



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
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, JUNE 20, 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 – April 18, 2022
- VIII. Councilor and Town Administrator Roundtable
- IX. 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. Resolution #2022-11 waiving the Standardized Purchasing Requirement within Section 7 of the Town of Durham Purchasing Policy dated November 19, 2012, designating George Sansoucy of George Sansoucy, PE, LLC as the Sole Source Vendor to provide engineering consulting, revaluation, and updates of all utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027. This contract includes a revaluation of all utilities for tax year 2023, and yearly utility updates for tax years 2024 through 2027 for ad valorem taxation purposes, and authorizing the Administrator to sign a contract with Mr. Sansoucy in an amount of \$17,200 per year for said services as part of the approved FY 2023 Budget and subsequent budgets
 - B. Request for an extension to August 29, 2022 for the Planning Board to provide its recommendations on the proposed Solar Energy Systems Ordinance initiated by the Durham Town Council on May 9, 2022
- XI. Committee Appointments - None**
- XII. Presentation Item**
Groundwater Modeling Study – Kyle Pimental, Strafford Regional Planning Commission
- XIII. Unfinished Business - None**
- XIV. New Business**
Other Business
- XV. Nonpublic Session (if required)**
- XVI. Extended Councilor and Town Administrator Roundtable (if required)**
- XVII. Adjourn (NLT 10:30 PM)**

<p>(*) <i>The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes. Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.</i></p>
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AGENDA ITEM: **# 7**
DATE: June 20, 2022

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR MONDAY,
APRIL 18, 2022

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, April 18, 2022. 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, April 18, 2022 (as presented/as amended).



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AGENDA ITEM:

10A

DATE: June 20, 2022

COUNCIL COMMUNICATION

INITIATED BY: Town Council

AGENDA ITEM: RESOLUTION #2022-11 WAIVING THE STANDARDIZED PURCHASING REQUIREMENT WITHIN SECTION 7 OF THE TOWN OF DURHAM PURCHASING POLICY DATED NOVEMBER 19, 2012, DESIGNATING GEORGE SANSOUCY OF GEORGE SANSOUCY, PE, LLC AS THE SOLE SOURCE VENDOR TO PROVIDE ENGINEERING CONSULTING, REVALUATION AND UPDATES OF ALL UTILITIES IN THE TOWN OF DURHAM FOR A PERIOD OF FIVE (5) YEARS FROM 2023 THRU 2027. THIS CONTRACT INCLUDES A REVALUATION OF ALL UTILITIES FOR TAX YEAR 2023, AND YEARLY UTILITY UPDATES FOR TAX YEARS 2024 THRU 2027 FOR AD VALOREM TAXATION PURPOSES, AND AUTHORIZING THE ADMINISTRATOR TO SIGN A CONTRACT WITH MR. SANSOUCY IN AN AMOUNT OF \$17,200 PER YEAR FOR SAID SERVICES AS PART OF THE APPROVED FY 2023 BUDGET AND SUBSEQUENT BUDGETS?

CC PREPARED BY: Jim Rice, Assessor

PRESENTED BY: Jim Rice, Assessor
Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request the Town Council adopt Resolution #2022-11 waiving the purchasing requirement of Section 7 within the Town's Purchasing Policy dated November 19, 2012, designating George Sansoucy, PE, LLC as the sole source vendor to provide engineering consulting, revaluation and updates of all utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027. This contract includes a revaluation of all utilities for tax year 2023, and yearly utility updates for tax years 2024 thru 2027 for ad valorem taxation purposes, and authorizing the Administrator to sign a contract with Mr. Sansoucy in an amount totaling \$17,200 per year contingent upon appropriation of said funds by the Town Council as part of the FY 2023 budget.

As required by Article 6 of the State of New Hampshire's Constitution, all property assessments shall be updated once every five (5) years. Mr. Sansoucy is

Re: Resolution #2022-11 - Sole Source for George Sansoucy to Conduct Statistical Update For Town of Durham's Utilities

being recommended to appraise the Town's utility properties as he was contracted by the Town of Durham from 2018 to 2022 and this proposed contract is a continuation of his services due to his vast experience in utility assessing. He is also the expert witness for the Town of Durham's utility litigation. Consistency in methodology is important in this regard.

Section 7 of the Town's Purchasing Policy allows that: *"With a two-thirds vote, the Town Council, on recommendation from the Town Administrator, may waive any of the above purchasing requirements in cases where it is deemed inadvisable to solicit bids because of a single source of supply or because of the need of standardization of the materials, supplies, equipment or services or for other stated reasons which the Council deems to be in the interests of the Town. ...Where it is deemed appropriate to standardize on the procurement of materials, supplies, equipment or services, the Town Council shall so indicate by Resolution."*

Attached for the Council's consideration is Resolution #2017-29 waiving the purchasing requirements of Section 7 within the Town's Purchasing Policy dated November 19, 2012, designating George Sansoucy, PE, LLC, as the sole source vendor to provide utility appraisal services for the Town of Durham for 5-years (2023 to 2027), including the 2023 revaluation, and authorizing the Administrator to sign a contract with George Sansoucy, PE, LLC in an amount of \$17,200 per year for said services.

LEGAL AUTHORITY:

ARTICLE 6. [Valuation and Taxation]: The public charges of government, or any part thereof, may be raised by taxation polls, estates and other classes of property, including franchises and property passing by will or inheritance; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order.

Town of Durham Purchasing Policy dated November 19, 2012:

Section 6: "Formal Bidding Requirements for Purchases Exceeding \$15,000

Award of Professional Services:

"For professional services contracts (architecture, engineering, construction management, risk management, financial and auditing and other professional services or consulting work) the procedures outlined in this section are to be observed with the following exceptions:

- Proposals only are to be received from interested firms and evaluated for the anticipated quality of service to be rendered. Following selection of a qualified firm, negotiations for contract price shall commence.*
- If cost is over \$15,000.00, prepare a Council Communication and submit it to the Town Administrator for his/her review and recommendation to the Town Council."*

In addition, any contracts must be awarded and signed by the Administrator or his/her designee.

Section 7: "Exceptions, Waivers, Standardization, and Emergencies"

"The Town Council, on recommendation from the Town Administrator, may waive any of the purchasing requirements in cases where it is deemed inadvisable to solicit bids because of a single source of supply or because of the need of standardization of the materials, supplies, equipment or services or for other stated reasons which the Town Council deems to be in the interest of the Town."

Section 7: "Waivers & Standardization" allows that: *"With a two-thirds (2/3) vote, the Town Council, on recommendation from the Town Administrator, may waive any of the above purchasing requirements in cases where it is deemed inadvisable to solicit bids because of a single source of supply or because of the need of standardization of the materials, supplies, equipment or services or for other stated reasons which the Council deems to be in the interests of the Town. ...Where it is deemed appropriate to standardize on the procurement of materials, supplies, equipment or services, the Town Council shall so indicate by Resolution."*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The estimated cost for assessing the utility properties is \$17,200 per year for a period of five (5) years for a grand total of \$86,000. Per section 2.7 of the proposed agreement, *"The Town has the right to terminate this contract upon written notice"*.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, adopt Resolution #2022-11 waiving the purchasing requirement of Section 7 within the Town's Purchasing Policy dated November 19, 2012, designating George Sansoucy, PE, LLC as the sole source vendor to provide engineering consulting, revaluation and updates of all utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027. This contract includes a revaluation of all utilities for tax year 2023, and yearly utility updates for tax years 2024 thru 2027 for ad valorem taxation purposes, and authorizing the Administrator to sign a contract with Mr. Sansoucy in an amount of \$17,200 each year for the term of the contract as part of the approved 2023 Budget and subsequent budgets. A 2/3 VOTE IS REQUIRED.

RESOLUTION #2022-11 OF DURHAM, NEW HAMPSHIRE

WAIVING THE STANDARDIZED PURCHASING REQUIREMENT WITHIN SECTION 7 OF THE TOWN OF DURHAM PURCHASING POLICY DATED NOVEMBER 19, 2012, DESIGNATING GEORGE SANSOUCY OF GEORGE SANSOUCY, PE, LLC AS THE SOLE SOURCE VENDOR TO PROVIDE ENGINEERING CONSULTING, REVALUATION, AND UPDATES OF ALL UTILITIES IN THE TOWN OF DURHAM FOR A PERIOD OF FIVE (5) YEARS FROM 2023 THRU 2027. THIS CONTRACT INCLUDES A REVALUATION OF ALL UTILITIES FOR TAX YEAR 2023, AND YEARLY UTILITY UPDATES FOR TAX YEARS 2024 THRU 2027 FOR AD VALOREM TAXATION PURPOSES, AND AUTHORIZING THE ADMINISTRATOR TO SIGN A CONTRACT WITH MR. SANSOUCY IN AN AMOUNT OF \$17,200 PER YEAR FOR SAID SERVICES AS PART OF THE APPROVED FY 2023 BUDGET AND SUBSEQUENT BUDGETS

WHEREAS, as required by Article 6 of the State of New Hampshire's Constitution, all property assessments shall be "valued anew" once every five (5) years: and

WHEREAS, The Town of Durham contracted with George Sansoucy, PE, LLC from 2018-2022; and

WHEREAS, this proposed contract is a continuation of the last five-year contract with George Sansoucy, PE, LLC; and

WHEREAS, The Town of Durham has used Mr. Sansoucy in the past to conduct valuation updates of utility properties, settlement negotiations, and/or Board of Tax and Land Appeals, Superior Court and Supreme Court regarding appealed properties with successful results: and

WHEREAS, Mr. Sansoucy was selected due to his vast experience and familiarity with utility properties in Durham, and

WHEREAS, maintaining the same consistent appraisal methodology that has been used for utility properties is extremely important, and

WHEREAS, the Assessor highly recommends this firm based on historical working relationship with the Town of Durham, and

WHEREAS, Section 6 "Formal Bidding Requirements for Purchases Exceeding \$15,000" of the Town Purchasing Policy dated November 19, 2012 relative to the award of professional services states that *"For professional services contracts (architecture, engineering, construction management, risk management, financial and*

auditing and other professional services or consulting work) the procedures outlined in this section are to be observed with the following exceptions:

- Proposals only are to be received from interested firms and evaluated for the anticipated quality of service to be rendered. Following selection of a qualified firm, negotiations for contract price shall commence.*
- If cost is over \$15,000.00, prepare a Council Communication and submit it to the Town Administrator for his/her review and recommendation to the Town Council."*

In addition, any contracts must be awarded and signed by the Administrator or his/her designee. And,

WHEREAS, Section 7 "Exceptions, Waivers, Standardization, and Emergencies" allows that with a "two-thirds (2/3) vote, the Town Council, on recommendation from the Town Administrator, may waive any of the purchasing requirements in cases where it is deemed inadvisable to solicit bids because of a single source of supply or because of the need of standardization of the materials, supplies, equipment or services or for other stated reasons which the Council deems to be in the interests of the Town. And ..."Where it is deemed appropriate to standardize on the procurement of materials, supplies, equipment or services, the Town Council shall so indicate by Resolution."

NOW, THEREFORE BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby, upon recommendation of the Administrator, **ADOPT Resolution #2022-11** waiving the purchasing requirement of Section 7 within the Town's Purchasing Policy dated November 19, 2012, designating George Sansoucy, PE, LLC as the sole source vendor to provide engineering consulting, revaluation and updates of all utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027. This contract includes a revaluation of all utilities for tax year 2023, and yearly utility updates for tax years 2024 thru 2027 for ad valorem taxation purposes, and authorizing the Administrator to sign a contract with Mr. Sansoucy in an amount of \$17,200 each year for the term of the contract as part of the approved 2023 Budget and subsequent budgets. **A 2/3 VOTE IS REQUIRED.**

PASSED AND ADOPTED on this ____ day of __, **2022** by a **two-thirds (2/3) vote** of the Durham Town Council with ____ voting in favor, ____ voting against, and ____ abstaining.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie L. Pitt, Town Clerk-Tax Collector

AGREEMENT

SUBJECT: A Contract to provide utility revaluation services to the Town of Durham, New Hampshire to value, as of April 1, 2023 – April 1, 2027 for *ad valorem* taxation purposes, the utility properties located in the Town of Durham.

CONTRACT SCOPE ATTENTION AND DELINATION: The New Hampshire Legislature has created new laws mandating certain methods of valuation of certain utility property. They also have mandated a defined reporting form for these certain utilities starting April 1, 2020. This contract is for the establishment of the new method of valuation and reporting based on this new law RSA 72:8-d, commonly called House Bill 700 (HB 700). As part of the new law, the legislature allowed for a 5-year phase-in of the impacts of the law on the present utility values both up and down as measured against the 2018 value issued by the Town on its MS-1 form. This phase-in is 20% per year up or down for 5 years. This contract scope intends to establish the value for the certain utilities and computerize the phase-in methodology and formulas and produce the fourth and fifth years, April 1, 2023-April 1, 2024 values, based on a 80% phase-in for April 1, 2023 and 100% phase-in for April 1, 2024. This work scope will create the basis for the final 2 years for valuation methodology under the new law. The scope of work in this contract also separates the RSA 72:8-d utilities from the non-RSA 72:8-d utilities for the Town.

