

**Informal Minutes
of a Meeting
Held at 7 p.m. on June 27, 2008, at 700 Old Winchester Road
to Discuss the Establishment
of an Organization
to Facilitate Communication and Cooperation
between Warwick, MA, Townspeople
and the Commonwealth's Department of Conservation and Recreation Personnel**

Convenor: Selectman Patricia Lemon

Townspeople Present:

Selectman Frederick H. Abbott III,, Selectman Nicholas C.Arguimbau, G. Lawrence Carey, Janet Conover, Dorothy Clare Green, Ed Hawes, Colleen Carey Paul, James J.Toth, Nicol Wander, Mary Williamson, Miryam Ehrlich Williamson, Town Coordinator J. David Young.

Townspeople Unable to Attend:

Tracey & Wayne Kirley, Emily Jones, Rodney Whipple, Maria & Gerry Whitney

Commonwealth Representatives:

DCR Director of Partnerships Conrad Crawford, Erving State Forest Administrator Walter Morgan, State Representative Christopher Donelan

Crawford and Morgan arrived ahead of the meeting time and drove with Lemon to the "Picnic Area" in the Gulph below Mount Grace so they could see for themselves what it was that had townspeople so exercised.

The meeting convened at 7 p.m. and opened with introductions and a brief presentation by Crawford outlining his vision of and ambitions for Friends' and Stewardship Groups across the Commonwealth and touching on available partnership opportunities and the kinds of support and encouragement DCR can offer such groups. In connection with the latter, he mentioned a bill passed last year (MGL Ch. 21§17C) to absolve such groups of potential liability in the event of accidents or injuries to members or others working with them: **Chapter 21: Section 17C. Public Use Of Land For Recreational, Conservation, Scientific Educational And Other Purposes; Landowner's Liability Limited; Exception**

Section 17C. (a) Any person having an interest in land including the structures, buildings, and equipment attached to the land, including without limitation, wetlands, rivers, streams, ponds, lakes, and other bodies of water, who lawfully permits the public to use such land for recreational, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes without imposing a charge or fee therefor, or who leases such land for said purposes to the commonwealth or any political subdivision thereof or to any nonprofit corporation, trust or association, shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of wilful, wanton, or reckless conduct by such person. Such permission shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said person.

(b) The liability of any person who imposes a charge or fee for the use of his land by the public for the purposes described in subsection (a) shall not be limited by any

provision of this section. The term “person” as used in this section shall be deemed to include the person having an interest in the land, his agent, manager, or licensee and shall include without limitation, any governmental body, agency or instrumentality, nonprofit corporation, trust or association, and any director, officer, trustee, member, employee or agent thereof. A contribution or other voluntary payment not required to be made to use such land shall not be considered a charge or fee within the meaning of this section.

—<http://www.mass.gov/legis/laws/mgl/21-17c.htm>

An amicable discussion ensued, in which the discourse touched on such issues as ATVs, cutting trails, signage, vandalism, transfer of easements, correcting trail maps and access information, town government use of state land and facilities, partnership opportunities in maintaining fire roads, culverts, bridges, and historic mill sites, as well as forest management. Donelan, Morgan, and several townspeople contributed their historical memories of past conflicts between DCR and the town, and in the end, all agreed to accept Crawford’s advice that we

- Rely on him to give us the names and contact information for the individuals at DCR who may be helpful to us in specific areas. Among these were:
Gary Briere (what is his area?)
Evelyn Jimenez, Operations (re easement for gravel bed—if it is located)
Priscilla Gagnes (what is her area?)
Jim DeMeo, Acting Director of Resource Management . the “best-use” person who may be able to collaborate with us on locating and/or drawing up site plans.
- Await the documentation he has offered on incorporating the organization
- Consider what we want our mission to be (*e.g.*, programming, maintenance, park safety, advocacy)

Walt Morgan asked that any dumping on State land be reported to him (at (978) 544-3939) promptly, so his staff can deal with it.

—*Patricia Dickerson Lemon*
July 1, 2008

P.S. The next meeting date will be set as soon as we get the documentation from Conrad mentioned in the second bullet just above.