



June Meeting Minutes

Council Members Present: Jack Buckley, Ann Canedy, Esq., Dicken Crane, David Murphy, Vivian Ortiz, Alvin L. Reynolds, Esq., Dennis Smith, Nate Walton, Jennifer N.S. Wilson, Esq.

Council Members Not Present: Melissa Harper

Member Materials: Enabling Legislation draft document; Public Comment Guidelines.

DCR Attendees: Lisa Barstow, Nick Connors, Laura Dietz

Public Attendees as Registered

Bill Boles
Glen Ayers

Sarah Freeman
Celeste Walker

Chuck Anastas
Laurie Glassman

Call to Meeting – Chairman Nate Walton

Chairman Walton called the meeting to order at 9:05 a.m. He welcomed DCR Deputy General Counsel Laura Dietz who will provide information regarding compliance with the Open Meeting Law.

DCR Report – Nick Connors, Deputy Commissioner for Policy, Public Affairs and Administration and Laura Dietz, Deputy General Counsel

Mr. Connors introduced Ms. Dietz as the Agency's expert on the Open Meeting Law. Ms. Dietz provided a brief overview of the Open Meeting Law and took questions from the council.

Councilor Buckley asked if the council could have held its March meeting without a quorum and Councilor Smith asked if the meeting on June 11, which did meet quorum, could be held in some form despite an issue with an incorrect video link but a correct phone number for audio participation. Chairman Walton sought clarification whether a [virtual] meeting could be construed as not properly noticed if one of two ways to access the meeting was correct, but agreed it was best to err on the side of caution as DCR Legal recommended.

Ms. Dietz explained that according to the Open Meeting Law, a meeting is defined as a gathering of a quorum of a body. Thus, not achieving quorum does not meet the definition of a “meeting” in the eyes of the Commonwealth. Additionally, properly noticing a meeting calls for 48-hour notice of a meeting and how to access it. DCR’s decision to cancel on June 11 due to an incorrect video link (but a correct phone number) interpreted the Open Meeting Law in a manner so as not to exclude any potential public participation. [The meeting was rescheduled to June 18].

Councilor Reynolds implored the council and DCR staff not to refer to the June 11 meeting as, “not properly noticed,” as we don’t know that, only the Attorney General could make that determination.

Councilor Smith asked how the council makes notation of the June 11 meeting and believes the council should capture the presentations made. Similarly, Councilor Crane said the public is put at a disadvantage if there is a cancellation due to quorum and asked how that could be addressed to the public’s benefit.

Ms. Dietz said that the Open Meeting Law is clear that there is no way to have a meeting with no quorum. Further, if you’re taking comments from the public and you’re going to use that information in the future, it becomes part of your deliberation.

There was continued conversation between council members, Ms. Dietz and Mr. Connors relative to past meeting practices and practices since the new DCR management team sought the Legal Department’s advice on Stewardship Council issues in March of 2020. Mr. Connors noted that despite any negative consequence of cancelling meetings, the Open Meeting Law has no provision for public inconvenience.

It was noted by Councilor Wilson that the council is working diligently to be transparent and available to the public; and that constituents did find their way onto the June 11 virtual meeting by contacting DCR staff who spoke one-on-one with constituents and updated the DCR website sooner than 20 minutes into the meeting.

Councilor Canedy, among other points, noted that the Open Meeting Law should not, “hog tie” the council from doing its work and many councilors noted that information shared on June 11 was informative and should be shared with the public.

Of note, the council discussed taking up a remote meeting policy at a future meeting.

Chairman Walton thanks Mr. Connors for his open leadership and Ms. Dietz for her insights.

Regular Business I

Approval of Minutes

Chairman Walton moved to further business items, whereby Councilor Smith moved to accept the May 14 minutes and Councilor Ortiz seconded. Chairman Walton took a roll call on the adoption of the minutes, as indicated for virtual meetings:

Councilor Reynolds - Yes
Councilor Buckley - Yes
Councilor Smith - Yes
Councilor Wilson - Yes
Councilor Canedy - Yes
Councilor Murphy - Yes
Councilor Crane - Yes
Councilor Ortiz - Yes
Councilor Walton – Yes.

The minutes were adopted.

Public Comment Guidelines

Chairman Walton introduced the Public Comment Guidelines document and opened the floor for discussion.

