



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

## DURHAM TOWN COUNCIL

Orientation Session for Newly Elected Town Council Members

MONDAY, MARCH 18, 2013

6:00 PM

(With Council Chair and Administrator)

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## AGENDA

### DURHAM TOWN COUNCIL

MONDAY, MARCH 18, 2013

DURHAM TOWN HALL - COUNCIL CHAMBERS

7:00 PM

NOTE: THE TOWN OF DURHAM REQUIRES 48 HOURS NOTICE IF SPECIAL COMMUNICATION AIDS ARE NEEDED

- I. Call to Order
- II. Approval of Agenda
- III. Swearing in of Council Members - Lorrie Pitt, Town Clerk-Tax Collector
- IV. Selection of Council Chair and Chair Pro Tem
- V. Special Announcements
- VI. Approval of Minutes - February 4, 2013 (*public & Nonpublic sessions*)
- VII. Councilor and Town Administrator Roundtable
- VIII. Public Comments (*NLT 7:45 PM*)
- IX. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
  - A. **RESOLUTION #2013-10** establishing regular Town Council meeting dates for April 2013 through March 2014
  - B. **RESOLUTION #2012-11** authorizing, on the recommendation of the Administrator, the acceptance and expenditure of a grant totaling \$1,560.50 from the New Hampshire Department of Highway Safety to purchase a data monitoring collection device (StealthStat©) for the Durham Police Department?
  - C. Shall the Town Council, upon recommendation of the Administrator, authorize the purchase of a new 37,600 G.V.W. dump truck with snow plow attachments from White Peterbilt of Auburn, Maine in the amount of \$136,670 ?



- D. Shall the Town Council schedule a Public Hearing for Monday, April 1, 2013 on a resolution authorizing the acceptance and expenditure of \$16,042.06 in unanticipated revenues from the State of New Hampshire Department of Safety following the October 2012 Hurricane Sandy weather event and authorizing the Administrator to sign associated documents?
  - E. Shall the Town Council, upon recommendation of the Administrator, approve the engineering design contract for the Crommet Creek Bridge Rehabilitation Project with Hoyle, Tanner & Associates Inc. of Manchester, NH in the amount of \$40,548 and authorize the Administrator to sign associated documents?
  - F. Shall the Town Council, upon recommendation of the Administrator, reduce the appraisal of property owned by Patricia G. Tifft Revocable Trust located at 5 Beard's Landing from \$339,000 to \$309,000 for Tax Year 2011, grant a property tax abatement in the amount of \$30,000 of assessed valuation, and authorize the Administrator to sign a settlement agreement between Patricia G. Tifft Revocable Trust and the Town of Durham relative to Docket Number 26476-11PT?
- X. Committee Appointments - None**
- XI. Presentation Items**
- A. ORCSD tuition students – Dr. James Morse, Superintendent, ORCSD
  - B. Update on ORCSD Sustainability Coalition – Christina Dolcino and Shelley Mitchell
- XII. Unfinished Business**
- XIII. New Business**
- A. Annual appointments of Council representatives to the various Town boards, commissions, and committees
  - B. Initial discussion regarding the development of Town Council goals for 2013/14
  - C. **DISCUSSION AND FIRST READING ON ORDINANCE #2013-04** amending certain sections of Chapter 97 "Plumbing Code and Regulations", of the Durham Town Code to codify the Town's support for water conservation and water efficient plumbing relative to public water and sewer systems– Robin Mower, Councilor
- XIV. Nonpublic Session (if required)**
- XV. Extended Councilor and Town Administrator Roundtable (if required)**
- XVI. Adjourn (NLT 10:30 PM)**



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AGENDA ITEM: **# 4**  
DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Charter

**AGENDA ITEM:** **SELECTION OF CHAIR AND CHAIR PRO TEM**

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Durham Town Council

**AGENDA DESCRIPTION:**

Section 3.3 in the Durham Town Charter addresses the procedures for the selection of a Chair and Chair Pro Tem. This section reads as follows:

"The Council shall, by the affirmative vote of at least five (5) members, at its first regular meeting following each election, choose one of its members Chairman for a term of one (1) year. The Council shall choose one of its members Chairman Pro Tem, for a term of one (1) year, who shall act in the absence or disability of the Chairman. In the event of a vacancy occurring in the office of Chairman, the Council shall choose one of its members chairman at the next regular meeting to serve for the unexpired term. The Chairman shall be the official head of the Town for all ceremonial purposes, he shall preside at all meetings of the Council and may speak and vote at such meetings."

**LEGAL AUTHORITY:**

Section 3.3 of the Durham Town Charter.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

The Town Council should select a Chair and Chair Pro Tem as the first item of business at Monday night's meeting.





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AGENDA ITEM: # **6**

DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** APPROVE THE TOWN COUNCIL MEETING MINUTES FOR  
FEBRUARY 6, 2013

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Town Administrator

**AGENDA DESCRIPTION:**

Attached for the Council's review and approval are the minutes for the Town Council meeting held on Monday, February 6, 2013.

Please call Jennie Berry with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

**LEGAL AUTHORITY:**

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:

*"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."*

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, February 6, 2013 (as presented) (as amended).*



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# **6**  
AGENDA ITEM:  
DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** APPROVE THE TOWN COUNCIL NONPUBLIC SESSION MEETING MINUTES OF FEBRUARY 6, 2013 (**CONFIDENTIAL**)

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** N/A

### **AGENDA DESCRIPTION:**

On Monday evening, February 6, 2013, the Council entered into Nonpublic Session at 8:47 PM pursuant to RSA 91-A:3 II (a), the dismissal, promotion, or compensation of any public employee to discuss Administrator Todd Selig's compensation.

### **LEGAL AUTHORITY:**

91-A:3 (III) states that: "Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply."

### **LEGAL OPINION:**

N/A

### **FINANCIAL DETAILS:**

N/A

### **SUGGESTED ACTION OR RECOMMENDATIONS:**

#### **MOTION:**

*The Durham Town Council does hereby approve the Town Council Nonpublic Session meeting minutes for Monday, February 6, 2013 with minor amendments.*





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AGENDA ITEM: **# 9A**

DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Charter

**AGENDA ITEM:** RESOLUTION #2013-10 ESTABLISHING REGULAR TOWN COUNCIL MEETING DATES FOR APRIL 2013-MARCH 2014

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Town Administrator

**AGENDA DESCRIPTION:**

Attached for Council's review and consideration is a resolution establishing the regular Town Council meeting dates for April 2013-March 2014 in accordance with Section 3.7C of the Durham Town Charter. *Also included is a special work session on Monday, April 8, 2013 from 7-10PM with the Architect to discuss planning for a future fire station.*

It should also be noted for advance scheduling purposes that the Council typically schedules budget work sessions for each Monday in November and December when a regular meeting is not scheduled.

**LEGAL AUTHORITY:**

Section 3.7 (C) of the Durham Town Charter states that "Regular meetings shall be held on such day or days of each month at such time as the Council shall by ordinance or resolution direct."

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council hereby adopts Resolution #2013-10 establishing the regular Town Council meeting dates for the period April 2013 through March 2014.*

## RESOLUTION #2013-10 DURHAM, NEW HAMPSHIRE

### A Resolution Establishing Regular Town Council Meeting Dates for April 2013 through March 2014

**WHEREAS**, Section 3.7C of the Durham Town Charter states that regular meetings of the Council shall be, ".... Held on such day or days of each month at such time as the Council shall by ordinance or resolution direct." and

**WHEREAS**, because of holidays, there is need to amend the regular meeting schedule of the Durham Town Council,

**NOW THEREFORE, BE IT RESOLVED** that the Durham Town Council does hereby adopt Resolution #2013-10 establishing the regular meeting schedule of the Durham Town Council for the period April 2013-March 2014 as follows:

Monday	April 1, 2013	Monday	October 7, 2013
Monday	April 8, 2013 - special work session		
Monday	April 15, 2013	Monday	October 21, 2013
Monday	May 6, 2013	Monday	November 4, 2013
Monday	May 20, 2013	Monday	November 18, 2013
Monday	June 3, 2013	Monday	December 2, 2013
Monday	June 17, 2013	Monday	December 16, 2013
Monday	July 1, 2013	Monday	January 13, 2014
Monday	July 15, 2013	Monday	January 27, 2014
Monday	August 5, 2013	Monday	February 3, 2014
Monday	August 19, 2013	Monday	February 17, 2014
Monday	September 9, 2013	Monday	March 3, 2014
Monday	September 23, 2013	Monday	March 17, 2014

**PASSED AND ADOPTED** on this \_\_\_\_ day of March, 2013 by a majority vote of the Durham Town Council with \_\_\_\_ voting in favor, \_\_\_\_ opposing, and \_\_\_\_ abstaining.

\_\_\_\_\_  
Jay B. Gooze, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Lorrie Pitt, Town Clerk



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AGENDA ITEM:

# **9B**

DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:**

David L. Kurz, Police Chief

**AGENDA ITEM:**

**RESOLUTION #2012-11 AUTHORIZING, UPON RECOMMENDATION OF THE ADMINISTRATOR, THE ACCEPTANCE AND EXPENDITURE OF A GRANT TOTALING \$1,560.50 FROM THE NEW HAMPSHIRE HIGHWAY SAFETY AGENCY TO PURCHASE A DATA MONITORING COLLECTION DEVICE (STEALTHSTAT®) FOR THE DURHAM POLICE DEPARTMENT?**

**CC PREPARED BY:**

David L. Kurz, Police Chief

**PRESENTED BY:**

David L. Kurz, Police Chief

**AGENDA DESCRIPTION:**

This resolution addresses the acceptance of a grant application that the Town of Durham sought and the Police Department was awarded from the New Hampshire Highway Safety Agency. During a Traffic Safety Committee meeting, there was discussion regarding the Town's inability to collect, evaluate, and chart vehicular speed-related data throughout the community. The Police Department researched opportunities to address this discrepancy and located a grant to purchase a data monitoring collection device, or "StealthStat®". This is a pole mounted computer that analyzes traffic data to create detailed reports for counts, averages, percentiles, etc. This product, manufactured by Kustom Signals, can be easily moved to various locations to ascertain this information and focus upon perceived problem areas and report with factual data. This grant has a 50% matching funding requirement of \$1,560.50 from the Town to purchase the \$3,121.00 item. The \$1,560.50 will be shared equally by Public Works and the Police Department budgets.

**LEGAL AUTHORITY:**

NH RSA 31:95-b authorizes the Town Council to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money from the state, federal or other governmental unit or a private source which becomes available during the fiscal year if they first adopt an article authorizing this

authority indefinitely until specific rescission of such authority. Resolution #99-19 was adopted which grants this specific authority to the Town Council.

**LEGAL OPINION:**

No legal opinions were sought for acceptance of this funding.

**FINANCIAL DETAILS:**

Public Works and the Police Department will each contribute \$780.25 from their respective budgets to fund the \$1,560.50 match.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby ADOPT Resolution #2013-11 authorizing, upon recommendation of the Administrator, the acceptance and expenditure of a grant totaling \$1,560.50 from the New Hampshire Highway Safety Agency to purchase a data monitoring collection device (StealthStat©) for the Police Department.*

## RESOLUTION 2013-11 OF DURHAM, NEW HAMPSHIRE

**AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF A GRANT TOTALING \$1,560.50 FROM THE NEW HAMPSHIRE HIGHWAY SAFETY AGENCY TO PURCHASE A DATA MONITORING COLLECTION DEVICE (STEALTHSTAT©) FOR THE DURHAM POLICE DEPARTMENT**

**WHEREAS**, the Durham Police continuously surveys opportunities for funding from outside sources that enhance the operations and delivery of services to the Durham community; and

**WHEREAS**, there is a significant need for the Town to separate perceived traffic speeding problems with factual traffic data; and

**WHEREAS**, the Durham Police applied for a grant through funding from the New Hampshire Highway Safety Agency to purchase a data monitoring collection device (StealthStat©) pole-mounted computer from the manufacturer, Kustom Signal; and

**WHEREAS**, this this moveable computerized radar unit will provide traffic counts, speeds, and other various data; and

**WHEREAS**, the Town's 50% share equates to \$1,560.50 and will be funded equally from the Durham Public Works and Police Department

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby approve Resolution #2013-11 authorizing the acceptance and expenditure of a grant totaling \$1,560.50 from the New Hampshire Highway Safety Agency to purchase a data monitoring collection device (StealthStat©) for the Durham Police Department.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_, **2013** by a majority vote of the Durham Town Council with \_\_\_\_ voting in favor, \_\_\_\_ voting against, and abstaining.

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Jay B. Gooze, Chairman  
Durham Town Council

**ATTEST:**

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Lorrie Pitt, Town Clerk-Tax Collector



DEPARTMENT OF PUBLIC WORKS  
TOWN OF DURHAM  
100 STONE QUARRY DRIVE  
DURHAM, N.H. 03824  
603/868-5578  
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# **9C**  
**AGENDA ITEM:**

**DATE:** March 18, 2013

## **COUNCIL COMMUNICATION**

**INITIATED BY:** Public Works Department

**AGENDA ITEM:** SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AUTHORIZE THE PURCHASE OF A NEW 37,600 G.V.W. DUMP TRUCK WITH SNOWPLOW ATTACHMENTS FROM WHITED PETERBILT OF AUBURN, MAINE IN THE AMOUNT OF \$136,670?

**CC PREPARED BY:** Michael Lynch, Public Works Director

**PRESENTED BY:** Todd Selig, Town Administrator  
Michael Lynch, Public Works Director

### **AGENDA DESCRIPTION:**

The 2013-2022 Capital Improvements Budget includes \$136,000 for the purchase of a 2013, 36,000+/- Gross Vehicle Weight Dump Truck mounted with a front snow plow, side wing, dump body and stainless steel sand/salt spreader. This new truck will replace a 2000 International 4900 DT 466E Dump Truck and attachments. The 2000 International Dump Truck and attachments will be traded-in towards the new 2013 Dump Truck. The new Dump Truck will be part of the front line snow plowing fleet and will be utilized regularly by the Department of Public Works. The Town's Dump Truck fleet is on a 12-year replacement program. Since implementing the 12-year replacement program, the DPW truck repair budget has slightly decreased with increased reliability. The Department of Public Works originally advertised bid # 2013-02 on January 23, 2013 in the newspaper and sent out 9 requests for bid proposal to vendors in Maine, Massachusetts, and New Hampshire. On February 21, 2013, DPW received 3 bid proposals. Again this year, we increased the warranty specification this year to attempt to replicate the States bid warranty package. The truck bid process is always somewhat complicated because the proposal is in two parts with the truck vendor providing the cab, engine and chassis, then partnering with a vendor who sells and installs all the attachments (body and plows). The Public Works administrative staff, equipment operators, and the mechanic spent several hours reviewing the new bids in order to make a decision. The Town has been very pleased with last years purchase of a Peterbilt 348 Dump Truck and once again operators and the mechanic believe the 2013 Peterbilt 348 offers the best value and best engineered design over all other truck manufacturers. DPW offers the

following financial and background information to the Town Council for their review.

- **FREIGHTLINER OF NEW HAMPSHIRE INC.** – Bid a Freightliner 108SD and offered that Cab and Chassis @ \$81,170.00, Snow removal equipment @ \$64,525, and a Trade-in of \$10,000 for a total bid of **\$135,695.00**. DPW has never purchased a Freightliner so we checked with other Cities/Towns and found mixed reviews.
- **LIBERTY INTERNATIONAL** – Bid an International 7400 and offered that Cab and Chassis @ \$81,590.00, Snow removal equipment @ \$64,525.00, and a trade-in of \$7,500 for a total bid of **\$138,615.00**.

DPW has several International trucks, mostly because International floods the market and usually is the lowest bidder. We have several International trucks that concern us but by far our largest problem has been our 2005 International rubbish truck which we have to date incurred \$50,020 worth of repairs.

- **WHITED PETERBILT** – Bid a Peterbilt 348 and offered that Cab and Chassis @ \$87,145, Snow removal equipment @ \$64,525, and a trade-in of \$15,000 for a total bid of **\$136,670.00**. DPW does have a Peterbilt in its fleet, Town staff is very impressed with the Peterbilt product and is excited to have another one of these fine trucks in our fleet. A check of references was very good with no problems, just normal wear/tear.

**About the DPW Snow Removal Program:**

The Durham Public Works Department is a full service public works department that does all of its snow removal in house with its six plow trucks, therefore saving a substantial amount of money by not contracting out that service. These trucks are also set up so one employee rather than the two typically utilized by other public works departments can drive and operate the snow plow equipment all at the same time, therefore saving on the cost of staff.

Public Works has discussed this purchase with the Business Office and both departments recommended to the Town Administrator that the Town purchase a new, 2013 Peterbilt Cab and Chassis equipped with a traditional dump body, front plow, side wing and stainless steel sand/salt spreader for the sum of \$136,670 from Whited Peterbilt of Maine and includes the trade-in of the 2000 International 4900 DT Dump Truck with attachments.

The Administrator concurs with this recommendation.

**LEGAL AUTHORITY:**

Article 4-19 of the Administrative Code of the Town of Durham requires every purchase or contract in excess of \$15,000.00 shall be made only after receipt of publicly invited sealed competitive bids on uniform specifications and that all purchases in excess of \$35,000 requires approval by the Town Administrator and Town Council by affirmative vote.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

2013 Capital Fund Budget: \$136,000

**February 21, 2013 Bid Results**

Freightliner of New Hampshire	\$135,695 (with trade-in)
<b>Whited Peterbilt</b>	<b>\$136,670 (with trade-in)</b>
Liberty International	\$138,615 (with trade-in)

\$136,000 paid from account #07-1343-801-36-000

\$670 paid from account #07-1342-801-36-000

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby, upon recommendation of the Administrator, award the bid and authorizes the purchase of a new, 2013 Peterbilt 348 37,600 G.V.W. Dump Truck with snow plow attachments from Whited Peterbilt of Auburn, Maine for the sum of \$136,670 with the expenditure of \$136,000 to be paid from capital fund account # 07-1343-801-36-000 and \$670 to be paid from capitol fund account #07-1342-801-36-000.*



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**# 9D**  
**AGENDA ITEM:**

**DATE: March 18, 2013**

## **COUNCIL COMMUNICATION**

**INITIATED BY:** Public Works Department

**AGENDA ITEM:** SHALL THE TOWN COUNCIL SCHEDULE A PUBLIC HEARING FOR MONDAY, APRIL 1, 2013 ON A RESOLUTION AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF \$16,042.06 IN UNANTICIPATED REVENUE FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY (FEMA DECLARATION # 3360) FOLLOWING THE OCTOBER 2012 HURRICANE NAMED SANDY?

**CC PREPARED BY:** Michael Lynch, Public Works Director

**PRESENTED BY:** Todd Selig, Town Administrator  
Michael Lynch, Public Works Director

### **AGENDA DESCRIPTION:**

On October 26, 2012 the State of New Hampshire suffered damages from high winds and saturating rain in several of its counties, including Strafford County. On November 5, 2012 the President of the United States declared a major disaster and issued Incident Number FEMA-3360-DR-NH. Following this declaration, Hazard Mitigation Grant program funding became available to the designated counties in the State of New Hampshire. Under this disaster order, several types of assistance became available including:

- Public Assistance – Assistance to state and local governments for the repair or replacement of disaster-damaged public facilities;
- Individual Assistance – Assistance for individuals and households that provides housing and other needs assistance;
- Hazard Mitigation Assistance – Assistance to State and local governments for actions taken to prevent or reduce long term risk to life and property from natural or technological hazards.

On November 14, 2012, in an effort to offset substantial unanticipated costs, the Town of Durham submitted a letter of intent/request for reimbursement for FEMA Disaster #3360-DR-NH for costs associated with this event. In addition to Public Works labor, equipment, and material costs, labor and equipments costs from the Police and Fire Departments were included. The State of NH Division of Emergency Services notified the Town that it was eligible for reimbursement of expenses. This



amount represents the Federal Share (75%) of eligible costs plus an administrative allowance. Reimbursements to date have been placed into the Other Federal Grants & Reimbursements Revenue Account of the General Fund (01-3319-000-01-000).

The Town was fortunate and did not receive major damage but Town Staff opened the Emergency Operations Center and had emergency responders on duty to react to mostly power outages and road closures.

Attached for the Council's consideration is a draft resolution authorizing the acceptance and expenditure of \$21,389.41 in unanticipated revenue from the State of New Hampshire Department of Safety following the October 2012 hurricane (Sandy) event.

**LEGAL AUTHORITY:**

NH RSA 31:95-b authorizes the Town Council to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money from the state, Federal or other governmental unit or a private source which becomes available during the fiscal year if it first adopts an article authorizing this authority indefinitely until specific rescission of such authority. Resolution #99-19 was adopted which grants this specific authority to the Town Council.

RSA 31:95 III. (a) Also states that: "For unanticipated moneys in the amount of \$5,000 or more, the selectmen or board of commissioners shall hold a prior public hearing on the action to be taken. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held."

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

The Public Works, Police and Fire Departments expended approximately \$28,613 on emergency services during hurricane Sandy.

The Town recently received \$16,042.06 from the State of New Hampshire Department of Safety to offset those storm related expenses.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby schedule a Public Hearing for Monday, April 1, 2013 on a resolution authorizing the acceptance and expenditure of \$16,042.06 in unanticipated funds from the State of New Hampshire following the October 2012 Hurricane Sandy event.*

## **RESOLUTION #2013-xx OF DURHAM, NEW HAMPSHIRE**

### **AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF \$16,042.06 IN UNANTICIPATED REVENUE FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY FOLLOWING THE OCTOBER 2012 HURRICANE SANDY STORM EVENT**

**WHEREAS**, on October 26, 2012 the Town of Durham suffered minor damage due to high winds and saturating rains from hurricane Sandy;

**WHEREAS**, on November 5, 2012, Strafford County was deemed eligible for assistance under Disaster FEMA-3360-DR-NH, October 2012, Hurricane Sandy Event;

**WHEREAS**, on November 14, 2012, the Durham Department of Public Works submitted a request for reimbursement for the October 2012, Hurricane for all costs associated with this event;

**WHEREAS**, these unanticipated revenues totaling \$16,042.06 were received from the State of New Hampshire, Department of Safety;

**WHEREAS**, Council approval is required for the acceptance and expenditure of these funds;

**NOW, THEREFORE, BE IT RESOLVED**, that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby, after holding a Public Hearing on April 1, 2013, does hereby adopt Resolution #2013-xx authorizing the acceptance and expenditure of \$16,042.06 from the State of New Hampshire for Disaster FEMA-3360-DR-NH for the purpose of debris removal and accrued overtime usage by the Police, Fire and Public Works Departments during the October 2012 Hurricane Sandy storm and authorizing the Administrator to sign said associated documents.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ by a two-thirds majority vote of the Durham Town Council with \_\_\_\_\_ voting in favor, \_\_\_\_\_ voting against, and \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Jay Gooze, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Lorrie Pitt, Town Clerk-Tax Collector



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**# 9E**  
**AGENDA ITEM:**

**DATE: March 18, 2013**

## **COUNCIL COMMUNICATION**

**INITIATED BY:**

Public Works Department

**AGENDA ITEM:**

**SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE THE ENGINEERING DESIGN CONTRACT FOR THE CROMMET CREEK BRIDGE REHABILITATION PROJECT WITH HOYLE, TANNER & ASSOCIATES, INC. OF MANCHESTER, NH IN THE AMOUNT OF \$40,548 AND AUTHORIZE THE ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS?**

**CC PREPARED BY:**

April Talon, Assistant Town Engineer  
David Cedarholm, Town Engineer

**PRESENTED BY:**

Todd Selig, Town Administrator  
David Cedarholm, Town Engineer

**AGENDA DESCRIPTION:**

The purpose of this Council Communication is to request the approval of the design engineering contract for the Crommet Creek Bridge Rehabilitation Project with Hoyle, Tanner, & Associates, Inc. of Manchester, NH. This scope of services includes preliminary design through preparation of final plans and technical specifications, and an estimate of construction costs.

The existing bridge located on Durham Point Road/Bay Road is a narrow (21 feet wide x 23 feet long) single span structure with a concrete deck and steel stringers. It is in need of minor repairs which may include exterior steel beam repairs, bridge and approach guardrail improvements, and drainage improvements. No realignment or reconfiguration of the bridge will be done. There will be a public meeting held with the Consultant to allow residents to comment on proposed alternatives.

**ENGINEERING CONSULTANT SELECTION:**

The Town of Durham's Administrative Code requires that the process for obtaining professional services (Article VI, Section 4-20) include receiving proposals from various interested firms and evaluating those proposals and the anticipated quality of services rendered. On September 27, 2012 Public Works submitted a Bridge



Engineering Services request in Fosters newspaper for qualifications requesting letters of interest and qualification statements. Six firms responded. Public Works Director Mike Lynch, Town Engineer Dave Cedarholm, and Assistant Town Engineer April Talon reviewed the six proposals and unanimously selected the two best consulting firms for interviews. The selected firms were CMA Engineers, Inc. of Portsmouth, NH and Hoyle, Tanner, & Associates of Manchester, NH.

On November 19, 2012 and November 16, 2012, respectively, and the above-mentioned team interviewed the two finalists and after thoughtful deliberation the committee unanimously selected Hoyle, Tanner & Associates Inc. as the firm most qualified.

Improvement options will carefully consider traffic control phasing requirements, pedestrian traffic and coordination with adjacent school and emergency response personnel. Once the design is finalized, DPW will publically bid the construction which is expected to take place in 2015. Durham Point Road is expected to be closed for approximately 4 to 6 weeks during construction necessitating the construction to occur during July and August when schools are not in session.

**LEGAL AUTHORITY:**

Article VI, Section 4-20 of the Administrative Code of the Town of Durham states: Professional services contracts (architecture, engineering, construction management, risk management, financial and auditing and other professional services or consulting work) of fifteen thousand (\$15,000) dollars or more may be entered into after receiving proposals from various interested firms, evaluating those proposals and anticipated quality of service to be rendered, and Town Administrator recommendation to and approval by the Town Council. Such services of less than fifteen thousand (\$15,000) dollars may be procured in a manner deemed responsible and prudent by the Town Administrator.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

The 2013 Capital Improvements Plan includes \$49,000 for Crommet Creek Bridge Repair Engineering. The 2015 CIP includes \$359,000 for construction of the repairs.

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby, upon recommendation of the Administrator, approve the engineering design contract for the Crommet Creek Bridge Rehabilitation Project with Hoyle, Tanner & Associates, Inc. in the amount of \$40,548 and authorizes the Administrator to sign said contract with the monies coming from Account # 07-1271-801-36-000.*

February 19, 2013

Mr. Michael Lynch, Public Works Director  
Durham Department of Public Works  
100 Stone Quarry Drive  
Durham, NH 03824

**Hoyle, Tanner**  
& Associates, Inc.

150 Dow Street  
Manchester, New Hampshire 03101  
603-669-5555  
603-669-4168 fax  
www.hoyletanner.com

RE: Professional Engineering Services – 1<sup>st</sup> REVISION  
Durham Point Road over Crommet Creek  
NHDOT Bridge No. 150/065

Dear Mr. Lynch:

Hoyle, Tanner & Associates, Inc. (Hoyle, Tanner) herein submits our REVISED Proposal for your consideration.

#### PROJECT DESCRIPTION

Based upon your request for Proposal and our December 3, 2012 meeting, and subsequent email/telephone conversations, we understand that you require bridge engineering services to assess potential repairs to the above-referenced bridge and prepare Final Plans for the necessary repairs. The project involves investigation of the existing bridge in order to assess the following repair items:

- Rehabilitation of the exterior steel beams.
- Bridge and approach rail improvements.
- Existing scupper modifications.
- Drainage improvements on the approach roadways.

The investigation will be summarized in a Letter Report with cost estimates for the recommended repairs and sketches. Upon Town approval of the Letter Report and recommended repairs, Final Plans will be prepared. These services are further defined herein.

#### GENERAL SCOPE OF SERVICES

Hoyle, Tanner will provide the following services for the above described project:

##### **Evaluation Phase Services**

- E-1. Obtain and review existing data (plans, reports, etc.) from the NHDOT and Town files.
- E-2. Perform a site visit to observe existing conditions and obtain existing data (field measurements, photography, etc.).

- E-3. Assess existing data and site visit observations. Evaluate exterior steel beam repairs. Evaluate bridge and approach rail improvements. Evaluate existing scupper modifications. Evaluate drainage improvements on the approach roadways.
- E-4. Prepare a draft summary Letter Report with cost estimates for recommended repairs and sketches.
- E-5. Submit draft summary Letter Report to the Town for review and comment.
- E-6. Attend a meeting with the Town to review the draft summary Letter Report. Discuss preparations for public meeting.
- E-7. Attend and present the proposed repairs at a public meeting in Town.
- E-8. Incorporate Town and public meeting comments into summary Letter Report and submit final version to the Town.

#### **Design Phase Services**

- D-1. Prepare Final Plans and an Estimate of Probable Construction Costs and submit to the Town for review and comment.
- D-2. Attend one (1) meeting with the Town to review our submittal and obtain review comments.

#### **ASSUMPTIONS**

This Proposal is based on the following assumptions:

- In order to meet the Town's proposed schedule for this project Hoyle, Tanner Authorization to Proceed will be received no later than March 15, 2013. The Authorization to Proceed date plus the duration outlined in the SCHEDULE section of this proposal will determine the actual completion date.
- The project will be funded solely with Town funds. No state or federal funds will be utilized which could trigger permitting requirements or other processes.
- NHDOT Cultural Resources coordination is not required.
- Revised roadway approach alignments will not be evaluated.
- Substructure repairs will not be evaluated.
- Removal or partial removal of the existing concrete deck will not be evaluated.
- A superstructure replacement will not be evaluated.

- 
- Options to be studied and presented in the summary letter report are assumed to be limited to:
    - Exterior steel beam repairs.
    - Bridge and approach rail improvements.
    - Existing scupper modifications.
    - Drainage improvements on the approach roadways.
  - Bridge rail and approach rail improvement alternatives to be evaluated, estimated and presented to the public are limited to the following:
    - Double-nesting the existing w-beam bridge rail and replacing cable guardrail with w-beam guardrail and terminal units.
    - Replacement of all w-beam guardrail and cable guardrail with steel-backed timber guardrail (FHWA standard). Existing bridge rail posts and rail posts mounted to concrete will be maintained (unless condition prohibits reuse) and approach posts will be replaced with wooden posts per the FHWA standard.
  - CADD sketches to be included in the summary letter report will include a General Plan and Elevation, a Bridge Typical Section and miscellaneous repair details.
  - Estimates of probable construction costs for the repair options will be included in the summary letter report.
  - One (1) public meeting with the Town is included in this proposal.
  - The Final Plans will be based on our approved summary Letter Report and public meeting input.
  - The contract plans will consist of approximately seven (7) sheets and will include the following:
    - Title Sheet
    - Construction Notes and Quantities
    - General Plan and Elevation
    - Repair Details (2 sheets)
    - Bridge Rail and Approach Rail Layout and Details (2 sheets)
  - The Town will be provided with paper copies of all submittals (two (2) copies to the Town).
  - No right-of-way or land takings will be required for this project and no right-of-way drawings will need to be prepared by Hoyle, Tanner.
  - Preparation of Contract Documents, bidding and construction phase services, such as advertising the project for bids, reviewing bids received, shop drawing review and

periodic site observations or resident engineering services, are not included in this Proposal. We intend to submit a Proposal for these services after the Evaluation Phase is completed.

- No environmental permits are required for this project.

#### CLIENT RESPONSIBILITIES

Your responsibilities under this agreement shall include:

- Provide all available information as to the project requirements.
- Provide all pertinent existing information (plans, specifications, studies, reports, surveys, borings and geotechnical reports, etc.) or other data relevant to the project if the Town possesses these items.
- Provide access to the site.
- Designate a contact person who can act with the client's authority regarding this project.

#### SCHEDULE

We propose to complete the services outlined in the Scope of Services, Items E-1 through E-8, in approximately sixteen (16) weeks from receipt of authorization to proceed. The schedule for the Design Phase will be determined at the completion of the Evaluation Phase.

#### BASIS OF PAYMENT

We propose to provide the services described in the GENERAL SCOPE OF SERVICES, Items E-1 through E-8 on an hourly basis using our standard billing rate schedule in effect at the time the services are performed. At this time we estimate the total fee to be Twenty-Eight Thousand, One Hundred Eighty-Six Dollars (\$28,186.00) which will be billed on a monthly basis. This total fee shall be understood to be an estimate, but if conditions change and the estimate is expected to be exceeded, you will be notified in advance.

We propose to provide the services described in the GENERAL SCOPE OF SERVICES, Items D-1 through D-2 on an hourly basis using our standard billing rate schedule in effect at the time the services are performed. At this time we estimate the total fee to be Twelve Thousand, Three Hundred Sixty-Two Dollars (\$12,362.00) which will be billed on a monthly basis. This total fee shall be understood to be an estimate, but if conditions change and the estimate is expected to be exceeded, you will be notified in advance.

The total fee is Forty Thousand, Five Hundred Forty-Eight Dollars (\$40,548.00)

Reimbursable expenses, such as transportation, postage, telephone, fax transmissions and printing, are included in the compensation for professional services indicated above.

Mr. Michael Lynch  
Durham Department of Public Works  
RE: Professional Engineering Services

February 19, 2013  
Page 5 of 6

The attached *Standard Terms and Conditions and Billing Rate Estimate* will apply and are made a part of this Proposal.

#### AUTHORIZATION

This Proposal and the Standard Terms and Conditions constitute the entire AGREEMENT between you the client, and Hoyle, Tanner. Please examine these documents and if acceptable, you may execute this Proposal as an AGREEMENT by printing two (2) copies, signing both copies and returning one (1) to us. Retain a copy for your records. This Proposal will be open for acceptance for 60 days from the date of this Proposal, unless extended by Hoyle, Tanner in writing.

This Proposal is a professional service prepared by Hoyle, Tanner for your consideration. Its contents shall not be reproduced, divulged, or transmitted to parties other than The Town of Durham in any manner, in whole or in part, without the express written permission of Hoyle, Tanner.

We look forward to the opportunity to provide professional engineering services to you on this project. Please do not hesitate to call us if you have any questions or comments on this Proposal.

Very truly yours,  
***Hoyle, Tanner & Associates, Inc.***

  
Matthew J. Low, P.E.  
Vice President


Mr. Michael Lynch  
Durham Department of Public Works  
RE: Professional Engineering Services

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February 19, 2013  
Page 6 of 6

ACCEPTANCE

*For* Hoyle, Tanner & Associates, Inc.:

  
\_\_\_\_\_  
Matthew J. Low, P.E.  
Vice President

\_\_\_\_\_  
February 19, 2013  
(Date)

*For* Town of Durham

PLEASE PROCEED WITH THE PROJECT AS INDICATED ABOVE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Title)

K:\BSG\Marketing\Marketing By Town or Client\Durham\Durham Point Rd\_2012\MH-BILL\_PRELIM.xls\DESIGN

Calc. By: JTL  
Check By:

## Check By:

REIMBURSABLE EXPENSES:				
TRAVEL- MILEAGE, ETC.	\$150			
POSTAGE & COMMUNICATION	\$50			
PRINTING	\$75			
			TOTAL BILLING RATE COSTS	\$27,911
SUBTOTAL:	\$275			
SUBCONSULTANTS:			SUBCONSULTANTS:	
			includes admin. Fee of	0%
				\$0
			SUBTOTAL BILLING RATE COSTS, SUBCONSULTANTS:	\$27,911
SUBTOTAL:	\$0		REIMBURSABLE EXPENSES:	
			includes admin. fee of	0%
				\$275
			TOTAL:	\$28,186

Revised 9/10

K:\BSG\Marketing\Marketing By Town or Client\Durham\Durham Point Rd\_2012\[MH-BILL\_PRELIM.xls]DESIGN

Calc. By: JTL  
Check By:

REIMBURSABLE EXPENSES:				
TRAVEL- MILEAGE, ETC.	\$50			
POSTAGE & COMMUNICATION	\$50			
PRINTING	\$100			
			TOTAL BILLING RATE COSTS	\$12,162
SUBTOTAL:	\$200		SUBCONSULTANTS:	
			includes admin. Fee of	0%
SUBCONSULTANTS:				\$0
			SUBTOTAL BILLING RATE COSTS, SUBCONSULTANTS:	\$12,162
SUBTOTAL:	\$0		REIMBURSABLE EXPENSES:	
			includes admin. fee of	0%
				\$200
			TOTAL:	\$12,362

Revised 7/08

The CLIENT and HOYLE, TANNER & ASSOCIATES, INC. (Hoyle, Tanner) hereby agree as follows:

**1. CONTRACT** - The Contract is the Proposal, Agreement or Contract document that is signed and dated by Hoyle, Tanner and the CLIENT and to which these Standard Terms and Conditions are appended by reference. This contract takes precedence over any standard conditions the client may have in place.

