



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

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www.ci.durham.nh.us

NOTICE: Although members of the Town Council will be meeting in the Council chambers, the Council meetings are still available for members of the public to participate via Zoom or in person.

AGENDA

DURHAM TOWN COUNCIL

MONDAY, JANUARY 10, 2022

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. Town Council grants permission for fewer than a majority of Councilors to participate remotely
- III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in person
- IV. Approval of Agenda
- V. Special Announcements – None
- VI. Public Comments (*) – **Please state your name and address before speaking**
- VII. Approval of Minutes
- VIII. Councilor and Town Administrator Roundtable
- VIX. Report from the UNH Student Senate External Affairs Chair or Designee

- X. Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*
- A. Shall the Town Council approve the 1st 2022 Warrant billing computed from the 4th Quarter Water and Sewer readings of 2021 totaling \$633,096.15, commit the bills for charges to the Tax Collector for collection, and authorize the Administrator to sign said Warrant?
 - B. Administrator's Progress Report (as of December 31, 2021) on the list of approved 2021/22 Town Council Goals adopted on April 19, 2021
- XI. Committee Appointments - None**
- XII. Presentation Items**
Update on the Oyster River Cooperative School District's FY 2022/23 Budget Process – Dr. James Morse, Superintendent
- XIII. Unfinished Business**
Discussion on educating the public regarding the Mill Pond dam article on the March 8, 2022 Town Election Warrant
- XIV. New Business**
- A. Begin the Administrator's Annual Performance Evaluation Process for 2021 in accordance with the Employment Agreement between the Administrator and the Town of Durham
 - B. Other Business
- XV. Nonpublic Session (if required)**
- XVI. Extended Councilor and Town Administrator Roundtable (if required)**
- XVII. Adjourn (NLT 10:30 PM)**

(*) *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.*

AGENDA ITEM: **# 10A**

DATE: January 10, 2022

COUNCIL COMMUNICATION

INITIATED BY: April Talon, P.E., Town Engineer

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE THE 1ST 2022 WARRANT BILLING COMPUTED FROM THE 4TH QUARTER WATER AND SEWER READINGS OF 2021 TOTALING \$633,096.15, COMMIT THE BILLS FOR CHARGES TO THE TAX COLLECTOR FOR COLLECTION, AND AUTHORIZE THE ADMINISTRATOR TO SIGN SAID WARRANT?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's approval is the 1st 2022 Warrant for Water and Sewer totaling \$633,096.15 in accordance with RSA 38:22 II (a) which states: "*A municipality may commit bills for charges to the Tax Collector with a warrant signed by the appropriate municipal officials requiring the Tax Collector to collect them.*" The commitment list is available for viewing in the Town Clerk-Tax Collector's Office and will be available for viewing once the warrant is approved Monday evening.

At the July 12th 2021 Town Council meeting Councilors Lawson and Welsh asked that additional information be included with all water and sewer warrants. Particularly how the warrant is calculated, what the usage was, and how it compares to the budget.

Water and/or sewer bills are issued quarterly and are based on meter readings which are taken at the beginning of each quarter (on or about January 1, April 1, July 1 and October 1). Bills are calculated on the actual cubic foot (CF) of water used for each account. The Durham Public Works Water Division obtains the necessary readings using an automatic meter reading system and software which collects meter data including account numbers and water meter readings. This information is uploaded into the Town's utility billing software to generate the warrant. Some accounts are water only as is the case for irrigation meters or for properties that have

a septic system. Some accounts are sewer only if they have a residential well.

The Town obtains the total number of cubic feet used and converts it to a dollar amount using the cost per cubic foot which is determined during the budget cycle. The amount of cubic feet used can fluctuate from year to year for the same period due to changes in weather (for example when there is more rain, people use less irrigation), time of year (summer versus winter), and whether UNH is in or out of session.

The charts below compare the actual water and sewer usage and fees for 2018, 2019, 2020 and the first nine months of 2021 compared to the budget.

4th QUARTER COMPARISONS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)
Water	3,649,592	3,703,844	3,618,242	3,883,261
Sewer	3,439,047	3,471,692	3,436,606	3,707,154

YEARLY COMPARISONS	ESTIMATED WATER			ACTUAL WATER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2018	14,391,134	\$ 6.05	\$ 870,664	14,383,549	\$ 6.05	\$ 870,205	(7,585)	(\$459)	100%
2019	14,420,835	\$ 7.08	\$ 1,020,995	14,035,194	\$ 7.08	\$ 993,692	(385,641)	(\$27,303)	97%
2020	14,853,460	\$ 7.35	\$ 1,091,729	13,863,777	\$ 7.35	\$ 1,018,988	(989,683)	(\$72,742)	93%
2021	14,853,460	\$ 7.74	\$ 1,149,658	14,427,696	\$ 7.74	\$ 1,116,704	(425,764)	(\$32,954)	97%

YEARLY COMPARISONS	ESTIMATED SEWER			ACTUAL SEWER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2018	13,898,594	\$ 8.96	\$ 1,245,314	13,316,231	\$ 8.96	\$ 1,193,134	(582,363)	(\$52,180)	96%
2019	13,444,655	\$ 8.71	\$ 1,171,029	13,208,897	\$ 8.71	\$ 1,150,495	(235,758)	(\$20,535)	98%
2020	13,713,549	\$ 8.97	\$ 1,230,105	12,843,156	\$ 8.97	\$ 1,152,031	(870,393)	(\$78,074)	94%
2021	13,713,549	\$ 8.97	\$ 1,230,105	13,653,420	\$ 8.97	\$ 1,224,712	(60,129)	(\$5,394)	100%

Future water/sewer warrants will include additional information detailing the amount of water and sewer cubic feet used during that quarter compared to the same quarter in the prior year, as well as comparing the numbers to the budget.

LEGAL AUTHORITY:

RSA 38:22 II (a)

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The warrant details are as follows:

Water \$ 300,564.40

Sewer \$ 332,531.75

Total \$ 633,096.15

with interest at twelve percent (12%) on all sums not paid thirty days (30) from the due date.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the 1st 2022 Warrant billing computed from the 4th Quarter Water and Sewer readings of 2021 totaling \$633,096.15, commits the bills for charges to the Tax Collector for collection, and authorizes the Administrator to sign said warrant on its behalf.



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STATE OF NEW HAMPSHIRE WATER/SEWER - 1st WARRANT 2022

STRAFFORD SS

To Lorrie Pitt, Collector of Water and Sewer Taxes for the Town of Durham in said County.

In the name of said State, you are directed to collect the water and sewer taxes in the list herewith committed to you, amounting in all to the sum of

Six Hundred Thirty-Three Thousand Ninety-Six Hundred Dollars and Fifteen Cents
(\$633,096.15)

Water \$ 300,564.40

Sewer \$ 332,531.75

Total \$ 633,096.15

with interest at eight percent (8%) on all sums not paid thirty (30) days from the due date.

And we further order you to pay all monies collected to the Treasurer of said Town at least on a weekly basis.

As attested by the Town Clerk-Tax Collector, the list on the following pages is a correct list of the assessment of the 1ST billing of 2022 computed from the 4th Quarter water and sewer readings of 2021.

ATTEST: _____
Lorrie Pitt, Town Clerk-Tax Collector

Given under our hands and seal at Durham this 10th day of January, 2022.

Todd I. Selig, Administrator
Per Town Council vote on 01/10/22

AGENDA ITEM: **# 10B**

DATE: January 10, 2022

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: ADMINISTRATOR'S PROGRESS REPORT (AS OF DECEMBER 31, 2021) ON THE LIST OF APPROVED 2021/22 TOWN COUNCIL GOALS ADOPTED ON APRIL 19, 2021

CC PREPARED BY: Jennie Berry, Administrative Assistant

CC PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

On Monday, April 19, 2021, the Council adopted its goals for 2021/22. In order to measure the progress of the goals adopted by Council, the Administrator believes it is important to provide the Council with periodic status reports.

Attached for the Council's information is an updated progress report prepared by the Administrator which outlines the status of each of the goals as of December 31, 2021 that were adopted in April 2021.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Receive progress report of the 2021/22 Town Council goals updated by the Administrator as of December 31, 2021, and provide direction, if needed.



2021-2022 Council Goals *
Adopted April 19, 2021
Quarterly Update – December 31, 2021

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8 Newmarket Road
Durham, NH 03824-2898
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Note: These goals are intended to convey 1-3 year time horizon.

