

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

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, March 14, 2012

TIME: 10:00 AM

LOCATION: Cape Cod Community College, Room 213,
Lorusso Applied Technology Building,
2240 Iyannough Road (Route 132),
West Barnstable, MA

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

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 January 25, 2012 meeting. **(Vote Required)**
- C. **NPDES-NOI** Update-Brief Status and Upcoming EPA Training Invitation
- D. Martha Vineyard-Mosquito Testing
- E. FY 13 Budgets: Update and Discussion
- F. **Public comment/input period:** The Board will provide an opportunity for the general public to speak and listen to their concerns.
- G. **Other Business (if any)**
 - a. Next meeting date and location
- H. **Adjournment:** The Board will officially adjourn the meeting.

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Subject: Meeting Minutes

Date: Wednesday, March 14, 2012

Place: Cape Cod Community College,
Room 213, Lorusso Applied Technology Building,
2240 Iyannough Road (Route 132),
West Barnstable, MA

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 Counsel

Mosquito Control Project Commissioners:

Robert Davis, Bristol County
Jere Downing, Cape Cod Mosquito Control Commission
Greg Milne, Cape Cod Mosquito Control Commission
Arthur Neill, Cape Cod Mosquito Control Commission
Jim Quirk, Cape Cod Mosquito Control Commission
Charles Sumner, Cape Cod Mosquito Control Commission

Mosquito Control Project Directors/ Superintendents /Assistants:

Steve Burns, Bristol County Mosquito Control Project
Jack Card, Northeast MA Mosquito Control & Wetlands Management District
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
Timothy McGlinchy, Central MA Mosquito Control Project
Gabrielle Sakolsky, Cape Cod Mosquito Control Project
Tony Texeira, Plymouth County Mosquito Control Project
John Smith, Norfolk County Mosquito Control Project

Others in Attendance:

Barbara Johnson, Bristol County Mosquito Control Project
Seth Rolbein, for Senator Wolf's Office
Hugh Marsh, Yarmouth Conservation Commission
Ed Hoopes, Vice Chairman of Yarmouth Conservation Commission
James Pringle, Tisbury Board of Health
T.J. Hegarty, County of Dukes County
Bob Robida, Cape Cod Community College
Denise Hedderig, Cape Cod Community College
Monica Mullin, Senate President Murray's Office

Before the official opening of the Board meeting, Jere Downing, Chairman of the Cape Cod Mosquito Control Commission welcomed the Board and called to order the meeting of the Cape Cod Mosquito Control Commission. He took the opportunity to introduce members of the Cape Cod Mosquito Control Commission, including but not limited, to Charles Sumner, who is the Town Manager of Brewster, James Quirk, Selectmen for the Town of Yarmouth, Greg Milne, Town of Barnstable and Arthur Neill, US Fish and Wildlife Biologist retired and Coordinator Senior Environmental Corp for Massachusetts Military Reservation. After these introductions, J. Downing turned over the meeting to Lee Corte-Real, Chairman of the State Reclamation and Mosquito Control Board.

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

Chairman Lee Corte-Real called the meeting to order at 10:07 AM. He thanked Jere Downing and welcomed Commission members, Superintendents, employees of the MCDs, and citizens. The Chairman began by conducting the roll call of members present. 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 Soares, of the Department of Agricultural Resources. The Chairman stated that there was a quorum. Chairman Corte-Real proceeded to the next order of business being the minutes of January 25, 2012.

B. *Minutes/Summary:* The Board will consider for approval the meeting minutes of the January 25, 2012 meeting. **(Vote 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 January 25, 2012.

B.2: Questions and Discussions: None

B.3: Action Taken: B. Hansen moved to approve the meeting minutes January 25, 2012 meeting. The motion was seconded by G. Gonyea and the minutes were voted unanimously 3-0.

C: *NPDES-NOI Update-Brief Status and Upcoming EPA Training Invitation*

C.1: Background: Chairman Corte-Real stated that everyone received notification of the upcoming EPA training. He asked M. Buffone, Executive Director to update the Board. M. Buffone remarked that he sent out the notification of the U.S. Environmental Protection Agency (EPA) who will be hosting public workshops to discuss the requirements under the Agency's recently issued National Pollutant Discharge Elimination System (NPDES) Pesticide General Permit (PGP).

