

These minutes were approved at the September 9, 2024 meeting.

**DURHAM TOWN COUNCIL
MONDAY, JUNE 24, 2024
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Council Chair Sally Needell, Councilor Curtis Register, 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) Friedman, Councilor James Bubar, Councilor Heather Grant

MEMBERS ABSENT: Councilor Darrell Ford

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 Curtis Register

IV. Approval of Agenda

Chair Needell MOVED to change the meeting agenda order so that “Unfinished Business” happens after approval of the minutes and the Councilor and Administrator Roundtable. The motion was SECONDED by Chair Pro Tem Friedman and PASSED unanimously 8-0 by a show of hands.

V. Special Announcements

Chair Needell noted that the Town Council will not be meeting again until July 15, 2024.

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

William Hall, Smith Park Lane, spoke about the Town’s lack of roadside clearing. He also spoke to the issue of the UNH and Durham water supply.

Joshua Meyrowitz, 7 Chesley Drive, gave a brief PowerPoint presentation titled UNH and State Police on May 1, 2024. Could Durham de-escalation expertise have played a bigger role? He shared police actions that he witnessed on May 1, 2024, in order to add to the Council's discussion on whether the Town's backup could have included more of Durham's expertise in de-escalation.

Sally Tobias, Madbury Road, spoke about parking issues at the Town Hall on those evenings when there is a Planning Board meeting and the conflict with the Tideline House across the street. She believed it would be best if Planning Board members could be provided a place to park on Planning Board meetings

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

Councilor Friedrichs asked that item VIII.B be pulled for questions. Regarding item D., Councilor Friedrichs asked if the Council would receive more information from the Department of Public Works on what the Biosolids Dryer would look like and what its purpose would be before the public hearing is held? Mr. Selig replied that Public Works could give a brief presentation on that item before action is taken.

Chair Needell MOVED approval of items VIII. A, and C as presented. The motion was SECONDED by Councilor Lund and PASSED unanimously 8-0 by a roll call vote.

- A. Shall the Town Council Accept the Recommendations of the Assessor, Jim Rice, the Town Clerk-Tax Collector, Rachel Deane, and the Administrator relative to FY 2024 Property Tax abatements in the total amount of \$5,748 due to either a Clerical or Billing Error?
- C. Shall the Town Council, Upon Recommendation of the Administrator, Award the 2024 Road and Sidewalk Program to Continental Paving Inc. of Londonderry, NH in the Amount of \$775,066.49 and Authorize the Administrator to Sign the Associated Contract?

Chair Needell MOVED approval of item VIII. B as presented. The motion was SECONDED by Councilor Bubar.

- B. Shall the Town Council, Upon Recommendation of the Administrator, 1.) Authorize the Purchase of a New 2025 HV 507 SFA 6-Wheel International Dump Truck with Cummins L9 Diesel Engine from Allegiance Trucks of Manchester, NH in the Amount of \$88,350 from Account 07-2403-801-36-000 and 2.) Authorize the Purchase of a New 2024 Model SL2418 Swap Loader with Stainless Steel Dump Body, Skidded Sander, Front and Wing Plows and Cirrus Dual Spread Sander Control from HP Fairfield of Hopkinton, NH in the Amount of \$148,022 from Account 07-2403-801-36-000?

Councilor Friedrichs would like to hear a little bit more about these trucks and why they are diesel and not electric. Ze is wondering what the advantages are to buying brand new diesel at this time.

Public Works Director Rich Reine stated that these types of trucks sometimes work for 30-35 hours straight. There is currently no technology that will allow that to take place. He stated that the diesel model they are purchasing is one of the most modern and low emission-type diesels that is available.

Councilor Bubar asked what the life span of this vehicle will be. Public Works Director Reine stated that these vehicles are usually put on a 10-year replacement schedule.

Administrator Selig stated that across all the operational divisions they are giving thought to whether electric or hybrid is viable. The Police Department is trying to decide when it might be good to move to electric.

The motion PASSED unanimously 8-0 by a roll call vote.

- D. Shall the Town Council Schedule a Public Hearing for Monday, July 15, 2024, on **Resolution #2024-16** to 1.) Authorize the Administrator to Submit a Clean Water State Revolving Fund Loan Application to the NHDES and Execute all Necessary Documents in Accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq for the Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study and 2.) Authorize the Borrowing, Issuance, and Incurrence of Debt of Not More Than \$100,000 (With Funds to Come From a Clean Water State Revolving Fund loan, with 100% Principal Forgiveness) in Long-term Bonds or Notes in Accordance With the Provision of the Municipal Finance Act (RSA Chapter 33) for Completion of a Wastewater Treatment Plant Biosolids Dryer Feasibility Study?

