



**SELECT BOARD MEETING
MONDAY, APRIL 26, 2021
EXECUTIVE SESSIONS: 5:00 P.M.
REGULAR MEETING: 6:00 P.M.**

ZOOM ONLY

(If you wish to attend via Zoom, please email the Town Manager at kgeorge@thomastonmaine.gov or visit the calendar on the Town website at www.thomastonmaine.gov for the meeting link.

EXECUTIVE SESSIONS BEGINNING AT 5 P.M.

- 1. Pursuant to MRS Title 1, §405 (6D), to discuss the Fraternal Order of Police bargaining agreement.**
- 2. Pursuant to MRS Title 1, §405 (6C), to discuss a property foreclosure.**
- 3. Pursuant to MRS Title 1, §405 (6A), to discuss a personnel matter.**

SELECT BOARD REGULAR MEETING AT 6 P.M.

- 1. CALL THE MEETING TO ORDER**
- 2. PUBLIC HEARINGS:**
- 3. APPROVE THE MINUTES OF:**
- 4. APPROVE THE WARRANTS**
- 5. ADJUSTMENTS TO THE AGENDA**
- 6. TOWN MANAGER'S REPORT**
- 7. TOWN BOARDS & COMMITTEES UPDATE**
- 8. PUBLIC COMMENTS**
- 9. OLD BUSINESS**

10. NEW BUSINESS

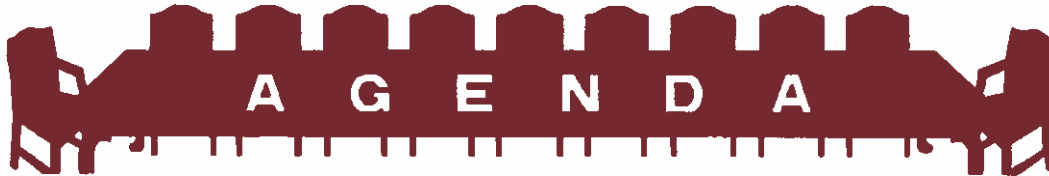
- A. Consider the request of Daryl Hahn to change the date of the Community Picnic at the Thomaston Green and bandstand from May 30th to May 31st.**
- B. Discuss the next steps for a Pesticide Ordinance per the request of Select Board member Zel Bowman Laberge.**
- C. Review Town Hall Streams proposal for live streaming of town meetings.**
- D. Accept with regret the resignation of Mary Rita McDevitt from the Conservation Commission.**

11. ADJOURN

Upcoming Dates:

- | | |
|--|--|
| Wednesday, May 5th at 6 p.m. | Select Board Public Hearing for Town Meeting Warrant Articles |
| Monday, May 12th at 6 p.m. | Regular Select Board Meeting |
| Thursday, May 13th at 6 p.m. | Select Board Public Hearing for Town Meeting Warrant Articles |

Diane Giese – Zel Bowman-Laberge- Sandy Moore- Bill Hahn - Peter Lammert



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ADJUSTMENT:

Discuss broadband per the request of Economic Development Specialist Brian Doyle

How to join a Zoom meeting on desktop by downloading the app

1. [Download the Zoom desktop app](#) on your Mac or PC.
2. Open the Zoom app.
3. Click join a meeting.
4. Enter the meeting ID and your name, and set audio/video permissions.

How to join a Zoom meeting on desktop via meeting invite link

1. Click on the meeting invite URL that the host shared via email or text.
2. Open the Zoom app.
3. Approve the request for permission to use your computer's audio and camera.

Depending on the meeting's set-up, you may enter the meeting right away, you may need to wait for the host to arrive first or you may be placed into a waiting room that the host controls.

Once you're in the meeting, learn [how to see everyone on Zoom](#) in the grid format.

How to join a Zoom meeting through a web browser

You don't need to install any extra software to join or even host a Zoom meeting. You can do it all through a web browser.

1. Click on the meeting invite URL that the host shared via email or text.
2. A new tab will open on your preferred web browser. If you don't have the Zoom desktop app installed, the page will urge you to download the app.
3. Ignore that and skip down to the small print: "If you cannot download or run the application, join from your browser."
4. Click the highlighted text in "join from your browser".
5. Sign in with your name to join the meeting.

How to join a Zoom meeting on mobile (iPhone, Android)

1. Download the [Zoom app for iOS](#) or for [Android on Google Play](#), and set it up using your contact information — which the host can use to "call" you. Then, either
2. Your app will ring when the host "calls" you (*Accept the call*)
or
3. Open the mobile app.
4. Tap on "Join a Meeting."
5. Enter the meeting ID and your name and set audio/video permissions.
or
6. Tap on the meeting invite URL that the host shared via email or text, which will open the Zoom app. *The app may ask for permission to use your phone's camera.*

Again, depending on the meeting's set-up, you may enter the meeting right away, you may need to wait for the host to arrive first or you may be placed into a waiting room that the host controls.

