



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

AGENDA

DURHAM TOWN COUNCIL
MONDAY, DECEMBER 16, 2019
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

NOTE: *The Town of Durham requires 48 hours notice if special communication aids are needed.*

- I. Call to Order**
- II. Approval of Agenda**
- III. Special Announcements**
- IV. Public Comments (*)**
- V. Approval of Minutes – November 18 & December 2, 2019**
- VI. Councilor and Town Administrator Roundtable**
- VII. Report from the UNH Student Senate External Affairs Chair or Designee**
- VIII. Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*

Shall the Town Council authorize the Administrator, in accordance with Section 5.7 "Transfers" of the Durham Town Charter, to transfer \$25,000.00 within the approved FY 2019 Budget from the Building and Code Enforcement Department budget to the Fire Prevention budget for third party fire protection inspections at the RiverWoods Facility?
- IX. Committee Appointments**

Shall the Town Council appoint Aaron Wolfson-Slepian, 47 Newmarket Road, to the Historic District Commission/Heritage Commission?
- X. Presentation Items**

Update/Progress Report From the Oyster River Cooperative School District – Dr. James Morse, Superintendent



XI. Unfinished Business

RESOLUTION #2019-29 - Town Council Approval of the FY 2020 General Operating Budgets, the Capital Fund Budget and the 2020-2029 Capital Improvement Plan, as amended

XII. New Business

Other Business

XIII. Nonpublic Session (if required)

XIV. Extended Councilor and Town Administrator Roundtable (if required)

XV. Adjourn (NLT 10:30 PM)

<p><i>(*) The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes. Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder, are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.</i></p>
--



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824

Tel: 603/868-5571
Fax: 603/868-1858

AGENDA ITEM:

5

DATE: December 16, 2019

COUNCIL COMMUNICATION

INITIATED BY:

Durham Town Council

AGENDA ITEM:

APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
MONDAY, NOVEMBER 18 AND MONDAY, DECEMBER 2, 2019

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the Town Council meetings held on Monday, November 18 and Monday, December 2, 2019. Please call or email Jennie Berry with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

LEGAL AUTHORITY:

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:
"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby approve Town Council meeting minutes for Monday, November 18, 2019 (as presented) (as amended).

MOTION 2:

The Durham Town Council does hereby approve Town Council meeting minutes for Monday, December 2, 2019 (as presented) (as amended).



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

AGENDA ITEM: **# 8**

DATE: December 16, 2019

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: SHALL THE TOWN COUNCIL AUTHORIZE THE ADMINISTRATOR, IN ACCORDANCE WITH SECTION 5.7 "TRANSFERS" OF THE DURHAM TOWN CHARTER, TO TRANSFER \$25,000.00 WITHIN THE APPROVED FY 2019 BUDGET FROM THE BUILDING INSPECTION DEPARTMENT BUDGET TO THE FIRE DEPARTMENT BUDGET FOR THIRD PARTY FIRE DEPARTMENT INSPECTIONS AT THE RIVERWOODS FACILITY?

CC PREPARED BY: Gail E. Jablonski, Business Manager

PRESENTED BY: Gail E. Jablonski, Business Manager

AGENDA DESCRIPTION:

Due to long term injuries in the Fire Department, there has been a reassignment of personnel from the Fire Prevention Division to Fire Suppression. This has left the Fire Prevention Division down one inspector. Unfortunately, this came at a time when Phase I of the RiverWoods project was coming to a close. The Fire Department, Building Department and Business Office had a discussion as how to fund an outside contractor to perform the fire inspections at RiverWoods.

The 2019 Building Inspection budget includes \$75,000 for inspections at the RiverWoods project. To date, the Building Department has been able to perform the majority of inspections in-house, therefore, there are funds available to assist the Fire Department.

We are recommending \$25,000 be transferred from the Building Inspection Contracted Services account designated for RiverWoods inspections to the Fire Department Contracted Services account in order to allow the Fire Department to hire an outside contractor to perform the necessary Fire Alarm/Sprinkler oversight and inspections.

LEGAL AUTHORITY:

Section 5.7 of the Town Charter addresses the transfer of funds as follows: *"The Administrator, with the approval of the Council, may transfer any unspent balance or any portion thereof from one department to another."*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Transfer \$25,000 from Building Inspection Contracted Services – RiverWoods Account 01-4240-411-36-001 to Fire Department Contracted Services 01-4220-701-36-000.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator pursuant to Section 5.3 of the Durham Town Charter, authorize the transfer of funds totaling \$25,000 from Building Inspection Account 01-4240-4114-36-001 to Fire Department Account 01-4220-701-36-000.



