



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 02114-2151



DEVAL L. PATRICK
Governor

TIMOTHY MURRAY
Lt. Governor

Mark S. Buffone, Chairman
Department of Agricultural Resources
Anne Monnelly
Department of Conservation and Recreation
Gary Gonyea
Department of Environmental Protection

IAN A. BOWLES
Secretary

SCOTT J. SOARES
Commissioner

Alisha Bouchard
Project Administrator
Tel: (617) 626-1715
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Meeting Agenda

State Reclamation and Mosquito Control Board

Monday, June 15, 2009

10:00 AM **at 251 Causeway Street, 5th floor**

1. Call to Order and Attendance
2. Mosquito Control Project FY 10 Budget and Balance Forward
3. Other Business
4. Adjournment



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STATE RECLAMATION AND MOSQUITO CONTROL BOARD (SRMCB)

Subject: Summary Meeting Minutes

Date / Time: Monday, June 15, 2009

Place: 251 Causeway Street, 5th floor, Commissioner's Office
Boston, MA 02114

Attendees:

SRMCB Board: Mark Buffone, Department of Agricultural Resources /SRMCB, Chairman
Gary Gonyea, Department of Environmental Protection / SRMCB Member
Anne Monnelly, Department of Conservation and Recreation / SRMCB Member
Alisha Bouchard, SRMCB, Projects Administrator

Others

Christine Fagan, Bristol County Mosquito Control Project Commission
Priscilla Matton, Bristol County Mosquito Control Project Entomologist and Water Management Specialist
Michael Rock, CFO DAR
Arthur Tobin, Chairman Bristol County Mosquito Control Project Commission

1.0: Call to Order and Attendance.

Chairman, Mark Buffone officially call the meeting of the State Reclamation and Mosquito Control Board to order at 10:14 AM on Wednesday, June 15, 2009 at 251 Causeway Street, 5th floor Commissioner's Office, Boston, MA

He stated that today's meeting was posted at both the Secretary of States office and Executive Office of Administration and Finance pursuant to the Open meeting Law.

He introduced himself as Chairman and the fact that he was representing the Department of Agricultural Resources. He also recognized and introduced Anne Monnelly who represents the Department of Conservation and Recreation and mentioned that Gary Gonyea who represents the Department of Environmental Protection was on his way. The Chairman also introduced the projects administrator Alisha Bouchard. The Chairman introduced all that were present.

2.0: Mosquito Control Project FY 10 Budget and Balance Forward.

Background: Chairman Buffone asked all present to sign the attendance sheet. He stated he would provide a summary of why the Board was called to meet this morning while waiting for Gary Gonyea to arrive. He commented that at the last meeting of the Board (which was last Wednesday), the Board voted to return surplus funds to the member cities and towns of Bristol County because of the excessive rollover accumulation over the past several years. In addition, the Board was cognizant of the reduction in local aid funds to municipalities during a difficult economic climate. The Board envisioned and assumed that these funds could be returned by requesting so from the Department of Revenue. The amount of funds (\$321,433 dollars) was an amount equal to the balance forward of Bristol County Mosquito Control Project beginning in FY 05 and the point where the trust account began to accumulate funds. The Board's vote had a twofold objective; reduce the excessive rollover and send money back to cities and towns while being sensitive to the individual member community assessment impacts decreasing this year and increasing in the next year.

After the vote, the Chairman learned from DOR-Division of Local Services, that they could not return the funds and that the only way to have these communities derive a benefit was to subtract the amount from the Bristol County FY 10 budget in order to lower the assessment to the 20 cities and towns in Bristol County.

DOR did suggest that if the Board wanted to return this money to the 20 cities and towns that the Board would need to find a mechanism to take the money directly from the trust account, such as issuing checks back in an amount proportional to the member communities' share of the budget.

