

These minutes were approved at the November 14, 2023 meeting.

**DURHAM TOWN COUNCIL
MONDAY, JULY 17, 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, Councilor Joe Friedman

MEMBERS ABSENT: Councilor Emily Friedrichs

OTHERS PRESENT: Acting Administrator Gail Jablonski

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, Councilor Friedman

IV. Approval of Agenda

*Councilor Lund **MOVED** approval of the July 17, 2023, agenda as presented The motion was **SECONDED** by Councilor Hotchkiss and **PASSED** unanimously, 8-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund, Councilor Friedman*

V. Special Announcements - None

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

William Hall, Smith Park Lane, read two brief portions from a report prepared by Emery & Garrett Groundwater, Inc. for the Town of Durham regarding protection of public water supplies and instream flow rates. He also referred to the withdrawal of water from the Lamprey River.

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

MJ Condon, UNH Student Senate Vice President, said that the “Cat Crawl” event is planned for September 9, 2023, and outlined what the event will be promoting. She also noted that the Student Senate would be meeting Tuesday, July 18th, and begin working on its upcoming goals for the year.

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

Chair Needell removed Unanimous Consent item A. and placed it under “New Business”, item #XIV as there was no action that needed to occur at this time.

- B. Shall the Town Council approve the 3rd 2023 Warrant for Water and Sewer Totaling \$706,599.92, commit the bills for charges to the Tax Collector for collection and authorize the Acting Administrator to sign said Warrant?
- C. Shall the Town Council, Upon Recommendation of the Acting Administrator, Approve a Special Event Permit Application Submitted by Catherine Pease to close certain sections of Town Roads for University Day to be held on Thursday, September 7, 2023, with a rain date of Thursday, September 14, 2023?
- D. Shall the Town Council adopt Resolution 2023-19 recognizing traditional Indigenous Foraging Rights on Town of Durham public lands?
- E. Shall the Town Council, upon the recommendation of the Acting Administrator and the Chief of Police, authorize the purchase and installation of thirteen Flowbird CWT parking kiosks with an amount not to exceed \$102,876 to be paid from Capital account 07-2316-566-36-00 and an amount not to exceed \$8,573 from Depot Road Lot account 08-4000-866-96-000?
- F. Shall the Town Council Schedule a Public Hearing for Monday, August 14, 2023, on Resolution #2023-20 to:
 - 1. Authorize the Raising, Appropriating, and Expenditure of an Additional Four Hundred Twenty-Four Thousand, Two Hundred and Fifty Dollars (\$424,250) Within the Approved FY 2023 Capital Fund Budget (With \$424,250 to Come From a Clean Water State Revolving Fund loan , of Which \$42,425 of Loan Principal Forgiveness to be Forgiven) for the Completion of the Littlehale Creek at Edgewood Road Culvert Project?
 - 2. Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$424,250 in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of the Littlehale Brook at Edgewood Road Culvert Project?
 - 3. Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Amendment Application to the NHDES and Execute all Necessary Documents in Accordance With New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of the Littlehale Brook at Edgewood Road Culvert Project?

Chair Needell read the above unanimous consent agenda items and MOVED their approval, as presented. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 8-0, 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, Councilor Friedman—Aye.

IX. Committee Appointments

- A. Shall the Town Council, Upon Recommendation of the Trustees of the Trust Fund Chair, appoint Alberto B. Manalo, 11 Sumac Lane, to fill an Alternate Member vacancy on the Trustees of the Trust Fund with a term expiration of March 2024?

Councilor Lund MOVED that the Town Council, upon recommendation of the Trustees of the Trust Fund Chair, appoint Alberto B. Manalo, 11 Sumac Lane, to fill an Alternate Member vacancy on the Trustees of the Trust Fund with a term expiration of March 2024. The motion was SECONDED by Councilor Lonske and PASSED unanimously, 8-0, 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, Councilor Friedman—Aye.

- B. Shall the Town Council, Upon Recommendation of the Zoning Board Chair, move Leslie Schwartz, 24 Laurel Lane, from a Regular Membership to an unexpired Alternate Member vacancy on the Zoning Board with a term expiration of April 2024?

Chair Needell MOVED that the Town Council, upon recommendation of the Zoning Board Chair, move Leslie Schwartz, 24 Laurel Lane, from a Regular Membership to an unexpired Alternate Member vacancy on the Zoning Board with a term expiration of April 2024. The motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0, 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, Councilor Friedman—Aye.

