

These minutes were approved at the February 20, 2023 meeting.

**DURHAM TOWN COUNCIL
MONDAY, FEBRUARY 6, 2023
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

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

OTHERS PRESENT: Administrator Todd Selig

I. Call to Order

Chair Marple called the meeting to order at 7:00 PM.

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

III. Roll Call of Members. Councilor Friedman, Councilor Welsh, Councilor Lonske, Councilor Hotchkiss, Chair Pro Tem Needell, Chair Marple, Councilor Lund, Councilor Lawson, Councilor Tobias

IV. Approval of Agenda

Councilor Lawson MOVED to AMEND the agenda to move item X.C. to after unfinished business and before new business. SECONDED by Chair Marple and PASSED unanimously, 7-0.

V. Special Announcements

No special announcements this evening.

VI. Public Comments

Bill Hall, Durham, spoke about the trees on Durham Point Road. He expressed concerns that Durham is not cutting trees along the roads, which led to downed trees and power outages in the last storm. He clarified what he said about the dogs at Wagon Hill and students parking: both weekend days Mr. Selig had full time police officers at Wagon Hill for a full 8-hour shift, which he believes is a waste of time and money. He further

stated that he spoke to Bob Scott about the sewage in the Lamprey River and shared concerns that information from conversations Mr. Selig had with Mr. Scott is not being shared with the Council.

Janet Perkins-Howland, 32 Ffrost Drive, spoke to urge the Council to vote in favor of expanding Durham's membership on the Human Rights Commission. She thanked Chair Marple and Councilor Tobias for their service to the Council.

VII. Approval of Minutes—January 9, 2023

Councilor Lund noted a spelling correction on Page 3 line 117 to “raise.”

Councilor Welsh asked about the other two sets of minutes. Administrator Selig reported there had been some difficulties receiving timely and quality minutes from the previous minute taker. As a remedy, the Town has hired a new individual as minute-taker. He stated Karen Edwards is going to review the November 7 and November 14, 2022, minutes to include more detail. Councilor Lund stated there was an email exchange over the weekend regarding this issue. Administrator Selig stated the Council's feedback will be incorporated into the minutes and will be brought before the Council at a later date.

Councilor Lund MOVED to APPROVE the January 9, 2023, Town Council minutes as amended, which was SECONDED by Councilor Welsh and PASSED unanimously, 9-0.

VIII. Councilor and Town Administrator Roundtable

Councilor Tobias – Planning Board

- The Planning Board met on Wednesday, January 11th and had two items on its agenda. 1) The Young Drive condominiums application to convert 5 of its existing duplexes to 2-unit condominiums was approved. 2) The Board began a review of their definitions. This work was to continue at the January 25th meeting; however, as that meeting was canceled due to inclement weather, this work will continue at the February 8th meeting.

Councilor Lawson--Durham Energy Committee

- Councilor Lawson clarified information about the Lamprey River. When the flow is about 21 cubic feet/second, there are no restrictions. When the flow is 13 - 21 cubic feet/second, there is a restriction that outflow must be 400,000 gallons less than the inflow. When the flow is less than 13 cubic feet/second, Durham is allowed to draw 1" from the impoundment, which is equal to 946,000 gallons of water per day, about 1M gallons. The streamflows have worked for Durham.

Councilor Lund--Historic District/Heritage Commission

- Councilor Lund reported the February 2nd meeting was canceled due to lack of business. Regarding the pump station building at the old town landing, Town Planner Michael Behrendt obtained a quote estimating the cost of moving the building to be

\$65,000 - 75,000, which doesn't include the cost of preparing a new site for the building. They have not yet determined a new location for the building should the Council decide to move it.

Councilor Needell--Land Stewardship Subcommittee

- The Subcommittee met last week. Tom Brightman listed responsibilities that will be passed on to the new Land Stewardship Coordinator, Sara Callaghan. They discussed the Pike property as an example of some of the costs taken on by the Town when the Town purchases a piece of property and also hunting on the land based on what grants have been used to purchase the properties. There was a long discussion about Wagon Hill Farm opened up by the Stewarding Our Lands working group with Gail Carey, who had three concerns regarding the farm: parking, dogs, and protecting the wildlife. The subcommittee also had a long discussion about the water line project and plans for improving it at the time. Councilor Needell thanks Wayne Burton for his contributions to that conversation.

