

**Lemon Fair Insect Control District
Cornwall, VT
April 7, 2015**

Minutes:

1. Call to order: 5:00

Present: David Dodge, Alisa Shethar, Chuck Burkins, Dinah Bain, Lew Castle, Christine Chapline, Ben Lawton (BLSG chair), Tom Vanacore (Bridport), Melissa Lourie (Weybridge)

2. Approve March minutes:

The minutes from March are approved.

3. Treasurer's report:

Cash forward: \$16,645.32

Cash received: \$0.13

Total cash for month: \$16,645.45

Disbursements: \$2,753.02

Cash on hand: \$13,892.43

Accounts payable: \$0

Accounts receivable: \$200.00

Net current assets: \$14,092.43

The yearly financial review has been completed.

The Treasurer's report is approved.

4. Update on the plane sale:

Lew Castle spoke with the pilot from New Jersey who will ferry the plane to Mid-Continent Aviation in East Hayti, MO, possibly during the week of April 20th (before the annual inspection is due at the end of the month); if the plane is moved later than the end of April we will need to apply for a ferry permit to be able to have it flown to MO.

Lew still has to obtain and fill out an FAA Bill of Sale.

Tom Vanacore (Bridport citizen, former chairman and former field coordinator of the LFICD) attended the meeting to express his view that the LFICD should not sell the plane and should change our strategy with regard to funding appropriate mosquito control. Mr. Vanacore also submitted a strategy statement that he composed entitled "Inter-District Cooperation and Local Aviation: Formulating a Strategy for a Successful Regional Mosquito Program" for the Board's review and consideration and for the public record, which is included at the end of these minutes.

Discussion:

Tom V.: By selling the plane we will lose our greatest asset for controlling mosquitoes. The State has tied our hands for aggressively treating mosquitoes (by increasing thresholds and imposing additional regulations and administrative protocols before allowing the reimbursement of larvicide treatment).

Tom V. believes that the agenda with the State VAA needs to be reset. The Grant in Aid protocol gives the State VAA the right to set the agenda, but the Grant does not restrict the districts from treating mosquitoes on their own. The State is required by the statute to pay for larval surveying; the districts could choose to treat for mosquitoes on their own if they are willing to pay for the treatments.

David Dodge: The LFICD has no money in the budget to pay the cost of treatment. The State has allotted \$70,000 for LFICD/Weybridge and \$70,000 for BLSG for larvicide purchase, larval survey and treatment.

Tom V.: In 2006-2007 the State had \$600,000 to spend on mosquito control. We can't solve the problem of the State's (restrictive) position by selling the plane. Tom realizes that our balance sheets are looking bad and that something has got to give. He suggests that the other districts (Weybridge and BLSG) share in the fixed costs of the plane. Each district would have to pay for JBI's services (if JBI will/can come—in the past, a major event was not treated when JBI could not respond); sharing in the fixed cost of the plane is comparable. If the LFICD can't satisfy the requirements of our Mission Statement (to treat where needed, as needed) we need to get out of the business or change the Mission Statement. Tom believes that to have effective mosquito control, we will need to provide treatment beyond what the State will pay for under the Grant in Aid agreement and that these treatments should be paid for by the district. The district is charged with providing effective mosquito control and the restrictions set by the State will not allow for effective control.

Revenue to maintain the plane could also be raised if the LFICD became a commercial business and offered aerial fertilizer application.

Lew C.: State regulations are prohibitive for a commercial enterprise and the Board is not interested in doing that. We are also not insured or permitted to apply fertilizer.

David D.: The other major consideration is the safety aspect. Mechanical issues last year were serious enough to convince us to get out of the plane business. Our liability insurance (\$1,000,000) and Board insurance would not go far in the event of a major accident.

Ben L.: Another possibility for controlling mosquitoes without aerial service is by ground treatment with an amphibious vehicle (such as an Argo). The BLSG is considering buying an amphibious vehicle.

Tom V.: The State's protocol of 20 larva/dip is irresponsible.

Tom V. has submitted a statement for the record, see below.

