

This set of minutes was approved at the December 16, 2019 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, NOVEMBER 18, 2019
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00PM**

MEMBERS PRESENT: Council Chair Kitty Marple; Council Chair Pro tem Ken Rotner; Councilor Jim Lawson; Councilor Sally Tobias; Councilor Carden Welsh; Councilor Andrew Corrow; Councilor Al Howland; Councilor Wayne Burton

MEMBERS ABSENT: Councilor Dinny Waters

OTHERS PRESENT: Town Administrator Todd Selig; Business Manager Gail Jablonski; Assessor Jim Rice; IT Manager Luke Vincent; Parks and Recreation Director Rachel Gasowski; Town Planner Michael Behrendt; Code Administrator Audrey Cline; Town Clerk/Tax Collector Lorrie Pitt; Library Trustee Charlotte Ramsey/Interim Library Director Susan Wagner

I. Call to Order

Chair Marple called the meeting to order at 7:00 pm.

II. Approval of Agenda

Councilor Corrow MOVED to approve the Agenda as submitted. Councilor Welsh SECONDED the motion and it PASSED unanimously 8-0.

III. Special Announcements

Chair Marple read an editorial from Administrator Selig in the most recent Friday Update:

“Durham is a very special community. Every community has difficult issues with which it grapples, and we certainly have our share here in town: Planning a downtown holiday celebration, whether Pay-as-You-Throw is a good fit locally, the future of the Mill Pond Dam, an application before the Planning Board to redevelop the Mill Plaza, the need for a new Middle School, etc. The list goes on.

While everyone will and should have opinions on each topic that arises today and into the future, a critical (and sustainable) component of successfully addressing these issues as a community is that we act in a civil manner with one another. Residents are therefore encouraged to be thoughtful in their feedback, to treat one another with respect, to try to listen as well as to convey, and to be willing at times to accept some measure of compromise to meet the collective needs of the community. This is not Washington, D.C. We are Durham, NH.”

Chair Marple then read a statement she'd written:

"I ask that you consider what other people may be feeling when you address the Council. We took on the subject of modifying the Tree Lighting celebration after a local Rabbi asked to light a Menorah in the town square. This request brought forth a conversation about inclusion and how municipalities struggle with making town run parties welcoming to all residents. Whether you think so or not, not everyone feels welcome at such events. I encourage you all to consider attending a formal discussion next spring about the topic of inclusion that I hope will be funded in the upcoming budget."

IV. Public Comments (*)

Jennifer Burns, Woodridge Road, said she was there to talk about Frost Fest. She said she loved living in Durham, and thanked Councilors for their work. She said she firmly believed in inclusivity, and said it was a reason she moved to Durham. She said her concern with the changes was that it felt like they were falling back to tolerating and downplaying certain traditions, like the tree, and Santa, and said she didn't understand why they couldn't celebrate all of the different traditions together, with the tree lighting, the menorah, etc.

Councilor Rotner said these were interesting points, and said he'd love to discuss them with Ms. Burns.

John Kraus, Cutts Road, said the Council's action to support the recommendations of the winter celebration committee was a colossal failure of imagination, and he called it a Frost farce. He said the changes proposed to the lighting ceremony should be presented to the electorate for their decision, and should not be made by a special committee and a disengaged Council. He asked where the Durham business community was in this fiasco, and said citizens of Durham would choose to go elsewhere for a Christmas celebration.

Paul Schlie, Foss Farm Road, said he heard words about inclusion, but said he was struck by the exclusion that this change represented. He noted that last year a local rabbi wanted to display a menorah, and said this should have been able to coincide with other holiday celebrations.

Mr. Schlie said he was disappointed that there was the possibility of a Budget that exceeded the inflation rate, in what was a low inflation environment. He said to get the Budget back down to a 2%, the Council should cut \$200,000-250,000. He said to get there, he recommended not funding the sustainability position, the LED lit crosswalk, the NH Listens contract, replacement of holiday ornaments, the Town Council "slush fund", and the GIS position. He spoke about how the GIS work could be done less expensively. . He said the Town didn't need to build more infrastructure, and needed to work smarter

He said not funding these things would save about \$200,000, and said he was sure the Council could find another \$50,000 to cut. He said there was an ineffective recycling

program, and said there should be a better one. He said the Town existed for the benefit of the citizens, and asked the Council to be prudent about this.

Bonnie McDermott, Dover Road, quoted from a report done by the Governor's Recycling Program back in the early 2000s, which said in 2006 there were 45 Pay as You Throw communities in NH. She said there were now 34, despite what was said by John Campbell, Chair of the Board of Waste Zero in his articles. She provided additional numbers, and said Durham residents didn't need government control over their lives.

Charlotte Ramsey, Chair of the Library Board, thanked the Council for its support of the Library, and she introduced the new Director, Sheryl Bass. Ms. Bass said she was delighted to be working in Durham.

Bruce MacKenzie, Sophie Lane, said he thought that while there had been an effort to be all inclusive with Frost Fest, it was having an opposite effect. He noted that he'd been a producer at the national tree lighting ceremony in Washington, D.C. for several years, during Republican and Democrat administrations. He said for those 6 years, the President flipped a switch and the lights on the tree went on, and said this was never considered to be a problem. He said there had also been a menorah on the national mall, along with a Quansah pit, and a Christmas tree.

He spoke about how the Santa's workshop was constructed on the national mall, after getting approved by Congress, the White House and the National Park Service. He said he'd gone to the holiday tree lighting ceremony in Durham every year and said it was packed, and felt inclusive for a lot of the Town. He said he thought what the Council had done concerning the celebration was a big mistake.