Core Values

- Embrace openness in the transaction of public business while conducting Town affairs in a manner that is just and best demonstrates a genuine respect for different ideas, opinions, and perspectives.
 1. Inform Councilors of Right to Know Law rules regarding email use and electronic communications shortly following March election. **COMPLETE**
 2. Hold orientation for incoming Councilors following 2nd Tuesday in March. **COMPLETE**
 3. Hold orientation for new board chairs/officers/interested members on RSA 91-A and good board practices. Due to Covid-19 we recirculated video of past orientation session. **CONSIDERED COMPLETE**
 4. Hold orientation session for public and staff on Right to Know Law annually. **COMPLETE**
 5. Production of weekly “Friday Updates” & use of various forms of social media (Facebook/Twitter) to communicate effectively with the public. We have over 3,400 active subscribers. For the purpose of this report, considered **COMPLETE**.
 6. Air public meetings & events on DCAT as widely as possible during the pandemic. DCAT staff has really stepped up here and have provided state of the art technology allowing for the use of Zoom as an option now that board meetings are back to in-person session. **COMPLETE**
 7. Share Council goals with all boards and commissions, the public via the “Friday Updates,” and post in Council chambers. **COMPLETE**
 8. Councilors assigned to boards provide update at each Council/board meeting as needs require. **COMPLETE**
 9. Human Rights Commission studying the topic of reparations and how to celebrate the new national holiday called Juneteenth. Adopted a land acknowledgement statement, plan to focus on programming for Juneteenth. **COMPLETE**
 10. Working to resolve outstanding abatement appeals with utilities (Consolidated Communications, Unitil, Eversource, Prefco (Goss), Xemed fraternities to ensure equity in assessments –Unitil & Eversource resolved. Consolidated & fraternity BTLA cases to be addressed by Council in August. The only remaining large appeals are Prefco and Xemed. With a court date on Prefco being scheduled for 2022 and trial ongoing for Xemed, considered **COMPLETE**.
 11. Developed Bi-Weekly DPW Director’s report for Town Administrator providing rolling project and program updates to share with the Council/community. Going well – considered **COMPLETE**.

- Honesty and integrity.
- Excellence in all endeavors.
 1. Successfully transitioned to new leadership at DPW & DPD upon retirement of several long-time senior staff members. **COMPLETE.**
 2. DFD has instituted a new Cancer Risk Reduction initiative to protect staff after a fire. **COMPLETE.**
 3. Following a fall 2020 public forum, DFD working to update the department's strategic plan. Due to ongoing pandemic-related challenges, staff constraints, and other more pressing daily matters this project remains **Ongoing.**
 4. Staff is continuing to do their best to maintain operations despite many staffing challenges. Examples: The P&R Director needs additional support/staffing; with Master Patrol Officer Holly Malasky's retirement in July 2021 we will have 2 police officer vacancies (out of 21 total officers); two fire inspector vacancies in the Fire Prevention Bureau (currently advertising for an asst. fire marshal in lieu of one inspector -- second inspector not budgeted in 2021); the need for a training/safety officer at DFD (not budgeted) and additional staffing coverage for the Captains; have been actively hiring/interviewing for a GIS vacancy (just filled in end of August 2021); the need for a second IT staffer (not budgeted) to keep up with ongoing requests for service across all departments; second budgeted (asst.) engineer at DPW (currently advertising/interviewing) – first round did not result in a hiring; approx. 3 full time line position vacancies at DPW; contracting out some buildings & grounds maintenance due to inability to hire summer help. Have successfully addressed these challenges. Considered **COMPLETE.**
 5. Development of GIS tax map base layer and orthographic imagery in Assessing Office using contractor Cartographic Associates is well into the development process. We addressed outstanding issues with contractor by 12/31/21 and expect final deliverables within 30 days. **COMPLETE**

Standards of Performance

Continue taking steps as needed locally to respond to the COVID-19 pandemic, including a multitude of potential impacts to include public health, social economic, budgetary, personnel, and more.

The pandemic has been a primary focus of Durham municipal operations since March 2020. Efforts have focused on: A) Continuity of operations & ongoing operational modifications during *the unending* ebb and flow of the pandemic; B) Safety/health of staff; C) Safety/well-being of community members; D) Financial impacts for taxpayers and on Town operations – maximizing opportunities to attract eligible Federal stimulus monies for Durham; E) Coordination with State/Federal Ops/Governor's Office; F) Communication with community; G) Pandemic impact on downtown businesses and associated business practice modifications to support them; H) UNH Reopening Efforts (the Sept. 2021 fall opening was a success; looking ahead to 1/25/22 spring semester); I) Remaining up to date on latest information/science/practices/postings; J) Public meeting continuity as needed (in-person & Zoom); K) Facial coverings ordinance development, implementation, and 61-day cycle readoptions (sunset as of 6/21), encouraging CDC guidelines within municipal buildings as of September 1, 2021 and thereafter. **Ongoing.**

Finalize the Update of Durham’s Emergency Management Plan (EMP) and the Continuity of Operations Plan (COOP).

The EMP and COOP plans are **COMPLETE**. Looking to 2022, we must update the Town’s Hazard Mitigation Plan as part of a 5-year cycle. Per GCoM requirements, we will also need to create a Climate Action Plan in 2022 spearheaded by our UNH Sustainability Fellow.

Pursue long-term economic and environmental sustainability and resiliency, anticipating the community’s and the region’s future needs by considering multiple elements including society, ecology, economics, transportation, agriculture, food and drinking water, and energy resources, specifically taking into account existing and predicted impacts of climate change.

1. Grant via SRPC to fund/develop a Climate Change chapter of the Master Plan secured. Integrating in with Global Covenant of Mayors for Climate Action Commitment. Deadlines extended due to pandemic by year+. **Ongoing**
2. Working with scientific partners at UNH and staff at SRPC on \$75,000 principal forgiveness loan Durham has secured from state to evaluate impact of sea level rise on freshwater resources along coastal areas within the community. Project extended due to pandemic. **Ongoing.**
3. DPMMA (Durham Professional Middle Manager Agreement) and AFSCME (Public Works) contract negotiations for a successor bargaining agreements. AFSCME ratified in early 2020. DPMMA ratified in October 2020. DPFFA ratified in mid-2021 by Council. **DPOA (Durham Police Officers) CBA negotiations commenced in fall 2021. Ongoing.**
4. Continue with Traffic Safety Committee involvement on matters concerning residents’ questions, problems perceived and/or anticipated with recommendation to the Administrator. Meetings **Ongoing** as needed.
5. Closed on the Orchard Drive Woods/Stevens Woods parcel with the ORCSD in October 2019. Closed in December 2019 on extinguishing the ghost easement by working with Stevens family heirs/assigns. Secured an \$80,000 Recreation Trails Grant through the assistance of resident Dennis Meadows, which ran through 12/31/20. Contract awarded to Hansen Bridge with construction completed. Formal dedication of the Kenny Rotner pedestrian bridge held on August 24, 2021. The new bridge span now in place. **COMPLETE**
6. Scenic Road Tree Cutting Modification – Staff proposed modification to language to incorporate an administrative process to allow any tree on a designated scenic road which is determined to be dead or in poor condition and significantly declining or to present an imminent hazard to life or property to be removed without further review where such determination is made by the Durham Tree Warden in consultation with the Town Administrator and a qualified arborist or forester. Approved by the Council in late-2020. **COMPLETE**
7. A solar ordinance to more strictly regulate the placement of solar panels due to aesthetic concerns is currently tabled before the Town Council. Councilor Lawson discussed extensive revisions with illustrated examples with Energy Committee in October 2020, in early summer 2021 and in late-fall 2021. An update presentation to the Council on the status of the effort was made in summer 2021. **Ongoing.**

8. DPW began development of Standard Details for drainage, roadway, sidewalk and utility infrastructure to provide consistent design standards and guidance for new development and redevelopment and are on track for having the standard details completed by 1st quarter 2022. Now at 95% complete. **Ongoing.**
 9. Began development of Drainage Connection Policy establishing standards and requirements for connection to Town's stormwater conveyance and treatment systems. Estimate the drainage connection policy is at 95% completion or greater. (MS4 System). **Ongoing.**
 10. DPW implemented StreetScan town-wide road and sidewalk evaluation and management tool to further improve strategy and approach around roadway construction alternatives and project prioritization. In addition, implemented Geotechnical evaluation program for candidate roadways planned for construction in 2022 to ensure proper roadway repair treatment is selected. Both measures will allow for a more scientific and we believe efficient approach to evaluating roadway treatments. Integrating into CIP plan for road program. **COMPLETE.**
 11. Submitted Year 3 Annual NPDES MS4 Stormwater Annual report to meet Federal compliance requirements for MS4 stormwater collection and treatment systems. **COMPLETE.**
 12. Coordinated with Riverwoods Engineering consultant, Altus Engineers, for review, submittal, and approval by NHDOT of Dover Road sidewalk extension project. Constructed summer/fall 2021. **COMPLETE**
 13. Coordinated with NHDOT for review and input on Route 4 at Route 108 Westbound ramp and intersection improvements including addition of signalized intersection, crosswalks, and curb ramps. Constructed **COMPLETE** in fall 2021.
 14. Completed emergency wetland authorization and construction improvements of failed culvert pipe on Bennett Road. NHDES wetland permitting changes in process requirements had caused delays. **COMPLETE.**
- Evaluate how to market Durham as a destination.
While we made some very minor inroads here in 2019/2020, efforts have been limited in 2021 with the pandemic. Unfortunately, there has been very little traction here (and this has been the case for several years despite our efforts). This seems to be more an aspiration amongst specific groups who care about the topic versus an economically marketable/viable opportunity. Durham is just not known for historical properties/agriculture (versus historic downtown Portsmouth, for example) and we don't seem to have the economies of scale in place to attract meaningful numbers of visitors beyond the few who may come for that purpose and eat/shop downtown. Durham is clearly recognized as a UNH-related destination, however. More opportunity probably exists there should we choose to more widely market/embrace the UNH connection and the underlying drivers of our local Durham economy. Recommend we drop this goal in 2022. **COMPLETE**
 - Take steps as appropriate to promote the long-term health of Great Bay.
 1. EPA issued final Federal permit in late-2020 and Durham/UNH have signed on to the permit as is. Durham has been an advocate of protecting the Great Bay throughout. **COMPLETE**

