



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: Denice Kronau (Chair), Stephen Maury (Vice-chair), Joseph T. Grause Jr., Peter McEachern, Joanna Roche, Peter Schaeffer, Chris Glowacki, Jill Vieth, George Harrington

MINUTES

Thursday, January 13, 2022

This meeting was held via remote participation using ZOOM and YouTube.

Called to order at 4:05 p.m. by Ms. Kronau

Staff in attendance: Libby Gibson, Town Manager; Brian Turbitt, Director of Finance; Rick Sears, Deputy Director of Finance; Mariya Basheva, Financial Analyst; Jeff Carlson, Director Natural Resources; Thaïs Fournier, Water Resource Specialist; Roberto Santamaria, Health Director; Terry Norton, Town Minutes Taker

Attending Members: Kronau, Maury, Grause, Roche, Glowacki, Vieth

Absent Members: McEachern, Schaeffer, Harrington

Late Arrivals: Roche, 4:10 pm

Early Departures: Grause, 5:30 pm

Documents used: Draft minutes as listed; Citizen Warrant Articles for 2022 Annual Town Meeting.

Adoption of Agenda

Motion **Motion to Approve.** (made by: Maury) (seconded)

Roll-call Vote Carried 5-0//Maury, Grause, Glowacki, Vieth, and Kronau-aye

I. ANNOUNCEMENTS

II. APPROVAL OF PRIOR MEETING MINUTES

1. None

III. PUBLIC COMMENT

1. None

IV. DISCUSSION ARTICLE L

1. F Home Rule Petition - Prohibiting Fertilizer - Joseph Minella

Discussion **Minella** – Algae is taking over the harbors and killing eel grass and it is caused by fertilizer; he doesn't think our current regulations are sufficient.

Vieth – Asked what type of evidenced is linked to this. She thought there were other issues affecting the harbor. A study would help her; from the comments she's seen, it's a variety of issues.

Minella – The Lyngba (aka Black Algae) is caused by excessive nutrients and gets into the harbor through fertilizer and septic systems. We've taken care of septic systems. Every scientist says it is caused by fertilizer in the run off.

Bob DeCosta – He's been involved in the fertilizer issue for years. Some aspects we were able to control such as putting sewers within the harbor watershed. There is science to support the claim that fertilizer is the 2nd leading cause of nitrogen loading. Climatic shift and fertilizer use creates the algae that suffocates the eel grass. We have a video showing the buildup of algae in the south side of the harbor where there are green lawns but not on the north side near Coatue. It is also in other areas like Warrens Landing. We will lose the eel grass and with it a vast amount of our scallop habitat. We are looking at the worst scallop season in 40 years. He saw someone fertilizing the Easy Street Park, a Land Bank property, after the fertilizer regulations went into effect. He sees no way to fix this aside from a total fertilizer ban.

Roche – She supports this ban; she shared the Harmful Algal Blooms report. She requested this article be put on the bio diversity group agenda for their meeting next week. Nantucket is the last wild scallop fishery in the world. 40% of our scallops are affected by Black Algae and a worm that thrives in that algae. We should be working hard to protect our scallops.

Ian Golding – He googled fertilizer and beautification and a bunch of studies came up. On an anecdotal note, in the mid-80s we had 185 scalloping boats.

Bruce Mandell – There have been published reports addressing controllable sources of nitrogen on the Island. In Madaket, we have recovering eel grass; on the Town website, there have been estuary and water quality reports. We've take samples of water from Long Pond, the Ditch, Hither Creek. Of the four sources, fertilizer is the prime target to help us protect our waters.

Peter Brace, Secretary Harbor and Shellfish Advisory Board (SHAB) – On behalf of SHAB, we support this article and what Mr. DeCosta said. We make it our business to keep our harbor clean and support our fishermen. We are the last commercially viable bay scallop fishery on the east coast. The estuary reports exist for our harbors and great ponds and give the Total Maximum Daily Load (TMDL) on what a body of water can handle. Just because we are meeting our TMDLs doesn't mean we shouldn't ban fertilizer.

Emily Molden, Nantucket Land Council (NCL) – The NCL has been advocating for banning fertilizer use for decades. We've done a lot of work on the health of our eel grass and traced the sources. A lot of effort went into drafting the best management practices (BMP) for fertilizer and regulations were adopted by Board of Health (BOH); those regulations were designed to mitigate impacts from overuse of fertilizer. Enforcement has fallen with the Town; she hasn't heard much about the licensing program, but it seems it hasn't been as effective as people hoped. What has become frustrating is the lack of understanding of resources being dedicated to the problem. We support this article.

Glowacki – Asked if they can trace the source of the nutrients.