Councilor Hotchkiss--Planning Board

- Councilor Hotchkiss had nothing to report.

Councilor Lonske--Agricultural Commission

- Councilor Lonske was happy to report she will be able to attend the meetings as there is no longer a schedule conflict. She thanked the Council for changing the schedule to make that happen.

Councilor Welsh--IWMAC

- Councilor Welsh reported that the Commission met Monday, January 30th and discussed potential changes to the WCOD and SPOD ordinances that govern the work of the Conservation Commission. A subcommittee will review the suggestions and bring recommended changes to the Commission for review, after which the Commission will send the recommended changes to the Planning Board. The Commission also looked at the Durham Resources Master Plan. They divided the plan into smaller pieces and will work on one piece at a time. There are two new members on the Committee: Dwight Trueblood and Nick Lanzer, a scientist and a forester. Councilor Welsh stated they bring a lot of value to the Committee.

Councilor Friedman—Parks & Recreation Meeting

- Councilor Friedman reported that Durham Parks & Rec met a couple of weeks ago and are working on finalizing a proposal to carry out the planning on the park setting which was authorized by the Town Council in December with the approval of the budget. They are also working on multiple programs, as reported in the weekly Town newsletter. Other issues the Committee is working on include programming Durham's trails working with the group's new Land Stewardship Coordinator, Sara, and also beginning work on Durham Day and Memorial Day planning. Seacoast Development Economic Stakeholders will meet tomorrow to review the Regional Housing Needs Assessment presented by the Strafford Regional Planning Commission and Rockingham Planning Commission. They will hear from Executive

Councilor Stevens for an update. Councilor Friedman stated Councilor Lonske's suggestion for crosswalk LEDs and flashing LEDs in crosswalks is a good idea for safety, similar to what Newmarket has done. Councilor Friedman also recognized the Historic District Commission, Durham Historic Society, Planning Board, and the Town Council for recognizing the Town's historical sites and posting those online for people to be able to locate and appreciate those sites.

Administrator Todd Selig

- The budgeted money as part of the Capital Improvement program will be used to look at Master Planning around the playgrounds in Durham. Parks & Rec is working with Dr. Michael Ferguson and Mathew Frye at UNH and are putting together a plan to look not only at the playgrounds but also the programming of the parks.
- Karen Edwards has moved into the Administrative Assistant position and Jennie Berry has retired. Ms. Edwards and Administrator Selig are looking at how to make some of their processes more efficient.
- Administrator Selig included in this week's Friday Updates a link to important information the Durham Police Department puts out at the end of each year, including bias and hiring. He noted the number of responses to resistance incidents was twenty-four, or .13% of all incidents in the department. Administrator Selig says this is a tribute to the good work and training done by the Durham Police Department.
- Town elections will take place Tuesday, March 14th at the Oyster River High School multipurpose room. Polls open at 7 am and close at 7 pm. That is also when the Oyster River Cooperative School District elections occur: same place and time. Durham operates under a Town Councilor form of government, so there is no longer a Town Meeting in Durham.
- The Annual Town Report is at the printer and should arrive in the next few weeks.
- On Feb 20th at 6 pm, Labor Attorney Joe McKittrick and the Town Bargaining Team will be in for a non-meeting meeting to talk about the status of collective bargaining conversations. There is a tentative agreement with the Public Works Employees that will be discussed.
- On March 6th during the regular portion of the meeting, Kate Miller, cable franchise expert attorney, will be in to discuss cable franchise renewal discussions with Comcast/Xfinity. The Town entered into a new franchise agreement with Atlantic Broadband, Resline, which has been a positive experience.
- They are in the final stages of vetting a finalist for the assistant IT position.
- Regarding crosswalks, there was an accident at a crosswalk with a flashing sign. A student was struck and is in critical condition. The Town is working with the University to engage in an engineering analysis of that crosswalk and working to expand that to the crosswalks along Main Street. The Town is also working with the NH DOT regarding the crossing in front of the Town Hall with respect to the new Tidelines business venture across the street. There is an interest in having an LED crosswalk there. Additionally, the Town will be looking at the crosswalk in front of the Durham Community Church. The plan will be to discuss this with the Historic District Commission, but as it is in the right-of-way, the addition of LED signs does not require HDC approval. The orange flags in front of the Town Hall would be replaced by an LED sign.

