

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

IAN A. BOWLES
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

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

DATE: WEDNESDAY, JANUARY 27, 2010
TIME: 10:00 A.M. TO 12:00 P.M.
LOCATION: UMASS Extension Waltham Center **Auditorium**
@ 240 Beaver Street, Waltham, MA

Meeting Agenda

*Before the Meeting: Welcome and Opening Remarks from
Scott J. Soares, Commissioner, MA Department of Agricultural
Resources (MDAR)*

- A. *Start: Call to Order by Chairman Corte-Real, and Attendance.*
- B. *Executive Order 504 Mandatory Training: The Board welcomes Carol Szocik from MDAR Legal Services who will conduct mandatory training to all MA mosquito control personnel.*

Note: When the training is finished, the Board will take a short recess and reconvene to allow those attending the training only time to exit the auditorium.
- C. *Minutes/Summary: The Board will consider for approval the meeting minutes of the December 9, 2009 meeting. (Voting Required)*
- D. *Draft Mosquito Control Budget Notification and Compliance Certification Policy and Forms: The Board will discuss and consider voting policy for annual mosquito control budgets. (Voting Required)*
- E. *Commissioner Re-Appointments: The Board will consider re-appointments of Mosquito Control Commissioners to new terms for Commissioners whose terms have expired. (Voting Required)*

F. *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 / Time: Wednesday, January 27, 2010

Place: 240 Beaver Street,
Waltham, MA

Present:

Board and Administration:

Lee Corte-Real, Department of Agricultural Resources, Chairman
Anne Carroll, Department of Conservation and Recreation, Member
Gary Gonyea, Department of Environmental Protection, Member
Mark Buffone, Executive Director
Alisha Bouchard, Projects Administrator

Mosquito Control Project Commissioners:

Shanshan Sunny Cai, Suffolk County Mosquito Control Project Commission
Richard Day, Central MA Mosquito Control Project Commission
Robert Davis, Bristol County Mosquito Control Project Commission
Kimberly King, Plymouth County Mosquito Control Project Commission
J. Gregory Milne, Cape Cod Mosquito Control Project Commission
Arthur W. Neill, Cape Cod Mosquito Control Project Commission
Pablo Noguera, Central MA Mosquito Control Project Commission
Rich Pollack, Norfolk County Mosquito Control Project Commission
Sam Telford, Central MA Mosquito Control Project Commission
Wally Terrill, Berkshire County Mosquito Control Project Commission

Mosquito Control Project Directors/ Superintendents /Assistants:

Wayne Andrews, Bristol County Mosquito Control Project
Doug Bidlack, East Middlesex 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
Jake Jurgenson, Berkshire County Mosquito Control Project
Margaret Laber, Cape Cod Mosquito Control Project
Bruce A. Landers, Suffolk County Mosquito Control Project
Dave 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
Anthony "Tony" Texeira, Plymouth County Mosquito Control Project

Others:

Bob Ritchie, MDAR, General Counsel
Patrick Connolly, Citizen
Amanda Sebring, Citizen

A: Start: Call Meeting to Order and Attendance.

Prior to the meeting being called to order, Scott J. Soares, Commissioner, MA Department of Agricultural Resources (MDAR) presented some introductory remarks. Commissioner Soares stated he wanted to attend this meeting to acknowledge the work of mosquito personnel since they play a significant role in protecting the public from mosquito-borne diseases and enhance the quality of life of citizens in MA and to thank them for their efforts. He spoke briefly about the use of pesticides, NPDES requirements, MEPA GEIR updates, and the challenges of the current economy to carry out mosquito control services that are accountable, documented, and transparent. He concluded saying that he would depend on the Board to keep him apprised of mosquito control programs efforts in the upcoming season and remained open to listen to any concerns in the New Year.

Chairman L. Corte-Real called the meeting to order at 10:00 AM and took attendance. Present were G. Gonyea representing Commissioner Burt, the Department of Environmental Protection was present. A. Carroll representing Commissioner Sullivan, the Department of Conservation and Recreation, and the chairman recognized himself representing Commissioner Soares, the Department of Agricultural Resources and stated there was a quorum.

