

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

### State Reclamation and Mosquito Control Board

251 Causeway Street, Suite 500, Boston, MA 02114

617-626-1700 fax: 617-626-1850 www.mass.gov/agr



DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD K. SULLIVAN JR  
Secretary

GREGORY C. WATSON  
Commissioner

## State Reclamation and Mosquito Control Board Meeting Agenda

### MEMBERS

Lee Corte-Real, **Chairman**  
Department of Agricultural  
Resources (DAR)

Bruce Hansen  
Department of Conservation  
And Recreation (DCR)

Gary Gonyea  
Department of Environmental  
Protection (DEP)

### ADMINISTRATION

Mark S. Buffone  
Executive Director

Alisha Bouchard  
Project Administrator

### MOSQUITO CONTROL PROJECTS & DISTRICTS

Berkshire County Mosquito  
Control Project

Bristol County Mosquito  
Control Project

Central Massachusetts  
Mosquito Control Project

Cape Cod Mosquito  
Control Project

East Middlesex Mosquito  
Control Project

Norfolk County Mosquito  
Control District

Northeast Massachusetts  
Mosquito & Wetland  
Management District

Plymouth County Mosquito  
Control Project

Suffolk County Mosquito  
Control Project

DATE: **Wednesday, June 5, 2013**

TIME: 10:00 AM-NOON

LOCATION: **Walpole Town Hall, 135 School Street, Walpole, MA 02081** in the  
main meeting room on the 1<sup>st</sup> floor. **Note:** School Street is located one  
block away from the intersection of Route 1A and Route 27.  
*For more information, please call (617) 626-1777*

- A. **Start:** Call to Order by Chairman Corte-Real, and Attendance.
- B. **Minutes/Summary:** The Board will consider for approval the meeting minutes of the March 20, 2013 and April 11, 2013 meetings. (**Vote Required**)
- C. **FY 14 Mosquito Control Budgets:** The Board will consider approval/ certification of FY 14 budgets (including balances forwarded and prior year spending). (**Vote Required**)
- D. **Mosquito Pools/Testing Fees ISA:** The Board will discuss and review draft of the ISA for the 2013 mosquito season
- E. **Nantucket/VDCI Mosquito Control Plan:** The Board will discuss and review the *VDCI Mosquito Control Plan* for Nantucket mosquito control
- F. **State Parks and Mosquito Control:** The Board will discuss State Parks and Mosquito Control.
- G. **Pesticide Exclusion Notices:** The Board will discuss Pesticide Exclusion Notices.
- H. **Ground Spraying ULV Database:** The Board will discuss Ground Spraying ULV database.
- I. **New ULV Ground Spraying Sign:** The Board will discuss new Pesticide sign.
- J. **Mosquito Advisory Group (MAG):** The Board will discuss MAG request for new member.
- K. **State Policy Issues:** The Board will discuss and hand out copies of important state policies concerning OMV vehicle domicile, Legislative Lobbying, & Services to Communities.
- L. **Public comment/input period:** The Board will provide an opportunity for the general public to speak and listen to their concerns.
- M. **Next Board Meeting Date and Location:** October 30, 2013 is the next meeting of the Board will be @ North Attleboro Town Hall 43 South Washington Street, North Attleboro, MA 02760  
**Note:** Lower level conference room, elevator on the right
- N. **Adjournment:** The Board will officially adjourn the meeting.

## **Directions to Walpole Town Hall**

***135 School Street, Walpole MA 02081***

### ***From Route 128 South***

Take Route 128 South to 95 South to Exit 10 (Coney Street). Take a left off Exit 10 to Route 27. Take a right onto Route 27, then follow Route 27 to first set of lights, cross over Route 1 to second set of lights, continue on Route 27. You will pass Walpole Woodworkers on your right and Blessed Sacrament Church on the left, which is on Diamond Street. Continue to the next left that is School Street. The Town Hall is on your right across from Memorial Pond.

### ***FROM (North) Rt. 128 S to Rt. 109 Exit (Westwood)***

Follow Rt. 109 toward Medfield for 3-4 miles. As you come around bend, on left hand corner of North Street (Ice Cream Stand-Bubbling Brook), take North Street to end (turns into Fisher Street), Rt. 1A. Take right on 1A (Main Street). Second set of lights intersection of Rt. 27 and 1A. Turn left on Rt. 27, one block, take a right on School Street. Town Hall is on the right across from Memorial Pond.

### ***FROM Rt. 95 (North) take right off ramp (Exit 9)***

Merges with Rt. 1 North approximately 1 mile 1st set of lights Rt. 27 and Rt. 1. Take left on Rt. 27 toward Walpole Center. Cross Washington Street (lights) past Blessed Sacrament Church on left. Next Street is School Street. Turn left, Town Hall is on the right across from Memorial Pond. (There is parking in the rear of the building) If you reach Rt. 1A, you have missed the turn. Come back one block.

### ***FROM 495***

Take 495 to Foxboro Exit (Route 1/Stadium). Stay on Rt. 1 to Rt. 27. Take left on Rt. 27 toward Walpole Center. Cross Washington Street (lights) past Blessed Sacrament Church on left. Next Street is School Street. Turn left, Town Hall is on the right across from Memorial Pond. (There is parking in the rear of the building). If you reach Rt. 1A, you have missed the turn. Come back one block.