William Hall, Smith Park Lane, first spoke in detail about the work done on Bagdad Road. He said PAYT should be put up for a vote in March, and said if it passed, he'd back it 100%. He said the dumpsters at the transfer station needed to be covered. Concerning the proposed crosswalk on Church Hill, Mr. Hall said complicating factors were the backup of traffic because of the stop sign at the Post Office, and the traffic light. He said it was amazing that this problem hadn't been figured out yet. He noted that when he went to Planet Fitness the other day, he'd heard discussion on a Boston TV station about the vaping issue in Durham. He said the Council had some work to do, and said he didn't know if Chair Marple was the one to do it.

Councilor Rotner said Chair Marple was incredibly talented and efficient, and said she did an amazing job as Chair. He said perhaps Durham was in the news because of the difficult, cutting edge issues the Council was addressing. He said Chair Marple ran meetings incredibly well, was respectful of the public, and listened to ideas. He said he had the utmost admiration for her.

Kathy Brunet, Hampshire Avenue, thanked Councilors for their service, and their efforts to make Durham a more welcoming place. She said people came here from all over the world, and said she appreciated anything the Town could do to make them feel

more comfortable. She said she was sorry to see some of the comments on social media, but said the children of Durham were resilient and could handle this. She said there was a wonderful opportunity to use this situation as a teaching moment, and noted that the Christmas story was about being unwelcomed, and welcomed. She said she applauded the Council for the decision they'd made.

Daniel Day, 89 Bagdad Road, said when he was a child he went to Light Up Durham with two Jewish friends, and they had a great time and enjoyed the spirit of the celebration, before everything had to be politically correct. He said it was a secular holiday that was no different than Halloween, and was part of our culture. He noted the discussion about replacing the wreaths downtown with stars, and said he believed that wreaths were more secular and pagan than stars were. He spoke about the importance of keeping the Town lit in the dark part of the year, and said it would be good to keep the wreaths.

Mr. Day noted his previous comment in regard to the vaping ordinance, that the majority of people started smoking before they were 18, and he provided the sources of this information, including the CDC website. He said he believed that putting such a restrictive ordinance into effect wouldn't affect a person's decision to smoke, and would just put local merchants at a disadvantage. He said he saw this ordinance slightly as an abuse of power, an insult to the intelligence of young people, and said it went against the live free or die motto that he cherished. Mr. Day said although there was some disagreement here about the Council's positions on sensitive issues, he appreciated the efforts they put in.

Elza Brechbul, Student Senate Representative, said while it was recognized that smoking was a problem, she wanted to also highlight the concerns with the policy the Council had proposed. She said a lot of students at UNH were coming from different cultural and religious backgrounds that embraced tobacco. She said if they were prohibited from purchasing tobacco products, they'd find a way to do it anyway, just as was the case with alcohol. She said there were two businesses in Durham that were highly driven by tobacco products, and said there was concern about them. She said educating people on these products was better than prohibiting them. She asked the Council to consider raising the age to 19, which would address high school students who were using these products, but would let college students get the products.

V. Approval of Minutes

October 21, 2019

***Councilor Rotner MOVED to approve the October 21, 2019 Minutes as amended.
Councilor Tobias SECONDED the motion and it PASSED unanimously 8-0.***

November 4, 2019

***Councilor Corrow MOVED to approve the November 4, 2019 Minutes as presented.
Councilor Tobias SECONDED the motion and it PASSED unanimously 8-0.***

VI. Councilor and Town Administrator Roundtable

Councilor Tobias said it had been a rough week overall. She said it was important to come together as a community and figure out what was best for it. She said she appreciated the comments that had come in, and said most of them were respectful. But she noted that there were people who had yelled at her on Facebook, and posted about her children's birthday parties. She said she had a thick skin, and she encouraged people to come to the festival, offer suggestions, and see what they all could do to make things the best for everyone.

Councilor Howland noted that Integrated Waste Management Advisory Committee meetings weren't currently taped because they met early in the day, but said the meetings would be taped in the future.

He said Economic Development Director Christine Soutter would give a presentation to the Council in December. He said at the most recent EDC meeting, they discussed the conversation about affordable housing that was going on around the state, for example at the recent Radically Rural conference, at Main Street Academy, etc. He noted that Exeter had a subcommittee that was specifically studying this issue, and said the EDC thought it would be good for Durham to have such a subcommittee.

He suggested that it could include a member of the Council, a member of the EDC, a member of Strafford Regional Planning Commission and four at large citizens. He said the research Councilor Lawson had done on housing in Durham was a start. He said he'd put together an agenda item for the Council, which would include a draft of the EDC's ideas concerning an affordable housing subcommittee.

Councilor Rotner said at the School Board meeting this week they'd learn the price of a new Middle School, which would be explained to the community in the coming months, and voted on by referendum in March, 2020.

He noted that he was part of the committee that was working on the enhancements to the Milne sanctuary. He said this work included taking down some of the Norway maples there, addressing other invasives, doing soil testing, planting perennials, shrubs and trees, creating a pathway, establishing a wildflower meadow, rebuilding a stone wall, and building a bridge to go over the Oyster River to tie into the Meadows property on Route 108.

Councilor Rotner said that in regard to the public comment that Councilors were disengaged and did things through back doors, what he'd described here was the scope of his work.

Councilor Burton said it kept being stated that the Council had changed the holiday celebration to accommodate a group of people, but said the Council wasn't making this change because of being pressured. He said he swore an oath to uphold the constitution, which said they couldn't favor one religion over another, and said what was happening this year seemed to fall within the Constitution.

