

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

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CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

JOHN LEBEAUX  
Commissioner

### **MEMBERS**

Commissioner John Lebeaux,  
Chair  
Department of Agricultural  
Resources (DAR)

Jim Straub  
Department of Conservation  
And Recreation (DCR)

Nancy Lin  
Department of Environmental  
Protection (DEP)

### **OPERATIONS**

Jennifer Forman Orth  
Environmental Biologist

Jessica Burgess, Esq.  
General Counsel

Nu Nguyen  
Finance Manager

### **MOSQUITO CONTROL PROJECTS & DISTRICTS**

Berkshire County Mosquito  
Control Project

Bristol County Mosquito  
Control Project

Cape Cod Mosquito  
Control Project

Central Massachusetts  
Mosquito Control Project

East Middlesex Mosquito  
Control Project

Norfolk County Mosquito  
Control District

Northeast Massachusetts  
Mosquito & Wetland  
Management District

Pioneer Valley Mosquito  
Control District

Plymouth County Mosquito  
Control Project

Suffolk County Mosquito  
Control Project

## **Meeting Minutes of the Emergency Public Meeting of the State Reclamation and Mosquito Control Board (SRMCB)**

**Date:** Saturday, August 8, 2020

**Time:** 11:00 A.M.

**Location:** Remote Zoom Meeting  
<https://us02web.zoom.us/j/7991372664?pwd=N2k4d0JTSWsyMzZDelFle mZ0cXhIZz09>

Dial by your location

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+1 669 900 9128 US (San Jose)

Meeting ID: 799 137 2664

Passcode: 292099

**\*Meeting Held Remotely under an Order Suspending Certain Provisions of  
G.L. c. 30A, § 20 issued by the Governor on March 12, 2020**

### **Board members in attendance:**

John Lebeaux, Chair, Kathleen Romero, DEP Designee

### **Meeting Agenda**

1. Start: Call to Order and Attendance

Commissioner John Lebeaux called the meeting to order at 11:03 A.M.  
remotely via zoom, acknowledging remote participation under the

Governor's Order suspending certain provisions of the Open Meeting Law. Kathy Romero was present from Mass DEP.

2. Review and Discussion of the Massachusetts Department of Public Health's ("DPH") "Determination of Elevated Risk of Arbovirus" ("Determination") and "Certification of a Public Health Hazard That Requires Pesticide Application to Protect Public Health" ("Certification").

Jessica Burgess provided a copy of the DPH Determination and reviewed with the SRMCB. The Determination was needed before the SRMCB could proceed with any action under the new M.G.L. Chapter 252, Section 2A. The Determination had been posted to DPH's website, recognizing the elevated threat of arbovirus for 2020. Attorney Burgess also provided a copy of the Certification issued by DPH and reviewed its recommendation that aerial spraying be conducted in Bristol and Plymouth Counties to address the risk of EEEV in those areas.

The SRMCB acknowledged they had seen and reviewed both documents and had no further questions or need for discussion.

3. Review and Discussion of SRMCB action needed in response to DPH's Determination and Certification, including the application of pesticides as it deems necessary as authorized by M.G.L. c. 252, Section 2A. (Vote Required)

In response to the Determination and Certification, Kathy Romero made the following motion:

Vote to recognize that aerial spraying under the supervision of the State Reclamation and Mosquito Control Board ("SRB") is necessary as a result of the Massachusetts Department of Public Health's issuance of a certification of public health hazard, that pesticide application via aerial spraying is necessary to protect the public health from Eastern Equine Encephalitis virus ("EEEV") and determination of an elevated risk of arbovirus signed by the Commissioner of DPH pursuant to M.G.L. c. 252, Section 2A.

Further vote to authorize SRB employees, MDAR and its employees, mosquito control project and district employees, and all contractors acting on its behalf, to proceed with all necessary activities related to the determination and certification by DPH, including the aerial application of pesticides and any necessary reapplication, and to authorize the SRB Chair to direct the coordination and delegation of any such activities during those dates set forth in the certification.

Further vote to waive any opt outs received by property owners under M.G.L. c. 252, Section 2A in the same manner as prescribed in 333 CMR 13.03.

Further vote to authorize the SRB Chair to execute all necessary documents and take all necessary steps needed to authorize these activities on behalf of the SRB, including but not limited to, notices to proceed to any contractor, notices required under M.G.L. c. 252, Section 2A, or other documents necessary under M.G.L. c. 252, Section 2A or any other provision of law.

Commissioner Lebeaux seconded the motion.

Commissioner Lebeaux called for a roll call vote: Commissioner Lebeaux – aye; Kathy Romero – aye. The motion passed 2-0.

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

A motion was made by Kathy Romero to adjourn the meeting. Commissioner Lebeaux seconded the motion. A roll call vote was taken: Commissioner Lebeaux – aye; Kathy Romero – aye. The motion passed 2-0, adjourning the meeting at 11:15 A.M.