

DRAFT
DURHAM TOWN COUNCIL
MONDAY, OCTOBER 21, 2024
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

MEMBERS PRESENT: Chair Sally Needell, Councilor Heather Grant, Councilor James Bubar, Councilor Wayne Burton, Councilor Darrell Ford, Chair Pro Tem Joseph Friedman, Councilor Eric Lund, Councilor Curtis Register, Councilor Emily Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs)

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig, Business Manager Gail Jablonski, Moderator Chris Regan, Town Engineer April Talon (on Zoom), Town Planner Michael Behrendt and Planning Board Chairman Paul Rasmussen, Fire Chief David Emanuel

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

Chair Needell calls for a roll call vote, which is unanimous, to allow Councilor Friedrichs to participate remotely, but it is unnecessary as ze arrived in person at 7:08 PM.

III. Roll Call of Members

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

IV. Approval of Agenda

Chair Needell recommends moving number XIV item A on the agenda - *Shall the Town Council, upon recommendation of the Administrator, Approve the purchase of two Dominion ImageCast Precinct 2 voting system tabulators?* - to after X item B so moderator Chris Regan can do his presentation and the Town Council discusses and votes on the ballot counting machines immediately afterward while he is present for questions.
Councilor Lund MOVES to adopt the agenda as amended; Councilor Bubar SECONDS the motion. Motion PASSES on a unanimous show of hands vote.

1 **V. Special Announcements** - Shall the Town Council Adopt **Resolution #2024-23** Recognizing
2 Durham Fire and Public Works for their quick response to the Town Hall Water leak
3 and Recognizing the Employees of the Planning, Zoning, Assessing, IT, Business and
4 Town Clerk/Tax Collector's Departments for their patience and flexibility during the
5 clean-up and renovation efforts?
6

7 Chair Needell reads the resolution in full. *Councilor Bubar MOVES to adopt Resolution*
8 *#2024-23; Councilor Register SECONDS the motion. The motion PASSES on a*
9 *unanimous roll call vote.*
10

11 **VI. Public Comments (*) – Please state your name and address before speaking**
12

13 **State Representative Loren Selig, Strafford District 10**, reminded everyone of the
14 General Election in two weeks (Nov. 5) and thanked the town's moderators, clerks and
15 supervisors of the checklist for their hard work preparing for it. She pointed out that there
16 will be a ballot question on the back of this election's ballot asking voters whether or not
17 the state should extend the retirement age of judges in New Hampshire to 75. She also
18 invited the public to the upcoming N.H. Theatre Project's Elephant In The Room Series
19 "Aftermath: PTS in First Responders" event, a scripted play reading and facilitated
20 discussion sponsored by the Durham and UNH police and fire departments, on Oct. 23.
21

22 Chair Needell gave Councilor Friedrichs who joined the meeting in person a chance to
23 introduce zirsself.
24

25 **William Hall, Smith Park Lane**, brought to the Town Council's attention an article
26 about the role of social media app Sidechat in recent student protests. He also commented
27 on the rise in utility bills over the last six years and reviewed this year's town expenses
28 for water.
29

30 **Axanthic Sommese, a UNH student**, advocated for the addition of a crosswalk and
31 signage for drivers and pedestrians between Main Street and Technology Drive. She lives
32 at the Rivers Edge apartments and has observed students dart across the street to the
33 Wildcat bus stop or towards The Cottages. Especially as it gets darker earlier in the fall
34 and winter, she has become increasingly concerned for the safety of both pedestrians and
35 drivers.
36

37 **Joshua Meyrowitz, 7 Chesley Drive**, gave an update on his continuing investigation into
38 the handling of the UNH student protest that occurred on May 1 at Thompson Hall and
39 on the court cases of the two students arrested that day.
40

Councilor Burton asked Administrator Selig to explain the relationship between the Durham Police Department and the UNH Police Department. He explained the state confers policing authority to towns and cities only, not to universities, so Durham confers policing authority on campus to the UNH department and the two departments operate as sister agencies. UNH maintains operational control over the UNH police department. Discussion continued to clarify the relationship between the two departments.

