

These minutes were approved at the April 7, 2025 meeting.

**DURHAM TOWN COUNCIL
MONDAY, MARCH 17, 2025
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM**

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

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig, Town Assessor Darcie Freer, Town Planner Michael Behrendt, Planning Board Chairman Paul Rasmussen, Housing Task Force Chairman Sally Tobias, Durham Police Chief Rene Kelley, and Durham resident Susan Richman, who is a founding member of New Hampshire Network.

I. Call to Order

Past Chair Needell called the meeting to order at 7:00 P.M.

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely - Not needed.

III. Roll Call of Members

Councilor Curtis Register, Councilor Darrell Ford, Councilor Eric Lund, Councilor Wayne Burton, Councilor Joseph Friedman, Councilor Sally Needell, Councilor Robin Vogt and Councilor Heather Grant.

IV. Swearing in of Council Members

Town Clerk-Tax Collector Rachel Deane swore in both the newly elected Town Councilor Robin Vogt and all the returning members of the Town Council (except Councilor Friedrichs, who had not arrived yet at the meeting). Each councilor stated their name, Ms. Deane read the Oath of Office, and councilors responded, "I do," collectively. Ms. Deane distributed the Oath of Office for each councilor to sign.

V. Election of Chair and Chair Pro Tem

*Past Chair Needell **NOMINATED** Past Chair Pro Tem Friedman to be the new Town Council Chair. She asked for additional nominations, but none were made. Councilor Wayne Burton **SECONDED** the nomination. The nomination **PASSED** on a unanimous roll call vote of 8-0.*

New Chair Friedman NOMINATED Councilor Lund to be Chair Pro Tem of the new Town Council. Councilor Grant SECONDED the nomination. The nomination PASSED on a unanimous roll call vote of 8-0.

Councilors changed seats according to their new offices. Chair Friedman thanked his fellow councilors for their vote and thanked Councilor Needell for her service as Chair. He said he looks forward to working with everyone and welcomed newly elected Town Councilor Robin Vogt to the Council.

VI. Approval of Agenda

Chair Pro Tem Lund MOVED to adopt the agenda. Councilor Grant SECONDED the motion. The motion PASSED on a unanimous 8-0 hand vote.

VII. Special Announcements

Councilor Needell read the Land Acknowledgement Statement as is tradition at the first meeting of the new Town Council.

VIII. Public Comments

Joshua Meyrowitz, 7 Chesley Drive, said that in the last email report he sent to his email list of Durham residents and others on Feb. 4th, he incorrectly said that UNH President Elizabeth Chilton had rejected the findings of her working group's Jan. 15th report on the May 1, 2024 student protest at UNH. He said he should have clarified that she had rejected the recommendations he had listed in his email. He said she has been working with the town and her staff on other issues raised in the report including the Memorandum of Understanding about the UNH Police Department. He talked about how universities across the country have warned student protesters especially those who are international students that they can't protect them and instructed them to delete protest speech from their social media accounts. He cited the recent arrests and detainment of student protest leaders by the Trump Administration. He also read a letter that has been signed by 2,000 Jewish professors across the country that denounces these arrests.

Councilor Friedrichs joined the meeting at 7:11 p.m.

Councilor Burton thanked Mr. Meyrowitz for correcting the record, and cautioned that the university is under duress in the Legislature and said he appreciated Mr. Meyrowitz balancing his presentation because Councilor Burton said there is a need to be sensitive about accurately talking about the university.

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

UNH student Abigail Bagley, the External Affairs Chair for the student body president at UNH, was not present at the meeting as UNH is on Spring Break.

X. Unanimous Consent Agenda

- A. Shall the Town Council adopt **Resolution #2025-04** establishing the regular Town Council meeting dates for April 2025 through March 2026?

