



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

## **AGENDA**

**DURHAM TOWN COUNCIL**  
**MONDAY, MARCH 2, 2020**  
**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 – February 3, 2020**
- 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)*
  - A. RESOLUTION #2020-02** recognizing outgoing elected officials for their dedicated services to the Town of Durham
  - B.** Shall the Town Council, upon recommendation of the Administrator, review and readopt the Town's Investment Policy as required by New Hampshire Revised Statutes Annotated (RSA) 41:9?
  - C.** Shall the Town Council, upon recommendation of the Administrator, award the 2020 Road Resurfacing and Sidewalk Program and 2020 UNH Paving bid to Continental Paving of Londonderry, NH in the amount of \$571,670.00 and authorize the Administrator to sign the associated contract?
- IX. Committee Appointments - None**

**X. Presentation Item**

Overview of the Existing Conditions Assessment reports prepared for the old Town Hall/Courthouse building and the Wagon Hill Farm house – Arron Sturgis, Preservation Timber Framing, Inc., Berwick, ME

**XI. Unfinished Business - None**

**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)**

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<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>
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AGENDA ITEM: **# 5**  
DATE: March 2, 2020

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** APPROVE THE TOWN COUNCIL MEETING MINUTES FOR  
FEBRUARY 3, 2020

**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 meeting held on Monday, February 3, 2020. 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:**

*The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, February 3, 2020 (as presented) (as amended).*



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AGENDA ITEM: **# 8A**

DATE: March 2, 2020

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** RESOLUTION #2020-02 RECOGNIZING OUTGOING ELECTED OFFICIALS FOR THEIR SERVICES TO THE TOWN OF DURHAM

**PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Durham Town Council

**AGENDA DESCRIPTION:**

Attached is Resolution #2020-02, recognizing the services of Durham's elected officials whose terms expire March 2020.

**LEGAL AUTHORITY:**

N/A

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby adopt Resolution #2020-02 recognizing the following elected officials for their dedicated services and hard work on behalf of the Town:*

<u>Elected Office</u>	<u>Name</u>	<u>Term</u>
Durham Town Council:	Katherine (Kitty) Marple	Mar 2017 - Mar 2020
	Sally Tobias	Mar 2017 - Mar 2020
	Carden Welsh	Mar 2017 - Mar 2020

<u>Elected Office</u>	<u>Name</u>	<u>Term</u>
<b>Library Board of Trustees:</b>	Anne H. Knight	Mar 2017 - Mar 2020
	Susan Roman	Mar 2017 - Mar 2020
	Karen Hilton, <i>Alt.</i>	Mar 2019 - Mar 2020
	Robin Glasser, <i>Alt.</i>	Mar 2019 - Mar 2020
	Martha Gooze, <i>Alt.</i>	Mar 2019 - Mar 2020
<b>Moderator</b>	Christopher T. Regan	Mar 2018 - Mar 2020
<b>Supervisors of the Checklist</b>	Ann Shump	Mar 2014 - Mar 2020
<b>Town Clerk-Tax Collector</b>	Lorrie Pitt	Mar 2017 - Mar 2020
<b>Treasurer</b>	Karl Van Asselt	Mar 2017 - Mar 2020
<b>Trustees of Trust Funds</b>	William (Bill) Cote	Mar 2017 - Mar 2020

# RESOLUTION #2020-02 OF DURHAM, NEW HAMPSHIRE

## RECOGNIZING OUTGOING ELECTED OFFICIALS FOR THEIR DEDICATED SERVICES TO THE TOWN OF DURHAM

**WHEREAS**, the Town of Durham is fortunate to have a number of highly dedicated and civic-minded citizens who have served as elected officials and whose terms will shortly expire; and

**WHEREAS**, each of these public servants devoted many hours toward enacting changes for the betterment and enrichment of the Durham community; and

**WHEREAS**, the Durham Town Council wishes to recognize these citizens for their contributions while serving in these various capacities,

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby adopt **Resolution #2020-02** expressing its appreciation to and recognizing the following Durham elected officials for their dedication, hard work, and commitment on behalf of the Town of Durham.

