

1 **D-R-A-F-T**

2
3 **DURHAM TOWN COUNCIL**
4 **MONDAY, OCTOBER 16, 2023**
5 **DURHAM TOWN HALL - COUNCIL CHAMBERS**
6 **7:00 PM**
7

8 **MEMBERS PRESENT:** Chair Sally Needell, Councilor Eric Lund, Councilor Emily Friedrichs
9 (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs)
10 (via Zoom—7:02 PM), Councilor Carden Welsh, Councilor Charles
11 (Chuck) Hotchkiss, Councilor Joseph (Joe) Friedman, Councilor Wayne
12 Burton, Councilor Eleanor (Ellie) Lonske
13

14 **MEMBERS ABSENT:** Chair Pro Tem Jim Lawson
15

16 **OTHERS PRESENT:** Administrator Todd Selig, Public Works Director Richard Reine, Town
17 Engineer April Talon, Fire Chief David Emanuel
18
19

20 **I. Call to Order**
21

22 Chair Needell called the meeting to order at 7:01 PM.
23

24 **II. Town Council grants permission for fewer than a majority of Councilors to participate**
25 **remotely**
26

27 Chair Needell noted that Chair Pro Tem Lawson would not be attending the meeting, and that
28 Councilor Friedrichs was expected to join via Zoom.
29

30 Chair Needell asked that Councilors, in addition to stating their names, also state if they grant
31 permission for Councilor Friedrichs to participate in the meeting via Zoom.
32

33 *Councilor Friedman—Yes, Councilor Lund—Yes, Chair Needell—Yes, Councilor Burton—*
34 *Yes, Councilor Lonske—Yes, Councilor Welsh—Yes, Councilor Hotchkiss--Yes*
35

36 **III. Roll Call of Members**
37

38 **Councilor Friedrichs joined the meeting via Zoom at this time (7:02 PM).**
39

40 *Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor*
41 *Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,*
42 *Councilor Friedrichs—Aye*
43

44 **IV. Approval of Agenda**
45

46 *Chair Needell MOVED approval of the October 16, 2023, agenda as presented The motion*
47 *was SECONDED by Councilor Lund and PASSED unanimously, 8-0, by a roll call vote:*
48 *Councilor Friedman—Aye, Councilor Lund—Aye, Chair Needell—Aye, Councilor Burton—*

1 *Aye, Councilor Lonske—Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye, Councilor*
2 *Friedrichs—Aye*

3
4 **V. Special Announcements - None**

5
6 **VI. Public Comments (*) – Please state your name and address before speaking - None**

7
8 **VII. Report from the UNH Student Senate External Affairs Chair or Designee**

9
10 Joseph Skehan, UNH Student Body President, provided updates on behalf of UNH Student
11 Senate External Affairs Chair Olivia Welsh.

- 12
13 - Organization of a street cleanup event is making good progress.
14 - An on-campus street lighting review is being organized.
15 - On Sunday, October 21st, the UNH Student Senate will be attending the downtown trick-or-
16 treat event.
17 - Student Senate passed two resolutions: One regarding the update of the Registrar’s class
18 withdrawal policy and one regarding the Honor’s College Vision Statement.

19
20 **VIII. Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be*
21 *removed by any councilor for separate discussion and vote)*

22 Councilor Friedman asked that Item #8C be removed from the Unanimous Consent Agenda and
23 placed for action after the presentation item by Public Works Director Richard Reine (Agenda
24 Item #10B.)

25
26 *Chair Needell MOVED that the Durham Town Council does hereby remove Item #8C from*
27 *the Unanimous Consent Agenda: “Shall the Town Council Authorize the Administrator to*
28 *sign a contract in the Amount of \$134,452 with SumCo Eco Contracting of Peabody, MA, for*
29 *the Wagon Hill Farm Pedestrian Bridge and Trail Project, subject to available funding?”*
30 *The motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0 by a roll*
31 *call vote: Councilor Friedman—Aye, Councilor Lund—Aye, Chair Needell—Aye, Councilor*
32 *Burton—Aye, Councilor Lonske—Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye,*
33 *Councilor Friedrichs—Aye*

