

City of Keene
New Hampshire

AGRICULTURAL COMMISSION
MEETING MINUTES

Thursday, April 21, 2016

3:30 PM

2nd Floor Conference Room

Members Present:

Sarah Wilton, Vice Chair
Bettina Chadbourne, Councilor
Charles Daloz
Mark Florenz, Alternate

Staff Present:

Tara Kessler, Planning
John Rogers, Acting Health Director

Members Not Present:

Alan Bettler, Chair
Alison Welsh
Kathy Harrington
Marcia Duffy

1) Call to Order

Vice Chair Wilton called the meeting to order at 3:30 PM.

2) Approve March 17, 2016 Minutes

Mr. Daloz made a motion to approve the March 17, 2016 minutes, which was seconded by Councilor Chadbourne and passed by unanimous vote

3) John Rogers, City Health, to speak on Licensing

John Rogers, Acting Health Director, stated that Mr. Florenz contacted him about what licensing the City requires for him to be able to sell his product that has been shipped off and processed at a United States Department of Agriculture (USDA) facility. He continued that NH has 16 self-inspecting towns, and in the other towns the State does the licensing. The City of Keene has the authority under State law to create its own rules and regulations about food establishments. The City has four classifications. What Mr. Florenz proposes falls under Class 3, and there is a \$200 annual fee associated with it.

Vice Chair Wilton asked how the classifications and fees are determined. Mr. Rogers replied that they come from a City ordinance that has been in place for a long time, authorized by State RSAs. He continued that these numbers have remained steady for many years. They had a slight increase a few years ago.

Mr. Florenz stated that there is a broad class of establishments that fall under Class 3. He continued that the fee covers the cost of the City carrying out the inspections. Mr. Rogers stated that because Mr. Florenz is shipping the meat off to a facility for processing and would only be selling frozen product, the Health Department does not need to do as much

work as they would for inspecting other establishments. He continued that the State has many more classifications than the City does, since they have many more establishments to inspect. If Mr. Florenz lived in a town covered by the State instead, his establishment would be considered Class 4, for a \$100 fee – sellers of pre-frozen meat or poultry. That is an example to point to, if the Agriculture Commission wants to pursue that. If so, the advice from the City Clerk is for the commission to draft a letter to the City Council asking for that change, and the letter would most likely be referred to the Planning, Licenses, and Development (PLD) Committee. The PLD Committee would probably refer back to staff for a recommendation for what to draft in the ordinance. He would point to how the State has done it. Mr. Rogers gave examples of municipalities they look at that are similar in size and how they do it.

Councilor Chadbourne suggested that someone give a little background information about this discussion, for the benefit of the members of the public that are present. Vice Chair Wilton stated that they are talking about the process of small scale meat processing and production and distribution. At the previous meeting they discussed how a \$200 fee for this particular classification would make it prohibitive to do it on a very small scale. Mr. Florenz stated that he has a small pig farm and used to sell pigs whole but now wants to sell individual cuts. He continued that it is necessary to use a USDA-inspected slaughter house. He pays them a lot of money to have the meat come back frozen and inspected. The City has specific regulations about who can sell and what kind of license is needed from the City. Selling pork is not his primary business, so a \$200 annual fee is significant enough that it would make it not worth it for him. He does not want to circumvent the inspection, because the inspection is valid. He wants to make the fee more in line with the work that is done.

Councilor Chadbourne asked for Mr. Rogers to explain what the inspection/\$200 covers. Mr. Rogers replied that in most situations the \$200 covers a plan review and more department time than it would take for Mr. Florenz's situation. He continued that he is right that the fee is meant to cover the department's cost. In this situation, most of the inspections/work would be covered by the USDA inspectors and that facility, and it would only be a minimal output of time from the City, because they would only be inspecting the storage of the product/checking his freezer unit. That inspection, including the paperwork, might just take an hour a year.

Vice Chair Wilton asked if the Agriculture Commission should suggest creating a new classification, or a process by which the City could take Class C and normalize it to a smaller scale. Mr. Rogers replied that they could suggest creating a new class specifically for USDA-inspected frozen meat. The commission could write a letter about this. Vice Chair Wilton asked if he could work with someone to craft such a letter. Mr. Rogers replied that he could read a draft. He continued that if the commission gets just the request to the City Council, which would most likely be referred to the PLD Committee, the details would come later in the process.

Councilor Chadbourne stated that the letter would go to the Mayor and the City Council, and the Mayor would assign it to the PLD Committee, of which she is a member.

Someone would have to present the letter at the PLD Committee meeting, and the committee would discuss it and vote on a recommendation, most likely to have staff draft the ordinance change. She continued that it would need a full City Council vote, and would come back to the PLD Committee in a draft, which would be returned to the City Council for a vote.

Mr. Daloz asked if the City inspects products sold at the farmer's market. Mr. Rogers replied that the City licenses the farmer's market as a whole, requiring that any time or temperature-controlled product (like meat) sold there come from an approved USDA facility. He continued that there are some exemptions but pork has to meet that. Brief discussion ensued about the different requirements for poultry, pork, eggs, roadside stands, and so on and so forth.

Mr. Daloz stated that his interest is increasing the flow of agriculture products of people in the city. He asked if he should review the 4 categories and begin to go from there, regarding what kinds of things could be done in small roadside stands. Mr. Rogers replied that that is a separate conversation entirely. He continued that there are different zones in the city and it depends on what zone a person is in. Mr. Florenz is in an agricultural zone, so it opens the door a bit for him. For the most part, people cannot sell anything out of their homes (e.g. conduct commercial business) in residential zones. Home businesses must have minimal impacts. Vice Chair Wilton asked if this is done in Vermont. Mr. Rogers replied that he does not know.

Mr. Florenz stated that he is sympathetic to the City inspections and knows they have to be careful – if someone is preparing hazardous food they do not want it to have unintended consequences and a lot can go wrong with meat. He continued that they have to be cautious about how much to loosen regulations.

Mr. Daloz questioned how to suggest breaking down the four classifications – would there be a long list of subcategories or is there a way of allowing this localization? Mr. Rogers spoke more about the classifications, noting that Class 4 is for non-profit entities and schools, which are not charged a fee. Discussion continued, and Mr. Florenz stated that the question seems to be whether to address specific issues as they come up, or do a holistic review. He continued that it seems daunting to do a top down review. In his opinion, it is probably better for the commission to wait until someone asks a question and address each question as they come up. Mr. Daloz replied yes, if they get a lot of questions they can look at it holistically. But this seems relatively simple to do.

Mr. Rogers gave information about the City Council meeting cycles and suggesting the Agriculture Commission draft a letter by two Mondays from now in order to get it on the agenda. He continued that he would go to the committee meeting (most likely PLD) to speak to the committee members and take their questions, and they would vote on what to do. It should not take staff very long to draft and they do not need to recreate the wheel. It would be a matter of coming up with some of the things they have talked about today, such as the time frame, what the cost would be for the City to issue a license under this category, and a recommendation for the fee, such as \$50 or \$100.

Councilor Chadbourne stated that it would take two City Council cycles/a couple of months to go through the process, but to speed it up for Mr. Florenz's sake, they could skip the step of waiting until the next Agriculture Commission meeting to have the commission members approve the letter that gets drafted. She asked Ms. Kessler if it would be appropriate for the commission members to agree on the draft letter through emails with each other. Ms. Kessler replied that they could have Ms. Chalice draft a letter and email it to the group, as long as each recipient replied just to Ms. Chalice instead of "reply all," because then it would be like an online meeting [and they would be in violation of the Right To Know law.]

Mr. Florenz asked if they can vote to authorize one person to draft the letter. He suggested wording for such a motion. Discussion ensued about the wording.

Councilor Chadbourne made a motion for the Agriculture Commission to direct City staff to move forward and draft a letter recommending that the City Council consider creating a new class of license to accommodate small, local farmers, with details to come later. The motion was seconded by Mr. Daloz, and passed by unanimous vote.

Ms. Kessler stated that she can explain this to Ms. Chalice and let her know that the commission wants to see a draft. She can be clear about what happens after that. Mr. Florenz offered to help as much as he is allowed to. Councilor Chadbourne replied that staff does this all the time and they have a good idea of where the boundaries are. Mr. Rogers showed Mr. Florenz the documentation of the fee structures.

