



The Massachusetts Association of Landscape Professionals elevates the professional standards and business success of its members through education, certification, advocacy and networking.

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NEWSLINE

FALL 2010

Earn Valuable CEU Credit at New England Grows 2011



When you attend New England Grows, you gain skill-building strategies from in-depth programming and expert presentations that will have a real impact on your bottom line. Continuing education credit — that is essential for green industry professionals who plan to succeed — is available at many New England Grows seminars. If you spend three days at New England Grows, you can likely satisfy all of your recertification requirements. It's one-stop shopping for CEUs!

Many New England Grows educational seminars have been approved for recertification credit from the Association of Professional Landscape Designers (APLD) and the Landscape Architecture Continuing Education System (LA CES). This is the first year that these landscape professionals can earn continuing education credits towards their industry designations at New England Grows. In total, 10 seminars have been approved for APLD and LA CES credit at the conference, which will be held February 2 – February 4, 2011 at the Boston Convention and Exhibition Center in Boston, MA.

New!

In addition to the opportunity to earn APLD and LA CES credit at New England Grows, attendees can also earn credit towards the following designations at specified seminars: CTSP (Certified Treecare Safety Professional); ISA (International Society of Arboriculture); New England, New Jersey and New York pesticide credit; and NOFA (Northeast Organic Farming Association). The New England Grows educational conference is also approved for credit by the New England Nursery & Landscape Certification Council (NENLCC). The NENLCC is comprised of the following organizations:

- Connecticut Nursery & Landscape Association
- Maine Landscape & Nursery Association
- Massachusetts Association of Landscape Professionals
- Massachusetts Nursery & Landscape Association
- New Hampshire Landscape Association
- Rhode Island Nursery & Landscape Association
- Greenworks/Vermont Nursery & Landscape Association

When registering for New England Grows, it is important that you check the appropriate box(es) on your registration form, indicating your professional designations. Continuing education credit is tracked electronically. Your badge will be scanned when you enter a session that is approved for credit. The electronic data will be sent to the appropriate organization.

To see a complete list of the education program, visit www.NewEnglandGrows.org and for more information about MLP's participation in New England Grows, see page 8. If you have specific questions regarding recertification credit, please contact Charissa Sharkey at csharkey@NewEnglandGrows.org.

MLP NEWSLINE is a publication of the Massachusetts Association of Landscape Professionals, Inc.

The MLP NEWSLINE is published four times a year by the Massachusetts Association of Landscape Professionals, Inc. (MLP) and is distributed free of charge to members. The purpose of the newsletter is to disseminate information to promote general standards and ethics in landscape contracting, as well as to foster research and share knowledge with its members. MLP is a not-for-profit corporation dedicated to communications between its membership and the industry. MLP believes the information in this publication to be accurate as of its publication date and is not responsible for inadvertent errors. The MLP logo is a trademark of the Massachusetts Association of Landscape Professionals, Inc. MLP members only are permitted to utilize the logo. Logo stats are available by calling the MLP office at (508) 653-3373.

EDITORIAL Readers are encouraged to submit articles, announcements, reviews of products, or letters. The deadline for submission is the 10th of the month preceding publication. Address correspondence to Editor, MLP NEWSLINE, 8 Pleasant Street South, Building D, Natick, MA 01760.

ADVERTISING For advertising rates and information, contact Diane Zinck at (508) 653-3373. Camera-ready art work and payment are due to the MLP office by the 10th of the month preceding publication. Discounted advertising rates are available to MLP members.

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President's Message



2010 is quickly coming to an end, as is my position as president of MLP. It's been a great experience being involved with a progressive association and such a committed group of professionals. I feel that together we've been able to accomplish a lot of things in the past year including participation in the Greencare for Troops initiative, having our voice heard on various legislative issues, growing our base of certified professionals (MCLPs), expanding the roles of our committees, and adding some new value-added educational programs for our members.

In this economic climate I've found myself working harder for the same, or less, as in the past and it's comforting to know we can reach out to fellow members to compare notes and learn from each other. It would be hard to put a value on the friendships and contacts I've developed through MLP and most of them have formed because of my drive to become involved and participate in the association. I'd encourage all of you to commit a bit of your time to participate during an event, volunteer on a committee, or contribute on the board.

I've always liked the saying that "a high tide raises all boats" and I think that speaks well to MLP and our members' ability to collaborate, share, and network so our businesses and the industry both prosper.

Matt Gramer, MCLP
President

MLP Annual Meeting & Election of Officers

Tuesday, November 16, 2010

Ken's Steak House • Framingham, MA

MLP's annual meeting and election of officers will be held on Tuesday, November 16, 2010 at 5:00 PM. This is the most important meeting of the year, as attendees will have a chance to cast their vote for next year's MLP leadership.

Election of Officers

The nominating committee has recommended the following slate of officers and directors for 2010:

President

Gary Chase, MCLP
ValleyCrest Landscape
Development
Brighton, MA

Vice President

Carol Robertson, MCLP
Garden Imprint
Newburyport, MA

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Medfield, MA

Past President

Matt Gramer, MCLP
NatureWorks Landscape
Services, Inc.
Walpole, MA

The educational presentation at this meeting will be: *Snow & Ice Removal: Managing Risk*. Our speakers will be Jim Coderre and Doug Drew of Acadia Insurance.

The prestigious Beacon Award will be presented at this meeting. Registration information was mailed to members. You may also register online at www.mlp-mclp.org. Please be sure to attend. 🍷

MLP Launches Business Management Seminars

MLP kicked off a series of business management seminars on October 19, 2010. The intent of the seminars — held in October, November and March — are to help members sharpen their business management skills and stay ahead of industry issues, as well as business trends. The seminars are held prior to regularly scheduled MLP dinner meetings.

The first seminar, held in October, received rave reviews. The topic may sound less than exciting: *The Latest in Employee Payroll & Immigration Requirements: Are You in Compliance?* However, those who attended reported that the instructor did an excellent job of presenting important information in an informal and interactive manner. William E. Hannum III, Managing Partner of Schwartz Hannum PC in Andover, MA, was the presenter (see an article by Will on page 16). Our thanks to him for addressing pay practices, classifications of workers, and a review of Immigration and I-9 Compliance.

