

This set of minutes was approved at the April 20, 2020 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, MARCH 2, 2020
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00PM**

MEMBERS PRESENT: Council Chair Kitty Marple; Councilor Jim Lawson; Councilor Sally Tobias; Councilor Carden Welsh; Councilor Andrew Corrow; Councilor Wayne Burton; Councilor Dinny Waters

MEMBERS ABSENT: Council Chair Pro tem Ken Rotner; Councilor Al Howland

OTHERS PRESENT: Town Administrator Todd Selig

I. Call to Order

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

II. Approval of Agenda

Chair Marple MOVED to approve the Agenda as submitted. Councilor Lawson SECONDED the motion and it PASSED unanimously

III. Special Announcements

Chair Marple recognized Councilor Welsh for his service on the Town Council. She also thanked Councilor Tobias for running again, and said she'd been a wonderfully positive member of the Council. Councilor Tobias thanked Chair Marple for running again, and said she appreciated the balance she provided on the Council.

Chair Marple read the certificate of appreciation to Councilor Welsh, and then read a letter from Councilor Rotner as well as her own letter concerning Councilor Welsh's service on the Council. The letters noted Councilor Welsh's sense of fiscal responsibility, his discipline and ability to finesse the budget, with Councilor Lawson, and his ability to see issues from different, important vantage points. They both thanked him and his wife Ann for their generosity concerning Town projects and conserved Town properties.

Administrator Selig read a letter from Councilor Rotner about Chair Marple. It said asked that Administrator Selig read a letter concerning Chair Marple's efforts. It said he appreciated that she was running again, and said she represented the Town with dignity and respect at events and at Council meetings. He noted her significant work with the Town's Human Rights Commission, and her efforts concerning Frost Fest, which had proved to be a highly successful event.

IV. Public Comments(*)

Bill Hall, Smith Park Lane said 8 months ago, there was a presentation on how the Town dealt with water that he disagreed with and then was told he didn't know what he was talking about. He said he did know what he was talking about, and spoke in detail about Dave Howland's report, which he said he couldn't find any mistakes in. He said the report was ignored and wasn't used by Town staff.

Mr. Hall also spoke about the school bond coming up. He spoke in some detail about the industrial park zone at Technology Drive being prohibited from having industrial uses and being developed with houses instead. Councilor Lawson asked for clarification on what Mr. Hall was saying. There was discussion on what area Mr. Hall was speaking about, what the zoning was for it, and how Mr. Hall was saying the zoning should be changed.

Beth Olshansky, Packers Falls Road, thanked the three Councilors who'd completed their terms, thanked Chair Marple and Councilor Tobias for running again, and thanked Sally Needell as well for running. She thanked Councilor Welsh for his roles on numerous Town boards and committees, including the Council. She spoke about his thoughtful consideration and tough questions on various issues, and his patience with legislative processes. She also thanked him for all he'd given to the Town. Councilor Welsh thanked Ms. Olshansky for the commendation for his patience, and said he was glad his wife was there to hear this.

Nell Neil, 11 Riverview Road, said she wanted to thank Councilor Welsh personally for the time he'd given to the IWMAC in recent years, noting that he'd become a dedicated member of the group even when he wasn't an official member. She spoke about his research and the insights he'd provided, and also thanked him for his vocabulary and skill in crafting sentences, which had made it easier for her to come to the Council to speak. Councilor Welsh said it was dedicated people like Nell Neal that made Durham something special.

Diana Carroll, Canney Road, read a letter she and her husband John Carroll had written. It said Councilor Welsh as a businessman who was also concerned about the public interest, and said he had exceeded all expectations on the Council. He said Durham residents were the recipients of this fine service, and said she hoped to see him in service again. She thanked members of the Council for the homework, thought, discussion, debates, research, etc. they put in concerning issues and projects, which got more complex and difficult over time. She applauded their perseverance, and said it was very much needed. She thanked Councilor Tobias and Chair Marple for running again.

Robin Mower, Britton Lane, read a statement she'd written about Councilor Welsh. She said he ranked in a pantheon of Councilors who would be remembered long after their terms ended. She said he'd delivered on his promises. She asked him to enjoy his time away, and consider returning in the future.

