

This set of minutes was approved at the April 18, 2022 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, MARCH 21, 2022
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 pm**

MEMBERS PRESENT: Council Chair Kitty Marple; Councilor Joe Friedman; Councilor Chuck Hotchkiss; Councilor Sally Needell; Councilor Sally Tobias; Councilor Eric Lund; Councilor James Lawson; Councilor Ellie Lonske; Councilor Carden Welsh (remotely)

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig

NOTE: The first 25 minutes of this meeting failed to be recorded.

I. Call to Order

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

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely

Chair Marple informed the Council that Councilor Welsh had notified her earlier that he would be participating remotely due to a family matter.

Councilor Marple MOVED to grant permission for fewer than a majority of councilors to participate remotely, which PASSED 8-0:

Councilor Friedman--Yes; Councilor Lawson--Yes; Councilor Hotchkiss--Yes; Councilor Needell--Yes; Councilor Marple--Yes; Councilor Lund--Yes; Councilor Lonske; Councilor Tobias.

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

The roll call was taken: *Councilor Friedman--Yes; Councilor Lawson--Yes; Councilor Hotchkiss--Yes; Councilor Needell--Yes; Councilor Marple--Yes; Councilor Welsh--Yes; Councilor Lund--Yes; Councilor Lonske; Councilor Tobias.*

IV. Approval of Agenda

No amendments to the agenda were motioned for.

Councilor Marple MOVED to APPROVE the agenda as presented, which was SECONDED by Councilor Hotchkiss and PASSED 9-0.

V. Swearing in of Council Members

Deputy Town Clerk-Tax Collector Rachel Deane swore in the recently elected Town Councilors: Councilor Friedman, Councilor Lonske, and Councilor Lund. The returning six Council members renewed their oaths.

VI. Selection of Council Chair and Chair Pro Tem

Councilor Lawson MOVED that the Durham Town Council does hereby nominate Kitty Marple as Chair of the Durham Town Council. Councilor Tobias SECONDED the motion and it PASSED unanimously 9-0.

Councilor Lawson MOVED that the Durham Town Council does hereby nominate Sally Needell as Vice Chair of the Durham Town Council. Councilor Hotchkiss SECONDED the motion and it PASSED unanimously 9-0.

VII. Special Announcements – Chair Marple read the Land Acknowledgement Statement

VIII. Public Comments (*) – Please state your name and address before speaking

Marjorie Smith, 100 Piscataqua Road, welcomed the new councilors and thanked the entire Council for serving during these difficult times. She said she would like for her and her colleagues in the House of Representatives to be invited to speak at the Council meetings more often. She advised Councilors to follow state and federal law when removing the dam and rebuilding the channel.

Paul Schlie, Foss Farm Road, spoke on the new Land-Mobile Network (LMN) project, raising concern about Foss Farm as the chosen site for antennas as well as budgetary concerns in the proposal. Councilor Lawson responded to those concerns, noting that many pieces of the 15-year old system had reached the end of its life, promoting the need for the proposal Mr. Schlie spoke on. Councilor Lawson noted his participation in many of the meetings of this process, highlighting the detail and thoroughness of the proposal, made with the direct involvement of Motorola, that balances cost-effectiveness with good coverage. Administrator Selig also gave more context to the budgetary aspects of the proposal, noting that installation cost was covered by the capital projects, the application of Congressional grant costs, and the signed contract sets cost at a fixed price.

Joshua Meyorwitz, 7 Chelsey Drive, continued his presentation giving background on Durham zoning laws and the Mill Plaza project.

IX. Approval of Minutes - None

X. Councilor and Town Administrator Roundtable

Councilor Welsh--Conservation Committee

- Councilor Welsh had nothing to report.

Councilor Tobias--Planning Board

- Planning Board last met on March 9th, in which the meeting was spent in deliberations over the Mill Plaza project. Conditional use permits were approved for the Wetland Conservation Overlay District and Shoreland Protection Overlay District. Discussion will continue on April 13th.
- 32/34 Madbury Road expansion, 19/21 and 74 Main Street are on the agenda for the Board's next meeting

Councilor Tobias--Housing Taskforce

- Discussion was held on various state-level items that could have an effect on Durham housing.
- Discussion also continued on zoning changes.