**2. COMPENSATION FOR SERVICES AND PAYMENT TERMS** - The CLIENT agrees to pay Hoyle, Tanner in accordance with the payment terms provided in the Contract.

**Fee** - The total fee, except stated lump sum, shall be understood to be an estimate, based upon Scope of Services, and shall not be exceeded by more than ten percent, without written approval of the CLIENT. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered.

**Billings/Payments** - Invoices will be submitted monthly or upon completion of a specified scope, whichever is shorter, for services and reimbursable expenses and are due when received. Invoices shall be considered PAST DUE if not paid within 30 days after the invoice date and Hoyle, Tanner may, without waiving any claim or right against CLIENT, and without liability whatsoever to the CLIENT, terminate the performance of the service. Retainers shall be required for certain projects or under certain conditions and shall be credited on the final invoice. A late payment fee will be charged at 1.5% (or the legal rate) per month on the unpaid balance. In the event any portion of an account remains unpaid 90 days after billing, the CLIENT shall pay cost of collection, including reasonable attorneys' fees and court costs.

**Reimbursable Expenses** - Reimbursable expenses are expenses incurred directly or indirectly in connection with the project such as, but not limited to, transportation, meals, lodging for travel, long distance telephone calls and facsimile transmissions, overnight deliveries, courier services, equipment rental, photographs and video supplies, testing and laboratory services, permit and other license fees, professional services sales taxes, and the cost of reproductions beyond those normally required for coordination and information purposes. These expenses will be billed at cost plus a service charge of ten (10) percent.

**3. RIGHT OF ENTRY** - The CLIENT agrees to furnish Hoyle, Tanner with the right-of-entry on the project site or represents and warrants, if the site is not owned by the CLIENT, that permission has been granted to make site reconnaissance, surveys, borings, and other exploration pursuant to the scope of services in the Contract.

Hoyle, Tanner will take reasonable precautions to minimize damage to the land from use of equipment but has not included in the fee the cost for restoration of damage that may result from Hoyle, Tanner's operations, unless specifically stated in the Contract.

**4. UNDERGROUND STRUCTURES** - Unless otherwise agreed, the CLIENT shall provide Hoyle, Tanner with locations of buried utilities and other underground structures in areas of subsurface exploration.

Hoyle, Tanner will take reasonable precautions to avoid damage to the buried utilities and other underground structures noted. If locations are not known, are inaccurate, or cannot be confirmed by the CLIENT, then there will be a degree of risk to the CLIENT associated with conducting the exploration. In the absence of confirmed underground structure locations, the CLIENT agrees to accept the risk of any damages and losses resulting from the exploration work.

**5. DOCUMENTS** - All reports, design drawings and specifications, field data and notes, laboratory test data, calculations, computer files, estimates, and other documents that Hoyle, Tanner prepares as instruments of service shall remain Hoyle, Tanner's property. The CLIENT agrees that Hoyle, Tanner's services are on behalf of and for the exclusive use of the CLIENT and that all reports and other documents furnished to the CLIENT or its agents shall be utilized solely for this project.

**6. HAZARDOUS MATERIALS** - The scope of services for this Contract does not include services relating to hazardous waste, oil, asbestos or other hazardous materials, as defined by federal, state and/or local laws or regulations. Hoyle, Tanner is not insured for services related to the identification, containment or removal of asbestos or hazardous waste including pollutants, nor will we assume any liability for damages or costs related to these materials. If such materials are discovered during Hoyle, Tanner's services, the CLIENT agrees to negotiate appropriate revisions to the scope of services, the budget estimate, and the terms and conditions of the Contract. When such hazardous materials are suspected, Hoyle, Tanner will have the option to stop services until a new agreement is reached. If a mutually satisfactory agreement cannot be reached between both parties, the Contract shall be terminated. The CLIENT agrees to pay Hoyle, Tanner for all services rendered, including any costs associated with termination. The ownership of and responsibility for all contaminated materials, hazardous materials, and hazardous substances generated, released, uncovered, transported, and/or collected during Hoyle, Tanner's services or the Contractor work tasks referred to herein will not be with Hoyle, Tanner.

**7. CONSTRUCTION SERVICES** - The CLIENT recognizes that retaining Hoyle, Tanner to perform construction phase engineering services such as the review of shop drawings and product submittals, and full-time construction observation services, is a normal and integral part of engineering services for the project, and that retaining Hoyle, Tanner for these services can provide for the CLIENT a greater degree of confidence that the completed work of the Contractor will conform generally to the Contract Documents, that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by the Contractor, and to minimize problems during construction. The CLIENT also recognizes that no entity is as familiar with the Contract Documents and their intent as Hoyle, Tanner. Therefore, the CLIENT is urged to retain Hoyle, Tanner to provide construction phase engineering services.

If Hoyle, Tanner's construction observation services are included as part of the scope of services in the Contract, Hoyle, Tanner will provide personnel to observe construction to ascertain that it is being performed, in general, in accordance with the plans and specifications.

## 7. CONSTRUCTION SERVICES (Continued)

It is understood that, in accordance with generally accepted construction practices, the contractor and any subcontractors will be solely and completely responsible for all construction activities, working conditions on the job site, including safety of all persons and property during the performance of the work, compliance with OSHA regulations, and quality of the work. Any monitoring of the contractor's performance conducted by Hoyle, Tanner personnel is not intended to include review of the adequacy of the contractor's safety measures in, on, or near the construction site.

It is further understood that field services provided by Hoyle, Tanner personnel will not relieve the contractor and any subcontractors of responsibilities for performing the work in accordance with applicable laws and regulations and in accordance with the Contract Documents.

Should the CLIENT not execute an agreement with Hoyle, Tanner to provide construction phase engineering services, then the CLIENT agrees to indemnify and hold Hoyle, Tanner harmless against any claims, liability and responsibility for construction problems or problems arising after construction is complete attributed to construction and the Contractors performance, and failure of the contractor to follow the design intent and construct the project in accordance with the Contract Documents.

**8. STANDARD OF CARE** - Hoyle, Tanner's services will be performed in accordance with generally accepted practices of professional engineers providing similar services at the same time, in the same locale, and under like circumstances. The CLIENT agrees that services provided will be rendered without any other warranty, expressed or implied.

**9. INSURANCES** - Hoyle, Tanner maintains Worker's Compensation Insurance and Comprehensive General Liability Insurance including Personal Injury and Property Damage coverage. Hoyle, Tanner will furnish certification upon written request. The CLIENT agrees that Hoyle, Tanner will not be liable or responsible to the CLIENT for any loss, damage, or liability beyond the amounts, limits, exclusions, and conditions of such insurance.

**10. PROFESSIONAL LIABILITY** - The CLIENT agrees to limit liability and require a like limitation from any construction contractor or subcontractor who performs work for which Hoyle, Tanner has provided reports, plans, and specifications, in an amount of \$50,000 or Hoyle, Tanner's fee, whichever is smaller.

**11. SUSPENSION OF SERVICES** - This agreement may be terminated upon ten (10) days written notice by either party should the other fail to perform his obligations hereunder. The CLIENT shall remain fully liable for and shall promptly pay Hoyle, Tanner the full amount for all services rendered by Hoyle, Tanner to the date of suspension of services plus suspension charges. Suspension charges shall include the cost of putting documents and analyses in order, personnel and equipment rescheduling or reassignment adjustments, and all other related costs and charges directly attributable to suspension.

If payment of invoices by the CLIENT is not maintained on a thirty (30) day current basis, Hoyle, Tanner may, by providing a ten (10) day written notice to the CLIENT, suspend further services until payments are restored to a current basis. In the event Hoyle, Tanner engages counsel to enforce overdue payments, the CLIENT shall reimburse Hoyle, Tanner for all reasonable attorney's fees and court

costs related to enforcement of overdue payments. The CLIENT shall indemnify and save harmless Hoyle, Tanner from any claim or liability resulting from suspension of services due to non-current payments.

**12. INDEMNIFICATION** - The CLIENT shall defend, indemnify and hold harmless Hoyle, Tanner and all of its personnel from and against any and all claims, damages, losses and expenses (including reasonable attorneys fees) and consequential damages arising out of or resulting from the performance of the services, provided that any such claims, damages, losses or expenses are caused in whole or in part by the negligent act or omission and/or strict liability of the CLIENT, anyone directly or indirectly employed by the CLIENT (except Hoyle, Tanner) or anyone for whose acts any of them may be liable.

**13. OUTSIDE CONSULTANTS** - On occasion, Hoyle, Tanner engages the specialized services of individual consultants or other companies to participate in a project. When considered necessary, these firms or other consultants will be used if noted in the contract. The cost of other consultants may be billed at cost plus a 10% administration charge.

**14. LITIGATION** - It is understood that unless expressly implied, the services outlined in this Agreement does not include the cost of professional services provided for any legal action or suit. Fees for court preparation, depositions, pretrial conferences and in court non-testimony time will be billed at two (2) times the normal billing rate. Fees for in-court testimony will be billed at three (3) times the normal billing rate.

**15. APPLICABLE LAW** - Unless otherwise specified, this agreement shall be governed by the laws of the principal place of business of Hoyle, Tanner.

**16. OPINION OF PROBABLE CONSTRUCTION COSTS** - Hoyle, Tanner's opinion of probable construction costs, if rendered as a service under this Agreement, is based on assumed labor costs and approximate quantities of material and equipment, and therefore is of a conditional character. Hoyle, Tanner cannot guarantee the cost of work to be performed by others since market or bidding conditions can change at any time and changes in the scope or quality of the Project may affect estimates.

**17. VALIDITY** - Should any one or more of the terms and conditions stated herein be deemed unenforceable or invalid, either in whole or in part, by judgment or court order, that shall not effect the remaining terms and conditions or parts thereof and they shall remain in full force and effect.

**18. SCHEDULE** - If in this Agreement specific periods of time for rendering services are set forth or specific dates by which services are to be completed are provided, and if such periods of time or dates are changed through no fault of Hoyle, Tanner, the rates and amounts of compensation provided for herein shall be subject to equitable adjustment. If CLIENT has requested changes in the scope, extent, or character of the Project, the time of performance of Hoyle, Tanner's services shall be adjusted equitably.

Hoyle, Tanner cannot be held responsible for delays in rendering services caused by issues beyond Hoyle, Tanner's control.



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

# **9F**  
AGENDA ITEM:

DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Jim Rice, Assessor

**AGENDA ITEM:** SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE TOWN ADMINISTRATOR, REDUCE THE APPRAISAL OF PROPERTY PREVIOUSLY OWNED BY PATRICIA G. TIFFT REVOCABLE TRUST AT 5 BEARD'S LANDING FROM \$339,000 TO \$309,000 AND GRANT A PROPERTY TAX ABATEMENT IN THE AMOUNT OF \$30,000 OF ASSESSED VALUATION TO PATRICIA G. TIFFT RELATIVE TO DOCKET #26476-11PT?

**CC PREPARED BY:** Jim Rice, Assessor

**CC PRESENTED BY:** Jim Rice, Assessor  
Todd Selig, Administrator

**AGENDA DESCRIPTION:**

Board of Tax and Land Appeals Settlement Agreement Recommendation Patricia G. Tift Revocable Trust v. Town of Durham; Docket #26476-11PT.

Mrs. Tift applied for an abatement of property taxes for tax year 2011 due to discrepancies on her assessment record card pertaining to the physical characteristics of her property. After adjusting for those discrepancies, her assessment was reduced from \$348,000 to \$339,000 and an abatement was granted. However, Mrs. Tift was dissatisfied with the outcome and appealed her revised assessment to the Board of Tax and Land Appeals.

On August 9, 2012, Mrs. Tift sold her property. According to the tax stamps, the sale price was \$309,000. However, Mrs. Tift gave the buyers \$12,000 cash back after the closing. Therefore, the actual purchase price was \$297,000. Applying the 2011 equalization ratio to the purchase price revealed an assessment of \$309,500.

Rather than pursue this appeal at the Board of Tax and Land Appeals, Mrs. Tift agreed to settle this appeal for an assessment of \$309,000 for tax year 2011 only.

Therefore, rather than pursue this appeal at a cost that could be potentially greater than the abatement amount, the Assessor recommends reducing her assessment from \$339,000 to \$309,000 for tax year 2011 only and abating the assessed value difference of \$30,000, a refund of \$846.00 ( $\$30.00 \times \$28.20$ ) plus interest at six percent per annum from the date paid to refund date per RSA 76-17-a.

**LEGAL AUTHORITY:**

RSA 76-17-a

**LEGAL OPINION:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby, upon recommendation of the Administrator, reduce the assessment for property previously owned by Patricia G. Tifft Revocable Trust located at 5 Beard's Landing from \$339,000 to \$309,000 and grants a property tax abatement for tax year 2011 only in the amount of \$30,000 of assessed valuation to Mrs. Tifft.*

# ASSESSMENT SETTLEMENT AGREEMENT

## Patricia G. Tift Revocable Trust

v.

## Town of Durham

Docket Number(s): **26476-11PT**

The Parties agree:

1) The assessment for Tax Year(s) **2011** shall be **\$309,000.00** on the property located at **5 Beard's Landing, Durham, NH 03824**, and identified as **Tax Map 4, Lot 45, Sub-lot 10**.

2) The Municipality shall abate, with 6% interest from the date the taxes were paid on the aforementioned properties to the refund date, all property taxes for Tax Year(s) **2011** based on the aforementioned assessments.

3) These assessments shall be used until revised in good faith pursuant to RSA 75:8 or until a statistical update or municipal-wide reassessment.

4) The docket shall be marked: "Case settled, no further action, no costs."

Municipality Signatures:

Taxpayer(s) Signatures:

\_\_\_\_\_  
Municipality: Date:

\_\_\_\_\_  
Taxpayer: Date:

\_\_\_\_\_  
Municipality: Date:

\_\_\_\_\_  
Taxpayer: Date:

\_\_\_\_\_  
Municipality: Date:

\_\_\_\_\_  
Taxpayer: Date:

cc: NH Board of Tax and Land Appeals

Property Location: 5 BEARDS LANDING

MAP ID: 04/ 45/ 10/ /

Bldg Name:

State Use: 1010

Vision ID: 419

Account #296

Bldg #: 1 of 1

Sec #: 1 of

1 Card 1 of 1

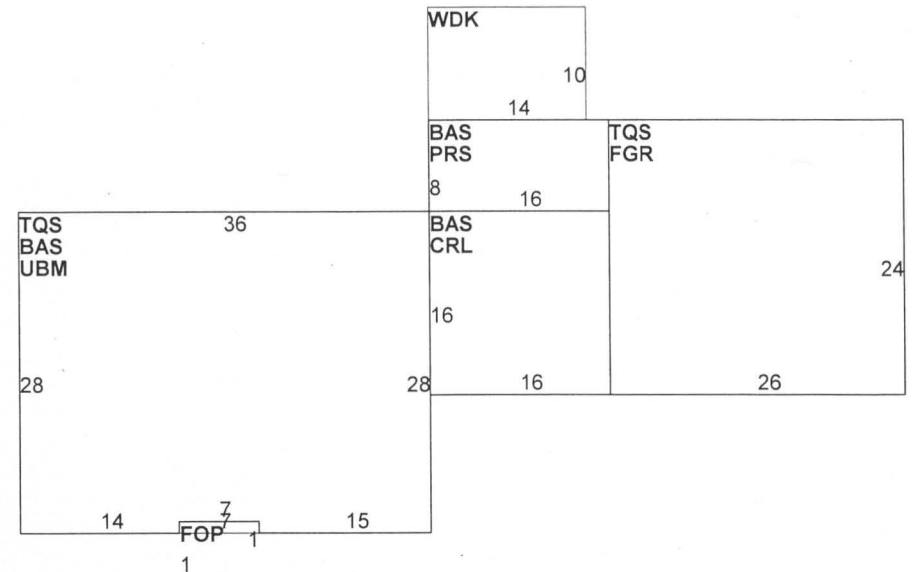
Print Date: 03/08/2013 09:24

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT				2303 DURHAM, NH  <b>VISION</b>										
GRAHAM, ERIC D GRAHAM, STEPHANIE 5 BEARDS LANDING						Description	Code	Appraised Value	Assessed Value											
DURHAM, NH 03824 Additional Owners:		SUPPLEMENTAL DATA  Other ID: 431 L/B  PHOTO GIS ID:  PRECINCT HEART FREEZE  Vision ID 419  ASSOC PID#				RESIDENTL	1010	204,300	204,300											
						RES LAND	1010	103,300	103,300											
						RESIDENTL	1010	1,400	1,400											
						Total		309,000	309,000											
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)												
GRAHAM, ERIC D TIFFT REV TRUST, PATRICIA G TIFFT, PATRICIA		4042/ 546 2197/ 275	08/09/2012 05/17/2000	Q U	I I	309,000 0	1A	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value				
								2012	1010	234,300	2011	1010	242,600	2010	1010	243,300				
								2012	1010	103,300	2011	1010	103,300	2010	1010	103,300				
								2012	1010	1,400	2011	1010	1,400	2010	1010	1,400				
						Total:		339,000	Total:	347,300	Total:	348,000								
EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor  <b>APPRAISED VALUE SUMMARY</b>  Appraised Bldg. Value (Card) 230,200 Appraised XF (B) Value (Bldg) 4,100 Appraised OB (L) Value (Bldg) 1,400 Appraised Land Value (Bldg) 103,300 Special Land Value 0 Total Appraised Parcel Value 309,000 Valuation Method: C Adjustment: 0 Net Total Appraised Parcel Value 309,000												
Year	Type	Description	Amount	Code	Description	Number	Amount									Comm. Int.				
Total:																				
ASSESSING NEIGHBORHOOD																				
NBHD/ SUB		NBHD NAME		STREET INDEX NAME		TRACING		BATCH												
0/A																				
NOTES																				
LIVING SPACE OVER GARAGE - EXTERIOR ACCESS ONLY. COMPRISED OF TWO ROOMS AND 3/4 BATHROOM. PREVIOUSLY USED TO RENT ROOMS TO STUDENTS. NO KITCHEN.																				
BUILDING PERMIT RECORD										VISIT/ CHANGE HISTORY										
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result						
12-336	08/13/2012	RE	Remodel	8,300		100	11/05/2012	Update access apt	10/20/2011	01		JR	00	Measur+Listed						
									05/30/2002			DP	00	Measur+Listed						
									05/17/2002			DP	01	Measur+1 Visit						
									12/21/1987			MC	02	Measur+2 Visit - Info Car						
LAND LINE VALUATION SECTION																				
B #	Use Code	Use Description	Zone	Frontage	Depth	Units	Unit Price	I. Factor	S A	Acre Disc	C. Factor	ST. Idx	S.I. Adj.	Notes- Adj	Rec Y/N	CU Cond	Special Pricing	Adj. Unit Price	Land Value	
1	1010	Single Fam MDL-01	RA			39,130 SF	2.40	1.1000	6	1.0000	1.00	0	1.00		N	0.000		2.64	103,300	
Total Card Land Units:						0.90	AC	Parcel Total Land Area: 0.9 AC						Total Land Value:						103,300

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	04		Cape Cod				
Model	01		Residential				
Grade	04		Average +10				
Stories	1.75		1 3/4 Stories				
Occupancy	1						
Exterior Wall 1	14		Wood Shingle				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	03		Plastered				
Interior Wall 2	04		Plywood Panel				
Interior Flr 1	12		Hardwood				
Interior Flr 2	11		Ceram Clay Til				
Heat Fuel	02		Oil				
Heat Type	05		Hot Water				
AC Type	01		None				
Total Bedrooms	03		3 Bedrooms				
Total Bthrms	2						
Total Half Baths	1						
Total Xtra Fixtrs							
Total Rooms	9		9 Rooms				
Bath Style	02		Average				
Kitchen Style	02		Modern				

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)												
Code	Description	Sub	Sub Descript	L/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value
PAV1	PAVING-ASPH			L	1,600	1.50	1980		0		60	1,400
FPL2	1.5 STORY CH			B	1	3,800.00	1988		1		100	3,200
FLU2	BRICK			B	1	1,100.00	1988		1		100	900

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	1,385	1,385	1,385	85.96	119,056
CRL	Crawl	0	256	0	0.00	0
FGR	Garage, Framed	0	624	250	34.44	21,490
FOP	Porch, Open, Finished	0	7	1	12.28	86
PRS	Piers	0	128	0	0.00	0
TQS	Three Quarter Story	1,300	1,625	1,300	68.77	111,750
UBM	Basement, Unfinished	0	1,001	200	17.18	17,192
WDK	Deck, Wood	0	140	14	8.60	1,203
Ttl. Gross Liv/Lease Area:		2,685	5,166	3,150		270,778





TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

**# 11A**  
**AGENDA ITEM:**

**DATE:** March 18, 2013

## **COUNCIL COMMUNICATION**

**INITIATED BY:** Dr. James Morse, Superintendent, ORCSD

**AGENDA ITEM:** OYSTER RIVER COOPERATIVE SCHOOL DISTRICT TUITION  
STUDENTS – DR. JAMES MORSE, SUPERINTENDENT

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Dr. James Morse, Superintendent, ORCSD

**AGENDA DESCRIPTION:**

Dr. James Morse, Superintendent of the Oyster River Cooperative School District, has been invited to attending Monday evening's Town Council meeting to give a brief update to Councilors relative to tuition students. Attached for the Council's information is a summary provided by Superintendent Morse relative to this topic.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action required. Receive update from Superintendent James Morse regarding tuition students within the Oyster River Cooperative School District and hold discussion, if desired.

## **Tuition Students - Important to Both Programming and Taxpayers**

It is time once again to revisit the question of tuition students. A quick update shows that Barrington, Deerfield and Newmarket have all reached out to Oyster River in order to determine the feasibility of having their students attend Oyster River High School. I liken it to them asking us to dance. None of these school systems has asked us for a date and clearly no one has asked us to be engaged. But, it is very possible that one, two or all three will ask us out and as a District we need to be ready to give an answer.

Each system is asking us a variation of the same tuition question. Barrington wants to know if we will take some of their students, we currently educate 64 Barrington students at ORHS. Deerfield is asking if we would educate approximately 188 of their students which represent all of their high school level students. Newmarket is also inquiring if we would be willing to educate all of their approximately 300 students.

Clearly we cannot meet the request of all three school systems. Just as clearly, we need to have an open discussion about what the implications are of saying no to all and what it means to say yes to one or more. Oyster River is fortunate to have so many suitors, but it presents its own unique problems.

So how did we get to this point? Enrollment has declined from a high of 2,400 students ten years ago to 2,000 students today. Projections indicate that in the next ten years ORCSD will shrink another 400 students to an estimate of 1,600 students. The high school currently has 620 resident students and 64 tuition students from Barrington for a total of 684 students. Using the New Hampshire School Administrators Association Capacity Study as a guide, the high school has a functional educational capacity reflecting the ORCSD class size guidelines of holding 915 students. Using the State of New Hampshire maximum class size guidelines, the high school can hold 1202 students - the high school has openings for 295 tuition students.

### **The Choices:**

Option 1: Accept no high school tuition students and become even smaller.

- High school course options become limited
- Curriculum becomes far more limited
- Class size likely to increase
- Cost per student increases
- Staff lose jobs
- Inefficient use of a beautiful facility

Option 2: Accept only Barrington tuition students.

- Likely will fill only 1/3 of available seats
- Already attending
- The students who have attended have represented their town well
- They have choice to attend other school systems

Option 3: Accept only Deerfield tuition students.

- Fills 2/3 of available seats
- No high school therefore less transition issues
- Will need to hire staff
- Helps maintain current program and philosophy

Option 4: Accept both Barrington and Deerfield students.

- Fills most available seats
- Allows ORHS to maintain and expand academic programming
- Will need to hire staff
- Do not have own high school therefore less transition issues
- Barrington enrollment not guaranteed
- Helps maintain current program and philosophy

Option 5: Accept only Newmarket tuition students.

- Fills all available seats
- Allows ORHS to maintain and expand academic programming
- Stable, long term relationship
- Willing to pay more per student
- Newmarket High School exists so transition issues likely
- Will need to hire staff
- Helps maintain current program and philosophy

As I stated in December, tuition students can help ORCSD in two fundamental ways:

1. Assist in keeping the programs at our high school that have contributed to the District's excellent reputation; and
2. Assist in helping the District contain escalating costs.

In order to keep the quality program options we have for our students we need a "critical mass" of students. The cornerstone of our high school is to offer as many choices as possible in order to meet the needs of all our students. Should student enrollment decline precipitously, then individual courses could face elimination as enrollment decline to levels below District class size guidelines. ORHS relies on student choice to engage students in learning in areas they want to pursue. Tuition students help mitigate the loss of enrollment and assist in maintaining student choice.

Tuition students also assist the taxpayers of ORCSD. Currently the District projects that we will receive over \$800,000 in revenue due to tuition students. If we did not have this revenue, there are only two solutions, cut programming and staff or ask the taxpayers to make up for the loss of \$800,000. Neither option is appealing.

Currently ORCSD is in discussions with Newmarket, responding to a Request for Proposals (RFP) to Barrington and responding to inquiries from Deerfield. As ORCSD has more information, we will be sharing our findings with the ORCSD community.

By encouraging the growth of tuition students we are working to maintain programming as well as be fiscally responsible.



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
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AGENDA ITEM:

# **11B**

DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:**

Oyster River Sustainability Coalition

**AGENDA ITEM:**

UPDATE ON OYSTER RIVER COOPERATIVE SCHOOL DISTRICT  
SUSTAINABILITY COALITION – CRISTINA DOLCINO AND  
SHELLEY MITCHELL

**CC PREPARED BY:**

Jennie Berry, Administrative Assistant

**PRESENTED BY:**

Christina Dolcino and Shelley Mitchell

**AGENDA DESCRIPTION:**

In May 2012, an Oyster River Cooperative School District Sustainability Coalition was formed for the purpose of facilitating a sustainability forum and to measure its work and align itself with five principles of sustainability in the areas of food, energy, transportation, school curriculum, and community outreach. Durham's representatives to the ORCSD Sustainability Coalition are Cristina Dolcino and Shelley Mitchell. Dr. John Carroll is its UNH representative. At the January 23, 2012 Town Council meeting, Councilors received a presentation from Ms. Mitchell and Ms. Dolcino relative to the work accomplished by the Coalition at that time. Councilors were also provided with an interim report dated October 5, 2011 and a report on the implementation and action plans dated November 16, 2011 prepared by the Sustainability Coalition.

Ms. Dolcino and Ms. Mitchell have been invited to Monday evening's Council meeting to provide an update to Council members on the current work being accomplished by the Coalition and to answer any questions Councilors may have regarding their efforts. Attached are the latest highlights of the ORCSD Ecological Footprint and the first Ecological Footprint Report (longer version), referenced on January 23, 2012. In addition, Councilors may be interested in viewing an ORCSD video on Moharimet's New Recycling Program at <http://vimeo.com/61258109>.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

No formal action required. Receive update from Ms. Dolcino and Ms. Mitchell relative to the work currently being accomplished by the ORCSD Sustainability Coalition and hold discussion, if desired.

# Ecological Footprint Highlights, Fiscal Year 2011-2012

## Water Consumption

Figure 1. Water & Sewer Consumption and Cost – High School

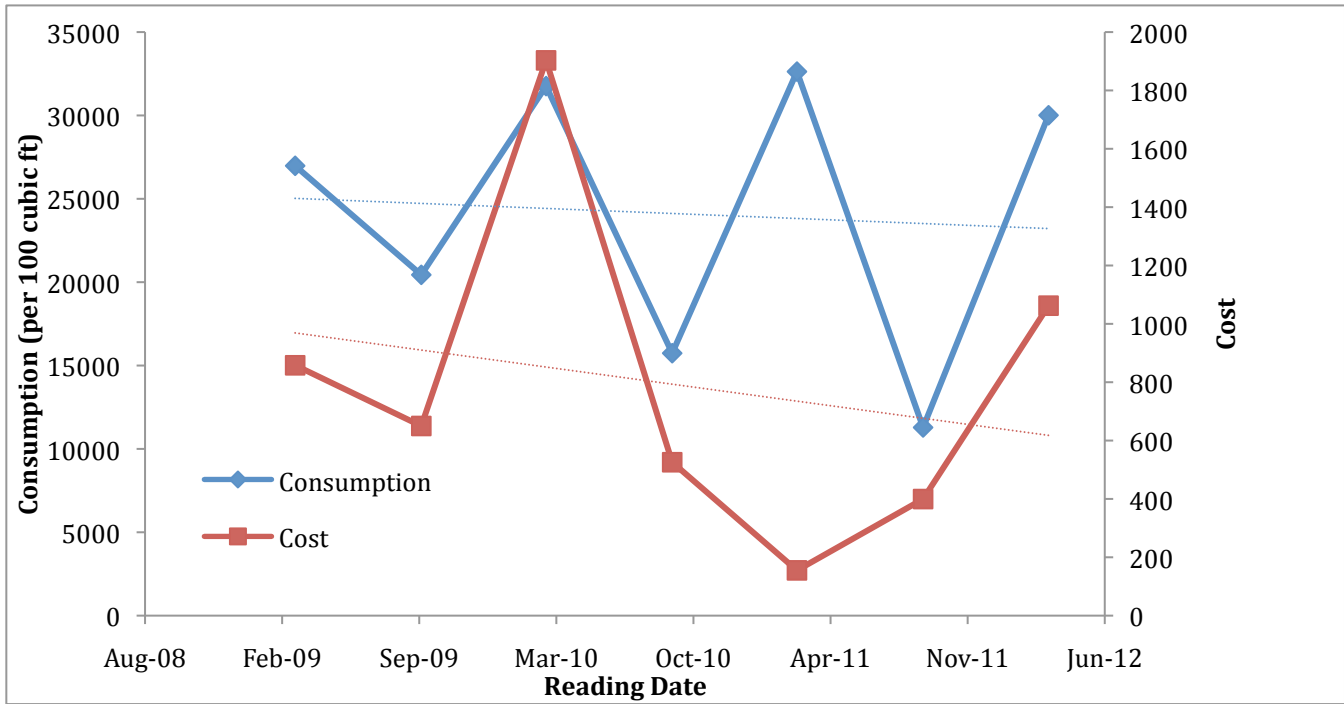
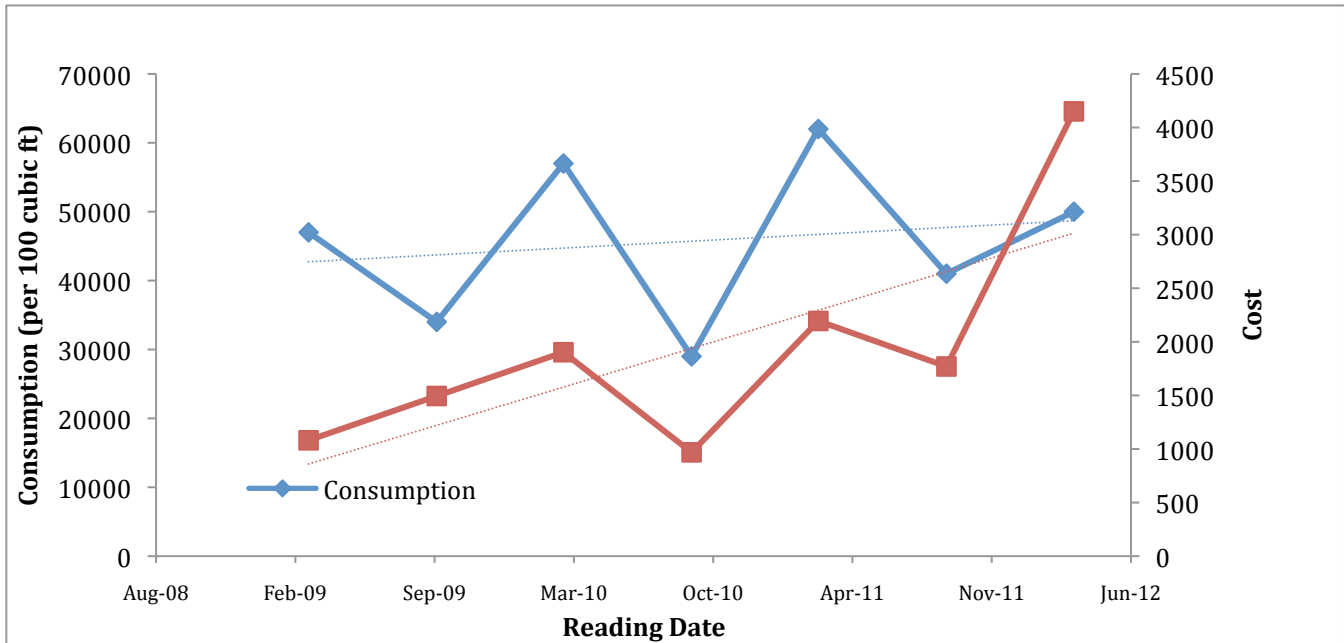


Figure 2: Water and Sewer Consumption and Cost –Middle School



*Moharimet and Mast Way are on well water.*

**Oyster River Cooperative School District**

# **Ecological Footprint Report**

Period: *July 1, 2010 through June 31, 2011*

April 2012

**Oyster River Sustainability Committee**

*“Cooperating to Sustain the Oyster River Community”*



Prepared by: John Doyle

University of New Hampshire-2012

Environmental Conservation Studies, Sustainable Living

## **INDEX**

<b>I. INTRODUCTION.....</b>	<b>3</b>
<b>Part 1: Total Measurements for: Solid Waste &amp; Recycling, Transportation, Water Consumption, Energy, and Electricity.....</b>	<b>5</b>
<b>II. TOTALS.....</b>	<b>7</b>
<b>III. SOLID WASTE &amp; RECYCLING.....</b>	<b>8</b>
<b>IV. TRANSPORTATION FLEET.....</b>	<b>12</b>
<b>V. WATER.....</b>	<b>14</b>
<b>VI. ENERGY.....</b>	<b>16</b>
<b>VII. ELECTRICITY.....</b>	<b>18</b>
<b>Part 2: Individual School Assessment.....</b>	<b>19</b>
<b>I. MAST WAY ELEMENTARY.....</b>	<b>21</b>
<b>II. MOHARIMET ELEMENTARY.....</b>	<b>24</b>
<b>III. OYSTER RIVER MIDDLE SCHOOL.....</b>	<b>27</b>
<b>IV. OYSTER RIVER HIGH SCHOOL.....</b>	<b>30</b>
<b>V. SAU OFFICE.....</b>	<b>33</b>
<b>VI. SERVICE BUILDING.....</b>	<b>35</b>
<b>Part 3: Recommendations, Appendices.....</b>	<b>39</b>
<b>I. RECOMMENDATIONS.....</b>	<b>41</b>
<b>Appendix A: Final Ecological Footprint.....</b>	<b>42</b>
<b>Appendix B: Calculations and Sources.....</b>	<b>43</b>

## **I. INTRODUCTION**

### **A. The Sustainability Committee**

The Oyster River Cooperative School District's (ORCSD) Sustainability Committee was established after the pass of Warrant Article # 7 in March 2011. The Committee, nicknamed "The Green Oyster," consists of 19 members from the ORCSD schools, the school board, the University of New Hampshire, and the three towns. The Committee's mission statement is "...to facilitate a sustainability forum...with the five principles of sustainability (Renewability, Substitution, Interdependence, Adaptability, and Institutional Commitment) in the areas of food, energy, transportation, school curriculum and community outreach."

The ORCSD consists of the following schools and facilities:

<b>Mast Way Elementary School (K-4)</b>	<b>Oyster River High School (9-12)</b>
<b>Moharimet Elementary School (K-4)</b>	<b>SAU Office</b>
<b>Oyster River Middle School (5-8)</b>	<b>Service Building</b>

The schools reside in three adjacent towns along the New Hampshire seacoast area: Durham (Oyster River Middle and High School), Lee (Mast Way Elementary), and Madbury (Moharimet Elementary).