- 34
35 A. Shall the Town Council, upon Recommendation of the Administrator, Award the Construction
36 Contract for the Edgewood Road and Madbury Road Culverts over Littlehale Creek to Severino
37 Trucking Co., Inc. of Candia, NH for a Total Bid Price \$1,654,895 and Award the Construction
38 Contract for the Edgewood Road over Pettee Brook Culvert in the amount not to exceed
39 \$434,880, Subject to Available Funding?
40 B. Shall the Town Council, upon Recommendation of the Administrator Approve the Construction,
41 Inspection and Administration Contract for the Edgewood Road and Madbury Road Culverts
42 over Littlehale Creek Projects with VHB Engineers of Bedford, NH in the amount of \$214,000
43 and Award the Same for the Edgewood Road over Pettee Brook Culvert Project in the amount of
44 \$61,230, Subject to Available Funding?
45 D. Shall the Town Council **Schedule a Public Hearing for Monday, November 6, 2023, to**
46 **Accept a State of New Hampshire Dept. of Natural and Cultural Resources** grant (Moose-
47 Plate grant) in an amount of \$20,000 for rehabilitation of the Bickford-Chesley House at Wagon
48 Hill Farm?

- 1 E. Shall the Town Council, upon recommendation of the Administrator, authorize the purchase of a
2 Custom Heavy Rescue Truck from Marion Body Works in the amount of up to \$950,000, to be
3 paid from Capital Fund account #07-2303-701-36-000 and authorize the Administrator to sign
4 all associated documents?
5

6 *Chair Needell read and MOVED approval for each of the remaining Unanimous Consent*
7 *Agenda items listed above, as presented. The motion was SECONDED by Councilor*
8 *Hotchkiss and PASSED unanimously, 8-0 by a roll call vote: Councilor Friedman—Aye,*
9 *Councilor Lund—Aye, Chair Needell—Aye, Councilor Burton—Aye, Councilor Lonske—*
10 *Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye, Councilor Friedrichs—Aye*
11

12 **IX. Committee Appointments - None**

13
14 **X. Presentation Items**
15

- 16 A. Receive report on Planning Board activities and projects – Paul Rasmussen, Chair
17

18 Mr. Rasmussen read the report he prepared for the Council as follows:
19

20 *“Application work is less time-consuming than in recent years. This has less to do with the*
21 *number of applications and is more related to the quickness with which the applications have*
22 *moved through the process. There are still three decisions still working their way through legal*
23 *challenges.*
24

25 *The extra time has allowed the Planning Board to work on the Zoning Ordinance review. The*
26 *goals of the review are:*
27

- 28 1) *to clarify our code by simplifying the wording and removing contradictions, over-*
29 *specifications, and archaic nomenclature.*
30 2) *to perform updates representative of the societal changes that have occurred over the last 50*
31 *years, whether that is how we work, play, shop, or live.*
32

33 *We started with the backlogged, minor changes that members have noted over the last few years.*
34 *The Board needed to delay these until we didn’t have any active applications that would be*
35 *affected by the changes. The Board is currently in the process of finalizing a new set of*
36 *definitions.*
37

38 *We also have had good luck to have help from the Energy Committee and Conservation*
39 *Commission. The Energy Committee provided an updated draft for our solar ordinance this*
40 *past year and the Conservation Commission is working on a rewrite of the Wetlands*
41 *Conservation Overlay District and Shoreland Protection Overlay District sections that will both*
42 *simplify the process and increase the levels of environmental protection.*
43

44 *Looking backward, I believe that the most important project to Durham this past year will be the*
45 *revitalization of 121 Technology Drive. With minimal impacts, we will see a mostly mothballed*
46 *facility become a thriving technological and manufacturing facility.*
47

48 *Looking forward, I see The Edge proposal having a major impact on Durham in many ways.*
49 *First with the relocation of the existing infrastructure and then with the research partnerships*

1 *that are expected to fill it. One serious note, an early step in this project will be the relocation*
2 *of the State fuel pumps which are used by the ORCSD and Durham vehicle fleets as well as*
3 *surrounding municipalities.”*

4
5 Questions and some discussion occurred around the development of the UNH West Edge Project
6 and public/private partnerships relative to land use authority and taxation.

7
8 Comments, discussion, and responses to Council questions, may be viewed on DCAT on
9 Demand at www.ci.durham.nh.us.

