



## ORDINANCE COMMITTEE (Town Council Sub-committee)

### Members (FY2017)

Claudia King  
Charlie McBrady  
Aaron Svedlow

## **Draft Meeting Minutes** Thursday, January 12, 2017, 8:00 am

**Attendees:** Charlie McBrady, Claudia King, Aaron Svedlow

**Staff:** Amanda Stearns, Bob Shafto, Nathan Poore

**Others:** Representatives of the Cumberland Farmer's Market, Ted Asherman

The meeting was called to order at 8:05 am.

### **1. Approve minutes of the previous meeting.**

The minutes were amended to correct a typo, and approved unanimously.

### **2. Review Farmers Market ordinance amendment.**

A. Stearns took the input from the discussion at the last meeting and developed the proposed amendment language. She talked with the executive director of the Maine Federation of Farmers Markets and the Town's attorney. Maine State statute defines farmers markets; the interpretation of that statute means the market must include two vendors that met the definition of selling at least 75% of their product as farm or food product. Beyond that, regulating the market is up to the Town. The proposed ordinance is very basic since the licensing agreement will govern beyond it. The proposed process is for the Town to license the Cumberland Farmer's Market (CFM), and exempt the individual vendors from victualers licenses. Stearns reviewed the proposed ordinance language by section. This ordinance is proposed to be administered by the Community Development Department instead of the Town Clerk's office, since they are charged with land use review and would be the department called upon for enforcement. The license would be up for renewal annually and would be subject to an application process with fees set by the Council, a staff review process, and a public hearing held at the Council prior to approval. She suggested that the permitted products and services could be negotiated at the time of the license application. Due to the language in state statute, any further rules and restrictions did not need to be included in the ordinance language.

There is a list of prohibited products in the ordinance including live animals, weapons, etc. Nancy Lightbody of the Falmouth Conservation Commission has requested that they include invasive species in the list of prohibited products. Stearns explained that they would also amend the zoning ordinance to remove the farmers markets as a permitted use in several districts; the new ordinance language would allow them through the license process.

A. Stearns reviewed the draft application forms and explained that an applicant would have to prove right, title, and interest in the property they are asking to use. In the case of town property, the application would serve as a request to use the property.

C. King asked about the Town's responsibility if someone gets sick from food purchased at the market. A. Stearns said that the draft license agreement includes a section requiring insurance for use of premises. The Council should also address indemnification for the Town within the license agreement. Under the health code, the Town has a responsibility to investigate if someone gets sick. CFM also has a responsibility to ensure that their vendors have all the proper licensing from the State.

The committee reviewed the draft license agreement, asking to have the bylaws of the market submitted but not making them subject to approval by the Council. They asked to have a map of the proposed market submitted with the application as an exhibit. A. Svedlow asked for attorney feedback about a "due cause" for revocation.

A. Stearns said the current vendor fee is \$25/vendor. She is proposing to keep that as the application fee, charging CFM directly. She assumed CFM would pass that cost along to their vendors. She suggested that the renewal fee should be less.

C. King asked what qualified as a renewal and whether it would be a new application if the market changed location. A. Stearns felt the licensee determined whether it qualified as a renewal, not the location. If the market wanted to move during the license period, that would be an amendment. The Council could require them to pay a fee at that time for the added review. A. Stearns was more concerned with a new or different market organization. If the Council is concerned with the management of the market by CFM, they could revoke the license. The Council could also amend the license fee at any time. C. McBrady suggested adding language to the agreement that moving the market during the license period would require an additional fee. The committee was satisfied with the suggested fees.

The committee agreed to bring the package including amendments, license agreement, and application materials to the full Council at the February 13 meeting.

One of the representatives of CFM suggested a change to section 8-390 to read "food and farm products" to make sure that the products and services offered by their vendors are fully covered by the ordinance.

The committee discussed alcohol at the market. They wanted to make sure that sales were allowed, but consumption was not. Alcohol is prohibited in parks and public land areas, but A. Svedlow was concerned about what would happen if the market were located on private land. A. Stearns said that she would add a section to the license and

she would review the question with the police department. The market representatives said consumption of alcohol at the market was prohibited by their bylaws.

### **3. Discuss process for moving forward with an ordinance amendment related to dogs on public lands.**

N. Poore reviewed the suggested ordinance structure which includes three levels of pet regulations: requiring voice control only after the first 300 feet at certain properties; seasonal leash on others; and no pets at all on two properties.

B. Shafto discussed the seasonal leash requirement, which is designed to protect sensitive species from predation while they are raising their young. Some dog species are predators and their instinct is to hunt. He pointed out that they are conserving these properties for their ecological benefit; one of the primary functions of these properties is species habitat. T. Asherman said the goal of the three different levels was to strike a good balance.

C. King asked if the three properties under the seasonal leash requirements were more critical habitats. B. Shafto said they do have a small edge; they are bigger and have substantial wildlife value. LMAC tried to distribute the limitations evenly over Town so there were opportunities in each area.

The committee discussed the seasonal restrictions. A. Svedlow felt the proposal was well thought out, conservative and appropriate. The committee discussed how to publicize these restrictions: signage, pamphlets, notes on the kiosks, volunteer rangers on the properties for the transition period. They also discussed enforcement moving forward.

B. Shafto pointed out that the East Branch Conservation Area is not included in this proposal since there is no access currently; hopefully they will soon have a trail. He recommended that this property be included in the “no pets” category – it is a fragile environment, very wet and muddy, and no one walks their dogs there now anyway. The discussion on this property was tabled for a later time.

### **4. Next meeting date**

No meeting was scheduled.

Meeting adjourned at 9:23 am.

Minutes prepared by M. Tryon  
January 12, 2017

