

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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Commissioner

FINAL
Meeting Minutes, Board of Agriculture
Tower Hill Botanic Garden, Stoddard Education Center
11 French Drive, Boylston, MA
06/28/17

Board Members in Attendance: Chairwoman Laura Abrams, Michelle Harvey, Michael Smolak, Lucinda Williams, Fred Dabney, Laura Sapienza-Grabski, Lydia Sisson, Don Chase, Skip Vadnais, Jr., Crystal Card, Judy Leab and Noli Taylor via remote participation.

1. **Call to Order and Introductions:** Chairwoman Abrams called the meeting to order at 10:05am. After welcoming new board members Skip Vadnais, Jr. and Crystal Card; Chairwoman Abrams acknowledged board members Judy Leab and Noli Taylor as participating remotely via phone for geographic reasons. In accordance with the Open Meeting Law the Chairwoman employed remote participation with all votes to be taken via roll call.

At this time, Chairwoman Abrams moved ahead in the agenda to Old Business including Remote Participation and Election of Vice Chair.

2. **Remote Participation:** Chairwoman Abrams referred the Board to a handout (attached) of its By-Laws. The Chairwoman noted the Board's approval on May 12th, 2016 of the By-Laws including approval of remote participation for the reasons stated in under Article II. Meetings of the Board; Section 5. Quorum. Discussion: The Board briefly reviewed the acceptable reasons for remote participation as listed in the By-Laws and in accordance with the Open Meeting Law (handout attached). **Action Taken:** None.
3. **Election of Vice Chair:** Chairwoman asked Board members to indicate if they are still interested in the position of Vice Chair. Discussion: Ms. Williams, Mr. Dabney and Mr. Smolak indicated their interest. Mr. Chase noted his motion at the Board's last meeting to nominate Ms. Sapienza-Grabski.

Action Taken: Ms. Harvey made a motion to nominate Mr. Dabney as Vice Chair. The motion was seconded by Mr. Vadnais, Jr. Roll Call Vote: Ms. Card - Aye; Ms. Sisson - Aye; Mr. Vadnais, Jr. - Aye.

Action Taken: Mr. Chase made a motion to nominate Ms. Sapienza-Grabski as Vice Chair. The motion was seconded by Mr. Smolak.

Action Taken: Ms. Sisson made a motion to nominate Ms. Williams as Vice Chair. The motion was seconded by Mr. Dabney.

Discussion: At the conclusion of nominations, Chairwoman Abrams asked that each Vice Chair nominee to say a few words about their background and experience in agriculture before the Board takes a Roll Call Vote. Mr. Dabney, Ms. Sapienza-Grabski and Ms. Williams each briefly spoke.

Action Taken: Chair Abrams then directed the Board to take a Roll Call Vote for each of the Vice Chair nominees. The motion to nominate Ms. Williams as Vice Chair passed with six votes in favor (Ms. Sisson, Mr. Dabney, Ms. Williams, Chair Abrams, Ms. Leab and Ms. Harvey). The motion to nominate Ms. Sapienza-Grabski did not pass with only five votes in favor (Ms. Card, Mr. Vadnais, Jr., Mr. Chase, Ms.

Sapienza-Grabski and Ms. Smolak). The motion to nominate Mr. Dabney did not pass as both Mr. Dabney and Ms. Harvey changed their votes to elect Ms. Williams.

At this time, Chairwoman Abrams moved to the Big E, Mass. Building Booth Space and Priority agenda item under New Business.

4. **Big E, Mass. Building Booth Space and Priority:** Ms. Leab indicated her concern that the Mass. Building provides no breaks to the ag industry for the cost of booths and that associations such as maple and dairy feel they have been pushed out by vendors such as Friendly's.

