

DRAFT
DURHAM TOWN COUNCIL
MONDAY, SEPTEMBER 15, 2025
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

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

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig, Integrated Waste Management Advisory Committee member Julie Kelley

I. Call to Order

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

II. Roll Call of Members

Councilor Heather Grant, Councilor Robin Vogt, Councilor Em Friedrichs, Chair Joe Friedman, Chair Pro Tem Sally Needell, Councilor Wayne Burton, Councilor Darrell Ford, Councilor Curtis Register, Councilor Carden Welsh

III. Approval of Agenda

Councilor Needell suggests switching Items V and VI on the agenda so the UNH student representative can speak before the Public Comments session.

Councilor Friedrichs said ze would like to add amending Ordinance #2025-08, the building height limit increase ordinance, to the agenda. Since it was a Council-initiated change and since ze is concerned about sending a contentious ongoing debate back to the Planning Board, which is already very busy, ze said ze believes the Council can most efficiently amend the wording to reflect the compromise many in the public have advocated for and then vote on it. It was suggested to add it under Unfinished Business.

Administrator Selig said he believes it would be a reconsideration of the ordinance so someone who voted in the majority could ask for a reconsideration and that would bring the question back before the Council, but discussion continued about how to proceed.

Councilor Register expressed concern about reopening the matter and about respecting the efforts of the many residents who have already spent a lot of time on the issue.

Chair Friedman called for a vote to move the UNH representative's report to before Public Comments. *The change was APPROVED on a unanimous roll call vote of 9-0.*

Chair Friedman then called for a vote on adding the reconsideration of Ordinance #2025-08, which was discussed at the Council's last few meetings, to Unfinished Business. *The change was APPROVED by a roll call vote of 8-1.*

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

IV. Special Announcements: There were none.

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

UNH student representative Caroline Bishop said the only concern that has come up this school year at the Student Senate is the construction on local streets and its effect on UNH traffic, and she asked what the timeline for completion might be. She added she is excited to serve as the liaison to the town. Chair Friedman suggested she subscribe to the town's weekly Friday Update, which has information about the construction's progress and ongoing projects and events in town. He said what is not done on the project at this point probably won't be finished until next spring. He said the Department of Public Works has worked hard to minimize the disruptions, but is well aware of the effect on traffic and how hard it is to walk in the areas where the sidewalks are being replaced. He reassured her that students will love the final product. Councilor Register read the construction report from the Sept. 12 Friday Update. Ms. Bishop invited questions from the Council. Councilors had none and thanked her for attending the meeting.

VI. Public Comments

Beth Olshansky, 122 Packers Falls Road, gave a visual presentation describing the difference between four-story buildings with a setback and four-story buildings with a slanted or pitched roof and dormers, and how each would look in the Main Street landscape. She said developers, if given a choice, would most likely choose the four-story building with a setback because it's less expensive to build, essentially silencing the voices of the 252 residents who signed a letter supporting the 3-½ story compromise with pitched roof and dormers. She said it is actually a four-story building. She urged the town to maintain the small-town, New England character of downtown Durham and specify the four-story height limit with pitched roof and dormers as they continue to work on Ordinance #2025-08. She said she was encouraged to hear that the Council will discuss the resolution further at this meeting.

Nancy Sandberg, 15 Langley Road, gave some of the history of buildings downtown, noting their pitched roofs. She said a four-story flat-roofed building can be visually overwhelming, and that specifying pitched roofs for buildings is more than a practicality, it supports the community's desire to have an attractive downtown that reflects Durham's architectural heritage. It creates a variety of shapes along the skyline, she said, and clarifying this in the resolution is the first step in reinvigorating the downtown.

Councilor Register asked her if she would support four stories with a pitched roof, and Ms. Sandberg replied she would.

1 **Robin Mower, 6 Britton Lane**, said the town must increase revenue-generating activity,
2 expand housing options and retain the town's character, and zoning four stories by right
3 addresses the first two, but not the third. She said it could address the third if done well,
4 and specifying pitched roofs would create a high-quality, small-town feel.

