

These minutes were approved at the October 16, 2023 meeting.

**DURHAM TOWN COUNCIL
MONDAY, OCTOBER 2, 2023
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Pro Tem James (Jim) Lawson, Chair Sally Needell, Councilor Eric Lund, Councilor Emily Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs, Councilor Welsh, Councilor Charles (Chuck) Hotchkiss, Councilor Joseph (Joe) Friedman, Councilor Wayne Burton (arrived via Zoom at approximately 7:15 p.m.)

MEMBERS ABSENT: Councilor Eleanor (Ellie) Lonske

OTHERS PRESENT: Acting Administrator Gail Jablonski

I. Call to Order

Chair Needell called the meeting to order at 7:01 PM.

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

Chair Needell noted that Councilor Lonske would not be attending the meeting and Councilor Burton was expected to join via Zoom.

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

Councilor Hotchkiss—Yes, Councilor Welsh—Yes, Chair Pro Tem Lawson—Yes; Chair Sally Needell—Yes; Councilor Lund—Yes; Councilor Friedrichs—Yes, Councilor Friedman—Yes

III. Roll Call of Members

Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman--Aye

IV. Approval of Agenda

Chair Needell MOVED approval of the October 2, 2023, agenda as presented The motion was SECONDED by Councilor Lund and PASSED unanimously, 7-0, by a show of hands: Councilor Hotchkiss, Councilor Welsh, Chair Pro Tem Lawson, Chair Needell, Councilor Lund, Councilor Friedrichs, Councilor Friedman.

V. Special Announcements

Chair Needell read, as yearly tradition, the Town of Durham's Land, Water, and Life

Acknowledgment Statement to honor the Indigenous People of Durham:

The town of Durham, New Hampshire wishes to acknowledge the spiritual and physical connection maintained by the Pennacook, Abenaki and Wabanaki peoples to N'dakinna (homeland), aki (land), nibi (water), lolakwikak (flora) and awaasak (fauna). New Hampshire has been home to these Indigenous people for thousands of years. The residents of Durham acknowledge the ongoing hardships endured by our Indigenous neighbors after the loss of their unceded homelands which we now steward, and we will work to foster relationships to support the well-being of Indigenous people who carry forward the traditions of their ancestors.

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

William Hall, Smith Park Lane, spoke about the Town taking water from the Lamprey River and explained the reason why there is not enough water coming from the Lamprey River.

Beth Olshansky, Packers Falls Road, complemented the Town Council saying it was an honor and a pleasure to have Councilors that are working in the best interest of the community. She also informed the Council and public that if anyone is already registered to vote in Durham, they do not need to bring in their passport to change party affiliations for the New Hampshire Presidential Primary. They need only provide a driver's license. She said the deadline to change party affiliation for the New Hampshire Presidential Primary is Friday, October 6, 2023.

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

Olivia Welsh, Chair of UNH Student Senate External Affairs, said she met with the Panhellenic Counsel about organizing a street cleanup event on a Saturday in November that had been suggested by Council Chair Needell at the September 11th Council meeting. She said she would also be speaking with the UNH External Affairs Council regarding the same topic.

Joseph Skehan introduced himself to the Council. He said he is the UNH Student Body President, is a Junior at UNH, and majors in Analytical Economics and Philosophy. He said the Student Senate goals this year are to increase engagement at UNH and safety overall in Durham.

Other items being discussed are e-mobility device safety, possibility of raising crosswalks, improved lighting, and installing devices for crosswalks at night that can be pushed and will flash.

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 provide its advice and consent to the Administrator for the changing of the Site Plan and Subdivision \$225 fee for the posting of the notice in a newspaper to \$0 for posting on the website and the changing of the \$9.00 certified abutter notice fee to \$5.00 cost for verified mail, and placement of said fees in the Town-wide Master Fee Schedule?
- B. Shall the Town Council schedule a Public Hearing for Monday, October 16, 2023, on Resolution #2023-22 authorizing the issuance of long-term bonds or notes not to exceed one million five hundred and one thousand and eight hundred dollars (\$1,501,800.00) for the purpose of bonding 2019-2023 Capital projects and equipment purchases?