Discussion: Commissioner Lebeaux noted that the Mass. Building is a financial operation that the Department has to run. Fees go into the maintenance and upkeep of the building and the building manager is paid through MDAR funds. The Department was in a situation where we were running in the red for years with the building. This situation made it necessary to do a careful review of the booths and the square footage of the space being used. There was no perfect answer to the situation and the Department tried to find something equitable to all. MDAR plans to revisit this and we are doing a good job to manage this and to control costs. The Division of Capital Asset Management and Maintenance (DCAMM) is paid for the maintenance of the building and we are working with outside contractors to help reduce these costs. Ms. Leab commented that her concern is we may end up with no ag representatives in the building. At this time, the Commissioner introduced Mary Jordan, Director of Agricultural Markets to assist in answering questions on this matter. Ms. Jordan provided the Board a handout of the Mass. Building's website (attached) On background, Ms. Jordan advised the Board that in 2014 it was determined that the Department had to increase the rental fees because the building is financed through the building trust fund. The rental fees are determined based on the costs of upkeep, maintenance and repairs to the building. Ms. Jordan noted the building was renovated in the year 2000. Furthermore, when the building applications went out in January the Department met with each of the association's to work with to come up with opportunities to help with the situation. Building revenues have been approximately \$75,000 a year but the expenses are more than that between electric, maintenance and upkeep costs with the DCAMM estimate alone at \$57,000 a year. Ms. Jordan provided the Board with the mission and the reason for which the building was created which is to promote agriculture, commerce, tourism and culture. Ms. Leab's commented that perhaps we can come up with other ways to raise funds and maybe other things should be cut back and MDAR put money towards the building. Ms. Jordan advised that the 1999 legislative body asked for \$3 million dollars to renovate the building and that is how MDAR received the trust fund. MDAR through the Executive Office Office of Energy and Environmental Affairs (EOEEA) is working on public and private partnerships that may provide some options next year. A series of questions and comments in regards to booth rental fees and the buildings lease rate followed from board members. Ms. Jordan clarified that the Mass. Building is comparable to other buildings on the Avenue with either equal or lesser fees/rates and she provided the Board with the different costs per square foot based on the status of for-profits, non-profits, etc. Ms. Jordan noted that MDAR has seven (7) ag booths in the building; more than any of the other buildings on the avenue. Mr. Chase noted that this is a common problem with all the state buildings because of limited state budgets. The MA legislator did a great job with the renovations and the trust fund as it's a challenge to juggle of these items. Mr. Chase remarked that MA is not alone, it is a common complaint that there is not enough ag entities are in the buildings. If there is any way to prioritize ag the fair goers will appreciate it. Ms. Jordan explained the Harvest New England Passport Program at the fair. Mr. Chase noted he could be contacted if there are other ag groups that should be represented on the grounds of the BigE. **Action Taken:** None.

5. **Attendance:** Chairwoman Abrams noted that the Board has a quorum.

6. **Minutes Summary:** The Board will consider for approval the meeting minutes of 04/13/17.

Discussion: Ms. Williams provided proposed editorial changes to give to Alisha. Ms. Sapienza-Grabski called out on page 4 of the draft minutes stating that it doesn't include a full conversation of where Jessica Burgess spoke and Ms. Sapienza-Grabski made a motion that the meeting could be a violation of the open meeting law in regards to the meeting location not being ADA accessible. Ms. Sapienza-Grabski stated there was an "intimidation factor" with legal counsel. **Action Taken:** Mr. Chase made a motion to approve the minutes as amended. Roll Call Vote: Ms. Card - Abstain; Ms. Sisson - Nay; Ms. Harvey -

Aye; Ms. Sapienza-Grabski – Aye; Mr. Smolak – Aye; Ms. Abrams – Aye; Ms. Leab – Abstain; and Ms. Taylor – Aye. The motion to approve the minutes as amended passed with five votes in favor; one not in favor and two votes abstaining.

7. **Commissioner's Report:** Commissioner Lebeaux began his report with an update on Board member appointments before moving on to report on MDAR's budget, staffing and grants. The Commissioner reviewed highlights of the HR Staffing and Budget Update document (attached) including anticipated hiring, FY17 spending and the FY18 budget. Eleven out of twelve grants program's RFRs have been posted, closed and are currently under review. Once approvals are received and FY18 funding is in place grant award contracts will move forward. The last RFR posted is for the Urban Ag Program; the deadline for proposals is June 30th. The Commissioner continued his report and updated the Board on the Pollinator Protection Plan released on April 21st at an earth week event at the state apiary in Amherst. On May 9th MDAR held an Info Session at the State House with legislators to talk about the Plan. To-date, MDAR has not heard any reactions since the release of the Plan. The Commissioner noted when the Plan was first put out the Department received over 2,000 comments. Since the release of this final Plan MDAR has not heard any comments; as it seems to be well received. The Commissioner also noted that last week Secretary Beaton cut the ribbon along with a student for the opening of the second state apiary at the Essex Agricultural and Technical High School. Farmland Advisory Panel (FAP), the Commissioner updated the Board with information about the FAP's first meeting that took place on May 31st. The meeting was very well attended with representation from the various groups. The FAP discussed identifying goals, inventory of state-owned land and APRs, funding and a work product. Also discussed were recommendations from the Food System Plan. The Commissioner remarked that the FAP lightly parallels legislation previously filed. However, unlike the legislation MDAR expanded the makeup of the FAP to include representatives such as the cranberry and nursery industries. The Commissioner's report concluded with legislative updates provided by Assistant Commissioner Wentworth. Mr. Wentworth began by acknowledging the sudden passing of Representative Gailanne Cariddi who chaired the Environment, Natural Resources and Agriculture Committee and noted the impact of her passing on the Committee. Other legislative topics reported on included: Ag estate tax reform, marijuana omnibus and industrial hemp, FY18 budget and legislative earmarks. **Discussion:** Throughout and following the Commissioner's report Board members asked questions and commented on the various topics. Mr. Smolak commended the Commissioner and staff for spearheading the FAP and noted the Commissioner's leadership at this first meeting. Mr. Chase stated he was glad to see that MDAR will oversee industrial hemp and asked what kind of budgetary impact there would be. The Commissioner responded that the Department's estimated funding need for an industrial hemp program is \$500,000 and for marijuana pesticide enforcement its \$1.5 million. The Department estimates that revenues from marijuana would help support this funding need and that staff hired for marijuana pesticide enforcement would also play a role in assisting with the hemp program. The key is funding from marijuana revenues have to come first. Mr. Chase commented that between recreational marijuana and hemp this can get expensive when you think about the number of acres; this could be a big burden on the Department. Following a question from Mr. Dabney about the new Food Safety requirements; Mr. Wentworth advised that we are taking the Commonwealth Quality Program (CQP) and threading the federal requirements into the program. Mr. Dabney asked if this means a lot of changes to CQP. Mr. Wentworth responded that MDAR's approach is to educate before we regulate and that we are working to ensure CQP is the only thing the industry will have to worry about. MDAR's CQP team has been meeting with produce growers to discuss what we are looking at with the program. Ms. Sapienza-Grabski remarked on the vast list of legislation and reminded the Board that last September she suggested the Board vote to support Bill H441 Promote the Care and Well-Being of Livestock. Mr. Vadnais stated that last Friday Farm Bureau met with MDAR and that we are working on resolutions to make this a very viable act. The Commissioner responded that whatever rewrite is coming Farm Bureau the Department is grateful to be added to the discussion. **Action Taken:** None.

