

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

**DURHAM TOWN COUNCIL  
MONDAY, MARCH 18, 2024  
DURHAM TOWN HALL - COUNCIL CHAMBERS  
7:00 PM**

**MEMBERS PRESENT:** Council Chair Sally Needell, Councilor Curtis Register, Councilor Darrell Ford, Councilor Eric Lund, Councilor Joseph (Joe) Friedman, Councilor Wayne Burton, Councilor Emily Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs) arrived at 7:01 PM, Councilor James Bubar, Councilor Heather Grant

**MEMBERS ABSENT:** None

**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 - N/A**

**III. Roll Call of Members**

Councilor Curtis Register, Councilor Darrell Ford, Councilor Eric Lund, Councilor Joe Friedman, Councilor Wayne Burton, Chair Sally Needell, Councilor James Bubar, Councilor Heather Grant

**IV. Swearing in of Council Members – Rachel Deane, Town Clerk-Tax Collector**

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

Town Clerk-Tax Collector Rachel Deane asked each Council member to state their name. She then asked them to raise their right hands and she read the Oath of Office.

**V. Approval of Agenda**

*Chair Needell MOVED that the Durham Town Council does hereby APPROVE the meeting agenda for Monday, March 18, 2024, as presented. The motion was SECONDED by Councilor Friedrichs and PASSED 9-0 by a show of hands.*

**VI. Selection of Council Chair and Chair Pro Tem**

Chair Needell opened nominations for the selection of Council Chair.

*Councilor Lund NOMINATED Sally Needell as Council Chair. The nomination was SECONDED by Councilor Ford.*

1 There was no further discussion and no other nominations made.

2  
3 ***The nomination of Councilor Needell as Council Chair PASSED 9-0 by a show of hands.***

4  
5 Chair Needell opened nominations for the selection of Council Chair Pro Tem.

6  
7 ***Chair Needell NOMINATED Councilor Joe Friedman as Council Chair Pro Tem. The***  
8 ***nomination was SECONDED by Councilor Bubar.***

9  
10 There was no further discussion and no other nominations made.

11  
12 ***The nomination of Councilor Friedman as Council Chair Pro Tem PASSED 9-0 by a show of***  
13 ***hands.***

14  
15 **VII. Special Announcements - Chair reads Land Acknowledgement Statement**

16  
17 Chair Needell read the Land Acknowledgement Statement as follows:

18  
19 *The town of Durham, New Hampshire wishes to acknowledge the spiritual and physical*  
20 *connection maintained by the Pennacook, Abenaki and Wabanaki peoples to N'dakinna*  
21 *(homeland), aki (land), nibi (water), lolakwikak (flora) and awaasak (fauna). New Hampshire*  
22 *has been home to these Indigenous people for thousands of years. The residents of Durham*  
23 *acknowledge the ongoing hardships endured by our Indigenous neighbors after the loss of their*  
24 *unceded homelands which we now steward, and we will work to foster relationships to support*  
25 *the well-being of Indigenous people who carry forward the traditions of their ancestors.*

26  
27 Chair Needell thanked all residents who turned out to vote at last week's Town Election and all  
28 of those who volunteered to work at the polls, including Council members.

29  
30 **VIII. Public Comments (\*) – Please state your name and address before speaking**

31  
32 **William Hall, Smith Park Lane**, spoke about the lamppost that was installed in the sidewalk on  
33 Churchill, the Northern Connector, and the change to one-way traffic on Main Street.

34  
35 **Sally Tobias, 107 Madbury Road**, congratulated the newest members of the Durham Town  
36 Council. She spoke about a Memorandum that was circulated to the Planning Board and  
37 explained that the wording in the Memorandum came across as terse and seemed to disregard  
38 what members of the community were encouraging. She said positive feedback has been  
39 received about the housing amendment now in place. She explained that the amendment is not  
40 the end-all of suggestions coming from the Housing Task Force. She said the amendment was  
41 brought to the task force as an opportunity to create a good possibility for some workforce  
42 housing in Durham and that the task force is just beginning its work and continuing to do its  
43 work for workforce housing in Durham and considering options for what kind, and when, and  
44 where, and how to accomplish the work. She said her biggest concern with the Memorandum is  
45 that it seemed to override the process of what is already in place, which is a process that works  
46 very well in Durham. She asked if members of the community have questions or concerns that  
47 they please speak to the Council Representative on the task force and also come to the Chair of  
48 the task force right away.