[How to join a Zoom meeting | Tom's Guide](#)

Fire & EMS Building Committee

Last week, we had our first Fire & EMS Building Committee meeting. Our next meeting is May 27th. We have 7 people from the Fire & EMS department that want to be actively involved in the process. Their assignment before the next meeting is to visit several Fire & EMS stations in Maine that were recently built to tour the buildings and talk to other municipalities to see what they liked, didn't like, what the challenges were, what they would've done differently, etc. I will be working on a directive to present to the Select Board for review in the coming weeks. I am also waiting to receive a copy of the Fire Station study from Architect John Hansen that was completed some years ago on the current building located at Knox Street.

Emergency Management Performance Grant

Ray Sisk from Knox County EMA has reached out concerning the upcoming Emergency Management Performance Grant. He feels Thomaston is a prime candidate in needing a generator for the municipal building. I have drafted a letter of interest to Ray and will keep the Board posted as I learn more. The letter outlines the needs for a generator to use the building as a warming center for the community, housing the Thomaston Food Pantry and for the Thomaston Police Department.

Other

I have been participating in many meetings lately. Watts Block Trustees, DEP, Economic Development Committee, etc., to name a few. I attended the MMA Personnel Practices workshop and will be attending several workshops in the next few months, all classes that were canceled last year.

Now that the budget is finished, it's time to concentrate on union bargaining agreements. On Tuesday, we have our first negotiation meeting with Teamsters.

Additionally, I will start putting together annual performance reviews in the next two months.

Office Staff and I are busy preparing the annual report to go to the printer.

Kara George

From: Zel Bowman-Laberge
Sent: Tuesday, April 20, 2021 4:52 PM
To: Kara George; Peter Lammert; peter.lammert@myfairpoint.net; Bill Hahn; bill@tidalworksthomaston.com; Diane Giese; Sandy Moore
Subject: FW: Town of Thomaston PESTICIDE USE
Attachments: Thomaston Pesticide Ordinance DRAFT.pdf

Hi All –

Noreen has done some initial work on the Pesticide Ordinance (draft attached) which I think is a good start and would like to see on the agenda for our next SB meeting so we can discuss the process for moving this to the voters for next June?

Please let me know if there are any questions/concerns.

Many Thanks,
Zel

From: Noreen Mullaney <noriemulley@gmail.com>
Sent: Friday, April 16, 2021 6:40 PM
To: Zel Bowman-Laberge <zbowmanlaberge@thomastonmaine.gov>
Subject: Town of Thomaston PESTICIDE USE

Hello Zel,

I have attached a draft for the Pesticide Use Ordinance. I would like to get this on the next agenda. Please look it over and let me know what questions you think the Board would have for me. Any questions you think may come up would be helpful to know so I can get answers for them.

Thank you
Noreen

--
Noreen Mullaney
(207) 691-5015

Every time you spend MONEY you're casting a vote for the kind of world you want.

~Anna Lappe

**Thomaston Code
PESTICIDE USE**

4-16-21 Draft for
Thomaston Select Board

WHEREAS, the Town of Thomaston wishes to protect the quality of St. George River and other waterways that support the economic vitality of local fisheries and the working waterfront; and

WHEREAS, the Town of Thomaston recognizes that healthy soils and waterways serve as the foundation for vibrant ecosystems and pest-resistant plant life; and

WHEREAS, the Town of Thomaston wishes to promote land care practices that promote the development of healthy soils to minimize the need to apply pesticides to control unwanted pests; and

WHEREAS, the Town of Thomaston also recognizes that there may still be a need to manage pests to protect public health and safety, wildlife, our environment and Towns assets; and

WHEREAS, many synthetic pesticides are harmful to humans, pets, wildlife, pollinators, including threatened and endangered species, soil microbiology, plants, and natural ecosystems; and

WHEREAS, many citizens desire to be protected from exposure to pesticides in the air, water or soil that may result from chemical drift and contaminated runoff; and

WHEREAS, the use of pesticides has been known or suspected to cause serious health problems and is not necessary to grow and maintain green lawns and ornamental landscapes, given the availability of organic alternative practices and products; and

WHEREAS, a growing number of communities and municipalities including the Town of Thomaston are embracing a precautionary approach to the use of pesticides in order to adequately protect people and the environment from their harmful effects; and

WHEREAS, the intention for compliance with this ordinance is to promote and reinforce good practices through education rather than through punishment; and

WHEREAS, the State of Maine allows municipalities, through their home rule authority, to enact ordinances dealing with municipal affairs pursuant to 30-A M.R.S. §3001;

NOW THEREFORE BE IT ORDAINED BY THE SELECT BOARD OF THE Town of Thomaston that the Thomaston Code for Pesticide Use is hereby adopted to read as follows:

**Town of Thomaston CODE
PESTICIDE USE**

Sec. #-##. Title.

This chapter shall be known as the Town of Thomaston Pesticide Use Ordinance (hereinafter, the "Ordinance").