<u>Elected Office</u>	<u>Name</u>	<u>Term</u>
<b>Durham Town Council:</b>	Katherine (Kitty) Marple	Mar 2017 – Mar 2020
	Sally Tobias	Mar 2017 – Mar 2020
	Carden Welsh	Mar 2017 – Mar 2020
<b>Library Board of Trustees:</b>	Anne H. Knight	Mar 2017 – Mar 2020
	Susan Roman	Mar 2017 – Mar 2020
	Karen Hilton, <i>Alt.</i>	Mar 2019 – Mar 2020
	Robin Glasser, <i>Alt.</i>	Mar 2019 – Mar 2020
	Martha Gooze, <i>Alt.</i>	Mar 2019 – Mar 2020
<b>Moderator</b>	Christopher T. Regan	Mar 2018 – Mar 2020
<b>Supervisors of the Checklist</b>	Ann Shump	Mar 2014 – Mar 2020
<b>Town Clerk-Tax Collector</b>	Lorrie Pitt	Mar 2017 – Mar 2020

<u>Elected Office</u>	<u>Name</u>	<u>Term</u>
<b>Treasurer</b>	Karl Van Asselt	Mar 2017 – Mar 2020
<b>Trustees of Trust Funds</b>	William (Bill) Cote	Mar 2017 – Mar 2020

**PASSED AND ADOPTED** on this \_\_\_\_\_ day of **March, 2020** by a majority vote of the Durham Town Council with \_\_\_\_\_ voting in favor, \_\_\_\_\_ opposing, and \_\_\_\_\_ abstaining.

\_\_\_\_\_  
Katherine Marple, Chair  
Durham Town Council

***ATTEST:***

\_\_\_\_\_  
Lorrie Pitt, Town Clerk-Tax Collector





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AGENDA ITEM:

# **8B**

DATE: March 2, 2020

## COUNCIL COMMUNICATION

**INITIATED BY:** Gail Jablonski, Business Manager

**AGENDA ITEM:** SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, REVIEW AND READOPT THE TOWN'S INVESTMENT POLICY AS REQUIRED BY NEW HAMPSHIRE REVISED STATUTES ANNOTATED (RSA) 41:9?

**CC PREPARED BY:** Gail Jablonski, Business Manager

**PRESENTED BY:** Todd I. Selig, Town Administrator

**AGENDA DESCRIPTION:**

In May of 2010 the Town Council approved an Investment Policy (copy attached) for the Town of Durham. RSA 41:9, VII states that "The governing body shall **annually review** and adopt an investment policy for the investment of public funds in conformance with applicable statutes and shall advise the treasurer of such policies."

The adoption of financial policies is a good, sound business practice that fosters confidence in the fiscal operations of the municipality. Financial policies help to provide consistency, stability, and continuity in the financial operations of the Town. Written policies also provide a framework to guide and education both newly elected officials in carrying out their fiduciary responsibilities and newly appointed staff in the conduct of their financial duties. The ability to rely on well-defined financial policies helps to resolve conflicts and avoid allegations of bias or favoritism.

The town currently has a Tri-Party Collateral Agreement with Citizens Bank, N.A. and the Bank of New York Mellon and receives monthly statements with collateralized deposit information.



**LEGAL AUTHORITY:**

**New Hampshire Revised Statutes Annotated (RSA) 41:9(VIII):** "The selectmen shall annually review and adopt an investment policy for the investment of public funds in conformance with applicable statutes and shall advise the treasurer of such policies."

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby, upon review and recommendation of the Administrator, readopt the Investment Policy for the Town of Durham (as amended) and as required by New Hampshire Revised Statutes Annotated (RSA) 41:9.*

**TOWN OF DURHAM, NH**  
**INVESTMENT POLICY**

**I. SCOPE**

This investment policy establishes a framework for the safe and prudent investment of public funds. It applies to all financial assets in the custody of the town treasurer of the Town of Durham, NH. These funds are accounted for in the Town's annual financial report and include the following:

- ❑ General Fund
- ❑ Special Revenue Funds
- ❑ Capital Project Funds
- ❑ Forfeiture/Seizure Funds
- ❑ Any new fund created by the Town Council unless specifically exempted by the articles of its creation.

**II. OBJECTIVES**

The primary objective of the Town of Durham's Investment Policy is to set forth appropriate investment activities that provide for, first and foremost, the safety of principal, as well as sufficient liquidity to support operations while generating a reasonable investment yield.