At press time, interest is high for the November 16 seminar, “Cost Effective Ways to Market your Business Online” with Mike Ciolino of Verve Creative, Inc. and Dave Epstein of Growing Wisdom. We’ll provide a wrap up in the Winter issue of this newsletter.

The MLP is pleased to collaborate with the Massachusetts Association of Lawn Care Professionals (MALCP) on our business management seminars. MLP and MALCP members can connect with one another while learning valuable information. 🌿

Massachusetts Association
of Landscape Professionals

Welcome New Members!

The MLP would like to welcome the following new members:

Joseph Agrillo III
Student

Samantha Mannarino
Samantha's Gardens
North Andover, MA



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Fax 603-435-5039
www.MNIPLANTS.com

Implications of Recent Snow & Ice Ruling

by Tim Kane, MLP Insurance Industry Advisor

A recent ruling (July 26, 2010) by the Massachusetts Supreme Judicial Court could have a tremendous impact on anyone performing snow removal operations. The ruling states:

We now abolish the distinction between natural and unnatural accumulations of snow and ice, and apply to all hazards arising from snow and ice the same obligation of reasonable care that a property owner owes to lawful visitors regarding all other hazards.

Prior to this ruling, an insurance company had a defense against “slip and fall” claims, which protected property owners and snow removal contractors from personal injury claims caused by “natural accumulation” of snow or ice. This recent ruling abolishes that principle and opens up many more opportunities for plaintiffs to collect settlements on “slip and fall” claims.

What this means to anyone in the snow removal business is that a greater duty of care will be required in two areas: establishing contracts with customers and record keeping pertaining to these operations.

If you are the party drafting the contract, then you should require your company to be named as an additional insured on the

customers’ insurance policy and include some “hold harmless” wording in your contracts to protect you against items that are beyond your control. If your customer is drafting the contract, then read it! Have an attorney review it and make sure it clearly defines your responsibilities.

As far as record keeping goes, more is better. The contractor should keep call logs, service records, record the conditions of the property before and after the work has been performed, log the temperatures for that day, take photos of the property after work is complete, and note any unusual circumstances with the property (i.e., potholes, worn pavement, etc.). The more information you can record, the better off you and your insurance company will be in defending the inevitable “slip and fall” claim.

For more detailed information on this ruling and the impact on your business, please attend the MLP dinner meeting on November 16, 2010 where Acadia Insurance will give a presentation on snow removal operations and how to protect yourself.

Questions? Contact Tim Kane, of McSweeney & Ricci Insurance, directly at (781) 952-4125 or tkane@mcsweeneyricci.com.

Member/Industry News

ALB Regulated Area Expanded — In late September, the Massachusetts Department of Conservation and Recreation (DCR) and the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) announced the expansion of the Asian longhorned beetle regulated area in Worcester County after the discovery of additional trees infested with the beetle in the towns of Boylston and Holden. The current central Massachusetts regulated area has been expanded by 18 square miles, creating a federal and state quarantine zone for the area that is now 94 square miles. For more information, or to report signs or symptoms of ALB, call 508-799-8330 or go to: www.beetlebusters.info or www.massnrc.org/pests/alb.

Congratulations — MLP member Emerson Martins of Besthands Construction & Repairs, Inc. in Easton, MA recently received an Honorable Mention from the Hardscape North America Awards program. Besthands Construction and Repairs’ “Mega Project” was selected in the Concrete Paver Residential ‘more than 5,000 square feet’ category. The company’s 20,500 square foot residential project featured a driveway, parking area, a 50-100 person raised patio and multiple walkways designed for functionality and aesthetics. The entire project was designed to blend with the natural attributes of the property.

U.S. small business loans jump — A surge in borrowing by small businesses can be an indication for the broader economy, because small firms account for as much as 80 percent of new

U.S. hiring. According to data released by PayNet, small U.S. businesses stepped up borrowing in September suggesting the recovery is gaining steam even before the Federal Reserve Bank embarks on an expected new round of monetary stimulus. The Thomson Reuters/PayNet Small Business Lending Index, which measures the overall volume of financing to U.S. small businesses, rose 16 percent in September from a year earlier, PayNet said. The index rose 15 percent in August, and is now at the highest level in almost two years. Small businesses typically use the loans PayNet tracks to buy new equipment, and eventually they will need to hire people to operate it, said William Phelan, PayNet’s president and founder.

Scholarship available for outstanding green industry students — *Lawn & Landscape* magazine, and the rest of the GIE Media Horticulture Group, has launched a scholarship program for students studying environmental horticulture and structural pest management. For more information, contact Editor Chuck Bowen at cbowen@gie.net.

Disease Resistant Roses — Pink Supreme recently became the seventh Flower Carpet rose to win the world’s top honor for disease-resistant roses — Germany’s coveted All Deutschland Rose (ADR) designation. It also scored high in the Dallas Arboretum’s 2010 plant trials, known for putting plants to the test in extreme heat and humidity.



MASSACHUSETTS ASSOCIATION OF LANDSCAPE PROFESSIONALS INSURANCE PROGRAM

LANDSCAPING

| SALES

| SERVICE

Purchasing Insurance for your landscape business can be a costly and confusing process. ACADIA INSURANCE HAS A SOLUTION.

Acadia is offering members of the Massachusetts Association of Landscape Professionals (MLP), an easy and cost-effective insurance program to protect your business, which you have worked hard to build.

The Program is specifically designed for MLP members who are landscape professionals, providing landscape and related services, including incidental snow plowing and tree service operations. It is available to members of the Massachusetts Association of Landscape Professionals (MLP). Since 1963, MLP has served the landscape industry providing valuable resources and education to enhance the professionalism and expertise of its members.



Massachusetts Association
of Landscape Professionals

Acadia can provide coverages that are tailored to the unique needs of the landscape services industry, including an extensive contractor General Liability Expansion Endorsement as well as the availability of Herbicide/Pesticide Applicator coverage.