B. Executive Order 504 Mandatory Training: The Board welcomes Carol Szocik from MDAR Legal Services who will conduct mandatory training to all MA mosquito control personnel.

Action Taken: Carol Szocik of the DAR Legal Services Division conducted the 504 training (identifying, maintaining and safeguarding personal information), and distributed other information pertaining to IT Acceptable Use Policy, and the Conflict of Interest Law.

C. Minutes: Board will consider for approval the meeting minutes of the December 9, 2009 meeting.

C.1: Background: The chairman entertained a motion to approve the minutes of December 9, 2009.

C.2: Questions and Discussions: None

C.3: Action Taken: A. Carroll moved to approve and accept the minutes of December 9, 2009. The motion was seconded by G. Gonyea and was voted unanimously.

D: Discuss *Draft Mosquito Control Budget Notification and Compliance Certification Policy and Forms*: The Board will discuss and consider voting policy for annual mosquito control budgets.

- D.1: **Background:** The chairman stated that he was aware that all of the mosquito control programs received electronically the proposed policy and briefly summarized some of the rationale and thoughts of the Board in developing this proposed policy. He emphasized that from the Board's perspective as the entity that oversee and certify the MCP budgets, which the proposed policy insures that the MCPs hold a public meeting presenting their preliminary budgets, along with an annual report on their activities, and the costs associated with these services. Copies of the policy were distributed. The chairman summarized the policy (*copy attached*). M. Buffone reminded the Board that he was charged to work with individual members one on one to come up with the current version before the Board today which contained a number of changes. He suggested that the Board consider voting to accept the changes of this version and then put it on the table for discussion.
- D.2: **Action Taken:** The chairman invited the Board to accept the current version of the draft policy as submitted by M. Buffone. G. Gonyea made a motion to accept this version of the draft policy and A. Carroll seconded the motion. The motion was unanimously voted.
- D.3: **Questions and Discussion:** A rigorous discussion took place regarding the proposed policy and a myriad of concerns expressed including but not limited to the proposed policy:
- Duplicates what the Commissions and projects do. The Commission meetings are advertised and open to the public and records are available to the public.
 - Creates confusion and misunderstanding amongst member communities about assessments based on formulas compared to fee for service assessment.
 - Unnecessarily increases the work load of the mosquito control programs without guarantee of the Board accepting the input of member communities.
 - Could be construed by the member communities that the meeting or public hearing required by the Board may be construed as permission to influence the mosquito control program to what they can do and what they cannot do.
 - Does not matter since the Board is unlikely to accept the input of member municipalities.
 - Asks for too much information as noted #6 of form SRB-1 #6 and # 3 of form SRB-2.
 - Singles out one of the mosquito control programs as unique without recognizing other unique programs such as Cape Cod since their enabling act of legislation specifies a member of the Selectmen Councilors' and a Town Manager be appointed to the Commission.
 - Does not include the Board's administration preliminary proposed budget.
 - Does not reflect what the mosquito control programs already do in terms of public notification or website information such as links to Department of Revenue cherry sheets.
 - Is incorrect regarding language about sub state programs and state aid.

The Board responded to the many concerns stating that it has a responsibility to certify the mosquito control budgets nearing \$10,000,000 million dollars of public money. The Board' policy does not necessary give municipalities veto power as to what mosquito control services are conducted and those that are not. The Board desires a good factual basis that the individual communities have reviewed or aware of mosquito control budgets and the proposed policy basically provide what the Board thought would be a level of transparency along with the documentation that mosquito control program budgets have been thoroughly vetted.

G. Gonyea suggested a compromise to dovetail the propose policy requirements to what may be required by MEPA on annual basis. This would include posting notices in December/January that the preliminary proposed budgets submitted by the MCPs and annual reports are available for review; each MCP would hold a meeting in January or February to present the MCPs program accomplishments for the preceding year and outline their budget for the upcoming fiscal year; and submit report to the Board any comments received at these meetings at the Board's March meeting.

At this point in the meeting, the Board agreed and requested at the behest of the Chairman that comments be submitted in writing *no later than Thursday, February 25, 2010* in order for the Board to review.