Councilor Lonske

- Councilor Lonske had nothing to report.

Councilor Lund

- Councilor Lund had nothing to report.

Councilor Marple--Human Rights Commission

- Human Rights Commission met last week, in which the Commission discussed finding ways to encourage committees and boards to factor in various religious observances when setting meeting dates and times.

Councilor Needell--Land Stewardship Subcommittee

- The subcommittee heard more details on a UNH class project happening on the Spruce Hole Bog.
- Stewarding Our Lands Stevens Woods Survey will be available in the next Friday Updates.
- Tom Brightman provided property updates, including updates on an Eagle Scout Wagon Hill Bridge project and information about two conservation easements.
- Subcommittee discussed the Doug Talamy presentation and how to implement his suggestions. A new workgroup was created at that meeting.
- Discussion with DPW Director Rich Reine was held on timing of snow plowing in high-traffic Town parking lots.

Councilor Needell--IWMAC

- Councilor Needell noted that she was not able to attend the latest meeting, but the focus of the meeting was on various recycling initiatives.

- Swap Shop opens April 2nd.

Councilor Needell

- Councilor Needell attended a presentation via Zoom on climate change, given by Mary Potts and Cameron Wake. This presentation focused on changes in New Hampshire, particularly the Seacoast. Councilor Needell recommended watching that presentation to fellow Councilors and the general public
- Councilor Needell noted her appreciation at the wide range of talents and interests that each Councilor brings to the table.
- Councilor Needell also recommended a book written on the Oyster River by biologists and Mill Pond residents Lorus and Margery Milne, titled *A World Alive: The Natural Wonders of a New England River Valley*. She also read a passage from the book that acknowledged the changes taking place, despite the book's original publication in 1959.

Councilor Hotchkiss

- Councilor Hotchkiss had nothing to report.

Councilor Lawson--Agriculture Committee

- The committee reviewed the first foodshed meeting.
- With spring, the committee's focus will shift to outreach about various outdoor activities like maple sugaring and garden planting. This includes a Garden and Farmer mentoring program.
- Durham Farm Day is scheduled for August 20th.

Councilor Lawson--Energy Committee

- Energy Committee conducted a special meeting to plan for Earth Day events, which will take place the day after Earth Day on Saturday, April 23rd. Two focuses of the committee in this event are electric vehicles and solar energy systems.

Councilor Friedman

- Councilor Friedman had nothing to report.

Administrator Selig

- Selection process for the next UNH sustainability fellow is continuing. Three interviews have been conducted so far.
- Derek Cotter, UNH Student Senate External Affairs Chair, submitted a note to Mr. Selig that he had nothing to report, along with his best wishes.
- Durham Public Works continues to work on the revised scope for dam removal.
- Mr. Selig noted that the UNH President is also taking on the role as Chancellor for the University System of New Hampshire for the time being.
- Councilor Tobias noted that many residents had questions about the process for dam removal and asked if an outline of that process might be made available. Administrator Selig responded that was totally possible, and for the meantime detailed some of the next few steps. It's likely that the Town will start a small \$30,000 contract with VHB to get them started on planning and design work,

although Mr. Selig noted that starting too early can cause those funds to not be able to be reimbursed through grants. Another step is putting together a timetable, which is estimated to be a 12 to 18-month process in design and approval, with construction happening from the 18 to 36-month mark.

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

Derek Cotter, UNH Student Senate External Affairs Chair, submitted a note to Administrator Selig prior to the meeting saying that he had nothing to report.

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

- A. **RESOLUTION #2022-04** establishing regular Town Council meeting dates for April 2022 through March 2023
- 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 accept the recommendations of the Town Assessor relative to FY 2021 Property Tax abatements at the local level or for outstanding appeals before the Board of Tax and Land Appeals (BTLA) or NH Superior Court?

Councilor Lawson requested to remove Item A.

Councilor Marple MOVED to APPROVE Items B and C, which was SECONDED by Councilor Hotchkiss and PASSED 9-0: Councilor Welsh--Yes; Councilor Tobias--Yes; Councilor Lonske--Yes; Councilor Lund--Yes; Councilor Needell--Yes; Councilor Marple--Yes; Councilor Hotchkiss--Yes; Councilor Lawson--Yes; Councilor Friedman--Yes.