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Control Project

Suffolk County Mosquito  
Control Project

**Subject:** Meeting Minutes

**Date:** Wednesday, June 5, 2013

**Place:** Walpole Town Hall, 135 School Street, Walpole, MA 02081 in the main meeting room on the 1<sup>st</sup> floor. **Note:** School Street is located one block away from the intersection of Route 1A and Route 27.

#### **Present for the:**

##### **Board and Administration:**

Lee Corte-Real, Department of Agricultural Resources, Chairman  
Bruce Hansen, Department of Conservation and Recreation, Member  
Gary Gonyea, Department of Environmental Protection, Member  
Mark Buffone, Executive Director  
Alisha Bouchard, Projects Administrator  
Jessica Burgess, MDAR Legal Counsel

#### **Mosquito Control Project Commissioners:**

Maureen P. MacEachern, Norfolk County Mosquito Control Project  
Commission  
Richard J. Pollack, PH.D, Norfolk County Mosquito Control Project  
Commission  
Robin L. Chapell, Norfolk County Mosquito Control Project Commission  
Christine A. Fagan, Bristol County Mosquito Control Project Commission

#### **Mosquito Control Project Directors/ Superintendents /Assistants:**

Stephen Burns, Bristol County Mosquito Control Project  
Jack Card, Northeast MA Mosquito & Wetland District  
Jennifer Dacey, Bristol County Mosquito Control Project  
Tim Deschamps, Central MA Mosquito Control Project  
John Doane, Cape Cod Mosquito Control Project  
JoAnn Fawcett, Plymouth County Mosquito Control Project  
Carolyn Haviland, Norfolk County Mosquito Control Project  
David Henley, East Middlesex Mosquito Control Project  
Chris Horton, Berkshire County Mosquito Control Project  
Barbara Johnson, Bristol County Mosquito Control Project  
David Lawson, Norfolk County Mosquito Control Project  
Priscilla Matton, Bristol County Mosquito Control Project  
Gabrielle Sakolsky, Cape Cod Mosquito Control Project  
Tony Texeira, Plymouth County Mosquito Control Project

**Others:**

Jason Pananos, Vector Disease Control International (VCDI)  
Shirley Smith, Mendon  
Cynthia Stinson, MDPH  
Heidi Ricci, Mass Audubon

**A. *Start: Call to Order by Chairman Corte-Real, and Attendance.***

Chairman Lee Corte-Real thanked everyone for coming to the meeting noting that the Board had a very ambitious agenda. He called the meeting to order at 10:01 AM. Those present were Gary Gonyea representing Commissioner Kenneth L. Kimmel of the Department of Environmental Protection, Bruce Hansen representing Commissioner Edward M. Lambert Jr. Department of Conservation and Recreation, and Chairman Lee Corte-Real recognized himself representing Commissioner Gregory C. Watson, of the MA Department of Agricultural Resources. The Chairman stated that there was a quorum. Chairman Corte-Real moved to the next order of business; the minutes of March 20<sup>th</sup> and April 11<sup>th</sup> 2013.

**B. *Minutes/Summary: The Board will consider for approval the meeting minutes of the March 20, 2013 and April 11, 2013 meetings. (Vote Required)***

**B.1: Background:** The Chairman asked members if there were any comments, corrections, changes, or amendments regarding the minutes. Gary Gonyea replied that he sent M. Buffone suggested edits which were incorporated into the versions before the Board for vote. Chairman Corte-Real entertained a motion to approve both sets of the minutes of March 20, 2013 and April 11, 2013 meetings.

**B.2: Questions and Discussions: None**

**B.3: Action Taken:** Gary Gonyea moved to approve both sets of the meeting minutes for March 20, 2013 and April 11, 2013 meetings. The motion was seconded by Bruce Hansen and the minutes were voted unanimously 3-0

**C. *FY 14 Mosquito Control Budgets: The Board will consider approval/ certification of FY 14 budgets (including balances forwarded and prior year spending). (Vote Required)***

**C. 1: Background:** M. Buffone told the Board that he provided each member with a one-page summary sheet reflecting the results of feedback from local communities via Form SRB-3 pursuant to the Board's Mosquito Control Budget Notification and Compliance Certification Policy. M. Buffone reported that the majority of the projects MCPs had 66% or higher support of their FY 14 proposed budgets with the exception of 1 project. After review of the summary sheet, Chairman Corte-Real asked for the reason that the one project had such low support. Plymouth County representatives explained that the original budget request for a 14% increase was reduced to 3% based on the fact that the project received approval for TELP (Tax Exempt Leases Program) loans for truck purchases and did not make the communities aware of this reduction. This generated a discussion concerning the need for long-term capital planning for equipment instead of working into operational budgets as well as the fact that the project should notify the member communities of these reductions in the future.

- C.2: Questions and Discussions:** Discussion focused on ways to reduce costs for equipment purchases including mass purchases for individual projects and cost sharing mechanisms for all projects needs. Then the Board asked the projects administrator, Alisha Bouchard, to present the final FY 14 budget numbers and rollover amounts for each mosquito control project. M. Buffone suggested to the Board that separate motions be made for each mosquito project. The Chairman was amenable to taking each project separately. Board members asked each project representatives various questions and clarifications before voting.
- C.3: Action Taken:** Motions were made, seconded, and voted by the Board for each mosquito control project cited below and budget summary on page 5.

**Motion 1-Berkshire County Mosquito Control Project**

G. Gonyea made a motion to certify and approve the Berkshire County Mosquito Control Project FY 14 budget in the amount of \$239,583 dollars. The motion was seconded by B. Hansen and voted unanimously 3-0.

**Motion 2-Bristol County Mosquito Control Project**

B. Hansen made a motion certify and approve the Bristol County Mosquito Control project FY 14 budget in the amount of \$1,290,550 dollars. The motion was seconded by G. Gonyea and voted unanimously 3-0.

**Motion 3-Cape Cod Mosquito Control Project**

G. Gonyea made a motion to certify and approve the Cape Cod Mosquito Control Project FY 14 budget in the amount of \$1,821,201 dollars. The motion was seconded by B. Hansen and voted unanimously 3-0.

**Motion 4-Central MA Mosquito Control Project**

B. Hansen made a motion to certify and approve the Central MA Mosquito Control Project FY 14 budget in the amount of \$ 1,890,213 dollars. The motion was seconded by G. Gonyea and voted unanimously 3-0.

*Note: G. Gonyea took this opportunity to congratulate Central on its educational programs being recognized by EOEEA.*

**Motion 5-East Middlesex Mosquito Control Project**

The Board noted that the East Middlesex Mosquito Control Project is a volunteer trust and their assessments are not deducted from local distribution as a cherry sheet assessment. Each member communities vetted the assessment at annual town meetings. Nonetheless, G. Gonyea made a motion to certify and approve the East Middlesex Mosquito Control Project FY 14 budget proposed at approximately \$ 676,517 dollars subject to change per their member community vote at town meetings. The motion was seconded by B. Hansen and voted unanimously 3-0.

**Motion 6-Norfolk County Mosquito Control Project**

B. Hansen made a motion to certify and approve the Norfolk County Mosquito Control Project FY 14 budget in the amount of \$ 1,589,314 dollars. The motion was seconded by G. Gonyea and voted unanimously 3-0.

**Motion 7- Northeast MA Mosquito Control & Wetlands Management District**

G. Gonyea made a motion to certify and approve the Northeast MA Mosquito Control & Wetlands Management District FY 14 budget in the amount of \$1,589,540 dollars. The motion was seconded by B. Hansen and voted unanimously 3-0. *Note: Chairman Corte-Real stated that it behooved all the mosquito control projects to use the standard SRB-3 Form pursuant to the Board's budget policy. Northeast Superintendent representative Jack Card stated they will use these forms for FY 15 budget process.*

**Motion 8-Plymouth County Mosquito Control Project**

G. Gonyea made a motion to certify and approve the Plymouth County Mosquito Control Project FY 14 budget in the amount of \$1,604,197 dollars. The motion was seconded by B. Hansen and voted unanimously 3-0.

**Motion 9-Suffolk County Mosquito Control Project**

B. Hansen made a motion to certify and approve the Suffolk County Mosquito Control Project FY 14 budget in the amount of \$265,264 dollars. The motion was seconded by G. Gonyea and voted unanimously 3-0.

**Motion 10-State Reclamation and Mosquito Control Project Administration**

B. Hansen made a motion to certify and approve the Administration's FY 14 budget in the amount of \$303,859 dollars. The motion was seconded by G. Gonyea and voted unanimously 3-0.

**NOTE:** *During Budget discussions and voting, G. Gonyea requested that the mosquito projects add information to their annual operational reports regarding their equipment status and GIS capability.*

*Also, the Board agreed that it pursue looking into project's cost sharing for equipment. Chairman stated the Board should consider mass purchase for standard equipment all with the same GIS software and other capabilities. It was agreed that this type of purchase would be cost effective, be beneficial to support one another, and facilitate mutual aid if needed. The Board did note that it may make sense to hire personnel through the Board to meet IT and other needs that could be utilized by all projects.*

*G. Gonyea asked the projects administrator, A. Bouchard, to canvass the projects to find out how many hours they would need to satisfy their IT or systems management needs and to report back to the Board. Also, G. Gonyea asked if she could find out what process would be best to meet this objective such as hiring an individual as a Board employee to be available to all the projects.*