49

Councilor Register thanked those citizens who voted him into office and said he is grateful for the support and trust they have given him and will work to validate that trust over the next three years. For those that did not vote for him, he offered to find a reasonable and common-sense way to give back positive change and prosperity in Durham and understands that he works to serve all.

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

Joseph Skehan, UNH Student Body President, reported on the following:

- Broader safety in Durham. Students raised concerns about the crosswalk between Paul College and Stoke Hall, noting that an accident involving a UNH student had recently occurred.
- Spoke about Resolution #45-28 offering students' perspectives on NH House Bill 1281 relative to zoning restrictions on residential rental property.

Councilor Friedrichs said ze wanted to provide the UNH Student Body with a little bit more of the data and market information that Durham was drawing on for its conclusions because ze felt it was important that everyone is looking to data and market analysis and not trying to make assumptions on what may seem logical but doesn't play out on the ground. Ze said there was a paragraph in Resolution #45-28 that talked about the inconsistent application of the occupancy rule and that ze wanted to clarify that a little more. Ze asked Mr. Skehan if he could read that paragraph for the benefit of the public.

***WHEREAS,** the housing supply in Durham is extremely competitive due to these regulations and it is the Durham Town Council's policy to cherry-pick certain properties to be unbounded by these regulations, granting them exemptions in the permitting process and in-turn suffocating smaller property providers who look to efficiently leverage their rental investments, and*

Councilor Friedrichs said while the Town has some different zoning laws, most zones in Town are zoned for the three unrelated occupancy limit. Ze said ze does not believe that is "cherry-picking" at all and that it is very common in municipalities around the country to have zones with slightly different applications. Ze wondered if there was some confusion because there are exceptions to that rule, but they are all very much based in state regulations, laws, and ordinances and it is not "cherry-picking" and not by whim. Ze said there can be four occupants or more if they are related. For instance, if there are two students that are cousins, they can occupy and live together because they are considered as related. Ze said if homes were rented out to more than three unrelated occupants prior to the adoption of Durham's Zoning Ordinance, then the owners of the home are allowed to continue that use. Ze added that in any land use law, if there is a use of the land occurring, and then the Town adopts an ordinance that changes its zoning, those new laws cannot affect that property, generally speaking. Ze said that is why ze wanted to clarify why students may see different patterns in Durham, but if Mr. Skehan felt there were other properties that fell out of the categories ze described, ze would be glad to hear back from him with any concerns.

Mr. Skehan said with the students, it had more to do with the grandfathered properties. He said students also felt that in Durham, there seemed to be more of an appetite for larger landlords (i.e., Madbury Commons, Campus Flats) but the smaller home rental units where students can find better rental deals seem to be harder to come by.

1 Councilor Friedrichs said that Durham prides itself on its transparency and believed it has a local  
2 government to really be proud of, so ze wanted to directly face any accusations of unfairness  
3 head-on and make sure those accusations are clarified. Ze said in the short time ze has been  
4 involved in local government in Durham, ze has observed every staff member, every  
5 department, every volunteer, and every elected official to be outstanding and ze wanted to  
6 communicate that, encourage conversation, but let people know the Town is very committed to  
7 transparency and fairness.

8  
9 Chair Pro Tem Friedman agreed with the comments made by Councilor Friedrichs. He also  
10 pointed out that in the 2<sup>nd</sup> WHEREAS clause it reads that the median rental price in Durham,  
11 NH is \$2,925 a month, and the 3<sup>rd</sup> WHEREAS clause suggests that UNH might be charging  
12 between \$375 and \$525 for the same bedroom. Mr. Skehan replied that it is saying students are  
13 wanting to pay comparatively cheaper rent which includes utilities, Wi-Fi, and access to parking  
14 inventory that is currently between \$375 and \$525 and is referring directly to parking and entry  
15 access.

16  
17 Councilor Bubar asked Mr. Skehan whether the UNH Senate has engaged the University or the  
18 State of New Hampshire on the issue of why they are not providing housing for students, and if  
19 so, what has been their response. Mr. Skehan replied that the University has traditionally always  
20 had access to housing for students. He said the issue is that the cost of the Durham housing  
21 market has now outpaced what the University offers so that it is a better deal to live on campus  
22 and more students want to live on campus. However, the University does not have enough  
23 housing for its students.

