

This set of minutes was approved at the August 15, 2022 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, MAY 16th, 2022
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 pm**

MEMBERS PRESENT: Council Chair Kitty Marple; Councilor Joe Friedman; Councilor Chuck Hotchkiss; Councilor Sally Tobias; Councilor Eleanor Lonske; Councilor Eric Lund; Councilor Sally Needell; Councilor Carden Welsh

MEMBERS ABSENT: Councilor James Lawson

OTHERS PRESENT: Administrator Selig

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

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

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

IV. Approval of Agenda

Chair Marple noted some correction to agenda items 10F and 10G regarding grants to address culverts on Madbury Road and Edgewood Road.

Councilor Marple MOVED to APPROVE the agenda as amended, which was SECONDED by Councilor Needell and PASSED 8-0.

V. Special Announcements

Announcing winner of the 2022 “Top Dog” contest held by the Town Clerk’s Office – Lorrie Pitt, Town Clerk-Tax Collector and Rachel Deane, Deputy Town Clerk-Tax Collector

Chair Marple introduced Rachel Deane, Deputy Town Tax Collector, to announce the winner of the 2022 Top Dog contest, run by the Town Clerk’s Office.

Ms. Deane thanked the Council. She noted that the contest had begun three years ago as a way to incentivize dog owners to license their dogs on time. Ms. Deane explained that

one licensed dog is selected at random and given a gift basket. The number of dog licenses granted rises every year, which indicates that the contest has been successful.

Ms. Deane introduced the winner of the 2022 Top Dog Contest, Hunter McCluskey. Hunter is a lab mix rescue, and--when not hiking or swimming with his family--can be found sunbathing on his front lawn.

VI. Public Comments (*)

Malcolm McNeill, 44 Colony Cove Road, thanked Council members for their time last week listening to the Pease Development Authority presentation given by himself and fellow Durham resident Michael Lehrman. He noted that the draft letter prepared for this meeting was excellent. He also noted that it is still important for the letter to be sent, despite the fact that Kane and ProCon are not going forward with their proposal, as other development companies have also shown interest in Pease.

Joshua Meyrowitz, 7 Chesley Drive, spoke on the future of the Mill Plaza and the 19/21 Main Street project. He noted that the Church Hill woods serve as a light, sound, heat, and stormwater barrier to the Mill Plaza area. He also noted that the proposal was poorly received by the Planning Board, who had concerns about traffic, as well as permitted uses.

William Hall, Smith Park Lane, spoke on recent Town projects.

Michael Lehrman, Cedar Point Road, thanked Council members for their time listening to the Pease presentation given by himself and Malcolm McNeill. He also echoed attorney McNeill's thoughts that sending the letter is still important, in order to have Durham's opinion on record for future developers.

Daniel Day, 89 Bagdad Road, noted that he reviewed the draft letter being discussed in this meeting, and thought it had a negative tone that stifled Pease's potential for development.

VII. Approval of Minutes

VIII. Councilor and Town Administrator Roundtable

Councilor Tobias--Planning Board

- Planning Board last met on May 11, 2022.
- Nomination and election of board members was held. Paul Rasmussen was nominated and elected to continue as Chair, and Heather Grant was nominated and elected to serve as Chair Pro Tem.
- Mill Plaza proposal was back again at this meeting. The mixed-use conditional use was not approved. This in turn led to the site plan being denied. Mill Plaza will be returning on May 25, 2022 for the final action on the proposal.
- Installation of wells at 190 Piscataqua Road was approved.
- Discussion continued on 19/21 Main Street.
- 74 Main Street was again delayed.

