

This set of minutes was approved at the November 7, 2022 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, OCTOBER 3, 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 James Lawson; Councilor Eleanor Lonkse; Councilor Eric Lund; Councilor Sally Needell; 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.

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely – Not applicable

III. Roll Call of Members. All members were present; no roll call required.

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 Lund and PASSED 9-0.

V. Special Announcements

Chair Marple read, as yearly tradition, the Town of Durham's Life, Water, and Land Stewardship statement in honor of Indigenous Peoples' Day next Monday.

VI. Public Comments

Joshua Meyorwitz, 7 Chelsea Drive, continued his presentation on the Mill Plaza Wetland setback and CDA appeal. He spoke on public comments from the meeting, as well as Conservation Commission recommendations

Mark Racic, 5 Riverview Road, thanked the Council for their unanimous vote approving a Riverwoods project request, and read a letter that voiced concern on the recent statement published in Seacoast Online by a Durham professional staff member that spoke ill of the Republican Party.

Bonnie McDermott, 80-82 Dover Road, also voiced concern about the statement published in Seacoast Online.

Jeff Berlin, 3 Cowell Drive, also voiced concern over the statement published in Seacoast Online, as well as the recent Diversity, Equity, Inclusive, Justice (DEIJ) hire at the Oyster River High School.

William Hall, Smith Park Lane, spoke on water restrictions and local culverts.

Janet Perkins Howland, 32 Frost Drive, thanked the Council for their reading of the Life, Water, and Land Stewardship statement and wondered what more the town can do to celebrate Indigenous Peoples' Day in the future.

VII. Approval of Minutes-- July 11th and September 12th, 2022

Minor edits were submitted to Administrative Assistant Jennie Berry for inclusion prior to the meeting.

Councilor Marple MOVED to APPROVE the July 11th minutes as amended, which was SECONDED by Councilor Hotchkiss and PASSED 7-0.

Councilor Marple MOVED to APPROVE the September 12th minutes as amended, which was SECONDED by Councilor Needell and PASSED 8-0.

VIII. Councilor and Town Administrator Roundtable

Councilor Friedman--Parks and Rec

- Parks and Rec did not hold a meeting on the 27th of September due to quorum issues.
- Upcoming and continuing focuses of the committee are Woodridge Park, Jackson's Landing, Churchill Rink.
- Parks and Rec will be hosting a 5k run Trot in the Trees on October 16th. For more details on that and other Parks and Rec events, Councilor Friedman suggested checking out their website at durhamrec.recdesk.com.

Councilor Friedman--Seacoast Economic Development Stakeholders Meeting

- Their September 20th call highlighted CreativeGround.org, a regional directory of artists, arts organizations, and businesses involved in the creative process. The platform was rolled out on the 15th of September 2022.
- A conference was recommended by the meeting called Retail Remade, focusing on the building blocks of a vibrant downtown, which Councilor Friedman attended.
- Harmony Homes was named the Large Business of the Year by The Chamber Collaborative of Greater Portsmouth.

Councilor Welsh--Conservation Commission

- The Commission last met on September 19th, where most of the meeting was spent on the re-review on the Gerrish Drive Conditional Use application. Based on a strict reading of the criteria, the Commission decided to reaffirm its decision that the

project was acceptable. However, the Commission did express frustration, as there might be another option that crosses the WCOD slightly less. However, the criteria as currently written only allows for rejection if there is an option that doesn't cross into the WCOD at all.

Councilor Welsh--IWMAC

- The Committee last met on September 14th and 28th, where Councilor Needell presented a timeline for a developer program to push Durham towards sustainability through methods like recycling and composting.

Councilor Lonske

- Councilor Lonske had nothing to report.

Councilor Hotchkiss--Planning Board

- Councilor Hotchkiss spoke on the multiple site walks that have occurred since the Council's last meeting. The Board did a site walk at the Tideline Public House across the street from the Town Hall, the proposed two-lot subdivision on Schoolhouse Lane, and another proposed two-lot subdivision on the southeast corner of Adam's Point Road.
- Unanswered questions from the site walks include driveway placement.