- C. Shall the Town Council, upon recommendation of the Zoning Board Chair, appoint Kevin Lemieux, 11 Bartlett Road, to fill an unexpired regular member vacancy on the Zoning Board with a term expiration of April 2024?

Chair Needell MOVED that the Town Council, upon recommendation of the Zoning Board Chair, appoint Kevin Lemieux, 11 Bartlett Road, to fill an unexpired regular member vacancy on the Zoning Board with a term expiration of April 2024. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0, 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, Councilor Friedman—Aye.

- D. Shall the Town Council, upon recommendation of the Integrated Waste Management Advisory Committee Chair, appoint Mike Pazdon, 163 Dame Road, to fill a regular member vacancy on the Integrated Waste Management Advisory Committee (IWMAC) with no term expiration?

Councilor Welsh said that Mr. Pazdon has attended the last few meetings of the IWMAC and has come up with some good ideas and would be a good participant, and heartily endorsed his appointment. Councilor Friedman agreed with Councilor Welsh's comments..

Chair Needell MOVED that the Town Council, upon recommendation of the Integrated Waste Management Advisory Committee Chair, appoint Mike Pazdon, 163 Dame Road, to fill a regular member vacancy on the Integrated Waste Management Advisory Committee with no term expiration. The motion was SECONDED by Councilor Hotchkiss and PASSED

unanimously, 8-0, 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, Councilor Friedman—Aye.

X. Presentation Items

- A. Presentation by Gail Jablonski, Business Manager on the Quarterly Financial Report for Period Ending June 30, 2023.

Ms. Jablonski reported that the Town is doing well at this point in the year with 53.3% spent. She said that a lot of the principal and interest has already been paid as well as a lot of transfers have been paid out. The Town collected 93% of the property taxes that were due on July 3, 2023. 96% were collected as of July 11, 2023.

Councilor Welsh asked Ms. Jablonski if there were any problem areas she had identified and if she feels highly confident that the Town will be on budget. Ms. Jablonski responded that she sees no problem areas and is highly confident.

- B. Presentation by Jim Rice, Town Assessor, on Proposed Changes to Income, Asset, and Exemption Thresholds for Blind, Disabled and Elderly Exemptions, Authorize Town Assessor to create an ordinance amending Chapter 132, Tax Exemptions & Credits, of the Town Code with the proposed changes and schedule a First Reading for August 4, 2023

Mr. Rice thanked Administrator Selig and Councilor Welsh for reviewing the information he compiled for this evening's presentation.

Using PowerPoint, Mr. Rice explained why the income and asset limits, as well as the exemption amounts, needed to be adjusted.

Council Chair Pro Tem Lawson noted that when cost of living assessments are done over time, the net effect is compounded and not cumulative. He said that Mr. Rice did a cumulative adding of each year as opposed to compounded so the result is income qualifications that are lower, which he felt would be problematic. He encouraged Mr. Rice to use the compounded rate over that time of 24.3% as opposed to the 22.2% rate he had originally used.

Mr. Rice then reviewed the exemption amounts for the asset amounts for the disabled. He said the Town is recommending that these amounts be the same as the elderly exemption and the elderly asset limits for persons aged 65 to 74 and explained the reason for this recommendation.

Mr. Rice said that the First Reading of this ordinance will come before the Council at its August meeting, and he will include in the ordinance the adjustment of 24.3% suggested by Council Chair Pro Tem Lawson.

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.

XI. Unfinished Business - None

XII. Approval of Minutes – June 26, 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 26, 2023, Town Council minutes, as amended. The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0-1, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund, Councilor Friedman (abstained due to being absent at the June 26th meeting).

XIII. Councilor and Administrator Roundtable

Councilor Hotchkiss – Housing Task Force

- Met on July 10, 2023. Most of the meeting was devoted to discussion with consultant Robin LeBlanc of RHL Strategies about ideas for community outreach and community engagement. Discussion was also held about the appropriate use and mixing of qualitative and quantitative data.

Councilor Hotchkiss – Planning Board

- Met on July 12, 2023.
- Approved the addition of three pop-up vendors to the seven food vendor trucks at the Tideline Public House.
- Continued review of the definitions section of the Zoning Ordinance, progressing from “pocket neighborhood” to “residence”.