- B. Shall the Town Council accept the recommendations of the Town Assessor and Administrator relative to FY 2023 & FY 2024 Property Tax abatement requests in the total amount of \$17,742.68?
- C. Shall the Town Council adopt **Resolution #2025-05** objecting to the freezing of federal grant programs to states and municipalities and to agencies and organizations that support Durham residents?
- D. Shall the Town Council, Upon Recommendation of the Administrator Award the Construction Contract for the Madbury Road Complete Streets Phase 3 Roadway, Drainage, Streetscape Project to G.W. Brooks and Sons, Inc. of Freedom, NH for a Total Price Not to Exceed \$2,151,281.00, Subject to Available Funding?
- E. Shall the Town Council, Upon Recommendation of the Administrator Award the Construction Contract for the Madbury Road Complete Streets Phase 2 Water Utility Replacement Project to Joseph P. Cardillo of Wakefield, MA for a Total Price Not to Exceed \$1,990,597.50, Subject to Available Funding?
- F. 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 \$604,284.45, Subject to Available Funding?
- G. Shall the Town Council, Upon Recommendation of the Administrator Approve the Construction Inspection, Design and Administration Contract for the Madbury Road Complete Streets Roadway, Drainage, Streetscape and Water Utility Project with VHB Engineers of Bedford, NH in the amount of \$584,635, Subject to Available Funding?
- H. Shall the Town Council approve on **First Reading Ordinance #2025-04** Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," of the Town Code to change the minimum front setback in the Office – Research 108 (OR) District on minor streets and collector roads, and set the Public Hearing date for April 7, 2025?

Chair Pro Tem Lund said he had questions concerning Item X-B. Councilor Friedrichs also said ze has questions on that item.

Chair Friedman MOVED to pass the Unanimous Consent Agenda Items A and C through H. Councilor Grant SECONDED the motion. The motion PASSED on a unanimous roll call vote of 9-0.

Councilor Ford MOVED to pass Item X-B. Councilor Friedrichs SECONDED the motion.

Chair Friedman opened the discussion on Item X-B. Chair Pro Tem Lund stated that the Lund family that applied for an abatement in this cycle is no relation to him. He asked about the properties where Ms. Freer denied the abatement for now. She replied she denied the larger requests from student housing properties, which will require litigation, and a resident who she wasn't able to arrange a meeting with. The residents who Ms. Freer met and visited properties with agreed with her on an amount and those she approved.

Councilor Friedrichs asked if Ms. Freer saw more requests for abatements this year than normal, and Ms. Freer said it was slightly more than a normal year at 18 requests. She said seven are outstanding: two are single-family homes, one is vacant student housing, Tideline Public House, Holiday Inn Express, Eversource and New England Telephone.

Item X-B was APPROVED in a unanimous roll call vote of 9-0.

XI. Committee Appointments - None

XII. Presentation Items

Presentation by Susan Richman on **Resolution #2025-06** supporting a statewide petition requesting that grocers reduce the distribution of single-use plastic bags.

Durham resident Susan Richman, of 16 Cowell Drive, is a member of the town's Integrated Waste Management Advisory Committee, and a founding member of New Hampshire Network, a 4-year-old group promoting communication about the environment, energy and climate across the state. NHN has a Plastics Working Group, which has developed a petition it is asking Durham to endorse. The group has 12 organizations which have endorsed the petition, but is looking for municipal endorsements also. Ms. Richman gave a PowerPoint presentation about the use of plastics in the state and their effect on the environment and residents. She said there was a bill proposed in the House Environment and Agriculture Committee to form a study committee for plastics in the state, but it didn't pass because a study committee really is not needed. There is plenty of information already about the issue of plastics use.

Councilors discussed Maine's ban on single use plastics and how it is handled, and how being forced to pay for a paper bag seems to be a deterrent. Councilor Needell asked if other towns are considering a resolution, and if it would be possible to get the number of Durham signatures on the petitions to quantify the town's support. Councilor Friedrichs noted Portsmouth and Exeter have banned plastic bags on town property.

Chair Friedman asked if there was a motion on the resolution, which is included in the Town Council packet.

Chair Pro Tem Lund MOVED to pass Resolution #2025-06 supporting a statewide petition that grocers reduce the use of single-use plastic bags. Councilor Needell SECONDED the motion. The resolution PASSED on a unanimous roll call vote of 9-0.

XIII. Unfinished Business

- A. **Discussion and Possible Action on Council-Initiated Zoning Amendment** Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," of the Town Code to allow mixed use with residential in most (but not all) of the Central Business District by right rather than by conditional use. This would include separating the Central

Business District into two districts: Central Business-1 District (CB-1), and Central Business-2 District (CB-2).

Councilor Friedrichs asked for an explanation of why these zoning amendments are being presented from the Town Council instead of from the Planning Board. Planning Board Chair Paul Rasmussen said the recommendation is actually coming from the Housing Task Force, which cannot officially propose amendments, and that the Town Council recommended that they be presented and initiated by the Town Council. Housing Task Force Chair Sally Tobias confirmed they thought having the Town Council initiate the amendments was the most appropriate way to do it. Councilor Grant said creating two parts of the Central Business District makes sense because it's hard to have the Mill Plaza included in the same bucket as downtown Main Street businesses. Councilor Friedrichs said looking at the Master Plan, which was created in 2015 and included input from 900 residents, it's important to make sure that ordinance changes align with it. Ze said ze thinks there's a lot in these that align with the Master Plan, but some aspects don't. Ze is concerned about a long line of ordinances in the queue before these changes. Ze suggested maybe revisiting these in six months after moving some things in the queue forward.

