

Town of Scarborough Conservation Commission

December 13, 2021 | 6:00 p.m. | Scarborough Town Hall and via Zoom

Meeting Minutes

Present in person: Randi Hogan, Councilor April Sither, Pete Slovinsky, Chuck Spangler, Emily Springer, Jami Fitch

Present via Zoom: Noah Perlut

Call to order

1. Meeting was called to order at 6:01 pm
2. The Commission welcomed April Sither as their new Council liaison.
3. Committee voted to accept the minutes from the 11/8/21 meeting. Motion was made by Pete and seconded by Emily. Four votes in favor; one abstained. Motion passed.
4. Randi shared a passage from *Our Beloved Kin* by Lisa Brooks.
5. Pete moved to approve agenda. Chuck seconded. Rollcall vote was unanimous. Motion passed.
6. Suzan Nixon has decided to step down from the Commission. Commissioners wished to acknowledge Suzan's resignation and thank her for her service.

Old business

1. Conservation Commission & Pest Management Advisory Committee (PMAC) Consolidation
 - Jami provided an update of the meeting with Conservation Commission and PMAC leadership, which took place on 11/15/21.
 - Prior to the meeting, Jami provided the group with updated draft revisions to the Conservation Commission charge and the Town's pest management policy (provided with this meeting's agenda). Both documents need to be updated as part of the consolidation process.
 - PMAC members expressed concern that the Town's pest management policy may be lost in the regular business of the Conservation Commission. Randi suggested that the Commission could vote to affirm support for the policy.
 - All in attendance were in favor of moving forward with consolidation. Three members of PMAC would like to join the Conservation Commission: Marla Zando, Rita Breton, and Terri Eddy, would like to serve on the Conservation Commission.
 - At the meeting, Jami offered to draft motions both groups could make at their next meetings to move forward with consolidation. The motions (provided with this meeting's agenda) were circulated to meeting participants following the 11/15/21 meeting. PMAC voted to recommend that the Town Council approve the updates to the pest management policy (thereby consolidating PMAC and Conservation Commission) at their 11/30/21 meeting.

Planning & Code Enforcement

- Once both groups have voted on consolidation, a joint memo from both groups will be sent to the Town Council with the draft revisions to the Commission charge and pest management policy. The memo will outline the process the groups have gone through, introduce the draft documents, and request that the three active PMAC members be appointed to the vacant Conservation Commission positions.
- Pete questioned why the index of open space was moved from the “shall” section of the charge to the “may” section of the charge.
 - Jami explained that the Commission doesn’t currently keep an index of open space, so she recommends that it be moved to a duty the Commission may do but isn’t required to do. The section could be moved back to a required duty in the charge.
 - If “maintaining an index of open space” is moved back to the “shall” section of the charge, it should be added to the Commission’s goals for 2022.
- Jami noted that the Town’s attorney has been asked to review the Commission’s charge to ensure it’s consistent with State requirements.
 - *Update since the meeting: Feedback from the attorney indicates the recommended revisions are consistent with the State requirements.*
- April was asked to provide feedback into the Council’s process, should the Commission vote in favor of consolidation.
 - April feels that the materials provided are well laid out and understandable. She noted that the councilors will appreciate that the charge is being reviewed by the Town’s attorney.
 - April recommended that members of the Conservation Commission attend the Council meeting when the issue of consolidation is taken up.
- Chuck asked which alternate would be given voting authority if a quorum is lacking.
 - Jami explained that the alternate positions are numbered: first alternate and second alternate. The first alternate would be the first member to receive voting authority.
- April noted that the earliest consolidation will appear on the Council’s agenda is 1/5/22. The Council will likely spend at least two and possibly three meetings on the consolidation issue.
- Noah asked how frequently PMAC meets and if they have regular tasks that are carried out in their annual cycle.
 - PMAC typically meets every-other month. In the spring PMAC will hear about Community Services’ annual plans for land care and maintenance. If it is determined that pesticide use is needed to deal with a particular issue, Community Services will provide PMAC information about why the treatment is needed and the product that is to be used. Based on this information (and any additional information the PMAC members seek on their own), the PMAC will vote to recommend if a pesticide waiver be granted or not. The ultimate decision on pesticide application lies with the Town Manager. Other than that, PMAC typically focuses on providing public education on organic lawn care, native plants, permaculture, etc.
- One of the first meetings following consolidation will likely include time for information sharing / education: Conservation Commission will provide an overview of their work and priorities, and the members from PMAC will do the same.

