



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS
Department of Agricultural Resources

**State Reclamation and
Mosquito Control Board**

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STATE RECLAMATION AND MOSQUITO CONTROL BOARD MINUTES/SUMMARY

State Reclamation and Mosquito Control Board (SRMCB)
March 28, 2007
240 Beaver Street, Waltham, MA

Representing State Reclamation and Mosquito Control Board:
Mark Buffone, SRMCB, DAR Member, Chairman
Mike Gildesgame, SRMCB, DCR Member

Mosquito Control Project Commissions

Carolyn Brennan, Plymouth County Mosquito Control Commission
Robin Chapell, Norfolk County Mosquito Control Project Commission
Leighton Peck, Plymouth County Mosquito Control Commission
Richard Pollack, Norfolk County Mosquito Control Project Commission
Linda Shea, Norfolk County Mosquito Control Project Commission
Wally Terrill, Berkshire County Mosquito Control Project Commission

Mosquito Control Directors/Superintendents or Assistants

Wayne Andrews, Bristol County Mosquito Control Project
Jack Card, Northeast Mass Mosquito Control and Wetlands District
Tim Deschamps, Central Mass Mosquito Control Project
John Doane, Cape Cod Mosquito Control Project
Caroline Haviland, Norfolk County Mosquito Control Project
David Henley, East Middlesex Mosquito Control Project
Jake Jurgenson, Berkshire County Mosquito Control Project
Bruce Landers, Suffolk County Mosquito Control Project
David Lawson, Norfolk County Mosquito Control Project
Priscilla Matton, Bristol County Mosquito Control Project
Tim McGlinchy, Central Mass Mosquito Control Project
Walt Montgomery, Northeast Mass Mosquito Control and Wetlands District
Gabrielle Sakolsky, Cape Cod Mosquito Control Project
John J. Smith, Norfolk County Mosquito Control Project
Ray Zucker, Plymouth County Mosquito Control Project

Others

Alisha Bouchard, Recommended Projects Administrator for State Reclamation and Mosquito Control Board

Mary Beth Burnand, Human Resources Director, Department of Agricultural Resources
Pine DuBois, Jones River Watershed Association

Gary Gonyea, Department of Environmental Protection (former SRMCB DEP Member)

Michael Rock, Chief Fiscal Officer, Department of Agricultural Resources

1. Call to Order, Attendance, and Introductory Remarks

Mark Buffone, Chairman of the SRMCB, called the meeting to order at 10:00 AM. He stated that the meeting is being held at the UMASS Eastern Extension Center, 240 Beaver Street in Waltham on Wednesday, March 28, 2007. He also noted that the meeting had been posted at both the Secretary of State's office and Executive Office of Administration and Finance pursuant to the Open meeting Law. Further, he thanked everyone for their cooperation in signing the distributed attendance sheet identifying themselves and their affiliation.

The Chairman informed the public about the membership of the Board. He pointed out for those who may not know, that there are three members that comprise the State Reclamation and Mosquito Control Board: himself as Chairman, representing the Department of Agricultural Resources, Mike Gildesgame representing the Massachusetts Department of Conservation and Recreation, who was present and Glenn Haas representing the Department of Environmental Protection who was absent. Chairman Buffone mentioned that Mr. Haas had requested that Gary Gonyea, the former Board member from DEP, sit in his stead.

The Chair, however, noted that the SRMCB law does not provide for a designee as do some other state board laws, and stated that Mr. Gonyea could not legally vote today. However, as Chair, he welcomed Mr. Gonyea and invited him to participate freely with the Board since he has much experience and expertise as a former Board member. Chairman Buffone asked if Mike Gildesgame had any objections Mike Gildesgame did not and welcomed Gary Gonyea. Chairman noted that the Board did have a quorum for voting purposes.

Chairman Buffone used this discussion to highlight the importance of attendance at meetings for both SRMCB members and Commissioners. Also, the Chairman acknowledged several mosquito control Commissioners representing the Berkshire, Norfolk, and Plymouth County Mosquito Control Projects who were in attendance at today's meetings. He introduced them for the record and thanked them for their attendance and input. He made it a point to say that the Board appreciates their attendance and welcomed them.

Chairman Buffone prefaced his remarks by noting the Board had a very comprehensive protocol for interviewing candidates for Commissioners whether new appointments or re-appointments. He wanted to impress upon those Commissioners present to spread the word that the SRMCB will look at attendance as another criterion when interviewing future Commissioners for re-appointment. Mike Gildesgame agreed, noting that the SRMCB would certainly take it into consideration.

Chairman Buffone remarked that he believed that many Commissioners do a good job of attending their meetings but remarked that if member absenteeism occurs without

reasonable justification and/or this happens frequently, it can have an impact on the overall work of any Mosquito Control Commission.

Chairman Buffone took this point in the meeting to educate those who were unfamiliar with the process of the existing organizational structure. He mentioned that the SRMCB is has the overall responsibility for mosquito control in the state, that the Board appoints either a 3 or 5 member Commission for each district established by an enabling act of legislation. These Commissioners work at the discretion of the Board

Chairman Buffone asked those present to their name and affiliation due to the fact that there were several new faces present at this particular meeting.

2. Vote to approve January 24, 2007 Meeting Minutes/Summary

Background: Chairman Buffone distributed a few copies of the January 24th, 2007 minutes. The chairman entertained a motion to approve them as written.

Questions and Discussion: NONE

Action Taken: Mike Gildesgame made a motion to approve the minutes as written. Mark Buffone as Chairman seconded the motion. Hearing no discussion, the Chairman called for the vote and the minutes carried unanimously.