Chair Pro Tem Lund asked if there was any plan to address the Master Plan, which the town does about every ten years. Administrator Selig said he, Town Planner Michael Behrendt and Mr. Rasmussen feel these changes are consistent with the Master Plan. Ms. Tobias said the Master Plan was kept in mind in proposing these changes. Administrator Selig said he envisions revisiting the Master Plan in about two years after seeing how these incremental changes work out. He said the Town Council initiative is to fast track the amendments by having Town Council say it approves of them, then sending them to the Planning Board to have a public hearing and get feedback, and then having the Town Council give them final approval. Chair Friedman noted it's important to get the Planned Unit Development ordinance done this year, and it's the first priority behind these. He said it takes a long time for projects to come forward and that the town needs growth so this fast-tracked the changes.

Chair Friedman MOVED to initiate the zoning amendment and send it to the Planning Board. Councilor Ford SECONDED the motion.

Councilor Burton suggested creating an Economic Development position for the town. Councilor Vogt said he liked the approach of opening Durham up to young families and individuals in these amendments.

The motion PASSED on a unanimous roll call vote of 9-0.

- B. Discussion and Possible Action on Council-Initiated Zoning Amendment** Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," of the Town Code to allow multi-unit residential by right in the Professional Office, Church Hill, and Courthouse districts.

Councilor Friedrichs asked why the Professional Office district isn't being considered for mixed use given existing uses in the district. Mr. Behrendt said if you allow multi-unit and commercial uses, which are allowed in PO district, then they are both allowed in the same building so don't need to also allow mixed use. Ze said it would be good to spell that out in the table of uses. Councilor Register agreed that spelling it out would remove uncertainty.

Councilor Friedrichs said ze would like more time to study and understand these amendments especially in the Church Hill district with Three Chimneys and multi-unit buildings with no obligation to retain historic buildings as they are. Ms. Tobias said that area is already zoned for uses such as parking lots, senior care, light manufacturing, solar, and that adding housing is what the town needs. Councilors discussed how allowing by right doesn't restrict the owner from doing anything, but there would be a site plan review.

Chair Pro Tem Lund MOVED the Town Council initiate the zoning amendment. Councilor Grant SECONDED the motion.

Councilor Friedrichs encouraged the Council to look more deeply into how these districts are characterized, expressing concern about the potential density of the Church Hill and Courthouse districts and lack of open space. Councilor Friedrichs noted the mechanism for achieving green space is to regulate the mix of impervious surfaces and ze said the Professional Office zone is at 50 percent impervious surfaces, and that Church Hill and Courthouse are at 80 percent impervious surfaces. Mr. Behrendt described the impervious surface percentage allowed in all the town's zones. Councilors discussed concerns about building up and going vertical, but also the importance of balancing open, green space and retaining breathing room and a small town feel. It was noted there will be a Public Hearing on this zoning change and the Town Council will get to vote on it again.

The initiation of the zoning amendment PASSED on a roll call vote of 8-1.

Councilor Grant - aye; Councilor Vogt - aye; Councilor Friedrichs - nay; Chair Friedman - aye; Chair Pro Tem Lund - aye; Councilor Burton - aye; Councilor Needell - aye; Councilor Ford - aye; Councilor Register - aye.

- C. Discussion and Possible Action on Council-Initiated Zoning Amendment** Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," of the Town Code to remove the current three-story height limit that applies to numerous lots in the Central Business District on Main Street and Madbury Road.

Mr. Behrendt talked about the history of the current height limit. Part of the limit on Main Street was created by a citizens petition, which means at least 50 Durham residents wanted the change, and that the height limit was changed to three stories about 10 years ago. The other half of the district on Madbury Road was changed by the Town Council. It is not usual that a change is made by a citizens petition.

Friedman said raising the height limit will be a big help to the downtown businesses and will give them options. He said he would like to see the requirement for a second commercial floor to build five stories be removed. Others agreed.

Discussion continued about the history of downtown development, how the citizens petition came about, and the changes in concentrating student off-campus housing downtown and neighborhoods turning back over to single family homes for non-students. The town changed the zoning and 2,400 student beds were created. The projects all fit in well with the town's character, but Durham became concerned it was too much too fast and imposed the restrictions on height and density.