He said at the recent Strafford Regional Planning Commission meeting, there was a fairly long discussion on solid waste management, among SRPC commissioners from many nearby towns, including Newmarket, Somersworth and Dover. He said these commissioners spoke about how well PAYT programs in their municipalities were going, including reductions in expenses. He said there was also discussion at the meeting on the Legislative committee that had studied the solid waste issue last session, and had recommended that regional planning commissions should look at creating regional solid waste districts under RSA 53B, and also recommended PAYT. He noted the summary of the extensive testimony in Concord on the solid waste issue.

Councilor Burton said there was also discussion at the SRPC meeting on the upcoming Census. He said all of the people in Durham including students were considered residents, and said it behooved the Town to make sure that everyone was counted. He said this data was important in order to be able to get federal funding. He noted the provision in the Census law for creating a complete count committee to oversee the census process in a town. He said he'd discussed this with Administrator Selig, and said if created it would exist for a brief period of time. He spoke about possibly coordinating this with UNH.

He said commissioners on SRPC were annoyed that the state wouldn't stress regional rail transportation, and he noted that with the recent CMAQ funding round, \$1 million for track rehabilitation for the Downeaster was found to be ineligible for funding. He said if the region had better train transportation, people wouldn't have to use the roads so much. He said all of the regional planning commissions in the state said rail transportation needed to be strengthened.

Councilor Burton said the recent Energy Committee meeting was excellent, and he noted some of the many activities members were engaged in.

He commended Chair Marple for her efforts during a very tough week, and said he'd never seen such hate mail. He said it was well organized.

Councilor Lawson said at the recent Land Stewardship Committee meeting, they reviewed the trail work completed this year and the work planned for next year. He noted that for years the land across from the Churchill rink had contained a loop trail that wasn't being used, and said Brian Keegan of Oyster River Cycle and Sport and Conservation Commission member John Natchely were working on making it a good trail for mountain biking. He said they deserved a thankyou when they completed this work.

He said there was also discussion at the meeting about controlling invasives, and spoke further on this. He said there might be some areas where they might need to use herbicides, on the plants themselves, and said they were fortunate that Ellen Snyder had knowledge about this topic. He said quite an investment had been made to try to control invasives, and said it was important to keep at this.

Councilor Rotner said the Land Stewardship Committee was lucky that Ms. Snyder had connected them with an expert on this subject, and would be engaged in the community to ensure that best practices were being followed to limit environmental impacts. He said the land near the Churchhill rink that Councilor Lawson had spoken about had a lot of topography, and an incredibly beautiful view of the river.

Councilor Lawson said he'd started to collect parking data again. He noted that last Friday was the first time he hadn't been able to find a parking space anywhere downtown, and realized it was because UNH was hosting an event. He said he'd throw out the data he collected that day.

He said a good take away from the recent emails was that although Durham residents were upset, they were more likely send emails that provided productive feedback, and said that was what was unique about Durham. He said people might not like the change, but they expressed their opinions in more positive ways than what was seen in the negative national narrative the Town had been exposed to. He said Chair Marple did an incredible job, and said they were very lucky to have her.

Councilor Welsh provided an update on the most recent Planning Board meeting.

- He said the Mill Plaza proposal was back, and provided some details about the site plan. He said the public hearing was kept open and said the review would continue at the meeting toward the end of January.
- He said the Board looked at a proposed project for a parking lot that would be aligned with the Mill Plaza project but was completely separate from it. He said the concept was that residents of the Plaza would be able to park there and therefore not disturb the parking at the Plaza. He said cars would enter the parking area from Main St, and said it wouldn't be visible from Main St. He said there would be a lot of discussion about it, and said it was possible that this would be a good place for a Town parking lot. He spoke further on this, and said the site walk for the project was scheduled for November 25th, and the public hearing would be held on December 11th.
- He said the Board made a few changes to the Short-term lodging ordinance.

Councilor Welsh said he thought Chair Marple was great, and said she was always very fair.

Councilor Corrow said at the most recent HDC meeting, Chair Michael Bradley, who was stepping down, was recognized for his work on the HDC. Councilor Corrow noted that he'd been elected Chair of the HDC in absentia. He spoke about the archeological study and recommendations concerning the Nancy Page gravestone, and said UNH would move the grave marker and enclose it in a granite frame.

He noted that the Council had to look at a lot of contentious issues, and made many tough decisions. He said in his 4 years as Chair or Vice Chair of the Planning Board, he and other board members had to address contentious issues too. He said he'd sometimes asked people to step up to serve, and said it was easy to sharp shoot a decision that others

made, but it wasn't easy to make that decision. He said if people stepped up to serve the Town, they'd have a seat at the table, and he recommended that they do this.

Councilor Burton said there were some emails from townspeople that Councilors could respond to, but said they didn't know where some of the comments were coming from, including those that made threats. He said this was scary, and sad.

Administrator Selig said he'd like to offer his perspective, and he read the following prepared statement"

"In Durham, our local boards, committees, and commissions and staff are working really hard to address complex and difficult complex issues facing this community. From our planned Frost Fest celebration, to addressing the future of trash and recycling. From addressing a controversial mural in our local Post Office, to being the first community in New Hampshire to establish Indigenous Peoples' Day. From finding a balance between conservation, development, agriculture, transportation, history, and a lot of other goals, to working toward addressing the projected and serious local impacts associated with climate change. These, and many other pressing matters in Durham, are difficult and some have implications that extend beyond our boundaries and intersect with ongoing national conversations. There is often not a single answer. There is room for many perspectives, and sometimes, what we have always done as a community is not necessarily still the best path forward. Yet we carry on, we work to be better, we listen, we consider, we adapt, we do our best; even when some people are intentionally antagonistic and use words to unnecessarily malign our citizen board members, our Chair this evening, and our hard working staff.

To our community, I would say let our boards and staff know your thoughts on what is going well, and what is not. And to be people beyond our community, I say watch and learn. We in Durham are doing our very best to address difficult issues in an ever changing world."

