



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

AGENDA

DURHAM TOWN COUNCIL

MONDAY, FEBRUARY 3, 2014
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. Public Comments
- IV. Special Announcements
 - Drawing of candidate names running for elected offices to establish order of listing on the March 11, 2014 Town Election ballot –Lorrie Pitt, Town Clerk-Tax Collector; Town Moderator Chris Regan
- V. Approval of Minutes – None
- VI. Councilor and Town Administrator Roundtable
- VII. **Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*
 - A. Shall the Town Council, upon recommendation of the Administrator, approve a Special Event Permit application submitted by the Oyster River High School Friends of Oyster River Track to close certain sections of Town roads for its annual “Todd’s Trot” 5K road race on Saturday, April 12, 2014?
 - B. Shall the Town Council, upon recommendation of the Administrator, accept the recommendations of the Town Assessor relative to FY 2013 property tax abatements?
 - C. Shall the Town Council, upon recommendation of the Administrator, award a contract to Vanasse Hangen Brustlin, Inc. (VHB) in the amount of \$20,000 to create a Historic Resource Chapter of Durham’s Master Plan?

VIII. Committee Appointments - None

IX. Presentation Item

Update on the New Hampshire Preservation Alliance “Seven to Save” retreat and the Mill Pond Dam – Andrea Bodo, HDC/HC member

X. Unfinished Business – None

- A. Continued discussion on the Oyster River Integrated Watershed Plan Project - Town Engineer David Cedarholm and William Arcieri of Vanasse Hangen Brustlin, Inc.
- B. Discussion regarding the Administrator’s annual evaluation in accordance with the Employment Agreement between Mr. Selig and the Town

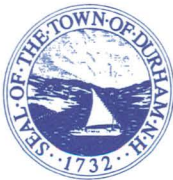
XI. New Business

- A. Discussion regarding a possible resolution expressing the Town of Durham’s support for the passage of Senate Bill 307 establishing a committee to review Citizens United amendments to the United States Constitution
- B. Other Business

XII. Nonpublic Session (if required)

XIII. Extended Councilor and Town Administrator Roundtable (if required)

XIV. Adjourn (NLT 10:30 PM)



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AGENDA ITEM: # **4**

DATE: February 3, 2014

COUNCIL COMMUNICATION

INITIATED BY: Adoption of Resolution #2007-01 dated 1/8/2007

AGENDA ITEM: DRAWING OF CANDIDATE NAMES RUNNING FOR ELECTED OFFICES TO ESTABLISH ORDER OF LISTING ON THE MARCH 11, 2014 TOWN ELECTION BALLOT – CHRISTOPHER REGAN, TOWN MODERATOR; LORRIE PITT, TOWN CLERK-TAX COLLECTOR

CC PREPARED BY: Jennie Berry, Administrative Assistant

CC PRESENTED BY: Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

In 2006, Town Moderator Christopher Regan addressed a letter to Council Chair Neil Niman which raised the question of whether Article 2, Section 2.6 of the Durham Town Charter was constitutional based upon a recent decision by the New Hampshire Supreme Court in Aikens v. Secretary of State.

Upon seeking the advice of the Town's attorney, Walter Mitchell, Administrator Selig and the Town Moderator ultimately agreed that the best method for listing candidates on Town election ballots would be to draw all of the candidates' names out of a hat and list them in the order by which they are drawn, and that this process would be accomplished by the Town Clerk under the observation of the Town Moderator.

On January 8, 2007, the Town Council adopted Resolution #2007-01 discontinuing the practice of listing candidates on Town election ballots in alphabetical order and instituting the method of listing candidates on Town election ballots by drawing candidates' names out of a hat and listing them in the order by which they are drawn.

The filing period for the March 11, 2014 Town Election closed on Friday, January 31, 2014. At Monday night's Council meeting, Town Clerk-Tax Collector Lorrie Pitt,

under the observation of Town Moderator Christopher Regan, will be present to draw all of the candidates' names running for elected offices out of a hat to determine the order for listing on the March 11, 2014 Town Election ballot.

LEGAL AUTHORITY:

Decision by the New Hampshire Supreme Court in Aikens v. Secretary of State.

LEGAL OPINION:

Letter from Walter Mitchell, Mitchell & Bates, dated November 29, 2006.

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

The Town Clerk-Tax Collector, under the observation of the Town Moderator, will be present at Monday night's meeting to draw all of the names of candidates running for elected offices out of a hat and list them on the March 11, 2014 Town Election ballot in the order by which they are drawn.



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7A
AGENDA ITEM:

DATE: February 3, 2014

COUNCIL COMMUNICATION

INITIATED BY:

John Parsons and Robert Heuchling, Friends of
Oyster River Track

AGENDA ITEM:

**SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE
ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT
APPLICATION SUBMITTED BY THE OYSTER RIVER HIGH
SCHOOL FRIENDS OF OYSTER RIVER TRACK TO CLOSE
CERTAIN SECTIONS OF TOWN ROADS FOR ITS ANNUAL
"TODD'S TROT" 5K ROAD RACE ON SATURDAY, APRIL 12, 2014?**

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

Attached is a special event permit application submitted by John Parsons and Robert Heuchling from the Oyster River High School Friends of Oyster River Track. This organization is requesting that certain portions of Town roads be closed from 10:00 to 11:30 AM on Saturday, April 12, 2014 to conduct its annual 5k "Todd's Trot" road race. (See attached race route).

This event was started ten years ago in memory of Mr. Heuchling's son, Todd, and a scholarship was established to benefit an Oyster River High School student each year. More information regarding this event can be viewed at www.toddstrot.org.

This event has been very successful in the past and the Town Administrator recommends approval of the permit request.

LEGAL AUTHORITY:

RSA 41:11 and RSA 47:17 authorize the Town Council to regulate the use of public highways.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, approve the road closure application submitted by the Oyster River High School Friends of Oyster River Track requesting that certain portions of Town roads be closed between the hours of 10:00 and 11:30 AM on Saturday, April 6, 2013, for the organization's annual "Todd's Trot" 5k road race.



TOWN OF DURHAM

TEL: (603) 868-5578

FAX: (603) 868-8063

Email:

publicworks@ci.durham.nh.us

PERMIT APPLICATION

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request

Use of Town Property

X

DATE OF EVENT: April 12, 2014 TIME(S) OF EVENT: 10:00 AM

NAME OF APPLICANT/ORGANIZATION: John Parsons / Robert Heuckling
F.O.R.T. (Friends of Oyster River Track)

NAME OF EVENT: Todd's Trot 5K Roadrace / Walk

PERSONAL CONTACT FOR THIS EVENT: John Parsons / Robert Heuckling

ADDRESS: Durham, NH

TELEPHONE NO.: DAY: John 868-2218 EVENING: Robert 868-7117

EMAIL: rheuckling@comcast.net

DETAILED DESCRIPTION OF REQUEST (Pertaining to amplified music, location, route of travel. Please attach maps denoting routes and road closures):

Roadrace begins & ends at Oyster River High School. There will be pre-race music & amplified announcements beginning at 9:00. A map of roadrace map is attached. The race goes through Carney Farms (water stop here) along Baydard Road to Middle School then loops back to High School.

ANTICIPATED NUMBER OF PARTICIPANTS:

450-500

ANTICIPATED NUMBER OF VEHICLES:

300

CERTIFICATE OF INSURANCE INFORMATION

As evidence of its financial ability to indemnify the Town of Durham, during the term of this agreement, the applicant shall obtain and pay premiums for Commercial General Liability insurance protecting the parties hereto, their agents, officers, elected officials, representatives, or employees because of bodily injury, property damage, personal injury or products liability incurred by the parties in the performance of the terms of this lease, such policy to provide limits no less than \$1 million per occurrence. A Certificate of Insurance naming the Town of Durham as an Additional Insured shall be provided.

Insurance Carrier:

USATP (United States Truck & Field New England)

Policy Number and Expiration Date:

pending

The undersigned hereby agrees, at its sole cost and expense, to defend, indemnify and hold harmless the Town of Durham and all associated, affiliated, allied and subsidiary entities of the Town, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, and contractors (hereinafter referred to as "indemnities") from and against any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses which may be imposed upon, incurred by or asserted against the indemnities by reason of any act or omission of the undersigned, its personnel, employees, agents, contractors or subcontractors which results in damage or injury of any kind to any person or any property and which arises out of or is any way connected with the activities permitted by this permit.

Robert Heuchling / Robert Heuchling
Printed Name and Signature of Event Coordinator/applicant

12/18/2013
Date

Parsons, John W. John W. Parsons
Printed Name and Signature of Principal/Owner/Authorizing Authority

12/20/2013
Date

FOR OFFICIAL USE ONLY

Reviewed by DPW
Comments:

☒ OK - Mike L.

Reviewed by PD
Comments:

☒ See attached - 6 OFFICERS FOR
TRAFFIC CONTROL

Reviewed by FD
Comments:

☒ See attached - 3 Requirements

Reviewed by P&R
Comments:

☒ See attached - OK

Approved:

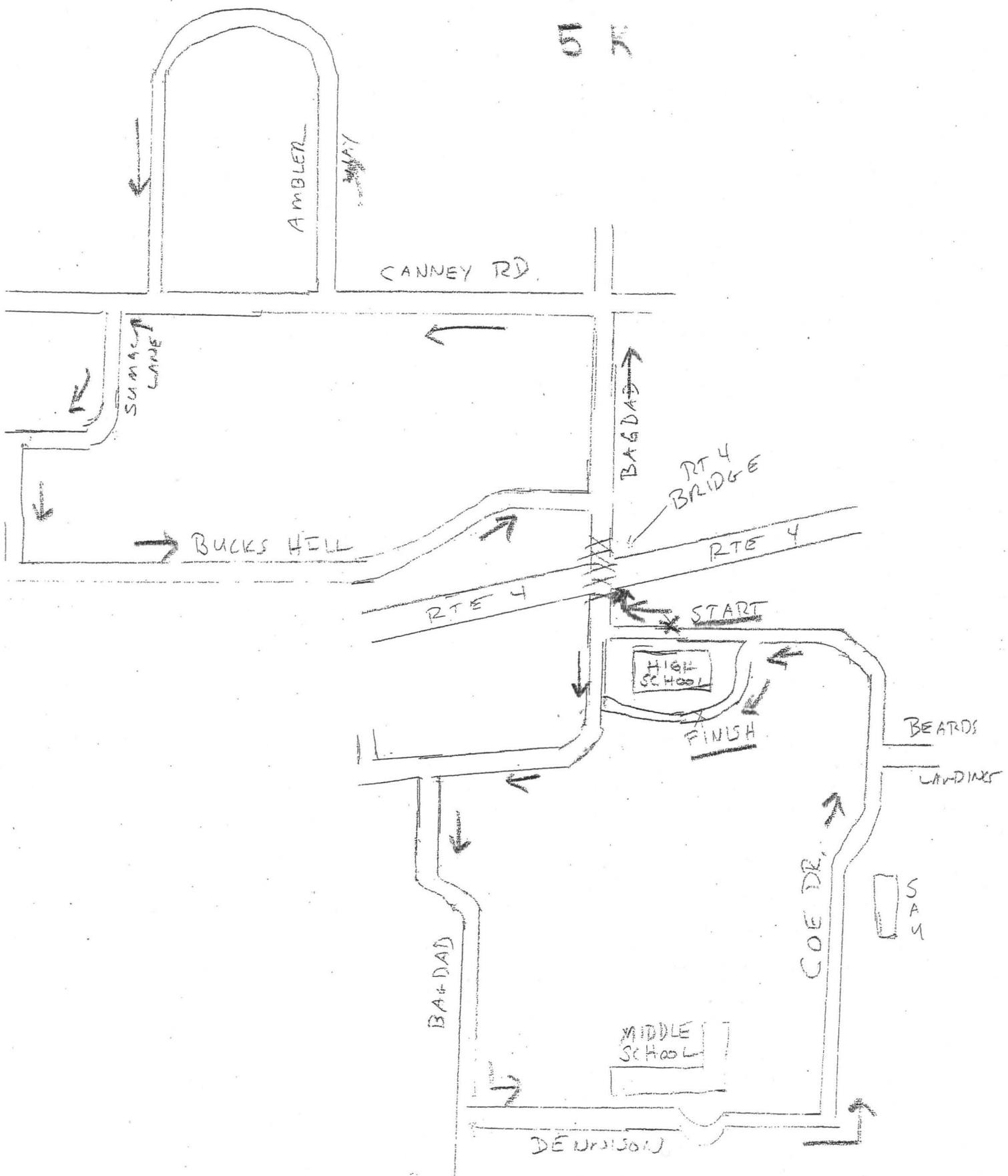


Todd I. Selig, Administrator

Date

TODD'S TROT

5 K



CERTIFICATE OF INSURANCE

DATE: 1/4/2014

CERTIFICATE NUMBER: 20131227220701

AGENCY:

ESIX Entertainment & Sports Insurance eXperts
5660 New Northside Drive, Suite 640
Atlanta, GA 30328
Phone: (678) 324-3300 Fax: (678) 324-3303

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

NAMED INSURED:

USA Track & Field, Inc.
132 East Washington Street, Suite 800
Indianapolis IN 46204

Friends of Oyster River Track

INSURERS AFFORDING COVERAGE:

INSURER A: Philadelphia Indemnity Ins. Co.

EVENT INFORMATION:

Todd's Trot (4/12/2014 - 4/13/2014)

POLICY/COVERAGE INFORMATION:

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S)	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	PHPK1092686	11/1/2013 12:01 AM	11/1/2014 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$3,000,000
	<input checked="" type="checkbox"/> Occurrence				EACH OCCURRENCE \$1,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$1,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$1,000,000
					PRODUCTS-COMP/OP AGG \$3,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

Coverage applies to USA Track & Field sanctioned events and registered practices, including any directly related activities, such as event set-up and tear-down, participant check-in and award ceremonies.

The certificate holder is additional insured but only for the liability arising out of the negligence of the named insured, per the following endorsement: Additional Insured - Certificate Holders (Form PI-AM-002).

CERTIFICATE HOLDER:

Town of Durham
100 Stone Quarry Dr
Durham NH 03824

NOTICE OF CANCELLATION:

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

AUTHORIZED REPRESENTATIVE:

Barbara Gehres

From: Rene Kelley
Sent: Tuesday, January 07, 2014 3:49 PM
To: Barbara Gehres
Subject: RE: Special Event Todds Trot

They know already – this has been on-going for about the last ten years.

Rene

From: Barbara Gehres
Sent: Tuesday, January 07, 2014 2:56 PM
To: Rene Kelley
Subject: RE: Special Event Todds Trot

Do you contact them?

From: Rene Kelley
Sent: Tuesday, January 07, 2014 2:44 PM
To: Barbara Gehres; Jason Cleary; Melissa Perusse; Stefanie Frazee; Janice Richard
Subject: RE: Special Event Todds Trot

Will require six police officers for traffic control.

Rene

From: Barbara Gehres
Sent: Tuesday, January 07, 2014 1:52 PM
To: Jason Cleary; Melissa Perusse; Rene Kelley; Stefanie Frazee; Janice Richard
Subject: Special Event Todds Trot

For your review

Thanks,
Barb

Barbara Gehres

From: Stefanie Frazee
Sent: Friday, January 10, 2014 2:52 PM
To: Barbara Gehres
Subject: Re: Special Event Todds Trot

OK with P&R.

Stefanie Frazee

Durham Parks & Recreation

2 Dover Rd

Durham, NH 03824

603.817.4074

[Home Page](#)

[Facebook](#)



From: Barbara Gehres <bgehres@ci.durham.nh.us>

Date: Tuesday, January 7, 2014 at 1:51 PM

To: Jason Cleary FD <jcleary@ci.durham.nh.us>, Melissa Perusse <mperusse@ci.durham.nh.us>, Rene Kelley <rkelley@ci.durham.nh.us>, Stefanie Frazee <sfrazee@ci.durham.nh.us>, Janice Richard <jrichard@ci.durham.nh.us>

Subject: Special Event Todds Trot

For your review

Thanks,
Barb

Barbara Gehres

From: Jason Cleary
Sent: Thursday, January 23, 2014 10:23 AM
To: rheuckling@comcast.net
Cc: John Powers; Corey Landry; Barbara Gehres; Rene Kelley; Melissa Perusse; Stefanie Frazee; Janice Richard
Subject: RE: Special Event Todd's Trot

Durham Fire has reviewed the permit application. DFD requires the following:

1. Roadway/runners will need to allow immediate emergency vehicle access in the case of an emergency.
2. Any on-site Emergency Medical personnel / first aid personnel will need to contact the Durham Fire Department in advance of the event (two-weeks prior) to coordinate potential emergency response.
3. On-site safety personnel/race officials will need to be able to contact Fire/Police/EMS via 911 by cell phone for any emergency situation.

Please call if you have any questions.

Jason

Jason M. Cleary, EFO
Assistant Chief of the Department
Tactical Paramedic

Durham Fire Department
51 College Rd.
Durham, NH 03824

Office: 603-862-3206
Main: 603-862-1426
Fax: 603-862-1513



From: Barbara Gehres
Sent: Tuesday, January 07, 2014 1:52 PM
To: Jason Cleary; Melissa Perusse; Rene Kelley; Stefanie Frazee; Janice Richard
Subject: Special Event Todds Trot

For your review

Thanks,



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AGENDA ITEM: **# 7B**

DATE: February 3, 2014

COUNCIL COMMUNICATION

INITIATED BY: Jim Rice, Assessor

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, ACCEPT THE RECOMMENDATIONS OF THE TOWN ASSESSOR RELATIVE TO FY 2013 PROPERTY TAX ABATEMENTS?

CC PREPARED BY: Jennie Berry, Administrative Assistant

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

AGENDA DESCRIPTION:

Each year the Town receives requests for property tax abatements. The deadline for filing abatement requests is March 3, 2014 because March 1st falls on a Saturday. The Town must respond to the applicants in writing by July 1, 2014 or the application is automatically denied.

