#### NOTICE OF PUBLIC MEETING

### Town of Durham Board of Selectmen

Kevin Nadeau, Chairman, Rob Pontau, Vice Chairman, Todd Beaulieu, Richard George, Marc Farrin 630 Hallowell Road, Durham, ME. 04039

In Person 3/22/2022 6:30 PM

#### **AGENDA**

- 1. Call to Order & Establishment of Quorum
- 2. Amendments to Agenda
- 3. Reports: Fire Chief, Road Commissioner
- 4. Update from Board on Interim Town Manager and future search process
- 5. Public Comment
- 6. Consideration of amendments to Land Use Ordinance articles to be voted on at Town Meeting
- 7. Conservation Commission: Update and Discussion of Grant Opportunity
- 8. Consent Agenda: (Any Board member may request to have an item removed from the consent agenda for discussion.)
  - a. Approve minutes from March 8, 2022 SB Meeting
  - b. Approve and sign March 22, 2022 Warrant(s)
- 9. Upcoming Meeting(s) and Town News:
  - Select Board Election, April 1, 2022 at Eureka Center
  - Town Meeting, April 2, 2022 at Durham Community School
  - Regular Meeting April 12, 2022 at 6:30 PM at Town Office
- 10. Executive Session
  - Executive Session pursuant 1 M.R.S.A. § 405(6)(H) & Title 30-A, section 4452 Enforcement Matters
  - Executive Session pursuant to 1 M.R.S.A. § 405(6)(A) Personnel Matters
- 11. Re-Convene
- 12. Adjourn

March 15, 2022

Governor's Office of Policy Innovation and the Future 181 State House Station Augusta, Maine 04333-0181

To the Community Resilience Partnership Climate Action Grants Program,

I am writing this letter of support on behalf of the Durham Conservation Commission, to confirm our intention to work with 207permaculture, L3C to join the Community Resilience Partnership. We will collaborate with the 207permaculture to host a public workshop, complete the self-assessment, weave an impact network with communities in our area, identify specific climate action priorities for our community as outlined in the Service Provider Climate Action grant program.

Our town conservation commission is newly re-formed after a decade's long hiatus. Many of our goals are aligned with projects that can be initiated and implemented through this partnership. Working with Rachel would allow us to move more swiftly into some of the projects that we have had in mind for months. We are excited about the opportunity to engage our community members about climate impact and action. We hope to build relationships in our community and to discover our readiness for specific strategies outlined in the Maine Climate Action Plan.

To support this work, Durham Conservation Commission will host one or more workshops facilitated by 207permaculture and encourage participants from our community who get involved with this project to offer feedback, which will be used to refine and develop future resilience planning to serve the needs and desires of our community specifically.

Thank you for your consideration of this provider,

**Durham Conservation Commission** 

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- 12. Adjourn

### **Durham Conservation Commission**

### **Mission Statement**

The Town of Durham, in conjunction with passage of the 2018 Durham Comprehensive Plan, seeks to update and rebuild the Durham Conservation Commission.

The Durham Conservation Commission shall:

- be comprised of no more than seven voting members;
- Keep records of its meetings and activities and make an annual report to the municipality;
- Work to protect current and potential water resources;
- Work to conserve natural resources in the Town of Durham;
- Work to create and preserve open space for recreational use and wildlife habitat;
- Advise Board of Selectmen and Planning Board on sustaining our Town's natural resources, including land, water, air, wildlife habitat, and scenic views; and
- Conduct research, in conjunction with the Planning Board, into local land areas that are being considered for development. The Planning Board will request input from the Commission in conjunction with any proposed subdivision that impacts natural resources or Town-owned property or which involves the transfer of an interest in land to the Town.

#### The Durham Conservation Commission may:

- Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets, which it considers necessary.
- Acquire land in the municipality's name for any of the purposes set forth in this section with the approval of the municipal legislative body.
- Receive gifts in the municipality's name for any of the commission's purposes with approval of the Board of Selectmen and shall administer the gift for those purposes subject to the terms of the gift.