- C. Shall the Town Council Schedule a Public Hearing for Monday, October 16, 2023 on Resolution #2023-23 Authorizing the Acceptance and Expenditure of Funding from the National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program, for the Design of a Fish Passage at the Oyster River Reservoir Dam (located at the UNH/Durham Water Treatment Plant), In the Amount of up to \$290,000, and Authorize the Town Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham?
- D. Shall the Town Council Schedule a Public Hearing for Monday, October 16, 2023, on Resolution #2023-24 Authorizing the Acceptance and Expenditure of Funding from the US Fish and Wildlife Service National Fish Passage Program, for the Mill Pond Dam Removal Project, in the amount of \$100,000, and Authorize the Town Administrator to Sign and Submit Grant 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 Rachel Gasowski, Parks & Rec Director, to close certain sections of Town Roads for the Annual “Frost Fest” to be held on Saturday, December 2, 2023, from 6:00-8:00 p.m. with a rain date of Sunday, December 3, 2023, from 5:00-7:00 p.m.?
- F. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Rachel Gasowski, Parks & Rec Director, to Close Certain Sections of Town Roads for the Downtown Trick-or-Treat and Main Street Monster Bash event to be Held on Sunday, October 22, 2023, from 2:00-4:00 p.m. with a rain date of Saturday, October 28, 2023, from 2:00-4:00 p.m.?
- G. Shall the Town Council approve Resolution #2023-25 recognizing October 2–October 8, 2023, as NH Week Without Driving and inviting residents and staff to learn about and advocating for accessible and environmentally responsible transportation?

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

IX. Committee Appointments - None

X. Presentation Items

- A. Receive report on Conservation Commission activities and projects – Jacob (Jake) Kritzer, Chair

Conservation Commission Chair Jake Kritzer provided a PowerPoint presentation which listed the Commission’s accomplishments to date based on the following Town Council goals adopted for 2023-24:

- Pursue long-term environmental sustainability and resiliency
- Leverage town committees and subcommittees to develop tactical plans
- Facilitate continued optimal functioning of Town government
- Continue cooperative and collaborative efforts with UNH
- Protect public health and provide ongoing service continuity
- Pursue long-term economic strength and resiliency
- Pursue long-term social resiliency and quality of life

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.

B. Presentation on the opening of the Oyster River Cooperative School District 2023/24 school year – Dr. James Morse, Superintendent

Dr. Morse informed the Council that the Oyster River School Board is actively seeking his replacement. He said he has held a couple of public forums already and will hold more to obtain information from the community as to what it may be looking for in the next Superintendent. The School Board will formally announce his departure at its December 20, 2023, meeting.

Regarding open enrollment, Dr. Morse said the District still maintains around 2,100 students. It is expected that over the next five years, enrollment will decline somewhat before cycling back up again. He noted that there is limited room for additional students in the school district.

He said that last week, the District was “dinged” in the press by Niche.com which is an organization that rates schools based on community feedback. If a school gets a lot of feedback, it gets a high score. Oyster River did not receive a lot of feedback and therefore received a low score.

Dr. Morse shared with the Council an article from Southwest Journal in Minnesota that graded Oyster River as the top school in New Hampshire and rated it as one of the ten top schools in the country. So, when one sees information from printed sources such as the two noted above, Dr. Morse said he doesn't know where they pull their information from because the data for Oyster River has not changed in a year.

Oyster River:

- Is still graduating almost 100% of its students.
- Is graduating 100% of its special needs students.
- Has approximately a 70% participation rate in its clubs and organizations.
- Has an outstanding robotics program.
- Is one of the top performing school districts in the State of New Hampshire.

Dr. Morse introduced new ORCSD staff member, Amy Ransom, Business Administrator. He also introduced his new Assistant Superintendent, Suzanne Filippone; a Durham resident, who attended the ORCSD when a young girl, then returned to become the ORHS Principal, and now Assistant Superintendent.

Dr. Morse's complete presentation, along with comments, discussion, and responses to Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

C. Presentation on current Strafford Regional Planning Commission projects by Executive Director, Jen Czysz. Specific projects include the status of the updated Multi-Hazard Mitigation Plan, the issue of housing within the region and steps SRPC is taking relative to this issue, and the CEDS plan completion.

Ms. Czysz briefly outlined the responsibilities of the Strafford Regional Planning Commission (SRPC) as follows:

- It is a Planning Commission established under state statutes and provides land use services, technical assistance, and environmental planning services to municipalities in the region.
- It is a federally designated Metropolitan Planning Organization (MPO) that coordinates its federal transportation planning for the region and acts as a conduit between the municipalities and the State of New Hampshire to ensure that federal resources are allocated in the interest of the municipalities within the region.
- It serves as an economic development district as designated by the Economic Development Administration.

Ms. Czysz provided a highlight of what the SRPC and its Commissioners do under the three programmatic areas noted above. She said for each is a core policy that sets the plan and direction for the planning commission, which includes: Housing needs assessment, Comprehensive regional plan and five-year comprehensive development strategy, and Long-range transportation plan. Ms. Czysz explained how the commission's data services team supports all these programs and some of the work that the data team has performed.

Ms. Czysz briefly explained what the SRPC does with the dues money it receives from municipalities.