5. Review of the VAA meeting of March 25, 2015

Present from the VAA: Tim Schmaltz, Alan Graham, Cary Giguere and Patti Casey.

Present from the LFICD: Chris Chapline, David Dodge, Craig Zondag and Lew Castle.

David's feeling is that the VAA is glad that we are getting rid of the plane; maintaining the plane is a distraction.

Most of the discussion with the VAA involved Integrated Pest Management (IPM) protocols the VAA would like the LFICD to put in place in order to justify the treatment protocol or changes to it. IPM protocols could include river gauges, light

traps, water temperature and rain gauges, with the goal of collecting data in order to determine what sets of conditions cause the mosquito larva to develop.

The LFICD now needs to determine what the needed resources are and what we can feasibly provide or are willing to provide, based on cost, labor and the value of the data.

Game plan:

We need to figure out what elements are needed to begin to collect data.

Craig is looking into look handheld devices (such as a Trimble) with software to collect larval data, water temp, etc. with every dip, but these are likely to be very expensive. Alternatively, we would prefer to use predetermined waypoints to identify the treatment sites, rather than exact dipping location.

Members of the board will meet with Alan Graham after the VAA sponsored community meeting on April 15 to further the discussion on what data he would like to have us collect.

The board should submit a proposal to Alan beforehand on what we are willing to do in regards to the IPM activities that Alan has already outlined. Items to include in our response:

Adult mosquito traps—setting, collecting, counting, identification of species

River gauges

Rain gauges

Doppler radar maps

Water temperature

Citizen discontent

David will draft a response on the IPM issue for the Board's review.

Larval survey points to address:

The LFICD (and BLSG) would like to see the threshold average go down to 10 larva/dip. We believe that it will take many years to collect enough IPM data to set a meaningful threshold, but that the experience of other mosquito treatment districts in the US that use <10 larva/dip as a treatment threshold is a valid starting point.

6. Working with the BLSG:

Ben Lawton, Chair of the BLSG attended this LFICD meeting to hear the outcome of our meeting with the VAA and the treatment issues that we are trying to address with the VAA. The BLSG is also arranging a meeting with the VAA.

7. Mapping protocol - GPS vs. predetermined waypoints:

Craig Z. needs to determine a waypoint designation for the easiest places to take a larval survey sample for each polygon. There are approximately 20 individual maps for potential treatment sites. The BLSG is planning to use a predetermined waypoint

for each dipping site, not a waypoint for each dip or set of dips. One predetermined waypoint for acreage under 200 acres should be sufficient.

We still don't have an answer to the question of whether we have to have dips from each polygon in order to treat each. For instance if all or most of the areas that we have surveyed are at threshold can we treat the entire valley? East of Payne has considerable continuous acreage, the rest of our acreage is scattered, especially in Weybridge where the polygon areas are all small and it would be difficult or impossible to survey all sites during a flood event.

8. Weybridge joining the LFICD

Now that the LFICD will need to use a 3rd party application service, the VAA has an issue with including Weybridge under our district agreement. When the LFICD was the aerial provider and Weybridge contracted with us to provide treatment for them, they did not need to create a formal district to be included under the LFICD's Grant Agreement for larviciding reimbursement. Now that Weybridge will not have a contract with LFICD to treat, they will either need to form their own district, call JBI on their own and get their own agreement with the VAA for reimbursement, or they will have to join the LFICD. Forming their own district is not likely to happen.

Proposal for allowing Weybridge to join the LFICD: Weybridge has contributed \$4000 more than Cornwall and Bridport annually since approximately 2009 (this needs to be confirmed).

Cornwall and Bridport each had \$40,000 start up; we propose that Weybridge continue to pay \$4000 extra/year for the number of years needed to catch up to Cornwall and Bridport's initial startup contributions. After this amount is reached, all 3 districts will contribute equally. Weybridge will need to vote to join at their next town meeting (2016). David Dodge and Melissa Lourie are addressing the Weybridge Select Board after our meeting about the proposal.

If Weybridge decides to join the LFICD, the Cornwall and Bridport Select Boards will also need to approve the plan. For reimbursement this year, the VAA needs a letter of intent for Weybridge to join the LFICD in order to obtain a permit to treat; Tim Schmaltz will also need to approve reimbursement under LFICD Grant agreement based on a letter of intent to join the LFICD.