Councilor Friedman stated the crosswalk by the UNH Field House, and the Arena is a full light crosswalk, which is different from the other crosswalks. He encouraged Administrator Selig to look at those crosswalks differently. Administrator Selig clarified that the location of the accident was at the crest of the hill where the LED light is always flashing, which is different from Newmarket where you push the button, and it blinks. The intention is to evaluate a consistent approach throughout Main Street, not just at one intersection.

Councilor Lawson asked if the Council has increased the scope of the Parks & Rec study to fill the allocated budget of \$25K. Administrator Selig clarified the scope is changing slightly to first take time to evaluate what programming the Town and Committee hope to accomplish in the parks so that equipment and supplies will best reflect the goals of that use. Councilor Lawson stated this was not what was described to the Council as part of the budget process for funding the study. Administrator Selig said it is a shift to a broader scope. There is a plan to price out playground equipment at a later time. Councilor Lawson expressed concerns this could ultimately lead to an increase in funding. Councilor Friedman clarified the budgeted amount was \$30K. Councilor Welsh shared concerns that the initial study discussed has shifted to a subsequent study. He would like to review this issue. Administrator Selig will schedule a time to bring representatives from Parks & Rec in to have a conversation about how to proceed. Councilor Lawson requests details about the scope of work be provided for the Council to review. Councilor Friedman clarified the change in scope was changed because the price quote for the original study came in lower than expected, so the idea was that they could increase the scope without increasing the cost. Councilor Lawson expressed any surplus of funds should be returned to the Town.

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

Student Body President elections have begun. The candidates will be coming in to speak to the Student Senate over the next few weeks. The Student Senate is in talks with the University to extend Thanksgiving break so students can have more time to be with family. The Police Advisory Committee is coming back to the Student Senate to discuss policing on campus and in the community. In response to the student accident this week, the Senate is also in talks about student safety in town. They will begin writing resolutions if necessary. The Student Senate welcomes the opportunity to be involved in any talk with the Council around student safety.

Councilor Walsh asks why there is less student activity downtown then there used to be. He wonders if more students are attending classes remotely. The representative stated most students are back to in-person learning. He noticed the lack of student activity in town and reported the Student Senate is working on ways to promote town businesses and increase student activity. He has no idea why the activity is down in town, will bring this issue to the Student Senate for review, and return to the Town Council with additional information.

Councilor Tobias stated that businesses used to be involved in orientation events on campus. According to the Town and Campus owner, there doesn't seem to be the same level of communication between UNH and businesses.

- 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 accept the recommendations of the Town Assessor and Administrator relative to FY 2022 Property Tax abatement requests in the total amount of \$3,186.71?
 - B. Shall the Town Council adopt Resolution #2023-02 to amend Resolution #2017-26 to increase membership on the Human Rights Commission from five (5) to seven (7) with the composition to be as follows - the Administrator, the Town Council Chair, the Business Manager, and four (4) citizens who are residents of Durham – and to create terms of service of three (3) years for the Citizen Members with the terms to expire on a staggered basis.
 - E. Shall the Town Council hold a First Reading on Ordinance #2023-02 Amending Chapter 132 “Tax Exemptions and Credits,” Section 132-5 Veterans’ Tax Credit” of the Durham Town Code, Re-Adopting the Optional Veterans’ Tax Credit in the Amount of \$500.00, and set a public hearing date of February 20, 2023?

Chair Marple ***MOVED** that the Durham Town Council does hereby approve Unanimous Consent Agenda items A, B, and E above as presented. The motion was SECONDED by Chair Pro Tem Needell and PASSED unanimously, 9-0.*

Items C and D will be addressed later in the agenda.

XI. Committee Appointments

- A. Shall the Town Council, upon recommendation of the Planning Board Chair, appoint Peyton McManus, 54 Ross Road, to fill an alternate vacancy on the Planning Board with a term expiration date of April 2025?