Councilor Hotchkiss

- Councilor Hotchkiss represented the Town at the Train Riders Northeast annual meeting. Overall ridership is bouncing back, but the number of regular commuters remains at similar levels. There are also several projects in the pipeline to improve the system over the next year, including laying six miles of double track where there is currently only single track, second passenger platform, and a pedestrian bridge. Implementation of a new system of Positive Train Control is also in planning, which aims to help trains stay on schedule. They are also looking into moving the Portland station, which is currently in an unideal location.

Councilor Needell--Land Stewardship Subcommittee

- The first in-person questionnaire from the Stewarding Our Lands working group happened this past Sunday.
- The subcommittee will meet again next week.
- Councilor Needell noted that the Oyster River Forest questionnaire and Spruce Wood Forest and Conservation Area survey will be presented in a future Friday Update.
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Chair Marple--Human Rights Commission

- Sign-ups for the Bias Workshops are now open. There are a total of four sessions, two in the morning, and two in the evening, over the course of October.

Councilor Lund--Historic District/Heritage Commission

- On September 22nd, the Commission sponsored a workshop on the Do's and Don'ts of preserving historical houses, which was a successful event.

Councilor Lawson--Energy Committee

- Since the Council's last meeting, Councilor Lawson has twice met with the Planning Board about the proposed Solar Ordinance. He found the meetings to be productive and noted his appreciation of the Board for being stricter about utility-scale solar than the proposal.
- The Energy Committee meeting has been delayed two weeks.

Councilor Tobias--Planning Board

- Planning Board has met a few times since the last Council meeting. Councilor Tobias noted that she was not able to attend one of the meetings, where the Board approved a two-lot subdivision on Schoolhouse Lane.
- On September 21st, the 15 Newmarket Tideline Public House project came back to the Board requesting a modification to their approval to allow for container units, which was permitted.
- The Board was also introduced to the solar ordinance at the September 21st meeting, which the Board continues to work on.
- On the 28th of September, a public hearing for 20 Adams Point Road was held and will continue on October 12th.
- Public hearing was continued for 74 Main Street. With some questions still unanswered, the Board delayed the item to October 26th.

Administrator Selig

- Public Works Director Rich Reine asked Administrator Selig to remind residents that there will be an open house at the Durham Public Library this Thursday, October 6th, from 5:30 to 7:30 to discuss the Madbury Road project. Councilor Lonske asked if it was going to be available on Zoom, which Administrator Selig was unsure about.
- Annual budget development process continues for Fiscal Year 2023, working towards the goal of having a budget proposal for the Council by November 1st.
- Administrator Selig noted a public comment that mentioned Mike Lynch, who served the Town for many years. Mr. Selig thanked Mr. Lynch for his service.
- Administrator Selig noted what he found to be a meaningful tribute to the late Durham resident Marianna Hatch in the latest Friday Update. He then read some sections of the tribute and encouraged residents to read the full tribute.

Councilor Welsh

- Councilor Welsh noted the several members of the public that came to speak on the letter published in Seacoast Online by a member of the Town staff, and that Administrator Selig was of the opinion that the staff member had the right to free speech. Councilor Welsh also noted that while his feelings were not that dissimilar from the staff member's, he also wondered if the published piece was on the other end of the spectrum, and whether Town staff should be allowed to publish whatever opinions they wanted.

Councilor Lonske noted her agreement with the stance leaning towards freedom of speech and noting that while people also had the right to object to his opinion, it has nothing to do with his employment to the Town. Chair Marple seconded this opinion.

Councilor Welsh noted that he didn't have a copy of the resolution mentioned in several public comments but expressed the desire to revisit the resolution to see how it should impact what and how the Council should discuss similar issues in the future.

Administrator Selig noted that he had received and was looking forward to reading the commentary submitted by a member of the public, but also reaffirmed the staff member's right to freedom of speech, noting that that right would no longer apply if what was expressed incited or threatened violence of any kind.

Councilor Tobias noted her empathy at how it can feel for Durham residents in a political minority, as well as her respect for the right of the Town employee to speak their mind.

