

These minutes were approved at the May 1, 2023 meeting.

**DURHAM TOWN COUNCIL
MONDAY, APRIL 17, 2023
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Councilor Joe Friedman, Councilor Emily Friedrichs (refers to herself as Ze/Zir or Mx. Friedrichs), Councilor Eric Lund, Chair Sally Needell, Chair Pro Tem James (Jim) Lawson, Councilor Wayne Burton, Councilor Carden Welsh (participating via Zoom at 7:01 PM), Councilor Charles (Chuck) Hotchkiss

MEMBERS ABSENT: Councilor Eleanor Lonske

OTHERS PRESENT: Administrator Todd Selig; Director of Public Works Richard Reine (via Zoom); Town Engineer April Talon (via Zoom)

I. Call to Order

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

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely

III. Roll Call of Members

Chair Needell asked that Councilors, in addition to stating their names, also state if they grant permission for Councilor Welsh to participate in the meeting via Zoom.

Councilor Friedman—Yes, Councilor Friedrichs— Yes, Councilor Lund— Yes, Chair Needell— Yes, Chair Pro Tem Lawson— Yes, Councilor Burton— Yes, Councilor Hotchkiss—Yes

IV. Approval of Agenda

Councilor Welsh joined the meeting at this time via Zoom (7:01 PM).

Chair Pro Tem Lawson MOVED approval of the Town Council agenda as presented. The motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund— Aye, Chair Needell— Aye, Chair Pro Tem Lawson—Aye, Councilor Burton— Aye, Councilor Hotchkiss—Aye

V. Special Announcements

- A. Resolution #2023-08 Recognizing Outgoing Boards/Committees/Commissions Volunteers for their dedicated services to the Town of Durham

Chair Needell read Resolution #2023-08 for members of the public that were present and for those watching via DCAT, Channel 22.

Councilor Lund MOVED that the Durham Town Council does hereby ADOPT Resolution #2023-08 Recognizing Outgoing Boards/Committees/ Commissions Volunteers for their dedicated services to the Town of Durham. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye

- B. Resolution #2023-09 Recognizing Administrative Assistant Jennie Berry for her Dedicated Service Upon her Retirement After Serving 33 Years with the Town of Durham

Chair Needell read Resolution #2023-09 for members of the public that were present and for those watching via DCAT, Channel 22. She then invited Ms. Berry to the podium where she read and presented a Certificate of Appreciation to Ms. Berry for her 33 years of service with the Town.

Ms. Berry said it was her pleasure and honor to have worked with the many Town Councilors, Town board, commission, and committee members, and Town staff, as well as serving the citizens of Durham throughout her tenure.

Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby ADOPT Resolution #2023-09 Recognizing Administrative Assistant Jennie Berry for her Dedicated Service Upon her Retirement After Serving 33 Years with the Town of Durham, The motion was SECONDED by Councilor Friedrichs and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye

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

William Hall, Smith Park Lane, explained to Councilors how the northern connector would be configured if it were built and indicated it would relieve traffic on many of Durham's streets.

VII. Approval of Minutes – April 3, 2023

Councilor Friedrichs said that ze believed it was Councilor Lund, not Councilor Welsh, that first noted there was a meeting scheduled on Martin Luther King, Jr. Day and Councilor Welsh clarified that Juneteenth is now a national holiday.

Councilors Lund and Welsh concurred with Councilor Friedrichs' amendment.

Councilor Friedrichs noted that the Council confirmed appointments to the various Town boards, commissions, and committees before deciding which Council members would be appointed as representatives to which boards. Ze wondered if there was any concern as ze had not officially resigned zir term on the Planning Board, which may have caused there to be too many regular members at the time.

No concerns from other Councilors were raised. Chair Needell said Councilor Friedrichs' observation will be reflected during next year's annual appointment process.

Chair Needell asked that the following be included in the minutes with Craig Seymour's comments under agenda item #VII.B: "*Craig Seymour encouraged Town Councilors and others to continue to ask Town residents to volunteer for something. He stated that we need to get more citizens involved in running their government and running of their own Town.*"

Chair Pro Tem Lawson MOVED to APPROVE the Town Council meeting minutes of April 3, 2023, as amended by Councilor Friedrichs and Chair Needell. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye

VIII. Councilor and Administrator Roundtable

Councilor Hotchkiss – Housing Task Force

- The Housing Task Force met on April 10, 2023. He reported on three items:
 - 1) Considerable discussion was held on the "Edge" proposal by UNH on its property at the west end of campus. The Task Force believes it is important for the Town to coordinate with UNH on that proposal to ensure that the Town's regulations are set up in a way to assist UNH and the Town to fulfill both their hopes for the development of that property.
 - 2) Reviewed the Scope of Work for the proposal from RKG Associates for a housing analysis for which the Town now has funding in place.
 - 3) Discussed soliciting information from members of the public regarding their attitudes about housing and housing issues in Durham. One requirement as part of the funding received is that the Town must go beyond a single public forum in terms of eliciting input from citizens and the Task Force will be deciding how best to achieve that over the next few months.