M. Buffone highlighted the following dates and locations of the workshops for the Board.

Monday, March 19, 2012 - Nashua, New Hampshire

6:00 - 8:00 pm

Crowne Plaza Hotel Nashua - The Trafalgar Suite (capacity of 120 people)

2 Somerset Parkway

Nashua, NH 03063

Tuesday, March 20, 2012 - Worcester, Massachusetts, Session I (for pest management professionals in the Connecticut River area)

2:00 - 4:00 pm

University of Massachusetts Medical School - Arthur and Martha Pappas Amphitheatre (Amphitheatre 1)
(capacity of 210 people)

55 Lake Avenue North

Worcester, Massachusetts 01655

Tuesday, March 20, 2012 - Worcester, Massachusetts, Session II

6:00 - 8:00 pm

University of Massachusetts Medical School - Amphitheater I (capacity of 210 people)

55 Lake Avenue North

Worcester, Massachusetts 01655

He further noted that the focus of each workshop will be to discuss the implications of Clean Water Act (CWA) NPDES permitting requirements for pesticide discharges as applicable to permittees in Massachusetts and New Hampshire. He said that EPA will provide an overview of the requirements under EPA's Pesticide General Permit and answer questions concerning the permit. He outlined the training content explaining that it will cover the Notice of Intent (NOI), discuss various sections, Monitoring, Pesticide Discharge Management Plan, Recordkeeping, and other topics. M. Buffone commented that MDAR awarded Pesticide Applicator Contact Units for Massachusetts Licensed and Certified Applicators for all workshop sessions.

He also briefly mentioned NOI's or Notice of Intents calling the Board's attention to a chart distributed (see Page 4) to members showing the number of MCDs who have submitted to date the NOI to the EPA. He reminded the Board of its request at the January 25th meeting and a recent memo mailed by the Chairman concerning NOI submissions. The Executive Director highlighted that 8 out of the 9 MCDs have submitted NOI's to EPA except one MCD. M. Buffone read out aloud the MCDs who were listed on the chart which included Plymouth, Berkshire, Northeast MA, East Middlesex, Norfolk County, Suffolk County, Cape Cod, and Central MA. Finally, he remarked that the status of each NOI ranged from active to submit to EPA. He went on to state that the active classification means that a complete NOI has been received by EPA. The waiting period is over and Operator's discharges are authorized under the PGP beginning on the date indicated. The classification submitted to the EPA means a complete NOI has been submitted to EPA and is in the waiting period pending authorization.

C.2: Questions and Discussion:

Chairman Corte-Real asked Gary Gonyea to update the Board of the coordinated effort that was done by DEP and EPA regarding the issuance of the permit. G. Gonyea stated he did not have more to add per M. Buffone status update but did say that both Bob Kubit and he offered to review Pesticide Discharge Management Plans (PDMP) and NOIs as well as forwarding information to George at EPA. He mentioned that what has been reviewed so far was good and felt this matter was in good shape. However, he did not that some NOI's and PMDPs were more detailed than others. Nonetheless, he remarked that the purpose of the outreach coming up would be to fine tune this information and noted that Bob Kubit will be there answer any state regulatory questions.

NOI Chart

<u>Permit Number</u>	<u>Operator Name</u>	<u>Operator Type</u>	<u>State</u>	<u>Status</u>	<u>Submitted Date</u>	<u>Updated Date</u>
MAG87A025 #1	Plymouth County Mosquito Control Project	Mosquito control district (or similar)	Massachusetts	Active	1/13/2012	2/07/2012
MAG87A026 #2	Berkshire County Mosquito Control Project	Mosquito control district (or similar)	Massachusetts	Active	2/01/2012	2/12/2012
MAG87A027	Salem and Beverly Water Supply Board	Other	Massachusetts	Active	1/13/2012	1/24/2012
MAG87A028 #3	NE MA Mosquito Control and Wetlands Management Dis	Mosquito control district (or similar)	Massachusetts	Submitted to EPA	2/07/2012	2/07/2012
MAG87A043	Cranberry Growers Service, Inc.	Other	Massachusetts	Submitted to EPA	3/12/2012	3/12/2012
MAG87A020 #4	East Middlesex Mosquito Control Project	State Government	Massachusetts	Active	1/03/2012	1/14/2012
MAG87A021 #5	Norfolk County Mosquito Control District	Mosquito control district (or similar)	Massachusetts	Active	1/04/2012	1/16/2012
MAG87A029	US Fish & Wildlife Service	Federal Government	Massachusetts	Submitted to EPA	2/01/2012	2/01/2012
MAG87A031	City of Peabody Water Dept	Local Government	Massachusetts	Active	2/23/2012	3/05/2012
MAG87A034	Aquatic Control Technology, Inc	Other	Massachusetts	Active	2/24/2012	3/08/2012
<u>Permit Number</u>	<u>Operator Name</u>	<u>Operator Type</u>	<u>State</u>	<u>Status</u>	<u>Submitted Date</u>	<u>Updated Date</u>
MAG87A038	Aquatic Control Technology, Inc	Other	Massachusetts	Active	2/24/2012	3/08/2012
MAG87A040	Friends of Upper Mystic Lake	Other	Massachusetts	Submitted to EPA	2/24/2012	2/24/2012
MAG87A041 #6	Suffolk County Mosquito Control Project	Mosquito control district (or similar)	Massachusetts	Submitted to EPA	2/27/2012	2/27/2012
MAG87A024 #7	Cape Cod Mosquito Control Project	Mosquito control district (or similar)	Massachusetts	Active	1/09/2012	2/07/2012
MAG87A023 #8	Central Massachusetts Mosquito Control Project	Mosquito control district (or similar)	Massachusetts	Submitted to EPA	3/06/2012	3/06/2012
MAG87A042	NRRC, Inc	Other	Massachusetts	Submitted to EPA	3/06/2012	3/06/2012

