

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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JOHN LEBEAUX  
Commissioner

## **MEETING MINUTES** **MASSACHUSETTS BOARD OF AGRICULTURE**

**Wednesday, November 9, 2022**  
**10:00 AM Hybrid Meeting (in-person & via MS Teams)**

### **Board Members in Attendance:**

**In-person:** Elizabeth Keen, Tina Bemis, Lisa Colby, Peter Mezitt, Dawn Gates-Allen

**Remote:** Dave Sheppard, Pat Spence, Crystal Card

**Absent:** Meghan Russell, Skip Vadnais, Al Rose

**Staff:** Comm. Lebeaux, Ashley Randle, Alisha Bouchard, Cullen Roberts, Rebecca Davidson, Mary Jordan, Margaret Callanan (remote), Jessica Burgess (remote)

**Public:** Kat Chang, Ed Bemis, Winton Pitcoff

1. **Start: Call to Order:** At 10am Commissioner Lebeaux called the meeting to order and noted the meeting is a hybrid meeting with board members participating both in-person and remotely. The Commissioner noted all votes must be taken via roll call.

### **2. New Business:**

At approximately, 10:10am the Commissioner introduced remote participation by the Governor's office Boards and Commission who attended the meeting for the swearing in of two new board members. At this time, Tina Bemis and Pat Spence were sworn in. Once the swearing in concluded, Boards and Commissions left the meeting.

Board members then proceeded to introduce themselves and a quorum was established.

Commissioner Lebeaux noted no Chair was present and the board needed to elect a temporary, acting Chair. Dawn Gates-Allen made a motion to appoint Elizabeth Keen as Acting Chair; seconded by Lisa Colby. A roll call vote unanimously elected Elizabeth Keen as Acting Chair.

### **Department Updates:**

Commissioner Lebeaux introduced MDAR senior staff in attendance and asked them to provide an overview of their areas of responsibility including the various Divisions and Programs within the agency.

At 10:35am Crystal Card joined the meeting virtually.

MDAR General Counsel Margaret Callanan provided an overview of the MDAR Legal Service Division including the attorneys on staff and which programs they work on.

Board member policies and procedures (OML, Bylaws, Fiscal)

At this time, Margaret introduced Deputy General Counsel Jessica Burgess who provided a high-level overview of the Open Meeting Law (OML) to board members. Jessica explained that the Board of Agriculture is a public body and needs to consider the OML in terms of board members interactions with each other. The Legal Division will provide board members guidance documents after the meeting that need to be signed and acknowledged and returned to the department.

Jessica explained how the board was created in legislation, what deliberation is and guidance on communications with other members of the board and what to be mindful of in those discussions that could trigger an OML violation. A public body needs to provide a 48-hour meeting notice and agenda that the department handles on behalf of the board. Agendas need to include items that the board reasonably anticipates will be discussed at the meeting. Meeting minutes are taken during meetings and in the following meeting or shortly thereafter the board will review the prior meeting's draft minutes and vote to approve the final minutes. Meeting minutes will be posted on MDAR's website after the board approves the minutes.

Jessica explained the law for the board to host hybrid meetings with members and the public being able to attend in-person or virtually. Roll call votes are required when any member is participating virtually.

The OML guidance document with signature page will be sent to board members.

**Discussion:** Chair Keen thanked Jessica and asked if Margaret has anything else. Margaret noted the department will send the OML guidance documents and signature sheet along with the bylaws.

The Chair then recognized Cullen Roberts, MDAR's Chief Fiscal Officer. Cullen reviewed the hiring forms to get board members into the payroll system so that members can receive the \$50/meeting stipend along with travel reimbursement. Cullen will send out all the forms after the meeting to board members.

Cullen provided an overview of the Fiscal Division including the staff and the areas Fiscal covers such as procurement, contracts, federal grants, and the programs they support. Fiscal has two accountants, one with a focus on accounts payable and the other ensures earmarked funds and contracts are executed and that payroll is properly funded and reconciled on a regular basis. Management of MDAR's fleet of 29 state vehicles and other administrative functions also fall within Fiscal.

Cullen explained the 3-regional offices under MDAR located in Southborough, Lakeville, and West Springfield, and the Boston office that will be moving in the Spring of 2023 and be setup with a hotel/touchdown model shared with other Executive Office of Energy and Environmental Affairs (EEA) agencies.

A presentation highlighting the department's budget both operating/state funding and capital programming was provided by Cullen and included some of the grant programs and APR purchases. Cullen talked about how much is funded in both state, capital, federal, and trust accounts. Revenues were mentioned along with the fees the department brings in and how those funds go directly to the general fund. Cullen explained the dept's Full time employee (FTE) cap and while the agency has funding to support additional FTEs, FTE caps limit how many staff the department can bring on. The department is seeing more turnover now versus a couple years ago.