Councilor Lawson noted that he was an independent and had voted on the Republican ticket at the latest election and noted he hadn't had any personal experiences of disrespect for it. Generally, he also noted that the Town was relatively consistent on standing up for issues rather than parties.

Councilor Friedman noted that if the letter was hate speech, then the Council would likely condemn it. He then expressed that he would reread the letter to see if that was the case. Chair Marple noted that the Council was free to revisit the situation at the next meeting.

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

- A. Shall the Town Council schedule a Public Hearing for Monday, October 17, 2022, on a Resolution authorizing the acceptance of unanticipated revenues from the State of New Hampshire Department of Transportation (NHDOT) in the amount of \$249,176.50 for road improvement/maintenance and \$281,170.00 for bridge maintenance?
- B. **RESOLUTION #2022-17** authorizing the repurposing of American Rescue Plan Act of 2021 federal funds in the amount of One Hundred Thousand Dollars (\$100,000.00) appropriated in the 2022 Capital Fund Budget originally for improvements at the WWTP to make improvements needed at the Lee Well Pump House.
- C. Shall the Town Council sign the Warrant for the General Election to be held on Tuesday, November 8, 2022?

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

X. Committee Appointments

Shall the Town Council appoint Joseph Warzin, 102 Madbury Road, to fill an alternate member vacancy on the Zoning Board of Adjustment?

Councilor Welsh noted that he wished Joseph Warzin were present at the meeting, as he had some questions about Warzin's story and his motivation to join the ZBA.

The Council decided to table this item and invite Warzin to the next meeting.

XI. Presentation Items

- A. Durham's utility valuations for 2022 tax rate setting purposes – George Sansoucy, PE, LLC, Utilities Appraiser; Gail Jablonski, Business Manager

George Sansoucy greeted the Council and asked Administrator Selig to introduce the specific topics he wanted to cover in Sansoucy's presentation.

Administrator Selig noted that he had mentioned at the last meeting that the anticipated project evaluation was \$16 million off of what was projected, largely due to the evaluation of utilities. The Town's Assessor Jim Rice, Gail Jablonski, and Administrator Selig met with Mr. Sansoucy to try to understand why the variance occurred. Mr. Sansoucy identified three main roots to the issue: several abatements settled over the past year, new rules and laws implemented to standardize the process, and the largest contributor which is the equalization ratio.

Mr. Sansoucy thanked Administrator Selig and noted what Mr. Selig was referring to is that the Town's utility properties have gone up dramatically over the last few years. For example, in 2014 the Public Service Company of New Hampshire had \$16 million worth of property, and about \$88 million in 2022.

Mr. Sansoucy noted an important element of annual evaluation is that most utilities spend money every year, which has to be equalized with the current equalization rate. That rate has dropped to 72.5% recently in the Town of Durham. This means that Durham property is evaluated at that percentage of its value.

That rate dropped the \$88 million value down to approximately \$64 million, with \$1 million added back for the land value of easements, leaving a total of \$65 million. This is a \$3 million drop from 2021. Mr. Sansoucy noted that these rates even out on a five-year cycle.

Mr. Sansoucy noted that there were two ways to avoid this happening, only one which exists in New Hampshire law. Municipalities have the option to do a statistical evaluation to factor the entire community up to 100% every year, and only do a measurement list and new market sales every five years. Mr. Sansoucy noted that the city of Keene pioneered this method and has used it for the last 30 years. He also noted that this method involves some set up and could involve additional staffing.

Mr. Sansoucy assured the Council that this will self-correct over the next year and spoke on the other factors that influenced the drop. In 2021, the Town had an increase in utility property from \$78 million to \$88 million. The Town has also become a major transmission host, owning \$70 million worth of property before equalization. \$17 million

of the property is governed by RSA 7:38, a system of evaluation that is required but also bleeds into a compromised reduction of value.

Administrator Selig asked if it would be an accurate summary to say that the equalization ratio had dropped 14 percent, but reevaluation in 2023 should bring the ratio back to 100%, which Mr. Sansoucy confirmed.

Councilor Lawson noted that residential property value will also increase in a reevaluation, meaning utility and residential will increase while the tax burden stays the same. Mr. Sansoucy noted that the \$10 million of new utility property would be factored into next year's evaluation, which would fix that problem.