### **B. Purpose of this Document**

The purpose of this document is for ORCSD Sustainability Committee to create an ecological footprint of the district by benchmarking the following sectors:

<b>Solid Waste &amp; Recycling</b>	<b>Energy (Natural Gas and Transportation)</b>
<b>Transportation</b>	<b>Electricity</b>
<b>Water Consumption</b>	

### **C. Layout of this Document**

This document is divided into three sections. Part I represents the total measurements for the five sectors in terms of cost and metric tons of carbon dioxide equivalent emitted (MTCO<sub>2</sub>E). Totals were determined for the entire district and, where applicable, totals were compared to previous fiscal schools years. Part II is for an individual school assessment that incorporates each school and facility across the five sectors and, again, compares previous fiscal school years where applicable. Part III concludes with recommendations about decreasing the ORCSD's ecological footprint, suggestions to include in the footprint in the future, and the remaining appendices.



# Part 1:

*Total Measurements for: Solid Waste & Recycling, Transportation, Water Consumption, Energy, and Electricity*



## II. TOTALS

### A. Total Costs (FY 2010-11)

	Costs						
	Waste:		Fleet:	Water:	Energy:		Electricity:
	Solid Waste	Recycling	Upkeep		Propane	Natural Gas	
<b>Mast Way</b>	\$3,761.17	\$1,884.48	-	-	\$53,054.76	-	\$35,072.18
<b>Moharimet</b>	\$9,519.16	\$2,001.89	-	-	\$29,430.84	-	\$48,365.79
<b>Middle School</b>	\$3,759.44	\$1,758.10	-	\$1,758.10	-	\$73,430.37	\$92,630.84
<b>High School</b>	\$4,546.35	\$1,710.10	-	\$1,710.10	-	\$125,021.73	\$252,896.61
<b>SAU</b>	<i>(Included in HS)</i>	<i>(Included in HS)</i>	-	\$312.31	-	-	\$7,725.60
<b>SB</b>	N/A	N/A	-	\$322.23	-	\$3,606.37	\$14,745.76
<b>Totals</b>	\$21,586.12	\$7,354.57	\$202,690.08	\$4,102.74	\$82,485.60	\$202,058.47	\$451,436.78

<b>Total Cost (FY 2010-2011)</b>	\$971,714.36
--------------------------------------	--------------

### B. MTCO<sub>2</sub>E (FY 2010-2011)

MTCO <sub>2</sub> E						
	Waste:	Fleet:	Water	Energy:		Electricity:
				Propane	Natural Gas	
<b>Mast Way</b>	-	-	-	147.69	-	171
<b>Moharimet</b>	-	-	-	82.58	-	191
<b>Middle School</b>	-	-	-	-	231	404
<b>High School</b>	-	-	-	-	446	1,156
<b>SAU</b>	-	-	-	N/A	N/A	25.7
<b>SB</b>	-	-	-	-	12	75.8
<b>Totals</b>	-	1,131	-	230.27	689	2023.5

<b>Total MTCO<sub>2</sub>E of all Sectors (FY 2010-2011)</b>	4,073.77
----------------------------------------------------------------------	----------

### III. SOLID WASTE & RECYCLING

#### **Waste Management Companies:**

The operating companies involved in the collection of the ORCSD's solid waste are Waste Management and Casella for the district's recycling. In June 2011, Casella merged with the recycling company Pine Tree. As of currently, Pine Tree collects the District's recycling on a flat rate basis: explaining the relative consistent monthly costs for removal.

#### **Additional Offices:**

The solid waste and recycling costs and total tons accumulated generated by the SAU office, located on Coe Drive near the High School, are included in the High Schools averages.

#### **Discrepancy with Moharimet Elementary School Averages:**

Moharimet Elementary School previously had two (2) 10-yard containers and paper totes that were continuously emptied: resulting in higher costs for waste removal than the other schools in the district. Moharimet currently has one (1) 10-yard container for the 2011-2012 school year.

#### **Oyster River High School Waste Compactor:**

The High School currently uses a trash compactor for its solid waste that is emptied when it is full. This may not be done during consecutive months and for months when it is not emptied no cost is averaged into the school's totals (See 'Solid Waste: Monthly Cost' graph).

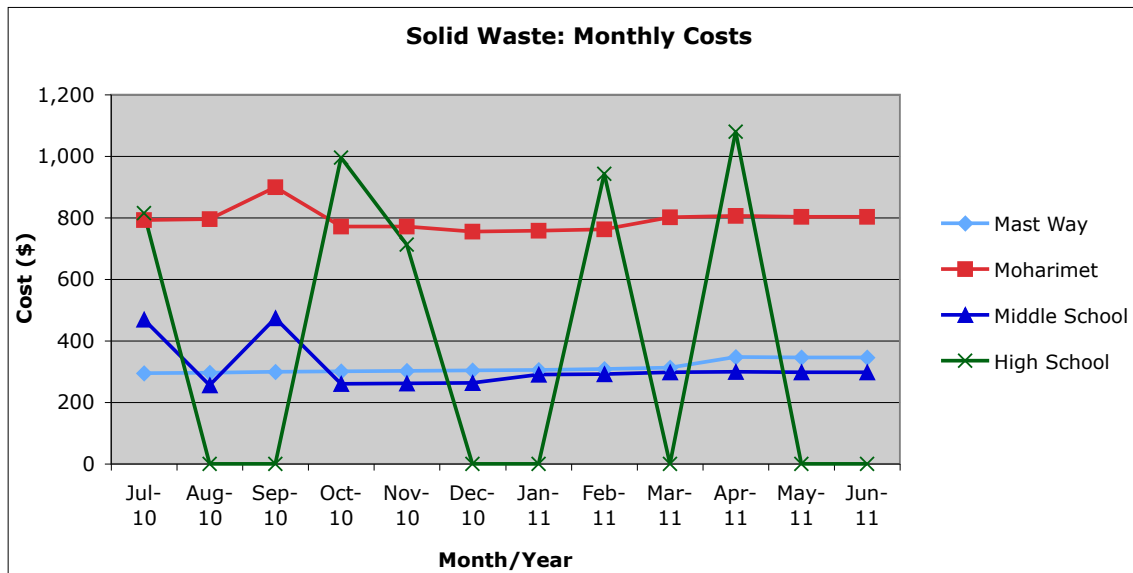
#### **A. Solid Waste and Recycling: Total Costs (FY 2010-11)**

**Table 1: Total Costs for All Schools (FY 2010-2011)**

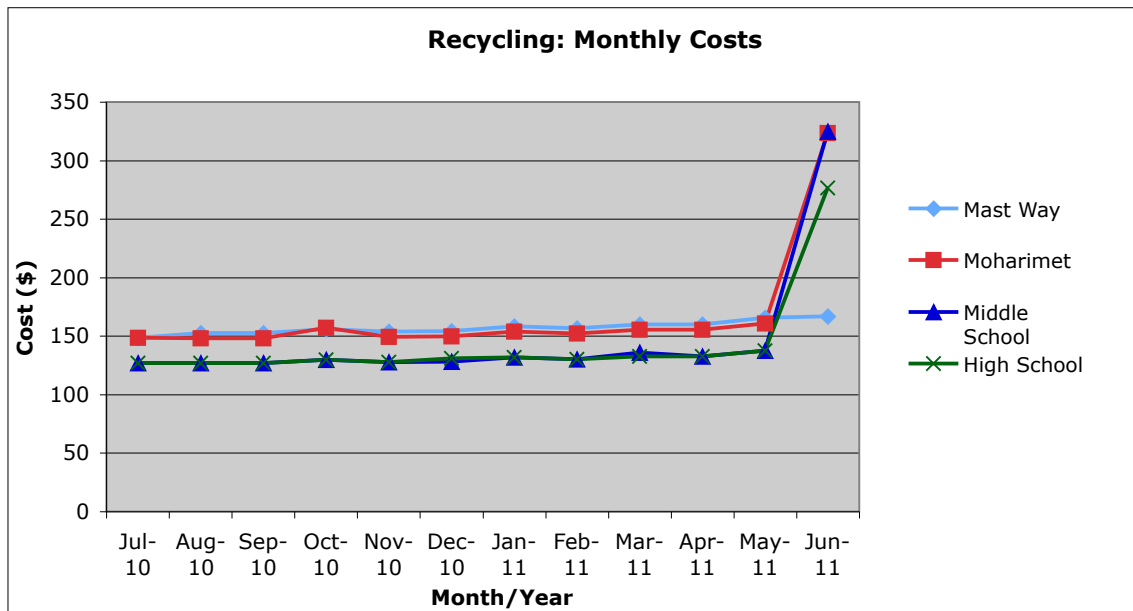
School	Solid Waste	Recycling
Mast Way Elementary	\$3,761.17	\$1,884.48
Moharimet Elementary	\$9,519.16	\$2,001.89
Middle School	\$3,759.44	\$1,758.10
High School	\$4,546.35	\$1,710.10
Totals (\$)	\$21,586.12	\$7,354.57

<b>Total Cost (Solid Waste and Recycling)</b>	\$28,940.69
-----------------------------------------------	-------------

## B. Solid Waste: Monthly Costs



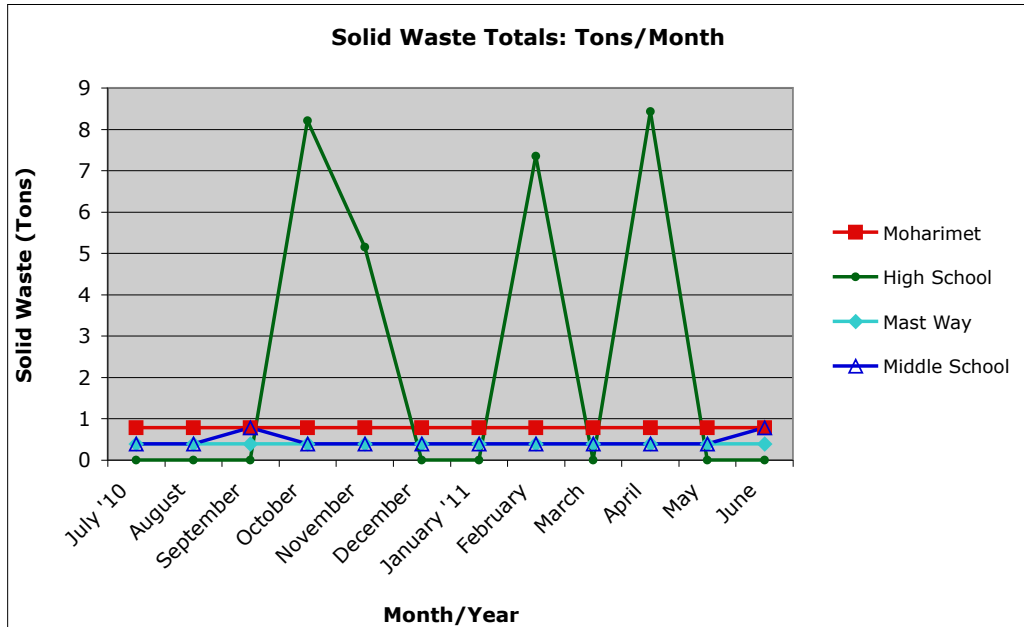
## D. Recycling: Monthly Costs

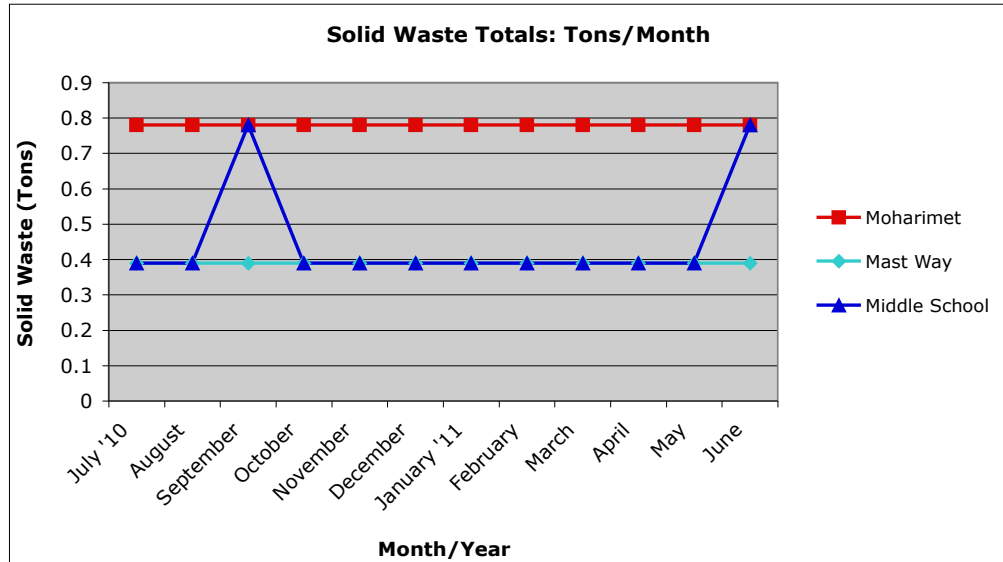


## F. Tons of Solid Waste

**Table 2: Tons of Solid Waste (FY 2010-11)**

School	Tons of Solid Waste
Moharimet	9.36
High School	29.14
Mastway	4.68
Middle School	5.46
<b>Total</b>	<b>48.64</b>





*Note: Graph excludes High School data for better representation of remaining schools*

#### IV. TRANSPORTATION FLEET

##### A. Totals: All Variables for the Transportation Fleet

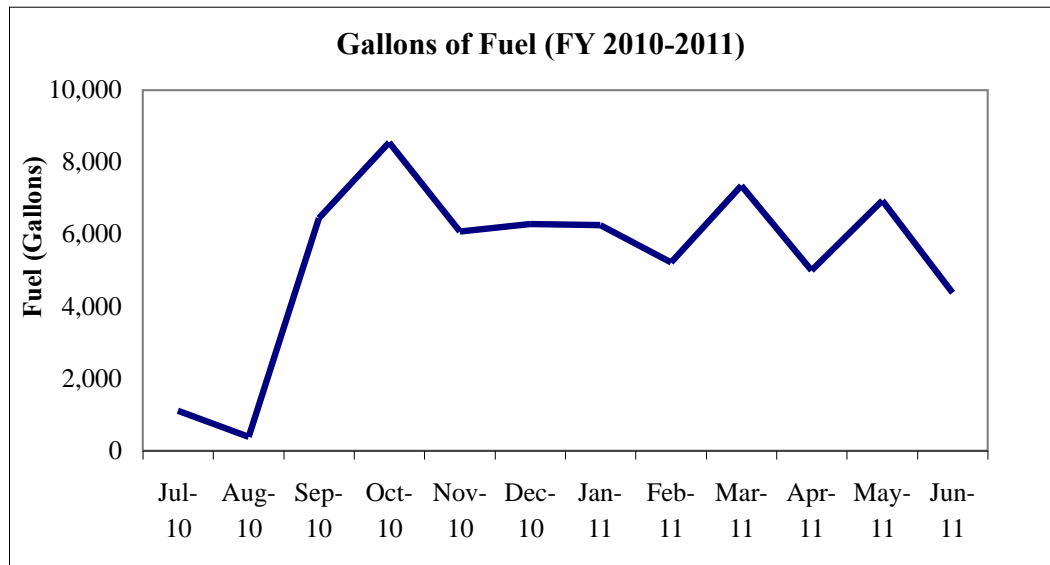
Table 3: Totals from July 2010- June 2011	
Miles Driven	539,068.00
Fuel Consumed	
(Gallons)	127,251.70
Maintenance (\$)	\$30,878.72
Repairs (\$)	\$160,423.82
Body Work (\$)	\$11,388.29
Tires (\$)	\$0.00

Total Costs (\$)	\$202,690.83
------------------	--------------

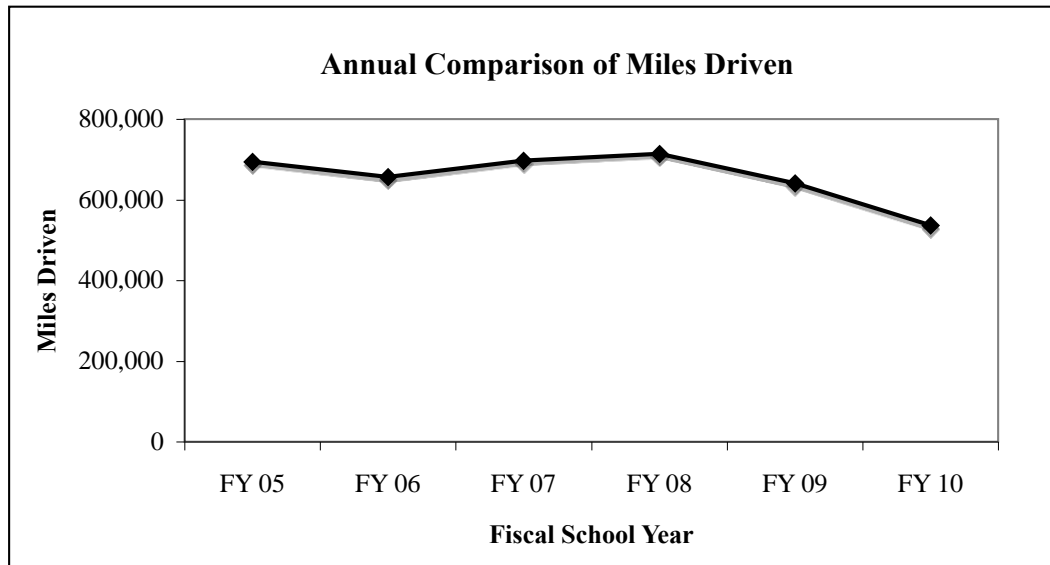
##### B. Total Carbon Dioxide Emissions

Fuel Consumed (Gallons)	MTCO <sub>2</sub> E
127,251.70	1,131

##### C. Monthly Fuel Consumption



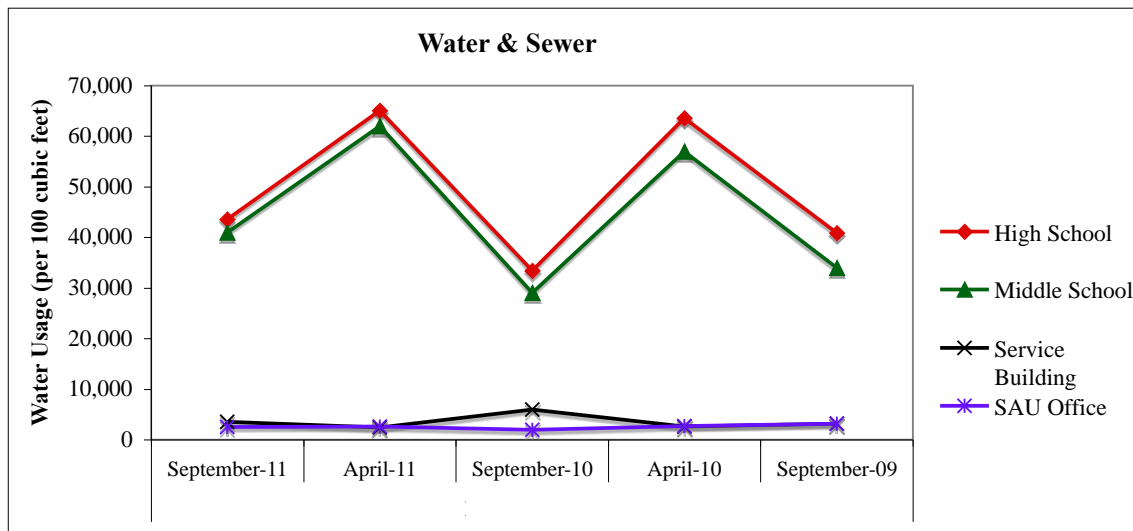
#### **D. Annual Comparison of Miles Driven by the Fleet**



## V. WATER CONSUMPTION

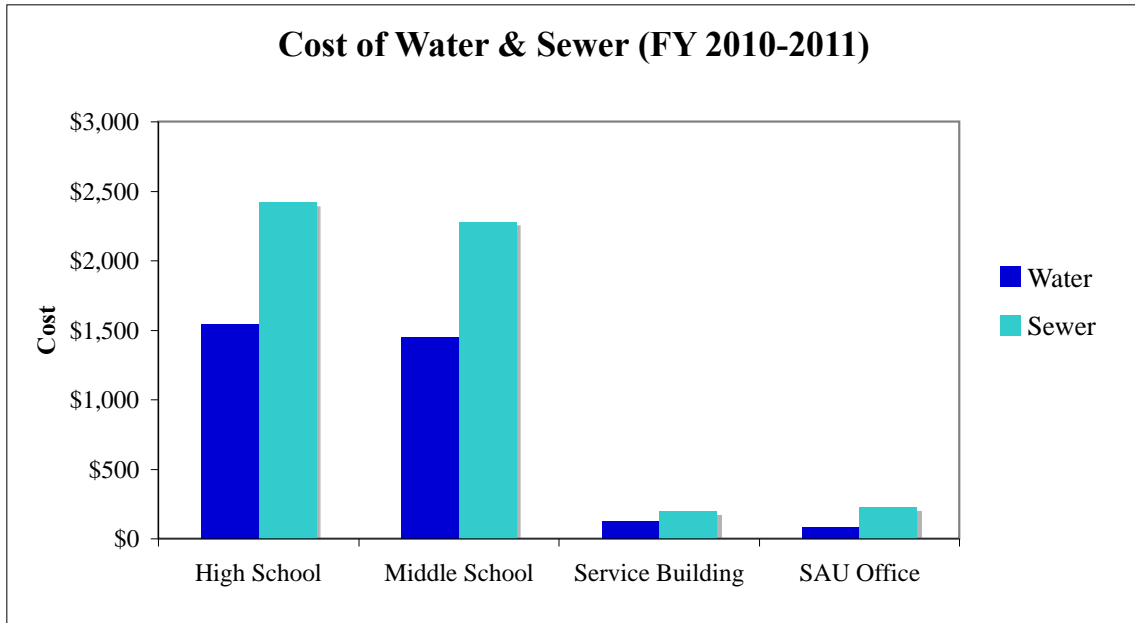
**Omitted Data:** Due to Mast Way and Moharimet Elementary Schools' water source being drawn from a well, they were excluded from this report. The amount and cost of water consumed by the High School, Middle School, SAU Office, and the Service Building are the only facilities included in this report.

Read Date & Usage (per 100 cubic feet)						
School/Building	September-11	March-11	April-11	September-10	April-10	September-09
High School	43,601	-	65,091	33,454	63,558	40,880
Middle School	41,000	62,000	-	29,000	57,000	34,000
Service Building	3,541	-	2,404	5,960	2,608	3,157
SAU Office	2,470	-	2,578	1,922	2,710	3,150



School/Building	Cost of Water & Sewer		Total
	Water	Sewer	
High School	\$1,543.47	\$2,424.11	\$3,967.58
Middle School	\$1,451.40	\$2,279.60	\$3,731.00
Service Building	\$125.35	\$196.88	\$322.23
SAU Office	\$87.54	\$224.77	\$312.31

Rates (per 100 cubic feet)	
Water	Sewer
\$3.54	\$5.56

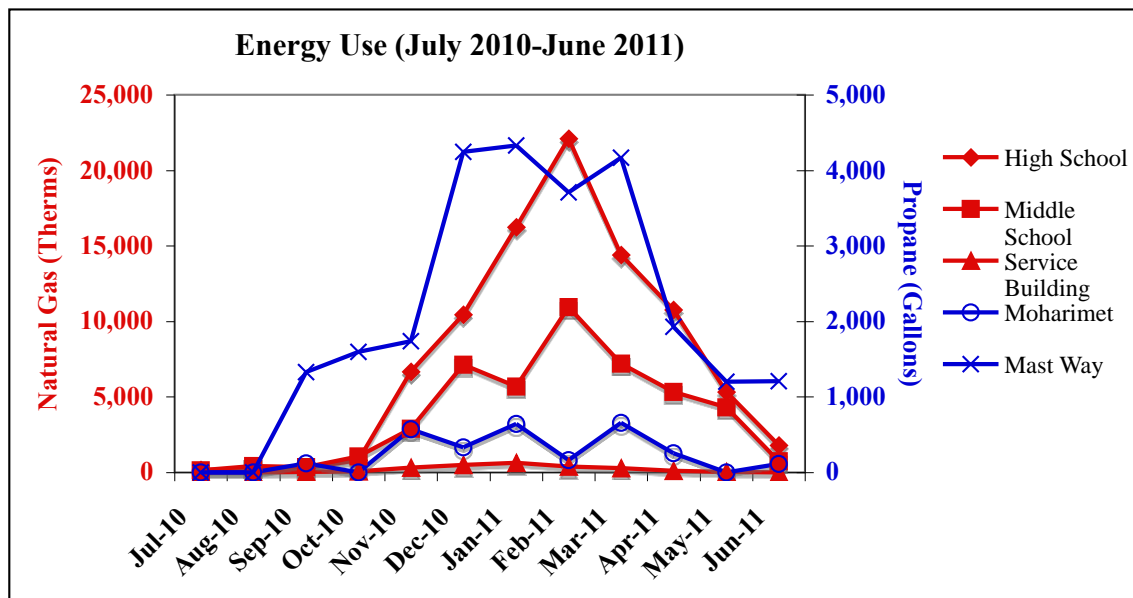


## VI. ENERGY

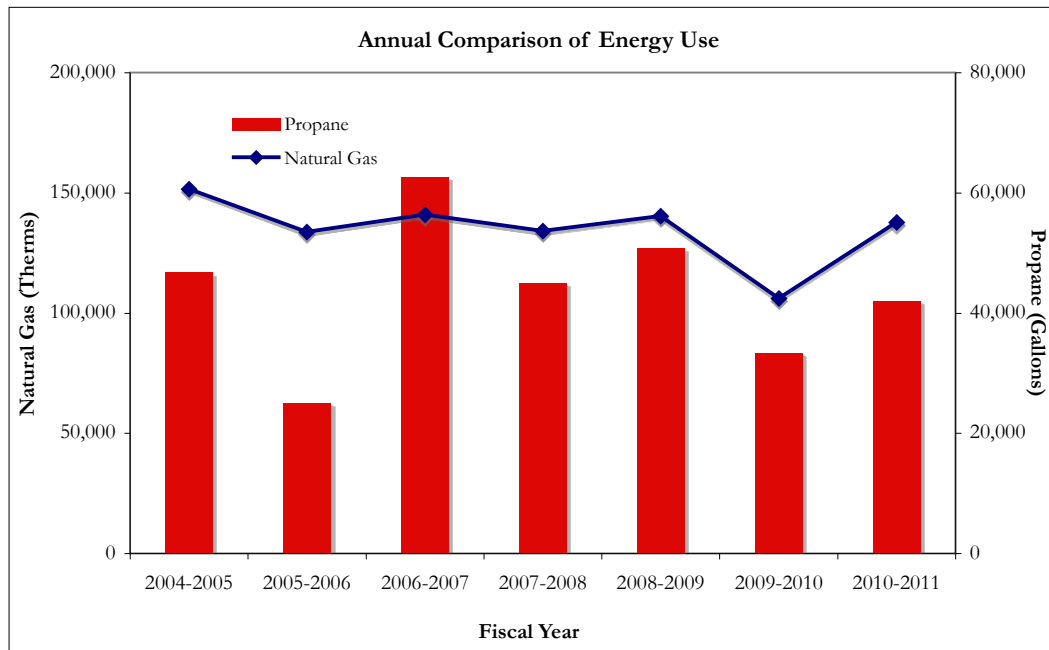
Total: Energy (FY 2010-2011)				
School	Energy Type	Total	Cost	MTCO <sub>2</sub> E
High School	Natural Gas (Therms)	89,192.96	\$125,021.73	446
Middle School	Natural Gas (Therms)	45,499.65	\$73,430.37	227
Mast Way	Propane (Gallons)	25,438.30	\$53,054.76	148
Moharimet	Propane (Gallons)	14,224.10	\$29,430.84	83
Service Building	Natural Gas (Therms)	2,398.37	\$3,606.37	12

Total MTCO <sub>2</sub> E	916
Total: Cost	\$284,544.07

### A. Energy Usage (FY 2010-2011)



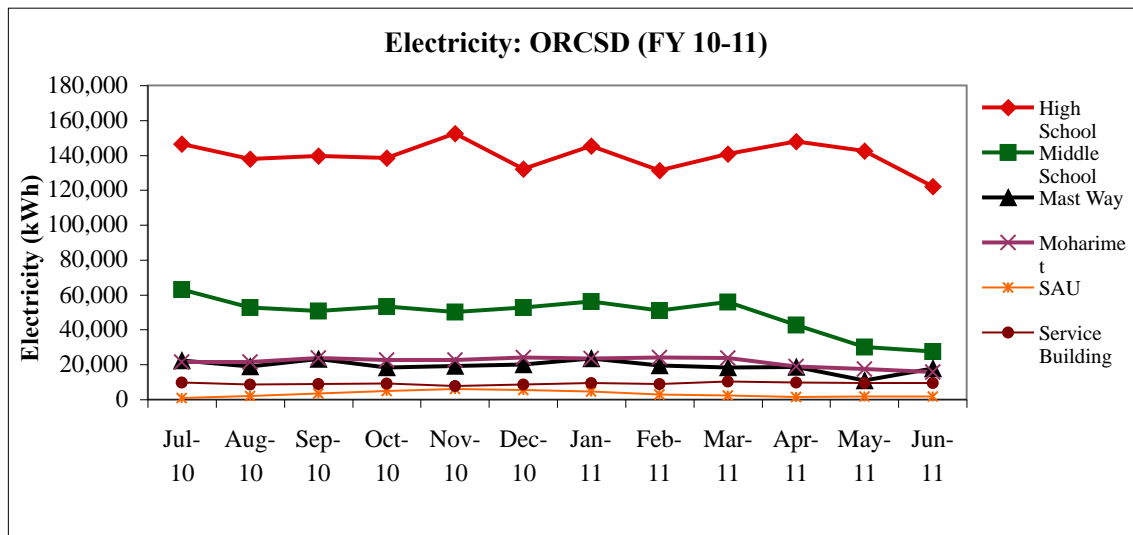
## B. Annual Comparison of Energy Usage



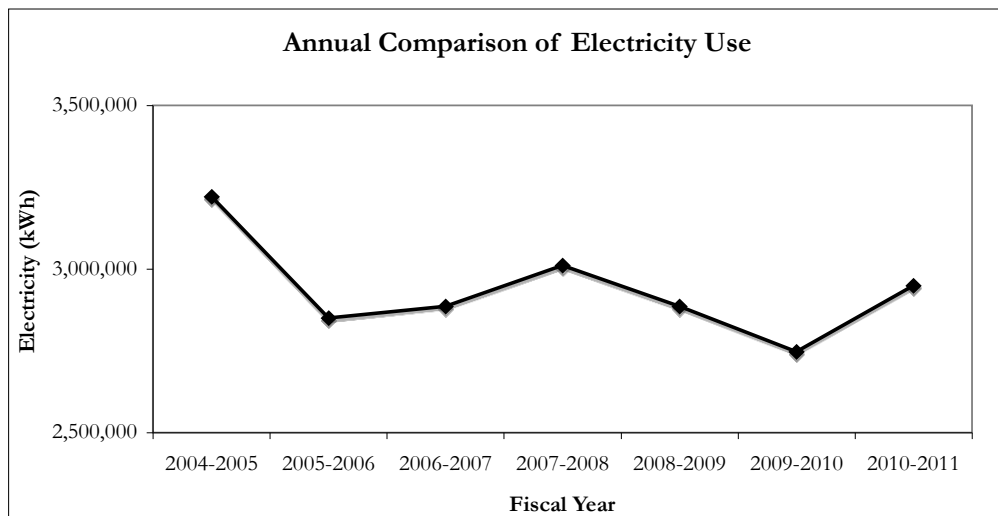
## VII. ELECTRICITY

ELECTRICITY (FY 2010-2011)			
School	kWh	MTCO <sub>2</sub> E	Cost
High School	1,676,400	1,156	\$252,612.66
Middle School	586,200	404	\$92,630.84
Mast Way	247,840	171	\$35,072.18
Moharimet	277,120	191	\$42,330.13
SAU Office	37,200	25.7	\$7,725.60
Service Building	109,870	75.8	\$14,745.76
<b>Totals</b>	<b>2,934,630</b>	<b>2,024</b>	<b>\$445,117.17</b>

### A. Electricity Use (FY 2010-2011)

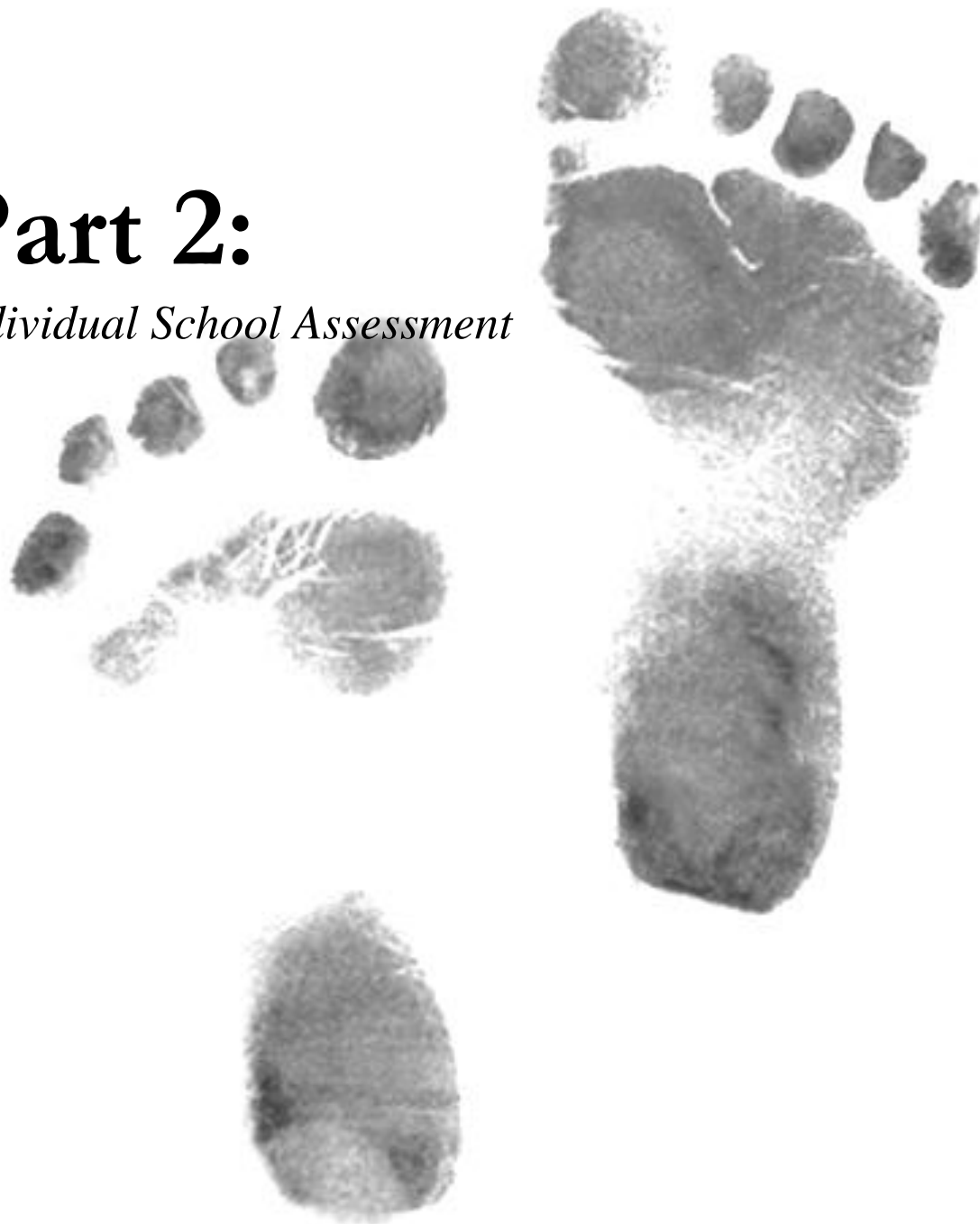


### B. Annual Comparison of Electricity Use



# Part 2:

## *Individual School Assessment*





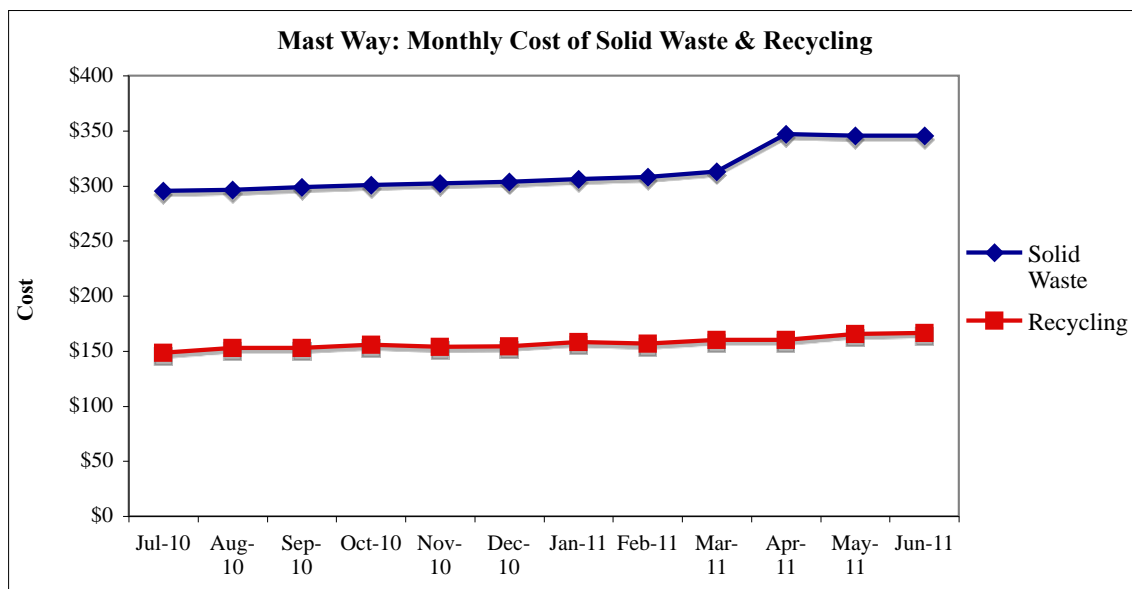
## I. MAST WAY ELEMENTARY

### A. Solid Waste & Recycling

#### i. Totals

Mast Way had the lowest costs for both solid waste and recycling disposal as well as the lowest tons of solid waste generated.