- The Board will be meeting this coming Wednesday for a workshop reviewing and analyzing old site plan decisions

Councilor Needell--Land Stewardship Subcommittee

- DPW Director Rich Raine gave an update on the new bridge at Wagon Hill Point.
- Mr. Raine also gave an update on the situation of Portsmouth needing to access its easement on Wagon Hill in order to repair its waterline.
- Town Sustainability Fellow Cathy Fletcher gave a presentation on her draft environmental action plan.
- Wagon Hill is receiving a sign refresh.
- Conversation continued with the Conservation Commission about planting native species in the garden.
- Tom Brightman gave a presentation on a White trail abutting UNH property, many of which lead to UNH property. A new trail has been suggested that would prevent bleed over onto UNH property. Mr. Brightman's presentation overviewed the proposal and some of its impacts and challenges.
- More discussion was held on Doug Tallamy's presentation.

Councilor Lonske

- Councilor Lonske had nothing to report.

Councilor Lund--Historic District/Heritage Commission

- The Commission had a special meeting on May 12, 2022 to discuss an application for a Moose Plate grant for \$20,000 to help offset the cost of replacing a roof on the Wagon Hill farmhouse. The Commission recommended that the Council support this grant, and it is on the unanimous consent agenda at tonight's meeting.

Chair Marple--Human Right Commission

- The Commission received a presentation from Cathy Fletcher on her draft environmental action plan.
- A teacher and student from ORHS came in to talk about the new Diversity, Equity, and Justice position coming to the ORCSD.
- Last minute notes were added on the resolution that the Council will discuss later tonight.
- The Commission has begun to look into anti-racism training for Town employees and Board members.

Councilor Needell

- Councilor Needell had nothing to report.

Councilor Hotchkiss

- Councilor Hotchkiss had nothing to report.

Councilor Welsh

- Councilor Welsh had nothing to report.

Councilor Friedman--Seacoast Economic Development Group

- Councilor Friedman noted that beyond the ten towns in the group, the Office of Planning and Development for NH, the U.S Small Business Association, and the Rockingham Economic Development Corporation all also participate.

Administrator Selig

- On Wednesday, May 18, 2022, from 10AM to 2PM, the NH Department of Environmental Services will be doing a boom deployment test in the vicinity of Wagon Hill Farm. These tests are done regularly to ensure their ability to quickly respond to an oil or chemical spill in the estuary.
- Official dedication of the new Lafayette Tour Plaque will be happening this week, on Friday, May 20, 2022, at 10AM. The ceremony will take place on the north side of the Durham Town Hall.

IX. 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 Durham Town Council authorize the Administrator to sign the Town of Durham's first half 2022 Property Tax Warrant and direct the Tax Collector to collect partial payment of property taxes assessed on April 1, 2022 in the amount of \$17,396,313?
- B. Shall the Town Council, upon recommendation of the Administrator, authorize the purchase of a new 2022 Elgin Pelican Mechanical Street Sweeper from C.N. Wood Company located in Woburn, Massachusetts in the amount of \$237,630?
- C. Shall the Town Council authorize applying for a \$20,000 grant from the NH State Conservation License Plate Moose Grant Program for replacement of the current roof on the Bickford-Chesley House at Wagon Hill Farm?
- D. **RESOLUTION #2022-06** authorizing the acceptance and expenditure of private donations, grant funds, and unanticipated revenues totaling \$52,766.43 received by the Town of Durham between January 1, 2020 and December 31, 2021
- E. Shall the Town Council schedule a Public Hearing for Monday, June 6, 2022 on a resolution authorizing the acceptance and expenditure of \$13,500 in unanticipated revenue from the NH Land and Community Heritage Investment Program (LCHIP) for a planning study to be conducted on the historic character and preservation values of the 1804 Bickford-Chesley House at Wagon Hill Farm?
- F. Shall the Town Council schedule a Public Hearing for Monday, June 6, 2022 on a resolution to:
 1. Authorize the Raising, Appropriating, and Expenditure of an Additional Five Hundred Seventy-Five Thousand, Seven Hundred Fifty (\$575,750) Within the Approved FY 2022 Capital Fund Budget (With Funds to Come From a Clean Water State Revolving Fund loan, A Portion of Loan Principal Forgiveness to be Forgiven, And a Portion to come from an ARPA Grant) for the Completion of the Littlehale Creek at Madbury Road Culvert Project;

2. Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$575,750 in Long-term Bonds or Notes in Accordance with the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of the Littlehale Creek at Madbury Road Culvert Project; and
 3. Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Application to the NHDES and Execute all Necessary Documents in Accordance With New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of the Littlehale Creek at Madbury Road Culvert Project; and
 4. Authorize the Town Administrator to Sign a Grant Agreement and Associated Documents to Accept an American Rescue Plan Act (ARPA) Grant in the Amount of \$246,750 From the New Hampshire Department of Environmental Services for the Littlehale Creek at Madbury Road Culvert Project.
- G. Shall the Town Council schedule a Public Hearing for Monday, June 6, 2022 on a resolution to:
1. Authorize the Raising, Appropriating, and Expenditure of an Additional Eight Hundred Twenty-Two Thousand, Five Hundred (\$822,500) Within the Approved FY 2022 Capital Fund Budget (With Funds to Come from a Clean Water State Revolving Fund loan, A Portion of Loan Principal Forgiveness to be Forgiven, And a Portion to come from an ARPA Grant) for the Completion of the Littlehale Creek at Edgewood Road Culvert Project;
 2. Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$822,500 in Long-term Bonds or Notes in Accordance with the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of the Littlehale Creek at Edgewood Road Culvert Project;
 3. Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Application to the NHDES and Execute all Necessary Documents in Accordance With New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of the Littlehale Creek at Edgewood Road Culvert Project; and
 4. Authorize the Town Administrator to Sign a Grant Agreement and Associated Documents to Accept an American Rescue Plan Act (ARPA) Grant in the Amount of \$246,750 From the New Hampshire Department of Environmental Services for the Littlehale Creek at Edgewood Road Culvert Project.

Councilor Welsh thanked all of the contributors to the private donations and grants under item D.

Councilor Marple MOVED to APPROVE the Unanimous Consent Agenda Items as presented, which was SECONDED by Councilor Hotchkiss and PASSED 8-0.

XI. Committee Appointments – None

XII. Presentation Items – None

XIII. Unfinished Business

- A. Review, discuss, and endorse a draft letter addressed to the Pease Development Authority Board of Trustees regarding the impact of increased aircraft noise on the Town of Durham

Chair Marple began by giving some background on the letter. Over the past few weeks, the Council has been made aware of a proposal to build an air cargo facility on Pease. There was significant concern raised about noise pollution and the health impacts of such a facility.

This draft letter has been written by Councilor Lawson and others over the past few weeks and informs the Pease Development Authority of the concerns of some citizens. Chair Marple noted that a suggestion made by Councilor Lonske earlier in the meeting, to add an amendment to the beginning of the letter acknowledging that the Kane / ProCon proposal will likely not continue, will be added to the beginning of the letter.

Councilor Welsh made a handful of suggestions. He noted that he also agreed with Councilor Lonske's amendment addition. He also asked that the word "citizen" be added to the second to last line in the first paragraph, which raises concern over wildlife health. Councilor Welsh then suggested added to the first paragraph of the second page, asking for the PDA to carefully consider any decision's impact on the environment and quality of life for the region.

Councilor Lund suggested that Councilor Welsh's addition be broken into two sentences for clarity. Councilors Welsh and Lonske agreed with that suggestion.

Administrator Selig took a moment to respond to the thoughtful public comments received earlier in the meeting. While many of their insights were helpful, the main concern of the proposal is that if a facility is approved, it can be difficult to regulate.

Councilor Tobias also added that the economic development opportunities for Pease go beyond an air cargo facility.

Councilor Welsh MOVED to ADOPT the draft letter as amended, which was SECONDED by Councilor Lund and PASSED 8-0.

B. Continue discussion and possible adoption of the draft FY 2022-23 Town Council goals

Administrator Selig began discussion by noting that he had gone back and made some changes based on last meeting's feedback, mostly to make the language concise and clear.

Councilor Hotchkiss asked a question about a minor discrepancy, which Administrator Selig corrected.