Peter Schmidt, who represents Dover Ward 1 in the N.H. House and chairs the Strafford County delegation, praised Joshua Meyrowitz for following up on the May 1 UNH student protest and the court cases of the two students who were arrested during the protest, and urged the Town Council to keep an eye on the matter because he feels the truth has been subverted and there is a need for more investigation by the university.

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

Abigail Bagley, the External Affairs Chair for the student body president at UNH, said the university had a successful homecoming weekend and thanked the town's police, EMS and firefighters as well as those from surrounding towns for their work. She said she met with Steve Pesci, UNH special projects director, to discuss students' pedestrian and crosswalk safety concerns. She said there was a study done to set priorities for improving safety. She was also briefed on the UNH master plan. She highlighted the improvements needed on South Drive behind the stadium and on the bridge near the Dairy Bar. She updated the Council on e-scooter concerns that came up at a prior meeting. She said police are emphasizing education about them, not enforcement, but they have issued tickets in some cases. She reported two small fires in dorm buildings where the e-scooters were stored in bike rooms. She said there is a lot of discussion around making the e-scooters safe inside buildings. Fire Chief David Emanuel, who was present at the meeting, said he is working with UNH staff as well as the state fire marshal to address these concerns. Councilor Friedrichs asked that he keep the Energy Committee and Planning Board updated on the best practices for storing these devices inside buildings as well as charging them so they can update town regulations accordingly. Ms. Bagley mentioned that the off-campus student housing buildings do not allow any of these e-mobility devices inside their buildings. Chief Emanuel noted there is information about the latest safety recommendations for and the UNH policy on lithium-ion batteries on the town's website at <https://www.ci.durham.nh.us/fire/lithium-ion-battery-safety-resources>.

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

1 Councilor Bubar proposed pulling item A - *Shall the Town Council approve the 4th 2024*
2 *Warrant for Water and Sewer Totaling \$743,278.61 commit the bills for charges to the Tax*
3 *Collector for collection and authorize the Administrator to sign said Warrant? - from the*
4 *Unanimous Consent Agenda for further discussion.*

5
6 ***Chairman Needell MOVED that the Town Council adopt Items B, C and D of - B. Shall***
7 *the Town Council, upon recommendation of the Administrator, Ratify the Collective*
8 *Bargaining Agreement Between the Town of Durham and the Durham Police Officers'*
9 *Union, New England Police Benevolent Association, Local #21 (DPOU) for the Period*
10 *January 1, 2025 through December 31, 2026? C. Shall the Town Council, Upon*
11 *Recommendation of the Administrator, Award an Amendment to the Design and*
12 *Environmental Permitting Contract for the Mill Pond Dam Removal Project to VHB, Inc. of*
13 *Bedford, NH in the amount of \$77,616 and Authorize the Administrator to Sign Associated*
14 *Documents? D. Shall the Town Council unseal the Nonpublic Session minutes from the year*
15 *2006 dated January 23, March 6, April 3, August 21, October 30 and November 6? - of the*
16 ***Unanimous Consent Agenda. Councilor Friedman SECONDED the motion. The***
17 ***motion PASSED on a unanimous roll call vote.***
18

19 ***A. Chairman Needell MOVED that the Town Council approve the 4th 2024 Warrant for***
20 ***Water and Sewer Totaling \$743,278.61, commit the bills for charges to the Tax***
21 ***Collector for collection and authorize the Administrator to sign said Warrant.***
22 ***Councilor Ford SECONDED the motion.*** Chairman Needell opened discussion.
23

24 Town Engineer April Talon joined the meeting on Zoom to answer Councilor
25 Bubar's questions about some of the data on the Water and Sewer Warrant. Ms.
26 Talon clarified the usage numbers for him.
27

