

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

SCOTT J. SOARES
Commissioner

MEMBERS

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

Anne Carroll
Department of Conservation
And Recreation (DCR)

Gary Gonyea
Department of Environmental
Protection (DEP)

ADMINISTRATION

Mark S. Buffone
Executive Director

Alisha Bouchard
Project Administrator

DATE: **Wednesday, January 25, 2012**

TIME: 10:00 AM

LOCATION: NORTHBOROUGH FREE LIBRARY
34 MAIN STREET
NORTHBOROUGH, MA 01532

*For more information, please call
(617) 626-1777*

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 Project

Northeast Massachusetts
Mosquito & Wetland
Management District

Plymouth County Mosquito
Control Project

Suffolk County Mosquito
Control Project

Agenda

- 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 October 27, 2011 and December 14, 2011 meeting. **(Voting Required)**
- C. *NPDES:* Update-Robert Kubit will be present to answer questions
- D. *Budget Notification and Compliance Policy:* Update and answer questions
- E. *Public comment/input period:* The Board will provide an opportunity for the general public to speak and listen to their concerns.
- F. *Other Business:* Mosquito Control Project 2011 Annual Reports-Brief Update
- G. *Adjournment:* The Board will officially adjourn the meeting.

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Plymouth County Mosquito
Control Project

Suffolk County Mosquito
Control Project

Subject: Meeting Minutes

Date: Wednesday, January 25, 2012

Place: Northborough Free Library
34 Main Street
Northborough, MA 01532

Present for the:

Board and Administration:

Lee Corte-Real, Department of Agricultural Resources, Chairman
Bruce Hansen for Anne Carroll, Department of Conservation and Recreation,
Member

Gary Gonyea, Department of Environmental Protection, Member
Mark Buffone, Executive Director

Mosquito Control Project Commissioners:

Christine A. Fagan, Bristol County
Arthur Tobin, Bristol County

Mosquito Control Project Directors/ Superintendents /Assistants:

Ellen Bidlack, Plymouth County Mosquito Control Project
Jack Card, Northeast MA Mosquito Control & Wetlands Management District
Dan Daly, Plymouth County Mosquito Control Project
Tim Deschamps, Central MA Mosquito Control Project
John Doane, Cape Cod Mosquito Control Project
David Henley, East Middlesex Mosquito Control Project
Chris Horton, Berkshire County Mosquito Control Project
Bruce A. Landers, Suffolk County Mosquito Control Project
David Lawson, Norfolk County Mosquito Control Project
Priscilla Matton, Bristol County Mosquito Control Project
Timothy McGlinchy, Central MA Mosquito Control Project
Gabrielle Sakolsky, Cape Cod Mosquito Control Project
John Smith, Norfolk County Mosquito Control Project

Others:

Robert Kubit, DEP

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

Chairman Lee Corte-Real called the meeting to order at 10:05 AM. He asked those present if you want to comment to raise your hands, wait to be recognize, and identify yourself and speak up for the recording clarity. The Chairman began by conducting the roll call of members. Present were Bruce Hansen for Anne Carroll representing Commissioner Edward M. Lambert Jr. Of the Department of Conservation and Recreation and Gary Gonyea representing Commissioner Kenneth L. Kimmel of the Department of Environmental Protection, and Chairman Lee Corte-Real recognized himself representing Commissioner Soares, of the Department of Agricultural Resources and stated there was a quorum.

The Chairman welcomed Bruce Hansen sitting in for Anne Carroll who is taking a sabbatical for 6 months. The Chairman commented that she was expecting twins. On behalf the Board, he offered best wishes. Then he moved on to the second agenda item.

B. Minutes/Summary: The Board will consider for approval the meeting minutes of the October 26, 2011 and December 14, 2011 meeting. (Voting Required)

B.1: Background: The Chairman asked members if there were any comments, corrections, changes, or amendments regarding the minutes. Hearing none, he entertained a motion to approve the minutes of meeting minutes of the October 26, 2011 and December 14, 2011 meeting

B.2: Questions and Discussions: None

B.3: Action Taken: G. Gonyea moved to approve the meeting minutes of both minutes of the October 26, 2011 and December 14, 2011 meetings. The motion was seconded by B. Hansen and the minutes were voted unanimously 3-0.