V. Approval of Minutes

February 3, 2020 Minutes

Chair Marple MOVED to approve the February 3, 2020 Minutes as submitted. Councilor Corrow SECONDED the motion and it PASSED unanimously 7-0.

VI. Councilor and Town Administrator Roundtable

Councilor Corrow reviewed items on the agenda for the HDC this week, and spoke specifically about the committee's work on proposed changes to the Historic District ordinance.

Councilor Welsh reviewed items on the agenda for the Planning Board's most recent meeting. He spoke briefly about two applications for small subdivisions near the ice rink that would be on Town water and sewer, and would provide for tighter, in-town development. He also noted the lot line adjustment application related to Dick Lord's generous conveyance of land to the Nature Conservancy.

He said the main focus of the meeting was the Board's review of the draft Agricultural ordinance. He said there was a lot of discussion about what was allowed concerning agriculture by the State, and what was proposed for residential districts in Town, especially concerning where and how many animals could be permitted in these districts. He said this was a fairly complicated issue that would take some time to sort out, and said people might want to pay attention to the discussion on the draft ordinance at upcoming meetings.

He said he and Councilor Lawson spent some time recently with ORCSD Superintendent Dr. Morse, and learned they the School Board and administration had done an excellent job using whatever tactics were available to minimize the impact of the school bond on peoples' taxes. He said he hoped people would vote in favor of the new Middle School.

Councilor Lawson said the Conservation Commission got a briefing from VHB (Vanasse, Hangen Brustlin) on the Mill Pond dam at its recent meeting. He said he liked the process that had been developed to get this information out to the boards and the community. He also noted a project that the Land Stewardship Subcommittee would like to do this summer concerning the Merrick property, which was located off of Bagdad Road. He said it was a reasonable distance from Riverwoods and had excellent walking trails. He said there was a proposal to build a 150 ft long bridge along a wet section of a trails and said there was a fundraiser to raise \$2500 dollars for this project. He said the goal was to complete the fundraising by March 1st.

Councilor Lawson said one of the benefits of being on the Council was being able to work with many extraordinary people, and being able to learn more than what one contributed. He said he appreciated Councilor Welsh's time, work and friendship, and said a one year vacation would be allowed.

Councilor Welsh said the feeling was mutual, concerning everyone on the Council. He said it was a blessing that Durham had so many intelligent, respectful people who gave their time and thought to the various boards. He said it had been his pleasure to serve on the Town Council.

Councilor Burton said Strafford Regional Planning Commission's quarterly planning meeting last week was one of the best it had ever had, and said it focused on solid waste management problems, which threatened to overwhelm municipalities in a few years when the landfills were filled. He said this issue begged for a regional solution. He spoke about the great turnout at the meeting, and noted that Senator Watters was there and spoke about various bills he was involved with to address the problems. Councilor Burton said he thought the best way to approach this issue regionally was for SRPC to organize with the various towns. He also said the Town would be well advised to listen to what nearby municipalities like Rollinsford were doing concerning solid waste management issues. He noted that Rollinsford's town administrator spoke at the meeting.

He spoke about the idea of a collective conscience, a concept he'd worked with in his work in Massachusetts, and said town boundaries didn't stop water and air. He spoke about the MS4 permit requirements and said it served the Town to work with all of the towns impacted by these requirements. He said he hoped a new spirit of collective attention to these issues was appropriate.

Councilor Burton said many people in Durham didn't know the incredible generosity of the Welshes, and he commended both of them for this. He thanked Councilor Welsh for his service on the Council.

He said the Town was on top of the coronavirus issue, and spoke briefly on this. He noted the conference call Administrator Selig was on today concerning this issue.

Councilor Waters updated the Council on the most recent ZBA meeting. He said he would miss Councilor Welsh's questions very much, and thanked him for serving.

Councilor Tobias said at the next Economic Development Committee meeting, they would vote on the applications for the new Housing Committee. She said she would miss Councilor Welsh a great deal on the Planning Board, She said she valued his way of looking at things, and his sense of balance, and also said he was a great guy to argue with. Councilor Welsh said he and Councilor Tobias were often a bit different in their approaches to issues, etc., but said he appreciated working with her on the Planning Board.

