

*These minutes were approved at the July 17, 2023 meeting.*

**DURHAM TOWN COUNCIL  
MONDAY, JUNE 26, 2023  
DURHAM TOWN HALL - COUNCIL CHAMBERS  
7:00 PM**

**MEMBERS PRESENT:** Councilor Eric Lund, Chair Sally Needell, Chair Pro Tem James (Jim) Lawson, Councilor Wayne Burton, Councilor Carden Welsh, Councilor Eleanor (Ellie) Lonske, Councilor Charles (Chuck) Hotchkiss

**MEMBERS ABSENT:** Councilor Joe Friedman and Councilor Emily Friedrichs

**OTHERS PRESENT:** Administrator Todd Selig, Public Works Director Richard Reine; Town Engineer April Talon

**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 - Not applicable**

**III. Roll Call of Members**

Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund

**IV. Approval of Agenda**

*Chair Needell MOVED approval of the June 26, 2023, agenda as presented The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund*

**V. Special Announcements - None**

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

**William Hall, Smith Park Lane**, spoke regarding the matter of withdrawing water from the Lamprey River.

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

MJ Condon, UNH Student Senate, said there was not much to report at this time, but the Student Senate is looking forward to the upcoming “Cat Crawl” event with downtown businesses in the fall.

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

- A. Shall the Town Council Adopt Resolution #2023-18 Rescinding the General Assistance (Welfare) Regulations, adopted on February 2, 2003, and adopting new General Assistance Guidelines Effective July 1, 2023?
- B. Shall the Town Council, Upon Recommendation of the Administrator:
  1. Authorize the transfer of \$7,436.67 from revenues and expenditures of the listed Capital Equipment accounts to the 2023 Sidewalk Plow Tractor Replacement Account 07-2325-801?
  2. Authorize the Purchase of a New 2023 Model SW50 Prinoth Sidewalk Tractor with Power-Angle Straight Blade Plow, Material Spreader, and Snowblower Attachments from Chadwick-BaRoss, Inc. of Concord, New Hampshire in the Amount of \$202,731 From Account 07-2325-801 and Account 01-4312-825-55-000?

*Chair Needell read the above unanimous consent agenda items and MOVED their approval, as presented. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 7-0, by a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye.*

**IX. Committee Appointments** - None

**X. Presentation Items**

- A. Receive report on the Historic District/Heritage Commission activities and projects – Larry Brickner-Wood, Chair

Mr. Brickner-Wood began by thanking Council members for their service, adding that he understood how difficult it can be to serve as an elected official at any level. He said he was proud of the Historic District/Heritage Commission. Its members work hard, it's balanced and fair, and Councilor Lund has been a great addition as the Commission's Council Representative. He also thanked Town Planner Michael Behrendt for his efforts working with the Commission, as well as other members of the Town staff whom he said do an excellent job.

Mr. Brickner-Wood noted the following items that the HDC/HC has been involved with:

- The Tideline Public House.
- Submission for an LCHIP grant for phase I renovations of the Bickford-Chesley house at Wagon Hill Farm.
- Working on completion of the design for the Lafayette Park.
- Continuing to facilitate conversations relative to updating the wording on the Oyster River raid marker.
- The Commission is planning to hold another forum with the New England Preservation Alliance in the fall, similar to the one held last year.
- Continuing to work on inclusive narrative; broader than just Indigenous peoples (i.e., the enslaved in Durham, indentured servants, and the role of women in Durham).

Chair Pro Tem Lawson said that the process the HDC/HC has developed relative to the Oyster River raid plaque has turned into a good learning opportunity which would not have occurred otherwise without that process. He asked Administrator Selig if the HDC/HC believes a property within the Historic District is in jeopardy of being lost due to neglect, does the Commission initiate discussion or would it be Town staff.

Mr. Selig replied that in the past, it has typically been identified by members of the HDC/HC. However, sometimes run-down properties are identified by the Town's Code Enforcement Officer.