28 On the Lee extension, Councilor Bubar questioned why there was such a high
29 increase in usage for this quarter, and Ms. Talon said that is due to necessary
30 flushing on the Lee extension, which the town will bill the town of Lee for
31 reimbursement.
32

33 Chair Pro Tem Friedman asked about Starbucks and the Market Basket Plaza
34 connecting to the Lee extension and how that will affect the usage. Ms. Talon said
35 Starbucks is already connected and a metered user. The Market Basket Plaza has put
36 in an application to be added to the Lee extension because its wells are failing. That
37 application is still under review by the town. Ms. Talon said the estimated usage the
38 application predicts is well within the Lee reserve that the town of Lee is entitled to
39 under the town's agreement.

1
2 Councilor Bubar asked why the Durham water rate rose from \$8.43 in 2022 to \$10.61
3 in 2024 and Ms. Talon explained over the last few years since the pandemic there has
4 been a shift in the cost sharing percentage between the town and the university
5 which results in that increase. Administrator Selig explained that the town measures
6 the usage of the town and of the university and the percentage the town pays is
7 determined by a three-year rolling average. UNH has been able to reduce its costs
8 because it has complete control over its part of the system and can integrate water
9 reduction and conservation measures to reduce water usage on campus and that
10 reduction was increased by the pandemic when there were not many people on
11 campus for a long period of time. Since the pandemic, the faculty and staff are still
12 only operating a couple days each week on campus, working at home the other
13 days, so that has continued to keep the UNH usage down. During the pandemic,
14 with more people at home, the town's usage rose. The town can't require every
15 home to use conservation measures to try and reduce usage so the cost sharing has
16 been shifting. The UNH-Durham water system is operated as a complete system,
17 Administrator Selig explained, and Durham is sharing in the full operational costs of
18 the whole system and that has resulted in the rate increasing as has the shift in
19 actual usage between on and off campus usage. Administrator Selig said the town
20 will soon be in the process of setting the rates for next year and that would be the
21 most appropriate time to return to this issue.

22
23 Councilor Lund asked if the warrant included both town and UNH usage. Ms. Talon
24 confirmed the warrant only includes the town's water usage. Councilor Bubar
25 questioned the difference in the amounts of water usage and sewer usage, which he
26 said was 1 million cubic feet of water. Ms. Talon explained she would have to review
27 the meter data to say where the water is going and Councilor Bubar said it would be
28 helpful to see how much goes to irrigation, hydrant flushing, etc., and doesn't go
29 into the sewer. Chair Pro Tem Friedman clarified it would be helpful to see all the
30 data for the full system during the budget process. Councilor Burton reminded the
31 Town Council of its visit to the water treatment plant, a \$20 million project which
32 was paid for completely by UNH. He reiterated that the town is not bearing the cost
33 of the plant. Councilor Bubar said the water-sewer system is paid for by water users,
34 not the taxpayers so it's not an issue for the budget. Administrator Selig said it is a
35 budget issue because the town will review the budgets of all its funds, but the water-
36 sewer system budget does not affect the tax rate.

37
38 After the questions were resolved, Chairman Needell called for a roll call vote. *The*
39 *warrant was approved in a unanimous roll call vote.*

IX. Committee Appointments - None

X. Presentation Items

A. Business Manager Gail Jablonski presented the Quarterly Financial Report through Sept. 30, 2024. She reported things are trending as expected and exactly where the town usually is at this time of the year. She sees no unanticipated needs rising through the end of the year. Councilor Burton asked why the welfare assistance fund was up about \$30,000, and Ms. Jablonski replied that there are two individuals the town is putting up in hotels as there is no room at homeless shelters and no Section 8 housing available. She said the contingency fund would be able to cover this overage. Administrator Selig said the town is increasing the assistance fund in the new budget because it sees this as a trend.