Molden – Yes. We can tell if the source is wastewater or fertilizer. We hope to document how that changes over time. Much of the algae contains elements from fertilizer. We can share that data with you but the follow up report is still being processed.

Grause – Asked why this needs to be a whole-Island ban. It seems to be a Madaket Harbor problem.

Minella – There were harmful algae blooms in the ponds and Nantucket Harbor.

Kronau – Asked if you have to be adjacent to a water-body to have the runoff

Fournier – When we get rainfall, all nutrients and contaminants on lawns and roads are mobilized and make it into our waters. We have a significant number of blooms occurring in our ponds as well.

Golding - Referenced the 2015 Eel Grass Mapping Project; it lays the groundwork for what's behind this discussion. This summer, it was evident that as you got closer to Coatie, the eel grass got healthier.

Glowacki – The south side of the harbor is closer to all sources.

DeCosta – There is going to be more contaminants on the south side of the harbor but we sewer Shimmo and Monomoy to get rid of that source; that was Phase II. Phase I was to stop drain water from running into the harbor. Banning fertilizer would be Phase III. The problem is there is no way to enforce use of fertilizer without an Island-wide ban.

Carlson – Explained how enforcement works. We have a licensure program in place for commercial application of fertilizer; if you aren't commercial, there is no way to stop you from fertilizing your lawn. Described the training program for the commercial landscape community. Enforcement has always been a difficult aspect due to lack of access to property and the number of fertilizer products. It's possible to make improvements if we could get the Fertilizer Advisory Committee running again. There are a lot of folks who follow the rules but also some who don't and they are a struggle to catch.

Santamaria – It's a Fourth Amendment issue; we have to physically witness the application of fertilizer. In 2019, we proposed amendments to the BOH regulation; we haven't been able to get back to it since COVID. Larger landscape companies are doing a very good job at paying attention to the regulations. The issue is we can only regulate the commercial crews.

Vieth – Asked if everyone complied regulations we have now, would they work.

Santamaria – It would be hard; if everyone complied with the regulations, it would work, and we'd be in good shape; however, not everyone complies. An outright ban is a way to control chemicals entering our water bodies; it would be easier to enforce. Enforcement would be at the point of sale; if someone has it, that isn't allowed. It would not affect farms; we are a Right to Farm Community and they have an agricultural exemption.

Minella – The article does exempts agricultural use.

Mandel – This is to protect all of our waters. Nitrogen migrates through surface and ground water flow and hard surface run off. As we know from nutrient studies, this is a moral and ethical problem for the Island. We have a responsibility to protect Nantucket and make it less easy to poison our environment. There are other ways to make a lawn look pretty.

Glowacki – The entire problem is bad actors who don't conform. Using fertilizer in a way outside our guidelines causes the damage.

Fournier – If everyone abided by more strict regulations, that would help. However, every time you put nutrients on your lawn, you're adding it to the environment. The best way to protect our aquatic resources is to ban fertilizer. There are areas where we are still exceeding our TMDL.

Glowacki – He has seen some assertions that nutrients have a positive impact on our water quality. Asked if that is true.

Fournier – There is always science for both sides of an argument. Those studies are looking at the methodology and sample sizes or looking at isolated locations. Healthy plants can help filter runoff.

Bryan Diggle – Asked about the 3lb per yard of fertilizer versus the sewage dump of raw sewage into the harbor several years ago.

Santamaria – It was 4m gallons in negative degree temperatures over the course of 2 days. The algae blooms we are talking about occur when it gets warmer, not in freezing temperatures. That year, the first algae bloom was about 360 tidal cycles later.

Diggle – Asked if 4m gallons of sewage can cycle out in 90 days, how can yearly fertilizer not cycle out of the water.

Michael Misurelli, J&M Landscape Services – The Town of Nantucket has some very strict fertilizer regulations dating to 2012. The latest water quality report for harbors and great ponds shows improvement; he thinks the regulations contributed to that. Enforcement is and will remain a challenge. Regarding points of sale (POS), we found out we wouldn't impact the vendors much; he doesn't know how the POS would be handled. Mr. Carlson has a lot of regulatory authority for fertilizer use already. He thinks a prohibition will bring unanticipated consequences. If the moneyed people can't have "desirable" lawns, we could end up with thousands of square feet of artificial turf. Products are continually improving.

Vieth – Asked if the article bans selling it on Island as well.

Minella – He hasn't thought about POS. If people don't think there's a problem, they can vote against it.

Carlson – In response to a question regarding reclassifying property as a farm; there are strict requirements on classifying your property as a farm and that's generated through the Department of Agriculture.