2. Durham continues to financially support the Piscataqua Region Estuaries Partnership (PREP) for the Critical Advances for our Estuary (CArE) Initiative utilizing \$525,000 in financial support from the Eversource Seacoast Reliability project. We were very pleased with the following stakeholder statement, which demonstrates that this has been a good investment on Durham's part. *"PREP's development of the integrated Research and Monitoring Plan (RAMP) is the single most important step forward in establishing a scientific baseline for the Great Bay. The RAMP is and will continue to provide a basis for significant municipal and state investments, and the work would not have been done without funding through CArE."* – Sherry Young, Rath, Young and Pignatelli **Ongoing.** The final (third) allocation to PREP will be in 2022.
 3. Mr. Selig serves as a member of the Piscataqua Region Estuaries Partnership's (PREP) Management Committee (board of directors). **Ongoing.**
 4. We worked with The Nature Conservancy to establish an Oyster Garden public project at Durham's Old Landing. Training was undertaken in August 2019. Cages put in place. Interpretive signage was fabricated/installed in spring 2020 to explain the project and the benefits of oysters to the Estuary. Due to pandemic, no oyster cages in 2020, but they were happily installed once more in July 2021! **COMPLETE.**
 5. Applied for several grants including National Fish and Wildlife Foundation and Moose Plate Grant to leverage Seacoast Reliability Funding in an effort to improve Wagon Hill Farm bridge and trail network along with shoreline restoration. Both grants received! Now in process of administering the grants, planning the projects, and implement them. **Ongoing.**
- Continue to support the Town's efforts and investments around MS-4 stormwater program implementation to support water resources in collaboration with UNH. We were on track on this goal and worked with UNH on the outfall sampling plan which is/was requirement for the year-three reporting period that ended on June 30th. The budget which has been included in the capital plan of \$30,000 to implement the requirements of this program was integral in achieving compliance. **Ongoing.**
 - Finalized process of closing out construction of the Eversource Seacoast Reliability Project to ensure local infrastructure, environmental, scenic, cultural, and historic resources are protected consistent with appropriate conditions of approval from the NH Site Evaluation Committee and relevant agreements with the Town of Durham. Public Works evaluated post construction roadway condition reports and Eversource provided mitigation funds that were accepted by the Town Council. Impacts to historic stone walls were carefully evaluated and based on advice from the NH Division of Historic Resources, no further actions were recommended nor will be taken. **COMPLETE**
 - Enable continuation of current land stewardship activities through a seamless transition of duties of the Land Stewardship Coordinator position in spring 2021. Preserve and protect the environmental well-being of town- owned lands and other lands held in conservation and easement with nonprofit organizations while improving public access and use of those lands.

1. Land Stewardship Coordinator Ellen Snyder's service concluded April 1, 2021, at which time Tom Brightman assumed her responsibilities. The transition was seamless. **COMPLETE**
 2. To help promote the public use of town-owned lands, a user-friendly trail map (both printed and online) was created by Economic Development Director Christine Soutter with assistance from Ellen Snyder and Parks and Recreation Director Rachel Gasowski. The cost of the map was funded in part by the Land Stewardship Committee and the Economic Development Department. **COMPLETE**
 3. Support the work of the Land Stewardship Subcommittee to increase the utilization and responsible management of Durham Town lands by residents and visitors in a substantial and sustainable manner is actively under way. We have doubled down on this during the pandemic as a wonderful resource for citizens! A great success! For the purpose of this report, considered **COMPLETE**.
- Work toward a final determination concerning the future of the Mill Pond Dam on the Oyster River and initiate engineering/design in 2021 with construction in 2022 dependent upon permit/funding availability. **Scheduled for Town-wide referendum on March 8, 2022 - Ongoing.**
 - Take proactive steps as a new member of Global Covenant of Mayors for Climate and Energy initiative.
 1. See description above concerning updates to the Town's solar ordinance -- "Pursue long-term economic and environmental sustainability and resiliency," #7. **Ongoing.**
 2. UNH Sustainability fellow Mary Potts evaluated the impact of carbon sequestration effectuated by Town-owned lands/easements this past summer. This data informed our sustainability efforts including an amendment to our Acquisition of Open Space policy, which was recommended by the DCC and adopted by the Council in summer 2021. Sustainability Fellow Emily Mello undertook a GGI for the entire Town and the final draft complete as of fall 2021. We worked with the Energy Committee to join the Global Covenant of Mayors Climate Action initiative utilizing this information and our Sustainability Fellows have served as the research engines to keep this important initiative going. **COMPLETE**
 3. Durham joined the Community Power Coalition of New Hampshire (CPCNH) as a founding member in 2021. **The Energy Committee was tasked to develop a Community Power Aggregation Plan (CAP). Authorized under RSA 53-E, a CAP will outline the plan to provide electricity supply service for the Town's residents, businesses, and other types of customers. We anticipate this program will only launch if it is able to initially offer residential default rates that are lower than or competitive with those offered by Eversource and NH Electric Cooperative. Ongoing.**
 4. **The Energy Committee plans to evaluate in 2022 whether it makes sense for Durham to expand Electric Vehicle (EV) charging stations beyond our two current sites – the Library and the Pettee Brook Parking Lot. Ongoing.**
 5. **The Energy Committee plans to evaluate whether it is possible to provide additional resources to community members who want to lower their carbon footprints. Ongoing.**

- Work toward redesign of Madbury Road corridor as part of a complete streets framework in 2021/22 with construction planned for 2023. VHB selected as engineering firm in summer 2021 to design improvements. DPW worked with VHB to negotiate a full scope of services, approved by Town Council in fall 2021. **Design will take place in 2022. Construction anticipated to commence 2023. Ongoing.**
- Examine/act upon potential reconfiguration of roadways around Oyster River Middle School as part of new middle school construction project process. **Roadway reconfiguration designed, reviewed, and partially implemented in August 2021 in advance of start of 2021-2022 school year for ORCSD. It's functioning well so far. Final installation to occur in summer 2022. Speed testing taking place in December/January to evaluate potential speeding within the area with some initial thought given to potential school zone designation. Ongoing.**

Review, discuss, and develop a more sustainable solid waste and recycling management program for the community.

- Develop a long-range plan for improvements to the Transfer Station to address effective and efficient handling of waste and recyclable materials.
 1. DPW negotiations with Waste Management for new 5-year contract with 5-year renewal option – which received endorsement from IWMAC with Town Council contract approval in November 2020, has been functioning very well and has provided advantageous pricing for recyclables for the Town. **COMPLETE.**
 2. The Swap Shop was closed due to pandemic concerns in 2020 but reopened in spring with Covid-19 best practices in place. Operations were successful in 2021 during the pandemic. **With an abundance of caution, the Swap Shop was closed for winter 2021/2022. We hope to open again in spring. Ongoing.**
 3. Annual curbside bulky waste pickup was eliminated in 2020 and again in 2021 due to pandemic. DPW arranged specific days for residents/multi-units to bring materials to Transfer Station for processing. **COMPLETE.**
 4. The IWMAC has provided a weekly “Did you know?” column in the “Friday Updates” to help inform/educate the community concerning waste-related issues. We’ve also moved the section higher up in the publication to maximize exposure. For the purpose of this report, considered **COMPLETE.**
- Support combined efforts of IWMAC, DPW, the Agriculture Commission, and ORCSD Sustainability committee in the development of a curbside composting initiative to reduce MSW landfill use.
 1. Durham Parks & Recreation, IWMAC, and Durham Public Works teamed up to create the Durham Compost Challenge, beginning in October 2020. 25 households registered for the Challenge and for 6 weeks they removed all organic waste from normal household waste using Biobucket & BioBags (included in the registration), measured the weight of compost vs. household waste using a household scale or the scale at the Transfer Station when bucket was full, recorded weight of compostable bag using provided tracking chart, and brought compost to the compost totes at the Durham Transfer Station, or disposed of it in personal household composting bin. This

initiative was extended into early 2021 and provided some nice data. **A new composting initiative is currently under way with a number of Durham household participants. The committee continues to evaluate with DPW how a more comprehensive composting program might be initiated in Durham. Ongoing.**

Strengthen the community by supporting the needs of residents, families, and other stakeholders by offering a wide array of active and passive recreational opportunities, programming and events celebrating Durham's history, and encouraging community walkability and bikeability.