Solid Waste	Tons of Solid Waste	Recycling	Total (FY 2010-2011)
\$3,761.17	4.68	\$1,884.48	\$5,645.65



#### ii. Seasonal Data

Season	Solid Waste	Recycling	Tons of Solid Waste	Total
Summer	\$890.56	\$453.91	1.17	\$1,344.47
Fall	\$906.39	\$463.66	1.17	\$1,370.05
Winter	\$926.61	\$474.84	1.17	\$1,401.45
Spring	\$1,037.61	\$492.07	1.17	\$1,529.68

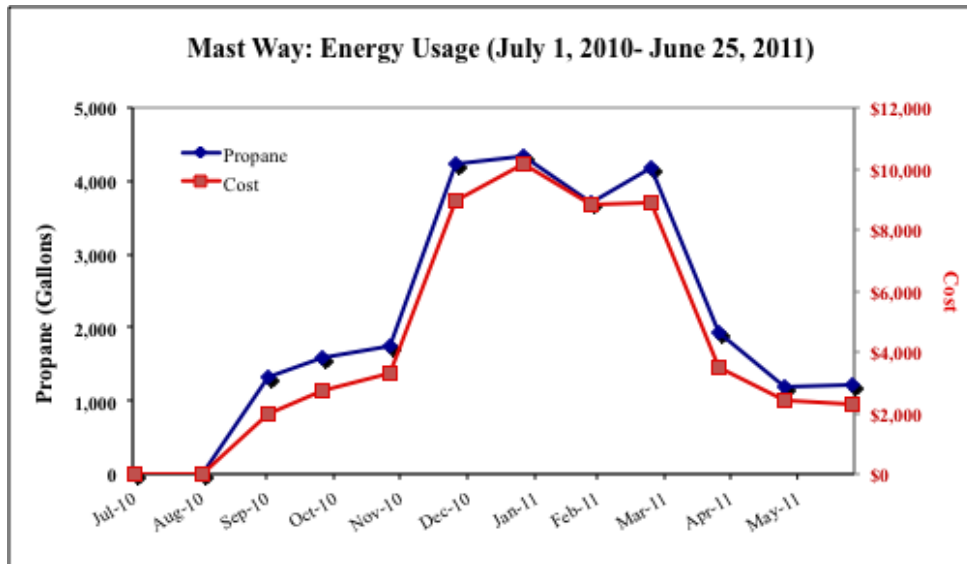
### B. Water Consumption

Due to Mast Way Elementary's water being extracted from a well, its averages and patterns of consumption are not included in this report.

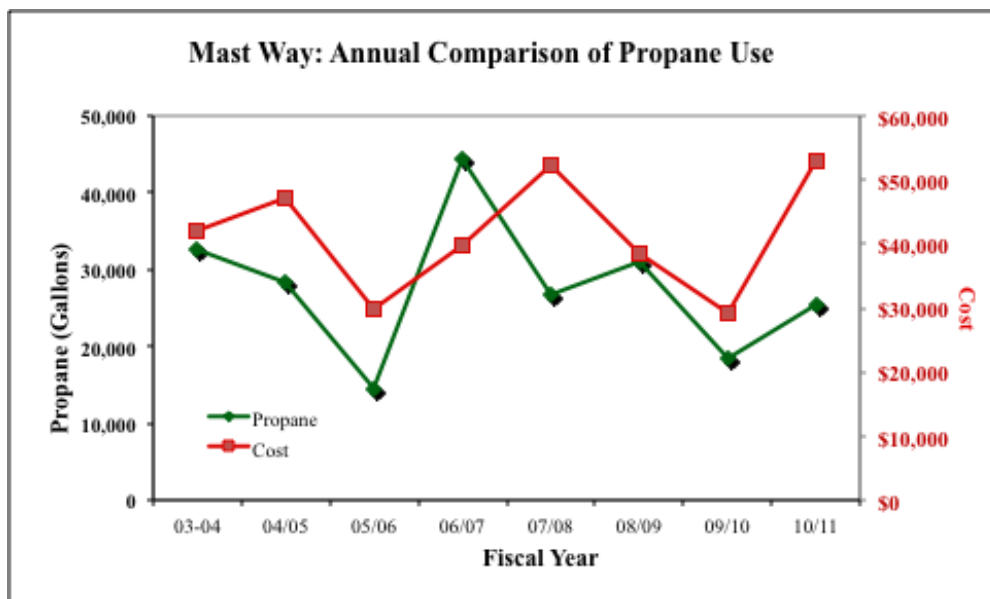
## C. Energy

### i. Totals & Monthly Use

Utility Data: Mast Way	
Start Date	July 1, 2010
End Date	June 25, 2011
Propane (Gallons)	25,438.30
Cost	\$53,054.76



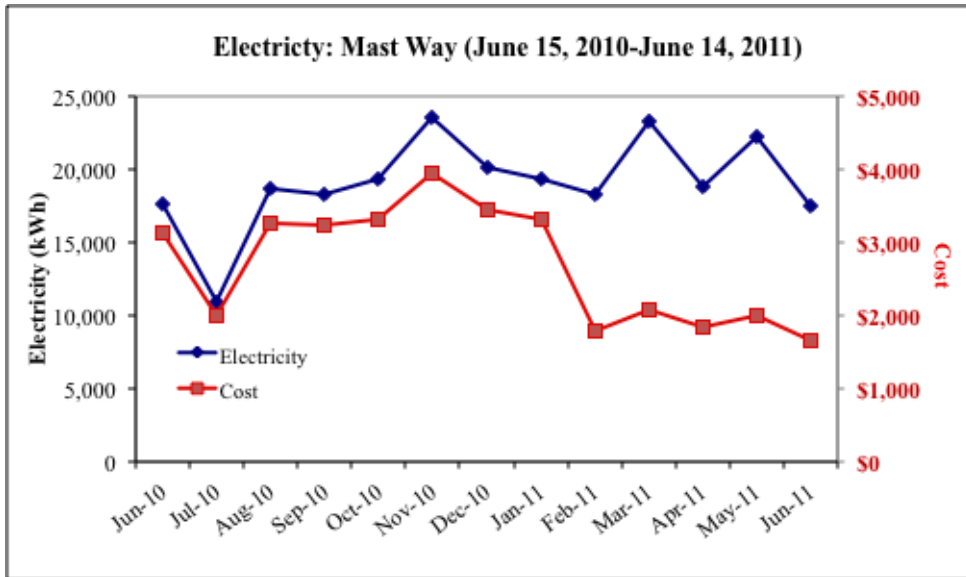
### iii. Annual Comparison of Energy Use



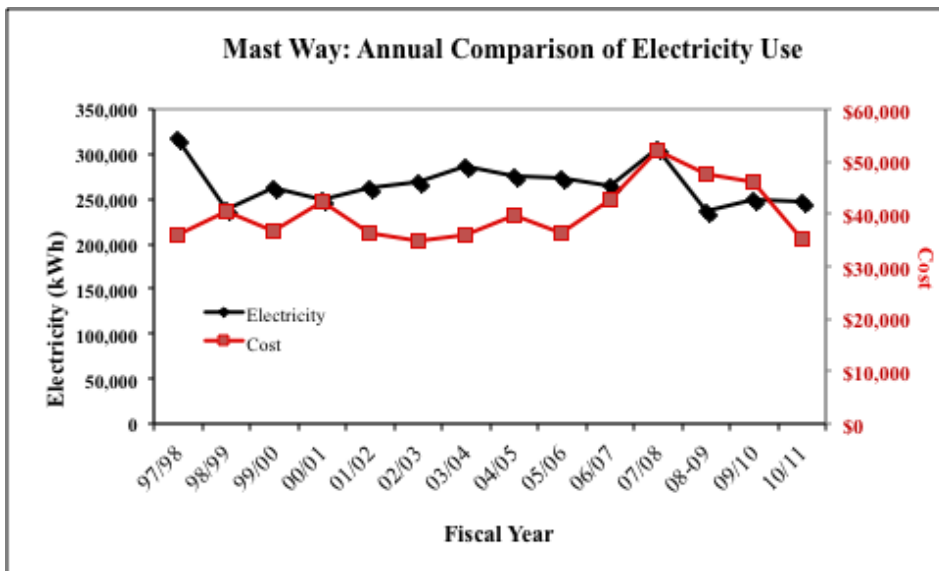
## D. Electricity

### i. Totals & Monthly Uses

Electricity: High School	
Start Date	June 15, 2010
End Date	June 14, 2011
Usage (kWh)	247,840.00
Cost	\$35,072.18



### ii. Annual Comparisons of Electricity Use

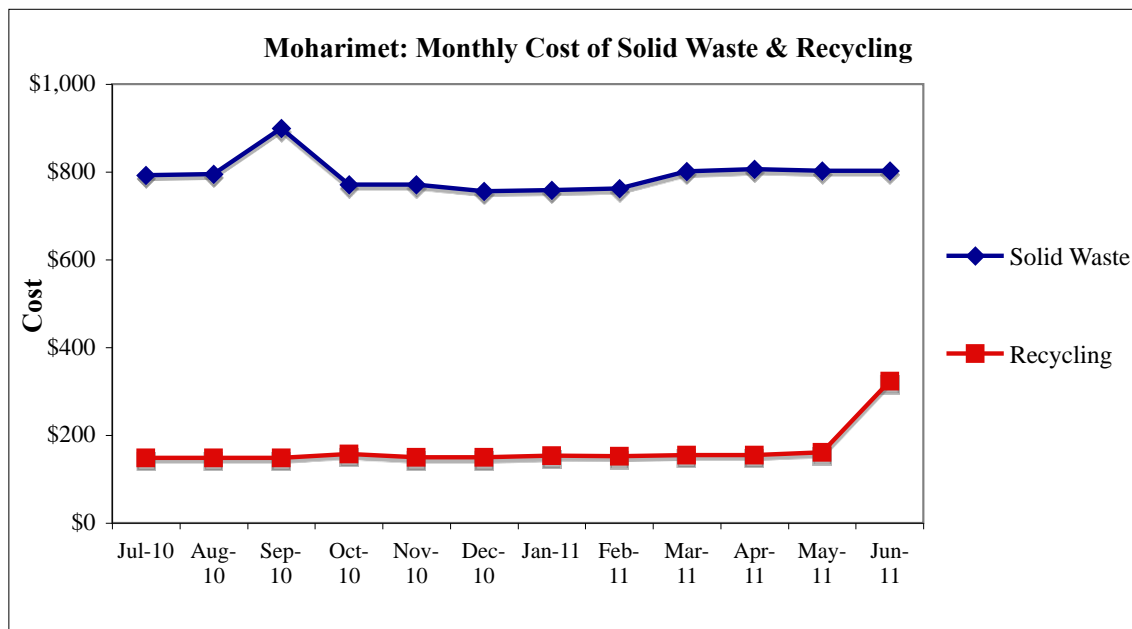


## II. MOHARIMET ELEMENTARY SCHOOL

### A. Solid Waste & Recycling

#### i. Totals

Solid Waste	Tons of Solid Waste	Recycling	Total (FY 2010 -2011)
\$9,519.16	9.36	\$2,001.89	\$11,521.05



#### ii. Seasonal Data

Season	Solid Waste	Recycling	Tons of Solid Waste	Total
Summer	\$2,486.70	\$445.03	2.34	\$2,931.73
Fall	\$2,297.70	\$456.25	2.34	\$2,753.95
Winter	\$2,322.54	\$461.10	2.34	\$2,783.64
Spring	\$2,412.22	\$639.51	2.34	\$3,051.73

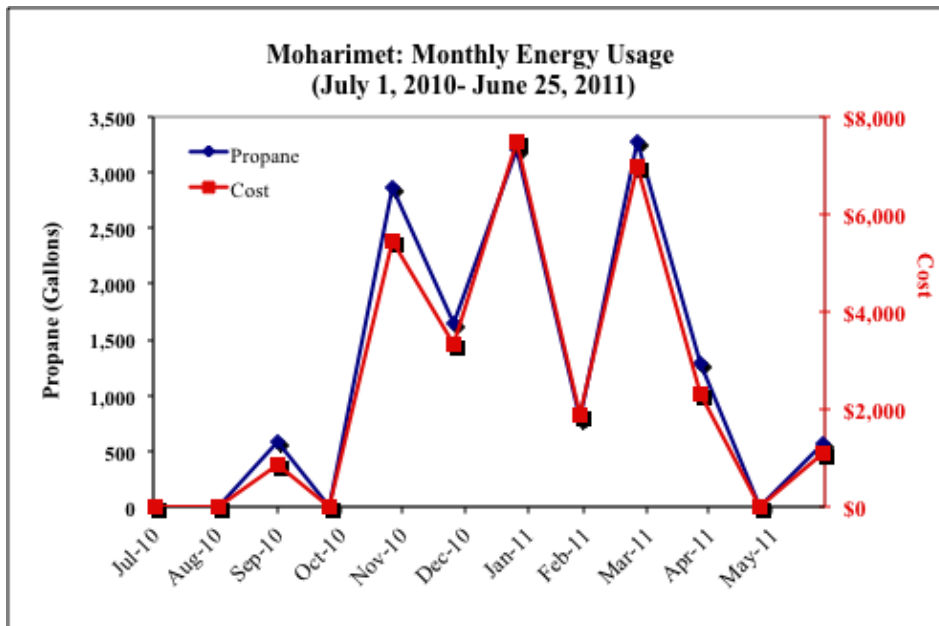
### B. Water Consumption

Similar to Mast Way Elementary, Moharimet Elementary's water is extracted from a well and not recorded or included in this report.

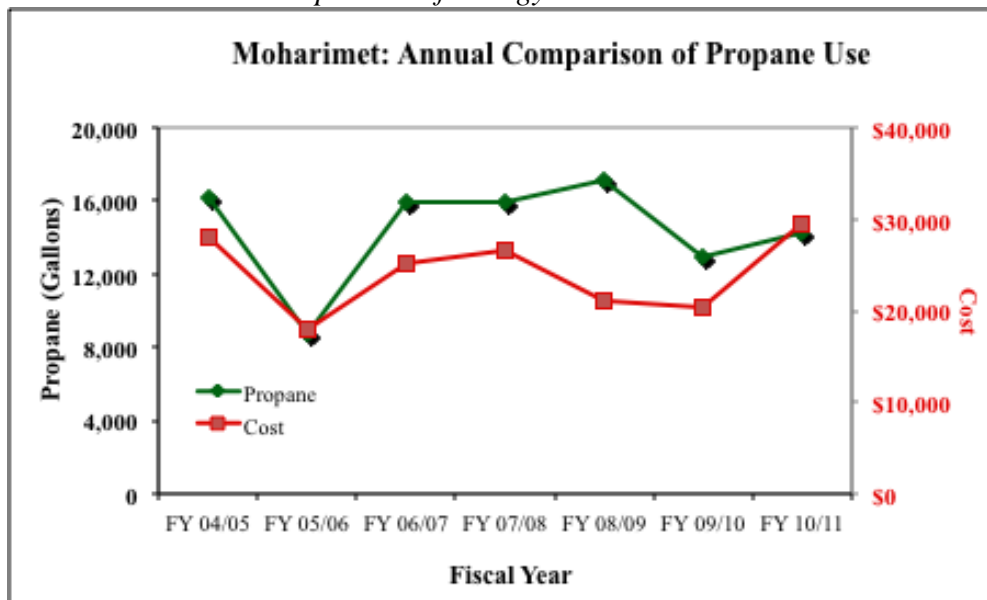
## C. Energy

### i. Totals & Monthly Use

Utility Data: Moharimet	
Start Date	June 16, 2010
End Date	July 15, 2011
Propane (Gallons)	14,224.10
Cost	\$29,430.84



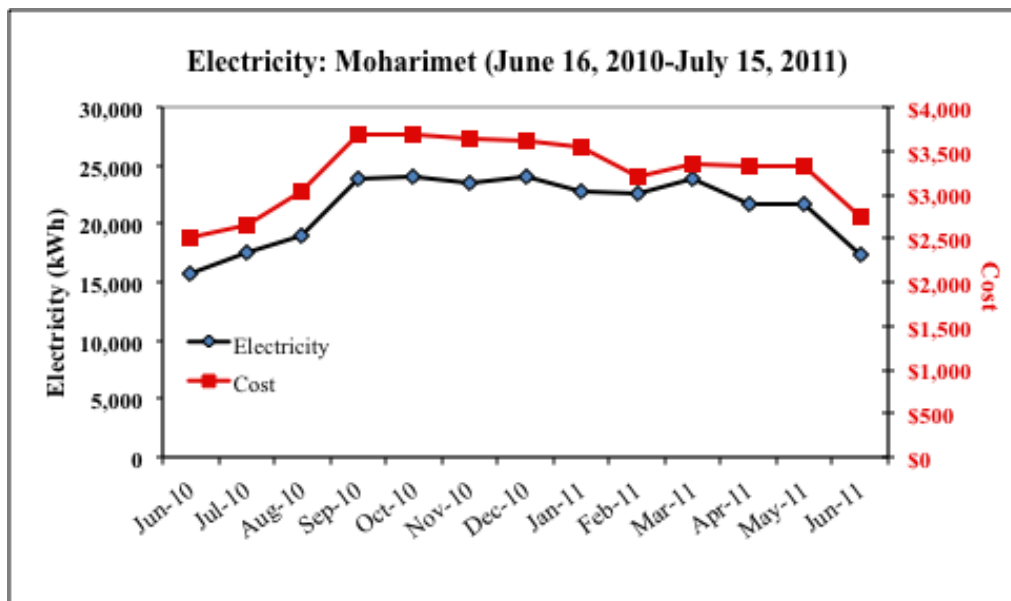
### ii. Annual Comparison of Energy Use



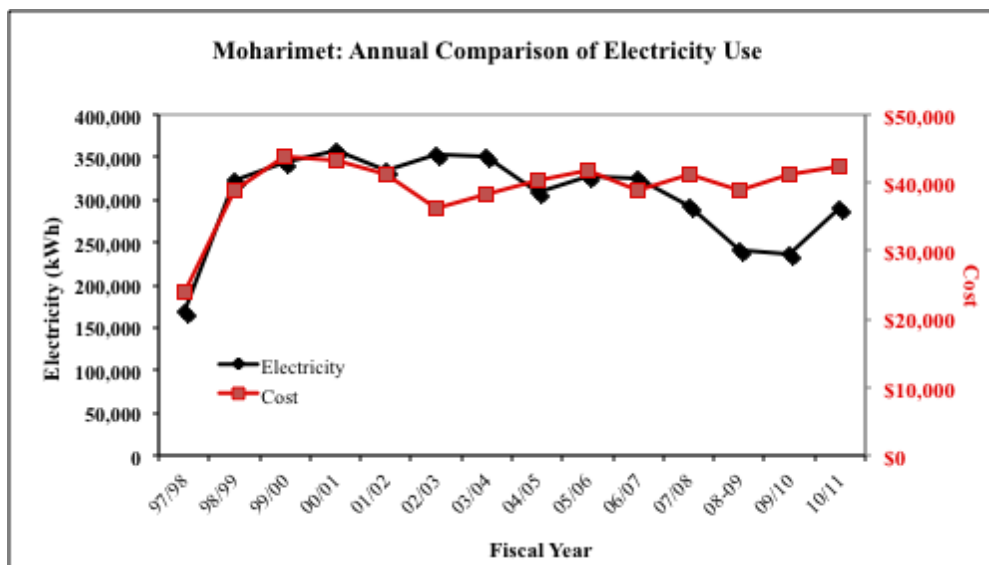
## D. Electricity

### i. Totals & Monthly Use

Electricity: Moharimet	
Start Date	July 1, 2010
End Date	June 25, 2011
Usage (kWh)	290,967.03
Cost	\$48,365.79



### ii. Annual Comparison of Electricity Use

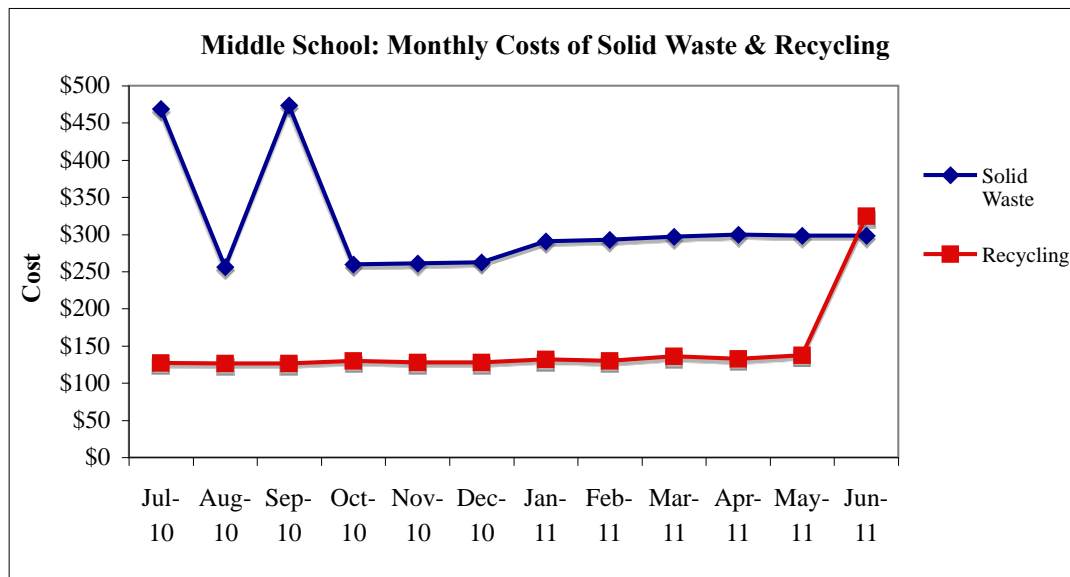


### III. OYSTER RIVER MIDDLE SCHOOL

#### A. Solid Waste & Recycling

##### i. Totals

Solid Waste	Tons of Solid Waste	Recycling	Total (FY 2010 -2011)
\$3,759.44	5.46	\$1,758.10	\$5,517.54



##### ii. Seasonal Data

Season	Solid Waste	Recycling	Tons of Solid Waste	Total
Summer	\$1,198.82	\$380.43	1.56	\$1,579.25
Fall	\$783.57	\$385.33	1.17	\$1,168.90
Winter	\$880.22	\$397.61	1.17	\$1,277.83
Spring	\$896.83	\$594.73	1.56	\$1,491.56

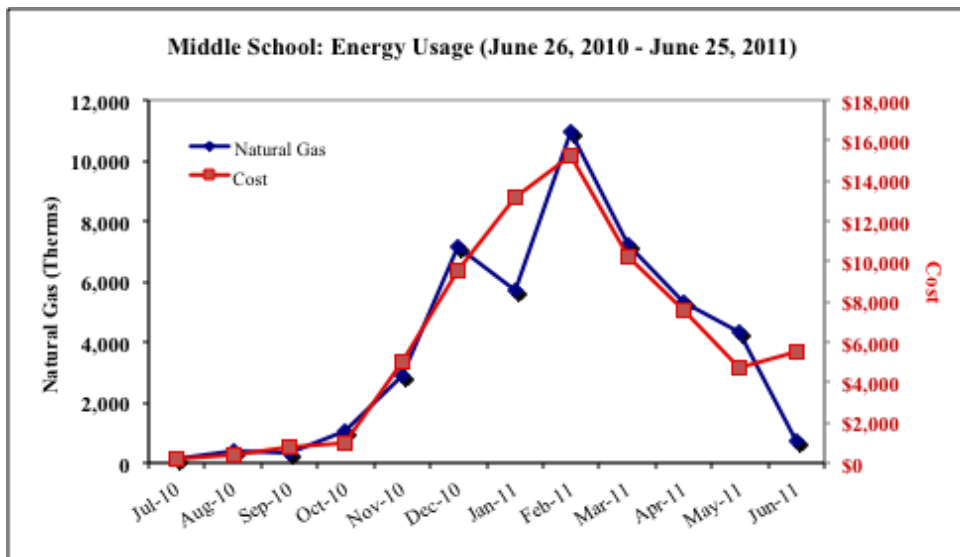
#### B. Water Consumption

School/Building	Read Date	Usage (per 100 cubic feet)	Cost of Water & Sewer		
			Water	Sewer	Total
Middle School	September-11	41,000			
	March-11	62,000	\$1,451.40	\$2,279.60	\$3,731.00
	September-10	29,000			
	April-10	57,000			
	September-09	34,000			

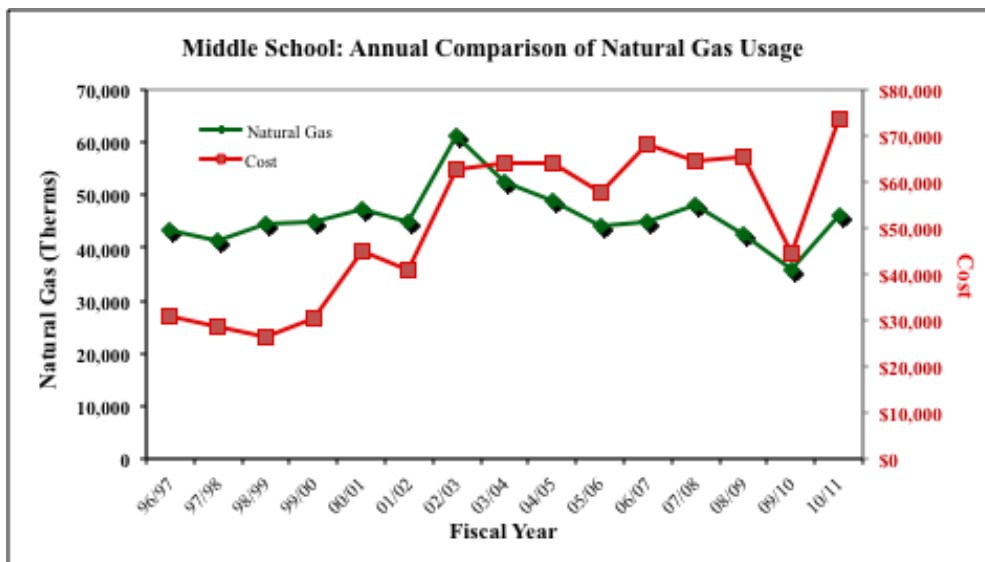
## C. Energy

### i. Totals & Monthly Uses

Utility Data: Middle School	
Start Date	June 26, 2010
End Date	June 25, 2011
Natural Gas (Therms)	46,243.34
Cost	\$73,430.37



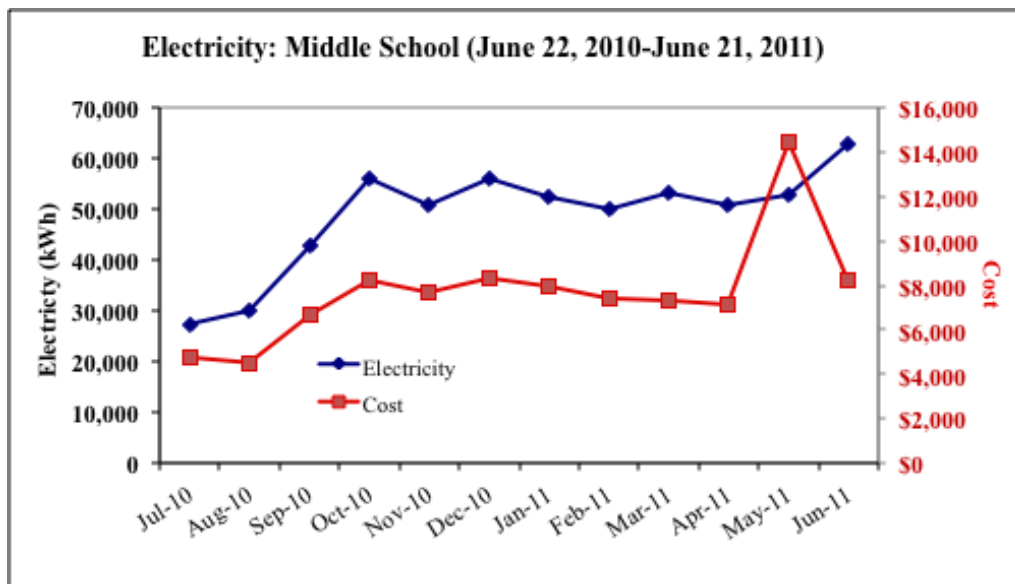
### ii. Annual Comparison of Energy Use



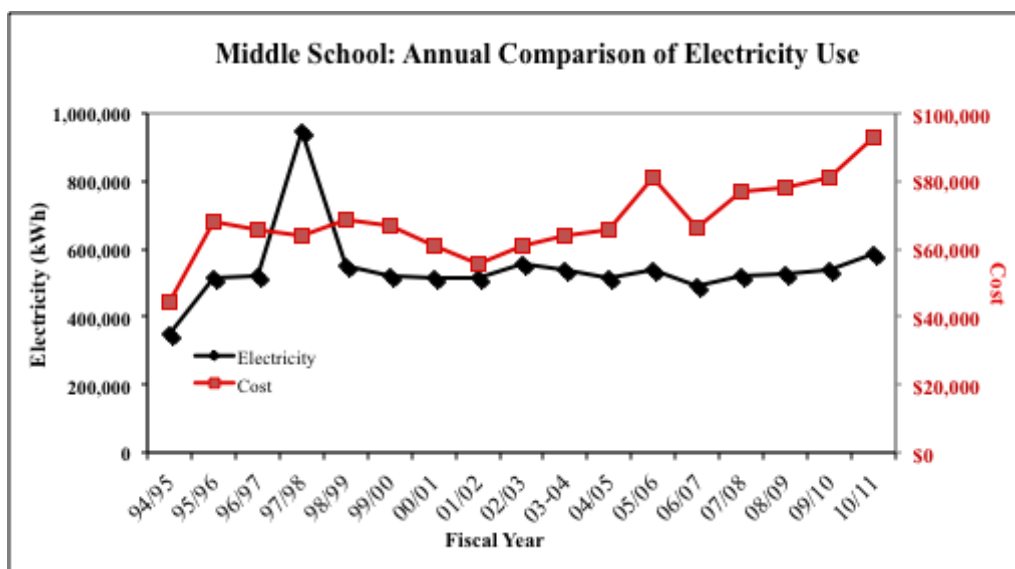
## D. Electricity

### i. Totals & Monthly Use

Electricity: Middle School	
Start Date	June 22, 2010
End Date	June 21, 2011
Usage (kWh)	586,200.00
Cost	\$92,630.84



### ii. Annual Comparison of Electricity Use

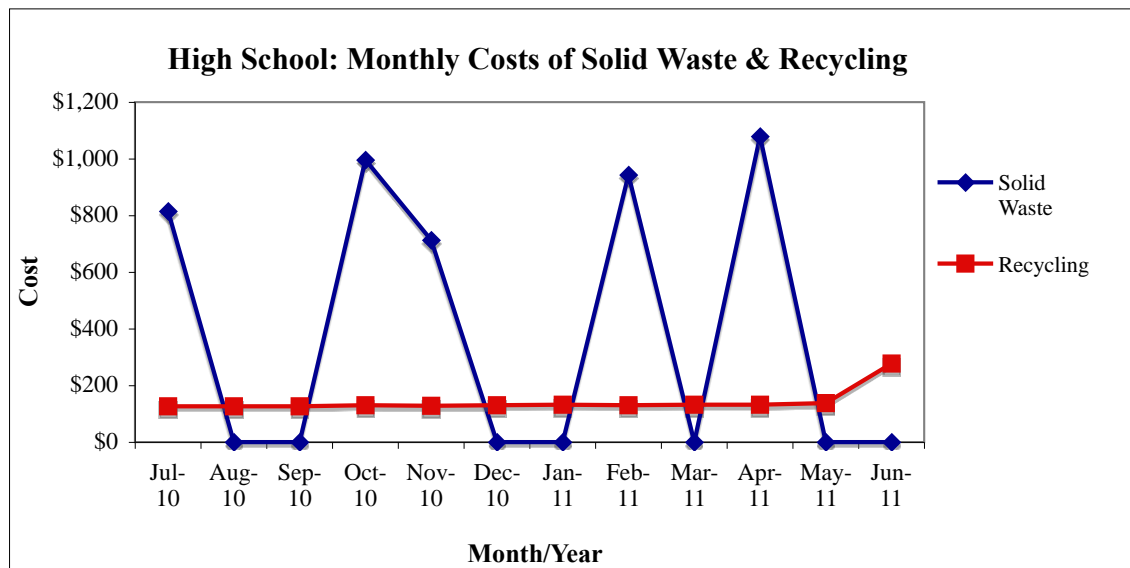


#### IV. OYSTER RIVER HIGH SCHOOL

##### A. Solid Waste & Recycling (including SAU Office)

###### i. Totals

Solid Waste	Tons of Solid Waste	Recycling	Total (FY 2010 -2011)
\$4,546.35	29.14	\$1,710.10	\$6,256.45



###### ii. Seasonal Data

Season	Solid Waste	Recycling	Tons of Solid Waste	Total
Summer	\$815.46	\$380.43	0	\$1,195.89
Fall	\$713.36	\$390.51	13.36	\$1,103.87
Winter	\$942.95	\$394.61	7.35	\$1,337.56
Spring	\$1,079.12	\$546.73	8.43	\$1,625.85

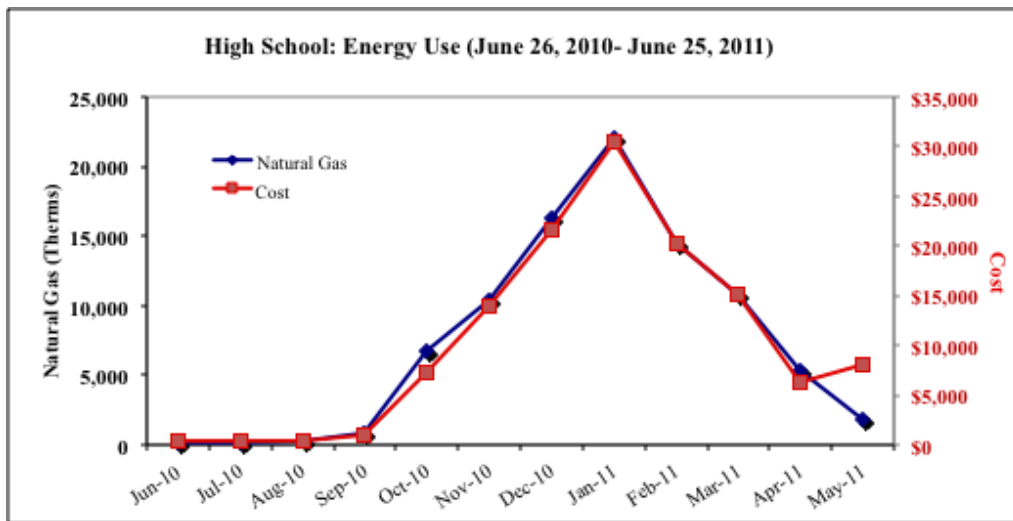
##### B. Water Consumption

School/Building	Read Date	Usage (per 100 cubic feet)	Cost of Water & Sewer		
			Water	Sewer	Total
High School	Sep-11	43,601			
	April-11	65,091	\$1,543.47	\$2,424.11	\$3,967.58
	September-10	33,454			
	April-10	63,558			
	September-09	40,880			