Old Business:

8. **Board Purpose, Duties and Committees:** Chair Abrams opened the discussion by noting that this topic has come up in the past and recognized that Ms. Sapienza-Grabski wanted to see this on the agenda.

Ms. Sapienza-Grabski called out the enabling legislation MGL Chapter 20; Section 1 (attached) that says there shall be a Department under the supervision and control of the board and when you read the Board's bylaws there is a lot more we could be doing. Ms. Sapienza-Grabski continued by saying there is much more we could be doing in regard to supervision and control of the Department; noting no disrespect to the Commissioner, approval of MDAR personnel and grants. Ms. Sapienza-Grabski said she is just asking if the Board should form a committee on legislation, budget, etc. to look at this think about what can we do as a Board as she feels the Board is hearing after the fact about the budget, legislation, etc. versus the Board being active in the Department's business. Chair Abrams inquired with Ms. Leab if there were any subcommittees in the past? Ms. Leab did recall that there was ever a need. The Chair noted the confusion is in the bylaws. Ms. Williams commented that she thinks we do approve Department personnel and cautioned around making overall judgements and micromanaging MDAR. She noted in her view she see the Board similar to a school board that may set the overall goals/strategy. Ms. Sapienza-Grabski used the general counsel position as an example that she thinks the Board should have had input on.

The Commissioner responded that his read on the legislation is the Ag Board approves the Commissioner's nomination. He continued by reminding the Board that he brought the Assistant Commissioner position for Mr. Wentworth's appointment and his programmatic Division Director for Crop and Pest Services, Ms. LaScola before the Board. The Commissioner added, that some may recall there was a nomination that the Board rejected years ago which caused a lot of issues. As Commissioner, Mr. Lebeaux answers to the Governor and the Secretary directly. From a practical perspective, the Board would have to meet every week and when we get a call at 3pm and need to answer by 5pm we cannot wait. The Commissioner clarified, in terms of things we've done since the Board's last meeting; we didn't know we were going to do them.

Ms. Sisson mentioned that she has a Board that oversees her and that the strategy level is the most effective as they can't get into the weeds. Maybe if the Board has 4-5 goals that we want to collaborate with the Department on. Ms. Sisson suggested the Board think more strategically but cautioned against getting so into the nitty gritty. Ms. Leab said there has been a lot of confusion as long as she has been on the Board and that the Board is supposed to be the eyes and ears on the ground. She noted hemp is a good example and that she'd like to see more input when legislation is being proposed. Ms. Taylor commented that it's sensitive for the Department; perhaps the Board could help advocate on legislation. Chair Abrams suggested maybe Mr. Wentworth could give updates to once in a while. Mr. Wentworth pointed out that the bills that mostly impact the Department at the moment are what we report on.

In response to Ms. Sisson's point, Mr. Dabney stated for the Board to be in the weeds would not be effective but there is nothing that precludes members from contacting John, Jason or Alisha. Ms. Sapienza-Grabski indicated, for supervision and control, we need to get more input on the budget and understand the budget process. Mr. Vadnais said supervision can be in many forms and to the point the Commissioner made the Department has to have the ability to react quickly. Perhaps an overview of the budget and how the Board could review it. However, it has to have enough flexibility in it.