Sec. #-##. Purpose.

The purpose of this ordinance is to safeguard the health, safety and welfare of the residents of the Town and to conserve and protect the Town's waterways, groundwater, estuarine, marine and natural resources by curtailing the use of pesticides for turf, gardens, landscape and outdoor pest management while ensuring preservation of the land.

Sec. #-##. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the following meaning:

MOFGA Maine Organic Farmers and Gardeners Association

USEPA means the United States Environmental Protection Agency

40 CFR 125.25 A USEPA Federal regulation on pests

USDA United States Department of Agriculture

USDA National Organic Program United States Department of Agriculture organic regulations

Organic Materials Review Institute An organization that offers ways to be certified organic

FIFRA means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq.

Invasive Species means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

"The National List" A United States Department of Agriculture National List of Allowed and Prohibited substances

Natural, organic or "non-synthetic" means a substance that is derived from mineral, plant, or animal matter and does not undergo a "synthetic" process as defined in the Organic Foods Production Act, 7 U.S.C. § 6502(21), as the same may be amended from time to time.

Organic pest management means the act of managing or controlling pests exclusively through the use of mechanical, cultural, or biological processes, or through the use of natural, organic, or non-synthetic substances.

Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the USEPA. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means the pests listed by the USEPA, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Synthetic means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring sources, except that such term shall not apply to substances created by naturally occurring biological processes.

Sec. #-#-. Provisions.

The following provisions shall apply to all outdoor pest management activities conducted within the boundaries of the Town of Thomaston, on both public and private land.

Sec. #-#-. Permitted.

1. Use or application of organic pest management products;
2. Use or application of natural, organic lawn care protocols;
3. All control products and soil amendments, including fertilizer and compost, used under the terms of this article shall be in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association (MOFGA) Certified Farms, and/or products permitted by the Organic Materials Review Institute or the USDA National Organic Program or other like entity providing the most stringent standards;

Sec. #-#-. Prohibited.

Prohibited Pest Management Activities and/or materials:

1. Use or application of Synthetic substances;
2. Use or application of chemical pesticides, other than pesticides classified by the US Environmental Protection Agency as exempt materials under 40 CFR 152.25, and those products prohibited by the Organic Materials Review Institute;
3. Use or application of Non-synthetic substances specifically listed as "prohibited" on the Department of Agriculture's "National List" of Allowed and Prohibited Substances;
4. The use or application of pesticides (whether natural, organic, "non-synthetic," synthetic or otherwise) within seventy-five feet of a water body or wetland.

Sec. #-#-. Exemptions.

A) The following situations are exempt from the provisions of this Ordinance if pesticides and applications are used in the manner specified by the manufacturer:

1. Drinking water and wastewater treatment;
2. Pet supplies, such as shampoos and tick and flea treatments;
3. Disinfectants, germicides, bactericides, miticides and virucides;
4. Insect repellents;
5. Swimming Pool supplies;
6. Contained baits or traps for rodent control; indoors only;
7. Right-of-way applications: Prohibited pesticides may be used by a public utility that maintains a right-of-way through the City;
8. Use of pesticides classified by the USEPA as exempt materials under 40 CFR 152.25 or pesticides permitted by the Organic Materials Review Institute.

B) The following situations may allow restricted pesticide use, provided the application is used in a manner specified by the manufacturer, and there is no alternative. In addition, the kind, method, location and duration of control shall be reported prior to application, in writing to the Town Manager.

1. Noxious Growth: Control of plants poisonous to the touch such as poison ivy, poison oak, poison sumac;
2. Invasive Species: Control of invasive species that may be detrimental to the environment;
3. Mandatory Applications: Use of pesticides mandated by state or federal law or required by an order or decision from a court or state or federal board or agency;
4. Health and Safety: Control of insects that are venomous or disease carrying.

Sec. #-#-. Pest Management Advisory Committee.

The Pest Management Advisory Committee is hereby established. Composition and responsibilities are described in the City Governance Ordinance #-#-#.

Sec. #-#-. Waivers.

(a) In situations that constitute an emergency, threaten the public health, safety or welfare, or that require the control of invasive species that pose a threat to the environment, beyond what is exempted in the above Section #-# Exempt, persons shall apply to the Code Enforcement Officer for a waiver from the provisions of this ordinance prior to the use/application of a prohibited pesticide. The presence of weeds or common fungal diseases in the usual course of turf maintenance shall not constitute an emergency.

(b) The waiver application form shall be obtained from and filed with the Code Enforcement Officer. The Code Enforcement Officer will review the waiver application and shall issue a written decision within ten (10) days and provide a copy to the applicant and the Town Manager.

(c) The waiver application shall include the following information:

1. The reason for requesting the use/application of a prohibited pesticide;
2. What pesticide(s), when, where it is to be applied, how it is to be applied and how long a prohibited pesticide is to be used.

d) The waiver determination shall be based on the following criteria:

1. The pest situation presents 1) an immediate threat to human health or environmental quality, or 2) an immediate threat of substantial property damage or loss; and
2. Viable alternatives consistent with this ordinance do not exist.

e) The first year of enactment will provide for a grace period whereby waivers will be automatically approved with proper application, unless the request is noted as being extremely dangerous. In this first year, the number and nature of waivers will be tracked to inform the process thereafter.

f) A waiver is granted to the(I'm not sure if we need to list Dragon here).... pending their transition to compliance with this ordinance.

Sec. #-#-. Violations and Appeals.

Any citizen may report alleged violations to the Code Enforcement Officer. To encourage compliance, information of acceptable alternatives will be provided to the alleged/confirmed offender. If confirmed violations continue the Code Enforcement Officer is authorized to declare the behavior a civil offense and processed accordingly. If any violator wants to appeal their case, it will be brought to the courts.

Sec. #-#-. Severability.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Sec. #-#-. Conflicts with Other Ordinances.

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive chapter, article or ordinance of the Town of Thomaston Code shall control.

Sec. #-#-. Effective date; Applicability dates.

In order to allow time for residents and businesses to become familiar with the requirements of this ordinance, the prohibitions on the use of certain products and/or applications (and the related public notification, signage and reporting requirements) shall be effective January 1, 2022.

Kara George

From: Peter Lammert <peter.lammert@myfairpoint.net>
Sent: Wednesday, April 21, 2021 8:06 AM
To: Zel Bowman-Laberge; Kara George; Peter Lammert; Bill Hahn;
bill@tidalworksthomaston.com; Diane Giese; Sandy Moore
Subject: Re: FW: Town of Thomaston PESTICIDE USE

Zel and all, in further rereading the document, I find on page three, top of the page under the definition of "pesticide" see the last short sentence- "Herbicides, fungicides, insecticides, and rodenticides are considered pesticides."

I don't know where or who crafted this sentence but I don't believe you can put all of these "eggs" in the same basket. I believe the State of Maine requires different licenses for applying-commercially- each one of these.

This is why the dog poop ordinance only applies and does not include human, cat, horse, birds (seagulls?) chickens ad- nauseum.

If a city (see page 4 under Sect." PEST MANAGEMENT ADVISORY COMMITTEE", the word "CITY" is used) has people knowledgeable about the subject, that may fly but I know of no one in Thomaston that knows this stuff, works with it and more importantly, has a state license to apply same.

Regards, Pete L.

On Tue, 20 Apr 2021 20:52:17 +0000, Zel Bowman-Laberge
<zbowmanlaberge@thomastonmaine.gov> wrote:

Hi All –

Noreen has done some initial work on the Pesticide Ordinance (draft attached) which I think is a good start and would like to see on the agenda for our next SB meeting so we can discuss the process for moving this to the voters for next June?

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~Anna Lappe

Kara George

From: Peter Lammert <peter.lammert@myfairpoint.net>
Sent: Tuesday, April 20, 2021 9:07 PM
To: Zel Bowman-Laberge; Kara George; Peter Lammert; Bill Hahn;
bill@tidalworksthomaston.com; Diane Giese; Sandy Moore
Subject: Re: FW: Town of Thomaston PESTICIDE USE QUICK READ OF THE PROPOSED
ORDINANCE

In the section EXEMPTIONS top of page 4, Section A item 7 this sounds like a HERBICIDE, not a pesticide. No public utility that I know of has ever applied a pesticide. MDOT does (or did) use herbicides every summer. That's what turns the staghorn sumach a brilliant red-orange along Route 1.

SECTION B item 1. You cannot control poison ivy with a pesticide, again that needs a herbicide. Item 4-When I am called upon by someone who knows I'm a beekeeper to come and get a bee's nest out of the peak of their building, 9 out of 10 times its a bald face hornet's nest and I use the Wasp Stopper 20 foot spray to kill the nest. If you think I am going to get a "permit" from Bill Wasson to kill it, you have another think coming. The job just went from a freebie to a cost-plus job I don't think combining pesticides and herbicides in the same ordinance is wise. I use Round-up around my house and use it to kill poison ivy in the cemetery.
Regards,Pete I.

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Thank you

Noreen

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Noreen Mullaney

(207) 691-5015

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~Anna Lappe

General Assistance (GA)

As noted above, only the municipal officers may adopt a GA ordinance, and every town must have one. The ordinance and any amendments must be filed with the Commissioner of Health and Human Services *after* adoption. 22 M.R.S. § 4305(4). If the municipal officers adopt MMA's model GA ordinance, DHHS staff, for their part, are content if the municipal officers file a certificate reporting their adoption of the model or of a specified set of model amendments to it, rather than the full text originals, even though the statute does not expressly authorize this substitute filing. Note that the filing requirement also applies to annual updates to the maximum levels of assistance.

Pesticides

Notice and a copy of an ordinance regulating storage, distribution, or use of pesticides must be provided to the Board of Pesticide Control at least seven days before adoption. The clerk must also notify the Board of adoption within 30 days after the town meeting or secret ballot referendum that adopts such an ordinance. Any provision that specifically applies to storage, distribution, or use of pesticides by law must be considered void and of no effect after the deadline for filing and until the Board is given proper notice and the ordinance is filed with the Board. 22 M.R.S. § 1471-U(3) and (5). For the purposes of this law, "pesticide" is defined as "any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any 'pest,' and any substance or mixture of substances intended for use as a 'plant regulator,' 'defoliant,' or 'desiccant.'" 22 M.R.S. § 1471-C(19) (the quoted terms are each defined by Section 1471-C).

The Board of Pesticides Control is attached to the Maine Department of Agriculture, Conservation and Forestry. The Board may be contacted by mail at 28 State House Station, Augusta, Maine 04333-0028, or by telephone at (207) 287-2731, or by email at: pesticides@maine.gov. The web address is: <https://www.maine.gov/dacf/php/pesticides/>.

Shellfish Conservation

Title 12 M.R.S. § 6671 establishes municipal authority to adopt shellfish conservation ordinances within certain limits outlined in the statute. For example, resident and non-resident shellfish harvesting license fees, the notice and application process regarding the issuance of municipal shellfish harvesting licenses, and the financial penalties for violation of the municipal ordinance are all controlled by statute. Applicable limitations and standards are set forth in Section 6671.

OCT 23 2014



City of Rockland

270 Pleasant Street
ROCKLAND, MAINE 04841

(207) 594-0304

FAX (207) 594-9481

e-mail: ssylvester@ci.rockland.me.us

Rockland, City of Promise --- Gateway of the Penobscot

Stuart H. Sylvester
City Clerk

October 22, 2014

Henry Jennings, Director
Board of Pesticides Control
28 State House Station
Augusta, Maine 04333-0028

Dear Mr. Jennings,

Pursuant to 22 M.R.S Section 1471-U, please be advised that the attached Ordinance regarding the use of pesticides and herbicides in the City of Rockland was adopted by the Rockland City Council at its Regular Monthly Meeting held on October 15, 2014 and will become effective on November 14, 2014. If you have any questions please feel free to contact this office at the number or address above.

Sincerely,

Stuart H. Sylvester
Rockland City Clerk

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #30
IN CITY COUNCIL

September 8, 2014

ORDINANCE AMENDMENT: Municipal Use of Pesticides and Herbicides

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 13, Parks and Trees, BE AMENDED AS FOLLOWS:

ADD:

ARTICLE IV Pesticide / Herbicide Usage on City-Owned Lands

Sec. 13-401 Purpose

The purpose of this chapter is to safeguard the health and welfare of the residents of the City of Rockland and to conserve and protect the City's ground water, estuarine, marine and other natural resources, while ensuring preservation and enhancement of City-owned lands.

Sec. 13-402 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Natural, organic land care: An extension of the principles and practices of organic agriculture to the care of turf and landscape.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and any nitrogen stabilizer. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency ("USEPA"). Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Sludge: As defined in 38 M.R.S. § 1303-C (28-A), as amended from time to time.

City-Owned Land: All land owned or leased by the City of Rockland and/or managed by or on behalf of the City, including outdoor grounds such as municipal facilities and lawns, parks, playing fields, cemeteries, the City Forest, and conservation and open space.

Pest: Any undesirable insect, plant, fungi, bacteria, virus or micro-organism.

Sec. 13-403 Permitted and Prohibited Uses of Pesticides / Herbicides.

The following provisions shall be applicable to all turf and landscape for outdoor pest management activities on City-owned land.

A. Permitted Uses:

- (1) Use or application of natural, organic land care protocols;
- (2) All control products and soil amendments, including fertilizer and compost, used under the terms of this article shall be in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association Certified Farms, and/or products permitted by the Organic Materials Review Institute or the USDA National Organic Program; and
- (3) Use or application of sludge or sludge-derived products to the extent permitted by the Maine Hazardous Waste, Septage and Solid Waste Management Act (38 M.R.S. §§ 1301, et seq.), the Protection of Natural Resources Act (38 M.R.S. §§ 480-A, et seq.), or the Site Location of Development Act (38 M.R.S. §§ 481, et seq.), and any rules related thereto, as amended from time to time.

B. Prohibited Uses:

- (1) Use or application of chemical pesticides, other than pesticides classified by the USEPA as exempt materials under 40 CFR 152.25, and those products permitted by the Organic Materials Review Institute; and
- (2) Use or application of sludge or sludge-derived products not listed as permitted above.

