



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, APRIL 17, 2023

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**
 - A. Resolution #2023-08 Recognizing Outgoing Boards/Committees/Commissions Volunteers for their dedicated services to the Town of Durham
 - B. Resolution #2023-09 Recognizing Administrative Assistant Jennie Berry for her Dedicated Service Upon her Retirement After Serving 33 Years with the Town of Durham
- VI. Public Comments (*) - Please state your name and address before speaking**
- VII. Approval of Minutes - April 3, 2023**
- 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. Shall the Town Council approve the 2nd 2023 Warrant for Water and Sewer totaling \$723,961.72 and authorize the Administrator to sign said warrant?
 - B. Shall the Town Council adopt Resolution #2023-10 Establishing the Durham Memorial Park Trust?
 - C. Shall the Town Council Adopt Resolution 2023-11, Revising Resolution 2005-10, A Resolution Establishing A Fire Department Injury Prevention Trust Fund, in order to expend all of the principal and interest in the trust?
 - D. Shall the Town Council Schedule a Public Hearing for Monday, May 1, 2023, on Resolution #2023-12 Authorizing the Acceptance and Expenditure of Federal Emergency Management Agency (FEMA) funds from the NH Division of Homeland Security and Emergency Management (NH HSEM) under the Public Assistance Grant Program CFDA #97.036 in an amount up to \$71,472.01 to cover COVID-related expenses incurred during the period from January 29, 2020 through May 24, 2022 and Authorizing the Administrator to Sign and Submit all Necessary Paperwork on Behalf of the Town of Durham?
 - E. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Tyler Wittmann to Close Certain Sections of Town Roads for Sustainability Day to be Held on Saturday, May 6, 2023?
 - F. Shall the Town Council Appoint Steve Holmgren as the new member of CPCNH with Todd Selig as the alternate member?
 - G. Shall the Town Council, Upon Recommendation of the Administrator, Award the Construction Contract for the Edgewood Road Sewer Rehabilitation Project to Green Mountain Pipeline Services, LLC of Bethel, VT for a Total Bid Price of \$69,696.96 and Authorize the Town Administrator to Sign Associated Documents?
- XI. Committee Appointments**
- A. Shall the Town Council, upon recommendation of the Human Rights Commission Chair, appoint Kathy Collins, 31 Oyster River Road, to fill a Member vacancy on the Human Rights Commission with a term expiration of April 2024?
 - B. Shall the Town Council, upon recommendation of the Historic District Commission Chair, re-appoint Jennifer Becker, 2 Bartlett Road, to another 3-year term on the Historic District/Heritage Commission with a term expiration of April 2026?
- XII. Presentation Items**
- A. Presentation by Matt Lampron, Project Manager NHDOT, and Darren Blood, GM2 Inc., on the Route 4 and Madbury Road project.

- B. Presentation by Mike Hoffman regarding the proposal to make Dame Road a scenic road.
- C. Quarterly Financial Report through 3/31/23 - Gail Jablonski, Business Manager

XIII. Unfinished Business

Public Hearing and Action on Resolution #2023-07 Authorizing the Acceptance and Expenditure of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, In the Amount of \$427,612.49 with a Required 25% Match of \$142,537.51 – for a Total Project Cost of \$570,150.00 - and Authorize the Administrator to Sign and Submit Grant Paperwork and all Documents related to the Grant on Behalf of the Town of Durham.

XIV. New Business

- A. Discussion and possible action on Resolution #2023-14 regarding request from Trustees of Trust Fund for establishing a policy for the addition of names on the war memorial in the Memorial Park.
- B. Discussion and possible action on amending the Housing Task Force Charge.

XV. 2023 Town Council Goals

Continued discussion on the draft 2022-23 Town Council goals

XVI Nonpublic Session (if required)

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

XVIII. 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.



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AGENDA ITEM: **# 5A TS**

DATE: **April 17, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: ADOPTION OF RESOLUTION #2023-08 RECOGNIZING
OUTGOING BOARDS/COMMITTEES/COMMISSIONS
VOLUNTEERS FOR THEIR DEDICATED SERVICES TO THE
TOWN OF DURHAM.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The following five volunteers have chosen not to be re-appointed for the upcoming terms on the Planning Board, Zoning Board, Parks & Recreation Committee and Library Board of Trustees. They have all served many years in their respective positions and have shown integrity and commitment to the Town of Durham.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ADOPT Resolution #2023-08 Recognizing Outgoing Boards/Committees/Commissions Volunteers for their Dedicated Services to the Town of Durham.

RESOLUTION #2023-08 OF DURHAM, NEW HAMPSHIRE

RECOGNIZING OUTGOING BOARDS/COMMITTEES/COMMISSIONS VOLUNTEERS FOR THEIR DEDICATED SERVICES TO THE TOWN OF DURHAM

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby adopt **Resolution #2023-XX** expressing its appreciation to and recognizing the following Durham volunteers for their dedication, hard work, and commitment on behalf of the Town of Durham.

<u>Board/Committee/Commission</u>	<u>Name</u>	<u>Term</u>
Planning Board	James Bubar	March 2018 – March 2023
	Barbara Dill	March 2015 – March 2023
Zoning Board	Chris Sterndale	March 2012 – March 2023
Parks & Recreation Committee	Nate Fitch	March 2014 – March 2023
Library Board of Trustees Alternate	Karen Damtoft	March 2021 – March 2023

PASSED AND ADOPTED on this 17th day of April, 2023 by a majority vote of the Durham Town Council with _____ voting in favor, _____ opposing, and ____ abstaining.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **# 5B TS**

DATE: **April 17, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: **ADOPTION OF RESOLUTION #2023-09 RECOGNIZING ADMINISTRATIVE ASSISTANT JENNIE BERRY FOR HER DEDICATED SERVICE UPON HER RETIREMENT AFTER SERVING 33 YEARS WITH THE TOWN OF DURHAM.**

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

On January 31, 2023 Administrative Assistant, Jennie Berry, retired after 33 years of service. She was the Administrative Assistant to the Administrator's Office, serving members of the Town Council, committee members, citizens and five Administrators – Ralph Freedman, Larry Brickner-Wood, Larry Shaffer, Ilene Healy and Todd Selig.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ADOPT Resolution #2023-09 Administrative Assistant Jennie Berry for her Dedicated Service upon her Retirement after Serving 33 years with the Town of Durham.

RESOLUTION #2023-09 OF DURHAM, NEW HAMPSHIRE

RECOGNIZING ADMINISTRATIVE ASSISTANT JENNIE BERRY FOR HER DEDICATED SERVICE UPON HER RETIREMENT AFTER SERVING 33 YEARS WITH THE TOWN OF DURHAM

WHEREAS, in July, 1990, Jennie began her career for the Town of Durham when she was hired as an Administrative Assistant for Administrator Ralph Freedman; and

WHEREAS, Jennie has been adept at interfacing with Town Councilors, board members, citizens, and staff in successful, mutually beneficial ways, and

WHEREAS, she has masterfully addressed resident queries, either addressing them herself or referring individuals seeking assistance or additional information to the correct departments, and

WHEREAS, Jennie has assisted with compiling Durham's "Friday Updates" production and has worked to identify new strategies to keep the publication relevant and meaningful for residents, and

WHEREAS, her adept writing skills and high-quality work with Council packet compilation and production has been a tremendous resource for the community, and

WHEREAS, she has tirelessly worked to identify future Town Council agenda items, endeavoring to not let us lose track of long-term and short-term initiatives, and

WHEREAS, her outstanding work with Annual Report compilation and production, and service to the community as an important reservoir for institutional memory and knowledge, and

WHEREAS, she has offered support and guidance to volunteers serving on Durham boards/committees, and

WHEREAS, her positive attitude and genial disposition have enabled her to assist the Town in working through citizen concerns, and

WHEREAS each of these characteristics have contributed to the value you have brought to your office and the community as a whole over the course of 33 years of service.

WHEREAS, during her 33 years in the Administrator's Office, Jennie has served members of the Town Council, hundreds of committee members, citizens, and five administrators – Ralph Freedman, Larry Brickner-Wood, Larry Shaffer, Ilene Healy, and Todd Selig; and

WHEREAS, On January 31, Jennie retired from the Town of Durham after serving 33 years with the Town of Durham; and

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby approve **Resolution #2023-09** and does hereby on behalf of the Durham community thank Jennie for the dedication, hard work, and devotion she has given to the Town of Durham over the past 33 years and wish her and her family the very best in retirement.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this 17th day of April, 2023 by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **# 7 TS**
DATE: **April 17, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL REVISED MEETING MINUTES FOR
APRIL 3, 2023

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the meeting held on April 3, 2023. Please call or email Karen Edwards 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 anybody 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 April 3, 2023 (as presented/as amended).



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AGENDA ITEM: **# 10A TS**

DATE: **April 17, 2023**

COUNCIL COMMUNICATION

INITIATED BY: April Talon, Town Engineer

AGENDA ITEM: **SHALL THE TOWN COUNCIL APPROVE THE 2ND 2023 WARRANT FOR WATER AND SEWER TOTALING \$723,961.72 AND AUTHORIZE THE ADMINISTRATOR TO SIGN SAID WARRANT?**

CC PREPARED BY: April Talon, Town Engineer
Gail Jablonski, Business Manager

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's approval is the 2nd 2023 Warrant for Water and Sewer totaling \$ 723,961.72 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 12, 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 attached charts compare the actual water and sewer usage and fees for 2018 through 2022 and the first three months of 2023 compared to the budget.

LEGAL AUTHORITY:

RSA 38:22 II (a)

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The warrant details are as follows:

	Water \$	381,014.98
Lee Waterline Extension	Water \$	6,575.35
	Sewer \$	<u>336,371.39</u>
	Total \$	723,961.72

with interest at eight percent (8%) 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 2nd 2023 Warrant for Water and Sewer totaling \$723,961.72, commits the bills for charges to the Tax Collector for collection, and authorizes the Administrator to sign said warrant on its behalf.

STATE OF NEW HAMPSHIRE
WATER/SEWER – 2nd WARRANT 2023

STRAFFORD SS

To Rachel Dean, 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

Seven Hundred Twenty-Three Thousand, Nine Hundred Sixty-One and Seventy-Two Cents
(\$723,961.72)

	Water \$	381,014.98
Lee Waterline Extension	Water \$	6,575.35
	Sewer \$	<u>336,371.39</u>

Total \$ 723,961.72

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 2nd billing of 2023 computed from the 1st quarter water and sewer readings of 2023.

ATTEST: _____
Rachel Dean, Town Clerk-Tax Collector

Given under our hands and seal at Durham this _____ day of April, 2023.

Todd I. Selig, Administrator
Per Town Council vote on 4/17/2023

2023 ESTIMATED VS ACTUAL USAGE
January 1 - March 31, 2023

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%
2022	14,304,304	\$ 8.43	\$ 1,205,853	14,231,786	\$ 8.43	\$ 1,199,740	(72,518)	(\$6,113)	99%
2023 - 1st Quarter	3,611,837	\$ 10.42	\$ 376,353	3,656,574	\$ 10.42	\$ 381,015	44,737	\$4,662	101%

*Estimated for 2023 - 1st quarter is determined by dividing total 2023 estimate by four quarters.

YEARLY COMPARISONS	ESTIMATED WATER - LEE EXTENSION			ACTUAL WATER - LEE EXTENSION			VARIANCE - LEE EXTENSION		
	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
2022		\$ 9.69	\$ -	71,693	\$ 9.69	\$ 6,947			0%
2023		\$ 11.98	\$ -	63,233	\$ 11.98	\$ 7,575			0%

Lee Connections through Dec 31, 2022

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)	(\$5,393)	100%
2022	13,516,701	\$ 8.98	\$ 1,213,800	13,347,445	\$ 8.98	\$ 1,198,601	(169,256)	(\$15,199)	99%
2023 - 1st Quarter	3,412,967	\$ 9.57	\$ 326,621	3,514,853	\$ 9.57	\$ 336,371	101,886	\$9,750	103%

*Estimated for 2023 - 1st quarter is determined by dividing total 2023 estimate by four quarters.

1st QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)
Water	3,593,015	3,527,540	3,241,246	3,442,141	3,409,428	3,656,574
Water - Lee Extension						63,233
Sewer	3,356,917	3,382,932	3,095,327	3,286,030	3,292,580	3,514,853

2nd QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)
Water	3,495,620	3,355,258	3,186,882	3,689,323	3,502,992	
Water - Lee Extension						
Sewer	3,255,271	3,194,670	2,862,096	3,455,094	3,298,425	

3rd QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)
Water	3,645,321	3,448,551	3,817,406	3,412,971	3,680,587	
Water - Lee Extension					24,319	
Sewer	3,264,997	3,159,604	3,449,128	3,205,142	3,305,110	

4th QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)
Water	3,649,592	3,703,845	3,618,243	3,883,261	3,638,779	
Water - Lee Extension					47,374	
Sewer	3,439,047	3,471,691	3,436,605	3,707,154	3,451,330	

YEARLY TOTALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)	2023 (total cubic feet)
Water	14,383,548	14,035,194	13,863,777	14,427,696	14,231,786	
Water - Lee Extension					71,693	
Sewer	13,316,231	13,208,897	12,843,156	13,653,420	13,347,445	

2023 BUDGETED VS ACTUAL EXPENDITURES
January 1 - March 31, 2023

FUNDS	Budgeted Ending 3/31/23	Actual Ending 03/31/23	Under (Over) 2023	Percent as of 3/31/23	Percent as of 3/31/22
Water	\$376,354	\$381,015	(\$4,662)	101.2%	63.8%
Water - Lee Extension		\$6,575	(\$6,575)	0.0%	
Sewer	\$326,621	\$336,371	(\$9,750)	103.0%	91.2%

*Budgeted is determined by multiplying total 2023 by 0.25 or 3 months



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AGENDA ITEM: # **10B** TS

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Trustees of Trust Funds

AGENDA ITEM: SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2023-10
ESTABLISHING THE DURHAM MEMORIAL PARK TRUST?

CC PREPARED BY: Michael H. Everngam, Chair, Trustees of the Trust Funds

PRESENTED BY: Michael H. Everngam, Chair, Trustees of the Trust Funds

AGENDA DESCRIPTION:

The Durham Trustees of Trust Funds have worked with the Department of Public Works for many years to assist in the management of the Town Memorial Park and the monuments to veterans which are placed there. The Trustees wish to create a trust to receive and disburse private gifts or grants donated to assist in funding the maintenance and updating of the Memorial Park and the monuments which are there. It is the hope that individuals and organizations wishing to recognize veterans for their service would be interested in making contributions, bequests, devises, grants, or other transfers of financial assets for the maintenance of the park and monuments. Therefore, the Trustees request that the Council approve Resolution #2023-10 establishing the Durham Memorial Park Trust.

LEGAL AUTHORITY:
RSA 31:19-a(iv), RSA 35-1-c.

LEGAL OPINION:
N/A

FINANCIAL DETAILS: Both principal and interest in the proposed trust would be available for expenditure indefinitely. The Trustees of Trust Funds are named agents to expend from the trust.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2023-10 establishing the Durham Memorial Park Trust.

RESOLUTION #2023-10 OF DURHAM, NEW HAMPSHIRE

ADOPTION OF RESOLUTION #2023-10 ESTABLISHING THE DURHAM MEMORIAL PARK TRUST

WHEREAS the Trustees of the Trust Funds wish to establish a trust to receive and disburse monies donated by individuals and organizations for the maintenance and updating of the Town Memorial Park and the monuments located therein; and

WHEREAS RSA 31:19a IV allows for the establishment of trusts to accept private money to fund the maintenance and operation of Town property,

NOW, THEREFORE, BE IT RESOLVED that the Durham Town Council, the legislative body of the Town of Durham, New Hampshire approves Resolution #2023-10 authorizing the establishing of the Durham Memorial Park Trust, and

BE IT FURTHER RESOLVED that all principle and accumulated interest in the trust shall be made available for expenditure indefinitely, and

BE IT FURTHER RESOLVED that these funds shall be held and administered by the Trustees of the Trust Fund, who are named as agents to expend from this trust.

PASSED AND ADOPTED this 17th day of April by a majority vote of the Durham Town Council with affirmative votes, negative votes, and abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: # 10C TS

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Durham Fire Department, Trustees of Trust Funds

AGENDA ITEM: SHALL THE TOWN COUNCIL ADOPT RESOLUTION 2023-11,
REVISING RESOLUTION #2005-10, A RESOLUTION ESTABLISHING
A FIRE DEPARTMENT INJURY PREVENTION TRUST FUND, IN ORDER
TO EXPEND ALL OF THE PRINCIPAL AND INTEREST IN THE TRUST?