5
6 Councilor Register asked if he could pose the same question to Ms. Mower as he did to
7 Ms. Sandberg and Chair Friedman said no.
8

9 **Peter Murphy, 19 Main St.**, thanked the Council for taking the time to discuss this
10 proposal in a thoughtful way and those who came to tour his property at 3,5,7 Jenkins
11 Court, saying he appreciated the extra effort. He was enthusiastic about Doug Bencks
12 possibly volunteering with the Planning Board subcommittee on the resolution. He also
13 thanked Nick Isaak who made a presentation at the last meeting. He said he supports the
14 four-story proposal and appreciates the thoughtfulness of everyone's time.
15

16 **Jessie McKone, 35 Dover Road**, described the problems she had with a flat-roofed
17 California Ranch house she owned and said New England has slanted roofs for a good
18 reason, and she prefers their practicality and quaintness over a boxy flat-roofed building.
19

20 **Caroline Singer, 5 Woodridge Road**, thanked the Council for the opportunities to speak
21 on this issue, noted she is a Historic District Commission member, and said there is value
22 in developing Main Street in a way to retain its character. She pointed out the historical
23 photos on the walls of the Council chambers in which every roof is a pitched roof. She
24 said she hopes the Council will listen to the 252 residents and all those in support of
25 specifying the height limit to be four stories with a pitched roof.
26

27 **Diana Carroll, 54 Canney Road**, said Ms. McKone was one of two people who started
28 the Swap Shop. The other was Tracy Wood, who was a member of the Recycling
29 Committee. She noted Mr. Murphy's redevelopment of the Grange won awards and
30 earned media attention. She said there are marvelous people who do good things in the
31 Durham community. She said the Aug. 4 letter she presented asked the Council to vote
32 down the initial proposal on the building height limit because it was not aligned with the
33 Master Plan and the town's Architectural Design Standards. She said thankfully the
34 Council modified the ordinance, but is concerned that it is not specific enough. She is not
35 in favor of a developer making the choice between a pitched roof and the cheaper and
36 easier setback. She said if the town is interested in revitalizing, cheap and easy won't
37 serve it well. She said the town should zone for what the community wants, not what is
38 cheap and easy.
39

40 **Gail Kelley, 11 Gerrish Drive**, gave her observation of Portsmouth's downtown core
41 where she said every single building is 3-½ stories with a variety of roof pitches. The
42 blocky four- and five-story buildings are on the outskirts of downtown, not the core. The
43 variety of dormers on pitched roofs create attractive buildings which are valuable
44 economic assets to that city. She said if the town approaches this the wrong way and just
45 puts up buildings, it won't revitalize, it will be the death of downtown. She supports
46 developing a comprehensive plan with people who are experts in revitalization and said it

1 will be well worth the investment. She said it's a process of engaging the community,
2 similar to developing a Master Plan. She said Durham needs to create attractive public
3 spaces and remembered the award-winning plan for redeveloping the Mill Pond Plaza by
4 Bill Schoonmaker and Walter Krause that never became reality.
5

6 **Julian Smith, 3 Chesley Drive**, said he has served on the Council and the Planning
7 Board, and supports the changes in zoning downtown to permit more residential
8 development. He said the real issue is not how high the buildings are, but whether or not
9 the town is ready for more residential development without the amenities and services it
10 needs. He said he doesn't think the town is ready for it and the Council should listen to
11 the many people in town who have turned down so many bad projects, such as the oil
12 refinery, over the years. He said there is so much to take care of first.
13

14 **Deborah Hirsch Mayer, 19 Garden Lane**, on Zoom, said she hopes the Council will
15 realize this matter is important to her as one of the 252 residents who signed the letter
16 opposing the original proposal, and seconds the remarks of Ms. Kelley and others about
17 the importance of investing in developing a comprehensive plan and of amending the
18 proposal to 3-½ stories with a pitched roof and not leaving it to developers to decide.
19

20 **Nell Neal, 11 Riverview Road**, said she was appalled when the Town Planner, Michael.
21 Behrendt, suggested at the last meeting that developers would like to have the choice
22 between a four-story with a pitched roof or four-story with a setback, and said she hoped
23 the Council would make the decision based not on what developers would like and
24 what's easy and cheap, but based on what tax-paying residents want.
25

26 **AnnMarie Harris, 56 Oyster River Road**, said she supports four stories with a pitched
27 roof and dormers, and young families appreciate the small-town quality of downtown just
28 as much as those who have been here forever.
29

30 **Susie Loter, 14 Stone Quarry Drive**, said she's lived here for 51 years and supports
31 what has already been said, saying Durham feels like a small town most of the time, that
32 height does feel different, and that the important thing is to retain that feel and rooflines
33 do make a difference.
34

35 **Robin Mower** returned to the mike to say some of the people speaking have served on
36 the Planning Board and understand the intricacies of writing ordinances and the impacts
37 of the Council's decision.
38

39 VII. Unanimous Consent Agenda

40 Shall the Town Council, upon recommendation of the Administrator, approve a Special
41 Event Permit Application submitted by Durham Parks & Recreation to close certain
42 sections of town roads for Downtown Trick-or-Treat to be held on Sunday, October 26,
43 2025 from 2 to 4 p.m.?
44

Hearing no reply to his question if there were any changes, ***Chair Friedman MOVED to approve the Unanimous Consent Agenda. Councilor Ford SECONDED the motion. The motion PASSED on a unanimous roll call vote of 9-0.***

VIII. Committee Appointments

Shall the Town Council, upon recommendation of the Land Stewardship Subcommittee Chair, appoint Elliot Ng, 12A Griffiths Drive, to an alternate membership position on the Land Stewardship Subcommittee?

Councilor Friedrichs said Mr. Ng has attended many subcommittee meetings and has been a dedicated volunteer working on trails and investing time in land stewardship, and is earning a master's degree at UNH in recreation and the therapeutic benefits of it.

Mr. Ng, 12A Griffiths Drive, introduced himself and said he is a dual master's student in social work and recreation management and policy at UNH. He worked for three years in the Dartmouth Outdoor Programs office and was in charge of all climbing programs. He has a certification from the American Mountain Guides Association and was vice president of the Dartmouth Outing Club, the largest student-led outing club in the nation. He said he knows the importance of the outdoors and the usage of trails for everyone in terms of mental health and well-being, and wants to give back to the town and meet people through his work on the subcommittee.

Councilor Register said he was impressed with Mr. Ng's resume and grateful for his desire to serve the town.

Councilor Friedrichs MOVED to appoint Mr. Ng as an alternate member of the Land Stewardship Subcommittee. The appointment was APPROVED in a unanimous roll call vote of 9-0.

XIII. Presentation Items

- A.** Presentation by the UNH Sustainability Capstone Group on an upcoming Composting Challenge for Town Councilors and Town Employees

Councilor Needell introduced the UNH Sustainability Capstone students who are just beginning the project under the direction of IWMAC member Julie Kelley, 5 Garden Lane. Ms. Kelley introduced Jordan and Elizabeth, sustainability dual major seniors in social work and environmental engineering respectively, who are working on organizing the Composting Challenge with two other teammates. Ms. Kelley said in 2020 IWMAC offered residents the opportunity to learn about composting and give feedback to the town through a Composting Challenge, and now it's offering it to town leaders. Jordan said they were excited to partner with the town on the Challenge, and put their studies into action.

The Composting Challenge starts Oct. 5 and ends Nov. 15. Town Council and Town Hall employees who live in Durham are invited to participate, sign up online, get composting bags and bins, and receive guidance. There is a \$10 fee, which will be refunded when the

1 six-week Challenge is completed. Participants can compost at the Transfer Station or in
2 their backyard. They're asked to weigh their compost and solid waste at the transfer
3 station or at home weekly, report the amount and offer feedback. Weekly data updates
4 will be provided to participants. When the Challenge is complete, the Capstone students
5 will make a presentation to the Town Council and IWMAC with results, the feedback
6 received, and recommend next steps. Discussion continued about how and where to
7 register online through the website and how to file weekly updates as well as other details
8 of participation.

9
10 Councilor Register said he's excited for the Challenge and said reducing the weight of
11 solid waste is a real cost savings because most of the weight of trash the town pays for is
12 water and organic materials.

13
14 **X. Unfinished Business**

15 **Discussion of Ordinance #2025-08** amending Chapter 175, "Zoning," Article XII, "Base
16 Zoning Districts," Section 175-42, "Central Business District, and Article XII.1, "Use
17 and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code
18 to eliminate the three-story height limit for portions of CB-1 Zoning District and to
19 change the standard for commercial in five-story buildings in CB-1 District from
20 requiring two floors to requiring only one floor.

21
22 Chair Friedman asked for discussion about how to proceed. Councilor Friedrichs
23 explained her reasons for putting Ordinance #2025-08 back on the agenda of this meeting.
24 She said her concern is that procedurally the ordinance was Council-initiated and that it's
25 important for the Planning Board to provide feedback, but that the edits shouldn't happen
26 at the Planning Board unless it initiated the ordinance. Also, the Planning Board has an
27 already full plate and the Council should respect the other projects it is working on. Her
28 third concern is that by sending it back to the Planning Board, the Council will continue
29 the debate and controversy over the ordinance. Ze said the Council can judiciously create
30 some resolution of the debate that would satisfy the expressed public concerns, but allow
31 for additional development. Ze said if the Council can get a win-win done immediately,
32 that is in everyone's best interest.