Mr. Chase remarked, interesting discussion as the responsibility has to do with what it says in the legislation but the Board doesn't have the time or ability to micromanage the Department. Perhaps we review documents going forward and get budget information before it's complete. Chairwoman Abrams agreed this is a good point. Chair Abrams, perhaps we'll put this under old business at a future meeting.

The Commissioner suggested that perhaps the board would like to dedicate a full meeting to review/talk about the budget. As part of the process, there are many others that weight in within the administration - we could have Michael Rock come in and explain the process, what's payroll, earmarks and other cost categories. Perhaps we could entertain feedback from the board and take it under serious consideration. At some stage of the game, we are not allowed to share things. The state budget process is uniform throughout the Administration. Ms. Sapienza-Grabski suggested a budget subcommittee. Ms. Williams indicated she liked Ms. Sisson's idea of overall goals. **Action Taken:** None.

New Business:

9. **Fishing and Farming Investment Act:** Handout attached. Mr. Michael Smolak mentioned, in speaking with Senator Bruce Tarr this is still being worked on. What perhaps are the projects and goals as a board that we want to accomplish; that's something that I'd like to work on and focus on. Mr. Wentworth remarked that he spoke with Senator Tarr's office and this is still very much in the conceptual stage and reminded the Board that Bond Bills don't necessary mean they will get funded. **Action Taken:** None.
10. **Status of Neonicitoid Certification for Bidder on State Contracts:** Mr. Dabney summarized that an RFR regarding neonicitoids put very sever controls in place that would limit anyone's ability to comply. The Commissioner reported, that this came to MDAR's attention approximately a week before the RFR was to close and we were able to speak to the right people and explain to them what was proposed was not feasible. On background, a constituent reached out in early May regarding concerns about an RFP for a statewide contract for Landscaping Products, Supplies and Service. The concern being that the RFP calls for bidders to disclose if they use neonics and awarded the contractor must commit to phasing out their use within a year of the contract inception for sales under statewide contract FAC104. Also the bidders response form asks bidders if their "company, suppliers and/or subcontractors use neonics." Commissioner Lebeaux advised the Board that once this came to our attention we immediately reached out to EEA and provided a brief on the matter to the Secretary in regards to any considerations on a state policy banning these very commonly used pesticides and the complex issues around the use of neonics. Following, EEA reached out to the Operational Service Department (OSD) and the RFR language was replaced with pollinator friendly plants and products language. **Action Taken:** None.
11. **Pesticide Education Training:** Mr. Michael Smolak indicated that in speaking with Natalia Clifton there are some issues with training. Mr. Smolak asked MDAR if there anything that we may be aware of? The Commissioner responded that he spoke with Taryn LaScola and that we are not sure what issues there would be. If this is in regards to the recertification credits and/or preparation course for the license test; with the recertification classes we often hear that there needs to be a better variety. **Action Taken:** None.
12. **Invasive Plant Ban:** Ms. Harvey wanted to know how MDAR handles infractions from both retailers and homeowners who continue to bring banned plants into MA. The Commissioner reported that MDAR works with the Mass. Invasive Plant Advisory Group (MIPAG) and indicated that the best the Department can do to is enforce at nurseries and greenhouses based on our regular inspections and following up on complaints received. Once the plants are planted it is difficult to know how long they have been there. Mr. Dabney noted that the Department has published on its website the prohibited plant list. The Commissioner remarked that the Department is going to take a look at the application language through the lens that that retailers will commit to not selling these products. Ms. Card asked about plants that are devastating to honey bees in MA and those that may be good honey producers that are banned. Comm. Lebeaux commented that MIPAG meets regularly and makes recommendations. Also he noted that the hardy kiwi plant is one that has a market and recommendations to ban would make MA the first in the country to do so. He went on to say that he is trying to be mindful of plants that add to food production and nursery operations; noting that it is tough to balance. **Action Taken:** None.
13. **Urban Ag Conferences and Inclusion:** Mr. Smolak mentioned that his company was excluded from the Urban Ag conference and asked about conventional agriculture being included. The meeting was about to wrap up so there was no further discussion. (Note, people are only turned away from the conference if it fills up and there are no spots left). **Action Taken:** None.
14. **Other Business.** Ms. Sapienza-Grabski asked about an email (attached) that she received from Pete Westover regarding APR program changes. After a brief discussion between the Commissioner, Ms. Bodian and Mr. Dabney it was noted that this may be about the change in procedural effort in regards to applications. **Action Taken:** None.
- Ms. Sapienza-Grabski remarked to the Commissioner that the online Department calendar is a great snapshot and a good place to add the ag board meetings and other board's meetings in the interest of transparency. **Action Taken:** None.