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

AGENDA ITEM: **# 9**

DATE: December 16, 2019

COUNCIL COMMUNICATION

INITIATED BY: Aaron Wolfson-Slepian, 47 Newmarket Road

AGENDA ITEM: SHALL THE TOWN COUNCIL APPOINT AARON WOLFSON-SLEPIAN, 14 NEWMARKET ROAD, TO FILL AN UNEXPIRED REGULAR MEMBER TERM ON THE HISTORIC DISTRICT COMMISSION/HERITAGE COMMISSION?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is an application for board appointment submitted by Aaron Wolfson-Slepian, 47 Newmarket Road, requesting appointment to the Historic District Commission/Heritage Commission. There are currently two regular member vacancies on the commission.

Mr. Wolfson-Slepian has attended at least one meeting of the HDC/HC and has spoken and/or met with commission Chair, Andrew Corrow. Attached for the Council's information is Chair Corrow's endorsement of Mr. Wolfson-Slepian's appointment.

Mr. Wolfson-Slepian will attend Monday night's Council meeting relative to his request for appointment.

LEGAL AUTHORITY:

Section 11.5 "Vacancies in Elected or Appointed Office" states that, *"Unless otherwise specified in this Charter, in the event of a vacancy in an elected or appointed office, board, commission or committee of the town, the Town Council shall fill that vacancy by appointment, such appointment to continue until the next town election for elected positions or the remainder of a person's term if an appointed position."*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby appoint Aaron Wolfson-Slepian, 47 Newmarket Road, to fill an unexpired regular member term on the Historic District Commission/Heritage Commission, with a term expiration of April 30, 2022.



Town of Durham

8 Newmarket Road
Durham, NH 03824-2898

Tel: 603/868-5571

Fax 603/868-1858

jberry@ci.durham.nh.us

Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member ☒

New appointment/alternate member ☐

Reappointment/regular member ☐

Reappointment/alternate member ☐

Name: Aaron Wolfson-Stephan

Date: 12/02/2019

Address: 47 Newmarket Road, Durham, NH 03824

E-Mail Address: aaron.stephan@gmail.com

Telephone: 603-767-6348

Board/Commission/Committee to which you are interested in being appointed. (Please list in order of preference, if interested in more than one appointment).

1. Historic District Commission
- 2.
- 3.

NOTE: New applicants are asked to attend AT LEAST ONE meeting, as well as to meet separately with the Chair(s) of the committee(s) to which they are applying, prior to submitting an application for appointment.

Circle one: (I have) / have not attended a meeting(s) of the committee(s) listed above.

Circle one: (I have) / have not met with the chairperson of the committee(s) listed above.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? yes

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

Living in the Historic District gives me a strong interest and investment in maintaining its important historic presence in Durham.

Please provide brief background information about yourself: I have lived in Durham my whole life, I attended ORHS, then UNH, and after graduating, bought a house with my fiancée. I'm a structural engineer and I work out of Portsmouth. I cherish the beauty and historic significance of Seacoast, NH. I hope to spend many more years here.

Please provide below the names and telephone numbers of up to three personal references:

Name: Rani Perkins

Telephone: 603-397-7576

Name: NAOMI KORNHAUSEN

Telephone: 603-347-2452

Name:

Telephone:

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 15 Newmarket Road, Durham, NH 03824.

Jen Berry

Subject: FW: HDC/HC Application of Aaron Slepian

From: Andrew Corrow [mailto:andrew_corrow@yahoo.com]

Sent: Wednesday, December 11, 2019 5:12 PM

To: Jen Berry

Subject: HDC/HC Application of Aaron Slepian

Members of the Town Council,

I met with Aaron Slepian. He has also attended a meeting. I think he will be an outstanding addition to the HDC/HC.

He is a resident/homeowner in the HD and has a vested interest in ensuring its integrity. Also, as a civil/structural engineer I think he will be able to offer a unique perspective. Experience we currently do not have on the Commission.

I recommend approval of his application to the HDC/HC.

Thanks.