Discussion continued about how this stopped development cold, and that it needs to be kickstarted again. No building happened in Durham when other towns were developing their downtowns and seeing success. Discussion about how the town didn't build enough density to make it work even though the town was headed in the right direction. Then the pandemic hit, everybody was gone, and since the pandemic the faculty and staff have been less present in town, working from home full-time or most days of the week. How the new development will or won't become student housing, and how the student housing market is saturated due to declining enrollment and requirement for sophomores to live on campus was discussed and included the huge demand for housing that remains in the region, and how any development has to follow fair housing regulations and will create a home for someone somewhere in town if a student moves in. Discussion continued on whether the fire department can handle the larger buildings and it was confirmed it can, and if a tunnel effect would be created by taller buildings. There was also discussion of the number of bedrooms allowed in each zone and looking at changing this to encourage a diverse array of units in some locations.

Councilor Register MOVED the Town Council approve the zoning amendment be sent to the Planning Board as amended, striking the requirement for commercial use on a second floor to go to five stories. Councilor Grant SECONDED the motion. The motion PASSED on a unanimous roll call vote of 9-0.

Chair Friedman thanked Mr. Behrendt, Mr. Rasmussen and Ms. Tobias for their hard work on these zoning issues.

D. Discussion and Feedback to the Administrator regarding changes to the Law Enforcement Services Agreement between UNH and the Town of Durham.

Administrator Selig noted Durham Police Chief Rene Kelley and UNH Chief of Staff Tom Cronin were on Zoom and available in case questions arise during this discussion.

Administrator Selig said back in 2001 and 2002 there was a lot of discussion in the town about how policing should be structured, whether to continue to have two police departments or to consolidate into one department, or to have the state come in and provide policing for the state property. The conclusion was to stay with two departments where UNH officers are sworn in as Durham officers using the town's policing authority,

creating a natural synergy and connection between the departments, and giving Durham a degree of leverage over the university if it felt UNH was exercising its authority in ways the town wasn't comfortable with. One of the issues at the time was accreditation. In 2002, the Durham department was accredited, UNH was not; and the feeling was that if the town was going to extend its policing authority to UNH, the UNH department had to be accredited at the same level and by the same organization that Durham was. UNH agreed to do that and the town and UNH entered into a new law enforcement agreement in 2002 which has stood since then. The incidents at the student protest on May 1, 2024, the turnover in the UNH department's leadership and the fact that the new president didn't understand the agreement and didn't know what authority she had brought Administrator Selig and the Durham police chief into discussions with President Chilton and her staff, and from those discussions came ideas about how to change the law enforcement services agreement to more clearly articulate what authority the UNH president has in managing the UNH Police Department and to streamline some of the agreement's wording.

Administrator Selig said the fourth paragraph of the working draft outlines what the authority of the UNH president has been and will continue to be, but he thought it was important to bring it to the Town Council to get its feedback and comments before executing the new agreement.

Councilor Burton asked if there is a difference between the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation standards for a municipal police department and a campus police department. Chief Kelley said that the standards are the same. In addition to being accredited through the national CALEA, the UNH Police Department has voluntarily gotten itself accredited in CALEA's university police force standards program.

Councilor Burton pointed out that there is a difference between being a municipal police officer and a campus police officer, and he feels that's why it's a good idea to have separate departments. Chief Kelley agreed with him, saying the campus police have an additional caretaking role. Councilor Register agreed two police forces make sense, but said his frustration is not that the new president didn't know her authority, but that Durham police were pulled into the rigamarole of the May 1st protests and that the general belief was Durham had authority over the UNH Police Department and that it should investigate its actions. He said he feels the document still doesn't make it clear enough that Durham Police Department doesn't have authority over the day-to-day actions of the UNH Police Department.

Chief Kelly said the town worked hard with President Chilton and her team, who were brand new and arrived after the fact of the protests, to clarify the UNH President has authority over the UNH Police Department. He said the Durham police have never had day-to-day control of the UNH Police Department. He feels the document makes it clear about the UNH President's authority and that Durham doesn't have to step in when something unpopular happens.

Councilor Register asked if the town ever had to revoke a UNH officer's authority and Chief Kelly said it never has in his 38 years at the Durham department. He said there were occasions of misconduct or an officer's arrest, and he would get a memo from the UNH Police Department stating the action it had taken. He added the UNH Department would also have to notify the Police Academy in these cases.

