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

RICHARD K. SULLIVAN JR.
Secretary

GREGORY C. WATSON
Commissioner

DATE: **Wednesday, November 20, 2013**
TIME: 10:00 AM-NOON or later
LOCATION: **The North Attleboro Town Hall**, **43 South Washington Street, North Attleboro, MA 02760** Note: Lower level conference room, elevator on the right. *For more information, please call (617) 626-1777*

MEMBERS

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

Bruce Hansen
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 District

Northeast Massachusetts Mosquito & Wetland Management District

Plymouth County Mosquito Control Project

Suffolk County Mosquito Control Project

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

B. **Overview of Bristol County Mosquito Control Project**: The Board will hear from Jennifer E. Dacey, Superintendent of Bristol County Mosquito Control Project and Priscilla Matton, Entomologist regarding larviciding operation in the Bolton Cedar Swamp.

C. ***Minutes Summary:*** The Board will consider for approval the meeting minutes of June 5, 2013, July 23, 2013, October 17, 2013, and November 13, 2013 meetings.

D. ***Commissioner Appointments:*** The Board will vote to appoint new Commissioner(s).

E. **2014 Board Quarterly Meeting Dates and Locations:** The Board will consider for approval of the 2014 proposed meeting dates and locations.

F. ***2013 Mosquito Control Project Operational Annual Reports***: The Board will ask for the 2013 Operational Annual Reports to be submitted to the Board no later than January 22, 2014.

G. ***Legal Updates***: Jessica Burgess will update the Board.

H. ***Pesticide Exclusion Regulation and Mosquito Control Ground ULV Treatments***: Jessica Burgess will make recommendations to the Board.

I. ***FY 15 Preliminary Mosquito Control Budget Requests and Justification Narratives:*** The Board will hear and discuss if necessary FY 15 preliminary mosquito control budget requests.

J. **Update on Budget Policy/Public Meetings/SRB-3 Forms/Environmental Monitor Notification Reminder:** The Board will discuss FY 15 SRB-3 Forms

K. **Cape Cod Mosquito Control Project Commissioners and Barnstable County Commissioners proposal to fund study by the Edward J. Collins, Jr. Center for Public Management at UMass Boston:** The Board will hear proposal and view power point presentation.

L. **Pollinator Health Meeting:** Director David Lawson, of the Norfolk County Mosquito Control Project will brief the Board reagrding the Norfolk County Beekeepers Association Meeting and overall mosquito control Pollinator Health Issues.

M. ***Public comment/input period*:** The Board will provide an opportunity for the general public to speak and listen to their concerns including but not limited to Global Harmonized System and training of handlers of Hazardous materials and Adreanna's organization Mosquito Control Project recognition.

N. ***Adjournment:*** The Board will officially adjourn the meeting.

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East Middlesex Mosquito Control Project

Norfolk County Mosquito Control District

Northeast Massachusetts Mosquito & Wetland Management District

Plymouth County Mosquito Control Project

Suffolk County Mosquito Control Project

Subject: Meeting Minutes

Date: Wednesday, November 20, 2013

Place: The 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
Bruce Hansen, Department of Conservation and Recreation, Member
Gary Gonyea, Department of Environmental Protection, Member
Mark Buffone, Executive Director
Alisha Bouchard, Projects Administrator
Jessica Burgess, MDAR Counsel

Mosquito Control Project Commissioners:
Joe Barile, Bristol County Mosquito Control Project Commission
Bob Davis, Bristol County Mosquito Control Project Commission
Christine A. Fagan, Bristol County Mosquito Control Project Commission
Richard Pollack, Norfolk County Mosquito Control Project Commission
Jere Downing, Cape Cod Mosquito Control Project Commission
J. Gregory Milne, Cape Cod Mosquito Control Project Commission

Mosquito Control Project Directors/ Superintendents /Assistants:
Steve Burns, Bristol County Mosquito Control Project
Jack Card, Northeast MA Mosquito Control & Wetlands Management District
Jennifer Dacey, Bristol 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
Chris Horton, Berkshire County Mosquito Control Project
Barbara Johnson, Bristol 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
Anthony "Tony" Texeira, Plymouth County Mosquito Control Project
William Mehaffey, Northeast MA Mosquito Control & Wetlands Management District
Robyn Janusezewski, Northeast MA Mosquito Control & Wetlands Management District
Caroline Haviland, Norfolk County Mosquito Control Project
Nate Boonisar, Norfolk County Mosquito Control Project

Other:
Mark Zielinski

A. Call to order and attendance by Chairman Lee Corte-Real

Chairman Lee Corte-Real called the meeting to order at 10:05 AM in North Attleboro. The Chairman thanked everyone for coming and the person who brought the baked goods. The Chairman stated that the first order of business was attendance and began by conducting the SRMCB roll call. Those present were Bruce Hansen representing Commissioner Jack Murray of the Department of Conservation and Recreation (DCR), Gary Gonyea representing Commissioner Kenneth L. Kimmell of the Department of Environmental Protection (DEP), and Chairman Lee Corte-Real recognized himself representing Commissioner Gregory C. Watson, of the Department of Agricultural Resources (MDAR). The Chairman stated that three members were present and there was a quorum. The Chairman asked the Board to consider the minutes, the third item on the agenda (item C) first before proceeding.