There are four major status types: **Submitted to EPA** - A complete NOI has been submitted to EPA and is in the waiting period pending authorization. **Active** - A complete NOI has been received by EPA. The waiting period is over and Operator's discharges are authorized under the PGP beginning on the date indicated. **Submitted to EPA**- A complete NOI has been received by EPA; however, the NOI has been placed on hold by EPA for further review. Discharges identified in the NOI are not eligible for coverage until EPA resolves any outstanding issues. **Terminated** - A Notice of Termination (NOT) has been submitted to EPA. This discharge is no longer authorized under EPA's PGP.

Chairman Corte-Real asked Gary if he saw any conflicts between the requirements for the PGP and the DEP regulations or anything that was pending. He mentioned that there were some questions regarding additional conditions placed in the permit by DEP. According to Gary Gonyea, the permit is a joint permit between EPA & DEP. EPA handled public notice for the joint permit in MA and included conditions in public notice in the federal register. Basically, the DEP conditions repeat existing state laws. Any questions about the joint permit should be directed to DEP attorney Bob Brown, DEP Gen Council at 617-292-5926. If it was an individual permit (which it was not) then there would have been a need for a separate public notice.

M. Buffone stated that there were some concerns expressed about potential liability to employees that work for the MCDs or to the MCD itself. G. Gonyea stated that DEP felt that response the Chairman previously sent was sufficient.

Chairman Corte-Real remarked that he noticed on the chart there were other groups including companies that conduct vegetation control and City of Peabody Water Department that submitted NOI's.

A question was raised about a non-member community within a MCD concerning NPDES. The answer was that a non-member community would be responsible to submit an NOI. If there was an emergency request for mosquito control services from a non-member community and a MCD responded to the request, they would have up to 30 days after that emergency application to file the application. If a new town joined a MCD, the MCD could amend their NOI and provide pesticide application services after a 10 day waiting period.

There was another question on liability and legal counsel. Jessica Burgess, MDAR Counsel stated the following:

- The MDAR legal staff is your resource.
- She advised that the MCDs contact and make any request to the Board for MDAR's legal assistance. She emphatically stressed that the MCDs not go to the AG office directly.
- She remarked that as long as the MCD employees were working within the scope of their job duties and permit conditions and not doing something that is either negligent or falls outside the scope of their duties, the state view is that MDAR would be part of your defense.
- The bottom line is MDAR will provide you with legal representation
- She said that the permit is there to protect the MCDs. By not filing it, they are failing to comply with their statutory obligations under Chapter 252

A request was made to obtain the preceding discussion in writing. Jessica replied that it is in writing and cited the memo dated February 29, 2012 sent out by Chairman Corte-Real. She cited the last paragraph of the memo and read the following paragraph.

Finally, at the aforementioned meeting, there were concerns expressed about third party lawsuits and liability under the Clean Water Act. Filing the NOI and obtaining Pesticide General Permit coverage, allows the Board to authorize representation from MDAR legal services in the event of any challenge to activities duly authorized under M.G.L. c. 252 and the scope of the Pesticide General Permit and the Clean Water Act.

A question was raised about the Board and MCDs in regards to who was a decision maker and who was an operator. The Chairman stated that according to EPA, the MCDs were decision makers and operators.

C.3: Actions Taken: G. Gonyea stated he would send Tim Deschamps questions to EPA and Bob Kubit, DEP concerning how to amend an NOI if a new town should vote to join a mosquito control project. Also, he said he would ask about non-member communities doing mosquito control as to who has to file the NOI?