Ms. Czysz provided updates on other topics including an update on the status of Durham's Multi-Hazard Mitigation Plan, as well as housing needs assessment in which an extensive discussion with Councilors occurred.

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.

Chair Pro Tem Lawson made a MOTION to move agenda item #XIV "New Business", "Request of the Housing Task Force, to extend the Task Force for two years to October 2, 2025, and to modify the Task Force charge" to follow the next presentation item by Paul Rasmussen. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0, by a roll call vote: Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye, Councilor Burton—Aye.

C. Receive report on Housing Task Force activities – Paul Rasmussen

Mr. Rasmussen provided a brief summary of the Housing Task Force activities for the Council as follows:

- Received a grant from the State of New Hampshire to conduct a housing needs assessment survey, which will show what the Town's current position is regarding housing and what types of housing it has.

- At its July meeting, the Housing Task Force met with Robin LeBlanc, consultant with RHL Strategies, about ideas for community outreach and laid out a framework of what should be done when conducting the survey and in what order.
- At its August meeting, the Housing Task Force met with Marty Chapman, Executive Director of The Housing Partnership, a non-profit that focuses on creating workforce housing in the seacoast and other areas in New England. They have done renovations of old properties as well as building new properties and using the grants and funds from various government levels to make that happen.

Comments, further discussion, and responses to Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

XIV. New Business

Request of the Housing Task Force, to extend the Task Force for two years to October 2, 2025, and to modify the Task Force charge.

Chair Needell MOVED that the Durham Town Council does hereby extend the duration of the Housing Task Force by two (2) years to October 2, 2025, to provide additional time to complete its work. The motion was SECONDED by Chair Pro Tem Lawson.

Councilor Friedrichs said ze noticed that originally members of the task force were supposed to serve continuously for up to three years. Ze asked if, as an administrative matter, the Council should make reappointments since this will surpass three years, which Council members agreed with.

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

Chair Needell MOVED that the Durham Town Council does hereby adopt the charge for the Housing Task Force as presented and amended until October 2, 2025, or the Town Council chooses to extend the existing charge unchanged to October 2, 2025. The motion was SECONDED by Councilor Hotchkiss.

Chair Pro Tem Lawson said he would have preferred that the mission statement the task force submitted reflected the regional nature of housing needs and workforce housing. He felt the statement was too focused on Durham.

The updated Mission Statement proposed by the Housing Task Force reads:

“The mission of the Durham Housing Task Force is to identify, analyze, and advocate for a balanced and diverse supply of housing that meets the economic, social, and physical needs of the Durham community and its residents in order to maintain a vibrant community.”

Chair Pro Tem Lawson offered the following as a suggested update to the mission statement for the Task Force:

“The mission of the Durham Housing Task Force is to analyze the regional and local (Durham) housing inventory and future housing needs and to advocate for housing mix in Durham that contributes to the economic, social, and physical needs of seacoast residents with varied financial resources.”

Councilor Welsh disagreed with Chair Pro Tem Lawson saying he did not want to assign the Durham Task Force to look at the Seacoast’s needs regarding housing. He suggested adding the word “environmental” after the words “meets the economic” because he said lots of times new housing and growth have a cost to the environment and he did not want this to be interpreted as an opportunity to trample over the safeguards that have been put into place in the Town’s zoning just because we desire new housing.

Extensive discussion occurred around the issue of amending the statement with the suggestion that Councilors Lawson, Welsh, Friedrichs, and Hotchkiss, amend the statement and then submit it to Todd, the council and then to the Housing Task Force for consideration. After which it would return to the Council with a modified statement for consideration.

Chair Needell WITHDREW the original MOTION to adopt the charge for the Housing Task Force as presented and amended until October 2, 2025, or the Town Council chooses to extend the existing charge unchanged to October 2, 2025.

Councilor Hotchkiss WITHDREW his SECOND to Chair Needell’s motion.

XI. Unfinished Business - None

XII. Approval of Minutes – September 11, 2023

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

Chair Needell MOVED that the Durham Town Council does hereby APPROVE the September 11, 2023, Town Council minutes, as amended. The motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0 by a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Councilor Burton—Aye.

XIII. Councilor and Town Administrator Roundtable

Councilor Friedman – Parks & Recreation Committee

- The committee has sent out an email called “Rec Connect” which has a list of programs where interested individuals can sign up on the Parks & Recreation website.

Councilor Friedman - Seacoast Economic Developers Stakeholders

- The group’s money ran out in June 2023 but it has obtained other funding, so meetings have started back up again.