CC PREPARED BY: Michael H. Everngam, Chair, Trustees of the Trust Funds

PRESENTED BY: Michael H. Everngam, Chair, Trustees of the Trust Funds
Brendan O'Sullivan, Fire Marshal

AGENDA DESCRIPTION:

Resolution #2005-10 was passed by the Council to create a trust to receive and expend the fines collected from two fraternities for violations of the State Fire Code. The purpose of the expenditures from the trust was stated as "for public safety education" initiatives. The wording of the resolution does not provide for expending "all of the principal and interest" in the trust therefore only the interest is now available for expenditure. This interpretation of availability is the subject of a written NH Attorney General opinion. The Fire Department is presently working on a large public safety education project and wishes to use more of the money from the trust than the available interest to carry out the project. It is therefore proposed to revise Resolution 2005-10 by adding the following paragraph between the paragraph beginning with "NOW, THEREFORE BE IT RESOLVED" and the paragraph beginning with "PASSED AND ADOPTED:

AND, BE IT FURTHER RESOLVED that all principal and interest in this trust shall be available for expenditure indefinitely, and that the Trustees of Trust Funds shall be agents to expend from this trust.

As minor edits to the original Resolution 2005-10, the word “Fund” should be stricken from the title and the third line of the paragraph beginning with “NOW, THEREFORE”. Funds are what a trust contains and aren’t created by a trust establishment resolution. Also, the Council is acting as the “legislative body” in making resolutions.

LEGAL AUTHORITY:

RSA 31:19 and RSA 31-19a.

LEGAL OPINION: N/A

FINANCIAL DETAILS: Both principal and interest in the revised trust would be available for expenditure indefinitely. The Trustees of Trust Funds are named agents to expend from the trust.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ADOPT Resolution 2023-11, Revising Resolution #2005-10, A Resolution Establishing A Fire Department Injury Prevention Trust Fund, in order to expend all of the principal and interest in the trust.

RESOLUTION #2023-11 OF DURHAM, NEW HAMPSHIRE

A RESOLUTION REVISING RESOLUTION #2005-10, A RESOLUTION ESTABLISHING A FIRE DEPARTMENT INJURY PREVENTION TRUST FUND, IN ORDER TO EXPEND ALL OF THE PRINCIPAL AND INTEREST IN THE TRUST

WHEREAS, the Town of Durham is authorized under NH RSA 31:19-a to establish trust funds for public purposes that are "...not foreign to the town's institution or incompatible with the objects of its organization." and,

WHEREAS, the Durham Fire Department is involved with public safety education initiatives in the course of its regular scope of work; and,

WHEREAS, in 2004 the Durham Fire Department successfully prosecuted two fraternities for violations of the State Fire Code; and,

WHEREAS, part of the sentencing was for each fraternity to pay \$2,000.00 into a fund to help educate and promote safety within the Durham/UNH community;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing *and legislative* body of the Town of Durham, New Hampshire hereby adopts Resolution #2023-11, revising Resolution #2005-10 which establishes a Fire Department Injury Prevention Trust *Fund* for public safety education to be held and invested by the Durham Trustees of the Trust Funds.

AND, BE IT FURTHER RESOLVED that all principal and interest in this trust shall be available for expenditure indefinitely, and that the Trustees of the Trust Funds shall be agents to expend from this trust.

PASSED AND ADOPTED by the Town Council of the Town of Durham this 17th day of April, 2023 by _____ affirmative votes, _____ negative votes and _____ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **# 10D TS**

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: David F. Emanuel, Fire Chief

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, SCHEDULE A PUBLIC HEARING FOR MONDAY, MAY 1, 2023, ON RESOLUTION #2023-12 AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FUNDS FROM THE NH DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (NH HSEM) UNDER THE PUBLIC ASSISTANCE GRANT PROGRAM CFDA #97.036 IN AN AMOUNT UP TO \$71,472.01 TO COVER COVID-RELATED EXPENSES INCURRED DURING THE PERIOD FROM JANUARY 29, 2020 THROUGH MAY 24, 2022 AND AUTHORIZING THE ADMINISTRATOR TO SIGN AND SUBMIT ALL NECESSARY PAPERWORK ON BEHALF OF THE TOWN OF DURHAM?

CC PREPARED BY: Kelley Fowler, Fire Department Administrative Assistant

PRESENTED BY: David F. Emanuel, Fire Chief

AGENDA DESCRIPTION:

On April 3, 2020, the Federal Emergency Management Agency (FEMA) declared a Major Disaster (FEMA-4516-DR-NH) for the State of New Hampshire due to COVID-19, which began on January 20, 2020. This declaration authorized the Public Assistance Grant Program CFDA #97.036 for eligible applicants within all New Hampshire counties.

On or about October 18, 2022, the Town of Durham applied for grant funding under the above-noted program to cover COVID-related expenses incurred during the period from January 29, 2020 through May 24, 2022 and included purchases for COVID-19 items such as Personal Protective Equipment (PPE), air filtering machines, COVID test kits, thermometers, disinfecting/sanitizing equipment and supplies, as well as storage lockers to secure supplies. 96% of the expenses were incurred by the Fire Department and 4% of the expenses were incurred by the Police Department.

On or about March 6, 2023, the Town of Durham received a notice of award from the NH Division of Homeland Security and Emergency Management (NH HSEM) approving the Town's application and awarding grant funding for eligible costs in the amount of \$71,472.01.

At this time, it is recommended that the Town Council schedule a Public Hearing for May 1, 2023 to accept and authorize the expenditure of FEMA grant funds in the amount of \$71,472.01 from NH HSEM under the Public Assistance Grant Program CFDA #97.036.

A public hearing notice will be published in *Foster's Daily Democrat* and notices will also be posted on the public bulletin board located outside of the Town Hall, as well as at the Durham Public Library and the Department of Public Works.

LEGAL AUTHORITY:

New Hampshire Revised Statutes Annotated (RSA) 31:95-b authorizes the Town Council to apply for, accept, and expend, without further action by the town or village district meeting, unanticipated money from the state, federal or other governmental unit or a private source which becomes available during the fiscal year if they first adopt an article authorizing this authority indefinitely until specific rescission of such authority. On July 12, 1999, the Town Council adopted Resolution #99-19 granting this authority to the Town Council.

RSA 31:95 III. (a) states that: **"For unanticipated moneys in the amount of \$10,000 or more, the selectmen or board of commissioners shall hold a public hearing on the action to be taken.** Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

\$71,472.01 in FEMA grant funds to be received from NH HSEM under the Public Assistance Grant Program CFDA #97.036. The project is being paid at a 100% federal cost share and there is no non-federal cost share associated with this project.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION

The Durham Town Council, upon recommendation of the Administrator, Schedules a Public Hearing for Monday, May 1, 2023, on Resolution #2023-12 Authorizing the Acceptance and Expenditure of Federal Emergency Management Agency (FEMA) funds from the NH Division of Homeland Security and Emergency Management (NH HSEM) under the Public Assistance Grant Program CFDA #97.036 in an Amount up to \$71,472.01 to cover COVID-related expenses incurred during the period from January 29, 2020 through May 24, 2022 and Authorizing the Administrator to Sign and Submit all Necessary Paperwork on Behalf of the Town of Durham.

RESOLUTION #2023-12 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FUNDS FROM THE NH DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (NH HSEM) UNDER THE PUBLIC ASSISTANCE GRANT PROGRAM CFDA #97.036 IN AN AMOUNT UP TO \$71,472.01 TO COVER COVID-RELATED EXPENSES INCURRED DURING THE PERIOD FROM JANUARY 29, 2020 THROUGH MAY 24, 2022 AND AUTHORIZING THE ADMINISTRATOR TO SIGN AND SUBMIT ALL NECESSARY PAPERWORK

WHEREAS, the Town of Durham submitted an application, dated October 18, 2022, to the NH Division of Homeland Security and Emergency Management (NH HSEM) for Federal Emergency Management Agency (FEMA) grant funds under the Public Assistance Grant Program CFDA #97.036 requesting grant funds to cover COVID-19 expenses incurred by the police and fire departments between January 29, 2020 and May 24, 2022; and

WHEREAS, on or about March 6, 2023, the Town of Durham was informed that it had been allocated up to \$72,472.01 under this program; and

WHEREAS, the mission of the Federal Emergency Management Agency's (FEMA) Public Assistance Grant Program is to provide assistance to state, tribal, territorial, and local governments and certain types of private nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies declared by the President;

WHEREAS, the Town has determined these allocated funds will be used for the purpose of reimbursing the Town of for COVID-19 expenses incurred by the police and fire departments during the period from January 29, 2020 through May 24, 2022; and

WHEREAS, on July 12, 1999, the Durham Town Council approved Resolution #99-19 adopting the provisions of RSA 31:95-b authorizing the Town Council to apply for, accept, and expend unanticipated funds from a federal, state, or other governmental unit or a private source which becomes available during the Fiscal Year; and

WHEREAS, Council approval is required for the acceptance and expenditure of these funds; and

WHEREAS, RSA 31:95-b III(a) requires that a Public Hearing be held on unanticipated funds in excess of \$10,000; and

WHEREAS, on Monday, (DATE), a duly posted and published Public Hearing was held by the Durham Town Council on the \$71,472.01 in FEMA grant funds in accordance with RSA 31:95-b;

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **Resolution #2023-12** authorizing the acceptance and expenditure of FEMA funds from NH HSEM under the Public Assistance Grant Program CFDA #97.036 in an amount up to \$71,472.01 to cover COVID-related expenses incurred during the period from January 29, 2020 through May 24, 2022 and authorizes the Administrator to sign and submit appropriate paperwork on behalf of the Town of Durham.

PASSED AND ADOPTED this ___ day of May by a majority vote of the Durham Town Council with _____ affirmative votes, ___ negative votes, and ___ abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **# 10E TS**

DATE: **April 17, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Tyler Wittmann

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY TYLER WITTMANN TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR SUSTAINABILITY DAY TO BE HELD ON SATURDAY, MAY 6, 2023?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Tyler Wittman requesting that certain portions of town roads be closed beginning from 12:00 p.m. to 4:00 p.m. on Saturday, May 6, 2023 to conduct Sustainability Day.

The application has been reviewed by the appropriate town departments and has been approved by them. The Administrator therefore recommends approval of this special event and road closure permit.

LEGAL AUTHORITY:

RSA 41:11 "Regulation of Use of Highways, Etc.", and RSA 47:17 VII "Use of Public Ways" authorize the Town Council to regulate the use of public highways.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special Event Permit Application Submitted by Tyler Wittmann to Close Certain Sections of Town Roads for Sustainability Day to be Held on Saturday, May 6, 2023.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

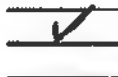
Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request

Use of Town Property



LOCATION WHERE EVENT WILL OCCUR: Main St. (105 - 114 Main St.)

DAY & DATE OF EVENT: 5/6/23, Saturday TIME(S) OF EVENT: 12pm - 4pm

DURATION OF EVENT (Including set up and breakdown time): 10am - 5pm

NAME OF APPLICANT/ORGANIZATION: Memorial Union and Student Activities, University of New Hampshire

NAME OF EVENT: Sustainability Day

PERSONAL CONTACT FOR THIS EVENT: Tyler Wittmann

ADDRESS: 42 1/2 Main St., Durham, NH 03824

TELEPHONE NO.: DAY: 603-359-9586 EVENING: " "

EMAIL: twitt1006@wildcats.unh.edu

DETAILED DESCRIPTION OF REQUEST (Pertaining to amplified music, location, route of travel. Please attach maps denoting routes and road closures):

The event will feature road closures between Congreve Hall and Smith Hall. There will be amplified sound for the general event as well as from a small performance space where local bands will be playing. Points of egress around Main St. will require cars to go down Edgewood Rd., down Strafford Ave, and then up Garrison Ave. Please see the attached map of road closures & routes around the event.

ANTICIPATED NUMBER OF PARTICIPANTS: 1500

ANTICIPATED NUMBER OF VEHICLES: 30

CERTIFICATE OF INSURANCE INFORMATION

As evidence of its financial ability to indemnify the Town of Durham, during the term of this agreement, the applicant shall obtain and pay premiums for Commercial General Liability insurance protecting the parties hereto, their agents, officers, elected officials, representatives, or employees because of bodily injury, property damage, personal injury or products liability incurred by the parties in the performance of the terms of this lease, such policy to provide limits no less than \$1 million per occurrence. A Certificate of Insurance naming the Town of Durham as an Additional Insured shall be provided.

Insurance Carrier: ^{producer:} Fred C. Church Insurance (United Educators Insurance) ^{see attach}
Policy Number and Expiration Date: E0195B , 11/1/2023

The undersigned hereby agrees, at its sole cost and expense, to defend, indemnify and hold harmless the Town of Durham and all associated, affiliated, allied and subsidiary entities of the Town, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, and contractors (hereinafter referred to as "indemnities") from and against any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses which may be imposed upon, incurred by or asserted against the indemnities by reason of any act or omission of the undersigned, its personnel, employees, agents, contractors or subcontractors which results in damage or injury of any kind to any person or any property and which arises out of or is any way connected with the activities permitted by this permit.

Printed Name and Signature of Event Coordinator/applicant

Date

Printed Name and Signature of Principal/Owner/Authorizing Authority

Date

FOR OFFICIAL USE ONLY

Reviewed by DPW
Comments:

☒ See Attached
4.7.23
10am - 5pm
12-4p

Reviewed by PD
Comments:

☒ See Attached

Reviewed by FD
Comments:

☐ **See attached Fire Department conditions of permit approval**

Reviewed by P&R
Comments:

☒ See Attached

Approved:

☐

Todd I. Selig, Administrator

Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/1/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Fred C. Church Insurance 41 Wellman Street Lowell MA 01851	CONTACT NAME: Josh Trowbridge PHONE: 800-225-1865 FAX: 978-454-1865 E-MAIL: jtrowbridge@fredchurch.com ADDRESS: jtrowbridge@fredchurch.com
INSURED University System of New Hampshire 5 Chenell Drive, Suite 301 Concord NH 03301	INSURER(S) AFFORDING COVERAGE INSURER A: United Educators Insurance INSURER B: Acadia Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: 352279162

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		E0195B	11/1/2022	11/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ included GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ included \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY		CAA5267641	11/1/2022	11/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 1,000,000		E0195B	11/1/2022	11/1/2023	EACH OCCURRENCE \$ 30,000,000 AGGREGATE \$ 30,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE <input type="checkbox"/> OTH. ER <input type="checkbox"/> E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$
A	Professional Liability Educators Legal Liability		E0195B	11/1/2022	11/1/2023	Each Occurrence \$1,000,000 Aggregate \$3,000,000 Ea Occ / Aggregate \$30,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

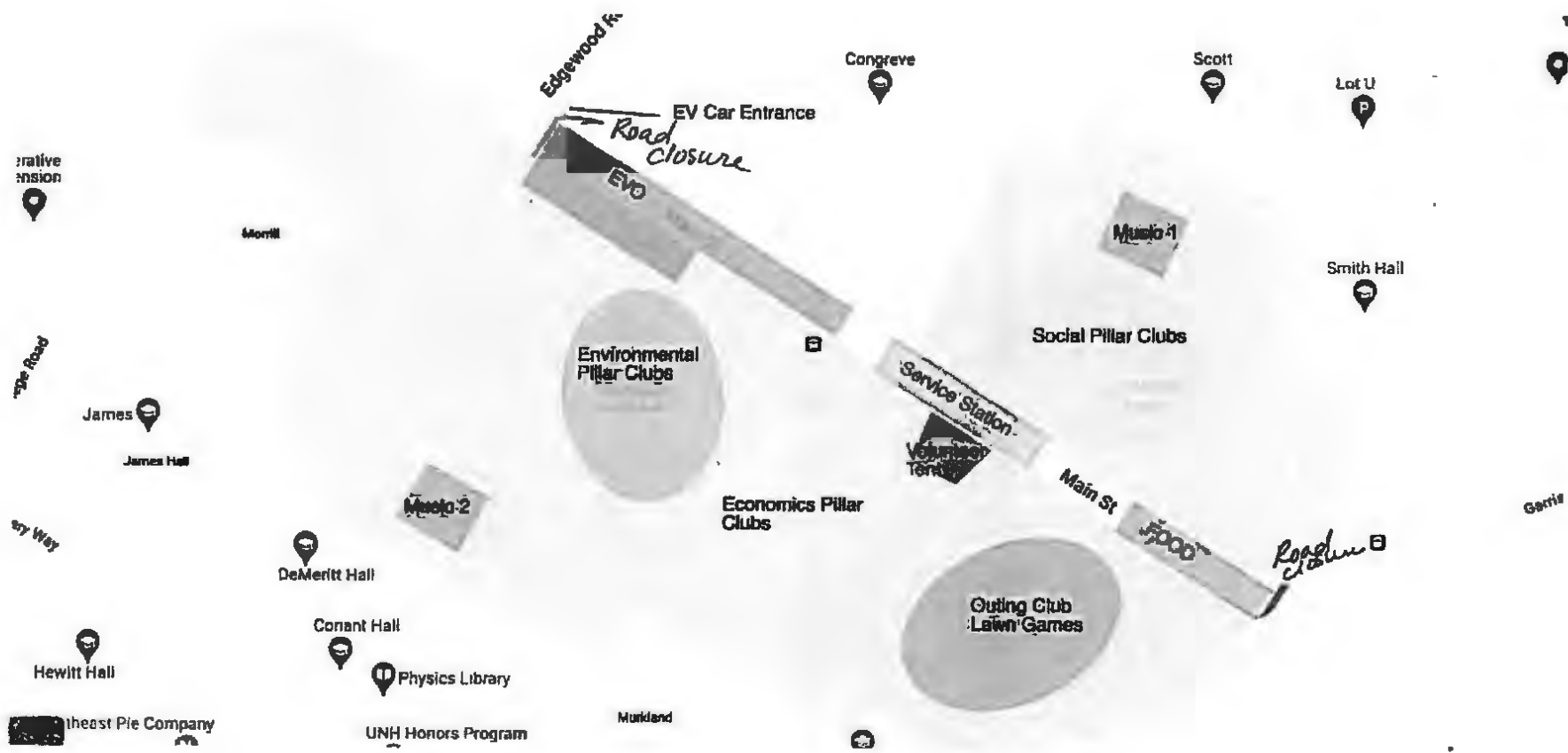
Evidence of Insurance University of New Hampshire at Durham, University of New Hampshire at Manchester, Keene State College, Plymouth State University, NHPB, New Hampshire Public Television (NHPTV), University of New Hampshire Foundation, Inc., UNH Alumni Association, Center for Public Responsibility, and Corporate Citizenship, Granite State College, New Hampshire Fiber Network, Inc. (NHFN, Inc.)

