

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

FINAL

Meeting Minutes, Board of Agriculture

Massachusetts State Exposition Building
The Big E / Eastern States Exposition Grounds
1761 Memorial Avenue, West Springfield, MA
09/20/18

Board Members in Attendance: Chair Abrams, Michael Smolak, Alison Carr, Michelle Harvey, Lucinda Williams, Laura Sapienza-Grabski, Fred Dabney, and Skip Vadnais, Jr.

Remote Participation: Crystal Card and Lydia Sisson.

Absent: Judy Leab, Donald Chase and Noli Taylor.

1. Call to Order: Chair Abrams called the meeting to order at 10:29am and acknowledged that the Board has a quorum with Crystal Card and Lydia Sisson participating remotely for geographic reasons. In accordance with the Open Meeting Law, the Chair employed remote participation with all votes being taken via roll call. Ms. Sapienza-Grabski and Alisha Bouchard are recording the meeting.

2. Minutes Summary: The Board considered for approval the meeting minutes of 6/12/18 and 8/8/18. **Discussion:** The Board discussed the minutes of 6/12/18; Ms. Sapienza-Grabski indicated under section two (2) of the minutes she would like to add a comment to reflect Mr. Vadnais had stated that he did not receive the letter from the Chair. **Action Taken:** Mr. Vadnais, Jr. made a motion to approve the minutes of 6/12/18 as amended. Mr. Dabney seconded the motion. Roll Call Vote: Chair Abrams - Aye, Mr. Smolak - Aye, Ms. Carr - Aye, Ms. Harvey - Aye, Ms. Williams - Aye, Ms. Sapienza-Grabski - Aye, Mr. Dabney - Aye, Mr. Vadnais - Aye, Ms. Card - Aye and Ms. Sisson - Aye. The motion was unanimously approved.

The Board discussed the minutes of 8/8/18. **Action Taken:** Ms. Harvey made a motion to approve the minutes of 8/8/18. Mr. Vadnais, Jr. seconded the motion. Roll Call Vote: Chair Abrams - Aye, Mr. Smolak - Aye, Ms. Carr - Aye, Ms. Harvey - Aye, Ms. Williams - Aye, Ms. Sapienza-Grabski - Aye, Mr. Dabney - Aye, Mr. Vadnais - Aye, Ms. Card - Aye and Ms. Sisson - Aye. The motion was unanimously approved.

Ms. Sapienza-Grabski and Ms. Bouchard indicated they were recording the meeting.

3. Commissioner's Candidate for Assistant Commissioner: Commissioner Lebeaux introduced Ms. Ashley Sears Randle to the Board as his candidate for Assistant Commissioner and talked about her accomplishments and the role she will play in the Department. Ms. Sears Randle further explained to the Board her educational background and experience in working in government and agriculture; including being from a Massachusetts family dairy farm where she still

assists her parents with the farm on weekends. **Discussion:** Board members asked Ms. Sears Randle a couple of questions and commented in the positive in regards to her background and experience. **Action Taken:** Mr. Vadnais, Jr. made a motion to approve the recommendation of the Commissioner for Ashley Sears Randle for Assistant Commissioner. The motion was seconded by Ms. Sapienza-Grabski. Roll Call Vote: Mr. Smolak – Aye, Ms. Carr – Aye, Ms. Harvey – Aye, Ms. Williams – Aye, Ms. Sapienza-Grabski – Aye, Mr. Dabney – Aye, Mr. Vadnais – Aye, Ms. Card – Aye, and Ms. Sisson – Aye. The motion was unanimously approved.

At 10:47am Ms. Sisson exited the call.

4. Open Meeting Law (OML) Training: MDAR General Counsel, Margaret Callanan provided the Board training on the OML; handouts were provided and the Attorney General's Office (AGO) website was mentioned as a resource for information. The training reviewed the purpose of the OML for transparency and openness in deliberations of public bodies; and to balance the public's interest with those deliberations. Another key component is the OML seeks to balance the public's interest with the public body deliberations and the efficient operations of government. Based on the Board's direction at the last meeting the focus for today's training was specifically on best practices for meetings, agendas, minutes and sharing documents. Some definitions included in the OML were briefly reviewed along with the four (4) questions to think about whether the OML applies in a specific situation. The four (4) questions are: is there communications between members of a public body; does it constitute a deliberation; does it involve a matter within the board's jurisdiction; and does it fit within an exception. To be a deliberation the communication needs to involve a quorum but the Board needs to be careful about serial communications that could lead to a quorum. The AGO recommends best practices are for board members not to email each other because emails can be forwarded onto to other members. The meaning of a board's jurisdiction was reviewed and includes anything a board makes a recommendation or decision on. An overview of the requirements for posting meeting notices were discussed and times when Board members may be attending other events that may or may not require a notice be posted. Also the Board reviewed requirements for when and how to amend meeting notices; reasonably anticipating items that should be included in the notice posting/agenda; and the requirement that meeting notices be posted within 48 hours of the meeting date. The Board should not take action on items that come up during a meeting if it was not posted in the meeting notice/agenda. Next the Board reviewed requirements for creating meeting minutes and approving them in a timely manner within the next three (3) meetings or within 30 days. The AGO encourages approval the next meeting. The Board discussed having the minutes include a brief summary of discussions, clearly state motion, who made the motion, and a record of the vote/action taken.