The Assessor's Office has reviewed abatement requests received to date, conducted site inspections, and met with those property owners who requested a meeting. These inspections and meetings have been held on an ongoing basis. Once these meetings concluded, the Assessor reviewed the requests in more detail and formulated recommendations. Attached is Town Assessor Jim Rice's detailed explanation and recommendation for each individual abatement request. Mr. Rice's recommendations are also included in the attached spreadsheet that includes the applicant's name, parcel number, property location, current assessment, recommendation, updated assessment, difference, refund amount and reason for recommended action. If the taxpayer is dissatisfied with the decision of the Town, s/he may appeal the abatement to the New Hampshire Board of Tax and Land Appeals or Superior Court.

LEGAL AUTHORITY:

RSA 76:16 describes the process for the apportionment, assessment, and abatement of property taxes.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

As part of the FY 2014 budget, the Town of Durham has appropriated \$125,000 to be used for tax abatement/appeal purposes. To date, the Town has abated \$546.00 to taxpayers who appealed their assessments to the Board of Tax and Land Appeals for tax year 2012. This appeal has been settled. The Assessor recommends abating an additional \$3,109.96 to taxpayers who appealed their assessments to date for tax year 2013, for a total of \$3,655.96.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Assessor and consent of the Administrator, approve the FY 2013 Property Tax abatements totaling \$3,109.96 for the properties at 1 Tom Hall Road, 18 Emerson Road, 3 Bayview Road, 18 Orchard Drive, 121 Dover Road, 19 Littlehale Road, and 37 Main Street

2013 Abatement Requests

Map & Lot	Owner	Address	Current Assessment	Taxpayers Requested Assessment	Taxpayers Requested \$ Change	Assessor's Abatement Recommendation	Assessor's Revised Assessment	Assessor's Recommended \$ Change	Total Abatement Amount*
1-9-43	Joann Githens	1 Tom Hall Road	\$262,600	\$214,400	\$48,200	GRANT	\$238,300	\$24,300	\$738.96
1-16-14	Stephen & Kimberly Nadeau	18 Emerson Road	\$398,500	\$375,000	\$23,500	GRANT	\$382,300	\$16,200	\$492.64
4-41-4	Jay Connor	3 Bayview Road	\$168,500	\$145,000	\$23,500	GRANT	\$148,500	\$20,000	\$680.20
6-2-14	Helena & Richard England	18 Orchard Dr.	\$400,800	\$356,712	\$44,088	GRANT	\$394,100	\$6,700	\$203.75
10-8-5	Ying Shi	121 Dover Road	\$267,500	\$254,500	\$13,000	GRANT	\$241,400	\$26,100	\$793.70
10-12-4	Richard & Jean Kearney	19 Littlehale Road	\$243,500	\$228,000	\$15,500	GRANT	\$236,900	\$6,600	\$200.71
Totals:			\$1,741,400	\$1,573,612	\$167,788		\$1,641,500	\$99,900	\$3,109.96

*Abatement amounts do not include interest at 6% per annum from date paid to refund date per RSA 76-17-a.



*TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8065
Fax: 603/868-8033*

ABATEMENT RECOMMENDATION

DATE: January 9, 2013

TOWN OF: Durham

TO: Town Council

FROM: Jim Rice, CNHA

OWNER: Joann Githens
1 Tom Hall Road
Durham, NH 03824

REPRESENTATIVE: N/A

PROPERTY LOCATION: 1 Tom Hall Road, Durham, NH 03824

PID: 1-9-43

PROPERTY TAX YEAR APPEALED: 2013

APPLICATION FILING DATE W/MUNICIPALITY: December 4, 2013 (Filing deadline is 3/1/2014):

INVENTORY FILING DATE (Filing Date April 15th): N/A

ASSESSMENT APPEALED: \$262,600

Municipalities may abate taxes "for good cause shown." RSA 76:16. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by showing poverty and inability to pay the tax. If the abatement application is based on disproportionate assessment, the taxpayer has the burden to show how the assessment was disproportionate. To carry this burden the taxpayer must show:

- a. What the property was worth (market value) on the assessment date.
- b. The property's "equalized assessment" exceeded the property's market value. To calculate the equalized assessment, simply divide the assessment by the municipality's equalization ratio (assessment ÷ ratio). Because a property's market value is a crucial issue, **taxpayers must have an opinion of the market value estimate. Obtaining an appraisal or presenting sales of comparable properties can show this value estimate.**

COMMENTS: Per RSA 76:16, the owner has applied for an abatement of property taxes paid for tax year 2013 because she believes her revised assessment of \$262,600 exceeded market value as of 4/1/13. To carry her burden of proof per RSA 76:16-a, the taxpayer stated that there are discrepancies pertaining to the physical data on her assessment record card and the location of the property near Route 4 was not factored into the assessment.

My review of her assessment revealed that the land portion of her assessment was already depreciated 10% due to its location near the intersection of Route 4 and Madbury Road. As part of the statistical update, those properties that abut Route 4 were consistently depreciated 5% for traffic volume and noise. The subject property was depreciated an additional 5% for its location at the intersection of Route 4 and Madbury Road because traffic becomes extremely heavy and congested during peak commuting hours.

After inspecting the interior of the property 1/9/14, I recommend the following adjustments be made to her assessment record card:

- 1) Adjust the exterior wall covering from Cedar/Redwood to Wood Shingles.
- 2) Adjust the overall condition from "Good" to "Average". The house was constructed in 1963. Although the house has been regularly maintained over the years, it still has most of its original features (ie) kitchen, bathrooms, and windows. Therefore, it is considered to be in average condition for its age.
- 3) Add the 4'x 8' front entry stoop to the sketch.
- 4) Apply 5% functional depreciation for electric baseboard heat on the second floor.

These adjustments reduce the assessment from \$262,600 to \$238,300. I recommend granting her abatement request for the assessed value difference of \$24,300. This calculates to an abatement of \$738.96 ($\$24.3 \times \30.41) plus interest at six percent per annum from the date paid to refund date per RSA 76-17-a. **If the taxes have not been paid, then no refund or interest is due.**

If you have any questions regarding this information, please don't hesitate to contact me.

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT				2303 DURHAM, NH VISION
GITHENS, JOANN 1 TOM HALL RD DURHAM, NH 03824 Additional Owners:						Description	Code	Appraised Value	Assessed Value	
						RESIDNTL	1010	169,100	169,100	
						RES LAND	1010	79,800	79,800	
						RESIDNTL	1010	500	500	
SUPPLEMENTAL DATA										VISION
Other ID:		69	PRECINCT							
		L/B	HEART							
			FREEZE							
			Vision ID 69							
PHOTO										VISION
GIS ID:			ASSOC PID#							
						Total		249,400	249,400	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)								
GITHENS, JOANN						0		Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
								2012	1010	157,100	2011	1010	157,100	2010	1010	157,100
								2012	1010	72,000	2011	1010	72,000	2010	1010	72,000
								2012	1010	1,100	2011	1010	1,100	2010	1010	1,100
								Total:		230,200	Total:		230,200	Total:		230,200

EXEMPTIONS				OTHER ASSESSMENTS					This signature acknowledges a visit by a Data Collector or Assessor		
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.			
			Total:						<div>APPAISED VALUE SUMMARY</div> <div>Appraised Bldg. Value (Card)166,300</div> <div>Appraised XF (B) Value (Bldg)2,800</div> <div>Appraised OB (L) Value (Bldg)500</div> <div>Appraised Land Value (Bldg)79,800</div> <div>Special Land Value0</div> <div>Total Appraised Parcel Value249,400</div> <div>Valuation Method:C</div> <div>Adjustment:0</div> <div>Net Total Appraised Parcel Value249,400</div>		
ASSESSING NEIGHBORHOOD											
NBHD/ SUB		NBHD NAME		STREET INDEX NAME		TRACING		BATCH			
0/A											
NOTES											
100'FTG TOM HALL ROAD PER TAX MAP.											
131'FTG SCOTLAND ROAD PER TAX MAP.											
FUNC DEP = ELECTRIC BB HEAT 2ND FLOOR.											
LCOND = ROUTE 4/MADBURY RD INFLUENCE.											

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		
									01/09/2014			JR	51	Abatement Insp.		
									08/08/2013			DG	15	Field Review		
									07/28/2005			RD	11	Cyclical insp M&L		
									05/09/2002			DP	00	Measur+Listed		
									05/07/2002			DP	01	Measur+1Visit		

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			16,971	SF	5.22	1.0000	1	1.0000	0.90	50	1.00	DIRT RD/RTE 4	N	0.000			4.70	79,80
Total Card Land Units:						0.39	AC	Parcel Total Land Area: 0.39 AC							Total Land Value:						79,80

Property Location: 1 TOM HALL ROAD

MAP ID: 01/ 9/ 43/ /

Bldg Name:

State Use: 1010

Vision ID: 69

Account # 1826

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 01/21/2014 10:17

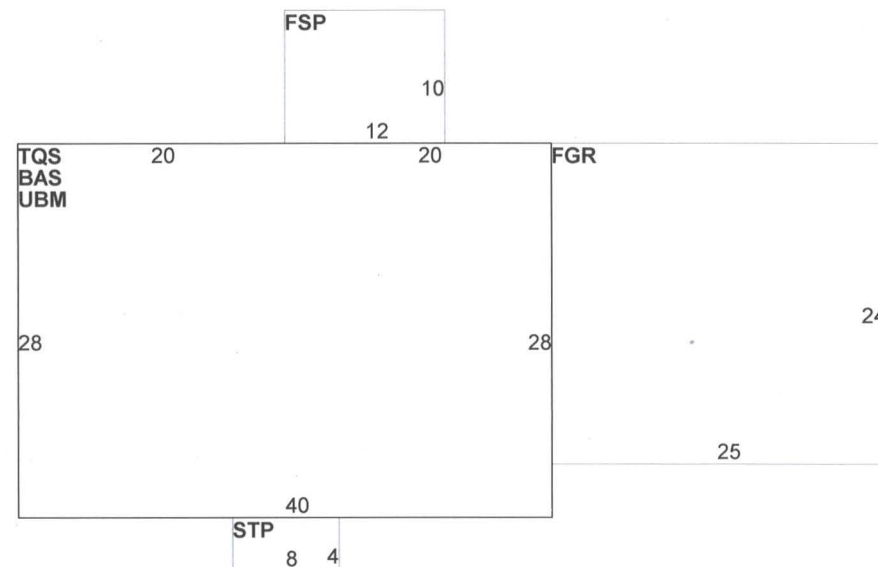
CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	04		Cape Cod				
Model	01		Residential				
Grade	03		Average				
Stories	1.75		1 3/4 Stories				
Occupancy	1						
Exterior Wall 1	14		Wood Shingle				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F GlS/Cmp				
Interior Wall 1	05		Drywall/Sheet				
Interior Wall 2							
Interior Flr 1	14		Carpet				
Interior Flr 2	12		Hardwood				
Heat Fuel	02		Oil				
Heat Type	05		Hot Water				
AC Type	01		None				
Total Bedrooms	04		4 Bedrooms				
Total Bthrms	2						
Total Half Baths	0						
Total Xtra Fixtrs							
Total Rooms	7		7 Rooms				
Bath Style							
Kitchen Style							

MIXED USE

Code	Description	Percentage
1010	Single Fam MDL-01	100

COST/MARKET VALUATION

Adj. Base Rate:	85.42
Net Other Adj:	209,877
Replace Cost	9,000.00
AYB	218,877
EYB	1963
Dep Code	1989
Remodel Rating	AV
Year Remodeled	
Dep %	24
Functional ObsInc	0
External ObsInc	0
Cost Trend Factor	1
Condition	
% Complete	
Overall % Cond	76
Apprais Val	166,300
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	



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
RD1	RES DRIVEW.			L	1	1,000.00	1980		0		50
FPL3	2 STORY CHI			B	1	3,700.00	1989		1		100

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	1,120	1,120	1,120	85.42	95,670
FGR	Garage, Framed	0	600	240	34.17	20,501
FSP	Porch, Screen Framed	0	120	30	21.36	2,563
STP	Stoop	0	32	3	8.01	256
TQS	Three Quarter Story	840	1,120	840	64.07	71,753
UBM	Basement, Unfinished	0	1,120	224	17.08	19,134

Ttl. Gross Liv/Lease Area: 1,960 4,112 2,457 218,877





*TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8065
Fax: 603/868-8033*

ABATEMENT RECOMMENDATION

DATE: January 17, 2013

TOWN OF: Durham

TO: Town Council

FROM: Jim Rice, CNHA

OWNER: Stephen E. & Kimberly A. Nadeau
18 Emerson Road
Durham, NH 03824

REPRESENTATIVE: N/A

PROPERTY LOCATION: 18 Emerson Road, Durham, NH 03824

PID: 1-16-14

PROPERTY TAX YEAR APPEALED: 2013

APPLICATION FILING DATE W/MUNICIPALITY: January 9, 2014 (Filing deadline is 3/1/2014):

INVENTORY FILING DATE (Filing Date April 15th): N/A

ASSESSMENT APPEALED: \$398,500

Municipalities may abate taxes "for good cause shown." RSA 76:16. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by showing poverty and inability to pay the tax. If the abatement application is based on disproportionate assessment, the taxpayer has the burden to show how the assessment was disproportionate. To carry this burden the taxpayer must show:

- a. What the property was worth (market value) on the assessment date.
- b. The property's "equalized assessment" exceeded the property's market value. To calculate the equalized assessment, simply divide the assessment by the municipality's equalization ratio (assessment ÷ ratio). Because a property's market value is a crucial issue, **taxpayers must have an opinion of the market value estimate. Obtaining an appraisal or presenting sales of comparable properties can show this value estimate.**

REASON(S) FOR ABATEMENT:

- 1) The subject property is disproportionately assessed when compared to abutting properties because they have superior interior finish (ie) upgraded kitchen/bathrooms, mechanical systems, etc...yet are all "graded" as the same quality regarding architectural design, materials and construction.

ASSESSOR'S COMMENTS:

The subject property was constructed by Joseph Caldarola, who also constructed the abutting properties.

ASSESSOR'S RECOMMENDATIONS:

After inspecting the interior of the property with the owners 1/17/14, I recommend making the following adjustments to their assessment record card:

- 1) Adjust the sketch correcting the story height and unfinished attic area.
- 2) Adjust the paved driveway from RD2 to RD1 due to the length of the driveway.
- 3) Apply 3% functional depreciation for interior deferred maintenance. There is unfinished flooring in one bedroom

These adjustments reduce the assessment from \$398,500 to \$382,300. I recommend granting their abatement request for the assessed value difference of \$16,200. This calculates to an abatement of \$492.64 ($\$16.2 \times \30.41) plus interest at six percent per annum from the date paid to refund date per RSA 76-17-a. **If the taxes have not been paid, then no refund or interest is due.**

If you have any questions regarding this information, please don't hesitate to contact me.

Property Location: 18 EMERSON ROAD

MAP ID: 01/ 16/ 14/ /

Bldg Name:

State Use: 1010

Vision ID: 100092

Account #4790

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 01/21/2014 10:13

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT				<div>2303 DURHAM, NH</div> <div>VISION</div>										
NADEAU, STEPHEN E NADEAU, KIMBERLY A 18 EMERSON RD						Description	Code	Appraised Value	Assessed Value											
						RESIDENTIAL	1010	290,800	290,800											
						RES LAND	1010	91,000	91,000											
DURHAM, NH 03824 Additional Owners:		SUPPLEMENTAL DATA				RESIDENTIAL	1010	500	500											
Other ID: 2731		PRECINCT HEART FREEZE																		
PHOTO GIS ID:		Vision ID ASSOC PID#																		
						Total		382,300	382,300											
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)												
NADEAU, STEPHEN E SMITHFIELD CONST. CO. INC.		2366/ 466 2277/ 792	08/27/2001 02/27/2001	Q U	I V	329,933 166,500	1N	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value				
								2012	1010	315,900	2011	1010	315,900	2010	1010	315,900				
								2012	1010	64,800	2011	1010	64,800	2010	1010	64,800				
								2012	1010	2,000	2011	1010	2,000	2010	1010	2,000				
						Total:		382,700	Total:	382,700	Total:	382,700	Total:	382,700						
EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor												
Year	Type	Description	Amount	Code	Description	Number	Amount					Comm. Int.								
2008	VTCT	VETERAN'S CREDIT	200																	
Total:			200																	
ASSESSING NEIGHBORHOOD																				
NBHD/ SUB		NBHD NAME		STREET INDEX NAME		TRACING		BATCH												
0001/A																				
NOTES																				
FD = DEFERRED MAINTENANCE																				
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						
01-09	02/12/2001	NC	New Construct	136,000	12/04/2001	100	08/23/2001		01/17/2014			JR	00	Measur+Listed						
									09/20/2013			RT	41	Hearing Change						
									08/07/2013			DG	15	Field Review						
									09/02/2005			RD	12	Cyclical insp no entry						
									12/04/2001			RD	00	Measur+Listed						
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			20,000	SF	4.55	1.0000	1	1.0000	1.00	50	1.00	N	0.000		4.55	91,000	
Total Card Land Units:						0.46	AC	Parcel Total Land Area: 0.46 AC						Total Land Value:						91,000

Property Location: 18 EMERSON ROAD

MAP ID: 01/ 16/ 14/ /

Bldg Name:

State Use: 1010

Vision ID: 100092

Account #4790

Bldg #: 1 of 1

Sec #: 1 of 1

Card 1 of 1

Print Date: 01/21/2014 10:13

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	04		Cape Cod				
Model	01		Residential				
Grade	05		Average +20				
Stories	1.75		1 3/4 Stories				
Occupancy	1			MIXED USE			
Exterior Wall 1	25		Vinyl Siding	Code	Description		Percentage
Exterior Wall 2				1010	Single Fam MDL-01		100
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F GlS/Cmp				
Interior Wall 1	05		Drywall/Sheet				
Interior Wall 2				COST/MARKET VALUATION			
Interior Flr 1	12		Hardwood	Adj. Base Rate:		93.30	
Interior Flr 2	14		Carpet			317,407	
Heat Fuel	03		Gas	Net Other Adj:		15,360.00	
Heat Type	04		Forced Air-Duc	Replace Cost		332,767	
AC Type	01		None	AYB		2001	
Total Bedrooms	04		4 Bedrooms	EYB		2003	
Total Bthrms	2			Dep Code		AV	
Total Half Baths	1			Remodel Rating			
Total Xtra Fixtrs	3			Year Remodeled			
Total Rooms	8			Dep %		10	
Bath Style	02		Average	Functional ObsInc		3	
Kitchen Style	02		Modern	External ObsInc		0	
				Cost Trend Factor		1	
				Condition			
				% Complete			
				Overall % Cond		87	
				Apprais Val		289,500	
				Dep % Ovr		0	
				Dep Ovr Comment			
				Misc Imp Ovr		0	
				Misc Imp Ovr Comment			
				Cost to Cure Ovr		0	
				Cost to Cure Ovr Comment			



*TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8065
Fax: 603/868-8033*

ABATEMENT RECOMMENDATION

DATE: January 6, 2013

TOWN OF: Durham

TO: Town Council

FROM: Jim Rice, CNHA

OWNER: Jay Connor
3 Bayview Road
Durham, NH 03824

REPRESENTATIVE: N/A

PROPERTY LOCATION: 3 Bayview Road, Durham, NH 03824

PID: 4-41-4

PROPERTY TAX YEAR APPEALED: 2013

APPLICATION FILING DATE W/MUNICIPALITY: December 11, 2013 (Filing deadline is 3/1/2014):

INVENTORY FILING DATE (Filing Date April 15th): N/A

ASSESSMENT APPEALED: \$168,500

Municipalities may abate taxes "for good cause shown." RSA 76:16. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by showing poverty and inability to pay the tax. If the abatement application is based on disproportionate assessment, the taxpayer has the burden to show how the assessment was disproportionate. To carry this burden the taxpayer must show:

- a. What the property was worth (market value) on the assessment date.
- b. The property's "equalized assessment" exceeded the property's market value. To calculate the equalized assessment, simply divide the assessment by the municipality's equalization ratio (assessment ÷ ratio). Because a property's market value is a crucial issue, **taxpayers must have an opinion of the market value estimate. Obtaining an appraisal or presenting sales of comparable properties can show this value estimate.**

COMMENTS: The owner has applied for an abatement per RSA 76:16 because he believes that as a result of the 2013 statistical update, his assessment of \$168,500 no longer reflects the deferred maintenance caused by water damage to his ceilings.