Mr. McManus introduced himself. He's been a resident of Durham for 22 years and raised his children in Durham. He wants to carry forward the work of the Planning Board. He acknowledged he is new to Planning Board work but is eager and willing to learn and contribute.

Councilor Tobias thanks Mr. McManus for stepping up.

Councilor Tobias ***MOVED** that the Durham Town Council does hereby upon recommendation of the Planning Board Chair appoint Peyton McManus, 54 Ross Road, to fill an alternate vacancy on the Planning Board with a term expiration of April 2025. The motion was SECONDED by Councilor Welsh and PASSED unanimously 9-0.*

- B. Shall the Town Council, upon recommendation of the Parks & Recreation Committee Chair, appoint Erin Guyotte, 14A Old Landing Road, to fill an alternate member vacancy on the Parks & Recreation Committee with a term expiration of April 30, 2024?

Ms. Guyotte introduced herself. She has been a resident of Durham for about five years, has two children in elementary school, both of whom have been involved in Rec activities. As a single mom, she is grateful for the opportunities Parks & Rec provides for the children of Durham. She believes she brings a valuable perspective to the group and is looking forward to participating.

Councilor Welsh asked if there is anything the Committee doesn't provide that her children would like to participate in. Ms. Guyotte said more summer programming would be welcomed.

Councilor Tobias MOVED that the Durham Town Council does hereby, upon recommendation of the Parks & Recreation Committee Chair, appoint Erin Guyotte to fill an alternate member vacancy on the Parks & Recreation Committee with an expiration date of April 30, 2024. The motion was SECONDED by Chair Pro Tem Needell and PASSED unanimously, 9-0.

- C. Shall the Town Council Nominate Resident Michael Sullivan for Reappointment by the NHDES Commissioner as Durham's Representative to the Oyster River Local Advisory Committee?

Chair Pro Tem Needell MOVED that the Durham Town Council does hereby nominate Michael Sullivan for a three-year reappointment to the Oyster River Local Advisory Committee by Commissioner of the NHDES. The motion was SECONDED by Councilor Lund. The motion PASSED unanimously, 9-0.

- D. Shall the Town Council, upon recommendation of the Housing Task Force Chair, appoint Michael Saputo, Cathy A. Frierson, Judith Spang, Eileen E. Murphy, and Sally Tobias as Citizen Representatives to the Housing Task Force, and appoint Chuck Hotchkiss, as the Town Council Representative once Sally Tobias' term is completed?

Ms. Spang of Wiswall Road introduced herself. She is a long-time resident of Durham. Before she was a state representative, she worked on the balance between environmental protection, economic development, and residential development. Her background is in land use planning. She is fascinated by the work ahead to determine how best to resolve this problem.

Ms. Frierson (via Zoom) introduced herself. She is fascinated with the problems and finds three questions key to the work ahead: What do the citizens want? What do we need? And what can we tolerate? She is a 30-year resident of Durham and a retired UNH faculty member.

Ms. Murphy introduced herself. She is a graduate student at UNH and has resided in Durham for five years. She hopes to represent young professionals, the graduate student population, and renters.

Mr. Saputo introduced himself. He worked at UNH for 30+ years, mostly in Residential Life. He is also a landlord. He was inspired to volunteer based on a letter Councilor Welsh wrote.

Councilor Tobias provided her reasons for wanting to be involved in the Task Force. She shared how the Task Force came to be. She is concerned about how to attract young families to Durham with what is currently available for housing.

Councilor Lawson said Councilor Hotchkiss would be great for the appointment, but the Council has always made committee appointments when they seat the new Council. He recommended appointing Councilor Hotchkiss as the representative when the Council seats the new Council. Councilor Lonske was in agreement. Councilor Hotchkiss expressed concern that the background material provided was not the same as the language in the resolution. Councilor Lawson suggested alterations in the language to meet the discussed changes.

Councilor Lawson MOVED that the Durham Town Council does hereby upon recommendation of the Housing Task Force, appoint Michael Saputo, Cathy A. Frierson, Judith Spang, Eileen E. Murphy, and Sally Tobias as Citizen Representatives to the Housing Task Force pending the Council's approval to expand the membership from five to ten persons. The motion was SECONDED by Councilor Lund and PASSED unanimously, 9-0.

