

This set of minutes was approved at the January 13, 2020 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, DECEMBER 16, 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: Business Manager Gail Jablonski; DPW Director Mike Lynch; Fire Chief Dave Emmanuel

I. Call to Order

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

II Approval of Agenda

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

III. Special Announcements

IV. Public Comments (*)

Bill Hall, Smith Park Lane made a number of comments:

- He said Durham got bad publicity in every media outlet over the holiday lighting discussion.
- He said Durham's trash wouldn't make any difference at the landfill, and said instead of pushing Pay as you Throw down residents' throats, it should be put out to a vote.
- He said the DPW made a good start on the mowing in Town. He said he heard at the last meeting that the Town would mow a section of the Town each year, but said mowing needed to be done every year. He said the Town didn't have the right machine for mowing, and he spoke further on this. He also said tree work had to be done on an on-demand basis.
- He spoke in some detail about improvements needed concerning pavement repair in Town.
- He spoke about the road/culvert work done on Bennett Road, and said it would have been less work to replace the culvert to begin with.

V. Approval of Minutes

November 18, 2019

Page 2, 4th paragraph should read "...and he called it a Frost farce."

Page 4, 3rd full paragraph, should read "She said there were two businesses in Durham that were highly driven by tobacco products..."

Page 14, 3rd full paragraph, should read "...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."

Page 19, 2nd paragraph from the bottom, should read "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 Rotner MOVED to approve the November 18, 2019 Minutes as amended.
Councilor Welsh SECONDED the motion and it PASSED unanimously 8-0.***

December 2, 2019

***Councilor Welsh MOVED to approve the December 2, 2019 Minutes as submitted.
Councilor Corrow SECONDED the motion and it PASSED unanimously 8-0.***

VI. Council and Town Administrator Roundtable

Councilor Corrow said at the recent HDC meeting, the committee recognized Zach Fangman, who'd been on the HDC and had now graduated from UNH. He also said VHB (Vanasse Hangen Brustlin) was there to do the initial briefing on the upcoming Mill Pond study, and said this briefing would also be done at the January 16th Council meeting.

Councilor Welsh reviewed items addressed at the most recent Planning Board meeting:

- He said the Board sent the short-term rental ordinance back to the Council after having made some final changes to it.
- He said there was a public hearing as part of the preliminary design review for a proposed parking lot on Main St, and said the hearing was continued to the January 8th meeting.
- He said there was a public hearing on a preliminary conceptual plan for a conservation subdivision, and said this hearing as well was continued to the January 8th meeting.

Councilor Burton noted that two meetings ago he was elected by the Council to serve on the Coastal Resilience and Cultural and Historic Reserve District Commission, which was authorized by SB285 at the last legislative session. He said the purpose of this commission was to study the impact of sea level rise on historic properties and economic development. He spoke about some of the issues the commission was looking at, and said he'd continue to report back on their work. He noted the photos Councilor Lawson had provided of Old Landing

Councilor Burton noted three bills Senator David Watters had put forward concerning solid waste management. He also said Strafford Regional Planning Commission would be looking at this issue.

Councilor Rotner provided several updates:

- He said he attended an event where Senator Watters conveyed thanks to the Council for passing the vaping/tobacco ordinance. He noted that Senator Watters was working on this issue at the state level.
- He said he took a look at the Dam at Mill Pond during/after the recent storm, and also said he observed the culvert at Little Hale Pond. He said with a major rain storm, east of Bagdad Road the stream had rock boundaries that kept it intact, but said on the pond side the channel started to navigate itself, with a massive amount of rain leading to a lot of erosion, siltation, and nitrogen eventually going into the bay. He spoke about the importance of preventing this from happening there, and with other projects. He also said the culvert itself needed a cover, noting that it was currently open and someone could fall in.
- He said the School Board was finalizing its Budget for 2020. He spoke about how long and meticulous the vetting process for the new Middle School project had been, and said the Board felt there was incredible value in it, at an appropriate cost.
- He said at the Parks and Recreation meeting, the focus of the discussion was on the recent Frost Fest event. He said it was the most highly attended event ever and was a true community event. He thanked the volunteers who were involved with the event.
- He said at the most recent Land Stewardship Committee meeting, there was discussion on the major work projects to be done next year on Town properties, including trail work on the Longmarsh property. He noted that the Orchard Drive agreement with UNH had been finalized, and said the thought was to name the property after the Stevens family, which donated it many years ago.