**State Reclamation & Mosquito Control Districts**  
**FY 13 Certified & FY 14 Preliminary Budget Requests**

Original: 10/24/2012

Updated: 6/3/2013

District	FY 2012 SRMCB Certified Budget	FY 2013 SRMCB Certified Budget	FY 2014 Budget Approved	Difference vs. FY 13	% Change	Notes:
Berkshire	202,800	207,573	\$ 239,583	32,010	15.4%	Richmond re-joined w/ est'd assessment of \$14,934; add'l 8.2% inc re: DPH testing inc; ULV equip upgrade & inc'd pesticide costs.
Bristol	1,170,535	1,229,095	\$1,290,550	61,455	5.0%	OT Costs; 1 add'l field tech; 3% COLA, fuel, relocation, DPH testing, 2 trucks, w/ supp \$ aerial larvicide
Cape Cod	1,678,270	1,744,201	\$1,821,201	77,000	4.4%	Revised budget request; orig \$1,789,201/ 2.6%; minor increases across various cost categories; plus \$32k inc request
Central Mass	1,671,893	1,821,893	\$1,890,213	68,320	3.7%	Revised budget request; orig request \$2,054,498/ 12.8% Lowell joined; Uxbridge voted not to continue membership
East Middlesex	587,837	626,534	\$ 676,517	49,983	8.0%	Voluntary Trust; step inc, 1.5% COLA, inc ests in fringe, retire, vehicle parts & maint, lease truck purchase pending supp \$, helicopter Bti w/ acreage inc 10%, DPH test inc
Norfolk	1,480,292	1,524,700	\$1,589,314	64,614	4.2%	Revised budget request; orig request \$1,592,001 / 4.4%. Step & 3% COLA, add'l seasonal, JBI 5% inc, replace 2 ULV trucks @ 40k
Northeast	1,513,848	1,589,540	\$1,589,540		0.0%	Revised budget request to level funding - orig request was \$1,732,595/9% inc for Hire 1 FTE, 1 Seasonal, inc'd costs for fuel & pesticide purchases; COLA.
Plymouth	1,358,742	1,557,472	\$1,604,197	46,725	3.0%	Revised budget request from \$1,791,092/15% to \$1,604,197/3% Hire add'l seasonal to asst entomologist; 3% COLA; inc pesticides, fringe, retire; truck replacements deferred to FY14 via TELP leases & upgrade 6 truck mounted sprayers & datamaster, inc lease, gas & utilities, retire buy out est.
Suffolk	230,283	260,283	\$ 265,264	4,981	1.9%	District plans to be administered in late Jan 2013 by EMMCP; Suffolk Supt to retire pending transition; est efficiencies w/ 2 MCPs under single admin
SRMCB Admin	249,266	269,457	\$303,859	34,402	12.8%	Step & 3% COLA, inc'd costs ISA to include legal, dyna cash resv, fringe & retire, inc'd chgbk costs for SSTA, ITD and MMARS.
<b>Total:</b>	<b>10,143,766</b>	<b>10,830,748</b>	<b>\$11,270,235</b>	<b>439,487</b>	<b>4.3%</b>	

**D. *Mosquito Pools/Testing Fees ISA:* The Board will discuss and review draft of the ISA for the 2013 mosquito season**

**D.1: Background:** M. Buffone told the Board that this was placed on the agenda with the understanding that DPH was in the process of obtaining finalization of the ISA. He noted that the ISA was probably still being circulated and therefore the Board has not received the ISA to date. He remarked that Cynthia Stinson, the Arbovirus Surveillance Program Coordinator was present and asked if she could provide an update for the Board.

**D.2: Questions and Discussion:** C. Stinson noted that the ISA was still being worked upon but that the testing fee would be \$30 dollars and \$25 dollars for sorting. She commented that the testing would begin on June 17, 2013. She explained that there was no language pertaining to covering testing costs when the risk level was raised to critical. Finally, she told the Board that the expanded surveillance proposals to expand surveillance to other areas of the state were funding dependent and she reported that DPH had not heard back on the status of these plans to cover areas outside of organized mosquito control regions.

**D.3: Actions Taken:** None.

**E. *Nantucket/VDCI Mosquito Control Plan:* The Board will discuss and review the *VDCI Mosquito Control Plan* for Nantucket mosquito control**

**E.1: Background:** M. Buffone told the Board members that they were given a hard copy of the proposed plan for the Nantucket VDCI or *Vector Disease Control International Mosquito Control Program*. He noted that VDCI have been working hard with the folks on Nantucket, designing the program, and mapping out the habitat and developmental sites on the island. In addition to the plan, M. Buffone stated that attached to the plan was a NOI and PDMP as it pertains to NPDES and an addendum addressing Zenivex adulticide. M. Buffone explained that VDCI upon consultation with Nantucket, they also decided to add some clarity on adulticiding and reference the primary and specific scope of the program. He mentioned that Jason T. Pananos of VDCI was present to answer any questions.

**E.2: Questions and Discussion:** M. Buffone noted to the Board that the proposal as outlined covers all of the various components of IPM. The actual work, he commented, will be more focused on surveillance, identification, and larviciding. J. Burgess stated that the program would not be eligible for the same benefits that the projects receive as established under Chapter 252 and each enabling Acts of legislation. This entity is a private contractor. There is no account established to accept funds from this company. A representative from Nantucket remarked the reason why they did not opt to establish as a project under 252 was strictly a budget issue and that because they are both a single municipality and county. The municipality authorized \$100,000 to the successful bidder for larviciding services and a second RFR developed to create a Mosquito Control Board via home rule petition. During the discussion, it was noted that a non-member community that has a private contractor approved program would still not be exempt from the Wetlands Protection Act or other regulations and would need to notify the Conservation Commission and the Natural Heritage Endangered Species Program if work involved priority habitat. Also, they could not work on private property.