\* Note: both of these sections are derived from MSRA Title 30-A §3261 and/or the 2018 Durham Comprehensive Plan

The Commission shall achieve these duties by:

- Pursuing public/private partnerships.
- Cooperating and coordinating with neighboring communities and regional/local advocacy groups.
- Initiating and/or participating in inter-local and/or regional planning, management and/or regulatory efforts.
- Raising public awareness through educational outreach.
- Recommending to the municipal officers or any municipal body or board, or any body politic or public agency of the State, programs for the better protection of water resources, natural resources or open space.

**Implementation Philosophy -** The Durham Conservation Commission shall work on conservation-related issues in a climate of mutual respect with all Durham employees, volunteers and residents, other communities, and advocacy groups. We will seek to foster a collaborative working relationship with public and private groups organized around the preservation and enjoyment of the natural environment.

### Goals Included in the 2018 Durham Comprehensive Plan:

#### Water Resources

Help implement the Water Resources and Natural Resources recommendations of this Comprehensive Plan update.

• Identify and promote hazardous or commercial waste disposal programs, highlighting the importance of protecting wells and aquifers

- Develop a strategy and requirements for "community" wells and waste water systems. i.e. shared well and/or septic systems.
- Provide local contact information at the Town Hall for water quality best management practices from resources such as the Natural Resource Conservation Service, University of Maine Cooperative Extension, Soil and Water Conservation District, Maine Forest Service, and/or Small Woodlot Association of Maine.
- Provide educational materials at appropriate locations regarding aquatic invasive species.

#### Natural Resources

Help implement the Water Resources and Natural Resources recommendations of this Comprehensive Plan update.

- Pursue public/private partnerships to protect critical and important natural resources such as through purchase of land or easements from willing sellers.
- Distribute or make available information to those living in or near critical or important natural resources about current use tax programs and applicable local, state, or federal regulations.
- Initiate and/or participate in inter-local and/or regional planning, management, and/or regulatory efforts around shared critical and important natural resources.
- Make available to the public the most recent data on rare plants, animals, and natural communities and important wildlife habitats provided by the Beginning with Habitat program of the Department of Inland Fisheries and Wildlife, included on maps in this document.

#### Recreation

Help implement the open space recommendations of this Comprehensive Plan update.

- Develop a comprehensive open space plan for the community that evaluates the potential for expanding protected open space in the Town. This plan should assess the value of open space for a range of benefits including recreational use, retention of scenic views, wildlife habitat protection, protection of groundwater quality and quantity, protection of the quality of surface waters including Runaround Pond.
- Work with Royal River Land Trust, Androscoggin Land Trust, other conservation organizations, other towns, state agencies, and landowners to explore ways to protect important open space and recreational land.
- Provide educational materials regarding the benefits and protections for landowners allowing public recreational
  access on their property. At a minimum this will include information on Maine's landowner liability law
  regarding recreational or harvesting use, Title 14, M.R.S.A. §159-A.
- Create and maintain an inventory of our recreational resources, including ball fields & other sports facilities, water access points, conservation lands, and trails.
- Monitor conditions of existing public access to the Androscoggin River, Runaround Pond and Chandler Brook areas for boating, fishing, and swimming, and recommend repairs & improvements.
- Create a map of existing trails, abandoned roads and future trails and potential linkage with regional recreational resources, including nearby Bradbury-Pineland Corridor Trails.

#### Solid Waste

• Raise public awareness on single stream recycling. Create a list of incentives to meet the state goal of 50%.

Program Contact: Brian Ambrette brian.ambrette@maine.gov www.maine.gov/future/climate/resilient-maine

# **Community Resilience Partnership**

### **List of Community Actions**

Revised December 1, 2021

The List of Community Actions are suggested activities for communities that align with the goals and strategies of Maine Won't Wait. Communities will use the List first as a self-assessment tool to aid in determining where progress has already been made, then as a guide for identifying future priorities and funding opportunities.

All of the actions on the List – from planning projects to developing ordinances to capital improvements – are eligible for no-match Community Action Grants. Communities are encouraged to combine multiple related actions from the Inventory into a single application. Recognizing that some communities have inhouse capacity and others do not, the grants may fund staff time or be used to hire external capacity, such as a consultant or regional planning organization, to assist with the project.

Community Action Grants are capped at \$50,000 for individual communities and \$100,000 for collaborative projects from a cohort of two or more communities. Action-specific caps may also apply (for example, communities may request up to a certain amount per electric vehicle purchase).

