

*These minutes were approved at the February 5, 2024 meeting.*

**DURHAM TOWN COUNCIL  
MONDAY, DECEMBER 4, 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 7:03 PM), Councilor Carden Welsh, Councilor Charles (Chuck) Hotchkiss, Councilor Joseph (Joe) Friedman, Councilor Wayne Burton (arrived at 7:03 PM), Chair Pro Tem James (Jim) Lawson

**MEMBERS ABSENT:** Councilor Eleanor (Ellie) Lonske

**OTHERS PRESENT:** Administrator Todd Selig

**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 Chuck Hotchkiss, Councilor Carden Welsh, Chair Pro Tem Jim Lawson, Chair Sally Needell, Councilor Eric Lund, Councilor Joe Friedman

**IV. Approval of Agenda**

*Chair Pro Tem Lawson MOVED approval of the December 4, 2023, agenda as presented. The motion was SECONDED by Councilor Lund and PASSED unanimously, 6-0, by a show of hands.*

**V. Special Announcements**

Council Chair Needell read a resolution recognizing Durham citizen Richard Belshaw for his 16 years of dedicated community service to the Town of Durham as a DCAT Control Room Technician.

**Councilor Burton and Councilor Friedrichs arrived at the meeting at this time (7:03 PM).**

*Chair Pro Tem Lawson MOVED to adopt Resolution #2023-31, as presented. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0 by a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Burton—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye, Chair Pro Tem Lawson—Aye*

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

**Kitty Marple, Madbury Road**, wished everyone a peaceful and wonderful holiday season and thanked Council members for their service and dedication to the Town.

**William Hall, Smith Park Lane**, spoke about a past instance at Wagon Hill Farm and money spent to have police officers at the property on the weekend only to determine there was no issues with dogs being off leash. He spoke about the Northern Connector and how putting it in place would save hundreds of gallons of gasoline a day. He also spoke on the matter of where to place a new fire station.

**Timothy Horrigan, 7 Faculty Road**, noted that former President Donald Trump would be coming to campaign in Durham and said he just wanted to ask that the Town be sure to get reimbursed for any extra expenses this might incur.

**Lee Skinner, 14 Stone Quarry Drive**, spoke about the Town's ballot machines and the need to replace them. He said they are more than 23 years old. The model of the machines has not been made for 15 years and there is no longer an inventory of spare parts. He provided background on the new ballot machines that the state is considering procuring. He hoped the Town could purchase one, if not two, new machines before the state primary in September.

**Julian Smith, Garden, Lane**, spoke about the expensive housing prices in Durham. He said he was disappointed to learn that the new owners of Mill Plaza do not seem to be doing much about the Plaza. He also said he would like to live in Durham but fears he may not be able to afford it and be comfortable.

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

UNH Student Senate External Affairs Chair Olivia Welsh reported on the UNH Student Senate's recent meeting. She said the Senate passed six resolutions regarding:

- Health supplies vending machines.
- Dining options for students over academic breaks.
- Proposed themes of Fairchild Hall.
- Undergraduate student tickets at UNH hockey games.
- Reservation of rooms in Engelhardt Hall.
- Counting music ensembles for fine and performing arts.

Ms. Welsh read an Instagram post about the upcoming forum the UNH Student Senate will be hosting 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.

Ms. Welsh said that because of inclement weather, the Student Senate's Town cleanup event was postponed to Sunday, December 10, 2023, from 1 to 3PM. It will occur around the Strafford Avenue/Madbury Road area where there are student apartments and the fraternity and sorority houses.

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

*Chair Needell read and MOVED approval of Unanimous Consent Agenda items A through G as noted below. The motion was SECONDED by Chair Pro Tem Lawson and PASSED, 8-0, by a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Burton—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye*

- A. Shall the Town Council Approve and Sign the Warrant for the Town Election to be held on March 12, 2024?
- B. Shall the Town Council Approve and Sign the Warrant for the Primary Election to be held on January 23, 2024?
- C. Shall the Town Council Adopt Resolution #2023-29, for the authorization of bonds and approval of a loan agreement with the New Hampshire Municipal Bond Bank?
- D. Shall the Town Council accept the recommendation of the Town Assessor and Administrator relative to FY 2023 Property Tax abatement requests in the total amount of \$4,246.03?
- E. Shall the Town Council, upon recommendation of the Administrator, schedule a Public Hearing for Monday, January 8, 2024 , on Resolution #2024-01 Authorizing the Acceptance and Expenditure of Private Donation Funds from an Anonymous Donor in an Amount up to \$45,119 to be used for the purchase of a new Utility Task Vehicle with Medical Skid Package and authorizing the Administrator to Sign and Submit all Necessary Paperwork on behalf of the Town of Durham?
- F. Shall the Town Council re-schedule a Public Hearing for Ordinance #2023-08, Minor Updates to the Town Code, from Monday, December 18, 2023, to Monday, January 8, 2024?
- G. Shall the Town Council cancel the regularly scheduled meeting for Monday, December 18, 2023?

**IX. Committee Appointments - None**

**X. Presentation Items**

- A. Presentations on NH Government legislation by Representative Cam E. Kenney, Representative Marjorie Smith, Representative Timothy Horrigan, Representative Loren Selig, Representative Allan Howland and Senator Rebecca Perkins Kwoka

**Senator Rebecca Perkins Kwoka**

Senator Perkins Kwoka stated that she is grateful to be with the Council tonight. November 30 was the second deadline for bill language to be final so she has been working quite a bit these last few weeks. She stated that she understands that housing is an issue right now. There have been 55 pieces of legislation filed regarding housing this year. She is supporting a bill that has to do with Zoning changes and housing. She mentioned that she is supporting enabling legislation to help with the housing crisis.

Senator Perkins Kwoka stated that another area she has worked within has been renewable energy. She is working on a plan to keep the grid up-to-date as other infrastructure in the State have been. The role of legislation would be set the guide for planning documents for the utilities to make the upgrades to the grid.

Senator Perkins Kwoka also stated that she has been working with committees on voting rights and childcare issues.

**Representative Marjorie Smith, 100 Piscataqua Road – Judiciary Committee Vice Chair**

Representative Smith said she serves on the Judiciary Committee along with Representatives Timothy Horrigan and Cam Kenney, so there is a strong Durham representation. She said Representative Kenney could not be present at the meeting because of personal conflicts that could not be avoided.

Representative Smith said Representative Kenney has focused on a number of areas; one of them being housing, particularly the rental component of housing and tenant rights. He has also done some work in the area of education. Representative Smith said she is sponsoring one bill and Representative Kenney is sponsoring another bill that are both exactly on target for the decisions that have just come down from the Court. Her bill concerns the statewide educational property tax. She provided more background information on this item and then spoke on the matter of public education.

Representative Smith said her committee has spent a lot of time this year on a number of bills, two of which were on reproductive rights and issues of privacy. She said the committee has supported two bills that do not belong in state legislature but belong in Washington. However, Washington is unwilling to take action so states across the country are moving to make sure when some companies have personal information, that New Hampshire citizens have their privacy protected.

**Representative Timothy Horrigan, 7 Faculty Road – Judiciary Committee**

Representative Horrigan listed other bills that he has sponsored/co-sponsored:

- A bill relative to increasing the adequacy grant for pupils receiving special education services.
- A bill relative to the use of education freedom account funds in religious schools.
- A bill relative to the use of education freedom account funds to purchase school uniforms.
- A bill relative to domicile residency, voter registration, investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency."
- A bill relative to prohibiting hazing at educational institutions.
- A bill removing Columbus Day as a holiday.
- A bill relative to the election of Strafford county commissioners.
- A bill relative to repealing limited liability for manufacturers, distributors, dealers, or importers of firearms or ammunition.

Lastly, Representative Horrigan noted that he introduced an amendment to the New Hampshire Constitution like the Montana Constitution to add the right to a clean and healthful environment.

**Representative Loren Selig, 1 Nobel K. Peterson Drive - Criminal Justice and Public Safety Committee**

Representative Selig briefly explained the types of bills that come before the Criminal Justice Committee. She said one of the committee's successes is that it is now a law that women in

prison who menstruate are required to be supplied with menstrual products at no charge. She said Councilors would be horrified at some of the testimony her committee heard concerning what both the state and county prisons use as “recycled undergarments”.

Representative Selig said that regarding gun bills, the House is very divided. All her colleagues across the aisle opposed every sensible gun bill and many of her colleagues on the same side of the aisle joined them as well.

Representative Selig said she submitted a bill to the Education Committee for the next session that would require the Commissioner and Deputy Commissioner of Education to have a degree from an accredited college or university, a certification in the field of education, and five years’ experience either as a teacher or an administrator. She said one of her colleagues is sponsoring a bill to change the makeup of the state School Board to include people with educational training and educational background, to include parents and a student representative from New Hampshire. Representative Selig said she has signed on with Representative Kenney about funding special education, as well as signed on with Representative Jonah Wheeler from Peterborough on a bill to increase what the state considers adequacy.

Representative Selig said the committee was able to pass the Harm Reduction Bill which makes fentanyl and fentanyl test strips no longer illegal in the State of New Hampshire. Another bill the committee has passed down would make testing equipment for the purpose of harm reduction and has very specific language to make clear it is not for production or a manufacture of illegal substances. It will allow people to take a minuscule sample of drug substance to a testing center to ensure that what they are taking does not have unknown elements to it.

**Representative Al Howland, 32 Frost Drive – Municipal and County Government Committee**, listed the bills that came before his committee:

- Moratorium on new landfills
- Regulation on packaging that stores sold

Representative Howland said the biggest item the Municipal and County Government Committee has addressed is how to pull organics out of the way stream.

- Bill relative to new playgrounds and use of wood chips
- Fourplex bill allowing those on water and sewer to cut up and make four separate units.
- Bill relative to accessory dwellings

At this time, Councilors asked questions of Senator Perkins Kwoka and Durham’s representatives. 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](http://www.ci.durham.nh.us).

B. Report from the Zoning Board of Adjustment – Micah Warnock, Chair

Chair Warnock was not in attendance.

C. Report from the Integrated Waste Management Advisory Committee (IWMAC) – Nell Neal, Committee Chair

Chair Neal described for the Council display cards/tags that were developed by the committee and their purpose:

- A tag designed for Earth Day that can be hung on a car's rearview mirror to remind one to bring their recycled bags into the store, so they do not have to bring home plastic bags.
- A tag developed by DPW with a code to learn how the Town manages its waste.

Chair Neal listed the members on the IWMAC and outlined the committee's accomplishments in 2023:

- Published two brochures that explain and encourage effective recycling and composting, as well as a bookmark highlighting the principles of Reduce-Reuse-Recycle.
- Commissioned the design of a logo which has been incorporated into digital and print communications for Town-wide sustainability efforts as well as into a popular sticker.
- Created four signs and a banner displaying the themes "Recycle Right," "Got Compost?," "Reduce Reuse Repair," and "Say No to Single Use Plastic," to be displayed at different times at strategic locations around Town.
- Provided information tables at Durham Day, the Community Dinner at ORHS, and Emery Farm. Also working with the Town Clerk to include a brochure to be given with car registration materials, both by mail and at the Town Clerk's office.
- Have been assisted with outreach messages this year by the Library and are hoping this will help to win over some more of the holdouts to recycling and reuse. The Library highlighted September as "Sustainable September" and have followed up through the fall with movies, presentations, and activities to deliver the message of Reduce, Reuse, Recycle.
- Member Julie Kelly has been writing ongoing weekly education and reinforcement in the "Did You Know?" column of Friday updates.
- Continue to work closely with the Department of Public Works. The department has provided the committee with collection metrics which help give guidance to the committee's initiatives. They have also welcomed the committee's feedback in discussions about their waste management initiatives. The committee values this relationship.

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](http://www.ci.durham.nh.us).

## **XI. Unfinished Business**

Continued deliberation and possible adoption of Resolution #2023-30 approving the Administrator's proposed FY 2024 Operating, Capital, and Special Fund Budgets and the 2024-2033 Capital Improvement Plan, as amended

Administrator Selig said the resolution before the Council for approval this evening incorporates what was discussed over the course of the budget process. He noted that the 4<sup>th</sup> "Whereas" clause was added to formally discontinue Curbside Spring Bulky Waste Cleanup in 2024, previously performed annually by the Public Works Department, and that the 5<sup>th</sup> "Whereas" clause was added regarding the Council asking the Parks & Recreation Committee to review its fee structure to enhance revenues where appropriate.

Councilor Welsh asked if the Parks & Recreation Committee would be giving any consideration to the matters he raised in an earlier meeting with regard to allowing Durham residents to sign up first for programs offered and also charging those not from Durham non-resident fees.

Councilor Friedman replied that the Parks & Recreation Committee met on November 28<sup>th</sup> and discussed these items. He said the committee will be further discussing those preferences for Durham residents and having Durham residents registering first and having non-Durham residents paying a non-resident fee. He said the committee will try and sort everything out and make some recommendations to the Council for next year's budget cycle.

Administrator Selig noted that he had spoken with Parks and Recreation Director Rachel Gasowski regarding the potential of giving Durham residents first option to enroll in classes. He said one challenge the committee will need to discuss further is that there is very limited gym space within the Oyster River Schools. He said by allowing Durham residents first option, it could hypothetically block out all Lee residents from participating and could potentially cause the Lee Parks & Recreation to launch its own pickleball program, which would then compete for court space with the Durham program and reduce the availability of pickleball for Durham residents.