Administrator Selig provided several updates.

He thanked Jay Gooze for staffing the DCAT cameras this evening. Councilor Welsh said it was Jay as well as John Carroll who'd asked him to join the Town Council, and said he learned from Jay when they were both members of the ZBA and then learned from him on the Council. He said he appreciated all that Jay had done for him.

Administrator Selig said the collective bargaining agreement for DPW employees was close to being reached. He said it would then go to the AFSCME membership, and if it was ratified there, it would then come to the Council.

He noted public comments and then discussion at a recent meeting about civil discourse at meetings, and asked if the Council would like to follow up on this in some way. Chair Marple asked Councilors if they thought there was room for improvement.

Councilor Burton noted that he'd mentioned that SRPC had a good statement about civil discourse on meeting agendas. He spoke about the importance of not intimidating anyone from speaking publicly, and said it was when it became personal and hurtful that they had to be careful. He noted that the courts had moved the line way out there. He said what the Council had now was a bit limiting, and spoke further on this.

Councilor Lawson said they could adopt a policy, but couldn't really enforce it when getting public input. It was agreed that the SRPC statement would be on the agenda for consideration at a future meeting. Councilor Lawson also said if there was a policy in place that the Council agreed to, if one of them had a night when he/she wasn't living up to it, it would be helpful to have it. He said the policy would have to be agreed to every year, as Council membership changed.

Councilor Tobias said it would be good to have a policy the Council openly agreed to, but said she thought Councilors did a good job now with civil discourse. She said sometimes there was a line that was crossed, and there was a personal attack.

Councilor Lawson said the Alton decision made it clear that if someone spoke publicly and personally attacked the Council, and was then prevented from providing their views, this wasn't allowed. He spoke further on this.

Councilor Burton said what made the system work was the clash of ideas and decisions that emerged from this, and said restricting someone from what they said diminished the quality of the debate.

Administrator Selig said it might be appropriate to discuss at the next meeting the issue Councilor Lawson had recently raised concerning Councilors sitting on committees and the feedback they could provide as members of those committees.

Councilor Lawson said the question was whether a Councilor appointed to a board/committee had the responsibility to come back to the Council for input on an issue in order to shape the person's input about the issue on the board/committee, or if it was up to individual Councilors to exercise their judgment while on a board/committee. He said he thought that as a representative of the Council, it was important to try to represent the consensus of the Council. He said he'd write part of the Council Communication on this issue for a future meeting.

Administrator Selig asked Councilors to consider which boards/committees they would like to serve on, and to be ready to vote on this at an upcoming meeting.

He said he participated in a conference call today concerning the coronavirus. He said most of the information covered had been disseminated in the news, and he spoke further on this. He said he'd learned that until now, the evaluation of potential cases was being done by the CDC, but now it had been distributed to state health departments, so they would likely be seeing more cases because of this. He said nationally, they were moving from finding cases and isolating them to mitigation, recognizing that the virus would move into more of the main stream. He said the idea was to slow the spread of the disease by doing this. He said Chair Marple would sit in on a webinar tomorrow concerning the virus. He noted that the CDC website had a lot of information. He explained that the Police and Fire Departments had existing protocols in place to protect themselves from contamination as they did their work.

Administrator Selig said he'd asked staff to acquire hand sanitizer for Town offices. He said for the election next week, they would implement specific strategies. He said the ORCSD and UNH were watching the situation closely, along with the Town. He said there was unfortunately no magic wand, and said things would take their course, and would see how this played out over time.

Councilor Burton noted the student population of Durham and other NH towns. Administrator Selig spoke about what UNH was doing. Councilor Waters asked if there was discussion on the call today about who would get tested and under what conditions. Administrator Selig said providers had protocols to follow on this. He spoke further and there was discussion.

Councilor Welsh asked if there was a protocol concerning college students coming and going from certain other countries. Administrator Selig said UNH was monitoring this issue. Councilor Burton asked if the Governor had discussed a statewide strategy. Administrator Selig said he'd been late to get on the call, so didn't know. Councilor Burton asked if there would be protective masks bought in bulk. Administrator Selig said typically masks were beneficial for people who'd contracted the virus, not those who hadn't, and explained why this was the case. Councilor Lawson said the mask that Fire Department staff used was a specialized mask, which had to be fitted and put on properly. He said training was needed for this.