The Chairman explained to the Board that this matter needed to be resolved and he needed to call a meeting since the Board's vote last Wednesday was not implementable. Chairman Buffone stated that the Board would need to vote on a new motion to correct the matter since the final MCP budget numbers were due at DOR last Friday. He emphasized that it was critical that the Board vote this morning on the final FY10 budget amount for Bristol to lower assessments since neither DOR nor the Board have a mechanism at this time to return surplus funds.

Chairman Buffone highlighted the Board's vote in the prior week indicating that the Board vote supported in principal reducing significant accumulation of rollover funds. He focused on the fact that the Board voted to allow the Bristol Commission additional time to provide written justification along with timelines concerning the excessive funds that were earmarked for programmatic or capital expenditures as requested by the Chairman Tobin of Bristol County Mosquito Control Commission.

The Chairman noted that at the last meeting, the Board reviewed and discussed at length the documentation received prior to the meeting last week. The Board had a difficult time interpreting the document dated June 9th without any Commission or project representatives at the meeting. In particular, the documentation reviewed was insufficient in details along with understanding of the meaning of items. For example, one item highlighted was \$25,000 for possible litigation expenses. Also, a number of items outlined were costs that the Board believed should be built into the operating budget such as salary and benefits of unfilled positions. Finally, there was reference to something established by former members of the Board regarding an annual contingency standard per district such as emergency larviciding in the amount of \$272,000 dollars that the current Board did not have sufficient documentation to approve.

The Chairman summarized the entire matter and requested the Board to consider the following in order to rectify the dilemma and meet the DOR deadline.

He recommended that the Board:

1. Needs to vote a final number for Bristol with the knowledge that if the excessive rollover being carried forward is not reduced, it will continue to grow as the operating budget each year is not being spent.
2. Should address the contention that there is an annual contingency standard per district in the amount of \$272,000 as cited in the Commissions letter. In other words, make a motion to vote to abolish the standard if it exists because it is in conflict with the Board's vote to hold MCP to a 10% limit unless a specific waiver is granted.
3. Should address or vote to instruct the Commission in writing to do the following:
 - a. Notify the chief executive in their member communities such as the Mayor, city/town manager, executive secretary, town administrator of this perhaps one time reduction. However, DOR advised caution on the communication, in that if you are going to include numbers either include both the district and the reclamation board piece or indicate that it does not include the communities' share of the reclamation board. This way they won't get confused when they see the final assessment on the FY2010 cherry sheet.
 - b. Work with Alisha Bouchard the Projects Administrator to develop a specific budget cycle plan in addition to the spending plan as well as direct them to submit progress reports on how they are progressing in achieving their expenditures objectives
 - c. Alert them or warn that failure to correct this matter may compel the Board to decline upcoming re-appointments. This matter has been occurring for several years after the Board sent letters and discussed this issue since 2004.
 - d. Initiate a formal request for the initiation of a form 1 immediately if not already done to activated the Division of Capital Asset Management (DCAM) process for relocation or extending the current lease since the majority of the Commissions concern focused on anticipated but unknown costs associated with the expiration of the current lease.
4. Finally, the Board needs to investigate/explore if there is a mechanism to issue checks in order to return surplus funds back to the cities as an option for the future.

Before opening up this matter for discussion, the Chairman distributed suggested language for a motion to the Board members. The language noted that the Board should consider subtracting \$321,433 dollars and the furlough savings cost of \$827 dollars from the Bristol FY 10 budget and submit that final number to DOR after this meeting. That amount would total \$794,608 dollars which would be the amount that the assessments are calculated. He further noted that even after subtracting this amount that their trust account would still total approximately \$1,400,000 dollars. The Chairman believed that this was more than enough to accomplish their objectives and unanticipated expenses. The Chairman felt that the lease issue would be resolved without any extreme actions by the landlord.

In addition, he distributed another document to the Board requesting that a motion be made to formally vote the actual amounts that the Board approves or certifies to DOR after this meeting which include the total FY level funded budgets minus the any rollovers in the case of the Board Administration account and Bristol and cost savings from the furloughs taken to be clear and remove all ambiguity concerning this matter.