- E.3: Actions Taken:** Gary Gonyea moved to approve the VDCI Mosquito Control Plan to conduct mosquito control on Nantucket with the conditions as outlined in the June 5<sup>th</sup> letter. As part of the motion he described these conditions as highlighted by VDCI in their correspondence regarding surveillance, species identification, larval inspections, larval treatments using Bti, the fact that VDCI was moving forward to obtain a NPDES permit, and that VDCI will check on or obtain the necessary authorization to treat priority habitat. The motion also added that VDCI present to the Board an annual report of their mosquito control work by January 15<sup>th</sup>. The motion was seconded by Bruce Hansen and voted unanimously 3-0
- F. *State Parks and Mosquito Control: The Board will discuss State Parks and Mosquito Control.***
- F.1: Background:** M. Buffone stated the Board wanted him to put this item on the agenda. He explained this topic goes back to prior meetings where mosquito control projects requested assistance from the Board as to whether or not mosquito control work can be conducted on DCR properties and it also became issue when there were elevated levels of EEEV last season. The Board desired at a minimum to develop a MOA or MOU with criterion for different mosquito control methods including adult mosquito control spraying in parks during non-emergency and emergency times, along with notification and posting to public. M. Buffone stated that he worked with B. Hansen, the DCR member on this matter but the status was still uncertain.
- F.2: Questions and Discussion:** B. Hansen stated that the issue was brought to the attention of higher levels of the administration and they chose not to address this issue at this point to his knowledge. He recommended that any MCP is involved with a state park, go to the individual in charge of that state park such as the park manager and ask if mosquito control could be conducted. The Department has not chosen at this point to develop policies that cover mosquito control in state parks. Dr Richard Pollack advised that the Board to come out with a strong position that urges the Commissioner of DCR that this is important issue and should be addressed via policy. B. Hansen stated that it is not that you can't go on the property but you need permission. B. Hansen stated that if there was an area of high risk, you can ask the state park manager if you can treat and that person says yes, then you can conduct mosquito control.
- F.3: Actions Taken:** None

**G. Pesticide Exclusion Notices: The Board will discuss Pesticide Exclusion Notices.**

**G.1: Background:** Chairman Corte-Real started to discuss this agenda item and stated this item came about because of an exclusion notice sent to him. He remarked that he found the notification at best somewhat confusing and at worse unclear to the public. He requested David Lawson, Norfolk County to clarify and explain the notification. D. Lawson stated that the pesticide exclusion regulation is clear such that notice for exclusions must be submitted prior to March 1<sup>st</sup> of any year but he asked what do you do when the public requests that they do not want their property treated after March 1st? What do we do with these individuals? David noted that they tell the public to send their notice to Town Hall. The project representative felt they should accommodate the public even after the deadline.

**G.2: Questions and Discuss:** Jessica Burgess noted that the projects should follow the regulations and you would not be liable if you conduct the treatment since the public requested after March 1st. However, she stated that if the projects create their own policy then it becomes a concern to the Board. The Board does not want the citizens not to understand what their rights are. Chairman Corte-real has more issues with the language of the notification. The project representatives from other projects stated they are trying to comply. It was agreed that the Board needs to discuss alternatives or come up with a template that can be used by all mosquito control projects. The Board members expressed the need to know how all the projects are handling this matter before it can draft a policy. It is important to insure that the MCPs need to be protected in this matter and at the same time comply with sensitivity to late requests for exclusions.

**G.3: Actions Taken:** The Board was in consensus and acknowledge the ability to take exclusion requests beyond the date written in regulation and will work with the projects to better address this issue with a policy document and develop a generic template for all districts. The policy might acknowledge the ways in which he project can accept exclusion requests after March 1<sup>st</sup>

**H. Ground Spraying ULV Database: The Board will discuss Ground Spraying ULV database**

**H.1: Background:** M. Buffone told the Board that he provided them with an example of how tracking of mosquito control response treatments to confirmed positive mosquitoes would be handled this mosquito season. He remarked that this was issue last summer when EEEV and WNV was intense and confirmation of mosquitoes found positive were frequent creating concern at many levels of government including the Governor's Office. There were many requests to find out what was done or what control was done in response to positive findings. He noted that this database is an attempt to address this issue. M. Buffone stated that MDPH requested assistance from MDAR/Board to come up with a simple way to track mosquito control responses to positive arbovirus confirmations. M. Buffone explained the reporting mechanism along with describing a drop down box with several options that could be selected including an option that indicates the general area of ground treatment. He continued saying that the MDAR specialist who developed the data base for the MCPs made it easy to enter data that would be available to answer questions such as "what area was treated" or what was done in response to confirmed positives. The database is being set up so that it does not have to depend on anyone at MDAR to extract the reports sent from MCPs to put into a database. He told members that he sent out an excel database template to the MCPs and the only feedback that was received was from Norfolk who stated they could work with what was being proposed.