Earmarks and the budget cycle is managed by Fiscal with the final state budget for the new fiscal year coming out every July. Annually, in October, the department starts working on next fiscal year's budget for the following July. Given it's an election year, the budget cycle will be a little different. For example, the new Governor will issue her own budget and expansion exercise for new initiatives in the New Year.

**Discussion:** Board members and staff discussed how revenues from pesticide licensing and all other department fees are not retained by the department and instead go to the general fund and therefore MDAR cannot fund itself with those revenues. The only exception is the trust fund for the Massachusetts Building which is established that all revenues received in the fund are for the maintenance and upkeep of the building.

Commissioner Lebeaux noted, different state agencies such as Department of Fish and Game have legislation that it can retain much of revenues as determined by the legislature. It was also mentioned that agencies that do have retained revenue have to spend those funds by the end of the fiscal year or they revert back to the general fund, and you cannot roll them forward into the new fiscal year. Alternative, leftover funding from the general fund can be rolled forward in the new fiscal year with justification. Finally, revenue generated from the department is not expected to support the costs of payroll/staff and all the programs. Rather there is an understanding with Administration and Finance (ANF) that department spending will exceed the revenue brought in.

Next Commissioner Lebeaux provided some background on the ag board and legislative term limits and his prior experience on the board. He noted the department doesn't take a position on pending legislation while internally may be asked for input from the Governor's office. However, the ag board can take a position on legislation.

At this point, the Commissioner turned to Mary Jordan, Director of the Division of Agricultural Markets, and asked Mary to provide an overview of the Division. Mary reported on her staff and the functions of the Division which includes marketing, promotion, commodities, communication, outreach and education, farmers markets, and farm to school. She added that other programs include direct marketing activities, ag fairs, Big E, management of the Massachusetts Building, export development program, MassGrown and Fresher program/branding, and promotion of other department programs such as the apiary program.

Commissioner Lebeaux then explained the legislation that established the board of agriculture and briefly reviewed the Massachusetts General Laws that apply to MDAR followed by a brief history of the ag board and its authority to approve or dismiss the Assistant Commissioner position and approve Bureau Chiefs which are the department's programming divisions' directors. He explained that the Commissioner's position is appointed by the Governor and report to the Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA or EEA).

Commissioner talked about the Commissioner's office and provided a brief history and the ag board's authority to approve/dismiss the assist commissioner and approve bureau chiefs which are the dept's programming divisions. The Commissioner talked about how his appointment is by the Governor and reports to the Secretariat. The Commissioner summarized some of the work that takes place in the Commissioner's Office before turning it over to Deputy Commissioners Bouchard and Randle for an overview of what their positions manage. Closing out the Commissioner's office, Mr. Lebeaux explained the role of the Agricultural Economist, Myron Inglis who the board will meet in the future before introducing Rebecca Davidson who transferred into the Commissioner's Office recently as the department's Strategic Initiatives Manager / Environmental Justice Lead and Farmers' Market Nutrition Program coordinator. Rebecca was brought into the Commissioner's office to ensure the continuity should the Commissioner's office turnover during the transition of the Administration from Governor Baker to Governor-Elect Healey. Ms. Davidson explained how she works on food access and food security matters including the Farmers' Market Nutrition Program for seniors and women, infants, and children (WIC) along with leading the department's Environmental Justice work. She highlighted some of the special projects she works on including the Dairy Co-packing Program.

Commissioner Lebeaux circle back to mosquito control as Alisha mentioned it in her overview and he explained how mosquito control and the 10 regional mosquito control districts are a sub-agency of MDAR with oversight from the State Reclamation and Mosquito Control Board (SRB) that the Commissioner chairs. Within the mosquito control districts there are approximately 120 employees that are part of the organizational structure.

Mr. Lebeaux wanted to mention that MDAR was part of the Food Security Task Force, and the concept originated within MDAR and was chaired by EEA. In addition, the MassGrown Exchange platform was a staff idea as well, all coming out of the COVID-19 pandemic.

3. **Old Business:** Chair Keen asked if there was any old business the board wanted to raise, hearing none the board moved to the next item on the agenda.
4. **Other Business:** Chair Keen asked if there was any other business, hearing none the board moved to the next item on the agenda.

5. **Next Meeting:**

Acting Chair Keen asked board member how they may want to proceed with future meetings.

**Discussion:** After a brief discussion, Ms. Gates-Allen made a motion to meeting after Thanksgiving in mid-December. The motion was seconded by Ms. Colby. A roll call vote unanimously agreed that the board's next meeting would be mid-December and that time they would discuss a meeting schedule going forward.

6. **Adjournment:** Acting Chair Keen asked if any other business, hearing none, she asked for a motion to adjourn. Ms. Gates-Allen made a motion to adjourn. The motion was seconded by Ms. Bemis. A Roll call vote to adjourn passed unanimously and the meeting adjourned at 12:02pm.