Councilor Welsh raised the idea of doing something educational around cellar holes in Durham as people do not know what they are when they come across them. He also asked if the HDC/HC has given any further consideration to placement of a kiosk or markers at the Mill Pond Dam site once the dam removal project is completed.

Mr. Brickner-Wood said Councilor Welsh's idea of more education around Durham's cellar holes was a good one and said he would bring that idea to the other Commission members for their thoughts and consideration. Concerning the Mill Pond Dam, Mr. Brickner-Wood said the project was still in the initial stages, but the HDC/HC sees an opportunity to be involved and wants to be a part of that process.

B. Receive report on Agricultural Commission activities and projects – Theresa Walker, Chair

Ag Commission Chair Theresa Walker said she was grateful for all the smart and engaged members that are on the Commission and that it is a pleasure to be on a Commission where the members show up and do the work that they say they will do. She said the Ag Commission takes seriously its role in helping Durham to become more resilient by establishing more food production.

Short-term, the Commission has:

- Its upcoming 10<sup>th</sup> Annual Farm Day event, which will be held on August 19<sup>th</sup> and will include Durham, Lee, and Madbury.
- Recently reviewed and commented on the Master Plan Climate Action Plan and has had engagement with the Sustainability Fellow and the Climate Action Mitigation Plan.

Long-term, the Commission is:

- Working on a way to assess resident interest in increasing backyard food production, including small scale animal husbandry.
- Continuing to shepherd the Town's "Bee City" designation.
- Commission member Bryan Cassidy has done informal workshops for residents on how to take care of fruit trees in their yards.

Councilor Lund noted that earlier this year, there was some push back against the concept of "No Mow May" and asked Ms. Walker whether this has been discussed by the Ag Commission and if there was anything to the concerns that were raised.

Ms. Walker responded that for the Ag Commission, “No Mow May” started as a pollinator-friendly land use because mowing during that period is disruptive to the bees and other pollinators. However, ticks and the diseases they carry are a huge issue and not something to take lightly. One of the suggestions offered by the Commission when asked that question was to not mow the entire lawn but maintain a safe area and be mindful of the yard edges where perhaps some of the material could be left to be mowed later when the weather becomes warmer.

Chair Pro Tem Lawson said it seemed as if the requirements to maintain Durham’s “Bee City USA” designation have become onerous and more time is being spent on administering the designation as opposed to doing anything meaningful. He wondered if it would be better for the Town to step away from the designation and do something on its own focusing on pollinator environments and protection.

Ms. Walker said she would ask Ag Commission member Lee Alexander for his thoughts as he is the person that files the required reports and information for the Town’s designation. She will also place this topic on the Ag Commission’s agenda for discussion as well.

Councilor Burton asked if Durham has any regulations against the use of insecticides and herbicides that are dangerous for pollinators.

Ms. Walker said there were no regulations against the use of these products. However, the Commission has done some pollinator outreach efforts about factors that adversely impact pollinators.

C. Presentation from representatives of Vanasse Hangen Brustlin, Inc. on the Mill Pond Dam Removal Project Update.

Peter Walker, Environmental Scientist, and David Cloutier, Sr. Water Resources Engineer for VHB provided an update and a detailed PowerPoint presentation on the Mill Pond Dam Removal Project, which included:

Background Refresher:

- Topographical map of the area that will be impacted.
- Photo of the inside of the dam taken in 2019 showing deterioration progression.
- Aerial photo of the Mill Pond and dam area.
- Reference to the Feasibility Study and Supplemental Analysis.

Recent Progress:

- Oyster River Dam recent progress.
- Oyster River Dam projected timeline.

Project Development and Permitting Process:

- Permitting overview.
- Active channel restoration.

Design Review:

- Photo example of a riffle crest/stone cross-vane design.
- Photo example of Rootwad bank stabilization.

Next Steps:

- Initiate related projects.
- Regulatory submittals.
- Prepare for construction.

Following the presentation, Councilors asked questions regarding the proposed Mill Pond Dam Removal Project with Messrs. Walker and Cloutier providing responses, clarification, and additional information as requested. The complete presentation, along with comments, discussion, and responses to Council questions, may be viewed on DCAT on Demand at [www.ci.durham.nh.us](http://www.ci.durham.nh.us).