B. Town Moderator Chris Regan presented on the purchase of two new voting machines for the town. He said the AccuVote machines the town is using now have been in use for almost 20 years and have been discontinued by the manufacturer. He, Assistant Town Moderator Lee Skinner and Town Clerk Rachel Deane are recommending the town purchase two Dominion Image-Cast Precinct 2 machines after seeing demonstrations of four different machines. This ballot counting machine is used across the nation and in several municipalities in the state. Two of the four machines have been certified by the state ballot commission, but they believe this brand is most appropriate for the town. He said the state will pay half the cost of the machines. He said a vote of the Town Council to approve the purchase and use of the machine is required by the Secretary of State. If approved, the machines will be ordered and training for election officials will be conducted, and the new machines will be used for the first time in the March 2025 town election. LHS Associates, the in-state election services company with whom the town has a long-term relationship and which has been very responsive to the town over the years, will service the machines. Councilor Register asked Moderator Regan what his confidence level is that the current AccuVote machines will successfully and securely count the ballots in the election coming up on Nov. 5. Moderator Regan said he's never had any question about any past election using the AccuVote machines and has no question about the accuracy of the count out of these machines in this election. Councilor Burton asked if the new machines were "un-hack-able" as the old ones are, and Moderator Regan confirmed they are not connected to the Internet in any way and cannot be hacked. He said all the paper ballots will be taken to Concord and counted there if there is a need for a recount. Councilor Bubar questioned if there should be a time element added to the resolution.

1 ***Councilor Lund MOVED that the Town Council, upon recommendation of the***
2 ***Administrator, approve the purchase and use of two Dominion ImageCast Precinct***
3 ***2 voting system tabulators.*** Administrator Selig said it should be stipulated that the
4 machines will go into use for the March 2025 town election and thereafter. ***Councilor***
5 ***Ford SECONDED the motion. The purchase was approved on a unanimous roll call***
6 ***vote.***

7
8 C. Carolyn Singer of the Historic District Commission/Heritage Commission presented
9 three options for upgrading the Bickford-Chesley farmhouse, barn and ell at Wagon
10 Hill Farm through the LCHIP grant program. She was joined by Charlotte Hitchcock,
11 a retired architect who lives in Durham and who has done a lot of historical preservation
12 work in Connecticut. Administrator Selig introduced the speakers and said to date the
13 town has approximately \$400,000 in existing capital funds from the town, \$286,500 from
14 the LCHIP grant and another \$20,000 from a moose plate grant for a total of
15 approximately \$706,000 for the project. He noted for a variety of reasons that it is not
16 enough to complete the project so those working on it have come up with three options.
17 He also noted the Durham Historic Association, the town Historic District
18 Commission/Heritage Commission and the town Human Rights Commission have all
19 submitted letters in support of this project. Ms. Singer added that more letters of support
20 were just submitted for the project. She acknowledged and thanked the team that has
21 worked diligently on the project for the past several years.

22
23 Ms. Singer reviewed the historical and cultural resources on the site of Wagon Hill Farm
24 and the farm's history. She then went over the LCHIP planning study, the condition of
25 the house, the plan for renovations, the plan for potential gallery space on the first floor
26 of the house and the costs.

27
28 Option 1 would stabilize and preserve the farmhouse and make the farmhouse and ell
29 available for basic occupancy. This would include replacing exterior windows, installing
30 ADA-accessible ramps, two bathrooms, sprinkler system, electrical, rough wiring on
31 second floor, rehabilitating the basement and first floor, painting and repairing the
32 exterior of the house and its porch. Total cost for Option 1 is projected to be
33 \$1,506,814.25.

34
35 Option 2 would do everything in Option 1 and create second floor and ell bathrooms, a
36 more complete sprinkler and alarm system, finish a caretaker's apartment on the second
37 floor, install HVAC and insulation, include historic window replacement, and give the
38 barn three-season use. This option would provide full use of the ell and gallery in all
39 seasons, and use of the unfinished barn when it's warm enough. Cost for Option 2 is
40 estimated at \$1,849,416.77, which is \$342,601 more than Option 1.

