



Cape Elizabeth Town Council

Special Meeting Minutes

Wednesday, March 1, 2023

7:00 p.m. Town Hall Council Chambers

Jeremy A. Gabrielson, Chair
Nicole Boucher
Susan A. Gillis
Caitlin R. Jordan
Penelope A. Jordan
Gretchen R. Noonan
Timothy S. Reiniger

The meeting was convened at 7:00 p.m. by Chair Jeremy A. Gabrielson.

Roll Call by the Town Clerk

All members of the town council were present except Councilor Susan Gillis.

Debra M. Lane, Town Clerk

Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

Citizen Opportunity for Discussion of Items Not on the Agenda

No comments.

Public Hearing Regarding a Citizens Petition Relating to the Enactment of a Residential Pesticide Use Ordinance

Chair Gabrielson opened the public hearing at 7:03 p.m.

Richard “Nick” Bryant Jensen Baird, 55 Spurwink Avenue on behalf of Organic Cape and principal drafter of the proposed ordinance said there is strong public support for a pesticide ordinance. The ordinance creates a baseline for the town to create additional provisions perhaps to include some of the exclusions in the proposed ordinance. The preference of the organizer is for the council to adopt the ordinance however if a public vote is needed, a vote in June is requested.

Erik Lema, 32 Brentwood Road and small business owner in vegetation management. Concerned about unintended consequences. Some towns with a pesticide ordinance are too restrictive to work in. Plea for caution. Take a measured approach. Not for or against the ordinance as there is not yet enough information.

Mary Ann Lynch, 2 Olde Colony Lane supports the idea of reducing toxins however the proposal is problematic. Take the next few months to study the issue with public input. Why exclude some? Who is behind this? Encourages a public vote in November.

Linda Malmquist, 8 Kettle Cove Road embraces organic land practices. Sees the spraying of Maxwell’s field across from the Apple Tree School. Supports council approval of the ordinance and extending the requirements.

Nancy Ross, 12 Elmwood Road moved into Cape Elizabeth and was distressed to see all of the signs for pesticide applications throughout town. Health dangers from pesticides. Pesticides are not needed for private lawns and landscape. Farmers are careful – big difference between farmers and homeowners applying pesticides. Supports the council approving the ordinance.

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Enrico Perruzzi, 1131 Sawyer Road and licensed applicator. See recent letter to the council. To control non-licensed applications, product will need to be pulled off the shelves. Education is the key. Encourages public education before a referendum.

Edward Cote CEO Mainley Grass, lives in Portland. Serves about 100 homes in Cape Elizabeth. Only uses products approved by the Maine Pesticide Control Board. Licensed applicators do not want to cause harm. More often in towns with an ordinance, more harm is caused and it's expensive and challenging for towns to enforce.

Philip Roberts 4 Arlington Lane, Broadway Gardens. Thoughts are based on the principle of socially responsible spraying and integrated pest management. If a pesticide must be used, organic or synthetic, find the least toxic. Review of products should be looked at whether organic or synthetic. Follows through with principles of Rachel Carson. The proposed ordinance is not the best for the community due to unintended consequences. Think first, spray last.

Aaron Dostie, owner of Turf Doctor, 25 years in the industry. Going from town to town with these ordinances, where will it end. From an applicators point of view, it is lack of education. What is the problem trying to be solved? Pesticides are already being regulated at the federal and state level; what do you believe is already not valid. The ordinance is backwards. The ordinance doesn't regulate public spaces where the most concentrated amount of people are but it regulates a household of 1-4 people. Education is needed.

Katie Campbell, Topsham resident asked why the town isn't being held to the same standards. Homeowners can buy and apply pesticides which is more of a problem than licenses applicators. Invasive plants need to be controlled.

Nancy Ross said claims can't be made that pesticides are safe – they are poison. The town has the opportunity to pass the ordinance. Education is needed.

Richard Bryant clarified the town council's role. Once passed, the council can adopt a more comprehensive and restricted ordinance.

Heather Spalding, Maine Organic Farmers & Gardeners Association stated there are 195 Cape Elizabeth members. The association is available as a resource. Encourages organic land management practices.

Philip Roberts said some families need to keep away ticks and poison ivy and will need to use some type of product.

Aaron Dostie said there is a misinterpretation of the public when they see lawn care signs. It could be a very small area being treated however a sign is still required.

Adriane Herman, 72 Long Point Lane look at the EPA is a travesty. Look to Maine to be a leader.

After hearing no further comments the hearing was closed at 7:54 p.m.

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Item #46-2023 Citizens Petition Relating to the Enactment of a Residential Pesticide Use Ordinance

The town council will vote on the referendum date for the citizens' petition on March 13. In addition the council requested an item to consider referring the proposed ordinance to the Ordinance Committee for further examination and public process. By charter, the council may adopt the ordinance prior to a public vote. It was also discussed, whether or not a referendum passes, the council will have an idea whether there is support for changes or enactment of an ordinance if the referendum fails.

Public Comment

Richard Bryant said the language in the ordinance may be modified to clarify definitions, for example, as long as the intent isn't changed. He is willing to consider changes proposed by the town attorney.

Enrico Perruzzi suggested a working group to look at all sides. There is a pesticide notification registry that the public can sign up for through the State of Maine.

Jessie O'Brien, resides in Portland, speaking as a member of the IMP Council (Dept. of Agriculture, Forestry and Conservation) delighted to see various organizations listed and referred to in the ordinance. They are fair, educated and balanced and you should reach out to them as you review the ordinance.

Bill Bamford, Maxwell's Farm 112 Spurwink Avenue stated whether the town adopts an ordinance, we are aware of state and federal regulations. We are careful and in contact with neighbors so they know what they are doing. What is applied on my property, stays on my property.

Andrew Baxter, Master Applicator by the State of Maine said 60% of pesticides are used by residents, unlicensed, on their property. Chances are they are not using the right calculations to apply the product. Products have improved greatly over time to be safer. Contact Falmouth to see what they are doing. Applicators will address problems, remove harmful products if there is evidence to do so - they care about the environment.

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.

None

Adjournment

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 8:33 p.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk