

ARTICLE 68 WORK GROUP

Meeting of Tuesday, January 31, 2012, at 9:00 am
Conference Room at 2 Fairgrounds Road

Final Minutes

Attendance: Cormac Collier, Caroline Ellis, Bam LaFarge, Mark Lucas, Mike Misurelli, Richard Ray, Seth Rutherford, Lee Saperstein, Lucinda Young

Absent: Peter Boyce, Dave Fronzuto, Wendy McCrae, Ernie Steinauer

Call to order; Approval of Agenda; Approval of Minutes: Lee Saperstein called the meeting to order at 9:03 am; there was a quorum. The draft agenda, with a correction to item 4.b. Landscapers' Workshop, was approved by acclamation. The Minutes of January 31, 2012, were approved verbatim by acclamation.

Chair's Announcements; Comments from Work Group Members: The following important meetings were announced. Work Group members were asked to attend the February 9th workshop in particular. If the HRP article, which is Article 77, should be called for discussion at Town Meeting, it would be good if a few of the Work Group would stay to support the Article.

- Board of Health/Board of Selectmen Workshop, Thursday, Feb 9 at 4:00 pm; Community Room at 4 Fairgrounds Road.
- University of Connecticut Landscapers' Workshop, Tuesday, March 13, 2012; Community Room at 4 Fairgrounds Road (PSF) from 9:00 am to 4:00 pm with an hour off for lunch; further details from Nantucket Land Council.
- Annual Town Meeting, Saturday, March 31 at 8:30 am and Article 77 for Home-Rule Petition.

The announcement of the BOH/BOS workshop brought forth an extended and helpful discussion of how it will be organized. Richard Ray suggested that it touch on Purpose, Regulations, to include education and enforcement, and the Best Management Practices Plan (BMP). He suggested a "synoptic" version of the Regulation rather than presenting the entire text. He stressed that the presentation should be brief to allow plenty of time for questions and discussion. He reminded the group that the BOH is very conscious of the need to protect Nantucket's waters and that we do not need to dwell on that issue. Lee Saperstein offered to create a PowerPoint presentation that will be shared with the Work Group for editing and improvement before it is given to the Boards.

Inasmuch as edits to the BMP were coming in up to the evening before the meeting, it was recognized that the document was still very much in draft form. The group wrestled with the question of how and to whom it should be distributed. Richard Ray said that only a final document should be released to the general public. That statement led to the question of whether or not we should delay the workshop. The consensus was that the workshop should continue as scheduled, that the Work Group will share the draft BMP as

a progress report, but that the BOH would not formally consider the request for Regulation until we transmit a final version of the BMP. At this point, the Chair suggested that we were well into the next agenda item and moved its discussion.

Nantucket Best Management Practices for Fertilizer Application: Review and approval, if appropriate.

Discussion on the BMP was lively but quickly converged onto three, related issues: copy editing by Libby Oldham, insertion of additional technical material derived from reviewers' edits, and schedule. It was agreed that we would ask Libby Oldham to begin the editing task and Lee Saperstein and Lucinda Young said that they would produce a double-spaced version for her shortly after the meeting ended.

Mark Lucas was concerned with two issues. The first was that several of the reviewers, those from the University of Connecticut, might have additional inputs to Sections 5 and 9. The group agreed that their reviews and inputs would be valuable and Mark agreed to send them the latest versions of the two sections. Lucinda Young and Lee Saperstein said that they will work with Libby Oldham to insert the new material, should there be any, into the edited version. Mark's second issue was his belief that a technical person, such as Mary Owen at UMass, should do a technical edit of the entire document. Several group members, including Cormac Collier, suggested that the benefit might not be worth the cost of delay. Saperstein suggested that her input, during the period of public comment, would be invaluable and that such input could be incorporated into the BMP up until final adoption by the Board of Health. Mark suggested that with the agreed upon tight timeline between the workshop and formal adoption of the BMP, it was very likely that Owen would not be able to review the document. Saperstein suggested that we send the BMP to all reviewers for their records.

The Work Group then considered how the process would flow. It was agreed unanimously that we would share our current draft BMP with the Boards as a progress report to be given during the meeting of February 9th. Once the last editing of the BMP was done, we would ask the BOH to consider adoption of the proposed Regulation. This could be in the order of mid- to late-February. If they agree to its adoption, it will be advertised for at least two weeks as a legal notice in the paper. At the close of the two-week period, a public hearing will take place no sooner than 30 days after the first meeting; the Work Group would need to consider any suggested amendments that came out of the Public Hearing. After the hearing and with a final version of the BMP in hand, the BOH would be able to consider final passage of the Regulation. The possibility still exists of this being before the Annual Town Meeting.

The Work Group gave unanimous consent to this schedule. This included sharing of the current, draft BMP to the Boards and to other interested parties.

Educational Tasks: Lee Saperstein stated that there were educational tasks that are still before us. Lucinda Young said that we are well aware of these but realized that we could not begin assembling material until the BMP was substantially complete. She had begun

to prepare a synopsis of the BMP by pulling together introductory paragraphs and the summary bullet points from each section into a separate document. There was general agreement that we would, as part of our final report, provide ideas and text for educational materials but that actual publication would be in the hands of the Board of Health. We will need volunteers and responsible people to work on these. Lucinda Young and Caroline Ellis mentioned that they would like to help with the educational tasks.

- **Blue Pages:** Bam LaFarge agreed to transmit the draft BMP and Lucinda Young's new document to Peter Brace who has been engaged by the HPIC to prepare a "Blue Pages" document on water.
- **Vendors' brochures:** Once the Blue Pages section on fertilizer is ready, we will need to reduce that material to an one or two-page handout to be distributed by vendors and landscapers.
- **Web pages:** All of the fertilizer material will need to be available on the web.
- **Pocket Chart:** The handy pocket chart with ruler will need to be developed.
- **Workshops with landscapers and Garden Club:** Experiences with the February and March workshops should be tapped for development of workshops for the Garden Club and homeowners.

Suggestions for continuing advisory function: As we come closer to completing our tasks, we need to consider a time at which this *ad hoc* group dissolves and what comes afterwards. A likely time for a final report to the BOS and dissolution of our Work Group is April 1st, after the Annual Town Meeting. Richard Ray said that he definitely needs a 3-4 person advisory group on fertilizer application, and he would prefer the members be made up of original Article 68 committee members. A permanent fertilizer advisory committee will need to be approved by the Board of Selectmen. Members were asked to consider whether or not they would wish to serve on this advisory committee and, also, if they knew anyone else who should be asked. It was suggested by Mark Lucas that a member of the organic landscaping community be part of this committee.

New Business and Next Meeting: Mark Lucas introduced discussion relating to the complexity of landscapers having 'left over' fertilizer products or newly ordered fertilizers for 2012 that contained phosphorus. Mike Misurelli suggested that many suppliers, such as Marine Home Center, have likely ordered their products for 2012. The question was how to appropriately consider this without creating an economic hardship for the owners, especially for organic landscapers. It was generally agreed that there should be a grace period allowing their use, likely one season, that would address this issue. The next meeting will be in conjunction with the BOH/BOS Workshop. There will need to be a meeting after that to approve the draft BMP for release to the general public as a final version; to consider educational materials; and to review a final report to the Board of Selectmen. It will be on call.

Adjournment: The meeting was adjourned by unanimous acclamation at 10:15 am.

Notes taken by Lee Saperstein and draft printed, February 2, 2012