The town of Durham is included as an additional insured on the General Liability policy for all UNH sanctioned events where required by contract or agreement with the Town of Durham. All coverage is subject to policy terms and conditions and the agreement between the named insured and the additional insured(s).

CERTIFICATE HOLDER**CANCELLATION**

Town of Durham 8 Newmarket Rd. Durham NH 03824	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Durham Fire Department

51 College Road ■ Durham, New Hampshire 03824-3585

Phone 603-862-1426 ■ Fax 603-862-1513

fire@ci.durham.nh.us

Fire, Rescue and Emergency Medical Services

Durham Fire Department Conditions of Event Permit Approval

Revised April 28, 2016

Fire and/or Medical Assistance and Event Access:

- If emergency fire or medical assistance is required - activate emergency services by calling 911.
- An event coordinator familiar with the event/site shall be available to meet and lead emergency services to the party or location(s) in need of assistance.
- All fire lanes, roads, and access points to the site are to be maintained at all times. Tents, tables, booths, structures, and any other event set-up component(s) (including lines) cannot block walkways, doorways, fire lanes, and/or roads/access.
- Event coordinators and participants must yield to responding emergency vehicles if the event is using a road, path, or access. (an emergency incident may require the re-routing of a road race course for instance).
- Any plans to provide any on-site medical aid or medical assistance to event participants must be coordinated through the Assistant Fire Chief of the Durham Fire Department, call (603) 862-1426 at least two weeks prior to the event to coordinate.

Use of Fire, Cooking Appliances, Grills, or Pyrotechnics:

- Outside fires are required to be permitted in the State of NH and must be obtained through the Durham Fire Department at (603) 862-1426.
- Electric griddles must be listed by a recognized testing lab (eg UL or Intertek) and have proper cord & power supply
- Residential-type gas grills must be a manufacturer's listed and approved appliance that has not been altered from its original manufactured condition.
- Commercial-grills, and any grills that do not have an approved fitting allowing the user to connect a 20 lb. tank by hand and without tools, require a NH licensed gas fitter to set up. These appliances require a Fire Department gas permit and an inspection by the fire department.
- Pyrotechnics and fireworks require State and Fire Department Permits and/or inspections and may require fire department staffing at the event.

Tents & Amusements:

- Tents of 350 square feet in size or greater must be flame retardant and approved/inspected by Fire Department.
- Tents which have walls or sides or any tent serving alcohol must have an occupancy permit from the Durham Fire Department.
- Any amusements such as rides, mechanical bulls, or bouncy house type structures, etc. require licenses from the State of NH and inspections by the Durham Fire Department.

Violating any of the stated conditions will revoke the fire department approval of the event permit application.

GENERAL USE POLICY FOR TOWN FACILITIES

When not used for regular purposes, buildings and grounds or portions thereof may be used for adult education, discussion, religious, civic, social, recreation, entertainment purposes, and such other purposes that promote the welfare of the community, including use as registration and polling places for voters.

No person, group, or organization has any vested right to use Town property; but the right to use the property for any lawful purpose is subject to approval by the Town.

Accordingly, the Town Administrator has established detailed regulations pertaining to the public use of facilities.

USE OF PUBLIC BUILDINGS AND GROUNDS

The use of Town buildings, grounds, equipment and facilities will be authorized by the Town Administrator in conformity with the following regulations governing their use.

1. Requests for the use of Town buildings will be made through the appropriate department where the facility is located at least 14 days prior to the date of use.
2. Requests for special event, road closure or use of Town property permits must be completed and received at least four (4) weeks prior to the date of the event, road closure or property use.
3. Applicant is responsible for acquiring the necessary signatures from Town officials. In addition, both the event coordinator and the organization's owner/principal are required to sign the application.
4. If a student organization, appropriate staff advisor must complete the application.
5. Applicant shall be responsible for the cleanup of Town building/grounds prior to leaving the premises.
6. Road closure permits must go before the Town Council for final approval, which meets the first and third Mondays of each month. Applications for use of Town facilities, including large numbers of persons, may also be referred to the Town Council by the Town Administrator for approval.
7. For a use of Town property permit, applicant will post a minimum deposit of \$150.00, which will be refunded to the applicant, less any costs, within five (5) working days of the event. Further, the applicant agrees to pay any and all costs incurred by the Town greater than \$150.00.
8. Facilities may not be used for commercial purposes.

9. The use of Town buildings for government purposes, meetings of pupils, community meetings, local community group entertainment for the community, clubs, alumni associations, parent-teacher associations and other organizations affiliated with the Town have precedence over all others.
10. All activities must be under competent adult supervision approved by the Town Administrator. The group using the facilities will be responsible for any damage to the building or equipment.
11. Groups receiving permission are restricted to the dates and hours approved and to the building area and facilities specified, unless requested changes are approved by the Town Administrator.
12. Groups receiving permission are responsible for the observance of Town and state fire and safety regulations at all times.
13. The use of alcoholic beverages, profane language, or gambling in any form is not permitted in municipal buildings or on Town grounds. Smoking within municipal buildings is not permitted.
14. The Town will cooperate with recognized agencies, such as the Red Cross and Civil Defense, and will make suitable facilities available without charge during community emergency or to prepare for civil defense.
15. Liability insurance will be required for all outside groups given permission to use facilities or to hold an event. Organizers of any activity not under the direct supervision of an employee of the Town must provide a certificate of insurance endorsed to name the Town as an additional insured.
16. In situations where extended use of Town buildings or facilities is required, rental fees may be set at a contract price as determined by the Town Administrator.
17. The Town Administrator reserves the right to cancel any permission granted.
18. Town buildings and grounds, or portions thereof, may be used by religious entities or organizations for organized, temporary events that are discrete, one-time events, including but not limited to sunrise services, interfaith vigils, menorah lightings, or similar events. Religious symbols may be used and displayed only during an event approved by the town and only within the timeframe approved for the event in question; no display of religious symbols shall occur for longer than six (6) hours.

Karen Reynolds

From: David Holmstock
Sent: Wednesday, April 5, 2023 2:25 PM
To: Karen Reynolds; David Emanuel; Rachel Gasowski
Cc: Kelley Fowler; Aimee Routhier; Shannon Shaw; David Holmstock
Subject: RE: Sustainability Day Special Event Permit

The police department approves the permit as submitted.

Dave

David Holmstock
Deputy Chief
Durham Police Department
86 Dover Road
Durham, NH 03824
FBINA-224th - HSLA #2
603-868-2324
D-603-590-0765

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Wednesday, April 5, 2023 9:20 AM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>; Rachel Gasowski <rgasowski@ci.durham.nh.us>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>; Shannon Shaw <ssshaw@ci.durham.nh.us>
Subject: Sustainability Day Special Event Permit

Good Morning,

Attached for your approval is a Special Event Permit for Sustainability Day on May 6.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578



Karen Reynolds

From: David Emanuel <david.emanuel@unh.edu>
Sent: Thursday, April 6, 2023 4:56 PM
To: Karen Reynolds; David Holmstock; Rachel Gasowski
Cc: Kelley Fowler; Aimee Routhier; Shannon Shaw; David Emanuel; Randall Trull; Brendan O'Sullivan
Subject: RE: Sustainability Day Special Event Permit
Attachments: Sustainability Day- Event Permit Approval Form.pdf

Karen,
The fire department supports the application as submitted.
DE

Dave Emanuel, MPA, EFO, CFO
Fire Chief - Durham Fire Department
51 College Road, Durham, NH 03824
david.emanuel@unh.edu
(603) 862-1426 (Office) - (603) 397-7447 (Mobile)
"Our Family Protecting Your Family"



Please note the email address change as the Durham Fire Department migrated from the Town of Durham to University of New Hampshire IT platform on May 27, 2020. The best email address for Dave Emanuel from this point forward is david.emanuel@unh.edu. Please update your address book.

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Sent: Wednesday, April 5, 2023 9:20 AM
To: David Emanuel <david.emanuel@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>; Rachel Gasowski <rgasowski@ci.durham.nh.us>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>; Aimee Routhier <Aimee.Routhier@unh.edu>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: Sustainability Day Special Event Permit

CAUTION: This email originated from outside of the University System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Attached for your approval is a Special Event Permit for Sustainability Day on May 6.

Thank you.
Karen

Karen Reynolds

From: Rachel Gasowski
Sent: Wednesday, April 5, 2023 12:48 PM
To: Karen Reynolds; David Emanuel; David Holmstock
Cc: Kelley Fowler; Aimee Routhier; Shannon Shaw
Subject: Re: Sustainability Day Special Event Permit

OK with P&R

Rachel Gasowski
Park & Recreation Director
Town of Durham
(603) 817-4074
durhamrec.recdesk.com
follow us on Facebook "Durham Rec"

From: Karen Reynolds <kreynolds@ci.durham.nh.us>
Date: Wednesday, April 5, 2023 at 9:20 AM
To: David Emanuel <david.emanuel@unh.edu>, David Holmstock <dholmstock@ci.durham.nh.us>, Rachel Gasowski <rgasowski@ci.durham.nh.us>
Cc: Kelley Fowler <Kelley.Fowler@unh.edu>, Aimee Routhier <Aimee.Routhier@unh.edu>, Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: Sustainability Day Special Event Permit

Good Morning,

Attached for your approval is a Special Event Permit for Sustainability Day on May 6.

Thank you.
Karen

Karen Reynolds
Administrative Assistant
Durham Public Works
DPW/Water/WWTP
100 Stone Quarry Drive
Durham, NH 03824
603.868.5578





TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#10F** TS

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR APPOINT DURHAM RESIDENT STEVE HOLMGREN TO REPLACE AMANDA (MANDY) MERRILL AS DURHAM'S PRIMARY REPRESENTATIVE TO THE COMMUNITY POWER COALITION OF NEW HAMPSHIRE (CPCNH) AND APPOINT ADMINISTRATOR, TODD SELIG, TO REPLACE NAT BALCH AS DURHAM'S ALTERNATE REPRESENTATIVE TO THE COALITION?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

In January 2020, Durham joined the Global Covenant of Mayors, where the community pledged to reduce greenhouse gas emissions, prepare for the impacts of climate change, increase access to sustainable energy, and track progress towards these objectives. Since then, Durham has been working diligently to meet the deliverables for this commitment.

In the summer of 2021, a Community-Wide Greenhouse Gas Inventory was completed through the joint efforts of UNH Sustainability Fellows Emily Mello and Cathy Fletcher. This inventory measured greenhouse gas emissions and removals occurring within Durham. Results from this inventory found that the largest sources of greenhouse gas emissions came from transportation (47%) and the built environment (45%), and the largest sources of greenhouse gas removals came from forests and reforestation (80%) and trees outside forests maintaining or gaining their canopy (20%). This inventory also found that carbon dioxide removals from Durham's forests and trees are equivalent to approximately 34% of Durham's emissions. This inventory will be used to develop emissions reduction targets and strategies in Durham.

Re: Appt. Steve Holmgren as Durham's Primary Rep. to CPCNH & Todd Selig as Alternate Rep.

At the September 27, 2021 Town Council meeting, upon request of the Administrator and Durham Energy Committee, the Council voted to authorize the Town of Durham to join the Community Power Coalition of New Hampshire (CPCNH) and authorized Administrator Todd Selig to sign the Joint Powers Agreement of the Community Power Coalition of New Hampshire, thereby allowing Durham to provide electricity from renewable energy sources, rather than traditional fossil fuel sources, which will help Durham reduce emissions.

In addition to the above action, the Town Council also voted to appoint Durham Energy Committee Chair Nat Balch as Durham's primary representative and Administrator Todd Selig as its alternative representative to the Community Power Coalition of New Hampshire. Subsequently, Durham resident Amanda (Mandy) Merrill had expressed an interest in serving on the CPCNH and was appointed on March 7, 2022 with Nat Balch appointed as alternate representative. At this time both Ms. Merrill and Mr. Balch have indicated that they are no longer interested in serving in this capacity. Therefore, the Council is being asked to appoint Durham resident Steve Holmgren as representative and Administrator Todd Selig as alternate representative to the CPCNH.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

Shall the Town Council, Upon Recommendation of the Administrator, Appoint Durham Resident Steve Holmgren to Replace Amanda (Mandy) Merrill as Durham's Primary Representative to the Community Power Coalition of New Hampshire (CPCNH) and Appoint Administrator, Todd Selig, to Replace Nat Balch as Durham's Alternate Representative to the Coalition.



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
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www.ci.durham.nh.us

AGENDA ITEM: **#10G** TS

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Public Works Department

AGENDA ITEM: **SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR AWARD THE CONSTRUCTION CONTRACT FOR THE EDGEWOOD ROAD SEWER REHABILITATION PROJECT TO GREEN MOUNTAIN PIPELINE SERVICES, LLC OF BETHEL, VT FOR A TOTAL BID PRICE OF \$69,696.96 AND AUTHORIZE THE TOWN ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS?**

CC PREPARED BY: April Talon, Town Engineer
Richard Reine, Director of Public Works

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request the Town Council's approval to award the Construction Phase Contract for the Edgewood Road Sewer Rehabilitation Project to Green Mountain Pipeline Services, LCC of Bethel, VT in the amount of \$69,696.96.

Construction bids for this project were opened at a public bid opening held at Durham Public Works on March 2, 2023. Three bids were received and reviewed. A tabulation of the bids received is enclosed. Green Mountain Pipeline Services submitted the lowest Total Base Bid of \$69,696.96. Green Mountain's bid is approximately 50% less than the engineer's estimate of \$140,000.00 for the project. The remaining two base bids were approximately 42% and 51% higher than Green Mountain's base bid, respectively. These bids are evidence of competitive pricing

and reasonable bids. In reviewing the three bid packages, no deficiencies were noted, and no mathematical errors were found. See attached bid tabulation and Bid Evaluation letter from Wright Pierce, recommending awarding the construction contract to Green Mountain Pipeline Services, LLC.

Project Overview

The project area includes approximately 2,100 feet of 8-inch and 10-inch sewer and 10 manholes on Edgewood Road. A large portion of the pipeline is clay pipe that dates back to the 1940s, and this area was identified by the Town as a high priority for inspection and repair.

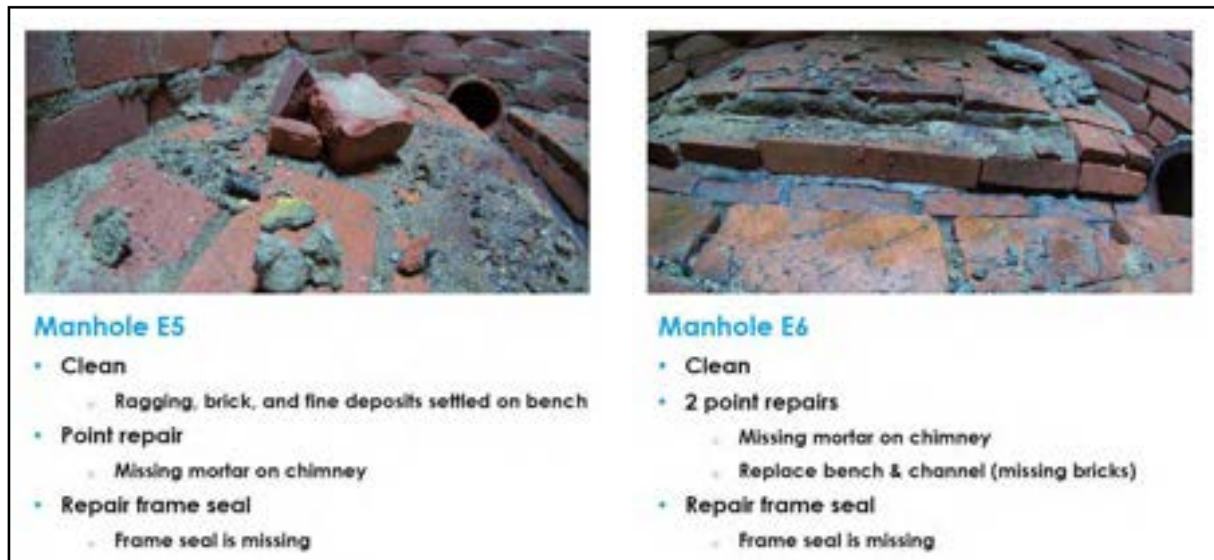
The Town of Durham retained Wright-Pierce to conduct 10 manholes inspections, review completed closed-circuit television (CCTV) inspection documentation collected by the Town's consultant and make recommendations for the rehabilitation of approximately 2,100 linear feet of pipe and 10 sewer manholes along Edgewood Road. The Town completed CCTV inspection of the Edgewood Road sewer through a separate contract and provided the CCTV deliverables to Wright-Pierce for review.

