

These minutes were approved at the December 5, 2022 meeting.

**DURHAM TOWN COUNCIL
MONDAY, OCTOBER 17, 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 Eric Lund; Council Chair Pro Tem Sally Needell; Councilor Eleanor Lonske

MEMBERS ABSENT: Councilor Carden Welsh

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

Roll call was taken: *Councilor Joe Friedman--Yes; Councilor Ellie Lonske—Yes; Councilor Chuck Hotchkiss—Yes; Chair Pro Tem Sally Needell—Yes; Chair Kitty Marple—Yes; Councilor Eric Lund--Yes; Councilor James Lawson—Yes; Councilor Sally Tobias—Yes*

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 Chair Pro Tem Needell and PASSED unanimously, 8-0.

V. Special Announcements

Chair Marple read **Resolution #2022-18** recognizing longtime and beloved Durham Citizen Edward (Ted) Waring McNitt for his many years of dedicated community service to the Town of Durham, including Budget Committee, Charter Commission, Planning Board, Strafford Regional Planning Commission, and Zoning Board of Adjustment, as well as honoring Mr. McNitt's recent 103rd birthday.

Councilor Lawson MOVED to adopt Resolution #2022-18 as presented. Chair Pro Tem Needell SECONDED the motion and it PASSED unanimously, 8-0.

Chair Marple presented Beth Newkirk, Chair of the Friends of the Public Library, with **Resolution #2022-19** recognizing Friends of the Durham Public Library for 25 years of service

Councilor Lund MOVED to adopt Resolution #2022-19 as presented. Chair Pro Tem Needell SECONDED the motion and it PASSED unanimously, 8-0.

VI. Public Comments (*)

Joshua Meyrowitz, 7 Chesley Drive, continued with Part Three of his presentation on “Narrowly Avoided Durham Planning Disasters, High Costs, & Remaining Risks” regarding how the Planning Board Chair and Town Attorney discouraged applying Conditional Use zoning to proposed “student beds” in Mill Plaza, setting the context for Colonial Durham Associates’ (CDA) pending legal appeal over a narrow denial of a Conditional Use Permit, which occurred at the August 25, 2022, Planning Board meeting.

In closing, Mr. Meyrowitz asked the Council to imagine how a less misguided Planning Board might have voted on a Conditional Use Permit for mixed-use with student housing. A majority “no” vote on Conditional Use Permit for mixed use student housing would have avoided a CDA appeal about “super majority” approval requirement.

Councilor Lonske explained that at the August 25th Planning Board meeting, she was giving business advice to the applicant pointing out the demographic cliff where student enrollments were projected to drop and suggested that the applicant may want (for their own benefit) to look at more mixed-use housing. She said that her suggestion was taken by some members of the Planning Board as being anti-student. Councilor Lonske said it had nothing to do with being anti-student; she was just simply suggesting there may be a more profitable and better approach on how to use that.

Jeffery Berlin, 3 Cowell Drive, thanked Councilor Welsh for spending time at the last Council meeting to talk with him. Mr. Berlin noted that at the last meeting, Councilor Lawson indicated he voted on the Republican ballot in the recent Primary Election. Mr. Berlin said that although he appreciated that, he did not feel it was an endorsement about Republican values on Councilor Lawson’s behalf, especially in an election where Democrats were outwardly saying they were going to vote on the Republican ballot to get MAGA Republicans nominated to run against what they believe to be more centered liberals.

Mr. Berlin referred to Resolution 2022-16 adopted by the Town Council on September 12, 2022, condemning hate speech. He said that Oyster River Cooperative School District Superintendent Jim Morse had hired a Diversity, Equity, Inclusion, Justice (DEIJ) Coordinator who is an outright racist in an anti-racist position. He asserted that there was information the DEIJ Coordinator had put out on her Podcast that has since been

scrubbed from the Internet. He felt the Council should speak to the School Board because he didn't believe information, she posted was in line with the Town's hate speech resolution that was adopted.

