

D-R-A-F-T

**DURHAM TOWN COUNCIL
MONDAY, DECEMBER 19, 2022
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Councilor Sally Tobias; Councilor Jim Lawson, Councilor Eric Lund, Chair Pro Tem Sally Needell, Councilor Charles (Chuck) Hotchkiss, Councilor Carden Welsh, Councilor Joe Friedman

MEMBERS ABSENT: Council Chair Katherine (Kitty) Marple, Councilor Eleanor (Ellie) Lonske

OTHERS PRESENT: Administrator Todd Selig; Town Clerk-Tax Collector Lorrie Pitt (via Zoom); Gail Jablonski (via Zoom)

I. Call to Order

Chair Pro Tem Needell 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. Councilor Tobias--Yes; Councilor Lawson--Yes, Councilor Lund--Yes, Chair Pro Tem Needell--Yes, Councilor Hotchkiss--Yes, Councilor Welsh--Yes, Councilor Friedman--Yes

IV. Approval of Agenda

No amendments to the agenda were motioned for.

Councilor Lawson MOVED to APPROVE the agenda as presented, which was SECONDED by Councilor Welsh and PASSED unanimously, 7-0.

V. Special Announcements

Chair Pro Tem Needell wished everyone a happy holiday season. She also reminded Councilors that this can be a tough time for local businesses with the UNH students on winter break and said she knows that the businesses would appreciate their support.

VI. Public Comments

There were no members from the public that spoke.

VII. Approval of Minutes—December 5, 2022

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

Councilor Friedman noted that in the chart on Page 9 under “Insurance dividends & reimbursement, the amount of \$150,000 should be changed to \$50,000.

Councilor Lund MOVED to APPROVE the December 5, 2022, Town Council minutes as amended, which was SECONDED by Councilor Tobias and PASSED unanimously, 7-0.

VIII. Councilor and Town Administrator Roundtable

Councilor Friedman—Parks & Recreation Meeting

- Councilor Friedman had nothing to report

Councilor Welsh--IWMAC

- The Committee met last Wednesday morning, December 14th, and spent most of the meeting reviewing and discussing logos for the Sustainable Durham campaign. The Committee placed a contest online and received good results. A small group of experts reviewed the results and came up with the top five. Committee members rank-voted on the top five and selected the first one, which will be seen in the future.

Councilor Hotchkiss--Planning Board

- Councilor Hotchkiss had nothing to report.

Councilor Needell--Land Stewardship Subcommittee

- The subcommittee met and received updates on easements and plans for trail stewardship teams. Trail questionnaires that the subcommittee has been doing for the different town properties ask if people are interested in volunteering and the subcommittee has received a lot of responses. The subcommittee thinks one of the best ways to use the volunteers is to create teams for each of the properties. She noted that the new Land Stewardship Coordinator, Sara Callagan, also attended the meeting.
- The subcommittee has changed its meeting days to the 4th Tuesday of each month at 8:30 AM. The next meeting will be on January 24, 2023.

Councilor Lund--Historic District/Heritage Commission

- Councilor Lund had nothing to report.

Councilor Lawson--Durham Energy Committee

- The Committee met earlier in December and received a presentation from the Committee’s Planning Board Representative, Emily Friedrichs, on her proposal for changing zoning relating to housing. The Committee discussed the proposals and will continue its discussion in January 2023. Councilor Lawson said that the Durham

Energy Committee will start to become more proactive in 2023 and may even bring forward some zoning changes for consideration.

- The demand on the two EV charger stations in the Pettee Brook Parking lot has been growing. Councilor Lawson said there have been concerns expressed that the charging stations should be available overnight as well, but parking has now been restricted between the hours of 1AM and 5AM. He said he will be speaking with town staff, but there may be an opportunity to change the hours within the parking ordinance in the lot.

Councilor Tobias – Planning Board & Housing Task Force

- Planning Board met on Wednesday, December 14th and had three items on its agenda. 1) Young Drive condominiums submitted an application to convert 5 of its existing duplexes to 2-unit condominiums. The application was accepted, and a Public Hearing has been scheduled for January 11, 2023. 2) Approved a 2-lot subdivision at 20 Adams Point Road. 3) Held a Public Hearing for the proposed housing amendments.
- Councilor Tobias said the Housing Task Force met on December 12th and held discussions about next steps and how to move forward. The Planning Board has provided the Housing Task Force with its feedback, which the task force will continue to work on. The task force discussed applying for a grant that would allow them to receive professional input as to the town's housing needs, as well as a grant that would allow a facilitator for community outreach efforts. Councilor Tobias said the task force decided to focus on three basic areas of how to do outreach to the community: 1) Accessory Dwelling Units; 2) Conservation subdivisions; and 3) Workforce housing. The task force also decided to start presenting itself to the other town committees to obtain information and different perspectives relating to the matter of housing.