Councilor Burton

- Councilor Burton said he wanted to clarify that in 1986, Madbury Road came close to being dead ended. A plan was submitted to the NH legislature and passed by House Transportation to build an east/west highway from Concord to Portsmouth. He said one can see the beginning of that highway on Route 393 coming out of Concord. It was going to divide Durham in half. It was a toll road so a toll would have to be paid to get from Concord to Durham. He said if one travels down Edgewood Road Extension onto Emerson Road, they will see where the access road is. It goes into the woods and there is now a small housing development. Councilor Burton said it was very difficult to get that plan. He noted that Representative Chamberlin from Durham sponsored the bill. A public hearing was held at

the Oyster River High School with 200 people from Durham in attendance. Councilor Burton said the project would have filled in the north side of Little Bay and would have blocked the view from the hill. He said it was barely stopped from being built. He worked with Representative Chamberlin to take the money that had been allocated for the road to be put toward Route 101 where it was needed. He said highways are needed where economic development is wanted. He said at that time they needed the highway in Rochester and Somersworth and points south of Durham. It was not needed in Durham.

Councilor Burton – Strafford Regional Planning Commission MPO Policy Committee

- The SRPC is scheduled to meet on Friday, April 19th. Included on its agenda are: Approval of the Coordinated Transportation Plan and approval of the 2024-25 Unified Planning Program, which are both important plans for Durham and the surrounding communities.
- Councilor Burton provided historical information regarding slavery that existed in Durham slave owners in Durham in 1767. At that time, there were 32 slaves in Durham. There was a major effort to emancipate slaves in Durham and in New Hampshire, which was led by 118 Durham women. He said he will be proposing as part of Juneteenth, that the Council adopt a resolution he will bring forward honoring those 118 women who opposed slavery.

Chair Pro Tem Lawson

- Durham's Earth Day event will be held this coming Saturday, April 22nd, from 10AM to 2PM, at 66 Main Street. He thanked all of the commissions and committees who expressed an interest in participating. He said he was hopeful the event would also include a competition between dancing Teslas. He said he is following the weather closely and if it appears not to be appropriate to hold the event because of the weather, the event will be moved to its rain date of the following Saturday, April 29th, same time and location.
- Chair Pro Tem Lawson said he completed his traffic speed data collection on Coe Drive. He captured approximately 13,000 vehicles in the study and that information has been turned over to the DPW and Police Department. He said he wanted to acknowledge the Oyster River High School students and staff, who, for the vast majority, navigate that road carefully at both the beginning and closing of the school day. However, he believed Coe Drive must be used as a cut through during the evenings and weekends, as those vehicles travel excessively fast.

Chair Needell

Chair Needell brought up the matter Council rules of procedure for voting contained in the Town Charter, which reads: *"The Council shall establish rules for its proceedings not inconsistent with this Charter. Every matter coming before the Council for action shall be put to a vote, and all members shall vote "aye" or "nay" or abstain and give a reason for abstaining. The results of such voting shall be duly recorded. All votes shall be recorded by roll call except votes on procedural matters."*

Chair Needell said the Council needs to ensure that roll call votes are taken on substantive matters requiring action. She also noted there were two ways of accomplishing that--have each Councilor state their name and vote (Aye or Nay) or have the Chair call on each Councilor individually.

Councilor Friedman said he preferred that the Chair call on each Council member. Councilor Lund felt the method the Council has recently been using where each Councilor states their name and vote has been working well and saw no reason to change.

Chair Pro Tem Lawson agreed with Councilor Lund as he felt it expedites the process.

Consensus was to continue using the current process for recording Council votes of Councilors stating their names and indicate either Aye or Nay when voting.

Chair Needell – Human Rights Commission

- The HRC met on April 5th.
- Police Chief Kelley and Deputy Chief Holmstock gave a presentation on anti-bias, de-escalation, and ethics training, followed by the type of training police receive for dealing with individuals having mental health issues.
- Held a discussion regarding ideas for recognizing Juneteenth.
- Discussed possible additional anti-bias training that may take place in the future.
- Discussed historic markers located in Town, including the possibility of replacing some of the markers with informational kiosks.
- Received an update on the work of the Housing Task Force.
- Discussed possible elected official's stipends, reimbursement for babysitting, and providing food at Town meetings to help those citizens with these challenges who would like to serve on a board or committee.
- Next meeting is planned for June 7th.