Action Taken: Ms. Sapienza-Grabski made a motion for the board's meeting minutes to be distributed no later than 30 days after a meeting. The motion was 2nd by Mr. Vadnais, Jr. **Discussion:** Board members briefly discussed the concept of getting the minutes distributed in 30 days given the Department's limited resources and competing priorities. The AGO's requirements for approving minutes was restated and the Board finished it's discussion recapping the distribution of recent meeting's minutes. Ms. Sapienza-Grabski withdrew the motion.

5. APR Legislation and Audit: Commissioner Lebeaux directed the Board's attention to recently enacted APR legislative changes and a summary of findings from the State Auditor's Report as indicated in handouts 6A and 6B. Handouts 6C, 6D, and 6E provided Board members the actual law MGL Chapter 20; Sections 1, 23, and 24; and included track changes so members may see where the changes will appear in the statute. An APR Regulatory Promulgation Calendar in document 6F provided a schedule on how MDAR plans to move ahead with regulatory changes and the process

for doing so. Gerard Kennedy, Director of the Division of Conservation and Technical Assistance walked through the legislative changes with the Board and highlighted requirements that MDAR establish polices and promulgate regulations for the management and oversight of the APR Program by August 2019. The Board discussed its role in this process along with the role of the Agricultural Lands Preservation Committee's (ALPC) and legislative changes in ALPC membership that go into effect in January. Draft regulations and how they may be reviewed by the ALPC and Ag Board were discussed along with how that process may unfold.

Action Taken: Mr. Vadnais, Jr. made a motion to have Ag Board Chair Abrams speak with the ALPC Chair/Commissioner Lebeaux to discuss the process, roles, obligations, and duties of the Ag Board and ALPC moving forward in the review of draft policies and regulations. The motion was seconded by Mr. Dabney. **Discussion:** The Board discussed the motion on the table which calls for Chair Abrams from Ag Board and the Chair of the ALPC Commissioner Lebeaux to discuss how best to proceed for both groups coming together for a meeting and each public bodies role in this process. Roll Call Vote: Mr. Smolak – Aye, Ms. Carr – Aye, Ms. Sapienza-Grabski – Aye, Ms. Card – Aye, Mr. Dabney – Aye, Mr. Vadnais – Aye, Chair Abrams – Aye, Ms. Williams – Aye, and Ms. Harvey – Nay. The vote on the motion resulted in eight (8) votes in favor and one (1) against. Therefore, the motion passed.

Auditor Report: Commissioner Lebeaux reminded the Board that MDAR forwarded members the auditor's report previously and that handout 6B as mentioned earlier indicate the findings and recommendations from the audit. The Administration is aware of the audit and MDAR will ensure to recommend necessary resources in the upcoming budget process. The Department plans to undertake many of the recommendations from the audit and have already begun working to implement some of them. The Board briefly discussed the audit recommendations as it relates to more oversight/monitoring of APRs and regulations.

6. Date, Time & Location of Next Meeting: The Board's next meeting is scheduled for Wednesday, November 14th, 2018 at 10am. The meeting location is MDAR's Lakeville Office where a Food Safety presentation will be provided to the Board.

7. Adjournment: Mr. Dabney made a motion to adjourn. Mr. Smolak seconded the motion. Roll Call Vote: Mr. Smolak – Aye, Ms. Carr – Aye, Ms. Harvey – Aye, Ms. Sapienza-Grabski – Aye, Mr. Dabney – Aye, Mr. Vadnais – Aye, Ms. Williams – Aye, Ms. Card – Aye, and Chair Abrams – Aye. The motion was unanimously passed and the Board adjourned at 12:23pm.

Meeting Documents for 9/20/18:

Ag Board Meeting Agenda for 9/20/18

#3A: Draft Meeting Minutes for 6/12/18

#3B: Draft Meeting Minutes for 8/8/18

#3C: Final Meeting Minutes for 5/9/18

#4: Assistant Commissioner Candidate Cover Letter and Resume

#5A: Sapienza-Grabski OML Complaint Response

#5B: OML Complaint Response from AG

#5C: Attorney General Training Sessions

#5D: OML Notice and Agenda Requirements Updated 2018

#5E: Public Body Checklist for Creating and Approving Meeting Minutes Updated

#6A: APR Legislation Summary

#6B: APR Summary of State Auditor's Report

#6C: Attachment A MGL Chapter 20; Section 1 Ag Board

#6D: Attachment B MGL Chapter 20; Section 23 APR
#6E: Attachment C MGL Chapter 20; Section 24 ALPC
#6F: APR Regulatory Promulgation Calendar 2018-2019
#7A: FY18 Revenue