Administrator Todd Selig

- Town departments are all busy with year-end activities, closing out books, and producing various reports.
- At the beginning of the year, the Town may potentially have to take some properties which are eligible for tax deeding. The property owners in question have been on a payment plan with the Town Clerk's Office, but for whatever reason they are now unable to meet the payment plan.

Councilor Welsh asked if the rule is that someone can avoid paying their taxes for three years before the town places a lien on the property.

Administrator Selig replied that after two years and one day, the town is eligible to deed properties, which is never the town's goal, so often what happens is the Town Clerk's Office will reach out to a property owner to work out a payment plan. He said after a year, the town places a lien on the property and after the two years and one day the town is eligible to deed a property. He said that if the property is sold, the town would be the first party to be paid any back taxes.

- Administrator Selig said he had asked a few individuals to work with him on the Community Power Coalition of New Hampshire (CPCNH) initiative, including Councilors Welsh, Lawson, and Friedman, Nat Balch, Mandy Merrill, and Sustainability Fellow Rafidah Rahman. He said they had an initial meeting where they discussed the legal and contractual issues matters that CPCNH is creating to enter into contracts with participating municipalities. The group also had a second meeting where questions were raised such as liability, impact on taxpayers, implications for individuals who have a current solar array, and other questions. Administrator Selig said that the Durham group will meet again in a week or two to see where it is. If Durham's questions can be answered, then probably in January the group will ask the Town Council to act on some contractual arrangements with CPCNH.

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

There was no designee present to provide a report.

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

- A. Shall the Town Council approve and sign the March 14, 2023, Town Election Warrant?
- B. **RESOLUTION #2022-27**, authorization of bonds and approving a Loan Agreement with the New Hampshire Municipal Bond Bank
- C. Shall the Town Council accept the recommendation of the Town Assessor and Administrator relative to FY 2022 Property Tax abatement requests in the total amount of \$19,837?

Chair Pro Tem Needell MOVED that the Durham Town Council does hereby approve Unanimous Consent Agenda items A-C above as presented. The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0.

XI. Committee Appointments

- A. Shall the Town Council appoint Nicholas B. Lanzer, 12 Ambler Way, to fill the unexpired alternate member vacancy previously held by Roanne Robbins on the Conservation Commission with a term expiration of April 30, 2024?

Mr. Lanzer introduced himself. He said he went through the Oyster River Cooperative School District while growing up, attended UNH, and is a licensed Forrester by profession working in Durham with many landowners and nature conservancies in the area. He hoped his experience could bring a unique perspective to the Conservation Commission.

Councilor Welsh said he was excited to have Mr. Lanzer, as a professional Forrester, join the Commission. He said he was also impressed with the three references listed on Mr. Lanzer's application and had no doubt he would be a great addition.

Councilor Welsh MOVED that the Durham Town Council does hereby appoint Nicholas B. Lanzer, 12 Ambler Way, to fill the unexpired alternate member vacancy previously held by Roanne Robbins on the Conservation Commission with a term expiration of April 30, 2024. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously 7-0.

- B. Shall the Town Council appoint Nathan Fitch from regular member to an alternate member vacancy on the Parks & Recreation Committee with a term expiration of April 30, 2023?

Councilor Friedman MOVED that the Durham Town Council does hereby, upon recommendation of the Parks & Recreation Committee Chair, appoint Nathan Fitch to move from a regular member to an alternate member vacancy on the Parks & Recreation Committee with a term expiration of April 30, 2023. The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0.

- C. Shall the Town Council appoint Genevieve Brown, 15 Burnham Avenue, to fill the unexpired regular member term vacancy previously held by Nathan Fitch on the Parks & Recreation Committee with a term expiration of April 30, 2023?

Ms. Brown introduced herself and said she relocated with her family from out of state to New Hampshire in November 2020. She said they did extensive research and chose Durham because of the Oyster River Cooperative School District. She said she works at UNH as a Program and Marketing Manager, as well as at the Oyster River Cooperative School District as a Communications Specialist.

Councilor Friedman MOVED that the Durham Town Council does hereby, upon recommendation of the Parks & Recreation Committee Chair, appoint Genevieve Brown, 15 Burnham Avenue, to fill the unexpired regular member term vacancy previously held by Nathan Fitch on the Parks & Recreation Committee with a term expiration of April 30, 2023. The motion was SECONDED by Councilor Tobias.

Councilor Friedman said the Parks & Recreation Committee is pleased to have Genevieve join the Committee and to have her marketing skill ability, which will be helpful with getting the word out about programs being offered. He thanked her for volunteering.

The motion PASSED unanimously, 7-0.

- D. Shall the Town Council appoint Brian Keegan, 112 Madbury Road, to fill a regular member vacancy on the Parks & Recreation Committee with a term expiration of April 30, 2025?