Proposed changes to board member composition: the Formation of the LFICD District agreement calls for 3 board members from each member town. If the district adds a 3rd town, should there be a 9 member board, or should we amend the formation agreement to have 2 members/ town to maintain a total of 6 board members, or should there be a minimum/maximum # of board members per town? We need to decide on the wording for a proposed amendment, which will likely have to be approved by voters at Cornwall and Bridport's town meetings.

9. Grant Agreement reimbursement protocol:

Tim S. proposal for unused minimums: 75% of the JBI bill up to 1000 acres will be reimbursed by VAA, 100% of over 1000 acres will be reimbursed by the VAA. The board wants 100% reimbursement for all larviciding, but with an as yet undetermined minimum acreage (and after the LFICD's 25% obligation is met from town contributions and in-kind contribution). Tim Schmaltz's view is that if the data determines that mosquitoes coming from smaller acreages are causing complaints,

then we should treat. While we have not worked out the details, the VAA might consider treating smaller acreages and paying for the unused minimums. It is not clear if the VAA proposal is for the LFICD to contribute 25% of the entire treatment or 25% of the unused minimums if the treatment is under the JBI minimum acreage. David Dodge will ask Tim Schmaltz to clarify.

We still need to set a rate for hand treatment. Proposed: \$47.50/hour for salaries, workers comp, etc.

Proposed minimum acreage under which we will not treat: 200 acres

Reimbursement proposal:

LFICD will contribute 25% (by cash, not in-kind) between 200 and 500 acres; the State pays 100% after that, although if the VAA's proposal was for the LFICD to pay 25% of the unused minimums only, our view is that would be fair.

10. Adjourn: 7:00

Next meeting: Tuesday, May 5, 2015, 5:00 at Bridport Town Offices.

The following was submitted by Tom Vanacore for inclusion in our monthly minutes:

Inter-District Co-Operation and Local Aviation: Formulating a Strategy for a Successful Regional Mosquito Program

Summary:

LFICD and Weybridge, BLSG and any emerging mosquito control territory organized under State Statute must have a reliable method to treat aerially both small "hot spot" acreage and large flood water events. In the past LFICD, Weybridge and BLSG have co-ordinate aerial applications utilizing the LFICD fixed wing, for simultaneous or concurrent treatments as well as for individual applications within the respective districts. The LFICD has found it difficult to reliably support the overhead expenses associated with maintaining an aircraft, and has missed opportunities to treat and generate revenue through treatment by not maintaining a flight ready aircraft, with mechanical problems at times attributable to disuse rather than high hour wear and tear. A cooperative venture between the Districts would create the conditions of spreading the fixed costs while potentially lowering the application costs per acre, at the same time developing the local protocols to treat "where needed, as needed" using a local resource, which is codified in the LFICD Mission Statement.

Problems with State Administration of the Statutory Grant in Aid Program for Mosquito Abatement:

Recent and ongoing changes in administrative rules at the State level have

created problems for local mosquito control programs, undermining effectiveness and raising administrative protocols and threshold limits which effectively restrict the use of aviation as a resource and withhold reimbursements for treating known and active breeding areas. Furthermore, an increased adherence to GPS mapping data for treatment events has built inflexibility into a response situation. Historically protocols were established that favored rapid adjustment, complete and wide spread larvicide coverage and thoroughness regarding targeting. Some inherent 'off-target' coverage was accepted, rather than risking under-treating with no positive results. Environmental field conditions in flood events change by the hour and are by nature unpredictable; Windage, hampered visual identification of target swaths, and difficult flying conditions always play a role in the success or failure of a treatment event. The in-ability to re-apply in areas because of administrative rules also hampers a necessary tool to run 'mop up' operations. Basing a treatment protocol entirely on high thresholds, pre-established GPS quadrants, and administrative procedural rules while basing reimbursements on conformity to administrative protocol is a sure way to alienate local volunteers, field coordinators and board members. Raising administrative thresholds over known breeding waters where disease vectors have been historically identified is a recipe for disaster. Mosquito control is a public health and safety initiative by definition.