D: Martha Vineyard-Mosquito Testing

D.1: Background: M. Buffone informed the Board that they have a letter from the Town Manager from the County of Dukes County and also a copy of an enabling act of legislation from the 1950's. He stated that the letter essentially was a request to be on the agenda. M. Buffone responded to this request by e-mail of March 7th to Russell Smith inviting him, and T.J. Hegarty to attend today's meeting. He mentioned that T.J. Hegarty, the IPM Director is present along with James Pringle, of the Tisbury Board of Health. M. Buffone inform the Board that this matter came to his attention late January last year when T. J. Hegarty the Martha's Vineyard, Dukes County IPM Director inquired whether the Board could add MV to the existing ISA for mosquito testing like the other mosquito control projects that fall under the Board. I told him at the time he would have to estimate how many samples and I would need to check with our fiscal folks at MDAR. M. Buffone noted that the according to a MMARS and Comptroller's Policy on ISAs referencing compliance with 815 CMR 6.00 that Martha's Vineyard could not be part of the existing ISA since they are not a state mosquito control district. He further explained that for the 2011 mosquito season MV made arrangements with an MCP to submit collections. In this case, it was with the Cape Cod Mosquito Control Project and through the assistance of entomologist and Assistant Superintendent Gabrielle Sakolsky, Cape Cod Mosquito Control Project. That arrangement will not continue for various reasons, including the fact that Martha's Vineyard believes it will be more efficient to submit the mosquitoes themselves to DPH and as a result, Martha's Vineyard was requesting that they be part of the ISA. Later in 2011, Martha Vineyard contacted DPH in these matters but DPH sent an e-mail to T.J. and stated that they could only able to offer testing services for mosquito pools that are submitted through the MCP structure which is under the supervision of the SRMCB.

Recently, in the same letter dated February 9, 2012 requesting to be on the agenda, they brought to the Board's attention an old enabling act of legislation Chapter 371 Creating a Mosquito Control Project in the County of Dukes County approved on May 15, 1957. In the letter, MV requests that "we would like to find a way to submit mosquito pools directly to the state lab for arbovirus testing". M. Buffone stated this is where we are at the present time. He commented that there basically appears to be three separate but related issues that the Board needs to consider. He explained the following:

1. The testing of mosquitoes by MV using an existing ISA between MDAR and DPH

As it stands now, M. Buffone explained Martha's Vineyard is not part of Board. Therefore, Martha's Vineyard could contract directly with DPH and there will be no SRMCB involvement. MV could contract with DPH or a DPH approved entity to achieve its objectives as proposed today. This is something advised by the Chief Fiscal Officer of MDAR and in accordance with MMARS policy and State comptroller regulations concerning ISA's.

2. *Mechanism to retrieve small amount of funding in current administrative accounts*

M. Buffone explained that the funds in the long inactive trust account can be returned to Martha's Vineyard once the appropriate recipient or demonstrated beneficiary of the trust is established or verified. Once a recipient or beneficiary of the trust is demonstrated to the Board, they may request the funds and upon Board approval a check can be issued from MDAR CFO. This would close the account. The step involved here would be that the Board requests a letter from legal counsel of County of Dukes County to provide an opinion that satisfies the Board to request funds from the account be sent to MV and close account. The Board could make a motion and request said letter and vote on at its May meeting.

3. *Steps to become an actual district*

Moving forward, if in the foreseeable future a new District was established, a new account could be created if the old account was no longer in existence. However, the 6 towns that make up MV should be made aware of their options to vote into the district as established by the legislation. If there is consensus, the Board would advise them to carefully review Chapter 252 and all its obligations. If they are ready, willing, and able to carry out the law, the Board would consider support of the district.

M. Buffone asked the Board what it wanted to do to deliberate or to ask T.J. to make a presentation to the Board.

D.2: **Questions and Discussion:** The Chairman asked T.J. if he wanted to address the Board but before he acknowledged that the Comptroller policy and ISA requirement that you are not eligible to be part of the ISA. He explained he was not sure what we could do about it short of Duke County becoming an operational district. Alisha Bouchard stated that they could enter into its own agreement with DPH. Jessica Burgess noted that DPH responded the way they did because they were under the impression that Martha Vineyard was part of the Board

Gabi stated that DPH was reluctant to contract directly with Martha's Vineyard. She asked what would Martha Vineyard have to do to show that they were an organize district? She was aware that the County Manager sent a letter that they requested to use the old legislation, set up a Commission made up of the County Commissions, consider T.J. the Superintendent and use funds out of an account set up under the Board.