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

There was no report.

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

- A. **RESOLUTION #2020-02** recognizing outgoing elected officials for their dedicated services to the Town of Durham
- B. Shall the Town Council, upon recommendation of the Administrator, review and readopt the Town's Investment Policy as required by New Hampshire Revised Statutes Annotated (RSA) 41:9?

- C. Shall the Town Council upon recommendation of the Administrator, award the 2020 Road Resurfacing and Sidewalk Program and 2020 UNH Paving bid to Continental Paving of Londonderry, NH in the amount of \$571,670.00 and authorize the Administrator to sign the associated contract?

Chair Marple MOVED that the Durham Town Council does hereby approve Unanimous Consent Agenda items A, B and C. Councilor Corrow SECONDED the motion and it PASSED unanimously 7-0.

IX. Committee Appointments - None

X. Presentation Items

Overview of the Existing Conditions Assessment reports prepared for the old Town Hall/Courthouse building and the Wagon Hill Farm house - Arron Sturgis, Preservation Timber Framing, Inc., Berwick, ME

Mr. Sturgis noted that he went to school at UNH, had a strong connection to Durham and also owned two old houses in Durham that were now in storage. He said he'd been involved in preserving timber frame structures in small towns throughout New England for about 30 years.

He provided a detailed slide presentation on the assessments he'd done of the farmhouse at Wagon Hill Farm, and the old Town Hall/Courthouse building.

Farmhouse

- Sill rot – This occurs over time when water hits the sills, there are grading changes, etc.
- Undercarriage – basement – there is a failed beam there that is pretty much rotted through. Damage was noted in a study of the house in 1995, and it has increased since then. Repairs have been done, but it's important to do better than this, with preservation.
- The roof lines are a bit problematic; water gets into the building and causes problems over time. Repairs have been made in the past, and the roof is not leaking at the moment. Right now this is a relatively small problem.
- The roof itself is in great shape; it's not the original roof, which was a hip roof. It's timber framed. This is a sturdy, rugged house that is worthy of preservation; it's in good shape for its age.
- Spalling (deteriorating) brick of a pier that holds up the house has accelerated over time.
- Front parlor – there is a granite hearth made of one stone; a really nice original feature that is still very much intact. Wide pine flooring; elegant front hall stairway is in pretty good shape
- Windows – repairs decisions to be made that are more sensitive to the house/
- Paint job – cosmetic work needed

- Estimate – The 1995 estimate of work needed on the house was \$500,000. The estimate now is \$437,475, which represents real numbers that can be used in creating documents to put the project out to bid.

Old Town Hall/Courthouse

- The building represents the highest building technology used in the Town for the seaport industry. It is a remarkable building, but its location has impacted it considerably.
- Snow pushed up against the building and up against door by plow trucks for the gas station is a real problem.
- The front of the building is right on the street; staging will be needed in order to do repairs; the cost reflects being able to gain access to this area. The roadbed is higher than the building level so water comes to the building now. The curb there gets overwhelmed; also, roof water hits the sidewalk. The stone steps move a bit with the frost.
- The curved door has been restored. Work has been done on the building to keep it up; the approach proposed now is to do restoration, not just keep the building up.
- The brick is in good shape; some repointing will be needed. Staging will be needed for this.
- Undercarriage of the building – there is a 12 inch by 17 inch beam; there are very few buildings with this level of undercarriage strength. The beam is still amazing. There is rot in some of beam where it engages with the brick wall, which needs to be fixed.
- There is a lot of ledge in the cellar; water from snow melt, etc. seeps in. This can cause a lot of issues over time, but is pretty simple to fix.
- The stairs to the Durham Historical Society office on the second floor is amazing, and in very good shape.
- The heating system has no place in this building. It is heavy and hangs from already damaged trusses, is really loud and not efficient. It has to go, and the modern heating system replacement will pay for itself.
- Attic - there are no square corners; there is an extraordinary timber frame. Repairs are needed. It is difficult to access this area.
- The chimney is leaking; this causes staining, and also affects chimney flashing and roofing.
- Modern gutters were put on some years ago; the downspouts go nowhere; the gutters collect water, dump it and drill it into the basement. They have to come off, are inadequate, undersized; are covering a flat stock replacement on what had been a beautiful cornice. The gutters exacerbate the problems with the building. This is a pressing issue that has a direct impact on the condition of the structure.
- Estimate – cost to do preservation work is \$300,000.