Mr. Berlin read the first part of a piece submitted by Town Planner Michael Behrendt (in the capacity of a Town citizen) published in Seacoastonline.com on September 23, 2022: *"In a speech on August 25, President Joe Biden said "You must choose. Will we be a country that moves forward or backward? Trump and the extreme MAGA Republicans have made their choice, to go backwards, full of anger, violence, hate, and division. They are a threat to our very democracy. They refuse to accept the will of the people ... It's like semi-fascism."*

Mr. Berlin then read the last portion of Resolution #2022-16 *"reaffirming the community's commitment to safeguarding people's rights to life, liberty, the pursuit of happiness, and to condemn those who would choose to divide us."*

Mr. Berlin said not only does Mr. Behrendt's comments go against the resolution, but Mr. also Behrendt does not have an open mind for people who disagree with him.

Mr. Berlin concluded by saying that the community should be focusing on other matters that are affecting everyone such as the fentanyl epidemic, the quality of food, the cost of food, cost of living, criminal justice reform, police reform, and how critical race theory has taken over the community's school.

Councilor Lawson said that he had mentioned that he voted on the Republican ticket just to provide what his experience was like in Durham voting on that ticket. He said the reason why he had voted on the Republican ticket was because he thought there was an extraordinary candidate in the US House of Representatives by the name of Russell Prescott. He also felt there were a number of other people that deserved a write-in vote on for New Hampshire state representatives. He said he felt it was inappropriate when someone speculates why it is or what ballot he or any Councilor votes on.

Wayne Burton, 106 Madbury Road, spoke to the resolution on the Council's agenda for later in the meeting regarding a request to the SRPC, Technical Advisory Committee, and New Hampshire Department of Transportation to place a portion of Durham Point Road (from Route 108 to Bay Road) on the NHDOT's 10-Year Transportation Improvement Plan. He noted that there had been 71 incidents and one fatality on that portion of Durham Point Road. He felt the Town Council needed to support inclusion of this portion of Durham Point Road in the NHDOT's 10-Year plan.

Mr. Burton also mentioned the Madbury Road project, which he said was coming along very nicely. He said Public Works Director Richard Reine and Town Planner April Talon have come up with a solution that he believed would work. He added that although Madbury Road was never meant to be a gateway to Durham, it is, and as such should look good, be safe, and be accessible to all forms of transportation,

Lastly, Mr. Burton recommended that Council members read the excellent article about the new Oyster River Middle School published in InDepthNH.org "*A Ratepayer and Taxpayer Success Story in Durham School*" dated October 15, 2022, which he said was very complimentary to the Town of Durham and school district for taking the step in LEED Certification for both the new Town Hall and the Middle School.

William Hall, Smith Park Lane, said that in looking up old articles in the paper, he found an editorial in The New Hampshire dated February 10, 2022, where a Town employee called Republicans traitors. He said if anyone wants to ever get his attention, just call him a traitor because when he was 21 years old, he was drafted into and served in the Army. Mr. Hall said he is very careful not to say anything unless he can back up what he says, and that he does not like being trivialized.

VII. Approval of Minutes

There were no minutes submitted for approval.

VIII. Councilor and Town Administrator Roundtable

Councilor Tobias—Planning Board

- The Planning Board met on Wednesday, October 12th. The Gerrish Drive subdivision application was accepted and discussion occurred around the High Intensity Soil Survey (HISS) in detail. A public hearing has been scheduled for October 26th.
- Provided final comments for the proposed Solar Ordinance.
- Held a discussion on whether the board could make its minutes more concise and streamlined and decided that the current system wasn't in need of changing.

Jim Lawson—Durham Energy Committee

- Councilor Lawson noted that he had participated in the Planning Board meetings throughout the Solar Ordinance process and felt good about the ideas and suggestions, and once he has incorporated changes to the document as a result of those ideas and suggestions, he believed it would be coming back to the Town Council in either November or December.

Councilor Lund--Historic District/Heritage Commission

- The Commission met on October 6, 2022 and held discussion with Joan Bigwood Osborn about the 250th celebration of the American Revolutionary War 1774 raid on Fort William and Mary at Newcastle led by Major General John Sullivan of Durham.
- Discussion on reuse of the old brick sewer pump station at Durham Town Landing, which is eligible for listing at least on the State of New Hampshire register of historical places if not also the federal register.

