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D-R-A-F-T

**DURHAM TOWN COUNCIL
MONDAY, APRIL 15, 2024
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Council Chair Sally Needell, Councilor Curtis Register, Councilor Eric Lund, Councilor Wayne Burton, Council Pro Tem Joseph (Joe) Councilor James Bubar, Councilor Heather Grant

MEMBERS ABSENT: Councilor Emily Friedrichs, Councilor Darrell Ford

OTHERS PRESENT: Administrator Todd Selig, Town Planner Michael Behrendt, Town Assessor Jay Ferriera, Director of Public Works Rich Reine, Town Engineer April Talon, Business Manager Gail Jablonski

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 Eric Lund, Councilor Wayne Burton, Council Pro Tem Joe Friedman, Chair Sally Needell, Councilor James Bubar, Councilor Heather Grant

IV. Approval of Agenda

Chair Needell MOVED that the Durham Town Council does hereby APPROVE the meeting agenda for Monday, April 15, 2024, as presented. The motion was SECONDED by Councilor Lund and PASSED 7-0 by a show of hands.

V. Special Announcements - None

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

William Hall, Smith Park Lane, spoke about the 1989 Master Plan and the Northern Connector.

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

Student External Affairs Chair Olivia Welsh said the Student Senate noted the resolutions that the Student Senate passed at its meeting yesterday:

- Adding trash cans near Madbury Road.
- Financial support of CPR education programs at UNH.

- Gluten free options at the dining hall.

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

Regarding the abatement recommendations in item #VIII C, Chair Pro Tem Friedman wanted to note that the abatement listed in the Council Communication as #2 for 14 Sandy Brook Drive is correct, however, the backup information provided in the Council packet refers to 14 Colony Cove Road, which is incorrect.

Councilor Bubar asked that Unanimous Consent item B. be pulled for discussion.

- A. Shall the Town Council Approve the 2nd 2024 Warrant for Water and Sewer Totaling \$691,712.59 commit the bills for charges to the Tax Collector for collection, and authorize the Administrator to sign said warrant on its behalf?
- C. Shall the Town Council accept the recommendations of the Town Assessor and Administrator relative to FY 2023 Property Tax abatement requests in the total amount of \$45,719.21?
- D. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Joan Osborn to close certain sections of Town Roads for Revolution: 1774 to be held on Saturday, June 15, 2024, with a rain date of June 16, 2024?
- E. Shall the Town Council unseal the Nonpublic Session minutes from the year 2002 dated January 21, June 17, August 5, October 21, and October 28?

Chair Needell MOVED to approve Unanimous Consent Agenda items #VIII A, C, D, & E above, as presented. The motion was SECONDED by Councilor Grant and PASSED unanimously 7-0 by a roll call vote: Councilor Grant—Aye, Councilor Bubar—Aye, Chair Needell—Aye, Chair Pro Tem Friedman—Aye, Councilor Burton—Aye, Councilor Lund—Aye, Councilor Register—Aye

VIII. Unanimous Consent Agenda

- B. Shall the Town Council, upon recommendation by the Administrator, release the School Impact Fees collected, plus any accrued interest, to the Oyster River Cooperative School District to be used towards the Middle School bond payment?

Chair Needell MOVED to approve Unanimous Consent Agenda item #VIII B above, as presented. The motion was SECONDED by Councilor Bubar.

Councilor Bubar said he was reading the 2nd paragraph on page 3 of the Council Communication regarding Attorney Laura Spector-Morgan’s comments and said he was looking for more of an explanation because he wasn’t certain he completely understood what she was recommending and how that relates to what the Council is acting on.

Business Manager Gail Jablonski explained that the money will be released to the school after July 1st when the school figures out its’ apportionment, and this will be a credit for the Town of Durham.

Chair Needell called for the vote, which ***PASSED unanimously 7-0 on a roll call vote: Councilor Register—Aye, Councilor Lund—Aye, Councilor Burton—Aye, Chair Pro Tem Friedman—Aye, Chair Needell—Aye, Councilor Bubar—Aye, Councilor Grant--Aye***

1 **IX. Committee Appointments**

2 Shall the Town Council, upon recommendation of the Planning Board Chair, Appoint Robert
3 Sullivan 193 Packers Falls Road, to fill an Alternate Membership on the Planning Board with a
4 term expiration of April 2027?
5

6 Mr. Sullivan introduced himself to the Council. He said he would love to join the Planning
7 Board and felt he had good skills to contribute.
8

9 ***Councilor Bubar MOVED that the Durham Town Council, upon recommendation of the***
10 ***Planning Board Chair, does hereby appoint Robert Sullivan 193 Packers Falls Road, to fill an***
11 ***Alternate Membership on the Planning Board with a term expiration of April 2027. The***
12 ***motion was SECONDED by Councilor Lund and PASSED unanimously 7-0 by a show of***
13 ***hands.***
14