10
11 B. Presentation by Public Works Director, Rich Reine, on the Wagon Hill Farm Pedestrian Bridge
12 and Trail Project

13
14 Mr. Reine explained that this project came about after completion of the 2020 Trail and Bridge
15 Assessment that was led by previous Land Stewardship Coordinator Ellen Snyder.

16
17 The scope of work includes the restoration of impacted areas and the removal of existing trails,
18 box stairs, and bridges, which are in poor condition. Removal of invasive plant species in the
19 area directly adjacent to the project is also included within the contract scope.

20
21 Using PowerPoint, Mr. Reine identified the area (Site #3) at Wagon Hill Farm where the project
22 will occur based on recommendations outlined in the assessment report. The project scope
23 includes:

- 24
25 1) removal of two existing footbridges.
26 2) removal and restoration of 445 lineal feet of existing walking trails.
27 3) construction of 2 pedestrian bridges – Bridge crossing #1 is approximately 14’
28 long and Bridge crossing #2 is approximately 23.5’ long.
29 4) removal of invasive species by hand in project areas adjacent to Bridge #2 and
30 replant with native grasses/plants.
31 5) construction of 243 lineal feet of pressure treated boardwalk and 220 lineal feet
32 of new gravel walking trail (as bid alternate which will not be exercised).
33 6) mobilization, erosion controls and reseed and all disturbed areas.

34
35 The complete presentation, along with comments, concerns, discussion, and responses to
36 Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

37
38 ***Chair Needell MOVED that the Durham Town Council does hereby APPROVE Item #8C***
39 ***authorizing the Administrator to sign a contract in the Amount of \$134,452 with SumCo Eco***
40 ***Contracting of Peabody, MA, for the Wagon Hill Farm Pedestrian Bridge and Trail Project,***
41 ***subject to available funding. The motion was SECONDED by Councilor Lund and PASSED***
42 ***unanimously, 8-0 by a roll call vote: Councilor Friedman—Aye, Councilor Lund—Aye, Chair***
43 ***Needell—Aye, Councilor Burton—Aye, Councilor Lonske—Aye, Councilor Welsh—Aye,***
44 ***Councilor Hotchkiss—Aye, Councilor Friedrichs—Aye***

45
46
47

1 C. Presentation of the Quarterly Financial Report through 09/30/2023 - Gail Jablonski, Business
2 Manager
3

4 Ms. Jablonski said the budget so far is on track with 75% revenues unexpended, which is on
5 target as the same time last year. She said she received compliments from the Town
6 departments saying they felt they would all be within their individual budgets. She said she felt
7 the total Town budget will stay within the projected budget as well.
8

9 Councilor Welsh had a question for Fire Chief David Emanuel who approached the podium.
10

11 Councilor Welsh said he noticed that the suppression overtime line was overspent drastically
12 and asked Chief Emanuel what the rationale was for that occurrence.
13

14 Chief Emanuel replied that the department incurred significant loss of time injuries and
15 employees being out of service this past year requiring other firefighters to have to do overtime.
16 He said for a line firefighter that works a 24-hour shift rotation, those positions are filled person
17 for person which makes it more financially expensive. He said the intention is to balance the
18 over expenditure in other areas, but the goal for now is to remain on budget.
19

20 Councilor Friedman asked Chief Emanuel if the department would be pushing some projects
21 into next year and if it needs to change the preliminary budget it has proposed for 2024.
22

23 Chief Emanuel responded that in terms of major projects and initiatives, he was unable to
24 project at this time. However, the training line item has not been committed yet and the
25 department is holding back on spending that line item because the department is aware it has
26 overspent significantly in the suppression budget line.
27

28 The complete presentation, along with additional comments, concerns, discussion, and responses
29 to Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.
30

31 **XIV. New Business**

- 32 A. **Public Hearing and Action** on Resolution #2023-22 authorizing the issuance of long-term
33 bonds or notes not to exceed one million five hundred and one thousand and eight hundred
34 dollars (\$1,501,800.00) for the purpose of bonding 2019-2023 Capital projects and equipment
35 purchases.
36