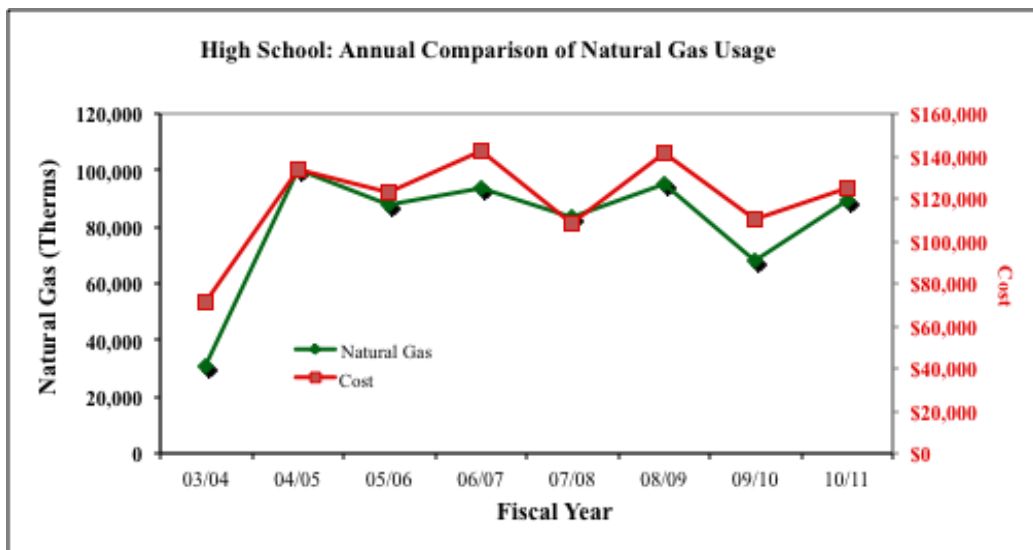
## C. Energy

### i. Totals & Monthly Use

Utility Data: High School	
Start Date	June 27, 2010
End Date	June 26, 2011
Natural Gas Usage (Therms)	89,192.96
Cost	\$125,021.73



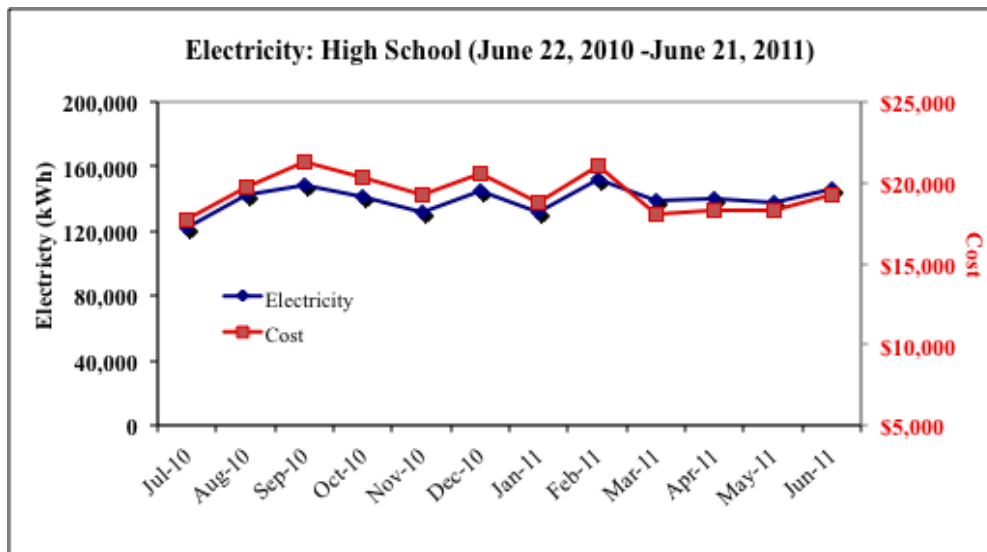
### ii. Annual Comparison of Energy Use



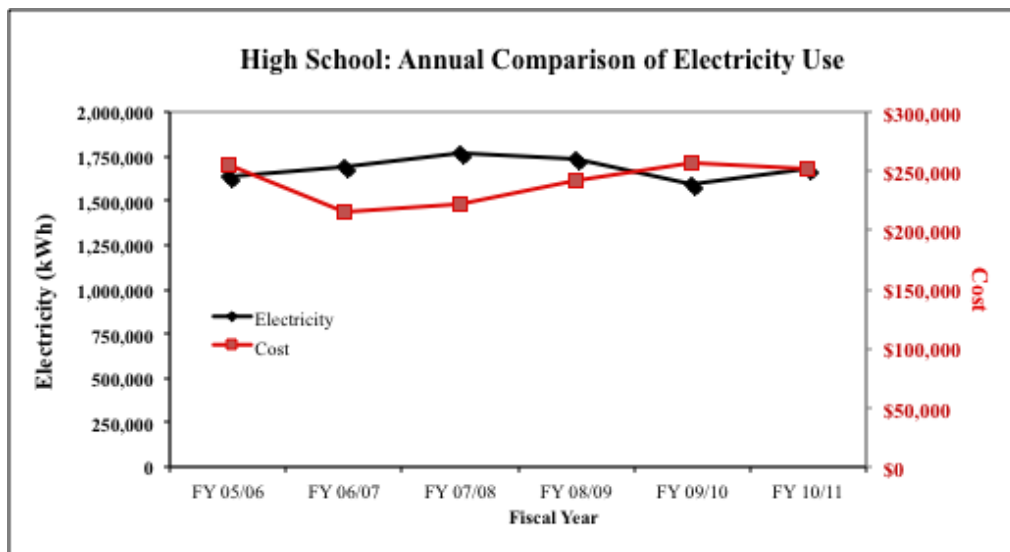
## D. Electricity

### i. Totals & Monthly Use

Electricity: High School	
Start Date	June 23, 2010
End Date	June 26, 2011
Usage (kWh)	1,676,967
Cost	\$252,896.61



### ii. Annual Comparison of Electricity Use



## V. SAU OFFICE

### A. Solid Waste & Recycling

The SAU Office's solid waste & recycling is included in the High School totals.

### B. Water Consumption

School/Building	Read Date	Usage (per 100 cubic feet)	Cost of Water & Sewer		
			Water	Sewer	Total
SAU Office	September-11	2,470			
	April-11	2,578	\$87.54	\$224.77	\$312.31
	September-10	1,922			
	April-10	2,710			
	September-09	3,150			

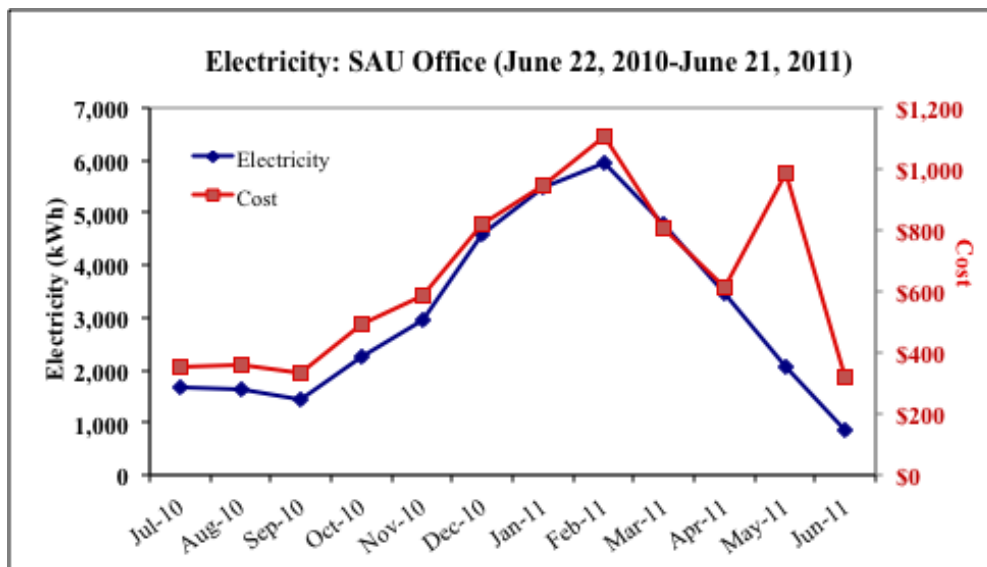
### C. Energy

N/A

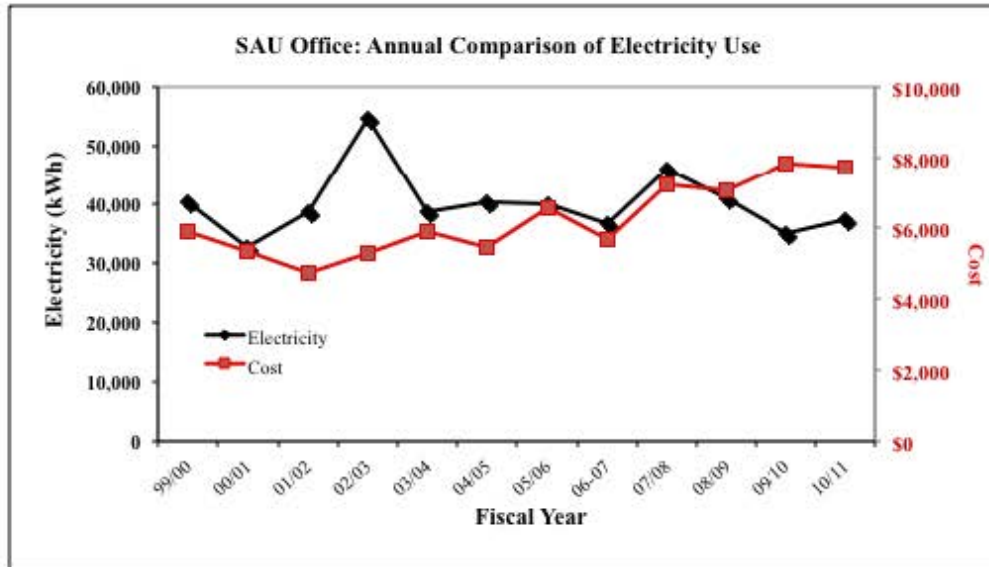
### D. Electricity

#### i. Totals & Monthly Uses

Electricity: SAU Office	
Start Date	June 22, 2010
End Date	June 21, 2011
Usage (kWh)	37,200
Cost	\$7,725.60



*ii. Annual Comparison of Electricity Use*



## VI. SERVICE BUILDING

### A. Solid Waste & Recycling

Similar to the SAU Office, the Service Building's solid waste and recycling costs and tonnage is included in the High School's averages.

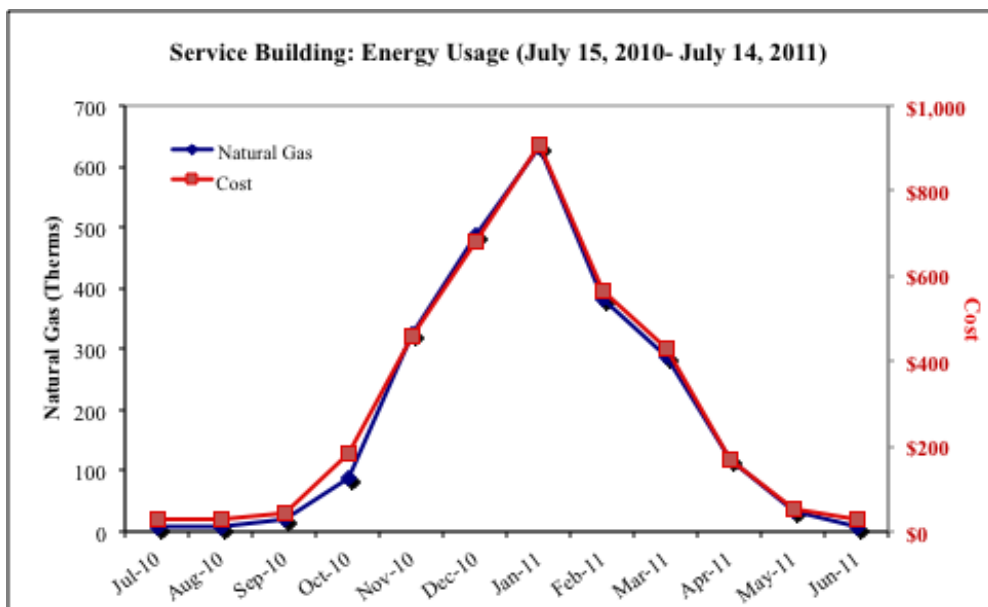
### B. Water Consumption

School/Building	Read Date	Usage (per 100 cubic feet)	Cost of Water & Sewer		
Service Building	September-11	3,541	Water	Sewer	Total
	April-11	2,404	\$125.35	\$196.88	\$322.23
	September-10	5,960			
	April-10	2,608			
	September-09	3,157			

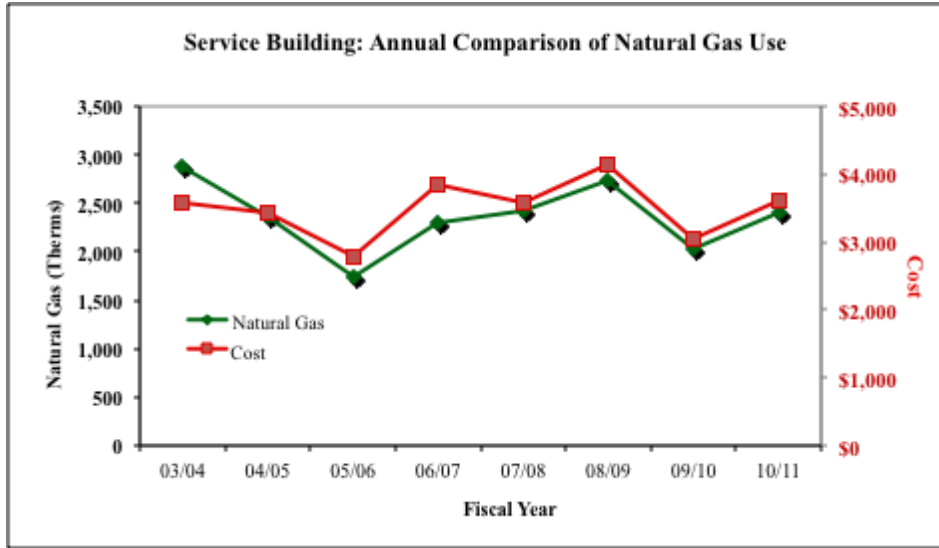
### C. Energy

#### i. Totals & Monthly Use

Utility Data: Service Building	
Start Date	July 14, 2010
End Date	July 15, 2011
Natural Gas Usage (Therms)	2,398.37
Cost	\$3,606.37



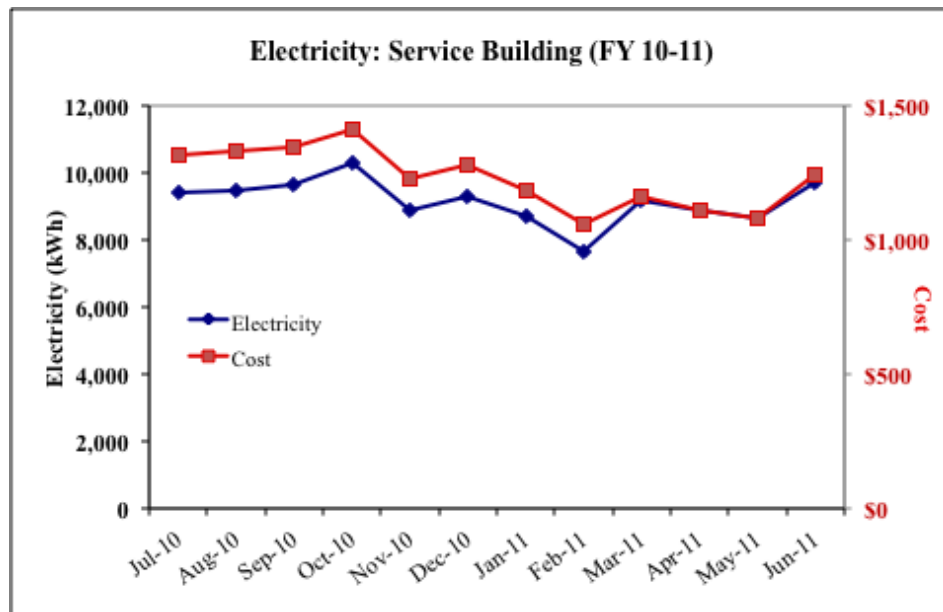
ii. Annual Comparison of Natural Gas Use



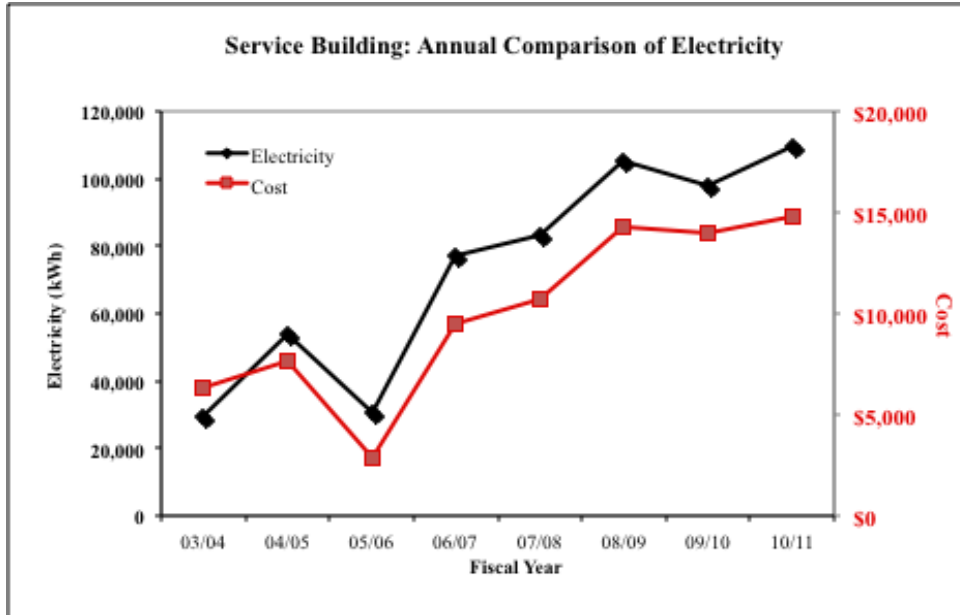
**D. Electricity**

i. Totals & Monthly Use

Electricity: Service Building	
Start Date	June 22, 2010
End Date	June 21, 2011
Usage (kWh)	109,870
Cost	\$14,745.76



*ii. Annual Comparison of Electricity Use*





# Part 3:

*Recommendations, Appendices*





## **I. RECOMMENDATIONS**

- Utilize the Ecological Footprint document as a tool to identify leverage points in each of the five sectors to meet the sustainable goals of the Committee. Suggested points include:
  1. The cost invested in electricity throughout the district: being about 47% of total costs in all the sectors during the FY 2010-2011 and an increase from past fiscal years after a pattern of declined consumption.
  2. The increase in solid waste and recycling costs and tonnage in each school subsequent to the timing of winter and summer school breaks (specifically in December and June).
  3. The High School's energy and electricity consumption: being the highest in the district for both variables.
  4. The increased consumption of water in the High School, Middle School, Service Building and SAU Office, which increased during FY 2010-2011 from previous years.
- Record missing data measurements to be incorporated into future fiscal school year's ecological footprints, specifically for:
  - Total monthly tonnage of recycling for each school
  - Water consumption for Mast Way and Moharimet Elementary Schools
  - Cost of fuel consumption for the transportation fleet
  - Investment costs of Biodiesel 20 (B20) by the transportation fleet
  - Use of hydration centers in the schools

## Appendix A: FINAL ECOLOGICAL FOOTPRINT

Categories	Description	Measurement	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	
Waste	Solid Waste	Price: based on tonnage collected	(Data not available for annual comparison)							48.64				
	Recycling	Single-stream recycling	Cost	-	-	-	-	-	-	\$7,354.57				
Transportation Fleet	Total buses: 40	Gallons (gasoline)	-	-	-	-	-	-	127,252					
		MTCOE	-	-	-	-	-	-	1,131					
Water Consumption	Recorded twice each year (omitting Mast Way and Mohammet Elementary well systems)	per 100 cubic feet	-	-	-	-	-	Sep 09: 81,187 April 10: 125,876	Sep 10: 70,336 April 11: 132,073					
Electricity	All schools & facilities	kWh	3,221,575	2,850,352	2,885,353	3,011,363	2,885,376	2,747,395	2,949,044					
		MTCOE	2,221	1,965	1,990	2,077	1,990	1,894	2,034					
Energy	Natural Gas	High School Middle School Service Building	Therms (per consumption)	151,466	133,763	140,922	134,228	140,244	106,179	137,835				
			MTCOE	757	669	705	671	701	531	689				
	Propane	Mast Way Elementary Mohammet Elementary	Gallons (on demand)	44,424	23,271	60,334	42,601	48,102	31,341	39,662				
			MTCOE	258	135	350	247	279	182	230				
Total Metric Tons of CO2 Equivalent (Energy & Electricity)			All schools & facilities	MTCOE	3,236	2,769	3,045	2,995	2,970	2,607	2,953			

## Appendix B: Calculations and Sources

The following measurements were used for the calculations in this report as cited by the Environmental Protection Agency's (EPA) Greenhouse Gas Equivalencies Calculator (found at: <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>):

- Electricity: KiloWatt Hours (kWh):

$6.8956 \times 10^{-4}$  metric tons CO<sub>2</sub> / kWh

- Transportation Fleet: Gallons of Gasoline

$0.125 \text{ mmbtu/gallon} * 71.35 \text{ kg CO}_2/\text{mmbtu} * 1 \text{ metric ton}/1,000 \text{ kg} = 8.92 * 10^{-3}$  metric tons CO<sub>2</sub>/gallon of gasoline

- Energy

- Natural Gas (Therms)

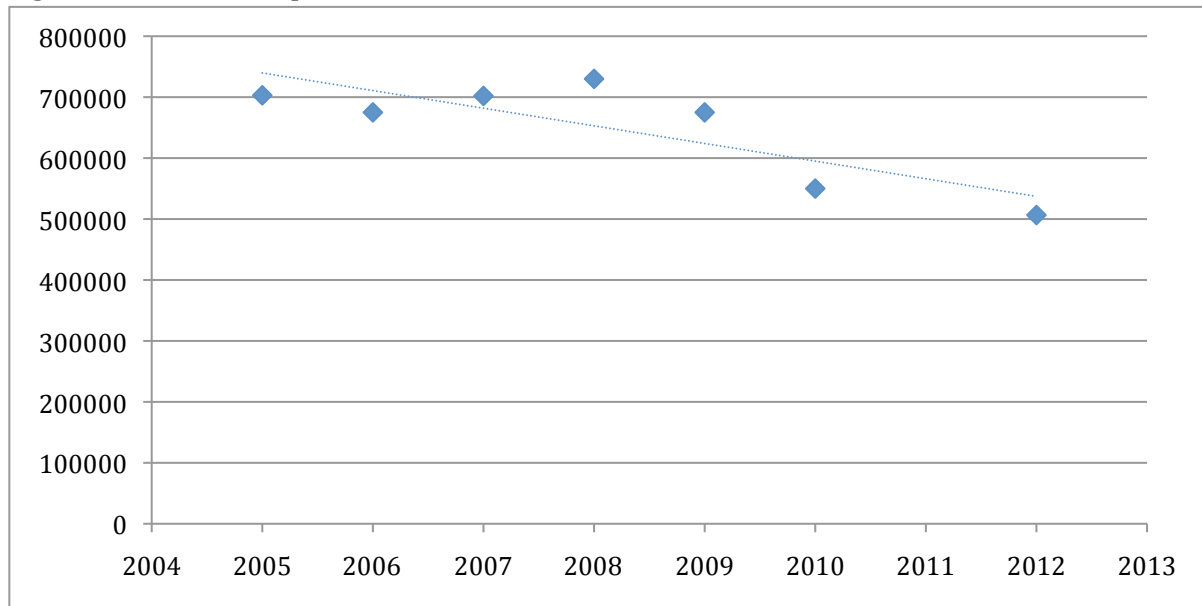
$0.1 \text{ mmbtu}/1 \text{ therm} * 14.47 \text{ kg C}/\text{mmbtu} * 44 \text{ g CO}_2/12 \text{ g C} * 1 \text{ metric ton}/1000 \text{ kg} = 0.005$  metric tons CO<sub>2</sub>/therm

- Propane (Gallons)

$12.8 \text{ pounds CO}_2/\text{Gallon propane} * 2204.62 \text{ pounds CO}_2/\text{MTCO}_2\text{E}$

Fleet:

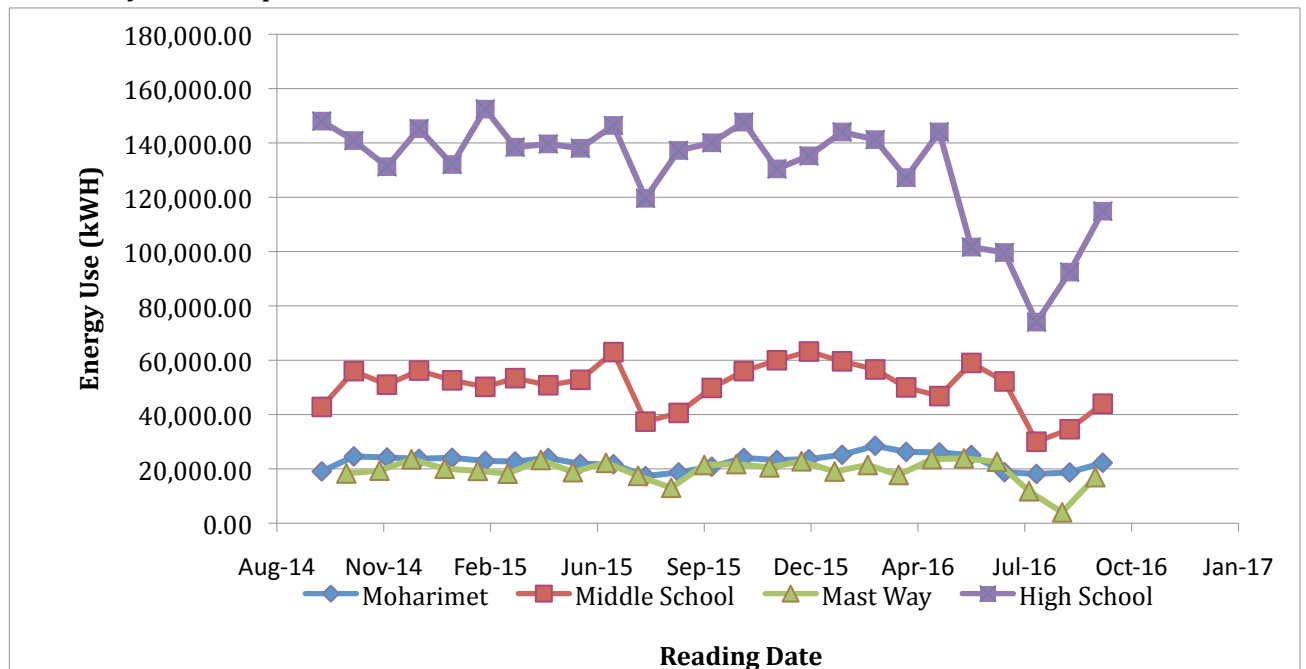
Figure 3 Annual Comparison of Miles Driven



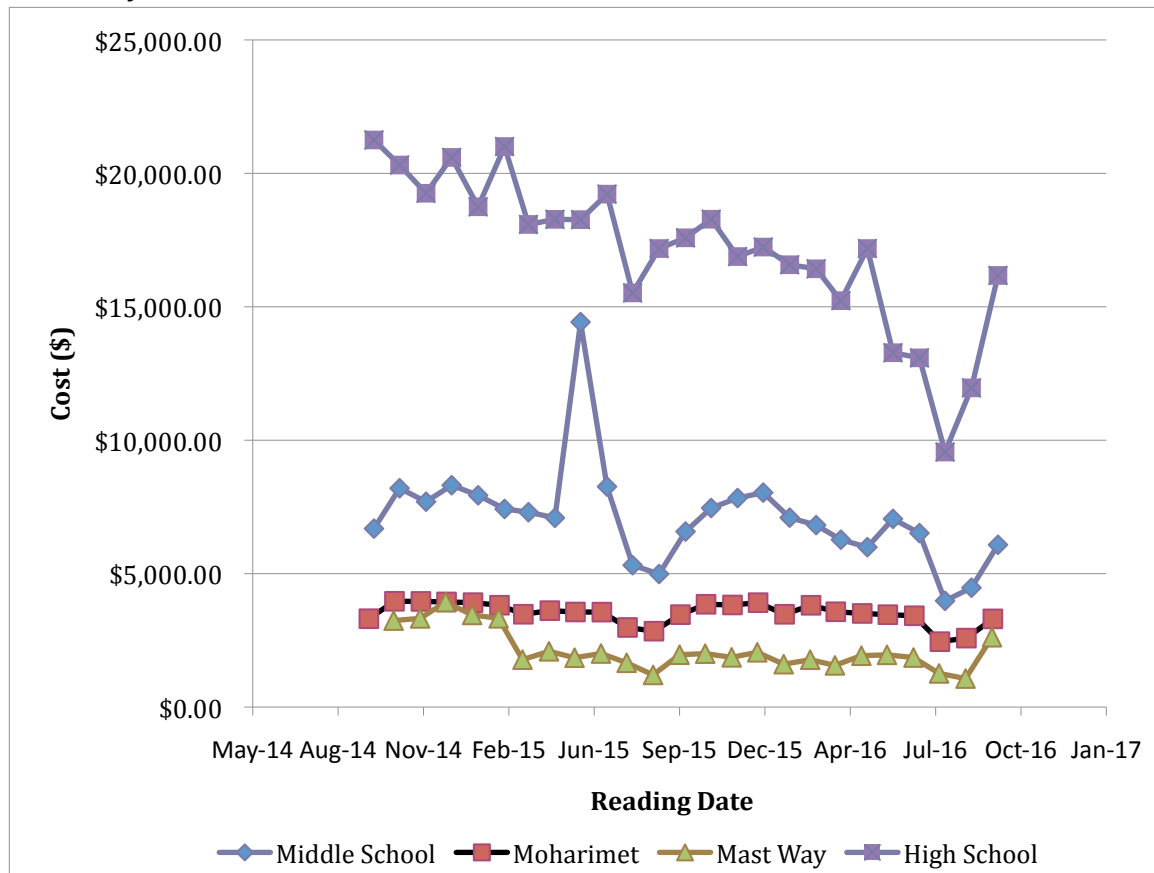
Reduction in miles driven ~8% from FY 2010 to FY 2012

Total reduction in fleet upkeep costs: \$17,651

Electricity Consumption FY 2011-2012

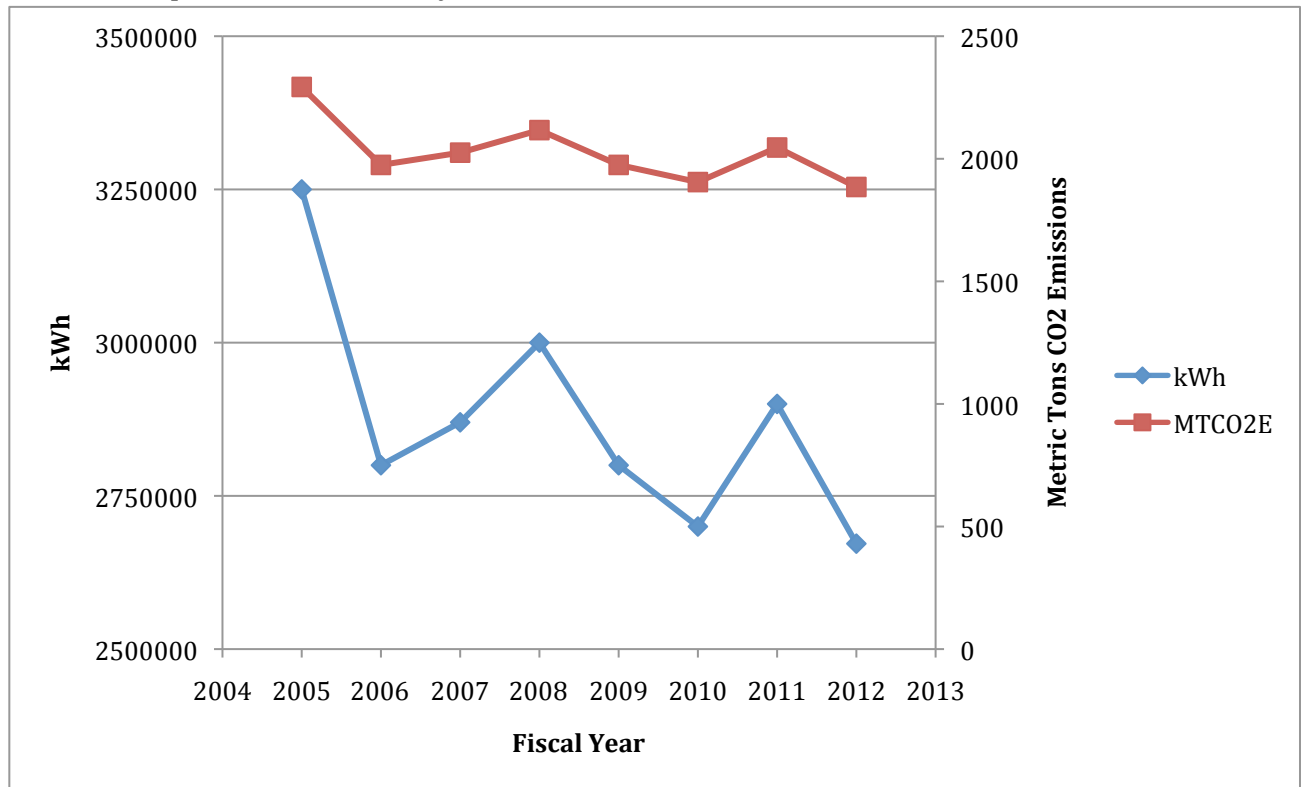


## Electricity Costs FY 2011-2012



Electricity Consumption - FY 2011-2012			
School	kWh	MTCO2E	% change (consumption) since previous year
High School	1,568,121	1,106	(6.4%)
Middle School	631,200	445	(7.6%)
Mast Way	245,360	173	1%
Moharimet	227,368	160	(21%)
All Schools	2,672,049	1,885	(21%)

### Annual Comparison of Electricity Use – All Schools FY 2011-2012



Cost reduction from FY 2010-2011: \$90,962.85

Usage (kWh) reduction from FY 2010-2011: 129,924.5 kWh

Footprint reduction from FY 2010-2011: 91.7 metric tons of CO2

### Waste Expenditures

School	Single Stream	Composting	Trash	Cardboard	Monthly Cost	Yearly Cost	~Yearly Expenditure/Student
High School	\$76	\$100.00	\$660/haul	\$44.50	\$220.50	\$8,361.60	\$10.45
Middle School	\$76	\$100.00	\$180.00	\$44.50	\$400.50	\$4,806.00	\$8.01
Moharimet	\$76	\$100.00	\$180.00		\$356.00	\$4,271.50	\$14.23
Mast Way	\$76	\$100.00	\$180.00		\$356.00	\$4,271.50	\$14.23
Total					\$1,333.00	\$21,710.60	\$10.85

With the inclusion of composting, waste and recycling costs have still been cut by 25% (from cost of \$28,940.69/year) in FY 2011-2012 as compared to FY 2010-2011.