B. Overview of Bristol County Mosquito Control Project: This agenda item on the agenda was taken up after the minutes were considered for acceptance by the Board. The Chairman opened this item to Jennifer E. Dacey, Superintendent of Bristol County Mosquito Control Project and Priscilla Matton, Entomologist.

B.1: Background: J. Dacey told the Board that this overview would be presented by Priscilla Matton Bristol County Entomologist pertaining to a field experiment to see if *Culiseta melanura* could be controlled in crypts in Southeast Massachusetts wetlands. P. Matton described a joint project between Plymouth County, Entomologist Ellen Bidlack, and Bristol County in the spring of 2013 to determine if control of *Culiseta melanura* using aerial larvicides was feasible. They selected a site in Bristol County which was in town of Freetown (*Bolton Cedar Swamp Area*). Approximately 140 acres were treated by a helicopter equipped with 4 Micronair AU 5000 rotary atomizer nozzles. A mixture of two larvicide products, 8% *Bacillus sphaericus* (BS) and 92% Bacillus (Bti) was used. She distributed a summary which outlined the study protocol and map.

P. Matton described the various details of the design, limitations, and results of this effort. Control of Culiseta *melanura* in the fixed dip stations (e.g. the crypts) was not achieved but a significant reduction in open water mosquito species was observed in open water stations. Further investigation showed that the product was deposited to the ground and into cups placed near the crypts. However, there was no evidence that the product materials were being transported into the crypts where *Culiseta melanura* larvae develop. The active ingredients of the products were evaluated for efficacy to insure that this variable was not the reason for control failure. The product was found to be efficacious after bioassay studies in the laboratory verified mortality of larvae. Temperature was also seen as an important variable since larvae at 41 degrees stop diapauses and continue to molt to the next instars' or life stage. Below the temperature of 41 degrees, the larvae are still in diapause and not feeding. After this temperature, the larvae begin to feed again and could consume the larvicide. However those larvae that overwinter as 4th instar life stage will not be eating as much and probably would not consume a sufficient amount of product to kill them. They also looked at water movement and noted that there was not a lot of movement to help transport the larvicide into crypts.

A fall application was planned for a smaller (*approximately 25 acre study site*). For this trial, they were proposing to increase the application rate to see if this could help get more of the larvicide into the crypts. The investigators found that larvae are not distributed evenly within the habitat. They did not know why. This created a challenge since they were unable to have evenly distributed dip sites throughout the spray block. Conditions were too dry this fall causing a cancellation of the treatment. Further study is needed to determine why *Culiseta melanura* was not controlled and there is possibility that the study will be repeated in spring 2014.

The following bullets summarize the presentation to the Board.

- Culiseta melanura larvae in crypts were not controlled in these trials. However the products chosen are effective against this species. This is the first time this use of ULV type larvicide application has been tested and shown to have control.
- Temperature and life stage appeared to be a significant factor limiting control.
- The data will be presented at the Northeast and American Mosquito Control Association Meetings.
- The study confirmed that aerial larvicide application worked verified by control of open water species (including *C. melanura* that were not in the crypts).
- A granular formulation is less desirable than liquid since a liquid formulation penetrates the canopy better. Also, the finer droplets dispersed in a liquid formulation might help to further distribute the product into the crypt. Although the granular has been shown to control based on local MCP data (Norfolk County Mosquito Control project annual spring aerial larvicides), it would be cost prohibited to use the amount of product needed to test 2 other products not mentioned in the study. In particular, the label application rates needed for effectiveness make it cost prohibitive.
- Follow up work will be conducted.

B.2: **Questions and Discussions:** A number of questions were asked by Board members. G. Gonyea asked if a vegetative survey was conducted. P. Matton stated no and proceeded to describe the study site. She noted that there was not a lot of Atlantic White Cedar growth at the site. She explained that the site had more Maple trees. G. Gonyea suggested she might add this to their description in the study. B. Hanson recommended the use of temperature sensors within the habitat to record variability within the crypts and the open water areas.

B.3: **Action Taken:** Chairman Corte-Real remarked that he strongly supported continuing the study and thanked Priscilla Matton and Ellen Bidlack for their work.

Note: Chairman Corte-Real remarked that the Board would now move to agenda item K since the Board was requested to take this item out of turn.

C. ***Minutes Summary:*** The Board will consider for approval the meeting minutes of June 5, 2013, July 23, 2013, October 17, 2013, and November 13, 2013 meetings.

C.1: **Background:** The Chairman asked members if there were any comments, corrections, changes, or amendments regarding the minutes.

C.2: **Questions and Discussions:** G. Gonyea noted he had edited the minutes and sent these to the Executive Director for incorporation into the final versions before the Board. He asked the Chairman if he should make a motion to vote the minutes one at a time or include all the minutes in one motion. The Chairman and the Executive Director agreed that the motion could be to accept and approve all 4 sets of minutes in one motion.

