

MEMORANDUM OF UNDERSTANDING

Between

The University of New Hampshire

And

The Town of Durham

Regarding

The University Outdoor Swimming Pool

Preamble

The University has invested \$6.5 million in a new Outdoor Swimming Pool and will continue to provide all operation, maintenance, staffing and regulatory compliance associated with the ownership and safe use of such a facility. Recognizing that use of the University's outdoor pool by Durham residents has been a valued long-term amenity for the community, the parties enter into this Memorandum of Understanding regarding the continued community use of the new pool.

Understanding

1. UNH intends to operate the new pool starting after Memorial Day through mid-September each year. The actual schedule will be determined based on usage and may be longer or shorter than the current intent. Town input regarding potential uses and scheduling is desired by UNH, and UNH will consider forming an advisory committee with the Town Director of Parks and Recreation as a member.
2. Durham residents will continue to have access to the new Outdoor Pool at a variety of times and durations that also serve to maximize the overall use of the pool.
3. The cost to operate and maintain the new pool will be recovered through fees charged to all pool users. The parties acknowledge that everyone benefits if the new pool is properly funded so that it can be operated and maintained on a sustained high level of quality and safety. The Parties expect that pool charges for pool users will be reasonable.
4. Annually in the fall, UNH will review usage and costs for the prior swim season and set rates for the upcoming year. These rates will be provided to the Town. The Town, at its discretion, may choose to fund a seasonal pass discount for Town residents in which case UNH agrees to charge Durham residents (showing proof of residency) a reduced fee. Following July 1 of each year, UNH will bill the Town for the number of passes sold to Town residents times the approved discount amount.

5. Free parking for pool users will be provided by the University in the Woodside parking lot on a space available basis from pool opening until prior to the start of fall classes. Notice of the change will be posted in advance. If space is not available, users who do not have UNH parking passes will pay to park in metered parking on Garrison Ave, the UNH visitor parking lot (H-lot) or the Town's Depot Road parking lot.

6. At the time the parties entered into this MOU, the completion date of the pool during the summer of 2016 is uncertain. Operating costs and usage patterns can only be estimated. UNH will advise the Town of the likely opening date and fee structure for summer 2016 after construction activity resumes in the spring.

Entered into this 22 day of MARCH 2016

TOWN OF DURHAM

Jessie Berry [Signature] 3/22/16

Witness

Todd Selig
Town Administrator

Date

UNIVERSITY OF NEW HAMPSHIRE

Jean Richard [Signature] 4/6/2016

Witness

Christopher Clement
*Vice President for Finance
and Administration
University of New Hampshire*

Date