

These minutes were approved at the January 8, 2024 meeting.

**DURHAM TOWN COUNCIL
MONDAY, NOVEMBER 20, 2023
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Sally Needell, Councilor Eric Lund, Councilor Emily Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs) (arrived at 7:01 PM), Councilor Carden Welsh, Councilor Charles (Chuck) Hotchkiss, Councilor Joseph (Joe) Friedman, Councilor Wayne Burton, Councilor Eleanor (Ellie) Lonske, Chair Pro Tem James (Jim) Lawson

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig, Business Manager Gail Jablonski, Assessor Jim Rice, Town Clerk/Tax Collector Rachel Deane, Police Chief Rene Kelley, Fire Chief David Emanuel

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—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedman—Aye

IV. Approval of Agenda

Councilor Lund MOVED approval of the November 20, 2023, agenda as presented The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously, 8-0, by a show of hands.

Councilor Friedrichs arrived at the meeting at this time (7:01 PM).

V. Special Announcements

Council Chair Needell wished everyone a Happy Thanksgiving.

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

William Hall, Smith Park Lane, spoke about the Northern Connector and about the traffic issues at Wagon Hill Farm due to not enough parking.

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

UNH Student Senate External Affairs Chair Olivia Welsh noted the recent death of UNH Student Charlie Kavanaugh and asked for a moment of silence in his memory.

Ms. Welsh reported on the following items:

- The UNH Student Senate will be hosting a forum with UNH Police and Durham Police on Wednesday, December 6, 2023, from 6-7PM regarding traffic safety and e-scooter operation and safety. The forum is intended to advise students about what rules they should be following when operating e-scooters and other similar devices.
- A Town cleanup has been scheduled for Sunday, December 3, 2023. It will occur around the Strafford Avenue/Madbury Road area where there are student apartments and the fraternity and sorority houses.
- Passed three resolutions regarding 1) the UNH medical amnesty policies, 2) a transparent breakdown of housing rates, and 3) a revamp of current on-campus bus routes.

Chair Needell invited Town Clerk/Tax Collector Rachel Deane to the podium to answer any questions residents and Councilors may have about the Clerk's proposed budget. Ms. Deane said her office appreciates the Council's support and leadership. She said the office is open 8AM to 4:30 PM Monday through Friday if residents have any questions regarding their tax bills and that she and her staff are there to support Durham citizens.

Councilor Burton asked if the Clerk's office is ever contacted by lenders when there is a change in the property tax amount.

Ms. Deane replied that for those residents who have a mortgage and pay their property taxes through escrow, mortgage companies will reach out to the Clerk's office directly. She said there are three major escrow companies that most lenders work with, and the Clerk's office sends those companies the tax bill and file. Once received, the escrow companies will send payment, usually in a wire transfer. She said if residents want to check on whether their bill has been paid, they are urged to contact the Clerk's office on or near the due date of the tax payment.

Councilor Welsh asked how the baseline amount is calculated for the first installment payment in December each year. Ms. Deane said residents can take their total property tax bill for the year, divide that total in half, and that will be their next payment in July.

Councilor Friedman asked Ms. Deane if she knew what the largest factor was driving the increase in property tax bills. Ms. Deane responded that from what she has seen, assessments are driving the increases.

Assessor Jim Rice said that Ms. Deane was correct that assessments are driving up the cost of taxes even though the tax rate in Durham went down 29.7%. He said some neighborhoods in Durham increased by 60-70% over the last assessment.

Some discussion centered around the significant market shift that has occurred over the past five years between residential and commercial properties.

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

Shall the Town Council approve on First Reading Ordinance #2023-08 regarding minor updates to the Town Code and schedule a Public Hearing on Monday, December 18, 2023?