C.3: **Action Taken:** G. Gonyea made a motion to accept all 4 sets of minutes for the following meeting dates of the Board; June 5, 2013, July 23, 2013, October 17, 2013, and November 13, 2013. The motion was seconded by Bruce Hansen and hearing no discussion the minutes were unanimously voted 3-0.

NOTE: **After the minutes were accepted by the Board, John Doane, from the Cape Cod Mosquito Control Project, asked the Chairman for the floor and requested that agenda item K: *Cape Cod Mosquito Control Project Commissioners and Barnstable County Commissioners proposal to fund study by the Edward J. Collins, Jr. Center for Public Management at UMass Boston* be taken up due to the fact that the individual from the County needed to get back to the Cape. Chairman Corte-Real said he would advance this agenda item right after the presentation by the Bristol County Mosquito Control Project scheduled as agenda item B**

D. Commissioner Appointments: The Board will vote to appoint new Commissioner(s).

D.1: **Background:** The Chairman explained that that the Board received several applications expressing interest to be appointed Commissioners. There was a vacancy in the Northeast District. The Chairman noted that the Board interviewed 2 individuals, Rosemary Decie and Geoffrey H. Walker, who were seeking that position. Also, he commented that two other individuals, Carolyn G. Brennan who had the oldest expired term for Plymouth County Commission and a new candidate Cathleen Drinan, who expressed interest to become a Commissioner were interviewed by the Board for the Plymouth County Mosquito Control Project Commission.

D.2: **Questions and Discussion:** Jack Card, Director of Northeast asked about the candidates who were interviewed for the Northeast District. The Executive Director answered that the Board received applications from both individuals along with letters of support.

J. Burgess used the discussion to point out that this is opportunity to reach out to all mosquito control projects and anyone else interested to assist the Board and nominate existing Commissioners currently serving at the will of the Board (*expired terms*) and/or more importantly new individuals. Going forward she remarked that the Board seeks assistance in finding new qualified candidates as stated at prior meetings. She continued saying that in those cases where a new candidate is appointed, the Board may replace the oldest exisiting Commissioner position or the individual with the longest sitting expired term. J. Burgess explained that if exisiting Commissioners are already sitting in an expired seat and interested in re-appointment, they will be given an opportunity to interview with the Board too. It was announced that the Board is looking at all expired terms of the current Commissioner list and the Board would send a letter out when interviews were set up. If exisiting Commissioners sent an application and the Board has not acted upon them yet, there is no need to resubmit an application. All commissioners will sit until re-appointed or replaced. There will be no timeline, she emphasized as the Board will conduct its task on a rolling basis and will act as efficiently as possible.

D.3: **Actions Taken:** Gary Gonyea made a motion to appoint *Rosemary Decie* to the Northeast Massachusetts Mosquito Control and Wetlands District with the appointment becoming effective today November 20, 2013. The appointment covers the remaining time of an expired term which ends on November 30, 2014. The motion was seconded by Bruce Hansen. The motion was approved with a vote of 2-0 with 1 abstention.

Gary Gonyea made a motion to appoint *Cathleen Drinan* to the Plymouth County Mosquito Control Project with the appointment becoming effective today November 20, 2013. The appointment covers the remaining time of an expired term which ends on November 30, 2014. The motion was seconded by Bruce Hansen and the motion was unanimously voted 3-0. The Chairman acknowledged and thanked Carolyn Brennan on behalf of the Board for the 25 years of services on the Plymouth County Mosquito Control Board. He added that C. Brennan was welcomed to apply for other appointments to the project.

E. **2014 Board Quarterly Meeting Dates and Locations:** The Board will consider for approval of the 2014 proposed meeting dates and locations.

E.1: **Background:** The Chairman announced the next agenda item is the 2014 meeting dates. M. Buffone, the Executive Director, proposed the dates for the Board's quarterly meetings for 2014 and noted that the dates were in the Board members packet.

E.2: Questions and Discussion: M. Buffone proposed the following dates:

1. *Wednesday, January 22, 2014 to be held DCR Watershed Division, John Augustus Hall, 180 Beaman Street, West Boylston, MA 01583*
2. *Wednesday, March 19, 2014 to be held at Cape Cod Community College*
3. *Wednesday, May 21, 2014 (Before Memorial Day) to be held at the Walpole Town Hall*
4. *Wednesday, October 22, 2014 to be held at Endicott Park, 57 Forest Street in Danvers*

E.3: Actions Taken: There was a general consensus by the Board that the above dates and locations be used for the 2014 quarterly schedule since the members did not foresee any conflicts in their schedules.

F. 2013 Mosquito Control Project Operational Annual Reports: The Board will ask for the 2013 Operational Annual Reports to be submitted to the Board no later than January 22, 2014.

F.1: Background: Chairman Corte-Real introduced this agenda item. M. Buffone explained to the Board that the annual operational plans for the last several years traditionally submitted by the mosquito control districts and projects by the 1st meeting of the Board in the New Year. He noted that this was on the agenda in order for the Board to establish a due date.