The sewer main along Edgewood Road was found generally to be in good condition with the exception of pipe segments had small to medium joint offsets, one section had a fracture, and one section had a hole.



Photos above showing pipe defects to be repaired with sewer lining.

Most of the manholes inspected were all brick, or had brick chimneys, benches, and channels. Brick tends to be older and allows more infiltration than precast manhole structures. All of the manholes had missing frame seals and showed signs of deterioration.



Photos above showing manhole defects to be repaired by manhole lining.

Rehabilitation Recommendations

Wright-Pierce met with the Town to discuss their preferred level of rehabilitation and the following rehabilitation efforts are proposed:

- Cured-in-place (CIP) lining of all defective pipe segments,
- Cementitious lining of brick components in the manholes, and
- The recommended base-level manhole repairs not covered by lining.

The proposed rehabilitation efforts will require bypass pumping. This portion of the Town's sewer is in close proximity to the University of New Hampshire (UNH) campus. Mobilization, therefore, is recommended to occur after the UNH spring session has completed. This will minimize the volume of flows to be bypass pumped and the impacts to traffic on Edgewood Road and connecting roadways.

The benefits of repairing the pipe segments with CIP lining, is that it is more cost effective than traditional pipe replacement, as it doesn't require open excavations (trenchless). Additionally, the lining, when cured is resistant to root intrusion.

Durham Public Works will hold a meeting with local residents and the contractor prior to construction to discuss the project including timing and schedule.

The construction inspection and contract administration to be completed by Wright Pierce for this project will be completed under a separate contract and includes all contractor coordination, reviewing submittals and pay requisitions, preparing and responding to requests for more information (RFI's), preparing for and attending

monthly construction meetings, part-time on-site inspection during active work, and completion of record drawings at the completion of the project.

LEGAL AUTHORITY:

Section 4-20 of the Administrative Code of the Town of Durham requires every purchase or contract in excess of twenty-five thousand (\$25,000) dollars shall be made only after receipt of publicly invited sealed competitive bids on uniform specifications and that all purchases in excess of fifty-five thousand (\$55,000) dollars requires approval by the Town Administrator and Town Council by affirmative vote.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

ACCOUNT	TITLE	BUDGETED	EXPENSED/ ENCUMBERED TO DATE	REQUESTED	REMAINING
07-1931-360-36-000	Collection System Upgrade (Town Only) 2019	\$65,000.00	\$64,583.68	\$416.32	\$0.00
07-2032-360-36-000	Collection System Upgrade (Town Only) 2020	\$65,000.00	\$7,200.00	\$57,800.00	\$0.00
07-2132-360-36-000	Collection System Upgrade (Town Only) 2021	\$65,000.00	\$0.00	\$11,480.64	\$53,519.36
TOTAL				\$69,696.96	\$

SUGGESTED ACTION OR RECOMMENDATIONS:

The Durham Town Council does hereby, upon recommendation of the Administrator, approve the construction contract for the Edgewood Road Sewer Rehabilitation Project to Green Mountain Pipeline Services, LLC of Bethel, VT in the amount of \$69,696.96 and authorizes the Town Administrator to sign said contract.

March 10, 2023
W-P Project No. 21132

Rich Reine, M.S.C.E., CA
Director of Public Works
Durham Public Works
100 Stone Quarry Drive
Durham, NH 03824

SUBJECT: Edgewood Road Sewer Rehabilitation Project
Bid Evaluation – Recommendation to Award Contract to Green Mountain Pipeline Services, LLC

Dear Rich,

We have completed our review of the construction bids that were received for the subject project on March 2, 2023. This letter represents a summary of our findings.

Three bids were received and reviewed. A tabulation of the bids received is enclosed. Green Mountain Pipeline Services submitted the lowest Total Base Bid of \$69,696.96. Green Mountain's bid is approximately 50% less than the engineer's estimate of \$140,000.00 for the project. The remaining two base bids were approximately 42% and 51% higher than Green Mountain's base bid, respectively. These bids are evidence of competitive pricing and reasonable bids. In reviewing the three bid packages, no deficiencies were noted, and no mathematical errors were found.

Wright-Pierce has worked with Green Mountain Pipeline Services on many past projects with satisfactory results. Their list of past and present projects includes several that are similar in nature to the Town's sewer rehabilitation project. These include CIPP sewer lining, bypass pumping, and cementitious and epoxy manhole rehabilitation in several Towns and Cities across New England including Manchester, NH, Norwalk, CT, and Westborough, MA.

Based on our experience with Green Mountain and contact with their references, Wright-Pierce recommends that the Town award the bid to Green Mountain Pipeline Services, LLC as the lowest responsible and responsive bidder.

Based on our discussions, it is our understanding that the Town will award the Base Bid with no intended Bid Alternates. We have attached a draft "Notice of Intent to Award" letter for the Town's consideration. If the Town concurs with this recommendation, the notice of intent to award letter should be issued as soon as possible.

3/10/2023

Rich Reine

Page 2 of 2

We are ready to assist you in submitting the necessary documentation to NHDES for approval, awarding the contract, requesting the required bonds and insurance information, and executing the Contract Documents.

If you have any questions, please do not hesitate to contact us.

Sincerely,
WRIGHT-PIERCE

A handwritten signature in blue ink, appearing to read "K. Lemasney", is placed over a light blue rectangular background.

Kristen Lemasney, PE
Project Manager

Attachments:

- Bid Tabulation
- Draft Notice of Intent to Award Letter

Cc: April Talon, Durham Town Engineer
Sam Hewitt, Assistant Director of Public Works

Project Name/No.: Edgewood Road Sewer Rehabilitation / 21132
 Bid Opening: 3/02/2023 1:00 PM
 Location: Durham, NH
 ENG/PM: Kristen Lemasney / Peralie Burbank / Meghan Otis
 Engineer's Estimate: \$140,000

Issuing Office: Portsmouth Office
 230 Commerce Way, Suite 302
 Portsmouth, NH 03801

BID QUANTITIES				BIDDER'S NAME					
				Green Mountain Pipeline Services, LLC		National Water Main Cleaning Co.		Vortex Companies	
	Item	Qty.	UNIT	UNIT AMT	BID	UNIT AMT	BID	UNIT AMT	BID
BASE BID									
1	Line Manhole (Assuming Cleaning Included)	50	VF	\$ 244.00	\$ 12,200.00	\$ 175.00	\$ 8,750.00	\$ 200.00	\$ 10,000.00
2	Line Chimney	3	EA	\$ 450.00	\$ 1,350.00	\$ 300.00	\$ 900.00	\$ 380.00	\$ 1,140.00
3	Frame Seal Wrap	6	ES	\$ 1,500.00	\$ 9,000.00	\$ 2,000.00	\$ 12,000.00	\$ 1,100.00	\$ 6,600.00
4	Replace Cover & Frame	1	EA	\$ 4,500.00	\$ 4,500.00	\$ 3,200.00	\$ 3,200.00	\$ 3,500.00	\$ 3,500.00
5	Clean	3	EA	\$ 500.00	\$ 1,500.00	\$ 100.00	\$ 300.00	\$ 650.00	\$ 1,950.00
6	Fix Pipe Seal	5	EA	\$ 150.00	\$ 750.00	\$ 500.00	\$ 2,500.00	\$ 350.00	\$ 1,750.00
7	Point Repair	2	EA	\$ 650.00	\$ 1,300.00	\$ 1,000.00	\$ 2,000.00	\$ 950.00	\$ 1,900.00
8	Grout Joint	1	EA	\$ 200.00	\$ 200.00	\$ 750.00	\$ 750.00	\$ 750.00	\$ 750.00
9	Root Removal	1	EA	\$ 1.00	\$ 1.00	\$ 100.00	\$ 100.00	\$ 600.00	\$ 600.00
10	Line Pipe	710	LF	\$ 35.00	\$ 24,850.00	\$ 62.25	\$ 44,197.50	\$ 57.00	\$ 40,470.00
11	Traffic Control	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 14,500.00	\$ 14,500.00	\$ 11,000.00	\$ 11,000.00
12	Temporary Bypass Pumping	1	LS	\$ 1.00	\$ 1.00	\$ 1,000.00	\$ 1,000.00	\$ 5,000.00	\$ 5,000.00
13	Mobilization & Demobilization (5%)	1	LS	\$ 1,044.96	\$ 1,044.96	\$ 4,800.00	\$ 4,800.00	\$ 4,000.00	\$ 4,000.00
14	Contingency (\$10,000 Allowance)	1	Allowance	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
TOTAL BASE BID AMOUNT ITEMS (1 THROUGH 14)					\$ 69,696.96		\$ 104,997.50		\$ 98,660.00

March 10, 2023

Mr. Corey Stearns, Vice President
Green Mountain Pipeline Services, LLC
768 S. Main Street – Unit 1
Bethel, VT 05032

SUBJECT: Town of Durham, NH – Edgewood Road Sewer Rehabilitation
Notice of Intent to Award

Dear Mr. Stearns,

It is the intention of the Town of Durham to award a contract for the above referenced project to Green Mountain Pipeline Services, LLC based on the lowest total bid received of \$69,696.96 received on March 2, 2023.

Please feel free to contact me or Kristen Lemasney of Wright-Pierce if you have any questions regarding this notice.

Sincerely,
April Talon, PE
Town Engineer

Cc: Kristen Lemasney, PE – Wright-Pierce
Richard Reine, Director of Public Works – Town of Durham
Samuel Hewitt, Assistant Director of Public Works – Town of Durham



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#11A** TS

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Kathy Collins, 31 Oyster River Road

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE HUMAN RIGHTS COMMISSION CHAIR, APPOINT KATHY COLLINS, 31 OYSTER RIVER ROAD, TO FILL A MEMBER VACANCY ON THE HUMAN RIGHTS COMMISSION WITH A TERM EXPIRATION OF APRIL 2024?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is an application for board appointment submitted by Kathy Collins, requesting appointment as a member to the Human Rights Commission.

Ms. Collins has attended at least one meeting of the Human Rights Commission and has spoken with Chair, Sally Needell. Attached for the Council's information is Chair Needell's endorsement of Ms. Collins' appointment.

Ms. Collins' will attend Monday night's Council meeting relative to her request for appointment.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Human Rights Commission Chair, appoint Kathy Collins, 31 Oyster River Road, to fill a member vacancy on the Human Rights Commission with a term expiration of April 2024.



Town of Durham

8 Newmarket Road
Durham, NH 03824-2898

Tel: 603/868-5571

Fax 603/868-1858

kedwards@ci.durham.nh.us

RECEIVED
Town of Durham

APR - 5 2023

Administration Office

Application for Board Appointment

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

New appointment/regular member ☒

New appointment/alternate member ☐

Reappointment/regular member ☐

Reappointment/alternate member ☐

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

Applicant has:

☒ ATTENDED A MEETING

☐ SPOKEN WITH CHAIR/V CHAIR

☐ BEEN RECOMMENDED FOR MEMBERSHIP

Name: Kathy Collins

Date: 4/5/2023

Address: 31 Oyster River Road

E-Mail Address: KCOLLINS15@mac.com

Telephone: 603-502-8436

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

1. Human Rights Commission

2.

3.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? ☒ YES ☐ NO

(Over)

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

I am committed to creating an environment of diversity, equity, inclusion, and belonging.

Please provide brief background information about yourself:

Literacy Educator - international + domestic + local schools
one of the founding members of Oyster River Equity + Justice (OREJ)
member of ORCSD DEI committee for 3-4 years

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

Name: Kristin Forselius

Telephone: 603.765.7730

Name: Karen Crowley

Telephone: 603.674.7006

Name: Monica Chiu

Telephone: 603.312.4071

♦♦♦♦♦♦♦♦♦♦♦♦♦♦♦♦

Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Karen Edwards at kedwards@ci.durham.nh.us.

Karen Edwards

From: Sally Needell <sneedelltc@gmail.com>
Sent: Friday, April 7, 2023 8:29 AM
To: Karen Edwards
Subject: Re: Kathy Collins recommendation

I support the appointment of Kathy Collins to the Human Rights Commission. She was valued contributor to our meeting on April 5, 2023, and she has experience working on Human Rights issues.

Sincerely,
Sally Needell

On Apr 6, 2023, at 11:14 AM, Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Sally,

Kathy Collins has submitted her application for the Human Rights Commission. As Chair, please email me a recommendation for Kathy for her appointment to this Commission.

Karen

Karen Edwards
Administrative Assistant
Administrator's Office
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571
www.ci.durham.nh.us
She/her/hers



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AGENDA ITEM: **#11B** TS

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Jennifer Becker, 2 Bartlett Road

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION CHAIR, RE-APPOINT JENNIFER BECKER, 2 BARTLETT ROAD, TO ANOTHER 3-YEAR TERM ON THE HISTORIC DISTRICT/HERITAGE COMMISSION WITH A TERM EXPIRATION OF APRIL 2026?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is a request for re-appointment submitted by Jennifer Becker, as a member to the Historic District/Heritage Commission.

Ms. Becker's request was not on the April 3, 2023 list of re-appointments due to a delay in receiving the Chair's recommendation. Attached for the Council's information is Chair Brickner-Wood's endorsement of Ms. Becker's re-appointment.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Historic District Commission Chair, re-appoint Jennifer Becker, 2 Bartlett Road, to another 3-year term on the Historic District/Heritage Commission with a term expiration of April 2026.

Karen Edwards

From: Jennifer Becker <dayhoofj@gmail.com>
Sent: Monday, March 20, 2023 12:02 PM
To: Karen Edwards
Subject: HDC Reappointment

Hello Karen,

My term as an alternate with the Historic District Commission/Heritage Commission is coming to an end. I would love the opportunity to continue serving on the Commission and on its subcommittees. Please let me know if there is anything in particular I should do to extend my service to another term.

Thank you,

Jennifer Becker

Karen Edwards

From: Larry Brickner-Wood <revlarry77@gmail.com>
Sent: Thursday, March 30, 2023 4:35 PM
To: Karen Edwards
Cc: Jennifer Becker (dayhoofj@gmail.com)
Subject: Re: Re-appointment to HDC

Dear Karen,

I just saw this note. I looked and can't find an email from you about Jennifer, though I recall writing ones for Aaron and Charlotte earlier this month.

Be that as it may, here is my recommendation.

Jennifer Becker is an excellent member of the Durham Historic District and Heritage Commission. She is an active member of our Public History Committee and has filled in capably and ably as an alternate when one of the other members cannot attend a meeting. I highly recommend her for reappointment as an alternative to the Historic District Commission.

Hopefully, that will suffice. Thank you for your great service Jennifer, and we look forward to working with you again!

Larry

On Thu, Mar 30, 2023 at 2:35 PM Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Jennifer,

I was unable to put you on the April 3, Town Council agenda for re-appointment to the HDC. The Council needs a recommendation from the Larry as Chair for this re-appointment. I contacted him by email and phone but did not hear back from him. I will tentatively place your re-appointment on the April 17 Town Council agenda. Your term does not end until May 1 so it is not a problem.

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **# 12A** *TS*

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: PRESENTATION BY MATT LAMPRON, PROJECT MANAGER
NHDOT, AND DARREN BLOOD, GM2 INC., ON THE ROUTE 4 AND
MADBURY ROAD PROJECT

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Matt Lampron & Darren Blood

AGENDA DESCRIPTION:

In the past the Town of Durham has asked the State of NH Department of Transportation to review the layout and design of the intersection of Madbury Road and Route 4. Due to a large number of accidents there, the Town has requested that safety improvements be made. NHDOT responded favorably to this request. Matt Lampron, Project Manager of NHDOT and Darren Blood of GM2 Inc. will be at the Council meeting of April 17 to present several options for increased safety measures at this intersection.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Receive Presentation by Matt Lampron, Project Manager NHDOT, and Darren Blood, GM2 Inc., on the Route 4 and Madbury Road project

Discuss options presented as necessary and provide guidance to the Administrator on whether any concerns remain and which options might be preferred over others.