**H.2: Questions and Discussion:** A question was asked if this tracking would be utilized on a weekly basis? M. Buffone answered that it should be done on a daily basis in order to keep track of control tactics especially at the time period when elevated risk appears beginning in mid-July through September.

**H.3: Actions Taken:** None.

- I. New ULV Ground Spraying Sign: The Board will discuss new Pesticide sign.**
- I.1: Background:** M. Buffone stated that he was asked to place this on the agenda and that the topic pertained to pesticide requirements titled *333 CMR 14.09: Requirements of Pesticide Applicators #7*. The requirement was read aloud by the Executive Director. He stated *that prior to commencing each outdoor application, the pesticide applicator shall post signs approved by the Department*. The signs must be posted at conspicuous points of access to the treated property. He explained that Taryn LaScola, Supervisory Pesticide Inspector, for the Massachusetts Department of Agricultural Resources Crop and Pest Services sent to him the Department approved sign for applications conducted on school property. He noted that she stated, that the projects could add their project logo in the upper corners of the sign. Further, she stated that everything else should stay the same and all that was needed was to complete the blanks. M. Buffone mentioned that projects could laminate the signs to make them re-usable. He added that if the districts already have signs printed, the projects could use them for this year and then start using the new signs next year. He continued to say that if projects do not have anything in place that they should begin to use the new sign. M. Buffone distributed the bright yellow sign to members and held it up for the audience to see.
- I.2: Questions and Discussion:** There was a discussion about the size of the sign. The Board members were in agreement that the sign should be 8 and ½ by 11 inches. However, the Executive Director was asked to seek a clarification on the matter.
- I.3: Actions Taken:** M. Buffone told the Board he would follow-up with Taryn LaScola to clarify the size and send out a notice to the projects.

**J. Mosquito Advisory Group (MAG): The Board will discuss MAG request for new member.**

- J.1: Background:** M. Buffone told the Board he was asked to place this item on the agenda on behalf of Dr. Richard Pollack, Chairman of the MAG. Specifically, he noted that Dr. Pollack conferred with the current members of the MAG regarding their service on this advisory body and each expressed a willingness to continue in their capacity as an adviser to the Board. Dr. Pollack, in his request, explained that in the event that the Board desired that this arrangement continue, he asked for a formal reaffirmation of the continued role of MAG as advisors to Board. Further, he requested that the Board consider and support the addition of Dr. Sam R. Telford III as an additional member of MAG. Dr. Telford has indicated a willingness to serve, and the current MAG members unanimously supported him joining the MAG.

M. Buffone explained that in 2006, the Board created a Mosquito Advisory Group (MAG). The MAG is composed of experts from the fields of medical entomology, infectious disease, and mosquito control, for the purpose of providing independent scientific advice to the Board to assist in evaluating and assessing data from both MDPH and mosquito control projects. M. Buffone emphasized that the Mosquito Advisory Group (MAG) is part of the Board's operational plan.

MDAR and the Board created the Mosquito Advisory Group (MAG) to provide independent, scientific advice to the Board regarding the justification, timing, location and options for intervention tactics such as to prevent and/or suppress and contain infected mosquito populations that may otherwise result in an outbreak of disease in people and animals. M. Buffone continued that the MAG has essentially served on a voluntary and on an as needed basis without compensation. The MAG monitors entomological and epidemiological communications, data, and information regarding mosquito population species activity and abundance. This group provides significant help when arbovirus risk levels such as EEEV become elevated.

**J.2: Questions and Discussion:** The Chairman asked if Dr. Pollack could weigh in on his request regarding reaffirmation and the recognition of the formality of the MAG. G. Gonyea commented that some of the members of the MAG are Commissioners and the Board could call upon them during elevated risk periods and wondered if a MAG was necessary. M. Buffone noted that the MAG was in the Board's Operational Plan and changes would need to be coordinated with MDPH since the MAG is part of the arbovirus surveillance and response plan. Chairman Corte-Real remarked that the MAG adds a certain degree of impartiality to the process and public as a whole. He stated he would support another member on the MAG. He would accept these are the members of the MAG and these are the areas of expertise, and that they provide a resource to the mosquito programs across the state. There was a certain sentiment to acknowledge the official status of the MAG. Cindy Stinson stated that the MAG, especially Dr. Pollack expertise, was very meaningful especially during conference calls and meetings that took place during high arbovirus risk periods. M. Buffone continues to note that the formality of the MAG is recognized in the plan. He commented that the plan essentially recognizes the MAG as an independent group primarily advising the Board especially when aerial adult mosquito control interventions are on the table. He noted that DPH Commissioner has been and requested input from MAG members in the past.

Chairman Corte-Real explained that he was not a member of the Board at the time when the MAG was formed and was not sure how the current members of the MAG got to be there and questioned whether we should have the Board formally recognize these members as advisory to the Board.

M. Buffone explained to the Chairman that a letter was sent out in 2006 to convene a member Mosquito and Mosquito-Borne Disease Advisory Expert Panel for the purpose of making defensible and practical recommendations concerning appropriate intervention strategies that can best prevent human cases of both Eastern Equine Encephalitis Virus (EEEV) and West Nile Virus WNV. Overall, the goal of the committee is to reach a science based consensus regarding the most appropriate and timely response(s) to the threat of mosquito-borne disease in Massachusetts, M. Buffone stated.