Councilor Rotner said Bagdad Road was now open. He said it needed to be recognized that the project was about much more than the culvert work, and said it would be very informative for people to learn about the intricacies of the project. He said he watched the project as it was being done, and appreciated why it took that much time. He thanked the DPW for taking care of this issue, and also taking care of a lot of other issues at the same time.

Chair Marple said there would not be a discussion on Frost Fest this evening.

VII. Report from the UNH Student Senate External Affairs Chair or Designee

No report

VIII. Unanimous Consent Agenda (Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)

None

IX. Committee Appointments Shall the Town Council appoint a representative to serve on a committee to establish a coastal resilience and economic development program in accordance with Senate Bill 285, CH 318:4?

Councilor Burton spoke about an event he'd attended on coastal resilience in recent years, at a restaurant in Seabrook where the table he was sitting at would be flooded out in the future. He said he'd be happy to serve on this committee.

Councilor Rotner MOVED to appoint Councilor Wayne Burton to serve on the Committee established by SB285, Chapter 318:4 establishing a Coastal Resilience and Economic Development Program, for a term of 3 years. Councilor Corrow SECONDED the motion and it PASSED unanimously 7-0-1 with Councilor Burton abstaining.

X. Presentation Items

- A. Receive annual report from the Conservation Commission in accordance with Section 11.1(I) of the Town Charter - Bart McDonough, Chair (10 mins)

Mr. McDonough provided a detailed update on the work done by the Commission this year. He also identified major initiatives the Commission would be focusing on: review of the Natural Resources Master Plan chapter and identification of actions that could be taken based on recommendations in the chapter, including development of a forecasting budget for the land conservation fund; increasing volunteer opportunities and outreach; investment in conservation lands; continued maintenance of easements. He said the Conservation Commission was a great group, and said John Natchely and Ellen Snyder did a great job in maintaining easements. Chair Marple thanked Mr. McDonough for the comprehensive report he'd provided.

Councilor Corrow said under Mr. McDonough's leadership, volunteerism had really increased, and thanked him for this. He noted that a lot of the members of the Commission practiced what they preached, and were out there every weekend getting their hands dirty.

Councilor Welsh said he'd walked the trails at Thompson Farm and Doe Farm, and said some great work had been done on both of them. He said the properties were much more accessible now.

Councilor Lawson said he'd learned so much from being on the Conservation Commission, including that sometimes one needed to put his back and shovel where his mouth was. He said it was a great committee, and took its work very seriously. He said John Natchely was out there helping to steward Durham's lands, and said he had immense respect and appreciation for him. He said John was to the Conservation Commission what Jay Gooze was to the IT department.

- B. Receive annual report from the Durham Energy Committee in accordance with Section 11.1(I) of the Town Charter - Mary Downes, Chair

Ms. Downes introduced new Energy Committee member Bianca Leonard. She noted that it had been 5 years since the Energy Master Plan chapter was published. She said the Committee was on a mission to help keep the temperature of the earth from increasing any further. She said the risks associated with business as usual were massive impacts to ecosystems, crop yields, and so much more. She spoke about various initiatives the committee was working on, including advocating for a new Middle School that would use as little energy as possible and generate some energy on site, and the draft solar ordinance. There was discussion about current opportunities concerning energy efficiency and solar energy.

Ms. Downes spoke about the charging stations at the Pettee Brook lot and the Library, including a new donated unit that would be going in shortly at the Library. She also spoke in some detail about the current investigation of the feasibility of having a microgrid in Durham, which could make the community more resilient in the future. She said the Energy Committee was helping with this. She also provided details on the good performance of the solar array at the gravel pit. She spoke about other initiatives coming up, including getting a UNH sustainability fellow, and working with Town staff and other committees on issues that could have an energy component, like affordable housing.

There was discussion about the possibility of the Town buying out the power purchase agreement with Revision Energy for the solar arrays at the gravel pit. Administrator Selig explained that the Town wasn't able to do the analysis needed to determine whether it would make sense to do this, and he recommended that the Council put this off until 2021.

Ms. Downes said the Committee was looking into a new state law that allowed municipalities either individually, or in collaboration with regional planning commissions, etc., to procure electricity. She said this could be an opportunity to prioritize renewables, save money, etc. She said the Energy Committee was also looking at what it would mean for Durham to join a global covenant of mayors around renewables sustainability, etc. She said there were many ideas out there on this, and said the Committee had had some great discussions about this, and would provide a recommendation to the Council.

Councilor Burton spoke about the great level of expertise on the Energy Committee. Ms. Downes said rather than all of the members working on everything, each member was working on projects that interested him/her.

Councilor Howland spoke about the Middle School project, and also said the Moharimet School was tracking energy usage. He noted that electric buses weren't economically viable yet, and there was discussion.

There was discussion that the solar arrays on other Town properties were doing as well as had been expected. Ms. Downes said there had been some shade issues with the ice rink, and also said there was the issue of what the future plans for that facility meant in terms

of solar. Administrator Selig said the tree and squirrel issues at the Library had been addressed.

Councilor Lawson said he lost sleep when he looked at the graph Ms. Downes had shown on the global rise in temperature. He said it took a lot of work to do the solar array at the gravel pit, and said to this day he couldn't understand why there had been such a concerted effort to prevent it from going forward. He said he appreciated the work Administrator Selig and Charlie Forcey had done on this project.

Ms. Downes said the project wouldn't have happened without Charley Forcey. She said change was scary, and said there was a tendency for people to put their heads in the sand. But she said that wasn't good policy, science, or leadership, and said it behooved them all to roll up their sleeves and get the work done.