- Noah expressed some trepidation about the merger because he doesn't have a background in land care management and is nervous about making recommendations without expertise in the field. He would like to ensure the Commission's agendas include PMAC's annual cycle of tasks and that Commission members educate themselves about the language and topics related to PMAC's work.
 - Pete shared that he understands Noah's concerns and pointed out that members of PMAC will join the Commission, and they will be able to provide some background and information to the group. He also noted that he's not an expert in all topics the Commission takes up, but other members of the Commission are. Every member brings something to the table.
 - Pete hopes that consolidating PMAC with Conservation Commission will move the Town to adopt stronger pesticide policy. He doesn't believe limiting pesticide use on 27 acres of land in Scarborough makes an impact.
 - Emily shared that she is hopeful that consolidation will lead to the Town taking a stronger stand on how pesticide use is managed in Scarborough.
- Pete asked what other committees have been asked to consider consolidation.
 - The Rec Advisory Committee may be consolidating with another committee.
- Chuck asked if PMAC is allowed to expand the pest management policy beyond the Town's property.
 - Jami shared that PMAC was set up specifically to oversee the implementation of the pest management policy, and the policy is explicit that it only applies to municipal property. The Conservation Commission may be able to work toward stronger pesticide restrictions.
- Randi noted that Commissioners are not expected to be experts in all issues taken up, but that Commissioners draw on the knowledge and expertise of others to make decisions and recommendations. She also shared the Commission's agenda will be set up so that PMAC will be a regular part of meetings. PMAC may also function as a sub-committee within the Conservation Commission, and the Commission should consider if other efforts warrant separate sub-committees as well.
- *MOTION: Emily motioned to request the Town Council approve the proposed changes to the Conservation Commission charge, thereby integrating the Pest Management Advisory Committee into the Scarborough Conservation Commission. Pete seconded.*
 - Additional discussion:
 - Pete asked how consolidation could be undone if the merger doesn't work well.
Answer: A similar process of updating the pest management policy, Commission charge, and Council approval would be needed.
 - Chuck noted that the active members of PMAC are not experts in the field but are very passionate about organic land care and have educated themselves on the topic.
 - April pointed out that committee appointments are made by the Town Council and their Appointments and Negotiations Committee. While it is likely the Council will appoint the existing members of PMAC to the Conservation Commission, it is not guaranteed.
 - The Commissioners expressed that this effort can only be considered a consolidation if the existing members of PMAC are appointed to the Conservation Commission. The memo that is written to the Council will

include a recommendation that the three active members of PMAC be appointed to the Conservation Commission.

- *Rollcall vote was unanimous. Motion passed.*

- **ACTION: JAMI will draft a cover memo and compile the materials related to consolidation that will be provided to the Town Council.**

2. Pest Management Policy

- Randi that one of the concerns expressed by PMAC members at the 11/15/21 meeting was that issues related to the pest management policy would not be brought to the full Commission after consolidation. At the 11/15/21 meeting, Randi suggested that Commission could vote to affirm the pest management policy. She acknowledges that the policy isn't ideal and this vote does not mean that overseeing the policy is the only thing the Commission will do related to pesticides.
- Emily asked for clarification that voting to affirm the pest management policy would not limit the Commission's ability to strengthen the policy in the future.
 - The affirmation of the policy is to indicate that the Commission does not want the policy weakened.
- Noah pointed out that, with consolidation, the Commission becomes the stewards of the pest management policy.
- Randi asked if Todd Souza, Community Services Director, will attend meetings when recommendations related to the pest management policy need to be made.
 - Yes, Todd will be at those meetings.
- *MOTION: Pete motioned to affirm support for the Scarborough pest management policy. Emily seconded. Four votes in favor; one abstained. Motion passed.*

3. Pine Tree Amendment (PTA)

- The Commissioners reviewed the draft resolution that was included with the agenda.
- The Commissioners have heard that the Council is not currently in support of the PTA. The group discussed how to proceed. They ultimately decided to vote on the draft resolution but not send it to the Council at this time.
- Chuck shared that the Maine Municipal Association (MMA) has indicated that they do not support the PTA. The PTA campaign leaders recently met with MMA representatives to discuss the legislation. Chuck hopes MMA will come out in support of the PTA.
- Chuck also shared that the [Environmental Priorities Coalition](#), a partnership of 37 environmental, conservation, and public health organizations, including The Natural Resources Council of Maine, Maine Audubon, and MOFGA, is considering including the PTA as one of their priorities in 2022.
- April recommended that the Commission not bring the Commission/PMAC consolidation and the PTA to the Council at the same time. She suggested prioritizing the two efforts to determine which should go to the Council first. If the PTA resolution is the highest priority, the Commission needs to educate the Council.
- Chuck shared that the legislature will likely vote on the PTA in February, so the Council resolution is needed soon.

- Jami asked how important a Council resolution is, if Scarborough’s legislative delegation is already in support of the PTA.
 - Chuck noted that the PTA campaign is working to build municipal support statewide. Having the support of the Scarborough Town Council would be helpful, because Scarborough tends to be more conservative than other southern Maine communities, but the support is not critical to the effort.
- Jami asked if the PTA was going to be taken up by a legislative committee or if it was going straight to the floor for a vote.
 - Chuck was not sure.
- The Commission believes that the Town Council remaining silent on the issue is better than the Council voting against the resolution.
- Noah asked if the PTA could be endorsed by the Scarborough Conservation Commission and not go to the Council.
 - Yes, and the Commission has already endorsed the PTA.
- Noah noted that Commissioners have expressed concern over this process taking too much of the Commission’s time. He suggests that the Commission act on the PTA as a Commission and not move forward to bring a resolution to the Council.
- The PTA campaign plans to offer a lunch and learn session for municipal officials. Chuck will share the information with April when it’s available.
- *MOTION: Chuck moved to approve the draft resolution but not send it to the Council at this time. Pete seconded. Roll call vote was unanimous. Motion passed.*
- **ACTIONS:**
 - **CHUCK will provide April with more information about the PTA, including information about the PTA info session for municipal officials.**
 - **APRIL will speak with her fellow councilors about the PTA and relay their concerns to the Commission.**