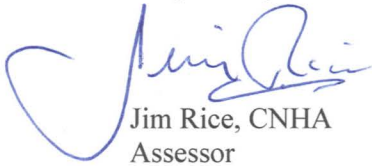
After reviewing the revised assessment, it was noted that KRT Appraisal removed the functional depreciation (and notes) of 15% that was applied to the house for the cost to cure the water damaged areas in the house. To date, the water damage has not been repaired.

Therefore, I recommend re-applying the functional depreciation and notes. This adjustment reduces the assessment from \$168,500 to \$148,500.

I recommend granting HIS abatement request for the assessed value difference of \$20,000. This calculates to an abatement of \$680.20 ($\$20.00 \times \30.41) plus interest at six percent per annum from the date paid to refund date per RSA 76-17-a. **If the taxes have not been paid, then no refund or interest is due.**

If you have any questions regarding this information, please don't hesitate to contact me.

Respectfully Submitted;



Jim Rice, CNHA
Assessor

Property Location: 3 BAYVIEW ROAD

MAP ID: 04/ 41/ 4/ /

Bldg Name:

State Use: 1010

Vision ID: 376

Account #2725

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 01/21/2014 10:20

CURRENT OWNER					TOPO.	UTILITIES	STRT/ROAD	LOCATION	CURRENT ASSESSMENT				<div>2303 DURHAM, NH</div> <div>VISION</div>							
CONNOR, JAY									Description	Code	Appraised Value	Assessed Value								
3 BAYVIEW RD									RESIDENTIAL	1010	53,400	53,400								
DURHAM, NH 03824									RES LAND	1010	95,100	95,100								
Additional Owners:					SUPPLEMENTAL DATA															
					Other ID: 388 L/B	PRECINCT HEART FREEZE														
					PHOTO GIS ID:	Vision ID 376 ASSOC PID#														
									Total				148,500							
RECORD OF OWNERSHIP					BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)									
CONNOR, JAY					0000/0000	06/10/1994	U	I	0		Yr.	Code	Assessed Value	Yr.	Code	Assessed Value				
CONNOR ESTATE OF DOROTHY									0	2012	1010	66,000	2011	1010	66,000					
CONNOR DOROTHY									0	2012	1010	80,200	2011	1010	80,200					
										Total:				146,200						
										Total:				146,200						
										Total:				146,200						
EXEMPTIONS					OTHER ASSESSMENTS					This signature acknowledges a visit by a Data Collector or Assessor										
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.												
2013	EL65	ELDERLY EXEMPTION 65-74	125,000																	
Total:			125,000																	
ASSESSING NEIGHBORHOOD																				
NBHD/ SUB		NBHD NAME		STREET INDEX NAME		TRACING		BATCH												
0/A																				
NOTES																				
2009 - NEW BOILER																				
ORIGINAL KITCHEN & BATHS																				
FD = WATER DAMAGE TO CEILING.																				
										APPRAISED VALUE SUMMARY										
										Appraised Bldg. Value (Card)					53,400					
										Appraised XF (B) Value (Bldg)					0					
										Appraised OB (L) Value (Bldg)					0					
										Appraised Land Value (Bldg)					95,100					
										Special Land Value					0					
										Total Appraised Parcel Value					148,500					
										Valuation Method:					C					
										Adjustment:					0					
										Net Total Appraised Parcel Value					148,500					
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						
									01/06/2014			JR	51	Abatement Insp.						
									08/08/2013			DG	15	Field Review						
									01/03/2013			JR	45	Value Change Town						
									12/16/2010	01		JR	00	Measur+Listed						
									06/10/2002			DP	00	Measur+Listed						
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			19,860 SF	4.58	1.0000	1	1.0000	0.95	60	1.10	TOPO	N	0.000		4.79	95,100	
Total Card Land Units:						0.46	AC	Parcel Total Land Area:						0.46	AC	Total Land Value:				95,100

Vision ID: 376

Bldg Name:

State Use: 1010

Account #2725

Bldg #: 1 of 1 **Sec #:** 1 of 1 **Card** 1 of 1

Print Date: 01/21/2014 10:20

		BAS FBM	
WDK	UEP		
8	8	8	13
BAS UBM	12		13
15			1
		25	
BAS UGR		25	
12			1
		25	
UEP			
		23	8

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	857	857	857	106.12	90,945
FBM	Basement, Finished	0	182	64	37.32	6,792
UBM	Basement, Unfinished	0	375	75	21.22	7,959
UEP	Porch, Enclosed, Unfinished	0	248	124	53.06	13,159
UGR	Garage, Undergrade	0	300	90	31.84	9,551
WDK	Deck, Wood	0	64	6	9.95	637
Ttl. Gross Liv./Lease Area:		857	2,026	1,216		133,542



*TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8065
Fax: 603/868-8033*

ABATEMENT RECOMMENDATION

DATE: January 10, 2013

TOWN OF: Durham

TO: Town Council

FROM: Jim Rice, CNHA

OWNER: Richard & Helena England
18 Orchard Drive
Durham, NH 03824

REPRESENTATIVE: N/A

PROPERTY LOCATION: 18 Orchard Drive, Durham, NH 03824

PID: 6-2-14

PROPERTY TAX YEAR APPEALED: 2013

APPLICATION FILING DATE W/MUNICIPALITY: December 10, 2013 (Filing deadline is 3/1/2014):

INVENTORY FILING DATE (Filing Date April 15th): N/A

ASSESSMENT APPEALED: \$400,800

Municipalities may abate taxes “for good cause shown.” RSA 76:16. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by showing poverty and inability to pay the tax. If the abatement application is based on disproportionate assessment, the taxpayer has the burden to show how the assessment was disproportionate. To carry this burden the taxpayer must show:

- a. What the property was worth (market value) on the assessment date.
- b. The property’s “equalized assessment” exceeded the property’s market value. To calculate the equalized assessment, simply divide the assessment by the municipality’s equalization ratio (assessment ÷ ratio). Because a property’s market value is a crucial issue, **taxpayers must have an opinion of the market value estimate. Obtaining an appraisal or presenting sales of comparable properties can show this value estimate.**

COMMENTS: Per RSA 76:16, the owners have applied for an abatement of property taxes paid in 2013 due to discrepancies pertaining to the physical characteristics on the assessment record card. Also, as a result of the 2013 statistical update they believe their assessment decreased disproportionately when compared to other "high end" properties located on Orchard Drive.

After inspecting the interior of the property 1/10/14, I recommend making the following adjustments to their assessment record card:

- 1) Adjust the interior flooring to include hardwood floors.
- 2) Adjust the bathroom count from 3 to 2.5.
- 3) Adjust the fireplace from gas to wood burning.
- 4) Adjust the sketch to include vaulted ceilings, crawl spaces and finished basement areas.
- 5) Adjust the 9'x 14' patio to a front entry stoop.
- 6) Apply 2% functional obsolescence for the basement finish. This area has wall to wall carpet, suspended tile ceilings, electric baseboard heat and painted concrete walls, which is more indicative of a recreation room, and is substandard when compared to a finished basement.
- 7) Adjust the overall condition from "good" to "average". The house was constructed in 1990 and although has been well maintained, is original with no major renovations. Therefore, the house is considered to be in average condition for its age.

Also, after reviewing their revised assessment, it is consistently and equitably assessed when compared to those identified in their abatement application.

These adjustments reduce the assessment from \$400,800 to \$394,100. I recommend granting their abatement request for the assessed value difference of \$6,700. This calculates to an abatement of \$203.75 ($\$6.7 \times \30.41) plus interest at six percent per annum from the date paid to refund date per RSA 76-17-a.

If the taxes have not been paid, then no refund or interest is due.

If you have any questions regarding this information, please don't hesitate to contact me.

Property Location: 18 ORCHARD DRIVE

MAP ID: 06/ 2/ 14/ /

Bldg Name:

State Use: 1010

Vision ID: 508

Account # 1841

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 01/21/2014 10:22

CURRENT OWNER						TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT				<div>2303 DURHAM, NH</div> <div>VISION</div>						
ENGLAND, RICHARD WILLIAM										Description	Code	Appraised Value	Assessed Value							
ENGLAND, HELENA LENN										RESIDENTL	1010	287,800	287,800							
18 ORCHARD DRIVE										RES LAND	1010	104,800	104,800							
DURHAM, NH 03824										RESIDENTL	1010	1,500	1,500							
Additional Owners:						SUPPLEMENTAL DATA														
Other ID: 522						PRECINCT														
L/						HEART														
						FREEZE														
PHOTO						Vision ID 508														
GIS ID:						ASSOC PID#														
						Total				394,100				394,100						
RECORD OF OWNERSHIP						BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)								
ENGLAND, RICHARD WILLIAM											0	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
												2012	1010	308,600	2011	1010	308,600	2010	1010	308,600
												2012	1010	98,800	2011	1010	98,800	2010	1010	98,800
												2012	1010	2,200	2011	1010	2,200	2010	1010	2,200
												Total:	409,600	Total:	409,600	Total:	409,600	Total:	409,600	
EXEMPTIONS						OTHER ASSESSMENTS						This signature acknowledges a visit by a Data Collector or Assessor								
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																				
FBM=WW CARPET, PAINTED CONCRETE WALLS, SUSPENDED TILE CEILING, ELEC BB HEAT. FUNC DEP = FBM FINISH.																				
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						
08-317	08/29/2008	RE	Remodel	11,800	04/01/2009	100	04/01/2009	Re-roof	01/10/2014			JR	45	Value Change Town						
02-81	06/07/2002	AD	Addition	16,000	04/23/2003	100	09/20/2002	Three seasoned porch	08/02/2013			DG	15	Field Review						
									05/24/2007			RD	00	Measur+Listed						
									04/23/2003			RD	00	Measur+Listed						
									06/03/2002			DP	00	Measur+Listed						
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	RB			40,000 SF	2.38	1.0000	1	1.0000	1.00	60	1.10		N	0.000		2.62	104,800	
Total Card Land Units:						0.92	AC	Parcel Total Land Area: 0.92 AC						Total Land Value:						104,800

Print Date: 01/21/2014 10:22

1 Card 1 of 1

A large, dark-colored house with a steep, gabled roof and multiple windows, surrounded by lush green trees and a well-maintained lawn. A paved driveway leads to the house.A large, dark-colored house with a steep, gabled roof and multiple windows, surrounded by lush green trees and a well-maintained lawn. A paved driveway leads to the house.A large, dark-colored house with a steep, gabled roof and multiple windows, surrounded by lush green trees and a well-maintained lawn. A paved driveway leads to the house.



*TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8065
Fax: 603/868-8033*

ABATEMENT RECOMMENDATION

DATE: January 10, 2013

TOWN OF: Durham

TO: Town Council

FROM: Jim Rice, CNHA

OWNER: Ying Shi
121 Dover Road
Durham, NH 03824

REPRESENTATIVE: N/A

PROPERTY LOCATION: 121 Dover Road, Durham, NH 03824

PID: 10-8-5

PROPERTY TAX YEAR APPEALED: 2013

APPLICATION FILING DATE W/MUNICIPALITY: January 6, 2014 (Filing deadline is 3/1/2014):

INVENTORY FILING DATE (Filing Date April 15th): N/A

ASSESSMENT APPEALED: \$267,500

Municipalities may abate taxes “for good cause shown.” RSA 76:16. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by showing poverty and inability to pay the tax. If the abatement application is based on disproportionate assessment, the taxpayer has the burden to show how the assessment was disproportionate. To carry this burden the taxpayer must show:

- a. What the property was worth (market value) on the assessment date.
- b. The property’s “equalized assessment” exceeded the property’s market value. To calculate the equalized assessment, simply divide the assessment by the municipality’s equalization ratio (assessment ÷ ratio). Because a property’s market value is a crucial issue, **taxpayers must have an opinion of the market value estimate. Obtaining an appraisal or presenting sales of comparable properties can show this value estimate.**

COMMENTS: Per RSA 76:16, the owner has applied for an abatement of property taxes paid in 2013 citing that his "neighbors properties have significantly decreased in 2013" while his assessment increased from \$254,400 to \$267,500.

After inspecting the interior of the property 1/10/14, I recommend making the following adjustments to his assessment record card:

- 1) Adjust the fireplace from gas to wood burning.
- 2) Apply 10% functional obsolescence due to water damage to the ceilings in the kitchen and dining room and the bathrooms
- 3) Adjust the overall condition from "average" to "fair". Although the house was constructed in 1985, the interior has not been well maintained and in need of renovations.

These adjustments reduce the assessment from \$267,500 to \$241,400. I recommend granting their abatement request for the assessed value difference of \$26,100. This calculates to an abatement of \$793.70 ($\$26.1 \times \30.41) plus interest at six percent per annum from the date paid to refund date per RSA 76-17-a. **If the taxes have not been paid, then no refund or interest is due.**

If you have any questions regarding this information, please don't hesitate to contact me.

Property Location: 121 DOVER ROAD

MAP ID: 10/ 8/ 5/ 1

Bldg Name:

State Use: 1010

Vision ID: 1058

Account #5075

Bldg #: 1 of 1

Sec #: 1 of 1

Card 1 of 1

Print Date: 01/21/2014 10:24

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT														
SHI, YING						Description	Code	Appraised Value	Assessed Value											
121 DOVER ROAD						RESIDNTL	1010	151,100	151,100											
DURHAM, NH 03824						RES LAND	1010	87,000	87,000											
Additional Owners:						RESIDNTL	1010	3,300	3,300											
SUPPLEMENTAL DATA																				
Other ID: 1072		PRECINCT																		
L/		HEART																		
		FREEZE																		
PHOTO		Vision ID 1058																		
GIS ID:		ASSOC PID#																		
						Total		241,400	241,400											
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)												
SHI, YING		3669/ 184	08/07/2008	Q	I	255,000		Yr.	Code	Assessed Value	Yr.	Code	Assessed Value							
JACKSON, DAVID P		2588/ 643	09/27/2002	Q	I	249,933		2012	1010	148,800	2011	1010	148,800							
PLANT, WILLIAM A & SUSAN E		1934/0229	06/24/1997			129,900		2012	1010	100,500	2011	1010	100,500							
								2012	1010	5,200	2011	1010	5,200							
								Total:	254,500	Total:	254,500	Total:	254,500							
EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor												
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																				
200'RD FTG.				2013-BOILER/H2O TANK REPLACED.																
KITCHEN-RED OAK FLAT PANEL CABINETS W/				275 GALLON OIL TANK.																
LAMINATE C-TOPS, VINYL FLR.				RADON MIDIGATION SYSTEM.																
BATHROOMS-OAK CABINETS, C-TILE FLRS.				DINING-BLTIN CABINET, OAK FLRS, BAY WNDW																
ORIGINAL KITCH & BATHS.				FUNC DEP=INT COND.																
200 AMP ELEC ENT.																				
BUILDING PERMIT RECORD																				
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result						
98-138	10/08/1998	AD	Addition	1,500	07/19/2002	100	06/08/2000	ADD SHED	01/10/2014			JR	45	Value Change Town						
98-39	04/15/1998	AD	Addition	2,000	07/19/2002	100	06/07/2000	BUILD DECK	08/07/2013			DG	15	Field Review						
									03/24/2003			RD	00	Measur+Listed						
									07/19/2002			DP	01	Measur+1 Visit						
									04/07/1999			DL	00	Measur+Listed						
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	OR			43,560 SF	2.20	1.0000	1	1.0000	0.95	40	0.85	SHARED DRIVE	N	0.000		1.78	77,500	
1	1010	Single Fam MDL-01	OR			2.12 AC	4,500.00	1.0000	0	1.0000	1.00		0.00		N	0.000		4,500.00	9,500	
Total Card Land Units:						3.12 AC	Parcel Total Land Area:						3.12 AC	Total Land Value:						87,000