1. Numerous activities, programs, and community opportunities have been offered by the Parks & Rec. Department to date over the last year and these have been well attended despite the pandemic. The Durham/ORCSD REACH Camp was a real success in summer 2021. Our Rink Manager has also been able to successfully operate the Churchill Rink despite ever-changing Covid-19 challenges. Having a full time position there has been essential as without it, the rink would not have operated in 2020, 2021, or now 2022. Potential additional upgrades for FY 2022 and FY 2023 at the rink will be dependent on future rink financial performance. The pandemic has posed significant challenges for the P&R department, with ever-changing Covid requirements, limited staffing, and the need for social distancing. Dir. Rachel Gasowski has undertaken outstanding work and deserves our gratitude for her creativity, diligence, and grace under pressure while striving to meet the needs of the community. Recognizing the need for additional full time support, the Council took action for 2022 and budgeted monies to support a new assistant director position. **COMPLETE**
 2. We continue to support initiatives as appropriate that promote public transportation options and ensure safe walking and biking downtown and in other portion of the community. **COMPLETE.**
 3. Durham has engaged with NHDOT on taking steps to evaluate and improve the safety of the Route 4/Madbury Road intersection. The project is now in the NHDOT's hands in active design so I will list as **COMPLETE** for now.
 4. DPW re-ditched Dame Road and undertook roadside trimming in spring 2020. Some residents desire the road to be paved, some do not. With drought conditions in spring 2021 and 2020's improvements, and with the improvements in place for spring 2021, the roadway performed well and we have not received complaints. **COMPLETE.**
 5. Provided programming to coincide with Indigenous Peoples' Day in Oct. 2021 – A flag ceremony was organized by the Durham Human Rights Commission. Adopted Indigenous acknowledgement language, studied the topic of reparations, and Durham's excellent scoring as part of the Human Rights Commission Municipal Equity Index (Durham scored a 96 this year (2021), up from 90 in 2020, which is fantastic!). **COMPLETE**
- Develop scope of work, firm pricing, and a funding plan for the rehabilitation of both the Old Town Hall/Courthouse and the Wagon Hill Farmhouse (Captain John Bickford House), taking into consideration the anticipated use of the Wagon Hill Farm barn and ell will be for recreational purposes, educational programming, and special events; and use of the Captain John Bickford House will be for small public meetings, permitted gatherings and events, exhibits (historical, environmental, and art), and a Resident Caretaker's

apartment. Staff and volunteers evaluated capital needs of Wagon Hill Farm farmhouse and Courthouse based on Sturgis report and integrated with available information into 2021/2022 CIP planning. A new working group with representation from the HDC/Heritage Commission, DHA, and DPW was formed to advise the Administrator/Town. Engineering monies had been budgeted for 2021, an LCHIP grant had been submitted for farmhouse improvement design work (and received in Dec. 2021), with farmhouse evaluation and TBD subsequent construction scheduled for the 2022-2024 timeframe, depending upon grant progress, funding, and steps needed. **Ongoing.**

6. Assess and document interior environmental conditions and exterior fabric of the Smith Memorial Chapel. Take action as needed to plan for, and address, deficiencies found. Challenges in early 2021 were unexpectedly identified at the Smith Chapel with excess humidity due to moisture infiltration from the outside and mortar joint failures, primarily on the buttresses. It took months to secure an appropriate expert to review. DPW staff worked with DHA members to identify “Restoration Masons,” a qualified historic mason to inspect the Smith Chapel and develop a recommendation and fee proposal. Restoration Masons provided an planning level estimate of \$32,200 to complete the first phase of the masonry repairs and restoration. Staff will continue to work with DHA to identify any potential grant opportunities to fund these repairs and to offset future budget funding requests. **Ongoing.**

Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire’s flagship state university, including redevelopment of 66 Main St., Hetzel/Alexander Halls, and the creation of a West Edge Innovation District.

1. Durham/UNH continue to communicate and work toward the redevelopment of 66 Main St. (commercial/office/residential/public space) with Elliott Sidewalk Communities. Durham purchased the site in summer 2021 from UNH. Near term parking/green park space was developed by DPW at breakneck speed with completion in September 2021. **Discussions with Elliott Sidewalk Communities and UNH continue on redevelopment of site. Ongoing.**
 2. The Water Works Road site is feasible and has been identified as the future Durham Fire Department location as part of a combined public safety complex potentially involving Durham Fire, UNH Police, and McGregor EMS. **See below under Facilities goal for more information. With the pandemic, this item is dormant for the time being. Ongoing.**
 3. Following extensive engineering and permitting, construction commenced in fall 2021 on the 8,000’ Lee Water Line extension to the Lee Circle. **We anticipate completion in 2022. Ongoing.**
- Review zoning for West-end Research Park initiative and consider modifications as needed in conjunction with our UNH partners.

On August 14, 2019, Town Planner Michael Behrendt gave a presentation to the Planning Board about the PUD. **The project has been on hold with UNH due to the pandemic. Ongoing.**

Continue revitalizing Durham's commercial core and neighborhoods in ways that enhance our sense of community; better provide for the needs of our residents and businesses, strengthen the fiscal health of the Town and University, and align with the Master Plan.

1. Code Officer Initiative focusing on trash/zoning. This has provided positive results preliminarily to date for downtown neighborhoods. For the purpose of this report, considered successful and **COMPLETE**.
 2. Mill Plaza redevelopment application. Colonial Durham, after more than seven years, is still before the Planning Board as part of the application process. **We anticipate the Planning Board making a decision regarding the application sometime in early 2022. Ongoing.**
 3. Implemented PILOT project at Newmarket Road (Town Hall) crosswalk using hand-held flags and signage to improve pedestrian visibility in summer 2019. It has proven a success; endorsed by the Traffic Safety Committee for potential expansion of program – potentially at crosswalk on Church Hill. The HDC preferred not to extend the program to Church Hill so the item is considered **COMPLETE**.
 4. Gerrish Drive development project before the Planning Board generated significant public input and engagement, requiring considerable staffing resources. Although approved by the Planning Board in late-2021, the approval was appealed to Superior Court by an abutter. **The process is therefore Ongoing as the Town defends the Planning Board's 2021 decision.**
 5. Our Problem Oriented Policing (POP) Officer program continues to be a very successful effort to quickly and proactively address issues associated with students living within the downtown core. **Ongoing.**
- Continue to pursue and reevaluate the development/redevelopment needs of the CBD and align our zoning to meet the requirements as needed. See next item. **COMPLETE**
 - Continue to investigate the needs of the downtown business owners and the post pandemic challenges they have to be successful in town and to develop strategies to help Durham be more business friendly. The Admin. organized a working group and a proposal for several CBD zoning changes that were reviewed by the Town Council on August 3, 2020 and referred to the Planning Board for public hearing and feedback. These were ultimately amended following public feedback and approved by the Council in spring 2021. **COMPLETE.**
 - Continue to pursue a relationship with the downtown property owners that provides open and informed communication, including working with the Durham Business Association and Celebrate Durham. **Ongoing.**

- Continue to work toward addressing downtown parking challenges for both today and the future, and explore potential partnerships, funding sources, and opportunities that will result in either enhanced surface or new structured parking controlled by the Town. The development of the 66 Main Street site as municipal surface parking was a major near-term accomplishment for Durham in 2021. For the purpose of this report, considered **COMPLETE**.
- Support the new Work Force Housing Subcommittee to investigate opportunities, challenges, and options for affordable quality housing in Durham. **Working to promote additional housing options for Durham's aging population as opportunities become available. EDC established a Housing Subcommittee (made a task force by the Town Council in 2021), where productive work can occur on this topic.** The Planning Board approved a significant addition/expansion at Bagdad Woods, which is now under active construction. **Ongoing.**

Task the administrator with meeting the following budget goals for 2022. Hold the municipal tax rate at the 2021 level or less. For the medium and long-term, the Town will continue to make an effort to control its spending, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate. Because little new taxable value is projected to be coming on line in 2022, the Council determined this goal was not possible to meet. The Council unanimously approved a FY 2022 budget with an estimated tax rate of \$8.01 per thousand dollars of assessed valuation, up from \$7.86, an increase of just under 2%. The CPI for the U.S. City Index as of Sept. 2021 was 5.4%. **COMPLETE**

Pursue opportunities to broaden the tax base that are consistent with Council goals and be mindful of the economic impact they may have on the Town's operational and long-term fiscal health. **The Town has had little success in this area. Ongoing.**

Encourage residents to explore joining one of the Town's boards, committees or commissions. We continue to periodically publicize board/committee vacancy opportunities through the weekly "Friday Updates" and have had some success in meeting this goal. Many vacancies have been filled. **COMPLETE**

As part of scheduled 4-year cycle, pursue successful reaccreditation for the Durham Police Department with the Commission on Accreditation for Law Enforcement Agencies (CALEA). Accreditation granted in summer 2021. **COMPLETE**

Encourage all Town boards, committees, commissions, and Durham's legislative delegation to align their efforts with the Council goals and the Master Plan, actively collaborate and communicate with each other, and communicate with the community at large. We are actively working with ORCSD to facilitate the construction for the new ORMS project. Admin. Selig participates in weekly construction meetings on site. Code, Fire, Police, and DPW are all involved as well. The Council invited members of the legislative delegation to meet with it in 2021. Council goals are shared with all boards, committees, commissions, departments, and with our legislative delegation to align

efforts. **COMPLETE**

Refine plans for new or existing public facilities/infrastructure, including, among others, downtown surface or structured parking, a replacement building for the Fire Department, and public safety radio communication improvements, to meet the present and future needs of the community.