TOWN OF DURHAM

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Durham, NH 03824
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AGENDA ITEM: **# 12B** *TS*

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: PRESENTATION BY MIKE HOFFMAN REGARDING THE PROPOSAL TO DESIGNATE DAME ROAD AS A SCENIC ROAD.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Mike Hoffman

AGENDA DESCRIPTION:

On January 4, 2023, Mike Hoffman inquired of the Administrator's Office on how to designate Dame Road as a Scenic Road in Durham. After discussion with the Administrator and several residents, Mr. Hoffman requested the ability to present this proposal to the Council. He received twenty signatures on a petition from Durham residents. (The residents have not at this time been verified by the Town Clerk's Office as Durham residents)

LEGAL AUTHORITY:

Chapter 102 of the Town Code and RSA 231:157 speak to the process of designating a road as a scenic road.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Receive Presentation by Mike Hoffman regarding the Proposal to designate Dame Road as a Scenic Road.

Discuss as necessary and provide guidance to the Administrator on whether any concerns remain.

Karen Edwards

From: Mike Hoffman <mike@hoffmanrpm.com>
Sent: Wednesday, February 22, 2023 9:25 AM
To: Todd Selig
Cc: Michael Behrendt; Richard Reine; Jen Berry; Karen Edwards
Subject: Re: Dame Road Proposal to Designate as Scenic Road - following up with Michael Hoffman

Good day Todd,

I queried the group of local residents as to whether we should move forward with the request to designate Dame Road a Scenic Road in light of your thoughts. Everyone I spoke to thought we should be proactive in the protection of this community asset. I understand the designation could lead to a greater process for tree removal, at the same time, in over three decades of living on a designated scenic road, I do not recall a time that Durham Public Works has had to go through the process. Our Public Works Department has always been very respectful of our scenic roads, so designated or not. As you know, the designation only applies to trees greater than 15" in circumference (about 4-3/4" diameter) and nuisance trees, dangerous trees and emergency utility restoration are exempted from the hearing process.

The designation would also lead to greater awareness of the community's desire to protect the historic stonewalls lining the road.

The scenic road designation is largely a statement of pride, but also a commitment to preservation. Currently a significant section of Dame Road has no utility poles on it and looks quite like it might have 200 years ago. We can never predict what may happen in the future, the local power utility could have already have a plan to create a grid connection down this road. Currently, they would have unrestricted tree clearing rights. We would be up in arms, wishing we were more proactive.

What should be our next step? Should we present to the Council or drop off the signed petition to you?

Thank you so much for your assistance in this!

Mike Hoffman
603.817.8071

On Fri, Jan 6, 2023 at 8:47 PM Todd Selig <tselig@ci.durham.nh.us> wrote:

Dear Mike,

Thank you so much for your email. I will share this with the members of the Town Council as well for their information and consideration. I hope you have a very nice weekend!

Todd

Todd Selig

Durham, NH USA

Mobile: 603.817.0720

Sent from my iPhone.

~~ Please pardon typographical errors.

On Jan 6, 2023, at 5:51 PM, Mike Hoffman <mike@hoffmanrpm.com> wrote:

Thank you Todd,

I forwarded your email to some of the group (we have a Dame Road trash pick up gang) to see how they might like to proceed. As you know, while we walk on Dame Road several times a week, we don't live on it. I merely threw out the suggestion at a gathering and volunteered to help with the idea.

We realize the designation only affects trees and stone walls within the Town's right of way, and that 'nuisance' or 'hazardous trees' do not have to go through the public hearing process; however, any level of officially stated protection carries with it a spirit and intent to preserve the natural beauty of this most historic roadway.

Mike Hoffman
603.817.8071

On Wed, Jan 4, 2023 at 9:46 AM Todd Selig <tselig@ci.durham.nh.us> wrote:

Dear Mike,

Thank you very much for your email regarding Dame Road and the interest on the part of several concerned residents to have it designated as a scenic road. Durham is a little different from a typical town in that we have established a Town Charter, which outlines how local government is operated. Local regulations in Durham are adopted as ordinances by the Town Council, not Town Meeting, which no longer exists in Durham. Durham already has a Chapter in the Town Code on Scenic Roads (Chapter 102), which was adopted by the Town Council through Ordinance #2020-14. So, if the Town Council is ultimately comfortable with adding Dame Road, it can just amend Chapter 102 through an ordinance enactment process, which entails a first reading, public hearing, and adoption by the board.

That said and with respect, I would recommend giving this idea a second thought. We have not had issues with Dame Road in terms of cutting trees of which I am aware. The proposal to pave Dame Road that was included in the CIP was at the request of Dame Road abutters dating to several years ago. It was not a staff initiative. In fact, no design exists for such a project. The project had been carried in the CIP plan as a placeholder for several years before abutters who had concerns about the idea expressed them. The Council, upon hearing the current expressions of concern and with staff support, dropped the proposal from the long-range CIP plan. A scenic road designation would not prevent the future paving of Dame Road (for which no plan exists); it would simply involve the Planning Board as part of that process. Scenic road designation carries with it additional cumbersome constraints upon both the electric company and more importantly from my perspective, our already over-burdened Public Works Department, in addressing problematic tree growth issues/hazards. A scenic road designation does *not* prevent the actual landowner from cutting trees on their own property along the roadway. Landowners are not required to undertake Planning Board review for such cuts.

In closing, while I understand your desire and that of others to provide the maximum protection possible for Dame Road in terms of preserving the tree canopy there, I would assert that the designation of Dame Road as a scenic road is a solution looking for a problem, where none currently exists. Indeed, at the present time, the biggest threat to downing trees on the roadway is in fact the beavers, which are causing some issues repeatedly with trees and flooding in certain locations.

Again, I would urge you and others who are supportive of this idea to give it a second look. At the same time, if after doing so you continue to believe that a scenic road designation for Dame Road makes sense, the Town Council can be asked to initiate an amendment to Chapter 102 of the Town Code dealing with scenic roads.

All my very best to you and others for a happy and healthy 2023.

Todd

Todd I. Selig, Administrator

Town of Durham, NH

a: 8 Newmarket Rd., Durham, NH 03824 USA

t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us

He/him/his pronouns

Everyone can tackle climate change. How can you reduce your carbon footprint?

From: Mike Hoffman <mike@hoffmanrpm.com>

Date: Wednesday, January 4, 2023 at 9:16 AM

To: Todd Selig <tselig@ci.durham.nh.us>

Subject: Dame Road Proposal to Designate as Scenic Road

Hi Todd,

First, I would like to express our gratitude for your ambassadorship and leadership over the years. The community is quite fortunate to have you at the helm.

We are seeking your advice on how to proceed with the process of having Dame Road designated as a Scenic Road. As you know, Durham Point/Bay Roads, Packer Falls Road and Bennett Road are rightfully designated as Scenic Roads. However, Dame Road is every bit as scenic and historic, but lacks the prestige and protections that the Scenic Road designation would afford. We have reviewed the process for having a road designated as 'scenic' under RSA 231:157 (available [HERE](#) for review) which prescribes that a (friendly) petition be signed by at least 10 abutters and/or voters of the town (we have already drafted and signed by the requisite number of petitioners).

How would you recommend we proceed? We would be happy to submit the friendly petition to the Town Clerk and/or have a quick meeting with you to seek your guidance and recommendations.

We are also interested in the timing of this so as not to overload you or the Council at a bad time of year.

Any assistance is appreciated.

Thanks so much!

Mike Hoffman

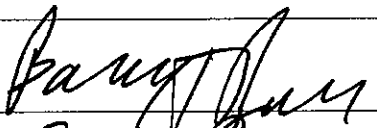
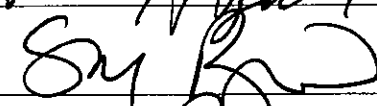
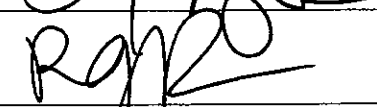
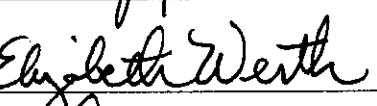
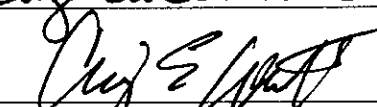
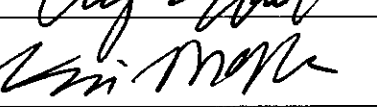
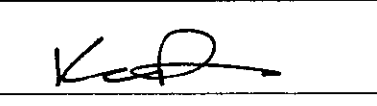
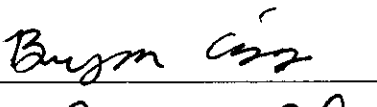
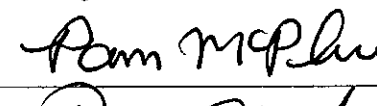
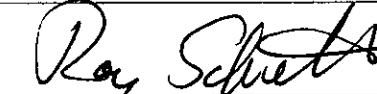
300 Durham Point Road

603.817.8071

PETITION

We, the undersigned, respectfully request the Durham Town Council to designate Dame Road a Scenic Road as prescribed by RSA 231:157. The effect of this would be that:

any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board.

	PRINTED NAME	SIGNATURE	ADDRESS	
1	Barry RYAN		321 Dame Rd	
2	SKY RYAN		321 DAME RD.	
3	Roanne Robbins		343 Dame Rd	
4	Elizabeth Werth		346 Dame Rd.	
5	Craig Werth		346 Dame Rd.	
6	Kaeli McPhee		342 Dame Rd	
7	Ken Robbins		343 Dame Rd	
8	Bryan Cassidy		340 Dame Rd	
9	Ram McPhee		342 Dame Rd	
10	ROY SCHETTINI		351 DAME Rd	

PETITION


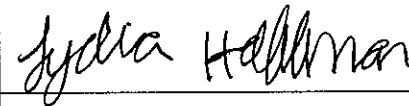

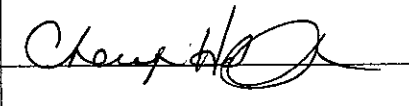
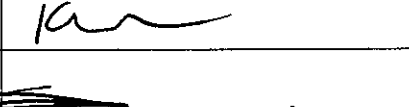
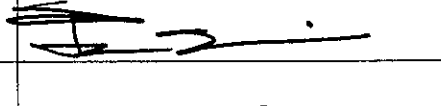
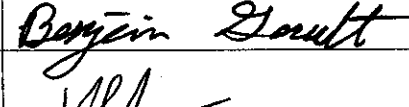
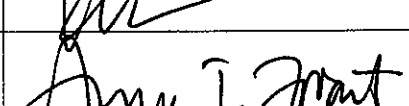
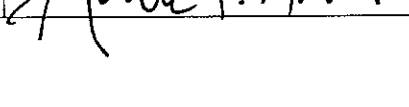
We, the undersigned, respectfully request the Durham Town Council to designate Dame Road a Scenic Road as prescribed by RSA 231:157. The effect of this would be that:

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PRINTED NAME

SIGNATURE

ADDRESS

1	Susan Schettini		551 Dame Rd
2	HENDI CHASE	Hendi Chase	52 ELAM ST NEW MARKET
3	Lydia Hoffman		300 Durham Point RD
4	Michael Hoffman		300 DURHAM POINT ROAD
5	Cheryl Hoffman		300 Durham Point Road
6	Katrina MacGregor		92 Dover Rd. Durham
7	TOR HARRIS		250 Dame Rd. Durham N.H.
8	BEN GAULT		Durham NH 14 Deer Meadow Rd
9	KEELY RYAN		250 DAME RD DURHAM, NH, 03824
10	Anne Zwart		5 Edgely - Garrison Rd Durham, NH 03824

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Scenic Roads

Section 231:157

231:157 Scenic Roads; Designation. – Any road in a town, other than a class I or class II highway, may be designated as a scenic road in the following manner. Upon petition of 10 persons who are either voters of the town or who own land which abuts a road mentioned in the petition (even though not voters of the town), the voters of such town at any annual or special meeting may designate such road as a scenic road. Such petitioners shall be responsible for providing the town clerk with a list of known property owners whose land abuts any of the roads mentioned in the petition. The town clerk shall notify by regular mail within 10 days of the filing all abutters along the road that lies within the town that a scenic road petition has been filed for and that an article to designate such road as a scenic road will appear in the warrant at the next town meeting. The voters at a regular town meeting may rescind in like manner their designation of a scenic road upon petition as provided above. Notice to the abutting landowners shall also be given as provided above. Each town shall maintain and make available to the public a list of all roads or highways or portions thereof within the town which have been designated as scenic roads. Such list shall be kept current by updating not less than annually and shall contain sufficient information to permit ready identification of the location and extent of each scenic road or portion thereof, by reference to a town map or otherwise.

Source. RSA 253:17. 1971, 455:1. 1973, 586:1. 1981, 87:1. 1992, 160:3, eff. July 5, 1992.

TITLE XX

TRANSPORTATION

CHAPTER 231

CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Scenic Roads

Section 231:158

231:158 Effect of Designation as Scenic Roads. –

I. As used in this subdivision, "tree" means any woody plant which has a circumference of 15 inches or more at a point 4 feet from the ground.

II. Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or any other official municipal body designated by the meeting to implement the provisions of this subdivision, after a public hearing duly advertised as to time, date, place and purpose, 2 times in a newspaper of general circulation in the area, the last publication to occur at least 7 days prior to such hearing, provided, however, that a road agent or his designee may, without such hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property, and provided, further, that a public utility when involved in the emergency restoration of service, may without such hearing or permission of the selectmen, perform such work as is necessary for the prompt restoration of utility service which has been interrupted by facility damage and when requested, shall thereafter inform the selectmen of the nature of the emergency and the work performed, in such manner as the selectmen may require.

III. Designation of a road as scenic shall not affect the eligibility of the town to receive construction, maintenance or reconstruction aid pursuant to the provisions of RSA 235 for such road.

IV. Designation of a road as a scenic road shall not affect the rights of any landowner with respect to work on his own property, except to the extent that trees have been acquired by the municipality as shade or ornamental trees pursuant to RSA 231:139-156, and except that RSA 472:6 limits the removal or alteration of boundary markers including stone walls.

V. A town may, as part of a scenic road designation under RSA 231:157 or as an amendment to such designation adopted in the same manner, impose provisions with respect to such road which are different from or in addition to those set forth in this section. Such provisions may include, but are not limited to, decisional criteria for the granting of consent by the planning board or other designated municipal body under paragraph II, or protections for trees smaller than those described in paragraph I, designated for the purpose of establishing regenerative growth along the scenic road.

VI. Any person who violates this section or any local provision adopted under this section shall be guilty of a violation and shall be liable for all damages resulting therefrom.

Source. RSA 253:18. 1971, 455:1. 1973, 586:2. 1981, 87:1. 1983, 122:2. 1991, 134:3, 4. 1992, 160:2, eff. July 5, 1992.

CHAPTER 102
SCENIC ROADS

Article I
ADOPTION

102-1. Scenic Roads Established

Article II
GENERAL PROVISIONS

102-2. Procedures for review of activity on scenic roads

102-3. Public Nuisance Trees

102-4. Trees presenting an imminent hazard to life or property

CHAPTER 102

SCENIC ROADS

[HISTORY: Adopted by the Town Council of the Town of Durham through Ordinance #2020-14 dated December 7, 2020].

Article I

ADOPTION

102.1 Scenic Roads Established.

The four roads listed below have been established as scenic roads. Additional scenic roads may be established in the future in accordance with RSA 231:157.

- Bay Road (established 1996)
- Bennett Road (established 1971)
- Durham Point Road (established 1972)
- Packers Falls Road (established 1971)

Article II

GENERAL PROVISIONS

102-2. Procedures for review of activity on scenic roads.

Proposed activity on scenic roads shall be reviewed in accordance with RSA 231:158. The Planning Board is designated as the body to review such proposed activity and may establish policies for such review in accordance with applicable statutes.

102-3. Public Nuisance Trees.

When there is a determination that any tree situated within the right of way of a scenic road: a) is dead; or b) is in poor condition and significantly declining without any reasonable likelihood of it regaining vitality, the Durham Tree Warden in consultation with the Town Administrator may declare the tree a public nuisance by reason of danger to the traveling public or spread of tree disease. After such a declaration, the designated trees may be removed in accordance with RSA 231:145 and 231:146.

102-4. Trees presenting an imminent hazard to life or property.

Whenever a tree presents an imminent hazard to life or property, that tree may be removed, cut, or trimmed without further review provided the determination is made by the Durham Tree Warden in consultation with the Town Administrator and a qualified arborist or forester. Consultation with a qualified arborist or forester is not required if the Tree Warden is an arborist or forester. Prior to removing, cutting or trimming such a tree the Durham Tree Warden or their designee shall make a good faith effort to contact the owner of the property on which the tree is located as far in advance as possible and inform the owner of plans to remove, cut, or trim the tree and inquire whether the owner wishes to keep the wood once it is cut. In the case of an extreme hazard to life or property the Town Administrator may authorize the immediate removal, cutting, or trimming of the tree without any notice. In that event the Durham Tree Warden or their designee shall contact the owner of the property on which the tree is located at their earliest opportunity following removal of the tree to inquire as to the owner's desire to retain the wood.