Property Location: 121 DOVER ROAD

MAP ID: 10/ 8/ 5/ 1

Bldg Name:

State Use: 1010

Vision ID: 1058

Account #5075

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 01/21/2014 10:24

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	01		Ranch				
Model	01		Residential				
Grade	04		Average +10				
Stories	1		1 Story				
Occupancy	1			MIXED USE			
Exterior Wall 1	11		Clapboard	Code	Description		Percentage
Exterior Wall 2				1010	Single Fam MDL-01		100
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	05		Drywall/Sheet	COST/MARKET VALUATION			
Interior Wall 2				Adj. Base Rate:			
Interior Flr 1	12		Hardwood	98.65			
Interior Flr 2	14		Carpet	197,099			
Heat Fuel	02		Oil	Net Other Adj:			
Heat Type	05		Hot Water	9,900.00			
AC Type	01		None	Replace Cost			
Total Bedrooms	03		3 Bedrooms	206,999			
Total Bthrms	2			AYB			
Total Half Baths	0			1985			
Total Xtra Fixtrs				EYB			
Total Rooms	8		8 Rooms	1995			
Bath Style				Dep Code			
Kitchen Style				FR			
				Remodel Rating			
				Year Remodeled			
				Dep %			
				18			
				Functional ObsInc			
				10			
				External ObsInc			
				0			
				Cost Trend Factor			
				1			
				Condition			
				% Complete			
				Overall % Cond			
				72			
				Apprais Val			
				149,000			
				Dep % Ovr			
				0			
				Dep Ovr Comment			
				Misc Imp Ovr			
				0			
				Misc Imp Ovr Comment			
				Cost to Cure Ovr			
				0			
				Cost to Cure Ovr Comment			



*TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8065
Fax: 603/868-8033*

ABATEMENT RECOMMENDATION

DATE: January 13, 2013

TOWN OF: Durham

TO: Town Council

FROM: Jim Rice, CNHA

OWNER: Richard & Jean Kearney
19 Littlehale Road
Durham, NH 03824

REPRESENTATIVE: N/A

PROPERTY LOCATION: 19 Littlehale Road, Durham, NH 03824

PID: 10-12-4

PROPERTY TAX YEAR APPEALED: 2013

APPLICATION FILING DATE W/MUNICIPALITY: January 7, 2014 (Filing deadline is 3/1/2014):

INVENTORY FILING DATE (Filing Date April 15th): N/A

ASSESSMENT APPEALED: \$243,500

Municipalities may abate taxes "for good cause shown." RSA 76:16. Good cause is generally established by showing an error in the assessment calculation or a disproportionate assessment. Good cause can also be established by showing poverty and inability to pay the tax. If the abatement application is based on disproportionate assessment, the taxpayer has the burden to show how the assessment was disproportionate. To carry this burden the taxpayer must show:

- a. What the property was worth (market value) on the assessment date.
- b. The property's "equalized assessment" exceeded the property's market value. To calculate the equalized assessment, simply divide the assessment by the municipality's equalization ratio (assessment ÷ ratio). Because a property's market value is a crucial issue, **taxpayers must have an opinion of the market value estimate. Obtaining an appraisal or presenting sales of comparable properties can show this value estimate.**

COMMENTS: Per RSA 76:16, the owners have applied for an abatement of property taxes paid in 2013 for the following reasons:

- 1) The close proximity and noise from Route 4 affects the value of their property.
- 2) When compared to similar style properties in the neighborhood, their revised assessment appears disproportionate. The Kearney's assessment increased from \$227,300 to \$243,500, while the assessments of those properties submitted as comparables changed minimally.

The assessment record card has already been adjusted for abutting Route 4.

After inspecting the interior of the property 1/13/14, I recommend making the following adjustments to their assessment record card:

- 1) Add a 4'x 9' front entry (stoop).
- 2) Add two 5'x 10' lean-to's that are attached to the 10'x 12' shed.
- 3) Add one 5'x 12' detached lean-to.
- 4) Adjust the overall condition from "good" to "average". The house was constructed in 1976 and has all the original features (kitchen, bathrooms, etc.). It is considered to be in average condition for its age.

These adjustments reduce the assessment from \$243,500 to \$236,900. I recommend granting their abatement request for the assessed value difference of \$6,600. This calculates to an abatement of \$200.71 ($\$6.6 \times \30.41) plus interest at six percent per annum from the date paid to refund date per RSA 76-17-a.

If the taxes have not been paid, then no refund or interest is due.

If you have any questions regarding this information, please don't hesitate to contact me.

Property Location: 19 LITTLEHALE ROAD

MAP ID: 10/ 12/ 4/ /

Bldg Name:

State Use: 1010

Vision ID: 1081

Account #2547

Bldg #: 1 of 1

Sec #: 1 of 1

Card 1 of 1

Print Date: 01/21/2014 10:25

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT				<div>2303</div> <div>DURHAM, NH</div> <div>VISION</div>									
KEARNEY, JEAN F & RICHARD A						Description	Code	Appraised Value	Assessed Value										
19 LITTLEHALE RD						RESIDNTL	1010	146,700	146,700										
DURHAM, NH 03824						RES LAND	1010	88,600	88,600										
Additional Owners:						RESIDNTL	1010	1,600	1,600										
SUPPLEMENTAL DATA																			
Other ID: 1096		PRECINCT HEART FREEZE																	
L/B		Vision ID 1081																	
PHOTO		ASSOC PID#																	
GIS ID:						Total					236,900								
											236,900								
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)											
KEARNEY, JEAN F & RICHARD A		1690/0430	08/13/1993		I	133,000		Yr.	Code	Assessed Value	Yr.	Code	Assessed Value						
TUCKER REVOCABLE TRUST ALISON		1276/0273	12/01/1986	Q	I	140,000	01	2012	1010	138,400	2011	1010	138,400						
								2012	1010	87,800	2011	1010	87,800						
								2012	1010	1,100	2011	1010	1,100						
								Total:		227,300	Total:		227,300						
								Total:		227,300	Total:		227,300						
EXEMPTIONS		OTHER ASSESSMENTS		This signature acknowledges a visit by a Data Collector or Assessor															
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																			
116'RD FTG; ABUTS ROUTE 4				LAND COND ADJ = ABUT RTE 4															
POST'N BEAM CONST- EXPOSED BEAMS.				XFOB 2,3 & 4 ATTACHED.															
LR, DR, DEN - PINE FLOORS																			
KITCHEN & BATHS - VINYL FLRS, LAMINATE																			
COUNTER-TOPS.																			
6 ZONE HEAT; 200 AMP ENT; CENT VAC.																			
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					
07-246	08/17/2007	RE	Remodel	0	04/01/2008	100	04/01/2008	Replace windows and do	01/13/2014			JR	51	Abatement Insp.					
									09/30/2013			RT	44	Change No Hearing					
									08/07/2013			DG	15	Field Review					
									07/22/2002			DP	00	Measur+Listed					
									01/13/1988			MC	00	Measur+Listed					
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			27,600 SF	3.38	1.0000	1	1.0000	0.95	50	1.00	RTE 4	N	0.000		3.21	88,600
Total Card Land Units:						0.63	AC	Parcel Total Land Area: 0.63 AC						Total Land Value:				88,600	

Property Location: 19 LITTLEHALE ROAD

MAP ID: 10/ 12/ 4/ /

Bldg Name:

State Use: 1010

Vision ID: 1081

Account #2547

Bldg #: 1 of 1

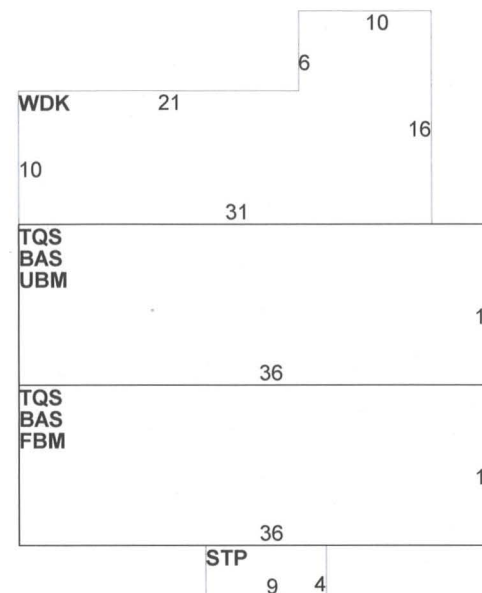
Sec #: 1 of 1 Card 1 of 1

Print Date: 01/21/2014 10:25

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	04		Cape Cod				
Model	01		Residential				
Grade	03		Average				
Stories	1.75		1 3/4 Stories				
Occupancy	1			MIXED USE			
Exterior Wall 1	11		Clapboard	Code	Description		Percentage
Exterior Wall 2				1010	Single Fam MDL-01		100
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	05		Drywall/Sheet	COST/MARKET VALUATION			
Interior Wall 2				Adj. Base Rate:		94.89	
Interior Flr 1	09		Pine/Soft Wood			169,853	
Interior Flr 2	14		Carpet	Net Other Adj:		9,000.00	
Heat Fuel	03		Gas	Replace Cost		178,853	
Heat Type	05		Hot Water	AYB		1976	
AC Type	01		None	EYB		1995	
Total Bedrooms	03		3 Bedrooms	Dep Code		AV	
Total Bthrms	2			Remodel Rating			
Total Half Baths	0			Year Remodeled			
Total Xtra Fixtrs				Dep %		18	
Total Rooms	7		7 Rooms	Functional Obslnc		0	
Bath Style				External Obslnc		0	
Kitchen Style				Cost Trend Factor		1	
				Condition			
				% Complete			
				Overall % Cond		82	
				Apprais Val		146,700	
				Dep % Ovr		0	
				Dep Ovr Comment			
				Misc Imp Ovr		0	
				Misc Imp Ovr Comment			
				Cost to Cure Ovr		0	
				Cost to Cure Ovr Comment			

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
RD1	RES DRIVEW.			L	1	1,000.00	1980		0		50	500
SHD1	SHED FRAME			L	120	14.00	2013		0		50	800
LNT	LEAN-TO			L	50	8.00	Null		0		25	100
LNT	LEAN-TO			L	50	8.00	Null		0		25	100
LNT	LEAN-TO			L	60	8.00	Null		0		25	100

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	864	864	864	94.89	81,985
FBM	Basement, Finished	0	432	151	33.17	14,328
STP	Stoop	0	36	4	10.54	380
TQS	Three Quarter Story	648	864	648	71.17	61,489
UBM	Basement, Unfinished	0	432	86	18.89	8,161
WDK	Deck, Wood	0	370	37	9.49	3,511
Tot. Gross Liv/Lease Area:		1,512	2,998	1,790		178,853





TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898

Tel: 603/868-5571

Fax: 603/868-5572

AGENDA ITEM:

7C

DATE: **February 3, 2014**

COUNCIL COMMUNICATION

INITIATED BY: Michael Behrendt, Director of Planning and Community Development

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD A CONTRACT TO VANASSE HANGEN BRUSTLIN, INC. IN THE AMOUNT OF \$20,000 TO DEVELOP A HISTORIC RESOURCES MASTER PLAN CHAPTER FOR DURHAM

CC PREPARED BY: Michael Behrendt

PRESENTED BY: Todd Selig, Town Administrator
Michael Behrendt, Director of Planning and Community Development

AGENDA DESCRIPTION:

The Planning Department would like to hire Vanasse Hangen Brustlin, Inc. (VHB) of Watertown, MA to write the Historic Resources Chapter of the Master Plan as part of the overall Master Plan which is now being updated (See VHB's attached Statement of Qualifications). The contract would be for a flat fee of \$20,000.

The Town was awarded a \$12,000 grant through the New Hampshire Division of Historical Resources Certified Local Government Program to develop a Historic Resources Master Plan. The Town has already allocated \$8,000 as its (40%) match. We distributed a Request for Qualifications to those included on the Division of Historical Resources list of consultants (the list was limited since the consultant must be a qualified architectural historian designed by the state). Unfortunately, only one firm was available - Vanasse Hanger Brustlin (VHB) of Watertown, MA.

An interview committee, composed of Peter Stanhope, Andrea Bodo, and Catherine Meeking (members of the Historic District/Heritage Commission (HDC)), along with Todd Selig and me, interviewed Rita Walsh and Nicole Benjamin-Ma of VHB. Fortunately, the interview committee was very impressed with Ms. Walsh and Ms. Benjamin-Ma and recommended to Administrator Selig that the firm be selected. Administrator Selig concurred and now this prospective contract is being brought to the Council for action. VHB is drafting a contract now which will be forwarded to us for review shortly. The contract will be a fixed price contract for \$20,000.

The Historic District Commission and Mr. Behrendt will oversee development of the chapter. The consultant will meet twice with the HDC, once with the Master Plan Advisory Committee, and once with the Planning Board. The consultant will help to organize a community forum to discuss Historic Resources issues. The Historic Resources consultant will coordinate with the overall Master Plan consultant (who we expect to hire soon) on integrating the Historic Resources chapter into the overall Master Plan.

The project, including adoption by the Planning Board, must be finished by September 30, 2014. The HDC seeks to make the Historical Resources Chapter a resource for developers as well as for the HDC, Planning Board, Town Council, Economic Development Committee, Zoning Board of Adjustment, and other Town boards and committees.

The Historic Resources Master Plan chapter will cover the entire town of Durham, along with the Historic District, and will include a brief history of the Town; a list of previously surveyed properties, including a map of identified resources; a summary of past preservation activities; and a section on goals and implementation strategies.

LEGAL AUTHORITY:

RSA 674:2 III. (h)

LEGAL OPINION:

Not applicable

FINANCIAL DETAILS:

The \$8,000 match from the Town was encumbered as part of the 2013 budget. The Town will receive a \$12,000 grant from the state.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, authorize awarding a contract with Vanasse Hangen Brustlin, Inc. of Watertown, Massachusetts in the amount of \$20,000 to develop a Historic Resources Master Plan Chapter for the Town.

TOWN OF DURHAM, NEW HAMPSHIRE
Request for Qualifications
Preservation Consultant
HISTORIC RESOURCES MASTER PLAN
November 12, 2013

Project

The Town of Durham seeks to hire a 36 CFR 61 qualified Architectural Historian to create a Historic Resources Chapter of the Town of Durham's Master Plan. We are currently updating all of the chapters in the master plan and this will be a separate chapter. Durham's last master plan was written in 2000 (<http://www.ci.durham.nh.us/planningandzoning/master-plan-approved-2000>). Only a few pages were dedicated to historic resources in that document.

The Historic Resources Master Plan will cover the entire town of Durham and will include a brief history of the town; a list of previously surveyed properties, including a map of identified resources; a summary of past preservation activities; and a section on goals and implementation strategies. In addition, the chapter will evaluate two distinct areas:

- 1) The existing Durham Historic District. The local district is virtually identical to the National Register District, established in 1980. This section of the Master Plan will discuss strategies for better protecting and enhancing the Historic and National Register Districts.
- 2) The rest of the Town. Durham has countless valuable historic resources outside of the Historic District. We will not be performing a comprehensive survey but would like to include a general overview of the resources and strategies for preserving them.

The Historic District and Heritage Commission (HDC) seeks to make the Historical Resources Chapter of the Master Plan a resource for developers as well as for the HDC, Planning Board, Town Council, Economic Development Committee, Zoning Board of Adjustment and other Town boards and committees.

Durham has a well-established and active Historic District Commission with a well-written ordinance. The Town also has detailed Architectural Regulations (administered by the Planning Board) that apply in the core areas.

Issues

Durham's historic character faces numerous challenges. There have been several large student housing projects built in recent years in the downtown and in outlying areas. There has been much public concern expressed about these buildings overwhelming Durham's small town historic character. Note that the central downtown area is not part of the historic district.

The historic district runs along Newmarket Road from south of Durham Point Road to the Durham Post Office on the edge of the downtown. Traffic along Route 108 has deleterious impacts upon a large portion of the district. Many of the properties accommodate student rentals, with disinterested absentee landlords and tenants unaware of the special character of the buildings.

The Mill Pond Dam on the Oyster River will likely need significant investment in repairs. Many in the environmental community favor removing the dam. However, due to the historic character of the dam, including its unique engineering features, and the scenic quality of Mill Pond, many citizens argue strongly for preserving it.

The University of New Hampshire has generally been an excellent steward of its many historic resources, such as Thompson Hall. The Town would like to engage in more of a dialogue about the University's historic properties and potentially include an overview of their resources and strategies to better protect them.

There are a number of outlying rural farmhouses and historic landscapes that are at risk of deterioration due to neglect. The plan should include a strategy for preserving them and archaeological resources, as well.

While the Master Plan is not a survey it will help the Town discuss whether the Historic District should be expanded at all or whether any new district might be created. The development of this chapter will be compatible with the New Hampshire Historic Preservation Plan and the statewide preservation planning process, and dovetail with the Granite State Futures plans being developed by the regional planning commissions. See the Town's website for more information:

http://www.ci.durham.nh.us/boc_historic

Process and Meetings

The Historic District Commission; Michael Behrendt, Town Planner; and Todd Selig, Town Administrator, will oversee development of the chapter. The HDC meets on the first Thursday of every month at 7:00 p.m. The Architectural Historian would work fairly independently but stay in regular communication with the Town Planner, largely by email, but via telephone as needed. The consultant must attend HDC meetings whenever the Master Plan is discussed. We would like you to address in the RFQ how many HDC meetings you might anticipate this issue being discussed and your availability to attend these meetings (Our estimate is for six meetings at this point). Note that the Town Planner has extensive experience with historic preservation planning, so he will be able to advise the Preservation Consultant, as needed, on a day-to-day basis.

Once a draft chapter has been approved by the HDC, it will be presented to the Master Plan Advisory Committee (MPAC) which was designated by the Planning Board to assist in reviewing master plan drafts. There will be approximately three meetings of the MPAC to review and endorse the draft. The MPAC meets on the first and third Thursdays of every month at 7:30 a.m. The consultant must attend these meetings.

