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

MDAR MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

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, October 26, 2011**

TIME: 10:00 AM

LOCATION: North Attleboro Town Hall
43 South Washington Street
North Attleboro, MA 02760
Note: ***Lower level conference room, elevator on the right***

MEETING AGENDA

Note: A brief 15 minute presentation will be given pertaining to Bristol County Mosquito Control Project

A. Call to order and attendance by Chairman
B. Approval of Minutes
C. Meeting Dates for 2012
D. NPDES
E. 2011 Operational Annual Reports
F. FY 13 Budgets/Budget Policy
G. Public Comment
H. Adjournment

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Suffolk County Mosquito Control Project

Subject: Meeting Minutes

Date: Wednesday, October 26, 2011

Place: North Attleboro Town Hall
43 South Washington Street
North Attleboro, MA 02760

Present for the:
Board and Administration:
Lee Corte-Real, Department of Agricultural Resources, Chairman
Anne Carroll, Department of Conservation and Recreation, Member
Gary Gonyea, Department of Environmental Protection, Member
Mark Buffone, Executive Director
Alisha Bouchard, Project Administrator

Mosquito Control Project Commissioners:
Carolyn Brennan, Plymouth County
Robert Davis, Bristol County
Kimberly King, Plymouth County
Lee Peck, Plymouth County
Arthur Tobin, Bristol County
Wally Terrill, Berkshire County
Michael Valenti, Plymouth County

Mosquito Control Project Directors/ Superintendents /Assistants:
Wayne Andrews, Bristol County Mosquito Control Project
Ellen Bidlack, Plymouth 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
Carolyn Haviland, Norfolk County 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
Priscilla Matton, Bristol 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:
Michael Cavicchi, Constituent

A. ***Start: Call to Order by Chairman Corte-Real, and Attendance.*** Chairman Lee Corte-Real called the meeting to order at 10:05 AM. The Chairman started by conducting a roll call of members. Present were Gary Gonyea representing Commissioner Kenneth L. Kimmel of the Department of Environmental Protection, Anne Carroll representing Commissioner Edward M. Lambert Jr. Of the Department of Conservation and Recreation and Chairman Lee Corte-Real recognized himself representing Commissioner Soares, of the Department of Agricultural Resources and stated there was a quorum. The Chairman noted some housekeeping rules for being acknowledged for comments and then introduced Superintendent Wayne Andrews who requested to make a few remarks. Mr. Andrews thanked Commissioner Bob Davis for coordinating and reserving the facility for today's meeting. The Chairman thanked Bristol County program for hosting the meeting in this location and facility. He also mentioned that the 15 minute presentation previously planned did not come together would not be given to the Board.

B. ***Minutes/Summary:*** The Board considered for approval meeting minutes of three (3) prior meetings for May 25th, June 3rd, and September 20, 2011 meeting. **(Vote Required)**

B.1: **Background:** The Chairman asked members, if there were any comments, changes, or amendments regarding the minutes. Hearing none, he entertained a motion to approve the all three sets of minutes as a package or separate.

B.2: **Questions and Discussions:** G. Gonyea stated he had edited the minutes prior to this meeting and A. Carroll noted that she had indeed read all of them. The Executive Director stated that all the edits and comments from individual members had been incorporated into the current drafts up for vote. There was no other objections or edits.

B.3: **Action Taken:** With no other comments or discussion, G. Gonyea moved to approve and accept the meeting minutes of Wednesday, May 25th, Friday, June 3rd, and Tuesday, September 20, 2011 as a package. The motion was seconded by A. Carroll and the minutes were voted unanimously 3-0.

C: **Meeting Dates for 2012**

C.1: **Background:** The Executive Director proposed the dates for the Board's quarterly meetings for the New Year in 2012. He outlined the following dates and locations based on the traditional 2011 schedule. However, he noted that Jack Card, from the Northeast MA Mosquito Control & Wetlands Management District communicated that a meeting on Plum Island would be desirable.