3. SRMCB Projects Administrator

Background: Chairman Buffone explained that the former SRMCB Projects Administrator left this position for another job effective January 12, 2007. As a result, he provided those present a timeline to fill the vacancy of this important position. He commented that as of January 25th, the position was posted to encourage applicants to apply with a deadline by February 6th. During the month of March, applications were reviewed and then interviews held to determine the person that would best fit the needs of the SRMCB and its districts. At that point, the candidates were narrowed down to two finalists and two mosquito control superintendents, Walter Montgomery of the Northeast Mass Mosquito Control and Wetlands District and John Smith, Norfolk County Mosquito Control Project, were asked to assist the SRMCB and DAR in the selection of the new SRMCB Projects Administrator.

The chairman explained that after evaluation of the applicants, a decision was made to offer the position to Alisha Bouchard who was present today. The chairman noted that Alisha has very strong skills and prior experience with DAR as well as the SRMCB. Chairman Buffone said that he was happy that she has accepted the offer to be the new Projects Administrator. However, he also cautioned all present that it was not quite official in terms of completing the required paperwork process. Nonetheless, he mentioned that the SRMCB anticipated that it would be finalized in the coming weeks.

Chairman Buffone introduced Alisha to those present. He pointed out that she was kind of enough to volunteer some time in this position even though not yet official. He noted that it showed her interest and enthusiasm to hit the ground running and to get up to speed as quickly as she can.

Then the Chairman asked if Alisha would like to tell those present something about herself and her prior experience. Alisha stated she was very happy to be here. She noted that she knew some of those present and looked forward to rekindling those relationships and meeting the rest of those present later. She mentioned that she had experience in state government and was the former CFO for the Department of Agricultural Resources (DAR) and had some experience working with the SRMCB.

Over the past couple of years, she highlighted the fact that she had her own business and did some work with the Town of Westwood creating a "no place for hate committee" and worked with several Boards and subcommittees. She stated that she really looks forward to working with everyone. She continued that she was coming in with an open mind and would like to try to use this transition period to reach out to the projects to meet with the projects. Finally, she mentioned that she would seek their ideas of what their priorities are and what she could do best to serve them.

Chairman Buffone and Mike Gildesgame said thank you and congratulations. Both of the SRMCB members expressed that they looked forward to working with Alisha.

Questions and Discussion: A question was asked about a start date for Alisha. The Chairman responded that it was uncertain at this time due to hiring workforce caps but expected that would be in the next few weeks. Another question was asked regarding how many applications did DAR and the SRMCB receive for this position? The chairman responded 12 applications were received.

Action Taken:

No action or vote was necessary and the Chairman moved to item 4.

4. Introduction of Mary Beth Burnand, DAR Human Resources Director and Michael Rock, DAR Chief Fiscal Officer and Discussion, Questions & Answers, Administrative Guidance concerning recent and upcoming administrative changes

Background:

Chairman Buffone began by saying that this was one of the main agenda items for today's meeting, and he commented the need to discuss some of the Board's recent administrative directives. He continued that the SRMCB has pursued a path to develop some guidance surrounding administrative enhancements. Specifically, the Board has been working with the Human Resources Director, Chief Fiscal Officer and General Counsel of the Department of Agricultural Resources with the expressed purpose of developing an "internal control document".

He noted that the document would set standards and codify certain administrative practices in order to comply with state oversight obligations of the various state authorities such as the State Comptroller, State Auditor, and Environmental Secretariat. In the end, he remarked that the document should be useful in providing guidance to those present as well as address a number of issues that have been long standing. He continued saying that the document will clearly outline the SRMCB responsibilities and better define their roles and responsibilities within the context of State accounting, fiscal, and personnel procedures.

He highlighted the fact that the Board has sent notices via the Commissioner list serve and recalled that the Board discussed these matters at prior meetings especially at the November 1, 2006 meeting where the Board conveyed its intentions to develop administrative policies for 2007. Noting that some of these policies will impact mosquito control commissions, the Chairman pointed out that the Board recognizes the unique relationship between the states administrative system and the individual cities and towns that they provide mosquito control services. The Chairman cited examples of these unique situations for the MCDs, such as the fact that MCDs personnel are unclassified state employees. He continued to cite other examples such as some differences in terms of local/regional retirement boards, MCDs relationships with leases with private landlords, and the overall nature of the mandate to control mosquitoes to insure quick procurement of items like insecticides and contracts for aerial applications. Based on these examples, the Chairman acknowledged that there is a need to administratively process; as quickly as possible procurement needs to insure that MCDs can service the communities they serve.

He reiterated that the Board has looked at this issues on a number of occasions However, Chairman Buffone wanted to point out for the record that the SRMCB is of the opinion that mosquito control districts employees are state employees In trying to provide appropriate background, the Chairman noted that mosquito control commissioners are charged with fulfilling the Board's direction pursuant to Chapter 252 of the M.G.L. He noted that the SRMCB is aware that some districts have their own established standards, and every effort will made to incorporate these standards where feasible. However, he commented that the goal is to proceed in a balanced manner and to develop standards that will enhance excellence, thus, avoiding mediocrity and bringing mosquito control commissions into state compliance.

In addition to implementing these standard operating procedures, he remarked that the document outlines a longer-term effort to create a more standardized and rational basis for district personnel practices. He noted that the Board is aware of significant disparities among the districts in how they hire, the criteria for salary increases, and other practices. The Chairman said that the Board intends to lay out a process for reducing these differences and bringing the Districts into compliance with various policies.

The chairman said that these issues are the reason why the Board wanted to invite Mary Beth Burnand, DAR Human Resources Director, and Michael Rock, DAR CFO here to this meeting since they are more expert in various things such as procurement, human resources, state comptroller issues than the SRMCB.