PROGRAM FEATURES INCLUDE

All Lines Coverage Capabilities

- Package
 - > Property
 - > Equipment
 - > General Liability (GL)
 - > General Liability Expansion Endorsement
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- Commercial Automobile
- Umbrella Liability
- Inland Marine Equipment Coverage
- Professional Design Coverage Available



Acadia Insurance®

This program is available through all independent agents who represent Acadia Insurance.

*For more information, contact your local Acadia agent or John Varitimos, Acadia Branch Marketing Director
508-263-2505 • john.varitimos@acadia-ins.com*



MCLP Update



Welcome

Kevin Szczechowicz, MCLP of Szczechowicz Landscape Services, Inc. in Rowley, MA has joined MLP's MCLP Committee.

Congratulations to our newest MCLP

Chris Connors, MCLP
Greenscape, Inc.
East Taunton, MA

Chris passed the MCLP exam on November 4, 2010.

New England Grows

Make plans to attend "MCLP Overview: Program, Features & Benefits." This popular session, led by the MCLP committee and Mike Davidsohn, MCLP of UMass Amherst, will be held on Thursday morning, February 3 from 8:00– 8:30 AM and offers an overview of the many benefits of the MCLP program. Participants will learn how to use the MCLP Study Guide, what to expect at an exam, and how to use the MCLP designation to benefit their business.

Immediately following the Overview, you will want to attend "The Essentials of Plant ID" seminar from 9-10 AM. This session, presented by Jack Ahern, Ph.D. of UMass, is a great way to prepare for the ID portion of the MCLP exam. Seating is available on a first-come, first-served basis and the program is approved for pesticide recertification credit from all bureaus in New England, New Jersey and New York.

MCLP Exam

The next MCLP exam will be held on Friday, March 4, 2011 at 8:30 AM at MHS Elm Bank Reservation in Wellesley, MA. To register, print an application form from the Study Guide CD. To purchase a CD, order online at www.mlp-mclp.org or call (508) 653-3373.

MCLP Prep Course at North Shore Community College

Reimbursement grant funding available

North Shore Community College will be offering a study course to help workers prepare for the Massachusetts Certified Landscape Professional exam. This course will run for six weeks on Tuesday evenings, beginning on January 25 at the Danvers campus. The cost is \$149.00.

Carol Robertson, MCLP will be the instructor. Carol has been an MCLP since 2000, has served on the MLP exam and education committees, and is a current member of MLP Board of Directors.

Express grant funding may be available through the Massachusetts Workforce Training Fund to help employers cover the costs of this program for their employees. Grant applicants will need to apply at least six weeks prior to the course start date. All of the rules are posted at www.mass.gov/wtf under "Express Program". Please contact Helene Van der Noot at North Shore Community College at hvander@northshore.edu for more information and for help applying for Express grant funding for this class. The eligible round of funding opens in November. Please apply early.

Each participant in the prep course should obtain an MCLP Study Guide 5.0 CD before class begins. The Study Guide CD is discounted by \$25.00 for prep course participants. The course is meant as a supplement to, and not a substitute for, self study. We recommend limiting participation to employees who have completed at least one full season in the field or the educational equivalent.



The benefits of participation in the Massachusetts Certified Landscape Professionals Program are many and are well documented. They include better employee retention, better customer satisfaction and increased employee engagement and self-esteem. Please visit our website at www.mlp-mclp.org for more information about this, and other MLP programs. We hope you will take advantage of this opportunity.

To register for the NSCC Prep Course: Call (978) 236-1200, or e-mail Cheryl Hines at CHHINES@northshore.edu.

To order a MCLP Study Guide CD: Call (508) 653-3373, or e-mail Charissa Sharkey at csharkey@mlp-mclp.org.

To learn more about grant opportunities: Contact Helene Van der Noot at hvander@northshore.edu.

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Find Great Deals, Business Solutions & Education at New England Grows

On Wednesday, February 2 – Friday, February 4, 2011, New England Grows is coming to Boston with great deals, business building ideas and innovative horticultural solutions. The three-day event will be held at the Boston Convention & Exhibition Center. MLP members are encouraged to register at www.NewEnglandGrows.org before January 15, 2011 to save 30% on admission. There is also a group discount offered before January 15, whereby if you sign up four or more people from the same company (at the same time) you will be charged just \$30 per person.

These registration discounts are just the beginning of the cost-savings and great deals available at New England Grows. The world-class exposition will feature a wide range of the latest products, resources and solutions for every green industry segment, including show specials found only at Grows.

“With more than 600 exhibiting companies, New England Grows is the perfect place to connect with suppliers, capitalize on great deals, and take advantage of a shortened buying cycle to move your business ahead,” said New England Grows president, Jim Abusamra, MCA of Hartney Greymont in Needham, MA.

More than 30 educational seminars will be offered and many provide valuable continuing education credit from the Massachusetts pesticide bureau, as well as MCLP, APLD, LA CES, NOFA, ISA and CTSP. Here is a sampling of educational seminars that are sure to be of interest to MLP members:

- The Other Side of the Fence: Tricks of the Trade from a Major League Groundskeeper, *David Mellor, Fenway Park, Boston, Massachusetts*
- Extreme Low Maintenance Perennials, *Kerry Ann Mendez, Perennially Yours, Ballston Spa, New York*
- Advances in Environmentally Responsible Grasses, *Albert Kausch, Ph.D., University of Rhode Island, Kingston, Rhode Island*
- Suburban Force: What Really Brought Americans to the Suburbs & Why it Matters Now More than Ever, *John Stilgoe, Harvard University, Cambridge, Massachusetts*
- Exploring the High Line: Inspirations and Aspirations for the Urban Landscape, *Patrick Cullina, Friends of the High Line, New York, New York*
- Online Marketing: Driving Word of Mouth with your Website, Social Media, and Email, *Lindy Dreyer, SocialFish, Washington, DC*

Expo & Seminar Hours

Wednesday, February 2

Seminars: 9:00 a.m. – 3:30 p.m.
Exposition: 10:00 a.m. – 5:00 p.m.