Mr. Sturgis said the total cost for both buildings was around \$800,000. He spoke about the importance of finding a way to justify making the repair to them. Using slides, he outlined various reasons that historic preservation was good for the Durham community.

He said unique structures drew people to a town. He said Wagon Hill felt like a farm, both the house and the land. He said a lot of people went there already, but said it was an underutilized resource for the Town. He said allowing public access and providing programming would make it a viable part of the property and the community. He said sprinklers would be needed in order to allow public access.

Councilor Lawson asked about the cost of the undercarriage work that was needed, and what the advantage was of spending more to meet a preservation/restoration standard compared to doing the work to meet a modern standard. He noted that the public wouldn't be using the basement much. Mr. Sturgis said doing the work to meet modern standards was possible but served a different type of building. He said doing the undercarriage work to a preservation standard meant it would last longer, because it was holding up a timber frame. Councilor Lawson asked what magnitude of difference there was in the cost, with the different standards. There was discussion. Mr. Sturgis said what he was proposing was the best investment over the long term. Councilor Lawson said there was some important data missing to make the case for this.

Caroline Singer, a member of the HDC, said she'd written numerous LCHIP grants for conservation and historic preservation, and said a major portion of the project could be paid for this way. She spoke further. In response to Ms. Singer's comments, Councilor Lawson said he was discussing understanding how he could make the case for doing it from a preservation standpoint. He said if people in Durham had the capacity to write grants to get funding that only made it that much easier to move forward expeditiously. He said the Council was gathering information right now. There was further discussion.

Mr. Sturgis said he was also a pragmatist. He spoke about grant opportunities through LCHIP and other ways to possibly fund projects. He said while past studies didn't provide a path forward, his report provided some very specific paths forward.

Councilor Lawson asked how much time and effort it would take to create the package that was needed in order to go out to bid, and to get what was wanted and needed. Mr. Sturgis said specifications could be made from the assessment, by him or someone else, and said they should be presented to a qualified bidder who knew how to do this work.

Andrea Bodo, Vice Chair of the HDC thanked the Council for listening to this presentation. She said there needed to be a wide collaboration. She also said she didn't think they could do both buildings at once. She noted the Seven to Save program, and LCHIP grants, and said she thought the focus should be on the Court House building. She said people loved that building, and said she'd love to see a coffee shop there.

Councilor Waters asked if it was possible to move the old Town Hall building/Courthouse. Mr. Sturgis said yes, but said the cost would be far more than the cost of repairing it in place. He said it was extremely expensive to move a brick building, and said he wouldn't recommend doing that, from a preservation perspective.

Councilor Lawson asked why both buildings couldn't be done at the same time. Ms. Bodo said she'd like to put her efforts into the old Town Hall first because of the need. She spoke further on why she thought it made sense to do one building at a time.

Councilor Burton said the preservation of the underpinnings of the Wagon Hill house was key, and suggested that they should be part of a future tour. He said the decision to preserve Wagon Hill Farm was made in 1989, and said this included the house. He asked if there was a way to put a buffer zone around the old Town Hall in order to protect it.

Mr. Sturgis said that was a really good point. He said the building was surrounded by pavement and said a buffer would be part of improving the drainage there. He spoke further on this and said the methodology/technology for improving the drainage hadn't been spelled out yet in the assessment.

He said his 30,000 ft view was that revenue from Wagon Hill Farm could make up for the expenditure on both buildings. He said if programming got going there could be a sustainable income stream, more so than was the case with the old Town Hall in its current use, which served a viable purpose. He said the cost for providing public access wasn't that much, especially if some of the funds could come from grants. He said the sprinkler system cost was an essential part of using the house in a public way.