1. Although we had planned to build a new radio tower at Beech Hill in summer 2019 and then 2020, staffing time limitations (2019) followed by above anticipated bid results in 2019/2020 (\$100,000+ over-estimates) pushed this out to 2022. **We have included a Federal funding earmark request for \$900,000 for this project – it is pending. The Council in Dec. 2021, awarded a contract to Motorola for construction of much of the project in 2022. Ongoing.**
2. In conjunction with UNH, we need to develop support over the long-term for funding a new fire station at the Water Works Road location. **Capital funding limitations at UNH and the pandemic have hampered progress in 2019 -- and again in 2020 and 2021. It's quite frustrating for the DFD but beyond their control. In the meantime, we're working to incrementally improve existing accommodations for the DFD within the General Services Building in which the DFD is housed at UNH. See next item. Ongoing.**
3. Acquire approximately 900+ SF of additional space from UNH that is contiguous to the existing fire station to provide temporary relief to space constraints of the existing building. **This was approved as part of FY 2019 budget -- a \$320,00, 5-yr. bond, after which new station would be constructed. Contract awarded in late-2021. Build out should occur in early 2022. The entire bidding process was substantially slowed down at UNH due to pandemic. Ongoing.**
4. Work to develop solution to address impact of human and dogs use at Wagon Hill Farm (exacerbated by pandemic). **Sign refresh still in process, again slowed by the pandemic – Ongoing.**

** Note that the order of the goals does not imply priority.*



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824

Tel: 603-868-5571

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www.ci.durham.nh.us

AGENDA ITEM:

12

DATE: **December 7, 2020**

COUNCIL COMMUNICATION

INITIATED BY:

Dr. James Morse, Superintendent, ORCSD

AGENDA ITEM:

UPDATE ON THE OYSTER RIVER COOPERATIVE SCHOOL
DISTRICT'S FY 2022/23 BUDGET PROCESS – DR. JAMES
MORSE, SUPERINTENDENT

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Dr. James Morse, Superintendent, ORCSD

AGENDA DESCRIPTION:

Dr. Morse has been invited to attend Monday evening's Town Council meeting to provide the Council with an overview of the Oyster River Cooperative School District's proposed FY2022/23 budget process.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Superintendent James Morse regarding the ORCSD's proposed 2022/23 budget process and hold discussion, if desired.



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AGENDA ITEM:

#14A

DATE: January 10, 2022

COUNCIL COMMUNICATION

INITIATED BY:

Durham Town Council

AGENDA ITEM:

**BEGIN THE ADMINISTRATOR'S ANNUAL PERFORMANCE
EVALUATION PROCESS FOR 2021 IN ACCORDANCE WITH THE
EMPLOYMENT AGREEMENT BETWEEN THE ADMINISTRATOR
AND THE TOWN OF DURHAM**

CC PREPARED BY:

Todd I. Selig, Administrator

PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Pursuant to Section 17 of Administrator Selig's Employment Agreement (**attached**) [which was specifically requested to be included in the Employment Agreement by Mr. Selig] with the Town:

"Commencing in April of 2017, and each succeeding April thereafter, the Town Council and Selig shall mutually establish goals and objectives [*these are the approved 2021/2022 Town Council goals*] which they deem necessary and appropriate for the proper management of the Town during the succeeding twelve (12) months. Such goals and objectives shall be committed to writing and formally adopted by the Town Council. . . Commencing in January 2018, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council."

Over each of the last many years of Mr. Selig's service, the Council has utilized varying approaches to fulfilling this contractual requirement. In 2012 the Council began utilizing a one-page evaluation form/matrix (**attached**) outlining key elements of importance and ranking the administrator's performance (on a scale of 1 to 5) for each of these elements which included five categories: Ability to maintain or improve strong relationships, Financial oversight, Leadership, Initiative, and Other. Rankings included: 5=Excellent, 4=Very Good, 3=Good, 2=Acceptable, 1=Unacceptable.



Unless during its discussion on Monday evening the Council decides to use another evaluation process, Administrator Selig recommends using the same format as last year with the objective being to develop a consensus of the Council regarding the performance of the Administrator over the course of the previous year and to offer collective guidance (one voice to the extent possible) for the upcoming year.

Using this process, Council members will be provided with the matrix via email in Microsoft Word format by January 14, 2022. Councilors will then have until **Monday, January 24th** to return their responses electronically to Council Chair Kitty Marple. Chair Marple will then compile the responses for distribution to Councilors electronically in advance of the February 7th Council meeting at which time the Council and Mr. Selig will discuss the results.

Attached for the Council's information is a **timeline** developed initially by Councilor Wayne Burton and approved by the Council in 2014 which illustrates the process that will be followed throughout the year relating to Administrator Selig's annual evaluation. Also **attached is a "year-end wrap up"** prepared by Mr. Selig. A quarterly goal progress report as of December 31, 2021 is included as a separate item in the Council packet.

In accordance with Mr. Selig's Employment Agreement, the term of his employment *"shall be for a period of nine (9) years (except as it may be modified as explained herein) commencing January 1, 2017 and ending December 31, 2025."* Mr. Selig's compensation is outlined in the Employment Agreement.

LEGAL AUTHORITY:

Article 4 "Administration of Government", Section 4.1 of the Durham Town Charter:

"The chief administrative officer of the town shall be the Town Administrator (hereinafter called the "Administrator"), who shall be a full-time regular employee of the Town. The Council shall appoint a person especially qualified by experience and training, who receives the votes of at least five (5) members of the Council, to be Administrator. The Administrator shall serve at the pleasure of the Council, which will fix the Administrator's salary and terms of employment."

Article 4 "Administration of Government", Section 4.3 of the Durham Town Charter:

"The Administrator may be reprimanded or removed for cause by the affirmative vote of at least six (6) members of the Council as herein provided. At least thirty (30) days before the proposed reprimand or removal of the Administrator, the Council shall adopt a resolution stating its intention to reprimand or remove him, the reasons therefor and an effective date. A copy of the resolution shall be served forthwith on the Administrator, who may, within ten (10) days, demand a public hearing, in which event the Administrator shall not be reprimanded or removed until such public hearing has been held. Upon or after passage of a resolution of intent to remove, the Council may suspend the Administrator from duty, but his pay shall continue until removal. In case of such suspension, the Council shall, by the affirmative vote of the

Council, appoint an Acting Administrator to serve at the pleasure of the Council for not more than ninety (90) days. The action of the Council in removing the Administrator shall be final."

In addition to the above Charter provision, Section 14 of the Employment Agreement also addresses termination of the Administrator, as follows:

14. Termination.

A. By the Town with Cause. This Agreement may be terminated by the Town for cause, in accord with the provisions of Section 4.3 of the Town Charter, if Selig willfully breaches or habitually neglects the duties to be performed under Paragraph 2 of this Agreement; engages in dishonest conduct; or for the conviction of any crime for which the punishment involves incarceration.

B. In the event Selig's employment is terminated pursuant to subparagraph A, Selig shall be entitled to his base salary compensation earned prior to the date of termination (minus all appropriate federal, state and authorized withholdings), as provided for in Paragraph 4 of this Agreement, computed pro rata up to and including the date of termination, as well as any other benefits to which he may be entitled as a matter of law.

C. By Selig. This Agreement may be terminated by Selig, without cause, by giving eight (8) months' notice to the Town.

D. By the Town without Cause. In the event that this Agreement is terminated by the Town for reasons other than those outlined in subparagraph A above, the Town shall be responsible for the payment to Selig of one (1) full year's base salary (minus all appropriate federal, state and authorized withholdings) plus all benefits (or their monetary equivalent) accrued during that one (1) year period regardless of the length of the remaining term of this Agreement.

Article II, "Administrative Organization", Section 4-4 of the Administrative Code":
"The chief administrative officer of the town shall be the Town Administrator ("Administrator"), who shall be appointed by the Council based upon his training and experience. The Administrator shall serve at the pleasure of the Council, who will also establish his compensation and terms of employment."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Begin discussion concerning Administrator Selig's 2021 annual performance evaluation.

Employment Agreement – Town Administrator

AGREEMENT made this 3rd day of April, 2017, between The Town of Durham, a municipal Town located in the County of Strafford and the State of New Hampshire, (hereinafter “Town”)

and Todd I. Selig of Durham, New Hampshire (hereinafter “Selig”).

WHEREAS, Selig and the Town desire to set forth in writing their Contract with respect to Selig’s employment by the Town as its Town Administrator;

NOW, THEREFORE, in consideration of their mutual promises set forth herein, the parties hereby agree as follows:

1. **Employment.** The Town hereby employs Selig as its Town Administrator, and Selig hereby accepts such employment, upon the terms and conditions set forth in this Agreement.
2. **Duties and Authority.**
 - A. Selig will hold the position of Town Administrator.
 - B. As Town Administrator, Selig will have the powers granted to that position by the Charter and Administrative Code of the Town and pertinent State statutes including RSA 49-D:2(c) and RSA 37, subject to the control of the Town Council to the extent permitted by the Charter and statute. He shall have general supervision, direction and control over the business and affairs of the Town and its employees. Selig will be primarily responsible in addition to his Statutory and Charter duties, for carrying out all orders and resolutions of the Town Council and such duties as may from time to time be assigned to Selig by the Town Council.
 - C. Selig agrees to devote his full time, attention and best efforts to the performance of his responsibilities as Town Administrator.
 - D. Selig shall not, during the term of this Agreement, directly or indirectly engage in any business, either as an employee, corporation, principal, corporate officer, or in any other capacity, whether or not compensated, without the prior written consent of the Town.
 - E. Notwithstanding anything to the contrary contained in paragraph 2.D above, Selig may engage in teaching in an adjunct position, writing or consulting during his normal time off provided that he first inform the Town Council of his activities and provided, further, that those activities

do not unreasonably interfere with his duties and responsibilities to the Town.

F. It is recognized that Selig must devote a great deal of time outside the normal office hours on business for the Town, and to that end Selig shall be allowed to establish an appropriate work schedule.

