

These minutes were approved at the January 8, 2024 meeting.

**DURHAM TOWN COUNCIL
MONDAY, NOVEMBER 21, 2022
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Katherine (Kitty) Marple, Chair Pro Tem Sally Needell, Councilor Eric Lund, Councilor James (Jim) Lawson, Councilor Sally Tobias, Councilor Charles (Chuck) Hotchkiss, Councilor Eleanor (Ellie) Lonske, Councilor Carden Welsh, Councilor Joseph (Joe) Friedman,

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig, Zoning/Code Enforcement Officer and Building Inspector Audrey Cline

I. Call to Order

Chair Marple called the meeting to order at 7:01 PM.

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

III. Roll Call of Members

Sally Tobias, Jim Lawson, Eric Lund, Kitty Marple, Sally Needell, Chuck Hotchkiss, Ellie Lonske, Carden Welsh, Joe Friedman

IV. Approval of Agenda

Chair Marple MOVED approval of the November 21, 2022, agenda as presented The motion was SECONDED by Chair Pro Tem Needell and PASSED unanimously 9-0 by a show of hands.

V. Special Announcements - None

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

William (Bill) Hall, Smith Park Lane, referenced several matters over the years that he felt Town staff had not properly dealt with.

VII. Approval of Minutes - None

VIII. Councilor and Town Administrator Roundtable

Councilor Tobias – Planning Board

- The Board received numerous amendments to the Zoning Ordinance proposed by the Durham Housing Task Force to enhance housing opportunities in Durham.
- Public Hearing on a subdivision at- 20 Adams Point Road (Timeframe extended to December 14).

Councilor Lawson – Durham Energy Committee

- Discussion with consultant Jerry Pucillo regarding green sustainable building design considerations for multiunit and commercial buildings.
- Discussed the Solar Ordinance and recommendations made by the Planning Board. There is now cold enough weather to try thermal imaging to see if there are some results that make it worth the Town's efforts to have it available and wider within the community.

Councilor Lawson noted that he was absent at the last Council meeting but was able to watch it later in the week on DCAT on Demand. He complimented Councilors on the level of questions asked relating to the proposed budget and said it was impressive, as well as the knowledge and expertise that Town staff have related to their respective budgets.

Councilor Lawson thanked Administrator Selig for his tireless efforts to improve the electric infrastructure on Durham Point Road. He said that happened because Mr. Selig advocated for needed improvements and over the past few winters, residents on Durham Point Road have seen good examples of how that more resilient infrastructure has served them well.

Councilor Lund – Historic District/Heritage Commission

- Councilor Lund had nothing to report.

Chair Pro Tem Needell – Integrated Waste Management Advisory Committee

- Continuing to work on "Sustainable Durham" and collecting data and information as it enters the education phase.

Chair Pro Tem Needell – Land Stewardship Subcommittee

- Received update on upkeep at Thompson Forest with mowing and timber management.
- Shared findings of the first two Town property questionnaires on Doe Farm and Stevens Woods.

Councilor Hotchkiss – Planning Board (Alternate Council representative)

- Councilor Hotchkiss had nothing to report.

Councilor Lonske – Agricultural Commission

- Councilor Lonske had nothing to report.

Councilor Welsh – Conservation Commission

- Councilor Welsh had nothing to report.

Councilor Friedman

- Referenced the communication regarding the Oyster River School District Middle School's financial enrollment and fiscal questions. He felt they deserved more study and interest as the Town looks at the proposed housing amendments in its Zoning Ordinance.

Administrator Selig

- All Town Offices will be closed on Thursday and Friday in observance of the Thanksgiving holiday.
- Have received great prospects for the Land Stewardship Coordinator position.

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

Joseph Skehan, UNH Student Body President, provided updates on behalf of UNH Student Senate External Affairs Chair Olivia Welsh.

- Held a cleanup effort resulting in the collection of approximately six bags of trash from on campus and around the downtown area.
- Passed a resolution relating to the removal and vandalization of the indigenous trail signs on UNH trails. The resolution condemns damaging and vandalizing the signs. It also encourages that students report anything they may know, as well as urging the UNH Office of Community Standards and the UNH Police to take action whenever they can.