Wednesday, January 25, 2012 held in Northborough in 2011
Wednesday, March 28,, 2012 held at Cape Cod Community College in 2011
Wednesday, May 23 or 30, 2012 held in Walpole Town Hall in 2011
Wednesday, October 24 or 31, 2012 held in North Attleboro Town Hall in 2011

C.2: **Questions and Discussion:** The members and others discussed those dates and locations that would be most desirable. There was a brief discussion that led to general agreement of the following dates and locations for 2012.

Wednesday, January 25, 2012 held in Northborough or the DCR facility as a secondary option, if available
Wednesday, March 14, 2012 (instead of March 28th) held at Cape Cod Community College
Wednesday, May 23, 2012 held in Walpole Town Hall, if available
Wednesday, October 24, 2012 held on Plum Island hosted by Northeast District

C.3: **Actions Taken:** No action taken but there was a general consensus by the Board for the dates and locations discussed and agreed upon regarding the 2012 schedule.

D: **NPDES:** The Board heard from Robert Kubit, a MasDEP environmental engineer who discussed the current status of NPDES and the general permit to be issued by EPA.

D.1: **Background:** Chairman Corte-Real introduced Mr. Bob Kubit of the MA DEP who reviews NPDES permits statewide and has been with the DEP for 30 years. Mr. Kubit provided a brief background and current status of NPDES and its impact or lack thereof on MA mosquito control projects operating under the Board. He also answered a number of questions to help facilitate the implementation of this landmark requirement effective October 31, 2011. B. Kubit stated that the current requirement was imposed by Court order, and that one permit that is being developed by EPA fits the entire scope of pesticide use nationwide.

Mr. Kubit stated his purpose today was to take away the fear of the unknown as it related to the new permit. He also emphasized that there would be an outreach component of the new general permit and felt that current set up in Massachusetts was working pretty well.

D.2: **Questions and Discussions**: Many questions were asked and answered. B. Kubit told the MCPs that their Pesticide Discharge Management Plans (PMDP) were adequate. He noted that some were better than others in terms of details. As a result, Mr. Kubit suggested that the all MCPs should review each other plans to help them for the future to submit the most comprehensive plans feasible. He remarked that the MCPs operational annual reports submitted to the Board met the requirement highlighting that MA has a good working program with state oversight in place. He mentioned that the permit is good for 5 years. He explained that EPA will administer the permit and that he would administer the Notice of Intent (NOI) for each MCP. The NOI would be submitted to him with a copy to EPA. Bob Kubit stated that MCPs might consider including maps to depict area of pesticide use for treatments in their annual reports. Essentially, the MCPs should report what and how much has been treated (total for the year) for the areas illustrated.

The Executive Director asked Mr. Kubit when the NOI would be due. He answered by January 12th or around that time. Also, the M. Buffone asked if a NOI would be required for the Board regarding a public health certification for EEEv. R. Kubit stated that the Board should wait until such a situation occurs, deal with the certification or emergency, and then send the NOI after the fact since the spraying would be for public health purposes.

Chairman Corte-Real echoed a point of clarification that all MCP's would be required to submit an NOI regardless of how much area that is being treated pursuant to the final permit.

A question was asked by Superintendent Henley noting that the annual operation reports may not be detailed enough pertaining to location information. He asked if maps would be acceptable and B. Kubit stated that maps would be a good thing to include with the annual reports.

Chairman Corte-Real clarified that the MCPs should send the completed NOI to EPA and a copy submitted to B. Kubit.

G. Gonyea raised a question of mosquito control pesticides breakdown metabolites. B. Kubit stated that there are no waters in Massachusetts that have been identified as impaired waters pertaining to mosquito control pesticides or breakdown products

D.3: **Action Taken:** B. Kubit and the EPA permit administrator are scheduled to speak at the mosquito control conference on Wednesday, December 7, 2011 to conduct outreach for compliance purposes.

