

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

**DURHAM TOWN COUNCIL
MONDAY, JUNE 3, 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 Emily Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs), Councilor Wayne Burton, Council Pro Tem Joseph (Joe) Councilor James Bubar, Councilor Heather Grant

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig, Planning Board Chair Paul Rasmussen, Town Planner Michael Behrendt

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

IV. Approval of Agenda

Chair Needell MOVED that the Durham Town Council does hereby APPROVE the meeting agenda for Monday, June 3, 2024, as presented. The motion was SECONDED by Councilor Lund and PASSED unanimously 9-0 by a show of hands.

V. Special Announcements

Chair Needell noted that the Town Council will not be meeting again until June 24, 2024.

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

William Hall, Smith Park Lane, spoke about the UNH spraying manure on the Moore Fields. He also noted the difference between the City of Dover and the Town of Durham relative to the percentage rates of water to the sewer.

Micah Warnock, ZBA Chair, 45 Woodman Road, reminded the Council that under Roberts Rules of Order that individuals coming before the Council are to be addressed positively and

pleasantly and that individuals are not to call others' names or say things they are not supposed to.

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

VIII. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*) - None

IX. Committee Appointments – None

X. Presentation Items

Receive annual report on the Zoning Board of Adjustment activities and projects – Micah Warnock, Chair

Mr. Warnock provided a brief update on the actions the Zoning Board has taken on various applications thus far this year. He also noted that a couple of ZBA members will be stepping down leaving vacancies for one regular member and one alternate member. He said he preferred to always have two alternate members on the board.

Mr. Warnock responded to questions raised by Councilors and a brief discussion regarding Conditional Use versus Special Exceptions occurred. 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 – None

XII. Approval of Minutes – March 4, 2024

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

Chair Needell MOVED that the Durham Town Council does hereby ADOPT the Durham Town Council meeting minutes of May 6, 2024, with minor amendments indicated. The motion was SECONDED by Councilor Friedman and PASSED unanimously 9-0 by a show of hands.

XIII. Councilor and Administrator Roundtable

Chair Needell read the following explanation regarding how the Roundtable works and email comments received from citizens are addressed.

“Our roundtable time is an opportunity not only to share what is happening in our committees, it is an opportunity to discuss concerns, share ideas, and/ or raise questions with the council and Todd. Some questions or concerns may come from the email correspondence that has been shared with the council by Todd. Many of the emails he shares are for our information and to keep us informed of things that are happening in town or comments from townspeople and others. They are for our information only. It is very tempting to respond with a comment or an opinion. However, unless an email is directed to us for our comments, we should wait to discuss an item until our next town council meeting in order to adhere to Right-to-Know practices. If

you have information to share with Todd, such as news articles you have come across, that's fine. If you have questions or concerns then you may want to give Todd and the Town Council a heads-up that you would like to learn more about or comment on the item or topic at the next roundtable. Keeping our comments inside of our meetings will also require less of Todd's time."

Councilor Register – Agricultural Commission

- The commission will meet on Monday, June 10, 2024, at 7PM in Council chambers.
- The commission will be discussing how to use the data it collected from the focus group. A questionnaire will then be distributed to residents with the question of support for and conditions of a cooperative agricultural community.
- Durham Farm Day will be held on Saturday, August 17, 2024.

Administrator Selig asked Councilor Register if he would bring up Bill Hall's concerns about using manure on the UNH Moore Fields to the Ag Commission at its next meeting to see if it has any thoughts about UNH's practices regarding spreading of manure.

Councilor Register – OR Cooperative School Board

- The board met on May 15, 2024, and talked about how successful the High School's Robotics program is.
- The next meeting will be on June 5, 2024, at 7PM

Councilor Ford

Councilor Ford had nothing to report.

Councilor Lund – Historic District/Heritage Commission

- The commission has an event coming up on June 15th, Revolution 1774 celebrating the 250th anniversary of the raid of Fort William and Mary which was run by General John Sullivan. The event is to be organized by the woman currently living in the General Sullivan house. Rain date is June 16th.

Councilor Lund noted that it might be a good idea to have the new UNH President come before the Council at some time and report on the happenings on-campus. Administrator Selig said that once the new President has settled in, he would invite her to a Council meeting.

Councilor Burton

Councilor Burton expressed his concerns about what occurred on May 1, 2024, with UNH protests downtown regarding the war in Gaza. He said he attended the Town's Human Rights Commission to express his concerns as well and he and the members had a good discussion.

