

Ordinance Committee Minutes

December 4, 2019

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

Councilor Cahan began the meeting at 12:00 pm.

1. Approve previous meeting minutes.

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

Motion carried unanimously.

2. Review Draft Pesticide/ Fertilizer Resolution and Ordinance.

The Committee reviewed the draft ordinance and resolution.

The Committee discussed the inclusion of a ban on fertilizer use during the summer months in the ordinance. Councilor Cahan suggested removing the prohibition on using fertilizers during the summer months from the ordinance due to her concern that the public first needed extensive education for a year to understand when fertilizers are effective and when they have no use and simply hurt the soil. She suggested adding a third section to the “be it resolved” section of the resolution, “The Town Council will assess annual data on fertilizer and pesticide use as well as evaluate the effectiveness of the educational campaign to determine if future regulations are warranted.” The committee desired put a summer fertilizer use ban in place after the education campaign.

Those present discussed creating a pre-and post-education campaign survey. Ms. Darling will discuss this with Macie Kaplan who is assisting with the education campaign marketing.

Councilor Asherman asked about farmers spreading manure on their fields in the winter. Ms. Darling said that commercial agriculture will be exempt from the ordinance.

Those present discussed where the ordinance might fit in the Code of Ordinances. Ms. Darling will talk with Ethan Croce, Community Development Director.

The Committee reviewed the violations section of the ordinance. The new language includes a not to exceed number for the fines for violation. This will provide staff with discretionary authority. Those present discussed a fine amount of not more than \$500 for the first violation and not less than \$250 but not more than \$1,000 for the second violation. Those present also discussed how first and second violations would be defined for the application violation. The Committee decided to change the fertilizer application violation language to, “A commercial applicator who violates the fertilizer use restriction requirements contained herein shall be subject to a penalty per application of not more than \$500 for the first violation, and for each subsequent violation, shall be subject to a penalty per application of not more than \$1,000 plus costs and attorneys’ fees.

Ms. Darling said that she is working on setting up the online reporting form.

Councilor Hemphill motioned a recommendation that the Committee forward the ordinance and resolution for introduction to the Council at the December 9, 2019 meeting; Councilor Asherman seconded. Ms. Lightbody and

Ms. Darling will deliver a presentation at the meeting providing information on the ordinance development process and the final ordinance and resolution. Motion carried 3-0.

Tentatively, the public hearing on the ordinance will be held on January 13, 2020 and the Council will vote on the ordinance and resolution at the January 27, 2020 meeting.

3. Next meeting date

The Committee decided to cancel the December 11 meeting. The next meeting will be held on January 16, 2020 at 8:00 am.

The focus will be short-term rental regulation. At this meeting, the Committee will also select dates for the rest of the Council year.

4. Adjourn

Councilor Hemphill motioned to adjourn; Councilor Asherman seconded. Motion unanimously.

The meeting adjourned at 2:00 pm.

Minutes prepared by Marguerite Fleming.