15 **X. Presentation Items - None**

- 16
17 A. Presentation from Human Rights Commission on Statement issued April 5, 2024, by the
18 Commission regarding Ceasefire Resolution #2024-10
19

20 Chair Needell said as the Council member and Chair of the Human Rights Commission, she had
21 recused herself during the discussion and the preparation for the presentation of this item. She
22 said The Reverend Richard Belshaw chaired the Human Rights Commission when this was
23 discussed, and he would be speaking to this issue.
24

25 The Reverend Belshaw said that the HRC felt compelled to respond to the resolution that was
26 passed regarding the statement about Gaza and Israel. He read the commission's response:
27

28 *"We, members of Durham's Human Rights Commission, are concerned that we were not*
29 *consulted prior to the Durham's Town Council vote to pass a ceasefire resolution*
30 *(Resolution #2024-10) on March 4, 2024, regarding the war in Gaza and Israel. Although the*
31 *Human Rights Commission was cited in the "Whereas" section of the resolution, we were*
32 *not involved in either the decision to pass a resolution or the content of the one that was*
33 *passed.*
34

35 *Normal Town Council practice is to refer issues to appropriate committees/commissions*
36 *prior to acting. Skipping that step undermined the value of the Council's action. Despite*
37 *Councilor Friedman mentioning usual practice, the Council, prompted by requests from*
38 *members of public in attendance at a February 19, 2024, Town Council meeting, a sense of*
39 *urgency, and facing fixed meeting dates, decided to move ahead. We feel that acting in*
40 *haste in this situation was not necessary and resulted in poor process and untoward*
41 *consequences.*
42

43 *One of the charges of Durham's Human Rights Commission (HRC) is to counter prejudice*
44 *of any kind. We are to encourage town employees and volunteers, as well as private*
45 *persons and groups, to promote and provide equal opportunity for and goodwill towards all*
46 *people.*
47

48 *We are deeply concerned about the growing discord caused by the ongoing war in Gaza*
49 *and Israel and the rising rates of antisemitic and Islamophobic incidents and sentiments.*
50 *Durham is not immune from these actions and attitudes. We call on the Town of Durham*

1 *to combat these trends and support all our residents. We believe that building skills in*
2 *deep listening, dialogue, and cultivating the ability to hold multiple perspectives are*
3 *fundamental to strengthening communities. Understanding and empathy are essential for*
4 *reconciliation and healing, and ultimately, for finding ways of coexisting in peace. We call*
5 *on Durham's town government, organizations, and citizens to collaborate in developing*
6 *opportunities and resources to support Durham residents in achieving the greater mutual*
7 *understanding necessary for goodwill towards all who call Durham home."*
8

9 The Reverend Belshaw said this was a way for the HRC to provide a little constructive criticism
10 to the process, to make clear that the commission was not involved in the resolution, and also to
11 bring to the attention of the public and the Council that the HRC is an advisory commission and
12 is available to provide insight and help, primarily in the Town of Durham. Resolutions such as
13 the one passed by the Council that go beyond the boundaries of this country are not really under
14 the commission's purview, So, the commission would just like to emphasize that it is available
15 for all committees, all commissions, all people in Durham to do what it can to make all life
16 wholesome and equitable for everybody and where everyone has a chance to live in a way that is
17 sustainable and welcoming to all.

18
19 Councilor Burton said he has been on the Council for 10 years and during that time he doesn't
20 recall any resolution going before a committee prior to being passed by the Council. He asked
21 The Reverend Belshaw if the resolution had gone to the Human Rights Commission first, what
22 would it have changed. The Reverend Belshaw replied he was not there to discuss content but
23 process. He said the first thing that caught everyone's eye is that the HRC was mentioned in the
24 resolution as a commission, and that seemed to be an error. He said it is a human rights issue and
25 the commission, as a whole, felt it should have been consulted before such a resolution was
26 passed. He said a number of people of the Jewish faith expressed concerns that they felt less safe
27 in Durham because of it.

28
29 **Deborah Hirsch-Mayer**, a member of the HRC, said one of the reasons the commission felt the
30 need to respond is because it was concerned that people read in the resolution that the Human
31 Rights Commission existed but not that it was consulted. She said the people that came to the
32 commission were expressing their concern that they were feeling much less safe and that there is
33 increasing antisemitism generally in the World. She said specifically, in Durham, there have
34 been some incidents where people stand with signs on their lawn that say "I stand with Israel"
35 that have been vandalized.

36
37 The complete presentation, along with comments, concerns, discussion, and responses to
38 Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

- 39
40 B. Presentation/Discussion with Fire Chief Dave Emanuel regarding shift vacancies and overtime
41 overages, and options to address these issues.