Mr. Daloz stated that it would be nice to have somewhere, maybe online, the set of regulations that agriculture operates under in Keene. Mr. Rogers replied that it really depends on what specifically he is referring to, because it could be numerous things, such as poultry, dairy, your own produce, someone else's produce, and so on and so forth. There are zoning issues to consider, too. Mr. Florenz added, and the question of at what point it is agriculture versus retail versus a food service establishment.

4) Potential Meeting Time Change to 5:30 PM

Vice Chair Wilton stated that she thinks it was Chair Bettler who was interested in changing the meeting time, and asked if anyone remembers more information about that. She continued that they might want to wait until he is present to have this conversation.

Brief discussion ensued. Councilor Chadbourne explained that Thursdays in general are difficult for her and if the meeting were to be at a later time she would prefer a different day of the week. Mr. Florenz stated that he would prefer an earlier meeting time. Vice Chair Wilton stated that if they decide when to at least have the May meeting, they can discuss this more at that meeting. Mr. Florenz suggested having Michele Chalice send a Doodle poll to schedule that. Ms. Kessler replied that she will tell Ms. Chalice that.

5) De-Brief of Recent Conservation Connections Session

Mr. Florenz stated that three members of the commission were there, and he thought the event was great, and well-attended by members of City groups. Mr. Daloz agreed and stated that the commission raised awareness about their existence and their work.

Wes Cobb, of 37 Ellis Court, stated that he was surprised there were not more people present who were not associated with the groups – maybe 15 or 20 at the most. He continued that he questions if the event had the impact it could or should have had. Vice Chair Wilton replied that she thought it was well attended.

Mr. Daloz reported that he talked with Mr. Bohannon about setting up some kind of meeting spot at the community gardens at Monadnock Cemetery so people could post messages. He continued that Mr. Bohannon informed him that there is an Eagle Scout project in the works to create such a structure there, so that is good.

Councilor Chadbourne asked Mr. Cobb if he has suggestions for ways to increase awareness and attendance. Mr. Cobb replied no, he has not thought about it, really, but he notices that lots of people are interested in gardening.

6) Potential Agriculture Commission Goal Amendments to Keene's Comprehensive Master Plan (CMP)

Vice Chair Wilton distributed copies of the CMP for commission members to use as reference. She stated that she went through a lot of the CMP and was trying to reconcile Mr. Daloz's comments and see where everything fit together between the Agriculture Commission and agriculture in the State of NH. She recommends an online document called "Sustaining Agriculture in the Granite State." The takeaways are that agriculture commissions are products of a movement for a localized food system and food security. This is a national movement but also in New England. There are recommendations for the state, institutional, local, and individual levels. The document puts the CMP in context. It was done in 2007, which was prior to the creation of the Agriculture Commission, and it recommends that agriculture commissions be created in all NH municipalities. It has the case for agriculture commissions and what their jobs should be.

Vice Chair Wilton stated that she went through a lot of the CMP, which was created in 2010. She continued that was before the Agriculture Commission existed, so the CMP does not really talk about agriculture commission or agriculture, but there are places where it could. She will go through her ideas. The CMP gets reviewed yearly and gets a major review every five or six years, which would be due now.

Ms. Kessler stated that the City is not planning on doing a major revision this year. She continued that the Planning Board feels like the document itself is still quite relevant. So they are not looking at it this year; it will be a 10-year update. The joint Planning, Licenses, and Development/Planning Board Committee is in the process of prioritizing and working with the CMP but the review will not happen this year.

Vice Chair Wilton stated that there is no urgency, but she will point out where she thinks agriculture could be included in the CMP:

- Page 21 – Vice Chair Wilton stated that this calls for a community snapshot of land use, which should include some category of agriculture or gardens. Mr. Daloz asked, did not the Agriculture Commission, in its early days, put together a map that identified agriculture use? He asked where that is. Mr. Florenz replied that they did not have a good way to quantify how many acres were actively being farmed, so they looked at soil maps to see where prime agriculture soil was, open spaces from GIS maps, conservation property, etc., but they did not try to quantify how many acres of agriculture land are in the city. Discussion continued. Mr. Florenz asked if the Agriculture Commission’s goal is to call attention to agriculture’s role in the CMP and if they should draft a recommendation letter to the Planning Board for the next time they review it, even if it is years down the road. Vice Chair Wilton replied yes.
- Page 52, Historic Resources and Cultural Heritage – Vice Chair Wilton stated that Keene has a 300-year history of agriculture but is not mentioned here, and it should be. She continued that for example, 50 years ago her neighborhood had cow barns.