Chair Needell MOVED approval of item VIII. D as presented. The motion was SECONDED by Chair Pro Tem Friedman.

Administrator Selig stated that this is an innovation in process. He stated that the more water that can be eliminated from the sludge, the less money it will be to have a company dispose of the sludge. He also said that Public Works has a plan to improve the quality of the sludge so as to possibly use it on the agricultural fields at UNH.

The motion PASSED unanimously 8-0 by a roll call vote.

IX. Committee Appointments – None

- A. Shall the Town Council, upon recommendation of the Energy Committee Chair, Appoint Charles Forcey, 12 Thompson Lane, to fill a Regular Membership on the Energy Committee with no term expiration?

Councilor Lund made a MOTION that the Town Council, upon the Energy Committee Chair, appoint Charles Forcey, 12 Thompson Lane, to fill a Regular membership on the Energy Committee with not term expiration. The motion was SECONDED by Councilor Burton and PASSED 8-0 by roll call vote.

- B. Shall the Town Council, upon recommendation of the Planning Board Chair, Appoint Alternate Robert Sullivan, 193 Packers Falls Road, to fill an unexpired Regular Membership on the Planning Board with a term expiration of April 2027?

Council Chair Sally Needell made a MOTION that, upon recommendation of the Planning Board Chair, Appoint Alternate Robert Sullivan, 193 Packers Falls Road, to fill an unexpired Regular Membership on the Planning Board with a term expiration of April 2027. The motion was SECONDED by Chair Pro Tem Friedrichs and PASSED 8-0 by roll call vote.

X. Presentation Items

Presentation by Russ Archambault and Summer Pan, RKG Associates Inc., Boston, MA, on the Final Draft of the Durham Housing Needs Analysis

Administrator Selig introduced the speakers and the history behind the creation of the draft. The Housing Task Force members were invited to be at the meeting to ask questions.

Russ Archambault stated that this presentation will be similar to the one they did previously for the Council. Mr. Archambault and Ms. Pan went through the Draft, addressing the questions the Council previously had.

Sally Tobias, Housing Task Force chair, asked questions regarding the proposed conclusions.

There were additional questions by the Council members and discussion with Sally Tobias. Paul Rasmussen, Planning Board Chair, also joined the discussion.

XII. Approval of Minutes – May 20, 2024 & June 3, 2024

Chair Needell MOVED that the Durham Town Council does hereby APPROVE the Durham Town Council meeting minutes of May 20, 2024 and June 3, 2024. The motion was SECONDED by Councilor Lund and PASSED 7-0 by a show of hands with one abstention for May 20, 2024 minutes and 8-0 by a show of hands for June 3, 2024 minutes.

XIII. Councilor and Administrator Roundtable

Councilor Register – Agricultural Commission

- The commission met on Monday, June 10, 2024. They had a presentation by Bryan Bessette of the Freedom Café on trying to get a sustainable supply chain.
- The commission discussed the data it collected from the focus group. A survey will be sent to the Town to gather more information.
- He has been in touch with Anton Bekkerman regarding manure distribution and Mr. Bekkerman should be sending a letter to the Council. There were no violations of Best Practices.
- The next Agricultural Commission meeting is July 8, 2024.
- Durham Farm Day will be held on Saturday, August 17, 2024.

Councilor Register – OR Cooperative School Board

- There was discussion on potentially moving 17 families to Mast Way school due to congestion issues. The board ultimately decided to allow the 17 families to stay at Moharimet while they look at the long-term consequences of student growth.

Councilor Lund – Energy Committee

- The Energy Committee met on June 4, 2024. They were introduced to the new Sustainability Fellow, Sophie Goodwin.
- There was discussion of the Electric Vehicle Showcase and additional discussion on charging stations.
- The next meeting will be on July 2, 2024.

Councilor Lund – Historic District/Heritage Commission

- The HDC/HC met on June 6, 2024. They had an application from 10 Newmarket Road for some renovations, which was approved.
- The revision to HDC Ordinance is currently going before the Planning Board on June 26 for a public hearing.
- The next meeting will be on July 11, 2024.

Councilor Burton – Conservation Commission

- Councilor Burton was unable to attend the last Conservation Commission meeting.