Councilor Lund – Historic District/Heritage Commission

- The HDC/HC held a special meeting on April 6th and approved the application from Tideline for installation of a gas meter with the understanding that Mr. Letourneau will come back to the HDC/HC's meeting on May 4th with a plan for shielding view of the meter from Newmarket Road.
- At its regular meeting on April 13th, the main agenda item was an application by ALKU, a tenant at 1 Madbury Road, for installation of two signs, which was approved.

Councilor Friedrichs

Councilor Friedrichs said ze had watched the Durham Police Department's presentation to the Human Rights Commission and was impressed by the excellence of that department and its attention to a lot of challenging matters; particularly the concern around the overuse and misuse of force by police and discrimination, which is occurring nationwide. Ze encouraged anyone that was concerned about these issues to watch the recording of the April 5th HRC meeting. Ze said the Durham police are trying to go over and above to be attentive and fair and continuously improving on those issues and serves as a model for where the entire country should be headed.

Councilor Friedrichs – Planning Board

- The Board met on April 12th.
- Applications included a Site Plan modification and a minor Site Plan review, both of which are ongoing.

- Continued review of the Zoning Ordinance, which began last November. The Board is currently 16% of the way through its review and is on track to complete in late 2025. The Board is at “M” in the definitions section.
- A continued public hearing on the Climate Action Master Plan will be forthcoming. The Board will be reviewing the goals and recommendations language and is pursuing adoption for that section of the Master Plan.
- Continued public hearings on amendments to the Wetlands Conservation Overlay District and Shoreland Overlay Protection District of the Zoning Ordinance will also be held in the near future. Both items were approved by the Conservation Commission. The goal is to make the language in these areas less open to interpretation and clearer in terms of what is being pursued and to allow a broader picture of conservation concerns on the subject properties—taking into account footage development within a wetland area and also consideration for species living in an area and other concerns that may arise.

Councilor Friedman – Parks & Recreation and Seacoast Economic Develop Stakeholders

- The Parks & Recreation egg hunt held on Saturday, April 15th, was very successful. The department is now preparing for April break activities.
- He encouraged people to attend the upcoming Earth Day event on Saturday, 22nd and was glad that some of the Town’s committees would be participating, including the Integrated Waste Management Advisory Committee, Energy Committee, Ag Commission, Conservation Commission, and Parks and Recreation.
- He noticed that the Friday Updates mentioned the Town needed to purchase 10 more compost bins for an order to go through. He hoped that could happen because those compost bins keep a lot out of the landfill. He suggested maybe having a sign-up sheet at the Earth Day event to take orders.
- At the most recent Seacoast Economic Development Stakeholders meeting, members received an overview of solar energy options from Clean Energy New Hampshire, who likes to assist both individuals and companies with clean energy. They will be holding an online Job Fair on May 4th from 11AM to 1:30 PM. Anyone interested in participating can sign up by going to www.cleanenergy.org/events.

Councilor Welsh – Integrated Waste Management Advisory Committee (IWMAC)

- IWMAC met on April 5th and spent the meeting concentrating on preparing for Earth Day. Members discussed ways in which to encourage individuals to begin composting or how to do more reduction in consumption or do more to keep items out of the trash. The main emphasis will be on Earth Day, but then going forward doing more to advertise Sustainable Durham.

Councilor Burton noted Durham’s recent visit from Senator Maggie Hassen to Wagon Hill Farm to highlight the coastal resilience efforts Durham has made on the Wagon Hill Farm shoreline. He said she is very enthusiastic about the project and views it as a model for the rest of the country. Senator Hassen indicated she was going to work hard to secure the funding to extend the restoration project all the way down the shoreline.

Councilor Friedrichs asked if there was an email address that someone could send in if they wanted to add something to the “Did You Know” section of the weekly Friday Updates.

Chair Needell replied that at the end of every “Did You Know” snippet each week, there is an email address provided for that reason.