The Town of Durham, hereinafter called the Town, and George E. Sansoucy, P.E., LLC d/b/a Sansoucy Associates, a Certified General Appraiser and Professional Engineer having a principal place of business at 148 Main Street, Lancaster, New Hampshire 03584 in the County of Coos, State of New Hampshire, hereinafter called Sansoucy, hereby mutually agree as follows:

GENERAL PROVISIONS

1. IDENTIFICATION

1.1 Client: Town of Durham

1.1.1 Name: Board of Selectmen
Town of Durham
8 Newmarket Road
Durham, NH 03824

1.1.2 Contracting Official: Durham Board of Selectmen

1.1.2 Authorized Contact: Mr. Jim Rice, Assessor
Tel: 603-868-8064
Email: jrice@ci.durham.nh.us

1.2 Consultant: Sansoucy Associates

1.2.1 Name: Sansoucy Associates

Address: 148 Main Street, Lancaster, NH 03584
Tel: (603) 788-4000
E-mail: gsansoucy@sansoucy.com

Remittance address: 86 Reed Road, Lancaster, NH 03584

2. GENERAL SERVICES TO BE PERFORMED BY SANSOUCY

2.1 Scope of Work:

The scope of this work is for the revaluation of all taxable utility property in the Town of Durham not currently subject to any settlement agreements or PILOTs. Values will be provided for the 2023 revaluation by September 1st, or thereafter as soon as the revaluation land schedules are completed. Updated values will be provided for 2024 - 2027 by September 1st of each year or thereafter as soon as the revaluation land schedules are completed.

The valuations for the utility properties shown in pink in the table below will be developed based on RSA 72:8-d legally required methodology for valuation of the distribution utilities through 2024.

Those utilities which are not governed by RSA 72:8-d and are FERC regulated, such as high voltage transmission lines and utilities as shown in blue below, will be valued based on fair market value criteria and mass appraisal principles. These revaluations will be based on cost new less depreciation with consideration for market sales and income, where applicable, if any, in accordance with USPAP. The high voltage transmission public utility property to be valued will include utility land, easements, and land rights based on the most recent Town-wide mass appraisal land value schedules provided by the Town to us. The utilities to be included are:

RSA 72:8-d UTILITIES
Eversource Energy – Distribution Property – 100%
New Hampshire Electric Coop. – 100%
Unitil Energy Systems – Northern Utilities, Inc.
Use of Public Rights-of-Way (On Street)
NON-HB 700 UTILITIES AND TELECOMMUNICATIONS
Consolidated Communications, Inc.
Comcast Cable
American Telephone & Telegraph (AT&T)
Verizon Wireless (Wireless Communications)
Independent Wireless d/b/a Sprint (Wireless Communications)
Sprint/Sprint Spectrum (Wireless Communications)
T-Mobile (Wireless Communications)
AT&T (Wireless Communications)
Electric Transmission Easements/Rights-of-Way (Off Street)
Use of Public Rights-of-Way (On Street)

The first step of this scope and valuation will include continued modeling, developing the 2018 base year glide path for 2023-2024, under the law, and any reductions over the mandated five-year glide path period. This will also include construction work in progress (CWIP), and the separation and valuation of contributions in aid of construction (CIAC). This scope also will seek to sort out and make certain that undistributed plant constructed by the utilities but not yet distributed to their books, and CWIP, is sought after, added to, and valued for each of the utilities.

The next step of the scope is intended to address the non-House Bill 700 properties (in blue in the table) and the non-regulated utilities and telecommunication properties.

Fee land, buildings, office buildings, warehouses, service centers, etc. are specifically excluded from House Bill 700 in the law and are to be valued separately, either as part of the utility property herein or utilizing the CAMA system. We will guide that breakup as part of the modeling and value the buildings in their appropriate categories of property, either House Bill 700, non-House Bill 700, or non-utility buildings using the CAMA system.

Sansoucy will provide a USPAP compliant summary revaluation report with all of the values provided and equalized at 100% for tax year 2023. Updated values will be provided for 2024 through 2027 by September 1st of each year or thereafter as soon as the revaluation land schedules are completed. We will also provide a sample write-up of the MS-1 with the correct values inserted into the correct categories, equalized, so that the Town may copy them over into the MS-1 as is.

Sansoucy will defend its appraisals at the local level. Should a taxpayer file an abatement, Sansoucy will defend the values from the beginning of the valuation process through the local abatement process as part of this contract, which will end on June 30 of the following year of the year of valuation. Should a defense be required beyond the local abatement process or should any settlement work be required, additional charges on a time and material basis in accordance with the attached rate sheet will apply.

2.1.1 Scope of the Work Products

Sansoucy will provide a revaluation letter for House Bill 700 properties as described above, and a revaluation report for the non-House Bill 700 properties. Sansoucy will include, as part of the revaluation report, the fair market value utilities (transmission utilities) for the year of revaluation (2023). A copy of this report will be mailed directly to the New Hampshire Department of Revenue Administration (DRA) in accordance with their rules. Updated values will be provided for 2024-2027 by September 1st of each year or thereafter as soon as the revaluation land schedules are completed.

2.1.2 Services to be Provided by the Town:

Sansoucy will provide the Town with a detailed request for information and site tours to be sent by the Town to the utilities. The Town will provide access to Town records, tax maps, and information provided by the utilities, and will request that the utilities provide information directly to Sansoucy.

The Town will provide for this Town-wide revaluation, where applicable, the following information to the best of its ability:

- Each company's 2022-2026 tax cards, including cell tower host sites, and tax bills, if any;
- Any company's 2023-2027 Inventory of Taxable Property Form PA-28;
- The 2022-2026 MS-1;
- For the companies that are required to report, the companies' PA 80, 81 and 81E, and accompanying PA 84s;
- Copy of, or authorized access to, the most recent tax maps;
- Any recent building permits;
- Any current settlement agreements;
- Any PILOTs for the companies (if applicable);
- Any leases for cell towers or cellular carriers (if applicable);
- Any cell tower current use / land use change tax forms (if applicable);
- Any municipal GIS mapping indicating utility location and data;
- Pole license / franchise agreements (cable/telephone/fiber optic/attachers); and
- Most recent land valuation schedules.

2.2 Completion of Work:

All values will be provided to the Town by September 1 of each year. The final appraisal report for the 2023 revaluation will follow no later than 30 days after the Town files its MS-1, per DRA requirements.

Sansoucy will not be responsible for consequential or compensatory damages arising from the late performance or non-performance of the agreement caused by circumstances which are either outside Sansoucy's scope of services, beyond Sansoucy's control, or as a result of non-performance of any other party, person, or entity affecting this contract.

2.3 Personnel:

All work will be overseen and reviewed by a DRA-certified Assessor or Assessor Supervisor.

All personnel and necessary field assistants employed by Sansoucy will be competent to perform the work they are called upon to do in a good and workmanlike manner and in accordance with all applicable laws and rules in effect at the time of the agreement.

All personnel performing *ad valorem* valuation tasks will be approved by the State of New Hampshire Department of Revenue Administration at an approval level commensurate with their level of appraisal involvement. The Assessor Supervisor is George Sansoucy and the manager of field listings and assessor assistant is Austin Sansoucy.

2.4 Public Relations:

The Town and Sansoucy, during the progress of the work, will use their best efforts and that of their agents and employees to promote full cooperation and amiable relations with the utilities. All publicity and news releases, if any, will be sent out only by the Town, or its authorized representative(s), and not Sansoucy.

2.5 Confidentiality:

Sansoucy agrees to not disclose to anyone except to the Town or its authorized representative(s) or a court of law or tribunal, any information discovered for any purpose, or to permit anyone to use or peruse any of the data on file in connection with the report, unless specifically authorized by the Town or under the New Hampshire freedom of information statutes.

2.6 Compensation and Terms:

The Town of Durham, in consideration of the services hereunder to be performed by Sansoucy, agrees to pay Sansoucy a fixed fee of \$17,200 per year for the term of the contract (2023 – 2027). Invoices are due and payable net 30.

Should a taxpayer file for an abatement of taxes, Sansoucy will defend its values through the local abatement process as part of this agreement.

Any appeals, settlement work, assistance or testimony at the BTLA or Superior Court hearings or trial preparation, as well as any litigation support in the future related to these valuations, will be charged on a time and material basis per the attached rate sheet.

3. **INSURANCE**

3.1 Sansoucy will maintain general liability insurance with an endorsement for hired and non-owned automobile liability.

3.1.1 The liability insurance will be in the form of commercial general liability with limits of \$2,000,000 per occurrence/person for bodily injury, and \$4,000,000 general aggregate for the life of the policy.

3.1.2 The hired and non-owned automobile liability endorsement will have a limit of \$2,000,000 each accident.

3.2 Sansoucy will provide a certificate of insurance confirming the above insurance coverages. All insurance will be valid in the State of New Hampshire.

4. ASSIGNMENT

This Contract and the duties of Sansoucy hereunder will not be assigned.

5. AMENDMENTS

This Agreement will not be amended, waived, or discharged, unless by mutual written consent of both parties.

Date:_____

In witness thereof, the Town of Durham has caused these presents to be signed by its Town Manager, thereunto lawfully authorized and caused its corporate (if appropriate) seal to be affixed and George E. Sansoucy, P.E., LLC d/b/a Sansoucy Associates has caused the same to be signed by his lawfully authorized representative on the date and year first above written.

In the presence of: Town of Durham, New Hampshire

_____ by: _____
Witness

_____ Board of Selectmen

In the presence of: George E. Sansoucy, P.E., LLC
d/b/a Sansoucy Associates

Emalie Call _____ by: _____
Witness
George E. Sansoucy, P.E.
Certified General Appraiser – #NHCG-774



2022

ENGINEERING AND APPRAISAL RATE SCHEDULE*

Principal engineers, senior appraisers, MBAs,
including court testimony and deposition attendance\$300.00/hour

Research engineers, associates, appraisers\$250.00/hour

Technical personnel\$190.00/hour

Clerical personnel\$135.00/hour

- * All rates are portal to portal from Lancaster, N.H. or Fountain Inn, S.C. Rates include general office expenses, such as: non-specific in-house copies, meals, non-specific mileage, office supplies, non-specific postage, telecommunications charges, and tolls.

Job-specific and identifiable expenses are billed at cost in addition to the rates shown, including but not limited to: transportation (air fare, car rental, taxi fare, specific parking, specific mileage, etc.), lodging, document printing and reproduction at \$0.10 for black and white and \$0.50 for color, research materials such as publications, subscriptions, and database purchases.

Rev. 3/8/2022



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AGENDA ITEM:

10B

DATE: June 20, 2022

COUNCIL COMMUNICATION

INITIATED BY: Michael Behrendt, Durham Town Planner

AGENDA ITEM: REQUEST FOR AN EXTENSION TO AUGUST 29, 2022 FOR THE PLANNING BOARD TO PROVIDE ITS RECOMMENDATIONS ON THE PROPOSED SOLAR ENERGY SYSTEMS ORDINANCE INITIATED BY THE DURHAM TOWN COUNCIL ON MAY 9, 2022

CC PREPARED BY: Michael Behrendt, Durham Town Planner

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

The purpose of this communication is to request an extension from the Town Council for the Planning Board to prepare its recommendations about the proposed Solar Energy Systems Ordinance. The Town Council voted to send the ordinance to the Planning Board on May 9, 2022. In consultation with Planning Board chair Paul Rasmussen, the Planning Board wanted to place this item on the Planning Board's agenda earlier but has had very busy meetings in May and June with some large challenging projects.

The solar ordinance will be brought to the Planning Board at its July 13 meeting. Planner Michael Behrendt is recommending that the board then schedule a public hearing on the proposal on July 27. The proposal is based upon an earlier version developed by the Planning Board from an original draft prepared by the Energy Committee. There are significant updates and revisions in this draft including some complexity that the Planning Board will likely need some time to work through.

The Zoning Ordinance specifies that the Planning Board submit its recommendation back to the Town Council within 60 days of their referral. I would like to request an extension to August 29 or thereabouts. This would give the board three meetings (July 27, August 10, and August 24), if needed, to prepare their comments which I would then convey to the Town Administrator by August 29.

LEGAL AUTHORITY:

175-14. Amendment Procedure.

Amendments to the Zoning Ordinance including the Official Zoning Map may be initiated by the Planning Board, Town Council, or citizens in accordance with the following procedures:

B. *Amendments Initiated by the Town Council.* The Town Council may, upon its own initiative, from time to time, consider changes to the Zoning Ordinance, including its overlay districts and the zoning map. All such Council-initiated changes shall be referred to the Planning Board for its review and study. The referral shall be made in writing by the Town Administrator. The Planning Board shall, after following the public notice and hearing requirements contained in Subsection D below, submit a recommendation regarding the changes to the Town Council members within sixty (60) days of their referral. (the date of the letter from the Town Administrator). The Town Council may grant extensions to this timeframe at its discretion.

LEGAL OPINION:

The Town Attorney confirmed a number of years ago that the Town Council is authorized to provide an extension for this timeframe.

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve a request from the Durham Town Planner for an extension to August 29, 2022 for the Planning Board to provide its recommendations on the proposed Solar Energy Systems ordinance initiated by the Durham Town Council on May 9, 2022.



TOWN OF DURHAM
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AGENDA ITEM: # 12

DATE: June 20, 2022

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: **RECEIVE REPORT ON GROUNDWATER MODELING STUDY –
KYLE PIMENTAL, STRAFFORD REGIONAL PLANNING
COMMISSION**

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Kyle Pimental, Strafford Regional Planning Commission

AGENDA DESCRIPTION:

Kyle Pimental from the Strafford Regional Planning Commission (SRPC) has been invited to attend Monday night's Council meeting to provide information on a planning study in Durham regarding sea level rise impacts on groundwater levels and water quality.

SRPC published the "Sea Level Rise Impacts on Groundwater Levels and Water Quality: A Vulnerability and Planning Study in Durham, New Hampshire" on February 25, 2022.

This plan was developed through the collaborative efforts of numerous project management team meetings and conference calls between the Strafford Regional Planning Commission, JFK Environmental LLC, University of New Hampshire, and New Hampshire Department of Environmental Services (Watershed Assistance Section, Wastewater Engineering Bureau, and the Coastal Program), hereunto referred to as the project management team. Staff from partnering organizations, such as the Climate Adaptation Workgroup (CAW), Piscataqua Region Estuaries Partnership (PREP), and NH Sea Grant were often consulted during the project for their expertise and feedback. In addition, a local steering committee made up of select members of Durham's Leadership Committee, including the Administrator, Public Works Director, Town Planner, Town Engineer, and Code Enforcement Officer were responsible for providing technical input, localized data, and overall guidance throughout the length of the project.

The goals for this project include: improving Durham's understanding of future groundwater rise vulnerabilities; building off and expanding UNH's ongoing research on the impacts of sea level rise on groundwater; and enabling Durham decision-makers to better plan for future conditions so that the Town can continue to improve water quality in the Great Bay Estuary.

Attached for the Council's information is the PowerPoint presentation that Mr. Pimental will be providing at Monday night's meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Kyle Pimental from the SRPC and hold question and answer session if desired.

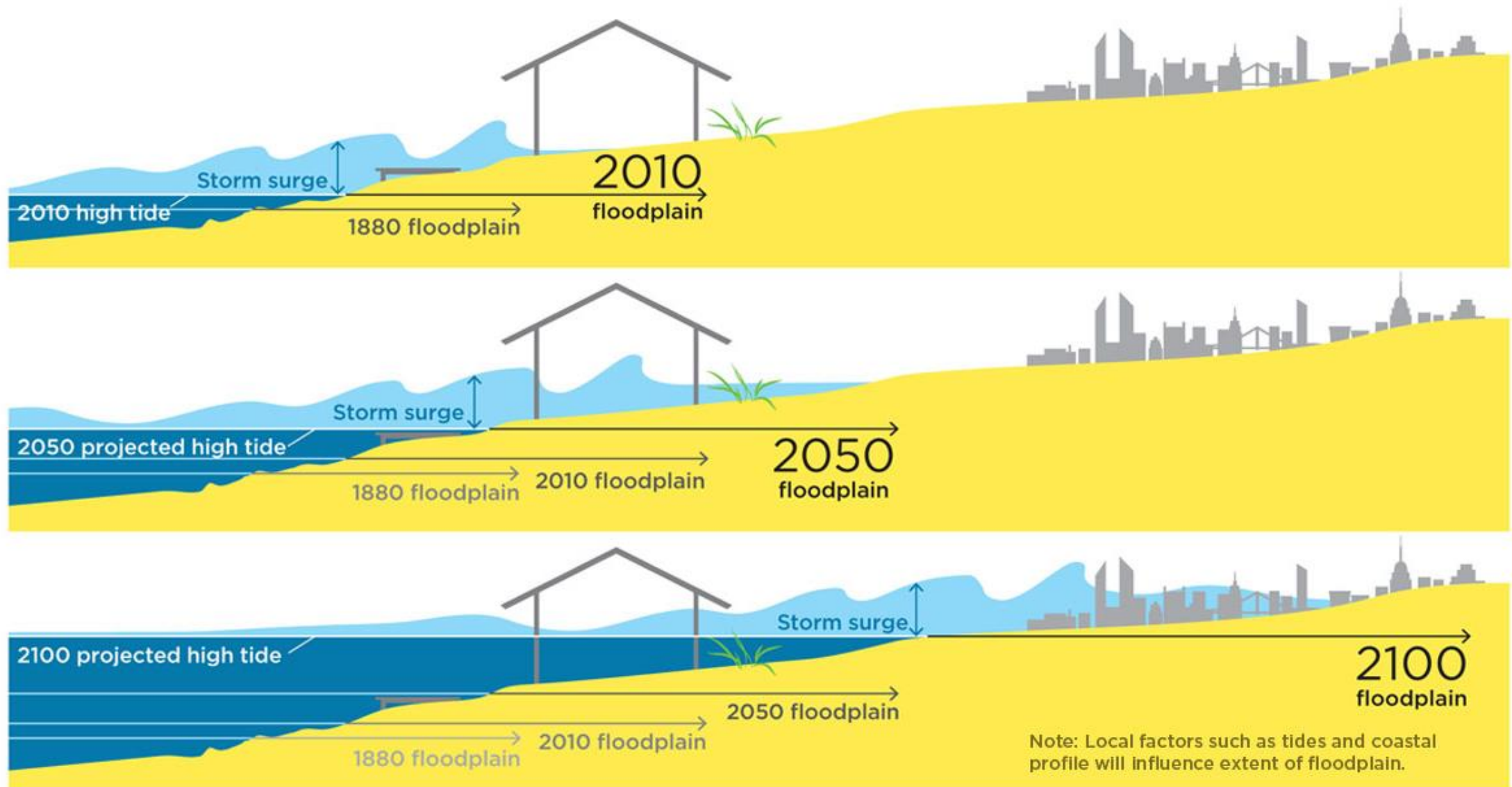
Sea Level Rise Impacts on Groundwater Levels and Water Quality: A Vulnerability and Planning Study in Durham, NH

Durham Town Council – June 20, 2022

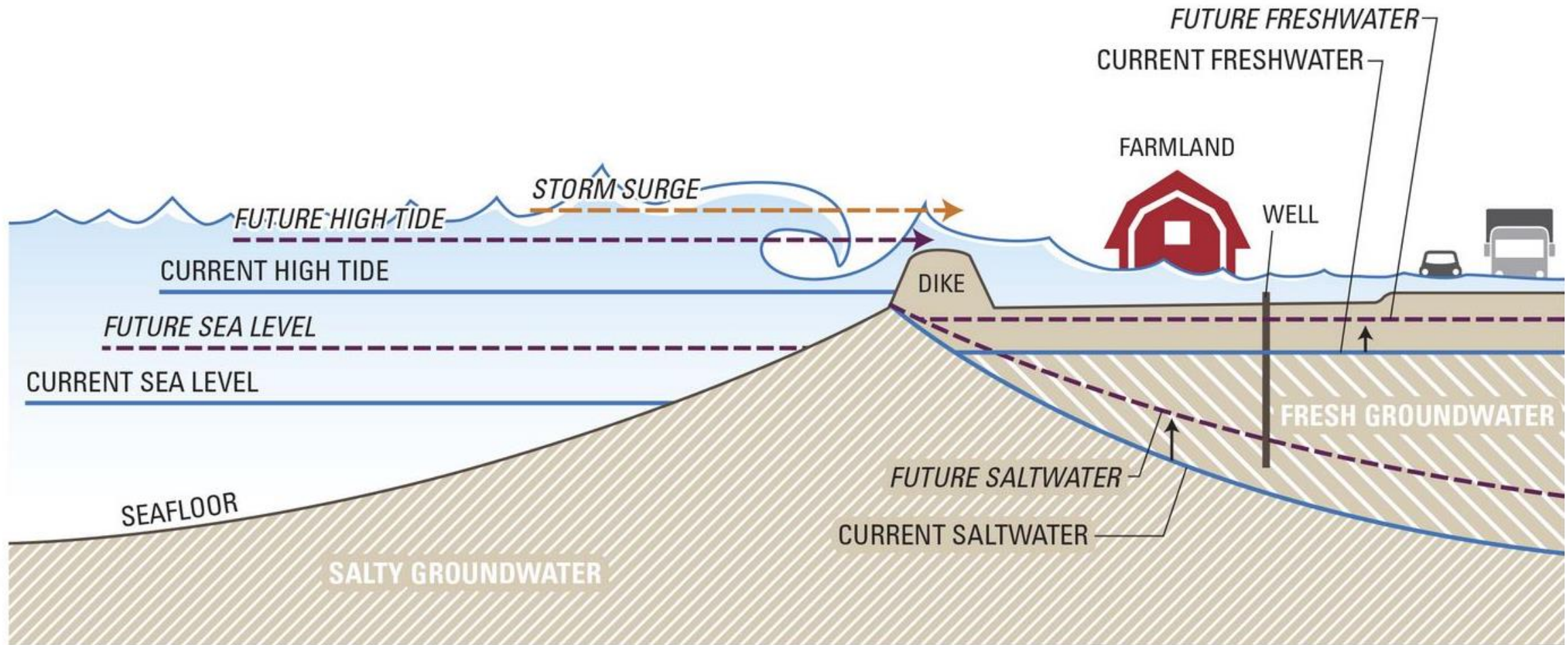
We have all seen the impacts of surface water flooding...



...and those impacts are expected to increase with sea level rise



...what is more uncertain and more complicated is understanding what is happening underground?



NOTE: Sea, tide, and storm surge levels, depth of groundwater, and location of saltwater lens are for illustrative purposes only and do not depict actual or projected levels.

Project Purpose

Conduct a study to determine the susceptibility of:

- 1) Public and private drinking water supplies
- 2) Private septic systems
- 3) Contaminated sites
- 4) Stormwater infrastructure
- 5) Utilities
- 6) Roads, and
- 7) Other critical municipal assets

in low-lying areas to groundwater rise and saltwater intrusion.

Project Goals

- 1) Improve Durham's understanding of future groundwater rise vulnerabilities
- 2) Build off and expand UNH's ongoing research on the impacts of sea-level rise on groundwater
- 3) Enable Durham decision-makers to better plan for future conditions so that the Town can continue to improve water quality in the Great Bay Estuary.

Process

- 1) Clean Water State Revolving Loan (CWSRL) pre-application submitted in June 2018
- 2) CWSRL full application submitted in June 2019
- 3) Loan was approved by Governor and Council in January 2020
- 4) All contracting complete by April 2020

Key Milestones

Kickoff meeting in June 2020

- Establishment of steering committee, presentation on groundwater rise, modeling work, scope of project

Meeting #2 in November 2020

- Update on model construction and future simulations, data collection efforts, and sea level rise recommendations

Meeting #3 in April 2021

- Results of groundwater model and next steps for vulnerability assessment

Draft Groundwater Modeling Technical Report in December 2021

Meeting #4 in February 2022

- Present results of final non-technical vulnerability study

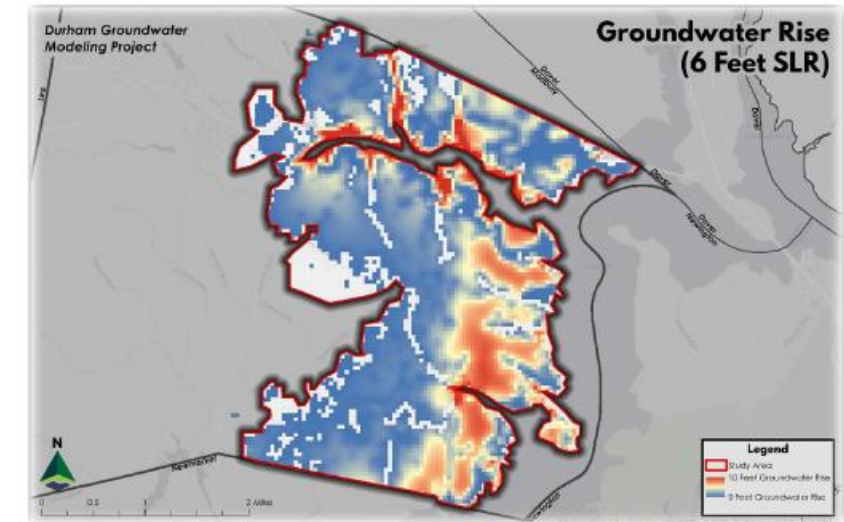
Leadership Team Meeting in April 2022

Vulnerability Assessment

GIS exercise to take shapefiles that were generated as part of the groundwater rise model runs and overlay them with existing infrastructure data

