

This set of minutes was approved at the February 7, 2021 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, JANUARY 10, 2022
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 pm**

MEMBERS PRESENT: Council Chair Kitty Marple; Councilor Andrew Corrow; Councilor Chuck Hotchkiss; Councilor Sally Needell; Councilor Sally Tobias; Councilor Al Howland; Councilor James Lawson; Councilor Dinny Waters; Councilor Carden Welsh

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig

I. Call to Order

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

The roll call was taken: *Councilor Corrow--Yes; Councilor Tobias--Yes; Councilor Howland--Yes; Councilor Hotchkiss--Yes; Councilor Marple--Yes; Councilor Lawson--Yes; Councilor Needell--Yes; Councilor Welsh--Yes; Councilor Waters--Yes.*

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely – Not applicable as all members were present in Council chambers

III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in person – Not applicable

IV. Approval of Agenda

No amendments to the agenda were motioned for.

Councilor Tobias MOVED to approve the agenda as approved, which was SECONDED by Councilor Needell and PASSED 9-0.

V. Special Announcements - None

VI. Public Comments

Ellen Karelitz, 113 Madbury Road, voiced her opinion that the new developments of multiple vaccines, boosters, and treatments negate the need for further mask mandates and gathering restrictions.

Robert Karelitz, 113 Madbury Road, echoed the opinion of Ellen.

Brooke Baldwin, Timberbrooke Lane, noted that the Mill Pond and its dam have been a part of the Durham community for a long time, so it doesn't surprise her that it is met with strong feelings. However, it is important to acknowledge that the river was free flowing for the vast majority of its lifetime before the dam, as emphasized by Durham's Indigenous neighbors. She noted her firsthand experience of how dam removal projects in her home state of Massachusetts have rejuvenated local ecosystems. Restoring the river would have positive ecological effects long past Durham's border.

William Hall, Smith Park Lane, spoke on the anecdotal stories about his father's work as a professor at UNH that were shared at the last meeting. He then spoke on his opposition to restrictions on the Lamprey River.

Gregory Lund, 98 Newmarket Road, noted that the Wiswall Dam was not removed due to its impact on water supply, recreational activities, and historical significance, and asked how that situation was different than the Mill Pond Dam decision.

Jeffrey Hiller, 6 Laurel Lane, noted his opposition to COVID-related statements made previously by other members of the public, and thanked the Council for its leadership on the issue. He then cautioned the Council about the slippery slope of the town releasing an FAQ document and how, if the Council is not careful, could tip into the area of electioneering.

Joshua Meyorwitz, 7 Chesley Drive, reviewed the history of the Mill Plaza development issue.

VIII. Councilor and Administrator Roundtable

Councilor Tobias--Planning Board

- Planning Board will meet this coming Wednesday about Mill Plaza, and again on January 26th, to discuss 74 Main Street and 19/21 Main Street.
- A site walk of 19/21 Main Street will occur on Wednesday at 1:00 pm.

Councilor Waters

- Councilor Waters had nothing to report.

Councilor Howland--Housing Committee

- Town Planner, Michael Behrendt, gathered the sections of zoning that pertained to housing and compiled it for the committee to review. The committee added definitions and some verbiage in the table of uses in their meeting this morning. The process will continue in February and Councilor Howland hopes that it will not be long before the committee will be able to present its ideas.

Councilor Needell--Land Stewardship Subcommittee

- Stewarding our Lands, a subcommittee of the Land Stewardship Subcommittee, has been working on a survey first at Doe Farm before residents will be able to access it online. The subcommittee plans to repeat this for all of the town's properties to gather public input on stewardship of the town's lands.

Councilor Needell--IWMAC

- Discussion continued on best methods for educating the public about recycling and waste reduction
- Swap Shop winterization is holding up well, with no signs of rodent infestation.

Councilor Marple--Human Rights Commission

- Human Rights Commission will meet this coming Thursday, January 13th. One agenda item will be hearing about a local organization that is hoping to “adopt” an Afghan refugee family.