24  
25 Councilor Bubar asked if the University was going to provide more student housing. Mr. Skehan  
26 replied that UNH has trends of declining enrollment, and it is also one of the least funded  
27 universities in the nation, so there is not any extra money to build more housing.

28  
29 Councilor Friedrichs noted that the New Hampshire Housing Finance Authority (NHFA) has  
30 been on top of the various bills coming before the state legislature, and that a conversation ze  
31 has had with one of their attorneys was the potential for some type of study committee for  
32 student housing recognizing that it might have some unique needs and ze encouraged the UNH  
33 Student Body to reach out more to NHFA and look at this more as a statewide issue. Ze felt that  
34 some larger study around understanding the market and understanding the data would be a great  
35 place for the concerns expressed by students to receive directives.

36  
37 Councilor Burton said the committee that has recommended killing the bill (by a vote of 12 to 6)  
38 is doing so because of opposition from the City of Nashua, the City of Manchester, and the  
39 bigger cities because it would remove any community's ability to control the occupancy in a  
40 building. He said many felt in this state that the towns should have the ability to manage their  
41 affairs in the best possible way. Councilor Burton also noted that when the three unrelated rule  
42 was initiated in Durham, it was during a time when there were a lot of issues with student  
43 behavior. He said the law seems to have worked well over time and he hoped that UNH students  
44 do not feel ill of the Town because elected members represent the people in their  
45 neighborhoods.

46  
47 Councilor Register said that the UNH Student Senate's concerns have been heard and there will  
48 be a ball moving forward to try and solve the housing issue, but how to get there is the  
49 conversation that will need to occur.

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

Councilor Lund asked that item #10A be pulled from the Unanimous Consent Agenda for discussion.

- B. Shall the Town Council, Upon Recommendation of the Administrator, Schedule a **Public Hearing for Monday, April 15, 2024 on Resolution #2024-12** Authorizing the Acceptance and Expenditure of Funding from the National Fish and Wildlife Foundation (NFWF) National Coastal Resilience Fund (NCRF) for the Construction Improvements, Engineering Services, Monitoring and Inspection for the Phase 2 Wagon Hill Farm Living Shoreline Improvements in the Amount \$1,994,539.00 and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham?
- C. Shall the Town Council, Upon Recommendation of the Administrator, Schedule a **Public Hearing for Monday, April 15, 2024 on Resolution #2024-13** Authorizing the Acceptance and Expenditure of Funding from the NH Department of Environmental Services (NHDES) NH Clean Diesel Grant Program, Funded Through the U.S. Environmental Protection Agency's (EPA) Diesel Emission's Reduction Act (DERA), for Up to Two (2) Battery Electric Refuse Collection Trucks and Up to Two (2) Direct Current Fast Charging Stations (DCFC) That will Operate in Durham, New Hampshire to Reduce Diesel Emissions. Funding shall Equal an amount not to exceed 45% of the Cost of Each Eligible Vehicle and Charger Or a Total Not to Exceed \$723,681, Whichever is Less, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham?
- D. Shall the Town Council Schedule a **Public Hearing for Monday, April 15, 2024 on Resolution #2024-14** Authorizing the Acceptance and Expenditure of Funding from the FY23 Congressionally Mandated Projects Program from the U.S. Environmental Protection Agency, for the Bennett Road Stormwater and Flood Resiliency Project, in the Amount of up to \$2,040,000, with a Required 20% Match of \$510,000, for a Total Grant and Match Amount of \$2,550,000, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham?
- E. Shall the Town Council Approve on First Reading **Ordinance #2024-02** Amending Chapter 175, "Zoning Ordinance," Articles I, IV, VII and XVII to change the process for noticing public hearings for zoning amendments, conditional uses, historic district reviews, and UNH projects from publishing notices in a local newspaper to posting notices on the Town website, and to change the process for Notices for conditional use hearings to be sent by verified mail rather than certified mail, and set the **Public Hearing for April 1, 2024**?