Councilor Welsh stated that he didn't think the mission statement was as strong as it could have been. In particular, he thought it was too complicated, and suggested an edit that pared the statement down to: *"To provide efficient and effective municipal services and amenities, reinforce environmental and economic sustainability commitment, and to steward the resources and culture of the community"*.

Councilor Lonske stated that she liked the edit overall, save for the word "amenities". Councilor Lund seconded that opinion, suggesting that "amenities" be removed. Administrator Selig also proposed splitting the statement into two sentences.

Councilor Tobias asked if words such as “equity” or “diversity” should be included in the statement. Councilor Welsh disagreed, restating the importance of the statement’s brevity. Administrator Selig also noted that those words, along with specific local historical references, were included among specific goals.

Councilor Hotchkiss noted that the second, third, and forth core values were singular nouns. In contrast, the first core value was a longer sentence. Councilor Hotchkiss asked if this sentence could be condensed and split into two core values. The first would be “*openness in the transaction of public business*”, while the second would be “*justice, equity, and respect*”.

Chair Marple suggested that the first core value could simply be transparency. Councilor Welsh noted that transparency was consistent with integrity, excellence, and resilience.

Councilor Tobias noted that the word transparency was a bit overused, and openness might be a better adjective to use instead. General opinion favored splitting the core value into two values: transparency and respect.

Councilor Friedman directed the Council’s attention to the Action Goals section, where he suggested adding a goal of updating other software as needed. Councilor Lonske noted that it is not always the software that can become outdated, but also the hardware. Administrator Selig suggested changing the goal to software/systems.

Councilor Friedman also asked about another one of the Action Goals, which strives for shared services with surrounding communities. He asked what services would be shared, as he remembered discussion of sharing library services at the Durham Public Library presentation at the last meeting. Administrator Selig replied that there are active discussions for shared emergency and library services, but it would be nice to align recreational services as well.

Councilor Welsh suggested some minor line edits and additions for other Action Goals.

Councilor Hotchkiss MOVED to ADOPT, as amended, the 2022-2023 Goals. This was SECONDED by Councilor Lund and PASSED 8-0.

XIV. New Business

- A. Shall the Town Council, upon recommendation of the Durham Human Rights Commission, adopt **RESOLUTION #2022-07** establishing a religious holiday policy for all Town boards, commissions, and committees to consider when planning public meetings each year?

Chair Marple began discussion by noting that she did not sense that anyone would have an issue accommodating different private religious observances. The central focus of discussion while the resolution was at committee was wording. Administrator Selig noted that the two solutions were to add a sentence modifier “such as” before a list of common religions, while a second solution was to remove the list entirely.

Councilor Welsh noted that Juneteenth was not a religious holiday, and so probably does not belong on this particular list. He suggested instead making it a policy not to schedule meetings on federal holidays, which would cover Juneteenth.

Councilor Welsh also raised concern over the current wording adhering to the idea of the separation of church and state, suggesting adding the word “establishing” to remedy the issue. He also asked why Good Friday wasn’t included. Chair Marple answered that there was discussion on Good Friday, but most committees and boards do not meet on Fridays, meaning it hasn’t come up as an issue.

Councilor Welsh also asked if there could be language in the resolution that allows for committees to use their own discretion when scheduling meetings, considering the expected amount of public interaction and the makeup of their own committees.

Councilor Lund noted a measure that could be used in scheduling meetings was whether there was a public hearing on the meeting’s agenda.

The general opinion of the Council was to remove the word “religious” and add Juneteenth back to the list of suggested holidays.

Administrator Selig clarified that the Council wanted to send the resolution back to the Human Right Committee for further revision, which was agreed upon by the Council.

B. Other Business

XV. Nonpublic Session (if required)

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

XVII. Adjourn (NLT 10:30 PM)

Councilor Lund MOVED to ADJOURN the meeting, which was SECONDED by Councilor Needell and PASSED 8-0.

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

Evie Wiechert, Minute Taker