Councilor Burton said the May 1st incident was exacerbated by the State Police coming on campus apparently on governor's orders in full riot gear and with long rifles, and asked if there are any protocols for when the State Police would be called in. Chief Kelley said UNH is state-owned and State Police have policing authority over state-owned property. He said neither the UNH Department nor the Durham Department had contacted the State Police that day and that it was directed from the governor. He said UNH Police Chief Paul Dean let the State Police know they weren't requesting them, but when events took a turn, Chief Dean did ask the State Police to help and the officers showed up in riot gear and with long rifles. Chief Kelley said Chief Dean is on the record saying it was a mistake to have them show up.

Chief Kelley said there is an after-action critique mandated by CALEA, and that the document has been shared and identified problems that occurred, and that the way it went down was not how the UNH Police Department wanted it to. Administrator Selig said that report had been shared with the Council at the time, but that he will recirculate it.

Councilor Friedrichs pointed out some of the draft's wording says Chief Kelley is the highest law enforcement officer in the town of Durham and that seems like he is in charge of the UNH Department. Chief Kelley said at the end of the day there can only be one, and that he is conferring authority to the UNH Chief. Councilor Friedrichs said the language needs to make that clearer, noting exactly at what point the Durham chief would have authority over the UNH Department. Administrator Selig said that is what they tried to outline in the new fourth paragraph. Discussion continued over what was still ambiguous, the confusion of residents and others about why the town of Durham isn't taking action when there's misconduct, and the importance of articulating that clearly so the town doesn't come under scrutiny.

Administrator Selig pointed out and read the second paragraph on Page 2 of the working draft, which lays out the Durham Police Department's oversight of the UNH Department, and said he would include a reference to a standard or document that specifically says what behavior would be egregious enough that the Durham Chief would get involved. Chief Kelley said he would get that information from the Police Academy and incorporate it.

Discussion continued about further outlining the process in the agreement if someone wants to request an investigation into a police officer, what the protocol is, and what the role of the UNH Police Chief is in discipline, making the agreement as clear as possible and stronger in the face of a future event. Administrator Selig recounted how 25 or 26 years ago, there were issues with a UNH Police Chief and the university dealt with the discipline without Durham having to get involved.

Administrator Selig said he will take the Council's feedback into consideration and will bring the next iteration of the working draft back to the Town Council for review.

XIV. Approval of Minutes - March 3, 2025

Chair Pro Tem Lund MOVED to approve the minutes of the March 3, 2025 meeting with minor corrections. Councilor Needell SECONDED the motion. The motion PASSED on a hand vote of 7-0. Councilor Friedrichs and Councilor Vogt abstained from voting because they were not present at the meeting.

Chair Friedman suggested moving Item XVI. New Business ahead of the Councilor and Administrator Roundtable, and everyone agreed.

XVI. New Business

Annual appointments of Council representatives to the various town boards, commissions, and committees

Discussion of the Councilors' preferences for their assignments and about the role of a Councilor on a committee occurred.

The assignments are Conservation Commission, Councilor Ford; Energy Committee, Councilor Vogt; Human Rights Commission, Councilor Vogt; Integrated Waste Management Advisory Committee, Councilor Needell; Land Stewardship Committee, Councilor Friedrichs; Agricultural Commission, Councilor Register; Cemetery Committee, Councilors Lund, Ford and Register; Historic District Commission, Councilor Lund; Parks and Recreation Committee, Chair Friedman; Planning Board, regular representative is Councilor Grant and alternative is Chair Pro Tem Lund; and Housing Task Force, Councilor Grant.

Chair Friedman noted that Councilor Register is also interested in attending Strafford Regional Planning Commission meetings in the future and that Councilor Burton's state representative duties as well as being a Wagon Hill steward is enough and he doesn't need to serve on a town board this term.

Chair Pro Tem Lund MOVED that the Town Council adopt the slate of Council representatives on various town boards and commissions. Councilor Register SECONDED the motion. The motion PASSED on a unanimous roll call vote of 9-0.

XV. Councilor and Town Administrator Roundtable

Councilor Register - Agricultural Commission

The commission met on March 10. As of that day, there were 110 responses to their Food Together Durham survey about growing your own food. The survey deadline has been extended to March 23 and he encouraged residents to take the survey to help inform decisions about growing food in Durham. He noted there is also a Seacoast Eat Local

survey about the Durham Farmers' Market, products available and hours in the Friday Update. The farmers' market will run from June 2 to Oct. 6.