F.2: Questions and Discussion: The Executive Director requested that the Board establish a deadline of *no later than January 22, 2014* which is the 1st quarterly meeting of the New Year for the Board. Gary Gonyea requested that Director of Central MA Mosquito Control Project send him the current standard operational report template and asked if the districts had any changes they would like to make in the reporting form. M. Buffone mentioned that last 2 modifications inserted in 2012 plans were the NPDES Permit number added to cover sheet of the report, and a NPDES section added to end of report.

Questions arose about non-member communities such as Martha Vineyard (MV) and Nantucket. J. Burgess responded stating that Martha Vineyard was technically a mosquito control project based on an expired enabling Act of Legislation but does not necessarily engage in mosquito control. G. Gonyea requested that MV send the Board a report covering items such as below:

- How many mosquito samples did they submit to DPH for testing?
- Where they collected samples?
- What types of traps did they use and how many?
- What were the results of the testing for 2013?

Also, the Board approved Nantucket's 2013 mosquito control program being conducted by a private contractor. The Board requested that a report be sent from Nantucket to keep the Board updated.

F.3: Action(s) Taken: Gary Gonyea moved that the mosquito control districts submit their operational annual report in both a PDF and Word format to the Board no later than the January 22, 2014 meeting. The motion was seconded by Bruce Hansen and voted unanimously 3-0.

G. Legal Updates: Jessica Burgess will update the Board.

G.1: Background: Chairman Corte-Real asked Jessica Burgess to provide the legal update to the Board

J. Burgess began her update by speaking about the new language that was approved amending the second paragraph of section 5A of chapter 252 of the General Laws, which added the following sentence: *The certification shall not give the board the authority to modify the budget approved by a mosquito control project without the mosquito control projects approval*. She noted although this legislation was approved, the language does not functionally change the Board's budget approval authority.

J. Burgess remarked that the amendment does not take away the Board's authority to approve or disapprove the mosquito control budgets. However, the Board is now limited to two options, approve or disapprove the budget. The Board does not have its previous unilateral ability to modify the budgets as it has done at previous annual budget meetings. As a result, she cautioned everyone to work closely with the Board "in advance" because if the Board is limited to only two options, approve or disapprove, the budget could be disapproved and there would be no ability for the Board to modify the budget at that time. This scenario would take much more work to resolve when the Board has an obligation to certify these budgets to the Comptroller after its annual Budget Meeting. She emphasized that mosquito control projects should make sure that the mosquito control programs justify all of the proposed expenditures for the next fiscal year. J. Burgess restated that this statutory amendment limits the Board to two options when it comes to budget certifications; approve or disapprove.

The second update pertained to the Tobin decision. This matter revolves around the Commissioners of the Bristol County Mosquito Control District who filed suit against the State Reclamation and Mosquito Control Board and the State Treasurer. The lawsuit advanced to the Supreme Judicial Court (SJC) who upheld the Board's position that while Chapter 252 of the MGL, section 14 D gives the mosquito control projects authority to set rates for compensation and hiring of professionals, this authority is still constrained by and within the structure of the total 252 statute. In other words, the SJC does not disregard the other provisions of Chapter 252 of the MGL which gives the Board oversight and control over budgetary process and certifying of budgets and expenditures of mosquito control in the Commonwealth. J. Burgess encouraged mosquito control projects to communicate with the Board stating that if they are looking for salary increases for example, that they make sure they account for these increases in their budgets since the Board still has to certifying and insure that the mosquito control programs will not exceed their certified budgets.

J. Burgess further described that the SJC agreed with the earlier process where the lower court had granted summary judgment in favor of MDAR and the Board. However, the SJC determine that there were issues of fact that needed to be addressed as to whether or not there was sufficient funding to approve salary increases to Bristol County Mosquito Control employees. Therefore, the SJC remanded the case back to the lower court, the Superior Court. J. Burgess added that the case is not completed at this time since the parties involved will need to submit to the court information for the court to determine whether or not the salary increase request made by Bristol County Mosquito Control Project could have been approved based on the funding approved by the Board in 2008.

J. Burgess emphasized that nothing has changed both for the projects and their requests via 14 D. The SJC's decision is that the Board maintains control of mosquito control and mosquito control budgets and expenditures. Ultimately, section 14 D cannot be read in a vacuum and has to in concert and harmonized with the other provisions of Chapter 252 of the MGL. She strongly suggested that the mosquito control projects keep the above in mind when developing budgets to insure their spending for the next fiscal year does not exceed these expenditures.

G.2: Questions and Discussion: There was some discussion and questions asked concerning the legal update given by J. Burgess. In particular, it was asked if the Board could let the mosquito control projects know in advance of any discrepancies or issues pertaining to FY15 budgets.

J. Burgess answered that the Board would like to do all the leg work necessary in advance of its annual budget meeting in May so that when the Board meets, the mosquito control projects budgets can be approved. The Board would like to work with the mosquito control programs in advance. She commented that if the mosquito control programs have questions or concerns about their proposed budget increases, town issues, salary increases, that they should certainly let the Board know in advance. The goal of the May meeting is to certify each budget. Practically speaking, the process is still the same.