Once the plan is endorsed by the MPAC it will be reviewed and approved by the Planning Board. The consultant must attend these meetings. Two or three are anticipated. The reviews by each body will occur at public meetings with substantive public involvement encouraged.

We will hold one public forum on the Historic Resources Master Plan Chapter to educate the public and obtain public input on related issues. We will invite members from other communities and the New Hampshire Division of Historical Resources to participate. The consultant would help plan this meeting and lead much of the discussion.

Thus, we anticipate approximately six HDC meetings, three MPAC meetings, two Planning Board meetings, and one public forum for a total of 12 meetings. We would like to keep this flexible however.

Project Timeframe

The project, including adoption by the Planning Board and completion of the Preservation Consultant's work, must be finished by September 30, 2014. A draft document must be ready for review by the New Hampshire Division of Historical Resources by July 28, 2014.

Budget

The project budget is a maximum of \$20,000. Please submit your expected overall budget based on the project description, hourly rates, and expected amount of time involved. The contract will likely be structured as reimbursement for time and materials with a total cost not to exceed \$20,000.

The Town was awarded a \$12,000 grant through the New Hampshire Division of Historical Resources Certified Local Government Program. The Town has allocated \$8,000 as its match.

The terms of the grant stipulate that the Preservation Consultant's hourly rate may not exceed \$82.49. We are still investigating whether or not this is the not to exceed amount.

Tasks

The Preservation Consultant will prepare a Historic Resources Chapter of the Master Plan. This will include all research and writing. It will be prepared following a standard format established for the other chapters of the master plan. There may be several maps required. The Preservation Consultant will coordinate with the Planning Department Administrative Assistant (who prepares maps) and/or other parties, as appropriate, such as the Strafford Regional Planning Commission, to develop the necessary map(s).

The Master Plan chapter, consistent with the other chapters, will discuss the issues confronting the community and establish a Vision, Goals, and Recommended Actions. The plan will include clearly stated, specific and attainable goals. Recommended actions might include proposed amendments to the Historic District Overlay Ordinance, additional studies and surveys to be performed, potential expansion of the existing local district, potential additional new historic districts, and creation of one or more neighborhood conservation districts.

The Master Plan chapter will include an overview (but not a survey) of historic resources in the town (see last page listing historic properties). The consultant must include a visit to the New Hampshire Division of Historical Resources in Concord to conduct a review of town files in order to add to the list of properties previously identified.

The consultant will submit updates and progress reports to the New Hampshire Division of Historical Resources as may be required.

Contact Information

Please feel free to contact Michael Behrendt, Director of Planning and Community Development (Town Planner) with any questions or comments at 603-868-8064 or mbehrendt@ci.durham.nh.us

Request for Qualifications

We seek a Preservation Consultant who: a) has significant experience with projects of this type; b) has significant knowledge about historic preservation; c) meets the requirements described in this document; d) is an excellent writer; e) works effectively with people; f) works independently while following direction from the Town; and g) can create an outstanding document on time and within budget (or below the stated budget).

Please provide information on your qualifications, who will work on the project, your/their hourly rates, your experience with projects of this kind, and information about how you would approach this project. The qualifications statement must be submitted via email to Michael Behrendt (mbehrendt@ci.durham.nh.us) by Friday, December 6, 2013 at 5:00 p.m. A hard copy must be mailed separately, postmarked by December 6, to the following address:

Michael Behrendt, AICP
Director of Planning and Community Development
Town of Durham
15 Newmarket Road
Durham, NH 03824

The Town may or may not conduct an interview(s) with the top candidate(s), and will make its selection shortly after the submission deadline.

Thank you for your consideration.

Partial List of Historic Properties In Durham

Town of Durham Historic District

(Virtually identical to the Durham Historic District on the National Register)

National Historic Landmark

General John Sullivan House – 22 Newmarket Road (listed 1972)

National Register of Historic Places

Durham Historic District – district along Main Street and Newmarket Road (listed 1980)

General John Sullivan House - 22 Newmarket Road (National Historic Landmarks are also listed on the National Register)

Smith Chapel – 45 Mill Pond Road (listed 2013)

Thompson Hall, University of New Hampshire - Main Street (listed 1996)

Wiswall Falls Mills Site - Wiswall Road (listed 1988)

Eligible for listing in the National Register of Historic Places

Doe-Mooney-Dame-Stevens Farms historic district

Mill Pond Dam – Newmarket Road

New Hampshire State Register

Folsom's Tavern - 1 Back River Road (listed 2006)

Eligibility for listing in the New Hampshire State Register

Mill Pond Dam – Newmarket Road

Smith Park Chapel - Mill Pond Road

Historic American Buildings Survey

Ebenezer Smith House - 20 Main Street

General John Sullivan House - 22 Newmarket Road

Old Courthouse - Newmarket Road and Dover Road

Pendergast Garrison - Packer's Falls Road - extant?

Town Pound - Newmarket Road

Woodman Garrison – destroyed by fire in 1896

New Hampshire Architecture: An Illustrated Guide (by Bryant F. Tolles, Jr., published by University Press of New England, 1979)

Durham Community Church - Main Street

Memorial Union Building, UNH - Main Street

New England Center, UNH - Strafford Avenue

Residence Complex, UNH (Christensen, Philbrook, Williamson buildings) - Evergreen Drive

Thompson Hall, UNH - Main Street

Durham – A Century in Photographs (book published by Arcadia Publishing in 1996)

Numerous properties included in the book

A Walking Tour of Durham (booklet developed by the Durham Historic Association and the UNH Kellogg Program Office. Published by Puritan Press June, 1992)

28 properties are highlighted. All of them are part of the Durham Historic District except for Smith Chapel.



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Planning, Assessing
and Zoning

December 19, 2013

Vanasse Hangen Brustlin, Inc.

Ref: 84095.13

Michael Behrendt, AICP
Director of Planning and Community Development
Town of Durham
15 Newmarket Street
Durham, New Hampshire 03824

Re: Proposal to prepare the preservation plan chapter of the Master Plan for the Town of Durham

Dear Mr. Behrendt:

Rita Walsh and Nicole Benjamin-Ma of VHB's cultural resources group are happy to present this proposal for the preparation of the preservation plan chapter of the Master Plan for the Town of Durham. We have extensive experience working with New Hampshire towns and the New Hampshire Division of Historical Resources (NHDHR), along with many other communities and private clients, to document and help preserve the state's cultural resources. Our qualifications and experience and our specific roles are included in the section after our approach to the plan's preparation.

Approach

VHB's cultural resources group has many years of experience in NH and with the types of issues described in the RFQ. We consider our interaction with the public on these projects as some of the most informative and enjoyable parts of the work. Our approach will include listening carefully to the concerns and ideas expressed by those most involved in the town's future. We believe that a strong emphasis on input from the HDC, residents, business and land owners, officials from various institutions and other stakeholders is very important, combined with our broader views on the resources, issues, and possible practices and programs that will help preserve Durham's historic character. The input of DHR staff and the Regional Planning Commission can add to the discussion and our understanding of the goals and objectives. We appreciate that a town's resources are complex and often interrelated, with strong connections between the green spaces, cultural resources, livability, and economic development that are important to each neighborhood.

No doubt more issues will be identified during the input process, but we can certainly place an emphasis on the issues you have already laid out. Our experience, which includes campus preservation planning, dam removal issues, economic development, National Register nominations and the historic tax credit and their implications, and involvement in the contentious relationships that property owners can have with preservation, will allow us to more quickly get to the heart of the issues. We will also research how other NH and regional towns have dealt with similar issues which can help pinpoint workable techniques to address the town's identified concerns. We will identify pros and cons that recommend the applicability of such practices to Durham.

While we have two primary staff members assigned to the project, our approach also includes conferring with other VHB staff on specific issues. We will take advantage of VHB's multi-disciplinary approach to projects, which means that we have a wide array of staff with skills and experience upon which we can draw. We will work with staff from our Bedford, NH office, but also the planning staff in our Watertown office for advice on public participation methods, urban design, and university relationship/development issues, among other topics. Our in-house archaeologist, Carol Weed, will assist us with ways to help preserve, but also make the community more aware, of significant archaeological resources.

We will also work with our GIS specialist to help map the previously inventoried and listed properties in the Town, areas that are recommended for future survey or areas that require more extension protection/attention/awareness. We understand that there are approximately 25 above ground inventory forms, not including area forms and National Register nominations, and about 20 previously recorded archaeological sites on file at the DHR office. Please note that the location of archaeological sites cannot be made publically available.

In order to understand the history and significance of Durham and its historic resources, we will perform research at local repositories, review the previously listed and inventoried property forms, talk with knowledgeable local people, and make some reconnaissance visits around the town.

We propose monthly or bi-monthly (every two months) written reports to NHDHR and the Town that document the plan preparation process and analysis of issues and possible solutions.

Meetings

We have reviewed the meetings schedule outlined in the RFQ and anticipate that 12-13 meetings are appropriate for this project. We propose the following numbers of types of meetings, as well as an introductory kick-off meeting in which we propose to review schedule, expectations, and overview issues. We'd also like to tour the town with you in order to visually connect buildings and places with the issues.

- Kick-off meeting in Durham
- 6 HDC meetings (evening meetings)
- 3 MPAC meetings (early morning meetings)
- 2-3 Planning Board
- 1 public forum. We would plan and lead this forum. We believe this forum should be held early in the plan preparation schedule, possibly March or April of 2014.

We also propose that, if possible, only one of us attend each meeting, except for an introductory kick-off meeting (which would be in addition to the meetings noted above) and the public forum. We would also like to propose conference calls in lieu of personally attendance at two meetings (1 MPAC meeting and one Planning Board meeting), if that is feasible. If it is not, we will attend all of the meetings in person.



Schedule and Deliverables

We propose the following general deliverables and schedule, but can be flexible with requested changes in the schedule.

January 2014	Selection and awarding of contract/Kick-off meeting/NHDHR site file research/Prepare preliminary outline of chapter components
February 2014	Attend HDC meeting/ Attend Planning Board meeting/Perform research at local repositories/Prepare preliminary map of previously inventoried and listed properties/Begin research on issues and possible solutions
March 2014	Attend HDC meeting/Perform research at local repositories/Conduct photography of the area taking advantage of leaf-off conditions/Continue research on issues and possible solutions/Public Forum (possible date)/Prepare minutes and analysis of public forum results
April 2014	Attend HDC meeting./Public forum (possible date)/Prepare minutes and analysis of public forum results
May 2014	Attend HDC meeting/Prepare initial sections of chapter
June 2014	Attend HDC meeting/Continue writing chapter sections
July 2014	Draft of plan to Town of Durham for review and edits/Attend MPAC meeting(s)
July 28, 201	Draft of plan to NHDHR
August 2014	Attend HDC meeting/Attend MPAC meeting(s)/ Attend Planning Board meeting(s)/Edits to plan as requested
September 2014	Attend Planning Board meeting(s)/Submission of final draft for review by Town of Durham
September 30, 2014	Submission of final product to Town of Durham and NHDHR

Staff Qualifications and Experience/Roles in this Project

Rita Walsh, Senior Preservation Planner, and **Nicole Benjamin-Ma**, Preservation Planner in VHB's cultural resources group in Watertown, MA will prepare the preservation plan chapter and its associated activities with the assistance of GIS specialist, **Dale Abbott** in our Bedford, NH office. Resumes for all three staff members are included with our proposal.

Rita Walsh is a 36CFR.61 qualified Architectural Historian and Historian, as she possesses over 31 years of historic preservation experience. Rita has been involved with over 50 projects, many of which required area and individual form preparation, compliance reviews, and mitigation measures in New Hampshire in the nearly 9 years she has been employed at VHB. Her experience with plans that involve historic resources has focused on many Massachusetts communities and several universities, detailed on her resume. Her varied background in many different types of historic preservation



projects, including historic tax credit applications; National Register nominations; Section 106, state and local review processes; interpretive brochures and exhibits; and cultural resources surveys enables her to provide an educated background in both the issues facing the town and possible solutions. Rita would serve as the project manager for this project, conduct public meetings, analyze issues and propose solutions, write sections of the chapter, and provide editing and quality control services.

Nicole Benjamin-Ma is a 36 CFR.61 qualified Architectural Historian and Historian with over 7 years of preservation experience in New Hampshire, Massachusetts, Maine, Vermont, Rhode Island, New York, and California. Nicole has worked on over 25 projects in New Hampshire in her 4-year tenure at VHB. Her role in this project would involve performing most of the research to identify previous and listed properties and best practices for dealing with the various preservation issues, assist with public meetings, and write the text for the plan with Rita Walsh.

Dale Abbott, Senior GIS analyst, provides GIS information and mapping, as well as figure preparation, for our historic preservation projects. Dale would prepare all figures that accompany the plan, which would include plotting all of the previously inventoried and listed properties, and likely additional figures that show areas recommended for future survey or district designation.

References

West Salisbury Historic District Area Form and Mitigation Measures

Margaret I. Warren, Town Administrator
Town of Salisbury, NH
9 Old Coach Road
Academy Hall
P. O. Box 214
Salisbury, NH 03268
(603) 648-2473
seloff@tds.net

Salem (MA) Neighborhood Conservation District Study and Point Neighborhood Survey and Preservation Plan

Jane Guy
Assistant Community Planning Director.
Department of Planning and Community Development
120 Washington Street
Salem, MA 01970
(978) 745-9595, ext. 5685
jguy@salem.com



Michael Behrendt
December 19, 2013
Page 5

Exeter Great Dam Feasibility Study and West Swanzey Dam Removal and Mitigation Measures

Deborah Loiselle
New Hampshire Department of Environmental Services
PO Box 95
Concord, NH 03302-0095
Street Address:
29 Hazen Drive
Concord, NH 03301
(603) 271-3406
deborah.loiselle@des.nh.gov

We would appreciate the opportunity to work with the Town of Durham on the preservation chapter of your Master Plan. Please contact me at 617-607-2967, my direct number, if you have any questions. Thank you for your consideration.

Sincerely,

VANASSE HANGEN BRUSTLIN, INC.

Rita Walsh

Rita Walsh
Senior Preservation Planner



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and Zoning



Rita Walsh

.....
Historic/Cultural Resources

.....
Rita Walsh is VHB's Senior Preservation Planner and meets the Secretary of the Interior's Professional Qualification Standards for an Architectural Historian and Historian (36 CFR 61). Ms. Walsh's relevant project experience includes the following:

Comprehensive Plans, Preservation Component

Prepared the historic and cultural resources components of master or comprehensive plans for several Massachusetts communities, including Southborough, Greenfield, Lincoln, New Bedford, and Charlton, and Bedford, New Hampshire.

Point Neighborhood Historic Resources Survey and Neighborhood Preservation Plan, Salem, MA

Contracted by the City of Salem to document and evaluate historic and architectural significance of buildings and structures and to prepare a preservation plan, in advance of a master plan, for the Point neighborhood in Salem. The assignment included the preparation of a substantial Massachusetts Historical Commission area inventory form for the entire neighborhood which included an analysis of the housing types built there between 1914 and 1917. The study produced a series of required reports which conformed to MHC survey methodology.

Suffolk University Institutional Master Plan/Preservation Plan and Survey, Boston, MA

Contributed to the institutional master plan preparation through identification, mapping, and evaluation of historic properties on and adjacent to the College's existing and planned building locations. Reviewed effects to historic properties and provided guidance to the College IMP team on various topics, including National Register criteria, implications of listing, and understanding of historic compliance review processes. Prepared preservation plan, which includes updated inventory forms for all Suffolk University-owned properties.

Boston College Institutional Master Plan, Boston and Newton, MA

Contributed to the institutional master plan preparation through identification, mapping, and evaluation of historic properties on and adjacent to the College's three campuses in Boston and Newton. Reviewed effects to historic properties and provided guidance to the College IMP team on various topics, including National Register criteria, implications of listing, and understanding of historic compliance review processes. Assisted the College with the demolition delay process for three buildings in the Brighton (Boston) campus.

Neighborhood Preservation District Feasibility Study, Salem, MA

Led and conducted a study sponsored by the City of Salem and the Massachusetts Historical Commission to consider the feasibility of a neighborhood preservation district ordinance in the city. Researched similar districts in numerous cities and states, prepared draft ordinance, and presented the concept and its implications at a series of public meetings. Wrote and oversaw the design of draft design guidelines publications for two neighborhoods studied more closely to determine the suitability of this type of district.

New Hampshire Surveys

Ms. Walsh has overseen and/or prepared New Hampshire Division of Historical Resources

Ms. Walsh has 31 years of experience in cultural resources compliance and historic preservation services. She provides expertise in a broad range of services including Section 106 reviews and other local and state compliance processes, historic preservation tax credit applications, National Register nominations, interpretive planning, and historical research. Ms. Walsh meets the Secretary of the Interior's Professional Qualification Standards for an Architectural Historian and Historian (36 CFR 61).

31 years of professional experience

(NHDHR) individual and area forms for a number of properties in the state. These forms include individual inventory forms for properties adjacent to NH 33 in Portsmouth, NH; project area, individual and area forms for many properties potentially affected by the Broad Street Parkway in Nashua, NH; area form and individual inventory form for the West Salisbury Historic District and Pingree Bridge in Salisbury, NH; project area forms for the Hampton Beach area in Hampton Beach and Exeter Great Dam area, Exeter, NH; individual form for the Tamworth Inn in Tamworth, NH; and the Portsmouth Middle School and Wentworth School individual inventory forms in Portsmouth, NH.

University of Massachusetts Amherst Historic Building Inventory, Amherst, MA

Directed survey of every building on the campus that was over 50 years old (early 19th century to 1961) and prepared National Register evaluations. The buildings were documented on Massachusetts Historical Commission (MHC) inventory forms. Provided technical guidance to UMASS Amherst Facilities department on the inventory process and implications of the National Register evaluations. Ongoing work for the University includes the preparation of Project Notification Forms for several buildings undergoing renovations or proposed for demolition and acting as cultural resources monitor for the restoration of the Campus Pond landscape.