The specific investment policy objectives are as follows:

- ❑ To ensure the preservation of capital and the protection of investment principal;
- ❑ To maintain sufficient liquidity to meet operating requirements;
- ❑ To satisfy all legal requirements;
- ❑ To attain market-average rate of return on investments taking into account risk and legal constraints and cash flow considerations.

**III. DELEGATION OF AUTHORITY**

In accordance with Chapter 41:29 of the Revised Statutes Annotated (RSA), of the State of New Hampshire, the responsibility for conducting investment transactions resides with the Town Treasurer, *except in the instance of capital reserve funds or trust funds, when the responsibility for conducting investment transactions reside with the Trustees of the Trust Funds in accordance with RSA 35:9.*

No person may engage in an investment transaction except as provided under the terms of this policy and the internal procedures and controls hereby established.

**IV. PRUDENCE**

The investment policy will be conducted in accordance with the "prudent person" standard which requires that:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their

## TOWN OF DURHAM INVESTMENT POLICY

own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The Town recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary non-liquidity. The Treasurer is expected to display prudence in the selection of investments in a way to minimize default risk.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict (or appear to conflict) with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

### **V. INTERNAL CONTROLS**

The internal controls for the Town of Durham shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, imprudent actions by employees and officers of the Town.

In accordance with RSA 41:6 Bonds, Town Treasurers shall be bonded by position under a blanket bond from a surety company authorized to do business in the state.

All depository accounts of the Town must be held in the name of the Town. All income payable to the Town and all revenue received by the Town shall be forwarded to the Town Treasurer.

### **VI. INVESTMENT INSTRUMENTS**

The treasurer shall deposit all such moneys in participation units in the public deposit investment pool established pursuant to RSA 383:22 or in federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, except that funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the federal reserve bank collateral security for such deposits of the following types:

- (a) United States government obligations;
- (b) United States government agency obligations; or
- (c) Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

Whenever the town treasurer has in custody an excess of funds which are not immediately needed for the purpose of expenditure, the town treasurer shall invest the same in the public deposit investment pool established pursuant to RSA 383:22, or in deposits, including money market accounts, or certificates of deposit, or repurchase agreements, and all other types of interest bearing accounts, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state, or in obligations fully guaranteed as to principal and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U.S.C. section 80a-1 et seq., if the

## TOWN OF DURHAM INVESTMENT POLICY

portfolio of the investment company or investment trust is limited to such obligations and repurchase agreements fully collateralized by such obligations.

### **VII. SAFEKEEPING AND COLLATERALIZATION**

In accordance with RSA 41:29 V, the Town Treasurer shall ensure that prior to acceptance of any moneys for deposit or investment, including repurchase agreements, the federally assured bank shall have such funds, at the time of deposit or investment, secured by collateral having a market value at least equal to 102% of the amount deposited or invested in each case. Such collateral shall be held by a third party custodian and segregated for the exclusive benefit of the town. Collateral is marked to market at least weekly and daily when appropriate. Collateral maturity should coincide with the investment maturity. Collateral shall be delivered upon the Town Treasurer's direction.

Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

The banking institution shall provide the Town Treasurer with at least quarterly reports of the Town's collateral position. In addition, collateral agreements shall comply with provisions set forth in the Financial Institutes Reform, Recovery and Enforcement Act of 1989 (FIRREA), which require that the collateral agreement be:

- 1) In writing;
- 2) Approved by the Board of Directors of the depository or its loan committee;
- 3) Lists no specific pledged securities; and
- 4) Has been, continuously, from the time of its execution, an official record of the depository institution.

### **VIII. POLICY REVIEW**

This policy shall be reviewed at least annually by the Council, or its designee, with changes made as warranted, followed by re-adoption by the governing body.

The Council reserves the right to implement changes to this policy without prior notice if it is deemed in the Town's best interest.

## TOWN OF DURHAM INVESTMENT POLICY

Adopted by the Durham Town Council on May 3, 2010

Reviewed and Re-Adopted by the Durham Town Council on May 16, 2011.

Reviewed and Re-Adopted by the Durham Town Council on June 4, 2012.

Reviewed and Re-Adopted by the Durham Town Council on June 17, 2013.

Reviewed and Re-Adopted by the Durham Town Council on May 19, 2014.

Reviewed and Re-Adopted by the Durham Town Council on November 16, 2015.

Reviewed and Re-Adopted by the Durham Town Council on March 20, 2017.