**XI. Unfinished Business**

- A. **Public Hearing and Action on Resolution #2023-15** Authorizing the Acceptance and Expenditure of a 2023 Watershed Assistance Grant In the Amount of \$150,000 From the New Hampshire Department of Environmental Services for the Mill pond Dam Removal Project and Authorizing the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.

*Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public Hearing on Resolution #2023-15 Authorizing the Acceptance and Expenditure of a 2023 Watershed Assistance Grant In the Amount of \$150,000 From the New Hampshire Department of Environmental Services for the Mill pond Dam Removal Project and Authorizing the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham. Councilor Lund SECONDED the motion and it PASSED unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund*

**William Hall, Smith Park Lane**, provided information about why the stop log dam was put in when the new bridge over the Oyster River was built on Route 108. He also noted that as soon as the water goes over Route 108 in front of the Bedard property due to a heavy rain event there will be 5,000 cfs of water going under the bridge from the Oyster River.

*Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby CLOSE the Public Hearing on Resolution #2023-15 Authorizing the Acceptance and Expenditure of a 2023 Watershed Assistance Grant In the Amount of \$150,000 From the New Hampshire Department of Environmental Services for the Mill pond Dam Removal Project and Authorizing the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham. Councilor Hotchkiss SECONDED the motion and it PASSED unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund.*

*Chair Needell MOVED that the Durham Town Council does hereby ADOPT Resolution #2023-15, as presented, Authorizing the Acceptance and Expenditure of a 2023 Watershed Assistance Grant In the Amount of \$150,000 From the New Hampshire Department of Environmental Services for the Mill pond Dam Removal Project and Authorizing the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham. Councilor Lund SECONDED the motion and it PASSED unanimously, 7-0, by a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye.*

- B. Public Hearing and Action on Ordinance #2023-05** Amending Chapter 153 “Vehicles and Traffic,” Section 153-38 of the Durham Town Code prohibiting turns at the intersections of Bagdad Road at Dennison Road and Dennison Road at Garrison Avenue Extension.

*Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2023-05 Amending Chapter 153 “Vehicles and Traffic,” Section 153-38 of the Durham Town Code prohibiting turns at the intersections of Bagdad Road at Dennison Road and Dennison Road at Garrison Avenue Extension. The motion was SECONDED by Chair Pro Tem Lawson and PASSED unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund.*

No members of the public came forward to speak on this item.

*Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2023-05 Amending Chapter 153 “Vehicles and Traffic,” Section 153-38 of the Durham Town Code prohibiting turns at the intersections of Bagdad Road at Dennison Road and Dennison Road at Garrison Avenue Extension. The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund.*

*Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented, Ordinance #2023-05 Amending Chapter 153 “Vehicles and Traffic,” Section 153-38 of the Durham Town Code prohibiting turns at the intersections of Bagdad Road at Dennison Road and Dennison Road at Garrison Avenue Extension. The motion was SECONDED by Chair Pro Tem Lawson and PASSED unanimously, 7-0, by a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye.*

- C. Public Hearing and Action on Ordinance #2023-06** Amending Chapter 153 “Vehicles and Traffic,” Section 153-43 of the Durham Town Code creating a stop intersections at Dennison Road/Bagdad Road and Garrison Avenue Extension/Dennison Road.

*Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2023-06 Amending Chapter 153 “Vehicles and Traffic,” Section 153-43 of the Durham Town Code creating a stop intersections at Dennison Road/Bagdad Road and Garrison Avenue Extension/Dennison Road. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund.*

No members of the public came forward to speak on this item.

*Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2023-06 Amending Chapter 153 “Vehicles and Traffic,” Section 153-43 of the Durham Town Code creating a stop intersections at Dennison Road/Bagdad Road and Garrison Avenue Extension/Dennison Road. The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0, by a show of hands:*

*Councilor Hotchkiss, Councilor Welsh, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund.*

*Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented, Ordinance #2023-06 Amending Chapter 153 “Vehicles and Traffic,” Section 153-43 of the Durham Town Code creating a stop intersections at Dennison Road/Bagdad Road and Garrison Avenue Extension/Dennison Road. The motion was SECONDED by Chair Pro Tem Lawson and PASSED unanimously, 7-0, by a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye.*

## **XII. Approval of Minutes – June 2, 2023**

Minor edits were submitted to Administrative Assistant Karen Edwards for inclusion prior to the meeting.

*Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby APPROVE the June 2, 2023, Town Council minutes as amended. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund.*

## **XIII. Councilor and Administrator Roundtable**

### Councilor Hotchkiss – Planning Board

- The Planning Board met on June 21, 2023.
- Reviewed an application submitted by Tideline Public House requesting permission to add three pop-up vendors to the seven food vendor trucks that are already operating. A Public Hearing is scheduled for July 12, 2023.
- Continued review of the definitions section of the Zoning Ordinance, progressing through the letter “O” and through most of the letter “P”.

### Councilor Welsh – Conservation Committee

- The Commission will not be meeting in June as there are no pressing issues that needing to be addressed.

### Councilor Welsh – Integrated Waste Management Advisory Committee

- IWMAC met on June 21, 2023.
- Most of the meeting was spent discussing preparing for a kick-off for the Sustainable Durham campaign.

### Councilor Lonske – Cemetery Committee

- The Cemetery Committee met on June 23, 2023.
- Voted to repair three monuments at the Town cemetery that are in poor condition.
- Updated the cemetery regulations to include new rates for plots.

Councilor Lonske also noted that although not an agenda item, there was some very preliminary discussion about “green” burials. She also mentioned there is a Town-owned burial ground in the woods across from Riverwoods where paupers are claimed to have been buried and only a

few stones have been placed on the burials and said it would be nice to somehow memorialize the burials in a better way such as with plaques.

Councilor Lund said it was the consensus of the Cemetery Committee that the pauper's burial ground is something that is not in its purview, but that it would fall under the purview of the Heritage Commission, and he has asked that this item be placed on the next HDC/HC meeting agenda for discussion.

Councilor Burton said the cemetery at Wagon Hill Farm, which is the Chesley family, has become a path to get from one side of the hill to the other and is really run down. He said it is unprotected and should have a fence around the site with a marker so that people can read who is buried there.

#### Councilor Burton

- Noted that he and resident Janet Mackie had testified before the NH Department of Environmental Services regarding the Portsmouth waterline project across Little Bay.

#### Chair Pro Tem Lawson

- He has started working through the parking data that he has collected and has provided Town staff with information relative to parking utilization in the core downtown. The parking spaces downtown during lunchtime are approaching 80% use, which is the threshold when one starts to look at parking policies and making changes because once that reaches 85% people begin to become frustrated by searching for parking spaces. The data also showed the Town was successful in shifting parking from the Pettee Brook Parking Lot to 66 Main Street, which provides business parking and more parking inventory in the downtown core. Lastly, before COVID, the Town began managing parking on Saturdays at the request of some businesses. The data collected demonstrates that this was a good decision.

#### Chair Pro Tem Lawson – Cemetery Committee

- Chair Pro Tem Lawson noted that Trustee of Trust Funds/Cemetery Committee member Tom Bebbington did a very good job revising the procedures and regulations for the Town Cemetery. He said the Trustees and Cemetery Committee paid for the monuments at the Town Cemetery that had toppled over, which he thought was a good decision. Typically, the family of the deceased would be responsible for such repairs, but they could not be located. He also acknowledged the Department of Public Works for its excellent work in managing the Town Cemetery.

#### Chair Pro Tem Lawson – Land Stewardship Subcommittee

- The Land Stewardship Subcommittee was approached by an Eagle Scout regarding a possible project to start a pollinator garden. The Eagle Scout has been asked to provide more information to determine what level of commitment would be required from the Town relative to maintaining the garden and where it should be located.
- Regarding Durham's "Bee City USA" designation. There was some discussion about what is the value of all the work that must go into maintaining this designation.
- Discussed goals for the subcommittee.
- Received updates from Land Stewardship Coordinator Sara Callaghan.