Chair Pro Tem Lawson said he hoped the committee addresses the item of looking at equitable fees charged adults before the next budget cycle, and perhaps have something to recommend/present to the Council in the spring.

Councilor Burton said the Council heard from Rachel Gasowski about in-kind contributions that Lee and Madbury make to Durham. He thought it would be helpful for next year's budget process to have an estimate of what those contributions are so if Lee and Madbury are charged higher fees, it would at least recognize that those towns have been contributing to Durham's budget in some manner.

Councilor Friedrichs mentioned a reference in the Administrator's budget letter of how extremely difficult it is to keep the tax rate at a flat level without having more development in Town. Ze said it troubled zir somewhat that there is no way for the Town to be sustainable in its economics. Ze said ze wanted to challenge the thinking/idea that the Town has to have growth in order to maintain the services it currently has and relying on growth in order to have a stable tax rate.

Councilor Welsh noted that a lot of growth has been related to student housing, which enabled the Town to improve upon a number of things including a new Town Library, new Town Hall, improving the Parks and Recreation program, etc. while keeping the tax rate flat. He said he has expressed concern about some bonds that will come due at the end of the 2020s that will place even more pressure on the Town's taxes. He said the Council has always worked with Town staff to come up with some pretty good ideas for other sources of revenue besides more housing and a bigger tax base.

Chair Pro Tem Lawson said that in the past, as he became more familiar with the functions of the Town while serving on the Council, he found that so much of the Town's infrastructure was languishing and that there had been a deliberate attempt to "kick the can down the road". He said one of the matters the Town addressed was the wastewater plant infrastructure and that its development allowed the Town to address it and do so while keeping taxes as reasonable as possible. He said that Durham, as an entity, does not necessarily reflect inflation because it is so employee concentrated and thereby driven more by wages and health insurance, which have a tendency to increase greater than the rate of inflation.

Councilor Burton said he was convinced that the Town should give its citizens the services they want. He said the State of New Hampshire does nothing to help its cities and towns. State aid is very small, and municipalities are responsible for their citizens. He noted that the Town can only do what the State of New Hampshire authorizes it to do and does not have room to go outside of that. In other words, it's not a shared responsibility.

Relating to resident Skinner's comments earlier in the meeting regarding the accuvote machines, Chair Pro Tem Lawson said he thought it was something the Town should be thinking about and monitoring carefully during the first quarter and half of 2024, particularly when entering into the next Presidential election.

***Chair Pro Tem Lawson MOVED that the Town Council does hereby ADOPT Resolution #2023-30 approving the Administrator's proposed FY 2024 Operating, Capital, and Special Fund Budgets, and the 2024-2033 Capital Improvement Plan, as amended. The motion was SECONDED by Councilor Hotchkiss and PASSED, 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 Burton—Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye***

Administrator Selig complimented Business Manager Gail Jablonski and all other department heads for their hard work in preparing their respective budgets.

## **XII. Approval of Minutes – November 6 and November 13, 2023**

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

November 6, 2023

Page 4 under the Trustees report, the alternate Trustees' name is **Alberto** Manalo. Page 7, 1<sup>st</sup> bullet, should read **Residents**, not "communities".

November 13, 2023

Page 5, 8<sup>th</sup> paragraph, should read "Chair Pro Tem Lawson suggested that adults from the Towns of Lee and Madbury should **not** be charged the same amount as adults from Durham for programs they register for.

Page 5, 9<sup>th</sup> paragraph. Add the following sentence at the end: **Ms. Gasowski said they had looked into the work study program, and it was hard to schedule students.**

***Councilor Hotchkiss MOVED that the Durham Town Council does hereby APPROVE the Town Council minutes for November 6 and November 13, 2023, as amended. The motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0 by a show of hands.***



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

#### Councilor Hotchkiss – Housing Task Force

- The Task Force will meet next week but the consultant's real estate analysis is now expected on December 18<sup>th</sup>

#### Councilor Welsh – Conservation Commission

- Had nothing to report as the Commission cancelled its meeting in November.

#### Councilor Burton – SRPC

- Noted that the SRPC has an entire plan on public transportation.
- He has been appointed to represent the SRPC on the statewide New Hampshire Association, He said he would be bringing forward agenda items of concern to Durham, including public transportation as mentioned earlier by Councilor Lund.