Ms. Bodo noted that Durham was a certified local government, which helped with grant opportunities. She spoke about opportunities at Wagon Hill Farm for agricultural programming, including community gardens.

Councilor Lawson said the old Town Hall currently held the Parks and Recreation office as well as the Durham Historical Association and its valuable historic artifacts. He said saw this project as being the responsibility to maintain a Town building that had deferred maintenance. He said \$366,000 bonded over 20 years wasn't something that was unmanageable to repair a building that the Town was using. He said if grants could be written, that was fine, but said it shouldn't be put on the shoulders of the HDC to go find grants for this. He said Wagon Hill Farm was a different but good challenge. He spoke about funding opportunities for that building.

Councilor Burton pointed out that there was an apartment at the house. Mr. Sturgis said it was an old L that connected the main house to the new barn. There was discussion that the apartment could perhaps be used by a possible future caretaker.

Mr. Sturgis agreed that it would be great for the Town to recognize that there was deferred maintenance of the old Town Hall that needed to be addressed. He said nothing had been done since 1995. Administrator Selig noted that the building was built in 1825.

Councilor Waters asked if the quote for the Wagon Hill building included funds to make it presentable. Mr. Sturgis said it included the cost for exterior work.

There was discussion about the fire at the old Town Hall, and Mr. Sturgis said everything had been repaired and restored well after the fire.

There was discussion that the cost estimate didn't include the fireplaces in the Wagon Hill building. Mr. Sturgis said with a new use, the fireplaces would be kept beautiful but wouldn't be used. he said that was the pragmatic piece of preservation.

Councilor Tobias asked if the layout of the old Town Hall was original, and Mr. Sturgis spoke about some partitions being newer and some being older. He said there were originally two floors above the first floor, but said it had been a vaulted ceiling for many years now. He said the third floor could be brought back, but said he didn't think this would be a practical use of the space.

Councilor Tobias said the Courthouse/Old Town Hall was the entryway to Town and set the tone for historic Durham. She said it was the Town's responsibility to pay for it, and said she'd expected the cost to be higher. She said there would need to be another budget for the interior changes that would be made.

Councilor Lawson said the cost for the Wagon Hill farmhouse was daunting, given that there was no adaptive reuse defined yet. He said he felt differently about the Courthouse cost.

Mr. Sturgis said there were tools to help the Town find an adaptive reuse of the Courthouse building, and said the assessment was the first step. He said Riverwoods nearby was a village, and said it was an untapped audience for the two historic buildings. He said he'd be more than happy to make connections there.

Councilor Waters asked again about the cost of making the Wagon Hill building presentable. Mr. Sturgis spoke about further about this.

Councilor Burton said the Wagon Hill Farm site was programmed, but the house wasn't. He spoke about the idea of educating people, especially young people about living on a farm and farm values, and telling that story through the building. He said the tour could start there.

Ms. Bodo said there were tremendous resources on town committees to come up with programming. She also noted that there would be signage put up at Wagon Hill Farm noting that it was on the state's Registry of Historic Properties.

Councilor Waters asked how many people could be in the farmhouse building at once. There was discussion that the number was more than 20, but not more than 100.

Chair Marple said Mr. Sturgis's presentation had been very educational.

Administrator Selig said the goal until now was to do an appropriate assessment, and said with that information in hand now, they could consider how to move forward. He said as

part of this, they could think through whether they wanted the farmhouse, the L and the barn to work together, or separately. Councilor Lawson said a lot of work was needed on how Wagon Hill Farm would realistically be used. Administrator Selig said it was important to have some use for the house, and said if it was empty, it would deteriorate. He said there was a lot of interest by Parks and Recreation about using the barn for weddings, etc., but said right now without fire protection, it could only be used for storage. He said they didn't want to make improvements to the barn without also addressing the house.

XII. New Business Other Business

XIII. Nonpublic Session (if required)

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

XV. Adjourn (NLT 10:30 PM)

Councilor Lawson MOVED to adjourn the meeting. Councilor Tobias SECONDED the motion and it PASSED unanimously

Adjournment at 9:36 pm

Victoria Parmele, Minutes taker