by the Trustees of Reservations and there are no objections there (Tyringham Cobble)

Eminent domain could be an unpleasant move. Tyringham would not be in favor of discontinuing the roads. We would have to petition the County Commissioners and go through hearing procedure. People in Tyringham have

Luke Thompson - Brief run-down of budget:

1. $40,000 - National Heritage Project

2. $50,000 - for coordination and promotion of bicycle use
   $10,000 - brochures, maps, etc.
   $25,000 - bicycle coordinator

3. Slight increase for Forests & Parks including new positions: 17 year-round; 6 seasonal (Year-round: 4 Blackstone, 3 Tolland, 3 Moore, 7 Lowell) (Seasonal - 6 Lowell)

4. $100,000 - Forestry for intensive management of state land (to hire consultants

5. $41,000 - Forest pests

6. $55,000 - three positions to establish an Urban Forestry Bureau

7. Water Resources - separate account - to establish a wetlands program.

8. The freeze on rink rates has been repealed. We intend to increase our rate to $50.00 per hour

Mr. Thompson announced that he will be leaving Environmental Managment to work in the Secretary's office. He informed the Board that Commissioner Kendall was requesting that the Board meet with him (informally) on the afternoon of the 11th or 12th to discuss Solid Waste policy and personnel issues.

There being no further business to come before the Board, the meeting adjourned , followed by a tour of Region V.

The date for the next Board meeting (July) was not confirmed.

Sarah H. Bree
Secretary

A meeting of the Board of Environmental Management was held July 21, 1980 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were Mrs. Dana Duxbury, Mrs. Sarah Bell and Mr. John Loupos. Also present were Commissioner Richard E. Kendall and Executive Assistant to the Commissioner, Megan Jones.

The minutes of the June 5, 1980 meeting were approved as submitted.

Commissioner Kendall, in reporting on Department matters, first reviewed the Department's operating and capital outlay budgets. The operating budget, he said, allowed for little expansion and very few staff position upgrades, but one we can live with.

The Commissioner, in reporting on the status of the South Cape Beach acquisition, said that a MOU was being prepared between the South Cape Beach Advisory Committee and the Department of Environmental Management which, hopefully, will be mutually acceptable. An update of appraisals is in progress, he added.

Commissioner Kendall then outlined the public hearing schedule for the coastal restrictions on Cape Cod. Between now and the end of September, he said, public hearings will be held in the Towns of Brewster, Harwich, Eastham, Orleans and Provincetown, as well as the Parker River ACEC.

Mr. Charles Dane, Chief of Recreation briefed the Board on the status of Webb State Park. He reported that just prior to the "ribbon cutting" ceremony for the opening of the park it was discovered that potentially toxic chemicals were believed to be in the soil on two areas within the park. He said that the dedication ceremony was held on schedule but the park was closed to the public immediately following, and an intensive investigation was initiated by DEQE. The investigation concluded that the material found in the two areas were not considered hazardous; however, for precautionary measures both areas were fenced off and covered over with six inches of impervious material and six inches of loam. The park was reopened to the public on July 4th.

The matter of appointing a director of the Bureau of Solid Waste was brought before the Board, and Commissioner Kendall submitted the name of John Shortsleeve with a copy of his resume for review.

Mrs. Duxbury stated that she had reservations as to Mr. Shortsleeve's knowledge and attitude towards source reduction, source separation and recycling. She also questioned whether he was aware of the state plan. The Board discussed Mr. Shortsleeve's background at great length and, it was concluded to approve his appointment based on the following.

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

VOTED - to approve the appointment of John K. Shortsleeve as Director of the Bureau of Solid Waste.

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

VOTED - that at the end of a six month period, Mr. Shortsleeve is to submit a formal report on the status of the Bureau of Solid Waste's activities and, in addition, in that same period of time, Mr. Shortsleeve is to maintain a line of communication between himself and the Board of Environmental Management with regard to progress and implementation.

Mr. Shortsleeve was asked to attend the meeting, and Mrs. Duxbury expressed her concerns to him. In reply, Mr. Shortsleeve stated that he had only a general knowledge of source reduction and source separation but was certainly supportive of the program. He also said that he supported the bottle bill, and that he was aware of the state plan and understood that the Bureau staff was presently updating it.