The chairman emphasized that the Board could not accomplish this task overnight. He mentioned that progress has been made to date and noted the following administrative changes and directives. Since January 2007, the Board with DAR personnel have developed a:

- Draft internal controls document in part complying with state audit recommendations;
- Bill paying Policy and Procedures;
- Policy for procurement for goods and services.

The Chairman further noted that Michael Rock sent the aforementioned documents earlier in the year as well as the Board e-mailing directives and guidance pertaining to meetings being held in restaurants as it related to the Open Meeting Law, Employee Reimbursement Forms, Budgets in terms of roll over amounts, Travel Approval Forms (TAFs) a recent policy issued although the policy for travel as been in place for many years for state employees, PVs, authorized signature forms, Extended Illness Leave Banks, State holiday policy and policy for time off (discussed at the January meeting), workforce caps, seasonal and FTE hires, the issue of job descriptions, and the issue of state tax removed from certain accounts.

The Chairman provided this background to open up this topic for discussion and questions and answers instead of Mary Beth Burnand and Michael Rock providing formal presentations at this time.

Chairman Buffone pointed out that those present might not be aware of the kinds of work being done behind the scene. He mentioned that both Michael and Mary Beth are actually advocating for them by supporting their needs such as assistance in hiring seasonal help or FTEs. He continued to state that these individuals have been flexible by completing the necessary paperwork that mosquito control projects submit to insure they get approved in timely fashion. At the same time, he admitted that perhaps DAR personnel might not be as knowledgeable about how they carry out their mandate and needs to service a particular city or town.

Overall, the chairman summarized that in some instances for example with forms there is no wiggle room, but in other issues, the SRMCB and DAR may be able to apply some flexibility. He noted that the bottom line is that we have to have some consistent policy so everyone is on the same page, which, in effect becomes guidance for the Commissions and mosquito control districts statewide.

The Chairman asked if Michael and Mary Beth wanted to address the group or take a question to stimulate a back and forth discussion.

Questions and Discussion: Michael Rock provided information on his background and experience. He stated that the mosquito control projects are doing an excellent job concerning the procurement end of things. He felt that on his end there is a need to streamline the forms and make sure that when contracting for services, there is a complete package from the districts. As DAR CFO, anything that relates to finances of the DAR and SRMCB fall under his jurisdiction. He noted that anything that occurs financially is ultimately his responsibility.

Discussion ensued concerning the fact the districts are funded from trust funds, but it was highlighted that funds are spent in accordance whichever regulation they may pertain whether they be federal or trust fund dollars.

Carolyn Brennan, Commissioner of Plymouth County asked the Chairman where the CFO salary comes from. The Chairman responded that salaries for the CFO come from the Department of Agricultural Resources. He noted that this is the case for the Human Resources Director and his own too.

Leighton Peck asked if the SRMCB could provide the legal ruling to him regarding the fact that the SRMCB believe mosquito control projects are state employees. Mr. Peck

mentioned that he was concerned about the lack of communication between the SRMCB and MCDs. He further explained that MCDs were not getting the answers to their questions. Mr. Peck did not appreciate the fact that MCDs were being told this is the way it is going to be regardless of how it has been in the past without taking into account how the various projects operate. He felt strongly that, for example the travel policy was being jammed down their throats. He conveyed that he worked in public service for over 30 years and he expressed that he knew how the system works. He felt that we all need to work together. He felt there are a lot of good capable people with knowledge over many years. He emphasized that we need to rely on these people at the County level. Their agenda is to control mosquitoes. He implored the SRMCB not to tie their hands in order to them do their jobs. Finally, he remarked that if the SRMCB is going to change things, let them have more input.

Chairman Buffone thanked Mr. Peck for his honesty regarding the issue.

Gary Gonyea asked Mr. Peck to offer an example of the change that the SRMCB is forcing on them.

Mr. Peck cited the recent policy on out-of-state travel to the American Mosquito Control Association Meeting in Florida. He commented that many of their Commissioners have attended these meeting each year, and that the Commissioners made all their plans including but not limited to airfare, hotel, and meeting registration arrangements. Then, he stated that the new policy was developed where only 2 or 3 Commissioners were allowed to attend. He said this policy has been a bone of contention and that currently some of the Commissioners are paying their own way to go because they feel it is that important. He added that the American Mosquito Control Association Meeting assembles experts from all over the world and that is where Commissioners and their staff get their education.

Carolyn Brennan, Chair of the Plymouth County Mosquito Control Project, said that Commissioners voiced their frustration about particular citizens who are active in advocating for mosquito control interfering with the districts' day-to-day operation. She strongly defended the multiple accusations against the district and stated vehemently that these allegations are not true as well as the fact that the MCD has expended time and personnel to work with these citizens.

Mike Gildesgame stated that it was not clear what the citizen was requesting, and agreed with Ms. Brennan about sending a response to the citizen recommending they start with the Plymouth County Commission for response. Mr. Gildesgame sympathized and acknowledged that these circumstances can place the MCD under a lot of pressure to perform their regular work in addition to dealing with individuals active in the community. He pointed out from his perspective as a member of the Board that he would like to help and work with this person but he was unclear how to satisfy the citizens.

Ms. Brennan added that this effort was taking up time that the Commission and the MCD do not have.

Chairman Buffone also was supportive of the Commissions' predicament but added that all of us are obligated to respond to the public no matter how passionate or zealous individual members of the public can be since mosquito control involves a

whole variety of spectrums and viewpoints. Further, Chairman Buffone pointed out since the aerial spraying, mosquito control has been elevated to a higher profile and many individuals and groups are expressing interest and questions.

Member Gildesgame stated that the public should not be hindering or obstructing the Commission from performing their mandate. Mr. Gildesgame asked that if there is something that the SRMCB can do to alleviate some of the pressure on the district. He also recommended that they should perhaps address the citizen directly. Nonetheless, the Board thanked Commissioner Carolyn Brennan for bringing the issue to the Board's attention.