Councilor Burton – Strafford Regional Planning Commission

- Unfortunately, his Zoom connection was blocked for the last meeting.
- The latest Regional Economic Development Plan they have produced is better than the previous one.

Chair Pro Tem Friedman – Parks & Recreation Committee

- The P&R Committee has a meeting tomorrow, June 25, 2024.
- He wants to congratulate them on the successful weekend that just happened with Durham Day.
- For the meeting tomorrow, there will be discussion to see if the Parks & Rec goals are aligned with the Town Council goals.
- They will be discussing the update being done by UNH on Jackson's Landing and Woodridge Park.
- They will be discussing the trails project that they are doing with the land conservation group.
- They will have an update on fees in the surrounding area to see how their fees align with other towns.

Chair Pro Tem Friedman - Seacoast Economic Developers Stakeholders (SEDS)

- The SEDS is meeting tomorrow on June 25, 2024
- There is going to be a presentation of cross-laminated timber construction which UNH is very involved with.
- There is going to be a presentation from Mad Co 3-D Printing. They 3-D print concrete.

Chair Pro Tem Friedman gave a shout-out to the Public Works Department on the excellent buying of vehicles and contracts that they have made for improvements and enhancements. He believes that the Madbury Complete Streets Project is going to be great for the town.

Chair Needell spoke about Durham Day. She was there representing the swap shop. She realized that a lot of the people she spoke with were not from Durham. She feels that it is nice that the Durham Day is bringing in people from other towns.

Chair Needell went to a presentation by NHDES and NH Listens on the New Hampshire Climate Action Plan climate pollution reduction grant update. In September the EPA will announce the awards. The priority of this grant would be directed to low-income and disadvantaged communities. The greatest polluters are transportation and buildings.

Chair Needell – Integrated Waste Management Advisory Committee (IWMAC)

- The committee will meet this Wednesday 8:00 a.m. in Council chambers. The discussion will primarily be on the new solid waste ordinance developed by the Department of Public Works.
- IWMAC participated in Durham Day.

Chair Needell – Human Rights Commission

- The Human Rights Commission has not met again since their last meeting. The next meeting is July 25, 2024.

Councilor Friedrichs – Planning Board

- Councilor Friedrichs was absent at the Planning Board meeting of June 6 so ze is going to let Councilor Grant speak to that Board.

Councilor Friedrichs – Durham Energy Committee

- The Energy Committee is requesting help in obtaining opinions about EVs. They have a survey that is live and it will be shared on all the Town resources.
- There is information on the Energy Committee webpage about rebates for energy reduction related home projects.
- The Committee is continuing to look at community Solar. If you are currently an Eversource customer, you can buy into the solar array in Jaffrey. Information is on Revision Energy's website.

Councilor Bubar – Zoning Board of Adjustment

- There was one Zoning Board application which had been deferred from the prior month. The application was denied due to lack of information and the applicant did not show up to the meeting.

Councilor Grant – Housing Task Force

- The Housing Task Force met on the 10th.
- There will be more housing opportunity grants coming through from the State.
- Portsmouth has been looking at renovating empty commercial areas into housing.
- There was discussion about community outreach.

Councilor Grant – Planning Board

- There was discussion on the Historic District.
- There was discussion on the Workforce Housing Zoning Amendment.
- There was discussion of re-writing the solar ordinance.

Councilor Friedrichs mentioned that there had been a presentation by Joshua Meyrowitz on the police response to the student protest on May 1. There will be discussion of this at the next Human Rights Commission meeting on July 25 and possibly a review of a resolution.

Chair Pro Tem Friedman mentioned that this is very much a University issue. Town Police were not involved.

Councilor Burton feels it that the University is part of the Town and it is a Town issue.

Councilor Friedrichs is concerned that the Durham Police Force is being asked to back up the actions of the University's Police Force.

Chair Needell mentioned that it is important to understand the role of the Governor in this. She mentioned that Chief Kelley has let them know that the UNH Police have the exact same training as the Durham Police.

Councilor Register is concerned about this as well.

Councilor Burton is wondering how the Governor was able to send in State police before the Durham Police were called.