Sea Level Rise Impacts on Groundwater Levels and Water Quality:
A Vulnerability and Planning Study in Durham, New Hampshire

FINAL NON-TECHNICAL REPORT



Developed for the:

Town of Durham

in coordination with

*Strafford Regional Planning Commission, JFK Environmental Services LLC, University of New Hampshire
and the
New Hampshire Department of Environmental Services*

February 2022



Vulnerability Assessment

Broken into six sections

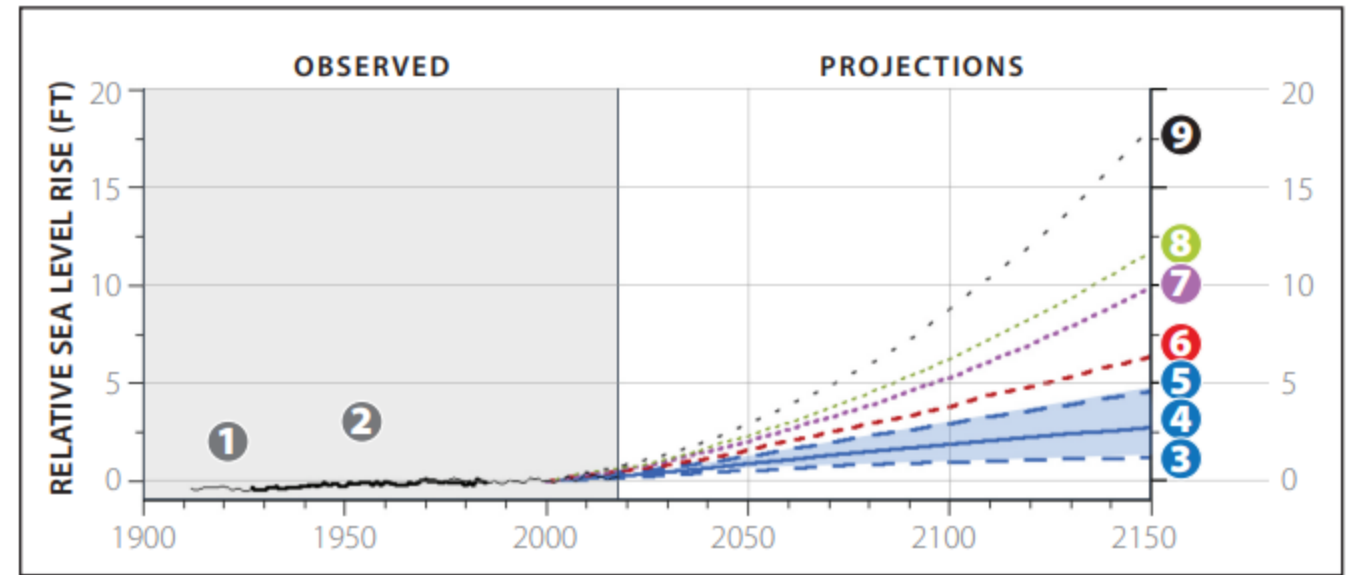
1. Introduction
2. Modeling, Mapping, and Assessment Methods
3. Modeling Results and Mapping Analysis
4. Vulnerability Assessment Results
5. Goals and Recommendations
6. Potential Funding Sources

Section 1: Introduction

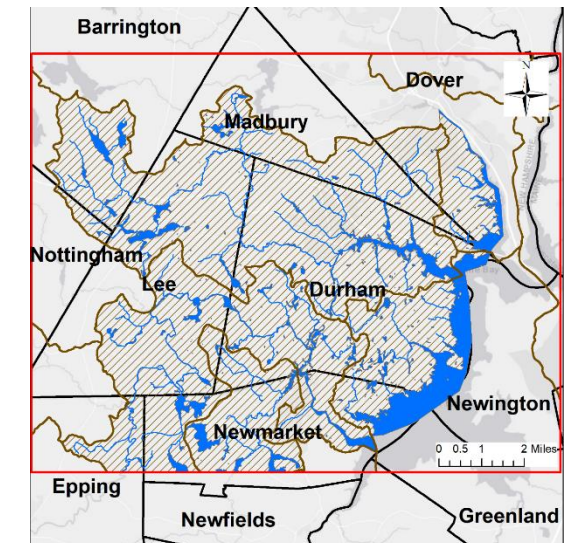
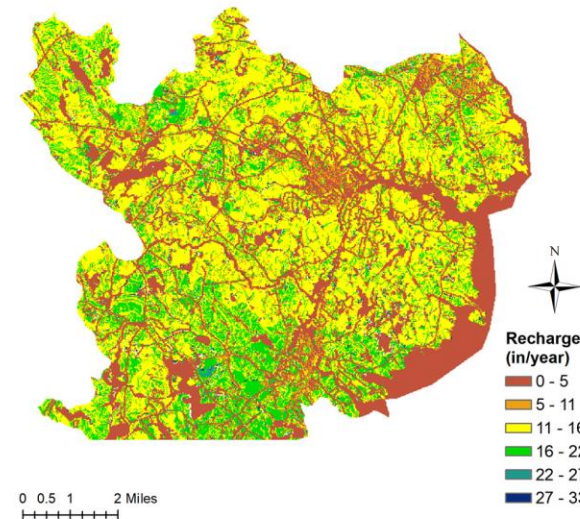
- Provides a brief discussion on historic and future sea level rise and the impacts to groundwater
- Background and purpose
- Goals
- Plan development process

Section 2: Modeling, Mapping, and Assessment Methods

- Decisions on sea level rise scenarios (Nov. 2020)

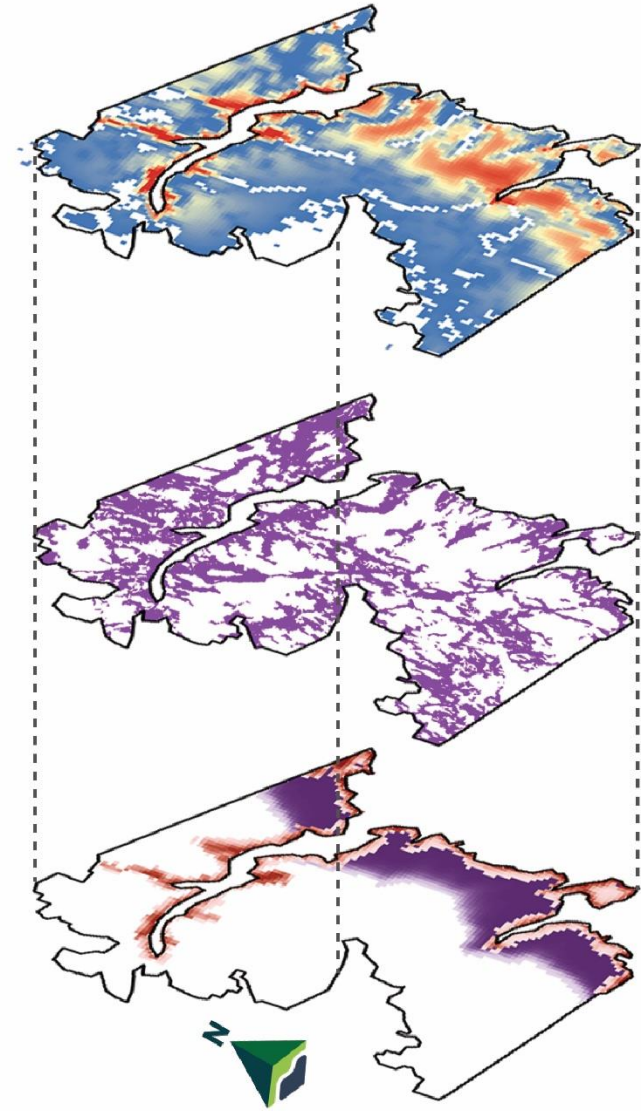


- Brief explanation of the model process



Section 2: Modeling, Mapping, and Assessment Methods

- Described our GIS mapping methodology and how the data was used



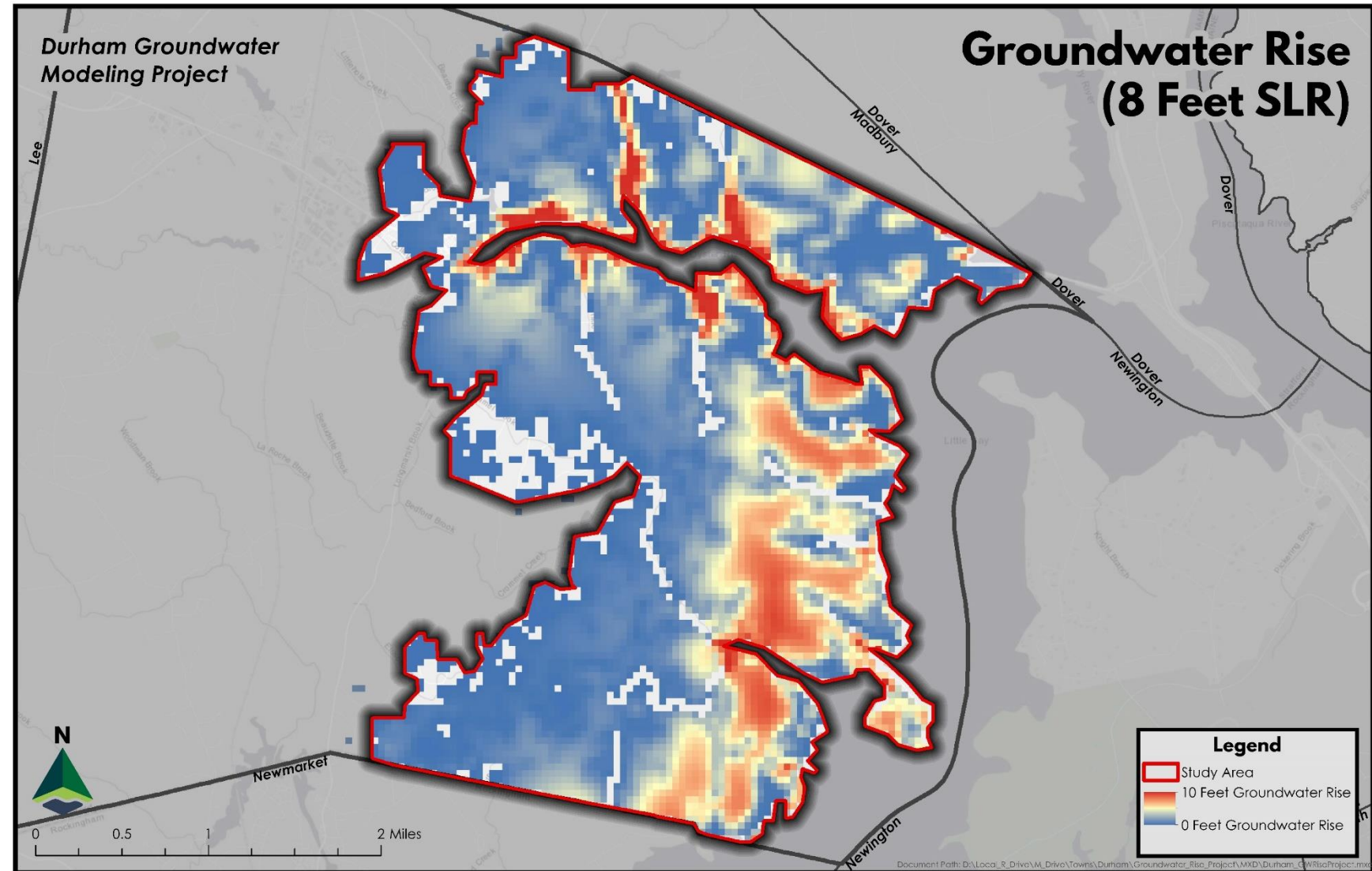
Section 2: Modeling, Mapping, and Assessment Methods

- Described the assets and resources that were evaluated as part of the vulnerability assessment

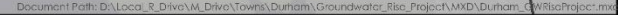
Category	Assets and Resources	Data Source
Stormwater Infrastructure	Best Management Practices (BMPs) Catch Basins Culverts Drainage Manholes Outfalls Stormwater Pipes Swales	NH Statewide Asset Data Exchange System (SADES) Durham Public Works Dept.
Municipal Critical Facilities	Emergency Response Facilities Non-Emergency Response Facilities Facilities and Populations to Protect Potential Resources Water Resources Transportation Assets	Durham Hazard Mitigation Plan
Private Infrastructure	Private Wells Septic Systems	Durham Planning Department NH Department of Environmental Services
Contaminated Sites	Leaking Underground Storage Tanks Underground Injection Control Non-Hazardous, Non-Sanitary Holding Tank	NH Department of Environmental Services
Other Utility Infrastructure	Sewer Pipes Water Pipes	Durham Public Works Dept.

Section 3: Modeling Results and Mapping Analysis

Groundwater rise is expected to range from 1 foot to 8 feet and predicted to occur up to 1.5 miles inland from the coast

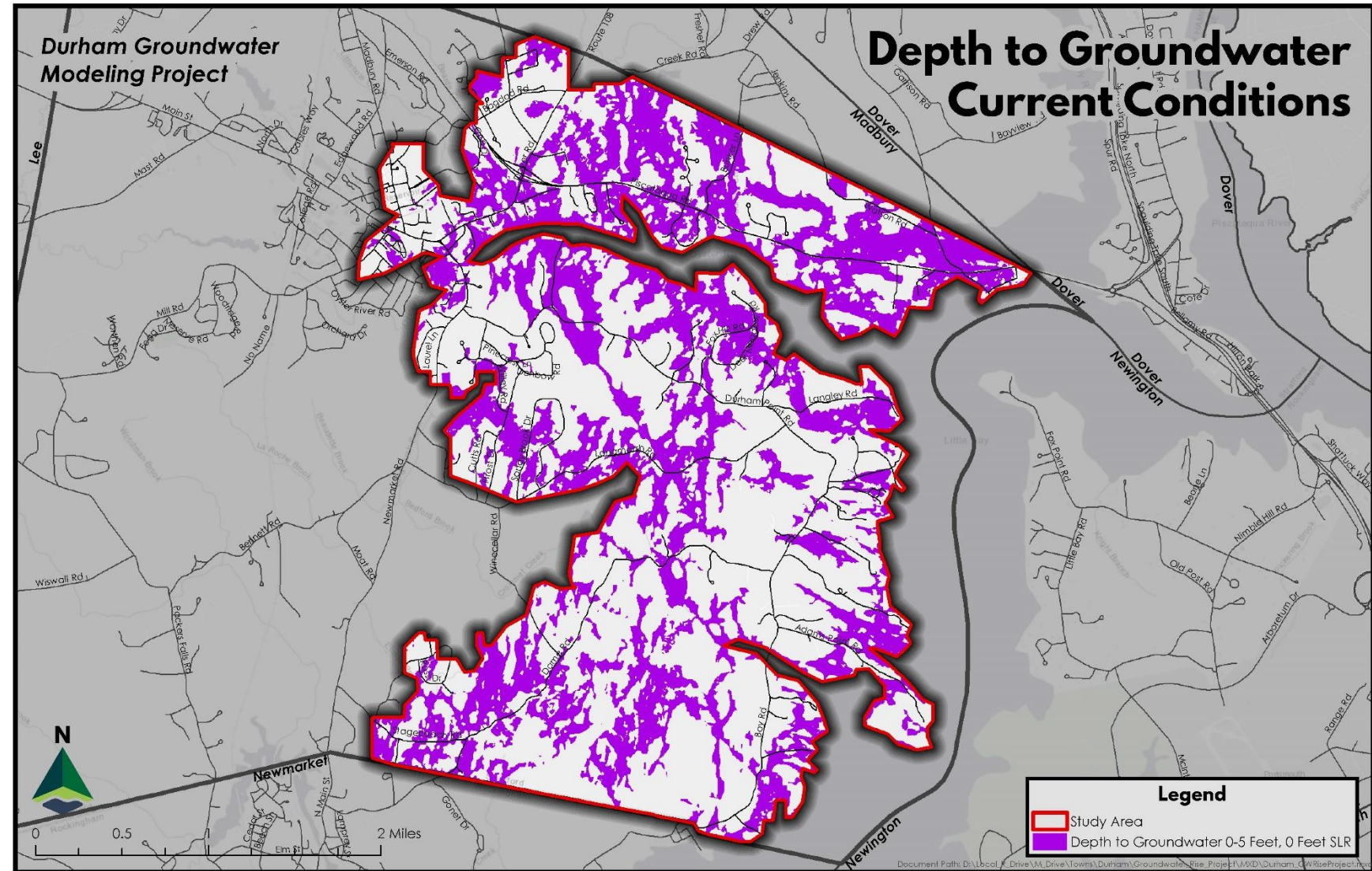


Decided on the
six feet of sea
level rise for the
analysis



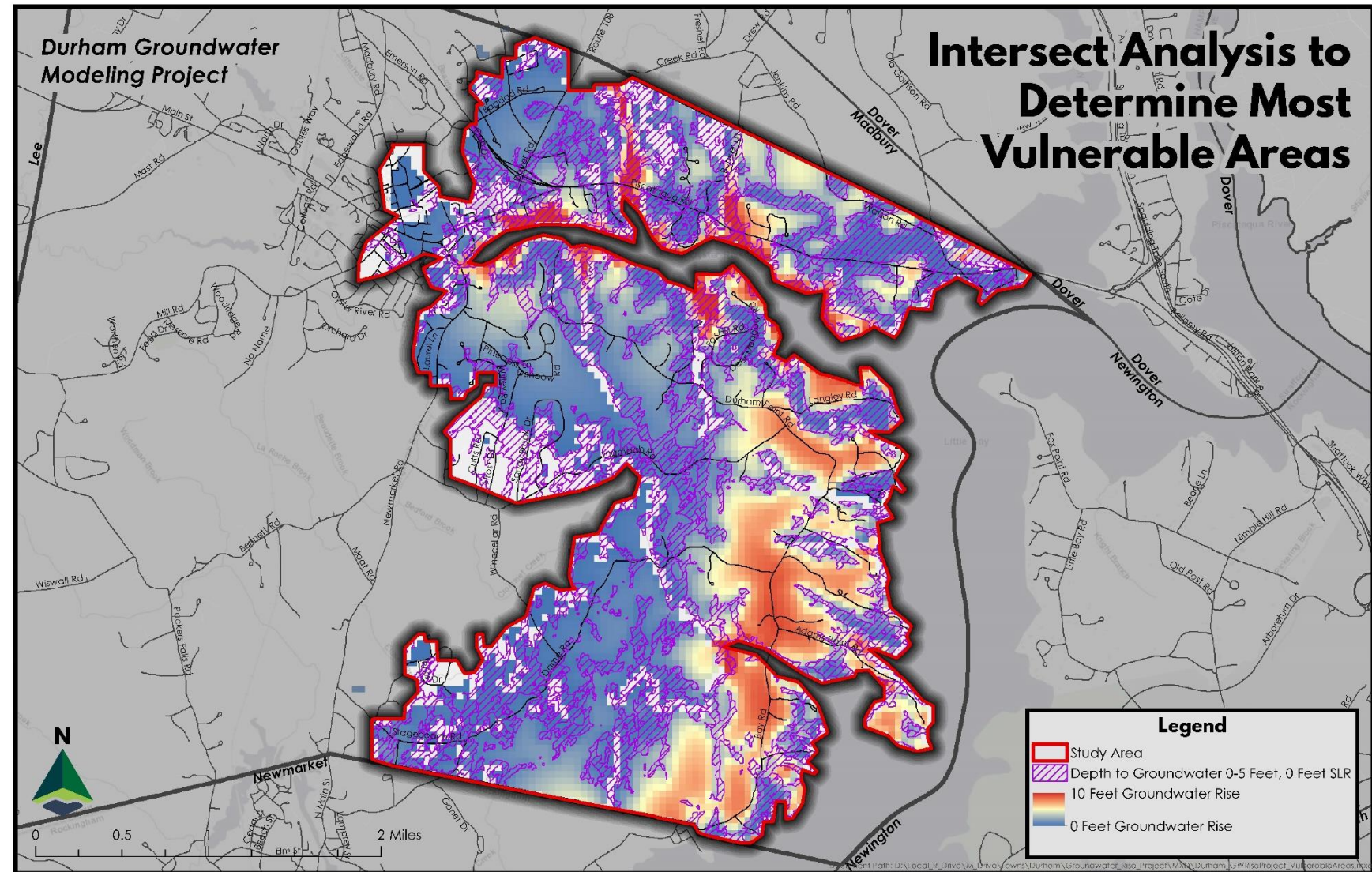
Section 3: Modeling Results and Mapping Analysis

Using the surface elevation data, we mapped areas where groundwater is currently shallow (0 to 5 feet)



Section 3: Modeling Results and Mapping Analysis

Intersect analysis was conducted to determine where groundwater rise and shallow depth to groundwater overlapped

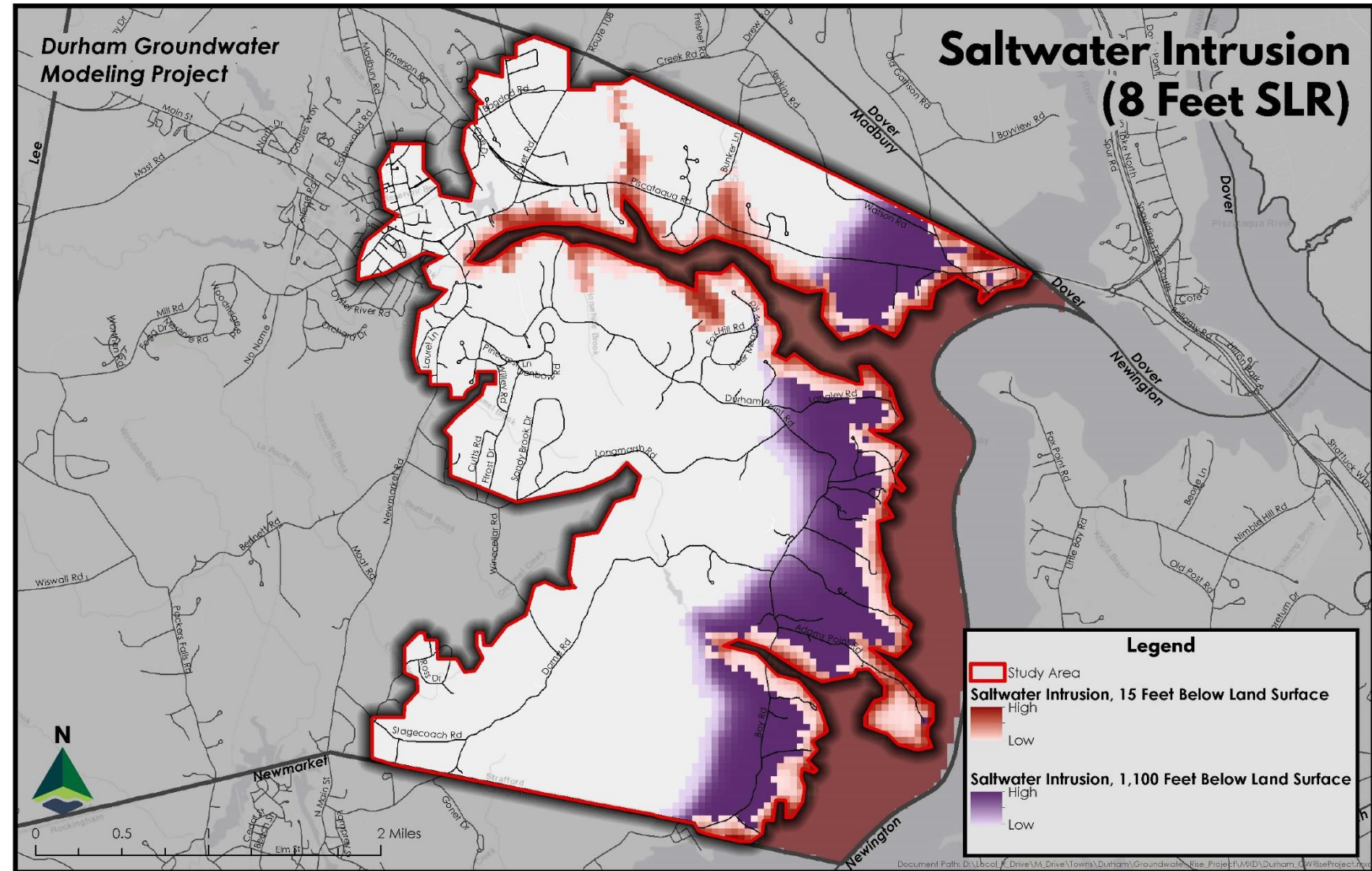


Results show the areas that have the highest potential for damage



Section 3: Modeling Results and Mapping Analysis

Reviewed saltwater intrusion data



Section 4: Vulnerability Assessment Results

Category	Assets and Resources (Point Data)	# of Assets Impacted by Groundwater Rise*
Stormwater Infrastructure	Best Management Practices (BMPs)	1
	Catch Basins	71
	Culverts	92
	Drainage Manholes	2
	Outfalls	14
Municipal Critical Facilities	Emergency Response Facilities	1
	Non-Emergency Response Facilities	1
	Potential Resources	4
	Water Resources	7
Private Infrastructure	Private Wells	110
	Septic Systems	110
Contaminated Sites	Leaking Underground Storage Tanks	2
	Underground Injection Control	1
	Non-Hazardous, Non-Sanitary Holding Tank	1
*Assuming 6 feet of sea level rise w/ depth to groundwater less than 5 feet		

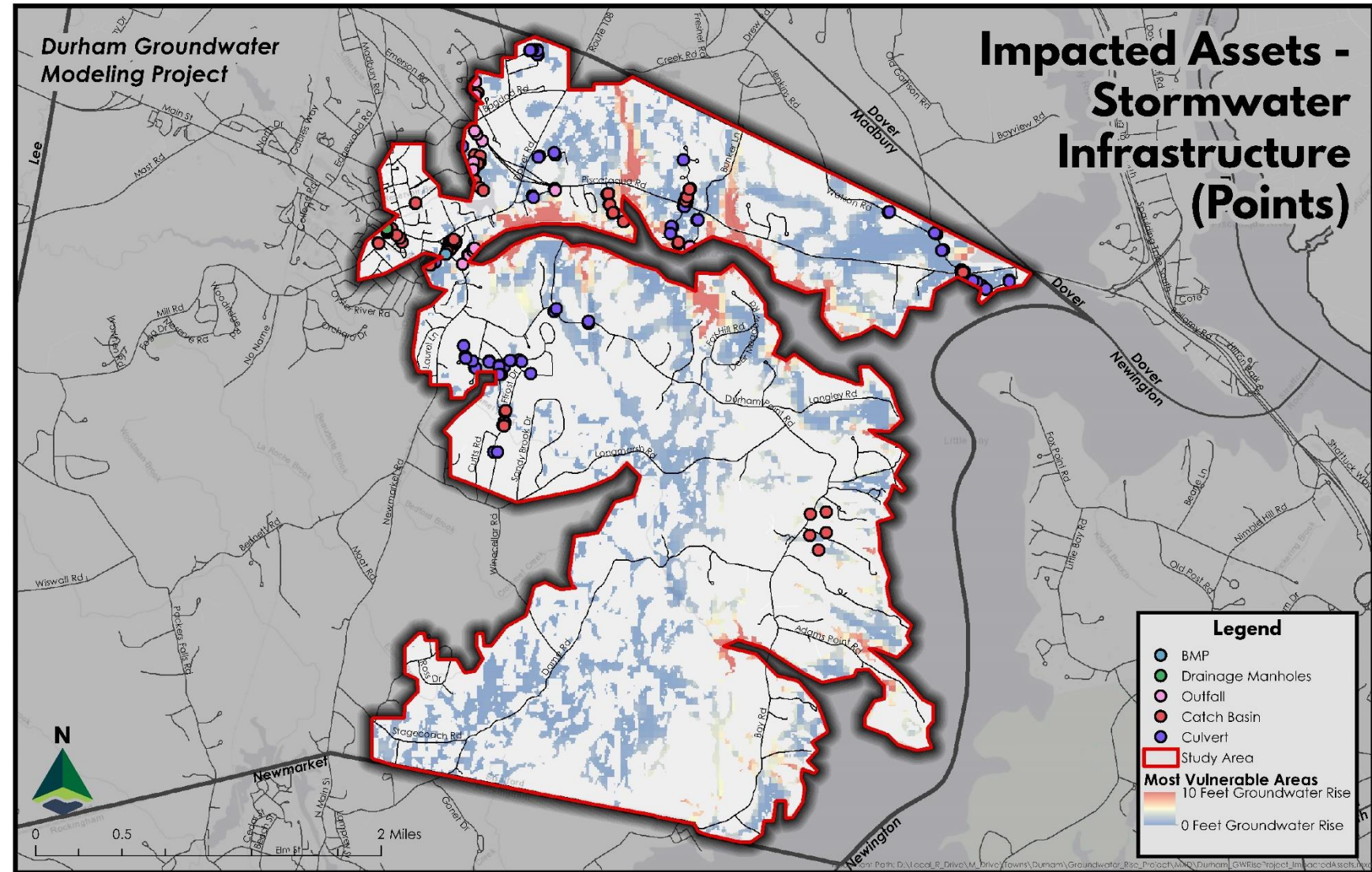
Section 4: Vulnerability Assessment Results

Category	Assets and Resources (<i>Line Data</i>)	Length of Assets Impacted by Groundwater Rise*
Stormwater Infrastructure	Stormwater Pipes	1,030 feet
	Swales	4,637 feet
Municipal Critical Facilities	Roadways	9.8 miles
Other Utility Infrastructure	Sewer Pipes	2.2 miles
	Water Pipes	3.3 miles
*Assuming 6 feet of sea level rise w/ depth to groundwater less than 5 feet		

Section 4: Vulnerability Assessment Results

180 stormwater assets are vulnerable to groundwater rise

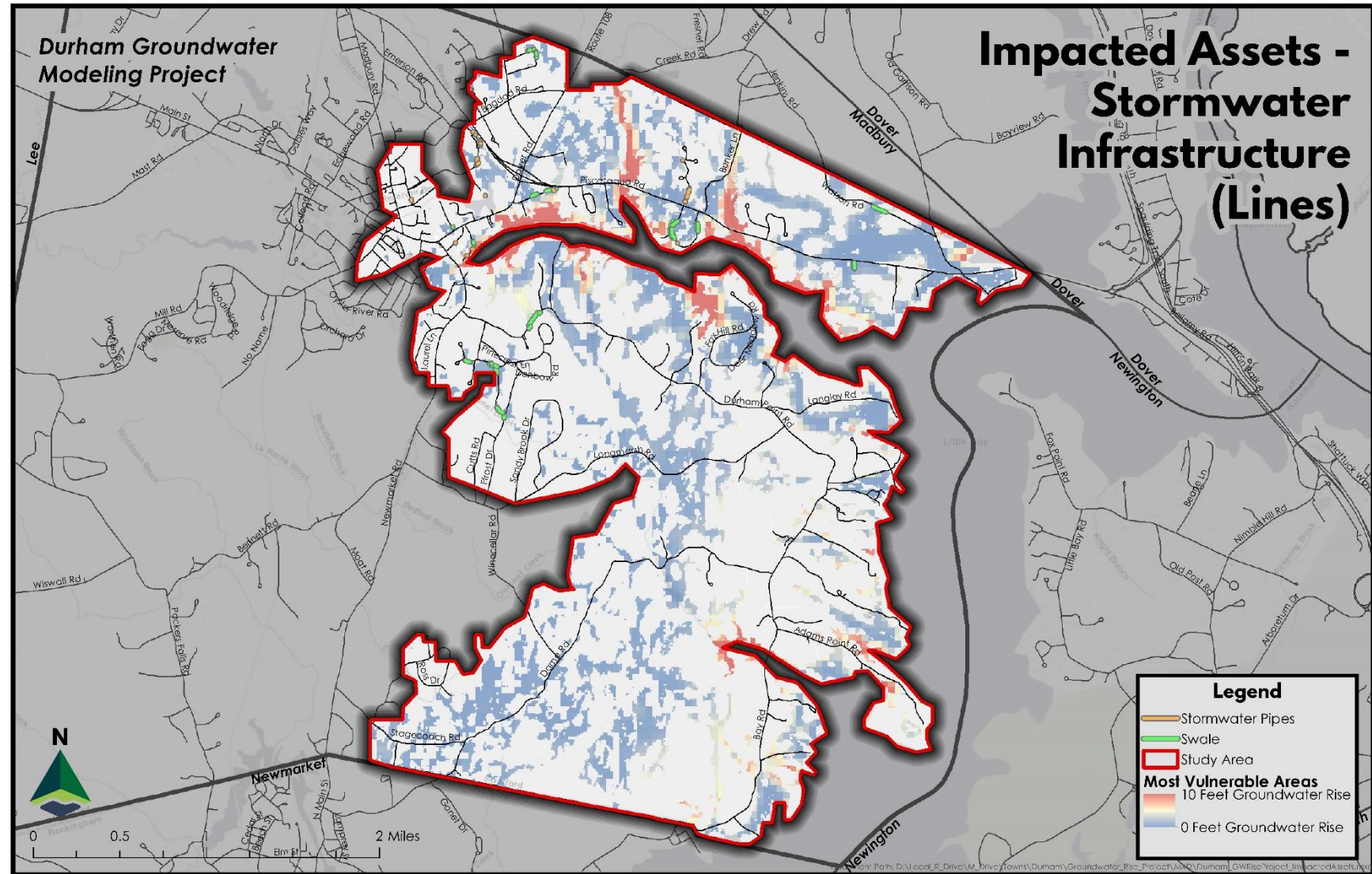
BMPs, catch basins, culverts, drainage manholes, and outfalls



Section 4: Vulnerability Assessment Results

1,030 feet of stormwater infrastructure are vulnerable to groundwater rise

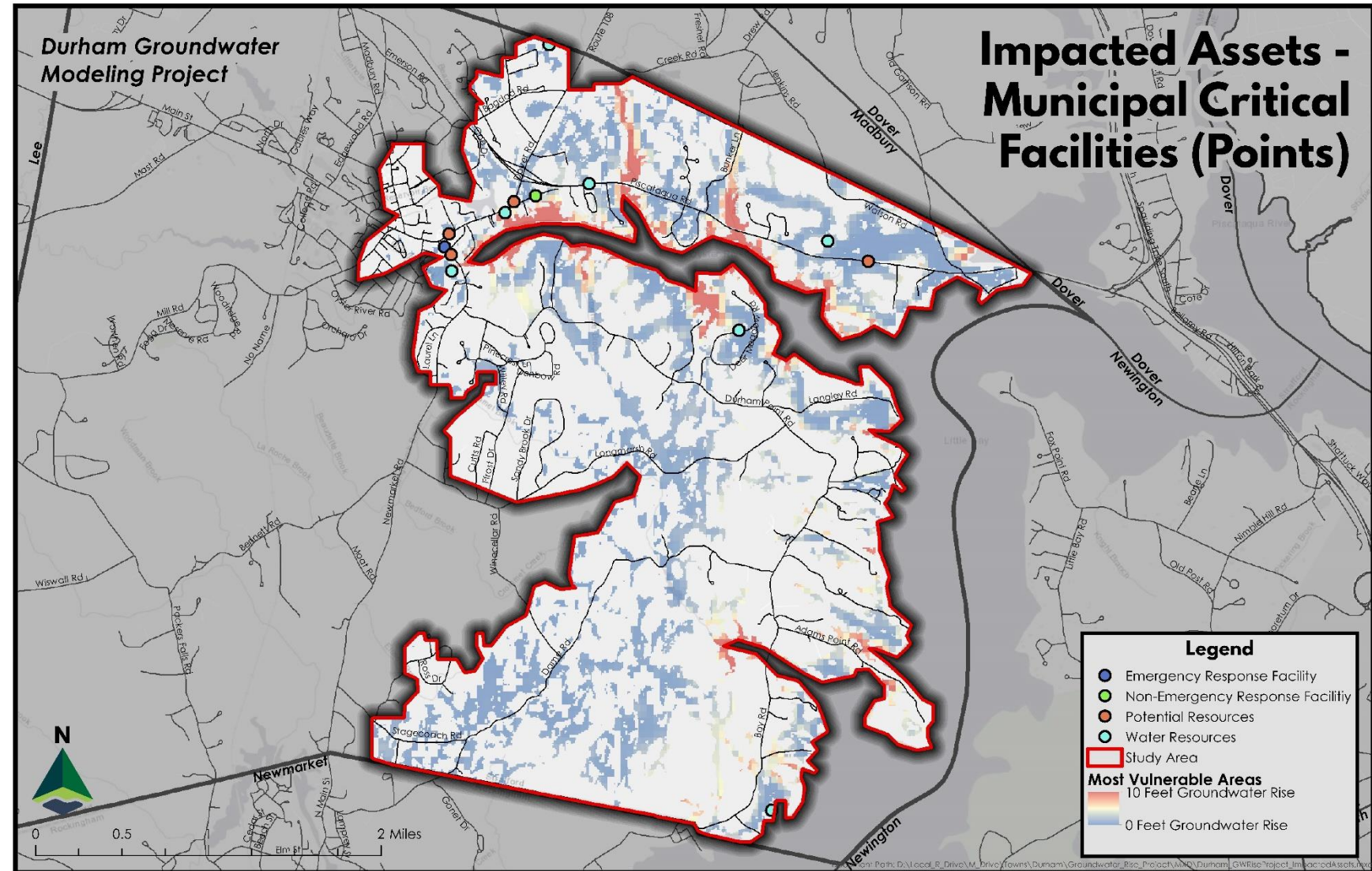
Stormwater pipes and swales



Section 4: Vulnerability Assessment Results

13 municipal facilities are vulnerable to groundwater rise

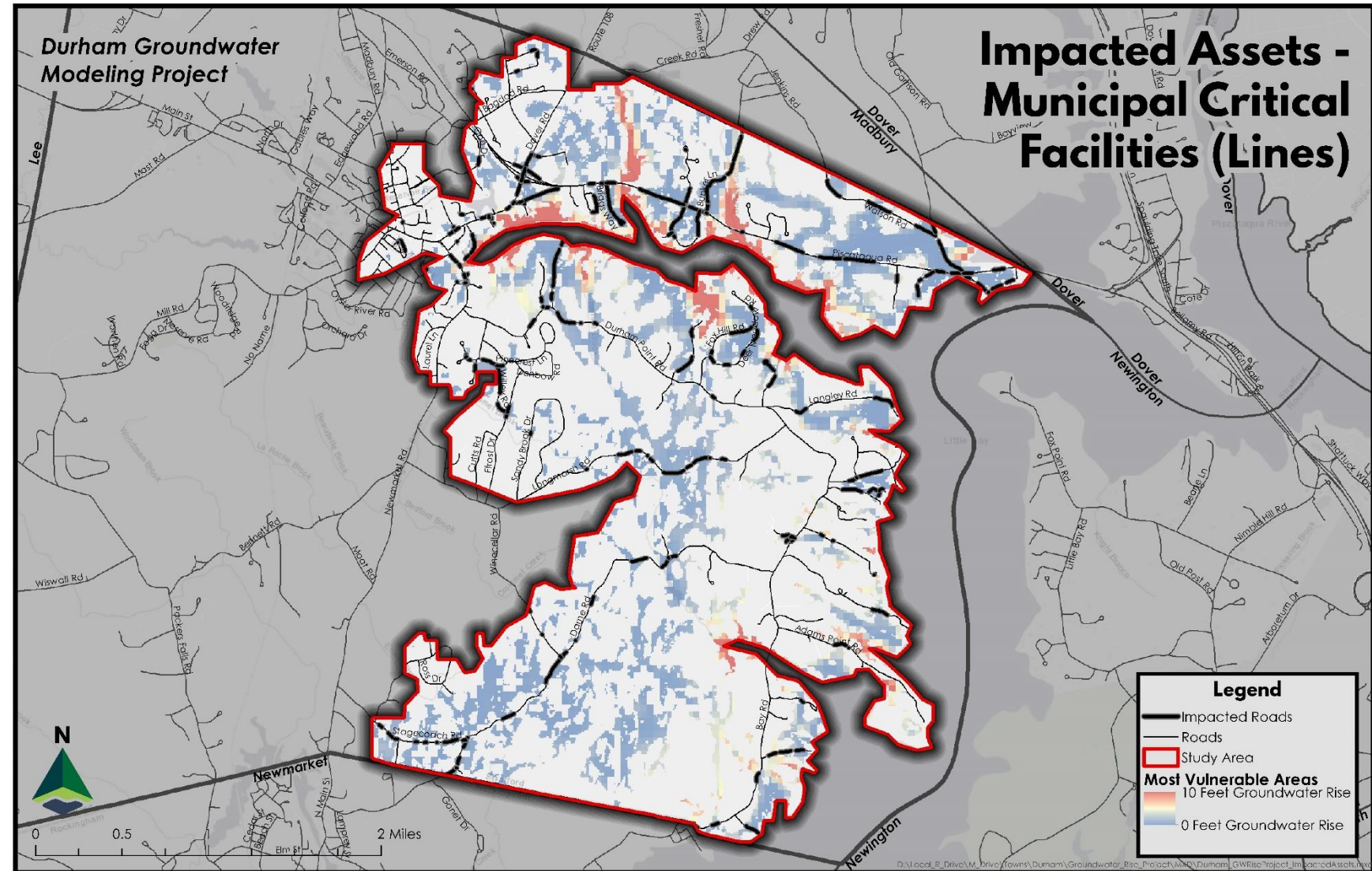
Examples include:
the Town Hall,
Jacksons Landing
Ice Rink, Durham
Wastewater Plant,
and pump station
on Rt. 108



Section 4: Vulnerability Assessment Results

9.8 miles of roadway are vulnerable to groundwater rise

Route 4, Back River Rd, Watson Rd, Riverview Rd, Briggs Way

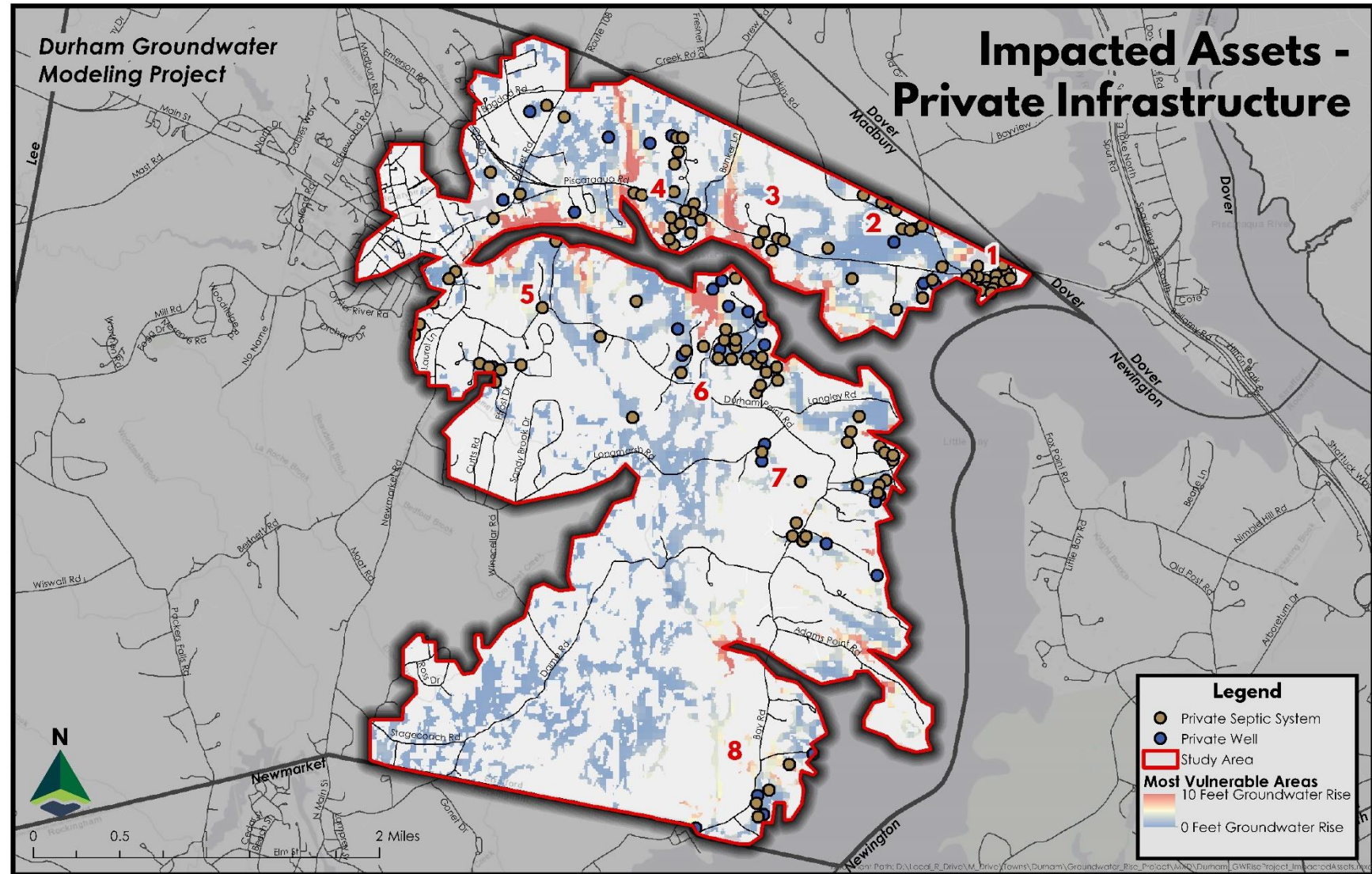


110 private septic
and wells are
vulnerable to
groundwater rise



Section 4: Vulnerability Assessment Results

Organized into 8 clusters to make some assumptions on average depth of septic and wells



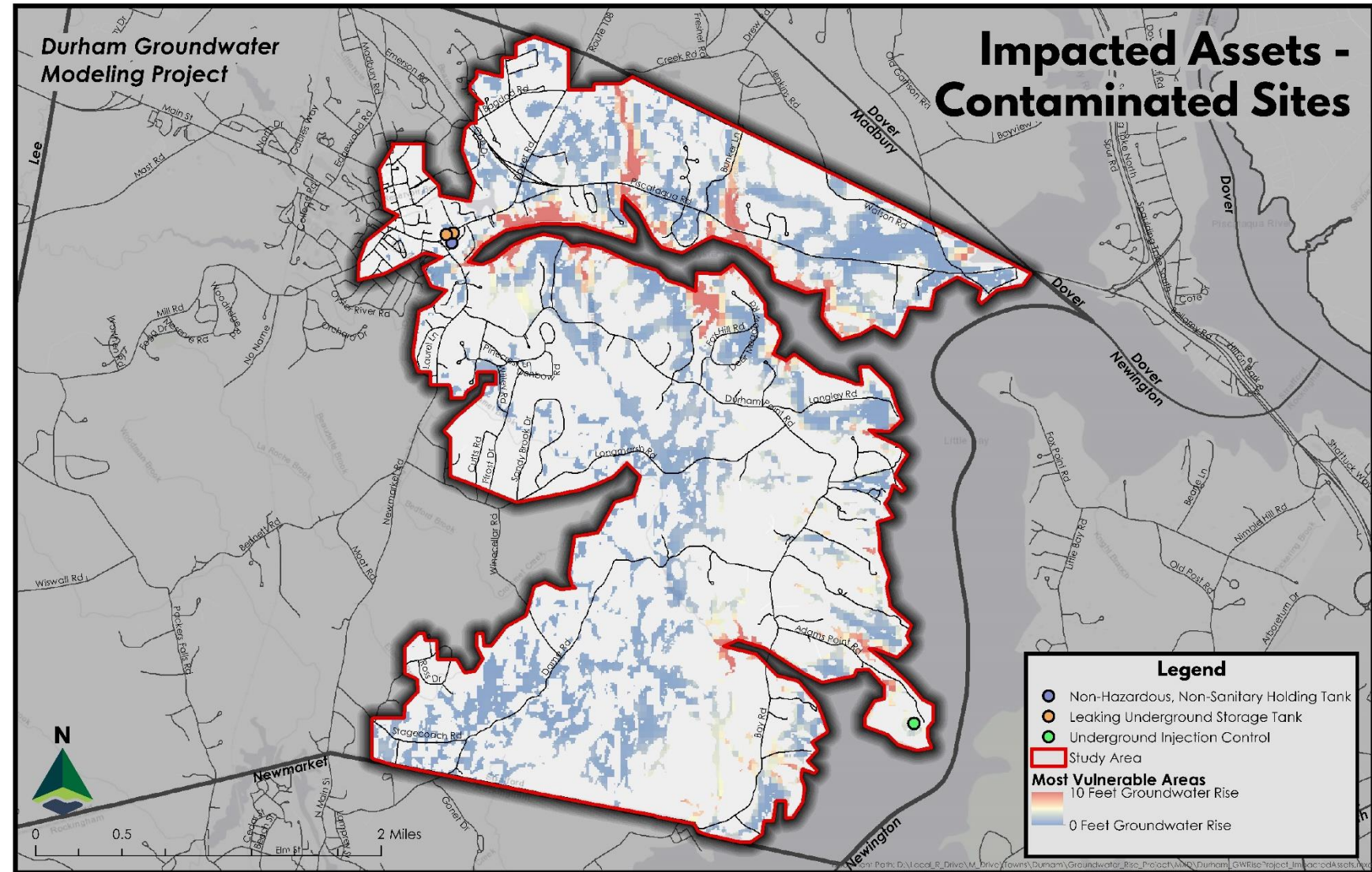
Section 4: Vulnerability Assessment Results

Cluster	Name	Average Septic Depth	Average Well Depth
1	Cedar Point Rd.	5 feet	233 feet
2	Watson Rd.	8 feet	241 feet
3	Morgan Way	6 feet	423 feet
4	Riverview Rd. & Shearwater Rd.	7 feet	320 feet
5	Sunnyside Drive neighborhood	7 feet	342 feet
6	Deer Meadow Rd., Fox Hill Rd., & Mathes Cover Rd.	7 feet	315 feet
7	Colony Cover Rd.	9 feet	251 feet
8	Bay Rd.	7 feet	296 feet
AVG.		7 feet	303 feet

Section 4: Vulnerability Assessment Results

4 contaminated sites are vulnerable to groundwater rise

Durham Village Garage, former Cumberland Farms, Jacksons Lab, and Public Works Department