3. **Term of Employment.** The term of employment shall be for a period of nine (9) years (except as it may be modified as explained herein) commencing on January 01, 2017 and ending December 31, 2025.
4. **Compensation.** Selig shall receive compensation during the term of this Agreement as follows: A base annual salary of \$137,500 for 2017 which shall increase by 2% annually thereafter during the contract term, effective each January 1st. Notwithstanding the above, as of 1/1/18, 1/1/20, 1/1/22, and 1/1/24, Selig's base annual salary shall be reset at the greater of 2% above his prior year's base annual salary or the average of the actual base annual salaries of the full time town/city managers within the following NH communities as of January 1st of said year: Bedford, Concord, Derry, Dover, Hanover, Keene, Merrimack, Portsmouth, and Rochester.
5. **Medical and Group Insurance.** The Town agrees to provide Selig with all of the benefits offered to non union employees in the Town's Personnel Plan including participation in the Town group medical, hospital and dental plan(s) of the Town, as well as all other insurance plans which the Town offers to its employees on the same terms and conditions as that of the Town's other non-unionized employees. Notwithstanding the above, Selig shall pay twenty percent (20%) of the monthly health and dental premiums. The Town shall pay eighty percent (80%) of the appropriate monthly premiums.
6. **Vacation.** Selig shall be entitled to thirty (30) days of paid vacation during each year of employment; the time for the vacation shall be mutually agreed upon by Selig and the Town Council. If vacation is not taken Selig shall be reimbursed at his base salary rate for time not taken in excess of 240 hours of accrual by December 31st of the succeeding year.

In addition to the vacation listed in the first paragraph, in recognition of Selig's completion of 21 years of service with the Town of Durham in 2022, and every six years thereafter, Selig shall be afforded a six (6) week paid sabbatical for personal and professional rejuvenation. The sabbatical shall not be used to fulfill the notice requirement outlined in Section 14.C of this contract.

7. **Automobile.**

A. The Town shall provide to Selig, during the term of his employment, the use of a Town automobile of Selig's choice, for business use, to be selected from the Town's inventory. The Town shall pay all automobile operating expenses incurred by Selig in the performance of Selig's business duties. In the event that Selig utilizes his personal automobile for Town business, he shall be reimbursed for the mileage at the then prevailing Internal Revenue Service reimbursement rate.

B. The Town shall provide to Selig, during the term of his employment, an annual stipend in the amount of \$7,500.00 in lieu of unlimited personal use of a Town vehicle.

8. **Dues and Subscriptions.** The Town shall budget and pay the dues, expenses and subscriptions of Selig for his continuation and participation in local, city, county, state, national, and international associations that he deems prudent and fiscally responsible for his continued effective management of the Town.

9. **Professional Development.** The Town shall budget and pay for the registration, travel and subsistence expenses of Selig to attend the annual conferences of the New Hampshire Municipal Association and the International City/County Management Association, and such other conferences, short courses, and seminars that Selig deems prudent and fiscally responsible for his professional development and for the continued, effective management of the Town. The Town recognizes that Selig is a Board member of the New Hampshire Center for Public Policy Studies, and the Town encourages such activities and other similar activities as part of Selig's professional development.

In addition, during the term of this contract the Town shall support Selig's attendance with pay at three specialized advanced training courses such as those offered at the Harvard Kennedy School of Government or equivalent experiences that Selig deems prudent and fiscally responsible for his professional development and for the continued, effective management of the Town.

10. **Expense Reimbursement.** Selig shall be entitled to reimbursement for all reasonable expenses, including travel and entertainment, incurred by him in the performance of his duties. Selig shall maintain records and written receipts and shall submit vouchers for expenses for which reimbursement is made.

11. **General Expenses.** The Town recognizes that certain expenses of a personal nature are or may be incurred by Selig in the performance of his business duties, and the Town agrees that it shall reimburse Selig for all such reasonable expenses upon receipt of expense vouchers, receipts, statements or personal affidavits detailing the expenses related to the performance of Selig's business duties.

Selig shall be responsible for obtaining a mobile data telephone device that meets the specifications of the Town's IT infrastructure such that he is reasonably accessible to the Town during times of emergency. Upon the execution of this Agreement, Selig's Town-issued iPhone shall become the personal property of Selig, and Selig shall bear the cost of the device (as well as future devices) and the associated telephone/data plan thereafter.

12. **Permanent Disability.** In the event Selig becomes permanently disabled (herein defined as a disability which substantially impairs or limits Selig from performing the essential duties of his position) as determined by a licensed physician mutually agreed upon by the Town and Selig, or if Selig is otherwise unable to perform his duties because of sickness, accident or injury for a period of six (6) months, the Town may terminate this Agreement subject to the provisions of paragraph 14D.

13. **Death.** In the event that Selig dies during the term of this Agreement, this Agreement shall immediately terminate.

14. **Termination.**

A. **By the Town with Cause.** This Agreement may be terminated by the Town for cause, in accord with the provisions of Section 4.3 of the Town Charter, if Selig willfully breaches or habitually neglects the duties to be performed under Paragraph 2 of this Agreement; engages in dishonest conduct; or for the conviction of any crime for which the punishment involves incarceration.

B. In the event Selig's employment is terminated pursuant to subparagraph A, Selig shall be entitled to his base salary compensation earned prior to the date of termination (minus all appropriate federal, state and authorized withholdings), as provided for in Paragraph 4 of this Agreement, computed pro rata up to and including the date of termination, as well as any other benefits to which he may be entitled as a matter of law.

C. **By Selig.** This Agreement may be terminated by Selig, without cause, by giving eight (8) months' notice to the Town.

- D. **By the Town without Cause.** In the event that this Agreement is terminated by the Town for reasons other than those outlined in subparagraph A above, the Town shall be responsible for the payment to Selig of one (1) full year's base salary (minus all appropriate federal, state and authorized withholdings) plus all benefits (or their monetary equivalent) accrued during that one (1) year period regardless of the length of the remaining term of this Agreement.
15. **Renewal.** The parties contemplate that they will want to renegotiate, extend or modify the length of this Agreement for so long as the relationship is mutually satisfactory. Notwithstanding anything contained herein, the parties may mutually agree to modify any or all provisions of this Agreement at any time for so long as those modifications are in writing and signed by the authorized parties.
16. **Renewal Negotiations.** If either the Town or Selig wishes to renew this Agreement at the conclusion of its original nine (9) year term, that party shall notify the other of such intent no later than December 31, 2024. In the event that the parties have not successfully concluded their negotiations by March 1, 2025, subsection 14C shall not apply and Selig shall be free to seek and obtain employment elsewhere at any time, even during the remaining term of this Agreement.
17. **Performance Evaluation.**
- A. Commencing in April of 2017, and each succeeding April thereafter, the Town Council and Selig shall mutually establish goals and objectives which they deem necessary and appropriate for the proper management of the Town during the succeeding twelve (12) months. Such goals and objectives shall be committed to writing and formally adopted by the Town Council. The funds necessary for the attainment of those goals and objectives shall be included in the annual budget for the same time period.
- B. Commencing in January 2018, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council.
18. **Indemnification.** The Town agrees to include Selig under its general insurance coverage and further agrees that it shall indemnify and hold Selig harmless for any liability related to, or arising out of, his position as Town Administrator in accord with the provisions of New Hampshire R.S.A. 31:105.

19. **Residency.** In accord with the provisions of the Town Charter, Selig agrees to live within the corporate limits of the Town for so long as he serves as its Town Administrator.
20. **Supplemental Retirement Plan.** In addition to the base annual salary paid by the Town to Selig, the Town shall pay \$18,000 annually on Selig's behalf into a Section 457 deferred compensation plan. This payment shall be increased by \$500 annually beginning in 2022 so long as the additional contribution is permissible pursuant to Section 457 deferred compensation regulations.
21. **Notices.** Any notice provided for in this Agreement shall be given in writing. Notices shall be effective from the date of service, if served personally on the party to whom notice is to be given, or on the second day after mailing, if mailed by first class mail, postage prepaid. Notices shall be properly addressed to the parties at their respective addresses or to such other address as either party may later specify by notice to the other.
22. **Entire Agreement.** This Agreement contains the entire agreement and supersedes all prior agreements and understandings, oral or written, with respect to the subject matter hereof. This Agreement may be changed only by an agreement in writing signed by the party against whom any waiver, change, amendment or modification is sought.
23. **Waiver.** The waiver by the Town of a breach of any of the provisions of this Agreement by Selig shall not be construed as a waiver of any subsequent breach by Selig.
24. **Governing Law; Venue.** This Agreement shall be construed and enforced in accordance with the laws of the State of New Hampshire. The Strafford County Superior Court shall be proper venue for any litigation arising out of this Agreement.
25. **Paragraph Headings.** Paragraph headings are for convenience only and are not intended to expand or restrict the scope or substance of the provisions of this Agreement.
26. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement shall remain in full force and shall in no way be impaired.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the _3rd_ day of April, 2017.