Andy Corrow
Chair, HDC/HC



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

10

AGENDA ITEM:
DATE: December 16, 2019

COUNCIL COMMUNICATION

INITIATED BY: Dr. James Morse, Superintendent, ORCSD

AGENDA ITEM: **UPDATE/PROGRESS REPORT REGARDING VARIOUS ITEMS
WITHIN THE OYSTER RIVER COOPERATIVE SCHOOL DISTRICT –
DR. JAMES MORSE, SUPERINTENDENT**

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Dr. James Morse, Superintendent, ORCSD

AGENDA DESCRIPTION:

Dr. James Morse, Superintendent of the Oyster River Cooperative School District, has been invited to attending Monday evening's Town Council meeting to provide Councilors with a progress report regarding various matters within the school district.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive progress report from Superintendent James Morse relative to the Oyster River Cooperative School District and hold a discussion, if desired.



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

AGENDA ITEM:

11

DATE: December 16, 2019

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator
Gail Jablonski, Business Manager

AGENDA ITEM: RESOLUTION #2019-29 APPROVING THE FY 2020 GENERAL
OPERATING BUDGETS, THE CAPITAL FUND BUDGET, AND THE
2020-2029 CAPITAL IMPROVEMENTS PLAN, AS AMENDED

CC PREPARED BY: Jennie Berry, Administrative Assistant
Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In accordance with Section 5.2 of the Durham Town Charter, the Town Administrator is required to submit to the Town Council his/her recommended budget for the upcoming Fiscal Year "...no later than the last workday prior to November 1 of the current year."

At the November 4, 2019 Council meeting, Councilors were provided with a presentation of the Administrator's proposed 2020 Operating, Capital, and Special Fund Budgets, and the 2020-2029 Capital Improvements Plan. At the November 18th Town Council meeting a duly noticed Public Hearing was held in accordance with Section 5.3 of the Durham Town Charter. A Public Hearing is required to be held at least fourteen (14) days prior to the adoption of the budget by the Town Council.

The Council held a budget work session on December 9, 2019 where additional amendments were discussed. The Council then directed staff to move forward with incorporating the proposed changes into the budget for Council's adoption on December 16, 2019.

Since the budget workshop we have had to add two additional capital projects. The first is for \$125,100 to allow for paving for UNH roads. This project will be totally funded by the University and will have no impact on the tax rate. By combining the UNH paving projects along with the Town's we are able to make our bid package

more competitive for prospective bidders which makes it a win-win for the Town and University. We included the UNH portion of Main Street in our bid proposal for 2019 and it did not create any issues.

The second is Phase II of the Wagon Hill Erosion Management. The April 25, 2019 Settlement Agreement between the Town and Eversource requires a payment of \$213,763.28 to the Town of Durham for support of this project.

Attached for the Council's review is a draft resolution incorporating the changes that have been discussed throughout this year's budget development process.

LEGAL AUTHORITY:

Durham Town Charter, Article 5 "Finance", Sections 5.1 - 5.12.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2019-29 approving the FY 2020 General Operating Budgets, the Capital Fund Budget, and the 2020-2029 Capital Improvements Plan, as amended.

RESOLUTION #2019-29 OF DURHAM, NEW HAMPSHIRE

TOWN COUNCIL APPROVAL OF THE FY 2020 GENERAL OPERATING BUDGETS, THE CAPITAL FUND BUDGET AND THE 2020-2029 CAPITAL IMPROVEMENT PLAN

WHEREAS, the Town Council of Durham, New Hampshire, in accordance with Article 5 of the Durham Town Charter, has reviewed the proposed FY 2020 budgets and Capital Improvements Plan and conducted a public hearing on November 18, 2019 on the proposed FY 2020 Town Budget and Capital Improvement Plan; and

WHEREAS, the Town Council hereby approves the **General Fund Budget** in the amount of \$16,814,660 with an estimated property tax rate of \$7.79 per thousand of assessed valuation; and

WHEREAS, the Town Council is appropriating \$64,200 from the Community Development Expendable Trust Fund for Economic Development in the 2020 Budget; and

WHEREAS, in 2019 the Town of Durham will be using up to \$25,000 from the Municipal Transportation Improvement Fund (established under RSA 261:153) to offset the Public Works Roadway Maintenance Program and an additional \$15,000 for Bicycle/ Pedestrian/Traffic Safety Analysis/enhancements; and

WHEREAS, in 2020 the Town of Durham will be transferring ninety percent (90%) of the Depot Road Fund net revenues and one hundred percent (100%) of the Parking Fund net revenues to the General Fund; and

WHEREAS, the 2020 budgets include funds to be allocated by the Administrator to be used for compensation of non-union employees; and

WHEREAS, the 2020 Budget includes use of Unassigned Fund Balance in the amount of \$93,000 to cover the cost of 2020 vacation and sick time buyout due to retirements; and