D.4: Action Taken: G. Gonyea moved that the Board meet on March (2nd, 3rd, or 4th) to be held at the conference room at the Department of Environmental Protection, located at 1 Winter Street in Boston to further discuss the proposed budget notification and compliance policy and written comments and was seconded by A. Carroll and voted unanimously.

E: Commissioner Re-Appointments: The Board will consider re-appointments of Mosquito Control Commissioners to new terms for Commissioners whose terms have expired. (Voting Required)

E.1: Background: M. Buffone distributed a slate of current commissioners whose term had expired. The chairman requested that the Board consider the need for additional time to review.

E.2: Questions and Discussions: None

E.3: Action Taken: The matter of reappointments was deferred to a future meeting moved by G. Gonyea and seconded by A. Carroll and was voted unanimously.

F: Adjournment: The Board will officially adjourn the meeting.

F.1: Background: Before adjournment, the chairman asked if there was any other business that needed attention, or additional comments or questions.

F.2: Questions and Discussions: Three items were raised:

- a. A question was raised about the status of MEPA GEIR Update. The Board responded that an extension was approved until the end of March and that the Board was scheduled to meet with MEPA on Friday, January 29th;
- b. G. Gonyea asked the Board if all the 2009 annual operations reports had been submitted. M. Buffone responded that 6 out of the 9 regional programs have been received with today being the deadline; and
- c. A request was made that the Board allow 30 minutes for testimony by the public at the beginning of the March 24th meeting being held on Cape Cod.

F.3: Action Taken: G. Gonyea made motion to adjourn the meeting at 12:25 PM and seconded by A. Carroll and unanimously voted.

Respectfully submitted,

Mark S. Buffone
Executive Director

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Draft (pages 1-4)

Massachusetts Mosquito Control Budget Notification And Compliance Certification Policy

The Cherry Sheet is the official notification from the Massachusetts Commissioner of Revenue of state aid and assessments to cities, towns, and regional school districts in the upcoming fiscal year. The purpose of the Cherry Sheet is to ensure that local budgets reflect realistic estimates of the amount of revenue a municipality and regional school district will actually receive from the state during the upcoming year, as well as the amounts that will be assessed upon local governments to pay for a variety of state or sub-state programs in which they participate. The Mosquito Control Projects (MCPs) are one such sub-state program. The funds that flow to the MCPs are from state aid funds, as a deduction through the cherry sheet for the costs of mosquito control services.

The State Reclamation and Mosquito Control Board (the Board) oversees mosquito control in Massachusetts under the authority granted by MGL Chapter 252. The Board's authority includes the important responsibility to certify MCPs budgets. Since the MCPs budgets (with the exception of East Middlesex Mosquito Control Project) are not voted on by the member communities, the Board's certification and approval responsibility must ensure that the interests of the MCPs member communities are served.

Since the Board is required by law to certify assessments from local aid for MCPs, it is in the duty of the Board to ascertain the concurrence of the member communities concerning the proposed MCP budgets, and to be assured that the member communities have a full understanding of proposed MCP budgets and expenditures. The Board must make certain through a transparent process that the budgets of the MCPs reflect an appropriate use of public money for mosquito control.

To this end, it is the policy of the Board, in making its certification and approval of the MCPs budgets, to require that each of the MCPs:

- Hold a public hearing on or before March 1st of each year in which the proposed MCPs budget and work plans for the upcoming mosquito season are presented and discussed.

*Massachusetts Mosquito Control Budget Notification
And Compliance Certification Policy*

- Send a copy of the public hearing notice and proposed MCPs budget to the Chief Administrative Officer*, the Chief Executive Officer*, and to the Finance Committee of each member municipality and to the Board.
- Provide a proposed budget revealing budget breakdown by category, salary, expenses, travel, equipment, supplies etc along with breakdowns for at least one and preferably two previous years of budget for comparison purposes.
- Appear before member municipalities Finance Committee (if requested to explain the budget and answer questions).
- Make the proposed budget available and provides the opportunity for local public officials and citizens in each member municipality to comment on the budget.
- Send a report pertaining to any comments to the Board and;
- Complete and return to the Board the attached forms titled Form *SRB-1* and Form *SRB- 2* to be in full compliance with this policy.