Councilor Howland said at the upcoming EDC meeting there would be a PowerPoint presentation on beautification ideas for Jenkins Court. He also said the point with PAYT wasn't that the tonnage taken out would stop the filling of the landfill, and was that minimizing the amount of waste the Town put into the landfill would lower the risk of seeing future cost increases.

Councilor Tobias said Celebrate Durham held their recent meeting at Young's Restaurant, and said there was a good turnout. She said the next meeting would be in January, where they'd start planning events, and would discuss how they could help Ms. Gasowski as much as possible with these events.

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

There was no report.

VIII. Unanimous Consent Agenda

Shall the Town Council authorize the Administrator, in accordance with Section 5.7 Transfers of the Durham Town Charter, to transfer \$25,000.00 within the approved FY 2019 Budget from the Building and Code Enforcement Department budget to the Fire Prevention budget for third party fire protection inspections at the RiverWoods Facility?

Chair Marple MOVED that the Durham Town Council does hereby, upon recommendation of the Administrator pursuant to Section 5.3 of the Durham Town Charter, authorize the transfer of funds totaling \$25,000 from Building Inspection Account 01-4240-4114-36-001 to Fire Department Account 01-4220-701-36-000. Councilor Welsh SECONDED the motion and it PASSED unanimously 8-0.

IX. Committee Appointments

Shall the Town Council appoint Aaron Wolfson-Slepian, 47 Newmarket Road, to the Historic District Commission/ Heritage Commission?

Mr. Wolfson-Slepian said he'd lived in Durham when he was growing up, and said he lives here now with his wife and wanted to contribute to the Town.

Councilor Welsh noted that Aaron grew up on his street, and said it was great to have someone younger on the HDC who grew up here, knew the Town, and had come back to live here.

Councilor Corrow MOVED that the Durham Town Council does hereby appoint Aaron Wolfson-Slepian, 47 Newmarket Road, to fill an unexpired regular member term on the Historic District Commission/Heritage Commission, with a term expiration of April 30, 2022. Councilor Rotner SECONDED the motion and it PASSED unanimously 8-0.

X. Presentation Items

Update / Progress Report From the Oyster River Cooperative School District -
Dr. James Morse, Superintendent

Dr. Morse noted the financial documents he'd provided to the Town Council on the Middle School project. He said the maximum price for the school was \$49,847,732. He noted that the current bonding rates were advantageous. He said the goal was that there would be no spike in taxes as a result of the project, and he spoke in some detail about the work he and Business Administrator Sue Caswell had done to make sure of this. He said they'd realized that with no state aid for the project, and if they went with traditional bonding for the whole project, there would be a crushing blow concerning taxes, and the project wouldn't succeed at the polls.

He said the plan was non-traditional, and he reviewed the financial details of it, as outlined in the memo he 'd provided to the Council. Among other things, he explained that when the high school bond was paid off in the next few years, this would free up \$750,000 per year to pay for the Middle School bond. He also spoke about trust accounts set up in recent years that would be one of the tools for funding the project, as would any end of year balances in school budgets. He stressed again that this was a maximum budget being presented, which would not increase.

There was discussion about possible changes in the interest rate, and about the fact that the first year of the bond payment would be for interest and not for any principal. Ms. Caswell said this was because a level debt structure had been designed that delayed principal payment for two years and provided some leeway for the High School bond to drop off.

In response to a question from Councilor Burton, Dr. Morse said after 2021-22, they would start to restore money that had been borrowed from the trust funds. He said if there was ever a time to use these trust funds, it was now.