Sec. 13-404 Exemptions

The following processes are exempt:

1. Drinking water and wastewater treatment;
2. Indoor pesticide use;
3. Contained baits or traps for rodent control;
4. Use of pesticides classified by USEPA as exempt materials under 40 C.F.R. 152.25;
5. Pesticides permitted by the Organic Materials Review Institute;
6. Management of City-owned land not used or used infrequently by the public (roadway medians, for example);
7. Pesticide applications by owners or tenants of residential properties on landscaped areas within municipal rights-of-way;
8. Pesticide applications on City-owned land to control vermin or other infestations, which applications are, in the discretion of the City Manager, reasonably necessary to prevent the spread of such infestations or to protect the public health;

9. Control of poisonous or rapidly invasive plant species injurious to human health or the environment, using the least toxic product in accordance with USEPA protocols under 40 C.F.R. 152.5, the Maine Code of Regulations, Titles 7 and 22: "Use of Pesticides," and the Best Management Practices for the Application of Turf Pesticides and Fertilizers of the Maine Board of Pesticide Control.

Sec. 13-405 Emergency waiver

If the City Manager, applying the criteria set forth below, finds that there exists an emergency situation, the Code Enforcement Officer may, upon written request, grant a thirty (30) day temporary waiver authorizing of non-exempt pesticide(s). The waiver may be extended, but in no event shall the total waiver period exceed six (6) months. Waiver approval shall be subject to the use of the least toxic material available to address the given emergency. The presence of weeds or common fungal diseases in the usual course of turf maintenance shall not constitute an emergency.

The waiver determination shall be based on the following criteria:

A. The pest situation presents:

- (1) An immediate threat to human health or environmental quality; or
(2) An immediate threat of substantial property damage or loss; and

B. Viable alternatives consistent with this article do not exist.

Sec. 13-406 Enforcement and permits

Except with respect to the conduct of City of Rockland employees, this Article shall be enforced by the Code Enforcement Officer, in accordance with the provisions governing the enforcement of the property maintenance code set forth in Chapter 4. The City Manager shall be responsible for assuring compliance by City of Rockland employees with the provisions of this Article.

Sec. 13-407 Conflict and invalidity

If a conflict or inconsistency is found between this Article and other sections of the City Charter or Code of Ordinances, the terms of the stricter provision(s) shall prevail. The invalidity of a provision of this Article shall not invalidate any other provision of this article.

State Law Ref.: 30-A M.R.S. § 3001; 22 M.R.S. § 1471-U; 38 M.R.S. § 1310-U.

First Reading 9/8/14
 First Publication 9/15/14
 Public Hearing 10/15/14
 Final Passage 10/15/14
 Second Publication 10/23/14
 Effective Date 11/14/14

Sponsor: Councilor Dickerson
 Originator: Councilor Dickerson

**ROCKLAND CITY CODE
PESTICIDE USE**

2-10-2020 Draft for Ed Glaser

WHEREAS, the City of Rockland wishes to protect the quality of Penobscot Bay and other waterways that support the economic vitality of local fisheries and the working waterfront; and

WHEREAS, the City of Rockland recognizes that healthy soils and waterways serve as the foundation for vibrant ecosystems and pest-resistant plant life; and

WHEREAS, the City of Rockland wishes to promote land care practices that promote the development of healthy soils to minimize the need to apply pesticides to control unwanted pests; and

WHEREAS, the City of Rockland also recognizes that there may still be a need to manage pests to protect public health and safety, wildlife, our environment and City assets; and

WHEREAS, many synthetic pesticides are harmful to humans, pets, wildlife, pollinators, including threatened and endangered species, soil microbiology, plants, and natural ecosystems; and

WHEREAS, many citizens desire to be protected from exposure to pesticides in the air, water or soil that may result from chemical drift and contaminated runoff; and

WHEREAS, the use of pesticides has been known or suspected to cause serious health problems and is not necessary to grow and maintain green lawns and ornamental landscapes, given the availability of organic alternative practices and products; and

WHEREAS, a growing number of communities and municipalities including the City of Rockland are embracing a precautionary approach to the use of pesticides in order to adequately protect people and the environment from their harmful effects; and

WHEREAS, the intention for compliance with this ordinance is to promote and reinforce good practices through education rather than through punishment; and

WHEREAS, the State of Maine allows municipalities, through their home rule authority, to enact ordinances dealing with municipal affairs pursuant to 30-A M.R.S. §3001;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLAND that the Rockland City Code for Pesticide Use is hereby adopted to read as follows:

ROCKLAND CITY CODE

PESTICIDE USE

Sec. ##-##. Title.

This chapter shall be known as the City of Rockland Pesticide Use Ordinance (hereinafter, the "Ordinance").

Sec. ##-##. Purpose.

The purpose of this ordinance is to safeguard the health, safety and welfare of the residents of the City and to conserve and protect the City's waterways, groundwater, estuarine, marine and natural resources by curtailing the use of pesticides for turf, gardens, landscape and outdoor pest management while ensuring preservation of the land.