Chair Marple noted a resident comment raising concern about using the site due to its high flood risk, asking if the Commission was able to discuss the point. Councilor Lund answered that they received the comment after the meeting, but it will be discussed in the future.

Councilor Needell—Land Stewardship Subcommittee

- Noted that there was also a brief discussion at the last Land Stewardship meeting about flooding and the Old Landing.
- There are now official handicapped parking spaces at Wagon Hill Farm.
- Held discussion around issues at Doe Farm, particularly about campfires being built and restated that camping and campfires on all town properties require permitting.
- Land Stewardship Coordinator Tom Brightman and former Town Planner Duane Hyde were interviewed for an upcoming WMUR Chronicle segment on travel destinations. It will air sometime either in November or around the first of next year.
- Councilor Needell said she and a few others were part of the Implicit Bias Training held today. She encouraged Councilors and other town volunteers to sign up for the training if they have not already done so.
- The Swap Shop will close for the season on December 10, 2022.

Councilor Hotchkiss

- Councilor Hotchkiss had nothing to report.

Councilor Lonske

- Councilor Lonske had nothing to report.

Councilor Friedman--Parks and Rec

- The Churchill Rink will have a delayed opening this year due delayed maintenance.
- Parks and Rec asks for the Council's support for their strategic and master planning request for Jackson's Landing and Woodridge Park.

Councilor Friedman--Seacoast Economics Stakeholders Meeting

- The last meeting was held on October 4th. The group was recently refunded to continue their discussion on housing, workforce, infrastructure, and quality of life for the region.

Councilor Friedman

- Councilor Friedman wanted to briefly discuss 66 Main Street. GIS mapping tools have been presented in the Friday Updates, which Friedman used to focus on 66 Main Street and how many people lived within walking distance. His aim was to help think about what the population of Durham looks like and how the site can best serve the Town.
- A letter was received by the Council from Doug Clark about the downtown. Councilor Friedman had some questions as to what points were Durham-specific and characteristics of the overall region.

Administrator Selig

- Focus continues to remain on the budget proposals for the next fiscal year. Current projections see an approximate increase in spending by 2.6%, or \$490,000. However, revenues are down, and tax rates remain stagnant, meaning the 2.6% spending increase will translate into a 5.7% tax rate increase.

- Implicit bias training sessions have begun for Town officials and committee members. Three more sessions will take place in the near future.
- Following the Council's adoption of the Climate Action Plan, the Town submitted it to the Global Covenant of Mayors.
- The approved Energy Aggregation Plan was submitted by the Town to the PUC and it was assigned a docket. Seacoast Online recently published an article detailing Dover, Portsmouth, and Durham's efforts to join the coalition and provide more affordable and sustainable power to their communities.
- As noted by Councilor Friedman, the Churchill rink's chiller system recently malfunctioned, and will need an energy \$33,000 repair.
- Xfinity has recently reached out to the Town interested in renewing their franchise agreement with the Town, which will begin soon.
- This fall will begin collective bargaining agreements with two of the Town's four labor units, with this year being the middle management unit (DPMMA) and the DPW unit (AFSCME). Administrator Selig projects that there will be a non-public session before the first November Council meeting with the Town's labor attorney to brief the Council on initial thoughts.
- Tom Brightman, the Town's Land Stewardship Coordinator, will be leaving at the end of the year. Mr. Brightman is working with the Town to provide a smooth transition, and the Town is looking into prospective contractors and individuals looking for part-time employment.

Councilor Lonske asked if the previous Coordinator, Ellen Snyder, was available. Administrator Selig responded that he did not believe she was available, but Mr. Brightman was in contact with her for ideas.

- In response to public comments, Administrator Selig read the letter he had submitted to a resident raising concern over the Seacoast Online editorial written by a Durham resident and Town employee. The article was submitted by the author as a Durham resident and not a public employee and was therefore protected under the first amendment. Mr. Selig also noted the resolution cited was an aspirational document carrying no force of law, and any residents disagreeing with the ideas expressed were also welcomed to submit their thoughts to Seacoast Online. Lastly, Mr. Selig noted that the Town has no participation in ORCSD decisions, including the DEIJ hire referenced earlier in the meeting, and therefore the School Board would be the appropriate venue to discuss those decisions.