33
34 Councilor Welsh said the Council at its last meeting asked Doug Bencks and Michael
35 Behrendt to come up with language that it could implement before sending the ordinance
36 to the Planning Board. Councilor Needell agreed the Council should continue to work on
37 the ordinance until it has what it's looking for. She said she is concerned about moving
38 forward without the input from Mr. Bencks and Mr. Behrendt.

39
40 ***Councilor Friedrichs MOVED to resolve the matter now.***

41
42 Ze said if the Council has something it can agree on, why not enable that as a starting
43 point. Ze said rewriting the ordinance to allow by right a fourth story if it has a pitched
44 roof and dormers is a minor change to the ordinance and doesn't need to go back to the
45 Planning Board or to have another Public Hearing scheduled, and draw out the
46 controversy.

1 Councilor Welsh asked what she would think about waiting until the Council received the
2 input. He said he is concerned about technicalities the Council doesn't know about such
3 as the specifics of pitch in a pitched roof, etc., or omissions of details. Councilor
4 Friedrichs said ze welcomes additional detail and suggestions from the Planning Board,
5 too.

6
7 Discussion ensued about how to proceed and how Robert's Rules of Order directs this
8 action.

9
10 Administrator Selig said at the last meeting the Town Planner said that it would be a
11 complex change, that it may need to be evaluated and refined, and was more than a non-
12 substantive change. He said the Council decided not to move in that direction and rather
13 to give it to the Planning Board for review after changing the language according to Mr.
14 Behrendt's and Mr. Bencks' input. He said they both offered to bring some of the details
15 back to the Council at its meeting in October and until then the Council is in a holding
16 pattern.

17
18 Councilor Friedrichs said extensive discussion for what applies to just seven lots doesn't
19 make sense. Ze agreed that Behrendt thought it was more than a small change, but said ze
20 still wants to amend the resolution because doing anything more involved is not a good
21 use of town resources.

22
23 Councilor Grant said the Council had decided to get that heavy lifting done for the
24 Planning Board to be a less of a burden to them when it sends the ordinance to it for
25 consideration, and then get its feedback and then take the ordinance back.

26
27 Councilor Friedrichs said if the change is considered more than a minor one, then the
28 Council can't pass the ordinance at this meeting, ***Ze MOVED to clarify for Mr. Behrendt***
29 ***and Mr. Bencks that the Council is asking for details for a four-story building by right***
30 ***with a pitched roof and dormers and to remove from consideration the option for a***
31 ***four-story building with setback by right.***

32
33 ***Councilor Burton SECONDED the motion.***

34
35 Discussion continued including how the Council needs to retain the second point in the
36 resolution reducing required commercial space to one story from two.

37
38 Councilor Needell noted at some point the stories need to be converted to feet and that
39 the height limit needs to be specified in feet.

40
41 Councilor Register said the downtown redevelopment still needs an overall professional
42 review.

43
44 Councilor Ford asked what's the difference between what Mr. Behrendt and Mr. Bencks
45 are doing and what Councilor Friedrichs is doing, and that the Council should wait until it
46 hears back from them.

Councilor Burton disagreed saying neither Mr. Behrendt nor Mr. Bencks is elected and the Council should vote either up or down and not leave a loose end, and that the issue demands attention.

Councilor Friedrichs said the motion would just provide better clarification to Mr. Behrendt and Mr. Bencks, and not change anything else.

Councilor Register MOVED to close the debate. Councilor Burton said the motion is to call the question. ***Councilor Vogt SECONDED the motion. The motion passed on a unanimous roll call vote of 9-0.***

Chair Friedman said the Council would then vote on the amendment. Councilor Friedrichs reiterated the amendment is to clarify the direction to Mr. Behrendt and Mr. Bencks that the Council is requesting language guidance to permit a fourth story by right provided it has a pitched roof and dormers in the downtown section designated in the original ordinance, and not requiring a second story of commercial space.

The motion FAILED on a roll call vote of 6-3.

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

Administrator Selig reminded the Council the ordinance has not gone to the Planning Board yet. It was Council-initiated and the Council is holding off on getting it to the Planning Board until it is satisfied with its language. Then the Council will vote, then the Planning Board will receive the new version of the ordinance, discuss it and hold a Public Hearing on it.

Councilor Welsh asked if there's any way to get comments or feedback from the Planning Board so it doesn't have to go through the whole process. Administrator Selig said the Planning Board will have to go through the process and schedule a Public Hearing.

Councilor Friedrichs said the Planning Board can't edit the resolution, just make suggestions.

XI. Councilor and Administrator Roundtable

Chair Friedman - Parks & Recreation Committee

The Parks and Rec Committee will meet next Tuesday, Sept. 23 and follow up on the report on Jackson Landing and Woodridge Park released this summer, especially focusing on trail connectivity in town.

