

TOWN OF KENNEBUNK
CONSERVATION AND OPEN SPACE PLANNING COMMISSION
SPECIAL MEETING 2/29/2016
MINUTES

I. CALL TO ORDER

On February 29, 2016 at 6:00 p.m. in Room 300 of the Town Hall, Ellen Wolf, Chairman of the Conservation and Open Space Planning Commission for the Town of Kennebunk, called to order the Special Meeting.

Present: Ellen Wolf, Chair; Nick Branchina, Vice Chair; Jen Shack, Debbie Beal, Selectman Representative

Guest: Mat Eddy, Director of Economic Development, Town of Kennebunk

March meetings: Monday March 7, 2016 @ 6:00 pm
Monday March 21, 2016 @6:00 pm

II.

III. PEST MANAGEMENT ORDINANCE DISCUSSION

13 members of the public representing Landscapers, Property Managers, Golf Club Grounds Managers & Pest Control Managers came to our meeting. 6 of these professionals had attended a previous COSPC meeting on February 1, 2016.

The following items represent responses to the concerns and questions that these professionals have about the Ordinance we are currently considering:

- A. What specific applications does this Ordinance refer to?
It refers to all applications of all pesticides, both synthetic & organic.
- B. Does this Ordinance include both inside & outside applications i.e. ants?
The Ordinance applies to both inside & outside applications. And, reports must include inside & outside applications.
- C. Who will record the data? Should the Recorder have a background in pesticides?
Right now, COSPC seems to be the Recorder.
- D. Do you see liability problems relative to privacy issues as an unintended consequence of recording information about a homeowner's land?
COSPC will ask the Town lawyer.
- E. Why do applicators have to post a sign 48 hours prior to an application? Rain and/or wind greatly affect any pesticide application. This requirement would mean spending a lot of time removing irrelevant signs and then re-posting them.
COSPC will not include this requirement in the ordinance.
- F. It seems that the burden of the Permit process is on legal applicators. Does this Ordinance address unlicensed applicators?
COSPC will ask the Town lawyer how we might do so.

- G. Are there any consequences for homeowners who hire unlicensed applicators?
Not at this time.
- H. If homeowners can't hire an unlicensed applicator, there could be an increase in homeowners applying pesticides themselves. Does the Ordinance include homeowners?
COPSC will refer this issue to the Town lawyer.
- I. Licensed applicators already pay for their training, certification, license and insurance. Paying for a Town Permit feels like a burden. Registration without paying could actually be something like a Town Angie's list.
COSPC will consider this.
- J. Could waivers include Garden Centers, the Sod Farm, commercial farmers?
COSPC will discuss appropriate waivers with the Town lawyer.
- K. What pesticides do the water samplers test for?
Currently, the EPA only allows us to test for glyphosate although there are many newer pesticides that are used. We will be looking for labs that can test for additional pesticides.
- L. What does the Town use on the space between the curb and the street to control plant growth?
The Town uses vinegar.
- M. How are you going to enforce this Ordinance? Are there any funds for enforcement and an education program?
COSPC is still considering this. Enforcement is a critical issue and we are aware of Ordinances that aren't enforced i.e., the Dog Ordinance.
- N. The applicators offered to help with an Education Program. They have heard that the Board of Pesticide Control may have some funds for public education.
- O. The applicators feel that bans encourage homeowners to apply pesticides themselves and that they don't want others to know what is going on in their own property.
- P. Do you want the chemical or trade name on the sign?
COSPC prefers the chemical name (but we could settle for the trade name).
- Q. A CC member asked the applicators for their opinion about the 'Lawns For Lobsters' program in Kennebunkport.
The applicators said it wasn't based on any scientific data.

IV. WRAP-UP WITH APPLICATORS

The Applicators thanked the Commission, Mr. Eddy and Ms. Beal for an open process that encouraged them to express their concerns and opinions. This process was different from a business point of view and made them feel included in the community. We, in turn, thanked them and said that we would include their comments in our decisions. Debbie Beal, the Selectman advisor to COSPC, reviewed the process for any proposed Ordinance. COSPC will let the applicators know about the public hearings.

V. WRAP-UP WITH COSPC, BEAL & EDDY

- Perhaps there should be a Policy instead of an Ordinance
- Maybe COSPC should just have a Pest Management Education Program in which our responsibilities must be clearly outlined
- Our Education Program might not be one that the applicators expect
- We could register all the licensed applicators in York county as part of an Education Program
- If we have an Ordinance, we must keep the "Reporting" section

The Commission adjourned its meeting at 7:50 p.m.

Ellen Wolf, Chair

Kennebunk Conservation and Open Space Planning Commission

Minutes Approved: Ellen R Wolf 3/9/16