15. **Date, Time and Location of next meeting.** The Board scheduled its next meeting for August 23rd and suggested it be at the at Griffin Greenhouse's Expo at the DCR Center in Worcester. Following, the Board will meet on September 21st at the BigE on Massachusetts Day in West Springfield. The Board asked Ms. Bouchard to send out a doddle poll on which day or the week and which week in the month works best for board members to meet. Action Taken: None.
16. **Adjournment: Action Taken:** Chair Abrams made a motion to adjourn; the motion was seconded by Ms. Sisson. The motion passed by Roll Call Vote and the meeting was adjourned at 1pm.

*AG Bd By-Laws
Approved 5/12/16*

By-laws of the Massachusetts Board of Agriculture

**BY-LAWS OF THE MASSCHUSETTS BOARD
OF AGRICULTURE**

**ARTICLE I. ORGANIZATION AND OFFICERS ON THE BOARD OF
AGRICULTURE.**

SECTION 1. COMPOSITION AND FUNCTIONS OF THE BOARD. The composition, functions, duties, powers and responsibilities of the Board of Agriculture shall be as provided and authorized by M.G.L. Chapter 20 and the laws of the Commonwealth as in effect from time to time.

SECTION 2. OFFICERS OF THE BOARD. The officers of the Board shall be a Chairperson who is elected by the members of the Board and a Vice Chairperson also elected by the membership of the Board. Each officer shall have the duties, functions, powers and responsibilities of his/her office as prescribed by the laws of the Commonwealth, by these By-laws, and parliamentary custom.

SECTION 3. CHAIRPERSON OF THE BOARD OF AGRICULTURE. The Chairperson of the Board shall be elected annually by a majority of the Board members present. Such election shall be held at the first scheduled meeting of each calendar year. The Chairperson of the Board shall have the following powers and duties:

- (a) To preside at all meetings of the Board at which he/she is present;
- (b) To call special meetings of the Board;
- (c) To serve as a member of the Agricultural Lands Preservation Committee (ALPC);
- (d) To appoint successor and substitute members of Board committees and/or task forces and chairpersons of the committees and/or task forces if for any reason a vacancy occurs in any such office;

SECTION 4. VICE-CHAIRPERSON OF THE BOARD. The Vice Chairperson of the Board shall perform the duties of the Chairperson in the event of his/her absence or illness and assist in the preparation and conduct of general business under the direction of the Chairperson and shall be elected in the same fashion as the Chairperson.

SECTION 5. SECRETARY to the BOARD. The duties of Secretary to the Board shall be performed by staff in the Commissioner's office of the Department and shall have the following duties:

- (a) To give written notice of all regular and special meetings of the Board, the committees and/or task forces thereof, and to compile and distribute agendas prior to the meetings;

By-laws of the Massachusetts Board of Agriculture

- (b) To assist the Chairperson and Commissioner in scheduling and preparing agendas for other events including orientation for new members;
- (c) To prepare minutes of the meetings of the Board, the committees and/or task forces;
- (d) To preserve all documents, papers and records of the Board determined by the Secretary to be part of its official records or necessary to the performance of its duties;
- (e) To conduct correspondence on behalf of the Board and to certify official documents and proceedings;
- (f) To perform duties, not inconsistent with those prescribed by these By-Laws or by the Board, as prescribed from time to time by the Chairperson and members.

ARTICLE II. MEETINGS OF THE BOARD

SECTION 1. REGULAR MEETINGS. The Board shall meet not less than six times a year and at the call of the Chairperson, or at the request of the commissioner, or the call of any seven members. The time and place of meetings shall be fixed by the Chairperson in consultation with the members of the Board and Department staff. All meetings shall be held within the Commonwealth.

SECTION 2. SPECIAL MEETINGS. Special meetings of the Board may be held at any time and place within the Commonwealth when called by the Chairperson, Commissioner or by seven members in writing given to the Department's Commissioner specifying the purpose(s) of said meeting. The Chairperson in consultation with the Commissioner shall fix the time and place of such meeting. Written, electronic or telephonic notice of such meeting shall be sent or made to each member at least seven days prior to the date fixed for said meeting, which notice shall state the time, place and purpose(s) for which it has been called; provided that no notice need be given to any member who waives the same by a written waiver executed by him/her. Each such waiver shall be filed with the records of the meeting.

SECTION 3. NOTICE OF REGULAR MEETINGS; WAIVER. Written notice of each regular meeting of the Board shall be sent to each member by mail or electronically at least seven calendar days prior to the date fixed for said meeting, which notice shall state the time and place thereof; provided that notice may be given to any member who prefers electronic notification by a written waiver executed by him/her. Such waivers shall be filed with the Secretary of the Board.