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 approve the 4th Warrant for 2022 Water and Sewer totaling \$609,428.91 and authorize the Administrator to sign said warrant?
- B. Shall The Town Council adopt a special meeting date in December 2022 for the purpose of deliberating the proposed FY 2023 Operating, Capital, and Special Fund Budgets and the 2023-2032 Capital Improvement Plan, and schedule a Public Hearing on the Proposed FY 2023 Budgets for Monday, November 14, 2022?

- C. **RESOLUTION #2022-20** requesting that the Strafford Regional Planning Commissioners, the Policy and Technical Advisory Committees, and the NHDOT include Durham Point Road in the State of New Hampshire's Ten-Year Transportation Improvement Plan to reconstruct and repave Durham Point Road (from Route 108 to Bay Road), to address roadway deficiencies, including stormwater management and water quality improvements, enhanced flood resiliency, fish and amphibian passage, vehicle pedestrian and cyclist safety, ADA compliance, and improvements in multi-modal transportation

Councilor Lund asked for the removal of Item B.

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

Councilor Lund asked why there wasn't a meeting scheduled for November 28th. Chair Marple answered that she believed it was the week of Thanksgiving, which Administrator Selig corrected was the week after. Mr. Selig noted that typically there wasn't a meeting that week, but one could definitely be scheduled if needed.

Councilor Lund MOVED to APPROVE Unanimous consent Agenda B, which was SECONDED by Councilor Lawson and PASSED 8-0.

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?

Joseph Warzin was present and introduced himself to the Council.

Chair Marple asked if Mr. Warzin had expressed interest in past local boards. Mr. Warzin replied that he moved from Newfields, NH about a year ago, and he plans to settle in Durham, which sparked his interest in the ZBA.

Chair Marple thanked Mr. Warzin for his interest.

Councilor Needell asked what drew his specific interest to the ZBA, to which Mr. Warzin replied that he knew the Board Chair and learned about the vacancy through him.

Councilor Tobias noted that it was nice to have a younger voice at the table.

Councilor Marple MOVED to APPOINT Joseph Warzin to fill the alternate position on the ZBA, which was SECONDED by Councilor Lund and PASSED 8-0.

XI. Presentation Items

- A. Receive update on and adopt Durham's Climate Action Plan – Rafidah Rahman, Sustainability Fellow

Rafidah Rahman greeted the Council over Zoom and apologized for not being able to turn on her camera due to internet issues. She then overviewed the contents of her presentation, which included background information on the plan, a content review of the plan, and changes based on community feedback. Ms. Rahman also noted the presentation goal of discussing and approving the plan.

Ms. Rahman began with background information. Durham joined the Global Covenant of Mayors (GCoM) in January of 2021. The Covenant is a pledge of local governments to reduce emissions, prepare for impacts of climate change, increased access to sustainable energy, while providing a framework to track progress towards those goals.

In keeping with GCoM requirements, Durham must complete and submit a variety of assessments and plans within the next three years. A GHG and risk and vulnerability assessments, along with mitigation targets and goals, must be submitted within the next two years. A climate action plan must be submitted by year three at the latest.

Rahman overviewed what must be included in a Climate Action Plan (CAP). The plan provides an outline of specific actions the community were going to take, estimating the impact those actions will have on reducing emission or increasing resilience, as well as implementation measures and ways to measure progress. The plan should include short and long-term goals and will be updated every two years.

As Ms. Rahman said previously, Durham's CAP is currently in progress. Durham has received credit for the greenhouse gas inventory and targets. The mitigation methods part of the plan is in progress, which will complete the mitigation section of the plan. The adaptation/resilience section of the plan has yet to be done, which is the next step.

Ms. Rahman provided some highlights from the Greenhouse Gas Emissions (GHE) findings and emissions target. Land-use removal is equivalent to about 31.2% of emissions, and 95.2% of emissions are from the built environment and transportation sectors. Durham's emission goals are to reduce 2019 emissions by 35.5% by 2030, reaching zero emissions by 2050.