Local Co-Operation and Management is a Solution to a Growing Problem

Outsourcing aerial application services to out of state vendors with high treatment minimum acreage and low regional familiarity with topography has historically produced poor results. At the same time the highest degree of success in treating across District boundaries has been realized by inter-district co-operation and coordination, a "can do" attitude and aggressive aerial application of larvicide. The basis for these successes can be utilized to create a model for local control and efficiency and a decreasing reliance on a conformity to an unreasonable and failing State administrative protocol as a basis for determining the success or failure of local mosquito control programs. Nothing in State Statute forbids local Districts or land owners to spread larvicide. Only the Statute governing the Grant program can be used to determine treatment protocols through administrative rules. There is no provision other than conformity to labeling requirements and appropriate permitting which can be used as a standard for setting treatment protocols within recognized control territories as long as Districts are not requesting reimbursements from the State for those activities. Conversely, it is the State's responsibility to assist the local districts in surveying activities, including larval collection, identification, live trapping and mapping. Districts have, in fact, been given a choice to participate in the State Grant program or opt out. While this has been presented by agency administrators as a "take it or leave it" proposition it certainly cannot be construed as an "all or nothing" arrangement. Districts are by definition independent municipal entities with their own autonomy. While reforms at the State level must and should be carried out through Statute, reforms at the local level can be

carried out through agreement: Co-operative aviation activities, Autonomy in setting treatment protocols for spot treatment in less than high flood events, Reservation of the right to participate in Grant reimbursements for aerial applications in high water events where State treatment threshold numbers are satisfied and State administrators sign off on reimbursements.

Near Term Agreements Between Districts: Field Surveying, and Aerial Application Services

Co-operative agreements to perform field surveying for larva and CDC live trapping of adult mosquito along with identification can form the basis for a robust treatment program which includes both ground treatment and aerial application service. Inter-district co-operative services are performed on an 'at cost' basis with those costs sufficient to cover the cost of all overhead with an allowance for capital improvements as needed. These same services are performed at current market value when these services are performed for State reimbursements of same. To generate revenue in off season and for those times when the aviation sector is not engaged in aerial work for larviciding, the Districts should consider contracting aerial application services of fertilizer and cover crop seeding to the agricultural sector during the growing season. During the winter months opportunities to contract for laboratory mosquito larva and adult identification should be investigated. This necessary activity has historically been carried out by state employees or subcontractors at tax payers' expense.

Long Range Co-operative Agreements and Plans: Extending the Scope and Terrain

There is no question that mosquito control within the State of Vermont will continue to be a necessary activity. Whether or not the State takes responsibility for the activity or whether this activity is delegated to others remains to be seen. The current Statutory framework to establish mosquito control territories is prohibitive, discouraging participation rather than encouraging it. Administrative policy for the control program also discourages the establishment of effective local programs by continuing to raise the bar for compliance while increasing treatment thresholds for reimbursements to levels that actually may encourage the establishment of breeding populations in both flood plain and water breeding species. At the same time State funds are being allocated to known vector hot spots which may occur outside of recognized control territories but nevertheless receive significant State money to conduct aerial application of adulticide by out of state vendors.

Legislative Reform in Keeping with the Times:

Legislative reform will be needed to correct the statutory framework in which mosquito control is carried out within the State. The likely solution would be the one that encourages a highly effective consortium of regional co-operative

Districts such as the LFICD, Weybridge and BLSG represent that can go out and build capabilities in other regions “where needed, as needed. This will be supported financially by using both State, local and generated revenue from activities within the municipal districts and through commercial activity “at large” either serving the State in a “preferred vendor” status or through private contracts to perform work in the agriculture and forestry sectors. This robust capability built among independent Municipal entities can address emerging threats such as Lyme bearing vectors and as yet unidentified vectors in the wetlands and beyond while satisfying the State’s current objective of having ‘others’ do the work on their terms with ever diminishing State coffers.