42
43 Chief Emanuel said he was joined by Assistant Chief Randall Trull, Deputy Chief Robert
44 Atwater, CPT James Brown, DPMMA, CPT Ken Lundberg, DPFFA.

45
46 He said the purpose of the presentation is to explain some of the different staffing challenges
47 and the financial and fiscal impacts on the Fire Department budget that have been experienced
48 over the first quarter of 2024.
49

- There have been up to six vacancies in the first three months increasing hours worked by department members as well as overtime wages expended.
- The fire department on-duty staffing consists of one captain and four firefighters who serve the community on a rotating 24-hour shift schedule. These five positions are staffed person-for-person and open positions/shift vacancies are filled by off-duty personnel and funded through overtime. The department has maintained the five-person level of service for over 10 years and has a staffing factor of one, meaning there are twenty-line positions within the fire department and twenty people to staff them.
- There is no capacity to fill shift vacancies with additional firefighters or company officers beyond the minimum staffing level.

The table below lists the positions, dates, and vacancies impacting the department in 2024.

Fire Department Staffing Challenges

<u>Staff Position</u>	<u>Vacancy Created</u>	<u>Vacancy Filled</u>	<u>Explain/Notes</u>
FF Position 1	08/31/23	03/11/24	Campbell retirement; filled by E. Crafts
FF Position 2	12/15/23	04/16/24	Boutin resignation; filled by F. Brown
CPT Position 3	12/19/23		Medical leave—return date TBD
FF Position 4	02/26/24		Medical leave—return date TBD
FF Position 5	02/29/24		Medical leave—return date TBD
FF Position 5	03/06/24		Medical leave—return date TBD

The table below outlines the multiple selection processes conducted over the past several months to yield three hires for the fire department. The applicant pool has been consistently shallow across the state and region.

Fire Department Selection and Hiring Processes Conducted:

<u>Date</u>	<u>No. Applicants</u>	<u>Applicants Evaluated</u>	<u>Offers Extended</u>	<u>Hires</u>	<u>Explain/Notes</u>
04/26/23	12	6	2	1	Filled 05/11/23 vacancy of E. Crafts
07/10/23	2	2	2	0	Conditional offers declined by candidates
09/01/23	2	1	1	0	Conditional offer declined by candidate
10/05/23	1	0	0	0	Applicant not qualified
12/01/23	1	1	1	0	Conditional offer declined by candidate
01/23/24	43	8	2	2	One additional candidate on eligibility list

- Four members remain out on medical leave with various estimated return to work dates. These four positions continue to be filled by existing staff working overtime. The constant need to cover open shifts with existing staff creates an excessive work burden on members which is detrimental to their health and safety and conflicts with the department’s value of “family first”.
- Vacant positions, injuries, and medical leave for FY24 have resulted in an estimated overtime wage expense of approximately \$200K with associated benefits and retirement expense of \$65K.
- Anticipated offsetting revenues from the Town’s short-term disability insurance and worker’s compensation, combined with the budgetary savings from the two vacant firefighter positions

1 that were funded in the FY24 operating budget, are estimated to be approximately \$90K. The
2 total fiscal impact will be determined by the duration of time each individual remains out of
3 work on medical leave. This rate of overtime expenditure is far higher than anticipated for the
4 first quarter of FY24 and any additional unforeseen staffing challenges will have adverse
5 consequences on the operating budget for the remainder of the fiscal year.

- 6 • The fire department administration has worked with the Administrator, Durham Professional
7 Firefighters Association, and Durham Professional Municipal Managers Association to seek
8 alternatives and solutions to hire and retain staff to fill open positions, reduce working time and
9 increase safety for members, maintain spending within the fire department’s FY24 operating
10 budget, and reduce overtime costs for the Town. In March 2024, the fire chief implemented a
11 budgetary spending freeze and additional scrutinization of all department spending, including
12 department training and professional development. Additional options including temporary
13 assignments, hiring additional firefighters to increase staffing capacity, and reducing on-duty
14 staffing levels, have been discussed and explored.
- 15 • At this time, four members remain out on medical leave with various estimated return to work
16 dates. These four positions continue to be filled by existing staff working overtime. The constant
17 need to cover open shifts with existing staff creates an excessive work burden on members
18 which is detrimental to their health and safety and conflicts with the department’s value of
19 “family first”.

20
21 The complete presentation, along with comments, concerns, discussion, and responses to
22 Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

23
24 C. Quarterly Financial Report through 3/31/24 - Gail Jablonski, Business Manager

25
26 Ms. Jablonski said the Town is moving along financially as expected. Expenses were at 24.7%,
27 and revenues came in at around 20%. She said property tax bills will go out in June so in July,
28 the Town should receive approximately 50% of payments. The departments are watching their
29 budgets closely. The snow budget is looking good, although the last storm put a little bit more of
30 a dent in it. Other than that, she did not have anything major to report.