This provision is adopted in accordance with 231:158.



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **# 12C TS**

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: QUARTERLY FINANCIAL REPORT THROUGH MARCH 31, 2023

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In compliance with section 5.6 of the Durham Town Charter attached for your review and consideration is a financial report for 2023 through March 31, 2023. General Fund information is broken down by function which may be helpful for your analysis and for the purpose of discussion at the Town Council Meeting. Revenue and expense reports for all other funds are presented in summary format. You will note on the attached report the last column indicates the Percent Collected/Expended as of 03/31/22 for year-to-year comparison purposes.

LEGAL AUTHORITY:

Durham Town Charter Section 5.6

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Town's expenditures as of March 31, 2023 show a total expenditure of \$4,430,115 or 24.3% of the total approved budget amount of \$18,256,249. To compare, the amount expended as of March 31, 2022 was 24.2%.

There are no abnormalities to report at this time.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. This report is presented as information to keep the Council informed on the Town's financial position.

2023 Budget/Estimated General Fund January 1 - March 31, 2023					
PROPERTY TAXES/ABATEMENTS/CREDITS	Estimated Revenue 2023	Revenues Ending 03/31/23	Revenues Under (Over) 2023	Percent Collected 03/31/23	Percent Collected 03/31/22
Property Taxes	\$10,677,404	\$0	\$10,677,404	0.0%	0.0%
Payment in Lieu of Taxes	\$1,045,500	\$0	\$1,045,500	0.0%	0.0%
Abatements	(\$75,000)	(\$3,194)	(\$71,806)	4.3%	90.8%
Veteran Service Credits	(\$129,500)	\$0	(\$129,500)	0.0%	0.0%
REVENUES	Estimated Revenue 2023	Revenues Ending 03/31/23	Revenues Under (Over) 2023	Percent Collected 03/31/23	Percent Collected 03/31/22
Interest and Penalties on Delinquent Taxes	\$50,000	\$9,382	\$40,618	18.8%	65.5%
Permit Fees	\$1,457,720	\$322,523	\$1,135,197	22.1%	22.0%
State/Federal Revenues	\$1,382,500	\$131,322	\$1,251,178	9.5%	4.1%
Intergovernmental Revenues (ORCSD-SRO)	\$90,250	\$45,124	\$45,126	50.0%	52.3%
UNH - Shared Services, School, Fire & Debt Service	\$2,586,375	\$754,499	\$1,831,877	29.2%	27.9%
Departmental Income	\$253,000	\$59,322	\$193,678	23.4%	27.6%
Fire and Police Special Details	\$123,500	\$30,406	\$93,094	24.6%	4.9%
Miscellaneous Revenue	\$794,500	\$88,192	\$706,308	11.1%	27.8%
Fund Balance	\$0	\$0	\$0	0.0%	0.0%
Total General Fund Revenues	\$6,737,845	\$1,440,770	\$5,297,076	21.4%	19.0%
EXPENDITURES	Council Budget 2023	Expended Through 03/31/23	Expenditures Under (Over) 2023	Percent Expended 03/31/23	Percent Expended 03/31/22
GENERAL GOVERNMENT					
Town Council	\$312,250	\$15,103	\$297,147	4.8%	7.9%
Town Treasurer	\$6,030	\$1,292	\$4,738	21.4%	21.5%
Town Administrator	\$400,000	\$108,034	\$291,966	27.0%	23.5%
Elections	\$8,700	\$2,586	\$6,114	29.7%	11.7%
Tax Collector/Town Clerk	\$308,950	\$70,101	\$238,849	22.7%	23.0%
Accounting	\$385,450	\$94,851	\$290,599	24.6%	24.7%
Assessing	\$210,850	\$42,650	\$168,200	20.2%	27.3%
Legal - Attorney Fees	\$85,000	\$18,248	\$66,752	21.5%	33.3%
Legal - Eversource Settlement (Great Bay Study)	\$0	\$0	\$0	0.0%	100.0%
Planning	\$189,700	\$44,539	\$145,161	23.5%	25.0%
Economic Development	\$0	\$0	\$0	0.0%	0.0%
Boards/Commissions/Committees	\$61,450	\$3,479	\$57,971	5.7%	14.7%
DCAT	\$122,350	\$25,141	\$97,209	20.5%	20.7%
GIS	\$113,350	\$26,070	\$87,280	23.0%	23.40%
MIS	\$457,170	\$147,039	\$310,131	32.2%	24.0%
Building Inspection	\$238,800	\$48,194	\$190,606	20.2%	20.8%
Emergency Management	\$1,000	\$125	\$875	12.5%	14.0%
Other General Government	\$450,500	\$87,186	\$363,314	19.4%	24.7%
General Government Total	\$3,351,550	\$734,638	\$2,616,912	21.9%	27.1%
PUBLIC SAFETY					
Police Department	\$3,338,765	\$768,010	\$2,570,755	23.0%	22.4%
Police Department Special Details	\$60,500	\$10,356	\$50,144	17.1%	3.1%
Fire Department	\$4,636,050	\$1,121,097	\$3,514,953	24.2%	24.4%
Fire Department Special Details	\$38,800	\$9,943	\$28,857	25.6%	14.6%
Communication Center	\$18,700	\$18,944	(\$244)	101.3%	90.3%
Ambulance Services	\$46,950	\$0	\$46,950	0.0%	0.0%
Public Safety Total	\$8,139,765	\$1,928,350	\$6,211,415	23.7%	23.1%

Council Communication – Quarter #1 Financial Report

Page 3

EXPENDITURES	Council Budget 2023	Expended Through 03/31/23	Expenditures Under (Over) 2023	Percent Expended 03/31/23	Percent Expended 03/31/22
PUBLIC WORKS					
Administration	\$387,250	\$101,148	\$286,102	26.1%	24.3%
Engineer	\$149,700	\$27,434	\$122,266	18.3%	18.7%
Stormwater Permitting	\$3,500	\$400	\$3,100	11.4%	0.0%
Town Buildings	\$358,150	\$63,051	\$295,099	17.6%	30.0%
Town Cemeteries & Trusted Graveyards	\$15,650	\$0	\$15,650	0.0%	0.0%
Wagon Hill & Parks & Grounds Maintenance	\$174,390	\$34,200	\$140,190	19.6%	12.7%
Equipment Maintenance	\$280,750	\$60,931	\$219,819	21.7%	26.8%
Roadway Maintenance	\$190,400	\$25,183	\$165,217	13.2%	11.9%
Drainage & Vegetation	\$133,300	\$23,572	\$109,728	17.7%	16.1%
Snow Removal	\$348,900	\$205,705	\$143,195	59.0%	51.1%
Traffic Control	\$145,000	\$24,119	\$120,881	16.6%	14.6%
Bridges & Dams	\$227,650	\$35,786	\$191,864	15.7%	16.7%
Public Works Use of Donations	\$0	\$0	\$0	0.0%	0.0%
Public Works Total	\$2,414,640	\$601,529	\$1,813,111	24.9%	24.9%
SANITATION					
Solid Waste Administration	\$199,050	\$41,011	\$158,039	20.6%	31.3%
Rolloff Vehicle Operation	\$67,600	\$12,355	\$55,245	18.3%	17.6%
Curbside Collection	\$226,100	\$48,653	\$177,447	21.5%	18.0%
Litter Removal	\$33,300	\$6,922	\$26,378	20.8%	16.1%
Recycling	\$165,800	\$38,494	\$127,306	23.2%	18.6%
Solid Waste Management Facility (SWMF)	\$127,100	\$17,130	\$109,970	13.5%	14.0%
Sanitation Total	\$818,950	\$164,565	\$654,385	20.1%	20.4%
HEALTH & WELFARE					
Health Inspector	\$300	\$90	\$210	30.0%	0.0%
Social Service Agencies	\$12,300	\$12,300	\$0	100.0%	100.0%
Direct Assistance (Welfare)	\$30,000	\$23,312	\$6,688	77.7%	29.6%
Health & Welfare Total	\$42,600	\$35,702	\$6,898	83.8%	49.5%
CULTURE & RECREATION					
Parks & Recreation Department	\$374,570	\$79,523	\$295,047	21.2%	17.8%
UNH Outdoor Pool and ORYA	\$0	\$0	\$0	0.0%	0.0%
Parks & Recreation Committee	\$1,500	\$0	\$1,500	0.0%	5.2%
Memorial Day	\$500	\$0	\$500	0.0%	0.0%
Conservation	\$44,000	\$2,175	\$41,825	4.9%	6.0%
Culture & Recreation Total	\$420,570	\$81,698	\$338,872	19.4%	16.0%
DEBT SERVICE					
Principal	\$1,203,400	\$748,169	\$455,231	62.2%	44.7%
Interest	\$367,750	\$131,964	\$235,786	35.9%	44.0%
Debt Service Charges	\$6,000	\$3,500	\$2,500	58.3%	100.0%
Debt Service Total	\$1,577,150	\$883,633	\$693,517	56.0%	44.7%
TRANSFERS					
Transfer to Library	\$577,400	\$0	\$577,400	0.0%	0.0%
Transfer to Capital Project Fund	\$843,624	\$0	\$843,624	0.0%	0.0%
Transfer to Capital Reserve Fund	\$70,000	\$0	\$70,000	0.0%	0.0%
Debt Service Total	\$1,491,024	\$0	\$1,491,024	0.0%	0.0%
TOTAL GENERAL FUND EXPENDITURES	\$18,256,249	\$4,430,115	\$13,826,134	24.3%	24.2%

2023 Budget/Estimated Other Funds Summary January 1 - March 31, 2023

Water Fund	Estimated 2023	Ending 03/31/23	Under (Over) 2023	Percent as of 03/31/23	Percent as of 03/31/22
Revenues	\$1,525,220	\$326,499	\$1,198,721	21.4%	26.0%
Expenses	\$1,525,220	\$240,488	\$1,284,732	15.8%	16.0%
Sewer Fund	Estimated 2023	Ending 03/31/23	Under (Over) 2023	Percent as of 03/31/23	Percent as of 03/31/22
Revenues	\$3,152,000	\$778,920	\$2,373,081	24.7%	19.5%
Expenses	\$3,152,000	\$789,869	\$2,362,131	25.1%	23.8%
Parking Fund	Estimated 2023	Ending 03/31/23	Under (Over) 2023	Percent as of 03/31/23	Percent as of 03/31/22
Revenues	\$420,000	\$125,126	\$294,874	29.8%	24.2%
Expenses	\$420,000	\$68,894	\$351,106	16.4%	17.7%
Depot Road Fund	Estimated 2023	Ending 03/31/23	Under (Over) 2023	Percent as of 03/31/23	Percent as of 03/31/22
Revenues	\$119,000	\$18,329	\$100,671	15.4%	8.3%
Expenses	\$119,000	\$1,755	\$117,245	1.5%	1.1%
Churchill Rink Fund	Estimated 2023	Ending 03/31/23	Under (Over) 2023	Percent as of 03/31/23	Percent as of 03/31/22
Revenues	\$318,000	\$100,836	\$217,164	31.7%	18.4%
Expenses	\$318,000	\$76,185	\$241,815	24.0%	24.4%
Library Fund	Estimated 2023	Ending 03/31/23	Under (Over) 2023	Percent as of 03/31/23	Percent as of 03/31/22
Revenues	\$568,650	\$300	\$568,350	0.1%	50.0%
Expenses	\$602,400	\$146,171	\$456,229	24.3%	24.9%



TOWN OF DURHAM

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AGENDA ITEM: **# 13** *TS*

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Public Works Department

AGENDA ITEM: **PUBLIC HEARING AND ACTION ON RESOLUTION #2023-07
AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF A FY22
LEGISLATIVE PRE-DISASTER MITIGATION (LPDM) GRANT FROM THE
NEW HAMPSHIRE DEPARTMENT OF SAFETY, DIVISION OF HOMELAND
SECURITY AND EMERGENCY MANAGEMENT, FOR THE DURHAM
EMERGENCY GENERATOR PROJECT, IN THE AMOUNT OF
\$427,612.49 WITH A REQUIRED 25% MATCH OF \$142,537.51 – FOR
A TOTAL PROJECT COST OF \$570,150.00 - AND AUTHORIZE THE
ADMINISTRATOR TO SIGN AND SUBMIT GRANT PAPERWORK AND ALL
DOCUMENTS RELATED TO THE GRANT ON BEHALF OF THE TOWN OF
DURHAM.**

CC PREPARED BY: April Talon, Town Engineer
Richard Reine, Director of Public Works

PRESENTED BY: April Talon, Town Engineer
Richard Reine, Director of Public Works

AGENDA DESCRIPTION:

Durham Public Works submitted a FY22 Congressional Directed Spending Request (CDR) application titled, "Town of Durham Emergency Generators Project", to Senator Shaheen's office as part of their project solicitation in April 2021.

The application included a request to fund the installation of backup emergency generators at the Town's Lee Well and Spruce Hole Well as well as new appropriately

sized generators at the Public Works Facility and the Durham Police Station. Although not included within the existing grant, the Town and University will also evaluate and consider emergency power generation requirements at the Lamprey River raw water pump station. Improvements at this station would potentially be funded using existing and/or future capital funds. Details about each location can be found below.

Lee Well Generator – This project will provide emergency backup power to the Lee Well, which serves as a primary water drinking supply for the Town of Durham and UNH and also serves customers in the Town of Lee. The pumping station houses all of the Town's chemical treatment, instrumentation, pumps and motors for the Lee Well and currently has an antiquated emergency backup power system requiring manual start and 100% continuous operator presence during any power failure. The proposed new system would include an auto-start and auto-transfer switch during any power loss, which is now standard practice in the water profession.

Spruce Hole Well Emergency Generator – This project will provide emergency power to the Spruce Hole Well, which is intended to serve as a seasonal drinking water supply to accommodate peak demand for the Town of Durham and the University of New Hampshire. The pumping station houses all of the Town's chemical treatment instrumentation, pumps and motors for the Spruce Hole well and currently has no emergency backup power. The proposed new system would include an auto-start and auto-transfer switch during any power loss which is now standard practice in the water profession making the Spruce Hole site reliable and dependable during any power outage allowing the continued provision of both potable water and fire protection.

Police Station and Public Works Emergency Generators - During emergency events both the Police and Public Works facilities operate as emergency operations and logistics planning facilities housing personnel and equipment involved in emergency responses. Each facility currently has an insufficient emergency generator system, which is undersized and/or inadequately configured resulting in poor performance and powering approximately 20% of each building. The replacement of both generators will allow for full facility backup powered lighting, heat, equipment, fuel, security, IT and life safety systems. This is critical in providing reliable emergency response to the community and our mutual aid partners.

In the Spring of 2022, the Town and DPW were notified by Senator Shaheen's office that the Town was slated to receive Congressional Directed Spending funds for this critical project. This program is administered through HSEM and FEMA Region 1 as a Pre-Disaster Mitigation Grant Program which required a separate application and completion of a Benefit-Cost Analysis.

There were many additional steps required including sending HSEM/FEMA a letter documenting available match, showing proof that the Town owned the parcel in Lee on

which the Lee Well is located, and completing many Requests for Information (RFIs) that were received from FEMA requiring follow-up. Updating the Town's Multi-Hazard Mitigation Plan was also required, a step made more challenging due to delays in Federal funds supporting that separate grant-funded project. The Town finally received the grant agreement package in early March 2023 to move forward with receiving the funding.

On Monday, April 3, 2023, the Town Council reviewed and discussed the attached proposed resolution and scheduled a Public Hearing on the resolution for Monday, April 17, 2023. A Public Hearing notice was published in the *Foster's/Seacoast Online* on Thursday, April 6, 2023. The notice was posted on the outside bulletin board at the Town Hall, as well as at the Durham Public Library and the Department of Public Works.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

\$427,612.49 in FY22 Legislative Pre-Disaster Mitigation Grant (LPDM) grant monies to be received from the New Hampshire Homeland Security and Emergency Management (HSEM).

Breakdown of required match of \$142,537.51

ACCOUNT	TITLE	BUDGETED	EXPENSED/ ENCUMBERED TO DATE	REQUESTED	REMAINING
07-2129-221-36-000	Town Water System Improvements 2021	\$25,000	\$6409.18	\$18,537.51	\$53.31
07-2294-801-36-000	Facility Infrastructure Preventative Maintenance 2022	\$25,000	\$17,306	\$7,694	\$0
07-2377-801-36-000	Facility Infrastructure Preventative Maintenance 2023	\$25,000	\$6405	\$10,000	\$8,595
07-2328-221-36-000	Shared Water System Improvements Town/UNH 2023	\$70,000**	\$0	\$35,435** UNH Share = \$70,871	\$34,565
TOTAL				\$142,537.51	\$43,213.31

SUGGESTED ACTION OR RECOMMENDATIONS:

The grant agreement requires the following exact language when documenting meeting minutes for accepting the grant.