Respectfully Submitted:

Thomas Vanacore
Former Chairman Lemon Fair Insect Control District

April 7, 2015

Submitted to the LFICD Board of Supervisors as an “Of the Record” submission to the minutes of the monthly meeting of that date.

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Addendum: History

I (Thomas Vanacore) was instrumental in establishing the Municipal District LFICD in 2005-2006 after mapping mosquito breeding territories in the towns of Cornwall, Bridport and Weybridge, working as a volunteer for the better part of two years on the project while at the same time trying to run my own masonry contracting business. In 2005 we had a local mosquito population which was filling CDC 12 hour light traps with between 25-50,000 live mosquitoes. There was no way to lead a normal life outdoors, no way to farm without being covered, and there was no local organization to deal with the problem. I was "appointed" by the Bridport town fathers to "do something about this". I did not volunteer. I was told. The State was refusing to extend any assistance or treatment activity to

the towns of Bridport, or Cornwall although Agency of Agriculture State Entomologist Jon Turmel and then assistant state vector management administrator Alan Graham were well aware of the problem. They allowed us to suffer enough so we would meet their demands. In June of 2005 I was standing in knee deep water near the Lemon Fair Bridge with Alan Graham with a dipper full of multi stage larvae the likes of which he had never seen. I asked for treatment and he indicated that it would not be possible since we did not have a control District or a permit. I subsequently discovered Cornwall has been listed on the BLSG permit since its inception.

It took me almost 2 years to satisfy Agency of Agriculture requirements to become recognized as a mosquito control territory, which meant we could then accept State aid for the effort. In retrospect what they were aiming at was having the locals do the work at local expense over time rather than following existing statute which delegated this responsibility to the State as a health and public safety measure, i.e. "vector management". USDA NRCS has also dodged their responsibility in their wetland easements by changing US code from Federal responsibility for vector management, including those wetland easements within the LFICD and elsewhere, to specifically avoiding that responsibility. Although the then Chairman Tom Baskett and the State Vector management administrator Alan Graham was made aware of this change at the Federal level, neither the board nor the State took any action with the exception of "studying" the situation. The results of this study were never published or released.

I was the District's first Chairman, established and ran the aviation sector of the District without incident or accident with the help of Edmo Peet and Mike White and veteran pilot Don Quesnel who, at the time he flew for the District, had logged over 4000 hours in agricultural flight. In my tenure with the District we covered over 50,000 acres in the service of mosquito control for the new LFICD, BLSG and Weybridge. We also treated areas in Shoreham. We balanced the books with revenue generated by the operation of the aircraft, avoiding any necessary taxation of the member towns. We had some dry years, and our revenue plummeted. In one of those years I sought outside work for the aircraft, being offered local crop services work applying fertilizer during the growing season, with the approval of the Board of Supervisors. We finished the season in the black because of this work. But there was tension on the board as a result of this work. It was a philosophical dispute rather than a practical one. And it was a dispute founded on misconceptions by certain board members about the legal status of the aviation sector as a viable commercial operation within the context of a municipality. The Articles of Agreement are very clear on

this point. The District is permitted to engage in any legal commercial activity it deems fit, it is able to enter contracts with any party whether within the District or outside.

It is a fact that the aviation sector has always operated in a commercial environment, whether working for municipalities or at large. The distinction was on the inspection and licensing protocols, nothing else. The plane still needed to have the same airworthiness and insurances to operate whether for the Districts or for commercial agriculture. At the time I resigned as Chairman of the District I walked away from \$20,000. worth of Spring aviation work serving local agriculture for fertilizer applications because of a lack of unanimous support among the LFICD board and the boards of select. However, no viable alternative was proposed, or has been proposed by any party to underwrite the LFICD aviation sector or the activities of ground surveillance, treatment, administrative costs, insurances, permits, larvicide, equipment or other overhead. In 2014, after grounding the plane for the entire treatment season, the LFICD decided to sell the Districts' greatest asset, the Cessna 188-B for \$40,000., an aircraft currently being marketed in aviation classified adds for \$90,000. with an insurance policy from 2014 reflecting its true replacement value, of the record, in the possession of the LFICD Board of Supervisors.