*Chair Needell read and MOVED approval of Items #X.B through #X.E. above as presented. The motion was SECONDED by Councilor Friedrichs and PASSED 7-0-2 by a roll call vote: Councilor Grant—Aye, Councilor Bubar—Abstained due to lack of information, Councilor Friedrichs—Aye, Chair Needell—Aye, Chair Pro Tem Friedman—Aye, Councilor Burton—Aye, Councilor Lund—Aye, Councilor Ford—Aye, Councilor Register—Abstained due to lack of information.*

**Unanimous Consent Agenda**

- A. Shall the Town Council approve **Resolution #2024-11** establishing the regular Town Council meeting dates for April 2024 through March 2025?

Councilor Lund said that the holiday Eid al-Adha falls on June 17<sup>th</sup> this year and a meeting has been scheduled for that evening which is contrary to Town policy that Town meetings not be scheduled on this and other selected religious holidays. He recommended rescheduling that Council meeting to either June 24<sup>th</sup> or July 1<sup>st</sup>.

***Councilor Lund MOVED that the Durham Town Council does hereby ADOPT Resolution #2024-11 establishing the regular Town Council meeting dates for April 2024 through March 2025, as amended to reschedule the Council meeting from June 17, 2024, to June 24, 2024. The motion was SECONDED by Councilor Register and PASSED 8-1 by a show of hands with Councilor Ford opposing.***

**XI. Committee Appointments - None**

**XII. Presentation Items - None**

**XIII. Unfinished Business - None**

**XIV. Approval of Minutes**

February 5, 2024

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

Substantive corrections made at the meeting included:

**Councilor Lund:** Page 2, line 46, change first sentence to read that Curtis Register, 6 Rocky Lane, **introduced himself as a candidate for Town Council**. He said he and his family ...

**Councilor Friedrichs** said that in zir roundtable report for the Planning Board ze had provided more information/detail about the Conditional Use project in the Wetland Conservation Overlay District and asked for that detail to be included. The following is offered:

- **Reviewed a project of the Conditional Use in the Wetland Conservation Overlay District. There was discussion about a part of the Wetland Ordinance that requires the last 25 feet of a lawn closest to the wetland to be re-established as natural vegetation. It was thought that Administrative Gloss had been applied where the Town had not been enforcing that particular portion of the Ordinance. However, after speaking with the Code Enforcer after the meeting, it was determined that the provision was being enforced. There is now some confusion as to what the course of action should be. There will probably be discussion at the next Planning Board meeting as to what should be done after a mistake is made within an approval.**

***Chair Needell MOVED that the Durham Town Council does hereby APPROVE the Town Council meeting minutes for February 5, 2024, as amended. The motion was SECONDED by Councilor Lund and PASSED 5-0-4 by a show of hands. Councilors Register, Ford, Bubar, and Grant abstained as they had not been elected to the Town Council at that time.***

February 19, 2024

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

Substantive corrections made at the meeting included:

***Chair Needell MOVED that the Durham Town Council does hereby APPROVE the Town Council meeting minutes for February 19, 2024, as amended. The motion was SECONDED by Councilor Friedrichs and PASSED 6-0-3 on a roll call vote: Councilor Register—Abstain; Councilor Ford—Aye, Councilor Lund—Aye, Councilor Burton—Aye, Chair Pro Tem Friedman—Aye, Chair Needell—Aye, Councilor Friedrichs—Aye, Councilor Bubar—Abstain; Councilor Grant—Abstain.***

***Councilors Register, Bubar, and Grant abstained from voting as they had not been elected to the Town Council at the time.***

***Councilor Grant said that although he was not on the Town Council at the time, he attended the entire meeting as a member of the public, reviewed the draft minutes, and was comfortable with voting on them.***

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

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

- The HDC/HC met on March 7, 2024.
- Approved an application for a freestanding solar array as an accessory use to provide electricity for St. George's Church. The 16.8-kilowatt array would be located in the side lawn of the rectory.
- Approved an application for replacement of 15 windows and 2 garage doors in garage at 10 Newmarket Road.
- On February 15, 2024, held the second of three facilitated meetings discussing the language for the Oyster River Raid historic marker. Some progress was made toward finding common ground on the language. One more meeting on this series will be held on March 21, 2024, at 4PM in Town Council chambers.