SECTION 4. AGENDA OF REGULAR BOARD MEETINGS. A written agenda of matters to be considered at each regular meeting of the Board shall be sent to each member by mail or electronically at least seven calendar days prior to the date fixed for said meeting. Items to be included in the agenda for a regular meeting shall be submitted to the Secretary to the Board in writing or electronically by (a) recommendation of any committees and/or task forces of the Board, (b) the Chairperson, (c) the Commissioner, or (d) a member of the Board.

By-laws of the Massachusetts Board of Agriculture

Unless otherwise determined by the Chairperson, the following shall be the order of business at meetings of the Board:

- I. Call to Order
- II. Consideration of Minutes of Prior Meeting
- III. Chairman's Report
- IV. Old Business
- V. New Business
- VI. Other Business
- VII. Next Meeting Date

SECTION 5. QUORUM. The number of members necessary to constitute a quorum for the transaction of business shall be a majority of thirteen members. Members may participate in a meeting remotely for the following reasons: personal illness, personal disability, emergency, military service or geographic distance. A quorum of the members must be physically present at the meeting location. All votes taken at a meeting during which any member participates remotely must be by roll call vote.

ARTICLE III. COMMITTEES AND TASK FORCES OF THE BOARD

SECTION 1. COMMITTEES And/Or TASK FORCES. There shall be such committees and/or task forces as the Chairperson shall from time to time establish. Task forces shall be appointed on an ad hoc basis and in appointing committees and/or task forces; the Chairperson shall state their respective purposes and missions.

SECTION 2. MEMBERSHIP OF COMMITTEES And/Or TASK FORCES. The Chairperson shall appoint the members and the chair of each committee and/or Board task forces.

ARTICLE IV. DUTIES

SECTION 1. APPROVAL OF DEPARTMENT PERSONNEL. As prescribed by the Massachusetts General Laws, the Board shall approve the appointment of an Assistant Commissioner for the Department. The Board shall also approve the appointment and removal of the director of each division and bureau within the organization of the Department as determined by the Commissioner as well as any scientific experts or other personnel as prescribed by statute.

SECTION 2. APPROVAL OF DEPARTMENTAL GRANT FUNDS. The Board at the discretion of the Chairman shall serve in an advisory capacity relative to the

By-laws of the Massachusetts Board of Agriculture

expenditure of any grant funds authorized and appropriated based on a review of applications received for allocation by the Commissioner.

SECTION 3. ADVOCATES FOR THE AGRICULTURE INDUSTRY. The Board shall serve as an advocate for the agricultural industry in all its forms in the Commonwealth.

ARTICLE V. MISCELLANEOUS

SECTION 1. AMENDMENT OR REVISION OR REPEAL OF BY-LAWS. These By-Laws may be amended, revised or repealed by a vote of a majority of the board; provided, however, that the text of any amendment, revision or repeal as originally proposed shall be sent to each member at least fifteen days before the meeting at which such action is to take place.

SECTION 2. PARLIAMENTARY PROCEDURE. Roberts' Rules of Order shall be followed in conducting meetings of the Board unless otherwise provided in these By-Laws or by the Board.

REMOTE PARTICIPATION UNDER THE OPEN MEETING LAW

From the Office of the Attorney General's Open Meeting Law Guide

<http://www.mass.gov/ago/docs/government/oml/oml-guide.pdf>

Key things to Remember

1. Must first be adopted by the public body by a vote at a public meeting;
2. **A quorum MUST be physically present at the meeting** for a member to participate remotely;
3. There are **only FIVE reasons** that a person may participate remotely and permission must be granted by the chair prior to the meeting;
4. The public body must ensure that the member participating remotely is **clearly audible to each other**; and
5. Role call votes must be taken during a meeting where a member participates remotely.

Remote Participation

The Attorney General's Regulations, 940 CMR 29.10, permit remote participation in certain circumstances. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

Note that the Attorney General's regulations enable members of public bodies to participate remotely **if the practice has been properly adopted**, but do not require that a public body permit members of the public to participate remotely. If a public body chooses to allow individuals who are not members of the public body to participate remotely in a meeting, it may do so without following the Open Meeting Law's remote participation procedures.

How can the practice of remote participation be adopted?

Remote participation may be used during a meeting of a public body if it has first been adopted by the chief executive officer of the municipality for local public bodies, the county commissioners for county public bodies, or by a majority vote of the public body for retirement boards, district, regional and state public bodies. The chief executive officer may be the board of selectmen, the city council, or the mayor, depending on the municipality. See G.L. c. 4, § 7.

If the chief executive officer in a municipality authorizes remote participation, that authorization applies to all public bodies in the municipality. 940 CMR 29.10(2)(a). However, the chief executive officer determines the amount and source of payment for any costs associated with remote participation and may decide to fund the practice only for certain public bodies. See 940 CMR 29.10(6)(e). In addition, the chief executive officer can authorize public bodies in that municipality to "opt out" of the practice altogether. See 940 CMR 29.10(8).