New Business

1. Gorham Connector Turnpike project

- The Maine Turnpike Authority (MTA) has announced plans to move forward with a Gorham connector. Representatives from MTA recently presented to the Town Council to introduce the project.
- Randi would like to serve as an advisor to the Town Council on the project, since construction of the connector will likely impact Red Brook, which is an impaired stream.
- April shared that the Council will not take up this topic until the new year. MTA is seeking the Town Council’s support for the project, but their support is not needed for MTA to move forward. MTA has provided minimal information about the project to date, and the Council has not decided if they will support it. The Town will not have a lot of input into the project, but April noted it would be appropriate for the Commission to weigh in on the environmental impacts of the project and advise the Council accordingly.
- Angela Blanchette, Scarborough’s Town Engineer, will be involved in the project. She will keep Jami in the loop with MTA’s plans.

- MTA completed an environmental alternatives analysis for the project. This information will likely be of interest to the Conservation Commission.
- MTA has noted that they're acquiring land for the project, but the land needed for the connector is far less than the parcels they are purchasing. There may be opportunities for land conservation as part of the process.
- An article about the project appeared in a recent issue of the *Portland Press Herald*.
 - **ACTION: JAMI will share the article with Commission members.**
- Noah asked if the environmental review considered wildlife crossings.
 - The analysis has not been made public yet, so we don't know the answer to that question. If stakeholders are provided the opportunity to comment on the project, the Commission can include the need wildlife crossings in their comments.
- This topic will remain an item on the Commission's meeting agendas.

2. 2022 Goals

- Randi pulled together a [spreadsheet](#) of visions and recommendations from the 2021 Comprehensive Plan that align with the Conservation Commission charge to help guide goal-setting for 2022. She noted that pest management is not captured in the spreadsheet, and the Commission should consider where that topic may fit.
- Randi would like commissioners to review the spreadsheet to help the group identify a couple priorities to take on in 2022.
- Pete noted that there is a unique opportunity to have the 2022 goals and priorities support SMPDC's coastal resilience grant, of which the Town is a part. The grant provides the Town with additional technical resources to support some of the Commission's work.
- Emily asked if the spreadsheet could be added to or edited.
 - Randi asked that changes be made in a different color and include initials so it's clear who made the revisions.
- Jami shared that the Long Range Planning Committee (LRPC) has been working on identifying which goals and visions align with the Town's various committees. Jay Chace, Planning Director and the staff liaison to the LRPC, plans to provide committee chairs and staff liaisons with this information soon.
- Commissioners thanked Randi for compiling the spreadsheet.
- Chuck asked if there is a committee dealing with a climate action plan.
 - Since Jami started with the Town, the Conservation Commission has been the entity connected with a Climate Action Plan. The Commission expressed that they feel the task may be better suited for the Sustainability Committee. Jami noted that the Sustainability Committee developed and is implementing a energy and sustainability plan, which can be considered a similar effort to a climate action plan, but it was developed before climate action plans were well known.
- Pete asked if the Town has identified projects that would be eligible for the State's recently announced Community Action Grants.

- No projects have currently been identified, but Jami plans to attend the webinar on 12/14 to learn more about the program and begin the enrollment process.
- **ACTION: COMMISSIONERS will review the spreadsheet and identify their priorities for discussion at the next meeting.**

Updates

1. Maine Association of Conservation Commissions Annual Meeting
 - **ACTION: RANDI and CHUCK will provide a written update, to be included with the materials for the 1/10/22 meeting.**
2. GPCOG/ICLEI workshop
 - **ACTION: JAMI will provide a written update, to be included with the materials for the 1/10/22 meeting.**
3. Town Council
 - Council Chair Cloutier decided to assign Council liaisons to similar committees. In addition to the Conservation Commission, April will serve as liaison to the Sustainability Committee, Historic Preservation Society, Eastern Trail Alliance, and Scarborough Land Trust.
 - April shared a bit about her background. She has a bachelors degree in biology and a masters in education. She has a lot of interest in conservation-focused issues.
4. Planning Board
 - Eric Sanderson, the Town's new planner, will begin attend Commission meetings in January.
5. Sustainability Committee
 - The Sustainability Committee recently hosted a workshop for developers to introduce their proposed updates to the Zoning Ordinance that will require planning for EV infrastructure in all new development and re-development projects. The Committee received good questions and constructive feedback from the developers in attendance.

Next Meeting Agenda

1. *Informational item:* PMAC consolidation update
2. *Discussion:* 2022 goals
3. Include Turnpike connector project in the updates section

Meeting adjourned at 7:39 pm.

Next Meeting: Monday, January 10, 2022 at 6:00 pm at Town Hall, Council Chambers B