Administrator Selig reiterated that the prompt for this presentation was to explain the drop off in utility and therefore short towards the tax rates estimates decided upon last year and discuss what to do moving forward: pass the [class] through or try to anticipate additional value Durham will be able to tax and borrow from the undesignated fund balance to cover the meantime.

Councilor Lawson voiced that considering the situation and likely increasing property values, it didn't seem to be wise to draw from the undesignated fund balance.

Councilor Lund noted that utilities are measured through a separate system than residential property, which uses sales of comparable houses, and asked how that method difference can affect the utility evaluations. Mr. Sansoucy noted that you also have to equalize when evaluating residential property. He also noted that the utility process is codified by state law.

Administrator Selig noted that the Council seemed not inclined to using fund balance to smooth out the hit. Councilor Welsh asked if the Council had already set the rate to 82%. Mr. Selig answered that when the Council approved the budget, it landed on an estimate over a definite rate, due to situations like this.

Councilor Welsh asked which bills this tax rate applied to. Administrator Selig replied that the first of the two bills in the year is based on the previous year's tax rate, meaning that they were discussing the second 2022 bill currently.

Councilor Lawson asked if the Council had already used the fund to cover abatements, which Administrator Selig confirmed. Councilor Lawson then commented that they had already put some pressure on the fund.

Councilor Welsh noted that he didn't feel like the increase was drastic enough to warrant using the fund balance. He also asked someone from the County to explain how their procedures might be affecting the local level, and if the Town had any say over the County budget. Administrator Selig said that he would reach out to the County to invite them to a meeting, and that the County Delegation is the group that approves the County budget.

- B. Archeological research that has been done on Durham's indigenous past – Dr. Meghan C.L. Howey, UNH Professor of Anthropology & Earth Systems Research Center; Paul and Denise Pouliot from the Cowasuck Band of the Pennacook Abenaki People

Dr. Meghan Howey, along with Paul and Denise Pouliot greeted the Council and thanked them for inviting them to the meeting.

Denise Pouliot overviewed the N'dakinna, homeland of the Abenaki and Pennacook people, referencing a map of the greater New England area. Ms. Pouliot noted that the Tribe has one of the largest territories in the New England region.

Dr. Howey noted that Durham's colonial history is well known and often celebrated, with a lot of information available about this time period. What is much less known is the Indigenous presence in the ecosystem where Durham is situated today, along with the greater Great Bay Estuary region.

The Great Bay Archaeological Survey worked in conjunction with the Tribe to blend contextual knowledge of how Abenaki people used the waterways with the western scientific process. This allowed the team--made up of volunteers and UNH students--to find a number of pre-contact artifacts. Dr. Howey noted that the Survey also worked in collaboration with the New Hampshire SCRAP.

Dr. Howey explained how sites were chosen for excavation and the process of excavation. Topographic variables, historic information, and word of mouth are all strategies used to find excavation sites. Excavation began with a blessing ceremony done by the Pouliots. Shovel testing was then done, which involves laying out a roped systematic grid of ten meters.

As an example of the collaboration between the Abenaki perspective and traditional archaeology, Dr. Howey spoke on a site that she had originally theorized to be for colonial safety or a hunting outcrop. When Paul Pouliot arrived at the scene, he noted the symbol would have been used as landmark notification, and theorized it was related to why this site hadn't been destroyed in the alleged Oyster River Massacre.

Early findings from excavation included several ancient hearths, one of which Dr. Howey dated to 1200 A.D. Crop seeds, including gourd and corn, were also found at the site.

Denise Pouliot spoke on some of the food processing features found in the excavation. Fire spots included leftover fats where food was prepared for the winter. Ms. Pouliot noted that those fats could be tested to see what exactly was being eaten during that time, which is currently unknown. Ms. Pouliot also noted that it was incredibly rare to find preserved seeds in this area due to the acidity of the soil.

Paul Pouliot noted that the Durham site was incredibly unusual, with fine white sand that excellently preserves artifacts. He noted both that the Durham sites had the potential to change New England archeology, and its vulnerability due to climate change.