The addition of a composting program has diverted 1,600 pounds of solid waste from landfills.

Additional Highlights:

Natural Gas:

Since the high school energy audits, natural gas usage has been reduced by 22%. This reduction has dropped carbon emissions by 74.3 metric tons (14,865.67 therms).

*Energy projects have saved ~\$91,000 in annual operating expenses for electricity and ~\$18,600 for natural gas.*

Addition of Hydration Stations:

School	Number of Units	Water Bottles Saved
High School	2	26,647
Middle School	2	41,722
Mast Way	1	5,848
Moharime	1	11,983



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: # **13A**

DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Charter

**AGENDA ITEM:** ANNUAL APPOINTMENTS OF COUNCIL REPRESENTATIVES TO  
TOWN BOARDS, COMMISSIONS, AND COMMITTEES

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Town Administrator

### **AGENDA DESCRIPTION:**

Section 11.1, subparagraphs A-E of the Durham Town Charter addresses the procedure for appointment of Town Council representatives each year to various Town Boards, Commissions, and Committees. In addition to those appointments outlined in the Charter, there are other Town working committees that Council representatives serve on for one-year terms.

### **CHARTER/ADMINISTRATIVE CODE-ESTABLISHED BOARDS**

Council representatives shall be made to the following standing Town Boards, Commissions, and Committees for one-year terms:

<u>COMMITTEE</u>	<u># OF COUNCIL REPS.</u>	<u>TERM EXPIRES</u>	<u>MEETING NIGHTS &amp; TIMES</u>
Cemetery Committee	3 reps.	03/13	As needed
Cons. Commission	1 rep.	03/13	2 <sup>nd</sup> Thursday of each mo./7:00 PM and 4 <sup>th</sup> Thursday (if needed)
Economic Development Comm.	1 rep.	03/13	4 <sup>th</sup> Tuesday of each mo./7:00 PM
Historic Dist./Heritage Commission	1 rep.	03/13	1 <sup>st</sup> Thursday of each mo./7:00 PM
Parks & Rec. Committee	1 rep.	03/13	4 <sup>th</sup> Thursday of each mo./7:00 PM
Planning Board	1 reg. rep. 1 alt. rep.	03/13 03/13	2 <sup>nd</sup> and 4 <sup>th</sup> Wednesday of each mo./7:00 PM
Rental Housing Comm.	1 rep.	03/13	As needed; generally meets once monthly/4:00 PM

### **TOWN WORKING COMMITTEES**

Council representatives shall be made to the following Town working committees for one-year terms:

<u>COMMITTEE</u>	<u># OF COUNCIL REPS.</u>	<u>TERM EXPIRES</u>	<u>MEETING NIGHTS &amp; TIMES</u>
Durham Agricultural Commission	1 rep.	03/13	Generally the 2 <sup>nd</sup> Monday of each mo./7:00 PM
Durham Energy Committee	1 rep.	03/13	2 <sup>nd</sup> Tuesday of each mo./7:00 PM
Integrated Waste Management	1 rep.	03/12	3 <sup>rd</sup> Thursday of each mo./7:00 PM
Water Resource Protection Subcommittee	1 rep.	03/13	As needed

Attached for the Council's information and consideration is a list of the Council members who are currently serving on the committees noted above, and the Council members who responded with their preferences for appointment to these respective committees in the upcoming year.

#### **LEGAL AUTHORITY:**

Section 11.1, subparagraphs A-E of the Durham Town Charter.

#### **LEGAL OPINION:**

N/A

#### **FINANCIAL DETAILS:**

N/A

#### **SUGGESTED ACTION OR RECOMMENDATIONS:**

##### **APPOINTMENTS TO CHATER-ESTABLISHED BOARDS**

#### **MOTION #1:**

*The Durham Town Council hereby appoints \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ to the Cemetery Committee for one-year terms, said terms to expire March 2014.*

#### **MOTION #2:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Conservation Commission for a term of one year, said term to expire March 2014.*

**MOTION #3:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Economic Development Committee for a one-year term, said term to expire March 2014.*

**MOTION #4:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Historic District/Heritage Commission for a term of one year, said term to expire March 2014.*

**MOTION #5:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Parks and Recreation Committee for a term of one year, said term to expire March 2014.*

**MOTION #6:**

*The Durham Town Council hereby appoints \_\_\_\_\_ as the regular Council representative and \_\_\_\_\_ as the alternate Council representative to the Planning Board for one-year terms, said terms to expire March 2014.*

**MOTION #7:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Rental Housing Commission for a term of one year, said term to expire March 2014.*

**APPOINTMENTS TO TOWN WORKING COMMITTEES**

**MOTION #1:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Durham Agricultural Commission for a term of one year, said term to expire March 2014.*

**MOTION #2:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Durham Energy Committee for a term of one year, said term to expire March 2014.*

**MOTION #3:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Integrated Waste Management Advisory Committee for a term of one year, said term to expire March 2014.*

**MOTION #4:**

*The Durham Town Council hereby appoints \_\_\_\_\_ to the Water Resource Protection Subcommittee for a term of one year, said term to expire March 2014.*

## COUNCIL SELECTIONS FOR TOWN BOARDS & COMMITTEES

<u>Committee</u>	<u># of Council Reps.</u>	<u>Councilors Currently Serving</u>	<u>COUNCILOR SELECTIONS</u>	<u>Meeting Nights &amp; Times</u>
Cemetery Committee	3 reps.	D. Carroll		As needed
Conservation Commission	1 rep.	R. Mower		2 <sup>nd</sup> Thursday of each mo./7:00 PM and 4 <sup>th</sup> Thursday (if needed)
Economic Development Comm.	1 rep.	J. Lawson	C. WELSH	4 <sup>th</sup> Tuesday of each mo./7:00 PM
Historic Dist./Heritage Commission	1 rep.	None	W. BURTON C. WELSH JAY GOOZE	1 <sup>st</sup> Thursday of each mo./7:00 PM
Parks & Recreation Committee	1 rep.	D. Howland	D. HOWLAND	4 <sup>th</sup> Thursday of each mo./7:00 PM/P&R Building
Planning Board	1 reg. rep.	None	JIM LAWSON J. SMITH	2 <sup>nd</sup> and 4 <sup>th</sup> Wednesday of each mo./7:00 PM
	1 alt. rep.	J. Smith		
Rental Housing Commission	1 rep.	K. Marple	K. MARPLE	As needed; generally meets once monthly/4:00 PM
Durham Agricultural Comm.	1 rep.	D. Howland	D. HOWLAND	Generally the 2 <sup>nd</sup> Monday of each mo./7:00 pm/PD Community Room
Durham Energy Committee	1 rep.	R. Mower	R. MOWER J. SMITH	2 <sup>nd</sup> Tuesday of each mo./7:00 PM/PD Community Room
Integrated Waste Management	1 rep.	K. Marple	K. MARPLE	3 <sup>rd</sup> Thursday of each mo./7:00 AM
Water Resource Protection Subcommittee	1 rep.	R. Mower	R. MOWER	As needed



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# **13B**

AGENDA ITEM:  
DATE: March 18, 2013

## COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: INITIAL DISCUSSION REGARDING THE DEVELOPMENT OF  
TOWN COUNCIL GOALS FOR 2013/14

CC PREPARED BY: Jennie Berry, Administrative Assistant

CC PRESENTED BY: Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

This item was placed on the agenda so that the Council may begin discussing the process for the development of its goals for the upcoming year.

Attached for the Council's information and review are the Town Council goals for 2012/13 adopted on May 7, 2012 as well as the Administrator's Year End Wrap Up outlining progress toward the 2012/13 goals. Councilors should begin to consider whether or not to amend the current goals list, and if so, what items will need to be added, removed, or changed in order to keep the listing up-to-date and in keeping with the broad perspective of the Council. In recent years, the Council and Administrator have undertaken goal setting as part of a more consensus-building process.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Discuss and determine the process for developing the Council's goals for FY 2013/14.



## **TOWN OF DURHAM**

### **2012-2013 Council Goals**

*Adopted on May 7, 2012*

1. Embrace openness in the conduct of public business.
2. Pursue long-term economic and environmental sustainability and resiliency, anticipating the community's and the region's future needs through a "continuous improvement" framework that formally integrates the consideration of multiple elements: society, ecology, economics, food and drinking water, climate, and energy resources.
3. Revitalize the Central Business District and downtown commercial core to expand the tax base and enhance the sense of community while maintaining our small Town character and cultural history through the adoption of comprehensive architectural and design standards or guidelines. Continue to support improvements to existing businesses and encourage new businesses.
4. Regain the integrity of Durham's traditional family neighborhoods.
5. Identify definitive sites and develop a plan for key public facilities to meet the present and future needs of the community.
6. Revisit the long-term vision for Durham through the ongoing update of the 2000 Master Plan. Encourage public workshops and joint sessions between key boards and committees to better integrate their efforts and create a unified document.
7. Evaluate costs, benefits, and means of integrating town data to improve information availability, planning, and the delivery of services.
8. Continue to explore cooperative efforts with UNH to enhance mutual intellectual, cultural, environmental and economic benefits, as well as community building opportunities.
9. Strengthen the community through an array of recreational opportunities, the celebration of Durham's history and natural setting, and by community initiatives that promote public transportation options as well as safe walking and biking.
10. Encourage all town boards, committees, and commissions to align their efforts with the Council Goals, and to collaborate and communicate more frequently with each other and with the community at large.

## Year End Wrap Up for 2012

Todd I. Selig, Administrator  
Town of Durham  
12/17/12

This overview is intended to provide a snapshot of activity over the last twelve months to keep the board updated on progress toward Council goals as part of a year end wrap up for 2012, as well as for my annual self-assessment/evaluation process. To cut down on time and paper, much of it is in bulleted or short paragraph form with key takeaway points in **bold**.

### The Importance of Sound Business Practices

The Town of Durham continues to be economically and prudently operated. We function as a purveyor of public services, and staff is working hard to implement business practices to control costs and maintain the municipality's fiscal position during challenging economic times.

Over the last several budgetary cycles we have worked to hold operational expenses flat as a short-term strategy to limit the impact of the U.S. macroeconomic situation on Durham taxpayers. But this is not in and of itself a sufficiently broad or sustainable approach to address Durham's long-term needs. Faced with an escalating full tax rate (town, local school, state school, and county) in recent years, additional strategies are being implemented with the goal of creating a more agile municipal entity poised to seize upon business, grant, and regulatory opportunities that are consistent with our Town Council goals and community values. These include:

- ***Economic development and smart growth activities*** intended to broaden the tax base to mitigate anticipated future cost increases across the municipal operation in areas that are specifically targeted for development or redevelopment;
- ***Making strategic investments to ensure Durham's long-term sustainability and resiliency*** such as bringing the Spruce Hole well on line in 2014, moving forward with an innovative adaptive management strategy to address water quality deficiencies within the Great Bay Estuary, moving to renewable energy where viable, storm water improvements, and more.
- ***Rethinking the manner in which services are delivered by departments*** utilizing *Kaizen* techniques in an effort to improve efficiencies and mitigate cost centers over the long-term;
- ***Working with UNH to find win/win partnership opportunities*** intended to broaden the tax base, better link the campus to the broader community, make UNH/Durham more desirable for residents/students alike, and ensure fair compensation from UNH for its fiscal impact upon the Town;
- ***Controlling escalating health care benefit costs*** by transitioning to alternative, more competitively priced health insurance providers, exploring new health care options for the mutual benefit of employees/employer, and discussing additional

employee contributions toward health insurance co-pay levels. All municipal employees presently contribute 10% - 20% toward monthly health insurance premiums incurred by the Town;

- ***Coping with increasing utility costs*** and working creatively to offset them in the future through wholesale power purchase agreements and investment in green technology;
- ***Maintaining a strong balance sheet and favorable bond rating status*** by working to stabilize and in the long-term increase the undesignated fund balance within the General Fund, maintaining a strong Overlay account, realistic revenue/expenditure projections, and maintaining a contingency fund equal to approximately 1% of the total budget to cover unforeseen, unanticipated circumstances.

I continue to provide regular updates to the Council with respect to progress toward Council goals through the weekly “Friday Updates,” verbally during Council discussions and board/committee meetings, and as part of written overviews such as this one. Councilors should remember that **when the 2012-2013 goals were established in May 2012, rather than generating a list of items that could be easily accomplished in a single year, the board adopted a long-term focus** and acknowledged that goals had a three to five year timeframe.

A great deal of work has been devoted to addressing **human resource issues** in Durham over the last year. These include:

- **Collective bargaining contract negotiations** with the AFSCME unit representing Durham’s public works personnel, the NEPBA Local 21 unit representing the Town’s police officers, and the DPFFA unit representing Durham’s firefighters. To date the AFSCME unit has itself rejected four tentative agreements, and the Council has rejected one proposed AFSCME tentative agreement. **The Town and the DEPBA unit were able to ratify an agreement establishing the first known insurance cap for public employees in the State of New Hampshire.** The DPFFA negotiations began in the fall 2012 and are ongoing.
- **Transitioned the Town’s police officers and non-union personnel to a new health/dental insurance program through SchoolCare/Cigna.**
- Hiring of a new **part-time Parks & Recreation Director** and increasing hours from 30/wk to a full time salaried position as part of the approved FY 2013 budget.
- In an era of economic downturn and frozen wages, **morale has remained positive** amongst Town staff.

In pursuit of Council goals, we have continued a series of **initiatives to ensure board members have the tools necessary to be productive members of local government in Durham.** These include:

- Provided an **orientation for new members** of the Town Council.
- Again in 2012, we organized an **orientation session for officers of all Town boards, commissions, and committees** in which we not only talked about rules and responsibilities but also were able to introduce the Chair and Vice Chairs of the committees to one another, as well as describing the Council goals and clarifying that the Council goals should be integrated into the work of the various Town boards and committees.
- Provided **annual right to know law forum** for the public to include Durham, Lee, Madbury, and the Oyster River Cooperative School District.
- Providing **funding for board members to attend various education sessions** offered through a variety of sources including the Local Government Center, the Strafford Regional Planning Commission, etc.

Over the last year, the Town has worked to **pursue Long-Term Economic and Environmental Sustainability, which** are inextricably linked. Without economic sustainability, the Town will not have the financial resources available over the long-term to stabilize the tax rate, pursue desired projects/infrastructure, preserve open space, etc. Without a healthy natural environment, we will not sustain the Durham in which citizens hope and desire to live. **The 2011 Master Plan survey was very clear in pointing out that residents of the community seek balance.**

On July 2, 2012, the Town Council held a discussion concerning **the FY 2013 Budget** with the Administrator and provided guidance as part of the budget process culminating with the Council approving the FY 2013 Budget and 2013-2022 Capital Improvement Program by a 6-2 vote on 12/10/12.

In June 2012, the Town Council **processed more than 50 abatement applications** for tax year 2011 and prior years at the recommendation of staff. Of these, twenty-two applications were denied and many received partial relief based on the particular characteristics of specific properties. **The Town prevailed in a number of big ticket abatement appeals that went to the NH Board of Tax and Land Appeals.** The most notable of these was the multi-million dollar Varsity Durham appeal in which the BTLA sustained the Town's denial for relief as the applicant had failed to meet its burden of proof. **Abatement applications for PSNH, Northern Utilities, and Northern NE Telephone are presently being appealed by the respective companies in more than 150 communities across NH including Durham.**

I continue to move forward with educating myself and staff with regard to **the implementation of Kaizen/Lean manufacturing practices into the municipal workplace.** To this end, we began to collaborate in 2012 with the Lonza Corporation in Portsmouth at the Pease Tradeport, which is interested in facilitating several Kaizen events for Durham's various departments. The partnership will accelerate in 2013. **One of these initiatives will be an idea generation program for departments – the “idea box” kaizen. Another involves evaluating our arrest process. A third deals with the use of E-Readers and E-Books at the Durham Public Library.** We have also

maintained a connection with the State of Maine Lean Lab for training purposes, as well as the NE Lean Summit in Portland, ME.

**Our Kaizen initiative has impacted the thought process of everyone on our department head team** such that efficiency discussions and out of the box thinking are regularly taking place. These processes are responsible in large part for our credit card acceptance program at the Town Clerk/Tax Collector's office, budget development process improvements, contracting out tax billing, discussions around energy purchases, overtime use, facility improvements, technology implementation, adding reflectivity to fire hydrants, problem solving around development projects, improving traffic patterns and parking opportunities in the downtown core, the 2011 DPW "Voice of the Citizen Survey," a Jennkin's Court directional kiosk, and more.

**Cable franchise negotiations are ongoing for a successor agreement with Comcast for the Town of Durham.** In July 2012, the Council approved a six month contract extension. Unfortunately, the process is moving extraordinarily slowly on the part of Comcast. The Town hopes to institute a franchise fee as part of the present deliberations, as well as improving build out to unserved portions of the community.

The Town moved forward to fund \$375,000 of the 176 +/- **acre Spruce Forest** Trust for Public Lands (TPL) project located along Mill and Packers Falls Roads (Tax Map 13, Lots 14-2, and 6-3). The project is expected to close in late 2012 or early 2013. It provides significant protection for Durham's water supply, in particular the Spruce Hole municipal well project that is expected to be engineered in 2013 and constructed in 2014.

The Town also moved forward to contribute \$250,000 toward the **Amber Acres** (Tax Map 13, Lots 14-1 and 14-100) conservation project and to accept a legal interest in said property in the form of an executory interest to preserve the conservation values therein and to protect Durham's water supply.

A tremendous amount of time was expended in 2012 developing and then approving the acceptance of a **Conservation Easement Deed from the Capstone Development Corporation** – New Hampshire, LLC, relative to a certain area of land being unimproved forestland and wetland consisting of approximately 22.25 acres, situated on Technology Drive in Durham and Lee (Durham Tax Map 9, Lot 10-3) (Lee Tax Map 6, Lot 8-8). In addition, Capstone paid to the Town of Durham \$28,200 for the perpetual monitoring of the conservation acreage.

A new **Agricultural Commission** was discussed and instituted by the Town Council in 2011 to support local farming and agricultural activities within the community. In 2012, much discussion has taken place regarding **the keeping of chickens** in Durham and potential modifications that are needed for our zoning ordinance to address food self-sufficiency as well as the quiet of enjoyment of residential neighborhoods.

Durham acted quickly in 2012 when it became clear in the spring that the Pettee Brook Parking Lot would not be available due to construction at the Kostis project for the Seacoast **Farmer's Market**. **Within a short time, the community responded making the Town Office Lot available in support of local agriculture.**

The Parks and Recreation Department aspired to once again host a “waste free” **Durham Day** celebration in 2012. While it was not feasible to 100% meet this goal, numerous measures were put in place to be sustainable as part of the celebration.

Despite the Town's ongoing effort to engage the owner of the **Mill Plaza**, there has not been movement to date. Staff did spend time over the last year meeting with potential development companies concerning aspects of the parcel but once again no project has moved forward as the owner appears to have little interest in a redevelopment at this time.

I am pleased to report that the **Grange project** along Main Street, which was initiated in 2010, came to fruition in 2011, and completed in 2012 by Mr. Peter Murphy has become a much acclaimed model of successful municipal redevelopment in cooperation with the private sector. The project includes professionally managed student housing, workforce housing, and commercial space on the ground floor. **We hope to accomplish a similar win-win situation with the redevelopment of the Town Office lot.**

The Town sold the **Durham Business Park** to Eric Chinburg on November 29, 2010 bringing to culmination a process that began in 2007 with the signing of an Agreement of Sale between the Town of Durham and Eric Chinburg that was authorized by the Town Council. This parcel offers much potential for economic development and job creation in the coming years. **Mr. Chinburg and the Town have had a number of conversations with prospective purchasers in 2012 but to date nothing has moved forward at the site.**

Significant energy continues to be dedicated to facilitating a new development project in downtown Durham to include numerous potential elements such as the UNH bookstore (in lieu of the present Memorial Union Building location), a downtown technology park, high quality professional office space, small hotel, performing arts center/black box theatre, etc. within the downtown core along Main Street. A variety of land parcels would be involved with such a project including the active financial participation of the municipality to address traffic flow and parking. As of December 2012, **Watershed Development/Tim Elliott/SORA** has been in discussions with landowners along Main Street for site acquisition, as well as the University of New Hampshire. The Town's Pettee Brook Parking Lot would be leveraged to facilitate such a project. **The Town organized a public forum for the community in 2012 to inform residents of this project and executed an exclusive agreement with Watershed Development for a 9 month term. We anticipate it moving ahead in 2013.**

Numerous **redevelopment projects have either been approved** by the Planning Board, are in the Planning Board process, or have actually been constructed. Examples include: the Capstone project on Technology Drive, the 9-11 Madbury Road, the Grange, Peak, Orion, etc. **Where projects had all but stopped in other parts of the state and nation, redevelopment in Durham has continued to move forward in 2012. This continues to bode well for opportunities locally including a long list of new downtown restaurants and businesses serving Durham residents.**

Durham put out a Request for Qualifications for energy-related services in 2012 and selected **Revision Energy** to work with the Town in identifying potential renewable energy installations/locations within or upon town facilities. The police department and the Churchill Rink were ultimately selected by Revision Energy in 2012 as appropriate candidates for such technology. Additional sites such as the public works garage, the new library, and the wastewater treatment plant will be considered for renewable energy applications in 2013. **A draft Power Purchase Agreement (PPA) is presently being crafted and we will likely move forward in early 2013 after appropriate due diligence with a finite number of renewable energy projects that can outwardly demonstrate to residents the community's commitment to a more sustainable energy future in accord with Council goals.**

The Town has continued to utilize findings/suggestions gleaned from the **B. Dennis Commercial Core Strategic Plan** within the planning process to set the framework for the revitalization of Durham's Commercial Core.

The Town engaged DCI, Inc. in 2010/2011 to complete a comprehensive **Market Study** to identify the potential demand and likely build out for business, industry, student, and non-student residential located in the commercial core of Durham. This data has helped to direct our energies for economic development in 2012.

Funding was set aside but unutilized for a **part-time economic development director/contractor** in FY 2011. We have once again budgeted these funds for 2013.

The Planning Office successfully worked in 2011 to conduct a series of **model traffic runs illustrating the impact of two way traffic through the existing downtown core** for review and consideration by the Traffic Safety Committee. This data will be useful as part of our downtown redevelopment planning in 2013.

The **Pettee Brook Lane** traffic pattern revamped in 2010 was hardened up in 2011 with physical infrastructure to encourage increased pedestrian and bicycle activity and to reduce traffic speed. 21 additional parking spaces were also created to support the downtown core.

The **Madbury Road traffic pattern** between Main Street and Pettee Brook Lane was revamped in 2011, creating an additional 8 parking spaces, to address raceway

conditions that were unfriendly to pedestrians/bicycles/school children. This project was adopted into ordinance in 2012.

The Town moved **a new three-way stop into a pilot phase in summer 2012 at the intersection of Mill Road and McDaniel Drive** to address traffic safety and speed concern in this location. The project has met with widespread approval to date. We anticipate bringing an ordinance to the Council in early 2013 to formalize this change.

A **comprehensive parking strategy** for the downtown core was developed with the assistance of Rick Chellman, the traffic engineer from the B. Dennis team, which was rolled out in the first quarter of 2011. Automated meters were investigated and the first three were ordered in the fall 2011 for placement along Pettee Brook Lane in January 2012. Subsequent to that initial installation, additional automated meters were installed in the downtown core during the summer 2012 and again in the late fall 2012. Some technical glitches have developed with the newly installed meters and these are being addressed with the manufacturer by Durham Police and Public Works.

At the recommendation of the Traffic Safety Committee and the Administrator, the Town Council adopted **Ordinance #2012-07 establishing 25 MPH as the speed limit within the majority of Durham's downtown commercial core and many surrounding neighborhoods**. This has helped to calm traffic and increase safety per Council goals.

The Town hired long-time resident and Rochester Planner Michael Behrendt to take on the role of **Director of Planning & Community Development in Durham in the summer 2012**. The transition was exceptionally smooth and Mr. Behrendt has been an invaluable resource to the community since that time on planning issues.

The town had contracted Planner Beth Della Valle, one of the members of the B. Dennis Team, to further develop and move forward **"quick fixes" to the Durham Zoning Ordinance** which were included as part of the B. Dennis Commercial Core Strategic Plan for our commercial core. Ms. Della Valle is presently working with Director of Planning & Community Development Michael Behrendt on the topic but we opted to set this effort aside for the time being to address more pressing planning issues given limited resources.

To leverage Council goals, **design guidelines/standards** were developed by Director of Planning & Community Development Michael Behrendt and after much deliberation and enhancement by the Planning Board and members of the community they were ultimately adopted.

The Planning Board/Planning Office has been active in revisiting the long-term vision for Durham through the **update of the 2000 Master Plan** with emphasis in 2011/2012 on integrating six chapters to include Downtown and Community Core Chapter, Professional Office Chapter, Environmental and Cultural Resources Chapter,

Tax Stabilization Chapter, Land Development Regulations Chapter, and Energy Chapter. We anticipate this process to be a focus of the Planning Board in 2013.

Durham engaged UNH Transportation Services with respect to the idea of broadening its campus connector route structure to include more Durham neighborhoods. The Police Department facilitated a meeting in the late-spring/early summer 2010 with potentially affected neighbors who have traditionally not wanted loud buses to come through their neighborhoods (Edgewood, Emerson, and Madbury Roads). In the interest of finding balance and encouraging energy efficiency, and given the fact that the UNH's new bus fleet is much quieter and less odiferous than in the past, **the Town authorized UNH in summer 2010 to extend the campus connector down Madbury Road and Edgewood Road** to enhance alternative forms of transportation. Public Works also erected two bus shelters, both on Madbury Road. The routes were successful with little concern expressed, however, due to UNH budget reductions, the route expansion was curtailed in the summer of 2011. We remain hopeful that the program can be reinstituted if budget issues are resolved on campus. **The success of the UNH Transportation Services programs has led to reduced congestion and parking problems for Durham in 2012.**

**The University has the largest transit system in the state and is located here in Durham.** In 2013 the Town should consider ways to collaborate with UNH to make the west-end campus connector system more efficient, which may entail discussion regarding whether the Mast Road Extension gate should be revisited or the possibility of adding additional stops/bump outs along Main Street (west end). Rerouting may address the inefficiency of west end transit, however.

**We have worked to identify definitive sites and develop a plan for key public facilities** to include the Library, Fire Station, and Town Office so as to strengthen the town's identity, as well as meet the present and future needs of the community. Examples include the following:

- a. After much evaluation, Durham secured the DiMambro Parcel for the future site of the Durham Public Library during the summer of 2010. An active capital campaign was held to raise in excess of \$2.1 million of a \$4.8 million new public library for the community. **A Library bond referendum for up to \$2.7 million was overwhelmingly approved at the March 2012 election. The project is now well under way with a projected opening date of June 2013.**
- b. **The University of New Hampshire has identified B-Lot as part of its Master Plan update process as the future home for the Durham Fire Department.** The Master Plan is in draft form as of this date. Meanwhile, the Council approved funding as part of the FY 2013 budget totaling \$557,400 to move ahead with design once the UNH Master Plan is adopted and arrangements have been made for transferring control of

the parcel to Durham for use as a future Fire Department. Much work has been done to date on this project in 2012 but substantial additional work lies ahead in 2013.

- c. Discussion and planning has continued with respect to integrating the **Town Office site** with the Irving Station next door on Dover Road triggering the need to relocate the Town Offices. Possible uses for the Town Office lot include a pharmacy or some other commercial purpose either with or without a municipal presence. **To this end, the Town entered into a Purchase and Sale Agreement with the People's United Bank for the purchase of the former bank building at 8 Newmarket Road in May 2012 for use as a new Town Office at a price of \$745,000.** Although scheduled to close on September 1, 2012, a title issue was discovered by the Town with the bank parcel as part of the Town's due diligence which the People's United Bank is now endeavoring to address through the Probate Court process. The Town remains in active conversation with the owner of the Irving Station regarding redevelopment possibilities of the Town Office site.
- d. **The Town also issued an RFQ for architectural services for the design of the new Town Office at 8 Newmarket Road.** Durham resident and local architect Art Guadano of AG Architects was selected on July 16, 2012. **As part of the FY 2013 budget process, the Town Council approved the new Town Office project to move forward in 2013.**

**Staff has worked in 2012 to the extent time and resources have allowed to maintain the integrity of Durham neighborhoods** through enforcement of zoning regulations, and the development of new desirable opportunities for undergraduate, graduate, and junior faculty housing in appropriately zoned locations to relieve pressure on traditional single family neighborhoods, and through continued collaborative relationships with the University of New Hampshire, the Durham Landlords Association, the Rental Housing Commission, and neighborhood residents.

**The Durham Police Department has been vigilant in consistent enforcement of noise and open container ordinances to the extent resources have allowed.** The Code Enforcement Office has also worked to address trash regulation offenses when they have been reported.

Consistent with Council goals, the Town also worked to develop and adopt **affordable housing** provisions for Durham's Zoning Ordinance to ensure the community is in compliance with new state requirements. The Planning Office was able to secure grant funding to offset the cost of this initiative. To effort was also intended to support the needs of residents and families with limited means desirous of residing in Durham.

Durham continues to explore **cooperative efforts with UNH** to enhance the intellectual, cultural, and potential future economic benefits of being a university town. At the Town's request, the University moved forward with a downtown site for its **UNH Business School**, which is now under construction. The University has selected C-Lot/Lower Quad as the site for a new **Performing Arts Center per the Town's request**.

Once again in 2012, I authorized extending the leases for the **Store 24 and Strafford Avenue parking lots** for additional one-year terms. The goal is to integrate these leases into broader plans for the downtown area.

The Town and University, through the joint Water, Wastewater, and Stormwater Committee, continues to address a multitude of items to include taking all reasonable steps to preserve the **Town's water interests** as well as our natural resources within the Lamprey River watershed, and focusing tremendous attention in 2012 on water quality issues within the **Great Bay Estuary addressing issues such as nitrogen** as identified by the NDHES and the US EPA. To this end, Durham/UNH are endeavoring to collaborate with the NDHES and the US EPA to develop a groundbreaking adaptive management plan addressing both wastewater and storm water impacts to the estuary. Town Engineer David Cedarholm deserves tremendous in these areas.

In 2012, the Town Administrator working through the Water, Wastewater, Solid Waste Committee, updated Durham's **water and wastewater tie in fees** for new development to ensure fees charged were reasonable to enhance this revenue source thereby ensuring equity for existing rate payers, but not making it prohibitive for new development to take place. Assistant Town Engineer April Talon deserves kudos for her work in this area.

It is helpful to note that staff in 2010 moved forward solutions which have substantively addressed the **wastewater bottleneck issue at the west end** in the vicinity of Cowell Stadium and the railroad tracks for the short-term with long-term solutions if necessary. These improvements made possible further economic development activity to the west. This directly benefitted the Capstone project in 2011 on Technology Drive allowing it to come to fruition in 2012, as well as the Peak project on Mast Road in 2012 to be permitted with construction scheduled for 2013.

In addition to the success we have seen within our various recreational programs, the **Durham Historical Building has, as hoped, become a hub for recreational activity** following our moving the Durham Parks and Recreation office as well as the Oyster River Youth Association office to that location. These enhancements have put recreation on the map in Durham in terms of a definitive physical location as well as space for indoor programming to take place. The Parks & Recreation Committee has previously provided the Council with statistics on programs provided and numbers of citizens served in 2012. **Results have been significant (driven largely as well by increased hours for the director) with a 30% growth in recreation programs and a**

**40% increase in attendance at most P&R events.** Longer term, we are looking at how to better equip the building for our Parks & Recreation programming.

In 2010, the Town negotiated and extended its contract for **solid waste trash disposal** by an additional 5-year period with Waste Management (with an additional 5-year option) maintaining its present competitive pricing and adding #3-#7 plastic recycling to the mix of allowable recyclables in Durham effective January 1, 2011 and the potential for single stream recycling in the future. Additionally, in 2011 the Town put out its curbside collection program for bid and was pleased to learn that **Durham's in-house operation is actually \$55,000 less expensive than contracting out.** In 2013, the Town will look once again at the manner in which we collect solid waste and recycling as part of our residential pickup program.

In 2012, Durham and **the Amtrak Downeaster celebrated the extension of the route from Portland to Freeport and Brunswick, ME.** Durham representatives rode the rails as part of this event this fall. 2011 was the Downeaster's 10 anniversary.

The **Durham Police Department was successful in 2011 in obtaining reaccreditation** through the Commission on Accreditation for Law Enforcement Agencies (CALEA). This was a major accomplishment for the department and the community. The department has worked hard in 2012 year to remain in compliance with its accreditation requirements.

On June 25, 2012, **U.S. Presidential candidate Barack Obama visited the Oyster River High School** as part of a campaign visit to the seacoast. The Town took the position that the campaign should cover the cost of public safety overtime associated with the campaign visit. The campaign declined but an anonymous donor came forward and offered to cover the associated overtime cost. The total cost to the Town was \$12,998.29. On August 6, 2012, the Council discussed the visit as a board. We anticipate receipt of funds from the anonymous donor by year end.

The **Morgan Way project** was completed by the Department of Public Works under a State of New Hampshire Municipally Managed Highway Grant program in 2011 with much applause and fanfare from affected local residents who have for many years advocated for the Route 4 safety improvements. **The NHDOT came through with reimbursement funding for Durham in 2012 – several years earlier than anticipated.** As you may recall, while likely, it was not assured that Durham would be reimbursed. The project will be closed out in 2012.

Public Works completed the **culvert replacement project under the Depot Road Parking Lot** (a Federally designated contaminated Brownfields site) in 2011 utilizing \$200,000 in Federal grant funding competitively pursued by DPW. Federal reimbursement for the project was received in 2012 and the project has been closed out.

In September 2012, the **Council adopted a new Downtown Tax Increment Finance (TIF) District** under the auspices of RSA 162-K:5 to fund improvements that enhance the economic vitality of the downtown area.

The Council also adopted **Ordinance 2012-10 amending Chapter 124 “Street Vending, Peddling, and Soliciting,”** Sections 124-2 and 124-4 of the Durham Town Code by including the control of buying and/or offering to purchase products. This was in response to out of town merchants setting up vans along Main Street in front of downtown shops in 2012 soliciting to purchase used text books from UNH students. The problematic practice impeded pedestrian and vehicular traffic along Main Street.

In November 2012, the **Council approved an application by Xemed Holdings, LLC, c/o Bill Hersman, for property located at 16 Strafford Avenue, Map 2, Lot 8-3, to take advantage of the Community Revitalization Tax Relief Incentive program offered under the auspices of RSA 79-E.** This high quality project is consistent with Council goals to promote professional/research office space off campus that takes full advantage of the presence of the University of New Hampshire in Durham.

On November 19, 2012, the **Council acted on Resolution 2012-13 naming the Durham Transfer Station & Recycling Center after the late Raymond A. LaRoche, Sr.** Mr. LaRoche was a long-time, much beloved employee of the Town of Durham.

**As a management philosophy, I have advocated funding for the various agencies of the Town in a manner so as to provide the minimum staffing needed utilizing hard working, competent personnel to accomplish the ongoing business of the town.** Projects that transcend the routine and are beyond our static organizational capacity are contracted out or absorbed based upon internal capability where such resources exist.

This approach is metaphorically a two-edged sword: when projects move ahead as planned, the Town is successful in controlling cost centers and in producing quality results; when complications occur or new/unplanned demands are added to the mix, staff is forced to prioritize in order to complete essential tasks resulting in extended completion timeframes for less essential projects or for projects with longer time horizons.

Cases in point were the three extended power outages during 2011 and Hurricane Sandy in the fall 2012. Those unanticipated multi-day events had the effect of bogging down each of our public safety departments from planned tasks in order to meet the pressing needs of the emergency creating work backlogs stretching all the way to my desk. In the end, however, staff got the job done and actively pursued FEMA funding to maximize reimbursement opportunities.

It is easy for members of the community to lose track of the breadth and extent of projects underway at a given time in Durham. To give Councilors a sense of various

initiatives underway in terms of **ongoing municipal infrastructure projects** and planning for the efficient use of Durham's resources, the following partial list may be informative. This list is also reflective of areas in which significant time has been devoted over the last year by town staff.