Administrator Todd Selig

- Asked the Councilors and members of the public to please review the weekly Friday Updates to learn great information about the community.
- Regarding Councilor Hotchkiss’ earlier reference to UNH’s Edge project, the Town is arranging for a UNH representative to provide an overview to the Durham Housing Task Force about the project as members are interested in housing opportunities on that property. The Town has asked that an overview of the project be provided at a Town Council meeting as well.
- Regarding concerns expressed during the report from the UNH Student Senate at the April 3rd Council meeting relative to direction to UNH students on what to do in the event of an active shooter emergency on campus, Administrator Selig said his understanding is that this has since been resolved. However, he said Durham Police Chief Rene Kelley and UNH Police Chief Paul Dean have been invited to attend a future Council meeting to talk about emergency planning in general for both on campus and Durham, as well as the Oyster River Cooperative School District.
- The Administrator’s office renewed its efforts to advertise the remaining vacancies currently existing on various Town boards, commissions, and committees, and has received some additional applications from citizens.

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

Adam Kania, UNH Student Senate External Affairs Chair provided the following updates regarding the UNH Student Senate:

- Discovery requirements on campus for academics has been a topic of discussion. UNH will be instituting a new program in the future, which would raise the limit on faculty members, but not students. The Student Senate submitted a letter to “The New Hampshire” in opposition to the new program, however, it was passed earlier today.
- Provided a brief update on the lighting review that was conducted, and he had referenced at the Council’s April 3rd meeting.
- Noted that the Active Shooter website on campus has been updated.
- The new Student Body President and Vice President will begin office on May 1, 2023. Mr. Kania said this was his last meeting as the External Affairs Chair of the UNH Student Senate but will be attending the Council’s May 1st meeting to introduce the new Student Senate officers to Council members.

Administrator Selig noted that there have been some years when the Student Senate External Affairs Representative has been very active and other years not as much. He said it had been a pleasure working with Mr. Kania over the past year as he has been active and engaged and has conveyed important information to the Council. He thanked Mr. Kania and the Student Senate for their efforts.

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

Councilor Friedman requested that Item #10C. be pulled for discussion/questions.

- A. Shall the Town Council approve the 2nd 2023 Warrant for Water and Sewer totaling \$723,961.72 and authorize the Administrator to sign said warrant?
- B. Shall the Town Council adopt Resolution #2023-10 Establishing the Durham Memorial Park Trust?
- D. Shall the Town Council Schedule a Public Hearing for Monday, May 1, 2023, on Resolution #2023-12 Authorizing the Acceptance and Expenditure of Federal Emergency Management Agency (FEMA) funds from the NH Division of Homeland Security and Emergency Management (NH HSEM) under the Public Assistance Grant Program CFDA #97.036 in an amount up to \$71,472.01 to cover COVID-related expenses incurred during the period from January 29, 2020 through May 24, 2022 and Authorizing the Administrator to Sign and Submit all Necessary Paperwork on Behalf of the Town of Durham?
- E. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Tyler Wittmann to Close Certain Sections of Town Roads for Sustainability Day to be Held on Saturday, May 6, 2023?
- F. Shall the Town Council Appoint Steve Holmgren as the new member of CPCNH with Todd Selig as the alternate member?
- G. Shall the Town Council, Upon Recommendation of the Administrator, Award the Construction Contract for the Edgewood Road Sewer Rehabilitation Project to Green Mountain Pipeline Services, LLC of Bethel, VT for a Total Bid Price of \$69,696.96 and Authorize the Town Administrator to Sign Associated Documents?

Upon reading each of the above Unanimous Consent agenda items, *Chair Needell MOVED to APPROVE Items A,B,D & E,F,G, as presented. The motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye*

- C. Shall the Town Council Adopt Resolution 2023-11, Revising Resolution 2005-10, A Resolution Establishing A Fire Department Injury Prevention Trust Fund, to expend all of the principal and interest in the trust?

Chair Needell noted that Trustee Chair Michael Everngam was in the audience to respond to questions on this item.

Councilor Friedman asked how much money was in the fund, to which Mr. Everngam replied approximately \$6,000.

Councilor Friedman asked if the fund will be closed out after this withdrawal occurs. Mr. Everngam said the Fire Department is asking for permission to expend from what is in the fund, plus any principal and interest, without necessarily closing the fund. He said they are

uncertain what the future may hold, but if the project uses up all the money, they will close the fund.

Chair Needell MOVED to Adopt Resolution 2023-11, Revising Resolution 2005-10, A Resolution Establishing A Fire Department Injury Prevention Trust Fund, to expend all the principal and interest in the trust. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye

XI. Committee Appointments

- A. Shall the Town Council, upon recommendation of the Human Rights Commission Chair, appoint Kathy Collins, 31 Oyster River Road, to fill a Member vacancy on the Human Rights Commission with a term expiration of April 2024?