Administrator Selig

- He is grateful that the Solid Waste Ordinance is being looked at for revision.
- There was storm damage in Durham yesterday. Frost Drive experienced the worst damage.
- He and the Public Works Dept. are looking at wireless nodes at the Foss Farm water tank and renewing the lease with T-Mobile at the Transfer Station. He is also working through the Comcast renewal process.
- The Town of Madbury is looking at their long-range planning for their Fire Services. He anticipates that Durham and Madbury will be having discussions about this in the coming months.
- On Thursday the Strafford Regional Planning Commission is having their annual meeting in Durham.
- They had recently looked at the Depot Road parking lot with Revision to see if a solar canopy could be done there. However, Revision didn't feel it was the best site due to the expense it would incur. The next site that will be looked at is the Transfer Station.
- Town Council goals are being assigned so that a reporting can be created by Town Staff.
- He thanked the Council for the feedback on getting more volunteers. There has been an increase in subscribers to the Friday Updates to 4500.
- The University System Board of Trustees have their meetings this Thursday & Friday at UNH.
- UNH would like to use devices to deliver food across campus. He is looking into the Durham micro-mobility ordinance to see if these devices would fit into that ordinance or not.

- There has been an offer to an individual for the Assessor position and that individual has accepted and will start the first of July.
- There will be a need to hire someone to replace Lisa Beaudoin in the Business Office.
- Someone was just offered the remaining open Police Department job vacancy.
- Peter Leavitt in the Fire Department is being promoted to Captain.

Councilor Burton stated that he has run into people in town who are terrified of the Planning process in Durham. He suggested to Planner Michael Behrendt of having an informal consultation as part of the process. He feels that the planning process should be more friendly.

Councilor Friedrichs stated that the Planning Department is available for questions.

XI. Unfinished Business

Continued 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.”

Chair Needell stated that Planner Behrendt had compiled the Council’s comments into the document. She asked if the Council wanted to discuss the new document or do they want to send the document back to the Planning Board to look at the comments and questions?

Chair Pro Tem Friedman stated that it does not seem that the Planning Board has made any final recommendations on the definitions or Table of Uses. He asked Planner Behrendt if the Planning Board is considering the comments on the June 26 agenda. Chair Rasmussen stated no, the Planning Board is done with the definitions section. They will be sending the Zoning Ordinance re-write to the Council in pieces. Chair Pro Tem Friedman asked if there was a schedule of how often the Council will be seeing the pieces. Chair Rasmussen would like to get four more pieces of the Ordinance to the Council this year.

Councilor Bubar is concerned about how the definitions are going to be used. He would like to see that before he approves the definitions. Chair Rasmussen stated that he’d have to give the Council the whole Ordinance in order to do that. Councilor Bubar stated that it seems like the change in the definitions is moving the town towards the building of a parking lot on Church Hill. Chair Rasmussen stated that people used a loophole to propose that previously. He stated that the misuse of terms is something they need to resolve.

Planner Behrendt asked the Council how they want to proceed. Councilor Bubar asked about whether someone has to comply with a proposed ordinance. Planner Behrendt stated that yes, they do once there has been a notice for the public hearing for the Planning Board. He stated that any applicant would have to meet the stricter of the two ordinances. Administrator Selig stated that this process stays in effect until the Council adopts or rejects the ordinance. If the Council refers the ordinance back to the Planning Board, both ordinances would remain in effect. Chair Rasmussen would prefer that the Council deny the ordinance as part of referring it back to the Planning Board.

Chair Needell stated that a lot of the Council comments were questions to the Planning Board. Councilor Friedrichs believes that the definition changes go hand in hand with the Table of Uses changes. Councilor Grant agrees. Chair Needell asked how long it might take to update the Table of Uses. Chair Rasmussen stated that he does not know what the scope of the changes are yet.

Councilor Friedrichs believes that where there are conflicts with definitions in other portions of the Zoning Ordinance, those other portions will need to be changed to eliminate the conflicts. Planner Behrendt stated that the Council will be able to revisit the definitions with subsequent changes to other sections of the Zoning Ordinance.

Chair Needell stated that her recommendation would be to deny the definitions section and send the document back to the Planning Board with their comments and questions.

Councilor Needell MOVED that the Durham Town Council does hereby DENY the Original 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 Returns the document back to the Planning Board for further review based on Council comments received. The motion was SECONDED by Councilor Grant. The motion PASSED on a roll call vote 8-0.

XIV. New Business

XVI. Nonpublic Session (if required)

XVII. Extended Councilor and Administrator Roundtable (if required)

XVIII. Adjourn (NLT 10:30 PM)

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

The meeting ADJOURNED at 10:29 PM.

Respectfully submitted
Jennie Berry, Minutes Taker and Karen Edwards, Minutes Taker