XII. Presentation Items

- A. Introduction of Executive Councilor Joseph Kenney, District 1, and presentation on the function of the Executive Council.

Councilor Kenney introduced himself. It is his eighth year on the Executive Council. He lived in Durham as a student, is from Wakefield, and attended high school in Rochester. Due to redistricting, he was moved into the Northern Strafford County area. He is known for traveling through his large district to work on various issues. Councilor Kenney provided information on the history of the Executive Council and reviewed the primary functions of the Council: vote on all state contracts, vote on over 350 volunteers who serve on boards and commissions of state government, and put people on the bench. He holds multiple public hearings each year and likes to put his commissioners on the road. He describes himself as grassroots. He encouraged the Council to call him at any time if there are ever any issues and he will move on them immediately. The Executive Council has been spending a lot of money over the last year for Covid relief, including funds for cable, community service grants, and nursing homes. He reported he loves talking about childcare and sees it as something

that will drive the economy and affordable housing. He suspects he will be at a lot of housing groundbreaking this summer.

Councilor Lawson thanked Councilor Kenney for attending. With the Inflation Reduction Act, \$70M will be allocated to NH to administer. He asked if the Executive Council needs to approve the allocations or if he thinks NH will forgo the funding. Executive Councilor Kenney said he hopes NH will accept the funding. Renewable energy grants have been quite popular; they are working on a rollout of electric charging stations. The demand will be there. Councilor Lawson said he hopes the Council can follow up with the Executive Councilor to access some of the funds available. Councilor Lawson said the NH DOT has completed a number of projects that have led to demonstrable safety improvements. He encourages the Executive Council to look favorably at requests from the Town of Durham regarding state road safety and environmental improvements.

Councilor Welsh asked what Executive Councilor Kenney looks for in contracts and why he might reject one. Executive Councilor Kenney stated he is expected to accept the lower bid and make sure the bidder can fulfill the contract. Councilor Welsh asked if what Executive Councilor Kenney is looking for is ensuring we're getting the best deal. Executive Councilor Kenney confirms that is part of approving contracts and keeping things on the up and up.

On question by Councilor Friedman, Executive Councilor Kenney responded that he does not have oversight over county commissioners nor their contracts.

The Council thanked Executive Councilor Kenney for coming to speak with them.

B. Update on the Oyster River Cooperative School District's FY 2023/24 Budget Process – Dr. James Morse, Superintendent

Dr. Morse and Sue Caswell presented the FY 2023/24 budget. Dr. Morse thanked Administrator Selig for his advocacy of the school district to Eversource during the last storm to get their power restored. He also thanked Councilors Tobias and Marple for their service. He reported this budget is the third lowest growth increase in the past decade. He highlighted some of the district's achievements: has some of the highest SAT scores in the country; math scores are nearly double the state scores; college placement rate is one of the highest in NH; 17% of students this year chose military service, which is more than the usual 4%, and Dr. Morse thanked them for their service to our country; graduation rate of 98.5% continues to be one of the highest in the state.

Dr. Morse shared that returning from Covid, the district found there was a pretty significant gap in kids making good decisions and executive functioning skills not being where they should be. The district has invested in MTSS, work which began prior to Covid, to address some of those issues. He also talked about the work the district is doing on suicide prevention efforts. Councilor Welsh asked if the suicide

prevention work involves heightened awareness for school staff and provides supports for parents. Dr. Morse confirmed this and stated support staff are also trained to notice signs. The district has lost three students over the past decade, which has driven the focus on prevention to the forefront. Councilor Welsh stated it is also difficult to find an adolescent psychiatrist.

Dr. Morse reported the Middle School opened in February and achieved gold status under the LEED program. He highlighted some of the athletic accomplishments in the district as shared in his report. Enrollment continues to be stable; Dr. Morse shared the enrollment numbers. Councilor Welsh asked if Barrington is used as a filler or if the district has a commitment to Barrington to take all their students. Dr. Morse clarified that the district accepts up to 200 students from Barrington but has never met that number. The agreement with Barrington ends in two school years. It will renew annually until a new agreement is reached. Councilor Lonske thanked Dr. Morse for the Sustainability Club Community Dinner. Dr. Morse reported it was well-received with over 250 people in attendance.