Mr. Shortsleeve then discussed with the Board his evaluation and proposal for hazardous waste siting strategy and projected on a chart his implementation proposal.

Discussion then ensued relative to the Renaissance Faire. Several objections were raised by the Board.

Mr. Loupos said that the Board should have been apprised of the request by Bardcraft, Inc. before a contract was signed. He said that he was also opposed to the sale of liquor as well as the use of local permits within state property. He felt that a public hearing should have been held prior to contract negotiations.

In concluding the discussion, it was the Board's suggestion that a policy, or guidelines, be established on the use of public lands based on Article 97 of the Amendments to the Constitution. Commissioner Kendall stated that he has directed his staff to begin an in-house evaluation of the appropriate uses of public lands which will be followed by a meeting with outside interested parties (Audubon, Conservation Law Foundation, Sierra Club, Massachusetts Forests and Parks Association) to discuss policies and/or guidelines which will be mutually acceptable. It was agreed that Article 97 and public land use be placed on the agenda for discussion at the August Board meeting.

The date for the next Board meeting was scheduled for August 14, 1980 at 10 a.m. in the office of the Commissioner.

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

Sarah H. Bell
Secretary

A meeting of the Board of Environmental Management was held August 14, 1980 at 9:30 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were Mrs. Dana Duxbury, Mrs. Sarah Bell and Messrs. Loupos and Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

Article 97 Discussion

Commissioner Kendall reported to the Board that DEM staff have held several in-house meetings to discuss Article 97 as it pertains to appropriate uses of public lands. He said that they have prepared a "draft" policy and guidelines proposal which, eventually, will establish a basic policy to follow in determining appropriate uses of park lands under the mandate of G.L. Chapter 132A. In distributing copies of the "draft" (copy attached) he asked that they review the document and submit their suggestions and/or comments. He also stated that a meeting will be held at a later date with outside interested agencies to review DEM's proposed recommendations and to obtain their input. We hope, then, to develop a final policy statement and guidelines which will guide the Department in making the appropriate decision in the future regarding public land use requests, he said.

The Board members expressed the general opinion that the state natural resources should be protected not developed and that the public held the park system in an inviolate position.

Interpretive Services Update

Nelson Obus updated the Board on the interpretive services activities. He divided these activities into three areas - passive, active and planning. Under passive, he displayed several newly prepared brochures and described media programs available at the Summit House in Holyoke; active programs include our interpretive guides on the Boston Harbor Islands, and under planning he described our work with consultants in Lowell and Moore Park. He also made mention of an interpretive

conference to be held in Brewster on October 8, 9, 10 which, he said, he was instrumental in organizing.

Wetland Restrictions Update

Commissioner Kendall updated the Board on the scheduled public hearings for the Cape Cod restrictions. (Copy attached)

The date for the next Board meeting was scheduled for Thursday, September 18, 1980 at 10 a.m. in the office of the Commissioner.

There being no further business to come before the Board, the meeting adjourned at 12:10 p.m.

Sarah H. Bell
Secretary

A meeting of the Board of Environmental Management was held September 18, 1980 at 10 a.m. at Hampton Ponds State Forest headquarters. Present were Mrs. Sarah Bell and Mr. John Loupos. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

Due to a lack of a quorum, no formal business was transacted.

Commissioner Kendall discussed with the Board the two major issues within the Department.

The Commissioner gave a brief progress report on the wetlands restriction program. He said that informational meetings and public hearings have been held in the Towns of Bourne, Barnstable, Brewster, Falmouth, Harwich and Yarmouth as well as five towns on the North Shore ACEC. Ten additional hearings are to be scheduled between now and the end of the calendar year, and that 15,000 acres of coastal marshland will be restricted within the next 30 days. He added that of all the Cape towns, Falmouth was the most receptive to the restriction program.

Commissioner Kendall reported that a group of environmentalists from various agencies have voiced objections to the Cape restrictions in that they feel the restrictions are not broad enough and that the Department is exercising a too conservative approach. We will plan to meet with this group in the near future to discuss the matter further, he said. He added that the Department is prepared to restrict up to the limits of the law.

