

Ordinance Committee Minutes

April 10, 2019

Present: Councilors Ferrante, King, Kahan, Kuhn

Also present: Jeannie Campbell, Nancy Lightbody, Susan Gilpin (members of the Conservation Commission)

Staff: Sustainability Coordinator, Kimberly Darling, Town Manager Nathan Poore and Director of Community Development Ethan Croce

1. Approve previous meeting minutes

Last meeting adjourned time needs to be added to the previous meeting minutes. Minutes were approved unanimously with that change.

2. Continued discuss about the Conservation Commission's proposal to regulate pesticides (applicator registration system, education and awareness campaign and proposed budget)

The use of a marketing consultant has been discussed, preliminary numbers from Kuhn's research includes: \$1,500 in media would include ads in the forecaster and Facebook which reach a certain demographic. \$250 printing and graphics but think it will be more like \$500. Catch phrase and logo could be around \$1,000. All in total would be somewhere around \$3,000 to add the marketing to this effort.

Discussed using the existing logo and co-branding it for this effort. There are a few graphic designers in mind that are local. Macey Kaplin a local graphic designer is willing to work with us and Ferrante is has been tasked to work with her to define a scope of work and get a proposed budget.

The group held a discussion of the timing of the ordinance being implemented. Proposal from Kuhn is for the ordinance committee to do the fine-tuning ordinance work over the spring and summer, and the educational campaign planning will be continued through the Conservation Commission. Three Council meetings are required for the Town Council to pass ordinances: introduction and discussion, public hearing for the second meeting, and the third would be a vote. This is all in the best case scenario. Tentative plan is to have the introduction in the fall and a vote likely in November.

Going through the ordinance, the first question from Kun is why are we looking at both pesticides and fertilizers? Conservation Commission decided after talking with other communities it seemed appropriate to address both in this ordinance. The following recommendations were discussed and proposed to the Conservation Commission:

Ferrante recommends that "Purpose and Applicability" should be separated. Under "Definitions", would be good to define "organic" and "organic landscape management" as it is referenced in the next section. There is consensus that the "Definition" section of the Ordinance may need some work.

"Prohibition of Pesticides and Limitation of Fertilizers for Outdoor Use" section on page 3: The reference to the National List of Allowed and Prohibited Substances is recommended to be simplified if possible from the committee. "Restriction on the Outdoor use of Pesticides and Fertilizers" may be better suited for "Applicability" section, rather than after the Prohibition section.

King questioned the part of the ordinance that refers to golf courses and Audubon Certification discussion about who is certified and who is not. Portland Country Club is, the Falmouth Country Club also is, but the Woodlands is not.

It is recommended that “Integrated Pest Management Practices” should be separated from the fertilizer section following. Kuhn suggested and Ferrante agreed, that the section for “Pesticide and Fertilizer Use Exemption” would be a good place to add “Applicability” Under the section “Pesticide and Fertilizer Use Exemptions”, Ferrante suggests to change the title to “Allowed Uses”. This may be a good place to reference the exceptions of the Public Utilities Commission and the Maine Turnpike Authority.

Discussed the “Waivers” section and the need to better understand who and how this would be worked. Also, “Administration and Enforcement” needs further discussion. Fines and penalties also need to be further discussed. Discussed what the measure of success

Kuhn brought up the idea, looking to Portland and South Portland’s approach, of phasing this ordinance in over three years, and having a title for “implementation”. The first year would be for public lands, the second for private property and the third for gold courses

The members of the Commission responded by saying that public lands are already doing a good job with integrated pest management and best practices, and wonders how that would affect the overall implementation of this ordinance, and questions if it is necessary to phase it. This will be further discussed at an upcoming meeting.

Next steps:

Commission will be working on some drafts to the ordinance based on the feedback of this meeting to ring back to the next meeting. Ferrante is going to touch base with the marketing designer suggested and Kuhn is going to be reviewing the campaign she was involved in with the Library.

3. Discussion about short term rentals (STR) commonly referred to as Airbnb

This discussion has never happened in Falmouth and has been tabled for quite some time. There are a lot of these in the Town Landing neighborhoods and people have concerns around safety. Need to better understand what is happening in Falmouth and what kind of problems they present. Poore thinks from a service deliver this isn’t impacting the Town. Kuhn asked if there is a loss of revenue from how this is currently handled.

King wondered what the basis of this issue is; disturbance of the character of Town? The group agrees this is the main issue.

There are companies who help with assisting communities with this as far as data collection and analysis which may be worth pursuing.

MMA Short Term Rental Conference April 24 in Belfast that councilors and staff may attend.

Ferrante feels that over regulation is only going to be an issue in the future given the issue is evident or necessarily apparent.

Croce discussed the potential of an annual licensing fee to legal establish this type of use, which would save the Town from worrying about grandfathering concerns and units that are known to be problematic.

One resident in particular is worried about his neighbors' bnb and referenced it as a "hotel", discussion on how this should be handled from a communication perspective. Agreement was reached that this resident would be contacted with letting them know the town hears his concerns and that the conversations have started. The response to residents who have current concerns over this topic is that the Town is going to monitor it over the next coming months, especially during the busy tourism season ahead.

4. Discussion about topics and future meetings

- Street address ordinance update
- Discuss need for lighting regulation (tress and nuisance to abutting property owners)

Both of these items are tabled for later discussion.

5. Next meeting

Wednesday, May 22nd from 2-4pm.

Pesticide ordinance review and education timeline will be the focus of discussion at the next meeting.

Meeting adjourned 3:55pm.