Thursday, February 3

Seminars: 9:00 a.m. – 3:30 p.m.
Exposition: 8:00 a.m. – 5:00 p.m.

Friday, February 4

Seminars: 9:00 a.m. – 3:30 p.m.
Exposition: 8:00 a.m. – 3:00 p.m.

The MLP's member experience will take many forms this year including:

- **MLP Member Get Together** on Wednesday, February 2, 2011 at 4:30 p.m. This networking opportunity is a big hit with members and their guests — watch your mail for details and be sure to register in advance. We welcome your recommendations as to landscape industry colleagues you feel would benefit from MLP membership. Give us their names and we'll add them to the invitation list.
- **MCLP Program, Features & Benefits:** This popular session will be held on Thursday morning, February 3 and offers an overview of the many benefits of the MCLP program. Participants will learn how to use the MCLP Study Guide, what to expect at an exam, and how to use the MCLP designation to benefit their business.
- The benefits of MLP involvement will be featured in a series of informational displays located in key areas throughout the convention center.
- **New this year!** The MLP will have an educational kiosk at the new Welcome Center and Garden Café located between the escalators on the tradeshow floor (where the bookstore was located last year). This is a great spot to take a break and check in with other MLP members. Check out the volunteer registration form to find out how you can help spread the word about working with MCLPs and the many benefits of MLP membership. You can also earn MCLP credit.

Everything there is to know about New England Grows can be found at www.NewEnglandGrows.org, or by calling (508) 653-3009.

The MLP is a proud partner of New England Grows. Educational grants from New England Grows help support the MLP's consumer outreach and industry education activities. 🍷

Join New England Grows on Facebook & Twitter!



Become a fan of New England Grows. Follow us and connect with our growing community of green industry colleagues, gurus, innovators, and thought leaders on industry news, issues and trends.



Follow New England Grows on Twitter for real time alerts, useful reminders, and quick tips to help you get the most out of your New England Grows experience. Hashtag #Grows2011.

Volunteer at New England Grows

Strong Business. Powerful Connections.

As always, MLP will have a presence on the trade show floor. This year, our educational kiosk will be located at the new Welcome Center and Garden Café at the front of the tradeshow between the two escalators. All four founding partner organizations (MLP, MAA, MNLA and NENA) will be stationed here and it will be a great spot for members to meet up and network. It's also a great place for green industry professionals to ask questions about our association. For this, we need your help. We're looking for MLP member volunteers to staff the new educational kiosk. In addition to greeting people who stop by to learn about MLP, we'd also like volunteers to tout the benefits of working with certified landscape professionals, the pluses of a career in landscape management, and highlight the advantages of MLP membership.

If you can spare a couple of hours at New England Grows, we could really use your help. Please complete the Volunteer Form and fax it the MLP office at (508) 653-4112 no later than December 29, 2010. You may also e-mail your preferred time slots to info@mlp-mclp.org. Members who volunteer at the MLP booth during New England Grows will receive 1 MCLP recertification credit to add to their 2011 RTS.



New England Grows

*Wednesday, February 2 – Friday, February 4, 2011
Boston Convention & Exhibition Center, Boston, MA*

BOOTH VOLUNTEER

Please return by December 29, 2010.

NAME _____

COMPANY _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____ FAX _____ E-MAIL _____

My top three choices for staffing the MLP Booth at New England Grows are:

#1. Date: _____ Time: _____

#2. Date: _____ Time: _____

#3. Date: _____ Time: _____

New England Grows booth volunteers receive 1 MCLP re-certification credit for 2011.

Thank you for your support!

The following time slots are available for MLP booth staffing. Please indicate your top three choices below. We will send confirmation of your assignment prior to the event.

Wednesday, February 2, 2011

- 10:00 AM – 12:00 PM
- 12:00 PM – 2:00 PM
- 2:00 PM – 4:00 PM
- 3:00 PM – 5:00 PM

Thursday, February 3, 2011

- 8:00 AM – 10:00 AM
- 10:00 AM – 12:00 PM
- 12:00 PM – 2:00 PM
- 2:00 PM – 4:00 PM
- 3:00 PM – 5:00 PM

Friday, February 4, 2011

- 8:00 AM – 10:00 AM
- 10:00 AM – 12:00 PM
- 12:00 PM – 2:00 PM

Improved MLP Dues Structure Offers New Benefits

This year, the MLP membership approved a revision to the association's membership categories. The by-laws vote was held via special ballot and a large majority of members supported the board of directors' recommendation.

New Structure & Added Benefits for Commercial Active Members

Companies and organizations actively engaged in landscape management, design/build installation, lawn care, landscape architecture/design, or other landscape industry services are eligible for Commercial Active membership. Annual dues range from \$250.00 to \$450.00 and are based on the number of full time employees.

0-7 employees	\$250.00	includes 2 Member Contacts*
8-15 employees	\$350.00	includes 3 Member Contacts*
16 + employees	\$450.00	includes 5 Member Contacts*

- *All employees of Commercial Active member firms are entitled to the MLP member discount for association- sponsored events and resources.*
- *The annual \$55.00 MCLP renewal fee, for all MCLP certified employees of Commercial Active member firms, is included with the Commercial Active dues payment.*
- *Member Contacts named in the base Commercial Active membership dues, or added for an additional \$25.00 annual fee, may claim recertification credit for MLP membership on their annual MCLP Recertification Tally Sheet.*

Introductory rate offered for prospective members

An introductory New Member rate will be offered to any company, or individual, interested in MLP membership. The new introductory rate of \$100.00 is available for the first year of membership. After the first year, introductory membership automatically converts to the appropriate dues category. This offer is available to new members only.

Additional membership categories

Individual Active membership is available to individuals with a connection to an entity whose sole profits are not derived from the landscape industry (i.e. municipal personnel, property manager, golf course superintendent, general contractor). Annual dues are \$100.00.

Associate membership is available to individuals, or firms, supplying products or services used by the landscape industry. Annual dues are \$250.00.