31
32 The complete presentation, along with comments, concerns, discussion, and responses to
33 Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

34
35 **XI. Unfinished Business**

- 36
37 A. **Public Hearing and Action on Resolution #2024-12** Authorizing the Acceptance and
38 Expenditure of Funding from the National Fish and Wildlife Foundation (NFWF) National
39 Coastal Resilience Fund (NCRF) for the Construction Improvements, Engineering Services,
40 Monitoring and Inspection for the Phase 2 Wagon Hill Farm Living Shoreline Improvements in
41 the Amount \$1,994,539.00 and Authorize the Administrator to Sign and Submit Grant
42 Paperwork on Behalf of the Town of Durham.

43
44 *Councilor Lund MOVED that the Durham Town Council does hereby OPEN the Public*
45 *Hearing on Resolution #2024-12 Authorizing the Acceptance and Expenditure of Funding*
46 *from the National Fish and Wildlife Foundation (NFWF) National Coastal Resilience Fund*
47 *(NCRF) for the Construction Improvements, Engineering Services, Monitoring and*
48 *Inspection for the Phase 2 Wagon Hill Farm Living Shoreline Improvements in the Amount*
49 *\$1,994,539.00 and Authorize the Administrator to Sign and Submit Grant Paperwork on*

1 ***Behalf of the Town of Durham. The motion was SECONDED by Chair Pro Tem Friedman***
2 ***and PASSED unanimously 7-0 by a show of hands.***
3

4 No members of the public came forward to speak about the resolution.
5

6 ***Councilor Lund MOVED that the Durham Town Council does hereby CLOSE the Public***
7 ***Hearing on Resolution #2024-12 Authorizing the Acceptance and Expenditure of Funding***
8 ***from the National Fish and Wildlife Foundation (NFWF) National Coastal Resilience Fund***
9 ***(NCRF) for the Construction Improvements, Engineering Services, Monitoring and***
10 ***Inspection for the Phase 2 Wagon Hill Farm Living Shoreline Improvements in the Amount***
11 ***\$1,994,539.00 and Authorize the Administrator to Sign and Submit Grant Paperwork on***
12 ***Behalf of the Town of Durham. The motion was SECONDED by Councilor Bubar, which***
13 ***PASSED unanimously 7-0 by a show of hands.***
14

15 ***Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented,***
16 ***Resolution #2024-12 Authorizing the Acceptance and Expenditure of Funding from the***
17 ***National Fish and Wildlife Foundation (NFWF) National Coastal Resilience Fund (NCRF)***
18 ***for the Construction Improvements, Engineering Services, Monitoring and Inspection for the***
19 ***Phase 2 Wagon Hill Farm Living Shoreline Improvements in the Amount \$1,994,539.00 and***
20 ***Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of***
21 ***Durham. The motion was SECONDED by Councilor Grant.***
22

23 Councilor Bubar asked how much of the Town's money needed to be combined with the amount
24 in the resolution to complete the project.
25

26 Director of Public Works Rich Reine replied that in this case, the grant did not require a match
27 but in the application the Town included an in-kind match of staff and money that the Town has
28 already spent.
29

30 Councilor Burton said he had not been aware of plans for installation of observation sites and
31 new bridges; other work than just the shoreland restoration. Mr. Reine said there would be a
32 fence erected to limit the amount of pedestrian and dog traffic that would be in the tidal areas
33 and marsh grass. He said there will be a small boardwalk and off of that boardwalk there would
34 be a small observation deck that is part of the preliminary design. He said there is one area that
35 sees a lot of stormwater runoff that will have a small bridge.
36

37 Councilor Burton said installation of some informational signage would also be good to have.
38 Mr. Reine said that part of the grant includes help from the Strafford Regional Planning
39 Commission with signage and kiosks and educational coverage.
40

41 Administrator Selig said that all together, the Town will have received approximately \$5 million
42 dollars in federal grant monies for this project. He noted that later on in the meeting, the Council
43 will be discussing grants as part of its goals process. He said the Town has to be very mindful of
44 the type of grants it pursues to make sure they are value added and consistent with the Council's
45 goals. He said the reality is that in the case of most of grants they are the result of years of focus
46 and work and bringing groups of people together to build consensus around a direction. In the
47 case of Wagon Hill Farm, the Town has been collecting different grants for about eight years
48 and it has a great relationship with the NH Fish and Wildlife Service, the NH Department of
49 Environmental Services Wetland Bureau, the UNH Research Department, and with NOAA.

1 Because of that, the Town can have access to these grant dollars, and knowing they are of value,
2 the Town provides staff resources to staff the grants because they take a lot of time to manage.