37 *Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public*
38 *Hearing on Resolution #2023-22 authorizing the issuance of long-term bonds or notes not to*
39 *exceed one million five hundred and one thousand and eight hundred dollars (\$1,501,800.00)*
40 *for the purpose of bonding 2019-2023 Capital projects and equipment purchases. The motion*
41 *was SECONDED by Councilor Lund and PASSED unanimously, 8-0 by a roll call vote:*
42 *Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor*
43 *Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,*
44 *Councilor Friedrichs—Aye*
45

46 No members of the public came forward to speak about this item.
47

1 *Councilor Hotchkiss MOVED that the Durham Town Council does hereby CLOSE the Public*
2 *Hearing on Resolution #2023-22 authorizing the issuance of long-term bonds or notes not to*
3 *exceed one million five hundred and one thousand and eight hundred dollars (\$1,501,800.00)*
4 *for the purpose of bonding 2019-2023 Capital projects and equipment purchases. The motion*
5 *was SECONDED by Councilor Friedman and PASSED unanimously, 8-0 by a roll call vote:*
6 *Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor*
7 *Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,*
8 *Councilor Friedrichs—Aye*

9
10 *Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented,*
11 *Resolution #2023-22 authorizing the issuance of long-term bonds or notes not to exceed one*
12 *million five hundred and one thousand and eight hundred dollars (\$1,501,800.00) for the*
13 *purpose of bonding 2019-2023 Capital projects and equipment purchases. The motion was*
14 *SECONDED by Councilor Hotchkiss and PASSED unanimously, 8-0 by a roll call vote:*
15 *Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor*
16 *Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,*
17 *Councilor Friedrichs—Aye*

- 18
19 **B. Public Hearing and Action** on Resolution #2023-23 Authorizing the Acceptance and
20 Expenditure of Funding from the National Oceanic and Atmospheric Administration (NOAA)
21 Community-Based Restoration Program, for the Design of a Fish Passage at the Oyster
22 Reservoir Dam (located at the UNH/Durham Water Treatment Plant), In the Amount of
23 \$290,000, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of
24 the Town of Durham

25
26 *Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public*
27 *Hearing on Resolution #2023-23 Authorizing the Acceptance and Expenditure of Funding*
28 *from the National Oceanic and Atmospheric Administration (NOAA) Community-Based*
29 *Restoration Program, for the Design of a Fish Passage at the Oyster Reservoir Dam (located*
30 *at the UNH/Durham Water Treatment Plant), In the Amount of \$290,000, and Authorize the*
31 *Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham. The*
32 *motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0 by a roll call*
33 *vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor*
34 *Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,*
35 *Councilor Friedrichs—Aye*

36
37 No members of the public came forward to speak about this item.

38
39 *Councilor Lund MOVED that the Durham Town Council does hereby CLOSE the Public*
40 *Hearing on Resolution #2023-23 Authorizing the Acceptance and Expenditure of Funding*
41 *from the National Oceanic and Atmospheric Administration (NOAA) Community-Based*
42 *Restoration Program, for the Design of a Fish Passage at the Oyster Reservoir Dam (located*
43 *at the UNH/Durham Water Treatment Plant), In the Amount of \$290,000, and Authorize the*
44 *Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham. The*
45 *motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 8-0 by a roll*
46 *call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye,*
47 *Councilor Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—*
48 *Aye, Councilor Friedrichs—Aye*

1 **Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented,**
2 **Resolution #2023-23 Authorizing the Acceptance and Expenditure of Funding from the**
3 **National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration**
4 **Program, for the Design of a Fish Passage at the Oyster Reservoir Dam (located at the**
5 **UNH/Durham Water Treatment Plant), In the Amount of \$290,000, and Authorize the**
6 **Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham. The**
7 **motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0 by a roll call**
8 **vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor**
9 **Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,**
10 **Councilor Friedrichs—Aye**

11
12 **C. Public Hearing and Action** on Resolution #2023-24 Authorizing the Acceptance and
13 Expenditure of Funding from the US Fish and Wildlife Service National Fish Passage Program,
14 for the Mill Pond Dam Removal Project, in the amount of up to \$100,000, and Authorize the
15 Town Administrator to Sign and Submit Grant Paperwork on behalf of the Town of Durham.