Councilor Lawson noted that May 2nd was Eid, the Islam Holiday celebrating the last day of Ramadan that often has evening celebrations. He suggested moving the meeting from May 2nd to May 9th.

Councilor Welsh noted that there were meetings scheduled on the first night of Hanukkah and President's Day and asked if those needed to be rescheduled. Administrator Selig noted that he did not think either holiday should be scheduled around.

Councilor Lawson MOVED to APPROVE Item A as amended, which was SECONDED by Councilor Friedman and PASSED 9-0: Councilor Welsh--Yes; Councilor Tobias--Yes; Councilor Lonske--Yes; Councilor Lund--Yes; Councilor Needell--Yes; Councilor Marple--Yes; Councilor Hotchkiss--Yes; Councilor Lawson--Yes; Councilor Friedman--Yes.

XIII. Committee Appointments - None

XIV. Presentation Item

Final Report and Recommendation of the Regional Compost Working Group – Nell Neal, and Mary Caulfield, IWMAC; Maggie Morrison, ORCSD Sustainability Coordinator

Nell Neal greeted the Council and gave a little background on the Working Group. Ms. Neal, Ms. Caulfield, and Ms. Morrison have all been involved in the group since late 2020, which also included Lee and UNH sustainability representatives. Ms. Neal and Ms. Caulfield were the Durham representatives to the group, and Ms. Morrison represented the ORCSD.

The purpose of the working group was to examine how all four parties would benefit from a shared regional composting facility. Different options--expansion of a current facility or construction of a new facility--were discussed so that the representatives of each party could make recommendations to their respective governing bodies. Topics covered by the group included why to compost food waste, regulatory issues related to municipal composting operations, and existing food waste solutions. The resulting report from the group was submitted to Councilors, and Ms. Morrison also noted that it would be used as a teaching tool in the district and would be posted on the sustainability section of the ORCSD website.

Ms. Neal provided a brief background on compost in general, citing its importance in replenishing topsoil. Topsoil plays many important roles in the ecosystem: growing crops, filtering air and water, managing pollution and flooding, sequestering carbon, and regulating the climate. Ms. Neal described compost as a conditioner for topsoil, providing nutrients and suppressing pathogens.

Ms. Neal said that when organic materials are not composted, they go to the landfill. The EPA estimates that in 2014, 38.4 million tons of food scraps were generated in the U.S, with only 5.1% of that being recycled. Food is the single largest component of U.S garbage, making up 22-40% of household trash.

The IWMAC sponsored two compost challenges in 2020 and 2021 to encourage composting and gather data on how much of Durham's trash could be organic matter. Of the 22 families that participated in 2020, 62% of their waste was compostable. Of the 7 families that participated in 2021, 43% of their waste was compostable. This data suggests an average of 52.5% of Durham's waste is made up of compostable organic matter.

Organic waste generates the greenhouse gas methane, which traps heat in the atmosphere. Fortunately, local waste facilities trap methane that is generated and pipes back to UNH for fuel, but this program is contractual and might not continue in the future. Reducing food waste will not only limit the production of methane, it will also save space and allow landfills to last longer. Reducing waste also reduces municipal cost.

Currently, Durham residents compost in their own yards, contract privately with Mr. Fox, take compost to the transfer station for Mr. Fox pick up, or put their food waste in the trash.

The working group's report concluded with ten recommendations, which Ms. Caulfield overviewed. Ms. Caulfield and Ms. Neal are looking for support to develop Durham-specific goals and plans, including budgeting and data collection.

The group foremost recommends working with existing private companies, like Mr. Fox or Garbage to Gardens, over building a plant. Some of Durham resident's existing methods of composting, like backyard composting and bringing compost to the Transfer Station, would continue to work. In addition to those methods, Ms. Caulfield also suggested either curbside pick-up or bins around town for residents to drop off their compost.

Another goal would be to collect more data about Durham residents specifically, beyond the Compost Challenge and Durham business data collected by a UNH intern. Ms. Caulfield noted that this would help direct the Town to the best solutions for the residents. Ms. Caulfield also noted the importance of raising awareness and education on composting as key elements to any program's success, and that launching an educational program was another one of the working group's recommendations.