THE TOWN OF DURHAM:

By: Katherine Marple
Katherine Marple, Chairman
Duly Authorized

TOWN ADMINISTRATOR:

Todd I. Selig

ANNUAL EVALUATION OF TODD SELIG 2021

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

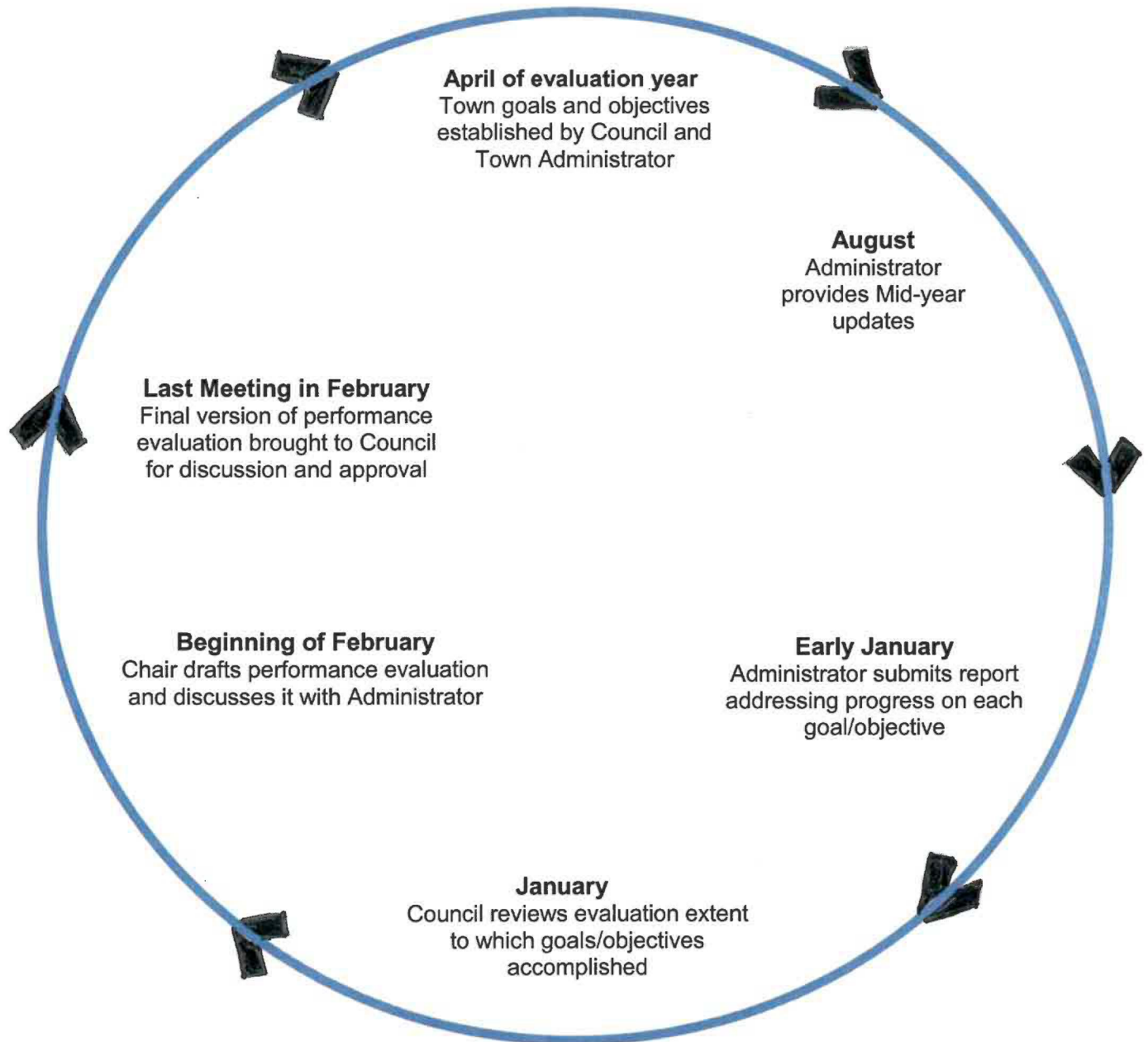
	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)						
• External entities such as UNH, town businesses, etc.						
• Town department heads and staff						
• Town committees and boards						
• Serves citizens effectively and efficiently						
Financial oversight:						
• Financial performance of the Town						
• Fiscal responsibility						
• Budget (process, preparation, dissemination)						
• Budget (creation of budget within Council guidelines)						
• Accomplishment of meaningful modifications in the economic relationship with UNH						
Leadership:						
• Provides clear guidance to the Council on all issues						
• Provides effective management of town staff and departments						
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation						
• Competency in human resource area with new hires during his administration						
• Provides leadership and support to town committees and boards as necessary.						
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council						
• Is timely in follow up reports to Council initiatives						
• Accomplishment of Council's goals and objectives						
• Ability to be a visionary for future community planning						
Other:						
• Appropriately challenges the status quo						
• Willingness to challenge and support his convictions						
• Appropriate allocation of time and energies, including delegating non-essential tasks						

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Kitty Marple not later than MONDAY, JANUARY 24, 2022.**



Town of Durham

Town Administrator Performance Evaluation Process



Town of Durham
Year End Wrap Up for 2021

Todd Selig, Administrator

12/31/21

Reflecting on this past year under continuing pandemic conditions, I am very proud of the resiliency of our many departments, boards, committees, and commissions – and of our community -- and all that we were collectively able to accomplish. Town staff, elected, and appointed officials continue to work diligently to address community needs, control costs, and maintain the municipality's fiscal position despite competing pressures. From preserving the quality of life within our traditional residential neighborhoods, to closing out the Eversource Seacoast Reliability Project, to moving Durham toward being more sustainable in the face of Climate Change, to grappling with human rights and societal issues, to fine tuning and remaining in conformance with changing rules concerning the method of public meeting access via physically distant Zoom technology, to managing development pressures/processes, to reevaluating and responding to the changing recycling market, to securing a \$13,500 LCHIP grant to plan for preserving the Chesley-Bickford farmhouse at Wagon Hill Farm, many dedicated people have collectively worked hard on behalf of the community in 2021. Ever-present, pandemic conditions slow processes, add constantly changing health/safety protocols, sideline staff/volunteers (due to quarantines/illness), and make everything just that much more difficult.

Our weekly "Friday Updates" continue to keep the Town Council and members of the community informed of news and happenings in Durham. Nearly 3,400 individuals subscribe to this weekly broadcast. Durham also continues to utilize its Twitter and Facebook presence in order to meet the demands of residents' changing preferences for information distribution. Our goal is to keep residents informed of local affairs so they may become engaged when issues are of interest/importance to them. It's not a professional publication, however, so subscribers are asked to keep their expectations for coverage reasonable as we work to provide updates as time allows amidst many other competing responsibilities.

Moody's Investors Services reported on May 4, 2021, that the credit position for Durham is very high quality. Its Aa2 bond rating is a little stronger than the US cities median of Aa3. Notable credit factors include a robust financial position, a very strong wealth and income profile, and an adequate tax base. It also reflects a small debt burden and a somewhat inflated pension liability. The financial position of the Town is robust and is relatively favorable in comparison to the Aa2 rating assigned. The cash balance as a percent of operating revenues (95.3%) is far above the US median, and stayed the same between 2015 and 2019. Moreover, the fund balance as a percent of operating revenues (31.2%) is consistent with other Moody's-rated cities nationwide. The debt and pension liabilities of Durham are moderate overall. The Town's net direct debt to full value

(1.6%) is slightly higher than the US median. These indices are all indicative of measured success in realizing the Town's fiscal goals.

The Durham Police Department has long been engaged with a professional accreditation process through CALEA (www.calea.org) because it provides us with assurances that our police department is engaged in providing best practices to our citizens due to inspections by an outside independent entity. CALEA accreditation also provides feedback from outside subject-specific professionals about new and innovative practices that may be applicable to the Durham community. With all of the national discussions surrounding police, we recognize locally that the delivery of services to the community must involve transparency and open opportunities for input and feedback. The comprehensive 2021 CALEA accreditation review and report provided a wide array of topical discussions about the department's use of force, police discipline, bias, and community engagement. In 1999 the Durham Police Department was first awarded accredited status. At that time it was one of only 13 departments our size throughout the country to have attained the level of accreditation that the department was awarded. Since our initial accreditation the department has been awarded the distinction of "Meritoriously Accredited." CALEA awarded our department with accreditation status again this year.

Oyster River School District Superintendent of Schools James Morse and I continue to work to remain in regular communication with one another regarding issues of mutual interest/concern. Construction of the new net zero, LEED Certified Middle School has been a top priority and area of focus for 2021, a project for which we have this year modified traffic patterns around the facility along Dennison Avenue, Coe Drive, and Strafford Avenue. I serve on the weekly construction committee for the new facility. Town Councilor Allan Howland also serves as a member of the ORCSD School Board. In these ways we strive to ensure there remains good communication between Durham and the ORCSD relative to issues of mutual interest.

This was a very busy year for Durham Parks & Recreation where the department carefully balanced the goal of offering a regular line-up of events and programs while continuously adapting plans and efforts around the ongoing challenges of the pandemic. Despite the challenges we were faced to navigate, the department had a very successful year both financially and with program registrations. Throughout 2021 Durham Parks & Rec. offered an array of 100+ program opportunities and hosted ten special events for the community. Summer camp enrollment grew to record numbers where staff safely and successfully hosted nine unique weeks of summer camp, including: two weeks of STEM based camps, five weeks of REACH Summer camp (in partnership with ORCSD), and two weeks of adventure-based camps. Five camp field trips also took place. The department's outdoor based after school programs (in partnership with Seven River Paddling) proved to be invaluable as registration quickly filled for each of the offered classes and sessions. Participation in our adult programs remained strong with classes meeting both virtually and in-person throughout the year. Looking ahead, the department

hopes to reestablish the Adult Arts Trips that toured community members around New England in past years. Another 2021 highlight for the department was the partnership that was established with Gunstock Mtn. Resort, where Durham offered a community ski and snowboard program through Gunstock's Outreach Program. Over 133 families took advantage of the program and 110 participated in the lesson option on Wednesdays in January. With Wednesdays being a remote learning day for most of the school year in 2020/21, many ORCSD families enjoyed the mid-week change in schedule to be at the mountain.