16
17 **Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public**
18 **Hearing on Resolution #2023-24 Authorizing the Acceptance and Expenditure of Funding**
19 **from the US Fish and Wildlife Service National Fish Passage Program, for the Mill Pond**
20 **Dam Removal Project, in the amount of up to \$100,000, and Authorize the Town**
21 **Administrator to Sign and Submit Grant Paperwork on behalf of the Town of Durham. The**
22 **motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0 by a roll call**
23 **vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor**
24 **Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,**
25 **Councilor Friedrichs—Aye**

26
27 No members of the public came forward to speak about this item.

28
29 **Councilor Hotchkiss MOVED that the Durham Town Council does hereby CLOSE the Public**
30 **Hearing on Resolution #2023-24 Authorizing the Acceptance and Expenditure of Funding**
31 **from the US Fish and Wildlife Service National Fish Passage Program, for the Mill Pond**
32 **Dam Removal Project, in the amount of up to \$100,000, and Authorize the Town**
33 **Administrator to Sign and Submit Grant Paperwork on behalf of the Town of Durham. The**
34 **motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0 by a roll call**
35 **vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor**
36 **Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,**
37 **Councilor Friedrichs—Aye**

38
39 **Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented,**
40 **Resolution #2023-24 Authorizing the Acceptance and Expenditure of Funding from the US**
41 **Fish and Wildlife Service National Fish Passage Program, for the Mill Pond Dam Removal**
42 **Project, in the amount of up to \$100,000, and Authorize the Town Administrator to Sign and**
43 **Submit Grant Paperwork on behalf of the Town of Durham. The motion was SECONDED by**
44 **Councilor Friedman.**

45
46 Councilor Burton asked if this action/resolution was part of the plan to make sure that the fish
47 can get up and downstream.
48

1 Councilor Lund replied that this was precisely what the resolution is intended to accomplish.

2
3 Administrator Selig said that agenda item #XIV.B above would evaluate, develop a plan, and
4 enable the installation of a fish passage at the upper dam (the UNH dam). Agenda item #XIV.C
5 will help with the removal of the Mill Pond dam, which in and of itself creates fish passage. The
6 goal is to create the ability for fish passage, not only to the UNH dam, but beyond.

7
8 Councilor Welsh noted that at the time when the Council considered whether to take down the
9 dam there was a lot of discussion as to what it would cost to remove the dam and improve the
10 fish ladder. At that time, the Council wasn't sure whether it would be mitigated by outside
11 funding. He said the Durham Department of Public Works has done an outstanding job of
12 acquiring funding so the Town could do what it felt it could do with the project. Kudos to the
13 Department of Public Works.

14
15 Councilor Friedrichs asked for clarification on what the \$100,000 grant would pay for, where
16 the finances were to date on the project, and which portion of the dam removal has already been
17 covered by which grant.

18
19 Town Engineer April Talon responded that that the \$100,000 US Fish and Wildlife Service
20 National Fish Passage Program grant will be focused on removal of the dam portion of the
21 project. The \$290,000 NOAA funding will be used for the design of the fish ladder at the upper
22 dam and in later years that NOAA funding will also be used for the construction of a fish ladder
23 at the upper dam.

24
25 Department of Public Works Director Richard Reine also noted that in addition to the grants on
26 this evening's agenda, the department has also received a Critical Flood Risk Infrastructure
27 Grant (CFRING) grant, a \$284,000 grant which is being used for design of the dam removal.

28
29 Councilor Lonske added that one of the reasons, besides the great grantsmanship, that this
30 project is successful is that removing the dam allows the river to run free which is wonderful
31 from an ecological and other points of view.

32
33 Councilor Burton noted that the Town will be removing one of only two historic dams in the
34 state.

35
36 Administrator Selig said that the Town made the decision to remove the dam and that Town
37 staff is trying to move forward with that decision and obtain external grant monies to do so.