WHEREAS, the Town Council hereby approves the **Water Fund Budget** in the amount of \$1,132,000 and hereby sets the water rate at \$7.35 per hundred cubic feet of metered water usage effective 01/01/20; and

WHEREAS, the Town Council hereby approves the **Sewer Fund Budget** in the amount of \$2,754,700 and hereby sets the sewer rate at \$8.97 per hundred cubic feet of metered water usage effective 01/01/20; and

WHEREAS, the Water and Wastewater System Agreement between the Town of Durham and University System of New Hampshire reads “the jointly funded capital reserve fund for the **water system**, in the custody of the Town of Durham’s Trustees of the Trust Funds, ... should not exceed \$800,000.”; and also reads “the jointly funded capital reserve fund for the **wastewater system**, in the custody of the Town of Durham’s Trustees of the Trust Funds, ... should not exceed \$800,000.”; and

WHEREAS, it further states “The parties agree to contribute, on a prorated basis, \$40,000 annually to each fund to be comprised of all connection fees received by the Town and the balance to be funded at the cost share ratio outlined...”; the Council after reviewing the FY 2020 Water and Sewer Fund Budgets agree to the transfer of funds to the Water Capital Reserve and Sewer Capital Reserve Funds with the condition that the amount to be transferred will not exceed the surplus available at the end of the year;

WHEREAS, the Town Council hereby approves the **Parking Fund Budget** in the amount of \$485,100; and

WHEREAS, The Town Council hereby approves the **Capital Fund Budget** in the amount of \$4,657,665, with \$773,967 to be raised through property taxes, user fees and general revenues; \$178,433 to be funded by the University of New Hampshire; \$1,812,500 to be raised in revenues from bonds, notes, and other forms of long-term debt; \$168,000 to be funded from the Fire Department Equipment Capital Reserve Account; \$324,765 to be funded through grants; \$50,000 to be funded through the Churchill Rink Unassigned Fund Balance and \$1,350,000 to be funded with Impact Fees and TIF Funds; and

WHEREAS, the Town Council hereby approves the **Depot Road Parking Lot Fund Budget** in the amount of \$138,000; and

WHEREAS, the Town Council hereby approves the **Churchill Rink Fund Budget** in the amount of \$338,520; and

WHEREAS, the Town Council hereby approves the **Library Fund Budget** in the amount of \$534,300 with \$514,300 being funded through a transfer from the general fund and \$20,000 funded by the Library Board of Trustees; and

WHEREAS, the Town Council hereby approves the **Downtown Tax Increment Financing District Budget** in the amount of \$147,290; and

WHEREAS, any transfer of unspent balance or portion thereof from one department to another will occur with the approval of the Town Council in accordance with Section 5.7 of the Town of Durham Charter, except that the Town Council does hereby authorize the Administrator to transfer any balance or portion thereof from the Town Council Contingency fund to any department during 2020; and

WHEREAS, the Administrator will not hire additional regular full-time employees during 2020 without the advice and consent of the Town Council except for those regular full-time positions provided for in the approved 2020 Budget which include two new full-time positions (GIS Coordinator effective July 1, 2020 and a Churchill Rink Manager);

NOW, THEREFORE BE IT RESOLVED by the Durham Town Council that an estimated amount of \$9,719,125 (\$9,571,835 of general tax revenue and \$147,290 of Tax Increment Financing District tax revenue) shall be raised by taxation which together with estimated operating revenues of \$17,283,110 for the aggregate amount of \$27,002,235 is hereby raised and appropriated for the use of the several departments of the town government for the fiscal year beginning January 1, 2020.

BE IT FURTHER RESOLVED that the Town Council of the Town of Durham, New Hampshire hereby adopts **RESOLUTION #2019-XX APPROVING** the FY 2020 General Operating Budgets, Capital Fund Budget, and 2020-2029 Capital Improvement Plan by a majority vote of the Durham Town Council.

PASSED AND ADOPTED this 16th day of December, 2019 by a majority vote of the Durham Town Council with ___ affirmative votes, ___ negative votes, and ___ abstentions.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie L. Pitt, Town Clerk

SUMMARY OF BUDGETS BY FUND:

General Fund	\$16,814,660
Water Fund	\$ 1,132,000
Wastewater (Sewer) Fund	\$ 2,754,700
Parking Fund	\$ 485,100
Capital Fund	\$ 4,657,665
Depot Road Fund	\$ 138,000
Churchill Rink Fund	\$ 338,520
Library Fund	\$ 534,300
TIF District Fund	<u>\$ 147,290</u>
 TOTAL ALL FUNDS	 \$27,002,235