3
4 Chair Needell called for the vote which **PASSED unanimously 7-0 on a roll call vote:**
5 **Councilor Grant—Aye, Councilor Bubar—Aye, Chair Needell—Aye, Chair Pro Tem**
6 **Friedman—Aye, Councilor Burton—Aye, Councilor Lund—Aye, Councilor Register—Aye**
7

- 8 **B. Public Hearing and Action on Resolution #2024-13** Authorizing the Acceptance and
9 Expenditure of Funding from the NH Department of Environmental Services (NHDES) NH
10 Clean Diesel Grant Program, Funded Through the U.S. Environmental Protection Agency’s
11 (EPA) Diesel Emission’s Reduction Act (DERA), for Up to Two (2) Battery Electric Refuse
12 Collection Trucks and Up to Two (2) Direct Current Fast Charging Stations (DCFC) That will
13 Operate in Durham, New Hampshire to Reduce Diesel Emissions. Funding shall Equal an
14 amount not to exceed 45% of the Cost of Each Eligible Vehicle and Charger Or a Total Not to
15 Exceed \$723,681, Whichever is Less, and Authorize the Administrator to Sign and Submit
16 Grant Paperwork on Behalf of the Town of Durham.
17

18 **Chair Needell read and MOVED that the Durham Town Council does hereby OPEN the**
19 **Public Hearing on Resolution #2024-13 Authorizing the Acceptance and Expenditure of**
20 **Funding from the NH Department of Environmental Services (NHDES) NH Clean Diesel**
21 **Grant Program, Funded Through the U.S. Environmental Protection Agency’s (EPA) Diesel**
22 **Emission’s Reduction Act (DERA), for Up to Two (2) Battery Electric Refuse Collection**
23 **Trucks and Up to Two (2) Direct Current Fast Charging Stations (DCFC) That will Operate**
24 **in Durham, New Hampshire to Reduce Diesel Emissions. Funding shall Equal an amount not**
25 **to exceed 45% of the Cost of Each Eligible Vehicle and Charger Or a Total Not to Exceed**
26 **\$723,681, Whichever is Less, and Authorize the Administrator to Sign and Submit Grant**
27 **Paperwork on Behalf of the Town of Durham. The motion was SECONDED by Councilor**
28 **Bubar and PASSED unanimously 7-0 by a show of hands.**
29

30 No members of the public came forward to speak about the resolution.
31

32 **Councilor Register MOVED that the Durham Town Council does hereby CLOSE the Public**
33 **Hearing on Resolution #2024-13 Authorizing the Acceptance and Expenditure of Funding**
34 **from the NH Department of Environmental Services (NHDES) NH Clean Diesel Grant**
35 **Program, Funded Through the U.S. Environmental Protection Agency’s (EPA) Diesel**
36 **Emission’s Reduction Act (DERA), for Up to Two (2) Battery Electric Refuse Collection**
37 **Trucks and Up to Two (2) Direct Current Fast Charging Stations (DCFC) That will Operate**
38 **in Durham, New Hampshire to Reduce Diesel Emissions. Funding shall Equal an amount not**
39 **to exceed 45% of the Cost of Each Eligible Vehicle and Charger Or a Total Not to Exceed**
40 **\$723,681, Whichever is Less, and Authorize the Administrator to Sign and Submit Grant**
41 **Paperwork on Behalf of the Town of Durham. The motion was SECONDED by Councilor**
42 **Lund and PASSED unanimously 7-0 by a show of hands.**
43

44 **Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented,**
45 **Resolution #2024-13 Authorizing the Acceptance and Expenditure of Funding from the NH**
46 **Department of Environmental Services (NHDES) NH Clean Diesel Grant Program, Funded**
47 **Through the U.S. Environmental Protection Agency’s (EPA) Diesel Emission’s Reduction**
48 **Act (DERA), for Up to Two (2) Battery Electric Refuse Collection Trucks and Up to Two (2)**
49 **Direct Current Fast Charging Stations (DCFC) That will Operate in Durham, New**

1 ***Hampshire to Reduce Diesel Emissions. Funding shall Equal an amount not to exceed 45%***
2 ***of the Cost of Each Eligible Vehicle and Charger Or a Total Not to Exceed \$723,681,***
3 ***Whichever is Less, and Authorize the Administrator to Sign and Submit Grant Paperwork on***
4 ***Behalf of the Town of Durham. The motion was SECONDED by Councilor Grant and***
5 ***PASSED unanimously 7-0 on a roll call vote: Councilor Register—Aye, Councilor Lund—***
6 ***Aye, Councilor Burton—Aye, Chair Pro Tem Friedman—Aye, Chair Needell—Aye,***
7 ***Councilor Bubar—Aye, Councilor Grant--Aye***
8

- 9 C. **Public Hearing and Action on Resolution #2024-14** Authorizing the Acceptance and
10 Expenditure of Funding from the FY23 Congressionally Mandated Projects Program from the
11 U.S. Environmental Protection Agency, for the Bennett Road Stormwater and Flood Resiliency
12 Project, in the Amount of up to \$2,040,000, with a Required 20% Match of \$510,000, for a Total
13 Grant and Match Amount of \$2,550,000, and Authorize the Administrator to Sign and Submit
14 Grant Paperwork on Behalf of the Town of Durham.