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

- The subcommittee met in November.
- Ted Howard provided an update that the Doe Farm will be continuing the tree farm program and updating the Forest Management Plan. UNH students are currently collecting data on Doe Farm.
- Noted that Jeremy Howland, Ph.D., will be working on a program to examine lichen on Longmarsh Preserve as part of a thesis project.
- There are four bog bridges on Longmarsh Preserve that need replacement or substantial work. He said this could be something that comes forward for next year's budget.
- There is new evidence that New England Cottontail rabbits on Town property.
- Held a discussion about maintenance issues at the Pike and Thompson properties.

#### Chair Needell – Integrated Waste Management Advisory Committee

- Worked on plans for how to distribute the leaflets provided to Councilors by Nell Neal earlier in the meeting. One idea is to mail them out with the motor vehicle renewal notices.
- Plans for a new Compost Challenge in the spring.
- Endorsed the recommendation for discontinuing the bulky waste curbside program.
- The Swap Shop will close for the winter on December 16<sup>th</sup>. Residents are asked not to drop off any large items or any items late on December 16<sup>th</sup> because there is nowhere for the Swap Shop to store them for the winter.

#### Councilor Lund – Historic District/Heritage Commission

- The HDC/HC meeting in December will be held on December 14<sup>th</sup>.

#### Councilor Lund – Cemetery Committee

- Has scheduled a meeting for December 15<sup>th</sup> following the Trustees of Trust Funds meeting at 8:30 AM, so the meeting will begin around 9:15 AM.

#### Councilor Friedrichs – Planning Board

- The board held one meeting in December between Council meetings. Discussed definitions in the Zoning Board and are up to letter "D" on page 11 of the 54 pages of definitions to review those again before they go to public hearing. They will be going out to other committees in advance of the public hearing to try and move them along a little faster with a hope of finishing and holding the public hearing by January 2024.

Councilor Friedrichs – Energy Committee

- The committee had a brief meeting in November just to review its 2024 goals.
- The next meeting is scheduled for tomorrow evening, December 5<sup>th</sup> where the committee will receive a presentation by Clean Capital to discuss whether it makes sense to buy out the Lee Gravel Pit grid

Councilor Friedman – Parks & Recreation Committee

- The items noted earlier by Councilor Welsh will be presented to the committee at its next meeting for its review and work.
- Held a successful “Feather Fest” event at Wagon Hill Farm on Thanksgiving Day.
- Held a successful “Frost Fest” event on December 2<sup>nd</sup>.

Councilor Friedman congratulated the UNH men’s soccer team for making the NCAA tournament with the highest seed ever. Also, congratulations to Oyster River High School girls’ volleyball team for winning the state tournament, as well as the boy’s football team for an unprecedented season.

Councilor Friedman - Seacoast Economic Developers Stakeholders

- Toured a new shoe factory in Somersworth, NH, JEMS by Pensole Shoe Factory.
- Has a workshop scheduled for tomorrow evening, December 5<sup>th</sup>, on attracting, developing, and retaining talent for employers using the Employer Tool Kit that was developed with the SRPC.

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Councilor Friedrichs said that this may be a good time. as Town boards, commissions, and committees are developing their individual 2024 goals, to look at Durham’s Climate Action Plan and think about what piece may fit in well with their committee work since that is something that has been a Townwide commitment.

Administrator Selig

- Durham is one of the three host stations for the Amtrak Downeaster.
- Although no confirmation has been received, there has been conversation around the Donald Trump for President campaign coming to the UNH Whittemore Center Arena on December 16<sup>th</sup>. The Town will, as it always does, request compensation to offset the Town’s safety costs.
- UNH search process is underway for a new President. He has reached out to both current President Deane and selection committee chair Jamie Burnett to make sure that Durham is involved in the selection process.
- Durham was selected for an additional \$1.9 million from The National Fish and Wildlife Foundation (NFWF) and the National Oceanic and Atmospheric Administration (NOAA), to continue efforts for the Wagon Hill Farm shoreline restoration and stabilization project.
- In the process of conducting interviews for a new assessor. Councilor Friedman, Business Manager Gail Jablonski, Administrative Assistant Karen Edwards, Jim Rice, and Administrator Selig are involved with this process.
- The launch of Durham Community Power through the New Hampshire Power Coalition of New Hampshire is still progressing forward, and the timetable continues to look like the February-March 2024 time slot.
- The Oyster River Cooperative School District Superintendent replacement process is actively underway and moving into the final phase.

**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 Burton MOVED to adjourn the meeting. The motion was SECONDED by Councilor Welsh and PASSED, unanimously, 8-0 by a show of hands.*

The meeting was ADJOURNED at 9:50 PM.

Jennie Berry, Minutes Taker