Commissioner Kendall then discussed the Bureau of Solid Waste issue. He first explained that the Bureau engaged the services of a consulting firm to do a management study so as to incorporate the recently enacted legislation creating a hazardous waste facility siting office (Chapter 508 of the Acts of 1980) within the Bureau of Solid Waste. I might add, he said, this act was passed without funding appropriation. The Commissioner reported that the study addressed the need for reorganization of the Bureau, additional staffing and funding. It proposed to establish an office of resource recovery and an office of Hazardous

waste, each office headed by a director. He said that to begin implementation of the new hazardous waste program the Bureau has hired Debbie Sanderson under an 03 contract. Also, he said, it is hoped that funding will be in place to hire a director by January 1st. He also noted that technical competency was also lacking due to the resignation of Robert Hauser. Mr. Loupos raised the question as to the source of funding. Commissioner Kendall stated that the Governor has pledged his support and funding to accomplish the proposed changes.

Commissioner Kendall informed the Board that the South Cape Beach State Park Advisory Committee voted to recommend the acquisition of South Cape Beach at a public meeting held on September 15th in the Mashpee Town Hall.

There being no further business to come before the Board the meeting adjourned at 11:30 a.m.

The date for the next Board meeting was not scheduled.

Following the meeting the Board members and Commissioner Kendall hosted the award ceremony honoring "The 1980 Massachusetts Tree Farmer of the Year" on the grounds of the Eastern States Exhibition.

Sarah H. Bell
Secretary

A meeting of the Board of Environmental Management was held September 25, 1980 at 10 a.m. in the office of the Commissioner, 100 Cambridge Street, Boston. Present were Mrs. Dana Duxbury and Dr. Norton Nickerson. Also present was Commissioner Richard E. Kendall.

Due to a lack of a quorum, no formal business was transacted.

Commissioner Kendall discussed with the Board the two issues of concern within the Department as previously discussed at the meeting held on September 18, 1980.

The next Board meeting was shceduled for October 16, 1980.

A meeting of the Board of Environmental Management was held October 16, 1980 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 Messrs. Loupos and Nickerson. Also present was Commissioner Richard E. Kendall.

The minutes of the July 21, August 14 and September 18 minutes of the meetings were accepted as submitted.

Commissioner Kendall reviewed the Department's FY '82 budget requests. He said, the total budget is $23 million with an $8 million expansion over the '81 appropriation, due in part to inflation and collective bargaining. Most accounts are essentially the same with the major increases in the Division of Forests and Parks for long over-due upgradings for field personnel, and in the Bureau of Solid Waste Disposal to include the hazardous waste program. He said that in addition to the overall upgradings for supervisory field positions in the Division of Forests and Parks, Director Bliss is requesting 14 new field positions at various grade levels, increase security positions for Walden Pond and Myles Standish State Forest, increase staffing and support funds for the Interpretive Services program and a data processing system. And for the first time, funding for urban services will be an additional budget item. Also of major significance is a request for $500,000 to implement the hazardous waste program. If there are to be any services in this program at all, he said, these funds are crucial.

The Commissioner then reviewed the capital outlay budget proposal amounting to $11 million plus, a copy of which was passed out to the Board members. The items are classified according to priority he said; of precedence is a $1 million item for coastal acquisition.

The Board pledged its support of the FY '82 budget request and agreed to submit a letter to Secretary Bewick expressing their strong support for supervisory upgradings, interpretive services program and data processing capability.

As a note of interest the Commissioner informed the Board that the Town of Mashpee has voted to authorize the acquisition of South Cape Beach by DEM.

Commissioner Kendall then gave the Board members a copy of the proposed goals and objectives for the Department and in so doing stated that if the Board concurs, the plan will become the annual working document for DEM. It will be updated each year and subject to amendment at any time, he added.

