

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

D-R-A-F-T

**DURHAM TOWN COUNCIL
MONDAY, NOVEMBER 21, 2022
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Katherine (Kitty) Marple), Chair Pro Tem Sally Needell, Councilor Eric Lund, Councilor James (Jim) Lawson, Councilor Sally Tobias, Councilor Charles (Chuck) Hotchkiss, Councilor Eleanor (Ellie) Lonske, Councilor Carden Welsh, Councilor Joseph (Joe) Friedman,

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig, Zoning/Code Enforcement Officer and Building Inspector Audrey Cline

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 – Not applicable

III. Roll Call of Members

Sally Tobias, Jim Lawson, Eric Lund, Kitty Marple, Sally Needell, Chuck Hotchkiss, Ellie Lonske, Carden Welsh, Joe Friedman

IV. Approval of Agenda

Chair Marple MOVED approval of the November 21, 2022, agenda as presented The motion was SECONDED by Chair Pro Tem Needell and PASSED unanimously 9-0 by a show of hands.

V. Special Announcements - None

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

William (Bill) Hall, Smith Park Lane, referenced several matters over the years that he felt Town staff had not properly dealt with.

VII. Approval of Minutes - None

VIII. Councilor and Town Administrator Roundtable

Councilor Tobias – Planning Board

- 1 - The Board received numerous amendments to the Zoning Ordinance proposed by the Durham
2 Housing Task Force to enhance housing opportunities in Durham.
3 - Public Hearing on a subdivision at- 20 Adams Point Road (Timeframe extended to December
4 14).

5
6 Councilor Lawson – Durham Energy Committee

- 7 - Discussion with consultant Jerry Pucillo regarding green sustainable building design
8 considerations for multiunit and commercial buildings.
9 - Discussed the Solar Ordinance and recommendations made by the Planning Board. There is now
10 cold enough weather to trial thermal imaging to see if there are some results that make it worth
11 the Town’s efforts to have it available and wider within the community.
12

13 Councilor Lawson noted that he was absent at the last Council meeting but was able to watch it
14 later in the week on DCAT on Demand. He complimented Councilors on the level of questions
15 asked relating to the proposed budget and said it was impressive, as well as the knowledge and
16 expertise that Town staff have related to their respective budgets.
17

18 Councilor Lawson thanked Administrator Selig for his tireless efforts to improve the electric
19 infrastructure on Durham Point Road. He said that happened because Mr. Selig advocated for
20 needed improvements and over the past few winters, residents on Durham Point Road have seen
21 good examples of how that more resilient infrastructure has served them well.
22

23 Councilor Lund – Historic District/Heritage Commission

- 24 - Council Lund had nothing to report.
25

26 Chair Pro Tem Needell – Integrated Waste Management Advisory Committee

- 27 - Continuing to work on “Sustainable Durham” and collecting data and information as it enters
28 the education phase.
29

30 Chair Pro Tem Needell – Land Stewardship Subcommittee

- 31 - Received update on upkeep at Thompson Forest with mowing and timber management.
32 - Shared findings of the first two Town property questionnaires on Doe Farm and Stevens Woods.
33

34 Councilor Hotchkiss – Planning Board (Alternate Council representative)

- 35 - Councilor Hotchkiss had nothing to report.
36

37 Councilor Lonske – Agricultural Commission

- 38 - Councilor Lonske had nothing to report.
39

40 Councilor Welsh – Conservation Commission

- 41 - Councilor Welsh had nothing to report.
42

43 Councilor Friedman

- 44 - Referenced the communication regarding the Oyster River School District Middle School’s
45 financial enrollment and fiscal questions. He felt they deserved more study and interest as the
46 Town looks at the proposed housing amendments in its Zoning Ordinance.
47
48

- 1 Administrator Selig
2 - All Town Offices will be closed on Thursday and Friday in observance of the Thanksgiving
3 holiday.
4 - Have received great prospects for the Land Stewardship Coordinator position.