Exeter Great Dam Removal Feasibility Study and Impacts Analysis, Exeter, NH

Assisted the Town of Exeter, NOAA and other project partners in a feasibility study for either the removal or modification of the existing 1914 Exeter Great Dam. Ms. Walsh's role was to oversee and prepare a Project Area form, individual inventory form for the dam, and to assist NOAA, the potential lead federal agency, on early Section 106 coordination efforts. She is also interacted with the identified consulting parties and with NHDHR to accomplish these coordination efforts.

Broad Street Parkway, Section 106 Services, Nashua, NH

In charge of the efforts to consult with the NHDHR, NHDOT, and the City of Nashua regarding a new Broad Street Parkway alternative. Oversaw inventory efforts for all buildings over 50 years old in the project area and prepared determination of effects sheets for all affected properties. Assisted in the preparation of the Memorandum of Agreement. Oversaw the completion of two NH Historic Property Documentation reports for two of the affected buildings.

Wild Meadows Wind Farm, Section 106 Services, Alexandria and Danbury, NH

Project manager for Section 106 services, which included preparation of a Request for Project Review form, Project Area Form, guidance to client, Iberdrola LLC and the US Army Corps of Engineers, and expert witness testimony. Participated in fieldwork and form preparation, which included an analysis of affected properties that were recommended for further investigation.

Portsmouth Middle School and Wentworth School, Section 106 Services, Portsmouth, NH

Assisted in the preparation of the Request for Project Review form, followed by the completion of New Hampshire Division of Historical Resources individual forms for two school buildings in central Portsmouth. The Wentworth School was proposed for demolition, while significant interior work and a new addition were proposed for the Portsmouth Middle School. Assisted the architect and City of Portsmouth through the compliance process and prepared draft Memorandum of Agreement.

Pingree Bridge Replacement Section 106 Services, West Salisbury, NH

Prepared New Hampshire Division of Historical Resources individual and area inventory forms for the 1893 Pingree Bridge and the surrounding rural area, respectively. Assignment also

includes extensive coordination with NHDOT and NHDHR on determination of effects and mitigation measures.

Proposed Hannaford Store Section 106 Services, Kingston, NH

From 2005-2009, Rita provided a number of services to assist the client's proposal to build a Hannaford grocery store at the intersection of Rt. 125 and Main Street in Kingston (which ultimately the client determined not to build). These services included review of local historic district guidelines to determine if the store's design was in accord and preparation of a detailed memo; preparation of a NHDHR Area Form which analyzed and recommended new boundaries for the National Register-eligible district; prepared tables which documented the criteria of effects; coordinated and presented information about the project at the public meetings and preparation of a Memorandum of Agreement and possible mitigation measures.

Homestead Dam Removal Section 106 Services, West Swanzey, NH

Oversaw preparation of an Individual Inventory Form for the Homestead Woolen Mill and Dam and for an Area Form for the West Swanzey Historic District. Prepared tables documenting the criteria of effects. Also prepared the products of two of the mitigation measures, which involved writing the text for a NH Historic Highway Marker and coordination and text preparation for a West Swanzey Historic District walking tour brochure.

Section 106 services, NH Route 33 Bridge Engineering Study, Portsmouth, NH

Researched the presence of previously inventoried above ground resources and compiled archival sources for the area of NH Route 33 between I-95 and Peverly Hill Road. Fieldwork involved photographic documentation, assessment of the condition of previously inventoried resources, and identification of new above ground resources along the corridor. Oversaw preparation of New Hampshire Division of Historical Resources inventory forms for 3 additional properties. Oversaw the preparation of a NH Historic Property Documentation report for the NH Route 33 bridge that was replaced with a new bridge.

National Register Nominations, OH, MA, RI, IN, MI, WV, KY, MI

Ms. Walsh has successfully prepared over 50 nominations, both for individual buildings and historic districts, in several states. Examples include the Elizabeth Township Rural Historic District in SW Ohio, the state's first rural historic district; several commercial downtown districts in Indiana, Ohio, and Kentucky; the Nuttallburg Coal Mining Complex in West Virginia; and the Pond Street, Athol High School, and Brown Schools in Massachusetts.

Historic Preservation Tax Credit Applications

Responsible for preparation of historic preservation tax credit applications for over 60 successful building rehabilitation projects in Massachusetts, Ohio, Rhode Island, and Indiana. Services included preparation of certification applications, advice to developers, architects, and contractors on the proper application of the Secretary of the Interior's Standards for Rehabilitation, and liaison with reviewers at the state historic preservation offices and National Park Service.

Interpretive Exhibits and Publications

Researched and wrote the text for interpretive panels and publications for several communities. Worked with graphic designers to choose images and appearance. Examples include outdoor panels on the early history of the University of Massachusetts in Amherst, an exhibit on the Framingham (MA) armory and training ground; West Swanzey (NH) walking tour brochure, and East Boston (MA) Immigration Station and 19th and 20th century immigration procedures.

Dorchester-Mattapan Preliminary Survey Plan, Dorchester, MA

Prepared a strategy for conducting an updated historic properties inventory of areas within Dorchester and Mattapan not previously investigated. The project included formulation of inventory priorities and criteria and the use of GIS to map both previously inventoried and designated properties and to indicate the location of new properties proposed for survey in the future. The study produced a series of required reports which conformed to MHC survey methodology.

Education

MS, Historic Preservation, University of Vermont, 1982
BA, Historic Preservation, University of Michigan, 1979

**Professional Registrations/
Certifications**

National Charrette Institute Charrette System™ Certificate
2007

**Affiliations/
Memberships**

Boston Preservation Alliance, Board Member
DOCOMOMO – Documenting and Conserving buildings, sites, and neighborhoods of the Modern Movement, New England Chapter, Board member
Preservation Massachusetts, Board Member
Vernacular Architecture Forum, New England Chapter, Board Member

Publications

Historic Bridge Preservation Made a Little Easier: Preservation of the Pingree Bridge, West Salisbury, NH, Historic Bridge Preservation Made Easy, ACEC-NH meeting, December 2011
East Boston Immigration Station: a History, with Nicole Benjamin-Ma and Dayl Cohen, 2012
Camp Curtis Guild: A History of Eastern Massachusetts State Rifle Range, 2007
History in the Making,: The Historic Tax Credit is a significant revitalization tool for historic buildings, Revitalization: The Magazine of Community Renewal and Natural Resource Restoration, March/April 2006
New Technologies in Survey: Dorchester and Mattapan Preliminary Survey Plan, presented at the MHC Statewide Historic Preservation Conference, September 20, 2006
The Blackstone Canal Preservation Study (MA), presented at the Blackstone Canal Symposium, November 3 & 4, 2006

An Honor and An Ornament: Public School Buildings in
Michigan, 2003

Main Street Walking Tour Brochure, Over-the-Rhine,
Cincinnati, Ohio, 2000

Education

MS, Historic Preservation, University of Vermont, 1982

BA, Historic Preservation, University of Michigan, 1979

**Professional
Registrations/
Certifications**

National Charrette Institute Charrette System™ Certificate
2007

**Affiliations/
Memberships**

Boston Preservation Alliance, Board Member

DOCOMOMO – Documenting and Conserving buildings,
sites, and neighborhoods of the Modern Movement, New
England Chapter, Board member

Preservation Massachusetts, Board Member

Vernacular Architecture Forum, New England Chapter,
Board Member

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Nicole Benjamin-Ma

.....
Preservation Planner

..... Rumney Historic Visioning Project, Rumney, NH

Ms. Benjamin-Ma is working with the Town of Rumney to identify effective practices and tools to promote the preservation and use of historic properties in the Town. The project is a mitigation measure for the adverse visual effects to Rumney's central village caused by the Groton Wind Farm in central New Hampshire. The visioning process involves public meetings and discussions with individual stakeholders to discuss needs and ideas, and the development of a walking tour brochure of the village.

Wild Meadows Wind Farm, Grafton and Merrimack Counties, NH

Ms. Benjamin-Ma is working with Iberdrola Renewables LLC on the required documentation to begin the permitting process for a new wind farm development in Alexandria, Grafton, and Danbury, New Hampshire. Documentation includes a New Hampshire Division of Historical Resources Project Area Form that contains a detailed narrative on the historical development and architectural character of the project area. Preparing this form includes fieldwork to identify and photograph properties over 50 years old, extensive historical research, and categorization and GIS-based mapping of all identified properties. The form also provides recommendations regarding future phases of investigation, including additional research and National Register evaluation. The project also required participation in a series of public meetings, attended by hundreds of local residents.

Exeter Great Dam Feasibility Study, Exeter, NH

Ms. Benjamin-Ma participated in the background research, writing, and compilation of a New Hampshire Department of Historical Resources (NHDHR) Individual Inventory Form and Project Area Form in association with the proposed removal or modification of the Great Dam in the village center of Exeter. The forms included a comprehensive historic narrative, archival research, and evaluation of a neighborhood near the downtown area that had not previously been studied.

Portsmouth Middle School and Wentworth School, Portsmouth, NH

As part of an architectural team, Ms. Benjamin-Ma prepared narrative history, architectural description, and figures for two New Hampshire Division of Historical Resources (NHDHR) individual inventory forms. Research required consulting a variety of local repositories and school district representatives, as well as photographic documentation of both buildings in compliance with NHDHR standards. Ms. Benjamin-Ma managed the public comment portion of a community meeting regarding proposed mitigation measures for removal of Wentworth School.

Tamworth Inn, Tamworth, NH

Ms. Benjamin-Ma prepared a New Hampshire Department of Historical Resources (NHDHR) Individual Inventory Form for the Tamworth Inn for a private client, in fulfillment of Section 106 and the NH state review process. She performed research, photography, and a National Register eligibility evaluation for the property, and participated in a public information session about the Inn and its proposed future use as part of a specialty distillery operation.

Ms. Benjamin-Ma is a
Preservation Planner with
knowledge of architectural
history and local, state, and
federal historic compliance
regulations. She meets the
Secretary of the Interior's
Professional Qualification
Standards for Architectural
Historian and Historian (36
CFR 61).

7 years of professional
experience

Massport, East Boston Immigration Station (Building 18), Boston, MA

Ms. Benjamin-Ma served as a major contributor to a multi-faceted documentation project of the East Boston Immigration Station for the Massachusetts Port Authority (Massport). She performed research at local and national repositories for a large-scale building documentation report and authored the construction history. She also conducted several oral history interviews in relation to the accompanying East Boston oral history project, recording the stories of immigrants and their families connected to the diverse neighborhood. In addition, Ms. Benjamin-Ma was part of the design team for a series of interpretive panels related to the subject of Immigration in East Boston, for placement at nearby parks.

Broad Street Parkway Environmental Re-Evaluation, Nashua, NH

Ms. Benjamin-Ma assisted with the preparation of New Hampshire Division of Historical Resources individual inventory forms and a historic district area form for properties impacted by the construction of a major parkway that provides a new vehicular traffic crossing over the Nashua River. The forms were prepared in fulfillment of Section 106 evaluation and mitigation. She performed historical research and architectural analysis as well as evaluation and documentation of current integrity and significance according to National Register criteria. In addition, Ms. Benjamin-Ma photographed buildings and streetscapes for a Project Area Form. She also prepared a historic district area form for the Fairmount Heights area that was a mitigation measure for the removal of a house within the district.

Bike-Ped Rail-Trail, Goffstown, NH

For the design of a rails-to-trails project in Goffstown, Ms. Benjamin-Ma prepared a Project Area Form for the New Hampshire Division of Historical Resources, evaluating the integrity and significance of the New Hampshire Central Railroad.

I-293 Exit 6-7 Feasibility Study, Manchester, NH

For the New Hampshire Department of Transportation (NHDOT), Ms. Benjamin-Ma compiled principal information about a variety of historic properties as part of a study report to establish the purpose and need and recommend conceptual alternatives for a section of I-293 through Manchester. She conducted a combination of repository searches, worked with city GIS data, and completed a field reconnaissance survey to create and maintain a running inventory of previously identified or potentially historic properties. She also prepared a database of information for each property, including known history, locational data, eligibility status/potential, integrity, and potential effects by alternative. Using this database, Ms. Benjamin-Ma completed a preliminary assessment of effects and identified key areas of concern for each conceptual alternative.

National Grid, Fifteen Mile Falls Hydroelectric Development Historic District, Comerford Station, Monroe, NH and Barnet, VT

Ms. Benjamin-Ma documented and evaluated the historic architectural assets in a hydroelectric plant for a New Hampshire Division of Historical Resources (NHDHR) Historic District area form. She evaluated the current integrity and significance of previously documented resources, as well as an expanded district boundary to include additional resources.

Request for Project Review (RPR), New Hampshire Division of Historical Resources

For the New Hampshire Department of Historic Resources (NHDHR), Ms. Benjamin-Ma has prepared RPR documentation for multiple proposed projects in New Hampshire. She has conducted fieldwork and photography, as well as site file searches and archive reviews. She also authored historical land use analysis and prepared figures for final product. Locations have

included the Wapack National Wildlife Refuge, Altaria Development in Lebanon, and the Liberty Utilities Lebanon-Enfield 1L4 line.

Ira Pinkham House and Barn New Hampshire Historic Property Documentation Report, Dover, NH

Ms. Benjamin-Ma researched and authored architectural description, history, and context of this property for a New Hampshire Historic Property Documentation report, which was a mitigation measure for the removal of the barn as part of the Spaulding Turnpike improvements in Newington and Dover. She also prepared the required comparative analysis of the property and provided supplementary support for the barn analysis.

Somersworth/Berwick Bridge Replacement Section 106, Somersworth, NH

Ms. Benjamin-Ma coordinated the Section 106 process for this proposed project with NHDOT and MaineDOT. Her responsibilities included preparation of a New Hampshire Division of Historical Resources (NHDHR) Individual Inventory Form for the bridge, attendance at the NHDHR Determination of Eligibility meeting, participation in interagency meetings, and the preparation of the final Cultural Resource Effect Memo regarding the eligibility of the bridge and potential effects of its replacement.

Interpretive Exhibits

Ms. Benjamin-Ma researched, designed, and prepared a number of cultural resource-based exhibits in southern California communities, including San Diego, El Cajon, and Poway. She also produced and installed a series of exhibits at the Leo Carrillo Ranch Historic Park in Carlsbad, California, where she developed age-appropriate discovery tours for a local elementary school.

Education

MA, Historic Preservation, Goucher College,
(in progress)

BA, Anthropology, Rutgers University, 1998

Affiliations

Boston Preservation Alliance (Young Advisors Board)
Boston Society of Architects (Historic Resources Committee)
National Trust for Historic Preservation
Vernacular Architecture Forum
Society of Architectural Historians

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Dale E. Abbott, GISP

Senior GIS Analyst

Oyster River Integrated Watershed Management Plan, Durham, NH

Mr. Abbott is serving as GIS task manager in the development of an integrated stormwater management plan for the Oyster River Watershed. Mr. Abbott is responsible for developing an automated GIS model for estimating stormwater loads throughout the watershed.

Exeter Great Dam Removal Feasibility Study, Exeter, NH

Provided GIS support and mapping services in support of the Great Dam Removal Feasibility Study. Mr. Abbott assisted in the map preparation for the Project Area Form, natural and cultural resources identification and mapping, as well as hydraulic modeling.

Wild Meadows Wind Farm, Alexandria and Danbury, NH

Provided GIS support in the inventory of all buildings over 50 years old in the project turbine visibility area and 3-mile area of potential effects. Mr. Abbott generated a project Area Form map as well as individual town maps depicting photograph locations, inventory and listed status for all buildings over 50 years old in the project area.

City of Nashua Broad Street Parkway, Section 106 Services, Nashua, NH

Assisted in the inventory efforts for all buildings over 50 years old in the project area through GIS mapping and figure preparation for the Project Area Form, individual inventory forms, historic district area forms, and NH Historic Property Documentation Reports.

Pingree Bridge Replacement Section 106 Services, West Salisbury, NH

Provided GIS support and prepared all figures for the New Hampshire Division of Historical Resources (NHDHR) individual and area inventory forms for the 1893 Pingree Bridge on Mountain Road and the surrounding rural area.

City of Concord Langley Parkway, Phase 3 Feasibility Study, Concord, NH

Environmental Task Manager for the Phase 3 feasibility study of the final phase of the Langley Parkway Project. Mr. Abbott oversaw the environmental resource analysis, which involves identifying existing wetland resources, cultural resource identification, permitting assessment, an environmental impact evaluation.

NHDOT Route 125 Reconstruction, Plaistow-Kingston, NH

Assisted with engineering design of widening and reconstruction of approximately six miles of Route 125. He provided GIS support for drainage and pollutant loading calculations, wetland delineation, and mitigation work. Mr. Abbott is also responsible for overseeing the environmental field data collection effort. Design also includes related improvements to side roads and roadway approaches within the two communities. Development along Route 125 is substantive and continuous, impacting traffic operations and safety. The project elements include roadway widening, signal improvements, intersection realignments and relocations, drainage improvements, utility coordination, rights-of-way, wetland mitigation design, and the design of permanent erosion control and water quality features, archaeological services, and environmental site assessments.

Main Street Reconstruction, Littleton, NH

Mr. Abbott is a Geographical Information System (GIS) Analyst with VHB's Bedford, New Hampshire office. He has extensive experience and skills in the application of GIS technology for natural and cultural resources protection, transportation planning, and municipal government. His areas of specialization include data development, data modeling, analysis and cartographic presentation. Mr. Abbott is also an expert in mobile data collection efforts utilizing Global Positioning Systems (GPS) technology to create custom data collection forms using a variety of software packages.

11 years of professional experience



Participated in an infrastructure improvement project to provide an opportunity to incorporate features to improve pedestrian safety and access as well as enhance Littleton's downtown character. In addition to the modest geometric changes, the project included the reconstruction of the aging roadway pavement, sidewalks, drainage system, sewer system, and portions of the water system.

Jaffrey Main Street Feasibility Study, Jaffrey, NH

Responsible for application of GIS technology to collect, store, and visualize base information to provide a clear understanding of existing conditions and environmental constraints within the project study area. The constraint mapping was used to identify potential bridge crossing alternative alignments over the Contoocook River. This effort was follow-on work from the initial Main Street Traffic Study conducted for the Town of Jaffrey.