E: **FY 13 Budgets/Budget Policy:** The Board discussed at length the FY 13 mosquito control budgets and proposed 3rd revision to its budget policy.

E.1: **Background:** Chairman Corte-Real wanted to discuss the FY 13 budget numbers first and then the proposed revision of the policy. He asked the projects administrator, Alisha Bouchard to cover the budget numbers she provided to the Board. A. Bouchard prefaced her remarks with the fact the numbers are estimates and the numbers are still in draft form. She outlined all of the MCPs budget numbers and per cent increases along with justifications for increases. The Board asked a number of questions regarding the requested numbers including building in unfunded liability matters.

- **Berkshire requested 3% increase over FY 12**. The program reviewing insurance options to determine if they can lower premiums and overall FY 13 budget request.
- **Bristol requested 23.4 % increase over FY 12**. A. Bouchard noted that there was a justification letter that the Board received that includes new hires deferred from FY 12 to FY 13. A. Bouchard reviewed the carryover surplus and what it was spent on in FY 12. The Chairman stated he did not understand the numbers and asked Superintendent Wayne Andrews to provide an explanation. W. Andrews explained that a similar formula was used in FY 2011 for virus suppression (aerial spraying). He noted that funding was reimbursed with a supplemental budget funds during FY 11. During FY 12 season, virus (EEEv) once again was a serious issue in his project area and the warm September and October accounted for a longer season this year with spraying to combat the public health risks. He noted that he did not believe supplemental funding would be available as was in FY 11 mosquito season when an aerial application was conducted. The surplus from FY 11 in the amount of $102,982 offsets the additional costs of spraying over many acres and extended time period for the FY 12 mosquito season.
- **Cape Cod requested 3.9% increase over FY 12.** The actual increase is broken down as a 2.5 % increase against their operating budget and the difference is for capital planning/improvements to purchase new truck. It includes backfilling one FTE position. Also, it includes a 2.5% wage adjustment for employees that do not get step increases and overtime. Note: Chairman Corte-Real asked A. Bouchard the status of a standard budget reporting form to help the Board review the budget numbers. She answered that she has started to format a form and she will share it with the Board for next year.
- **Central MA requested 7.8% increase over FY 12.** Two new communities, Mendon and Brookfield may join the project, looking for 2 new FTE's, 2.5% COLA and overtime estimate of $25,000 dollars. Note: G. Gonyea asked Executive Director, T. DesChamps about the surplus carryover funds and how they were planning to spend it. He answered that they are in the process of getting electronic data in place to upgrade data collection via hand held data using Sentinel GIS. G. Gonyea requested an update from the project and perhaps a display or demonstration to the Board.
- **East Middlesex did not request at this time due to separate town meeting attention.** Note: The Chairman acknowledged that Superintendent Henley was in a different situation compared to the other projects.
- **Norfolk County requested 18.8% increase over FY 12.** Includes 1 FTE & a field temp, and an option of a summer larvicide aerial application. Also, it includes additional pesticide purchases to support aerial larvicide. Note: Chairman Corte-Real asked if this was a contingency and the answer was yes.
- **Northeast requested 8.1% increase over FY 12.** The town of Essex may join the project @ $37,601.
- **Plymouth County requested 12.9% increase over FY 12.** Includes $132,000+ increase for pesticides due to additional spraying for EEEv in FY 12, 6% increase in retirement and fringe benefits, over $17,000 projected energy and lease costs, and capital equipment purchase e.g. excavator
- **Suffolk County requested 14.8% increase over FY 12.** Superintendent Landers is retiring in 2012 and his benefits must be built into the budget and will work with A. Bouchard.
- **Board Budget requested 7.7% increase over FY 12.** Includes union contract increases, DAR ISA for admin service increase, replacement of 2 computers, and possibility of MAG costs.