##### Councilor Burton – Strafford Regional Planning Commission (SRPC)

- The SRPC heard from the State of NH and others about the abysmal status of the state's future with regard to solid waste. New Hampshire Department of Environmental Services (NHDES) shows that 43% of the refuse comes from out of state and that after the year 2025 when the turnkey landfill closes, if nothing happens, the state will generate 1.5 million tons of waste and have capacity to store 225 tons. He said it is becoming clear that it behooves the state to either find more space to put its trash or start limiting what its trash is.

##### Councilor Friedman – Parks & Recreation Committee

- Committee met on February 27, 2024.
- Noted that one can see the activities for residents of Durham on the Town website, as well as in the weekly Friday Updates. The department is doing a lot of programs.
- Camp registrations opened and filled quickly for the summer.
- Currently running after school programs.

- 1 - There was a discussion with Land Stewardship Coordinator Sarah Callaghan.
- 2 - A trails subgroup reported to the committee.
- 3 - Had further discussion about the study of Jackson's Landing and Woodridge Park which the
- 4 passed and launched a study of these two parks. They have now reached the focus group stage
- 5 which they expect to do in the next few weeks and are looking for adult resident volunteers to be
- 6 part of that focus group. That would be for adults without children who use Woodridge Park and
- 7 have thoughts, ideas, or opinions about the park.
- 8 - The committee finalized its 2025 goals, and the next Parks & Recreation meeting will be held on
- 9 Tuesday, March 26, 2024 at 7PM in Council chambers.

10  
11 Councilor Friedman - Seacoast Economic Developers Stakeholders (SEDS)

- 12 - The SEDS met on March 8, 2024, at the Richard W. Creteau Regional Technology Center
- 13 located at Spaulding High School in Rochester. Durham-based high school students can take
- 14 advantage of the center and the programs it offers. It offers an alternative to a college track after
- 15 high school and is geared toward a career path in areas such as precision machining, advanced
- 16 manufacturing, aviation studies and automotive repair, health sciences, environmental sciences,
- 17 architecture, mechanical engineering and graphic design, video and photographic arts, computer
- 18 networking, and telecommunications.
- 19 - At the SEDS meeting on February 27, 2024, members received an economic trends analysis of
- 20 the region.
- 21 - Next meeting will be held on Tuesday, March 26, 2024.

22  
23 Chair Needell – Integrated Waste Management Advisory Committee (IWMAC)

- 24 - The committee last met on February 7, 2024.
- 25 - Received an update from the Department of Public Works. They are working on new language
- 26 for the Solid Waste Ordinance and preparing to accept the EV grant, researching toters and
- 27 compactors, and varying energy requirements for the Transfer Station to have the EV chargers
- 28 that will be needed for those trucks.
- 29 - UNH sustainability majors are working with IWMAC to plan an education campaign that the
- 30 Town might use through social media to reach more residents in Town than is done currently.
- 31 - The next meeting is scheduled for Wednesday, March 20, 2024 at 8AM in Council chambers.
- 32 - Swap Shop opens on April 6, 2024.

33  
34 Chair Needell – Durham Human Rights Commission (HRC)

- 35 - The HRC met on March 7, 2024, at 10:30 AM.
- 36 - Members were disappointed to not have had an advisory role in the consideration of Resolution
- 37 #2024-10 concerning the Israeli-Hamas impact. As a result of that, the members want to maybe
- 38 provide a response on how the commission might have advised the Council if given the
- 39 opportunity and also recommendations for a process the Town might use in the future that may
- 40 be able to take advantage of the HRC's input.
- 41 - Next meeting is scheduled for Friday, April 5, 2024, at 1PM in Council chambers. There will be
- 42 a presentation from the Durham Police Department to gain an understanding from the
- 43 department about what it hears from the community regarding hate crimes and hate speech so
- 44 assumptions are not being made about what the Police may be hearing.

45  
46 Councilor Friedrichs – Durham Energy Committee (DEC)

- 47 - The DEC met on March 5, 2024, at 7PM.
- 48 - The UNH sustainable fellow will be working on a climate study for Durham residents, which
- 49 will be in the weekly Durham Friday Updates and social media.