The Chairman noted that in addition to subtracting funds from FY 10 budget there was a need to establish timelines. He commented that the funds will continue to grow if the Commission does not stay on track with the established timelines and will ultimately cause the funds to be subtracted from the FY 11 budget. The Chairman was concerned that the surplus may never decrease to the benchmark of 10 %. Finally, he mentioned that emergency larviciding would need to be done by aerial methods not by hand noting the limited staff and accelerated life cycle of mosquitoes in summer. It was clear to him that during emergency conditions the state has been the entity that provide funding via supplemental appropriation. The Chairman opens this agenda item for discussion.

Questions and Discussion: Gary Gonyea asked the Chairman, if procedurally, the Board would need to revoke the vote taken at the last meeting. Chairman Buffone stated yes and entertained a motion.

#1 Action Taken and Vote: Gary Gonyea moved to revoke the vote the Board made at the last meeting on June 10, 2009 pertaining to Bristol County Mosquito Control Budget. The motion was seconded by Anne Monnelly. The motion carried unanimously.

Questions and Discussion: Gary Gonyea remarked on the suggested language before them presented by the Chairman. He felt that the Chairman outlined very well the issue the Board has discussed over the past couple of years and most recently the past few months. He suggested the Board move forward with it. He agreed with the suggested language and points outline in the document distributed by the Chairman.

A clarification was noted during the meeting about the Chairman making a motion. As a result, Anne Monnelly moved to approve the proposed language and statistics as suggested by the Chairman regarding the Bristol County Mosquito Control Project as presented on June 15, 2009. Gary Gonyea seconded the motion.

Arthur Tobin asked for clarification of the motion and other questions. As a result, the Board and others provided a comprehensive explanation of the statistics and budgetary aspects of a trust account. A well engaged discussion took place between the Board and the Bristol County Mosquito Control Project representatives regarding matter. A discussion also ensued about the Chairman's suggestion to notify the cities and towns concerning the lowering of the assessments based on the lower budget number. Anne Monnelly noted that even with the subtraction of surplus funds there are sufficient funds being rolled forward to cover their proposed FY10 expenses.

Anne Monnelly suggested that the Board review again the itemized expenses in the letter dated June 9, 2009 while the Bristol County Mosquito Control Project representatives were present.

One of the main concerns expressed by the Bristol County Mosquito Project representatives focused on salary of personnel inequities and lack of proper space for professional staff. Mark Buffone remarked that the Chairman of Bristol MCD should consult with DAR Human Resources Director and stated that the Commission has its own authority to handle personnel issues. However, the DAR CFO cautioned the Commission regarding the timing of requesting increases regardless of justifications.

Arthur Tobin stated the landlord has verbally resisted any suggestion that improvements be made. They feared that the unexpected costs pertaining to lease termination and space improvements.

Michael Rock commented that DCAM would be the agency to negotiate with the landlord and possibly may be impacted by a higher lease or if you need to relocate, this would be a onetime expense. He mentioned that the salary and your rent need to be built into your operating budget. Alisha Bouchard explained that DCAM typically puts the lease out to bid. DCAM will perform a site visit and they determine that the facility is not up to code and does not need to go to bid, DCAM can write these terms in the new lease and the landlord would have to bring things up to code if he wants to continue leasing with you. Also, she mentioned that DCAM is sensitive to the budget situations, in that your lease may increase but give you a few years to plan for this event. Finally she commented that DCAM will work with the Commission. A number of questions were asked about DCAM and relocation or lease extensions. Alisha Bouchard stated that she will visit the Bristol County Mosquito Control project in July and that she has the spending plan paperwork information and will assist the Commission to work out these issues with them.