Councilor Chadbourne asked Ms. Kessler if the Agriculture Commission would be able to present some of these ideas to the joint committee to have these ideas be considered as the joint committee works with the CMP. Ms. Kessler replied that she is not sure and would have to check with the Planning Director. She continued that the joint committee does seem like the right forum for them to present a request to consider how to best incorporate the suggestions or make sure agriculture has more emphasis in the current or future version of the CMP. She is not sure if other committees have done something similar. The CMP was created with a lot of community input. She will check with Mr. Lamb.

- Page 95, Open Spaces – Vice Chair Wilton stated that they should include community gardens. They have that lovely research done by the Antioch University New England (AUNE). This is where that could go. The maps could be part of an appendix.
- Page 100, Community Health and Wellness – Food is under this category, so the commission would monitor this, as they are concerned with food security.
- Page 114 talks about poverty, hunger, and food security. It means that the farmer’s market accepts food stamps.
- Page 116, Future Land Use Policy – Vice Chair Wilton continued that according to the Sustaining Agriculture in the Granite State document, one of the most critical issues in the state is that about 700 acres of prime agriculture soil are lost each year due to development.

Mr. Cobb stated that he was on the Extension Council for 18 years and one of his pet peeves was how the government measures these things inaccurately. He continued that for example, they will look at ten acres of land and if there is a house there they will say the whole 10 acres has been taken out of commission.

Vice Chair Wilton asked if others wanted to make recommendations regarding the CMP. She continued that she was thinking of making this into a matrix. Councilor Chadbourne replied that that is a good idea.

Mr. Daloz asked what the correct procedure is for him to share his written comments with the committee, with respect to the Right to Know law. Brief discussion ensued. Per Ms. Kessler's recommendation, Mr. Daloz stated that he will give his writing to Ms. Chalice to include in the next agenda packet. He gave a brief synopsis of what he wrote. Vice Chair Wilton stated that she will send Ms. Chalice her notes. She suggests the commission discuss this again at the next meeting, with her input and Mr. Daloz's input.

Mr. Daloz asked if he and Vice Chair Wilton are the members of the working group that is looking at the CMP. Vice Chair Wilton replied yes. Mr. Daloz asked if the two of them can meet and what the parameters are for that. Ms. Kessler replied that based on her understanding, the two of them can safely meet on their own if they are just reviewing information and not deliberating on anything, but if it is a more formal subcommittee with meetings on a regular basis, they would want to publicly notice the meeting and take some notes. Vice Chair Wilton asked if the group trusts her and Mr. Daloz to meet informally to do this. Councilor Chadbourne replied yes, then they can bring back what they talked about and share it with the commission. Mr. Daloz replied yes, he and Vice Chair Wilton would not be making decisions on their own.

7) New or Other Business

Mr. Florenz reported that he is part of the Monadnock Farm & Community Coalition's (MFCC's) Policy group, and the primary goal of their annual forum is to bring agriculture commissions to the fore, help get more agriculture commissions in more communities, and help guide them in resources or what to focus on. He asked commission members what they think would be the best way for him to share information between the Agriculture Commission and the MFCC. Should people individually opt in to receive emails from the MFCC? Or should he send information to Ms. Chalice/staff, and have her get the information to the whole commission?

Brief discussion ensued. Vice Chair Wilton suggested they discuss this at the next meeting. She continued that in the meantime, if there is any news item from the MFCC, he can forward it to Ms. Chalice and it would go out with the agenda packet. Others agreed.

Vice Chair Wilton stated that Ms. Chalice will send out a Doodle poll to schedule the next meeting.

8) Adjournment

Hearing no further business, Vice Chair Wilton adjourned the meeting at 4:34 PM.

Respectfully submitted by,
Britta Reida, Minute Taker