- Durham has officially launched Community Power Coalition of NH (CPCNH), for those who have signed up for the program, their bill should reflect that rate in the March bill. Residents can still sign up for a community power option, so if they want to clean up their carbon footprint, they can select a higher mix of clean energy. Customers will see some cost increases, but they are pretty modest. A big section of the bill comes from the delivery bill which is the same, no matter where one's power source is. If residents would like to test what that might look like, there is information in the weekly Friday Updates in announcements around community power, the Town website, and in the Durham section of the Community Power Coalition of New Hampshire's website. The committee is continuing to evaluate the potential for a couple of sites in Durham for community power, which is ongoing. Another major goal of the committee is to try and help residents and property owners to reduce the Town's carbon footprint; one of the goals of the Global Covenant of Mayors in which the Town Council is party to.
- Began review of an EV ordinance that would require the wiring and the infrastructure to be included as part of the building permitting process for future installation of EV chargers in connection with parking spots around Town. The DEC asked for guidance from the Code Enforcement Office given the parameters that were set up on how narrow or how wide the spots would be and how many parking spots were expected to be created per year.
- Some planning has been done around community outreach activities as the committee is not having a single intense Earth Day celebration event this year but rather holding workshops and events throughout the year and also planning to participate in other workday events sponsored by other entities in Town, including the Oyster River Middle School.

#### Councilor Friedrichs – Planning Board

- The board met on March 13, 2024.
- Heard a lot of comments from residents on the Workforce Housing and Zoning Ordinance. Many were broadly in favor of workforce housing and weren't necessarily speaking to this specific draft. There were questions and requests for information to understand some more nuance issues. The board felt it was appropriate to rework the ordinance and some discussion was held on how that would be done. The Town Planner will be working on it and come back with a revised draft to the Planning Board. He will be sharing the draft with the Housing Task Force as well. The revised ordinance will be opened for public comments again.
- There were two members of the board that were concerned about the Memorandum that was sent out, which Sally Tobias mentioned earlier during Public Comments.

Councilor Friedrichs said ze was concerned about some of the discussion regarding the Memorandum which was that the Housing Task Force had not been learning about planning and about ordinances during its two-year charge. Ze said this is concerning to zir because the only way that Durham can take action in the community around workforce housing is to modify its ordinances in potential combination with trying to fund some workforce housing. But really the only tool the Town has in its toolkit for affecting workforce housing is zoning. So, to hear that the Housing Task Force has not really learned anything about zoning makes zir feel that there is a huge disconnect in what the Housing Task Force was working on and how that plays into the Town as a governing entity. Ze said all the Town's boards, commissions, and committees serve a role in Town government. They are not social clubs or social justice groups. They have a charge established by the Town Council and they are meant to play into and contribute to a role in Town government. So to hear that the Housing Task Force wasn't being prepared and supported to fulfill its role in Town government, which was what the Town can actually affect in workforce housing, which is all zoning related, and knowing that the task force had staff supporting and working with the task force was disconcerting to zir because it feels like there

1 was a big gap in support, information, and coordination as ze thought that the task force would  
2 be diving into zoning and be prepared to come forth with a lot of research, information, and  
3 ideas around zoning. Ze said it was somewhat shocking to hear and disconcerting how the Town  
4 is functioning as a Town government.

- 5 - The Planning Board is still working on a revision of the Zoning Ordinance. It is still working on  
6 the definitions section and has not been able to move on from that as the Town Planner has not  
7 had the time to review and update the revisions and come back to the board and continue  
8 forward.

9  
10 For clarification, Chair Pro Tem Friedman said that the Planning Board is listening to what the  
11 Housing Task Force is listening to what the task force is recommending but are not necessarily  
12 in agreement and are trying to sort out how to go forward with the zoning amendment changes.  
13 He said he did remember that the Council gave the Housing Task Force a charge and it may not  
14 have said, according to what Councilor Friedrichs is saying, that the charge should have also  
15 included and made some recommendations for zoning amendments and changes.