X. 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, December 5, 2022 on a resolution authorizing the acceptance and expenditure of a grant from the Community Oriented Policing Services Office of the US Department of Justice under the 2022 FY 2022 COPS Technology and Equipment Program Invitational Solicitation in an amount up to \$900,000 to replace the Town of Durham's existing Public Safety and Emergency Services Land Mobile Radio (LMR) Communications Equipment with New Modern IP Based Technology and Equipment and authorizing the Administrator to sign and submit all necessary paperwork on behalf of the Town of Durham?

Chair Marple MOVED that the Durham Town Council does hereby, upon recommendation of the Administrator, schedule a Public Hearing for Monday, December 5, 2022, on a Resolution Authorizing the Acceptance and Expenditure of a Grant from the Community Oriented Policing Services Office of the US Department of Justice under the 2022 FY 2022 COPS Technology and Equipment Program Invitational Solicitation of in an Amount up to \$900,000 to be used to Replace the Town of Durham's Existing Public Safety and Emergency Services Land Mobile Radio (LMR) Communications Equipment with New Modern IP Based Technology and Equipment and Authorizing the Town Administrator to Sign and Submit all Necessary Paperwork on Behalf of the Town of Durham. The motion was SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.

- B. **FIRST READING ON ORDINANCE #2022-02** Amending Chapter 153 "Vehicles and Traffic", Section 153-49 of the Durham Town Code by prohibiting parking on Madbury Road from Main Street to Garrison Avenue and from Woodman Road to Garrison Avenue Extension between the hours of 1:00 and 6:00 AM

Chair Marple MOVED that the Durham Town Council does hereby move on First Reading, as presented, Ordinance #2022-02 amending Chapter 153 "Vehicles and Traffic", Section 153-49 of the Durham Town Code by prohibiting parking on Madbury Road - Main Street to

Garrison Avenue and Woodman Road to Garrison Avenue Extension between the hours of 1:00 AM to 6:00 AM and deleting municipal parking lot at the former Town Hall, 15 Newmarket Road, and schedules a public hearing for December 5, 2022. The motion was SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.

- C. **FIRST READING ON ORDINANCE #2022-03** Amending Chapter 153 "Vehicles and Traffic", Section 153-49 of the Durham Town Code by prohibiting parking on Park Court between the hours of 1:00 and 6:00 AM

Chair Marple MOVED that the Durham Town Council does hereby move on First Reading, as presented, Ordinance #2022-03 amending Chapter 153 "Vehicles and Traffic", Section 153-49 of the Durham Town Code by prohibiting parking on Park Court between the hours of 1:00 am to 6:00 am and schedules a public hearing for December 5, 2022. The motion was SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.

XI. Committee Appointments

Shall the Town Council move alternate Planning Board member Emily Friedrichs to fill the unexpired regular member term of Lorne Parnell with a term expiration of April 30, 2025?

Mx. Friedrichs introduced herself and said she has been enjoying being a part of the Planning Board. She added that she has been looking at the information provided in packets and has been trying to get up to speed on everything. Now that there is an open voting seat on the Board, she would like to be considered for appointment to that regular member seat.

Councilors Lonske, Hotchkiss, Lund, and Tobias all agreed that they felt Mx. Friedrichs is an excellent candidate for consideration of the position.

Councilor Lawson questioned whether the Planning Board Chair had submitted a recommendation for the appointment of Mx. Friedrichs as there did not appear to be anything provided in the Council packets. He said this is a standard procedure when making appointments to committees and boards and he was concerned about following that process. He also noted that there were other alternate members on the Planning Board and wondered if anyone else had expressed interest in being moved to the regular position.

Councilor Hotchkiss said he felt it was safe to say, for various reasons, other alternate members did not express an interest in the position.

Discussion was held regarding the process around appointments to boards and committees. Administrator Selig provided background information about how the appointment process had been conducted in the past and how it changed to the current practice. He said that there is no requirement that the Council appoint an alternate as a regular member, but that has typically been the practice in Durham. He said an alternate spends a lot of time learning about the Town's Zoning Ordinance, the subdivision and site plan regulations, and becoming familiar with ongoing applications.

