

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources State Reclamation and Mosquito Control Board

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

SCOTT J. SOARES
Commissioner

MEMBERS

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

Anne Carroll
Department of Conservation
And Recreation (DCR)

Gary Gonyea
Department of Environmental
Protection (DEP)

ADMINISTRATION

Mark S. Buffone
Executive Director

Alisha Bouchard
Project Administrator

MOSQUITO CONTROL PROJECTS & DISTRICTS

Berkshire County Mosquito
Control Project

Bristol County Mosquito
Control Project

Central Massachusetts
Mosquito Control Project

Cape Cod Mosquito
Control Project

East Middlesex Mosquito
Control Project

Norfolk County Mosquito
Control Project

Northeast Massachusetts
Mosquito & Wetland
Management District

Plymouth County Mosquito
Control Project

Suffolk County Mosquito
Control Project

DATE: Thursday, March 4, 2010

TIME: 10:00 A.M. TO 12:00 PM

LOCATION: Mass Department of Environmental Protection
(DEP)-Boston Office *Conference Rooms A-2212 & B-2212*, 1 Winter Street, Boston, Ma 02108

Meeting 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 27, 2010 meeting. (**Voting Required**)
- C. *Draft Mosquito Control Budget Notification and Compliance Certification Policy and Forms*: The Board will discuss and consider voting policy for annual mosquito control budgets. (**Voting Required**)
- D. *Other*: The Board will consider any other business (if any).
- E. *Public comment/input period*: The Board will allow an opportunity for comments and questions from those in attendance.
- F. *Adjournment*: The Board will officially adjourn the meeting.

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Subject: Meeting Minutes

Date / Time: Thursday, March 4, 2010

Place: Mass Department of Environmental Protection (DEP)-Boston
Office Conference Rooms A-2212 & B-2212
1 Winter Street, Boston, Ma 02108

Present:

Board and Administration:

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

Mosquito Control Project Commissioners:

John Kenney, Plymouth County Mosquito Control Project Commission

Mosquito Control Project Directors/ Superintendents /Assistants:

Jack Card, Northeast MA Mosquito Control & Wetlands
Management District

Dan Daly, Plymouth County Mosquito Control Project

Tim Deschamps, Central MA Mosquito Control Project

John Doane, Cape Cod Mosquito Control Project

David Henley, East Middlesex Mosquito Control Project

Jake Jurgenson, Berkshire County Mosquito Control Project

Bruce A. Landers, Suffolk County Mosquito Control Project

Priscilla Matton, Bristol County Mosquito Control Project

Timothy McGlinchy, Central MA Mosquito Control Project

Gabrielle Sakolsky, Cape Cod Mosquito Control Project

John Smith, Norfolk County Mosquito Control Project

Anthony "Tony" Texeira, Plymouth County Mosquito Control Project

Others:

Bob Ritchie, MDAR, General Counsel

A: Start: Call Meeting to Order and Attendance.

Chairman Lee Corte-Real called the meeting to order at 10:03 AM and took attendance. Present were Anne Carroll representing Commissioner Sullivan, of the Department of Conservation and Recreation and Gary Gonyea representing Commissioner Burt of the Department of Environmental Protection was present and the chairman recognized himself representing Commissioner Soares, of the Department of Agricultural Resources and stated there was a quorum.

Chairman Corte-Real outlined what would take place at the meeting, including but not limited to, deliberating the proposed changes to the Board's budget notification policy to cities and towns. He also remarked that the Board has received comments from 4 of the regional mosquito control program, and requested that for those who would like the opportunity to speak to wait to be acknowledged, stand up, and then identify themselves before speaking.

B. Minutes: Board will consider for approval the meeting minutes of the January 27, 2010 meeting.

B.1: Background: The Chairman entertained a motion to approve the minutes of January 27, 2010.

B.2: Questions and Discussions: None

B.3: Action Taken: A. Carroll moved to approve and accept the minutes of January 27, 2010. The motion was seconded by G. Gonyea and was voted unanimously.

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

C.1: Background: The Chairman stated that before the Board deliberated on the proposed policy, asked if there was anyone who would like to provide testimony?

C.2: Questions and Discussion: Several individuals made comments and express concern as highlighted below.

- The inclusion of notifying the Finance Committee in the draft policy was not necessary since some municipalities do not have finance committees;
- The wording on the chart "amount deducted" is a negative term and should not be used;
- The sentence that qualifies "assessment adjustment" if towns vote out of membership;
- Request to clarify SRB-Form 2 as to what info must be written in the newspaper notification;
- The word "estimated" should be added to #6 on SRB-Form 2 #6 prior to words "proportionate share";
- Advertising can be expensive especially if errors occur;
- The portion of the funding amounts assessed to member communities to cover the Board's administrative budget needs to be explained to individual towns;
- A question was asked if the Board will make themselves available at the budget meetings to explain the Board's part of assessment;
- The budget amounts assessed for Board's budget are not provided to the regional programs and the projects are only given a percentage versus the exact amounts;
- The fringe benefits costs are not available until February 1st;
- There was a request to find out how the fringe rate is calculated;
- Mosquito control programs expressed that they want stability and felt that the benefit rates are an impediment to money management;
- Will annual meetings be required noted in the MEPA certificate;
- There was a request to postpone vote since changes were made and send out another version

The Board responded to a myriad of comments and concerns highlighted below.