Durham's CAP consists of five focus areas, with 12 goals for the 2030 target, and 22 actions to help further Durham's goals. The focus areas were identified through comparison between the 2015 Master Plan, the 2019 GHE, and the 2017 Hazardous Mitigation Plan and include: buildings, transportation, energy supply, solid waste and resource consumption, and natural resources.

The first area of focus are buildings, which were split into three goals. Goal B.1 states: "In residential and commercial buildings, electrify stationary energy sources and increase energy efficiency to compensate for this increase", with the action points of an educational program by 2024 and identify ways to gather Town-level residential energy data.

Goal B.2 states: “Diversify Durham’s housing stock by 2030”, with the action point of evaluating needed changes to facilitate broader access to modest sized/priced and energy efficient by 2024. Goal B.3 states: “Support UNH’s goal of reducing their Scope 1 and 2 emissions by 50% by 2030, with the action point of identifying ways the Town can partner with UNH to support their goals by 2024. Goal B.2 was modified in response to Council feedback, and Goal B.3 was added.

The second area of focus is transportation, which was split into five goals. These goals remain almost entirely the same as before, with the addition of a fifth goal T. 5 that states: “Support UNH’s goal of reducing their Scope 1 and 2 emissions by 50% by 2030”, with the same action point as the similar B. 3 goal.

The third area of focus is energy supply, which was split into three goals that did not occur, due to changes from Council feedback.

The fourth area of focus is solid waste and resource consumption, with a singular goal to reduce tonnage of rubbish sent to landfill by 10% per household by 2024, which was slightly modified from Council feedback.

The fifth area of focus is natural resources, which was split into three goals, NR.3 being newly added in line with B.3 and T.5. The expected reduction from all of the CAP actions is 42.8% by 2030, which is more than the 31.2% goal and would set the Town on course for zero emissions by 2050.

The next steps for the CAP include approval and adoption by the Town, receive feedback from GCoM on the draft, and then circle back to the Conservation Commission and reach out to Agricultural Commission for an overview.

Councilor Friedman asked about the two-year reports, and if the UNH Sustainability Fellow position would continue in the future for this purpose and how the Town plans to do this reporting if the position wasn’t continuing.

Administrator Selig said that the Town had partnered with UNH for the position and planned to continue working with the University to renew the position in the future.

Councilor Lawson thanked Rahman for putting together the presentation and her other work as UNH Sustainability fellow. He also noted that he didn’t fully appreciate GCoM’s resources and measurement focus when Durham first joined, which he has now grown an appreciation for. He also noted his appreciation for UNH and their willingness to cooperate with Durham through the Sustainability Fellow. He concluded by stating that Durham had a lot of work to do and highlighted the importance of education on the topic as a vital step in that process.

Councilor Friedman noted that it seemed like the Town had already begun at least one education campaign and asked where the financial responsibilities of these educational programs will fall. Councilor Lawson answered that Durham is using the same model as

other communities, who lean towards the Energy Committee with the help of the Sustainability Fellow.

Councilor Needell added that IWMAC also is very involved in this process, mainly in waste reduction and the idea of Sustainable Durham.

Councilor Lawson voiced that he found it interesting that the second largest emission factor was transportation, noting that Durham carries the burden of Route 4 in those emissions. Lawson suggested that the Town also advocate for state level action to mitigate factors like these.

Councilor Friedman noted that the 2017 Hazard Mitigation Plan noted that it would be updated when federal funding allowed and asked if that funding had gone through.

Administrator Selig noted that the funding had gone through in September of 2022, and that the Town had contracted with the Strafford Regional Planning Commission to begin the update.

Councilor Lund MOVED to ADOPT Durham's Climate Action Plan and to refer the plan to GCoM, which was SECONDED by Councilor Hotchkiss and PASSED unanimously, 8-0.

B. Report from Zoning Board of Adjustment – Micah Warnock, Chair

Micah Warnock introduced himself as the new Chair of the ZBA. The Board currently has five full members, with one alternate, and the Board is actively seeking new members.