Chairman Buffone responded to Mr. Peck's remarks and stated that the SRMCB agrees that there are good professionals out there, many sitting in this room, and certainly the SRMCB would not want to create an environment with unwarranted restrictions that might cause conflicts and loss of qualified personnel. He added that he was a little surprised at Mr. Peck's comments about the lack of communication. Chairman Buffone mentioned that he has personally led the charge in this area with much e-mail to MCDs and Commissioners utilizing the Commissioner list serve. The Chairman strongly felt that the Board has done a good job of communicating and being accessible. The Chairman stated that he could document and provide a timeline of communication about the issue of administrative changes.

Further, he stated that the Board recognizes that it is important to get input from Commissioners prior to finalization of administrative changes but the Board in some cases needs to comply with state law. The out-of-state policy is one of those issues that needed to be immediately enforced for the protection of those being approved for travel.

Michael Rock stated that policies are being drafted such as procurement and payment policies and these have been sent out for your input. There will be instances like the TAFs where he obtained excessive requests for out-of-state travel and in his position could not send to higher levels of authority for approval without being chastised for not following state policy.

Linda Shea, Chairman of the Norfolk County Mosquito Control Commission looked at the policy and was under the impression that it was up to the Commission to make that determination since they review and approve the budget. Ms. Shea viewed this matter as 2 issues. She mentioned that they always completed TAFs but never waited for approval and went ahead following the same process in prior years and made arrangements. She remarked that in fact making arrangements earlier actually is in the interest of the MCDs since it is less expensive to make arrangements earlier such as purchasing airline tickets.

Ms. Shea wanted clarification of the policy. Michael Rock stated that the policy calls for one person but where appropriate a second person could be approved. Mr. Rock emphasized that approval of TAF is meant to cover your insurance. If anything would happen to you while you are out of state without approval technically, you are not covered, and therefore the approval is required.

A lively discussion continued including but not limited to the following:

- Cities and towns MCDs serve want educated personnel and that cities and towns can opt out
- Perception was an issue
- MCDs want the opportunity to justified
- Meds personnel being denied educational opportunity

Within the discussion, other questions were raised including but not limited to

Who owns the equipment?

Who has control over it?

Is the mosquito control funding state or municipal funds?

Michael Rock stated that in his view, equipment is state owned and that the monies are in state trust fund and it will not go back to the city or town if they decide to drop out.

He further explained that if a town opts out of membership, that you would not give the municipality back a portion of the money of the original assessment and that it stays with the SRMCB as a state agency. He cited a similar example using federal funds when procuring items. The federal government provided the funds and if equipment is purchased, the equipment stays with the state.

Wally Terrill, a Berkshire County Mosquito Control Commissioner, posed a question on the travel policy. Mr. Terrill mentioned he is a member of the Northeast Mosquito Control Association (NMCA) Board of Directors. He feared that the new policy would significantly impact the annual meeting held every other year outside of Massachusetts. He argued that the NMCA annual meeting is the main vehicle for training for everyone involved in mosquito control in the entire Northeastern region from Superintendents down to field technicians. He noted that if mosquito control professionals were limited to only 2 people as outlined in the new policy, he expertly submitted that you would remove the main vehicle for education for everyone in mosquito control as well as cripple the association financially. He petitioned those present to soften the policy for this particular annual meeting.

Chairman Buffone thanked Mr. Terrill and acknowledged his very good question.

Michael Rock stated that the way to approach this dilemma would be to package the TAFs and give a detailed explanation why numerous people need to attend above and beyond the 2 or 3 recommended by the TAF policy. Chairman Buffone advocated that it is a critical meeting for all to attend.

Mike Gildesgame noted that there are lots of issues and questions and many have been heard before. He suggested that, in addition, to Michael Rock's expertise, the Board needs legal findings on these specific issues and questions. It was noted that MCDs couldn't go out to get legal opinions. In lieu in having a DAR general counsel at the moment, the SRMCB could look within EOEA to see if there is not another way to answer these questions based on not just interpretation of the SRMCB's law but based on MCDs enabling acts of legislation. Also, it was suggested that DOR be invited to a future meeting to weigh in on the issue. Finally, it was suggested that a mediation board or arbitrator review the issue and make recommendations.

Tim Deschamps, Director of the Central Massachusetts Mosquito Control Project wanted to make it known for the record that when administration changes do occur, it affects his district. He cited that new PV process takes longer, and it is difficult to absorb new policies and regulation at the same time they are supposed to be out controlling mosquitoes. He also implored the SRMCB to lobby for additional workforce needs during the workforce hiring freeze.

Michael Rock mentioned that DAR is lobbying to be exempted from the FTE cap altogether.

Chairman Buffone also told those present that the SRMCB and DAR are working to address the MCDs needs in order to permit the MCDs to fully carry out their mandate. However, he noted that the SRMCB was obligated to follow the current workforce caps.

Rich Pollack, Norfolk County Mosquito Control Commissioner commented that he understood and appreciated the dichotomy that the Commissioners traditionally been the ones who decide what funds are necessary for the MCDs, how those funds are expended, who is hired at what level and so forth. He pointed out that the policy seems to suggest something else.

Michael Rock quickly clarified that it is not our policy. Michael offered that he was in agreement that you should be able to carry out the aforementioned functions. He noted that where we are running into a roadblock is when Mary Beth Burnand follows up on your hiring request, HR or ENV or A&F blocks the position from being entered into the system. Right now we are waiting to see if Alisha's position can be filled; we want her on board but we can't do that unless they release the position. There are multiple agencies above us that can block that, but we are definitely in agreement to get you the ability to hire as many FTEs that your budgets support.