M. Buffone stated that the 6 towns that make up Martha's Vineyard would need to be made aware of this issue and go beyond the Board of Health. The Board could not say that T.J. could be the Superintendent.

Some of the concerns regarding Martha's Vineyard are:

- They are not an organized mosquito control project under the Board with enabling legislation authorizing them as a district; as with all the other Projects listed in the ISA.
- There is no letter and vote from member communities requesting / accepting to join a new district.
- There is no legislation spelling out a formula in which any member communities would be assessed in order to run assessments.

Jessica Burgess added that what is needed is a legal opinion from the attorney representing the County (County Counsel) that they are in fact the entity that is entitled under this enabling legislation to be the district, because right now we don't know who, we have money, we are happy to give it back, we need them to show us they are the ones entitled to it and why.

J. Burgess advised the Board that both the Board and MDAR should request certain information from Martha's Vineyard to demonstrate that they are entitled to the remaining funds in existing accounts and provide a rational why. She continued explaining that if Martha's Vineyard could establish through documentation the above, then MDAR and the Board could proceed to consider whether or not they are a mosquito control project pursuant to the past enabling act of legislation. Also, it would help to determine a legal opinion on their request after reviewing the enabling legislation, number of cities and towns involved along with any positive or negative feedback and to inform all involved that being part of the mosquito project is an "opt out", not an "opt in" proposition. All of these things need to be presented to the Board by way of a legal opinion by the Martha Vineyard County Counsel. Ultimately, the Board needs Martha Vineyard to prove their case to the Board that they are the District under the past enabling act of legislation. The Board must insure that Martha Vineyard is a legitimate district in order to authorize the release of the existing funding. The district exists but they need to demonstrate they are in fact they are a district. The Board needs the requisite documents that assure other state agencies that Martha Vineyard is a district

M. Buffone further added that a mosquito control District will do more than surveillance and the program must have an integrated program including but not limited to larviciding, adulting, and water management.

The Chairman stated that there are several issues linked to Martha Vineyard's request to be a district to address T.J. Hegarty's questions. James Pringle, Tisbury Board of Health explained that they were very pleased with the T.J.'s program.

M. Buffone commented that the MCD exists per the enabling act of legislation. However, the project established in the 50's and for all practical purposes is now defunct. The Board has never appointed Commissioners at least there is no extant record of this action by the Board.

M. Buffone reiterated and emphasize that the letter sent to the Board dated February 9, 2012 from Russell H. Smith which was specific to two requests. One request was to be placed on the agenda and the other request that you would like to find a way to submit mosquito pools directly to the State DPH laboratory for arbovirus testing. He noted that Martha's Vineyard had one pool of mosquitoes that tested positive last year. He remarked that the Board would like to know what your plans are for response to positive pools of mosquitoes. M. Buffone addressed several questions stating that DPH offered to assist Martha's Vineyard in terms of education. MDAR CFO told us that Martha Vineyard is not a state district and as a result you could not be part of the current mosquito testing ISA.

G. Gonyea addressed the concerns and remarked that the Board was providing clear guidance on how to set up their Commission to obtain funds from their community so they can use for testing, surveillance, and other actions such as public education and larviciding. Once they get that established they would need to file an NOI and they would be no different from other MCDs.

The discussion on Martha's Vineyard continued for some time. M. Buffone reminded T.J. Hegarty that he sent an e-mail on November 5th, 2011, telling me that the Health Boards of Martha's Vineyard is not pursuing enabling legislation. In the past they have stated that they do not want to set up a program that will dilute the Cherry sheet monies given to the towns. The economy has impacted us as well as the rest of the state. They have no funds or desire to treat tidal marshes or inland wetlands. M. Buffone wanted to clarify that your request was for testing only.

Jessica mentioned that enabling act of legislation does not include the funding mechanism. This enabling act of legislation and Chapter 252 will govern how you operate. It will be an all or nothing. If you decide to opt in, have your Counsel fully explain to you how the funding will be assessed and what other responsibilities are required per the statute Chapter 252.

G. Gonyea recommended that T.J. Hegarty send the Board:

1. A letter with a legal opinion that T.J. and others represent the Martha Vineyard Mosquito Control Commission;
2. A written plan highlighting what they will do as a District where they will do it, indicate what type(s) of chemicals will be used as larvicide, and adulticide (if any), and discuss any plans for ditch maintenance, along with highlighting the number of employees, an itemized budget, and funding source mechanism.