Sec. ##-##. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the following meaning:

MOFGA Maine Organic Farmers and Gardeners Association

USEPA means the United States Environmental Protection Agency

40 CFR 125.25 A USEPA Federal regulation on pests

USDA United States Department of Agriculture

USDA National Organic Program United States Department of Agriculture organic regulations

Organic Materials Review Institute An organization that offers ways to be certified organic

FIFRA means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 et seq.

Invasive Species means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

"The National List" A United States Department of Agriculture National List of Allowed and Prohibited substances

Natural, organic or "non-synthetic" means a substance that is derived from mineral, plant, or animal matter and does not undergo a "synthetic" process as defined in the Organic Foods Production Act, 7 U.S.C. § 6502(21), as the same may be amended from time to time.

Organic pest management means the act of managing or controlling pests exclusively through the use of mechanical, cultural, or, biological processes, or through the use of natural, organic, or non-synthetic substances.

Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the USEPA. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means the pests listed by the USEPA, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Synthetic means a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring sources, except that such term shall not apply to substances created by naturally occurring biological processes.

Sec. ##-##. Provisions.

The following provisions shall apply to all outdoor pest management activities conducted within the boundaries of the City of Rockland, on both public and private land.

Sec. ##-#. Permitted.

Use or application of organic pest management products;

Use or application of natural, organic lawn care protocols;

1. All control products and soil amendments, including fertilizer and compost, used under the terms of this article shall be in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association (MOFGA) Certified Farms, and/or products permitted by the Organic Materials Review Institute or the USDA National Organic Program or other like entity providing the most stringent standards;

Sec. ##-##. Prohibited.

Prohibited Pest Management Activities and/or materials:

Use or application of Synthetic substances;

- 1. Use or application of chemical pesticides, other than pesticides classified by the US Environmental Protection Agency as exempt materials under 40 CFR 152.25, and those products prohibited by the Organic Materials Review Institute;**
- 3. Use or application of Non-synthetic substances specifically listed as "prohibited" on the Department of Agriculture's "National List" of Allowed and Prohibited Substances;**
- 4. The use or application of pesticides (whether natural, organic, "non-synthetic," synthetic or otherwise) within seventy-five feet of a water body or wetland.**

Sec. ##-##. Exemptions.

A) The following situations are exempt from the provisions of this Ordinance if pesticides and applications are used in the manner specified by the manufacturer:

Drinking water and wastewater treatment;

Pet supplies, such as shampoos and tick and flea treatments;

Disinfectants, germicides, bactericides, miticides and virucides;

Insect repellents;

Swimming Pool supplies;

Contained baits or traps for rodent control; indoors only;

Right-of-way applications: Prohibited pesticides may be used by a public utility that maintains a right-of-way through the City;

Use of pesticides classified by the USEPA as exempt materials under 40 CFR 152.25 or pesticides permitted by the Organic Materials Review Institute.

B) The following situations may allow restricted pesticide use, provided the application is used in a manner specified by the manufacturer, and there is no alternative. In addition, the kind, method, location and duration of control shall be reported prior to application, in writing to the City Manager.

1. **Noxious Growth:** Control of plants poisonous to the touch such as poison ivy, poison oak, poison sumac;
2. **Invasive Species:** Control of invasive species that may be detrimental to the environment;
3. **Mandatory Applications:** Use of pesticides mandated by state or federal law or required by an order or decision from a court or state or federal board or agency;
4. **Health and Safety:** Control of insects that are venomous or disease carrying.

Sec. ##-##. Pest Management Advisory Committee.

The Pest Management Advisory Committee is hereby established. Composition and responsibilities are described in the City Governance Ordinance ###.

Sec. ##-##. Waivers.

(a) In situations that constitute an emergency, threaten the public health, safety or welfare, or that require the control of invasive species that pose a threat to the environment, beyond what is exempted in the above Section #-# Exempt, persons shall apply to the Code Enforcement Officer for a waiver from the provisions of this ordinance prior to the use/application of a prohibited pesticide. The presence of weeds or common fungal diseases in the usual course of turf maintenance shall not constitute an emergency.

(b) The waiver application form shall be obtained from and filed with the Code Enforcement Officer. The Code Enforcement Officer will review the waiver application and shall issue a written decision within ten (10) days and provide a copy to the applicant and the City Manager.

(c) The waiver application shall include the following information:

1. The reason for requesting the use/application of a prohibited pesticide;
2. What pesticide(s), when, where it is to be applied, how it is to be applied and how long a prohibited pesticide is to be used.

d) The waiver determination shall be based on the following criteria:

1. The pest situation presents 1) an immediate threat to human health or environmental quality, or 2) an immediate threat of substantial property damage or loss; and
2. Viable alternatives consistent with this ordinance do not exist.

e) The first year of enactment will provide for a grace period whereby waivers will be automatically approved with proper application, unless the request is noted as being extremely dangerous. In this first year, the number and nature of waivers will be tracked to inform the process thereafter.

f) A waiver is granted to the Rockland Golf Course pending their transition to compliance with this ordinance.