Some discussion occurred among the Council regarding this matter.

Chair Pro Tem Friedman – Parks & Recreation Committee

- The P&R Committee meeting scheduled for May 28th was cancelled. The next meeting is scheduled for June 25, 2024.

Councilor Friedman - Seacoast Economic Developers Stakeholders (SEDS)

- The SEDS met in person in Dover on May 28th. The subject was Arts and Economic Prosperity. There were presentations from the NH State Council on the Arts, the Rockingham Development

Corporation, and Dover and Portsmouth Arts Commissions. Websites were also shared for what the National Endowment for the Arts is doing.

- Next meeting will be on June 25, 2024.

Chair Needell – Durham Human Rights Commission (HRC)

- Received an update from HRC members who came to speak to the Town Council on April 15, 2024.
- The commission members are in favor of supporting the resolution regarding free speech in Durham.
- Still discussing antisemitism definitions in terms of what route to take.
- Developed a statement in support of the Housing Task Force and Planning Board in their work on housing.
- Next meeting is July 25, 2024 at 10:30 AM in Council chambers.

Chair Needell – Integrated Waste Management Advisory Committee (IWMAC)

- The committee will meet on Wednesday, June 5, 2024, at 8AM in Council chambers.

Councilor Friedrichs – Durham Energy Committee

- Reported on the EV Expo, which was held yesterday, June 2nd. The feedback was very positive. The DEC hopes to continue to make those resources available and more year-round. The DEC has been asked by the Planning Board to look at more ways in which to encourage more transformation of the Town's built-in environment to have a smaller carbon footprint.

Councilor Friedrichs – Planning Board

- The board held a workshop where it discussed priorities for the year and appointed its representatives to other Town boards and commissions.
- Received presentation from Ryan Pope, Dover Housing Navigator, about Dover's approach to workforce housing and projects in Dover. Priorities will be to: 1) Continue working on the Zoning rewrite; 2) To adopt updates to the Wetlands and Shoreland Overlay District; 3) To adopt a Workforce Overlay District; 4) To adopt a Planned Unit Development Ordinance, which would be in conjunction with the UNH West Edge development project.

Councilor Friedrichs also noted an EV Ordinance that the Durham Energy Committee is working on that will be coming to the Planning Board.

Councilor Bubar – Zoning Board of Adjustment

Councilor Bubar said he has not attended a ZBA meeting since it last met. However, he did want to comment on resident Bill Hall's handout this evening. He said he was a big fan of benchmarking, but the devil is always in the details. He would be curious to know why UNH's service rates are what they are and why the Town's are what they are.

Councilor Grant – Housing Task Force

- The Task Force met on May 15, 2024, and the discussion was primarily around communications and information regarding housing.
- Next meeting will be held on June 10, 2024.

Administrator Selig

- UNH is continuing to move forward with its Master Plan update process.

- Received a report on the progress of the draft joint (UNH/Durham) Traffic Safety Study for Main Street Corridor from Mill Road heading west to the railroad trestle and then some of the internal campus infrastructures up to McDaniel Drive.
- The UNH Sustainability Fellow had been working on a liability analysis for a solar array at the Depot Road parking lot and reached out to Revision Energy for its assistance. An update will be provided by Revision Energy tomorrow evening at the Energy Committee meeting. The new Sustainability Fellow is getting up to date on all of the past work that has been done. The focus will be to evaluate and update the Town's Climate Action Plan.
- Have received a copy of RKG Associates' updated Housing Study which will be forwarded to the Housing Task Force and Council.
- A house on Madbury Road sold today for over \$1,000,000.
- Moving forward with Assessor selection process and will be meeting with candidates this week.
- House Bill 1281 which addressed Durham's definition of "family" and also the three-unrelated zoning rule was defeated in the House and sent to the study committee, which in essence killed the bill. Senate Bill 527 was amended, and all of the language related to HB 1281 was added to that bill. That amendment was killed on the floor of the House again, but only barely so. Mr. Selig said his recommendation for Durham is to look at its definition of family to modernize and update it, and also strongly recommends taking a look at the number of unrelated restrictions it has in the Zoning Ordinance and evaluate whether that is still important to the Town or whether some other standard might be effective.
- Senate Bill 553, which was an effort on part of the banks to eliminate what they perceived as competition in the form of the New Hampshire Public Deposit Investment Pool. That bill was killed in the House and sent to interim study, but the prime sponsor of that bill, Senator Rosenwald, realized it had been killed in the House and added the amended House language to send that bill to a totally unrelated bill, HB 1241 which deals with money lending. HB 1241 has now gone to a committee of conference for resolution.
- Senate Bill 437, which had to do with energy stretch codes. The bill was passed by both the House and Senate and is on its way to the Governor.
- Downtown rentals are at approximately 80% occupancy, which is weak. At this time in past years, rentals have been closer to 100% downtown.
- The Administrator will be having lunch this week with outgoing ORCSD Superintendent Jim Mors as a farewell gesture and will have lunch with the new Superintendent once they are settled in.
- The Town of Madbury had a presentation from Municipal Resources, Inc. looking at fire services for the Town of Madbury. Administrator Selig and Fire Chief Emanuel feel there may be an opportunity to work with Madbury for mutual benefit in terms of fire services.