Reviewed and Re-Adopted by the Durham Town Council on March 5, 2018.

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Todd I. Selig  
Town Administrator

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Date



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**# 8C**  
**AGENDA ITEM:**

**DATE:** March 2, 2020

## **COUNCIL COMMUNICATION**

**INITIATED BY:** Public Works Department

**AGENDA ITEM:** SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE 2020 ROAD RESURFACING AND SIDEWALK PROGRAM AND 2020 UNH PAVING BID TO CONTINENTAL PAVING INC. OF LONDONDERRY, NH IN THE AMOUNT OF \$571,670.00 AND AUTHORIZE THE ADMINISTRATOR TO SIGN THE ASSOCIATED CONTRACT?

**CC PREPARED BY:** Michael Lynch, Public Works Director

**PRESENTED BY:** Michael Lynch, Public Works Director

**AGENDA DESCRIPTION:**

The 2020 approved Capital Fund Road Program includes nine roads. This program also includes all the shoulder work and 35 catch basins. In addition, we will be awarding the paving of all sidewalks at the Old Landing, including up to the Sullivan Monument.

The bid document also included a request for costs associated with the shimming and wearing course of smaller UNH Roads. The UNH will reimburse the Town for all associated costs.

A request for bids was advertised in the local newspaper on January 27, 2020, and Public Works solicited nine sealed bids from paving contractors in Maine, Massachusetts, and New Hampshire. We received seven bids by the February 13, 2020 deadline. Continental Paving of Londonderry, NH was the low bidder for all Town and UNH roads and sidewalk work.

The following are the results of all bid's received.

	<u>TOWN</u>	<u>UNH</u>
Continental Paving, Londonderry, NH	\$466,297.50	\$110,350.00
Bell & Flynn, Stratham, NH	\$531,450.00	\$113,900.00
Libby-Scott Paving, Wells, Maine	\$535,450.00	\$131,450.00
Brox Industries, Dracut MA.	\$589,604.00	\$147,850.00
R&D Paving, Franklin, NH	\$607,358.05	\$158,603.00



Council Communication - 3/2/20 - Page 2  
Re: Award of 2020 Road Resurfacing/Sidewalk Bid

Pike Industries, Portsmouth, NH	\$641,755.00	\$160,200.00
Bourassa Construction, Portsmouth, NH	\$645,882.00	\$163,650.00

\*As in past years, the roadwork bid process always includes a wide range of pricing.

This year's road resurfacing program includes an asphalt shim, 1" overlay and shoulder gravel back-up/widening where applicable on the following Town roads.

Carriage Way	Maple Street	Meadow Road
Riverview Road	Riverview Court	Sandy Brook Drive
Strout Lane	Surrey Lane	Technology Drive

This year's UNH road program consists of:

McDaniel Drive	Mitchell Way	Spinney Lane
Waterworks Way		

The bid from Continental Paving includes \$11,320 for the paving of the sidewalks at Old Landing leaving a balance of \$454,977.50 for the road program. We are recommending award in the amount of \$450,000 which was the approved budgeted amount.

Public Works Staff, the Business Office and the Town Administrator recommend awarding the 2020 Road Resurfacing and Sidewalk program bid to Continental Paving Inc. of Londonderry, NH. Continental Paving has successfully completed several paving programs for the Town over the past dozen years including the last nine yearly road resurfacing programs.

**LEGAL AUTHORITY:**

Article 4-20 of the Administrative Code of the Town of Durham requires every purchase or contract in excess of \$15,000 shall be made only after receipt of publicly invited sealed competitive bids on uniform specifications and that all purchases in excess of \$35,000 requires approval by the Town Administrator and Town Council by affirmative vote.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

2020 Road Program	Acct 07-2081-801-36-000	\$ 450,000.00
Old Landing Park Sidewalk	Acct 07-1671-801-36-000	\$ 11,320.00
2020 Road Program - UNH	Acct 07-2083-801-36-000	<u>\$ 110,350.00</u>
<b>TOTAL</b>		<b>\$571,670.00</b>

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby, upon recommendation from the Administrator, award the 2020 Road Resurfacing and Sidewalk Program and 2020 UNH Paving Bid of \$571,670.00 to Continental Paving, Inc. of Londonderry, NH and authorizes the Administrator to sign said contract with the \$571,670.00 coming from the previous listed account numbers.*