Chair Needell MOVED that the Durham Town Council approve on First Reading, as presented, Ordinance #2023-08 regarding minor updates to the Town Code and schedule a Public Hearing on Monday, December 18, 2023. The motion was SECONDED by Councilor Hotchkiss and PASSED, 9-0, 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 Friedrichs—Aye, Friedman—Aye

IX. Committee Appointments - None

X. Presentation Items

A. Presentation of the 2022 Audit Report – Plodzik & Sanderson, Concord, NH

Mike Campo and Brian McDermott introduced themselves to the Council. Mr. Campo said it had been approximately ten years since their firm had worked for the Town of Durham.

Mr. Campo presented the 2022 Audit report for the Council, touching upon the high points. He said the firm has rendered a clean opinion on all opinion units.

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

The 2022 Audit Report can be found on the Business Office webpage of the Town's website, www.ci.durham.nh.us,

B. Receive Report on Strafford County operations, budget, and tax rate from Commissioner Chair George Maglaras and County Administrator Raymond Bower

Commissioner Maglaras said that the Department of Revenue Administration (DRA) recently set the County tax rate for Strafford County and that Durham's portion of the tax rate went down.

Chair Pro Tem Lawson asked if the tax rate share for Durham was determined by the Town's new or old assessed values with the equalization rate. Administrator Bower replied that it really didn't matter. He said it is the DRA that sets the tax rate, not the County. The department considers where a community is in its revaluation process and applies a formula to equalize the rate and bring communities up to what it would consider to be 100%.

Councilor Burton said, speaking as one who has served in the legislature, it was worthy to note that the Commissioner's budget receives a lot of scrutiny and goes through a very rigorous process that is developed before it is voted on.

Councilor Burton asked if the County is adequately supporting all the non-profit agencies that relieve the municipalities of additional financial responsibility. Mr. Bower replied that the focus has been to help those entities that significantly reduce the County's burden. He provided examples of some of those agencies.

Commissioner Maglaras provided an update to the Council on the County's proposed new nursing home.

He said the current nursing home was never designed for the population that exists today and the building is tired and has not been taken care of. There are a lot of dynamics in taking care of a behavioral population that the current building is not suited for. In addition, there is the "silver tsunami" that institutions are faced with. The present population in Strafford County is approximately 134,000 people (16,000 are over the age of 65). Within 20 years it will be approximately 56,000 people over the age of 65 that will need services.

Commissioner Maglaras said the County plays an important role in the partnership with the private sector and provided examples where this is occurring.

Councilor Burton asked if Strafford County is treating the "underserved" well. Commissioner Maglaras replied that if Councilor Burton was referring to behavioral health and the mentally ill, the County was not doing a good job. He provided more detail and explained that the County created a mental health court and provided information on how that system works. The County has also created an adult drug court as another innovative method to change how it does business of not being softer on crime but smarter on crime.

Chair Pro Tem Lawson thanked the County for its support of the joint radio communications system with the Town. He noted that Durham's Fire Chief worked hard to acquire \$1,000,000 in grant monies to fund Durham's portion. Administrator Bower noted that Congressman Pappas also was successful in getting from Congress funds earmarked in the amount of approximately \$750,000. He said that \$3,000,000 came from the County.

Chair Pro Tem Lawson asked how some of the problems with the County Sheriff's office are being managed. Administrator Bower provided a brief background relative to Strafford County Sheriff Mark Brave and his arrest. He is still the Sheriff but is out of office and does not take active participation in any operation of the Sheriff's Department. Commissioner Maglaras said the department is being well managed by the Chief Deputy and Major, and there have been no issues or mass exodus of personnel that have occurred. There had been low morale within the department, but that has been relieved.

Returning to the topic of the new nursing home, Councilor Friedrichs asked if there was any planning at the County level for other needed services or programs. Commissioner Maglaras replied that he has been advocating over the past several years for the creation of a Program of All-Inclusive Care For the Elderly (PACE). The purpose of PACE is to de-institutionalize people and keep them at home as long as possible. He explained the program in more detail.