XIV. New Business

- A. **Discussion and Possible Adoption of Resolution #2024-15** reaffirming Juneteenth Independence Day as a Legally Recognized Holiday and reaffirming Durham's Opposition to any form of Oppression.

Administrator Selig said there is no change in the Resolution, but he plans to issue a Memorandum to the employees within the Town's four collective bargaining units to let them know that they will have that day off as well.

Councilor Lund MOVED that the Durham Town Council does hereby by ADOPT Resolution #2024-15, as presented, reaffirming Juneteenth Independence Day as a Legally Recognized Holiday and reaffirming Durham's Opposition to any form of Oppression. The motion was

SECONDED by Councilor Ford and PASSED 9-0 on a roll call vote: Councilor Grant—Aye, Councilor Bubar—Aye, Councilor Friedrichs—Aye, Chair Needell—Aye, Pro Tem Friedman—Aye, Councilor Burton—Aye, Councilor Lund—Aye, Councilor Ford—Aye, Councilor Register—Aye

- B. First Reading and Discussion of Ordinance #2024-04** Amending Chapter 175 “Zoning,” Article II, “Definitions,” Article XII.1, “Use and Dimensional Standards,” Article XV, “Flood Hazard Overlay District,” Article XVI, “Aquifer Protection Overlay District,” Article XVII, “Durham Historic Overlay District,” Article XVIII, “Personal Wireless Service Facilities Overlay District,” Article XX.1, “Standards for Agricultural Uses,” and Article XXIII, “Signs and Communications Devices,” and Scheduling a Public Hearing for Monday, June 24, 2024.

Chair Needell suggested it may be more efficient to go through the ordinance page by page and Councilors can point out anything they may have questions about. There was no objection raised by other members of the Council regarding this method.

The Council moved forward through its review of the draft ordinance in this manner. Planning Board Chair Paul Rasmussen and Town Planner Michael Behrendt responded to questions raised by Councilors.

Chair Pro Tem Friedman asked if the Council wanted to continue this item this evening as there are 67 pages to review and it has only gone through a portion of that document or continue review to the Town Council meeting on June 24, 2024.

Consensus of the Council was to continue review of Ordinance #2024-04 at its next meeting and in the meantime submit any changes to the ordinance to Town Planner Michael Behrendt who will incorporate those changes into the document for the Council’s review and continued discussion at the June 24th Town Council meeting.

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.

XV. Continue discussion and possible adoption of the draft FY 2024-25 Town Council goals.

Chair Needell said that all comments from the last meeting have been incorporated into the draft goals before the Council this evening. The Council went through and reviewed each goal and made changes as necessary.

Chair Pro Tem Friedman MOVED to APPROVE the FY 2024-25 Town Council goals, as amended. The motion was SECONDED by Councilor Friedrichs and PASSED unanimously 9-0 on a roll call vote: Councilor Grant—Aye, Councilor Bubar—Aye, Councilor Friedrichs—Aye, Chair Needell—Aye, Pro Tem Friedman—Aye, Councilor Burton—Aye, Councilor Lund—Aye, Councilor Ford—Aye, Councilor Register—Aye

XVI. Nonpublic Session (if required)

XVII. Extended Councilor and Administrator Roundtable (if required)

XVIII. Adjourn (NLT 10:30 PM)

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

The meeting ADJOURNED at 10:39 PM.

Jennie Berry, Minutes Taker