What are the permissible reasons for remote participation?

Once remote participation is adopted, any member of a public body may participate remotely **if the chair (or, in the chair's absence, the person chairing the meeting) determines that one of the following factors makes the member's physical attendance unreasonably difficult:**

1. Personal illness;
2. Personal disability;
3. Emergency;
4. Military service; or
5. Geographic distance.

What are the acceptable means of remote participation?

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable methods of remote participation. Note that accommodations must be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

What are the minimum requirements for remote participation?

Any public body using remote participation during a meeting must ensure that the following minimum requirements are met:

1. **A quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location;**
2. Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
3. All votes taken during a meeting in which a member participates remotely must be by roll call vote.

What procedures must be followed if remote participation is used at a meeting?

At the start of any meeting during which a member of a public body will participate remotely, the chair must announce the name of any member who is participating remotely and which of the five reasons listed above requires that member's remote participation. The chair's statement does not need to contain any detail about the reason for the member's remote participation other than the section of the regulation that justifies it. This information must also be recorded in the meeting minutes.

Members of public bodies who participate remotely may vote and shall not be deemed absent for purposes of G.L. c. 39, § 23D. In addition, members who participate remotely may participate in executive sessions but must state at the start of any such session that no other person is present or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

If technical difficulties arise as a result of utilizing remote participation, the chair (or, in the chair's absence, person chairing the meeting) may decide how to address the situation. Public bodies are encouraged, whenever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.



The Official Website of the Executive Office of Energy and Environmental Affairs

Energy and Environmental Affairs

EEA Home > Agencies > Department of Agricultural Resources > About the Massachusetts Building

About the Massachusetts Building

Big E Exhibitors in the Massachusetts Building

The Massachusetts Department of Agricultural Resources (MDAR) invites Massachusetts organizations and businesses to apply for the purpose of showcasing Massachusetts agriculture, commerce, culture, food or tourism through informational, educational, promotional and retail exhibits in the Massachusetts Building during the Eastern States Exposition (the Big E) located in West Springfield, Massachusetts.



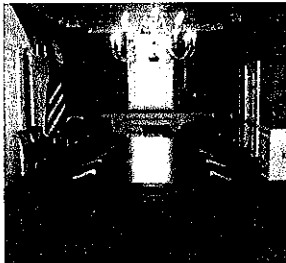
The Big E dates for 2017 are Friday, September 15 - Sunday, October 1

[2017 Application](#)

Single Day Event Applications Now Available

- [Military Day - Friday - Friday, September 15](#)
- [Massachusetts Day - Thursday, September 21](#)
- [Harvest New England Day - Friday, September 29](#)

Reserve a Meeting Room in the Massachusetts Building



The 2nd floor meeting room in the Massachusetts Building is available to rent at any time during the year. The meeting room is equipped with a board table for up to 14, laptop to 60" display connection, wireless conference phone, internet connection, print/scan/copy capabilities, kitchenette and lounge area. Handicap accessible, 25 person maximum occupancy.

For more information, direct inquiries to Katharine Robb at 617-626-1748 or Katharine.Robb@state.ma.us.

Contact

Katharine Robb
617-626-1748
Katharine.Robb@state.ma.us

Massachusetts Building
413-205-5506

Additional Resources

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[Eastern States Exposition](#)

[Agricultural Fairs](#)

[2017 Fair Animal Health Rules](#)

[2016 Exhibitors in the MA Building at the Big E](#)

Quick Links

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HR Staffing Update

MDAR's current FTE level is 81.6 FTEs, an increase of 3.2 FTEs since the previous Agricultural Board meeting in April. The increase in FTE's was anticipated in the April Ag Board notes

- The backfill of the General Counsel position
- The backfill a vacant Animal Health Inspector position.
- The conversion of a federally funded "Cooperative Pest Survey" contract employee to an FTE.

Additionally, an employee returned to full time status from a reduced hourly work week.

In FY18 new hires anticipated include:

- A COMMBUYS position in Finance to bring both MDAR and SRB in compliance with the purchasing requirements of the Operational Services Division (OSD). COMMBUYS is OSD's internet based procurement systems which requires every purchase of the Commonwealth to have a purchase record entered into the system.
- A backfill of a Program Coordinator (PC) position vacated on June 23rd.
- A backfill of the agency's economist position.
- Two new federally funded Food Safety inspectors

FY17 Budget

At the end of May the Commonwealth's revenues were \$439 million below the FY17 year-to-date benchmark. Administration and Finance (ANF) has been working to reduce the potential deficit and did not resort to additional 9C reductions. ANF did provide MDAR \$64K it held back to fund the Early Retirement Incentive Program (ERIP) in FY17, but did not fund the MOSES union increase of \$6K. MDAR will need to absorb the \$6K within its remaining funds.