15
16 ***Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public***
17 ***Hearing on Resolution #2024-14 Authorizing the Acceptance and Expenditure of Funding***
18 ***from the FY23 Congressionally Mandated Projects Program from the U.S. Environmental***
19 ***Protection Agency, for the Bennett Road Stormwater and Flood Resiliency Project, in the***
20 ***Amount of up to \$2,040,000, with a Required 20% Match of \$510,000, for a Total Grant and***
21 ***Match Amount of \$2,550,000, and Authorize the Administrator to Sign and Submit Grant***
22 ***Paperwork on Behalf of the Town of Durham. The motion was SECONDED by Councilor***
23 ***Lund and PASSED unanimously 7-0 by a show of hands.***
24

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

26
27 ***Councilor Lund MOVED that the Durham Town Council does hereby CLOSE the Public***
28 ***Hearing on Resolution #2024-14 Authorizing the Acceptance and Expenditure of Funding***
29 ***from the FY23 Congressionally Mandated Projects Program from the U.S. Environmental***
30 ***Protection Agency, for the Bennett Road Stormwater and Flood Resiliency Project, in the***
31 ***Amount of up to \$2,040,000, with a Required 20% Match of \$510,000, for a Total Grant and***
32 ***Match Amount of \$2,550,000, and Authorize the Administrator to Sign and Submit Grant***
33 ***Paperwork on Behalf of the Town of Durham. The motion was SECONDED by Councilor***
34 ***Register and PASSED unanimously 7-0 by a show of hands.***
35

36 Councilor Bubar asked if all the work on this project be completed in 2024 going into 2025. Mr.
37 Reine replied that the work is projected to be completed in the years 2024-25.

38
39 Administrator Selig noted that the Bennett Road project dates back to the Mother's Day Flood in
40 2004/05 when a number of 100-year storm events occurred and portions of Bennett Road began
41 to be lost and were impassable. He said the Town has been pursuing federal funding for this
42 project for 15 plus years.

43
44 Chair Needell called for the vote which ***PASSED unanimously 7-0 on a roll call vote:***
45 ***Councilor Grant—Aye, Councilor Bubar—Aye, Chair Needell—Aye, Chair Pro Tem***
46 ***Friedman—Aye, Councilor Burton—Aye, Councilor Lund—Aye, Councilor Register—Aye***
47

1 **XII. Approval of Minutes – March 18, 2024**

2
3 Minor edits were submitted to Administrative Assistant Karen Edwards for inclusion prior to the
4 meeting.

5
6 ***Councilor Bubar MOVED that the Durham Town Council does hereby ADOPT the Durham***
7 ***Town Council meeting minutes of March 18, 2024, with minor amendments. The motion was***
8 ***SECONDED by Councilor Lund and PASSED unanimously 7-0 by a show of hands.***
9

10 **XIII. Councilor and Administrator Roundtable**

11
12 Councilor Register – Agricultural Commission

- 13 - Ag Commission met on Monday, March 25, 2024.
14 - Focus of the meeting was on resident outreach – focus groups, survey and desire to possibly
15 have an agricultural cooperative-style model in the area.
16 - Bee friendly program.
17 - Had a wonderful Farm Style Breakfast on April 14th, 7:30 AM at the Lee Grange which was
18 very successful.
19

20 Councilor Register said he wanted to start getting out the word about Farm Day and doing
21 everything to advertise the event and collaborate with both residents, students, and other Town
22 organizations.
23

24 Councilor Lund – Durham Energy Committee

- 25 - The committee met on April 2, 2024.
26 - Plans to have an electrical vehicle showcase at Tideline Public House on June 2, 2024.
27 - Working on getting an electric vehicle survey ready to distribute to members of the DEC asking
28 them to comment on it.
29 - Working on a draft ordinance relative to the installation of charging stations, which would go to
30 the Planning Board for review first before going before the Town Council.
31

32 Councilor Lund – Historic District/Heritage Commission

- 33 - April 3, 2024, meeting of the HDC/HC was cancelled due to the winter storm.
34 - Town Planner Michael Behrendt made an executive decision that the proposal to install solar
35 panels on the rear roof of the Community Church did not require HDC approval because that
36 roof is not visible from any public road. Smith Park Lane and Church Hill Lane are not public
37 roads.
38 - All other items will roll over to the HDC/HC agenda for May 2, 2024.
39

40 Councilor Burton – Conservation Commission

- 41 - The commission has not met.
42

43 Councilor Burton commented on the Northern Connection item raised by Bill Hall. He said there
44 will be some relief when the new Madbury Road comes into service because with the rotary at
45 the end, it will eliminate one of the major traffic jams at 3PM in the afternoon when the schools
46 get out. Other changes planned he thought would go a long way toward making some forget
47 there was a Northern Connector.
48
49

1 Chair Pro Tem Friedman – Parks & Recreation Committee

- 2 - The P&R Committee will meet on Tuesday, April 23, 2024, at 7PM in Council chambers.