#2 Action Taken and Vote: After a lengthy discussion, the motion by Anne Monnelly and seconded by Gary Gonyea was read aloud. The motion read as follows:

Pursuant to Board vote on May 27th, 2009 that all MCP's to maintain balance forward or rollovers not to exceed 10 % except in those cases where a waiver is approved by the Board with adequate justification and timelines and moves that the Board vote to reduce the Bristol County FY 10 budget equal to the amount that was balanced forward in FY 05. The FY 05 Balanced Forward amount is \$321,433 dollars would be subtracted from the current FY 10 level funded budget approved by the Bristol County Commission and the furlough cost savings of \$827 from the amount of \$1,116,869 making the total FY 10 amount the Board certifies to DOR in the amount of \$ 794,609 dollars. The motion further explains that this action is necessary to in order to compel the Bristol County Mosquito Control Project Commission to draw down surplus accumulated funds in the trust account and move in a direction that will result in achieving the 10% number as soon as practical. The reminding excess in the account has been earmarked for specific programmatic expenditure per the Commission letter dated June 9, 2009 without specific timelines. The motion further states that the Board approves or waives the additional trust account surplus in their FY 10 account in excess of 10% due to several earmarked items noted in the June 9, 2009 letter to the Board such as those related to rental increases/and or possible one-time relocation costs. However, the accepted expenditures are temporary since if the excess funds are not expended by June 30, 2010, these funds will be automatically deducted from the next fiscal year budget until the balance forward reverts back to a maintenance level of 10% of the FY 10 of \$1,116,869 dollars and/or unless the Bristol Commission can provide updated justification to petition the Board for another waiver. Also, it is moved that the Board directs the Mosquito Control Project and Commission to work closely with the Projects Administrator Alisha Bouchard.

The above motion moved by Anne Monnelly and seconded by Gary Gonyea carried unanimously.

#3 Action Taken and Vote: Gary Gonyea moved that if the projects administrator Alisha Bouchard should discover any minor accounting or math errors in any of the numbers that are certified to the Department of Revenue that she make those corrections as necessary and notify the Board only without creating the need for another Board meeting. The motion was seconded by Mark Buffone and carried unanimously.

Before the next vote the Chairman said he would entertain a motion by the Board insuring that the final FY 10 budget numbers for all the mosquito control commissions and the Board's budget be either read or noted for the record

#4 Action Taken and Vote: Gary Gonyea moved the Board accept the table of final 2010 State Reclamation and Mosquito Control Board approved mosquito control project budgets voted by the voted on June 15, 2009 with the dollar figures in Table 1 dated June 10, 2009 and attached it to the minutes. The motion was seconded by Anne Monnelly and the motion carried unanimously.

Chairman Buffone echoed that since the projects administrator would be working with the Bristol County Mosquito Control Project Commission that having a motion regarding initiating a form 1 pertaining to DCAM site visit was unnecessary.

#5 Action Taken and Vote: Anne Monnelly moved that the State Reclamation and Mosquito Control Board and projects administrator work with Bristol County to draft a letter to notify the member cities and towns explaining the reduced assessments for FY 10 because of the onetime surplus of funds with a caveat that FY 11 may reflect increases. The motion further stipulates that the letter be completed and mailed by the end of July 2009. The motion was seconded by Mark Buffone and the motion carried unanimously.

3.0: Other Business.

- 3.1: **Background:** The Chairman stated the rest of the meeting would focus on a few issues including consideration of increasing the frequency of meetings and discuss next steps on the GEIR. The Chairman distributed certificates of Commissioner Appointments that the Board members needed to sign. During this time, the Chairman also stated he would entertain a motion to acknowledge 2 long time Commissioners who decided not to seek re-appointment.
- 3.2: **Questions and Discussions:** The Board members asked if the Board should design certificates or letter to recognize Commissioners. The Chairman suggested that this could be discussed by the Board at another meeting. Gary Gonyea suggested that if possible the Board should look into crafting certificates of appreciation for Commissioners who have served since it would reflect the Board's appreciation for their well deserved service.
- 3.3: **#1 Action Taken:** Gary Gonyea made a motion for the record that the Board expresses its deep appreciation for the time and service that both Mrs. Gene McAuliffe and Mr. William Mara Sr. gave to the Board and Massachusetts mosquito control for 25 and 42 years respectively in the minutes. The motion was seconded by Anne Monnelly and the motion carried unanimously.

