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**Community Advisory Council to the  
Environmental Management Commission  
Building 1805  
Camp Edwards, Massachusetts  
March 14, 2019  
5:30 p.m.**

***Draft Meeting Minutes***

**CAC Members:**

<b><u>CAC Members:</u></b>	<b><u>Organization:</u></b>	<b><u>Telephone:</u></b>	<b><u>E-Mail:</u></b>
Mimi McConnell	CAC	508-428-9573	Mmcconnell934@comcast.net
Mark Harding	Wampanoag Tribe	508-965-0452	mark@wampworx.com
Sharon Rooney	Cape Cod Commission	508-362-3828	srooney@capecodcommission.org
CAPT Michael Hudson	CG Base Cape Cod	508-968-6641	Michael.a.hudson@uscg.mil
Andrew Campbell	CAC	508-759-3723	Cmc.capecod@comcast.net
Robert Prohett	CAC	508-563-2294	Bourneh20@aol.com
Jim Cummings	BCSO	508-3644302	jcummings@sheriff.net
Virginia Valiela	Town of Falmouth	508-563-9028	valiela@hotmail.com
Col. Virginia Gaglio	102 IW	508-968-4667	Virginia.gaglio@ang.af.mil

**EMC Staff:**

<b><u>EMC Staff:</u></b>	<b><u>Organization:</u></b>	<b><u>Telephone:</u></b>	<b><u>E-Mail:</u></b>
Len Pinaud	EMC Environmental Officer	508-946-2871	Leonard.pinaud@mass.gov

**Attendees:**

<b><u>Attendees:</u></b>	<b><u>Organization:</u></b>	<b><u>Telephone:</u></b>	<b><u>E-Mail:</u></b>
Paul Rendon	JBCC Exec. Dir. Office	774-327-0643	Paul.e.rendon2.nfg@mail.mil
Ralph Vitacco	Town of Sandwich	508-838-8001	rvitacco@townofsandwich.net
Michael Ciaranca	E&RC	508-968-5151	michael.a.ciaranca.nfg@mail.mil
Sally Hartmann	E&RC	508-968-5145	Sally.a.hartmann.nfg@mail.mil

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## **Handouts Distributed at Meeting:**

1. Community Advisory Council Meeting Minutes for May 25, 2017
2. Community Advisory Council Meeting Minutes for October 25, 2017
3. Community Advisory Council Meeting Minutes for May 2, 2018
4. Community Advisory Council Meeting Minutes for October 4, 2018
5. Revised Draft 03/06/2019 Guidelines and Procedures for Administration of the Environmental Management Commission and Its Advisory Councils Environmental Management Commission Adopted March 6, 2002.

### **Agenda Item #1. Welcome**

Community Advisory Council (CAC) Chair, Mr. Harding, welcomed everyone.

### **Agenda Item #2: Review of CAC Meeting Minutes and Approval**

The May 25, 2017, October 25, 2017 and May 2, 2018 CAC, and October 4, 2018 meeting minutes review was postponed until the next meeting when there is a quorum.

### **Agenda Item #3: EMC By-Laws Presentation – *Mr. Len Pinaud, EMC EO***

Mr. Pinaud reminded CAC members that the CAC is made up of 15 appointments; there are three vacancies: the towns of Sandwich and Mashpee and a military representative. Dr. Ciaranca stated that a letter was drafted to the Massachusetts National Guard Adjutant General to appoint a military representative.

Mr. Pinaud stated that the Adjutant General will recommend a military representative for the Governors approval cc'd to the EMC Commissioners and himself. He can provide a copy to the CAC members for information. Mr. Pinaud stated that the Town of Sandwich reiterated the appointment of Ralph Vitacco for the CAC, a copy of the letter will be provided for reference. He has been working with the Town of Mashpee for a recommendation.

Mr. Campbell asked if the process is taking a long time to move forward on the Governor's side. Mr. Pinaud replied yes. Mr. Campbell asked what is the issue. Mr. Harding stated that the CAC appointments are a slow process.

Col. Gaglio asked what is the process for town members to become representatives. She said that the military representative was expedited. Mr. Pinaud replied that the process isn't different once there is a recommendation. He works with the Chief of Staff for Department of Fish and Game and Executive Office of Energy and Environmental Affairs (EOEEA) at the Secretary's office.