Dr. Morse said the drivers of the budget are not a surprise; of particular note is the cost of health insurance. Inflation is at 8.2%, but because the budget is completed prior to the state's budget, the district didn't realize the drastic cuts in funding it would receive from the state. Had they known about those cuts, the budget request would have been significantly higher. They did offer a retirement incentive to teachers, which will save the district \$325k in personnel costs. The Board also cut the paving project for the Moharimet parking lot, unfilled positions, and a carpeting project. Councilor Lund asked what funds were cut from the state. Dr. Morse said it was adequacy funding. Ms. Caswell clarified it stemmed from cutting at the state level. Dr. Morse presented the final proposed budget numbers. The 1.5% increase impact on Durham is estimated to be \$1.27. Lee is at \$.63 and Madbury is at \$.97. Councilor Lund asked if these estimates are before reevaluation numbers. Dr. Morse confirmed that to be the case. Councilor Lund said he's been hearing about an anticipated decrease in college attendance beginning 2025 and asked if Dr. Morse has seen that at Oyster River. Dr. Morse said the district is not seeing a decrease in college attendance. He explained there are two warrants: one is the budget, and the other is a continued commitment to put money aside from the solar array. The deliberative session is tomorrow. Voting is March 14th in Durham at the high school from 7 am - 7 pm, in Lee at the Safety Complex from 7 am - 7 pm, and in Madbury at the Town Hall from 11 am - 7 pm.

Councilor Friedman asked if there was any impact from charter schools on our district. Dr. Morse said the district has had very little impact from charters; however, the governor and education commissioner have been strong advocates for vouchers, so there could be a future impact as more money is allocated from the state for vouchers. The district does lose a few students to Phillips Exeter Academy each year and there are a few homeschooled students. Overall, however, people tend to want to send their children to Oyster River.

Councilor Welsh asked if Dr. Morse has heard any concerns about the budget. Dr. Morse said it has been quiet and his impression is that folks are happy with the schools.

Administrator Selig thanked Dr. Morse for his partnership. Dr. Morse said it is the best partnership he has experienced as a superintendent. The Council thanked Ms. Caswell for her contribution to the district.

XIII. Unfinished Business

- A. Public Hearing and Action on Ordinance #2023-01 amending Section 175-7 “Definitions” adding a new section for Solar Energy Systems and adding a definition for Carport, amending the uses in the Table of Uses in Section 175-53 adding Solar Energy Systems, and amending Article XX “Standards for Specific Uses” Section 175-109 adding a section for Solar Energy Systems and re-lettering N “Temporary Sawmill.”

Chair Marple MOVED that the Durham Town Council does hereby OPEN the public hearing on Ordinance #2023-01, a Town Council initiated amendment to Chapter 175 Zoning, adding a new section for Solar Energy Systems and a definition for Carport in 175-7 “Definitions,” amending the Table of Uses in Section 175-53, adding Solar Energy Systems, and amending Article XX “Standards for Specific Uses” Section 175-109 adding a section for Solar Energy Systems and re-lettering N “Temporary Sawmill. The motion was SECONDED by Councilor Lund and PASSED unanimously, 9-0.

Chair Marple calls for public comment. Beth Olshansky spoke via Zoom. She said she is eager to see this amendment pass.

Chair Marple MOVED to close the public hearing. The motion was SECONDED by Councilor Tobias and PASSED unanimously 9-0.

Councilor Lawson MOVED that the Durham Town Council does hereby ADOPT as presented Ordinance #2023-01, a Town Council initiated amendment to Chapter 175 Zoning, adding a new section for Solar Energy Systems and a definition for Carport in 175-7 “Definitions,” amending the Table of Uses in Section 175-53, adding Solar Energy Systems, and amending Article XX “Standards for Specific Uses” Section 175-109 adding a section for Solar Energy Systems and re-lettering N “Temporary Sawmill.” The motion was SECONDED by Councilor Tobias and PASSED unanimously, 9-0.

The Council thanked Councilor Lawson for his work.

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

- C. Shall the Town Council adopt a new charge for the Durham Housing Task Force, acknowledge that the current five members will remain on the task force and appoint five new members?