Mrs. Duxbury suggested that the interpretive services program be broadened to emphasize the worth of the program and its relation to the state park system. Dr. Nickerson seconded Mrs. Duxbury's suggestion and further added that there were enormous resources within the park system which should be publicized. There was enthusiastic endorsement of the document and, upon motion of Dr. Nickerson, seconded by Mrs. Bell, it was -

VOTED - that the Board of Environmental Management accept the proposed Goals and Objectives of the Department of Environmental Management and to urge Commissioner Kendall to utilize the document in any way he so chooses to promote the Department and its programs.

For the Board's information, Commissioner Kendall gave them a copy of the Office of Planning's Expansion Program and Proposed New Programs for FY '82 which, he said, he considers a very impressive and progressive document. He asked that they review the proposal and submit their comments.

In briefing the Board on matters pertaining to the Bureau of Solid Waste Disposal, the Commissioner said that the Bureau was immersed in labor problems. With the many changes being proposed within the Division because of the hazardous waste program the Commissioner said that both bargaining units are involved and that meetings have been scheduled with MOSES and NAGE representatives for a review. He reported that Alden Cousins has indicated his intention to resign and the Division has employed Mr. Norman Beecher to replace Robert Hauser.

Mr. Beecher, he said, is a chemical engineer and will give the Bureau the technical arm it badly needs in dealing with the hazardous waste problems. He also said that the management study (Temple, Barker & Sloane) is in the process of being completed and that he will report its conclusions to the Board very shortly.

Mrs. Duxbury raised several questions relating to personnel matters. In reply, Commissioner Kendall briefed the Board on recent personnel actions and those to take place. He said that three existing engineering positions - supervising sanitary, associate sanitary, supervising civil, and an associate sanitary engineering position to be created, will be posted shortly and filled. This will afford the Bureau technical capability it sorely needs, he said. He reported that the Worcester project office will be closed and positions transferred. Technical assistance will be provided that project out of the Boston office. The Commissioner then outlined the new structure of the Bureau to include a newly created Division of Hazardous Waste which was proposed in the management study. The Board requested that Director Shortsleeve present an update on the Bureau's activities at the November meeting.

The Commissioner then passed out copies of a Discussion Paper regarding Commercial Activities within State Forests and Parks (Article 97). He asked the Board to review its contents and submit their comments.

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 November 13, 1980 in the office of the Commissioner.

Sarah H. Bree
Secretary

A meeting of the Board of Environmental Management was held Thursday, November 13, 1980 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 Messrs. Loupos and Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

The minutes of the October 16, 1980 meeting were approved as submitted.

Commissioner Kendall first briefed the Board on the status of the Wetlands Restriction program on Cape Cod. He said that public hearings have been held in the Towns of Falmouth, Barnstable, Yarmouth, Harwich and Brewster and the Registry tasks are now proceeding. He also said that a public hearing has been scheduled in the Town of Dennis on December 16th which leaves the Towns of Chatham, Wellfleet and Mashpee yet to be done. Orleans has been completed and Provincetown is to be redone. In regard to the Inland Restriction program the Commissioner reported that criteria are being established which, hopefully, will broaden the Department's capability to impose the Inland Restrictions on Cape Cod. An informational hearing on the proposed criteria will be held with local officials in Barnstable on December 5th, he added.

In reporting on the '82 budget the Commissioner stated that among Secretary Bewick's final recommendations were Forest and Parks upgradings and a data processing system for the Department.

The Commissioner reported that the Heritage Park design contracts have been signed for Lawrence and Fall River. To date, he said, with the exception of Springfield, the contract timetable is in place.

The Commissioner reported that the acquisition of South Beach, Edgartown, is just about reaching its final stages and negotiations to acquire should begin within a month's time. The Town, he said, will resume the responsibility of its management subject to the Department's rules and regulations. The Management Plan has been submitted to the Selectmen and no objections are anticipated. Also, the

Nantucket State Forest Management Plan is now in the hands of the Board of Selectmen for its approval.

Director John Shortsleeve and Ass't. Director Norman Beecher presented a progress report on the solid waste and hazardous waste programs.