C: NPDES: Update-Robert Kubit was present to answer questions and update the Board.

C.1: Background: The Chairman opened this item stating that this was an update and follow up to the previous meeting discussions regarding NPDES. The Chairman introduced Bob Kubit and thanked him on behalf of the Board for his attendance and participation to answer specific questions of the mosquito control districts.

C.2: Questions and Discussion: There were a number of questions. One question pertained to concerns about post monitoring, how soon, how little, how often. R. Kubit that there is no definition and the requirement states when safe and feasible. He remarked that the monitoring is based on visual observation to see if there were any adverse effects. The Chairman commented that post monitoring will vary by mosquito control districts. Mr. Kubit stated that the idea is not to force districts to hire new individuals to do this work. He suggested that the districts find ways to piggyback this task with their standard operation objectives. The monitoring could be conducted by someone other than the staff conducting the spray operation. The Executive Director noted that the products being used are registered at the Federal Level used by credentialed and experienced professionals with calibrated equipment, it is not expected there would be impacts.

C.3: Actions Taken: No action taken.

D: Budget Notification and Compliance Policy: Update and answer questions

D.1: Background: The Chairman opened this agenda item stating that there was a clarification sent out concerning a request to seek a legal opinion from MDAR's General Counsel concerning the newly revised Budget Notification and Compliance Policy. He noted the General Counsel does not and cannot issue legal opinions to cities and towns. Legal opinions to cities and towns must be obtained from their city solicitor or town counsel. He remarked that for those who may have any further questions they are free to contact Bob Ritchie, MDAR's General Counsel. Additionally, the Chairman mentioned that the Board received a letter from Norfolk County District questioning the response and informed all that Commissioner Scott Soares sent out a response to the district last night and he had copies available to those present.

D.2: Questions and Discussion: Arthur Tobin, Bristol County Mosquito Control Commissioner asked questions about the memorandum that the Chairman sent out. Specifically, he was concerned about the fact that the municipality could disregard the form that the Board requires to be signed. The Chairman stated that The Board is asking for their input and the Board can't compel a city or town to sign it. He noted that at the previous meeting, those present were informed that the Board is asking for their support of the proposed budget, it gives them an opportunity to provide their feedback and they choose not to that is their prerogative. The Chairman did not see any conflicts with this issue. He suggested that if the districts are looking for confirmation of member notification to provide to the Board, they should send out the notification to each community *receipt return requested*. He confirmed that if the districts do not get any response of support then this is also an answer. He further added that the Board would like to see 2/3 of the member communities in a service area support a proposed budget particularly one that is proposing a large increase. Chairman Corte-Real suggested that it is a matter of transparency by notifying all the member communities of proposed budget increases and providing a mechanism for feedback to support these increases.

G. Gonyea posed several questions regarding a few of the budgets and justification submitted to date. He asked the Northeast District representative to explain the statement found in their justification, specifically, the phrase "which reflects intentional and environmentally restricted procurement." Jack Card explained to the Board their budget increase reflects that the "District "has been level funded since 2004 and that they must increase the budget to compensate for previous reductions to the budget, cost increases in fringe benefits, equipment, operations support and utilities, capital expenditures and personnel. He said, that the district will have a projected balance of \$19,000 dollars left from the FY11 (roll over) into FY12 which reflects intentional and environmentally restricted procurement. Some spending on budgeted items was intentionally postponed till after July 2011. Other budgeted expenses such as several Aerial salt marsh larviciding activities were not necessary due to environmental conditions. He stated that no roll over from the FY12 budget is expected at this time. To continue services as needed for the participating communities and to include necessary capital improvements with infrastructure and equipment, the increase requested is at a bare minimum considering the fiscal issues facing our communities at this time. G. Gonyea requested that J. Card provide this clarification in his budget narrative.

G. Gonyea also requested that those districts seeking new employees or FTE's including Central MA, Norfolk, and Plymouth provide further justification to support the need for these new employees including an analysis of using seasonal employees and/or contracting with other licensed applicators to provide mosquito control services on an as needed basis.