Councilor Friedman said it is his understanding that the County is only allowed (by the state) to have no more than 215 beds. He asked at a current price tag of \$146,000,000 for a new nursing home, could the State of New Hampshire be lobbied to allow the increase of more beds. Administrator Bower said that they would only be able to potentially expand the new nursing

home by 10% or an additional 25 more beds. He added that the trick is keeping people out of nursing homes, not building more nursing home space, which is where the focus needs to be.

More discussion occurred around how financing of the new facility would be achieved. Commissioner Maglaras said he felt it was important to stress to the Council that the County would never have proposed a new facility if it did not come up with a way of how to pay for it—no different than it did with the new jail. He said the County has to expand the services provided for the elderly at the facility, and those that can be reimbursed by Medicare.

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

XI. Unfinished Business

Continued deliberation on the Administrator’s proposed FY 2024 Operating, Capital, and Special Fund Budgets and the 2024-2033 Capital Improvement Plan

Police Chief Rene Kelley – Police Department

Chief Kelley said the only big increase in the proposed 2024 budget he submitted was due to collective bargaining unit negotiations. He said it is as lean as the department can make it while still providing quality services.

Chair Needell said she noticed an item “Castle Springs - bottled water (\$3,200.00)” and asked if that was the large water containers used in “bubblers” or smaller bottled water. Chief Kelley replied it is the 10-gallon water containers. He said they have one on the second floor because the water quality is horrible in the building.

Councilor Welsh said he appreciated the Police Chief’s budget. He noted that in looking at information going back to 2017 and all the cost setters, the Police Department’s budget has gone up the least. He said the Council knows the department loses a lot of officers that are often hired away for promotions and that the Durham PD is a great department which Chief Kelley is running lean and clean, and that was something he should be proud of.

Chair Pro Tem Lawson said the Durham PD was an extraordinary department and continues to serve the community in the way in which its citizens are accustomed.

Councilor Friedrichs said ze is aware that the Police Department is working with a graduate student class at UNH to investigate whether it would make sense to be using any EV vehicles for police cruisers. Ze said it seemed in zir email exchange with Chief Kelley if the Town were not to purchase any new cruisers this year that could potentially be a workable option to perhaps hold off on buying any new cruisers this year and reap the benefit from the outcome of that class and to understand better whether it makes sense to begin phasing in EV cruisers.

Chief Kelley said that he was not advocating for not purchasing new cruisers in 2024. He said the longer the department delays purchasing replacement cruisers, the higher the mileage on front line cars, and then for the cruisers that are downshifted to the Department of Public Works and Town staff, the mileage goes up, as well as increased maintenance costs. He said he had budgeted for two cruisers and Administrator Selig asked if the department could get by with one, which it can do, but he said that vehicle is needed.

Chair Pro Tem Lawson said he had done a lot of research on this subject to see if there might be an opportunity to make a transition. He said the transition to EVs currently is very slow because of supply limits, design issues, redesign of infrastructure, etc. There is an entire list. In addition, when being purchased, it must be an EV that is available and it must be a manufacturer that has already engineered modifications to accommodate things that are unique to police requirements such as radio, radio space, radio head space, storage for equipment, special rear seats, etc. He said a fatal flaw was made in Washington at the state levels by insisting that states start purchasing EVs, and the only place they could go was Tesla with a modified vehicle by Tesla's subsidiary Uplift. Using Spokane, Washington as an example, Chair Pro Tem Lawson listed all the issues that occurred with the police cruisers. This resulted in Spokane (and other cities) discontinuing to buy EV cruisers because they must buy EVs and had such a horrible experience.

Chair Pro Tem Lawson said based on everything he has read, he did not foresee Durham's police officers will have a viable EV alternative for probably the next two to three years and added that he would never vote to put an officer into an EV unless that EV is specifically designed to meet the department's requirements. He said the message, in terms of environmental messages and other messages, is not so great as needing to make officers' jobs more difficult or dangerous, and that is what the experience with EVs has been.