Student membership is open to full time students enrolled in horticultural programs. Student membership carries no voting privileges. A photocopy of current student i.d. is required. Annual dues are \$25.00.

Watch Your Mail

The MLP's new membership categories become effective January 1, 2011, and MLP dues invoices are currently in the mail. Commercial members will be asked to determine the people from their company they will want to name as MLP Member Contacts moving forward.

Questions?

If you have any questions concerning the new MLP membership categories, or dues structure, please contact the MLP office via e-mail at info@mlp-mclp.org or phone (508) 653-3373. We're here to help! 🍷

The savings really add up with the MLP's new membership categories. Here's an example:

Joe Jones, MCLP owns Jones' Landscape Services in Everytown, MA. Joe is an MCLP and has 10 employees, 5 of whom are also MCLPs.

Jones' Landscape Services makes an annual membership investment of \$350.00, based on their total number of employees. At that Commercial Active dues level, the company is entitled to name 3 MLP Member Contacts* at no additional charge. In Joe's case, he names himself and two of his MCLP certified employees as the company's MLP Member Contacts. These three MLP Member Contacts receive regular updates including newsletters, meeting notices and other industry alerts from the association. They can also claim recertification credit for MLP membership on their annual MCLP Recertification Tally Sheet.

Additionally, the annual \$55.00 recertification renewal fee for the other three MCLP certified employees at Jones' Landscape Services is included in the company's Commercial Active membership dues. Annual recertification tally sheets are still required by January 15 for all MCLPs.

And... ***all*** of the employees at Jones' Landscape Services are entitled to the MLP member discount for association-sponsored events, publications, and resources.

* *Member Contacts must be employees of Commercial Active member firms. Additional Member Contacts may be added for an annual fee of \$25.00 per contact.*

www.WestonNurseries.com



Commercial Sales

Frankland Road / P.O. Box 186

Hopkinton, MA 01748

Phone: 508-293-8028 Fax: 508-497-0743

Email: CommSales@WestonNurseries.com

Have you set up a Commercial Login on our website yet?

Benefits include convenient access to current plant inventory, prices, and special offers. Refer to our Plant Library for reliable information and photos of nearly 1,800 plants. Your customers will love it too!

The Beacon Hill Report

By Stephen A. Boksanski
MLP's Legislative Agent



Legislative Environment

Beacon Hill continues to chug along but only non-controversial matters that require unanimous consent to move forward such as congratulatory resolutions, local (home rule) petitions are moving.

During these informal sessions, which are held twice each week, any individual member has the ability to shut the proceedings down by doubting the presence of a quorum or they can halt the progress

of a piece of legislation by objecting. Since all matters need to be approved unanimously, the individual legislator possesses unusual power at this time. Republican members of the House and Senate have used these times to their advantage and have scuttled efforts to pass legislation relative to the siting of land-based wind energy projects and changes to the welfare fraud laws. These bills have been languishing for varied periods of time and it doesn't appear

that they will be moving anytime soon. Informal sessions will continue throughout the calendar year.

Legislative Calendar

All duly elected members of the House and Senate will be sworn-in on the first Wednesday in January and their first order of business is to elect a leader for each branch. After this, freshmen members will be provided with temporary office space until the returning incumbents have had their office and staff requests filled. Then, the newest members will have to fight for what is left over which generally isn't very much.

The bill-filing deadline for the new session is the third Friday in January 2011. This date was changed two years ago to accommodate incoming members and give them an opportunity to file legislation that would be processed with the initial round of petitions. Legislators can file bills at any time during the session but anything filed after the 21st of January will be considered a late file. Late file

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Stone, Art and Community

By *New England Grows 2011 speaker: Daniel Snow, In the Company of Stone*

Anyone who has taken an art history class in the past 100 years can probably remember being introduced to the “Venus of Willendorf.” Until very recently, the tiny, carved stone figurine has been considered the world’s oldest statue. In 2008, a three-inch ivory statuette was found by archaeologists in a German cave. Radiocarbon dating showed that this female figurine is at least 35,000 years old, making it 13,000 years older than the “Venus of Willendorf.”

Who made the first sculpture, and when? While that’s a question archaeologists would like a definitive answer for, it’s a question that anyone with an interest in art, or philosophy, or comparative linguistics might find intriguing, as well. Imagine a person long ago taking up a handful of clay and shaping it into what was to become the first object of recognizable human form.

That act may have sparked the beginning of abstract thinking, which in turn led to the development of language. It may be the artistic ability of a single, early human that I have to thank for being able to communicate through speech. To him or her I owe a debt of gratitude, for sure, but being a typical 21st century guy, I have to ask, “What has Art done for me lately?”

Art took a back seat to the sciences in the twentieth century. Penicillin and rocket engines made the big headlines. One might wonder if we’ll ever see another flowering of the arts such as there was during the Renaissance, for instance. Through the commercial glare of contemporary culture it may be difficult to see the many acts of art taking place around us. They’re out there, though, and I believe their numbers are growing. I take heart in the multiplicity and diversity I see. The production of art represents society’s true health and vitality.

While I can’t speak for all facets of the creative spirit that are now alive and at work, I can comment on those I know best. In the realm of dry stone construction there’s a lot going on all over the world. To illustrate just how pervasive it is, I offer three examples, using only artists and craftsmen having in common the first name; “Andy”.

Australian sculptor, Andrew Rodgers is creating “Rhythms of Life”, the largest contemporary land art undertaking in the world, forming a chain of 46 massive stone sculptures, or Geoglyphs, around the globe. The project has involved over 6,700 people in 13 countries across six continents.

In 2009, British master craftsman and dry stone waller Andrew Loudon created One World Garden in Chelmsford, England to commemorate the centenary of the International Scout Jamboree.



The main feature of the garden is a pool with a half domed cave. The stonework radiates from a central point to form a remarkable sunburst pattern. Andrew was awarded the Dry Stone Walling Association’s Pinnacle Award for that achievement.