Councilor Hotchkiss

- Councilor Hotchkiss had nothing to report.

Councilor Lawson--Energy Committee

- There were not enough members present in the chamber to hold an official meeting, but the committee decided to continue with an informal discussion and made sure not to make any official actions.
- The topic of discussion centered around the early draft of the Electrical Aggregation Plan. RSA53E allows the town to create a default provider of electricity, as long as that provider is competitive with the existing default provider (Eversource in this case). The objective is to create a competitive (i.e., less expensive), energy provider that is also more green content. Councilor Lawson noted that residents can opt out of the alternative if it goes through.
- Councilor Lawson responded to some earlier public comments:
 - He thanked Bill Hall for his first-hand account of his father’s work at UNH and empathized with his concerns about the water system. However, he emphasized his belief that the current water system developed over the past two decades was resistant to drought conditions as well as politics.
 - He noted that Wentworth-Douglass Hospital was currently at 109% capacity due to the current COVID-19 surge.

Councilor Welsh--Conservation Commission

- The commission last met on December 21st.
- Discussion was held on prior recommendations to the Planning Board and town in regard to both the Mill Plaza and the Mill Pond dam. Information about those recommendations will be found in the Friday Updates and will be provided to the Planning Board and project applicant. Much of the discussion centered on the 75- foot buffer.
- The commission is looking for public comments on the potential Pike Property acquisition at the public hearing of the next Conservation Commission meeting, which will occur on January 24th.
- Conservation Commission and Agriculture Committee collaborated to sponsor speaker Professor Doug Tallamy. He is a professor of Agriculture, Entomology, and Wildlife Ecology at the University of Delaware and is known for his work on the importance of native plants. This event will occur sometime in February via Zoom.

Councilor Corrow--Historic District Committee

- Historic District Committee met last on January 6th, 2022.

- In recognition of a preservation project, a plaque was presented to Laurie and Stephen Lamb, owners of Highland Inn and Cider House, for their work restoring and developing the property.
- The committee continued on the revised language for the Historic Buildings Preservation Trust. The revision will widen the scope of the Trust to include other structures and sites in addition to buildings. The revision will be presented to the Council for its consideration in the near future.
- The HDC created a new subcommittee called Heritage Commission Subcommittee on Durham Public History. This subcommittee will explore ideas for developing commemorative signage and educating the public in general about Durham's history.
- LCHP Grant was awarded to the town for the Chesley-Bickford House analysis.

Administrator Selig

- Filing period for local elected office for Durham will open on January 19th and will remain open until 5:00 pm on January 28th. Three positions on the Town Council (three-year term), one position on the Library Board of Trustees (one-year term), one Moderator (two-year term), one Supervisor of the Checklist (six-year term), one position on the Trustees of the Trust Funds (three-year term). If members of the Town have questions about these positions, Administrator Selig encourages them to reach out to the Administration Office at 603-868-5571.
- UNH accepted the application for next year's Sustainability Fellow. The job description of what the Fellow will be up to in the next year was submitted today, and advertising for the position will now begin.
- The Durham Police Department now has four vacancies, out of 21 positions, with an additional two out on COVID leave. An offer to fill one of those positions has been made to an individual.
- In the Fire Department, both a Firefighter and an individual in the Fire Inspection Division are out on COVID leave.
- One individual in the Town Hall is about to return from COVID leave.
- Administrator Selig noted that COVID status is monitored closely, and updated policies to reflect current State of New Hampshire and CDC COVID guidelines will be under development over the next week. He also addressed questions about interest in renewing mask mandates. Town properties already strongly recommend mask-wearing and have a 98% compliance rate, but downtown businesses have not reached out to ask for assistance with a mask ordinance. Mr. Selig has sent in officers to survey businesses to gauge their interest in a mask mandate. Active caseload in the town is monitored closely, which spiked in the last week from 58 cases to 138 cases.
- The Town is in on-going conversation with UNH about their testing and other policies for the coming semester when students return in the next few weeks.