He further told the Board that the initial objectives of Mosquito and Mosquito-Borne Disease Advisory Expert Panel included the following:

- *Recommend modification to the current State Surveillance and Response Plan regarding action thresholds and/or triggers.*
- *Evaluate and review data and information relevant to mosquito ecology, epidemiology, insecticide toxicology, and public health in order to make recommendations on how to best mitigate risk of arbovirus in Massachusetts*
- *Be available by e-mail, phone, and/or face-to-face meetings to evaluate, discuss, and interpret data as it becomes available from the Department of Public Health and Mosquito Control Districts during any mosquito season.*

M. Buffone stated based on his working with this group that the MAG has made a meaningful contribution. The Board members announced they had no objections to the addition of Dr. Sam Telford. G. Gonyea remarked that the MAG is an adhoc group, set up to provide advice and guidance to the Board, and the Board can add and subtract members at the Board's discretion. The question of compensation for the time and work of MAG members was noted by the Chairman and would need to be explored for the future.

**J.3: Actions Taken:** G. Gonyea made a motion to appoint Dr. Sam Telford to the Mosquito Control Advisory Group (MAG). The motion was seconded by B. Hansen and voted unanimously 3-0.

**K. State Policy Issues:** The Board will discuss and hand out copies of important state policies concerning OMV vehicle domicile, Legislative Lobbying, & Services to Communities.

**K.1: Background:** Jessica Burgess, MDAR counsel discussed a number of state policies including Administrative Bulletin #10 *Use of Vehicles by Executive Agencies*, *Summary of Conflict of Interest Law for State Employees* and service commitments to member communities that vote out of a mosquito control project. Also, she discussed and answered questions pertaining to political activity or engaging legislators which could be viewed as lobbying. Specifically, she discussed where state vehicles should be parked and locked up. She said that vehicles should be parked at the project headquarter or another approved location. She mentioned that there were no requests for parking equipment at a non-project location at this time. She explained that these policies were in place to protect the mosquito control projects. If something happened to the vehicle or equipment, you would be protected but cautioned that MCPs would not if they were using it outside the scope of the OMV policy. She cited the example of parking vehicles at a domicile and noted that if something happens, the project or state is not going to be financial liable. **She emphasized that no employee should be commuting to work in a state vehicle.**

**K.2: Questions and Discussion:** J. Burgess stated that any equipment or any vehicle must be kept at the project headquarters. The question of heavy equipment such as excavators on the marsh was raised. She noted that this would have to be looked into because of the nature of the work for various work projects. J. Burgess remarked that all of the equipment was considered state property. The request for approval needs to go up the appropriate channels from the project Commissioners, to the Board, to EEA, and would eventually go up to A & F and OVM. Domicile approval is typically given to emergency personnel such as police or fire where access is needed to equipment 24/7. If MCP wanted to request this, they would have to do this annually and using the previously mentioned channels. She did not foresee any circumstance for mosquito control project where that would be approved but stated the MCP could still make the request. The Chairman stated that this approval is considered a benefit and personnel would receive a 1099 form. J. Burgess told project representatives that commuting to the job is not part of their duties. Questions were raised but she said that it may be a case-by-case matter. Some of the projects describe specific circumstances involving their vehicles.

She discussed what could be perceived or viewed as lobbying. She emphasized that the projects need to be very careful. She said that they could contact the ethics commission about what they are doing and Commission would give an opinion or recommend the need to file a disclosure. However, she strongly advised that the projects should be coming to the Board to facilitate changes such as drafting legislation and notifying the Board when engaging or having any contact with legislators.

A question arose about training. J. Burgess stated that this is being looked into whether training would be mandated for Commissioners. Ultimately, all of this is to protect them, she said. She noted that the for example, ethics violations fees have changed and the violation penalties are much higher today. She said that the projects would be instructed as to when computer training becomes available. She recommended that they should e-mail the Board and ask if what they are planning to do is lawful. It's better to ask than find yourself in violation.

Finally, she commented on the projects obligations to member communities even when they vote out of a project. Unless the municipal vote specifies that the town/city is withdrawn immediately, all mosquito control services should be provided until the end of the fiscal year unless the town manager or administrator make clear in writing the specific services required of the vote.

**K.3: Actions Taken:** None

**L. Public comment/input period:** The Board will provide an opportunity for the general public to speak and listen to their concerns.

**L.1: Background:** Chairman Corte-Real asked if there were comments from the public?

**L.2: Questions and Discussion:** Shirley Smith from the Town of Mendon made several comments directed to the Executive Director M. Buffone comments to Anne Mazar of Mendon (*see letter below*). Tim DesChamps responded that his district while they do not offer a menu base approach at this time, all of their services are requested by residents. Residents can request to be sprayed or not. He thanked M. Buffone for his comments. T. DesChamps stated that there was adequate evidence that show the pesticides they use do not cause humans health impacts. He noted that MDPH has done a great job with environmental monitoring as well as human health assessments over the past 3 aerial spray events that support the fact there are little health impacts if any. He wanted to go on the record that he takes all the concerns serious and member communities whether they opt in or out is their choice. He cited member communities' support of their budget in excess of 80%, random surveys of resident within member communities and recent Board of health survey as verification that they provide a very valuable service.