Andy Goldsworthy’s work has received worldwide acclaim. The artist’s commissions have included pieces for The Metropolitan Museum of Art in New York City, the National Gallery of Art in Washington, D.C. and Storm King Art Center in Mountainville, NY. All of these pieces include dry stone constructions. In a recent interview in *The Daily Telegraph*, Andy Goldsworthy said that he has taken dry stone walling and made it into high art. Since its construction in 1998 by a team of UK wallers, the Storm King “Wall that went for a Walk” has gained recognition as a stone wall icon, right up there with Hadrian’s Wall and the Great Wall of China.

It would be easy to dismiss a handcraft that requires no tools as being primitive. After all, the act of putting one stone on two is as basic as it gets. It’s even plausible that dry stone walling was the first method used by humans to create a built environment. To make the world of today, we’ve moved far beyond the simplest that physics has to offer: gravity and friction. None-the-less, as we move forward I think it would be a mistake to leave behind something that has worked so well for so long. Stone is in our bones and in our muscle memory. A dry stone construction can stand for hundreds of years. It can be the physical link that represents the psychic bond between generations in a community.

Stone workers are not the only ones to use stone in their creations. For ages, poets have mined rock for metaphor. In “Mending Wall,” Robert Frost famously asks why “good fences make good neighbors.” He classifies mending wall as “just another kind of outdoor game,” a sentiment I wholly share. His poem “The Birthplace”

continues on next page

Stone, Art & Community

continued from previous page

speaks to the connection stone can make between generations. In it a man looks at his family history on a New England side-hill farm with these first lines –

Here further up the mountain slope
Than there was every any hope,
My father built, enclosed a spring,
Strung chains of wall round everything,
Subdued the growth of earth to grass,
And brought our various lives to pass.

Working with stone, on the land, has an appeal that reaches back to the same human impulses that shaped the long-lost ivory figurine. Over the past 35,000 years, the desire to interpret our surroundings in a personal way hasn't really changed. The earth's crust has been shifting and shaping itself for millions of years, including the relatively short time humans have stood on it. Perhaps the urge to do the same — assemble stones in a relationship to one another — is an expression of solidarity with that age-old process. Fitting stones together is a natural way for us to fit in with our ever-evolving, place on earth.

Dan Snow will be speaking at New England Grows on Thursday, February 3, 2011. His presentation, "Artscaping: Design and Installation of Land-Made Sculptures" will take place from 11:00 a.m. – 12:30 p.m. His company — In the Company of Stone — is located in Dummerston, VT. For more information about Dan and his work, visit www.inthecompanyofstone.com.



GreenCare for Troops!

MLP's goal is to ensure that every Massachusetts military family who reaches out to GreenCare for Troops gets the professional landscape help they need. We've helped many, but there are still military families with landscape needs in the communities listed below. Can you help?

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Dorchester	Stoneham
Holyoke	Sudbury
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Northampton	Ware
Raynham	Whitinsville

If you can help in any of these communities, please visit www.projectevergreen.com/gcft to sign up and indicate the service you would be available to offer. Thank you!

The Beacon Hill Report

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bills have to take an extra step before being sent to committee for a public hearing and the longer it takes to get filed, the tougher the challenge to catch up in the process. This challenge becomes more and more difficult as it gets later and later into the two-year term.

Committee and leadership assignments are usually announced in mid-February and public hearings begin in late March or early April. The Governor is required to file his budget by the end of January and the House generally finishes its budget deliberations before the end of April. The Senate goes through the same process during the month of May. The state's fiscal year begins July 1st so every effort is made to send the Governor a compromise budget before that date.

Committee activity generally picks up in May and June, slows a bit in July but then ramps up again in September for a stretch leading up to the end of the first year in late November.

Given the number of new members in the House and Senate, along with a substantial budget gap, we expect the focus to center of revenues and spending. Gambling legislation is also likely to be front

and center as it holds the promise of jobs and revenues, although these benefits will not be realized immediately. These issues will delay virtually all others and committee activity is likely to be slow until these issues are resolved.

A Call to Action

As the legislative process begins anew in January, it creates an opportunity to become engaged in the process and for members to step up and be heard. Each and every member can help to educate and inform their legislators about what is important to them as business people and as constituents. This can be accomplished in a variety of ways such as attending office hours, attending a local fundraising event, participating in Massachusetts Agriculture day or the Green Industry Alliance lobby day. The key is to develop a network of legislators who know and appreciate members of the MLP and MAA, and what is important to them from a state government perspective. Legislators listen to their constituents but they can only do that if the constituents are talking to them. So, make a stand for your business and industry and make a point to introduce yourself to your state representative and senator. You just might be surprised with the response. 🍷

Massachusetts Significantly Amends Criminal Background Check Law: Implications For All Employers

By William E. Hannum II of Schwartz Hannum PC, Andover, MA

Massachusetts Governor Deval Patrick recently signed a law that significantly changes many employers' obligations with respect to criminal background information obtained from applicants for employment, current employees and volunteers. One of the stated goals of the law is to make it easier for job applicants with criminal convictions to get a "foot in the door." However, the law also preserves an employer's right to make decisions based on an applicant's criminal record. While the law will not take effect primarily until 2012, one important change became effective on November 4, 2010.

Many Employers Will Need to Revise Job Applications by November 4, 2010

Effective November 4, 2010, many employers will no longer be permitted to *inquire about any criminal history information* on initial job applications. Previously, employers were generally permitted to inquire into convictions for felonies and certain misdemeanors through job applications. The new law amends Chapter 151B of the Mass. General Laws (Massachusetts' anti-discrimination statute) to prohibit such inquiries.

The law does not prevent any employer from *making decisions* based on an applicant's criminal history; however, many employers will now be required to obtain the information from a source other than the initial job application. Thus, employers may continue to obtain criminal background checks regarding applicants who have received conditional offers of employment; but the method for obtaining such information must change.

