

## MINUTES APRIL 28, 2003 MEETING

The monthly meeting was called to order at 8:37 A.M. Present were Commissioners Ellen O'Brien Cushman, Alexander E. Corbett, III, Charles R. Johnson, Superintendent Robert P. Gardiner and Administrative Assistant Nancy T. Fay. Carolyn Bishop also attended as the League of Women Voters Observer.

The Minutes of the February 28, 2003, April 7, 2003 and April 10, 2003 Meetings were unanimously approved.

Budget and Operations: Superintendent Gardiner reported that while there are sufficient funds to cover our needs, he would need to make some line time transfers to cover overages in some accounts (i.e., communications and part time help). Superintendent Gardiner also reported that Nick McCartney has returned as a seasonal helper at least through June.

Conservation Restriction B2: Chairman Cushman reported that Joel Lerner of the EOEA has provided new language for the Conservation Restriction as follows:

(d) "notwithstanding any provision hereof to the contrary, and upon a majority vote of a Town Meeting of the Town of Belmont to designate all or a portion of the Premises for municipal cemetery use, this conservation restriction shall terminate upon release by the grantee and by the Secretary of the Executive Office of Environmental Affairs in accordance with the procedures set forth in M.G.L. ch 184, s. 32. Grantee and the Secretary of Environmental Affairs hereby acknowledge and agree that release of the conservation restriction would be in the furtherance of a public purpose and shall not unreasonably withhold their approvals to release this conservation restriction." In addition, Mr. Lerner is of the opinion that we need to add a Selectmen's approval section after the Trustees of Reservation accepts the conservation restrictions.

After much discussion including: Joel Lerner's version provides EOEA with release authority (along with the grantee, presumably TTOR). Currently, the release of the CR to allow for the cemetery to expand would be by simply a majority vote of Belmont's Town Meeting.

It is a significant change in the scope of the Conservation Restriction and would require approval from the Board of Selectmen, Town Meeting and McLean Hospital.

It is a significant change to the original intent and agreement between the Cemetery Commission, conservation interests, McLean, The Trustees of Reservations, and the Town.

The Board of Cemetery Commissioners unanimously voted against Mr. Lerner's change in scope and wording. The Commissioners authorized Chairman Cushman

to write a letter and present it to the Land Management Committee and Board of Selectmen this evening stating our request to seek approval from Secretary Ellen Roy Herzfelder for our original Conservation Restriction (B2).

The meeting was adjourned at 10:34 A.M.

Respectfully submitted,  
Alexander E. Corbett, III, Clerk