Sec. ##-##. Violations and Appeals.

Any citizen may report alleged violations to the Code Enforcement Officer, or the Sustainability Coordinator. To encourage compliance, information of acceptable alternatives will be provided to the alleged/confirmed offender. If confirmed violations continue the Code Enforcement Officer is authorized to declare the behavior a civil offense and processed accordingly. If any violator wants to appeal their case, it will be brought to the courts.

Sec. ##-##. Severability.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

Sec. ##-##. Conflicts with Other Ordinances.

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute, the more restrictive chapter, article or ordinance of the Rockland City Code shall control.

Sec. ##-##. Effective date; Applicability dates.

In order to allow time for residents and businesses to become familiar with the requirements of this ordinance, the prohibitions on the use of certain products and/or applications (and the related public notification, signage and reporting requirements) shall be effective January 1, 2021.



**TOWN OF THOMASTON
TOWN MANAGER
13 VALLEY STREET
THOMASTON, MAINE 04861-0299
TEL: (207) 354-6107**

To: Select Board
From: Kara George, Town Manager
Date: April 26, 2021

Re: Live Streaming Meetings

Please see the attached proposal from Town Hall Streams to live stream our town meetings. Some additional notes from my conversation with the company:

- The plan is \$200/month for an average of 5 or less meetings per month or we have the option of \$250/month for unlimited.
- The service includes on demand playback for a period of 5 years and is available for the town to back up externally for a permanent record.
- The agreement is month to month and if at any time the Town feels this service is not working for us, we can return the equipment at no cost.
- The meetings are all recorded live and are posted on demand shortly after the conclusion of the meeting. Zoom meetings can also be live streamed.
- We can schedule meetings out 1 year in advance. All that is required is to turn the equipment on and off before and after each meeting.
- The equipment is installed for free unless additional service is needed. I would like to note that this type of equipment will not work in our multipurpose room. The space is too large for effective recording of the audio. The equipment must be wall mounted and requires a dropped ceiling. This means if we are to go this route, we would need to install the equipment in our Select Board meeting room. The set up we currently have in the multipurpose room will continue to be an issue with audio because of the high ceilings. Even with a microphone, folks on Zoom had trouble hearing the people in-person. Additionally, the hybrid version requires someone to host the Zoom meeting. If we decide to use the streaming service, no one will need to host the meeting, and the video is posted online automatically. I also received strong feedback from our Fire Chief that all the exposed wires for our current set up in the multipurpose room is a fire and safety hazard and must be removed.
- Please visit www.townhallstreams.com to watch a short video about the service or check out some other town's meetings to see what the service is all about.
- According to the Town Hall Streams website, there are 38 Maine municipalities using this company for streaming services. Neighboring communities include Camden, Hope, Union, and Knox County.

Respectfully,

Kara George
Town Manager



Thomaston, ME Town Hall Meetings Live and On Demand Streaming Proposal

Scope:

Town Hall Streams will provide the Town of Thomaston, Maine a system that will provide real time and on demand playback of town meetings. All equipment will be supplied, installed and maintained by Town Hall Streams. The equipment comes with full warranty for as long as the town continues the service with Town Hall Streams.

Meetings will be streamed live and available for On Demand playback via www.townhallstreams.com, links may be posted from the town website. On Demand playback is available for a period of 5 years. We will allow for authorized persons to download one digital copy for any use. Town Hall Streams will use the current internet connection at the location.

Cost:

Monthly: \$200.00/Average of 5 meetings per month

Optional: Facebook Live streaming \$25.00 per month

All equipment is supplied at no cost. 1 Wide angle camera and a ceiling mounted microphone.

Term:

12 months period

Warranty:

Lifetime or length of contract

Payment:

Can be made via automatic withdrawal or check

Company:

Town Hall Streams – 8 Osprey Lane, York Maine 03909

Name: _____

Signed: _____

Date: _____

Missy Stevens

From: Sandy Moore
Sent: Tuesday, April 13, 2021 8:09 AM
To: Missy Stevens
Subject: Fw: Conservation Committee resignation Mary Rita McDevitt

Missy,

Below is the resignation for Mary Rita McDevitt from the Thomaston Conservation Commission

Sandy Moore
smoore@thomastonmaine.gov
540.845.0447 cell
207.200.6229

From: Sandy <trayls1955@gmail.com>
Sent: Tuesday, April 13, 2021 8:05 AM
To: Sandy Moore <smoore@thomastonmaine.gov>
Subject: FW: Conservation Committee

-----Original Message-----

From: Mary Rita McDevitt [<mailto:maryrita3@me.com>]
Sent: Monday, April 12, 2021 7:25 PM
To: Sandy Moore
Subject: Conservation Committee

Please accept this email as my formal resignation from the Conservation Commission. It's been a pleasure to work with you and the other members and to get to know everyone.

I don't think I can offer anything in the future on this commission.

Good luck with your endeavors,

Mary Rita McDevitt=