

Ordinance Committee Minutes

October 18, 2019

Present: Councilor Cahan, Councilor Asherman, and Councilor Hemphill
Staff: Nathan Poore, Kimberly Darling, and Marguerite Fleming
Conservation Commission: Nancy Lightbody, Chair
Others in Attendance: Newell Augur

Councilor Cahan, Chair began the meeting at 8:05 am.

1. Approve previous meeting minutes.

Councilor Hemphill motioned to approve the minutes; Councilor Asherman seconded.

Motion carried unanimously.

2. Review draft pesticide / fertilizer resolution and ordinance

The Committee, Ms. Lightbody, and staff reviewed the draft pesticide/fertilizer resolution for content and grammatical edits. Ms. Lightbody and Ms. Darling will make final edits.

Committee members, Ms. Lightbody and staff reviewed the draft ordinance language.

The pesticide definition was edited to make it more straightforward. Councilor Hemphill asked whether the list of definitions was all inclusive. Nathan Poore said that the list had been paired down and that staff had met with Town attorneys. The terms application and commercial applicator were added. Ms. Lightbody asked whether the definitions section should be at the beginning or end of the ordinance. Staff said that the Town's ordinances are typically written with the definitions section first.

Committee members, Ms. Lightbody, and staff discussed the registration requirements. Mr. Poore suggested syncing Falmouth's reporting deadline with the State's reporting deadline. The geographic areas identified for reporting general location of applications was discussed. The geographic areas were changed from originally being defined by watershed to east of I-295; west of I-295; and east of I-95; and west of I-95 to be less burdensome for applicators. In the future, the Town could try asking for more specific addresses or breaking the middle geographic section into smaller areas.

There was discussion on whether the data that would be collected could be used for water testing.

The penalties for non-compliance section was discussed. Committee members discussed whether to increase the penalty fees. The Committee decided to move forward with the amounts suggested in the draft. Each day in violation would be a separate offense so the cumulative fine could be significant. Ms. Darling will confirm the section language with the town attorney.

The Committee discussed tentatively introducing the ordinance at the November 13 Council meeting. Councilor Cahan will introduce the ordinance. The Conservation Committee will deliver a brief presentation.

3. Presentation of staff research on short-term rental regulations

Marguerite Fleming delivered a presentation on her research on Maine municipalities and select national cities' short-term rental ordinances. Ms. Fleming will bring printed copies of her research notes to the next meeting.

Mr. Poore has a meeting scheduled with Host Compliance, a company that assists municipalities with enforcing short-term rental regulations, during the ICMA conference. Host Compliance will deliver a remote presentation at the next Committee meeting on November 14.

4. Next meeting date

The next meeting is scheduled for November 14 at 10:30 am. The focus of the meeting will be short-term rental regulation.

5. Adjourn

The meeting adjourned by consensus at 9:55 am.

Minutes prepared by Marguerite Fleming