38
39 Chair Needell called for the vote, which *PASSED unanimously, 8-0 by a roll call vote:*
40 *Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor*
41 *Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye,*
42 *Councilor Friedrichs—Aye*

43
44 **XI. Unfinished Business - None**

45
46 **XII. Approval of Minutes – October 2, 2023**

47

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

3 Additional amendments were made at the meeting as follows:

4
5 Page 7, XIV. “New Business”, amend the following paragraph/sentence: “Extensive discussion
6 occurred around the issue of amending the statement with the suggestion that Councilors
7 Lawson, Welsh, Friedrichs, and Hotchkiss, **“amend the statement and then submit it to
8 Administrator Selig, the Council, and then”** ~~submit it to~~ the Housing Task Force for
9 consideration. ~~and then return to the Council with a modified statement for consideration
10 and approval.”~~

11
12 Page 7, XIV. “New Business”: Delete last sentence which reads: ~~“Councilors agreed that
13 once the Council group drafts its amended wording to the mission statement, it will be
14 submitted to Administrator Selig for his review and comments.”~~

15
16 Page 4, XB., second paragraph: “Regarding open enrollment, Dr. Morse said the District still
17 maintains around 2,100 students. It is expected that over the next five years, enrollment will
18 decline somewhat before cycling back up again.” **Add as last sentence: “He noted that there
19 was limited room for additional students in the school district.”**

20
21 Page 3, X.A., remove the first bullet item as it is a duplicate.

22
23 Page 2, insert a sentence before agenda Item # VIII. As follows: **“Councilor Burton joined the
24 meeting via Zoom at this time (7:18 PM).”**

25
26 *Chair Needell MOVED that the Durham Town Council does hereby APPROVE the October
27 2, 3023, Town Council minutes, as amended. The motion was SECONDED by Councilor
28 Hotchkiss and PASSED unanimously, 8-0 by a roll call vote: Councilor Hotchkiss—Aye,
29 Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Needell—
30 Aye, Councilor Lund—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye*

31
32 **XIII. Councilor and Town Administrator Roundtable**

33
34 Councilor Friedman – Parks & Recreation Committee

- 35 - The committee’s next meeting will be on Tuesday, October 24, 2023.
36 - The Jumpstart Jackson’s fundraiser for the rink is moving forward with next steps and
37 contacting groups of people to determine what level of interest may exist in Town toward this
38 effort.

39
40 Councilor Friedman - Seacoast Economic Developers Stakeholders

- 41 - The next meeting of this group is scheduled for Tuesday, October 24, 2023.

42
43 Councilor Friedman noted that there is a meeting scheduled for November 1st of the Strafford
44 County Delegates which will be a workshop regarding the new nursing home at the County
45 Complex. He said the project has a big-ticket number attached to it that does impact the
46 residents of Durham.

47
48 Councilor Friedrichs & Councilor Hotchkiss - Planning Board

- 1 - Met on October 11, 2023.
- 2 - The board agreed to continue meeting every 5th Wednesday, when available, to make progress
- 3 on revisions to the Zoning Ordinance.
- 4 - Set dates for Public Hearings: One regarding the daycare center at Harmony Homes relative to
- 5 opening up the current daycare center to the public in addition to employees. The second hearing
- 6 is for a lot line revision which is fairly routine, except that this one spans both Durham and
- 7 Madbury. Both hearings will be held on October 25th.
- 8 - Received a presentation from Planner Michael Behrendt regarding Planned Unit Development,
- 9 which offers greater flexibility than traditional zoning and might be appropriate for UNH's West
- 10 Edge project.

11
12 Councilor Friedrichs – Durham Energy Committee

- 13 - Discussed Energy Checklist improvements and additions to the building code.
- 14 - Received results from the Wastewater Treatment Plant data for its eligibility as a co-generation
- 15 site, which would combine heat and power. It is not an eligible site. After January 1, 2024, the
- 16 committee will be looking at whether there are other energy opportunities available such as
- 17 solar.
- 18 - The Town's electric vehicle chargers are being used 300% more than they were this time last
- 19 year. The committee felt this was a clear indicator that EV demand is rising rapidly and is
- 20 considering how the Town could incorporate more EV chargers as grants for this type of item
- 21 are almost nonexistent.
- 22 - Received Community Power Coalition of New Hampshire (CPCNH) updates. The working
- 23 group is continuing to move forward and will have some items to bring before the Town
- 24 Council.
- 25 - Requested that information about the New Hampshire Week Without Driving be included in the
- 26 Friday Updates, as well as information about the NHDOT's survey for providing feedback
- 27 regarding this effort.