Councilor Friedman said he would like to reach out to the people that were quoted in the recent NH Business Review article about the Abenaki credentials of who advised Durham to adopt the land statement that was read at the beginning of the meeting. He said there seems to be some controversy as to whether what was said in the press by the people acting for the Abenaki nation were actually hurting instead of helping their cause. He would like to reach out to one of the leaders of that nation to confirm whether they would approve of the statement.

It was suggested that Councilor Friedman could do more research on his own relative to this matter.

Councilor Friedrichs – Durham Energy Committee

- Will meet tomorrow evening, October 9th. The meeting will focus on the committee's goals, which will be closely aligned with the goals of the Global Covenant of Mayors to reduce the Town's greenhouse gas emissions, and how to achieve those goals.
- The Town received a grant to electrify its garbage trucks. Councilor Friedrichs worked with the Energy Committee to identify the grant. The application was then brought to the Public Works Director and DPW employee John Baker to be completed and submitted.
- Still waiting to hear results from the "Buildings Up" prize.

Councilor Friedrichs – Planning Board

- The board got through the alphabet in its first round of review of definitions within the Zoning Board, pending a few items to be added.
- Received its first application for a Wetlands Conservation Overlay District using the new rules that were just passed that changed the Zoning Ordinance with updated criteria.

Councilor Hotchkiss added to Councilor Friedrichs' last update item that the application was submitted by Unutil to update a gas line at 121 Technology Drive, which required a Conditional Use Permit.

He also said that another item on the agenda was a request from the developers for the Gerrish Drive property proposal to extend the timeline for them to get underway with that project. He said given that this issue is tied up in court, it seemed like a reasonable request.

Councilor Lund – Historic District/Heritage Commission

- Met on September 14th.
- Approved a request to level fund the commission's budget.
- Received a presentation from Joan Osborne on the Commemoration of the 250th Anniversary of the raid on Fort William and Mary, which will be next year. Ms. Osborne has requested \$2,500 from the Town of Durham. In addition, she plans to raise at least \$4,000 from private sources.
- Held discussion about historic markers. The commission recommends hiring a facilitator regarding the Oyster River raid marker language, of which there is an impasse. There was also mention that the recently replaced General Sullivan marker was missing one sentence that had been present in the previous text.
- Due to lack of business, the commission meeting for October has been cancelled. The next meeting will be held on November 2nd.

Chair Needell said she did not have any updates. However, she did request that if Council members could plan to arrive at Council meetings a little before 7PM so that they are ready to begin promptly at 7PM, that would be very helpful for her.

Chair Pro Tem Lawson noted that the two clocks in the Council are both 2.5 minutes fast, so DCAT should reset them.

Chair Pro Tem Lawson- Land Stewardship Subcommittee

- Met on September 13th.
- Subcommittee member Gale Carey provided an update on the surveys taken for Jackson's Landing and Thompson Forest.
- Talked about Durham Land Stewardship Coordinator Sara Callaghan's work coordinating trail stewards.

Some of the feedback received from the survey results was that some of the trails were not well marked, particularly at the Oyster River Forest. There is a project this summer to better mark trails with disks that are placed on trees and not with paint. The disks were removed by someone, so Sara and the subcommittee placed an item in the Friday Updates focused on educating people with respect to markers.

Councilor Welsh – Integrated Waste Management Advisory Committee

- Met on September 27th.
- Discussed the new curbside trash program. Trying to make it so it spurs more recycling and improves sustainability in Durham.
- October is sustainability month in Durham. The committee has put up banners and placed information in the Town Hall foyer. Events have been planned to include "Kiss the Ground" movie, Wed., 10-4; Discussion on composting, Wed., 10-25; Discussion on health impacts of climate change, Wed., 11-15, and a movie and discussion on microplastics, Wed., 11-28. All events will be held at the Durham Public Library and will begin at 6:30 PM.

Councilor Hotchkiss – Housing Task Force

- Councilor Hotchkiss said he had nothing further to report.

Councilor Burton – Strafford Regional Planning & MPO Policy Committee

- Councilor Burton said he was a little concerned after attending the Governor's Advisory Commission on Intermodal Transportation (GACIT) meeting because the State of New Hampshire DOT has a 2025-2034 Ten-Year Plan, and he never received a clear answer as to how that coordinates with the Ten-Year Plan being done for the region. He said there are projects being placed in the SRPC Ten-Year Plan, but he was not certain if they are also included in the state's plan.

Gail Jablonski – Acting Town Administrator

Ms. Jablonski said she had nothing to report.

XV. Nonpublic Session (if required)

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

XVII. Adjourn (NLT 10:30 PM)

Councilor Hotchkiss MOVED to adjourn. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0 by a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Councilor Burton—Aye..

The meeting ADJOURNED at 10:27 PM.

Jennie Berry, Minutes Taker