D.3: Actions Taken: After these discussions and explanations, G. Gonyea recommended and requested that additional justification be sent to the Board for all new hires proposed for FY13. This additional justification should include:

- 1) Demonstrate the work load increase in District e.g. new municipal membership ;
- 2) Explain how this increase could be met by current staff including additional overtime or comp time;
- 3) Explain how this increase could be addressed by Seasonal employees;
- 4) Provide discussion of work tasks to be completed by the new hires in the “off” season; and
- 5) Provide discussion of using qualified contractor services to address increase in seasonal work load. Note: In regards to item number 5, G. Gonyea suggested that the Board could explore setting up a state wide Master Service Agreement (MSA) with credentialed Pesticide Applicators (MassDEP, MassDFW and other agencies have used these agreements to meet short term sampling and analysis needs.

G. Gonyea also had questions on references to increase costs of BMP for Inland Wetland Work and noted that several Districts mentioned greater dependence on hand cleaning of ditches in response to increase oversight and regulation. Norfolk representatives remarked it was a smoother process compared to planning mechanical work. G. Gonyea responded that there were no permits required unless you go over a certain limit of area. David Lawson said he would have their wetland expert, Caroline Haviland provide some clarification. G. Gonyea stated that when the guidelines were developed they took into account the mosquito control districts practices and existing regulations. It was unclear to G. Gonyea why the guidelines were an apparent impediment to getting work accomplished and stated that he would like to know how and why exemptions mentioned by districts are impacting districts work.

E: Public Comment: The Board provided an opportunity for the general public to speak and listen to their concerns.

E.1: Background: The Chairman opened up the meeting to the public concerning the revisions to the budget policy.

E.2: Questions and Discussion: Chairman Corte-Real recognized Mr. Arthur Tobin, Bristol County Commissioner who raised several issues; the status of reclassification, Commissioner Re-appointments, and his concerns over their current property was a non-ADA compliance facility. He was very concerned about potential lawsuits to Bristol County District for NPDES permits and has submitted letters to the Attorney General’s office and to MDAR, MDEP and MDCR Commissioners requesting clarification of their liability. Chairman Corte-Real responded to Mr. Tobin concerns. In regards to re-appointments, He noted that he sent out a memo clarifying this matter and stated that until someone is removed, re-appointed, or someone new appointed to that position, the Commissioner serves with all powers and responsibilities. The issue of reclassification is still ongoing for all state employees but not within our purview at this time. Chairman Corte-Real remarked that the Board does not have any details at this point in time and stated that the projects administrator would provide an update for us.

Since the next meeting will be held at the Cape Cod Community College, Gabi, Gabrielle Sakolsky, of the Cape Cod Mosquito Control Project asked the Board to provide any questions and /or concerns regarding their budget to her in advance of the meeting. She felt that it would be an opportunity for the Board to directly speak to her Commissioners who will be present at this meeting.

M. Buffone took this time to announce that the next meeting of the Board was on Wednesday, March 14, 2012 at the Cape Cod Community College, in Room 213, in the Lorusso Applied Technology Building, located at 2240 Iyannough Road (Route 132), in West Barnstable, MA 02668.

E.3: Actions Taken: The Board asked if the Executive Director could obtain a status update from Alisha, the Projects Administrator

F: *Other Business: Mosquito Control Project 2011 Annual Reports-Brief Update*

F.1: Background: G. Gonyea asked the Executive Director to inform the Board how many of the annual operations reports have been received. M. Buffone stated that the Board received 8 reports out of 9; only NEMCD had not yet submitted their report. He noted that an e-mail reminder was sent on January 9th that reports were due no later than January 15th and that these reports should include the Pesticide Management Discharge Plan (PMDP) and the NOI. The last annual report is anticipated to be received by the end of the week. M. Buffone remarked that these reports will be posted on the Board's website next week. Further, he noted that in his opinion the mosquito control districts provided comprehensive reports of their annual operations.

F.2: Questions and Discussion: A brief discussion ensued on the NOI aspects of NPDES requirements and submittal to the Board.

F.3: Actions Taken: The Board asked M. Buffone to send only the NOI to Robert Kubit. Lastly, M. Buffone told the Board that he would send out an e-mail reminder to the districts to submit the NOI now.

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

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

G.2: Questions and Discussions: None

G.3: Action Taken: Gary Gonyea made motion to adjourn the meeting at 11:28 AM seconded by Bruce Hansen and unanimously voted 3-0.

Respectfully submitted,



Mark S. Buffone
Executive Director