1. 2012 and 2013 Road Program
2. Oyster River Dam – Engineering
3. Depot Road advertising panels to promote downtown, address graffiti, and connect Durham/UNH
4. Inflow/Infiltration Upgrades (Sewer)
5. Sewer Collection Upgrades
6. Wagon Hill Community Gardens
7. Church Hill Rink operation that has been profitable; hiring of full time temporary staff member to better manage rink as part of pilot program.
8. Police Station Major Repairs/Rehabilitation, Front Steps, Ramp
9. FEMA Flood Applications for Route 108/Hamel Brook, Bennett Road, Longmarsh Road.
10. Successful Household Hazardous Waste Day
11. \$2.5 million sludge dewatering facility upgrade at WWTP
12. Lamprey River Protected Instream Flow Study & PISF
13. Wastewater System Facilities Plan Update
14. New Stormwater Requirement Implications
15. Adaptive management plan for storm water system & wastewater treatment plant to meet new Federal mandates
16. Engineering of the Pump Test and Artificial Recharge System at the Spruce Hole Well Site; engineering for construction; permitting.
17. Rehabilitation of the Dover Road Wastewater Pump Station – closing out project.
18. Kicking off Old Concord Road Pump Station project.
19. Complete the Wiswall Dam/Denial Fish Ladder rehabilitation – closing out project; engineering for rock anchors for the dam.
20. Implement additional speed tables to calm traffic with town funds and with the award of a Safe Routes to School Grant from the New Hampshire Department of Transportation (2 x Coe Drive; 1 x Edgewood near Davis Ave.; 1 x Emerson near Little Hale crosswalk)
21. Complete new water, wastewater, and storm water ordinances
22. Completed structural repairs at the Smith Chapel on Mill Pond Road
23. Completed a traffic calming renovation project along the Pettee Brook Lane corridor
24. Conduct engineering analysis of the Main Street Railroad Bridge
25. Water meter automated change out program funded in part by grant funding

**I believe my overall performance as Administrator has been very strong for 2012** under the most strenuous of conditions in terms of volume of work and complex, multi-million dollar projects having significant generational impact on the community. I have channeled tremendous energy (as have members of our staff, committee members,

and Councilors) toward moving forward the Council goals for 2012/2013 as well as in ensuring that the daily operations of the Town occur seamlessly so that Councilors and community members can focus on broader policy issues.

Durham is now dealing with a number of major public infrastructure projects (Library, Town Office, Fire Department, Adaptive Management Plan, Spruce Hole Well, Sludge Dewatering Facility, PISF on the Lamprey River, and more), myriad major redevelopment projects, a major new Health and Safety Inspection Program initiative, complex collective bargaining agreements, as well as the daily needs of the Town and its residents. As we know, effort does not necessarily equate to success and some projects have taken considerably longer than hoped. But it is my belief that this good work will pay off in the form of desirable new development and the broadening of Durham's tax base, as well as increased environmental and energy sustainability opportunities per Council goals as individual projects come on line in the coming years.

An area that I had identified as requiring addition attention in 2012 had been our overall planning capacity. **To this end, I believe that Director of Planning & Community Development Michael Behrendt has helped us to make substantial advances in this area.**

The weekly "**Friday Updates**" have proven successful in keeping Councilors aware of breaking issues as well as progress updates on a weekly basis while also filling a longstanding community need in keeping residents informed of topics of local or regional interest and allowing residents to become engaged in issues of concern. To this end, the "Friday Updates" remain a valued community resource for Durham. And we endeavor to enhance the "Friday Updates" on an ongoing basis.

Durham is **an extremely vibrant community** characterized by rich and active community engagement and discussion on nearly every subject. While in many towns and cities, projects are supported simply because the "chief," "director," or "administrator" in their professional opinion believe something to be prudent, in Durham, nearly all proposals – large or small - result in an extended discussion requiring staff and Councilors alike to not only justify logic, but also for them to explain why other ideas/approaches are not more worthy of support. This kind of intensive process takes time, resources, patience, and an appreciation for civic engagement to navigate successfully. Consequently, projects typically take much longer to move to fruition in Durham than in other places. I believe my skill sets continue to be well-suited for Durham's setting and am of the belief that had I not been part of the Durham landscape over the last twelve years, many of the meaningful initiatives the Council has been successful in implementing would not have moved to fruition. In addition, I consider myself very fortunate to have the opportunity to work and live here.

This year-end wrap up for 2012 and self-assessment concludes with my **acknowledging the efforts and accomplishments of the staff in each of Durham's departments as well as our various board and Council members.** I sincerely

appreciate all that they do on behalf of the community. I am merely one part of a much larger team that extends from staff to citizen board members to outstanding volunteers. Good work one and all on a successful 2012.

AGENDA ITEM: **# 13C**

DATE: March 18, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Robin Mower, Councilor

**AGENDA ITEM:** **DISCUSSION AND FIRST READING ON ORDINANCE #2013-04** amending certain sections of Chapter 97 "Plumbing Code and Regulations" of the Durham Town Code to codify the Town's support for water conservation and water efficient plumbing relative to public water and sewer systems

**CC PREPARED BY:** Robin Mower  
Thomas Johnson, Director of Planning, Zoning and Code Enforcement  
David Cedarhom, Town Engineer

**PRESENTED BY:** Robin Mower

### **AGENDA DESCRIPTION:**

#### **Discussion focus**

Over the past year, in particular, the Council has focused on protecting the capacity and resiliency of its public water supply, the maintenance of its water infrastructure, the effectiveness and efficiency of its wastewater treatment facility and sewer infrastructure, and the health of the Great Bay Estuary, in part as a means to address the Environmental Protection Agency's concerns about water quality in the Great Bay Estuary.

Among the measures taken, the Council has pursued the development of a new public water supply (the Spruce Hole well), together with the protection of the nearby Oyster River and Spruce Hole aquifer via acceptance of legal interest in the so-called Sprucewood Forest. In addition, the Town has initiated an Oyster River Integrated Watershed Management Plan in partnership with UNH as a means of addressing the

Great Bay's water quality problems with a sustainable and comprehensive watershed approach to federal discharge permit compliance.

This Resolution acknowledges and builds on those efforts in recognizing the need to address anticipated additional demands on the public water and wastewater systems as the Town moves into the future.

David Cedarholm, the Town Engineer, provided a note for inclusion in this Communication: "This amendment was developed in consultation with the Town Engineer who confirmed that the added references to more efficient fixtures and appliances will over time result in both reduced per capita water consumption and reduced flows to the wastewater treatment plant with the ultimate goal of preserving water supply and wastewater treatment capacity." If lower maximum flow fixtures are already in use during times of stress, such as late summer/early autumn, they will reduce demand on the public water supply at those critical times, perhaps forestalling or delaying the need to impose emergency controls. (Technical details associated with processing waste at a lower dilution level are beyond the scope of this Communication.)

### **Relevant Council actions and Goals**

On January 24, 2011 the Town of Durham adopted, via the Town Council, changes to Chapter 38 of the Town Code, "Building Construction," to codify the Town's support for *energy efficiency building standards* by establishing as a building construction efficiency standard the current International Energy Council Code for Climate Zone 6. Those standards are a direct outcome of the Council's adoption on May 2, 2011, of Goal #1:

*"Pursue long-term economic and environmental sustainability by embracing the concept of sustainability in its broadest terms, including regional concerns, implementation of continuous improvement 'Kaizen' principles, encouraging thoughtful development and redevelopment, diversifying and expanding the tax base, preserving and protecting Durham's limited natural resources, exploring the possibility of an Agriculture Commission, ensuring the long-term viability of financial strategies, and implementing 'new urbanism' principles where appropriate."*

This Resolution would codify the Town's support for *water conservation and water-efficient plumbing fixtures* with connections to the Town's public water and sewer systems, a direct outcome of the Council's adoption on May 7, 2012, of Goal #2:

*"Pursue long-term economic and environmental sustainability and resiliency, anticipating the community's and the region's future needs through a "continuous improvement" framework that formally integrates the consideration of multiple elements: society, ecology, economics, food and drinking water, climate, and energy resources."*

### **Current and proposed standard, industry movement**

The State of New Hampshire adopted the 2009 International Plumbing Code (one of the International Construction Codes) which currently serves as the standard for the Town of Durham. However, "Chapter 97. Plumbing Code and Regulations" of the Town Code references the (1990) Building and Code Administrators (BOCA) Codes, which is no longer the standard. It should also be noted that adoption of construction codes lags both society's demands for greater efficiency and the plumbing fixture industry's independent response, i.e., movement toward lower-flow fixtures. Indeed, some in the home building industry, which is about making money, note that the industry driver over past few decades has shifted from efficient *process* to efficient *homes*.

The Green Building Council's LEED certification standards include so-called ultra-low-flow fixtures. The 2012 International Green Construction Code (IgCC)'s "Water Efficiency Provisions" reflects a greater awareness of the need to conserve potable water and serves as the basis for this Resolution's recommended standards.

For examples, see the table below for a comparison of existing and proposed flow rates for non-public use fixtures, where:

- gpm = gallons per minute
- gpc = gallons per flushing cycle
- gpf = gallons per flush
- psi = pressure per square inch

### **Maximum Flow Rates and Consumption for Plumbing Fixtures and Fixture Fittings**

<b>Plumbing Fixture or Fixture Fitting</b>	<b>Maximum Flow Rate or Quantity</b>	
	<b>Current (2009 IPC)</b>	<b>Proposed</b>
Lavatory [faucet], private	2.2 gpm at 60 psi	1.5 gpm
Showerhead	2.5 gpm at 80 psi	2.0 gpm
Urinal	1.0 gallon per flushing cycle	0.5 gpf
Water closet [toilet], private	1.6 gallons per flushing cycle	1.28 gpf

Note: The Resolution itself specifies a more complete set of standards.

### **Availability and cost of fixtures**

Homeowners and contractors alike will find readily available fixtures that are lower-flow than the current standard. For example reviewing product offerings at manufacturers' website shows a similar number of 1.6 gpf and 1.28 gpf toilets at a range of price points, as do local retailers. See attachments for examples and customer reviews.

### **Policy considerations**

Public water and sewer services are paid for only by users. As usage drops, rates will increase since fixed infrastructure costs must still be met by the same number of users. This is one of the challenges of conservation. However, the cost to society as a whole of maintaining a healthy watershed and natural resources such as the Great Bay Estuary is rarely if ever made explicit. Similarly, the cost of providing energy to deliver water and sewer services typically is a hidden cost. The EPA notes on its WaterSense website, "What Is Water Efficiency?":

- "It takes a considerable amount of energy to deliver and treat the water you use every day. For example, letting your faucet run for five minutes uses about as much energy as letting a 60-watt light bulb run for 22 hours.
- ... "homes with high-efficiency plumbing fixtures and appliances save about 30 percent of indoor water use and yield substantial savings on water, sewer, and energy bills." [[http://www.epa.gov/watersense/our\\_water/why\\_water\\_efficiency.html](http://www.epa.gov/watersense/our_water/why_water_efficiency.html)] (accessed March 12, 2013)]

When the Energy Committee discussed the similar aforementioned 2011 proposal amending the Town's building construction code to require greater energy efficiency, it noted that, like any public policy, this change would have associated costs and benefits. Points considered relative to this water conservation proposal include:

#### **Upside**

- Benefit to Town water and sewer users: Potential delay in water or sewer infrastructure upgrades
- Town identity: perception as a state leader in water and energy conservation
- Town identity: perception as a model town for inspection and construction practices

#### **Downside**

- Potential marginal additional one-time installation cost
- Some specific brands and/or models may not be locally available, although choices will be available for all categories
- Perception of Durham, NH as a challenging place to build

### **LEGAL AUTHORITY:**

RSA 674:51 (I): The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code....

**LEGAL OPINION:** n/a

**FINANCIAL DETAILS:** n/a

**SUGGESTED ACTION OR RECOMMENDATIONS:**

Discuss the amendment and schedule a Public Hearing.

**Motion**

*The Durham Town Council does hereby move on First Reading (as presented) (as amended) Ordinance #2013-04 amending Chapter 97 "Plumbing Code and Regulations," Sections 97-1, 97-3, 97-4, 97-5, 97-10, and 97-24 of the Durham Town Code, and schedules a Public Hearing for Monday, April 1, 2013.*

\*

**See attached documents, including:**

- (1) Chapter 97 "Plumbing Code and Regulations" of the Durham Town Code, last amended April 23, 2007 relative to the Permit Fee.
- (2) 2009 International Plumbing Code: page 40, showing Table 604.4 "Maximum Flow Rates and Consumption for Plumbing Fixtures and Fixture Fittings"
- (3) 2012 International Green Construction Code "Water Efficient Provisions," page 17, showing Table 702.1 "Maximum Fixture and Fitting Flow Rates for Reduced Water Consumption"
- (4) Environmental Protection Agency's "What Is WaterSense" web page  
<[http://www.epa.gov/watersense/about\\_us/what\\_is\\_ws.html](http://www.epa.gov/watersense/about_us/what_is_ws.html)> accessed March 6, 2013
- (5) Environmental Protection Agency's WaterSense Label web page  
<[http://www.epa.gov/watersense/about\\_us/watersense\\_label.htm](http://www.epa.gov/watersense/about_us/watersense_label.htm)> accessed March 6, 2013
- (6) "Save Water, Save Money with WaterSense Labeled Products," blog "The Apron" (posted February 21, 2011 <<http://ext.homedepot.com/community/blog/save-water-save-money-with-watersense-certified-products-toilets/>> accessed March 14, 2013
- (7) Printout of Lowe's list of WaterSense-labeled 1.28 gpf toilets available online
- (8) Printout of customer reviews of the American Standard brand's model Saver White 1.28 GPF High Efficiency WaterSense Elongated 1-Piece Toilet available through Lowe's

# **ORDINANCE #2013-04 OF DURHAM, NEW HAMPSHIRE**

## **AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 97 “PLUMBING CODE AND REGULATIONS” OF THE DURHAM TOWN CODE TO CODIFY THE TOWN’S SUPPORT FOR WATER CONSERVATION AND WATER-EFFICIENT PLUMBING RELATIVE TO PUBLIC WATER AND SEWER SYSTEMS.**

**WHEREAS**, on May 7, 2012 the Durham Town Council adopted the following as one of its goals: “Pursue long-term economic and environmental sustainability and resiliency, anticipating the community’s and the region’s future needs through a ‘continuous improvement’ framework that formally integrates the consideration of multiple elements: society, ecology, economics, food and drinking water, climate, and energy resources”; and

**WHEREAS**, through various initiatives and measures, the Town continues to seek to protect the capacity and resiliency of its public water supply, as well as to maintain the quality of its water infrastructure; and

**WHEREAS**, through various initiatives and measures, Town continues to seek to protect the capacity and effectiveness of its wastewater treatment facility, as well as to maintain the quality of its wastewater and solid waste infrastructure; and

**WHEREAS**, the number of Town water and sewer users has increased in the past few years and is projected to increase further in the next few years; and

**WHEREAS**, plumbing fixtures and water-consuming appliances significantly influences a built structure’s use of water throughout its life; and

**WHEREAS**, the Town seeks to reasonably and sustainably comply with its federal Environmental Protection Agency discharge permit requirements (wastewater “NPDES” permit, and stormwater “MS4” permit); and

**WHEREAS**, the Town seeks to continue to lead the Seacoast region with results-driven approaches to addressing the water quality issues impacting the Great Bay Estuary; and

**WHEREAS**, on April 23, 2007 the Durham Town Council, the governing body of the Town of Durham, New Hampshire, adopted Resolution #2007-14 creating an advisory committee called the Energy Committee Steering Committee, now known as the Energy Committee; and

**WHEREAS**, the Energy Committee has considered the benefits to the Town of reducing energy use through the reduction of water consumption and advises the Durham Town Council to take measures to do so; and

**WHEREAS**, RSA 36-A:2 establishes the purpose of a municipality’s conservation commission, i.e., “for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town;” and

**WHEREAS**, the Durham Conservation Commission has considered the benefits to the Town of reducing demand on our water and watershed resources through the reduction of water consumption and advises the Durham Town Council to take measures to do so; and

**WHEREAS**, the Town Engineer and the Director of Planning, Zoning and Code Enforcement both acknowledge the benefit to the Town of requiring that a lower maximum flow rate would be beneficial to the Town of Durham; and

**WHEREAS**, Chapter 97, Section 97-1. "Purpose" does not currently encompass the impacts of flow rates on the public water supply capacity and resiliency and the efficient functioning of its wastewater treatment facility and the related delivery and collection systems; and

**WHEREAS**, Chapter 97, Section 97-4. "Plumbing Code" references an outdated set of codes as adopted by the State of New Hampshire, i.e., the 1990 Building Officials and Code Administrators (BOCA) codes; and

**WHEREAS**, Chapter 97, Section 97-5. "Additional Requirements" includes outdated technical requirements, as noted by the Town Engineer and the Director of Building Codes; and

**WHEREAS**, Chapter 97, Section 97-10 (A). "Permit Fee" does not currently reflect the authority of the town Administrator; and

**WHEREAS**, Chapter 97, Section 97-24. "Fees for Plumbing Permit" is outdated and will be redundant, given Section 97-10, as amended above;

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, New Hampshire hereby adopts Ordinance #2013-\_\_\_\_\_ amending Chapter 97 "Plumbing Code and Regulations," Sections 97-1, 97-3, 97-4, 97-5, 97-10, and 97-24 of the Durham Town Code, thereby codifying the town's support for water conservation and water efficient plumbing.

Wording to be omitted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

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#### **97-1. Purpose.**

The purpose of these regulations is to provide practical safeguards for sanitation to protect the public health against inadequate, defective or unsanitary plumbing installations and to enhance both the Town's public water supply capacity and resiliency and the efficient functioning of its wastewater treatment facility and the related delivery and collection systems.

#### **97-3. Authority.**

- A. Pursuant to RSA 674-51 New Hampshire State Statutes, the Town of Durham, N.H. hereby adopts the following regulations for the control of all matters concerning the design, demolition, alteration and installation of all components of water distribution systems and all components of waste disposal systems.

- B. The Town Administrator is hereby given the authority to enforce the provisions of this ordinance.
- C. Administrative Responsibility: The authority to administer this Ordinance is hereby vested in the Town Administrator, who is also empowered to appoint a Code Enforcement Officer.
- D. Definitions:
  - 1. *Town Administrator*: The Town employee who is appointed by the Council to manage the Town affairs.
  - 2. *Code Enforcement Officer*: The Town employee who enforces and administers the Building, Electrical and Plumbing Codes.
  - 3. *Owner*: The person or persons listed as the owner(s) of record of a property.
  - 4. *Plumbing Contractor*: The Master Plumber responsible for obtaining the permit, supervising the work, and contacting the Code Enforcement Officer for inspection of work.
  - 5. WaterSense: A program of the U.S. Environmental Protection Agency (EPA) designed to identify and promote water-efficient products and practices.

#### **97-4. Plumbing code.**

All work on water distribution systems and waste disposal systems, whether the removal, alteration, enlargement, ~~or and~~ installation thereof, within the Town of Durham, NH, shall conform to the current International Plumbing Code and the International Mechanical Code as adopted by the State of New Hampshire ~~Building and Code Administrators (BOCA) Codes~~ with the State of New Hampshire Plumbing Board Amendments and Town of Durham amendments. However, the standards in the table below shall be the standards for "Maximum Fixture and Fitting Flow Rates" for all connections to public water and/or sewer systems when associated with a new building permit, unless otherwise approved by the Director of Zoning, Building Codes & Health, and All work shall be performed by a plumber licensed by the State of New Hampshire Plumbing Board as prescribed in RSA 329-A.

**Maximum Fixture and Fitting Flow Rates for Reduced Water Consumption**

<b><u>Fixture or Fixture Fitting Type</u></b>	<b><u>Maximum Flow Rate</u></b>
<u>Showerhead (a)</u>	<u>2.0 gpm and WaterSense labeled</u>
<u>Lavatory faucet and bar sink—private</u>	<u>1.5 gpm</u>
<u>Lavatory faucet—public (metered)</u>	<u>0.25 gpc</u>
<u>Lavatory faucet—public (nonmetered)</u>	<u>0.5 gpm</u>
<u>Kitchen faucet—private</u>	<u>2.2 gpm</u>
<u>Kitchen and bar sink faucets in other than dwelling units and guestrooms</u>	<u>2.2 gpm</u>
<u>Urinal</u>	<u>0.5 gpf and WaterSense labeled</u>
<u>Water closet—public and remote (c)</u>	<u>1.6 gpf</u>
<u>Water closet—public and nonremote</u>	<u>1.28 gpf average (d, e)</u>
<u>Water closet—tank type, private</u>	<u>1.28 gpf and WaterSense labeled (d)</u>
<u>Water closet—flushometer type, private</u>	<u>1.28 gpf (e)</u>
<u>Prerinse spray valves</u>	<u>1.3 gpm</u>
<u>Drinking fountains (manual)</u>	<u>0.7 gpm</u>
<u>Drinking fountains (metered)</u>	<u>0.25 gpc(b)</u>

For SI: 1 foot =304.8 mm, 1 gallon per cycle (gpc) = 3.8 Lpc, 1 gallon per flush (gpf) =3.8 Lpf, 1 gallon per minute (gpm) = 3.8 Lpm.

- a. Includes hand showers, body sprays, rainfall panels and jets. Showerheads shall be supplied by automatic compensating valves that comply with ASSE 1016 or ASME A112.18.1/CSA B125.1 and that are specifically designed to function at the flow rate of the showerheads being used.
- b. Gallons per cycle of water volume discharged from each activation of a metered faucet.
- c. A remote water closet is a water closet located not less than 30 feet upstream of other drain line connections or fixtures and is located where less than 1.5 drainage fixture units are upstream of the drain line connection.
- d. The effective flush volume for a dual-flush water closet is defined as the composite, average flush volume of two reduced flushes and one full flush.
- e. In public settings, the maximum water use of a dual flush water closet is based solely on its full flush operation; not an average of full and reduced volume flushes.

**97-5. Additional requirements.**

- ~~A. Water services connected to the Durham Municipal Water System shall be "K" type copper or ductile iron pipe. Black iron, galvanized, plastic, etc. are not acceptable.~~
- ~~B. If copper piping is used for interior water distribution systems it shall be "L" type copper.~~
- EA. The casings of drilled wells shall be metallic. PVC and ABS plastic or other non-metallic casings are not acceptable.

~~D~~B. A building that is connected to a private well and/or a private water system shall have the water tested by a state certified laboratory for safe drinking quality prior to the issuance of a Certificate of Occupancy.

~~E. An air or water test is required on new installations of both waste disposal systems and water distribution systems. Air test shall be six (6) to eight (8) pounds for wastewater disposal systems and 100 pounds for water distribution systems on town water; 80 pounds if on private water systems.~~

**97-10. Permit fee.**

- A. *Establishment of Permit Fee:* The Town ~~Council~~Administrator, with the advice and consent of the Town Council, shall establish the plumbing permit fee schedule and it shall be included within the Town-wide Master Fee Schedule.
- B. *Fee For Work Started Without a Permit:* Any person who is found to have demolished, altered, removed or installed any component of water distribution systems or waste disposal systems without the benefit of a plumbing permit shall, upon issuance of said permit(s), be assessed a permit fee of twice the normal rate of the actual permit.
- C. *Payment of Fee:* The plumbing permit fee (per fee schedule) is to be paid prior to any plumbing permit being issued. The fee is to be paid to the Building Inspector's Office or other centralized receipt agent as determined by the Town.
- D. Fire suppression (sprinkler, alarm, etc.) installation permits shall be obtained from the Durham Fire Department.
- E. No permit or fee shall be required for minor repairs or maintenance necessitated by ordinary wear and tear, such as replacing a valve, a faucet, or resetting a new water closet, etc. This does not include changing the sanitary sewer lines.

**~~97-24. Fees for plumbing permit.~~**

- ~~A. Plumbing as part of a building which includes other work: All cost is included in the building permit fee.~~
- ~~B. Plumbing work as stand alone plumbing project (\$10.00 minimum fee): \$10.00 plus \$15.00/\$1,000 of plumbing contract price.~~

**PASSED AND ADOPTED** by the Town Council of the Town of Durham this \_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_ affirmative votes, \_\_\_\_ negative votes, and \_\_\_\_ abstentions.

\_\_\_\_\_  
Jay Gooze, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Lorrie Pitt, Town Clerk

age pits (see Section 605.1 for soil and groundwater conditions).

### SECTION 604 DESIGN OF BUILDING WATER DISTRIBUTION SYSTEM

**604.1 General.** The design of the water distribution system shall conform to *accepted engineering practice*. Methods utilized to determine pipe sizes shall be *approved*.

**604.2 System interconnection.** At the points of interconnection between the hot and cold water supply piping systems and the individual fixtures, appliances or devices, provisions shall be made to prevent flow between such piping systems.

**604.3 Water distribution system design criteria.** The water distribution system shall be designed, and pipe sizes shall be selected such that under conditions of peak demand, the capacities at the fixture supply pipe outlets shall not be less than shown in Table 604.3. The minimum flow rate and flow pressure provided to fixtures and appliances not listed in Table 604.3 shall be in accordance with the manufacturer's installation instructions.

TABLE 604.3  
WATER DISTRIBUTION SYSTEM DESIGN CRITERIA  
REQUIRED CAPACITY AT FIXTURE SUPPLY PIPE OUTLETS

FIXTURE SUPPLY OUTLET SERVING	FLOW RATE <sup>a</sup> (gpm)	FLOW PRESSURE (psi)
Bathtub, balanced-pressure, thermostatic or combination balanced-pressure/thermostatic mixing valve	4	20
Bidet, thermostatic mixing valve	2	20
Combination fixture	4	8
Dishwasher, residential	2.75	8
Drinking fountain	0.75	8
Laundry tray	4	8
Lavatory	2	8
Shower	3	8
Shower, balanced-pressure, thermostatic or combination balanced-pressure/thermostatic mixing valve	3	20
Sillcock, hose bibb	5	8
Sink, residential	2.5	8
Sink, service	3	8
Urinal, valve	12	25
Water closet, blow out, flushometer valve	25	45
Water closet, flushometer tank	1.6	20
Water closet, siphonic, flushometer valve	25	35
Water closet, tank, close coupled	3	20
Water closet, tank, one piece	6	20

For SI: 1 pound per square inch = 6.895 kPa.  
1 gallon per minute = 3.785 L/m.

a. For additional requirements for flow rates and quantities, see Section 604.4.

**604.4 Maximum flow and water consumption.** The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table 604.4.

#### Exceptions:

1. Blowout design water closets having a maximum water consumption of 3½ gallons (13 L) per flushing cycle.
2. Vegetable sprays.
3. Clinical sinks having a maximum water consumption of 4½ gallons (17 L) per flushing cycle.
4. Service sinks.
5. Emergency showers.

TABLE 604.4  
MAXIMUM FLOW RATES AND CONSUMPTION FOR  
PLUMBING FIXTURES AND FIXTURE FITTINGS

PLUMBING FIXTURE OR FIXTURE FITTING	MAXIMUM FLOW RATE OR QUANTITY <sup>a</sup>
Lavatory, private	2.2 gpm at 60 psi 1.5
Lavatory, public (metering)	0.25 gallon per metering cycle
Lavatory, public (other than metering)	0.5 gpm at 60 psi
Shower head <sup>a</sup>	2.5 gpm at 80 psi 2.0
Sink faucet	2.2 gpm at 60 psi
Urinal	1.0 gallon per flushing cycle .5
Water closet	1.6 gallons per flushing cycle 1.28

For SI: 1 gallon = 3.785 L, 1 gallon per minute = 3.785 L/m.  
1 pound per square inch = 6.895 kPa.

a. A hand-held shower spray is a shower head.

b. Consumption tolerances shall be determined from referenced standards.

**604.5 Size of fixture supply.** The minimum size of a fixture supply pipe shall be as shown in Table 604.5. The fixture supply pipe shall not terminate more than 30 inches (762 mm) from the point of connection to the fixture. A reduced-size flexible water connector installed between the supply pipe and the fixture shall be of an *approved* type. The supply pipe shall extend to the floor or wall adjacent to the fixture. The minimum size of individual distribution lines utilized in gridded or parallel water distribution systems shall be as shown in Table 604.5.

**604.6 Variable street pressures.** Where street water main pressures fluctuate, the building water distribution system shall be designed for the minimum pressure available.

**604.7 Inadequate water pressure.** Wherever water pressure from the street main or other source of supply is insufficient to provide flow pressures at fixture outlets as required under Table 604.3, a water pressure booster system conforming to Section 606.5 shall be installed on the building water supply system.

## CHAPTER 7

# WATER RESOURCE CONSERVATION, QUALITY AND EFFICIENCY

### SECTION 701 GENERAL

**701.1 Scope.** The provisions of this chapter shall establish the means of conserving water, protecting water quality and providing for safe water consumption.

### SECTION 702 FIXTURES, FITTINGS, EQUIPMENT AND APPLIANCES

**702.1 Fitting and fixture consumption.** Fixtures shall comply with Table 702.1 and the following:

1. For dwelling unit and guestroom shower compartments with a floor area of not greater than 2600 in<sup>2</sup> (1.7 m<sup>2</sup>), the combined flow rate from shower water outlets that are capable of operating simultaneously including rain systems, waterfalls, body sprays and jets shall not exceed 2.0 gallons per minute (gpm) (7.6 L/min). Where the floor area of such shower compartments is greater than 2600 in<sup>2</sup> (1.7 m<sup>2</sup>), the combined flow rate from simultaneously operating shower water outlets shall not exceed 2.0 gpm (7.6 L/min) for each additional 2600 in<sup>2</sup> (1.7 m<sup>2</sup>) of floor area or portion thereof.
2. In gang shower rooms, the combined flow rate from shower water outlets that are capable of operating simultaneously including rain systems, waterfalls, body sprays and jets shall not exceed 2.0 gpm (7.6 L/min) for every 1600 in<sup>2</sup> (1.01 m<sup>2</sup>) or portion thereof of room floor area.
3. In shower compartments required to comply with the requirements of Chapter 11 of the *International Building Code*, the combined flow rate from shower water outlets that are capable of operating simultaneously including rain systems, waterfalls, body sprays and jets shall not exceed 4.0 gpm (15.1 L/min) for every 2600 in<sup>2</sup> (1.7 m<sup>2</sup>) or portion thereof of room floor area.

**702.2 Combination tub and shower valves.** Tub spout leakage from combination tub and shower valves that occurs when the outlet flow is diverted to the shower shall not exceed 0.1 gpm, measured in accordance with the requirements of ASME A112.18.1/CSA B125.1.

**702.3 Food establishment prerinse spray valves.** Food establishment prerinse spray valves shall have a maximum flow rate in accordance with Table 702.1 and shall shut off automatically when released.

**702.4 Drinking fountain controls.** Drinking fountains equipped with manually controlled valves shall shut off automatically upon the release of the valve. *Metered* drinking fountains shall comply with the flow volume specified in Table 702.1.

TABLE 702.1  
MAXIMUM FIXTURE AND FITTING FLOW RATES  
FOR REDUCED WATER CONSUMPTION

FIXTURE OR FIXTURE FITTING TYPE	MAXIMUM FLOW RATE
Showerhead <sup>a</sup>	2.0 gpm and WaterSense labeled
Lavatory faucet and bar sink—private	1.5 gpm
Lavatory faucet—public (metered)	0.25 gpc <sup>b</sup>
Lavatory faucet—public (nonmetered)	0.5 gpm
Kitchen faucet—private	2.2 gpm
Kitchen and bar sink faucets in other than dwelling units and guestrooms	2.2 gpm
Urinal	0.5 gpf and WaterSense labeled or nonwater urinal
Water closet—public and remote <sup>c</sup>	1.6 gpf
Water closet—public and nonremote	1.28 gpf average <sup>d,e</sup>
Water closet-tank type, private	1.28 gpf and WaterSense labeled <sup>d</sup>
Water closet—flushometer type, private	1.28 gpf <sup>e</sup>
Prerinse spray valves	1.3 gpm
Drinking fountains (manual)	0.7 gpm
Drinking fountains (metered)	0.25 gpc <sup>b</sup>

For SI: 1 foot = 304.8 mm, 1 gallon per cycle (gpc) = 3.8 Lpc, 1 gallon per flush (gpf) = 3.8 Lpf, 1 gallon per minute (gpm) = 3.8 Lpm.

- a. Includes hand showers, body sprays, rainfall panels and jets. Showerheads shall be supplied by automatic compensating valves that comply with ASSE 1016 or ASME A112.18.1/CSA B125.1 and that are specifically designed to function at the flow rate of the showerheads being used.
- b. Gallons per cycle of water volume discharged from each activation of a metered faucet.
- c. A remote water closet is a water closet located not less than 30 feet upstream of other drain line connections or fixtures and is located where less than 1.5 drainage fixture units are upstream of the drain line connection.
- d. The effective flush volume for a dual-flush water closet is defined as the composite, average flush volume of two reduced flushes and one full flush.
- e. In public settings, the maximum water use of a dual flush water closet is based solely on its full flush operation; not an average of full and reduced volume flushes.

**702.5 Nonwater urinal connection.** The fixture drain for nonwater urinals shall connect to a branch drain that serves one or more lavatories, water closets or water-using urinals that discharge upstream of such urinals.

**702.6 Appliances.** Sections 702.6.1 through 702.6.4 shall regulate appliances that are not related to space conditioning.

**702.6.1 Clothes washers.** Clothes washers of the type in the *ENERGY STAR* program as defined in “*ENERGY STAR*® Program Requirements, Product Specification for Clothes Washers, Eligibility Criteria,” shall have a *water factor* (WF) not exceeding 6.0 and a *modified energy factor* (MEF) of not less than 2.0.

**CHAPTER 97**  
**PLUMBING CODE AND REGULATIONS**

**ARTICLE I**

- 97-1. Purpose
- 97-2. Title
- 97-3. Authority
- 97-4. Plumbing codes
- 97-5. Additional requirements

**ARTICLE II**

- 97-6. Permit required
- 97-7. Permit requirements
- 97-8. Permit applicant
- 97-9. Additional information
- 97-10. Permit fee
- 97-11. Commencement of work
- 97-12. Issuance of permit
- 97-13. Time limit of permits
- 97-14. Assignability of plumbing permit
- 97-15. Revocation or lapse of plumbing permits
- 97-16. Plumbing permit action
- 97-17. Construction safety clause

**ARTICLE III**

- 97-18. Code Enforcement Officer responsibilities
- 97-19. Duties of Code Enforcement Officer

**ARTICLE IV**

- 97-20. Violations
- 97-21. Stop work order
- 97-22. Penalties

*Code of the Town of Durham, NH*  
*Chapter 97 – Plumbing Code and Regulations*

97-23. Validity

97-24. Plumbing permit fee schedule

**CHAPTER 97**  
**PLUMBING CODE AND REGULATIONS**

[HISTORY: Adopted by the Durham Town Council on 4-5-1993 as Ord. No. 92-09. This ordinance establishes minimum regulations governing the design and installation construction of plumbing systems within the Town of Durham, NH, and provides for the issuance of permits, collection of fees, making of inspections, and providing penal ties for the violation of said ordinance.]

**ARTICLE I**

**97-1. Purpose.**

The purpose of these regulations is to provide practical safeguards for sanitation to protect the public health against inadequate, defective or unsanitary plumbing installations.

**97-2. Title.**

These regulations shall be known and cited as the *Plumbing Code of the Town of Durham, NH*.

**97-3. Authority.**

- A. Pursuant to RSA 674-51 New Hampshire State Statutes, the Town of Durham, N.H. hereby adopts the following regulations for the control of all matters concerning the design, demolition, alteration and installation of all components of water distribution systems and all components of waste disposal systems.
- B. The Town Administrator is hereby given the authority to enforce the provisions of this ordinance.
- C. Administrative Responsibility: The authority to administer this Ordinance is hereby vested in the Town Administrator who is also empowered to appoint a Code Enforcement Officer.
- D. Definitions:
  - 1. *Town Administrator*: The Town employee who is appointed by the Council to manage the Town affairs.
  - 2. *Code Enforcement Officer*: The Town employee who enforces and administers the Building, Electrical and Plumbing Codes.
  - 3. *Owner*: The person or persons listed as the owner(s) of record of a property.
  - 4. *Plumbing Contractor*: The Master Plumber responsible for obtaining the permit, supervising the work, and contacting the Code Enforcement Officer for inspection of work.