Chair Friedman - Seacoast Economic Development Stakeholders

The SEDS will next meet Tuesday, Sept. 23.

Chair Friedman

He said the Housing Task Force is about to sunset, and there's been discussion about looking at more than just the small part of downtown under consideration in the height limit increase ordinance. He suggested the HTF morphs into a Downtown Task Force. There's also been talk of looking at parking options and a parking garage downtown.

Also, Community Power Coalition of New Hampshire has now gone two cycles where rates are higher than Eversource and he encouraged the Energy Committee to look into whether it makes sense for Durham to continue to participate.

On the goal of establishing an Arts Council, he said it could oversee public art and the Wagon Hill Farm gallery, and is looking for suggestions about how to proceed.

He said he'd like to discuss collaboration with other towns, especially those with shared rail and connected trails, to showcase what Durham has to offer to tourists.

Councilor Burton suggested having a group that oversees Wagon Hill operations.

Chair Pro Tem Needell - IWMAC

She said the committee will next meet on Wednesday, Sept. 17 at 8 a.m. at 5 Garden Lane, weather permitting. The Sept. 3 meeting focused on an update by DPW Director Rich Reine and Assistant Director Sam Hewitt about the current status of curbside trash collection and recycling. The challenges with insufficient staffing and failing trucks are further complicated by the lack of a mechanic to maintain the trucks. The committee appreciated the update and is supportive of the process of determining next steps.

Councilor Grant asked if the town had gotten a quote from Waste Management to outsource trash collection. Administrator Selig said the town has received a proposal that would run about \$70,000 more than it currently spends, but staff think it would be worthwhile, met with IWMAC to get feedback on it, and will give a presentation to the Town Council soon. Councilor Needell said it is possible they will look at another provider, too. Whether they consider competitors or not, it wouldn't start until next July, Needell added. All the capital investment that was approved is on hold. Mechanic staffing for truck repair and general staffing challenges were discussed. Administrator Selig said with the difficulty of hiring staff to fill vacant positions, other town staff have helped fill in as much as possible, but it makes outsourcing seem more attractive.

Councilor Burton - State Legislature

He said Legislators are anxiously awaiting a judge's ruling on the administration's DEI directive that may result in the end of special education. Many don't understand how serious that is, he said, noting under N.H. law, those with disabilities are required to be educated just like everyone else.

Councilor Burton

1 He said he attended the Fire Department's 9/11 Ceremony and was impressed with the
2 array of those who spoke, including the UNH president, and complimented the town's
3 fire and police forces on the commemoration.
4

5 **Councilor Ford - Conservation Commission**

6 He said the commission has not met since the Council last met so nothing to report.
7

8 **Councilor Register - Agricultural Committee**

9 He said the committee met last week and the next meeting is Oct. 20 at 7 p.m.
10

11 **Councilor Register - School Board**

12 He said the School Board is holding finance meetings and its next regular meeting is
13 Sept. 17.
14

15 **Councilor Register - Strafford County Commissioners**

16 Commissioners will meet on Sept. 19 at 9 a.m. to go over contracting, and will meet on
17 Sept. 30 at 7 p.m. with the County Executive to discuss the long-term care facility.
18

19 **Councilor Register - Durham Business Association**

20 The DBA is getting more members and he said he is actively recruiting business owners.
21 Its first event is Halloween Trick or Treating on Oct. 26 and the public should receive
22 mailers with details. He encouraged business owners to sign up for the DBA.
23

24 **Councilor Register - Strafford Regional Planning Commission**

25 He said the planning group is doing a housing educational event on Sept. 25, which he
26 will attend. He said he is also meeting on Oct. 9 with Housing Task Force members and a
27 couple of advocacy groups to talk about the feasibility of creating a liaison position to
28 access HUD, county planning and housing advocates' information to get the town data
29 about what works.
30

31 **Councilor Register**

32 He thinks an Arts Council should have six members: one Council member, one person
33 from the Bickford-Chesley farmhouse renovation, one from UNH staff, an art teacher or
34 a music teacher, and a Parks and Rec member.
35

36 He said what he's heard from residents is that the town needs to hire an external entity to
37 study downtown. He is only aware of Plan-NH, but he is willing to look into others. He
38 believes an answer can be found and it needs an objective look.
39

40 **Councilor Welsh**

41 He said he's been attending town financial meetings and it's going to be a very difficult
42 budget year this year, perhaps the most difficult he's seen in his experience. He said
43 UNH is deciding if its infrastructure is too big for the school it's going to be, and
44 wonders if the town is in that same situation. He said residents should tell their neighbors
45 and let them know there's going to be a tax increase.
46

1 **Councilor Grant - Planning Board**

2 She said the board had decided one simple lot line adjustment on Bagdad Road and
3 checked in with Riverwoods on additional information. The Public Hearing remains open
4 pending a state decision if anything needs to be done in front of Stone Quarry Drive,
5 possibly a left-hand turn lane, and awaiting a review of its stormwater system. She said
6 the board heard an Energy Committee presentation on adding EV chargers into site plans
7 and thought it was a good compromise of encouraging chargers without discouraging
8 developers.