DeCosta – As far as the 4m gallons of sewage, anyone who knows the harbor, you will notice half the boats face west and half face east; that's due to water flow through the jetties. The water in the upper harbor comes from Wauwinet and it takes 51 days for that water cycle out. When that sewage went out, it was in the side of the harbor that flushed quickly. The bulk of these fertilized lawns are in the upper harbor; that's where you get the algae. He wishes the regulations

worked but they haven't. If we ban fertilizers, landscapers aren't going to go out of business; other aspects of their work would continue. If we don't protect our harbors, our scallopers will be out of business.

Molden – Regarding the impacted areas, our fresh-water ponds are also suffering to nutrient overloads and their algae blooms are very concerning. Fertilizer is used mostly in the summer when it's warm and the eel grass is growing.

Brace – All commercial farms are regulated by the USDA regarding fertilizer use.

Glowacki – Asked the percentage of agi use versus private use.

Santamaria – That would be hard to quantify; we'd have to find out other commercial means that fertilizer would be coming to the Island.

Glowacki – Asked the 1 piece of data that ties nitrogen to algae and asked if it could be sent to the members.

Fournier – She can send him a plethora of data. She will send forward it.

Samantha Denette, Executive Director of the Nantucket Shellfish Association – They support this article. She's willing to share a 2019 study containing an eel grass restoration assessment. In her opinion the evidence of fertilizer runoff leading to nutrient loading and algae blooms is very clear. Shellfishing is in our culture and history and is important to the Island; it predates whaling. The time is now to act to save our fishery and harbors.

Misurelli – A lot of commercial fertilizer gets sold through the 3 big vendors; a lot of people don't have the shop or warehouse space to hold much.

Kronau – Asked the economic impact on landscapers if fertilizer is banned.

Misurelli – It would financially impact some companies more than others. Bryan Diggle has a business geared more toward application. All those facets of landscaping use soil additive; there are micro nutrients. Golf courses would look different.

Fournier – What also needs to come to light is the topic of PFAS, with fertilizer, it would help to know exactly what's being applied. There aren't a lot of regulations surrounding biosolids, and PFAS can be found in biosolids.

Jim Skillen, Lane Horticultural Workgroup – First, all sellers of fertilizer pay a tonnage tax to the state; that's a mechanism to track the amount of fertilizer sold. Second, the US Environmental Protection Agency established that a grass swale is the most cost-efficient way to protect surface water; we have spent \$100,000s on research on how healthy turf catches more runoff than unhealthy turf. He will be happy to supply that research and data. Pointed out this would also impact the home gardener.

DeCosta – This isn't Minnesota. He's never fertilized anything in his yard and his grass and flowers grow fine. The stuff will grow with or without fertilizer, but the scallops won't grow unless we work to protect them.

Kronau – We have great regulations in place that are not being complied with; a comment that banning is easier to enforce doesn't make sense to her. Enforcement of this article would be important, as well as how do you regulate it; people can bring a car load of fertilizer when they come on Island. Lastly, the conundrum is how many bad actors are causing problems for people who are good stewards. For her, a total ban brings to mind the unintended consequences.

Vieth – Echoed the sentiment about how this wouldn't be a total ban; there are large parcels of land that would continue to use fertilizer.

Roche – We've been down this banning-enforcement road before. This is to limit the cumulative effect on our waters. The ban on plastic water bottles has made a huge impact on the amount of plastic going into the landfill. We must take a step to protect our scallop industry.

Minella – It isn't just about shellfish; all our ponds are turning toxic; if the eel grass dies, we lose our fish as well. This past summer we kept getting warnings about not going near the ponds due to toxic algae.

Daniel Drake – Based upon the Airport experience with PFAS affecting wells and groundwater, we now runoff carries a lot of effluent into the watershed and harbor. This stuff travels quickly and in great quantities. Nantucket soil is different from Minnesota soil.

Skillen – Fertilized turf next to unfertilized turf has less runoff and less impact; the study support that was also done in New York.

Kronau – Closed the public hearing portion. We have research to follow up on so we're not ready to make a motion.

Consensus agrees with waiting to review the research.

Motion No action taken at this time.

Roll-call Vote N/A

V. PUBLIC HEARING AND DISCUSSION OF CITIZEN WARRANT ARTICLES FOR 2022 ANNUAL TOWN MEETING (ATM)

1. None

VI. COMMITTEE REPORTS

1. Capital Program Committee: Vieth

VII. NEXT MEETING DATE/ADJOURNMENT

Date: Thursday, January 20, 2022; 4:00 p.m.

VIII. OTHER BUSINESS

1. Kronau – Ms. Vieth asked if FinCom would reconsider the vote on Article L She will put it on the January 20th agenda.

Adjournment

Motion **Motion to adjourn at 5:37 pm.** (made by: Maury) (seconded)

Roll-call Vote Carried 5-0//Maury, Glowacki, Vieth, Roche, and Kronau-aye

Submitted by:

Terry L. Norton