There is a local farm directory on the Agricultural Commission's website. Farm Day will be Aug. 16. The bee population is having a challenging year with increased heat, increasing parasites, mites, fungus and bacteria issues. There will be a training for beekeepers and those interested should reach out to Lee Alexander and Theresa Walker. The next meeting is April 14 at 7 p.m.

Councilor Register - School Board

The School Board met on March 5 and discussed the expansion of its Tier 3 student mental health services. He said outgoing member Brian Cisneros spoke about valuing the experience and opportunities of all students, not just your own kids' experience and opportunities as he reflected on and was thanked for his eight-and-a-half years of service. The Durham Public Library is hosting a student art exhibit, "Creating Connections." He congratulated Michael Williams for being elected moderator, Sean Harrison for his election to School Board, and Rene Beauregard-Bennett and Heather Smith on their reelection to the School Board. The next meeting is March 19 at 7 p.m.

Councilor Register

He talked about the presidential administration's actions on the federal level, and how people are scared, leaving the town and the state because they don't feel safe here. He said it's important now more than ever to reach out to neighbors and reinforce a sense of community to get through these turbulent times.

Councilor Ford - Land Stewardship Subcommittee

He reported there was a wide-ranging discussion about bicycles and electric bicycles on the town's trails at the last meeting. The subcommittee is discussing and will make a decision about what to allow and not allow soon. Land Stewardship Coordinator Veronique Ludington gave an update. Next meeting is April 9 at 8:30 a.m.

Councilor Needell

She reminded Councilors to check their town email regularly if they have a town email address. Administrator Selig noted in maintaining personal Town Council accounts, it's important to have a systematic process for deleting emails so as to not delete any intentionally but after a period of time like 90 days in case a Right to Know Request is made and you have to produce an email communication.

Councilor Needell - Human Rights Commission

The commission's next meeting is April 17 at 4 p.m. and it will choose a new chair.

She thanked everyone for their support of her as Town Council Chair and said it was a great opportunity and a great experience. She is looking forward to the role of Councilor and thanked Chair Friedman and Chair Pro Tem Lund for being willing to take on their new roles.

She said the Swap Shop reopens on April 5 and there will be details of do's and don'ts in the Friday Updates. Councilor Burton thanked her for her service as Chair and said many don't fully appreciate how hard that job is.

Councilor Burton

He said he thought Special Education funding would be the biggest issue to resolve in the Legislature this year. He said the Republican and Democratic committee leadership got together and developed a new proposed bill, which says in the future, if the state doesn't have enough money to cover all students' IEPs, the governor is authorized to take the shortfall out of the Education Trust Fund and then out of the General Fund. The bill passed on March 13 in the committee unanimously 18-0.

Chair Pro Tem Lund - Energy Committee

The committee met March 4 and discussed the Electrical Vehicle ordinance that has been in the works for some time and is almost ready to send to the Planning Board. He said May 5 to 9 is NH Energy Week. Next meeting is April 1.

Chair Pro Tem Lund - Historic District Commission

The commission met on March 6 and discussed plans for the bicentennial celebration of Lafayette's stop in Durham, which will be held June 22. It also discussed entrance signs to the Historic District, some of which are not large enough or covered by vegetation. The commission was also updated on the renovation of the Bickford-Chesley House at Wagon Hill Farm. Next meeting is April 3.

Chair Friedman - Parks and Recreation Committee

The Parks and Rec Committee will meet on Tuesday, March 25. The final report on Jackson's Landing and Woodman Park will be ready this spring. The rink closes this week and will hold a grand finale celebrating Oyster River ice sports on Wednesday, March 19 from 6 to 7:30 p.m. All are invited.

Chair Friedman - Seacoast Economic Development Stakeholders

The Stakeholders' next meeting is Tuesday, March 25.

Councilor Friedrichs - Planning Board

Ze said the board is working on the Planned Unit Development for the West Edge project at UNH, and that the Riverwoods and the Mill Plaza facade redo will be back before the board soon.