9
10 **Councilor Vogt - Energy Committee**

11 He said the committee will meet on Oct. 7 at 7 p.m. He said he would forward Chair
12 Friedman's concern about CPC-NH rates to the committee so it can discuss what the
13 options are if those rates do not come down. He invited Councilors and members of the
14 public with questions to email committee member Steven Fellows or himself directly.
15 Councilors continued to discuss the reasons for CPC-NH's rate increase. The committee
16 also continues to work with Moharimet Elementary on its renewable energy section.

17
18 **Councilor Vogt - Human Rights Committee**

19 He said the committee will meet Oct. 9 and will review and update the online ICE
20 resource list. Councilor Register asked if the committee had talked about the ICE flights
21 out of Pease. Councilor Vogt said that will be discussed at the next meeting and that
22 some committee members have participated in protests against them. He said he has
23 heard community concern about them, and thinks it would be wise to keep the
24 conversation with the community on these flights going.

25
26 Councilor Friedrichs said Strafford County Sheriff Kathryn Mone met with Durham and
27 some members of the HRC to discuss the ICE flights and the County Sheriff's Office's
28 role in them. Ze said the Sheriff's Office does accompany those detained by ICE to
29 medical appointments, but declined to accompany them from the County Jail where they
30 are housed to the airplanes, which was a decision of the Sheriff. Ze said the Sheriff said
31 the detainees are not receiving translation services and some don't understand the charges
32 against them; they often have 24 hours between being detained and being put on a plane;
33 and that they are shackled and their faces covered at Pease. Ze said ze has also heard they
34 are not provided sweatshirts and warm clothes in the jail, and have to privately purchase
35 them and many don't have the resources to do so. Regular jail inmates are provided with
36 them. Ze said ze has also heard concern that the residents of Strafford County are
37 benefiting from the money paid to house the detainees, which drives down county taxes,
38 making residents complicit in this.

39
40 Councilor Burton said for several years the jail has rented space to Immigration and those
41 it housed before deportation were mixed in with the regular population, and wondered if
42 the deportees are being kept separate now. Councilor Friedrichs said ze didn't know, but
43 said Sheriff Mone is willing to come speak to public bodies about the situation.

44
45 Councilor Register said every time he attends a County Commissioners meeting, he stops
46 to speak with Sheriff Mone. He said he has complete trust and confidence in Sheriff

1 Mone, in her capabilities and motivations. He said she is keenly aware of what's going on
2 and doesn't like what's being forced down her throat, and is doing everything within her
3 power to keep Strafford County out of what ICE is doing. He said he was told U.S.
4 Marshals have taken over part of her building, which she no longer has operational
5 control over, and that the deportees are being transported by unidentified non-law
6 enforcement individuals.

7
8 Councilor Friedrichs said there is a public comment period from 8 to 10 a.m. on Tuesday,
9 Sept. 16 before the Pease Development Authority for residents to voice their concerns.

10
11 **Councilor Friedrichs - Land Stewardship Committee**

12 Land Stewardship Coordinator Veronique Ludington is organizing a Bio Blitz with UNH
13 students using the iNaturalist app later this fall. There are workdays planned. They
14 received a lot of questions about invasive plants at Farm Day and other recent public
15 events, and are thinking of ways to get information out to residents, including to new
16 residents in the welcome packet. Ze said Councilor Welsh may step in for zir on this
17 committee at times because zir work schedule is changing and thanked him.

18
19 With the compliments of the Grange building earlier, ze said the Freedom Cafe which is
20 located there expressed interest in putting up a historic plaque because it is believed that
21 it's the oldest public meeting place in Durham, and will meet with the Historic District
22 Commission. Ze said some free yellow lightbulbs are left if anyone is interested and they
23 will be distributed by Energy Committee members at the Swap Shop.

24
25 On the Arts Council, ze said ze wanted to ensure it interacted with Parks and Rec and
26 with the Historic District Heritage Commission, and said the town may want to look at
27 additional structures giving the example of TEAM in Exeter, which is a non-profit
28 community initiative of the NH Arts Industry Alliance. Chair Friedman also suggested
29 Councilors look into how the Portsmouth and Dover arts councils are structured.