Kathy Collins provided a brief background on herself for Councilors. She said she found out about the vacancy through the weekly Friday Updates and attended the HRC's meeting on April 5th. She said she would be pleased with the appointment.

Chair Needell MOVED that the Town Council, upon recommendation of the Human Rights Commission Chair, does hereby appoint Kathy Collins, 31 Oyster River Road, to fill a Member vacancy on the Human Rights Commission with a term expiration of April 2024. The motion was SECONDED by Councilor Friedrichs and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye

- B. Shall the Town Council, upon recommendation of the Historic District Commission Chair, re-appoint Jennifer Becker, 2 Bartlett Road, to another 3-year term on the Historic District/Heritage Commission with a term expiration of April 2026?

Councilor Lund MOVED that the Town Council, upon recommendation of the Historic District Commission Chair, does hereby re-appoint Jennifer Becker, 2 Bartlett Road, to another 3-year term on the Historic District/Heritage Commission with a term expiration of April 2026. The motion was SECONDED by Councilor Friedman and PASSED unanimously, 8-0, on a roll call vote: Councilor Hotchkiss—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Councilor Welsh—Aye.

XII. Presentation Items

- A. Presentation by Matt Lampron, Project Manager NHDOT, and Darren Blood, GM2 Inc., on the Route 4 and Madbury Road project.

Administrator Selig provided a brief background and history regarding how the project came into existence. He said the Council will be provided with several different alternatives, each of which will have different financial costs and different implications for private properties.

He said the Town's administrative Traffic Safety Committee has also come up with a preferred option. He also noted that NHDOT representatives have been very accommodating, and it has been a pleasure working with them on the project. Matt Lampron, Project Manager NHDOT, provided a PowerPoint presentation outlining the scope of the Route 4 and Madbury Road project, including the alternatives, as follows:

- Project Location
- Project Purpose and Need and Background
- Existing Conditions
- Concept Alternatives
 - Alternative #1 – Traffic Signal Modifications
 - Alternative #2 – Displaced Left Turns (removed from consideration due to maintenance concerns)
 - Alternative #3 – Madbury Road Bridge Over US Route 4 (No Access)
 - Alternative #4 – Roundabout
 - Alternative #5 – Grade Separation: Madbury Road Bridge Over US Route 4 (With Access)
 - Alternative #5A – Grade Separation: US Route 4 Bridge Over Madbury Road (With Access)

The Durham Traffic Safety Committee and New Hampshire Department of Transportation support the roundabout (Alternative #4) as the preferred alternative.

Councilor Lawson made a motion that the Durham Town Council concurs with New Hampshire DOT and the Durham Traffic Safety Committee that a roundabout at the Madbury Route 4 intersection as presented tonight is the preferred alternative. The motion was seconded by Councilor Burton and passed unanimously, 8-0, on a roll call vote: Councilor Hotchkiss—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Councilor Welsh—Aye.

The PowerPoint document is on file in the Town Administrator's Office and the entire presentation, along with discussion and responses to Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

B. Presentation by Mike Hoffman regarding the proposal to make Dame Road a scenic road.

Durham resident Mike Hoffman thanked Council members for their commitment and dedication to keeping Durham the great community that it is.

Mr. Hoffman said he has spoken to the majority of Dame Road residents in one manner or another who agree that Dame Road deserves to be designated as a scenic road. He said it is a value statement that the residents feel is very important. It also states the Town's community values for protecting its natural resources.

Mr. Hoffman said that Barry Ryan, 321 Dame Road, had asked him to speak on his (Mr. Ryan's) behalf, saying that he is very concerned about the road grading and incremental

widening of Dame Road, perhaps accidentally or by process. Every time the road is widened, motorists drive faster. He said that there are people that ride horses, walk, run, and push strollers on that road. In addition, Mr. Hoffman said that Dame Road is historically rather important since it is the only through dirt road in Town and it is truly a community asset.

In conclusion, Mr. Hoffman said he hoped the Council would move this designation of Dame Road to the list of other scenic roads in Durham, which include Packers Falls Road, Bennett Road, Durham Point Road, and Bay Road. He said although these roads are beautiful, he believed Dame Road was a little more scenic and historic, and of high recreational value.

Chair Pro Tem Lawson noted that there are no power lines on Dame Road in a large area between #250 and #341, so this being the most sensitive section of road, he felt there is no need for it to be protected from power company tree trimming. Mr. Hoffman replied that was currently true; however, the Town was also told that power lines would never go across the Bay ever again, so one cannot predict the future as to what the power companies may do.