Councilor Rotner said there was a tendency to be penny wise and pound foolish, and to not look at overall impacts and the true costs of things. He said change might threaten people, but said graphs like this showed why the work the Town was doing was so important. He said it was a climate crisis.

Chair Marple said she really appreciated the work Ms. Downes was doing.

- C. Receive annual report from the Historic District Commission in accordance with Section 11.1(I) of the Town Charter - Andrea Bodo, Vice Chair

Ms. Bodo first extended her sympathy to Council members for the week they'd had to go through, and said they couldn't please them all. She then read a detailed report written by former HDC Chair Michael Bradley, which was provided in Councilors' packets.

Ms. Bodo said the work done concerning the Nancy Page gravestone was really impressive.

XI. Unfinished Business

- A. PUBLIC HEARING on the Administrator's proposed FY 2020 Operating, Capital, and Special Fund Budgets

Councilor Rotner MOVED that the Durham Town Council hereby OPEN the public hearing on the Town Administrator's proposed FY 2020 Operating, Capital, and Special Fund budgets. Councilor Corrow SECONDED the motion and it PASSED unanimously 8-0.

Administrator Selig summarized key details of the Budget document, as he'd discussed at the last Council meeting, and that were included in his Town Administrator Message at the front of the Budget document:

https://www.ci.durham.nh.us/sites/default/files/fileattachments/business_office/page/55301/town_administrators_message.pdf

There were no members of the public who came forward to speak.

Councilor Rotner MOVED that the Durham Town Council hereby CLOSES the public hearing on the Town Administrator's proposed FY 2020 Operating, Capital, and Special Fund budgets. Councilor Tobias SECONDED the motion.

Councilor Corrow suggested that the public hearing could remain open. Administrator Selig noted that members of the public could provide their comments during the Public Comments portion of Council meetings, between now and when the Budget and CIP were adopted. Councilor Lawson said public comments were also being received by email.

The motion PASSED unanimously 8-0.

- B. Continued discussion and deliberation of the Administrator's proposed FY 2020 Operating, Capital, and Special Fund Budgets and the 2020-2029 Capital Improvement Plan 1. Assessor 5. Planning 9. Police 2. Economic Development 6. Town Clerk/Tax 10. Fire Collector 3. IT/ DCAT 7. Zoning/ Code 11. Public Works Enforcement 4. Parks & Recreation 8. Library

Councilor Welsh said it was hard to work with one year of data, and suggested including historical data as had been done previously.

Assessing Department Councilor Welsh asked Assessor Jim Rice how putting in a new GIS system would provide a financial a benefit to the Town in the future. Mr. Rice said the update of the tax maps as part of this would help him with future assessment of properties because the data would be more accurate, and said this would generate more revenue for the Town. He said he'd be able to determine things like frontage measurements from the tax maps, but noted that he'd still have to go out into the field.

Councilor Lawson asked if the Seacoast Reliability Project was subject to any of the utility appeals that were going on. Administrator Selig said no, and said the transmission lines were valued differently than the distribution infrastructure. He said it was the value of the existing utility infrastructure that was being contested right now in court. He said Eversource estimated that the value of the new transmission lines was about \$43 million, and said the utility appraiser thought the number was very conservative so was a safe number for the Town to use. There was further discussion.

Administrator Selig said the Town was at 97.8% in regard to equalized valuation, and said if the valuation fell outside of the 10% range, this would trigger the need for a statistical update. There was discussion that properties were selling at more than their assessed value because there was low inventory and high demand. Mr. Rice provided details on this. He noted that he'd wanted to start a 4-year cyclical statistical update, which would save about \$25,000, but said it was decided that a full update would be done in 2023. There was discussion about this.

Information Technology Dept. –IT Manager Luke Vincent said he appreciated that Mr. Schlie had brought up some information on GIS, but said the Town had already purchased aerial imagery. He said the parcel layer was currently being compiled, and said

at the end of that project the Town would have the best data set it had ever had. He said he supported the half year GIS position. He also said he didn't anticipate that the Town would have to host the GIS data, and said perhaps UNH, Strafford Regional Planning Commission or a company could do this.

Councilor Welsh noted Mr. Schlie's recommendation to have an outside group do the GIS work. Mr. Vincent spoke in some detail about this. Councilor Welsh asked if the GIS system would provide cost efficiencies. Mr. Vincent said being able to pull information from different department silos, and on a per property basis, would aid Town staff. He also said there was a cost to having inaccurate data, noting that the Town knew its tax maps were poor, and that there could be liability issues because of this.

Administrator Selig said there were water and sewer pipes in the Town that were installed at different times, and were comprised of different materials. He said staff were relying on institutional knowledge to keep track of all of this, and said if the information could be entered into GIS, a comprehensive infrastructure plan could be put together. He said it was hard to make a pure economic case for having the GIS system, but said it would drive efficiency, and would allow the Town to put various kinds of information together, and do things with it that they weren't even thinking about yet. Councilor Lawson said it was about the quality of the work output.

Administrator Selig said the GIS person would provide training for staff in the various departments, and said this would take some time so it would be more efficient to do it in-house starting out. He said in a few years the need for the position would be reevaluated.

Parks and Recreation Dept – Parks and Rec Director Rachel Gasowski said it had been a busy year, and said all of the numbers were up. Administrator Selig asked about revenues, and Ms. Gasowski said as of last week, they'd exceeded their \$82,000 revenue goal. There was discussion about the revenue goal this year compared to last year. Councilor Welsh said this had been relatively flat, and said he thought the forecast for next year had to increase a little. Ms. Gasowski said she thought they could reach \$95,000. There was discussion that the purchase of the van had helped with getting revenue, and Ms. Gasowski provided details on trips that were taken with it.