Councilor Welsh asked about assumptions concerning out of district student participation. Dr. Morse said the School District was seeing a plateau in terms of students from outside the district attending district schools, and he spoke in some detail on this.

Councilor Lawson said the financial plan that had been provided to the Council had some complexity to it. He said he hoped that if Councilors had questions about it, a group of them could sit down with Dr. Morse and Ms. Caswell to make sure they understood the details. He noted that this would allow Councilors to answer questions residents might have about the project. Dr. Morse agreed that this was a good idea. He said the School Board was committed to 1% of the operating budget over the next five years going toward the Middle School bond, and said the memo he'd provided was how they would achieve that. Councilor Lawson said some Councilors would like to understand this information at the same level as the School Board.

There was further discussion. Dr. Morse said there had been over 50 presentations on the project, and said they would continue to do this until March. He said he wanted to make sure the word was out there. He noted that a lot of people had thought the Middle School project was already approved, because the preconstruction work had been approved. He said a citizens group had been formed to advocate for passage of the bond, and said people had generally been receptive concerning the project.

A brief video was shown of the project, including the various green attributes of it. Councilor Burton commended Dr. Morse for trying to make this as green a building as possible, and for going for LEED certification. He said it was commendable that they had been able to do this and also stay within the maximum budget. Dr. Morse said this

was an investment in the future of the School system and the Town. He said the location couldn't be better in terms of academic features, safety, health, and sustainability.

XI. Unfinished Business

RESOLUTION #N2019-2 9- Town Council Approval of the FY 2020 General Operating Budgets, the Capital Fund Budget and the 2020-2029 Capital Improvement Plan, as amended

There was discussion that the funds from UNH for an easement for the right of way, to be used toward the Oyster River pedestrian bridge was added to the Revenues list and the Expenditures list, as an in/out budget item.

Councilor Rotner said the Resolution reflected the compromises the Council had made concerning ORYA, pool vouchers, the wreaths, etc.

Councilor Welsh proposed a Whereas clause to the Budget Resolution concerning fire training. He said they'd worked hard to provide some money for this. He said with this language, the Council would be sure that the fire fighters would be even better trained than they were now.

"Whereas fire training has been deemed to be of considerable importance, the additional \$20,000 allocated by the Council to provide for fire training, and the funds budgeted in any fire dept training accounts will not be transferred to or spent in any other areas."

Councilor Lawson read a Whereas clause to be included in the Budget Resolution concerning the Churchill rink: He said it looked like a program, but said they still needed to do some work on financial analysis.

"Whereas the Administrator will provide additional cost and financial analysis data for the 2020- CH Rink upgrades and obtain the consent of the Town Council before proceeding with the CR capital improvements."

Councilor Welsh MOVED that the Durham Town Council does hereby add the fire training Whereas clause as discussed. Councilor Lawson SECONDED the motion and it PASSED unanimously 8-0.

Councilor Lawson MOVED that the Durham Town Council does hereby add a Whereas clause related to the Churchill Rink upgrades as presented. Councilor Welsh SECONDED the motion and it PASSED unanimously 8-0.

Councilor Rotner MOVED that the Durham Town Council does hereby adopt as amended Resolution #2019-29 approving the FY 2020 General Operating Budgets, the Capital Fund Budget, and the 2020-2029 Capital Improvements Plan. Councilor Tobias SECONDED the motion and it PASSED unanimously 8-0.

XII. New Business

Other Business - None

XIII. Nonpublic Session (if required)

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

Chair Marple said it had been a wonderful, although hard year. She said she appreciated each and every Council member for their thoughts and opinions, and the fact that they'd all tried really hard to make Durham function in a better way.

Councilor Rotner said he was taken with how the different areas of expertise of Council members had contributed to the common good, and he provided several examples of this. He said this led to discussions that were far superior than would be the case if they all came from the same place. He said the discussions were tough, and said that was the way it should be. He said he loved being on the Council with everyone.

XV. Adjourn

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

Adjournment at 8:23 pm

Victoria Parmele, Minutes taker