Chair Pro Tem Lawson referred to Mr. Hoffman's comments about road grading and road widening on Dame Road, none of which he said scenic road designation provides any additional oversight for, and asked how the designation would address the grading and widening issues. Mr. Hoffman said the designation would have no effect on those issues and would only affect cutting of trees greater than 15 inches in diameter or removal of stone walls.

Chair Pro Tem Lawson said his concern was if the Council sets the precedent and designates Dame Road as a scenic road based on "value" how would it then respond to other residents who will inevitably come forward seeking the same designation for their roads.

Chair Needell asked if this was a decision the Council would make or would it go on a Town election ballot for approval.

Administrator Selig replied that the state statute that governs scenic road designations is written for a traditional Town with a Board of Selectpersons, which serves as the governing body. In Durham, which has a Town Charter and Town Council, the Council has both governing and legislative authority. He said Durham chose to address the existing four scenic roads through adoption of a local ordinance. Therefore, if the Council wants to likewise move forward with this initiative, it will need to amend the ordinance to add Dame Road to the list. This requires a First Reading and then Public Hearing on the ordinance before passage.

Councilor Friedman asked Mr. Hoffman about stone walls in the right-of-way, and would the Town be responsible for maintaining all stone walls in the right-of-way if Dame Road would become a scenic road. Mr. Hoffman replied there are boundary stone walls on both sides of Dame Road. He said the Town would not be responsible for their maintenance, but it just cannot remove them without a duly noticed public hearing.

Councilor Friedman asked if Dame Road were to become a scenic road, would it then create a regional attraction, which may bring more cars and more traffic onto that road, thereby increasing the Town's responsibility and increased cost for repairs to the road and for whose benefit would that be, the whole Town or just those living on Dame Road.

Mr. Hoffman replied that the Sweet Trail located on Dame Road is certainly an attraction, but he did not believe the designation of scenic road by itself would make any difference to the level of usage.

Councilor Friedrichs asked Administrator Selig to clarify how having a scenic road designation creates additional responsibilities for the Town's Department of Public Works.

Administrator Selig said for example, if there was a tree on Dame Road that met the requirements for protection that was determined to be dangerous or a nuisance, currently the Department of Public Works could remove it. Under the scenic road designation, that tree would need to be identified, mapped out, and the Department of Public Works would need to go before the Durham Planning Board. The Board would then schedule a public hearing to obtain public comments, and then provide permission for the cutting to occur. He also noted that for the power company to do any cutting on certain sections of Dame Road, it would also need to go through the same process. The same process would hold true for alterations of stone walls. Therefore, scenic road designation does add a certain amount of time and bureaucracy to the process.

Administrator Selig noted that the usage on Dame Road, citing conservation land with walking and hiking trails as Mr. Hoffman had indicated, especially during the COVID-19 epidemic. Therefore, the more usage, the more impact on the road. He said the Town has no plans to overtly widen the roadway, but it does occur during the grading process.

Administrator Selig said he understood the benefit of a scenic road and the goal to preserve the character of a road but did not believe the Town has behaved in a way that demonstrates a lack of concern for the nature of the road. He viewed it more as a solution looking for a problem but at the same time understood the goal of residents to preserve the canopy and tree cover on the road. He said it is really a policy decision for the Town Council.

Councilor Welsh said of all the roads in Town, he could not think of a better one to designate as a scenic road, given its historic nature, and usage of the Sweet Trail. The residents on Dame Road have spent a lot of time and effort to reflect their reasoning for the designation and it is a great signal that people do not want the road disturbed. Therefore, he agreed with Mr. Hoffman about designating Dame Road a scenic road.

Public Works Director Rich Reine said that Dame Road is one of the most difficult roads in Durham to maintain, not only during the winter but also the spring (mud season) and throughout the year. He said it is not just grading that affects the road, its drainage as well. There are swales that have been filled in with debris and overgrowth needing to be removed. He said from his perspective, both technically and operationally speaking, he saw no need to designate Dame Road as a scenic road.

Chair Pro Tem Lawson said he would be amenable to go with the will of the Council on this matter. However, he noted that scenic road designation does not affect road grade, widening, or paving, and it does not prevent a cable company from stringing new cable on telephone poles. He said that based on the correspondence he has read from residents and from what he has heard, he is afraid there is a big misunderstanding about what the designation of this road means, other than a value statement. He said if the Council approves Dame Road as a scenic road, he expects there will be other residents on other historic roads (Wiswall Road, Langley Road, Adams Point Road, Canney Road, and perhaps Bagdad Road) that will say they want the same declaration of value as Dame Road.