The draft document on the next page was reviewed by the Board.

DRAFT

State Reclamation & Mosquito Control Districts

FY12 Certified & FY13 Budget Request

Original: 10/25/2011

Updated:

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%	208,951	6,151	3.0%	Request subject to change; pending lower auto insurance options / commission approval.
Bristol	794,609	**1,170,535**	375,926	47.3%	1,445,024	274,489	23.4%	See justification letter; note new hires deferred from FY12 & included in FY13 request.
Cape Cod	1,638,171	**1,678,270**	40,099	2.4%	1,744,201	65,931	3.9%	Includes annualized 1 new 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%	See justification letter; Mendon & Brookfield may join; 2 new FTEs, 2.5% COLA, OT est $25k,
East Middlesex	586,692	**588,747**	2,055	0.4%	588,747	-	0.0%	Request TBD.
Norfolk	1,437,177	1,480,292	43,115	3.0%	1,758,940	278,648	18.8%	See justification letter; plus 1 FTE field tech & summer aerial larval contrl application
Northeast	1,518,953	**1,513,848**	(5,105)	-0.3%	1,635,867	122,019	8.1%	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%	1,534,472	175,730	12.9%	Justification letter in process; 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%	264,265	33,982	14.8%	Request pending confirmation w/ MCP; increase to maintain City of Boston catch basin treatments & possible FTE buy out costs tbd.
SRMCB Admin	139,187	**249,266**	110,079	79.1%	268,545	19,279	7.7%	Request TBD absorbs 5.25% union incs; Inc'd DAR ISA plus fringe increases; 2 to 3 new PCs / leases, digital recorder, mosquito program advisory committee.
Total:	9,538,932	**10,144,676**	605,744	6.4%	11,250,905	1,106,229	10.9%	

*FY11 Actual rollover into FY12 includes unspent rollover from FY10 DPH mosquito pool testing child accounts.

E.2: **Questions and Discussions**: Many questions were asked and answered along with Board discussion.

E.3: **Action Taken:** G. Gonyea requested that MCP justification be as clear as possible e.g. backfill compared to new FTE.

E.4: **Policy Revision:** The budget discussion moved into reviewing and discussing a proposed revision of budget policy. Chairman Corte-Real stated that the Board was proposing a revision suggesting that the Board was looking for input or basically a sign off from individual communities in your service area if you were looking for an increase over 3%. The preference would be there be unanimity among all the communities but at minimum the Board would be looking for super majority or 66% of those communities approving the increases. The Chairman stated that the projects are more than happy to support increases or have requested additional services that this should be easy to accomplish. A. Carroll stated her Commissioner is supportive of this revision. G. Gonyea also remarked his Commissioner was also supportive too.

Also, G. Gonyea stated that this would give the Board documentation to answer questions as to why are these programs are requesting this level of increases when other state agency budgets are decreasing.

The Chairman emphasized that this does not abdicate the Board's authority to approve any of the budgets. He apologized that this was late in coming out but it is certainly something the Board was to consider at this time.

The Chairman read from the policy, "The Board will give great weight to the expression of local support for the budget as proposed. He stated, unless there is some compelling reason that the Board is given, and then the Board will approve these budgets. It would need to be something substantial and significantly beyond the request that the Board would consider no approval. Overall, the policy provides the MCPs the opportunity to go above and beyond funding that the Board has approved in the past. He noted that several of the projects have requested significantly higher budgets over the 3% levels approved in the past. If the communities want that, then these communities can offer their support.

Director Smith asked the Board if they received his Commissioner comments from Dr. Pollack. The Chairman announced the Board had received them.