Denise Pouliot and Dr. Howey found post holes, which show both physical and carbon-dating evidence of returning use of the site for hundreds of years.

Dr. Howey continued to speak on artifacts found post-contact, including English and French gunflint turned into flintstones by the Native population. Denise Pouliot also highlighted the French precedence in the area, which is often ignored out of a wartime context.

Dr. Howey also noted that many colonial settlers adopted Native tools and practices, as evidence has been found of stone axes and animal remains of similar species hunted and grown by Natives. Food remains of Moose, Cod, and Oyster were found at colonial sites, and Denise Pouliot noted that the colonials would have needed to have been taught how to process those species by the Natives. Ms. Pouliot also noted the Cod remains show an average age of eight years before harvest, compared to the year or less average of today, showing the cost of overfishing.

Dr. Howey spoke more generally and noted an observation from her research that surprised her. Many colonial settler locations were greatly determined by the Native population, as their survival often depended on Native help (shown through the animal remains, for example). Dr. Howey also noted that they had been excavating at the site for five years and have yet to find the edge, meaning there is still significant possibility for discovery.

Dr. Howey continued to speak on work with other scientists in the area, including data collections on bird calls, temperature, and sensors and camera to track wildlife.

Councilor Welsh asked when they theorized that the earliest humans arrived in the area. Dr. Howey said at least 1300 but could easily be more as water in the area can damage sites.

Administrator Selig asked if the Native population lived here year-round, and if not where they would migrate to. Denise Pouliot said that Natives were migratory and had a main village with planting and would visit a variety of sites throughout the year to gather and hunt different materials.

Administrator Selig also asked what the average lifespan was for Natives versus colonists. Denise Pouliot answered that there had been stories of Natives living up to 130 years.

C. Update on opening of the Oyster River Cooperative School District 2022/23 school year
– Dr. James Morse, Superintendent

Dr. Morse greeted the Council and thanked them for their time. He noted that the opening of the district was as close to normal as it has been in three years. Academic scores continue to remain high, and the focus of the district has been returning staff and students to pre-COVID routines, as well as social-emotional learning. These skills include

executive functioning and decision-making skills, as well as positive interactions with others.

The district opened with approximately 2100 students. The last task of the new middle school project is the completion of the turf field, which is currently underway--the underlayment is scheduled to be put out this week, with the turf coming after it. The goal is to run one ORMS game on the field before the end of season. Tennis Courts in front of ORHS are completed and functional.

Budget season begins tomorrow for the district, with Dr. Morse beginning to meet with departments.

Councilor Friedman asked if the district expects population changes in the coming five years. Dr. Morse answered that there had been predictions of a decrease since he began as Superintendent, which have never materialized, and long-range predictions remain consistent. Dr. Morse noted that this stability is likely due to house scarcity and price.

Councilor Lund asked which schools the ORCSD has tuition arrangements with. Dr. Morse replied that the district has arrangements with Barrington, who send about 175 students currently.

Councilor Welsh asked if the new middle school feels like the correct size for the enrollment numbers. Dr. Morse said it felt perfect, with the design of the school leading to a sense of hominess.

Dr. Morse noted that an important element to the plan was to avoid cost spikes and balance what was spent on capital versus bond, which was accomplished. He also noted the difference in approach to the project, beginning by hiring a builder with a fixed price and having the architect work under those parameters.

D. Update by the Housing Task Force - Heather Grant, Chair

Heather Grant greeted the Council and introduced herself, noting her roles on both the Housing Task Force and the Planning Board. She also briefly overviewed the other members of the Task Force, which includes former Durham Town Councilor Al Howland and Durham Historical Commission member Charlotte Hitchcock.

Ms. Grant spoke on the history of the Task Force, which began as a subcommittee in 2019 in recognition of housing challenges in Durham. Many other NH towns and municipalities have also established forces, including Exeter, Lee, Portsmouth, and New London.

The Housing Task Force has given input on several issues over the past few years. They continuously monitor state legislative updates on housing initiatives, as well as Durham housing sales and affordable housing data. The task force worked with John and Maggie Randolph, owners of Harmony Homes, on their affordable housing process addressing housing and workforce shortages.