16  
17 Council Friedrichs said ze did not believe the Planning Board and Housing Task Force were in  
18 disagreement. Ze believed the task force has been more focused on the data around need and  
19 narrative and stories around need and also some community events which ze felt was all part of  
20 the process. Ze said what had been expressed at the Planning Board meeting was that the  
21 Housing Task Force was not a group that had been learning about how zoning works and it was  
22 not a group that had been diving into case studies or comparative zoning (i.e., what does zoning  
23 look like in other communities, what works, what doesn't work, etc.) and getting into that nitty  
24 gritty in order to develop good ordinance language or suggestions for good ordinance language.  
25 That is why it was determined at the Planning Board that rather than sending the draft ordinance  
26 back to the task force to incorporate changes or to work on and improve, that the Town Planner  
27 should work on it and it would then come back to the Planning Board for consideration. But, ze  
28 said the concern for zir is this kind of mismatch between those people who have been learning  
29 about this issue for a long time now, not having the tools or knowledge to be thinking about  
30 ways to work on it versus it coming straight to the Planning Board which would have more  
31 zoning knowledge, but has not been studying this issue in-depth. The Planning Board has a  
32 much smaller bandwidth because it is simultaneously getting more applications, working on the  
33 zoning definitions, a Zoning Ordinance change from the Durham Energy Committee, as well as  
34 one currently under consideration for the Conservation Commission in the Wetland and  
35 Shoreland districts. So, all of these things are going to the Planning Board which can't  
36 necessarily move through everything in a timely way in the coming months, and also does not  
37 have the workforce expertise to have studied this issue. So, ze felt there was something amiss in  
38 term of the Town Council's charge for the Housing Task Force and making sure that it was clear  
39 that if the group wanted to affect workforce housing as an issue, they way it is going to happen  
40 is through zoning, therefore, it is important to learn about zoning and making sure that the task  
41 force was given the tools and resources to learn.

42  
43 Councilor Burton said that the Chair of the Housing Task Force was on the Planning Board and  
44 is very knowledgeable of planning issues. Secondly, the Council hired a consulting firm, and it  
45 provided expert information to the Housing Task Force on which it based its report. It is now up  
46 to the Planning Board to put some statutes in place. He said the Housing Task Force had the  
47 consultant, it had a charge, it has an experienced Chair, and now it has put forth the concepts. He  
48 did not believe it was fair to say the task force did not have the knowledge of the Planning Board  
49 as certainly the Chair of the task force has the knowledge.

Councilor Grant agreed with Councilor Burton's comments. She said when she was on the Housing Task Force, the group went through the entire section of housing and zoning line by line. Everyone on the group at the time received an explanation by the Town Planner on the entire zoning document. She said she had also served on the Planning Board so did not believe the task force has an ignorant group. She also added that those coming onto the task force after she left also have a lot of base experience on different issues. The Town Planner sits as the staff advisor on the task force, as well as planning representatives, so she felt the group has had the chance to learn and has received support in the field of planning.

Administrator Selig said it may make sense at some point to revisit the charge of the Housing Task Force to refine it to reflect what the Council may want the group to be working on if there is a concern that the focus has been displaced or should be on something else. He said originally he believed the intent was to figure out whether Durham had a housing problem and to work on the Housing Needs Analysis, which has been what the task force has been working on to date and gathering firsthand information from employers and residents in Town and people not currently living in Durham but may want to. He said the charge does not necessarily ask that the task force become familiar with zoning and recommend zoning changes. He said the proposal for the Keefe property mentioned by Council Friedrichs was viewed by the town Planner as a potential opportunity to address the need sooner than later, so he brought forward the proposal that was shared with the task force and ultimately the Planning Board and that was what was discussed at the meeting the other night. He said the task force has been sort of self-directed trying to follow the charge that was provided and also what it, as a group, felt was most important as part of this big issue.

Councilor Friedrichs clarified that ze had just been going off of the discussion that occurred at the Planning Board when the decision was made to not seek the changes with the task force but rather have the Town Planner work on amendments and then bring the revised draft back to the Planning Board.

#### Councilor Bubar – Zoning Board

- Noted that the Zoning Board met on March 12, 2024, and reviewed an application for variance for an 8,000 square foot multifamily residential housing property on Schoolhouse Lane and decided that was too extensive for the buffer zone and would potentially be very disruptive for the for the Old Landing neighborhood on Old Landing Road and therefore denied the application.
- Councilor Grant had nothing to report.

Councilor Friedrichs notified the Council that ze would be absent for the two meetings in April due to visiting a sibling in New Zealand but would try to follow the meetings and submit any questions ze may have via email to Administrator Selig.