Community Action Grants may be used to augment other state funding opportunities, such as Efficiency Maine's rebate programs. However, the applicant must demonstrate that the other source of funding has been or will be maximized before funding from a Community Action Grant is allowed. For example, a town wishing to purchase an electric vehicle or upgrade to energy efficient LED lighting must demonstrate that Efficiency Maine's incentives are being applied first to the project budget.

Program Contact: Brian Ambrette brian.ambrette@maine.gov

Community Resilience Partnership | Office of Policy Innovation & Future (maine.gov)

	Community Resilience Partnership  List of Community Actions  Revised December 1, 2021				
✓	Stra	tegy Areas & Actions	Additional Resources (\$=funding source)		
Strat	egy	Area A: Embrace the Future of Transportation			
Accele	rate t	the Transition to Electric Vehicles (EVs)			
	A1	Purchase or lease electric vehicles for municipal or tribal government-owned vehicle fleets. (Grants capped at \$2,000 per light duty EV.)	Efficiency Maine: Municipal EV rebates (\$)		
	A2	Install EV chargers in public parking areas.	Efficiency Maine: EV supply equipment initiative (\$)		
	А3	Adopt ordinances to encourage EV charging infrastructure, including at multifamily dwellings, businesses, and public parking areas.	Municipal Electric Vehicle Readiness Toolkit (Southern Maine Planning and Development Commission)		
	A4	Adopt an anti-idling ordinance.	Example: Bar Harbor Municipal Code		
Impro	ve Mo	obility and Reduce Vehicle Miles Traveled (VMT)			
	A5	Implement strategies that increase public transit ridership and alternative transportion modes, including bike and walking infrastructure.			
	Implement strategies that encourage municipal/tribal employees to commute via carpools, public transit, bike/walk, or other alternatives to single occupancy vehicles.				
	Α7	Adopt a telework policy for municipal/tribal government staff positions that can work remotely some days per week.			
	Adopt land use and development policies in plans and codes that reduce the need for driving (e.g. locating schools, workplaces, and shopping near where people live; encouraging density of development near housing and transportation).				
	A9	Adopt a Complete Streets policy which addresses safety, bike/pedestrian uses, and transit.	Maine DOT Complete Streets		
	A10	Adopt a broadband plan that reduces the need to drive by increasing access to high speed internet for underserved residents to support telecommuting, access to remote education and telehealth.	Connect Maine planning and infrastructure grants (\$)		

Strat	Strategy Area B: Modernize Maine's Buildings					
Transi	Transition to Cleaner Heating and Cooling, and Efficient Appliances in Municipal/Tribal Buildings					
	Adopt and execute a plan for energy efficiency and building envelope Weatherization improvements for municipal/tribal buildings. Collaborate with local school district for school building improvements.		Efficiency Maine: Public Sector (\$)			
	B2	Upgrade to energy efficient interior lighting in municipal/tribal buildings.	Efficiency Maine: Public Sector (\$)			
	В3	Upgrade to energy efficient appliances in municipal/tribal buildings.	Efficiency Maine: Public Sector (\$)			
	Upgrade streetlights and exterior lighting for municipally/tribally-owned		Efficiency Maine: Public Sector (\$)			
			Efficiency Maine: Public Sector (\$)			
Advan	ce the	Design and Construction of New Buildings				
	В7	Adopt the energy efficiency stretch building code (currently IECC 2021).	International Energy Conservation Code 2021			
	B8 Require EV charging readiness and solar energy readiness for all new construction.  B9 Support regular professional development for code enforcement officers, especially Efficiency Maine's code trainings.		Municipal Electric Vehicle Readiness Toolkit (Southern Maine Planning and Development Commission)			
			Efficiency Maine trainings			
	B10	Adopt C-PACE ordinance for commercial property owners to install renewable energy systems, energy efficiency measures, and EV charging infrastructure (pending state program launch).	Efficiency Maine: Energy Loan Comparison Chart (PDF)			