A question was raised regarding Bristol County Mosquito Control Project legal services and if invoices for these services were being paid through the projects funding. The project hired an attorney based on section 14 D. J. Burgess answered that the question is still up for discussion. She responded by saying that the attorney hired by the Brsitol County Mosquito Control Project was done without the authority of the Board or MDAR or anyone at the state level. She noted they should have sought permission from the AG's office, and Governor Legal Counsel pursuant to Chapter 30, section 65 of the MGL. The mosquito control project would have to have appointed a Special Governor Assistant AG in order for any payments for legal invoices to be approved and processed. Bristol did not request for this approval. There is an ongoing dispute about this matter which has not been resolved by the Supreme Judicial Court. The Board and MDAR still hold the position that the hiring of an attorney by the mosquito control project using 14 D is contrary to the intent and letter of the language. The key to 14 D is focused on is the hiring necessary to perform your statutory obligation; that being mosquito control. Ultimately, the mosquito control project still needs to follow procurement and other rules which include the hiring of an attorney.

G.3: Actions Taken: None

H. Pesticide Exclusion Regulation and Mosquito Control Ground ULV Treatments: Jessica Burgess will make recommendations to the Board.

H.1: Background: Chairman Corte-Real introduced the next agenda item. Jessica Burgess continued by noting there have been a lot of questions from mosquito control projects regarding the honoring of pesticide exclusion requests outside of the regulatory process. The current pesticide regulation is clear about the mechanism for exclusion but it has become a non-workable mechanism for the mosquito control projects when request for exclusion occur after the March 1st deadline. This creates a dilemma for the mosquito control programs that want to honor the exclusions but are not in compliance with the requirement. J. Burgess's recommendation to the Board is that the Districts follow the existing requirement e.g. a certified letter needs to be sent to the Town Clerk on or before March 1st. Any request for exclusion that come after March 1st should not be honored.

She commented that MDAR and the Board recognize that the current mechanism is not functional for the projects. She proposed that a change be made via an amendment to the regulation to the Pesticide Board. She stated that any changes mosquito control programs would like to see must go through the Pesticide Board and MDAR. The Board is not going to create a statewide policy applicable to all the projects. Regulatory change although a longer process, is the best way to go forward and to provide the best level of protection for mosquito control projects.

J. Burgess requested that mosquito control projects send their suggestions on changes to the reporting requirement to her. She explained that the change to the regulation would make it work better for the mosquito control project. Again, she emphasized that if the mosquito control programs go above and beyond the current regulation, it is at your own risk and any issues that arise because of this matter would be harder to defend.

In order to draft an amendment to the 333 CMR 13:03 regulation and bring it to the Pesticide Board in timely fashion she asked that between now and January, that mosquito control projects provide the Board and her with their comments.

H.2: **Questions and Discussion:** Lengthy and lively discussion ensued

H.3: **Actions Taken:** No formal action taken but the consensus was as follows:

- The Board recognizes that the current pesticide exclusion requirement needs to be updated and this cannot be effectively accomplished by a policy of this Board.
- Practically speaking, the current requirement has caused confusion and hardship for both the Mosquito control projects and the public.
- The current requirement is not working for mosquito control districts specifically in the acceptance of requests of exclusions that occur after March 1st of any year.

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- The Board does not support acceptance of late requests since the requirement is clear as discussed by Jessica Burgess of MDAR. Further that the Board is concerned that the MCPs bear the risk of honoring requests for exclusions after March 1st whereby the Board may not be able to defend MCPs.
- As recommended by MDAR legal counsel, the Board will seek regulatory amendment via regulation change. The Board with MDAR legal counsel, Jessica Burgess will draft an amendment after written input from the mosquito control projects is received in order to bring this matter to the Pesticide Board for approval.

I. ***FY 15 Preliminary Mosquito Control Budget Requests and Justification Narratives:*** The Board will hear and discuss if necessary FY 15 preliminary mosquito control budget requests.

I.1: **Background:** Chairman Corte-Real introduced the next agenda item **FY 15 preliminary budget numbers**. The projects administrator, Alisha Bouchard, presented the FY 15 budget numbers to the Board for each mosquito control project as well as the Board administration budget (**See Table 1 on page 10**). The following is a summary of what was presented to the Board of all MCPs preliminary budget.

I.2: **Questions and Discussion:** As each mosquito control project was covered the members asked a number of questions of both Alisha and the project representatives present. A. Bouchard remarked that this is detailed in narratives. A. Bouchard emphasized that these are preliminary estimates.

- **Berkshire** proposed a preliminary FY 15 budget totaling **$240,606 dollars** which represents a 0.5% increase or $1,023 dollar increase over FY 14 budget.

- **Bristol** proposed a preliminary FY 15 budget totaling **$1,322,814 dollars** which represents a 2.6% increase or $32,264 dollar increase over FY 14 budget.

- **Cape Cod** proposed a preliminary FY 15 budget totaling **$1,884,537 dollars** which represents a 3.6% increase or $63,336 dollar increase over FY 14 budget.

- **Central MA** proposed a preliminary FY 15 budget totaling **$1,997,933 dollars** which represents a 2.7% increase or $48,730 dollar increase over FY 14 budget.