There was discussion about the current pool rebate program. Administrator Selig noted that it wasn't income restricted and was available to all Durham residents. Councilor Welsh questioned the program and suggested potentially not going forward with it next year.

Councilor Rotner asked Ms. Gasowski if she had any thoughts on adult field trips, including whether Riverwoods might provide some opportunities concerning this. Ms. Gasowski said there had been a goal to provide these opportunities. She also noted that Parks and Rec had partnered with the Community Church and had offered 4 trips so far. She said she drove the van on these trips.

Administrator Selig said this morning, he, Ms. Gasowski, Councilor Rotner, Councilor Welsh, Councilor Howland, Councilor Lawson, and Churchill Rink Manager Bill Page discussed a proposal to move forward over 3 years to improve and enclose the rink. He said he thought there was consensus around making modifications to the existing proposal and bringing forward a revised 2020 project to replace the concrete flooring beneath the skating surface, get dasher boards from UNH, and budget money to hire an engineer to fine-tune cost estimates for any potential further steps.

He said this would allow the Town to move forward with a project next year in the \$600,000 range, and would also allow the committee to work on testing the numbers around being able to continue to make additional improvements while still remaining self-sufficient. He said they'd like the rink to ideally pay for itself, and would like the facility to be used on a year round basis for other programming that was focused on a broader cross section of Durham than hockey players.

Councilor Welsh said there wasn't consensus among those at the meeting this morning about whether the Town should budget for an engineer for the project, or if this instead should come out of the current rink fund. He said there would perhaps be other revenue opportunities in the future that didn't come from hockey, but said there was a lot of work to do on this. He said whatever was decided, the Budget allocation for next year should come back to the Council, which would decide if it wanted to go forward with it.

Administrator Selig spoke about the Oyster River Youth Association (ORYA). He noted that last year, the Council wanted to revisit the budget allocation for the organization, and discussed ways to move forward, particularly phasing out the allocation over a period of time. He said this year, ORYA had asked for \$74,000. He said it made sense to start a conversation about how the Council would like to proceed with that line item. He said he proposed to provide \$28,000, which was what the allocation was last year.

The Council agreed that the discussion on the Police Dept and DPW Dept budgets would take place at the next meeting. Councilor Lawson suggested that when the Fire Dept budget was discussed at the next meeting, he'd like to understand more about the fact that the training program wasn't included in the budget, and would also like information concerning protective clothing. He also said that concerning the proposed rate increase for services from McGregor Ambulance Corps, he'd like to understand the insurance aspects of this.

Councilor Rotner said he was a resident who'd obtained pool vouchers, and said he'd used them regularly. He noted that he'd raised the issue last year and this year that he didn't think it was a fair system, and said there were many families in Town that didn't use these vouchers and therefore subsidized by residents who did not use the pool. He said he'd raised similar points about the fairness of funding ORYA last year, and said after discussion, the Council had reduced the allocation from the \$42,000 that was requested to \$28,000, as a compromise.

He said included with this allocation was a wish that ORYA would work on being a more streamlined, efficient organization, and would reduce the allocation they asked the Town for. But he said the request this year was greater than last year's request. He said he thought ORYA provided a tremendous service to the Town, but said he'd thought the allocation would go down to \$14,000 this year as part of a phase out.

Councilor Howland noted that a resident at the last Council meeting had said it wasn't good for someone to be on the School Board as well as on the Town Council. He said he agreed that this was a painful thing to do, but said it did allow a wholistic view of things. He said there should be equity in recreation programs, and said it wasn't the job of the School District or the Town to pick winners or losers. He said they provided the facilities for these programs.

He said he agreed that the allocation last year was a compromise, but said it was made very clear that the Council was moving toward providing more equity. He said he believed that the Town should provide really good facilities that members of the community and groups could use at no cost, as long as no one got boxed out. He said he could accept moving to a \$14,000 allocation for ORYA. He said he agreed with Councilor Rotner that the current pool voucher system wasn't a particularly good idea.

Chair Marple said the Council could talk more about these budget issues later on in the process.

Planning Dept. - Mr. Behrendt spoke briefly, and said it been a great year.

Town Clerk/Tax Collector - Ms. Pitt said the Town was very happy with Rachel Deane, the new Deputy Town Clerk/Tax Collector, and said the office was running smoothly. She noted that in 2020 there would be 4 elections, and spoke about the importance of having some part time hours available when the elections were scheduled, as well as when there were vacations, etc. She noted that it had been very helpful to have former Deputy Town Clerk/Tax Collector Barbara Landgraf fill in sometimes this year. Councilor Rotner said Ms. Deane was a wonderful asset to the Town.

Councilor Welsh noted that health and dental for this department went up \$29,000, and Administrator Selig said this reflected the additional cost of insurance.

Councilor Lawson asked Ms. Pitt if she was comfortable with revenue projections for vehicle registrations, etc. There was discussion, and Ms. Pitt noted among other things that there weren't as many high-end vehicles being registered as there had been in recent years.

Code Enforcement Dept. - There was detailed discussion with Code Officer Audrey Cline about the reasons for the \$60,000 in savings in the proposed budget for her department. Councilor Lawson asked Ms. Cline if she felt she had enough resources to do code enforcement in the neighborhoods. Ms. Cline said yes, and said she was starting to see a general shift in behavior, which allowed code enforcement staff to spend less time in the field, following up on complaints on trash, etc. She said they'd also learned how to

approach other violations more efficiently, including the court process involved. There was further discussion about the fact that \$90,000 but not \$150,000 would be needed for code enforcement inspections. There was detailed discussion about line items in the code enforcement budget, for employees, contracted services, off-site document storage, and a software program.

Library

There was discussion with Library Trustee Charlotte Ramsey and Interim Director Susan Wagner. There was discussion that there were some additional part time hours in 2019 to fill in some gaps between shifts, and that these additional hours were being requested again for 2020 so those gaps could continue to be filled in.