3
4 Councilor Friedman - Seacoast Economic Developers Stakeholders (SEDS)

- 5 - The SEDS will meet on Tuesday morning, April 23, 2024, and will have a presentation on
6 outdoor recreation.

7
8 Chair Needell – Durham Human Rights Commission (HRC)

- 9 - The HRC met on Friday, April 5, 2024, at 1PM in Council chambers.
10 - Police Chief Kelley and Deputy Chief Holmstock spoke to commission members about hate
11 crimes and hate speech and what it means in Durham. Fortunately, it is not a major issue in
12 Durham, but the Police are ready if it ever becomes an issue.
13 - At the next meeting, which is April 30, 2024, at 10:30 AM, there is interest in working on a
14 statement with the Housing Task Force along the lines of human rights.

15
16 Councilor Register asked about how the “Zoom bombing” incidents are followed up on by the
17 Police which was briefly explained by Chair Needell and Administrator Selig.

18
19 Councilor Bubar – Integrated Waste Management Advisory Committee (IWMAC)

- 20 - The IWMAC met on Wednesday, April 3, 2024.
21 - An update was provided by UNH students on the project they are doing at two other Capstone
22 Projects, about plastic reduction and marine pollution.
23 - Review of a questionnaire proposed for business in Town which the committee felt needed to
24 have some corrections made to it.
25 - Lengthy discussion on single use plastic regarding how to encourage reduction in the use of it
26 throughout Town.
27 - Met last Friday to talk with a new compost collection company about potentially doing curbside
28 collection of compost.

29
30 Councilor Bubar – Zoning Board of Adjustment (reporting as a regular member)

- 31 - The ZBA met on Tuesday, April 9, 2024, and addressed three items: 1) APPROVED a variance
32 for an accessory building for single-family use. The building will be set back at least ten (10)
33 feet from any property line. The property involved is located at 15 Cowell Drive. 2)
34 APPROVED an application for Special Exception to have a short-term rental. The property
35 involved is located at 10 Juniper Lane. 3) DEFERRED an application for Special Exception to
36 the next ZBA meeting requiring a minimum side setback of 50’ for structures. The property
37 involved is located at 561 Bay Road.

38
39 Councilor Grant – Housing Task Force

- 40 - The Task Force met on April 8, 2024.
41 - Presentation from Al Howland, Housing Task Force member and former School Board member,
42 about the Oyster River Cooperative School District – structure of the district, pertinent recent
43 legislation, budget process, and school capacity.
44 - Presentation from Jim Lawson. Presentation from Jim Lawson, former Town Council member,
45 about estimates for additional students that could be generated from a workforce housing
46 development and projections of the change in school apportionment and increased state funding.

47
48 Councilor Grant – Planning Board

- 49 - The board met on April 10, 2024.

- 1 - Scheduled a public hearing for April 24, 2024, on a Conditional Use application for retaining an
2 existing parking lot for parking as a principal use (i.e., for parking that can be rented to people
3 from off-site).
- 4 - Discussion with Dr. James Morse, Superintendent of the Oyster River School District on school
5 capacity, expected changes in enrollment, the school funding formula, and potential impacts
6 from a possible workforce housing project.
- 7 - Held a public hearing and then closed the hearing on the Rewrite of Article II. Definitions in
8 Zoning Ordinance. The final document will be presented to the board on April 24 to initiate the
9 zoning amendment if it is acceptable.
- 10 - Workforce Housing – Potential Zoning Amendment. Continued discussion about issues related
11 to potential zoning amendments to facilitate the creation of workforce housing. The Planning
12 Board put aside an earlier proposal and is now working on a new/revised draft.

