



TOWN OF DURHAM

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NOTICE OF PUBLIC HEARING

At its meeting on **Monday, July 11, 2022, at 7:00 PM**, The Durham Town Council will hold Public Hearings on two resolutions:

1. A resolution to authorize the acceptance and expenditure of an American Rescue Plan Act (ARPA) grant from the New Hampshire Department of Environmental Services in the amount of up to \$100,000 for the West End Sewer Planning Study Project and authorize the Administrator to sign and submit grant documents on behalf of the Town of Durham.
2. A resolution to authorize the acceptance and expenditure of an American Rescue Plan Act (ARPA) grant from the New Hampshire Environmental Services for partial funding up to \$284,226 for restoration of the Oyster River through removal of the Mill Pond Dam and authorize the Administrator to sign a grant agreement and associated documents.

The Town Council will be meeting in Council chambers. Members of the public may participate via Zoom teleconferencing or in-person. Participants desiring to attend via Zoom must pre-register for the meeting and may do so by going to the Town of Durham website, www.ci.durham.nh.us. On the homepage at the left is a box with "Latest News". Under that box, click on "Zoom Video Conference Meetings"; then click on the Town Council meeting link to pre-register.

Questions regarding this matter should be addressed to Town Engineer April Talon, 603-868-5578, atalon@ci.durham.nh.us. Written comments may be mailed to the Administrator's Office at 8 Newmarket Road, Durham, NH 03824 or sent by electronic mail to jberry@ci.durham.nh.us.

THE DRAFT RESOLUTIONS ARE AS FOLLOWS:

RESOLUTION #2022-XX OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF AN AMERICAN RESCUE PLAN ACT OF 2021 (ARPA) GRANT IN AN AMOUNT UP TO \$100,000 FROM THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE WEST END SEWER

**PLANNING PROJECT AND AUTHORIZING THE ADMINISTRATOR TO SIGN AND SUBMIT
GRANT DOCUMENTS ON BEHALF OF THE TOWN OF DURHAM**

WHEREAS, the Town of Durham submitted a pre-application to the New Hampshire Department of Environmental Services (NHDES) as part of their project solicitation in June 2021; and

WHEREAS, in December 2021, the Town was notified that the Town was offered an American Rescue Plan Act (ARPA) grant for this planning study in the amount of up to \$100,000; and

WHEREAS, the Town of Durham, after thorough consideration, decided that the completion of the West End Sewer Planning Study is of critical important to the future planning of capital improvements for the wastewater collection system; and

WHEREAS, New Hampshire Revised Statutes Annotated (RSA) 31:95-b permits municipalities to authorize acceptance and expenditure of funds from the state, federal or other governmental unit, or a private source, which becomes available during the fiscal year if they first adopt an article authorizing this authority indefinitely until specific rescission of such authority; and

WHEREAS, Resolution #99-19 adopting the provisions of RSA 31:95-b authorizing the Town Council to apply for, accept, and expend unanticipated funds from a Federal, state, or other governmental unit or a private source which becomes available during the Fiscal Year; and

WHEREAS, Council approval is required for the acceptance and expenditure of these funds; and

WHEREAS, RSA 31:95-b III(a) requires that a Public Hearing be held on unanticipated funds in excess of \$10,000; and

WHEREAS, on Monday, July 11, 2022, a duly posted and published Public Hearing was held by the Durham Town Council on the \$100,000 ARPA monies in accordance with RSA 31:95-b;

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby approve **Resolution #2022-XX** authorizing the acceptance and expenditure of Local Fiscal Recovery Funds from the State of New Hampshire under the American Rescue Plan Act of 2021 in an amount up to \$100,000 and authorizes the Administrator to sign and submit grant documents on behalf of the Town of Durham.

PASSED AND ADOPTED this ____ day of July, 2022, by a majority vote of the Durham Town Council with ____ affirmative votes, ____ negative votes, and ____ abstentions.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector

RESOLUTION #2022-XX OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF A CRITICAL RISK INFRASTRUCTURE GRANT (CFRING) FROM THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES FUNDED BY THE AMERICAN RESCUE PLAN ACT OF 2021 IN THE AMOUNT OF UP TO \$284,226 AND AUTHORIZE THE ADMINISTRATOR TO SIGN AND SUBMIT GRANT PAPERWORK ON BEHALF OF THE TOWN OF DURHAM?

WHEREAS, the Town of Durham submitted a grant application titled, "Restoration of the Oyster River through Removal of the Mill Pond Dam," to the New Hampshire Department of Environmental Services (NHDES) as part of their project solicitation for CFRING on April 15, 2022; and

WHEREAS, in May 2022, the Town was notified that it was selected for partial funding in the amount of up to \$284,226 from the CFRING program towards the removal of the Mill Pond Dam project; and

WHEREAS, New Hampshire Revised Statutes Annotated (RSA) 31:95-b permits municipalities to authorize acceptance and expenditure of funds from the state, federal or other governmental unit, or a private source, which becomes available during the fiscal year if they first adopt an article authorizing this authority indefinitely until specific rescission of such authority; and

WHEREAS, Resolution #99-19 adopting the provisions of RSA 31:95-b authorizing the Town Council to apply for, accept, and expend unanticipated funds from a Federal, state, or other governmental unit or a private source which becomes available during the Fiscal Year; and

WHEREAS, Council approval is required for the acceptance and expenditure of these funds; and

WHEREAS, RSA 31:95-b III(a) requires that a Public Hearing be held on unanticipated funds in excess of \$10,000; and

WHEREAS, on Monday, July 11, 2022, a duly posted and published Public Hearing was held by the Durham Town Council on the \$284,226 ARPA monies in accordance with RSA 31:95-b;

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby approve **Resolution #2022-XX** authorizing the acceptance and expenditure of a Critical Risk Infrastructure Grant (CFRING) From the New Hampshire Department of Environmental Services funded by the American Rescue Plan Act of 2021 in the amount of up to \$284,226 and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham?

PASSED AND ADOPTED this 20th day of July, 2022, by a majority vote of the Durham Town Council with _____ affirmative votes, _____ negative votes , and _____ abstentions.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector