

These minutes were approved at the June 24, 2024 meeting.

**DURHAM TOWN COUNCIL
MONDAY, MAY 20, 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 Wayne Burton, Council Pro Tem Joseph (Joe) Friedman, Councilor James Bubar, Councilor Heather Grant

MEMBERS ABSENT: Councilor Emily Friedrichs

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 Wayne Burton, Chair 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, May 20, 2024, as presented. The motion was SECONDED by Councilor Lund and PASSED unanimously 8-0 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, responded to a comment Councilor Burton made at the last Town Council meeting regarding the UNH Pool. He also spoke about the UNH water system, Spruce Hole Well, the Beech Hill Water Tank, and the Foss Farm Water Tank.

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

VIII. Unanimous Consent Agenda

Chair Needell MOVED approval of the following eight items, as presented. The motion was SECONDED by Councilor Grant and PASSED unanimously 8-0 by 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 Bubar—Aye, Councilor Grant—Aye

- A. Shall the Durham Town Council authorize the Administrator to sign the Town of Durham's first half 2024 Property Tax Warrant and direct the Tax Collector to collect partial payment of property taxes assessed on April 1, 2024, in the amount of \$18,996,709?
- B. Shall the Town Council, Upon Recommendation of the Administrator, Authorize the Transfer of American Rescue Plan Act (ARPA) Funding Totaling \$143,863.86, Previously Budgeted in the Water Capital Fund, to the General Capital Fund for the Madbury Roadway, Drainage and Sidewalk Capital Project?
- C. Shall the Town Council, Upon Recommendation of the Administrator, Award the Construction Contract for the Madbury Road Complete Streets Phase I Roadway, Drainage, Streetscape Project to G.W. Brooks and Sons, Inc. of Freedom, NH for a Total Bid Price Not to Exceed \$2,602,681.80, Subject to Available Funding?
- D. Shall the Town Council, Upon Recommendation of the Administrator, Approve the Construction Inspection, Design and Administration Contract for the Madbury Road Complete Streets Phase I Roadway, Drainage, Streetscape Project with VHB Engineers of Bedford, NH in the amount of \$296,080, Subject to Available Funding?
- E. Shall the Town Council, Upon Recommendation of the Administrator, Award the Paving Contract for the Madbury Road Complete Streets Phase I Roadway, Drainage, Streetscape Project to Continental Paving, Inc. of Londonderry, NH for a Total Bid Price Not to Exceed \$256,499.80, Subject to Available Funding?
- F. Shall the Town Council, upon recommendation of the Administrator, authorize the transfer of \$2,828 from revenues and expenditures of the Capital Equipment Accounts #07-2306-801 and #07-2406-801 to the 2023 Aerial Bucket Truck Replacement Purchase Account #07-2322-801?
- G. Shall the Town Council, upon recommendation of the Administrator, authorize the purchase of a new 2024 Ford F-550 Cab + Chassis, Brand FX Service Body, and Versalift Aerial Lift from CUES, Inc. of Amherst, NH in the amount of \$137,828 from the 2023 Aerial Bucket Truck Replacement Purchase Account #07-2322-801?
- H. Shall the Town Council unseal the Nonpublic Session minutes from the year 2003 dated April 7 and December 1, and from the year 2004 dated April 19, October 4, December 6 and December 20?

IX. Committee Appointment

Shall the Town Council, upon recommendation of the Library Board of Trustees Chair, Appoint Katharine Gatcomb, 22A Simons Lane, to fill an Alternate Membership on the Library Board of Trustees with a term expiration of April 2025?

Katharine Gatcomb introduced herself to the Council. She said she was a 2015 UNH graduate and moved back to Durham in September 2023. She has a master's degree in library science and believed her education would be of value to the Library serving as an alternate member.

Chair Needell MOVED that the Town Council, upon recommendation of the Library Board of Trustees Chair, does hereby Appoint Katharine Gatcomb, 22A Simons Lane, to fill an Alternate Membership on the Library Board of Trustees with a term expiration of April 2025. The motion was SECONDED by Councilor Register and PASSED unanimously 8-0 by a show of hands.

X. Presentation Item

Presentation by Ice Rink Manager, Bill Page on the 2023-2024 skating season.

Bill Page gave a PowerPoint presentation with a recap of the rink's 2023-24 season, which celebrated 50 years. He also provided an update on the potential for renovations at Churchill Rink.

- It was a GREAT Season! No Major Malfunctions...Great, Great Staff...Good weather for Jackson's...Only ONE piece of broken glass! Lots of Happy Skaters!
- Public Skating Admissions: Child – 8895 (+2486)
- Public Skating Admissions: Adult – 3501 (+866)
- Public Hockey Admissions: 2641 (+603)
- Total Public Session Admissions: 15,037 (+3,955)
- Skate Rentals: 5654 pair (+2144) (\$28,270!)
- Season Passes: 133 (+10) (\$23,000)
- Concessions: \$16,528 (+\$3,873) NOTABLE – 2324 Hot Chocolates and 6,822 Airheads!
- That Revenue is known as “Weekly Receipts”. Total for the season was \$183,125.
- We also sell ice to Groups. We call that revenue Group Rentals. Total for the season was \$232,200.

FY 2023 Fiscal Summary:

- Revenue - \$397,310
- Expense - \$303,884
- To Rink Fund Balance - \$93,426
- 12/31/23 Fund Balance - \$406,219.76

Fiscal History:

- Last 8 Years Net Revenue - \$329,789
- Average - \$41,223
- High - \$93,000
- Low – (\$36,702)

Fiscal History is important because ... Fund Balance - \$406,219.76

Mr. Page provided an update on the Jackson's Landing Renovation Project planning, providing a number of renderings for the proposed building (both inside and outside) as follows:

Already Accomplished:

- Created “Jump-Start Jackson's Group”
- Created “Churchill Rink Donor Trust”
- Retained Professional Firm to conduct Financial Feasibility Study
- Hired Architect to create conceptual Drawings & Renderings

Next Steps:

- Cost estimating
- Financial Feasibility Study

- If feasible, then fundraising

Mr. Page responded to a few questions raised by Councilors. 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.

XI. Unfinished Business

Public Hearing and Action on Ordinance #2024-03 Amending Chapter 68 “Fire Prevention” of the Durham Town Code To Repeal Article III “Sprinkler Code.”

Chair Needell MOVED that the Durham Town Council does hereby OPEN the Public Hearing and on Ordinance #2024-03 Amending Chapter 68 “Fire Prevention” of the Durham Town Code To Repeal Article III “Sprinkler Code.”

Thomas Toye, Durham resident and member of the Durham Landlords Association, said he felt the ordinance had been fully vetted and thanked the Code Enforcement Office and Fire Department for taking a thoughtful and meaningful approach to revamping the Sprinkler Code and said he just wanted to speak in support of the ordinance that was before the Council for approval.

Mimi Kell, President of the Durham Landlord’s Association spoke in full support of the ordinance before the Council.

Janet Aviza, Garden Lane, said she was a smalltime landlord and has been a member of the Durham Landlords Association for a long time and spoke in support of the ordinance.

Councilor Burton MOVED that the Durham Town Council does hereby CLOSE the Public Hearing and on Ordinance #2024-03 Amending Chapter 68 “Fire Prevention” of the Durham Town Code To Repeal Article III “Sprinkler Code.” The motion was SECONDED by Councilor Ford and PASSED unanimously 8-0 by a show of hands.

Chair Needell MOVED that the Durham Town Council does hereby ADOPT, as presented, Ordinance #2024-03 Amending Chapter 68 “Fire Prevention” of the Durham Town Code To Repeal Article III “Sprinkler Code.” The motion was SECONDED by Councilor Ford and PASSED unanimously 8-0 by roll call vote: Councilor Register—Aye, Councilor Ford—Aye, Councilor Lund—Aye, Councilor Burton—Aye, Chair Pro Tem Friedman—Aye, Chair Needell—Aye, Councilor Bubar—Aye, Councilor Grant—Aye

Administrator Selig thanked the members of the Durham Landlord’s Association for taking the time and having the interest in working with the Durham Fire Department and Code Office to try and find a solution to this issue which has been a challenge for many years. He said the Council heard from three great landlords this evening who work hard to have high quality of off-campus experience for UNH students. He also thanked the Fire Department staff for their work on this ordinance.

XII. Approval of Minutes – April 15, 2024

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

Chair Pro Tem Friedman MOVED that the Durham Town Council does hereby ADOPT the Durham Town Council meeting minutes of April 15, 2024, with minor amendments indicated. The motion was SECONDED by Councilor Ford and PASSED unanimously 7-0-1 by a show of hands.

Councilor Ford abstained as he was not in attendance at the April 15th meeting.

XIII. Councilor and Administrator Roundtable

Councilor Grant - Housing Task Force

- The Task Force met on May 13, 2024.
- There was a lot of discussion and updates on all of the things going on at the state level. Everyone in the state seems to be cognizant of the issues revolving around housing shortages, it's just a matter of which way to actually execute plans that will bring about increases.
- There was discussion on the term "family" in the Town's Zoning Ordinance, which should be modernized and updated.
- There was discussion on outreach and efforts for more continuing discussions and awareness in the Town.

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

- The board held a second public hearing on a variance on a shed the applicant placed in their front yard. The board delayed action again and requested a plot plan to better understand potential alternate locations to give the applicant the chance to perhaps revise their plan and not run the risk of having the variance denied.

Chair Needell – Integrated Waste Management Advisory Committee

- Received an update from the DPW regarding the new toters, which will be for trash and recycling.
- Held discussion about composting and considering different approaches that could be used for curbside collection and looking at what other towns are doing.
- Next meeting will be held on June 5, 2024, in Council chambers at 8AM.

Chair Pro Tem Friedman – Parks & Recreation Committee

- The P&R Committee met on April 23, 2024.
- Chair Pro Friedman complimented Bill Page on the good job he did with updating the Council on what is going on at Churchill Rink.
- The P&R is preparing for the summer season and Memorial Day, which will be held on Monday, May 27th at Memorial Park downtown.
- The next meeting will be held on Tuesday, May 28, 2024, in the Council chambers at 7PM.

Councilor Friedman - Seacoast Economic Developers Stakeholders (SEDS)

- The SEDS will meet on Tuesday morning, May 28, 2024, in Dover and there will be a presentation on arts and economic prosperity in New Hampshire.
- Chair Pro Tem Friedman said he attended the UNH undergraduate research conference and there were some wonderful presentations given by the students. He also attended some of the Holloway Prize events where there were five finalists for the Holloway Prize at the Business School. Very entrepreneurial groups competing with one another.
- He congratulated all of the graduating UNH seniors and wished them all good luck.

Councilor Burton – Stafford Regional Planning Commission MPO Policy Committee

- The commission discussed zoning as it is working with various towns on their Zoning Ordinances.
- Transportation was also discussed, and Councilor Burton said he mentioned that communities should start planning their transportation to expand it out to places where markets are not quite so expensive, which will be discussed more in the future about how that might work.

Councilor Lund – Energy Committee

- The DEC met on May 7, 2024.
- Finalized plans for the Electric Vehicle showcase that will take place at Tideline House on June 2, 2024.
- Discussed the final version of the Electric Vehicle survey that Sustainability Fellow Erin Walsh has been developing.
- Held further discussions on the proposed ordinance changes for requiring more Electric Vehicle charging stations in Town.