Discussion ensued regarding responsibility to follow up on questions by members of the public, as well as Council members asking follow-up questions of a member of the public to clarify their question. Councilor Reynolds noted if the public asks for a comment of the DCR and the DCR chooses not to respond it's appropriate if not ideal, but if the council asks the DCR to respond [to the council], they must because of statutory obligation. There appeared to be consensus among the council that when asking for a response of the DCR staff, it should come from the whole council, not just one member.

There was further discussion by members on how to deal with public questions and a firm commitment to support and encourage public comment. Councilor Ortiz said that the DCR staff has a responsibility to respond to everyone, even if it's a general acknowledgement—and recognizing the response may not be satisfactory to the person and not every question will be resolved.

Councilor Wilson stated that the guidelines look great and they can be changed. She also remarked that the DCR takes notes of every meeting and responds as appropriate to questions raised during the public comment section of meetings—she looked to Mr. Connors for agreement, which he affirmed.

Chairman Walton noted that he plans to read the public comment guidelines at every meeting for the benefit of the public. He also sought acceptance of a friendly amendment to change the Commissioner's Report to the DCR Report as part of the roll call vote of the guidelines. Councilor Smith suggested that the date also be added to the document.

Chairman Walton took a roll call on the adoption of the Public Comment Guidelines document, as amended and as indicated for virtual meetings:

Councilor Reynolds - Yes

Councilor Buckley - Yes
Councilor Smith - Yes
Councilor Wilson - Yes
Councilor Canedy - Yes
Councilor Murphy - Yes
Councilor Crane - Yes
Councilor Ortiz - Yes
Councilor Walton – Yes.

The Guidelines were adopted.

Enabling Legislation Discussion

Discussion moved to edits made to the council's enabling legislation by the Policy and Operations Committee. Councilor Wilson was asked by Councilor Reynolds to provide an overview of their committee's approach and document highlights that are key areas for the whole council's discussion.

Discussion ensued on various areas that the council customarily has not played a role but the legislation lends way to council oversight. Members wanted to ensure their role did not get ahead of their own expertise but also took seriously areas such as the budget where the legislation provides for council approval and but not how to undertake that activity.

Councilor Smith noted that some of these rules reflected the melding of the former Department of Environmental Management (DEM) and the Metropolitan District Commission (MDC) and are no longer relevant.

Councilor Buckley expressed concern about some counties being reflected on the council while others are not, as well as the specificity of the environmental groups that would have a seat on the council to the detriment of other stakeholder groups. He also advocated for the council getting involved early in the DCR budget process to have a role in shaping priorities.

Public Comment

Chairman Walton noted that he disabled the chat tool as it had been used inappropriately to express views to all participants. Therefore, anyone wishing to make comment would email Lisa Barstow of the DCR staff, whose email was listed on screen at the beginning of the meeting. As noted earlier in the meeting, Chairman Walton read the now codified Public Comment Guidelines prior to taking comments.

Public Comment was offered by the following:

- Glen Ayres
- Sarah Freeman
- Bill Boles
- Chuck Anastas
- Laurie Glassman.

Regular Business II

A brief break was taken before commencing committee meeting break-out sessions.

Committee Meeting Recap

Policy and Operations Committee

Councilor Reynolds reported for the group and made a request that the current RMP presentation be formally put into the record for this meeting. He proposed bringing a vote at the next meeting to approve the interim draft of the RMP or vote that the council does not disagree with the approach.

Finance Committee

Councilor Buckley reported for the group who sought a refresher on retained revenue with additional time for feedback. Chairman Walton noted discussion on the parkway transfer issue, and Councilor Crane on forestry contracts. Deputy Commissioner Nick Connors joined this meeting.

Stakeholders Committee

Lisa Barstow of DCR reported for the group whose discussion was on issues regarding Parkman Drive closure.

Before Chairman Walton adjourned the meeting, Councilor Buckley said he would like to see the Chairman write a letter to the Secretary and the Commissioner on behalf of the council in thanks for the great job DCR has done during the COVID-19 emergency.

The meeting adjourned at 11:27 a.m.

Please check the DCR Stewardship Council webpage for notice of upcoming meetings:

<https://www.mass.gov/service-details/dcr-stewardship-council>