

1 D-R-A-F-T

2  
3 DURHAM TOWN COUNCIL  
4 MONDAY, FEBRUARY 19, 2024  
5 DURHAM TOWN HALL - COUNCIL CHAMBERS  
6 7:00 PM  
7

8 MEMBERS PRESENT: Council Chair Sally Needell, Councilor Eric Lund, Councilor Emily  
9 Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx.  
10 Friedrichs), Councilor Eleanor (Ellie) Lonske, Councilor Carden Welsh,  
11 Councilor Joseph (Joe) Friedman, Councilor Wayne Burton, Chair Pro  
12 Tem James (Jim) Lawson, Councilor Charles (Chuck) Hotchkiss  
13 (arrived at approximately 7:12 PM)  
14

15 MEMBERS ABSENT: None

16  
17 OTHERS PRESENT: Administrator Todd Selig  
18  
19

20 I. Call to Order

21  
22 Chair Needell called the meeting to order at 7:00 PM.  
23

24 II. Town Council grants permission for fewer than a majority of Councilors to participate  
25 remotely - Not applicable  
26

27 III. Roll Call of Members  
28

29 Councilor Carden Welsh, Councilor Ellie Lonske, Councilor Wayne Burton, Chair Pro Tem Jim  
30 Lawson, Chair Sally Needell, Councilor Eric Lund, Councilor Emily Friedrichs, Councilor Joe  
31 Friedman, Councilor Chuck Hotchkiss (not present for roll call)  
32

33 IV. Approval of Agenda  
34

35 *Chair Pro Tem Lawson MOVED approval of the February 19, 2024, Town Council agenda as*  
36 *presented. The motion was SECONDED by Councilor Lund and PASSED unanimously 7-0*  
37 *by a show of hands. (Councilor Friedrichs was present but absent from the room at the time*  
38 *of the vote). (Councilor Hotchkiss was not in attendance at the meeting at this time).*  
39

40 V. Special Announcements  
41

- 42 A. Adoption of **Resolution #2024-05** Recognizing Michael Everngam for his many years of  
43 Dedicated Community Service to the Town of Durham.  
44

45 Chair Needell noted there are volunteers in Town that give many years of service. She said the  
46 Town appreciates their experience, expertise, and in cases such as Mike Everngam, their  
47 institutional memory.  
48

49 Chair Needell read Resolution # 2024-05 recognizing Michael Everngam for his many years of  
50 dedicated service to the Town of Durham.

1       ***Chair Pro Tem Lawson MOVED to adopt, as presented, Resolution #2024-05, recognizing***  
2       ***Michael Everngam for his many years of dedicated service to the Town of Durham.***  
3       ***The motion was SECONDED by Councilor Welsh and PASSED unanimously 7-0 by a show***  
4       ***of hands. (Councilor Friedrichs was present but absent from the room at the time of the vote).***  
5       ***(Councilor Hotchkiss was not in attendance at the meeting at this time).***  
6

7       Mr. Everngam expressed his appreciation for the recognition that the Town extended to him. He  
8       felt it was important to remember that citizen volunteers have been a critical component to New  
9       Hampshire Town governance since the state was first settled, and that they are as crucial to the  
10      current Town government as they were in the early days. He encouraged every resident to find  
11      time to volunteer for the Town's committees, commissions, and departments to continue the  
12      heritage of self-governance.

13  
14  
15      Chair Needell invited Councilor Welsh to the podium to speak as he would be leaving the  
16      Council and would not be present at the next Town Council meeting.

17  
18      Councilor Welsh said that after ten years of duty he has decided not to run again for Town  
19      Council. He thanked all the present and past Councilors for all the work they have done and that  
20      he has learned a lot from them. He also thanked those Councilors that have served as Chairs  
21      since they always carry a bit more weight than the other Councilors. He thanked Chair Pro Tem  
22      Jim Lawson whom he said has a relentless data-driven approach that pushes the other  
23      Councilors in hopefully the right direction, and he felt the Council has come to better decisions  
24      because of it.

25  
26      Councilor Welsh thanked all the Durham citizens who entrusted him to the Council and who  
27      voted for him. He also thanked those citizens who disagreed with him. He thanked all the  
28      committee members who have brought forward positive changes in the Town. Councilor Welsh  
29      thanked the Town "gadflies"; people who have lived in the Town for a very long time and who  
30      are very passionate about the Town and very committed.