- The Board would annually send out the budget forms semi-completed to avoid errors in advertising;
- The General Counsel noted that the notice is not jurisdictional with a 2 weeks in advance allowing the Board flexibility to accommodate the notice if apprized by any program of timing issues;
- The Board hoped that that one or more members would be at the budget meetings at least initially;

- The Board cited it does not set the fringe benefit rates and as soon as the Board gets the information, it is passed along so adjustments can be made accordingly;
- The percentage of the Board's funding amounts has been constant for the last 3 years (approximately 1.97 %) and that the Board's administration budget has actually decreased. The Board advised that mosquito programs use an average of 2% to estimate the amount of funding assessed to their member communities. Mosquito programs have control over the other 98%;
- Negotiated benefits (e.g. fringe rates) are outside of the Board's purview;
- There is no MEPA certificate at this time that identifies required meetings;
- The Board will cross out phrase "if requested" on page 2, the 3rd bullet;
- The Board would add the phrase (*if any*) after the term Finance Committee to respond to fact that some towns do not have Finance Committee;
- The policy 5th bullet was deemed redundant to the 3rd bullet and the Board would combine them;
- The April 15th date was discussed and added to the main body of the policy;
- On # 6 on SRB-Form 2 after the word municipalities the word "estimated" was added and placed before proportionate share;
- Public hearing wording change to public meeting in 1st paragraph on SRB-Form 2;
- The phrase "send a report" was clarified as a report is understood to be a distillation of the things that were said and the things they would like to say;
- The Board would strike the phrase (*if requested*) on SRB-Form 2 # 3;
- The changes are not substantive and do not require another version or postponement of vote.

Chairman Corte-Real entertained a motion to vote on the draft. Executive Director Buffone asked the Board if the policy was relevant for FY 11 since the March 1st deadline was gone. The Chairman stated it is relevant for FY 12. The Executive Director further asked if the Board should consider something in place of the policy to insure that policy's intent would be met for FY 11. Chairman remarked that could be discussed later.

C.4: Action Taken: G. Gonyea moved to accept the proposed budget notification and compliance policy with the changes revised on 3/4/10 as discussed and requested that the Executive Director make these changes along with any other modification necessary (such as formatting) and was seconded by A. Carroll and voted unanimously.

D: Other: The Board will consider any other business (if any).

D.1: Background: Chairman asked if there were any other business.

D.2: Questions and Discussions: A number of issues were raised and discussed.

1. The status of Commissioner Appointments was raised. Chairman Corte-Real stated that the Commissioners remain a Commissioner until the person is reappointed or someone is appointed to that position.
2. Central MA alerted the Board about the Devens Enterprise Zone. B. Ritchie, MDAR General Counsel remarked that the Enterprise Zone is a creature of the legislature having the functional equivalent of a political subdivision of the state defined in a small area of the towns participating so most of the authority lies with the Commission itself. He suggested that this issue if it comes to term be discussed with the DOR to calculate assessment. A flat fee was suggested by Director of Central MA Mosquito Control for the area and population of the property in the district (not the towns themselves).
3. Concern was expressed about municipal membership obligation and costs *for joining* currently there is no surcharge or fee for maintenance of existing structure.

On the other end of the spectrum, the obligation and costs for *opting out* of membership (withdrawal formula) pertaining to retirement and GIC costs increase for the remaining towns remaining in the program. Bob Ritchie, MDAR General Counsel remarked that these points need to be addressed at the legislative level and while you are at it may be useful to think about putting some condition for the entry and withdrawal from the program in the enabling Act of legislation.

4. G. Gonyea remarked about an e-mail he received concerning water management work and Federal Endangered Species, and corresponding shape files.

The Executive Director stated he has addressed this matter.

5. A. Carroll remarked that even though the budget policy will not be implemented until FY 12, could mosquito control programs meet the spirit and intent of the policy for FY 11?

A brief discussion ensued where mosquito program representatives remarked that are already meeting the policy via sending meeting agenda's to member communities, have direct communications with most towns concerning COLA and salaries, poll BOH's, put information in minutes, and list spending breakdown and cherry sheet assessments in annual reports sent to member communities. Along with the discussion, G. Gonyea asked if the MCP's could summarize to the Board by April 15th what the program is doing to meet the spirit of the new policy. He further stated that the Board should post on the Board's website on an annual basis the budgets proposed as soon as we get the estimated budget. The Chairman agreed that the Budgets should be posted. Members of the Board commented that they were recommending level funding FY 11 budgets but an official vote won't be taken until May.

D.3: Action Taken: No formal action but the Board agreed that the preliminary proposed estimated District Budget and break down by cost category including the administration budget be posted on the Board's web site.

E: *Public comment/input period:* The Board will allow an opportunity for comments and questions from those in attendance.

E.1: Background: A standard agenda item for every meeting and took place earlier in the meeting.

E.2: Questions and Discussions: None

E.3: Action Taken: None

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

F.1: Background: Chairman Corte-Real entertained a motion to adjourn.

F.2: Questions and Discussions: None

F.3: Action Taken: A. Carroll made motion to adjourn the meeting at 11:30 AM and seconded by G. Gonyea and unanimously voted.

Respectfully submitted,

Mark S. Buffone
Executive Director