Strat	Strategy Area C: Reduce Emissions through Clean Energy Innovation				
Reduc	Reduce Greenhouse Gas (GHG) Emissions				
		Conduct a baseline for energy useage by municipal/tribal government			
	C1	including electricity, heating and transportation fuels, and other energy			
		sources.			
		Identify and track a simplfied set of emissions indicators for community			
	C2	emissions reduction (e.g. number of EVs registered in the community,			
	CZ	number of homes with solar panels, number of heat pump rebates from			
		Efficiency Maine).			
		Adopt a resolution setting targets and a plan for reducing emissions and			
	С3	advancing clean energy from municipal/tribal operations that align with the			
		state's targets.			
Advan	ce Cl	ean Energy Adoption			
		Adopt a renewable energy ordinance(s) that allows, enables, or encourages			
	C4	community-appropriate renewable energy and energy storage installations.	US DOE SolSmart program and technical assistance		
	C5	Adopt a streamlined permitting process for small-scale renewable energy	US Department of Energy: SolarApp		
		installations.			
Transi	tion t	o Clean Energy			
		Enter into a long-term service contract or power purchase agreement (PPA)			
	C6	or adopt a clean power purchase policy to ensure increasing local	USDA Rural Development: Rural Energy for America (\$)		
		government energy supplies come from renewable energy.			
		Install a renewable energy project (solar, wind, geothermal, anaerobic			
	C7	digestion, etc.) on municipal/tribal property (e.g. school rooftop, wellhead	USDA Rural Development: Rural Energy for America (\$)		
		protection area, landfill, brownfield site, etc.).			

Strat	Strategy Area D: Grow Jobs and Protect Natural Resource Industries			
Suppo	Support Maine's Natural Resource Economy			
	D1	Adopt policies that enable, support, or incentivize local food production and consumption, including community gardens.		
	D2	Adjust procurement policies to prioritize climate-friendly Maine forest products (e.g. mass timber, wood-fiber insulation) in construction projects.		
Suppo	ort Cle	ean Energy Jobs and Businesses		
	Assess the suitability of privately-owned brownfield and D3 disturbed/contaminated sites for clean energy projects and encourage project development.		US EPA RePowering America's Land program	
	D4 Establish incentives for clean energy industry or businesses to locate in community.			
	D5	Encourage and support clean energy industries in economic development plans.		

Strategy Area E: Protect the Environment & Promote Natural Climate Solutions					
Protec	Protect Natural and Working Lands and Waters				
	E1	Set targets for increasing green space and tree planting to increase shade and water access in public spaces and carbon sequestration.	DACF Project Canopy (\$)		
	Incorporate a goal into conservation plans of conserving 30% of land in the community by 2030 (including undeveloped town property), with a priority on addressing conservation gaps related to high biodiversity areas, undeveloped blocks, and land and water connectivity.		IWF: Beginning with Habitat		
	E3	Create or update a watershed plan to identify flooding and water quality priorities and adaptation options.			
	E4 Develop a natural resource and habitat inventory that includes climate stressors and impacts.  E5 Conserve, revegetate and reconnect floodplains and buffers in riparian areas.		ME Natural Areas Program: Maps, Data, and Technical Assistance		
	E6	Preserve climate-threatened natural areas such as wetlands, riparian areas, and headwater streams through zoning or other regulations.			
	E7	Implement a source water protection program.			
	Adopt policies that prioritize natural, nature-based or ecologically enhanced shoreline protection for coastlines, rivers, and lakes.				
	E9	Identify and protect sites for living shorelines and saltmarsh migration areas.	ME Natural Areas Program: Maps, Data, and Technical Assistance		
E10 Identify and protect open space in tand community resilience.		Identify and protect open space in the floodplain to increase flood buffers and community resilience.	ME Natural Areas Program: Maps, Data, and Technical Assistance		

trategy Area F: Build Healthy & Resilient Communities an for Community Resilience				
F1	Conduct a community vulnerability assessment that identifies climate risks and vulnerable populations and includes a review of existing plans and policies. Adopt a climate resilience plan that describes high priority strategies for reducing risk and vulnerabilities (may be a standalone plan or included in a comprehensive plan).			
F2	Update the local or county EMA hazard mitigation plan to address changing/future conditions and identify specific strategies to reduce vulnerability and increase resilience to climate change impacts.			
F3	Develop or enhance early warning systems and community evacuation plans.			
F4	Develop a storm debris management plan.			
duce Flood Risk				
F5	Complete the Maine Flood Resilience Checklist.	Maine Flood Resilience Checklist		
F6	Participate in the National Flood Insurance Program (NFIP).	FEMA's Community Rating System		
F7	Enroll in the NFIP's Community Rating System (CRS) at Class 9 or better, reducing flood insurance premiums for community residents.	FEMA's Community Rating System		
F8	Achieve CRS Class 6 or better, maximizing flood insurance savings for community residents.	FEMA's Community Rating System		
F9	Map sea level rise projections in the local or county EMA hazard mitigation plan.			
F10	Require consideration of sea level rise projections and impacts in planning and permitting coastal development.			
F11	Adopt freeboard requirements in the special flood hazard area and higher freeboard critical infrastructure and long-lifespan assets.			
F12	Adopt a low-impact design (LID) standard for stormwater management.	Low Impact Design Manual for Maine Communities (PDF)		

