

Ordinance Committee Minutes

January 16, 2020

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

Councilor Cahan began the meeting at 8:00 am.

1. Approve previous meeting minutes.

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

Motion carried unanimously.

2. Discussion of Amendments to Ordinance for Pesticide and Fertilizer Regulations.

Those present reviewed a revised draft of the ordinance. Proposed revisions included adding exemption language regarding application in Maine Public Utilities Commission, MaineDOT, and Maine Turnpike Authority rights of way, changes to the definition of commercial applicator, changing “commercial applicator” to “sole proprietor or business entity” in the registration, reporting, and violations sections, changing the fertilizer reporting date to by month, and clarifying the reporting exemptions.

Those present discussed the right of way exemption. The Committee felt comfortable exempting right of way applications. Ms. Lightbody will ask the MaineDOT and Maine Turnpike Authority about what kinds of chemicals are being applied, the quantity of application, and the intended purpose of application.

Those present discussed the revised commercial applicator definition. The Committee was comfortable with the definition with and/or added to “whose use or application of pesticide and/or fertilizer is provided as a service for which compensation is received.

Ms. Lightbody will ask Mr. Batson why he suggested removing “copy of his commercial applicator’s license” from the registration and reporting sections.

Those present discussed the registration fee amount. The Committee decided to leave the registration fee at \$50 annually.

Those present discussed whether to change the date and location of application reporting requirements. Concern was expressed regarding the burden that reporting by date might pose for applicators and Town staff. Ms. Lightbody and Ms. Darling will speak further with the commercial applicators regarding what their logs look like. Ms. Darling will also follow up with Portland and South Portland as they are also requiring reporting. The Committee decided to keep the requirement for two different reports with date and location of application; one for pesticides and one for fertilizers. The Committee decided to keep the date of application requirement for both pesticide and fertilizer by date. Those present discussed having the Town provide a reporting template both in paper and electronic form. Those present also discussed including a list of registered applicators on the living lawns campaign site and the sustainability business page.

Those present discussed whether the type of fertilizer reporting requirement should be broken down further like it is for pesticides in bullet d. Ms. Darling and Ms. Lightbody will discuss the wording with the commercial applicators.

The Committee decided to change the Sec. 21-6 title to “Pesticide and Fertilizer Registration and Reporting Exemptions.” The Committee decided to move the right of way exemptions to Sec. 21-6. Sec. 21-6 will be divided into two sections “lands” and “activities or materials.”

The Committee discussed potentially re-introducing the ordinance at the January 27 Council meeting. Ms. Fleming will confirm the Council schedule with Mr. Poore and will create a red-lined draft.

3. Introduction of Proposed Ordinance to Prohibit the Sale of Plastic Straws.

Ms. Darling delivered a presentation on plastic straw regulation. She outlined Portland’s ordinance. She said that Portland’s ordinance also includes a ban on plastic coffee stirrers and splash sticks. REAC met with businesses regarding plastic straw use. Of the 25 Falmouth businesses outreached, 14 use plastic straws, 5 have moved to request only, and 6 have stopped using plastic straws. She said that REAC is recommending a ban with a suggested implementation date of January 1, 2021. She discussed concern amongst businesses regarding the cost of compostable straws and an idea that the Town could work with businesses to purchase compostable straws in bulk.

The Committee asked Ms. Darling to gather data on the cost of compostable straws. Ms. Darling will send the draft ordinance to the Committee for review in advance of the January 30, 2020 meeting. Ms. Darling will not be able to attend the meeting. Donna Cheney will attend on her behalf.

4. Next meeting date

The next meeting is scheduled for January 30, 2020 at 8 am. The agenda will include a review of the draft plastic straw ordinance and an update on the short-term rental public forum.

5. Adjourn

The meeting adjourned by consensus at 10:05 am.

Minutes prepared by Marguerite Fleming.