There are a few exceptions to this blanket prohibition. For instance, employers that are subject to a state or federal law restricting the employment of individuals who have been convicted of certain crimes may continue to inquire about criminal histories on initial employment applications. Thus, employers such as schools, long-term care facilities, and day-care providers that work with vulnerable communities will likely fall under this exception and may continue to use the job application to obtain criminal history information. These employers must continue, however, to limit the job application inquiry to convictions for felonies and certain misdemeanors, and may not inquire into arrests that have not resulted in a conviction. **In addition, employers with fewer than 6 employees are not subject to Chapter 151B.**

Changes to the CORI System

Massachusetts will continue to provide a state-run information system allowing access to criminal offender records information ("CORI"). However, the law imposes several changes to the CORI system, which will be effective in 2012.

The law creates a new state agency called the Department of Criminal Justice Information Systems (the "Department"). The Department will be responsible for maintaining a CORI database and providing access to employers to the CORI database. The

Department will replace the Criminal History Systems Board, which currently has responsibility for the CORI system. The Department will be responsible for creating online access to the CORI database, which should allow faster access to CORI reports.

Changes Affecting Employers That Are Not Currently Required To Use The CORI System

Beginning in 2012, all private employers will have access to CORI records through an online database. The online database will be accessible for a fee. Thus, many employers that are currently ineligible to access the CORI database will have the option of using the CORI system.

The law will limit the information that most employers may obtain through the CORI system to: (i) felony records for 10 years following the disposition of the felony, (ii) misdemeanor records for 5 years following the disposition of the misdemeanor, and (iii) pending criminal charges. Convictions for murder, voluntary manslaughter, involuntary manslaughter, and certain sex offenses will be available in the CORI database permanently. Significantly, the law will not affect the scope of the information available to employers that are required by law to run CORI searches on job applicants.

Notably, under the new law, employers remain able to make adverse employment decisions based on criminal history.

Additional Obligations Imposed On ALL Employers Relying on Criminal History Records

Beginning in 2012, the law will impose new obligations on all employers that rely on criminal history records to make employment decisions. Presently, the applicability of these changes is somewhat unclear. Further guidance is expected soon by way of state-issued guidelines and regulations.

- Most employers will need to provide an applicant with a copy of the applicant's criminal record before questioning the applicant about the record.
- Most employers will need to provide an applicant with a copy of the applicant's criminal record before making an adverse decision based on the record (unless the employer has already provided a copy of the record to the applicant).
- Most employers will be required to maintain a written CORI policy stating the employer's procedure for use of criminal records.
- Most employers will be prohibited from retaining CORI records for more than seven (7) years after an employee's last date of employment, and from retaining an unsuccessful applicant's CORI record for more than seven (7) years from the date of the decision not to hire the candidate.

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UMass Extension's 2010 Green School

Registrations Now Being Accepted

Green School is a comprehensive certificate short course for Green Industry professionals taught by UMass faculty and Extension Specialists. It is held November 1 – December 10, 2010, one to two days a week from 9:00 a.m. to 3:30 p.m. in Milford, MA. Registrations are accepted until the classes are full.

This popular course, offered every other year, is designed for turf and landscape professionals who wish to gain a basic understanding of horticulture fundamentals and strategies, but who can't fit a full academic course into their schedules. Green School students come away with the knowledge needed to make environmentally appropriate and agronomically sound turf management decisions.

Among its many benefits, Green School is helpful for people preparing to take the following professional certification exams: Massachusetts Certified Arborist (MCA) offered by the Massachusetts Arborists Association, Massachusetts Certified Landscape Professional (MCLP) offered by the Massachusetts Association of Landscape Professionals; and Massachusetts Certified Horticulturist (MCH) offered by the Massachusetts Nursery and Landscape Association.

For more information, visit www.umassturf.org and click on 'Certificate Programs', or call UMass Extension at 413-545-0895.

UMass Winter School for Turf Managers

This program immerses students in a full-time, seven-week program, focused solely on the management of fine turf and taught by UMass faculty and staff. It is a comprehensive certificate program designed to furnish turf managers with the concepts essential to maintaining high quality turf, while instilling a sense of environmental stewardship and fiscal responsibility.

Winter School 2011 runs January 3 – February 17, 2011, at the UMass campus in Amherst.

Classes are scheduled: Mondays 10:00 AM – 5:00 PM, Tuesday – Thursday 8:00 AM – 5:00 PM, and Fridays 8:00 AM – Noon.

This schedule is designed to accommodate weekend commuters who may want to stay in the Amherst area Tuesday – Thursday evenings but head home on the weekends. Some area hotels offer special packages just for UMass Winter School students.

For more information about Winter School go to www.umassturf.org and click on 'Certificate Programs' or call (413) 545-5202.



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Calendar of Events

November 16, 2010

MLP Business Seminar

2:00-4:30 PM

Cost Effective Ways to Market your Business Online

Speakers: Mike Ciolino, Verve Creative, Inc. and Dave Epstein, Growing Wisdom

MHS Elm Bank

Wellesley, MA

www.mlp-mclp.org

MLP Annual Meeting & Dinner Meeting

5:00 PM

Snow & Ice Removal: Managing Risk

Ken's Steak House

Framingham, MA

www.mlp-mclp.org

February 2-4, 2011

New England Grows!

Boston Convention & Exhibition Center

Boston, MA

www.NewEnglandGrows.org

**Beacon
Award!**

March 22, 2011

MLP Business Seminar

2:00-4:30 PM

MHS Elm Bank

Wellesley, MA

www.mlp-mclp.org

MLP Dinner Meeting

5:00 PM

Everything You Need to Know about Soil pH & Soil Testing

Speaker: Deborah Picking, Ph.D, UMass Amherst

Ken's Steak House

Framingham, MA

www.mlp-mclp.org

April 19, 2011

5:00 PM

Living Walls: Design, Construction & Plant Awareness

Ken's Steak House

Framingham, MA

www.mlp-mclp.org

All MLP educational events are approved for MCLP recertification credit, and online registration is available a few weeks prior to the event.

Criminal Background Check Law

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- Most employers will be required to limit and monitor the dissemination of CORI records, which may only be shared with employees who "need to know" the information, and to maintain a "secondary dissemination log" that details when and to whom the CORI information was given.
- Most employers will be protected from failure-to-hire claims based on erroneous information on a candidate's CORI record, and from negligent hiring claims if the employer relies on CORI records.