Town of Salem Route 28 Bicycle-Pedestrian Corridor, Salem, NH

Assisted with the preliminary studies and design related to a planned bicycle/pedestrian corridor that runs along the Manchester & Lawrence rail right-of-way, parallel to NH Route 28. He created an existing conditions plan, developed program objectives to guide alternatives development, and developed preliminary trail routes while considering the context of the varying land uses the trail will run through.

Chichester Conservation Commission Prime Wetlands Study, Chichester, NH

Participated in the identification of wetlands in the southern portion of Chichester that should be designated as prime per State of New Hampshire statutes. He provided a thorough and systematic characterization of the wetlands within the town as the critical first step in defining priorities for prime wetlands designation. He developed and reported information on the major wetland systems in the community, described the geological and biological characteristics of the wetlands, and most significantly, reported quantitative information on their functions and values. The study also generated a mapping of the wetlands to be considered for prime wetlands designation.

Education

BS, Environmental Conservation: Environmental Affairs,
University of New Hampshire, 2003

**Professional
Registrations/
Certifications**

Certified Geographic Information System Professional, GIS
2010



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898

Tel: 603/868-5571

Fax: 603/868-5572

9

AGENDA ITEM:

DATE: February 3, 2014

COUNCIL COMMUNICATION

INITIATED BY:

Andrea Bodo, HDC/HC Member

AGENDA ITEM:

**UPDATE ON THE NEW HAMPSHIRE PRESERVATION ALLIANCE
"SEVEN TO SAVE" RETREAT AND THE MILL POND DAM –
ANDREA BODO, HISTORIC DISTRICT/HERITAGE COMMISSION
MEMBER**

CC PREPARED BY:

Jennie Berry, Administrative Assistant

CC PRESENTED BY:

Todd Selig, Town Administrator

AGENDA DESCRIPTION:

On Friday January 17th, the New Hampshire Preservation Alliance held a "Seven to Save" retreat at the New Hampshire Historical Society in Concord. Five towns were asked to present seven properties that have been listed on the "Seven to Save" list, including Boscawen Library/Langdon Meetinghouse, New Durham Meetinghouse, Moultonborough and Washington Granges, Kimball Jenkins Estate Concord, and the Mill Pond Dam in Durham. Andrea Bodo, member of the Historic District/Heritage Commission represented Durham with a presentation and talk on the Mill Pond Dam.

Ms. Bodo has been invited to Monday night's Council meeting to provide the Council with a brief update concerning the "Seven to Save" retreat and the Mill Pond Dam.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Receive presentation from HDC/HC member Andrea Bodo regarding the "Seven to Save" retreat and the Mill Pond Dam.



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2808
Tel: 603/868-5571
Fax: 603/868-5572

AGENDA ITEM: # 10A

DATE: February 3, 2014

COUNCIL COMMUNICATION

INITIATED BY:

Public Works Department

AGENDA ITEM:

CONTINUED DISCUSSION ON THE OYSTER RIVER INTEGRATED WATERSHED PLAN PROJECT - TOWN ENGINEER DAVID CEDARHOLM AND WILLIAM ARCIERI OF VHB

CC PREPARED BY:

David Cedarholm, Town Engineer
Todd Selig, Town Administrator

PRESENTED BY:

David Cedarholm, Town Engineer

AGENDA DESCRIPTION:

At the Town Council meeting on Monday, January 27, 2014, Town Engineer David Cedarholm and William Arcieri of Vanasse Hangen Brustlin (VHB) gave an update on the Oyster River Integrated Watershed Plan project including a summary of results from the nutrient load model developed by VHB and how the model correlates with the baseline water quality monitoring data collected in 2013. Also included in the presentation was a description of likely implementation strategies for reducing nitrogen discharge and an outline of the integrated permit language.

Mr. Cedarholm and Mr. Arcieri have been asked to attend Monday night's Council meeting to continue the discussion regarding this project.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Continue discussion from the January 27th Council meeting with Town Engineer David Cedarholm and William Arcieri of Vanasse Hangen Brustlin, Inc. regarding the Oyster River Integrated Watershed Plan Project.

As this is a complex topic, follow-up questions and answers are anticipated at subsequent meetings.



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

AGENDA ITEM:

10B

DATE: February 3, 2014

COUNCIL COMMUNICATION

INITIATED BY:

Jay Gooze, Council Chair

AGENDA ITEM:

**CONTINUED DISCUSSION REGARDING THE TOWN
ADMINISTRATOR'S 2013 ANNUAL PERFORMANCE
EVALUATION IN ACCORDANCE WITH THE EMPLOYMENT
AGREEMENT BETWEEN MR. SELIG AND THE TOWN**

CC PREPARED BY:

Jay Gooze, Council Chair
Todd Selig, Administrator

PRESENTED BY:

Council Chair Jay Gooze

AGENDA DESCRIPTION:

Pursuant to Section 17 of Administrator Selig's Employment Agreement with the Town (attached),:

"Commencing in April of 2011, and each succeeding April thereafter, the Town Council and Selig shall mutually establish goals and objectives [*these are the approved 2011-2012 Town Council goals*] which they deem necessary and appropriate for the proper management of the Town during the succeeding twelve (12) months. Such goals and objectives shall be committed to writing and formally adopted by the Town Council. . . Commencing in January 2012, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council."

On January 13, 2014, the Council discussed the approach it would take to conduct Mr. Selig's 2013 performance evaluation. Councilors decided to use the same process as the previous year in which the Council utilized a one page evaluation form/matrix outlining key elements of importance and ranking the administrator's performance (on a scale of 1 to 5) for each of these elements which included five

categories: Ability to maintain or improve strong relationships, Financial oversight and Initiative, Leadership, Initiative, and Other. Rankings included: 5=Excellent, 4=Very Good, 3=Good, 2=Acceptable, 1=Unacceptable.

On January 14, 2014, Council members were provided with a matrix via email in Microsoft Word format and asked to return their responses electronically to Council Chair Jay Gooze by January 22nd. Chair Gooze has compiled the responses and matrix (attached) for discussion at Monday night's meeting.

LEGAL AUTHORITY:

Section 17 of the Employment Agreement between the Town of Durham and Todd I. Selig, dated February 4, 2013.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Hold discussion with Administrator Todd Selig's concerning his 2013 annual performance evaluation.

Annual Evaluation of Todd Selig 2013

1 = Unacceptable	2 = Acceptable	3 = Good	4 = Very Good	5 = Excellent	
			# Scored	Total Score	Ave Score 2012
Ability to maintain or improve strong relationships with:					
* Town Council (responsiveness to concerns)			8	37	4.6 4.9
* External entities such as UNH, town businesses, etc.			8	32	4.0 4.8
* Town department heads and staff			6	25	4.2 5.0
* Town committees and boards			8	31	3.9 4.7
* Serves Citizens effectively and efficiently			8	35	4.4 4.9
			38	160	4.2 4.8
Financial Oversight:					
* Financial performance of the Town			8	32	4.0 4.9
* Fiscal responsibility			8	33	4.1 4.7
* Budget (process, preparation, dissemination			8	33	4.1 4.9
* Budget (creation of budget within Council guidelines)			8	31	3.9 4.7
* Accomplishment of meaningful modifications in the economic relationship with UNH			7	21	3.0 3.5
			39	150	3.8 4.5
Leadership:					
* Provides clear guidance to the Council on all issues			8	32	4.0 4.3
* Provides strong management of town staff			7	27	3.9 4.8
* Maintains consistent and appropriate oversight of department heads			7	27	3.9 4.8
* Improved the performance of town staff, when necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation			7	24	3.4 4.3
* Competency in human resource area with new hires during his administration			3	9	3.0 5.0
* Provides leadership to town committees and boards			5	19	3.8 4.0
			37	138	3.7 4.5
Initiative:					
* Proposes appropriate initiatives/strategic direction to the Council			8	35	4.4 4.6
			8	32	4.0 4.7
* Is timely in follow up reports to the Council initiatives			8	32	4.0 4.6
* Accomplishment of Council's goals and objectives			8	36	4.5 4.6
* Ability to be a visionary for the future community planning			32	135	4.2 4.6
Other:					
* Appropriately challenges the status quo			8	28	3.5 3.7
* Willingness to challenge and support his convictions			7	31	4.4 4.5
* Appropriate allocation of time and energies, including delegating non-essential tasks			8	26	3.3 4.0
			23	85	3.7 4.1
Overall Average			315	1251	4.0 4.5

TA Evaluation for 2013

Narratives

NARRATIVE #1:

Todd does a remarkable job given the demands of conflicting constituencies; the complexity of the issues confronting the town; and the sheer volume of work required to conduct the town's business.

NARRATIVE #2:

2013 was a particularly difficult year for our Town Administrator. Numerous issues of major importance to the citizens of Durham took an inordinate amount of Todd's time that could have allowed more focused work on the budget. Multitudes of meetings and phone calls involving the outdoor pool, major developments and everything about water were but a few of the issues. Everyone in Durham seems to have a different opinion as to how things should look in town, how to get the necessary funds to feed our capital budget, etc. Everyone is not afraid to let our Town Administrator know how things should be done.

I do believe that Todd is at times too lenient with his time, spending hours on someone's (councilors and other residents) particular issue, subsequently having to shorten the amount of time spent with the basic running of the Town Administration duties. The council purposely proposed Goals that are general in nature, allowing Todd to initiate and respond with these goals in mind. I am thankful that we have an Administrator who can work towards these goals while upholding his fiduciary responsibility.

I do not think that there is an administrator in New Hampshire who is more invested in his or her community. Thank you Todd.

NARRATIVE #3:

This was a difficult evaluation for me to complete this year. The evaluation form is the same this year and so it is very comfortable for me to use.

The problem for me is that 2013 has probably been the busiest year for Todd, I believe, since he has been in Durham. It certainly has been overwhelmingly busy also for the Town Council, Planning Board, Town Staff, etc. The last few years have seen an increasing, to the point of overwhelming, surge in activity—a huge amount of new development, new programs and initiatives, increasing feedback from residents, etc. Generally, all of this is good but because of the pressures and strains on his time, in my opinion, Todd has not been able to operate in the way that he has in the past and, I believe, prefers to work. Let me give a few examples, in the past when I have called Todd he has responded that day or the next day. The wait generally this year has been longer---and for very good reason---he has had a completely full schedule of important meetings, negotiations, etc.

My dilemma is how to weigh that evaluation item with the reality of Todd's work load. I truly believe that Todd wants to do an excellent job in responding to Councilors, in providing leadership to town committees and boards, etc. and he has the ability to do so but his absolutely full schedule has prevented him for doing all he would like to do and that we Councilors would like to see him do. And I believe that Todd should not be judged badly because he has not had the time to do all that is "expected" in this evaluation.

Quite the opposite, Todd has done an exception job this year under difficult conditions in moving the Town forward---from solar panels, to Great Bay mitigation work, to a new Town Hall, to a new Town Planner, etc. He has tremendous abilities and at the same time is a wonderfully open, respectful, positive, cooperative person.

I do have one suggestion for Todd that I would like to formally add to this evaluation---that the workload in Town slow down. This is very difficult to do but not impossible. I plan to bring this up at our next Council meeting and will support Todd in decisions whereby some projects/activities move from the front burner to the back burner.

NARRATIVE #4:

As the councilor who has worked with Todd longer than any other member of the council, who first began working with Todd or giving him both solicited and unsolicited advice on a number of issues beginning in 2002, I am going to ask that my statement below go into the packet for our next discussion of his evaluation.

Let me begin by commenting on the poorly-crafted items or bullet points under the five categories in the evaluation matrix form that Todd created some years ago and has not corrected despite (or perhaps because of) my repeated advice. That is partly the fault of council members who have not understood my comments, or having understood, have failed to offer appropriate guidance to Todd.

For instance, the first category dealing with Todd's "Ability to maintain or improve strong relationships with" five constituencies ends with "Serves citizens effectively and efficiently" when it should end with something parallel to the first five items such as "Citizens" or "Durham residents". (For the record, I do not always appreciate how Todd frequently communicates directly with the public through Friday Updates, press releases, letters to the editor, etc., to advocate for certain positions or outcomes.)

Under the "Leadership" category, the first item is "Provides clear guidance to the Council on all Issues", which is not the same as providing "leadership" (for the record, although I appreciate some of his guidance, I do not think the council should expect or wish Todd or any administrator to "lead" the council).

The next four items under "leadership" have to do with management, oversight, and evaluating, hiring, or firing town staff. And the last item, "Provides leadership to town committees and

boards" should not be on the list at all, and should be placed elsewhere and rephrased as "provides support to town committees and boards" or something else along those lines.

Also, please note that the fourth item under "Leadership" uses the past tense and is not consistent with the present tense in the other five items.

Under the heading "Initiative", the second and third items have nothing to do with Todd's initiative, and should be placed in another category having to do with Todd's performance of his duties. Or the category itself should be given a new heading.

As for the last item under "Initiative", "Ability to be a visionary for future community planning", I think that item should be rephrased or removed entirely.

Under the "Other" category, let me now deal with one example of what I consider to be a poor example of Todd's "Willingness to challenge and support his convictions":

- On November 2nd, 2013, shortly after the Red Sox won the World Series, I sent Todd an email asking if the following statement attributed to him by a Seacoast on Line reporter was correct: "A riot following Wednesday night's Red Sox win . . . brought police from five agencies to the downtown area . . . said Town Administrator Todd Selig." I asked him "Would it not be more accurate to say that scores of police officers were staged near the post office BEFORE the end of the game on Wednesday night and before the large crowd began to fill Main Street between Mill Road and Madbury Road?"
- On November 3rd, Todd responded that the information in Seacoast on Line was accurate.
- In the first draft of his "Year End Report/Self Evaluation" Todd sent the council on December 31st, he wrote that "A celebratory riot following the . . . Red Sox win in the World Series brought police from five agencies to the downtown area . . . "
- On January 2nd, 2014, after I again challenged the assertion that a riot brought police downtown on the night in question, Todd defended his assertion by quibbling about the term "celebratory riot" rather than addressing my claim that preparations for a possible disturbance "brought the police downtown".
- And in his Friday Update for January 2nd, 2014, Todd reprinted his claim that a celebratory riot brought the police downtown.
- But then, in the January 13th council communication for discussion of his annual performance evaluation, Todd finally capitulated on the "what brought the police downtown" issue by revising his year-end report to read: "Police from five agencies worked to address a celebratory riot following the . . . Red Sox win . . . along Main Street. . .".

Yes, I admit this is a rather picayune matter, but it is typical of how Todd sometimes gets stubborn when confronted by an even more stubborn councilor.

To repeat what I said at a recent council meeting, I like Todd and appreciate how hard he works for the town. I hope he stays with us for a long time.

NARRATIVE #5:

SUCCESSIONS

This is my second evaluation of Todd and many of my observations from the first year hold: Todd works very hard at a difficult and, at times, thankless job. He has to deal with a lot of conflicting opinions from people around him and is unfailingly respectful and kind to everyone he interacts with. Todd continues to keep the community informed through Friday Updates during a remarkably busy time in Durham's history and development. He continues to demonstrate sensitivity and respect to many points of view while articulating well the reasoning behind his recommendations. I value his counsel and admire his problem-solving skills. Despite lower marks and some additional criticism from me this year, I know the Council made the right choice to renew Todd's contract and believe that Durham is fortunate to have him as our town administrator.

CHALLENGES

Apart from the shape of rapid new development taking place in town, I believe a handful of current policy challenges will have potentially profound impacts – economically and in terms of environmental sustainability – on Durham residents. These include our approach to budgeting and sharing costs and resources with UNH in the areas of public water supply, storm water system upgrades/ nitrogen mitigation, and the provision of police and fire services. In my first two years on the Council, I have put a good deal of effort into drawing attention to what I believe is flawed policy in some of these big-ticket areas and the need to more effectively lobby for the town's interests. In some negotiations with UNH and the state – on our water supply and public safety costs, for example – I think we need to do a better job standing up for our residents and getting results.

Todd is always a patient listener. But frustratingly, it seems that where our staff might not share the Council's priorities, it takes awhile to get things done. For example, though the Council voted for an enforceable water conservation ordinance, it took several reminders and some pressure from the Council to receive a complete ordinance. Separately, one of my suggestions – to investigate potential cost savings and efficiencies of breaking down our departmental data silos – has for two years stood as an official Town Council goal. But it has been utterly ignored. Todd did do an excellent job of working with the Council to trim this year's operational budget – paying attention to the little things and balancing fairness with costs and benefits to different town departments and programs. Likewise, he threw himself (no pun intended) into the outdoor pool issue, paying a great deal of attention to varied interests. My hope is that Todd can apply

himself with equal élan to the matters I noted above with longer reach and more zeroes at the end of their bottom lines.

RUBRIC SUGGESTIONS (Repeated from last year)

I have included again below a few concerns about the format of this rubric, should the Council decide to revise it at some time. These explain a few of the checked N/A boxes above.

- 1) Typically such rubrics have a balance of positive and negative categories, for example: “Poor”, “Needs Improvement”, “Fair”, “Good”, and “Excellent”. This one has one negative category, and four gradations of acceptable work. I think the former is more useful. If work is unacceptable, an employee should have a sense of how far they need to come up. Likewise, if their work is outstanding, they deserve to know that their performance is excellent, as opposed to just good.
- 2) Under the Leadership category, four questions address the Administrator’s management of his staff. Of the evaluation categories above I feel we are least qualified to speak to these because beyond general observation, we have no formal mechanism to receive feedback from staff on the Administrator’s performance. At most universities, for example, department chairs and deans round out their evaluations of professors’ teaching with student evaluations. If we plan to keep these questions, it’s worth asking ourselves if, absent candid input from staff, they are fair and meaningful.
- 3) Under the “Other” category, is the evaluation criteria “Willingness to challenge and support his convictions”. A willingness to challenge one’s own convictions and a willingness to support one’s convictions are two different things and so should be in separate categories.