1
2 Option 3 would do everything in Option 2 and allow full occupancy of the farmhouse, ell
3 and barn. It would include the finishing of the barn, two additional bathrooms, storage
4 underneath the barn and main floor, insulation and HVAC for the barn, and add egress
5 and foyers for the barn. Option 3 would provide full use of the barn for any kind of event
6 any time of the year. Option 3 is projected to cost \$2,030,572.06, which is \$181,154 more
7 than Option 2.
8

9 Ms. Hitchcock said the project design would allow the ell to be accessible to those using
10 Wagon Hill Farm when the rest of the building is closed to provide a warming hut for
11 sledders or a meeting place for gardeners, and bathrooms for visitors.
12

13 Councilor Bubar asked if there was an estimated operating cost for each of the three
14 options. Ms. Singer said those estimates weren't available yet. The question of insurance
15 came up and Administrator Selig said he didn't anticipate any of the options adding to the
16 cost of the town's pool insurance package. Some of the responsibilities for operating the
17 facility may go to the caretaker, he said, so wouldn't be an extra cost.
18

19 Administrator Selig recommended going minimally with Option 2; if the town had the
20 money and could do Option 3, he would recommend that.
21

22 Councilor Burton remembered when the Town Council voted to buy the property, which
23 was slated to be sold subdivided into 100 lots, and said it's about time to fix up the house.
24 He said it's difficult to explain to people why the town hasn't. He said his concern is that
25 there is no budget for site preparation. Problems are parking and access, and bringing in
26 more people will be even more problematic. He said the town is already trying to figure
27 out solutions for the large crowds that visit the farm at present.
28

29 Councilor Burton asked since the barn is fairly new, would the project try to make it
30 historically correct? The reply was the barn would stay as is and just be updated for four-
31 season use if the town decides to do so.
32

33 Chair Pro Tem Friedman inquired about the square footage of each section of the project.
34 Ms. Hitchcock said the first and second floors of the farmhouse are 1400 square feet. The
35 old part of the ell is 600 square feet; the new part will be 600 square feet. The barn is
36 1100 to 1200 square feet.
37

38 Chair Pro Tem Friedman pointed out that the Durham Historic Association has room and
39 exhibit space in the old Town Hall at the corner of Main Street and Newmarket Road that
40 is not often staffed so he asked what the staffing plan for the gallery space is. Ms. Singer

1 made the distinction that she is with the Durham Historic Commission/ Heritage
2 Commission, and not the Durham Historic Association so she couldn't speak to its space,
3 but she's anticipating history education events and art exhibits in a rotating temporary
4 format at the farmhouse.
5

6 Ms. Singer said the Town Council in the LCHIP grant application process agreed to the
7 uses of the building. Ms. Hitchcock said the Town Council understood any modern
8 improvements to the buildings that weren't for historic restoration and rehabilitation
9 would be a town expense. The application took place during the pandemic, she said,
10 when it was hard to estimate what the price would be, and that construction prices have
11 only increased since then.
12

13 Chair Pro Tem Friedman questioned how the scope of the project expanded from the
14 original grant amount. Administrator Selig explained an initial review of the property was
15 around \$400,000, but the study was too rudimentary and didn't take everything into
16 consideration that was needed, and then the costs increased during and since the
17 pandemic.
18

19 The LCHIP grant has to be used by the end of 2025, but an extension may be possible,
20 Ms. Hitchcock said, but she was unsure how long it could be extended. Administrator
21 Selig said LCHIP would just want to make sure the town is still proceeding toward the
22 project. He said the town acquired the property in early '90s, and invested in the barn, but
23 has not invested in the farmhouse, which is a historical property. He said he believes it is
24 the town's responsibility to preserve the farmhouse. Option 1 is to preserve the
25 farmhouse, but doesn't give the public access to it, he said, adding the goal is to celebrate
26 local history and bring more history to life, which Option 2 would provide.
27