The Board has so far received 18 applications this year: 12 for variances, 5 for special exceptions, and 1 administrative appeal. Of particular note to the Board are the 5 special exceptions, 4 of which have been for short-term rentals. When looking at the special exceptions criteria, the Board felt that there were few circumstances that wouldn't end in approval. In response to this, the Board sought advice from the Council if the current requirements were fulfilling their purpose or if they needed updating.

Mr. Warnock also noted that the ZBA is not a precedent-based system, instead viewing cases individually. In terms of other areas of interest, Mr. Warnock noted that there had been a pattern of exception allowing smaller homes on Cedar Point Road to be redeveloped into larger homes, meaning that the zoning ordinances for that area might need to be revisited.

Mr. Warnock concluded by thanking Alex Talcott for his service on the Board as Mr. Talcott steps down, and by welcoming Leslie Schwartz as a new member.

Councilor Lund asked if the occupant zoning safeguard Mr. Warnock mentioned earlier required a short-term rental to also have the owner occupying, which Mr. Warnock confirmed.

Councilor Tobias commented on the special exception rules, which she noted were put in place to ensure that any new development wouldn't impede neighboring properties.

Mr. Warnock also noted that any Town representative present at a ZBA meeting is representing the Council, and therefore the Board encouraged them to speak in a non-biased and purposeful language.

- C. Report from the Trustees of the Trust Funds & Cemetery Committee – Michael Everngam, Trustees Chair; Craig Seymour, Cemetery Chair

Messrs. Everngam and Seymour were not in attendance.

- D. Receive update on Madbury Road Complete Streets Project – Richard Reine, Director of Public Works; April Talon, Town Engineer

DPW Director Richard Reine, Town Engineer April Talon, and their team greeted the Council and thanked them for the opportunity to present. The project has been in development for about a year, as the Council authorized the contract with Vanasse Hangen Brustlin (VHB) in September of last year.

Mr. Reine then let the other members of the presentation introduce themselves: Greg Backos and Julie Whitmore from VBH, Philip Corbett from CMA Engineers, and Assistant Public Works Director Sam Hewitt.

Mr. Reine overviewed the presentation agenda, which gave an overview for the project, considerations made, public engagement, project schedule and phasing, and funding.

The project extends from Main Street to past Pendexter Road, a total of 1.5 miles. There will also be some overlap between this project and a NHDOT project updating the Madbury intersection. Because of this, the two teams have an open channel of communication.

Mr. Reine then transitioned to the goals of the project. The overarching goal is to update Madbury Road infrastructure, including sewer, water, drainage, and roadway sidewalks, along with culvert repairs. The project team also hopes to use the Complete Streets Approach, which considers user needs as well as sustainability and affordability.

Mr. Reine transitioned to Mr. Bakos to speak on project deficiencies. Mr. Bakos noted that the first step in projects like these is to evaluate the deficiencies, which in the case of this project fell within three categories: roadway, utilities, and culverts. In terms of roadway deficiencies, there are gaps in the sidewalk causing both biker and pedestrian safety concerns, as well as traffic speeding. Utilities are in various conditions, with some

older and less functional than needed by the Town. Culverts are in poor condition, with steep embankments and lowered hydraulic capacity.

Mr. Bakos then transitioned to Corbett to speak on water systems. The project proposes a water main replacement from Garrison Avenue to Pendexter Road. This new water main will be made from higher capacity and diameter iron, replacing the existing cast iron pipes with a history of breakage. This will also include service line replacements on the property lines of homes in the project area.

Mr. Corbett spoke on sewer systems, referencing image captures from a video inspection of sewer mains. Based on this inspection, the team then evaluated how to best replace and rehabilitate the mains. The team's final decision was to replace the sewer line from Main Street to Edgewood Road, with rehabilitation north of Edgewood Road.

Mr. Corbett lastly spoke on storm drainage systems. Improvements planned in the project includes roadway grading and paving, curbing, and water quality Best Management Practices (BMPs) including tree box and media box filters.

Ms. Whitmore spoke on the culverts covered in the project. The culverts are a multiple of deficiencies, including structural insufficiency, inlet/outlet slope instability, and under capacity.