Regarding whom can be on the task force, Councilor Welsh suggested removing the language that states “or serve as a representative of an entity with a financial interest in taxable real property located in Durham.” He doesn’t see a reason why someone who doesn’t live in town should be in charge of Durham’s town ordinances. He doesn’t think an out-of-town business owner should have a say in Durham’s ordinances. Councilor Tobias shared the owner of Golden Goose has a unique perspective from UNH students related to housing. Councilor Welsh stated he does not consider Golden Goose a resident of Durham. Councilor Lonske would like to see a distinction made between voting members and members who can provide input in a more informal way but not as a voting member. Councilor Lawson agreed with Councilor Welsh in terms of shaping Durham’s zoning of residential property. Administrator Selig said if the charge is modified, the task force could inform Mimi that she would no longer be a member. Councilor Tobias said having Mimi’s view on the student population and how their numbers go up and down has been very helpful. Councilor Welsh stated removing the language he previously stated would be sufficient to meet the request that members shall be residents of Durham.

Councilor Welsh recommended adding language to require a limit to the term. Administrator Selig explained the original language is because the task force was originally supposed to be a one-year project, but it has now been extended. Councilor Welsh recommended adding “or three-years” as a term limit.

Councilor Lawson said the third item in the suggested motion is not necessary since those persons were appointed earlier.

Chair Pro Tem Needell wondered if the last page, first line should be amended to read “assess the availability and cost of *existing* housing.” Councilor Tobias agreed that adding “existing” would be good. Councilor Lawson explained the reason for including “region” as part of the assessment is to help the task force understand the larger area. Councilor Lonske expressed concerns about the vagueness of the word “region.” Councilor Lawson suggested adding “Seacoast” to clarify the region. The Council agreed adding “existing” makes sense. Chair Pro Tem Needell also asked if there is a way to assess what buildable lots Durham has. It isn’t clear if it is on the list. Councilor Tobias suggested “keep an assessment of available buildable land.” Councilor Lonske asked if there was a better way to phrase “downsizing seniors.” Administrator Selig asked for clarification of the change in language to the list. The Council settled on the following language: “Assess available buildable lots in Durham under different zoning scenarios.” Councilor Lund stated this information would be helpful for the Council when making their decision to determine what the Town is getting if there is a reduction in lot sizes.

Councilor Friedman asked if it is possible to look at what the state is going to be pushing down to communities. At first it was accessory dwelling units, but new bills may impact the number of housing units that can be put on a single lot. Councilor Tobias agreed keeping track of new legislation will be important. Councilor Lawson

asked if the second bullet can be modified to reflect that. After some discussion, the Council settled on changing the language to adding “workforce housing units and how potential or adopted legislation impacts housing in Durham.”

Councilor Tobias addressed the use of the word “quintessentially.” Councilor Hotchkiss suggests changing it to “small, quintessentially New England academic community” instead.

The Council addressed Councilor Lonske’s concern about the “downsizing seniors” language. Councilor Lonske suggested changing the “starter family” language as well. After some discussion, the Council settled on “encourage housing to accommodate households at all stages of the life cycle.”

Councilor Lonske brought up concerns with the language about “avoid housing designed for undergraduate students” and doesn’t believe it should be included. Councilor Friedman suggested concerns about student housing can be addressed with town ordinances, e.g., noise and trash ordinances. Councilor Welsh stated that the issue around student housing needs to be at the forefront of the minds of those on the Task Force. Councilor Lawson suggested it is important to provide enough specificity to the group so they can work effectively. Councilor Tobias believes it would be good to have the language in there to remind the Task Force of this goal. The Council discusses the difference between housing designed for undergraduate versus graduate students, for whom housing is needed in town. Councilor Welsh shared the history of the 66 Main Committee, who worked to design something for graduate students. Councilor Tobias shared that while undergraduate students tend to like four-plex housing, graduate students don’t, and the price of those housing units tends to be unaffordable for them. The Council discussed changing the language to the following: “Avoid housing forms designed primarily for an undergraduate population.” Councilor Lawson stated the task force is not creating zoning but making recommendations. Councilor Tobias said much of the Council’s concerns will be worked out in the Planning Board process. Councilor Lawson shared that as the housing supply increased, graduate students, who have sought housing in neighboring towns, tended to move into that supply, which is a positive, especially given transit systems have cut some of their service to nearby towns. This is a positive contribution Durham has made to regional housing access.