28 Administrator Selig said the town now gets requests for programming in the barn, in case
29 weather turns during an event for example, but that is not possible now. A three-season
30 barn opens the opportunity for recreational programming and events. Option 3 would
31 enclose the barn, opening up many possibilities.
32

33 Councilor Lund said if the barn is usable as event space that would be revenue that could
34 offset the operating cost.
35

36 Councilor Bubar said he has seen over the years a number of properties with an
37 opportunity cost if not an operating cost. He said he feels the town cannot maintain all the
38 pieces of land it currently owns and this project seems like the straw that breaks the
39 camel's back.
40

1 Councilor Burton noted he feels the town has already pulled one main historic site - the
2 Mill Pond Dam. He said he feels the town needs to save the history at Wagon Hill Farm.
3 He said the gravel from the pit on the farm property built Route 4. He said this is
4 different than buying more land. If the farmhouse molds into the ground, he feels the
5 town will lose its history and that puts this project in a separate category.

6
7 Councilor Friedrichs questioned if there are other plots of town land that could be sold
8 and that the town should set priorities for what's really important. Ze said the town has
9 added a lot of amenities in the past 15 years and ze worries about a one-time cost
10 expanding long-term costs. Ze is concerned about the town becoming a luxury
11 community that pushes people out who can't afford that luxury.

12
13 Administrator Selig noted the old town hall where the Durham Historic Association is
14 located would be the next historical project after Wagon Hill Farm.

15
16 Chair Pro Tem Friedman brought up the soon-to-be proposed project improving the
17 Churchill Rink and Jackson's Landing, its expense and that it's a facility that serves all
18 ages. He said he loves Wagon Hill, believes the town should stabilize the farmhouse, but
19 any additional spending there may prevent the Jackson Landing improvements.

20
21 Ms. Singer said she feels the town has made little investment in its historical and cultural
22 assets. She said the expense of the project was discussed with prior Town Councils and
23 twice the Council voted for the project. She said when you start destroying historical
24 assets you're lowering your quality of life, which other communities highly value.

25
26 Larry Brickner-Wood, who was in attendance at the meeting, said the farmhouse building
27 is integral to the farm, noting people from all over the Seacoast, Massachusetts and
28 Maine come to Wagon Hill. He said if the town does not want to be a responsible steward
29 of the farm, it should give it to another entity that would take care of the building.

30
31 The discussion continued until Administrator Selig said no decision was required at the
32 meeting and that this was an informational session in preparation for the budget
33 discussion. Councilor Burton proposed a field trip for the Council to see the farmhouse.

- 34
35 D. The report from the Integrated Waste Management Advisory Committee by Chair
36 Nell Neal, which was listed on the agenda, did not occur because the presenter had
37 left the meeting and will be rescheduled for a future meeting
38
39

XI. Unfinished Business

The Town Council discussed the Administrator's Progress Report, as of Sept. 30, 2024, and the list of approved 2024/2025 Town Council Goals adopted on June 3, 2024, a discussion which was requested in a previous meeting.

Discussion touched on Administrator Selig working with the U.S. Post Office on the potential opportunity for redevelopment of the post office at the corner of Main Street and Madbury Road. He said he has had just an initial discussion where he learned the apron space around the building is needed and that the second floor of the building is now vacant. He will pursue further discussion with Post Office officials and with U.S. Fish & Wildlife, which was also part of the goal. He said the Fish & Wildlife location is not federal and is actually on university land.

Councilor Grant asked about the goal to create a police department position to work on accreditation. She said UNH funds a similar position so the possibility of combining with them or with the fire departments were considered. Bringing back the position of economic development director was also discussed. The development of the Edge at West End may make that more possible and necessary, Administrator Selig said. The goal of creating the new solid waste disposal plan is ongoing. Evaluating the possibility of curbside composting is still on the table, but will be considered after the new solid waste plan is up and running.