31  
32      Lastly, Councilor Welsh thanked the staff for their commitment and hard work on behalf of the  
33      Town. He said it has been a privilege to serve the Town on the Town Council in this unique and  
34      wonderful Town.

35  
36      ***Councilor Hotchkiss joined the meeting at this time (approx. 7:12 PM).***  
37

38      B.   Announcement regarding the Candidate Forum on February 20, 2024.

39  
40      Chair Needell said there will be a Candidate Forum tomorrow evening, February 20<sup>th</sup>, beginning  
41      at 7PM in the Town Council chambers for those candidates running for Town Council who will  
42      start their terms in March. She said residents can watch the forum via Zoom or on DCAT on  
43      Demand, and it will also be recorded.

44  
45      **VI.   Public Comments (\*) – Please state your name and address before speaking**  
46

47      **Adeena Ahsan, a second year Graduate student at UNH,** said she was there to introduce a  
48      resolution calling for the ceasefire in Palestine given what is currently going on and calling for  
49      the return of all the Palestinian and Israeli hostages and ending of the aid provided by the United

1 States that is funding the ongoing genocide. She read the resolution and said it would be emailed  
2 out to the Town Council.  
3

4  
5 The following individuals also spoke in **favor** of the resolution calling for the ceasefire in  
6 Palestine:  
7

8 **William Brandenburg, an undergraduate student at UNH.** Mr. Brandenburg also noted why  
9 this topic is a local issue.  
10

11 **Yisraela Bonbeim, an organizer with Southern NH for Palestine.**  
12

13 **Sean LaFond, UNH student,** read a note from Pastor Dave Grisshaw-Jones, Community  
14 Church of Durham, called “*Call for a Ceasefire: Why Now, Why New Hampshire*”?  
15

16 **Marlise Hyde, 47 Emerson Road,** read the names of some of the children that have been killed  
17 in the conflict, all under the age of one year. She concluded by reading a poem from the  
18 Palestinian poet Khaled Juma titled “Oh Rascal Children of Gaza”.  
19

20 **Brigitte Herz, 191 Durham Point Road.**  
21

22 **Yasmin Alani.**  
23

24 **Bradley Conway, Durham, NH.**  
25

26 **Lane Lloyd, 93 Packers Falls Road.**  
27

28 **Betsy O’Cooley, Dover, NH (and member of the Community Church of Durham).**  
29

30 **Beth Olshansky, 122 Packers Falls Road,** said she was deeply moved by everyone who had  
31 spoken this evening, and as a Jew and a humanist, she supports the ceasefire resolution and  
32 hopes that the Council will take this matter up.  
33

34 Ms. Olshansky also noted that the Council will be taking up Administrator Selig’s employment  
35 contract later in the meeting and said she would be thrilled to have Mr. Selig stay with the Town  
36 for at least another six years.  
37

38 Ms. Olshansky commented on how privileged the Town has been to have had Councilor Welsh  
39 sitting as a Council member. She said he was a thoughtful, bright, open-minded, and seasoned  
40 individual.  
41

42 **Sebastian Rowan, a Graduate student at UNH** in the department of Civil and Environmental  
43 Engineering.  
44

45 **Ashlee Holm, 93 Packers Falls Road.**  
46

47 **Ing Stormer, a Graduate student at UNH.**  
48

49 **Nicholas ??????????.**

**RJ Riley, a Graduate student at UNH.**

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Other public comments received that were not related to the issue of the ceasefire resolution included:

**William (Bill) Hall, Smith Park Lane,** spoke about the parking at Wagon Hill Farm and the need for the Town to expand the parking and plow two to three times during the winter at the farm to accommodate people bringing their children to go sledding. He also noted a letter in the paper from Administrator Selig stating that over the past ten or so years, the Town has built 2400 units. Mr. Hall said he disagreed with that statement.

**James Bubar, Durham Point Road,** spoke about the Housing Assessment Needs Study. He requested that the consultant preparing the study provide a formal response to the Council Chair and/or Administrator Selig that could be posted on the Town website and a link provided in the Friday Updates to the study. He had six questions for the consultant: 1) What type of sensitivity analysis was conducted on the model to determine the breaking points and identify the key drivers; 2) Have all of the fixed and variable model inputs been disclosed, what is the definition and the methodology being used to estimate those inputs; 3) Why did the Town have to be redistricted into four districts; 4) was any consideration given to the effect on the local climate from the increased transportation between the workforce housing and the likely work location; 5) Was any consideration given to traffic impacts on the frequently congested Route 4/Route 108 roads, both of which are controlled by the State of New Hampshire; 6) Why weren't transportation costs to and from the most likely work location not factored in when determining housing costs. His question to the Town Council was who is going to be responsible for preparing the economic impact assessment.

**Sonya MacMillian, owner of Scarlett Rose Studio, 7 Madbury Road, Durham,** spoke about parking issues, specifically for those who have businesses in the downtown area. She explained her concern about the lack of parking spaces for her employees and clients. She asked that this issue be placed on a future Town Council agenda for discussion and a possible solution.

**Harry Tobias, 107 Madbury Road,** introduced himself and said he was running for one of the 3-year Town Council seats.

**Nicole Babits, Scarlett Rose Studio, 7 Madbury Road, Durham,** asked that the Council add to its agenda for the next meeting the topic of parking downtown. She explained the issues surrounding the parking difficulties for employees and clients in more detail.

**VII. Report from the UNH Student Senate External Affairs Chair or Designee - None**

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

Shall the Town Council Adopt **Resolution #2024-06** opposing the House Bill 1281 which prohibits a zoning ordinance or regulation from restricting the number of occupants in a residential rental property to less than 2 occupants per bedroom?

1 Councilor Friedman asked that this item be pulled from the Unanimous Consent agenda for  
2 further discussion/questions.  
3

4 ***Chair Needell MOVED that the Durham Town Council does hereby adopt Resolution #2024-***  
5 ***06 opposing the House Bill 1281 which prohibits a zoning ordinance or regulation from***  
6 ***restricting the number of occupants in a residential rental property to less than 2 occupants***  
7 ***per bedroom. The motion was SECONDED by Councilor Lund.***  
8

9 Councilor Burton spoke to the UNH students in the audience briefly explaining that he had  
10 served in the Vietnam War and the atrocities that resulted from that War. He applauded the  
11 students for taking up the cause to call for a ceasefire in Gaza.  
12

13 Regarding the proposed resolution, Councilor Burton said the resolution speaks for itself. He  
14 pointed out that in Administrator Selig's letter, he mentions that students can get loans for  
15 housing. Councilor Burton said the way financial aid works is that students get a budget of  
16 around \$35,000 for financial aid. The aid is then computed by subtracting what the family is  
17 expected to pay. In that budget, there is \$8,100 for housing. He said for a student getting  
18 financial aid, if they can find a cheaper way to house, that is money available for books and  
19 other necessities they may need. So, there is value to students in getting as many people in a  
20 room as possible because of the way financial aid works. And for landlords, getting as many  
21 students as possible in a room is likewise profitable. He said the issue relative to HB 1281 falls  
22 under the adage "If it ain't broke, don't fix it." He said that is the message that Durham needs to  
23 convey to legislatures.  
24

25 Councilor Friedrichs said there was some additional information ze would like to highlight in  
26 looking at the resolution. Ze felt the economic argument was a very compelling one and that a  
27 lot of supporters of this bill believe would reduce housing costs by allowing higher occupancy in  
28 rentals and therefore lower costs per person. However, the draft version of the Durham Housing  
29 Assessment, as well as the 2021 Housing Assessment done for Hanover, NH, highlighted that in  
30 fact when housing becomes directed toward students instead of year-round residents, landlords  
31 actually raise and look for a higher rent point because they are renting on a per bed basis. That  
32 ultimately drives prices out from workforce households from finding houses in those  
33 communities. Councilor Friedrichs said that there were some important economic aspects to HB  
34 1281 that ze believed supporters of the bill were rather misinformed on and which are important  
35 to consider and highlight as a Council and as it has been discussing.  
36