Ms./ Whitmore spoke about each culvert individually, starting with the Madbury Road over Littlehale culvert. This culvert requires lining and headwall work, as well as voids in the pipe, which will be solved through extending the headwall and lining patchwork.

The Edgewood Road over Littlehale culvert is in poor shape, with falling stones in the ceiling and wall as well as substandard guardrail, which the team anticipates replacing.

Councilor Tobias asked how old the culvert was, and Ms. Whitmore replied that the exact age of the structure is unknown. Rich Reine also noted that the Town had received grants to cover the costs of these two culverts. A team member also noted that there is a separate parallel cultural inventory occurring, which might flag the culvert as an area of interest.

Councilor Lund asked what the design would be to replace the current culvert, which Whitmore answered that it would be replaced with a 6x6 concrete culvert.

Councilor Tobias asked if this would require a road closure, which Mr. Reine confirmed.

Ms. Whitmore elaborated that it would be a short-term closure with a minimal detour and would ensure the safety and speed of the construction. Ms. Whitmore also spoke on the pedestrian bridge plans, which will also need to be removed, cutting down on challenging winter maintenance and overall long-term and expensive maintenance.

Councilor Lund asked what this would be replaced with, and Ms. Whitmore clarified that the sidewalks would be reconstructed to still allow pedestrian traffic.

Ms. Whitmore continued with the last two culverts: Madbury Road over Pettee Brook and Edgewood Road over Pettee Brook. For the Madbury Road over Pettee Brook culvert, partial roof slab replacements are needed, which unfortunately will have a traffic impact. For the Edgewood Road over Pettee Brook culvert, extension and bank stabilization is needed.

Councilor Lund asked if the Madbury Road culvert will require a road closure. Mr. Reine responded that they would do their best to have alternate lane traffic, but closure was a possibility.

Mr. Bakos transitioned to speak on roadway considerations. There are significant gaps in the sidewalk network, with no crosswalks to Emerson Road or sidewalks, and only sidewalks on the west side of Madbury Road. This road is often used as a pedestrian route to the high school, which makes the lack of sidewalks an important safety concern. The project proposal installs sidewalks as well as a median island to provide relief for pedestrian traffic.

Another significant sidewalk network gap is that there are only sidewalks on the east side of Madbury Road to the Public Library. Like the previous gap, this is a route often walked by ORCSD students and is therefore a safety concern. The proposal would have a sidewalk on one side with a multi-use trail on the other.

The last sidewalk network gap is by Fraternity Row, where sidewalks are only on the west side of Madbury Road from Garrison to Woodman Roads. The proposal would install new sidewalks, with a short retaining wall. This wall would require property easements, which affected property owners have been warm to so far.

Bicycle accommodations would also be considered, including improvements to current bike lanes. There is only a northbound bike lane on Madbury Road from Main Street to Garrison Avenue, with no bike lanes north of Garrison. The first option to improve is to add five-foot bike lanes to both sides of the road, but this option would widen the road and likely would hinder efforts to reduce speeding. In order to balance the need for improved biking infrastructure as well as concerns about road speeding, the option the team settled on was to create an eight-foot multi-use path for both bikes and pedestrians.

Another project consideration are intersections. The first is the Route 4 intersection, which Mr. Bakos noted was a separate project run by NHDOT. However, the Town is advocating for turn lanes and safer pedestrian crossing. A separate consideration that would also be influenced by the intersection project is the Emerson intersection, where a left turn lane is being considered to combat morning delays.

A third intersection included in the project is the Bagdad Road intersection, where the team would like to add another median island and realign the crosswalk. In these improvements, there is opportunity to also improve stormwater treatment by updating landscaping. A team member also noted that this intersection improvement would provide a path to the library for ORCSD students.

Another project concern was traffic calming. The team evaluated various traffic calming methods, gathering community input on the current speed tables, which were largely deemed ineffective. The project proposal is to replace speed tables with traffic ovals, that would slow traffic horizontally rather than vertically.

The last project consideration was streetscaping. The project proposes to add decorative street lighting to Edgewood Road, as well as adding grass buffers between the road and sidewalks.