Councilor Friedrichs asked if the fall brush cleanup was discontinued during the discussion of the new solid waste plan. Administrator Selig said to his knowledge it was not discussed.

Council Bubar MOVED that the Town Council move agenda items XIV C and D under New Business be moved up before items XII and XIII. Councilor Lund SECONDED the motion. The motion passed on a unanimous show of hands.

XIV. New Business

Town Planner Michael Behrendt and Planning Board Chairman Paul Rasmussen joined the Town Council to discuss item **C. Presentation & First Reading on Ordinance #2024-09** Amending Chapter 175 "Zoning," Article II, "Definitions," Article XII.1, "Use and Dimensional Standards," Article XVIII, "Personal Wireless Service Facilities Overlay District," Article XIX, "Conservation Subdivisions," and the Zoning Map; and adding a new Article XVIII.1, "Workforce Housing Overlay District." A public hearing can be set for Monday, November 4, 2024.

Mr. Behrendt notes it's the second pass on this ordinance and invited questions. Chair Needell thanks Mr. Behrendt and Mr. Rasmussen for providing a set of FAQs

1 on these ordinances to the Town Council and opened the discussion for Councilors'
2 questions.

3
4 Councilor Burton questioned and Mr. Rasmussen and Behrendt explained how the
5 shoreline buffer zone would work in the Overlay District and only applies to
6 subdivisions in the four residential zones. Specific sites were debated as hypothetical
7 examples.

8
9 Councilor Lund explained that an Overlay District overrides the underlying zoning.
10 Mr. Behrendt said if you're developing a workforce housing project in this district,
11 the overlay district zoning would prevail. Mr. Behrendt recommends adding a note
12 for the case of someone developing a single-family home lot in the Overlay District
13 to clarify.

14
15 Councilor Friedrichs suggested replacing the N/As with "underlying" in the Table
16 of Dimensions in the ordinance. Behrendt suggested the wording "underlying
17 standards apply."

18
19 Mr. Behrendt suggested they bring the revision back to the Town Council at the
20 public hearing or at a meeting before that. Other suggestions about the formatting
21 and placement of notes were made.

22
23 Councilor Burton asked what the density bonus is and Mr. Rasmussen said it is
24 minimal and based on a percentage reduction of the lot size. Councilor Grant
25 pointed out it's lower than the 55-and-older zone's density bonus so it is not much of
26 an incentive to do workforce housing.

27
28 Councilor Burton said "our nest of rules" makes workforce housing projects
29 difficult. Mr. Behrendt pointed out that the Overlay District ordinance is intended to
30 clarify that process. Discussion on different scenarios of development ensued.
31 Administrator Selig asked why the ordinance requires a percentage of the land for
32 conservation when it is supposed to be encouraging workforce housing. Mr.
33 Rasmussen said it's to ensure housing is built tightly while conserving the greater
34 part of the property for open space, and to limit sprawl and create better space for
35 wildlife corridors. Bubar said it limits development on smaller parcels and
36 Rasmussen gave an example of smaller developments that could comply with the
37 ordinance, such as garden apartments and townhouses.

38
39 Councilor Friedrichs pointed out that limiting units to 12 in one building isn't really
40 workforce housing. Mr. Rasmussen said one of the goals of the ordinance wasn't to
41 have large apartment buildings in the Overlay District.

42
43 Mr. Behrendt explained "the missing middle," with different structures that fit in
44 between single-family homes and large apartment buildings, i.e. row houses and
45 smaller apartment buildings. Councilor Burton said he likes the flexibility of the

1 ordinance which he feels is needed in the way the planning process operates in
2 town.

3
4 Mr. Behrendt said they have vetted the ordinance thoroughly and received positive
5 feedback. Mr. Rasmussen said this is the first step, next planners will address the
6 downtown zone and then the transit zone. He said he feels the three areas of town
7 need to be addressed separately.