#### Administrator Selig

- The Fire Department is experiencing some challenges with staffing. There is one vacancy to fill but there is a candidate that will start in 3-4 weeks. There are also individuals out on long-term injuries and/or medical issues, so the department is trying to fill five positions on overtime which is pushing staff to fill those shifts and it costs a lot of money to fill those shifts by overtime. Seniors at the Fire Department roughly estimate about a quarter of a million dollars in

deficit if they continue to run as present. They are actively working on some strategies to try and mitigate that additional overtime cost. Administrator Selig responded to a question from Councilor Friedrichs about whether there had been any further conversations with the Town of Madbury partnering with another Town Fire Department, such as Durham.

- Administrator Selig spoke to House Representative Al Howland regarding House Bill 1281. The House Municipal and County Government Committee voted 12-6 to recommend the bill be determined inexpedient to legislate, which means to kill the bill. It will now go to the floor of the House and Representative Howland said that discussion is scheduled for Thursday, March 21, 2024. Representative Howland said it is likely that the bill's primary sponsor will recommend an amendment to the bill on the floor of the House. Representative Howland recommends that regardless of the fate of the bill, that Durham revisit the definition of "family" in Durham, in large part because the current definition dates back to the 1980s and there is a more modern way to look at what "family" is today. Representative Howland feels there will likely be something introduced in the next session that deals with the issue of what is the definition of a college student in New Hampshire, and how does that apply across communities in New Hampshire.
- Collective Bargaining negotiations have begun between the Town of Durham and the Durham Police Officers Association, represented by the New England Police Benevolent Association Local 21. 2024 is the final year of a three-year contract. An update will be provided to the Town Council in the near future regarding the status of the negotiations.
- Durham hosted a delegation of eight representatives from Macedonia today that is learning about democracy, transparency, and eliminating corruption in government.
- The Town is in the process of closing out its land and mobile radio (LMR) project that was a \$900,000 grant from the US Department of Justice.
- Regarding the RKG Housing Report presented to the Council, there were a number of items brought up for further review, clarification, and recommendations from the Council, along with questions and concerns from citizens that were forwarded to RKG. Once RKG has had an opportunity to consider the information, it will follow up with the Town.
- The Town and UNH are in the process of selecting the next UNH Fellow. Administrator Selig participated in three interviews. An offer has been made to one of the three candidates. That person will be working with the Town this summer on updating the Town's current Climate Action Plan.

#### **XVI. New Business**

Annual appointments of Council representatives to the various town boards, commissions, and committees

Councilor Bubar said he is currently a member of the Zoning Board and had spoken with Administrative Assistant Karen Edwards about being able to continue as a member on the Zoning Board while also serving on the Town Council. She indicated there was no conflict with doing so and he asked to be able to continue to remain on the Zoning Board. Councilors raised no objections to this request.

***Chair Needell MOVED the appointment of Council representatives to the various Town boards, commissions, and committees slate of vacancies as listed below, as amended. The motion was SECONDED by Councilor Friedman and PASSED unanimously 9-0 on a roll call vote: Councilor Register—Aye; Councilor Ford—Aye, Councilor Lund—Aye, Councilor Burton—Aye, Chair Pro Tem Friedman—Aye, Chair Needell—Aye, Councilor Friedrichs—Aye, Councilor Bubar—Aye; Councilor Grant—Aye.***

*Agricultural Commission – Councilor Register*  
*Cemetery Committee – Councilors Ford, Lund, and Register*  
*Conservation Commission -- Councilor Burton*  
*Durham Energy Committee – Councilor Lund*  
*Historic District/Heritage Commission – Councilor Lund*  
*Housing Task Force – Councilor Grant*  
*Human Rights Commission – Chair Needell*  
*Integrated Waste Management Advisory Committee – Councilor Bubar*  
*Land Stewardship Subcommittee – Councilor Ford*  
*Parks & Recreation Committee – Councilor Friedman*  
*Planning Board (regular) – Councilor Friedrichs*  
*Planning Board (alternate) – Councilor Grant*

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

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

**XIX. Adjourn (NLT 10:30 PM)**

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

**The meeting ADJOURNED at 9:01 PM.**

Jennie Berry, Minutes Taker