Mr. Shortsleeve first discussed the RCRA program. He said that there were problems with the Worcester project. The City Council voted 8-1 against any resource recovery site or landfill. Their objections it seems are based on the politics of the site, he said. We will put an eight week hold on the project until a decision has been made on how to proceed. He also said that the Bureau will work with Metcalf and Eddy in an attempt to find other regional solutions. It would be unproductive at this time, he added, to attempt to reverse the Council's decision. Mrs. Duxbury stated that there is a strong lack of commitment by municipal government regarding resource recovery.

Mr. Shortsleeve reported that the Springfield project was also in trouble but not quite as bad as Worcester. He stated that the City was at odds with the surrounding communities. A contract is under discussion but it appears that there will be no contract without co-disposal of sludge, he added.

In reporting on the 128 project, Mr. Shortsleeve said that the Council has removed UOP as the preferred vendor because of stalled negotiations and that intensive negotiations are underway with Wheelabrator Frye. We hope to have a contract in place in time for the January Town Meeting Warrants, he said. Mrs. Duxbury remarked that Wheelabrator Frye has never been in the forefront with regard to price or revenue sharing. She also stated that she hoped that the negotiation process with the developer would ensure a low cost per ton for the community. Mr. Shortsleeve noted that the target date for the 128 contract is December 31, 1981.

In reporting on the NESWC project Mr. Shortsleeve said that a meeting will be held next week with UOP/NEPCO to discuss the three areas of concern with this project - (1) indemnification clause; (2) take or pay clause; and (3) capacity credit clause.

Mr. Beecher then reported on the hazardous waste program. He first stated that since his arrival he has been working with Ms. Sanderson on draft strategy procedures that will assist the Bureau in implementing Chapter 508. The first point, he said, is to coordinate the interagency role (DEM, DEQE, EOEA and the Siting Council) - the objective is to establish a working relationship between all the principal divisions. The second point is to establish an interactive working relationship with the Legislature, followed by coordinating contacts with the news media with press conferences and editorials, followed by an intensive educational program directed towards the community and lastly, to establish strategy in approaching the developer to lead them thru the siting process. Mrs. Duxbury stated that the issues with many of the citizens were (a) who assumes the risks, and (b) the citizens are fearful of burning. Mr. Shortsleeve agreed that there should be a confidence between the state, the developer and local leaders. Mr. Beecher stated that part of the strategy is to develop workshops throughout the communities with planning boards, selectmen and local citizens. In other words, he said, establish an overall education effort for the general public as well as the Legislators and local officials to eliminate the "fear" attitude related to hazardous waste. Mr. Loupos suggested that the local communities establish their own local hazardous waste committees and that the state should assist the communities in dealing with the developer.

Ms. Sanderson presented the Board with copies of the proposed siting guidelines which, she said, is a readable document which explains the how and why of Chapter 508.

Mrs. Sarah Bell then discussed the use of the Washington Mtn. Brook project as a means of an additional water supply for the Towns of Lee and Lenox. She said that in response to the unfavorable comments on the EIS submitted by CLF and the Audubon Society, a meeting has been scheduled on November 26th with SCS, CLF and the Audubon Society to discuss their concerns. It is hoped that some amicable solution can be reached at that time, she said. Director Bliss stated that in his memo to Secretary Bewick commenting on the EIS he pointed out specific issues he felt needed to be dealt with before he could agree to the diversion. He said that the land within the state forest was dedicated to recreational purposes and as Director it was his responsibility to carry out the mandate of the law. The impoundment site, he said, would jeopardize the integrity of the forest and that he would expect some compensation for the loss of the land. However, he said, he recognized the needs of Lee and Lenox to develop additional water supply but strongly felt that an agreement with the Towns for such compensation be in place prior to project initiation.

Megan Jones then apprised the Board on the proposed policy to be adopted by the Pesticide Board relative to the voluntary notification of the application of herbicides to rights-of-way and utility companies, a copy of which was handed out to the Board members.

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, December 4, 1980 in the office of the Commissioner.

Sarah H. Bree

Secretary

A meeting of the Board of Environmental Management was held December 4, 1980 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 Dr. Norton Nickerson. Also present were Commissioner Richard E. Kendall and Megan Jones, Executive Assistant to the Commissioner.