D.3: Actions Taken: The Chairman agreed with G. Gonyea. In summary, the Chairman stated and advised T.J. Hegarty, as the principal representative of the County of Dukes County, to provide the Board with the following 3 items in order for the Board to consider Martha's Vineyard request. He told Mr. Hegarty the Board needed the following:

1. A legal opinion from the County Counsel regarding the constituency of the MCD in the enabling legislation occurring in Chapter 371;,,
2. An estimated budget with an outline of framework of proposed general areas of operation/activities for the upcoming mosquito season,
3. An ethics opinion as to the concerns pertaining to the fact that Mr. T.J.Hegarty was a county employee and may not be eligible to work as the proposed Superintendent of the District.

Finally, the Chairman noted that the Board would have to appoint Commissioners.

E. FY 13 Budgets: Update and Discussion

E.1: Background: Chairman Corte-Real asked the project administrator, Alisha Bouchard to bring the Board up to date on budget numbers. Also, the Chairman requested to hear from the individual MCDs concerning the current status of their budget request and issues surrounding sign offs per the Board budget policy.

Alisha Bouchard, the Projects Administrator highlighted the most recent FY 13 Mosquito Control Budget Estimates. She stated that there was no significant changes since the last update she gave the Board on 02/14/12. Alisha commented that the most recent updates were noted in the "notes" column including some districts where the Board needed updates. Overall, she noted that many of the districts requests for goods and services purchases have increased during the month of March in preparation for the mosquito season. Also, she informed members that many of these requests are going through the procurement, contract and encumbrance process with payments to follow. As a general rule, A. Bouchard stated the spending projections become evident at the end of the 3rd quarter and throughout the 4 quarters of the fiscal year. In other words, the Board will receive more accurate FY 12 spending percentage's by the May certification meeting.

Bouchard explained that there were no changes in FY 13 budget requests for **Berkshire, Cape Cod, East Middlesex, and the Board Administration**. The FY 12 spending appeared to be on track as planned for all MCDs. She highlighted the following districts **Bristol, Central, Norfolk, Northeast, Plymouth, and Suffolk** as follows:

Bristol: Any new lease or moving costs already projected will be captured in FY 13 and could be absorbed in unexpended FY 12 rollover funds. Also, much of the moving can be handled by the District to reduce moving costs. The status of new hires and purchases of capital equipment include:

No requests for FTE new hires have been submitted from the district; only the submission of paperwork to bring back one of their seasonal employees has been received to-date. The status of capital purchases (in the KK cost category) is as follows:

- o FY 12 capital equipment spending totals \$18,465 which includes the cost of new trailer at \$17,055 after the trade in; plus another \$1,410 in small mosquito related equipment and parts.
- o In addition, a contract is currently in process for the purchase of new dump truck in the amount of \$92,966.
- o The total of these 2 larger capital purchases is \$110,021 plus the misc spending will total \$111,431.

Central: Need an update from the district regarding status of towns joining and if 2 new FTEs are still planned for FY 13.

Norfolk: District reduced its budget request from 18% to 3% increase request for FY13.

Northeast: Need update regarding the status of any new communities to join the district and if 1 FTE and 1 part time seasonal still planned for; also how much in additional pesticide costs is the district planning for in FY 13.

Plymouth: Plymouth was approached by someone wanting to purchase their aircraft. Fiscal is checking with OSD to see if this is possible and/or what the process requires. The district would only consider this option if the money goes to the project and not the state. The district has spent \$903,500 / 66.5% of its FY 12 funds totaling \$1,369,658. If the monthly spending trend were to continue, one could estimate the district would spend an additional \$451,750 with a minor variance up or down but enough to spend out all of their funding. However, as with all districts spending and encumbrance commitments, it begins to increase in both volume and dollar amount in the 3rd quarter and will spike even further during the 4th quarter of the fiscal year as districts prepare and enter into the spring and summer mosquito season. Based on these factors and the details below; it appears Plymouth may run short on funding to support level operations / spending achieved in prior fiscal years. *Fiscal Concerns Includes:* It does appear the District's ability to purchase additional pesticides is a concern along with the other items listed in their supplemental budget requests such maintenance and fuel costs for their aircraft. The additional seasonal labor cost request of \$15,000 is unclear at this time. The District has begun to submit some seasonal paperwork to Human Resources with anticipation of starting seasonal employees on May 15th.