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

There was no designee present to give a report.

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

- A. Shall the Town Council approve the 1st 2022 Warrant billing computed from the 4th Quarter Water and Sewer readings of 2021 totaling \$633,096.15, commit the bills for charges to the Tax Collector for collection, and authorize the Administrator to sign said Warrant?
- B. Administrator's Progress Report (as of December 31, 2021) on the list of approved 2021/22 Town Council Goals adopted on April 19, 2021.

Councilor Marple MOVED to APPROVE the Unanimous Consent Agenda Items as presented, which was SECONDED by Councilor Needell and PASSED 9-0.

II. Presentation Items

Update on the Oyster River Cooperative School District's FY 2022/23 Budget Process
– Dr. James Morse, Superintendent

Dr. Morse greeted the Council and introduced Sue Caswell, the District's Business Manager. He noted his agreement with Councilor Lawson's statements praising healthcare workers for their work to keep the population safe, adding that the district's school nurses have gone above and beyond to address COVID issues in the schools.

Dr. Morse's first talking point was about the construction of the new middle school. He noted how the contractors had done a tremendous job so far, treating the project very much like their own.

Dr. Morse was happy to report that although the original goal of the building was to be net neutral, independently producing the energy it needs to consume, the building is projected to be net positive. For the first five years of the building's life, the profit from the net positive energy will go towards investors, after which it can be sold for profit. The district plans to buy that energy back from investors, saving the district over two million in energy costs over the next twenty years.

Student safety was also a priority in the plans for the new middle school. Specific priorities were the separation of buses, cars, and pedestrian traffic into the school, all of which were mixed in the design of the old building. The rerouting of traffic over the summer allowed for buses and cars to be separated, and the new parent drop off loop that will open at the end of February with the building will separate cars and pedestrian traffic.

The last priority that the new school will address is academic standards. Approximately 45% of the old building's classrooms are substandard, with 100% of the new building classrooms meeting or exceeding state standards.

The last public interior viewing before it opens for students will be on January 21st, 2022, while the building will open for students on the 28th of February this year. The grand opening (i.e., when field work will be completed and demolition of the old building will be complete), will occur in August of 2022.

Dr. Morse then transitioned to the district's COVID response, which he noted was multifaceted. Masks are required on school property, and vaccination is encouraged. Other policies include regular sanitation. Despite these policies, 43 staff are currently out due to COVID. The two goals the district strives for during COVID is to keep staff and students safe and keeping schools open. The district is also offering on-site testing that parents can opt their students into. Additionally, 4200 vaccinations have been provided on-site that the district has hosted. Dr. Morse also noted that UNH has been an amazing partner in the Safer At School COVID Screening Program (SASS).

Before the COVID pandemic began, the School Board developed a Strategic Plan for the academic, social, and mental well-being of the student population. A priority in this last year has been making sure COVID did not overshadow the goals in that plan. This fall's PSAT scores are some of the district's highest ever. Other standardized test scores remain on the higher end of the states' scale. The college placement rate for last year's seniors was 86%, an incredible number for a public school. Of those seniors, 81% were placed in a four-year university program. Compared to previous years, a high number of students went into the military at 9%.

Dr. Morse also noted that the special needs' population was once again at the forefront of the district. 100% of the special needs' population graduated last year, with half going on to a four-year college and another third going on to a two-year college.

The district's funding formula is driven by student population and evaluation. Enrollment in both elementary schools have been slightly declining, and middle school enrollment is expected to decline over the next few years, rounding out the cycle. High school enrollment has remained steady due to tuition students. None of these changes are significant enough to impact staffing patterns.

Durham remains the largest number of students, with Lee close behind and Madbury with the least number of students. This follows the general pattern of student population over the years.