"The Durham Town Council, in a majority vote, accepted the terms of the FY2022 Legislative Pre-Disaster Mitigation (LPDM) grant program as presented in the amount of \$427,612.49 for the Town of Durham's Emergency Generators Project. Furthermore, the Council acknowledges that the total cost of this project will be \$570,150.00, in which the Town will be responsible for a 25% match (\$142,537.51). Durham Administrator Todd Selig is authorized to sign all documents related to the grant."

MOTION 1:

The Durham Town Council does hereby OPEN the Public Hearing on Resolution #2023-07 Authorizing the Acceptance and Expenditure of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, in the Amount of \$427,612.49 with a 25% Local Match of \$142,537.51, - for a Total Project Cost of \$570,150.00 - and Authorizing the Administrator to sign and submit Grant paperwork and all documents related to the grant on behalf of the Town of Durham.

MOTION 2:

The Durham Town Council does hereby CLOSE the Public Hearing on Resolution #2023-07 Authorizing the Acceptance and Expenditure of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, in the Amount of \$427,612.49 with a 25% Local Match of \$142,537.51, - for a Total Project Cost of \$570,150.00 - and Authorizing the Administrator to sign and submit Grant paperwork and all documents related to the grant on behalf of the Town of Durham.

MOTION 3:

The Durham Town Council does hereby ADOPT Resolution #2023-07 Authorizing the Acceptance and Expenditure of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, in the Amount of \$427,612.49 with a 25% Local Match of \$142,537.51, - for a Total Project Cost of \$570,150.00 - and Authorizing the Administrator to sign and submit Grant paperwork and all documents related to the grant on behalf of the Town of Durham.



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AGENDA ITEM: # **14A** TS

DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Trustees of Trust Funds

AGENDA ITEM: **SHALL THE TOWN COUNCIL ADOPT RESOLUTION 2023-13 FOR ESTABLISHING A POLICY FOR THE ADDITION OF NAMES ON THE WAR MEMORIAL AT MEMORIAL PARK?**

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Michael H. Everngam, Chair, Trustees of the Trust Funds

AGENDA DESCRIPTION:

Quite some time ago the Administrator asked the Trustees to look into establishing criteria for recognition of veterans at the Memorial Park by placing name plaques on the memorials. Mike Everngam spent time looking at what other communities are doing, or thinking/talking about doing. There isn't much comparability among the approaches of those few communities he was able to find with written standards/processes.

The Trustees have discussed the issue at some length. One of the first things they realized in trying to structure this approval process is the incredible confusion of definitions of "veteran" presented in government laws, regulations, and rules by the various government agencies (For a quick look please see: <https://va.org/what-is-a-veteran-the-legal-definition/>.) This confusion has led the Trustees to conclude that whatever process and standard that is first established will inevitably evolve with the experience and judgement gained on individual cases. Nonetheless, outlined below are what they believe to be an appropriate process and standards for a veteran's name to be placed on a plaque in Memorial Park.

The outline of the proposed process for recognition is as follows:

POLICY ON ADDING OF NAMES TO WAR MEMORIAL

Consideration will be initiated by a letter from the military veteran, the veteran's family, or from a resident on behalf of the veteran, to the Trustees of Trust Funds requesting recognition of the veteran's service by inclusion of the veteran's name on a plaque in the Memorial Park. A former resident with continuing ties to the Town could be considered a resident for the purposes of this recommendation.

The following should be included with the letter:

- A record or report of residency in Durham for a period of at least 6 years, together with an attestation of a sense of Durham being the veteran's hometown.
- Attached to the letter will be a copy of the veteran's DD Form 214 (or in the case of an unrecoverable DD Form 214, an NA Form 13038 National Personnel Records Certification of Military Service) which will authenticate the veteran's:
 - Term(s) of service to be at least 2 creditable years of service on active duty. Veterans discharged due to injury/illness/death in the line of duty will be considered eligible provided the other listed conditions are met.
 - Dates/places of service to align the veteran's service with an appropriate memorial plaque.
 - Character of service as recognized by an honorable discharge.

Additional weight to the request could be:

- Military Awards: The Purple Heart, or awards for valor, achievement, or merit.
- Significant contributions to the Town's governance or character.
 - The Trustees will receive, review, and recommend final action on the request by the Town Council.
 - The approval of any request will in no way be contingent upon a contribution to the Memorial Park Trust Fund.

This final approval step is based on our view that the review by the Trustees can be accomplished rather quickly, and then the decision process is elevated to the Council, making it more visible and a more significant honor.

- When a request is approved, the DPW will be notified to arrange placement of the veteran's name on the appropriate plaque.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution 2023-13 for establishing a policy for the addition of names on the war memorial at Memorial Park.

RESOLUTION #2023-13 OF DURHAM, NEW HAMPSHIRE

ADOPTION OF RESOLUTION #2023-13 ESTABLISHING A POLICY FOR THE ADDITION OF NAMES ON THE WAR MEMORIAL AT MEMORIAL PARK

WHEREAS the Administrator and the Trustees of the Trust Funds wish to establish a policy for the addition of future names of veterans on the war memorial at Memorial Park;

NOW, THEREFORE, BE IT RESOLVED that the Durham Town Council, the legislative body of the Town of Durham, New Hampshire approves Resolution #2023-13 authorizing the following policy for the addition of names on the war memorial at Memorial Park:

POLICY ON ADDING OF NAMES TO WAR MEMORIAL

Consideration will be initiated by a letter from the military veteran, the veteran's family, or from a resident on behalf of the veteran, to the Trustees of Trust Funds requesting recognition of the veteran's service by inclusion of the veteran's name on a plaque in the Memorial Park. A former resident with continuing ties to the Town could be considered a resident for the purposes of this recommendation.

The following should be included with the letter:

- A record or report of residency in Durham for a period of at least 6 years, together with an attestation of a sense of Durham being the veteran's hometown.
- Attached to the letter will be a copy of the veteran's DD Form 214 (or in the case of an unrecoverable DD Form 214, an NA Form 13038 National Personnel Records Certification of Military Service) which will authenticate the veteran's:
 - Term(s) of service to be at least 2 creditable years of service on active duty. Veterans discharged due to injury/illness/death in the line of duty will be considered eligible provided the other listed conditions are met.
 - Dates/places of service to align the veteran's service with an appropriate memorial plaque.
 - Character of service as recognized by an honorable discharge.

Additional weight to the request could be:

- Military Awards: The Purple Heart, or awards for valor, achievement, or merit.
- Significant contributions to the Town's governance or character.
 - The Trustees will receive, review, and recommend final action on the request by the Town Council.
 - The approval of any request will in no way be contingent upon a contribution to the Memorial Park Trust Fund.
 - When a request is approved, the DPW will be notified to arrange placement of the veteran's name on the appropriate plaque.

PASSED AND ADOPTED this 17th day of April by a majority vote of the Durham Town Council with affirmative votes, negative votes, and abstentions.

Sally Needell, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

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AGENDA ITEM: **# 14B** *TS*
DATE: April 17, 2023

COUNCIL COMMUNICATION

INITIATED BY: Joe Friedman, Town Councilor

AGENDA ITEM: **SHALL THE TOWN COUNCIL ADOPT A NEW CHARGE FOR THE DURHAM HOUSING TASK FORCE TO AMEND THE LANGUAGE RELATING TO HOUSING FOR STUDENTS?**

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

The former Durham Economic Development Committee created a housing committee in early 2020 to analyze the housing situation in Durham and to advocate for a supply of housing that meets the needs of the community. The committee's first meeting was on June 8, 2020.

The Economic Development Committee subsequently was sunsetted, and the Town Council re-established the Housing Committee as a Task Force on September 27, 2021. The Task Force was to complete its work and sunset one year later in October 2022. The Task Force gave an update to the Town Council on October 3, 2022 and requested an extension. The council granted a one-year extension to October 3, 2023.

On February 6, 2023 the Council approved amending the charge for the Durham Housing Task Force, increasing the number of members on the task force and adding language under developing long-term strategies. It is now the concern of some of the members of the Council that the additional language paints a picture of discrimination against students and they desire to make an amendment in this area.

Proposed changes to the current charge of the Housing Task Force are shown below.

LEGAL AUTHORITY:

The Town Council can establish administrative committees under the Town Charter: *Section 11.1 Administrative Committees. G. Other administrative committees. Other administrative boards and committees may be established as necessary by the Town Council.*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Suggested Motion:

The Durham Town Council hereby:

Adopts a new charge for the Durham Housing Task Force, based on changes to the existing charge, as stated in this Council Communication;

Additions to the current charge are shown like this.

~~Deletions from the current charge are shown like this.~~

Durham Housing Task Force Charge
Adopted by the Durham Town Council on February 6, 2023

Mission. The mission of the Durham Housing Task Force is to identify, analyze, and advocate for a balanced and diverse supply of housing that meets the economic, social, and physical needs of the Durham community and its residents in order to maintain a vibrant community.

Membership. Members of the committee include:

- One Planning Board member (ex-officio)
- One Town Councilor (ex-officio)
- Eight other members from relevant stakeholder populations, to include a mix of ages, occupations, and interests in Durham's housing future (to the extent possible)

Members of the Housing Task Force (other than the ex-officio Planning Board member) shall be appointed by the Durham Town Council. Members shall be residents of the town of Durham.

Members shall serve continuously until such time as the Task Force is sunsetted by the Durham Town Council or three years, whichever is sooner.

In addition to the ten voting members, the Task Force shall engage regional housing advocates as non-voting participants from organizations such as Strafford Regional Planning Commission, the Seacoast Workforce Housing Coalition, regional real estate market data analysts, developers, and other subject matter experts as the Task Force sees fit.

Meetings of the Housing Task Force shall be attended by the Town Planner. Meetings of the Housing Task Force may be televised.

Duties. The duties of the Housing Task Force shall be to:

- Assess the type, availability and cost of existing housing in Durham and in the Seacoast region;
- Assess and advise on whether the Town of Durham is in compliance with NH state statutes in providing a requisite number of workforce housing units and how potential or adopted legislation impacts housing in Durham;
- Assess available buildable lots in Durham under different Zoning scenarios;
- Track new housing starts including type and number of units;
- Analyze community demographics and trends;
- Assess the environmental, economic, and tax impacts of recommended zoning changes impacting housing;
- Conduct a housing needs assessment, including price point, type, and supply;
- Develop long-term strategies regarding housing;
 - Encourage housing that is consistent with our existing commitment to the Global Covenant of Mayors for Climate and Energy – “evaluate zoning changes that allow for a broader variety of modestly sized, affordably priced energy efficient housing.”
 - Encourage housing to accommodate households at all stages of the life-cycle.
 - ~~Avoid~~ Encourage housing forms designed primarily for an undergraduate student population be built on the campus of UNH.
- Contribute to the update of the housing chapter of the Master Plan;
- Advise Town boards and committees regarding available housing and potential future housing needs for the Town of Durham;
- Inform relevant Town boards and committees on housing issues in the community;
- Review regional housing patterns in comparison to Durham and assess the contributions of Durham and other communities to regional housing needs over the past 15 years;
- Communicate with members of the community about housing in Durham;
- Focus on changes that serve to retain and enhance the character, ethos, and vibe of Durham as a small quintessentially New England academic community that places a high value on:
 - education,
 - the environment,
 - history,
 - agricultural roots,
 - unusual closeness to nature, and
 - the principles of smart growth.
- Publish an annual report on the state of housing in Durham to be included in the Town Report

Karen Edwards

From: Todd Selig
Sent: Tuesday, April 4, 2023 10:21 AM
To: external forward for jfriedman
Subject: *Re: Durham Housing Task Force Charge Proposed Changes - following up with Joe Friedman

Dear Joe,

Karen and I discussed this morning and it will be on the next Council meeting agenda for discussion and action as needed.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
he/him pronouns

Everyone can tackle climate change. How can you reduce your carbon footprint?

From: Joe Friedman <joe.friedman42@gmail.com>
Date: Tuesday, April 4, 2023 at 10:12 AM
To: Todd Selig <tselig@ci.durham.nh.us>
Subject: Durham Housing Task Force Charge Proposed Changes

Hi Todd,

At the February 6, 2023 Town Council Meeting, Item 10C was pulled from the Unanimous Consent Agenda for further discussion that evening. (https://www.ci.durham.nh.us/sites/default/files/fileattachments/town_council/meeting/packets/71081/packet.pdf).

The following was part of the Packet (pages 18-21) in support of the Charge to the Housing Task Force:

- **Develop long-term strategies regarding housing;**

In the minutes that followed that meeting 3 bullet points were added after that item with the last one as follows:

“Avoid Housing forms designed primarily for an undergraduate student population.”

I objected at a subsequent council meeting that this was not agreed to by the council and that the minutes were not correct. I find that language to be offensive to students who make up a large part of this town so suggested changes. No changes were made and now, this language is included on the Town's website.

I would like to change this line in the charge as follows with the words in **Bold** added:

~~Avoid~~ **Encourage** Housing forms designed primarily for an undergraduate student population **be built on the campus of UNH.**

Can this be brought to a future meeting of our Council to be considered?

Joe Friedman
603.957.1600

Councilor Welsh asked if Dr. Morse has heard any concerns about the budget. Dr. Morse said it has been quiet and his impression is that folks are happy with the schools.

Administrator Selig thanked Dr. Morse for his partnership. Dr. Morse said it is the best partnership he has experienced as a superintendent. The Council thanked Ms. Caswell for her contribution to the district.

XIII. Unfinished Business

- A. Public Hearing and Action on Ordinance #2023-01 amending Section 175-7 “Definitions” adding a new section for Solar Energy Systems and adding a definition for Carport, amending the uses in the Table of Uses in Section 175-53 adding Solar Energy Systems, and amending Article XX “Standards for Specific Uses” Section 175-109 adding a section for Solar Energy Systems and re-lettering N “Temporary Sawmill.”

Chair Marple MOVED that the Durham Town Council does hereby OPEN the public hearing on Ordinance #2023-01, a Town Council initiated amendment to Chapter 175 Zoning, adding a new section for Solar Energy Systems and a definition for Carport in 175-7 “Definitions,” amending the Table of Uses in Section 175-53, adding Solar Energy Systems, and amending Article XX “Standards for Specific Uses” Section 175-109 adding a section for Solar Energy Systems and re-lettering N “Temporary Sawmill. The motion was SECONDED by Councilor Lund and PASSED unanimously, 9-0.

Chair Marple calls for public comment. Beth Olshansky spoke via Zoom. She said she is eager to see this amendment pass.

Chair Marple MOVED to close the public hearing. The motion was SECONDED by Councilor Tobias and PASSED unanimously 9-0.

Councilor Lawson MOVED that the Durham Town Council does hereby ADOPT as presented Ordinance #2023-01, a Town Council initiated amendment to Chapter 175 Zoning, adding a new section for Solar Energy Systems and a definition for Carport in 175-7 “Definitions,” amending the Table of Uses in Section 175-53, adding Solar Energy Systems, and amending Article XX “Standards for Specific Uses” Section 175-109 adding a section for Solar Energy Systems and re-lettering N “Temporary Sawmill.” The motion was SECONDED by Councilor Tobias and PASSED unanimously, 9-0.

The Council thanked Councilor Lawson for his work.

X. Unanimous Consent Agenda *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*

- C. Shall the Town Council adopt a new charge for the Durham Housing Task Force, acknowledge that the current five members will remain on the task force and appoint five new members?

Regarding whom can be on the task force, Councilor Welsh suggested removing the language that states “or serve as a representative of an entity with a financial interest in taxable real property located in Durham.” He doesn’t see a reason why someone who doesn’t live in town should be in charge of Durham’s town ordinances. He doesn’t think an out-of-town business owner should have a say in Durham’s ordinances. Councilor Tobias shared the owner of Golden Goose has a unique perspective from UNH students related to housing. Councilor Welsh stated he does not consider Golden Goose a resident of Durham. Councilor Lonske would like to see a distinction made between voting members and members who can provide input in a more informal way but not as a voting member. Councilor Lawson agreed with Councilor Welsh in terms of shaping Durham’s zoning of residential property. Administrator Selig said if the charge is modified, the task force could inform Mimi that she would no longer be a member. Councilor Tobias said having Mimi’s view on the student population and how their numbers go up and down has been very helpful. Councilor Welsh stated removing the language he previously stated would be sufficient to meet the request that members shall be residents of Durham.

Councilor Welsh recommended adding language to require a limit to the term. Administrator Selig explained the original language is because the task force was originally supposed to be a one-year project, but it has now been extended. Councilor Welsh recommended adding “or three-years” as a term limit.

Councilor Lawson said the third item in the suggested motion is not necessary since those persons were appointed earlier.