The Chairman stated that he felt Mr. Pollack might perhaps feel that the policy dilutes the Commission's authority that was thought to be allowed for a Commission. The Chairman stated that he did not see the SRMCB diluting their authority. The SRMCB was really trying to come to grips with administrative obligations that the Board is required to follow and then provide guidance so that Commissions will know how to operate within various parameters.

Rich Pollack asked if there some objective way that SRMCB/DAR could show the Commissioners how much effort has been put to convince others at the various levels of state government that there is a need to move forward quickly.

Michael Rock stated he would provide Chairman Buffone with the letter that was sent to the EOEA Secretariat 2 weeks ago making the case that these budgets are trust funds and should not be subject to the FTEs caps

Rich Pollack asked what the Commissioners could do. Can they contact the legislature? Michael Rock advised against this strategy and was confident that their case would be approved.

Mike Gildesgame commented that this agenda item has led to a very good discussion. He felt that the SRMCB could resolve some issues and problems with the staff

members from DAR such Michael Rock and Mary Beth Burnand. However, he noted that some requirements come from higher levels within the administrations such as hiring freezes and definition of state employee. Member Gildesgame remarked that he felt that the SRMCB members need to discuss further these matters and try to clarify what those things we have some control over. He believed that whether it is, communication or other issues, the SRMCB could certainly try to improve whatever we can and will try to pass along in terms of communication information as we get it. Finally, he added that some of this stuff is not within DAR's role or the Board's to deal with or to make a decision about.

Mr. Peck clarified his request for better communication. He stated that he does not want his request to be interpreting to mean that he should receive more e-mails. He implored the SRMCB for more substantive communication. He feels that if the member communities within their MCDs find out that MCDs are being run by the state, they will opt out of the program based upon the fact that state government does not have a good reputation. He believes that the cities and towns have more confidence in the Commissioners appointed by the SRMCB and are more comfortable talking to them about local issues. Also, the Commissions give them in many cases next day results.

Chairman Buffone acknowledged that there is an inherent dichotomy to comply with state administrative procedures and also carry out mosquito control respecting the values at the local level. Chairman Buffone remarked it is something we cannot solve as readily as we would like to do. He praised Mike Gildesgame and acknowledged his suggestion to sit down as a Board and tries to figure out those areas we can help with and those that we can't. In those cases, MCD managers will have to figure a way to be more adaptive as program directors. Finally, he commented that with someone like Alisha Bouchard coming on board, he was confident that there would be more substantive communication and attention to the MCDs to help resolve some of these issues.

David Lawson, Assistant Superintendent, also wanted to share for the record his comments stating that their MCDs follow the red book and applies policy as a state employee. Also, they have a Commission policy. He commented that what has been difficult is the ruling of state employee in 2002. He explained that they have tried to do the best they can, but he thought that the challenge is some of their in-house policies are more liberal. He raised the question of how do MCDs make the transition and asked for more clarity on these issues.

Chairman Buffone answered saying that all of these issues come within these administrative policies and this is where we need to sit down with HR people and the DAR CFO and try to figure out which is the best way to transition when we get to the point. The Chairman mentioned we are not at that point yet. He was confident that the SRMCB and Commissions and MCDS are moving ahead steadily trying to bring things a little bit more into compliance by adopting language attempting to mirror or reflect what the state policy requires. This is what the objective is to make sure that all of your policies do mirror those kinds of policy so that everyone has an understanding as to how everyone is operating.

Mary Beth Burnand added her thoughts on the discussion of the determination of state employee, citing that the MCDs positions are paid through the state system, receive

state benefits, can take advantage of tuition remission, and the fact that the AG's office represents you in motor vehicle accidents, unemployment, workers' compensation. The MCDs have been built as hybrid but weigh more on the state side.

Chairman Buffone requested that MCDs put down in writing their specific questions most pertinent them as discussed during this time so that the SRMCB could seek legal counsel advice on these issues.

Action Taken: No vote was necessary

5. Distribute and Discuss most recent version of inland freshwater mosquito management BMP's (Establish time period for review and comment by MCDs)

Background:

Chairman Buffone announced agenda item 5 which he mentioned was very important for the Board to finalize since it has been a long-standing issue. He commented that it was the Board's desire to complete the BMPs as soon as possible.

Chairman noted that he was referring to the manual that will provide the MCDs with standards or best management practices for certain types of work performed by MCDs in inland freshwater wetlands.

He noted for the record that mosquito control in MA uses an integrated approach to resolving public health and quality of life issues caused by mosquitoes. Mosquito control goes beyond the spraying of pesticides. Mosquito control practices involve the maintenance of a previously maintained drainage system. Often, the goal is to eliminate areas of temporary standing water that may otherwise serve as mosquito developmental or ('breeding') sites. Mosquito control projects carry out their mandate to protect the public health and enhance the quality of life in the 21st century and at the same time preserve the environment or at a minimum reduce any unnecessary impacts to wetland resources by their activities.

Chairman Buffone explained that is what this agenda item was about and that the BMP document will go a long way in providing a set of Standard Operating Procedures (SOPs) that will help to ensure that all legal requirements have been met in the performance of MCDs responsibilities for mosquito control. Secondly, it provides MCD staff a set of Best Management Practices (BMPs) for ditch maintenance that will help to minimize unnecessary impacts to Wetland resources and adjacent areas, Drinking water supplies, and Fish and wildlife habitats

Finally, and most important to the Board, the Chairman emphasized that this document needs to be finalized and is necessary in terms of meeting the requirements of updating the GEIR.

Chairman Buffone introduced Gary Gonyea who has been coordinating the various versions. Gary Gonyea proceeded to update the group about the various versions including the most recent version.