Pesticide purchases between July 2011 and the end of Sept total \$16,201 dollars expended. Currently, there are two Clarke Mosquito Control invoices pending which total \$15,837. The District is absorbing these costs through an old salt marsh account and these payments will exhaust this account. The \$15,837 payment is for: 10 cases of Duet totaling \$9,224; plus 6 cases of Altosid Pellets for \$6,613.20. Other questions regarding the amount of pesticides and their costs to cover the 10,000 acres Tony commented that had not been done would have to be addressed to the district. The FY 12 fringe cost estimates vs. actual spending requires more analysis and is to be determined by the end of the fiscal year. Fiscal has concerns that the spending may exceed the districts estimate. Finally, in FY 11 the District received \$132,166 dollars in supplemental 2010 aerial spray funds which helped deflect costs from the District's primary trust account. Specifically, of the \$132,166 in supplemental funds \$90,025 dollars was spent on pesticides.

E.2: Questions and Discussion: A. Bouchard answered Board member questions as she covered the most recent FY 12 certified budgets to date and proposed FY 13 budgets as illustrated (See Page 12). Gabrielle Sakolsky, Cape Cod Mosquito Control Project, stated that her Commissioners were present and representatives asking if there are any questions about their request. She continued to state does the Board need further information from them. Chairman stated that he asked if there is any input you want to provide the Board. She asked did they submit enough for the Board to be satisfied and she wanted to avoid last minute questions at the next meeting. G. Gonyea asked her about the status of municipal sign off of support. The Cape reported that they were close to getting all their towns to sign off. During the discussion, the Cape Cod Commission Chairman, Jere Downing ask that the minutes reflect that at this moment, the Board does not have any additional requests for information regarding the Cape Cod proposed FY 13 budget.

Tim DesChamps stated that he sent out the Form 3 to his member municipalities and asked the Board at this point could they provide some inclination about how the Board might view his proposed increases. Chairman Corte-real stated that until the Board can see the final picture, the Board cannot provide an answer and encourage you to try to get as much as support from your communities to support increases. Tim had concerns about bringing new staff on board without knowing if increases will be certified. The chairman added that short of a pre vote on the budget, he stated the Board could not at this point. The Board suggested that he consider making his new hires contract seasonal pending budget certification and G. Gonyea suggested proceeding with the hiring process with a qualification "pending acquisition of funds".

The Chairman asked Superintendent Texeira, of Plymouth County Mosquito Control Project if they considered forgoing the plane. He said, yes, they could save \$30,000 dollars. They received an offer to purchase the plane estimated at \$45,000 dollars. The Chairman strongly suggested that they obtain estimates on insurance liability from your insurance agent. Superintendent Texeira mentioned that his pilot may be retiring which is another issue.

The chairman indicated his concerns about the Suffolk County Mosquito Control Project regarding the pending Superintendent retirement and ideas of merging with another project. He commented that he wanted to deal with this matter as expeditious as possible and lend any assistance where feasible.

E.3: Actions Taken: None

State Reclamation & Mosquito Control Districts
 FY12 Certified & FY13 Budget Request

Original: 10/25/2011

Updated: 3/14/2012

District	FY2011 SRMCB Certified Budget	FY2012 SRMCB Certified Budget	Difference vs. FY11	% Change	FY2013 Budget Request	Difference vs. FY12	% Change	Notes:
Berkshire	202,800	202,800	0	0.0%	207,573	4,773	2.4%	Updated budget request; transferred AA seasonal costs to C04 contract to save on fringe costs.
Bristol	794,609	1,170,535	375,926	47.3%	1,445,024	274,489	23.4%	Updte: One seasonal request to date; unclear new hires deferred from FY12 & included in FY13 request & any new lease / moving costs already captured in FY13 budget request.
Cape Cod	1,638,171	1,678,270	40,099	2.4%	1,744,201	65,931	3.9%	Includes annualized 1 backfill FTE, 2.5% wage adjustment, OT & \$24k capital improv / truck purchase; see justification letter.
Central Mass	1,671,893	1,671,893	0	0.0%	1,801,893	130,000	7.8%	Need update from MCP re: towns joining. See justification letter; Mendon & Brookfield may join; 2 new FTEs, 2.5% COLA, OT est \$25k,
East Middlesex (FY11 Actual Receipts)	632,863	587,837	(45,026)	-7.1%	678,369	90,532	15.4%	See 12/2/11 justification letter.
Norfolk	1,437,177	1,480,292	43,115	3.0%	1,524,700	44,408	3.0%	Updte 2/13/12 mcp reduced FY13 request from 18% increase to 3% see justification letter.
Northeast	1,518,953	1,513,848	(5,105)	-0.3%	1,589,540	75,692	5.0%	Need updates from MCP re: towns joining. 1 FTE + p-time seasonal, add'l pesticide purchases, est'd inc in fringe; doesn't include if Essex may join @ \$37,601 est
Plymouth	1,319,167	1,358,742	39,575	3.0%	1,557,472	198,730	14.6%	MCP filed for supplemental FY12 funds; see memo. See updated justification letter includes est'd retiree buy out costs. Plus, 3% / \$20,100 salary inc, \$132,269 pesticides, retirement / fringe +6% / \$17,464 inc, inc'd lease costs & \$40k capital purchase.
Suffolk	230,283	230,283	0	0.0%	260,283	30,000	13.0%	Need updates from MCP re: FY13 request, supt retirement backup plan, etc. Request pending confirmation w/ MCP; increase to maintain City of Boston catch basin treatments.
SRMCB Admin	139,187	249,266	110,079	79.1%	269,457	20,191	8.1%	Request absorbs 6% union incs; Inc'd DAR ISA plus fringe increases; 2 to 3 new PCs / leases, digital recorder, PENDING mosquito program advisory committee.
Total:	9,585,103	10,143,766	558,663	5.8%	11,078,512	934,746	9.2%	