Chair Pro Tem Needell wondered if the last page, first line should be amended to read “assess the availability and cost of *existing* housing.” Councilor Tobias agreed that adding “existing” would be good. Councilor Lawson explained the reason for including “region” as part of the assessment is to help the task force understand the larger area. Councilor Lonske expressed concerns about the vagueness of the word “region.” Councilor Lawson suggested adding “Seacoast” to clarify the region. The Council agreed adding “existing” makes sense. Chair Pro Tem Needell also asked if there is a way to assess what buildable lots Durham has. It isn’t clear if it is on the list. Councilor Tobias suggested “keep an assessment of available buildable land.” Councilor Lonske asked if there was a better way to phrase “downsizing seniors.” Administrator Selig asked for clarification of the change in language to the list. The Council settled on the following language: “Assess available buildable lots in Durham under different zoning scenarios.” Councilor Lund stated this information would be helpful for the Council when making their decision to determine what the Town is getting if there is a reduction in lot sizes.

Councilor Friedman asked if it is possible to look at what the state is going to be pushing down to communities. At first it was accessory dwelling units, but new bills may impact the number of housing units that can be put on a single lot. Councilor Tobias agreed keeping track of new legislation will be important. Councilor Lawson

asked if the second bullet can be modified to reflect that. After some discussion, the Council settled on changing the language to adding “workforce housing units and how potential or adopted legislation impacts housing in Durham.”

Councilor Tobias addressed the use of the word “quintessentially.” Councilor Hotchkiss suggests changing it to “small, quintessentially New England academic community” instead.

The Council addressed Councilor Lonske’s concern about the “downsizing seniors” language. Councilor Lonske suggested changing the “starter family” language as well. After some discussion, the Council settled on “encourage housing to accommodate households at all stages of the life cycle.”

Councilor Lonske brought up concerns with the language about “avoid housing designed for undergraduate students” and doesn’t believe it should be included. Councilor Friedman suggested concerns about student housing can be addressed with town ordinances, e.g., noise and trash ordinances. Councilor Welsh stated that the issue around student housing needs to be at the forefront of the minds of those on the Task Force. Councilor Lawson suggested it is important to provide enough specificity to the group so they can work effectively. Councilor Tobias believes it would be good to have the language in there to remind the Task Force of this goal. The Council discusses the difference between housing designed for undergraduate versus graduate students, for whom housing is needed in town. Councilor Welsh shared the history of the 66 Main Committee, who worked to design something for graduate students. Councilor Tobias shared that while undergraduate students tend to like four-plex housing, graduate students don’t, and the price of those housing units tends to be unaffordable for them. The Council discussed changing the language to the following: “Avoid housing forms designed primarily for an undergraduate population.” Councilor Lawson stated the task force is not creating zoning but making recommendations. Councilor Tobias said much of the Council’s concerns will be worked out in the Planning Board process. Councilor Lawson shared that as the housing supply increased, graduate students, who have sought housing in neighboring towns, tended to move into that supply, which is a positive, especially given transit systems have cut some of their service to nearby towns. This is a positive contribution Durham has made to regional housing access.

Councilor Lund MOVED that the Durham Town Council does hereby adopt a new charge for the Durham Housing Task Force based on changes to the existing charge as amended from this Council communication. The motion was SECONDED by Councilor Welsh. The motion PASSED unanimously, 7-0.
Chair Marple MOVED that the Durham Town Council does hereby acknowledge that the four current Durham resident members will remain on the Durham Housing Task Force, including Heather Grant as the Planning Board representative, Charlotte Hitchcock, and Al Howland. Sally Tobias will remain as the Town Council representative until the conclusion of her Council term, at which time she will be a



TOWN OF DURHAM

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AGENDA ITEM: **# 15** *TS*

DATE: **April 17, 2023**

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUED DISCUSSION REGARDING THE DEVELOPMENT OF
TOWN COUNCIL GOALS FOR 2023/24

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

At the April 3, 2023 Town Council meeting, Council members began discussing the process for the development of goals for the upcoming year.

Council members were asked to submit any suggested changes to the Administrator's office for incorporation into the draft 2023/24 goals, which will be further discussed at Monday night's meeting.

Attached for the Council's information is the draft goals list for 2023/24 with comments and suggestions submitted by Councilors and Administrator Selig.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Continue discussion and working toward adopting a final list of Council goals for FY 2023/24.



TOWN OF DURHAM
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2023-2024 Council Goals *
Approved by Town Council on
As of 4/10/23

Mission

To provide ongoing stewardship for the Durham community including effective and efficient municipal services.

Core Values

- Transparency
- Integrity
- Respect
- Excellence
- Resilience
- Justice

Action (SMART) EF Goals

Note: These goals are intended to convey a 1- to 3-year time horizon and assume but do not list all baseline activities.

SMART Goals are currently used by the NHDOT, NH DHHS, NH DoE, many federal agencies and many universities. This description is from the federal Office of Personnel Management:

S = Specific

M = Measurable

A = Attainable

R = Relevant

T = Time-bound

Specific

The goal should be precise rather than a general one. This means the goal is clear and unambiguous. To make goals specific, they must say exactly what is expected, why is it important, who's involved, where is it going to happen and which attributes are important.

Measurable

The goal should have concrete criteria for measuring progress toward the attainment of the goal. It must be possible to ascertain whether it happened, or how much. Making a goal measurable helps individuals stay on track and reach target dates.

Attainable

Goals should be realistic and attainable. While an attainable goal may "stretch" an individual in order to achieve it, the goal is not extreme. That is, the goals are neither out of reach nor standard

performance, as these may be considered meaningless.

Relevant

Goals should pertain directly to the performance challenge being managed. An agency manager's goal to "Make 50 peanut butter and jelly sandwiches by 2:00pm" may be specific, measurable, attainable, and time-bound, but lacks relevance to organizational goals.

Time-bound

It is important to ground goals within a time frame, giving them a target date. A commitment to a deadline helps individuals focus their efforts on completion of the goal on or before the due date. This part of the SMART goal criteria is intended to prevent goals from being overtaken by the day-to-day crises that invariably arise in an organization. A time-bound goal is intended to establish a sense of urgency.

What about when things change? (From

www.publicsector.sa.gov.au/_data/assets/pdf_file/0010/219817/006-Setting-S.M.A.R.T.-Goals-and-Objectives-Managers.pdf)

Change is happening all the time and you can't necessarily plan for everything. You will need to be flexible in recognising the implications of change on performance goals/objectives for employees in your team and revisit them when necessary. There may be some goals/ objectives that are no longer relevant, and some new ones which need to be captured and tracked through to completion. It is good practice in performance management and development to keep goals or objectives "live", assessing them regularly, and adapting them as they are achieved or as priorities in the agency change. This is important in order to make the agency agile in response to the changing environment it operates in, and also in recognition of how individual circumstances for employees can also change. EF

A couple of items suggested below may have a horizon longer than 1-3 years JF

Ensure smooth and, to the extent possible, transparent functioning of Town government.

- Update software/systems as needed including working toward providing municipal e-mail addresses for Town Councilors and board/commission Chairs.
- *(Note: Collapsing domain structure, establishing identity and access management, setting up multi-factor identification, completing durhamnh.gov domain transition, etc. must come first. Awaiting Federal funding to help support the cost of transitions. Should be able to implement by end of 2023.)*
- *Evaluate whether consistent municipal permitting software across all departments is possible – i.e., Citiworks.*
- *Updating procurement guidelines re: increasing purchasing thresholds due to inflation & establishing exceptions for restoration/repairs of important historic properties to ensure proper historical workmanship. TS*

(Leverage new resources at the Fire Department to monitor and plan for viral outbreaks or other health emergencies health) JL Continue monitoring the COVID-19 pandemic (National Health Trends) JF using information available from state and Federal agencies.

I believe this has now achieved the status of a baseline activity and should be removed from this list. CH

Complete removal of goal suggested by TS & EF

- Convey timely information to the community as appropriate.

Ensure the Town has an *(manages an)* JL adequate supply *(stockpile)* JL of Personal Protection Equipment for its emergency services and Town staff.

Conduct planning necessary to protect public health and safety and provide ongoing service continuity given the anticipated impacts of climate change and other trends.

- *Advocate for the Town and UNH's best interests during the Epping Wastewater treatment plant failure. This includes advocating for expedited repairs with state and federal regulators. Aggressively seek reimbursement for costs when appropriate. Keep the community apprised on any health risks associated with the recreational use of the Lamprey River. Proactively advise the community of possible water restrictions, as necessary, and implement those restrictions if necessary to preserve the water supply in the Oyster River impoundment and the Spruce Hole Aquifer* JL
- Update Fire Department Strategic Plan and *continue to plan for future fire department facility needs* JL, *(anticipate completing in 2023),* TS including a new station on Water Works Road, and evaluate opportunities with surrounding communities regarding JL the potential for shared emergency services as appropriate, *(which will continue into future.)* TS *(Prioritize specific areas for risk mitigation in the Durham and UNH communities, and start development of the first plans by year-end.)* JL
- *Move forward with (Complete)* TS & JL the Land and Mobile Radio (LMR) emergency communications upgrade to municipal infrastructure. *(Remove bullet per JF)* *(and move the fire and police departments onto the infrastructure.)* JL
- *Move forward with (Install)* TS *(Complete)* JL emergency generator *enhancements (installations)* JL for critical infrastructure.
- Continue to monitor and evaluate the reliability, capacity, and functionality of public water, wastewater, and stormwater services, and move ahead with associated capital initiatives as appropriate *(Work with the EPA on enforcement for any violations that impact Durham.)* JF
- *(Advocate for updates to)* JL land use and other regulations *as necessary* JL to ensure local resilience associated with climate change. *(Complete (climate change resilience in accordance with the recommendations of the Climate Action Plan that will be incorporated into the Master Plan or approved as an administrative document.)* JL
- By the end of the year, adopt the Climate Change Chapter as an Administrative

document (if not adopted to the Master Plan) and have staff use it to compose a list of recommended changes for land use and other regulations that can be presented to public committees in Jan 2024 **EF**

- Take steps as necessary to ensure Durham's IT infrastructure remains secure from cybersecurity threats (*technology obsolescence*) **JL** and other challenges (*and make consistent with incident response plan in conjunction with the Town's insurance provider - PRIMEX.*) **TS**

Pursue long-term economic sustainability and resiliency, anticipating the community's, the region's, and the nation's economic characteristics and opportunities.

- Task the Administrator with meeting the following: 1) *Holding the municipal tax rate at the 2023 level or less (holding non-personnel operating expenditures and debit service at the 2023 or less.)* **JL**. 2) Continue to make an effort to control spending, enhance revenues, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate.
- Work to secure available external grant funding opportunities (*and successfully manage a wide-ranging array of grants received through to completion including required external quarterly reporting, completing projects, and closing out financial requirements.*) **TS**
- Support as appropriate the efforts of local businesses, the Durham Business Association, and Celebrate Durham as they plan and host events and activities intended to maintain and enhance a vibrant downtown Durham.
- ~~Start to develop~~ (*Periodically*) **TS** (*Continue*) ~~JF~~ *a plan (planning)* **TS** for the redevelopment of 66 Main Street (*beginning in spring 2024 or as circumstances dictate*) **TS** (*Consider adding the Town's Pettee Brook Parking Areas to the project.*) **JF**
- Work with Durham police and local businesses to evaluate and decide by June 1st whether or not to close one lane on part of Main Street over the summer only to allow for additional outdoor dining, gathering spaces and events to stimulate downtown over university break **EF**
- **Consider working with the US Government for the possible redevelopment of their properties in Durham.** **JF**
- Continue to work toward defining (*Jim Lawson to undertake new downtown post-COVID survey of use*) **TS** and addressing downtown parking challenges to support local businesses, the diversification of downtown housing opportunities, and the expansion of the tax base. (~~Remove complete bullet~~ **EF**) (*Integrate updating downtown parking meter technology with new parking survey data.* **TS**
- Hold a public hearing on the changes recommended by the Planning Board, Conservation Commission, and Housing Task Force by the end of the year. **EF**
- *Complete the full revaluation of the Town of Durham including public forums, mailings, and abatement process as needed.*
- *Complete Comcast/Xfinity cable franchise renewal process.*
- *Explore whether the development of a senior center (perhaps community center?) would be of interest to the broader community. Complete ice rink for example to*

make combined rec. space. Could Riverwoods be a site for this? A place to hang out as well. Could 74 Main St. offer an opportunity for collaboration? Maybe take a poll on whether residents desire this? Is it new people to community who don't know what's already available who desire a senior/community center? Is it a news issue or a new issue? Will people actually use it given Durham's demographics?)

TS

Pursue long-term environmental sustainability and resiliency taking into account existing and predicted impacts of climate change in multiple areas including drinking water, agriculture, food, society, transportation, ecology, and economy.

- **By the end of 2023 have a complete draft** EF Take steps that reflect Durham's commitment to the mission of the Global Covenant of Mayors for Climate and Energy (GCOM), to include the *(carrying out the vision of Durham's Climate Action Plan (CAP))* TS ~~development~~ **(implementation and, when appropriate, revision)** CH of a **(the Town)** CH to reduce Durham greenhouse gas emissions 68 million-pounds (35.5%) by 2030 ~~CH~~ **per IPCC recommendations** <https://www.ipcc.ch/> EF enabling Durham to be more resilient in the face of anticipated impacts associated with climate change. (Full bullet removal per JL)
- **Complete a new greenhouse gas inventory using previous modeling methodologies and evaluate the feasibility of using a consumption-based model for the inventory.** JL
- **Evaluate whether Durham's commitment to GCOM has been effective and whether that commitment going forward is the best framework for achieving Durham's CO2 reduction goals** JL
- Support efforts of the Integrated Waste Management Advisory Committee, Agricultural Commission, and Public Works to increase composting and reduce municipal solid waste landfill use and Durham's carbon footprint. *(Maybe call out exploring new technologies such as automated collection, single stream recycling, recycling, volume based collection.)* TS
- ~~Adopt a solar ordinance updated to more effectively govern the placement of solar panels that supports a range of community priorities.~~ (Remove bullet per JF, TS, EF & JL)
- Support ongoing improvement of pedestrian and bicycle connectivity and access to public transportation. **Work with Durham police, SRPC, planning board etc to define an approach for a study/plan for non-vehicular traffic (ie bikes, scooters, skateboards etc)** EF
- ~~Work toward~~ **(Move forward with)** TS the removal of the Mill Pond Dam on the Oyster River, including engineering ~~(/design)~~ TS plans and ~~pursuit~~ **(management)** TS of external funding, and through community input and outreach, plan for the use of the resulting public open space to incorporate opportunities for gathering and recreation as well as recognition of the location's deep historical significance in the pre-Colonial, Colonial, and Modern eras. *(Expand to include the study/installation of an aquatic fish passage in upper dam per recent \$290,000 NOAA grant award.)* TS (Complete bullet removal

per JL)

- *Complete the regulatory requirements for dam removal, secure grant funding and finalize the Mill Pond dam removal plan and river restoration design such that permitting and contractor bids can be secured in 2024.* JL
- Support local and regional efforts to promote and improve the long-term health of the Great Bay Watershed, including its tributaries and surrounding catchment areas. *(Work to encourage resolution of Epping wastewater surcharge into Lamprey River impacting water supply and environment.)* TS
- Continue to support the proactive stewardship of Town-owned lands and other lands in Durham held in conservation or under easement with nonprofit organizations while improving appropriate and sustainable public access and use of those lands.
- *(Close on Pike property – Packers Falls Rd. near Wed. Hill Rd.)* TS
- *Monitor and continue evaluating opportunities to move forward with Durham Community Power with the goal that the default rate is less than Eversource and the renewable content is 50% or greater.* JL

Pursue long-term social resiliency.

- Strengthen the community by supporting the needs of residents, families, and other identified stakeholders by offering a wide array of active and passive parks & recreation and library opportunities, programming, events, and facilities.
- Continue to work to preserve the health and vitality of Durham's neighborhoods.
- Explore regulatory strategies to buffer the transition from the downtown commercial core to adjacent residential neighborhoods. *(Remove bullet per TS)*
- Support efforts to investigate opportunities, challenges, and options to ensure the availability of a full range of housing types in Durham *(including "Missing middle" housing – i.e., housing falling between apartment buildings and single-family residences. For example, townhouses.)* TS
- Continue developing plans for the rehabilitation of both the Old Town Hall/Courthouse and the Bickford-Chesley House at Wagon Hill Farm.
- Support initiatives that welcome diversity, equity, and inclusion within our community. Edit town forms to include a nonbinary option (ex. Parks & Rec) by the end of 2023. EF

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. *(Work with UNH to move along The Edge at West End. Encourage UNH to develop strategies to develop the site.)* TS

Should we mention the West Edge project specifically? CH

Leverage town committees and subcommittees to develop tactical plans to align with the broader goals of the Council and encourage them to collaborate with each other and communicate as necessary with the community at large. Have committees present 3-5 SMART goals in their presentations to the Council. EF

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