The task force also receives public comment from residents sharing testimonials of their experiences with housing in Durham. One story shared by a Durham resident told of how the family had a difficult time finding a rental property in the area and eventually found an elderly owner who was able to move into an accessory dwelling unit (ADU) on the property and rent the primary house to the family.

The task force also receives various analyses and presentations, including an analysis on Durham ADUs and Condos, Housing Action New Hampshire, and various housing summits.

With all the information gathered, the Housing Task Force often discusses housing infrastructure with Public Works and the Administrator.

Councilor Friedman asked whether the task force looked into minimum square footage requirements of other towns and see if they are in line with other municipalities regulations. Ms. Grant said that it was something the group hasn't done yet, but something that she would be interested to look into.

Ms. Grant transitioned to how the 2025 Durham Master Plan has influenced the direction of the task force.

Two of the goals outlined in the Master Plan tied in well with each other, fostering a vibrant downtown and balanced economic growth as essential to supported schools, resources/downtown services, and stabilized property taxes. Workforce housing shortage in Durham very much hinders these goals, as it detracts young talent from settling in Durham, making it less business friendly. The central question the Housing Task Force asks in regard to these goals is whether Durham has housing options that support all life stages.

Another Master Plan goal is to have mixed residential and commercial development in and around downtown. Downtown development has allowed for quality student housing like Madbury Commons. The Task Force investigated whether these developments helped to move students out of family neighborhoods. Other related points include downtown zoning adjustments, as well as the acknowledgement of limited land that the Town has available to build new housing on.

A third Master Plan goal was to reverse the trend of declining numbers of young families through affordable single-family housing in employment opportunities. Ms. Grant read a quote from a New Hampshire Housing Finance Authority Presentation that summarized the issue: there is a need for four-bedroom colonials on large lots, but also there is a need for affordable apartments and starter homes, which a diversity that is lacking in the area.

Councilor Welsh noted a trend that most affordable housing built in Durham is dominated by students and asked if the Housing Task Force had discussed or proposed a solution for that issue. Ms. Grant noted a few options the Town has, including building in areas not optimal for students, and including clauses in contracts that require developments to stay in the workforce housing market.

Councilor Tobias noted that Durham has a lot of single-family homes and student apartments, but is missing a few links in the life cycle, including starter condos or downsizing for elderly residents.

This transitioned to the next Master Plan goal, which is to create more diverse housing choices to attract a broader range of people to live in Durham. The task force is evaluating current zoning ordinances to further this goal. Ms. Grant noted that one of the angles the task force is looking at the ordinances is through the lens of density benefits.

Ms. Grant spoke more in-depth on proposed zoning changes, which the task force hopes will provide more housing options in existing neighborhoods like encouraging accessory apartments. Aspects of zoning under consideration including minimum lot sizes and thinking about density benefits of various town zones (increasing density benefits to strengthen workforce housing while lowering density in new subdivision and conservation subdivisions).

Ms. Grant noted that the task force was requesting a one-year extension to continue its work connecting with the community.

Councilor Welsh noted that he was all for the goal of making a more vibrant downtown but cautioned the task force to be careful not to cater too much to the student housing angle of the market.

Councilor Tobias noted that this was a very difficult balance to strike and expressed desire to look into zoning and vocabulary to have a better understanding of what was allowed and not allowed.

Ms. Grant noted this idea and shared that she had researched housing in Burlington, Vermont's housing action plan, choosing Burlington specifically because it was also a college town with similar demographic challenges.

Councilor Lawson said that while the motion reads upon the recommendation of the task force, he found it necessary to include something in the motion that acknowledges the important work done by the task force.

Councilor Friedman asked if the motion implied that the Council would receive a similar report this time next year.

Councilor Lund noted that it was his understanding that the goal of the task force was working towards a set of recommendations that would then be presented to the Council.

Councilor Lawson MOVED to, in recognizing the valuable work done by the Housing Task Force and upon its recommendation, extend the Task Force for one year until October 2nd, 2023, which was seconded by Councilor Lonske and PASSED 9-0.