37 Adding to what Councilor Friedrichs said, Chair Pro Tem Lawson said first, not only is what  
38 Councilor Friedrichs said also said in the assessment study, it is exactly what the Town  
39 experienced ten years ago before it helped increase the supply of quality student housing.  
40 Secondly, he said there have been opinions forwarded as to how it changes the economics. He  
41 said as an owner of rental property, where he only rents to families, Councilor Friedrichs is  
42 100% correct that the revenue opportunity with students and student occupancy is entirely  
43 different than the revenue opportunity when focusing on families and that three occupants kept  
44 that from getting out of hand. He said that when increasing the number to over three occupants  
45 it just becomes a cashflow machine that justifies exorbitant prices and what ends up happening  
46 is that new families are priced out and the value dynamics are changed in the neighborhood.  
47

Councilor Welsh agreed with the comments made by the other three Councilors. He said if one would like to see what happens when there is not a limit on students, go to the student slums in Burlington, VT. In contrast, Councilor Welsh said he grew up in Villanova, Pennsylvania that passed a law saying there could not be student housing within one mile of another student in town. He thought that Durham was somewhere in-between and would hate to see it eroded.

Councilor Hotchkiss said he supports the resolution, however, would like to make the following corrections:

1<sup>st</sup> page of the resolution, second to the last “WHEREAS” clause:

**WHEREAS**, the number of off-campus student-occupied ADUs/other smaller residences in town is approximately 85 units. These 85 units, are generally ~~located~~ within the traditional residential family neighborhoods located in close ~~proximately~~ proximity to the UNH campus and adjacent Durham downtown; and ...

Chair Pro Tem Lawson asked that the following change be made to the 5<sup>th</sup> WHEREAS clause on page one of the resolution as follows:

**WHEREAS**, the construction of approximately 2,400 new privately-owned off campus apartments ~~s~~ beds in Durham since 2011 has created opportunities for in-commuting students to move into local student housing from surrounding communities in Strafford and Rockingham Counties, freeing up regional apartments for traditional workforce housing; and ...

**WHEREAS**, While most people view college students as having less income or a lower ability to pay, many have their rent paid by their parents or through student loans or grants. Over time, lower rental rates increase to reflect market competition and inflationary influences. This works against workforce housing in Durham and in other nearby communities impacted by college student rental pressures; and ...

Councilor Friedman noted that there were more than just three unrelated as a matter of getting what the Town wants which is having the neighborhoods in-tact and preserved. Currently, the Town has restrictions on noise and trash and cars. The Town offers waivers on some of these matters. He felt in the future the Council could do other things in terms of rezoning certain places that would allow student housing, such as further restrict the number of cars, consider the duration of leases, the water and septic for the number of persons in a home, the size of a home, and the square footage of a home. He felt there were a number of metrics that could be used and adjusted in Durham.

Chair Pro Tem Lawson noted that the housing information demographics relating to UNH indicates that anyone who wants to live in Durham can do so without having to live in new places in neighborhoods. He also cautioned that there can be ordinances, such as the Disorderly House Ordinance that the Town passed, that from a neighborhood perspective, were not effective because the Town is engaged after the fact.

The following amendments were made to the resolution:

Page 1, 7<sup>th</sup> WHEREAS clause continuing to page 2: **WHEREAS**, what is different about Durham’s rental housing market, which is true of most college towns, is local rents are derived on a per-bed basis. This market factor creates an incentive for landlords and property owners to rent to students rather Resolution #2024-06 - Opposing B1281 than conventional renters because their gross monthly rent can be twice as high, driving up property prices and rents to the point that most conventional renters and families cannot compete financially against the student housing rental ~~ers~~ market and their investors; and

Page 2, 2<sup>nd</sup> WHEREAS clause, the capital “W” in While most people, etc., should be lowercase.

Page 2, 3<sup>rd</sup> WHEREAS clause, the capital “I” in In response and over many years, etc., should be lowercase.

Page 2, 2<sup>nd</sup> to last WHEREAS clause: **WHEREAS**, Durham’s “no more than 3-unrelated” zoning provision is an ~~important~~ critical component of local efforts to preserve affordable housing traditional neighborhoods close to campus. It is constitutional, consistent with the Federal Fair Housing Act, and keeps off campus non-family housing density manageable; and ...

Chair Needell suggested that the resolution be moved for approval, with the amendments noted above.

*The motion, as amended, PASSED unanimously 9-0 on a roll call vote: Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Burton—Aye, Councilor Lonske—Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye*

#### IX. Committee Appointments

Shall the Town Council, upon recommendation of the Integrated Waste Management Advisory Committee (IWMAC) Chair, appoint Janet Perkins-Howland, 32 Ffrost Drive, to fill a vacancy on the IWMAC?

*Councilor Welsh MOVED, upon recommendation of the Integrated Waste Management Advisory Committee Chair, to appoint Janet Perkins-Howland, 32 Ffrost Drive, to fill a vacancy on the IWMAC. The motion was SECONDED by Councilor Hotchkiss and PASSED unanimously 9-0 on a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye*

#### X. Presentation Items

Presentation by RKG Associates Inc., Boston, MA, on the Draft Durham Housing Needs Analysis

Russell Archambault, Principal at RKG Associates, Inc., introduced his Project Manager Summer Pan who provided a PowerPoint presentation regarding Durham’s Housing Needs Analysis. The following are highlights from that presentation.

- Demographic Trends. Four takeaways: 1) As a college Town, Durham has a disproportionately high share of non-family renter households; 2) Most of Durham's population gains are due to new student housing; 3) Families households leaving Town; 4) COVID job losses have not been recovered.
- Housing Trends and Characteristics.
- Housing Market Trends. –Older single-family homes are Durham's primary type. –Housing density increasing. –Development interest shifting. –Newly built housing is not affordable.
- Existing Housing Needs by Affordability – What is considered affordable for workforce housing? Current housing need: Mismatch between the ability to pay and housing prices, a shortage of existing workforce housing.
- UNH Enrollment and Student Housing Trends. –Enrollment has been trending down since 2019. –Off-campus commercial student apartments have increased. –On-campus student housing bed count has been trending down since 2019. –Future UNH enrollment projected to stay unchanged over the next decade.
- Fair Share Production Model Adjustment (Future Housing Need 2020-2040).
- How Student Enrollment was Handled in the Fair Share Model.
- Future Housing Needs Adjustment.
- Compliance with NH's Workforce Housing Policy Goals.
- Land Capacity for Future Development.

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).

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Councilor Friedrichs suggested moving Agenda Item XI.D under Unfinished Business, and Item #XII Approval of Minutes, to the next Council meeting.

Councilor Welsh said he preferred not to move Item #XI.D, but would be happy to remove the approval of the minutes and the Town Council and Administrator's Roundtable, except for the discussion on the proposed resolution.

Councilors agreed to the suggestions made by Councilors Friedrichs and Welsh above.

## **XI. Unfinished Business**

- A. Public Hearing and Action on Resolution #2024-03 Authorizing the Acceptance and Expenditure of Unanticipated Revenues from the State of New Hampshire Department of Transportation in the amount of \$76,180.91 for Road Improvement/ Maintenance and \$72,364.92 for Bridge Maintenance.

***Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public Hearing on Resolution #2024-03 Authorizing the Acceptance and Expenditure of Unanticipated Revenues from the State of New Hampshire Department of Transportation in the amount of \$76,180.91 for Road Improvement/ Maintenance and \$72,364.92 for Bridge Maintenance. The motion was SECONDED by Councilor Friedrichs.***

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



1       ***Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby CLOSE the***  
2       ***Public Hearing on Resolution #2024-03 Authorizing the Acceptance and Expenditure of***  
3       ***Unanticipated Revenues from the State of New Hampshire Department of Transportation in***  
4       ***the amount of \$76,180.91 for Road Improvement/ Maintenance and \$72,364.92 for Bridge***  
5       ***Maintenance. The motion was SECONDED by Councilor Welsh.***  
6

7       ***Chair Needell MOVED that the Durham Town Council does hereby ADOPT Resolution***  
8       ***#2024-03, as presented, Authorizing the Acceptance and Expenditure of Unanticipated***  
9       ***Revenues from the State of New Hampshire Department of Transportation in the amount of***  
10       ***\$76,180.91 for Road Improvement/ Maintenance and \$72,364.92 for Bridge Maintenance.***  
11       ***The motion was SECONDED by Councilor Friedman and PASSED 9-0 on a roll call vote:***  
12       ***Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor***  
13       ***Burton—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Lund—Aye,***  
14       ***Councilor Friedrichs—Aye, Councilor Friedman—Aye***  
15

- 16       B. Public Hearing and Action on Resolution #2024-04 Authorizing the Acceptance and  
17       Expenditure of \$286,600 in Unanticipated Revenue From the NH Land and Community  
18       Heritage Investment Program (LCHIP) to Support the Rehabilitation of the 1804 Bickford-  
19       Chesley House at Wagon Hill Farm and Authorizing the Administrator to Sign Associated  
20       Documents.  
21

22       ***Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public***  
23       ***Hearing on Resolution #2024-04 Authorizing the Acceptance and Expenditure of \$286,600***  
24       ***in Unanticipated Revenue From the NH Land and Community Heritage Investment Program***  
25       ***(LCHIP) to Support the Rehabilitation of the 1804 Bickford-Chesley House at Wagon Hill***  
26       ***Farm and Authorizing the Administrator to Sign Associated Documents. The motion was***  
27       ***SECONDED by Councilor Lund and PASSED 9-0 by a show of hands.***  
28

29       ***Robin Mower, Britton Lane, asked if the LCHIP Grant requires that the Town allow hunting***  
30       ***on Wagon Hill Farm property. Administrator Selig replied that it does not because this grant***  
31       ***refers to a building, not the entire property.***  
32

33       ***Councilor Lund MOVED that the Durham Town Council does hereby CLOSE the Public***  
34       ***Hearing on Resolution #2024-04 Authorizing the Acceptance and Expenditure of \$286,600***  
35       ***in Unanticipated Revenue From the NH Land and Community Heritage Investment Program***  
36       ***(LCHIP) to Support the Rehabilitation of the 1804 Bickford-Chesley House at Wagon Hill***  
37       ***Farm and Authorizing the Administrator to Sign Associated Documents. The motion was***  
38       ***SECONDED by Councilor Welsh and PASSED 9-0 by a show of hands.***  
39

40       ***Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented,***  
41       ***Resolution #2024-04 Authorizing the Acceptance and Expenditure of \$286,600 in***  
42       ***Unanticipated Revenue From the NH Land and Community Heritage Investment Program***  
43       ***(LCHIP) to Support the Rehabilitation of the 1804 Bickford-Chesley House at Wagon Hill***  
44       ***Farm and Authorizing the Administrator to Sign Associated Documents. The motion was***  
45       ***SECONDED by Councilor Welsh and PASSED 9-0 on a roll call vote: Councilor***  
46       ***Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye,***  
47       ***Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Lund—Aye, Councilor***  
48       ***Friedrichs—Aye, Councilor Friedman—Aye***  
49

- 1 C. Public Hearing and Action on Ordinance #2024-01 Amending Chapter 4 “Administrative  
2 Code”, Article VI “Procurement” of the Durham Town Code to Increase the Threshold  
3 Amounts for Competitive Purchasing, Professional Services; Include an Exception for Work on  
4 Historic Properties; and allowing Sale of Surplus Material through Online Marketplaces.

5  
6 ***Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public***  
7 ***Hearing on Ordinance #2024-01 Amending Chapter 4 “Administrative Code”, Article VI***  
8 ***“Procurement” of the Durham Town Code to Increase the Threshold Amounts for***  
9 ***Competitive Purchasing, Professional Services; Include an Exception for Work on Historic***  
10 ***Properties; and allowing Sale of Surplus Material through Online Marketplaces. The motion***  
11 ***was SECONDED by Councilor Hotchkiss and PASSED 9-0 by a show of hands.***  
12

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

14  
15 ***Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby CLOSE the***  
16 ***Public Hearing on Ordinance #2024-01 Amending Chapter 4 “Administrative Code”, Article***  
17 ***VI “Procurement” of the Durham Town Code to Increase the Threshold Amounts for***  
18 ***Competitive Purchasing, Professional Services; Include an Exception for Work on Historic***  
19 ***Properties; and allowing Sale of Surplus Material through Online Marketplaces. The motion***  
20 ***was SECONDED by Councilor Welsh and PASSED 9-0 by a show of hands.***  
21

22 ***Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented,***  
23 ***Ordinance #2024-01 Amending Chapter 4 “Administrative Code”, Article VI “Procurement”***  
24 ***of the Durham Town Code to Increase the Threshold Amounts for Competitive Purchasing,***  
25 ***Professional Services; Include an Exception for Work on Historic Properties; and allowing***  
26 ***Sale of Surplus Material through Online Marketplaces. The motion was SECONDED by***  
27 ***Councilor Lund and PASSED 9-0 on a roll call vote: Councilor Hotchkiss—Aye, Councilor***  
28 ***Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Needell—Aye, Chair***  
29 ***Pro Tem Lawson—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor***  
30 ***Friedman—Aye***  
31