Administrator Selig provided other aspects to consider when regarding this matter: 1) The need to ensure that the police facility has the requisite charging capabilities in place to charge the full fleet; 2) The charge cycle. How long does it take to charge the vehicles and does that work with the officers' needs to use the vehicles? 3) A number of vehicles are used as staff vehicles for the Chief, Deputy Chief, Captain, and Detectives. Those vehicles are taken home, so some thought would need to be given to how those vehicles would be charged away from the station and whether that is viable or not; 4) There would need to be a standardization of the repair process for the vehicles. Administrator Selig also noted that consideration also needed to be given to the rotation of police cruisers mentioned by Chief Kelley earlier.

Fire Chief David Emanuel – Fire Department

Chief Emanuel provided highlights regarding the Fire Department budget relative to Grant funds applied for and received and for what purposes. In addition, he gave information on:

- Responses to fire related incidents; Increases in wages and benefits relating to the department's two collective bargaining units.
- Current firefighter vacancy with no applicants in the hiring pool.
- Increase of \$30,000 in Fire Suppression overtime line item
- Increase of approximately \$11,300 in Fire Suppression protective clothing line item.
- Increase of \$16,000 in fire prevention wages.
- Increase of \$3,200 in training and safety line item and an increase of \$6,500 in staff development line item under training and safety.

Chair Pro Tem Lawson said that in last year's Capital Improvement Plan, he had anticipated that the Fire Department would be refurbishing the Marion Pumper in 2024, but that has been pushed out to 2025 and asked why. Chief Emanuel replied that Durham has on staff an emergency vehicle technician, Captain Jim Brown. When discussing the status of the department's equipment, it was determined that the Marion Pumper has been doing very well and there was no need to replace it at this time.

Chair Pro Tem Lawson expressed concerns he had with the increasing number of what is referred to as “OMEGA-level” codes relating to EMS responses whereby there are a high number of 9-1-1 calls at a level that may not require an EMS response. He asked that Fire Chief Emanuel look into this further in future budget planning. Fire Chief Emanuel explained how the system works with the goal being to work with the emergency at hand but also being prepared for the next emergency as soon as possible.

Councilor Welsh asked about the monies budgeted for a new Fire Station and securing any grants that may be available for such a project. He also asked about the increase in the overtime amount under the training and safety line item. Chief Emanuel said the amount budgeted for 2024 is what will cover the overage for the overtime line in “Suppression”.

Councilor Lund said that Chief Emanuel has mentioned in the past the issues the department has had in retaining firefighters because of the lack of opportunity for training and professional development. He asked if the proposed 2024 budget addresses that issue, and if not, what would Chief Emanuel recommend for the future in addressing this matter. Chief Emanuel replied one of the ways the department is addressing the training needs is the recent reorganization that has taken place within the department. Also, the \$30,000 in the overtime line should have training coming out of the training line instead.

Councilor Burton asked if any consideration had been given to building a new fire station at the UNH West Edge location. Administrator Selig responded that the concern is it will take a lot of space as not only does there need to be room for the physical building, but also a lot of paved parking area to be able to back in the fire trucks. He said the consensus was that the Waterworks Road location would be the best as it would allow the department to have one central location rather than having to have two stations to cover different parts of the Town.

Comments among the Council centered around the problem that may occur in the late 2020s with a lot of repayment of principal coming due and the Town needing to keep that in mind as it moves forward with projects, which will impact what projects can be done going forward unless the Town can obtain significant funding for many of the projects. In addition, the idea of creating a fund in which to place more of any increased tax revenue being generated into a fund to handle inflation in the years ahead to balance out future budgets.

XII. Approval of Minutes – November 6, 2023

No action was taken.

XIII. Councilor and Town Administrator Roundtable

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 Lonske MOVED to adjourn the meeting. The motion was SECONDED by Councilor Welsh and PASSED, unanimously, 9-0 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 Friedrichs—Aye, Friedman—Aye

The meeting was ADJOURNED at 10:29 PM.

Jennie Berry, Minutes Taker