Administrator Selig said it is ultimately the Council's decision, but he would recommend moving forward with appointing Mx. Friedrichs to the regular member vacancy.

After more discussion, Council consensus was to wait until the next Town Council meeting, pending receipt of Chair Rasmussen's recommendation for appointment of alternate member Emily Friedrichs as a regular member to the Planning Board.

XII. Presentation Items

A. 2021 Audit Presentation - Melanson CPAs, Merrimack, NH

Scott McIntyre, Melanson CPAs, introduced himself to the Council and presented the 2021 Audit report for the Council, touching upon the high points. The complete presentation, along with comments, concerns, discussion, and responses to Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

The 2021 Audit Report can be found on the Business Office webpage of the Town's website, www.ci.durham.nh.us,

B. Report on Strafford County operations, budget, and tax rate – Commissioner Chair George Maglaras and County Administrator Raymond Bower

Councilor Welsh said he had looked at the tax rates in this year's Town Report and that the County portion of the total tax rate is increasing faster than any of the others (i.e., Town, Local School District, State School). He asked what the Town is paying for at the County level and what control does it have over that.

Administrator Raymond Bower replied that the County's tax plan over the past few years has been related to the Consumer Price Index and growth, which is the system used by Dover, Somersworth, and Rochester to determine their tax caps. He said the County has sort of followed along except it has been able to keep its County taxes at the rate of the CPI or less in the amount to be raised by taxes.

Councilor Welsh asked what input the Town would have in the County's budget process. Administrator Bower said that towns and cities are sent copies of the County's draft budget and invited to provide input during its public hearing(s). He said in his 35 years as the County Administrator, he does not recall anyone from Durham, and other communities, coming to a public hearing to speak about the budget.

Councilor Welsh asked what services Durham receives from the County. Administrator Bower replied that the County: 1) Provides assistance from the Sheriff's Department; 2) Provides a jail that takes Durham's arrests from the street; 3) Provides dispatch services; 4) Provides a nursing home; 5) Provides access to the County Attorney. Mr. Bower also outlined programs that the County provides.

Councilor Lund asked what other revenue sources the County receives besides from taxes. Mr. Bower replied that \$22,000,000 comes back to the County, through Medicaid, for running of the nursing home and \$10,000,000 comes to the County jail because the County boards inmates from the federal government.

The complete presentation, along with additional comments, concerns, discussion, and responses to Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

XIII. Unfinished Business

- A. **PUBLIC HEARING AND ACTION ON RESOLUTION #2022-23** to accept and expend unanticipated grant funds totaling \$12,290.33 to be used as reimbursement to the Town of Durham for Fire Department Personnel to attend trench rescue technician training

Chair Marple MOVED to OPEN the Public Hearing on Resolution #2022-23 to accept and expend unanticipated grant funds totaling \$12,290.33 to be used as reimbursement to the Town of Durham for Fire Department Personnel to attend trench rescue technician training. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously 9-0 by a show of hands.

No members of the public came forward to speak or comment on this resolution.

Chair Marple MOVED to CLOSE the Public Hearing on Resolution #2022-23 to accept and expend unanticipated grant funds totaling \$12,290.33 to be used as reimbursement to the Town of Durham for Fire Department Personnel to attend trench rescue technician training. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously 9-0 by a show of hands.

Councilor Lund MOVED that the Durham Town Council does hereby ADOPT, as presented, Resolution #2022-23 to accept and expend unanticipated grant funds totaling \$12,290.33 to be used as reimbursement to the Town of Durham for Fire Department Personnel to attend trench rescue technician training. The motion was SECONDED by Councilor Tobias and PASSED unanimously 9-0 by a show of hands.