Brian Keegan introduced himself. He said he had been a longtime resident of Durham, had graduated from UNH, and that he and his family moved back to Durham seven years ago. He said his family has used the Durham trails and he has promoted usage of the

trails through his business. He said he would like to continue doing that working with the Parks & Recreation Committee.

Councilor Friedman MOVED that the Durham Town Council does hereby, upon recommendation of the Parks & Recreation Committee Chair, appoint Brian Keegan, 112 Madbury Road, to fill a regular member vacancy on the Parks & Recreation Committee with a term expiration of April 30, 2025. The motion was SECONDED by Councilor Tobias and PASSED unanimously, 7-0.

- E. Shall the Town Council appoint Matthew Swiesz, 17 Sumac Lane, to fill an alternate member vacancy on the Parks & Recreation Committee with a term expiration of April 30, 2025?

Mr. Sweisz introduced himself and said he and his family has been in Durham for 15 years and that he had attended UNH. He has four boys and they have been active using Durham's hiking/walking trails over the years. His wife ran the hockey program. He said when he saw the vacancy on the committee, he felt he wanted to participate and give back to the community.

Councilor Welsh asked Mr. Sweisz what he meant by his wife ran the program for hockey.

Mr. Sweisz replied that his wife is a volunteer for ORYA and coordinates the scheduling for the coaches, the teams, the tryouts, etc.

Councilor Friedman said he was pleased that Mr. Swiesz has volunteered to join the Parks & Recreation Committee and was looking forward to working with him.

Councilor Friedman, upon recommendation of the Parks & Recreation Committee Chair, MOVED to appoint Matthew Swiesz, 17 Sumac Lane, to fill an alternate member vacancy on the Parks & Recreation Committee with a term expiration of April 30, 2025. The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0.

- F. Shall the Town Council appoint Thomas G. Janosz, 23 Durham Point Road, to fill an alternate member vacancy on the Historic District Commission with a term expiration of April 30, 2025?

Mr. Janosz introduced himself and said his property at 23 Durham Point Road is in the Historic District. He said he has a strong interest in history and has owned properties before that dated back to the 1800s.

Councilor Lund said the HDC/HC was happy to have someone of Mr. Janosz's experience join the Commission.

Councilor Lund MOVED that the Durham Town Council, upon recommendation of the Historic District/Heritage Commission Chair, does hereby appoint Thomas G. Janosz, 23 Durham Point Road, to fill an alternate member vacancy on the Historic District Commission with a term expiration of April 30, 2025. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 7-0.

XII. Presentation Items - None

XIII. Unfinished Business

Continued discussion and possible adoption of **RESOLUTION #2022-28** approving the Administrator's proposed FY 2023 Operating, Capital, and Special Fund Budgets, the 2023-2032 Capital Improvement Plan, as amended.

Administrator Selig said that following the last Town Council meeting, he and Business Manager Gail Jablonski adjusted some of the projected revenue lines that amounted to an additional \$150,000 in revenue. The Council contingency line was increased by \$150,000 which gives the Town some additional resilience for any unexpected items moving into the new year. He noted there have been supply chain issues and pricing variations. In addition, the Town needs to ensure that its employees are competitively compensated in a changing labor market facing an 8.2% increase in inflation.

Councilor Lawson thanked all Town staff for the hard work they did on the proposed budget, as well as Councilor Welsh for looking at the budget in detail and pushing on some issues. He also thanked Councilor Friedman for his input.

Councilor Welsh said he felt this was the best prepared budget and one that had the least maneuverability in terms of ensuring that the best tax rate was set for the Town and covering all of the reasonable expenses moving forward. He commended Administrator Selig and Business Manager Jablonski, along with their staff for doing a great job.

Councilor Lawson also added that this budget comes after receiving the 2022 audit report, which once again did not have any significant findings noted in the audit letter. He said that was not typical year after year, at least not with the companies he has been involved with.

Administrator Selig said that a lot of residents will focus on big items before the Planning or Zoning Boards or topics involving housing or solar, but it is good for people to know that the focus on his and staff's time is on operational issues trying to keep the local municipality running efficiently, productively, and responsibly while not losing sight that the Town is in the business of serving its residents. A lot of time is spent on non-high-profile items.

Councilor Hotchkiss MOVED that the Durham Town Council does hereby ADOPT RESOLUTION #2022-28 approving the Administrator's proposed FY 2023 Operating, Capital, and Special Fund Budgets, and the 2023-2032 Capital Improvement Plan, as

amended. The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0.

XIV. New Business

Other Business

There was no other business to come before the Council.

XV. Nonpublic Session (if required)

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

XVII. Adjourn (NLT 10:30 PM)

Councilor Tobias MOVED to adjourn the meeting. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 7-0.

The meeting ADJOURNED at 7:43 PM.

Jennie Berry, Administrative Assistant