Several individuals voiced their frustration. Tim Deschamps remarked that they had a BMP draft date of November and reviewed the document during off-season meetings. Now, there was another draft received just before this meeting, which was significantly different. He felt it unfair to be asked to comment today with a potential anticipated vote later in May during the busy start up of the mosquito season. He would not be able to meet until after September.

Walter Montgomery agreed and reiterated that the MCDs have worked diligently as a group to address issues in the former version of the BMP and now they found out yesterday they are working off a completely different draft. He commented that the MCDs thought they were making headway with this issue and is quite disappointed with the newest version that seems to have changed significantly without indication of what was added or deleted.

Chairman Buffone expressed concern also about the fact that it was not made clear whether the changes made were added in the newer version or the previous one.

Questions and Discussion:

The Chairman opened this agenda item for discussion, saying that since he received the latest version of the BMPs the day before the meeting, he forwarded them to all the MCDs. Chairman Buffone remarked and echoed the comments of others that clarification will be needed as to the BMPs. Are they guidelines or recommendations? He mentioned that essentially the BMPs once finalized would become part of the GEIR and be the standards of how MCDs practice maintenance in these areas.

Walter Montgomery expressed his frustration that the MCDs were close to agreement to a document they could live but expressed concern that MCDs just received this document which was an entirely new version along with the fact it was the time of year where MCDs get busy. Chairman Buffone agreed and mentioned that he did comment about the timing of any new version at the January 24, 2007 meeting asking that any new version be something that does not conflict with MCDs work schedules in the spring and summer. Walter Montgomery asked if they could go back to the previous BMP version that all agreed upon especially in light of the Board wanting to facilitating this and we could move forward, but with all these revisions in the newer version and busy time of year, we can't move forward

Mike Gildesgame asked if Walter had an electronic version of their comments regarding the previous BMP. Walter responded that his wetland specialist had them. Caroline Haviland, Wetlands Specialist for Norfolk County Mosquito Control Project commented that she spent a lot of time incorporating all the comments on the previous version. Chairman Buffone asked if Caroline could report her concerns to the Board for the record at this meeting.

Caroline Haviland stated that the current version of the BMP:

-Only applied to mechanized source reduction work (important to the projects) and did not mention hand work whose impacts are minimal;

-That the legal requirements are not listed in the BMP. We should set forth all of our exemptions since a number of exemptions are included or have been removed;

-That the federal law section was incorrect and she can't agree with most of what was said, and she does not know where most of the information came from. The Chairman asks if the section is not correct, and Ms. Haviland said it does not follow any of the review to Army Corps;

-That she was perplexed about the Routine maintenance 5-year language and she did not know where the information came from or why it was inserted into this new version

Discussion ensued about what the document required for GPS points. They're a number of little things such as the new version, specific marking of GPS readings for they can provide a map and write down. The question was asked whether or not you need a GPS reading for every photograph? Rich Pollack remarked that ultimately documenting the site protects the MCDs.

Caroline Haviland said there are additional ORW's. Some of the projects have hard time viewing maps. It was noted that not everyone has the same resources or computer system and they may never have these resources. Some MCDs have more capability than others.

Vernal Pools issue was raised and there was discussion as to the definition of vernal pool. Caroline Haviland commented that the document does not refer to certified vernal pools and that the MCDs can abide by the terminology denoting certified vernal pools.

Chairman summarized that Caroline has defined some of the problems with the new version, and he request that she send to Gary and DEP the areas and new modifications and DEP could make the changes.

Walter mentioned that Legal Counsel needs to review the document before final approval. Chairman agreed, saying that his concern is to have something that you as practitioners can follow. Chairman remarked that he appreciated the frustration of folks on this topic because it has been a long-standing work in progress without finalization.

Walter said that Mosquito Control people have been diligently trying to address this issue with good faith and if this is held up, it is not because of the MCDS.

Gary asked if Walter had comments electronically to the previous version and asked if he could send them to Gary His wetland project manager has all of this information and he will have her get it to Gary. Mike Gildesgame stated that we could try to incorporate the comments from Emily and the comments we get from Caroline.

Chairman also agreed that Walter's and Caroline's comments should be incorporated into the new version and sent to Dave Keddel with the Army Corps of Engineers, and then take that version and provide it to all the MCDs Also he stated that we need to set a reasonable time period for review to get this finalized. We cannot let this rest for another 3-year's time and it was not a reflection of Gary Gonyea who has done a great job in motivating others at DEP to get this finalized.

The Chairman noted that this document needs to be finalized because the Board has obligations and needs to get this up to MEPA as an update to the GEIR. He continued that setting deadline motivates us to get it done. There was a general consensus that pending legal review, the MCDs could get something to the Board for their October 31st meeting.

Dave Henley, East Middlesex Mosquito Control Project suggested that the Board consider meeting with the people who developed the new version and put in comments since he had objections for example putting 3,000-8,000 pounds of hay per acre. He wanted to speak directly to someone as to why they are requiring that amount. He had other questions such as Where do you get the bales of hay and from what state vendors do you purchase the hay? In another instant, he cited the slash law moves slash off the wetland area. He said that MCDs are often constrained by putting impact on the wetlands. If they use a machine to move the slash, they are actually creating more secondary impact, which counts toward our permit level, so by following the slash law they are in violation of the federal law.

Mike Gildesgame felt these were great comments and that these kinds of questions were necessary to produce a BMP document that will be practical and useful. Walter Montgomery agreed. Chairman Buffone asked if we know who made the changes in the current version.

Gary Gonyea stated that Mike Stroman and Mary Ann Depinto. The group agreed they need to be sitting down with those folks in this process. Priscilla Matton, entomologist for Bristol County Mosquito Control stated that one of the sections regarding the Army Corps has to be in writing since the Army Corps has required this in their work.