In terms of public engagements, there have so far been two in-person opportunities to learn more and provide feedback for the project. A local concerns meeting was held on June 15th of this year, while an open house was held on October 6th. Additionally, there has been an open online survey for residents to take, which has received 38 responses. The team gather 71 overall concerns

Ms. Whitmore then overviewed the phases of the project. Phase One will occur in 2023 and will focus on the culverts, while Phase Two in 2024 will cover roadways from Main Street to Davis Court, drainage, as well as containing water and sewer improvements not covered in 2023. Phase Three in 2025 will handle roadways from Davis Court to Littlehale Crossing, as well as continuing water improvements. The last phase, Phase Five in 2026, will handle roadway drainage from Littlehale Crossing to Route 4. Whitmore noted that these are only tentative dates and could be changed depending on the future of the project.

Councilor Lawson asked if there were any additional land easements needed beyond the ones already discussed. Mr. Reine replied that there may be some easements needed on the Bagdad multi-use trail, as well as easements needed for culvert extensions and temporary easement during construction.

Councilor Lawson also asked if any overhead utility infrastructure would need to be moved. Mr. Reine confirmed this and noted that they would be working closely with the utility company to make those movements happen. Lawson noted that it might improve Madbury Road if the team could convince Eversource to put in spacer cables when moving that infrastructure.

Councilor Lawson also noted that he was familiar with a road similar to Madbury Road in Montgomery County Maryland, which implemented many of the practices the project is proposing. In his opinion, these practices greatly improved the Maryland road, which he hopes will also be the case for Madbury Road.

Councilor Lawson asked that because the culvert on Emerson Road will be covered by the project, if there was any way that traffic calming measures could also be looked into for the area. Lawson notes his concern that calming traffic on Madbury Road would shift traffic issues onto Emerson. Mr. Reine responded that it was a possibility, and the experience gained from the Madbury Road project could be applied in similar ways to Emerson.

Councilor Lawson also noted that he had seen a previous example of a multi-use pathway in New Hampshire, which was used heavily and did have a traffic calming effect.

Councilor Lawson had a final question on the scope of construction, asking first if the sewer was being slipped or replaced north of Emerson Road. Corbert answered that north of Emerson Road, most of the sewer will be rebuilt. Generally, Councilor Lawson noted that he found the project to be a transformative project that will improve quality of life.

Councilor Tobias seconded that idea, referencing Wayne Burton's earlier comment that it would provide a better entrance to the Town.

Chair Marple noted that there was at least one family affected by the project that seemed cold to the idea, emphasizing that the team will need to work with those families. Mr. Reine agreed, noting that he would be more than happy to hear feedback and develop mutually beneficial solutions.

Councilor Lund asked a follow up question about utility movement, asking if underground utilities were an option. Mr. Reine answered that that option would be expensive and difficult to get the utility company to pay for. Councilor Lawson noted that underground utilities would also require for home access to be underground, further complicating the process.

Councilor Lawson asked for temporary water distribution aboveground during replacement of water lines. Mr. Reine replied that bypass pumping was not the team's preference and would be avoided whenever possible, although it is a possibility in some areas.

Administrator Selig noted that while the overall project cost was around 13 million, this cost would be spread over multiple years and departments to manage costs. The project is also designed to be paused between phases if needed for any reason. Additionally, Town staff is working to acquire federal funds to offset some of the cost.

XII. Unfinished Business

PUBLIC HEARING AND ACTION ON RESOLUTION #2022-21 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

Councilor Lund MOVED to OPEN the Public Hearing on Resolution #2022-21, which was SECONDED by Councilor Tobias and PASSED 8-0.

There were no members of the public present to comment.

Councilor Marple MOVED to CLOSE the Public Hearing on Resolution #2022-21, which was SECONDED by Councilor Lund and PASSED 8-0.

Councilor Lund MOVED to APPROVE Resolution #2022-21, which was SECONDED by Councilor Hotchkiss and PASSED 8-0.

XIII. New Business

Other Business

XIV. Nonpublic Session (if required)

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

XVI. Adjourn (*NLT 10:30 PM*)

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

The meeting was ADJOURNED at 9:38 p.m.

Evie Wiechert, Minutes Taker