Ms. McConnell asked if the same background check has to be used for CAC appointments, which is invasive. Mr. Pinaud replied that he looked into changing the process, but the answer was no because it is a standard background check. Mr. Cummings stated that background checks have to be thorough because it is the administration's responsibility.

CAPT Hudson asked if it is the same within the entire Commonwealth. Mr. Pinaud replied management positions are being filled within the Massachusetts Department of Environmental Protection (MassDEP) with the same background check.

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Mr. Pinaud stated that he will approach the Department of Fish and Game Chief of Staff to ask about streamlining or changing the background check. He said that the CAC has no control over financials--it is an advisory group; therefore, the level of authority is different from a manager in state service. He will forward the Sandwich appointment letter for Ralph Vitacco and when the Adjutant General makes a recommendation for the Military position, he will forward that to CAC members for reference.

Ms. Valiela stated that Mr. Dishner needs to declare whether he is a member or retiring so that his position may be filled.

Col. Gaglio inquired about remote participation for meetings. Mr. Pinaud replied that the Open Meeting Law allows remote participation, but there must still be a quorum at the meeting.

Mr. Pinaud displayed a copy of the By Laws Revised Draft, Dated 03/06/2019, referring to the highlighted paragraphs. On page 4,c, “The absence of an advisory council member from two consecutive meetings, except for illness or special circumstances approved by the Chairperson of the advisory council and supported by appropriate documentation...” before some action is taken that the Governor appoint a successor member has been added to the By Laws.

Mr. Pinaud stated the next item of the By Laws on page 5, g, permitting remote participation in certain circumstances was added. He said that the EMC requested boundaries on remote participation; therefore, Commissioner Amidon suggested that a member could participate once or twice but the Legal Council said that there are only meetings twice a year. The paragraph was rewritten to strongly encourage physical attendance at meetings before remote participation limiting the number of remote participations.

Ms. Rooney asked if a provision could be added for the remote participation. Mr. Pinaud replied that there would be certain preparation for remote participation to meet the requirements notifying the Chair. Mr. Pinaud stated he will clarify with Legal Council on remote participation with a quorum requirement being physically present at the meeting.

Ms. Valiela inquired about the quorum revision in the By Laws. Mr. Pinaud replied the By Laws that were from 2002 stated that a quorum is at 2/3rds majority and the Open Meeting Law states that only a simple majority is needed, which is eight members.

CAPT Hudson stated that a stalemate will be reached that the CAC is basically impotent unless the EMC can approve new By Laws that allow the CAC to function. He understands that a quorum of the CAC has reviewed the proposed By Laws but need to recognize that one of the two primary councils is unable to do anything for two years and to push forward with the By Laws without a quorum at the CAC in order to advance the EMC agenda.

Mr. Pinaud stated the Open Meeting Law states that there cannot be a discussion of any issue unless it is on the agenda. Ms. Valiela replied that under Public Comment a person can make a statement that the body may be interested in but not deliberate.

Ms. Valiela stated that on page 7, Article IX, “These By Laws may be amended by a simple majority vote of EMC at a public meeting where there is a quorum of members participating” is key to pass.

Ms. McConnell stated that there needs to be clarification for the At Large Members. Mr. Pinaud replied that Chapter 47 doesn't state At Large Members and he will review restraints or boundaries on how the

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appointments are made but the At Large Members may be for the Governor to decide to fill and he will confirm with Legal Counsel whether there can be boundaries on how the positions can be filled.

Ms. Rooney stated that the CAC may make a recommendation At Large could be added into the By Laws. Mr. Pinaud will suggest to Legal Counsel a clarification for At Large recommendations.

**Agenda Item #7: Public Comment Period** – *Mark Harding, CAC Chair*

There was no public comment.

**Agenda Item #8. Adjourn**

The meeting adjourned at 6:30 p.m.

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**Community Advisory Council**  
**March 14, 2019**

**Action Items:**

- Mr. Pinaud will provide copies, when available, of the Town of Sandwich and Military Representative letters of recommendation to the CAC for reference.
- Mr. Pinaud will ask the Department of Fish and Game Chief of Staff to ask about streamlining or changing the background check for CAC appointments.
- Mr. Pinaud will clarify with Legal Council the quorum requirement of physically present attendees for remote participation.
- Mr. Pinaud will review restraints or boundaries on how the appointments are made for At Large members and will confirm with Legal Counsel whether there can be boundaries on how the positions can be filled.