- 32 D. **Discussion and Possible Action on Resolution #2024-07** Amending the Employment  
33 Agreement approved on April 3, 2017, between the Town of Durham and Administrator Todd I.  
34 Selig by renewing the term of the Agreement for a period of seven (7) years extending from  
35 January 1, 2024, to December 31, 2030, updating certain terms within the Employment  
36 Agreement, and authorizing the Council Chair to sign said agreement on behalf of the Town  
37 Council.  
38

39 ***Chair Pro Tem Lawson MOVED that the Council meeting be extended beyond the 10:30 PM***  
40 ***adjournment time. The motion was SECONDED by Councilor Welsh and PASSED 7-0-2 by a***  
41 ***show of hands.*** Councilor Lonske said she was abstaining because of the lateness of the hour.  
42 Councilor Friedrichs said ze was abstaining because ze likewise did not feel this was a  
43 conversation ze would like to have at this hour but would not stand in opposition to the desires of  
44 the rest of the Council.  
45

46 Chair Pro Tem Lawson noted that if the inflation rate was applied over the years of Mr. Selig’s  
47 contract, his salary would be \$174,851. He said the net result of the contract has cut the  
48 Administrator’s salary at pace with inflation and that the base salary in this contract has not  
49 changed. This year it will remain the same as what has already been established in his contract

1 which was set on January 1<sup>st</sup>. The contract uses the same methodology to determine the raises Mr.  
2 Selig will receive through the year 2030, which is a 2% increase. However, every other year, a  
3 survey is done of eight towns, and Mr. Selig would receive the greater of the median base provided  
4 to Administrators or the 2%, whichever is greater. Those towns are Bedford, Concord, Derry,  
5 Dover, Hannover, Pease, Merrimack, and Rochester.

6  
7 Chair Pro Tem Lawson noted that Mr. Selig's salary this year was lower than the  
8 Administrator's in Concord, Dover, Keene, and Portsmouth.

9  
10 Chair Pro Tem addressed the increase in the 457-retirement contribution, as well as Mr. Selig's  
11 transportation stipend that he receives.

12  
13 Chair Pro Tem Lawson encouraged the Council to support Mr. Selig's proposed contract. He  
14 said that Mr. Selig is an excellent administrator, and excellent administrators are hard to come  
15 by. He said the result of the contract is that both the Town Council and the community get  
16 stability knowing that Mr. Selig will remain with the Town of Durham through the year 2030.  
17 He encouraged the Council to move forward with the proposed contract.

18  
19 Councilor Welsh agreed that a 6.5% increase is a modest increase, and given Mr. Selig's track  
20 record, he felt the Town would be very lucky to lock him in for the additional timeframe  
21 recommended and for the amount of money recommended. He also felt the retirement increase  
22 in the contract is relatively modest. He highly recommended the Council approve the proposed  
23 contract.

24  
25 Councilor Burton said he fully supported the contract. He said that administrating a Town  
26 which is home to a University environment is immensely complicated.

27  
28 Councilor Friedrichs said oftentimes when looking at mileage reimbursement it is considered an  
29 expense and ze felt it may be more traditional to consider mileage as an expense and additional  
30 reimbursement as opposed to a flat sum of money.

31  
32 Chair Pro Tem Lawson said he felt the expectation of Mr. Selig would be the same as any other  
33 administrator in the state, and that if the Council wanted to do that, he would prefer that the  
34 Town would just provide him with a vehicle. He said with the mileage payment, the Town is  
35 incurring the expense by paying Mr. Selig mileage rather than incurring the expense of having  
36 to provide him with and maintain a vehicle.

37  
38 Councilor Friedrichs asked what the standard retirement plan is for non-union employees.  
39 Administrator Selig responded that for full-time employees of the Town, the Town provides a  
40 contribution to the New Hampshire Retirement System, and if employees are desirous to  
41 contributing monies into a 457 plan, it is at their expense 100%. He said he is the only  
42 employee of the Town that receives a contribution from the Town to his 457 plan.