FY18 Budget

The FY18 budget is expected to come out of Conference Committee this week reconciling the differences between the House and Senate budget proposals. Those differences are as follows:

Admin Account (2511-0100): The House funded at MDAR \$5,467,651. The Senate funded MDAR at \$5,892,651. Both the House and Senate agreed on the Buy Local (\$300K) earmark, the Farm to School (\$120K) earmark and the apiary (\$90K) earmark. The Senate proposed two additional earmarks: U-Mass apiary research \$50K and Wrentham Animal Shelter \$25K. Due to the Commonwealth's fiscal picture the House's lower level of funding is expected to prevail.

Supplemental Food Account: Senate funding of \$17,500,000 is \$500K greater than the House budget proposal. Again, due to the Commonwealth's fiscal picture the House's lower level of funding is expected to prevail.

Integrated Pest Management (IPM) Account: Both the Senate and the House agreed on funding of \$58,725

Due to Commonwealth's fiscal picture ANF is preparing for FY18 spending cuts at the very beginning of FY18 in the hopes of allowing agencies to have a predictable budget throughout the year and negating the need for continued 9C cuts.

Part I ADMINISTRATION OF THE GOVERNMENT**Title II** EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE
COMMONWEALTH**Chapter 20** DEPARTMENT OF FOOD AND AGRICULTURE**Section 1** DEPARTMENT; BOARD OF AGRICULTURE; MEMBERSHIP;
MEETINGS; COMMISSIONER OF AGRICULTURAL
RESOURCES

Section 1. There shall be a department of agricultural resources under the supervision and control of a board of agriculture. The board shall consist of 13 members to be appointed by the governor, who shall be from diverse geographic regions of the commonwealth and shall represent diverse agricultural operations within the commonwealth.

At least 9 members of the board shall be farmers whose principal vocation is the production of food and fiber. Members shall be appointed for terms of 3 years and no member shall serve for more than 2 consecutive terms.

The board shall meet at the call of the chair but not fewer than 6 times annually or at the call of the chairman and at such times as shall be determined by its rules or at the request of the commissioner or the call of any 3 members. The chairman shall be annually appointed by a majority of the board present and voting thereon. Board members shall receive \$50 for each day or portion thereof spent in the discharge of their official duties not to exceed \$600 per year and shall be reimbursed for the travel to and from official board meetings and other expenses necessary to conduct such meetings.

There shall be a commissioner of agricultural resources who shall be appointed and may be removed by the secretary of environmental affairs, with the approval of the governor. The commissioner shall have charge of the administration of the department. The department may expend for traveling expenses of its employees incurred in the performance of their official duties and for other necessary expenses of the department, such sums as may be appropriated.

Fishing and Farming Investment Act

Bond Authorization of \$50 million with 10 year duration:

Eligible Projects:

Fishing

Design, construction and modification of commercial fishing vessels.

Research and Development and Construction of innovative fishing vessels with attributes including but not limited to increased fuel efficiency, reduced carbon emissions, improved stability and the capability of supporting sustainable fishing practices through harvesting and on-board storage methods.

Research, Development, Acquisition and Deployment of advanced and/ or innovative technologies including but not limited to sonar, radar, radio communications, satellite and global positioning and other locating and tracking devices.

Research and Development, Acquisition and Deployment of safety equipment and technologies.

Farming

Grants and Loans through the reconstituted Agricultural Innovation Center and Cranberry Innovation Center.

Reclamation and Revitalization of Cranberry Bags.

Research, Development and Construction of Energy Efficient Agricultural Buildings and Structures.

Research, Development and Construction of Energy Efficiency and Renewable Energy Generation Projects on Agricultural Lands and Structures.

SAVE THE DATE - THURS JUNE 29

PETE WESTOVER <westover03@comcast.net>

Tue 6/6/2017 9:36 PM

To: 'Karen Schwalbe' <kschwalbe@semaponline.org>;

· SAVE THE DATE! – Thursday, June 29, 6:00 to 8:00 pm - Informational gathering hosted by SEMAP for Ag Commissions and others who may be interested – at the UMass Cranberry Experiment Station, 1 State Bog Rd, East Wareham, MA 02538. Agenda items will include the following:

- The new AgCom statute (Chap 40, Sec 8L)
- The state Local Food Action Plan – what should AgComs be doing to advance Action Plan items?
- Animal issues and animal bylaws
- Assistance with farmland protection
- APR program changes.

No preregistration required, but if you can, please let Karen Schwalbe at SEMAP (kschwalbe@semaponline.org) know that you might be attending so we have rough numbers.

Pete Westover

MIDAR Contractor for

AgCom Technical Support

413-695-4627