NARRATIVE #6:

I wish to make a general statement regarding Todd Selig's performance in 2013. It is clear from the matrix I filled out that I feel that Todd continues to be an excellent and exceedingly effective Town Administrator. Others may feel that I am not being critical enough which is unfortunate. Todd meets or exceeds all of my expectations and that is more than I can ask for in an employee.

There are a couple of issues on the matrix that I would like to clarify:

- As discussed in our most recent meeting, I do not believe that Todd provides leadership to Town boards and committees but is always available to provide information and guidance when asked. I marked "Excellent" for that item even though it is not correctly written.
- I have never witnessed Todd dealing directly with a new employee so I do not feel I can evaluate him on that item.

- The last item has to do with delegation of work. Jennie Berry is an excellent administrative assistant but I wonder if Todd is not delegating enough to her to lighten his own workload. It may be that he cannot delegate more than he already does due to the nature of his job but it is clear to me that he cannot do everything that he is tasked with or asked to do because there are only so many hours in a day. I am concerned that his burden effects his health (Mother Hen syndrome on my part).

NARRATIVE #7:

Overall comments:

I continue to believe that the Town is fortunate to have Todd as Town Administrator. He understands the challenges of the community and has worked hard to help guide it through difficult waters. We have heard over the years from Councilors familiar with other New Hampshire towns that the “Todd package” is unusual.

It is worth noting that we have also benefited from the skills, engagement, and commitment of volunteers, i.e., not his staff, without which the Town would not be positioned to realize key economic, environmental, aesthetic, and social improvements. Todd’s openness to working with these community members is a valued strength.

Areas that suggest opportunities for improvement:

- (1) communication skills: Todd has a tendency to share too much personal and/or superfluous information. He could also improve the clarity and brevity of his communications both oral and written.
- (2) budget and CIP presentation
 - a) Detail on large budget and CIP items should be provided earlier and without needing the Council’s request. For the 2014 budget season, that included the Churchill Rink, downtown parking (Petee Brook lot), and stormwater project—all DPW projects. That detail should be provided by the Department Head to the TA, at the least. If that information is not provided to the Council in turn, then the TA should make it clear to the Council why not; otherwise, the Council has reason to question whether the TA has made his expectations clear to the Department Heads and whether he himself received that detail. This issue is also a function of management style and expectations. (What are those expectations for the budget? Has Todd communicated those to his staff? Why shouldn’t the Department Heads be held to the stated budget goal of the Council?)
 - b) Coordination with relevant committees/commissions could improve when it comes to developing the budget. Todd and his department heads could better use these

volunteers' expertise and institutional knowledge. Respect for that is key in maintaining volunteer morale and willingness to serve.

- c) Some items in the budget or CIP were not "ready for prime time," or could have benefited from clearer and earlier discussion with the TA, e.g., the issue of compensation for the Library staff.

(3) Coordination with Council / role of the Administrator:

- a) Todd sometimes goes beyond his role as defined in the Charter; on the flip side, the Council may defer in situations where it should grab the reins. The continuous and long service of the Administrator and the changing makeup of the Council contribute to a dynamic relationship, but one that sometimes takes things for granted that should not be. Two examples:
 - The joint editorial with Mark Huddleston regarding UNH relationships: Todd is not the equivalent to the UNH President; the Council is. It was not Todd's place to take that step, and if he had decided to take this step, he should have consulted with the Council.
 - The hiring of the Town Assessor should have been brought to the Council.
- b) Todd should review Council Communications more carefully and use judgment about what information to bring to the Council. Some have not been ready for primetime or have been extraneous (e.g., police survey: student research paper; water ordinance still in early draft stage: a two-minute status report would have been adequate)

(4) Resource allocation:

Over the past year, an extraordinary demand has been placed on the Town Administrator, on Town staff, and on volunteers. Hindsight being fifty-fifty, I hope that Todd will recognize that he probably should have recognized the limited prospects of "success" for either of the following two issues and thus limited his time commitment to them, in part since it came at a cost of attention to other matters:

- a) the UNH pool/relationship
- b) the Sora project

- (5) Personnel: At times it appears that Todd is too hands-off and may not communicate his priorities well. Are staff focused on his priorities? Are consultants well managed? (Are we getting value for our dollar?)

For example, the Master Plan process is dragging on too long; we may not have gotten value for the consultant in part because the Town Planner may not have been directed to become engaged and manage the process. One result is flagging volunteer morale.

Another example: Is the Engineering staff as well managed as it could be? (Details on the Oyster River Integrated Watershed Management Plan and the “understanding” with the EPA could have been made clearer earlier. Problems with water meter billing resulted in an enormous commitment of staff time; what was the cost to the Town of that resource allocation?)

6) Council goals: We have made little if any progress on the “data goal.”

Areas that suggest opportunities for greater use of strengths:

As other Councilors have noted in the past, the Council would benefit from Todd more frequently sharing his vision for the community’s future.

NARRATIVE #8:

There are fundamental flaws in the Town Council’s evaluation method and process that have nothing to do with the “matrix”. The most significant flaw is that it’s a one-way, top down approach that does not provide an honest bottom-up assessment of the Town Council’s performance and management of their most critical asset – the Town Administrator.

There are parallels between the responsibilities of a Town Council and a non-profit board of trustees. Both have significant fiduciary responsibilities with members that are committed to their community or organization, and dedicate significant time fulfilling their responsibilities. Both serve communities with high expectations, sometimes unrealistic, that are very demanding. Highly effective non-profit boards have common characteristics that are applicable to town councils:

- Focus on macro-issues,
- Focus on strategic vision and direction,
- Avoid the temptation to micro-manage,
- Have Good materials available to prepare for meetings,
- Focus on the matters at hand without enabling philosophers and pontificators,
- Don’t wander off agenda, and
- Base fiduciary decisions on information, logic and reason.

Durham is fortunate that the Town Council has many of these characteristics, and the more it emulates these characteristics the more effective it will become fulfilling its responsibilities to the community, and the more effective Mr. Selig will be fulfilling his responsibilities to the Town Council. I remain concerned that the expectations of Durham’s Town Administrator are

not sustainable, given the town's resources, if Mr. Selig should leave, and we are fortunate that he remains committed to Durham.

Why is this important? It is important because Mr. Selig's evaluation must be made in the context of how he is managed and the limited resources that are available to him. He does not have a spare moment, and any of his time that is unnecessarily wasted is a lost opportunity.

=====

Evaluations that provide constructive criticism are the most valuable; however, it is important to repeat Mr. Selig's consistent strengths:

- Experience and expertise,
- Manages and retains an extremely competent and talented staff,
- Fosters a culture of transparency and openness,
- Responsive to community members – possibly to a fault,
- Respected as one of the state's best town administrators,
- Focuses time and effort maintaining and improving the Town's relationship with the University, with a strategic vision of what that relationship can mean to Durham's future,
- Maintains an excellent understanding of the community,
- Capable of managing complex and difficult issues, and
- Works well with complex and challenging people.....

Time permitting; Mr. Selig should focus more on the Town Budget as a conduit for change. The proposed budget contains enormous detail that can be overwhelming; however, the detail is consistent with the town's expectation of transparency. Going forward, Mr. Selig needs to focus more on the higher level "business" aspects of the town and budget.

For example, investing in parking kiosks should enable re-architecting Durham parking system. Increasing Parks and Recreation advertising should create greater revenue. Investing in the Churchill Rink should be based on a comprehensive business plan focused on the market, risks, revenue and expenses. Past budgets have not consistently had this type of focus, and it is an opportunity available to Durham, unlike many towns, because of the budget framework that is in place and the quality of the town staff.

Time permitting; Mr. Selig should examine how services and programs are being delivered, and move beyond accepted conventions to identify improvements while controlling or reducing costs. He needs to develop a high-level turbocharged Kaizen process that challenges accepted conventions, and results in regular change at a magnitude like moving to the Strafford County dispatch center four years ago.

It's all time permitting. A continued evolution of how the Town Council conducts business with a greater focus on the macro-level and strategic direction maybe required before we can expect more from the endless energy and commitment Todd is already providing to the town.

NARRATIVE #9:

Todd is a very strong town administrator and Durham is lucky to have him. This was a busy and relatively difficult year, that included among other things the dispute with UNH regarding the pool, the initiation of construction of the new town hall, and the negotiations associated with several large, potentially transformative developments in the town. Given all of the above, coupled with the normal issues of managing the town, Todd was a bit stretched at times. Overall, he handled this well.

Todd's strengths are well-known; his organizational skills, his strong writing skills, his patience and intelligence, his kindness, his devotion to open government, his ability to balance conflicting agendas and personalities, and his willingness to experiment and promote changes in the town.

I will herein comment instead on areas where I think Todd could focus in future years, to become even more proficient in managing the town.

First, there was an incident early this year where Todd gave the council incorrect information about a potential hire, and then went through with the hire without rectifying the information. Todd needs to be extremely careful to be sure, first, that the information is correct before he makes a hire, and second, that the council is given accurate information before making long-term investments for the town. Todd is usually quite careful about this, but perhaps with so much going on this year, he wasn't as thorough as usual.

Second, in reviewing the budget this year there were opportunities to focus not only on expense reduction, but also on thoughtful revenue opportunities. In the future Todd could ask his team to focus on revenue enhancement, as well as expense control, in their budget submissions.

Third, there were some items in the budget that might better have been discussed beforehand, or not included in the budget at all. The high annual pool expense, the town rink, and the library staffing expense might have more appropriately been discussed prior to or outside the time frame of the budget.

Fourth, Todd may be able to improve his ability to more effectively allocate his time and effort. For example, Todd is sometimes "over the top" in his efforts to provide openness. Two examples that involve his communication with the council; Todd bombards the council with emails, most of which are informative but a good percentage (e.g. congratulations to people for minor issues, personal health matters, thank you notes, irrelevant information) should be screened out. Clutter can often take people's minds off of more important issues. Second, at roundtable Todd often discusses matters that were already discussed in Friday updates; no need to do that.

Fifth, the town master plan seems to be dragging, and we are spending significantly on consultants. It may be time for Todd to take a more active stance here and drive the plan to

conclusion. Many people have invested their time and they are becoming discouraged partly because the process seems slow and potentially never-ending.



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

AGENDA ITEM: **# 11A**

DATE: February 3, 2014

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: DISCUSSION REGARDING A POSSIBLE RESOLUTION
EXPRESSING THE TOWN OF DURHAM'S SUPPORT FOR THE
PASSAGE OF SENATE BILL 307 TO ESTABLISH A COMMITTEE
TO REVIEW CITIZENS UNITED AMENDMENTS TO THE UNITED
STATES CONSTITUTION

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

At the Town Council meeting on Monday, January 27, 2014, Durham resident Neal Ferris provided Council members with information regarding a Senate Bill (307) that would establish a committee to review Citizens United amendments to the United States Constitution. Mr. Ferris also provided the Council with proposed language and asked that it consider passing a resolution in support of Senate Bill 307 to be sent to the bill's sponsors, other state senators, and the New Hampshire congressional delegation.

Attached for the Council's information is a draft resolution, using the language suggested by Mr. Ferris for its adoption, should the Council so desire.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

Re: Discussion regarding a possible resolution supporting passage of SB 307

SUGGESTED ACTION OR RECOMMENDATIONS:

Hold discussion to determine whether the Council desires to adopt a resolution supporting the passage of SB 307.

POSSIBLE MOTION:

The Durham Town Council does hereby ADOPT Resolution #2014-XX expressing its support for the passage of Senate Bill 307 establishing a committee to review Citizens United amendments to the United States Constitution.

RESOLUTION #2014-XX OF DURHAM, NEW HAMPSHIRE

EXPRESSING THE TOWN OF DURHAM'S SUPPORT FOR THE PASSAGE OF SENATE BILL 307 ESTABLISHING A COMMITTEE TO REVIEW CITIZENS UNITED AMENDMENTS TO THE UNITED STATES CONSTITUTION

WHEREAS, Senate Bill 307, introduced on January 8, 2014 by the Rules, Enrolled Bills and Internal Affairs Committee, seeks to establish a committee to review constitutional amendments regarding the Citizens United decision and related cases that have been introduced in the United States Congress and make recommendations to the New Hampshire congressional delegation; and

WHEREAS, members of the Durham Town Council desire to add their voices to people and municipalities throughout the State of New Hampshire in support of Senate Bill 307, that, along with the resolution already passed by the New Hampshire House of Representatives, will call upon the Congress of the United States to move forward a constitutional amendment that guarantees the right of elected representatives to safeguard fair elections through authority to regulate political spending, clarifies that constitutional rights were established for people, and that corporations are not people.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, does hereby express its support for the passage of Senate Bill 307 to establish a committee to review citizens united amendments to the United States Constitution.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this _____ day of _____ by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Jay B. Gooze, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector

SB 307 – AS INTRODUCED

2014 SESSION

14-2834

06/10

SENATE BILL **307**

AN ACT establishing a committee to review Citizens United amendments to the United States Constitution.

SPONSORS: Sen. Fuller Clark, Dist 21; Sen. Watters, Dist 4; Sen. Larsen, Dist 15; Rep. Cushing, Rock 21; Rep. Perry, Straf 3

COMMITTEE: Rules, Enrolled Bills and Internal Affairs

ANALYSIS

This bill establishes a committee to review constitutional amendments regarding the Citizens United decision and related cases that have been introduced in the United States Congress and make recommendations to the New Hampshire congressional delegation.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

14-2834

06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT establishing a committee to review Citizens United amendments to the United States Constitution.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Committee Established. There is established a committee to review all proposed language and amendments to overturn the Citizens United ruling and related cases by the United States Supreme Court.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, one appointed by the president of the senate and one appointed by the senate democratic leader.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. Recognizing the need for a constitutional amendment to overturn the Citizens United ruling and related cases, the committee shall:

I. Examine the impact of the Citizens United ruling.

II. Examine the different approaches and language being proposed for a constitutional amendment.

III. Examine short term solutions to issues raised by the ruling, such as requiring disclosure of donors and shareholder approval of corporate election contributions.

IV. Make recommendations to the New Hampshire congressional delegation as to which approaches, if any, the delegation should support.

4 Chairperson; Quorum. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation or resolution to the New Hampshire congressional delegation, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

6 Effective Date. This act shall take effect upon its passage.

Durham Town Council - public comment, Monday, January 27, 2014

Received From
Neil Ferris @
TC on
1/27/14

I appreciate this opportunity to call your attention to a resolution being passed by towns and cities across our state that urges the state Senate to pass Senate Bill 307. Passage of this bill would enable the establishment of a committee to review Citizen United amendments to the US Constitution.

The intent of those favoring such a review is to have the NH legislature call on Congress to move forward a constitutional amendment that guarantees the right of our elected representatives to safeguard fair elections through authority to regulate political spending, and clarifies that constitutional rights were established for people, not corporations, and that corporations are not people.

Since the NH House of Representatives has already passed such a measure, a positive Senate response will have NH join 16 other states, including all the other New England states, that have already gone on record with this proposal. 125 members of Congress, including our two Congresswomen, have already stated their support of the Constitutional Amendment. NH Senate bill 307 is now in committee. A public hearing is yet to be scheduled. Our state Senator, Martha Fuller Clark, is one of several sponsors, including Sylvia Larsen and David Waters.

This is obviously in response to the US Supreme Court's 5-4 Citizen's United decision that freed up a flood of money that (often anonymous) out-of-state interests use to influence national, state and, yes, local elections. In the 2112 NH gubernatorial race, outside groups spent 5 times what the candidates and their NH backers spent.

Republicans, Democrats, and Independents who have heard about Citizens United believe by a 4-1 margin that the ruling is having a negative effect. 66% of small business owners see the Citizens United ruling as bad for the ability of their businesses to compete. I will not take your time with more such statistics.

So far, 30 NH towns have submitted the resolution to their selectmen or are placing in on their ballots for the citizens to decide. Barnstead, Bedford and Conway have already passed it. Newmarket and Exeter have it on their ballots and are expected to pass it..

Our state Senator, Martha Fuller Clarke, is one of several sponsors, including Sylvia Larsen and David Waters.

Since we do not have a town meeting, I ask this Council to consider passing this resolution on behalf of our citizens by putting it on your agenda for your next meeting.

I understand your reluctance to spend time with non-town matters. However, this is NOT a partisan issue and a lot of outside money has been, is being and will be spent to influence not only national and state but also local elections. In view of our own history with the Onassis attempt to ruin our area and of various out-of-state efforts to sway NH elections, and of efforts to rig LOCAL council and school board elections around the country, it is naive to assume that we here are immune to such an effort.

I am told that it is too late to gather the over 500 signatures needed to get this issue on our town ballot. Some action on your part appears to be our only recourse; except, of course, that anyone who is concerned can call any state senator who you may happen to know.

Former U.S. Senator, Warren Rudman, put this issue so well when he responded to the Citizen's United decision by saying: "Supreme Court opinion notwithstanding, corporations are not defined as people under the Constitution, and free speech can hardly be called free when only the richest are heard."

And so I ask you to speak for us on this issue. To that end I am leaving copies of my remarks and a suggested resolution for your consideration. I thank you for your time.

Neal Ferris

Received from Neal
Ferris @ TC
on 1/27/14.

Proposed Durham Town Council Resolution in support of NH Senate Bill 307

(This simplified sample resolution is based on those being passed by a growing number of communities in NH. It focuses on the NH Senate because that is where the necessary action must be, if NH is to join with the other New England states on this issue.)

Resolution:

By a vote of to , we, members of the Durham Town Council add our voices to people and municipalities all over our state in support of NH Senate Bill 307, that, along with the resolution already passed by the NH House of Representatives, will call upon the Congress of the United States to move forward a constitutional amendment that guaranties the right of our elected representatives to safeguard fair elections through authority to regulate political spending, and clarifies that constitutional rights were established for people and that corporations are not people.

(I suggest that, if passed by the Council, copies of the Resolution should be sent to our state Senator, Martha Fuller Clark, the other state senators, and the NH congressional delegation. Area newspapers should also be notified. - Neal Ferris)