Heidi Ricci from MA Audubon thanked the Board and the districts for their work. She stated she sees a number of areas where things continue to progress and approve. She was encouraged, for example, to hear more about the need for use of systems where ultimately GIS data could be linked to one system. She hoped that this information would be available to the public in addition to decision makers and leaders. She raised the fact the antiquated nature of the Board's statute and felt it does bear looking at where there could be updates such as tailored services instead of signing up for all aspects of mosquito control. Heidi was most in support of having the Board approve surveillance in particular. She supported additional members to the Board such as DPH and Fish and Wildlife as well as formalizing the MAG. She applauded the Board to pursue policies that continue to clarify what can and cannot be done in state parks. She thanked the Board noting that there can be issues that contentious and creates some disagreements but hoped to move forward.

**L.3: Actions Taken:** None

Mark Buffone  
Executive Director  
State Reclamation and Mosquito Control Board  
June 5, 2013

Dear Director Buffone,

In your recent response to comments made by Anne Mazar, you stated, "The current infrastructure of mosquito control in the Commonwealth originates from state statute Chapter 252 of the Mass General Laws as well as enabling act of legislation for each of the regional mosquito control projects such as Central MA (Chapter 583 of the Acts of 1973). Alleviation of annoyance or nuisance control is a core mandate of the state statute." Given that so much more has been learned over the last 40 years about the effects of chemicals on human health and the environment, effects that may well supersede "nuisance control," do you think a law passed in 1973 may be antiquated and need to be updated?

Another point you made in your response was: "Further, the program serves a vital public health function pertaining to its current surveillance network of collecting and testing mosquitoes for serious diseases such as Eastern Equine Encephalitis (EEEV) and West Nile virus (WNV)." If this collecting and testing is indeed a "vital public health function," then why are towns required to become members of a district to access this function? Communities are unhappy with the lack of flexibility in how services are provided. All communities are not the same. They can differ in many respects including mosquito breeding habitat and the interpretation of "quality of life." Yet they have to sign up for everything including on demand nuisance spraying in order to get mosquito testing, and they have no say in how funds are allocated among the services e.g. education vs. on demand spraying. How can you not agree that this all or nothing approach is an inherently unfair practice? You do recommend that we speak to Mr. Deschamps about adopting a menu based program. We have tried to do just that, but Mr. Deschamps was adamant in his refusal to even discuss any choice in the matter of on demand spraying.

You also state, "As a result, they support mosquito control at the local level which is paid for via a deduction from local aid funds off the municipality cherry sheet as calculated by the Dept. of Revenue Division of Local Services." This kind of language, which is repeated in district literature, perpetuates the perception that the program is free. The fact that funds to pay for the program are deducted from state aid rather than approved annually at town meeting causes many people to be unaware the community is paying for belonging to the district. Although technically correct, do you think this statement should be clarified so it could be understood by the average resident?

In addition to the above, you cite the CMMCP survey as proof that there is high support for their services. The questions on the survey were limited exclusively to the on demand spraying service and the 22.76% of people who responded were, of course, satisfied. However, recent town votes indicate that, as residents learn more about the program, this satisfaction is questionable. As for the statement, "... the program is highly regulated at many levels and their tactics and methods used are up-to-date and the safest available." Most of this "regulation" involves self-reporting. What checks are in place to ensure the accuracy and validity of these reports? And how does the meaning of the term "safest available" equate with the meaning of the word "safe"?

Finally, you state that pesticides are used, "... at doses far below levels of effect to humans and non-targets organism: such as bees, birds, and fish." With all due respect, any level is highly toxic to bees! This is stated on a CMMCP web site and on the pesticide label. The EPA Environmental Risk Assessment clearly states that the chemical used in the spray has a "high toxicity on an acute basis to freshwater fish and fresh water invertebrates." Many of these fish and invertebrates are mosquito predators. The chemicals can certainly be toxic to chemically sensitive humans. Not to mention the effects of aggregate exposure.

Respectfully submitted,

Shirley Smith

**M. Next Board Meeting Date and Location:** M. Buffone announced that the next meeting date of the Board would be October 30, 2013@ North Attleboro Town Hall 43 South Washington Street, North Attleboro, MA 02760 Note: Lower level conference room, elevator on the right

**M.1: Background:** None

**M.2: Questions and Discussion:** None

**M.3: Actions Taken:** None

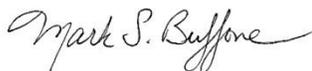
**N. *Adjournment:*** The Board will officially adjourn the meeting.

**N.1: Background:** Chairman Corte-Real asked if there was a motion to adjourn.

**N.2: Questions and Discussion:** None.

**N.3: Actions Taken:** Bruce Hansen made motion to adjourn the meeting at 1:10 PM and seconded by Gary Gonyea and unanimously voted 3-0.

Respectfully submitted,



Mark S. Buffone  
Executive Director