Ze said the DPW plan to make Chesley Drive an emergency vehicle access received public feedback. Ze said there was concern that that option wasn't appropriately advertised to the public for comment. Ze asked if DPW is suggesting a significant change what is the process for communicating that to the public. Administrator Selig responded that at times when members of the public don't like an idea, they are quick to say there was not enough public discussion around it before the idea is brought forward. He said the reality is that the idea has to come forward somewhere, and in this instant, what is triggering the idea is the modest redevelopment of Mill Plaza. He said there is a lot of

consensus that the existing crossing from Mill Plaza across the street toward Hezel Hall is unsafe and too close to Main Street so there is interest in relocating it farther from Main Street to increase visibility and safety. The place where it will be located to is the fire department access to the Plaza in case the entrance and exit way is blocked. The DPW solution is to take the pedestrian access to Chesley Drive and to make that strong enough to be a public safety access road but have it continue to look like a pedestrian way. From the fire department's viewpoint, this would also provide an additional access to Chesley Drive if there was a problem there because right now there's only one access into Chesley Drive from Mill Pond Road. Administrator Selig said what driving the change is the Plaza redevelopment so the appropriate place to talk about it is the Planning Board. If there is interest in pursuing this, more discussion can take place, but that's not right now. The issue in the past is the Chesley Drive neighborhood and the Faculty Drive neighborhood around it has been adamant about not making it a through street and perception of some might be that to have a road that can support firetrucks might be a precursor to a through street. But if the Planning Board decides it's not an option, then the town can evaluate other options. From the town staff's perspective and the Mill Pond Plaza perspective, he said it seemed to make some sense and the town's DPW Director tried to meet with the resident who is most concerned about this and who lives at the end of the pathway to talk through what might be entailed.

Chair Friedman asked if Administrator Selig could give his update at this point before the other councilors' updates because there are just six minutes left in the meeting and he'd like to adjourn at 10:30 p.m., but the meeting might have to be extended.

Administrator Selig

Administrator Selig reported:

There is a lot of action in the Legislature that could affect Durham on issues from zoning to insurance to the Public Deposit Investment Pool for Energy. He said the most salient for the town, HB 457, is progressing and the amendment coming out of the Housing Committee is workable from Durham's perspective. He said it goes to the House floor this week.

Collective bargaining negotiations are beginning with the firefighters' union, AFSCME, which represents DPW workers, and the middle managers' units. The town has resumed an appeal with the N.H. Public Employee Relations Board concerning the potential new lieutenant position at the fire department. The town prevailed on the hearing officer's determination, but firefighters have appealed that decision to the full board. The town has also received a request from a member of the AFSCME unit at DPW that their position be reallocated to the middle managers' unit. The town will discuss with the two collective bargaining units involved. There is also an outstanding appeal pending at the state Human Rights Commission from a former welfare recipient.

There is also an appeal in federal court from a former member of the Fire Department whose tenure ended before the pandemic. The town is filing a request for preliminary judgment by the court to dismiss the case.

The town's intern is working on a wage study that the town will use during collective bargaining negotiations.

Website provider Civic Plus has notified the town that the plan they envisioned is no longer the plan and it is discontinuing the Druple platform the town uses anywhere from as soon as two months from now to the end of the year. When it is discontinued, the town will lose more functionality than the provider originally predicted. The town is planning to do an RFQ process to find a new provider.

Alleged wetlands violations and their impacts at 361 Durham Point Road have been discussed, and there is a meeting scheduled with the town attorney this week to discuss next steps.

Auditors are at town hall this week undertaking the FY24 audit process, which is going smoothly.

Integrated Waste Management Advisory Committee members met with Administrator Selig on an interest in adopting a policy through resolution about single-use plastics in the town. Composting products used at Town Hall was also discussed.

The town's Code Officer Audrey Kline is in transition, having retired at the end of February, and is off this entire month. The town is without staffing to cover that function except for a loaned officer from Newmarket as available. Ms. Kline will return as a part-time employee next month. He said this planned shortage was part of the budget process.

There are five vacancies in Public Works so the town is running short-handed and working to fill those.

There are two police officers at the state Police Academy, another two vacant positions and at least one officer, maybe two, that are out on leave so the town is running short-handed at the police department as well.

Chair Friedman called for a vote to extend the meeting.

Councilor Register MOVED to extend the meeting by 15 minutes. Councilor Needell SECONDED the motion. The motion PASSED on a roll call vote of 8-1.

Councilor Grant - aye; Councilor Vogt - aye; Councilor Friedrichs - aye; Chair Friedman - aye; Chair Pro Tem Lund - aye; Councilor Burton - aye; Councilor Needell - aye; Councilor Ford - nay; Councilor Register - aye.

University Trustees will be meeting on campus Thursday and Friday, March 20 and 21. Administrator Selig said he will try to attend the meeting on Friday as he is unavailable on Thursday.

He noted he sent the Right to Know Law to all councilors as he does each year so they are aware of it. He also sent it to Foster's Daily Democrat and the Union Leader. Foster's wrote back complimenting him on doing so, saying every town should do the same, and asking him to write an article about why he does this. He agreed to write a piece to educate about the Right to Know Law and noted he will do so on his own time.