E. Electric Aggregation Plan for CPCNH (Community Power Coalition of NH) – Durham Energy Chair and Council Representative Jim Lawson and DEC member Steve Holmgren

Councilor Lawson opened the conversation by voicing his hope that Durham will join a number of other towns in approving energy action plans. He also noted that approving this plan opens the door for near-term opportunities, and that the real work of reviewing community power for Durham will begin after approval. He also suggested the administration would benefit from a working group on this topic.

Councilor Lawson then introduced DEC member Steve Holmgren, who will be giving a presentation on the plan. He first noted that the framework for the plan was created by CPCNH, which was then tailored to Durham-specific needs, before highlighting the hard work done by Mr. Holmgren and other members of the Energy Committee. Lawson also highlighted Henry Herndon, a CPCNH member that has made himself available to answer any questions on the plan.

Steve Holmgren greeted the Council and thanked Council members for their time. He then gave an overview of the various players involved in the process. This of course included the Energy Committee, Town Council, and CPCNH. Other organizations include the Public Utilities Commission, which has approved the plan, Eversource, and the power market ISO New England.

Mr. Holmgren then spoke on the purpose of the EAP. The EAP defines program goals and objectives, as well as establishing governance. The plan also summarizes the emancipated implementation process and commits Durham to comply with statutes and regulations in terms of providing universal access and meeting at minimum basic environmental and service standards established by the Public Utilities Commission and other applicable agencies.

Mr. Holmgren also clarified what the plan does and does not do. The EAP plan does address issues required to be considered by RSA 53-E (including how net metering will be provided and how customers enrolled in the Electric Assistance Program will receive their discount. The EAP plan does not otherwise commit or impose any financial commitment or liability on the Town of Durham or its taxpayers.

The plan is separated into five chapters: Introduction to Community Power, Overview of Durham Community Power, The Community Power Coalition of NH, Durham's Goals Objectives & Requirements, and Statutory Requirements for Durham's Plan. There are also nine agencies that cover legislative background and various processes.

Mr. Holmgren invited Henry Herndon to add additional comments. Herndon noted that while approving the EAP doesn't commit Durham to the CPCNH, approving in an October timeline gives the coalition appropriate time to gather needed data if the Town wanted to participate in the program launch.

Chair Marple noted that the meeting needed to be extended.

Councilor Welsh MOVED to EXTEND the meeting, which was SECONDED by Councilor Lonske and PASSED 9-0.

Councilor Welsh asked Mr. Herndon if the underlying questions needed to be resolved by December. Mr. Herndon answered that the most advantageous time to implement a system is April/May, as that is the time of the year with the best utility rates. In order to launch during this window, the process must begin by December.

Councilor Lawson noted that this was why he suggested a working group on the subject. Councilor Lonske seconded this idea.

Ms. Holmgren continued to discuss the upcoming key policies that would need to be ironed out before project implementation. The first is the Cost Sharing Agreement, which would ensure that general and administrative costs are distributed evenly among the members of CPCNH. There will also be additional opportunities to buy in and benefit from, which will be optional to CPCNH members down the line.

The second policy would be the Energy Risk Management Policy (ERMP), which would identify risks in power supply procurement, setting policy parameters to manage risk, and define how member CPAs operate within the CPC procurement process. Other policies include Financial Reserves Policy and Rates Policy.

Councilor Welsh thanked Mr. Holmgren and the rest of the Energy Committee for all of their hard work that went into the plan and its presentations.

Councilor Needell also thanked Mr. Holmgren and noted that her lingering question is what Durham would be responsible for under this system.

Councilor Lund MOVED to APPROVE the Community Power Aggregation Plan as presented, which was SECONDED by Councilor Hotchkiss and PASSED 9-0.

XII. Unfinished Business

- A. Shall the Town Council, upon request of the Housing Task Force, extend the task force for one year to October 2, 2023? **(This item was voted on in item XI.D. above)**
- B. Shall the Town Council approve the Durham Community Power Electric Aggregation Plan as recommended by the Durham Energy Committee? **(This item was voted on in item XI.E. above)**

XIII. Adjournment

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

The meeting was ADJOURNED at 10:44 p.m.

Evie Wiechert, Minutes Taker