43  
44 Councilor Friedrichs thanked Mr. Selig for the clarification. Ze said that his income has  
45 essentially been adjusted around inflation and this is a compensation that rather than applying to  
46 a monthly income, the increase is being placed more into the supplemental retirement plan and  
47 this is a helpful explanation. Ze said there are those who are not executives and never will be  
48 who are squarely in the workforce income range, and this is much larger than would ever be  
49 expected for a public service role, so it is helpful for people to understand that.

*Chair Pro Tem Lawson MOVED that the Durham Town Council does hereby ADOPT Resolution #2024-07 Amending the Employment Agreement approved on April 3, 2017, between the Town of Durham and Administrator Todd I. Selig by renewing the term of the Agreement for a period of seven (7) years extending from January 1, 2024, to December 31, 2030, updating certain terms within the Employment Agreement, and authorizing the Council Chair to sign said agreement on behalf of the Town Council. The motion was SECONDED by Councilor Burton and PASSED unanimously 9-0 on a roll call vote: Councilor Friedman—Aye, Councilor Friedrichs—Aye, Councilor Lund—Aye, Chair Pro Tem Lawson—Aye, Chair Needell—Aye, Councilor Burton—Aye, Councilor Lonske—Aye, Councilor Welsh—Aye, Councilor Hotchkiss—Aye*

**XII. Approval of Minutes - February 5, 2024**

Postponed to the March 4, 2024, Town Council meeting.

**XIII. Councilor and Town Administrator Roundtable**

This item was postponed to the March 4, 2024, Town Council meeting. However, Chair Pro Tem Lawson said he would like to raise one issue at this time.

Chair Pro Tem Lawson said earlier at tonight's meeting there had been a request to have a discussion regarding parking placed on the Council's March 4<sup>th</sup>. He suggested that the discussion occur sometime after spring break. He said he is committed to doing a parking survey so Councilors will have data to inform that discussion. He said the data provided before does not correspond to some of the comments the Council heard earlier this evening from the public.

Chair Needell asked if Councilors were interested in working further on the ceasefire resolution presented earlier in the meeting.

Chair Pro Tem Lawson said he felt it was important that a resolution take input from different people, but he did not agree to just pass through a resolution that is provided to the Council. He said he could not vote in good conscious for the resolution that was provided this evening for aspects of the resolution that didn't deal with the ceasefire and the need for humanitarian aid. He said the Council will need to be careful because these resolutions are more powerful if they pass on a unanimous vote rather than a fractured vote.

A suggestion was made to bring the resolution to the Human Rights Commission for review. Administrator Selig noted the next HRC meeting isn't until March 7<sup>th</sup>, after the next Town Council meeting.

Councilor Welsh said he felt alacrity was important and that the Council should move forward with all good speed given the fact that if the Council waits two weeks the death toll will only continue to rise. He said he was personally very frustrated at the inability of anyone in the United States to do anything about this in a manner that might lead to some sort of ceasefire. He suggested that the Council not wait too long and take up the resolution as quickly as possible.

*Councilor Welsh MOVED that the Durham Town Council shall adopt a resolution calling for an immediate ceasefire in Gaza and humanitarian aid to Gaza at its next meeting on March 4, 2024. The motion was SECONDED by Councilor Friedman. NO ACTION TAKEN*

Administrator Selig offered the following for the Council's consideration: "The Durham Town Council hereby directs Administrator Selig to craft a resolution for discussion and approval at the Council's next meeting on March 4, 2024, that calls for the immediate ceasefire in Gaza and for the provision of humanitarian aid."

**Chair Pro Tem Lawson MOVED approval of the above statement as presented by Administrator Selig. The motion was SECONDED by Councilor Lund and PASSED 9-0 on a roll call vote: Councilor Hotchkiss—Aye, Councilor Welsh—Aye, Councilor Lonske—Aye, Councilor Burton—Aye, Chair Needell—Aye, Chair Pro Tem Lawson—Aye, Councilor Lund—Aye, Councilor Friedrichs—Aye, Councilor Friedman—Aye**

**XIV. New Business - None**

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

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

**XVII. Adjourn**

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

**The meeting was ADJOURNED at 11:08 PM.**

Jennie Berry, Minutes Taker