28
29 Councilor Hotchkiss – Housing Task Force

- 30 - Met this morning, October 16th.
- 31 - One consideration with regard to revisiting the Task Force's charge is that while it is the
- 32 understanding that the regional context of the groups' work is important, calling that the
- 33 "Seacoast" was sufficiently vague so that the Task Force members were concerned about how
- 34 they could adhere to the desires of the Council. It could be simplified if the Housing Task Force
- 35 could attend to the context within Strafford County, which would make data much more
- 36 identifiable.
- 37 - Received a presentation from Nick Taylor from the Workforce Housing Coalition on housing
- 38 and smart growth.
- 39 - Discussed the ongoing interviews of employers in Durham regarding the housing needs of their
- 40 employees and the effects of housing shortage on employers in the Town.
- 41 - A debrief was held on the tour of the Cottages in Dover that the Randolph's in Durham have
- 42 erected. The sentiment was that there was a lot that Durham and other communities could learn
- 43 from the experience in Dover.

44
45 Councilor Welsh asked what the procedure would be to change the Conditional Use process in

46 the Zoning Ordinance.

47

1 Administrator Selig replied that it would constitute a change to the Town’s Zoning Ordinance,
2 which would require the Planning Board to hold a Public Hearing and make a recommendation
3 to the Council. The Council would then discuss the proposed change and hold its own hearing.
4

5 Councilor Lonske said she would prefer Conditional Use be removed from the Zoning
6 Ordinance altogether and go back to the model where if someone has an application that doesn’t
7 match the zoning then they would go before the Zoning Board of Adjustment for either a special
8 exception or variance.
9

10 Councilor Friedrichs explained that the discussion amongst the Planning Board on reducing the
11 amount of Conditional Use applications at the table would not leave it to make all those
12 permitted uses. It would be looking at making some permitted uses and others not permitted
13 uses. Ze said the feeling is a project that is done under a strict initial set of criteria could be a
14 benefit to the Town and allowed in certain areas. That still stands, but by having so many
15 examples of that across so many different zones means the Town is sort of indicating that a
16 project may be accepted, accept applications for the project, and then have an elaborate
17 processes to understand whether a project meets those criteria. In addition, oftentimes the
18 criteria include a lot of quality of language that is very open to interpretation. The hope is that
19 not only will it make it easier for the applicant but reduce confusion regarding the applicant’s
20 interpretation and the interpretation of board members. It will bring more clarity for applicants
21 in terms of not putting forth applications that would end up not being approved and the Town by
22 not having to spend a lot of staff time, and often attorney fees, on defending Conditional Use
23 positions.
24

25 Councilor Hotchkiss added that one piece of information that was learned at the tour in Dover of
26 the new Cottages project from the Randolph’s who are doing the project is that if they are going
27 to produce housing at prices, for them, that make that workforce housing in terms of what
28 people pay in rent, they need some certainty and efficiency during the process of getting
29 proposals approved. The delays and added expense that are incurred with something like
30 Conditional Use means they are more likely to not do a project in that community. There is
31 apparently enough interest within communities in New Hampshire that the Randolph’s can
32 decide where they would like to pursue projects.
33

34 Councilor Lund – Historic District/Heritage Commission

- 35 - Received an award of \$20,000 under the LCHIP/Moose Grant Program for the Bickford-Chesley
36 house. This represents the \$321,000 that was applied for and the remaining \$301,000 from that
37 application is still pending.
38

39 Administrator Selig said the goal for this grant is to weather seal the building and move forward
40 with work on the inside of the farmhouse (1st floor) for meeting and display space to be
41 accessible by the public. A future phase would be to turn the upstairs into a caretaker apartment
42 that would exceed the \$321,000 the Town has applied for and to stabilize the sills on the
43 building.
44

45 Chair Needell – Integrated Waste Management Advisory Committee

- 46 - Met on October 11, 2023, and discussed the debunking composting myths event to be held at the
47 Durham Public Library on October 25th, how to get the word out to residents, and include door
48 prizes.

- 1 - At this week's meeting on October 18, 2023, Public Works Director Richard Reine will talk
2 about the department's new plans for solid waste and recycling.
3

4 Chair Needell – Human Rights Commission

- 5 - Will meet this week on Tuesday, October 17, 2023, at 3:30 in Council chambers.