Streng	Strengthen Public Health				
		Identify and plan to reduce public health threats in the community that are exacerbated by climate change.	US CDC Health Harm Cards and Climate & Health Planning Worksheet		
	161/1 1 · · · · · · · · · · · · · · · · ·		US CDC Heat & Health Tracker Resources: Heat Response Plans and Use of Cooling Centers		
		Establish a peer-to-peer program for checking in on vulnerable community members during extreme heat or cold events.			
	F16	Increase community-level resilience to mosquito-borne diseases by implementing vector controls to decrease mosquito habitat.	Maine CDC Mosquito-Borne Illness Prevention & Response Guidance for Maine Towns and Communities (PDF)		
	F17	Implement school-based programs to educate students about prevention of mosquito- and tick-borne diseases.	https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/school- curriculum/index.shtml		

	Strategy Area G: Invest in Climate-Ready Infrastructure				
Assess	Assess climate vulnerability of infrastructure				
	Conduct a vulnerability assessment for criticial community infrastructure that includes: 1) the climate hazards to which infrastructure assets are expose and how the intensity and likelihood will change over time; 2) the susceptibility to damage or failure given location, design, age, condition, and state of repair; and 3) the consequences that impairment or failure of the infrastructure will have on the community.				
	G2	Develop a Capital Investment Plan that a) identifies vulnerable municipal/tribal facilities and assets, and b) prioritizes resilience in improvements and/or new construction.			
Utilize	clima	ate-ready standards, designs, and practices to improve infrastructure			
	G3	Improve and protect drinking water and wastewater treatment facilities to reduce physical damage and sustain function during extreme weather events.			
	G4 Adopt a policy that prioritizes green infrastructure to manage stormwater in developed areas.				
	G5	Adopt DEP's Stream Smart Crossing Guidelines as standard practice for culvert and bridge improvements. Identify vulnerable crossings and apply for DEP improvement funds.	DEP Stream Smart Crossings Grants and Pocket Guide (\$)		
	G6	Assess wastewater treatment facilities for clean energy potential (solar, anaerobic digester, etc.).			

Strategy Area H: Engage Maine People				
	Н1	Establish or recognize an official committee of community stakeholders.		
Increa	se pu	olic awareness of climate change impacts and opportunities to take action		
	H2 Create a climate change education, outreach, and engagement program, focusing on mitigation and adaptation for residents and businesses.		US CDC Climate & Community Health (PDF)	
	H3 Amplify public health advisories for climate-related health and weather events, such as air quality advisories, extreme heat or cold events, extreme storms, power outages, waterborne disease outbreaks, harmful algal blooms, vectorborne disease trends, etc.		NWS advisories (weather.gov/gyx and weather.gov/car); DEP air quality advisories (maine.gov/dep/air/ozone/index.html); ME Tracking Network displays of near real-time heat illness, cold illness, or tickborne diseases (data.mainepublichealth.gov/tracking)	
	H4 Engage youth in resilience, clean energy, and energy use reduction.  Engage populations that are vulnerable to climate impacts in resilience, clean energy, and GHG emissions reduction.			
Engag	e the	business community and recognize climate leadership		
	H6 Create and support an energy reduction campaign or challenge among businesses.			
	Н7	Initiate a community bulk purchasing program with a vendor, or vendors, to provide low cost equipment such as heat pumps and solar for interested residents and businesses.	Portland's "Electrify Everything!" Initiative	

#### DRAFT MEETING MINUTES 3/8/2022 6:30 PM

### Town of Durham Board of Selectmen

Kevin Nadeau, Chairman, Rob Pontau, Vice Chairman, Todd Beaulieu, Richard George, Marc Farrin 630 Hallowell Road, Durham, ME. 04039 In Person