13
14 Administrator Selig

- 15 - Mr. Selig said the key finding that Mr. Lawson had in his presentation/report to the Housing
16 Task Force, which he is still working to refine, is to address the question of whether additional
17 students from Durham would affect not only the long-term capital needs of the school and
18 classroom issues but more of the underlying apportionment, which is based on 50% assessed
19 valuation and 50% on average daily membership or enrollment. The worry that some people had
20 when the Housing Ordinance was before the Planning Board was whether this would open up
21 Durham taxpayers to an increase in their school taxes by virtue of bringing in more students. He
22 said he thought Mr. Lawson’s conclusion was that was an erroneous concern. It’s more likely
23 that additional students would break even and not cost more. It might even bring additional
24 revenue from the state.
- 25 - DPW is experiencing some drilling challenges that go under Main Street between Holloway
26 Common and the UNH Health and Wellness Center, so it is going to be necessary for some
27 physical excavation along Main Street in that location to get to the utilities that are buried. That
28 area will be impacted for several months.
- 29 - The Madbury Phase I Complete Streets Project went out to bid and one bid was received. Public
30 Works is evaluating what may be able to be done in-house to keep the price lower.
- 31 - Mr. Selig attended a workshop in Boston on Artificial Intelligence. With the Council goals, he is
32 looking forward to talking about what the Town is looking to accomplish, what are the
33 implications with staffing, price, feasibility, and privacy.
- 34 - Town Assessor Jay Ferriera submitted his resignation and former Assessor Jim Rice will be
35 returning on a part-time basis to assist the Town while it undertakes a new search process.
- 36 - In the process of developing a work plan for the summer UNH Sustainability Fellow. The focus
37 will be reviewing and updating the Town’s Climate Action Plan. The current Sustainability
38 Fellow is working with the Durham Energy Committee on an Electric Vehicle Survey and also
39 looking at the early feasibility on a solar canopy project for the Depot Road parking lot.
- 40 - At the April 1, 2024, Town Council meeting there was discussion about the abatement
41 application submitted by a group of property owners on Bagdad Road. Mr. Selig said he had
42 some concerns about equity and justice, so he and the Assessor are taking another look at that.
43 He said he met with some of the neighbors in the Bagdad neighborhood to talk about the process
44 and he will be speaking more about that topic with Mr. Rice when he returns. Mr. Selig noted
45 that the neighbors on Bagdad Road have been proactive from the beginning about expressing
46 their concerns regarding their property assessments. They received some feedback from current
47 Assessor Jay Ferriera that they could potentially apply for an abatement in mass. Jim Rice
48 corrected them of that misconception but at that point there was very little time to do anything
49 else.

- 1 - On Wednesday, April 17, 2024, there will be a hearing before the House Finance Committee on
2 Senate Bill 553 regarding the NH Public Investment Pool in which Mr. Selig plans to attend and
3 provide testimony.
- 4 - The Town received a query from RJ Kelley Company (owner of the former Goss plant on
5 Technology Drive) that is trying to lease space at that location and to expand its square footage.
6 However, they ran into a challenge with Eversource which is the available electrical capacity in
7 the grid to serve Durham at that site. He said this may be an issue where it makes sense for
8 Durham, RJ Kelley, and potentially UNH to work together to interface with Eversource and
9 perhaps the State of New Hampshire to see what might be done to bring more power to the
10 Madbury substation which services Durham.
- 11 - UNH President Jim Dean will be finishing up his tenure the end of June 2024.
- 12 - The permissions are slowly going through the UNH process for The Edge at West End project
13 and it appears there is forward momentum.
- 14 - UNH is moving forward with its Master Plan project and Town Planner Michael Behrendt
15 participates on the UNH Steering Committee and Executive Committee, as well as a host of
16 other Town representatives participating on different subcommittees.

17
18 **XIV. New Business**

19
20 **XV. 2024/2025 Town Council Goals**

21 Continued discussion on the draft 2024-25 Town Council goals

22
23 Chair Needell suggested that first the Council start with those goals that have the fewest changes
24 made to them and from there discuss each Councilor’s suggested changes to provide everyone
25 with the opportunity to explain why they chose to add or remove or amend language. There
26 being no objections expressed by other Council members with this process, the Council began
27 its discussion.

28
29 *Councilor Register MOVED to continue the goals discussion beyond 10:30 PM. Chair Pro*
30 *Tem SECONDED the motion stating that would be fair to Curtis to be able to provide his*
31 *goals information. The motion PASSED unanimously 7-0 by a show of hands.*

32
33 Suggested changes submitted by Council members are available for viewing in the Town
34 Council meeting packet for this meeting on DCAT on DEMAND at www.ci.durham.nh.us

35
36 The complete discussion, comments, concerns, and responses to Council questions, may be
37 viewed on DCAT on Demand at www.ci.durham.nh.us.

38
39 **XVI. Nonpublic Session (if required)**

40
41 **XVII. Extended Councilor and Administrator Roundtable (if required)**

42
43 **XVIII. Adjourn (NLT 10:30 PM)**

44
45 *Councilor Register MOVED to ADJOURN the meeting. The motion was SECONDED by*
46 *Chair Needell and PASSED unanimously 7-0 by a show of hands.*

47
48 **The meeting ADJOURNED at 11:03 PM.**

49
50
51 Jennie Berry, Minutes Taker