Durham again received the top-ranking score in NH by the Human Rights Campaign's Municipal Equity Index relative to addressing LGBTQ concerns – 96 out of 100 points. We sponsored programming celebrating Indigenous Peoples' Day in 2019, 2020, and 2021.

Over the last year, Durham has continued to pursue Long-Term Economic as well as Environmental Sustainability, which are inextricably linked. Without economic sustainability, the Town will not have the financial resources available over the long-term to stabilize the tax rate, pursue desired projects or necessary municipal infrastructure enhancements, preserve open space, etc. Without a healthy natural environment, we will not sustain the Durham in which residents hope and desire to live, work, and play. Both the 2011 and 2017 Master Plan processes indicated residents of the community seek balance.

Projected sea level rise will contribute in the years ahead to the gradual inundation of coastal areas. We're already seeing it -- and are responding locally. A brand new living shoreline (Phase I) at the Town's Wagon Hill Farm was completed in late 2019, so we now have 350 feet of shoreline restored, re-graded, armored with natural hard and soft-scape materials, and planted to restore the salt marsh and tidal buffer that has eroded over time. It's a project that took 4+ years of design and close collaboration between the Town, state/Federal regulators, the NHDES Coastal Program, the Harbor Master, the Strafford Regional Planning Commission, and UNH environmental researchers utilizing around \$500,000 in local and state grant funds. It has now become a regional demonstration project for living shorelines, and an additional \$213,765 was targeted for 2021/2022 utilizing monies negotiated with Eversource, along with matching funds from a highly competitive National Fish & Wildlife Foundation grant, to continue to make shoreline stabilization enhancements at the property (Phases II and III) and beyond within the Great Bay region.

Durham continued working with the Strafford Regional Planning Commission (SRPC) in 2021 utilizing NHDES funding to study the potential impact of sea level rise on fresh water private wells within the community. It's an interesting initiative focusing on an issue that, until now, has literally been out of site and out of mind. And work on the new Climate Adaptation chapter of the Durham Master Plan is also under way, coordinated by the Administrator's Office, utilizing grant monies and in partnership with SRPC and UNH Cooperative Extension.

Over the years, Durham has replaced all of its roadside and decorative street lighting with energy efficient LED fixtures. We've installed, under an umbrella power purchase agreement (or PPA), 120 kW of solar capacity at our police station, the public library, and Churchill Rink. This was followed up with a 640 kW solar array at our gravel pit in Lee, NH. Together, these efforts have allowed Durham to offset 100% of the electric demand of all municipal infrastructure with renewable power with the exception of our wastewater treatment plant – where we purchase 100% green wind power through Constellation Energy. As part of the FY 2021 budget development process, the Town Council approved a recommendation of the Energy Committee to move forward in 2021 with the purchase of the solar arrays at the rink, police station, and library. This year's Energy Committee report outlines numerous significant strides in our local sustainability efforts realized through joining the Global Covenant of Mayors for Climate and Energy initiative, the work of our UNH Sustainability Fellow (in particular the topic of carbon sequestration within Durham's town forests and conservation land holdings) overseen by the Administrator's Office, as well as our joining and becoming a founding member of the Community Power Coalition of New Hampshire to work toward providing wider accessibility of green energy for our community's electric utility customers.

A partial result of Durham's monitoring and active involvement with the Eversource Seacoast Reliability Project, the NH Preservation Alliance recognized the new 115 kilovolt transmission line stretching from Madbury, through Durham and Newington, to Portsmouth, for exceeding state requirements and federally mandated compliance with the National Historic Preservation Act. "The high-quality survey of archaeological and historic resources yielded significant results, and a variety of mitigation measures included the temporary relocation and full rehabilitation of the historic Little Bay Underwater Terminal Cable House in Durham."

We have painstakingly worked over many years to create a municipal water system that is inherently resilient in order to reliably provide approximately 1.2 million gals/day of water to both town and campus. Together, Durham/UNH operate four water sources, one of which utilizes an artificial recharge system pumping raw water from the Lamprey River to our Spruce Hole Aquifer in Lee during times of plentiful flow, increasing our reserves for drought conditions. A new \$20 million Water Treatment Plant on the UNH campus was also completed in 2019/2020, deploying state of the art technology – replacing an aged/outdated facility, for the benefit of UNH and Durham water users alike. The construction cost of the new plant was 100% borne by the University. While the entire region struggled with drought conditions during summer/fall 2020, the Durham/UNH water supply remained sustainably secure for our water users. This is the result of good planning and active collaboration between Durham and UNH.

The Town and UNH, through the joint administrative Water, Wastewater, Stormwater, and Roads Committee, continue to address a multitude of Town/Gown items to include efficient operation of our water combined system as described above, focusing

attention on water quality deficiencies within the Great Bay Estuary (nitrogen) as identified by the NHDES and the EPA, meeting EPA wastewater and stormwater MS-4 mandates (the Total Nitrogen General Permit was ultimately issued by EPA in December 2020), maintaining a required NHDES backflow prevention program, general water/sewer infrastructure, the Lee water line extension (currently under construction) in coordination with the NHDES to address MBTE contamination at the Lee Traffic Circle, and more. On the front lines of our utility infrastructure both on and off campus, the Town and the University are joined at the hip and work seamlessly together.

On this note, we have developed cooperative and collaborative efforts with UNH to enhance the mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university, including redevelopment of 66 Main Street (which Durham purchased from UNH in 2021), the vision of a West Edge Innovation District (which is idle at the moment due to the pandemic), and more. Town and gown continue to communicate and work toward the redevelopment of 66 Main Street with Elliott Sidewalk Communities out of Maryland.

Through the efforts of Tom Brightman (who seamlessly took the reins in early 2021 from Ellen Snyder), our part-time contract Land Stewardship Coordinator, and the Land Stewardship Subcommittee of the Conservation Commission, we continue to make significant inroads in actively managing the numerous lands and easements under the Town's stewardship. The Council also established the Durham Town Land Stewardship Patron's Trust back in 2018 to enable citizens or organizations to donate money to support our local conservation land management efforts, rather than relying solely on tax dollars for this purpose. These monies, as well as the Conservation Fund under the oversight of the Conservation Commission, have provided an ongoing source of modest funding to move targeted stewardship initiatives forward.

The Durham Town Council voted 7-2 on September 13, 2021, to award a Final Design Contract to Vanasse Hagen Brustlin, Inc. (VHB) for removal of the Mill Pond Dam (Alternative #5). Subsequently, the Town Clerk on October 18, 2021, certified a Referendum Petition to put the approval of the VHB final design contract to a vote of the residents at a special election. As such, the matter will be a question on the upcoming election ballot on March 8, 2022. Following much discussion and review, the Council on November 1, 2021, discussed and adopted the following motion: *The Durham Town Council approved the Final Design Contract for Alternative # 5 - Dam Removal to Vanasse Hangen Brustlin, Inc. for the sum of \$284,226 and authorized the Administrator to sign said contract with the monies coming from Account #07-2185-801-36-000 and #07-1784-800-36-000 if the March 8, 2022 Petition to Reconsider this motion fails.* (APPROVED 9-0)

As part of the 2021 Capital Improvement Plan (CIP) Durham approved a project to replace the Town's public safety core radio communication infrastructure as it has approached and now exceeded its end of life (December 31st, 2020). The 2021 CIP allotted \$1,385,000 (Police - \$665,000 and Fire - \$720,000) in two lines for this project.

This project was initially conceived as a direct replacement for the core infrastructure the Town purchased as part of changing dispatching service to the Strafford County Dispatch Center over a decade ago. As such it would have provided a level of coverage commensurate to what the Town enjoys today. After receiving initial pricing in late 2017 the Town learned of a larger project that the County had to improve their radio resources. This presented an opportunity for all parties to improve overall radio service by integrating tightly with Strafford County on communication services. After a long deliberative process, and with a request for proposals (RFP), the County selected Motorola Solutions to provide them a county-wide Land Mobile Radio (LMR) network. During our review, Durham immediately saw deficiencies in the proposed coverage and requested the County revisit the modeling they were using to calculate in-building radio signal coverage to service Durham police and fire units on the ground. Since the county's larger project needs to provide a basic level among all the clients it services, they determined they would be unable to enhance coverage directly for the Town of Durham. As such, Durham reached out collaboratively with the County, but independently as the Town, to Motorola to find a solution that both dovetailed with the County's infrastructure plans, but also and more importantly still allows the flexibility for Durham agencies to be dispatched on our own hard-won frequencies. We believe the current iteration of Motorola's proposal accomplished this while preserving the reduced pricing they were able to offer as part of the larger Strafford County project. As such, the Town Council awarded the contract upon recommendation of the Administrator on December 20, 2021.

In closing, I would like to note that our Town employees within public works, police, fire, planning, zoning, town clerk/tax collector's Office, IT, DCAT, and more — are outstanding people, working hard with finite resources to meet the needs of a demanding citizenry with high expectations for exceptional service delivery at the local level. Our Town Council is comprised of thoughtful, hard-working, and dedicated individuals with varied backgrounds and perspectives. The Council, along with the benefit of ongoing public feedback and active involvement by dedicated citizens on local boards, committees, and commissions, all contribute to ensuring Durham remains a strong, vibrant, and welcoming community. While this has again been a challenging year in Durham as a result of the pandemic, our town has accomplished a great deal very well under continuingly difficult circumstances.