Councilor Burton said with this proposal, the Council should act on behalf of the residents on Dame Road that are asking for its designation as a scenic road.

Councilor Hotchkiss said he has heard from other people in the community voicing concerns about Eversource's treatment of tree cutting policies. He believed if it provides another layer of protection from excessive tree trimming for the Council to make the designation, he felt that was a reasonable reason to support the proposal that Mr. Hoffman has presented.

Chair Pro Tem Lawson said he did not believe the Council needed to make a motion on this matter at this evening's meeting. He said that a Council Communication should be crafted and should focus on the topic of tree trimming and set the right expectations. He said he would be glad to craft a communication.

Administrator Selig said the goal for tonight's presentation was to ensure that Mr. Hoffman, on behalf of the petitioners, could present the request, and Mr. Hoffman was to provide the Council with different perspectives, which the Council heard, and if the Council is interested in moving forward, then the next step would be to bring an ordinance to the Council for a first reading.

C. Quarterly Financial Report through 3/31/23 - Gail Jablonski, Business Manager

Business Manager Gail Jablonski said she was happy to report that the Town is steadily moving along to where it should be—about 24% expended, which is typical for this time of year. She said she reviewed all the Town departments and divisions and found nothing of great interest, no spikes or declines. The winter budget is 50% expended, which is a little earlier than last year. She said that all the other Town funds are looking good as well.

Councilor Welsh asked Ms. Jablonski if she saw any indications that the Town would not achieve its budget goal this year. Ms. Jablonski replied that she did not.

Councilor Welsh said that when looking at the parking fund revenue, the Town is ahead of where it was last year in terms of percentage of budget earned. He asked if that was because the Town did better this year or if it is because the Council set the budget lower this year for that fund. He said he just found it to be a little surprising because it seemed to him that the parking downtown has become worse (too few parkers as opposed to too many parkers).

Ms. Jablonski said she would have to look at where the funds are coming in from (i.e., fines, parking meters, etc.). She will provide the information to the Council after more research.

Chair Pro Tem Lawson asked when the Auditors would be coming in. Ms. Jablonski replied that the Auditors came in March and did an audit of the Town Clerk-Tax Collector's Office for the changeover and will return the first week in May. She noted that the Town may receive an audit letter this year, which it has not had in 10 years, because it is a new audit firm that wants things done differently than the prior auditing firm, so the Business Office is working through a few challenges with them. She said they may just make recommendations that would change some of the procedures.

Chair Pro Tem Lawson pointed out that management letters from auditors are not an uncommon occurrence.

XIII. Unfinished Business

Public Hearing and Action on Resolution #2023-07 Authorizing the Acceptance and Expenditure of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, In the Amount of \$427,612.49 with a Required 25% Match of \$142,537.51 – for a Total Project Cost of \$570,150.00 - and Authorize the Administrator to Sign and Submit Grant Paperwork and all Documents related to the Grant on Behalf of the Town of Durham.

Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public Hearing on Resolution #2023-07 Authorizing the Acceptance and Expenditure of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, In the Amount of \$427,612.49 with a Required 25% Match of \$142,537.51 – for a Total Project Cost of \$570,150.00 - and Authorize the Administrator to Sign and Submit Grant Paperwork and all Documents related to the Grant on Behalf of the Town of Durham. The motion was SECONDED by Chair Pro Tem Lawson and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye

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

Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby CLOSE the Public Hearing on Resolution #2023-07 Authorizing the Acceptance and Expenditure of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, In the Amount of \$427,612.49 with a Required 25% Match of \$142,537.51 – for a Total Project Cost of \$570,150.00 - and Authorize the Administrator to Sign and Submit Grant Paperwork and all Documents related to the Grant on Behalf of the Town of Durham. The motion was SECONDED by

Councilor Friedrichs and PASSED unanimously, 8-0, on a roll call vote: Councilor Hotchkiss—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Councilor Welsh—Aye.

Councilor Friedman said he thought it was good for the Town to have emergency generator backups and would be glad to see it put into place if the Council votes in favor.

Councilor Friedman MOVED that the Durham Town Council does hereby ADOPT Resolution #2023-07 Authorizing the Acceptance and Expenditure of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, In the Amount of \$427,612.49 with a Required 25% Match of \$142,537.51 – for a Total Project Cost of \$570,150.00 - and Authorize the Administrator to Sign and Submit Grant Paperwork and all Documents related to the Grant on Behalf of the Town of Durham. The motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0, on a roll call vote: Councilor Hotchkiss—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Councilor Welsh—Aye.