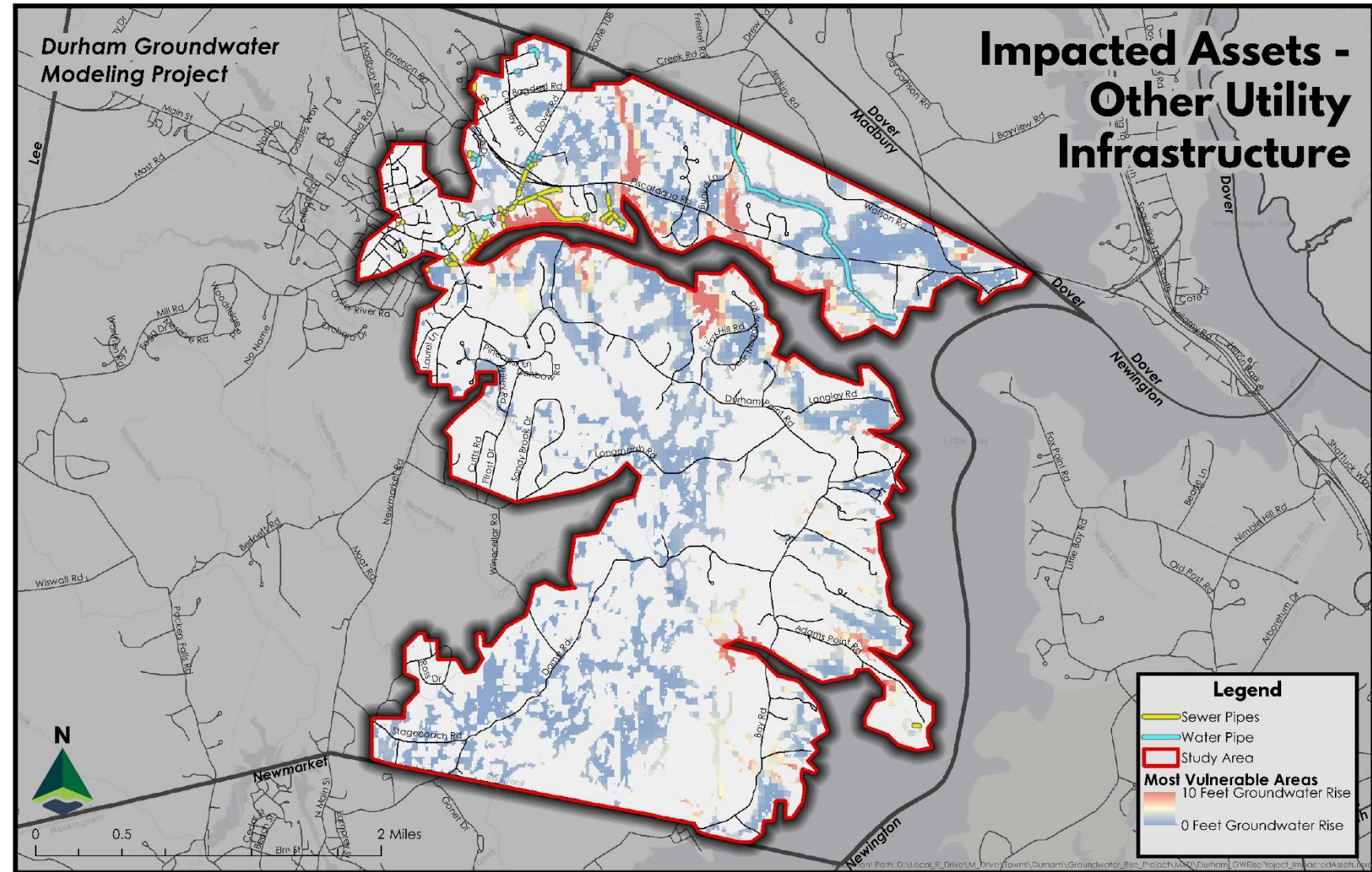


Section 4: Vulnerability Assessment Results

2.2 miles of sewer
and 3.3 miles of
water pipes are
vulnerable to
groundwater rise

Mostly in areas
stemming from the
WWTP

Stretch of water
pipe belonging to
Portsmouth

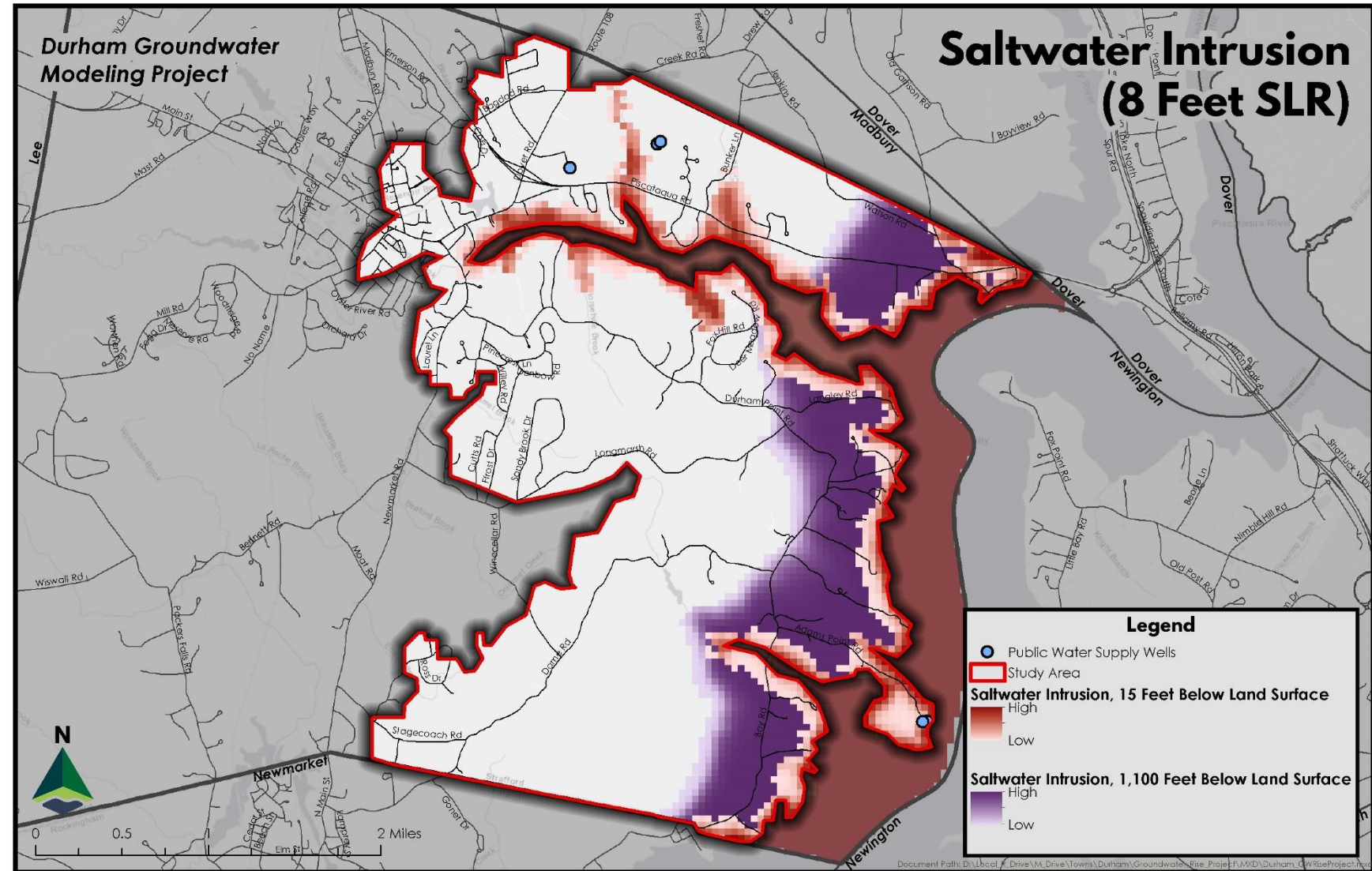


Section 4: Vulnerability Assessment Results

Less of a concern

Keep an eye on
pumping rates for
Johnson Creek,
less so for Public
Works

Partner with UNH
on Jacksons Lab



Section 5: Goals and Recommendations

Table 11: Implementation matrix

Action	Category	Responsibility	Timeframe
Goal: Gain a better understanding of the vulnerability of existing identified stormwater assets			
<p>Obtain additional data for existing stormwater infrastructure by applying for a Clean Water State Revolving Fund (CWSRF) stormwater loan to complete an Asset Management Program (AMP) to obtain specific information on vulnerable stormwater assets, including depth data and infrastructure condition, which will assist with managing several requirements of the NH MS4 permit. The CWSRF Asset Management Loan Forgiveness Guidance Document is a useful resource to reference prior to applying.</p> <p>The Town could apply for additional funds through an application of a CWSRF planning loan to fill in data gaps; however, utilizing the AMP may be a more suitable option and should be completed as a first step for infrastructure inventory, condition, and location.</p>	Stormwater Infrastructure	Town Council, Town Administrator, and Public Works Department	Short (1-2 years)
Goal: Create a more resilient stormwater system			
In vulnerable areas, ensure that any stormwater BMPs and/or retrofit provides adequate infiltration from mobilizing contaminants and can be used to maximize groundwater recharge.	Stormwater Infrastructure	Public Works Department	Medium (2-5 years)
Consider including the impacts from groundwater rise when updating the Town's infiltration and inflow (I&I) maintenance and survey practices.	Stormwater Infrastructure	Public Works Department	Short (1-2 years)
Review drainage manuals from places in the country that are currently experiencing and planning for groundwater rise (i.e., Florida-Dade County) for suggestions on more resilient stormwater construction materials and innovative retrofit techniques. This may include things like installing concrete coated asphalt storm drains, slip-lining, and anti-seep collars.	Stormwater Infrastructure	Public Works Department	Medium (2-5 years)

Section 6: Potential Funding Sources

Critical Flood Risk Infrastructure Grant Program

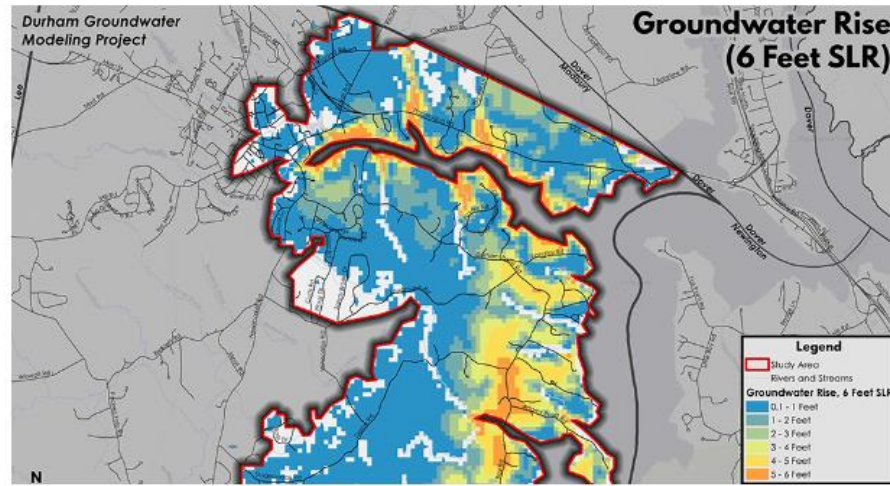
- Administered through the NHDES Watershed Management Bureau, intends to support flood resilience and stormwater management planning and assessment work, as well as implementation projects in New Hampshire's coastal watershed. This grant program will utilize ARPA funds to award approximately \$4.5 million in grants (no match required) in 2022.
- Eligible applicants include New Hampshire municipalities, quasi-governmental organizations (e.g., regional planning commissions, county conservations districts, etc.), non-governmental organizations, and academic institutions. Projects must take place within one or more of the 42 New Hampshire communities located within New Hampshire's coastal watershed.

Clean Water State Revolving Fund

- Provides low-cost financial assistance for planning, design, and construction projects to communities, nonprofits, and other local government entities for both wastewater infrastructure projects (collection systems, pumping stations, and wastewater treatment) and other water pollution control projects (nonpoint source, watershed protection or restoration, and estuary management).
- This funding could be used to conduct asset management plans for stormwater, drinking water, and wastewater. In addition, there are also planning loans available.

Download and Read the Report

Durham Groundwater Rise Modeling



This project was funded through the Clean Water State Revolving Fund (CWSRF) Loan Program, which is administered by the State of New Hampshire Department of Environmental Services (NHDES). The Groundwater Rise Modeling project aimed to identify future vulnerabilities from impacts of sea level rise on rising groundwater and saltwater intrusion to Durham's public and private drinking water, private septic systems, municipal critical facilities, stormwater infrastructure, roads, utilities, and contaminated sites.

The project team consisted of SRPC, JFK Environmental LLC, and the University of New Hampshire. The project was also informed by a technical advisory committee including Durham staff, members of the Coastal Adaptation Workgroup, and staff from the NHDES Watershed Assistance Section, Wastewater Engineering Bureau, and Coastal Program.

SRPC was charged with providing overall project administration, as well as assistance with the vulnerability assessment and development of strategies and planning recommendations within the project's final report.

The final report is intended to communicate findings from the modeling results in a user-friendly way with clear steps outlined for the future.

Project Info

Funded by: State of New Hampshire Water Pollution Control Revolving Loan Fund Program

Start date: March 2020

End date: March 2022

Municipalities: Durham

Project Staff



Kyle Pimental



Jackson Rand

Partners

Durham

JFK Environmental LLC

University of New Hampshire

New Hampshire Department of Environmental Services

NH Coastal Adaptation Workgroup

Thank you!