Chairman Buffone requested that we invite the Army Corps of Engineers to be at any meeting.

Mike Gildesgame suggested that the first step is get the comments and questions to include the purpose of putting these standards (BMPs) in the GEIR is to produce a document in order for the public to know how mosquito control is going to operate, that these are the Best Management Practices and serves as a reference document. He agreed we need to clarify some of the points discussed and meet with the DEP and/or Army Corps and hash out the issues.

Gray asks the SRMCB if we could provide a time frame?

Rich Pollack concern what is required to make sure the language is exact and clear and concise and what the guidelines are, and what the MCDs strive to do understanding something you can't exactly achieve the goal. Mike Gildesgame agreed with Rich Pollack pointing out the newest version in some paragraphs says shall in some places and should in other places and got to be clarified.

Action Taken:

Chairman Buffone pointed out that no vote was necessary, as a consensus had been reached regarding the process to take to move ahead and resolve the BMP issue as a result of a lively and productive discussion.

The chairman outlined the process, which had been agreed upon after discussion, that comments would be sent electronically to Gary Gonyea by Friday, April 13, 2007. Specifically, the Wetlands Specialist, Caroline Haviland from Norfolk County Mosquito Control, would send her electronic comments of the most recent BMP version to Gary Gonyea. Also, Walter Montgomery of the Northeast Mass Mosquito Control and Wetlands District would request that his Wetlands Specialist, Emily Sullivan, send the comments from past versions of the BMPs electronically to Gary Gonyea too. These comments would be integrated into a new version preferably with redline strike out to be able to know what was changed and inserted per Mike Gildesgame's suggestion. The chairman further asked David Henley to send his insightful comments to Gary Gonyea too.

Gary Gonyea stated once he receives the comments would refer them and provide an update to those at DEP who are involved with this matter. Specifically, he would discuss this matter with Michael Stroman, Maryann Dipinto, and Lealdon Langley requesting revisions within 2 weeks. Thereafter, he provides the update document back to MCDs. Concurrently, he would arrange a meeting between the MCDs and aforementioned individuals. Also, the date would be coordinated with David Keddel of the Army Corps of Engineers in order to invite him to the meeting. Finally, Mike Gildesgame suggested that all these individuals be notified in advance in order to let these individuals know what was being planned

The consensus was that once the newer version of the BMP was developed, that a meeting would be the most productive way to facilitate finalization of these proposed standards.

6. Devens Enterprise Zone, Application for Membership in Central MA Mosquito Control Project

Background:

Chairman Buffone informed the Board of a petition by MassDevelopment, which oversees the former Fort Devens area, now known as the Devens Enterprise Zone, to become a member of the Central Ma Mosquito Control Association.

He explained that MassDevelopment is the local redevelopment authority that has overseen the conversion and redevelopment of the former Fort Devens to non-military use. He cited specific legislation, Chapter 498 of the Acts of 1993 that created the Devens regional Enterprise Zone with boundaries lying within the towns of Ayer, Harvard, and Shirley. He further emphasized that the enterprise zone operates similarly to a regular incorporated municipality providing approximately 150 homeowners and more than 80 businesses with municipal services including police, fire, DPW, water, sewer, gas, and electric utilities as well as education. The Chairman stated what they do not have is mosquito control services and have requested it.

He explained that the residents of this enterprise zone have formed an advisory committee. The committee works closely with MassDevelopment and has requested that mosquito control services be provided in a manner similar to other communities in the area. It is my understanding that the committee and MassDevelopment have been in contact with the Devens DPW and the Central MA Mosquito Control project.

The chairman mentioned he did speak with Tim Deschamps of the Central MA Mosquito Control Project and he was told that the area fits into the geography of their service area and does not pose a strain for their program. In fact, it will help them fill in some gaps regionally and perhaps extend a fuller coverage for the area. Central feels the program will consist more of surveillance, and limited spraying with little wetland maintenance. I believe there is a desire for spring service, which is just around the corner!

Chairman Buffone stated that the issue for the Board is that it does not fit the regular and required municipal vote of citizens and falls outside of the traditional funding mechanism of the "cherry sheets" process. Chairman noted that each Board member has a copy of the letter from MassDevelopment and that the Board needs to consider a vote whether we want to accept this enterprise zone to become a member of the mosquito control district.

The Chairman remarked that for the short-term that the Board has the authority to allow the addition to the district. In the long term, perhaps we could encourage MassDevelopment and Central Commission to file legislation to have this area included in the enabling legislation for Central along with a funding mechanism provision applicable to this matter. The chairman opened up this item for discussion.

Questions and Discussion:

Mike Gildesgame stated that MassDevelopment has municipal jurisdiction over Devens and is in fact operating similar to a municipality.

David Henley mentioned that he had experience with this situation regarding Hanscom Airforce Base and, at the time, 4 towns went through Hanscom. His Commission struggled with the issue of membership since one of the towns was not a member of the mosquito control district. They told hascom that they would do mosquito control only in those towns, which were members. David Henley raised the question if all the towns that comprise the enterprise zone are members of the Central Mass Mosquito Control District?

Chairman Buffone stated that this was one of his concerns, that only one of the towns, Ayer, is a current member of the Central MA Mosquito Control District and that Harvard and Shirley are not. He remarked that it might be prudent to request that the Devens advisory committee seek some kind of letter of support from the non-member towns of Harvard and Shirley. Mike Gildesgame questioned that the residents and businesses of Devens are paying taxes in a sense so they are looking for mosquito control on the approximately 4,000 acres of the Deven area and, whether or not it is in its Shirley or any other town, the question is who has the right that say no you can't do mosquito work there?

Discussion continued on what Chapter 252 stated, but again the Chairman expressed his desire for some kind of process where Devens get letters of support or permission.