### AGENDA (AMENDED)

- 1. Call to Order & Establishment of Quorum: Rob Pontau is excused
- 2. Amendments to Agenda
- 3. Public Comment: Heather Roy expressed concerns about the Town Manager resignation process and the selection of a new Town Manager.
- 4. Select Board 2022 Budget and Warrant Review: The Select Board reviewed the Town Warrant for 4-2-2022 and made some substantive and format amendments which included removing proposed article 14 land use amendment for fireworks, breaking down article 21 into individual departmental amounts, and other minor edits.
- 5. Approve Oaths:
  - Calvin Beaumier, Interim Plumbing Inspector: *Approved 4-0*
  - Janet M. Bowie, Interim Tax Collector: *Approved 4-0*.
- 6. Transfer tax collection liability and obligation from Kathy Tombarelli to Janet M. Bowie: *Approved* 4-0.
- 7. Town Clerk request for Town Office closures prior to Town Meeting: *The Board discussed and agreed that this is an appropriate recommendation*.
- 8. Consent Agenda: (Any Board member may request to have an item removed from the consent agenda for discussion)
  - a. Approve minutes from February 22, 2022 SB Meeting: Approved 4-0
  - b. Approve and sign March 8, 2022 Warrant: Approved and signed 4-0
- 9. Upcoming Meeting(s) and Town News:

#### **Select Board Meetings at Town Office:**

- Public Hearing (Special Meeting Land Use Ordinance Amendments) March 15, 2022 at 6:30 PM at Eureka
- Regula Meeting March 22, 2022 at 6:30 PM at Town Office
- Regular Meeting April 12, 2022 at 6:30 PM at Town Office

The Select Board Chair reminded the Public that the Town Meeting is on 4/2/2022. Select Board entered into executive session at 7:15 PM:

### 10. Executive Session pursuant to 1 M.R.S.A. § 405(6)(A) – Personnel Matters

The Board returned from Executive session at 7:50 PM.

Motion: Move to authorize the Select Board Chair to enter into an Employment Agreement with Mitchell Berkowitz as a consultant and Interim Town Manager.

11. Adjourn: The Select Board adjourned at 7:54 PM

<sup>\*</sup>Correction from meeting: The Select Board member election will be held on April 1<sup>st</sup> at the Eureka Center, not at the AMVETS. Town Meeting will be at the Durham Community Center as stated.



**To**: Select board

Re: March 2022 Fire Department update

Call volume remains steady at 80% requests for medical services.

The department is actively hiring for per diem EMS shifts with 3 members training

We are actively submitting grant request, which include a gear grant from MSA and Globe, a radio grant through EMA-Androscoggin at \$15,000 and a boat grant through firehouse subs

Covid-Flu and avian (bird) flu updates

Maine Chief's conference and training at Sunday River resort

March 26<sup>th</sup> ice rescue training

April 1 voting safety

Receipt of drug take back box at the fire station

EMS week in May-celebrating our own.

FD management met with TM Mitch

Questions?



## Town of Durham 1099 Royalsborough Road Durham, Maine 04222

Tel.: (207) 353-3281

### Road Commissioner Calvin Beaumier Cell Phone (207) 844-1774

# Durham Public Works Department Head Report 3-22-22

- We have been busy over the last several weeks with a number of small 1 to 4" snow storms almost every other day or every few days.
- We have been busy with gravel roads during mud season to keep them passable
- We have been down one full time driver for the past few weeks with a health-related matter and it appears that this will continue for a bit longer so we are using part time and on-call help to fill in.
- I have finished up another budget for the BOS and the Budget Committee as well as presenting for the CIP Committee.
- I have been working with the engineers and the Army Corps of Engineers to get some final elevation shots for Stream Crossing Grant Project.
- I have been very busy with balancing CEO related matters and public works duties.
- All Town Roads have been seasonally posted since March 1<sup>st</sup>.
- I had the electrician fix the lights at the Town Office and Eureka Center that were not shutting of during the day.
- We temporarily patched some holes in the vinyl siding at the Eureka Center as someone spun their tires and threw rocks through the siding. I used white duct tape to cover the small holes for now.