*Code of the Town of Durham, NH*  
*Chapter 97 – Plumbing Code and Regulations*

**97-4. Plumbing code.**

All work on water distribution systems and waste disposal systems whether removal, alteration, enlargement and installation of, within the Town of Durham, NH, shall conform to current Building and Code Administrators (BOCA) Codes with the State of New Hampshire Plumbing Board Amendments and Town of Durham amendments and shall be performed by a plumber licensed by the State of New Hampshire Plumbing Board as prescribed in RSA 329-A.

**97-5. Additional requirements.**

- A. Water services connected to the Durham Municipal Water System shall be "K" type copper or ductile iron pipe. Black iron, galvanized, plastic, etc. are not acceptable.
- B. If copper piping is used for interior water distribution systems it shall be "L" type copper.
- C. The casings of drilled wells shall be metallic. PVC and ABS plastic or other non-metallic casings are not acceptable.
- D. A building that is connected to a private well and/or a private water system shall have the water tested by a state certified laboratory for safe drinking quality prior to the issuance of a Certificate of Occupancy.
- E. An air or water test is required on new installations of both waste disposal systems and water distribution systems. Air test shall be six (6) to eight (8) pounds for wastewater disposal systems and 100 pounds for water distribution systems on town water; 80 pounds if on private water systems.

**ARTICLE II**

**97-6. Permit required.**

It shall be unlawful to alter, remove, demolish or install any components of water distribution systems or sanitary waste disposal systems in the Town of Durham, N.H. without first obtaining a plumbing permit.

**97-7. Permit requirements.**

Application shall be submitted in such form as the Code Enforcement Officer prescribes and shall be accompanied by the required fee as prescribed.

*Code of the Town of Durham, NH*  
*Chapter 97 – Plumbing Code and Regulations*

**97-8. Permit applicant.**

The permit for plumbing work as required by the Ordinance shall be procured by a Master Plumber that is currently licensed by the State of New Hampshire Plumbing Board under RSA 329-A.

**97-9. Additional information.**

The Code Enforcement Officer may require, if deemed necessary, additional specifications and/or drawings to accompany the permit application.

**97-10. Permit fee.**

- A. *Establishment of Permit Fee:* The Town Council shall establish the plumbing permit fee schedule and it shall be included within the Town-wide Master Fee Schedule.
- B. *Fee For Work Started Without a Permit:* Any person who is found to have demolished, altered, removed or installed any component of water distribution systems or waste disposal systems without the benefit of a plumbing permit shall, upon issuance of said permit(s), be assessed a permit fee of twice the normal rate of the actual permit.
- C. *Payment of Fee:* The plumbing permit fee (per fee schedule) is to be paid prior to any plumbing permit being issued. The fee is to be paid to the Building Inspector's Office or other centralized receipt agent as determined by the Town.
- D. Fire suppression (sprinkler, alarm, etc.) installation permits shall be obtained from the Durham Fire Department.
- E. No permit or fee shall be required for minor repairs or maintenance necessitated by ordinary wear and tear, such as replacing a valve, a faucet, or resetting a new water closet, etc. This does not include changing the sanitary sewer lines.

*(Section 97-10 amended by Ord. #2007-06 dtd 04/23/07).*

**97-11. Commencement of work.**

If the proposed work also involves a building permit, then no work shall be started on the proposed site and no building shall be altered, remodeled or demolished until said building permit is first obtained from the Code Enforcement Officer.

**97-12. Issuance of permit.**

*Code of the Town of Durham, NH*  
*Chapter 97 – Plumbing Code and Regulations*

- A. A plumbing permit will be issued after the Code Enforcement Officer has determined that there is a current building permit for the project or that only a plumbing permit is required and the required fee has been paid.
- B. The Code Enforcement Officer shall be given at least 48 hours notice that the work is ready for inspection, this may be waived if the work is emergency in nature.

**97-13. Time limit of permits.**

All plumbing permits shall be valid for six (6) months from date of issuance; after which the permit becomes null and void. A three (3) month extension may be granted by the Code Enforcement officer for special circumstances; otherwise, a new permit will be needed.

**97-14. Assignability of plumbing permit.**

A plumbing permit, once issued, shall not be assignable. A change of plumbing contractors will require a new permit.

**97-15. Revocation or lapse of plumbing permits.**

A violation of or variation from the terms, conditions or authorization of a plumbing permit by the holder thereof or his agent, architect or contractor shall be cause for the revocation of said permit. Such revocation shall be made at the discretion of the Code Enforcement Officer and an appeal from such action may be made to the Director of Planning, Zoning and Code Enforcement.

**97-16. Plumbing permit action.**

Should the Code Enforcement officer or Director of Planning, Zoning and Code Enforcement fail to take action on an application for a plumbing permit within 30 days of the filing, the applicant may apply to the Zoning Board of Adjustment for a plumbing permit.

**97-17. Construction safety clause.**

Any building site in the Town of Durham shall be left in a safe state at all times. The owner/contractors shall assume the responsibility for leaving the construction site so that no dangerous or hazardous conditions shall exist.

**ARTICLE III**

**97-18. Code Enforcement Officer responsibilities.**

*Code of the Town of Durham, NH*  
*Chapter 97 – Plumbing Code and Regulations*

The Code Enforcement Officer shall be responsible for the performance of the duties listed in Section 3.2 and such other duties pertinent to the enforcement of the Zoning, Building, Fire and Health Regulations as the Town Administrator may determine.

*Code of the Town of Durham, NH*  
*Chapter 97 – Plumbing Code and Regulations*

**97-19. Duties of the Code Enforcement Officer.**

- A. He/she shall receive application for alteration, demolition and installation of all water distribution systems and all sanitary waste disposal systems within the Town of Durham, N.H.
- B. He/she shall keep a record of all applications and action taken on same.
- C. He/she shall promptly inspect sites when necessary and review plans for said proposals to see that the proposed work meets all the codes.
- D. He/she shall approve the issuance of permits for the alteration, demolition or installation of water distribution systems and sanitary waste disposal systems in the Town of Durham, N.H. and to make the necessary inspections of completed work to see that it conforms to code requirements.
- E. He/she shall investigate all complaints alleging illegal or nonconformance to codes and take any necessary action that may be required.
- F. He/she shall take such action in the enforcement of the Ordinance as the Town Council and Town Administrator may direct.

**ARTICLE IV**

**97-20. Violations.**

Upon any well founded information that this Ordinance is being violated, the Town Administrator shall, on the advice of the Code Enforcement Officer, take immediate steps to enforce the provisions of this or other Town Ordinances as set forth in N.H. Revised Statutes 676.17, as amended.

**97-21. Stop work order.**

- A. Upon notice from the Code Enforcement Officer that work on any building or structure is proceeding contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to either the owner of the property involved, the owner's agent, or to the person doing the work or posted in a conspicuous place on the building site, and shall state the conditions under which work will be permitted to resume.
- B. *Unlawful Continuance:* Any person who shall continue any work in or about the structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$1,000 or more than \$5,000.

*Code of the Town of Durham, NH*  
*Chapter 97 – Plumbing Code and Regulations*

**97-22. Penalties.**

For any and every violation of the provisions of this Ordinance, the owner, general agent or such contractor of a building or premises where such violation has been committed or shall exist, or the lessee or tenant of an entire premises where such violation has been committed or shall exist, or the architect, builder, or any other person who-knowingly commits, takes part or assists in any such violation, shall be liable on conviction thereof to a fine or penalty not exceeding \$100 or such other penalty which may, from time to time, be authorized by state law unless otherwise specified elsewhere in this Ordinance. For each and every offense and whenever such person shall have been notified by the Town Administrator or by service of summons in a prosecution, or in any other way that he shall constitute such violation after such notification, shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

**97-23. Validity.**

In the event any part or provision of this code is held to be illegal or void by a court of competent jurisdiction, this shall not effect the validity of these regulations as a whole or any part thereof.

**97-24. Fees for plumbing permit.**

- A. *Plumbing as part of a building which includes other work:* All cost is included in the building permit fee.
- B. *Plumbing work as stand-alone plumbing project (\$10.00 minimum fee):* \$10.00 plus \$15.00/\$1,000 of plumbing contract price.

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## What is WaterSense?

WaterSense, a partnership program by the U.S. Environmental Protection Agency, seeks to protect the future of our nation's water supply by offering people a simple way to use less water with water-efficient products, new homes, and services.



WaterSense brings together a variety of stakeholders to:

- Promote the value of water efficiency.
- Provide consumers with easy ways to save water, as both a label for products and an information resource to help people use water more efficiently.
- Encourage innovation in manufacturing.
- Decrease water use and reduce strain on water resources and infrastructure.

The program seeks to help consumers make smart water choices that save money and maintain high environmental standards without compromising performance. [Products and services](#) that have earned the [WaterSense label](#) have been certified to be at least 20 percent more efficient without sacrificing performance.

Upgrading to more efficient WaterSense labeled [products](#) can help us to save billions of gallons of water in the country every year. Something as simple as twisting on a WaterSense labeled aerator and upgrading to a WaterSense labeled faucet could save a household 11,000 gallons over the life of the faucet. Learn more about how you can save water and help WaterSense preserve and protect our nation's water resources.

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## The WaterSense Label

By using water efficient products and practices, consumers save natural resources, reduce water consumption, and save money. In order to realize these savings, consumers need to be able to identify products and services that use less water while performing as well as or better than conventional models.

WaterSense makes it easy to find and select [water efficient products](#) and ensures consumer confidence in those products with a label backed by third party, independent, testing and certification. Certifying organizations help maintain the WaterSense integrity and credibility by verifying and testing products for: conformance to WaterSense specifications, efficiency, performance, label use and also conduct periodic market surveillance.

WaterSense also recognizes some professional [service programs](#) that meet WaterSense specifications by incorporating a strong water efficiency component.

### What it Means

[Products bearing the WaterSense label](#):



- Perform as well or better than their less efficient counterparts.
- Are 20 percent more water efficient than average products in that category.
- Realize water savings on a national level.
- Provide measurable water savings results.
- Achieve water efficiency through several technology options.
- Are effectively differentiated by the WaterSense label.
- Obtain independent, third-party certification.

For companies to use the label, they must sign a WaterSense partnership agreement. Among other things, the partnership agreement defines the roles and responsibilities of EPA and the partnering organization, as well as proper use of the label on products, on packaging, and in marketing and other promotional materials.

### Look for the Label

The WaterSense label can be found on products for the home, including:

- [Bathroom sink faucets and accessories](#)
- [New homes](#)

- [Showerheads](#)
- [Toilets](#)
- [Urinals](#)
- [Weather-based Irrigation Controllers](#)

The WaterSense label also appears on professional certification programs for landscape irrigation professionals. These WaterSense labeled programs verify professional proficiency in water-efficient irrigation system design, installation/maintenance, and auditing.

WaterSense is continually working to expand the number of products and service programs that qualify for the label. Visit the [pipeline](#) to preview products and services that WaterSense is currently developing specifications for.

A summary document describing the WaterSense label is also available in [PDF](#) (1 pg, 164K, [About PDF](#)).

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## Save Water, Save Money with WaterSense Labeled Products

Posted by: Darren Ryan on February 21st, 2011 | 4 Comments

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Water bills around the country continue to rise. Every time you get that water bill, you start to notice it going up and up. You also start to notice how often the spouse waters the garden or lawn, how many times this one leaves the water running while they get a glass or wash their hands or how

long they take in the shower.

All of that really seems to add up quickly, right? All of that wasteful water usage does add up, but there is a water hog in your home that many people don't think about when they start trying to reduce their water bills...the toilet!

30% or more of the water that is used in your home is from flushing your toilets. Amazing, isn't it?

Your toilet is the single largest user of water in your home. Replacing your old toilet with a new toilet labeled by the EPA's WaterSense® program can allow you to conserve or reduce your water consumption by 20%! If you have an older toilet that was made before 1994, a new [WaterSense® toilet](#) can reduce your water usage by 60% or more!

Most of us think, well, I need a plumber to do that for me, right? Changing out your old toilet is much easier than you think! Now if you have never changed out a toilet before, it is very easy but it will take some time. Here are the project guides that you will need to help you through and help you to stop flushing hard-earned money down the drain:

[How-to Guide: Removing Your Old Toilet](#) (Printable guide and video)

[How-to Guide: Installing Your New WaterSense Toilet](#) (Printable guide and video)

Now that you have an idea as to just how easy it is to start saving money with a new [WaterSense® toilet](#), let's help you find the right one for your bathroom. Here is some great info to get you started:

#### **What is the WaterSense® label?**

WaterSense is an EPA (Environmental Protection Agency) program that makes it easy to find and select true water efficient products and ensures that you can have confidence in those products with the WaterSense® label backed by third party, independent, testing and certification. Certifying organizations help maintain the WaterSense integrity and credibility by verifying and testing products regularly.

#### **So what does the WaterSense® label really mean for you?**

It means that the [toilets](#), [showerheads](#), [faucets](#) and [accessories](#) that earn the WaterSense® label meet the following guidelines:

The product performs as well or better than their less efficient counterparts.

The faucet, toilet or other WaterSense labeled product is **at least 20% more water efficient** than average products in that category.

The product helps to realize water savings on a national level.

The product provides measurable water savings results.

The product achieves water efficiency through several technology options.

The product and manufacturer obtains independent, third-party certification and verification of the above criteria.

#### **So how do I choose the right WaterSense® toilet?**

Ok, I know, homedepot.com has an extensive selection of [WaterSense® toilets](#) to choose from. There are [two-piece toilets](#), [one-piece toilets](#) and I could go on.

Well you can relax because we made it easy for you to find the toilet that you need by creating an [easy to understand toilet buying guide](#). Check out [this guide](#) to help you understand everything you need to know before you take the plunge! Sorry, I couldn't resist! =)

#### **Save the Date:**

Earth Day is on Friday, April 22, 2011! Join us for Earth Day Weekend filled with workshops, activities, product demos and more.

Tags: Earth Day, Earth Day Activities, Earth-friendly, Energy Savings, Faucets, Reduce Utility Bills, Showerheads, toilets, Utility Bills, Water Conservation, Water sense, Watersense

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### KOHLER Highline Classic White 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet

★★★★★ (96 Reviews)

Item #: 331929 | Model #: 14799-0

- The Complete Solution® box includes tank, bowl, Quiet-Close® Quick-Release® toilet seat, wax ring and hardware kit
- Quiet-Close® seat and lid with Quick-Release® hinges allows seat to close quietly, unlatch from the toilet for easy cleaning and features...
- Patented flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness

**\$189.00**

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### AquaSource White 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet

★★★★★ (222 Reviews)

Item #: 98923 | Model #: AT1203-00

- Top-rated flushing power; 5-star and 1000 gram MaP score
- EPA WaterSense certified, high-efficiency 1.28 GPF - saves water and money
- Meets federal guidelines and Americans with Disabilities Act for bowl height

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### American Standard Clean White 1.6 GPF High Efficiency WaterSense Elongated Dual-Flush 2-Piece Toilet

★★★★★ (61 Reviews)

Item #: 84065 | Model #: 3381.216.020

- PowerWash™ bowl for a cleaner flush
- EverClean™ surface inhibits the growth of stain and odor-causing bacteria, mold, and mildew
- Dual flush toilet allows for a 1.6 gallon flush and 1.0 gallon flush

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### KOHLER Cimarron White 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet

★★★★★ (151 Reviews)

Item #: 39461 | Model #: 11813-0

- The Complete Solution® box includes tank, bowl, Quiet-Close® Quick-Release® toilet seat, wax ring and hardware kit
- Quiet-Close® seat and lid with Quick-Release® hinges allows seat to close quietly, unlatch from the toilet for easy cleaning and features...
- Patented flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness

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**KOHLER Santa Rosa White 1.28 GPF High Efficiency WaterSense Elongated 1-Piece Toilet**  
 ★★★★★ (17 Reviews)

**\$328.00**

Item #: 336318 | Model #: 10492-0

- The Complete Solution® box includes tank, bowl, Quiet-Close® Quick-Release® toilet seat, wax ring and hardware kit
- Quiet-Close® seat and lid with Quick-Release® hinges allows seat to close quietly, unlatch from the toilet for easy cleaning and features...
- Patented flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness

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**KOHLER Memoirs White 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet**  
 ★★★★★ (18 Reviews)

**\$348.00**

Item #: 335319 | Model #: 10494-0

- The Complete Solution® box includes tank, bowl, Quiet-Close® Quick-Release® toilet seat, wax ring and hardware kit
- Quiet-Close® seat and lid with Quick-Release® hinges allows seat to close quietly, unlatch from the toilet for easy cleaning and features...
- Patented flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness

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**KOHLER Highline Classic Biscuit 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet**  
 ★★★★★ (46 Reviews)

**\$249.00**

Item #: 331930 | Model #: 14799-96

- The Complete Solution® box includes tank, bowl, Quiet-Close® Quick-Release® toilet seat, wax ring and hardware kit
- Quiet-Close® seat and lid with Quick-Release® hinges allows seat to close quietly, unlatch from the toilet for easy cleaning and features...
- Patented flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness

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**KOHLER Devonshire White 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet**  
 ★★★★★ (30 Reviews)

**\$238.00**

Was: \$268.00

Save 11% thru 3/24/2013

Item #: 335317 | Model #: 14824-0

- The Complete Solution® box includes tank, bowl, Quiet-Close® Quick-Release® toilet seat, wax ring and hardware kit
- Quiet-Close® seat and lid with Quick-Release® hinges allows seat to close quietly, unlatch from the toilet for easy cleaning and features...
- Patented flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness

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### KOHLER Cimarron White 1.28 GPF High Efficiency WaterSense Round 2-Piece Toilet

★★★★★ (26 Reviews)

Item #: 355410 | Model #: 15410-0

- The Complete Solution® box includes tank, bowl, Quiet-Close® Quick-Release® toilet seat, wax ring and hardware kit
- Quiet-Close® seat and lid with Quick-Release® hinges allows seat to close quietly, unlatch from the toilet for easy cleaning and features...
- Patented flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness

**\$219.00**


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### American Standard Clean White 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet

★★★★★ (67 Reviews)

Item #: 88575 | Model #: 2514.101.020

- PowerWash™ bowl for a cleaner flush
- EverClean™ surface inhibits the growth of stain and odor-causing bacteria, mold, and mildew
- Easy installation - no tools™ required

**\$239.00**


[QuickView](#)
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### American Standard Clean White 1.28 GPF High Efficiency WaterSense Round 2-Piece Toilet

★★★★★ (57 Reviews)

Item #: 84873 | Model #: 2517.101.020

- PowerWash™ bowl for a cleaner flush
- EverClean™ surface inhibits the growth of stain and odor-causing bacteria, mold, and mildew
- Easy installation - no tools™ required

**\$219.00**


[QuickView](#)
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### American Standard Saver White 1.28 GPF High Efficiency WaterSense Elongated 1-Piece Toilet

★★★★★ (17 Reviews)

Item #: 297849 | Model #: 2568.128NT.020

- Space saving toilet fits in the space of a conventional round front bowl
- Cadet 3™ flushing system features oversized 3" flush valve
- Easy installation - no tools™ required

**\$249.00**


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### KOHLER Wellworth Classic White 1.28 GPF High Efficiency WaterSense Round 2-Piece Toilet

★★★★★ (58 Reviews)

Item #: 331676 | Model #: 14797-0

- The Complete Solution™ box includes tank, bowl, toilet seat, wax ring and hardware kit
- Patented flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness
- Canister flush valve provides smooth flushing actuation with consistent water usage, flush after flush

**\$149.00**



### AquaSource Biscuit 1.28 GPF High Efficiency Watersense Elongated 2-Piece Toilet

★★★★★ (15 Reviews)

Item #: 312795 | Model #: AT1203-03

- Top-rated flushing power; 5-star and 1000 gram MaP score
- EPA WaterSense certified, high-efficiency 1.28 GPF saves water and money
- Meets Federal Guidelines and Americans with Disabilities Act for bowl height

**\$154.00**

[QuickView](#)

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### Penguin Toilets White 1.28 GPF High Efficiency WaterSense Round 2-Piece Toilet with Overflow Protection

★★★★★ (12 Reviews)

Item #: 399497 | Model #: 509

- Only toilet with built-in Overflow Protection™
- 5-star flush performance (best available)
- Drop-in replacement with 12" rough-in

**\$139.00**

[QuickView](#)

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### KOHLER Cavata White 1.6; 1.1 GPF High Efficiency WaterSense Elongated Dual-Flush 2-Piece Toilet

Not Yet Rated

Item #: 393794 | Model #: 45989-0

- 2-piece toilet
- Elongated bowl offers added room and comfort
- Comfort Height® feature offers a chair-height seat that makes sitting down and standing up easier for most adults

**\$229.00**

Was: \$249.00

Save 8% thru 5/11/2013

**ONLY AT LOWE'S**

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### AquaSource White 1.1 GPF High Efficiency WaterSense Elongated Dual-Flush 2-Piece Toilet

★★★★★ (39 Reviews)

Item #: 274044 | Model #: 0205/0400DF

- WaterSense certified as a water saver
- Bowl height for user comfort

**\$119.00**

[QuickView](#)

[Compare](#)



### American Standard Mainstream White 1.28 GPF High Efficiency WaterSense Round 2-Piece Toilet

★★★★★ (84 Reviews)

Item #: 291379 | Model #: 3472.128.020

- Round front toilet combination - tank and bowl
- Right height ADA compliant
- High efficiency, ultra-low water consumption at 1.28 GPF

**\$139.00**

[QuickView](#)

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[QuickView](#) [Compare](#)**AquaSource White 1.28 GPF High Efficiency Watersense Round 2-Piece Toilet**

★★★★★ (18 Reviews)

Item #: 395278 | Model #: LW0209W |

- Top-rated flushing power; 5-star and 1000 gram MaP score
- EPA WaterSense certified, high-efficiency 1.28 GPF saves water and money
- Meets Federal Guidelines and Americans with Disabilities Act for bowl height

**\$129.00**[QuickView](#) [Compare](#)**KOHLER Persuade White 1.6 GPF WaterSense Elongated Dual-Flush 2-Piece Toilet**

★★★★★ (3 Reviews)

Item #: 89230 | Model #: 3654-0 |

- Lends a contemporary design to your modern bath or powder room
- A skirted trapway highlights its compact, elongated style
- Features Dual Flush technology, which includes a 1.6-GPF and also an eco-friendly 0.8-gallon flush option

**\$315.68**[QuickView](#) [Compare](#)**AquaSource White 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet**

★★★★★ (6 Reviews)

Item #: 352027 | Model #: LW0207W |

- Top-rated flushing power; 5-star and 600 gram MaP score
- Premium slow-close seat resists stains; gently tap and seat slowly, quietly closes
- EPA WaterSense certified, high-efficiency 1.28 GPF saves water and money

**\$179.00**[QuickView](#) [Compare](#)**American Standard Saver White 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet**

★★★★★ (25 Reviews)

Item #: 338259 | Model #: 710FA.101.020 |

- Elongated chair front toilet combination - tank and bowl
- Space saving toilet fits in the space of a conventional round front bowl
- Right height ADA compliant

**\$179.00**[QuickView](#) [Compare](#)**Jacuzzi Perfecta PowerChoice White 1.6 GPF High Efficiency WaterSense Elongated Dual-Flush 2-Piece Toilet**

★★★★★ (8 Reviews)

Item #: 383780 | Model #: SWP2959 |

- Jacuzzi PowerChoice toilet; power when you need it, savings when you don't
- 17" chair height
- Complete toilet includes seat, installation hardware, and wax ring

**\$169.00**


[QuickView](#)
[Compare](#)

### KOHLER Wellworth Black Black 1.28 GPF High Efficiency WaterSense Round Single 2-Piece Toilet

★★★★★ (1 Reviews)

Item #: 89230 | Model #: 3577-7

- This water-saving version of the industry-leading Wellworth toilet brings graceful, streamlined design to the bath
- Class Five® flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness
- 12" (30-1/2 cm) rough-in

**\$250.50**


[QuickView](#)
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### American Standard Saver Bone 1.28 GPF High Efficiency WaterSense Elongated 2-Piece Toilet

★★★★★ (13 Reviews)

Item #: 338260 | Model #: 710FA.101.021

- Elongated chair front toilet combination - tank and bowl
- Space saving toilet fits in the space of a conventional round front bowl
- Right height ADA compliant

**\$199.00**


[QuickView](#)
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### KOHLER Tresham White 1.28 GPF High Efficiency WaterSense Elongated Single 2-Piece Toilet

Not Yet Rated

Item #: 89230 | Model #: 3950-0

- The elegant simplicity of Shaker-style furniture inspires the edgy, neo-traditional design of the Tresham Suite
- Complements the Tresham Suite as well as a variety of styles from classic to modern
- Features the Class Five® flushing system

**\$323.36**


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### AquaSource White 1.6 GPF High Efficiency WaterSense Elongated Dual-Flush 2-Piece Toilet

★★★★★ (5 Reviews)

Item #: 386700 | Model #: EL205

- Includes tank, bowl, seat, wax ring and floor hardware
- 2" fully-glazed trapway improves flushing performance

**\$139.00**


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### KOHLER Highline White 1.28 GPF High Efficiency WaterSense Elongated Single 2-Piece Toilet

★★★★★ (4 Reviews)

Item #: 89230 | Model #: 3713-0

- With its clean, simple design and efficient performance, this Highline water-conserving toilet combines both style and function
- Class Five® flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness
- The elongated seat and chair-like height ensure comfortable use

**\$312.00**



### AquaSource White 1.28 GPF High Efficiency Watersense Elongated 2-Piece Toilet

★★★★★ (6 Reviews)

**\$149.00**

Item #: 395280 | Model #: LW0210W |

- Top-rated flushing power; 5-star and 1000 gram MaP score
- EPA WaterSense certified, high-efficiency 1.28 GPF saves water and money
- Meets Federal Guidelines and Americans with Disabilities Act for bowl height

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### KOHLER Wellworth White 1.28 GPF High Efficiency WaterSense Elongated Single 2-Piece Toilet

★★★★★ (1 Reviews)

**\$216.00**

Item #: 89230 | Model #: 3575-0 |

- This water-saving version of the industry-leading Wellworth toilet brings graceful, streamlined design to the bath
- Class Five® flushing technology provides tremendous bulk waste flushing performance and best-in-class bowl cleanliness
- 12" (30-1/2 cm) rough-in

[QuickView](#)

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### American Standard H2Option White 1.6 GPF WaterSense Elongated Dual-Flush 2-Piece Toilet

★★★★★ (2 Reviews)

**\$289.50**

Item #: 89243 | Model #: 2887.216.020 |

- Elongated dual flush toilet combination - tank and bowl
- High efficiency toilet with ultra low consumption meets EPA WaterSense™ criteria
- Siphonic action bowl with direct fed jet

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### KOHLER Bancroft White 1.28 GPF High Efficiency WaterSense Elongated Single 2-Piece Toilet

Not Yet Rated

**\$358.99**

Item #: 89230 | Model #: 3827-0 |

- Reminiscent of the traditional elegance of early American design of the 1900s
- Provides Comfort Height® and an elongated toilet for maximum comfort, performance and design
- Features Class Five® flushing technology for superior bulk waste removal

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## **Lowe's | customer reviews of American Standard 1.28GPF WaterSense toilet**

<[http://www.lowes.com/pd\\_297849-834-2568.128NT.020\\_4294737230%2B4294819945\\_\\_?productId=3309864&Ns=p\\_product\\_avg\\_rating|1&pl=1&currentURL=%3FNs%3Dp\\_product\\_avg\\_rating%7C1&facetInfo=Yes#BVRRWidgetID](http://www.lowes.com/pd_297849-834-2568.128NT.020_4294737230%2B4294819945__?productId=3309864&Ns=p_product_avg_rating|1&pl=1&currentURL=%3FNs%3Dp_product_avg_rating%7C1&facetInfo=Yes#BVRRWidgetID)>  
(accessed March 15, 2013)

### **American Standard Saver White 1.28 GPF High Efficiency WaterSense Elongated 1-Piece Toilet**

**NEVER STOP IMPROVING.**

FREE 1 to 3-D

Help | Weekly Ads | Gift C  
Credit Card Services v

MyLowe's | Departments v | Inspiration v | Projects v | Savings v | What are you looking for?

Home : Bathroom : Toilets & Toilet Parts : Yes :

American Standard Saver White 1.28 GPF High Efficiency  
WaterSense Elongated 1-Piece Toilet



**American Standard Saver White 1.28  
GPF High Efficiency WaterSense  
Elongated 1-Piece Toilet**

Item #: 297849 | Model #: 2568.128NT.020

★★★★★ 17 reviews | Write a review

**\$249.00**

 Enlarged Image  View Demo

## Cinch to install



tackleit

**Location:** Arlington, TX, USA **Time of Purchase:** within last month

**Place of Purchase:** online **Level of Expertise:** Intermediate

February 12, 2013

Ordered on line shipped to local Lowes. It arrived on schedule and I was notified by phone to pick it up.

True to the item description, everything I needed for the install was included. ( I bought a new water connector). Step by step big print illustrated instructions were great.

Looks good works great!

### Pros

High quality, Durable, simple install

I would recommend this to a friend

### Features:

5 / 5

### Value:

5 / 5

### Design:

5 / 5

### Quality:

5 / 5

### Ease of use:

5 / 5

Was this review helpful? 1 0 [Flag](#)

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## Nice toilet but...



Lucian

**Location:** Minneapolis, MN, USA **Time of Purchase:** within last month

**Place of Purchase:** online **Level of Expertise:** Intermediate

February 11, 2013

This toilet is efficient and looks great, but somehow I believe that the bowl cleaning power is not the best. The seat looks cheap, but it feels better than it looks. I might spend some extra money for my next toilet and buy a Kohler.

### Pros

High quality, Durable

### Cons

cleaning power

I would not recommend this to a friend

### Features:

4 / 5

### Value:

3 / 5

### Design:

3 / 5

### Quality:

4 / 5

### Ease of use:

5 / 5

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## You can't sit on the lid when closed!



**marcin**

**Location:** Indiana, USA **Time of Purchase:** within last month

**Place of Purchase:** online **Level of Expertise:** Intermediate

February 10, 2013

All the praises for this toilet, yet no one has pointed out that you can't sit on top of the closed seat without literally sinking in the cover. I'm only 190lbs and this closed lid will slide to the side, bow in significantly and make you get up before it breaks. For over two hundred bucks they can't include a solid lid? I have installed two of these today and noticed this problem later on. Now don't know really what to do. Spending fifty for each seat now? That's ridiculous. Our previous toilets were the standard shape, very solid oak so I can recycle them with this model.

### Pros

good flush

### Cons

lid is a joke

### Features:

3 / 5

### Value:

2 / 5

### Design:

3 / 5

### Quality:

2 / 5

### Ease of use:

4 / 5

I would not recommend this to a friend

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## Easy to install



TheClyde

**Location:** Wichita, KS, USA **Time of Purchase:** within last month

**Place of Purchase:** online **Level of Expertise:** Intermediate  
January 13, 2013

This toilet is a little heavy since it is one piece but it is the easiest I have ever installed. The toilet flushes with one flush every time, and I am extremely happy with it. I replaced one that cost half again as much but did not work as well, also I had trouble with it leaking on two occasions. I would definitely recommend this to anyone looking for a new one.

### Pros

High quality, Durable

I would recommend this to a friend

### Features:

4 / 5

### Value:

5 / 5

### Design:

5 / 5

### Quality:

5 / 5

### Ease of use:

5 / 5

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## Saver White 1.28 GPF High Elongated 1-Piece Toilet



Melissa1-piece

**Location:** Melissa, TX, USA **Time of Purchase:** 1-3 months ago

**Place of Purchase:** in store **Level of Expertise:** Beginner  
January 14, 2013

The American Standard Saver White 1.28 GPF High Elongated 1-piece Toilet is a good buy, easy to install, works great and is comfortable also. It is a special order on the Lowe's website. The order came in exactly on the day predicted by Lowe's however using the website to obtain the product was difficult. I had to go to the store to place the order. Apart from that inconvenience, I am very glad I purchased it and would buy another when the time comes for an additional bathroom.

### Pros

High quality, Durable

I would recommend this to a friend

### Features:

5 / 5

### Value:

5 / 5

### Design:

5 / 5

### Quality:

4 / 5

### Ease of use:

5 / 5

Was this review helpful? 7 0 [Flag](#)

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## My first one piece toilet.



dolfan4ever

**Location:** Colorado **Time of Purchase:** within last month

**Place of Purchase:** online **Level of Expertise:** Beginner

October 13, 2012

This is my first one piece toilet I have bought, and I have to say that it does not disappoint. First off, I ordered it through Lowes.com. It arrived at my Lowes in 4 days, pretty quick. Second, the installation was easy. It actually is a no tools needed for installation toilet, less the tools needed to take the old toilet out. It even comes with a tool to tighten down the seat. Third, you know how when you install a new toilet you have the usual nut and washer that holds the toilet down. This does not come with that. Yes you heard me correctly, it does not come with it. Instead, it comes with a knob type hold down that you can twist on with your fingers and it holds it to the floor better than the nuts and washers do. The wax ring that comes with it is a deluxe wax ring. The wax ring with a flange and that is better than a regular wax ring that other toilets come with. Fourth, the flush. The blow hole, the hole in the bottom of the toilet that actually flushes the waste away is about 2x1 inch wide, which means it will not clog easily and it has good flushing power for a gravity fed flushing system. Oh by the way the description does not say it, but this is a Cadet 3 flushing system if anyone is wondering. It has the Everclean surface which stays clean longer, although this does not mean you should not clean it. The only two negatives are the seat, its plastic and it's just like any other plastic seat and the flush lever looks a little cheap. That or maybe it's because it is chrome. I will probably replace the seat with a wood slow close seat and get a flush handle that is better looking. Also for people that have trouble getting on and off the toilet, it's ADA compliant. It is watersense labeled too, which is plus. So it's only 1.28 gallons per flush.

### Pros

High quality, Durable

### Cons

the seat, the handle, it's chrome

### Features:

 5 / 5

### Value:

 4 / 5

### Design:

 5 / 5

### Quality:

 5 / 5

### Ease of use:

 4 / 5

## Flushes well!



**MegaVolt**

**Location:** Murrysville, PA **Time of Purchase:** within last month

**Place of Purchase:** online **Level of Expertise:** Intermediate

September 10, 2012

I chose this particular toilet because it was rated to flush solids well (with only 1.28 gallons) and I wanted a one-piece toilet at a reasonable price. It has performed as promised; much, much better than the old American Standard that used three gallons per flush and sometimes required a second flush. All parts necessary for installation were included; a "deluxe" wax ring with the plastic "funnel", the attachment bolts with threaded sleeves that keep the bolts upright to make aligning the holes in the toilet easier, and a nice seat (with some toilets you must purchase the seat separately). Another plus: The flush valve was a Fluidmaster, much less expensive to service than the bronze American Standard flush valve on another one piece toilet I installed a while back. Only disappointment was that the seat height was two inches higher than the dimension shown on the Lowe's website.

### Features:

 4 / 5

### Value:

 4 / 5

### Design:

 5 / 5

### Quality:

 5 / 5

### Ease of use:

 5 / 5



### Pros

flushes well.

### Cons

wrong specs

I would recommend this to a friend

Was this review helpful? 15  2  [Flag](#)

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## THE VERY BEST TOILET EVER!!!



Dejavoo

**Location:** Albuquerque, NM, USA **Time of Purchase:** over 1 year ago

**Place of Purchase:** in store **Level of Expertise:** Intermediate

August 8, 2012

I installed my first one nearly 4 years ago in our guest bathroom. It has performed effortlessly ever since and it has NEVER failed on one flush. The design is impressive because it uses gravity to flush rather than forcing water around the bowl. It flushes perfectly first time, every time. I was so impressed that I purchased a second one for our second bathroom over one year ago. Again, that one performs perfectly! Now, I'm purchasing a third one for our master bathroom. I cannot thank American Standard enough for designing this perfect, perfect toilet. NO MORE FLUSHING MORE THAN ONCE TO RID THE BOWL OF #2! Buy this one. You will NOT regret it!

**Features:**

 5 / 5

**Value:**

 5 / 5

**Design:**

 5 / 5

**Quality:**

 5 / 5



**Ease of use:**

 5 / 5

### Pros

High quality, Durable, perfect flush!

I would recommend this to a friend

Was this review helpful? 19  0  [Flag](#)

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