- **East Middlesex** proposed a preliminary FY 15 budget totaling **$689,840 dollars** which represents 0.5% increase over FY 14 budget. **Note: This project is set up as a voluntary trust making it different fiscally compared to the other projects.**

- **Norfolk County** proposed a preliminary FY 15 budget totaling **$1,628,967 dollars** which represents a 2.6% increase or $39,653 dollar increase over FY 14 budget.

- **Northeast** proposed a preliminary FY 15 budget totaling **$1,873,300 dollars** which represents a 17.9% increase or $283,760 dollar increase over FY 14 budget.

- **Plymouth County** proposed a preliminary FY 15 budget totaling **$1,652,322 dollars** which represents a 3.1% increase or $48,125 dollar increase over FY 14 budget.

- **Suffolk County** proposed a preliminary FY 15 budget totaling **$265,264 dollars** which represents a 0% increase or level funded FY 15 budget.

- **Board Administration Budget** proposed a preliminary FY 15 totaling **$360,138 dollars** which represents a 20.9% increase or $56,279 dollar increase over FY 14 budget. A. Bouchard explained a proposed IT contract position for the Board and how it would benefit all of the mosquito control projects versus each mosquito program hiring separate individuals at the lowest cost. Each program has different GIS needs. This individual would provide training and services to any program that requested and the cost would be chargeback to the individual program. This matter was supported by the Chairman. It was stated that any assessment that is deducted from the Board budget to help support this position is expected to very small but an exact figure of how much of an increase was not given. **The proposed preliminary FY 15 budgets for all mosquito control projects and the Board totals to $11,915,721 dollars** which represents an overall increase of 5.2% or $586,493 dollars over FY 14 approved budget numbers. Final numbers will be approved or certified at the Board's 2014 May meeting and the numbers in Table 1 below are subject to change until the final certification of the budgets.

I.3: **Actions Taken:** Before the agenda item was completed, Bristol County Mosquito Control Project Commissioner Bob Davis petitioned the Board to support the FY 15 budget increases in their current efforts to relocate the district. Chairman Corte-Real told Mr. Davis and his Commission to propose an additional 5% for the upcoming year to be sure that appropriate funding is available. He noted that if the funding is not used, the balance will be forwarded or rollover. As a result, this funding would be available in their account making a request for additional funding for the next year unnecessary. B. Davis wanted to go on record with the Board concerning this matter. Finally, B. Davis wanted to commend A. Bouchard for all her assistance to help the mosquito control project get this important relocation task completed. On behalf of the Board, the Chairman thanked Alisha Bouchard for her work to shepherd this project to a successful conclusion.

Table 1: FY 15 Proposed Preliminary Massachusetts Mosquito Control Budgets

State Reclamation & Mosquito Control Districts
FY 15 Preliminary Budget Requests by Mosquito Control Districts
Original: **11/20/2013**

District	FY 2013 SRMCB Approved/Certified Budget	FY 2014 SRMCB Approved/Certified Budget	FY 2015 Budget Request	Difference vs. FY 14	% Change
Berkshire	207,573	239,583	**240,606**	1,023	0.5%
Bristol	1,229,095	1,290,550	**1,322,814**	32,264	2.6%
Cape Cod	1,744,201	1,821,201	**1,884,537**	63,336	3.6%
Central Mass	1,821,893	1,949,203	**1,997,933**	48,730	2.7%
East Middlesex	626,534	676,517	**689,840**	13,323	2.0%
Norfolk	1,524,700	1,589,314	**1,628,967**	39,653	2.6%
Northeast	1,589,540	1,589,540	**1,873,300**	283,760	17.9%
Plymouth	1,557,472	1,604,197	**1,652,322**	48,125	3.1%
Suffolk	260,283	265,264	**265,264**	-	0%
SRMCB Admin	269,457	303,859	**360,138**	56,279	20.9%
Total:	**10,830,748**	**11,329,228**	**11,915,721**	**586,493**	**5.2%**

J. **Update on Budget Policy/Public Meetings/SRB-3 Forms/Environmental Monitor Notification Reminder:** The Board will discuss FY 15 SRB-3 Forms

J.1: **Background:** M. Buffone reminded the Districts and the Board that pursuant to the Board's budget policy the MCDs must use the SRB-Forms. Several districts have used their own forms in the past creating confusion and lack of consistency. He noted that other forms used will not be recognized by the Board. He also requested that the projects send him the FY 15 Budget Meeting dates, time, location as he has this information posted on the Board website along with the Environmental Monitor notification to ensure the public has notice of the date, time, and location of their FY budget/public meetings.

J.2: **Questions and Discussion:** None

J.3: **Actions Taken:** None

K. **Cape Cod Mosquito Control Project Commissioners and Barnstable County Commissioners proposal to fund study by the Edward J. Collins, Jr. Center for Public Management at UMass Boston:** The Board will hear a proposal and view a Power Point presentation.