30
31 Councilor Friedrichs distributed a rough draft of a resolution ze has written about the
32 May 1 UNH protest and its handling. Ze wants to encourage the town and UNH to admit
33 mismanagement there and to offer a formal apology to those affected. Ze said ze'd like
34 the Council to consider it now without a formal motion and apologized for not addressing
35 it correctly procedurally, but the agenda was lighter for this meeting and thought there
36 would be time to discuss it. Ze said ze understands the impetus to move on, but ze's been
37 held up by the issue of justice and integrity, and said a form of integrity is acknowledging
38 where mistakes were made.

39
40 Councilors discussed why the town or the Council should apologize, and why some
41 information received was mismanaged, and whether the information is factual or not.

42
43 Administrator Selig said he still believes there were outside agitators at the protest, and
44 described why he believes so. He said he is not happy with how things played out, and
45 believes the response could have been very different, but he does believe there were
46 forces there working to achieve the result that occurred.

1 Councilor Register said he believes the town was blameless in the response to the protest.
2 He said the Durham Police only helped with traffic control.

3
4 Councilor Friedrichs said ze supports what Councilor Register said and is willing to
5 tweak the resolution to better reflect that.

6
7 Administrator Selig said he respects Councilor Friedrichs' stand on the matter, but that he
8 feels external, premeditated factors played into the protest, and said he is not in a position
9 to prove any of this, but doesn't believe Councilor Friedrichs is either.

10
11 Councilor Burton said he is not sure Durham should open this wound again. The town
12 and UNH are constantly accused of being isolated from the rest of the state and this
13 would prove it. Chair Friedman said it would alienate UNH if the town took this action.
14 Councilor Register agreed with Councilor Burton.

15
16 Councilor Friedrichs said when ze was a student activist, the same tactics for protest were
17 used and are not uncommon. Ze said it has not sat right with zir to not call out what ze
18 feels was a mistake. Councilors discussed apologizing for something the Council didn't
19 have anything to do with or didn't do.

20
21 Councilor Carden asked what Councilor Friedrichs specifically thinks the town did
22 wrong besides saying there were outside agitators, and ze replied that's basically the only
23 thing the town did wrong, but said the resolution is also about acknowledging a small
24 wrong-doing to encourage UNH to acknowledge a much larger mistake.

25
26 Councilor Burton said the Council did that in the earlier resolution it adopted about the
27 protest. Councilor Register agreed. Councilors discussed whether to bring the resolution
28 back at a future meeting for potential action. Councilor Friedrichs said ze will think about
29 it and doesn't think it would be good to have a vote if it hasn't been on an agenda in
30 advance. Councilors continued to discuss the issue and the history of what's happened
31 since the protest, and concerns going forward.

32
33 **Councilor Burton**

34 Councilor Burton related how when Pease Air Force Base was closed and he was one of
35 the legislators working on its reuse, it was intended to be an economic engine. There was
36 never intended to be an ongoing military aspect to the airport though they located the
37 tankers of the 157th Refueling Wing there. He said this is what makes the use of the
38 airport by the federal Immigration and Customs Enforcement troublesome. He said ICE
39 is just running rough-shod over everyone.

40
41 **Administrator Selig**

42 He reported the bronze sign marking the building's history installed at the ATO fraternity
43 last week disappeared this weekend. The police are looking into it.

44
45 Councilor Burton said when a town changes its charter and goes to professional
46 governance, as Durham did, some participation is lost. The town used to have lively,

1 contentious meetings, but now a few activists come to speak at public hearings. He said if
2 the budget process this year is as difficult as it is predicted to be, perhaps the town should
3 consider having a public forum where residents can speak out about it to make sure
4 everyone can be heard.

5
6 Administrator Selig said the town is renegotiating three collective bargaining contracts
7 this year so Attorney Joe McKittrick will meet with the Council at one of its October
8 meetings for a non-meeting meeting to brief Councilors on initial negotiations.

9
10 He said budget development is underway and it will be a challenging year.

11
12 He said he met with the assistant superintendent of schools and the superintendent will
13 attend one of the Council's October meetings to provide an update on the school district
14 and then return in January or early February with a budget update.

15
16 He said the Land Stewardship Subcommittee has asked to move the Land Stewardship
17 Coordinator position from part-time to full-time, and that is under consideration.

18
19 He said teal-colored water was reported at 361 Durham Point Road, and the town has
20 received some feedback on its inquiries, but it's not in the town's jurisdiction, so has
21 been referred to the state and Nature Conservancy.