Another recommendation from the group is to hold a drive for kitchen compost pails and outdoor compost bins, and Ms. Caulfield noted a similar drive when the Town bought rain barrels in bulk to use in a drive. Lastly, the group recommended that the DPW open communication with the Town of Lee, the Agriculture Commission, and possibly the Oyster River Foodshed to discuss the possibility of a shared facility in the future.

Ms. Caulfield also noted the possibility of grant funding from the Durham-Great Bay Rotary, which is currently doing a year-long environmental theme and has expressed interest in environmental projects in the past.

Ms. Caulfield then brought up the Covenant of Mayors of which Durham is a member and suggested that the emissions caused by food waste might be of interest to the work the Energy Committee is already doing.

Councilor Lonske noted that a biodegradable plastic bag might be a useful part of any Town collection program.

Councilor Welsh asked if the Kingman Farm facility would be expanded if the Town started a collection program. Ms. Morrison replied that UNH is not currently looking into expanding the facility due to contamination and staffing concerns.

Councilor Lawson asked if the offset of tipping fees gained from removing organic material from the trash stream would be enough to cover the costs of a robust collection

program. Ms. Neal responded that it would depend on how the Town goes about the program, whether a private company is hired to collect or if the Town wanted to compost on its own. No matter what model the Town chooses, there would be some upfront cost involved.

Councilor Lawson also noted that emission from food waste is definitely a contributing factor to the Greenhouse Gas Inventory.

Councilor Needell noted that encouraging people to compost in their own yards would definitely save taxpayer money without much cost to the Town. Councilor Tobias seconded that idea of encouragement and education. She also brought up Durham Day as a potential day to have educational activity.

Administrator Selig asked if the composting in the working group's report only focused on food scraps, or if it also included compostable napkins and eating utensils. Ms. Neal replied that as a simple guideline, if it used to be alive, it is compostable, and that was reflected in the report; meaning yes, it did include compostable materials that were not food scraps.

Administrator Selig also commented that if the Council is interested in doing more or asking the DPW to do more, then it had to consider providing more resources, as the DPW is already minimally staffed with big projects like dam removal on the horizon. He also noted that food waste emission would definitely be something to incorporate into the Covenant of Mayors work.

XV. Unfinished Business - None

XVI. New Business

- A. Annual appointments of Council representatives to the various town boards, commissions, and committees

Chair Marple thanked the newer Council members for taking committee assignments regardless of if they were first choice or not.

Councilor Lawson noted that there was a vacancy on the Cemetery Committee that he would like to fill.

Councilor Tobias MOVED to APPROVE the Slate of Councilor Committee Appointments and amended, which was SECONDED by Councilor Lawson and PASSED 9-0: Councilor Welsh--Yes; Councilor Tobias--Yes; Councilor Lonske--Yes; Councilor Lund--Yes; Councilor Needell--Yes; Councilor Marple--Yes; Councilor Hotchkiss--Yes; Councilor Lawson--Yes; Councilor Friedman--Yes.

- B. Initial discussion regarding development of the 2022/23 Town Council goals

Councilor Marple noted that she was interested in adding a composting goal, as well as noting several goals she wanted to remove.

Administrator Selig suggested submitting suggestions to Administrative Assistant Jennie Berry for her to compile into one document. Councilor Tobias seconded that idea.

Councilor Lawson noted his preference for long-term goals, and that the goals this year reflect what will be taking up the most of the Town Administration's time, like the dam and 66 Main Street.

Councilor Needell noted that she would like other committees and boards to start this annual practice as well, using the Council goals as a springboard if needed. Councilor Welsh seconded this idea.

C. Other Business

There was no other business to come before the Council.

XVII. Nonpublic Session (if required)

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

XIX. Adjourn (NLT 10:30 PM)

Councilor Tobias MOVED to ADJOURN the meeting, which was SECONDED by Councilor Lawson and PASSED 9-0: Councilor Welsh--Yes; Councilor Tobias--Yes; Councilor Lonske--Yes; Councilor Hotchkiss--Yes; Councilor Marple--Yes; Councilor Lawson--Yes; Councilor Needell--Yes; Councilor Lund--Yes; Councilor Friedman--Yes.

The meeting was ADJOURNED at 9:17 p.m.

Evie Wiechert, Minutes Taker