8
9 Administrator Selig brought up the request from a resident to not have the public
10 hearing on Nov. 4, the night before the General Election. He suggested continuing
11 the discussion on Nov. 4 and then setting the public hearing for a later date.

12
13 Councilor Friedrichs suggested moving the rest of the agenda items to the next
14 meeting on Nov. 4.

15
16 *Councilor Bubar MOVES to extend the meeting by seven minutes. Councilor*
17 *Register SECONDS the motion. The motion is APPROVED on a hand vote of 7-2.*

18
19 *Chair Needell MOVES that the Town Council move discussion of items XIV B., C.*
20 *and D. - B. Discussion and possible Adoption of Resolution #2024-24 Amending*
21 *Resolution #2013-14 to Change the Membership Composition on the Human Rights*
22 *Commission to be as follows – Five (5) citizens who are residents of Durham, One (1)*
23 *Council Representative with a one-year term as an Advisory, Non-Voting Member,*
24 *and the Administrator as an Advisory, Non-Voting Member; C. Presentation & First*
25 *Reading on Ordinance #2024-09 Amending Chapter 175 “Zoning,” Article II,*
26 *“Definitions,” Article XII.1, “Use and Dimensional Standards,” Article XVIII,*
27 *“Personal Wireless Service Facilities Overlay District,” Article XIX, “Conservation*
28 *Subdivisions,” and the Zoning Map; and adding a new Article XVIII.1, “Workforce*
29 *Housing Overlay District.” A public hearing can be set for Monday, November 4,*
30 *2024; D. Presentation & First Reading on Ordinance #2024-10 Amending Chapter*
31 *175 “Zoning,” Article III, “Administration and Enforcement,” Article VI, “Zoning*
32 *Board of Adjustment,” Article XII.1, “Use and Dimensional Standards,” Article XX,*
33 *“Standards for Principal Uses,” and Article XX.1, “Standards for Agricultural Uses.”*
34 *A public hearing can be set for Monday, November 4, 2024; - and items XII*
35 *Approval of Minutes and XIII Councilor and Town Administrator Roundtable to*
36 *the Nov. 4 meeting. Councilor Lund SECONDS the motion. The motion PASSES on*
37 *an 8-1 hand vote.*

38
39 Councilor Register suggested putting the Overlay District items earlier on the
40 agenda at the next meeting. Councilor Bubar asked about the budget discussion that
41 is scheduled for Nov. 4. Administrator Selig said he will still give the budget
42 presentation at the Nov. 4 meeting.

43
44 Chair Needell asked if there's anything that would have been in the roundtable that
45 needs to be discussed at this meeting.

Councilor Burton asked who the zoning administrator referred to in the Overlay District ordinance is. Mr. Behrendt replies it is Audrey Cline, code enforcement officer and health officer.

Councilor Register made a statement, referring to the article about Sidechat, which was provided to Town Council members before the meeting. He said he thinks it's important to verbally and definitively say that "anti-Semitism is horrific and unwarranted in any measure. Hate speech is not productive or useful communication." He said there has been a rise of hate speech in the Durham community and that impacts residents and the town's reputation. He condemned hate speech. Chair Needell said the Human Rights Commission is in discussions about this issue.

Chair Needell asked Administrator Selig if there's anything pressing he needed to report and he said he and his staff are working on the town budget.

XII. Approval of Minutes of the October 7, 2024 meeting - Delayed to future meeting.

XIII. Councilor and Town Administrator Roundtable - Delayed to future meeting.

XV. Nonpublic Session (if required) - Not required.

XVI. Extended Councilor and Town Administrator Roundtable (if required) - Not required

XVII. Adjourn (NLT 10:30 PM)

Councilor Ford MOVES to adjourn the meeting. Councilor Bubar SECONDS the motion, which passes on a unanimous hand vote.

The meeting adjourned at 10:32 PM

- Jane Murphy, Minutes Taker