22
23 Councilor Friedrichs asked a question about where trucks with heavy loads could travel,
24 specifically if they are allowed to come down Dame Road. Administrator Selig said yes
25 as long as it is not spring. Several instances were discussed, but more information is
26 needed for specific answers.

27
28 He said the town's sustainability fellow has returned and will work on finalizing the
29 Climate Action Plan.

30
31 The town receives many complaints about people riding scooters downtown and realized
32 there is no clear signage to inform riders. The police are developing signage to post
33 downtown and creating a video to explain the rules to both residents and riders.

34
35 He said the contractor at the Madbury Road project is replacing ornamental pavers
36 because DPW found the workmanship not up to par so they're being reinstalled.

37
38 The rectangular rapidly flashing beacon at the crosswalk on Mill Road is being installed.

39
40 The town has heard the signage at Mill Plaza is out of date and the plaza owner said it
41 will be updated as part of the refreshing of the Mill Plaza.

42
43 The town is managing a number of significant abatement appeals, and a number of
44 welfare clients, some who are contesting decisions the town has made, and has had some
45 court activity in regard to personnel decisions made some years ago at the fire department
46 and he will forward the preliminary court decision to the Council.

1 He said the town is in conversation with Riverwoods on a payment in lieu of taxes for the
2 expansion project and is working through the complicated topic, and considering
3 questions such as can the two sites be merged into one lot, increased EMS services and
4 the facility's water capacity as it determines the PILOT. The town is in conversation and
5 will eventually bring something to the Council to review and act upon.
6

7 The Council was invited to attend UNH's home opening football game and it was a good
8 time to talk informally with UNH leaders.
9

10 The town received a suggestion from a private property owner on Jenkins Court who is
11 showing apartments to interested non-student young professionals that the town lift the
12 overnight parking ban so renters could park on the street, and the town is going to
13 consider it. Councilors discussed places available for this and the challenge of pricing.
14

15 He said UNH has signed an MOU with selected West Edge developer Ryan Companies
16 and has established a steering committee to work on a more detailed agreement, which
17 will meet next week. The first phase of construction there is the NOAA research facility,
18 which won't mean tax dollars for Durham because it's academically focused so taxable
19 development is probably two to three years out. Once the developer is in place, it will
20 meet with the Planning Board on the Planned Unit Development.
21

22 He said the Council should hear from Carolyn Singer about her vision for the gallery at
23 Wagon Hill Farm. She thought the Council should establish a committee just for that
24 gallery. It would be good to flesh out how a town arts council would be involved.
25

26 He explained his decision to not locate additional parking at Wagon Hill Farm at an area
27 that was excavated as part of accessing the Portsmouth water line for a sprinkler system,
28 and instead will decide on another location in the future.
29

30 He said the Council can expect a good volume of feedback at the October meeting around
31 dam removal. He said the town is aware there is a sign posted near the dam, but is
32 viewing it as a free speech issue since the sign is on state and not town land.
33

34 He said the statistical revaluation update is delayed by about two weeks.
35

36 He said school district moderators in Lee and Madbury and Durham's town clerks are
37 working to change the way school district votes are tallied. It was brought to the town's
38 attention that it is problematic to process them by machine in Durham.
39

40 ***Councilor Burton MOVED to extend the meeting by 10 minutes. Councilor Register***
41 ***SECONDED the motion. The motion PASSED on a unanimous roll call vote of 9-0.***
42

43 He said Gayle Jablonski and he will appear before the Planning Board on Sept. 24 to talk
44 about the draft Capital Improvement Plan, which is a list of the items that have been
45 requested by committees, departments and boards, not what he is proposing, to get
46 feedback.

1 He said in conversation with UNH staff he learned the enrollment projections anticipate a
2 continued decline by about 1,000 more students over the next five years.

3
4 He said none of his comments on Councilor Friedrich's proposed resolution about the
5 May 1 UNH protests were meant to be offensive and he was just conveying what he
6 thinks. He said they also should not be construed as support for Israel or anyone.

7
8 **XII. Approval of Minutes - None**

9
10 **XIII. New Business - None**

11
12 **XIV. Nonpublic Session - Not Required**

13
14 **XIX. Adjourn (NLT 10:30 PM)**

15
16 *Councilor Register MOVED to adjourn the meeting. Councilor Vogt SECONDED the*
17 *motion. The motion PASSED on a unanimous roll call vote of 9-0.*

18
19 The meeting was adjourned at 10:29 PM.

20
21 *- Jane Murphy, Minutes Taker*