K.1: **Background:** John Doane, Superintendent of the Cape Cod Mosquito Control Project thanked the Chairman for taking them out of turn. He noted that they were here today to seek the Board's approval to sign an interdepartmental service agreement to set aside $16,000 to fund a study and engage the services of the Edward J. Collins, Jr. Center for Public Management at UMass Boston. Richard Kobayashi, UMASS Boston, could not be here today but the Board received a scope of service. Mark Zielinski, Barnstable County Administrator is present to give a 10 minute PowerPoint presentation on the development of this request and how this all came about.

Mr. Zielinski thanked the Chairman and distributed to the Board a presentation of slides to the Board some background on this matter. He talked about the strength and stability of Barnstable County Regional Government, special commission on County Governance, and specific recommendations of the special commission regarding the Cape Cod Mosquito Control Project. He stated that they have strong voter support and dedicated revenue stream. They have a strong Board of County Commissioners and a 15 member legislative body assembly of delegates. He listed the benefits of regional government. They formed a special Commission on County Governance and what form and function is best for the 21st century. Former Legislators Robert O'Leary and Henri Rauschenbach were appointed to co-chair the special commission. The Commission made various recommendations but in particular one focused on mosquito control.

Mr. Zielinski read aloud the following directly off the presentation slide which was the direct language of the recommendation of the Special Commission:

There is a growing concern about the Boston centric management of the Cape Cod Mosquito Control and their different philosophy concerning the use of pesticides and how this relates to the management and control of the mosquito in a fragile ecosystem.

Recommendation: *Barnstable County Commissioners in conjunction with Mosquito Control Commissioners should explore filing legislation to transfer the Cape Cod Mosquito Control program from the state to the County.*

Mr. Zielinski stated that the Commissioners have spent 6 months evaluating the special Commission report and endorsed the report and the above recommendation including the specific one concerning mosquito control. He noted that there is strong support among the municipalities on Cape Cod for this study.

K.2: Questions and Discussion: Chairman Corte-Real thanked Mr. Zielinski and then remarked that after looking at the proposal one of the things the Board is charged with is to determine that any funds expended under Chapter 252 are used for mosquito control. He continued saying that without making any determination of the benefits or drawbacks of that proposal, this proposal does not fall under the aegis of mosquito control. He added that another entity could provide funds or individual communities could join together to fund the study. . He remarked that under the framework of Chapter 252 the proposal is not a mosquito control activity.

Mr. Zielinski raised a number of questions concerning the Chairman's statements. Mr. Zielinski argued that the spending of these funds will in the long term enhance the control of mosquitoes on Cape Cod and it is a planning function. He believed that through the study that they may discover that there are things that would make the program more efficient in the future. The Chairman said that the County could do this if it desires but that the funding should not be coming out under Chapter 252.

John Doane commented that if the Board approved and signed an Intergovernmental Service Agreement that it would have some control over the situation.

Jere Downing, Chairman of the Cape Cod Mosquito Control Project Commission noted that the idea of doing a feasibility study looking at the pluses and minuses of County oversight versus state was a good one. He restated and summarized the previous discussion and directly asked the question if mosquito project funds could be utilized to support the feasibility of the proposed study? Mr. Downing stated for the record, that the Chairman answered in the negative.

J. Gregory Milne argued that funding was appropriate based on his view of 252 and discussed the makeup of their Commission. He explained that 2 out of the 5 Commission seats had direct link to the local communities on the Cape. He noted that 1 Commissioner was a representative nominated by the Cape Cod Town Managers' Association and another Commissioner was a representative nominated from the Cape Cod Selectman's and Council Association. He believed the very meaning of 252 was tied to the desires and sentiments of the local towns. He remarked that these communities on the Cape wanted to at least have an opportunity to consider a regional approach to mosquito control under the County umbrella versus the state. He strongly believed that the communities on the Cape and the mosquito control program were absolutely in concert with 252.

After additional discussion, Jessica Burgess, MDAR legal counsel for the Board stated that the way 252 is structured, all of the mosquito control projects fall within the state statute 252. The Board approves expenditures for mosquito control and the Board has to certify to the Comptroller that any request for payment is for mosquito control only. In this circumstance, the Board is not able to approve an expenditure of these funds for this type of study which is not mosquito control. It doesn't meet the mandate of 252. She remarked that as the Chairman stated previously, the Board cannot certify to the Comptroller that this payment would be authorized pursuant to 252.

John Doane asked if this was different to the current ISA with DPH. J. Burgess answered yes, that when you pay DPH you are paying for testing of mosquito samples collected as part of your mosquito control function compared to paying for a study to determine what the best structure for mosquito control on the Cape.

K.3: Actions Taken: None.

L. **Pollinator Health Meeting:** Director David Lawson, of the Norfolk County Mosquito Control Project will brief the Board regarding the Norfolk County Beekeepers Association Meeting and overall mosquito control Pollinator Health Issues.

L.1: **Background:** D. Lawson summarized some of the issues that the district experience during the 2013 season. The district received calls allegations about bee kills caused by the mosquito control project. He asked the question what he could do. He decided to go right to the source and reach out to beekeeper associations. A meeting was held in November to engage the beekeepers to educate them about mosquito control methods and their particular program. Overall, he stated that the meeting yielded fruit with positive responses due to this engagement. Also, it dispelled false and misleading information. He opened it up to questions to the Board.