The Durham Town Council, in a majority vote, accepted the terms of the FY2022 Legislative Pre-Disaster Mitigation (LPDM) grant program as presented in the amount of \$427,612.49 for the Town of Durham’s Emergency Generators Project. Furthermore, the Council acknowledges that the total cost of this project will be \$570,150.00, in which the Town will be responsible for a 25% match (\$142,537.51). Durham Administrator Todd Selig is authorized to sign all documents related to the grant.

Administrator Selig acknowledged DPW Director Richard Reine and Town Engineer April Talon for their efforts in securing the grant.

XIV. New Business

- A. Discussion and possible action on Resolution #2023-14 regarding request from Trustees of Trust Fund for establishing a policy for the addition of names on the war memorial in the Memorial Park

Trustees of Trust Fund Chair Mike Everngam noted that the Council should have received an updated version of the resolution that had been placed in the Council packets and it was the amended version that he would like for the Council to pass.

Councilor Lund asked if the resolution/policy applied to both peacetime and wartime veterans. Mr. Everngam replied that it would apply to someone who served a two-year credible active service. He said it is also one of the definitions that the government uses to determine who is a veteran and who is not a veteran.

Councilor Lund noted that the words “war memorial” are mentioned in a few places throughout the resolution, which he thought was a point of confusion.

Mr. Everngam said he would like that amended to read, "...for the addition of the names of veterans to the memorial at Memorial Park."

It was also noted that the resolution number should be Resolution #2023-13 (not #2023-14).

Councilor Lund MOVED that the Durham Town Council does hereby adopt Resolution #2023-13, as amended, for establishing a policy for the addition of veterans' names on the memorial at Memorial Park. The motion was SECONDED by Councilor Friedrichs and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye

Chair Pro Tem Lawson MOVED to extend the Town Council meeting to beyond 10:30 PM. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0, on a roll call vote: Councilor Welsh—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Burton—Aye, Councilor Hotchkiss—Aye

B. Discussion and possible action on amending the Housing Task Force Charge

Councilor Friedrichs MOVED that the Durham Town Council does hereby adopt a new charge for the Durham Housing Task Force, with amended language relating to housing for students. The motion was SECONDED by Councilor Lund

After providing his reasons for doing so, Chair Pro Tem Lawson proposed the following amendment to the motion as follows: "Encourage housing forms designed to serve multiple household types and demographics." He said by doing this, it means that by default the Town must serve more than just students and perhaps even families and moves away from the student designation and doesn't seem that the Council is encouraging housing at UNH.

Chair Pro Tem Lawson MOVED to amend Councilor Friedrichs' motion to read: "The Durham Town Council does hereby adopt a new charge for the Durham Housing Task Force, with amended language relating to housing for students ..."encouraging housing forms designed to serve multiple household types and demographics." Councilor Hotchkiss SECONDED Chair Pro Tem Lawson's motion

After further extended discussion regarding Chair Pro Tem Lawson's proposed language amendment, *Chair Pro Tem Lawson withdrew his motion to amend.*

Councilor Friedrichs also withdrew zir original motion.

Councilor Hotchkiss MOVED to amend the current bulleted item listed in the Durham Housing Task Force charge under duties "Avoid housing forms designed primarily for an ungraduated student population" and replace it with the following language: "Encourage housing designed to accommodate currently underserved household types. The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0, on a

roll call vote: Councilor Hotchkiss—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Councilor Welsh—Absent.

XV. 2023 Town Council Goals

Continued discussion on the draft 2022-23 Town Council goals

Chair Pro Tem Lawson suggested given the lateness of the hour, that perhaps the Council should postpone this item until its next meeting.

Chair Needell also asked Councilors if they suggest a goal(s) that are new, going to be a tax burden, involve staffing, or anything that is beyond what the Council has been doing, they submit a Council communication so other Councilors will have a better understanding of what someone's intent is.

Councilor Burton raised the topic of "smart" goals that had been suggested by Councilor Friedrichs.

Councilor Friedrichs said ze would prepare a Council communication addressing "smart" goals for the Council's next meeting. Ze said ze thought that the goals could be most useful if they were presented or worded in the smart framework.

XVI. Nonpublic Session (if required)

XVII. Extended Councilor and Town Administrator Roundtable (if required) - None

XVI. Nonpublic Session (if required) - None

XVIII. Adjourn (NLT 10:30 PM)

Councilor Lund MOVED to adjourn the meeting, The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously 7-0 on a roll call vote: Councilor Hotchkiss—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Councilor Welsh—Absent.

The meeting ADJOURNED at 11:02 PM.

Jennie Berry, Minutes Taker