The Chairman remarked that the question of the Board's assessment to towns is outside of the projects request. The Chairman stated the Board is asking to support the actual operational budget of the project. The amount of total cherry sheet will include the Board's small percent funding (<3%)

M. Buffone mentioned that the mosquito control statute gives authority to the Board to fund its administration in order to carry out the needs and mandate of the Board. The Chairman noted there is no second level of approval for the Board's administration budget. Anne Carroll suggested maybe there was a way to reduce the administrative burden since projects discuss budgets at their Commission meeting. Also, the public meetings held last year were poorly attended after much preparation by the projects. G. Gonyea agreed and added that the annual meeting emerged from the MEPA GEIR certificate whereby the environmental community requested that each project present what they did the previous season. He thought it would be a good idea to dovetail the budget to these meetings. At some point in time, the Board will provide a report back to MEPA on the outcomes of these meetings.

Chairman Corte-Real suggested that one of the projects regular monthly Commission meetings could be scheduled as the annual meeting. You can continue to post it and submit to the Environmental Monitor. The other members agreed that it was not necessary to have a separate meeting.

E.5: **Budget Policy Action Taken:** The Chairman asked that the Board convene another meeting scheduled for Wednesday, December 14, 2011 at 10:00 AM in a central location to further consider revision and vote of the budget policy. This was necessary since the projects did not receive the changes until the morning of the meeting; more time was needed to review the policy changes.

F: **2011 Operational Annual Reports:** The Board discussed the 2011 operational annual reports and the dates the reports would be due.

F.1: **Background:** Chairman Corte-Real and the members were told by M. Buffone that the annual operational plans were submitted traditionally before the 1st meeting of the New Year. He also remarked that due to the new NPDES requirements to submit Pesticide Discharge Management Plans (PMDP), it might be worthwhile to include these plans with the operational reports. The Chairman agreed that it would be a way to meld the two, the annual report and the PMDP.

F.2: **Questions and Discussions**: The Chairman requested that the annual operational report be expanded to include the NPDES PDMP and any other NPDES required information. A question was raised about revising the annual operational report. Chairman Corte-Real viewed the issue as an expansion of the current report outline and it would continue to be a similar format.

F.3: **Action Taken:** The Board agreed that the MCPs should submit their 2011 annual operation reports no later than January 15 including the NOI required by NPDES.

G: ***Public comment/input period*:** The Board provided an opportunity for the general public to speak and listen to their concerns.

G.1: **Background:** Chairman Corte-Real acknowledged several individuals.

G.2: **Questions and Discussions**: Questions arose about out of state travel and state funds. Also, a question was raised about trust funds. Chairman Corte-Real stated emphatically that the mosquito control programs are state agencies. Also, he noted that out of state travel has been restricted and these decisions go beyond the Board.

Jack Card asked the Board if the Board would place on the agenda re-appointments.

The chairman stated that anyone in their current position stays there until they are either re-appointed or someone is appointed to that position. They are still Commissioners, he said. He further explained that anytime the Board would be considering a substitution, the Board would hold interviews. The Chairman emphasized that the Commissioners are not in limbo. A questioned asked if there were no more terms for Commissioners and the Chairman answered no. The Chairman stated that the Board had other issues to address.

Kimberly King was recognized whereby she read an e-mail from the Halifax Health Agent who could not be present at this meeting for the record. Anne Carroll asked the Chairman and the Board if there was a way to clarify the issue of Commission re-appointment. G. Gonyea asked if the Board has sent out letters to explain the Board's position. The letter would clarify the issue for current Commissioners.

G.3: **Action Taken:** The Board agreed that a letter be sent to those Commissioners up for re-appointment to explain the Board's previous position that Commissioners continue until his or her successor is appointed and qualified. The members asked M. Buffone to send them the most recent slate of Commissioner up for re-appointment. Also, the Executive Director agreed to draft a memo for the Chairman's signature as a first step.

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:** Gary Gonyea made motion to adjourn the meeting at 1:25 PM seconded by Anne Carroll and unanimously voted 3-0.

Respectfully submitted,

Mark S. Buffone

Mark S. Buffone
Executive Director