#2 Action Taken: Chairman proposed that the Board meet more frequently. He stated that the Board usually schedules 4 meetings per year. He commented that the number of issues that the Board needs to address has been increasing including but not limited to budget oversight, GEIR, policies, and the upcoming mosquito season.

Gary Gonyea made a motion that the meeting schedule of the State Reclamation and Mosquito Control Board for the remainder of the 2009 (in addition to the previously scheduled meetings) shall consist of the following times and dates and be held at 251 Causeway Street, 5th floor conference room - July 8th @ 1PM, August 12 @ 10 AM, September 9th @ 10AM, October 14 @ 10 AM, (Note: October 21 to be held in Waltham), November 18 @ 10 AM and December 9th @ 10 AM. The motion was seconded by Mark Buffone and unanimously approved.

#3 Action Taken: Chairman Buffone stated that the Board has requested an informational meeting with the awarded contractor. He remarked that the dates the Board suggested do not work for the contractor and is not available to the 2nd week of July. The contractor stated he is happy to respond to any questions via email. Chairman Buffone asked the members how they want to proceed to insure that the GEIR draft is completed on time

The Board agreed that a conference call be held with the approved vendor and confirmed that he plans on getting a draft to the Board by June 30th and to have the opportunity to provide feedback to him. The Board suggested the date of Wednesday, June 24, 2009 to meet. In the meantime, the Board members can work on reviewing the rough draft it received. The Board asked Alisha Bouchard to roll over the contract for the entire year to June 30, 2010.

4.0: **Adjournment.**

- 4.1: **Background:** The Chairman asked if there were any other comments or questions before the Board officially adjourned the meeting and entertained a motion to adjourn the meeting.
- 4.2: **Questions and Discussions:** None.
- 4.3: **Action Taken:** Gary Gonyea made a motion to adjourn the meeting at 12:00 PM Noontime. The motion was seconded by Anne Monnelly and the meeting was adjourned unanimously.

Respectfully submitted,

Mark S. Buffone
Chairman

Table 1 Attachment (Referenced On Page 6 Action Taken #4)

FY2010 Mosquito Control & SRMCB Budgets

TABLE 1

6/10/2009 and voted June 15, 2009

District	FY10 SRB Approved Level Funding as of 05/27/09	Less FY09 Furlough Savings	Less FY09 Rollover Reduction	Final FY2010 SRMCB Approved Budget Voted June 15th, 2009	Note
Berkshire	\$ 154,678	0	\$0.00	\$154,678	
Bristol	\$ 1,116,869	(827)	(\$321,433.00)	\$794,609	June 15th Board Vote
Cape Cod	\$ 1,609,325	(3,275)	\$0.00	\$1,606,050	
Central Mass	\$ 1,679,945	(2,815)	\$0.00	\$1,677,130	
East Middlesex	\$ 562,050	(1,527)	\$0.00	\$560,523	
Northeast	\$ 1,527,197	(3,214)	\$0.00	\$1,523,983	
Norfolk	\$ 1,443,389	(2,489)	\$0.00	\$1,440,900	
Plymouth	\$ 1,321,523	(856)	\$0.00	\$1,320,667	
Suffolk	\$ 232,806	(841)	\$0.00	\$231,965	
State Reclamation Board	\$ <u>224,435</u>	<u>0</u>	<u>(\$40,901.00)</u>	<u>\$183,534</u>	
Total	9,872,217	(15,843)	(\$362,334.00)	\$9,494,040	\$378,177 sent back to cities and towns in form of lower assessments