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

F.1: **Background:** The Chairman asked if there were any other comments.

F.2: **Questions and Discussion:** Monica Mullin, was acknowledged and told the Board that on behalf of Senate President Murray, that the Senator is concerned about local services budget not being approved. She asked that the Board please consider approval as requested for both the Plymouth County and Cape Cod Mosquito Control District. The Chairman explained the funding mechanism and remarked that the individual communities do not vote on what the community is charged or assess for mosquito control service. He said this is why the Board has asked member municipalities to indicate to the Board their support for increases as proposed by the mosquito control project.

James Quirk expressed his concern about the process. He stated that they have complied with the process and then been told after complying with the process and still the budget is not approved. He felt that the project is complying with the Board's process for the sake of transparency but it still does not affect the ultimate outcome of approving their proposed budget.

M. Buffone, Executive Director commented that the Board's policy has been amended 3 times to insure transparency and an appropriate policy. He noted that what Mr. Quirk was asking for is an absolute answer from the Board before it even discusses or votes on budget. He continued that if the project can obtain 66% of the communities to simply support their proposed increases that the Board will in all likelihood come to the same conclusion unless there is some compelling reason otherwise to not approve the proposed budget. The support at the local level through the check off of support by the individual municipalities help the Board in its decision making in May.

Mr. Quirk noted that there was another comment that certification is not the same as approving the budgets.

Gabi, Gabrielle Sakolsky, Cape Cod Mosquito Control Project, that many of their towns were concerned about the fact that their Commissioners terms have expired and when they will be re-appointed. The Chairman noted the Board's position and policy on this matter.

The Chairman stated again they serve until replaced or removed for good cause.

F.3: **Actions Taken:** None

G: **Other Business (if any): Next Meeting Date and Location:** Chairman Corte-Real asked if there was other business.

G.1: **Background:** M. Buffone announced the next meeting date and location is scheduled for Wednesday, May 23, 2012 @ the Walpole Town Hall, 135 School Street, Walpole, MA 02081 in the main meeting room on the 1st floor. He reminded everyone this is the meeting where the Board will vote to certify FY 13 MCD budgets.

Also, the Executive Director informed the Board of the upcoming retirement of John Smith, Director of Norfolk County Mosquito Control Project and ask the Board to formally acknowledge John at this meeting or another and acknowledge other Superintendents who have retired recently such as James (Jake) Jurgenson of Berkshire County, Walter Montgomery of the Northeast Mosquito Control Project, and Bruce Landers at some point in the future.

G.2: Questions and Discussion: G. Gonyea thanked John for all his efforts over the years. He stated it was a pleasure working with John on many issues and wished him all the best health and good luck in his retirement. There was a genuine and generous applause for John. The Chairman echoed the sentiments of G. Gonyea thanking John for devoting himself to mosquito control in Massachusetts and the member communities and individuals who benefited from your service. The Board asked the Executive Director to look into whether or not the Board could procure items that recognize the retirement candidates for their achievements in serving mosquito control in Massachusetts.

G.3: Actions Taken: The Chairman asked if there was a motion to approve the resolution of acknowledgement. G. Gonyea made a motion formally thanking John J. Smith, Director of the Norfolk County Mosquito Control Project for his many years of service and wishing best health and good luck. B. Hansen seconded the motion and was voted unanimously 3-0.

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

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

H.2: Questions and Discussions: None

H.3: Action Taken: Bruce Hansen made motion to adjourn the meeting at 12:37 PM and seconded by Gary Gonyea and unanimously voted 3-0.

Respectfully submitted,



Mark S. Buffone
Executive Director