The budget goal for the year was to bring in a budget at 4.1%, a little higher than the normal goal due to inflation. Despite that change, the School Board decided to use \$900,000 of the emergency funds to counteract the budget. Health insurance makes up 4.5% of the budget, and other big items on the budget are the third year of a union contract for teachers along with contracts for support staff, the bond for the new middle school, and new position hires.

The most notable of the new hires is a Diversity, Equity, Inclusion, and Justice Coordinator position. The first focuses of the Coordinator will be diversity and equity training for district staff and developing best practices for the district overall. The Coordinator will also support marginalized students.

Councilor Welsh noted that guidance counselors filled that role when he was in school (admittedly many decades ago) and asked why a specific position was needed for it. Dr. Morse responded that this position will allow for the larger staff to be trained on the issue in a coordinated fashion. Councilor Welsh also asked if other districts in the state have

this position, which Dr. Morse confirmed was the case, noting that Oyster River is the third district to fund this position.

The overall budget for the upcoming year totaled to \$50,938,265, with about 2 million additional funding in grants. The projected tax impact for Durham residents is much higher than those of Lee and Madbury, which Dr. Morse noticed was a departure from previous years, with an increase of \$0.85.

Administrator Selig complimented the district on its cooperative relationship with the town. Dr. Morse also noted that these towns are the best he's worked with over his career as a Superintendent and educator.

Councilor Lawson asked what the original projected date for the middle school opening would be. Dr. Morse replied that the current date is on-time with the projected date of February 28, 2022.

XIII. Unfinished Business

Discussion on educating the public regarding the Mill Pond dam article on the March 8, 2022 Town Election Warrant.

Chair Marple began by reminding Council members that they had briefly discussed whether or not there should be a public forum on the Mill Pond dam article. Councilor Tobias noted that many people of the community had asked if a forum was planned, and that they were looking forward to the FAQ. The general consensus among the feedback Councilor Tobias received was that there was a lot of information pertaining to the issue that has created very specific questions.

Councilor Welsh asked Councilor Tobias if the Council would be able to answer those questions. Councilor Tobias replied that that was exactly the question: who would answer questions, how would the forum be moderated, etc. Councilor Tobias noted her personal opinion that field experts as well as the Councilor who had done extensive research into the topic should be the ones to answer questions.

Councilor Waters noted that usually under referendums there is a concise paragraph clarifying what "yes" and "no" means in the context of the specific article and asked if there would be one on this article. Chair Marple answered that there would not be.

Administrator Selig noted that the ballot will only have the article approved by the Council that closely mirrors the one featured on the petition. Anything else would be difficult to word without delving into electioneering. The goal of the factsheet is to provide basic objective information that citizens can use to form their own opinion that touches on many commonly asked questions. If there is interest for the town to host a forum, Mr. Selig echoed Councilor Welsh's questions about who should moderate and answer questions. Selig noted that likely attendants would be April Talon, Town Engineer, and the VHB team. He also noted that having the VHB team present would involve cost, which the Council could save by referring citizens to the previous televised meetings where VHB was present.

Councilor Lawson noted that a forum where citizens can ask questions is closer to a question and answer rather than a forum. He personally would be more interested in the town finishing the Q&A. He also noted that the idea of the town putting out a fact sheet is electioneering doesn't sit well with him.

XIV. New Business

- A. Begin the Administrator's Annual Performance Evaluation Process for 2021 in accordance with the Employment Agreement between the Administrator and the Town of Durham

Chair Marple briefly overviewed the process for the Councilors. Councilors must complete the form included in the Councilor Packet and return it to Chair Marple. It is then optional for the Councilors to include a written narrative-formed statement in addition to the required form.

Administrator Selig noted that the town has a unique nine-year contract and the reviews act as a yearly check-in.

- B. Other Business - None

XV. Nonpublic Session (if required)

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

XVII. Adjourn (NLT 10:30 PM)

Councilor Howland MOVED to ADJOURN the meeting, which was SECONDED by Councilor Corrow and PASSED 9-0.

The meeting was ADJOURNED at 9:08 p.m.

Evie Wiechert, Minutes Taker