Councilor Welsh asked if there was any information on usage of the book collections. Ms. Wagner said there were statistics regarding adult print circulation, and said there was an 8% increase in 2017-2018. She said they were on track to exceed that for 2019. She spoke in some detail on the book collections. Councilor Welsh noted the increase in the budget line item for collections.

There was discussion about the children's programming line item increase. Ms. Wagner noted that this was a highly successful program, and she provided statistics on this. She said through the Friends of the Library and the Library Trustees, they were able to add some new programs. She said as she headed out the door, she wanted to thank the various departments that had been so helpful to her in her work.

Chair Marple said the Council appreciated Ms. Wagner's services as Interim Director.

Councilor Rotner noted the page in the Budget document that listed the funds the Town provided to the Library. He also noted the Trustees money that helped make ends meet. Ms. Wagner provided details on these numbers and there was discussion. Administrator Selig said annually the Town asked for an update of the information on Trustees funds. It was noted that this information hadn't been received yet, and Ms. Ramsey said she would get this information to the Council.

Ms. Ramsey said the Trustees were extremely grateful to Ms. Wagner for the work she'd done as Interim Director.

- C. PUBLIC HEARING AND ACTION ON ORDINANCE #2019~03**, a Planning Board initiated amendment to Chapter 175 "Zoning" of the Durham Town Code to rewrite Article XXI - Off Street Parking, and to modify other language in the Zoning Ordinance pertaining to parking

Councilor Rotner MOVED that the Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2019-03 a Planning Board-initiated amendment to Chapter 175 "Zoning" of the Durham Town Code to rewrite Article XXI - Off Street Parking, and to modify other language in the Zoning Ordinance pertaining to parking. Councilor Corrow SECONDED the motion and it PASSED unanimously 8-0.

Beth Olshansky, Packers Falls Road, said she supported the current recommendations. She noted that there had been some lively hearings on the proposal, and said one of the themes had been individual preferences vs the public good. She said she thought the proposal to allow a maximum of 3 vehicles was fair, and said in a college community it was important to be proactive in protecting in-town neighborhoods. She said that was the crux of the discussion at the Planning Board. She encouraged the Council to continue the important work of protecting the neighborhoods.

Robin Mower, Britton Lane, thanked the Council for their dedication to addressing issues that were far more challenging than might have been imagined. She stated a concern that she noted was conveyed during the Planning Board's public hearing on this ordinance proposal, that too many cars degraded the quality of life in compact family neighborhoods. She said compact downtown neighborhoods in Durham's Residence A zone were targets for student rentals, whether of rooms, entire houses, or parking spaces. She noted that college towns across the country had adopted residential overlay districts and similar zoning ordinances because neighborhoods located near colleges often fell into a "student ghetto" condition.

She said of the approximately 810 lots in the Residence A zone owned by single-families (as opposed to corporate or government entities), the Assessor's database showed that about 100 of the owners had out-of-town or elsewhere-in-town mailing addresses. She said one might conclude from this that approximately 1 in 8 of these properties was a rental property.

Ms. Mower said lots in the Faculty neighborhood were almost all under one-half acre and most were typically only a quarter-acre. She said almost all of these lots were not screened from the view of neighbors. She said extra parking spaces could tempt abuse, and noted an example from 10 years ago of a single family home on Faculty Road with a driveway that could hold 5 cars. She said when the property was sold the buyer said he assumed he could therefore have 5 tenants. She said she'd been told by the Town's Code Officer that there was currently at least one house in the Faculty neighborhood that rented out several parking spaces.

She said even when all was quiet, the presence of a large number of cars parked on single-family properties disturbed the visual quality of life homeowners expected when purchasing their homes. She said allowing many cars to be parked on a lot would violate the purpose of the RA zone, reducing the space available for the very features of which residential neighborhoods were comprised. She noted her experience, having lived in the Faculty neighborhood near student rentals, that there was a fundamental conflict between the lifestyles of families and students.

Ms. Mower said the main purpose of the proposed ordinance was to address parking regulations for single-family and duplex structures. She also noted that the Purpose language in the Zoning Ordinance for the RA and RB zones specified "maintain the

established character of these neighborhoods,” and said there was an opportunity to ensure that any proposed amendments did just that.

She said allowing 3 spaces on a lot for parking in addition to the one, two, or more in garages would serve most households. She said it would also preserve some semblance of a residential, as opposed to a commercial, neighborhood character. She said for minimal inconvenience to the individual, the community would benefit. She said she strongly supported holding the number of vehicles to “no more than 3 parked on a regular basis” with a “steam valve” for families that needed more, and with the details on this to be worked out to minimize inconvenience for both residents and Town staff.

Ms. Mower said the definition of “vehicle” was unclear in the ordinance, and suggested language for this, in the Applicability section of the ordinance: *The term “vehicle” as used in this article refers to motor vehicles that are required to be registered with the Department of Motor Vehicles for travel on public roads.*

Ms. Olshansky noted that at the Planning Board public hearing, there was a suggestion from a member of the public that when someone registered a vehicle, the permit could also be picked up then, and this could happen annually or just when the vehicle changed.

Mr. Behrendt said there had been discussion by the Planning Board about having a definition for vehicle, but the decision was made to keep things general. He suggested that the wording Ms. Mower had provided could be added to the ordinance, under Applicability. He said he didn’t think doing that would mean the draft would need to go back to the Planning Board because it wouldn’t really change any requirements.