5
6 **IX. Report from the UNH Student Senate External Affairs Chair or Designee**
7

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

- 10
11 - Held a cleanup effort resulting in the collection of approximately six bags of trash from on
12 campus and around the downtown area.
13 - Passed a resolution relating to the removal and vandalization of the indigenous trail signs on
14 UNH trails. The resolution condemns damaging and vandalizing the signs. It also
15 encourages that students report anything they may know, as well as urging the UNH Office
16 of Community Standards and the UNH Police to take action whenever they can.
17

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

- 20 A. Shall the Town Council schedule a Public Hearing for Monday, December 5, 2022 on a
21 resolution authorizing the acceptance and expenditure of a grant from the Community Oriented
22 Policing Services Office of the US Department of Justice under the 2022 FY 2022 COPS
23 Technology and Equipment Program Invitational Solicitation in an amount up to \$900,000 to
24 replace the Town of Durham's existing Public Safety and Emergency Services Land Mobile
25 Radio (LMR) Communications Equipment with New Modern IP Based Technology and
26 Equipment and authorizing the Administrator to sign and submit all necessary paperwork on
27 behalf of the Town of Durham?
28

29 *Chair Marple MOVED that the Durham Town Council does hereby, upon recommendation of*
30 *the Administrator, schedule a Public Hearing for Monday, December 5, 2022, on a Resolution*
31 *Authorizing the Acceptance and Expenditure of a Grant from the Community Oriented*
32 *Policing Services Office of the US Department of Justice under the 2022 FY 2022 COPS*
33 *Technology and Equipment Program Invitational Solicitation of in an Amount up to*
34 *\$900,000 to be used to Replace the Town of Durham's Existing Public Safety and*
35 *Emergency Services Land Mobile Radio (LMR) Communications Equipment with New*
36 *Modern IP Based Technology and Equipment and Authorizing the Town Administrator*
37 *to Sign and Submit all Necessary Paperwork on Behalf of the Town of Durham. The motion*
38 *was SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.*
39

- 40 B. **FIRST READING ON ORDINANCE #2022-02** Amending Chapter 153 "Vehicles and
41 Traffic", Section 153-49 of the Durham Town Code by prohibiting parking on Madbury Road
42 from Main Street to Garrison Avenue and from Woodman Road to Garrison Avenue Extension
43 between the hours of 1:00 and 6:00 AM
44

45 *Chair Marple MOVED that the Durham Town Council does hereby move on First Reading,*
46 *as presented, Ordinance #2022-02 amending Chapter 153 "Vehicles and Traffic", Section*
47 *153-49 of the Durham Town Code by prohibiting parking on Madbury Road - Main Street to*
48 *Garrison Avenue and Woodman Road to Garrison Avenue Extension between the hours of*

1 *1:00 AM to 6:00 AM and deleting municipal parking lot at the former Town Hall, 15*
2 *Newmarket Road, and schedules a public hearing for December 5, 2022. The motion was*
3 *SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.*
4

- 5 C. **FIRST READING ON ORDINANCE #2022-03** Amending Chapter 153 "Vehicles and
6 Traffic", Section 153-49 of the Durham Town Code by prohibiting parking on Park Court
7 between the hours of 1:00 and 6:00 AM
8

9 *Chair Marple MOVED that the Durham Town Council does hereby move on First Reading,*
10 *as presented, Ordinance #2022-03 amending Chapter 153 "Vehicles and Traffic", Section*
11 *153-49 of the Durham Town Code by prohibiting parking on Park Court between the*
12 *hours of 1:00 am to 6:00 am and schedules a public hearing for December 5, 2022. The motion*
13 *was SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.*
14

15 **XI. Committee Appointments**

16 Shall the Town Council move alternate Planning Board member Emily Friedrichs to fill the
17 unexpired regular member term of Lorne Parnell with a term expiration of April 30, 2025?
18

19 Mx. Friedrichs introduced zirsself and said ze has been enjoying being a part of the Planning
20 Board. Ze added that ze has been looking at the information provided in packets and has been
21 trying to get up to speed on everything. Now that there is an open voting seat on the Board, ze
22 would like to be considered for appointment to that regular member seat.
23

24 Councilors Lonske, Hotchkiss, Lund, and Tobias all agreed that they felt Mx. Friedrichs is an
25 excellent candidate for consideration of the position.
26

27 Councilor Lawson questioned whether the Planning Board Chair had submitted a
28 recommendation for the appointment of Mx. Friedrichs as there did not appear to be anything
29 provided in the Council packets. He said this is a standard procedure when making appointments
30 to committees and boards and he was concerned about following that process. He also noted that
31 there were other alternate members on the Planning Board and wondered if anyone else had
32 expressed interest in being moved to the regular position.
33

34 Councilor Hotchkiss said he felt it was safe to say, for various reasons, other alternate members
35 did not express an interest in the position.
36

37 Discussion was held regarding the process around appointments to boards and committees.
38 Administrator Selig provided background information about how the appointment process had
39 been conducted in the past and how it changed to the current practice. He said that there is no
40 requirement that the Council appoint an alternate as a regular member, but that has typically
41 been the practice in Durham. He said an alternate spends a lot of time learning about the Town's
42 Zoning Ordinance, the subdivision and site plan regulations, and becoming familiar with
43 ongoing applications.
44

45 Administrator Selig said it is ultimately the Council's decision, but he would recommend
46 moving forward with appointing Mx. Friedrichs to the regular member vacancy.
47

1 After more discussion, Council consensus was to wait until the next Town Council meeting,
2 pending receipt of Chair Rasmussen's recommendation for appointment of alternate member
3 Emily Friedrichs as a regular member to the Planning Board.
4

5 **XII. Presentation Items**
6

7 A. 2021 Audit Presentation - Melanson CPAs, Merrimack, NH
8

9 Scott McIntyre, Melanson CPAs, introduced himself to the Council and presented the 2021
10 Audit report for the Council, touching upon the high points. The complete presentation, along
11 with comments, concerns, discussion, and responses to Council questions, may be viewed on
12 DCAT on Demand at www.ci.durham.nh.us.
13

14 The 2021 Audit Report can be found on the Business Office webpage of the Town's website,
15 www.ci.durham.nh.us,
16

17 B. Report on Strafford County operations, budget, and tax rate – Commissioner Chair George
18 Maglaras and County Administrator Raymond Bower
19

20 Councilor Welsh said he had looked at the tax rates in this year's Town Report and that the
21 County portion of the total tax rate is increasing faster than any of the others (i.e., Town, Local
22 School District, State School). He asked what the Town is paying for at the County level and
23 what control does it have over that.
24

25 Administrator Raymond Bower replied that the County's tax plan over the past few years has
26 been related to the Consumer Price Index and growth, which is the system used by Dover,
27 Somersworth, and Rochester to determine their tax caps. He said the County has sort of followed
28 along except it has been able to keep its County taxes at the rate of the CPI or less in the amount
29 to be raised by taxes.
30

31 Councilor Welsh asked what input the Town would have in the County's budget process.
32 Administrator Bower said that towns and cities are sent copies of the County's draft budget and
33 invited to provide input during its public hearing(s). He said in his 35 years as the County
34 Administrator, he does not recall anyone from Durham, and other communities, coming to a
35 public hearing to speak about the budget.
36

37 Councilor Welsh asked what services Durham receives from the County. Administrator Bower
38 replied that the County: 1) Provides assistance from the Sheriff's Department; 2) Provides a jail
39 that takes Durham's arrests from the street; 3) Provides dispatch services; 4) Provides a nursing
40 home; 5) Provides access to the County Attorney. Mr. Bower also outlined programs that the
41 County provides.
42

43 Councilor Lund asked what other revenue sources the County receives besides from taxes. Mr.
44 Bower replied that \$22,000,000 comes back to the County, through Medicaid, for running of the
45 nursing home and \$10,000,000 comes to the County jail because the County boards inmates
46 from the federal government.
47

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

1 **XIII. Unfinished Business**

- 2 A. **PUBLIC HEARING AND ACTION ON RESOLUTION #2022-23** to accept and expend
3 unanticipated grant funds totaling \$12,290.33 to be used as reimbursement to the Town of
4 Durham for Fire Department Personnel to attend trench rescue technician training
5

6 *Chair Marple MOVED to OPEN the Public Hearing on Resolution #2022-23 to accept and*
7 *expend unanticipated grant funds totaling \$12,290.33 to be used as reimbursement to the*
8 *Town of Durham for Fire Department Personnel to attend trench rescue technician training.*
9 *The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously 9-0 by a*
10 *show of hands.*

11
12 No members of the public came forward to speak or comment on this resolution.

13
14 *Chair Marple MOVED to CLOSE the Public Hearing on Resolution #2022-23 to accept and*
15 *expend unanticipated grant funds totaling \$12,290.33 to be used as reimbursement to the*
16 *Town of Durham for Fire Department Personnel to attend trench rescue technician training.*
17 *The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously 9-0 by a*
18 *show of hands.*

19
20 *Councilor Lund MOVED that the Durham Town Council does hereby ADOPT, as presented,*
21 *Resolution #2022-23 to accept and expend unanticipated grant funds totaling \$12,290.33 to be*
22 *used as reimbursement to the Town of Durham for Fire Department Personnel to attend*
23 *trench rescue technician training. The motion was SECONDED by Councilor Tobias and*
24 *PASSED unanimously 9-0 by a show of hands.*

- 25
26 B. **PUBLIC HEARING AND ACTION ON RESOLUTION #2022-24** on a resolution
27 authorizing the acceptance and expenditure of Local Fiscal Recovery Funds (LFRF) from the
28 State of NH under the Federal American Rescue Plan Act of 2021 in an amount up to \$36,051
29 and authorizing the Administrator to sign and submit any necessary paperwork on behalf of the
30 Town of Durham
31

32 *Chair Marple MOVED to OPEN the Public Hearing on Resolution #2022-24 authorizing the*
33 *acceptance and expenditure of unanticipated grant funding totaling \$36,051 to be used for the*
34 *purchase of a Lucas Chest Compression System and Holmatro Rescue Tool. The motion was*
35 *SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.*
36

37 No members of the public came forward to speak or comment on this resolution.

38
39 *Chair Marple MOVED to CLOSE the Public Hearing on Resolution #2022-24 authorizing*
40 *the acceptance and expenditure of unanticipated grant funding totaling \$36,051 to be used for*
41 *the purchase of a Lucas Chest Compression System and Holmatro Rescue Tool. The motion*
42 *was SECONDED by Chair Pro Tem Needell and PASSED unanimously 9-0 by a show of*
43 *hands.*
44

45 *Councilor Lund MOVED that the Durham Town Council does hereby ADOPT, as presented,*
46 *Resolution #2022-2424 authorizing the acceptance and expenditure of unanticipated grant*
47 *funding totaling \$36,051 to be used for the purchase of a Lucas Chest Compression System*
48 *and Holmatro Rescue Tool. The motion was SECONDED by Councilor Lawson.*

1 Councilor Lawson noted that his daughter is a paramedic and in the past has called Durham
2 Mutual Aid to another community for use of Durham’s chest compression system. He had
3 asked her if the compression system was worth the money. She said that studies showed
4 increased resuscitation rates which means no gap between compressions and producing higher
5 quality compressions. Councilor Lawson said very few towns have these systems. Durham does,
6 and it speaks highly of the Town’s Fire Department that it is looking at newer technologies.
7

8 *Chair Marple called for the vote which PASSED unanimously 9-0 by a show of hands.*
9

- 10 C. **PUBLIC HEARING AND ACTION ON RESOLUTION #2022-25** on a resolution
11 authorizing the issuance of long-term bonds or notes not to exceed two million nine hundred
12 forty-one thousand seven hundred and forty dollars (\$2,941,740.00) for the purpose of bonding
13 2014-2022 Capital projects and equipment purchases
14

15 *Chair Marple MOVED to OPEN the Public Hearing on Resolution #2022-25 authorizing the*
16 *issuance of long-term bonds or notes not to exceed two million nine hundred forty-one*
17 *thousand seven hundred and forty dollars (\$2,941,740.00) for the purpose of bonding 2014-*
18 *2022 Capital projects and equipment purchases. The motion was SECONDED by Councilor*
19 *Hotchkiss and PASSED unanimously 9-0 by a show of hands.*
20

21 No members of the public came forward to speak or comment on this resolution.
22

23 *Chair Marple MOVED to CLOSE the Public Hearing on Resolution #2022-25 authorizing*
24 *the issuance of long-term bonds or notes not to exceed two million nine hundred forty-one*
25 *thousand seven hundred and forty dollars (\$2,941,740.00) for the purpose of bonding 2014-*
26 *2022 Capital projects and equipment purchases. The motion was SECONDED by Councilor*
27 *Lund and PASSED unanimously 9-0 by a show of hands.*
28

29 *Councilor Lund MOVED that the Durham Town Council does hereby ADOPT, as presented,*
30 *Resolution #2022-25 authorizing the issuance of long-term bonds or notes not to exceed two*
31 *million nine hundred forty-one thousand seven hundred and forty dollars (\$2,941,740.00) for*
32 *the purpose of bonding 2014-2022 Capital projects and equipment purchases. The motion was*
33 *SECONDED by Councilor Hotchkiss and PASSED unanimously 9-0 by a show of hands.*
34

- 35 D. Discussion of changes recommended by the Planning Board for a future First Reading of a new
36 Solar System Ordinance in January 2023
37

38 Councilor Lawson said he asked that this item be placed on tonight’s agenda so Councilors
39 could start to think about some of the recommendations that have been brought forward
40 regarding this draft ordinance.
41

42 Councilor Lawson explained the process he used to identify both substantive and non-
43 substantive changes made to the document. He outlined for Councilors what those changes are
44 in more detail and the reasons for their recommendations and said he would respond to questions
45 and ask for any comments so he could start bringing everything together in a document that was
46 acceptable to the Town Council for a first reading sometime in January 2023.
47

48 Discussion and questions occurred regarding the proposed ordinance.

- 1 E. Continued deliberation on the Administrator's proposed FY 2023 Operating, Capital, and Special
2 Fund Budgets and the 2023-2032 Capital Improvements Plan
3

4 Building Inspector, Zoning/Code Enforcement Officer, Health Officer
5

6 Councilor Lund asked why the current building inspection “contracted services” line item
7 amount was so far below the projected spending level. Administrator Selig replied because the
8 Town did not have as many specialized roadside inspections that required services. He said the
9 Town had anticipated more complicated construction projects that did not occur.

10
11 Councilor Lawson said at the last Council meeting, there was discussion about looking at ways
12 to obtain additional revenue in the Parks & Recreation Budget as well as parking revenues. He
13 asked if the Councilors could be emailed the updated projections information regarding these
14 two areas before the next Council meeting so they could have time to review them prior to the
15 meeting.
16

17 **XIV. New Business**

18 Other Business – None
19

20 **XV. Nonpublic Session (if required)**
21

22 **XVI. Extended Councilor and Town Administrator Roundtable (if required)**
23

24 **XVII. Adjourn (NLT 10:30 PM)**
25

26 *Councilor Lonske MOVED to adjourn the meeting. The motion was SECONDED by*
27 *Councilor Welsh and PASSED unanimously, 9-0, by a show of hands.*
28

29 The meeting ADJOURNED at 10:02PM.
30

31 Jennie Berry, Minutes Taker