6 Councilor Burton – Strafford Regional Planning & MPO Policy Committee

- 7 - The committee is becoming very busy, and he will more than likely be spending some time
8 attending those meetings.
9

10 Ellie Lonske – Agricultural Commission

- 11 - The commission did not meet in October due to a lack of a quorum.
12

13 Carden Welsh – Conservation Commission

- 14 - Councilor Welsh had nothing to report.
15

16 Chuck Hotchkiss

- 17 - Councilor Hotchkiss had nothing more to report.
18

19 Todd Selig –Town Administrator

- 20 - Complimented staff on the preparation and efficiency of the Town Council packets.
21 - Comcast/Xfinity approached Administrator Selig and asked if he would be agreeable to them
22 applying for a grant to do more buildout of cable in Durham where none currently exists. He
23 noted Adams Point Road as one of the areas.
24 - Strafford County Administrator Raymond Bower and Chair of the Strafford County
25 Commissioners George Maglaras will be placed on a future Council agenda to provide an update
26 on the new County nursing home project.
27 - All indications are that the Community Power Coalition of New Hampshire launch went well, so
28 the Durham working group (Administrator Selig, Business Manager Jablonski, Durham Energy
29 Committee member Steve Holmgren, and Councilors Welsh, Lawson, and Friedman) met this
30 week and have decided to bring forward to the Council the final documents that would allow the
31 Town of Durham to potentially launch in the spring 2024.
32 - The UNH Sustainability Fellow assisted the Town with writing a proposal for the 2024/2025
33 UNH Sustainability Fellow position, which has been submitted. In addition, the Fellow is
34 working on both the 2021 and 2022 greenhouse gas inventory for the Town.
35 - Police presence has been stepped up downtown to monitor electric device users (i.e., scooters,
36 bikes, etc..
37 - Noted some of the items being considered in the proposed 2024 Budget including:
38
 - Adding more EV stations in Town.
 - Purchase of two new ballot machines.
 - Working to come in with a tax impact of zero.
 - Public Works obtained a grant that would pay 45% for the purchase of two EV trash
39 vehicles and toter system.
 - Moving to a volume-based collection system.
 - Possibly ending the Town's curbside bulky waste collection program and instead making
40 the transfer station available for residents to bring their materials to over some period of
41 time.
 - Replacement of one hybrid police vehicle.
42
43
44
45
46
47
48

- 1 - Regarding the revaluation process. Everyone received a preliminary value and unless there were
2 changes to that preliminary value, then that is the final value.
3 - The Oyster River School Board has asked Administrator Selig to participate in the selection
4 process for a new Superintendent.
5

6 Councilor Friedrichs said it may make sense to hold off purchasing electric vehicles for the
7 Town by a year or two because electrification is changing very quickly and there may be more
8 available in terms of technology and funding opportunities soon.
9

10 **XIV. New Business**

11 Administrator's Progress Report (as of September 30, 2023) on the list of approved 2022/2023
12 Town Council Goals adopted on May 15, 2023
13

14 Councilors were pleased with the goals progress report submitted by Administrator Selig.
15

16 Administrator Selig said when Planning Board Chair Paul Rasmussen provided his Planning
17 Board report earlier, there was some conversation around projects that are tied up in court. He
18 provided a brief update on the following projects:

- 19 • Gail Kelley v. the Town of Durham regarding the Planning Board's approval of the
20 Gerrish subdivision.
21 • The parking lot behind the Red Tower, which he believed was at an end.
22 • 74 Main Street, the Democracy House, which was approved by the Planning Board. The
23 immediate abutters (the Gangwers) appealed that decision to Superior Court. He was
24 unsure of the current status of this case.
25 • Mill Plaza case. Durham prevailed and owners sold property to Torrington properties.
26

27 **XV. Nonpublic Session (if required)**
28

29 **XVI. Extended Councilor and Town Administrator Roundtable (if required)**
30

31 **XVII. Adjourn (NLT 10:30 PM)**
32

33 *Councilor Lonske MOVED to adjourn. The motion was SECONDED by Councilor Welsh*
34 *and PASSED, unanimously, 8-0, by a roll call vote: Councilor Hotchkiss—Aye, Councilor*
35 *Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Needell—Aye,*
36 *Councilor Lund—Aye, Councilor Friedman—Aye, Councilor Friedrichs—Aye*
37

38 The meeting ADJOURNED at 9:41 PM.
39

40 Jennie Berry, Minutes Taker