Councilor Burton asked for details on what the process was for someone who had more than 3 vehicles on a property. Administrator Selig said he and a few others met to discuss this, and said they envisioned that an advisory letter would be sent to a residence if it was believed there were too many vehicles. There was discussion. Ms. Cline said she wouldn’t do this unless she saw the cars parked at a property on a regular basis. She spoke further on this, and noted the importance of the wording “regularly parked” in the ordinance.

Councilor Howland MOVED to extend the meeting beyond 10:30 pm. Councilor Tobias SECONDED the motion and it PASSED unanimously 8-0.

Councilor Rotner suggested putting out information in Friday Updates, etc. about getting the permit when people registered their car, so they wouldn’t have to get the advisory letter. There was further discussion. Councilor Burton said if they were going to pass this regulation, they needed to apply it to themselves. He also said they should be clear with everyone about not waiting to get the permit until they got a notice. Councilor Howland agreed and suggested that there should be a write-up about this in Friday Updates about why this was being done. He also said postcards to get the permit should be available, and also said a reminder could be provided in the yearly car registration renewal mailing.

There was discussion about how the delineation of parking spaces was addressed in the ordinance, and how it would be handled in practice. Ms. Cline and Mr. Behrendt provided details on this.

Councilor Rotner MOVED that the Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2019-03 a Planning Board-initiated amendment to Chapter 175 "Zoning" of the Durham Town Code to rewrite Article XXI - Off Street Parking, and to modify other language in the Zoning Ordinance pertaining to parking. Councilor Lawson SECONDED the motion and it PASSED unanimously 8-0.

Councilor Welsh MOVED that the Durham Town Council does hereby ADOPT Ordinance #2019-03 a Planning Board-initiated amendment to Chapter 175 "Zoning" of the Durham Town Code to rewrite Article XXI - Off Street Parking, and to modify other language in the Zoning Ordinance pertaining to parking, as amended with the language provided by Mr. Behrendt. Councilor Tobias SECONDED the motion and it PASSED unanimously 8-0.

- D. CONTINUED DISCUSSION AND ACTION ON ORDINANCE #2019-02** creating a new chapter within the Durham Town Code, Chapter 145 "Tobacco Products", to increase the age for the sale and purchase of tobacco products, e-cigarettes, vaping products or liquid nicotine from 18 to 21 in the Town of Durham

Councilor Lawson MOVED that the Durham Town Council does hereby ADOPT Ordinance #2019-02 creating a new chapter within the Durham Town Code, Chapter 145 "Tobacco Products" which establishes the age of 21 to be the minimum required age of any individual in the Town of Durham to purchase tobacco products, e-cigarettes, vaping products or liquid nicotine and requires Durham merchants to ensure this act by verifying legitimate identification at the time of purchase. Councilor Welsh SECONDED the motion.

Councilor Corrow noted that at the last meeting, there had been discussion about the UNH Student Senate possibly providing a Resolution to the Council on this issue. There was discussion that the comments this evening from Ms. Brechbul were not a Resolution.

Councilor Corrow said young men and women could go into combat. He said he had a problem with legislating behavior, and said while he understood that this was a public health issue/crisis, he thought a more pressing crisis was childhood obesity, but said he didn't see anyone banning cheeseburgers. He also noted alcohol use by young people. He said he would support this ordinance anyway because vaping was becoming an epidemic with younger people in middle school and below. He said some of the companies who sold these products were purchased by Phillip Morris, and were targeting young kids.

He said he didn't think the ordinance would do much, noting that young people could order the products online or buy them in Newmarket, but said the Council needed to do what it could to protect kids. He noted that the ordinance would potentially put one business on Jenkins Court out of business.

Councilor Rotner said he'd wrestled with the things Councilor Corrow had spoken about. He said the Whereas language recognized that this would not be a slam dunk solution. But he said for him the need for this ordinance was driven by what was happening in Durham's public schools, where these products were being marketed to students. He noted that alcohol use by young people was legislated, and also said there was a broader definition of what public safety was about. He said nicotine was a health issue, which individuals, families and everyone paid a big price for. He said if the ordinance had an impact on 15 kids, it was worth it. He said the business on Jenkins Court was selling a product that was injurious. He said he went to the store, and saw mango and cotton candy flavored vaping products on the counter, confirming that the market they were targeting was our town's youth.

Councilor Corrow noted that there were 80,000 deaths/year from alcohol use.

Councilor Welsh said his own information and the information provided by Daniel Day were both correct. He thanked Mr. Day for providing this information. He said he'd vote for the ordinance, and noted the information received today that said 5.2 adults died each day in NH from nicotine addiction. He noted that Maine, Vermont and Massachusetts had a minimum age of 21, and said if New Hampshire also did this, it would be a lot harder for people between 18-21, as well as people younger than that to get the products.

Corrow said 1 out of 4 teens were using e-cigarettes.

Councilor Tobias said she'd been concerned that illegal vaping material would become available. She also said she'd been reading up on nicotine addiction, and said nicotine itself was cancerous. She said she shared Councilor Corrow sentiments, but said she was concerned about the availability of these products and how attractive they were to younger kids. She said she thought 18 was too young for kids to be making a choice about using these products.

Councilor Howland spoke about the fact that the UNH Student Senate hadn't put a Resolution together even though there had been talk about doing this. He said he'd like to go to the Student Senate and explain what the Council was trying to accomplish with this ordinance. There was discussion that this could still be done if the motion passed tonight. Councilor Tobias noted that Ms. Brechbul had suggested the phasing idea, but said it wasn't clear how that would work.

The motion PASSED unanimously 8-0.

XIII. Nonpublic Session (if required)

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

XV. Adjourn (NLT 10:30 PM)

Councilor Welsh MOVED to adjourn the meeting. Councilor Howland SECONDED the motion and it PASSED unanimously 8-0.

Adjournment at 10:59 pm

Victoria Parmele, Minutes taker