The Town Clerk/Tax Collector's Office will be closed on Wednesdays, dropping down to four days of operation to conserve funds. The office will be open a half-hour later on Mondays, Tuesdays, Thursdays and Fridays, from 8 a.m. to 5 p.m.

Representatives from Seacoast Eat Local met with him about this summer's Durham Farmers' Market. They said they had received 50 responses to their survey, the most of any town. They will look at an alternate day for this summer or maybe next. They're going to do more advertising of the market and provide content for the Friday Update.

He noted that over the last two weeks the Oyster River sports teams have had a lot of success and congratulated them.

The town has had outstanding site plan compliance issues at 56 Main Street for a while and the town has met with the property's new owner who agreed to catch up on some of the outstanding fees and to address some of the outstanding issues.

The state notified the town that the former Oyster River Massacre historical marker has been refabricated. The town is relocating it to Jackson's Landing and is working with the state on proper placement.

The town has been working with T-Mobile for a long time on a new agreement for the transfer station node. He said T-Mobile has now gone back on a lot of issues the town thought it had agreement on so the town is back at the drawing board.

Way-finding signs to help those new to town find parking and locations to support downtown businesses are being worked on by the town's intern.

Work on the farmhouse at Wagon Hill Farm has begun. The town received a \$3,000 grant from Kennebunk Savings Bank for the project. Councilor Burton said he toured the farmhouse two days ago and there is a lot of progress already made.

He has spent time working with Riverwoods on the relocation of the road for its expansion project and conversations continue.

He said Land Stewardship Coordinator Veronique Ludington is fitting in well, and the transition has been great. He said the conversation about bikes on trails at a recent meeting was excellent.

The town is doing a property boundary survey at Jackson's Landing. Frozen water has delayed the process, but now the surveyor can access the water and hopes to finish soon.

As part of the RFP process for the West Edge project at UNH, the redevelopment of 66 Main Street was included and several of the respondents mentioned the downtown parcel in their plans providing an opportunity to connect the two. In another week, Chair Friedman and he will be sitting in on the selection process.

He has been watching the transition to a new director at the Community Power Coalition of NH, which appears to be smooth, and it is working on filling its board where Steve Holmgren will remain as Durham's representative.

Two posts from the Durham Community Discussion Group on Facebook were shared with him by members of the public. The first praised the UNH-Durham Fire EMS team for doing a great job when a child had an emergency, which Administrator Selig said included McGregor Memorial ambulance staff, and how grateful the parents are to live in this community. The second praised Durham Fire Marshal Brendan O'Sullivan, who has conducted home inspections for foster care at a resident's home for years, for his compassion, care, helpfulness and kindness while doing his job and remarked how lucky Durham is to have helpers like him in the community.

Councilor Friedrichs - Planning Board

Ze resumed zir update saying the town needs to prioritize coming up with a definition of lodging house and where that fits in the table of uses. Ze said ze, Mr. Behrendt and Planning Board members are focusing on the various zoning changes and how they affect each other in a workshop, which ze hopes can be recorded and made available to the Town Council and public. Ze feels it will be helpful in answering residents' questions and in determining how the zoning changes will affect the schools, the infrastructure and other aspects.

Councilor Friedrichs - Energy Committee

Ze noted there is a grant available at the state level for solar projects and the committee had been looking at a solar project at the town's capped landfill so that is ongoing. Ze said the town needs to find another person to manage its EV Charging Station data as a committee member who does that now is leaving the committee. Ze said a challenge for CPCNH is if the utilities under collect in terms of their earnings to cover their expenses for the next rate period they will be able to offload those costs to everyone they service, not just the people who buy power from them. Anyone using third party power will have to help cover the costs. The fairness of that is in question, ze said, and this will impact CPCNH in the coming year.

Councilor Vogt

He said he is looking forward to working with all the councilors and had heard nothing but praise about this Town Council from community members. He looks forward to helping residents become more active in the town community.

Councilor Grant - Housing Task Force

She said the task force met earlier on the day of this meeting and worked on the zoning table of uses and dimensions, and areas where they still have suggestions that will help with housing affordability.

XVII. Nonpublic Session - Not Required

XVIII. Adjourn (NLT 10:30 PM)

Councilor Ford MOVED to adjourn the meeting. Councilor Friedrichs SECONDED the motion. The motion passed on a unanimous hand vote of 9-0.

The meeting was adjourned at 10:43 PM

- Jane Murphy, Minutes Taker