Next Steps for Employers

We recommend the following next steps for compliance with the recent amendment:

- Each Massachusetts employer ought to determine whether it can lawfully inquire about criminal history information on the job application. This analysis can be complex. If the employer can lawfully inquire, then the language must be in perfect compliance with the law. If the employer cannot lawfully inquire, then the language must be omitted by November 4, 2010. Regardless, this is an ideal opportunity for each employer to update the job application form for both legal revisions and best practices developments.
- As the law requires a CORI policy for employers that will annually conduct 5 or more criminal background investigations, Massachusetts employers that currently do not have

such a policy may want to begin development and implementation of such a policy.

- Employers in other states and multi-state employers may want to use the new Massachusetts law as a reminder to update their employment applications for recent federal and state law changes as well as best practices developments.
- The Firm recommends that non-profit employers consider how this law may affect their volunteer policies and practices — with respect to screening of criminal records and related issues with volunteers.
- Finally, the Firm recommends and provides a complete compliance package that includes policies for requesting authorization from applicants, volunteers and employees to obtain criminal background information, the disclosure and authorization forms required by law, and guidelines for relying on criminal background information. The Firm provides compliance packages for employers that currently use the Massachusetts CORI system, as well as for employers that currently use private consumer reporting agencies.

Please contact Will Hannum directly if you have any questions regarding revising your job application, or any other questions about the new law. He can be reached at (978) 623-0900 or at whannum@shpclaw.com.

The information contained in this article is general in nature and is not offered, and should not be construed, as legal advice with respect to any specific matter. ☞



New England Grows! 2011 Recertification Information

	ISA CEUs	APLD CEUs	LA CES PDH	CT – MA – ME – NE – RI – VT Credits/Contact Hours	NJ Units	NY CCH Credits	NOFA AOLCP Credits	CTSP Credits
Wednesday, February 2, 2011								
9:00 AM - 10:00 AM								
• Putting Biocontrols to Work in the Greenhouse				1 (26, CORE, Dealer)	2 units (3A, PP2)	1.0 (3a, 24, 10)	1	
• Extreme Low Maintenance Perennials		1	1				1	
• The Other Side of the Fence: Tricks of the Trade from a Major League Groundskeeper				1 (32, 37, CORE, Dealer)	2 units (3B, PP2)	.50 (3a, 3b, 10)		
• Guidance-to-Go: Consultation as a Profit Center							1	
11:00 AM - 12:00 N								
• Top 10 Herbaceous Perennial Diseases in the Northeast				1 (26, 29, 36, CORE, Dealer)	2 units (3A, PP2)	1.0 (3a, 10, 24, 25)		
11:00 AM - 12:30 PM								
• Suburban Force: What Really Brought Americans to the Suburbs & Why It Matters Now More Than Ever		1	1.25					
2:00 PM - 3:00 PM								
• The Latest Developments in Weed Management				1 (32, 36, 37, CORE, Dealer)	1 unit (3A, 3B) 2 units (PP2)	1.0 (3a, 10, 25)		
• Sustainable Solutions: Leading by Example							1	
2:00 PM - 3:30 PM								
• Exploring The High Line: Inspirations and Aspirations for the Urban Landscape		1	1.25					
• Communication Skills: The Key to Customer Service & Satisfaction							1	
Thursday, February 3, 2011								
9:00 AM - 10:00 AM								
• What's Ahead for Insect Pest Management				1 (35, 36, 48, CORE, Dealer)	2 units (2, 3A, PP2)	1.0 (3a, 10, 25)		
• Revisions to Current Planting Methods & Bare Root Transplanting	1						1	
• Native Plants: A Changing Landscape Paradigm		1	1				1	
• The Essentials of Woody Plant ID	1						1	
11:00 AM - 12:00 N								
• Spray Application in the Nursery: Cutting Edge Research				1 (29, 36, CORE, Dealer)	2 units (3A, PP2)	1.0 (3a, 10, 25)		
11:00 AM - 12:30 N								
• Artscaping: The Design and Installation of Land-made Sculpture		1	1.25					
2:00 PM - 3:00 PM								
• Advances in Environmentally Responsible Grasses in New England					2 units (3B, PP2)	.50 (3a, 3b, 10, 25)		
• Yankee Ingenuity: Growing a Design Practice in New England		1	1					
2:00 PM - 3:30 PM								
• Promising Perennials		1	1.25				1	
• Lean Management for Wholesale Nurseries								
Friday, February 4, 2011								
9:00 AM - 10:00 AM								
• IPM & EAB: The Straight Scoop	1			1 (29, 35, 36, CORE, Dealer)	2 units (2, 3A, PP2)	1.0 (2, 3a, 10, 25)		
• Integrating Edibles Into the Ornamental Landscape		1	1				1	
• Harnessing the Power of Cranes for Large Tree Removal	1						1	1
• Online Marketing: Driving Word of Mouth with your Website, Social Media, and Email							1	
11:00 AM - 12:00 N								
• Wetting Agents: Important Tools for Fighting Turf Disease & Drought					2 units (3B, PP2)	.50 (3a, 3b, 10)		
11:00 AM - 12:30 PM								
• The Fusion Between Great Plantmanship and Great Landscape Architecture: A Novel Idea		1	1.25					
2:00 PM - 3:00 PM								
• New Pests, New Strategies: Invasive Insect Species in the Northeast	1			1 (29, 36, 48, CORE, Dealer)	2 units (3A, PP2)	1.0 (2, 3a, 10, 25)		
• Making the Transition from Traditional to Organic Land Care							1	
2:00 PM - 3:30 PM								
• Advancements in Ecological Landscape Design		1	1.25				1.5	
• Advanced Climbing & Rigging Techniques	1.5						1.5	1.5

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ISA	International Society of Arboriculture		
LA	American Society of Landscape Architects LA CES PDH	NY	New York pesticide bureaus
LD	Association of Professional Landscape Designers	NOFA	Northeast Organic Farming Association



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