- B. **PUBLIC HEARING AND ACTION ON RESOLUTION #2022-24** on a resolution authorizing the acceptance and expenditure of Local Fiscal Recovery Funds (LFRF) from the State of NH under the Federal American Rescue Plan Act of 2021 in an amount up to \$36,051 and authorizing the Administrator to sign and submit any necessary paperwork on behalf of the Town of Durham

Chair Marple MOVED to OPEN the Public Hearing on Resolution #2022-24 authorizing the acceptance and expenditure of unanticipated grant funding totaling \$36,051 to be used for the purchase of a Lucas Chest Compression System and Holmatro Rescue Tool. The motion was SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.

No members of the public came forward to speak or comment on this resolution.

Chair Marple MOVED to CLOSE the Public Hearing on Resolution #2022-24 authorizing the acceptance and expenditure of unanticipated grant funding totaling \$36,051 to be used for the purchase of a Lucas Chest Compression System and Holmatro Rescue Tool. The motion was SECONDED by Chair Pro Tem Needell and PASSED unanimously 9-0 by a show of hands.

Councilor Lund MOVED that the Durham Town Council does hereby ADOPT, as presented, Resolution #2022-2424 authorizing the acceptance and expenditure of unanticipated grant funding totaling \$36,051 to be used for the purchase of a Lucas Chest Compression System and Holmatro Rescue Tool. The motion was SECONDED by Councilor Lawson.

Councilor Lawson noted that his daughter is a paramedic and in the past has called Durham Mutual Aid to another community for use of Durham's chest compression system. He had asked her if the compression system was worth the money. She said that studies showed increased resuscitation rates which means no gap between compressions and producing higher quality compressions. Councilor Lawson said very few towns have these systems. Durham does, and it speaks highly of the Town's Fire Department that it is looking at newer technologies.

Chair Marple called for the vote which PASSED unanimously 9-0 by a show of hands.

- C. **PUBLIC HEARING AND ACTION ON RESOLUTION #2022-25** on a resolution authorizing the issuance of long-term bonds or notes not to exceed two million nine hundred forty-one thousand seven hundred and forty dollars (\$2,941,740.00) for the purpose of bonding 2014-2022 Capital projects and equipment purchases

Chair Marple MOVED to OPEN the Public Hearing on Resolution #2022-25 authorizing the issuance of long-term bonds or notes not to exceed two million nine hundred forty-one thousand seven hundred and forty dollars (\$2,941,740.00) for the purpose of bonding 2014-2022 Capital projects and equipment purchases. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously 9-0 by a show of hands.

No members of the public came forward to speak or comment on this resolution.

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- D. Discussion of changes recommended by the Planning Board for a future First Reading of a new Solar System Ordinance in January 2023

Councilor Lawson said he asked that this item be placed on tonight's agenda so Councilors could start to think about some of the recommendations that have been brought forward regarding this draft ordinance.

Councilor Lawson explained the process he used to identify both substantive and non-substantive changes made to the document. He outlined for Councilors what those changes are in more detail and the reasons for their recommendations and said he would respond to questions and ask for any comments so he could start bringing everything together in a document that was acceptable to the Town Council for a first reading sometime in January 2023.

Discussion and questions occurred regarding the proposed ordinance.

- E. Continued deliberation on the Administrator's proposed FY 2023 Operating, Capital, and Special Fund Budgets and the 2023-2032 Capital Improvements Plan

Building Inspector, Zoning/Code Enforcement Officer, Health Officer

Councilor Lund asked why the current building inspection “contracted services” line item amount was so far below the projected spending level. Administrator Selig replied because the Town did not have as many specialized roadside inspections that required services. He said the Town had anticipated more complicated construction projects that did not occur.

Councilor Lawson said at the last Council meeting, there was discussion about looking at ways to obtain additional revenue in the Parks & Recreation Budget as well as parking revenues. He asked if the Councilors could be emailed the updated projections information regarding these two areas before the next Council meeting so they could have time to review them prior to the meeting.

XIV. New Business

Other Business – None

XV. Nonpublic Session (if required)

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

XVII. Adjourn (NLT 10:30 PM)

Councilor Lonske MOVED to adjourn the meeting. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 9-0, by a show of hands.

The meeting ADJOURNED at 10:02PM.

Jennie Berry, Minutes Taker