The Board is confident that this policy will facilitate the Board's budget certification responsibilities by ensuring that the MCPs budgets have been thoroughly vetted and are acceptable via a transparent and documented means at the local level.

It should be noted that the current process in place for the East Middlesex Mosquito Control Project (a volunteer trust) has been found to achieve the purposes of this policy since each member community has its dollar amount assessment for mosquito control approved by its legislative body.

*As defined by Chapter 4, Section 7 of the Massachusetts General Laws;

“Chief administrative officer”, when used in connection with the operation of municipal governments, shall include the mayor of the city and the board of selectmen in a town unless some other local office is designated to be the chief administrative officer under the provisions of a local charter.

“Chief executive officer”, when used in connection with the operation of municipal governments, shall include the mayor in a city and the board of selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

FORM SRB-1

Mosquito Control Project (MCP) Budget Notification Form

_____ County Mosquito Control Project (the "MCP")
 (Name of MCP)

Notice is hereby given that the _____ County Mosquito Control Project will hold a public hearing on _____, 20____, to present and discuss the MCP's proposed budget for Fiscal Year _____. The details of the hearing and a summary of the proposed budget are as set forth below.

1. Date:¹ _____

2. Time: _____

3. Location: _____

4. A copy of the proposed budget is available for inspection during regular business hours at the following location(s):

5. The total dollar amount of the proposed FY____ MCP Budget is: \$ _____

6. The member municipalities within the MCP together with each municipality's share thereof expressed as a percentage and a dollar amount is as follows in the below example (An attachment will be sent with this form for each MCP from the Board with estimated assessments for the ensuing fiscal year)

Name of Municipality	Percentage of Total Budget	Dollar Amount to be Deducted from Local Aid Distribution
Town A	45%	\$45,000
Town B	25%	\$25,000
Town C	15%	\$15,000
Town D	15%	\$15,000

7. Copies of the proposed budget will be available for inspection at the hearing, at which reasonable time will be accorded to those in attendance for questions and comments. Comments can also be sent directly to the Board via the Executive Director or Projects Administrator by April 15th.

8. A copy of this Notice, together with a copy of the proposed budget, has been delivered or mailed to the Chief Administrative Officer, Chief Executive Officer and the Finance Committee of each member municipality, and to the State Reclamation and Mosquito Control Board.

Form SRB-1

¹ The Hearing shall take place no later than March 1st

FORM SRB-2

Mosquito Control Project (MCP) Budget Notification Certification of Compliance Form

_____ County Mosquito Control Project (the "MCP")
(Name of MCP)

I, the undersigned Chairman of the _____ ("the MCP") hereby certify that on _____, 20____, the MCP held a public hearing on the MCP's proposed budget for Fiscal Year _____ in compliance with the State Reclamation and Mosquito Control Board's Budget Notification Policy. Notice of the public hearing on **Form SRB-1** was published in one or more newspapers of general circulation within all member municipalities at least 14 days prior to the hearing, a copy of each such publication attached to this Certification of Compliance.

The Massachusetts Mosquito Control Budget Notification and Compliance Certification Policy require that the notice state the following:

- (1) The date, time, and place of the public hearing;
- (2) The place where a copy of the proposed budget is available for inspection;
- (3) (a) the **total dollar amount** of the proposed budget, (b) a complete list of the **member municipalities**, (c) the **percentage** of the total MCP budget each such municipality bears, and (d) the **dollar amount** each municipality will have deducted from the local aid distribution as it would appear on the "*Cherry Sheet*."
- (4) That copies of the proposed budget will be made available at the hearing; and
- (5) That reasonable time will be accorded to those in attendance for questions or comments relating to the proposed budget.

In addition to said publication, a copy of the notice together with a copy of the proposed budget was delivered or mailed at least 14 days prior to the public hearing to the Chief Administrative Officer, Chief Executive Officer and to the Finance Committee of each member municipality and to the State Reclamation and Mosquito Control Board.

Signed this _____ day of _____, 20_____.

by: _____
Chair of Mosquito Control Project Commission, duly authorized