Tim Deschamps stated that Devens would argue against this idea because they feel they are as close to a municipality as they could be without actually being incorporated. They are actually working on that process. He pointed out how this

issue is different from the example of Hanscom Air force Base in that it is a federal property and the federal government has jurisdiction. The Devens community has this land has been ceded from the federal government to MassDevelopment

He thinks that we would get a strong argument from their legal team that they do not need to go the other municipalities. Mike Gildesgame indicated that the letter to the Board points out that Mass Development is telling the Board that through the legislation cited in the letter MassDevelopment assumed all powers including municipal jurisdiction.

There was much discussion on this issue. It was clear that MassDevelopment has some kind of legal status. Mike Gildesgame stated that we definitely need to get some legal advice on this matter whether or not Devens can join the district without getting approval from other towns that are non-members.

He said he would feel comfortable voting for their membership in principal based on the conditions set forth in the letter of petition, but also said that they should get something from the 2 towns that are non-members that they did not have objections and then send it for legal review.

Mike Gildesgame stated that what they are asking for is at this point conditional acceptance upon receipt of documentation that we would ask for so they can move ahead what plans they may have and we do not have to give it to them now. The Chair suggested that he felt that they were looking for something sooner than later. Mike Gildesgame commented that the question before the Board today is whether we want to vote on it now or postpone it until we do some legwork.

The Chair did point out that Glenn Hass weighed in on the issue and told him that the letter looked fine to him and that he would vote to allow Devens to join if he were attending. I know Glenn feels the approach is reasonable and feels that Devens can sort out any specific issues that arise at the community level

Mike Gildesgame stated that any vote should be with conditions. The Chair also agreed and emphasized that mosquito control activities can be a sensitive issue to some communities and wanted to ensure our actions are consistent with the law and the support of the municipalities who are not members.

Mike Gildesgame stated he was prepared to make a motion with the 3 conditions in their letter, as stated below, plus the other condition that we would impose on them that clarifies their legal relationship and responsibilities of the towns either approving or denying participation in the mosquito control district. This is key, remarked Mike Gildesgame.

1. MassDevelopment will provide the Control Board with a letter of support and request to participate in the Project from the Devens Citizens Advisory Committee;
2. MassDevelopment will provide a notarized certificate of a vote of its Board of Directors authorizing its Executive Vice President for Devens Operations to seek membership in the Project. (This is the legally established mechanism for Devens)
3. MassDevelopment will work with the SRMCB and the Department of Revenue to determine the appropriate membership fee and a mechanism for direct payment of the fee by MassDevelopment.

Contingent upon the above, MassDevelopment hereby requests that the SRMCB vote to conditionally accept (upon receipt of the above-referenced documentation) the Devens Regional Enterprise Zone as a participating municipality in the Central Massachusetts Mosquito Control Project.

Chairman Buffone seconded the motion. He restated that there was a motion on the table to conditionally accept the Devens Enterprise Zone application for membership into the Central MA Mosquito Control project as conditioned, and in addition that MassDevelopment seek clarification with the three (3) communities or with the Attorney General office the legal basis for their participation or denial of participation in the mosquito district. The Board felt this necessary in order to avoid these towns fighting the SRMCB and MassDevelopment. Either the towns have to give something to MassDevelopment supporting or having no objection or the Board needs some other legal basis to back up what MassDevelopment is trying to do.

Action Taken:

Mike Gildesgame restated the aforementioned motion regarding Devens issue. The motion was seconded by Chairman Buffone and approved unanimously.

At this point in the meeting, the Chairman announced that it was close to noontime and suggested that we table agenda items 7, 8, and 9. There was no objection and no vote. It was agreed to move to item number 10 before adjourning the meeting.

7. Mosquito control in municipalities outside of regional membership: Brief Report
8. 1st New England Regional Public Health Conference on Arbovirus Disease Control and MEHA Education Seminar, Dealing with EEEv/WNV: Update
9. DPH Workgroups: Update
10. Next Meeting Date (May 30th) and Vote to Change October 24th meeting date

Background:

The Chairman stated that the Board has for the past couple of years set a schedule at the beginning of year. Also, he noted that the Board schedules four regular meetings. Other meetings are scheduled on an as needed basis and posted accordingly. According to our approved schedule voted earlier in the year, the Chairman said that the next two meetings are scheduled for May 30th and October 24th

The Chairman pointed out there was a need to change the October 24th date to October 31st to permit all three members to be present.

He stated that if there were no objections, he would entertain a motion to change the meeting scheduled for October 24th to October 31st with the same location, time, and post the change accordingly on the SRMCB website and notify the Secretary of State and Administration and Finance.

Questions and Discussion: NONE

Action Taken:

Mike Gildesgame moved to change the meeting scheduled earlier for October 24th to October 31st at same location, time, and post the change accordingly on the SRMCB website and notify the Secretary of State and Administration and Finance. Chairman Buffone seconded the motion and the vote carried unanimously.

Before the vote for adjournment, a question was asked about issue of aerial larviciding in priority habitats. The Chairman stated that he was confident that the MCDs could carry out their traditional activities whether aerial larviciding or truck spraying until the draft Memorandum of Understanding (MOU) is worked out. Several MCDS representatives requested they be given an opportunity to review the draft MOU before it is signed off by DAR and the SRMCB. The Chairman had no objection and said he would make it available as soon as practical.

11. Vote for Adjournment

Background:

Chairman Buffone stated he would entertain a motion to officially adjourn the meeting at 12:15 PM unless there were other questions?

Questions and Discussion: None

Action Taken: Mike Gildesgame made a motion to adjourn the meeting. The motion was seconded by Chairman Buffone and voted unanimously.

Respectfully submitted,

Mark S. Buffone, Chairman