Chair Needell – Human Rights Commission

- Met on June 13<sup>th</sup>.
- Welcomed new member Deborah Hirsch-Mayer.
- Received presentation from the DEIJ Director for the ORCSD, Rachel Blansett.
- Reviewed the Town Council resolution relative to the Juneteenth holiday.
- Discussed Indigenous foraging rights.
- Began a discussion of Universal Declaration of Human Rights adopted by the United Nations and will continue the discussion at the next meeting.
- Discussed the Town Council goals.
- Had a Durham Day recap regarding the table the HRC had at the event.
- Next meeting is scheduled for August 15<sup>th</sup>.

Councilor Lund – Historic District/Heritage Commission

- Met on June 8<sup>th</sup>.
- Approved one application for a sign for Local Tanning at 1 Madbury Road.
- Converged on a design for the pocket park around Lafayette plaque in front of Town Hall.

Administrator Selig

- Planning to provide a quarterly update on the Town Council goals for the next meeting on July 17<sup>th</sup>.
- Arranging to have Andy Smith from the UNH Survey Center attend a Council meeting to give a presentation on the results of the Police Department Community Survey.
- Reported on the Durham Energy Committee meeting, which met on June 20<sup>th</sup> as follows:
  - Working on developing ideas for potential grant proposals to support the Town’s Climate Adaption goals.
  - Have a concept of something called “Reheat Durham” which would focus on trying to electrify heating systems for homes, in particular heat pumps, both ground source and air source.
  - Had submitted an earlier proposal for the “Buttons Up” grant program and are still targeting that to see if there is something else the Committee can pull together that might be viable. A concept the Committee has in mind is to obtain funding to contract with a knowledgeable person to create consumer confidence and consumer knowledge about what can be done to update one’s heating system in their house with electrified systems. Members also want there to be some monitoring aspects for these innovations. Potentially some of the grant money could be utilized as well to support families in Durham with moderate incomes to expedite efficiency with their heating systems as well.
  - Discussed community power. The working group has had a conversation with Standard Power and have reached out to the City of Keene to learn how that community approached community power through a private broker supplier.
  - Received an update on the efforts of the Community Power Coalition of NH.
  - DPW is evaluating whether the broken old-style residential charger at the Durham Public Library can be repaired. If not, there was consensus among members around the potential of installing a charge point-type charger and potentially a double-handled charger.
  - Mr. Selig noted the Energy Committee’s goals for the upcoming year.
  - DEC will hold a special meeting on July 11<sup>th</sup> and its next regular meeting will be on August 1<sup>st</sup>.
- On June 19<sup>th</sup>, at the request of Doug Clark, several Town staff met with local business owners at Clark’s American Bistro to listen to some of their thoughts and concerns around parking and

other issues. Administrator Selig listed the number of concerns raised by the business owners at that meeting and there was some general discussion among the Council relative to those concerns.

- HDC member Carolyn Singer has been working to secure grant funding for renovations to the Chesley-Bickford house at Wagon Hill Farm.
- Resident David Hills approached the Town to determine whether there would be any interest in either leasing or selling to him the North 40 property at Wagon Hill Farm to integrate into the Emery Farm operation.
- DCAT is targeting sometime in July for hanging the two large floor televisions in the Council Chambers in the ceiling.
- Administrator Selig has developed an Administrative Policy to address concerns raised earlier by Councilor Welsh relative to Capital Projects and how they are segregated and mixed.
- Administrator Selig begins his Sabbatical on June 30<sup>th</sup> through August 11<sup>th</sup>. Business Manager Gail Jablonski will be serving in the capacity of Acting Administrator during that timeframe.

**XIV. New Business - None**

**XV. Nonpublic Session (if required)**

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

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

*Councilor Welsh MOVED to adjourn. The motion was SECONDED by Councilor Hotchkiss and PASSED, unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund.*

The meeting ADJOURNED at 9:52 PM.

Jennie Berry, Minutes Taker