Councilor Welsh – Conservation Committee

- The Commission did not meet as it is summer and many of its members were out of Town.

Councilor Welsh – Integrated Waste Management Advisory Committee

- Met on July 12, 2023. He was not in attendance at that meeting so Chair Needell will provide the update.

Councilor Lonske – Agricultural Commission

- Met on July 10, 2023. Most of the meeting was spent finalizing plans for Farm Day, which will be held on Saturday, August 19th.

Councilor Burton – Durham Energy Committee

- Met on July 11, 2023. He did not attend the meeting but spoke to Administrator Selig who indicated that there is a DEC member willing to step up as the Chair.

Chair Pro Tem Lawson – Land Stewardship Subcommittee

- The Land Stewardship Subcommittee has not met so he had nothing to report. The Subcommittee will hold its next meeting in September.

Chair Pro Tem Lawson said he wanted to acknowledge the staff at the Police Department for their selection of the kiosks for parking downtown. He said the result was that the best solution was the least expensive solution, which will probably save the community approximately \$100,000.

Chair Needell – Integrated Waste Management Advisory Committee

- Met on July 11, 2023.
- Working on acquiring signs to use in the community to encourage recycling and sustainability.
- Discussed how to help local businesses to reduce contamination of recycling and compost by customers
- There are plans for “Sustainable Durham” at the Durham Public Library for the month of September (called Sustainable September).

Councilor Lund – Historic District/Heritage Commission

- Met on July 6, 2023.
- Approved an application submitted by Scott Letourneau for removal of a tree at his home, which Tree Warden Rich Reine determined had died from the Emerald ash borer.
- Held discussion about the Town farm burial ground located off Stone Quarry Drive and that Commission members should make an effort to visit that burial ground individually.

Councilor Friedman – Parks & Recreation

- Parks & Recreation is concentrating on efforts towards parks and recreation and working on summer camps.
- Councilor Friedman has been asked to work with a group relative to Jackson’s Rink to look at the future of the rink and what should be done at that site.

Councilor Friedman – Seacoast Economic Development Stakeholders

- The SEDS’ grant ended June 30, 2023. The group is discussing a transition to see about continuing their work and restarting in August 2023. The group includes: the Strafford Regional Planning Commission, the Rockingham Planning Commission, multiple state agencies, the federal SBA, the Towns of Durham, Portsmouth, Dover, Rochester, Somersworth, Exeter, Newington, and Barrington.
- The Strafford Regional Planning Commission has put out an Employer Tool Kit to help employers attract, develop, and retain top employees.

Acting Administrator Gail Jablonski

- Purchased a new charging station for the Durham Public Library to be installed on Wednesday, July 19th.
- Signed the paperwork for the 36-acre Pike property on Packers Falls Road which is now under the Town’s ownership with a Conservation Easement owned by Southeast Land Trust.
- Regarding Councilor Friedman’s reference to the Jackson’s Landing rink, Ms. Jablonski said a resolution will be coming to the Council to set up a Capital Reserve Fund to begin receiving donations toward that effort.
- Town departments have begun working on their respective budgets and Capital Improvements Program for 2024.
- The Fire Department has two openings; one of which conditional offer has been made and a background check is in process. The other is the upcoming retirement of a firefighter and advertising has begun for that vacancy.

Councilor Welsh asked Ms. Jablonski if the Fire Department was given any financial constraints relative to its Strategic Plan, Ms. Jablonski replied she did not know but would investigate the matter.

XIV. New Business

Administrator's Progress Report (as of June 30, 2023) on the list of approved 2022/2023 Town Council Goals adopted on May 15, 2023.

Councilors agreed to wait until Administrator Selig could be present before reviewing his quarterly update of progress on Town Council.

XV. Nonpublic Session (if required)

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

XVII. Adjourn (NLT 10:30 PM)

Chair Pro Tem Lawson MOVED to adjourn. The motion was SECONDED by Councilor Welsh and PASSED, unanimously, 8-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Councilor Lonske, Councilor Burton, Chair Pro Tem Lawson, Chair Needell, Councilor Lund, Councilor Friedman.

The meeting ADJOURNED at 7:55 PM.

Jennie Berry, Minutes Taker