Councilor Lund MOVED that the Durham Town Council does hereby adopt a new charge for the Durham Housing Task Force based on changes to the existing charge as amended from this Council communication. The motion was SECONDED by Councilor Welsh. The motion PASSED unanimously, 7-0.

Chair Marple MOVED that the Durham Town Council does hereby acknowledge that the four current Durham resident members will remain on the Durham Housing Task Force, including Heather Grant as the Planning Board representative, Charlotte Hitchcock, and Al Howland. Sally Tobias will remain as the Town Council representative until the conclusion of her Council term, at which time she will be a

regular member. The motion was SECONDED by Councilor Welsh. The motion PASSED unanimously, 9-0.

- D. Shall the Town Council Approve an Amendment to the previously adopted Durham Community Power Electric Aggregation Plan?

Councilor Friedman stated that the first bullet point on page 2 (page 29 of the packet) that states “where the opt out basis except for customers served by NH Electric Cooperative” should also read “and competitive electric power suppliers.” This would acknowledge those residents who get their power from a third-party supplier. Councilor Lawson stated the opt out or opt in status has been long standing in the document; people who use a competitive supplier are not automatically switched over to Community Power and will stay with their provider. The opt out status is covered elsewhere in the document. Administrator Selig recommended that if the Council wants to alter the document, the Council should table this item and return to CPCNH to ensure they don’t have any concerns about the alterations as they are trying to ensure all the documents from all member towns are the same. Councilor Friedman elected to remove his suggestion so the work can move forward.

Councilor Friedman wondered if attachment seven should be removed, as the public planning process is in the past. Administrator Selig said he can ask about that attachment as he isn’t sure of the rationale for including it.

Councilor Lawson asked if Administrator Selig could go back to CPCNH to ask if Councilor Friedman’s clarification would be advisable. He also expressed concern about the color and formatting changes, as they are confusing.

Administrator Selig stated he will enquire about the recommended change and will return to the Council. Councilor Lawson stated he’d like to see the text cleaned up before the Council takes another look at it. The Council decided to return to this issue at a future meeting.

XIV. New Business

- A. Continue discussion and finalize the Administrator’s Annual Performance Evaluation for 2022 in accordance with the Employment Agreement between the Administrator and the Town of Durham

Counselor Welsh asked Administrator Selig when his term ends. Administrator Selig stated his term ends in 2025. In about two years, the Council will need to enter into discussions about a possible extension. Councilor Lawson told Administrator Selig that he has done a phenomenal job, especially in a year that was rather dynamic given the impact of Covid. He expressed admiration for how Administrator Selig works with people and acknowledged that Durham has a phenomenal staff. Administrator Selig informed the Council that as part of the staff’s evaluation process, it is made very clear to them that the community holds them in high regard, as does he. He

stated it is a great privilege and pleasure to serve as the administrator for the Town of Durham. He works hard to make sure he understands what the Council wants and to meet their expectations and needs. His goal is to serve the Council as efficiently and effectively as he can. It is important to him that they create an environment where they allow him to tell them what he thinks, and thanks the Council for that. He shared that this summer will be his sabbatical and Gail Jablonski will serve as acting administrator.

Councilor Welsh asked why the contract ends in December instead of June. Administrator Selig explained the history and details of his contract and how it was designed to protect both parties. The March deadline allows eight months for both parties to look for other opportunities if one of the parties decides to sever ties.

Councilor Welsh thanked Administrator Selig. In particular, he thanked Administrator Selig for the ease of the budget process this year and stated the new hires have been good additions. Administrator Selig shared some of the ways they are trying to improve processes and communication and thanked the Council for their support.

C. Other Business - None

XV. Nonpublic Session (not required) - Not required

XVI. Extended Councilor and Town Administrator Roundtable (if required) - Not required

XVII. Adjourn (NLT 10:30 PM)

Councilor Lonske MOVED to adjourn the meeting. The motion was SECONDED by Councilor Lund and PASSED unanimously, 9-0.

The meeting ADJOURNED at 10:16 PM.

Respectfully submitted by Daphne Chevalier