L.2: **Questions and Discussion:** Rich Pollack who attended the bee keeper meeting noted that there were certain allegations made by beekeepers along with assumptions that the mosquito control project is responsible for bee deaths. He continued to explain that the basis for these statements were due to an apiary inspector associated with MDAR. He had questions about this matter. The Chairman answered R. Pollack questions telling him that MDAR does employ apiary inspectors. He adamantly noted they do not speak for the Department. In the case of this particular inspector, the individual was also a member of the Essex County Bee Keepers Association. The inspector wears one hat as an apiary inspector but the Chairman stated that he can't prevent her speaking her opinion. Any opinions or responses to media questions should not have been characterized based on the fact she was a Department inspector. There are more than one apiary inspectors employed by the Department who believe that other pesticides applications as a whole are causing impacts on bee population in Massachusetts in the opinion of the Chairman.

Chairman Corte-Real remarked that based on the aerial adult mosquito control operation to suppress the risk of arbovirus, the potential impact of the bees in the treated areas Environmental monitoring There was pre and post monitoring in the spray area and there was no demonstrable impact on these hives. He stated that the Board, the Pesticide Board, even the Department is not going to make a blanket statement of support because of these agencies regulatory obligations.

The Chairman said, as an individual, he does not believe mosquito control is causing a significant impact to bees. Wearing the hat of Pesticide Board representative, the issues at hand are viewed through the lens of "risk versus benefit" assessment. He said that if we believed that there was a problem with mosquito control on bee populations, that action would be taken.

If a complaint comes to the Department pertaining to bee mortality, the Department as part of the Department pesticide enforcement mandate pursuant to FIFRA and Chapter 132 B would investigate if it is determined that taking samples is appropriate. He noted that we would not if as is often the case do so if there is a claim without evidence. The Department will not try to prove a negative.

Some of the mosquito control projects are still concerned because at the local level at various public settings misinformation about mosquito control and bee health is causing towns to vote down mosquito control services. The projects are looking for someone higher in the echelon to make concise statement of support and data that show that mosquito control is unlikely to be causing current bee impacts. They would like the statement to come from the Board. Joe Barile, Bristol County, is working on a national effort on bee impacts, cited one of the best reports on this issue; *the 2013 USDA and EPA report issued in May 2013*. This is a collaborative report on honey bee health and other information concerning the entire issue is available to the public. The report is based on science not emotion and hysteria.

L.3: **Actions Taken: None**

M. ***Public comment/input period*:** The Board will provide an opportunity for the general public to speak and listen to their concerns including but not limited to Global Harmonized System and training of handlers of Hazardous materials and Adreanna's organization Mosquito Control Project recognition.

M.1: **Background:** M. Buffone told the Board that Ms. Sherry Albert from *SAK Environmental* wanted to make a couple of statements. He explained that SAK is a Massachusetts-based environmental consulting firm that specializes in hazardous materials management and regulatory compliance. This company was recently selected by the Department of Agricultural Resources, State Reclamation and Mosquito Control Board to provide training workshops to each Control Board District in Massachusetts under "*Contract No. SRB-Pesticide Training -2013*". Ms. Albert spoke to the Board and those in attendance informing those present of the services her company can provide to the mosquito control projects. A. Bouchard stated that the Board has two contractors approved to do the training.

M.2: **Questions and Discussion:** Chairman Corte-Real emphasized the difference between continuing education training for pesticide contact hours versus training for hazardous materials and OSHA requirements.

M.3: **Actions Taken:** No action but M. Buffone and the Chairman let those in attendance know that they can talk to Ms. Albert at the end of the meeting.

N. **Adjournment:** The Board will announce next meeting date and officially adjourn the meeting.

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

N.2: **Questions and Discussion:** None

N.3: **Actions Taken**: Bruce Hansen made motion to adjourn the meeting at 1:20 PM and seconded by Gary Gonyea and unanimously voted 3-0

Respectfully submitted,

Mark S. Buffone

Mark S. Buffone
Executive Director

-See Directions Below-

Directions to the North Attleboro Town Hall

43 South Washington Street, North Attleboro, 02760

From the **NORTH**:

- **Route 495** to Route 1 South (Exit 14)
- **Route 1 South** into North Attleboro
- **Right onto Elm Street** (4th set of lights in North Attleboro),
- 2nd **Left onto South Washington Street** (at next light)
- **Town Hall on Right** before the school, parking in rear.

From the **SOUTH**:

- **Route 95 North** to Exit 5, North Attleboro
- **West** on Robert Toner Boulevard
- **Stay Straight**, Robert Toner Boulevard becomes Commonwealth Ave
- **Bear Right**, Commonwealth Ave becomes Elm Street
- **Bear Left** at the next fork **onto Chestnut Street**
- **Turn Right at end** of Chestnut Street onto South Washington Street
    - **Town Hall on Left** past the school, parking in rear.

The Conference Room is on the lower level, elevator is on the right.