In updating the Board on the status of the Heritage Park program, Commissioner Kendall reported that all park projects were on target; contracts in place; acquisition to begin in 1981; initial construction to begin in 1982. In reporting on the Lynn project, the Commissioner explained that it is proposed to locate the park site on the harbor and the visitors center within the business district with a pedestrian walkway connecting the areas. The proposed walkway is to pass through the community college property; however, the Community College Board is objecting to the overpass. At this point, discussions are on-going; no mutual agreement has been reached as yet, he said.

The Commissioner reported that the Springfield project was progressing as planned with one minor delay. He stated that the city officials have requested that we not take the existing building (which is the proposed visitors center) by eminent domain as originally planned, but rather by negotiated sale. We will comply with their wishes, he said, but this will result in a delay with the design work. He also reported that the Fall River project was right on schedule and acquisition will take place within the next two months.

Commissioner Kendall then reported on the Renaissance Faire matter. He said that Bardcraft, Inc. has been informed that the original contract is no longer acceptable to the Department. They have been informed that the Faire will be reduced from 5 weekends to 4 weekends. Also, the parking area utilized last summer will not be available this year. It is to be relocated in another section of the forest to avoid the loss of any campsites. He stated that Bardcraft has not fully accepted the alternatives nor have then abandoned the agreement totally.

We will attempt to reach some mutually agreeable arrangement, he said. Mrs. Duxbury stated that she continued to question the appropriateness of the faire being held at the Myles Standish State Forest again next summer. Firstly, she said, the Board of Environmental Management was not involved in the sanctioning of the permit at the start; and secondly, she continues to question a single entrepreneur having the sole use of a public facility for private enterprise and profit. She also stated that there should be specific rules and regulations in place clarifying the types of uses that are conducive to park lands. Considerable discussion ensued. Commissioner Kendall made note that the final decision will probably be out of the hands of DEM when the campers suit is heard in Court. He explained that a group of campers have brought suit against the Department claiming a loss of campsites to the public and the area used as a parking area for the Faire. The decision of the Court will determine whether the faire continues, he said.

Mr. David Fisher of the Planning office apprised the Board on the FEMA grant for the Town of Scituate. He explained that the Department made application and was awarded $185,000 under the National Flood Insurance Program (1362 funds) for the acquisition offlood damaged properties in coastal areas. The criteria to qualify, he said, is that the property must have substantial damage beyond repair by a flood that occurred after January 1, 1978; and must be a willing seller. Two sites in the Town of Scituate have been identified - Pegotty beach and Egypt Beach. 10 parcels are being considered, 9 of which are on Peggotty Beach and there are 7 willing sellers. The strategy is that the federal government will purchase the property, turn it over to the Commonwealth, and we then have the option to either manage the area or lease it to the Town. He said that the Department is considering a 25 year lease to the Town with the stipulation the

area remain a barrier beach. We have until December 15th, he said, to take title and one year from that date to clear the debris. He noted that the Town of Scituate was opposed to the state's involvement as well as the federal government's and that they had previously turned down the same proposal to them by FEMA. Commissioner Kendall noted that legislation has been filed prohibiting the Commonwealth from acquiring any coastal property in Scituate. Mr. Fisher further stated that four federally funded positions were allowed with the program - 2 planners, a geologist and geohydrologist. And in addition, there is also a $60,000 grant for a storm water damage study which will create 3 additional positions - 2 planners and a secretary.

Dr. Nickerson then reported on the newly created Hazardous Waste Site Safety Council of which he was appointed chairman. He stated that the first regular meeting was held immediately following the swearing-in ceremony of the new members on December 3rd. At this meeting, he said, three sub-committees were immediately established - a commitee to study the proposed hazardous waste rules and regulations; a committee to review the Generic Environmental Impact Report (GEIR); and a committee to appoint an executive secretary to the Council. The Commissioner stated that he was appointed to the committee to search for a secretary and that Megan Jones was pulling together an outline of criteria to be applied when interviewing the applicants. Forty-seven resumes have been received, to date. In further discussing the role of the Siting Safety Council, Mrs. Duxbury stressed the importance of very stringent rules and regulations and said that they should be in place from the very outset.

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 January 22, 1981.

Sarah A. Bree
Secretary