Councilor Ford – Land Stewardship Subcommittee

- The subcommittee met on May 8, 2024.
- DPW Director Rich Reine gave a presentation/update on what is occurring at Wagon Hill Farm. Phase I of the Portsmouth water line project should be completed next month. The temporary access road is intended to stay until completion of Phase II of the project. Hopefully within the next two years.
- The water main that runs through Wagon Hill Farm is going to be tapped with a 6-inch line to feed the Bickford-Chesley house.
- The Wagon Hill Farm Shoreline Phase II improvements will probably begin in 2025. Permitting for the project is underway.
- The subcommittee is collaborating with the Durham Conservation Commission to form a Stewardship Education Engagement Committee to inform residents about how to connect with the natural environment and how to steward a natural environment.
- The next meeting is scheduled for June 12, 2024, at 8:30 AM in the Council chambers.

Councilor Register – Agricultural Commission

- Ag Commission held a focus group meeting on May 13, 2024, in which it had 6 members of the public complete a survey and held a dialogue about their potential support for expanding local consumption and growing within the Town. That information will be refined over the course of the next meeting on June 10, 2024, and it will be compiled into a survey to be distributed town-wide to determine if there is support for and capability of low consumption tactics
- August 17, 2024, is Farm Day. Anyone interested in providing ideas to help it be a more attractive event should reach out to Ag Commission Chair Theresa Walker or Vice Chair Ray LaRoche, Jr.

Administrator Selig

- Mr. Selig and Assessor Jim Rice will go to Concord tomorrow where they and 18 representatives from other towns and cities will enter into a required mediation with Eversource regarding abatement appeals dating back to 2017, 2018, and 2019. For Durham, it is only for years 2018 and 2019.
- Last weekend was UNH Commencement. UNH is now holding commencement events over the course of three days instead of just one large event.

- In anticipation of companies such as Lime or Bird bringing in micromobility devices to Durham for rent, in 2019 the Town adopted an ordinance to regulate those type of devices. That has not occurred at all. Instead, it is a lot of individuals purchasing their own unique and different devices. Therefore, the Town will be revisiting its ordinance to see if it can be updated in some way. UNH is also working on its own policy regarding the use of these devices on campus.
- 23-24 years ago, the Town had problems at the Durham/UNH train station with graffiti. Advertisement panels were installed at that site, which stopped the graffiti. Most of the businesses that had panels are now gone, and it is time to update them. They will no longer be panels to advertise downtown businesses but will be used to highlight aspects of UNH and Durham.
- Senate Bill 527 has had an amendment added to it, which would revise House Bill 1281 that was intended to strike down Durham's no more than three unrelated zoning provision.
- The Town has several lease agreements with cellular carriers on some of its municipal infrastructure. One carrier is located at the Foss Farm Water Tank, DISH. The Town is working with them to extend their lease at the Foss Farm site. Another carrier is located on the monopole at the Transfer Station with T-Mobile that is likewise extending its lease with the Town.
- Administrator Selig, as well as Fire Chief Dave Emanuel and the City Manager of Portsmouth, have been invited to be presenters at Leadership Seacoast. It is their Government Day and speakers will be talking about local government, why local government is important, and why one should get involved.
- Assessor Jim Rice indicates that home prices are still on the rise in Durham. They are going up approximately 1.2% a month.
- Received a concern/complaint from a property owner that also owns and operates apartments about the change to the annual bulky waste pickup.
- Provided information regarding a 1095-A form that is required to be provided each year to employees related to their insurance. A filing is also required with the IRS, which has been done every year. However, an issue arose from the year 2020-21 in which the IRS claims it did not receive the filing. The Business Office is working with the IRS to resolve the matter.

XIV. New Business – None

XV. 2024/2025 Town Council Goals

Continued discussion on the draft 2024-25 Town Council goals

The Council continued its review of the goals and went over each item in the list and determined whether an item would remain or be removed. The complete discussion, comments, concerns, and responses to Council questions, may be viewed on DCAT on Demand at www.ci.durham.nh.us.

XVI. Nonpublic Session (if required)

XVII. Extended Councilor and Administrator Roundtable (if required)

XVIII. Adjourn (NLT 10:30 PM)

Councilor For MOVED to ADJOURN the meeting. The motion was SECONDED by Councilor Grant and PASSED unanimously 8-0 by a show of hands.

The meeting ADJOURNED at 9:21 PM.

Jennie Berry, Minutes Taker